

KANSAS SENTENCING COMMISSION

1997 ANNUAL REPORT



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THE KANSAS SENTENCING COMMISSION

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KANSAS SENTENCING COMMISSION

ANNUAL REPORT FY 1997

ANALYSIS OF SENTENCING GUIDELINES IN KANSAS

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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 member: **Patricia Biggs** for her assistance in the development of the database.

March 5, 1998

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 1997. This is the third annual report released by the Commission that provides a descriptive analysis of felony sentencing patterns under the sentencing guidelines. Included in this year's report is a summary of sentences reported, an analysis of sentence conformity to the guidelines, and a description of sentencing trends and prison population projections.

This year's annual report has been expanded to provide a profile and analysis of probation violators continued on probation and prison population projections for state correctional facilities. During the past year, the Commission's statewide sentencing database was expanded to include all felony probation sentences. This comprehensive statewide database will enable 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. During the past year, the Commission compiled an extensive profile of the use of intermediate punishments throughout the United States. The Commission has worked closely with the legislature and other state criminal justice agencies regarding prison population projections and proposed changes in criminal sanctions. In addition, the Commission provided the Juvenile Justice Authority with the second set of annual population projections for state juvenile correctional facilities.

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 express our appreciation to the individual counties for the timely and accurate submission of sentencing 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

EXECUTIVE SUMMARY

Throughout the past year, the Sentencing Commission continued to process all felony sentencing journal entries, monitor both prison and nonprison guideline sentences statewide, respond to national, state, and county requests regarding sentencing data, conduct training seminars on guidelines and sentencing issues, produce annual state prison population projections and provide sentencing information and prison bed-space 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 1997. Included in this year's report are two new sections including an analysis of probation violators continued on probation and the state prison population forecast.

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 1997 admissions indicate that offenders sentenced under guideline sentences represented 96.4% of total new court commitments for the year. The percentage is a noticeable increase from the 70% guideline sentences reported in last year's report. The remaining 3.6% of admissions include offenders sentenced under "old law" or pre-guideline indeterminate sentences and offenders sentenced under some combination of pre-guideline indeterminate sentences and determinate guideline sentences. It has taken in excess of four years for all new court commitments to prison to fall under sentencing guidelines.

Of the total pre-guideline sentences, 98.6% were violators or violators with new convictions. This often occurs 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. Since guideline admissions to prison have finally reached almost 100%, more comprehensive analysis of the impact of guidelines on sentencing disparity and prison population will be able to be completed.

OFFENDER CHARACTERISTICS

Males continued to account for approximately 85.5% of all offenders sentenced to prison. In addition, males also account for over 90% of all murders, rapes, kidnapping, robberies, burglaries, and other aggravated crimes. All sex offenders admitted to prison in FY 1997 were males, which was a change from the previous year. Females were incarcerated more often for the offenses of aggravated arson, child abuse, interference with parental custody, aiding a felon, drugs, forgery, and worthless checks.

White offenders represented 67.3% of individuals incarcerated and 92% of offenders were of non-Hispanic origin. The highest percentage of offenders incarcerated were in their 30's and had

attained either a GED or high school diploma. The highest incarceration rates (80%) for whites were found in the offense categories of sex offenses, aggravated arson, arson, DUI, stalking, taxation and issuing worthless checks. Whereas, blacks indicated the highest incarceration rates for aggravated robbery, robbery, aggravated weapons, weapons, and voluntary manslaughter. The data appears to indicate that blacks are incarcerated for more serious person offenses, whereas, whites had higher incarceration rates for less serious person and nonperson offenses. In addition, blacks show a higher incarceration rate for possession of drugs than whites.

CONFORMITY TO SENTENCING GUIDELINES

During FY 1997, 7,049 pure guideline sentences were analyzed to determine conformity to the guidelines. Of the 7,049 sentences, 86.6% (5,853) fell within the guideline sentence range (criminal history categories missing were excluded). Presumptive prison sentences indicated that 27.4% of the sentences were in the standard range of the grid cell, with 11.1% in the aggravated range and 16.5% in the mitigated range. Durational departures were indicated in 24.9% of the sentences and 26.1% of the sentences demonstrated dispositional departures. In further examination of durational departures, 51.2% were downward durational departures, while 48.8% indicated upward durational departures. In comparing drug and nondrug sentences, nondrug sentences indicated 34.1% upward dispositional departures compared to 23.7% for drug sentences. However, analysis of drug sentences reveal a 74.7% downward durational departure compared to 41.2% for nondrug sentences. Upward durational departures were found most frequently on severity levels one and two of the nondrug grid. Downward durational departures appeared most often on severity level two of the drug grid. Departures will continue to be closely monitored to evaluate potential adjustments to the guidelines.

SENTENCING TRENDS AND POPULATION FORECAST

Analysis of prison sentences imposed from FY 1995 through FY 1997 indicate the largest number of offenders were sentenced during the months of May and October. Offenders were sentenced most often for drug offenses, followed by burglary and theft (page 15). The largest number of offenders sentenced to prison were found on severity level seven of the nondrug grid (860), closely followed by severity level nine (855) and severity level three of the drug grid (772). Probation sentences were most often received on the nondrug grid for the offenses of burglary, driving while a habitual violator, theft, and forgery (pages 29 and 30). In addition, a total of 1,301 offenders received nonprison sentences for drug offenses, with 30 of those sentences falling on level one or two of the drug grid. Trend analysis indicated a consistent pattern throughout the past three years, with an average admission rate increase of 6.2% difference between FY 1995 and FY 1997 and an average admission rate increase of 6.4% difference between FY 1996 and FY 1997. The prison population forecast projects that by FY 2007, a total of 9,124 prison beds will be needed, indicating an admission rate increase of 16.7%. The greatest admission rate increases are found on drug level one and off-grid offenses (page 69).

NONPRISON/PROBATION SENTENCES

In FY 1997, a total of 6,134 probation sentences were reported to the Commission, representing 4,833 nondrug offenses and 1,301 drug offenses. The distribution of probation sentences indicate that 1,176 sentences were for person offenses and 4,855 sentences were for nonperson offenses. Among probation drug offenders, 67.2% of the probation sentences were for possession of drugs (page 30). In examining criminal history categories, nearly 50% of drug probation offenders fell within criminal history category I, whereas only 32.7% of nondrug probation offenders fell within that same criminal history category. Nearly 53% of probation drug offenders fell within the presumptive probation grid cells, compared to 84% of nondrug offenders. The data indicates that dispositional departures were the source on many of the nonprison sentences found on the drug grid.

DRUG SENTENCES

A comparison of the distribution of prison sentences for drug offenders indicate some shifts from FY 1995 to FY 1997. There was an overall increase of about 5.1% (67) in the number of drug offenders sentenced to prison in FY 1997, compared to FY 1996. However, the overall increase is 17.7% when FY 1997 data is compared to FY 1995 data. This finding appears to indicate the rising use of incarceration for drug offenses. It should be noted that increased criminal history is also contributing to the rise of incarceration demonstrated on the drug grid. Drug level two and level three sentences show a continuous decrease from FY 1995 thru FY 1997; whereas drug level four sentences indicate an continuous increase from FY 1995 to FY 1997 (page 67). Severity level one on the drug grid reflects a significant decrease from 16 offenders in FY 1996 to 6 offenders sentenced in FY 1997.

VIOLATORS

The FY 1997 Annual Report includes for the first time an analysis of probation violators who were sentenced to continued probation. In examining both the types and number of violators either sentenced or returned to prison during FY 1997 (page 34), violators with new sentences only accounted for 9.4% of total prison admissions during FY 1997, which still indicated an increase of 1.7% from FY 1996 (page 23). Conditional violators of probation, parole/postrelease, and conditional release accounted for 59% (3,029) of total prison admissions last year, a total increase of 12.5% over FY 1996. Of that total number, there were 1,320 conditional probation violators, 1,624 parole/postrelease supervision conditional violators, and 85 conditional release violators. The greatest increase in conditional violators was found among parole/postrelease supervision violators, who increased by almost 20% from FY 1996. The highest number of males placed in prison for conditional violations were classified as having offenses on severity level seven of the nondrug grid and severity level three of the drug grid. Females, however, were most often revoked and placed in prison for conditional violations of offenses on severity level eight of the nondrug grid and severity level three of the drug grid. This pattern is consistent with findings in FY 1996. There were also 377 conditional probation violators and 55 probation violators with new convictions in FY 1997

who were sentenced to continued probation for their violations. This offender group represents 20% of the total 1,657 conditional probation violators and 21% of the total 261 probation violators with new convictions, respectively.

The content of the Annual Report is presented in 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 1997.

TABLE OF CONTENTS

MEMBERSHIP OF THE KANSAS SENTENCING COMMISSION	i
THE STAFF OF THE KANSAS SENTENCING COMMISSION	ii
LETTER FROM THE EXECUTIVE DIRECTOR	iii
EXECUTIVE SUMMARY	v
PART I: THE KANSAS SENTENCING COMMISSION	1
HISTORY OF THE KANSAS SENTENCING COMMISSION	1
CURRENT ROLE OF THE KANSAS SENTENCING COMMISSION	2
Monitoring	2
Training	4
Information Resource	5
PART II: SENTENCING IN KANSAS	7
SENTENCES REPORTED IN FY 1997	7
CHARACTERISTICS OF OFFENDERS AND OFFENSES	13
INCARCERATION SENTENCES	17
Offenders and Offense Characteristics	17
Type of Admission and Severity Levels	22
PROBATION SENTENCES	26
Type of Offense and Severity Level	28
Criminal History and Length of Probation	31
VIOLATIONS RESULTING IN INCARCERATION	34
Conditional Violators	34
Conditional Probation Violators	38
Conditional Parole/Postrelease Violators	40
Conditional Release Violators	42
Violators with New Sentences	43
VIOLATORS CONTINUING ON PROBATION	46
CONFORMITY TO THE SENTENCING GUIDELINES	48
Overall Conformity Rates	48
Conformity of Presumptive Prison Guideline Sentences	50
Conformity of Presumptive Probation Guideline Sentences	51
Conformity of Nondrug and Drug Guideline Sentences	52
Conformity Rates to the Guidelines by Severity Level	53
Conformity Rates to the Guidelines by Race	56
Conformity Rates to the Guidelines by Gender	60
SENTENCING TRENDS AND FORECAST: FY 1995 THROUGH FY 1997	64
APPENDIX	70

LIST OF TABLES

Table 1	Number of FY 1997 Sentences Reported by Month	7
Table 2	FY 1997 Offender Characteristics by County	9
Table 3	1997 Offender Characteristics by Type of Offense	15
Table 4	1997 Incarceration Nondrug Offender Characteristics by Type of Offense	20
Table 5	1997 Incarceration Drug Offender Characteristics by Type of Offense	22
Table 6	Distribution of FY 1997 Incarceration Sentences by Admission Type	23
Table 7	Distribution of FY 1997 Incarceration Sentences by Severity Level and Gender	24
Table 8	Characteristics of Probation Nondrug Offenders by Type of Offense	29
Table 9	Characteristics of Probation Drug Offenders by Type of Offense	30
Table 10	Characteristics of Probation Nondrug Offenders by Severity Level	31
Table 11	Characteristics of Probation Drug Offenders by Severity Level	31
Table 12	Criminal History and Probation Length by Severity Level: Nondrug Offenders	32
Table 13	Criminal History and Probation Length by Severity Level: Drug Offenders	33
Table 14	Characteristics of Overall Violators by Severity Level, Race, and Gender	37
Table 15	Top 10 Most Serious Committing Offenses of Probation Nondrug Violators	38
Table 16	Characteristics of Drug Probation Violators by Type of Offense	39
Table 17	Distribution of Probation Violators by Severity Level and Criminal History	39
Table 18	Top 10 Most Serious Committing Offenses of Parole/Postrelease Nondrug Violators	40
Table 19	Characteristics of Parole/Postrelease Drug Violators by Type of Offense	41
Table 20	Distribution of Parole/Postrelease Violators by Severity Level and Criminal History	41
Table 21	Top 10 Most Serious Committing Offenses of Conditional Release Violators: Nondrug Offenders	42
Table 22	Characteristics of Conditional Release Violators by Offense Type: Drug Offenders	42
Table 23	Distribution of FY 1997 Violators with New Sentences by Severity Level	45
Table 24	Criminal History by Severity Levels of Conditional Probation Violators Continuing on Probation	46
Table 25	Criminal History by Severity Levels of Probation Violators with New Convictions Continuing on Probation	47
Table 26	Conformity Rates by Severity Level - Incarceration Sentences	54
Table 27	Conformity Rates by Severity Level - Probation Sentences	55
Table 28	Conformity Rates by Race - Incarceration Sentences: Drug Offenders	56
Table 29	Conformity Rates by Race - Incarceration Sentences: Nondrug Offenders	57
Table 30	Conformity Rates by Race - Probation Sentences: Drug Offenders	58
Table 31	Conformity Rates by Race - Probation Sentences: Nondrug Offenders	59

LIST OF TABLES (CONTINUED)

Table 32	Conformity Rates by Gender - Incarceration Sentences: Drug Offenders	60
Table 33	Conformity Rates by Gender - Incarceration Sentences: Nondrug Offenders	61
Table 34	Conformity Rates by Gender - Probation Sentences: Drug Offenders	62
Table 35	Conformity Rates by Gender - Probation Sentences: Nondrug Offenders	63
Table 36	Comparison of Prison Admissions Between FY 1995 Through FY 1997	66
Table 37	Comparison of Drug Offenders By Severity Level Between FY 1995 Through FY 1997	66
Table 38	Comparison of Nondrug Offenders By Severity Level Between FY 1995 Through FY 1997	67
Table 39	Ten Year Inmate Prison Population Projections	69

LIST OF FIGURES

Figure 1	Distribution of FY 1997 Sentences by Gender of Offenders	13
Figure 2	Distribution of FY 1997 Sentences by Race of Offenders	13
Figure 3	Distribution of FY 1997 Sentences by Ethnic Origin of Offenders	14
Figure 4	Distribution of FY 1997 Sentences by Age of Offenders at Time of Offense	14
Figure 5	FY 1997 Incarceration Sentences by Gender of Offenders	17
Figure 6	FY 1997 Incarceration Sentences by Race of Offenders	17
Figure 7	FY 1997 Incarceration Sentences by Ethnic Origin of Offenders	18
Figure 8	FY 1997 Incarceration Sentences by Age of Offenders	18
Figure 9	FY 1997 Incarceration Sentences by Education Level of Offenders	19
Figure 10	FY 1997 Incarceration Sentences: Nondrug Offenders by Severity Level	25
Figure 11	FY 1997 Incarceration Sentences: Drug Offenders by Severity Level	25
Figure 12	Distribution of FY 1997 Probation Sentences by Gender	26
Figure 13	Distribution of FY 1997 Probation Sentences by Race	26
Figure 14	Distribution of FY 1997 Probation Sentences by Age	27
Figure 15	Distribution of FY 1997 Nondrug Probation Sentences by Severity Level	27
Figure 16	Distribution of FY 1997 Drug Probation Sentences by Severity Level	28
Figure 17	Distribution of Conditional Violators by Gender	34
Figure 18	Distribution of Conditional Violators by Race	35
Figure 19	Distribution of Conditional Violators by Age	35
Figure 20	Distribution of Conditional Violators by Severity Level: Drug Offenders	36
Figure 21	Distribution of Conditional Violators by Severity Level: Nondrug Offenders	36
Figure 22	Distribution of Violators with New Sentences by Gender	43
Figure 23	Distribution of Violators with New Sentences by Race	44
Figure 24	Distribution of Violators with New Sentences by Age	44
Figure 25	Distribution of 1997 Overall Guideline Sentences	49
Figure 26	Distribution of Dispositional Departure and Border Box Sentences	49
Figure 27	Incarceration Guideline Sentences	50
Figure 28	Distribution of Durational Departure Sentences	50
Figure 29	Probation Guideline Sentences	51
Figure 30	Nondrug and Drug Guideline Sentences - Incarceration	52
Figure 31	Comparison of Durational Departures Between Nondrug and Drug Incarceration Sentences	52
Figure 32	Comparison Between Nondrug and Drug Probation Guideline Sentences	53
Figure 33	Incarceration Sentences: FY 1995 Through FY 1997	64
Figure 34	Monthly Admission	64
Figure 35	Type of Admission	65
Figure 36	Drug Offenders by Severity Level	66
Figure 37	Nondrug Offenders by Severity Level	67
Figure 38	Actual and Projected Prison Population: FY 1995 Through FY 2007	68

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. The membership of the Sentencing Commission was amended during the 1997 session to designate the four legislative members of the Sentencing Commission as voting members (Senate Bill 363).

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 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. A report to the legislature is due by February 1st of each year, outlining modifications or adjustments to current sentencing policy that could reduce prison population. 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 1997, the Commission responded to 74 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's 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 on an annual basis 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 required to be completed 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 1997 Legislative Session, the Sentencing Commission completed a total of 64 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 was developed to provide population projections for either a rural or regional detention center, since their population mix is much different than that of an urban county. The Northeast Juvenile Detention Center in Douglas County served as the pilot site for this projection model. 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.

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.

During FY 1997, staff of the Sentencing Commission worked with the state Juvenile Correctional Facilities to develop a computerized database of juveniles admitted to state juvenile correctional facilities, which was previously manually collected. With the development of the statewide juvenile database, timely descriptive analysis of the types of juveniles admitted to correctional facilities is now possible. The statewide database also was utilized for the second set of population projections for juvenile correctional facilities, which was provided to the Juvenile Justice Authority.

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 has 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, Commission staff presented sentencing information for the state of Kansas at numerous nationwide conferences.

The Commission also 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 Kansas 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.

Last summer, the Commission researched and developed a comprehensive study of the use of intermediate punishments throughout the United States, which was distributed to members of the legislature and other interested policy makers. The report presented an overview of the various types of intermediate punishments utilized by various states, the associated costs and effectiveness of the programs.

In November of 1997, the Sentencing Commission hosted a Symposium on Intermediate Punishments. Members of the Legislature and various criminal justice agencies throughout the state were in attendance. Judge Thomas Ross, Chairperson, of the North Carolina Sentencing Commission and Robert Guy, Director of the Probation and Parole Department, in North Carolina presented information on the development and implementation of a comprehensive statewide intermediate punishment program. The symposium served as a information resource for policy makers in the area of sentencing reform.

PART II: SENTENCING IN KANSAS

SENTENCES REPORTED IN FISCAL YEAR 1997

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 (FY) 1997 include both prison and non-prison/probation sentences.

In FY 1997, a total of 11,268 felony sentences were reported to the Commission, representing an approximately 4 percent increase FY 1996. The distribution of sentences included 5,134 incarceration sentences and 6,134 probation sentences (see Sentencing Distribution Chart). Of that total number of sentences, 8,525 were nondrug sentences and 2,667 sentences were for drug offenses. Sentences were reported from 101 counties in the state. Table 1 displays total sentences reported to the Commission during FY 1997 by month of sentence. Sentences reported by individual counties are displayed in Table 2. Sedgwick, Wyandotte, Johnson, and Shawnee counties remained the top four committing counties, accounting for 54% of all sentences during FY 1997, an increase of 1.5% over last year (Table 2).

Table 1: Number of FY 1997* Sentences Reported by Month

Month	Number of Sentences	Sentence Type		Offense Type			Percent
		Prison	Probation	Drug	Nondrug	Unknown	
July	901	427	474	217	674	10	8.0
August	919	429	490	224	692	3	8.2
September	932	426	506	213	713	6	8.3
October	989	450	539	234	749	6	8.8
November	1,007	446	561	232	767	8	8.9
December	963	472	491	221	741	1	8.5
January	893	396	497	215	676	2	7.9
February	840	382	458	202	635	3	7.5
March	1,014	446	568	233	773	8	9.0
April	955	417	538	237	715	3	8.5
May	988	446	542	222	759	7	8.8
June	867	397	470	217	631	19	7.7
Total	11,268	5,134	6,134	2,667	8,525	76	100.0

* FY 1997 (July 1, 1996 through June 30, 1997).

