

KANSAS SENTENCING COMMISSION

FY 2018 ANNUAL REPORT



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KANSAS SENTENCING COMMISSION

**ANNUAL REPORT
FY 2018**

Analysis Of Sentencing Guidelines In Kansas

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Chair**

**Honorable Benjamin J. Sexton
Vice Chair**

**Scott M. Schultz
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TABLE OF CONTENTS

EXECUTIVE SUMMARY	ix
CHAPTER ONE: SENTENCING IN KANSAS	1
Sentences Reported in Fiscal Year 2018	1
Characteristics of Offenders and Offenses	11
Incarceration Sentences	20
Probation Sentences	35
DUI/Test Refusal PIS and County Jail Sentences	46
CHAPTER TWO: VIOLATORS.....	49
Violations Resulting in Incarceration	49
Violators Continuing or Extending on Probation	60
CHAPTER THREE: CONFORMITY TO THE SENTENCING GUIDELINES	64
Overall Conformity Rates	64
Conformity of Presumptive Prison Guideline Sentences	66
Conformity of Presumptive Probation Guideline Sentences	67
Conformity of Nondrug and Drug Guideline Sentences	68
Conformity Rates to the Guidelines by Severity Level	69
Conformity Rates to the Guidelines by Race	72
Conformity Rates to the Guidelines by Gender	76
Special Sentencing Rules.....	80
CHAPTER FOUR: SENTENCING TRENDS AND FORECAST	84
Incarceration Sentences	84
Probation Sentences	87
Prison Population Forecasts.....	89
Custody Classification Projection.....	92
APPENDIX I: SENTENCES FROM THE TOP FOUR COUNTIES	94
APPENDIX II: TRENDS OF SELECTED OFFENSES.....	99

LIST OF TABLES

Table 1	FY 2018 Offender Characteristics by County	7
Table 2	FY 2018 Offender Characteristics by Type of Offense	13
Table 3	FY 2018 Most Serious Offenses Convicted by Designated Violent Offenders.....	19
Table 4	FY 2018 Incarceration Nondrug Offender Characteristics by Type of Offense	23
Table 5	FY 2018 Incarceration Drug Offender Characteristics by Type of Offense	26
Table 6	Distribution of FY 2018 Incarceration Sentences by Admission Type	27
Table 7	Distribution of FY 2018 Incarceration Sentences by Severity Level and Gender.....	28
Table 8	Guideline New Commitment Admissions Average Length of Sentence (LOS) Imposed by Severity Level	30
Table 9	FY 2018 Sanction from Probation Incarceration Sentences Imposed by County.....	32
Table 10	FY 2018 Jessica’s Law Incarceration Sentences Imposed by County.....	34
Table 11	Characteristics of Probation Nondrug Offenders by Type of Offense	38
Table 12	Characteristics of Probation Drug Offenders by Type of Offense	40
Table 13	Characteristics of Probation Nondrug Offenders by Severity Level	40
Table 14	Characteristics of Probation Drug Offenders by Severity Level	41
Table 15	Criminal History and Probation Length by Severity Level: Nondrug Offenders	45
Table 16	Criminal History and Probation Length by Severity Level: Drug Offenders	45
Table 17	Characteristics of Overall Violators by Severity Level, Race and Gender	52
Table 18	Top 10 Offenses Committed by Nondrug Probation Violators	53
Table 19	Characteristics of Drug Probation Violators by Type of Offense.....	54
Table 20	Distribution of Probation Violators by Severity Level and Criminal History	54
Table 21	Top 10 Offenses Committed by Parole/Postrelease/Conditional Release Nondrug Violators	55
Table 22	Characteristics of Parole/Postrelease/Conditional Release Drug Violators by Type of Offense	56
Table 23	Distribution of Parole/Postrelease/Conditional Release Violators By Severity Level and Criminal History	56
Table 24	Distribution of FY 2018 Violators with New Sentences by Severity Level	59
Table 25	Criminal History by Severity Levels of Condition Probation Violators Continued or Extended on Probation	60
Table 26	Criminal History by Severity Levels of Probation Violators with New Convictions Continuing and Extending on Probation	61
Table 27	FY 2018 Violation Sanction History – County Jail Sanction.....	62
Table 28	FY 2018 Jail Sanctions from Probation Imposed by County	63
Table 29	Conformity Rates by Severity Level - Incarceration Sentences	70
Table 30	Conformity Rates by Severity Level - Probation Sentences.....	71
Table 31	Conformity Rates by Race - Incarceration Sentences: Drug Offenders	72

LIST OF TABLES (CONTINUED)

Table 32	Conformity Rates by Race - Incarceration Sentences: Nondrug Offenders	73
Table 33	Conformity Rates by Race - Probation Sentences: Drug Offenders	74
Table 34	Conformity Rates by Race - Probation Sentences: Nondrug Offenders	75
Table 35	Conformity Rates by Gender - Incarceration Sentences: Drug Offenders	76
Table 36	Conformity Rates by Gender - Incarceration Sentences: Nondrug Offenders	77
Table 37	Conformity Rates by Gender - Probation Sentences: Drug Offenders	78
Table 38	Conformity Rates by Gender - Probation Sentences: Nondrug Offenders	79
Table 39	Pure Guideline Sentences Applied with Special Sentencing Rules By Prison and Probation: FY 2014 through FY 2018.....	81
Table 40	Pure Guideline Sentences Applied with Special Sentencing Rules By Total Sentences: FY 2014 through FY 2018.....	81
Table 41	Distribution of Special Sentencing Rules Applied To Prison Sentences - FY 2018	82
Table 42	Distribution of Special Sentencing Rules Applied To Probation Sentences - FY 2018	83
Table 43	Prison Admissions by Month	84
Table 44	Comparison of Prison Admissions by Type	85
Table 45	Comparison of Drug Prison Admissions by Severity Level.....	86
Table 46	Comparison of Nondrug Prison Admissions by Severity Level.....	86
Table 47	Comparison of Probation Drug Sentences by Severity Level FY 2014 through FY 2018	88
Table 48	Comparison of Probation Nondrug Sentences by Severity Level FY 2014 through FY 2018.....	88
Table 49	FY 2019 Adult Inmate Prison Population Projections.....	91
Table 50	Ten-Year Custody Classification Projection	92

LIST OF FIGURES

Figure 1	Sentences Reported in FY 2018	2
Figure 2	FY 2018 Sentencing Distribution	3
Figure 3	Sentences Reported in FY 2018 by County	4
Figure 4	FY 2018 Top Five Offenses of Prison, Probation and Jail Sentences	5
Figure 5	FY 2018 UCR Offenses by Top Four County: Violent Crime Convictions.....	6
Figure 6	Distribution of FY 2018 Sentences by Gender of Offenders	11
Figure 7	Distribution of FY 2018 Sentences by Race of Offenders	11
Figure 8	Distribution of FY 2018 Sentences by Ethnicity of Offenders	12
Figure 9	Distribution of FY 2018 Sentences by Age of Offenders	12
Figure 10	DUI Sentences: FY 2001, FY 2014 through FY 2018.....	15
Figure 11	FY 2018 DUI Offense by County	16
Figure 12	Failure to Register Sentences by Sentence Imposed	17
Figure 13	Failure to Register Sentences by Severity Level	17
Figure 14	Burglary Sentences by Sentence Imposed	18
Figure 15	Burglary Sentences by Severity Level.....	18
Figure 16	FY 2018 Incarceration Sentences by Gender of Offenders	20
Figure 17	FY 2018 Incarceration Sentences by Race of Offenders	20
Figure 18	FY 2018 Incarceration Sentences by Ethnicity of Offenders	21
Figure 19	FY 2018 Incarceration Sentences by Age of Offenders at Admission	21
Figure 20	FY 2018 Incarceration Sentences by Education Level of Offenders	22
Figure 21	FY 2018 Incarceration Drug Sentences by Offense and Level.....	25
Figure 22	FY 2018 Incarceration Drug Sentences: Distribution Offenses	26
Figure 23	FY 2018 Incarceration Sentences: Nondrug Offenders by Severity Level	29
Figure 24	FY 2018 Incarceration Sentences: Drug Offenders by Severity Level	29
Figure 25	FY 2018 Sanction from Probation Incarceration Sentences	31
Figure 26	FY 2018 Jessica’s Law Incarceration Sentences	33
Figure 27	Jessica’s Law Sentences Imposed: FY 2007 through FY 2018.....	34
Figure 28	Distribution of FY 2018 Probation Sentences	35
Figure 29	Distribution of FY 2018 Probation Sentences by Gender	35
Figure 30	Distribution of FY 2018 Probation Sentences by Race	36
Figure 31	Distribution of FY 2018 Probation Sentences by Age	36
Figure 32	FY 2018 Top Ten Offenses for Probation Nondrug Sentences	37
Figure 33	FY 2018 Probation Drug Sentences by Offense	38
Figure 34	Distribution of FY 2018 Senate Bill 123 Drug Treatment Sentences	42
Figure 35	Distribution of Senate Bill 123 Drug Treatment Sentences Imposed by County - FY 2018.....	43
Figure 36	Distribution of FY 2018 Probation Sentences by Criminal History	44
Figure 37	Distribution of FY 2018 DUI/Test Refusal PIS and Jail Sentences by Gender.....	46
Figure 38	Distribution of FY 2018 DUI/Test Refusal PIS and Jail Sentences by Race	46
Figure 39	Distribution of FY 2018 Jail Sentences by Age of Offenders	47
Figure 40	FY 2018 County Jail Sentences by Offense Type	47

LIST OF FIGURES (CONTINUED)

Figure 41	FY 2018 County Jail Sentences by County	48
Figure 42	Distribution of FY 2018 Condition Violators by Gender	49
Figure 43	Distribution of FY 2018 Condition Violators by Race	50
Figure 44	Distribution of FY 2018 Condition Violators by Age Group	50
Figure 45	Distribution of FY 2018 Condition Violators by Severity Level: Drug Offenders	51
Figure 46	Distribution of FY 2018 Condition Violators by Severity Level: Nondrug Offenders	51
Figure 47	Distribution of FY 2018 Violators with New Sentences by Gender	57
Figure 48	Distribution of FY 2018 Violators with New Sentences by Race	58
Figure 49	Distribution of FY 2018 Violators with New Sentences by Age Group	58
Figure 50	Distribution of FY 2018 Overall Guideline Sentences	65
Figure 51	Distribution of FY 2018 Dispositional Departure and Border Box Sentences	65
Figure 52	FY 2018 Incarceration Guideline Sentences	66
Figure 53	FY 2018 Incarceration Durational Departure Sentences	66
Figure 54	FY 2018 Probation Guideline Sentences	67
Figure 55	FY 2018 Nondrug and Drug Guideline Sentences - Incarceration	68
Figure 56	Comparison of Durational Departures between Nondrug and Drug Incarceration Sentences	68
Figure 57	FY 2018 Nondrug and Drug Guideline Sentences - Probation	69
Figure 58	Incarceration Sentences: FY 2014 through FY 2018	84
Figure 59	Probation Sentences: FY 2014 through FY 2018	87
Figure 60	Prison Population: Actual and Projected	90
Figure 61	Projected Percentage Distribution of Custody Classification by Gender	93

EXECUTIVE SUMMARY

Fiscal Year (FY) 2018 Annual Report is the twenty-fourth report released by the Kansas Sentencing Commission. It provides a descriptive analysis of felony sentencing patterns under the sentencing guidelines during FY 2018, which includes a summary of sentences reported to the Commission, analysis of sentence conformity to the guidelines, sentencing trends and prison population projections. The following presents the major activities performed by the Commission and the key sentencing issues discussed in this year's report.

MAJOR ACTIVITIES PERFORMED

To accomplish its statutory obligations assigned to the Kansas Sentencing Commission under K.S.A. 74-9101, during FY 2018, the Commission continued its efforts in performing the following activities: a) develop and maintain the post-implementation monitoring system that allows for a comprehensive evaluation of the sentencing guidelines through constructing and maintaining sentencing databases, which collects statewide sentencing and revocation hearing disposition information for this goal; b) process statewide felony sentencing and probation revocation journal entries including both prison and non-prison guideline sentences; c) make recommendations to the state legislature relating to modification and improvement of current sentencing guidelines and provided the legislature and state agencies with prison bed space impact assessments under any policy change related to the sentencing guidelines; d) update the Kansas Sentencing

Guidelines Desk Reference Manual according to sentencing policy changes passed in the 2018 Legislative Session; e) produce annual prison population projections and custody classification forecasts for the Kansas Adult Correctional Facilities; f) publish an annual report statistically presenting sentencing practice and policies under Kansas Sentencing Guidelines; g) track the impact of 2013 House Bill 2170 as a result of the Kansas Justice Reinvestment Initiative; h) monitor and evaluate the implementation of 2003 Senate Bill 123 drug treatment programs and process statewide transactions of the programs; i) perform criminal justice research projects funded through federal grant in the area of increasing access to statistic data and measuring criminal justice system performance; j) serve as an information resource to respond to national, state and county requests regarding sentencing data; k) conduct training sessions on sentencing guidelines and various sentencing issues; and l) introduce legislation to more effectively monitor and maintain the sentencing guidelines.

FY 2018 Annual Report is based on the sentencing data reported from 105 counties of the state and the adult prison data contributed by the Kansas Department of Correction (KDOC) in FY 2018. A total number of 15,199 felony sentences were reported to the Commission during FY 2018, indicating an increase of 1% from that of FY 2017. Of the total number of sentences, 6,542 (43.0%) were prison sentences, 8,142 (53.6%) were probation

sentences and 515 (3.4%) were DUI or test refusal post-imprisonment supervision and county jail sentences. Nondrug sentences accounted for 62.0% or 9,428 sentences and drug sentences accounted for 38.0% or 5,771 sentences (page 2).

INCARCERATION SENTENCES

In FY 2018, the total number of admissions to KDOC reached 6,542, an increase of 0.7% or 45 offenders when compared with FY 2017 (6,497 admissions). Male offenders made up 82.8% of the total admissions, a percentage decrease of 1.1% from that of FY 2017 (83.9%). More than 85% of the violent and sex offenses were committed by male offenders, such as aggravated assault, aggravated battery, aggravated burglary, aggravated robbery, burglary, criminal threat, fleeing or eluding LEO, murders, aggravated indecent liberties with a child and rape. However, female offenders were incarcerated more frequently for the crimes of forgery, identity theft, false writing and theft (pages 23 & 24). The analysis of drug crimes indicates that male offenders were convicted of 84.0% of the crimes of drug distribution and 90.5% of unlawful manufacture of a controlled substance, while most female offenders committed drug crimes of drug possessions, drug distribution and possession of paraphernalia (page 26).

White offenders represented 73.4% of the admissions to the state prisons in FY 2018, indicating no change compared to that of FY 2017. The offenders with non-Hispanic origin made up 88.8%, a decrease of 0.3% over that of FY 2017 (89.1%). The highest incarceration rates for white offenders (over 70%) were discovered in the crime areas of burglary, criminal threat, forgery, theft, identity theft, obstruction legal process, aggravated assault on LEO, fleeing or

eluding LEO, aggravated escape from custody, criminal damage to property, traffic in contraband and most sex offenses. Nevertheless, black offenders were incarcerated more often (over 40%) for the crimes of aggravated robbery, robbery, aggravated kidnapping, possession of a firearm, and voluntary manslaughter (pages 23 & 24).

When examining the age of offenders, the data discloses that the largest population of incarcerated offenders was identified in the age group ranging from 31 to 40 years old (34.0%) and the second largest number of offenders was identified in the group from 25 to 30 years old (23.6%) at the time of admission to prison in FY 2018. This age distribution is consistent with the age data observed in the past five years. As for the educational background of the offenders admitted in FY 2018, approximately 50% of the offenders had attained either a high school diploma or GED equivalent, which is similar to the percentage of the same group observed in FY 2017.

The analysis of admission types demonstrates that the three largest groups of admissions are new court commitments, probation condition violators (excluding 18.3% of sanctions from probation violation) and parole/postrelease condition violators. These three groups represent 30.9%, 22.3% and 16.5%, respectively, of the total prison admissions in FY 2018. Most of the drug offenders admitted to KDOC in FY 2018 were at drug severity level 5 (1,151 sentences or 70.9%) and drug severity level 4 (261 sentences or 12.1%), while the largest numbers of nondrug offenders were identified at nondrug severity levels 5, 7 and 9 with admissions of 575, 1,002 and 1,080, respectively, in FY 2018 (pages 27 & 28).

The tracking study of Jessica's Law reveals that 54 sex offenders were convicted under this law and admitted to prison during FY 2018. Of this number, 44 (81.5%) were new court commitments and 10 (18.5%) were parole/postrelease condition or probation condition violators. While most jurisdictions identify the severity of these crimes as off-grid (68.5%), a few sentenced offenders at the severity level for a downward departure on the nondrug grid. The analysis of sentence length demonstrates that 53.7% of the sentences were downward departures to the guidelines, a decrease of 5.4% compared with that of FY 2017 (59.1%). The average sentence length of the durational departures was 128.0 months, an increase of 18.2 months from that observed in FY 2017 (109.8 months). The major departure reasons were: a plea agreement between parties, defendant had no prior criminal history and the defendant accepted responsibility (page 33).

PROBATION SENTENCES

The number of probation sentences reported to the Commission during FY 2018 increased to 8,142, an increase of 2.6% compared with that of FY 2017 (7,934). The analysis of the probation sentences demonstrates that theft (16.7%), burglary (12.9%) and aggravated battery (8.4%) were the top three offenses committed by nondrug probation offenders, representing 38.0% of the total nondrug crimes (page 37). The probation sentences for the crime of drug possession accounted for 74.5% of all drug probation sentences, a decrease of 1.5% from that (76%) of FY 2017 (pages 38 & 40).

The analysis of the criminal history categories of the offenders sentenced to

probation in FY 2018 indicates that offenders with criminal history category I accounted for 24.3% of offenders on the nondrug grid and 24.6% of offenders on the drug grid. The nondrug offenders within the presumptive probation boxes made up 79.5%, a decrease of 0.4% compared with that of FY 2017 (79.9%). The examination of the border box sentences shows that 4.5% of probation nondrug sentences were found to be within the designated border boxes (page 45). The study on drug sentences by presumptive probation and border box continues in FY 2018. The drug offenders within presumptive probation sentences accounted for 58.3% and the drug offenders within the border box represented 22.6% of the probationers sentenced during FY 2018.

HB 2170 GRADUATED SANCTIONS

HB 2170 was passed in the 2013 Legislative Session, which allows the court to impose a series of graduated intermediate sanctions for probation condition violators. The sanctions, codified in K.S.A. 22-3716, include the confinement in jail for 2-3 days, not to exceed 18 days during the entire probation supervision period or remanding the defendant to the custody of KDOC for a period of 120 days or 180 days if the violator already has at least one jail sanction.

In FY 2018, a total number of 3,206 probation violators received a jail sanction based on the probation revocation disposition data collected by the Commission. This is an increase of 479 or 17.6% over that of FY 2017 (2,727 jail sanctions). Of the 3,206 jail sanctions, 61.2% served from 1 to 3 days in county jails and the average jail days served was 3.0 days, which is very consistent with the sentencing policy of the bill compared with FY 2017 (3.0 days), FY 2016 (2.9 days), FY

2015 (3.7 days) and FY 2014 (26.7 days). FY 2014 is the initial year of implementation of HB 2170. Therefore, there appears to be some diversion of days served in county jails in sentencing practice (pages 62 & 63).

When reviewing the KDOC's admission data, the Commission noticed that 1,197 probation condition violators in FY 2018 were admitted to prison as HB 2170 sanction from probation, an increase of 5 violators (0.4%) compared with FY 2017 (1,192 violators). Of those 1,197 violators, 759 offenders (63.4%) were remanded for 120 sanction days, 437 offenders (36.5%) were remanded for 180 sanction days and 1 offender (0.1%) was remanded for 540 days in KDOC. Since FY 2018 is the fifth year for the implementation of HB 2170, the Commission will continue monitoring the impact of the bill on sentencing practice and recidivism rate (pages 31 & 32).

DUI/TEST REFUSAL PIS and COUNTY JAIL SENTENCES

House Substitute for 2011 Senate Bill 6, which amends a third DUI conviction to a class A nonperson misdemeanor, continued impacting felony jail sentences in FY 2018 (page 15). The Commission received 515 DUI/Test Refusal post-imprisonment supervision (PIS) and county jail sentences in FY 2018. Of this number, DUI/Test Refusal PIS accounted for 88.9% (458 sentences) and county jail sentences accounted for 11.1% (57 sentences).

The analysis of this group of offenders by gender specifies that male offenders accounted for 83.7% and female offenders accounted for 16.3% of the 515 sentences. The gender distribution does not change much when compared with that of FY 2017.

White offenders represented 86.6%, black offenders represented 10.3% and other races represented 3.1 % of the DUI/Test Refusal PIS and county jail sentences imposed in FY 2018. Their average age at sentencing is 41 years old, very close to that (40.1) of FY 2017 (page 46).

The study of the crimes committed by the offenders displays that 95.7% of the offenders were convicted of felony DUI (493 sentences), 0.4% (2 sentences) were convicted of the crime of DUI/Test Refusal and 3.9% (20 sentences) were convictions of the crime of domestic battery. Johnson County imposed the most sentences of this group (157) representing 30.5%, followed by Sedgwick County with 59 sentences representing 11.5% of the total DUI/Test Refusal PIS and county jail sentences imposed in FY 2018 (page 47).

DRUG SENTENCES

A new drug sentencing grid with 5 drug severity levels was passed into law on July 1, 2012. The admissions and sentences include offenders sentenced under both old and new drug sentencing grids. Therefore, the comparison of drug offenders by severity level is only applied to the recent two years when the majority of drug offenders were sentenced under the new sentencing grid (pages 86 & 88).

The number of drug offenders admitted to prison in FY 2018 (2,151 offenders) increased by 5.0% over that of FY 2017 (2,049 offenders) and significantly increased by 33.6% over that of FY 2014 (1,428 offenders). When comparing statistics between FY 2018 and FY 2017, the admissions increased by 8.6% at drug severity level 1 and by 13.1% at drug level 5. However, the number of admissions

decreased by 1.0% at drug severity level 2, by 14.9% at drug severity level 3 and by 12.4% at drug severity level 4 when compared with those of FY 2017. The decrease of admissions at drug level 4 and the increase of admissions at drug level 5 in FY 2018 continuously reflects the implementation of the new drug sentencing grid (page 86).

The analysis of drug offenses demonstrates that 70.5% of the incarceration drug sentences were convictions of drug possession, an increase of 2.3% compared with that of FY 2017 (68.2%). Approximately 5.8% of the drug possession sentences were found at drug severity level 4. Offenders at drug severity level 5 accounted for 98.0% of the drug possession group, a continuous increase of 3.9% over that of FY 2017 (94.1%) after higher increases of the years before, which reflects the implementation of the new drug sentencing grid (page 25).

The research of drug probation sentences indicates that the number of drug probation sentences in FY 2018 (3,620) increased by 5.1% compared with that of FY 2017 (3,419) and greatly increased by 26.8% compared with that of FY 2014 (2,855). In comparing data from FY 2018 and FY 2017, the number of drug probation sentences decreased by 30.0% at drug severity level 1 and by 1.5% at drug severity level 4. However, drug probation sentences increased by 20.7% at drug level 2, by 23.3% at drug level 3 and by 5.1% at drug level 5 (page 88).

Further study of drug offenders on probation reveals that during FY 2018, a total number of 1,294 sentences were ordered to 2003 Senate Bill 123 (SB 123) drug treatment programs, representing 35.7% of the total

drug probation sentences (3,620), an increase of 0.9% compared with that of FY 2017 (34.8%). More than 99% of these sentences were convicted of the crime of drug possession under K.S.A. 21-5706 (formerly K.S.A. 21-36a06 or 65-4160 or 65-4162). White male offenders are still the majority of the treatment sentences. The average age of the drug treatment offenders was 33.3 years old, very close to that of FY 2017. The distribution of SB 123 drug treatment sentences imposed by county displays that Shawnee County imposed the most SB 123 sentences (110) followed by Sedgwick (100), Johnson (89), Reno (87) and Saline (71) counties (pages 42 & 43).

In addition, 1,364 SB 123 drug treatment sentences were violated as probation condition violators during FY 2018. Of this number, 361 sentences were revoked to prison, representing 27.9% of SB 123 sentences imposed (1,294 sentences) in FY 2018, an increase of 6.4% from that of FY 2017 (21.5%). The average period between original sentence and the first revocation hearing was 15.6 months, 9 days longer than that of FY 2017 (15.3 months).

VIOLATORS

Violators, discussed in this report, refer to condition violators, which includes probation condition violators, parole/postrelease violators and conditional release violators. Prison sanctions from probation violations are excluded from this analysis. A total number of 2,540 condition violators were admitted to prison in FY 2018, accounting for 38.8% of the total prison admission events of the fiscal year. Of this number, 1,458 were probation condition violators, 1,082 were parole/postrelease violators and one was a conditional release violator, who is merged

with the group of parole/postrelease violators in the analyses of the report. The total percentage of condition violators increased by 1.4% compared with that (37.4%) of FY 2017 (page 49).

The number of probation condition violators admitted to prison in FY 2018 increased by 9.5% when compared with FY 2014 but decreased by 2.5% over that of FY 2017. The number of parole/postrelease condition violators admitted to prison in FY 2018 decreased by 9.9% and 3.6%, respectively, from those of FY 2014 and FY 2017 (page 85). When examining the gender of violators, the data discloses that both male and female condition violators sentenced to prison represented the largest number of offenses at severity level 9 of the nondrug grid and severity level 5 of the drug grid, which is consistent with the data observed in FY 2017 (page 52).

Based on the probation revocation disposition data collected by the Commission, 535 probation condition violators and 56 probation violators with new convictions were sentenced to either continued or extended probation for a violation in FY 2018. This represents 8.7% of the total number of 6,115 condition probation violators and 12.1% of the total number of 464 probation violators with new offenses revoked during FY 2018 (page 60).

CONFORMITY TO SENTENCING GUIDELINES

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 ordered to sentence an offender to a sentence length or

type that differs from the sentence set forth under the guidelines. Therefore departures, whether durational or dispositional, serve as a measure of conformity. Only new court commitments of guideline sentences were utilized for this specific analysis.

Consecutive sentences and sentences applied with special sentencing rules related to sentence disposition are excluded from this analysis. In addition, the analysis is based on computed variables regarding departures.

The study of the conformity rates to the sentencing guidelines is based on the 6,891 pure guideline sentences reported in FY 2018. Of this number, 1,490 were incarceration guideline sentences and 5,401 were probation sentences. Seventy-nine percent of the guideline sentences imposed fell within the designated guideline sentence range. Dispositional departures accounted for 11.8% of sentences and durational departures were found in 9.1% of sentences (page 65). The sentence distribution is very consistent with those of FY 2017 and FY 2016.

The analysis of incarceration sentences within guidelines displays that 36.7% of the sentences imposed fell within the standard range of the grid cell, an increase of 1.4% when compared with that of FY 2017 (35.3%). Thirteen percent of all sentences were within the aggravated range; 24.1% were within the mitigated range and 25.9% were located within designated border boxes (page 66).

The review of the durational departures of the incarceration guideline sentences shows that 69.3% of the durational departures were downward durational departures, while 30.7% indicated upward durational departures (page 66). The distribution is similar from that of FY 2017 with 67.6%

downward durational departures and 32.4% upward durational departures. The comparative study of durational departures between drug and nondrug incarceration sentences indicates that 78.4% of drug durational departure sentences were downward compared to 67.5% for nondrug downward durational departure sentences (page 68). Downward durational departures were most frequently identified at severity levels 1 and 3 of the drug grid. Upward durational departures were found most frequently at severity levels 1 to 2 of the nondrug grid (page 70).

Dispositional departures are identified when the sentence imposed, prison or nonprison, is different from the sentence disposition designated under the sentencing guidelines. Upward dispositional departures are only applicable when prison sentences are imposed. When drug and nondrug sentences were compared, nondrug sentences indicated a 6.1% upward dispositional departure rate and drug sentences represented a 4.8% upward dispositional departure rate (page 70). This is consistent with data observed in FY 2017 but appears to be a departure from the sentencing practice observed in the nineteen years before FY 2016 when judges were more likely to impose fewer upward dispositional sentences for drug offenders than for nondrug offenders.

The examination of the probation guideline sentences reveals that as expected, the majority (86.5%) of probation guideline sentences fell beneath the incarceration line, among which 85.6% were within presumptive probation grids and 16.4% were within border boxes. Downward dispositional departures were identified in 13.5% of the probation guideline sentences imposed in FY 2018 (page 67). Durational departures are not applicable to probation

sentences. Further research of downward dispositional departures of probation sentences discloses that drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences (17.1% vs. 9.9%). Substantially more drug probation sentences resulted from border boxes than did nondrug probation sentences (22.8% vs. 5.9%), which is consistent with the data observed in FY 2017 (page 71).

SPECIAL SENTENCING RULES

Special sentencing rules provide special treatment of certain crimes and sanctions. There was a small number of special sentencing rules in the beginning years of implementation of the guidelines. Only five special rules existed in 1994 and 1995. With the modification of sentencing guidelines and amendments of sentencing policies in each legislative year, the number of special sentencing rules has increased. As of the 2018 Legislative Session, forty-eight special sentencing rules have been established or amended. The most frequently applied special sentencing rules in the past five years were: crime committed while incarcerated or on probation, parole, etc.; crime committed while on felony bond; person felony committed with a firearm and third or subsequent drug possession.

In FY 2018, a total number of 814 pure guideline prison sentences and 840 pure guideline probation sentences were imposed with special sentencing rules, which accounted for 44.5% of prison pure guideline admissions (1,829 admissions) and 15.1% of pure guideline probation sentences (5,576) imposed in FY 2018. The percentage of offenders admitted to prison with special sentencing rules increased from 42.0% in FY 2014 to 44.5% in FY 2018. The

percentage of probation sentences imposed with special sentencing rules accounted for 12.2% in FY 2014 and increased to 15.1% in FY 2018. The total percentage of both prison and probation sentences applied with special rules increased from 18.7% in FY 2014 to 21.1% in FY 2018 (page 81).

PRISON POPULATION FORECAST

The Commission conducts the prison population forecast according to the data of prison admission, inmate stock population and release from KDOC, and felony sentencing data from KSSC in FY 2018. It mirrors continuously the sentencing policy changes in previous years, such as 2006 House Bill 2567 (Jessica’s Law), 2007 Senate Bill 14 and 2013 House Bill 2170, a justice reinvestment bill, which seeks to reduce the probation condition violator population in Kansas prisons. The prison population projection estimates that by the end of FY 2028, a total of 12,054 prison beds will be needed. This represents a total increase of 20.9% or 2,081 beds over the actual prison population as of June 30, 2018. The total admission in the past five years represents an increasing trend. A combination of developing admission trends with the impact of the pronounced stacking effect and new sentencing policies has resulted in a continual growth in the state’s prison population (pages 90 & 91).

The analysis of the projected population at individual severity levels and groups exhibits that the largest increase in number is identified at the drug offender group in the ten-year forecast period, indicating an increase of 439 offenders or 28.9%. The number at nondrug severity levels 1 to 3 will increase by 742 offenders or 29.5% in the next ten years. This is due to the “stacking effect” of the long sentence length of the

most serious offenses even though the trend of violent crimes in Kansas declined in the past five years. The projected population at nondrug severity levels 4 to 6 will increase by 109 offenders or 6.2% during the ten-year forecast period. The prison population at nondrug severity levels 7 to 10 will increase by 252 offenders or 28.8%, which partially results from the application of the special sentencing rules. The incarcerated population at off-grid in the next ten years will increase by 251 offenders or 17.8%. This growth reflects the continuous impact of Jessica’s Law (House Bill 2567) passed in the 2006 Legislative Session.

Before 2013, probation condition violators admitted to prison were required to serve their underlying prison sentence, but now House Bill 2170 requires probation condition violators to serve graduated sanctions instead, which includes custody in KDOC for a period of 120 days or 180 days. As a result, in the next ten years, the number of prison sanctions from probation will increase to 174 or an increase of 26.1% over the actual number of FY 2018 (138). The probation condition violators admitted to prison will increase by 319 or 28.8% and the parole or postrelease condition violators will increase by 33 or 6.3% in the next ten years. This is the impact of House Bill 2170 as well, which requires that probation condition violators who are released from prison after July 1, 2013, to serve a postrelease supervision term. Figure 60 (page 90) illustrates the trend of the actual and projected prison population from FY 2009 through FY 2028.

The custodial classification projection predicts the types of prison beds needed for custody over the next ten years. By the end of FY 2019, KDOC will need 3,117 minimum beds, 2,930 medium low beds,

1,629 medium high beds, 1,426 regular maximum beds, 380 unclassified beds and 815 beds for special management. By the end of FY 2028, the custodial beds in demand will include 3,634 minimum, 3,431 medium low, 1,908 medium high, 1,671 regular maximum, 444 unclassified and 956 special management beds (page 92). These projections assume no substantial change in the method or practice of custody decision-making.

REPORT CONTENTS

The Annual Report is presented in four chapters. Chapter One provides a descriptive statistical summary of statewide guideline sentencing practices in FY 2018. Chapter Two describes the types and characteristics of violators incarcerated in the state correctional facilities. In Chapter Three, the pure prison and probation sentences imposed under the sentencing guidelines are examined to evaluate the conformity to the sentencing guidelines. Chapter Four contains analyses on sentencing trends and prison population projections. Appendix I analyzes sentences of felony convictions from the top four contributing counties of the State of Kansas. Appendix II tracks the trends of the top five felonies; Uniform Crime Reporting (UCR) offenses; and off-grid and nongrid crimes in the past five years. Admissions and population of female offenders are also discussed in this section.

CHAPTER ONE

SENTENCING IN KANSAS

SENTENCES REPORTED IN FISCAL YEAR 2018

This Annual Report includes statistical analysis, evaluation and research findings on prison sentences, nonprison or probation sentences, county jail and DUI post-imprisonment supervision sentences reported to the Kansas Sentencing Commission during FY 2018. The Senate Bill 123 drug treatment sentences are comprised in the type of probation sentences. Sentences utilized for analyses on sentencing practice and sentencing tendency are based upon the most serious felony offense of a single sentencing event of an offender.

In FY 2018, a total number of 15,199 felony sentences were reported to the Commission, an increase of 154 sentences or 1% from that of FY 2017. Of that total number of sentences, 6,542 were prison sentences, 8,142 were probation sentences and 515 were DUI post imprisonment supervision and county jail sentences (County jail sentences made up 57). In terms of drug or nondrug crimes, this total included 9,428 nondrug sentences and 5,771 drug sentences. Nonperson offenses accounted for 68.6% and person offenses accounted for 31.4% (Figure 1), which does not fluctuate much from those of FY 2017.

FY 2018 sentencing distribution by sentence type, offense type and severity level is demonstrated in Figure 2. Incarceration sentences at drug severity levels 4 and 5 represented 83.0% (1,786 sentences) of the

total drug incarceration sentences. The largest number of nondrug incarceration offenders was identified at severity level 9 (1,080 sentences or 24.6%) followed by severity level 7 (1002 sentences or 22.8%) and severity level 5 (575 sentences or 13.1%), which is similar with the pattern of FY 2017. The examination of probation sentences in FY 2018 indicates that 2,831 probation sentences fell at drug severity level 5, representing 78.2% of the total drug probation sentences and 387 probation sentences were at drug severity level 4 representing 10.7%. The new drug sentencing grid with five severity levels became effective on July 1, 2012. Pure drug possession crimes convicted under K.S.A. 21-5706 are sentenced at drug severity level 5. The total number of drug probation sentences at drug severity levels 4 and 5 is 3,218. Of this number, 83.8% or 2,697 sentences were convicted of the crimes of drug possession. Of the 2,697 drug possession sentences, 48.0% or 1,294 sentences were imposed to SB 123 drug treatment programs, which increased by 2.3% compared with the percentage (45.7%) of FY 2017. The highest rates of nondrug probation offenders were found at nondrug severity level 9 (39.3% or 1,775 sentences) and nondrug severity level 7 (21.9% or 990 sentences). The analysis of DUI post imprisonment supervision and county jail sentences discloses that 99.6% of the offenders were convicted of nongrid crimes with 0.4% sentences convicted of other crimes at nondrug severity level 8, which is consistent with the data observed in FY 2017.

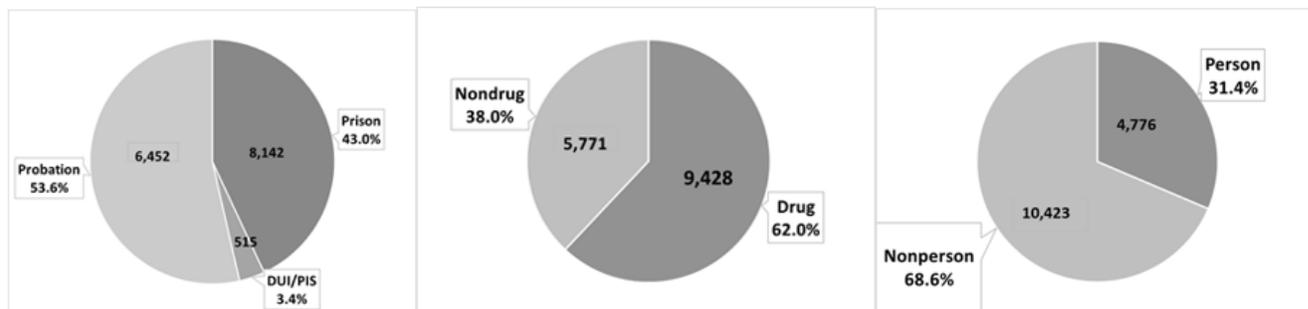
The review of sentences by county indicates that 105 counties reported felony sentences to the Commission in FY 2018. Most of the counties reported 2 to 100 sentences. Nine counties reported 101 to 200 sentences. They are Atchison (141), Cowley (134), Franklin (118), Jackson (147), Dickinson (105), Leavenworth (190), McPherson (119), Riley (151) and Sumner (137) counties. Fourteen counties reported 201 to 700 sentences. They are Barton (225), Butler (244), Crawford (232), Douglas (399), Ellis (221), Finney (265), Ford (307), Geary (315), Harvey (288), Lyon (204), Montgomery (307), Reno (662) Saline (645), and Seward (213) counties. Sedgwick, Johnson, Wyandotte and Shawnee counties remained the top four committing counties, accounting for 45.7% of all sentences imposed in FY 2018, a decrease of 1.4% compared with that (47.1%) of FY 2017 (Figure 3).

The top five offenses committed in FY 2018 are crimes of drugs (38.0% or 5,771 sentences), theft (8.1% or 1,228 sentences), burglary (7.6% or 1,162 sentences, including aggravated burglary), aggravated battery (5.8% or 874 sentences) and DUI/Test

Refusal (3.4% or 513 sentences). The top five offenses, including prison, probation, DUI post imprisonment supervision and county jail sentences, accounted for 62.9% of the total 15,199 sentences in FY 2018 (Figure 4).

