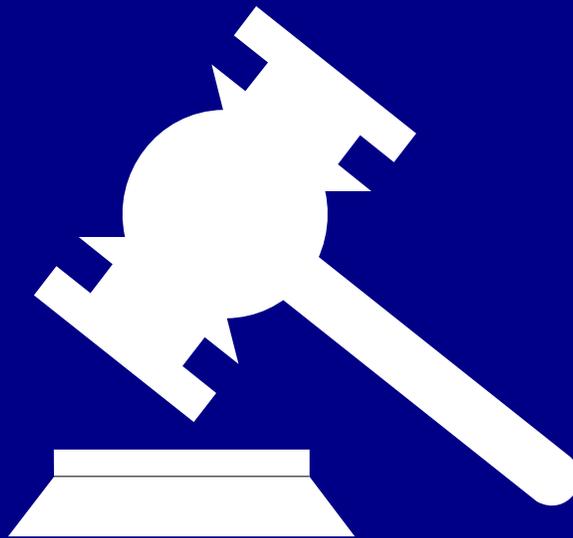


# KANSAS SENTENCING COMMISSION

2000 ANNUAL REPORT



MARCH 2001

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**KANSAS SENTENCING  
COMMISSION**

**ANNUAL REPORT  
FY 2000**

*Analysis  
Of Sentencing Guidelines  
In Kansas*

**Honorable Paul E. Miller  
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.

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

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

March 1, 2001

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. 2000 Supp. 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 2000 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 2000. 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 2000 marks the seventh 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 and to comply with the underlying goals of the Sentencing Guidelines. These recommendations were presented to the 2000 Legislature and enacted into law on July 1, 2000.

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

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During FY 2000, the Kansas Sentencing Commission continued to process all felony sentencing journal entries, monitor both prison and nonprison guideline sentences statewide, respond to national, state, and county requests regarding sentencing data, conduct training seminars on guidelines and sentencing issues, produce annual state prison population projections, custody classification forecast and provide sentencing information and prison bedspace impacts to the legislature and various state criminal justice agencies. The Commission spent considerable time and energy on sentencing issues surrounding the implementation of "truth in sentencing" guidelines. The following describes some of the major sentencing issues presented in the report and significant developments that occurred during FY 2000.

### VIOLATORS

In examining the types and number of violators sentenced to prison during FY 2000, condition probation violators, condition parole/postrelease, and conditional release violators accounted for 71% (4,629) of the total prison admissions in FY 2000, representing an increase of 17.7% over FY 1999. Of the total number of violators, there were 1,441 condition probation violators, 3,084 parole/postrelease supervision condition violators, and 104 conditional release violators (page 34). Further analyses indicated that the largest increase in condition violators was found among the parole/postrelease supervision condition violator group, which increased by nearly

38% over FY 1999. However, condition probation violators demonstrated a decrease when compared to FY 1999 and FY 1998. This is the first time that the number of condition probation violators admitted to prison has decreased since the guidelines were implemented in 1993. It is also the first time that the number of conditional release violators has decreased (page 65).

The highest number of males sentenced to prison for condition violations were classified as having offenses on severity level nine of the nondrug grid and severity level four of the drug grid (page 37). Females, however, were most often revoked and placed in prison for condition violations of offenses designated 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 and FY 1999.

When compared with FY 1999 data, condition probation violators and probation violators with new convictions sentenced to either continued or extended probation for their violation in FY 2000 increased from 1,258 to 1,430 and from 158 to 167, respectively. These offender groups represent 44.5% of the total 3,217 condition probation violators and 35.6% of the total 469 probation violators with new convictions respectively (page 46).

## **CONFORMITY TO SENTENCING GUIDELINES**

As the Commission analyzed sentencing data, one area indicating the effectiveness of sentencing guidelines is the rate of conformity. Comparing the actual sentence imposed to the sentence identified under the sentencing guidelines provides a measure of whether the sentence designated under the guidelines is viewed as appropriate. Under sentencing guidelines, departures may be imposed to sentence an offender to a sentence length or type of sentence that differs from the sentence set forth under the guidelines. Thus departures, whether durational or dispositional, help to serve as a measure of conformity.

During FY 2000, 7,087 pure guideline sentences were analyzed to determine conformity to the guidelines. Approximately 86% (6,063 sentences) of the guideline sentences fell within the designated guideline sentence range. Dispositional departures accounted for 9.6% of sentences and durational departures were found in 4.8% of sentences (page 49).

In examining presumptive prison sentences, 35.1 % of the sentences were within the standard range of the grid cell, which represents a 2% increase from last year. In addition, 8.8% of sentences were in the aggravated range; 19% in the mitigated range and 37% were classified as border boxes sentences (page 50).

In further examination of durational departures, 54.4% of the durational departures were downward durational departures, while 45.6% indicated upward durational departures (page 50). When comparing drug and nondrug sentences, nondrug sentences indicated 29.6% upward

dispositional departures while drug sentences represented only 7.2% upward dispositional departures. Both drug and nondrug upward dispositional departure sentences increased when compared to last year's data. Nondrug upward dispositional departures increased by 3% while drug sentences increased by 2.4% (page 52).

Further analysis of drug departure sentences revealed 76.5% were downward durational departures compared to only 45% for nondrug sentences (page 52). Upward durational departures were found most frequently on severity levels one, two, three and four of the nondrug grid. Downward durational departures were most frequent on severity levels one and two of the drug grid (page 54).

## **INCARCERATION 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 88.7% of all offenders sentenced to prison. In addition, males also accounted for over 90% of the offenses of capital murder, sex offenses, kidnapping, robberies, burglaries, sale of drugs, manufacture controlled substances, and other aggravated crimes. Females were incarcerated more often for the offenses of abuse of a child, forgery, obstructing legal process, false writing, battery on LEO, and possession of drugs (pages 20, 21 & 22).

White offenders represented 61% of individuals incarcerated and 93% of all 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 (over 80%) for whites were found in the offense categories of sex offenses, DUI, arson, criminal damage to property, and worthless checks. Whereas blacks indicated the highest incarceration rates (over 50%) for the crimes of aggravated robbery, aggravated burglary, robbery, and criminal use of financial cards.

### **PROBATION SENTENCES**

In FY 2000, a total of 6,316 felony probation sentencing journal entries were received by the Commission. The total number of probation sentences represents convictions for 4,699 nondrug offenses and 1,617 drug offenses. The distribution of probation sentences indicates that 1,402 sentences were for person offenses, while 4,914 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 classification, 46% of drug probation offenders fell within criminal history category I, whereas only 33% of nondrug probation offenders fell within that same criminal history category. Nearly 58% of probation drug offenders fell within the presumptive probation grid cells compared to 87% of nondrug offenders. Meanwhile, 33% of probation drug sentences fell within the designated border box grids compared to 3.2% of nondrug offenders. This percentage difference can be accounted for by the increased number of border boxes on the drug grid compared to the nondrug grid. The data indicates that dispositional departures were the primary source of nonprison sentences found on the drug grid.

The number of reported probation sentences decreased for the first time since FY 1996. The decrease occurred among the nonperson and nondrug sentences. This decrease was due, in part, to the reclassification from felony to misdemeanor for the offenses of driving while suspended and driving while a habitual violator, that occurred during the 1999 Legislative session.

### **DRUG SENTENCES**

A comparison of the distribution of prison sentences for drug offenders indicates an overall increase of 25.5% from FY 1996 to FY 2000. When compared to FY 1999, drug prison sentences in FY 2000 increased by 7.3% or 112 sentences. However when individual severity levels are examined, all drug levels indicated an increase over the past five years, except for drug level three, which showed a decrease of 2.7% from that of FY 1999 and 14.1% decrease when compared to FY 1996 (page 66).

Drug probation sentences in FY 2000 also showed an increase of approximately 8.5% when compared to FY 1999. Overall drug probation sentences have increased nearly 30% over the past five years. The largest increase can be identified on the drug severity level four.

### **PRISON 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 programmed into a Monte Carlo simulation projection model known as Prophet to forecast prison population over a

ten-year projection period. 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 overall sentences in FY 2000 reveals that offenders were sentenced most frequently 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 (1,160), followed by severity level seven (1,031) and severity level four of the drug grid (769). Primarily, offenders sentenced to prison for these offenses were due to probation revocations.

Probation sentences were most often received on the nondrug grid for the offenses of burglary, theft, and forgery (pages 29 and 30). In addition, a total of 1,617 offenders received probation sentences for drug offenses, of which nearly 98% fell on levels three and four of drug grids.

The prison population forecast projects that by FY 2010, a total of 8,381 prison beds will be needed, indicating a total decrease of 4.6% or 403 beds from the FY 2000 actual prison population. The decrease in the state's prison population is due to the impact of Senate Bill 323 passed during the 2000 Legislative Session. Based on Senate Bill 323, the largest decrease in prison population is attributed to a projected decline in the number of condition violators admitted to prison. Over the past five years, this specific offender group has had direct impact on the increasing number of admissions annually to state correctional facilities.

The second factor contributing to the decrease in the prison population over the ten-year forecast period can be found on nondrug severity level nine. This decrease is the result of the reclassification of the offenses of driving while suspended and driving while a habitual violator, from a felony to a misdemeanor that occurred during the 1999 Legislative Session (page 72).

The largest projected prison bed increase is for off-grid offenses, which indicates the pronounced "stacking effect" that results from very long sentences, even when the number of admissions to prison each year is very limited. Nondrug severity levels one through three, and drug severity level one also indicate projected increases in the number of prison beds required over the forecast period (page 72).

## **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 is 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 condition violators entering state prisons were primarily for offenses that fell below the incarceration line, representing nonviolent, nonperson crimes. Given the high percentage of admissions to prison attributed to 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 and situations 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 and passed into law.

### **SENATE BILL 323**

During the 2000 Legislative Session, the Commission brought forth a comprehensive set of recommendations that were eventually passed into law as part of Senate Bill 323. This legislation addressed the prison capacity shortage faced by the state by combining changes to sentencing policy with additional resource allocations for community based punishment options. The recommendations specifically focused on alternatives to incarceration for condition violators. In developing recommendations, the Commission was guided by the underlying goal of the sentencing guidelines that incarceration should be reserved for the most serious and violent offenders. Punishment for low severity level, nonperson offenders should be at the local

level, thus reserving limited prison capacity for offenders who pose the greatest risk to public safety.

The bill contains six major changes that deal with the lower level offenses, condition violators and public safety issues. The changes in Senate Bill 323 can be summarized as follows:

1. *Increase in County Jail Time:* The amount of time an offender can be sentenced to county jail as a condition of an original probation is increased from the current 30 days to 60 days. In addition, an offender may also be sentenced to 60 days jail time for each probation revocation.
2. *Mandatory Placement in Community Corrections:* Condition probation violators are required to be placed in a community correction program at least once prior to a revocation resulting in an offender's placement in a state correctional facility.
3. *Modified Probation Periods for Lower Severity Levels:* Those levels include drug severity levels three and four; nondrug severity levels eight to ten. Probation periods for all other severity levels remain unchanged. There is a public safety provision that allows the court to impose a longer probation period, which will not be considered a departure.
4. *No Postrelease Supervision Period for Condition Probation Violators:* Condition probation violators who are subject to a probation revocation that results in the imposition of the underlying prison sentence to be served in a state correctional facility, will not be placed on a period of postrelease supervision upon their release from prison. This provision will not apply to

an offender who receives a nonprison sentence as the result of a dispositional departure or is sentenced for a sexually violent offense as defined in K.S.A. 22-3717, nor an offender who receives a nonprison sentence whose sentence falls within a border box on either sentencing grid, nor an offender whose revocation to prison was the result of a conviction for a new misdemeanor or felony offense.

5. *Modified Postrelease Supervision*

*Periods:* The periods for drug severity level three and nondrug severity levels five and six are modified from 36 months to 24 months; the periods for drug severity level four and nondrug severity levels seven to ten are modified from 24 months to 12 months. All other periods of postrelease supervision remain unchanged. The modified periods of postrelease supervision will be eligible for the same good time reduction in supervision periods as set forth in the current statute.

6. *Target Population for Community*

*Corrections:* This provision of the bill defines the target offender population for placement in Community Corrections programs. Adult offenders convicted of felony offenses who meet one of the following criteria will be eligible for placement in community corrections: (1) Offenders whose sentence falls within the designated border boxes on drug and nondrug sentencing grids; (2) Offenders whose sentence falls within nondrug grid boxes 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H, or 7-I; (3) Offenders whose severity level and criminal history classification designate a presumptive prison sentence but receive a nonprison sentence as the result of a dispositional departure; (4) Offenders who receive a nonprison sentence and are convicted of a severity

level 7 or higher sex offense as defined in K.S.A. 22-4902, regardless of the manner in which the sentence is imposed; (5) Any offender who violates conditions of release or assignment or presumptive nonprison sentence prior to revocation to a state correctional facility; (6) Any offender determined to be high risk/high needs or both by the use of a statewide mandatory standardized risk assessment tool or instrument validated for community corrections placement; and (7) Any offender who successfully completes an assignment to a conservation camp program.

In addition, the bill contained increased funding for statewide community corrections programs and provided funding for the establishment of three-day reporting centers for condition parole/postrelease violators. SB 323 also authorized the construction of 100 new maximum security prison beds to address the growing violent offender population.

## 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 2000. 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

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### **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 guideline 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 guideline 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

Since the sentencing guidelines have been implemented in Kansas, the primary focus of the Kansas Sentencing Commission has shifted to monitoring, evaluation and research related to the sentencing guidelines. Among the mandatory duties assigned to the Commission under K.S.A. 2000 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 1<sup>st</sup> of each year, outlining modifications or adjustments to current sentencing policy that could reduce prison population. The Sentencing Commission performs two functions, which are essential to the discharge of these statutory duties: On-going analysis of sentencing guideline 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. 2000 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. 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. 2000 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 beginning of FY 2000), 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. 2000 Supp. 74-9101(b)(8)). During the 2000 Legislative Session, the Sentencing Commission completed more than 100 individual legislative impacts on various proposed bills. Besides, in October 2000 the Commission released its second set of prison custody classification projections. Most importantly, the Commission proposed a comprehensive set of recommendations to reduce prison populations. These recommendations mainly dealt with all kinds of condition violators and were

eventually passed into law in the form of Senate Bill 323 during the 2000 Legislative Session.

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. Since then, the Commission has consecutively produced

four juvenile correctional population projections for 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. 2000 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 and the National Association of Sentencing Commissions.

The Commission also publishes the Sentencing Guidelines Desk Reference Manual and an Annual Report. A revised 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. During FY 2000 the Commission received 9,091 felony journal entries, 3,953 probation revocation journals and 5,953 parole/postrelease hearing data. Now, the Commission has maintained five years complete felony sentencing data and one year parole/postrelease hearing data. The Commission responded to more than 1,000 individual requests for sentencing information to various individual counties, judicial districts, federal and other state agencies upon request during the past five years. In addition, 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.

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

## CHAPTER TWO SENTENCING IN KANSAS

### SENTENCES REPORTED IN FISCAL YEAR 2000

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) 2000 include both prison and non-prison/probation sentences.

In FY 2000, a total of 12,829 felony sentences were reported to the Commission, representing an increase of 1.4% over FY 1999. The distribution of sentences included 6,513 incarceration sentences and 6,316

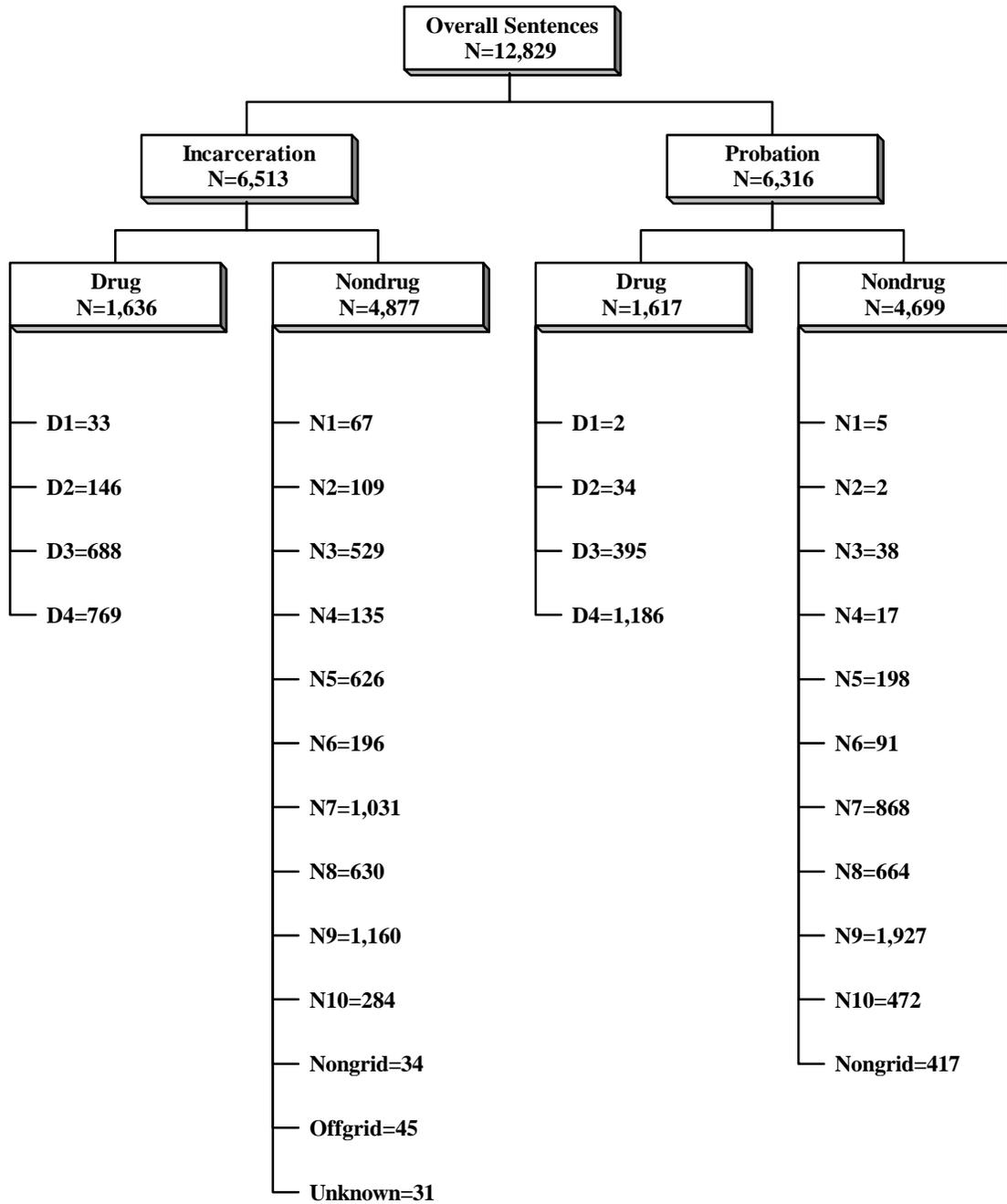
probation sentences (see Sentencing Distribution Chart). Of that total number of sentences, 9,576 were nondrug sentences and 3,253 were for drug offenses. Sentences were reported from 99 counties in the state. Table 1 displays total sentences reported to the Commission during FY 2000 by month of sentence. Sentences reported by individual counties are displayed in Table 2. Sedgwick, Wyandotte, Johnson, and Shawnee counties remained the top four committing counties, accounting for 55.2% of all sentences during FY 2000, an increase of 1.7% from last year (Table 2).

**Table 1: Number of FY 2000\* Sentences Reported by Month**

Month	Number of Sentences	Sentence Type		Offense Type		Percent
		Prison	Probation	Drug	Nondrug	
July	1,083	493	590	276	807	8.4
August	1,017	456	561	237	780	7.9
September	1,053	493	560	273	780	8.2
October	1,164	593	571	299	865	9.1
November	1,036	500	536	255	781	8.1
December	1,043	530	513	241	802	8.1
January	1,096	532	564	264	832	8.5
February	1,071	592	479	295	776	8.3
March	1,155	593	562	315	840	9.0
April	1,077	592	485	277	800	8.4
May	975	507	468	250	725	7.6
June	1,059	632	427	271	788	8.3
<b>Total</b>	<b>12,829</b>	<b>6,513</b>	<b>6,316</b>	<b>3,253</b>	<b>9,576</b>	<b>100.0</b>

\* FY 2000 (July 1, 1999 through June 30, 2000)

## FY 2000 Sentencing Distribution Chart



**Table 2: FY 2000 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	61	52	7	55	1	3	26	35	37	24	31.1
Anderson	25	23	2	24	0	1	8	17	22	3	29.2
Atchison	62	51	11	42	16	2	38	24	35	27	29.4
Barber	8	8	0	8	0	0	6	2	7	1	26.0
Barton	140	111	24	120	12	3	74	66	76	64	31.6
Bourbon	100	71	17	74	10	3	20	80	57	43	30.1
Brown	45	34	5	36	1	2	17	28	28	17	34.3
Butler	213	188	24	192	15	5	72	141	161	52	30.4
Chase	3	3	0	2	0	0	2	1	2	1	23.4
Chautauqua	3	3	0	3	0	0	3	0	2	1	34.9
Cherokee	36	33	3	27	0	3	16	20	30	6	32.2
Clark	2	1	0	1	0	0	1	1	2	0	28.3
Clay	26	20	6	25	1	0	10	16	20	6	29.6
Cloud	46	41	2	38	2	2	12	34	33	13	27.0
Coffey	28	25	3	27	1	0	13	15	14	14	31.2
Comanche	1	1	0	0	0	1	1	0	1	0	30.8
Cowley	112	88	19	86	12	9	61	51	92	20	29.3
Crawford	208	189	18	168	32	5	89	119	154	54	28.9
Decatur	4	4	0	4	0	0	2	2	2	2	35.0
Dickinson	34	26	4	27	2	1	14	20	29	5	29.8
Doniphan	14	7	0	7	0	0	7	7	14	0	28.5
Douglas	235	199	35	143	66	25	113	122	204	31	29.2
Edwards	11	9	0	8	0	1	7	4	9	2	31.9
Elk	5	5	0	5	0	0	1	4	4	1	27.1
Ellis	104	84	16	90	9	1	18	86	61	43	28.6
Ellsworth	26	24	1	21	3	1	10	16	22	4	30.5
Finney	228	207	20	210	12	4	97	131	180	48	28.7
Ford	175	155	20	161	9	5	84	91	131	44	29.4

**Table 2: FY 2000 Offender Characteristics by County - 2**

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Franklin	131	112	18	118	8	3	38	93	94	37	29.8
Geary	236	190	36	88	134	4	148	88	149	87	28.1
Graham	6	6	0	6	0	0	2	4	6	0	33.3
Grant	14	12	2	14	0	0	14	0	12	2	35.4
Gray	15	13	2	15	0	0	4	11	8	7	35.4
Greeley	4	4	0	4	0	0	0	4	3	1	32.9
Greenwood	41	37	4	39	0	2	15	26	33	8	33.3
Harper	20	16	4	16	0	4	5	15	20	0	28.6
Harvey	172	136	35	135	28	7	78	94	134	38	29.4
Haskell	6	5	1	5	0	1	6	0	4	2	28.8
Jackson	41	34	7	37	0	4	10	31	33	8	32.9
Jefferson	43	39	4	43	0	0	19	24	30	13	31.0
Jewell	6	5	1	6	0	0	5	1	6	0	29.6
Johnson	1,471	1,224	244	1,070	370	27	757	714	1,149	322	30.2
Kearny	24	23	1	24	0	0	14	10	20	4	29.1
Kingman	24	17	3	17	2	1	8	16	23	1	26.6
Kiowa	7	5	1	6	0	0	3	4	5	2	31.6
Labette	96	81	14	65	29	1	42	54	58	38	28.2
Lane	7	6	0	5	1	0	2	5	7	0	25.5
Leavenworth	193	166	27	123	62	6	123	70	143	50	30.3
Lincoln	3	1	2	3	0	0	0	3	2	1	38.0
Linn	41	37	4	37	1	0	10	31	33	8	28.8
Logan	3	3	0	3	0	0	1	2	3	0	26.4
Lyon	210	187	23	156	46	8	103	107	158	52	28.2
Marion	21	19	2	19	1	1	10	11	19	2	30.0
Marshall	15	5	0	4	0	1	5	10	14	1	28.0
McPherson	106	88	9	84	13	0	46	60	82	24	28.7
Meade	12	10	1	11	0	0	4	8	10	2	29.3

