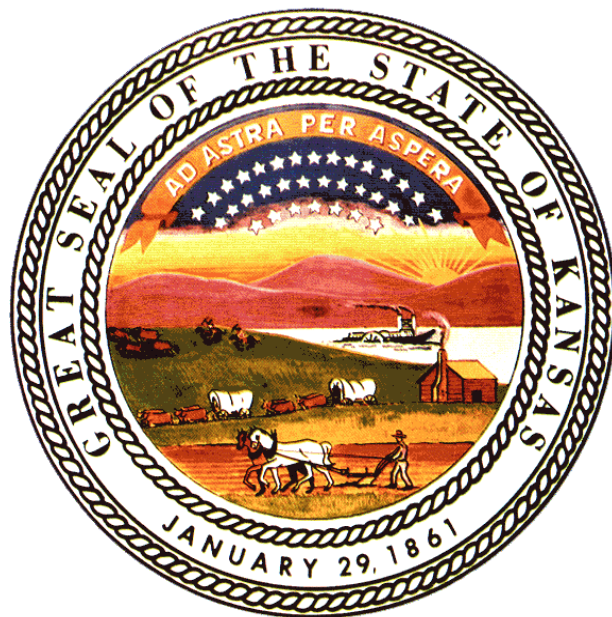


KANSAS SENTENCING COMMISSION

FY 2002 ANNUAL REPORT



AUGUST 2003

THE KANSAS SENTENCING COMMISSION

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KANSAS SENTENCING COMMISSION

**ANNUAL REPORT
FY 2002**

Analysis Of Sentencing Guidelines In Kansas

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Vice Chair**

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Executive Director**

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The Sentencing Commission would like to acknowledge the contributions to this report by the Kansas Department of Corrections through their cooperative data sharing efforts.

August 7, 2003

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

K.S.A. 74-9101 outlines the duties and responsibilities of the Kansas Sentencing Commission, which include the monitoring and evaluation of Sentencing Guidelines. Pursuant to this statutory obligation, we respectfully submit for your review the 2002 Annual Report of the Sentencing Commission.

Information provided in this report is extracted from the felony sentencing database that is maintained by the Sentencing Commission and reflects sentencing data provided to the Commission through sentencing journal entry of judgment forms submitted from each Judicial District in the state. This report provides a comprehensive examination of felony sentences imposed during fiscal year 2002. In addition, the report provides an analysis of conformity to guidelines for both prison and nonprison felony sentences and sentencing trends for the state. Finally, the report presents the ten-year prison population projections for state correctional facilities.

Fiscal year 2002 marks the ninth anniversary of the implementation of the Sentencing Guidelines Act. The Commission spent a considerable amount of time over the past year examining the effectiveness of sentencing guidelines in meeting specific objectives set forth by its designers. The Commission reviewed issues of proportionality in sentencing and the impact of current sentencing policy on prison population growth. This report is intended to provide policy makers and practitioners with an overview of felony sentencing practices and trends for the state of Kansas.

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

Respectfully Submitted,

Patricia Biggs
Executive Director

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EXECUTIVE SUMMARY

During FY 2002, the Kansas Sentencing Commission focused on the activities including processing all felony sentencing journal entries, monitoring both prison and nonprison guideline sentences statewide, responding to national, state, and county requests regarding sentencing data, conducting training seminars on guidelines and various sentencing issues, producing annual state prison population projections, custody classification forecasts and providing prison bedspace impacts to the legislature and serving as an information resource for various state criminal justice agencies. The Commission spent considerable time and energy examining sentencing issues related to the implementation of sentencing guidelines. The following summarizes the major sentencing issues presented in the report and significant developments that occurred during FY 2002.

INCARCERATION SENTENCES

In FY 2002, a total number of 5,999 incarceration sentences were reported to the Commission. Reviewing data on characteristics of offenders sentenced to prison, including gender, race and offense type, the Commission noticed that males continued to be the predominant offender type, accounting for 90.6% of all offenders sentenced to prison. In addition, males represented over 90% of the offenses of murder in the first degree, sex offenses, burglary, robbery, criminal threat, kidnapping, possession of firearms, traffic in contraband, criminal damage to property,

unlawful manufacture of controlled substance, sale of drugs and most aggravated crimes. Females were incarcerated more often for the offenses of forgery, false writing, giving worthless checks and possession of drugs (pages 14, 15 & 17).

White offenders accounted for more than 62% of individuals incarcerated in state prisons and almost 93% of all offenders were of non-Hispanic origin. The highest percentages of offenders incarcerated were in their 30's and had attained either a high school diploma or GED equivalent.

The highest incarceration rates (over 80%) for whites were found in the offense categories of sex offenses, aggravated arson, arson and criminal damage to property. Whereas blacks indicated the highest incarceration rates (over 50%) for the crimes of aggravated failure to appear, aggravated false impersonation, aggravated robbery, robbery, kidnapping, possession of firearm and voluntary manslaughter (pages 14 & 15).

PROBATION SENTENCES

The Commission received a total of 6,710 felony probation sentences, as well, during FY 2002, which represent convictions for 4,564 nondrug offenses and 2,146 drug offenses. The distribution of probation sentences indicates that 1,628 (24.3%) sentences were for person offenses, while 5,082 (75.7%) sentences were for nonperson offenses.

Among drug offenders receiving probation sentences, more than 65% of the sentences were for possession of drugs (page 26). Furthermore, an examination of criminal history classification indicates that nearly 42% of drug probation offenders fell within criminal history category I, whereas only 35% of nondrug probation offenders fell within that same criminal history category.

More than 52% of probation drug offenders fell within the presumptive probation grid cells compared to approximately 89% of nondrug offenders. Meanwhile, 33.3% of probation drug sentences fell within the designated border box grids compared to 4.7% of nondrug offenders. This percentage difference can be accounted for by the increased number of border boxes on the drug grid compared to the nondrug grid. The data indicates that dispositional departures were the primary source of non-prison sentences found on the drug grid.

DRUG SENTENCES

A comparison of the distribution of drug offenders sentenced to prison indicates an overall increase of 22% between FY 1998 to FY 2002. When compared to FY 2001, drug prison sentences in FY 2002 only increased by 4.6%; however when individual drug grid severity levels are examined, all drug levels indicated an increase, with the exception of drug level three. The most significant increase in drug prison sentences was noticed on drug severity level one, representing an increase of 110.2% or 119 sentences (page 62).

When examining the offenses of the drug incarceration sentences, almost 44% of the incarceration drug sentences were offenses of drug possession and 85.4% of the drug

possession sentences fell at drug severity level four.

The drug crime of possession of precursor drugs under KSA 65-7006 was created during the 1999 Legislation. The penalty for a violation of this section was a drug severity level one felony. According to the Kansas Court of Appeals' ruling over *State vs. Frazier* in March 2002, the severity level of this crime is reclassified to drug severity level four. Consequently, the number of sentences at drug severity level four will grow as the number of sentences under this section has increased from 2 sentences in FY 2000 to 51 sentences in FY 2002 (pages 16 & 17).

Drug probation sentences in FY 2002 also showed an increase of 14.3% when compared to FY 2001. Overall drug probation sentences have significantly increased by 60.4% over the past five years. The largest number increase can be identified on drug severity level four (page 64). The analysis on the types of offense reveals that drug possession sentences represented more than 65% of probation drug sentences in FY 2002 and nearly 70% of the probation drug sentences fell at drug severity level four (pages 24 & 27).

VIOLATORS

In examining the types and number of violators sentenced to prison during FY 2002, condition probation violators, parole/postrelease supervision condition violators and conditional release violators accounted for more than 65% (3,907) of the total prison admissions in FY 2002, representing a decrease of 2.1% from FY 2001. Of the total number of violators sentenced to prison, there were 1,454 condition probation violators, 2,396

parole/postrelease supervision condition violators and 57 conditional release violators (page 30). Further analyses indicated that the decrease in condition violators was found among the parole/postrelease supervision condition violator and conditional release violator groups, which decreased by 6.1% and 47.7% respectively from FY 2001. Senate Bill 323, passed into law in May 2000, modified periods of postrelease supervision, which continuously impacted the reduction in the number of condition violators returned to prison. Nevertheless, condition probation violators increased by 9.3% when compared to that in FY 2001 (page 61).

The highest number of males sentenced to prison for condition violations were classified as having offenses on severity level seven of the nondrug grid and severity level three of the drug grid, which remains no change when compared with that of FY 2001. Females, however, were most often revoked and placed in prison for condition violations of offenses designated on severity level eight of the nondrug grid and severity level four of the drug grid (page 33). This pattern of the female condition violators is consistent with data findings in the past five years.

Condition probation violators who were either sentenced to continued or extended probation for a violation in FY 2002 increased from 1,477 to 1,504 compared with FY 2001 data. Meanwhile, condition probation violators with new convictions who had their probation sentence either continued or extended decreased from 151 in FY 2001 to 143 in FY 2002. These offender groups represent 41.7% of the total 3,603 condition probation violators and 29.7% of the total 481 probation violators

with new convictions respectively in FY 2002 (page 42).

CONFORMITY TO SENTENCING GUIDELINES

In analyzing sentencing data, one area indicating the effectiveness of sentencing guidelines is the rate of conformity. The comparison of the actual sentence imposed to the sentence identified under the Sentencing Guidelines Act provides a measure of whether the designated sentence is viewed as appropriate. Under sentencing guidelines, departures may be imposed to sentence an offender to a sentence length or type of sentence that differs from the sentence set forth under the guidelines. Thus departures, whether durational or dispositional, serve as a measure of conformity.

During FY 2002, 7,837 pure guideline sentences were analyzed to determine conformity to the guidelines. Approximately 83% (6,463 sentences) of the guideline sentences fell within the designated guideline sentence range. Dispositional departures accounted for 10% of sentences and durational departures were found in 7.4% of sentences (page 45).

In examining presumptive prison sentences, 41.3 % of the sentences imposed fell within the standard range of the grid cell. In addition, 9.2% of all sentences were designated in the aggravated range; 22% in the mitigated range and 27.52% were classified as border box sentences (page 46).

In an examination of durational departures, 68% of the durational departures were designated as downward durational departures, while 32% indicated upward durational departures (page 46). The

percentage of downward durational departures was more than double that of the upward durational departures, which is different from that in FY 2001, when there was a fairly equal distribution between the two types of durational departure sentences imposed.

Further analysis of durational departures between drug and nondrug incarceration sentences demonstrates that 87% of drug departure sentences were downward compared to 50.8% for nondrug departure sentences (page 48).

Upward durational departures were found most frequently on severity levels one, two, three and four of the nondrug grid. Downward durational departures were most frequent on severity levels one and two of the drug grid (page 50). This pattern of durational departures has remained fairly consistent over the past four years.

Dispositional departures are indicated when the sentence imposed, prison or nonprison, is different from the sentence designated under the sentencing guidelines. Upward dispositional departures are only applicable to prison sentences imposed. When drug and nondrug sentences are compared, nondrug sentences indicate a 21.7% upward dispositional departure rate while drug sentences only represented a 3.4% upward dispositional departure rate. When comparing data between FY 2001 and FY 2002, nondrug upward dispositional departures decreased by 9.5% and drug dispositional departures decreased by 2.7% (page 48).