According to the definition of the Uniform Crime Reporting (UCR) Handbook, the violent crimes in the report refer to murder (including all types of murder and manslaughter), rape, robbery (including aggravated robbery) and aggravated assault (including aggravated assault on LEO). The study of the violent crimes indicates that most of the violent crimes were found to be committed in the top four counties. Sedgwick County reported the largest number of violent crimes (354 sentences) followed by Wyandotte County (151 sentences), Johnson County (104 sentences), and Shawnee County (79 sentences). Figure 5 exhibits the distribution of the violent crimes committed in the top four counties during FY 2018. The characteristics of offenders by individual counties are presented in Table 1.

Figure 1: Sentences Reported in FY 2018



Based on 15,199 felony sentences reported in FY 2018. DUI or test refusal post-imprisonment supervision accounted for 458 and jail accounted for 57 sentences.

Figure 2: FY 2018 Sentencing Distribution

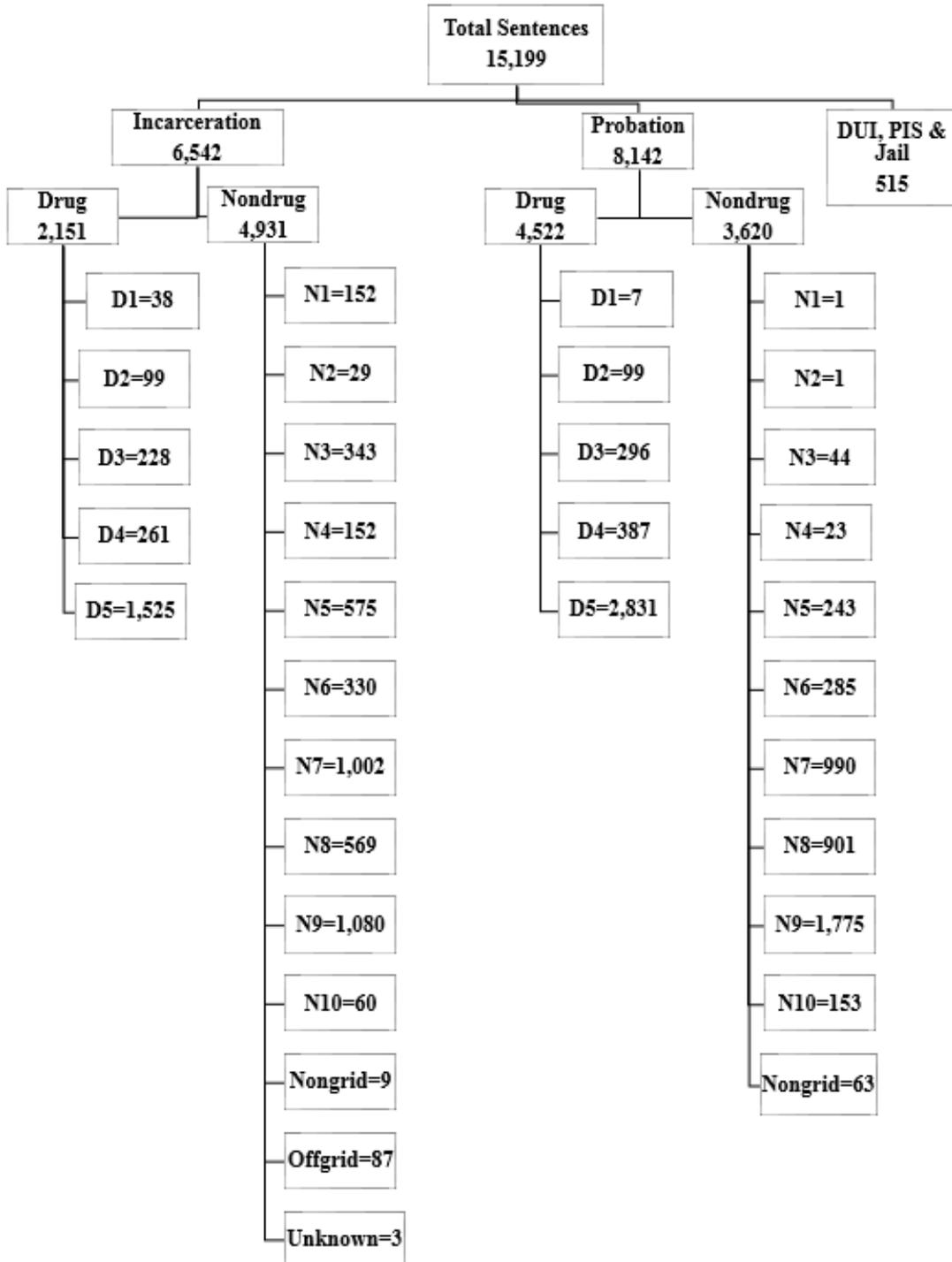


Figure 3: Sentences Reported in FY 2018 by County

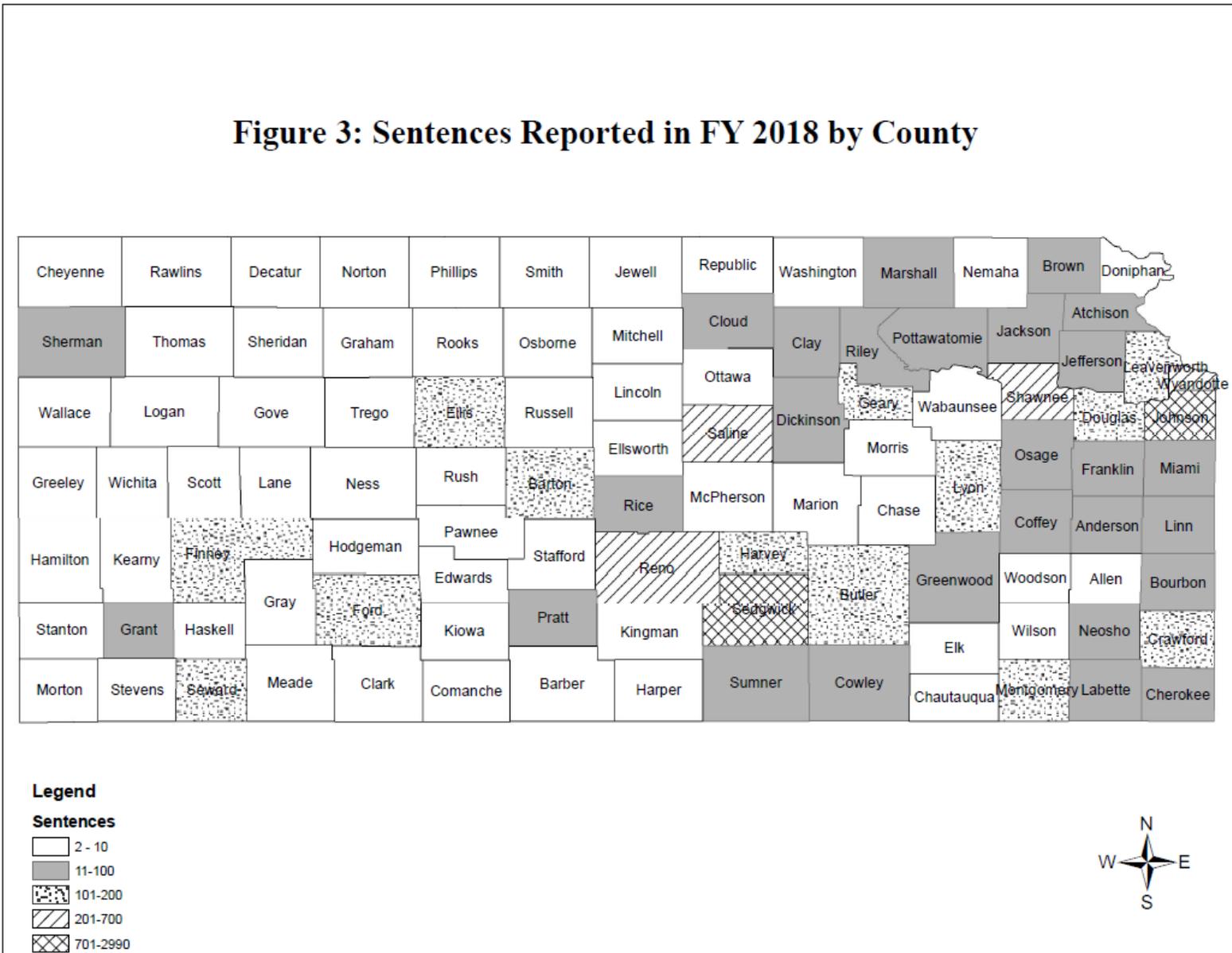
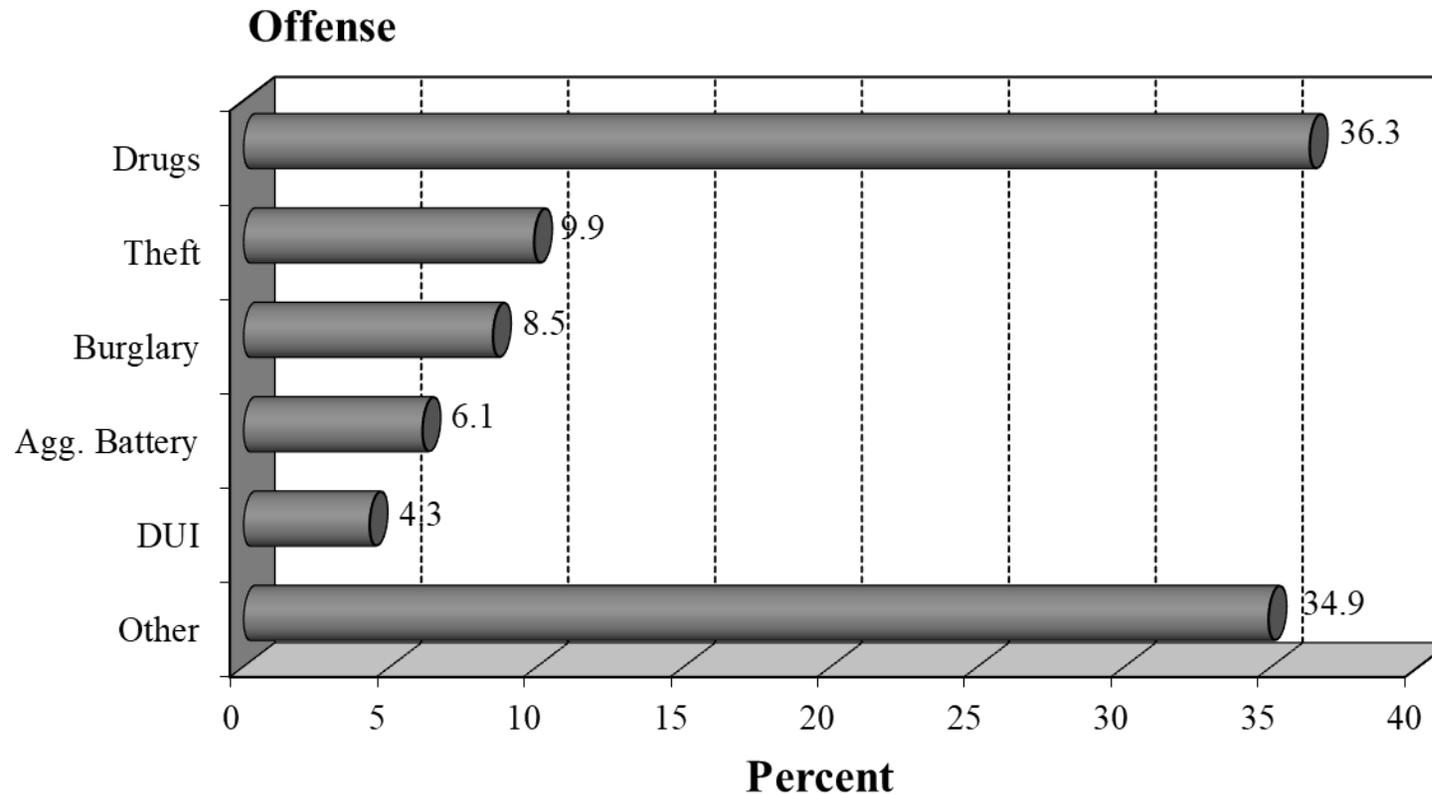


Figure 4: FY 2018 Top Five Offenses of Prison, Probation and Jail Sentences



Based on 15,199 prison, probation, DUI PIS and county jail sentences

Figure 5: FY 2018 UCR Offenses by Top Four Counties - Violent Crime Convictions

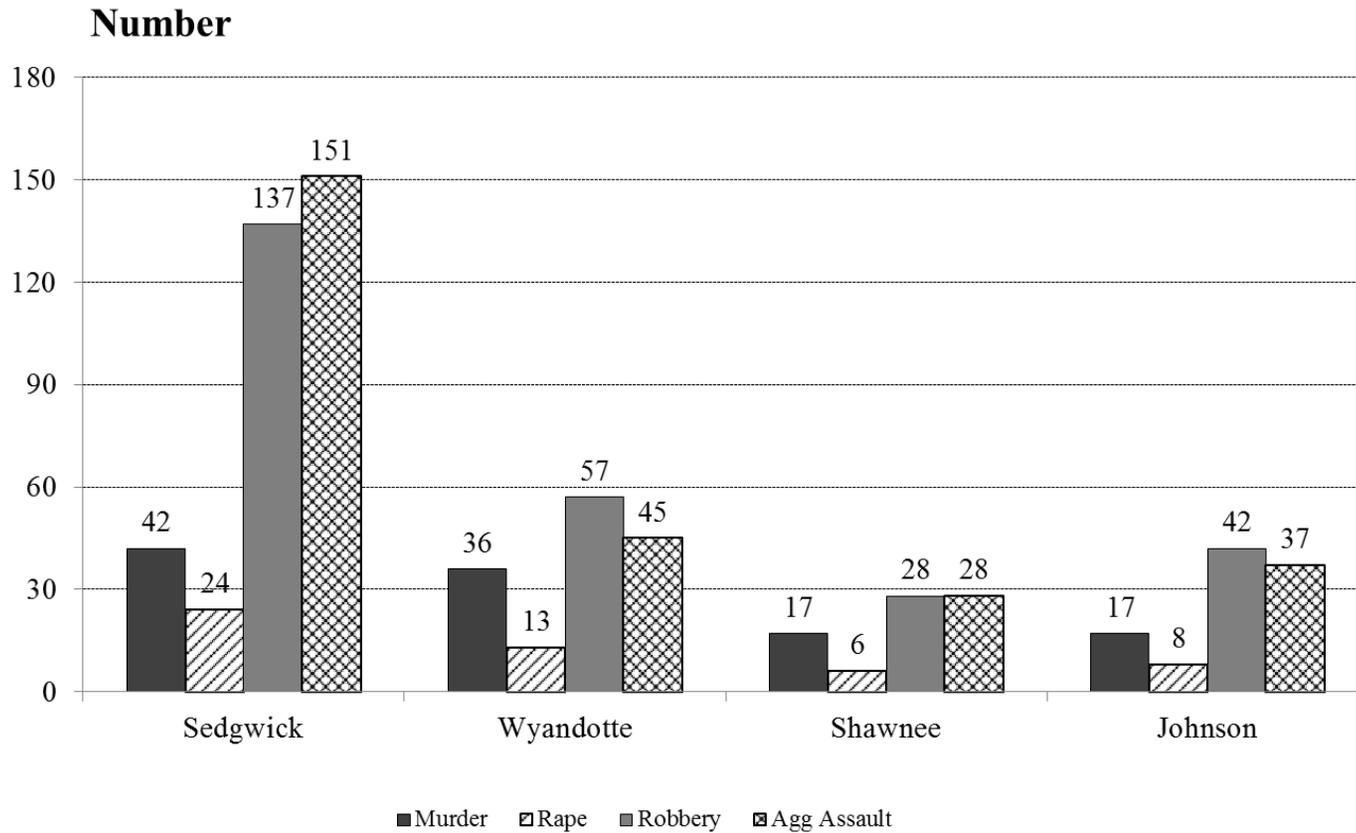


Table 1: FY 2018 Offender Characteristics by County – 1

County	Number Of Sentences	Gender		Race			Sentence Type*			Offense Type		Mean Age***
		Male	Female	White	Black	Other	Prison	Probation	DUI PIS Jail**	Nondrug	Drug	
Allen	47	38	9	44	3	0	24	23	0	18	29	33.6
Anderson	55	43	12	53	2	0	31	24	0	35	20	32.7
Atchison	141	109	32	115	25	1	72	66	3	83	58	34.1
Barber	7	5	2	7	0	0	2	5	0	5	2	38.6
Barton	225	173	52	198	25	2	88	133	4	99	126	33.8
Bourbon	100	71	29	90	6	4	36	58	6	53	47	33.3
Brown	76	52	24	61	6	9	30	45	1	51	25	33.2
Butler	244	180	64	218	23	3	82	157	5	149	95	33.3
Chase	16	14	2	14	2	0	8	8	0	8	8	32.3
Chautauqua	20	11	9	19	1	0	7	12	1	10	10	41.4
Cherokee	94	77	17	86	5	3	40	54	0	51	43	35.9
Cheyenne	11	8	3	11	0	0	3	8	0	7	4	33.3
Clark	8	7	1	8	0	0	7	1	0	1	7	30.0
Clay	71	54	17	65	3	3	23	47	1	27	44	33.1
Cloud	68	46	22	64	4	0	26	40	2	31	37	33.3
Coffey	83	62	21	74	6	3	40	41	2	32	51	35.8
Comanche	5	4	1	4	0	1	2	3	0	3	2	35.7
Cowley	134	93	41	110	18	6	80	47	7	86	48	33.3
Crawford	232	165	67	204	27	1	104	128	0	115	117	34.3
Decatur	12	10	2	12	0	0	3	9	0	5	7	42.6
Dickinson	99	76	23	88	9	2	42	54	3	57	42	33.7
Doniphan	24	17	7	21	3	0	1	20	3	12	12	36.9
Douglas	399	324	75	285	86	28	161	225	13	252	147	32.6
Edwards	14	10	4	9	5	0	4	10	0	2	12	41.8
Elk	3	3	0	3	0	0	2	0	1	2	1	39.3
Ellis	221	166	55	195	23	3	102	110	9	91	130	32.8
Ellsworth	28	21	7	24	4	0	4	24	0	8	20	33.9
Finney	265	220	45	230	26	9	116	137	12	135	130	30.7
Ford	307	238	69	280	22	5	149	140	18	183	124	32.4

Table 1: FY 2018 Offender Characteristics by County – 2

County	Number Of Sentences	Gender		Race			Sentence Type*			Offense Type		Mean Age***
		Male	Female	White	Black	Other	Prison	Probation	DUI PIS Jail**	Nondrug	Drug	
Franklin	118	96	22	105	11	2	51	62	5	57	61	32.3
Geary	315	248	67	202	104	9	85	220	10	135	180	31.7
Gove	2	2	0	2	0	0	0	2	0	1	1	35.5
Graham	7	4	3	7	0	0	6	1	0	7	0	28.8
Grant	70	57	13	70	0	0	10	48	12	42	28	33.9
Gray	22	17	5	21	1	0	5	17	0	8	14	31.8
Greeley	9	6	3	8	1	0	3	6	0	5	4	31.9
Greenwood	61	43	18	55	5	1	28	33	0	27	34	36.5
Hamilton	23	13	10	22	1	0	9	14	0	8	15	32.2
Harper	29	20	9	27	0	2	10	19	0	16	13	36.1
Harvey	288	231	57	250	29	9	87	196	5	103	185	33.2
Haskell	10	6	4	8	2	0	8	2	0	1	9	37.0
Hodgeman	14	11	3	13	1	0	5	8	1	7	7	37.2
Jackson	147	100	47	108	12	27	71	67	9	56	91	35.3
Jefferson	58	39	18	53	2	2	17	37	4	45	13	33.5
Jewell	10	10	0	9	1	0	4	6	0	5	5	32.1
Johnson	1,992	1,542	450	1,464	503	25	769	1,066	157	1,337	655	33.0
Kearny	18	14	4	17	0	1	6	12	0	9	9	37.2
Kingman	25	16	9	22	1	2	9	15	1	14	11	39.1
Kiowa	13	10	3	12	1	0	8	5	0	5	8	33.6
Labette	100	78	22	79	20	1	46	51	3	70	30	31.6
Lane	2	2	0	2	0	0	1	1	0	1	1	27.8
Leavenworth	190	132	58	150	38	2	57	123	10	126	64	37.1
Lincoln	3	2	1	2	1	0	2	1	0	3	0	33.1
Linn	73	56	17	67	4	2	46	25	2	53	20	32.5
Logan	8	5	3	5	3	0	3	5	0	4	4	39.4
Lyon	204	155	49	173	28	3	109	86	9	117	87	32.5
Marion	35	27	8	33	2	0	12	23	0	26	9	35.6
Marshall	48	41	7	44	2	2	13	33	2	34	14	34.4

Table 1: FY 2018 Offender Characteristics by County – 3

County	Number Of Sentences	Gender		Race			Sentence Type*			Offense Type		Mean Age***
		Male	Female	White	Black	Other	Prison	Probation	DUI PIS Jail**	Nondrug	Drug	
McPherson	119	84	35	106	9	4	36	81	2	44	75	30.3
Meade	9	8	1	6	2	1	6	3	0	7	2	39.5
Miami	68	60	8	63	5	0	37	30	1	44	24	33.8
Mitchell	25	20	5	25	0	0	8	17	0	10	15	36.5
Montgomery	307	230	77	244	52	11	122	179	6	163	144	34.6
Morris	19	14	5	17	1	1	7	12	0	11	8	30.8
Morton	14	11	3	14	0	0	9	4	1	10	4	32.1
Nemaha	31	29	2	27	2	2	14	15	2	25	6	29.8
Neosho	83	57	26	80	3	0	21	59	3	29	54	32.7
Ness	17	9	8	16	0	1	5	12	0	8	9	36.5
Norton	12	10	2	12	0	0	6	5	1	9	3	33.9
Osage	66	49	17	63	1	2	30	34	2	46	20	32.3
Osborne	16	12	4	16	0	0	4	12	0	10	6	26.9
Ottawa	24	19	5	24	0	0	3	20	1	18	6	32.2
Pawnee	53	45	8	46	5	2	13	38	2	32	21	36.2
Phillips	32	21	11	30	1	1	11	20	1	5	27	37.0
Pottawatomie	77	56	21	69	6	2	21	50	6	53	24	37.1
Pratt	57	45	12	53	3	1	23	34	0	21	36	29.3
Rawlins	6	5	1	6	0	0	1	4	1	2	4	25.0
Reno	662	505	157	582	67	13	248	392	22	351	311	34.3
Republic	15	12	3	15	0	0	9	4	2	7	8	39.8
Rice	67	51	16	63	3	1	24	41	2	48	19	36.1
Riley	151	115	36	96	50	5	71	74	6	103	48	31.5
Rooks	27	20	7	26	1	0	6	18	3	8	19	34.3
Rush	19	16	3	15	1	3	9	9	1	16	3	36.3
Russell	29	18	11	28	1	0	10	19	0	15	14	33.4
Saline	645	479	166	532	101	12	289	343	13	330	315	33.4
Scott	22	21	1	20	2	0	6	16	0	11	11	34.4

Table 1: FY 2018 Offender Characteristics by County – 4

County	Number Of Sentences	Gender		Race			Sentence Type*			Offense Type		Mean Age***
		Male	Female	White	Black	Other	Prison	Probation	DUI PIS Jail**	Nondrug	Drug	
Sedgwick	2,990	2,394	596	1,962	916	111	1,648	1,283	59	2,364	626	34.2
Seward	213	172	41	171	30	12	80	126	7	114	99	30.6
Shawnee	977	771	206	687	254	36	362	602	13	676	301	34.9
Sheridan	4	3	1	4	0	0	0	4	0	4	0	29.5
Sherman	82	65	17	68	13	1	15	63	4	30	52	30.1
Smith	8	7	1	8	0	0	1	7	0	6	2	34.2
Stafford	7	6	1	7	0	0	4	3	0	5	2	31.0
Stanton	5	3	2	5	0	0	2	3	0	3	2	32.7
Stevens	28	23	5	26	2	0	13	14	1	16	12	30.7
Sumner	137	114	23	128	4	5	64	67	6	107	30	33.9
Thomas	25	18	7	24	1	0	13	10	2	15	10	30.6
Trego	30	20	10	27	2	1	12	17	1	6	24	34.8
Wabaunsee	34	29	5	28	1	5	2	31	1	13	21	36.4
Wallace	16	11	5	16	0	0	3	13	0	4	12	36.1
Washington	7	7	0	7	0	0	4	2	1	7	0	36.1
Wichita	4	4	0	4	0	0	4	0	0	3	1	32.7
Wilson	45	31	14	43	1	1	10	34	1	12	33	35.2
Woodson	7	5	2	6	0	1	4	3	0	6	1	32.0
Wyandotte	995	821	174	595	383	17	473	502	20	658	337	34.1
Unknown	10	10	0	5	4	1	10	0	0	10	0	35.3
TOTAL	15,199	11,815	3,383	11,737	3,034	426	6,542	8,142	515	9,428	5,771	36.8

* Prison sentences are based on KDOC admissions in FY 2018. Probation, DUI PIS and jail sentences are based on the sentencing journal entries reported to KSC during FY 2018.

** DUI or Test Refusal post-imprisonment supervision sentences accounted for 458 and county jail accounted for 57 sentences.

*** Average age at time of sentencing.

CHARACTERISTICS OF OFFENDERS AND OFFENSES

This section presents the characteristics of the offenders who were sentenced during FY 2018. The crime categories committed by the offenders are analyzed descriptively.

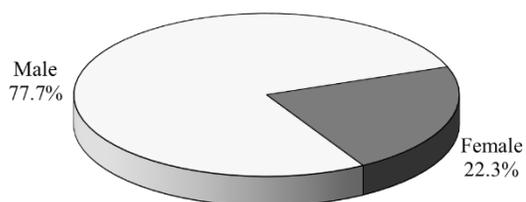
In FY 2018, male offenders represented 77.7% of the total sentences (Figure 6) and committed more than 80% of most aggravated and violent crimes such as aggravated assault, aggravated battery, aggravated robbery, rape, burglary, criminal threat, murders and kidnapping.

Female offenders made up 22.3% of the sentences in FY 2018, indicating an increase of 0.5% compared with that of FY 2017. The most frequently committed crimes by female offenders (over 40%) were forgery, identity theft, mistreatment of dependent adults, aiding a felon, and computer crime and writing worthless checks.

The racial distribution of offenders in FY 2018 does not fluctuate much from that of FY 2017. White offenders made up 77.2% of the sentences and 20.0% of the sentences were committed by black offenders (Figure 7).

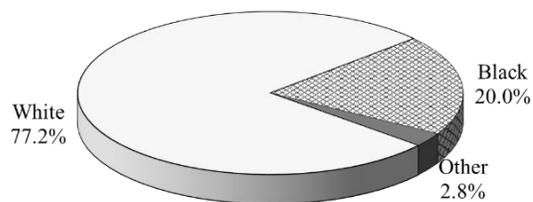
The distributions of offenders by gender, race and age are demonstrated respectively in Figures 6 - 9. The demographic information of offenders by offense types is presented in Table 2.

Figure 6: Distribution of FY 2018 Sentences by Gender of Offenders



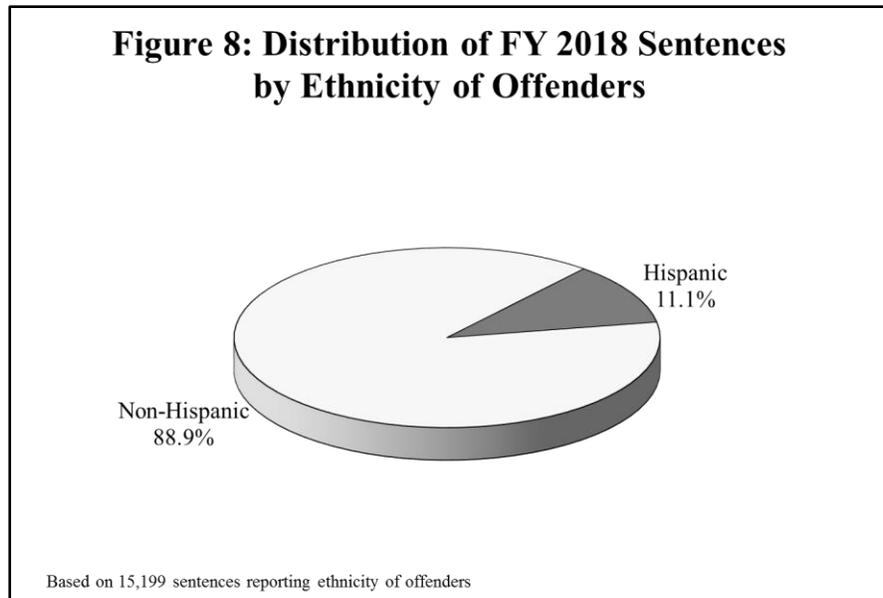
Based on 15,199 sentences reporting gender of offenders

Figure 7: Distribution of FY 2018 Sentences by Race of Offenders



Based on 15,199 sentences reporting race of offenders

The analysis of the ethnicity of offenders discloses that 88.9% of the offenders in FY 2018 were of Non-Hispanic origin, indicating decrease of 0.3% when compared with the percentage rate of FY 2017 (89.2%). This distribution of ethnicity of offenders has been comparatively constant in the past five years (Figure 8).



The review of offenders' age reveals that the largest group of offenders was found in the age group ranging from 31 to 40 years old at the time of committing the offense, which represented 29.2% of all offenders in FY 2018. The second largest offender population was identified in the age group ranging from 25 to 30 (Figure 9). This finding is consistent with those in the past five years.

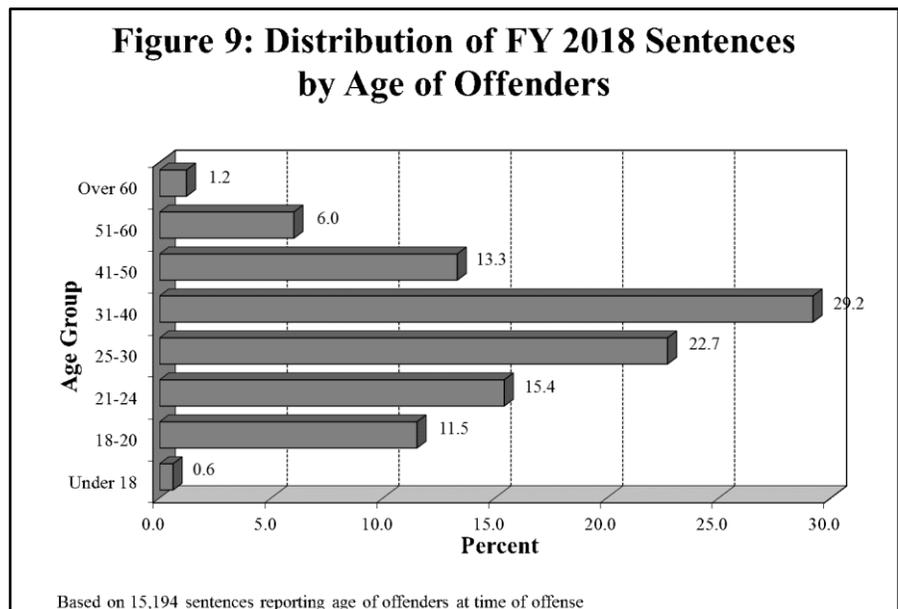


Table 2: FY 2018 Offender Characteristics by Type of Offense – 1

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Abuse of Child	20	80.0	20.0	65.0	35.0	0.0	33.3
Agg. Arson	30	53.3	46.7	80.0	16.7	3.3	33.2
Agg. Assault	383	90.3	9.7	69.5	27.9	2.6	31.6
Agg. Assault on LEO	61	90.2	9.8	83.6	14.8	1.6	31.5
Agg. Battery	874	87.4	12.6	69.2	28.0	2.7	32.6
Agg. Battery on LEO	19	89.5	10.5	73.7	26.3	0.0	27.8
Agg. Burglary	117	85.5	14.5	71.8	25.6	2.6	31.0
Agg. Criminal Sodomy w/Child	37	97.3	2.7	75.7	21.6	2.7	35.0
Agg. Endangering a Child	70	65.7	34.3	84.3	12.9	2.9	31.9
Agg. Escape from Custody	82	87.8	12.2	69.5	28.0	2.4	32.0
Agg. Failure to Appear	27	66.7	33.3	63.0	33.3	3.7	31.5
Agg. False Impersonation	7	85.7	14.3	71.4	14.3	14.3	31.7
Agg. Robbery	188	92.6	7.4	42.0	56.4	1.6	24.7
Agg. Incest	6	100.0	0.0	100.0	0.0	0.0	32.7
Agg. Indecent Liberties w/Child	139	96.4	3.6	80.6	15.1	4.3	30.1
Agg. Indecent Solicit w/Child	40	100.0	0.0	90.0	10.0	0.0	31.2
Agg. Interference w/Parent Custody	16	56.3	43.8	75.0	25.0	0.0	29.3
Agg. Intimidation of a Victim	25	80.0	20.0	72.0	28.0	0.0	29.6
Agg. Kidnapping	22	95.5	4.5	59.1	40.9	0.0	30.4
Agg. Sexual Battery	40	100.0	0.0	62.5	32.5	5.0	32.2
Agg. Weapon Violation	10	60.0	40.0	90.0	10.0	0.0	31.6
Aid Felon	17	58.8	41.2	88.2	11.8	0.0	28.0
Arrange Sale/Purchase Drug	21	66.7	33.3	76.2	23.8	0.0	24.9
Arson	47	70.2	29.8	78.7	17.0	4.3	32.5
Auto Failure to Remain	12	50.0	50.0	91.7	0.0	8.3	36.6
Battery on LEO	101	79.2	20.8	69.3	28.7	2.0	29.5
Breach of Privacy	17	100.0	0.0	82.4	5.9	11.8	41.5
Burglary	1,162	83.0	16.9	79.7	16.5	3.7	30.1
Contribute Child's Misconduct	18	77.8	22.2	88.9	11.1	0.0	29.0
Computer Crime	24	58.3	41.7	87.5	12.5	0.0	36.2
Criminal Damage to Property	100	87.0	13.0	75.0	23.0	2.0	31.6
Criminal Discharge of Firearm	28	89.3	10.7	71.4	28.6	0.0	26.9
Criminal Sodomy w/Child	11	100.0	0.0	81.8	9.1	9.1	28.7
Criminal Threat	450	88.2	11.8	74.0	23.8	2.2	34.8
Criminal Use of Explosives	13	100.0	0.0	92.3	7.7	0.0	34.4
Criminal Use of Financial Card	21	66.7	33.3	71.4	28.6	0.0	34.9
Domestic Battery	130	95.4	4.6	69.2	28.5	2.3	34.5

Table 2: FY 2018 Offender Characteristics by Type of Offense – 2

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Drugs	5771	72.1	27.9	82.7	14.6	2.7	33.0
Drug without Tax Stamps	14	78.6	21.4	57.1	42.9	0.0	33.5
DUI	513	83.2	16.8	86.9	9.9	3.1	40.2
Electronic Solicitation of Child	20	100.0	0.0	85.0	15.0	0.0	32.7
Failure to Register	445	87.6	12.4	70.6	25.4	4.0	35.2
Fleeing or Eluding LEO	412	88.8	11.2	71.8	25.5	2.7	32.3
Forgery	431	59.9	40.1	78.0	19.3	2.8	34.6
False Writing	117	75.2	76.1	76.1	21.4	2.6	32.4
Giving Worthless Checks	22	59.1	40.9	77.3	22.7	0.0	42.1
Identity Theft	259	57.5	42.5	74.5	23.6	1.9	32.3
Indecent Liberties w/Child	35	97.1	2.9	82.9	14.3	2.9	28.5
Indecent Solicitation of Child	17	94.1	5.9	64.7	17.6	17.6	27.1
Involuntary Manslaughter	37	81.1	18.9	81.1	16.2	2.7	29.7
Kidnapping	37	86.5	13.5	51.4	35.1	13.5	33.6
Lewd and Lascivious Behavior	9	100.0	0.0	66.7	0.0	33.3	34.1
Medicaid Fraud	10	30.0	70.0	90.0	10.0	0.0	46.6
Mistreat Dependent Adult	21	33.3	66.7	90.5	9.5	0.0	47.3
Murder in the First Degree	51	98.0	2.0	54.9	39.2	5.9	27.4
Murder in the Second Degree	78	88.5	11.5	59.0	35.9	5.1	29.7
Nonsupport of Child or Spouse	12	75.0	25.0	83.3	16.7	0.0	37.4
Obstructing Legal Process	279	73.8	26.2	73.8	22.9	3.2	31.3
Possession of Weapons	334	95.5	4.5	58.1	38.3	3.6	30.1
Rape	104	96.2	3.8	74.0	20.2	5.8	29.7
Robbery	198	83.3	16.7	55.6	41.4	3.0	27.8
Sex Exploitation of a Child	58	96.6	3.4	84.5	13.8	1.7	34.9
Stalking	36	100.0	0.0	75.0	22.2	2.8	42.3
Tamper w/Electronic Monitor Equip.	50	62.0	38.0	72.0	26.0	2.0	32.5
Theft	1228	69.1	30.9	77.4	20.6	1.9	33.6
Traffic in Contraband	111	52.3	47.7	82.9	12.6	4.5	32.7
Unlawful Sexual Relations	7	71.4	28.6	100.0	0.0	0.0	33.7
Unlawful Voluntary Sex Relations	11	100.0	0.0	81.8	18.2	0.0	19.0
Voluntary Manslaughter	20	95.0	5.0	60.0	40.0	0.0	33.2
Weapons	4	100.0	0.0	100.0	0.0	0.0	27.2
Other	63	76.9	23.1	82.7	15.4	1.9	33.2
Total	15199	77.7	22.3	77.2	20.0	2.8	32.8

Note: Offenses with number of cases smaller than 4 are included in the offense type of "Other".
 * Average age at time of offense.

Felony DUI under K.S.A. 8-1567

The felony crime of driving under the influence of alcohol or drugs for the third or subsequent conviction (DUI) under K.S.A. 8-1567(f) was classified as a severity level 9, nonperson felony offense in 1993 when the Sentencing Guidelines were established. During the 1994 Legislative Session, the crime was amended as a nongrid crime and subjected to the specific sentencing provisions of K.S.A. 8-1567. Additionally, the offender cannot be ordered to a state correctional facility to serve the sentence imposed as set forth in K.S.A. 21-6804(i). The crime was further amended by Senate Bill 67 in 2001. As a result, it was possible for an offender convicted of a fourth or subsequent DUI to serve time in prison in the event he/she violated conditions of postrelease supervision (K.S.A. 2001 Supp. 8-1567(g)). However, 2011 House Substitute for Senate Bill 6 amends a third DUI conviction to a class A nonperson misdemeanor, unless the offender has a prior conviction which occurred within the preceding 10 years. The bill further amends that all imprisonment for DUI are to be served in jail regardless of the number of priors. There are no provisions for

The trend analysis indicates that the number of felony DUI offenders has decreased dramatically since FY 2013, which mirrors the impact of 2011 Senate Bill 6. In this bill, it amends a third DUI conviction to a class A nonperson misdemeanor. The majority of the prison sentences were parole condition violators.

postrelease supervision by KDOC parole officers. Current felony crimes for DUI are found in K.S.A. 8-1567(b)(1)(D) and (E).

