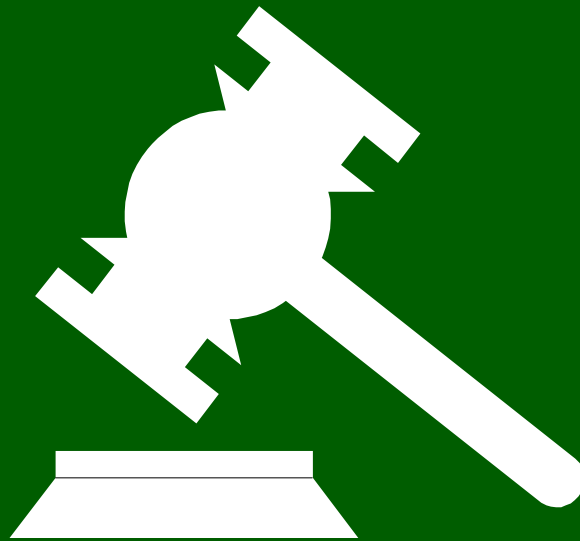


# KANSAS SENTENCING COMMISSION

1998 ANNUAL REPORT



FEBRUARY 1999

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**KANSAS SENTENCING  
COMMISSION**

**ANNUAL REPORT  
FY 1998**

**ANALYSIS OF SENTENCING GUIDELINES  
IN  
KANSAS**

**Honorable Richard B. Walker  
Chair**

**Paul Morrison  
Vice Chair**

**Barbara S. Tombs  
Executive Director**



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**Paul Morrison, Vice Chair**  
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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 and especially the work of Patricia Biggs. The Commission would also like to thank Wendy Naro of the National Council on Crime and Delinquency for her assistance in the development of prison population projections.

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**State of Kansas**  
**KANSAS SENTENCING COMMISSION**

Honorable Richard D. Walker, Chair  
District Attorney Paul Morrison, Vice Chair  
Barbara S. Tombs, Executive Director

February 19, 1999

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

The Kansas Sentencing Commission proudly submits the its Annual Report for Fiscal Year 1998. This is the fourth 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 whose probation terms are extended and a probation trend analysis. The Commission's statewide sentencing database currently includes all felony prison sentences and probation sentences, juvenile dual adjudication sentences, and probation revocation sentences. As this comprehensive statewide database continues to grow, more detailed analysis of sentencing issues are possible.

With the introduction of the Sentencing Commission's web site, many of the Commission's activities and reports are easily accessible to criminal justice agencies, as well as the general public. The Kansas Sentencing Commission also serves as a major informational resource on sentencing guideline issues and sentencing data for the state. The Commission works closely with the legislature and other state criminal justice agencies regarding prison population projections and proposed changes in criminal justice policy.

As the Sentencing Commission continues to increase both the types and volume of sentencing information for the state of Kansas, it is our hope that policymakers, criminal justice professionals and the public finds the information contained in this report, both useful and educational. If you have any questions or comments, please feel free to contact the Commission.

Respectfully Submitted,

Barbara S. Tombs  
Executive Director





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## **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 1998. Included in this year's report are two new sections: an analysis of probation violators whose probation terms are extended and probation trend analysis.

### **GUIDELINE PRISON ADMISSIONS**

An analysis of FY 1998 admissions indicates that offenders sentenced under guideline sentences represented almost 95% of total new court commitments for the year. The remaining 5% of admissions included 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.

Of the total pre-guideline sentences, 94.6% 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 nearly 100%, more comprehensive analyses of the impact of guidelines on sentencing disparity and prison population will be able to be completed.

### **OFFENDER CHARACTERISTICS**

Males continued to be the predominant offender type and accounted for 89.4% of all offenders sentenced to prison. In addition, males also accounted for over 90% of all murders, rapes, kidnapping, robberies, burglaries, and other aggravated crimes. All sex offenders admitted to prison in FY 1998 were males, which represented no change from the previous year. Females were incarcerated more often for the offenses of criminal use of financial card, forgery, making false writing, and issuing worthless checks.

White offenders represented 60.1% of individuals incarcerated and 93.1% of offenders were of non-Hispanic origin. The highest percentage of offenders incarcerated were in their 30's and had attained either a high school diploma or GED equivalent. The highest incarceration rates (80%) for whites were found in the offense categories of sex offenses, aggravated arson, capital murder, drug without tax stamps, DUI, nonsupport of child or spouse, and issuing worthless checks. Whereas blacks indicated the highest incarceration rates (over 50%) for the crimes of aggravated robbery, robbery, aid of felon, criminal deprivation of vehicle, murder in the second degree, and voluntary

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manslaughter. Except the offense of capital murder (four cases), the data appears to indicate that blacks are incarcerated for more serious person offenses, whereas, whites have 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 1998, 7,122 pure guideline sentences were analyzed to determine conformity to the guidelines. 88% (6,211 sentences) of the 7,056 guideline sentences (criminal history categories missing were excluded) fell within the guideline sentence range. Presumptive prison sentences indicated that 34.9% of the sentences were in the standard range of the grid cell, with 11.2% in the aggravated range and 18.6% in the mitigated range. Durational departures were indicated in 26.2% of the sentences and 20.6% of the sentences demonstrated dispositional departures. In further examination of durational departures, 53.6% were downward durational departures, while 46.4% indicated upward durational departures. When comparing drug and nondrug sentences, nondrug sentences indicated 26.1% upward dispositional departures while drug sentences represented only 4.3% upward dispositional departures. However, analysis of drug sentences reveal a 72.5% downward durational departure compared to 47.7% for nondrug sentences. Upward durational departures were found most frequently on severity levels two, three and four of the nondrug grid. Downward durational departures appeared most often on severity levels one and two of the drug grid. Departures will continue to be closely monitored to evaluate potential adjustments to the guidelines.

## **NONPRISON/PROBATION SENTENCES**

In FY 1998, a total of 6,397 probation sentences were reported to the Commission, representing 5,059 nondrug offenses and 1,338 drug offenses. The distribution of probation sentences indicates that 1,171 sentences were for person offenses and 5,178 sentences were for nonperson offenses. Among probation drug offenders, more than 70% of the probation sentences were for possession of drugs (page 30). In examining criminal history categories, nearly 45% of drug probation offenders fell within criminal history category I, whereas only 30.2% of nondrug probation offenders fell within that same criminal history category. Nearly 55% of probation drug offenders fell within the presumptive probation grid cells, compared to 89% 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 indicates some shifts from FY 1995 to FY 1998. In FY 1998, there was an overall increase of 2.6% (36) in the number of drug offenders sentenced to prison, compared to FY 1997. However, the overall increase is 20.8% when FY 1998 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

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contributing to the rise of incarceration demonstrated on the drug grid. Drug level three sentences show a continuous decrease from FY 1995 through FY 1998, whereas sentences on drug levels one, two and four indicate a continuous increase from FY 1995 to FY 1998 (page 66). Severity level one on the drug grid reflects a significant increase from 6 offenders in FY 1997 to 12 offenders sentenced in FY 1998.

## **VIOLATORS**

The FY 1998 Annual Report includes, for the first time, an analysis of probation violators whose probation terms were extended rather than revoked. In examining the types and number of violators sentenced to prison during FY 1998 (page 34), violators with new sentences only accounted for 8.8% of total prison admissions during FY 1998, which indicated a decrease of 0.6% from FY 1997 (page 23). Conditional violators of probation, parole/postrelease, and conditional release accounted for 64% (3,475) of total prison admissions of FY 1998, a total increase of 5% over FY 1997. Of that total number, there were 1,515 conditional probation violators, 1,847 parole/postrelease supervision conditional violators, and 113 conditional release violators. The greatest increase in conditional violators was found among conditional release violators, who increased by almost 33% from FY 1997. The highest number of males placed in prison for conditional violations were classified as having offenses on severity level nine of the nondrug grid and severity level four of the drug grid (page 37). 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 four of the drug grid. This pattern is consistent with findings in FY 1997. There were also 786 conditional probation violators and 95 probation violators with new convictions in FY 1998 who were sentenced to continued or extended probation for their violation. This offender group represents 37% of the total 2,120 conditional probation violators and 28% of the total 338 probation violators with new convictions, respectively.

## **SENTENCING TRENDS AND POPULATION FORECAST**

Analysis of prison sentences imposed from FY 1995 through FY 1998 indicates the largest number of offenders were sentenced during the months of May and October. In FY 1998, offenders were sentenced most often for drug offenses, followed by burglary and theft (pages 15 and 16). The largest number of offenders sentenced to prison were found on severity level nine of the nondrug grid (1,035), followed by severity level seven (862) and severity level four of the drug grid (762). Probation sentences were most often received on the nondrug grid for the offenses of driving while a habitual violator, burglary, theft, and forgery (pages 29 and 30). In addition, a total of 1,337 offenders received nonprison sentences for drug offenses, with 23 of those sentences falling on levels one or two of the drug grid. Trend analysis indicated a consistent pattern throughout the past four years, with an average admission rate increase of 12.5% difference between FY 1995 and FY 1998 and an average admission rate increase of 5.9% difference between FY 1997 and FY 1998. The prison population forecast projects that by FY 2008, a total of 8,328 prison beds will be needed, indicating an admission rate increase of 3.4%. The largest admission rate increases are found for off-

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grid offenses and drug level one (page 72).

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 1998. In the last section, the Report provides analyses on sentencing trends and forecasts, including prison population projections.

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## **PART I: THE KANSAS SENTENCING COMMISSION**

### **HISTORY OF THE KANSAS SENTENCING COMMISSION**

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

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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

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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 1<sup>st</sup> 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 pre-sentence 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). State sentencing information extracted from the PSIs and journal entries is maintained in a database, from which the Commission staff can 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 1998, the Commission responded to 110 individual requests for sentencing data, either by county, offense type, or another 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, by statute, 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

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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 1998 Legislative Session, the Sentencing Commission completed a total of 92 individual legislative impacts on various proposed bills. The Commission has agreed to serve as a pilot site for a new module of the Prophet Projection Model, which enable the forecasting of prison population by institutional classification levels, such as maximum, medium and minimum. It is expected that the first set of prison population projections by classification level will be released in early FY 1999.

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 1998, staff of the Sentencing Commission continued to worked with the state Juvenile Correctional Facilities to develop a statewide database of juveniles admitted to state juvenile correctional facilities. 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 third set of population projections for juvenile correctional facilities, which was provided to the Juvenile Justice Authority and the Kansas Legislature.

## **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, as well as numerous county Bar Associations. In addition, Commission staff presented sentencing information for the state of Kansas at numerous nationwide conferences, the

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National Association of Sentencing Commissions.

The Commission also publishes the Sentencing Guidelines Desk Reference Manual and an Annual Report. An updated edition of the Desk Reference 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 Desk Reference Manual is used by all judges, prosecutors, defense attorneys, court services officers and community corrections agencies in the state. In addition, the Commission also compiles and distributes quarterly updates on recent Kansas Supreme and Appellate court decisions that pertain to sentencing guidelines.

The Sentencing Commission's Annual Report provides an overview of sentencing trends for each year and provides comparison data of changes in sentencing patterns among the various years. Sentencing data is provided by offense type, county, gender, race and various other data elements. The report serves as a reference to sentencing information statewide.

### **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" and "Intermediate Sanctions Throughout the United States. In addition, the Commission provides sentencing information to various individual counties and judicial districts upon request.

With the development of a web site on the internet at [www.ink.org/public/ksc/](http://www.ink.org/public/ksc/) information regarding the activities of the Sentencing Commission, research studies, statistical data and sentencing information is readily available to criminal justice agencies and the general public. The web site also allows for specific sentencing questions or concerns to be submitted to the agency for response.





## PART II: SENTENCING IN KANSAS

### SENTENCES REPORTED IN FISCAL YEAR 1998

The analyses of sentences and sentencing trends presented in this report are based upon the most serious offense of a single sentencing event. Sentences analyzed during fiscal year (FY) 1998 include both prison and non-prison/probation sentences.

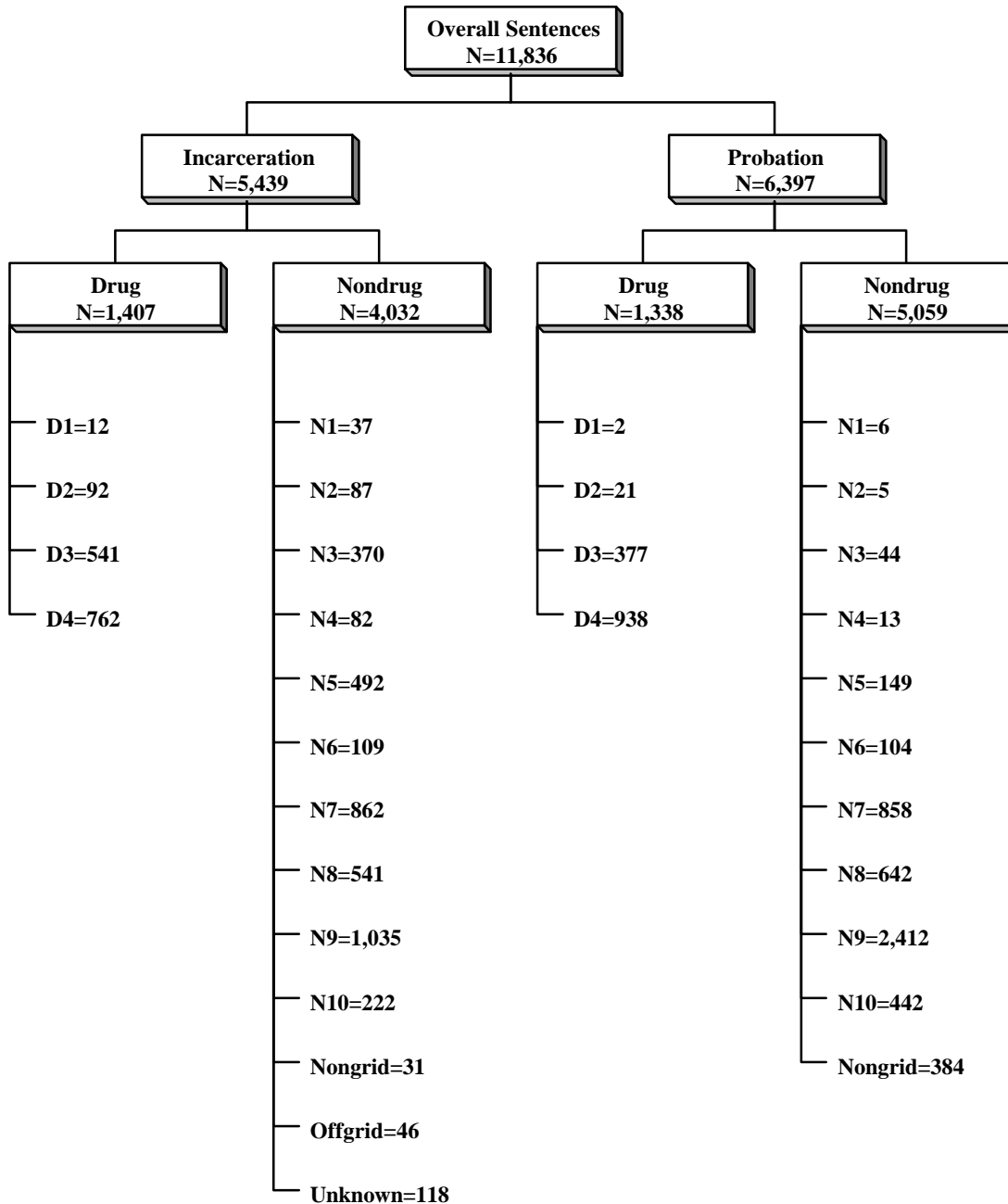
In FY 1998, a total of 11,836 felony sentences were reported to the Commission, representing an approximate 5 percent increase over FY 1997. The distribution of sentences included 5,439 incarceration sentences and 6,397 probation sentences (see Sentencing Distribution Chart). Of that total number of sentences, 9,092 were nondrug sentences and 2,744 were for drug offenses. Sentences were reported from 98 counties in the state. Table 1 displays total sentences reported to the Commission during FY 1998 by month of sentence. Sentences reported by individual counties are displayed in Table 2. Sedgwick, Johnson, Wyandotte, and Shawnee counties remained the top four committing counties, accounting for 52.7% of all sentences during FY 1998, a decrease of 1.3% from last year (Table 2).

**Table 1: Number of FY 1998\* Sentences Reported by Month**

Month	Number of Sentences	Sentence Type		Offense Type		Percent
		Prison	Probation	Drug	Nondrug	
July	904	411	493	201	703	7.6
August	924	396	528	207	717	7.8
September	1,067	502	565	254	813	9.0
October	1,069	466	603	244	825	9.0
November	934	419	515	207	727	7.9
December	998	479	519	233	765	8.5
January	1,015	458	557	220	795	8.6
February	964	467	497	216	748	8.1
March	1,003	457	546	223	780	8.5
April	995	455	540	252	743	8.4
May	1,006	460	546	247	759	8.5
June	957	469	488	240	717	8.1
<b>Total</b>	<b>11,836</b>	<b>5,439</b>	<b>6,397</b>	<b>2,744</b>	<b>9,092</b>	<b>100.0</b>

\* FY 1998 (July 1, 1997 through June 30, 1998).

# FY 1998 Sentencing Distribution Chart



**Table 2: FY 1998 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	62	46	12	53	1	2	15	47	48	14	28.6
Anderson	33	30	3	32	0	0	9	24	23	10	29.6
Atchison	68	59	9	49	17	1	43	25	47	21	30.7
Barber	9	9	0	9	0	0	5	4	9	0	31.2
Barton	118	93	18	93	15	3	48	70	67	51	29.7
Bourbon	74	60	14	61	11	2	20	54	58	16	29.5
Brown	55	39	11	37	4	9	15	40	33	22	31.7
Butler	197	161	27	167	16	4	68	129	147	50	30.3
Chase	13	13	0	11	1	1	2	11	12	1	28.2
Chautauqua	3	3	0	3	0	0	3	0	3	0	29.4
Cherokee	36	28	3	28	1	2	5	31	33	3	29.7
Cheyenne	1	1	0	1	0	0	1	0	0	1	36.9
Clark	4	4	0	4	0	0	2	2	3	1	29.7
Clay	31	28	3	30	1	0	8	23	20	11	29.0
Cloud	23	18	5	20	3	0	8	15	15	8	28.2
Coffey	42	36	2	35	2	1	17	25	18	24	26.9
Cowley	67	61	6	50	12	5	65	2	50	17	29.0
Crawford	167	138	28	142	21	3	64	103	111	56	28.2
Decatur	5	5	0	5	0	0	5	0	5	0	30.9
Dickinson	49	43	5	46	2	0	13	36	35	14	31.4
Doniphan	8	7	0	7	0	0	3	5	8	0	32.3
Douglas	269	238	26	164	83	16	75	194	203	66	29.0
Edwards	6	6	0	5	0	1	3	3	4	2	29.2
Elk	16	15	1	16	0	0	4	12	15	1	36.3
Ellis	94	75	17	89	3	0	29	65	75	19	28.5
Ellsworth	32	31	0	29	2	0	10	22	27	5	26.4
Finney	230	206	23	208	18	3	81	149	212	18	27.8
Ford	181	144	28	151	17	3	52	129	138	43	28.3

**Table 2: FY 1998 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	
Franklin	122	106	16	110	8	2	36	86	87	35	30.2
Geary	250	151	27	56	119	2	126	124	169	81	29.4
Graham	6	1	2	3	0	0	1	5	6	0	25.6
Grant	20	14	4	16	1	1	13	7	20	0	23.5
Gray	13	11	2	13	0	0	4	9	10	3	29.6
Greenwood	32	25	4	28	0	0	12	20	27	5	33.4
Harper	26	21	4	24	0	1	6	20	25	1	30.0
Harvey	146	111	28	114	21	4	52	94	128	18	27.9
Haskell	6	5	1	5	1	0	6	0	5	1	26.1
Jackson	39	36	3	27	2	9	10	29	37	2	30.9
Jefferson	35	30	5	33	1	1	22	13	27	8	33.8
Jewell	3	2	0	2	0	0	2	1	3	0	24.3
Johnson	1,416	1,140	257	1,048	331	16	602	814	1,065	351	29.8
Kearny	29	24	3	26	1	0	11	18	20	9	28.6
Kingman	17	12	4	16	0	0	5	12	13	4	30.4
Labette	113	97	13	86	19	5	43	70	75	38	28.3
Lane	2	1	0	1	0	0	1	1	2	0	69.9
Leavenworth	214	179	25	128	72	4	99	115	187	27	30.6
Lincoln	9	7	2	8	0	0	1	8	6	3	29.1
Linn	33	26	5	30	0	0	9	24	27	6	33.5
Logan	2	1	0	1	0	0	0	2	1	1	19.0
Lyon	188	165	20	149	31	4	69	119	164	24	27.3
Marion	8	7	0	6	1	0	3	5	8	0	27.6
Marshall	16	8	0	6	1	1	7	9	8	8	39.0
McPherson	117	105	10	99	13	3	42	75	87	30	29.1
Meade	17	14	3	17	0	0	3	14	8	9	30.8
Miami	70	64	6	59	10	1	30	40	58	12	28.2
Mitchell	13	10	3	11	2	0	3	10	10	3	25.5

**Table 2: FY 1998 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	
Montgomery	153	122	24	83	58	5	73	80	115	38	30.0
Morris	2	2	0	2	0	0	0	2	2	0	47.4
Morton	4	3	0	2	0	1	3	1	4	0	20.3
Nemaha	4	3	1	4	0	0	4	0	3	1	26.1
Neosho	69	59	6	57	6	2	24	45	60	9	28.8
Ness	11	8	2	9	1	0	5	6	7	4	28.4
Norton	20	14	5	19	0	0	6	14	20	0	34.7
Osage	91	83	8	89	1	1	34	57	62	29	29.7
Osborne	5	5	0	5	0	0	2	3	4	1	31.5
Ottawa	3	2	1	3	0	0	3	0	2	1	32.4
Pawnee	25	19	4	19	4	0	13	12	23	2	24.8
Phillips	6	4	1	5	0	0	2	4	5	1	38.8
Pottawatomie	35	29	3	27	5	0	10	25	31	4	28.5
Pratt	30	24	5	27	2	0	12	18	26	4	30.0
Rawlins	2	2	0	2	0	0	2	0	2	0	47.8
Reno	423	334	82	365	48	3	134	289	329	94	29.5
Republic	10	10	0	10	0	0	2	8	10	0	22.1
Rice	28	20	5	23	2	0	6	22	18	10	33.6
Riley	130	103	27	91	35	4	45	85	106	24	27.4
Rooks	19	16	2	18	0	0	3	16	15	4	29.9
Rush	6	6	0	4	2	0	1	5	6	0	28.8
Russell	21	16	3	18	0	1	11	10	19	2	29.5
Saline	523	401	88	378	92	13	187	336	403	120	28.3
Scott	23	20	3	23	0	0	7	16	13	10	29.6
Sedgwick	2,577	2,192	365	1,423	1,066	67	1,453	1,124	1,882	695	29.8
Seward	176	156	17	134	37	2	95	81	129	47	29.1
Shawnee	790	672	94	417	327	14	387	403	597	193	29.4
Sherman	37	32	3	32	0	3	11	26	27	10	29.7

**Table 2: FY 1998 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	
Smith	8	8	0	8	0	0	3	5	8	0	26.5
Stafford	12	11	1	12	0	0	0	12	12	0	29.7
Stanton	8	8	0	8	0	0	7	1	7	1	23.4
Stevens	12	10	2	9	3	0	8	4	12	0	24.2
Sumner	69	57	9	57	5	4	43	26	62	7	28.0
Thomas	18	18	0	15	3	0	7	11	16	2	29.1
Trego	9	9	0	9	0	0	7	2	8	1	22.0
Wabaunsee	13	12	1	10	3	0	7	6	12	1	29.4
Wallace	1	1	0	1	0	0	0	1	0	1	36.1
Washington	15	13	2	15	0	0	5	10	14	1	26.6
Wichita	8	8	0	8	0	0	2	6	5	3	32.7
Wilson	57	47	6	51	1	1	20	37	44	13	29.2
Woodson	22	19	3	22	0	0	8	14	18	4	32.6
Wyandotte	1,392	1,221	169	670	708	10	782	610	1,138	254	30.2
Unknown	114	101	13	70	43	1	114	0	114	0	*
<b>Total</b>	<b>11,836</b>	<b>9,870</b>	<b>1,643</b>	<b>7,921</b>	<b>3,316</b>	<b>242</b>	<b>5,439</b>	<b>6,397</b>	<b>9,092</b>	<b>2,744</b>	<b>29.5</b>

Note: Because of missing data, numbers in each category are based on the followings: Gender (N=11,513), Race (N=11,479), Sentence Type (N=11,836), Offense Type (N=11,836), and Age (N=11,385).