**Table 2: FY 2000 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	
Miami	66	57	9	53	12	0	42	24	46	20	30.1
Mitchell	25	18	7	22	2	1	16	9	18	7	29.3
Montgomery	178	144	34	106	66	5	98	80	123	55	31.2
Morris	6	6	0	6	0	0	4	2	5	1	35.5
Morton	1	1	0	1	0	0	0	1	0	1	25.8
Nemaha	10	9	1	9	1	0	7	3	9	1	33.5
Neosho	96	75	18	85	4	4	35	61	63	33	30.2
Ness	6	6	0	5	1	0	3	3	3	3	29.1
Norton	26	12	0	12	0	0	11	15	19	7	32.4
Osage	55	45	10	52	0	3	18	37	34	21	32.9
Osborne	4	4	0	4	0	0	1	3	1	3	30.1
Ottawa	2	1	1	2	0	0	2	0	2	0	45.0
Pawnee	39	24	7	29	2	0	21	18	30	9	28.9
Phillips	6	5	1	6	0	0	4	2	4	2	31.3
Pottawatomie	28	18	4	17	0	1	10	18	25	3	29.2
Pratt	71	57	14	66	5	0	36	35	38	33	31.0
Rawlins	4	3	0	3	0	0	1	3	4	0	41.7
Reno	476	397	75	381	82	7	217	259	353	123	29.8
Republic	12	11	1	11	0	0	3	9	9	3	32.8
Rice	44	34	4	37	0	1	22	22	27	17	29.4
Riley	166	145	20	119	42	4	59	107	124	42	27.9
Rooks	9	8	0	8	0	0	3	6	8	1	28.9
Rush	8	6	2	7	1	0	3	5	6	2	31.6
Russell	20	19	1	18	2	0	10	10	15	5	29.3
Saline	471	400	69	369	80	14	201	270	333	138	29.7
Scott	8	7	1	8	0	0	3	5	6	2	29.0
Sedgwick	3,236	2,686	528	1,822	1,310	81	1,835	1,401	2,391	845	30.9
Seward	126	112	14	92	33	1	77	49	93	33	28.6

**Table 2: FY 2000 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	
Shawnee	827	678	134	444	338	14	390	437	618	209	30.4
Sherman	31	26	1	26	1	0	8	23	28	3	26.6
Smith	4	3	1	4	0	0	0	4	3	1	32.5
Stafford	28	22	5	25	1	1	11	17	20	8	36.9
Stanton	4	4	0	4	0	0	4	0	4	0	25.6
Stevens	14	12	1	12	0	1	9	5	13	1	28.4
Sumner	92	76	13	83	3	3	47	45	74	18	28.9
Thomas	13	12	1	11	1	1	3	10	7	6	30.2
Trego	3	3	0	2	0	1	3	0	3	0	22.2
Wabaunsee	16	11	0	10	1	0	4	12	15	1	28.6
Washington	9	8	1	9	0	0	3	6	6	3	31.3
Wichita	7	7	0	7	0	0	6	1	7	0	31.9
Wilson	74	64	9	71	0	2	33	41	45	29	31.2
Woodson	9	7	2	9	0	0	2	7	5	4	32.2
Wyandotte	1,548	1,322	224	675	856	10	926	622	1,224	324	30.0
Unknown	28	26	2	20	8	0	28	0	28	0	**
<b>Total</b>	<b>12,829</b>	<b>10,734</b>	<b>1,897</b>	<b>8,519</b>	<b>3,751</b>	<b>302</b>	<b>6,513</b>	<b>6,316</b>	<b>9,576</b>	<b>3,253</b>	<b>30.2</b>

Note: Because of missing data, numbers in each category are based on the following: Gender (N=12,631), Race (N=12,572), Sentence Type (N=12,829), Offense Type (N=12,829), and Age (N=12,601).

\*\* Data is not available.

## CHARACTERISTICS OF OFFENDERS AND OFFENSES

This section provides an overview of offender characteristics for individuals who were sentenced during FY 2000, and offense

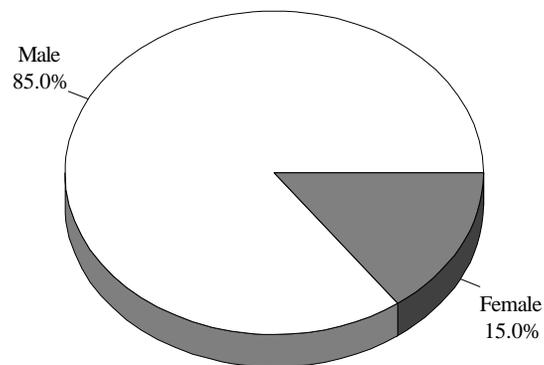
categories. Figures 1, 2, 3, and 4 summarize graphically the distribution of offenders by gender, race, and age respectively.

Male offenders accounted for 85% of all sentences (Figure 1) and in excess of 90% of most aggravated crimes, capital murder, rapes, sex offenses, burglaries, robberies, kidnapping, firearms, criminal damage of property, criminal threat, DUI and other types of offenses (Table 3).

Female participation was highest (over 30%) for the crime of child abuse, aggravated interference with parental custody, aiding felon, criminal use of financial cards, forgery, making false writing, obtaining prescription drug, perjury, welfare fraud, and giving worthless checks (Table 3).

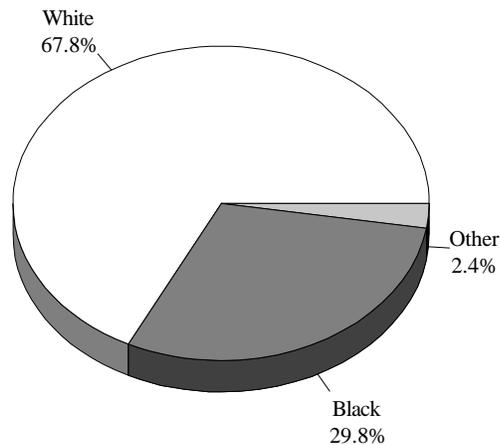
White offenders represented 67.8% of all sentences (Figure 2).

**Figure 1: Distribution of FY 2000 Sentences by Gender of Offenders**



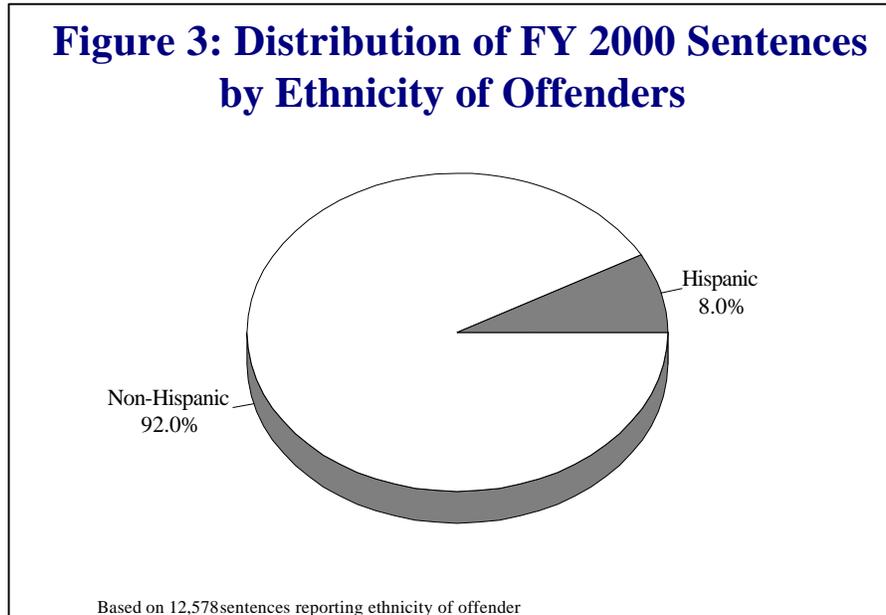
Based on 12,631 sentences reporting gender of offender

**Figure 2: Distribution of FY 2000 Sentences by Race of Offenders**

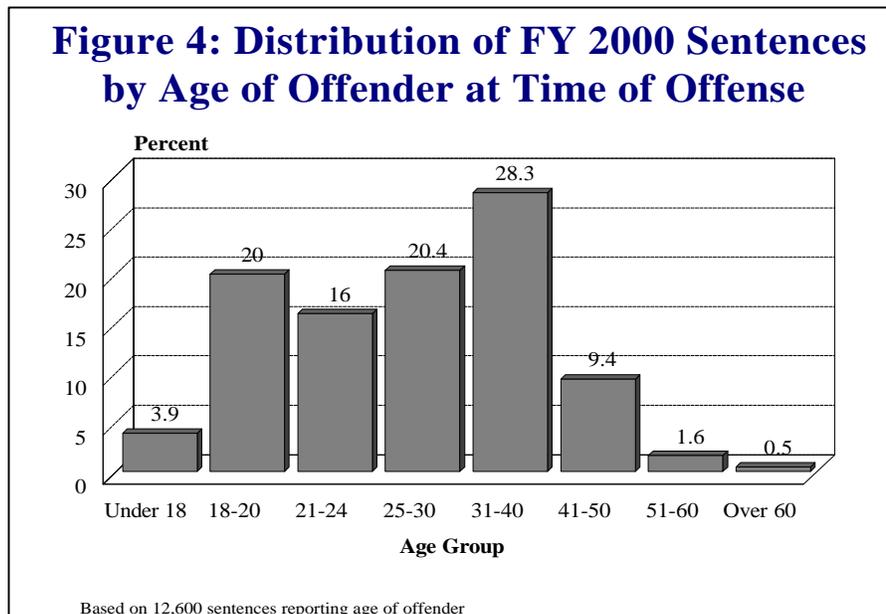


Based on 12,572 sentences reporting race of offender

Figure 3 indicates that 92% of all offenders were of Non-Hispanic origin.



The highest percentage of offenders (28.3%) was between the ages of 31 to 40 at the time of offense (Figure 4).



**Table 3: FY 2000 Offender Characteristics by Type of Offense – 1**

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Abuse of Child	32	67.7	32.3	48.4	45.2	6.5	27.7
Agg Arson	20	80.0	20.0	70.0	25.0	5.0	30.3
Agg Battery on LEO	20	100.0	0.0	52.6	36.8	10.5	27.0
Agg Criminal Sodomy w/Child	60	96.7	3.3	83.3	13.3	3.3	33.6
Agg Escape from Custody	112	89.2	10.8	62.7	36.4	0.9	27.5
Agg Failure to Appear	73	80.3	19.7	63.4	35.2	1.4	29.7
Agg False Impersonation	10	90.0	10.0	40.0	50.0	10.0	30.1
Agg Assault on LEO	34	100.0	0.0	78.8	15.2	6.1	30.3
Agg Assault	327	92.0	8.0	62.5	34.4	3.1	28.0
Agg Battery	618	90.7	9.3	59.6	36.0	4.4	28.1
Agg Burglary	144	90.2	9.8	51.7	46.2	2.1	28.0
Agg Robbery	278	96.4	3.6	39.4	57.4	3.2	24.0
Agg Incest	34	100.0	0.0	88.2	11.8	0.0	34.7
Agg Indecent Liberties w/Child	267	99.6	0.4	82.9	13.7	3.4	31.6
Agg Inter w/Parental Custody	11	36.4	63.6	81.8	18.2	0.0	30.9
Agg Indecent Solicit w/Child	101	98.0	2.0	79.8	17.2	3.0	33.2
Agg Intimidation of a Victim	19	89.5	10.5	68.4	31.6	0.0	25.2
Agg Kidnapping	9	100.0	0.0	77.8	11.1	11.1	29.6
Agg Sexual Battery	91	97.8	2.2	71.9	27.0	1.1	30.5
Agg Weapon Violation	12	100.0	0.0	66.7	25.0	8.3	27.6
Aid Felon	24	56.5	43.5	78.3	21.7	0.0	26.6
Arrange Sale/Purchase Drug	11	81.8	18.2	63.6	27.3	9.1	31.3
Arson	62	90.3	9.7	82.3	14.5	3.2	28.8
Battery on LEO	38	68.4	31.6	60.5	36.8	2.6	26.1
Burglary	1,368	94.7	5.3	72.4	25.5	2.0	25.5
Capital Murder	5	100.0	0.0	80.0	20.0	0.0	24.7
Contribute Child's Misconduct	14	100.0	0.0	61.5	30.8	7.7	23.4
Criminal Damage to Property	118	94.0	6.0	87.0	11.3	1.7	25.1
Criminal Deprivation Vehicle	35	88.6	11.4	68.6	25.7	5.7	24.3
Criminal Discharge of Firearm	29	93.1	6.9	62.1	20.7	17.2	22.0
Criminal Sodomy w/Child	7	85.7	14.3	85.7	14.3	0.0	36.2
Criminal Threat	287	94.2	5.8	72.9	23.5	3.6	32.1
Criminal Use Financial Card	55	60.0	40.0	52.7	43.6	3.6	29.2
Domestic Battery	15	93.3	6.7	53.3	46.7	0.0	33.1
Driving While a Habitual Viol	740	88.9	11.1	67.8	30.0	2.2	32.4

**Table 3: FY 2000 Offender Characteristics by Type of Offense – 2**

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Driving While Suspended	202	91.9	8.1	72.7	25.8	1.5	30.0
Drugs	3,254	79.8	20.2	67.8	30.4	1.8	30.8
Drug without Tax Stamps	86	89.0	11.0	79.0	21.0	0.0	29.6
DUI	433	91.2	8.8	92.2	6.3	1.6	36.6
Forgery	967	57.5	42.5	65.2	32.5	2.3	30.0
False Writing	49	61.7	38.3	68.1	29.8	2.1	31.1
Giving Worthless Checks	91	69.7	30.3	88.8	6.7	4.5	34.8
Indecent Liberties w/Child	145	100.0	0.0	77.1	19.4	3.5	29.5
Indecent Solicitation of Child	54	94.0	6.0	69.4	20.4	10.2	25.1
Involuntary Manslaughter	57	89.5	10.5	56.1	35.1	8.8	27.7
Kidnapping	54	98.1	1.9	51.9	46.3	1.9	25.0
Murder in the First Degree	57	87.7	12.3	68.4	31.6	0.0	29.0
Murder in the Second Degree	43	88.4	11.6	46.5	41.9	11.7	27.7
Nonsupport of Child or Spouse	53	94.3	5.7	79.2	18.9	1.9	33.1
Obstructing Legal Process	78	80.3	19.7	52.0	48.0	0.0	28.7
Obtain Prescription Drug	5	20.0	80.0	100.0	0.0	0.0	34.8
Perjury	5	40.0	60.0	60.0	40.0	0.0	35.2
Possession of Firearm	110	99.1	0.9	55.6	39.8	4.6	26.1
Rape	114	98.2	1.8	64.0	33.3	2.6	28.7
Robbery	399	93.5	6.5	39.4	59.1	1.5	25.4
Securities Crimes	12	83.3	16.7	91.7	0.0	8.3	36.8
Sex Exploitation of a Child	16	100.0	0.0	100.0	0.0	0.0	35.9
Stalking	6	83.3	16.7	80.0	20.0	0.0	30.3
Theft	1,158	80.8	19.2	69.9	28.1	2.1	27.8
Traffic in Contraband	50	94.0	6.0	76.0	24.0	0.0	28.6
Unlawful Voluntary Sex Relation	6	100.0	0.0	100.0	0.0	0.0	18.3
Voluntary Manslaughter	36	86.1	13.9	52.8	41.7	5.6	24.6
Weapons	12	100.0	0.0	66.7	33.3	0.0	24.7
Welfare Fraud	8	0.0	100.0	62.5	37.5	0.0	35.2
Other	189	86.4	13.6	75.3	24.3	0.5	29.7
<b>TOTAL</b>	<b>12,829</b>	<b>85.0</b>	<b>15.0</b>	<b>67.8</b>	<b>29.8</b>	<b>2.4</b>	<b>29.3</b>

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=12,631); Race (N=12,572); Age (N=12,600).

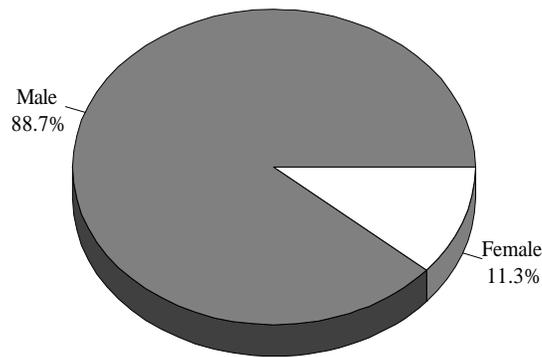
\* Average age at time of offense.

## INCARCERATION SENTENCES

### Offenders and Offense Characteristics

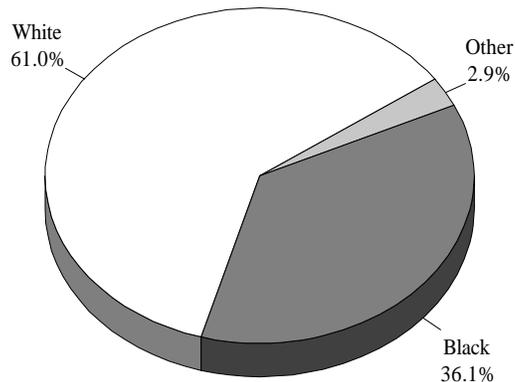
Figures 5, 6, 7, 8 and 9 represent the characteristics of offenders incarcerated in state correctional facilities by gender, race, ethnic origin, age, and educational level respectively. White males remained the predominant offender type admitted to prison during fiscal year 2000 (Figures 5 and 6). The 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 2000 Incarceration Sentences by Gender of Offenders**



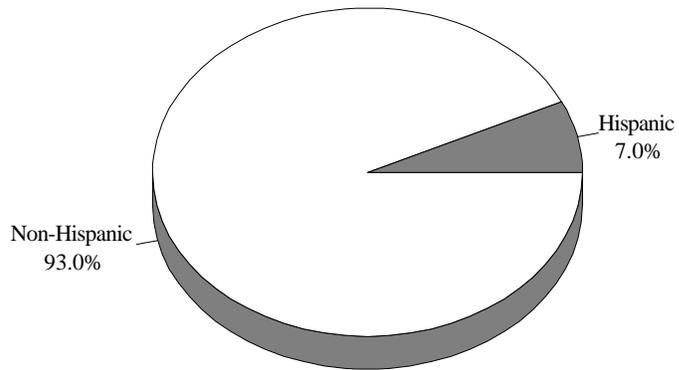
Based on 6,513 incarceration sentences reporting gender of offenders

**Figure 6: FY 2000 Incarceration Sentences by Race of Offenders**



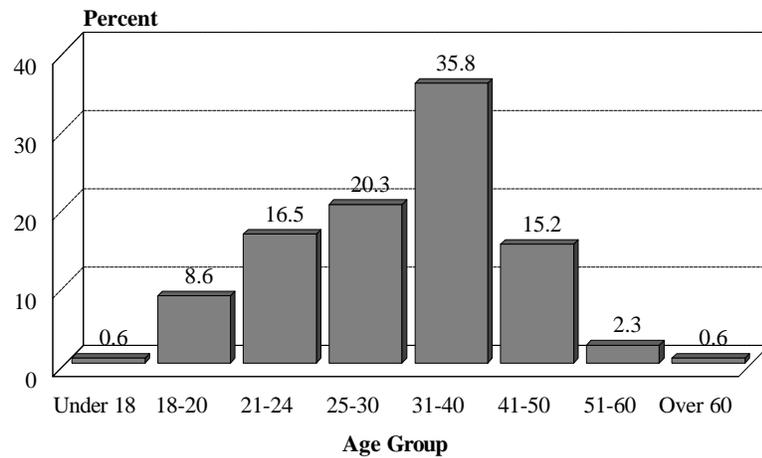
Based on 6,509 incarceration sentences reporting race of offenders

**Figure 7: FY 2000 Incarceration Sentences by Ethnic Origin of Offenders**



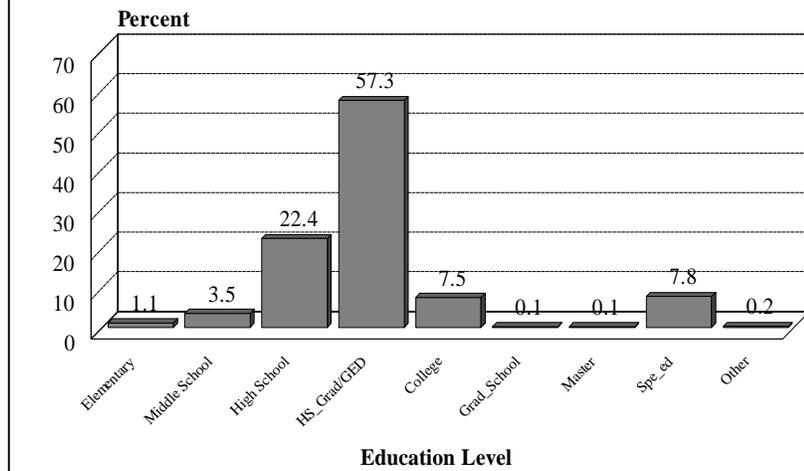
Based on 6,499 incarceration sentences reporting ethnic origin of offenders

**Figure 8: FY 2000 Incarceration Sentences by Age of Offenders at Time of Admission**



Based on 6,509 incarceration sentences reporting age of offenders

**Figure 9: FY 2000 Incarceration Sentences by Education Level of Offenders**



Based on 6,183 incarceration sentences reporting education levels 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. Males were also incarcerated at a much higher rate than females for drug offenses (Table 5). However, the highest percentage of sentenced females (over 30%) was only found in the offense categories of forgery, welfare fraud (Table 4) and opiates or narcotics-possession 3 (Table 5).

The highest incarceration rates for whites (over 80%) were found in the areas of sex offenses, arson, criminal damage to property, DUI and giving worthless checks. Blacks were incarcerated more often (over 50%) for the crimes of aggravated failure to appear, aggravated burglary, aggravated robbery, robbery, criminal use of financial card, and obstructing legal process (Table 4).