Figure 10 demonstrates the sentencing trends of felony DUI under K.S.A. 8-1567 in FY 2001 and the past five fiscal years. In FY 2001, 614 offenders were convicted of felony DUI. Of this number, 12 (2%) were sentenced to prison as condition violators, 434 (70.7%) were sentenced to probation and 168 (27.4%) were sentenced to county jail. During FY 2018, a total number of 513 sentences were convicted under this crime with 2 (0.4%) sentenced to prison, 18 (3.5%) sentenced to probation and 493 (96.1%) sentenced to county jail/post-imprisonment supervision. The total number of sentences convicted under the crime of felony DUI in FY 2018 decreased by 19.7% from that of FY 2017 and decreased by 16.4% over that of FY 2014. When compared to FY 2014, the number significantly decreased by 34.1%. Figure 11 displays the distribution of felony DUI convictions in FY 2018 by county. Johnson and Sedgwick counties were the top two counties imposing 156 (30.5%) and 52 (10.2%) sentences respectively under K.S.A. 8-1567(b)(1)(D) and (E) in FY 2018.

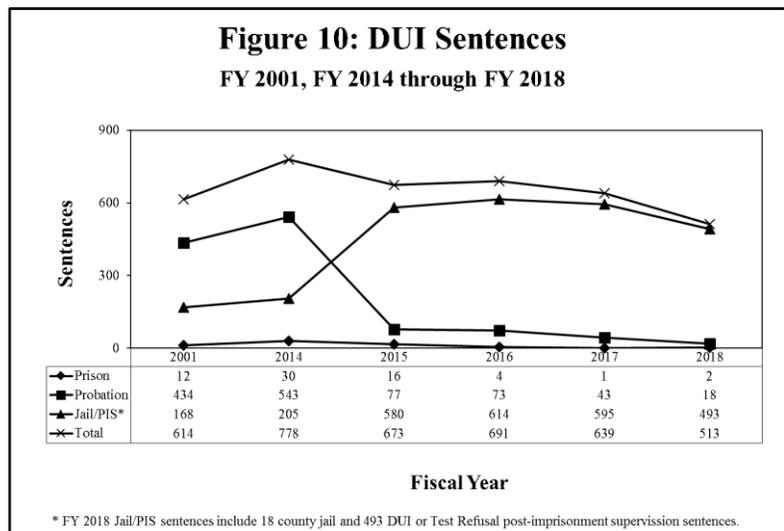
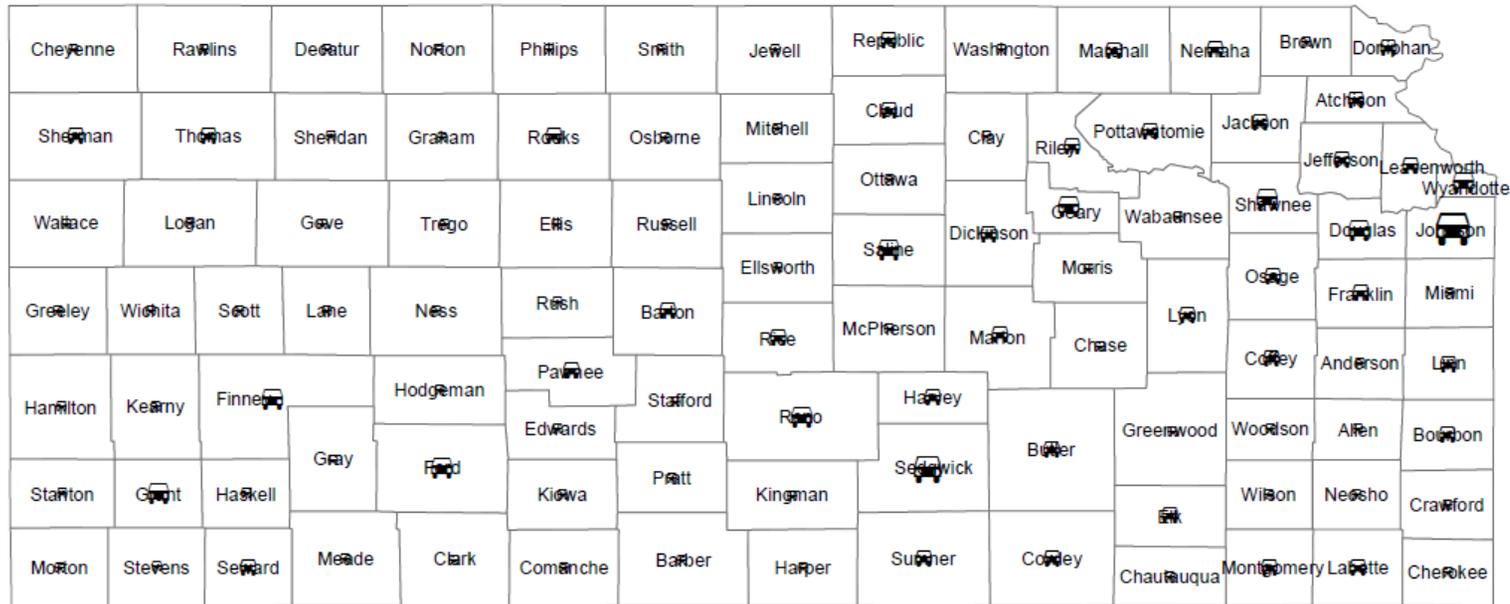


Figure 11: FY 2018 DUI Offenses by County



Legend

- 1 - 10
- 11 - 40
- 41 - 70
- 71 - 100
- 101 - 156



Sentences for Failure to Register under the Kansas Offender Registration Act

K.S.A. 22-4903 lists the penalty for a failure to register under the Kansas Offender Registration Act (KORA). The statute was amended to increase the penalty from a class A, nonperson misdemeanor to a severity level 10, nonperson felony during the 1999 Legislative Session. The penalty for the crime was amended again in the 2006 Legislative Session, which increased the

penalty to a severity level 5, person felony. The 2011 Legislation further amended the penalties for violations of KORA as a severity level 6, person felony for the first violation; a severity level 5, person felony for the second violation and a severity level 3, person felony for the third or subsequent violation or aggravated failure to register as requested. The 2013 Legislation created a level 9, person felony for the conviction of failure to remit two or more full payments as required by K.S.A. 22-4905(k).

During FY 2018, four hundred and forty-five sentences were reported under this crime, an increase of 0.7% when compared with FY 2017 and an increase of 45.0% when compared with FY 2014. Of those 445 convictions, 234 were sentenced to prison and 211 were sentenced to probation. The crime indicates an increasing trend in the past the five years (Figure 12).

The distribution of the severity levels of the crime committed in FY 2018 is presented in Figure 13. Twenty-six (5.8%) convictions under this crime were sentenced at nondrug severity level 3, 59 (13.3%) were sentenced at nondrug severity level 5 and 318 (71.5%) were sentenced at nondrug severity level 6. Sentences at nondrug severity levels 7, 8 and 9 were attempt convictions of the crime, representing 3 (0.7%), 37 (8.3%) and 2 (0.4 %) convictions respectively.

Figure 12: Failure to Register Sentences By Sentence Imposed - FY 2014 through FY 2018

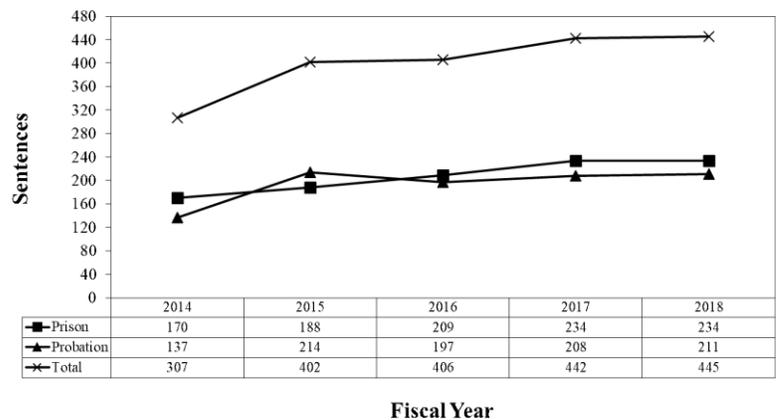
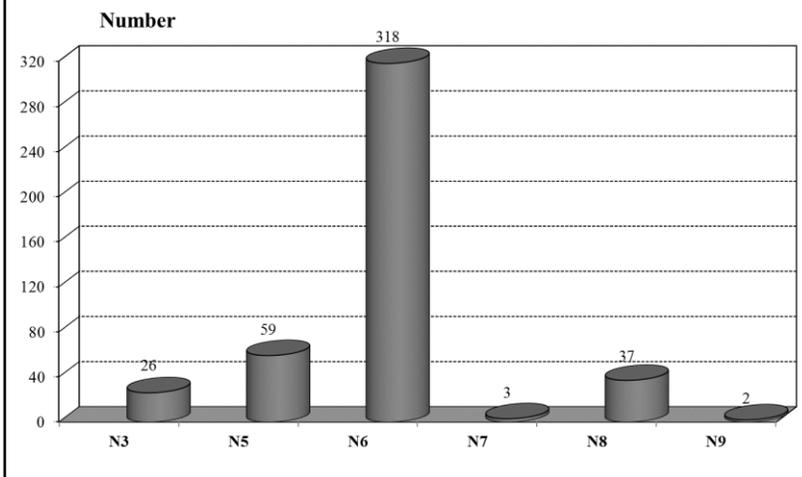


Figure 13: Failure to Register Sentences By Severity Level - FY 2018



Burglary and Aggravated Burglary

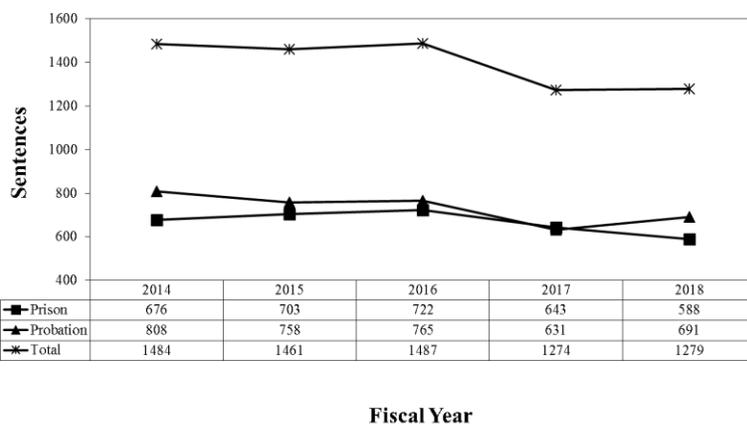
Burglary, including aggravated burglary, is one of the top five offenses committed in the past five years. The penalty for the crime is nondrug severity level 5 for aggravated burglary; nondrug severity level 7 for residential and nonresidential burglary; and nondrug severity level 9 for motor vehicle burglary. In 2016 legislative session, HB 2462 amended the definition and penalties for burglary and aggravated burglary. A burglary with intent to commit the theft of a

firearm is a severity level 5, person felony and an aggravated burglary committed by entering into or remaining in a dwelling where there is a human being, with the required intent, is a severity level 4, person felony. Three special sentencing rules related to burglary make a conviction of the crime a presumptive prison sentence. The numbers of burglary offenders sentenced to prison with the three special sentencing rules in the past five years are as follows: 180 in FY 2018, 137 in FY 2017, 130 in FY 2016, 147 in FY 2015, and 150 in FY 2014.

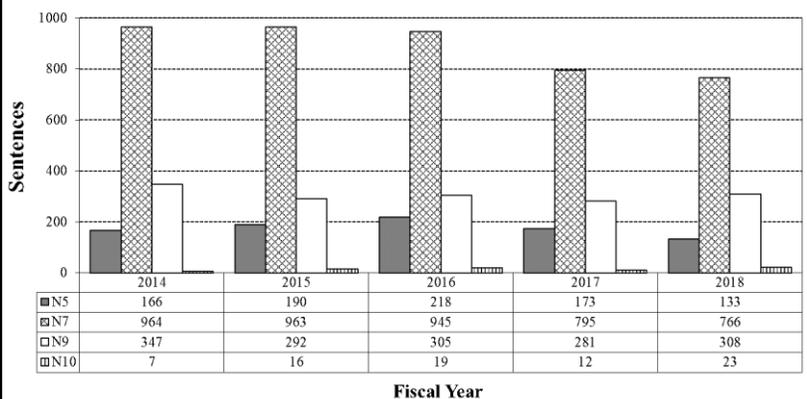
Figure 14 exhibits a varying trend of the burglary sentences in the past five years. The total number of burglary sentences in FY 2018 increased by 5 from those of FY 2017, however decreased by 205 from that of FY 2014. The number of prison sentences in FY 2018 decreased by 55 sentences compared with FY 2017, and by 88 sentences compared with FY 2014. The number of probation sentences increased by 60 compared with FY 2017 but decreased by 117 compared with FY 2014.

Figure 15 demonstrates the distribution of burglary sentences by severity level in the past five years. The majority of the convictions were sentenced at nondrug severity level 7, representing 59.9% of burglary sentences imposed in FY 2018, 62.4% in FY 2017, 63.6% in FY 2016, 65.9% in FY 2015, and 65.0% in FY 2014.

**Figure 14: Burglary Sentences
By Sentence Imposed - FY 2014 through FY 2018**



**Figure 15: Burglary Sentences
By Severity Level - FY 2014 through FY 2018**



In addition, FY 2018 includes 32 sentences at N4 and 16 sentences at N6.

Domestic Violence Cases

The domestic violence cases discussed in the section refer to the convictions designated by the court as domestic violence cases based upon a special finding. Under these convictions, the trier of fact determined that the offender committed a domestic violence offense; the court found that the offender had prior domestic violence conviction(s) or diversion(s); and the offender used the present domestic violence offense to coerce, control or punish the victim (K.S.A. 22-4616).

In FY 2018, a total number of 420 sentences were designated by court as domestic

violence cases. This was an increase of 51 sentences or 13.8% compared with FY 2017 (342 sentences). Of the 420 sentences, 103 (24.5%) were sentenced to prison, 302 (71.9%) were sentenced to probation and 15 (3.6%) were sentenced to county jail. More than 92% of the offenders were male. White offenders accounted for 64.3%, black offenders accounted for 33.6% and offenders of other races represented 2.1%. Their average age at sentencing was 35.3 years old, which is close to that of FY 2017. Aggravated battery (28.6%), domestic battery (23.6%), criminal threat (17.1%), and aggravated assault (11.0%) were still the top four offenses committed by this group of offenders when compared with FY 2017.

Table 3: FY 2018 Most Serious Offenses Convicted by Designated Domestic Violent Offenders

Offense	Number	Percent
Aggravated Assault	46	11.0%
Aggravated Battery	120	28.6%
Aggravated Kidnapping/Kidnapping	4	1.0%
Aggravated burglary/Burglary	13	3.1%
Arson/Agg. Arson	1	0.2%
Criminal Damage to Property	4	1.0%
Criminal Threat	72	17.1%
Domestic Battery	99	23.6%
Murder in the Second Degree	3	0.7%
Rape	3	0.7%
Robbery	5	1.2%
Stalking	14	3.3%
Theft	5	1.2%
Other	31	7.4%
Total	420	100.0%

Note: Based on Kansas Sentencing Commission’s sentencing data.

INCARCERATION SENTENCES

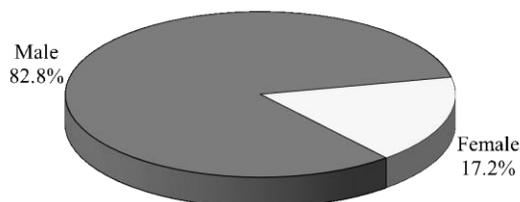
Characteristics of Offenders

During FY 2018, a total number of 6,542 offenders were admitted to the state correctional facilities. Figures 16 - 20 present the characteristics of the offenders. Males continue to be the predominant offender group making up 82.8% of the offenders admitted to prison in FY 2018 (Figure 16).

The analysis discloses that the racial distribution of offenders in FY 2018 does not fluctuate much when compared with FY 2017. White offenders accounted for 73.4%, black offenders accounted for 23.1% and other races represented 3.5% of the total admissions of FY 2018 (Figure 17).

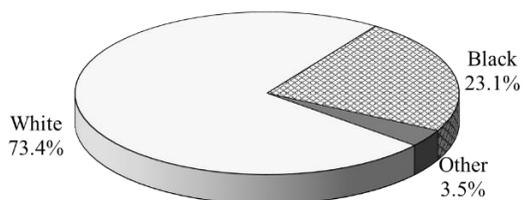
Figure 18 displays that non-Hispanic offenders accounted for 88.8% of the offenders sentenced to prison, a decrease of 0.3% compared with FY 2017. The overall distributions of the offenders by gender, race and ethnicity are comparatively constant compared with those of the past five years.

Figure 16: FY 2018 Incarceration Sentences by Gender of Offenders



Based on 6,542 incarceration sentences reporting gender of offenders

Figure 17: FY 2018 Incarceration Sentences by Race of Offenders



Based on 6,541 incarceration sentences reporting race of offenders

Figure 19 demonstrates the distribution of offenders' age at admission in FY 2018. The largest number of incarcerated offenders were found in their thirties (34.0%) at the time of admission to prison. The second largest number of offenders were in the age group ranging from 25 to 30 years old representing 23.6% of the total admission in FY 2018. This age distribution pattern is consistent with the age data observed in FY 2017.

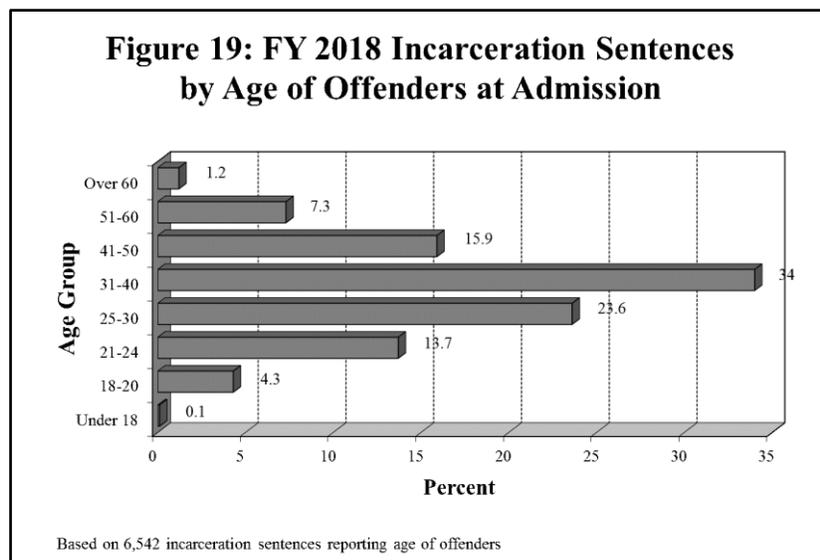
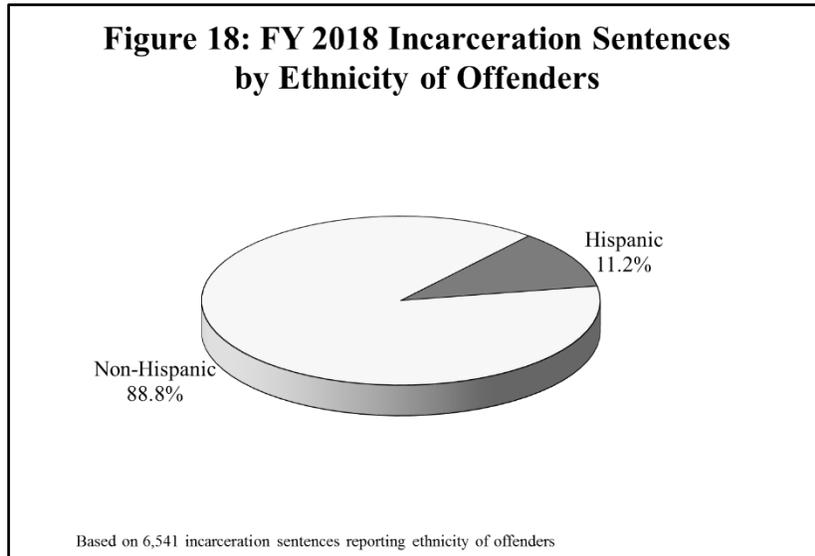
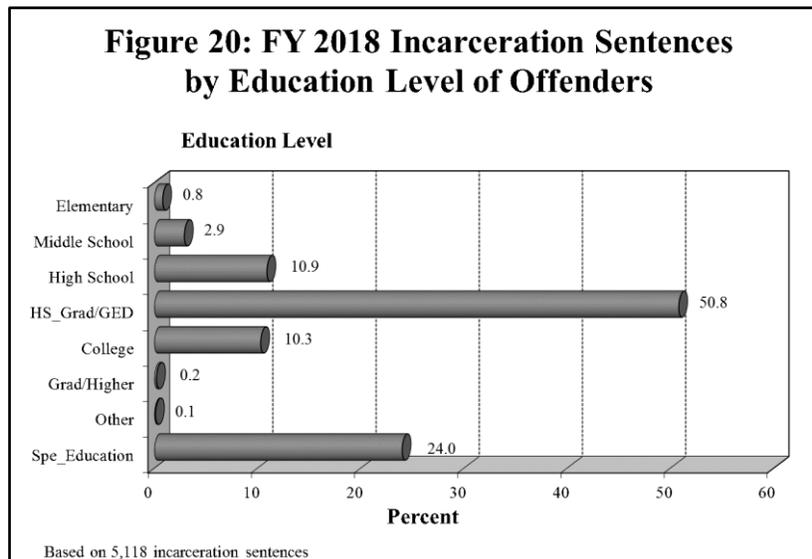


Figure 20 presents the education levels of the offenders admitted to prison during FY 2018. The analysis indicates that 50.8% of the offenders had obtained a high school diploma or GED equivalent indicating little change in percentage rate when compared with the same group observed in FY 2017.



Incarceration Nondrug Offenses

In FY 2018, nondrug offenders admitted to prison represented 67.1% (4,391 offenders) of the total incarceration sentences (6,542) of the fiscal year. The top ten nondrug burglary (578), aggravated battery (492), theft (475), failure to register (234), aggravated assault (193), criminal threat (172), fleeing and eluding (167), aggravated robbery (151), forgery (147), and possession of a firearm (144). These top ten crimes accounted for 62.6% of the total nondrug crimes committed by the offenders admitted to prison in FY 2018 (Table 4).

When reviewing the offenders by gender, the data shows that male offenders committed more than 85% of the top ten crime categories, except forgery and theft. Most sex offenders were males, indicating no change from the previous year. However, the most frequently committed offenses by female offenders were found in the offense

categories of forgery, identity theft, false writing and theft (Table 4).

The racial analysis on nondrug offenders indicates that the highest incarceration rates for white offenders (over 70%) were discovered in the crime areas of burglary, criminal threat, forgery, theft, identity theft, obstruction legal process, aggravated assault on LEO, fleeing or eluding LEO, aggravated escape from custody, criminal damage to property, traffic in contraband and most sex offenses. Nevertheless, black offenders were incarcerated more often (over 40%) for the crimes of aggravated robbery, robbery, aggravated kidnapping, possession of a firearm, and voluntary manslaughter. The average age of the nondrug offenders was 34.7 years old at the time of admission to prison in FY 2018, which is very consistent with those of the past three fiscal years (Table 4).

Table 4: FY 2018 Incarceration Nondrug Offender Characteristics by Type of Offense – 1

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Abuse of Child	10	80.0	20.0	60.0	40.0	0.0	37.4
Agg. Arson	21	61.9	38.1	85.7	9.5	4.8	33.8
Agg. Assault	193	91.7	8.3	65.3	32.1	2.6	32.4
Agg. Assault on LEO	39	91.7	8.3	89.7	10.3	0.0	31.7
Agg. Battery	493	90.7	9.3	73.3	26.7	0.0	34.7
Agg. Battery on LEO	15	93.3	6.7	67.1	29.6	3.2	32.2
Agg. Burglary	113	85.0	15.0	70.8	26.5	2.7	34.8
Agg. Criminal Sodomy w/Child	37	97.3	2.7	75.7	21.6	2.7	40.7
Agg. Endangering a Child	17	88.2	11.8	76.5	11.8	11.8	33.6
Agg. Escape from Custody	54	92.6	7.4	66.7	33.3	0.0	34.2
Agg. Indecent Liberties w/Child	126	96.8	3.2	80.2	15.1	4.8	35.6
Agg. Indecent Solicit w/Child	30	100.0	0.0	86.7	13.3	0.0	34.4
Agg. Intimidation of a Victim	15	93.3	6.7	66.7	33.3	0.0	32.2
Agg. Kidnapping	20	100.0	0.0	55.0	45.0	0.0	41.7
Agg. Robbery	151	94.7	5.3	37.1	60.9	2.0	32.1
Agg. Sexual Battery	32	100.0	0.0	62.5	31.3	6.3	37.1
Aid Felon	7	71.4	28.6	85.7	14.3	0.0	29.9
Arson	18	77.8	22.2	77.8	22.2	0.0	33.0
Battery on LEO	57	84.2	15.8	70.2	28.1	0.0	31.6
Burglary	578	85.3	14.7	79.8	15.9	4.3	32.9
Contribute Child's Misconduct	8	100.0	0.0	78.5	12.5	0.0	35.4
Criminal Damage to Property	32	90.6	9.4	75.0	25.0	0.0	32.5
Criminal Discharge of Firearm	11	90.9	9.1	63.6	36.4	0.0	29.1
Criminal Sodomy w/Child	10	100.0	0.0	80.0	10.0	10.0	31.3
Criminal Threat	172	86.0	14.0	72.1	26.7	1.2	37.3
Criminal Use of Explosives	5	100.0	0.0	80.0	20.0	0.0	36.4
Criminal Use of Financial Card	5	80.0	20.0	60.0	40.0	0.0	30.9
Domestic Battery	15	93.3	6.7	46.7	53.3	0.0	37.9
Electronic Solicitation of Child	20	100.0	0.0	85.0	15.0	0.0	36.5
Failure to Register	234	91.5	8.5	69.2	25.6	5.1	37.3
Fleeing or Eluding LEO	167	88.6	11.4	69.5	25.1	5.4	33.3
Forgery	147	64.6	35.4	74.1	24.5	1.4	37.4
False Writing	44	81.8	18.2	63.6	13.8	4.5	36.3
Giving Worthless Checks	5	60.0	40.0	100.0	0.0	0.0	37.4
Identity Theft	94	60.6	39.4	73.4	23.4	3.2	35.4

Table 4: FY 2018 Incarceration Nondrug Offender Characteristics by Type of Offense – 2

Offense Type	Number Of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Indecent Liberties w/Child	29	96.6	3.4	79.3	17.2	3.4	33.9
Indecent Solicitation of Child	13	92.3	7.7	69.2	23.1	7.7	31.6
Involuntary Manslaughter	31	80.6	19.4	77.4	19.4	3.2	31.8
Kidnapping	34	88.2	11.8	50.0	35.3	14.7	39.3
Lewd and Lascivious Behavior	5	100.0	0.0	40.0	0.0	60.0	30.7
Murder in the First Degree	51	98.0	2.0	28.0	20.0	3.0	34.6
Murder in the Second Degree	75	89.3	10.7	57.3	37.3	5.3	34.8
Obstructing Legal Process	78	76.9	23.1	78.2	16.7	5.1	32.8
Possession of Firearm	144	95.8	4.2	54.9	41.7	3.5	32.8
Rape	104	96.2	3.8	74.0	20.2	5.8	38.2
Robbery	135	85.2	14.8	52.6	44.4	3.0	31.9
Sex Exploitation of a Child	31	93.5	6.5	74.2	25.8	0.0	36.1
Tamper w/Electronic Monitor Equip.	32	65.6	34.4	71.9	25.0	3.1	36.5
Stalking	16	100.0	0.0	68.8	25.0	6.3	41.2
Theft	475	75.4	24.6	73.9	23.2	2.7	37.0
Traffic in Contraband	53	49.1	50.9	84.9	9.4	5.7	34.9
Unlawful Voluntary Sex Relation	4	100.0	0.0	75.0	25.0	0.0	20.5
Voluntary Manslaughter	20	95.0	5.0	60.0	40.0	0.0	37.2
Weapons/Agg. Weapon Violation	5	60.0	40.0	60.0	40.0	0.0	32.8
Other	61	85.2	14.8	82.0	16.4	1.6	32.4
TOTAL	4,391	85.9	14.1	70.0	26.5	35.5	34.7

Note: Offenses with number of cases smaller than 4 are included in the offense type of "Other".

Incarceration Drug Offenses

A new drug sentencing grid with five severity levels has been adopted since July 1, 2012. The crimes of drug possession convicted under K.S.A. 21-5706 are reclassified to drug severity level 5. The felony crimes of drug distribution or possession with intention to distribute the drugs convicted under K.S.A. 21-5705 are reclassified to drug severity levels 1 to 4 based on drug type and quantity. Violations occurring within 1,000 feet of any school property increase the severity level by one level. FY 2018 is the sixth year of implementing the new drug sentencing grid. The majority of drug sentences are imposed under the new drug sentencing grid.

During FY 2018, a total number of 2,151 drug offenders were admitted to prison, representing 32.8% of the total admissions to the state correctional facilities. Of this total number, 70.5% were incarcerated for convictions of drug possession offenses, indicating an increase of 2.3% compared with that of FY 2017 (68.2%). Approximately 2.0% of the drug possession

offenders were found at drug severity level 4. Offenders at drug severity level 5 accounted for 98.0% of the drug possession group. The percentage of offenders admitted at drug severity level 5 increased by 3.9% over that of FY 2017 (94.1%) after higher increases of the years before, which reflects the implementation of the new drug sentencing grid (Figure 21).

In FY 2018, male offenders represented 76.5% of the drug offenders admitted to prison. Most female offenders were convicted of drug crimes for drug possession and drug distribution or sale. White offenders were convicted of over 80% of incarceration drug sentences in the drug crime areas of possession of drugs, including precursor drugs, and unlawfully manufacturing controlled substance. Black offenders were incarcerated more frequently for convictions of drug crimes of drug distribution and possession of paraphernalia. The average age of drug offenders was 34.7 years old at admission to prison, very close to that observed in FY 2017 (Table 5).

The drug possession sentences at drug severity levels 4 and 5 included drug crimes under K.S.A. 21-5706, or K.S.A. 21-36a06, K.S.A. 65-4160 and K.S.A. 65-4162. Drug possession offenses at drug severity level 2 reflected the drug crimes committed before November 1, 2003 (before the implementation of Senate Bill 123).

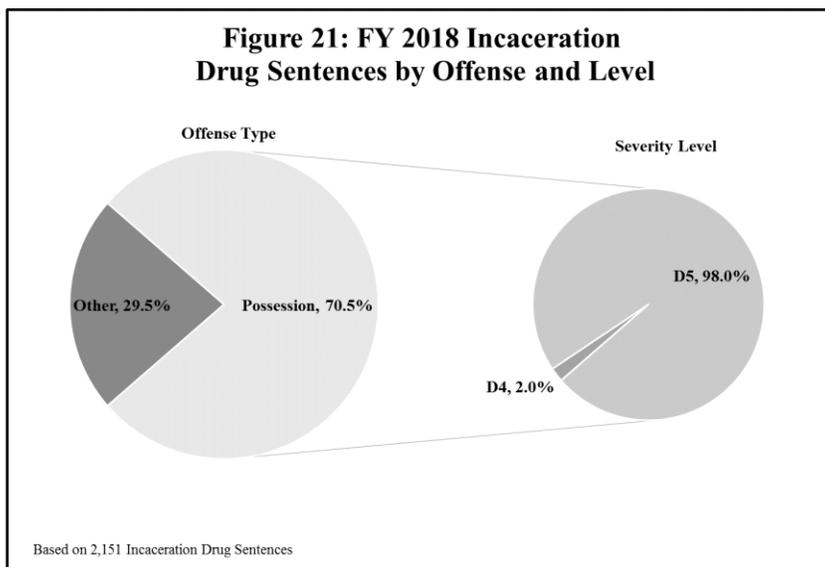
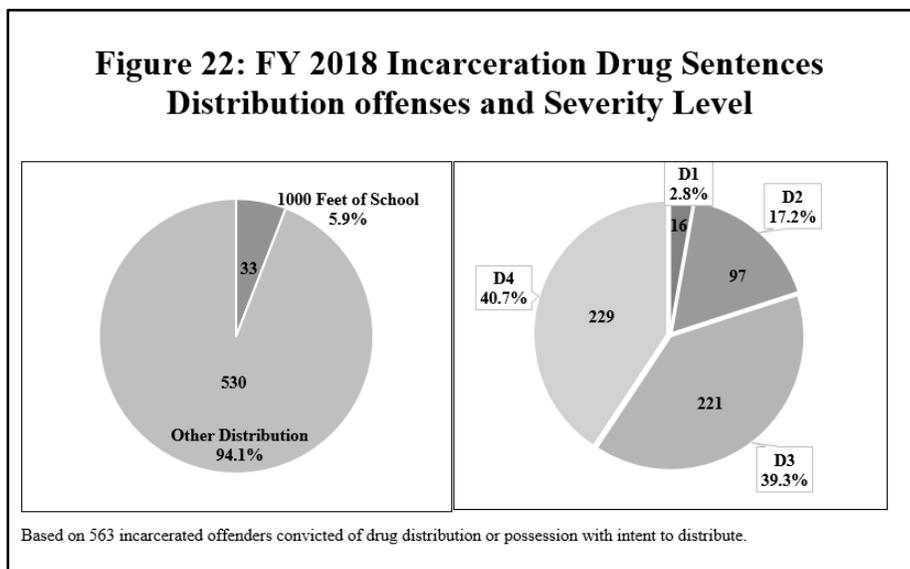


Table 5: FY 2018 Incarceration Drug Offender Characteristics by Type of Offense

Offense Type	Number Of Cases	Gender (%)		Race (%)			Average Age at Admission
		Male	Female	White	Black	Other	
Drugs; Possession	1,517	73.3	26.7	82.1	14.4	3.5	35
Drugs; Distribution/Sale	563	84	16	75.3	20.8	3.9	34
Unlawful Manufacture Controlled Substance	21	90.5	9.5	100	0	0	37.7
Possession of Paraphernalia	40	80	20	70	25	5	32.3
Possession of Precursor Drugs	10	90	10	100	0	0	35.3
TOTAL	2,151	76.5	23.5	80.4	16	3.6	34.7

Five hundred sixty-three offenders (26.2%) were admitted to prison for the crimes of drug distribution or possession with intent to distribute in FY 2018. Of this number, 33 or 5.9% occurred within 1,000 feet of school property. The largest number of the offenders was at drug severity level 4, accounting for 229 or 40.7% of the offenders convicted of drug distribution or possession with intent to distribute (Figure 22).



Types of Admission and Severity Levels

The distribution of offenders by types of admission to the Kansas Department of Corrections is presented in Table 6. New court commitments made up a large proportion of prison admissions in FY 2018, representing 30.9% of the total admissions. The percentage of this group decreased by 1.0% compared with that of FY 2017 (31.9%).

Thirty-eight-point-eight percent of all offenders admitted to state correctional facilities in FY 2018 were condition violators, including probation condition violators and parole/postrelease condition violators. The group of condition violators

increased by 1.4% when compared with that of FY 2017 (37.4%). Sanctions from probation violation accounted for 18.3%, which is the same percentage of FY 2017 (18.3%). This group of offenders will be discussed in further detail below. As in past years, condition violators admitted to prison had a significant impact on the total admissions to the Department of Corrections in FY 2018.

Violators with new sentences, including probation violators with new sentences, parole/postrelease violators with new sentences and conditional release violators with new sentences, accounted for 10.1%, a decrease of 0.9% from the percentage of this group of violators (11.0%) in FY 2017.

Table 6: Distribution of FY 2018 Incarceration Sentences by Admission Type

Admission Type	Number of Cases	Percent
New Court Commitment	2,019	30.9
Sanction from Probation	1,197	18.3
Probation Condition Violator	1,458	22.3
Probation Violator With New Sentence/New Conviction	451	6.9
Inmate Received on Interstate Compact	6	0.1
Parole/Postrelease/CR Condition Violator	1,082	16.5
Parole/Postrelease Violator With New Sentence	212	3.2
Paroled to Detainer Returned With New Sentence	33	0.5
Other	84	1.3
TOTAL	6,542	100.0

Table 7 displays the distribution of all incarcerated offenders admitted in FY 2018 by offense severity level and gender. The highest percentages (over 13%) of all nondrug offenders are found at severity

levels 5, 7 and 9 (Figure 23). This severity level distribution of nondrug incarcerated offenders remained constant in the past five years. The examination of drug offenders indicates that 12.1% of all drug offenders

fell at drug severity level 4 and 70.9% of the offenders were identified at drug severity level 5 (Figure 24). Female offenders were convicted more often of drug offenses than of nondrug offenses (23.5% vs. 14.1%). The highest percentages of female offenders

were found at drug severity level 5 (26.6%) and nondrug severity level 8 (20.4%). The highest percentage rates of male offenders were identified at drug severity level 1 (89.5%) and nondrug severity level 3 (95.9%).

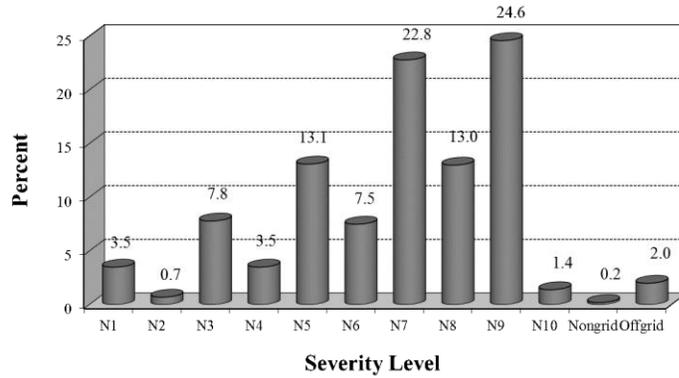
**Table 7: Distribution of FY 2018 Incarceration Sentences
By Severity Level and Gender***

Severity Level	Number	Percent	Gender (%)	
			Male	Female
Drug				
D1	38	1.8	89.5	10.5
D2	99	4.6	75.8	24.2
D3	228	10.6	85.5	14.5
D4	261	12.1	85.1	14.9
D5	1,151	70.9	73.4	26.6
Subtotal	2,151	100.0	76.5	23.5
Nondrug				
N1	152	3.5	93.4	6.6
N2	29	0.7	93.1	6.9
N3	343	7.8	95.9	4.1
N4	152	3.5	91.4	8.6
N5	575	13.1	90.4	9.6
N6	330	7.5	84.2	15.8
N7	1,002	22.8	87.9	12.1
N8	569	13.0	79.6	20.4
N9	1,080	24.6	81.4	18.6
N10	60	1.4	86.7	13.3
Nongrid	9	0.2	88.9	11.1
Offgrid	87	2.0	97.7	2.3
Subtotal	4,391	100.0	85.9	14.1
TOTAL**	6,542	100.0	82.8	17.2

* Based on 2,151 drug offenders and 4,388 nondrug offenders.