\* Data is not available.

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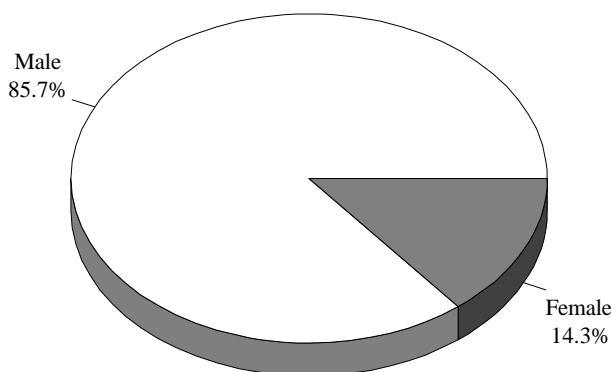
## CHARACTERISTICS OF OFFENDERS AND OFFENSES

This section provides an overview of offender characteristics for individuals who were sentenced during FY 1998, 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 85.7% of all sentences (Figure 1) and in excess of 90% of capital murder, murders in the first and second degrees, rapes, aggravated crimes, kidnapping, robberies, burglaries, sex offenses, firearms, criminal damage of property, criminal threat, and other types of offenses (Table 3).

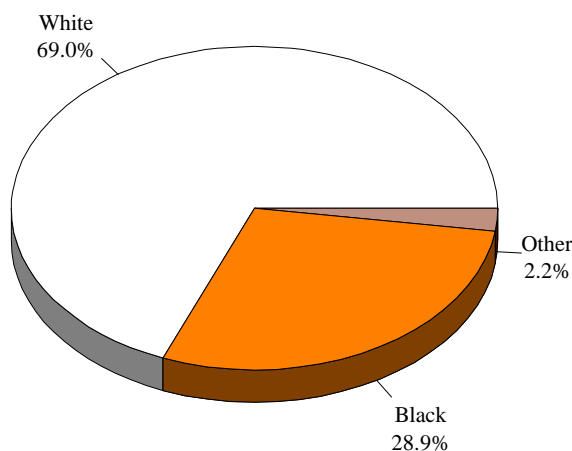
Female participation was highest (over 20%) for the crime of child abuse, aggravated failure to appear, aggravated interference with parental custody, criminal use of financial cards, drug without tax stamps, forgery, making false writing, obtaining prescription drug, traffic in contraband, welfare fraud, and giving worthless checks (Table 3).

**Figure 1: Distribution of FY 1998 Sentences by Gender of Offender**



Based on 11,513 sentences reporting gender of offender

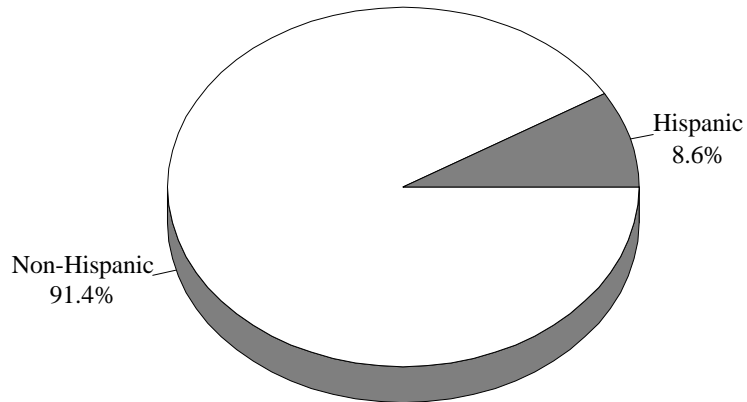
**Figure 2: Distribution of FY 1998 Sentences by Race of Offender**



Based on 11,479 sentences reporting race of offender

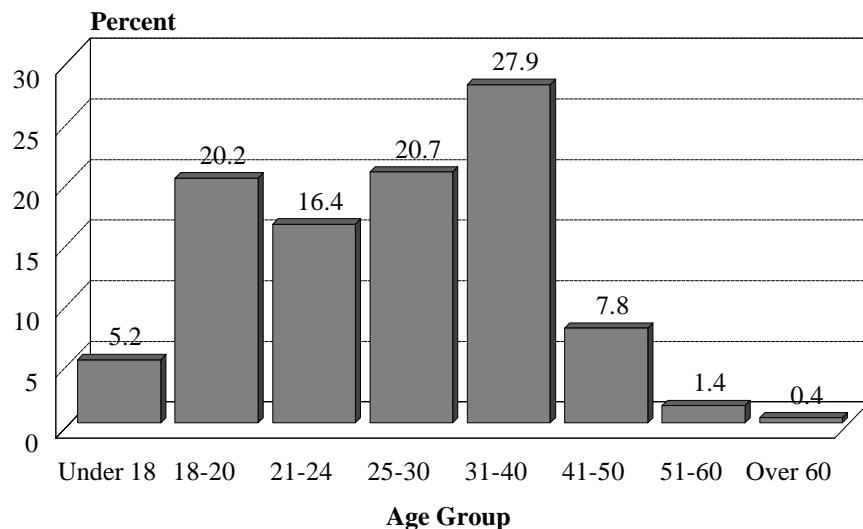
White offenders represented 69.0% (Figure 2) of all sentences, and 91.4% (Figure 3) of all offenders were of Non-Hispanic origin. The highest percentage of offenders (27.9%) were between the ages of 31 to 40 at the time of offense (Figure 4).

**Figure 3: Distribution of FY 1998 Sentences by Ethnicity of Offender**



Based on 11,390 sentences reporting ethnicity of offender

**Figure 4: Distribution of FY 1998 Sentences by Age of Offender at Time of Offense**



Based on 11,260 sentences reporting age of offender



**Table 3: 1998 Offender Characteristics by Type of Offense - 1**

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Abuse of Child	48	79.2	20.8	68.8	29.2	2.1	29.0
Agg Arson	8	100.0	0.0	75.0	12.5	12.5	31.1
Agg Battery on LEO	18	94.4	5.6	66.7	33.3	0.0	28.1
Agg Criminal Sodomy w/Child	36	97.2	2.8	88.9	11.1	0.0	34.2
Agg Escape from Custody	128	84.7	15.3	61.3	37.1	1.6	27.2
Agg Failure to Appear	43	75.6	24.4	61.0	36.6	2.4	30.4
Agg False Impersonation	7	83.3	16.7	16.7	83.3	0.0	29.2
Agg Assault on LEO	38	94.7	5.3	73.7	21.1	5.3	24.9
Agg Assault	268	90.8	9.2	66.9	31.9	1.2	27.1
Agg Battery	528	90.9	9.1	58.9	37.8	3.3	28.0
Agg Burglary	112	91.8	8.2	56.4	41.8	1.8	25.9
Agg Robbery	235	93.1	6.9	39.1	56.7	4.3	23.9
Agg Incest	35	100.0	0.0	88.6	5.7	5.7	33.9
Agg Indecent Liberties	178	98.9	1.1	79.3	17.8	2.9	31.6
w/Child	6	66.7	33.3	100.0	0.0	0.0	34.7
Agg Inter w/Parental Custody							
Agg Indecent Solicit w/Child	83	100.0	0.0	80.0	15.0	5.0	30.8
Agg Intimidation of a Victim	8	87.5	12.5	87.5	0.0	12.5	26.3
Agg Kidnapping	13	92.3	7.7	53.8	46.2	0.0	29.0
Agg Sexual Battery	78	100.0	0.0	70.5	28.2	1.3	27.1
Agg Weapon Violation	7	100.0	0.0	57.1	42.9	0.0	26.7
Aid Felon	12	100.0	0.0	50.0	50.0	0.0	28.6
Arrange Sale/Purchase Drug	10	80.0	20.0	70.0	30.0	0.0	33.8
Arson	52	86.3	13.7	90.2	7.8	2.0	27.4
Battery on LEO	16	93.3	6.7	66.7	33.3	0.0	21.1
Burglary	1,315	94.6	5.4	73.2	23.4	3.3	23.5
Capital Murder	4	100.0	0.0	100.0	0.0	0.0	27.8
Contribute Child's Misconduct	18	88.9	11.1	100.0	0.0	0.0	25.8
Criminal Damage to Property	120	94.8	5.2	74.1	23.3	2.6	24.5
Criminal Deprivation Vehicle	67	96.9	3.1	63.5	34.9	1.6	25.0
Criminal Discharge of Firearm	24	100.0	0.0	41.7	54.2	4.2	22.7
Criminal Sodomy w/Child	9	100.0	0.0	77.8	22.2	0.0	31.7
Criminal Threat	226	93.6	6.4	76.3	21.0	2.7	29.9
Criminal Use Financial Card	53	56.9	43.1	66.7	33.3	0.0	26.0
Domestic Battery	10	88.9	11.1	88.9	11.1	0.0	29.1
Driving While a Habitual Viol	1,075	89.1	10.9	78.5	19.1	2.4	30.8

**Table 3: 1998 Offender Characteristics by Type of Offense - 2**

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Driving While Suspended	389	87.6	12.4	72.4	26.0	1.7	29.6
Drugs	2,745	81.1	18.9	68.6	30.2	1.1	29.7
Drug without Tax Stamps	63	78.0	22.0	0.0	0.0	0.0	28.1
DUI	365	91.4	8.6	90.8	8.0	1.2	34.9
Forgery	836	60.7	39.3	66.5	31.3	2.2	28.7
False Writing	49	68.8	31.3	76.1	21.7	2.2	30.5
Indecent Liberties w/Child	80	97.5	2.5	82.5	17.5	0.0	28.1
Indecent Solicitation of Child	55	94.3	5.7	75.5	22.6	1.9	24.1
Involuntary Manslaughter	49	89.8	10.2	61.2	38.8	0.0	28.0
Kidnapping	47	97.8	2.2	52.2	47.8	0.0	26.0
Murder in the First Degree	43	90.7	9.3	62.8	34.9	2.3	27.3
Murder in the Second Degree	32	90.6	9.4	40.6	53.1	6.2	25.7
Nonsupport of Child or Spouse	59	100.0	0.0	86.2	13.8	0.0	33.9
Obstructing Legal Process	87	90.1	9.9	55.6	42.0	2.4	26.5
Obtain Prescription Drug	6	33.3	66.7	100.0	0.0	0.0	40.8
Possession of Firearm	124	97.6	2.4	52.4	43.5	4.0	24.4
Rape	74	95.9	4.1	63.5	32.4	4.1	28.6
Robbery	320	94.0	6.0	42.9	54.0	3.1	24.6
Securities Crimes	10	100.0	0.0	88.9	0.0	11.1	42.2
Sex Exploitation of a Child	11	100.0	0.0	81.8	18.2	0.0	39.9
Stalking	13	100.0	0.0	91.7	8.3	0.0	33.0
Theft	1,084	82.7	17.3	66.3	32.0	1.7	26.9
Traffic in Contraband	46	72.7	27.3	83.3	16.7	0.0	25.7
Voluntary Manslaughter	27	85.2	14.8	33.3	59.3	7.4	28.8
Weapons	17	88.2	11.8	58.8	41.2	0.0	26.2
Welfare Fraud	15	13.3	86.7	60.0	40.0	0.0	29.5
Giving Worthless Checks	86	69.0	31.0	91.7	7.1	1.2	33.0
Other	216	84.6	15.4	66.2	32.2	1.0	26.7
<b>TOTAL</b>	<b>11,836</b>	<b>85.7</b>	<b>14.3</b>	<b>69.0</b>	<b>28.9</b>	<b>2.1</b>	<b>28.2</b>

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=11,513); Race (N=11,479); Age (N=11,260).  
 \* Average age at time of offense.

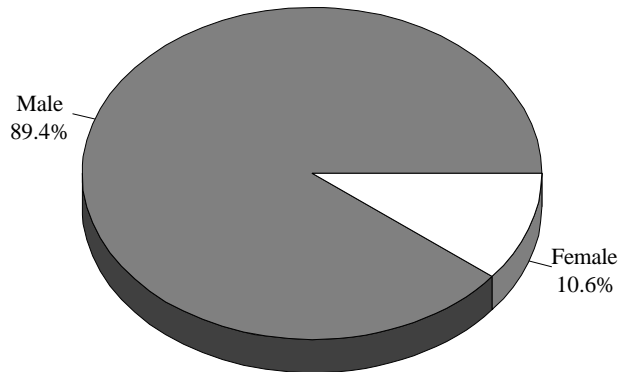
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## INCARCERATION SENTENCES

### Offenders and Offense Characteristics

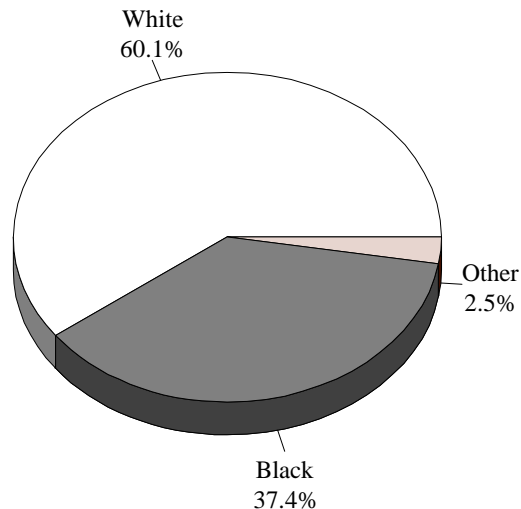
Figures 5, 6, 7, 8, and 9 represent the characteristics of offenders incarcerated in state correctional facilities by gender, race, ethnic origin, age, and educational level, respectively. White males remained the predominant offender type admitted to prison during fiscal year 1998 (Figures 5 and 6). The largest proportion of incarcerated offenders was in their 30's and had obtained a high school diploma or GED equivalent (Figures 8 and 9).

**Figure 5: FY 1998 Incarceration Sentences by Gender of Offenders**



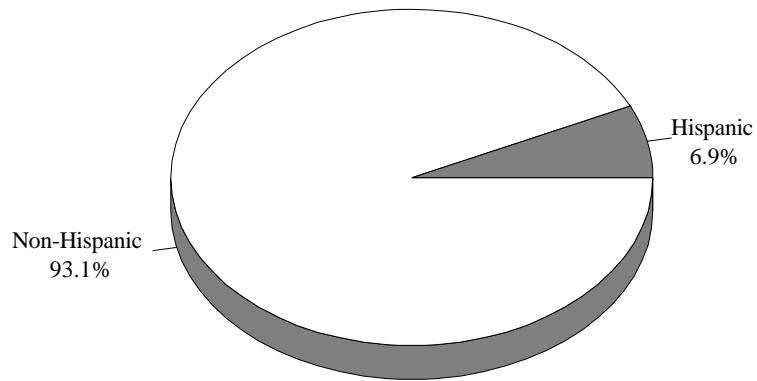
Based on 5,439 incarceration sentences reporting gender of offenders

**Figure 6: FY 1998 Incarceration Sentences by Race of Offenders**



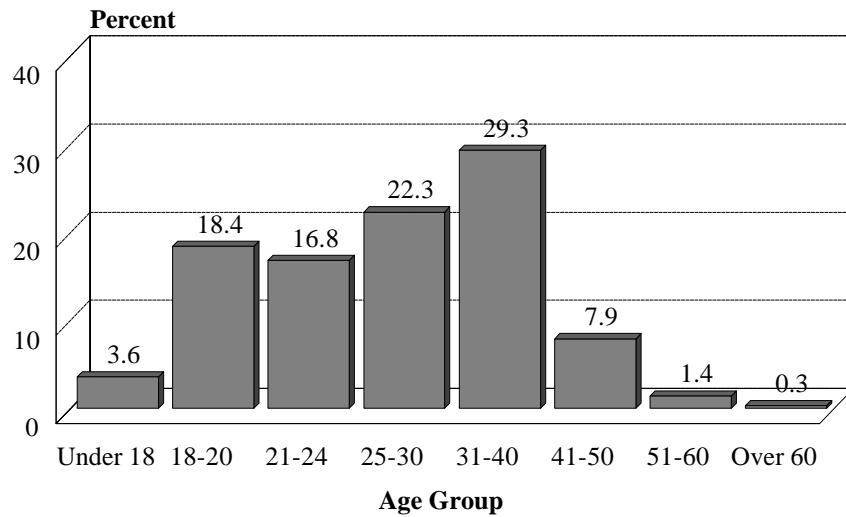
Based on 5,437 incarceration sentences reporting race of offenders

**Figure 7: FY 1998 Incarceration Sentences by Ethnic Origin of Offenders**



Based on 5,420 incarceration sentences reporting ethnic origin of offenders

**Figure 8: FY 1998 Incarceration Sentences by Age of Offenders**



Based on 5,322 incarceration sentences reporting age of offenders

**Figure 9: FY 1998 Incarceration Sentences by Education Level of Offenders**

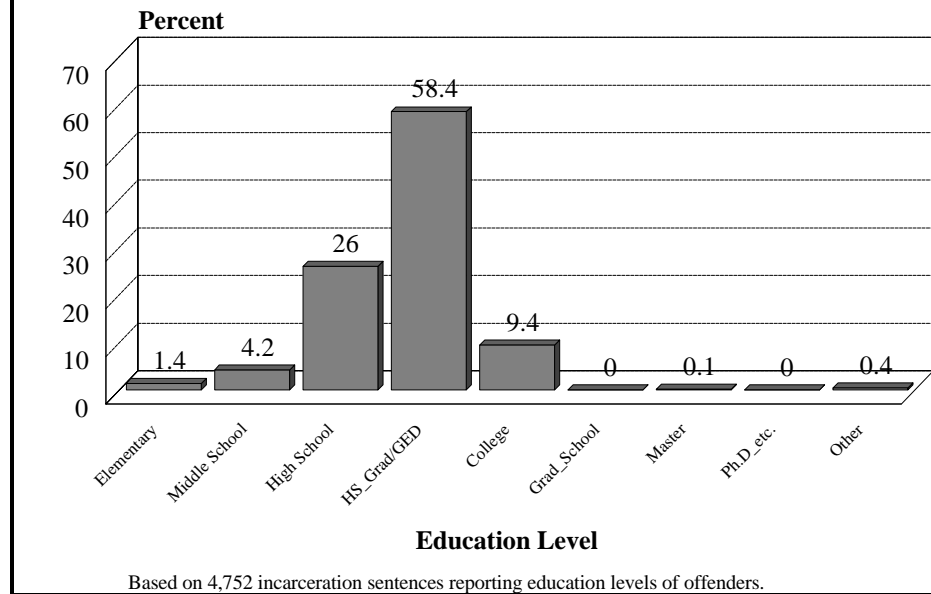


Table 4 indicates that males represented the highest percentage (over 90%) of sentences in both the violent and non-violent crime categories. All sex offenders were males, which represented no change from the previous year. The highest percentage of sentenced females (over 20%) was found in the offense categories of criminal use of financial card, forgery, making false writing, and issuing worthless checks (Table 4).

The highest incarceration rates for whites (over 80%) were found in the areas of sex offenses, aggravated arson, capital murder, drug without tax stamps, DUI, nonsupport of child or spouse, and issuing worthless checks. Blacks were incarcerated more often (over 50%) for the crimes of aggravated robbery, robbery, aiding a felon, criminal deprivation of vehicle, murder in the second degree, and voluntary manslaughter (Table 4). Except the offense of capital murder, 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: 1998 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	31	80.6	19.4	77.4	19.4	3.2	30.2
Agg Arson	7	100.0		85.7	14.3		43.0
Agg Assault	135	94.1	5.9	57.8	40.7	1.4	29.1
Agg Assault on LEO	24	100.0		62.5	29.2	8.3	29.3
Agg Battery	292	93.2	6.8	52.4	44.2	3.4	30.5
Agg Battery on LEO	12	91.7	8.3	58.3	41.7		33.1
Agg Burglary	79	93.7	6.3	55.7	43.0	1.3	31.4
Agg Escape from Custody	100	84.0	16.0	63.0	35.0	2.0	32.4
Agg Failure to Appear	8	87.5	12.5	50.0	50.0		36.3
Agg Incest	29	100.0		86.2	6.9	6.9	40.3
Agg Indecent Liberties w/Child	130	98.5	1.5	78.5	18.5	3.0	34.7
	38	100.0		68.4	21.1	10.5	31.4
Agg Indecent Solicit w/Child	12	91.7	8.3	58.3	41.7		32.4
Agg Kidnapping	204	95.1	4.9	38.7	56.9	4.5	32.3
Agg Robbery	54	100.0		70.4	29.6		33.1
Agg Sexual Battery							
Agg Criminal Sodomy w/Child	34	97.1	2.9	88.2	11.8		38.6
Aiding a Felon	10	100.0		40.0	60.0		30.1
Arson	23	100.0		78.3	17.4	4.3	32.6
Battery on LEO	7	100.0		71.4	28.6		23.4
Burglary	598	94.8	5.2	63.9	32.8	3.4	28.3
Criminal Deprivation Vehicle	8	100.0		37.5	62.5		24.8
Criminal Damage to Property	44	97.7	2.3	68.2	31.8		28.0
Capital Murder	4	100.0		100.0			30.0
Criminal Sodomy w/Child	8	100.0		75.0	25.0		32.7
Criminal Threat	82	93.9	6.1	70.7	25.6	3.6	32.8
Criminal Use Financial Card	16	75.0	25.0	68.8	31.3		29.6
Discharge of Firearm	20	100.0		45.0	50.0	5.0	25.9
Drug without Tax Stamps	13	84.6	15.4	92.3	7.7		30.7
Driving While a Habitual Viol	145	95.9	4.1	78.6	16.6	4.8	33.5
Driving While Suspended	83	90.4	9.6	65.1	33.7	1.2	32.8
DUI	31	93.5	6.5	80.6	12.9	6.5	37.6
Forgery	333	69.7	30.3	61.9	35.4	2.7	32.2
False Writing	14	71.4	28.6	64.3	35.7		34.0
Giving Worthless Checks	23	73.9	26.1	95.7	4.3		37.3
Indecent Liberties w/Child	61	100.0		80.3	19.7		35.0

**Table 4: 1998 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	
Indecent Solicitation of Child	14	92.9	7.1	64.3	28.6	7.1	28.2
Involuntary Manslaughter	36	86.1	13.9	50.0	50.0		30.3
Kidnapping	42	97.6	2.4	52.4	47.6		29.9
Murder in the First Degree	43	90.7	9.3	62.8	34.9	2.3	31.1
Murder in the Second Degree	32	90.6	9.4	40.6	53.1	6.2	31.8
Nonsupport of Child or Spouse	25	100.0		84.0	16.0		38.7
Obstructing Legal Process	27	92.6	7.4	48.1	48.1	3.7	30.1
Possession of Firearm	53	100.0		43.4	49.1	7.5	25.8
Rape	68	95.6	4.4	60.3	35.3	4.4	33.2
Robbery	253	95.7	4.3	41.1	55.3	3.6	30.3
Sex Exploitation of a Child	9	100.0		77.8	22.2		42.8
Theft	453	89.2	10.8	58.8	38.3	2.9	30.0
Traffic in Contraband	25	92.0	8.0	80.0	20.0		27.7
Voluntary Manslaughter	23	91.3	8.7	30.4	60.9	8.7	33.9
Other	217	88.0	12.0	67.3	31.8	1.0	32.6
<b>TOTAL</b>	<b>4,032</b>	<b>91.3</b>	<b>8.7</b>	<b>61.0</b>	<b>36.0</b>	<b>3.0</b>	<b>31.2</b>

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=4,032); Race (N=4,031); Age (N=4,031).