**Table 4: FY 2000 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	14	78.6	21.4	57.1	28.6	14.3	30.8
Agg Arson	14	92.9	7.1	78.6	14.3	7.1	33.0
Agg Assault	183	91.8	8.2	53.6	43.2	3.3	29.4
Agg Assault on LEO	24	100.0	0.0	75.0	20.8	4.2	34.6
Agg Battery	340	93.2	6.8	54.4	40.9	4.7	31.3
Agg Battery on LEO	15	100.0	0.0	46.7	40.0	13.3	33.2
Agg Burglary	111	90.1	9.9	47.7	50.5	1.8	33.4
Agg Criminal Sodomy w/Child	59	96.6	3.4	83.1	13.6	3.4	39.1
Agg Escape from Custody	97	89.7	10.3	60.8	38.1	1.0	31.7
Agg Failure to Appear	13	100.0	0.0	38.5	61.5	0.0	34.9
Agg False Impersonation	6	83.3	16.7	66.7	33.3	0.0	33.2
Agg Incest	31	100.0	0.0	87.1	12.9	0.0	41.4
Agg Indecent Liberties w/Child	194	100.0	0.0	82.5	13.4	4.1	34.6
Agg Indecent Solicit w/Child	59	96.6	3.4	76.3	22.0	1.7	36.7
Agg Intimidation of a Victim	11	81.8	18.2	63.6	36.4	0.0	28.2
Agg Kidnapping	8	100.0	0.0	75.0	12.5	12.5	41.8
Agg Robbery	260	97.3	2.7	40.0	57.0	3.0	32.6
Agg Sexual Battery	65	100.0	0.0	76.9	23.1	0.0	35.6
Agg Weapon Violation	5	100.0	0.0	60.0	20.0	20.0	33.1
Aiding a Felon	9	100.0	0.0	66.7	33.3	0.0	25.1
Arrage Sale/Purchase Drug	5	80.0	20.0	60.0	20.0	20.0	29.8
Arson	34	94.1	5.9	88.2	11.8	0.0	31.9
Battery on LEO	30	73.3	26.7	60.0	36.7	3.3	27.1
Burglary	705	95.0	5.0	65.4	31.9	2.7	29.5
Capital Murder	5	100.0	0.0	80.0	20.0	0.0	26.6
Criminal Damage to Property	34	97.1	2.9	88.2	8.8	2.9	27.9
Criminal Deprivation Vehicle	17	88.2	11.8	58.8	35.3	5.9	26.3
Criminal Sodomy w/Child	5	80.0	20.0	80.0	20.0	0.0	41.4
Criminal Threat	101	94.1	5.9	68.3	27.7	4.0	34.5
Criminal Use Financial Card	21	81.0	19.0	38.1	61.9	0.0	35.4
Domestic Battery	6	100.0	0.0	50.0	50.0	0.0	32.1
Discharge of Firearm	18	100.0	0.0	55.6	27.8	16.7	23.1
Drug without Tax Stamps	15	93.3	6.7	80.0	20.0	0.0	32.3
Driving While a Habitual Viol	218	93.1	6.9	65.9	30.0	4.1	34.8
Driving While Suspended	89	94.4	5.6	60.7	37.1	2.2	33.7

**Table 4: FY 2000 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	
DUI	36	94.4	5.6	88.9	8.3	2.8	40.5
Forgery	432	63.9	36.1	61.3	36.6	2.1	33.1
False Writing	18	77.8	22.2	55.6	38.9	5.6	33.9
Giving Worthless Checks	22	86.4	13.6	86.4	4.5	9.1	35.6
Indecent Liberties w/Child	106	100.0	0.0	73.6	22.6	3.8	37.3
Indecent Solicitation of Child	23	95.7	4.3	65.2	21.7	13.0	24.7
Involuntary Manslaughter	46	91.3	8.7	54.3	34.8	10.9	32.2
Kidnapping	51	100.0	0.0	49.0	49.0	2.0	33.2
Murder in the First Degree	55	89.1	10.9	69.1	30.9	0.0	32.5
Murder in the Second Degree	43	88.4	11.6	46.5	41.9	11.7	32.8
Nonsupport of Child or Spouse	29	100.0	0.0	75.9	20.7	3.4	36.5
Obstructing Legal Process	29	75.9	24.1	34.5	65.5	0.0	30.6
Possession of Firearm	61	100.0	0.0	49.2	42.6	8.2	27.1
Rape	108	98.1	1.9	63.0	34.3	2.8	34.6
Robbery	314	93.6	6.4	40.4	58.3	1.3	30.9
Securities Crimes	5	100.0	0.0	80.0	0.0	20.0	44.6
Sex Exploitation of a Child	9	100.0	0.0	100.0	0.0	0.0	36.4
Theft	529	86.4	13.6	64.5	33.2	2.3	30.0
Traffic in Contraband	28	100.0	0.0	64.3	35.7	0.0	31.4
Voluntary Manslaughter	36	86.1	13.9	52.8	41.7	5.6	31.1
Weapons	6	100.0	0.0	66.7	33.3	0.0	27.8
Welfare Fraud	6	0.0	100.0	66.7	33.3	0.0	36.5
Other	64	89.1	10.9	71.9	26.6	1.6	34.0
<b>TOTAL</b>	<b>4,877</b>	<b>90.6</b>	<b>9.4</b>	<b>61.4</b>	<b>35.5</b>	<b>3.1</b>	<b>32.1</b>

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=4,877); Race (N=4,874); Age (N=4,874).

**Table 5: FY 2000 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	854	79.3	20.7	52.9	45.5	1.6	34.4
Opiates or narcotics; poss 2	64	82.8	17.2	45.3	53.1	1.6	36.3
Opiates or narcotics; poss 3	11	63.6	36.4	36.4	45.5	18.2	37.6
Opiates or narcotics; sale 1	284	81.7	18.3	52.1	45.1	2.8	33.6
Opiates or narcotics; sale 2	19	89.5	10.5	26.3	68.4	5.3	36.0
Opiates or narcotics; sale 3	2	100.0	0.0	100.0	0.0	0.0	36.7
Depress, stim, hall, etc.; sale, poss w/intent to sale	222	92.3	7.7	82.0	14.4	3.7	34.2
Depress, stim, hall; poss 2	95	91.6	8.4	80.0	16.8	3.2	33.7
Depress, stim, hall; sale w/in 1,000ft of school	5	100.0	0.0	60.0	40.0	0.0	31.9
Unlawful manufacture controlled Substance	58	96.6	3.4	100.0	0.0	0.0	34.4
Possession of paraphernalia	16	75.0	25.0	87.5	12.5	0.0	34.5
Other	6	100.0	0.0	100.0	0.0	0.0	29.8
<b>TOTAL</b>	<b>1,636</b>	<b>83.1</b>	<b>16.9</b>	<b>59.8</b>	<b>37.9</b>	<b>2.2</b>	<b>34.3</b>

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=1,636); Race (N=1,635); Age (N=1,635).

### Types of Admission and Severity Levels

Table 6 indicates the distribution of offenders incarcerated in FY 2000 by types of admission to the Kansas Department of Corrections (KDOC). Condition probation violators, condition parole/post-release violators, and conditional release condition violators represented 71.1% of all offenders admitted to state correctional facilities during FY 2000. This represents a

percentage increase of 4.4% from FY 1999 and 7.1% from FY 1998. New court commitments and violators with new sentences together contributed another 28.2% to the total admissions. The number of condition violators admitted to prison indicates a significant impact on the total admissions to the Department of Corrections.

**Table 6: Distribution of FY 2000 Incarceration Sentences by Admission Type**

<b>Admission Type</b>	<b>Number of Cases</b>	<b>Percent</b>
New Court Commitment	1,328	20.4
Probation Condition Violator	1,441	22.1
Probation Violator With New Sentence	212	3.3
Inmate Received on Interstate Compact	16	0.2
Parole/Post-release Condition Violator	3,084	47.4
Parole/Post-release Violator With New Sentence	284	4.4
Paroled to Detainer Returned with New Sentence	32	0.5
Conditional Release Condition Violator	104	1.6
Conditional Release Violator With New Sentence	7	0.1
Offender Returned to Prison in Lieu of Revocation	5	0.1
<b>Total</b>	<b>6,513</b>	<b>100.0</b>

Table 7 displays a distribution of all incarcerated offenders by offense severity level and gender. The highest percentage (over 20%) of all non-drug offenders are found in severity levels 7 and 9 (Figure 10), which is the same pattern with previous year and 47% of all drug offenders fell on drug

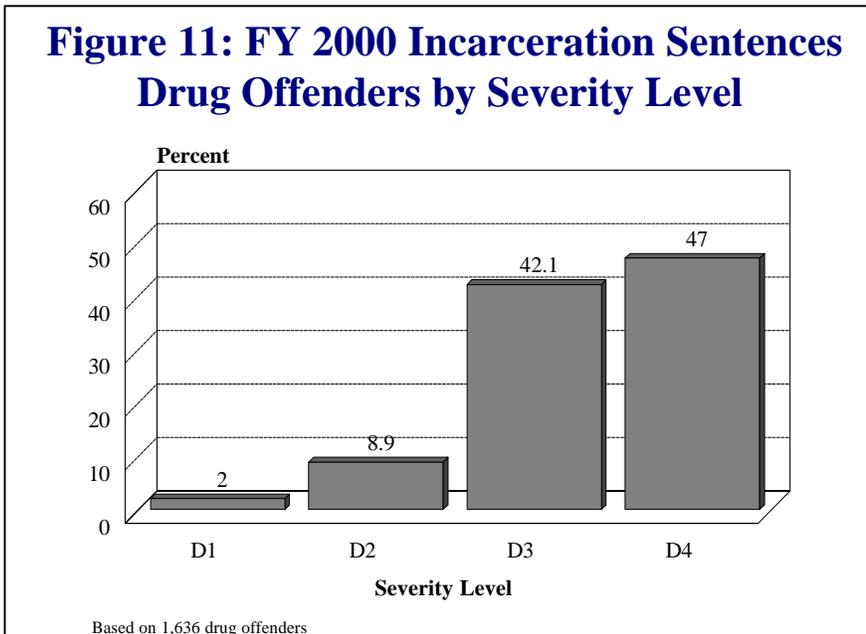
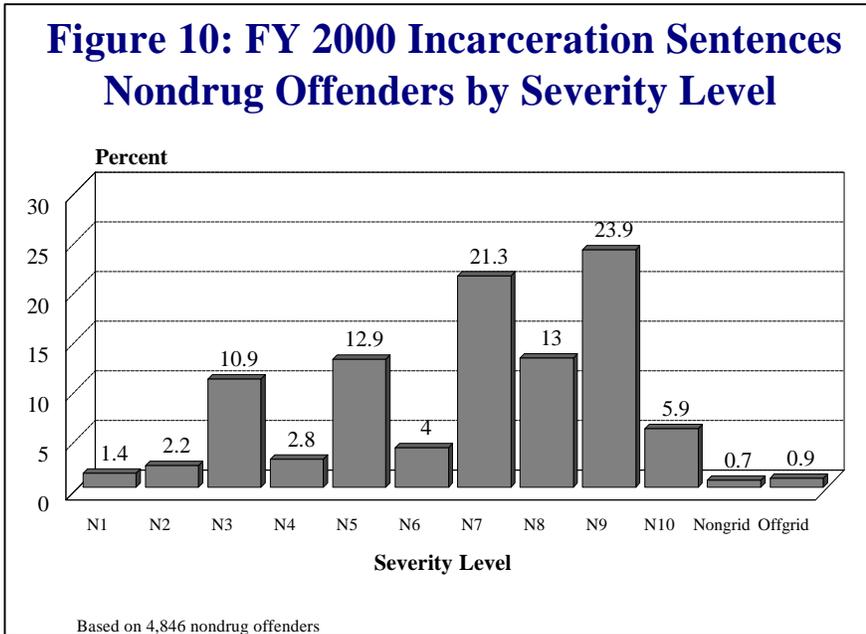
severity level 4 (Figure 11). This is different from FY 1999 when most drug offenders fell on drug severity level 3. Females were convicted more often of drug offenses than of non-drug offenses. The highest percentages of female offenders were found on drug severity level 4 and non-drug severity level 8 (Table 7).

**Table 7: Distribution of FY 2000 Incarceration Sentences by Severity Level and Gender\***

Severity Level	Number of Cases	Gender(%)		Subtotal (%)
		Male	Female	
<b>Drug</b>				
1	33	87.9	12.1	2.0
2	146	86.3	13.7	8.9
3	688	86.0	14.0	42.1
4	769	79.6	20.4	47.0
<b>Subtotal</b>	<b>1,636</b>	<b>83.1</b>	<b>16.9</b>	<b>100.0</b>
<b>Nondrug</b>				
1	67	97.0	3.0	1.4
2	109	94.5	5.5	2.2
3	529	97.5	2.5	10.9
4	135	93.3	6.7	2.8
5	626	94.4	5.6	12.9
6	196	93.9	6.1	4.0
7	1,031	94.2	5.8	21.3
8	630	76.0	24.0	13.0
9	1,160	90.0	10.0	23.9
10	284	83.5	16.5	5.9
Nongrid	34	94.1	5.9	0.7
Offgrid	45	93.3	6.7	0.9
<b>Subtotal</b>	<b>4,846</b>	<b>90.6</b>	<b>9.4</b>	<b>100.0</b>
<b>Total**</b>	<b>6,513</b>	<b>88.7</b>	<b>11.3</b>	<b>100.0</b>

\* Based on 1,636 drug offenders and 4,846 nondrug offenders.

\*\* Total number includes 31 offenders whose severity levels are unknown.



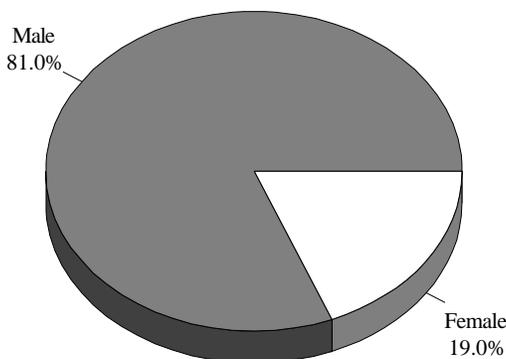
## PROBATION SENTENCES

A total number of 6,316 probation sentences were received by the Kansas Sentencing Commission in fiscal year 2000, representing 1,617 drug sentences and 4,699 nondrug sentences. Of this number, there were 1,402 cases for person offenses and 4,914 cases for nonperson offenses. Characteristics of this offender group are illustrated in Figures 12 and 13.

Males represented 81% of all probation sentences (Figure 12).

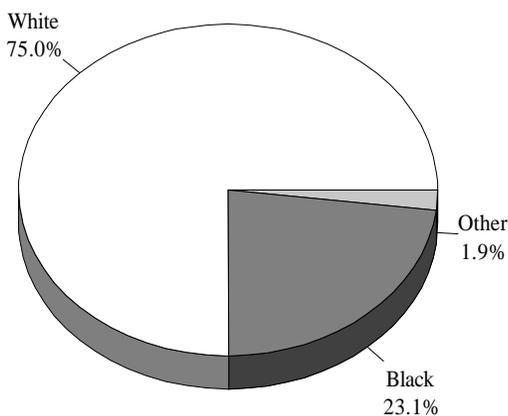
Racial Distribution of probation sentences indicates that 75% of the offenders were white and 25% of the offenders were non-white (Figure 13).

**Figure 12: Distribution of FY 2000 Probation Sentences by Gender**



Based on 6,118 sentences reporting gender of offender

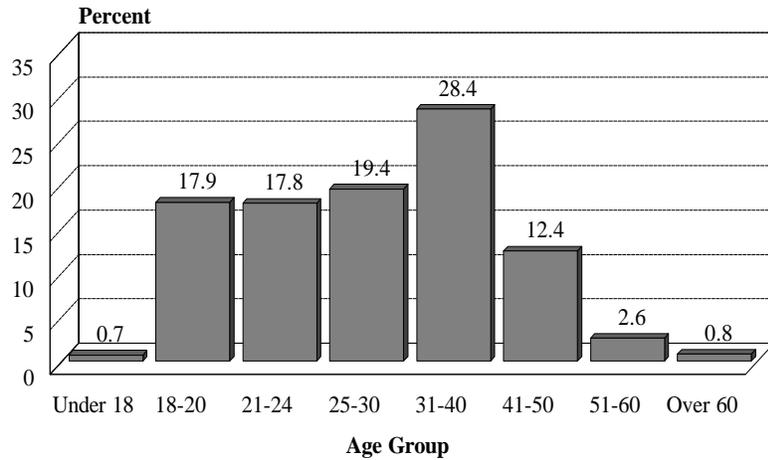
**Figure 13: Distribution of FY 2000 Probation Sentences by Race**



Based on 6,063 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).

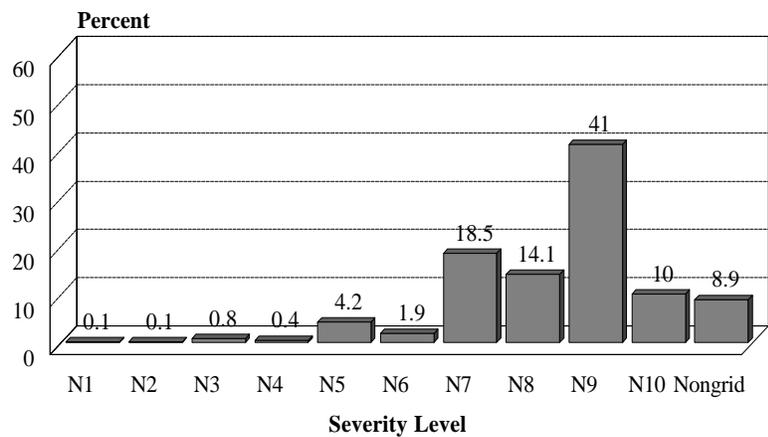
**Figure 14: Distribution of FY 2000 Probation Sentences by Age at Time of Sentence**



Based on 6,120 sentences reporting age of offender

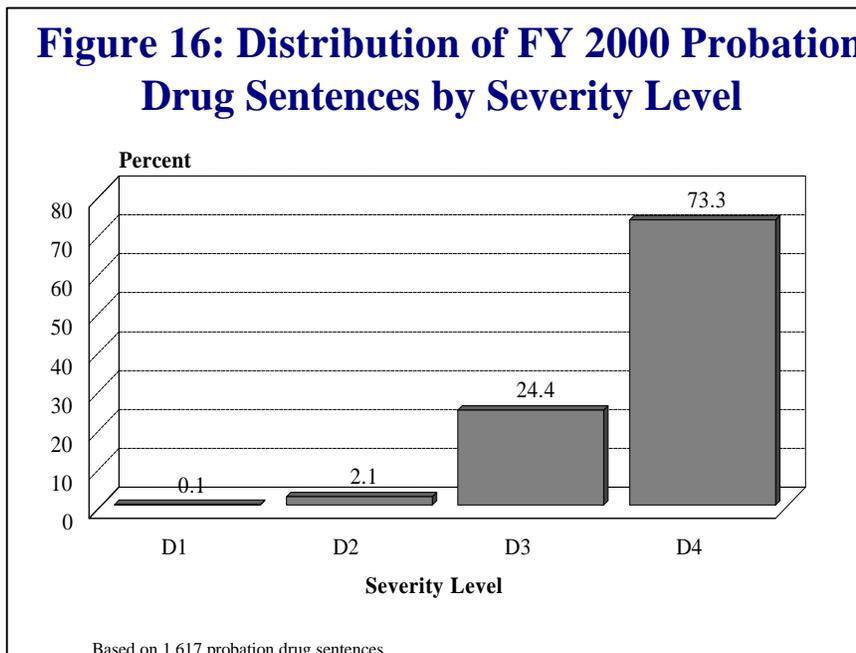
Figure 15 illustrates nondrug probation sentences by severity levels. The largest number of probation sentences fell within nondrug grid level 9 (41% of all nondrug sentences).

**Figure 15: Distribution of FY 2000 Probation Nondrug Sentences by Severity Level**



Based on 4,699 probation nondrug sentences

Figure 16 indicates that the largest number of drug probation sentences fell within severity level 4, which represented 73.3% 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 threat, driving while a habitual violator, driving while suspended, DUI, fleeing LEO and forgery are classified as the top ten offenses for nondrug probation offenders, representing 75.7% 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, aggravated assault on LEO, aggravated battery on LEO, aggravated burglary, burglary, robbery, aggravated false impersonation, aggravated intimidation of a victim, weapon violations, possession of

firearms, sex offenses, criminal damage of property, criminal threat, contribute child misconduct and DUI. The highest percentages of female probation offenses (over 40%) included abuse of child, aggravated arson, aggravated interference with parental custody, aiding a felon, battery on LEO, criminal use of financial card, false writing, forgery and perjury. Females were also found to be convicted of more drug offenses than nondrug offenses (23.5% versus 17.4%).

Whites were responsible for 74.6% of all nondrug crimes and 76.3% of all drug offenses. Blacks had a little bit higher conviction rate for nondrug offenses than drug crimes (23.4% versus 22.4%). The average age at the time of offense was 29.6 years old for nondrug offenders and 30.9 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	0.4	58.8	41.2	41.2	58.8	0.0	28.7
Agg Arson	6	0.1	50.0	50.0	50.0	50.0	0.0	35.0
Agg Assault	144	3.1	92.2	7.8	74.3	22.9	2.8	30.3
Agg Assault on LEO	10	0.2	100.0	0.0	88.9	0.0	11.1	28.8
Agg Battery	278	5.9	87.6	12.4	66.1	29.9	4.1	28.8
Agg Battery on LEO	5	0.1	100.0	0.0	75.0	25.0	0.0	24.3
Agg Burglary	33	0.7	90.6	9.4	65.6	31.3	3.1	26.8
Agg Escape from Custody	15	0.3	85.7	14.3	76.9	23.1	0.0	27.0
Agg Fail to Appear	60	1.3	75.9	24.1	69.0	29.3	1.7	29.3
Agg False Impersonation	4	0.1	100.0	0.0	0.0	75.0	25.0	29.9
Agg Ind Lib with a Child	73	1.6	98.6	1.4	84.1	14.5	1.4	30.4
Agg Ind Solicit with a Child	42	0.9	100.0	0.0	85.0	10.0	5.0	33.0
Agg Int w/Parent Custody	7	0.1	57.1	42.9	85.7	14.3	0.0	29.5
Agg Intimidation of a Victim	8	0.2	100.0	0.0	75.0	25.0	0.0	24.8
Agg Robbery	18	0.4	82.4	17.6	29.4	64.7	5.9	23.2
Agg Sex Battery with Child	26	0.6	92.0	8.0	58.3	37.5	4.2	30.5
Agg Weapon Violation	7	0.1	100.0	0.0	71.4	28.6	0.0	25.5
Aiding Felon	15	0.3	28.6	71.4	85.7	14.3	0.0	30.1
Arrange Sale/Purchase Drug	6	0.1	83.3	16.7	66.7	33.3	0.0	35.6
Arson	28	0.6	85.7	14.3	75.0	17.9	7.1	29.8
Battery on LEO	8	0.2	50.0	50.0	62.5	37.5	0.0	29.6
Burglary	663	14.1	94.3	5.7	80.2	18.4	1.5	24.6
Contribute Child Misconduct	11	0.2	100.0	0.0	70.0	20.0	10.0	22.6
Crim Damage of Property	84	1.8	92.8	7.2	86.4	12.3	1.2	25.0
Crim Deprivation of Vehicle	18	0.4	88.9	11.1	77.8	16.7	5.6	24.7
Crim Discharge of Firearm	11	0.2	81.8	18.2	72.7	9.1	18.2	23.8
Criminal Threat	186	4.0	94.4	5.6	75.6	21.0	3.4	31.9
Crim Use of Financial Card	34	0.7	47.1	52.9	61.8	32.4	5.9	27.5
Domestic Battery	9	0.2	88.9	11.1	55.6	44.4	0.0	34.7
Driving while Hab Violator	522	11.1	87.2	12.8	68.6	30.1	1.4	32.5
Driving w/ Suspended-Third	113	2.4	89.9	10.1	82.6	16.5	0.9	29.4
Drug without Tax Stamps	71	1.5	88.1	11.9	78.8	21.2	0.0	29.6
DUI	397	8.4	90.9	9.1	92.5	6.1	1.4	36.6
False Writing	31	0.7	51.7	48.3	75.9	24.1	0.0	30.8
Fleeing/Eluding LEO	91	1.9	84.1	15.9	76.1	23.9	0.0	27.8