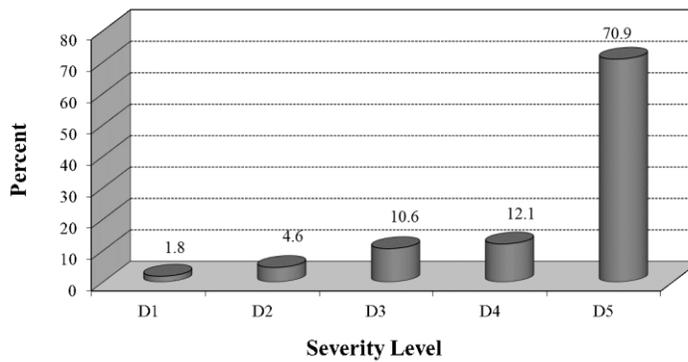
** Total number includes 3 nondrug offenders whose severity levels are unknown.

**Figure 23: FY 2018 Incarceration Sentences
Nondrug Offenders by Severity Level**



Based on 4,388 nondrug offenders

**Figure 24: FY 2018 Incarceration Sentences
Drug Offenders by Severity Level**



Based on 2,151 drug offenders

Table 8 presents the admission numbers and average length of sentences (LOS) of the guideline new commitment offenders admitted to prison in FY 2017 and FY 2018. This group of offenders include direct new court commitments, probation condition violators and probation violators with new sentences or conviction. Violators of sanction from probation and pre-guideline offenders are excluded from this analysis. The total admission of drug new commitments decreased by 11 (1.6%) compared with FY 2017. The admissions at drug severity levels 1 to 2 did not fluctuate much. The number of drug offenders decreased by 29 at drug severity level 3, but increased by 4 at drug severity level 4 and by 9 at drug severity level 5 compared with FY 2017. The average LOS increased by 2.1 months at drug severity level 1, by 3.1 months at severity level 2, by 4.0 months at severity level 3, by 0.6 months at severity level 4 and decreased by 2.3 months at severity level 5 compared with FY 2017.

The analysis of nondrug new commitments indicates that the total number in FY 2018 decreased by 86 (4.8%) when compared with FY 2017. The admissions increased by 14 at nondrug severity level 1, by 3 at severity level 2 and by 11 at severity level 4. However, the admissions decreased at all other levels. The most obvious decrease was identified at nondrug severity level 9 declined by 46 offenders and severity level 7 declined by 33 offenders. Offenders at severity level 5 decreased by 6, by 8 at severity level 8 and by 14 at severity level 10. The average LOS in FY 2018 reduced by 27.8 months at nondrug severity level 1, by 2.1 months at severity level 3, by 17.3 months at severity level 4, by 2.7 months at severity level 5, by 2.9 months at severity level 8, by .9 months at severity level 9 and by 1 month at severity level 10. The average LOS increased by 25.2 months at severity level 2 and by 1.2 months at severity level 6 when compared with FY 2017.

**Table 8: Guideline New Commitment Admissions
Average Length of Sentence (LOS) Imposed by Severity Level**

Severity Level	FY 2017*		FY 2018*	
	Admission #	Average LOS	Admission #	Average LOS
D1	14	121.2	18	123.3
D2	57	88.0	58	91.1
D3	152	54.1	123	58.1
D4	112	30.4	116	31.0
D5	369	31.7	378	29.4
N1	85	272.3	99	244.5
N2	16	170.4	19	195.6
N3	155	115.7	175	113.6
N4	77	81.7	88	64.4
N5	282	63.3	276	60.6
N6	175	38.8	142	40.0
N7	361	33.1	334	35.1
N8	183	21.9	175	19.0
N9	409	16.3	363	15.4
N10	37	11.8	23	10.8
Total	2,484	N/A	2,387	N/A

*Sanction probation violators are excluded.

Prison Admissions of Sanction from Probation

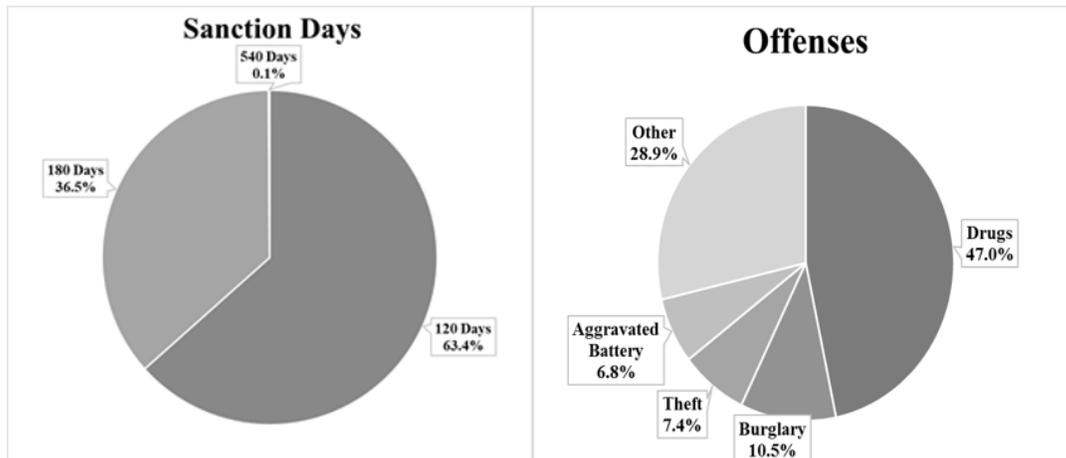
House Bill 2170 was passed in the 2013 Legislative Session, which was introduced as a result of the Kansas Justice Reinvestment Working Group. Its aim is to increase public safety, reduce recidivism and curb spending. The bill makes numerous changes to sentencing, probation and postrelease supervision statutes, which presents comprehensive changes in the criminal justice system as it relates to sentencing procedure and practice. Graduated sanctions for probation condition violators is one of the changes.

If the original crime of conviction is a felony and a violation is established, the bill allows the court to impose a series of increasing or graduated intermediate violation sanctions including: confinement in jail for 2-3 days, not to exceed 18 days of jail sanctions during the entire probation supervision period; if the violator already has at least one intermediate sanction of confinement in jail, remand the defendant to the custody of

KDOC for a period of 120 or 180 days. The bill also provides that the period of time spent in jail or in the custody of KDOC shall not exceed the time remaining on the person’s underlying prison sentence.

A total number of 1,197 probation condition violators were ordered to prison as sanction from probation during FY 2018, an increase of 5 violators (0.4%) compared with FY 2017 (1,192 violators). Of those 1,197 violators, 759 offenders (63.4%) were remanded for 120 sanction days, 437 offenders (36.5%) were remanded for 180 sanction days and 1 offender (0.1%) was remanded for 540 days in KDOC. The top four offenses convicted by this group were drug crimes (47.0%), burglary (10.5%), theft (7.4%) and aggravated battery (6.8%). The majority of the group were males accounting for 74.8% and female offenders comprising 25.2% of the group. White offenders represented 79.2%, black offenders consisted of 17.9% and other races consisted of 2.9%. The average age of the offenders was 33.8.

Figure 25: FY 2018 Sanction from Probation Incarceration Sentences



Based on 1,197 sanction from probation sentences.

The admission of the offenders of sanction from probation by county is presented in Table 9. Sedgwick County imposed the largest number of sanctions from probation

(228 or 19.0%), followed by Johnson (98 or 8.2%), Reno (93 or 7.8%), Saline (73 or 6.1%), Wyandotte (73 or 6.1%) and Shawnee counties (70 or 5.8%).

Table 9: FY 2018 Sanction from Probation Incarceration Sentences Imposed by County

County	Number	Percent	County	Number	Percent
Allen	4	0.3	Lincoln	1	0.1
Anderson	7	0.6	Linn	7	0.6
Atchison	10	0.8	Logan	1	0.1
Barber	1	0.1	Lyon	30	2.5
Barton	29	2.4	Marion	3	0.3
Bourbon	8	0.7	Marshall	5	0.4
Brown	9	0.8	McPhersons	10	0.8
Butler	16	1.3	Meade	1	0.1
Chase	1	0.1	Miami	13	1.1
Chautauqua	1	0.1	Mitchell	2	0.2
Cherokee	9	0.8	Montgomery	13	1.1
Cheyenne	2	0.2	Morris	1	0.1
Clark	1	0.1	Nemaha	6	0.5
Clay	2	0.2	Neosho	3	0.3
Cloud	4	0.3	Norton	1	0.1
Coffey	2	0.2	Osage	13	1.1
Cowley	21	1.8	Ottawa	1	0.1
Crawford	36	3.0	Pawnee	4	0.3
Decatur	2	0.2	Phillips	4	0.3
Dickinson	12	1.0	Pottawatomie	2	0.2
Douglas	10	0.8	Pratt	3	0.3
Elk	1	0.1	Rawlins	1	0.1
Ellis	23	1.9	Reno	93	7.8
Ellsworth	1	0.1	Rice	10	0.8
Finney	25	2.1	Riley	17	1.4
Ford	34	2.8	Rooks	2	0.2
Franklin	19	1.6	Rush	1	0.1
Geary	10	0.8	Russell	3	0.3
Graham	1	0.1	Saline	73	6.1
Grant	4	0.3	Sedgwick	228	19.0
Greenwood	1	0.1	Seward	5	0.4
Harper	4	0.3	Shawnee	70	5.8
Harvey	32	2.7	Sherman	3	0.3
Haskell	2	0.2	Stafford	1	0.1
Jackson	10	0.8	Stevens	1	0.1
Johnson	98	8.2	Sumner	9	0.8
Kingman	2	0.2	Thomas	7	0.6
Labette	13	1.1	Woodson	3	0.3
Lane	1	0.1	Wyandotte	73	6.1
Leavenworth	4	0.3	Unknown	1	0.1
Total			1,197	100.0	

Jessica’s Law Sentences

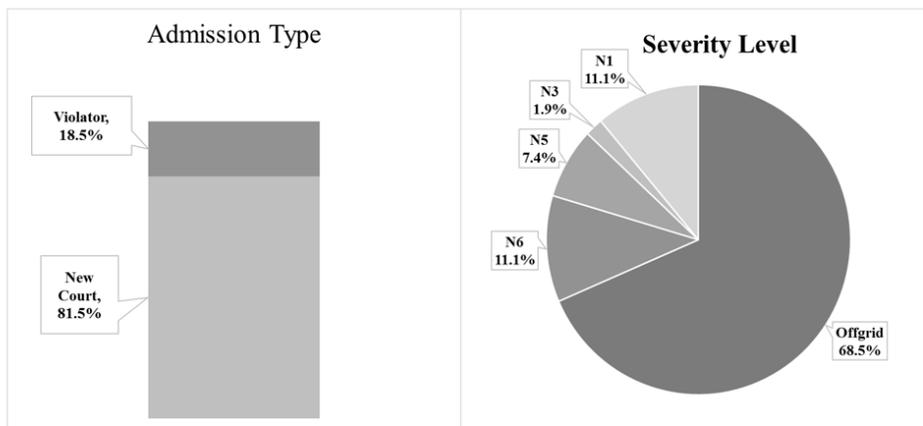
House Bill 2576, known as Jessica’s Law, was enacted in the 2006 Legislative Session. According to this law, aggravated habitual sex offenders shall be sentenced to life imprisonment without possibility of parole (K.S.A. 21-4642); child sex offenses, where the offender is 18 years of age or older and the victim is less than 14 years of age, shall be sentenced to mandatory minimum of a Hard 25 years for the first offense, mandatory minimum of a Hard 40 years for the second offense and life imprisonment without parole for the third offense (K.S.A. 21-6626).

In FY 2018, a total number of 54 offenders were sentenced and admitted to prison under Jessica’s Law. Of this number, 44 (81.5%) were new court commitments, 8 (14.8%) were parole condition, 1 (1.9%) was a probation condition violator and 1 (1.9%) was CR violator pending a new sentence. While most jurisdictions identify the severity of these crimes as off-grid, 17 offenders received a downward departure on the nondrug grid. Of these 54 offenders, 37

offenders (68.5%) were sentenced at off-grid, 6 offenders (11.1%) were sentenced at nondrug severity level 1, 1 offender (1.9%) was sentenced at nondrug severity level 2, 4 offenders (7.4 %) were at nondrug severity level 4, 5 offenders (9.3 %) were at nondrug severity level 5 and 1 offender (1.9%) was at nondrug severity level 6 (Figure 26). The analysis of the sentence length demonstrates that 53.7% of the sentences were downward departure to guidelines, a decrease of 5.4% compared with that of FY 2017 (59.1%). The average sentence length of the durational departures was 128.0 months, an increase of 18.2 months from that observed in FY 2017 (109.8 months). The major departure reasons were: a plea agreement between parties, defendant had no prior criminal history and the defendant accepted responsibility.

The distribution of the incarcerated offenders under Jessica’s Law by county is provided in Table 10. Sedgwick county imposed the most Jessica’s Law prison sentences (11) followed by Wyandotte (6), and Labette (3) counties.

Figure 26: FY 2018 Jessica’s Law Incarceration Sentences

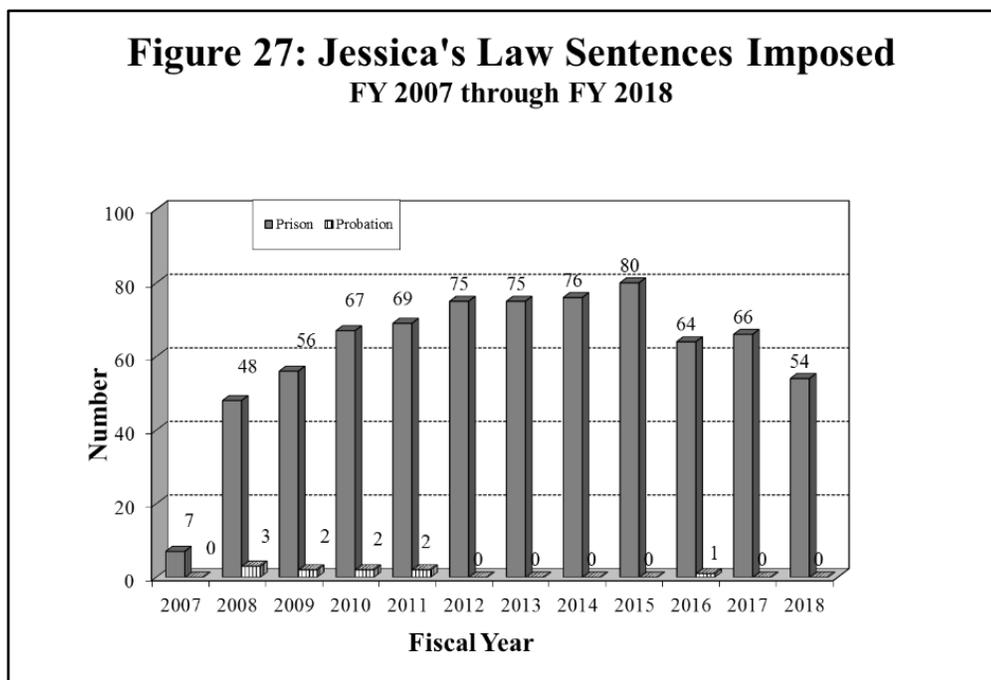


Based on 54 Jessica’s Law incarceration sentences.

Table 10: FY 2018 Jessica’s Law Incarceration Sentences Imposed by County

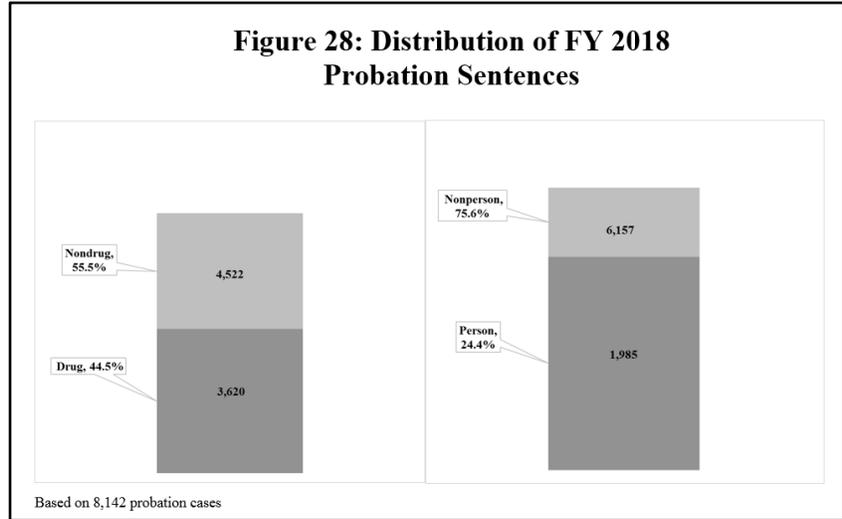
County	Number	County	Number	County	Number
Chautauqua	1	Labette	3	Rooks	1
Cherokee	1	Leavenworth	1	Saline	1
Clay	1	Lyon	2	Sedgwick	11
Cloud	1	McPhersons	1	Shawnee	2
Coffey	1	Meade	1	Sumner	1
Dickinson	1	Mitchell	2	Wilson	1
Douglas	1	Montgomery	2	Wyandotte	6
Edwards	1	Neosho	1		
Finney	1	Pottawatomie	1		
Ford	1	Reno	1		
Harvey	1	Republic	1		
Johnson	2	Riley	2		
Total			54		

Figure 27 presents the sentencing trend of Jessica’s Law sentences in the past eleven years. The total number of Jessica’s Law sentences imposed in FY 2018 was 54, a decrease of 12 sentences compared with FY 2017 (66 sentences) and an increase of 47 sentences compared with FY 2007 (7 sentences). FY 2007 is the initial year for the implementation of Jessica’s Law.



PROBATION SENTENCES

During FY 2018, a total number of 8,142 probation sentences were reported to the Kansas Sentencing Commission, an increase of 208 sentences or 2.6% compared with FY 2017 (7,934 sentences). Of this number, 4,522 were nondrug sentences and 3,620 were drug sentences; nonperson offenses made up 75.6% and person offenses made up 24.4% (Figure 28). Figures 29 - 31 describe the demographic information of this offender group.



The gender analysis indicates that the distribution of FY 2018 probationers by gender does not fluctuate much from that of FY 2017. Male offenders accounted for 73.3% of all probation sentences imposed in FY 2018, an increase of 0.1% compared with that observed (72.2%) in FY 2017 (Figure 29).

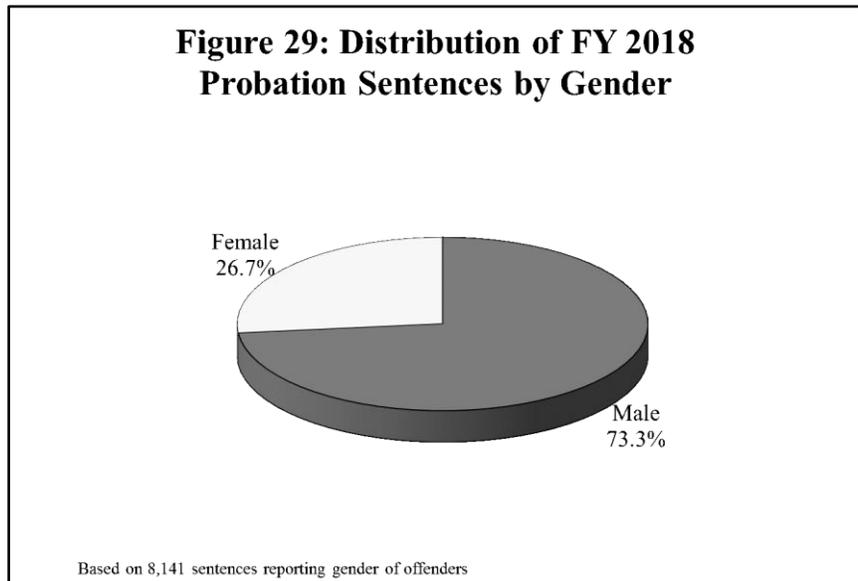
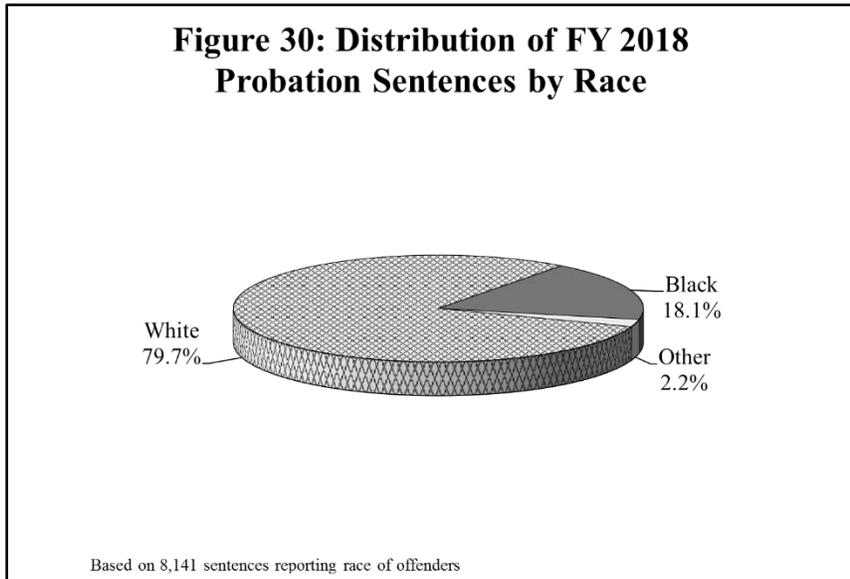
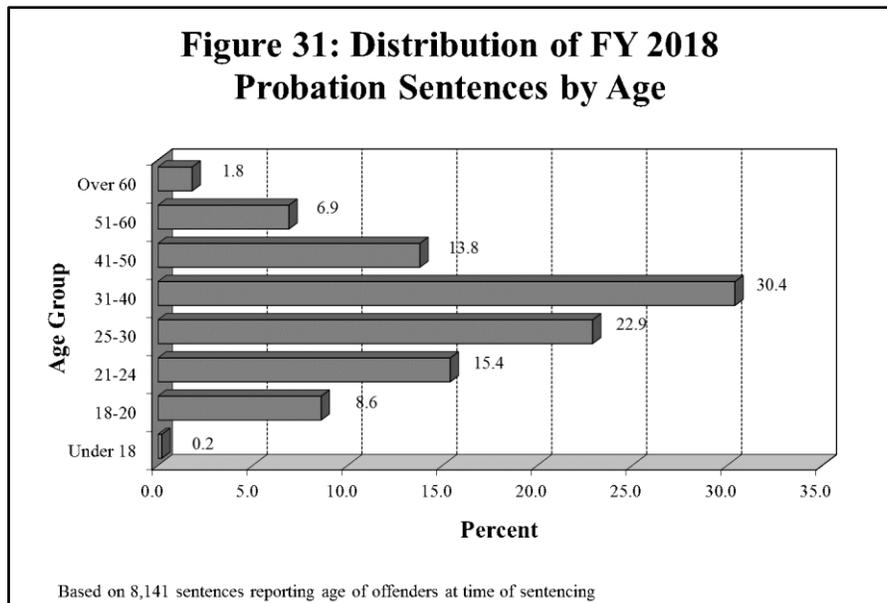


Figure 30 demonstrates that white offenders made up 79.7% of the probation sentences imposed in FY 2018, an increase of 0.7% compared with that of FY 2017 (79.0%). The percentage of black offenders accounted for 18.1%, a decrease of 0.5% compared with that of FY 2017 (18.6%). The percentage of offenders in other races represented 2.8%, an increase of 0.4% compared with FY 2017 (2.4%).



The examination of offenders by age indicates that the largest population of probation offenders was found in the age group ranging from 31 to 40 years old at the time of sentencing (30.4 %) and the second largest group was identified in the age group ranging from 25 to 30 (22.9%). This distribution indicated only a slight change from FY 2017 (Figure 31).



Type of Offense and Severity Level

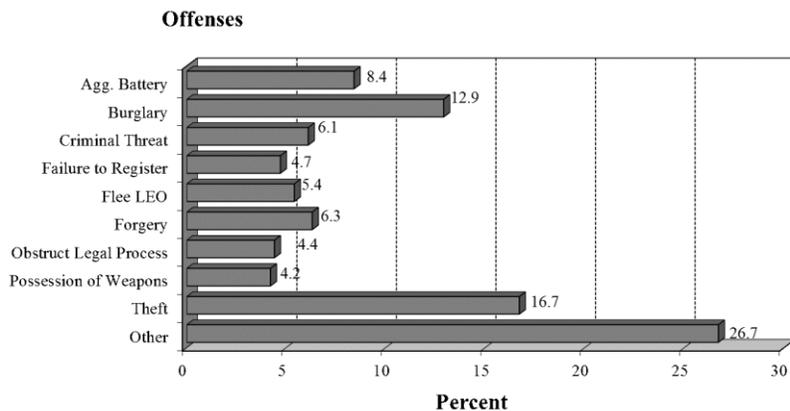
In FY 2018, the top ten offenses committed by nondrug probation offenders include aggravated assault, aggravated battery, burglary, criminal threat, failure to register, fleeing or eluding LEO, forgery, obstructing legal process, possession of weapons and theft. These ten offenses accounted for 73.3% of the total nondrug probation sentences in FY 2018 (Figure 32), a decrease of 1.3% from the previous year (74.6%). In reviewing drug offenders on probation, the largest number of sentences was possession of drugs, representing 74.5% of all probation drug offenses (Figure 33), a decrease of 1.5% from FY 2017 (76%). Tables 11 and 12 present the characteristics of offenders sentenced to probation during FY 2018. Male offenders were convicted of over 90% of the sex offenses and 80% of violent crimes of probation sentences imposed in FY 2018 such as: aggravated assault, aggravated battery, burglary, criminal threat, criminal damage of property, domestic battery, fleeing or eluding LEO and possession of weapons and robbery. The highest percentages of female

probation nondrug offenses (over 40%) included forgery, identity theft, aggravated endangering a child, mistreatment of dependent adult and traffic in contraband.

White offenders represented 76.1% of all nondrug probation sentences and 84.1% of all drug offenders on probation in FY 2018. Black offenders on probation had a higher conviction rate for nondrug offenses than drug crimes (21.5% versus 13.8%). The average age at the time of committing offense was 32.4 years old for nondrug offenders and 33.4 years old for drug offenders, which are very close to those observed in FY 2017 (Tables 11 & 12).

Table 13 and Table 14 demonstrate the characteristics of probation offenders by severity level. The largest number of probation nondrug sentences were found at nondrug grid severity level 9 (1,775 sentences or 39.3%). The majority of probation drug sentences were identified at drug grid severity level 5 (2,831 sentences or 78.2%). This distribution reflects the impact of the new drug sentencing grid as previously discussed.

Figure 32: FY 2018 Top Ten Offenses for Probation Nondrug Sentences



Based on 4,522 probation nondrug sentences

The analysis of the drug probation sentences shows that the felony crimes of drug possession accounted for 74.5% of the total probation drug sentences imposed in FY 2018, a decrease of 1.5% compared with that of FY 2017 (76%). These crimes included the offenses of possession of opiates or narcotics and possession of depressants, stimulants, hallucinogens, etc. for the second and subsequent offenses.

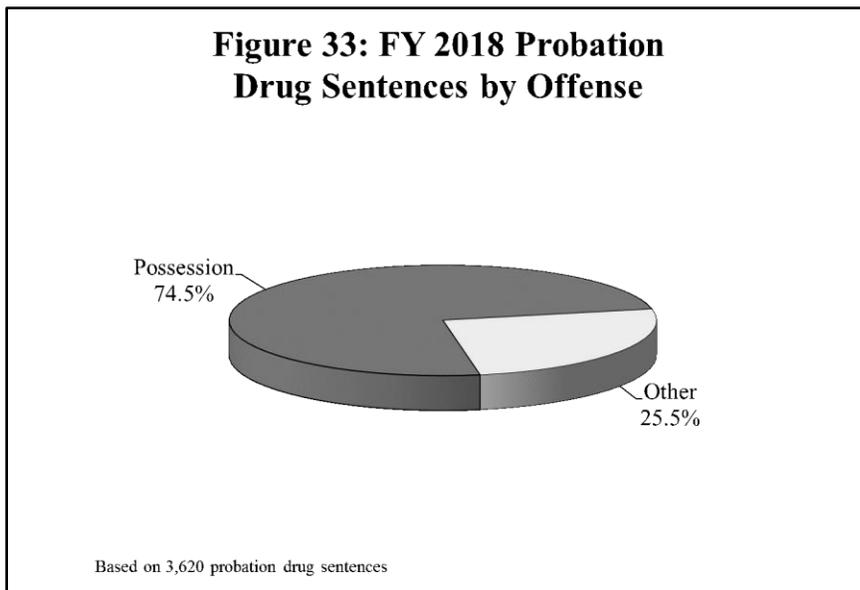


Table 11: Characteristics of Probation Nondrug Offenders by Type of Offense –1

Offense Type	N	%	Gender (%)		Race (%)			Offense Age
			Male	Female	White	Black	Other	Mean
Abuse of Child	10	0.2	80.0	20.0	70.0	30.0	0.0	31.0
Agg Arson	9	0.2	33.3	66.7	66.7	33.3	0.0	39.0
Agg Assault	190	4.2	88.9	11.1	73.7	23.7	2.6	32.8
Agg Assault on LEO	22	0.5	90.9	9.1	72.7	22.7	4.5	34.8
Agg Battery	381	8.4	83.2	16.8	71.9	26.0	2.1	33.1
Agg Battery on LEO	4	0.1	75.0	25.0	75.0	25.0	0.0	24.5
Agg Burglary	4	0.1	100.0	0.0	100.0	0.0	0.0	28.4
Agg Endangering a Child	53	1.2	58.5	41.5	86.8	13.2	0.0	32.1
Agg Escape from Custody	28	0.6	78.6	21.4	75.0	17.9	7.1	31.3
Agg Failure to Appear	23	0.5	60.9	39.1	65.2	34.8	0.0	32.4
Agg False Impersonation	7	0.2	85.7	14.3	71.4	14.3	14.3	31.7
Agg Ind Lib with a Child	13	0.3	92.3	7.7	84.6	15.4	0.0	33.8
Agg Ind Solicit with a Child	10	0.2	100.0	0.0	100.0	0.0	0.0	35.1
Agg Intimidation of a Victim	10	0.2	60.0	40.0	80.0	20.0	0.0	28.2
Agg. Interfere Parental Custody	13	0.3	46.2	53.8	80.0	20.0	0.0	31.5
Agg Robbery	37	0.8	83.8	16.2	62.2	37.8	0.0	24.9
Agg Sex Battery with Child	8	0.2	100.0	0.0	62.5	37.5	0.0	29.6
Agg. Weapons Violation	5	0.1	60.0	40.0	100.0	0.0	0.0	31.6
Aiding Felon	10	0.2	50.0	50.0	90.0	10.0	0.0	28.7
Arrange Sale/Purchase Drug	11	0.2	54.5	45.5	81.8	18.2	0.0	24.8
Arson	29	0.6	65.5	34.5	79.3	13.8	6.9	33.5
Auto Failure to Remain	8	0.2	50.0	50.0	87.5	0.0	12.5	39.6
Battery on LEO	44	1.0	72.7	27.3	68.2	29.5	2.3	30.0

Table 11: Characteristics of Probation Nondrug Offenders by Type of Offense – 2

Offense Type	N	%	Gender (%)		Race (%)			Offense Age
			Male	Female	White	Black	Other	Mean
Blackmail	4	0.1	75.0	25.0	100.0	0.0	0.0	33.2
Breach of Privacy	17	0.4	100.0	0.0	82.4	5.9	11.8	41.5
Burglary	584	12.9	80.8	19.0	79.6	17.1	3.1	29.5
Computer Crime	18	0.4	44.4	55.6	83.3	16.7	0.0	37.7
Contribute Child Misconduct	10	0.2	85.3	14.7	90.0	10.0	0.0	33.2
Criminal Damage of Property	68	1.5	85.3	14.7	75.0	22.1	2.9	32.1
Criminal Discharge of Firearm	17	0.4	88.2	11.8	76.5	23.5	0.0	27.0
Criminal Threat	278	6.1	89.6	10.4	75.2	21.9	2.9	34.4
Criminal Use of Financial Card	16	0.4	62.5	37.5	75.0	25.0	0.0	36.7
Criminal Use of Explosives	8	0.2	100.0	0.0	100.0	0.0	0.0	34.5
Domestic Battery	95	2.1	96.8	3.2	69.5	27.4	3.2	33.5
Drug without Tax Stamps	12	0.3	75.0	25.0	58.3	41.7	0.0	34.9
DUI	18	0.4	72.2	27.8	88.9	11.1	0.0	43.3
Failure to Register	211	4.7	83.4	16.6	72.0	25.2	2.8	35.6
False Writing	73	1.6	71.2	28.8	83.6	15.1	1.4	31.6
Fleeing/Eluding LEO	245	5.4	89.0	11.0	73.5	25.7	0.8	30.9
Forgery	283	6.3	57.6	42.4	79.9	16.6	3.5	34.6
Giving Worthless Check	17	0.4	58.8	41.2	76.6	29.4	0.0	44.4
Identity Theft	165	3.6	55.8	44.2	75.2	23.6	1.2	38.3
Ind. Liberties with a Child	6	0.1	100.0	0.0	100.0	0.0	0.0	26.8
Ind. Solicitation with a Child	4	0.1	100.0	0.0	50.0	0.0	50.0	27.0
Involuntary Manslaughter	6	0.1	83.3	16.7	100.0	0.0	0.0	33.1
Lewd and Lascivious Behavior	4	0.1	100.0	0.0	100.0	0.0	0.0	40.8
Medicaid Fraud	10	0.2	30.0	70.0	90.0	10.0	0.0	46.6
Mistreatment of Dependent Adult	18	0.4	33.3	66.7	88.9	11.1	0.0	48.8
Non Support of Child or Spouse	10	0.2	70.0	30.0	90.0	10.0	0.0	37.7
Obstruct Legal Process	201	4.4	72.6	27.4	72.1	25.4	2.5	31.4
Possession of Weapons	190	4.2	95.3	4.7	60.5	35.8	3.7	29.3
Robbery	63	1.4	79.4	20.6	61.9	34.9	3.2	26.1
Sex Exploitation of a Child	27	0.6	100.0	0.0	96.3	0.0	3.7	36.8
Stalking	20	0.4	100.0	0.0	80.0	20.0	0.0	44.6
Tamper w/Electronic Monitor Equipment	18	0.4	55.6	44.4	72.2	27.8	0.0	30.0
Theft	753	16.7	65.2	34.8	79.7	19.0	1.3	33.0
Traffic in Contraband	58	1.3	55.2	44.8	81.0	15.5	3.4	33.2
Unlawful Sexual Relations	5	0.1	80.0	20.0	100.0	0.0	0.0	35.4
Unlawful Voluntary Sex Relation	7	0.2	100.0	0.0	85.7	14.3	0.0	19.1
Other	54	0.0	88.9	11.1	79.6	18.6	1.8	28.4
TOTAL	4522	100.0	78.3	23.6	76.1	21.5	2.3	32.4

Note: Offenses with number of cases smaller than four are included in the offense type of "Other".

Table 12: Characteristics of Probation Drug Offenders by Type of Offense

Offense Type			Gender (%)		Race (%)			Offense Age
	N	%	Male	Female	White	Black	Other	Mean
Drugs; Possession	2,697	74.5	67.3	32.7	85.9	12.1	2.0	34.1
Drugs; Distribution/Sale	783	21.6	76.2	23.8	77.9	19.9	2.2	31.0
Unlawful Manufacture Controlled Substance	2	0.1	100	0.0	100.0	0.0	0.0	35.8
Possession of Paraphernalia	125	3.5	72.8	27.2	84.8	12.8	2.4	31.7
Receive Proceeds from Violation of Controlled Substance Act	11	0.3	90.9	9.1	72.7	9.1	18.2	34.7
Distribution of Paraphernalia	1	0.0	0.0	100.0	100.0	0.0	0.0	36.5
Possession of ephedrine, pseudo, etc./sale	1	0.0	0.0	100.0	100.0	0.0	0.0	61.2
TOTAL	3,620	100.0	69.5	30.5	84.1	13.8	2.1	33.4

Table 13: Characteristics of Probation Nondrug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age
			Male	Female	White	Black	Other	Mean
N1	1	0.0	100.0	0.0	100.0	0.0	0.0	38.2
N2	1	0.0	100.0	0.0	100.0	0.0	0.0	14.4
N3	44	1.0	84.1	15.9	72.7	25.0	2.3	28.2
N4	66	1.5	80.3	19.7	65.2	34.8	0.0	28.6
N5	243	5.4	79.0	21.0	77.0	20.2	2.9	30.9
N6	285	6.3	74.0	26.0	70.9	26.0	3.2	34.9
N7	990	21.9	83.3	16.7	75.3	21.6	3.1	31.9
N8	901	19.9	70.3	29.7	75.6	21.4	3.0	32.7
N9	1,775	39.3	75.9	24.0	78.0	20.4	1.6	32.5
N10	153	3.4	62.7	37.3	77.8	21.6	0.7	32.5
Nongrid	63	1.4	87.3	12.7	76.2	22.2	1.6	38.9
TOTAL	4,522	100.1	76.3	23.6	76.1	21.5	2.3	32.4

Table 14: Characteristics of Probation Drug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age
			Male	Female	White	Black	Other	Mean
D1	7	0.2	57.1	42.9	100.0	0.0	0.0	34.2
D2	99	2.7	70.7	29.3	83.8	12.1	4.0	34.1
D3	296	8.2	78.7	21.3	75.3	22.3	2.4	31.0
D4	387	10.7	76.2	23.8	78.0	20.4	1.6	30.3
D5	2,831	78.2	67.6	32.4	85.8	12.1	2.1	34.0
TOTAL	3,620	100.0	69.5	30.5	84.1	13.8	2.1	33.0

SB 123 Drug Treatment Offenders

Senate Bill 123, which became law in 2003, establishes a nonprison sanction of certified drug abuse treatment programs for a defined target population of nonviolent adult drug offenders who are sentenced on or after November 1, 2003 with the convictions of drug crimes under K.S.A. 21-5706, or 21-36a06 or 65-4160 or 65-4162.