FY 1997 Sentencing Distribution Chart

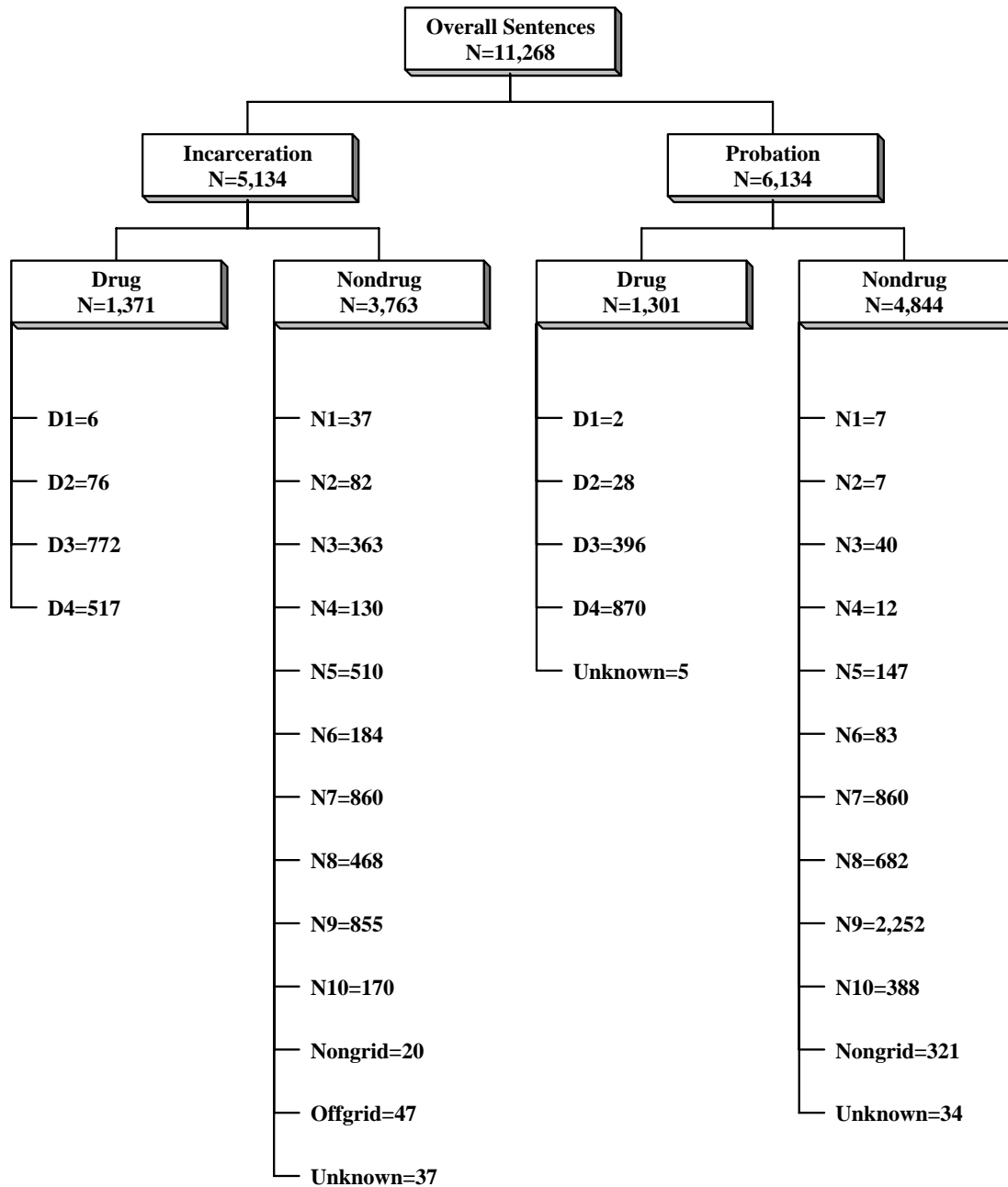


Table 2: FY 1997 Offender Characteristics by County

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Allen	61	44	11	53	2	0	17	44	46	15	31.2
Anderson	38	34	2	34	1	1	9	29	33	5	29.5
Atchison	51	46	5	32	17	1	28	23	36	15	29.2
Barber	5	5	0	5	0	0	2	3	5	0	21.2
Barton	68	58	10	63	4	0	35	33	48	20	28.7
Bourbon	42	36	4	37	2	1	17	25	34	8	31.6
Brown	36	27	6	24	2	7	13	23	26	10	28.8
Butler	218	176	25	169	25	5	67	151	172	46	31.0
Chase	12	11	1	11	1	0	6	6	9	3	35.0
Chautauqua	2	2	0	2	0	0	1	1	2	0	27.0
Cherokee	24	14	2	13	0	2	12	12	21	3	33.5
Cheyenne	2	2	0	2	0	0	0	2	2	0	27.5
Clark	5	4	1	5	0	0	2	3	3	2	31.4
Clay	17	14	3	16	1	0	5	12	13	4	25.3
Cloud	16	10	1	8	2	1	4	12	11	5	37.2
Coffey	26	23	1	20	4	0	11	15	18	8	25.9
Comanche	1	1	0	1	0	0	1	0	1	0	21.0
Cowley	123	105	18	95	22	6	64	59	108	15	29.0
Crawford	121	107	4	91	16	2	55	66	88	33	28.2
Decatur	14	12	2	14	0	0	6	8	13	1	26.1
Dickinson	50	36	2	33	4	0	13	37	39	11	29.4
Doniphan	14	8	0	6	0	2	5	9	10	4	30.4
Douglas	191	169	21	108	66	13	77	114	154	37	27.0
Edwards	2	1	1	2	0	0	0	2	2	0	23.5
Elk	6	6	0	5	1	0	2	4	6	0	31.0
Ellis	33	28	5	31	2	0	15	18	25	8	30.0
Ellsworth	21	17	3	18	2	0	6	15	16	5	29.9
Finney	237	213	23	215	17	4	106	131	204	33	28.2

Table 2: FY 1997 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	
Ford	113	58	2	48	10	2	60	53	84	29	30.8
Franklin	112	100	11	101	7	2	25	87	99	13	28.7
Geary	239	118	22	34	101	5	123	116	142	97	28.3
Graham	14	12	2	12	2	0	6	8	14	0	30.4
Grant	10	9	1	10	0	0	10	0	5	5	29.7
Gray	9	7	1	7	1	0	3	6	9	0	33.8
Greeley	3	3	0	3	0	0	1	2	3	0	30.0
Greenwood	34	25	6	29	0	0	8	26	25	9	37.3
Hamilton	2	2	0	2	0	0	2	0	0	2	42.5
Harper	9	9	0	8	0	1	3	6	9	0	21.0
Harvey	128	104	20	104	17	3	51	77	111	17	29.5
Haskell	15	14	1	14	0	1	15	0	12	3	25.3
Jackson	38	30	6	26	1	9	8	30	31	7	27.6
Jefferson	49	41	7	41	4	2	15	34	42	7	32.0
Jewell	2	2	0	2	0	0	0	2	2	0	29.5
Johnson	1,151	890	198	805	273	8	592	559	839	312	29.9
Kearny	44	34	9	41	2	0	12	32	28	16	26.7
Kingman	20	17	3	20	0	0	6	14	18	2	29.5
Kiowa	2	1	0	1	0	0	0	2	2	0	39.0
Labette	124	97	26	92	26	4	44	80	77	47	29.2
Lane	5	3	0	3	0	0	3	2	4	1	37.7
Leavenworth	194	169	24	127	62	2	89	105	161	33	33.0
Lincoln	9	5	1	6	0	0	1	8	5	4	32.3
Linn	67	46	6	52	0	0	19	48	51	16	29.1
Logan	3	3	0	3	0	0	2	1	3	0	31.3
Lyon	228	200	25	177	38	9	92	136	196	32	28.4
Marion	24	23	1	23	1	0	6	18	21	3	29.4
Marshall	13	8	1	8	1	0	6	7	10	3	27.8

Table 2: FY 1997 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	
McPherson	104	89	12	96	2	3	41	63	69	35	28.2
Meade	19	14	4	18	0	0	6	13	10	9	26.8
Miami	100	91	9	76	22	1	40	60	84	16	28.5
Mitchell	20	13	7	19	1	0	3	17	19	1	26.9
Montgomery	202	140	21	112	44	4	99	103	164	38	30.3
Morris	10	8	1	9	0	0	3	7	10	0	29.8
Nemaha	12	11	1	12	0	0	2	10	10	2	27.3
Neosho	52	46	5	47	3	1	25	27	44	8	31.0
Ness	9	7	1	8	0	0	3	6	7	2	25.0
Norton	13	8	5	9	3	1	3	10	11	2	30.0
Osage	51	40	10	50	0	0	14	37	24	27	34.2
Osborne	6	6	0	6	0	0	4	2	5	1	24.0
Ottawa	4	4	0	4	0	0	4	0	3	1	24.8
Pawnee	27	25	2	27	0	0	12	15	26	1	29.3
Phillips	13	12	1	13	0	0	3	10	13	0	36.2
Pottawatomie	33	14	1	14	0	1	14	19	32	1	34.0
Pratt	16	15	0	15	0	0	9	7	15	1	23.4
Rawlins	2	2	0	2	0	0	1	1	2	0	30.5
Reno	364	297	48	285	54	6	140	224	296	67	29.1
Republic	18	15	3	17	0	0	5	13	18	0	26.2
Rice	31	9	0	9	0	0	9	22	22	9	36.0
Riley	128	110	14	88	34	2	49	79	119	9	29.3
Rooks	18	17	0	17	0	0	3	15	16	2	31.8
Rush	4	3	1	4	0	0	1	3	4	0	28.0
Russell	17	13	1	13	0	0	4	13	17	0	25.8
Saline	459	363	77	352	71	8	154	305	353	106	28.6
Scott	6	3	1	4	0	0	2	4	5	1	25.0
Sedgwick	2,647	2,239	404	1,486	1,098	59	1,368	1,279	1,835	812	30.8

Table 2: FY 1997 Offender Characteristics by County - 4

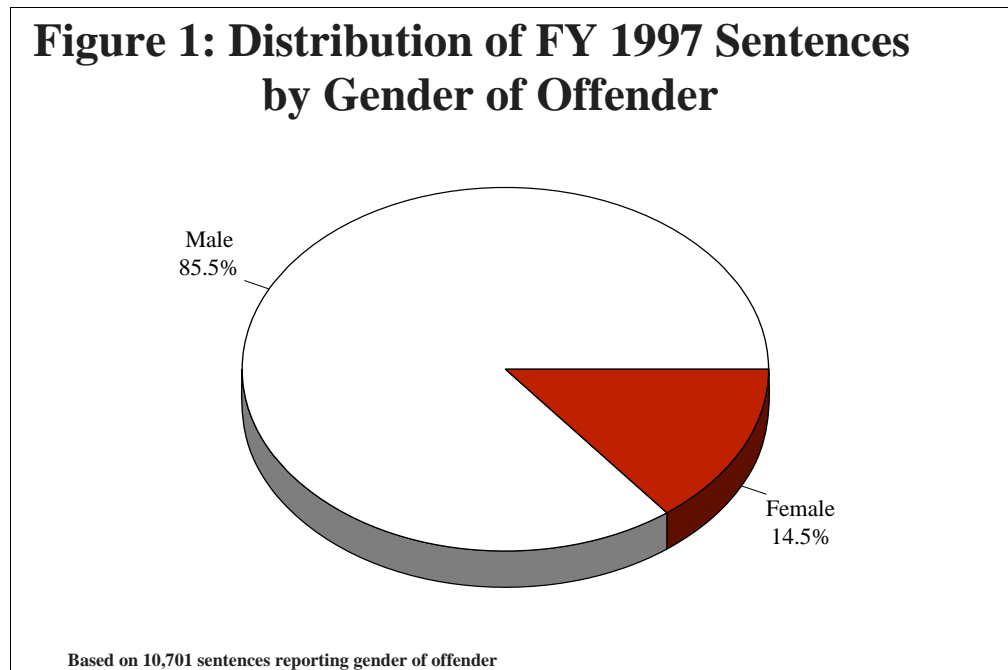
County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Seward	163	129	33	116	42	3	80	83	117	46	28.1
Shawnee	977	778	168	490	420	11	394	583	743	234	30.8
Sherman	27	24	1	25	0	0	12	15	17	10	29.3
Smith	5	5	0	5	0	0	2	3	5	0	29.0
Stafford	10	6	3	9	0	0	0	10	6	4	27.9
Stanton	9	8	1	9	0	0	3	6	7	2	32.3
Stevens	13	12	0	12	0	0	8	5	13	0	26.7
Sumner	81	42	10	43	6	3	52	29	68	13	28.4
Thomas	23	20	1	21	0	0	5	18	21	2	30.0
Trego	24	11	2	12	1	0	3	21	10	13	25.2
Wabaunsee	4	3	0	2	1	0	3	1	3	1	27.3
Wallace	1	1	0	1	0	0	1	0	1	0	28.0
Washington	7	7	0	7	0	0	5	2	7	0	24.1
Wichita	9	9	0	7	0	2	4	5	8	1	22.3
Wilson	64	50	11	60	1	0	10	54	52	12	32.3
Woodson	19	15	4	19	0	0	6	13	18	1	32.4
Wyandotte	1,301	1,129	163	552	734	1	695	606	1,068	233	30.8
Unknown	49	43	6	39	8	1	49	0	49	0	32.4
Total	11,268	9,145	1,556	7,153	3,282	200	5,134	6,134	8,594	2,672	30.0

Note: Because of missing data, numbers in each category are based on the followings: Gender (N=10,701), Race (N=10,635), Sentence Type (N=11,268), Offense Type (N=11,268), and Age (N=10,706).

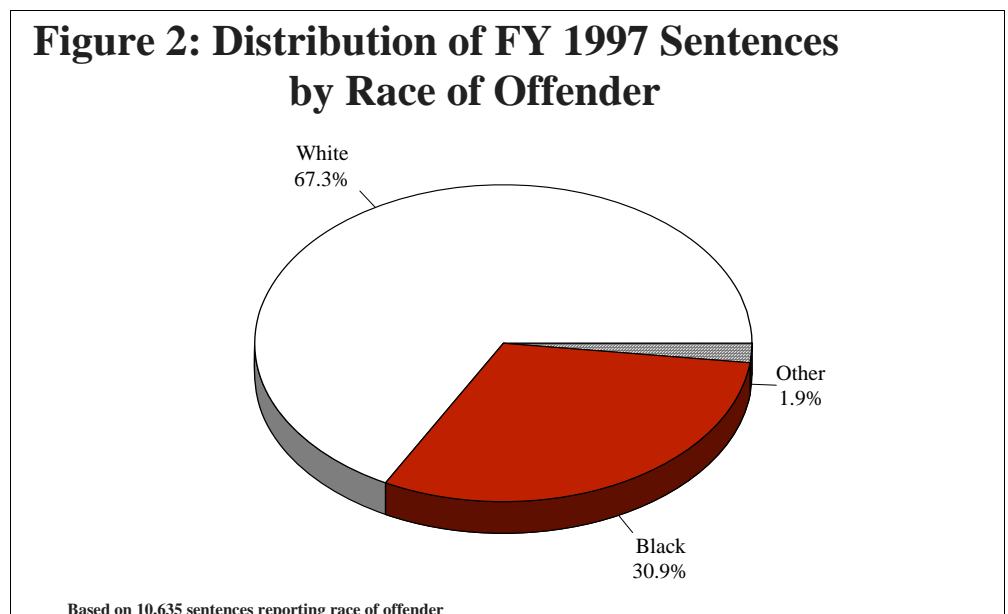
CHARACTERISTICS OF OFFENDERS AND OFFENSES

This section provides an overview of offender characteristics for individuals who were sentenced during FY 1997, and offense categories. Figures 1, 2, 3, and 4 summarize graphically the distribution of offenders by gender, race, and age, respectively.

Male offenders accounted for 85.5% 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).

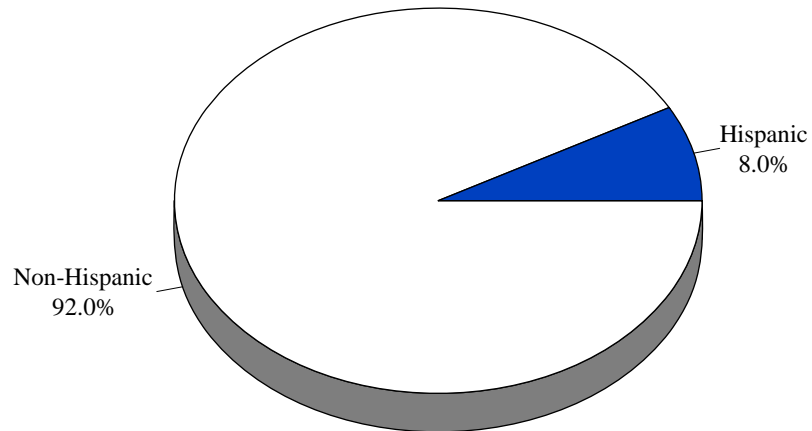


Female participation was highest (over 20%) for the crime of child abuse, aggravated arson, aggravated interference with parental custody, aid felon, criminal use of financial cards, drugs, forgery, making false writing, involuntary manslaughter, perjury, traffic in contraband, welfare fraud, and giving worthless checks (Table 3).



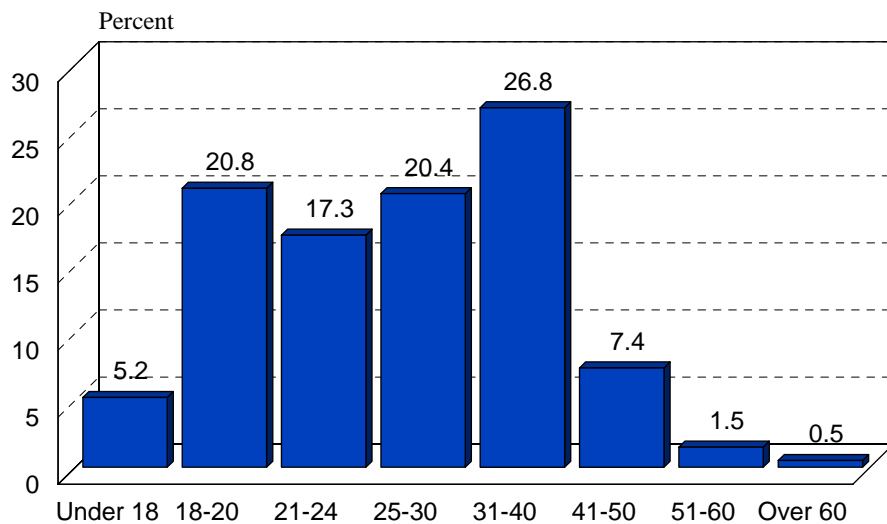
White offenders represented 67.3% (Figure 2) of all sentences, and 92% (Figure 3) of all offenders were of non-Hispanic origin. The highest percentage of offenders (26.8%) were between the ages of 31 to 40 at the time of offense (Figure 4).

Figure 3: Distribution of FY 1997 Sentences by Ethnicity of Offender



Based on 10,515 sentences reporting ethnicity of offender

Figure 4: Distribution of FY 1997 Sentences by Age of Offender at Time of Offense



Based on 10,637 sentences reporting age of offender

Table 3: 1997 Offender Characteristics by Type of Offense - 1

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Abuse of Child	24	66.7	33.3	66.7	25.0	8.3	30.2
Agg Arson	11	77.8	22.2	66.7	33.3	0.0	29.6
Agg Battery on LEO	14	92.9	7.1	50.0	50.0	0.0	26.9
Agg Criminal Sodomy w/Child	32	100.0	0.0	93.8	6.3	0.0	33.0
Agg Escape from Custody	136	85.3	14.7	66.9	30.9	2.2	25.4
Agg Failure to Appear	55	81.6	18.4	40.8	59.2	0.0	31.3
Agg False Impersonation	5	100.0	0.0	50.0	25.0	25.0	30.8
Agg Assault on LEO	33	100.0	0.0	78.1	15.6	6.3	30.0
Agg Assault	278	94.5	5.5	57.8	39.3	3.0	28.0
Agg Battery	492	87.4	12.6	62.0	35.2	2.8	27.5
Agg Burglary	105	94.2	5.8	45.2	53.8	1.0	26.3
Agg Robbery	228	97.8	2.2	43.6	53.3	3.1	22.7
Agg Incest	25	100.0	0.0	84.0	12.0	4.0	33.6
Agg Indecent Liberties w/Child	170	99.4	0.6	83.5	13.4	3.0	31.8
Agg Inter w/parental custody	7	42.9	57.1	100.0	0.0	0.0	26.7
Agg Indecent Solicit w/Child	62	98.3	1.7	71.2	27.1	1.7	35.2
Agg Intimidation of a Victim	6	100.0	0.0	50.0	50.0	0.0	22.5
Agg Kidnapping	11	100.0	0.0	45.5	54.5	0.0	36.1
Agg Sexual Battery	100	98.9	1.1	65.6	32.3	2.1	27.1
Aid Felon	23	78.3	21.7	36.4	59.1	4.5	22.3
Arson	61	78.3	21.7	88.1	11.9	0.0	25.6
Battery on LEO	10	80.0	20.0	70.0	30.0	0.0	18.6
Burglary	1,424	94.9	5.1	74.7	23.1	2.3	23.5
Contribute Child's Misconduct	9	87.5	12.5	62.5	25.0	12.5	21.6
Criminal Damage to Property	130	90.1	9.9	87.6	10.7	1.6	25.5
Criminal Deprivation Vehicle	77	95.9	4.1	60.8	37.8	1.4	24.5
Criminal Threat	173	91.9	8.1	70.7	24.8	4.4	31.0
Criminal Use Financial Card	38	52.8	47.2	44.4	47.2	8.3	26.4
Criminal Discharge of Firearm	18	100.0	0.0	50.0	50.0	0.0	23.1
Driving While a Habitual Viol	754	91.6	8.4	76.2	22.0	1.7	31.7
Driving While Suspended	384	92.1	7.9	71.4	27.7	0.9	29.0
Drugs	2,675	79.6	20.4	62.6	36.1	1.3	30.0
Drug without Tax Stamps	69	90.9	9.1	78.5	21.5	0.0	28.2
DUI	298	88.4	11.6	93.6	5.6	0.8	35.8
Forgery	849	61.2	38.8	68.7	29.2	2.1	28.1

Table 3: 1997 Offender Characteristics by Type of Offense - 2

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
False Writing	47	54.3	45.7	89.1	10.9	0.0	30.0
Indecent Liberties w/Child	107	99.0	1.0	72.5	25.5	2.0	27.7
Indecent Solicitation of Child	39	100.0	0.0	83.3	13.9	2.8	30.0
Involuntary Manslaughter	37	78.4	21.6	67.6	27.0	5.4	26.4
Kidnapping	41	95.1	4.9	56.1	39.0	4.8	27.0
Murder in the First Degree	57	94.7	5.3	59.6	35.1	5.3	26.0
Murder in the Second Degree	30	100.0	0.0	43.3	56.7	0.0	27.7
Nonsupport of Child or Spouse	46	100.0	0.0	79.1	20.9	0.0	33.2
Obstructing Legal Process	73	89.7	10.3	56.7	41.8	1.5	26.2
Perjury	11	37.5	62.5	75.0	25.0	0.0	27.8
Possession of Firearm	117	98.2	1.8	50.0	49.1	0.9	25.5
Rape	80	98.8	1.3	55.0	42.5	2.6	28.2
Robbery	314	93.5	6.5	43.8	55.5	0.6	24.3
Taxation	14	100.0	0.0	92.9	7.1	0.0	26.6
Theft	1,103	82.0	18.0	69.6	28.7	1.6	26.1
Traffic in Contraband	30	70.0	30.0	65.5	34.5	0.0	25.7
Voluntary Manslaughter	22	90.9	9.1	27.3	68.2	4.5	30.4
Weapons	15	100.0	0.0	61.5	38.5	0.0	27.6
Welfare Fraud	20	18.8	81.3	31.3	68.8	0.0	33.6
Giving Worthless Checks	88	73.5	26.5	85.4	13.4	1.2	33.6
Other	191	84.8	15.2	73.0	23.9	3.0	30.3
TOTAL	11,268	85.5	14.5	67.3	30.9	1.9	28.0

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=10,701); Race (N=10,635); Age (N=10,637).

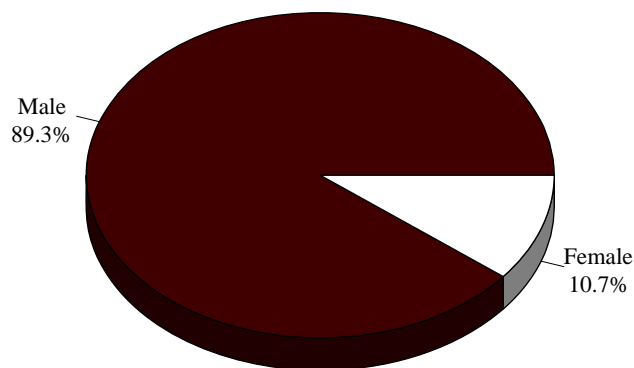
*: Average age at time of offense.

