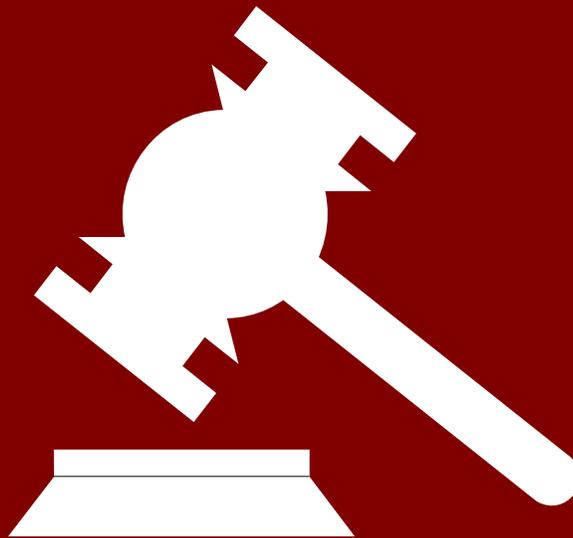


KANSAS SENTENCING COMMISSION

1999 ANNUAL REPORT



APRIL 2000

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**KANSAS SENTENCING
COMMISSION**

**ANNUAL REPORT
FY 1999**

*Analysis
Of Sentencing Guidelines
In Kansas*

**Honorable Richard B. Walker
Chair**

**Paul Morrison
Vice Chair**

**Barbara S. Tombs
Executive Director**

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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 and Cathy Clayton.



State of Kansas
KANSAS SENTENCING COMMISSION

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

April 1, 2000

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

K.S.A. 74-9101 outlines the duties and responsibilities of the Kansas Sentencing Commission, which include the monitoring and evaluation of Sentencing Guidelines. Pursuant to this statutory obligation, we respectfully submit for your review the 1999 Annual Report of the Sentencing Commission.

This report details the work of the Commission over the past year and presents an overview of sentencing trends under the Sentencing Guidelines Act for the State of Kansas. The report provides a comprehensive examination of felony sentences imposed during fiscal year 1999. In addition, this report provides an analysis of conformity to guidelines for both prison and nonprison felony sentences. Finally, the report contains the ten-year prison population projections for state correctional facilities.

Fiscal year 1999 marks the sixth anniversary of the implementation of the Sentencing Guidelines Act. The Commission spent a considerable amount of time over the past year examining the effectiveness of sentencing guidelines in meeting specific objectives set forth by its designers. At this milestone, the Commission's review of the guidelines indicated the need for various adjustments to achieve proportionality in sentencing. These recommendations were presented to the 1999 Legislature and enacted into law July 1, 1999.

The Commission wishes to sincerely thank those individuals in the field whose diligent work with the guidelines enables us to produce this report. 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

FY 1999 marks the sixth anniversary of the implementation of the Kansas Sentencing Guidelines Act. With five years of sentencing data now available, the Commission felt it was appropriate and necessary to analyze both the impact and effectiveness of sentencing guidelines. The Commission spent considerable time and energy reviewing two major areas. The first area focused on how effective sentencing guidelines have been in achieving the original goals and objectives set forth at the time of their enactment. The second area of review concentrated on legislative changes that have been enacted since the implementation of guidelines on July 1, 1993. Since many of the changes have been made in a “piece meal” fashion over the past years, the Commission felt it was important to examine the cumulative impact of the changes.

The original premises on which the guidelines were developed state that incarceration should be reserved for the most serious and violent offenders and that the primary purpose of incarceration should be for incapacitation and punishment. With those two guiding factors, the Commission examined both the types and number of offenders serving time in state correctional facilities in Kansas.

One of the findings clearly present in the data was that offenders sentenced for violent crimes, such as murder, rape, and kidnapping are serving very long sentences. Thus, the serious and violent offenders were

being incarcerated and receiving lengthy sentences. However, it also became apparent that a large percentage of FY 1999 prison admissions (66.7%) were for condition violations of either probation or parole. Condition violators represent offenders who are under some type of community supervision and have failed to comply with the conditions of their supervision but have not been convicted of a new offense. Although the length of incarceration for this offender group is relatively short, the sheer volume of condition violator admissions was identified as an area of concern. This offender group did not represent the most serious or violent offenders and they were directly impacting the rising prison population.

VIOLATORS

In examining the types and number of violators sentenced to prison during FY 1999 (page 34), violators with new sentences only accounted for 9% of total prison admissions during FY 1999, which indicated an increase of 0.2% from FY 1998. Condition violators of probation, parole/postrelease, and conditional release accounted for 66.7% (3,933) of total prison admissions in FY 1999, a total increase of 2.7% over FY 1998. Of that total number, there were 1,579 condition probation violators, 2,236 parole/postrelease supervision condition violators, and 118 condition release violators (page 23). The greatest increase in condition violators was found among parole/postrelease supervision

conditional violators, who increased by more than 21% from FY 1998. 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 three of the drug grid (page 37). Females, however, were most often revoked and placed in prison for condition 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 1998. There were also 1,285 condition probation violators and 158 probation violators with new convictions in FY 1999 who were sentenced to continued or extended probation for their violation. This offender group represents 41% of the total 3,111 condition probation violators and 30.7% of the total 515 probation violators with new convictions respectively.

CONFORMITY TO SENTENCING GUIDELINES

As the Commission examined sentencing data, another area that indicates the effectiveness of the sentencing guidelines is conformity. Comparing the actual sentence imposed to the sentence identified under the sentencing guidelines provides a measure of whether the sentence indicated is appropriate. Under sentencing guidelines, departures may be imposed to sentence an offender to a length of time that differs from the sentence set forth under the guidelines. Thus departures, whether durational or dispositional, serve as a measure of conformity.

During FY 1999, 7,552 pure guideline sentences were analyzed to determine conformity to the guidelines. Approximately 88% (6,578 sentences) of the 7,513 guideline sentences (criminal history

categories missing were excluded) fell within the guideline sentence range. Presumptive prison sentences indicated that 33.1% of the sentences were in the standard range of the grid cell, 10.2% in the aggravated range and 18.3% in the mitigated range. Durational departures were indicated in 25.1% of the sentences and 20.5% of the sentences demonstrated dispositional departures.

In further examination of durational departures, 53.8% of the departures were downward durational departures, while 46.2% indicated upward durational departures. When comparing drug and nondrug sentences, nondrug sentences indicated 26.6% upward dispositional departures while drug sentences represented only 4.8% upward dispositional departures. However, analysis of drug departure sentences revealed 80.5% downward durational departure compared to 43.8% for nondrug sentences. Upward durational departures were found most frequently on severity levels one, two, three and four of the nondrug grid. Downward durational departures appeared most often on severity levels one and two of the drug grid.

From an examination of departures, the data reveals that 88% of sentences imposed fall within the sentence range indicated under the sentencing guidelines and demonstrates a significant level of conformity. There does appear to be some differentiation in the types of departure that occurs between the nondrug and drug grids. Departures will continue to be closely monitored to evaluate potential adjustments to the guidelines.

PRISON SENTENCES

The Commission reviewed data on characteristics of offenders sentenced to

prison, including gender, race and offense type. Males continued to be the predominant offender type and accounted for 89.2% of all offenders sentenced to prison. In addition, males also accounted for over 90% of murders (except capital murder), rapes, kidnapping, robberies, burglaries, and other aggravated crimes. Females were incarcerated more often for the offenses of abuse of a child, criminal use of a financial card and forgery.

White offenders represented 62.2% of individuals incarcerated and 92.2% 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, abuse of a child, arson, DUI, false writing, nonsupport of child or spouse, and traffic in contraband. Whereas blacks indicated the highest incarceration rates (over 50%) for the crimes of aggravated failure to appear, aggravated robbery, robbery and criminal use of a financial card. In addition, blacks showed a higher incarceration rate for possession of drugs than whites

NONPRISON/PROBATION SENTENCES

In FY 1999, a total of 6,749 probation sentences were reported to the Commission, representing 5,259 nondrug offenses and 1,490 drug offenses. The distribution of probation sentences indicates that 1,271 sentences were for person offenses and 5,478 sentences were for nonperson offenses. Among probation drug offenders, more than 70% of the probation sentences were for possession of drugs (page 31). In

examining criminal history categories, 46% of drug probation offenders fell within criminal history category I, whereas only 32% of nondrug probation offenders fell within that same criminal history category. Nearly 56% 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 of 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 1999. In FY 1999, there was an overall increase of 8.3% (117) in the number of drug offenders sentenced to prison, compared to FY 1998. However, the overall increase is 30.8% when FY 1999 data is compared to FY 1995 data. This finding appears to indicate a rising use of incarceration for drug offenses. It should be noted that increased criminal history is also contributing to the rise of incarceration demonstrated on the drug grid. In FY 1999, Drug level three sentences show a significant increase (30.7%) after continuous decrease from FY 1995 through FY 1998, whereas sentences on drug level four decrease after continuous increase from FY 1995 through FY 1998. Sentences on drug levels one and two continue growing from FY 1995 to FY 1999 (page 66).

SENTENCING TRENDS AND POPULATION FORECAST

By statute, the Kansas Sentencing Commission is responsible for developing annual prison population projections for state correctional facilities. In a cooperative effort with the Department of Corrections, data from felony journal entries, inmate

stock population files and release files are analyzed and incorporated into a Monte Carlo simulation projection model known as Prophet to forecast prison population for a ten-year projection period. The prison population projections are utilized by the Department of Corrections and various legislative committees in planning resource allocations, as well as policy development relating to sentencing and other criminal justice related areas.

Analysis of prison sentences in FY 1999 reveal that 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 (1,116), followed by severity level seven (871) and severity level three of the drug grid (707). 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 1,490 offenders received nonprison sentences for drug offenses, with 42 of those sentences falling on level two of the drug grid.

Trend analysis on prison admissions indicated a rising pattern throughout the past five years, with a significant increase in FY 1999. The admission rate increased by 22.1% between FY 1995 and FY 1999, with an increase of 8.5% between FY 1998 and FY 1999. The prison population forecast projects that by FY 2009, a total of 10,054 prison beds will be needed, indicating a total increase of 18.5% over the FY 1999 actual prison population. The largest number of bed increase is found for off-grid offenses, which reveals the “stacking effect” that results from long sentences (page 72).

The current prison population projections indicate a significant growth in the state’s prison population that must be addressed. Since correctional facilities are operating at or near capacity, the required additional beds will not be available if current policy and practice remains unchanged. The state is at a pivotal point where a close examination of policy is required if the state chooses not to embark on significant prison construction.

COMMISSION ACTIVITIES

During its annual retreat, the Sentencing Commission reviewed in detail, numerous legislative changes that have occurred since the implementation of sentencing guidelines. Over the past five years changes have been made annually, including elevation of offenses from misdemeanor status to felony status, doubling of sentence lengths, elevation of severity levels and reclassification of crimes from nonperson to person status. Although individually these changes had limited impact on both prison population and the underlying objectives of the guidelines, cumulatively the impact was significant.

One of the issues of concern identified by the Commission was proportionality in sentencing. The numerous ongoing annual changes to the sentencing guidelines had created situations where the most serious offenses were no longer receiving the longest sentences.

In addition, the number of condition violators entering state prisons were almost exclusively for offenses that fell below the incarceration line and represented non-violent, non-person crimes. Given the high percentage of admissions to prison of condition violators, there appeared to be a

conflict between current practice and the underlying intent of the guidelines. The Commission brought in sentencing professionals from other states such as Minnesota and North Carolina to explore possible solutions to some of the problems that had developed. The Commission had many hours of discussion and review to explore options that would ensure public safety while preserving the underlying goals and objectives of the sentencing guidelines. Commission members interacted closely with legislators as recommendations were developed.

SENATE BILL 149

Prior to the 1999 legislative session, the Sentencing Commission had not introduced any legislation other than technical adjustments to provide clarity to specific aspects of the sentencing guidelines. The Commission had also continually provided prison bed impacts on legislation introduced that would affect sentencing policy or prison bedspace needs.

However, after extensive review of sentencing data and the prison population projections, the Commission brought forth a comprehensive set of recommendations that were eventually passed into law in the form of Senate Bill 149. This legislation addressed the issue of proportionality among sentences by increasing some sentence lengths for certain offenses and decreasing sentence lengths for other offenses. It was the goal of the Commission that the most serious and violent crimes should carry the longest sentences. In addition, several low level nonperson offenses were reclassified back to misdemeanor status, preserving the use of scarce, expensive prison beds for serious and violent offenders.

The bill contained a special sentencing rule that dealt with residential burglary that provides for public safety while limiting the impact on prison population. The bill also addressed a reoccurring problem related to sentencing of juvenile offenders convicted of consensual sexual acts, commonly referred to as “Romeo and Juliet” situations.

Finally Senate Bill 149 included a provision that targeted consistency in the classification of nongrid offenses and provided for procedural changes relating to revocations of condition postrelease violators.

The bill was passed into law on July 1, 1999 and represented modifications to sentencing guidelines that supported both the underlying objectives of the guidelines and promoted sound sentencing policy.

REPORT CONTENTS

The content of the Annual Report is presented in five chapters. Chapter One summarizes the background, history, and activities of the Sentencing Commission since its creation in 1989. Chapter Two presents a descriptive statistical summary of statewide guideline sentencing practices in FY 1999. Chapter Three focuses on the types and characteristics of violators incarcerated in correctional facilities. Chapter Four evaluates the conformity to the sentencing guidelines of the presumptive prison and probation sentences imposed under the sentencing guidelines. Chapter Five contains analyses on sentencing trends and forecasts, including prison and custody classification projections. The two appendixes analyze sentences from the top four counties, the top five offenses, UCR offenses, off-grid and non-grid crimes, and female offenders.

CHAPTER ONE

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 appointed by the president of the senate, the senate minority leader, the speaker of the house of representatives, and the house minority leader, were 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 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 (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 many debates in the Senate, and then in the House of Representatives, the bill was referred to a conference committee, whose report was subsequently adopted by both chambers. The Governor signed Senate Bill 479 on May 11, 1992. The effective date of sentencing guidelines under Senate Bill 479 was deferred until July 1, 1993, to allow for further refinement of the law and to allow the Kansas Judicial Council to complete its work on a revision of the criminal code.

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

CURRENT ROLE OF THE KANSAS SENTENCING COMMISSION

Monitoring

Now that sentencing guidelines have been implemented in Kansas, the primary focus of the Kansas Sentencing Commission has shifted to monitoring, evaluation and research related to the sentencing guidelines. Among the mandatory duties assigned to the Commission under K.S.A. 1995 Supp. 74-9101 are the following: To develop post-implementation monitoring procedures and reporting methods to evaluate guideline sentences; to advise and consult with the secretary of corrections and members of the legislature in developing a mechanism to link guidelines sentencing practices with correctional resources and policies, which includes review and determination of the impact of the sentencing guidelines on the state's prison population; to consult with and advise the legislature with reference to implementation, management, monitoring, maintenance and operations of the sentencing guidelines system; and to make recommendations to the legislature relating to modification and improvement of the sentencing guidelines. A report to the legislature is due by February 1st of each year, outlining modifications or adjustments to current sentencing policy that could reduce prison population. The Sentencing Commission performs two functions, which are essential to the discharge of these statutory duties: On-going analysis of sentencing guidelines data and prison population projections.

First, the Commission receives pre-sentence investigation (PSI) reports and journal entries for all persons who are sentenced for crimes committed on or after July 1, 1993

(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 1999, the Commission received more than 12,000 felony journal entries and probation revocation journals and responded to nearly 254 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) and 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. Starting on July 1, 1999, the Commission began to collect parole/post-release violators' data. This data is used to monitor all the trends

and behaviors of the parolees.

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 prison population, thus facilitating the Commission's duty to prepare and submit fiscal impact and correctional resource statements as required (K.S.A. 1995 Supp. 74-9101(b)(8)). During the 1999 Legislative Session, the Sentencing Commission completed a total of 132 individual legislative impacts on various

proposed bills. Besides, in October 1999 the Commission released its first set of prison custody classification projections.

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 1999, staff of the Sentencing Commission continued to work 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 fourth 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 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 Juvenile Correctional Facilities: Populations, Profiles and Trends", "Impact of Extended Jurisdiction Juvenile Prosecution on the Adult Correctional System" and "Intermediate Sanctions Throughout the United States", etc. In addition, the Commission provides sentencing

information to various individual counties, judicial districts, federal and other state agencies upon request.

With the development of a web site on the internet at 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.

CHAPTER TWO SENTENCING IN KANSAS

SENTENCES REPORTED IN FISCAL YEAR 1999

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) 1999 include both prison and non-prison/probation sentences.

In FY 1999, a total of 12,650 felony sentences were reported to the Commission, representing an approximate seven percent increase over FY 1998. The distribution of sentences included 5,901 incarceration

sentences and 6,749 probation sentences (see Sentencing Distribution Chart). Of that total number of sentences, 9,636 were nondrug sentences and 3,014 were for drug offenses. Sentences were reported from 99 counties in the state. Table 1 displays total sentences reported to the Commission during FY 1999 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 53.5% of all sentences during FY 1999, an increase of 0.8% from last year (Table 2).

Table 1: Number of FY 1999* Sentences Reported by Month

Month	Number of Sentences	Sentence Type		Offense Type		Percent
		Prison	Probation	Drug	Nondrug	
July	1,085	486	599	262	823	8.6
August	1,039	479	560	266	773	8.2
September	938	457	481	213	725	7.4
October	1,047	441	606	252	795	8.3
November	902	427	475	217	685	7.1
December	1,073	554	519	254	819	8.5
January	1,049	436	613	234	815	8.3
February	994	500	494	228	766	7.9
March	1,133	586	547	288	845	9.0
April	1,168	539	629	281	887	9.2
May	1,107	471	636	273	834	8.7
June	1,115	525	590	246	869	8.8
Total	12,650	5,901	6,749	3,014	9,636	100.0

* FY 1999 (July 1, 1998 through June 30, 1999)

FY 1999 Sentencing Distribution Chart

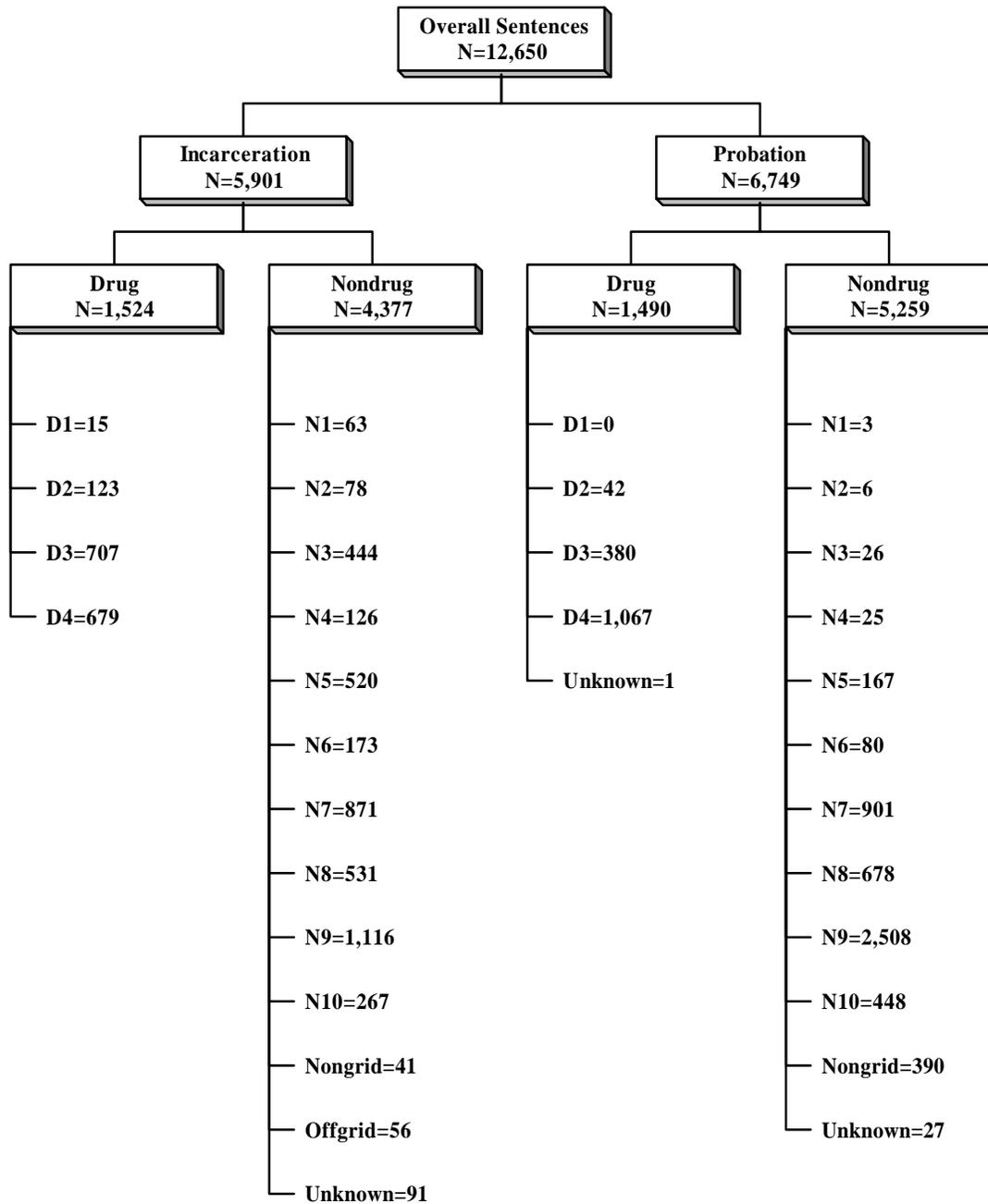


Table 2: FY 1999 Offender Characteristics by County - 1

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Allen	70	54	12	59	3	2	17	53	55	15	29.1
Anderson	36	28	8	35	1	0	12	24	31	5	32.2
Atchison	75	63	12	53	20	1	42	33	46	29	28.2
Barber	8	5	3	5	0	0	5	3	8	0	31.2
Barton	145	105	33	129	8	1	58	87	88	57	30.0
Bourbon	66	47	16	54	6	0	15	51	52	14	31.4
Brown	70	49	3	36	3	13	25	45	53	17	28.0
Butler	205	182	17	183	10	4	61	144	154	51	30.1
Chase	8	8	0	8	0	0	3	5	8	0	28.4
Chautauqua	2	2	0	2	0	0	2	0	2	0	32.9
Cherokee	48	43	5	42	1	3	15	33	40	8	34.6
Cheyenne	1	1	0	1	0	0	1	0	1	0	20.8
Clay	27	26	1	27	0	0	8	19	20	7	32.4
Cloud	30	27	1	26	2	0	4	26	17	13	28.7
Coffey	29	22	7	26	2	1	10	19	10	19	31.9
Cowley	76	67	9	57	17	2	75	1	64	12	28.4
Crawford	176	144	31	149	20	5	50	126	145	31	29.2
Decatur	7	7	0	7	0	0	5	2	6	1	27.3
Dickinson	63	37	1	32	6	0	21	42	53	10	30.0
Doniphan	11	11	0	11	0	0	4	7	10	1	28.2
Douglas	231	195	36	150	64	17	85	146	191	40	28.9
Edwards	9	9	0	9	0	0	3	6	7	2	36.1
Elk	16	15	1	16	0	0	2	14	15	1	28.7
Ellis	94	75	16	85	5	1	22	72	63	31	30.1
Ellsworth	43	36	4	33	6	1	13	30	32	11	31.1
Finney	200	180	19	177	16	5	94	106	172	28	26.9
Ford	214	184	26	185	17	8	84	130	136	78	27.5
Franklin	163	140	21	146	7	2	41	122	128	35	29.8