PRISON POPULATION FORECAST

By statute, the Kansas Sentencing Commission is responsible for developing

annual prison population projections for state correctional facilities. In a cooperative effort with the Department of Corrections, data from felony journal entries, inmate stock population files and release files are analyzed and programmed into a simulation projection model known as Prophet, which is used to forecast prison population over a ten-year projection period. The information provided by prison population projections are utilized by the Department of Corrections and various legislative committees in planning resources allocations, as well as policy development relating to sentencing and other criminal justice related areas.

The prison population forecast projects that by FY 2012, a total of 10,572 prison beds will be needed, indicating a total increase of 20.7% or 1,813 beds over the actual prison population in FY 2002. Although the total admissions have decreased compared with FY 2000 and remains constant compared with that in FY 2001, a combination of several developing admission trends combined with the impact of the pronounced stacking effect have resulted in a slower but continual growth in the state's prison population. The recent two-year decrease in the state's prison population is primarily due to the impact of Senate Bill 323 passed during the 2000 Legislative Session. Based on Senate Bill 323, the largest decrease in prison population is attributed to a projected decline in the number of condition violators admitted to prison. Before FY 2001 this specific offender group had direct impact on the increasing number of admissions annually to state correctional facilities.

The largest projected prison bed increase is for nondrug severity level one offenses, followed by nondrug severity level three and off-grid offenders, which indicates the

pronounced “stacking effect” that results from very long sentences, even when the number of admissions to prison each year is limited. Drug severity level one also indicates a notable projected increase in the number of prison beds required over the forecast period due to both increase admissions and lengths of sentences imposed (page 66).

COMMISSION MAJOR ACTIVITIES

The Sentencing Commission held its annual retreat in September 2002 in Wichita, Kansas. During the retreat, the Drug Policy Subcommittee provided a summary of the Subcommittee’s recommendations including the goal of proposed drug policy, target population and proposed policy changes. At the same time, the Commission had an overview of the drug policy trends and drug policy reform efforts nationwide by inviting professionals from Vera Institute of Justice State Sentencing and Corrections Programs, California and Arizona.

The Commission members exhaustively discussed alternatives, issues and concerns relating to the proposed drug policy and proposed a Commission action plan as following:

1. **Goal:** To provide community punishment and the opportunity for treatment to nonviolent offenders with drug abuse problems in order to more effectively address the revolving door of drug addicts through the state prison, which should be reserved for serious and violent offenders.
2. **Target Population:**
 - Current offense of conviction is for drug possession only.

- Criminal history classification of E to I only.
- No prior convictions for drug trafficking, manufacturing or possession with intent to sell.
- Offenders convicted of prior person felonies on nondrug severity levels 8, 9, and 10 upon a finding of the court not to pose a threat to public safety.
- Current departure procedures would be applicable.

3. Proposed Policy Change:

- All drug possession convictions sentenced on drug severity level four.
- Border boxes on drug severity level four will be replaced with probation boxes.
- If the offender is unsuccessfully discharged or voluntarily quits the mandatory treatment, the offender will be subject to the entire underlying prison sentence.
- Regardless of the level of treatment assessed, each offender will be subject to a mandatory period of aftercare.

After the retreat, the Drug Policy Subcommittee conducted a survey on public opinion poll for proposed drug policy, projected bedspace impacts for proposed drug policy and explored costs and issues related to drug treatment programs. The Risk/Needs Assessment Subcommittee has been working on the Johnson County pilot project to identify a statewide treatment structure that would be necessary for the proposed policy change. At present, the Commission is taking the final action on the proposed alternative sentencing policy for

drug offenders, which will be recommended to the 2003 legislature.

REPORT CONTENTS

The content of the Annual Report is presented in four chapters. Chapter One presents a descriptive statistical summary of statewide guideline sentencing practices in FY 2002. Chapter Two focuses on the types and characteristics of violators incarcerated in correctional facilities. Chapter Three evaluates the conformity to the sentencing guidelines of the presumptive prison and probation sentences imposed under the sentencing guidelines. Chapter Four contains analyses on sentencing trends and forecasts, including prison and custody classification projections. Appendix I and Appendix II analyze sentences from the top four counties of felony convictions, the top five offenses, UCR offenses, off-grid and non-grid crimes, and female offenders. Appendix III summarizes the background, history, and activities of the Sentencing Commission since its creation in 1989.

CHAPTER ONE SENTENCING IN KANSAS

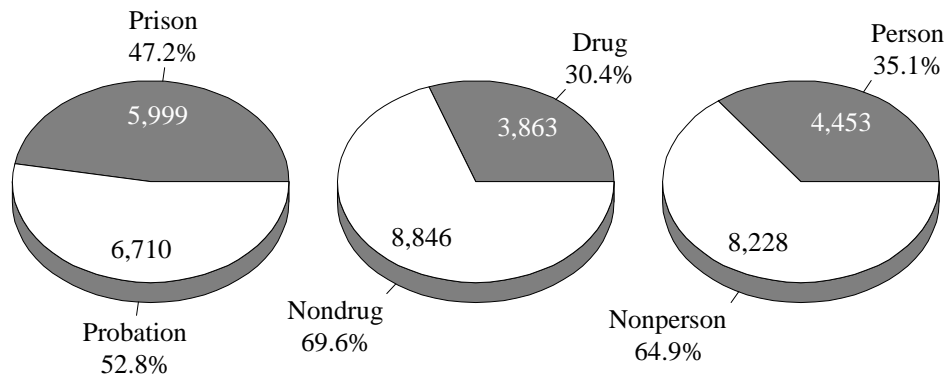
SENTENCES REPORTED IN FISCAL YEAR 2002

The analyses of sentences and sentencing trends presented in this report are based upon the most serious felony offense of a single sentencing event. Sentences analyzed during fiscal year (FY) 2002 include both prison and non-prison/probation sentences.

In FY 2002, a total of 12,709 felony sentences were reported to the Commission, indicating an increase of 4.8% from FY 2001. Of that total number of sentences, 5,999 were prison sentences and 6,710 were probation sentences, which included 8,846

non-drug sentences and 3,863 drug sentences. Non-person offenses accounted for 65% (8,228 sentences) and person offenses accounted for 35% (4,453 sentences) (Figure 1). The distribution of sentences at each severity level is presented in Figure 2. During FY 2002, 103 counties in the state reported sentences to the Commission. Table 1 displays the sentences reported by individual counties. Sedgwick, Johnson, Wyandotte and Shawnee counties remained the top four committing counties, accounting for 50.9% of all sentences during FY 2002, a decrease of 2.9% from last year.

Figure 1: Sentences Reported in FY 2002



Based on 12,709 felony sentences reported in FY 2002 (July 1, 2001 through June 30, 2002)