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

Offense Type	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
Forgery	535	11.4	52.3	47.7	68.5	29.1	2.5	29.9
Giving worthless Check	69	1.5	64.2	35.8	89.6	7.5	3.0	35.6
Ind Liberties with a Child	39	0.8	100.0	0.0	86.8	10.5	2.6	29.7
Ind Solicitation with a Child	31	0.7	92.6	7.4	73.1	19.2	7.7	28.4
Involuntary Manslaughter	11	0.2	81.8	18.2	63.6	36.4	0.0	27.3
Lewd and Lascivious behavior	10	0.2	88.9	11.1	100.0	0.0	0.0	34.4
Non-Support of a Child	24	0.5	87.5	12.5	83.3	16.7	0.0	33.8
Obstruct Legal Process	49	1.0	83.0	17.0	63.0	37.0	0.0	29.4
Perjury	5	0.1	40.0	60.0	60.0	40.0	0.0	35.2
Possession of Firearms	49	1.0	97.9	2.1	63.8	36.2	0.0	27.8
Rape	6	0.1	100.0	0.0	83.3	16.7	0.0	24.0
Robbery	85	1.8	92.8	7.2	35.4	62.2	2.4	24.5
Securities Crimes	7	0.1	71.4	28.6	100.0	0.0	0.0	35.3
Sex Exploitation of a Child	7	0.1	100.0	0.0	100.0	0.0	0.0	38.5
Stalking	6	0.1	83.3	16.7	80.0	20.0	0.0	30.3
Theft	629	13.4	75.9	24.1	74.5	23.6	1.8	28.5
Traffic in Contraband	22	0.5	86.4	13.6	90.9	9.1	0.0	28.9
Unlawful Voluntary Sex Rel.	6	0.1	100.0	0.0	100.0	0.0	0.0	18.3
Weapon	6	0.1	100.0	0.0	66.7	33.3	0.0	23.8
Other	51	1.1	68.0	32.0	74.5	25.5	0.0	33.5
<b>Total</b>	<b>4,699</b>	<b>100.0</b>	<b>82.6</b>	<b>17.4</b>	<b>74.6</b>	<b>23.4</b>	<b>2.0</b>	<b>29.6</b>

Note: Due to missing data, each category is based on different numbers: Gender, N=4,541; Race, N=4,505; and Age, N=4,541.  
 \* 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	947	58.6	73.4	26.6	73.5	25.3	1.2	31.8
Opiates or narcotics; poss 2	15	0.9	80.0	20.0	66.7	33.3	0.0	33.5
Opiates or narcotics; sale 1	198	12.2	73.3	26.7	69.8	28.6	1.6	31.5
Depress, stim, hall, etc.; sale, poss w/intent to sale	201	12.4	83.1	16.9	81.8	16.7	1.5	27.9
Depress, stim, hall; poss 2	182	11.3	88.3	11.7	85.4	13.5	1.1	29.2
Depress, stim, hall; sale w/in 1,000ft of school	4	0.2	50.0	50.0	100.0	0.0	0.0	21.2
Possession of paraphernalia	50	3.1	81.3	18.8	93.6	4.3	2.1	29.7
Unlawful manufacture controlled substance	10	0.6	70.0	30.0	100.0	0.0	0.0	32.8
Other	10	0.6	80.0	20.0	90.0	10.0	0.0	27.4
<b>Total</b>	<b>1,617</b>	<b>100.0</b>	<b>76.5</b>	<b>23.5</b>	<b>76.3</b>	<b>22.4</b>	<b>1.3</b>	<b>30.9</b>

Note: Due to missing data, each category is based on different numbers: Gender, N=1,577; Race, N=1,558; and Age, N=1,578.  
 \* 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	5	0.1	100.0	0.0	80.0	20.0	0.0	22.0
N2	2	0.1	100.0	0.0	100.0	0.0	0.0	19.2
N3	38	0.8	97.2	2.8	77.8	22.2	0.0	30.5
N4	17	0.4	100.0	0.0	58.8	35.3	5.9	26.2
N5	198	4.2	91.8	8.2	68.4	28.5	3.1	28.0
N6	91	1.9	96.6	3.4	79.3	14.9	5.7	30.6
N7	868	18.5	90.2	9.8	73.0	24.6	2.4	27.3
N8	664	14.1	61.6	38.4	71.2	26.3	2.5	29.5
N9	1,927	41.0	84.9	15.1	75.0	23.2	1.8	29.5
N10	472	10.0	72.9	27.1	68.8	30.1	1.1	29.4
Nongrid	417	8.9	91.1	8.9	90.8	7.6	1.6	36.0
<b>Total</b>	<b>4,699</b>	<b>100.0</b>	<b>82.6</b>	<b>17.4</b>	<b>74.6</b>	<b>23.4</b>	<b>2.0</b>	<b>29.6</b>

Note: Due to missing data, each category is based on different numbers: Gender, N=4,541; Race, N=4,505; and Age, N=4,541.  
 \* Average age at time of offense.

**Table 11: Characteristics of Probation Drug Offenders by Severity Level**

Severity Level	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
D1	2	0.1	100.0	0.0	100.0	0.0	0.0	30.4
D2	34	2.1	76.5	23.5	73.5	26.5	0.0	31.5
D3	395	24.4	78.2	21.8	76.0	22.4	1.6	29.6
D4	1,186	73.3	76.0	24.0	76.5	22.3	1.3	31.2
<b>Total</b>	<b>1,617</b>	<b>100.0</b>	<b>76.5</b>	<b>23.5</b>	<b>76.3</b>	<b>22.4</b>	<b>1.3</b>	<b>30.9</b>

Note: Due to missing data, each category is based on different numbers: Gender, N=1,577; Race, N=1,558 and Age, N=1,578.  
 \* Average age at time of offense.

### **Criminal History and Length of Probation**

The data indicates that 6,069 probation sentences with assigned criminal history categories were reported in FY 2000, accounting for more than 96% of all probation sentences received by the Commission. The largest number of this group (36%, N=2,198) 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 33% of offenders on the nondrug grid, while criminal history category I offenders accounted for 46% of offenders on the drug grid. Nearly 87% of nondrug offenders fell within the presumptive probation boxes (Table 12), while 58% of probation drug offenders were sentenced within the presumptive probation boxes (Table 13).

More than 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 33% 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 5.3% downward dispositional departure, while drug probation sentences reported 9.2% 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 24.6 months, while the average length of probation for drug offenders was 26.3 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	5	0	0	1	0	0	0	1	0	3	33.6
N2	2	0	0	0	0	0	0	0	0	2	36.0
N3	38	0	1	0	1	2	1	3	3	27	42.0
N4	17	0	0	2	1	1	0	5	2	6	33.2
N5	198	2	1	10	5	7	4	18	34	117	36.7
N6	91	2	5	4	3	0	1	3	16	57	29.5
N7	868	10	24	100	65	98	58	104	120	289	24.8
N8	664	5	9	64	27	132	57	70	78	221	24.4
N9	1,927	24	50	247	90	255	152	310	265	530	23.5
N10	472	2	10	48	21	60	30	92	58	150	23.0
Nongrid	417	4	6	15	8	14	12	31	33	54	22.1
<b>Total</b>	<b>4,699</b>	<b>49</b>	<b>106</b>	<b>491</b>	<b>221</b>	<b>569</b>	<b>315</b>	<b>637</b>	<b>609</b>	<b>1,456</b>	<b>24.6</b>

Note: Criminal history classes are based on 4,453 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	2	0	0	0	0	0	1	1	0	0	36.0
D2	34	0	0	4	0	3	8	3	4	12	37.1
D3	395	1	4	6	8	28	20	68	52	207	33.1
D4	1,186	6	21	35	32	83	73	204	209	523	23.7
<b>Total</b>	<b>1,617</b>	<b>7</b>	<b>25</b>	<b>45</b>	<b>40</b>	<b>114</b>	<b>102</b>	<b>276</b>	<b>265</b>	<b>742</b>	<b>26.3</b>

Note: Criminal history classes are based on 1,616 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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## CHAPTER THREE VIOLATORS

### VIOLATIONS RESULTING IN INCARCERATION

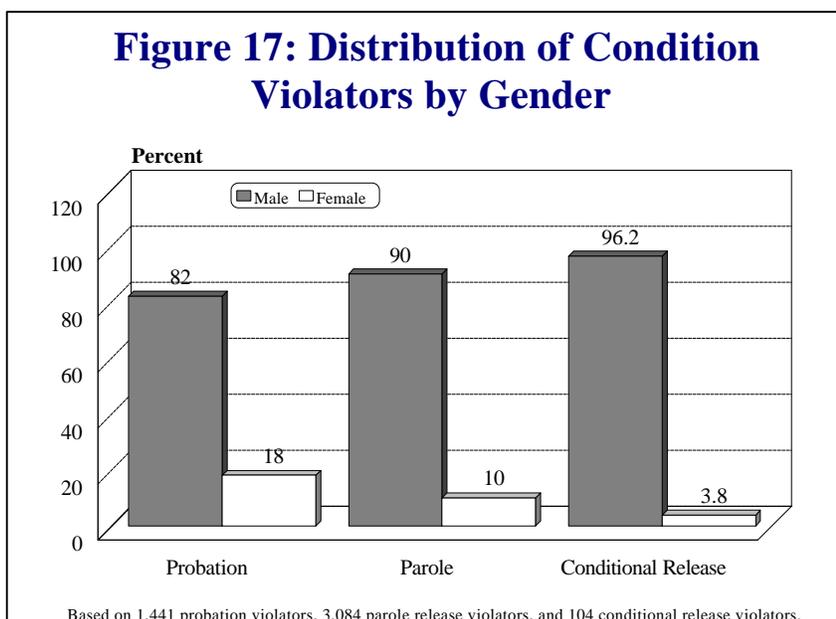
Violators are classified in two ways. Offenders on some form of supervision who commit an offense for which they receive a new sentence are defined as “violators with new sentences.” Offenders who are on probation, parole/postrelease supervision, who violate the conditions of their supervision but do not receive a new sentence are defined as “condition 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.

violators alone accounted for 71% of all FY 2000 prison admissions. Characteristics of condition violators by gender, race, and age are shown in Figures 17, 18, and 19.

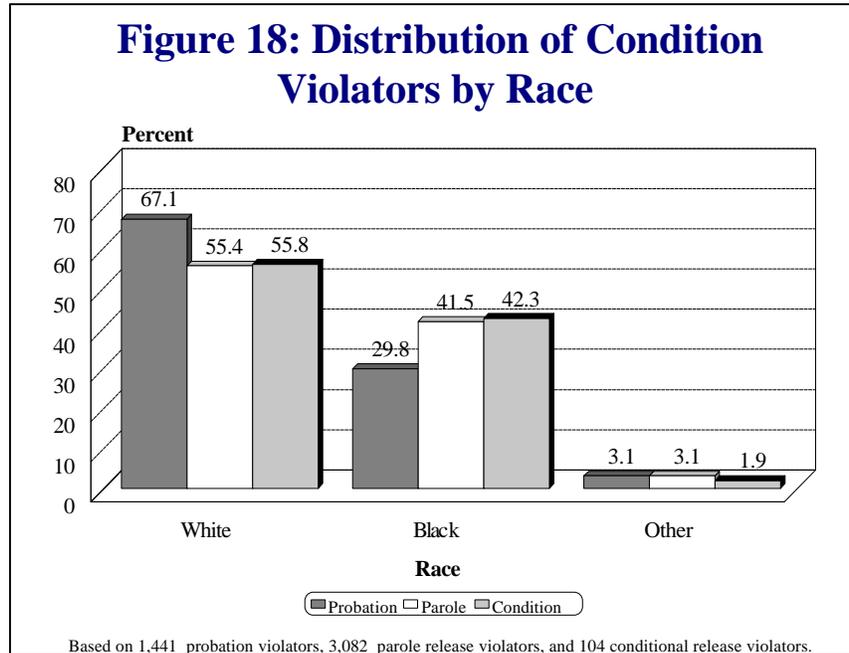
### Overview of Condition Violators

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 “condition 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.

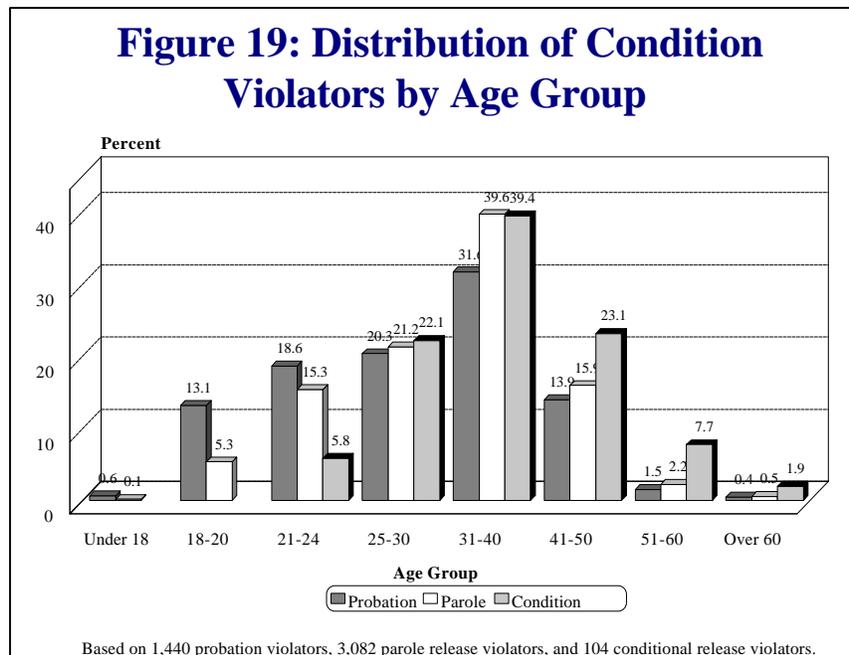
In FY 2000, there were a total number of 4,629 condition violators, representing 1,441 probation violators, 3,084 parole/postrelease supervision violators, and 104 conditional release violators respectively. Condition



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

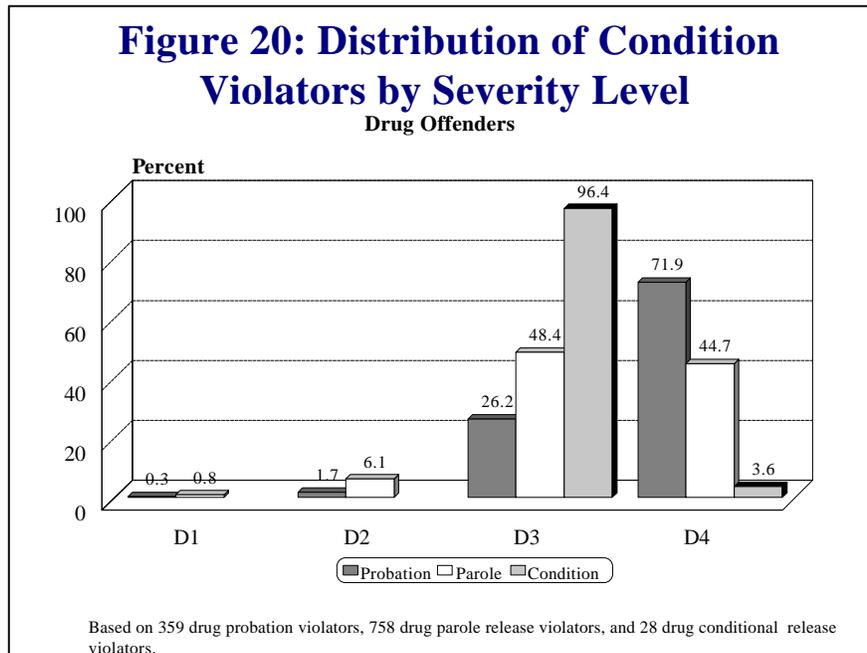


The largest proportions of all three types of condition violators were found to be in their age 30's at the time of admission to prison (Figure 19).



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=423) fell on nondrug severity level 9, parole/postrelease supervision violators (N=523) represented the largest number on nondrug severity level 7 and conditional release violators accounted for the highest percentage on nondrug severity levels 3 (N=32 Figure 21).

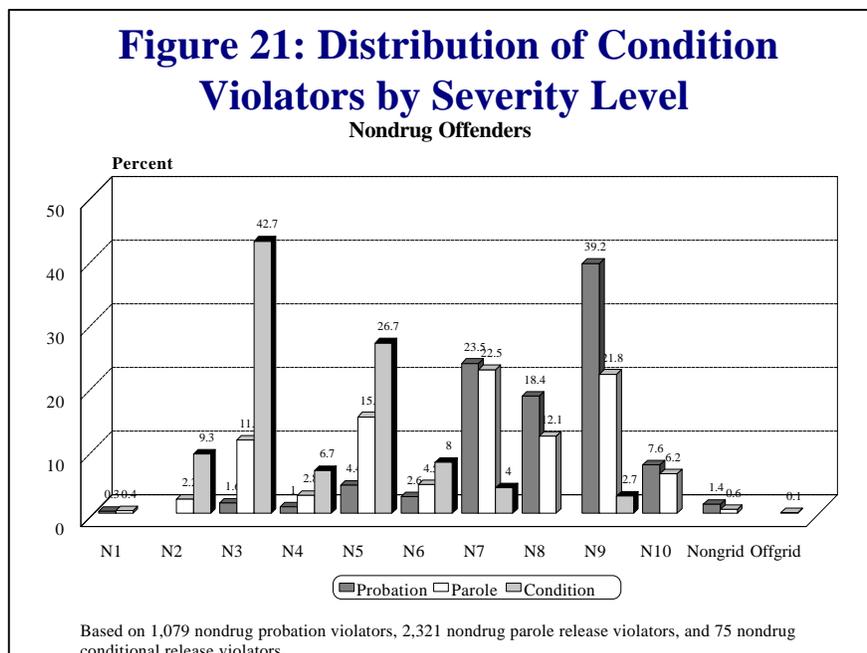


Table 14 displays the characteristics of all types of condition violators by severity levels, race, and gender. The highest frequencies for males were found on nondrug severity level 9 and drug severity level 4. However, the largest numbers of

females fell on nondrug severity level 8 and drug severity level 4. Whites represented the highest numbers in nondrug level 9 and drug level 4, while nondrug level 7 and drug level 3 accounted for the largest numbers of violators 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	3	4	2	3	2	37.9
D2	52	44	8	11	40	1	34.9
D3	488	414	74	257	217	14	35.0
D4	598	470	128	377	207	14	33.9
N1	13	12	1	6	7	0	40.7
N2	59	57	2	41	18	0	38.0
N3	317	311	6	154	149	14	36.2
N4	80	74	6	39	39	2	35.6
N5	418	393	25	220	188	10	33.7
N6	139	134	5	95	36	8	33.2
N7	780	729	51	463	289	28	29.7
N8	480	361	119	305	162	13	31.8
N9	932	830	102	613	288	31	31.6
N10	226	187	39	117	104	5	32.6
Offgrid	2	2	0	1	1	0	45.3
Nongrid	29	27	2	26	2	1	41.4
Unknown	9	9	0	6	3	0	42.4
<b>Total</b>	<b>4,629</b>	<b>4,057</b>	<b>572</b>	<b>2,733</b>	<b>1,753</b>	<b>143</b>	<b>32.9</b>

**Condition Probation Violators**

During FY 2000, 1,441 condition probation violators were admitted to the custody of the Department of Corrections (DOC). This number represents a decrease of 138 offenders or 8.7% decrease compared with FY 1999 figure. More than 97% of condition 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, burglary, criminal threat, driving while a habitual violator, driving while suspended, DUI, forgery, robbery, and theft were among the top 10 most frequent committing offenses for nondrug probation violators, accounting for almost 80% of all nondrug

offenses (Table 15). Possession of drugs was the most frequent offense type for probation violators on the drug grid, accounting for 73% of all drug offenses (Table 16). Theft, burglary 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 was the same compared with the length of lag time in FY 1999. The average length of lag time for drug violators was 2.4 years, which decreased by 1.2 months from that of drug condition probation violators in FY 1999. 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	44	86.4	13.6	65.9	29.5	4.5	24.9	26.9
Agg battery	66	86.4	13.6	65.2	31.8	3.0	28.0	31.1
Burglary	181	89.5	10.5	72.4	26.5	1.1	25.5	27.7
Criminal threat	28	89.3	10.7	78.6	21.4	0.0	30.4	32.1
Driving while a habitual violator	113	92.9	7.1	63.7	34.5	1.8	33.1	35.4
Driving while suspended	36	94.4	5.6	63.9	33.3	2.8	31.5	34.0
DUI	17	88.2	11.8	82.4	11.8	5.9	41.3	44.2
Forgery	152	56.6	43.4	67.8	29.6	2.7	29.6	32.1
Robbery	43	93.0	7.0	55.8	41.9	2.3	23.7	25.6
Theft	182	83.0	17.0	62.1	34.1	3.8	28.2	30.7
<b>Subtotal</b>	<b>862</b>	<b>82.7</b>	<b>17.3</b>	<b>66.6</b>	<b>30.9</b>	<b>2.5</b>	<b>28.6</b>	<b>30.9</b>
Other	220	86.8	13.2	70.5	25.9	3.6	28.4	31.0
<b>TOTAL</b>	<b>1,082</b>	<b>83.5</b>	<b>16.5</b>	<b>67.4</b>	<b>29.9</b>	<b>2.7</b>	<b>28.5</b>	<b>31.0</b>

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

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

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Depress, stim, hall, etc.; sale, poss w/intent to sale	39	92.3	7.7	66.7	23.1	10.3	27.0	29.9
Depress, stim, hall; poss 2nd	26	96.2	3.8	69.2	19.2	11.6	29.9	32.0
Opiates or narcotics; poss 1	232	74.6	25.4	69.0	28.9	2.1	30.6	33.1
Opiates or narcotics; poss 2	4	75.0	25.0	25.0	75.0	0.0	29.0	31.7
Opiates or narcotics; sale 1	50	72.0	28.0	54.0	42.0	4.0	28.6	30.9
Possession of paraphernalia	6	66.7	33.3	66.7	33.3	0.0	31.3	33.3
Other	2	50.0	50.0	100.0	0.0	0.0	32.9	34.3
<b>TOTAL</b>	<b>359</b>	<b>77.4</b>	<b>22.6</b>	<b>66.3</b>	<b>29.8</b>	<b>3.9</b>	<b>29.9</b>	<b>32.3</b>

\* Average age at time of offense.

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

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

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1							1			1
D2	1	1	1		1		2			6
D3	1	1	3	5	4	6	12	16	33	81
D4	2	9	15	6	15	20	48	51	76	242
N1							1		2	3
N2										0
N3			3				4	2	8	17
N4		1	2	1		2	2	1	1	10
N5		2	6	1	1	1	3	8	22	44
N6		1	1	2			3	5	12	24
N7	3	6	25	12	34	20	36	36	51	223
N8	1	5	15	11	36	17	24	20	42	171
N9	5	5	43	19	56	38	66	65	74	371
N10		1	9	3	7	4	18	10	19	71
<b>Total</b>	<b>13</b>	<b>32</b>	<b>123</b>	<b>60</b>	<b>154</b>	<b>108</b>	<b>220</b>	<b>214</b>	<b>340</b>	<b>1,264</b>

\* Due to missing data, criminal history categories are based on 1,264 probation violators reporting criminal history.

**Condition Parole/Postrelease Supervision Violators**

Condition parole/postrelease supervision violators contributed the largest percentage of FY 2000 admissions. Totalling 3,084 admissions, this group accounted for more than 47% 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, aggravated indecent liberties with child, burglary, forgery, robbery and theft,

accounting for more than 69% of the total offenses. Ninety-two percent 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 aggravated indecent liberties with child, theft and burglary, whereas blacks indicated the highest representation in robbery, aggravated robbery and aggravated burglary (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	66	87.9	12.1	56.1	42.4	1.5	27.2	32.2
Aggravated assault	89	93.3	6.7	40.4	56.2	3.3	26.4	30.6
Aggravated battery	159	95.0	5.0	45.9	49.7	4.4	26.1	31.7
Aggravated burglary	67	89.6	10.4	41.8	56.7	1.5	27.8	34.8
Aggravated robbery	167	97.0	3.0	36.5	59.9	3.6	23.8	35.8
Agg Indecent Liberties w/Child	67	100.0	0.0	68.7	25.4	6.0	28.7	33.6
Burglary	371	96.5	3.5	62.0	34.2	3.8	26.1	30.3
Forgery	188	70.2	29.8	56.9	41.0	2.1	30.0	33.8
Robbery	187	95.2	4.8	38.0	60.4	1.6	25.4	32.8
Theft	253	87.4	12.6	64.1	34.3	1.6	26.2	29.9
Other	712	95.1	4.9	65.2	30.3	4.5	28.7	34.7
<b>TOTAL</b>	<b>2,326</b>	<b>92.3</b>	<b>7.7</b>	<b>56.5</b>	<b>40.1</b>	<b>3.4</b>	<b>27.2</b>	<b>32.9</b>

\* Average age at time of offense.

