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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.
June 3, 2002

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 2001 Annual Report of the Sentencing Commission.

Information provided in this report is extracted from the felony sentencing database that is maintained by the Sentencing Commission and reflects sentencing data provided to the Commission through sentencing journal entry forms submitted from each Judicial District in the state. This report provides a comprehensive examination of felony sentences imposed during fiscal year 2001. In addition, the report provides an analysis of conformity to guidelines for both prison and nonprison felony sentences and sentencing trends for the state. Finally, the report presents the ten-year prison population projections for state correctional facilities.

Fiscal year 2001 marks the eighth 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. The Commission reviewed issues of proportionality in sentencing and the impact of current sentencing policy on prison population growth. This report is intended to provide policy makers and practitioners with an overview of felony sentencing practices and trends for the state of Kansas.

The Commission wishes to acknowledge those individuals in the field whose diligent work with the guidelines enables us to produce this report. If you have any questions regarding this report or the Sentencing Commission in general, please contact our office.

Respectfully Submitted,

Barbara S. Tombs
Executive Director
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EXECUTIVE SUMMARY

Activities focused on during FY 2001 by the Kansas Sentencing Commission included processing all felony sentencing journal entries, monitoring both prison and nonprison guideline sentences statewide, responding to national, state, and county requests regarding sentencing data, conducting training seminars on guidelines and various sentencing issues, producing annual state prison population projections, custody classification forecasts and providing prison bedspace impacts to the legislature and serving as an information resource for various state criminal justice agencies. The Commission spent considerable time and energy examining sentencing issues related to the implementation of sentencing guidelines. The following identifies some of the major sentencing issues presented in the report and significant developments that occurred during FY 2001.

VIOLATORS

In examining the types and number of violators sentenced to prison during FY 2001, condition probation violators, parole/postrelease supervision condition violators and conditional release violators accounted for almost 67% (3,991) of the total prison admissions in FY 2001, representing a decrease of 13.8% from FY 2000. Of the total number of violators sentenced to prison, there were 1,330 condition probation violators, 2,552 parole/postrelease supervision condition violators, and 109 conditional release violators (page 28). Further analyses indicated that the largest decrease in condition violators was found among the parole/postrelease supervision condition violator group, which indicated a decrease of 17% from FY 2000. SB 323, which was passed into law in May 2000, modified periods of postrelease supervision which directly impacted the reduction in the number of condition violators returned to prison. Condition probation violators also decreased by nearly 8% when compared to FY 2000. This is the second year that the number of condition probation violators admitted to prison has decreased since the guidelines were implemented in 1993. The first time a decrease of condition probation violators occurred was in FY 2000 (page 59).

The highest number of males sentenced to prison for condition violations were classified as having offenses on severity level seven of the nondrug grid and severity level three of the drug grid. Females, however, were most often revoked and placed in prison for condition violations of offenses designated on severity level eight of the nondrug grid and severity level four of the drug grid (page 31). This pattern of the female condition violators is consistent with data findings in FY 1998, FY 1999 and FY 2000.

When compared with FY 2000 data, condition probation violators who were either sentenced to continued or extended probation for a violation in FY 2001 increased from 1,430 to 1,477. However, condition probation violators with new
convictions who had their probation sentence either continued or extended decreased from 167 to 151. These offender groups represent 46.8% of the total 3,154 condition probation violators in FY 2001 and 35.2% of the total 429 probation violators with new convictions respectively (page 40).

CONFORMITY TO SENTENCING GUIDELINES

In analyzing sentencing data, one area indicating the effectiveness of sentencing guidelines is the rate of conformity. The comparison of the actual sentence imposed to the sentence identified under the Sentencing Guidelines Act provides a measure of whether the designated sentence 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, serve as a measure of conformity.

During FY 2001, 7,076 pure guideline sentences were analyzed to determine conformity to the guidelines. Approximately 83% (5,864 sentences) of the guideline sentences fell within the designated guideline sentence range. Dispositional departures accounted for 11.2% of sentences and durational departures were found in 5.9% of sentences (page 43).

In examining presumptive prison sentences, 32.2% of the sentences imposed fell within the standard range of the grid cell. In addition, 11.4% of all sentences were designated in the aggravated range; 21.2% in the mitigated range and 35.2% were classified as border box sentences (page 44).

In an examination of durational departures, 51.8% of the durational departures were designated as downward durational departures, while 48.2% indicated upward durational departures (page 44). These percentages demonstrate a fairly equal distribution between the two types of durational departure sentences imposed.

However, further analysis of drug departure sentences revealed at 75.5% of durational departures were downward compared to only 37.9% for nondrug departure sentences (page 46).

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 48). This pattern of durational departures has remained fairly consistent over the past three years.

Dispositional departures are indicated when the sentence imposed, prison or nonprison, is different than the sentence designated under the sentencing guidelines. Only upward dispositional departures are applicable to prison sentences imposed. When drug and nondrug sentences are compared, nondrug sentences indicate a 31.2% upward dispositional departure rate while drug sentences only represented a 6.1% upward dispositional departure rate. When comparing data between FY 2000 and FY 2001, nondrug upward dispositional departures increased by 1.6% while drug dispositional departures decreased by 1.1% (page 46).
**Executive Summary**

**INCARCERATION SENTENCES**

The Commission reviews data on characteristics of offenders sentenced to prison, including gender, race and offense type. Males continued to be the predominant offender type, accounting for 91.4% of all offenders sentenced to prison. In addition, males also accounted for over 90% of the offenses of murder in the second degree, sex offenses, kidnapping, robbery, burglary, possession of firearms, traffic in contraband, criminal damage to property, sale of drugs and other aggravated crimes. Females were incarcerated more often for the offenses of forgery, false writing, giving worthless checks and possession of drugs (pages 14, 15 & 16).

White offenders represented almost 61% of individuals incarcerated in state prisons and 93.7% of all offenders were of non-Hispanic origin. The highest percentages 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, aggravated arson, arson, contributing to child’s misconduct, criminal damage to property and DUI.

**PROBATION SENTENCES**

In FY 2001, the Commission received a total of 6,138 felony probation sentences, which represent convictions for 4,260 nondrug offenses and 1,878 drug offenses. The distribution of probation sentences indicates that 1,453 sentences were for person offenses, while 4,685 sentences were for nonperson offenses.

Among drug offenders receiving probation sentences, more than 70% of the sentences were for possession of drugs (page 31). Furthermore, an examination of criminal history classification indicates that 43% of drug probation offenders fell within criminal history category I, whereas only 36% of nondrug probation offenders fell within that same criminal history category.

Nearly 53% of probation drug offenders fell within the presumptive probation grid cells compared to 88% of nondrug offenders. Meanwhile, 36% of probation drug sentences fell within the designated border box grids compared to 4% 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 non-prison sentences found on the drug grid.

The number of reported probation sentences decreased for the second time since FY 1996. The initial decrease was noted in FY 2000. The decrease primarily occurred among the non-person and nondrug sentences. This decrease is the continuous reflection of changes in classification from felony to misdemeanors for the offenses of driving while suspended and driving while a habitual violator, which occurred during the 1999 Legislative session.
Executive Summary

**DRUG SENTENCES**

A comparison of the distribution of drug offenders sentenced to prison indicates an overall increase of 19.7% between FY 1997 to FY 2001. When compared to FY 2000, drug prison sentences in FY 2001 only increased by 5 sentences; however when individual drug grid severity levels are examined, all drug levels indicated an increase, with the exception of drug level four. The most significant increase in drug prison sentences were noted on drug severity level one, representing an increase of 227% or 75 sentences (page 59).

Drug probation sentences in FY 2001 also showed an increase of 16% when compared to FY 2000. Overall drug probation sentences have increased more than 44% over the past five years. The largest number increase can be found on the drug severity level four (page 61).

**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, which is used 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 resources allocations, as well as, policy development relating to sentencing and other criminal justice related areas.

Analysis of overall sentences in FY 2001 reveals that offenders were sentenced most frequently for drug offenses, followed by burglary and theft (pages 9 and 10). The largest number of offenders sentenced to prison were found on severity level seven of the nondrug grid (889), followed by severity level nine (789), severity level five (751) and severity level three of the drug grid (715). Primarily, offenders at lower levels sentenced to prison were due to probation revocations.

Probation sentences were most often received on the nondrug grid for the offenses of burglary, theft, and forgery (pages 23 and 24). In addition, a total of 1,878 offenders received probation sentences for drug offenses, of which nearly 97% fell on levels three and four of drug grids (page 26).

The prison population forecast projects that by FY 2011, a total of 9,585 prison beds will be needed, indicating a total increase of 12.3% or 1,046 beds over the actual prison population in FY 2001. Although the total admissions have decreased and the projected prison population is lower than before the implementation of SB 323, a combination of several developing admission trends combined with the impact of the pronounced stacking effect have resulted in a slower but continual growth in the state’s prison population. The recent decrease in the state’s prison population is primarily 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 results from the offense reclassification from a felony to a misdemeanor for two offenses - driving while suspended and driving while a habitual violator, that occurred during the 1999 Legislative Session (page 64).

The largest projected prison bed increase is for nondrug severity level one offenses, followed by nondrug severity level three and off-grid offenders, which indicates the pronounced “stacking effect” that results from very long sentences, even when the number of admissions to prison each year is limited. Drug severity level one also indicates a notable projected increase in the number of prison beds required over the forecast period due to both increase admissions and lengths of sentences imposed (page 64).

**COMMISSION ACTIVITIES**

In August 2001, the Sentencing Commission held its annual retreat. During the retreat the Commission reviewed the recommendations from the Drug Policy Subcommittee and discussed the national drug policy trends, issues related to the current state drug policy and treatment options available for offenders incarcerated or on probation, community corrections and parole/postrelease supervision. The issues discussed included: the changes in society’s overall philosophy regarding drug use and addiction; the need for a comprehensive statewide policy on the treatment of drug offenders; pathways to treatment; the assessment process of offenders; inadequate number of treatment programs; how the services are funded, and what ancillary services are available.

Commission members discussed the issue of alternatives to incarceration for non-violent drug users. Significant discussion focused on defining the target population of non-violent offenders. At the end of the discussion, the members reached consensus that the Commission would support the concept of diverting non-violent offenders convicted of drug possession and use from prison to treatment options and recommend a comprehensive statewide treatment structure to ensure adequate treatment options for this target population. With the instruction from the Commission, at present, the Drug Policy Subcommittee continues working toward defining a target population for diversion to treatment and identifying a statewide treatment structure that would be necessary for the proposed policy change.

In August 2001, the Commission also hosted the Eighth Annual Conference of National Association of Sentencing Commission in Kansas City. One hundred and thirteen conference participants from Washington, DC and twenty-three states attended the conference. The participants were the representatives of the federal, state and local criminal justice policy advisors and decision-makers, criminal justice practitioners, managers and researchers. The mission of the conference was exploring a “Rational Sentencing in an Ill-Rational World of Crime.” The major topics addressed at the conference: Changing Correctional Population; the Media and Sentencing; and the Impact of Sentencing Policy. These topics were discussed from various criminal justice perspectives during the conference. At the plenary sessions, panels discussed the issues and concerns surrounding the challenges in the
development and retention of rational sentencing policy from various perspectives, dwelled on “Pathways to Rational Sentencing” and presented the trends in new drug growth and patterns throughout the United States. The round table discussion provided opportunities for conference participants to exchange ideas, discuss issues or concerns and learn what assistance is available to them. Sentencing Commissions also received an update on funding sources from National Institute of Justice and Office of Justice Programs and an opportunity to provide feedback identifying research priorities of various sentencing commissions.

REPORT CONTENTS

The content of the Annual Report is presented in five chapters. Chapter One presents a descriptive statistical summary of statewide guideline sentencing practices in FY 2001. Chapter Two focuses on the types and characteristics of violators incarcerated in correctional facilities. Chapter Three evaluates the conformity to the sentencing guidelines of the presumptive prison and probation sentences imposed under the sentencing guidelines. Chapter Four contains analyses on sentencing trends and forecasts, including prison and custody classification projections. Appendix I and Appendix II analyze sentences from the top four counties of felony convictions, the top five offenses, UCR offenses, off-grid and non-grid crimes, and female offenders. Appendix III summarizes the background, history, and activities of the Sentencing Commission since its creation in 1989.
SENTENCES REPORTED IN FISCAL YEAR 2001

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) 2001 include both prison and non-prison/probation sentences.

In FY 2001, a total of 12,127 felony sentences were reported to the Commission, representing a decrease of 5.5% from FY 2000. The distribution of sentences included 5,989 incarceration sentences and 6,138 probation sentences (see Sentencing Distribution Chart). Of that total number of sentences, 8,608 were nondrug sentences and 3,519 were for drug offenses. Sentences were reported from 99 counties in the state. Table 1 displays total sentences reported to the Commission during FY 2001 by month of sentence. Sentences reported by individual counties are displayed in Table 2. Sedgwick, Johnson, Wyandotte and Shawnee counties remained the top four committing counties, accounting for 53.8% of all sentences during FY 2001, a decrease of 1.4% from last year (Table 2).

Table 1: Number of Sentences Reported by Month in FY 2001*

<table>
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* FY 2001 (July 1, 2000 through June 30, 2001)
**FY 2001 Sentencing Distribution Chart**

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**Probation**

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N5=180

N6=89

N7=898

N8=682

N9=1,419

N10=485

Nongrid=455

Nondrug

N=4,260

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N2=3

N3=32

N4=15

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N8=682

N9=1,419

N10=485

Nongrid=455
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# Chapter One: Sentencing in Kansas

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<tr>
<td>Seward</td>
<td>126</td>
<td>105</td>
<td>19</td>
<td>94</td>
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</table>
Table 2: FY 2001 Offender Characteristics by County - 4

<table>
<thead>
<tr>
<th>County</th>
<th>Number of Sentences</th>
<th>Gender</th>
<th>Race</th>
<th>Sentence Type</th>
<th>Offense Type</th>
<th>Mean Age</th>
</tr>
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<tbody>
<tr>
<td></td>
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<td>Male</td>
<td>Female</td>
<td>White</td>
<td>Black</td>
<td>Other</td>
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<td>Shawnee</td>
<td>652</td>
<td>540</td>
<td>96</td>
<td>351</td>
<td>269</td>
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<tr>
<td>Sherman</td>
<td>28</td>
<td>21</td>
<td>1</td>
<td>21</td>
<td>1</td>
<td>0</td>
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<td>Smith</td>
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<td>1</td>
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<td>2</td>
<td>8</td>
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<td>Stanton</td>
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<td>5</td>
<td>0</td>
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<td>Stevens</td>
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<td>96</td>
<td>85</td>
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<td>87</td>
<td>4</td>
<td>4</td>
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<tr>
<td>Thomas</td>
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<td>2</td>
<td>5</td>
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<td>0</td>
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<tr>
<td>Trego</td>
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<td>1</td>
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<td>Wabaunsee</td>
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<td>14</td>
<td>2</td>
<td>12</td>
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<td>16</td>
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<td>6</td>
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<td>Wilson</td>
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<td>59</td>
<td>6</td>
<td>64</td>
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<td>1</td>
</tr>
<tr>
<td>Woodson</td>
<td>6</td>
<td>5</td>
<td>1</td>
<td>6</td>
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<td>0</td>
</tr>
<tr>
<td>Wyandotte</td>
<td>1,354</td>
<td>1,202</td>
<td>150</td>
<td>637</td>
<td>698</td>
<td>12</td>
</tr>
<tr>
<td>Unknown</td>
<td>23</td>
<td>23</td>
<td>0</td>
<td>14</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>12,127</td>
<td>10,277</td>
<td>1,724</td>
<td>8,224</td>
<td>3,445</td>
<td>267</td>
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</tbody>
</table>

Note: Because of missing data, numbers in each category are based on the following: Gender (N=12,001), Race (N=11,936), Sentence Type (N=12,127), Offense Type (N=12,127), and Age (N=11,980).

** Data is not available.
CHARACTERISTICS OF OFFENDERS AND OFFENSES

This section provides an overview of offender characteristics for individuals who were sentenced during FY 2001, 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 almost 86% of all sentences (Figure 1) and in excess of 90% of most aggravated crimes, murder in the second degree, 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 aggravated false impersonation, aggravated interference with parental custody, aiding felon, computer crime, criminal use of financial cards, forgery, making false writing, giving worthless checks and obtaining prescription drugs (Table 3).

White offenders represented 68.9% of all sentences (Figure 2).
Figure 3 indicates that 92% of all offenders were of Non-Hispanic origin.