Figure 2: FY 2002 Sentencing Distribution

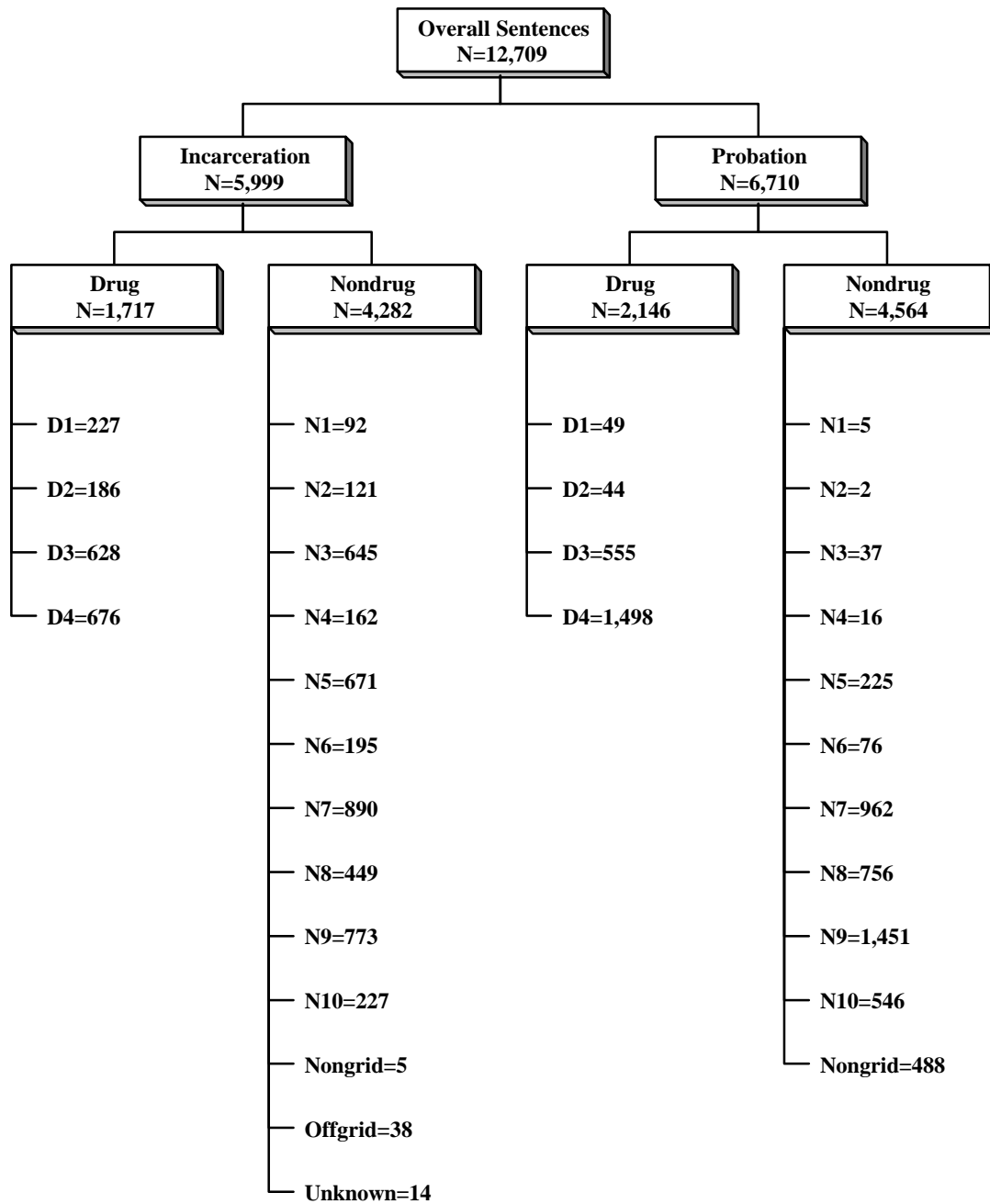


Table 1: FY 2002 Offender Characteristics by County - 1

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age*
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Allen	75	69	6	68	7	0	23	52	50	25	29.5
Anderson	39	33	6	38	1	0	9	30	20	19	28.1
Atchison	88	78	10	57	29	1	25	63	47	41	32.6
Barber	12	11	1	12	0	0	8	4	9	3	31.3
Barton	118	96	22	104	10	4	53	65	68	50	31.1
Bourbon	70	51	19	57	10	3	25	45	44	26	31.1
Brown	64	48	16	54	4	6	22	42	27	37	30.3
Butler	193	174	19	182	7	4	84	109	135	58	30.0
Chase	15	13	2	14	0	1	3	12	5	10	36.8
Chautauqua	1	1	0	1	0	0	1	0	1	0	19.5
Cherokee	83	67	16	73	7	3	18	65	43	40	32.7
Cheyenne	1	1	0	1	0	0	0	1	1	0	20.1
Clark	3	2	1	3	0	0	3	0	0	3	36.1
Clay	22	20	2	22	0	0	10	12	15	7	33.7
Cloud	31	29	2	29	1	1	12	19	20	11	26.4
Coffey	37	33	4	37	0	0	26	11	16	21	30.1
Comanche	1	1	0	1	0	0	1	0	1	0	32.0
Cowley	132	113	19	101	26	5	64	68	73	59	28.7
Crawford	190	153	37	167	21	1	54	136	113	77	30.0
Decatur	5	3	2	5	0	0	2	3	1	4	34.4
Dickinson	28	24	4	25	3	0	24	4	17	11	32.3
Doniphan	16	15	1	14	0	1	5	11	12	4	29.4
Douglas	231	206	25	140	75	15	111	120	173	58	31.5
Edwards	13	12	1	11	0	2	11	2	9	4	35.8
Elk	15	11	4	15	0	0	3	12	9	6	29.6
Ellis	130	108	22	122	8	0	46	84	71	59	29.5
Ellsworth	44	39	5	41	3	0	17	27	30	14	33.2
Finney	107	97	9	91	12	2	87	20	85	22	29.7

Table 1: FY 2002 Offender Characteristics by County - 2

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Ford	176	148	28	167	7	2	88	88	123	53	27.4
Franklin	109	101	8	103	5	1	30	79	67	42	29.8
Geary	297	238	58	107	182	7	130	167	166	131	30.3
Gove	1	1	0	1	0	0	1	0	0	1	30.3
Graham	9	8	1	8	1	0	3	6	6	3	29.1
Grant	11	11	0	10	1	0	11	0	8	3	30.7
Gray	4	4	0	4	0	0	3	1	3	1	34.6
Greeley	3	3	0	3	0	0	1	2	1	2	35.3
Greenwood	40	33	7	40	0	0	8	32	25	15	33.7
Harper	14	13	1	13	1	0	6	8	13	1	32.7
Harvey	220	183	35	187	25	6	98	122	161	59	31.1
Haskell	5	4	1	4	1	0	4	1	3	2	24.2
Jackson	28	18	10	25	0	3	7	21	17	11	33.3
Jefferson	44	38	6	43	1	0	21	23	26	18	35.8
Jewell	12	10	2	12	0	0	3	9	12	0	22.8
Johnson	1,532	12,12	319	1,066	435	28	612	920	1,225	307	30.5
Kearny	29	28	1	29	0	0	11	18	27	2	28.3
Kingman	10	10	0	10	0	0	4	6	8	2	26.8
Kiowa	9	8	1	7	2	0	8	1	3	6	29.7
Labette	119	97	22	89	23	7	47	72	78	41	30.5
Lane	3	3	0	3	0	0	2	1	2	1	29.1
Leavenworth	283	239	44	174	104	5	156	127	205	78	30.3
Lincoln	2	2	0	2	0	0	2	0	1	1	26.7
Linn	54	49	5	52	1	1	23	31	42	12	27.8
Logan	10	8	2	10	0	0	2	8	9	1	28.0
Lyon	246	201	45	209	31	6	98	148	167	79	28.3
Marion	27	24	3	25	0	1	4	23	20	7	28.7
Marshall	31	28	3	31	0	0	13	18	15	16	30.5

Table 1: FY 2002 Offender Characteristics by County – 3

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
McPherson	131	112	19	119	11	1	65	66	91	40	29.5
Meade	9	9	0	9	0	0	8	1	7	2	29.0
Miami	85	76	9	67	17	1	35	50	65	20	28.7
Mitchell	10	8	2	10	0	0	10	0	8	2	29.7
Montgomery	271	212	59	198	70	3	117	154	153	118	31.6
Morris	10	9	1	10	0	0	6	4	6	4	29.9
Morton	4	4	0	4	0	0	2	2	2	2	29.4
Nemaha	20	16	4	18	1	0	5	15	9	11	33.8
Neosho	96	81	15	87	8	1	23	73	53	43	30.3
Ness	6	4	2	6	0	0	0	6	3	3	41.6
Norton	22	19	3	20	2	0	12	10	16	6	31.8
Osage	53	47	5	52	0	0	14	39	19	34	30.8
Osborne	6	6	0	6	0	0	2	4	3	3	38.0
Ottawa	2	2	0	1	1	0	2	0	0	2	20.3
Pawnee	53	47	6	43	10	0	27	26	45	8	30.8
Phillips	15	12	3	15	0	0	6	9	5	10	30.0
Pottawatomie	53	40	13	44	4	5	22	31	36	17	28.6
Pratt	74	66	8	69	4	1	34	40	38	36	31.7
Rawlins	7	7	0	7	0	0	1	6	5	2	31.4
Reno	456	392	64	371	81	4	195	261	320	136	30.1
Republic	20	16	4	19	1	0	13	7	12	8	29.0
Rice	27	22	5	24	3	0	23	4	16	11	31.3
Riley	199	172	27	146	46	5	60	139	124	75	27.9
Rooks	13	10	3	13	0	0	4	9	9	4	28.3
Rush	9	7	2	9	0	0	4	5	8	1	31.7
Russell	31	24	7	29	2	0	10	21	25	6	32.2
Saline	594	472	121	484	91	15	212	382	379	215	30.3
Scott	17	15	2	17	0	0	7	10	8	9	30.4

Table 1: FY 2002 Offender Characteristics by County – 4

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Sedgwick	2,783	2,364	419	1,625	1,071	81	1,612	1,171	1,941	842	30.8
Seward	99	84	15	66	31	2	58	41	67	32	28.8
Shawnee	661	564	95	372	270	11	340	321	464	197	31.9
Sheridan	2	2	0	2	0	0	2	0	2	0	21.3
Sherman	25	25	0	23	1	0	13	12	16	9	29.4
Smith	8	8	0	8	0	0	2	6	7	1	24.9
Stafford	9	6	3	9	0	0	1	8	4	5	35.6
Stanton	2	2	0	2	0	0	2	0	2	0	28.6
Stevens	16	12	4	15	1	0	6	10	11	5	28.0
Sumner	100	85	15	85	13	2	51	49	77	23	29.9
Thomas	16	13	3	13	3	0	0	16	14	2	30.9
Trego	8	8	0	8	0	0	3	5	6	2	26.0
Wabaunsee	10	9	1	7	3	0	1	9	7	3	30.2
Wallace	2	0	2	2	0	0	0	2	0	2	48.0
Washington	11	8	3	10	0	1	4	7	8	3	28.6
Wichita	9	8	1	9	0	0	6	3	4	5	33.8
Wilson	43	39	4	43	0	0	24	19	29	14	29.8
Woodson	13	13	0	13	0	0	2	11	7	6	31.3
Wyandotte	1,491	1,314	177	660	820	9	794	697	1,171	320	30.6
Unknown	16	16	0	12	3	1	16	0	16	0	27.3
TOTAL	12,709	10,717	1,983	8,800	3,612	259	5,999	6,710	8,846	3,863	30.5

Note: Because of missing data, numbers in each category are based on the following: Gender, N=12,700; Race, N=12,671; Sentence Type, N=12,709; Offense Type, N=12,709; and Age, N=12,664.

* Average age at time of sentencing.

CHARACTERISTICS OF OFFENDERS AND OFFENSES

This section provides an overview of the characteristics of the offenders who were sentenced during FY 2002, and their offense categories.

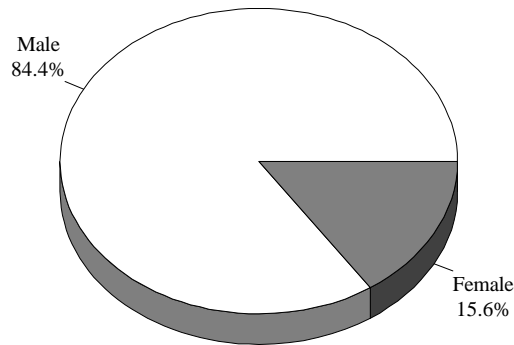
Figures 3, 4, 5 and 6 summarize graphically the distribution of offenders by gender, race, and age respectively. The characteristics of offense types are presented in Table 2.

Male offenders accounted for 84.4% of all sentences (Figure 3) and in excess of 90% of most aggravated crimes, murder in the first degree, rapes, sex offenses, burglaries, robberies, kidnapping, firearms, criminal threat, DUI and other types of offenses (Table 2).

Female offenders demonstrated an increase of 1.2% over that in FY 2001. The most frequently committed crimes by female offenders (over 30%) were non-violent offenses, such as aggravated interference with parental custody, criminal use of financial cards, forgery, making false writing, giving worthless checks, identity theft and obtaining prescription drugs (Table 2).

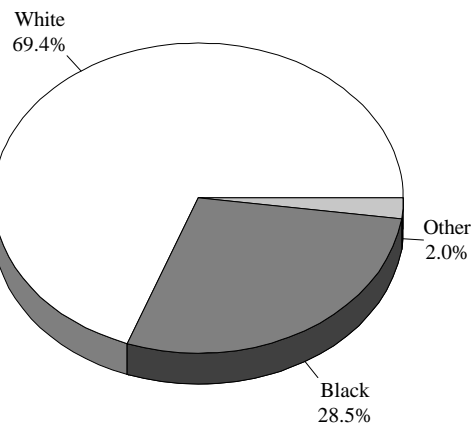
White offenders represented 69.4% of all sentences (Figure 4).

Figure 3: Distribution of FY 2002 Sentences by Gender of Offenders



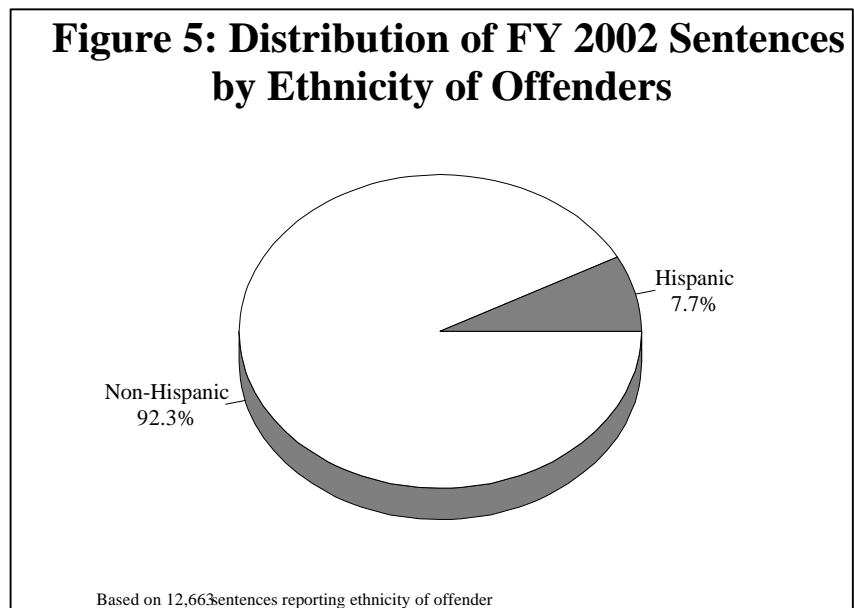
Based on 12,700 sentences reporting gender of offender

Figure 4: Distribution of FY 2002 Sentences by Race of Offenders



Based on 12,671 sentences reporting race of offender

The analysis of the ethnicity of offenders reveals that more than 92% of all offenders were of Non-Hispanic origin (Figure 5). This distribution is consistent with the past five years.