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

**Table 19: Characteristics of Parole/Postrelease Drug Violators by Type of Offense**

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Depress, stim, hall, etc.; sale, poss w/intent to sale	106	92.5	7.5	84.0	13.2	2.8	28.0	34.5
Depress, stim, hall; poss 2	51	88.2	11.8	86.3	13.7	0.0	31.1	34.9
Opiates or narcotics; poss 1	432	80.8	19.2	44.7	53.9	1.4	29.9	35.4
Opiates or narcotics; poss 2	28	82.1	17.9	39.3	57.1	3.6	29.5	37.4
Opiates or narcotics; poss 3	6	50.0	50.0	16.7	50.0	33.3	32.0	36.4
Opiates or narcotics; sale 1	114	80.7	19.3	41.2	56.1	2.7	31.3	35.3
Opiates or narcotics; sale 2	14	92.9	7.1	14.3	78.6	7.1	29.9	35.8
Possession of paraphernalia	5	60.0	40.0	100.0	0.0	0.0	29.7	32.3
Other	2	100.0	0.0	100.0	0.0	0.0	24.3	30.7
<b>TOTAL</b>	<b>758</b>	<b>82.8</b>	<b>17.2</b>	<b>52.0</b>	<b>45.9</b>	<b>2.1</b>	<b>29.9</b>	<b>35.3</b>

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

**Table 20: Distribution of Parole/Postrelease Supervision Violators By Severity Level and Criminal History\***

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1					3		1	2		6
D2		2	5	1	6	4	7	4	7	36
D3	5	14	14	6	19	19	27	22	42	168
D4	3	15	33	17	41	31	66	55	68	329
N1					1					1
N2			1				1	3	13	18
N3		2	6	6	3	4	14	12	41	88
N4			1	4	3	4	3	3	8	26
N5	8	6	32	14	16	12	32	26	41	187
N6	3	6	11	9	12	3	14	6	14	78
N7	42	45	51	36	65	29	63	53	73	457
N8	17	31	30	16	47	26	35	38	22	262
N9	37	38	67	26	91	44	53	66	70	492
N10	12	13	13	16	16	12	19	16	25	142
<b>Total</b>	<b>127</b>	<b>172</b>	<b>264</b>	<b>151</b>	<b>323</b>	<b>188</b>	<b>335</b>	<b>306</b>	<b>424</b>	<b>2,290</b>

\* Due to missing data, criminal history categories are based on 2,290 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 more than 64% of all nondrug offenders. Drug offenders represented only 27% of this specific population (n=104). 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		
Agg criminal sodomy w/child	3	100.0		66.7	33.3		30.2	40.5
Agg escape from custody	2	100.0		50.0	50.0		20.4	28.4
Aggravated battery	5	100.0		20.0	80.0		27.1	38.3
Aggravated robbery	4	100.0			100.0		19.9	30.9
Aggravated incest	7	100.0		85.7	14.3		26.4	35.6
Agg sexual battery on child	4	100.0		100.0			31.1	39.5
Burglary	2	100.0			100.0		35.3	46.1
Indecent liberties w/child	29	100.0		65.5	31.0	3.4	30.2	39.4
Rape	6	100.0		33.3	66.7		25.7	37.7
Robbery	3	100.0			100.0		23.1	33.3
Other	11	90.9	9.1	72.7	27.3		25.9	35.8
<b>TOTAL</b>	<b>76</b>	<b>98.7</b>	<b>1.3</b>	<b>56.6</b>	<b>42.1</b>	<b>1.3</b>	<b>27.8</b>	<b>37.6</b>

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

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

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Depress, stim, hall, etc.; sale, poss w/intent to sale	9	88.9	11.1	66.7	33.3	0.0	30.3	39.9
Depress, stim, hall; poss 1	17	88.2	11.8	41.2	52.9	5.9	27.3	35.5
Other	2	100.0	0.0	100.0	0.0	0.0	36.0	43.2
<b>TOTAL</b>	<b>28</b>	<b>89.3</b>	<b>10.7</b>	<b>53.6</b>	<b>42.9</b>	<b>3.6</b>	<b>28.9</b>	<b>37.4</b>

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

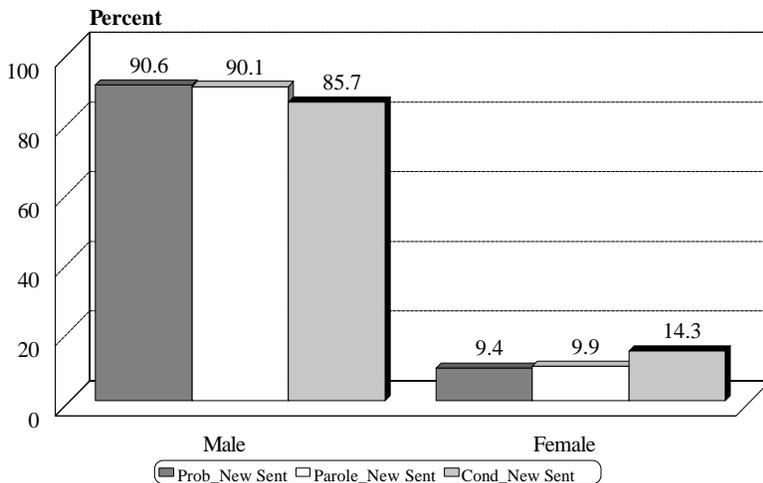
**Violators with New Sentences**

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 7.8% of the total prison admissions, indicating a 1.2% decrease when compared with FY 1999. Characteristics of this group are presented in Figures 22 to 24.

White males are the predominant gender for this population (Figures 22 and 23). The highest percentages of probation violators, parole/postrelease violators and conditional release violators with new sentences were found in the age group between 31 to 40 years old at the time of admission to prison (Figure 24).

**Figure 22: Distribution of Violators With New Sentences by Gender**

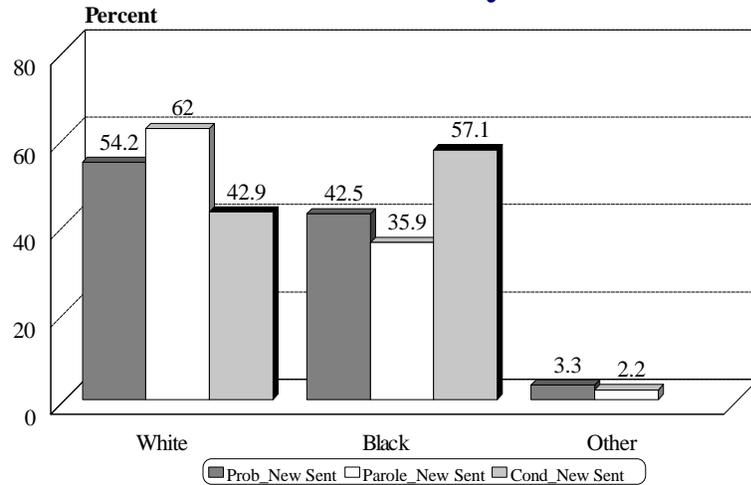


Note: Probation violators with new sentence=212, parole violators with new sentence=284, and conditional release violators with new sentence=7.

Drugs (25.5%), burglary (17.5%) and forgery (7.1%) were the major committing offense categories for probation violators with new convictions. Drugs (19.4%), burglary (13.7%) and theft (9.2%) represented the major committing offenses

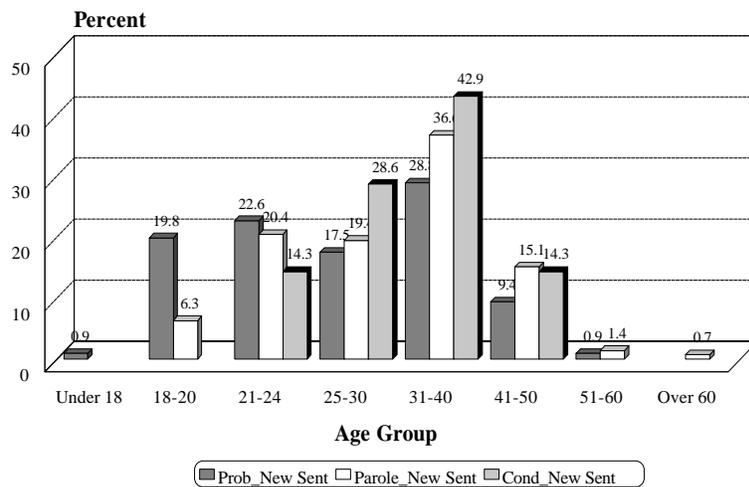
for parole/postrelease violators with new sentences. The predominant committing offense for conditional release violators with new sentences was drugs (28.6%), as well. Table 23 illustrates the distribution of the above offenders by severity levels.

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



Note: Probation violators with new sentence=212, parole violators with new sentence=284, and conditional release violators with new sentence=7.

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



Note: Probation violators with new sentence=212, parole violators with new sentence=284, and conditional violators with new sentence=7.

**Table 23: Distribution of FY 2000 Violators with New Sentences  
By Severity Level**

Severity Level	Probation		Parole/Postrelease		Conditional Release	
	N	%	N	%	N	%
D1	0	0.0	1	0.4	0	0.0
D2	13	6.1	3	1.1	0	0.0
D3	17	8.0	28	9.8	2	28.6
D4	24	11.3	23	8.0	0	0.0
N1	2	0.9	1	0.4	1	14.3
N2	1	0.5	1	0.4	1	14.3
N3	13	6.1	19	6.7	2	28.6
N4	3	1.4	7	2.5	1	14.3
N5	11	5.2	21	7.4	0	0.0
N6	9	4.2	11	3.9	0	0.0
N7	64	30.2	55	19.3	0	0.0
N8	27	12.7	41	14.4	0	0.0
N9	27	12.7	56	19.7	0	0.0
N10	0	0.0	13	4.6	0	0.0
Offgrid	1	0.5	0	0.0	0	0.0
Nongrid	0	0.0	1	0.4	0	0.0
Unknown	0	0.0	3	1.1	0	0.0
<b>Total</b>	<b>212</b>	<b>100.0</b>	<b>284</b>	<b>100.0</b>	<b>7</b>	<b>100.0</b>

**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 2000, there were 1,430 condition probation violators and 167 probation violators with new convictions representing 44.5% of the total number of 3,217 condition probation violators and 35.6% of the total number of 469 probation violators with new offenses

respectively, who were continued or extended on probation. Drugs (23.5%), driving while a habitual violator (11.7%), theft (11.5%), forgery (11.2%) and burglary (10.9%) were the top five committing offenses for this group of condition violators. Drugs (21.6%), burglary (13.8%), driving while a habitual violator (12.6%), forgery (10.8%) and theft (9.6%) were also 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 Condition 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	3	0	0	0	0	0	0	0	1	1	1
D3	65	1	1	1	1	3	6	12	10	30	
D4	267	1	4	6	9	24	14	39	51	116	
N1	1	0	0	0	0	0	0	0	0	1	
N2	1	0	0	0	0	0	1	0	0	0	
N3	2	0	0	0	0	0	0	0	0	2	
N4	7	0	1	0	0	0	0	2	2	2	
N5	33	0	1	0	3	0	1	2	6	20	
N6	13	0	0	0	0	0	0	0	3	9	
N7	176	0	2	16	12	22	14	18	31	58	
N8	177	0	0	18	4	33	15	30	25	47	
N9	505	1	6	47	39	73	51	95	84	102	
N10	111	0	1	7	4	11	7	25	10	43	
Nongrid	65	0	1	3	2	3	2	9	2	5	
<b>Total</b>	<b>1,426</b>	<b>3</b>	<b>17</b>	<b>98</b>	<b>74</b>	<b>169</b>	<b>111</b>	<b>233</b>	<b>225</b>	<b>436</b>	

Note: Criminal history classes are based on 1,366 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	10	0	0	0	0	0	1	0	2	7
D4	26	1	0	3	2	2	0	4	6	6
N3	2	0	0	0	0	0	0	0	1	1
N5	1	0	0	0	0	0	0	0	1	0
N6	4	0	0	0	0	0	0	0	1	3
N7	23	0	0	1	0	2	2	4	5	8
N8	26	0	1	3	1	4	1	3	3	9
N9	63	1	5	5	2	8	4	9	15	12
N10	3	0	1	0	0	0	0	1	0	1
Nongrid	9	0	0	3	0	1	0	2	1	2
<b>Total</b>	<b>167</b>	<b>2</b>	<b>7</b>	<b>15</b>	<b>5</b>	<b>17</b>	<b>8</b>	<b>23</b>	<b>35</b>	<b>49</b>

Note: Criminal history classes are based on 161 cases reporting criminal history category.

Legend:

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

## CHAPTER FOUR

# CONFORMITY TO THE SENTENCING GUIDELINES

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Conformity to the sentencing guidelines refers to presumptive prison and probation sentences imposed under the sentencing guidelines for offenders sentenced during FY 2000. 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.

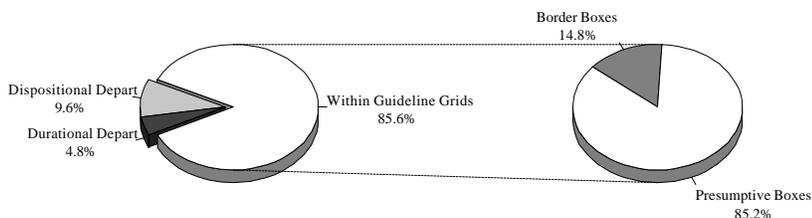
### OVERALL CONFORMITY RATES

In FY 2000, there were 7,087 pure guideline sentences, including 1,195 incarceration guideline sentences and 5,892 probation sentences. Figure 25 demonstrates that 85.6% (6,063 sentences) of the 7,087 guideline sentences fell within the presumptive guideline grids; 4.8% (342 sentences) indicated durational departures, and 9.6% (682 sentences) were dispositional departures. Of all the sentences within the presumptive guideline grids, 5,164 sentences (85.2%) fell within either the presumptive prison boxes or presumptive probation boxes, while 899 sentences (14.8%) were located on designated border boxes.

Figure 26 indicates that nearly 60% (407 sentences) of the 682 dispositional departures were downward departures and 40% (275 sentences) were upward dispositional departures. More than 76% of the 899 border box sentences resulted in probation sentences with only 24% of this group sentenced to prison (Figure 26).

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

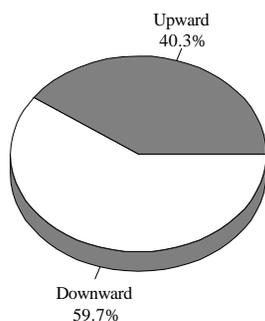
**Figure 25: Distribution of FY 2000 Overall Guideline Sentences**



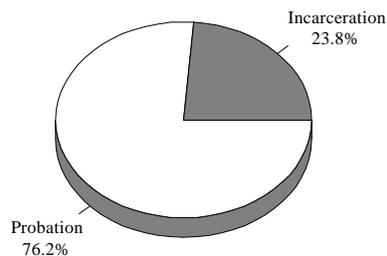
Based on 1,195 prison and 5,892 probation sentences

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

**Dispositional Departures**



**Border Boxes**



Based on 682 dispositional departures and 899 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 1,195 presumptive prison guideline sentences were utilized for this analysis.

Figure 27 indicates that 48.4% of total sentences fell within the presumptive incarceration range. Of this percentage, 35.1% fell within the standard range, 8.8% were within the aggravated range, and 19% were within the mitigated range. 37% were located within designated border boxes.

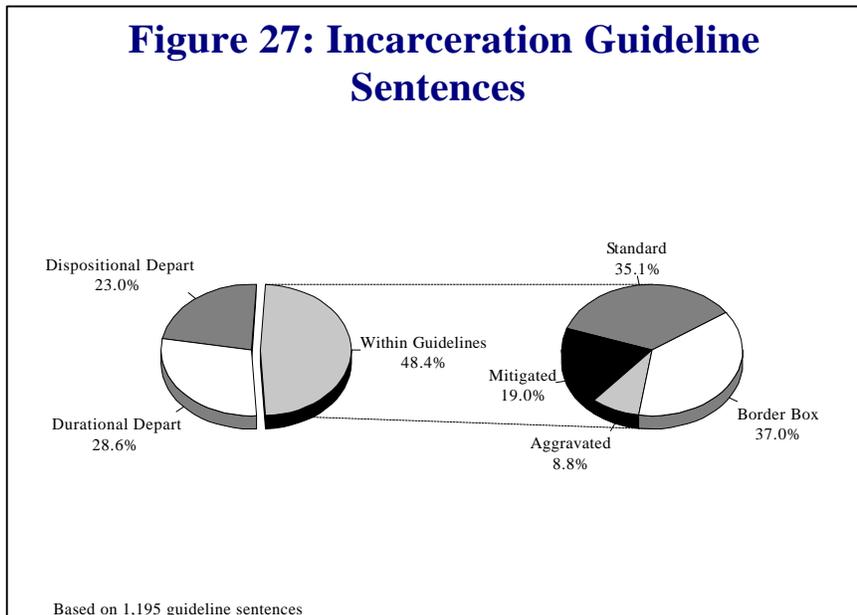
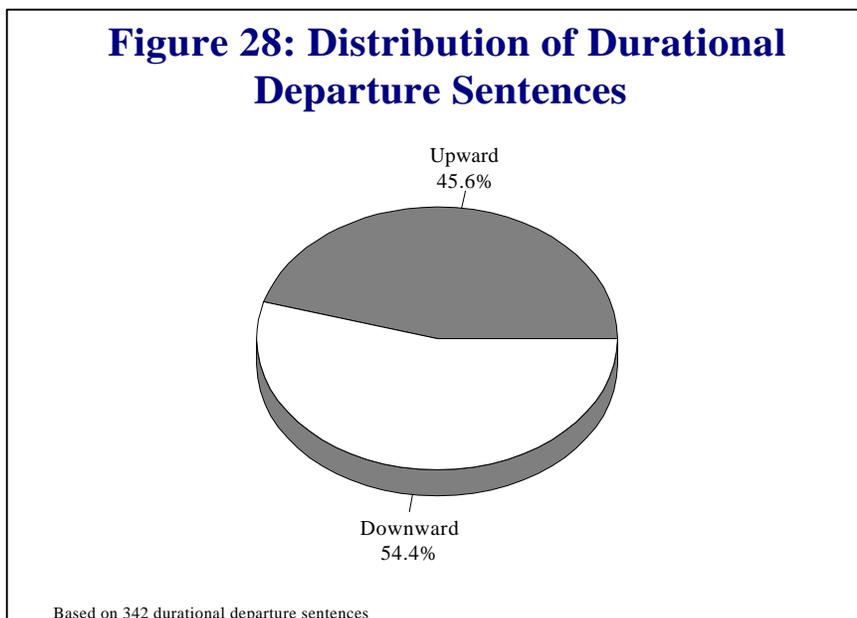


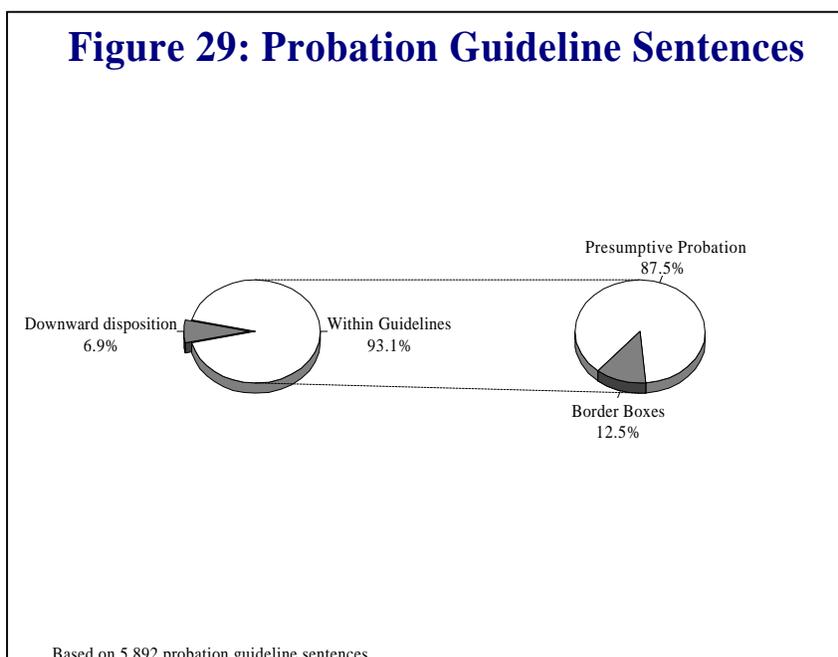
Figure 28 indicates that among the durational departure sentences, 45.6% departed upward from the presumptive guideline ranges, while 54.4% departed downward from the sentence lengths indicated on the presumptive range.



**CONFORMITY OF PRESUMPTIVE PROBATION GUIDELINE SENTENCES**

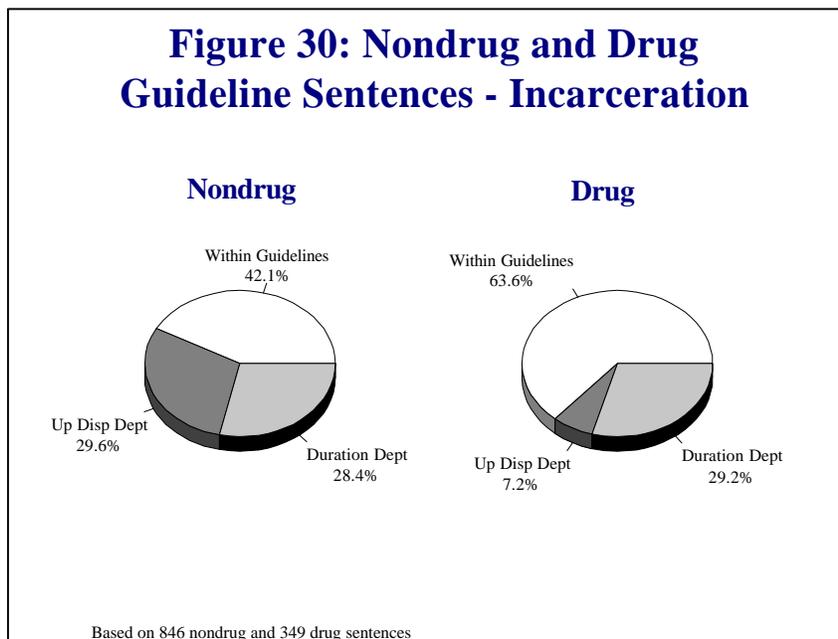
As expected, probation guideline sentences overwhelmingly (93.1%, 5,485 cases) fell beneath the incarceration line, with only 12.5% falling within border boxes (Figure

29). This distribution accounted for 86.8% of the total probation sentences during FY 2000 (6,316). Probation sentences reflected downward dispositional departures of 6.9%, while upward dispositional departure sentences were reflected in presumptive prison sentences (See Figure 26 above).