The highest percentage of offenders (27.2%) was between the ages of 31 to 40 at the time of offense (Figure 4).
Table 3: FY 2001 Offender Characteristics by Type of Offense – 1

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Number of Cases</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Mean Age*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
</tr>
<tr>
<td>Abuse of Child</td>
<td>37</td>
<td>81.1</td>
<td>18.9</td>
<td>75.7</td>
</tr>
<tr>
<td>Agg Arson</td>
<td>16</td>
<td>93.8</td>
<td>6.2</td>
<td>87.5</td>
</tr>
<tr>
<td>Agg Assault</td>
<td>304</td>
<td>93.9</td>
<td>6.1</td>
<td>69.2</td>
</tr>
<tr>
<td>Agg Assault on LEO</td>
<td>43</td>
<td>97.7</td>
<td>2.3</td>
<td>69.8</td>
</tr>
<tr>
<td>Agg Battery</td>
<td>689</td>
<td>91.3</td>
<td>8.7</td>
<td>63.6</td>
</tr>
<tr>
<td>Agg Battery on LEO</td>
<td>13</td>
<td>84.6</td>
<td>15.4</td>
<td>46.2</td>
</tr>
<tr>
<td>Agg Burglary</td>
<td>185</td>
<td>92.4</td>
<td>7.6</td>
<td>58.7</td>
</tr>
<tr>
<td>Agg Criminal Sodomy w/Child</td>
<td>73</td>
<td>94.4</td>
<td>5.6</td>
<td>93.1</td>
</tr>
<tr>
<td>Agg Escape from Custody</td>
<td>136</td>
<td>85.2</td>
<td>14.8</td>
<td>70.4</td>
</tr>
<tr>
<td>Agg Failure to Appear</td>
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<td>77.8</td>
<td>22.2</td>
<td>59.6</td>
</tr>
<tr>
<td>Agg False Impersonation</td>
<td>15</td>
<td>50.0</td>
<td>50.0</td>
<td>28.6</td>
</tr>
<tr>
<td>Agg Robbery</td>
<td>347</td>
<td>95.7</td>
<td>4.3</td>
<td>36.9</td>
</tr>
<tr>
<td>Agg Incest</td>
<td>40</td>
<td>100.0</td>
<td>0.0</td>
<td>87.2</td>
</tr>
<tr>
<td>Agg Indecent Liberties w/Child</td>
<td>321</td>
<td>98.1</td>
<td>1.9</td>
<td>78.9</td>
</tr>
<tr>
<td>Agg Inter w/Parental Custody</td>
<td>7</td>
<td>57.1</td>
<td>42.9</td>
<td>85.7</td>
</tr>
<tr>
<td>Agg Indecent Solicit w/Child</td>
<td>97</td>
<td>97.9</td>
<td>2.1</td>
<td>83.3</td>
</tr>
<tr>
<td>Agg Intimidation of a Victim</td>
<td>19</td>
<td>100.0</td>
<td>0.0</td>
<td>68.4</td>
</tr>
<tr>
<td>Agg Kidnapping</td>
<td>18</td>
<td>100.0</td>
<td>0.0</td>
<td>22.2</td>
</tr>
<tr>
<td>Agg Sexual Battery</td>
<td>83</td>
<td>98.8</td>
<td>1.2</td>
<td>75.9</td>
</tr>
<tr>
<td>Agg Weapon Violation</td>
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<td>0.0</td>
<td>70.0</td>
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<td>Aid Felon</td>
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<td>68.2</td>
<td>31.8</td>
<td>71.4</td>
</tr>
<tr>
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<td>76.9</td>
<td>23.1</td>
<td>53.8</td>
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<td>Arson</td>
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<td>86.4</td>
<td>13.6</td>
<td>90.5</td>
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<td>Battery on LEO</td>
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<td>16.7</td>
<td>58.3</td>
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<tr>
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<td>75.4</td>
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<td>15.8</td>
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<td>Computer Crime</td>
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<td>35.7</td>
<td>64.3</td>
<td>85.7</td>
</tr>
<tr>
<td>Criminal Damage to Property</td>
<td>143</td>
<td>90.1</td>
<td>9.9</td>
<td>88.7</td>
</tr>
<tr>
<td>Criminal Deprivation Vehicle</td>
<td>8</td>
<td>100.0</td>
<td>0.0</td>
<td>75.0</td>
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<tr>
<td>Criminal Discharge of Firearm</td>
<td>29</td>
<td>100.0</td>
<td>0.0</td>
<td>58.6</td>
</tr>
<tr>
<td>Criminal Sodomy w/Child</td>
<td>9</td>
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<td>0.0</td>
<td>77.8</td>
</tr>
<tr>
<td>Criminal Threat</td>
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<td>5.4</td>
<td>66.6</td>
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<td>Criminal Use Financial Card</td>
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<td>38.9</td>
<td>51.9</td>
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<td>Domestic Battery</td>
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<td>76.2</td>
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<td>91.1</td>
<td>8.9</td>
<td>71.0</td>
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## Table 3: FY 2001 Offender Characteristics by Type of Offense

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Number of Cases</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Mean Age*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Case</td>
<td>Male</td>
<td>Female</td>
<td>White</td>
</tr>
<tr>
<td>Driving While Suspended</td>
<td>79</td>
<td>91.1%</td>
<td>8.9%</td>
<td>59.0%</td>
</tr>
<tr>
<td>Drugs</td>
<td>3,517</td>
<td>82.0%</td>
<td>18.0%</td>
<td>69.9%</td>
</tr>
<tr>
<td>Drug without Tax Stamps</td>
<td>65</td>
<td>90.6%</td>
<td>9.4%</td>
<td>84.1%</td>
</tr>
<tr>
<td>DUI</td>
<td>446</td>
<td>90.8%</td>
<td>9.2%</td>
<td>88.6%</td>
</tr>
<tr>
<td>Failure to Register</td>
<td>9</td>
<td>100.0%</td>
<td>0.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Fleeing or Eluding LEO</td>
<td>148</td>
<td>88.3%</td>
<td>11.7%</td>
<td>59.7%</td>
</tr>
<tr>
<td>Forcery</td>
<td>791</td>
<td>60.1%</td>
<td>39.9%</td>
<td>66.5%</td>
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<tr>
<td>False Writing</td>
<td>61</td>
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<td>41.0%</td>
<td>72.1%</td>
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<tr>
<td>Giving Worthless Checks</td>
<td>74</td>
<td>59.4%</td>
<td>40.6%</td>
<td>80.6%</td>
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<td>Identity Theft</td>
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<td>80.0%</td>
<td>20.0%</td>
<td>40.0%</td>
</tr>
<tr>
<td>Indecent Liberties w/Child</td>
<td>155</td>
<td>96.8%</td>
<td>3.2%</td>
<td>83.8%</td>
</tr>
<tr>
<td>Indecent Solicitation of Child</td>
<td>57</td>
<td>96.5%</td>
<td>3.5%</td>
<td>78.9%</td>
</tr>
<tr>
<td>Involuntary Manslaughter</td>
<td>71</td>
<td>90.1%</td>
<td>9.9%</td>
<td>70.4%</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>72</td>
<td>90.3%</td>
<td>9.7%</td>
<td>47.2%</td>
</tr>
<tr>
<td>Lewd and Lascivious Behavior</td>
<td>15</td>
<td>100.0%</td>
<td>0.0%</td>
<td>93.3%</td>
</tr>
<tr>
<td>Murder in the First Degree</td>
<td>52</td>
<td>88.5%</td>
<td>11.5%</td>
<td>53.8%</td>
</tr>
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<td>Murder in the Second Degree</td>
<td>52</td>
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<td>5.8%</td>
<td>61.5%</td>
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<tr>
<td>Nonsupport of Child or Spouse</td>
<td>51</td>
<td>98.0%</td>
<td>2.0%</td>
<td>78.4%</td>
</tr>
<tr>
<td>Obstructing Legal Process</td>
<td>76</td>
<td>84.2%</td>
<td>15.8%</td>
<td>69.7%</td>
</tr>
<tr>
<td>Obtain Prescription Drug</td>
<td>8</td>
<td>50.0%</td>
<td>50.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Possession of Firearm</td>
<td>96</td>
<td>96.9%</td>
<td>3.1%</td>
<td>47.4%</td>
</tr>
<tr>
<td>Rape</td>
<td>139</td>
<td>100.0%</td>
<td>0.0%</td>
<td>60.1%</td>
</tr>
<tr>
<td>Robbery</td>
<td>341</td>
<td>93.0%</td>
<td>7.0%</td>
<td>40.0%</td>
</tr>
<tr>
<td>Securities Crimes</td>
<td>9</td>
<td>100.0%</td>
<td>0.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Sex Exploitation of a Child</td>
<td>20</td>
<td>100.0%</td>
<td>0.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Stalking</td>
<td>6</td>
<td>100.0%</td>
<td>0.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Theft</td>
<td>963</td>
<td>77.7%</td>
<td>22.3%</td>
<td>70.5%</td>
</tr>
<tr>
<td>Traffic in Contraband</td>
<td>53</td>
<td>84.6%</td>
<td>15.4%</td>
<td>63.5%</td>
</tr>
<tr>
<td>Unlawful Voluntary Sex Relation</td>
<td>16</td>
<td>87.5%</td>
<td>12.5%</td>
<td>87.5%</td>
</tr>
<tr>
<td>Voluntary Manslaughter</td>
<td>27</td>
<td>85.2%</td>
<td>14.8%</td>
<td>40.7%</td>
</tr>
<tr>
<td>Weapons</td>
<td>11</td>
<td>100.0%</td>
<td>0.0%</td>
<td>72.7%</td>
</tr>
<tr>
<td>Other</td>
<td>76</td>
<td>82.4%</td>
<td>17.6%</td>
<td>67.1%</td>
</tr>
</tbody>
</table>

**TOTAL**                                 | 12,127         | 85.6%      | 14.4%    | 68.9%     | 28.9%    | 2.2%     | 29.6%     |           |

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=12,001); Race (N=11,936); Age (N=11,979).

* 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 2001 (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 7: FY 2001 Incarceration Sentences by Ethnic Origin of Offenders

Based on 5,969 incarceration sentences reporting ethnic origin of offenders

Figure 8: FY 2001 Incarceration Sentences by Age of Offenders at Time of Admission

Based on 5,986 incarceration sentences reporting age of offenders
Table 4 indicates that males represented the highest percentage (over 80%) of sentences in both the violent and non-violent crime categories. Most sex offenders were males, which represented no change from the previous year. Males were also incarcerated at a much higher rate than females for drug offenses (Table 5). However, the highest percentage of sentenced females (over 20%) was only found in the offense categories of forgery, false writing, giving worthless checks (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, aggravated arson, arson, contributing to child’s misconduct, criminal damage to property and DUI. Blacks were incarcerated more often (over 50%) for the crimes of aggravated battery on LEO, aggravated kidnapping, kidnapping, aggravated robbery, robbery and criminal use of financial card (Table 4). Black offenders were also incarcerated over 50% for the drug offenses of drug possession 3 and drug sale 2 (Table 5).
### Table 4: FY 2001 Incarceration Nondrug Offender Characteristics by Type of Offense – 1

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Number of Cases</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Average Age At Admission</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
</tr>
<tr>
<td>Abuse of Child</td>
<td>21</td>
<td>100.0</td>
<td>0.0</td>
<td>76.2</td>
</tr>
<tr>
<td>Agg Arson</td>
<td>7</td>
<td>100.0</td>
<td>0.0</td>
<td>85.7</td>
</tr>
<tr>
<td>Agg Assault</td>
<td>148</td>
<td>98.0</td>
<td>2.0</td>
<td>63.5</td>
</tr>
<tr>
<td>Agg Assault on LEO</td>
<td>25</td>
<td>100.0</td>
<td>0.0</td>
<td>60.0</td>
</tr>
<tr>
<td>Agg Battery</td>
<td>351</td>
<td>94.3</td>
<td>5.7</td>
<td>56.4</td>
</tr>
<tr>
<td>Agg Battery on LEO</td>
<td>6</td>
<td>100.0</td>
<td>0.0</td>
<td>16.7</td>
</tr>
<tr>
<td>Agg Burglary</td>
<td>143</td>
<td>93.0</td>
<td>7.0</td>
<td>55.2</td>
</tr>
<tr>
<td>Agg Criminal Sodomy w/Child</td>
<td>71</td>
<td>94.4</td>
<td>5.6</td>
<td>93.0</td>
</tr>
<tr>
<td>Agg Escape from Custody</td>
<td>103</td>
<td>85.4</td>
<td>14.6</td>
<td>68.0</td>
</tr>
<tr>
<td>Agg Failure to Appear</td>
<td>6</td>
<td>100.0</td>
<td>0.0</td>
<td>66.7</td>
</tr>
<tr>
<td>Agg Incest</td>
<td>37</td>
<td>100.0</td>
<td>0.0</td>
<td>89.2</td>
</tr>
<tr>
<td>Agg Indecent Liberties w/Child</td>
<td>269</td>
<td>98.1</td>
<td>1.9</td>
<td>77.6</td>
</tr>
<tr>
<td>Agg Indecent Solicit w/Child</td>
<td>68</td>
<td>98.5</td>
<td>1.5</td>
<td>80.9</td>
</tr>
<tr>
<td>Agg Intimidation of a Victim</td>
<td>9</td>
<td>100.0</td>
<td>0.0</td>
<td>66.7</td>
</tr>
<tr>
<td>Agg Kidnapping</td>
<td>18</td>
<td>100.0</td>
<td>0.0</td>
<td>22.2</td>
</tr>
<tr>
<td>Agg Robbery</td>
<td>325</td>
<td>96.0</td>
<td>4.0</td>
<td>36.9</td>
</tr>
<tr>
<td>Agg Sexual Battery</td>
<td>66</td>
<td>100.0</td>
<td>0.0</td>
<td>74.2</td>
</tr>
<tr>
<td>Arson</td>
<td>17</td>
<td>82.4</td>
<td>17.6</td>
<td>82.4</td>
</tr>
<tr>
<td>Battery on LEO</td>
<td>19</td>
<td>89.5</td>
<td>10.5</td>
<td>52.6</td>
</tr>
<tr>
<td>Burglary</td>
<td>532</td>
<td>95.9</td>
<td>4.1</td>
<td>69.7</td>
</tr>
<tr>
<td>Contribute Child’s Misconduct</td>
<td>8</td>
<td>87.5</td>
<td>12.5</td>
<td>100.0</td>
</tr>
<tr>
<td>Criminal Damage to Property</td>
<td>37</td>
<td>91.9</td>
<td>8.1</td>
<td>86.5</td>
</tr>
<tr>
<td>Criminal Deprivation Vehicle</td>
<td>6</td>
<td>100.0</td>
<td>0.0</td>
<td>66.7</td>
</tr>
<tr>
<td>Criminal Sodomy w/Child</td>
<td>6</td>
<td>100.0</td>
<td>0.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Criminal Threat</td>
<td>106</td>
<td>95.3</td>
<td>4.7</td>
<td>58.5</td>
</tr>
<tr>
<td>Criminal Use Financial Card</td>
<td>14</td>
<td>85.7</td>
<td>14.3</td>
<td>21.4</td>
</tr>
<tr>
<td>Discharge of Firearm</td>
<td>16</td>
<td>100.0</td>
<td>0.0</td>
<td>50.0</td>
</tr>
<tr>
<td>Drug without Tax Stamps</td>
<td>8</td>
<td>87.5</td>
<td>12.5</td>
<td>75.0</td>
</tr>
<tr>
<td>Driving While a Habitual Viol</td>
<td>112</td>
<td>94.6</td>
<td>5.4</td>
<td>65.2</td>
</tr>
<tr>
<td>Driving While Suspended</td>
<td>44</td>
<td>97.7</td>
<td>2.3</td>
<td>63.6</td>
</tr>
<tr>
<td>DUI</td>
<td>12</td>
<td>100.0</td>
<td>0.0</td>
<td>91.7</td>
</tr>
<tr>
<td>Fleeing or Eluding LEO</td>
<td>46</td>
<td>93.5</td>
<td>6.5</td>
<td>56.5</td>
</tr>
<tr>
<td>Forgery</td>
<td>277</td>
<td>70.4</td>
<td>29.6</td>
<td>59.2</td>
</tr>
<tr>
<td>False Writing</td>
<td>17</td>
<td>76.5</td>
<td>23.5</td>
<td>76.5</td>
</tr>
<tr>
<td>Giving Worthless Checks</td>
<td>9</td>
<td>66.7</td>
<td>33.3</td>
<td>77.8</td>
</tr>
</tbody>
</table>
### Table 4: FY 2001 Incarceration Nondrug Offender Characteristics by Type of Offense – 2

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Number of Cases</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Average Age At Admission</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
<td>Black</td>
</tr>
<tr>
<td>Indecent Liberties w/Child</td>
<td>128</td>
<td>100.0</td>
<td>0.0</td>
<td>80.3</td>
</tr>
<tr>
<td>Indecent Solicitation of Child</td>
<td>25</td>
<td>96.0</td>
<td>4.0</td>
<td>84.0</td>
</tr>
<tr>
<td>Involuntary Manslaughter</td>
<td>59</td>
<td>89.8</td>
<td>10.2</td>
<td>67.8</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>62</td>
<td>93.5</td>
<td>6.5</td>
<td>45.2</td>
</tr>
<tr>
<td>Murder in the First Degree</td>
<td>52</td>
<td>88.5</td>
<td>11.5</td>
<td>53.8</td>
</tr>
<tr>
<td>Murder in the Second Degree</td>
<td>51</td>
<td>94.1</td>
<td>5.9</td>
<td>60.8</td>
</tr>
<tr>
<td>Nonsupport of Child or Spouse</td>
<td>17</td>
<td>100.0</td>
<td>0.0</td>
<td>70.6</td>
</tr>
<tr>
<td>Obstructing Legal Process</td>
<td>30</td>
<td>90.0</td>
<td>10.0</td>
<td>63.3</td>
</tr>
<tr>
<td>Possession of Firearm</td>
<td>52</td>
<td>96.2</td>
<td>3.8</td>
<td>46.2</td>
</tr>
<tr>
<td>Rape</td>
<td>135</td>
<td>100.0</td>
<td>0.0</td>
<td>60.4</td>
</tr>
<tr>
<td>Robbery</td>
<td>292</td>
<td>94.2</td>
<td>5.8</td>
<td>37.0</td>
</tr>
<tr>
<td>Sex Exploitation of a Child</td>
<td>11</td>
<td>100.0</td>
<td>0.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Theft</td>
<td>351</td>
<td>86.9</td>
<td>13.1</td>
<td>64.1</td>
</tr>
<tr>
<td>Traffic in Contraband</td>
<td>26</td>
<td>96.2</td>
<td>3.8</td>
<td>65.4</td>
</tr>
<tr>
<td>Voluntary Manslaughter</td>
<td>27</td>
<td>85.2</td>
<td>14.8</td>
<td>40.7</td>
</tr>
<tr>
<td>Other</td>
<td>71</td>
<td>88.7</td>
<td>11.3</td>
<td>69.0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>4,348</td>
<td>92.9</td>
<td>7.1</td>
<td>61.6</td>
</tr>
</tbody>
</table>

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=4,348); Race (N=4,345); Age (N=4,4345).
### Chapter One: Sentencing in Kansas

#### Table 5: FY 2001 Incarceration Drug Offender Characteristics by Type of Offense

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Number of Cases</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Average Age At Admission</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
</tr>
<tr>
<td>Opiates or narcotics; poss 1</td>
<td>742</td>
<td>86.1</td>
<td>13.9</td>
<td>52.6</td>
</tr>
<tr>
<td>Opiates or narcotics; poss 2</td>
<td>78</td>
<td>84.6</td>
<td>15.4</td>
<td>57.7</td>
</tr>
<tr>
<td>Opiates or narcotics; poss 3</td>
<td>14</td>
<td>64.3</td>
<td>35.7</td>
<td>35.7</td>
</tr>
<tr>
<td>Opiates or narcotics; sale 1</td>
<td>328</td>
<td>85.7</td>
<td>14.3</td>
<td>51.2</td>
</tr>
<tr>
<td>Opiates or narcotics; sale 2</td>
<td>24</td>
<td>100.0</td>
<td>0.0</td>
<td>29.2</td>
</tr>
<tr>
<td>Depress, stim, hall, etc.; sale, poss w/intent to sale</td>
<td>180</td>
<td>91.7</td>
<td>8.3</td>
<td>76.5</td>
</tr>
<tr>
<td>Depress, stim, hall; poss 2</td>
<td>75</td>
<td>93.3</td>
<td>6.7</td>
<td>68.0</td>
</tr>
<tr>
<td>Depress, stim, hall; sale w/in 1,000 ft of school</td>
<td>7</td>
<td>100.0</td>
<td>0.0</td>
<td>71.4</td>
</tr>
<tr>
<td>Unlawful manufacture controlled substance</td>
<td>164</td>
<td>89.6</td>
<td>10.4</td>
<td>82.9</td>
</tr>
<tr>
<td>Possession of paraphernalia</td>
<td>13</td>
<td>92.3</td>
<td>7.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Possession of ephedrine</td>
<td>13</td>
<td>92.3</td>
<td>7.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
<td>66.7</td>
<td>33.3</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>1,641</strong></td>
<td><strong>87.4</strong></td>
<td><strong>12.6</strong></td>
<td><strong>59.1</strong></td>
</tr>
</tbody>
</table>

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=1,641); Race (N=1,640); Age (N=1,641).