The highest percentage of offenders (25.7%) was between the ages of 31 to 40 at the time of offense, which remains constant compared with those in the past five years (Figure 6).

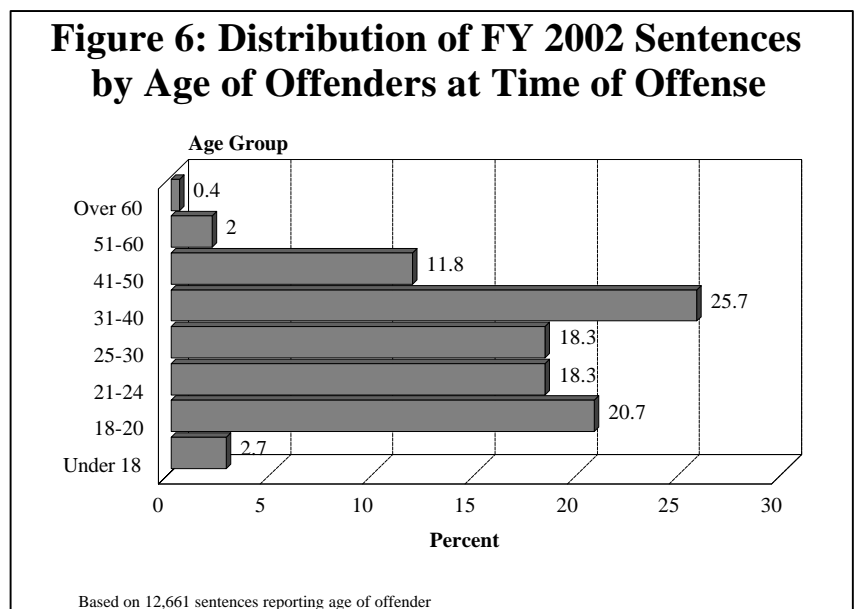


Table 2: FY 2002 Offender Characteristics by Type of Offense – 1

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Abuse of Child	44	79.5	20.5	61.4	38.6	0.0	27.3
Agg Arson	17	88.2	11.8	88.2	11.8	0.0	28.6
Agg Assault	270	93.3	6.7	65.6	31.1	3.3	29.1
Agg Assault on LEO	42	95.2	4.8	64.3	31.0	4.8	30.2
Agg Battery	767	91.4	8.6	61.7	35.5	2.7	29.3
Agg Battery on LEO	19	78.9	21.1	68.4	31.6	0.0	32.0
Agg Burglary	167	91.6	8.4	58.7	38.3	3.0	26.2
Agg Criminal Sodomy w/Child	65	95.4	4.6	86.2	10.8	3.1	33.1
Agg Escape from Custody	117	85.5	14.5	67.5	29.1	3.4	29.1
Agg Failure to Appear	52	78.8	21.2	62.0	38.0	0.0	30.9
Agg False Impersonation	15	80.0	20.0	66.7	33.3	0.0	30.5
Agg Robbery	351	96.3	3.7	41.6	57.3	1.1	24.7
Agg Incest	15	100.0	0.0	73.3	26.7	0.0	34.7
Agg Indecent Liberties w/Child	329	97.9	2.1	82.0	15.2	2.7	31.1
Agg Inter w/Parental Custody	8	25.0	75.0	100.0	0.0	0.0	29.0
Agg Indecent Solicit w/Child	85	97.6	2.4	87.1	10.6	2.4	31.4
Agg Intimidation of a Victim	19	89.5	10.5	57.9	36.8	5.3	25.7
Agg Kidnapping	8	100.0	0.0	37.5	50.0	12.5	32.8
Agg Sexual Battery	86	100.0	0.0	69.4	28.2	2.4	32.1
Agg Weapon Violation	5	100.0	0.0	40.0	60.0	0.0	31.8
Aid Felon	27	77.8	22.2	59.3	37.0	3.7	24.6
Arrange Sale/Purchase Drug	14	71.4	28.6	57.1	42.9	0.0	36.6
Arson	55	85.5	14.5	81.8	10.9	7.3	28.0
Battery on LEO	36	75.0	25.0	58.3	41.7	0.0	28.5
Burglary	1,169	93.8	6.2	74.1	23.4	2.6	25.9
Contribute Child's Misconduct	22	81.8	18.2	81.8	13.6	4.5	24.7
Computer Crime	8	75.0	25.0	87.5	12.5	0.0	26.3
Criminal Damage to Property	129	88.4	11.6	80.6	17.1	2.3	25.4
Criminal Discharge of Firearm	21	90.5	9.5	71.4	23.8	4.8	23.8
Criminal Sodomy w/Child	12	100.0	0.0	83.3	16.7	0.0	35.1
Criminal Threat	365	92.1	7.9	69.6	29.3	1.1	32.1
Criminal Use Financial Card	62	46.8	53.2	59.7	38.7	1.6	28.3
Domestic Battery	16	100.0	0.0	73.3	20.0	6.7	34.4
Driving While a Habitual Viol	50	92.0	8.0	59.2	40.8	0.0	32.4
Driving While Suspended	30	90.0	10.0	60.0	36.7	3.3	29.2

Table 2: FY 2002 Offender Characteristics by Type of Offense – 2

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Drugs	3,863	81.4	18.6	71.5	26.7	1.8	30.9
Drug without Tax Stamps	75	81.1	18.9	79.7	16.2	4.1	27.8
DUI	479	90.1	9.9	90.2	9.0	0.9	37.5
Failure to Register	35	97.1	2.9	68.9	28.6	2.9	31.0
Fleeing or Eluding LEO	187	93.0	7.0	64.0	33.9	2.2	28.1
Forgery	850	53.3	46.7	67.4	31.1	1.5	30.8
False Writing	65	69.2	30.8	73.8	24.6	1.5	30.0
Giving Worthless Checks	97	63.9	36.1	89.6	10.4	0.0	36.3
Identity Theft	26	42.3	57.7	57.7	42.3	0.0	27.3
Indecent Liberties w/Child	135	95.6	4.4	83.0	14.8	2.2	26.2
Indecent Solicitation of Child	74	95.9	4.1	77.0	23.0	0.0	25.6
Involuntary Manslaughter	59	89.8	10.2	78.0	18.6	3.4	26.6
Kidnapping	60	98.3	1.7	46.7	51.7	1.7	25.0
Lewd and Lascivious Behavior	20	100.0	0.0	100.0	0.0	0.0	32.4
Murder in the First Degree	52	100.0	0.0	48.1	46.2	5.8	25.1
Murder in the Second Degree	76	88.2	11.8	57.9	40.8	1.3	27.0
Nonsupport of Child or Spouse	62	98.4	1.6	77.4	17.7	4.8	33.7
Obstructing Legal Process	87	80.2	19.8	68.6	31.4	0.0	29.7
Obtain Prescription Drug	13	23.1	76.9	100.0	0.0	0.0	34.8
Possession of Firearm	117	98.3	1.7	49.6	48.7	1.7	26.5
Rape	134	100.0	0.0	63.2	32.3	4.5	29.5
Robbery	364	91.8	8.2	48.1	51.1	0.8	26.8
Securities Crimes	7	100.0	0.0	85.7	14.3	0.0	39.8
Sex Exploitation of a Child	26	88.5	11.5	100.0	0.0	0.0	40.3
Stalking	11	100.0	0.0	81.8	18.2	0.0	36.7
Theft	1,030	77.9	22.1	68.4	29.5	2.0	28.7
Traffic in Contraband	61	73.8	26.2	65.6	31.1	3.3	28.7
Unlawful Voluntary Sex Relation	38	100.0	0.0	86.8	13.2	0.0	18.5
Voluntary Manslaughter	41	87.8	12.2	31.7	56.1	12.2	29.3
Weapons	13	84.6	15.4	76.9	23.1	0.0	24.7
Other	55	76.4	23.6	79.6	14.8	5.6	32.7
TOTAL	12,709	84.4	15.6	69.4	28.5	2.0	29.7

Note: Due to missing data, percentages in each category are based on different numbers: Gender, N=12,700; Race, N=12,671; and Age, (N=12,661).

* Average age at time of offense.

INCARCERATION SENTENCES

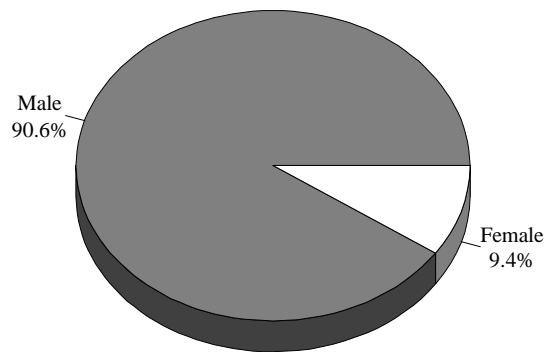
Offenders Characteristics

The characteristics of offenders incarcerated in state correctional facilities during FY 2002 are exhibited in Figures 7, 8, 9, 10 and 11.

White males remained the predominant offender group admitted to prison during fiscal year 2002 (Figures 7 and 8). The majority of the offenders (92.9%) were Non-Hispanic (Figure 9). The general distribution of gender, race and ethnic origin of the offenders admitted to prison has been constant for the past five years.

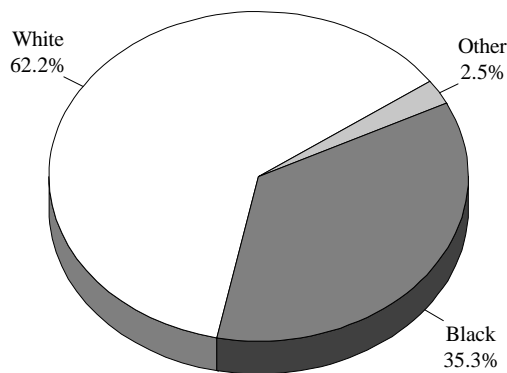
The largest proportion of incarcerated offenders were in their 30's (31.3%) at the time of admission to prison (Figure 10). More than half of the incarcerated offenders (54.2%) had obtained a high school diploma or GED equivalent (Figures 11).