Table 2: FY 1999 Offender Characteristics by County - 2

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Geary	235	164	38	67	130	5	131	104	143	92	27.3
Gove	1	1	0	1	0	0	1	0	1	0	21.2
Graham	5	4	1	5	0	0	0	5	4	1	30.1
Grant	23	19	4	20	2	1	14	9	18	5	27.7
Gray	13	11	2	12	1	0	6	7	13	0	32.8
Greenwood	29	21	6	22	0	2	4	25	26	3	29.4
Hamilton	1	1	0	1	0	0	1	0	0	1	33.6
Harper	18	17	1	16	1	0	4	14	18	0	26.7
Harvey	185	147	34	157	22	2	66	119	144	41	30.1
Haskell	16	16	0	15	1	0	14	2	8	8	29.6
Hodgeman	1	1	0	1	0	0	1	0	1	0	39.2
Jackson	57	43	14	44	4	9	11	46	48	9	36.2
Jefferson	62	57	5	60	1	1	24	38	56	6	29.1
Jewell	4	4	0	4	0	0	3	1	3	1	33.7
Johnson	1,568	1,246	312	1,154	379	23	687	881	1,224	344	30.5
Kearny	40	37	3	38	2	0	16	24	32	8	33.0
Kingman	21	19	1	18	2	0	8	13	19	2	28.3
Kiowa	1	1	0	1	0	0	1	0	1	0	39.9
Labette	102	81	18	78	18	2	37	65	66	36	30.1
Lane	1	1	0	0	0	0	0	1	1	0	**
Leavenworth	218	177	38	141	64	7	85	133	183	35	31.8
Lincoln	8	7	1	7	1	0	3	5	8	0	33.5
Linn	34	27	5	31	0	1	15	19	20	14	35.7
Logan	7	6	1	7	0	0	2	5	6	1	28.5
Lyon	216	190	25	167	40	7	89	127	165	51	27.9
Marion	10	7	1	8	0	0	6	4	10	0	34.5
Marshall	10	7	3	6	0	0	6	4	8	2	28.2
McPherson	112	83	20	86	15	2	49	63	88	24	27.9

Table 2: FY 1999 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	
Meade	15	14	1	15	0	0	5	10	8	7	29.8
Miami	89	73	14	62	24	0	41	48	61	28	29.9
Mitchell	20	16	3	17	0	1	9	11	19	1	27.4
Montgomery	157	129	23	91	56	2	89	68	116	41	31.0
Morris	6	4	1	5	0	0	2	4	3	3	26.2
Morton	6	6	0	6	0	0	3	3	5	1	27.6
Nemaha	13	12	1	13	0	0	8	5	11	2	32.1
Neosho	61	50	11	57	3	1	18	43	49	12	31.8
Ness	7	7	0	7	0	0	2	5	4	3	33.2
Norton	17	10	2	11	0	1	5	12	14	3	33.9
Osage	88	75	13	77	6	3	28	60	61	27	31.6
Osborne	12	11	1	11	1	0	3	9	9	3	30.1
Pawnee	35	16	1	15	1	1	13	22	30	5	32.5
Phillips	3	3	0	3	0	0	1	2	3	0	33.9
Pottawatomie	33	22	0	19	3	0	11	22	31	2	28.0
Pratt	61	52	9	56	5	0	18	43	47	14	29.3
Reno	459	374	79	379	69	4	169	290	354	105	30.7
Republic	15	14	1	15	0	0	6	9	14	1	29.7
Rice	47	36	10	43	3	0	11	36	37	10	31.7
Riley	131	119	11	96	31	3	48	83	87	44	27.1
Rooks	15	12	2	14	0	0	1	14	10	5	36.3
Rush	5	3	2	5	0	0	2	3	3	2	37.8
Russell	30	27	3	29	1	0	14	16	24	6	29.4
Saline	518	414	88	409	71	19	228	290	337	181	28.9
Scott	5	5	0	5	0	0	5	0	3	2	25.8
Sedgwick	2,745	2,310	428	1,592	1,084	58	1,569	1,176	2,059	686	30.3
Seward	129	116	13	102	24	3	75	54	94	35	28.4
Shawnee	837	715	117	461	345	16	391	446	638	199	30.6

Table 2: FY 1999 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	
Sherman	51	40	5	42	1	2	17	34	23	28	28.7
Smith	6	4	1	5	0	0	2	4	5	1	33.0
Stafford	15	12	3	13	2	0	2	13	12	3	33.7
Stanton	12	10	2	11	0	1	9	3	8	4	30.5
Stevens	6	6	0	6	0	0	6	0	5	1	29.2
Sumner	109	91	15	100	2	4	61	48	75	34	29.4
Thomas	11	11	0	6	4	1	5	6	10	1	27.7
Trego	4	4	0	4	0	0	4	0	3	1	18.6
Wabaunsee	11	9	0	8	1	0	2	9	9	2	32.3
Wallace	4	4	0	4	0	0	0	4	4	0	25.8
Washington	11	10	1	11	0	0	3	8	11	0	25.9
Wichita	9	9	0	9	0	0	7	2	7	2	28.7
Wilson	60	52	7	57	1	0	25	35	49	11	29.2
Woodson	11	9	2	9	2	0	1	10	8	3	33.0
Wyandotte	1,560	1,351	207	728	820	6	831	729	1,265	295	29.9
Unknown	90	87	3	61	27	2	90	0	90	0	**
Total	12,650	10,509	1,890	8,599	3,482	258	5,901	6,749	9,636	3,014	30.0

Note: Because of missing data, numbers in each category are based on the following: Gender (N=12,399), Race (N=12,339), Sentence Type (N=12,650), Offense Type (N=12,650), and Age (N=12,309).

** Data is not available.

CHARACTERISTICS OF OFFENDERS AND OFFENSES

This section provides an overview of offender characteristics for individuals who were sentenced during FY 1999, and offense

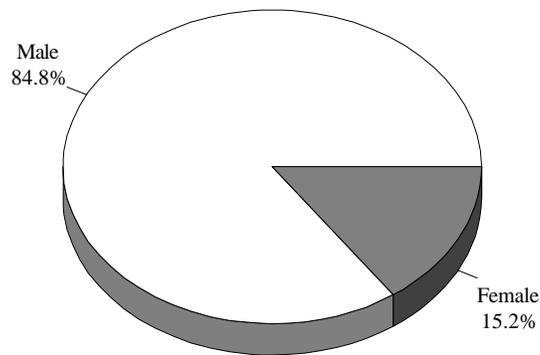
categories. Figures 1, 2, 3, and 4 summarize graphically the distribution of offenders by gender, race, and age respectively.

Male offenders accounted for 84.8% of all sentences (Figure 1) and in excess of 90% of 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 30%) for the crime of child abuse, aggravated failure to appear, aggravated false impersonation, aggravated interference with parental custody, criminal use of financial cards, forgery, making false writing, obtaining prescription drug, perjury, welfare fraud, and giving worthless checks (Table 3).

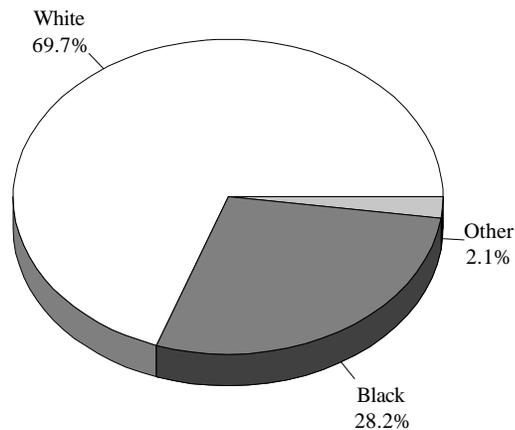
White offenders represented 69.7% of all sentences (Figure 2).

Figure 1: Distribution of FY 1999 Sentences by Gender of Offenders



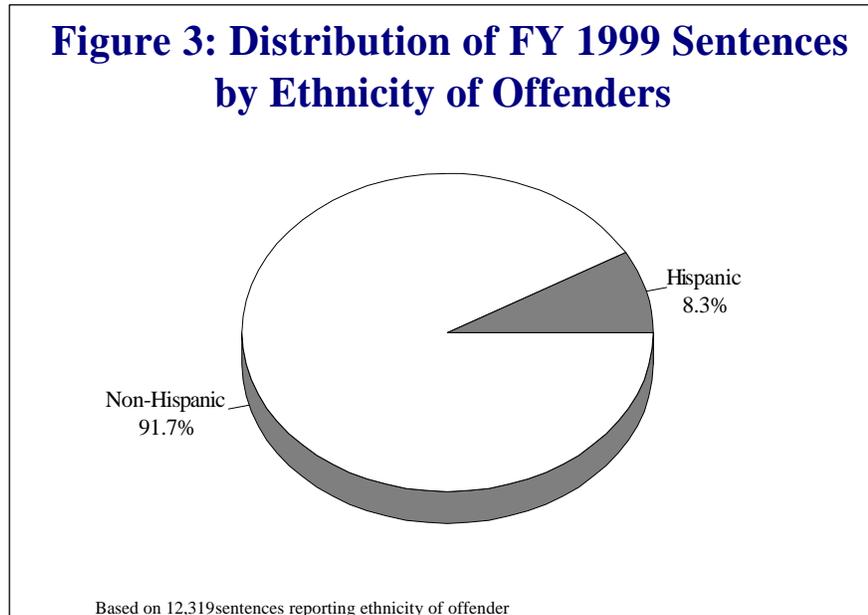
Based on 12,399 sentences reporting gender of offender

Figure 2: Distribution of FY 1999 Sentences by Race of Offenders



Based on 12,339 sentences reporting race of offender

Figure 3 indicates that 91.7% of all offenders were of Non-Hispanic origin.



The highest percentage of offenders (28.2%) was between the ages of 31 to 40 at the time of offense (Figure 4).

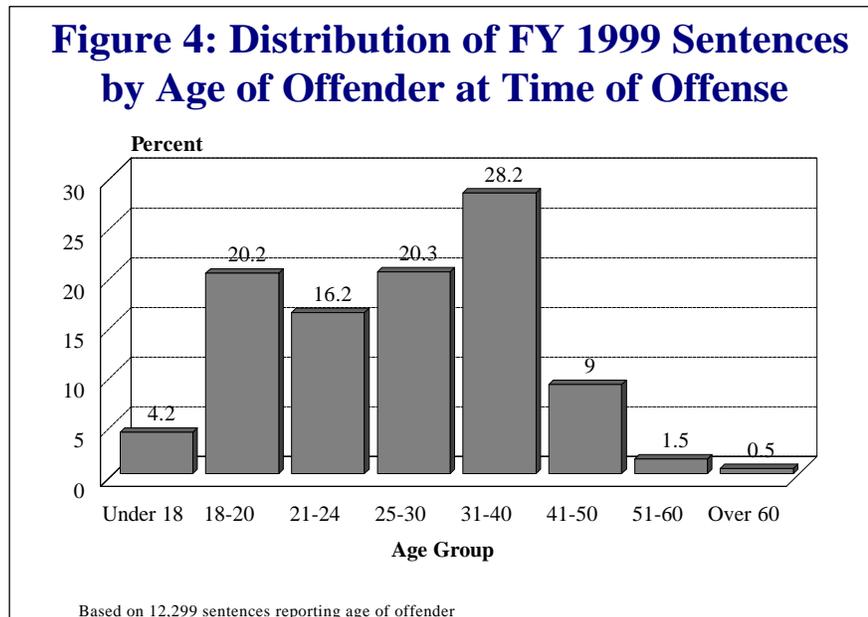


Table 3: FY 1999 Offender Characteristics by Type of Offense – 1

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Abuse of Child	38	63.2	36.8	78.9	21.1	0.0	26.0
Agg Arson	25	84.0	16.0	72.0	20.0	8.0	27.9
Agg Battery on LEO	10	90.0	10.0	70.0	30.0	0.0	27.7
Agg Criminal Sodomy w/Child	40	100.0	0.0	82.5	17.5	0.0	34.3
Agg Escape from Custody	124	86.0	14.0	62.8	35.5	1.6	26.9
Agg Failure to Appear	37	69.4	30.6	61.1	38.9	0.0	28.8
Agg False Impersonation	12	58.3	41.7	58.3	41.7	0.0	35.1
Agg Assault on LEO	47	100.0	0.0	72.3	25.5	2.1	32.3
Agg Assault	274	92.2	7.8	58.9	38.1	3.0	27.0
Agg Battery	603	89.2	10.8	64.0	31.3	4.7	28.5
Agg Burglary	139	93.5	6.5	52.6	45.3	2.2	26.6
Agg Robbery	244	95.9	4.1	36.2	62.6	1.2	23.3
Agg Incest	29	100.0	0.0	89.3	10.7	0.0	37.4
Agg Indecent Liberties w/Child	207	98.5	1.5	85.3	12.3	2.5	31.6
Agg Inter w/Parental Custody	7	57.1	42.9	100.0	0.0	0.0	37.5
Agg Indecent Solicit w/Child	74	94.6	5.4	82.2	15.1	2.7	31.9
Agg Intimidation of a Victim	15	93.3	6.7	73.3	26.7	0.0	26.2
Agg Kidnapping	7	100.0	0.0	28.6	71.4	0.0	26.4
Agg Sexual Battery	61	100.0	0.0	68.9	31.1	0.0	30.6
Agg Weapon Violation	8	100.0	0.0	50.0	37.5	12.5	30.0
Aid Felon	26	72.0	28.0	56.0	44.0	0.0	26.8
Arrange Sale/Purchase Drug	8	75.0	25.0	62.5	12.5	25.0	31.8
Arson	57	82.5	17.5	91.2	7.0	1.8	29.7
Battery on LEO	23	82.6	17.4	73.9	26.1	0.0	24.7
Burglary	1,376	94.1	5.9	73.1	24.8	2.1	24.6
Capital Murder	4	75.0	25.0	50.0	50.0	0.0	29.1
Contribute Child's Misconduct	20	94.1	5.9	70.6	23.5	5.9	24.5
Criminal Damage to Property	141	91.9	8.1	85.6	12.9	1.6	24.5
Criminal Deprivation Vehicle	80	94.8	5.2	70.1	28.6	1.3	27.2
Criminal Discharge of Firearm	29	100.0	0.0	55.2	27.6	17.2	19.6
Criminal Sodomy w/Child	7	100.0	0.0	71.4	28.6	0.0	30.4
Criminal Threat	270	93.6	6.4	76.1	20.8	3.1	32.5
Criminal Use Financial Card	57	54.5	45.5	54.5	43.6	1.8	27.8
Domestic Battery	12	91.7	8.3	66.7	25.0	8.3	30.9
Driving While a Habitual Viol	1,065	88.1	11.9	75.4	22.4	2.1	32.0

Table 3: FY 1999 Offender Characteristics by Type of Offense – 2

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Driving While Suspended	421	88.8	11.2	75.0	24.0	0.9	30.3
Drugs	3,014	81.4	18.6	68.4	29.9	1.7	30.4
Drug without Tax Stamps	81	79.7	20.3	81.0	19.0	0.0	32.0
DUI	380	89.9	10.1	91.0	6.1	2.9	37.1
Forgery	873	57.7	42.3	68.5	29.3	2.2	30.0
False Writing	66	59.1	40.9	74.2	25.8	0.0	30.8
Indecent Liberties w/Child	129	97.6	2.4	79.0	18.5	2.4	28.2
Indecent Solicitation of Child	57	96.2	3.8	92.5	7.5	0.0	29.9
Involuntary Manslaughter	49	75.0	25.0	77.1	22.9	0.0	28.9
Kidnapping	43	100.0	0.0	60.5	39.5	0.0	27.5
Murder in the First Degree	54	94.4	5.6	66.7	29.6	3.7	25.4
Murder in the Second Degree	36	94.4	5.6	55.6	38.9	5.6	28.5
Nonsupport of Child or Spouse	61	96.4	3.6	82.1	16.1	1.8	35.0
Obstructing Legal Process	91	78.7	21.3	59.8	39.1	1.1	27.2
Obtain Prescription Drug	5	40.0	60.0	100.0	0.0	0.0	35.6
Perjury	8	50.0	50.0	75.0	25.0	0.0	37.0
Possession of Firearm	110	98.2	1.8	56.9	40.4	2.7	26.1
Rape	100	99.0	1.0	61.0	36.0	3.0	29.9
Robbery	303	92.0	8.0	46.8	52.2	1.0	25.2
Securities Crimes	16	93.3	6.7	93.3	6.7	0.0	41.8
Sex Exploitation of a Child	12	91.7	8.3	100.0	0.0	0.0	39.5
Stalking	7	100.0	0.0	85.7	14.3	0.0	33.2
Theft	1,211	79.8	20.2	69.0	29.4	1.6	27.8
Traffic in Contraband	39	73.0	27.0	80.6	19.4	0.0	28.1
Voluntary Manslaughter	25	88.0	12.0	40.0	44.0	16.0	23.0
Weapons	20	95.0	5.0	55.0	45.0	0.0	27.0
Welfare Fraud	15	13.3	86.7	46.7	53.3	0.0	30.9
Giving Worthless Checks	82	56.3	43.8	81.0	15.2	3.8	31.7
Other	166	88.9	11.1	70.8	26.7	2.5	29.5
TOTAL	12,650	84.8	15.2	69.7	28.2	2.1	29.1

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=12,399); Race (N=12,339); Age (N=12,299).

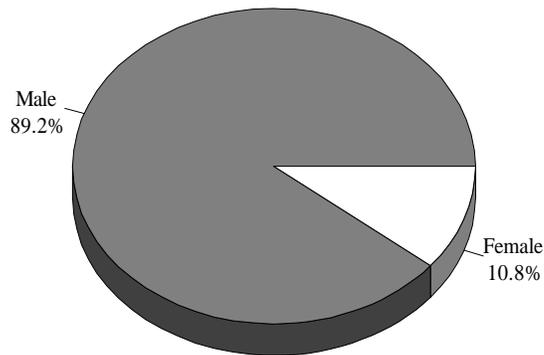
- Average age at time of offense.

INCARCERATION SENTENCES

Offenders and Offense Characteristics

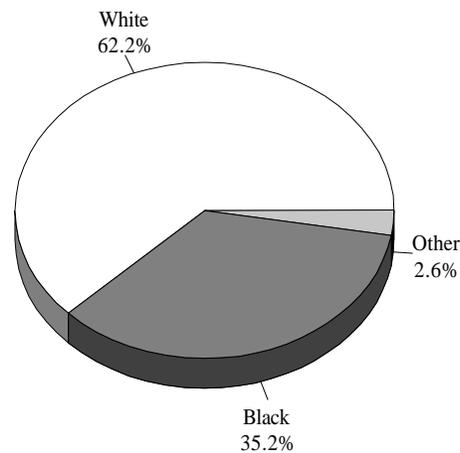
Figures 5, 6, 7, 8 and 9 represent the characteristics of offenders incarcerated in state correctional facilities by gender, race, ethnic origin, age, and educational level respectively. White males remained the predominant offender type admitted to prison during fiscal year 1999 (Figures 5 and 6). The largest proportion of incarcerated offenders were in their 30's and had obtained a high school diploma or GED equivalent (Figures 8 and 9).

Figure 5: FY 1999 Incarceration Sentences by Gender of Offenders



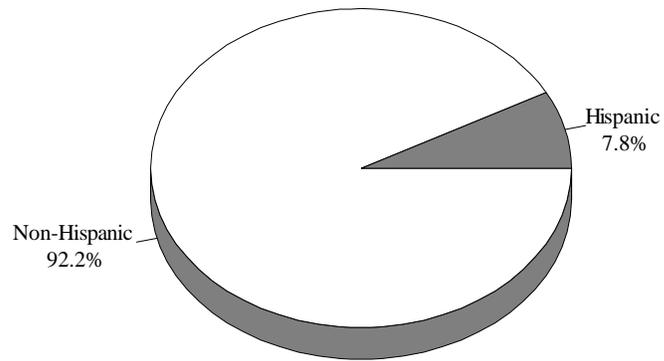
Based on 5,901 incarceration sentences reporting gender of offenders

Figure 6: FY 1999 Incarceration Sentences by Race of Offenders



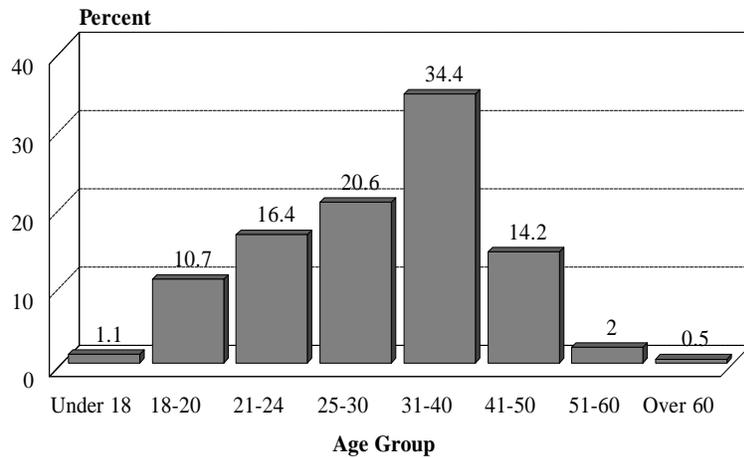
Based on 5,897 incarceration sentences reporting race of offenders

Figure 7: FY 1999 Incarceration Sentences by Ethnic Origin of Offenders



Based on 5,898 incarceration sentences reporting ethnic origin of offenders

Figure 8: FY 1999 Incarceration Sentences by Age of Offenders at Time of Admission



Based on 5,898 incarceration sentences reporting age of offenders

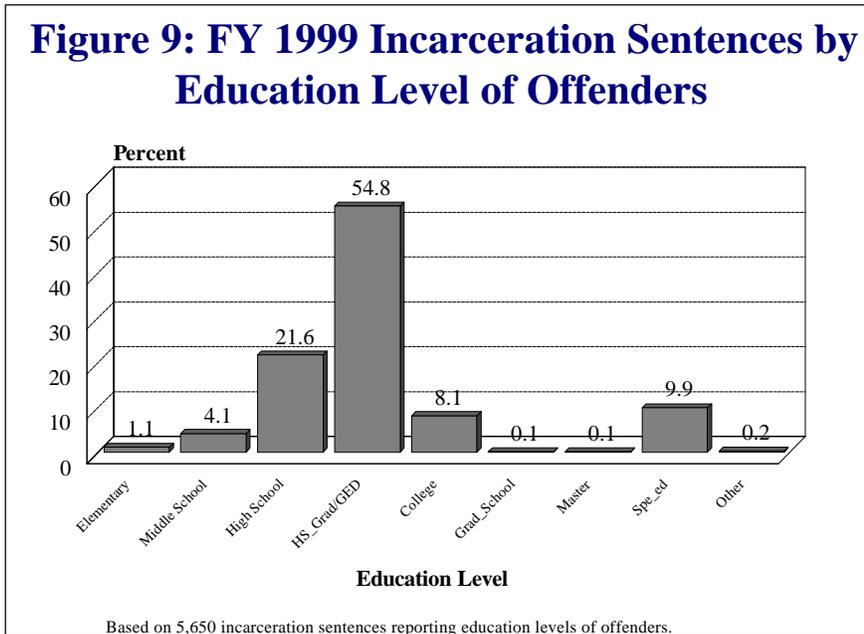


Table 4 indicates that males represented the highest percentage (over 80%) of sentences in both the violent and non-violent crime categories. Most sex offenders were males, which represented no change from the previous year. The highest percentage of sentenced females (over 30%) was found in the offense categories of abuse of child, criminal use of financial card and forgery (Table 4).