INCARCERATION SENTENCES

Offenders and Offense Characteristics

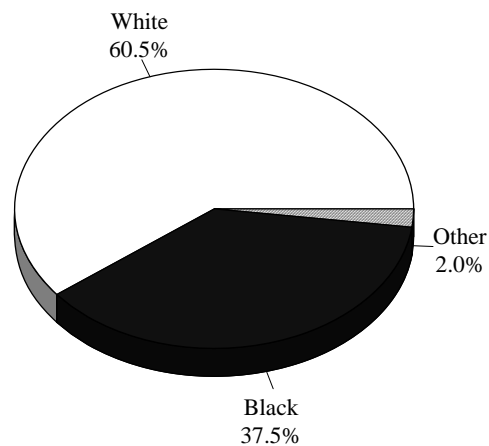
Figures 5, 6, 7, 8, and 9 represent the characteristics of offenders incarcerated in state correctional facilities by gender, race, ethnic origin, age, and educational level, respectively. White males remained the predominant offender type admitted to prison during fiscal year 1997 (Figures 5 and 6). The largest proportions of incarcerated offenders were in their 30's and had obtained a high school diploma or GED equivalent (figures 8 and 9).

Figure 5: FY 1997 Incarceration Sentences by Gender of Offenders



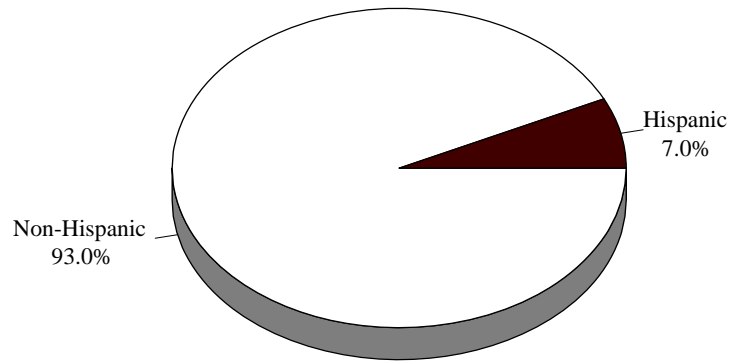
Based on 5,134 incarceration sentences reporting gender of offenders

Figure 6: FY 1997 Incarceration Sentences by Race of Offenders



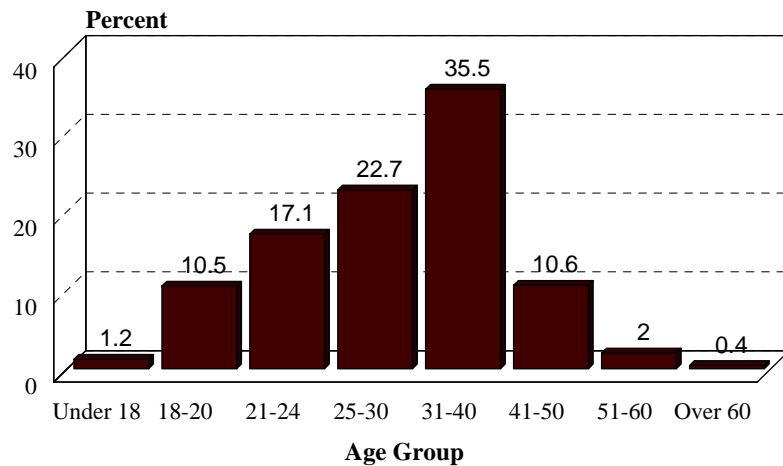
Based on 5,134 incarceration sentences reporting race of offenders

Figure 7: FY 1997 Incarceration Sentences by Ethnic Origin of Offenders



Based on 5,121 incarceration sentences reporting ethnic origin of offenders

Figure 8: FY 1997 Incarceration Sentences by Age of Offenders



Based on 5,130 incarceration sentences reporting age of offenders

Figure 9: FY 1997 Incarceration Sentences by Education Level of Offenders

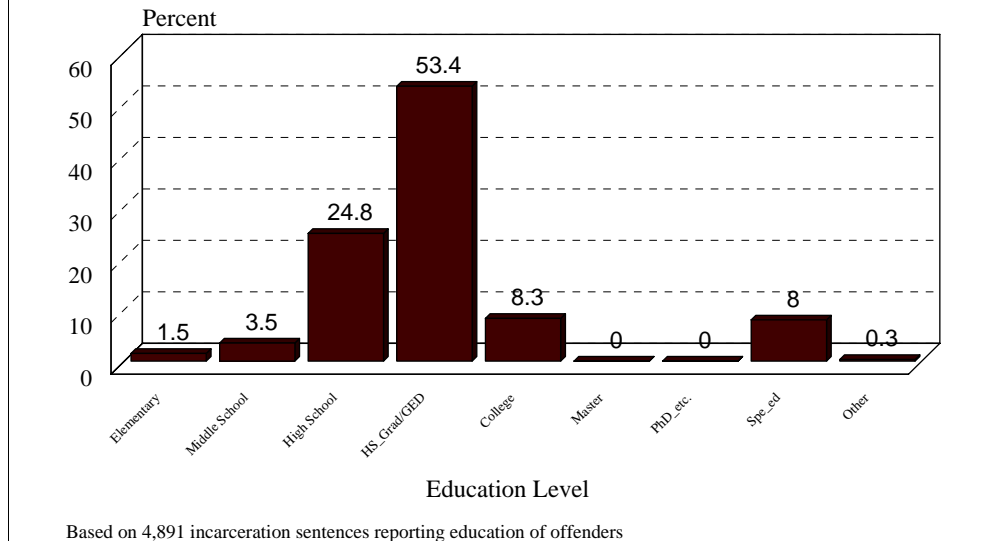


Table 4 indicates that males represented the highest percentage (over 90%) of sentences in both the violent and non-violent crime categories. All sex offenders were males, which represented change from the previous year. The highest percentage of sentenced females (over 20%) was found in the offense 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 crimes 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 incarceration rates for less serious person and nonperson offenses. Blacks were also incarcerated at a higher rate than whites for possession of drugs (Table 5).

Table 4: 1997 Incarceration Nondrug 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	8	62.5	37.5	87.5		12.5	32.5
Agg Assault	156	95.5	4.5	52.6	43.6	3.8	28.9
Agg Assault on LEO	25	100.0		80.0	12.0	8.0	34.3
Agg Battery on LEO	14	92.9	7.1	50.0	50.0		29.4
Agg Failure to Appear	9	88.9	11.1	33.3	66.7		32.9
Agg Arson	6	83.3	16.7	66.7	33.3		29.2
Agg Battery	255	89.0	11.0	58.0	39.6	2.4	29.5
Agg Burglary	78	94.9	5.1	38.5	61.5		31.8
Agg Robbery	199	98.0	2.0	41.7	56.3	2.0	30.3
Agg Incest	25	100.0		84.0	12.0	4.0	38.4
Agg Indecent Liberties w/Child	121	99.2	0.8	83.5	14.9	1.7	32.7
Agg Indecent Solicit w/Child	26	100.0		50.0	46.2	3.8	34.0
Agg Intimidation of a witness	6	100.0		50.0	50.0		27.0
Agg Kidnapping	11	100.0		45.5	54.5		38.5
Agg Escape from Custody	118	85.6	14.4	66.9	30.5	2.5	30.6
Agg Sexual Battery	78	98.7	1.3	65.4	33.3	1.3	31.8
Agg Sodomy w/Child	32	100.0		93.8	6.3		34.8
Agg Vehicle Homicide	5	100.0		80.0	20.0		34.6
Aid Felon	5	100.0		40.0	60.0		21.6
Arson	21	90.5	9.5	85.7	14.3		30.0
Battery on LEO	5	100.0		80.0	20.0		21.4
Burglary	646	96.7	3.3	70.0	28.5	1.5	37.4
Criminal Threat	50	94.0	6.0	64.0	28.0	8.0	30.9
Criminal Use Financial Card	10	60.0	40.0	50.0	50.0		29.2
Criminal Damage to Property	40	92.5	7.5	80.0	17.5	2.5	29.5
Deprivation of Property	7	100.0		71.4	28.6		23.6
Discharge of Firearm	11	100.0		54.5	45.5		23.3
DUI	25	88.0	12.0	92.0	8.0		36.3
Driving While a Habitual Viol	82	97.6	2.4	78.0	18.3	3.7	33.9
Driving While Suspended	74	94.6	5.4	64.9	33.8	1.4	31.0
Enticement of Child	5	100.0		100.0			33.6
False Writing	14	78.6	21.4	85.7	14.3		30.3
Forgery	339	67.3	32.7	64.3	32.2	3.5	30.8
Indecent Liberties w/Child	77	98.7	1.3	68.8	28.6	2.6	35.3
Indecent Solicitation of Child	9	100.0		77.8	22.2		31.2

Table 4: 1997 Incarceration Nondrug Offender Characteristics by Type of Offense - 2

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age At Admission
		Male	Female	White	Black	Other	
Involuntary Manslaughter	31	83.9	16.1	67.7	25.8	6.5	29.3
Kidnapping	41	95.1	4.9	56.1	39.0	4.9	32.2
Murder in the First Degree	57	94.7	5.3	59.6	35.1	5.3	29.4
Murder in the Second Degree	30	100.0		43.3	56.7		32.3
Nonsupport of Child or Spouse	18	100.0		83.3	16.7		35.7
Obstructing Legal Process	23	95.7	4.3	65.2	34.8		28.2
Perjury	4	50.0	50.0	75.0	25.0		29.5
Possession of Firearm	56	100.0		48.2	50.0	1.8	27.3
Rape	71	98.6	1.4	53.5	43.7	2.8	31.5
Robbery	251	94.8	5.2	42.2	57.4	0.4	29.4
Security Crimes	3	100.0		66.7	33.3		43.0
Taxation	14	100.0		92.9	7.1		29.5
Theft	452	88.5	11.5	61.9	35.6	2.4	29.6
Traffic in Contraband	21	76.2	23.8	52.4	47.6		26.2
Voluntary Manslaughter	22	90.9	9.1	27.3	68.3	4.5	35.3
Weapons	4	100.0		50.0	50.0		23.8
Giving Worthless Checks	18	88.9	11.1	88.9	11.1		36.7
Other	54	81.5	18.5	68.5	22.2	9.3	30.9
TOTAL	3,762	91.4	8.6	62.2	35.5	2.4	30.1

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=3,762); Race (N=3,762); Age (N=3,760).

Table 5: 1997 Incarceration Drug Offender Characteristics by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age At Admission
		Male	Female	White	Black	Other	
Opiates or narcotics; poss 1	424	78.3	21.7	51.7	47.6	0.7	32.0
Opiates or narcotics; poss 2	21	71.4	28.6	47.6	52.4		34.0
Opiates or narcotics; poss 3	2	100.0		50.0	50.0		33.5
Opiates or narcotics; sale 1	503	84.3	15.7	40.0	59.4	0.6	32.4
Opiates or narcotics; sale 2	36	72.2	27.8	30.6	69.4		33.6
Opiates or narcotics; sale 3	2	50.0	50.0	50.0	50.0		33.5
Depress, stim, hall, etc.; sale, poss w/intent to sale	265	92.5	7.5	83.8	13.2	3.0	32.6
Depress, stim, hall; poss 2	93	84.9	15.1	86.0	14.0		32.7
Depress, stim, hall; sale w/in 1,000ft of school	8	87.5	12.5	62.5	37.5		27.4
Unlawful manufacture controlled Substance	13	92.3	7.7	100.0			35.9
Other	5	100.0		60.0	40.0		33.6
TOTAL	1,372	83.7	16.3	55.8	43.1	1.1	32.4

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=1,372); Race (N=1,372); Age (N=1,370).

Types of Admission and Severity Levels

Table 6 indicates the distribution of offenders incarcerated in FY 1997 by types of admission to the Kansas Department of Corrections (KDOC). Conditional probation violators, conditional parole/postrelease violators, and conditional release violators represented 59% of all offenders admitted to state correctional facilities during FY 1997. This represents a percentage increase of approximately 4% from FY 1996 and a decrease of 1% from FY 1995. New court commitments and violators with new sentences together contributed another 36% to the total admissions. The number of conditional violators admitted to prison alone indicates a significant impact on the total admissions to the Department of Corrections.

Table 6: Distribution of FY 1997 Incarceration Sentences by Admission Type

Admission Type	Number of Cases	Percent
New Court Commitment	1,380	26.9
Probation Conditional Violator	1,320	25.7
Probation Violator With New Sentence	206	4.0
Inmate Received on Interstate Compact	22	0.4
Parole/Postrelease Conditional Violator	1,624	31.6
Parole/Postrelease Violator With New Sentence	269	5.2
Paroled to Detainer Returned with New Sentence	9	0.2
Conditional Release Violator	85	1.7
Conditional Release Violator With New Sentence	10	0.2
Offender Returned to Prison in Lieu of Revocation	209	4.1
Total	5,134	100.0

Table 7 displays a distribution of all incarcerated offenders by offense severity level and gender. The highest percentage (over 20%) of all nondrug offenders are found in severity levels 7 and 9 (Figure 10) and a little less than 60% of all drug offenders fell on 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 on drug severity level 1 and nondrug severity level 8 (Table 7).

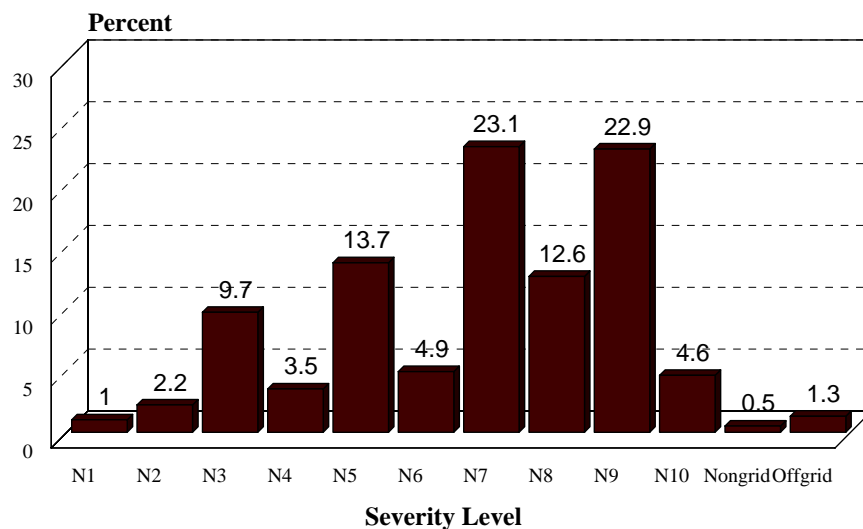
Table 7: Distribution of FY 1997 Incarceration Sentences by Severity Level and Gender*

Severity Level	Number of Cases	Gender(%)		Subtotal (%)
		Male	Female	
Drug				
1	6	66.7	33.3	0.4
2	76	77.6	22.4	5.5
3	772	87.2	12.8	56.3
4	517	79.5	20.5	37.7
Subtotal	1371	83.7	16.3	100.0
Nondrug				
1	37	100.0	0.0	1.0
2	82	98.8	1.2	2.2
3	363	97.2	2.8	9.7
4	130	93.1	6.9	3.5
5	510	94.5	5.5	13.7
6	184	90.8	9.2	4.9
7	860	95.1	4.9	23.1
8	468	76.5	23.5	12.6
9	855	91.7	8.3	22.9
10	170	85.3	14.7	4.6
Non-grid	20	85.0	15.0	0.5
Off-grid	47	95.7	4.3	1.3
Subtotal	3726	91.5	8.5	100.0
Total**	5134	89.3	10.7	100.0

* Based on 1,371 drug offenders and 3,726 nondrug offenders.

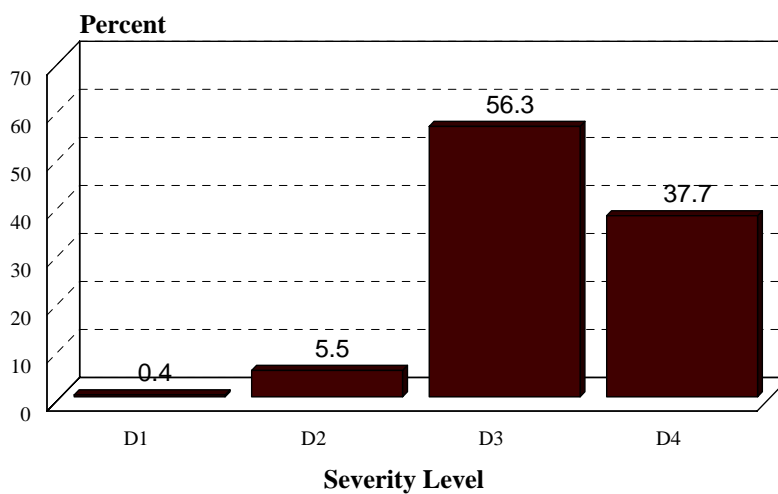
** Total number include 37 offenders whose severity levels are unknown.

**Figure 10: 1997 Incarceration Sentences
Nondrug Offenders by Severity Level**



Based on 3,726 nondrug offenders

**Figure 11: 1997 Incarceration Sentences
Drug Offenders by Severity Level**

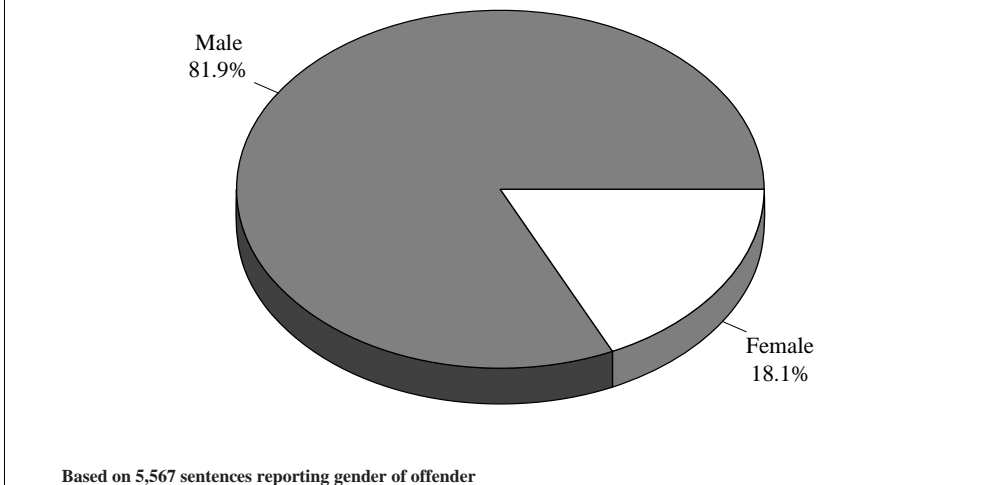


Based on 1,371 drug offenders

PROBATION SENTENCES

A total number of 6,134 probation sentences were received by the Kansas Sentencing Commission in fiscal year 1997, representing 1,301 drug sentences and 4,833 nondrug sentences. Of this number, there were 1,176 person offenses and 4,855 nonperson offenses. Characteristics of this offender group are illustrated in Figures 12 to 13.

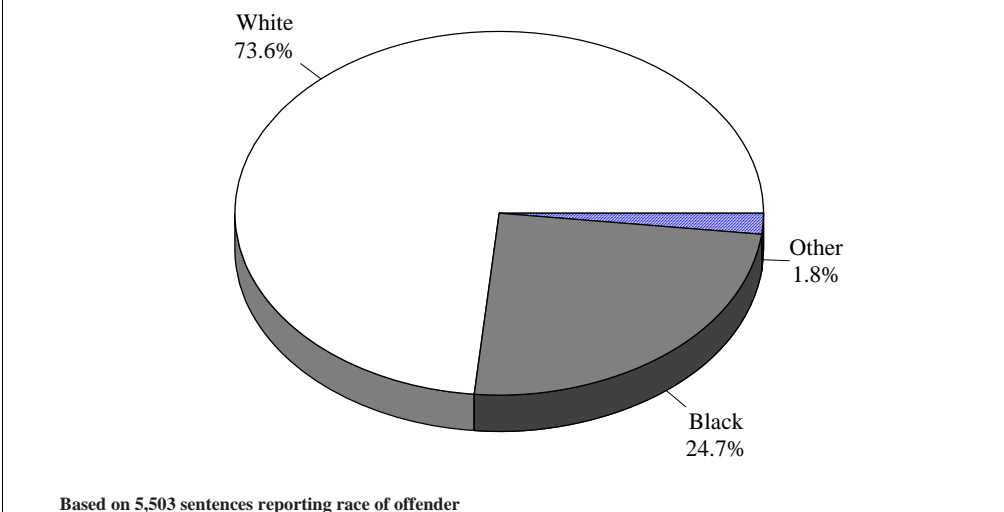
Figure 12: Distribution of FY 1997 Probation Sentences by Gender



Males represented 81.9% of all probation sentences (Figure 12).

Racial Distribution of probation sentences indicates that 73.6% were white and 26.4% were non-white (Figure 13).

Figure 13: Distribution of FY 1997 Probation Sentences by Race



The highest percentage of probation offenders were found to be in their 30's at the time of offense (Figure 14).

Figure 14: Distribution of FY 1997 Probation Sentences by Age

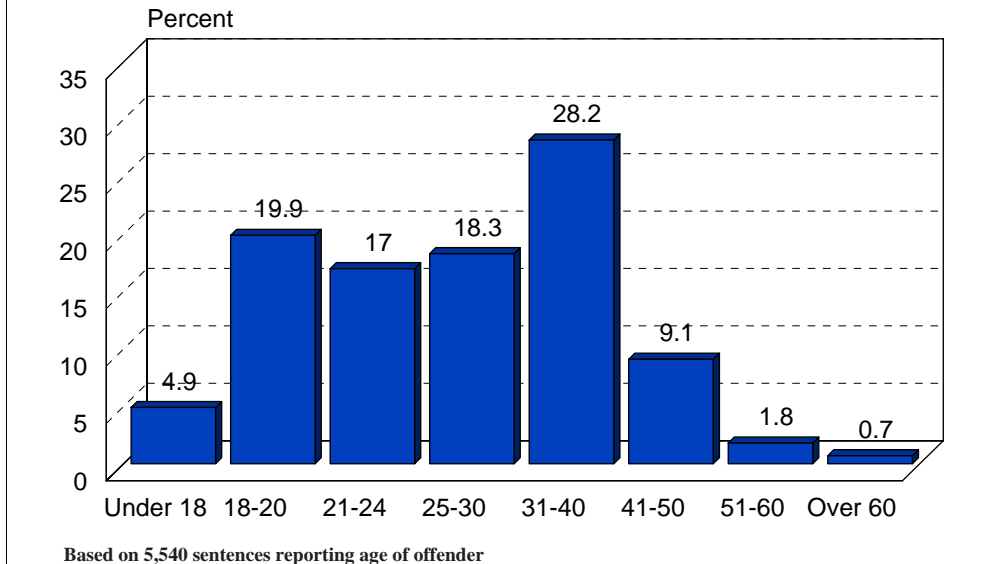


Figure 15 illustrates nondrug probation sentences by severity levels. As would be expected from the sentencing grid, the largest number of probation sentences fell within nondrug grid level 9 (46.9% of all nondrug sentences).