**Table 5: 1998 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	728	82.3	17.7	50.4	49.5	0.1	33.9
Opiates or narcotics; poss 2	42	85.7	14.3	43.9	53.7	2.4	33.3
Opiates or narcotics; poss 3	8	87.5	12.5	37.5	50.0	12.5	36.2
Opiates or narcotics; sale 1	253	81.8	18.2	49.0	50.2	0.8	32.7
Opiates or narcotics; sale 2	18	77.8	22.2	16.7	77.8	5.6	35.7
Opiates or narcotics; sale 3	1	100.0	0.0	100.0	0.0	0.0	31.6
Depress, stim, hall, etc.; sale, poss w/intent to sale	247	89.1	10.9	83.4	14.2	2.4	33.3
Depress, stim, hall; poss 2	74	89.2	10.8	77.0	18.9	4.1	32.5
Depress, stim, hall; sale w/in 1,000ft of school	12	83.3	16.7	75.0	25.0	0.0	30.7
Unlawful manufacture controlled substance	17	82.4	17.6	94.1	0.0	5.9	36.2
Possession of paraphernalia	4	75.0	25.0	100.0	0.0	0.0	32.2
Other	3	100.0	0.0	33.3	66.7	0.0	29.6
<b>TOTAL</b>	<b>1,407</b>	<b>83.9</b>	<b>16.1</b>	<b>57.5</b>	<b>41.3</b>	<b>1.1</b>	<b>33.5</b>

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=1,407); Race (N=1,406); Age (N=1,405).

### Types of Admission and Severity Levels

Table 6 indicates the distribution of offenders incarcerated in FY 1998 by types of admission to the Kansas Department of Corrections (KDOC). Conditional probation violators, conditional parole/postrelease violators, and conditional release violators represented 64% of all offenders admitted to state correctional facilities during FY 1998. This represents a percentage increase of approximately 5% from FY 1997 and 9% from FY 1996. New court commitments and violators with new sentences together contributed another 31.8% to the total admissions. The number of conditional violators admitted to prison indicates a significant impact on the total admissions to the Department of Corrections.



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**Table 6: Distribution of FY 1998 Incarceration Sentences by Admission Type**

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<b>Admission Type</b>	<b>Number of Cases</b>	<b>Percent</b>
New Court Commitment	1,247	22.9
Probation Conditional Violator	1,515	27.9
Probation Violator With New Sentence	204	3.8
Inmate Received on Interstate Compact	11	0.2
Parole/Postrelease Conditional Violator	1,847	34.0
Parole/Postrelease Violator With New Sentence	262	4.8
Paroled to Detainer Returned with New Sentence	19	0.3
Conditional Release Violator	113	2.1
Conditional Release Violator With New Sentence	15	0.3
Offender Returned to Prison in Lieu of Revocation	206	3.8
<b>Total</b>	<b>5,439</b>	<b>100.0</b>

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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 55% of all drug offenders fell on drug severity level 4 (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).

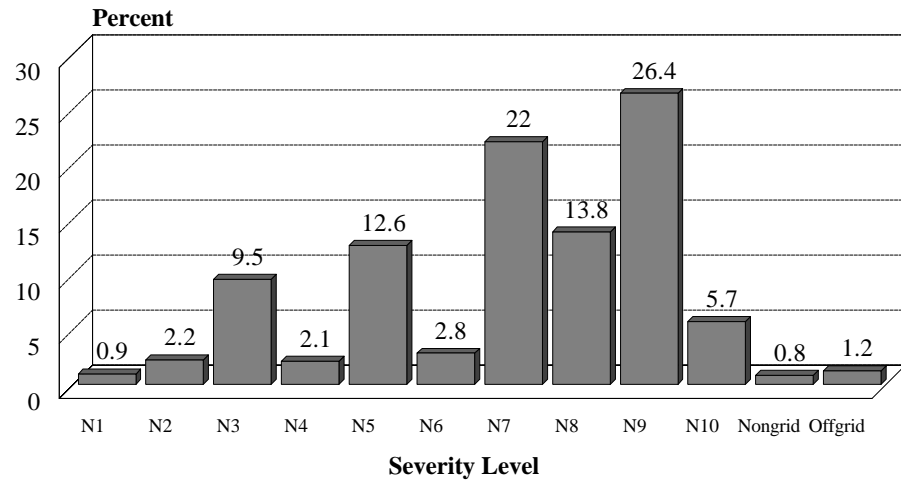
**Table 7: Distribution of FY 1998 Incarceration Sentences by Severity Level and Gender\***

Severity Level	Number of Cases	Gender(%)		Subtotal (%)
		Male	Female	
<b>Drug</b>				
1	12	75.0	25.0	0.9
2	92	83.7	16.3	6.5
3	541	86.0	14.0	38.5
4	762	82.5	17.5	54.2
<b>Subtotal</b>	<b>1,407</b>	<b>83.9</b>	<b>16.1</b>	<b>100.0</b>
<b>Nondrug</b>				
1	37	97.3	2.7	0.9
2	87	94.3	5.7	2.2
3	370	96.5	3.5	9.5
4	82	93.9	6.1	2.1
5	492	93.7	6.3	12.6
6	109	96.3	3.7	2.8
7	862	95.2	4.8	22.0
8	541	78.4	21.6	13.8
9	1,035	92.5	7.5	26.4
10	222	83.3	16.7	5.7
Non-grid	31	93.5	6.5	0.8
Off-grid	46	93.5	6.5	1.2
<b>Subtotal</b>	<b>3,914</b>	<b>91.4</b>	<b>8.6</b>	<b>100.0</b>
<b>Total**</b>	<b>5,439</b>	<b>89.4</b>	<b>10.6</b>	<b>100.0</b>

\* Based on 1,407 drug offenders and 3,914 nondrug offenders.

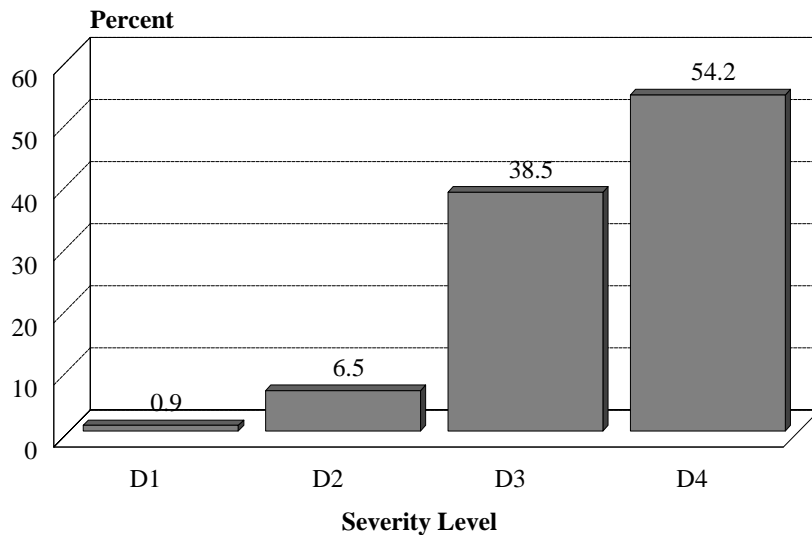
\*\* Total number include 118 offenders whose severity levels are unknown.

**Figure 10: FY 1998 Incarceration Sentences  
Nondrug Offenders by Severity Level**



Based on 3,914 nondrug offenders

**Figure 11: FY 1998 Incarceration Sentences  
Drug Offenders by Severity Level**



Based on 1,407 drug offenders

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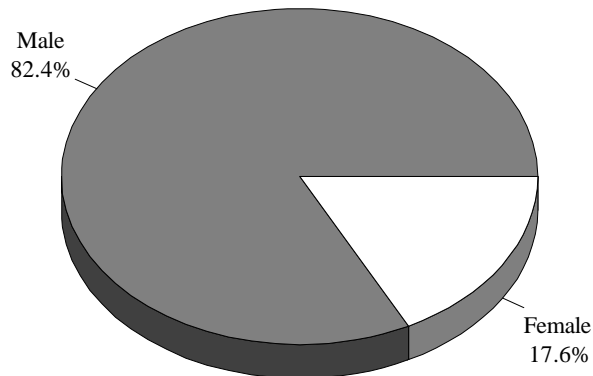
## PROBATION SENTENCES

A total number of 6,397 probation sentences were received by the Kansas Sentencing Commission in fiscal year 1998, representing 1,338 drug sentences and 5,059 nondrug sentences. Of this number, there were 1,171 for person offenses and 5,178 for nonperson offenses. Characteristics of this offender group are illustrated in Figures 12 and 13.

Males represented 82.4% of all probation sentences (Figure 12).

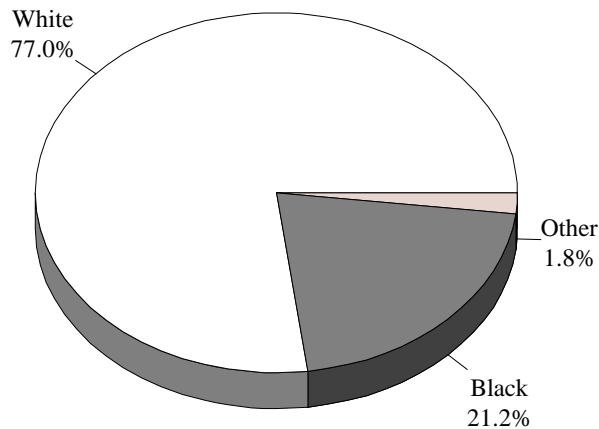
Racial Distribution of probation sentences indicates that 77% were white and 23% were non-white (Figure 13).

**Figure 12: Distribution of FY 1998 Probation Sentences by Gender**



Based on 6,074 sentences reporting gender of offender

**Figure 13: Distribution of FY 1998 Probation Sentences by Race**



Based on 6,042 sentences reporting race of offender

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

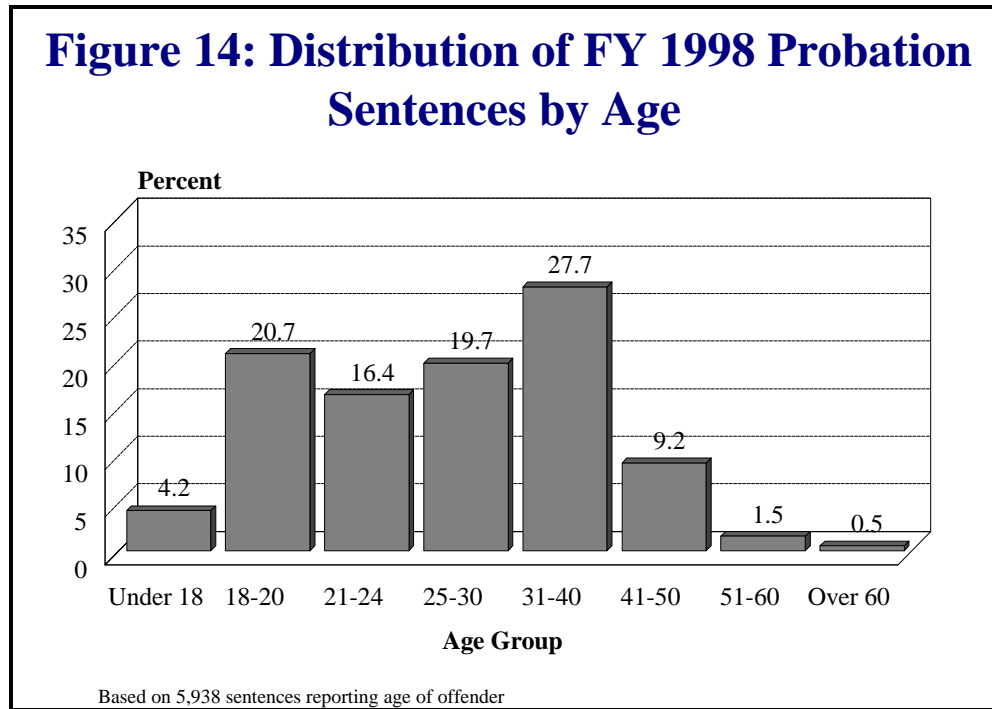


Figure 15 illustrates nondrug probation sentences by severity levels. The largest number of probation sentences fell within nondrug grid level 9 (47.7% of all nondrug sentences).

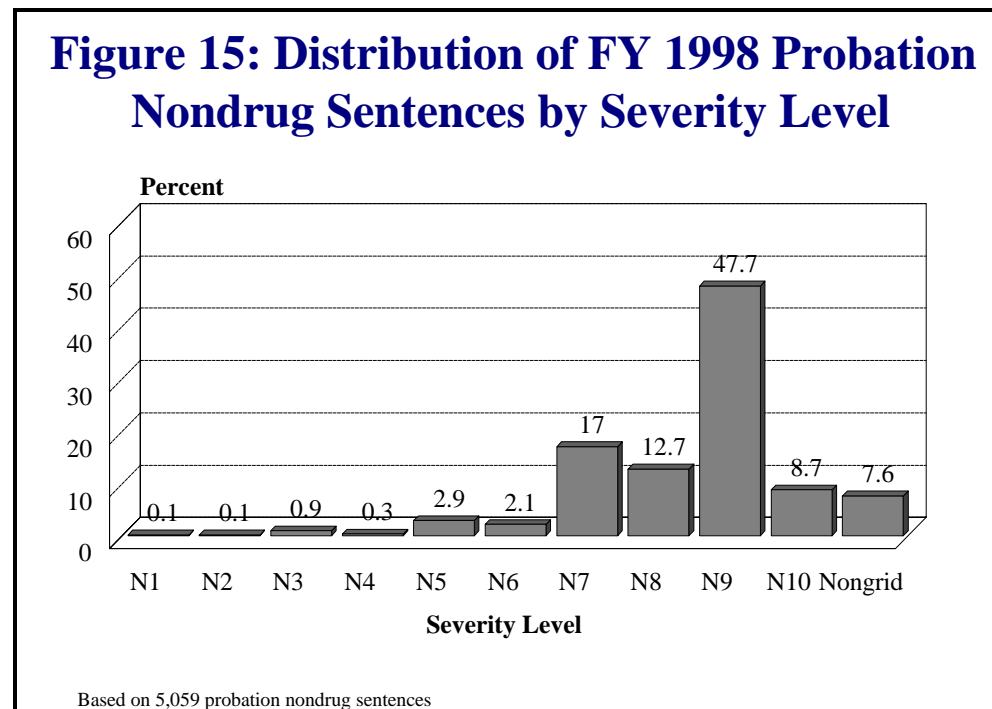
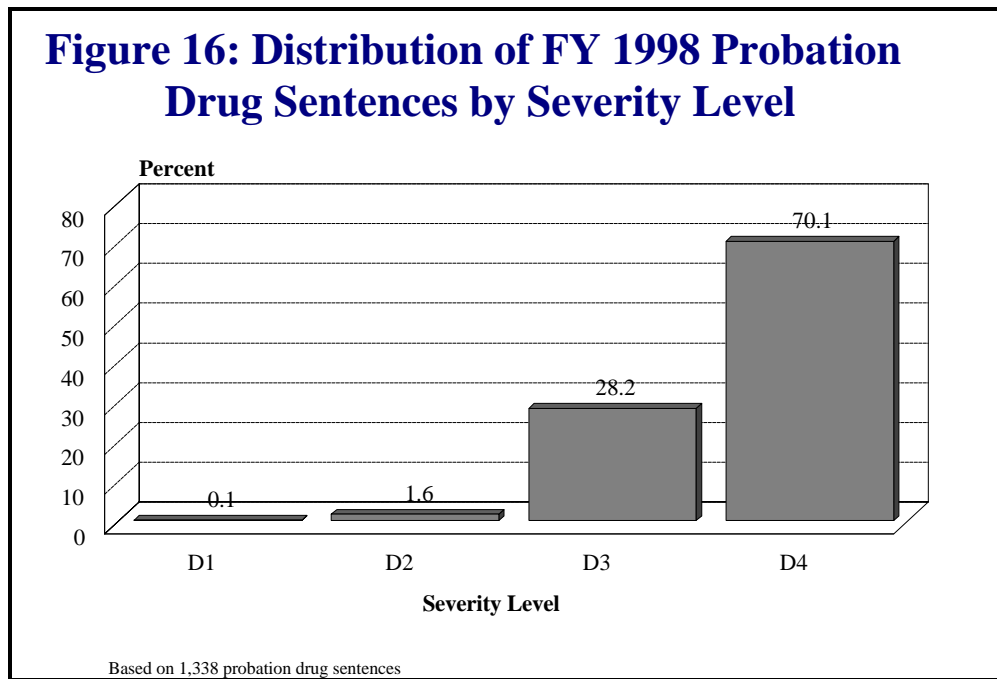


Figure 16 indicates the largest number of drug probation sentences fell within severity level 4 (70.1% of the total drug probation sentences).



### 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 79.2% 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 more than 70% of all drug offenses (Table 9).

Males accounted for over 90% of the following offenses: aggravated battery on LEO, sex offenses, burglary, criminal damage of property, criminal deprivation of vehicle, criminal threat, DUI, involuntary manslaughter, kidnaping, non-support of child, possession of firearms, securities crimes and stalking. The highest percentages of female probation offenses (over 30%) included criminal use of financial card, false writing, forgery, traffic in contraband, and financial crimes. Females were also found to be convicted of more drug offenses than nondrug offenses (22% versus 16.3%).

Whites were responsible for over 76% of all nondrug crimes and 80.9% of all drug offenses. Blacks had a higher conviction rate for nondrug offenses than drug crimes (22.1% versus 18.1%). The average age at the time of offense were 28.2 years old for nondrug probation offenders and 29.8 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	17	0.3	76.5	23.5	52.9	47.1	0.0	32.6
Agg Assault	133	2.6	87.3	12.7	76.8	22.4	0.8	28.4
Agg Assault on LEO	14	0.3	85.7	14.3	92.9	7.1	0.0	25.1
Agg Battery	236	4.7	88.1	11.9	67.4	29.5	3.1	29.2
Agg Battery on LEO	6	0.1	100.0	0.0	83.3	16.7	0.0	25.2
Agg Burglary	33	0.7	87.1	12.9	58.1	38.7	3.2	25.6
Agg Escape from Custody	28	0.6	87.5	12.5	54.2	45.8	0.0	25.8
Agg Fail to Appeal	35	0.7	72.7	27.3	63.6	33.3	3.0	30.0
Agg False Impersonation	6	0.1	80.0	20.0	20.0	80.0	0.0	29.0
Agg Incest	6	0.1	100.0	0.0	100.0	0.0	0.0	35.8
Agg Ind Lib with a Child	48	0.9	100.0	0.0	81.8	15.9	2.3	28.5
Agg Ind Solicit with a Child	45	0.9	100.0	0.0	90.5	9.5	0.0	33.1
Agg Int w/Parent Custody	5	0.1	80.0	20.0	100.0	0.0	0.0	34.2
Agg Robbery	31	0.6	79.3	20.7	41.4	55.2	3.4	23.6
Agg Sex Battery with Child	24	0.5	100.0	0.0	70.8	25.0	4.2	26.8
Arrange Sale/Purchase Drug	6	0.1	83.3	16.7	50.0	50.0	0.0	35.8
Arson	29	0.6	75.0	25.0	100.0	0.0	0.0	28.5
Battery on LEO	9	0.2	87.5	12.5	62.5	37.5	0.0	21.3
Burglary	717	14.2	94.4	5.6	81.4	15.2	3.4	22.4
Contribute Child Misconduct	14	0.3	85.7	14.3	100.0	0.0	0.0	24.5
Crim Damage of Property	76	1.5	93.1	6.9	77.8	18.1	4.2	24.1
Crim Deprivation of Vehicle	59	1.2	96.4	3.6	67.3	30.9	1.8	25.3
Criminal Threat	144	2.8	93.5	6.5	79.6	18.2	2.2	29.8
Crim Use of Financial Card	37	0.7	48.6	51.4	65.7	34.3	0.0	25.7
Domestic Battery	8	0.2	85.7	14.3	85.7	14.3	0.0	26.1
Driving while Hab Violator	930	18.4	88.0	12.0	78.5	19.5	2.0	30.8
Driving w/ Suspended-Third	306	6.0	86.8	13.2	74.6	23.7	1.8	29.4
Drug without Tax Stamps	50	1.0	76.1	23.9	80.4	10.9	8.7	27.9
DUI	334	6.6	91.2	8.8	91.8	7.5	0.6	34.9
False Writing	35	0.7	67.6	32.4	81.3	15.6	3.1	30.8
Forgery	503	9.9	54.5	45.5	69.6	28.5	1.8	28.8
Ind Liberties with a Child	19	0.4	89.5	10.5	89.5	10.5	0.0	28.6
Ind Solicitation with a Child	41	0.8	94.9	5.1	79.5	20.5	0.0	23.6
Involuntary Manslaughter	13	0.3	100.0	0.0	92.3	7.7	0.0	32.0
Kidnapping	5	0.1	100.0	0.0	50.0	50.0	0.0	33.0

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

Offense Type	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
Non-Support of a Child	34	0.7	100.0	0.0	87.9	12.1	0.0	33.3
Obstruct Legal Process	60	1.2	88.9	11.1	59.3	38.9	1.9	26.1
Possession of Firearms	71	1.4	95.8	4.2	59.2	39.4	1.4	25.6
Rape	6	0.1	100.0	0.0	100.0	0.0	0.0	31.2
Robbery	67	1.3	87.1	12.9	50.0	48.4	1.6	23.5
Securities Crimes	7	0.1	100.0	0.0	83.3	0.0	16.7	38.5
Stalking	10	0.2	100.0	0.0	88.9	11.1	0.0	33.4
Theft	631	12.5	77.9	22.1	71.9	27.3	0.9	27.2
Traffic Contraband	21	0.4	47.4	52.6	88.2	11.8	0.0	27.4
Weapon	14	0.3	85.7	14.3	64.3	35.7	0.0	27.8
Welfare Fraud	11	0.2	9.1	90.9	54.5	45.5	0.0	30.3
Worthless Check	63	1.2	67.2	32.8	90.2	8.2	1.6	32.7
Other	62	1.2	68.9	31.1	73.8	23.0	3.3	28.6
<b>Total</b>	<b>5,059</b>	<b>100.0</b>	<b>83.7</b>	<b>16.3</b>	<b>76.0</b>	<b>22.1</b>	<b>1.9</b>	<b>28.2</b>

Note: Due to missing data, each category is based on different numbers: Gender, N=4,785; Race, N=4,757; and Age, N=4,679.

\* 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	
Opiates or narcotics; poss 1	792	59.2	74.6	25.4	81.9	17.5	0.6	30.0
Opiates or narcotics; poss 2	5	0.4	20.0	80.0	100.0	0.0	0.0	35.2
Opiates or narcotics; sale 1	153	11.4	76.5	23.5	70.3	29.7	0.0	28.8
Depress, stim, hall, etc.; sale, poss w/intent to sale	205	15.3	84.8	15.2	86.3	11.7	2.0	29.0
Depress, stim, hall; poss 2	143	10.7	89.8	10.2	77.2	20.6	2.2	30.1
Depress, stim, hall; sale w/in 1,000ft of school	6	0.4	100.0	0.0	83.3	16.7	0.0	24.0
Possession of paraphernalia	21	1.6	81.0	19.0	85.7	4.8	9.6	30.6
Paraphernalia; deliver to child<18	5	0.4	80.0	20.0	100.0	0.0	0.0	30.0
Other	7	0.5	66.7	33.3	66.7	33.3	0.0	35.5
<b>Total</b>	<b>1,337</b>	<b>100.0</b>	<b>78.0</b>	<b>22.0</b>	<b>80.9</b>	<b>18.1</b>	<b>1.1</b>	<b>29.8</b>

Note: Due to missing data, each category is based on different numbers: Gender, N=1,289; Race, N=1,285; and Age, N=1,259.