Figure 7: FY 2002 Incarceration Sentences by Gender of Offenders



Based on 5,999 incarceration sentences reporting gender of offenders

Figure 8: FY 2002 Incarceration Sentences by Race of Offenders



Based on 5,998 incarceration sentences reporting race of offenders

Figure 9: FY 2002 Incarceration Sentences by Ethnic Origin of Offenders

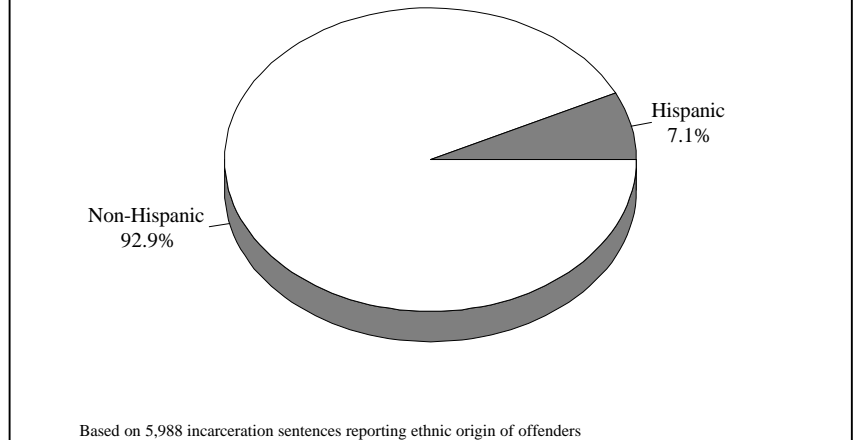


Figure 10: FY 2002 Incarceration Sentences by Age of Offenders at Time of Admission

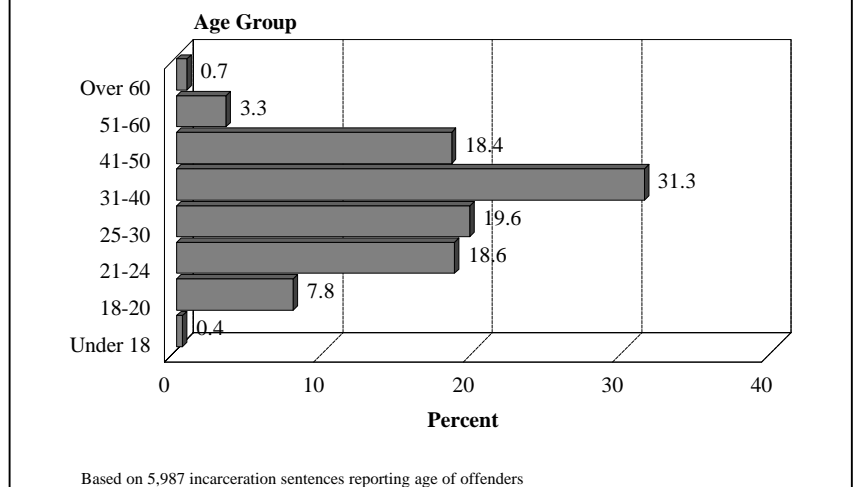
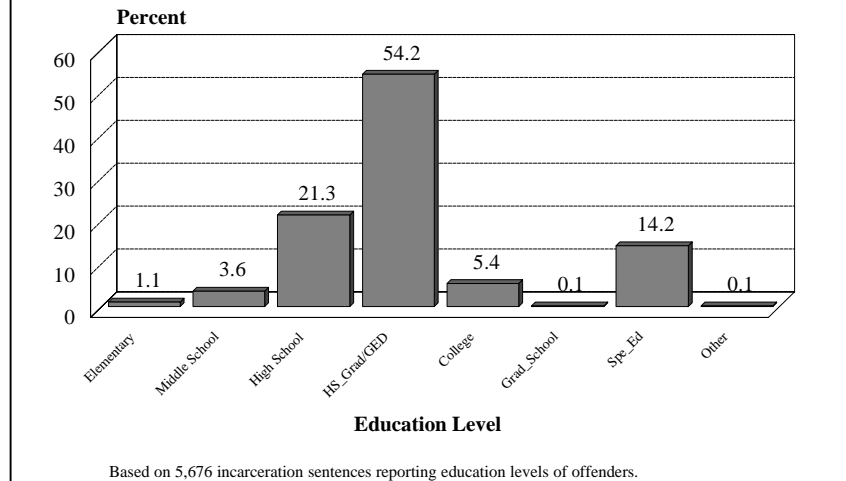


Figure 11: FY 2002 Incarceration Sentences by Education Level of Offenders



Incarceration Non-drug Offenses

In FY 2002, incarceration non-drug offenses represented 71.4% (4,282 sentences) of the total incarceration sentences (5,999). The top ten non-drug offenses included aggravated assault, aggravated battery, aggravated indecent liberties with a child, aggravated robbery, burglary, criminal threat, forgery, rape, robbery and theft (Table 3). Males represented the highest percentage (over 90%) of sentences in the top ten crime categories except forgery and theft. Most sex offenders were males, which indicated no change from the previous year. However, the highest percentage of sentenced females (over 30%) was only found in the offense categories of aggravated false impersonation, forgery,

giving worthless checks and obtaining prescription drug (Table 3).

The analysis on race characteristics of offenders demonstrated that the highest incarceration rates for whites (over 80%) were found in the areas of sex offenses, aggravated arson, arson, criminal damage to property, DUI and obtaining prescription drug by fraudulent means. Nevertheless, blacks were incarcerated more often (over 50%) for the crimes of aggravated failure to appear, aggravated false impersonation, aggravated robbery, robbery, kidnapping, possession of firearm and voluntary manslaughter. The average age of the non-drug offenders was 32.5 years old at the time of admission to prison in FY 2002 (Table 3).

Table 3: FY 2002 Incarceration Nondrug Offender Characteristics by Type of Offense – 1

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age at Admission
		Male	Female	White	Black	Other	
Abuse of Child	22	86.4	13.6	77.3	22.7	0.0	29.0
Agg Arson	12	91.7	8.3	83.3	16.7	0.0	32.1
Agg Assault	127	96.9	3.1	64.6	33.1	2.4	30.5
Agg Assault on LEO	28	92.9	7.1	64.3	28.6	7.1	33.5
Agg Battery	385	93.8	6.2	53.3	43.4	3.1	32.3
Agg Battery on LEO	13	76.9	23.1	76.9	23.1	0.0	34.9
Agg Burglary	114	91.2	8.8	50.9	44.7	4.4	31.4
Agg Criminal Sodomy w/Child	62	95.2	4.8	87.1	11.3	1.6	38.0
Agg Escape from Custody	86	83.7	16.3	64.0	32.6	3.5	34.0
Agg Failure to Appear	6	100.0	0.0	16.7	83.3	0.0	31.0
Agg False Impersonation	5	40.0	60.0	40.0	60.0	0.0	36.2
Agg Incest	13	100.0	0.0	69.2	30.8	0.0	41.0
Agg Indecent Liberties w/Child	260	98.1	1.9	81.2	16.2	2.7	34.0
Agg Indecent Solicit w/Child	62	96.8	3.2	85.5	12.9	1.6	33.1
Agg Intimidation of a Victim	15	100.0	0.0	60.0	33.3	6.7	28.5
Agg Kidnapping	8	100.0	0.0	37.5	50.0	12.5	45.4
Agg Robbery	335	97.0	3.0	39.7	59.1	1.2	33.4
Agg Sexual Battery	63	100.0	0.0	65.1	31.7	3.2	37.7
Aid Felon	6	83.3	16.7	50.0	50.0	0.0	26.8
Arson	8	100.0	0.0	87.5	12.5	0.0	30.0
Battery on LEO	27	77.8	22.2	59.3	40.7	0.0	29.8
Burglary	547	96.0	4.0	67.1	29.8	3.1	30.1
Contribute Child's Misconduct	13	92.3	7.7	69.2	23.1	7.7	28.3
Criminal Damage to Property	37	100.0	0.0	81.1	13.5	5.4	26.3
Criminal Sodomy w/Child	11	100.0	0.0	90.9	9.1	0.0	36.3
Criminal Threat	121	98.3	1.7	70.2	29.8	0.0	32.7
Criminal Use Financial Card	14	71.4	28.6	71.4	21.4	7.1	28.8
Discharge of Firearm	10	100.0	0.0	70.0	20.0	10.0	23.5
Drug without Tax Stamps	16	93.8	6.3	75.0	18.8	6.3	26.4
Driving While a Habitual Viol	40	92.5	7.5	57.5	42.5	0.0	35.6
Driving While Suspended	23	87.0	13.0	56.5	39.1	4.3	33.8
DUI	5	100.0	0.0	100.0	0.0	0.0	40.6
Failure to Register	8	100.0	0.0	62.5	37.5	0.0	38.1
Fleeing or Eluding LEO	79	93.7	6.3	58.2	39.2	2.5	29.7
Forgery	289	64.4	35.6	58.5	38.8	2.8	34.3

Table 3: FY 2002 Incarceration Nondrug Offender Characteristics by Type of Offense – 2

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age at Admission
		Male	Female	White	Black	Other	
False Writing	14	71.4	28.6	57.1	35.7	7.1	30.3
Giving Worthless Checks	14	64.3	35.7	78.6	21.4	0.0	35.3
Indecent Liberties w/Child	94	97.9	2.1	79.8	17.0	3.2	34.6
Indecent Solicitation of Child	36	97.2	2.8	80.6	19.4	0.0	27.3
Involuntary Manslaughter	45	88.9	11.1	73.3	22.2	4.4	30.2
Kidnapping	53	100.0	0.0	43.4	54.7	1.9	31.6
Lewd and Lascivious Behavior	10	100.0	0.0	100.0	0.0	0.0	31.4
Murder in the First Degree	52	100.0	0.0	48.1	46.2	5.8	31.2
Murder in the Second Degree	75	88.0	12.0	57.3	41.3	1.3	33.2
Nonsupport of Child or Spouse	19	100.0	0.0	68.4	21.1	10.5	40.3
Obstructing Legal Process	20	90.0	10.0	80.0	20.0	0.0	33.0
Obtain Prescription Drug	5	40.0	60.0	100.0	0.0	0.0	34.0
Possession of Firearm	50	100.0	0.0	32.0	64.0	4.0	28.5
Rape	127	100.0	0.0	61.9	33.3	4.8	36.6
Robbery	292	93.2	6.8	47.3	52.4	0.3	32.4
Securities Crimes	5	100.0	0.0	80.0	20.0	0.0	46.7
Sex Exploitation of a Child	16	87.5	12.5	100.0	0.0	0.0	43.3
Theft	366	86.6	13.4	62.8	34.7	2.5	32.2
Traffic in Contraband	37	94.6	5.4	64.9	32.4	2.7	31.7
Unlawful Voluntary Sex Relation	11	100.0	0.0	81.8	18.2	0.0	20.3
Voluntary Manslaughter	41	87.8	12.2	31.7	56.1	12.2	36.1
Other	30	83.3	16.7	60.0	33.3	6.7	30.2
TOTAL	4,282	91.8	8.2	61.3	36.0	2.7	32.5

Note: Due to missing data, percentages in each category are based on different numbers: Gender, N=4,282; Race, N=4,281; and Age, N=4,272.