The highest incarceration rates for whites (over 80%) were found in the areas of sex offenses, abuse of child, arson, DUI, false writing, non-support of child or spouse, and traffic in contraband. Blacks were incarcerated more often (over 50%) for the crimes of aggravated failure to appear, aggravated robbery, robbery, and criminal use of financial card (Table 4). Blacks were also incarcerated at a higher rate than whites for possession of drugs (Table 5).

Table 4: FY 1999 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	20	65.0	35.0	85.0	15.0	0.0	27.8
Agg Arson	20	90.0	10.0	65.0	25.0	10.0	33.7
Agg Assault	144	95.8	4.2	54.2	43.1	2.8	28.6
Agg Assault on LEO	36	100.0	0.0	72.2	25.0	2.8	34.9
Agg Battery	297	92.6	7.4	55.2	39.7	5.0	31.3
Agg Battery on LEO	7	85.7	14.3	71.4	28.6	0.0	29.2
Agg Burglary	98	93.9	6.1	52.0	45.9	2.0	32.2
Agg Criminal Sodomy w/Child	39	100.0	0.0	82.1	17.9	0.0	37.5
Agg Escape from Custody	102	85.3	14.7	58.8	40.2	1.0	30.6
Agg Failure to Appear	10	80.0	20.0	30.0	70.0	0.0	35.7
Agg Incest	23	100.0	0.0	87.0	13.0	0.0	43.9
Agg Indecent Liberties w/Child	162	98.8	1.2	82.1	15.4	2.5	34.2
Agg Indecent Solicit w/Child	40	97.5	2.5	77.5	17.5	5.0	32.0
Agg Kidnapping	7	100.0	0.0	28.6	71.4	0.0	37.4
Agg Robbery	226	96.5	3.5	34.5	64.6	0.8	31.9
Agg Sexual Battery	52	100.0	0.0	69.2	30.8	0.0	36.7
Aiding a Felon	9	100.0	0.0	55.6	44.4	0.0	25.0
Arson	19	100.0	0.0	89.5	5.3	5.3	29.0
Battery on LEO	13	92.3	7.7	69.2	30.8	0.0	23.3
Burglary	675	96.4	3.6	67.1	29.8	3.1	28.0
Capital Murder	4	75.0	25.0	50.0	50.0	0.0	30.4
Criminal Damage to Property	33	100.0	0.0	78.8	21.2	0.0	27.4
Criminal Deprivation Vehicle	16	93.8	6.3	62.5	31.3	6.3	27.1
Criminal Sodomy w/Child	5	100.0	0.0	80.0	20.0	0.0	31.6
Criminal Threat	93	95.7	4.3	71.0	22.6	6.5	33.7
Criminal Use Financial Card	23	65.2	34.8	47.8	52.2	0.0	31.7
Discharge of Firearm	22	100.0	0.0	54.5	36.4	9.0	20.7
Drug without Tax Stamps	15	100.0	0.0	66.7	33.3	0.0	32.4
Driving While a Habitual Viol	182	94.0	6.0	78.6	18.1	3.3	33.4
Driving While Suspended	93	92.5	7.5	68.8	30.1	1.1	33.0
DUI	43	95.3	4.7	88.4	4.7	7.0	37.7
Forgery	363	66.9	33.1	63.1	33.6	3.3	32.8
False Writing	11	72.7	27.3	81.8	18.2	0.0	35.8
Giving Worthless Checks	13	100.0	0.0	76.9	7.7	15.4	30.5
Indecent Liberties w/Child	104	100.0	0.0	76.9	20.2	2.9	35.5

Table 4: FY 1999 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	19	100.0	0.0	84.2	15.8	0.0	29.0
Involuntary Manslaughter	38	76.3	23.7	76.3	23.7	0.0	32.5
Kidnapping	37	100.0	0.0	54.1	45.9	0.0	31.5
Murder in the First Degree	53	94.3	5.7	66.0	30.2	3.8	29.3
Murder in the Second Degree	35	97.1	2.9	54.3	40.0	5.7	33.8
Nonsupport of Child or Spouse	22	95.5	4.5	95.5	4.5	0.0	38.5
Obstructing Legal Process	31	83.9	16.1	48.4	48.4	3.2	31.1
Possession of Firearm	63	96.8	3.2	52.4	42.9	4.8	27.4
Rape	94	98.9	1.1	60.6	36.2	3.2	34.4
Robbery	225	93.3	6.7	45.8	53.8	0.4	30.8
Sex Exploitation of a Child	7	85.7	14.3	100.0	0.0	0.0	44.5
Theft	513	87.3	12.7	63.9	34.4	1.8	30.4
Traffic in Contraband	18	88.9	11.1	83.3	16.7	0.0	29.1
Voluntary Manslaughter	25	88.0	12.0	40.0	44.0	16.0	28.2
Other	178	86.0	14.0	65.2	29.8	5.0	32.6
TOTAL	4,377	91.2	8.8	63.3	33.8	2.9	31.4

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=4,377); Race (N=4,376); Age (N=4,375).

Table 5: FY 1999 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	785	80.5	19.5	50.1	49.0	0.9	33.8
Opiates or narcotics; poss 2	62	80.6	19.4	40.3	58.1	1.6	34.5
Opiates or narcotics; poss 3	8	75.0	25.0	50.0	50.0	0.0	38.7
Opiates or narcotics; sale 1	272	82.7	17.3	56.3	40.4	3.3	32.6
Opiates or narcotics; sale 2	14	64.3	35.7	21.4	78.6	0.0	35.9
Opiates or narcotics; sale 3	2	50.0	50.0	0.0	100.0	0.0	30.9
Depress, stim, hall, etc.; sale, poss w/intent to sale	236	92.8	7.2	81.8	13.6	4.6	33.6
Depress, stim, hall; poss 2	99	92.9	7.1	85.9	14.1	0.0	32.9
Depress, stim, hall; sale w/in 1,000ft of school	10	100.0	0.0	100.0	0.0	0.0	31.7
Unlawful manufacture controlled substance	32	75.0	25.0	90.6	6.3	3.1	37.8
Other	4	100.0	0.0	75.0	25.0	0.0	41.6
TOTAL	1,524	83.5	16.5	59.0	39.1	1.9	33.7

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=1,524); Race (N=1,521); Age (N=1,523).

Types of Admission and Severity Levels

Table 6 indicates the distribution of offenders incarcerated in FY 1999 by types of admission to the Kansas Department of Corrections (KDOC). Conditional probation violators, conditional parole/postrelease violators, and conditional release violators represented 66.7% of all offenders admitted to state correctional facilities during FY 1999. This represents a percentage increase

of approximately 3% from FY 1998 and 8% from FY 1997. New court commitments and violators with new sentences together contributed another 31.7% 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.

Table 6: Distribution of FY 1999 Incarceration Sentences by Admission Type

Admission Type	Number of Cases	Percent
New Court Commitment	1,340	22.7
Probation Conditional Violator	1,579	26.8
Probation Violator With New Sentence	226	3.8
Inmate Received on Interstate Compact	10	0.2
Parole/Postrelease Conditional Violator	2,236	37.9
Parole/Postrelease Violator With New Sentence	295	5.0
Paroled to Detainer Returned with New Sentence	28	0.5
Conditional Release Violator	118	2.0
Conditional Release Violator With New Sentence	13	0.2
Offender Returned to Prison in Lieu of Revocation	56	0.9
Total	5,901	100.0

Table 7 displays a distribution of all incarcerated offenders by offense severity level and gender. The highest percentage (over 20%) of all nondrug offenders are found in severity levels 7 and 9 (Figure 10) and more than 46% of all drug offenders fell

on drug severity level 3 (Figure 11). Females were convicted more often of drug offenses than of nondrug offenses. The highest percentages of female offenders were found on drug severity level 1 and nondrug severity level 8 (Table 7).

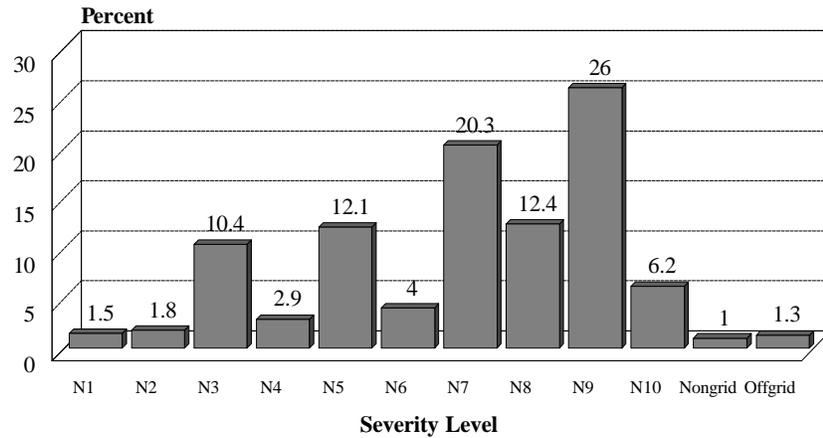
Table 7: Distribution of FY 1999 Incarceration Sentences by Severity Level and Gender*

Severity Level	Number of Cases	Gender(%)		Subtotal (%)
		Male	Female	
Drug				
1	15	73.3	26.7	1.0
2	123	77.2	22.8	8.1
3	707	86.6	13.4	46.4
4	679	81.6	18.4	44.6
Subtotal	1,524	83.5	16.5	100.0
Nondrug				
1	63	100.0	0.0	1.5
2	78	100.0	0.0	1.8
3	444	97.3	2.7	10.4
4	126	92.9	7.1	2.9
5	520	92.9	7.1	12.1
6	173	95.4	4.6	4.0
7	871	95.8	4.2	20.3
8	531	78.2	21.8	12.4
9	1,116	90.1	9.9	26.0
10	267	82.4	17.6	6.2
Non-grid	41	95.1	4.9	1.0
Off-grid	56	91.1	8.9	1.3
Subtotal	4,286	91.2	8.8	100.0
Total**	5,901	89.2	10.8	100.0

* Based on 1,524 drug offenders and 4,286 nondrug offenders.

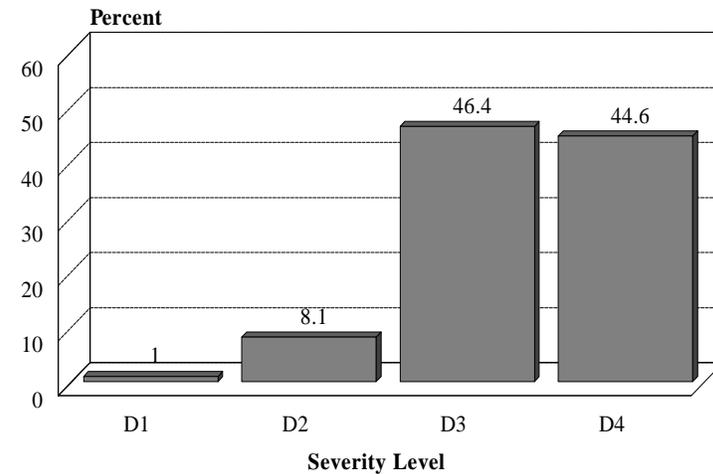
** Total number includes 91 offenders whose severity levels are unknown.

**Figure 10: FY 1999 Incarceration Sentences
Nondrug Offenders by Severity Level**



Based on 4,286 nondrug offenders

**Figure 11: FY 1999 Incarceration Sentences
Drug Offenders by Severity Level**



Based on 1,524 drug offenders

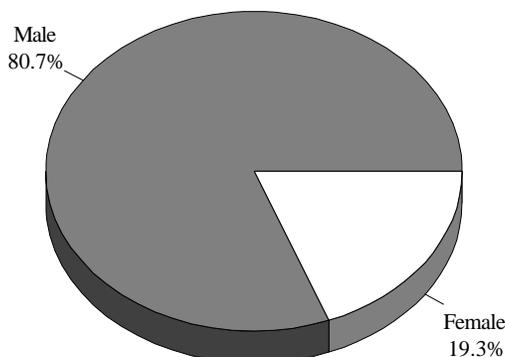
PROBATION SENTENCES

A total number of 6,749 probation sentences were received by the Kansas Sentencing Commission in fiscal year 1999, representing 1,490 drug sentences and 5,259 nondrug sentences. Of this number, there were 1,271 cases for person offenses and 5,478 cases for nonperson offenses. Characteristics of this offender group are illustrated in Figures 12 and 13.

Males represented 80.7% of all probation sentences (Figure 12).

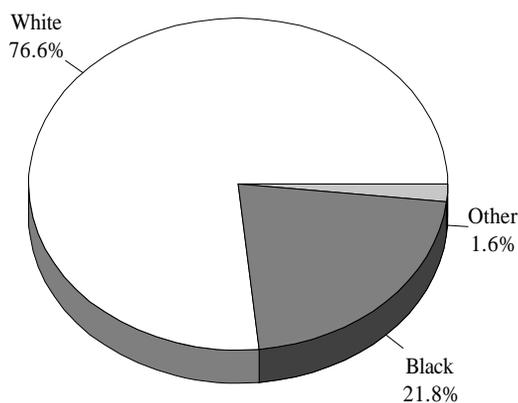
Racial Distribution of probation sentences indicates that nearly 77% were white and 23% were non-white (Figure 13).

Figure 12: Distribution of FY 1999 Probation Sentences by Gender



Based on 6,498 sentences reporting gender of offender

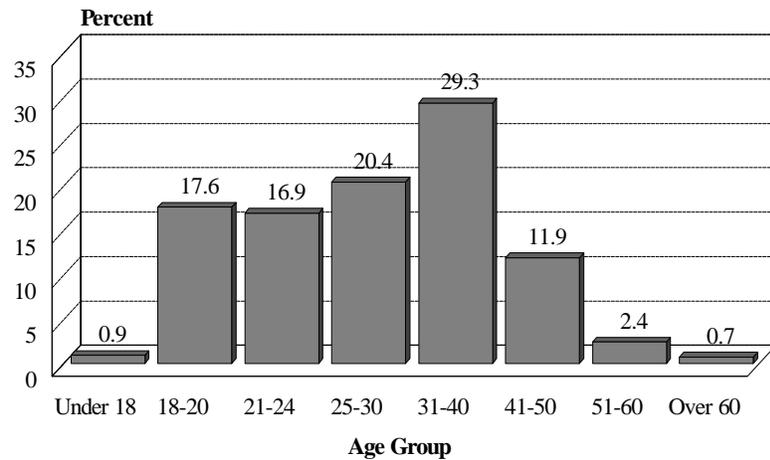
Figure 13: Distribution of FY 1999 Probation Sentences by Race



Based on 6,442 sentences reporting race of offender

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

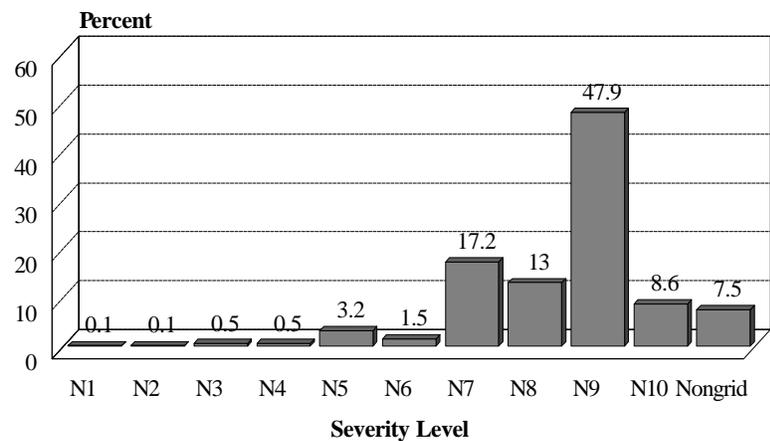
Figure 14: Distribution of FY 1999 Probation Sentences by Age at Time of Sentence



Based on 6,500 sentences reporting age of offender

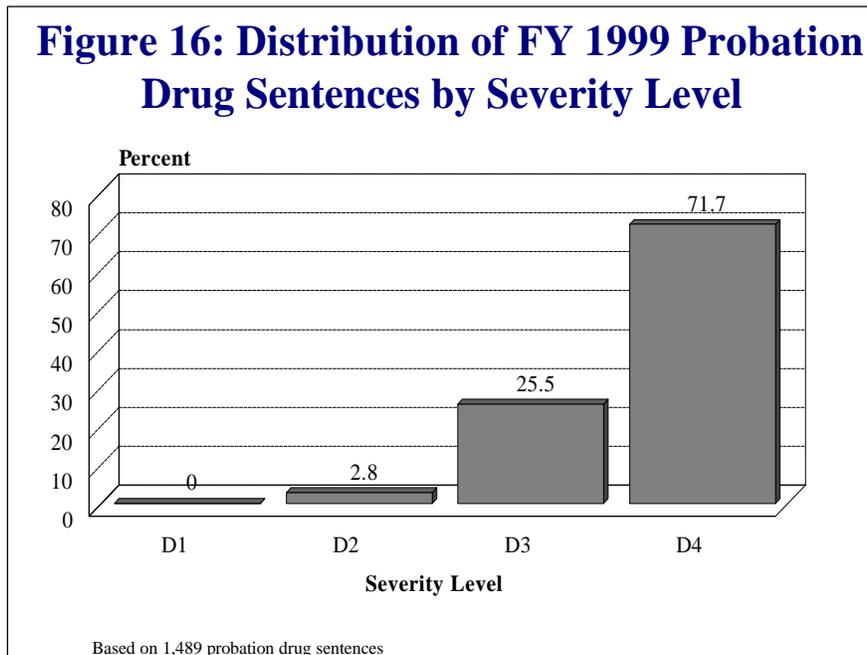
Figure 15 illustrates nondrug probation sentences by severity levels. The largest number of probation sentences fell within nondrug grid level 9 (47.9% of all nondrug sentences).

Figure 15: Distribution of FY 1999 Probation Nondrug Sentences by Severity Level



Based on 5,232 probation nondrug sentences

Figure 16 indicates that the largest number of drug probation sentences fell within severity level 4, which represented 71.7% 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. Aggravated assault, aggravated battery, burglary, theft, criminal damage of property, criminal threat, driving while a habitual violator, driving while suspended, DUI, and forgery are classified as the top ten offenses for nondrug probation offenders, representing 74.8% 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 assault on LEO, aggravated burglary, aggravated false impersonation, weapon violations, sex offenses, burglary, criminal deprivation of

vehicle, criminal threat, kidnapping, non-support of child, securities crimes and stalking. The highest percentages of female probation offenses (over 40%) included aiding a felon, criminal use of financial card, false writing, forgery, obtaining prescription drug by fraudulent means, perjury, traffic in contraband, and financial crimes. Females were also found to be convicted of more drug offenses than nondrug offenses (20.8% versus 18.8%).

Whites were responsible for 76% of all nondrug crimes and 78.5% of all drug offenses. Blacks had a higher conviction rate for nondrug offenses than drug crimes (22.3% versus 20.1%). The average age at the time of offense was 29.7 years old for nondrug offenders and 30.7 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	18	0.3	61.1	38.9	72.2	27.8	0.0	27.0
Agg Arson	5	0.1	60.0	40.0	100.0	0.0	0.0	32.7
Agg Assault	130	2.5	88.1	11.9	64.3	32.5	3.2	28.4
Agg Assault on LEO	11	0.2	100.0	0.0	72.7	27.3	0.0	35.8
Agg Battery	306	5.8	85.9	14.1	72.9	22.7	4.4	29.4
Agg Burglary	41	0.8	92.5	7.5	53.8	43.6	2.6	24.8
Agg Escape from Custody	22	0.4	89.5	10.5	84.2	10.5	5.3	26.5
Agg Fail to Appear	27	0.5	65.4	34.6	73.1	26.9	0.0	27.9
Agg False Impersonation	5	0.1	100.0	0.0	80.0	20.0	0.0	32.4
Agg Incest	6	0.1	100.0	0.0	100.0	0.0	0.0	38.5
Agg Ind Lib with a Child	45	0.9	97.6	2.4	97.6	0.0	2.4	29.6
Agg Ind Solicit with a Child	34	0.6	91.2	8.8	87.9	12.1	0.0	34.9
Agg Int w/Parent Custody	5	0.1	60.0	40.0	100.0	0.0	0.0	36.9
Agg Intimidation of a Victim	7	0.1	85.7	14.3	71.4	28.6	0.0	24.6
Agg Robbery	18	0.3	88.2	11.8	58.8	35.3	5.9	21.8
Agg Sex Battery with Child	9	0.2	100.0	0.0	66.7	33.3	0.0	27.2
Agg Weapon Violation	5	0.1	100.0	0.0	60.0	40.0	0.0	31.7
Aid Felon	17	0.3	56.3	43.8	56.3	43.8	0.0	29.4
Arson	38	0.7	73.7	26.3	92.1	7.9	0.0	31.4
Battery on LEO	10	0.2	70.0	30.0	80.0	20.0	0.0	29.2
Burglary	701	13.3	91.7	8.3	79.2	19.8	1.0	24.4
Contribute Child Misconduct	12	0.2	88.9	11.1	66.7	33.3	0.0	23.5
Crim Damage of Property	108	2.1	89.3	10.7	87.9	10.1	2.0	24.6
Crim Deprivation of Vehicle	64	1.2	95.1	4.9	72.1	27.9	0.0	27.8
Crim Discharge of Firearm	7	0.1	100.0	0.0	57.1	14.3	28.6	21.9
Criminal Threat	177	3.4	92.4	7.6	78.9	19.9	1.2	33.1
Crim Use of Financial Card	34	0.6	46.9	53.1	59.4	37.5	3.1	26.8
Domestic Battery	9	0.2	88.9	11.1	77.8	11.1	11.1	31.4
Driving while Hab Violator	883	16.8	86.9	13.1	74.8	23.4	1.9	32.2
Driving w/ Suspended-Third	328	6.2	87.7	12.3	76.8	22.2	0.9	30.2
Drug without Tax Stamps	66	1.3	75.0	25.0	84.4	15.6	0.0	32.4
DUI	337	6.4	89.1	10.9	91.4	6.3	2.3	37.4
False Writing	55	1.0	56.4	43.6	72.7	27.3	0.0	30.4
Forgery	510	9.7	50.9	49.1	72.5	26.1	1.4	30.0
Ind Liberties with a Child	25	0.5	87.0	13.0	90.0	10.0	0.0	26.0