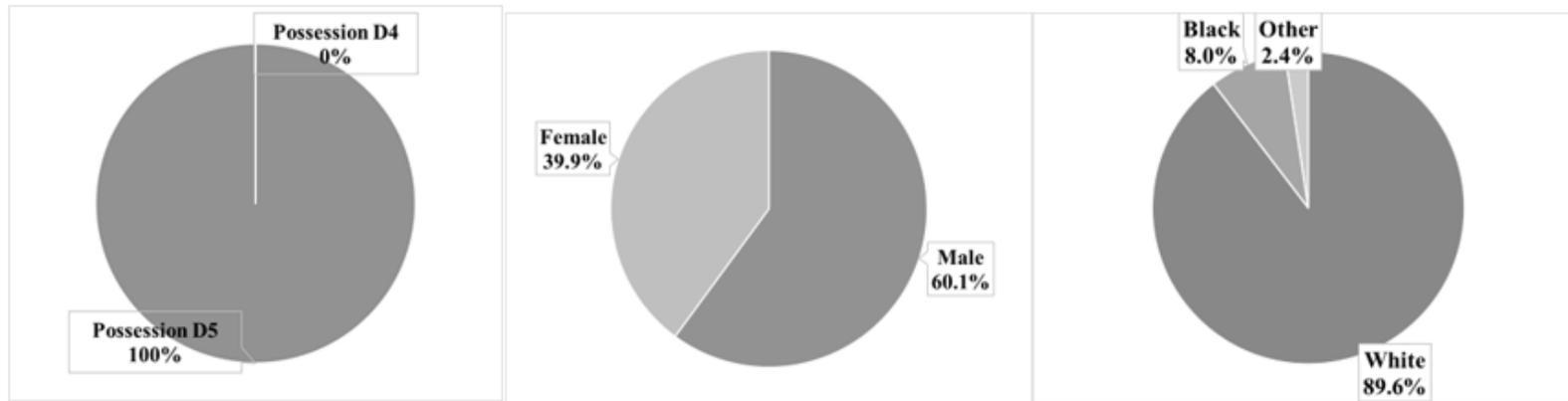
During FY 2018, Kansas courts ordered offenders in 1,294 sentences to SB 123 drug abuse treatment programs, representing 35.7% of the total drug probation sentences (3,620), an increase of 0.9% compared with that of FY 2017 (34.8%). All of these sentences were for the conviction of the crime of drug possession under K.S.A. 21-5706 (formerly 21-36a06 or 65-4160 or 65-4162). The evaluation of the criminal history of the offenders demonstrates that 78.1 % of offenders were in the criminal history categories E through I, an increase of 1.5% when compared with that of FY 2017 (76.6%). This data implies that the policy of SB 123 was implemented very consistently during FY 2018.

A summary of the offenders sentenced to SB 123 treatment programs in FY 2018 is provided in Figure 34. The offenders convicted of the crime of drug possession at

drug severity level 5 represented all of this population, which reflects the implementation of the five-level drug sentencing grid effective July 1, 2012. White males are still the majority of the treatment offenders (89.6%). The average age of the drug treatment offenders was 33.3 years old at sentencing, very close to that of FY 2017 (33.0). Figure 35 demonstrates the distribution of SB 123 drug treatment sentences imposed in FY 2018 by county. Shawnee County imposed the most SB 123 sentences (110) followed by Sedgwick (100), Johnson (89), Reno (87) and Saline (71) counties. No SB 123 sentences were reported from 23 counties. The average number of SB 123 sentences imposed by the 82 counties is 16, an increase of 1 sentence compared with that of FY 2017 (15 sentences).

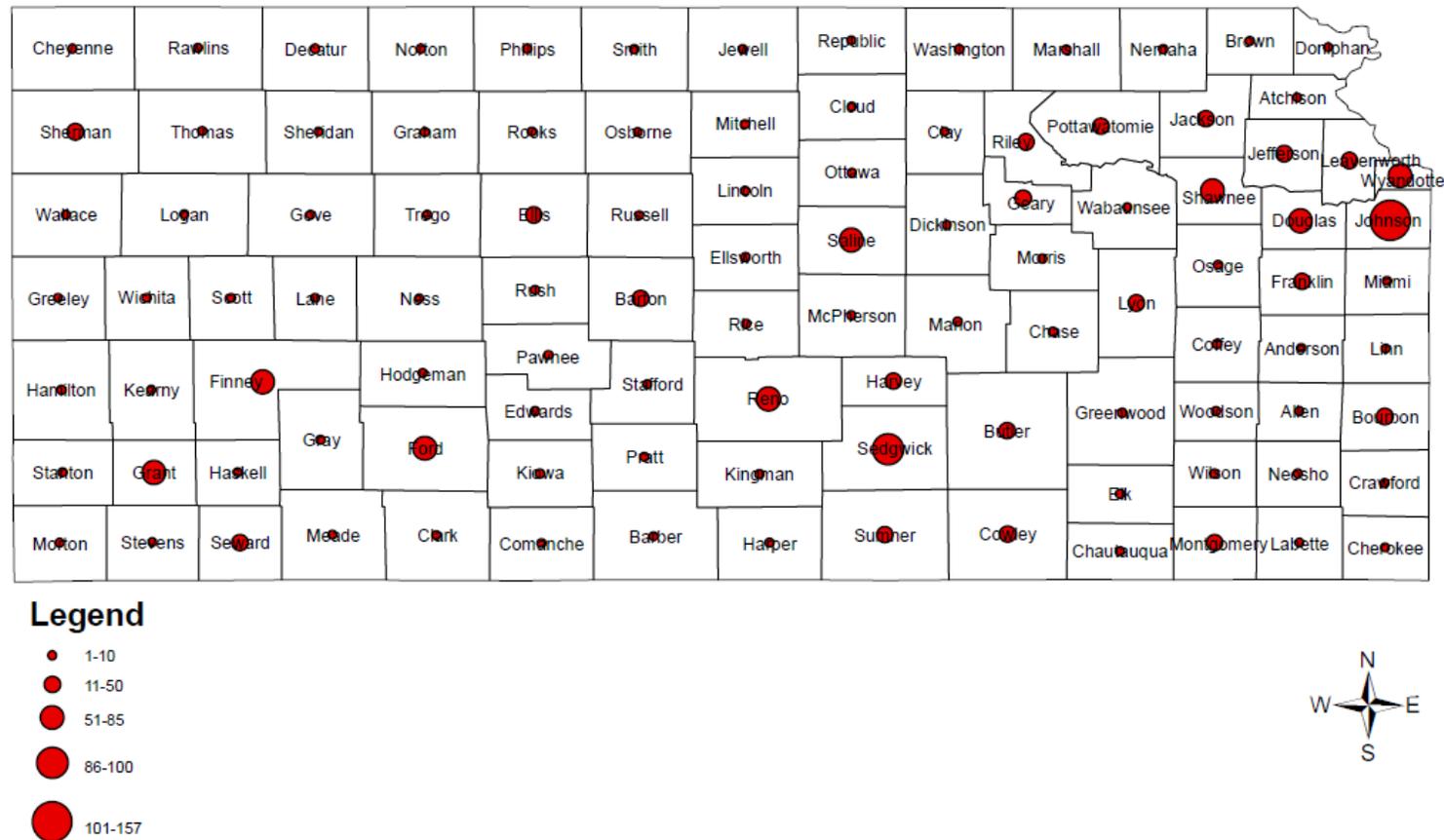
In addition, 1,364 SB 123 drug treatment sentences were violated as probation condition violators in FY 2018. Of this number, 361 sentences were revoked to prison, representing 27.9 % of SB 123 sentences imposed (1,294 sentences) in FY 2018, an increase of 6.4% from that of FY 2017 (21.5%). The average period between original sentence and revocation hearing was 15.6 months, 9 days longer than that of FY 2017 (15.3 months).

**Figure 34: Distribution of FY 2018
Senate Bill 123 Drug Treatment Sentences**



Based on 1,364 SB 123 Sentences

Figure 35: Distribution of SB 123 Drug Treatment Sentences Imposed by County - FY 2018



Criminal History and Length of Probation

When examining offenders' criminal history, the Commission noticed that offenders sentenced to probation with assigned criminal history categories accounted for 99.2% of all the probation sentences (8,142) reported to the Commission in FY 2018, which is 0.1% higher than the rate of FY 2017 (99.1%). The largest number of this group fell within criminal history category I (24.3% or 1,975 sentences), representing having no previous criminal history or one misdemeanor conviction (Figure 36). Further analysis of the offenders with criminal history category I reveals that they accounted for 24.3% of offenders on the nondrug grid and 24.6% of offenders on the drug grid.

The review of the presumptive probation boxes discloses that nondrug offenders within the presumptive probation boxes made up 79.5% (Table 15), very close to that of FY 2017 (79.9%). The analysis of the border box sentences reveals that 4.5% of

nondrug offenders were found to be at severity level 5 with criminal history categories H and I and severity level 6 with criminal history category G, which are designated as border boxes (Table 15). The percentage of border box in FY 2018 increased by 0.2% when compared with that of FY 2017 (4.3%).

The study on drug sentences by presumptive probation and border box resumes in FY 2018. The drug offenders within presumptive probation sentences accounted for 58.3% and the drug offenders within the border box represented 22.6% of the probationers sentenced during FY 2018.

Tables 15 and 16 present the probation terms of probation sentences by severity level. The average length of probation for nondrug offenders was 18.6 months, which is nine days longer than that of FY 2017 (18.3 months). The average length of probation for drug offenders was 17.8 months, which is 15 days longer than that of FY 2017 (17.3).

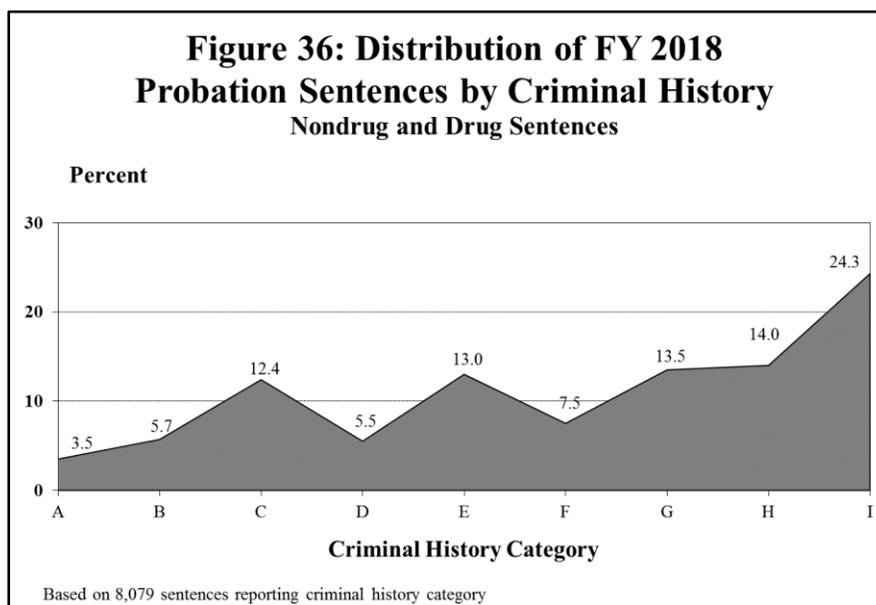


Table 15: Criminal History and Probation Length by Severity Level – Nondrug Offenders

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
N1	1	0	0	0	0	0	0	0	1	0	36.0
N2	1	0	0	0	1	0	0	0	0	0	36.0
N3	44	0	9	4	2	3	0	1	6	19	36.0
N4	66	2	4	7	6	2	3	7	13	22	36.6
N5	243	12	12	12	9	13	5	17	35	128	36.1
N6	285	23	19	32	27	25	20	36	46	57	24.1
N7	990	39	59	115	76	115	68	116	152	250	23.7
N8	901	36	44	126	59	154	74	104	111	193	17.7
N9	1,774	59	129	283	119	238	135	207	232	372	12.5
N10	153	5	7	27	3	25	12	14	18	42	12.3
Nongrid	63	0	0	1	0	0	0	0	0	0	12.2
TOTAL	4,522	176	283	607	302	575	317	502	614	1,083	18.6

Note: Criminal history classes are based on 4,459 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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Table 16: Criminal History and Probation Length by Severity Level – Drug Offenders

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
D1	7	0	0	1	0	0	2	0	2	2	36.0
D2	99	2	2	7	3	10	9	15	14	37	36.3
D3	296	8	13	17	7	27	14	41	38	131	36.0
D4	387	6	14	17	12	35	26	53	55	169	18.3
D5	2,831	91	151	359	121	411	240	486	419	553	15.0
TOTAL	3,620	107	180	401	143	483	291	595	528	892	17.8

Note: Criminal history classes are based on 3,620 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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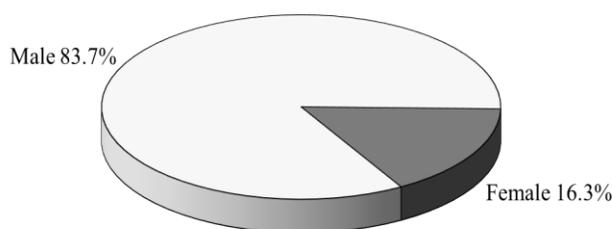
DUI/TEST REFUSAL POST-IMPRISONMENT SUPERVISION AND COUNTY JAIL SENTENCES

In FY 2018, a total number of 515 DUI/Test Refusal PIS and county jail sentences were reported to the Commission. Of this number, DUI/Test Refusal PIS accounted for 88.9% (458 sentences) and county jail accounted for 11.1% (57 sentences). Female offenders made up 16.3% and male offenders accounted for 83.7%. The gender distribution remains consistent when compared with FY 2017 (Figure 37).

White offenders accounted for 86.6%, black offenders represented 10.3% and other races represented 3.1% of the total DUI/Test Refusal PIS and county jail sentences imposed in FY 2018 (Figure 38).

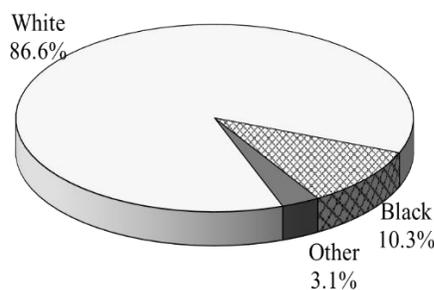
Figure 39 discloses that most offenders were in the age group ranging from 31 to 40 years old (41.2%), an increase of 5.0% from the data observed in FY 2017 (36.2%). Their average age at sentencing is 41 years old, close to that of FY 2017 (40.1%).

Figure 37: Distribution of FY 2018 DUI/Test Refusal PIS and Jail Sentences by Gender



Based on 57 county jail and 458 DUI or Test Refusal PIS sentences reporting gender of offenders

Figure 38: Distribution of FY 2018 DUI/Test Refusal PIS and Jail Sentences by Race



Based on 57 county jail and 458 DUI or Test Refusal PIS sentences reporting race of offenders

Figure 40 presents the crimes committed by the offenders sentenced to DUI/Test Refusal PIS and county jails. In FY 2018, 95.7% (493 sentences) of the sentences were convicted of the crime of felony DUI, 0.4% (2 sentences) were convicted of the crime of forgery and 3.9% (20 sentences) were convicted of the crime of domestic battery. A detailed analysis on the crime of DUI is provided on page 15 of this report.

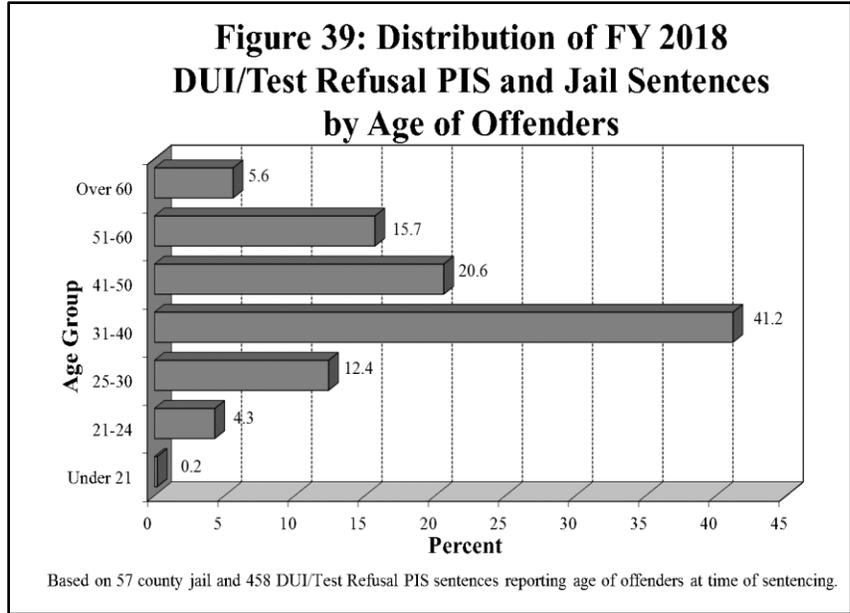


Figure 41 exhibits the distribution of FY 2018 DUI/Test Refusal PIS and county jail sentences by county. Johnson County imposed the most sentences of this group (157) representing 30.5%, followed by Sedgwick County with 59 sentences representing 11.5% of the total DUI/Test Refusal PIS and county jail sentences imposed during FY 2018.

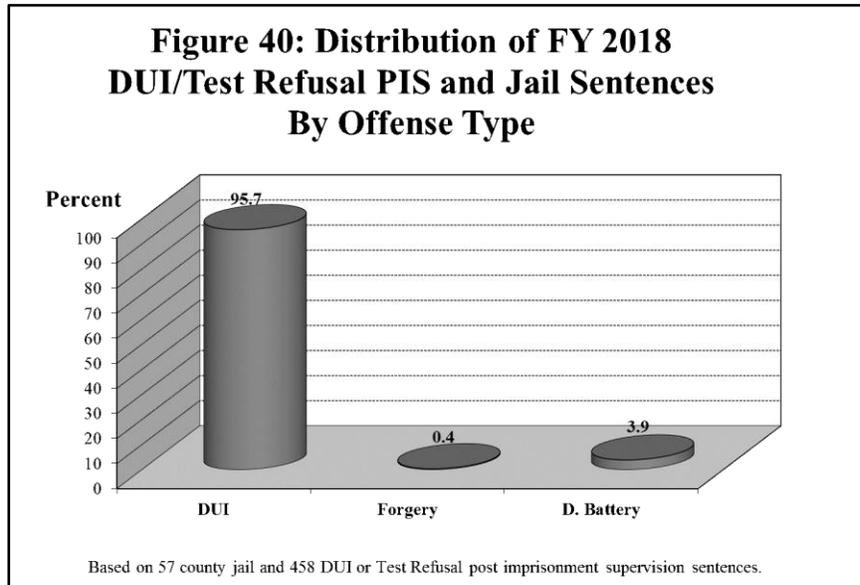
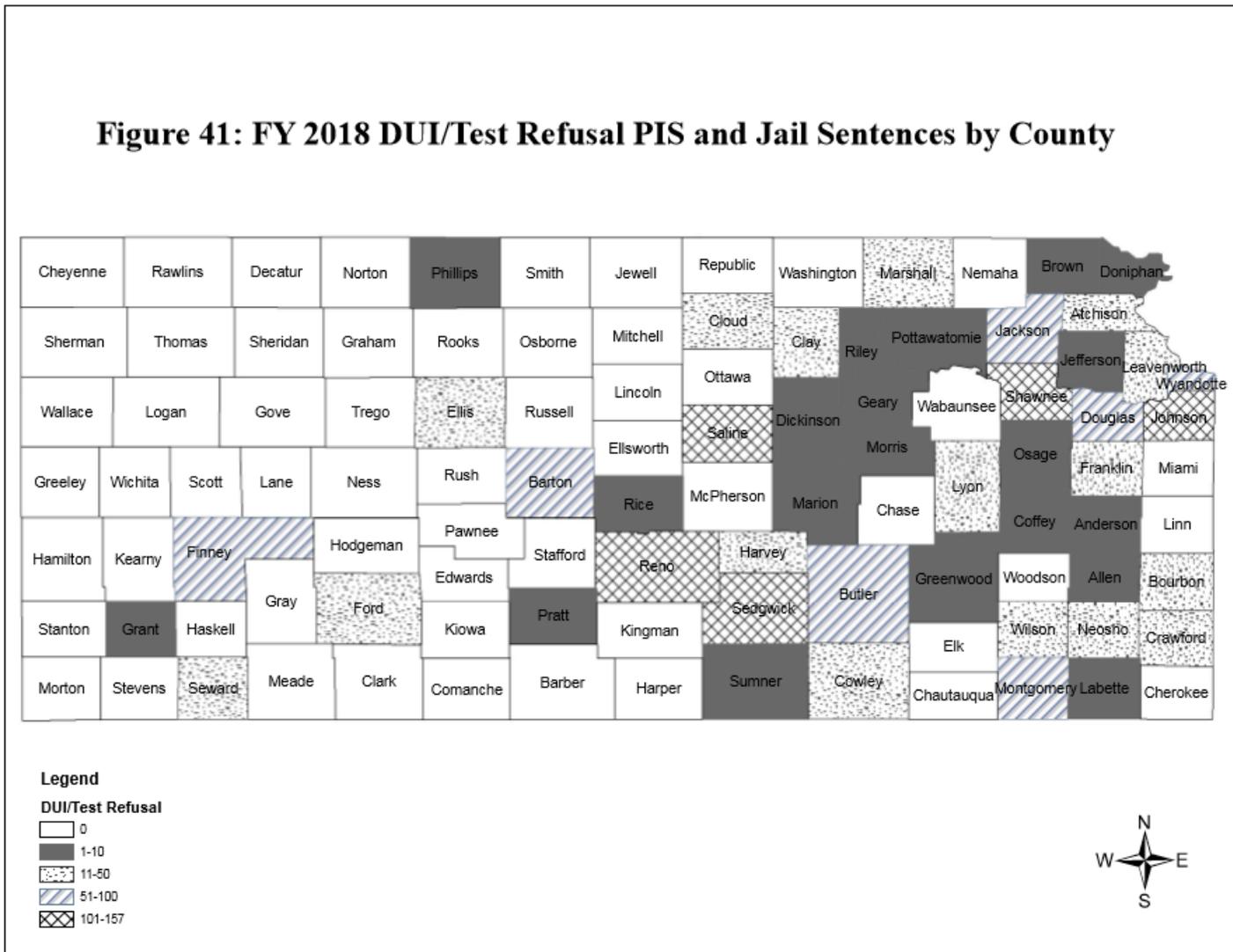


Figure 41: FY 2018 DUI/Test Refusal PIS and Jail Sentences by County



CHAPTER TWO VIOLATORS

VIOLATIONS RESULTING IN INCARCERATION

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

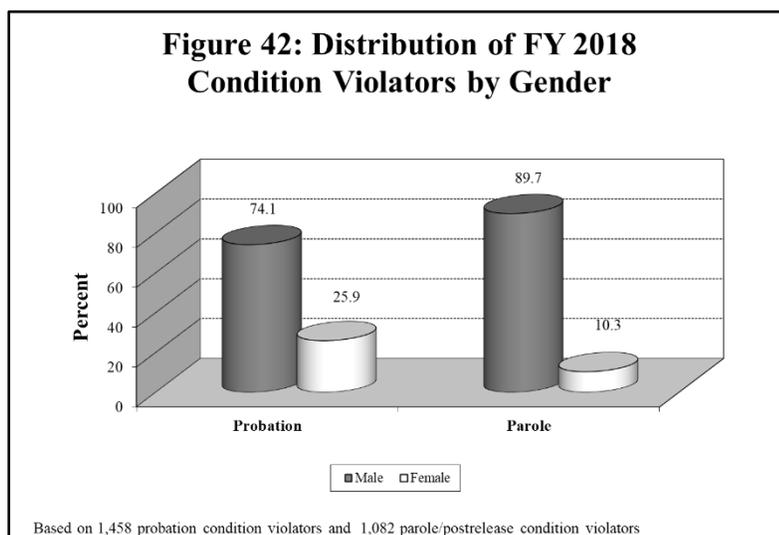
Overview of Condition Violators

"Condition violator" is defined as an offender who violates the conditions of

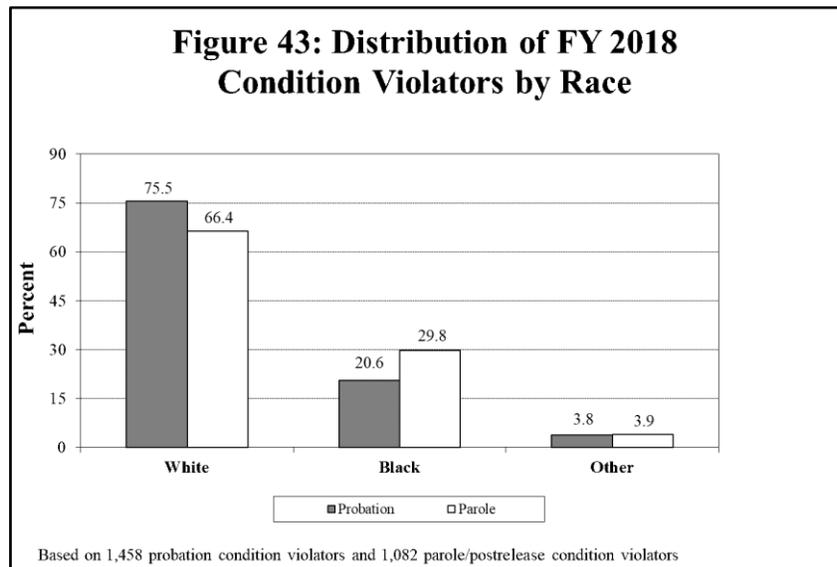
In FY 2018, condition violators accounted for 38.8% of all admissions to prison, an increase of 1.4% from FY 2017 (37.4%). The majority of condition violators were male offenders, accounting for 74.1% of probation violators and 89.7% of parole/postrelease condition violators admitted to prison in FY 2018 (Figure 42).

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 this section, violators include offenders classified as probation, parole/postrelease and conditional release condition violators. HB 2170 prison sanctions from probation violation are excluded from the analysis (page 31).

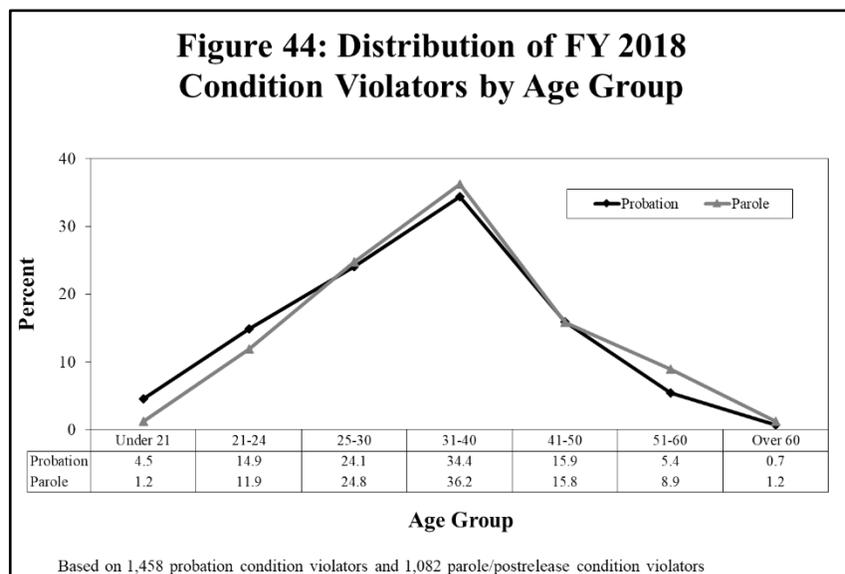
A total number of 2,540 condition violators were admitted to prison for their violation of conditions in FY 2018, representing 1,458 probation violators, 1,082 parole/postrelease supervision violators and one conditional release violator. In the following analysis, conditional release violators are merged with the group of parole/postrelease condition violators.



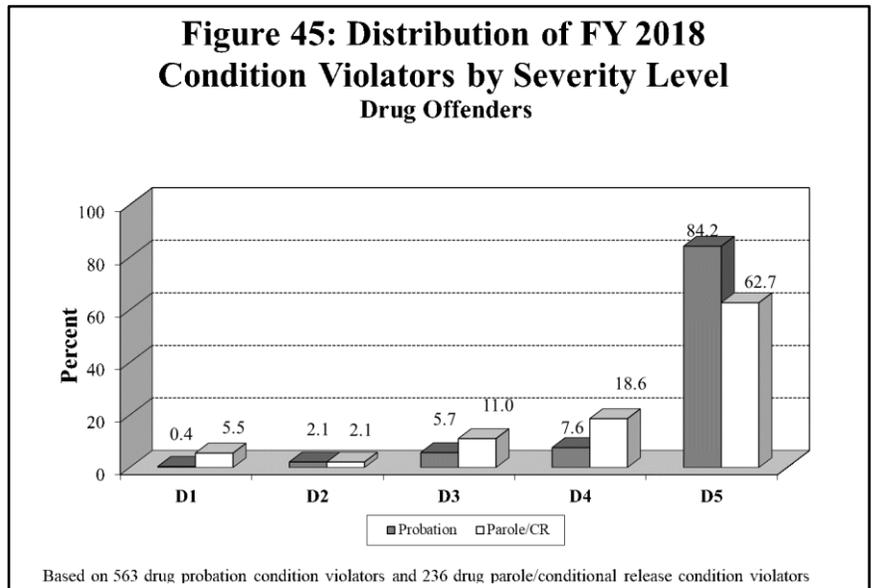
White offenders represented the highest rate (75.5%) in the group of probation violators, while the highest percentage of black offenders (29.8%) was identified in the group of parole/postrelease condition violators (Figure 43).



Most probation violators were in the age group ranging from 31 to 40 (34.4%). The largest number of parole/postrelease condition violators was also found in the age group ranging from 31 to 40 (36.2%) at the time of admission to prison. The age patterns of FY 2018 are the same as those of FY 2017 (Figure 44).



The largest number of drug probation violators was identified at drug severity level 5, representing 84.2% or 474 offenders. The highest percentage of drug parole/postrelease condition violators were found at drug severity level 5, as well, accounting for 62.7% or 148 offenders. The severity level distributions of drug condition violators remained constant with the data observed in FY 2017 (Figure 45).



The highest percentage of nondrug probation condition violators were identified at nondrug severity level 9, which represents 35.6% or 319 offenders of nondrug probation condition violators. The highest rate of parole/postrelease condition violators were also found at nondrug severity level 9, representing 21.3% or 180 of this group of violators. This distribution of severity levels is the same with that of FY 2017 (Figure 46).

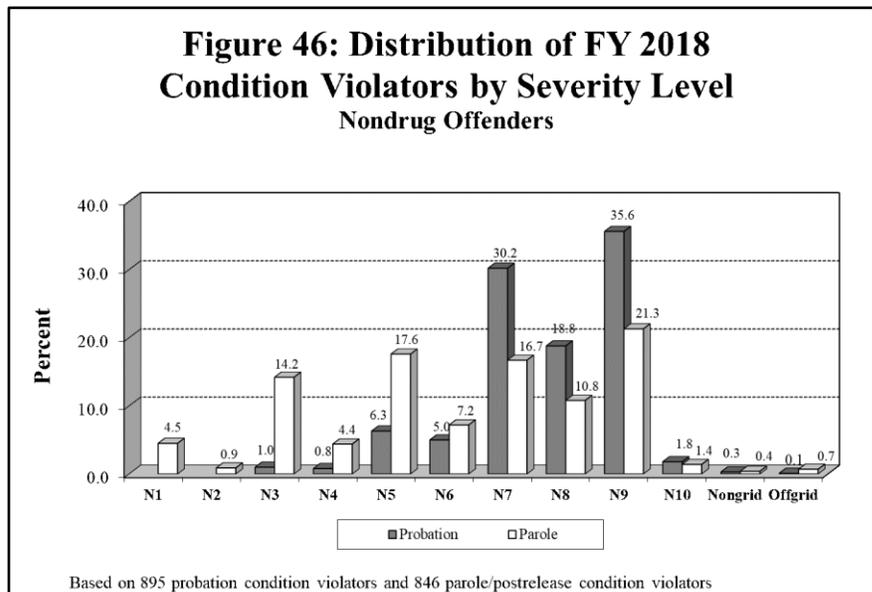


Table 17 presents the characteristics of all types of condition violators. The largest numbers of males were found at nondrug severity level 9 (390 sentences) and drug severity level 5 (435 sentences). The highest frequencies of females were at nondrug severity level 9 (109 sentences) and drug severity level 5 (187 sentences), as well. Racial analysis of the condition violators demonstrates that drug severity level 5

represented the largest number of white violators (506) and black violators (170). As for nondrug sentences, most violators were found at nondrug severity level 9, at which white offenders accounted for 367 sentences and black offenders accounted for 110 sentences. The average age of the violators was 34.7 years old at the time of admission, which does not change from FY 2017.

Table 17: Characteristics of Overall Violators by Severity Level, Race and Gender

Severity Level	Number of Cases	Gender		Race			Average Age at Admission
		Male	Female	White	Black	Other	
D1	15	13	2	15	0	0	36.9
D2	17	12	5	15	2	0	36.0
D3	58	51	7	38	18	2	34.6
D4	87	77	10	61	21	5	32.6
D5	622	435	187	506	89	27	34.2
N1	38	37	1	26	10	2	50.7
N2	8	8	0	5	1	2	42.5
N3	129	123	6	66	58	5	36.7
N4	44	41	3	26	18	0	36.5
N5	205	184	21	130	70	5	33.8
N6	106	91	15	69	31	6	34.5
N7	411	358	53	293	104	14	33.2
N8	259	194	65	174	77	8	34.7
N9	499	390	109	367	110	21	35.4
N10	28	25	3	21	7	0	33.4
Offgrid	7	7	0	4	3	0	31.2
Nongrid	6	5	1	2	4	0	45.8
Total	2,539	2,051	488	1,818	623	97	34.7

* Because of data missing, the distribution of race is based on 2,539 sentences reporting race information

Probation Condition Violators

A total number of 1,458 probation condition violators were admitted to prison during FY 2018. Of this number, 61.4% (895) were nondrug offenders and 38.6% (563) were drug offenders. Compared with FY 2017, the admissions of probation condition violators demonstrated an increase of 18.6% or 229 violators. Tables 18 and 19 present the characteristics of probation condition violators.

In FY 2018, the top ten offenses committed by nondrug probation condition violators were aggravated assault, aggravated battery, aggravated burglary, burglary, criminal threat, failure to register, fleeing or eluding LEO, forgery, identity theft and theft. These ten offenses represent 76.0% of all nondrug convictions by probation violators. As in previous years, burglary and theft were still

the top two offenses committed by probation condition violators (Table 18). The analysis of drug probation condition violators indicates that possession of drugs was the most frequently convicted drug crime, accounting for 85.4% of all drug offenses committed by the probation condition violators admitted to prison in FY 2018. The crime of drug distribution or possession with intent to distribute represents 13.1% of this group of violators to prison in FY 2018 (Table 19).

The average length of time from the age of offense to the age of admission to prison was 2.6 years for nondrug probation condition violators and also 2.6 years for drug probation condition violators. This remains consistent with those of FY 2017 and FY 2016. The distribution of probation violators by severity level and criminal history is presented in Table 20.

Table 18: Top 10 Offenses Committed by Nondrug Probation Condition Violators

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Aggravated Assault	45	84.4	15.6	68.9	28.9	2.2	29.7	32.1
Aggravated Battery	88	87.5	12.5	63.6	29.5	6.8	30.5	33.0
Aggravated Burglary	22	81.8	18.2	81.8	18.2	0.0	29.6	32.6
Burglary	150	79.3	20.7	78.7	18	3.3	29.1	31.9
Criminal Threat	47	76.6	23.4	72.3	27.7	0.0	33.3	35.2
Failure to Register	37	86.5	13.5	62.2	32.4	5.4	35.8	37.9
Fleeing or Eluding LEO	50	82.0	18.0	74.0	20.0	6.0	30.5	32.5
Forgery	53	54.7	45.3	80.4	15.7	3.9	32.3	35.5
Identity Theft	29	65.5	34.5	68.8	27.0	4.2	34.0	36.0
Theft	159	64.2	35.8	75.3	22.2	2.5	34.0	36.7
Subtotal	680	75.1	24.9	72.8	23.9	3.4	31.7	34.3
Other	215	84.7	15.3	68.8	27.0	4.2	30.0	32.2
TOTAL	895	77.4	22.6	71.8	24.6	3.6	31.2	33.8

* Average age at time of offense.

** Average age at time admitted to prison

Table 19: Characteristics of Drug Probation Condition Violators by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Drugs; Possession	481	66.3	33.7	84.0	21.1	4.0	32.0	34.4
Drugs; Distribution/Sale	74	85.1	14.9	66.2	28.4	5.4	31.1	34.4
Possession of Precursor Drugs	1	100	0.0	100	0.0	0.0	29.5	34.9
Possession of Paraphernalia	6	66.7	33.3	66.7	33.3	0.0	25.8	27.5
Unlawful or attempt to manufacture controlled substance	1	100	0.0	100	0.0	0.0	25.7	31.5
TOTAL	563	68.9	31.1	81.5	14.4	4.1	31.7	34.3

* Average age at time of offense.

** Average age at time admitted to prison.

Table 20: Distribution of Probation Condition Violators by Severity Level and Criminal History

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1	0	0	0	1	1	0	0	0	0	2
D2	3	0	2	0	2	0	4	0	1	12
D3	2	0	3	1	4	4	4	8	6	32
D4	3	5	7	3	5	3	4	5	8	43
D5	20	30	62	20	82	39	66	82	73	474
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	0	1	0	3	0	0	0	0	5	9
N4	0	0	0	0	0	0	3	3	1	7
N5	3	0	5	4	1	2	10	17	14	56
N6	6	8	3	4	4	1	8	5	6	45
N7	18	12	41	24	30	13	32	46	54	270
N8	10	14	22	11	25	12	16	26	32	168
N9	17	21	68	24	44	25	31	47	42	319
N10	1	0	2	1	1	1	3	5	2	16
Nongrid	2	1	0	0	0	0	0	0	0	3
Offgrid	0	0	0	0	0	0	0	0	1	1
TOTAL	85	92	215	96	199	100	181	244	245	1,457

Parole/Postrelease Condition Violators

In FY 2018, 1,082 parole/postrelease condition violators were admitted to prison, indicating a decrease of 119 violators or 9.9% when compared with the data observed in FY 2017. Tables 21 and 22 present the characteristics of this offender group.

The top ten nondrug offenses most frequently committed by parole/postrelease condition violators were aggravated assault, aggravated battery, aggravated robbery, aggravated indecent liberties with a child, burglary, criminal threat, failure to register, rape, robbery and theft, accounting for 62.4% of the total nondrug offenses in FY 2018. Male offenders represented 91.1% of this group. White offenders committed more than 70% of crimes of criminal threat, failure to register and theft. Blacks indicated the highest representation in aggravated battery, aggravated robbery and robbery

(Table 21). Table 22 demonstrates that drug offenders of this group of violators were convicted primarily of the crimes of possession of drugs (62.7%), an increase of 2.5% over that of FY 2017 (60.2%); and drug distribution or sale (27.5%), a decrease of 3.9% from that of FY 2017 (31.4%).