\* 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	6	0.1	83.3	16.7	83.3	16.7	0.0	24.3
N2	5	0.1	100.0	0.0	100.0	0.0	0.0	36.0
N3	44	0.9	92.7	7.3	56.1	41.5	2.4	25.1
N4	13	0.3	76.9	23.1	61.5	38.5	0.0	23.6
N5	149	2.9	87.9	12.1	67.9	31.4	0.7	28.2
N6	104	2.1	89.8	10.2	85.3	13.7	1.1	30.1
N7	858	17.0	91.7	8.3	79.3	19.2	1.5	25.1
N8	642	12.7	63.6	36.4	71.2	26.7	2.2	28.3
N9	2,412	47.7	85.5	14.5	76.7	20.9	2.3	28.6
N10	442	8.7	76.9	23.1	65.6	32.0	2.4	28.5
Nongrid	384	7.6	92.2	7.8	87.4	11.7	0.9	32.8
<b>Total</b>	<b>5,059</b>	<b>100.0</b>	<b>83.7</b>	<b>16.3</b>	<b>76.0</b>	<b>22.1</b>	<b>1.9</b>	<b>28.2</b>

Note: Due to missing data, each category is based on different numbers: Gender, N=4,785; Race, N=4,757; and Age, N=4,679.  
 \* 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	0.1	100.0	0.0	100.0	0.0	0.0	24.5
D2	21	1.6	81.0	19.0	71.4	28.6	0.0	30.5
D3	377	28.2	81.0	19.0	79.3	19.3	1.4	28.6
D4	938	70.1	76.6	23.4	81.6	17.4	1.0	30.2
<b>Total</b>	<b>1,338</b>	<b>100.0</b>	<b>78.0</b>	<b>22.0</b>	<b>80.9</b>	<b>18.1</b>	<b>1.1</b>	<b>29.8</b>

Note: Due to missing data, each category is based on different numbers: Gender, N=1,289; Race, N=1,285 and Age, N=1,259.  
 \* Average age at time of offense.

### Criminal History and Length of Probation

The data indicates that 6,135 probation sentences with assigned criminal history categories were reported in FY 1998, accounting for nearly 96% of all probation sentences received by the Commission. The largest number of this group (34.7%, N=2,129) fell within criminal history category I, representing no previous criminal history or one misdemeanor conviction.

Nondrug offenders were found to account for almost 32% of criminal history category I on the nondrug grid, while drug offenders accounted for 45% of offenders in criminal history category I on the drug grid. Nearly 55% of probation drug offenders were sentenced within the presumptive probation boxes (Table 13), while 89% of nondrug offenders fell within the presumptive probation boxes (Table 12).

Two point six percent (2.6%) of nondrug offenders were found to be at severity level 5 criminal history categories H and I and severity level 6 criminal history category G, while 36.5% 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 as border boxes (Tables 12 and 13). In comparison with drug and nondrug probation sentences, a significant difference was also found in the use of some downward dispositional departures to obtain a probation sentence. Nondrug probation sentences reported 4.1% downward dispositional departure, while drug probation sentences reported 8.9% downward dispositional departure.

Lengths of probations by severity levels are exhibited also in Tables 12 and 13. The average length of probation for nondrug offenders was 25.1 months, while the average length of probation for drug offenders was 27.2 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	6	0	0	0	0	0	0	1	1	4	38.0
N2	5	0	0	0	0	1	0	0	0	4	45.6
N3	44	0	5	0	2	2	1	8	3	23	40.5
N4	13	0	1	2	1	1	0	4	0	4	38.9
N5	149	1	1	5	4	4	2	14	15	102	35.4
N6	104	0	4	4	2	1	1	9	17	64	30.4
N7	858	6	12	81	61	84	61	135	108	306	24.9
N8	642	4	3	52	30	109	61	99	71	206	24.8
N9	2,412	22	50	221	93	323	240	404	405	613	24.4
N10	442	0	7	30	25	54	34	90	41	156	23.9
Nongrid	384	2	6	18	9	23	8	38	38	46	23.2
<b>Total</b>	<b>5,059</b>	<b>35</b>	<b>89</b>	<b>413</b>	<b>227</b>	<b>602</b>	<b>408</b>	<b>802</b>	<b>699</b>	<b>1,528</b>	<b>25.1</b>

Note: Criminal history classes are based on 4,803 cases reporting criminal history category.

Legend:

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

**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	0	0	0	2	24.0
D2	21	1	1	0	0	0	3	4	4	8	37.4
D3	377	3	2	7	9	25	26	54	53	196	33.8
D4	938	4	11	26	26	69	63	185	155	395	24.3
<b>Total</b>	<b>1,338</b>	<b>8</b>	<b>14</b>	<b>33</b>	<b>35</b>	<b>94</b>	<b>92</b>	<b>243</b>	<b>212</b>	<b>601</b>	<b>27.2</b>

Note: Criminal history classes are based on 1,332 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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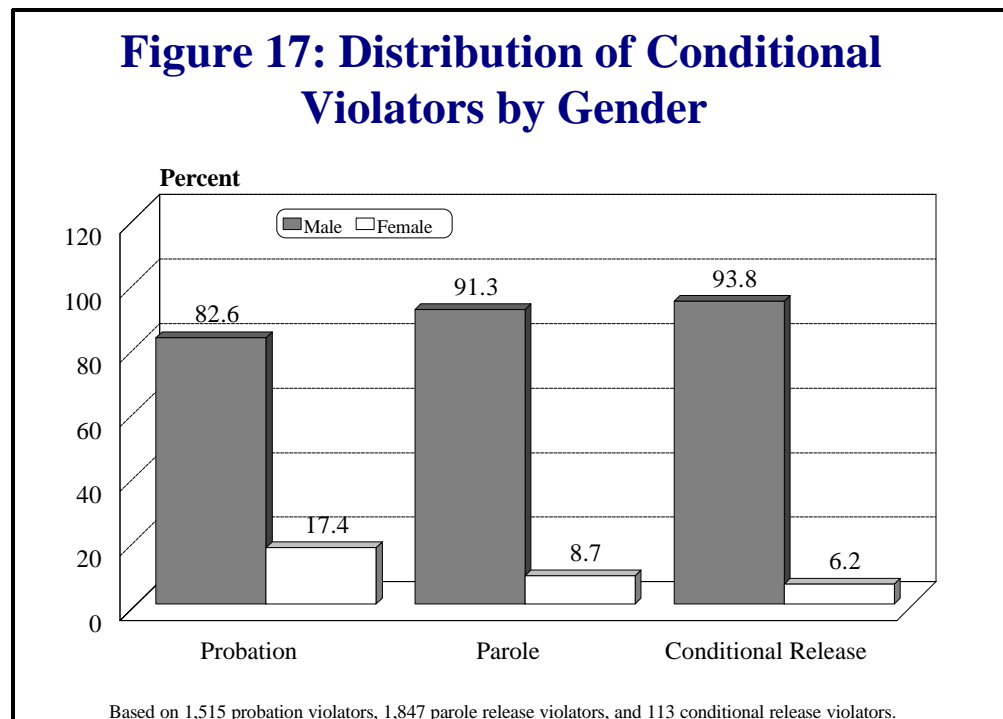
## VIOLATIONS RESULTING IN INCARCERATION

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 violations can result in revocation and subsequently, incarceration. This section presents an overview of both types of violators whose revocations resulted in incarceration. Violators with or without new convictions who continue on probation will be discussed in the following section.

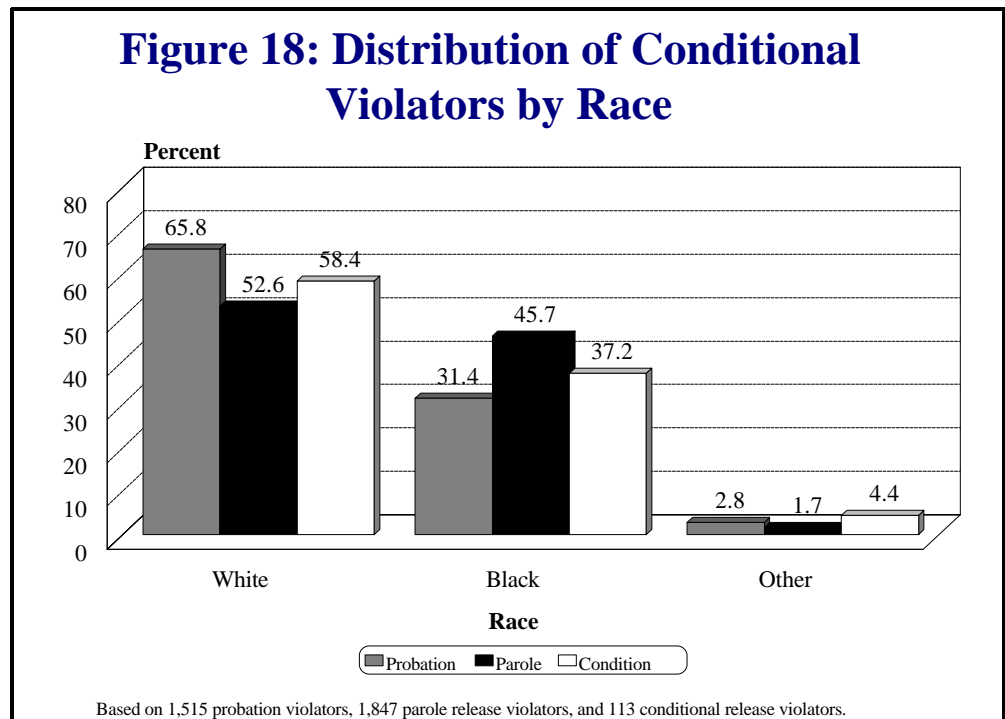
### Overview of Conditional Violators

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.

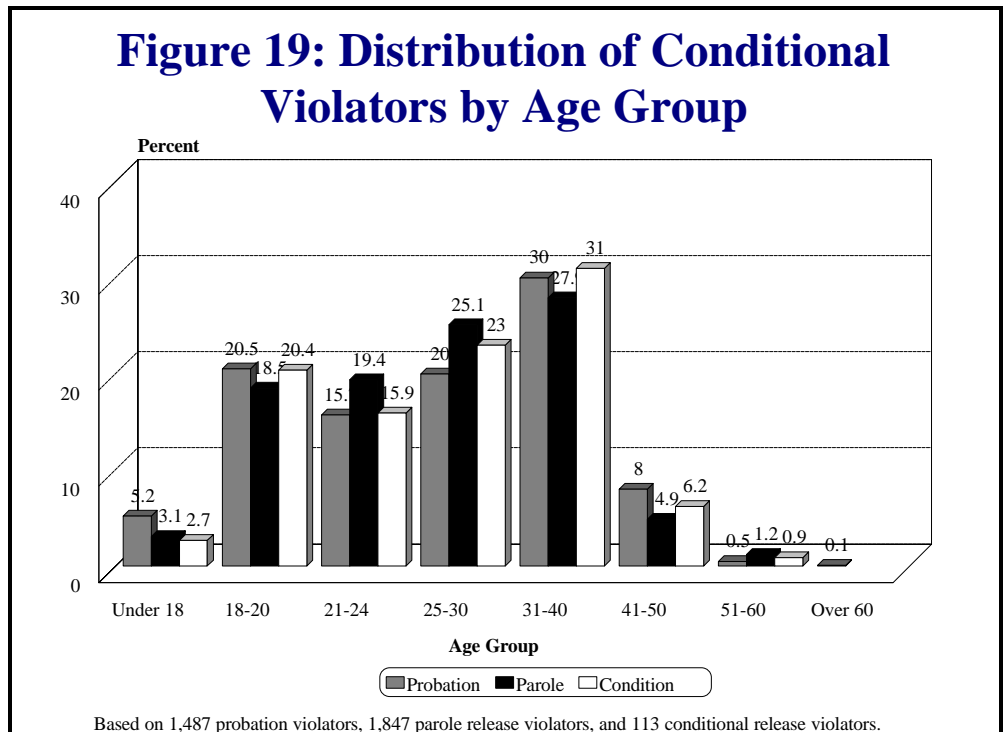
In FY 1998, a total number of 3,475 conditional violators, representing 1,515 probation violators, 1,847 parole/postrelease supervision violators, and 113 conditional release violators, respectively. Conditional violators alone accounted for 64% of all FY 1998 prison admissions. Characteristics of conditional 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.

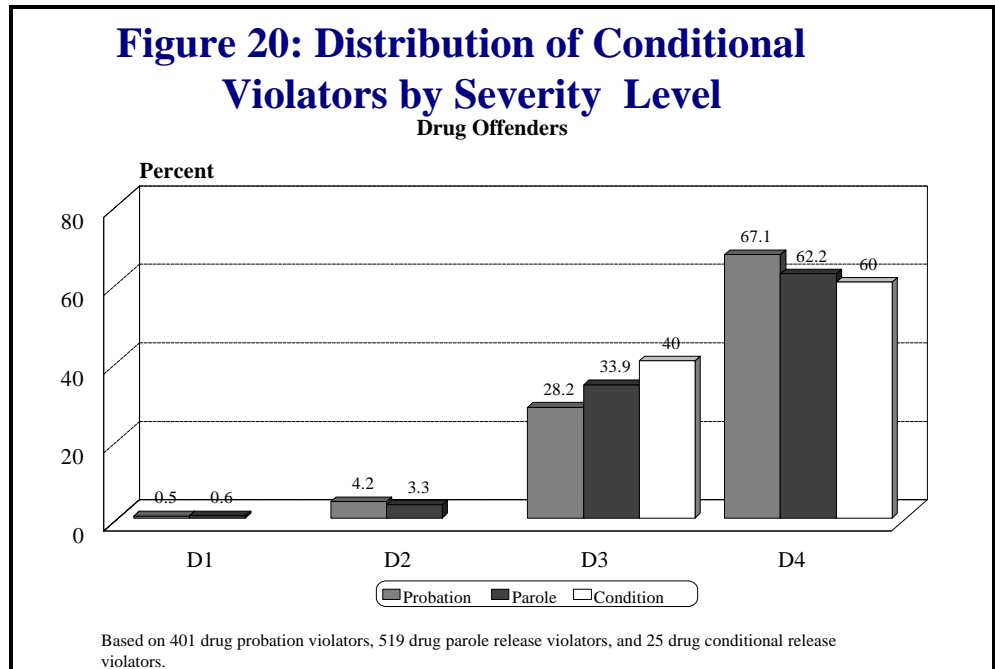


The largest proportions of all three types of conditional violators were found to be in their 30's at the time of admission to prison (Figure 19).



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

The highest percentages of probation, parole and conditional release violators fell on drug severity level 4 (Figure 20).



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

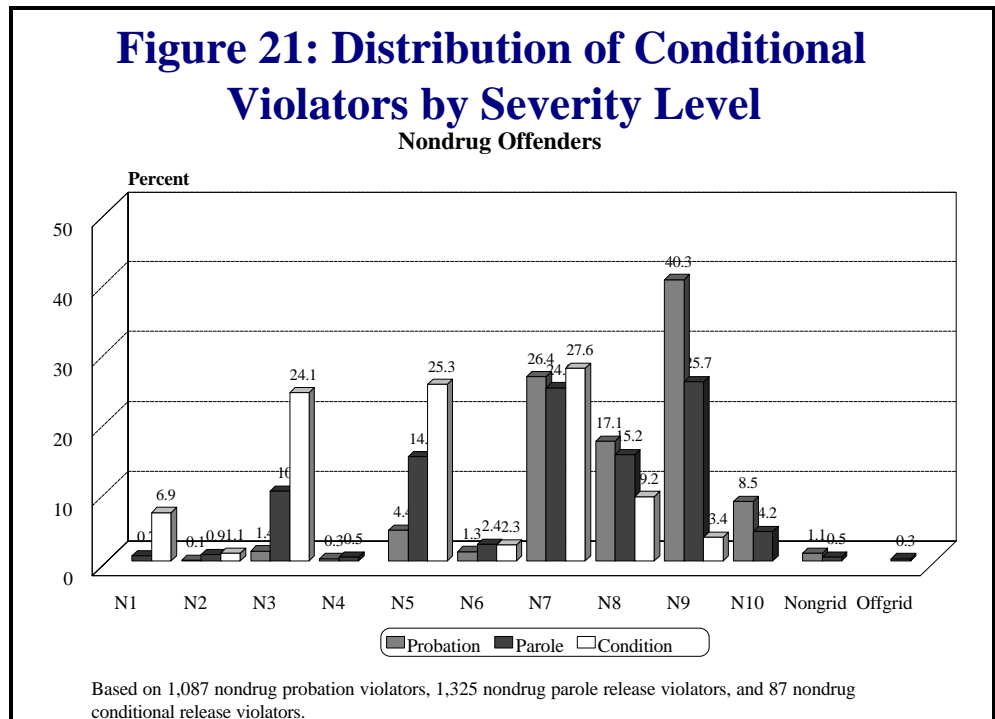


Table 14 displays the characteristics of all types of conditional violators by severity levels, race, and gender. The highest frequencies for males were found on nondrug severity level 9 and drug severity level 4. However, the largest numbers of females fell on nondrug severity levels 8 (80% of them committing the crime of forgery) and drug level 4. Both whites and blacks represented the highest numbers in nondrug level 9, while drug level 4 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	5	3	2	0	3	2	35.2
D2	34	28	6	15	19	0	34.0
D3	299	251	48	189	103	7	33.1
D4	607	484	123	322	281	4	33.9
N1	15	15	0	7	7	1	38.5
N2	14	14	0	8	6	0	40.7
N3	168	160	8	79	87	2	36.2
N4	9	6	3	3	5	1	28.1
N5	268	258	10	121	143	4	33.0
N6	48	47	1	36	10	2	31.8
N7	630	596	34	390	218	22	29.3
N8	395	300	95	236	151	8	31.6
N9	781	717	64	505	256	20	30.3
N10	148	120	28	89	57	2	32.2
Offgrid	4	4	0	3	1	0	45.3
Nongrid	19	17	2	12	5	2	37.4
Unknown	31	25	6	20	10	1	32.0
<b>Total</b>	<b>3,475</b>	<b>3,045</b>	<b>430</b>	<b>2,035</b>	<b>1,362</b>	<b>78</b>	<b>31.9</b>

## Conditional Probation Violators

During FY 1998, 1,515 conditional probation violators were admitted to the custody of Kansas Department of Corrections. This figure represents a total of 195 additional offenders or a 14.8% increase compared with FY 1997 figure. Nearly 92% of 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, burglary, criminal damage to property, criminal threat, driving while a habitual violator, driving while suspended, forgery, robbery, and theft were among the top 10 most frequent committing offenses for nondrug probation violators, accounting for 75.2% of all nondrug offenses (Table 15). Possession of drugs was the most frequent offense type for probation violators on the drug grid, accounting for 73% of all drug offenses (Table 16). Burglary, theft, and forgery were the three sentencing offenses for which there was a large 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 remained constant with the length of lag time indicated in FY 1997. The average length of time for drug violators was 3.0 years, which increased by 3.6 months compared with that of FY 1997. Distributions of probation violators by severity level and criminal history are exhibited in Table 17.

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

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Aggravated assault	42	88.1	11.9	57.1	40.5	2.4	27.8	30.5
Agg battery	54	88.9	11.1	61.1	37.0	1.9	26.3	28.8
Burglary	226	93.8	6.2	67.7	26.5	5.8	23.2	25.7
Criminal damage to property	23	100.0	0.0	82.6	17.4	0.0	25.2	27.8
Criminal threat	32	90.6	9.4	75.0	21.9	3.1	31.4	34.1
Driving while a habitual violator	78	94.9	5.1	84.6	10.3	5.1	31.3	33.7
Driving while suspended	39	87.2	12.8	69.2	28.2	2.6	28.9	31.4
Forgery	144	59.0	41.0	56.9	41.7	1.4	27.6	30.6
Robbery	29	100.0	0.0	41.4	55.2	3.4	21.6	24.1
Theft	171	87.7	12.3	57.9	40.4	1.8	25.6	28.3
<b>Subtotal</b>	<b>838</b>	<b>86.0</b>	<b>14.0</b>	<b>64.3</b>	<b>32.5</b>	<b>3.2</b>	<b>26.2</b>	<b>28.9</b>
Other	276	87.3	12.7	72.8	24.6	2.6	26.8	30.0
<b>TOTAL</b>	<b>1,114</b>	<b>86.4</b>	<b>13.6</b>	<b>66.4</b>	<b>30.5</b>	<b>3.0</b>	<b>26.3</b>	<b>29.1</b>

\* 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	47	80.9	19.1	85.1	8.5	6.4	26.3	29.8
Depress, stim, hall; poss 2nd	42	83.3	16.7	78.6	16.7	4.8	28.5	31.2
Opiates or narcotics; poss 1	238	69.7	30.3	60.9	38.7	0.4	30.4	33.3
Opiates or narcotics; poss 2	11	72.7	27.3	36.4	63.6	0.0	30.5	33.8
Opiates or narcotics; poss 3	2	100.0	0.0	50.0	50.0	0.0	28.5	34.3
Opiates or narcotics; sale 1	50	66.0	34.0	54.0	44.0	0.0	30.9	33.4
Opiates or narcotics; sale 2	2	50.0	50.0	50.0	50.0	0.0	37.0	40.0
Depress, stim, hall; sale w/in 1,000ft of school	4	75.0	25.0	100.0	0.0	0.0	24.8	27.2
Other	5	80.0	20.0	60.0	40.0	0.0	27.6	30.7
<b>TOTAL</b>	<b>401</b>	<b>72.3</b>	<b>27.7</b>	<b>64.1</b>	<b>33.9</b>	<b>1.9</b>	<b>29.7</b>	<b>32.7</b>

\* 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		1	6	2	6	17
D3			8	3	5	15	13	10	35	89
D4		3	7	12	14	13	56	45	114	264
N2				1						1
N3	1			1	3		1		5	11
N4				1					1	2
N5	1	1	5	2	1	1	9	6	17	43
N6			2	3			2	3	4	14
N7	5	8	40	23	33	20	38	32	63	262
N8	1	2	13	7	20	19	32	36	39	169
N9	5	13	43	20	47	48	78	65	91	410
N10			7	6	11	7	18	14	20	83
<b>Total</b>	<b>13</b>	<b>28</b>	<b>125</b>	<b>80</b>	<b>134</b>	<b>124</b>	<b>253</b>	<b>214</b>	<b>395</b>	<b>1,366</b>

\* Due to missing data, criminal history categories are based on 1,366 probation violators reporting criminal history.

## Conditional Parole/Postrelease Supervision Violators

Parole/postrelease supervision conditional violators attributed the largest percentage of FY 1998 admissions. Totaling 1,847 admissions, this group accounted for 34% 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 included aggravated escape from custody, aggravated assault, aggravated battery, aggravated burglary, aggravated robbery, burglary, driving while a habitual violator, forgery, robbery and theft, accounting for 73.8% of their total offenses. Over 92% of this group were males. Females represented the highest percentage (over 20%) for the crime of forgery. The highest percentages of whites were found in the offense categories of driving while a habitual violator, aggravated escape from custody and theft, whereas blacks indicated the highest representation in aggravated burglary, aggravated robbery, and robbery (Table 18). Parole/postrelease drug violators were 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		
Agg escape from custody	63	87.3	12.7	58.7	39.7	1.6	28.0	34.1
Aggravated assault	46	97.8	2.2	50.0	50.0		24.7	29.3
Aggravated battery	92	94.6	5.4	46.7	52.2	1.1	26.3	32.4
Aggravated burglary	32	100.0	0.0	31.1	68.8		25.6	35.0
Aggravated robbery	98	93.9	6.1	32.7	66.3	1.0	24.7	38.0
Burglary	227	94.7	5.3	56.4	41.9	1.8	25.2	29.9
Drive while a habitual viol	27	92.6	7.4	88.9	11.1		30.1	33.5
Forgery	105	79.0	21.0	57.1	39.0	3.8	29.5	34.3
Robbery	137	95.6	4.4	41.6	54.7	3.6	24.9	32.8
Theft	153	87.6	12.4	57.5	39.9	2.6	26.4	31.6
Other	348	96.0	4.0	61.5	36.5	2.0	26.6	33.1
<b>TOTAL</b>	<b>1,328</b>	<b>92.8</b>	<b>7.2</b>	<b>53.9</b>	<b>44.1</b>	<b>2.0</b>	<b>26.3</b>	<b>32.7</b>

\* 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	112	90.2	9.8	79.5	17.9	2.7	27.6	34.9
Depress, stim, hall; poss 2 <sup>nd</sup>	16	93.8	6.3	93.8	6.3		32.6	35.8
Depress, stim, hall.; sale w/in 1,000ft of school	1	100.0		100.0			19.0	23.2
Opiates or narcotics; poss 1	301	86.0	14.0	40.9	59.1		28.9	34.6
Opiates or narcotics; poss 2	12	91.7	8.3	58.3	41.7		27.9	36.0
Opiates or narcotics; poss 3	1	100.0			100.0		42.0	45.2
Opiates or narcotics; sale 1	66	89.4	10.6	30.3	69.7		27.1	30.8
Opiates or narcotics; sale 2	10	70.0	30.0	10.0	80.0	10.0	30.9	35.3
<b>TOTAL</b>	<b>519</b>	<b>87.5</b>	<b>12.5</b>	<b>49.3</b>	<b>49.9</b>	<b>0.8</b>	<b>28.5</b>	<b>34.3</b>

\* 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	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D2	1				2				1	4
D3		1				2	2	3	4	12
D4	2	1	5	2	8	10	7	8	29	72
N3								2		2
N5							1	1		2
N6							1		2	3
N7		3	4	4	2	4	8	10	21	56
N8	2		3	1	12	5	9	8	14	54
N9	5	17	24	9	25	17	33	21	25	176
N10	5	5	3	2	14	3	6	4	2	44
<b>Total</b>	<b>15</b>	<b>27</b>	<b>39</b>	<b>18</b>	<b>63</b>	<b>41</b>	<b>67</b>	<b>57</b>	<b>98</b>	<b>425</b>

\* Due to missing data, criminal history categories are based on 425 violators reporting criminal history.