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

Offense Type	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
Ind Solicitation with a Child	38	0.7	94.1	5.9	97.1	2.9	0.0	31.6
Involuntary Manslaughter	11	0.2	70.0	30.0	80.0	20.0	0.0	28.9
Kidnapping	6	0.1	100.0	0.0	100.0	0.0	0.0	33.5
Non-Support of a Child	39	0.7	97.1	2.9	73.5	26.5	0.0	35.6
Obstruct Legal Process	60	1.1	75.9	24.1	66.1	33.9	0.0	26.6
Obtain Prescription Drug	5	0.1	40.0	60.0	100.0	0.0	0.0	35.6
Perjury	7	0.1	42.9	57.1	71.4	28.6	0.0	39.0
Possession of Firearms	47	0.9	100.0	0.0	63.0	37.0	0.0	27.6
Rape	6	0.1	100.0	0.0	66.7	33.3	0.0	37.0
Robbery	78	1.5	88.2	11.8	50.0	47.4	2.6	23.8
Securities Crimes	9	0.2	100.0	0.0	100.0	0.0	0.0	45.9
Sex Exploitation of a Child	5	0.1	100.0	0.0	100.0	0.0	0.0	38.6
Stalking	5	0.1	100.0	0.0	80.0	20.0	0.0	30.3
Theft	698	13.3	74.2	25.8	72.9	25.6	1.5	28.1
Traffic in Contraband	21	0.4	57.9	42.1	77.8	22.2	0.0	29.1
Weapon	9	0.2	100.0	0.0	77.8	22.2	0.0	28.7
Welfare Fraud	8	0.2	25.0	75.0	50.0	50.0	0.0	32.7
Giving worthless Check	69	1.3	47.8	52.2	81.8	16.7	1.5	32.5
Other	63	1.2	81.4	18.6	75.9	24.1	0.0	30.9
Total	5,259	100.0	81.2	18.8	76.0	22.3	1.7	29.7

Note: Due to missing data, each category is based on different numbers: Gender, N=5,064; Race, N=5,018; and Age, N=5,055.
 * 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	901	60.5	76.3	23.7	75.6	22.9	1.5	30.8
Opiates or narcotics; poss 2	9	0.6	100.0	0.0	66.7	33.3	0.0	31.7
Opiates or narcotics; sale 1	185	12.4	75.9	24.1	72.8	25.4	1.8	31.3
Opiates or narcotics; sale 2	3	0.2	100.0	0.0	66.7	33.3	0.0	32.6
Depress, stim, hall, etc.; sale, poss w/intent to sale	199	13.4	89.1	10.9	88.0	10.9	1.0	30.4
Depress, stim, hall; poss 2	137	9.2	90.6	9.4	89.7	9.5	0.8	30.5
Depress, stim, hall; sale w/in 1,000ft of school	6	0.4	100.0	0.0	100.0	0.0	0.0	18.8
Possession of paraphernalia	32	2.1	62.1	37.9	86.2	13.8	0.0	29.3
Unlawful manufacture controlled substance	12	0.8	70.0	30.0	100.0	0.0	0.0	28.9
Other	6	0.4	83.3	16.7	66.7	16.7	16.7	28.8
Total	1,490	100.0	79.2	20.8	78.5	20.1	1.5	30.7

Note: Due to missing data, each category is based on different numbers: Gender, N=1,434; Race, N=1,424; and Age, N=1,435.
 * 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	3	0.1	100.0	0.0	66.7	33.3	0.0	32.0
N2	6	0.1	66.7	33.3	66.7	33.3	0.0	44.7
N3	26	0.5	100.0	0.0	82.6	8.7	8.6	26.6
N4	25	0.5	95.7	4.3	82.6	13.0	4.3	27.1
N5	167	3.2	85.7	14.3	77.1	21.7	1.3	26.8
N6	80	1.5	83.3	16.7	82.9	17.1	0.0	32.4
N7	901	17.2	87.2	12.8	74.2	23.9	1.9	27.2
N8	678	13.0	61.5	38.5	73.2	25.2	1.7	29.8
N9	2,508	47.9	83.7	16.3	76.2	22.1	1.7	29.7
N10	448	8.6	73.3	26.7	70.2	28.9	0.9	29.9
Nongrid	390	7.5	90.8	9.2	88.5	9.5	1.9	35.7
Total**	5,259	100.0	81.2	18.8	76.0	22.3	1.7	29.7

Note: Due to missing data, each category is based on different numbers: Gender, N=5,064; Race, N=5,018; and Age, N=5,055.
 * Average age at time of offense.
 ** Total number includes 27 offenders whose severity levels are unknown.

Table 11: Characteristics of Probation Drug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
D1	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
D2	42	2.8	85.7	14.3	82.9	17.1	0.0	29.1
D3	380	25.5	82.6	17.4	80.9	17.7	1.4	30.7
D4	1,067	71.7	77.8	22.2	77.6	21.0	1.5	30.8
Total	1,489	100.0	79.2	20.8	78.5	20.1	1.4	30.7

Note: Due to missing data, each category is based on different numbers: Gender, N=1,434; Race, N=1,424 and Age, N=1,435.
 * Average age at time of offense.

Criminal History and Length of Probation

The data indicates that 6,507 probation sentences with assigned criminal history categories were reported in FY 1999, accounting for more than 96% of all probation sentences received by the Commission. The largest number of this group (35%, N=2,279) fell within criminal history category I, representing no previous criminal history or one misdemeanor conviction.

Offenders with criminal history category I were found to account for almost 32% of offenders on the nondrug grid, while criminal history category I offenders accounted for 46% of offenders on the drug grid. Nearly 89% of nondrug offenders fell within the presumptive probation boxes (Table 12), while 56% of probation drug offenders were sentenced within the presumptive probation boxes (Table 13).

Three percent 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 32.7% 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 11% downward dispositional departure.

Lengths of probation sentences by severity levels are exhibited 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 27.3 months.

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

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
N1	3	0	0	0	0	0	0	0	0	3	52.0
N2	6	0	0	0	0	0	0	1	0	5	42.0
N3	26	0	0	1	2	1	0	4	5	13	37.0
N4	25	0	0	2	1	0	2	4	4	12	38.4
N5	167	0	3	5	4	1	3	10	13	128	36.4
N6	80	1	2	2	5	2	0	9	11	47	28.6
N7	901	5	13	88	64	93	82	106	101	347	25.1
N8	678	2	14	62	29	135	59	96	90	191	24.9
N9	2,508	22	58	272	111	346	239	399	410	643	24.4
N10	448	4	7	40	22	50	37	64	66	158	24.2
Nongrid	390	4	4	19	3	19	18	30	40	51	22.8
Total	5,232	38	101	491	241	647	440	723	740	1,598	25.1

Note: Criminal history classes are based on 5,019 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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Table 13: Criminal History and Probation Length by Severity Level - Drug Offenders

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
D1	0	0	0	0	0	0	0	0	0	0	0.0
D2	42	0	1	3	0	3	4	11	10	9	36.3
D3	380	0	7	10	14	24	21	56	50	198	34.4
D4	1,067	1	14	45	36	80	58	177	182	474	24.5
Total	1,489	1	22	58	50	107	83	244	242	681	27.3

Note: Criminal history classes are based on 1,488 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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CHAPTER THREE VIOLATORS

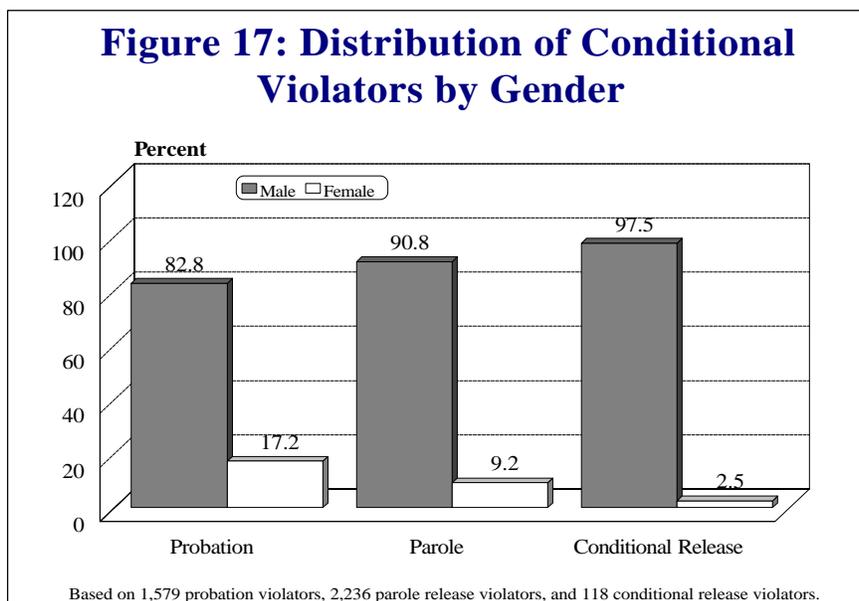
VIOLATIONS RESULTING IN INCARCERATION

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.

In FY 1999, there were a total number of 3,933 conditional violators, representing 1,579 probation violators, 2,236 parole/postrelease supervision violators, and 118 conditional release violators respectively. Conditional violators alone accounted for 66.7% of all FY 1999 prison admissions.

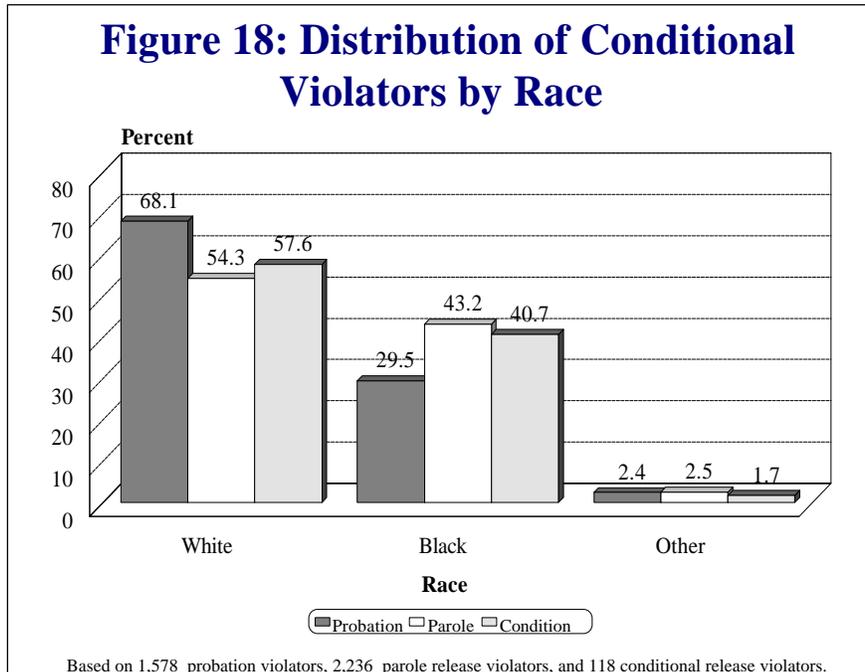
Overview of Conditional Violators

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.

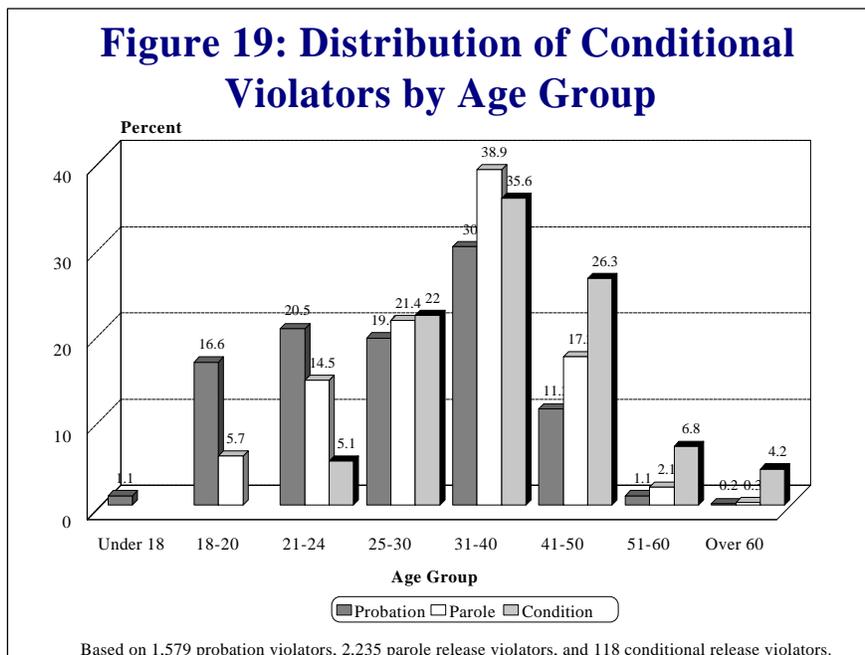


Characteristics of conditional violators by gender, race, and age are shown in Figures 17, 18, and 19.

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

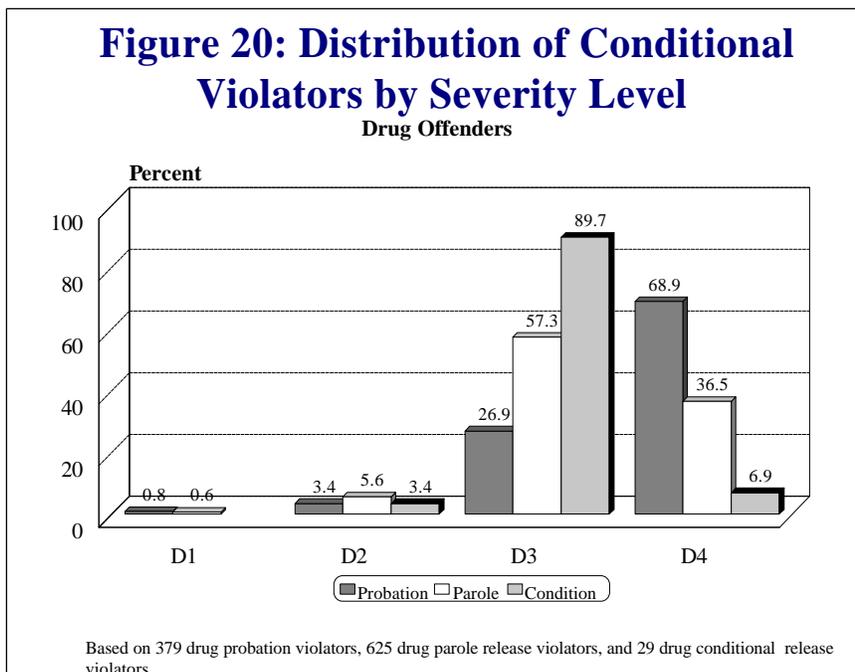


The largest proportions of all three types of conditional violators were found to be in their 30's at the time of admission to prison (Figure 19).



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

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



The largest percentage of probation violators (N=457) and parole/postrelease supervision violators (N=383) fell on nondrug severity level 9, while conditional release violators accounted for the highest percentage on nondrug severity levels 3 and 5 (N=28 at both levels, Figure 21).

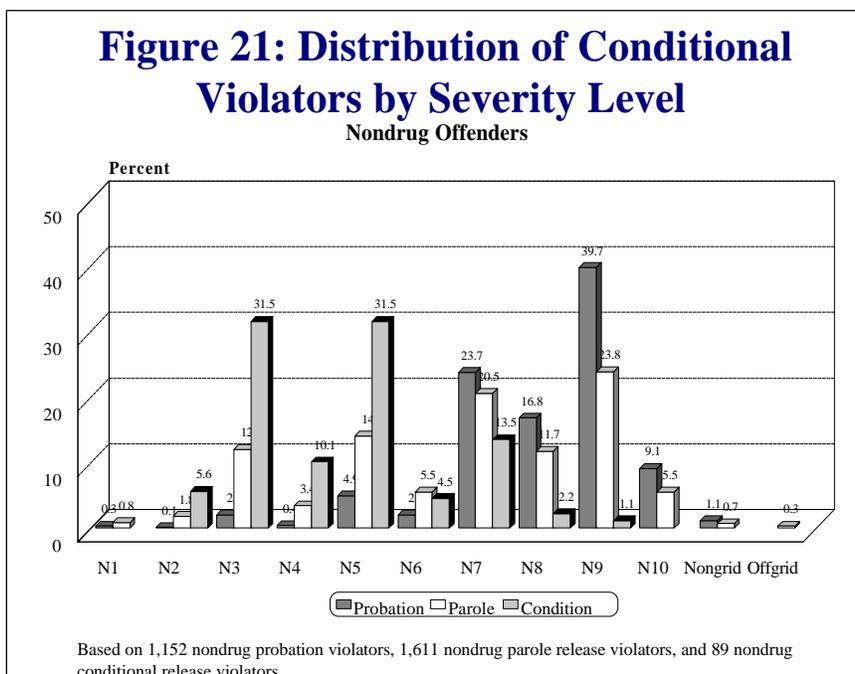


Table 14 displays the characteristics of all types of conditional violators by severity levels, race, and gender. The highest frequencies for males were found on nondrug severity level 9 and drug severity level 3. However, the largest numbers of

females fell on nondrug severity level 8 and drug severity 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 whites and drug level 3 for 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	7	5	2	3	4	0	39.4
D2	49	38	11	15	34	0	34.5
D3	486	421	65	261	214	11	34.6
D4	491	381	110	291	195	5	33.2
N1	16	16	0	7	8	1	39.6
N2	35	35	0	20	14	1	39.5
N3	245	237	8	111	128	6	36.3
N4	68	63	5	33	33	2	35.8
N5	309	285	24	169	134	6	33.7
N6	116	110	6	74	38	4	32.0
N7	615	587	28	379	218	18	29.2
N8	383	285	98	239	135	9	30.9
N9	841	755	86	582	234	25	30.6
N10	194	158	36	114	73	7	31.6
Offgrid	5	5	0	3	2	0	46.9
Nongrid	25	24	1	21	1	3	36.9
Unknown	48	47	1	35	13	0	30.2
Total	3,933	3,452	481	2,357	1,478	98	32.2

Conditional Probation Violators

During FY 1999, 1,579 conditional probation violators were admitted to the custody of the Department of Corrections (DOC). This number represents a total of 64 additional offenders or a 4.2% increase compared with FY 1998 figure. Nearly 93% of conditional probation violators had received guideline sentences. Characteristics of this group, by the top 10 most frequent committing offenses, are shown on Tables 15 and 16.

Aggravated assault, aggravated battery, aggravated robbery, burglary, 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 75.5% of all nondrug offenses (Table 15). Possession of drugs was the most frequent offense type for probation violators on the drug grid, accounting for 75% of all drug offenses (Table 16). Burglary, theft, and forgery were the three most frequent sentencing offenses for which there were a large number of probation violators. The average length of lag time for nondrug probation violators from the age of offense to the age of admission to prison was 2.5 years, which decreased by 3.6 months compared with the length of lag time in FY 1998. The average length of lag time for drug violators was 2.5 years as well, which decreased by 6 months from that of drug conditional probation violators in FY 1998. Distributions of probation violators by severity level and criminal history are exhibited in Table 17.

Table 15: Top 10 Most Frequent 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	40	87.5	12.5	52.5	45.0	2.5	24.1	26.3
Agg battery	62	90.3	9.7	61.3	32.3	6.4	28.8	31.2
Agg robbery	17	82.4	17.6	52.9	47.1	0.0	19.7	21.5
Burglary	247	93.9	6.1	72.5	24.3	3.2	23.4	25.8
Criminal threat	35	94.3	5.7	68.6	25.7	5.7	31.1	33.0
Driving while a habitual violator	91	92.3	7.7	79.1	18.7	2.2	31.1	33.3
Driving while suspended	37	89.2	10.8	67.6	32.4	0.0	29.9	32.1
Forgery	153	55.6	44.4	66.7	30.1	3.3	29.1	31.7
Robbery	36	88.9	11.1	50.0	50.0	0.0	24.6	26.9
Theft	188	84.0	16.0	70.1	28.3	1.6	26.3	28.6
Subtotal	906	84.1	15.9	68.4	28.8	2.8	26.7	29.0
Other	294	88.8	11.2	71.4	25.9	2.7	26.9	29.7
TOTAL	1,200	85.3	14.8	69.1	28.1	2.8	26.7	29.2

* 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	45	91.1	8.9	86.7	8.9	4.4	28.1	31.0
Depress, stim, hall; poss 2nd	40	87.5	12.5	85.0	15.0	0.0	29.7	32.1
Opiates or narcotics; poss 1	232	71.6	28.4	57.3	40.9	1.7	30.5	33.1
Opiates or narcotics; poss 2	9	66.7	33.3	44.4	55.6	0.0	31.3	33.3
Opiates or narcotics; poss 3	3	66.7	33.3	66.7	33.3	0.0	34.0	39.0
Opiates or narcotics; sale 1	46	67.4	32.6	63.0	37.0	0.0	29.0	31.2
Opiates or narcotics; sale 2	1	0.0	100.0	100.0	0.0	0.0	39.8	43.8
Depress, stim, hall; sale w/in 1,000ft of school	1	100.0	0.0	100.0	0.0	0.0	22.4	23.5
Other	2	100.0	0.0	100.0	0.0	0.0	39.3	43.5
TOTAL	379	74.9	25.1	64.6	33.8	1.6	30.1	32.6

* 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			2
D2		1			3		3	3	3	13
D3			3	5	7	6	14	14	36	85
D4	2	3	11	6	13	22	49	54	99	259
N1	1							1	1	3
N2								1		1
N3		1	1	1	4	1	2	3	8	21
N4				1		1	2		1	5
N5		2	1	6	4	3	9	9	17	51
N6		1	2				3	6	11	23
N7	2	10	32	17	33	26	37	26	65	248
N8		3	20	8	27	13	40	30	38	179
N9	5	9	58	28	59	41	63	67	104	434
N10	1	2	2	9	10	7	20	19	31	101
Total	11	32	131	81	160	120	243	233	414	1,425

* Due to missing data, criminal history categories are based on 1,425 probation violators reporting criminal history.

Conditional Parole/Postrelease Supervision Violators

Conditional parole/postrelease supervision violators contributed the largest percentage of FY 1999 admissions. Totaling 2,236 admissions, this group accounted for almost 38% of all admissions to DOC.