#### Types of Admission and Severity Levels

Table 6 indicates the distribution of offenders incarcerated in FY 2001 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 66.6% of all offenders admitted to state correctional facilities during FY 2001. This represents a percentage decrease of 4.4% from FY 2000. New court commitments and violators with new sentences together contributed another 32.7% to the total admissions, indicating an increase of 4.5% over that of FY 2000. The number of condition violators admitted to prison demonstrates a significant impact on the total admissions to the Department of Corrections.
Table 6: Distribution of FY 2001 Incarceration Sentences by Admission Type

<table>
<thead>
<tr>
<th>Admission Type</th>
<th>Number of Cases</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Court Commitment</td>
<td>1,601</td>
<td>26.7</td>
</tr>
<tr>
<td>Probation Condition Violator</td>
<td>1,330</td>
<td>22.2</td>
</tr>
<tr>
<td>Probation Violator With New Sentence</td>
<td>203</td>
<td>3.4</td>
</tr>
<tr>
<td>Inmate Received on Interstate Compact</td>
<td>8</td>
<td>0.1</td>
</tr>
<tr>
<td>Parole/Post-release Condition Violator</td>
<td>2,552</td>
<td>42.6</td>
</tr>
<tr>
<td>Parole/Post-release Violator With New Sentence</td>
<td>145</td>
<td>2.4</td>
</tr>
<tr>
<td>Paroled to Detainer Returned with New Sentence</td>
<td>30</td>
<td>0.5</td>
</tr>
<tr>
<td>Conditional Release Condition Violator</td>
<td>109</td>
<td>1.8</td>
</tr>
<tr>
<td>Conditional Release Violator With New Sentence</td>
<td>10</td>
<td>0.2</td>
</tr>
<tr>
<td>Offender Returned to Prison in Lieu of Revocation</td>
<td>1</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5,989</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Table 7 displays a distribution of all incarcerated offenders by offense severity level and gender. The highest percentage (over 15%) of all non-drug offenders are found in severity levels 5, 7 and 9 (Figure 10), and almost 44% of all drug offenders fell on drug severity level 3 (Figure 11). This is different from FY 2000 when most drug offenders fell on drug severity level 4, but consistent with the pattern in 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 1 and non-drug severity level 8 (Table 7).
### Table 7: Distribution of FY 2001 Incarceration Sentences by Severity Level and Gender*

<table>
<thead>
<tr>
<th>Severity Level</th>
<th>Number of Cases</th>
<th>Gender(%)</th>
<th>Subtotal (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Drug</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>108</td>
<td>85.2</td>
<td>14.8</td>
</tr>
<tr>
<td>2</td>
<td>163</td>
<td>87.7</td>
<td>12.3</td>
</tr>
<tr>
<td>3</td>
<td>715</td>
<td>88.4</td>
<td>11.6</td>
</tr>
<tr>
<td>4</td>
<td>655</td>
<td>86.6</td>
<td>13.4</td>
</tr>
<tr>
<td>Subtotal</td>
<td>1,641</td>
<td>87.4</td>
<td>12.6</td>
</tr>
<tr>
<td>Nondrug</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>99</td>
<td>96.0</td>
<td>4.0</td>
</tr>
<tr>
<td>2</td>
<td>138</td>
<td>96.4</td>
<td>3.6</td>
</tr>
<tr>
<td>3</td>
<td>612</td>
<td>96.7</td>
<td>3.3</td>
</tr>
<tr>
<td>4</td>
<td>145</td>
<td>95.2</td>
<td>4.8</td>
</tr>
<tr>
<td>5</td>
<td>751</td>
<td>95.3</td>
<td>4.7</td>
</tr>
<tr>
<td>6</td>
<td>207</td>
<td>97.6</td>
<td>2.4</td>
</tr>
<tr>
<td>7</td>
<td>889</td>
<td>94.7</td>
<td>5.3</td>
</tr>
<tr>
<td>8</td>
<td>454</td>
<td>79.1</td>
<td>20.9</td>
</tr>
<tr>
<td>9</td>
<td>789</td>
<td>91.8</td>
<td>8.2</td>
</tr>
<tr>
<td>10</td>
<td>194</td>
<td>87.6</td>
<td>12.4</td>
</tr>
<tr>
<td>Nongrid</td>
<td>11</td>
<td>100.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Offgrid</td>
<td>36</td>
<td>91.7</td>
<td>8.3</td>
</tr>
<tr>
<td>Subtotal</td>
<td>4,325</td>
<td>92.9</td>
<td>7.1</td>
</tr>
<tr>
<td>Total**</td>
<td>5,989</td>
<td>91.4</td>
<td>8.6</td>
</tr>
</tbody>
</table>

* Based on 1,641 drug offenders and 4,325 nondrug offenders.

** Total number includes 23 offenders whose severity levels are unknown.
Chapter One: Sentencing in Kansas

Figure 10: FY 2001 Incarceration Sentences
Nondrug Offenders by Severity Level

![Bar chart showing the distribution of incarceration sentences for nondrug offenders by severity level.](chart10)

Based on 4,325 nondrug offenders.

Figure 11: FY 2001 Incarceration Sentences
Drug Offenders by Severity Level

![Bar chart showing the distribution of incarceration sentences for drug offenders by severity level.](chart11)

Based on 1,641 drug offenders.
PROBATION SENTENCES

A total number of 6,138 probation sentences were received by the Kansas Sentencing Commission in fiscal year 2001, representing 1,878 drug sentences and 4,260 nondrug sentences. Of this number there were 1,453 cases for person offenses and 4,685 cases for nonperson offenses. Characteristics of this offender group are illustrated in Figures 12 and 13.

Males represented nearly 80% of all probation sentences (Figure 12).

Racial Distribution of probation sentences indicates that approximately 77% of the offenders were white and 23% of the offenders were non-white (Figure 13).
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 2001 Probation Sentences by Age at Time of Sentence

![Figure 14: Distribution of FY 2001 Probation Sentences by Age at Time of Sentence](image)

Based on 6,016 sentences reporting age of offender

Figure 15 illustrates nondrug probation sentences by severity levels. The largest number of probation sentences fell within nondrug grid severity level 9 (33.3% of all nondrug sentences).

Figure 15: Distribution of FY 2001 Probation Nondrug Sentences by Severity Level

![Figure 15: Distribution of FY 2001 Probation Nondrug Sentences by Severity Level](image)

Based on 4,260 probation nondrug sentences
Figure 16 indicates that the largest number of drug probation sentences fell within severity level 4, which represented almost 70% of the total drug probation sentences.

![Figure 16: Distribution of FY 2001 Probation Drug Sentences by Severity Level](image)

**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, fleeing LEO, criminal damage of property, criminal threat, DUI, forgery and giving a worthless check are classified as the top ten offenses for nondrug probation offenders, representing nearly 75% of the total nondrug crimes (Table 8). In reviewing drug offenders with probation sentences, the largest number of sentences was for possession of drugs, accounting for more than 70% of all drug offenses (Table 9).

Males accounted for over 90% of the following offenses: aggravated assault on LEO, aggravated intimidation of a victim, aggravated robbery, aggravated burglary, burglary, weapon violations, possession of firearms, sex offenses, criminal threat, domestic battery, non-support of a child or spouse, drug without tax stamps, involuntary manslaughter and DUI. The highest percentages of female probation offenses (over 40%) included abuse of child, aggravated false impersonation, aggravated interference with parental custody, computer crime, criminal use of financial card, false writing, forgery, giving worthless checks and obtaining prescription drugs. Females were also found to be convicted of more drug offenses than nondrug offenses (22.9% versus 18.8%).

Whites were responsible for 75.8% of all nondrug crimes and 79.5% of all drug offenses. Blacks had a little bit higher conviction percentage for nondrug offenses than drug crimes (22.4% versus 19.6%). The average age at the time of offense was 29.4 years old for nondrug offenders and 31 years old for drug offenders. Characteristics of probation offenders by severity level are presented in Tables 10 and 11.
### Table 8: Characteristics of Probation Nondrug Offenders by Type of Offense –1

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>N</th>
<th>%</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Mean Age*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
</tr>
<tr>
<td>Abuse of Child</td>
<td>16</td>
<td>0.4</td>
<td>56.3</td>
<td>43.8</td>
<td>75.0</td>
</tr>
<tr>
<td>Agg Arson</td>
<td>9</td>
<td>0.2</td>
<td>88.9</td>
<td>11.1</td>
<td>88.9</td>
</tr>
<tr>
<td>Agg Assault</td>
<td>156</td>
<td>3.7</td>
<td>89.9</td>
<td>10.1</td>
<td>74.8</td>
</tr>
<tr>
<td>Agg Assault on LEO</td>
<td>18</td>
<td>0.4</td>
<td>94.4</td>
<td>5.6</td>
<td>83.3</td>
</tr>
<tr>
<td>Agg Battery</td>
<td>338</td>
<td>7.9</td>
<td>88.2</td>
<td>11.8</td>
<td>71.3</td>
</tr>
<tr>
<td>Agg Battery on LEO</td>
<td>7</td>
<td>0.2</td>
<td>71.4</td>
<td>28.6</td>
<td>71.4</td>
</tr>
<tr>
<td>Agg Burglary</td>
<td>42</td>
<td>1.0</td>
<td>90.2</td>
<td>9.8</td>
<td>70.7</td>
</tr>
<tr>
<td>Agg Escape from Custody</td>
<td>33</td>
<td>0.8</td>
<td>84.4</td>
<td>15.6</td>
<td>78.1</td>
</tr>
<tr>
<td>Agg Fail to Appear</td>
<td>48</td>
<td>1.1</td>
<td>75.0</td>
<td>25.0</td>
<td>58.7</td>
</tr>
<tr>
<td>Agg False Impersonation</td>
<td>12</td>
<td>0.3</td>
<td>36.4</td>
<td>63.6</td>
<td>36.4</td>
</tr>
<tr>
<td>Agg Ind Lib with a Child</td>
<td>52</td>
<td>1.2</td>
<td>98.0</td>
<td>2.0</td>
<td>86.0</td>
</tr>
<tr>
<td>Agg Ind Solicit with a Child</td>
<td>29</td>
<td>0.7</td>
<td>96.6</td>
<td>3.4</td>
<td>89.3</td>
</tr>
<tr>
<td>Agg Int w/Parent Custody</td>
<td>7</td>
<td>0.2</td>
<td>57.1</td>
<td>42.9</td>
<td>85.7</td>
</tr>
<tr>
<td>Agg Intimidation of a Victim</td>
<td>10</td>
<td>0.2</td>
<td>100.0</td>
<td>0.0</td>
<td>70.0</td>
</tr>
<tr>
<td>Agg Robbery</td>
<td>22</td>
<td>0.5</td>
<td>90.9</td>
<td>9.1</td>
<td>96.0</td>
</tr>
<tr>
<td>Agg Sex Battery with Child</td>
<td>17</td>
<td>0.4</td>
<td>94.1</td>
<td>5.9</td>
<td>82.4</td>
</tr>
<tr>
<td>Agg Weapon Violation</td>
<td>6</td>
<td>0.1</td>
<td>100.0</td>
<td>0.0</td>
<td>66.7</td>
</tr>
<tr>
<td>Aiding Felon</td>
<td>18</td>
<td>0.4</td>
<td>72.2</td>
<td>27.8</td>
<td>70.6</td>
</tr>
<tr>
<td>Arrange Sale/Purchase Drug</td>
<td>11</td>
<td>0.3</td>
<td>72.7</td>
<td>27.3</td>
<td>45.5</td>
</tr>
<tr>
<td>Arson</td>
<td>27</td>
<td>0.6</td>
<td>88.9</td>
<td>11.1</td>
<td>96.0</td>
</tr>
<tr>
<td>Battery on LEO</td>
<td>5</td>
<td>0.1</td>
<td>60.0</td>
<td>40.0</td>
<td>80.0</td>
</tr>
<tr>
<td>Burglary</td>
<td>635</td>
<td>14.9</td>
<td>91.6</td>
<td>8.4</td>
<td>80.4</td>
</tr>
<tr>
<td>Computer Crime</td>
<td>14</td>
<td>0.3</td>
<td>35.7</td>
<td>64.3</td>
<td>85.7</td>
</tr>
<tr>
<td>Contribute Child Misconduct</td>
<td>11</td>
<td>0.3</td>
<td>81.8</td>
<td>18.2</td>
<td>81.8</td>
</tr>
<tr>
<td>Crim Damage of Property</td>
<td>106</td>
<td>2.5</td>
<td>89.4</td>
<td>10.6</td>
<td>89.4</td>
</tr>
<tr>
<td>Crim Discharge of Firearm</td>
<td>13</td>
<td>0.3</td>
<td>100.0</td>
<td>0.0</td>
<td>69.2</td>
</tr>
<tr>
<td>Criminal Threat</td>
<td>210</td>
<td>4.9</td>
<td>94.2</td>
<td>5.8</td>
<td>70.7</td>
</tr>
<tr>
<td>Crim Use of Financial Card</td>
<td>41</td>
<td>1.0</td>
<td>52.5</td>
<td>47.5</td>
<td>62.5</td>
</tr>
<tr>
<td>Domestic Battery</td>
<td>20</td>
<td>0.5</td>
<td>94.7</td>
<td>5.3</td>
<td>73.7</td>
</tr>
<tr>
<td>Driving while Hab Violator</td>
<td>62</td>
<td>1.5</td>
<td>84.2</td>
<td>15.8</td>
<td>82.5</td>
</tr>
<tr>
<td>Driving w/ Suspended-Third</td>
<td>35</td>
<td>0.8</td>
<td>82.9</td>
<td>17.1</td>
<td>52.9</td>
</tr>
<tr>
<td>Drug without Tax Stamps</td>
<td>57</td>
<td>1.3</td>
<td>91.1</td>
<td>8.9</td>
<td>85.5</td>
</tr>
<tr>
<td>DUI</td>
<td>434</td>
<td>10.2</td>
<td>90.5</td>
<td>9.5</td>
<td>88.5</td>
</tr>
<tr>
<td>Failure to Register</td>
<td>9</td>
<td>0.2</td>
<td>100.0</td>
<td>0.0</td>
<td>100.0</td>
</tr>
<tr>
<td>False Writing</td>
<td>44</td>
<td>1.0</td>
<td>52.3</td>
<td>47.7</td>
<td>70.5</td>
</tr>
</tbody>
</table>
### Table 8: Characteristics of Probation Nondrug Offenders by Type of Offense – 2

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>N</th>
<th>%</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Mean Age*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
</tr>
<tr>
<td>Fleeing/Eluding LEO</td>
<td>102</td>
<td>2.4</td>
<td>85.9</td>
<td>14.1</td>
<td>61.2</td>
</tr>
<tr>
<td>Forgery</td>
<td>514</td>
<td>12.1</td>
<td>54.5</td>
<td>45.5</td>
<td>70.4</td>
</tr>
<tr>
<td>Giving Worthless Check</td>
<td>65</td>
<td>1.5</td>
<td>58.3</td>
<td>41.7</td>
<td>81.0</td>
</tr>
<tr>
<td>Identity Theft</td>
<td>5</td>
<td>0.1</td>
<td>80.0</td>
<td>20.0</td>
<td>40.0</td>
</tr>
<tr>
<td>Ind Liberties with a Child</td>
<td>27</td>
<td>0.6</td>
<td>81.5</td>
<td>18.5</td>
<td>100.0</td>
</tr>
<tr>
<td>Ind Solicitation with a Child</td>
<td>32</td>
<td>0.8</td>
<td>96.9</td>
<td>3.1</td>
<td>75.0</td>
</tr>
<tr>
<td>Involuntary Manslaughter</td>
<td>12</td>
<td>0.3</td>
<td>91.7</td>
<td>8.3</td>
<td>83.4</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>10</td>
<td>0.2</td>
<td>70.0</td>
<td>30.0</td>
<td>60.0</td>
</tr>
<tr>
<td>Lewd and Lascivious Behavior</td>
<td>15</td>
<td>0.4</td>
<td>100.0</td>
<td>0.0</td>
<td>93.3</td>
</tr>
<tr>
<td>Non-Support of a Child</td>
<td>34</td>
<td>0.8</td>
<td>97.1</td>
<td>2.9</td>
<td>82.4</td>
</tr>
<tr>
<td>Obstruct Legal Process</td>
<td>46</td>
<td>1.1</td>
<td>80.4</td>
<td>19.6</td>
<td>73.9</td>
</tr>
<tr>
<td>Obtain Prescription Drug</td>
<td>6</td>
<td>0.1</td>
<td>50.0</td>
<td>50.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Possession of Firearms</td>
<td>44</td>
<td>1.0</td>
<td>97.7</td>
<td>2.3</td>
<td>48.8</td>
</tr>
<tr>
<td>Rape</td>
<td>4</td>
<td>0.1</td>
<td>100.0</td>
<td>0.0</td>
<td>50.0</td>
</tr>
<tr>
<td>Robbery</td>
<td>49</td>
<td>1.2</td>
<td>85.7</td>
<td>14.3</td>
<td>58.3</td>
</tr>
<tr>
<td>Securities Crimes</td>
<td>6</td>
<td>0.1</td>
<td>100.0</td>
<td>0.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Sex Exploitation of a Child</td>
<td>9</td>
<td>0.2</td>
<td>100.0</td>
<td>0.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Stalking</td>
<td>4</td>
<td>0.1</td>
<td>100.0</td>
<td>0.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Theft</td>
<td>612</td>
<td>14.4</td>
<td>72.3</td>
<td>27.7</td>
<td>74.3</td>
</tr>
<tr>
<td>Traffic in Contraband</td>
<td>27</td>
<td>0.6</td>
<td>73.1</td>
<td>26.9</td>
<td>61.5</td>
</tr>
<tr>
<td>Unlawful Sexual Relations</td>
<td>4</td>
<td>0.1</td>
<td>100.0</td>
<td>0.0</td>
<td>75.0</td>
</tr>
<tr>
<td>Unlawful Voluntary Sex Rel</td>
<td>16</td>
<td>0.4</td>
<td>87.5</td>
<td>12.5</td>
<td>87.5</td>
</tr>
<tr>
<td>Weapon</td>
<td>8</td>
<td>0.2</td>
<td>100.0</td>
<td>0.0</td>
<td>75.0</td>
</tr>
<tr>
<td>Other</td>
<td>35</td>
<td>0.8</td>
<td>74.2</td>
<td>25.8</td>
<td>76.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,260</strong></td>
<td><strong>100.0</strong></td>
<td><strong>81.2</strong></td>
<td><strong>18.8</strong></td>
<td><strong>75.8</strong></td>
</tr>
</tbody>
</table>