Figure 15: Distribution of FY 1997 Probation Nondrug Sentences by Severity Level

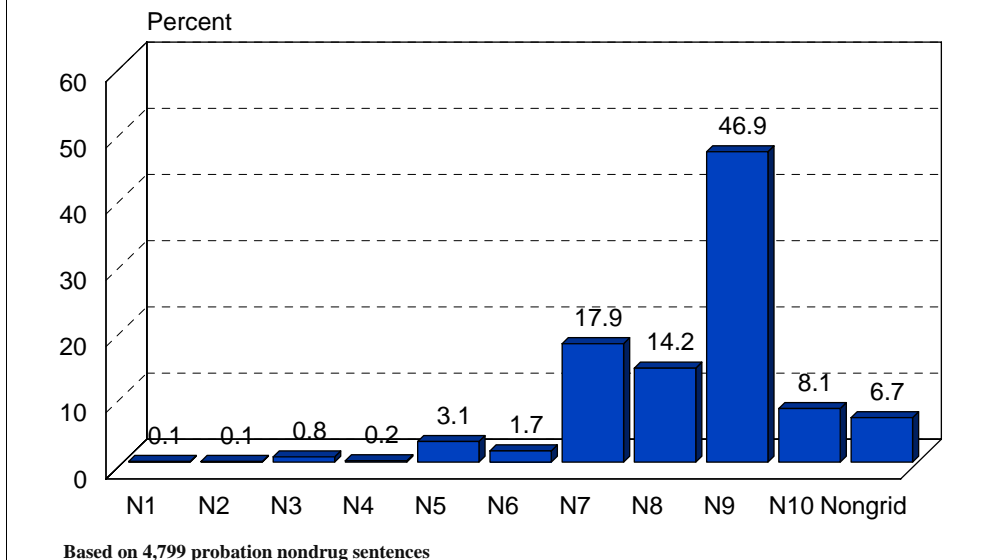
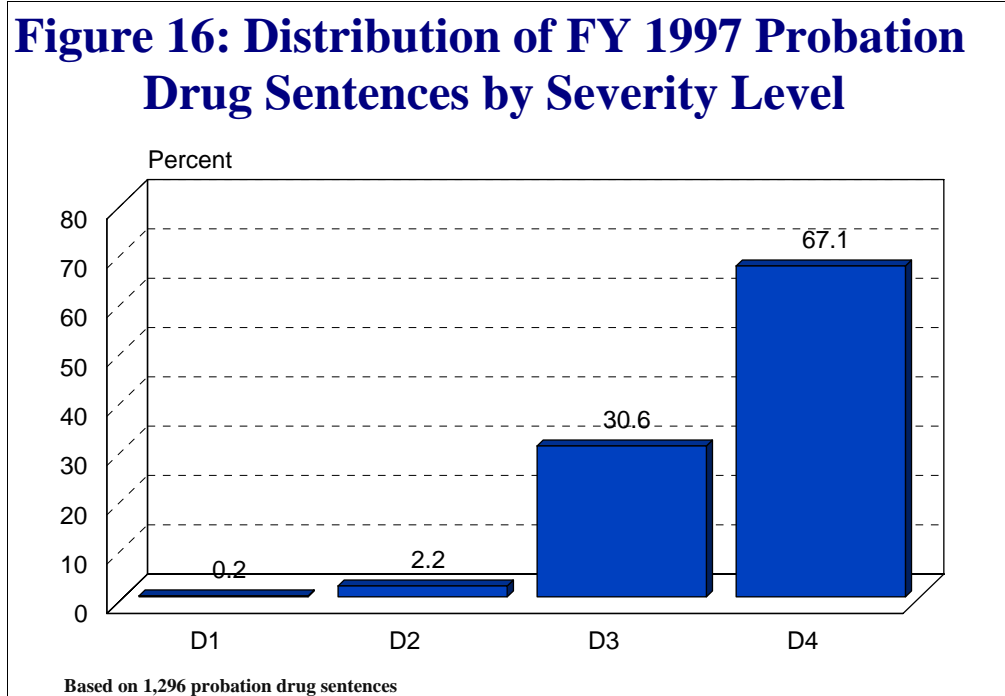


Figure 16 indicates the largest number of drug probation sentences fell within severity level 4 (67.1% of the total drug probation sentences).



Type of Offense and Severity Level

Characteristics of probation offenders by offense type are exhibited in Tables 8 and 9. Burglary, theft, forgery, driving while a habitual violator, DUI, driving while suspended, aggravated battery, aggravated assault, criminal threat, criminal damage of property are classified as the top ten offenses for nondrug probation offenders, representing 78% of the total nondrug crimes (Table 8). In reviewing drug offenders with probation sentences, the greatest number of sentences were for possession of drugs, accounting for almost 70% of all drug offenses (Table 9).

Males accounted for over 90% of the following offenses: Non-support of child, burglary, sex offenses, weapon and firearm crimes, and driving violations. The highest percentages of female probation offenses (over 30%) included abuse of child, aggravated arson, forgery, perjury, false writing, involuntary manslaughter, traffic in contraband, and financial crimes. Females were also found to be convicted of more drug offenses than nondrug offenses (25.2% versus 16.2%).

Whites were responsible for over 74% of all nondrug crimes and 70% of all drug offenses. Blacks had a higher conviction rate for drug offenses than nondrug crimes (28% versus 23.8%). The average age at the time of offense were 28.2 years old for nondrug probation offenders and 30.8 years old for drug offenders. Characteristics of probation offenders by severity level are presented on Tables 10 and 11.

Table 8: 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	0.3	68.8	31.3	56.3	37.5	6.3	30.6
Agg Arson	5	0.1	66.7	33.3	66.7	33.3	0.0	32.7
Agg Escape from Custody	18	0.4	83.3	16.7	66.7	33.3	0.0	25.6
Agg Fail to Appeal	46	1.0	80.0	20.0	42.5	57.5	0.0	31.7
Agg False Impersonation	5	0.1	100.0	0.0	50.0	25.0	25.0	30.8
Agg Ind Solicit with a Child	36	0.7	97.1	2.9	88.2	11.8	0.0	37.8
Agg Ind Lib with a Child	49	1.0	100.0	0.0	83.7	9.3	7.0	32.4
Agg Sex Battery with Child	22	0.5	100.0	0.0	66.7	26.7	6.7	29.7
Agg Burglary	27	0.6	92.3	7.7	65.4	30.8	3.4	24.5
Agg Assault on LEO	8	0.2	100.0	0.0	71.4	28.6	0.0	25.3
Agg Assault	122	2.5	93.1	6.9	64.9	33.3	1.8	30.6
Agg Battery	237	4.9	85.4	14.6	66.7	30.0	3.4	29.2
Agg Robbery	29	0.6	96.2	3.8	57.7	30.8	11.5	19.7
Agg Int w/Parent Custody	7	0.1	97.1	2.9	100.0	0.0	0.0	26.7
Aid a Felon	18	0.4	72.2	27.8	35.3	58.8	5.9	23.1
Arson	40	0.8	71.8	28.2	89.5	10.5	0.0	25.7
Battery on LEO	5	0.1	60.0	40.0	60.0	40.0	0.0	16.6
Burglary	778	16.1	93.4	6.6	78.9	18.2	1.9	22.9
Contribute Child Misconduct	9	0.2	87.5	12.5	62.5	25.0	12.5	21.6
Crim Use of Financial Card	28	0.6	50.0	50.0	42.3	46.2	11.5	26.3
Crim Deprivation of Vehicle	70	1.4	95.2	4.8	60.3	38.1	1.6	24.0
Crim Damage of Property	90	1.9	88.8	11.3	91.3	7.5	1.3	25.2
Criminal Threat	123	2.5	90.9	9.1	73.8	23.4	2.8	31.9
DUI	273	5.5	88.6	11.4	93.6	5.5	1.0	35.7
Discharge of Firearms	7	0.1	100.0	0.0	42.9	57.1	0.0	26.0
Drugs (Nondrug Grid)	71	1.4	90.9	9.1	78.5	21.5	0.0	28.2
Driving while Hab Violator	672	13.9	90.8	9.2	76.0	22.5	1.5	31.7
Driving w/ Suspended-Third	310	6.4	91.3	8.7	73.1	26.1	0.8	29.0
False Writing	33	0.7	43.8	56.3	90.6	9.4	0.0	30.2
Forgery	510	10.6	56.8	43.2	71.8	27.1	1.0	28.4
Ind Liberties with a Child	30	0.6	100.0	0.0	84.0	16.0	0.0	24.5
Ind Solicitation with a Child	30	0.6	100.0	0.0	85.2	11.1	3.7	29.8
Involuntary Manslaughter	6	0.1	50.0	50.0	66.7	33.3	0.0	28.2
Non-Support of a Child	28	0.6	100.0	0.0	76.0	24.0	0.0	34.4
Obstruct Legal Process	50	1.0	86.7	13.3	52.3	45.5	2.3	25.9

Table 8: Characteristics of Probation Nondrug Offenders by Type of Offense - 2

Offense Type	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
Perjury	7	0.1	25.0	75.0	75.0	25.0	0.0	28.5
Possession of Firearms	61	1.3	96.6	3.4	51.7	48.3	0.0	25.9
Rape	9	0.2	100.0	0.0	66.7	33.3	0.0	31.0
Robbery	63	1.3	87.7	12.3	50.9	47.4	1.8	24.5
Theft	651	13.5	76.9	23.1	75.3	23.7	1.0	26.1
Traffic Contraband	9	0.2	55.6	44.4	100.0	0.0	0.0	33.0
Weapon	11	0.2	100.0	0.0	66.7	33.3	0.0	29.6
Welfare Fraud	20	0.4	18.8	81.3	31.3	68.8	0.0	33.6
Worthless Check	70	1.4	69.2	30.8	84.4	14.1	1.6	34.2
Other	124	2.6	86.7	13.3	74.8	24.3	2.3	30.8
Total	4,833	100.0	83.8	16.2	74.4	23.8	1.8	28.2

Note: Due to missing data, each category is based on different numbers: Gender, N=4,381; Race, N=4,335; and Age, N=4,364.

* Average age at time of offense.

Table 9: Characteristics of Probation Drug Offenders by Type of Offense

Offense Type	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
Attempt Possession of Drug	140	10.8	74.6	25.4	68.4	31.6	0.0	31.3
Attempt Sale of Drug	13	1.0	61.5	38.5	61.5	38.5	0.0	23.4
Conspiracy Possession of Drug	7	0.5	83.3	16.7	33.3	66.7	0.0	30.3
Conspiracy Sale of Drug	16	1.2	92.9	7.1	84.6	15.4	0.0	28.8
Cultivation of Marijuana	19	1.5	94.4	5.6	88.9	11.1	0.0	36.7
Possession of Drugs	874	67.2	74.1	25.9	70.5	27.9	1.7	31.1
Sale, Possession w/int Sell Drugs	220	16.9	75.6	24.4	70.1	26.9	3.0	28.5
Sale Drug w/in 1000ft. of School	5	0.4	40.0	60.0	60.0	20.0	20.0	44.6
Other	7	0.5	83.3	16.7	83.3	16.7	0.0	37.8
Total	1,301	100.0	74.8	25.2	70.4	27.9	1.7	30.8

Note: Due to missing data, each category is based on different numbers: Gender, N=1,186; Race, N=1,168; and Age, N=1,176.

* Average age at time of offense.

Table 10: Characteristics of Probation Nondrug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
N1	7	0.1	85.7	14.3	85.7	14.3	0.0	25.6
N2	7	0.1	100.0	0.0	57.1	42.9	0.0	34.6
N3	40	0.8	97.3	2.7	61.1	27.8	11.1	24.1
N4	12	0.3	80.0	20.0	70.0	30.0	0.0	26.3
N5	147	3.1	89.5	10.5	73.5	23.5	3.0	26.5
N6	83	1.7	90.5	9.5	80.6	18.1	1.4	33.7
N7	860	17.9	90.8	9.2	73.9	23.8	2.3	26.2
N8	682	14.2	63.9	36.1	69.5	28.8	1.7	28.0
N9	2,252	46.9	85.8	14.2	75.9	22.3	1.8	28.2
N10	388	8.1	82.1	17.9	67.3	32.7	0.0	29.3
Nongrid	321	6.7	90.5	9.5	85.3	13.6	1.1	32.8
Total	4,799	100.0	83.8	16.2	74.3	23.9	1.8	28.2

Note: Due to missing data, each category is based on different numbers: Gender, N=4,360; Race, N=4,314; and Age, N=4,343.

* Average age at time of offense.

Table 11: Characteristics of Probation Drug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
D1	2	0.2	100.0	0.0	0.0	100.0	0.0	31.5
D2	28	2.2	74.1	25.9	51.9	44.4	3.7	36.9
D3	396	30.6	74.9	25.1	71.8	25.9	2.3	29.5
D4	870	67.1	74.6	25.4	70.6	28.0	1.4	31.1
Total	1,296	100.0	74.7	25.3	70.4	27.9	1.7	30.8

Note: Due to missing data, each category is based on different numbers: Gender, N=1,184; Race, N=1,166; and Age, N=1,174.

* Average age at time of offense.

Criminal History and Length of Probation

The data indicates that 5,995 probation sentences with assigned criminal history categories were reported in FY 1997, representing nearly 98% of all probation sentences received by the Commission. The largest number of this group (37%, N=2,218) fell within criminal history category I.

Nondrug offenders were found to account for almost 33% of criminal history category I on the nondrug grid, while drug offenders accounted for 49% of offenders in criminal history category I on the drug grid. Nearly 53% of probation drug offenders were sentenced within the presumptive

probation boxes (Table 13), while 84% of nondrug offenders fell within the presumptive probation boxes (Table 12).

Two and one half percent (2.5%) of nondrug offenders were found to be on severity level 5 criminal history categories H and I and severity level 6 criminal history category G, while 37% of drug probation sentences fell within severity level 3 criminal history categories E to I and severity level 4 criminal history categories E and F, which are designated border boxes (Tables 12 and 13). In comparison with drug and nondrug probation sentences, the significant difference was also found in the use of some downward dispositional departures to obtain a probation sentence. Nondrug probation sentences reported 5.8% downward dispositional departure, while drug probation sentences reported 10.3% downward dispositional departure.

Lengths of probations by severity levels are exhibited also in Tables 12 and 13. The average length of sentence for nondrug offenders was 25.3 months, while the average length of sentence for drug offenders was 27.5 months.

Table 12: 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	7	0	0	1	0	1	0	0	1	4	30.9
N2	7	0	0	0	1	0	0	0	1	5	53.1
N3	40	0	1	2	0	2	1	4	4	26	37.5
N4	12	0	0	0	1	0	3	1	4	3	32.0
N5	147	0	2	2	7	5	9	14	8	100	37.1
N6	83	0	1	1	7	1	0	10	9	52	29.7
N7	860	14	18	85	75	81	62	121	96	305	25.3
N8	682	4	25	70	30	111	49	110	80	203	24.9
N9	2,252	23	52	221	104	274	205	350	326	684	24.7
N10	388	2	7	38	25	45	33	72	40	125	24.2
Nongrid	321	2	7	14	10	15	21	41	40	64	23.0
Total	4,799	45	113	434	260	535	383	723	609	1,571	25.3

Note: Criminal history classes are based on 4,701 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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Table 13: 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	2	0	0	0	0	0	1	0	1	0	36.0
D2	28	1	1	0	2	5	3	8	3	5	34.7
D3	396	3	4	17	8	16	21	56	49	221	33.7
D4	870	5	16	28	22	60	55	149	122	409	24.4
Total	1,296	9	21	45	32	81	80	213	175	635	27.5

Note: Criminal history classes are based on 1,294 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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VIOLATIONS RESULTING IN INCARCERATION

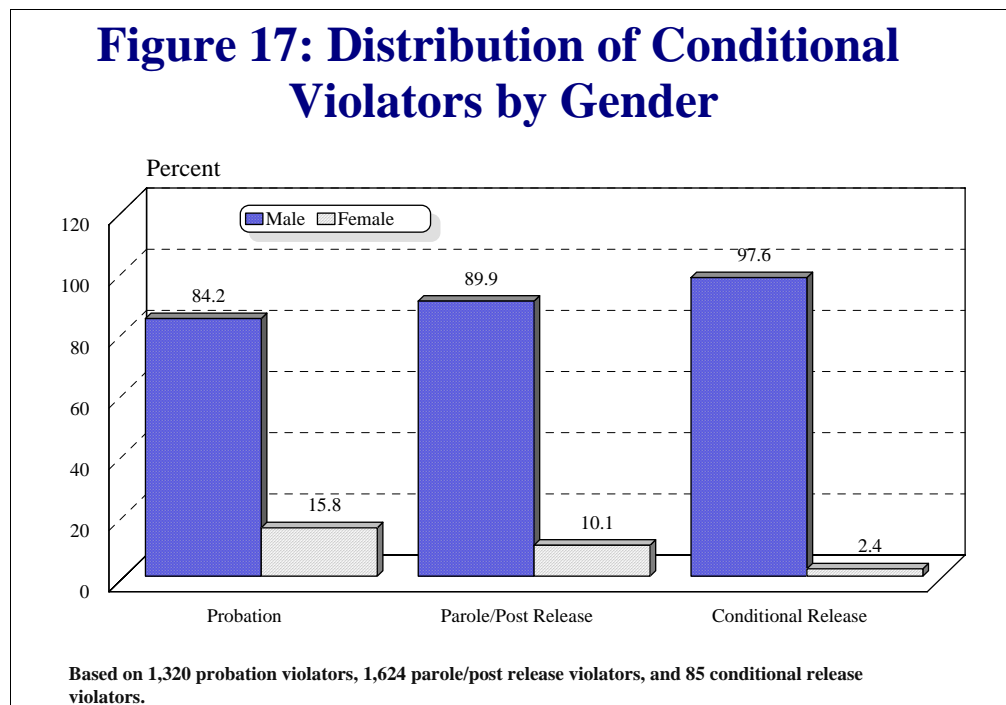
Violators are classified in two ways. Offenders on some form of supervision who commit an offense for which they receive a new sentence are defined as “violators with new sentences.” Offenders who are on probation, parole/postrelease supervision, who violate the conditions of their supervision but do not receive a new sentence are defined as “conditional violators.” Both types of violation can result in revocation and incarceration. This section presents an overview of both types of violators whose revocations result in incarcerations. Violators with or without new convictions continuing on probation will be discussed in the following section.

Overview of Conditional Violators

Violators in this section include offenders classified as probation, parole/postrelease 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, postrelease 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, postrelease supervision or conditional release.

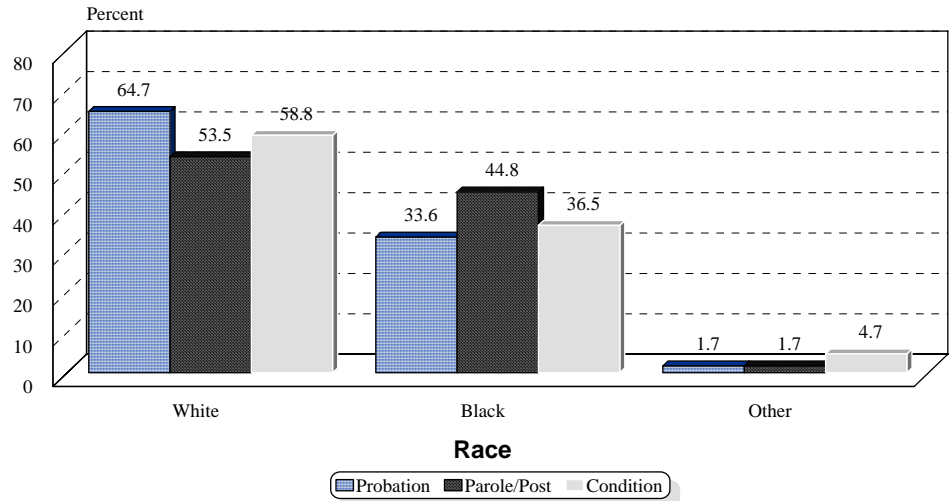
In FY 1997, a total number of 3,029 conditional violators, representing 1,320 probation violators, 1,624 parole/postrelease supervision violators, and 85 conditional release violators, respectively. Conditional violators alone accounted for 59% of all FY 1997 prison admissions. Characteristics of conditional

violators by gender, race, and age are shown in Figures 17, 18, and 19.



White males represented the highest percentages (Figures 17 and 18) of all three types of violators.

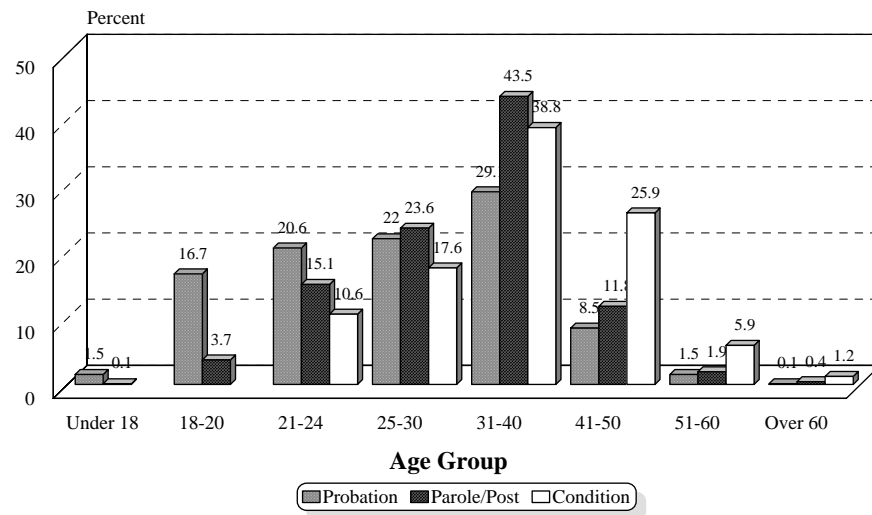
Figure 18: Distribution of Conditional Violators by Race



Based on 1,320 probation violators, 1,624 parole/post release violators, and 85 conditional release violators.

The largest proportions of all three type of conditional violators were found to be in their 30's at the time of admission to prison (Figure 19).