Characteristics of this offender group are presented on Tables 18 and 19. The top 10 most frequent committing offenses of nondrug parole/postrelease violators included aggravated escape from custody, aggravated assault, aggravated battery, aggravated burglary, aggravated robbery, burglary, forgery, indecent liberties with child, robbery and theft, accounting for

70.5% of the total offenses. Nearly 93% 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 burglary, forgery and indecent liberties with child, 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 Frequent 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	82.5	17.5	54.0	44.4	1.6	26.9	31.8
Aggravated assault	53	98.1	1.9	45.3	50.9	3.8	25.6	29.5
Aggravated battery	114	91.2	8.8	49.1	47.4	3.5	26.4	32.1
Aggravated burglary	44	93.2	6.8	43.2	52.3	4.5	27.0	34.5
Aggravated robbery	123	96.7	3.3	29.3	69.1	1.6	23.9	36.4
Burglary	261	98.1	1.9	64.8	33.0	2.2	25.5	29.7
Forgery	121	71.1	28.9	60.3	37.2	2.5	30.1	33.9
Indecent liberties w/child	49	100.0	0.0	69.4	26.5	4.1	27.7	36.1
Robbery	111	93.7	6.3	34.2	64.9	0.9	25.7	33.5
Theft	197	89.8	10.2	57.9	40.6	1.5	28.0	32.1
Other	475	96.0	4.0	64.4	31.2	4.4	28.8	34.3
TOTAL	1,611	92.9	7.1	56.1	41.0	2.9	27.2	33.0

* 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	117	93.2	6.8	80.3	14.5	5.1	28.0	35.1
Depress, stim, hall; poss 2	30	93.3	6.7	83.3	16.7	0.0	30.7	34.1
Depress, stim, hall.; sale w/in 1,000ft of school	2	100.0	0.0	100.0	0.0	0.0	28.8	33.6
Opiates or narcotics; poss 1	357	81.0	19.0	42.9	56.6	0.6	29.2	34.7
Opiates or narcotics; poss 2	27	88.9	11.1	25.9	74.1	0.0	29.0	35.8
Opiates or narcotics; poss 3	2	100.0	0.0	0.0	100.0	0.0	40.0	43.3
Opiates or narcotics; sale 1	79	91.1	8.9	34.2	64.6	1.3	28.7	32.6
Opiates or narcotics; sale 2	8	62.5	37.5	25.0	75.0	0.0	31.0	36.0
Other	3	100.0	0.0	66.7	33.3	0.0	32.8	39.2
TOTAL	625	85.4	14.6	49.9	48.6	1.4	29.0	34.6

* 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	
D1								1		1
D2	1				2	1	1	1	3	9
D3	3	3	3	1	4	6	3	13	15	51
D4	3	1	8	7	21	19	38	21	41	159
N1			1							1
N2									1	1
N3			1		1				2	4
N4						2				2
N5			2	2			4	1	12	21
N6	1		1		3	1	8	4		18
N7	7	9	17	13	22	7	27	21	31	154
N8	5	10	11	9	27	13	19	21	19	134
N9	17	39	41	18	50	34	45	38	42	324
N10	8	13	12	6	11	6	14	7	6	83
Total	45	75	97	56	141	89	159	128	172	962

* Due to missing data, criminal history categories are based on 962 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 that the highest percentage of this group was classified as sex offenders,

which attributed to almost 44% of all nondrug offenders. Drug offenders represented only 24.6% of this specific population (n=118). All conditional release violators had missing criminal history categories since they are governed by pre-guideline sentences.

Table 21: Top 10 Most Frequent 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 assault	4	100.0		75.0	25.0		24.4	33.2
Aggravated battery	7	100.0		85.7	14.3		25.4	39.4
Aggravated burglary	5	100.0		60.0	40.0		25.8	34.9
Aggravated robbery	9	100.0		33.3	66.7		23.0	35.9
Aggravated incest	8	100.0		100.0			33.7	41.9
Agg sexual battery on child	7	100.0		42.9	57.1		38.3	46.7
Burglary	6	100.0			100.0		31.4	37.3
Indecent liberties w/child	19	100.0		78.9	15.8	5.3	30.4	39.4
Rape	5	100.0		60.0	40.0		23.5	35.7
Robbery	3	100.0		100.0			34.7	44.7
Other	16	93.8	6.3	50.0	50.0		30.9	39.0
TOTAL	89	98.9	1.1	61.8	37.1	1.1	29.6	39.1

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

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

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Depress, stim, hall, etc.; sale, poss w/intent to sale	6	100.0		83.3		16.7	28.8	38.5
Depress, stim, hall; poss 1	21	95.2	4.8	33.3	66.7		30.8	38.0
Depress, stim, hall; poss 2	2	50.0	50.0	50.0	50.0		27.1	35.9
TOTAL	29	93.1	6.9	44.8	51.7	3.4	30.1	37.9

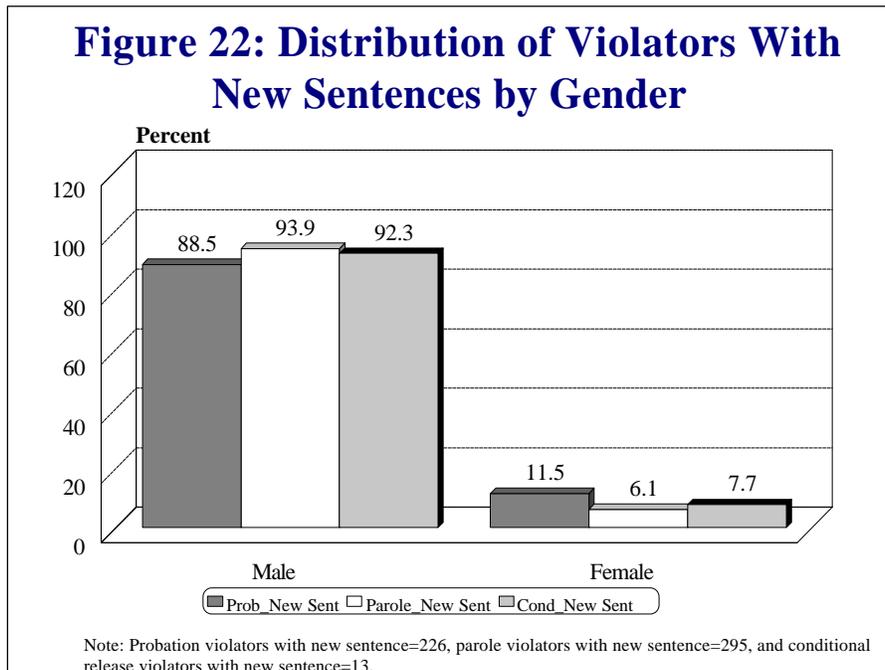
* Average age at time of offense.
 ** Average age at time admitted to prison.

Violators with New Sentences

Violators with new sentences include probation, parole/postrelease, and conditional release violators convicted of an offense for which they received a new

sentence. This group represented 9% of the total prison admissions, indicating a 0.2% increase when compared with FY 1998. Characteristics of this group are presented in Figures 22 to 24.

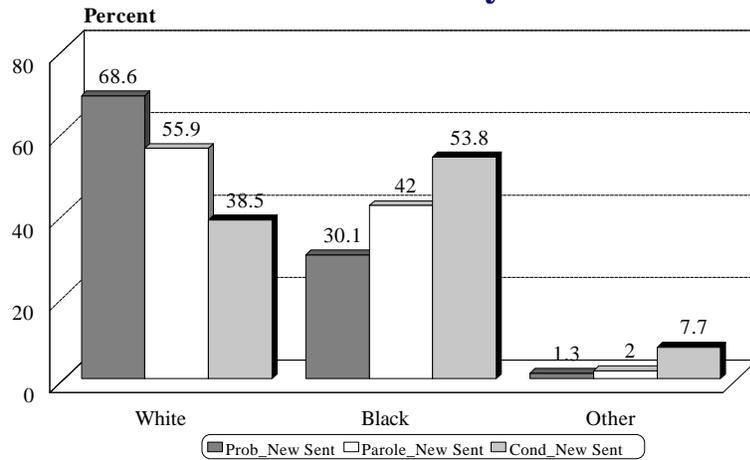
White males are the predominant gender for this population (Figures 22 and 23). The highest percentage of conditional release violators with new sentences was found in the age group between 25 to 30 years old compared with probation violators and parole/postrelease violators with new sentences, who were found to be in their 30's at the time of admission to prison (Figure 24).



Drugs (27.4%), burglary (12.8%) and aggravated escape from custody (7.1%) were the major committing offense categories for probation violators with new convictions. Drugs (19.7%), burglary (13.6%) and theft (13.2%) represented the major committing offenses for

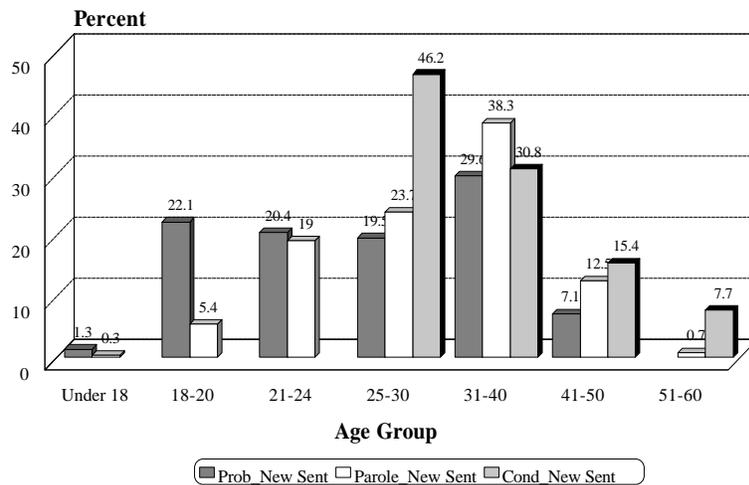
parole/postrelease violators with new sentences. The predominant committing offense for conditional release violators with new sentences was indecent liberties with a child (23.1%). Table 23 illustrates the distribution of the above offenders by severity levels.

Figure 23: Distribution of Violators With New Sentences by Race



Note: Probation violators with new sentence=226, parole violators with new sentence=295, and conditional release violators with new sentence=13.

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



Note: Probation violators with new sentence=226, parole violators with new sentence=295, and conditional violators with new sentence=13.

**Table 23: Distribution of FY 1999 Violators with New Sentences
By Severity Level**

Severity Level	Probation		Parole/Postrelease		Conditional Release	
	N	%	N	%	N	%
D1	2	0.9	0	0.0	0	0.0
D2	11	4.9	3	1.0	0	0.0
D3	24	10.6	17	5.8	0	0.0
D4	25	11.1	38	12.9	0	0.0
N1	1	0.4	1	0.3	0	0.0
N2	1	0.4	1	0.3	0	0.0
N3	12	5.3	18	6.1	3	23.1
N4	3	1.3	4	1.4	0	0.0
N5	12	5.3	21	7.1	3	23.1
N6	5	2.2	4	1.4	1	7.7
N7	53	23.5	48	16.3	4	30.8
N8	32	14.2	34	11.5	0	0.0
N9	32	14.2	73	24.7	1	7.7
N10	6	2.7	24	8.1	1	7.7
Offgrid	3	1.3	0	0.0	0	0.0
Nongrid	2	0.9	5	1.7	0	0.0
Unknown	2	0.9	4	1.4	0	0.0
Total	226	100.0	295	100.0	13	100.0

VIOLATORS CONTINUING AND EXTENDING ON PROBATION

In this section, violators continued or extended on probation refer 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 1999, there were 1,285 conditional probation violators and 158 probation violators with new convictions representing 41.3% of the total number of 3,111 conditional probation violators and 30.7% of the total number of 515 probation violators with new offenses

respectively, who were continued or extended on probation. Drugs (25.2%), burglary (13.1%), forgery (12.3%), theft (10.6%), and driving while a habitual violator (9.4%) were the top five committing offenses for this group of conditional violators. Drugs (20.9%), driving while a habitual violator (17.1%), burglary (12%), forgery (10.8%) and theft (9.5%) 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	7	1	0	0	0	0	1	2	1	2	
D3	65	0	1	0	1	3	2	7	14	34	
D4	251	0	7	5	7	14	21	50	43	100	
N1	2	0	0	0	0	0	0	0	0	2	
N2	1	0	0	0	0	0	0	0	0	1	
N3	13	0	0	0	0	0	0	1	3	9	
N4	3	0	1	1	0	0	0	0	0	1	
N5	36	0	0	1	1	1	0	3	5	24	
N6	7	0	0	0	0	1	0	2	1	3	
N7	158	1	1	14	8	18	15	21	21	57	
N8	180	1	1	14	3	17	12	27	35	62	
N9	406	6	7	36	17	47	32	74	50	131	
N10	77	0	1	1	3	11	4	9	5	38	
Nongrid	73	0	0	5	3	7	2	4	4	15	
Total	1,279	9	19	77	43	119	89	200	182	479	

Note: Criminal history classes are based on 1,217 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	7	0	0	0	0	0	0	0	3	4
D4	26	0	0	2	0	1	1	3	3	15
N3	1	0	0	0	0	1	0	0	0	0
N5	2	0	0	0	0	1	0	0	0	1
N6	3	0	0	0	0	0	0	0	0	3
N7	25	0	0	1	1	4	3	4	1	10
N8	22	0	0	3	2	2	0	4	2	8
N9	60	0	0	5	2	4	10	5	17	14
N10	5	0	0	0	1	0	1	0	1	2
Nongrid	7	0	0	0	0	1	0	0	2	4
Total	158	0	0	11	6	14	15	16	29	61

Note: Criminal history classes are based on 152 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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CHAPTER FOUR

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 1999. A sentence is considered to conform to the guidelines if it falls within the range of sentence lengths for a guideline grid box at a specific designated severity level and criminal history category. A sentence that falls at the mid-point of a relative grid box is regarded as standard. A sentence that 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.

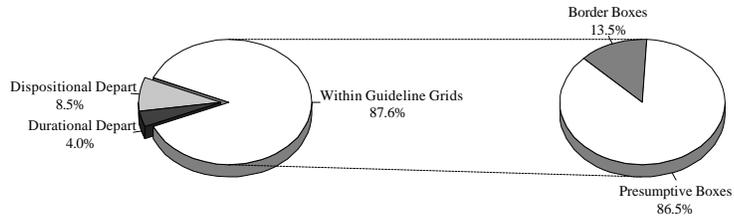
OVERALL CONFORMITY RATES

In FY 1999, there were 7,552 pure guideline sentences, including 1,193 incarceration guideline sentences and 6,359 probation sentences. Figure 25 demonstrates that 87.6% (6,578 sentences) of the 7,513 guideline sentences, excluding those sentences missing criminal history categories, fell within the presumptive guideline grids; 4% (299 sentences) indicated durational departures, and 8.5% (636 sentences) were dispositional departures. Of all the sentences within the presumptive guideline grids, 5,691 sentences (86.5%) fell within either the presumptive prison boxes or presumptive probation boxes, while 887 sentences (13.5%) were located on designated border boxes.

Figure 26 indicates that 61.6% (392 sentences) of the 636 dispositional departures were downward departures and 38.4% (244 sentences) were upward dispositional departures. Nearly 72% of the 887 border box sentences resulted in probation sentences with only a little over 28% sentenced to prison (Figure 26).

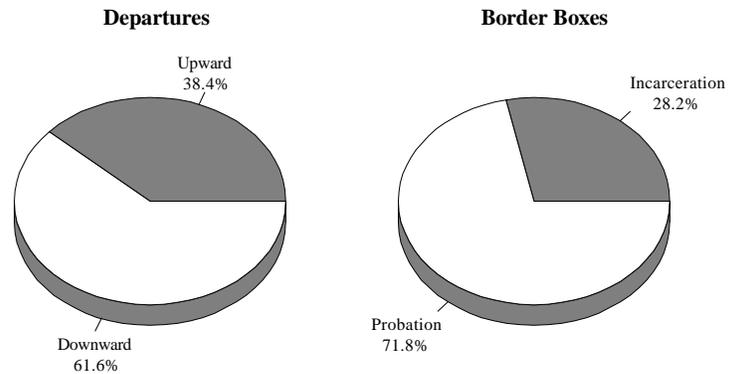
The analysis of durational departure sentences is applicable to presumptive prison sentences only.

Figure 25: Distribution of FY 1999 Overall Guideline Sentences



Based on 1,193 prison and 6,320 probation sentences

Figure 26: Distribution of Dispositional Departure and Border Box Sentences



Based on 636 departures and 887 border boxes

CONFORMITY OF PRESUMPTIVE PRISON GUIDELINE SENTENCES

Presumptive prison guideline sentences refer to the sentences that are designated above the incarceration line of the sentencing

grids. Revocations of probation, either with or without new sentences, which result in prison sentences were excluded from this analysis. A total of 1,193 presumptive prison guideline sentences were utilized for this analysis.

Figure 27 indicates that 54.5% of total sentences fell within the presumptive incarceration range. Of this percentage, 33.1% fell within the standard range, 10.2% were within the aggravated range, and 18.3% were within the mitigated range. More than 38% were located within designated border boxes.

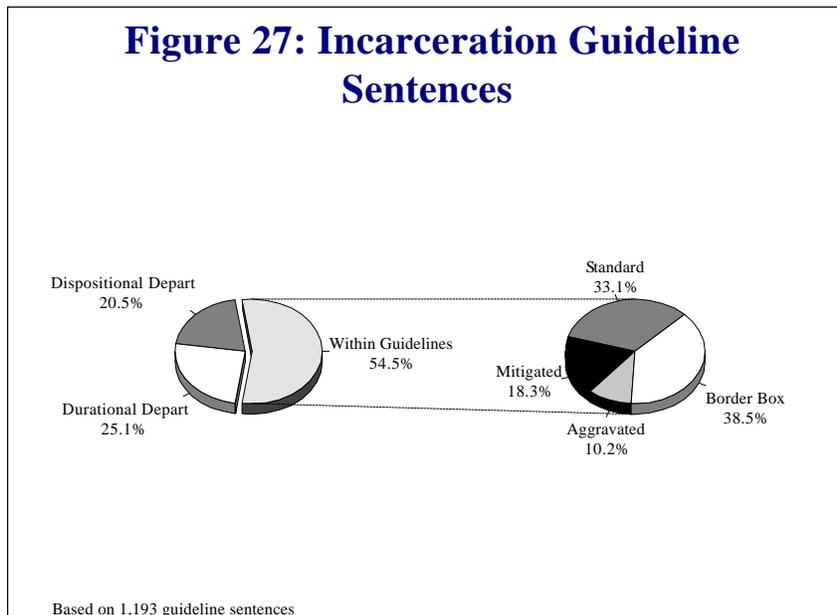
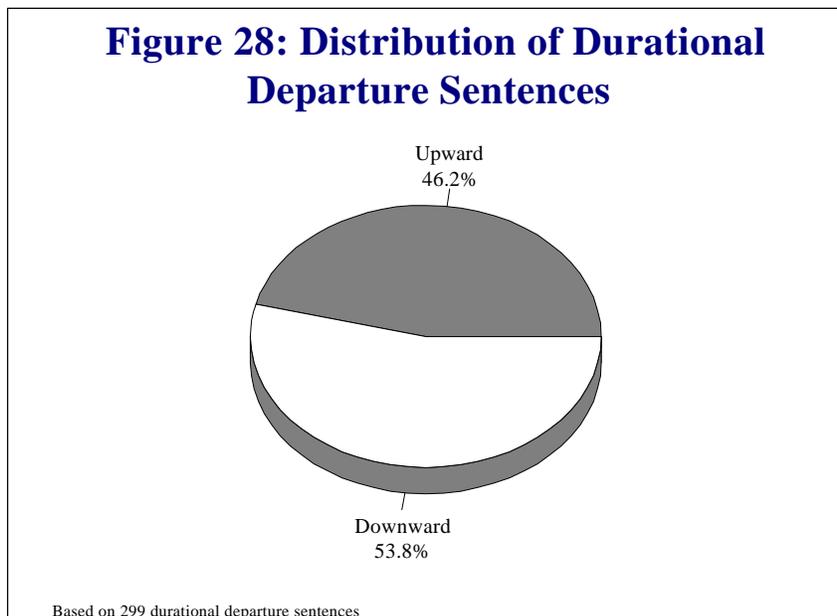


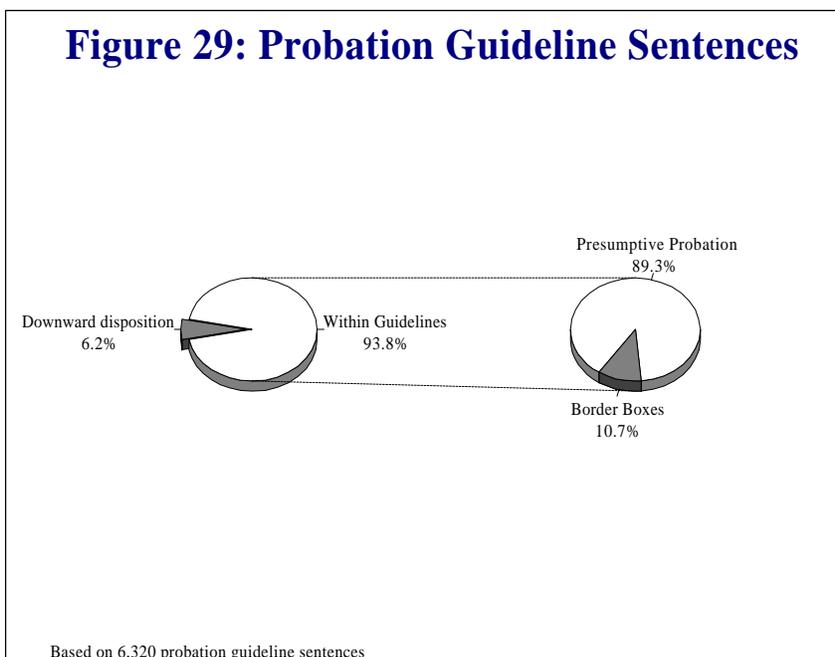
Figure 28 indicates that among the durational departure sentences, 46.2% departed upward from the presumptive guideline ranges, while 53.8% departed downward from the sentence lengths indicated on the presumptive range.



CONFORMITY OF PRESUMPTIVE PROBATION GUIDELINE SENTENCES

As expected, probation guideline sentences overwhelming (93.8%, 5,928 cases) fell beneath incarceration line, with only 10.7% falling within border boxes (Figure 29). This

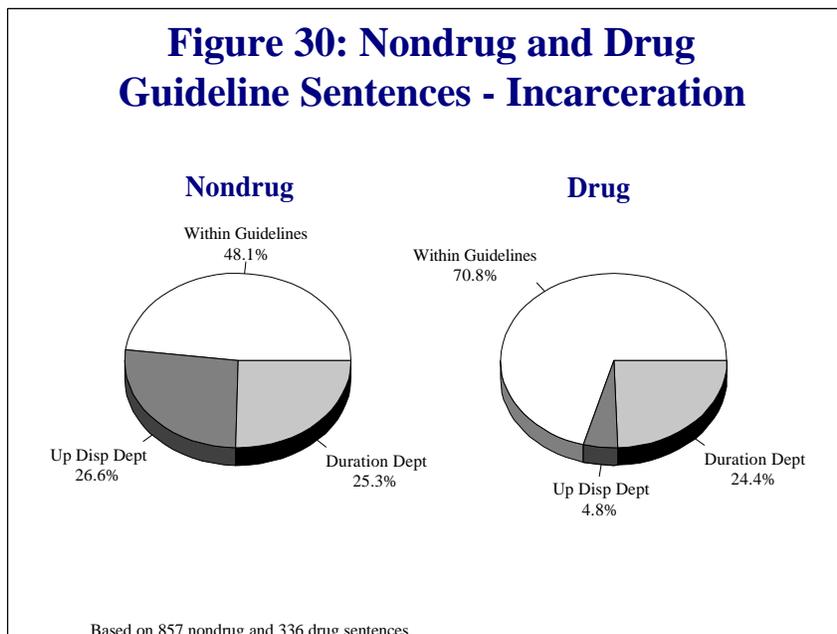
distribution accounted for 87.8% of the total probation sentences during FY 1999 (6,749). Probation sentences reflected downward dispositional departures of 6.2%, while upward dispositional departure sentences were reflected in presumptive prison sentences (See Figure 26 above).