Note: Due to missing data, each category is based on different numbers: Gender, N=4,171; Race, N=4,131; and Age, N=4,170. *Average age at time of offense.
## Table 9: Characteristics of Probation Drug Offenders by Type of Offense

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>N</th>
<th>%</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Mean Age*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
</tr>
<tr>
<td>Opiates or narcotics; pos 1</td>
<td>1,042</td>
<td>55.5</td>
<td>72.9</td>
<td>27.1</td>
<td>77.6</td>
</tr>
<tr>
<td>Opiates or narcotics; pos 2</td>
<td>19</td>
<td>1.0</td>
<td>63.2</td>
<td>36.8</td>
<td>84.2</td>
</tr>
<tr>
<td>Opiates or narcotics; sale 1</td>
<td>260</td>
<td>13.8</td>
<td>75.9</td>
<td>24.1</td>
<td>73.1</td>
</tr>
<tr>
<td>Depress, stim, hall, etc.; sale, poss w/intent to sale</td>
<td>248</td>
<td>13.2</td>
<td>91.7</td>
<td>8.3</td>
<td>81.6</td>
</tr>
<tr>
<td>Depress, stim, hall; poss 2</td>
<td>197</td>
<td>10.5</td>
<td>86.7</td>
<td>13.3</td>
<td>85.4</td>
</tr>
<tr>
<td>Depress, stim, hall; sale w/in 1,000 ft of school</td>
<td>10</td>
<td>0.5</td>
<td>80.0</td>
<td>20.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Possession of paraphernalia</td>
<td>73</td>
<td>3.9</td>
<td>67.6</td>
<td>32.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Possession of ephedrine</td>
<td>4</td>
<td>0.2</td>
<td>50.0</td>
<td>50.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Unlawful manufacture controlled substance</td>
<td>11</td>
<td>0.6</td>
<td>80.0</td>
<td>20.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Other</td>
<td>14</td>
<td>0.7</td>
<td>92.9</td>
<td>7.1</td>
<td>64.3</td>
</tr>
<tr>
<td>Total</td>
<td>1,878</td>
<td>100.0</td>
<td>77.1</td>
<td>22.9</td>
<td>79.5</td>
</tr>
</tbody>
</table>

Note: Due to missing data, each category is based on different numbers: Gender, N=1,841; Race, N=1,820; and Age, N=1,845.

* Average age at time of offense.

## Table 10: Characteristics of Probation Nondrug Offenders by Severity Level

<table>
<thead>
<tr>
<th>Severity Level</th>
<th>N</th>
<th>%</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Mean Age*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
</tr>
<tr>
<td>N1</td>
<td>3</td>
<td>0.1</td>
<td>66.7</td>
<td>33.3</td>
<td>66.7</td>
</tr>
<tr>
<td>N2</td>
<td>2</td>
<td>0.1</td>
<td>100.0</td>
<td>0.0</td>
<td>100.0</td>
</tr>
<tr>
<td>N3</td>
<td>32</td>
<td>0.8</td>
<td>87.5</td>
<td>12.5</td>
<td>61.3</td>
</tr>
<tr>
<td>N4</td>
<td>15</td>
<td>0.4</td>
<td>85.7</td>
<td>14.3</td>
<td>85.7</td>
</tr>
<tr>
<td>N5</td>
<td>180</td>
<td>4.2</td>
<td>86.9</td>
<td>13.1</td>
<td>73.1</td>
</tr>
<tr>
<td>N6</td>
<td>89</td>
<td>2.0</td>
<td>93.3</td>
<td>6.7</td>
<td>86.4</td>
</tr>
<tr>
<td>N7</td>
<td>898</td>
<td>21.0</td>
<td>88.0</td>
<td>12.0</td>
<td>76.7</td>
</tr>
<tr>
<td>N8</td>
<td>682</td>
<td>16.0</td>
<td>64.1</td>
<td>35.9</td>
<td>72.3</td>
</tr>
<tr>
<td>N9</td>
<td>1,419</td>
<td>33.3</td>
<td>82.0</td>
<td>18.0</td>
<td>75.4</td>
</tr>
<tr>
<td>N10</td>
<td>485</td>
<td>11.4</td>
<td>76.4</td>
<td>23.6</td>
<td>68.8</td>
</tr>
<tr>
<td>Nongrid</td>
<td>455</td>
<td>10.7</td>
<td>90.7</td>
<td>9.3</td>
<td>87.9</td>
</tr>
<tr>
<td>Total</td>
<td>4,260</td>
<td>100.0</td>
<td>81.2</td>
<td>18.8</td>
<td>75.8</td>
</tr>
</tbody>
</table>

Note: Due to missing data, each category is based on different numbers: Gender, N=4,171; Race, N=4,131; and Age, N=4,170.

* Average age at time of offense.
Table 11: Characteristics of Probation Drug Offenders by Severity Level

<table>
<thead>
<tr>
<th>Severity Level</th>
<th>N</th>
<th>%</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Mean Age*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
</tr>
<tr>
<td>D1</td>
<td>17</td>
<td>1.0</td>
<td>72.2</td>
<td>27.8</td>
<td>83.3</td>
</tr>
<tr>
<td>D2</td>
<td>41</td>
<td>2.2</td>
<td>72.5</td>
<td>27.5</td>
<td>84.6</td>
</tr>
<tr>
<td>D3</td>
<td>507</td>
<td>27.0</td>
<td>83.8</td>
<td>16.2</td>
<td>77.3</td>
</tr>
<tr>
<td>D4</td>
<td>1,313</td>
<td>69.9</td>
<td>74.8</td>
<td>25.2</td>
<td>80.1</td>
</tr>
<tr>
<td>Total</td>
<td>1,878</td>
<td>100.0</td>
<td>77.1</td>
<td>22.9</td>
<td>79.5</td>
</tr>
</tbody>
</table>

Note: Due to missing data, each category is based on different numbers: Gender, N=1,841; Race, N=1,820 and Age, N=1,845.
* Average age at time of offense.

Criminal History and Length of Probation

The data indicates that 5,746 probation sentences with assigned criminal history categories were reported in FY 2001, accounting for almost 94% of all probation sentences received by the Commission. The largest number of this group (38%, N=2,191) 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 36% of offenders on the nondrug grid, while criminal history category I offenders accounted for 43% of offenders on the drug grid. More than 80% of nondrug offenders fell within the presumptive probation boxes, while approximately 53% of probation drug offenders were sentenced within the presumptive probation boxes.

Only 4% 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 nearly 36% 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 5.5% downward dispositional departure, while drug probation sentences reported 11.2% 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 17.7 months, while the average length of probation for drug offenders was 15.5 months.
### Table 12: Criminal History and Probation Length by Severity Level - Nondrug Offenders

<table>
<thead>
<tr>
<th>Severity Level</th>
<th>N</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
<th>I</th>
<th>Average Probation Length in Months</th>
</tr>
</thead>
<tbody>
<tr>
<td>N1</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>44.0</td>
</tr>
<tr>
<td>N2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>48.0</td>
</tr>
<tr>
<td>N3</td>
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<td>2</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>16</td>
<td>37.3</td>
</tr>
<tr>
<td>N4</td>
<td>15</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>6</td>
<td>28.8</td>
</tr>
<tr>
<td>N5</td>
<td>180</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>6</td>
<td>1</td>
<td>4</td>
<td>16</td>
<td>34</td>
<td>113</td>
<td>35.3</td>
</tr>
<tr>
<td>N6</td>
<td>89</td>
<td>0</td>
<td>2</td>
<td>7</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>6</td>
<td>15</td>
<td>53</td>
<td>25.8</td>
</tr>
<tr>
<td>N7</td>
<td>898</td>
<td>12</td>
<td>15</td>
<td>72</td>
<td>69</td>
<td>86</td>
<td>68</td>
<td>123</td>
<td>118</td>
<td>334</td>
<td>23.5</td>
</tr>
<tr>
<td>N8</td>
<td>682</td>
<td>5</td>
<td>19</td>
<td>57</td>
<td>24</td>
<td>116</td>
<td>47</td>
<td>101</td>
<td>88</td>
<td>224</td>
<td>17.9</td>
</tr>
<tr>
<td>N9</td>
<td>1,419</td>
<td>20</td>
<td>54</td>
<td>125</td>
<td>89</td>
<td>198</td>
<td>96</td>
<td>182</td>
<td>207</td>
<td>444</td>
<td>13.2</td>
</tr>
<tr>
<td>N10</td>
<td>485</td>
<td>5</td>
<td>8</td>
<td>50</td>
<td>28</td>
<td>51</td>
<td>40</td>
<td>80</td>
<td>53</td>
<td>170</td>
<td>12.7</td>
</tr>
<tr>
<td>Nongrid</td>
<td>455</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>9</td>
<td>7</td>
<td>5</td>
<td>11</td>
<td>12</td>
<td>19</td>
<td>15.1</td>
</tr>
<tr>
<td>Total</td>
<td>4,260</td>
<td>46</td>
<td>105</td>
<td>321</td>
<td>230</td>
<td>463</td>
<td>264</td>
<td>523</td>
<td>533</td>
<td>1384</td>
<td>17.7</td>
</tr>
</tbody>
</table>

Note: Criminal history classes are based on 3,869 cases reporting criminal history category.

Legend:
- Presumptive Prison
- Border Boxes
- Presumptive Probation

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

<table>
<thead>
<tr>
<th>Severity Level</th>
<th>N</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
<th>I</th>
<th>Average Probation Length in Months</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>17</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>8</td>
<td>34.7</td>
</tr>
<tr>
<td>D2</td>
<td>41</td>
<td>1</td>
<td>1</td>
<td>5</td>
<td>0</td>
<td>4</td>
<td>3</td>
<td>11</td>
<td>3</td>
<td>13</td>
<td>35.6</td>
</tr>
<tr>
<td>D3</td>
<td>507</td>
<td>1</td>
<td>5</td>
<td>18</td>
<td>8</td>
<td>32</td>
<td>37</td>
<td>80</td>
<td>75</td>
<td>251</td>
<td>19.2</td>
</tr>
<tr>
<td>D4</td>
<td>1,313</td>
<td>19</td>
<td>29</td>
<td>52</td>
<td>34</td>
<td>110</td>
<td>82</td>
<td>213</td>
<td>239</td>
<td>535</td>
<td>13.1</td>
</tr>
<tr>
<td>Total</td>
<td>1,878</td>
<td>22</td>
<td>35</td>
<td>75</td>
<td>42</td>
<td>149</td>
<td>123</td>
<td>306</td>
<td>318</td>
<td>807</td>
<td>15.5</td>
</tr>
</tbody>
</table>

Note: Criminal history classes are based on 1,877 cases reporting criminal history category.

Legend:
- Presumptive Prison
- Border Boxes
- Presumptive Probation
Chapter Two: Violators

CHAPTER TWO
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.

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 2001, there were a total number of 3,991 condition violators, representing 1,330 probation violators, 2,552 parole/postrelease supervision violators, and 109 conditional release violators respectively. Condition violators alone accounted for 66.6% of all FY 2001 prison admissions. Characteristics of condition violators by gender, race, and age are shown in Figures 17, 18, and 19.

Figure 17: Distribution of Condition Violators by Gender

Based on 1,330 probation violators, 2,552 parole release violators, and 109 conditional release violators.
White males represented the highest percentages (Figures 17 and 18) of all three types of violators.

The largest proportions of probation violators and parole/postrelease supervision violators were found to be in their 30’s, while the conditional release violators were in their 40’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=374) fell on nondrug severity level 9, parole/postrelease supervision violators (N=428) represented the largest number on nondrug severity level 5 and conditional release violators accounted for the highest percentage on nondrug severity level 3 (N=33 Figure 21).
Table 14 displays the characteristics of all types of condition violators by severity level, race, and gender. The highest frequencies for males were found on nondrug severity level 7 and drug severity level 3. However, the largest numbers of females fell on nondrug severity level 8 and drug severity level 4. Whites represented the highest numbers in nondrug level 7 and drug level 4, while nondrug level 5 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

<table>
<thead>
<tr>
<th>Severity Level</th>
<th>Number of Cases</th>
<th>Gender</th>
<th>Race</th>
<th>Average Age at Admission</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
<td>Black</td>
</tr>
<tr>
<td>D1</td>
<td>8</td>
<td>6</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>D2</td>
<td>83</td>
<td>71</td>
<td>12</td>
<td>30</td>
</tr>
<tr>
<td>D3</td>
<td>516</td>
<td>455</td>
<td>61</td>
<td>252</td>
</tr>
<tr>
<td>D4</td>
<td>444</td>
<td>375</td>
<td>69</td>
<td>279</td>
</tr>
<tr>
<td>N1</td>
<td>21</td>
<td>20</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>N2</td>
<td>101</td>
<td>98</td>
<td>3</td>
<td>71</td>
</tr>
<tr>
<td>N3</td>
<td>391</td>
<td>382</td>
<td>9</td>
<td>197</td>
</tr>
<tr>
<td>N4</td>
<td>92</td>
<td>86</td>
<td>6</td>
<td>50</td>
</tr>
<tr>
<td>N5</td>
<td>494</td>
<td>474</td>
<td>20</td>
<td>278</td>
</tr>
<tr>
<td>N6</td>
<td>165</td>
<td>160</td>
<td>5</td>
<td>101</td>
</tr>
<tr>
<td>N7</td>
<td>617</td>
<td>581</td>
<td>36</td>
<td>399</td>
</tr>
<tr>
<td>N8</td>
<td>331</td>
<td>257</td>
<td>74</td>
<td>207</td>
</tr>
<tr>
<td>N9</td>
<td>581</td>
<td>531</td>
<td>50</td>
<td>383</td>
</tr>
<tr>
<td>N10</td>
<td>119</td>
<td>104</td>
<td>15</td>
<td>69</td>
</tr>
<tr>
<td>Offgrid</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Nongrid</td>
<td>10</td>
<td>10</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Unknown</td>
<td>14</td>
<td>14</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>3,991</td>
<td>3,627</td>
<td>364</td>
<td>2,349</td>
</tr>
</tbody>
</table>
Chapter Two: Violators

Condition Probation Violators

During FY 2001, 1,330 condition probation violators were admitted to the custody of the Department of Corrections (DOC). This number represents a decrease of 111 offenders, or 7.7% decrease compared with FY 2000 figure. More than 98% 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 damage of property, criminal threat, driving while a habitual violator, driving while suspended, forgery, robbery, and theft were among the top 10 most frequent committing offenses for nondrug probation violators, accounting for almost 76% of all nondrug offenses (Table 15). Possession of drugs was the most frequent offense type for probation violators on the drug grid, accounting for nearly 74% of all drug offenses (Table 16). Burglary, theft and forgery were the three most frequent sentencing offenses for which there were a large number of probation violators. The average length of lag time for nondrug probation violators from the age of offense to the age of admission to prison was 2.3 years, which decreased by 0.2 year or 2.4 months compared with the length of lag time in FY 2000. The average length of lag time for drug violators was 2.3 years, which decreased by 1.2 months from that of drug condition probation violators in FY 2000. 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

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Number of Cases</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Offense Age Mean*</th>
<th>Admit Age Mean**</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
<td>Black</td>
</tr>
<tr>
<td>Aggravated assault</td>
<td>37</td>
<td>100.0</td>
<td>0.0</td>
<td>75.7</td>
<td>21.6</td>
</tr>
<tr>
<td>Aggravated battery</td>
<td>86</td>
<td>88.4</td>
<td>11.6</td>
<td>64.0</td>
<td>30.2</td>
</tr>
<tr>
<td>Burglary</td>
<td>184</td>
<td>92.4</td>
<td>7.6</td>
<td>71.2</td>
<td>26.1</td>
</tr>
<tr>
<td>Criminal damage of property</td>
<td>23</td>
<td>91.3</td>
<td>8.7</td>
<td>87.0</td>
<td>4.3</td>
</tr>
<tr>
<td>Criminal threat</td>
<td>45</td>
<td>93.3</td>
<td>6.7</td>
<td>68.9</td>
<td>31.1</td>
</tr>
<tr>
<td>Driving while a habitual violator</td>
<td>57</td>
<td>96.5</td>
<td>3.5</td>
<td>61.4</td>
<td>36.8</td>
</tr>
<tr>
<td>Driving while suspended</td>
<td>28</td>
<td>96.4</td>
<td>3.6</td>
<td>67.9</td>
<td>32.1</td>
</tr>
<tr>
<td>Forgery</td>
<td>110</td>
<td>59.1</td>
<td>40.9</td>
<td>63.6</td>
<td>33.6</td>
</tr>
<tr>
<td>Robbery</td>
<td>28</td>
<td>89.3</td>
<td>10.7</td>
<td>42.9</td>
<td>57.1</td>
</tr>
<tr>
<td>Theft</td>
<td>151</td>
<td>81.5</td>
<td>18.5</td>
<td>70.9</td>
<td>26.5</td>
</tr>
<tr>
<td>Subtotal</td>
<td>749</td>
<td>85.6</td>
<td>14.4</td>
<td>67.8</td>
<td>29.4</td>
</tr>
<tr>
<td>Other</td>
<td>240</td>
<td>89.6</td>
<td>10.4</td>
<td>67.4</td>
<td>29.7</td>
</tr>
<tr>
<td>TOTAL</td>
<td>989</td>
<td>86.6</td>
<td>13.4</td>
<td>67.7</td>
<td>29.5</td>
</tr>
</tbody>
</table>