Incarceration Drug Offenses

The incarceration drug sentences accounted for 28.6% (1,717 sentences) of the total admission to the State Correctional Facilities during FY 2002. Of the total 1,717 incarceration drug sentences, 43.9% were offenses of pure drug possession and 85.4% of the pure drug possession sentences fell at drug severity level four (Figure 12). Most of the drug offenders were males (87.4%) and female offenders represented the highest percent (50%) only in the drug offense of opiates or narcotics possession 3rd and subsequent offenses. White offenders were convicted of over 70% of incarceration drug sentences in the drug crime areas of unlawfully manufacturing controlled substance, drug possession with intention to sale, or sale within 1,000 feet of school property, possession of paraphernalia and possession of precursor drugs. Black offenders made up over 50% of

incarceration drug sentences in the drug crimes of the opiate or narcotics sale for the first and the second offenses. The average age of the drug offenders was 34.5 years old at admission to prison (Table 4).

The drug crime of possession of precursor drugs under KSA 65-7006 was created during the 1999 Legislation. The penalty for a violation of this section was a drug severity level one felony. During FY 2002, fifty-one drug offenders were sentenced to prison under this drug crime and the majority of the offenders were white males (Table 4). Compared with those in the past three years, the number of the incarceration sentences under this section increased from 2 sentences in FY 2000 and 13 in FY 2001 to 51 in FY 2002 (Figure 13), an increase of 2,450%.

The incarceration drug possession sentences at drug severity level four included drug offenses for opiates or narcotics possession 1st; and depressants, stimulants, hallucinogenics, etc. possession 2nd and subs. Drug possession offense at drug severity level two included opiates or narcotics possession 2nd. The possession of opiates or narcotics for the 3rd and subsequent offense fell at drug severity level one.

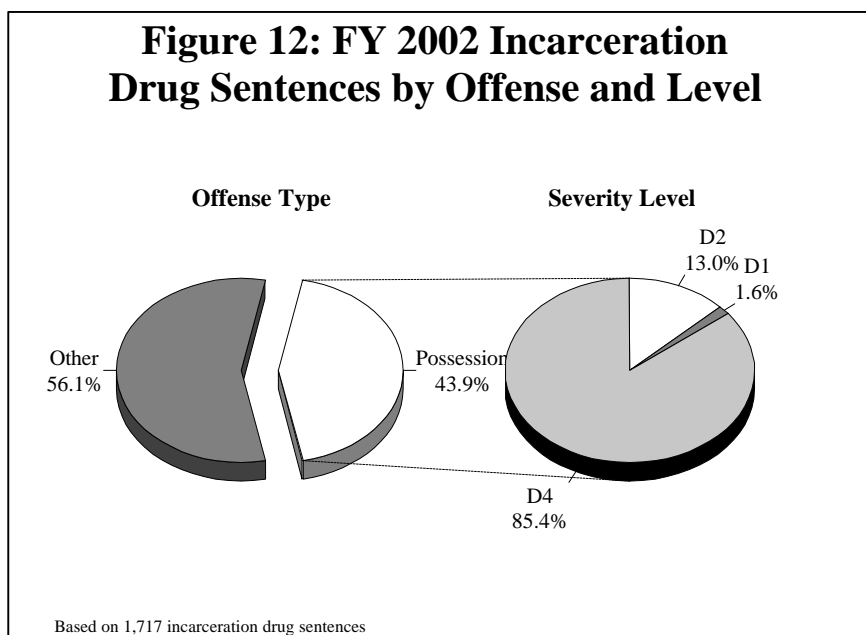
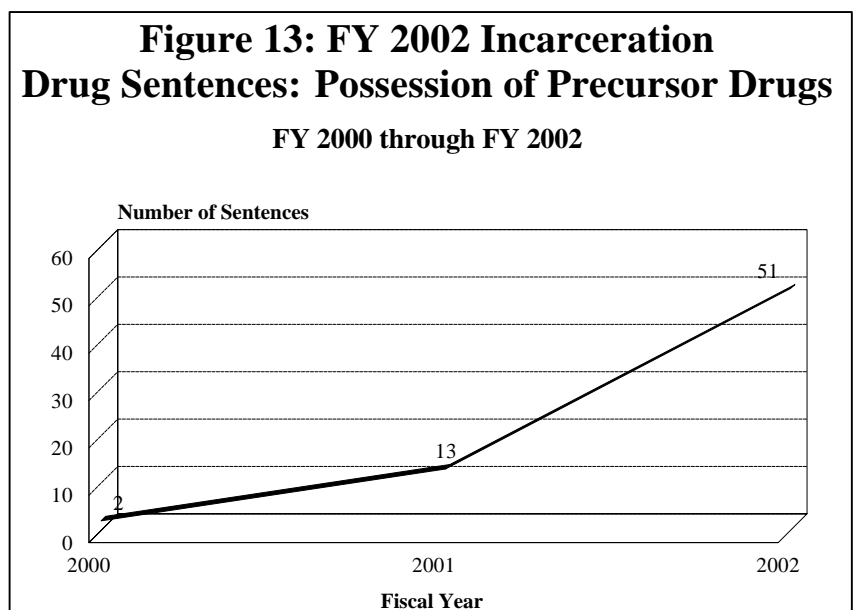


Table 4: FY 2002 Incarceration Drug Offender Characteristics by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age at Admission
		Male	Female	White	Black	Other	
Opiates or narcotics; poss 1	554	83.8	16.2	58.8	39.4	1.8	33.4
Opiates or narcotics; poss 2	98	81.6	18.4	54.1	45.9	0.0	38.5
Opiates or narcotics; poss 3	12	50.0	50.0	58.3	33.3	8.3	38.2
Opiates or narcotics; sale 1	413	87.2	12.8	46.5	52.3	1.2	35.2
Opiates or narcotics; sale 2	27	85.2	14.8	44.4	55.6	0.0	40.3
Opiates/ narcotics, depress, stim, hall; sale w/in 1,000 ft of school	43	90.7	9.3	79.1	20.9	0.0	33.4
Depress, stim, hall; poss 2	90	95.6	4.4	73.3	26.7	0.0	32.1
Depress, stim, hall, etc.; sale, poss w/intent to sale	215	94.0	6.0	75.8	18.1	6.0	32.8
Unlawful manufacture controlled substance	179	90.5	9.5	96.1	1.1	2.8	35.0
Possession of paraphernalia	30	96.7	3.3	90.0	10.0	0.0	33.9
Possession of precursor drugs	51	88.2	11.8	100.0	0.0	0.0	38.6
Other	5	80.0	20.0	20.0	80.0	0.0	34.3
TOTAL	1,717	87.4	12.6	64.3	33.7	2.0	34.5

Note: Due to missing data, percentages in each category are based on different numbers: Gender (N=1,717); Race (N=1,717); Age (N=1,715).

According to the Kansas Court of Appeals' ruling over *State vs. Frazier* in March 2002, the severity level for the crime of possession of precursor drugs is reclassified to drug severity level four. Consequently, the number of sentences at drug severity level four will grow in the future as the sentences of possession of precursor drugs increase (Figure 13).



Types of Admission and Severity Levels

The distribution of admission types of offenders incarcerated in the Kansas Department of Corrections (KDOC) in FY 2002 is illustrated in Table 5. Condition probation violators, condition parole/post-release violators, and conditional release condition violators accounted for 65.1% of all offenders admitted to state correctional facilities during FY 2002. This represents a percentage decrease of 1.5% from FY 2001 and a decrease of 6% from FY 2000. New

court commitments and violators with new sentences together contributed another 34.5% to the total admissions, indicating an increase of 1.8% over that of FY 2001 and 6.3% over that of FY 2000. Though the percentage of condition violators admitted to prison has dropped since FY 2000, this group of offenders still demonstrates a significant impact on the total admissions to the Department of Corrections.

Table 5: Distribution of FY 2002 Incarceration Sentences by Admission Type

Admission Type	Number of Cases	Percent
New Court Commitment	1,702	28.4
Probation Condition Violator	1,454	24.2
Probation Violator With New Sentence	221	3.7
Inmate Received on Interstate Compact	9	0.2
Parole/Post-release Condition Violator	2,396	39.9
Parole/Post-release Violator With New Sentence	136	2.3
Paroled to Detainer Returned with New Sentence	19	0.3
Conditional Release Condition Violator	57	1.0
Conditional Release Violator With New Sentence	3	0.1
Offender Returned to Prison in Lieu of Revocation	2	0.0
TOTAL	5,999	100.0

Table 6 displays a distribution of all incarcerated offenders by offense severity level and gender. The highest percentages (over 15.5%) of all non-drug offenders are found in severity levels 5, 7 and 9 (Figure 14). This pattern of distribution remains constant to that in FY 2001. Almost 40% of all drug offenders fell on drug severity level

4 (Figure 15). This is different from FY 2001 when most drug offenders fell on drug severity level 3. Female offenders were convicted more often of drug offenses than of non-drug offenses (12.6% vs. 8.2%). The highest percentages of female offenders were found on drug severity level 2 and non-drug severity level 8 (Table 6).

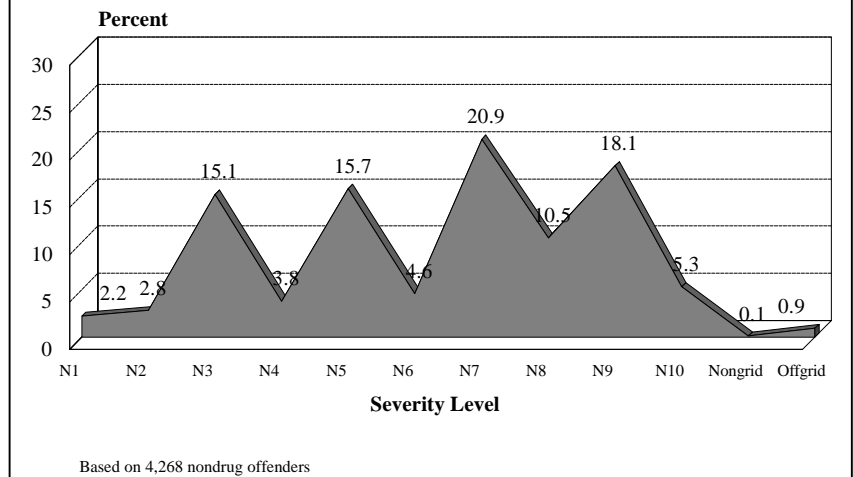
**Table 6: Distribution of FY 2002 Incarceration Sentences
by Severity Level and Gender***