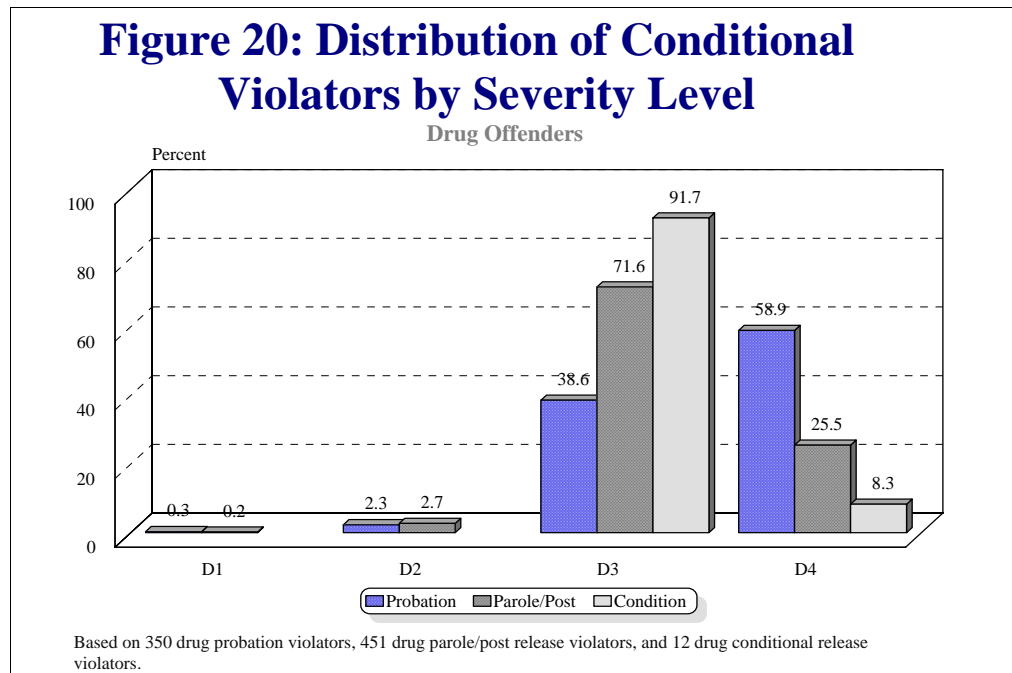
Figure 19: Distribution of Conditional Violators by Age Group



Based on 1,320 probation violators, 1,624 parole/post release violators, and 85 conditional release violators.

Characteristics of all violators by severity level are presented in Figures 20 and 21.

The highest percentages of parole/post release and conditional release violators fell on drug severity level 3. The largest proportion of probation violators was found on drug severity level 4 (Figure 20).



The largest percentage of probation violators fell on nondrug severity level 9, while the highest percentage of parole/postrelease supervision violators fell on nondrug severity level 7, and conditional release violators accounted for the highest percentage on nondrug severity level 5 (Figure 21).

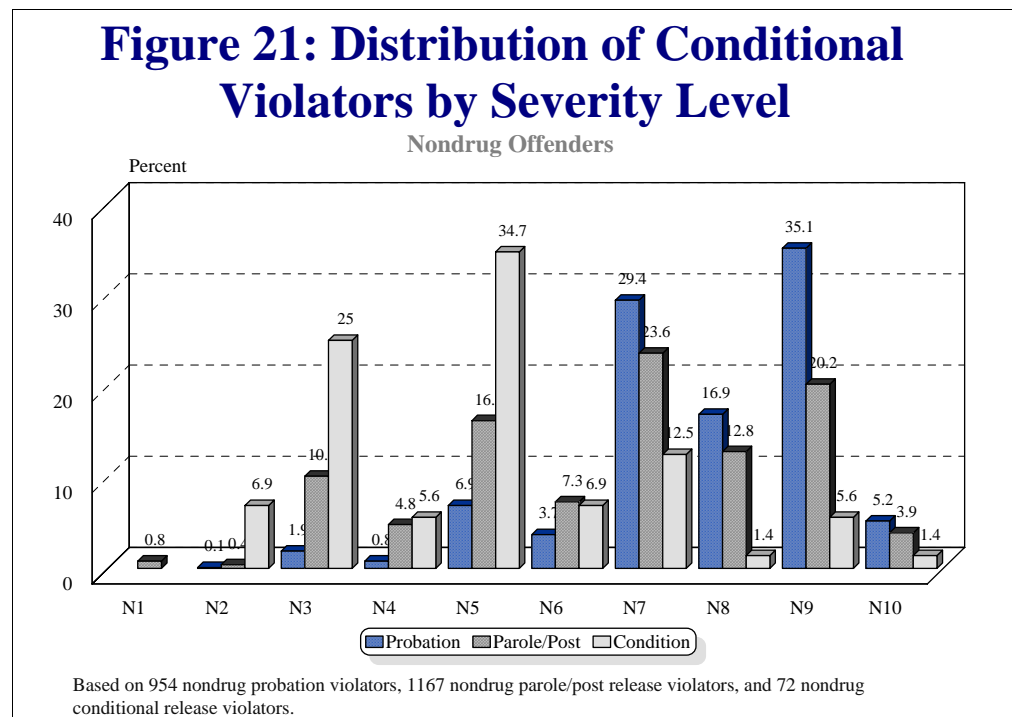


Table 14 displays the characteristics of all types of conditional violators by severity levels, race, and gender. The highest frequencies for males were found on nondrug severity level 7 and drug severity level 3. However, the largest numbers of females fell on nondrug severity levels 8 and drug level 4. 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	Gender		Race			Average Age at Admission
		Male	Female	White	Black	Other	
D1	2	1	1	0	1	1	26.5
D2	20	14	6	6	14	0	24.3
D3	469	403	66	233	230	6	32.9
D4	322	242	80	181	139	2	31.9
N1	9	9	0	5	4	0	41.1
N2	11	11	0	8	3	0	38.6
N3	154	151	3	67	83	4	35.8
N4	68	65	3	26	41	1	34.3
N5	280	264	16	148	128	4	31.7
N6	125	112	13	75	46	4	31.8
N7	564	535	29	354	199	11	28.4
N8	311	229	82	205	97	9	29.4
N9	575	519	56	386	177	12	29.2
N10	96	80	16	62	34	0	31.2
Offgrid	2	2	0	2	0	0	46.5
Nongrid	7	6	1	5	2	0	35.7
Unknown	14	12	2	10	4	0	28.6
Total	3,029	2,655	374	1,773	1,202	54	30.9

Conditional Probation Violators

During FY 1997, there were 1,320 conditional probation violators admitted to the custody of Kansas Department of Corrections. This number indicated a total of 75 additional offenders or 6% increase compared with the reported number in FY 1996. Nearly 90% of the conditional probation violators had received guideline sentences. Characteristics of this group by the top 10 most serious committing offenses are shown on Tables 15 and 16.

Aggravated assault, aggravated battery, aggravated escape from custody, burglary, criminal damage to property, 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 80.4% of all nondrug offenses (Table 15). Possessions of drugs were the most frequent offense types for probation violators on the drug grid, accounting for 60% of all drug offenses (Table 16). Burglary, theft, and forgery were the three 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 2.8 years, which increased by 1.1 years compared with the length of lag time in FY 1996. The average length of time for drug violators was 2.7 years, which increased by 6 months from FY 1996 drug conditional violators. 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	43	97.7	2.3	58.1	37.2	4.7	25.5	28.5
Agg battery	70	85.7	14.3	58.6	41.4	0.0	24.1	26.0
Agg escape from custody	20	80.0	20.0	70.0	25.0	5.0	24.6	31.4
Burglary	225	97.3	2.7	76.9	21.3	1.8	22.0	24.7
Criminal damage of properties	21	90.5	9.5	76.2	23.8	0.0	24.9	28.9
Driving while a habitual violator	36	97.2	2.8	66.7	30.6	2.8	30.7	32.9
Driving while suspended	27	92.6	7.4	51.9	48.1	0.0	29.4	31.6
Forgery	134	59.7	40.3	67.9	28.4	3.7	26.9	29.8
Robbery	30	93.3	6.7	36.7	63.3	0.0	23.1	25.3
Theft	174	85.1	14.9	63.2	35.1	1.7	24.8	27.8
Subtotal	780	86.2	13.8	66.5	31.4	2.1	24.7	27.5
Other	190	91.6	8.4	69.5	29.5	1.1	25.7	28.6
TOTAL	970	87.2	12.8	67.1	31.0	1.9	24.9	27.7

* 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	50	92.0	8.0	84.0	14.0	2.0	26.4	30.4
Depress, stim, hall; poss 2nd	28	75.0	25.0	92.9	7.1	0.0	28.6	31.0
Opiates or narcotics; poss 1	178	71.3	28.7	52.8	46.1	1.1	32.1	30.2
Opiates or narcotics; poss 2	4	100.0	0.0	25.0	75.0	0.0	35.3	36.8
Opiates or narcotics; poss 3	1	100.0	0.0	0.0	100.0	0.0	26.0	27.0
Opiates or narcotics; sale 1	85	77.6	22.4	44.7	54.1	1.2	28.0	32.0
Opiates or narcotics; sale 2	4	25.0	75.0	50.0	50.0	0.0	31.3	33.8
TOTAL	350	76.0	24.0	58.0	40.9	1.1	29.1	31.8

* 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 Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1						1				1
D2		1			1				3	5
D3		1	1		5	3	7	10	16	43
D4		1	5	8	4	10	27	28	57	140
N2								1		1
N3			2				2	3	3	10
N4								1	1	2
N5		1	3	4	2	2	4	5	13	34
N6				2			3	1	7	13
N7	3	3	19	12	26	6	27	26	57	179
N8	1	4	6	5	13	7	17	20	41	114
N9	5	2	25	25	23	12	32	43	54	221
N10	2		4	3	3	2	4	5	10	33
Total	11	13	65	59	77	43	123	143	262	796

* Due to missing data, criminal history categories are based on 796 probation violators reporting criminal history.

Conditional Parole/Postrelease Supervision Violators

Parole/postrelease supervision conditional violators attributed the largest percentage of FY 1997 admissions. Totalling 1,624 admissions, they accounted for 31.6% of all admissions to DOC. Characteristics of this offender group are presented on Tables 18 and 19. The top 10 most serious committing offenses of nondrug parole/postrelease violators were aggravated assault, aggravated battery, aggravated burglary, aggravated robbery, aggravated sexual battery, arson, burglary, forgery, robbery, and theft, accounting for 73.8% of their total offenses. Over 90% of this group were 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/postrelease drug violators had been convicted primarily for possession of opiates or narcotics (Table 19).

Distribution of parole/postrelease supervision violators by severity level and criminal history is shown on Table 20.

Table 18: Top 10 Most Serious Committing Offenses of Parole/Postrelease 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

* Average age at time of offense.

** Average age at time admitted to prison.

Table 19: Characteristics of Parole/Postrelease 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/Postrelease Supervision Violators by Severity Level And Criminal History*

Severity Level Total	Criminal History									
	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. In examining their offenses, the analysis found the highest percentage of this group were classified as sex offenders, which attributed to over 36% of all nondrug offenders. Drug offenders represented only 14% of this specific population (n=85). 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	3	100.0		33.3	66.7		20.7	27.0
Aggravated battery	4	100.0		50.0	50.0		20.8	26.5
Aggravated burglary	2	100.0			100.0		32.5	44.5
Aggravated robbery	4	100.0		75.0	25.0		25.8	38.0
Aggravated incest	4	100.0		75.0		25.0	34.5	40.0
Agg sexual battery on child	12	100.0		58.3	33.3	8.3	27.8	33.5
Indecent liberties w/child	15	100.0		73.3	26.7		30.5	40.1
Rape	5	100.0		40.0	60.0		27.8	40.8
Robbery	6	100.0		33.3	66.7		21.0	31.2
Theft	4	75.0	25.0	75.0	25.0		28.0	36.3
Other	14	100.0		78.6	14.3	7.1	27.5	35.7
TOTAL	73	98.6	1.4	61.6	34.3	4.1	27.5	35.9

* 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	4	100.0		25.0	50.0	25.0	31.3	39.3
Depress, stim, hall; poss 2	1	100.0		100.0			18.0	25.0
Opiates or narcotics; sale 1	7	85.7	14.3	42.9	57.1		32.0	38.3
TOTAL	12	91.7	8.3	41.7	50.0	8.3	30.6	37.5

* Average age at time of offense.

** Average age at time admitted to prison.

Violators With New Sentences

Violators with new sentences include probation, parole/postrelease, and conditional release violators convicted of an offense for which they received a new sentence. This group represented 9.4% of the total prison admissions, indicating a 1.7% decrease compared with FY 1996. Characteristics of this group are presented in Figures 22 to 24.

White males are the predominant gender for this population (Figures 22 and 23). The highest percentages of probation violators and conditional release violators with new sentences were found in the age group between 21 to 30 years old compared with parole/postrelease violators with new sentences, who were found to be in their 30's (Figure 24).

D r u g s (25.7%), **b u r g l a r y** (1 7 %) , **a n d** **a g g r a v a t e d e s c a p e**

from custody (7.8%) were the major committing offense categories for probation violators. Drugs (20.1.9%), burglary (20.1%), and theft (11.9%) represented the major committing offenses for parole/postrelease violators. The predominant committing offense for conditional release violators was drugs (20%). Table 23 illustrates the distribution of the above offenders by severity levels. The data clearly indicates that drug convictions resulting in new sentences was the primary offense for all three offender groups.

Figure 22: Distribution of Violators With New Sentences By Gender

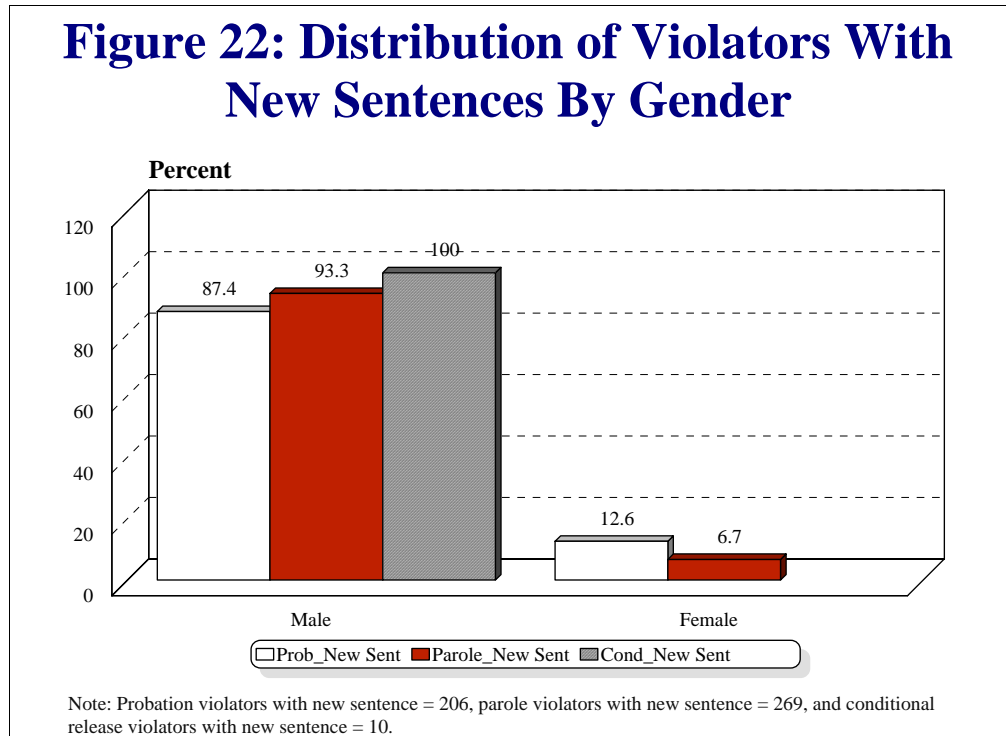
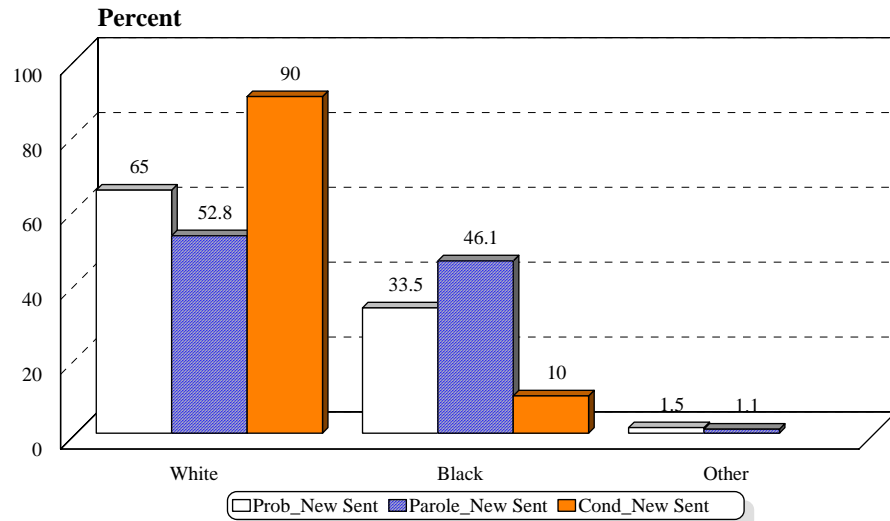
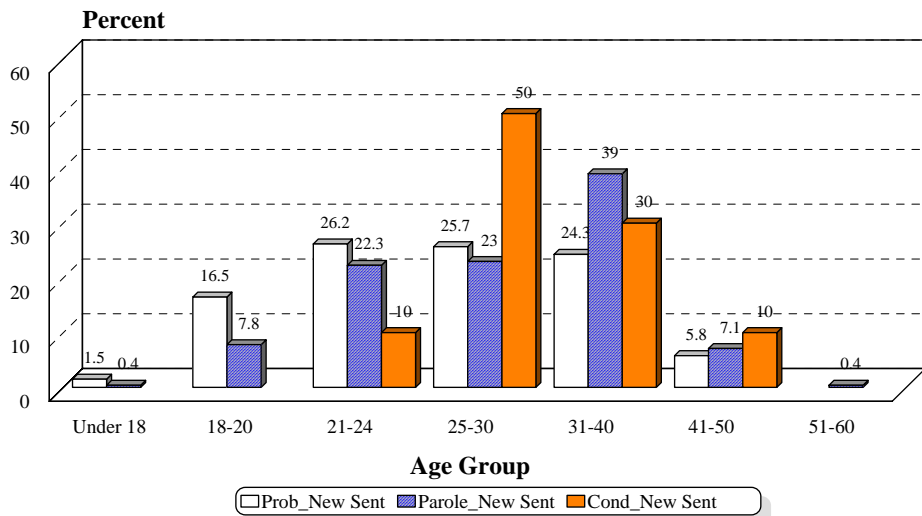


Figure 23: Distribution of Violators With New Sentences By Race



Note: Probation violators with new sentence = 206, parole violators with new sentence = 269, and conditional violators with new sentence = 10.

Figure 24: Distribution of Violators With New Sentences By Age



Note: Probation violators with new sentence = 206, parole violators with new sentence = 269, and conditional violators with new sentence = 10.

**Table 23: Distribution of FY 1997 Violators with New Sentences
By Severity Level**

Severity Level	Probation		Parole/Postrelease		Conditional Release	
	N	%	N	%	N	%
D1	0	0.0	1	0.4	0	0.0
D2	8	3.9	5	1.9	0	0.0
D3	19	9.2	27	10.0	0	0.0
D4	26	12.6	21	7.8	2	20.0
N2	2	1.0	5	1.9	1	10.0
N3	7	3.4	19	7.1	2	20.0
N4	2	1.0	2	0.7	0	0.0
N5	23	11.2	20	7.4	2	20.0
N6	11	5.3	11	4.1	0	0.0
N7	49	23.8	55	20.4	1	10.0
N8	26	12.6	30	11.2	1	10.0
N9	22	10.7	51	19.0	0	0.0
N10	5	2.4	13	4.8	0	0.0
Offgrid	3	1.5	2	0.7	0	0.0
Nongrid	2	1.0	3	1.1	0	0.0
Unknown	1	0.5	4	1.5	1	10.0
Total	206	100.0	269	100.0	10	100.0

VIOLATORS CONTINUING ON PROBATION

Violators continuing on probation in this section only refers to probation violators both with or without new convictions whose convictions did not result in revocation of probation but rather a continuation of probation. In FY 1997, there were 377 conditional probation violators and 55 probation violators with new convictions representing 20% of the total number of 1,657 conditional probation violators and 21% of the total number of 261 probation violators with new offenses respectively who were continued on probation. Drugs (30%), burglary (14.6%), forgery (10.1%), theft (10.1%), and aggravated battery (3.2%) were the top five committing offenses for this group of conditional violators. Burglary (20%), drugs (16.4%), theft (14.5%), aggravated battery (7.3%), and driving while a habitual violator (7.3%) were the top five committing offenses for the probation violators with new convictions. Tables 24 and 25 present the criminal history by severity levels of the two types of violators who were sentenced to continuation on probation.

Table 24: Criminal History by Severity Levels of Conditional Probation Violators Continuing on Probation

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D2	6	0	0	0	0	1	0	3	0	2
D3	21	0	0	1	0	1	3	1	2	13
D4	86	0	3	0	3	4	4	19	15	33
N3	2	0	0	0	0	1	0	0	0	1
N4	1	0	0	0	0	0	0	0	1	0
N5	12	0	1	2	1	0	0	2	1	5
N6	2	0	0	0	0	0	0	0	1	0
N7	48	0	0	7	4	4	2	7	8	11
N8	47	0	0	5	3	3	9	2	11	9
N9	117	0	1	13	12	11	8	14	14	32
N10	12	0	1	0	1	4	1	0	0	1
Nongrid	11	0	0	1	0	3	0	1	1	1
Total	365	0	6	29	24	32	27	49	54	108

Note: Criminal history classes are based on 329 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
--------------------	--------------	-----------------------

Table 25: Criminal History by Severity Levels of Probation Violators with New Convictions Continuing on Probation

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D2	1	0	0	0	0	0	0	0	1	0
D3	3	0	0	0	0	0	1	0	0	1
D4	5	0	0	1	0	0	0	0	2	2
N5	1	0	0	0	0	0	0	0	0	1
N6	1	0	0	0	0	0	0	0	0	1
N7	14	0	0	1	2	2	2	3	2	1
N8	6	0	1	1	2	0	0	0	0	2
N9	13	0	0	2	0	1	0	4	0	6
N10	4	0	0	1	0	0	0	1	0	2
Nongrid	3	0	0	0	0	0	0	0	0	1
Total	51	0	1	6	4	3	3	8	5	17

Note: Criminal history classes are based on 47 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
--------------------	--------------	-----------------------

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 1997. 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."