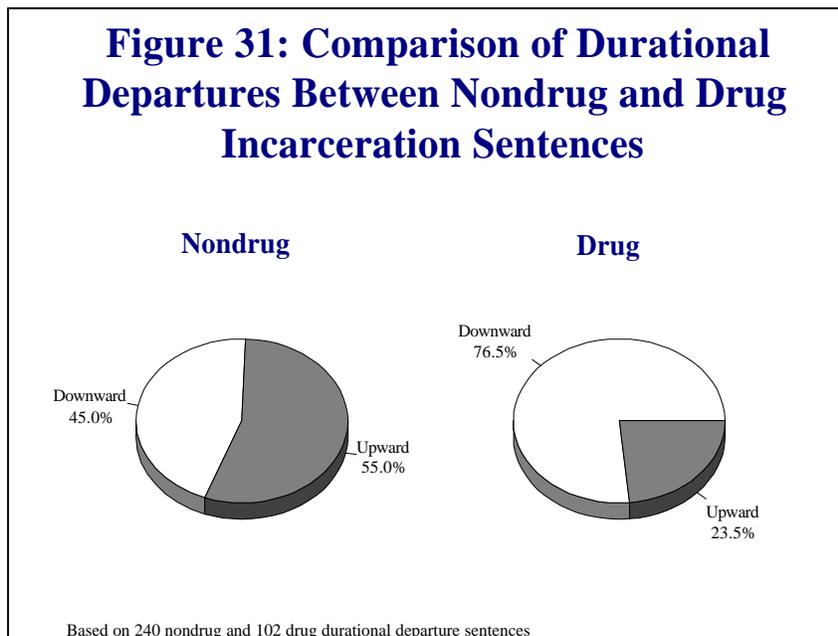


**CONFORMITY OF NONDRUG AND DRUG GUIDELINE SENTENCES**

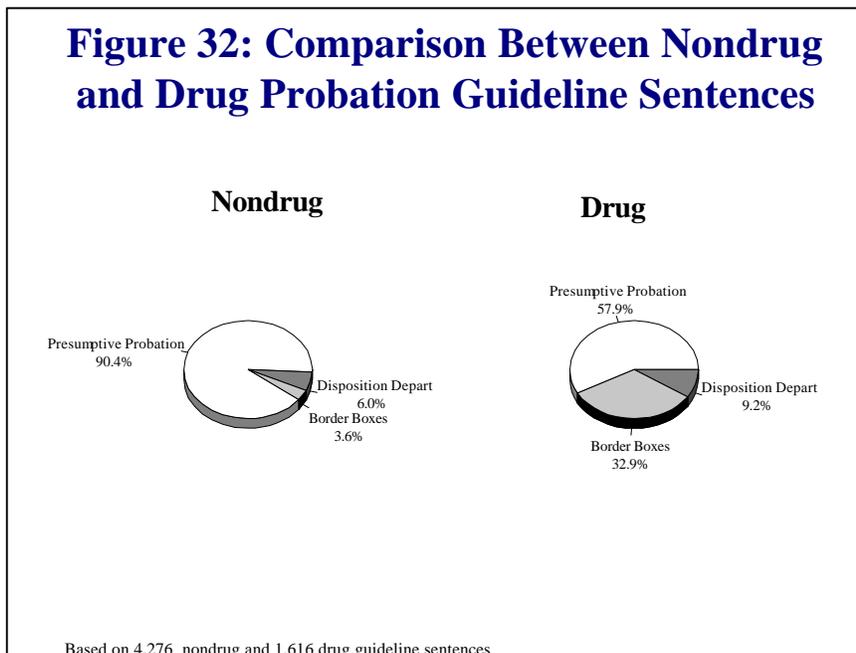
Figure 30 indicates that among nondrug offenders, the data showed 29.6% upward dispositional departures, while drug offenders only revealed 7.2% upward dispositional departures. Nondrug offenders indicate 28.4% durational departures while drug offenders show 29.2% durational departures.



Examination of durational departures in Figure 31 indicates that downward departures represent 76.5% of the total durational departures on the drug grid. However, on the nondrug grid, only 45% 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 include the most serious person offenses.



Significant differences were also found between nondrug and drug grids with regard to probation sentences. Drug sentences represent higher percentages of downward dispositional departures than nondrug sentences (Figure 32).



The sentencing trend in Kansas seems to indicate that drug offenders tend to be sentenced to probation sentences when their offense types and criminal history categories fell within the border boxes, more often than do nondrug offenders (Figure 32). 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 11.2% standard, 2% aggravated, 8.6% mitigated,

and 41.8% border box sentence distribution. Nondrug sentences revealed a 19.4% standard, 5.2% aggravated, 9.5% mitigated, and 8% border box sentence distribution. As for the departure sentences, drug sentences showed 6.9% upward durational departures and 22.3% downward durational departures, whereas nondrug sentences showed a 15.6% upward durational departure rate and a 12.8% downward durational departure rate. When examining dispositional departures, nondrug sentences upward dispositional departures were present in 29.6%. By contrast, drug sentences showed only a 7.2% upward dispositional departures. This would indicate that judges are more likely to impose fewer upward dispositional sentences for drug offenders than for nondrug offenders. This finding has been supported by data over the past five years.

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

Severity Level	N	Within Guidelines(%)				Departures(%)			
		Agg	Stand	Miti	Box	Durational		Dispositional	
						Upward	Downward	Upward	
D1	24			16.7		4.2	79.2		
D2	76	5.3	19.7	15.8		11.8	47.4		
D3	143	1.4	6.3	2.8	77.6	7.0	4.9		
D4	106	0.9	14.2	9.4	33.0	3.8	15.1	23.6	
<b>Subtotal</b>	<b>349</b>	<b>2.0</b>	<b>11.2</b>	<b>8.6</b>	<b>41.8</b>	<b>6.9</b>	<b>22.3</b>	<b>7.2</b>	
N1	46	15.2	13.0	8.7		30.4	32.6		
N2	46	6.5	17.4	8.7		32.6	34.8		
N3	166	6.6	27.7	17.5		31.3	16.9		
N4	42	7.1	35.7	7.1		28.6	21.4		
N5	160	6.3	16.9	8.1	40.6	11.3	16.9		
N6	33	9.1	24.2	24.2	9.1	15.2	9.1	9.1	
N7	123	0.8	17.1	4.9		8.1	3.3	65.9	
N8	69		10.1	8.7		7.2	5.8	68.1	
N9	122	3.3	16.4	1.6		0.8	1.6	76.2	
N10	39	5.1	15.4	12.8				66.7	
<b>Subtotal</b>	<b>846</b>	<b>5.2</b>	<b>19.4</b>	<b>9.5</b>	<b>8.0</b>	<b>15.6</b>	<b>12.8</b>	<b>29.6</b>	
<b>TOTAL</b>	<b>1,195</b>	<b>4.3</b>	<b>17.0</b>	<b>9.2</b>	<b>17.9</b>	<b>13.1</b>	<b>15.6</b>	<b>23.0</b>	

Table 27 displays conformity rates for probation sentences by severity levels. Probation drug sentences indicated 9.2% downward dispositional departures for sentences which should have been presumptive incarceration, while only 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 (32.9% versus 3.6%). Comparison of probation drug and nondrug sentences revealed the same trend as indicated with incarceration sentences; the tendency is to impose more non-prison sentences for drug offenders than for nondrug offenders. This trend has been consistent for the past five years.

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

Severity Level	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
D1	2			100.0
D2	34			100.0
D3	394		95.2	4.8
D4	1,186	78.9	13.2	7.9
<b>Subtotal</b>	<b>1,616</b>	<b>57.9</b>	<b>32.9</b>	<b>9.2</b>
N1	5			100.0
N2	2			100.0
N3	38			100.0
N4	17			100.0
N5	198		76.3	23.7
N6	91	80.2	3.3	16.5
N7	868	96.1		3.9
N8	663	97.9		2.1
N9	1,923	96.2		3.8
N10	471	97.5		2.5
<b>Subtotal</b>	<b>4,276</b>	<b>90.4</b>	<b>3.6</b>	<b>6.0</b>
<b>TOTAL</b>	<b>5,892</b>	<b>81.5</b>	<b>11.6</b>	<b>6.9</b>

**CONFORMITY RATES TO THE GUIDELINES BY RACE**

Tables 28 and 29 indicate varying conformity rates between drug and nondrug incarceration sentences by severity level and race. Table 28 shows that for drug incarceration sentences, blacks received

more aggravated sentences (2.1%), standard sentences (15.5%) and mitigated sentences (14.4%) than whites. However, when examining sentence departures, whites indicated higher percentages in both durational departures and upward dispositional departures than blacks.

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

Severity Level and Race	N	Departures(%)							
		Within Guidelines(%)				Durational			Dispositional
		Agg	Stand	Miti	Box	Upward	Downward	Upward	
D1									
White	22			13.6		4.5		81.8	
Black	2			50.0				50.0	
D2									
White	57	5.3	22.8	8.8		12.3		50.9	
Black	19	5.3	10.5	36.8		10.5		36.8	
D3									
White	108	1.9	6.5	1.9	78.7	6.5		4.6	
Black	32		6.3	6.3	75.0	9.4		3.1	
Other	3				66.7			33.3	
D4									
White	60		6.7	10.0	30.0	5.0		18.3	
Black	44	2.3	25.0	9.1	36.4	2.3		11.4	
Other	1							100.0	
<b>TOTAL</b>									
<b>White</b>	<b>247</b>	<b>2.0</b>	<b>9.7</b>	<b>6.5</b>	<b>41.7</b>	<b>7.3</b>		<b>7.3</b>	
<b>Black</b>	<b>97</b>	<b>2.1</b>	<b>15.5</b>	<b>14.4</b>	<b>41.2</b>	<b>6.2</b>		<b>6.2</b>	
<b>Other</b>	<b>4</b>				<b>50.0</b>			<b>25.0</b>	

Based on 348 drug incarceration guideline sentences.

Examining nondrug incarceration sentences on Table 29, the trend is different from that of the drug incarceration sentences. Whites received more standard sentences than blacks (20.2% vs. 16.5%). Whereas blacks represented higher percentages in aggravated sentences (6% vs. 4.6%) and

mitigated sentences than whites (10.9% vs. 8.8%). Whites still indicated higher percentage in durational departures than blacks. Nevertheless, blacks received more upward dispositional departure sentences than whites (33.1% vs. 28.8%).

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

Severity Level and Race	N	Within Guidelines(%)				Departures(%)		
		Agg	Stand	Miti	Box	Durational		Dispositional
						Upward	Downward	Upward
<b>N1</b>								
White	35	20.0	11.4	2.9		28.6	37.1	
Black	10		20.0	20.0		40.0	20.0	
Other	1			100.0				
<b>N2</b>								
White	35	2.9	14.3	8.6		31.4	42.9	
Black	6	16.7	16.7			50.0	16.7	
Other	5	20.0	40.0	20.0		20.0		
<b>N3</b>								
White	121	5.0	28.9	18.2		32.3	15.7	
Black	39	12.8	23.1	15.4		28.2	20.5	
Other	6		33.3	16.7		33.3	16.7	
<b>N4</b>								
White	24	8.3	37.5	4.2		33.3	16.7	
Black	14	7.1	35.7	14.3		21.4	21.4	
Other	4		25.0			25.0	50.0	
<b>N5</b>								
White	99	4.0	17.2	9.1	42.4	11.1	16.2	
Black	56	10.7	16.1	7.1	35.7	12.5	17.9	
Other	5		20.0		60.0		20.0	
<b>N6</b>								
White	23	8.7	30.4	13.0	8.7	21.7	4.3	13.0
Black	9		11.1	55.6	11.1		22.2	
Other	1	100.0						
<b>N7</b>								
White	90	1.1	16.7	3.3		7.8	3.3	67.8
Black	32		15.6	9.4		9.4	3.1	62.5
Other	1		100.0					
<b>N8</b>								
White	39		12.8	7.7		5.1	10.3	64.1
Black	29		6.9	10.3		10.3		72.4
Other	1							100.0
<b>N9</b>								
White	79	3.8	19.0	1.3		1.3	1.3	73.4
Black	38		10.5	2.6			2.6	84.2
Other	4	25.0	25.0					50.0
<b>N10</b>								
White	24		12.5	16.7				70.8
Black	15	13.3	20.0	6.7				60.0
<b>TOTAL</b>								
<b>White</b>	<b>569</b>	<b>4.6</b>	<b>20.2</b>	<b>8.8</b>	<b>7.7</b>	<b>16.5</b>	<b>13.4</b>	<b>28.8</b>
<b>Black</b>	<b>248</b>	<b>6.0</b>	<b>16.5</b>	<b>10.9</b>	<b>8.5</b>	<b>13.7</b>	<b>11.3</b>	<b>33.1</b>
<b>Other</b>	<b>28</b>	<b>10.7</b>	<b>28.6</b>	<b>10.7</b>	<b>10.7</b>	<b>14.3</b>	<b>14.3</b>	<b>10.7</b>

Based on 845 nondrug incarceration guideline sentences.

Conformity rates for probation sentences by race indicate that white offenders received more presumptive probation sentences (60%) but fewer downward dispositional departures (7.4%) than black offenders for drug offenses (Table 30). A similar pattern was found with nondrug sentences (Table 31). Blacks accounted for a lower percentage of presumptive probation sentences but a higher percentage of downward dispositional departures than whites. No significant difference was found in the border box sentences between whites and blacks. This data reflects a different

pattern from the past few years. In FY 1999 and FY 1997 whites were more likely than blacks to receive a probation sentence when the offender fell within the border box range of the sentence grid. The FY 1998 data indicated a reverse pattern, 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, 1998 Annual Report and 1999 Annual Report).

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

Severity Level and Race	N	Presumptive Probation (%)	Border Boxes(%)	Downward Disposition(%)
D1				
White	2			100.0
D2				
White	25			100.0
Black	9			100.0
D3				
White	285		96.5	3.5
Black	83		89.2	10.8
Other	6		100.0	
D4				
White	877	81.3	12.9	5.8
Black	256	70.3	14.1	15.6
Other	14	71.4	14.3	14.3
<b>TOTAL</b>				
<b>White</b>	<b>1,189</b>	<b>60.0</b>	<b>32.6</b>	<b>7.4</b>
<b>Black</b>	<b>348</b>	<b>51.7</b>	<b>31.6</b>	<b>16.7</b>
<b>Other</b>	<b>20</b>	<b>50.0</b>	<b>40.0</b>	<b>10.0</b>

Based on 1,557 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	4			100.0
Black	1			100.0
N2				
White	2			100.0
N3				
White	28			100.0
Black	8			100.0
N4				
White	10			100.0
Black	6			100.0
Other	1			100.0
N5				
White	132		77.3	22.7
Black	55		74.5	25.5
Other	6		66.7	33.3
N6				
White	69	82.6	2.9	14.5
Black	13	69.2	7.7	23.1
Other	5	100.0		
N7				
White	603	95.9		4.1
Black	203	97.0		3.0
Other	20	95.0		5.0
N8				
White	457	97.6		2.4
Black	169	98.2		1.8
Other	16	100.0		
N9				
White	1,391	96.8		3.2
Black	431	93.0		7.0
Other	33	100.0		
N10				
White	314	97.1		2.9
Black	138	97.8		2.2
Other	5	100.0		
<b>TOTAL</b>				
<b>White</b>	<b>3,010</b>	<b>90.8</b>	<b>3.5</b>	<b>5.7</b>
<b>Black</b>	<b>1,024</b>	<b>88.7</b>	<b>4.1</b>	<b>7.2</b>
<b>Other</b>	<b>86</b>	<b>90.7</b>	<b>4.7</b>	<b>4.7</b>

Based on 4,120 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 mitigated sentences. However, females received a little more presumptive prison sentences (42.5%) when the offender fell within the border boxes than their counterparts.

Females demonstrated a bit higher percentages in aggravated sentences and standard sentences than males (2.5% vs. 1.9% and 12.5% vs. 11%). As for departure sentences, males received more durational departures than females in both upward and downward durational departures (7.1% vs. 5% and 23.3% vs. 15%), while female received a significantly greater number of upward dispositional departures than males (22.5% vs. 5.2%).

**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	24			16.7		4.2	79.2		
D2									
Male	68	4.4	17.6	17.6		11.8	48.5		
Female	8	12.5	37.5			12.5	37.5		
D3									
Male	128	1.6	7.0	3.1	76.6	7.0	4.7		
Female	15				86.7	6.7	6.7		
D4									
Male	89	1.1	14.6	11.2	34.8	4.5	15.7	18.0	
Female	17		11.8		23.5		11.8	52.9	
<b>TOTAL</b>									
<b>Male</b>	<b>309</b>	<b>1.9</b>	<b>11.0</b>	<b>9.7</b>	<b>41.7</b>	<b>7.1</b>	<b>23.3</b>	<b>5.2</b>	
<b>Female</b>	<b>40</b>	<b>2.5</b>	<b>12.5</b>	<b>0.0</b>	<b>42.5</b>	<b>5.0</b>	<b>15.0</b>	<b>22.5</b>	

Based on 349 drug incarceration guideline sentences.

Table 33 indicates that contrary to drug incarceration sentences within guidelines, males received more aggravated sentences (5.3%) and standard sentences (20%) than females, while females received more mitigated sentences (14.5%) than males. Males received prison sentences at a higher rate than females within border boxes (8.1% vs. 7.3%). On the other hand, nondrug incarceration departure sentences followed

the same trend of drug incarceration departure sentences, in which males accounted for higher percentages in both upward and downward durational departures than females, but females had a significantly higher percentage in upward dispositional departure than males (47.3% vs. 28.3%). Based on gender alone, it would appear to imply 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 five years and will continue to be closely

monitored in future analysis (see Kansas Sentencing Commission 1999, 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	45	13.3	13.3	8.9		31.1	33.3	
Female	1	100.0						
N2								
Male	42	7.1	16.7	7.1		31.0	38.1	
Female	4		25.0	25.0		50.0		
N3								
Male	161	6.8	28.0	17.4		31.7	16.1	
Female	5		20.0	20.0		20.0	40.0	
N4								
Male	40	7.5	37.5	5.0		30.0	20.0	
Female	2			50.0			50.0	
N5								
Male	151	6.0	17.2	7.3	40.4	11.3	17.9	
Female	9	11.1	11.1	22.2	44.4	11.1		
N6								
Male	30	10.0	23.3	20.0	10.0	16.7	10.0	10.0
Female	3		33.3	66.7				
N7								
Male	118	0.8	16.9	5.1		8.5	3.4	65.3
Female	5		20.0					80.0
N8								
Male	55		12.7	9.1		7.3	5.5	65.5
Female	14			7.1		7.1	7.1	78.6
N9								
Male	114	3.5	16.7	1.8		0.9	1.8	75.4
Female	8		12.5					87.5
N10								
Male	35	5.7	17.1	14.3				62.9
Female	4							100.0
<b>TOTAL</b>								
<b>Male</b>	<b>791</b>	<b>5.3</b>	<b>20.0</b>	<b>9.1</b>	<b>8.1</b>	<b>16.1</b>	<b>13.1</b>	<b>28.3</b>
<b>Female</b>	<b>55</b>	<b>3.6</b>	<b>10.9</b>	<b>14.5</b>	<b>7.3</b>	<b>9.1</b>	<b>7.3</b>	<b>47.3</b>

Based on 846 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). This 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 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 and FY 1999 data.

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

Severity Level and Gender	N	Presumptive Probation(%)	Border Boxes(%)	Downward Disposition(%)
D1				
Male	2			100.0
D2				
Male	26			100.0
Female	8			100.0
D3				
Male	296		93.9	6.1
Female	83		98.8	1.2
D4				
Male	882	76.1	14.6	9.3
Female	279	87.5	8.2	4.3
<b>TOTAL</b>				
<b>Male</b>	<b>1,206</b>	<b>55.6</b>	<b>33.7</b>	<b>10.6</b>
<b>Female</b>	<b>370</b>	<b>65.9</b>	<b>28.4</b>	<b>5.7</b>

Based on 1,576 drug probation sentences reporting gender of offenders.

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

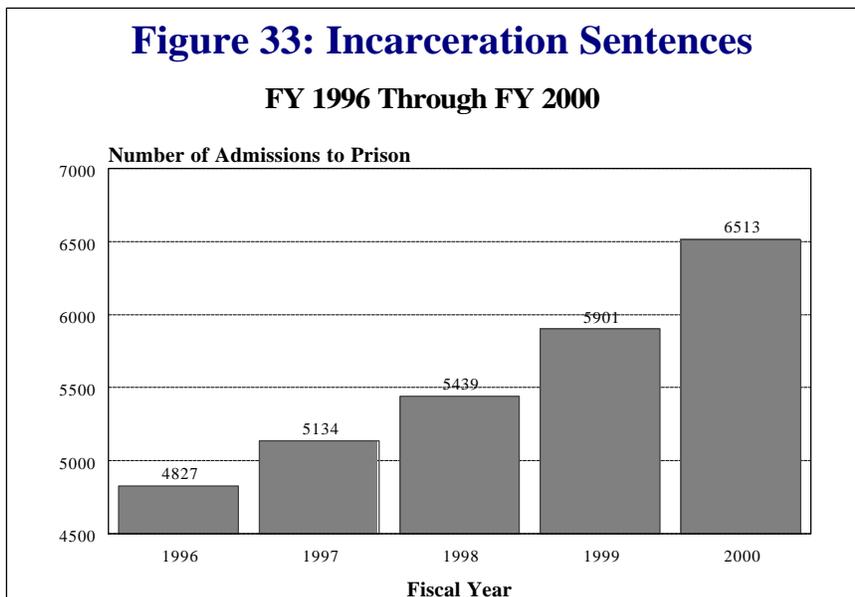
<b>Severity Level and Gender</b>	<b>N</b>	<b>Presumptive Probation (%)</b>	<b>Border Boxes(%)</b>	<b>Downward Disposition(%)</b>
N1				
Male	5			100.0
N2				
Male	2			100.0
N3				
Male	35			100.0
Female	1			100.0
N4				
Male	17			100.0
N5				
Male	178		75.8	24.2
Female	16		81.3	18.8
N6				
Male	84	81.0	3.6	15.5
Female	3			100.0
N7				
Male	755	96.0		4.0
Female	82	96.3		3.7
N8				
Male	398	96.5		3.5
Female	248	100.0		
N9				
Male	1,586	95.5		4.5
Female	283	98.9		1.1
N10				
Male	335	96.4		3.6
Female	125	100.0		
<b>TOTAL</b>				
<b>Male</b>	<b>3,395</b>	<b>88.8</b>	<b>4.1</b>	<b>7.1</b>
<b>Female</b>	<b>758</b>	<b>97.0</b>	<b>1.7</b>	<b>1.3</b>

Based on 4,153 nondrug probation sentences reporting gender of offenders.

## CHAPTER FIVE SENTENCING TRENDS AND FORECAST

### INCARCERATION SENTENCES

In FY 2000, the total number of incarceration sentences increased by 10.4% compared with that of FY 1999. The total number of FY 2000 prison admissions indicated an increase of 35% from the 4,827 admissions reported in FY 1996 (Figure 33).



Monthly prison admission rates in FY 2000 demonstrate a different pattern when compared to FY 1996 through FY 1999 (Figure 34). The highest monthly admission rate in FY 2000 is in June that is the end of FY 2000.