Postrelease supervision violators for the crime of DUI are subject to state imprisonment if the offenders committed the crime on or after July 1, 2001 and before July 1, 2011. Similar to FY 2017, in FY 2018, no DUI violators were admitted to prison. The observed data mirrors the implementation of the policy. Table 23 demonstrates the distribution of parole/postrelease condition violators by severity level and criminal history. The largest numbers of this group of violators were found at severity level 5 of the drug grid (148 offenders) and severity level 9 of the nondrug grid (180 offenders).

Table 21: Top 10 Offenses Committed by Parole/Postrelease Condition Nondrug Violators

Offense Type	Offense Mean	Age	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
			Male	Female	White	Black	Other		
Aggravated Assault	35		97.1	2.9	65.7	31.4	2.9	29.3	32.7
Aggravated Battery	91		93.4	6.6	61.5	35.2	3.3	31.2	36.1
Aggravated Robbery	61		96.7	3.3	31.1	68.9	0.0	23.6	36.8
Agg Indecent Liberties w/Child	42		97.6	2.4	66.7	23.8	9.5	25.7	35.5
Burglary	65		92.3	7.7	67.7	24.6	7.7	32.2	35.2
Criminal Threat	41		97.6	2.4	70.7	26.8	2.4	33.9	36.1
Failure to Register	49		93.9	6.1	75.5	22.4	2.0	30.5	35.4
Rape	28		96.4	3.6	57.1	32.1	10.7	26.0	45.7
Robbery	41		95.1	4.9	41.5	58.5	0.0	28.0	34.5
Theft	75		84.0	16.0	73.3	24	2.7	36.7	39.4
Other	318		87.1	12.9	68.6	28	3.5	29.7	35.8
TOTAL	846		91.1	8.9	64.1	32.3	3.7	30.1	36.3

Table 22: Characteristics of Parole/Postrelease Condition Drug Violators by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Drugs; Possession	148	82.4	17.6	74.3	20.3	5.4	31	34.1
Drugs; Distribution/Sale	65	87.7	12.3	69.2	26.2	4.6	28.1	32.7
Possession of Paraphernalia	6	100.0	0.0	66.7	33.3	0.0	21.9	25.2
Possession of Precursor Drugs	5	100.0	0.0	100.0	0.0	0.0	24.4	33.3
Unlawful Manufacture Controlled Substance	12	83.3	16.7	100.0	0.0	0.0	27.9	38.1
TOTAL	236	84.7	15.3	74.6	20.8	4.7	29.6	33.7

Table 23: Distribution of Parole/Postrelease Condition Violators By Severity Level and Criminal History*

Severity Level	Criminal History Category									
	A	B	C	D	E	F	G	H	I	Subtotal
D1	1	0	1	0	4	1	4	1	1	13
D2	1	0	0	0	1	1	0	0	2	5
D3	6	2	3	1	2	3	0	3	5	25
D4	1	6	4	2	6	4	6	11	4	44
D5	20	18	19	5	23	14	14	23	12	148
N1	4	2	0	4	0	2	4	2	5	23
N2	0	0	2	1	0	0	2	0	3	8
N3	5	7	28	14	9	4	7	11	22	107
N4	4	3	4	5	5	5	2	3	5	36
N5	16	28	22	9	18	7	10	18	21	149
N6	12	11	15	3	2	1	5	8	4	61
N7	25	25	28	11	8	3	14	15	12	141
N8	20	14	13	2	13	7	7	9	6	91
N9	36	30	31	12	25	8	13	11	14	180
N10	4	2	1	1	1	0	0	2	1	12
Offgrid	0	0	1	0	0	0	0	2	3	6
Nongrid	2	0	0	0	0	0	0	1	0	3
TOTAL	157	148	172	70	117	60	88	120	120	1,052

* Due to missing data, criminal history categories are based on 1,052 violators reporting criminal history.

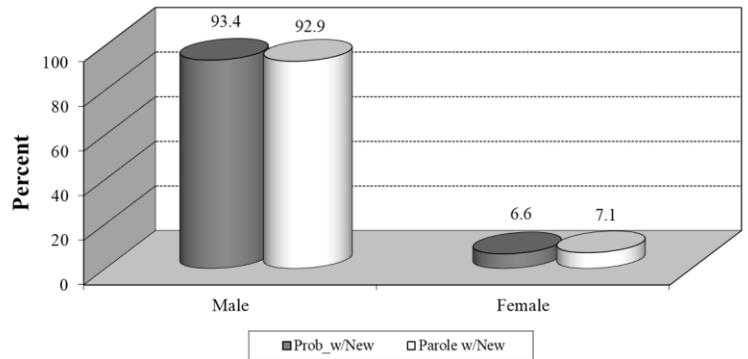
Violators with New Sentences

In this section, violators with new sentences include probation, parole or postrelease and conditional release violators convicted of an offense for which they received a new sentence. This group of violators represented 7.9% (514 violators) of the total prison admissions in FY 2018, indicating a decrease of 0.3% when compared with the percentage of the same group in FY 2017 (8.2%). Characteristics of this group are illustrated in Figures 47 - 49. Drugs (35.1%), burglary/aggravated burglary (15.8%), aggravated battery/battery of LEO/battery of LEO (9.9%), aggravated assault and failure to register (8.3%) were the major offense categories committed by probation violators with new sentences.

Drugs (25.9%), burglary/aggravated burglary (13.2%), robbery/aggravated robbery (11.3%), aggravated battery/battery of LEO (9.0%) and failure to register (8.5%) were the top five offenses committed by parole/postrelease violators with new sentences. Table 24 presents the distribution of the above offenders by severity level. The largest numbers of probation violators with new sentences were identified at nondrug severity levels 5, 7, 8 and 9 (30, 74, 26 and 26 violators) and drug severity level 5 (74 violators). The highest percentages of parole/postrelease violators with new sentences were found at nondrug severity levels 3, 5, 7 and 9 (11.3%, 13.2%, 14.6% and 11.3%) and drug severity level 5 (15.6%). The distributions of severity levels of both drug and nondrug crimes are very similar to those of FY 2017.

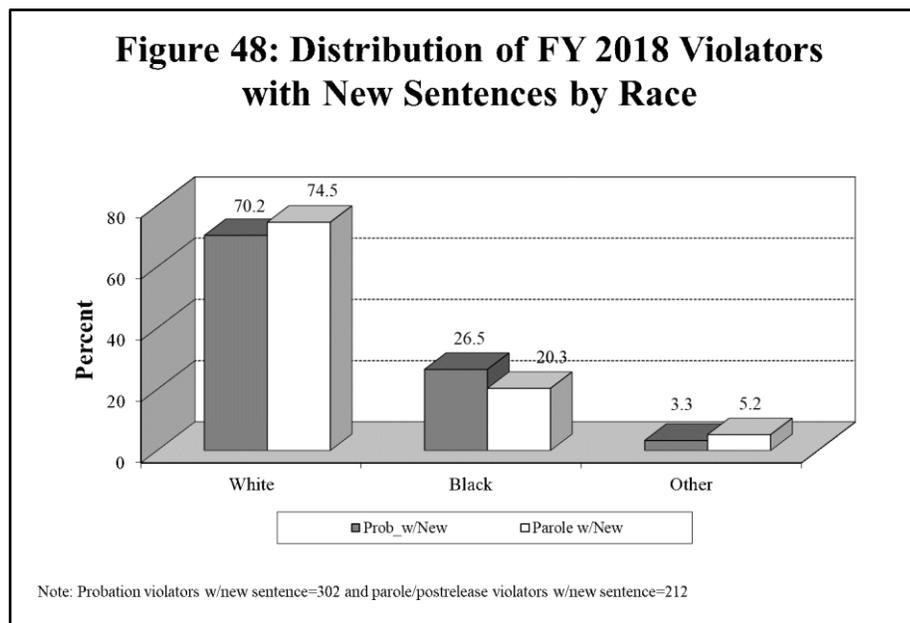
Male offenders made up 92.9% of the parole/postrelease and conditional release violators with new sentences admitted to prison in FY 2018, while female offenders accounted for 6.6% of probation violators with new sentences admitted to prison. This gender distribution is consistent with in the past three fiscal years (Figure 47).

Figure 47: Distribution of FY 2018 Violators with New Sentences by Gender

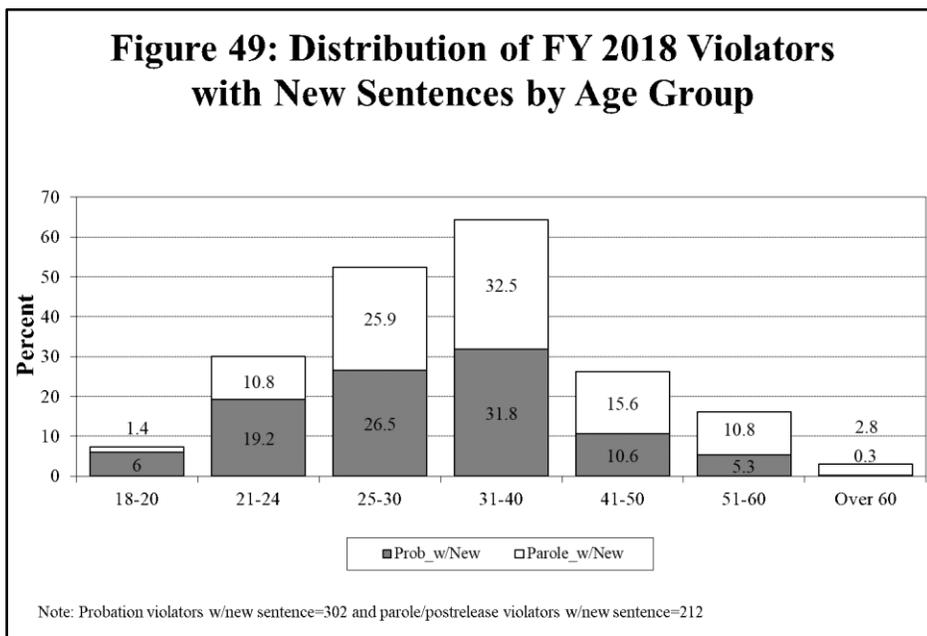


Note: Probation violators w/new sentence=302; parole/postrelease condition violators w/new sentence=212

White offenders were identified as the largest group of violators with new sentences, representing 70.2% of probation violators with new sentences and 74.5% of parole/postrelease violators with new sentences. The black violators with new sentences accounted for 26.5% of probation violators and 20.3% of parole/postrelease violators (Figure 48).



The analysis of age of the violators at admission indicates that the highest percentage of probation violators with new sentences were in the age group from 31 to 40 (31.8%), indicating an increase of 4.7% compared with that of FY 2017 (27.1%). The largest proportion parole/postrelease violators with new sentences were identified in the age groups of 31 to 40, as well, accounting for 32.5%, indicating an increase of 3.3% compared with that of FY 2017 (29.2%) (Figure 49).



**Table 24: Distribution of FY 2018 Violators with New Sentences
By Severity Level**

Severity Level	Probation		Parole/Postrelease	
	Number	Percent	Number	Percent
D1	1	0.3	3	1.4
D2	6	2.0	5	2.4
D3	16	5.3	10	4.7
D4	9	3.0	4	1.9
D5	74	24.5	33	15.6
N1	1	0.3	10	4.7
N2	2	0.7	2	0.9
N3	7	2.3	24	11.3
N4	7	2.3	6	2.8
N5	30	9.9	28	13.2
N6	21	7.0	17	8.0
N7	74	24.5	31	14.6
N8	26	8.6	14	6.6
N9	26	8.6	24	11.3
N10	2	0.7	1	0.5
Offgrid	0	0.0	0	0.0
Nongrid	0	0.0	0	0.0
TOTAL	302	100.0	212	100

VIOLATORS CONTINUED OR EXTENDED ON PROBATION

The violators continued or extended on probation, in this section, refer to probation violators with or without new convictions, whose violations did not result in incarceration but rather a continuation or an extension of the probation. In FY 2018, there were 535 probation condition violators and 56 probation violators with new convictions who were continued or extended on probation, representing 8.7% of the total number of 6,115 condition probation violators and 12.1% of the total number of 464 probation violators with new offenses,

respectively. Drugs (34.6%), theft (15.3%), burglary (11.6%), DUI (5.4%) and forgery (4.9%) were the top five offenses committed by the group of condition probation violators. Drugs (44.6%), theft (17.9%), forgery (8.9%), identity theft (8.9%) and aggravated battery (5.4) were the top five offenses committed by probation violators with new convictions. Most top offenses committed by both groups were the same when compared with those of the past three years Tables 25 and 26 present the criminal history categories by severity level for the two types of violators who were sentenced to continued or extended probation.

Table 25: Criminal History by Severity Levels of Condition Probation Violators Continued or Extended on Probation

Severity Level	Number of Cases	Criminal History Class									
		A	B	C	D	E	F	G	H	I	
D1	0	0	0	0	0	0	0	0	0	0	0
D2	7	1	0	1	1	2	0	1	1	0	0
D3	10	0	1	0	0	2	2	2	0	3	0
D4	22	0	0	1	0	3	2	3	3	10	0
D5	146	3	3	16	10	18	16	30	18	32	0
N1	0	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0	0
N3	1	0	0	0	0	0	0	0	0	1	0
N4	2	0	0	0	0	0	0	1	0	1	0
N5	12	1	1	1	0	0	1	0	2	6	0
N6	11	0	1	4	0	1	1	1	0	3	0
N7	71	3	7	11	7	5	3	12	10	13	0
N8	62	5	3	4	4	10	6	6	10	14	0
N9	149	10	11	10	10	31	11	17	22	27	0
N10	10	1	0	1	1	1	0	0	3	3	0
TOTAL	503	24	27	49	33	73	42	73	69	113	0

Note: Criminal history classes are based on 503 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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Table 26: Criminal History by Severity Levels of Probation Violators with New Convictions Continued or Extended on Probation

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D1	0	0	0	0	0	0	0	0	0	0
D2	0	0	0	0	0	0	0	0	0	0
D3	1	0	0	0	0	0	0	0	0	1
D4	3	0	0	0	0	1	0	0	1	1
D5	21	0	1	0	1	4	1	4	4	6
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	0	0	0	0	0	0	0	0	0	0
N4	0	0	0	0	0	0	0	0	0	0
N5	2	0	1	0	0	0	1	0	0	0
N6	1	0	0	0	0	0	0	0	0	0
N7	4	0	0	1	0	0	1	0	1	1
N8	11	0	2	1	1	0	0	5	2	0
N9	12	0	2	1	0	1	2	1	4	1
N10	1	0	0	0	0	0	0	1	0	0
TOTAL	55	0	6	3	2	6	5	11	12	10

Note: Criminal history classes are based on 55 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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JAIL SANCTION FROM PROBATION VIOLATION

In 2013 House Bill 2170, one of the graduated intermediate violation sanctions for probation condition violators is a jail sanction. The bill allows the court to impose intermediate sanction of confinement in jail for 2-3 days, not to exceed 18 days of jail sanctions during the entire probation supervision period. Prison sanctions resulted from probation violations were discussed on page 31.

A total number of 3,206 probation violators in FY 2018 were recipients of a jail sanction, an increase of 479 or 17.6% over that of FY 2017 (2,727 jail sanctions). Of the 3,206 jail sanctions, 61.2% served from 1 to 30 days in county jail and the average jail days served is 3 days, which is very consistent with the sentencing policy of the bill compared with FY 2017 (3.0), 2016 (2.9

days), FY 2015 (3.7 days) and FY 2014 (26.7 days). FY 2014 is the initial year of implementation of House Bill 2170.

The examination of offenders’ violation sanction history reveals that 67.5% (2,164) have no sanction history and 32.5% (1,042) have sanction history of one to six county jail sanctions. Table 27 presents the sanction history of the 1,042 jail sanction sentences. Of the 1,042 sentences with one prior jail sanction, 51.3% were imposed by court and 48.7% were imposed by supervising officers. A number of 327 sentences have two prior jail sanctions with 48.3% imposed by court and 51.7% imposed by supervising officer. Offenders with three prior jail sanctions accounted for 103, with 41.7% imposed by court and 58.3% imposed by supervising officer. Thirty-seven sentences have four prior jail sanctions, 12 sentences have five prior jail sanctions and 3 sentences have six prior jail sanctions.

Table 27: FY 2018 Violation Sanction History - County Jail Sanction

Prior Sanction	Number	Jail Sanction Imposed by (%)	
		Supervising Officer	Court
First	1,042	48.7	51.3
Second	327	51.7	48.3
Third	103	58.3	41.7
Fourth	37	59.5	40.5
Fifth	12	41.7	58.3
Sixth	3	66.7	33.3

Note: Based on Kansas Sentencing Commission’s revocation disposition database

The jail sanction events imposed by county in FY 2018 are presented in Table 28. Sedgwick County imposed the most jail sanctions accounting for 29.7% (or 953 sanctions) of the 3,206 jail sanctions of FY 2018. Reno County imposed the second largest number of jail sanctions (375 sanctions or 11.7 %) followed by Johnson County (355 sanctions or 11.1%) and Shawnee County (307 sanctions or 9.6%).

The top five offenses committed by this group of offenders include crimes of drugs (1,262 sentences or 39.4%), theft (396 sentences or 12.4%), burglary (279 sentences or 8.7%), aggravated battery (163 sentences or 5.1% and forgery (138 sentences or 4.3%), which is consistent with the data observed in the previous three years.

Table 28: FY 2018 Jail Sanctions from Probation Imposed by County

County	Number	Percent	County	Number	Percent
Allen	9	0.3	Linn	10	0.3
Anderson	11	0.3	Lyon	6	0.2
Barber	3	0.1	Marion	9	0.3
Barton	46	1.4	Marshall	7	0.2
Bourbon	26	0.8	McPherson	10	0.3
Brown	16	0.5	Miami	18	0.6
Butler	48	1.5	Mitchell	3	0.1
Cherokee	11	0.3	Montgomery	30	0.9
Cheyenne	1	0.0	Morris	3	0.1
Clark	1	0.0	Nemaha	4	0.1
Clay	14	0.4	Neosho	8	0.2
Cloud	2	0.1	Ness	2	0.1
Coffey	15	0.5	Osage	17	0.5
Cowley	11	0.3	Osborne	1	0.0
Crawford	33	1.0	Ottawa	2	0.1
Decatur	1	0.0	Pawnee	6	0.2
Dickinson	23	0.7	Phillips	1	0.0
Doniphan	1	0.0	Pottawatomie	9	0.3
Douglas	3	0.1	Pratt	13	0.4
Edwards	3	0.1	Rawlins	1	0.0
Ellis	11	0.3	Reno	375	11.7
Ellsworth	1	0.0	Rice	32	1.0
Finney	45	1.4	Riley	26	0.8
Ford	37	1.2	Russell	4	0.1
Franklin	44	1.4	Saline	155	4.8
Geary	72	2.2	Scott	2	0.1
Grant	3	0.1	Sedgwick	953	29.7
Greenwood	8	0.2	Seward	3	0.1
Harper	9	0.3	Shawnee	307	9.6
Harvey	35	1.1	Sherman	1	0.0
Jackson	10	0.3	Sumner	28	0.9
Johnson	355	11.1	Trego	2	0.1
Kingman	9	0.3	Wabaunsee	5	0.2
Labette	10	0.3	Wilson	6	0.2
Lane	1	0.0	Wyandotte	188	5.9
Leavenworth	31	1.0			
Total				3,206	

Note: Based on Kansas Sentencing Commission's revocation disposition database

CHAPTER THREE

CONFORMITY TO THE SENTENCING GUIDELINES

The analysis of conformity to the Sentencing Guidelines involves the comparison of the actual sentence imposed to the sentence identified under the Revised Sentencing Guidelines Act. 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 an "upward departure" and a sentence length less than the mitigated level is defined as a "downward departure."

Departures from the designated guideline sentence can be further categorized into two types: dispositional and durational. 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.

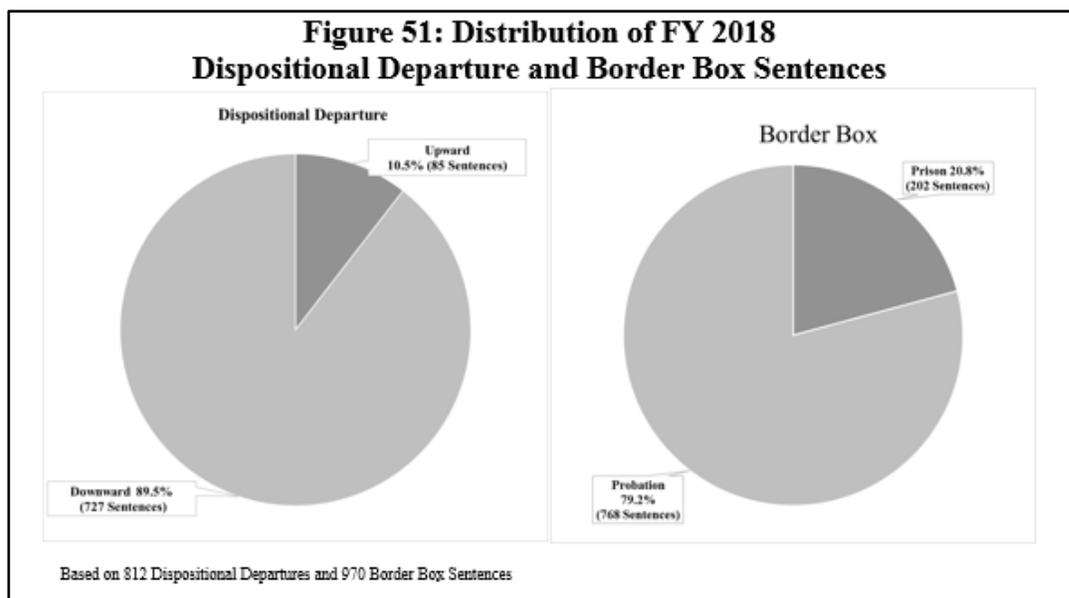
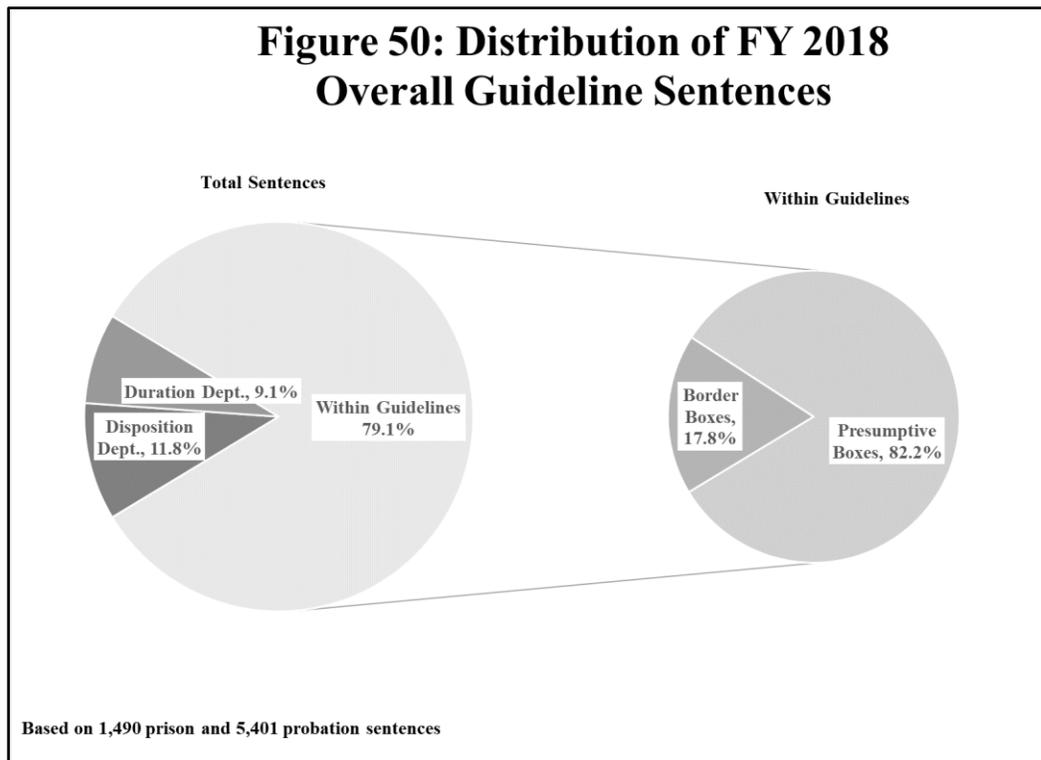
Only pure guideline sentences were utilized for this specific analysis. A pure guideline sentence is defined as a guideline sentence that is not imposed to run concurrent or consecutive with a "pre-guideline" sentence. In addition, the analysis is based on computed variables regarding departures and the consecutive sentences are excluded from this analysis. Sentences applied with special sentencing rules related to sentence disposition are excluded from this analysis as well. The analysis on sentences applied with special sentencing rules is provided at the end of this chapter.

OVERALL CONFORMITY RATES

A total number of 6,891 pure guideline sentences of FY 2018 were utilized for this study, which includes 1,490 incarceration guideline sentences and 5,401 probation sentences. Figure 50 demonstrates that 79.1% of the 6,891 guideline sentences were within the presumptive guideline grids, 11.8% indicated durational departures and 9.1% were dispositional departures. Of all the sentences within the presumptive guideline grids, 4,484 sentences (82.2%) fell within either the presumptive prison boxes or presumptive probation boxes, while 970 sentences (17.8%) were located on designated border boxes. Figure 51 indicates that 89.5% (727 sentences) of the 812 dispositional departures were downward departures and 10.5% (85 sentences) were upward dispositional departures. More than

79.2% of the 970 border box sentences resulted in probation sentences with 20.8% of this group sentenced to prison. The ratios remain constant with those of FY 2017. The analysis of durational departure sentences is

only applicable to presumptive prison sentences.



CONFORMITY OF PRESUMPTIVE PRISON GUIDELINE SENTENCES

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

Revocations of probation conditions, either with or without new sentences, which result in prison sentences were excluded from this analysis. A total of 1,490 presumptive prison guideline sentences of FY 2018 were analyzed for this purpose.

Sentences within the presumptive incarceration range accounted for 52.3% of the total incarceration guideline sentences in FY 2018. Of these sentences within the guidelines, the standard sentences accounted for 36.7%, the aggravated sentences accounted for 13.3%, the mitigated sentences accounted for 24.1% and 25.9% were located within designated border boxes (Figure 52).

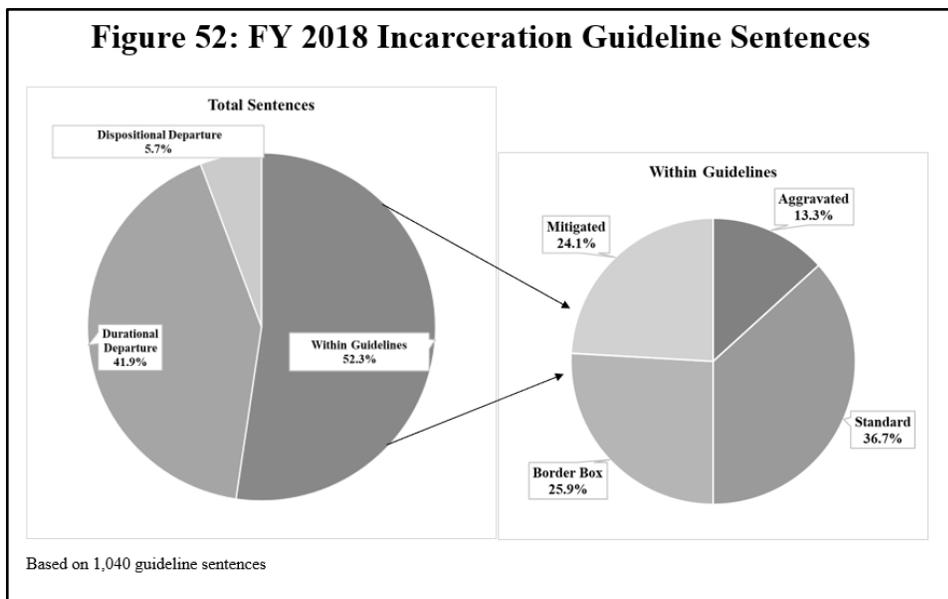
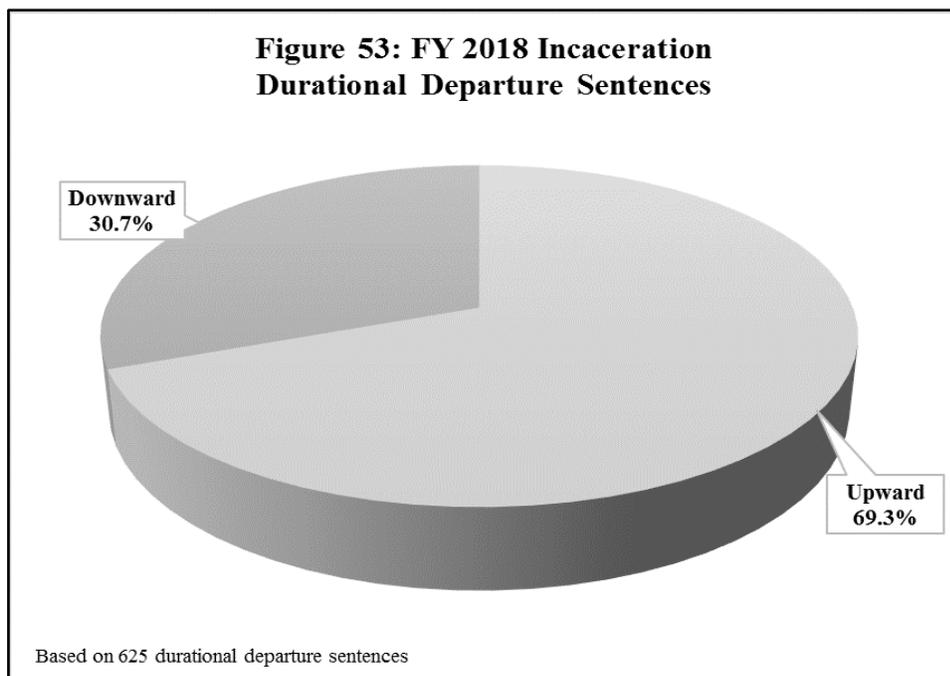


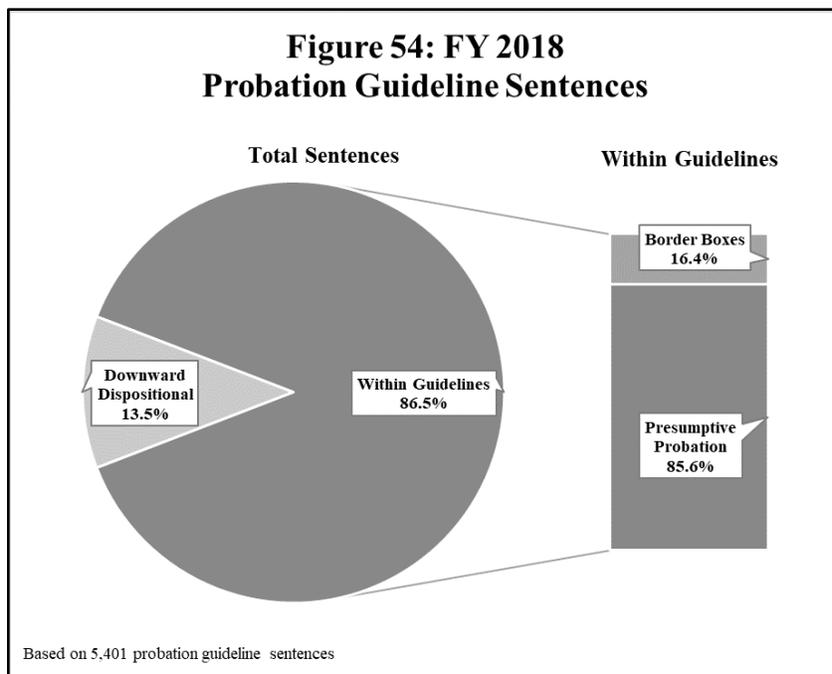
Figure 53 shows that 69.3% of the durational departure sentences departed downward from the sentence lengths indicated on the presumptive range, while 30.7% departed upward from the presumptive guideline ranges. The percentage of the downward durational departures increased by 1.7% compared with that of FY 2017 (67.6%).



CONFORMITY OF PRESUMPTIVE PROBATION GUIDELINE SENTENCES

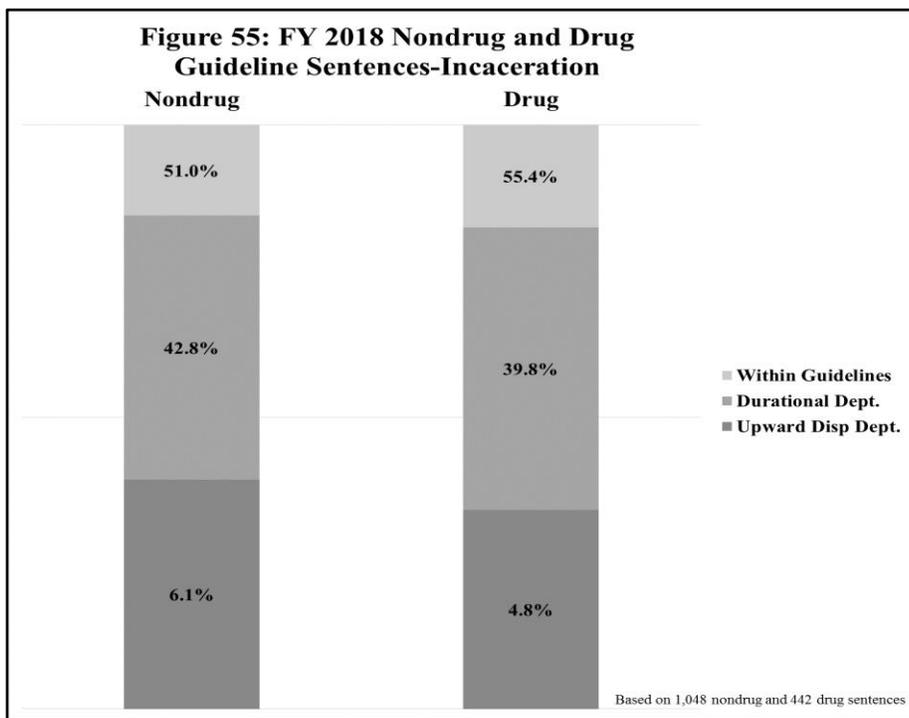
Sentences that are designated below the incarceration line of the sentencing grids are presumptive probation guideline sentences. The analysis of probation guideline sentences indicates that, as expected, the majority of probation guideline sentences in FY 2018 (86.5% or 4,674 cases) fell within the presumptive guideline range, among which 83.6% were within presumptive probation grids and 16.4% were within border boxes (Figure 54). The sentences

within the presumptive guideline range (4,674) accounted for 57.7% of the total probation sentences imposed in FY 2018 (8,142), which increased by .4 % compared with the percentage rate of FY 2017 (57.3%). Further analysis of the dispositional departures indicates that probation sentences reflected downward dispositional departures of 13.5% of the total probation guideline sentences in FY 2018, an increase of 1.2% compared with that of FY 2017 (12.3%), (Figure 54). Upward dispositional departure sentences were reflected in presumptive incarceration sentences (Refer to Figure 52).



CONFORMITY OF NONDRUG AND DRUG GUIDELINE SENTENCES

The comparison between nondrug and drug guideline incarceration sentences discloses that 6.1% of nondrug offenders and 4.8% of drug offenders showed upward dispositional departures. Additionally, nondrug offenders represented 42.8% durational departures and drug offenders showed 39.8% durational departures (Figure 55). These similar distributions between drug and nondrug incarceration sentences remain constant with those of FY 2017.



The analysis of durational departures indicates that downward departures represented 78.4% of the total durational departures on the drug grid. However, on the nondrug grid, 65.7% of durational departures were downward (Figure 56). The majority of the upward departures were found at severity levels 1 to 4 of the nondrug grid, which include the most serious offenses (Table 29).

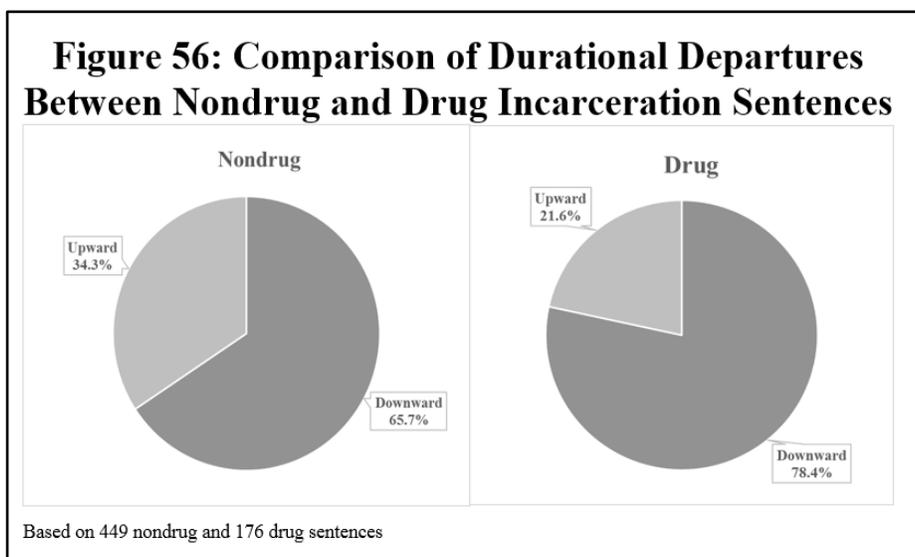
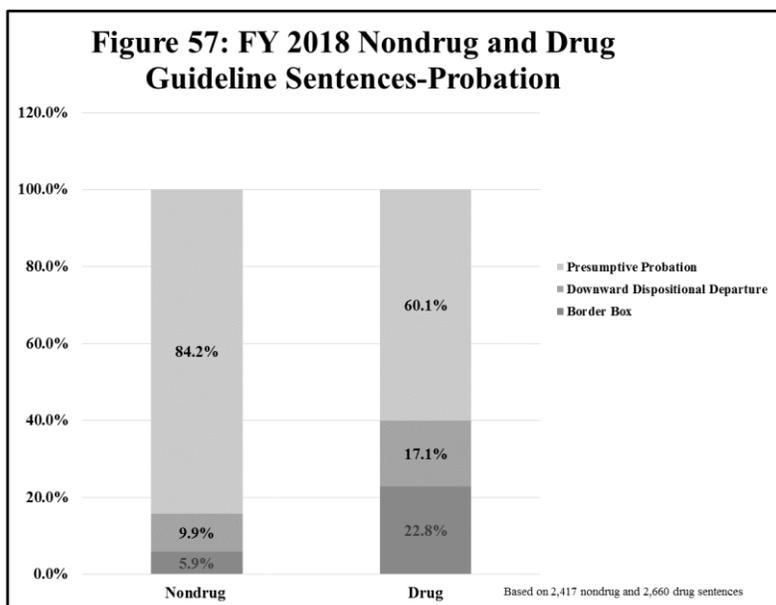


Figure 57 presents the sentencing disparities between nondrug and drug offenders on probation. Drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences (17.1% vs. 9.9%). The rate of drug probation sentences resulting from border boxes was much higher than that of nondrug probation sentences (22.8% vs. 5.9%), which remains constant when compared with FY 2017.