Severity Level	Number of Cases	Gender (%)		Subtotal (%)
		Male	Female	
Drug				
1	227	87.2	12.8	13.2
2	186	85.5	14.5	10.8
3	628	89.5	10.5	36.6
4	676	85.9	14.1	39.4
Subtotal	1,717	87.4	12.6	100.0
Nondrug				
1	92	96.7	3.3	2.2
2	121	93.4	6.6	2.8
3	645	97.4	2.6	15.1
4	162	94.4	5.6	3.8
5	671	93.4	6.6	15.7
6	195	93.3	6.7	4.6
7	890	94.5	5.5	20.9
8	449	77.7	22.3	10.5
9	773	90.7	9.3	18.1
10	227	85.0	15.0	5.3
Nongrid	5	100.0	0.0	0.1
Offgrid	38	100.0	0.0	0.9
Subtotal	4,268	91.8	8.2	100.0
TOTAL**	5,999	90.6	9.4	100.0

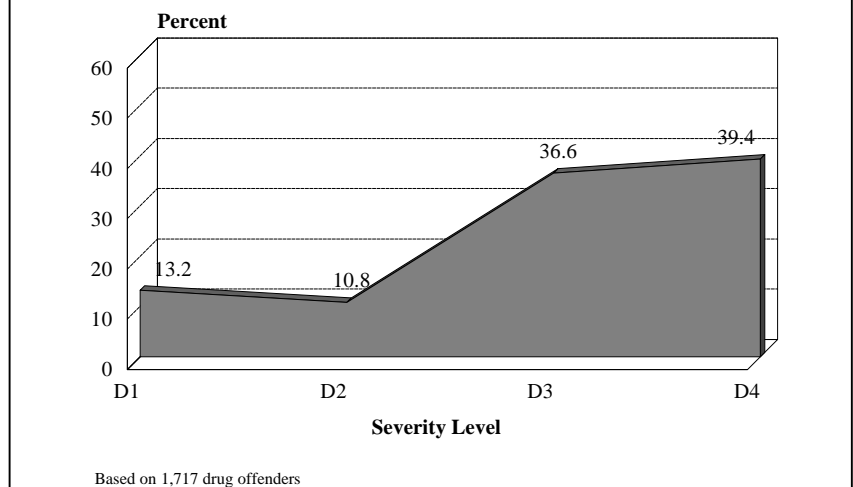
* Based on 1,717 drug offenders and 4,268 nondrug offenders.

** Total number includes 14 offenders whose severity levels are unknown.

**Figure 14: FY 2002 Incarceration Sentences
Nondrug Offenders by Severity Level**

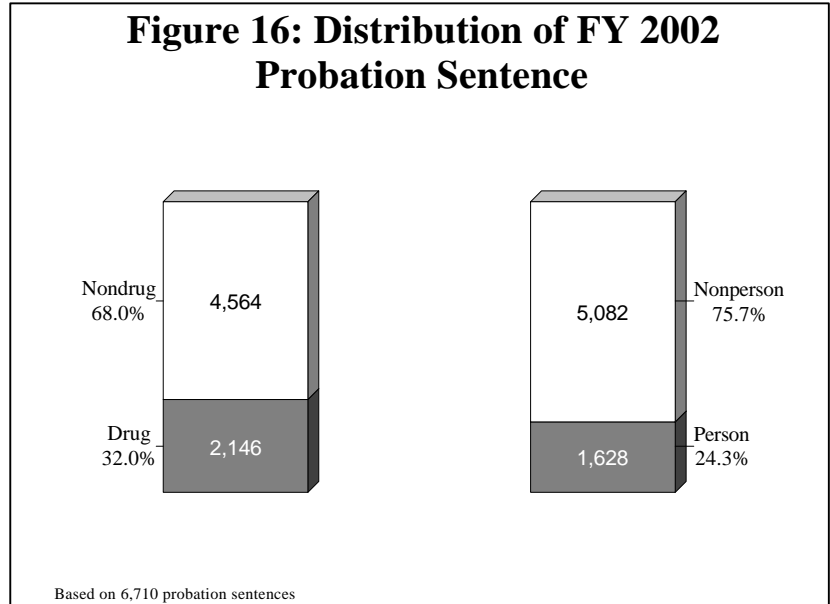


**Figure 15: FY 2002 Incarceration Sentences
Drug Offenders by Severity Level**

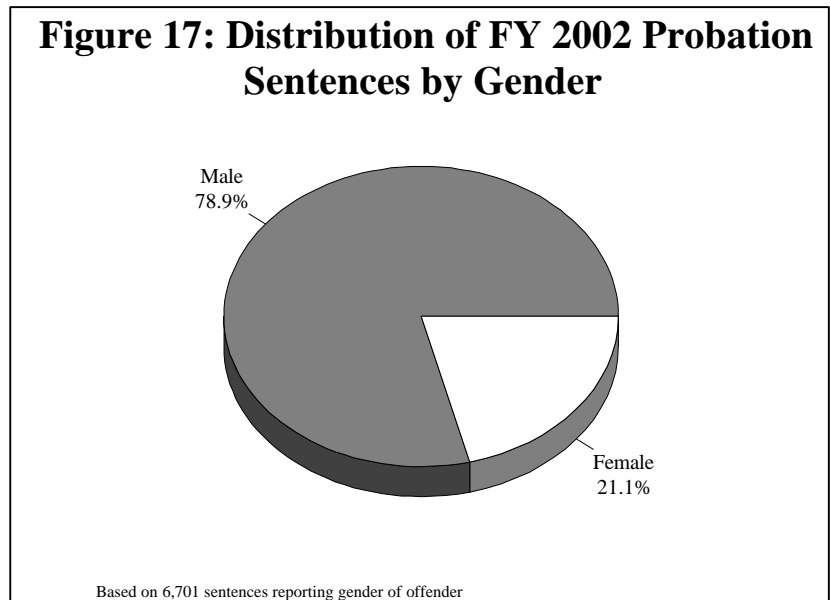


PROBATION SENTENCES

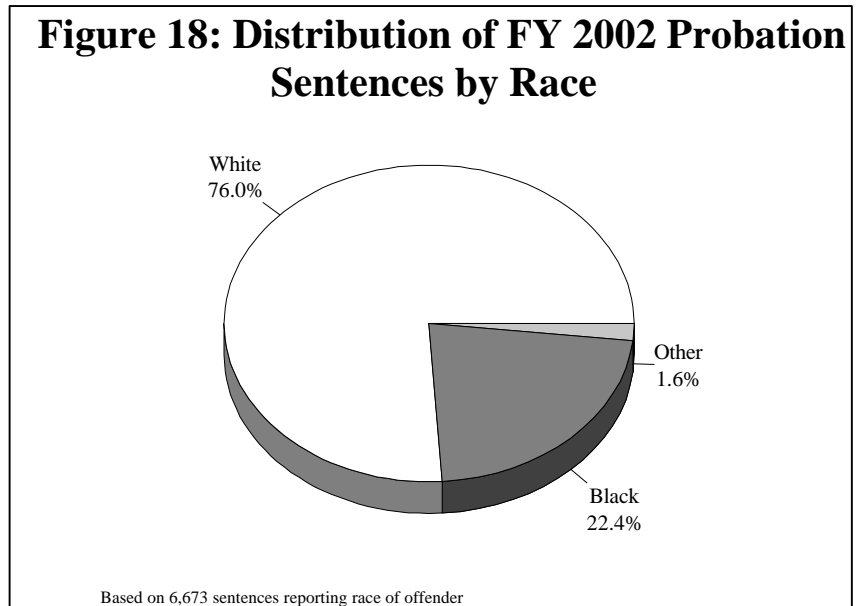
During FY 2002, the Kansas Sentencing Commission received a total number of 6,710 probation sentences, representing 4,564 non-drug sentences and 2,146 drug sentences. Of this number, non-person offenses made up 75.7% (5,082 sentences) and person offenses made up 24.3% (1,628 sentences) (Figure 16). The characteristics of this offender group are illustrated in Figures 17, 18 and 19.



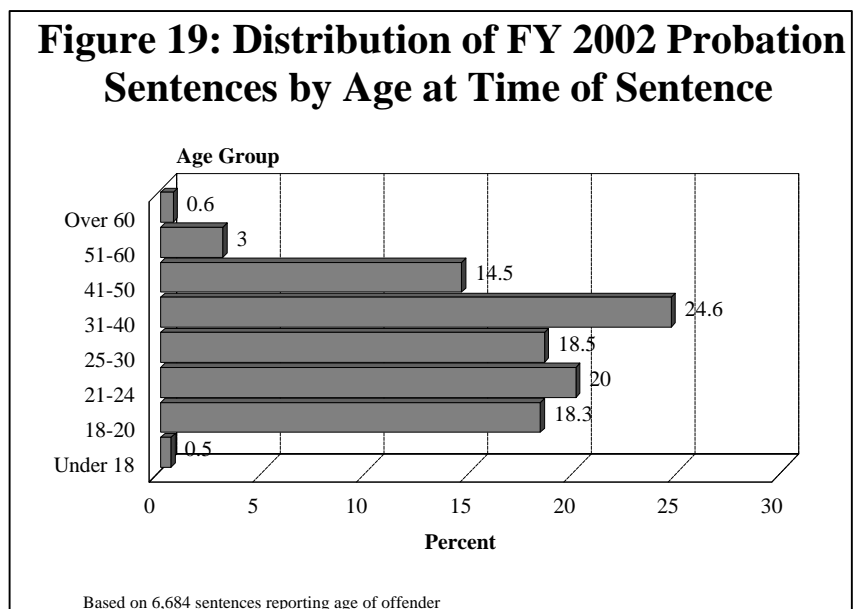
Male offenders represented nearly 79% of all probation sentences in FY 2002, indicating one percent decrease from that in FY 2001 (Figure 17).



Racial Distribution of probation sentences reveals that 76% of the offenders were white and 24% of the offenders were non-white (Figure 18). This distribution remains comparatively constant compared with that in FY 2001.



The highest percentage of probation offenders were found to be in their 30's at the time of sentence (24.6%), demonstrating no change in the past five years (Figure 19).



Type of Offense and Severity Level

Characteristics of probation offenders by offense type are exhibited in Tables 7 and 8. Aggravated assault, aggravated battery, burglary, criminal damage to property, criminal threat, fleeing LEO, forgery, theft, DUI and giving a worthless check are classified as the top ten offenses for nondrug probation offenders, representing nearly 74% of the total nondrug crimes (Figure 20). In reviewing drug offenders with probation sentences, the largest number of sentences was for possession of drugs, accounting for more than 65% of all probation drug offenses (Figure 21).