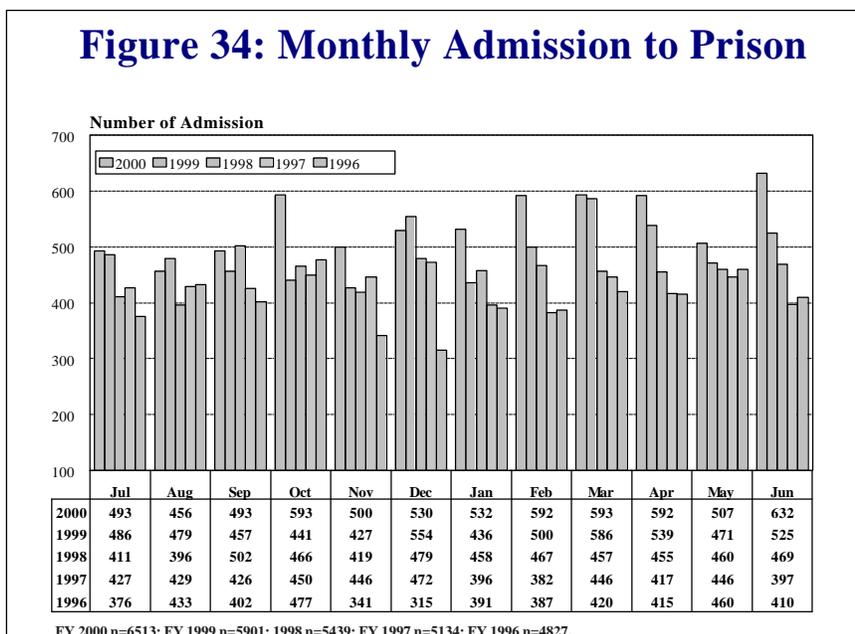
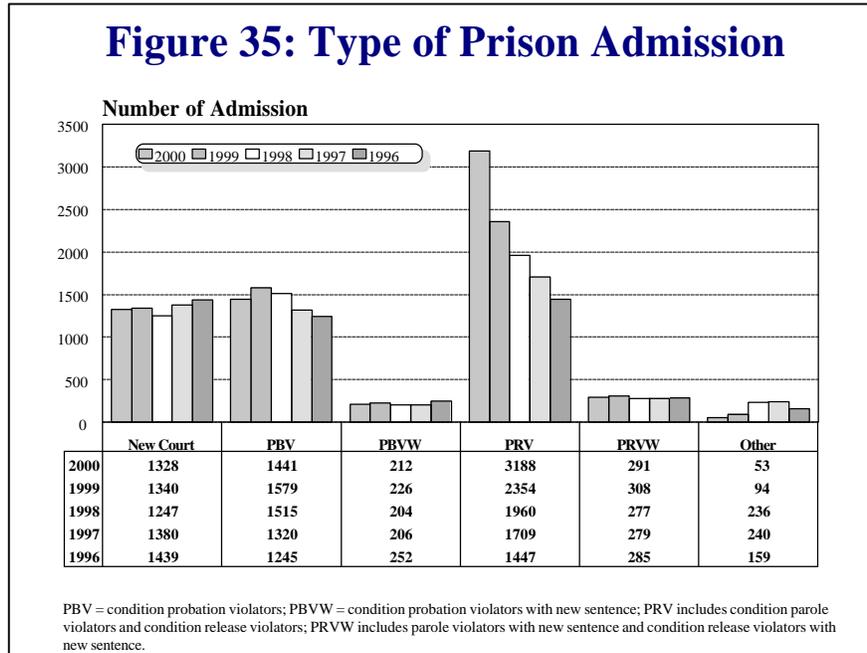


Figure 35 and Table 36 represent the types of admissions to prison during the past five years.



**Table 36: Comparison of Prison Admissions from FY 1996 to FY 2000**

Admission Type	FY 2000	FY 1999	FY1998	FY 1997	FY 1996	FY 2000-1996 % Difference
New Court Admission	1328	1340	1247	1380	1439	-7.7%
Probation Violator	1441	1579	1515	1320	1245	15.7%
Probation Violator with New Sentence	212	226	204	206	252	-15.9%
Parole/Postrelease Violator	3084	2236	1847	1624	1364	126.1%
Parole/Postrelease Violator with New Sent	284	295	262	269	265	7.2%
Conditional Release Violator	104	118	113	85	83	25.3%
Conditional Release Violator with New Sent	7	13	15	10	20	-65.0%
Other Types*	53	94	236	240	159	-66.7%
<b>Total</b>	<b>6513</b>	<b>5901</b>	<b>5439</b>	<b>5134</b>	<b>4827</b>	<b>34.9%</b>

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

The total number of admissions to prison in FY 2000 indicated an increase of 10.4% when compared with the total number in FY 1999. Further analyses demonstrated that all types of admissions to prison in FY 2000 decreased, except the admissions of parole/postrelease condition violators, which indicated an increase of approximately 38%.

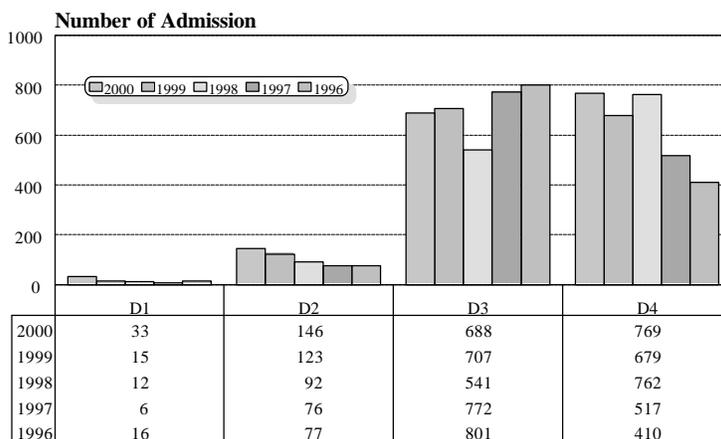
When compared with FY 1996, directly new court admissions to prison, probation violators with new sentence and conditional release violators with new sentence decreased by 7.7%, 15.9% and 65%, respectively. The largest increase in numbers and percentage during the past five years is parole/postrelease condition

violators, which indicated an increase of 126% or 1720 admissions. When compared with that number of FY 1996, conditional

release violators went up by 25%, while probation condition violators increased by 15.7% (Table 36).

As illustrated in Figure 36 and Table 37, drug sentences in all levels increased except those in drug level 3, which indicated a decrease of 2.7% when compared with FY 1999 and a decrease of 14% when compared with FY 1996 (Table 37).

**Figure 36: Drug Offenders by Severity Level**

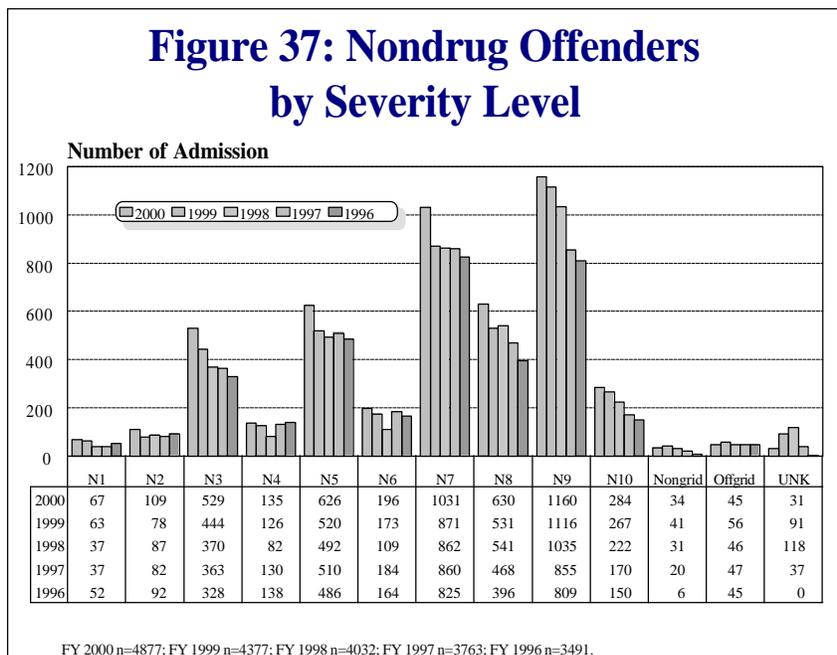


FY 2000 n=1636; FY 1999 n=1524; FY 1998 n=1407; FY 1997 n=1371; FY 1996 n=1304.

**Table 37: Comparison of Drug Offenders by Severity Level From FY 1996 To FY 2000**

Severity Level	FY 2000	FY 1999	FY 1998	FY 1997	FY 1996	FY 2000-1999 % Difference	FY 2000-1996 % Difference
D1	33	15	12	6	16	120.0%	106.3%
D2	146	123	92	76	77	18.7%	89.6%
D3	688	707	541	772	801	-2.7%	-14.1%
D4	769	679	762	517	410	13.3%	87.6%
<b>Total</b>	<b>1636</b>	<b>1524</b>	<b>1407</b>	<b>1371</b>	<b>1304</b>	<b>7.3%</b>	<b>25.5%</b>

Figure 37 and Table 38 demonstrated the different patterns of nondrug admissions to prison during the past five years from FY 1996 to FY 2000 by severity levels.



**Table 38: Comparison of Nondrug Offenders by Severity Level From FY 1996 To FY 2000**

Severity Level	FY 2000	FY 1999	FY 1998	FY 1997	FY 1996	FY 2000-1999 % Difference	FY 2000-1996 % Difference
N1	67	63	37	37	52	6.4%	28.8%
N2	109	78	87	82	92	39.7%	18.5%
N3	529	444	370	363	328	19.1%	61.3%
N4	135	126	82	130	138	7.1%	-2.2%
N5	626	520	492	510	486	20.4%	28.8%
N6	196	173	109	184	164	13.3%	19.5%
N7	1031	871	862	860	825	18.4%	25.0%
N8	630	531	541	468	396	18.6%	59.1%
N9	1160	1116	1035	855	809	3.9%	43.4%
N10	284	267	222	170	150	6.4%	89.3%
Offgrid	45	56	46	47	45	-19.6%	0.0%
Other*	65	132	149	57	6	-50.8%	983.3%
<b>Total</b>	<b>4877</b>	<b>4377</b>	<b>4032</b>	<b>3763</b>	<b>3491</b>	<b>11.4%</b>	<b>39.7%</b>

\* Other includes nongrid and unknown.

Drug sentences in FY 2000, when compared with that in FY 1999, increased by 7.3%, while nondrug sentences increased by 11.4% from FY 1999 (Table 37 and Table 38). However, when compared with the data from FY 1996, drug sentences indicate an increase of 25.5%, while nondrug sentences demonstrated an increase of 39.7 % (Table 37 and Table 38). The number of drug sentences in all severity levels increased in FY 2000 except for drug level 3, which decreased by about 2.7% from the previous year and by 14% from that of FY 1996. The largest increase in percentage for drug offenders in FY 2000 fell on drug grid level one, which increased by 120% from FY 1999 and 106% from FY 1996. The largest increase in numbers for drug offenders fell on drug severity level 4 (Table 37). The largest decrease for nondrug offenders occurred in nondrug severity level offgrid, which dropped nearly 20% from FY 1999 (Table 38). However, the number of nondrug severity level 2 rose by nearly 40%

from FY 1999. 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 five years of complete probation data, which had been reported to the Commission from FY 1996 to FY 2000. Distributions of probation sentences for the past five years are illustrated in Figure 38. Unlike incarceration sentences, probation sentences demonstrate a decrease trend in FY 2000 but an increase trend over the past four years from FY 1996 to FY1999 (Figure 38). The decrease of probation sentences in FY 2000 was due to the changes from felony provisions to misdemeanors for the offenses of driving while suspended and driving while a habitual violator during 1999 Legislature.

The total number of probation sentences in FY 2000 indicated a decrease of 6.4% when compared with that of FY 1999 but an increase of 4.9% from the FY 1996 number.

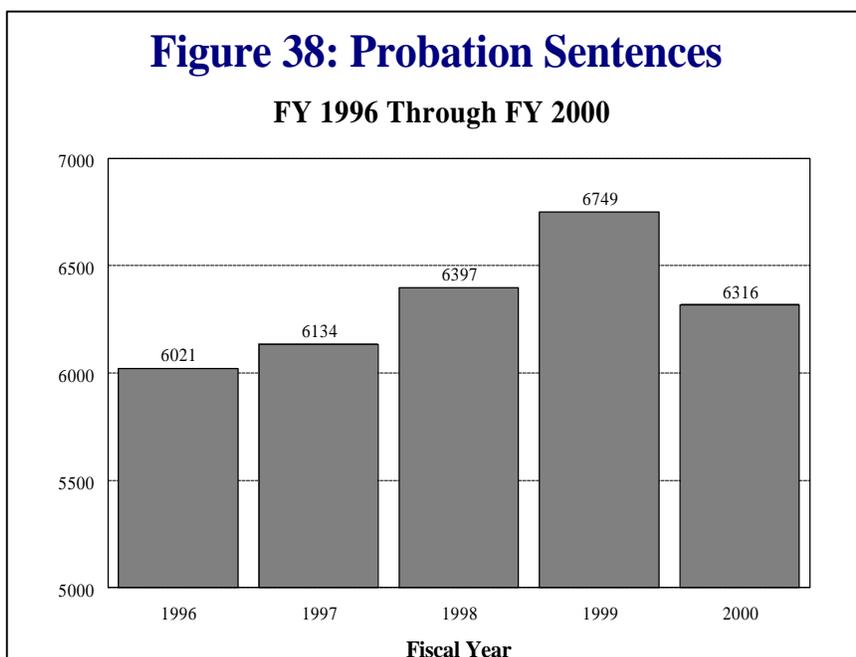
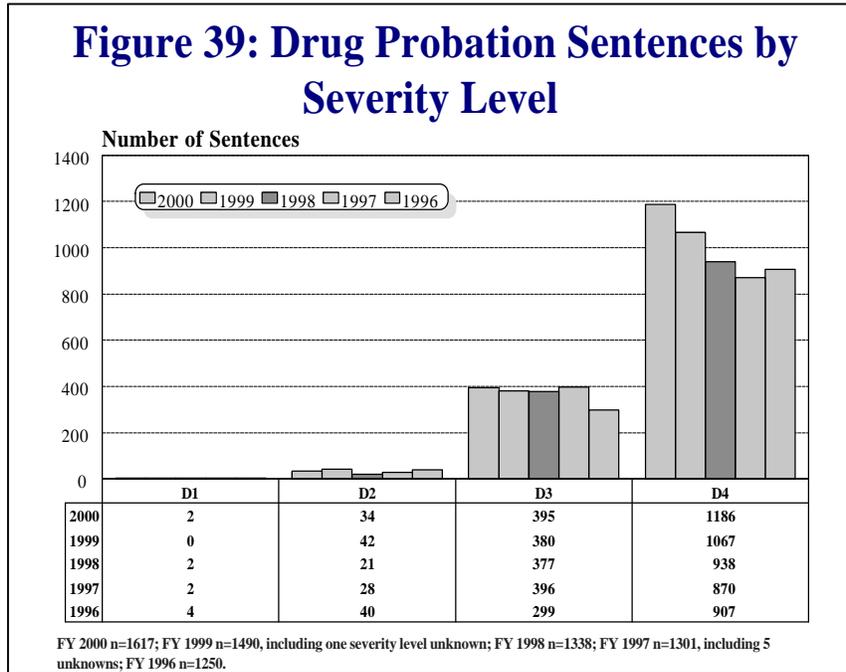


Figure 39 and Table 39 illustrates the changes of probation sentences for drug offenses by severity levels during the past five years. The total number of drug probation sentences in FY 2000 increased by 8.5% from that of FY 1999 and 29.4% from the FY 1996 number. The largest percentage decrease of probation sentences for drug offenses fell within drug level 2. The largest increase in numbers for drug probation sentences is shown in severity level 4 (Table 39).



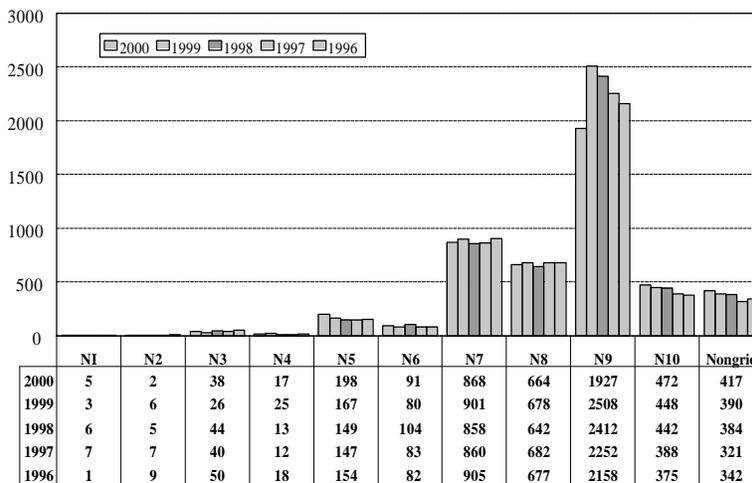
**Table 39: Comparison of Probation Sentences for Drug Offenses by Severity Level  
FY 1996 Through FY 2000**

Severity Level	FY 2000	FY 1999	FY 1998	FY 1997	FY 1996	FY 2000-1999 % Difference	FY 2000-1996 % Difference
D1	2	0	2	2	4	200.0%	-50.0%
D2	34	42	21	28	40	-19.0%	-15%
D3	395	380	377	396	299	3.9%	32.1%
D4	1186	1067	938	870	907	11.2%	30.8%
<b>Total</b>	<b>1617</b>	<b>1490*</b>	<b>1338</b>	<b>1301*</b>	<b>1250</b>	<b>8.5%</b>	<b>29.4%</b>

\* 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 2000 probation sentences for nondrug offenses indicated a decrease of 10.6% from the FY 1999 number but an increase of 1.5% from that of FY 1996. The largest decrease in numbers of sentences fell within nondrug level 9, while the largest percentage of increase is indicated on nondrug level one, but the number is very small.

**Figure 40: Nondrug Probation Sentences by Severity Level**



FY 2000 n=4699; FY 1999 n=5259, including 27 severity level unknowns; FY 1998 n=5095; FY 1997 n=4833, including 34 unknowns; FY 1996 n=4771.

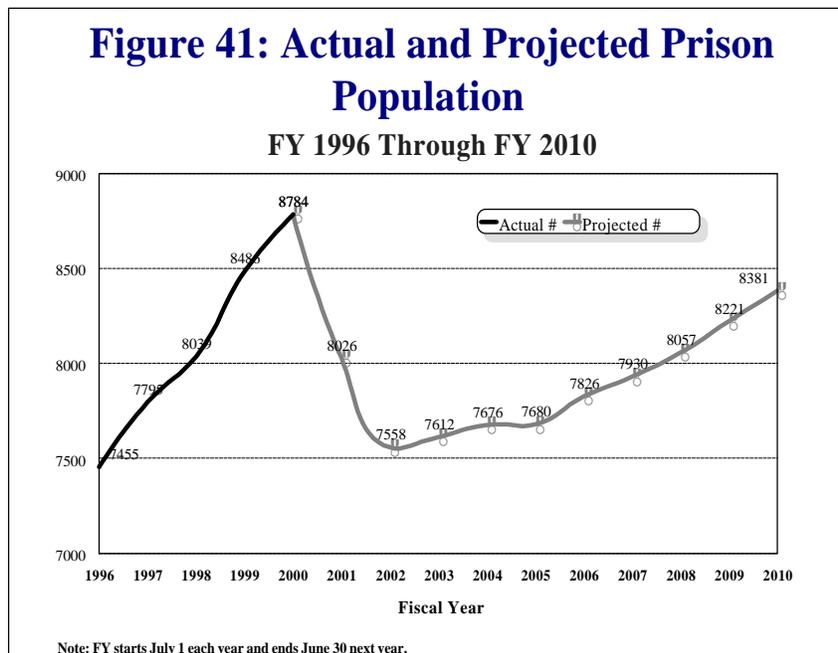
**Table 40: Comparison of Probation Sentences for Nondrug Offenses by Severity Level FY 1996 Through FY 2000**

Severity Level	FY 2000	FY 1999	FY 1998	FY 1997	FY 1996	FY 2000-1999 % Difference	FY 2000-1996 % Difference
N1	5	3	6	7	1	66.7%	400.0%
N2	2	6	5	7	9	-66.7%	-77.8%
N3	38	26	44	40	50	46.2%	-24.0%
N4	17	25	13	12	18	-32.0%	-5.6%
N5	198	167	149	147	154	18.6%	28.6%
N6	91	80	104	83	82	13.8%	11.0%
N7	868	901	858	860	905	-3.7%	-4.1%
N8	664	678	642	682	677	2.1%	1.9%
N9	1927	2508	2412	2252	2158	-23.2%	-10.7%
N10	472	448	442	388	375	5.4%	25.9%
Nongrid	417	390	384	321	342	6.9%	21.9%
<b>Total</b>	<b>4699</b>	<b>5259*</b>	<b>5059</b>	<b>4833*</b>	<b>4771</b>	<b>-10.6%</b>	<b>-1.5%</b>

\* 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 1996 through FY 2010.



Offenders incarcerated in state prisons are projected to reach 8,381 by June 30, 2010, which indicates a significant decrease of 403 inmates or 4.6% from the FY 2000 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 3, followed by nondrug severity levels 1 and 2. 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 is tripled from 67 to 195 over the ten-year projection period. Drug severity level 2 also shows an increase in required prison beds of 31.5% by the end of FY 2010.

The decreases in number of population for drug severity levels 3 and 4 offenders and nondrug levels 8, 9 and 10 offenders during the forecasting period are due to the impacts of Senate Bill 323 that passed in the 2000 Legislature. In return, the decreases of those less serious and violent offenders admitted to prison result in the decrease of beds for condition parole/postrelease violators.

**Table 41: Ten Years Inmate Prison Population Projection**

Severity Level	June 30 Each Fiscal Year											Total # Increase	Percent Increase
	2000*	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010		
D1	67	89	103	117	132	144	156	169	182	187	195	128	191.0%
D2	267	292	304	320	343	344	333	336	359	357	351	84	31.5%
D3	502	406	323	324	318	328	361	381	378	384	403	-99	-19.7%
D4	439	343	236	267	297	302	268	245	272	287	284	-155	-35.3%
N1	576	607	636	652	679	680	692	709	723	738	748	172	29.9%
N2	533	550	576	594	611	621	641	664	678	689	704	171	32.1%
N3	1246	1260	1311	1337	1362	1392	1437	1455	1495	1521	1566	320	25.7%
N4	281	269	258	255	262	267	260	267	270	300	292	11	3.9%
N5	837	775	750	784	781	810	858	879	872	881	910	73	8.7%
N6	187	149	144	136	139	140	149	147	149	160	174	-13	-7.0%
N7	741	706	711	729	765	767	790	801	800	798	815	74	10.0%
N8	317	341	282	284	258	262	273	274	299	312	279	-38	-12.0%
N9	387	226	107	129	133	149	152	134	135	147	149	-238	-61.5%
N10	59	42	14	18	26	29	34	37	26	29	32	-27	-45.8%
Offgrid	574	625	662	705	749	795	840	887	934	981	1029	455	79.3%
Condition Parole Violators	1771	1346	1141	961	821	650	582	545	485	450	450	-1321	-74.6%
<b>Grand Total</b>	<b>8784</b>	<b>8026</b>	<b>7558</b>	<b>7612</b>	<b>7676</b>	<b>7680</b>	<b>7826</b>	<b>7930</b>	<b>8057</b>	<b>8221</b>	<b>8381</b>	<b>-403</b>	<b>-4.6%</b>

\* Based on the actual prison population on that date (for the purpose of forecasting nongrid and missing are analyzed and assigned to each level).

## 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, by the end of FY 2001, the forecasted prison population will reach 8,026. Of that total population, it is projected that 180 unclassified beds, 2,660 minimum beds, 3,336 medium beds, 1,380 maximum beds, and 470 special treatment beds will be needed by the end of FY 2001. By the end of FY 2010, the total prison population is expected to reach 8,381 and the projected beds needed at each custody level will be 160 unclassified beds, 2,688 minimum beds, 3,348 medium beds, 1,671 maximum beds, and 514 special treatment beds.

The classification percentage distribution of the total population is projected to be 2.2% for unclassified, 33.1% for minimum custody, 41.6% for medium custody, 17.2% for maximum custody, and 5.9% for special treatment by the end of FY 2001. This percentage distribution remains nearly constant for the unclassified and special management beds during the ten-year forecasting period. However, the percentages of minimum and medium beds will decrease by 1% and 1.7% respectively and the percentage of maximum custody beds will increase by 2.7% in FY 2010. These findings reflect the impacts of the Senate Bill 323 passed during the 2000 Legislature and the “stacking effect” of incarceration of serious and violent offenders.