* Average age at time of offense.
** Average age at time admitted to prison.
### Table 16: Characteristics of Drug Probation Violators by Type of Offense

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Number of Cases</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Offense Age Mean*</th>
<th>Admit Age Mean**</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
<td>Black</td>
</tr>
<tr>
<td>Depress, stim, hall, etc.; sale, pos w/intent to sale</td>
<td>34</td>
<td>76.5</td>
<td>23.5</td>
<td>61.8</td>
<td>29.4</td>
</tr>
<tr>
<td>Depress, stim, hall; poss 2nd</td>
<td>27</td>
<td>85.2</td>
<td>14.8</td>
<td>81.5</td>
<td>18.5</td>
</tr>
<tr>
<td>Opiates or narcotics; poss 1</td>
<td>215</td>
<td>77.2</td>
<td>22.8</td>
<td>62.8</td>
<td>34.4</td>
</tr>
<tr>
<td>Opiates or narcotics; poss 2</td>
<td>5</td>
<td>60.0</td>
<td>40.0</td>
<td>60.0</td>
<td>40.0</td>
</tr>
<tr>
<td>Opiates or narcotics; sale 1</td>
<td>49</td>
<td>77.6</td>
<td>22.4</td>
<td>49.0</td>
<td>49.0</td>
</tr>
<tr>
<td>Possession of paraphernalia</td>
<td>5</td>
<td>80.0</td>
<td>20.0</td>
<td>100.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Unlawful manufacture controlled substance</td>
<td>6</td>
<td>100.0</td>
<td>0.0</td>
<td>100.0</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>341</strong></td>
<td><strong>78.0</strong></td>
<td><strong>22.0</strong></td>
<td><strong>63.3</strong></td>
<td><strong>33.7</strong></td>
</tr>
</tbody>
</table>

* 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*

<table>
<thead>
<tr>
<th>Severity Level</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
<th>I</th>
<th>Subtotal</th>
</tr>
</thead>
<tbody>
<tr>
<td>D2</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td>4</td>
<td></td>
<td></td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>D3</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>9</td>
<td>5</td>
<td>17</td>
<td>15</td>
<td>27</td>
<td>80</td>
<td>240</td>
</tr>
<tr>
<td>D4</td>
<td>1</td>
<td>5</td>
<td>16</td>
<td>9</td>
<td>17</td>
<td>12</td>
<td>42</td>
<td>58</td>
<td>80</td>
<td>240</td>
</tr>
<tr>
<td>N1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>N2</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>N3</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
<td>3</td>
<td>4</td>
<td></td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>N4</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
<td>2</td>
<td>4</td>
<td></td>
<td></td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>N5</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>5</td>
<td>11</td>
<td>18</td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>N6</td>
<td>3</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5</td>
<td>14</td>
<td>23</td>
<td></td>
</tr>
<tr>
<td>N7</td>
<td>2</td>
<td>3</td>
<td>28</td>
<td>23</td>
<td>25</td>
<td>24</td>
<td>43</td>
<td>42</td>
<td>67</td>
<td>257</td>
</tr>
<tr>
<td>N8</td>
<td>2</td>
<td>14</td>
<td>8</td>
<td>21</td>
<td>15</td>
<td>21</td>
<td>28</td>
<td>32</td>
<td>141</td>
<td></td>
</tr>
<tr>
<td>N9</td>
<td>4</td>
<td>10</td>
<td>40</td>
<td>21</td>
<td>48</td>
<td>27</td>
<td>52</td>
<td>58</td>
<td>75</td>
<td>335</td>
</tr>
<tr>
<td>N10</td>
<td>2</td>
<td>6</td>
<td>2</td>
<td>5</td>
<td>4</td>
<td>13</td>
<td>15</td>
<td>14</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>7</td>
<td>30</td>
<td>114</td>
<td>66</td>
<td>128</td>
<td>91</td>
<td>202</td>
<td>235</td>
<td>340</td>
<td>1,213</td>
</tr>
</tbody>
</table>

* Due to missing data, criminal history categories are based on 1,213 probation violators reporting criminal history.
Chapter Two: Violators

Condition Parole/Postrelease Supervision Violators

Condition parole/postrelease supervision violators contributed the largest percentage of FY 2001 admissions. Totaling 2,552 admissions, this group accounted for approximately 43% 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 battery, aggravated burglary, aggravated robbery, aggravated indecent liberties with child, burglary, forgery, indecent liberties with child, rape, robbery and theft, accounting for more than 67% of the total offenses. More than 95% of this group was males. Females represented the highest percentage (over 20%) for the crime of forgery. The highest percentage of whites was found in the offense categories of indecent liberties with child, aggravated indecent liberties with child and burglary, whereas blacks indicated the highest representation in aggravated robbery and robbery (Table 18). Parole/postrelease drug violators were convicted primarily for possession of opiates or narcotics (Table 19).

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

Table 18: Top 10 Most Frequent Committing Offenses of Parole/Postrelease Supervision Nondrug Violators

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Number of Cases</th>
<th>Male (%)</th>
<th>Female (%)</th>
<th>White (%)</th>
<th>Black (%)</th>
<th>Other (%)</th>
<th>Offense Age Mean*</th>
<th>Admit Age Mean**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggravated battery</td>
<td>145</td>
<td>94.5</td>
<td>5.5</td>
<td>48.3</td>
<td>44.1</td>
<td>7.6</td>
<td>27.5</td>
<td>33.3</td>
</tr>
<tr>
<td>Aggravated burglary</td>
<td>85</td>
<td>91.8</td>
<td>8.2</td>
<td>51.8</td>
<td>45.9</td>
<td>2.4</td>
<td>27.1</td>
<td>35.0</td>
</tr>
<tr>
<td>Aggravated robbery</td>
<td>209</td>
<td>97.1</td>
<td>2.9</td>
<td>35.4</td>
<td>63.6</td>
<td>1.0</td>
<td>24.5</td>
<td>36.2</td>
</tr>
<tr>
<td>Agg Indecent Liberties w/Child</td>
<td>125</td>
<td>96.8</td>
<td>3.2</td>
<td>72.0</td>
<td>24.8</td>
<td>3.2</td>
<td>28.0</td>
<td>33.2</td>
</tr>
<tr>
<td>Burglary</td>
<td>189</td>
<td>98.4</td>
<td>1.6</td>
<td>67.2</td>
<td>29.6</td>
<td>3.2</td>
<td>27.8</td>
<td>32.5</td>
</tr>
<tr>
<td>Forgery</td>
<td>92</td>
<td>78.3</td>
<td>21.7</td>
<td>51.1</td>
<td>41.3</td>
<td>7.6</td>
<td>32.1</td>
<td>36.1</td>
</tr>
<tr>
<td>Indecent Liberties w/Child</td>
<td>77</td>
<td>100.0</td>
<td>0.0</td>
<td>76.6</td>
<td>18.2</td>
<td>5.2</td>
<td>28.0</td>
<td>36.9</td>
</tr>
<tr>
<td>Rape</td>
<td>61</td>
<td>100.0</td>
<td>0.0</td>
<td>52.5</td>
<td>45.9</td>
<td>1.6</td>
<td>25.5</td>
<td>36.5</td>
</tr>
<tr>
<td>Robbery</td>
<td>179</td>
<td>95.5</td>
<td>4.5</td>
<td>38.0</td>
<td>61.5</td>
<td>0.6</td>
<td>26.1</td>
<td>32.9</td>
</tr>
<tr>
<td>Theft</td>
<td>91</td>
<td>95.6</td>
<td>4.4</td>
<td>57.1</td>
<td>41.8</td>
<td>1.1</td>
<td>28.0</td>
<td>32.6</td>
</tr>
<tr>
<td>Other</td>
<td>609</td>
<td>95.6</td>
<td>4.4</td>
<td>65.5</td>
<td>31.9</td>
<td>2.6</td>
<td>28.3</td>
<td>34.6</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>1,862</strong></td>
<td><strong>95.3</strong></td>
<td><strong>4.7</strong></td>
<td><strong>57.0</strong></td>
<td><strong>40.0</strong></td>
<td><strong>3.0</strong></td>
<td><strong>27.5</strong></td>
<td><strong>34.4</strong></td>
</tr>
</tbody>
</table>

* 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

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Number of Cases</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Offense Age Mean*</th>
<th>Admit Age Mean**</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
<td>Black</td>
<td>Other</td>
</tr>
<tr>
<td>Depress, stim, hall, etc.; sale, poss w/intent to sale</td>
<td>91</td>
<td>96.7</td>
<td>3.3</td>
<td>78.0</td>
<td>20.9</td>
</tr>
<tr>
<td>Depress, stim, hall; sale w/in 1,000 ft of school</td>
<td>3</td>
<td>100.0</td>
<td>0.0</td>
<td>100.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Depress, stim, hall; poss 2</td>
<td>20</td>
<td>100.0</td>
<td>0.0</td>
<td>65.0</td>
<td>30.0</td>
</tr>
<tr>
<td>Opiates or narcotics; poss 1</td>
<td>315</td>
<td>89.5</td>
<td>10.5</td>
<td>46.3</td>
<td>53.0</td>
</tr>
<tr>
<td>Opiates or narcotics; poss 2</td>
<td>34</td>
<td>82.4</td>
<td>17.6</td>
<td>47.1</td>
<td>52.9</td>
</tr>
<tr>
<td>Opiates or narcotics; poss 3</td>
<td>6</td>
<td>66.7</td>
<td>33.3</td>
<td>16.7</td>
<td>66.7</td>
</tr>
<tr>
<td>Opiates or narcotics; sale 1</td>
<td>144</td>
<td>86.8</td>
<td>13.2</td>
<td>36.8</td>
<td>61.1</td>
</tr>
<tr>
<td>Opiates or narcotics; sale 2</td>
<td>17</td>
<td>100.0</td>
<td>0.0</td>
<td>11.8</td>
<td>88.2</td>
</tr>
<tr>
<td>Opiates or narcotics; sale 3</td>
<td>1</td>
<td>100.0</td>
<td>0.0</td>
<td>0.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Unlawful manufacture controlled substance</td>
<td>59</td>
<td>89.8</td>
<td>10.2</td>
<td>59.3</td>
<td>35.6</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>690</td>
<td>90.0</td>
<td>10.0</td>
<td>49.3</td>
<td>49.1</td>
</tr>
</tbody>
</table>

* 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*

<table>
<thead>
<tr>
<th>Severity Level</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
<th>I</th>
<th>Subtotal</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>D2</td>
<td>2</td>
<td>1</td>
<td></td>
<td>10</td>
<td>5</td>
<td>8</td>
<td>5</td>
<td>2</td>
<td></td>
<td>33</td>
</tr>
<tr>
<td>D3</td>
<td>4</td>
<td>10</td>
<td>20</td>
<td>30</td>
<td>22</td>
<td>27</td>
<td>33</td>
<td>42</td>
<td></td>
<td>198</td>
</tr>
<tr>
<td>D4</td>
<td>7</td>
<td>16</td>
<td>32</td>
<td>11</td>
<td>42</td>
<td>27</td>
<td>18</td>
<td>17</td>
<td>19</td>
<td>189</td>
</tr>
<tr>
<td>N1</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>N2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>N3</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td></td>
<td>2</td>
<td>7</td>
<td>6</td>
<td>31</td>
<td>52</td>
<td></td>
</tr>
<tr>
<td>N4</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>N5</td>
<td>2</td>
<td>5</td>
<td>20</td>
<td>14</td>
<td>7</td>
<td>36</td>
<td>20</td>
<td>67</td>
<td>185</td>
<td></td>
</tr>
<tr>
<td>N6</td>
<td>3</td>
<td>4</td>
<td>14</td>
<td>8</td>
<td>13</td>
<td>7</td>
<td>10</td>
<td>4</td>
<td>24</td>
<td>87</td>
</tr>
<tr>
<td>N7</td>
<td>28</td>
<td>39</td>
<td>39</td>
<td>23</td>
<td>35</td>
<td>22</td>
<td>20</td>
<td>19</td>
<td>35</td>
<td>260</td>
</tr>
<tr>
<td>N8</td>
<td>17</td>
<td>20</td>
<td>23</td>
<td>1</td>
<td>29</td>
<td>16</td>
<td>19</td>
<td>14</td>
<td>12</td>
<td>151</td>
</tr>
<tr>
<td>N9</td>
<td>29</td>
<td>45</td>
<td>26</td>
<td>9</td>
<td>39</td>
<td>7</td>
<td>16</td>
<td>10</td>
<td>14</td>
<td>195</td>
</tr>
<tr>
<td>N10</td>
<td>7</td>
<td>9</td>
<td>8</td>
<td>2</td>
<td>7</td>
<td>2</td>
<td>6</td>
<td>7</td>
<td>1</td>
<td>49</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>99</td>
<td>153</td>
<td>187</td>
<td>79</td>
<td>220</td>
<td>119</td>
<td>171</td>
<td>139</td>
<td>259</td>
<td>1,426</td>
</tr>
</tbody>
</table>

* Due to missing data, criminal history categories are based on 1,426 violators reporting criminal history.
Chapter Two: Violators

Conditional Release Violators

Tables 21 and 22 illustrate the characteristics of conditional release violators. In examining offense types, the analysis found that the highest percentage of this group was classified as sex offenders, which attributed to almost 51% of all nondrug offenders. Drug offenders represented only 18.3% of this specific population (n=109). 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

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Number of Cases</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Age Mean*</th>
<th>Admit Age Mean**</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
<td>Black</td>
<td>Other</td>
</tr>
<tr>
<td>Agg criminal sodomy w/child</td>
<td>6</td>
<td>100.0</td>
<td>83.3</td>
<td>16.7</td>
<td></td>
</tr>
<tr>
<td>Agg escape from custody</td>
<td>4</td>
<td>100.0</td>
<td>25.0</td>
<td>75.0</td>
<td></td>
</tr>
<tr>
<td>Aggravated battery</td>
<td>3</td>
<td>100.0</td>
<td>33.3</td>
<td>66.7</td>
<td></td>
</tr>
<tr>
<td>Aggravated robbery</td>
<td>9</td>
<td>100.0</td>
<td>22.2</td>
<td>77.8</td>
<td></td>
</tr>
<tr>
<td>Aggravated incest</td>
<td>5</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agg sexual battery on child</td>
<td>2</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td>5</td>
<td>100.0</td>
<td>60.0</td>
<td>40.0</td>
<td></td>
</tr>
<tr>
<td>Indecent liberties w/child</td>
<td>22</td>
<td>100.0</td>
<td>90.9</td>
<td>9.1</td>
<td></td>
</tr>
<tr>
<td>Rape</td>
<td>10</td>
<td>100.0</td>
<td>50.0</td>
<td>50.0</td>
<td></td>
</tr>
<tr>
<td>Robbery</td>
<td>8</td>
<td>100.0</td>
<td>12.5</td>
<td>75.0</td>
<td>12.5</td>
</tr>
<tr>
<td>Other</td>
<td>15</td>
<td>100.0</td>
<td>66.7</td>
<td>33.3</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>89</td>
<td>100.0</td>
<td>0.0</td>
<td>61.8</td>
<td>37.1</td>
</tr>
</tbody>
</table>

* 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

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Number of Cases</th>
<th>Gender (%)</th>
<th>Race (%)</th>
<th>Age Mean*</th>
<th>Admit Age Mean**</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>White</td>
<td>Black</td>
<td>Other</td>
</tr>
<tr>
<td>Opiates or narcotics; poss 1</td>
<td>14</td>
<td>100.0</td>
<td>0.0</td>
<td>14.3</td>
<td>85.7</td>
</tr>
<tr>
<td>Opiates or narcotics; sale 1</td>
<td>1</td>
<td>100.0</td>
<td>0.0</td>
<td>100.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Unlawful manufacture controlled substance</td>
<td>5</td>
<td>100.0</td>
<td>0.0</td>
<td>80.0</td>
<td>20.0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>20</td>
<td>100.0</td>
<td>0.0</td>
<td>35.0</td>
<td>65.0</td>
</tr>
</tbody>
</table>

* 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 6% of the total prison admissions, indicating a 1.8% decrease when compared with FY 2000. 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).

Drugs (29.6%), burglary (14.8%) and forgery (6.9%) were the major committing offense categories for probation violators with new convictions. Drugs (26.2%), theft (10.3%) and burglary (9.0%) 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 (30%), 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=203, parole violators with new sentence=145, and conditional release violators with new sentence=10.