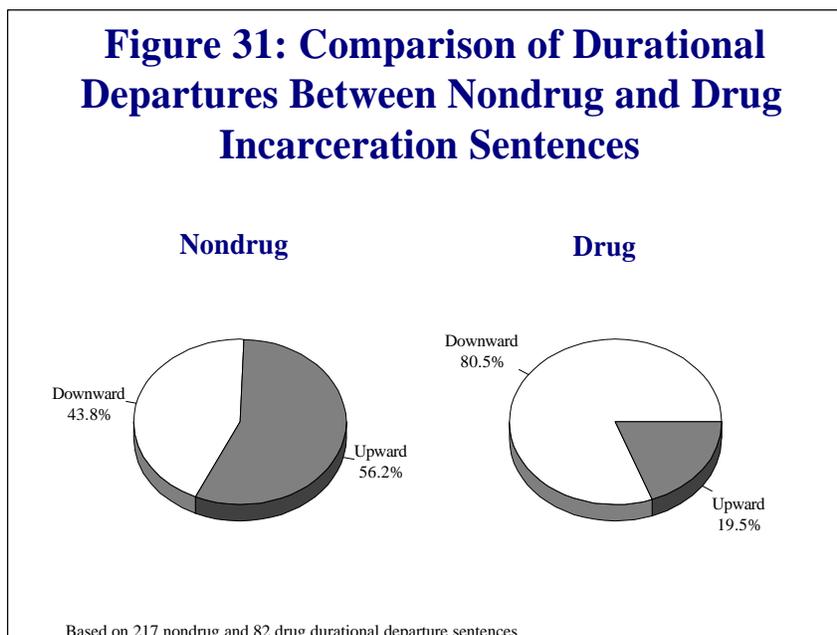
CONFORMITY OF NONDRUG AND DRUG GUIDELINE SENTENCES

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

Figure 30 indicates that among nondrug offenders, the data showed 26.6% upward dispositional departures, while drug offenders only revealed 4.8% upward dispositional departures. Nondrug offenders indicate 25.3% durational departures while drug offenders show only 24.4% durational departures.

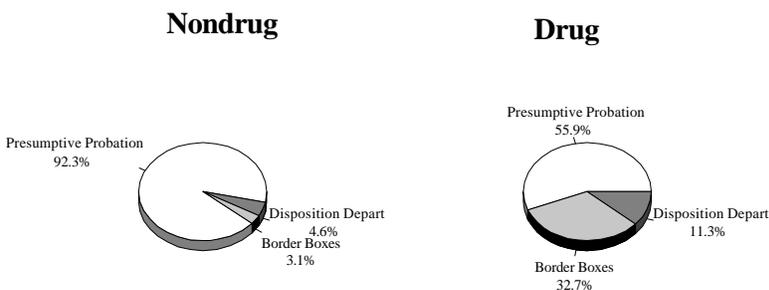


Examination of durational departures in Figure 31 indicates that downward departures represent 80.5% of the total durational departures on the drug grid. However, on the nondrug grid, only 43.8% of durational departures are downward. The majority of the upward departures were found on severity levels 1, 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).

Figure 32: Comparison Between Nondrug and Drug Probation Guideline Sentences



Based on 4,831 nondrug and 1,489 drug guideline sentences

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, more often 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

Table 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 12.5% standard, 1.8% aggravated, 8.3% mitigated,

and 48.2% border box sentence distribution. Nondrug sentences revealed a 20.2% standard, 7% aggravated, 10.6% mitigated, and 10.3% border box sentence distribution. As for the departure sentences, drug sentences showed 4.8% upward durational departures and 19.6% downward durational departures, whereas nondrug sentences showed a 14.2% upward durational departure rate and a 11.1% downward durational departure rate. When examining dispositional departures, nondrug sentences upward dispositional departures were present in 26.6%. By contrast, drug sentences showed only a 4.8% 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 four years.

Table 26: Conformity Rates by Severity Level - Incarceration Sentences

Severity Level	N	Within Guidelines(%)				Departures(%)		
		Agg	Stand	Miti	Box	Durational Upward	Downward	Dispositional Upward
D1	6	16.7	16.7				66.7	
D2	59	5.1	25.4	15.3		8.5	45.8	
D3	165	1.2	4.8	4.2	80.0	1.8	7.9	
D4	106		17.0	11.3	28.3	7.5	20.8	15.1
Subtotal	336	1.8	12.5	8.3	48.2	4.8	19.6	4.8
N1	44	11.4	27.3	11.4		34.1	15.9	
N2	40	7.5	17.5	17.5		20.0	37.5	
N3	157	11.5	33.1	16.6		24.2	14.6	
N4	48	27.1	31.3	8.3		20.8	12.5	
N5	173	1.7	15.6	11.0	49.1	8.7	13.9	
N6	45	8.9	28.9	4.4	6.7	15.6	13.3	22.2
N7	129	3.9	10.9	7.8		10.9	3.9	62.8
N8	65	1.5	13.8	9.2		3.1	6.2	66.2
N9	125	5.6	17.6	7.2		5.6	3.2	60.8
N10	31	3.2	6.5	9.7		19.4	3.2	58.1
Subtotal	857	7.0	20.2	10.6	10.3	14.2	11.1	26.6
TOTAL	1,193	5.5	18.0	10.0	21.0	11.6	13.5	20.5

Table 27 displays conformity rates for probation sentences by severity levels. Probation drug sentences indicated a 11.3% downward dispositional departures for sentences which should have been presumptive incarceration, while only 4.6% 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 did when their severity levels and criminal history categories fell within the border boxes (32.7% versus 3.1%). 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 four years.

Table 27: Conformity Rates by Severity Level - Probation Sentences

Severity Level	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
D2	42			100.0
D3	380		91.8	8.2
D4	1,067	78.1	12.9	9.0
Subtotal	1,489	55.9	32.7	11.3
N1	3			100.0
N2	6			100.0
N3	26			100.0
N4	25			100.0
N5	167		84.4	15.6
N6	79	73.4	11.4	15.2
N7	899	98.0		2.0
N8	678	97.6		2.4
N9	2,500	96.8		3.2
N10	448	97.5		2.5
Subtotal	4,831	92.3	3.1	4.6
TOTAL	6,320	83.7	10.1	6.2

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, whites received more aggravated sentences (1.7%) and

standard sentences (13.4%) than blacks. However, blacks received more mitigated sentences (10.8%) than whites. When examining departures, blacks indicated higher percentages in durational departures. Whites, did however, receive more upward dispositional departure sentences than blacks.

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

Severity Level and Race	N	Departures(%)						
		Within Guidelines(%)				Departures(%)		
		Agg	Stand	Miti	Box	Upward	Downward	Upward
D1								
White	2		50.0				50.0	
Black	3						100.0	
Other	1	100.0						
D2								
White	44	4.5	27.3	11.4		9.1	47.7	
Black	15	6.7	20.0	26.7		6.7	40.0	
D3								
White	117	1.7	5.1	3.4	80.3		9.4	
Black	38		2.6	2.6	84.2	7.9	2.6	
Other	10		10.0	20.0	60.0		10.0	
D4								
White	76		17.1	10.5	31.6	6.6	15.8	18.4
Black	27		14.8	14.8	18.5	11.1	37.0	3.7
Other	1		100.0					
TOTAL								
White	239	1.7	13.4	7.1	49.4	3.8	18.8	5.9
Black	83	1.2	9.6	10.8	44.6	8.4	24.1	1.2
Other	12	8.3	16.7	16.7	50.0		8.3	

Based on 334 drug incarceration guideline sentences.

Examining nondrug incarceration sentences on Table 29, the trend is reversed within guideline sentences. Blacks received more aggravated sentences (8.3% vs. 6.3%) and more standard sentences (22.8% vs. 19.5%)

than whites. Little difference was found between blacks and whites in durational departures. Blacks still received fewer upward dispositional departure sentences (24.6% vs. 27.1%) 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
N1								
White	30	13.3	33.3	10.0		26.7	16.7	
Black	12	8.3	16.7	16.7		58.3		
Other	2						100.0	
N2								
White	31	9.7	16.1	12.9		22.6	38.7	
Black	9		22.2	33.3		11.1	33.3	
N3								
White	108	10.2	30.6	18.5		24.1	16.7	
Black	46	13.0	37.0	13.0		26.1	10.9	
Other	3	33.3	66.7					
N4								
White	33	27.3	27.3	9.1		21.2	15.2	
Black	12	25.0	50.0	8.3		8.3	8.3	
Other	3	33.3				66.7		
N5								
White	122	1.6	13.9	10.7	54.1	8.2	11.5	
Black	46	2.2	21.7	13.0	32.6	10.9	19.6	
Other	5				80.0		20.0	
N6								
White	35	8.6	31.4	2.9	5.7	17.1	14.3	20.0
Black	7	14.3	14.3	14.3	14.3		14.3	28.6
Other	3		33.3			33.3		33.3
N7								
White	98	2.0	11.2	4.1		10.2	3.1	69.4
Black	27	7.4	11.1	22.2		14.8	7.4	37.0
Other	4	25.0						75.0
N8								
White	37	2.7	13.5	10.8		2.7	8.1	62.2
Black	25		12.0	8.0			4.0	76.0
Other	3		33.3			33.3		33.3
N9								
White	86	2.3	17.4	7.0		7.0	3.5	62.8
Black	34	14.7	20.6	5.9		2.9	2.9	52.9
Other	5			20.0				80.0
N10								
White	21	4.8	4.8	14.3		19.0	4.8	52.4
Black	10		10.0			20.0		70.0
TOTAL								
White	601	6.3	19.5	10.1	11.3	14.1	11.5	27.1
Black	228	8.3	22.8	12.7	7.0	14.5	10.1	24.6
Other	28	10.7	14.3	3.6	14.3	14.3	10.7	32.1

Based on 857 nondrug incarceration guideline sentences.

Conformity rates for probation sentences by race indicate that white offenders received more probation sentences (56.4%) but fewer downward dispositional departures (9.4%) 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. Whites also received a higher percentage of probation sentences within the designated border boxes. This data would seem to

indicate that whites are more likely than blacks to receive a probation sentence when the offender fell within the border box range of the sentence grid. This finding indicates the same pattern from the FY 1997 data, and a reverse pattern from FY 1998, which demonstrated that blacks were more likely than whites to receive a probation sentence when the offender fell within the border box range of the sentence grid (Kansas Sentencing Commission 1997 Annual Report and 1998 Annual Report).

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

Severity Level and Race	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
D2				
White	29			100.0
Black	6			100.0
D3				
White	293		93.2	6.8
Black	64		87.5	12.5
Other	5		80.0	20.0
D4				
White	796	79.1	13.8	7.0
Black	215	72.1	12.6	15.3
Other	15	86.7		13.3
TOTAL				
White	1,118	56.4	34.3	9.4
Black	285	54.4	29.1	16.5
Other	20	65.0	20.0	15.0

Based on 1,423 drug probation sentences reporting race of offenders.

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

Severity Level and Race	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
N1				
White	2			100.0
Black	1			100.0
N2				
White	4			100.0
Black	2			100.0
N3				
White	19			100.0
Black	2			100.0
Other	2			100.0
N4				
White	19			100.0
Black	3			100.0
Other	1			100.0
N5				
White	121		89.3	10.7
Black	34		64.7	35.3
Other	2		100.0	
N6				
White	63	76.2	9.5	14.3
Black	12	58.3	25.0	16.7
N7				
White	633	98.3		1.7
Black	205	97.1		2.9
Other	16	93.8		6.3
N8				
White	477	97.3		2.7
Black	164	98.2		1.8
Other	11	100.0		
N9				
White	1,835	97.3		2.7
Black	533	95.1		4.9
Other	38	97.4		2.6
N10				
White	304	97.4		2.6
Black	125	97.6		2.4
Other	4	100.0		
TOTAL				
White	3,477	92.5	3.3	4.3
Black	1,081	92.1	2.3	5.6
Other	74	90.5	2.7	6.8

Based on 4,632 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 sentences. However, females received more presumptive prison sentences (59.6%) when

the offender fell within the border boxes and less mitigated (4.3%) sentences than their counterparts. Females received fewer standard sentences, upward durational and dispositional departures, and more downward durational departures than males (4.3% vs. 13.8%, 4.3% vs. 4.8%, 2.1% vs. 5.2%, and 25.5% vs. 18.7%).

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	5	20.0	20.0				60.0	
Female	1						100.0	
D2								
Male	46	6.5	30.4	17.4		6.5	39.1	
Female	13		7.7	7.7		15.4	69.2	
D3								
Male	139	1.4	5.8	4.3	77.7	2.2	8.6	
Female	26			3.8	92.3		3.8	
D4								
Male	99		17.2	12.1	26.3	8.1	21.2	15.2
Female	7		14.3		57.1		14.3	14.3
TOTAL								
Male	289	2.1	13.8	9.0	46.4	4.8	18.7	5.2
Female	47	0.0	4.3	4.3	59.6	4.3	25.5	2.1

Based on 336 drug incarceration guideline sentences.

Table 33 indicates the same trend for nondrug incarceration sentences in which females were more likely to receive a prison sentence within the border box range (15.4%). In addition, females had a significantly higher percentage rate in upward dispositional departure than males (53.8%). Males, on the other hand, received prison sentences at a 9.9% rate within border boxes and accounted for 24.8% of upward

dispositional departure sentences. Based on gender alone, it would appear to indicate that females are more likely to receive a prison sentence than males for both drug and nondrug sentences. This sentencing practice has remained unchanged for the last four years and will continue to be closely monitored in future analysis (see Kansas Sentencing Commission 1998, 1997 and 1996 Annual Reports).

**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	44	11.4	27.3	11.4		34.1	15.9	
Female								
N2								
Male	40	7.5	17.5	17.5		20.0	37.5	
Female								
N3								
Male	153	11.8	32.7	17.0		24.2	14.4	
Female	4		50.0			25.0	25.0	
N4								
Male	44	25.0	29.5	9.1		22.7	13.6	
Female	4	50.0	50.0					
N5								
Male	161	1.9	16.1	11.2	47.8	8.1	14.9	
Female	12		8.3	8.3	66.7	16.7		
N6								
Male	44	9.1	29.5	2.3	6.8	15.9	13.6	22.7
Female	1			100.0				
N7								
Male	126	4.0	11.1	7.1		11.1	4.0	62.7
Female	3			33.3				66.7
N8								
Male	55	1.8	16.4	10.9		3.6	7.3	60.0
Female	10							100.0
N9								
Male	112	6.3	18.8	7.1		6.3	3.6	58.0
Female	13		7.7	7.7				84.6
N10								
Male	26	3.8	7.7	11.5		23.1	3.8	50.0
Female	5							100.0
TOTAL								
Male	805	7.2	20.7	10.8	9.9	14.8	11.7	24.8
Female	52	3.8	11.5	7.7	15.4	5.8	1.9	53.8

Based on 857 nondrug incarceration guideline sentences.

Analyses of overall probation sentences show that females, on both the drug and nondrug grids, received more probation sentences and less downward dispositional departures than males (Tables 34 and 35). However, females were less likely to be sentenced to probation than males when they fell within the border box ranges (Tables 34 and 35). This finding indicates the same trend present in presumptive prison sentences, females had a higher tendency to be sentenced to prison rather than placed on probation when they fell within a border box. Another finding indicates that females

were more likely to be incarcerated than males when both upward and downward dispositional departures are compared for prison and probation sentences. Females have a higher likelihood of an upward dispositional departure to prison for nondrug sentences, 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 the FY 1996, FY 1997 and FY 1998 data.

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

Severity Level and Gender	N	Presumptive Probation(%)	Border Boxes(%)	Downward Disposition(%)
D2				
Male	30			100.0
Female	5			100.0
D3				
Male	300		91.7	8.3
Female	63		93.7	6.3
D4				
Male	805	74.8	14.5	10.7
Female	230	87.8	8.7	3.5
TOTAL				
Male	1,135	53.0	34.5	12.4
Female	298	67.8	26.5	5.7

Based on 1,433 drug probation sentences reporting gender of offenders.

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

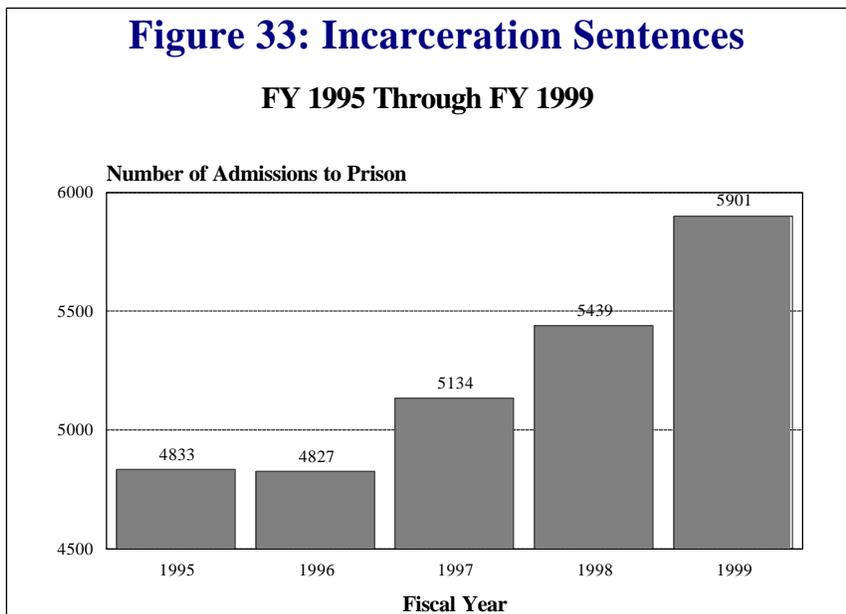
Severity Level and Gender	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
N1				
Male	3			100.0
N2				
Male	4			100.0
Female	2			100.0
N3				
Male	23			100.0
N4				
Male	22			100.0
Female	1			100.0
N5				
Male	138		83.3	16.7
Female	23		87.0	13.0
N6				
Male	65	72.3	10.8	16.9
Female	12	83.3	16.7	
N7				
Male	752	97.6		2.4
Female	111	100.0		
N8				
Male	403	96.3		3.7
Female	252	99.6		0.4
N9				
Male	2,035	96.4		3.6
Female	396	99.2		0.8
N10				
Male	319	96.6		3.4
Female	116	100.0		
TOTAL				
Male	3,764	91.3	3.2	5.4
Female	913	96.5	2.4	1.1

Based on 4,677 nondrug probation sentences reporting gender of offenders.

CHAPTER FIVE SENTENCING TRENDS AND FORECAST

INCARCERATION SENTENCES

In FY 1999, the total number of incarceration sentences increased by 8.5% compared with that of FY 1998. The total number of FY 1999 prison admissions indicated an increase of 22.1% from the 4,833 admissions reported in FY 1995 (Figure 33).



Monthly prison admission rates in FY 1999 demonstrate a different pattern when compared to FY 1995 through FY 1998 (Figure 34).

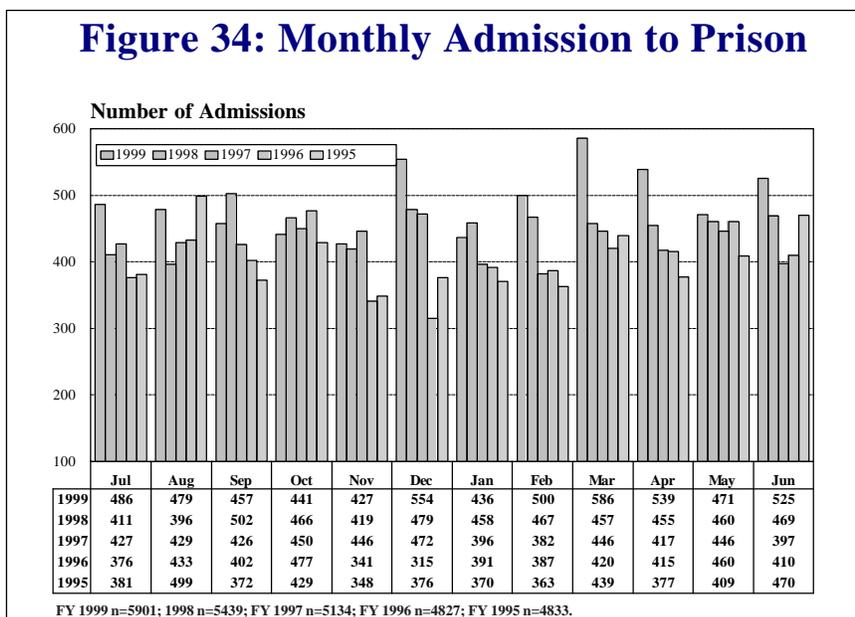


Figure 35 and Table 36 represent the types of admissions to prison.

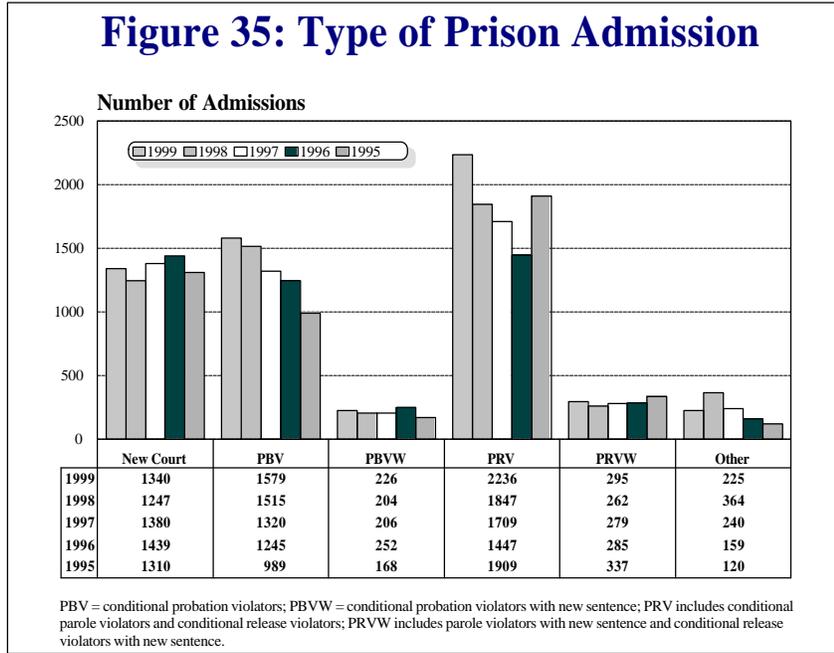


Table 36: Comparison of Prison Admissions from FY 1995 to FY 1999

Admission Type	FY 99	FY 98	FY 97	FY 96	FY 95	FY 99-95 % Difference
New Court Admission	1340	1247	1380	1439	1310	2.3%
Probation Violator	1579	1515	1320	1245	989	59.7%
Probation Violator with New Sentence	226	204	206	252	168	34.5%
Parole/Postrelease Violator	2236	1847	1624	1364	1816	23.1%
Parole/Postrelease Violator with New Sent	295	262	269	265	313	-5.8%
Conditional Release Violator	118	113	85	83	93	26.9%
Conditional Release Violator with New Sent	13	15	10	20	24	-45.8%
Other Types*	94	236	240	159	120	-21.7%
Total	5901	5439	5134	4827	4833	22.1%

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

In FY 1999, the number of new court admissions increased by 7.5% as compared with that of FY 1998 and 2.3% when compared with FY 1995. Probation violators without new sentences increased by 4.2% when compared with the number of FY 1998 and 59.7% from the FY 1995 number. Probation violators with new sentences

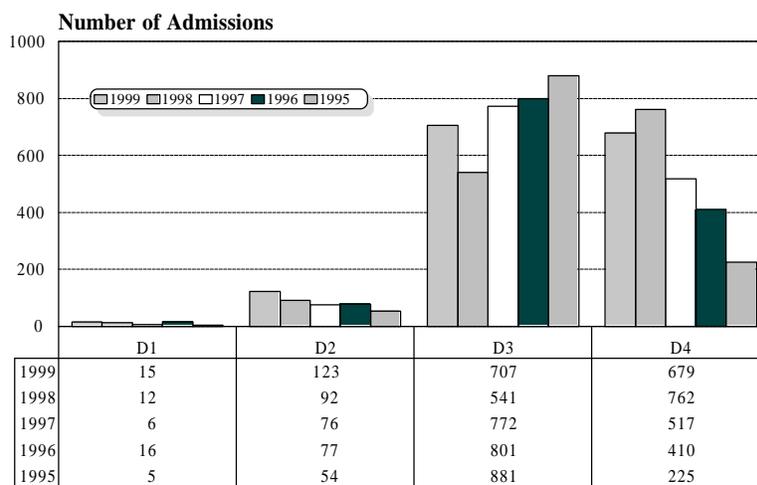
increased by 10.8% from the number reported in FY 1998 and increased by 34.5% from the FY 1995 total. Parole/postrelease violators without new sentences increased by 21.1% from FY 1998 and 23.1% when compared with that of FY 1995. When comparing FY 1999 with FY 1995, parole/postrelease violators with new

sentences decreased by 5.8%. Conditional release violators without new sentences were up by 4.4% from FY 1998 and 26.9% from FY 1995. Conditional release violators

with new sentences indicated a 13.3% decrease from the FY 1998 number and 45.8% 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 1999.