**Table 42: Ten Years Custody Classification Projection**

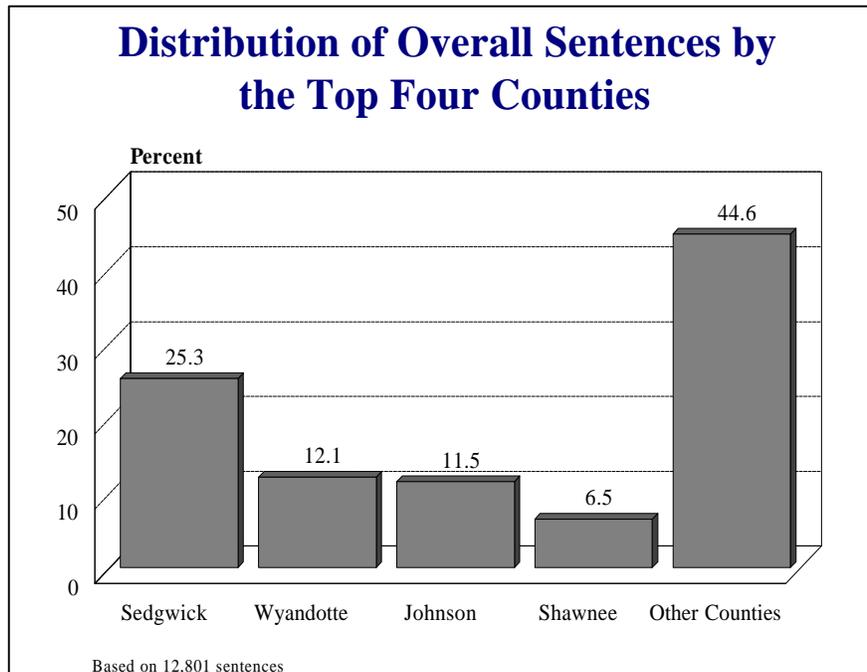
<b>Fiscal Year</b>	<b>Unclassified</b>	<b>Minimum</b>	<b>Medium</b>	<b>Maximum</b>	<b>Special</b>	<b>Total</b>
2001	180	2660	3336	1380	470	8026
2002	153	2428	3126	1364	487	7558
2003	156	2485	3126	1387	458	7612
2004	138	2445	3182	1434	477	7676
2005	151	2443	3163	1440	483	7680
2006	148	2485	3179	1526	488	7826
2007	156	2513	3223	1540	498	7930
2008	146	2546	3318	1569	478	8057
2009	144	2662	3271	1622	522	8221
2010	160	2688	3348	1671	514	8381

## APPENDIX I SENTENCES FROM THE TOP FOUR COUNTIES

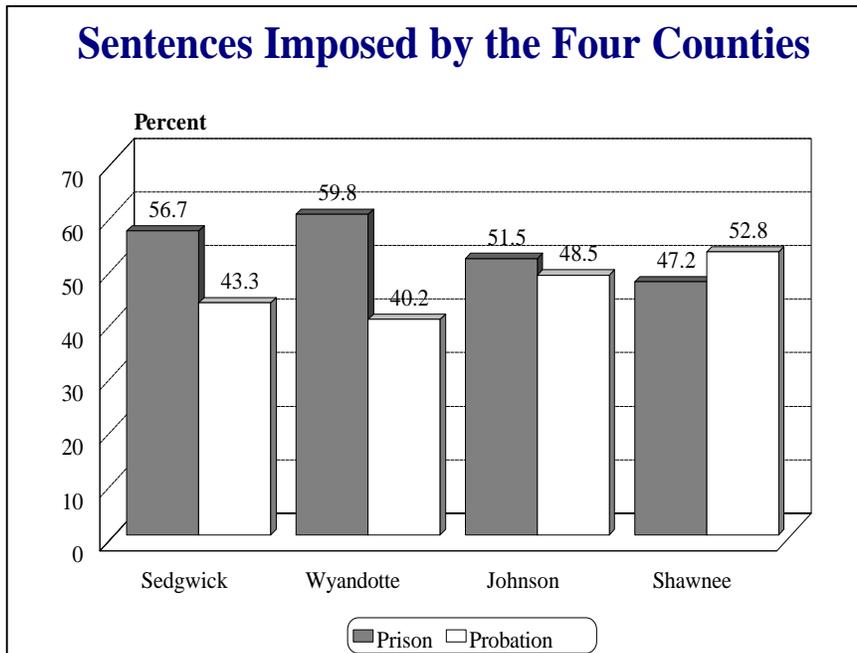
Sentences received by the Commission in FY 2000 demonstrated that Sedgwick, Wyandotte, Johnson and Shawnee counties accounted for 55.4% of the total state sentences. This percentage has increased by 1.9% from FY 1999. Sedgwick remained the top committing county followed by Wyandotte, Johnson, and Shawnee counties. In comparison with the FY 1999 sentences,

Sedgwick County's sentences increased by 3.4%, while Johnson County's sentences decreased by 1%, followed by Wyandotte County (0.3%), and Shawnee County (0.2%). Characteristics of offenses and offenders from the four counties are displayed in the following figures and tables.

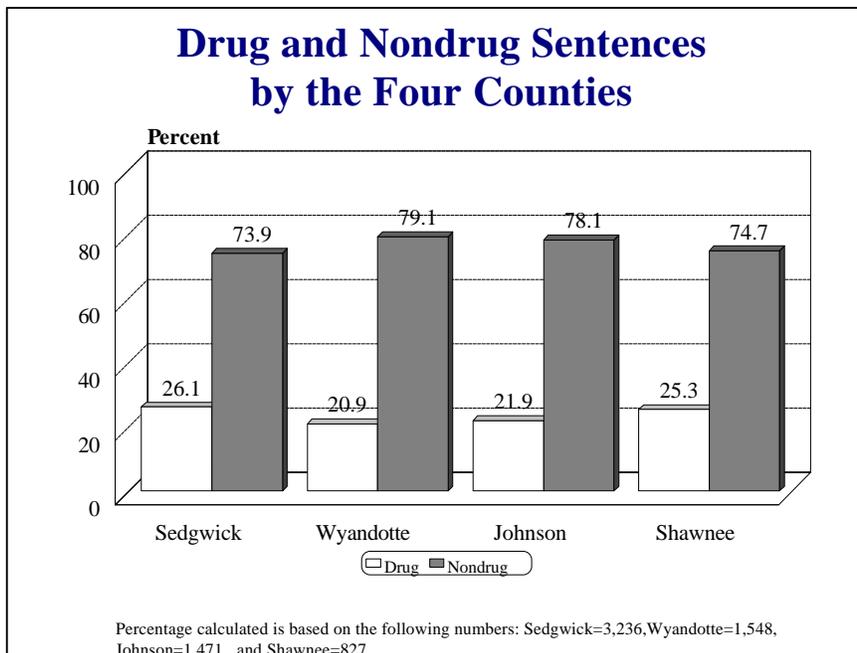
Sedgwick, Wyandotte, Johnson, and Shawnee Counties accounted for 55.4% of the total state sentences in FY 2000.



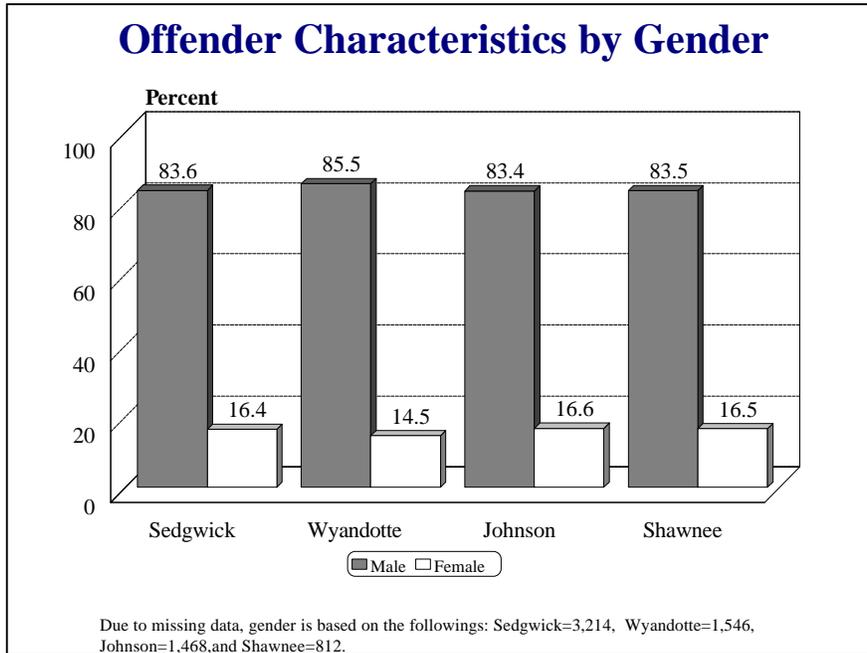
Shawnee County imposed more probation sentences than the other three counties, while Wyandotte County had the highest percentage of prison sentences among the four counties.



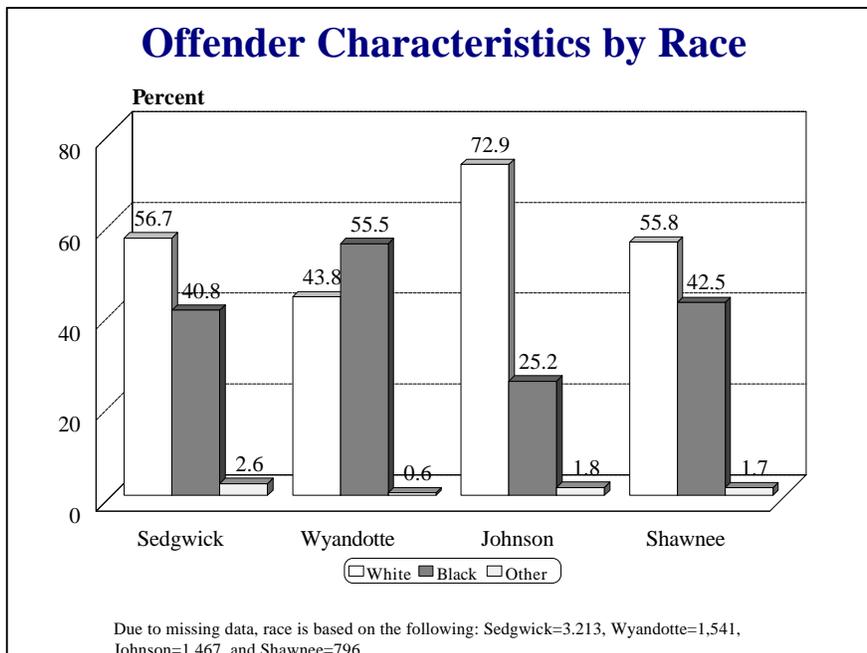
Sedgwick County had the highest percentage of drug sentences, while Wyandotte County imposed the largest number of nondrug sentences.



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



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



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**FY 2000 Sentences from the Four Counties by Severity Level**

Severity Level	Sedgwick		Wyandotte		Johnson		Shawnee	
	N	%	N	%	N	%	N	%
D1	13	0.4	0	0.0	0	0.0	0	0.0
D2	62	2.0	9	0.6	7	0.5	5	0.6
D3	309	9.5	79	5.1	98	6.7	57	6.9
D4	461	14.2	236	15.2	217	14.7	147	17.8
N1	21	0.6	13	0.8	4	0.3	3	0.4
N2	28	0.9	11	0.7	7	0.5	10	1.2
N3	195	6.0	81	5.2	39	2.7	15	1.8
N4	53	1.6	18	1.2	12	0.8	9	1.1
N5	235	7.3	122	7.9	86	5.8	45	5.4
N6	66	2.0	42	2.7	25	1.7	11	1.3
N7	459	14.2	249	16.1	169	11.5	115	14.0
N8	352	11.0	117	7.6	177	12.0	83	10.0
N9	819	25.3	321	20.7	373	25.3	216	26.1
N10	71	2.2	210	13.6	197	13.4	87	10.5
Nongrid	79	2.4	25	1.6	56	3.8	23	2.8
Offgrid	10	0.3	15	1.0	4	0.3	1	0.1
Unknown	3	0.1	0	0.0	0	0.0	0	0.0
<b>Total</b>	<b>3,236</b>	<b>100.0</b>	<b>1,548</b>	<b>100.0</b>	<b>1,471</b>	<b>100.0</b>	<b>827</b>	<b>100.0</b>

**Top Ten Most Common Offenses by the Four Counties – 1**

Offense Type	Sedgwick County		Offense Type	Wyandotte County	
	N	%		N	%
Drugs	845	26.1	Drugs	324	20.9
Driving While a Hab Viol	383	11.8	Theft	223	14.4
Burglary	309	9.5	Burglary	162	10.5
Forgery	209	6.5	Forgery	123	7.9
Theft	200	6.2	Aggravated Battery	88	5.7
Aggravated Battery	171	5.3	Robbery	83	5.4
Robbery	136	4.2	Aggravated Assault	67	4.3
Aggravated Robbery	110	3.4	Aggravated Robbery	49	3.2
Aggravated Assault	79	2.4	Driving While a Hab Viol	45	2.9
DUI	71	2.2	Agg Indecent Lib w/Child	31	2.0
<b>Total</b>	<b>2,513</b>	<b>77.6</b>	<b>Total</b>	<b>1,195</b>	<b>77.2</b>

**Top Ten Most Common Offenses by the Four Counties – 2**

Offense Type	Johnson County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	322	21.9	Drugs	210	25.4
Theft	239	16.2	Forgery	87	10.5
Burglary	158	10.7	Burglary	70	8.5
Forgery	155	10.5	Driving While a Hab Viol	59	7.1
Aggravated Battery	56	3.8	Aggravated Battery	57	6.9
DUI	55	3.7	Robbery	50	6.0
Criminal Threat	41	2.8	Theft	49	5.9
Aggravated Assault	37	2.5	Criminal Threat	27	3.3
Agg Indecent Lib w/Child	37	2.5	Driving While Suspended	22	2.7
Nonsupport of Child /Spouse	31	2.1	DUI	22	2.7
<b>Total</b>	<b>1,131</b>	<b>76.7</b>	<b>Total</b>	<b>653</b>	<b>79.0</b>

## APPENDIX II TRENDS OF SELECTED OFFENSES

### TOP FIVE MOST FREQUENT OFFENSES

The top five most frequent offenses from FY 1996 through FY 2000 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, 60.7% (N=7,678) in FY 1999 and 58.4% (N=7,487) in FY 2000. The following table displays the trends of the top five offenses from FY 1996 to FY 2000.

#### Top Five Most Frequent Offenses: Incarceration and Probation Sentences FY 1996 Through FY 2000

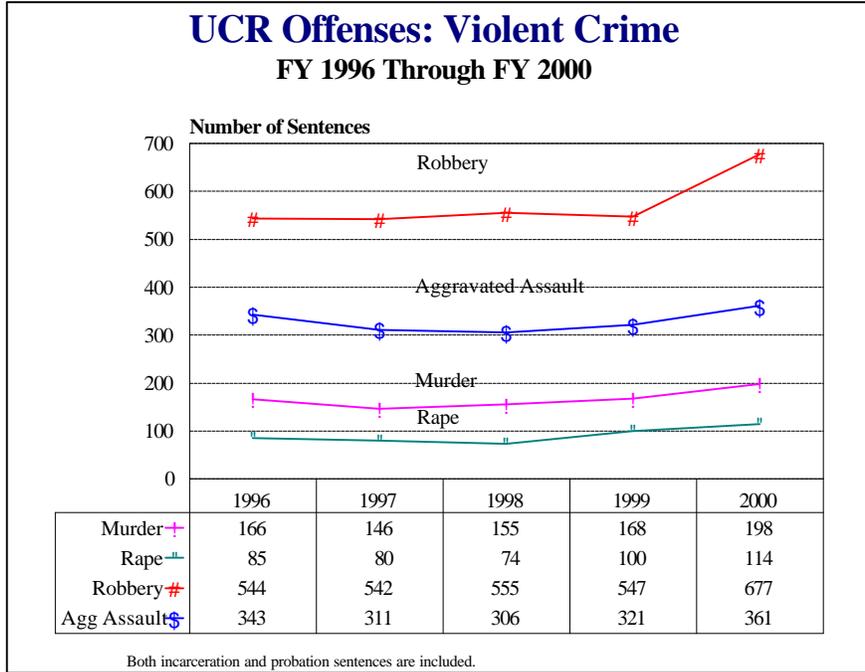
Top Five Offenses	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000
Drugs	2,570	2,675	2,745	3,014	3,254
Burglary	1,536	1,529	1,427	1,515	1,368
Theft	1,051	1,103	1,084	1,211	1,158
Forgery	781	849	836	873	967
Habitual Violator	531	754	1,075	1,065	740
<b>Subtotal</b>	<b>6,469</b>	<b>6,910</b>	<b>7,167</b>	<b>7,678</b>	<b>7,487</b>
<b>Total Offenses</b>	<b>10,848</b>	<b>11,268</b>	<b>11,836</b>	<b>12,650</b>	<b>12,829</b>

### UNIFORM CRIME REPORTING (UCR) OFFENSES

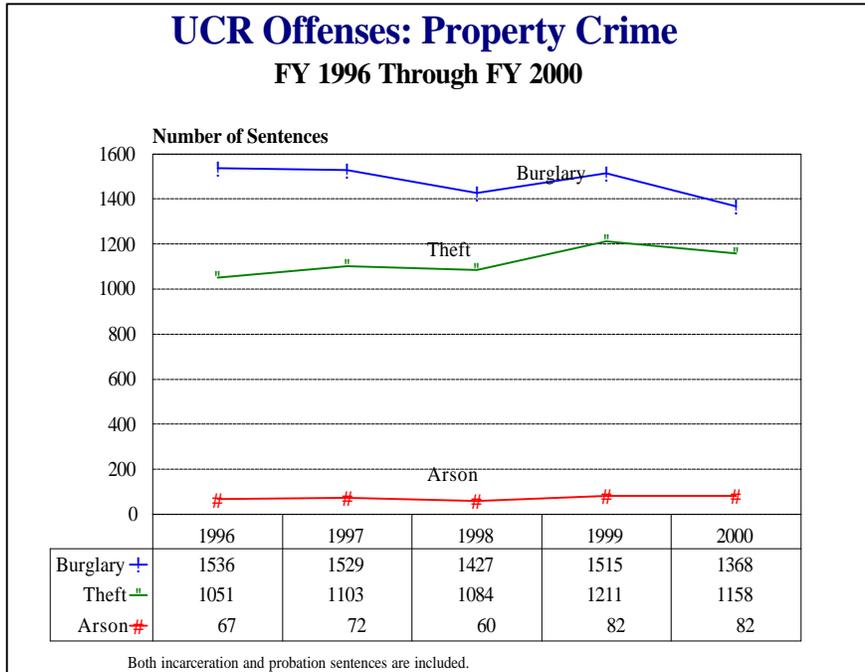
The UCR offenses are murder, rape, robbery, aggravated assault, burglary, larceny-theft/ motor vehicle theft, and arson. These are serious crimes by nature and/or volume, which are most likely to be reported and most likely to occur with sufficient frequency to provide an adequate basis for comparison (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 2000, 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 were comparatively consistent up to FY 1999. However, the rising tendency was obvious for each of the violent crimes in FY 2000, especially the offense of robbery with an increase of almost 24% 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 2000. The crime of theft from FY 1996 to FY 1999 showed a growing tendency, but it decreased by 4% in FY 2000 compared with that of FY 1999. The crime of burglary dropped nearly 10% in FY 2000. It may continue to drop in the subsequent years due to the new special sentencing rules passed in the 1999 Kansas Legislature.



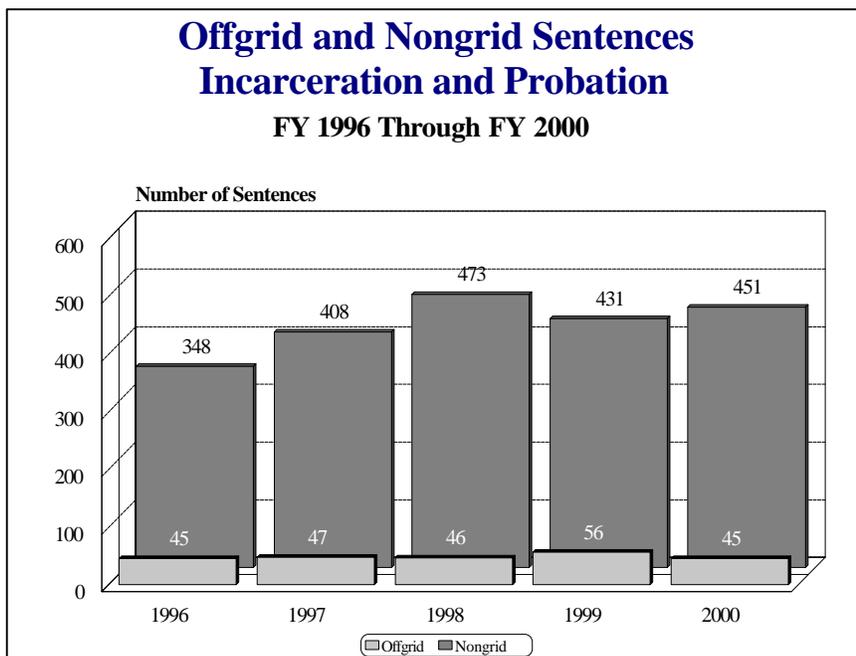
## OFF-GRID AND NON-GRID CRIMES

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 -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 2000 except FY 1999, when the off-grid sentences increased by 21.7% compared with that in FY 1998. The non-grid crimes from FY 1996 to FY 2000 demonstrated an increasing pattern with the highest sentence number in FY 1998 (N=473).

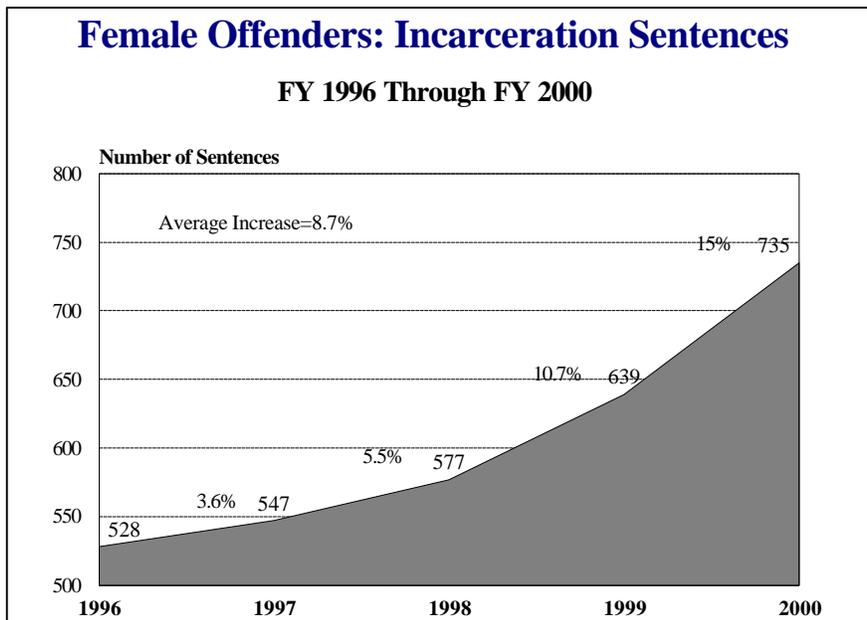


**FEMALE OFFENDERS**

The number of female offenders in prison has increased since FY 1996, which is consistent with the rising tendency of the total number of incarceration sentences (Page 64). The sentencing pattern of female

offenders on probation is the same with the total probation sentences, rising from FY 1996 to FY 1999 and falling in FY 2000 (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 2000.

The average growth rate for the female offenders sentenced to prison from FY 1996 to FY 2000 is 8.7%. The highest annual increase rate during this period was 15% indicated in FY 2000.



Female probation sentences peaked in FY 1999 with an increase of 17.4% from the previous year, but decreased 7.1% in FY 2000 when compared with that in FY 1999. The average increase rate from FY 1996 to FY 2000 is 5.6%.