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

Note: Probation violators with new sentence=203, parole violators with new sentence=145, and conditional violators with new sentence=10.
### Table 23: Distribution of FY 2001 Violators with New Sentences by Severity Level

<table>
<thead>
<tr>
<th>Severity Level</th>
<th>Probation</th>
<th>Parole/Postrelease</th>
<th>Conditional Release</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>D1</td>
<td>5</td>
<td>2.5</td>
<td>0</td>
</tr>
<tr>
<td>D2</td>
<td>11</td>
<td>5.4</td>
<td>7</td>
</tr>
<tr>
<td>D3</td>
<td>18</td>
<td>8.9</td>
<td>18</td>
</tr>
<tr>
<td>D4</td>
<td>26</td>
<td>12.8</td>
<td>13</td>
</tr>
<tr>
<td>N1</td>
<td>0</td>
<td>0.0</td>
<td>1</td>
</tr>
<tr>
<td>N2</td>
<td>0</td>
<td>0.0</td>
<td>2</td>
</tr>
<tr>
<td>N3</td>
<td>8</td>
<td>3.9</td>
<td>14</td>
</tr>
<tr>
<td>N4</td>
<td>1</td>
<td>0.5</td>
<td>5</td>
</tr>
<tr>
<td>N5</td>
<td>21</td>
<td>10.3</td>
<td>20</td>
</tr>
<tr>
<td>N6</td>
<td>6</td>
<td>3.0</td>
<td>5</td>
</tr>
<tr>
<td>N7</td>
<td>44</td>
<td>21.7</td>
<td>21</td>
</tr>
<tr>
<td>N8</td>
<td>31</td>
<td>15.3</td>
<td>12</td>
</tr>
<tr>
<td>N9</td>
<td>24</td>
<td>11.8</td>
<td>23</td>
</tr>
<tr>
<td>N10</td>
<td>8</td>
<td>3.9</td>
<td>3</td>
</tr>
<tr>
<td>Offgrid</td>
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<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Nongrid</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
</tr>
<tr>
<td>Unknown</td>
<td>0</td>
<td>0.0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>203</strong></td>
<td><strong>100.0</strong></td>
<td><strong>145</strong></td>
</tr>
</tbody>
</table>
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 2001, there were 1,477 condition probation violators and 151 probation violators with new convictions representing 46.8% of the total number of 3,154 condition probation violators and 35.2% of the total number of 429 probation violators with new offenses respectively, who were continued or extended on probation. Drugs (25.5%), theft (12.5%), burglary (10.6%), forgery (9.5%) and driving while a habitual violator (7.4%) were the top five committing offenses for this group of condition violators. Drugs (25.2%), burglary (15.2%), forgery (12.6%), theft (7.3%) and driving while a habitual violator (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

<table>
<thead>
<tr>
<th>Severity Level</th>
<th>Number of Cases</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
<th>I</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
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<td>0</td>
<td>1</td>
</tr>
<tr>
<td>D2</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>D3</td>
<td>90</td>
<td>0</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>5</td>
<td>9</td>
<td>18</td>
<td>12</td>
<td>38</td>
</tr>
<tr>
<td>D4</td>
<td>274</td>
<td>3</td>
<td>3</td>
<td>11</td>
<td>6</td>
<td>16</td>
<td>11</td>
<td>60</td>
<td>51</td>
<td>106</td>
</tr>
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<td>0</td>
<td>1</td>
</tr>
<tr>
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<td>0</td>
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<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>N4</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>N5</td>
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<td>0</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>N6</td>
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<td>24</td>
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Note: Criminal history classes are based on 1,399 cases reporting criminal history category.
Legend: Presumptive Prison | Border Boxes | Presumptive Probation
### Table 25: Criminal History by Severity Levels of Probation Violators with New Convictions Continuing and Extending on Probation

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<tr>
<th>Severity Level</th>
<th>Number of Cases</th>
<th>Criminal History Class</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
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</tbody>
</table>

**Note:** Criminal history classes are based on 146 cases reporting criminal history category.

**Legend:**
- Presumptive Prison
- Border Boxes
- Presumptive Probation
CHAPTER THREE
CONFORMITY TO THE SENTENCING GUIDELINES

Conformity to the sentencing guidelines refers to presumptive prison and probation sentences imposed under the sentencing guidelines for offenders sentenced during FY 2001. 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 2001, there were 7,076 pure guideline sentences, including 1,399 incarceration guideline sentences and 5,677 probation sentences. Figure 25 demonstrates that nearly 83% (5,864 sentences) of the 7,076 guideline sentences fell within the presumptive guideline grids; 5.9% (419 sentences) indicated durational departures, and 11.2% (793 sentences) were dispositional departures. Of all the sentences within the presumptive guideline grids, 4,815 sentences (82.1%) fell within either the presumptive prison boxes or presumptive probation boxes, while 1,049 sentences (17.9%) were located on designated border boxes.

Figure 26 indicates that more than 58% (463 sentences) of the 793 dispositional departures were downward departures and almost 42% (330 sentences) were upward dispositional departures. More than 78% of the 1,049 border box sentences resulted in probation sentences with only 22% 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 2001 Overall Guideline Sentences**

- Within Guideline Grids: 82.9%
- Presumptive Boxes: 82.1%
- Duration Departure: 5.9%
- Disposition Departure: 11.2%
- Border Boxes: 17.9%

Based on 1,399 prison and 5,677 probation sentences

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

- Dispositional Departures:
  - Upward: 41.6%
  - Downward: 58.4%

- Border Boxes:
  - Incarceration: 21.8%
  - Probation: 78.2%

Based on 793 dispositional departures and 1,049 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 1,399 presumptive prison guideline sentences were utilized for this analysis.

Figure 27 indicates that 46.5% of total sentences fell within the presumptive incarceration range. Of this percentage, 32.2% fell within the standard range, 11.4% were within the aggravated range, and 21.2% were within the mitigated range. 35.2% were located within designated border boxes.

Figure 28 indicates that among the durational departure sentences, 48.2% departed upward from the presumptive guideline ranges, while 51.8% departed downward from the sentence lengths indicated on the presumptive range.
CONFORMITY OF PRESUMPTIVE PROBATION GUIDELINE SENTENCES

As expected, probation guideline sentences overwhelmingly (91.8%, 5,214 cases) fell beneath the incarceration line, with only 15.7% falling within border boxes (Figure 29). This distribution accounted for 85% of the total probation sentences during FY 2001 (6,138). Probation sentences reflected downward dispositional departures of 8.2%, while upward dispositional departure sentences were reflected in presumptive prison sentences (See Figure 26, page 45).

Figure 29: Probation Guideline Sentences

Based on 5,677 probation guideline sentences
Figure 30 indicates that among nondrug offenders, the data showed 31.2% upward dispositional departures, while drug offenders only revealed 6.1% upward dispositional departures. Nondrug offenders indicate 27.1% durational departures while drug offenders show 36.6% durational departures.

Examination of durational departures in Figure 31 indicates that downward departures represent 75.5% of the total durational departures on the drug grid. However, on the nondrug grid, only 37.9% 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 percentage of downward dispositional departures than nondrug sentences (12% versus 6.3%, 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 an 11.1% standard, 2.1% aggravated, 8.3% mitigated and 35.8% border box sentence distribution. Nondrug sentences revealed a 16.6% standard, 6.7% aggravated, 10.6% mitigated and 7.9% border box sentence distribution. As for the departure sentences, drug sentences showed 9% upward durational departures and 27.6% downward durational departures, whereas nondrug sentences showed a 16.8% upward durational departure rate and a 10.3% downward durational departure rate. When examining dispositional departures, nondrug sentences upward dispositional departures were present in 31.2%. By contrast, drug sentences showed only 6.1% 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 six years.
### Table 26: Conformity Rates by Severity Level - Incarceration Sentences

<table>
<thead>
<tr>
<th>Severity Level</th>
<th>N</th>
<th>Within Guidelines (%)</th>
<th>Departures (%)</th>
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<tr>
<td></td>
<td></td>
<td>Agg</td>
<td>Stand</td>
<td>Miti</td>
</tr>
<tr>
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<td>4.9</td>
<td>8.5</td>
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<td>20.4</td>
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<tr>
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<td>1.4</td>
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<td>11.1</td>
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<td>3.9</td>
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<tr>
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<td>9.4</td>
<td>6.3</td>
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<tr>
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<td>6.9</td>
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<td>18.9</td>
<td>5.7</td>
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<td>10.6</td>
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<td>14.9</td>
<td>9.9</td>
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Table 27 displays conformity rates for probation sentences by severity levels. Probation drug sentences indicated 12% downward dispositional departures for sentences, which should have been presumptive incarceration, while only 6.3% 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 (35.5% versus 4%). 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 six years.
### Table 27: Conformity Rates by Severity Level - Probation Sentences

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<tr>
<th>Severity Level</th>
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<th>Presumptive Probation (%)</th>
<th>Border Boxes (%)</th>
<th>Downward Disposition (%)</th>
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<td>D1</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>D2</td>
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<td></td>
</tr>
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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 standard sentences (15.5%) and mitigated sentences (15.5%) 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**

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<th>Dispositional</th>
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<td>Box</td>
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<td>Upward</td>
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<td></td>
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<td>12.8</td>
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<td>79.4</td>
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<td>16.6</td>
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</table>

Based on 423 drug incarceration guideline sentences reporting race of offenders.

Examining nondrug incarceration sentences on Table 29, blacks received more aggravated sentences than whites (9.1% vs. 5%), whereas whites represented a higher percentage in border box sentences than blacks (9.7% vs. 4.7%). As for standard sentences, mitigated sentences and departure sentences, there was not a significant percentage difference between white offenders and black offenders.
### Table 29: Conformity Rates by Race - Incarceration Sentences Nondrug Offenders

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<th>Severity Level and Race</th>
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<th>Stand</th>
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TOTAL
White 637 5.0 16.8 9.9 9.7 16.5 10.2 31.9
Black 297 9.1 17.2 11.4 4.7 16.2 11.4 30.0
Other 39 15.4 10.3 12.8 28.2 2.6 30.8

Based on 973 nondrug incarceration guideline sentences reporting race of offenders.

Chapter Three: Conformity to the Sentencing Guidelines
Conformity rates for probation sentences by race indicate that white offenders received more presumptive probation sentences (55.1%) but fewer downward dispositional departures (10.4%) than black offenders for drug offenses (Table 30). A similar pattern was found with nondrug sentences (Table 31). Black nondrug offenders accounted for a lower percentage of presumptive probation sentences (86.5% vs. 90.7%) but a higher percentage of downward dispositional departures (9.5% vs. 5.3%) than whites. No percentage difference was found in the nondrug border box sentences between white and black offenders (Table 31) but black drug offenders were more likely than whites to receive probation sentences when the offenders fell within the border box range of the sentence grid (38.4% vs. 34.4%, Table 30).

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

**Drug Offenders**

<table>
<thead>
<tr>
<th>Severity Level and Race</th>
<th>N</th>
<th>Presumptive Probation (%)</th>
<th>Border Boxes (%)</th>
<th>Downward Disposition (%)</th>
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Based on 1,820 drug probation sentences reporting race of offenders.
### Table 31: Conformity Rates by Race - Probation Sentences
#### Nondrug Offenders

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<th>Border Boxes (%)</th>
<th>Downward Disposition (%)</th>
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Based on 3,686 nondrug probation sentences reporting race of offenders.
CONFORMITY RATES TO THE GUIDELINES BY GENDER

Table 32 illustrates that for drug incarceration sentences, conformity rates also vary depending on severity level and gender. Only males received aggravated sentences and standard sentences. However, females represented a lower rate in mitigated sentences than males (2.2% vs. 9%) and received more prison sentences when the offenders fell within the border boxes than their counterparts (43.5% vs. 34.9%). As for departure sentences, males received more upward durational departures (9.8% vs. 2.2%) and fewer downward durational departures (25.9% vs. 41.3%) than females, while females received a greater number of upward dispositional departures than males (10.9% vs. 5.6%).

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

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<th>Severity Level and Gender</th>
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<td>1.6</td>
<td>76.2</td>
<td>7.9</td>
<td>7.9</td>
</tr>
<tr>
<td>Female</td>
<td>17</td>
<td></td>
<td></td>
<td></td>
<td>88.2</td>
<td>5.9</td>
<td>5.9</td>
</tr>
<tr>
<td>D4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>132</td>
<td>2.3</td>
<td>21.2</td>
<td>11.4</td>
<td>27.3</td>
<td>7.6</td>
<td>14.4</td>
</tr>
<tr>
<td>Female</td>
<td>13</td>
<td></td>
<td></td>
<td></td>
<td>38.5</td>
<td>23.1</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>378</td>
<td>2.4</td>
<td>12.4</td>
<td>9.0</td>
<td>34.9</td>
<td>9.8</td>
<td>25.9</td>
</tr>
<tr>
<td></td>
<td>46</td>
<td>2.2</td>
<td></td>
<td></td>
<td>43.5</td>
<td>2.2</td>
<td>41.3</td>
</tr>
</tbody>
</table>

Based on 424 drug incarceration guideline sentences.

Table 33 demonstrates the sentence pattern of the nondrug incarceration sentences. Within guidelines males received a little fewer standard sentences (16.5% vs. 17.7%) but a lot more mitigated sentences (11.2% vs. 1.6%) than females. There was not much percentage difference in aggravated sentences between males and females. However, similar with the pattern of drug incarceration border box sentences, females received prison sentences at a significantly higher rate than males when their sentences fell within border boxes (16.1% vs. 7.3%). Nondrug incarceration departure sentences followed the same trend of FY 2000, in which males accounted for higher percentages in both upward and downward durational departures than females, but females had a higher percentage in upward dispositional departure than males (41.9% vs. 38.5%).
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 six years and will continue to be closely monitored in future analysis (see Kansas Sentencing Commission 2000, 1999, 1998, 1997 and 1996 Annual Reports).

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

<table>
<thead>
<tr>
<th>Severity Level and Gender</th>
<th>N</th>
<th>Within Guidelines (%)</th>
<th>Departures (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Agg</td>
<td>Stand</td>
</tr>
<tr>
<td>N1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>67</td>
<td>11.9</td>
<td>11.9</td>
</tr>
<tr>
<td>Female</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N2</td>
<td>32</td>
<td>6.3</td>
<td>21.9</td>
</tr>
<tr>
<td>Male</td>
<td>32</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>2</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>N3</td>
<td>171</td>
<td>11.7</td>
<td>15.8</td>
</tr>
<tr>
<td>Male</td>
<td>171</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>11</td>
<td>27.3</td>
<td>45.5</td>
</tr>
<tr>
<td>N4</td>
<td>44</td>
<td>18.2</td>
<td>27.3</td>
</tr>
<tr>
<td>Male</td>
<td>44</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>1</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>N5</td>
<td>181</td>
<td>6.6</td>
<td>19.9</td>
</tr>
<tr>
<td>Male</td>
<td>181</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>14</td>
<td>7.1</td>
<td>7.1</td>
</tr>
<tr>
<td>N6</td>
<td>24</td>
<td>4.2</td>
<td>25.0</td>
</tr>
<tr>
<td>Male</td>
<td>24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>7</td>
<td>12.3</td>
<td>4.1</td>
</tr>
<tr>
<td>N7</td>
<td>171</td>
<td>4.1</td>
<td>12.3</td>
</tr>
<tr>
<td>Male</td>
<td>171</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>7</td>
<td>11.1</td>
<td>11.1</td>
</tr>
<tr>
<td>N8</td>
<td>55</td>
<td>1.8</td>
<td>9.1</td>
</tr>
<tr>
<td>Male</td>
<td>55</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>9</td>
<td>11.1</td>
<td>11.1</td>
</tr>
<tr>
<td>N9</td>
<td>123</td>
<td>0.8</td>
<td>16.3</td>
</tr>
<tr>
<td>Male</td>
<td>123</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>7</td>
<td>14.3</td>
<td>14.3</td>
</tr>
<tr>
<td>N10</td>
<td>45</td>
<td>2.2</td>
<td>20.0</td>
</tr>
<tr>
<td>Male</td>
<td>45</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>8</td>
<td>12.5</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>913</td>
<td>6.7</td>
<td>16.5</td>
</tr>
<tr>
<td>Male</td>
<td>913</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>62</td>
<td>6.5</td>
<td>17.7</td>
</tr>
</tbody>
</table>

Based on 975 nondrug incarceration guideline sentences.
Chapter Three: Conformity to the Sentencing Guidelines

Analyses of overall probation sentences show that females, on both the drug and nondrug grids, received 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, FY 1999 and FY 2000 data.

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

<table>
<thead>
<tr>
<th>Severity Level and Gender</th>
<th>N</th>
<th>Presumptive Probation (%)</th>
<th>Border Boxes (%)</th>
<th>Downward Disposition (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>29</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>414</td>
<td></td>
<td>93.0</td>
<td>7.0</td>
</tr>
<tr>
<td>Female</td>
<td>80</td>
<td></td>
<td>97.5</td>
<td>2.5</td>
</tr>
<tr>
<td>D4</td>
<td></td>
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<tr>
<td>Male</td>
<td>965</td>
<td></td>
<td>71.8</td>
<td>15.1</td>
</tr>
<tr>
<td>Female</td>
<td>325</td>
<td></td>
<td>85.2</td>
<td>12.3</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>1,420</td>
<td></td>
<td>48.7</td>
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<tr>
<td>Female</td>
<td>421</td>
<td></td>
<td>65.8</td>
<td>28.0</td>
</tr>
</tbody>
</table>

Based on 1,841 drug probation sentences reporting gender of offenders.
Table 35: Conformity Rates by Gender - Probation Sentences
Nondrug Offenders

<table>
<thead>
<tr>
<th>Severity Level and Gender</th>
<th>N</th>
<th>Presumptive Probation (%)</th>
<th>Border Boxes (%)</th>
<th>Downward Disposition (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>N1</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N2</td>
<td>1</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N3</td>
<td>28</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>4</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N4</td>
<td>12</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>2</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N5</td>
<td>153</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>23</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N6</td>
<td>83</td>
<td>74.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>74.7</td>
<td></td>
<td></td>
</tr>
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<td>Female</td>
<td>6</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N7</td>
<td>769</td>
<td>96.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>96.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>105</td>
<td>99.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N8</td>
<td>432</td>
<td>94.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>94.7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>242</td>
<td>99.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N9</td>
<td>1,131</td>
<td>93.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>93.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>249</td>
<td>99.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N10</td>
<td>366</td>
<td>96.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>96.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>113</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>2,977</td>
<td>88.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td>88.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>745</td>
<td>95.4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Based on 3,722 nondrug probation sentences reporting gender of offenders.
In FY 2001, the total number of incarceration sentences decreased by 8% compared with that of FY 2000. The total number of FY 2001 prison admissions indicated an increase of 16.7% from the 5,134 admissions reported in FY 1997 (Figure 33).

Monthly prison admissions in FY 2001 demonstrate a different pattern when compared with previous years (Table 36). The highest monthly admission rate in FY 2001 is in August, that is the second month of the fiscal year.

Table 36: Prison Admissions by Month

<table>
<thead>
<tr>
<th>Month by Fiscal Year</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>427</td>
<td>411</td>
<td>486</td>
<td>493</td>
<td>559</td>
</tr>
<tr>
<td>August</td>
<td>429</td>
<td>396</td>
<td>479</td>
<td>456</td>
<td>616</td>
</tr>
<tr>
<td>September</td>
<td>426</td>
<td>502</td>
<td>457</td>
<td>493</td>
<td>501</td>
</tr>
<tr>
<td>October</td>
<td>450</td>
<td>466</td>
<td>441</td>
<td>593</td>
<td>463</td>
</tr>
<tr>
<td>November</td>
<td>446</td>
<td>419</td>
<td>427</td>
<td>500</td>
<td>440</td>
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<tr>
<td>December</td>
<td>472</td>
<td>479</td>
<td>554</td>
<td>530</td>
<td>384</td>
</tr>
<tr>
<td>January</td>
<td>396</td>
<td>458</td>
<td>436</td>
<td>532</td>
<td>446</td>
</tr>
<tr>
<td>February</td>
<td>382</td>
<td>467</td>
<td>500</td>
<td>592</td>
<td>488</td>
</tr>
<tr>
<td>March</td>
<td>446</td>
<td>457</td>
<td>586</td>
<td>593</td>
<td>584</td>
</tr>
<tr>
<td>April</td>
<td>417</td>
<td>455</td>
<td>539</td>
<td>592</td>
<td>443</td>
</tr>
<tr>
<td>May</td>
<td>446</td>
<td>460</td>
<td>471</td>
<td>507</td>
<td>523</td>
</tr>
<tr>
<td>June</td>
<td>397</td>
<td>469</td>
<td>525</td>
<td>632</td>
<td>542</td>
</tr>
<tr>
<td>Total</td>
<td>5,134</td>
<td>5,439</td>
<td>5,901</td>
<td>6,513</td>
<td>5,989</td>
</tr>
</tbody>
</table>
Table 37 presents the types of admissions to prison during the past five years. The total number of admissions to prison in FY 2001 indicated a decrease of 8% when compared with the total number in FY 2000. Further comparison with FY 2000 demonstrated that the admissions of new court commitments increased by 20.6% and other types of admissions either decreased or remained constant. When compared with FY 1997, direct new court admissions to prison increased by 16%, while parole/postrelease violators with new sentences decreased by 46%. The largest increase in numbers and percentage during the past five years is parole/postrelease condition violators, which indicated an increase of 57% or 928 admissions. When compared with that number of FY 1997, conditional release violators went up by 28%.