The sentencing trend in Kansas seems to indicate that there is a tendency to depart downward more often with drug sentences than with nondrug sentences. It further indicates that drug offenders tend to be sentenced to probation sentences more frequently than do nondrug offenders when their offense types and criminal history categories are within the border boxes (Figure 57).

CONFORMITY RATES TO THE GUIDELINES BY SEVERITY LEVEL

The conformity rates of incarceration sentences to the guidelines by severity level are presented in Table 29. Drug incarceration sentences, as a whole, indicated a 15.6% standard, 3.2% aggravated, 11.8% mitigated and 24.9% border box sentence distribution. Nondrug sentences revealed a 20.7% standard, 8.6% aggravated, 13.0% mitigated and 8.8%

border box sentence distribution. The review of the departure sentences reveals that drug sentences indicated 8.6% upward durational departures and 31.2% downward durational departures, whereas nondrug sentences showed a 14.7% upward durational departure rate and a 28.1% downward durational departure rate. The highest rate of downward durational departures was identified at drug severity level 1 (70.6%) for drug incarceration sentences and nondrug severity level 10 (66.7%) for nondrug incarceration sentences. When examining dispositional departures, 6.1% of nondrug incarceration sentences were upward dispositional departures and 4.8% of drug incarceration sentences were upward dispositional departures. This is the third year in a row that shows data different from sentencing practices observed in the past twenty years when judges were more likely to impose fewer upward dispositional

sentences for drug offenders than for nondrug offenders.

Table 29: Conformity Rates by Severity Level - Incarceration Sentences

Severity Level	N	Within Guidelines (%)				Departures (%)		
						Durational		Dispositional
		Agg.	Standard	Mit.	Border Box	Upward	Downward	Upward
D1	17		11.8	5.9		11.8	70.6	
D2	50	2.0	8.0	24.0		10.0	56.0	
D3	101	5.9	25.7	14.9		15.8	37.6	
D4	94	2.1	17.0	8.5	57.4	4.3	10.6	
D5	180	2.8	11.7	8.9	31.1	6.1	27.8	11.7
Subtotal	442	3.2	15.6	11.8	24.9	8.6	31.2	4.8
N1	93	18.3	20.4	8.6		32.3	20.4	
N2	17		5.9	35.3		29.4	29.4	
N3	146	10.3	20.5	15.1		24.0	30.1	
N4	73	9.6	24.7	9.6		21.9	34.2	
N5	218	3.2	12.8	5.5	38.1	6.9	33.5	
N6	87	6.9	23.0	19.5	10.3	12.6	27.6	
N7	123	8.9	22.0	16.3		19.5	16.3	17.1
N8	78	12.8	21.8	23.1		5.1	23.1	14.1
N9	201	8.5	28.4	11.9		7.0	29.4	14.9
N10	12			16.7			66.7	16.7
Subtotal	1,048	8.6	20.7	13.0	8.8	14.7	28.1	6.1
TOTAL	1,490	7.0	19.2	12.6	13.6	12.9	29.1	5.7

Table 30 demonstrates the conformity rates of probation sentences to the guidelines by severity level. Probation drug sentences indicated 17.1% downward dispositional departures, which should have been presumptive incarceration, while 9.9% of probation nondrug sentences experienced downward dispositional departures. A significant difference also occurred within the border boxes of the grids. Drug offenders received more probation sentences

than nondrug offenders did when their severity levels and criminal history categories fell within the border boxes (22.8% vs. 5.9%). This sentencing pattern of border boxes between drug and nondrug probation sentences reveals the same trend as indicated with incarceration sentences: the tendency is to impose more nonprison sentences for drug offenders than for nondrug offenders. This trend has been consistent in the past twenty-two years.

Table 30: Conformity Rates by Severity Level - Probation Sentences

Severity Level	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	6			100.0
D2	61			100.0
D3	240		0.4	99.6
D4	333	0.3	91.0	8.7
D5	2,020	79.1	15.0	6.0
Subtotal	2,660	60.1	22.8	17.1
N1	1			100.0
N2	0			
N3	21			100.0
N4	44			100.0
N5	167		84.4	15.6
N6	126	54.0	16.7	29.4
N7	617	95.5		4.5
N8	553	94.2		5.8
N9	1,104	93.2		6.8
N10	108	93.5		6.5
Subtotal	2,741	84.2	5.9	9.9
TOTAL	5,401	73.3	14.5	12.3

CONFORMITY RATES TO THE GUIDELINES BY RACE

Tables 31 and 32 present the conformity rates to the sentencing guidelines by race for the drug and nondrug offenders admitted to prison in FY 2018. The analysis of drug incarceration sentences demonstrates that whites received more border box sentences than blacks (25.3% vs. 21.9%). However, black offenders represented higher percentage than white offenders at aggravated, standard and mitigated sentences (6.8% vs. 2.5%; 17.8% vs. 15.3%; 16.4% vs.10.9%). The analysis of departures demonstrates that white offenders received more upward durational and dispositional departures than black offenders (9.5% vs. 5.5%; 5.3% vs. 2.7%), while black offenders

received more downward durational departures (42.9% vs. 31.2%).

The study of nondrug incarceration sentences within guidelines indicates that black offenders received more aggravated and mitigated sentences than white offenders (10.8% vs. 7.7%;13.7% vs. 12.2%), while white offenders represented higher percentages than black offenders at standard and border box sentences (22.3% vs. 17.6%; 11.1% vs. 3.9%). The review of departures reveals that blacks represented higher rates than whites in downward durational departures (36.6% vs. 24.3%), whereas whites received more upward durational and dispositional departures than blacks for nondrug offenses (14.9% vs. 14.1%; 7.5% 3.3%).

Table 31: Conformity Rates by Race - Incarceration Sentences Drug Offenders

Severity Level	Race	N	Within Guidelines (%)				Departures (%)		
			Agg.	Standard	Mit.	Border Box	Upward	Downward	Upward
D1	White	17		11.8	5.9		11.8	70.6	
D2	White	43	2.3	7.0	20.9		11.6	58.1	
	Black	4		25.0	50.0			25.0	
	Other	3			33.3			66.7	
D3	White	84	4.8	27.4	13.1		16.7	38.1	
	Black	17	11.8	17.6	23.5		12.5	11.8	
D4	White	74	1.4	14.9	9.5	59.5	4.1	10.8	
	Black	17	5.9	29.4	5.9	47.1	5.9	5.9	
	Other	3			33.3	66.7			
D5	White	141	2.1	11.3	7.8	33.3	7.1	24.8	13.5
	Black	35	5.7	11.4	14.3	22.9	2.9	37.1	5.7
	Other	4		25.0		25.0		50	
Total	White	359	2.5	15.3	10.9	25.3	9.5	31.2	5.3
	Black	73	6.8	17.8	16.4	21.9	5.5	42.9	2.7
	Other	10		10.0	10.0	30.0		50.0	

Note: Based on 442 drug incarceration guideline sentences reporting race of offenders.

**Table 32: Conformity Rates by Race - Incarceration Sentences
Nondrug Offenders**

Severity Level	Race	N	Within Guidelines (%)				Departures (%)		
							Durational		Dispositional
			Agg.	Standard	Mit.	Border Box	Upward	Downward	Upward
N1	White	61	14.8	19.7	6.6		39.3	19.7	
	Black	27	25.9	25.9	11.1		14.8	22.2	
	Other	5	20.0		20.0		20.0	40.0	
N2	White	10			50.0		10.0	40.0	
	Black	6		16.7	16.7		16.7	50.0	
	Other	1						100.0	
N3	White	37	8.8	28.6	14.3		25.3	23.1	
	Black	47	12.8	6.4	14.9		23.4	42.6	
	Other	8	12.5	12.5	25.0		12.5	37.5	
N4	White	55	12.7	21.8	9.1		20.0	36.4	
	Black	15		33.3	13.3		33.3	20.0	
	Other	3		33.3			66.7		
N5	White	141	2.6	13.2	4.6	46.4	6.0	27.2	
	Black	59	5.1	11.9	5.1	18.6	6.8	52.5	
	Other	8		12.5	25.0	25.0	25.0	12.5	
N6	White	66	6.1	25.8	18.2	12.1	15.2	22.7	
	Black	19	5.3	15.8	26.3	5.3	5.3	42.1	
	Other	2	50.0					50.0	
N7	White	80	6.3	28.8	16.3		13.8	13.8	21.3
	Black	41	14.6	9.8	14.6		29.3	22.0	9.8
	Other	2			50.0		50.0		
N8	White	51	9.8	23.5	19.6		3.9	25.5	17.6
	Black	25	20.0	16.0	28.0		8.0	20.0	8.0
	Other	2		50.0	50.0				
N9	White	135	8.9	25.9	11.9		8.1	25.9	19.3
	Black	60	8.3	33.3	11.7		5.0	36.7	5.0
	Other	6		33.3	16.7			33.3	16.7
N10	White	4			25.0			50.0	25.0
	Black	7			14.3			71.4	14.3
	Other	1						100.0	
Total	White	704	7.7	22.3	12.2	11.1	14.9	24.3	7.5
	Black	306	10.8	17.6	13.7	3.9	14.1	36.6	3.3
	Other	38	7.9	15.8	21.1	5.3	15.8	31.6	2.6

Note: Based on 1,048 nondrug incarceration guideline sentences reporting race of offenders.

Tables 33 and 34 present the conformity rates by race for offenders sentenced to probation during FY 2018. White offenders received more presumptive probation sentences for drug offenses than black offenders (62.7% vs. 42.7%) but black drug offenders had a higher rate of border box sentences (29.1% vs. 21.8%) and downward dispositional departures (28.2% vs. 15.5%) than white drug offenders (Table 33). This racial conformity rate pattern is consistent with those of the past six years.

The analysis on conformity rates of the probation sentences of the nondrug offenders indicates that white nondrug offenders received more presumptive probation sentences than black nondrug offenders (85.9% vs. 78%), while black offenders represented a higher percentage of downward dispositional departures (15.6% vs. 8.3%) than white offenders for nondrug offenses. The rates of border box sentences were 5.7% for white offenders and 6.4% for black offenders (Table 34).

**Table 33: Conformity Rates by Race - Probation Sentences
Drug Offenders**

	Race	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	White	6			100.0
D2	White	51			100.0
	Black	8			100.0
	Other	2			100.0
D3	White	180			100.0
	Black	55			100.0
	Other	5		20.0	80.0
D4	White	263	0.4	92.4	7.2
	Black	64		85.9	14.1
	Other	6		83.3	16.7
D5	White	1,762	80.4	14.2	5.3
	Black	224	67.0	21.0	12.1
	Other	34	88.2	11.8	
Total	White	2,262	62.7	21.8	15.5
	Black	351	42.7	29.1	28.2
	Other	47	63.8	21.3	14.9

Note: Based on 2,660 drug probation sentences reporting race of offenders.

**Table 34: Conformity Rates by Race - Probation Sentences
Nondrug Offenders**

Severity Level	Race	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
N1	White	1			100.0
	Black	0			
	Other	0			
N2	White	0			
	Black	0			
	Other	0			
N3	White	13			100.0
	Black	8			100.0
N4	White	24			100.0
	Black	20			100.0
N5	White	130		84.6	15.4
	Black	31		83.9	16.1
	Other	6		83.3	16.7
N6	White	100	57.0	12.0	31.0
	Black	21	38.1	42.9	19.0
	Other	5	60.0		40.0
N7	White	474	96.8		3.2
	Black	128	91.4		8.6
	Other	15	86.7		13.3
N8	White	417	96.2		3.8
	Black	128	87.3		12.7
	Other	13	86.7		13.3
N9	White	891	93.9		6.1
	Black	193	89.1		10.9
	Other	19	100.0		
N10	White	85	95.3		4.7
	Black	22	86.4		13.6
	Other	1	100.0		
Total	White	2,135	85.9	5.7	8.3
	Black	546	78.0	6.4	15.6
	Other	59	78.0	8.5	13.6

Note: Based on 2,740 nondrug probation sentences reporting race of offenders.

CONFORMITY RATES TO THE GUIDELINES BY GENDER

This section discusses the conformity rates to the sentencing guidelines between male and female offenders admitted to prison in FY 2018. Male drug offenders represented higher rate than female drug offenders in aggravated, standard and mitigated sentences (3.4% vs. 1.8%; 15.8% vs. 14%; and 12.7% vs. 5.3%). However, females received more border box sentences than males (26.3% vs 24.7%). The examination of departure sentences reveals that female drug offenders received more than male drug offenders in both downward durational departures and upward dispositional departures (35.1% vs. 30.6%; and 10.5% vs. 3.9%), while males had a higher rate of upward durational departures (8.8% vs. 7.0%), (Table 35).

The exploration of nondrug incarceration sentences indicates that within guidelines, males represented a higher percentage than females in aggravated sentences (8.7% vs. 7.5%), standard sentences (20.9% vs. 18.3%) and mitigated sentences (13.4% vs. 8.6%) for nondrug crimes, while female offenders received more border box sentences than male offenders (20.4% vs. 7.6%). This gender conformity rate pattern is consistent with that of FY 2017. The analysis of departure sentences reveals that male nondrug offenders represented a higher percentage of upward and downward durational departures than female offenders (15.3% vs. 8.6%; and 28.4% vs. 25.8%). However, female offenders received more sentences than male offenders in upward dispositional departures (10.8% vs. 5.7%), (Table 36).

Table 35: Conformity Rates by Gender - Incarceration Sentences Drug Offenders

Severity Level	Gender	N	Within Guidelines (%)				Departures (%)		
			Agg.	Standard	Mit.	Border Box	Durational		Dispositional
							Upward	Downward	Upward
D1	Male	15		13.3	6.7		13.3	66.7	
	Female	2						100	
D2	Male	40		2.5	30.0		10.0	57.5	
	Female	10	10.0	30.0			10.0	50.0	
D3	Male	86	7	26.7	16.3		15.1	34.9	
	Female	15		20.0	6.7		20.0	53.3	
D4	Male	82	2.4	19.5	8.5	53.7	4.9	11.0	
	Female	12			8.3	83.3		8.3	
D5	Male	162	3.1	11.7	9.3	31.5	6.8	28.4	9.3
	Female	18		11.1	5.6	27.8		22.2	33.3
Total	Male	385	3.4	15.8	12.7	24.7	8.8	30.6	3.9
	Female	57	1.8	14.0	5.3	26.3	7.0	35.1	10.5

Note: Based on 442 drug incarceration guideline sentences.

**Table 36: Conformity Rates by Gender - Incarceration Sentences
Nondrug Offenders**

Severity Level	Gender	N	Within Guidelines (%)				Departures (%)		
			Agg.	Standard	Mit.	Border Box	Durational		Dispositional
							Upward	Downward	Upward
N1	Male	84	17.9	17.9	8.3		34.5	21.4	
	Female	9	22.2	44.4	11.1		11.1	11.1	
N2	Male	15		6.7	40.0		33.3	20.0	
	Female	2						100.0	
N3	Male	142	10.6	21.1	14.8		23.9	29.6	
	Female	4			50.0			50.0	
N4	Male	64	9.4	26.6	9.4		21.9	32.8	
	Female	9	11.1	11.1	11.1		22.2	44.4	
N5	Male	188	3.7	12.8	5.3	36.7	7.4	34.0	
	Female	30		13.3	6.7	46.7	3.3	30.0	
N6	Male	78	7.7	21.8	20.5	5.1	14.1	30.8	
	Female	9		33.3	11.1	56.6			
N7	Male	117	8.5	23.1	17.1		18.8	17.1	15.4
	Female	6	16.7				33.3		50.0
N8	Male	72	13.9	20.8	25.0		5.6	22.2	12.5
	Female	6		33.3				33.3	33.3
N9	Male	184	7.6	29.3	12.0		14.1	29.9	7.1
	Female	17	17.6	17.6	11.8		5.9	23.5	23.5
N10	Male	11			18.2			72.7	9.1
	Female	1							100.0
Total	Male	955	8.7	20.9	13.4	7.6	15.3	28.4	5.7
	Female	93	7.5	18.3	8.6	20.4	8.6	25.8	10.8

Note: Based on 1,048 nondrug incarceration guideline sentences.

Tables 37 and 38 provide the conformity rates of the probation sentences by gender. The analysis of the offenders on probation shows that females on both drug and nondrug grids received fewer downward dispositional departures than males (9.4% vs. 20.7%, Table 37; and 5.7% vs. 11.3%, Table 38), which is consistent with those in the past five years. This finding indicates that females were more likely to be incarcerated than males when both upward and downward dispositional departures were compared for incarceration and probation

sentences. Females had a higher likelihood of an upward dispositional departure to prison even when their offenses were designated within the presumptive probation portion of the grid (Tables 35 & 36). Females were less likely to receive a downward dispositional departure to probation if their sentences fell within a presumptive prison box (Tables 37 & 38). The above findings continue the trend that has been present in the past twenty-two years (Annual Reports of FY 1996 - FY 2017).

**Table 37: Conformity Rates by Gender - Probation Sentences
Drug Offenders**

Severity Level	Gender	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	Male	4			100.0
	Female	2			100.0
D2	Male	45			100.0
	Female	16			100.0
D3	Male	191		0.5	99.5
	Female	49			100.0
D4	Male	256	0.4	89.8	9.8
	Female	77		94.8	5.2
D5	Male	1,328	73.2	18.3	8.5
	Female	692	90.3	8.5	1.2
Total	Male	1,824	53.3	26.0	20.7
	Female	836	74.8	15.8	9.4

Note: Based on 2,660 drug probation sentences reporting gender of offenders.

**Table 38: Conformity Rates by Gender - Probation Sentences
Nondrug Offenders**

Severity Level	Gender	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
N1	Male	1			100.0
	Female	0			
N2	Male	0			
	Female	0			
N3	Male	18			100.0
	Female	3			100.0
N4	Male	36			100.0
	Female	8			100.0
N5	Male	129		82.9	17.1
	Female	38		82.9	17.1
N6	Male	90	51.1	17.8	31.1
	Female	36	61.1	25.0	13.9
N7	Male	502	95.0		5.0
	Female	115	97.4		2.6
N8	Male	373	92.0		8.0
	Female	189	98.9		1.1
N9	Male	828	92.0		8.0
	Female	275	96.7		3.3
N10	Male	67	92.5		7.5
	Female	41	95.1		4.9
Total	Male	2,044	82.7	6.0	11.3
	Female	696	88.6	5.6	5.7

Note: Based on 2,740 nondrug probation sentences reporting gender of offenders.

SPECIAL SENTENCING RULES

Special sentencing rules provide special treatment of certain crimes and sanctions. These special rules establish policies for the determination of criminal history and the imposition and computation of sentences in atypical situations which are not otherwise addressed by the sentencing guidelines. In addition, these special rules serve to assign appropriate severity rankings to crimes that are in some significant respect unusual and therefore not readily amenable to the standardized treatment afforded by the grids.

There was a small number of special sentencing rules in the initial years of implementing the guidelines. In 1994 and 1995, only five special sentencing rules existed. With the modification of sentencing guidelines and amendments of sentencing policies in each legislative year, the number of special sentencing rules has increased. As of the 2018 Legislative Session, forty-eight special sentencing rules have been established or amended. The most frequently applied special sentencing rules in the past five years have been: crime committed while incarcerated or on probation, parole, etc.; crime committed while on felony bond; person felony committed with a firearm and third or subsequent drug possession.

Tables 39 and 40 present the numbers and percentages of sentencing practice with special sentencing rules in the past five years. The percentage of offenders admitted to prison with special sentencing rules increased from 42.0% in FY 2014 to 44.5% in FY 2018. FY 2018 represented the highest number (814 admissions) of special sentencing rules applied to prison sentences in the past five years. The percentage of probation sentences imposed with special

sentencing rules accounted for 15.1% in FY 2018, an increase of 0.9% over that of FY 2017 and an increase of 2.9% when compared with that of FY 2014 (Table 39). The total percentage of both prison and probation sentences applied with special rules increased from 18.7% in FY 2014 to 21.1% in FY 2018 (Table 40).

In FY 2018, a number of 814 pure guideline prison sentences and 840 pure guideline probation sentences were imposed with special sentencing rules, which accounted for 44.5% of prison pure guideline admissions (1,829 admissions) and 15.1% of pure guideline probation sentences (5,576) imposed in FY 2018 (Table 39).

In FY 2018, the top three special sentencing rules applied to prison sentences in sentencing practice were: crime committed while incarcerated or on probation, parole, etc. (438 sentences) representing 54.7% of 814 prison sentences applied with special sentencing rules; crime committed while on felony bond (165 sentences) representing 20.6% and person felony committed with a firearm (111 sentences) making up 13.9% of prison admissions with special sentencing rules during FY 2018 (Table 41).

The top three special sentencing rules applied most frequently to probation sentences in FY 2018 included crime committed while incarcerated or on probation, parole, etc. (277 sentences) accounted for 32.9%; crime committed while on felony bond (228 sentences) accounted for 24.8%; and third or subsequent drug possession (98 sentences) accounted for 11.7% of the total 840 probation sentences applied with special sentencing rules (Table 42).

**Table 39: Pure Guideline Sentences Applied with Special Sentencing Rules
By Prison and Probation
FY 2014 through FY 2018**

Fiscal Year	Guideline	Prison Admissions		Probation Sentences		
		with Special Rules		Guideline	with Special Rules	
		Number	Percent		Number	Percent
2014	1608	675	42.0	5711	696	12.2
2015	1665	719	43.2	5641	761	13.5
2016	1729	742	42.9	5705	757	13.3
2017	1780	812	45.6	5324	756	14.2
2018	1829	814	44.5	5576	840	15.1

**Table 40: Pure Guideline Sentences Applied with Special Sentencing Rules
By Total Sentences
FY 2014 through FY 2018**

Fiscal Year	Guideline	with Special Rules	
		Number	Percent
2014	7319	1371	18.7%
2015	7306	1480	20.3%
2016	7434	1499	20.2%
2017	7104	1568	22.1%
2018	7405	1654	21.1%

Note: The total number and percentage include both prison and probation sentences.

Table 41: Distribution of Special Sentencing Rules Applied To Prison Sentences – FY 2018

Special Rules Applied to Sentences	Number	Percent
Crime committed while incarcerated, probation, parole, etc.	438	54.7
Crime committed while on felony bond	165	20.6
Person felony committed with a firearm	111	13.9
Third or subsequent drug possession	60	7.5
Burglary with 2 or more prior theft, burglary, aggravated burglary	42	5.2
Theft with 3 or more prior theft, burglary, aggravated burglary	32	4.0
Offender Registration Act Violation – presumed prison	28	3.5
Resident burglary with a prior residential, nonresidential or aggravated burglary conviction	12	1.5
Drug felony with a firearm	10	1.2
Resident burglary with Criminal History C, D, E	9	1.1
Aggravated assault of a LEO	6	0.7
Extended Juvenile jurisdiction	6	0.7
Involuntary manslaughter by DUI	6	0.7
Persistent sex offender	5	0.6
Battery on a LEO resulting in bodily harm	5	0.6
Third or subsequent Forgery	4	0.5
Second or subsequent identity theft or fraud	4	0.5
Third or subsequent flee/elude – presumed prison	3	0.4
Aggravated battery by DUI	3	0.4
Aggravated endangering a child	2	0.2
Aggravated battery of a LEO	2	0.2
Substance abuse was a factor in special rule 27 or 29	1	0.1
Crime committed for benefit of criminal street gang	1	0.1
Unlawful Sexual Relations	1	0.1

Note: The number and percentage are mutually exclusive.

Table 42: Distribution of Special Sentencing Rules Applied To Probation Sentences – FY 2018

Special Rules Applied to Sentences	Number	Percent
Crime committed while incarcerated, probation, parole, etc.	277	32.9
Crime committed while on felony bond	228	24.8
Third or sub. drug possession	98	11.7
Person felony committed with a firearm	56	6.6
Offender Registration Act violation	49	5.8
Burglary with 2 or more prior felony theft, burglary, aggravated burglary	37	4.4
Felony theft with 3 or more prior theft, burglary, aggravated burglary	29	3.4
Aggravated endangering a child	28	3.3
Third or subsequent forgery	23	2.7
Drug felony with a firearm	21	2.5
Resident burglary with a prior residential, nonresidential or aggravated burglary conviction	15	1.8
Second forgery	14	1.6
Residential burglary with criminal history 7c, 7d or 7e	12	1.4
Aggravated assault of a LEO	9	1.0
Battery on a LEO resulting in bodily harm	9	1.0
Aggravated battery by DUI	7	0.8
Other	5	0.7
Crime committed while incarcerated in a juvenile facility	4	0.5
Leaving the scene of an accident, person felony	4	0.5
Crime committed for benefit of criminal street gang	4	0.4
Unlawful sexual relations	3	0.4
Extended juvenile jurisdiction imposed	3	0.3
Third or subsequent flee/elude, presumed prison	3	0.3
Kansas Securities Act	2	0.2
Involuntary manslaughter by DUI	2	0.2
Second or sub. identity theft or identity fraud	1	0.1
Felony committed after early discharge	1	0.1
Persistent sex offender	1	0.1
Felony domestic battery	1	0.1

Note: The number and percentage are mutually exclusive.

CHAPTER FOUR SENTENCING TRENDS AND FORECAST

INCARCERATION SENTENCES

The total number of admissions to KDOC has grown in the past five years. The number of offenders admitted to prison in FY 2018 reached 6,542, which increased by 44 offenders or 0.7% when compared with FY 2017 and by 1,235 offenders or 23.3% when compared with FY 2014. (Figure 58). Table 43 presents the prison admission pattern by month in the past five years.

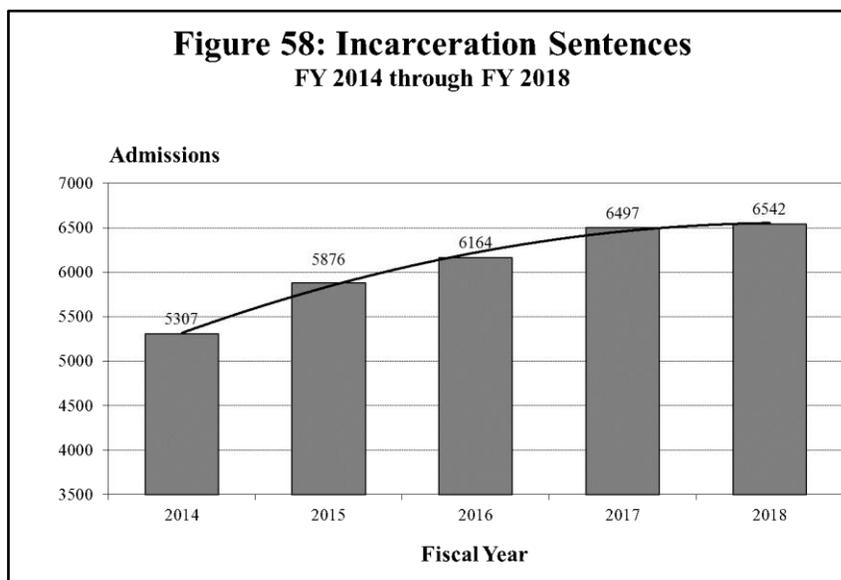


Table 43: Prison Admissions by Month

Month by Fiscal Year	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
July	472	520	538	470	542
August	418	472	459	542	636
September	400	515	495	532	493
October	492	500	499	600	596
November	398	453	440	576	456
December	438	531	553	537	470
January	446	368	478	535	531
February	392	475	540	505	478
March	472	543	640	573	626
April	495	516	472	483	565
May	434	437	527	609	654
June	450	546	523	535	495
Total	5,307	5,876	6,164	6,497	6,542

Table 44 demonstrates the trend of prison admissions by type in the past five years. The number of admissions of new court commitments in FY 2018 increased by 9.5% over that of FY 2014 but decreased 2.5% over that of FY 2017. HB 2170 120/180-day prison sanctions were first implemented in FY 2014 and since then admissions have significantly increased (270.6%) when compared to the total of 2018. However, examining differences from FY 2017 to FY 2018, sanctions from probation increased by only 0.4%. This suggests that use of probation sanctions is now fully implemented. Probation condition violators admitted to prison in FY 2018 increased by

6.6% when compared with FY 2014 and by 18.6% compared with FY 2017. Probation violators with new sentence/new conviction admitted to prison in FY 2018 increased by 15.3% compared with FY 2014 but decreased by 13.6% when compared with that of FY 2017. The number of parole/postrelease and conditional release violators admitted to prison in FY 2018 decreased by 3.6% and 9.9% respectively from those of FY 2014 and FY 2017. Parole/postrelease and condition release violators with new sentences admitted in FY 2018 increased by 15.1% when compared with FY 2014 and by 8.7% over that of FY 2017.

Table 44: Comparison of Prison Admissions by Type

Admission Type	FY2014	FY2015	FY2016	FY2017	FY2018	FY 2018-2014 % Difference
New Court Commitment	1,844	1,922	1,986	2,071	2,019	9.5%
Sanction from Probation	323	691	1,003	1,192	1,197	270.6%
Probation Condition Violator	1,368	1,321	1,180	1,229	1,458	6.6%
Probation Violator With New Sentence/New Conviction	391	499	519	522	451	15.3%
Parole/Post-release/CR Condition Violator	1,122	1,219	1,237	1,201	1,082	-3.6%
Parole/Post-release/CR Violator With New Sentence	185	151	146	196	213	15.1%
Other Types*	74	73	93	86	122	64.9%
Total	5,307	5,876	6,164	6,497	6,542	23.3%

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

The admission trends of incarceration sentences by severity level in the past five years are presented in Table 45 and Table 46. The total admissions of drug offenders in FY 2018 increased by 5.0% and 33.6% respectively when compared with FY 2017 and FY 2014. Comparing statistics between FY 2018 and FY 2014, the admissions decreased by 55.3% at drug severity level 1, by 68.4% at drug severity level 3 and by 132.2% at drug level. However, the number of admissions increased by 27.3% at drug severity level 2 and by 79.9% at drug

severity level 5. It is important to keep in mind that a new drug sentencing grid was implemented on July 1, 2012, thus 2014 statistics reflect the early years of the new grid compared to full implementation by FY 2018. When comparing statistics between FY 2018 and FY 2017, the admissions increased by 8.6% at drug severity level 1 and by 13.1% at drug level 5. However, the number of admissions decreased by 1.0% at drug severity level 2, by 14.9% at drug severity level 3 and by 12.4% at drug severity level 4 when compared with those

of FY 2017. The decrease of admissions at drug level 4 and the increase of admissions at drug level 5 in FY 2018 continuously reflects the implementation of the new drug sentencing grid (Table 45).

The total number of nondrug admissions decreased by 1.3% over that of FY 2017 but increased by 13.2% over that of FY 2014. In the past five years, the most significant increase of nondrug admissions was found at nondrug severity level 6, an increase of 67.5%. The admissions at levels 1, 3, 4, 7, 8, 9 increased, respectively, by 39.4%, 7.5%, 19.7%, 25.1%, and 23.0%. The most significant decrease in the past five years

was found at nongrid with a decrease of 73.5%. The number of off-grid offenders admitted to prison in FY 2018 decreased by 8.4% when compared with FY 2014. When compared with FY 2017, the most significant increase in admission was found at nongrid by 28.6% followed by severity level 1 by 17.8%, severity level 3 by 10.6% and severity level 4 by 8.6%. The number of admissions at severity level 10 decreased by 34.1% followed by severity level 2 with a decrease of 21.6% and off-grid sentences, also with a decrease of 21.6%. The admissions at other nondrug levels fluctuated little when compared with those of FY 2017 (Table 46).

Table 45: Comparison of Drug Prison Admissions by Severity Level

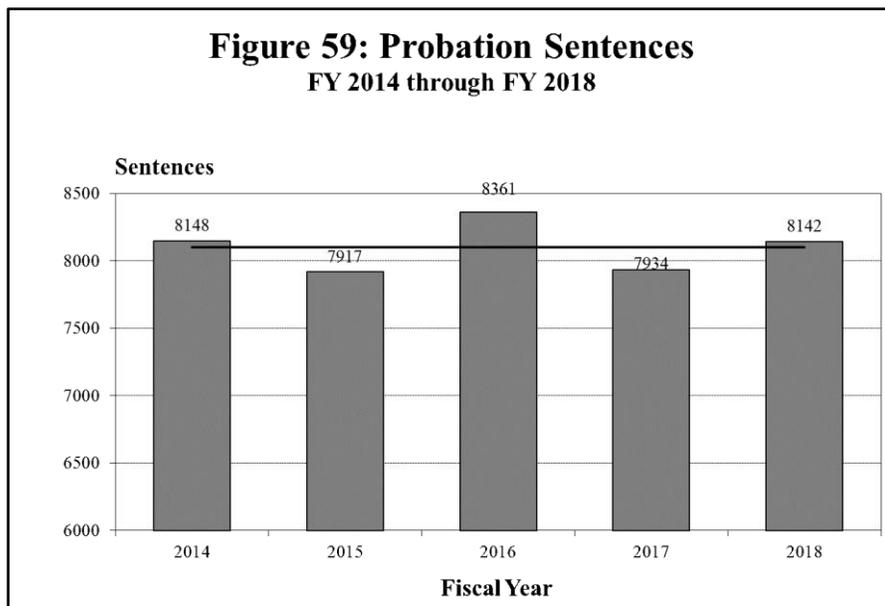
Severity Level	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2018-2017 % Difference	FY 2018-2014 % Difference
D1	59	40	54	35	38	8.6%	-55.3%
D2	72	88	97	100	99	-1.0%	27.3%
D3	384	353	297	268	228	-14.9%	-68.4%
D4	606	535	341	298	261	-12.4%	-132.2%
D5	307	715	1,094	1,348	1,525	13.1%	79.9%
Total	1,428	1,731	1,883	2,049	2,151	5.0%	33.6%

Table 46: Comparison of Nondrug Prison Admissions by Severity Level

Severity Level	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2018-2017 % Difference	FY 2018-2014 % Difference
N1	109	91	109	129	152	17.8%	39.4%
N2	44	44	38	37	29	-21.6%	-34.1%
N3	319	357	347	310	343	10.6%	7.5%
N4	127	131	129	140	152	8.6%	19.7%
N5	670	647	654	615	575	-6.5%	-14.2%
N6	197	240	271	352	330	-6.3%	67.5%
N7	858	892	951	945	1002	6.0%	16.8%
N8	455	485	514	534	569	6.6%	25.1%
N9	878	1007	1,048	1,171	1,080	-7.8%	23.0%
N10	91	108	103	91	60	-34.1%	-34.1%
Off-grid	95	118	106	111	87	-21.6%	-8.4%
Nongrid	34	23	10	7	9	28.6%	-73.5%
Unknown	2	2	1	6	3	-50.0%	50.0%
Total	3,879	4,145	4,281	4,448	4,391	-1.3%	13.2%

PROBATION SENTENCES

The number of probation sentences imposed has fluctuated in the past five years. The total number of probation sentences in FY 2018 increased by 2.6% or 208 sentences compared with that of FY 2017 but decreased by 0.1% or 6 sentences compared with that of FY 2014. The largest number of probation sentences imposed in the past five years is identified in FY 2016 (Figure 59).



In FY 2018, the total drug probation sentences increased by 5.9% or 201 sentences over that of FY 2017 and greatly increased by 26.8% or 765 sentences over that of FY 2014. Owing to the implementation of the new drug sentencing grid with five levels, probation sentences imposed in the past five years include offenders sentenced under both old and new sentencing grids according to their offense dates. Comparing drug sentences to probation between FY 2018 and 2014, statistics displays that the number of drug probation sentences decreased by 46.2% at drug severity level 1, by 0.3% at drug severity level 3, and by 45.4% at drug level 4. However, probation sentenced increased by 175.0% at drug severity level 2 and by 57.3% at drug severity level 5. Again, it is important to note that the new drug grid was implemented on June 1, 2012 and may account for the large disparity of numbers at various levels when comparing FY 2018 numbers to FY 2014.

Moreover, in comparing data from FY 2018 and FY 2017, the number of drug probation sentences decreased by 30.0% at drug severity level 1 and by 1.5% at drug severity level 4. However, drug probation sentences increased by 20.7% at drug level 2, by 23.3% at drug level 3 and by 5.1% at drug level 5 (Table 47).

Table 48 displays the sentencing trend of nondrug probation sentences in the past five years. The total number of nondrug probation sentences in FY 2018 increased by 0.2% from that of FY 2017 but decreased by 14.6% from that of FY 2014. The largest decline of nondrug probation sentences in the past five years was found with the nongrid crimes (90.3%), followed by nondrug severity level 10 (31.4%) and severity level 9 (9.9%). The largest increase of nondrug probation sentences in the past five years was identified at nondrug severity level 4 (144.4 %), followed by nondrug severity level 6 (75.9%) and nondrug severity level 3 (41.9%), when compared with the data observed in FY 2014.

**Table 47: Comparison of Probation Drug Sentences by Severity Level
FY 2014 through FY 2018**

Severity Level	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2018-2017 % Difference	FY 2018-2014 % Difference
D1	13	13	10	10	7	-30.0%	-46.2%
D2	36	67	88	82	99	20.7%	175.0%
D3	297	216	231	240	296	23.3%	-0.3%
D4	709	478	346	393	387	-1.5%	-45.4%
D5	1,800	2,255	2,658	2,694	2,831	5.1%	57.3%
Total	2,855	3,029	3,333	3,419	3,620	5.9%	26.8%

**Table 48: Comparison of Probation Nondrug Sentences by Severity Level
FY 2014 through FY 2018**

Severity Level	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2018-2017 % Difference	FY 2018-2014 % Difference
N1	1	3	2	1	1	0.0%	0.0%
N2	0	0	0	1	1	0.0%	N/A
N3	31	38	33	36	44	22.2%	41.9%
N4	27	33	35	49	66	34.7%	144.4%
N5	243	283	297	250	243	-2.8%	0.0%
N6	162	218	208	212	285	34.4%	75.9%
N7	1,068	1,031	1,042	988	990	0.2%	-7.3%
N8	919	914	926	885	901	1.8%	-2.0%
N9	1,969	2,031	2,166	1,850	1,775	-4.1%	-9.9%
N10	223	218	189	153	153	0.0%	-31.4%
Off-grid	0	0	2	0	0	N/A	N/A
Nongrid	650	119	128	90	63	-30.0%	-90.3%
Total	5,293	4,888	5,028	4,515	4,522	0.2%	-14.6%

PRISON POPULATION FORECAST

The prison population projection is based on FY 2018 data of prison admission, inmate stock population and release from KDOC, and felony sentencing data from KSSC. It mirrors continuously the changes of sentencing policy in previous years, such as 2006 House Bill 2567 (Jessica's Law), 2007 Senate Bill 14 and 2013 House Bill 2170, a justice reinvestment bill, which seeks to reduce the probation condition violator population in Kansas prisons.