## Conditional Release Violators

Tables 21 and 22 illustrate the characteristics of conditional release violators. In examining offense types, the analysis found the highest percentage of this group were classified as sex offenders, which attributed to over 42% of all nondrug offenders. Drug offenders represented only 22% of this specific population (n=113). 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	4	100.0		100.0			33.0	43.4
Aggravated assault	4	75.0	25.0	75.0		25.0	20.8	27.8
Aggravated battery	5	100.0			80.0	20.0	27.0	37.1
Aggravated robbery	8	100.0		87.5	12.5		24.1	38.0
Aggravated incest	10	100.0		90.0	10.0		33.3	40.6
Agg sexual battery on child	10	100.0		40.0	60.0		22.7	31.4
Forgery	4	25.0	75.0	100.0			29.0	34.0
Indecent liberties w/child	12	100.0		66.7	33.3		29.2	37.3
Rape	5	100.0		60.0	20.0	20.0	22.4	35.1
Robbery	8	100.0		12.5	87.5		25.8	36.2
Other	18	100.0		55.6	38.9	5.6	25.5	36.3
<b>TOTAL</b>	<b>88</b>	<b>95.5</b>	<b>4.5</b>	<b>60.2</b>	<b>35.2</b>	<b>4.5</b>	<b>26.7</b>	<b>36.3</b>

\* 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	Femal e	White	Black	Other		
Depress, stim, hall, etc.; sale, poss w/intent to sale	9	100.0		88.9	11.1		30.6	38.8
Depress, stim, hall; poss 1	13	84.6	15.4	23.1	76.9		28.5	35.5
Depress, stim, hall; poss 2	2	100.0		50.0		50.0	23.5	33.0
Opiates or narcotics; sale 1	1	100.0		100.0			32.0	36.6
<b>TOTAL</b>	<b>25</b>	<b>88.0</b>	<b>12.0</b>	<b>52.0</b>	<b>44.0</b>	<b>4.0</b>	<b>29.0</b>	<b>36.5</b>

\* Average age at time of offense.

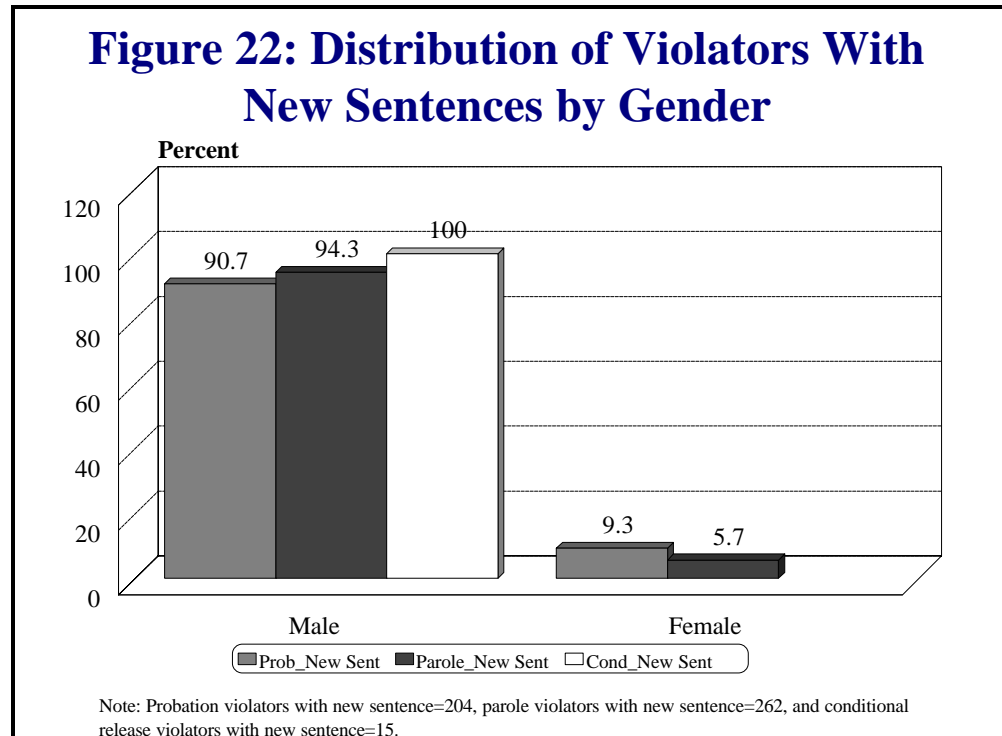
\*\* Average age at time admitted to prison.

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## Violators With New Sentences

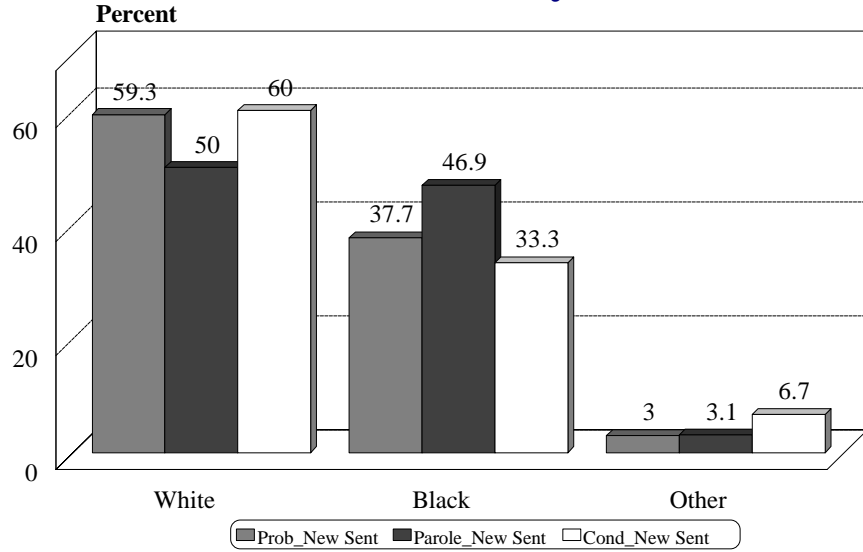
Violators with new sentences include probation, parole/postrelease, and conditional release violators convicted of an offense for which they received a new sentence. This group represented 8.8% of the total prison admissions, indicating a 0.6% decrease when compared with FY 1997. Characteristics of this 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, parole/postrelease violators and conditional release violators with new sentences were found in the age group between 31 to 40 years old (Figure 24).



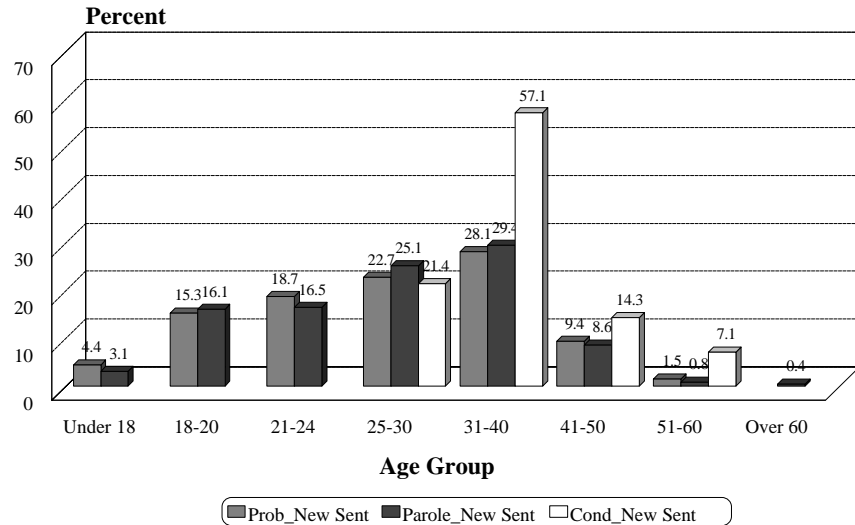
Drugs (23%), burglary (11.3%), and aggravated battery (8.8%) were the major committing offense categories for probation violators. Drugs (26%), burglary (13.7%), and theft (11.5%) represented the major committing offenses for parole/postrelease violators. The predominant committing offense for conditional release violators was drugs (20%). Table 23 illustrates the distribution of the above offenders by severity levels.

**Figure 23: Distribution of Violators With New Sentences by Race**



Note: Probation violators with new sentence=204, parole violators with new sentence=262, and conditional release violators with new sentence=15.

**Figure 24: Distribution of Violators With New Sentences by Age**



Note: Probation violators with new sentence=203, parole violators with new sentence=255, and conditional violators with new sentence=14.

**Table 23: Distribution of FY 1998 Violators with New Sentences  
By Severity Level**

Severity Level	Probation		Parole/Postrelease		Conditional Release	
	N	%	N	%	N	%
D1	2	1.0	1	0.4	0	0.0
D2	6	2.9	7	2.7	0	0.0
D3	22	10.8	24	9.2	0	0.0
D4	17	8.3	36	13.7	3	20.0
N1	1	0.5	2	0.8	0	0.0
N2	3	1.5	2	0.8	2	13.3
N3	12	5.9	10	3.8	3	20.0
N4	5	2.5	5	1.9	1	6.7
N5	15	7.4	16	6.1	3	20.0
N6	8	3.9	5	1.9	0	0.0
N7	31	15.2	41	15.6	1	6.7
N8	37	18.1	27	10.3	0	0.0
N9	37	18.1	61	23.3	1	6.7
N10	4	2.0	17	6.5	0	0.0
Offgrid	1	0.5	0	0.0	0	0.0
Nongrid	2	1.0	1	0.4	0	0.0
Unknown	1	0.5	7	2.7	1	6.7
<b>Total</b>	<b>204</b>	<b>100.0</b>	<b>262</b>	<b>100.0</b>	<b>15</b>	<b>100.0</b>

## VIOLATORS CONTINUING AND EXTENDING ON PROBATION

In this section, violators continued or extended on probation refers to probation violators, with or without new convictions, whose violations did not result in revocation of the probation but rather, a continuation or an extension of the probation. In FY 1998, there were 786 conditional probation violators and 95 probation violators with new convictions representing 37% of the total number of 2,120 conditional probation violators and 28% of the total number of 338 probation violators with new offenses respectively who were continued or extended on probation. Drugs (23.4%), burglary (15.9%), theft (10.7%), forgery (10.2%), and driving while a habitual violator (9.4%) were the top five committing offenses for this group of conditional violators. Burglary (20%), drugs (12.6%), driving while a habitual violator (11.6%), DUI (8.4%) and theft (8.4%) were the top five committing offenses for probation violators with new convictions. Tables 24 and 25 present criminal history by severity levels of the two types of violators who were sentenced to continued or extended probation.

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

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D2	2	0	0	0	0	2	0	0	0	0
D3	49	0	0	0	1	4	5	6	6	26
D4	133	2	2	4	3	7	5	28	18	57
N1	1	0	0	0	0	0	0	0	0	1
N2	1	0	0	0	0	0	0	0	0	1
N3	11	0	1	1	0	0	1	0	3	5
N4	2	0	0	1	0	0	0	0	0	1
N5	20	0	0	1	3	0	2	2	2	10
N6	6	0	0	0	0	0	0	0	1	5
N7	126	0	1	5	5	12	11	27	14	46
N8	98	0	2	3	1	12	10	19	13	36
N9	256	2	4	22	14	23	23	48	30	76
N10	47	0	0	3	2	5	4	8	5	17
Nongrid	30	0	0	3	1	2	3	2	5	2
<b>Total</b>	<b>782</b>	<b>4</b>	<b>10</b>	<b>43</b>	<b>30</b>	<b>67</b>	<b>64</b>	<b>140</b>	<b>97</b>	<b>283</b>

Note: Criminal history classes are based on 738 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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**Table 25: Criminal History by Severity Levels of Probation Violators with New Convictions Continuing and Extending on Probation**

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D3	2	0	0	0	0	0	0	0	0	2
D4	10	0	0	0	0	0	0	1	3	6
N4	1	0	0	0	0	0	0	1	0	0
N5	2	0	0	0	0	0	1	0	0	1
N6	3	0	0	0	0	0	0	1	0	1
N7	16	0	0	0	1	1	2	2	4	6
N8	6	0	0	0	0	0	3	0	1	2
N9	36	1	1	1	3	4	1	7	9	9
N10	7	0	0	0	0	1	1	2	1	2
Nongrid	12	0	0	0	1	2	0	0	2	2
<b>Total</b>	<b>95</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>8</b>	<b>8</b>	<b>14</b>	<b>20</b>	<b>31</b>

Note: Criminal history classes are based on 89 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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## 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 1998. A sentence is considered to conform to the guidelines if it falls within the range of sentence lengths within 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".

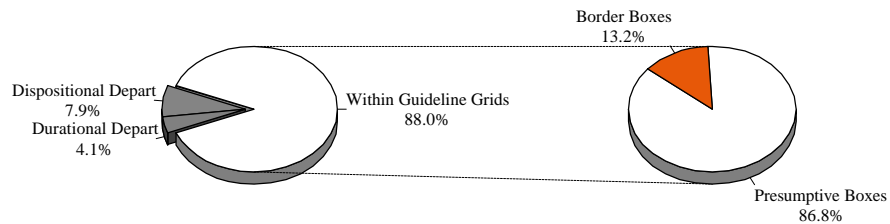
Departures from the designated guideline sentence can be further categorized into two types: Dispositional departures and durational departures. A dispositional departure occurs when the guidelines recommend a period of incarceration or probation but the reverse type of sentence is imposed. For example, the grid box indicates a period of incarceration, but a probation sentence is imposed. Sentences imposed in "border boxes" or violations resulting from a probation sentence are not considered 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 specific 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 1998, there were 7,122 pure guidelines sentences, including 1,109 incarceration guideline sentences and 6,013 probation sentences. Figure 25 demonstrates that 88% (6,211 sentences) of the 7,056 guideline sentences (Sentences missing criminal history categories were excluded.) fell within the presumptive guideline grids, 4.1% (291 sentences) indicated durational departures, and 7.9% (554 sentences) were dispositional departures. Of all the sentences within the presumptive guideline grids, 5,391 sentences (86.8%) fell within either the presumptive prison boxes or presumptive probation boxes, while 820 sentences (13.2%) were located on designated border boxes.

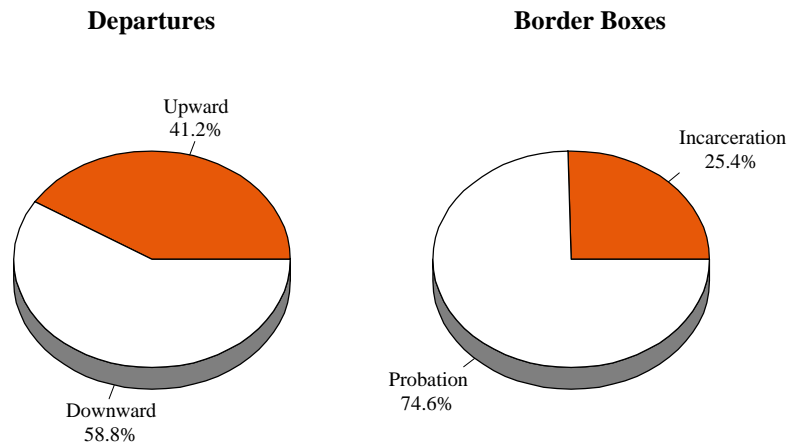
Figure 26 indicates that 58.8% (326 sentences) of the 554 dispositional departures were downward departures and 41.2% (228 sentences) were upward dispositional departures. Nearly 75% of the 820 border box sentences resulted in probation sentences with only a little over 25% sentenced to prison (Figure 26). The analysis of durational departure sentences is applicable to presumptive prison sentences only.

**Figure 25: Distribution of FY 1998 Overall Guideline Sentences**



Based on 1,109 prison and 5,947 probation guideline sentences

**Figure 26: Distribution of Dispositional Departure and Border Box Sentences**



Based on 554 departures and 820 border boxes

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## Conformity of Presumptive Prison Guideline Sentences

Presumptive prison guideline sentences refer to the sentences that are designated above the incarceration line of the sentencing grids. Revocations of probation, either with or without new sentences, that result in prison sentences were excluded from this analysis. A total of 1,109 presumptive prison guideline sentences were utilized for this analysis.

Figure 27 indicates that 53.2% of total sentences fell within the presumptive incarceration range. Of this percentage, 34.9% fell within the standard range, 11.2% were within the aggravated range, and 18.6% were within the mitigated range. A little over 35% were located within designated border boxes. Dispositional Depart 20.6% and Durational Depart 26.2% are also shown.

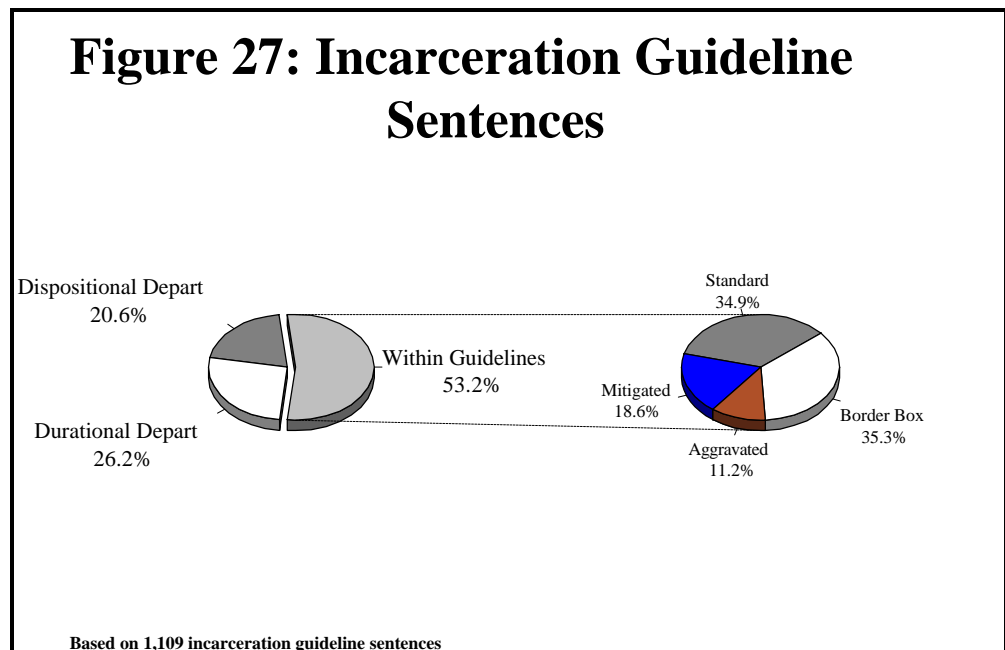
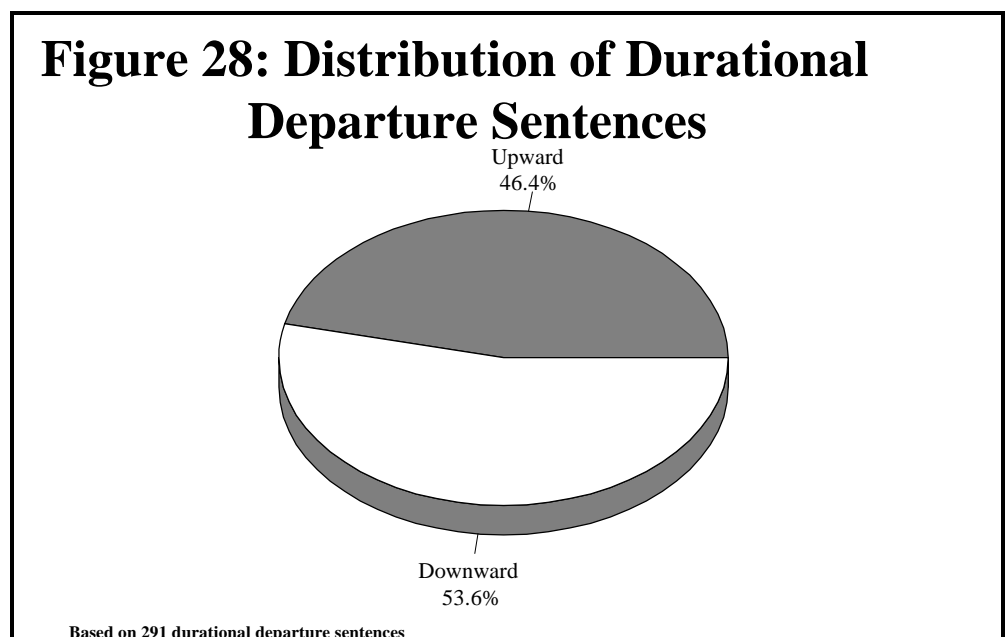


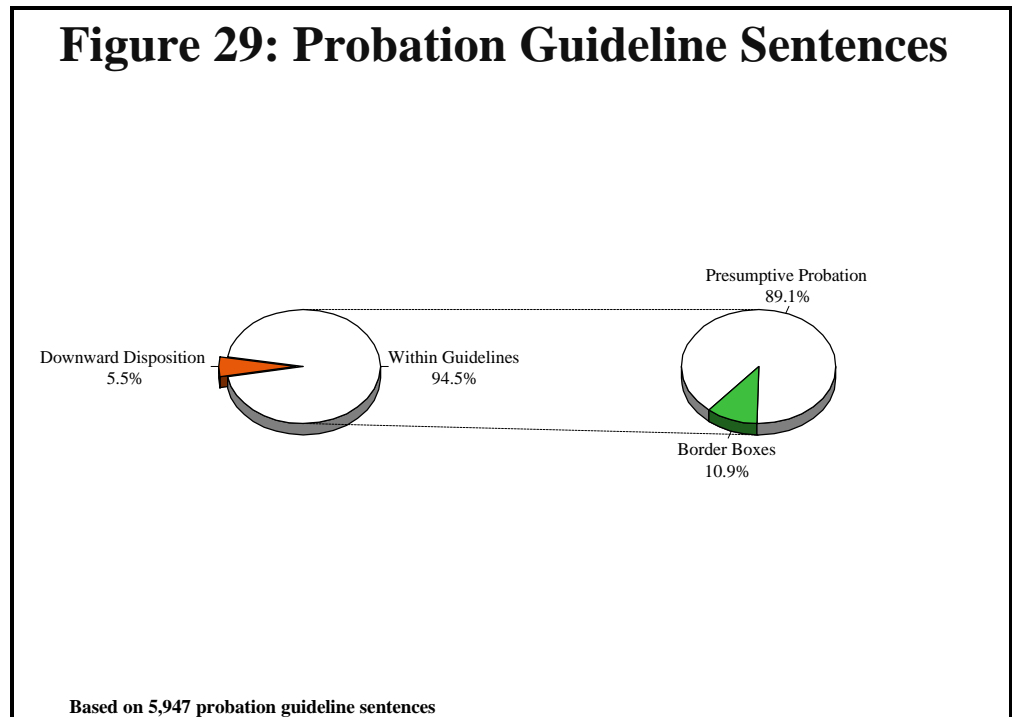
Figure 28 indicates that among the durational departure sentences, 46.4% departed upward from the presumptive guideline ranges, while 53.6% departed downward from the sentence lengths indicated on the presumptive range.