Table 37: Comparison of Prison Admissions by Type
FY 1997 through FY 2001

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>New Court Admission</td>
<td>1380</td>
<td>1247</td>
<td>1340</td>
<td>1328</td>
<td>1601</td>
<td>16.0%</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Probation Violator</td>
<td>1320</td>
<td>1515</td>
<td>1579</td>
<td>1441</td>
<td>1330</td>
<td>0.8%</td>
<td>57.1%</td>
<td>-14.8%</td>
</tr>
<tr>
<td>Probation Violator with New Sentence</td>
<td>206</td>
<td>204</td>
<td>226</td>
<td>212</td>
<td>203</td>
<td>-1.5%</td>
<td>-1.5%</td>
<td>-83.8%</td>
</tr>
<tr>
<td>Parole/Postrelease Violator</td>
<td>1624</td>
<td>1847</td>
<td>2236</td>
<td>3084</td>
<td>2552</td>
<td>57.1%</td>
<td>22.0%</td>
<td>20.3%</td>
</tr>
<tr>
<td>Parole/Postrelease Violator with New Sent</td>
<td>269</td>
<td>262</td>
<td>295</td>
<td>284</td>
<td>145</td>
<td>-46.1%</td>
<td>-46.1%</td>
<td>-57.4%</td>
</tr>
<tr>
<td>Conditional Release Violator</td>
<td>85</td>
<td>113</td>
<td>118</td>
<td>104</td>
<td>109</td>
<td>28.2%</td>
<td>28.2%</td>
<td>28.2%</td>
</tr>
<tr>
<td>Conditional Release Violator with New Sent</td>
<td>10</td>
<td>15</td>
<td>13</td>
<td>7</td>
<td>10</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Other Types*</td>
<td>240</td>
<td>236</td>
<td>94</td>
<td>53</td>
<td>39</td>
<td>-83.8%</td>
<td>-83.8%</td>
<td>-83.8%</td>
</tr>
<tr>
<td>Total</td>
<td>5134</td>
<td>5439</td>
<td>5901</td>
<td>6513</td>
<td>5989</td>
<td>16.7%</td>
<td>16.7%</td>
<td>16.7%</td>
</tr>
</tbody>
</table>

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

As illustrated in Table 38, drug sentences during the past five years have increased, especially drug levels 1 and 2. The most significant increase in drug sentences was drug level 1 during the past five years. Table 39 demonstrates the different patterns of nondrug admissions to prison during the past five years from FY 1997 to FY 2001 by severity levels. The most significant changes of nondrug sentences were the increase of incarceration of the serious offenders and decrease of lower level offenders.

Table 38: Comparison of Incarceration Drug Sentences by Severity Level
FY 1997 through FY 2001

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>6</td>
<td>12</td>
<td>15</td>
<td>33</td>
<td>108</td>
<td>227.3%</td>
<td>1700.0%</td>
</tr>
<tr>
<td>D2</td>
<td>76</td>
<td>92</td>
<td>123</td>
<td>146</td>
<td>163</td>
<td>11.6%</td>
<td>114.5%</td>
</tr>
<tr>
<td>D3</td>
<td>772</td>
<td>541</td>
<td>707</td>
<td>688</td>
<td>715</td>
<td>3.9%</td>
<td>-7.4%</td>
</tr>
<tr>
<td>D4</td>
<td>517</td>
<td>762</td>
<td>679</td>
<td>769</td>
<td>655</td>
<td>-14.8%</td>
<td>26.7%</td>
</tr>
<tr>
<td>Total</td>
<td>1371</td>
<td>1407</td>
<td>1524</td>
<td>1636</td>
<td>1641</td>
<td>0.3%</td>
<td>19.7%</td>
</tr>
</tbody>
</table>
Chapter Four: Sentencing Trends and Forecast

Table 39: Comparison of Incarceration Nondrug Sentences by Severity Level  
FY 1997 through FY 2001

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>N1</td>
<td>37</td>
<td>37</td>
<td>63</td>
<td>67</td>
<td>99</td>
<td>47.8%</td>
<td>167.6%</td>
</tr>
<tr>
<td>N2</td>
<td>82</td>
<td>87</td>
<td>78</td>
<td>109</td>
<td>138</td>
<td>26.6%</td>
<td>68.3%</td>
</tr>
<tr>
<td>N3</td>
<td>363</td>
<td>370</td>
<td>444</td>
<td>529</td>
<td>612</td>
<td>15.7%</td>
<td>68.6%</td>
</tr>
<tr>
<td>N4</td>
<td>130</td>
<td>82</td>
<td>126</td>
<td>135</td>
<td>145</td>
<td>7.4%</td>
<td>11.5%</td>
</tr>
<tr>
<td>N5</td>
<td>510</td>
<td>492</td>
<td>520</td>
<td>626</td>
<td>751</td>
<td>20.0%</td>
<td>47.3%</td>
</tr>
<tr>
<td>N6</td>
<td>184</td>
<td>109</td>
<td>173</td>
<td>196</td>
<td>207</td>
<td>5.6%</td>
<td>12.5%</td>
</tr>
<tr>
<td>N7</td>
<td>860</td>
<td>862</td>
<td>871</td>
<td>1031</td>
<td>889</td>
<td>-13.8%</td>
<td>3.4%</td>
</tr>
<tr>
<td>N8</td>
<td>468</td>
<td>541</td>
<td>531</td>
<td>630</td>
<td>454</td>
<td>-27.9%</td>
<td>-3.0%</td>
</tr>
<tr>
<td>N9</td>
<td>855</td>
<td>1035</td>
<td>1116</td>
<td>1160</td>
<td>789</td>
<td>-32.0%</td>
<td>-7.7%</td>
</tr>
<tr>
<td>N10</td>
<td>170</td>
<td>222</td>
<td>267</td>
<td>284</td>
<td>194</td>
<td>-31.7%</td>
<td>14.1%</td>
</tr>
<tr>
<td>Offgrid</td>
<td>47</td>
<td>46</td>
<td>56</td>
<td>45</td>
<td>36</td>
<td>-20.0%</td>
<td>-23.4%</td>
</tr>
<tr>
<td>Other*</td>
<td>57</td>
<td>149</td>
<td>132</td>
<td>65</td>
<td>34</td>
<td>-47.7%</td>
<td>-40.4%</td>
</tr>
<tr>
<td>Total</td>
<td>3763</td>
<td>4032</td>
<td>4377</td>
<td>4877</td>
<td>4348</td>
<td>-10.8%</td>
<td>15.5%</td>
</tr>
</tbody>
</table>

* Other includes nongrid and unknown.

The overall incarceration rate of drug offenders in FY 2001, when compared with that in FY 2000, indicated a slight increase of 0.3%, while the overall nondrug incarceration rate decreased by 11%. However, when compared with FY 1997, the overall drug incarceration increased by nearly 20% while nondrug incarceration increased by 15.5% (Table 38 and Table 39). Further examination of the drug incarceration sentences indicated that the number of drug levels 1 and 2 increased significantly during the past five years. The largest increase in percentage of drug offenders in FY 2001 fell on drug grid level 1, which increased by 227% from FY 2000 and 1700% from FY 1997. The largest increase in numbers for drug offenders fell on drug severity level 3 compared with FY 2000 (Table 38). For nondrug offenses, the largest increase in percentage fell on nondrug level 1 and the largest decrease in number and percentage occurred in nondrug severity level 9, which dropped by 371 admissions or 32% from the previous year. As expected, the increase of incarceration of serious nondrug offenders and the decreases of incarcerations of less serious offenders reflect the legislative changes during the past five years with the philosophy that “incarceration should be reserved for serious

PROBATION SENTENCES

Distributions of probation sentences for the past five years are illustrated in Figure 34. Unlike incarceration sentences, probation sentences demonstrate a decrease trend in FY 2001 over FY 2000 and remained constant from FY 1997. The decrease of probation sentences in FY 2001 was due to the continuous reflection of the changes from felony provisions to misdemeanors for the offenses of driving while suspended and driving while a habitual violator as a result of the 1999 Legislation.
The total number of probation sentences in FY 2001 indicated a decrease of 2.9% from the previous year and reflects a minimal change from that in FY 1997.

Table 40 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 2001 increased by 16.1% from that of FY 2000 and 44.4% from FY 1997. The largest percentage increase of probation sentences for drug offenses fell within drug level 1. The largest increase in number for drug probation sentences is shown in severity level 4. The increase in drug sentences in Kansas mirrors the national trend of “war on crime.”

Table 40: Comparison of Probation Drug Sentences by Severity Level FY 1997 through FY 2001

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>17</td>
<td>750.0%</td>
<td>750.0%</td>
</tr>
<tr>
<td>D2</td>
<td>28</td>
<td>21</td>
<td>42</td>
<td>34</td>
<td>41</td>
<td>20.6%</td>
<td>46.4%</td>
</tr>
<tr>
<td>D3</td>
<td>396</td>
<td>377</td>
<td>380</td>
<td>395</td>
<td>507</td>
<td>28.4%</td>
<td>28.0%</td>
</tr>
<tr>
<td>D4</td>
<td>870</td>
<td>938</td>
<td>1067</td>
<td>1186</td>
<td>1313</td>
<td>10.7%</td>
<td>50.9%</td>
</tr>
<tr>
<td>Total</td>
<td>1301*</td>
<td>1338</td>
<td>1490*</td>
<td>1617</td>
<td>1878</td>
<td>16.1%</td>
<td>44.4%</td>
</tr>
</tbody>
</table>

As demonstrated in Table 41, the FY 2001 probation sentences for nondrug offenses indicated a decrease of 9.3% from FY 2000 and 11.9% from FY 1997. This is the second consecutive year that probation sentences present a decline trend. The largest decrease in numbers of probation sentences fell within nondrug severity level 9, while the
Chapter Four: Sentencing Trends and Forecast

The largest percentage increase is indicated on the level of nongrid. The increase of nongrid offenses and the decrease of nondrug severity level 9 offenses reflect the legislative changes regarding the lower level offenses during the past two years.

Table 41: Comparison of Probation Nondrug Sentences by Severity Level FY 1997 through FY 2001

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>N1</td>
<td>7</td>
<td>6</td>
<td>3</td>
<td>5</td>
<td>3</td>
<td>-40.0%</td>
<td>-57.1%</td>
</tr>
<tr>
<td>N2</td>
<td>7</td>
<td>5</td>
<td>6</td>
<td>2</td>
<td>2</td>
<td>0.0%</td>
<td>-71.4%</td>
</tr>
<tr>
<td>N3</td>
<td>40</td>
<td>44</td>
<td>26</td>
<td>38</td>
<td>32</td>
<td>-15.8%</td>
<td>-20.0%</td>
</tr>
<tr>
<td>N4</td>
<td>12</td>
<td>13</td>
<td>25</td>
<td>17</td>
<td>15</td>
<td>-11.8%</td>
<td>25.0%</td>
</tr>
<tr>
<td>N5</td>
<td>147</td>
<td>149</td>
<td>167</td>
<td>198</td>
<td>180</td>
<td>-9.1%</td>
<td>22.4%</td>
</tr>
<tr>
<td>N6</td>
<td>83</td>
<td>104</td>
<td>80</td>
<td>91</td>
<td>89</td>
<td>-2.2%</td>
<td>7.2%</td>
</tr>
<tr>
<td>N7</td>
<td>860</td>
<td>858</td>
<td>901</td>
<td>868</td>
<td>898</td>
<td>3.5%</td>
<td>4.4%</td>
</tr>
<tr>
<td>N8</td>
<td>682</td>
<td>642</td>
<td>678</td>
<td>664</td>
<td>682</td>
<td>2.7%</td>
<td>0.0%</td>
</tr>
<tr>
<td>N9</td>
<td>2252</td>
<td>2412</td>
<td>2508</td>
<td>1927</td>
<td>1419</td>
<td>-26.4%</td>
<td>-37.0%</td>
</tr>
<tr>
<td>N10</td>
<td>388</td>
<td>442</td>
<td>448</td>
<td>472</td>
<td>485</td>
<td>2.8%</td>
<td>25.0%</td>
</tr>
<tr>
<td>Nongrid</td>
<td>321</td>
<td>384</td>
<td>390</td>
<td>417</td>
<td>455</td>
<td>9.1%</td>
<td>41.7%</td>
</tr>
<tr>
<td>Total</td>
<td>4833*</td>
<td>5059</td>
<td>5259*</td>
<td>4699</td>
<td>4260</td>
<td>-9.3%</td>
<td>-11.9%</td>
</tr>
</tbody>
</table>

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

PRISON POPULATION FORECASTS

Figure 35 indicates the actual and projected prison populations from FY 1997 through FY 2011.

Figure 35: Actual and Projected Prison Population

Note: FY starts July 1 each year and ends June 30 next year.
Offenders incarcerated in state prisons are projected to reach 9,585 by June 30, 2011, which indicates a significant increase of 1,046 inmates or 12% from the FY 2001 actual prison population. Prison inmate population projections by severity levels are presented on Table 42.

The largest number of increase during the next ten years falls on nondrug severity level 1 followed by nondrug severity levels 3 and offgrid. The largest increase in percentage falls on drug severity level 1. The largest decrease in percentage in the ten-year forecast period falls on nondrug severity level 9. The above increase and decrease reflect the penalty changes passed during the 1999 Legislation. 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 will increase by 150% from 164 beds to 410 beds over the ten-year projection period.

The decrease in number of population for nondrug severity levels 6 and 9 offenders during the forecasting period are due to the continuous impacts of Senate Bill 323 that passed in the 2000 Legislature. In return, the decrease of those less serious and violent offenders admitted to prison result in the decrease of beds for condition parole/postrelease violators.
**Chapter Four: Sentencing Trends and Forecast**

**Table 42: Ten Years Inmate Prison Population Projection**

<table>
<thead>
<tr>
<th>Severity Level</th>
<th>June 30 Each Fiscal Year</th>
<th>Total # Increase</th>
<th>Percent Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>164 243 294 328 335 363 375 382 387 415 410 246</td>
<td>150.0%</td>
<td></td>
</tr>
<tr>
<td>D2</td>
<td>303 288 288 292 311 314 327 342 335 324 322 19</td>
<td>6.3%</td>
<td></td>
</tr>
<tr>
<td>D3</td>
<td>435 420 438 426 453 492 485 471 472 494 493 58</td>
<td>13.3%</td>
<td></td>
</tr>
<tr>
<td>D4</td>
<td>440 451 451 500 547 541 519 511 501 501 526 86</td>
<td>19.5%</td>
<td></td>
</tr>
<tr>
<td>N1</td>
<td>618 668 738 799 849 899 936 973 1023 1070 1102 484</td>
<td>78.3%</td>
<td></td>
</tr>
<tr>
<td>N2</td>
<td>512 512 523 532 546 556 555 569 571 577 595 83</td>
<td>16.2%</td>
<td></td>
</tr>
<tr>
<td>N3</td>
<td>1247 1275 1289 1322 1360 1385 1404 1454 1473 1503 1554 307</td>
<td>24.6%</td>
<td></td>
</tr>
<tr>
<td>N4</td>
<td>276 275 277 272 278 280 274 274 275 277 276 0</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>N5</td>
<td>894 842 865 881 881 876 899 917 949 1002 1031 137</td>
<td>15.3%</td>
<td></td>
</tr>
<tr>
<td>N6</td>
<td>167 142 130 124 126 123 123 117 121 132 107 -60</td>
<td>-35.9%</td>
<td></td>
</tr>
<tr>
<td>N7</td>
<td>764 722 697 697 735 739 763 792 793 793 790 26</td>
<td>3.4%</td>
<td></td>
</tr>
<tr>
<td>N8</td>
<td>242 257 256 270 244 255 247 249 249 261 267 25</td>
<td>10.3%</td>
<td></td>
</tr>
<tr>
<td>N9</td>
<td>295 258 211 161 153 144 158 146 159 163 168 -127</td>
<td>-43.1%</td>
<td></td>
</tr>
<tr>
<td>N10</td>
<td>48 54 47 47 54 62 55 57 59 68 54 6</td>
<td>12.5%</td>
<td></td>
</tr>
<tr>
<td>OFF GRID</td>
<td>599 626 651 682 710 743 775 806 843 872 900 301</td>
<td>50.3%</td>
<td></td>
</tr>
<tr>
<td>Condition Parole Violators</td>
<td>1535 1630 1416 1109 1022 1003 984 979 990 981 990 -545</td>
<td>-35.5%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>8539 8663 8571 8442 8604 8775 8879 9039 9200 9433 9585 1046</td>
<td>12.3%</td>
<td></td>
</tr>
</tbody>
</table>

*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 42 indicates the total beds needed over the ten-year forecast period, Table 43 demonstrates the kinds of beds needed over the next ten years. As illustrated in Table 43, by the end of FY 2002, the forecasted prison population will reach 8,663. Of that total population, it is projected that 176 unclassified beds, 2,585 minimum beds, 3,627 medium beds, 1,758 maximum beds, and 517 special management beds will be needed by the end of FY 2002. By the end of FY 2011, the total prison population is expected to reach 9,585 and the projected beds needed at each custody level will be 148 unclassified beds, 2,848 minimum beds, 4,044 medium beds, 2,016 maximum beds, and 529 special management beds.

Projected custody classification percentages are shown in Figure 36. The classification percentage distribution of the total population by the end of FY 2002 is projected to be 2% for unclassified, 29.8% for minimum custody, 41.9% for medium custody, 20.3% for maximum custody, and 6% for special management. This percentage distribution remains nearly constant for the minimum and medium beds during the ten-year forecasting period. However, as a percentage of the total, the unclassified and special management beds will decrease by 0.5% respectively and the maximum custody beds will increase by 0.7% in FY 2011.