The prison population projection predicts that offenders incarcerated in state prisons will reach 12,054 by June 30, 2028, an increase of 2,081 inmates or 20.9% over the actual prison population on the same date in 2018. The total admission in the past five years exhibits an increasing tendency (Figure 58). A combination of developing admission trends with the impact of the pronounced stacking effect and new sentencing policies has resulted in a continual growth in the state's prison population. The decrease of prison population after FY 2007 resulted from the implementation of House Substitute for Senate Bill 14, passed during the 2007 Legislative Session, which promotes a 20% reduction of probation revocation rate, increases lower severity level good time rates from 15% to 20% and provides potential credit for program completion (Figure 60).

Table 49 presents FY 2019 prison population projection by offender group. In the ten-year forecast period, the largest increase in number is identified at nondrug severity levels 1 to 3, which is expected to increase by 742 offenders or by 29.5%. This is due to the "stacking effect" of long, mandatory minimum sentences of the most

serious offenses, even though the trend of violent crimes in Kansas has declined in the past five years. The next highest group are drug offenders, who are expected to increase by 439 offenders or 28.9%. The projected population at nondrug severity levels 4 to 6 will increase by 109 offenders or 6.2% during the ten-year forecast period. The prison population at nondrug severity levels 7 to 10 will increase by 252 offenders or 28.8%, which partially results from the application of the special sentencing rules. The incarcerated population at off-grid in the next ten years will increase by 251 offenders or 17.8%. This growth reflects the continuous impact of Jessica's Law (House Bill 2567) passed in 2006.

Probation condition violators admitted to prison were required to serve their underlying prison sentence before 2013, but now House Bill 2170 requires probation condition violators to serve graduated sanctions instead, which includes a custody in KDOC for a period of 120 days or 180 days. As a result, in the next ten years, the number of prison sanctions from probation will increase to 174 or an increase of 26.1% over the actual number of FY 2018 (138). The probation condition violators admitted to prison will increase by 319 or 28.8% and the parole/postrelease condition violators will increase by 33 or 6.3% in the next ten years. This is the impact of House Bill 2170 as well, which requires that probation condition violators who are released from prison after July 1, 2013 will serve a postrelease supervision term. Pre-guideline (old law) inmate population, excluding old law off-grid, will gradually decrease over the ten-year forecast period. The trend of the actual and projected prison population from FY 2009 through FY 2028 is presented in Figure 60.

Figure 60: Prison Population Actual and Projected

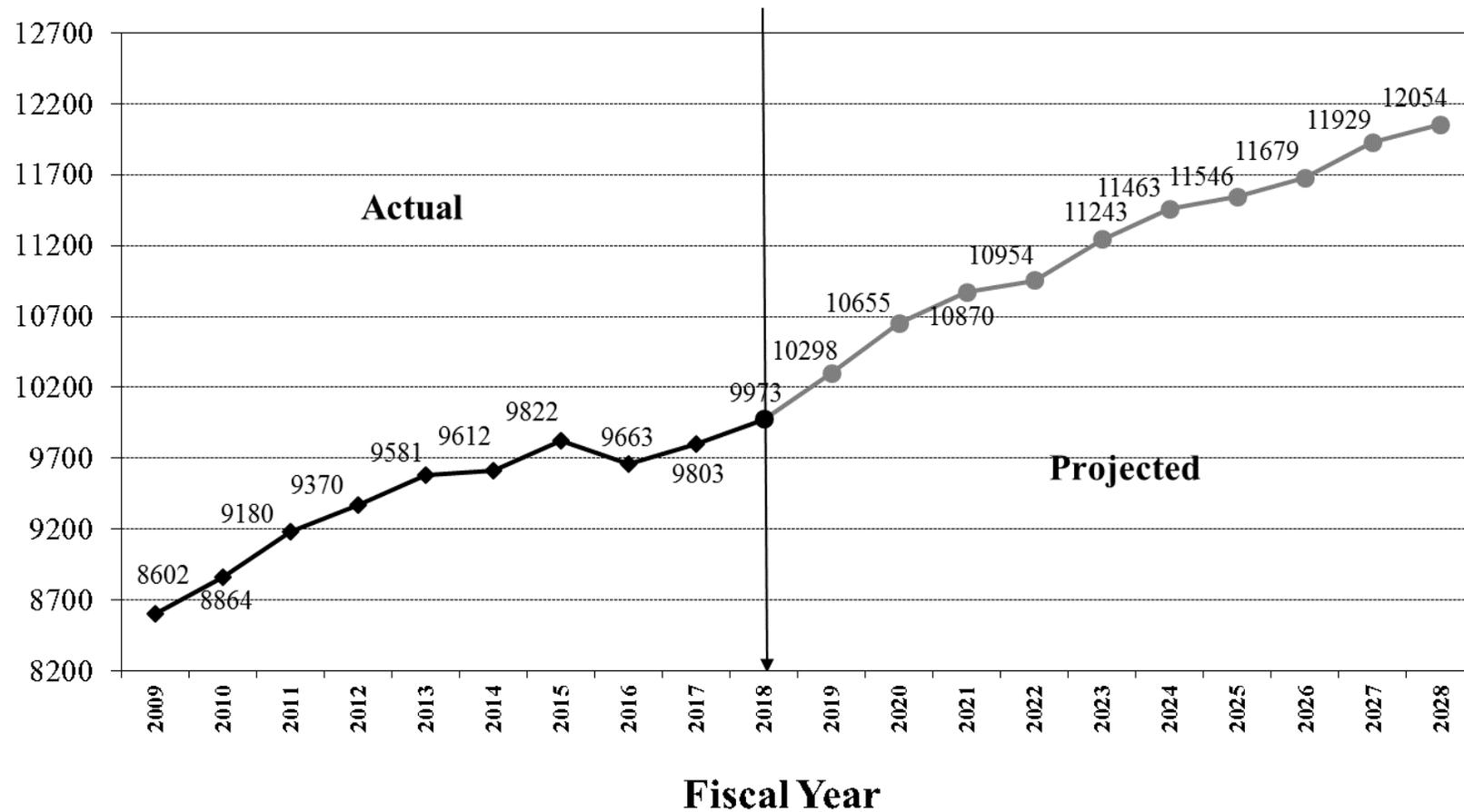


Table 49: FY 2019 Adult Inmate Prison Population Projections

Offender Group	2018*	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	# Change	% Change
Drug	1519	1613	1671	1755	1776	1819	1851	1874	1896	1965	1958	439	28.9%
N1 to N3	2516	2584	2665	2754	2851	2927	3003	3062	3124	3187	3258	742	29.5%
N4 to N6	1754	1774	1814	1810	1831	1813	1851	1849	1847	1857	1863	109	6.2%
N7 to N10	874	951	995	988	971	1017	1048	1060	1062	1123	1126	252	28.8%
Sanction	138	141	148	151	144	160	151	148	159	161	174	36	26.1%
Probation Condition Violators	1106	1210	1306	1318	1311	1368	1377	1353	1377	1383	1425	319	28.8%
Off-grid Including Old Law Lifer	1412	1408	1439	1474	1498	1530	1557	1597	1629	1652	1663	251	17.8%
Parole/Post Release Violators	520	497	516	532	495	541	564	550	538	560	553	33	6.3%
Old Law Inmates	134	120	101	88	77	68	61	53	47	41	34	-100	-74.6%
Total	9973	10298	10655	10870	10954	11243	11463	11546	11679	11929	12054	2081	20.9%

* The numbers of 2018 are the actual prison population on June 30, 2018.

CUSTODY CLASSIFICATION PROJECTION

The prison population projections forecast the total beds needed over the ten-year forecast period, while custody classification projections predict the types of beds needed for custody in the next ten years. The overall custodial classification projections reveal that by the end of FY 2019, 380 unclassified beds, 3,117 minimum beds, 2,930 medium low beds, 1,629 medium high beds, 1,426 maximum beds and 815 special management beds will be needed. The total projected prison beds, by the end of FY 2028 will include 444 unclassified beds, 3,643 minimum beds, 3,431 medium low beds, 1,908 medium high beds, 1,671 maximum beds and 956 special management beds (Table 50).

Figure 61 exhibits the projected percentage distribution of custodial classifications by gender. The distribution demonstrates a significant difference between male and female offenders. Females will need 5.2% unclassified, 50.6% minimum, 22.3%

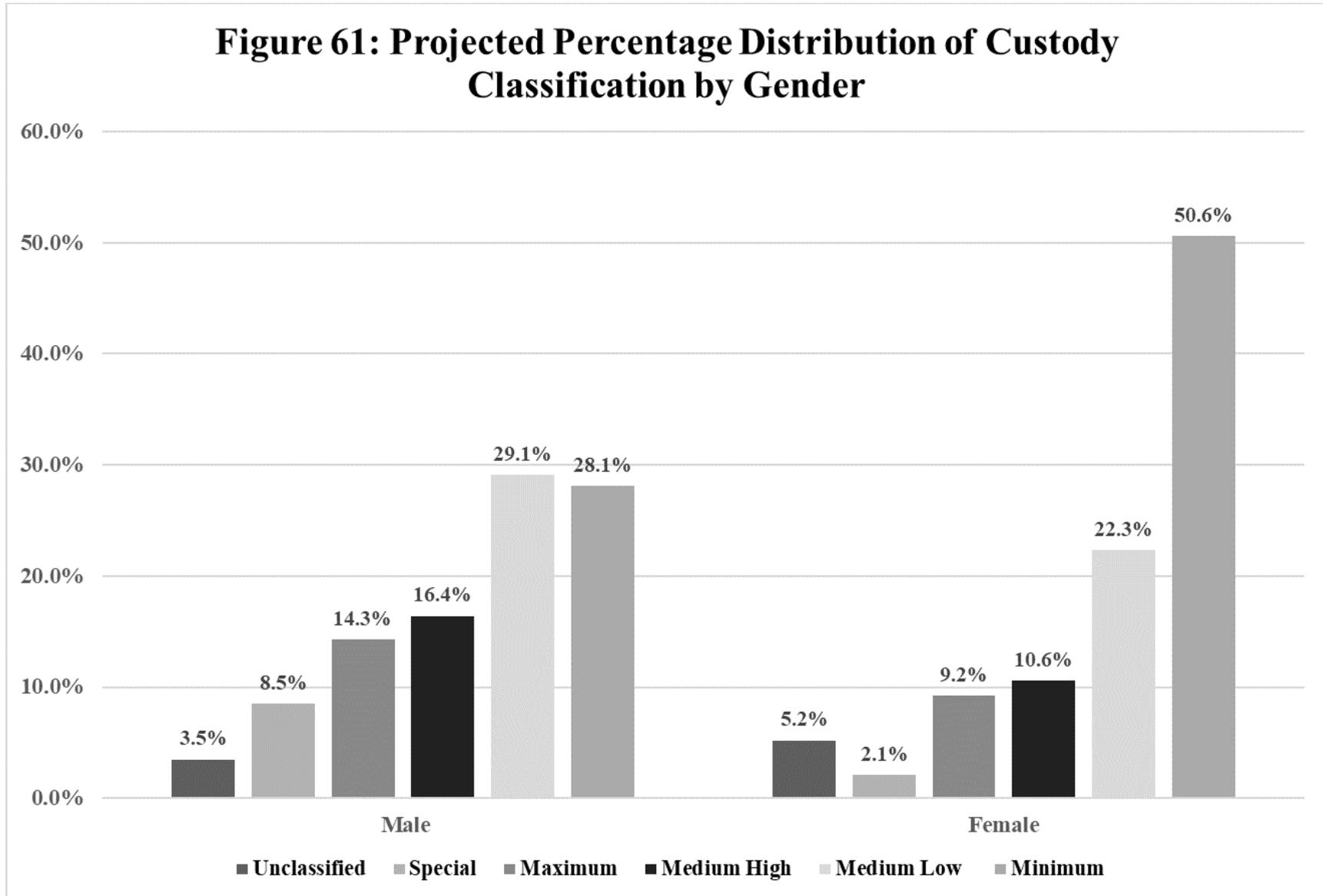
medium low, 10.5% medium high, 9.2% maximum custody and 2.1% special management beds by the end of FY 2019. Males will need 3.5% unclassified, 28.1% minimum, 29.1% medium low, 16.4% medium high, 14.3% maximum custody and 8.5% special management beds by the end of FY 2019. These classification percentages of male and female offenders remain fairly constant during the ten-year forecast period.

In the ten-year forecast period, the need for male beds increases at all custody types. The largest increase is found for medium low beds with an increase of 470. The second largest increase is for minimum beds with an increase of 454 beds. The medium high beds, maximum custody beds, special management beds and unclassified beds show an increase of 265, 231, 138 and 57, respectively, over the ten-year forecast period. Beds for females, in terms of custody types, only fluctuate slightly in the next ten years except for minimum beds with an increase of 72 and medium low beds with an increase of 32. This forecast assumes no changes in custody practice over the ten-year forecast period.

Table 50: Ten-Year Custody Classification Projection

Fiscal Year	Unclassified	Special	Maximum	Medium High	Medium Low	Minimum	Total
2019	380	815	1,426	1,629	2,930	3,117	10,298
2020	393	843	1,475	1,685	3,031	3,227	10,655
2021	402	859	1,504	1,718	3,091	3,297	10,870
2022	405	866	1,516	1,732	3,116	3,319	10,954
2023	415	889	1,556	1,777	3,198	3,407	11,243
2024	423	908	1,588	1,814	3,262	3,468	11,463
2025	426	915	1,600	1,827	3,286	3,491	11,546
2026	431	926	1,619	1,849	3,324	3,531	11,679
2027	440	945	1,652	1,887	3,395	3,610	11,929
2028	444	956	1,671	1,908	3,431	3,643	12,054

Figure 61: Projected Percentage Distribution of Custody Classification by Gender



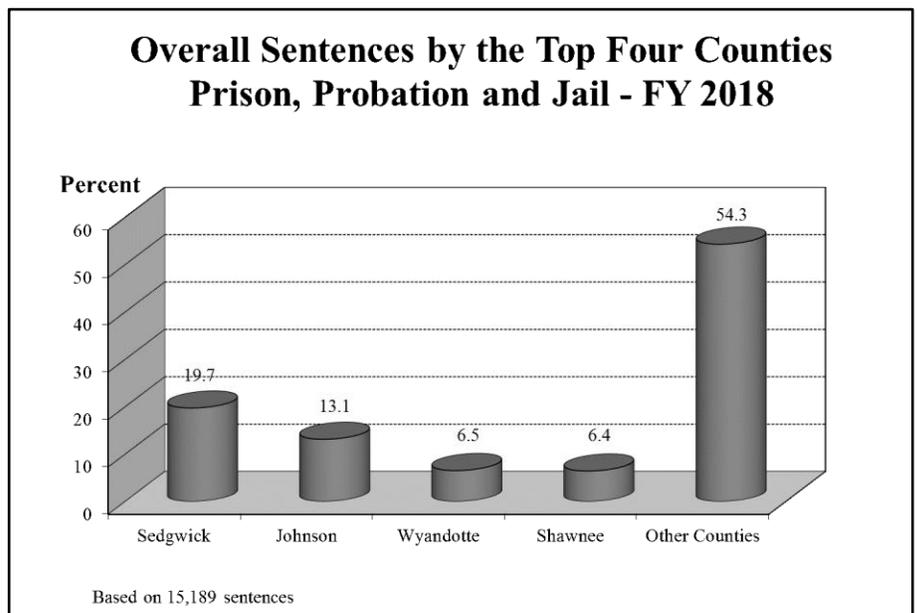
Based on projected prison population on June 30, 2019 (male=9,320 and female=978).

APPENDIX I SENTENCES FROM THE TOP FOUR COUNTIES

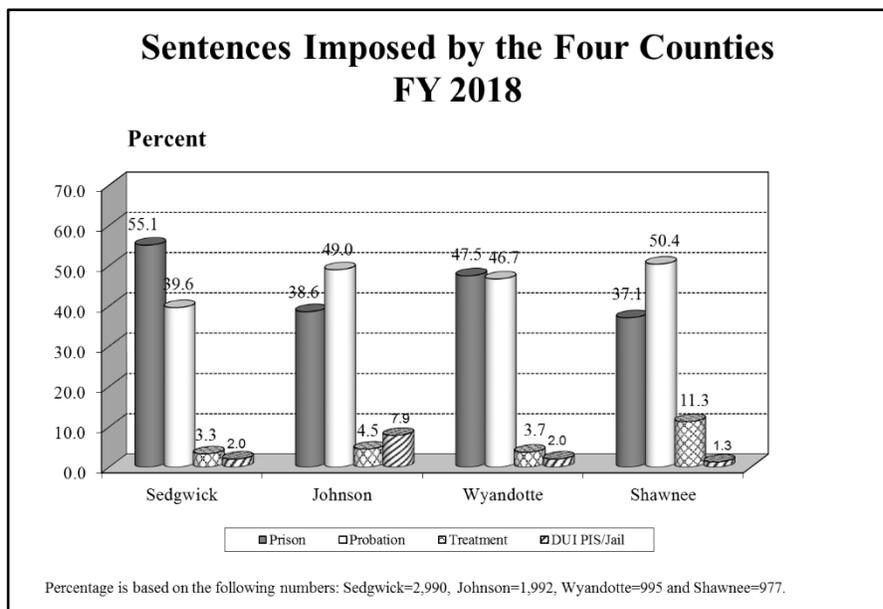
Sentences utilized for analyses in this section include incarceration, probation, DUI/Test Refusal PIS and county jail sentences submitted to the Commission during FY 2018. The analysis on the sentences indicates that Sedgwick County, Johnson County, Wyandotte County and Shawnee County remained the top four counties, whose sentences imposed accounted for 45.7% of the total state sentences, a decrease of 1.4% compared with that of FY 2017 (47.1%). Sedgwick County continued to have the highest number of overall felony sentences, followed by Johnson County, Wyandotte

County and Shawnee County. This distribution is comparatively consistent with those of previous years. When compared with the sentencing data of FY 2017, the percentages of sentences from these four counties in FY 2018 do not fluctuate much. Sentences from Sedgwick County decreased by 1.9% but sentences from Johnson County increased by 1.0%. The percentage of sentences from Wyandotte County and Shawnee County decreased respectively by 0.2% and 0.3%. The characteristics of offenses and offenders from the four counties in FY 2018 are presented in the following figures and tables.

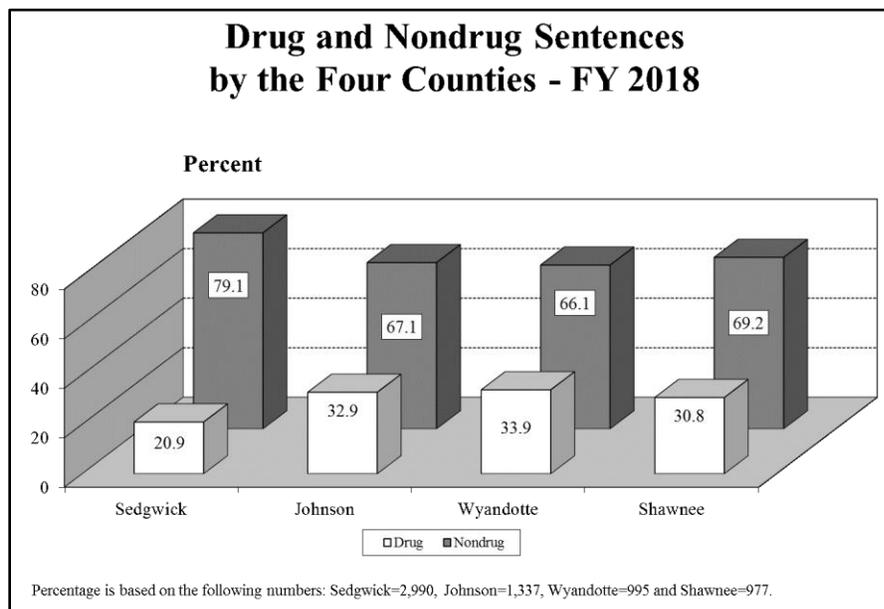
The Sedgwick, Johnson, Wyandotte and Shawnee counties were the top four counties reporting the greatest overall felony sentencing events. Sedgwick County imposed 19.7% sentences of the total state sentence events in FY 2018, followed by Johnson County (13.1%), Wyandotte County (6.5%) and Shawnee County (6.4%).



The highest percentage of prison sentences in FY 2018 was found in Sedgwick County (55.1%), while Shawnee County imposed a higher rate of probation sentences than the other three counties (50.4%). Shawnee County also imposed the highest rate of Senate Bill 123 drug treatment sentences (11.3%) among the four counties. The highest percentage of DUI/Test Refusal PIS and county jail sentences was identified in Johnson County (7.9%).

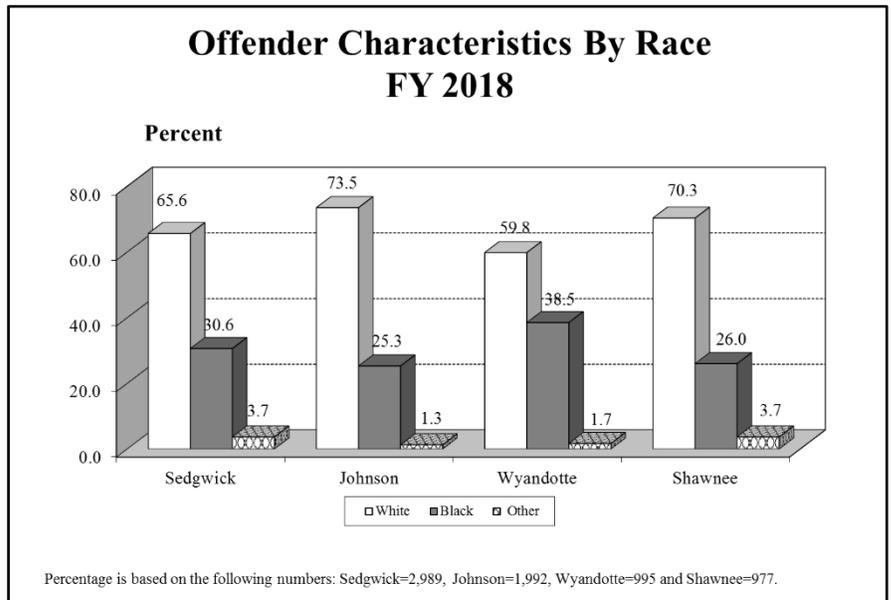
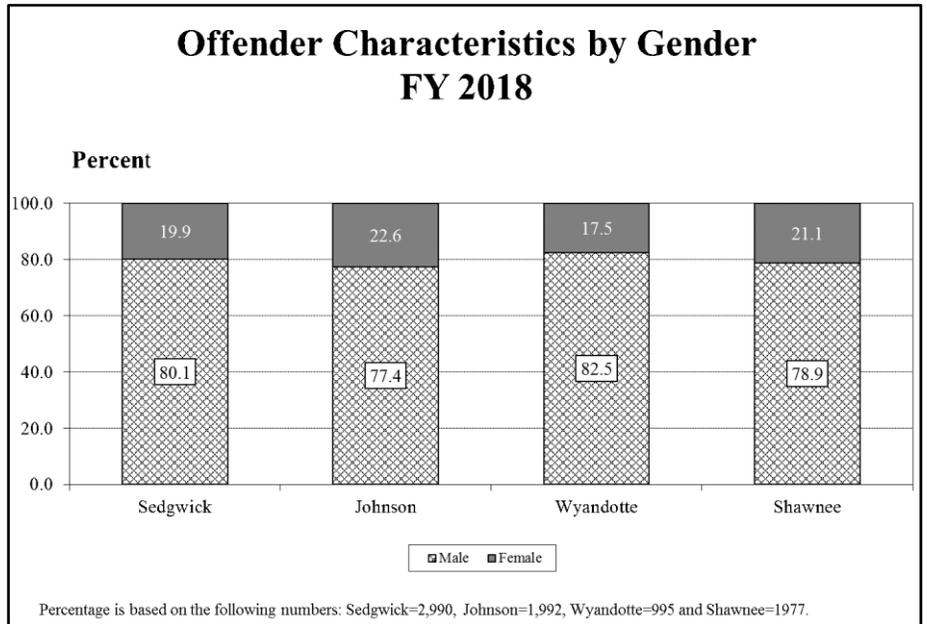


In terms of drug and nondrug crimes, the analysis reveals that in FY 2018, Sedgwick County imposed the largest proportion of nondrug sentences (79.1%), while Wyandotte County represented the highest percentage of drug sentences (33.9%) among the four counties. This distribution pattern is consistent with those of the past three fiscal years.



The analysis of offenders by gender shows that Wyandotte County represented the highest percentage of male offenders (82.5%), while Johnson County reported the highest rate of female offenders (22.6%) among the four counties during FY 2018. This is different from the data observed in the past three years.

The review of offenders by race reveals that in FY 2018, Johnson County reported more white offenders (73.5%), while Wyandotte County reported more black offenders (38.5%) than the other three counties respectively. This racial distribution has remained constant in the past six years.



**FY 2018 Sentences from the Four Counties by Severity Level
Prison, Probation, DUI/Test Refusal PIS and County Jail Sentences**

Severity Level	Sedgwick		Johnson		Wyandotte		Shawnee	
	N	%	N	%	N	%	N	%
D1	1	0.0	1	0.1	0	0.0	1	0.1
D2	39	1.3	17	0.9	18	1.8	3	0.3
D3	49	1.6	78	3.9	35	3.5	18	1.8
D4	24	0.8	79	4.0	22	2.2	27	2.8
D5	513	17.2	480	24.1	262	26.3	252	25.8
N1	39	1.3	11	0.6	25	2.5	15	1.5
N2	8	0.3	2	0.1	2	0.2	5	0.5
N3	110	3.7	42	2.1	54	5.4	34	3.5
N4	44	1.5	30	1.5	32	3.2	17	1.7
N5	252	8.4	87	4.4	62	6.2	61	6.2
N6	142	4.7	78	3.9	46	4.6	45	4.6
N7	594	19.9	183	9.2	127	12.8	137	14
N8	413	13.8	296	14.9	81	8.1	97	9.9
N9	659	22.0	411	20.6	175	17.6	220	22.5
N10	14	0.5	29	1.5	16	1.6	14	1.4
Nongrid	76	2.5	160	8.0	23	2.3	24	2.5
Off-grid	13	0.4	8	0.4	15	1.5	7	0.7
Total	2,990	100.0	1,992	100.0	995	100.0	977	100.0

FY 2018 Top Ten Offenses Committed by Offenders in the Four Counties – 1

Offense Type	Sedgwick County		Offense Type	Johnson County	
	N	%		N	%
Drugs	626	20.9	Drugs	655	32.9
Theft	314	10.5	Theft	244	12.2
Burglary	261	8.7	DUI	156	7.8
Aggravated Battery	249	8.3	Identity Theft	137	6.9
Possession of Firearm	168	5.6	Burglary	117	5.9
Failure to Register	145	4.8	Aggravated Battery	80	4.0
Aggravated Assault	142	4.7	Criminal Threat	60	3.0
Criminal Threat	122	4.1	Forgery	55	2.8
Fleeing or Eluding LEO	122	4.1	Electronic Monitoring	37	1.9
Forgery	86	2.9	Fleeing or Eluding LEO	35	1.8
Total	2,235	75.0	Total	1,425	78.0

FY 2018 Top Ten Offenses Committed by Offenders in the Four Counties – 2

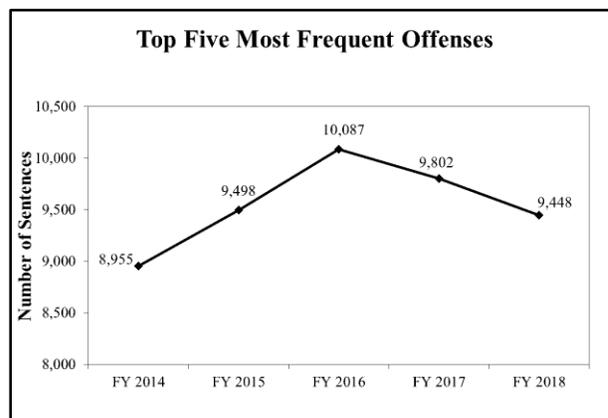
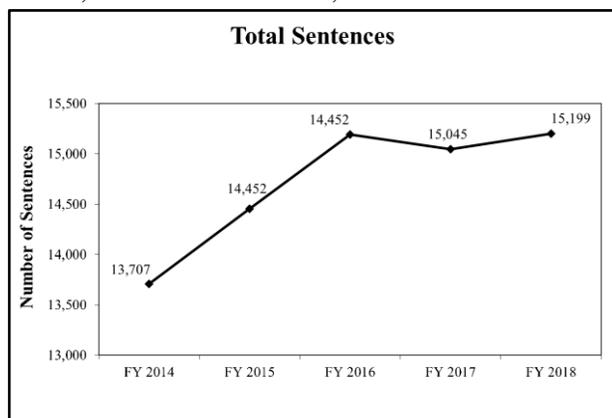
Offense Type	Wyandotte County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	337	33.9	Drugs	301	30.8
Burglary	86	8.6	Theft	90	9.2
Aggravated Battery	69	6.9	Aggravated Battery	78	8.0
Theft	66	6.6	Burglary	63	6.4
Fleeing or Eluding LEO	43	4.3	Failure to Register	48	4.9
Aggravated Robbery	35	3.5	Obstructing Legal Process	37	3.8
Aggravated Assault	34	3.4	Criminal Threat	31	3.2
Forgery	33	3.3	Forgery	30	3.1
Possession of Firearm	31	3.1	Fleeing or Eluding LEO	29	3.0
Failure to Register	26	2.6	Aggravated Assault	27	2.8
Total	760	76.2	Total	734	75.2

APPENDIX II TRENDS OF SELECTED OFFENSES

TOP FIVE MOST FREQUENT OFFENSES

The top five most frequently convicted offenses in the past five years included the crimes of drugs, DUI, burglary, theft and aggravated battery. Of the total offenses, including incarceration, probation, DUI/Test Refusal PIS and county jail sentences, these top five offenses represented 65.3% in FY 2014, 65.7% in FY 2015, 66.4% in FY

2016, 65.2% in FY 2017, and 62.2% in 2018. The following figures and table present the sentencing trends of the top five offenses from FY 2014 to FY 2018. The sentence number of the top five offenses was up and down generally in the pattern of the total number of incarceration, probation, DUI or Test Refusal PIS and county jail sentences in the past five years.



Top Five Most Frequent Offenses Incarceration, Probation, DUI/Test Refusal PIS and County Jail Sentences

Top Five Offenses	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Drugs	4,285	4,762	5,220	5,468	5,771
Theft	1,490	1,732	1,742	1,493	1,128
Burglary	1,484	1,461	1,487	1,274	1,162
Aggravated Battery	841	815	913	925	874
DUI	855	728	725	642	513
Subtotal	8,955	9,498	10,087	9,802	9,448
Total Offenses	13,707	14,452	15,190	15,045	15,199

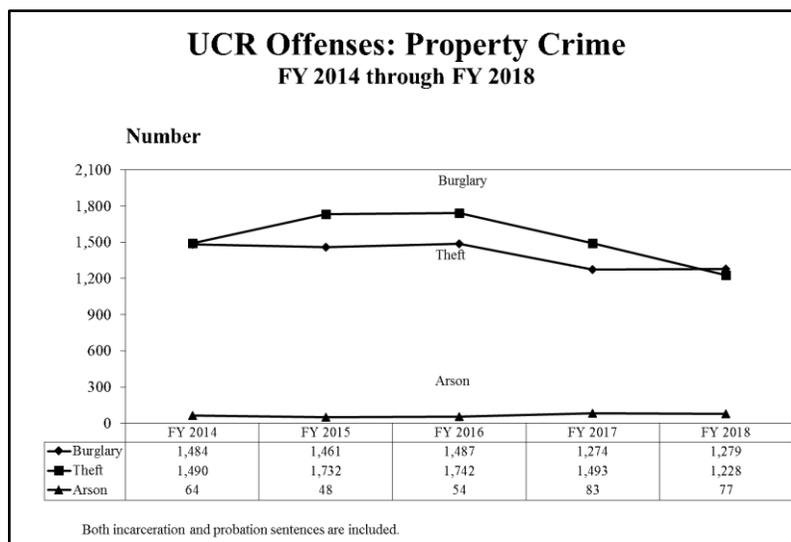
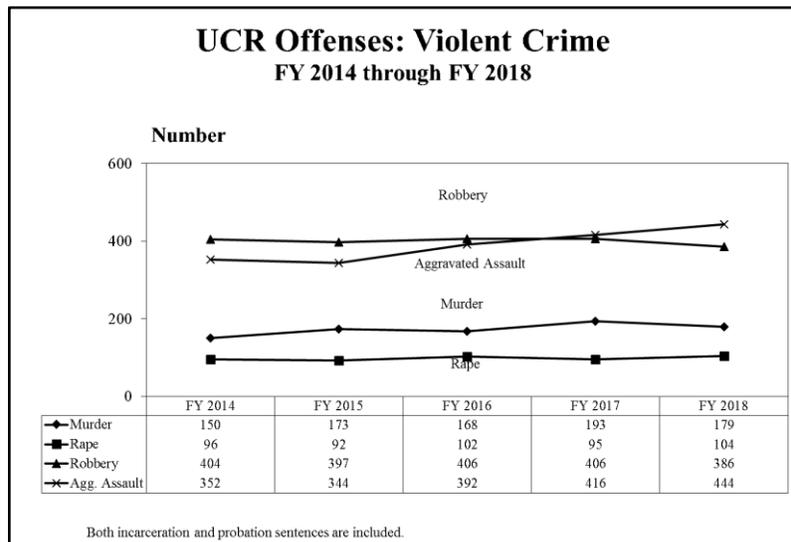
UNIFORM CRIME REPORTING (UCR) OFFENSES FOR KANSAS

The UCR offenses include 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. 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 2014 to FY 2018, 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.

The conviction of murder crimes in FY 2018 decreased by 7.3% compared with FY 2017 but increased by 19.3% compared with FY 2014. The number of rape crimes increased by 9.5% compared with FY 2017 and by 8.3% compared with FY 2014. Robbery convictions decreased by 4.9% compared with FY 2014 and by 4.5% when compared with FY 2017. The number of aggravated assaults increased by 6.7% and 26.1% respectively over those of FY 2017 and FY 2014.

In FY 2018, burglary crimes increased by 0.4% compared with FY 2017 but decreased by 13.8% compared with FY 2014. The number of theft crimes decreased by 17.7% from FY 2017 and by 17.6% compared with that of FY 2014. The crime of arson decreased by 7.2% compared to FY 2017, but increased 20.3% over that of FY 2014.



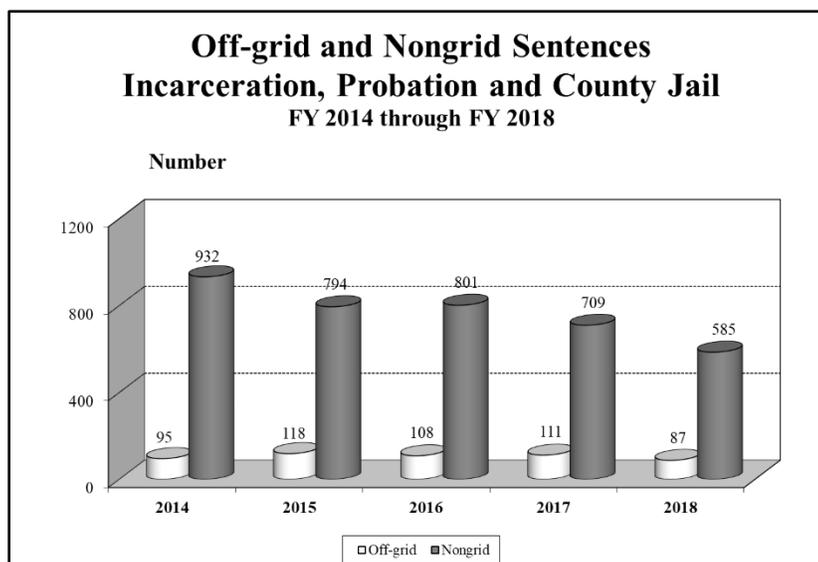
OFF-GRID AND NONGRID CRIMES

Off-grid crimes are crimes that carry “life” sentences, meaning the length of imprisonment is life. The crimes of capital murder (K.S.A. 21-5401 or 21-3439), murder in the first degree (K.S.A. 21-5402 or 21-3401), treason (K.S.A. 21-5901 or 21-3801) and certain sex offenses under Jessica’s Law (2006 Senate Substitute for House Bill 2576) are designated as off-grid crimes. Persons convicted of off-grid crimes will be eligible for parole after serving 50 years in confinement for premeditated first-degree murder, or 25 years in certain premeditated first-degree murder cases in which mitigating circumstances are found by the sentencing court. The 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 15-year parole eligibility date for crimes committed after July 1, 1993 but prior to July 1, 1999, and a 20-year parole eligibility date for crimes committed on or after July 1, 1999 but prior

In FY 2018, the number of off-grid crimes decreased by 24 (27.6%) over that of FY 2017 and by 8 (8.4%) over that of FY 2014. The majority of the offgrid sentences were convicted under the Jessica’s Law, which implies that the policy was implemented consistently in the past five years. Nongrid sentences in FY 2018, including incarceration, probation and county jail sentences, decreased by 17.5% compared with FY 2017 and significantly decreased by 37.2% from that of FY 2014, which mirrors the 2011 policy changes on felony DUI (page 15).

to July 1, 2014. Felony murder crimes committed on or after July 1, 2014, carry a life sentence with parole eligibility after serving a mandatory 25-year sentence.

Nongrid crimes are not assigned severity levels on either sentencing guidelines grids under the revised Kansas Sentencing Guidelines Act (K.S.A. 21-4701, *et seq.*). The crimes of felony driving under the influence of alcohol or drugs (K.S.A. 8-1567), felony domestic battery (K.S.A. 21-5414) and felony cruelty to animals (K.S.A. 21-6412 and 21-6416) are categorized as nongrid crimes. The applicable sentence of each of the nongrid 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 not less than 90 days or 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.



FEMALE OFFENDERS

In the past five years, the admission of female offenders shows an increasing tendency. The number of female admissions in FY 2018 increased by 7.6% compared with that of FY 2017 and significantly increased by 57.5% compared with that of FY 2014. The average growth rate in the past five years is 12.4%. The numbers of female offenders on probation has grown from year to year since FY 2014, except for in FY 2017. In FY 2018, female offenders on probation increased by 2.1% from that of 2017 and by 3.7% compared to that of 2014. The average growth rate is 1.0% in the past five years. Females were sentenced to prison or probation most frequently for the crimes of drugs, forgery and theft, which is consistent with the data observed in previous years.

The female offenders incarcerated in prison increased by 27.4% in FY 2015, by 2.7% in FY 2016, and by 11.8% in FY 2017. The population in FY 2018 is the highest number (1,126) of female admissions to prison in the past five years, an increase of 7.6% over that of FY 2017.

The female population sentenced to probation increased by 1.2% in FY 2015 when compared with FY 2014, by 6.9% in FY 2016 when compared with FY 2015, and by 6.9% in FY 2018 when compared with FY 2017. However, females on probation in FY 2017 decreased by 6.2% from FY 2016.