Figure 36: Drug Offenders by Severity Level



FY 1999 n=1524; FY 1998 n=1407; FY 1997 n=1371; FY 1996 n=1304; FY 1995 n=1165.

Table 37: Comparison of Drug Offenders by Severity Level From FY 1995 To FY 1999

Severity Level	FY 1999	FY 1998	FY 1997	FY 1996	FY 1995	FY 99-98 % Difference	FY 99-95 % Difference
D1	15	12	6	16	5	25.0%	200.0%
D2	123	92	76	77	54	33.7%	127.7%
D3	707	541	772	801	881	30.7%	-19.8%
D4	679	762	517	410	225	-10.9%	201.7%
Total	1524	1407	1371	1304	1165	8.3%	30.8%

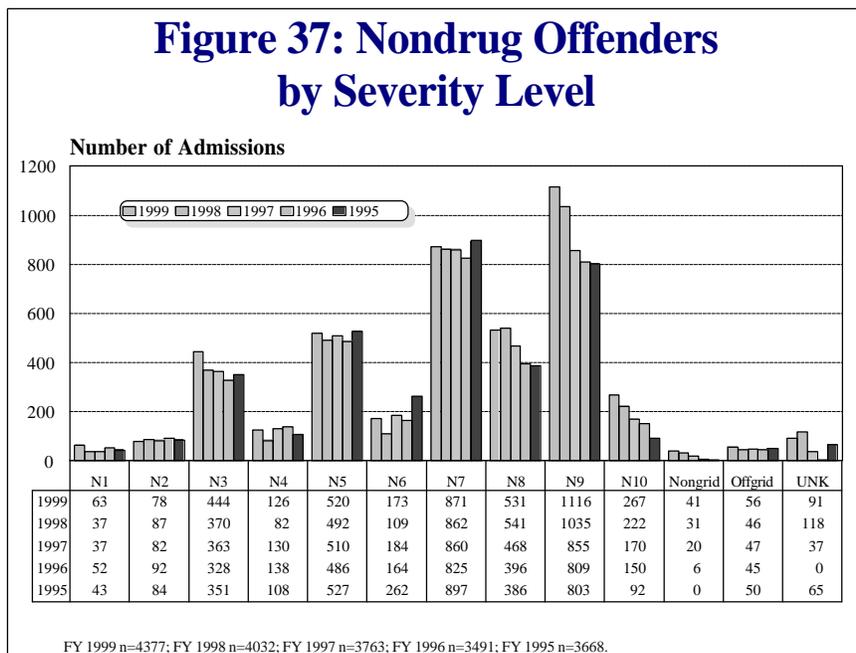


Table 38: Comparison of Nondrug Offenders by Severity Level From FY 1995 To FY 1999

Severity Level	FY 1999	FY 1998	FY 1997	FY 1996	FY 1995	FY 99-98 % Difference	FY 99-95 % Difference
N1	63	37	37	52	43	70.3%	46.5%
N2	78	87	82	92	84	-10.3%	-7.1%
N3	444	370	363	328	351	20.0%	26.5%
N4	126	82	130	138	108	53.7%	16.7%
N5	520	492	510	486	527	5.7%	-1.3%
N6	173	109	184	164	262	58.7%	-34.0%
N7	871	862	860	825	897	1.0%	-2.9%
N8	531	541	468	396	386	-1.8%	37.6%
N9	1116	1035	855	809	803	7.8%	39.0%
N10	267	222	170	150	92	20.3%	190.2%
Offgrid	56	46	47	45	50	21.7%	12.0%
Other*	132	149	57	6	65	11.4%	103.1%
Total	4377	4032	3763	3491	3668	8.6%	19.3%

* Other includes nongrid and unknown.

Drug sentences in FY 1999, when compared with that in FY 1998, increased by 8.3%, while nondrug sentences increased by 8.6% from FY 1998 (Table 37 and Table 38). However, when compared with the data from FY 1995, drug sentences indicate a significant increase of 30.8%, while nondrug sentences demonstrated an increase of 19.3% (Table 37 and Table 38). The number of drug sentences in all severity levels increased in FY 1999 except for drug level 4, which decreased by about 11% from the previous year but increased by 201.7% from that of FY 1995. The large increases for drug offenders fell on drug grid levels 2 and 3, which increased by 33.7% and 30.7% respectively from FY 1998 (Table 37). The largest decrease for nondrug offenders occurred in nondrug severity level 2, which dropped by 10.3% from FY 1998 (Table

38). However, the number of nondrug severity levels 1 and 6 rose by 70.3% and 58.7% respectively from FY 1998. In summary, the trend indicates an overall increase in sentences for both drug and nondrug offenders in the past five years.

PROBATION SENTENCES

Trend analysis of probation sentences in this report includes four years of complete probation data, which had been reported to the Commission from FY 1996 to FY 1999. Distributions of probation sentences for the past four years are illustrated in Figure 38. Like incarceration sentences, probation sentences demonstrate a steady increase over the past four years (Figure 38).

The total number of probation sentences in FY 1999 indicated an increase of 5.5% when compared with that of FY 1998 and 12.1% from the FY 1996 number.

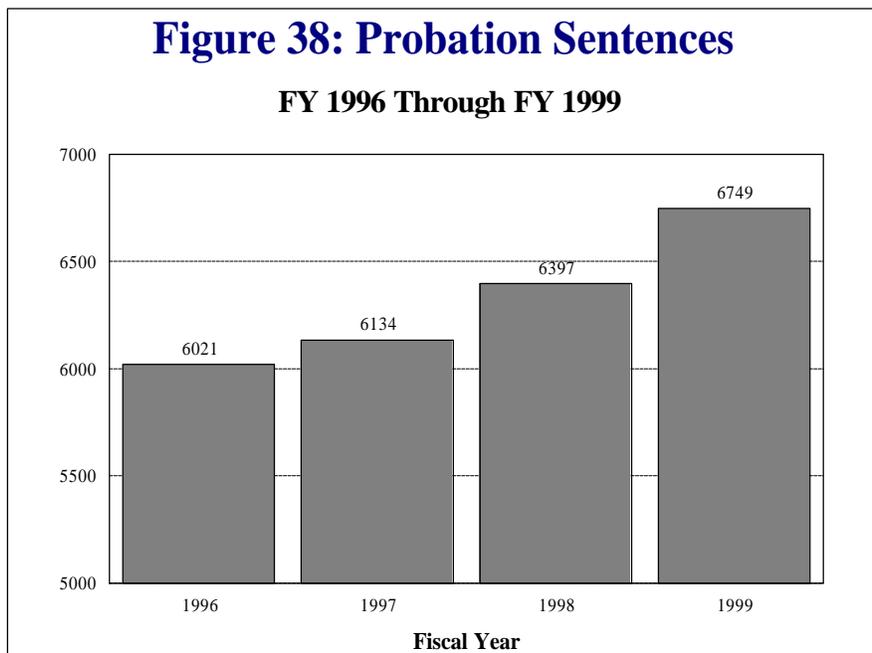
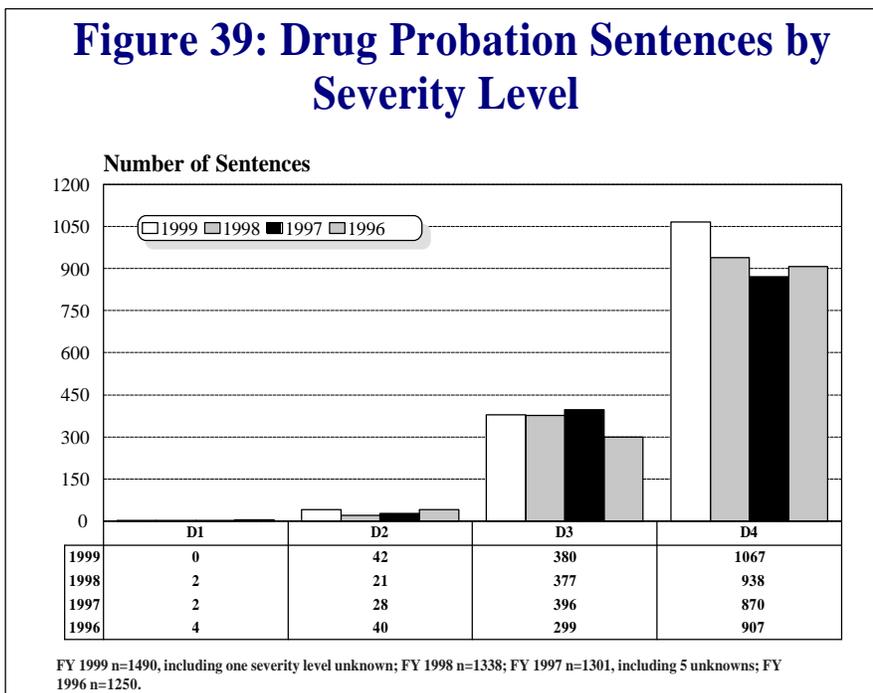


Figure 39 and Table 39 illustrate the changes of probation sentences for drug offenses by severity levels during the past four years. The total number of drug probation sentences in FY 1999 increased by 11.4% from that of FY 1998 and 19.2% from the FY 1996 number. The largest percentage increase of probation sentences for drug offenses fell within drug level 2. The largest percentage of decrease for drug probation sentences is shown in severity level 1 (Table 39).



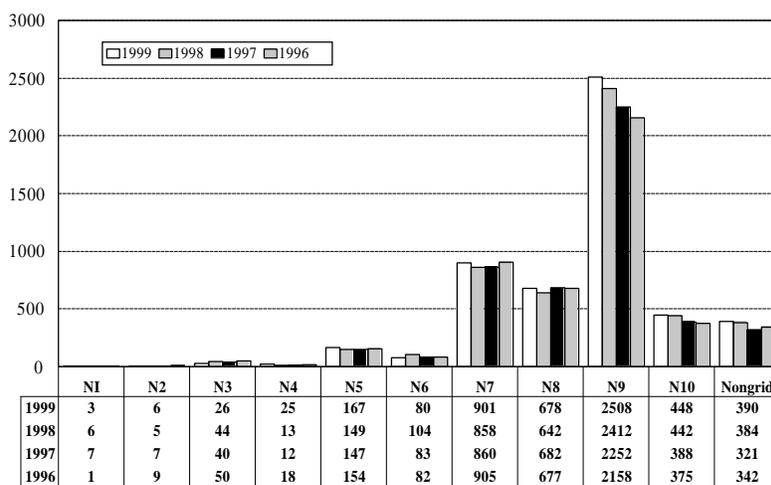
**Table 39: Comparison of Probation Sentences for Drug Offenses by Severity Level
FY 1996 Through FY 1999**

Severity Level	FY 1999	FY 1998	FY 1997	FY 1996	FY 99-98 % Difference	FY 99-96 % Difference
D1	0	2	2	4	-100.0%	-100.0%
D2	42	21	28	40	100.0%	5.0%
D3	380	377	396	299	0.8%	27.1%
D4	1067	938	870	907	13.8%	17.6%
Total	1490*	1338	1301*	1250	11.4%	19.2%

* FY 1999 total number includes 1 unknown and FY 1997 total number includes 5 unknowns.

As demonstrated in Figure 40 and Table 40, the FY 1999 probation sentences for nondrug offenses indicated an increase of 3.2% from the FY 1998 number and 10.2% from that of FY 1996. The greatest number of sentences fell within nondrug level 9, while the largest percentage of increase is indicated on nondrug level 4, but the number is small.

Figure 40: Nondrug Probation Sentences by Severity Level



FY 1999 n=5259, including 27 severity level unknowns; FY 1998 n=5095; FY 1997 n=4833, including 34 unknowns; FY 1996 n=4771.

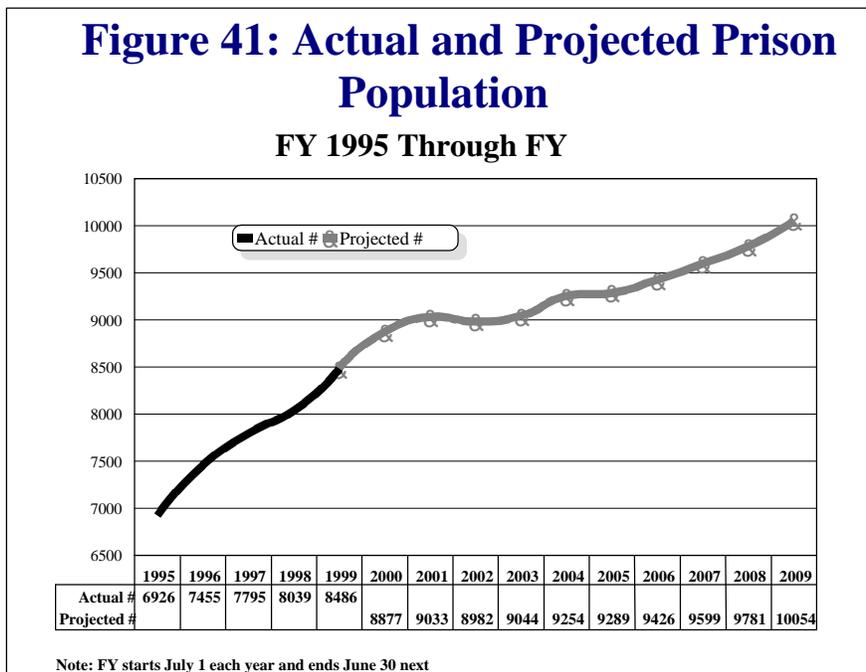
Table 40: Comparison of Probation Sentences for Nondrug Offenses by Severity Level FY 1996 Through FY 1999

Severity Level	FY 1999	FY 1998	FY 1997	FY 1996	FY 99-98 % Difference	FY 99-96 % Difference
N1	3	6	7	1	-50.0%	200.0%
N2	6	5	7	9	20.0%	-33.3%
N3	26	44	40	50	-40.9%	-48.0%
N4	25	13	12	18	92.3%	38.9%
N5	167	149	147	154	12.1%	8.4%
N6	80	104	83	82	-23.1%	-2.4%
N7	901	858	860	905	5.0%	-0.4%
N8	678	642	682	677	5.6%	0.1%
N9	2508	2412	2252	2158	4.0%	16.2%
N10	448	442	388	375	1.4%	19.5%
Nongrid	390	384	321	342	1.6%	14.0%
Total	5259*	5095	4833*	4771	3.2%	10.2%

* FY 1999 total number includes 27 unknowns and 1997 total number includes 34 unknowns.

PRISON POPULATION FORECASTS

Figure 41 indicates the actual and projected prison populations from FY 1995 through FY 2009.



Offenders incarcerated in state prisons are projected to reach 10,054 by June 30, 2009, which indicates an increase of 1,568 inmates or 18.5% from the FY 1999 actual prison population (Figure 41). Prison inmate population projections by severity levels are presented on Table 41.

The largest number of increase during the next ten years falls on the offgrid inmates, indicating a “stacking effect” that occurs with very long sentences. The second largest increase in number is nondrug severity level 7, followed by nondrug severity levels 3, 1 and 5. The largest percentage increase falls on drug severity level 1. The increase in numbers in the above severity levels reflect the penalty changes passed during the 1999 Legislature. The enactment of this legislation, such as Substitute for HB 2469, enhanced penalties by elevating the severity

level and correspondingly increased sentence lengths. The prison bed need for drug severity level 1 doubles from 41 to 86 over the ten-year projection period. Nondrug severity level 5 also shows an increase in required prison beds due to enhanced penalties for the offenses of “aggravated escape from custody” and “battery on a law enforcement officer,” as well as the new offense of “unlawful endangerment with serious bodily injury”. The new sentencing rule for second residential burglary convictions that prescribes a presumptive prison sentence increases the admissions for nondrug severity level 7 but is primarily offset by the decrease in admissions on nondrug severity level 9 due to reclassification of “driving on suspended license” and “habitual violator” to misdemeanor offenses.

Table 41: Ten-Year Inmate Prison Population Projection

Severity Level	June 30 Each Fiscal Year											Total # Increase	Percent Increase
	1999*	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009		
D1	41	41	51	60	65	73	78	84	88	86	86	45	109.8%
D2	225	249	253	255	267	285	290	285	300	313	330	105	46.7%
D3	530	463	467	472	474	493	509	522	541	556	547	17	3.2%
D4	405	480	511	532	520	573	566	595	560	556	583	178	44.0%
N1	519	550	577	602	636	669	701	734	768	803	837	318	61.3%
N2	563	572	594	602	607	617	625	631	642	649	650	87	15.5%
N3	1222	1238	1281	1321	1358	1412	1453	1492	1487	1525	1565	343	28.1%
N4	274	252	255	249	246	243	248	249	266	274	290	16	5.8%
N5	845	740	764	808	879	918	949	989	1017	1045	1049	204	24.1%
N6	153	159	156	156	160	151	147	136	134	126	123	-30	-19.6%
N7	726	752	834	878	962	1023	996	967	1041	1045	1082	356	49.0%
N8	285	431	493	498	488	480	439	429	424	450	449	164	57.5%
N9	430	637	600	596	520	524	479	485	462	462	442	12	2.8%
N10	76	102	91	86	79	81	74	76	93	97	84	8	10.5%
Offgrid	561	615	655	699	742	785	836	888	940	993	1047	486	86.6%
Conditional Parole Violators	1631	1596	1451	1168	1041	927	899	864	836	801	890	-741	-45.4%
Grand Total	8486	8877	9033	8982	9044	9254	9289	9426	9599	9781	10054	1568	18.5%

* Based on FY 1999 actual prison population including severity level missing and nongrid offenses.

**CUSTODY CLASSIFICATION
PROJECTION**

While Table 41 indicates the total beds needed over the ten year forecast period, Table 42 demonstrates the kinds of beds needed over the next ten years. As illustrated in Table 42, the total prison population is forecasted to reach 8,877 by the end of FY 2000. Of that total population, it is projected that 221 unclassified beds, 2,821 minimum beds, 3,563 medium beds, 1,637 maximum beds, and 635 special treatment beds will be needed by the end of FY 2000. By the end of FY 2009, the total prison population is expected to reach 10,054 and the projected beds needed at each custody level will be 195 unclassified beds, 3,245 minimum beds,

3,926 medium beds, 2,059 maximum beds, and 629 special treatment beds.

The projected percentages distribution of the total population is forecasted to be 2.5% for unclassified, 31.8% for minimum custody, 40.1% for medium custody, 18.4% for maximum custody, and 7.2% for special treatment by the end of FY 2000. These classification percentages remain nearly constant for the forecast years with the exception of maximum custody beds which indicate an increase of approximately 2%. This finding indicates that the largest percentage of growth in future classification will be in maximum custody, which parallels the “stacking effect” demonstrated in the base prison population.

Table 42: Custody Classification Projection

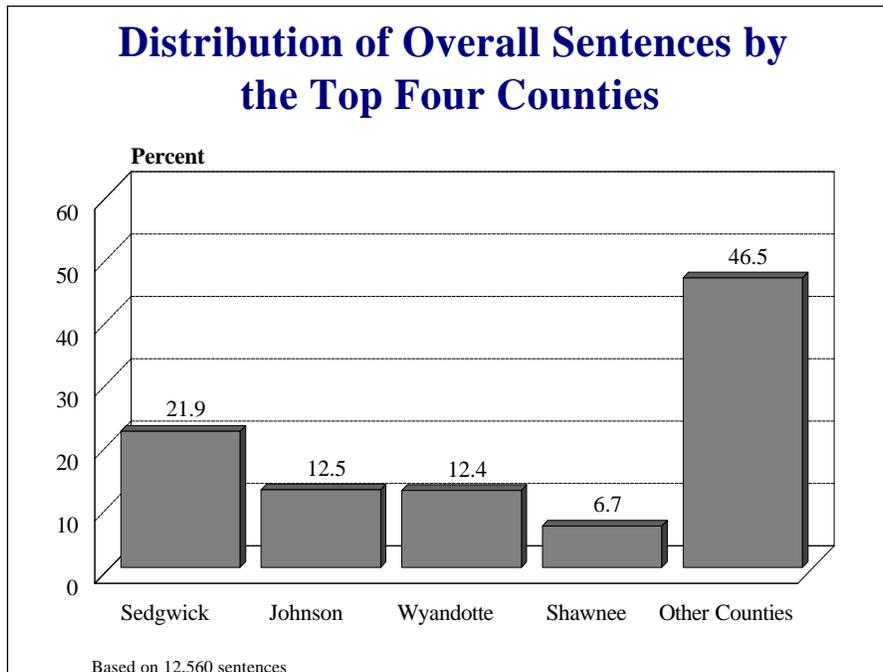
Fiscal Year	Unclassified	Minimum	Medium	Maximum	Special	Total
2000	221	2,821	3,563	1,637	635	8,877
2001	212	2,860	3,573	1,752	636	9,033
2002	183	2,845	3,528	1,787	639	8,982
2003	196	2,961	3,460	1,802	625	9,044
2004	202	3,005	3,590	1,793	664	9,254
2005	193	3,016	3,629	1,854	597	9,289
2006	186	3,080	3,699	1,884	577	9,426
2007	197	3,061	3,785	1,938	618	9,599
2008	195	3,186	3,790	1,990	620	9,781
2009	195	3,245	3,926	2,059	629	10,054

APPENDIX I SENTENCES FROM THE TOP FOUR COUNTIES

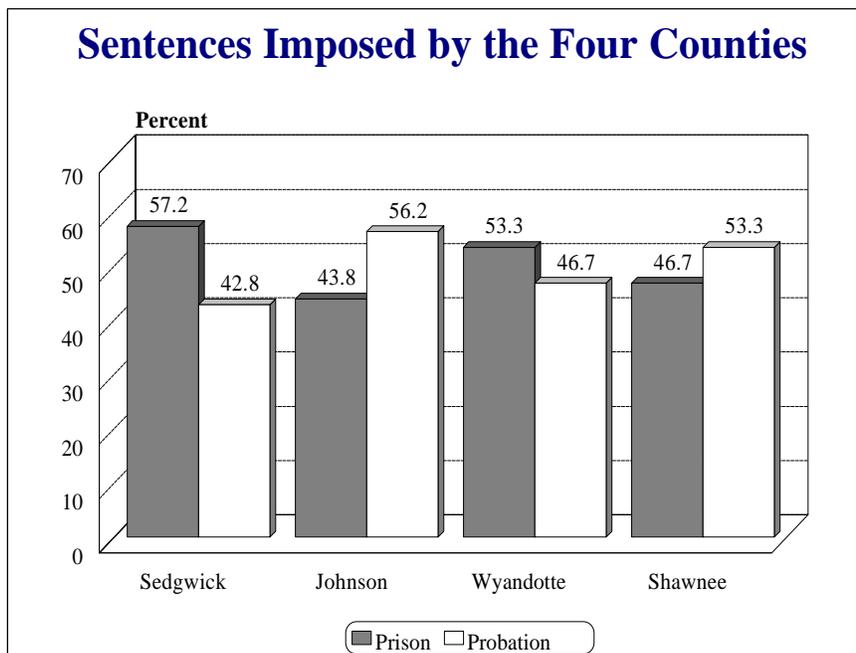
Sentences received by the Commission in FY 1999 demonstrated that Sedgwick, Johnson, Wyandotte, and Shawnee counties accounted for 53.5% of the total state sentences. This percentage has increased by 0.8% from FY 1998. Sedgwick remained the top committing county followed by Johnson, Wyandotte, and Shawnee counties. In comparison with the FY 1998 sentences,

Shawnee County's sentences stayed the same percentage, Sedgwick County's sentences decreased by 0.1%, while Wyandotte County's sentences increased by 0.5% followed by Johnson County (0.4%). Characteristics of offenses and offenders from the four counties are displayed in the following figures and tables.