Table 43: Ten Years Custody Classification Projection

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Unclassified</th>
<th>Minimum</th>
<th>Medium</th>
<th>Maximum</th>
<th>Special</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>176</td>
<td>2,585</td>
<td>3,627</td>
<td>1,758</td>
<td>517</td>
<td>8,663</td>
</tr>
<tr>
<td>2003</td>
<td>169</td>
<td>2,625</td>
<td>3,519</td>
<td>1,735</td>
<td>523</td>
<td>8,571</td>
</tr>
<tr>
<td>2004</td>
<td>137</td>
<td>2,586</td>
<td>3,496</td>
<td>1,735</td>
<td>488</td>
<td>8,442</td>
</tr>
<tr>
<td>2005</td>
<td>129</td>
<td>2,720</td>
<td>3,501</td>
<td>1,753</td>
<td>501</td>
<td>8,604</td>
</tr>
<tr>
<td>2006</td>
<td>155</td>
<td>2,684</td>
<td>3,596</td>
<td>1,829</td>
<td>511</td>
<td>8,775</td>
</tr>
<tr>
<td>2007</td>
<td>175</td>
<td>2,633</td>
<td>3,677</td>
<td>1,855</td>
<td>539</td>
<td>8,879</td>
</tr>
<tr>
<td>2008</td>
<td>137</td>
<td>2,720</td>
<td>3,744</td>
<td>1,888</td>
<td>550</td>
<td>9,039</td>
</tr>
<tr>
<td>2009</td>
<td>143</td>
<td>2,811</td>
<td>3,780</td>
<td>1,944</td>
<td>522</td>
<td>9,200</td>
</tr>
<tr>
<td>2010</td>
<td>165</td>
<td>2,856</td>
<td>3,880</td>
<td>1,988</td>
<td>544</td>
<td>9,433</td>
</tr>
<tr>
<td>2011</td>
<td>148</td>
<td>2,848</td>
<td>4,044</td>
<td>2,016</td>
<td>529</td>
<td>9,585</td>
</tr>
</tbody>
</table>
Figure 36: Projected Percentage Distribution of Custody Classifications

Compared with end of FY 2002 percentages, by the end of FY 2011, percentages of minimum beds and medium beds will remain constant, while the percentage of maximum beds will increase by 0.7%.
APPENDIX I

SENTENCES FROM THE TOP FOUR COUNTIES

Sentences received by the Commission in FY 2001 demonstrated that Sedgwick, Johnson, Wyandotte and Shawnee counties accounted for 53.8% of the total state sentences. This percentage has decreased by 1.6% from FY 2000. Sedgwick remained the top-committing county followed by Johnson, Wyandotte and Shawnee counties. In comparison with the FY 2000 sentences, Shawnee County’s sentences decreased by 1.1% followed by Sedgwick County (0.9%) and Wyandotte County (0.9%), while Johnson County’s sentences increased by 1.3%. Characteristics of offenses and offenders from the four counties are displayed in the following figures and tables.

Sedgwick, Johnson, Wyandotte and Shawnee Counties accounted for 53.8% of the total state sentences in FY 2001.

![Distribution of Overall Sentences by the Top Four Counties](image-url)
Johnson County imposed more probation sentences (57.4%) than the other three counties, while Sedgwick County had the highest percentage of prison sentences among the four counties.

Shawnee County had the highest percentage of drug sentences (31.6%), while Wyandotte County imposed the largest number of nondrug sentences (79%).
Johnson County indicated the highest percentage of female offenders (19%), while Wyandotte County indicated the most male offenders (88.9%).

Wyandotte County reported more black offenders (51.8%), while Johnson County reported more white offenders (71%).
### FY 2001 Sentences from the Four Counties by Severity Level

<table>
<thead>
<tr>
<th>Severity Level</th>
<th>Sedgwick</th>
<th></th>
<th>Johnson</th>
<th></th>
<th>Wyandotte</th>
<th></th>
<th>Shawnee</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>D1</td>
<td>26</td>
<td>0.9</td>
<td>2</td>
<td>0.1</td>
<td>8</td>
<td>0.6</td>
<td>10</td>
<td>1.5</td>
</tr>
<tr>
<td>D2</td>
<td>83</td>
<td>2.8</td>
<td>10</td>
<td>0.6</td>
<td>9</td>
<td>0.7</td>
<td>4</td>
<td>0.6</td>
</tr>
<tr>
<td>D3</td>
<td>329</td>
<td>11.1</td>
<td>131</td>
<td>8.4</td>
<td>73</td>
<td>5.4</td>
<td>71</td>
<td>10.9</td>
</tr>
<tr>
<td>D4</td>
<td>368</td>
<td>12.5</td>
<td>208</td>
<td>13.4</td>
<td>194</td>
<td>14.4</td>
<td>121</td>
<td>18.6</td>
</tr>
<tr>
<td>N1</td>
<td>36</td>
<td>1.2</td>
<td>10</td>
<td>0.6</td>
<td>11</td>
<td>0.8</td>
<td>5</td>
<td>0.8</td>
</tr>
<tr>
<td>N2</td>
<td>46</td>
<td>1.6</td>
<td>12</td>
<td>0.8</td>
<td>15</td>
<td>1.1</td>
<td>6</td>
<td>0.9</td>
</tr>
<tr>
<td>N3</td>
<td>228</td>
<td>7.7</td>
<td>44</td>
<td>2.8</td>
<td>93</td>
<td>6.9</td>
<td>24</td>
<td>3.7</td>
</tr>
<tr>
<td>N4</td>
<td>48</td>
<td>1.6</td>
<td>10</td>
<td>0.6</td>
<td>18</td>
<td>1.3</td>
<td>16</td>
<td>2.5</td>
</tr>
<tr>
<td>N5</td>
<td>292</td>
<td>9.9</td>
<td>90</td>
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<td>119</td>
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<td>N6</td>
<td>53</td>
<td>1.8</td>
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<td>1.4</td>
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<td>18</td>
<td>2.8</td>
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<td>N7</td>
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<td>175</td>
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<td>89</td>
<td>6.6</td>
<td>55</td>
<td>8.4</td>
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<td>N9</td>
<td>494</td>
<td>16.7</td>
<td>349</td>
<td>22.5</td>
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<tr>
<td>Nongrid</td>
<td>123</td>
<td>4.2</td>
<td>82</td>
<td>5.3</td>
<td>44</td>
<td>3.2</td>
<td>23</td>
<td>3.5</td>
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<td>Offgrid</td>
<td>8</td>
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<td>0.2</td>
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<td>0</td>
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<tr>
<td><strong>Total</strong></td>
<td>2,954</td>
<td>100.0</td>
<td>1,558</td>
<td>100.0</td>
<td>1,354</td>
<td>100.0</td>
<td>652</td>
<td>100.0</td>
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### Top Ten Most Common Offenses by the Four Counties – 1

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Sedgwick County</th>
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<th>Offense Type</th>
<th>Johnson County</th>
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<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td></td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Drugs</td>
<td>807</td>
<td>27.3</td>
<td>Drugs</td>
<td>351</td>
<td>22.5</td>
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<tr>
<td>Burglary</td>
<td>256</td>
<td>8.7</td>
<td>Theft</td>
<td>249</td>
<td>16.0</td>
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<tr>
<td>Aggravated Battery</td>
<td>216</td>
<td>7.3</td>
<td>Forgery</td>
<td>167</td>
<td>10.7</td>
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<td>Forgery</td>
<td>153</td>
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<td>Burglary</td>
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<tr>
<td>Theft</td>
<td>150</td>
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<td>DUI</td>
<td>77</td>
<td>4.9</td>
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<tr>
<td>Aggravated Robbery</td>
<td>130</td>
<td>4.4</td>
<td>Aggravated Battery</td>
<td>70</td>
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<tr>
<td>DUI</td>
<td>120</td>
<td>4.1</td>
<td>Criminal Threat</td>
<td>43</td>
<td>2.8</td>
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<tr>
<td>Robbery</td>
<td>112</td>
<td>3.8</td>
<td>Agg Indecent Lib w/Child</td>
<td>37</td>
<td>2.4</td>
</tr>
<tr>
<td>Driving While a Hab Viol</td>
<td>100</td>
<td>3.4</td>
<td>Robbery</td>
<td>31</td>
<td>2.0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>82</td>
<td>2.8</td>
<td>Aggravated Robbery</td>
<td>30</td>
<td>1.9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,126</td>
<td>72.1</td>
<td><strong>Total</strong></td>
<td>1,205</td>
<td>77.3</td>
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</table>

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

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Wyandotte County</th>
<th></th>
<th>Offense Type</th>
<th>Shawnee County</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td></td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Drugs</td>
<td>284</td>
<td>21.0</td>
<td>Drugs</td>
<td>206</td>
<td>31.6</td>
</tr>
<tr>
<td>Theft</td>
<td>157</td>
<td>11.6</td>
<td>Aggravated Battery</td>
<td>52</td>
<td>8.0</td>
</tr>
<tr>
<td>Burglary</td>
<td>132</td>
<td>9.7</td>
<td>Burglary</td>
<td>49</td>
<td>7.5</td>
</tr>
<tr>
<td>Aggravated Battery</td>
<td>83</td>
<td>6.1</td>
<td>Forgery</td>
<td>41</td>
<td>6.3</td>
</tr>
<tr>
<td>Forgery</td>
<td>70</td>
<td>5.2</td>
<td>Theft</td>
<td>38</td>
<td>5.8</td>
</tr>
<tr>
<td>Robbery</td>
<td>70</td>
<td>5.2</td>
<td>Robbery</td>
<td>33</td>
<td>5.1</td>
</tr>
<tr>
<td>Aggravated Robbery</td>
<td>60</td>
<td>4.4</td>
<td>Criminal Threat</td>
<td>24</td>
<td>3.7</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>55</td>
<td>4.1</td>
<td>DUI</td>
<td>23</td>
<td>3.5</td>
</tr>
<tr>
<td>Agg Indecent Lib w/Child</td>
<td>48</td>
<td>3.5</td>
<td>Aggravated Robbery</td>
<td>22</td>
<td>3.4</td>
</tr>
<tr>
<td>DUI</td>
<td>43</td>
<td>3.2</td>
<td>Driving While Suspended</td>
<td>21</td>
<td>3.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,002</td>
<td>74.0</td>
<td><strong>Total</strong></td>
<td>509</td>
<td>78.1</td>
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</tbody>
</table>
APPENDIX II

TRENDS OF SELECTED OFFENSES

TOP FIVE MOST FREQUENT OFFENSES

The top five most frequent offenses from FY 1997 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 61.3% (N=6,910) in FY 1997, 60.6% (N=7,167) in FY 1998, 60.7% (N=7,678) in FY 1999, 59.5% (N=7,631) in FY 2000 and 53% (N=6,797) in FY 2001. The following table displays the trends of the top five offenses from FY 1997 to FY 2001.

Top Five Most Frequent Offenses: Incarceration and Probation Sentences
FY 1997 through FY 2001

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Drugs</td>
<td>2,675</td>
<td>2,745</td>
<td>3,014</td>
<td>3,254</td>
<td>3,517</td>
</tr>
<tr>
<td>Burglary</td>
<td>1,529</td>
<td>1,427</td>
<td>1,515</td>
<td>1,512</td>
<td>1,352</td>
</tr>
<tr>
<td>Theft</td>
<td>1,103</td>
<td>1,084</td>
<td>1,211</td>
<td>1,158</td>
<td>963</td>
</tr>
<tr>
<td>Forgery</td>
<td>849</td>
<td>836</td>
<td>873</td>
<td>967</td>
<td>791</td>
</tr>
<tr>
<td>Habitual Violator*</td>
<td>754</td>
<td>1,075</td>
<td>1,065</td>
<td>740</td>
<td>174</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>6,910</strong></td>
<td><strong>7,167</strong></td>
<td><strong>7,678</strong></td>
<td><strong>7,631</strong></td>
<td><strong>6,797</strong></td>
</tr>
<tr>
<td><strong>Total Offenses</strong></td>
<td><strong>11,268</strong></td>
<td><strong>11,836</strong></td>
<td><strong>12,650</strong></td>
<td><strong>12,829</strong></td>
<td><strong>12,127</strong></td>
</tr>
</tbody>
</table>

* The offense of driving while a habitual violator has been reclassified as misdemeanor since July 1, 1999.

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 1997 to FY 2001, 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 except aggravated assault since FY 2000, especially the offense of robbery with an increase of almost 24% in FY 2000 compared with the number of sentences in FY 1999.

The analysis on the property crimes indicates that there was not much difference in the numbers of the crime of arson from FY 1997 to FY 2001. The crime of theft from FY 1997 to FY 1999 showed a growing tendency, but it started decreasing in FY 2000 and continued decreasing by 16.8% in FY 2001 compared with the previous year. The crime of burglary dropped 10.6% in FY 2001 compared with that 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 1997 to FY 2000 except FY 1999, when the off-grid sentences increased by 21.7% compared with that in FY 1998. In FY 2001 off-grid sentences decreased by 20% compared with the previous year. The non-grid crimes from FY 1997 to FY 2001 demonstrated an increasing pattern with the highest sentence number in FY 1998 (N=473).
FEMALE OFFENDERS

The number of female offenders in prison kept increasing from FY 1997 to FY 2000 and decreased nearly 30% in FY 2001 compared with FY 2000, which is consistent with the rising and falling tendency of the total number of incarceration sentences (Page 64). The sentencing pattern of female offenders on probation reveals a rising tendency from FY 1997 to FY 1999 and falling in FY 2000 and rising again in FY 2001. Females were sentenced to prison or probation most frequently for the offenses of drugs, forgery, and theft from FY 1997 to FY 2001.

The average growth rate for the female offenders sentenced to prison from FY 1997 to FY 2001 is 0.4% because of the offsetting effect of sharp decreasing (29.7%) in FY 2001. 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, decreased 7.1% in FY 2000 when compared with that in FY 1999 and increased again in FY 2001 by 3.9%. The average increase rate from FY 1997 to FY 2001 is 4.9%.
APPENDIX III
THE KANSAS SENTENCING COMMISSION

HISTORY OF THE KANSAS SENTENCING COMMISSION

Senate Bill 50, which became law in 1989, established the Kansas Sentencing Commission, and directed the Commission to: "Develop a sentencing guidelines model or grid based on fairness and equity and shall provide a mechanism for linking justice and corrections policies. The sentencing guideline model or grid shall establish rational and consistent sentencing standards which reduce sentence disparity, to include, but not be limited to, racial and regional biases which may exist under current sentencing practices" (L. 1989, Ch. 225, Sec. 1). The Commission membership was established under the new law to consist of thirteen members, as follows: the chief justice of the supreme court or the chief justice's designee; two district court judges appointed by the chief justice; the attorney general or the attorney general's designee; one public defender appointed by the governor; one private defense counsel appointed by the governor; one county attorney or district attorney appointed by the governor; the secretary of corrections or the secretary's designee; the chairperson of the Kansas parole board or such chairperson's designee, two members of the general public, at least one of whom shall be a member of a racial minority group, appointed by the governor; a director of a community corrections program appointed by the governor; and a court services officer appointed by the chief justice of the supreme court. In addition to the appointed members, four members of the legislature appointed by the president of the senate, the senate minority leader, the speaker of the house of representatives, and the house minority leader, were to serve on the Commission as ex-officio, nonvoting members (L. 1989, Ch. 225, Sec. 2). The membership of the Sentencing Commission was amended during the 1997 session to designate the four legislative members of the Sentencing Commission as voting members (Senate Bill 363).

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

Over the next two years, the Sentencing Commission considered a wide range of topics relevant to sentencing guidelines, reviewed information from other 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 that, 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 explains on the record the reasons for a departure, and that a decision to depart is 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 1st of each year, outlining modifications or adjustments to current sentencing policy that could reduce prison population. The Sentencing Commission performs two functions, which are essential to the discharge of these statutory duties: on-going analysis of sentencing 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). The Sentencing Commission is currently in the final stages of completing a study on “Sentencing Disparity Under Sentencing Guidelines,” which is scheduled to be distributed in the summer of 2002. This study examines the impact sentencing guidelines have had in addressing the issue of racial disparity in sentencing, 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 identify and evaluate supervision trends and behaviors of offenders on parole and supervision.
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.

In October of 1999, the Commission modified the PROPHET model to enable prison population projections to be completed by institutional custody classification level to assist the Department of Corrections in more effective planning, of not only the number of prison beds required, but the type of prison beds, such as minimum, medium or maximum custody. Custody classification projections are released annually following the completion of prison population projections.

The PROPHET model can also be programmed 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 2001 Legislative Session, the Sentencing Commission completed more than 165 individual legislative impacts on various proposed bills or proposed policy changes.

Currently, the Sentencing Commission is working on the development of a separate parole/postrelease projection model. This model would enable more accurate and detailed analysis of issues relating to the projection of the parole/postrelease population and the return to prison of condition violators.

Most importantly, the Commission utilizes the PROPHET projection model to analyze proposed sentencing policy changes and to assist in its development of recommendation to the Kansas Legislature. Proposals can be developed that indicate both short and long term impacts, quantify prison beds needed or saved and identify the specific resources associated with the proposal.

The PROPHET model has also been used to project various populations in addition to adult felony offenders. In January 1996, the Sentencing Commission developed a projection model to forecast the juvenile detention population for Sedgwick County. This model served as a pilot for juvenile detentions and was also utilized in Northeast Juvenile Detention Center in Douglas County.
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, attorneys at county and district levels, 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 presented 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 2001 the Commission received 8,496 felony journal entries, 3,746 probation revocation journals and 5,517 parole/postrelease hearing data. Now, the Commission has maintained six years of complete felony sentencing data and two years parole/postrelease hearing data.
During the past six years, on average, the Commission annually responded to more than 200 individual requests for sentencing information to various individual counties, judicial districts, federal and other state agencies upon request. In addition, at the request of the legislature, the Commission has conducted various research projects and has published a selection of reports. Publications include: “Sentencing Disparity under Guidelines,” “Impact of Extended Jurisdiction Juvenile Prosecution on the Adult Correctional System,” "Kansas State Juvenile Correctional Facilities: Population Projections and Trends," “An Evaluation of School Resource Officer Program In Kansas,” “Preliminary Evaluation of Drug Abuse Resistance Education in Kansas,” "Study of Intermediate Sanctions," "Report on Juvenile Offenders," “Intermediate Sanctions Throughout the United States” and etc.

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