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## Conformity of Presumptive Probation Guideline Sentences

As expected, probation guideline sentences overwhelming (94.5%, 5,621 cases) fell beneath incarceration line, with only 10.9% falling within border boxes (Figure 29). This distribution accounted for 87.9% of the total probation sentences during FY 1998. Probation sentences reflected downward dispositional departures of 5.5%, while upward dispositional departure sentences were reflected in presumptive prison sentences (See Figure 26 above).



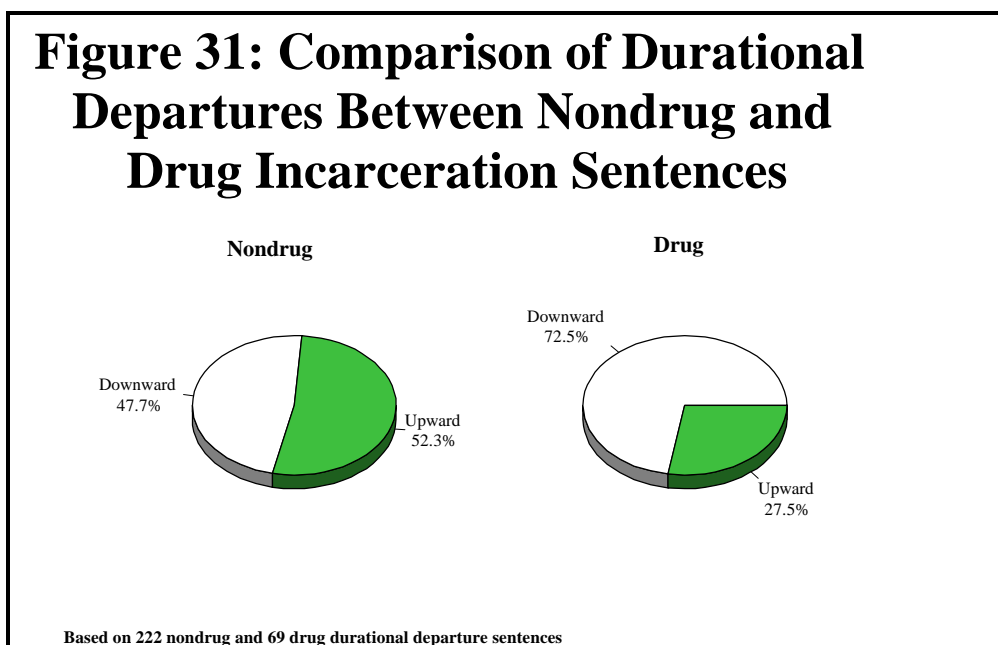
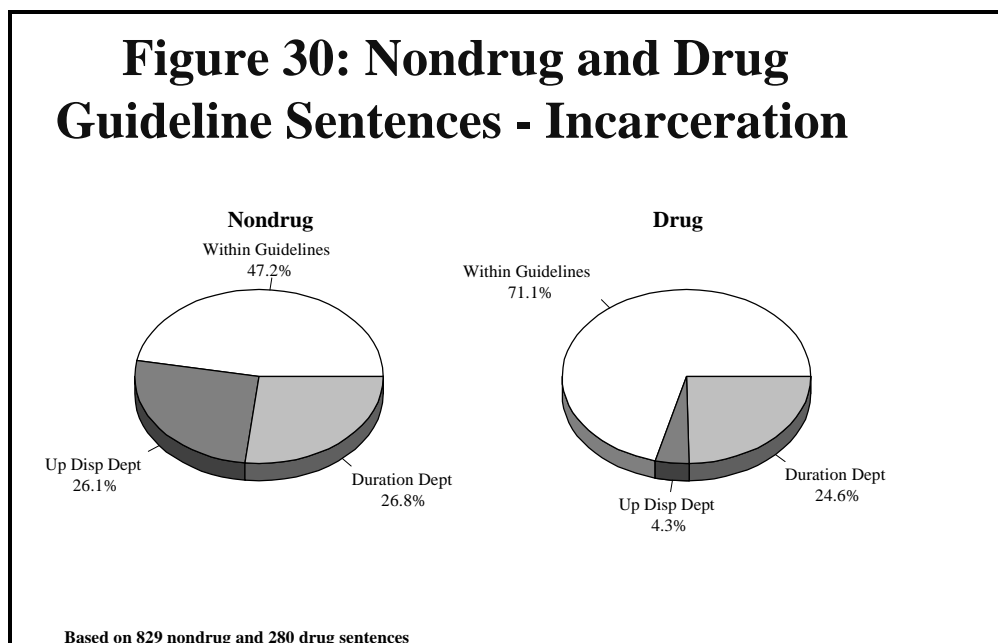
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## Conformity of Nondrug and Drug Guideline Sentences

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

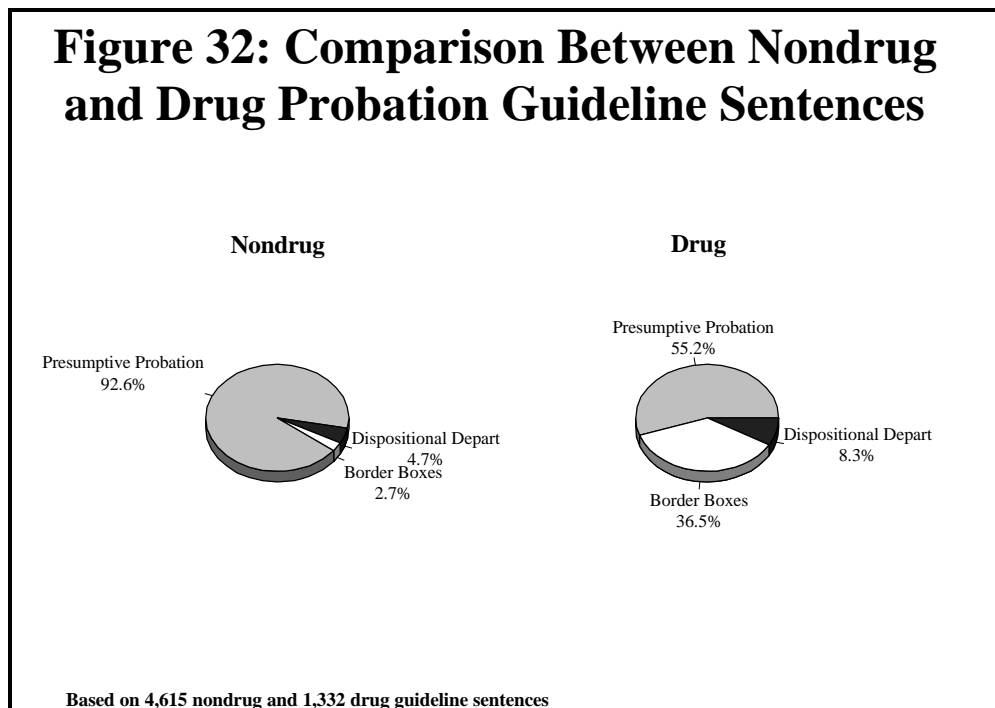
Figure 30 indicates that among nondrug offenders, the data showed 26.1% upward dispositional departures, while drug offenders only revealed 4.3% upward dispositional departures. Nondrug offenders indicate 26.8% durational departures while drug offenders show only 24.6% durational departures.

Examination of durational departures in Figure 31 indicates that downward departures represent 72.5% of the total durational departures on the drug grid. However, on the nondrug grid, only 47.7% of durational departures are downward. The majority of the upward departures were found on severity levels 2, 3, and 4 of 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 seems to indicate that drug offenders tend to be sentenced to probation sentences when their offense types and criminal history categories fell within the border boxes, than do nondrug offenders. The sentencing trend also indicates that there is a higher tendency to depart downward more often with drug sentences than with nondrug sentences.



### Conformity Rates to the Guidelines by Severity Level

Tables 26 demonstrates that conformity rates vary depending on severity levels, in addition to the drug or nondrug offense classifications. Drug incarceration sentences, as a whole, indicated a 11.1% standard, 1.4% aggravated, 7.9% mitigated, and 50.7% border box sentence distribution. Nondrug sentences revealed a 21.1% standard, 7.5% aggravated, 10.6% mitigated, and 8% border box sentence distribution. As for the departure sentences, drug sentences showed 6.8% upward durational departures, 17.9% downward durational departures, whereas nondrug sentences showed a 14% upward durational departure rate and a 12.8% downward durational departure rate. When examining dispositional departures, nondrug sentences upward dispositional departures were present in 26.1%. By contrast, drug sentences showed only a 4.3% upward dispositional departures. This would indicate that judges are more likely to impose shorter sentences for drug offenders than for nondrug offenders. This finding has been supported by data over the past three years.

**Table 26: Conformity Rates by Severity Level - Incarceration Sentences**

Severity Level	N	Within Guidelines(%)				Departures(%)			
		Agg	Stand	Miti	Box	Durational		Dispositional	
						Upward	Downward	Upward	
D1	3					33.3	66.7		
D2	43	2.3	18.6	20.9		16.3	41.9		
D3	155	1.9	5.8	3.2	75.5	3.2	10.3		
D4	79	0.0	17.7	10.1	31.6	7.6	17.7	15.2	
<b>Subtotal</b>	<b>280</b>	<b>1.4</b>	<b>11.1</b>	<b>7.9</b>	<b>50.7</b>	<b>6.8</b>	<b>17.9</b>	<b>4.3</b>	
N1	16	6.3	18.8	0.0		25.0	50.0		
N2	60	15.0	8.3	6.7		36.7	33.3		
N3	163	11.7	32.5	17.2		25.8	12.9		
N4	59	13.6	23.7	15.3		28.8	18.6		
N5	164	5.5	25.0	12.8	34.8	8.5	13.4		
N6	39	5.1	25.6	7.7	23.1	12.8	12.8	12.8	
N7	120	3.3	13.3	6.7		4.2	2.5	70.0	
N8	60	6.7	18.3	5.0		6.7	10.0	53.2	
N9	111	5.4	13.5	9.0		2.7	4.5	64.9	
N10	37	0.0	18.9	5.4		0.0	13.5	62.2	
<b>Subtotal</b>	<b>829</b>	<b>7.5</b>	<b>21.1</b>	<b>10.6</b>	<b>8.0</b>	<b>14.0</b>	<b>12.8</b>	<b>26.1</b>	
<b>TOTAL</b>	<b>1,109</b>	<b>6.0</b>	<b>18.6</b>	<b>9.9</b>	<b>18.8</b>	<b>12.2</b>	<b>14.1</b>	<b>20.6</b>	

Table 27 displays conformity rates for probation sentences by severity levels. Probation drug sentences indicated a 8.3% downward dispositional departures for sentences which should have been presumptive incarceration, while only 4.7% 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 (36.5% versus 2.7%). 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. This trend has been consistent for the past three years.



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**Table 27: Conformity Rates by Severity Level - Probation Sentences**

<b>Severity Level</b>	<b>N</b>	<b>Presumptive Probation (%)</b>	<b>Border Boxes(%)</b>	<b>Downward Disposition(%)</b>
D1	2			100.0
D2	21			100.0
D3	375		94.4	5.6
D4	934	78.7	14.1	7.2
<b>Subtotal</b>	<b>1,332</b>	<b>55.2</b>	<b>36.5</b>	<b>8.3</b>
N1	6			100.0
N2	5			100.0
N3	44			100.0
N4	13			100.0
N5	148		79.1	20.9
N6	102	79.4	8.8	11.8
N7	854	97.9		2.1
N8	635	98.9		1.1
N9	2,371	97.0		3.0
N10	437	98.4		1.6
<b>Subtotal</b>	<b>4,615</b>	<b>92.6</b>	<b>2.7</b>	<b>4.7</b>
<b>TOTAL</b>	<b>5,947</b>	<b>84.2</b>	<b>10.3</b>	<b>5.5</b>

## 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 more aggravated sentences (2.4%) and less standard sentences (10.7%). However, blacks received noticeably more mitigated sentences (13.1%) than whites. When examining departures, little difference was found between blacks and whites in durational departures. Blacks, did however, receive more upward dispositional departure sentences than whites.

**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					33.3	66.7	
D2								
White	28	3.6	21.4	14.3		17.9	42.9	
Black	14		14.3	35.7		14.3	35.7	
Other	1						100.0	
D3								
White	113	0.9	5.3	1.8	78.8	2.7	10.6	
Black	41	4.9	7.3	7.3	65.9	4.9	9.8	
Other	1				100.0			
D4								
White	50		20.0	10.0	30.0	10.0	16.0	14.0
Black	29		13.8	10.3	34.5	3.4	20.7	17.2
<b>TOTAL</b>								
<b>White</b>	<b>184</b>	<b>1.0</b>	<b>11.3</b>	<b>5.7</b>	<b>53.6</b>	<b>7.2</b>	<b>17.5</b>	<b>3.6</b>
<b>Black</b>	<b>84</b>	<b>2.4</b>	<b>10.7</b>	<b>13.1</b>	<b>44.0</b>	<b>6.0</b>	<b>17.9</b>	<b>6.0</b>
<b>Other</b>	<b>2</b>				<b>50.0</b>		<b>50.0</b>	

Based on 280 drug incarceration guideline sentences

Examining nondrug incarceration sentences on Table 29, the trend is reversed. Blacks received slightly less aggravated sentences (7.1% vs 7.7%), more standard sentences (25.8% vs 18.6%), higher upward durational departures (15.8% vs 13.2%), lower downward durational departures (11.3% vs 13.7%), and fewer upward dispositional departure sentences (22.9% vs 27.4%) than whites.

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

Severity Level and Race	N	Within Guidelines(%)				Departures(%)		
						Durational		Dispositional
		Agg	Stand	Miti	Box	Upward	Downward	Upward
<b>N1</b>								
White	9	11.1	11.1			33.3	44.4	
Black	6		33.3			16.7	50.0	
Other	1						100.0	
<b>N2</b>								
White	45	20.0	6.7	6.7		31.1	35.6	
Black	15		13.3	6.7		53.3	26.7	
<b>N3</b>								
White	108	11.1	31.5	18.5		22.2	16.7	
Black	48	12.5	39.6	12.5		31.3	4.2	
Other	7	14.3		28.6		42.9	14.3	
<b>N4</b>								
White	37	13.5	16.2	21.6		24.3	24.3	
Black	18	16.7	33.3	5.6		33.3	11.1	
Other	4		50.0			50.0		
<b>N5</b>								
White	111	6.3	23.4	10.8	40.5	7.2	11.7	
Black	46	4.3	21.7	19.6	21.7	13.0	19.6	
Other	7		71.4		28.6			
<b>N6</b>								
White	25	4.0	32.0	4.0	12.0	20.0	20.0	8.0
Black	12	8.3	8.3	16.7	41.7			25.0
Other	2		50.0		50.0			
<b>N7</b>								
White	85	1.2	10.6	8.2		5.9	1.2	72.9
Black	31	6.5	19.4	3.2			6.5	64.5
Other	4	25.0	25.0					50.0
<b>N8</b>								
White	35	5.7	20.0	5.7		5.7	11.4	51.4
Black	22	9.1	18.2	4.5		9.1	4.5	54.5
Other	3						33.3	66.7
<b>N9</b>								
White	75	6.7	9.3	9.3		4.0	2.7	68.0
Black	31	3.2	22.6	9.7			9.7	54.8
Other	5		20.0					80.0
<b>N10</b>								
White	25		8.0				16.0	76.0
Black	11		45.5	18.2			9.1	27.3
Other	1							100.0
<b>TOTAL</b>								
White	555	7.7	18.6	10.8	8.6	13.2	13.7	27.4
Black	240	7.1	25.8	10.8	6.3	15.8	11.3	22.9
Other	34	5.9	29.4	5.9	8.8	14.7	8.8	26.5

Based on 829 nondrug incarceration guideline sentences

Conformity rates for probation sentences by race indicate that white offenders received more probation sentences (56.2%) but fewer downward dispositional departures (7.4%) than black offenders for drug offenses (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. Blacks also received a higher percentage of probation sentences within the designated border boxes. This data would seem to indicate that blacks are more likely than whites to receive a probation sentence when the offender fell within the border box range of the sentence grid. This finding indicates a reverse pattern from the FY 1997 data, which demonstrated 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 (Kansas Sentencing Commission 1997 Annual Report).

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

<b>Severity Level and Race</b>	<b>N</b>	<b>Presumptive Probation (%)</b>	<b>Border Boxes(%)</b>	<b>Downward Disposition(%)</b>
D1				
White	2			100.0
D2				
White	15			100.0
Black	6			100.0
D3				
White	286		95.8	4.2
Black	70		90.0	10.0
Other	5		80.0	20.0
D4				
White	733	79.4	14.1	6.5
Black	153	75.2	15.7	9.2
Other	9	88.9	11.1	
<b>TOTAL</b>				
<b>White</b>	<b>1,036</b>	<b>56.2</b>	<b>36.4</b>	<b>7.4</b>
<b>Black</b>	<b>229</b>	<b>50.2</b>	<b>38.0</b>	<b>11.8</b>
<b>Other</b>	<b>14</b>	<b>57.1</b>	<b>35.7</b>	<b>7.2</b>

Based on 1,279 drug probation sentences reporting race of offenders

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

<b>Severity Level and Race</b>	<b>N</b>	<b>Presumptive Probation (%)</b>	<b>Border Boxes(%)</b>	<b>Downward Disposition(%)</b>
N1				
White	5			100.0
Black	1			100.0
N2				
White	5			100.0
N3				
White	23			100.0
Black	17			100.0
Other	1			100.0
N4				
White	8			100.0
Black	5			100.0
N5				
White	94		84.0	16.0
Black	44		63.6	36.4
Other	1		100.0	
N6				
White	80	80.0	7.5	12.5
Black	13	76.9	23.1	
Other	1	100.0		
N7				
White	645	98.0		2.0
Black	157	97.5		2.5
Other	12	100.0		
N8				
White	432	99.3		0.7
Black	162	97.5		2.5
Other	13	100.0		
N9				
White	1,705	97.2		2.8
Black	468	96.4		3.6
Other	51	96.1		3.9
N10				
White	276	98.9		1.1
Black	135	97.0		3.0
Other	9	100.0		
<b>TOTAL</b>				
<b>White</b>	<b>3,273</b>	<b>93.3</b>	<b>2.6</b>	<b>4.1</b>
<b>Black</b>	<b>1,002</b>	<b>90.1</b>	<b>3.1</b>	<b>6.8</b>
<b>Other</b>	<b>88</b>	<b>95.5</b>	<b>1.1</b>	<b>3.4</b>

Based on 4,363 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. Only males received aggravated and upward durational departures. However, females received more presumptive prison sentences (64.5%) when the offender fell within the border boxes and less mitigated (3.2%) sentences than their counterparts. Females received less standard sentences, downward durational departures, and more upward dispositional departures than males (6.5% vs 11.6%, 16.1% vs 18.1%, and 9.7% vs 3.6%).

**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	3					33.3	66.7	
D2								
Male	35	2.9	17.1	22.9		20.0	37.1	
Female	8		25.0	12.5			62.5	
D3								
Male	137	2.2	6.6	3.6	72.3	3.6	11.7	
Female	18				100.0			
D4								
Male	74		18.9	10.8	31.1	8.1	18.9	12.2
Female	5				40.0			60.0
<b>TOTAL</b>								
Male	<b>249</b>	<b>1.6</b>	<b>11.6</b>	<b>8.4</b>	<b>49.0</b>	<b>7.6</b>	<b>18.1</b>	<b>3.6</b>
Female	<b>31</b>	<b>0.0</b>	<b>6.5</b>	<b>3.2</b>	<b>64.5</b>	<b>0.0</b>	<b>16.1</b>	<b>9.7</b>

Based on 280 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 (20.3%) and to also receive upward dispositional departure sentences (45.8%). Males, on the other hand, received prison sentences at a 7% rate within border boxes and accounted for 34.5% of all upward dispositional departure sentences. Based on gender alone, it would appear to indicate that females are more likely to receive a prison sentence or an upward departure sentence than males for both drug and nondrug sentences. This sentencing practice has remained unchanged for the last three years and will continue to be closely monitored in future analysis (see Kansas Sentencing Commission 1997 and 1996 Annual Report).

**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	15	6.7	20.0			26.7	46.7		
Female	1						100.0		
N2									
Male	55	16.4	7.3	5.5		38.2	32.7		
Female	5		20.0	20.0		20.0	40.0		
N3									
Male	159	11.9	32.7	17.6		24.5	13.2		
Female	4		25.0			75.0			
N4									
Male	58	13.8	24.1	13.8		29.3	19.0		
Female	1			100.0					
N5									
Male	146	5.5	28.1	11.0	31.5	9.6	14.4		
Female	18	5.6		27.8	61.1		5.6		
N6									
Male	37	5.4	27.0	8.1	21.6	13.5	13.5	10.8	
Female	2				50.0			50.0	
N7									
Male	116	3.4	13.8	6.9		4.3	2.6	69.0	
Female	4							100.0	
N8									
Male	48	8.3	22.9	6.3		8.3	10.4	43.8	
Female	12						8.3	91.7	
N9									
Male	103	5.8	13.6	9.7		2.9	4.9	63.1	
Female	8		12.5					87.5	
N10									
Male	33		21.2	6.1			15.2	57.6	
Female	4							100.0	
<b>TOTAL</b>									
Male	<b>770</b>	<b>7.9</b>	<b>22.3</b>	<b>10.5</b>	<b>7.0</b>	<b>14.5</b>	<b>13.1</b>	<b>34.5</b>	
Female	<b>59</b>	<b>1.7</b>	<b>5.1</b>	<b>11.9</b>	<b>20.3</b>	<b>6.8</b>	<b>8.5</b>	<b>45.8</b>	

Based on 829 nondrug incarceration guideline sentences

Analyses of overall probation sentences show that females, on both 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 a presumptive prison box. The above findings continue a trend that was present in both the FY 1996 and FY 1997 data.