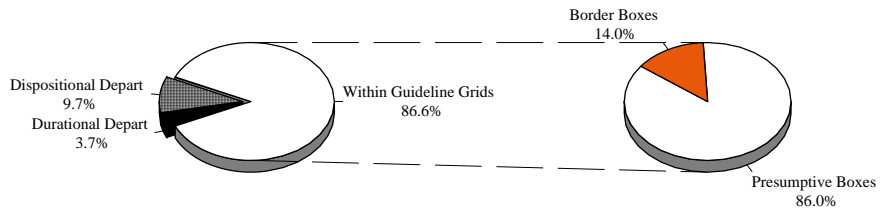
Departures from the guidelines can be further categorized into two types: Dispositional departures and durational departures. A dispositional departure occurs when the guidelines recommend a period of incarceration or probation but the reverse type of sentence is imposed. For example, the grid box indicates a period of incarceration, but a probation sentence is imposed. Sentences imposed in the "border boxes" or violations of probation sentences 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 1997, there were 7,049 pure guideline sentences, including 1,012 incarceration guideline sentences (probation revocations resulting in admission to prison excluded from this year's report) and 6,037 probation sentences. Figure 25 demonstrates that 86.6% (5,853 sentences) of the 6,762 guideline sentences (criminal history categories missing were excluded) fell within the presumptive guideline grids, 3.7% (252 sentences) indicated durational departures, and 9.7% (657 sentences) were dispositional departures. Of all the sentences within the presumptive guideline grids, 5,034 sentences (86%) fell within either the presumptive prison boxes or presumptive probation boxes, while 819 sentences (14%) fell within the designated border boxes.

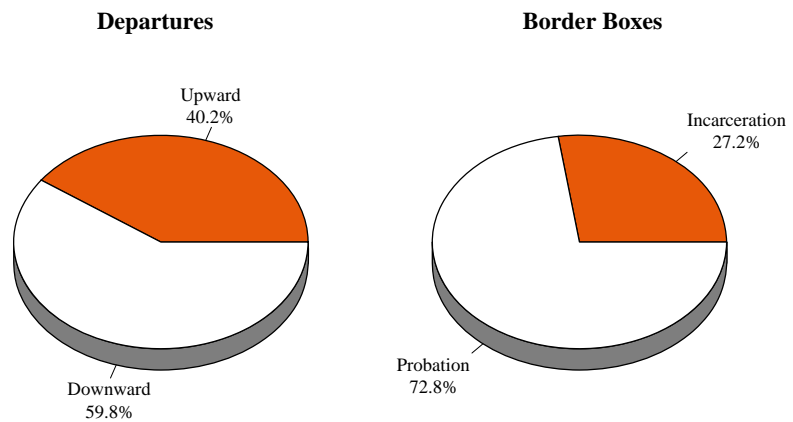
Figure 26 indicates that 59.8% (393 sentences) of the 657 dispositional departures were downward departures and 40.2% (264 sentences) were upward dispositional departures. Nearly 73% of the 819 border box sentences were probation sentences and a little over 27% were sentenced to prison (Figure 26). Analysis of durational departure sentences is applicable to presumptive prison sentences only.

Figure 25: Distribution of FY 1997 Overall Guideline Sentences



Based on 1,012 prison and 5,750 probation guideline sentences

Figure 26: Distribution of Dispositional Departure and Border Box Sentences



Based on 657 departures and 819 border boxes

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. Revocations of probation either with or without new sentences which result in incarceration sentences were excluded from this analysis. A total of 1,012 presumptive prison guideline sentences were utilized for this analysis.

Figure 27 indicates that 49% of total sentences fell within the presumptive incarceration range. Of this percentage, 27.4% fell within the standard range, 11.1% were within the aggravated range, and 16.5% were within the mitigated range. Forty-five percent were found within designated border boxes. Dispositional Depart 26.1% and Durational Depart 24.9%.

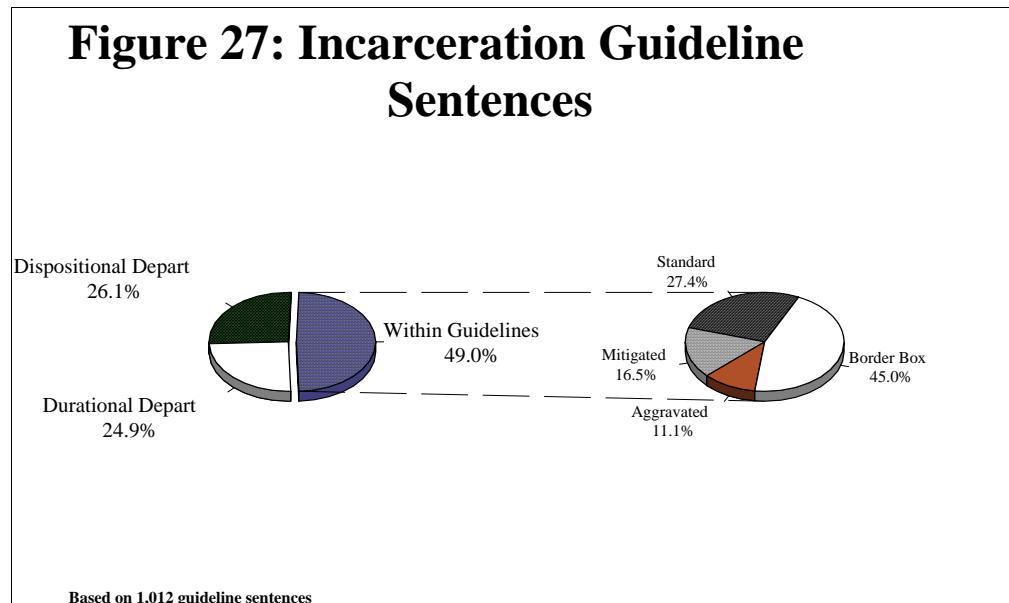
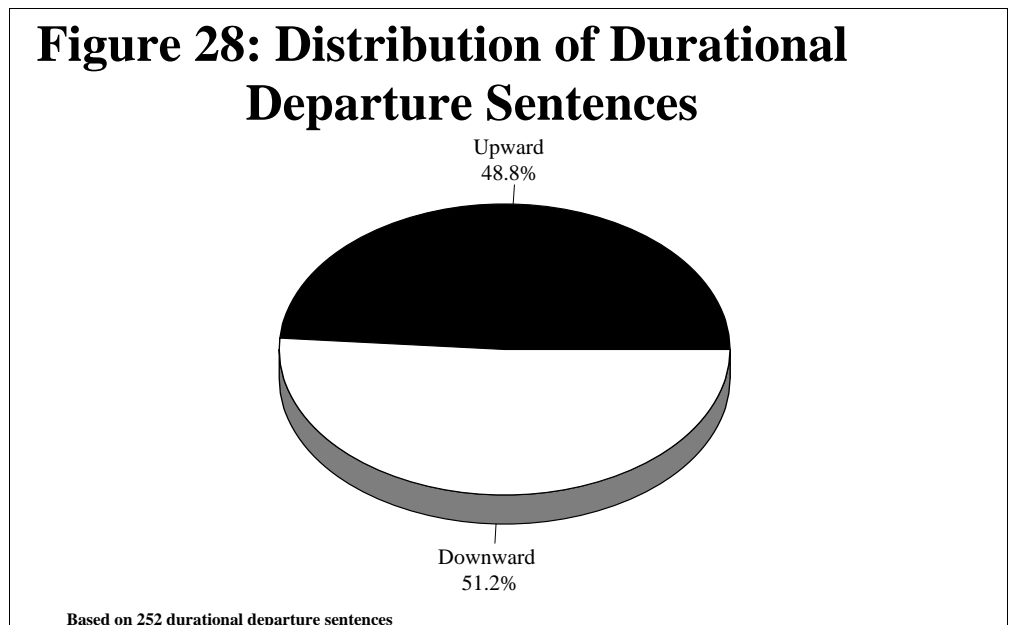
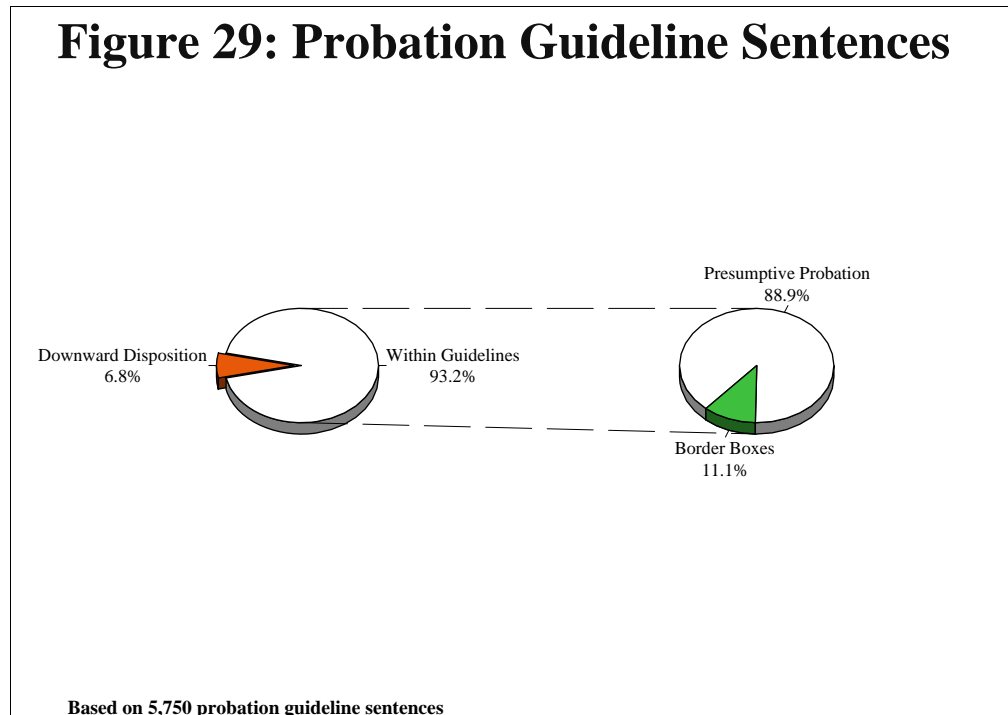


Figure 28 indicates that among the durational departure sentences, 48.8% departed upward from the presumptive guideline ranges, while 51.2% departed downward from the sentence lengths indicated on the presumptive range.



Conformity of Presumptive Probation Guideline Sentences

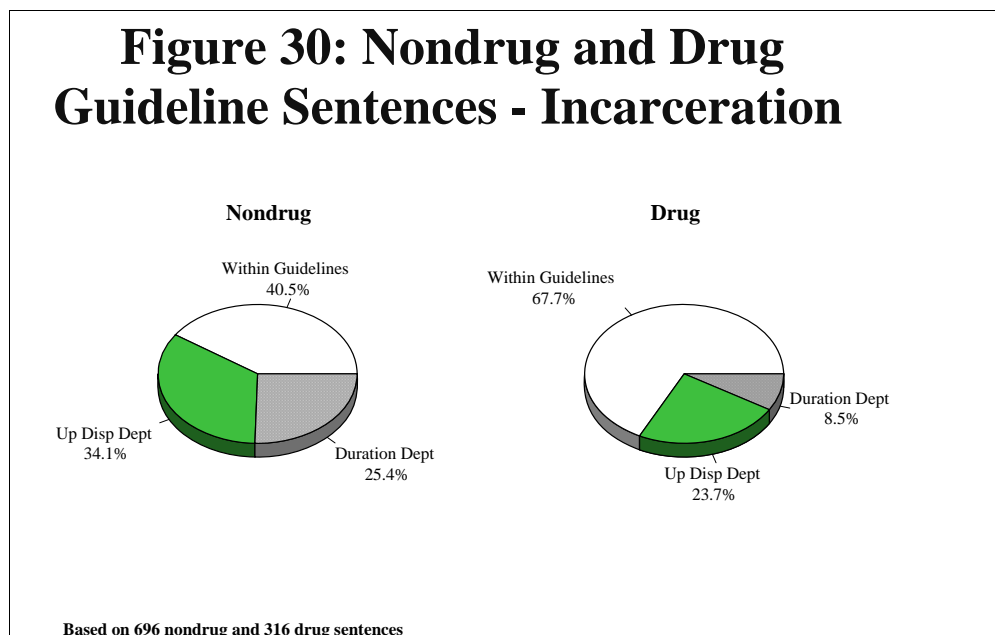
As expected, probation guideline sentences overwhelming (93.2%, 5,357 cases) fell beneath incarceration line, with only 11.1% falling within border boxes (Figure 29). This distribution accounted for 87.3% of the total probation sentences during FY 1997. Probation sentences reflected downward dispositional departures of 6.8%, while upward dispositional departure sentences were reflected in presumptive prison sentences (See Figure 26 above).



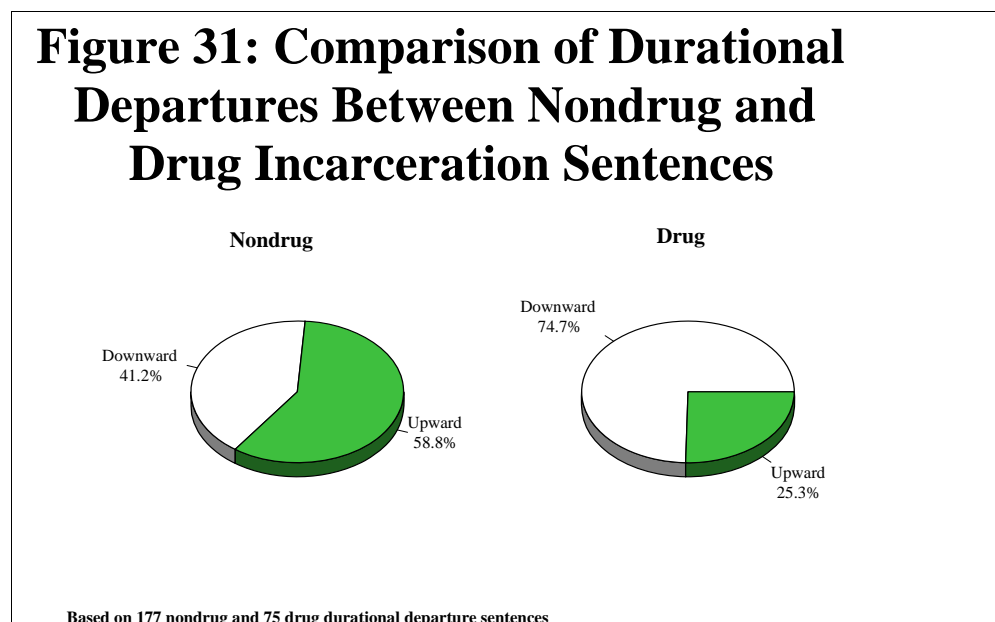
Conformity of Nondrug and Drug Guideline Sentences

Comparisons of conformity to the sentencing guidelines between incarceration nondrug and drug grids are displayed in Figures 30 and 31.

Figure 30 indicates that among nondrug offenders, the data showed 34.1% upward dispositional departures while drug offenders had only 23.7% upward dispositional departures. Nondrug offenders tripled the numbers of upward durational departures when compared with drug offenders.

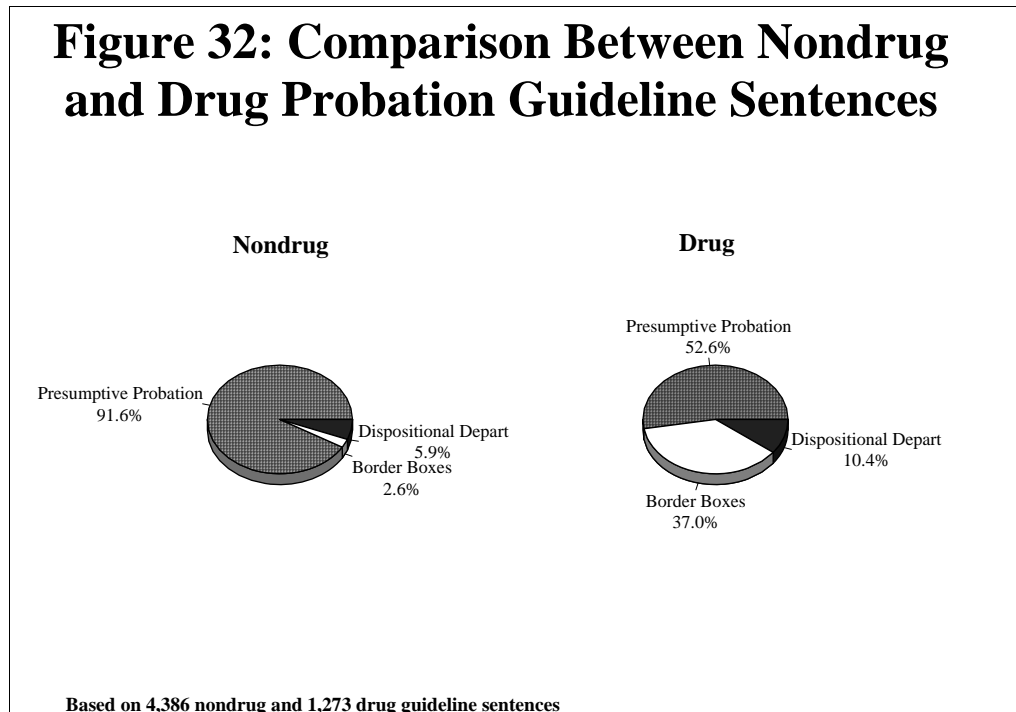


Examination of durational departures in Figure 31 indicates that downward departures represent 74.7% of the total durational departures on the drug grid. However, on the nondrug grid only 41.2% of durational departures are downward. The majority of the upward departures were found on severity levels 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 higher percentages of downward dispositional departures than nondrug sentences (Figure 32).

The sentencing trend in Kansas indicates that drug offenders tend to be sentenced to probation sentences when their types of offenses and criminal history categories fell within the border boxes than nondrug offenders. The sentencing trend also indicates that there is higher tendency to depart downward more often with drug sentences than nondrug sentences.



Conformity Rates to the Guidelines by Severity Level

Tables 26 demonstrates that conformity rates vary depending on severity levels, in addition to drug or nondrug offense classifications. Drug incarceration sentences, as a whole, indicated a 7.3% standard, 1.9% aggravated, 6% mitigated, and 52.7% border box sentence distribution. Nondrug sentences revealed a 16.2% standard, 7% aggravated, 9% mitigated, and 8.2% border box sentence distribution. As for the departure sentences, drug sentences showed 6% upward durational departures, 17.8% downward durational departures, whereas nondrug sentences showed a 14.9% upward durational departure rate and a 10.5% downward durational departure rate. When examining dispositional departures, nondrug sentences upward dispositional departures were present in 34.1%. By contrast, drug sentences showed only a 8.3% upward dispositional departures. This would indicate that judges are more likely to impose shorter sentences for drug offenders than for nondrug offenders.

Table 26: Conformity Rates by Severity Level - Incarceration Sentences

Severity Level	N	Within Guidelines(%)				Departures(%)			
						Durational		Dispositional	
		Agg	Stand	Miti	Box	Upward	Downward	Upward	
D1	3					100.0			
D2	35	5.7	17.1	5.7		17.1	54.3		
D3	169	0.6	3.6	5.3	75.7	2.4	12.4		
D4	108	2.8	10.2	7.4	35.2	5.6	14.8		24.1
Subtotal	315	1.9	7.3	6.0	52.7	6.0	17.8		8.3
N1	18	11.1	16.7	11.1		50.0	11.1		
N2	49	10.2	12.2	14.3		44.9	18.4		
N3	120	13.3	30.8	15.0		25.0	15.8		
N4	46	13.0	15.2	15.2		32.6	23.9		
N5	112	4.5	11.6	8.9	48.2	8.9	17.9		
N6	20	10.0	20.0	10.0	15.0	10.0	20.0		15.0
N7	109	2.8	10.1	3.7		6.4	2.8		74.3
N8	62	1.6	11.3	3.2		4.8	3.2		75.8
N9	127	3.9	15.0	5.5		4.7	2.4		68.5
N10	34	11.8	17.6	11.8					58.8
Subtotal	697	7.0	16.2	9.0	8.2	14.9	10.5		34.1
TOTAL	1,012	5.4	13.4	8.1	22.0	12.2	12.7		26.1

Table 27 displays the conformity rates for probation sentences by severity levels. Probation drug sentences indicated a 10.4% downward dispositional departures for sentences which should have been presumptive incarceration, while only 5.9% of nondrug sentences experienced downward dispositional departures. The significant differences also occurred within the border box grids. Drug offenders received more probation sentences than nondrug offenders when their severity levels and criminal history categories fell within the border boxes (37% versus 2.6%). Comparison of probation drug and nondrug sentences revealed the same trend as indicated with incarceration sentences; the tendency is to impose more non-prison sentences for drug offenders than for nondrug offenders.

Table 27: Conformity Rates by Severity Level - Probation Sentences

Severity Level	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
D1	2			100.0
D2	28			100.0
D3	389		91.8	8.2
D4	854	78.5	13.3	8.2
Subtotal	1,273	52.6	37.0	10.4
N1	7			100.0
N2	7			100.0
N3	40			100.0
N4	12			100.0
N5	141		72.3	27.7
N6	79	74.7	12.7	12.7
N7	841	96.3		3.7
N8	676	95.7		4.3
N9	2,203	96.6		3.4
N10	380	97.6		2.4
Subtotal	4,386	91.6	2.6	5.9
TOTAL	5,659	82.8	10.3	6.9

Conformity Rates to the Guidelines by Race

Tables 28 and 29 indicate varying conformity rates between drug and nondrug incarceration sentences by severity level and race. Table 28 shows that for drug incarceration sentences, blacks received slightly more aggravated sentences (2.0%). However, blacks received noticeably more standard sentences (9.9%) and mitigated sentences (8.9%) than whites. When examining departures, little difference was found between blacks and whites in dispositional or durational departures.

**Table 28: Conformity Rates by Race - Incarceration Sentences
Drug Offenders**

Severity Level and Race	N	Within Guidelines(%)				Departures(%)		
		Agg	Stand	Miti	Box	Durational		Dispositional
						Upward	Downward	Upward
D1								
White	3					100.0		
D2								
White	23	8.7	13.0	8.7		17.4	52.2	
Black	12		25.0			16.7	58.3	
D3								
White	123	0.8	3.3	4.1	76.4	1.6	13.8	
Black	45		4.4	8.9	75.6	4.4	6.7	
Other	1						100.0	
D4								
White	65	1.5	9.2	4.6	36.9	6.2	13.8	27.7
Black	43	4.7	11.6	11.6	32.6	4.7	16.3	18.6
TOTAL								
White	214	1.9	6.1	4.7	55.1	6.1	17.8	8.4
Black	100	2.0	9.9	8.9	47.5	5.9	16.8	8.9
Other	1						100.0	

Based on 316 drug incarceration guideline sentences

Examining nondrug incarceration sentences on Table 29, the trend is reversed. Blacks received more aggravated sentences (9.6% vs 5.7%), less standard sentences (10.9% vs 19.5%), higher mitigated sentences (13.0% vs 7.2%), more upward durational departures (18.3% vs 12.9%), and fewer upward dispositional departure sentences (30.0% vs 35.3%) than whites.