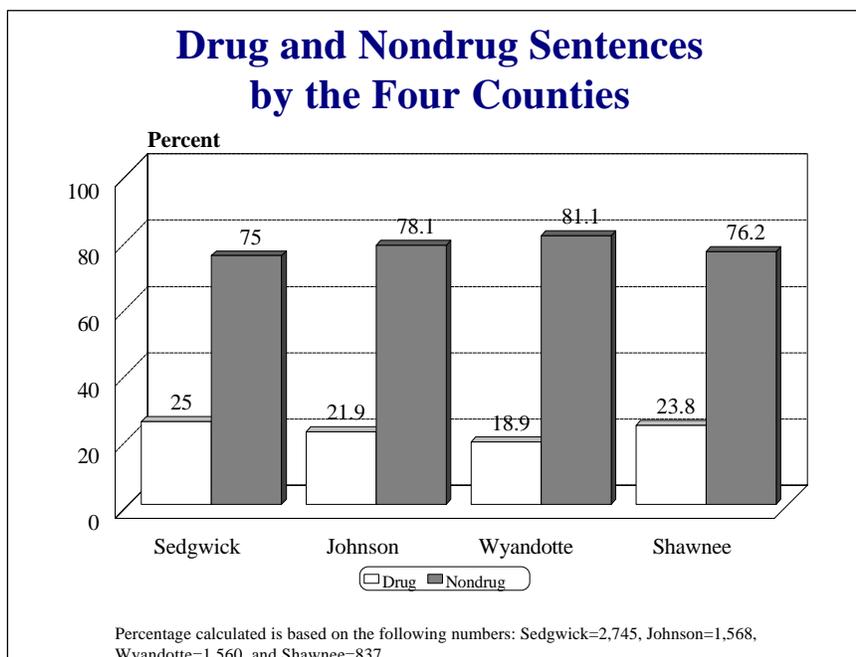
Sedgwick, Johnson, Wyandotte, and Shawnee Counties accounted for 53.5% of the total state sentences in FY 1999.



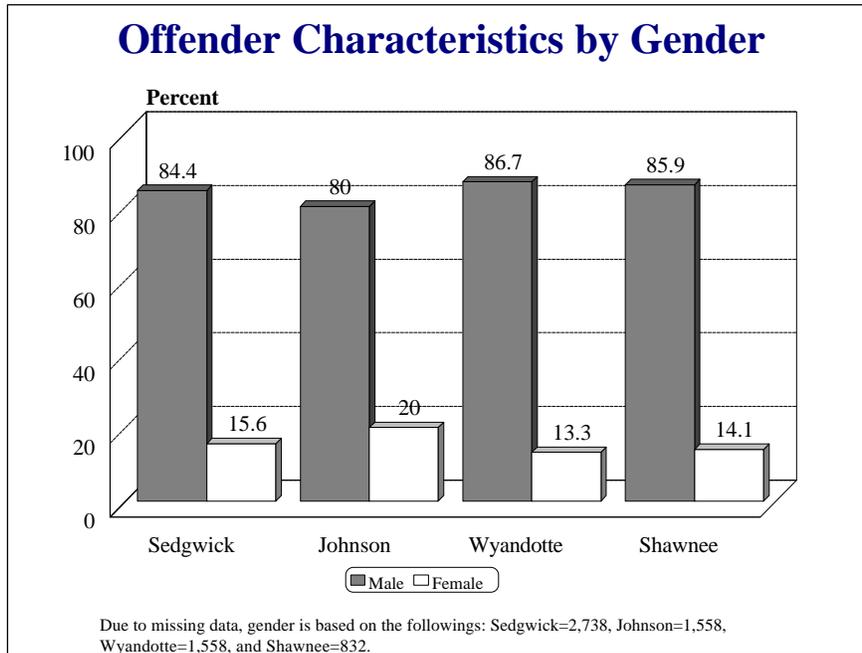
Johnson County imposed more probation sentences than the other three counties, while Sedgwick County had the highest percentage of prison sentences.



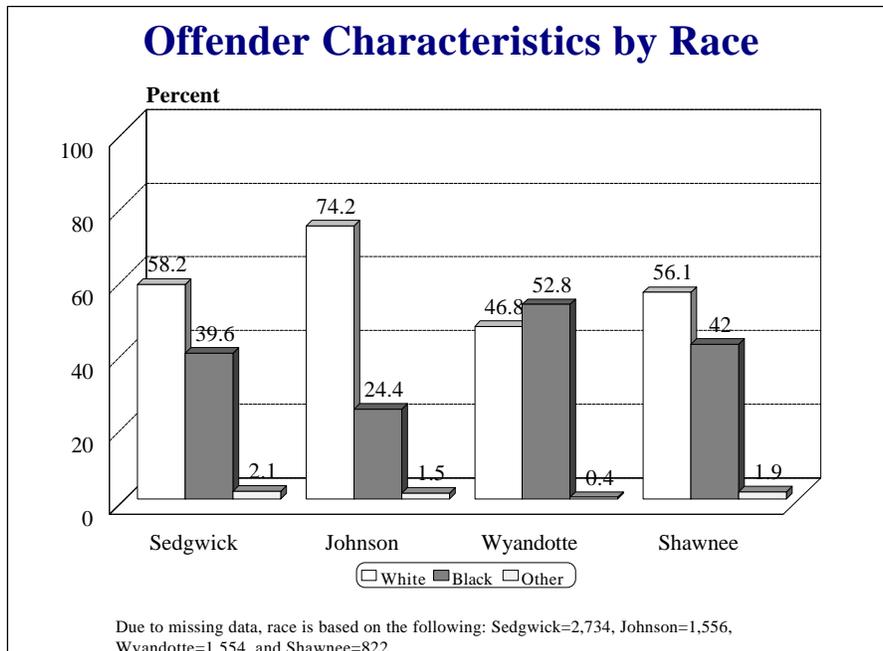
Sedgwick County had the highest percentage of drug sentences, while Wyandotte County imposed the largest number of nondrug sentences.



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.



FY 1999 Sentences from the Four Counties by Severity Level

Severity Level	Sedgwick		Johnson		Wyandotte		Shawnee	
	N	%	N	%	N	%	N	%
D1	6	0.2	0	0.0	0	0.0	2	0.2
D2	57	2.1	14	0.9	7	0.4	1	0.1
D3	267	9.7	93	5.9	58	3.7	59	7.0
D4	356	13.0	237	15.1	230	14.7	136	16.2
N1	29	1.1	6	0.4	4	0.3	1	0.1
N2	27	1.0	5	0.3	13	0.8	5	0.6
N3	163	5.9	44	2.8	71	4.6	21	2.5
N4	44	1.6	11	0.7	29	1.9	9	1.1
N5	186	6.8	82	5.2	93	6.0	54	6.5
N6	41	1.5	20	1.3	37	2.4	12	1.4
N7	389	14.2	189	12.1	258	16.5	90	10.8
N8	341	12.4	170	10.8	105	6.7	85	10.2
N9	687	25.0	409	26.1	438	28.1	252	30.1
N10	49	1.8	224	14.3	172	11.0	71	8.5
Nongrid	77	2.8	61	3.9	26	1.7	30	3.6
Offgrid	16	0.6	0	0.0	17	1.1	4	0.5
Unknown	10	0.4	3	0.2	2	0.1	5	0.6
Total	2,745	100.0	1,568	100.0	1,560	100.0	837	100.0

Top Ten Most Common Offenses by the Four Counties – 1

Offense Type	Sedgwick County		Offense Type	Johnson County	
	N	%		N	%
Drugs	686	25.0	Drugs	344	21.9
Burglary	292	10.6	Theft	270	17.2
Driving While a Hab Viol	268	9.8	Burglary	169	10.8
Theft	222	8.1	Forgery	148	9.4
Forgery	218	7.9	DUI	56	3.6
Aggravated Battery	122	4.4	Driving While a Hab Viol	54	3.4
Aggravated Robbery	99	3.6	Aggravated Battery	54	3.4
Robbery	95	3.5	Criminal Threat	39	2.5
Agg Escape from Custody	69	2.5	Robbery	34	2.2
DUI	63	2.3	Nonsupport of Child/Spous	31	2.0
Total	2,134	77.7	Total	1,199	76.4

Top Ten Most Common Offenses by the Four Counties – 2

Offense Type	Wyandotte County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	295	18.9	Drugs	199	23.8
Theft	198	12.7	Driving While a Hab Viol	98	11.7
Burglary	170	10.9	Forgery	76	9.1
Driving While a Hab Viol	119	7.6	Burglary	60	7.2
Forgery	109	7.0	Aggravated Battery	58	6.9
Aggravated Battery	107	6.9	Theft	43	5.1
Aggravated Assault	71	4.6	Robbery	42	5.0
Driving While Suspended	66	4.2	Driving While Suspended	37	4.4
Robbery	54	3.5	Criminal Threat	30	3.6
Aggravated Robbery	46	2.9	DUI	29	3.5
Total	1,235	79.2	Total	672	80.3

APPENDIX II TRENDS OF SELECTED OFFENSES

TOP FIVE MOST FREQUENT OFFENSES

The top five most frequent offenses from FY 1996 through FY 1999 are drugs, burglary, theft, forgery and driving while a habitual violator. Of the total offenses including both

incarceration and probation sentences, these top five offenses accounted for 59.6% (N=6,469) in FY 1996, 61.3% (N=6,910) in FY 1997, 60.6% (N=7,167) in 1998 and 60.7% (N=7,678) in FY 1999. The following table displays the trends of each offense from FY 1996 to FY 1999.

Top Five Most Frequent Offenses: Incarceration and Probation Sentences Comparison Between FY 1996 Through FY 1999

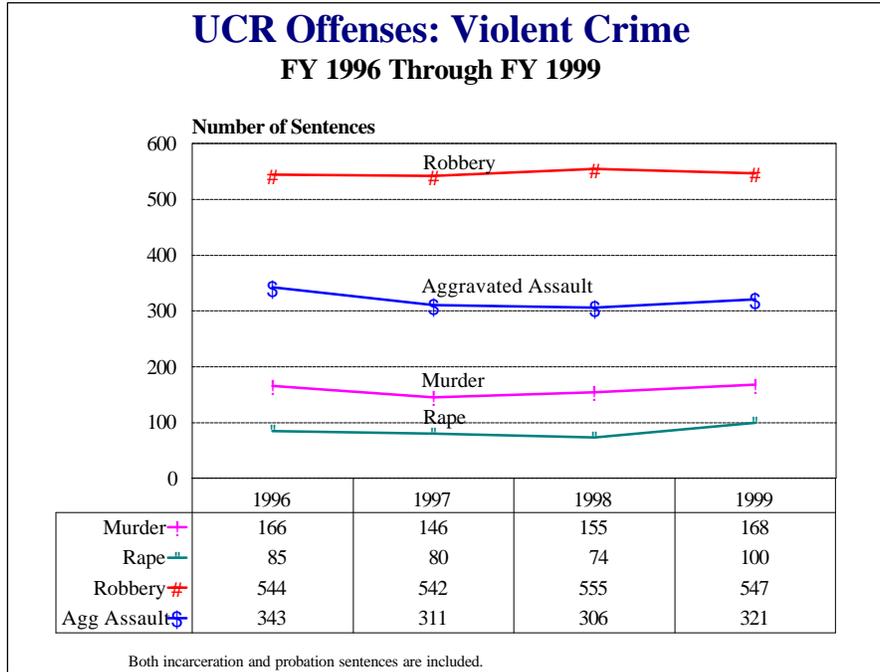
Top Five Offenses	FY 1996	FY 1997	FY 1998	FY 1999
Drugs	2,570	2,675	2,745	3,014
Burglary	1,536	1,529	1,427	1,515
Theft	1,051	1,103	1,084	1,211
Forgery	781	849	836	873
Habitual Violator	531	754	1,075	1,065
Subtotal	6,469	6,910	7,167	7,678
Total Offenses of the Year	10,848	11,268	11,836	12,650

UNIFORM CRIME REPORTING (UCR) OFFENSES

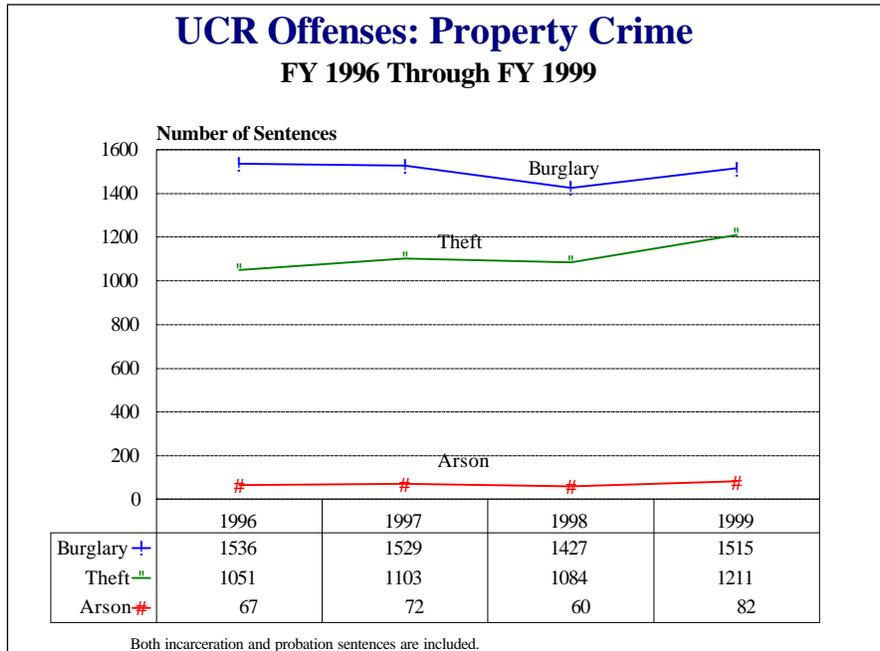
The UCR offenses are murder, rape, robbery, aggravated assault, burglary, larceny-theft/ motor vehicle theft, and arson. These are serious crimes by nature and/or volume, which are most likely to be reported and most likely to occur with sufficient frequency to provide an adequate basis for comparison (UCR Handbook). Murder, rape, robbery and aggravated assault are classified as violent crimes, while burglary, theft and arson are classified as property crimes.

In the following trend analyses on the UCR offenses from FY 1996 to FY 1999, murder includes capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter, and involuntary manslaughter; robbery includes aggravated robbery; aggravated assault includes aggravated assault on LEO; burglary includes aggravated burglary, residential, non-residential and motor vehicle burglaries; theft includes motor vehicle theft; and arson includes aggravated arson.

For the violent crimes, the sentencing trends are comparatively consistent except the offense of rape with an increase of 35% in FY 1999 compared with the number of sentences in the previous year.



The analysis on the property crimes indicates that there was not much difference in the numbers of the crime of arson from FY 1996 to FY 1999. The crime of theft has a growing tendency, whereas the crime rate of burglary is decreasing on the whole and will continue to decrease in the subsequent years due to the new special sentencing rules passed in 1999 Kansas Legislature.



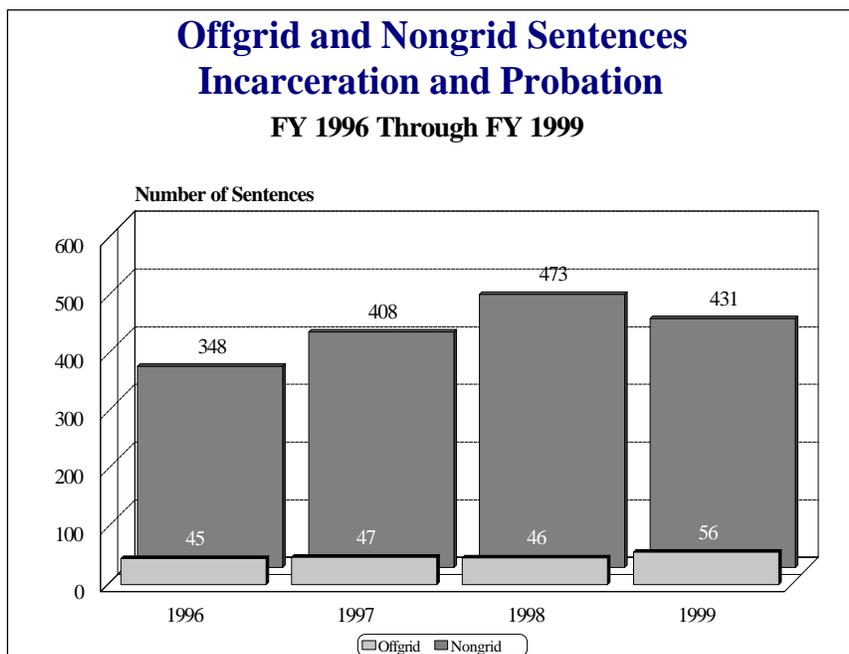
OFF-GRID AND NON-GRID CRIMES

Off-grid crimes are crimes that carry “life” sentences, meaning the length of imprisonment is life. The crimes of capital murder (K.S.A. 21-3439), murder in the first degree (K.S.A. 21-3401) and treason (K.S.A. 21-3801) are designated as off-grid crimes. Persons convicted of off-grid crimes will be parole eligible after serving 25 years in confinement for premeditated first degree murder, or 40 or 50 years in certain premeditated first degree murder cases in which aggravating circumstances are found by the sentencing court. Offenders convicted of intentional second degree murder for crimes committed prior to July 1, 1999, will be eligible for parole after serving 10 years of confinement. Kansas law also provides for the imposition of a death penalty, under specified circumstances, for a conviction of capital murder. Felony murder and treason

carry a term of life imprisonment with a 20 year parole eligibility date.

Non-grid crimes are not assigned severity levels on either sentencing guideline grid under the Kansas Sentencing Guidelines Act (K.S.A. 21-4701). The crimes of felony “driving under the influence of alcohol or drugs” (K.S.A. 8-1567) and felony “domestic battery” (K.S.A. 21-3412(c)(3)) are categorized as non-grid crimes. The applicable sentence of each of the non-grid crimes is specified within the individual criminal statute defining the crime. For example, the “sentence” for the crime of felony domestic battery specifies that the offender “shall be sentenced to no less than 90 days nor more than one year’s imprisonment.” Further, a felony domestic battery offender must serve at least 48 consecutive hours imprisonment before being eligible for any type of release program.

The sentencing trend of off-grid crimes remained very stable from FY 1996 to FY 1998, but in FY 1999, the off-grid sentences increased by 21.7% compared with that in FY 1998. The non-grid crimes from FY 1996 to FY 1999 demonstrated an increasing pattern with the highest sentence number in FY 1998 (N=473).

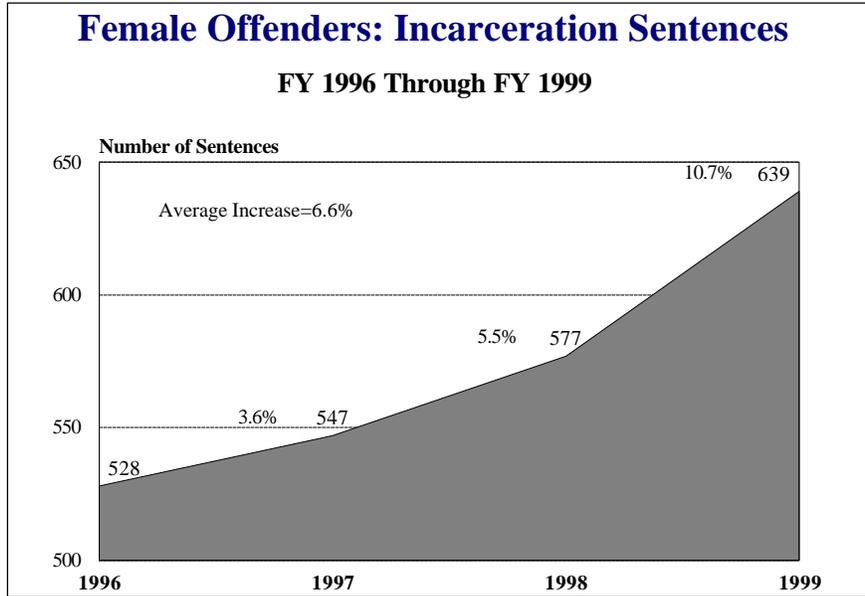


FEMALE OFFENDERS

The number of female offenders has increased since FY 1996, which is consistent with the rising tendency of the total number of sentences (Page 64 and Page 68). Females

were sentenced to prison or probation most frequently for the offenses of drugs, forgery, theft and burglary from FY 1996 to FY 1999. The following graphics demonstrate the sentence trends of female offenders.

The average growth rate for the female offenders sentenced to prison from FY 1996 to FY 1999 is 6.6%. The highest annual increase rate during this period was 10.7% indicated in FY 1999.



Female probation sentences peaked in FY 1999 with an increase of 17.4% from the previous year. The average increase rate from FY 1996 to FY 1999 is 9.9%.