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

<b>Severity Level and Gender</b>	<b>N</b>	<b>Presumptive Probation (%)</b>	<b>Border Boxes(%)</b>	<b>Downward Disposition(%)</b>
D1				
Male	2			100.0
D2				
Male	17			100.0
Female	4			100.0
D3				
Male	295		93.9	6.1
Female	67		97.0	3.0
D4				
Male	688	75.4	16.3	8.3
Female	210	90.0	7.6	2.4
<b>TOTAL</b>				
<b>Male</b>	<b>1,002</b>	<b>51.8</b>	<b>38.8</b>	<b>9.4</b>
<b>Female</b>	<b>281</b>	<b>67.3</b>	<b>28.8</b>	<b>3.9</b>

Based on 1,283 drug probation sentences reporting gender of offenders



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

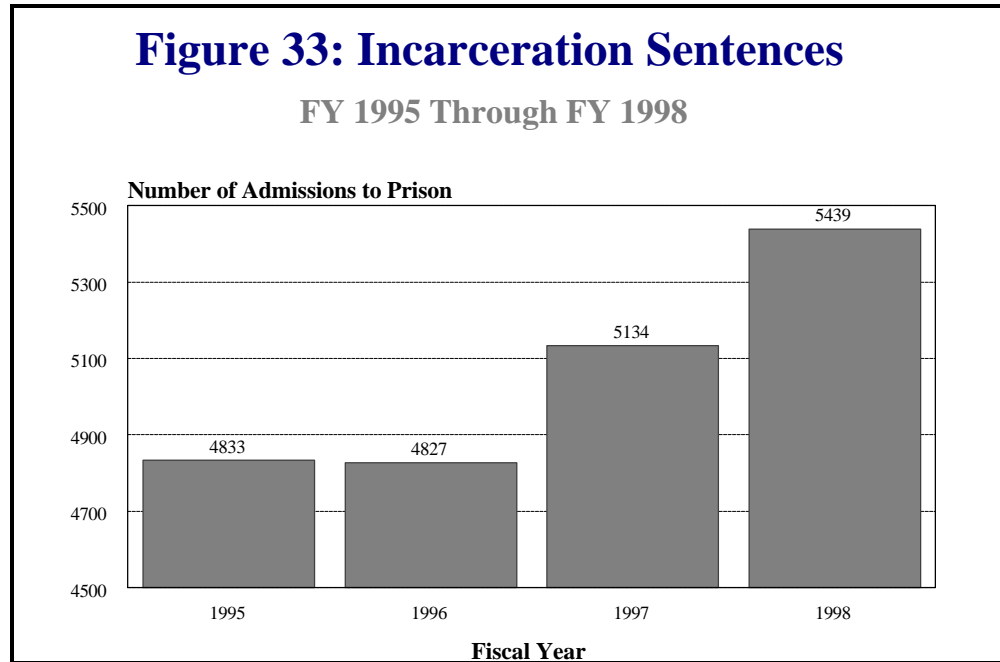
<b>Severity Level and Gender</b>	<b>N</b>	<b>Presumptive Probation (%)</b>	<b>Border Boxes(%)</b>	<b>Downward Disposition(%)</b>
N1				
Male	5			100.0
Female	1			100.0
N2				
Male	5			100.0
N3				
Male	38			100.0
Female	3			100.0
N4				
Male	10			100.0
Female	3			100.0
N5				
Male	122		77.9	22.1
Female	17		76.5	23.5
N6				
Male	87	81.6	5.7	12.6
Female	10	60.0	40.0	
N7				
Male	749	97.7		2.3
Female	68	98.5		1.5
N8				
Male	387	98.4		1.6
Female	222	99.5		0.5
N9				
Male	1,916	96.6		3.4
Female	325	99.7		0.3
N10				
Male	324	97.8		2.2
Female	96	100.0		
<b>TOTAL</b>				
<b>Male</b>	<b>3,643</b>	<b>92.0</b>	<b>2.7</b>	<b>5.3</b>
<b>Female</b>	<b>745</b>	<b>95.8</b>	<b>2.3</b>	<b>1.9</b>

Based on 4,388 nondrug probation sentences reporting gender of offenders.

## SENTENCING TRENDS AND FORECAST: FY 1995 THROUGH FY 1998

### Incarceration Sentences

In fiscal year 1998, the total number of incarceration sentences increased by 5.9% compared with that of FY 1997. The total number of FY 1998 prison admissions indicated an increase of 12.5% from the 4,833 admissions reported in FY 1995 (Figure 33).



Monthly prison admission rates in FY 1998 demonstrate a different pattern when compared to FY 1995 through FY 1997 (Figure 34).

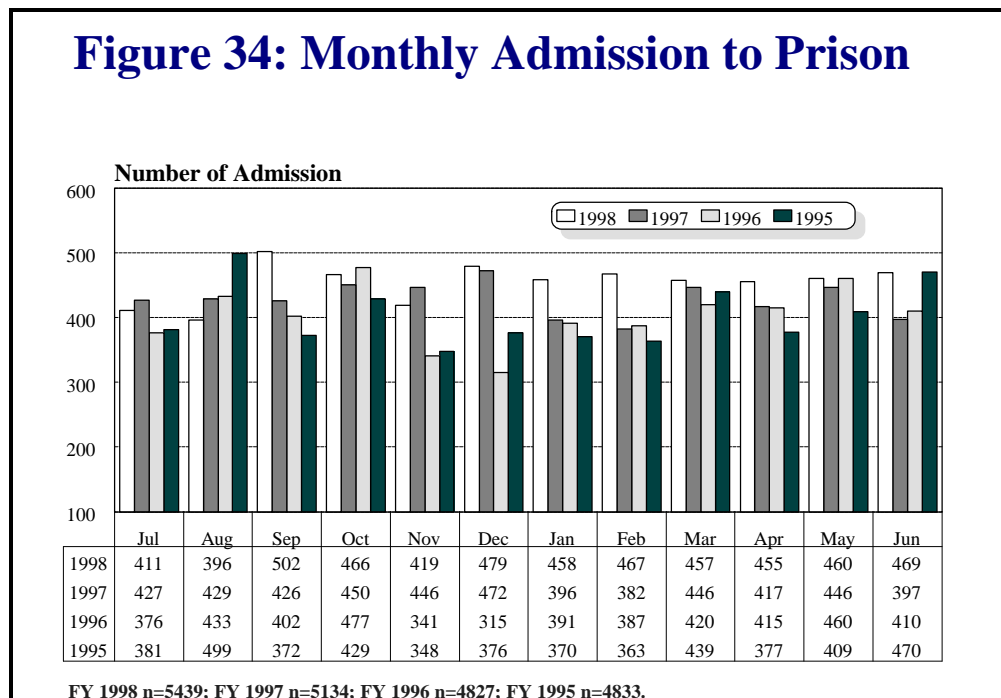
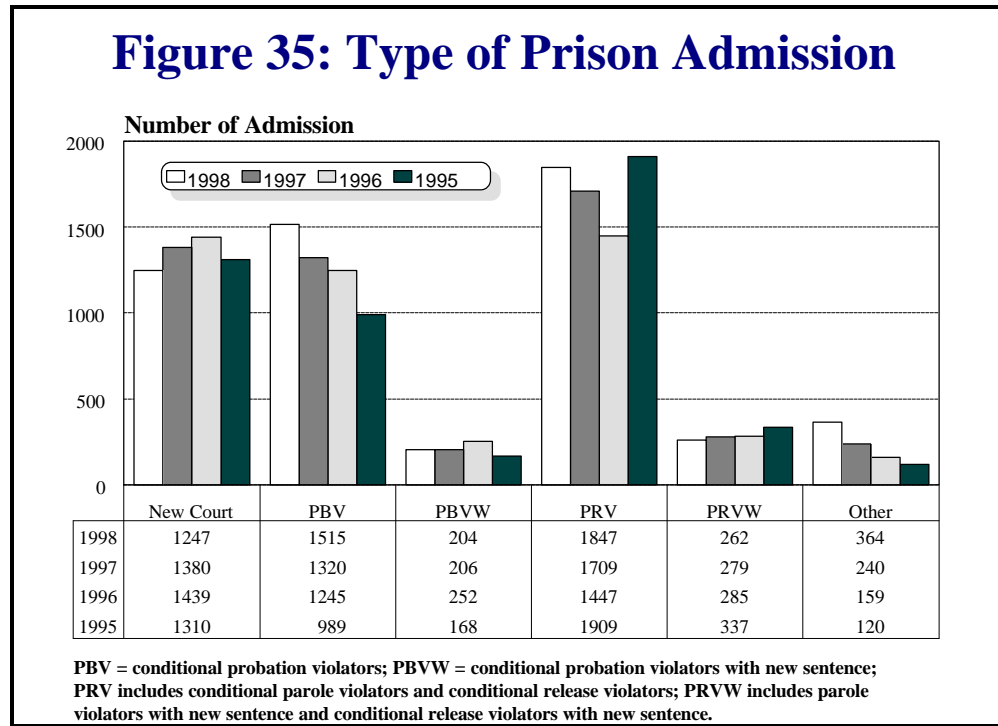


Figure 35 and Table 36 represent the types of admissions to prison.



**Table 36: Comparison of Prison Admissions Between FY 1995 Through FY 1998**

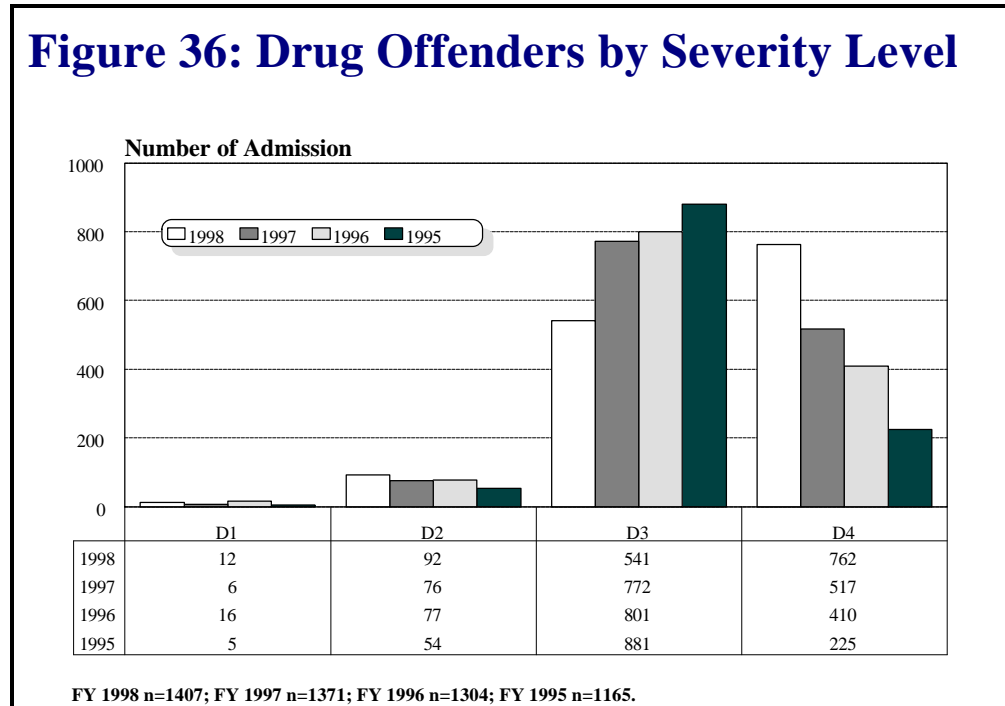
Admission Type	FY 98	FY 97	FY 96	FY 95	FY 98-97 % Difference	FY 98-95 % Difference
New Court Admission	1247	1380	1439	1310	-9.6%	-4.8%
Probation Violator	1515	1320	1245	989	+14.8%	+53.2%
Probation Violator with New Sentence	204	206	252	168	-1.0%	+21.4%
Parole/Postrelease Violator	1847	1624	1364	1816	+13.7%	+1.7%
Parole/Postrelease Violator with New Sent	262	269	265	313	-2.6%	-16.3%
Conditional Release Violator	113	85	83	93	+32.9%	+21.5%
Conditional Release Violator with New Sent	15	10	20	24	+50.0%	-37.5%
Other Types*	236	240	159	120	-1.7%	+96.7%
<b>Total</b>	<b>5439</b>	<b>5134</b>	<b>4827</b>	<b>4833</b>	<b>+5.9%</b>	<b>+12.5%</b>

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

In fiscal year 1998, the number of new court admission decreased by 9.6% as compared with that of FY 1997 and 4.8% when compared with FY 1995. Probation violators without new sentences increased by 14.8% when compared with the number of FY 1997 and 53.2% from the FY 1995 number. In contrast, probation violators with new sentences decreased by 1% from the number reported in FY 1997 but increased by 21.4% from the FY 1995 total. Parole/postrelease violators without new sentences increased by 13.7% from FY 1997 and 1.7% when compared with that of FY 1995. When comparing FY 1997 with FY 1995, parole/postrelease violators with new sentences decreased by 2.6% and 16.3%, respectively. Conditional release violators without new sentences were up by 32.9% from FY 1997 and 21.5% from FY 1995. Conditional release violators with new sentences indicated a 50%

increase from the FY 1997 number and 37.5% decrease from the FY 1995 number (Table 36).

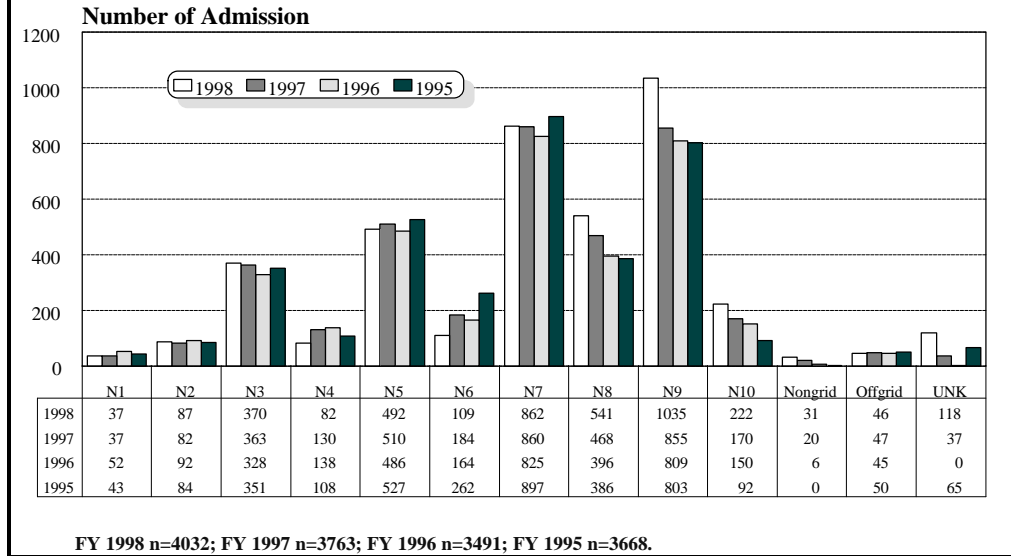
As illustrated in Figures 36 and 37 and Tables 37 and 38, both drug and nondrug sentences increased in FY 1998.



**Table 37: Comparison of Drug Offenders By Severity Level Between FY 1995 Through FY 1998**

Severity Level	FY 1998	FY 1997	FY 1996	FY 1995	FY 98-97 # Difference	FY 98-97 % Difference	FY 98-95 # Difference	FY 98-95 % Difference
D1	12	6	16	5	+6	+100.0%	+7	+140.0%
D2	92	76	77	54	+16	+21.1%	+38	+70.4%
D3	541	772	801	881	-231	-29.9%	-340	-38.6%
D4	762	517	410	225	+245	+47.4%	+537	+238.7%
<b>Total</b>	<b>1407</b>	<b>1371</b>	<b>1304</b>	<b>1165</b>	<b>+36</b>	<b>+2.6%</b>	<b>+242</b>	<b>+20.8%</b>

**Figure 37: Nondrug Offenders by Severity Level**



**Table 38: Comparison of Nondrug Offenders By Severity Level Between FY 1995 Through FY 1998**

Severity Level	FY 1998	FY 1997	FY 1996	FY 1995	FY 98-97 # Difference	FY 98-97 % Difference	FY 98-95 # Difference	FY 98-95 % Difference
N1	37	37	52	43	0	0.0%	-6	-14.0%
N2	87	82	92	84	+5	+6.1%	+3	+3.3%
N3	370	363	328	351	+6	+1.7%	+19	+5.4%
N4	82	130	138	108	-48	-36.9%	-26	-24.1%
N5	492	510	486	527	-18	-3.5%	-35	-6.6%
N6	109	184	164	262	-75	-40.8%	-153	-93.3%
N7	862	860	825	897	+2	+0.2%	-35	-3.9%
N8	541	468	396	386	+73	+15.6%	+155	+40.2%
N9	1035	855	809	803	+180	+21.1%	+232	+28.9%
N10	222	170	150	92	+52	+30.6%	+130	+141.3%
Offgrid	46	47	45	50	-1	-2.1%	-4	-8.0%
Other*	149	57	6	65	+92	+161.4%	+84	+129.2%
<b>Total</b>	<b>4032</b>	<b>3763</b>	<b>3491</b>	<b>3668</b>	<b>+269</b>	<b>+7.1%</b>	<b>+364</b>	<b>+9.9%</b>

\*. Other include nongrid and unknown.

FY 1998 drug sentences, when compared with FY 1997, increased by only 2.6%, while nondrug sentences increased by 7.1% from FY 1997 (Table 37 and Table 38). However, when comparing data from FY 1995, drug sentences indicate a significant increase by almost 21%, while nondrug sentences demonstrated an increase of only 9.9% (Table 37 and Table 38). The number of drug sentences in all severity levels increased in FY 1998 except for drug level 3, which decreased by about 30% from the

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previous year and 38.6% from that of FY 1995. The largest increases for drug offenders fell on drug grid levels 1 and 4, which increased by 100% and 47.4%, respectively, from FY 1997 (Table 37). The largest decreases for nondrug offenders occurred in nondrug severity levels 4 and 6, which dropped by 36.9% on level 4 and 40.8% on level 6 from FY 1997, respectively (Table 38). However, the number of nondrug severity levels 8, 9 and 10 rose by 15.6%, 21.1%, and 30.6% from FY 1997, in addition to 40.2%, 28.9%, and 141.3% from FY 1995 (Table 38). In summary, the trend indicates an overall increase in sentences for both drug and nondrug offenders in the past years.

### Probation Sentences

Trend analysis of probation sentences in this report includes three years complete probation data, which had been reported to the Commission from FY 1996 to FY 1998, and included is for the first time in the Commission's annual report. Distributions of probation sentences for the past three years are illustrated in Figure 38. Like incarceration sentences, probation sentences demonstrate a steady increase over the past three years (Figure 38).

The total number of probation sentences in FY 1998 indicated an increase of 4.3% when compared with that of FY 1997 and 6.2% from FY 1996 number.

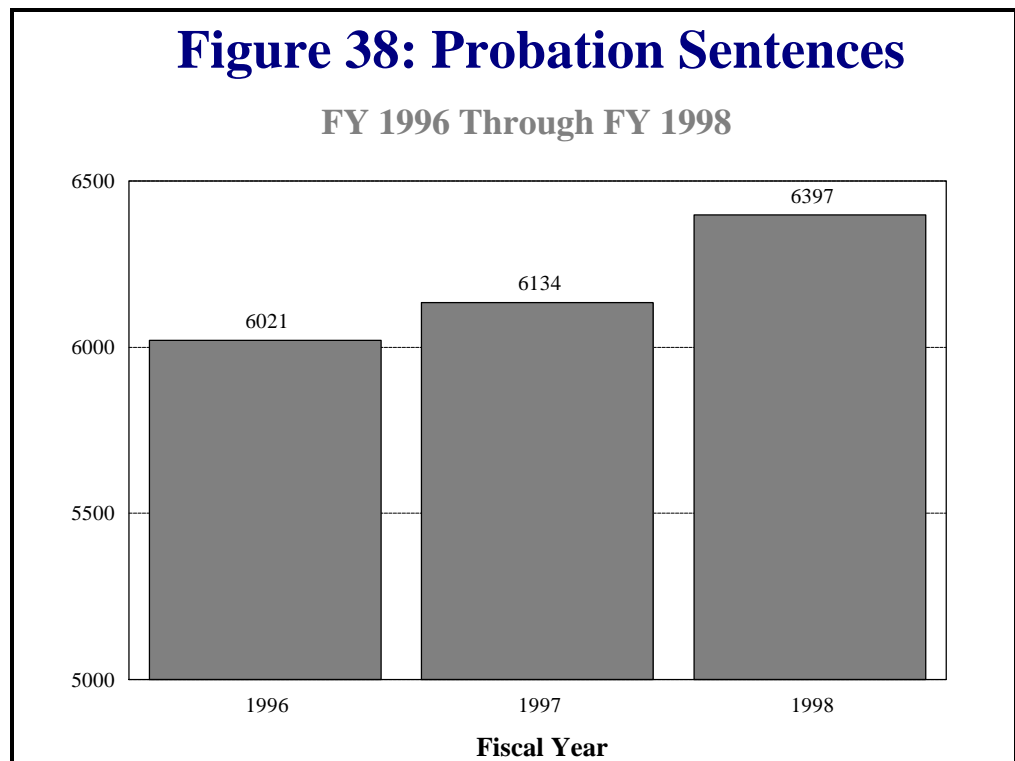
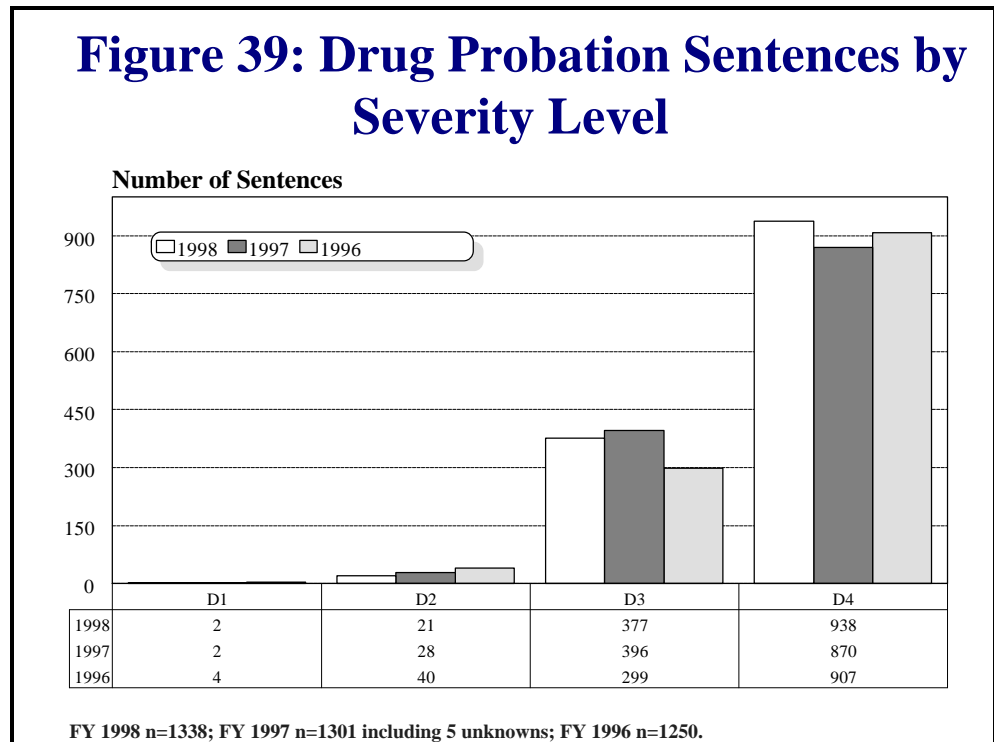


Figure 39 and Table 39 illustrate the changes of probation sentences for drug offenses by severity levels during the past three years. The total number of drug probation sentences in FY 1998 increased by 2.8% from that of FY 1997 and 7% from FY 1996 number. The largest percentage increase of probation sentences for drug offenses fell within level 4. The largest percentage of decrease for drug probation sentences is shown in severity level 2 (Table 40).

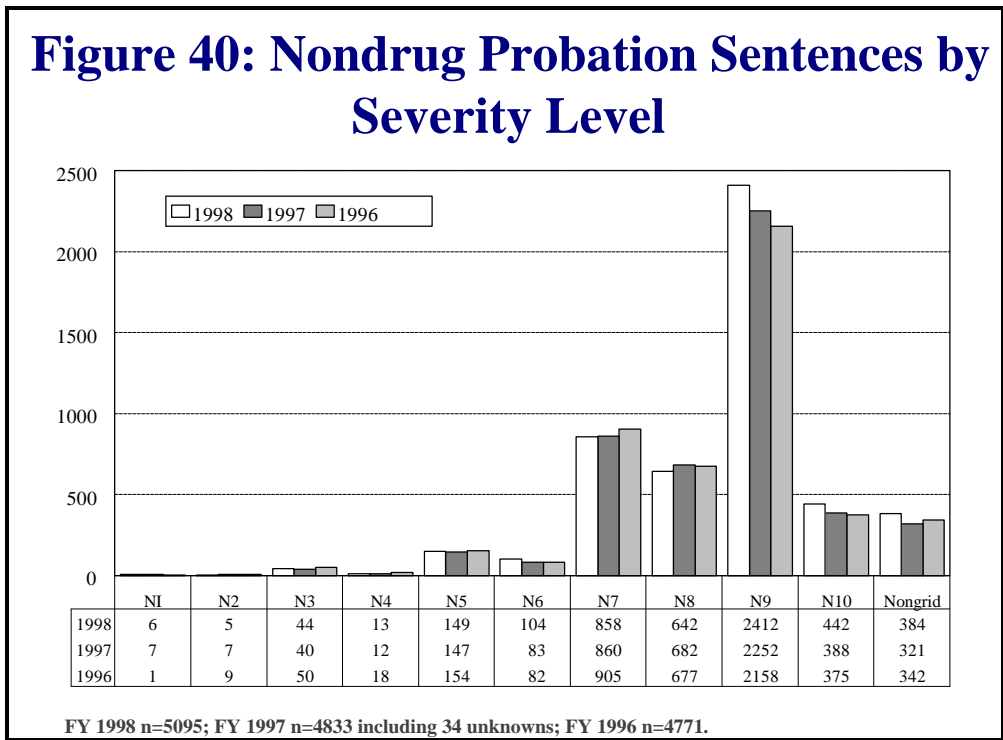


**Table 39: Comparison of Probation Sentences for Drug Offenses by Severity Level  
FY 1996 Through FY 1998**

Severity Level	FY 1998	FY 1997	FY 1996	FY 98-97 # Difference	FY 98-97 % Difference	FY 98-96 # Difference	FY 98-96 % Difference
D1	2	2	4	0	0.0%	-2	-50.0%
D2	21	28	40	-7	-25.0%	-19	-47.5%
D3	377	396	299	-59	-14.9%	+38	+12.9%
D4	938	870	907	+68	+7.8%	+31	+3.4%
<b>Total</b>	<b>1338</b>	<b>1301*</b>	<b>1250</b>	<b>+37</b>	<b>+2.8%</b>	<b>+88</b>	<b>+7.0%</b>

\*. FY 1997 total number include 5 unknowns.