**Table 29: Conformity Rates by Race -Incarceration Sentences
Nondrug Offenders**

Severity Level and Race	N	Within Guidelines(%)				Departures(%)		
		Agg	Stand	Miti	Box	Durational		Dispositional
						Upward	Downward	Upward
N1								
White	6		33.3			50.0	16.7	
Black	12	16.7	8.3	16.7		50.0	8.3	
N2								
White	32	9.4	18.8	12.5		37.5	21.9	
Black	15	13.3		20.0		53.3	13.3	
Other	2					100.0		
N3								
White	81	7.4	35.8	14.8		24.7	17.3	
Black	35	22.9	22.9	17.1		22.9	14.3	
Other	4	50.0				50.0		
N4								
White	28	10.7	17.9	17.9		28.6	25.0	
Black	15	20.0	6.7	13.3		40.0	20.0	
Other	3		33.3			33.3	33.3	
N5								
White	69	5.8	15.9	4.3	52.2	8.7	13.0	
Black	42	2.4	4.8	16.7	40.5	9.5	26.2	
Other	1				100.0			
N6								
White	16	6.3	25.0	6.3	18.8	12.5	18.8	12.5
Black	4	25.0		25.0			25.0	25.0
N7								
White	71	1.4	12.7	4.2		4.2	4.2	73.2
Black	36	5.6	5.6	2.8		11.1		75.0
Other	2							100.0
N8								
White	36		13.9			2.8	2.8	80.6
Black	22	4.5	9.1	9.1		9.1	4.5	63.6
Other	4							100.0
N9								
White	83	6.0	15.7	4.8		2.4	2.4	68.7
Black	37		16.2	5.4		10.8	2.7	64.9
Other	7			14.3				85.7
N10								
White	20	10.0	10.0					80.0
Black	13	15.4	23.1	30.8				30.8
Other	1		100.0					
TOTAL								
White	442	5.7	19.5	7.2	8.8	12.9	10.6	35.3
Black	231	9.6	10.9	13.0	7.4	18.3	10.9	30.0
Other	24	8.3	8.3	4.2	4.2	20.8	4.2	50.0

Based on 696 nondrug incarceration guideline sentences

Conformity rates for probation sentences by race indicates that white offenders received more probation sentences (54.4%) but less downward dispositional departures (8.5%) than black offenders for drug sentences (Table 30). A similar pattern was found with nondrug sentences (Table 31). Blacks received fewer probation sentences but a higher percentage of downward dispositional departures than whites. Whites also received a higher percentage of probation sentences within the designated border boxes. This data would seem to indicate that whites are more likely than blacks to receive a probation sentence when the offender fell within the border box range of the sentence grid

**Table 30: Conformity Rates by Race - Probation Sentences
Drug Offenders**

Severity Level and Race	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
D1				
Black	2			100.0
D2				
White	14			100.0
Black	12			100.0
Other	1			100.0
D3				
White	250		92.8	7.2
Black	91		84.6	15.4
Other	8		100.0	
D4				
White	546	80.8	12.5	6.8
Black	218	72.5	14.7	12.8
Other	11	81.8	9.1	9.1
TOTAL				
White	810	54.4	37.1	8.5
Black	323	48.9	33.7	17.4
Other	20	45.0	45.0	10.0

Based on 1,153 drug probation sentences reporting race of offenders

**Table 31: Conformity Rates by Race - Probation Sentences
Nondrug Offenders**

Severity Level and Race	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
N1				
White	6			100.0
Black	1			100.0
N2				
White	4			100.0
Black	3			100.0
N3				
White	22			100.0
Black	10			100.0
Other	4			100.0
N4				
White	7			100.0
Black	3			100.0
N5				
White	92		73.9	26.1
Black	30		60.0	40.0
Other	4		75.0	25.0
N6				
White	56	75.0	12.5	12.5
Black	13	69.2	23.1	7.7
Other	1	100.0		
N7				
White	566	96.1		3.9
Black	180	97.2		2.8
Other	18	100.0		
N8				
White	437	96.1		3.9
Black	180	94.4		5.6
Other	11	100.0		
N9				
White	1,511	97.2		2.8
Black	445	95.1		4.9
Other	37	100.0		
N10				
White	235	97.9		2.1
Black	116	96.6		3.4
TOTAL				
White	2,936	92.1	2.6	5.3
Black	981	90.6	2.1	7.2
Other	75	89.3	4.0	6.7

Based on 3,992 nondrug probation sentences reporting race of offenders

Conformity Rates to the Guidelines by Gender

Table 32 illustrates that for drug incarceration sentences, conformity rates also vary depending on severity level and gender. Males received less aggravated (1.8%), upward durational departures (5.8%), and upward dispositional departures (7.6%) sentences than females. Females received slightly more presumptive prison sentences (55%) when the offender fell within the border boxes and less mitigated (5%) sentences than males. Females also received less standard sentences and downward durational departures than males (5% vs 6.2% and 10% vs 18.8%).

**Table 32: Conformity Rates by Gender - Incarceration Sentences
Drug Offenders**

Severity Level and Gender	N	Within Guidelines(%)				Departures(%)			
		Agg	Stand	Miti	Box	Durational		Dispositional	
						Upward	Downward	Upward	
D1									
Male	2					100.0			
Female	1					100.0			
D2									
Male	27	3.7	18.5	7.4		14.8	55.6		
Female	8	12.5	12.5			25.0	50.0		
D3									
Male	150	0.7	4.0	5.3	73.3	2.7	14.0		
Female	19			5.3	94.7				
D4									
Male	96	3.1	10.4	7.3	35.4	6.3	16.7	20.8	
Female	12		8.3	8.3	33.3			50.0	
TOTAL									
Male	275	1.8	7.6	6.2	52.2	5.8	18.8	7.6	
Female	40	2.5	5.0	5.0	55.0	7.5	10.0	15.0	

Based on 316 drug incarceration guideline sentences

Table 33 indicates the same trend for nondrug incarceration sentences in that females were more likely to receive a prison sentence within the border box range (15.9%) and to receive upward dispositional departure sentences (61.4%). Males, on the other hand, received prison sentences at a rate of 7.7% of within border boxes and accounted for 32.2% of the upward dispositional departure sentences. Based on gender alone, it would seem to indicate that females are more likely to receive a prison sentence or an upward departure sentence than do males for both drug and nondrug sentences.

**Table 33: Conformity Rates by Gender - Incarceration Sentences
Nondrug Offenders**

Severity Level and Gender	N	Within Guidelines(%)				Departures(%)		
		Agg	Stand	Miti	Box	Durational		Dispositional
						Upward	Downward	Upward
N1								
Male	18	11.1	16.7	11.1		50.0	11.1	
N2								
Male	48	10.4	12.5	14.6		45.8	16.7	
Female	1						100.0	
N3								
Male	117	13.7	30.8	13.7		25.6	16.2	
Female	3		33.3	66.7				
N4								
Male	42	14.3	14.3	14.3		35.7	21.4	
Female	4		25.0	25.0			50.0	
N5								
Male	103	4.9	12.6	9.7	45.6	8.7	18.4	
Female	9				77.8	11.1	11.1	
N6								
Male	19	10.5	21.1	10.5	15.8	10.5	21.1	10.5
Female	1							100.0
N7								
Male	104	2.9	10.6	3.8		6.7	2.9	73.1
Female	5							100.0
N8								
Male	52	1.9	13.5	3.8		5.8	3.8	71.2
Female	10							100.0
N9								
Male	118	4.2	16.1	5.9		5.1	2.5	66.1
Female	9							100.0
N10								
Male	32	12.5	18.8	12.5				56.3
Female	2							100.0
TOTAL								
Male	653	7.5	17.0	9.2	7.7	15.8	10.6	32.2
Female	44	0.0	4.5	6.8	15.9	2.3	9.1	61.4

Based on 696 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 34 and 35). However, females were less likely to be sentenced to probation than males when they fell within the border box ranges (Tables 34 and 35). 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 when their offenses fell within the presumptive probation portion of the grid. Females also had less chance for a downward departure to probation if their sentences fell within the presumptive incarceration boxes. The above findings were also present in the FY 1996 Commission's Report (see Kansas Sentencing Commission FY 1996 Annual Report).

**Table 34: Conformity Rates by Gender - Probation Sentences
Drug Offenders**

Severity Level and Gender	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
D1				
Male	2			100.0
Female				
D2				
Male	20			100.0
Female	7			100.0
D3				
Male	268		88.8	11.2
Female	89		97.8	2.2
D4				
Male	583	74.8	14.4	10.8
Female	202	88.6	9.4	2.0
TOTAL				
Male	873	49.9	36.9	13.2
Female	298	60.1	35.6	4.4

Based on 1,171 drug probation sentences reporting gender of offenders

**Table 35: Conformity Rates by Gender - Probation Sentences
Nondrug Offenders**

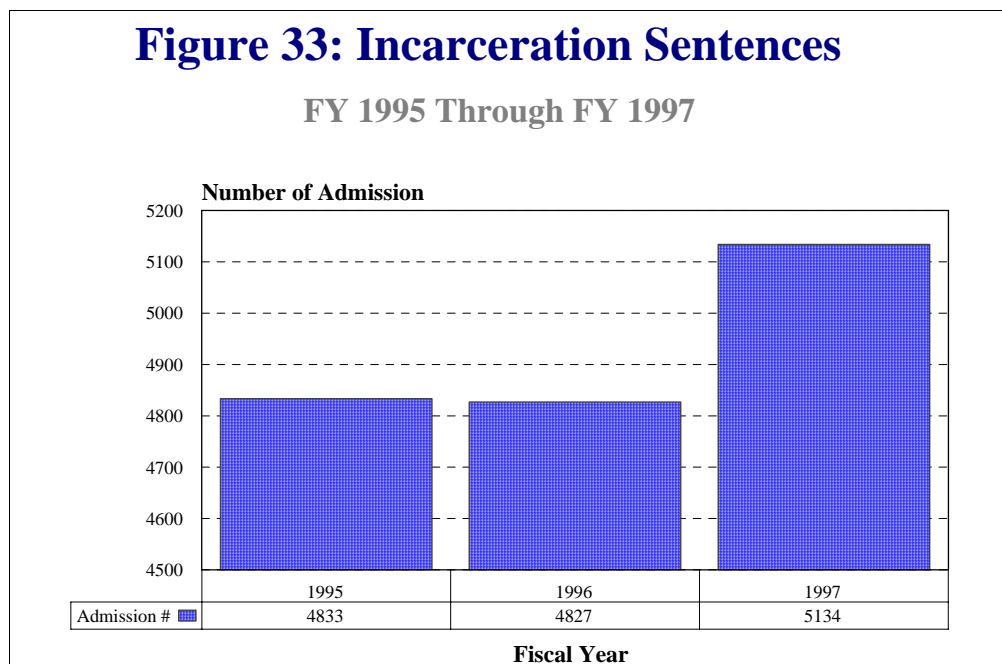
Severity Level and Gender	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
N1				
Male	6			100.0
Female	1			100.0
N2				
Male	7			100.0
N3				
Male	36			100.0
Female	1			100.0
N4				
Male	8			100.0
Female	2			100.0
N5				
Male	113		71.7	28.3
Female	14		64.3	35.7
N6				
Male	65	72.3	15.4	12.3
Female	7	100.0		
N7				
Male	702	96.7		3.3
Female	70	94.3		5.7
N8				
Male	408	93.9		6.1
Female	228	99.1		0.9
N9				
Male	1,728	96.4		3.6
Female	287	99.3		0.7
N10				
Male	291	96.9		3.1
Female	63	100.0		
TOTAL				
Male	3,364	90.8	2.7	6.5
Female	673	96.1	1.3	2.5

Based on 4,037 nondrug probation sentences reporting gender of offenders

SENTENCING TRENDS AND FORECAST: FY 1995 THROUGH FY 1997

Sentencing trends in this section include comparisons between fiscal years 1995, 1996, and 1997 prison sentences only. In fiscal year 1997, the total number of incarceration sentences increased by 6.4 percent from the number of 4,827 sentences reported in FY 1996.

The total number of admissions in FY 1997 also indicated an increase of 6.2 percent from the 4,833 admissions reported in FY 1995 (Figure 33).



Monthly prison admission rates in FY 1997 demonstrate a different pattern when compared to FY 1995 and FY 1996 (Figure 34).

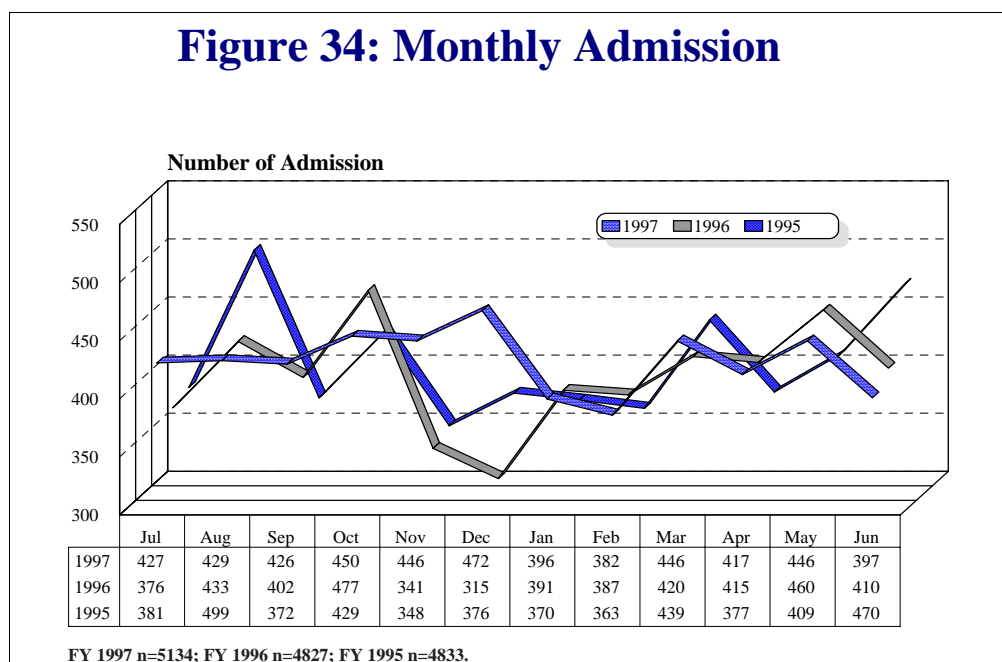


Figure 35 and Table 36 represent the types of admissions to prison.

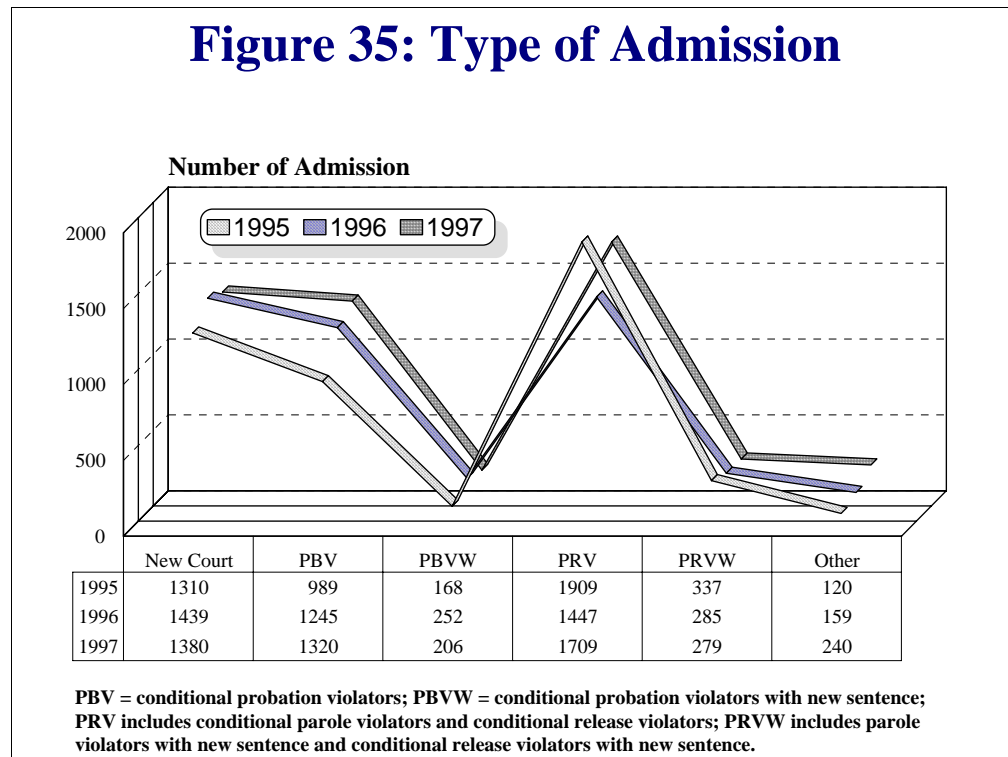


Table 36: Comparison of Prison Admissions Between FY 1995 Through FY 1997

Admission Type	FY 97	FY 96	FY 95	FY 97-96 % Difference	FY 97-95 % Difference
New Court Admission	1380	1439	1310	-4.1%	+3.5%
Probation Violator	1320	1245	989	+6.0%	+33.5%
Probation Violator with New Sentence	206	252	168	-18.3%	+22.6%
Parole/Postrelease Violator	1624	1364	1816	+19.1%	-10.6%
Parole/Postrelease Violator with New Sent	269	265	313	+1.5%	-14.6%
Conditional Release Violator	85	83	93	+2.4%	-8.6%
Conditional Release Violator with New Sent	10	20	24	-50.0%	-58.3%
Other Types*	240	159	120	50.9%	+100.0%
Total	5134	4827	4833	6.4%	6.2%

* Other admissions include inter-jurisdictional transfers, pre-sentence evaluations, return from court appearances, and returned escapees.

In fiscal year 1997, the number of new court admission decreased by 4.1% as compared with that of FY 1996 but increased by 3.5% when compared with FY 1995. Probation violators without new sentences went up by 6% when compared with the number of FY 1996 and almost 33.5% from the FY 1995 number. In contrast, probation violators with new sentences decreased by 18% from the number in FY 1996 and increased by 22.6% from the FY 1995 number. Both parole/postrelease violators without or with new sentences increased by 19% and 1.5%, respectively, when compared with that of FY 1996. In comparison with FY 1995, both parole/postrelease violators without or with new sentences decreased by 10.6% and 14.1%, respectively. Conditional release violators without new sentences were

up by 2.4% from the FY 1996 number and decreased by 8.6% from the FY 1995 number. Conditional release violators with new sentences indicated a significant decrease through the last two years (Table 36).

As illustrated in Figures 36 and 37 and Tables 37 and 38, both drug and nondrug sentences increased in FY 1997.

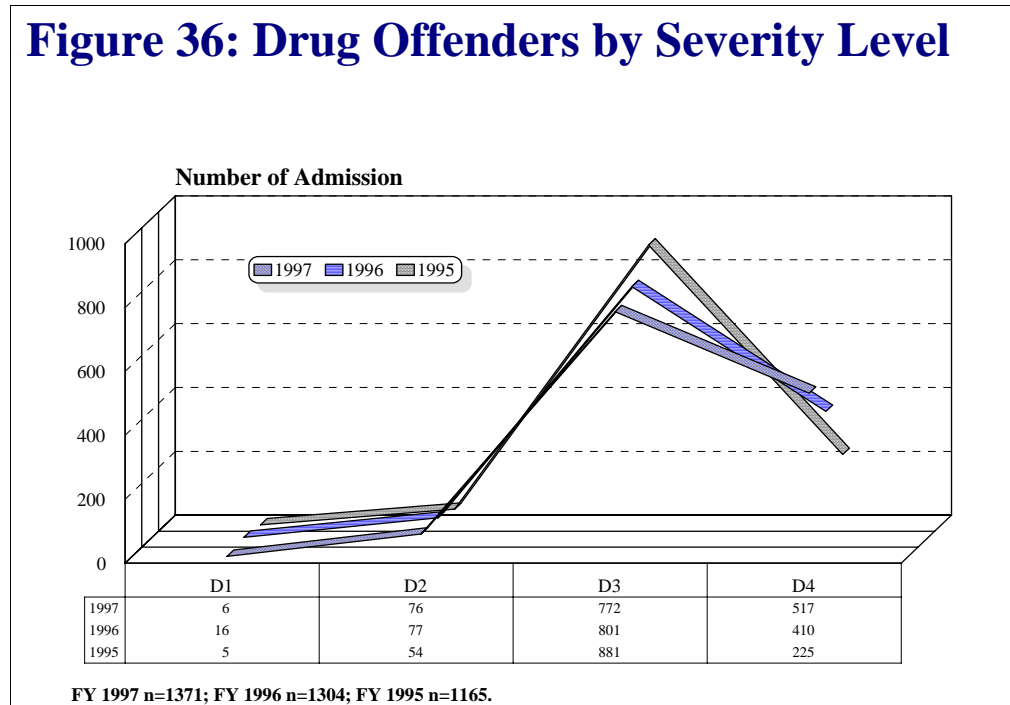


Table 37: Comparison of Drug Offenders By Severity Level Between FY 1995 Through FY 1997

Severity Level	FY 1997	FY 1996	FY 1995	FY 97-96 # Difference	FY 97-96 % Difference	FY 97-95 # Difference	FY 97-95 % Difference
D1	6	16	5	-10	-62.5%	+1	+20.0%
D2	76	77	54	-1	-1.3%	-1	-1.9%
D3	772	801	881	-29	-3.6%	-109	-12.4%
D4	517	410	225	+107	+26.1%	+292	+129.8%
Total	1371	1304	1165	+67	+5.1%	+206	+17.7%

Figure 37: Nondrug Offenders by Severity Level

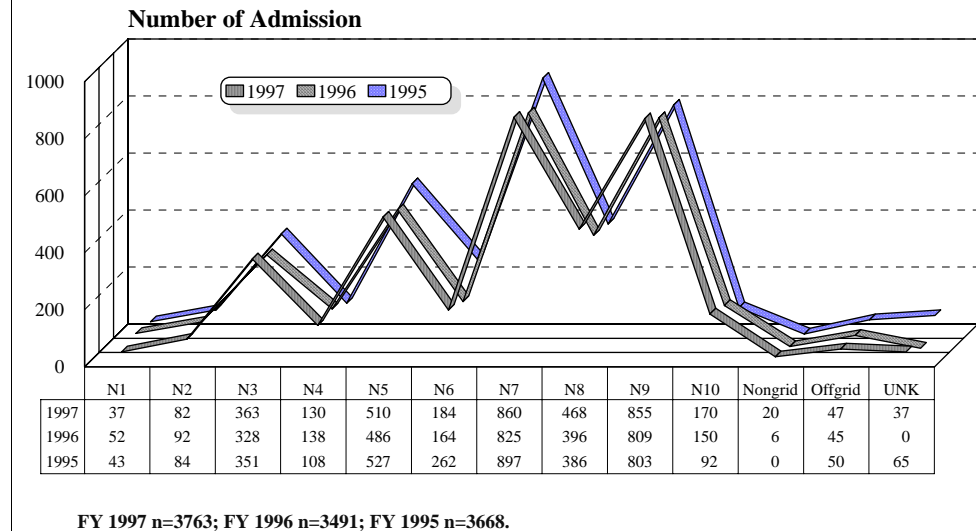


Table 38: Comparison of Nondrug Offenders By Severity Level Between FY 1995 Through FY 1997