As demonstrated in Figure 40 and Table 40, the FY 1998 probation sentences for nondrug offenses indicated an increase of 5.2% from FY 1997 number and 6.8% from that of FY 1996. The greatest number of sentences fell within nondrug level 9, while the largest percentage of increase is indicated on level 6, however, the number is very small.



**Table 40: Comparison of Probation Sentences for Nondrug Offenses by Severity Level  
FY 1996 Through FY 1998**

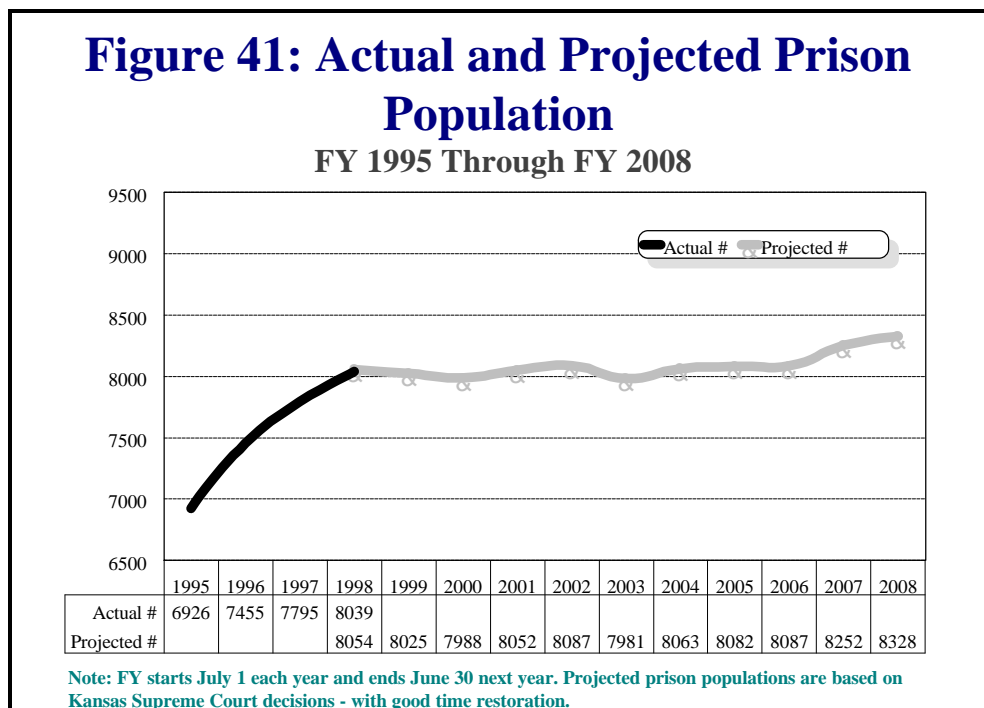
Severity Level	FY 1998	FY 1997	FY 1996	FY 98-97 # Difference	FY 98-97 % Difference	FY 98-96 # Difference	FY 98-96 % Difference
N1	6	7	1	-1	-14.3%	+5	+500.0%
N2	5	7	9	-2	-28.6%	-4	-44.4%
N3	44	40	50	+4	+10.0%	-6	-12.0%
N4	13	12	18	+1	+8.3%	-5	-27.8%
N5	149	147	154	+2	+1.4%	-5	-3.2%
N6	104	83	82	+21	+25.3%	+22	+26.8%
N7	858	860	905	-2	-0.2%	-47	-5.2%
N8	642	682	677	-40	-5.9%	-35	-5.2%
N9	2412	2252	2158	+160	+7.1%	+254	+11.8%
N10	442	388	375	+54	+13.9%	+67	+17.9%
Nongrid	384	321	342	+63	+19.6%	+42	+12.3%
<b>Total</b>	<b>5095</b>	<b>4833*</b>	<b>4771</b>	<b>+251</b>	<b>+5.2%</b>	<b>+324</b>	<b>+6.8%</b>

\*. FY 1997 total number include 34 unknowns.



## Prison Population Forecasts

Figure 41 indicates the actual and projected prison populations from FY 1995 through FY 2008.



Offenders incarcerated in state prisons are projected to reach 8,328 by June 30, 2008, which indicates an increase of 289 inmates (3.6%) from the FY 1998 actual prison population (Figure 41). Prison inmate population projections by severity levels are presented on Table 41.

The projections take into account the Kansas Supreme Court decision on June 5, 1998. That decision restored for the old law inmates good time credits withheld by the Kansas Department of Corrections for failure to participate in rehabilitative programs. As the result of that decision, approximately 1,100 inmates will have release dates adjusted to reflect restored good time. The period of release for inmates ranges from FY 1999 through FY 2008, with 79.5% of inmates eligible for a restored good time release falling within the ten year projection period of FY 1999 to FY 2008. The remaining 20.5%, or 202 inmates eligible for restored good time releases are scheduled to be released between the years 2009 and 2080. The largest number of inmates (569) eligible for good time restoration will be released between FY 1999 and FY 2003, with an average number of 113 inmates released per year.

**Table 41: Ten Year Inmate Prison Population Projections  
With Good Time Restoration**

Severity Level	June 30 Each Fiscal Year											Total Increase	Percent Increase
	1998*	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008		
D1	32	39	44	58	51	55	56	55	60	59	62	30	93.8%
D2	213	200	198	193	191	209	217	222	231	247	251	38	17.8%
D3	507	352	383	428	474	511	522	499	498	519	519	12	2.4%
D4	396	336	347	357	363	364	358	343	363	385	381	-15	-3.8%
N1	358	353	354	350	355	360	371	379	381	386	388	30	8.4%
N2	635	631	630	642	643	638	645	652	658	661	674	39	6.1%
N3	1321	1302	1281	1274	1281	1278	1283	1295	1300	1313	1317	-4	-0.3%
N4	285	299	320	329	322	310	312	313	327	321	320	35	12.3%
N5	890	982	1006	1039	1027	999	997	990	966	956	938	48	5.4%
N6	154	164	161	153	156	156	157	148	157	157	174	20	13.0%
N7	730	687	700	696	701	674	671	674	684	692	692	-38	-5.2%
N8	275	276	285	296	292	289	295	306	278	281	287	12	4.4%
N9	428	586	597	597	546	507	496	461	455	469	472	44	10.3%
N10	53	64	54	49	47	51	50	61	69	62	58	5	9.4%
Offgrid	570	616	676	739	801	865	926	991	1053	1117	1180	610	107.0%
Conditional Parole Violators	1207	1138	952	852	837	715	707	693	607	627	615	-592	-49.0%
<b>Grand Total</b>	<b>8054</b>	<b>8025</b>	<b>7988</b>	<b>8052</b>	<b>8087</b>	<b>7981</b>	<b>8063</b>	<b>8082</b>	<b>8087</b>	<b>8252</b>	<b>8328</b>	<b>274</b>	<b>3.4%</b>

\*. Based on FY 1999 official adult inmate population projections released in August, 1998.

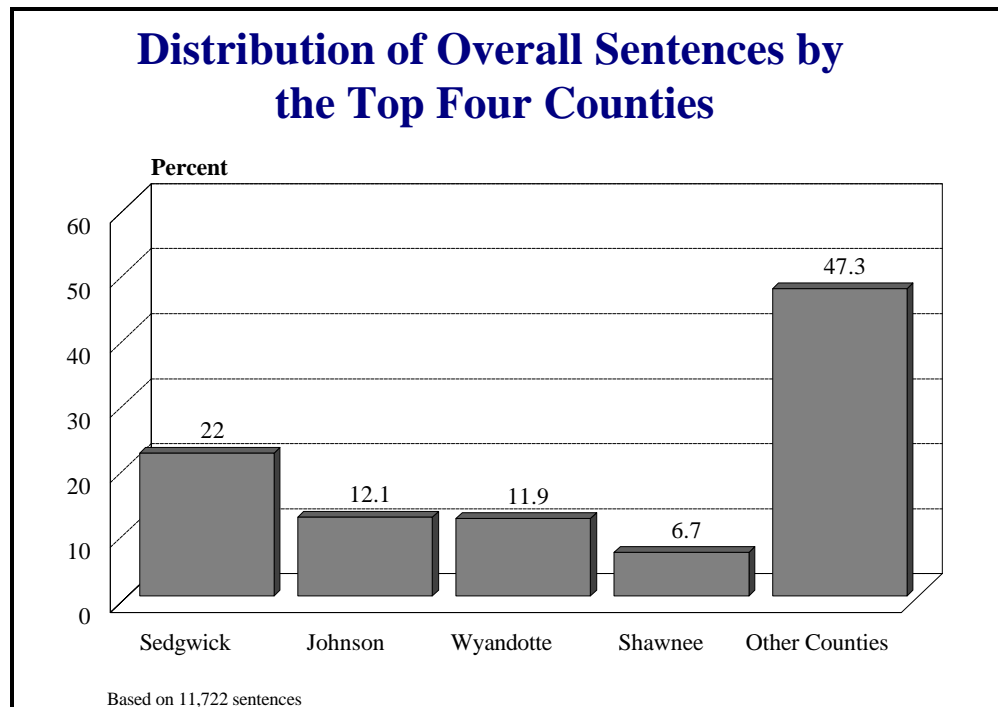
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## APPENDIX

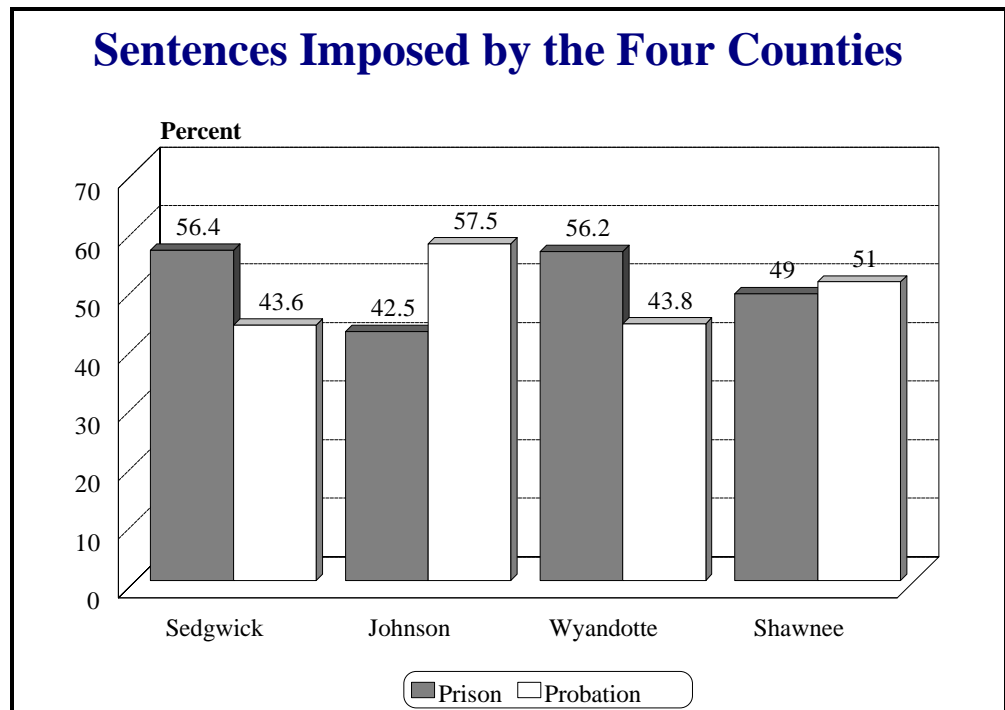
### SENTENCES FROM THE TOP FOUR COUNTIES

Sentences received by the Commission in FY 1998 demonstrated that Sedgwick, Johnson, Wyandotte, and Shawnee counties accounted for 52.7% of the total state sentences. This percentage has decreased by 1.3% from FY 1997. Sedgwick remained the top committing county followed by Johnson, Wyandotte, and Shawnee Counties. In comparison with the FY 1997 sentences, Shawnee County's sentences decreased by 2% and Sedgwick County's sentences decreased by 1.5%, while Johnson County's sentences increased by 1.9% followed by Wyandotte County (0.4%). Characteristics of offenses and offenders from the four counties are displayed in the following figures and tables:

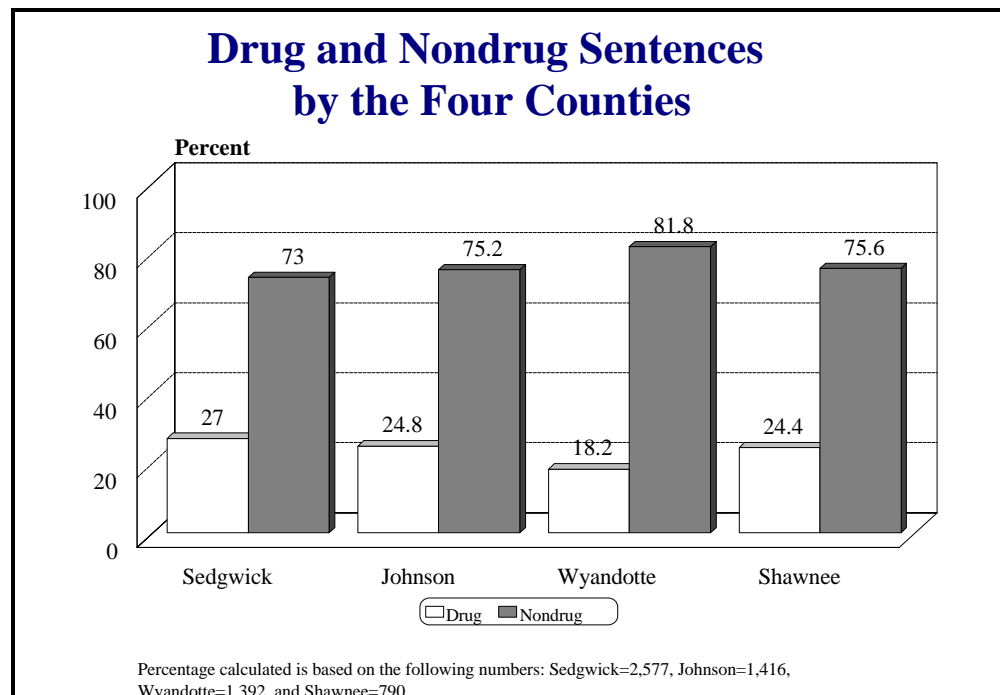
Sedgwick, Johnson, Wyandotte, and Shawnee Counties accounted for 52.7% of the total state sentences in FY 1998.



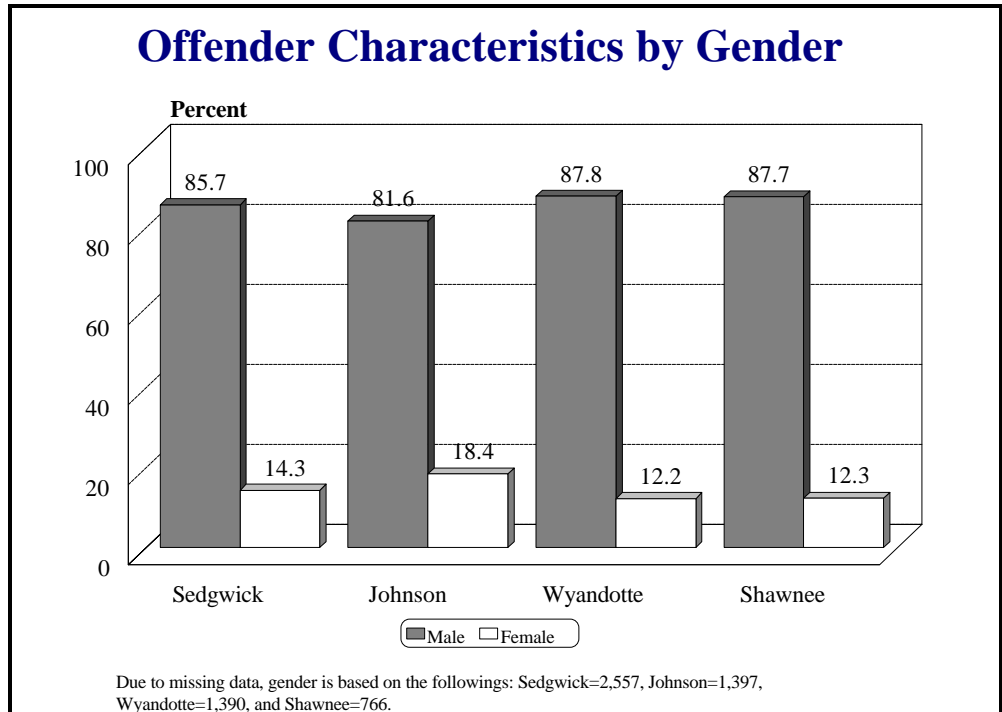
Johnson County imposed more probation sentences than the other three counties, while Sedgwick County had the highest percentage of prison sentences.



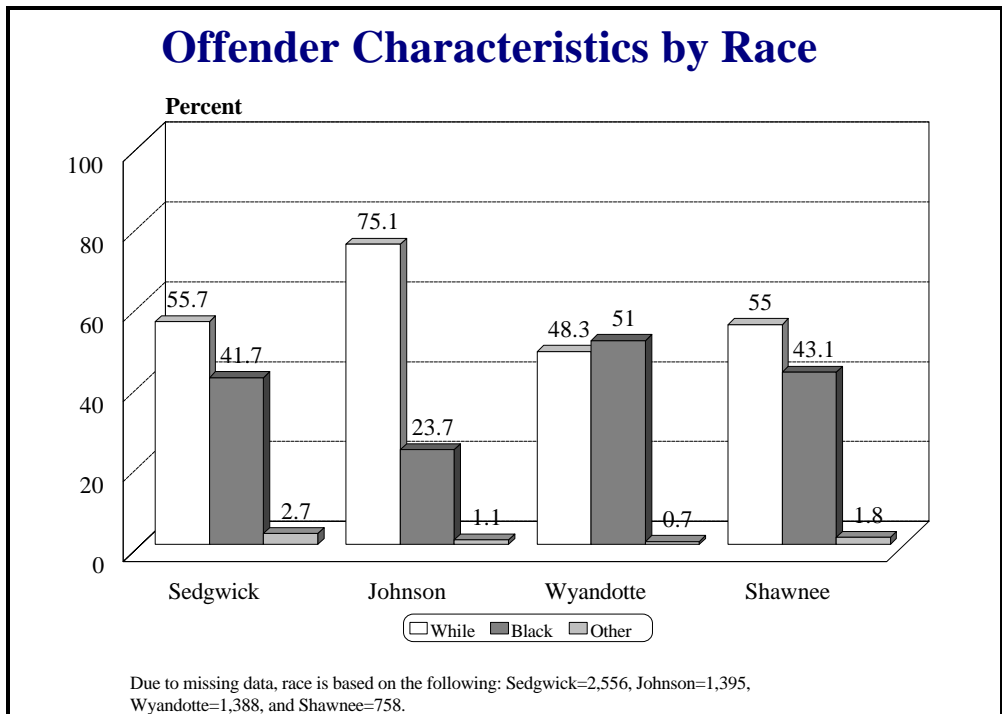
Sedgwick County had the highest percentage of drug sentences, while Wyandotte County imposed the largest number of nondrug sentences.



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



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



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**FY 1998 Sentences from The Four Counties by Severity Level**

Severity Level	Sedgwick		Johnson		Wyandotte		Shawnee	
	N	%	N	%	N	%	N	%
D1	10	0.4	0	0.0	0	0.0	0	0.0
D2	53	2.1	12	0.8	5	0.4	0	0.0
D3	228	8.8	78	5.5	55	4.0	58	7.3
D4	404	15.7	261	18.4	194	13.9	135	17.1
N1	8	0.3	4	0.3	7	0.5	2	0.3
N2	34	1.3	3	0.2	12	0.9	4	0.5
N3	150	5.8	31	2.2	55	4.0	17	2.2
N4	29	1.1	6	0.4	17	1.2	5	0.6
N5	172	6.7	55	3.9	94	6.8	48	6.1
N6	31	1.2	22	1.6	25	1.8	8	1.0
N7	360	14.0	151	10.7	215	15.4	112	14.2
N8	307	11.9	164	11.6	94	6.8	77	9.7
N9	644	25.0	359	25.4	432	31.0	235	29.7
N10	51	2.0	224	15.8	153	11.0	74	9.4
Nongrid	85	3.3	44	3.1	21	1.5	12	1.5
Offgrid	9	0.3	2	0.1	12	0.9	3	0.4
Unknown	2	0.1	0	0.0	1	0.1	0	0.0
<b>Total</b>	<b>2,577</b>	<b>100.0</b>	<b>1,416</b>	<b>100.0</b>	<b>1,392</b>	<b>100.0</b>	<b>790</b>	<b>100.0</b>

**Top Ten Most Serious Offenses by The Four Counties - 1**

Offense Type	Sedgwick County		Offense Type	Johnson County	
	N	%		N	%
Drugs	696	34.7%	Drugs	351	31.4%
Burglary	293	14.6%	Theft	221	19.8%
Driving While a Hab Viol	242	12.1%	Forgery	153	13.7%
Theft	188	9.4%	Burglary	151	13.5%
Forgery	166	8.3%	Driving While a Hab Viol	46	4.1%
Aggravated Robbery	103	5.1%	DUI	43	3.8%
Aggravated Battery	100	5.0%	Nonsupport of Child/Spous	43	3.8%
Robbery	82	4.1%	Aggravated Battery	40	3.6%
Agg Escape from Custody	70	3.5%	Criminal Threat	36	3.2%
DUI	64	3.2%	Robbery	34	3.0%
<b>Total</b>	<b>2,004</b>	<b>100.0%</b>	<b>Total</b>	<b>1,118</b>	<b>100.0%</b>

**Top Ten Most Serious Offenses by The Four Counties - 2**

Offense Type	Wyandotte County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	254	23.2%	Drugs	193	30.0%
Theft	191	17.4%	Forgery	79	12.3%
Burglary	145	13.2%	Burglary	69	10.7%
Driving While a Hab Viol	136	12.4%	Driving While a Hab Viol	69	10.7%
Forgery	88	8.0%	Theft	59	9.2%
Aggravated Battery	82	7.5%	Aggravated Battery	46	7.1%
Aggravated Assault	56	5.1%	Robbery	43	6.7%
Robbery	56	5.1%	Driving While Suspended	40	6.2%
Driving While Suspended	50	4.6%	Aggravated Assault	25	3.9%
Aggravated Robbery	38	3.5%	Criminal Threat	21	3.3%
<b>Total</b>	<b>1,096</b>	<b>100.0%</b>	<b>Total</b>	<b>644</b>	<b>100.0%</b>