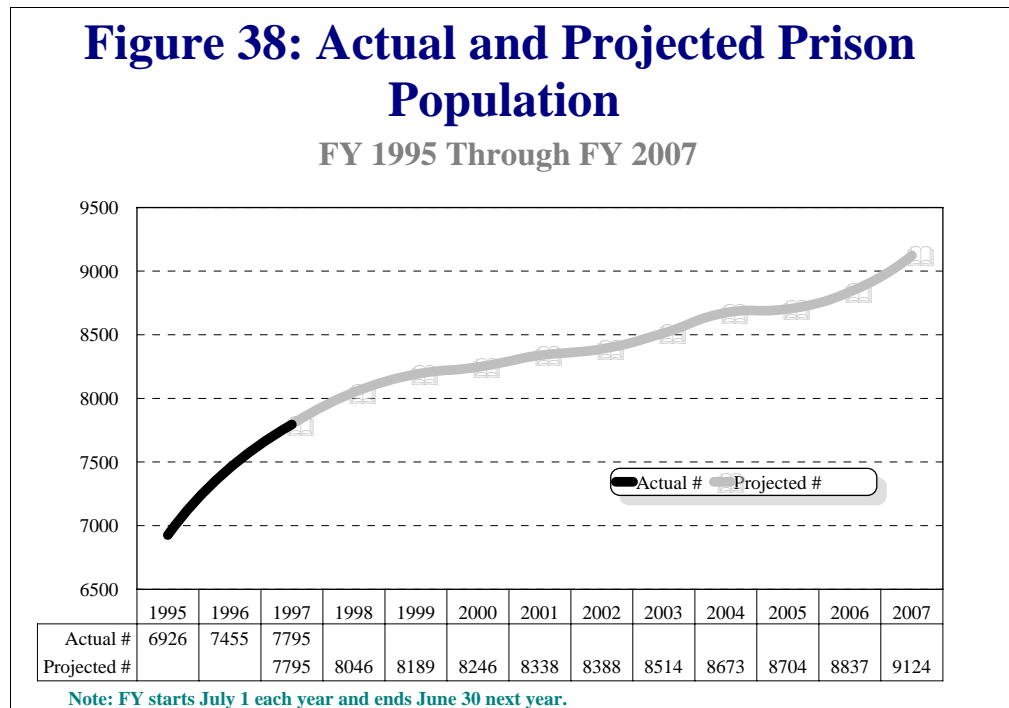
Severity Level	FY 1997	FY 1996	FY 1995	FY 97-96 # Difference	FY 97-96 % Difference	FY 97-95 # Difference	FY 97-95 % Difference
N1	37	52	43	-15	-28.8%	-6	-14.0%
N2	82	92	84	-10	-10.9%	-2	-2.4%
N3	363	328	351	+35	+10.7%	+12	+3.4%
N4	130	138	108	-8	-5.8%	+22	+20.4%
N5	510	486	527	+24	+4.9%	-17	-3.2%
N6	184	164	262	+20	+12.2%	-78	-29.8%
N7	860	825	897	+35	+4.2%	-37	-4.1%
N8	468	396	386	+72	+18.2%	+82	+21.2%
N9	855	809	803	+46	+5.7%	+52	+6.5%
N10	170	150	92	+20	+13.3%	+78	+84.8%
Offgrid	47	45	50	+2	+4.4%	-3	-6.0%
Other	57	6	65	+51	+850%	-8	-12.3%
Total	3763	3491	3668	+272	+7.8%	+95	+2.6%

Drug sentences, when compared with FY 1996, increased by 5%, while nondrug sentences increased by 7.8% from that of FY 1996 (Figure 36 and Table 37). However, in comparison with FY 1995, drug sentences indicated a significant increase by almost 18%, while nondrug sentences demonstrated a marginal increase of only 2.6% (Figure 37 and Table 38). The number of drug sentences

in all severity levels decreased in FY 1997 except for drug level 4, which increased by about 26.1% from the previous year and 129.8% from that of FY 1995. The largest decrease for drug offenders fell on drug grid level 1, which decreased by 62.5% from FY 1996 (Table 37). The largest decrease for nondrug offenders occurred in nondrug severity levels 1 and 2, which dropped by 28% in level 1 and 10.9% in level 2 from FY 1996, respectively (Table 38). However, the number of nondrug severity levels 8 and 10 rose by 18.2% and 13.3% from FY 1996 as well as 21.2% and 84.8% from FY 1995 (Table 38). In summary, the trend indicates an overall increase for both drug and nondrug offenders in the past years.

Prison Population Forecasts

Figure 38 indicates the actual and projected prison populations from the FY 1995 through the FY 2007.



Offenders incarcerated in state prisons are projected to reach 9,124 by June 30, 2007, which indicates an increase of 1,329 inmates (17%) from the FY 1997 actual prison population. Prison inmate population projections by severity levels are presented on Table 39.

Table 39: Ten Year Inmate Prison Population Projections

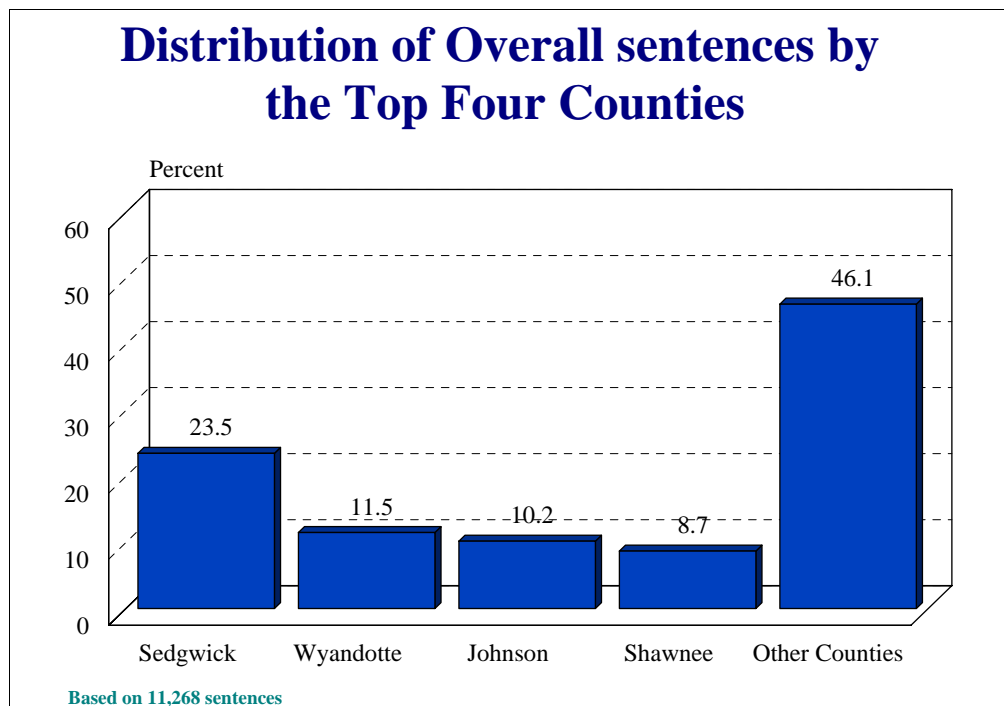
Severity Level	June 30 Each Fiscal Year											Total Increase	Percent Increase
	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007		
N1	335	340	348	353	370	372	376	390	396	401	415	80	23.9%
N2	617	638	685	690	737	769	781	806	810	804	833	216	35.0%
N3	1296	1329	1318	1319	1322	1318	1319	1325	1329	1322	1348	52	4.0%
N4	299	293	297	303	304	316	325	330	333	344	355	56	18.7%
N5	906	907	955	992	1004	1007	1022	1026	1016	1033	1063	157	17.3%
N6	157	172	178	184	192	193	199	193	198	197	203	46	29.3%
N7	711	780	832	846	810	806	836	871	881	891	906	195	27.4%
N8	231	325	316	315	306	296	295	299	296	300	317	86	37.2%
N9	285	324	332	351	363	350	372	390	395	398	413	128	44.9%
N10	45	44	46	49	45	57	50	56	50	55	69	24	53.9%
D1	30	32	41	47	53	59	65	69	68	72	79	49	163.3%
D2	188	199	215	226	230	241	243	243	242	249	258	70	37.2%
D3	643	556	552	555	558	549	578	605	607	611	636	-7	-1.1%
D4	360	407	408	409	399	403	413	422	428	433	456	96	26.7%
Offgrid	670	714	763	822	890	927	965	1019	1062	1144	1208	538	80.3%
Conditional Parole Violators	1048	986	903	785	755	725	675	629	593	583	565	-483	-46.1%
Grand Total	7821	8046	8189	8246	8338	8388	8514	8673	8704	8837	9124	1303	16.7%

APPENDIX

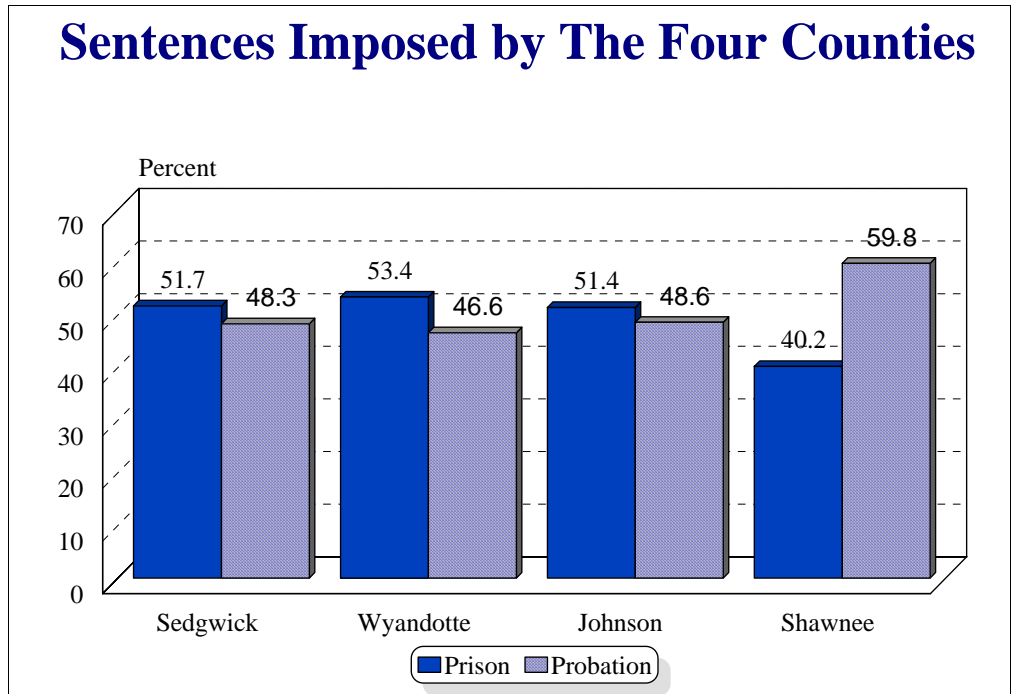
SENTENCES FROM THE TOP FOUR COUNTIES

Sentences received by the Commission in FY 1997 demonstrated that Sedgwick, Wyandotte, Johnson, and Shawnee counties accounted for 53.9% of the total state sentences. This percentage has increased by 1.4% from that of FY 1996. Sedgwick was the top committing county followed by Wyandotte, Johnson, and Shawnee Counties. In comparison with the FY 1996 sentences, Shawnee County's sentences increased by 22.1%, followed by Johnson (7.5%), Sedgwick (4.7%), and Wyandotte (0.5%) counties. Characteristics of offenses and offenders from the four counties are displayed in the following figures and tables:

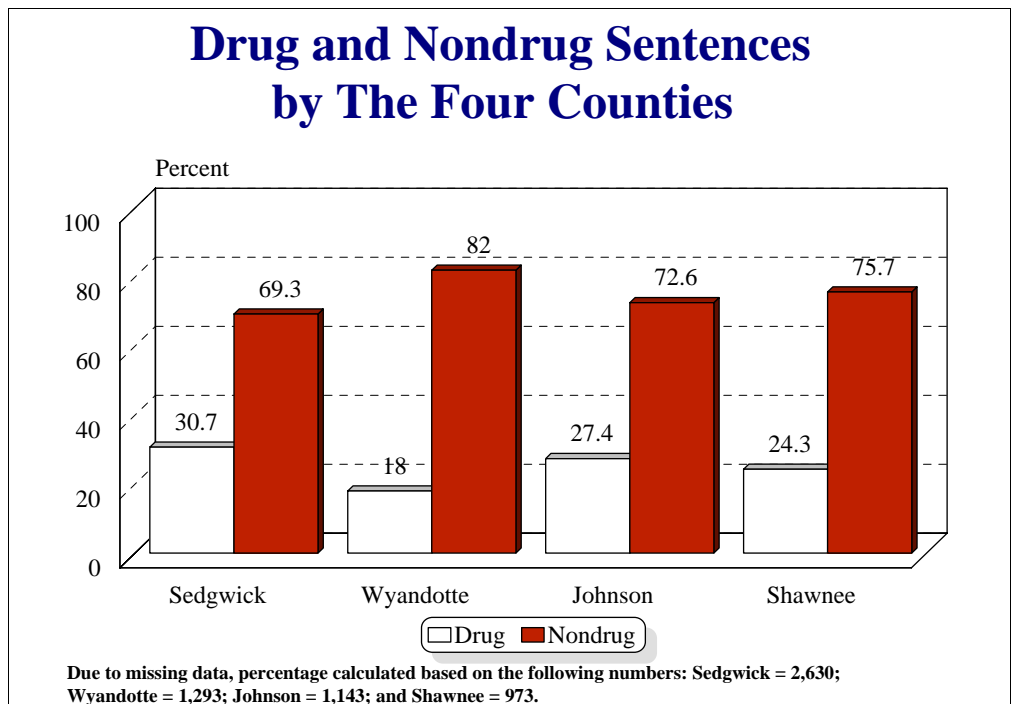
Sedgwick, Wyandotte, Johnson, and Shawnee Counties accounted for 53.9% of the total state sentences in FY 1997.



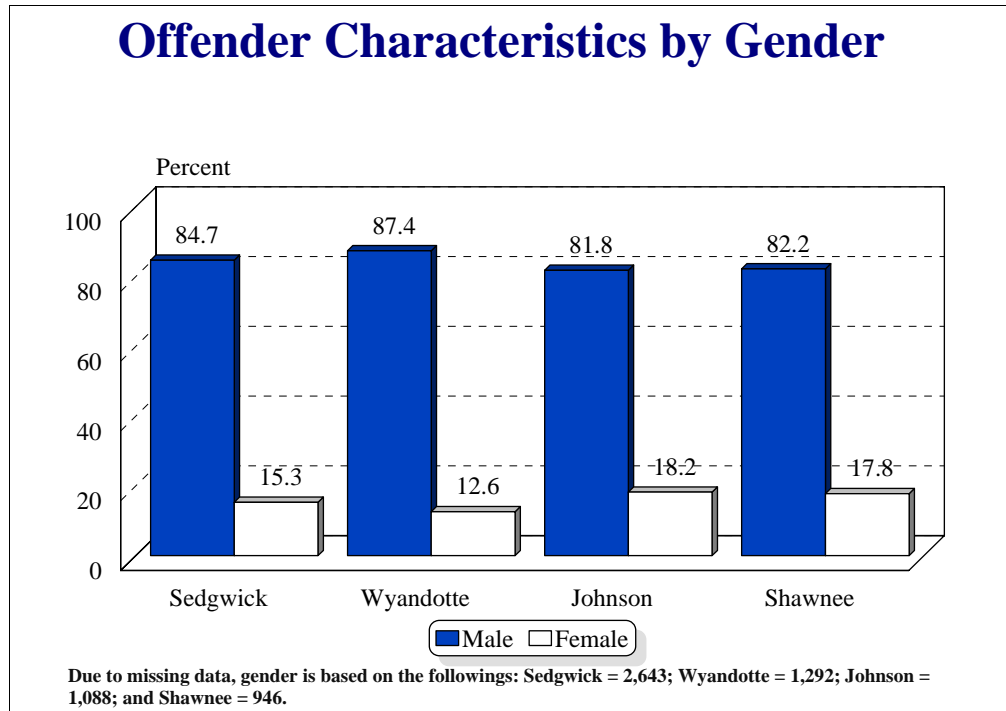
Shawnee County imposed more probation sentences than the other three counties, while Wyandotte County had the highest percentage of prison sentences.



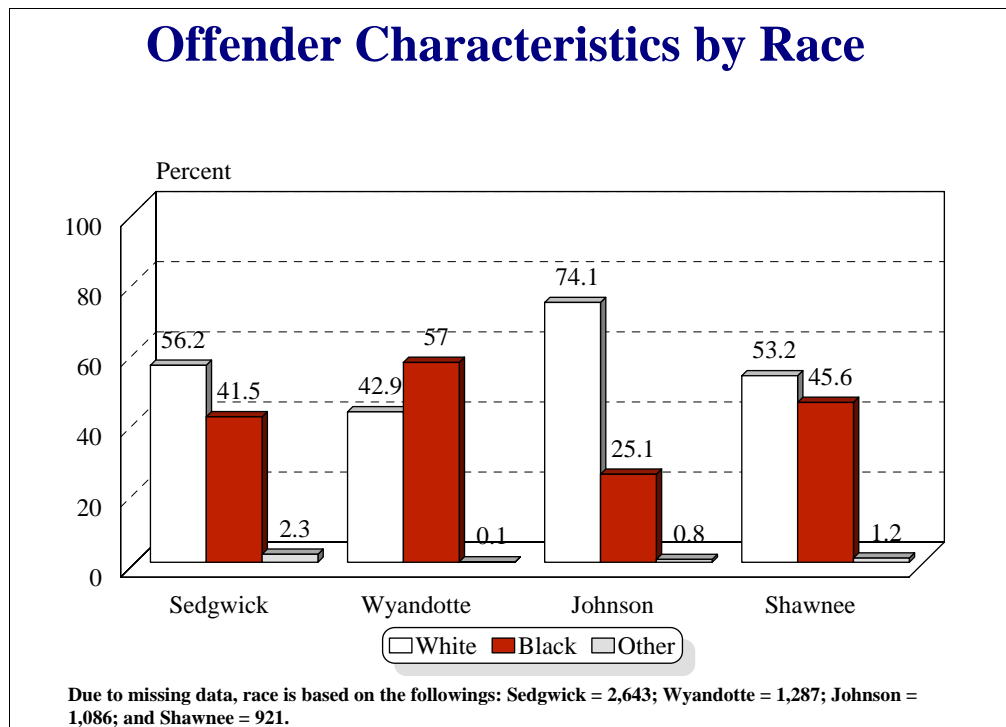
Sedgwick County had the highest percentage of drug sentences, while Wyandotte County imposed the largest number of nondrug sentences.



Johnson County had the highest percentage of female offenders, while Wyandotte County reported more male offenders.



Wyandotte County reported more black offenders, while Johnson County reported more white offenders.



FY 1997 Sentences from The Four Counties by Severity Level

Severity Level	County			
	Sedgwick (%)	Wyandotte (%)	Johnson (%)	Shawnee (%)
D1	4(0.2)	0(0.0)	0(0.0)	0(0.0)
D2	52(2.0)	4(0.3)	6(0.5)	1(0.1)
D3	380(14.4)	66(5.1)	105(9.1)	94(9.6)
D4	376(14.2)	162(12.5)	201(17.5)	139(14.2)
N1	9(0.3)	9(0.7)	7(0.6)	2(0.2)
N2	25(0.9)	18(1.4)	1(0.1)	5(0.5)
N3	144(5.4)	54(4.2)	18(1.6)	23(2.4)
N4	44(1.7)	18(1.4)	12(1.0)	11(1.1)
N5	174(6.6)	84(6.5)	53(4.6)	71(7.3)
N6	76(2.9)	29(2.2)	22(1.9)	24(2.5)
N7	355(13.4)	212(16.3)	142(12.3)	139(14.2)
N8	279(10.5)	107(8.2)	133(11.6)	111(11.4)
N9	597(22.6)	389(29.9)	261(22.7)	246(25.2)
N10	65(2.5)	108(8.3)	158(13.7)	88(9.0)
Nongrid	55(2.1)	27(2.1)	23(2.0)	17(1.7)
Offgrid	10(0.4)	11(0.8)	4(0.3)	6(0.6)
Unknown	2(0.1)	3(0.2)	5(0.4)	0(0.0)
Total	2647(100.0)	1301(100.0)	1151(100.0)	977(100.0)

Top Ten Most Serious Offenses by The Four Counties - 1

Offense Type	Sedgwick County		Offense Type	Wyandotte County	
	N	%		N	%
Drugs	812	30.7	Drugs	234	18.0
Burglary	308	11.6	Theft	195	15.0
Theft	230	8.7	Burglary	137	10.5
Driving While a Hab Viol	163	6.2	Forgery	102	7.8
Forgery	157	5.9	Driving While a Hab Viol	98	7.5
Aggravated Battery	97	3.7	Aggravated Battery	73	5.6
Aggravated Robbery	95	3.6	Aggravated Assault	55	4.2
Agg Escape from Custody	86	3.2	Driving While Suspended	55	4.2
Robbery	78	2.9	Robbery	50	3.8
Possession of Firearm	52	2.0	Aggravated Robbery	43	3.3
Total	2078	78.5	Total	1042	79.9

Top Ten Most Serious Offenses by The Four Counties - 2

Offense Type	Johnson County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	312	27.1	Drugs	234	24.0
Theft	177	15.4	Burglary	102	10.4
Forgery	130	11.3	Forgery	99	10.1
Burglary	118	10.3	Theft	73	7.5
Aggravated Battery	48	4.2	Robbery	65	6.7
Robbery	37	3.2	Aggravated Battery	55	5.6
Driving While a Hab Viol	28	2.4	Driving While a Hab Viol	51	5.2
Aggravated Assault	27	2.3	Criminal Threat	32	3.3
Non-Support of Child	26	2.3	Aggravated Assault	28	2.9
Criminal Threat	23	2.0	Driving While Suspended	26	2.7
Total	926	80.5	Total	765	78.4