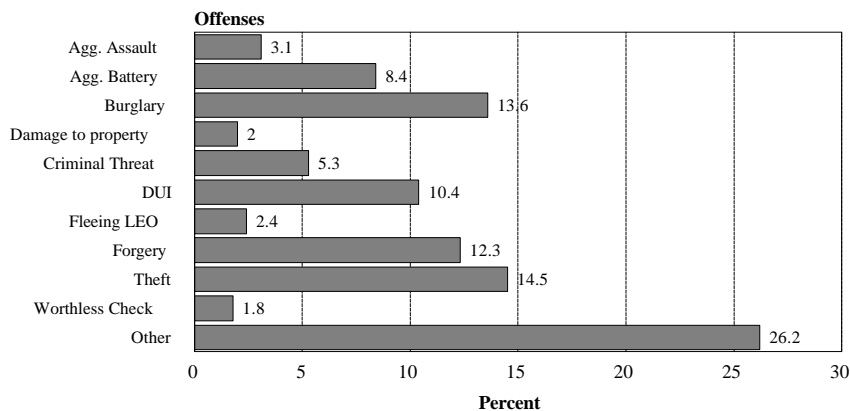
Males accounted for over 90% of the following offenses: aggravated assault, aggravated assault on LEO, aggravated burglary, burglary, aggravated escape from custody, aggravated false impersonation, domestic battery, failure to register, fleeing LEO, insurance fraud, involuntary manslaughter, non-support of a child, possession of firearms and sex offenses. The highest percentages of female probation nondrug offenses (over 50%) included

aggravated interference with parental custody, criminal use of financial card, forgery, identity theft, obtaining prescription drugs by fraudulent means and traffic in contraband. Females were also found to be convicted of more drug offenses than nondrug offenses (23.3% versus 20.1%) (Table 7 & Table 8).

Whites were responsible for 75.4% of all nondrug crimes and 77.3% of all drug offenses. Blacks had a little higher conviction percentage for nondrug offenses than drug crimes (23% versus 21.6%). The average age at the time of offense was 29.7 years old for nondrug offenders and 30.6 years old for drug offenders (Table 7 & Table 8).

Characteristics of probation offenders by severity level are presented in Tables 9 and 10. The largest number of probation nondrug sentences fell within nondrug grid severity level 9 (31.8%) and the highest percentage of probation drug sentences fell at drug grid severity level 4 (69.8%) (Figure 22 & Figure 23).

Figure 20: FY 2002 Top Ten Offenses for Probation Nondrug Sentences



Based on 4,564 probation nondrug sentences.

Offenses of drug possession included opiates or narcotics; possession 1st, 2nd, 3rd and subsequent offenses; depressants, stimulants, hallucinogenics, etc. possession 2nd and subsequent offense (Figure 21). Opiates or narcotics possession 1st represented 52.4% of the total probation drug sentences in FY 2002 (Table 8).

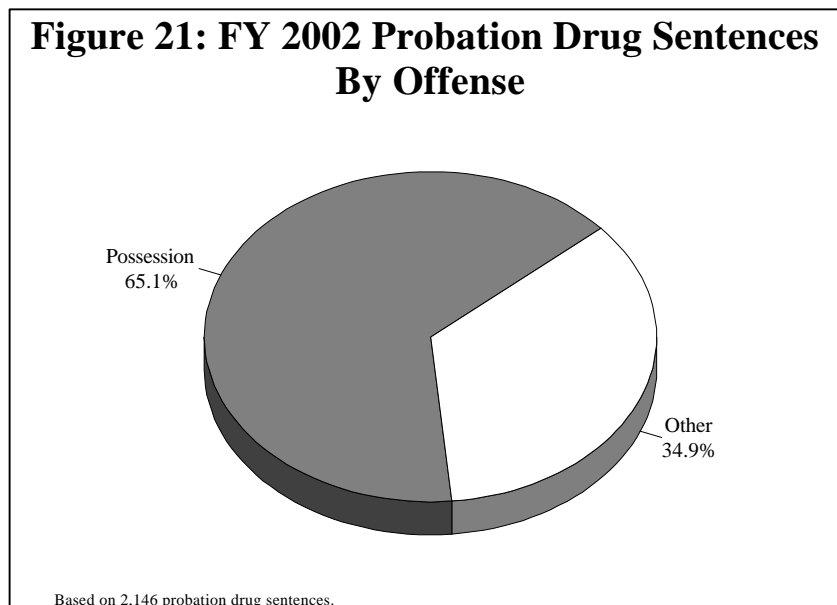


Table 7: Characteristics of Probation Nondrug Offenders by Type of Offense –1

Offense Type	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
Abuse of Child	22	0.5	72.7	27.3	45.5	54.5	0.0	28.2
Agg Arson	5	0.1	80.0	20.0	100.0	0.0	0.0	30.4
Agg Assault	143	3.1	90.2	9.8	66.4	29.4	4.2	29.9
Agg Assault on LEO	14	0.3	100.0	0.0	64.3	35.7	0.0	30.1
Agg Battery	382	8.4	89.0	11.0	70.1	27.6	2.4	29.6
Agg Battery on LEO	6	0.1	83.3	16.7	50.0	50.0	0.0	37.6
Agg Burglary	53	1.2	92.5	7.5	75.5	24.5	0.0	25.8
Agg Escape from Custody	31	0.7	90.3	9.7	77.4	19.4	3.2	26.6
Agg Fail to Appear	46	1.0	76.1	23.9	68.2	31.8	0.0	31.2
Agg False Impersonation	10	0.2	100.0	0.0	80.0	20.0	0.0	29.4
Agg Ind Lib with a Child	69	1.5	97.1	2.9	85.3	11.8	2.9	33.2
Agg Ind Solicit with a Child	23	0.5	100.0	0.0	91.3	4.3	4.3	36.0
Agg Int w/Parent Custody	6	0.1	33.3	66.7	100.0	0.0	0.0	31.4
Agg Intimidation of a Victim	4	0.1	50.0	50.0	50.0	50.0	0.0	25.0
Agg Robbery	16	0.4	81.3	18.7	81.3	18.8	0.0	22.3
Agg Sex Battery with Child	23	0.5	100.0	0.0	81.8	18.2	0.0	28.8
Aiding Felon	21	0.5	76.2	23.8	61.9	33.3	4.8	24.5
Arrange Sale/Purchase Drug	13	0.3	69.2	30.8	53.8	46.2	0.0	37.8
Arson	47	1.0	83.0	17.0	80.9	10.6	8.5	28.4
Battery on LEO	9	0.2	66.7	33.3	55.6	44.4	0.0	31.4

Table 7: Characteristics of Probation Nondrug Offenders by Type of Offense – 2

Offense Type	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
Burglary	622	13.6	91.8	8.2	80.2	17.7	2.1	24.7
Computer Crime	7	0.2	71.4	28.6	85.7	14.3	0.0	27.0
Contribute Child Misconduct	9	0.2	66.7	33.3	100.0	0.0	0.0	23.4
Crim Damage of Property	92	2.0	83.7	16.3	80.4	18.5	1.1	25.8
Crim Discharge of Firearm	11	0.2	81.8	18.2	72.7	27.3	0.0	25.7
Criminal Threat	244	5.3	88.9	11.1	69.3	29.1	1.6	32.7
Crim Use of Financial Card	48	1.1	39.6	60.4	56.3	43.8	0.0	28.8
Domestic Battery	15	0.3	100.0	0.0	71.4	21.4	7.1	33.9
Driving while Hab Violator	10	0.2	90.0	10.0	66.7	33.3	0.0	33.2
Driving w/ Suspended-Third	7	0.2	100.0	0.0	71.4	28.6	0.0	25.9
Drug without Tax Stamps	59	1.3	77.6	22.4	81.0	15.5	3.4	28.7
DUI	474	10.4	90.0	10.0	90.1	9.1	0.9	37.5
Failure to Register	27	0.6	96.3	3.7	70.4	25.9	3.7	29.3
False Writing	51	1.1	68.6	31.4	78.4	21.6	0.0	30.6
Fleeing/Eluding LEO	108	2.4	92.5	7.5	68.2	29.9	1.9	28.0
Forgery	561	12.3	47.6	52.4	72.0	27.1	0.9	30.3
Giving Worthless Check	83	1.8	63.9	36.1	91.5	8.5	0.0	37.2
Identity Theft	23	0.5	39.1	60.9	60.9	39.1	0.0	27.3
Ind Liberties with a Child	41	0.9	90.2	9.8	90.2	9.8	0.0	25.6
Ind Solicitation with a Child	38	0.8	94.7	5.3	73.7	26.3	0.0	26.8
Insurance fraud	4	0.1	100.0	0.0	75.0	25.0	0.0	36.0
Involuntary Manslaughter	14	0.3	92.9	7.1	92.9	7.1	0.0	29.4
Kidnapping	7	0.2	85.7	14.3	71.4	28.6	0.0	33.4
Lewd and Lascivious Behavior	10	0.2	100.0	0.0	100.0	0.0	0.0	34.7
Non-Support of a Child	43	0.9	97.7	2.3	81.4	16.3	2.3	33.6
Obstruct Legal Process	67	1.5	77.3	22.7	65.2	34.8	0.0	29.2
Obtain Prescription Drug	8	0.2	12.5	87.5	100.0	0.0	0.0	36.6
Possession of Firearms	67	1.5	97.0	3.0	62.7	37.3	0.0	26.5
Rape	7	0.2	100.0	0.0	85.7	14.3	0.0	32.0
Robbery	72	1.6	86.1	13.9	51.4	45.8	2.8	24.7
Sex Exploitation of a Child	10	0.2	90.0	10.0	100.0	0.0	0.0	40.9
Stalking	10	0.2	100.0	0.0	80.0	20.0	0.0	37.7
Theft	664	14.5	73.0	27.0	71.5	26.7	1.8	28.2
Traffic in Contraband	24	0.5	41.7	58.3	66.7	29.2	4.2	29.0
Unlawful Voluntary Sex Rel	27	0.6	100.0	0.0	88.9	11.1	0.0	18.5
Weapon	10	0.2	90.0	10.0	90.0	10.0	0.0	25.7
Other	47	1.0	74.5	25.5	84.8	10.9	4.3	34.3
TOTAL	4,564	100.0	79.9	20.1	75.4	23.0	1.7	29.7

Note: Due to missing data, each category is based on different numbers: Gender, N=4,555; Race, N=4,537; and Age, N=4,543.

* Average age at time of offense.

Table 8: Characteristics of Probation Drug Offenders by Type of Offense

Offense Type	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
Opiates or narcotics; poss 1	1,124	52.4	73.4	26.6	76.0	22.3	1.7	31.3
Opiates or narcotics; poss 2	25	1.2	68.0	32.0	56.0	44.0	0.0	34.3
Opiates or narcotics; poss 3	4	0.2	25.0	75.0	0.0	75.0	25.0	42.9
Opiates or narcotics; sale 1	286	13.3	75.5	24.5	62.3	36.3	1.4	29.9
Opiates or narcotics; sale 2	5	0.2	80.0	20.0	75.0	25.0	0.0	38.4
Opiates/ narcotics, depress, stim, hall; sale w/in 1,000 ft of school	13	0.6	69.2	30.8	92.3	7.7	0.0	31.1
Depress, stim, hall, etc.; sale, poss w/intent to sale	270	12.6	84.8	15.2	84.8	13.4	1.9	28.5
Depress, stim, hall; poss 2	243	11.3	86.8	13.2	83.4	14.9	1.7	29.1
Possession of paraphernalia	126	5.9	77.8	22.2	92.9	5.6	1.6	32.3
Possession of precursor drugs	30	1.4	56.7	43.3	100.0	0.0	0.0	29.4
Unlawful manufacture controlled substance	15	0.7	93.3	6.7	100.0	0.0	0.0	28.9
Other	5	0.2	80.0	20.0	60.0	40.0	0.0	36.2
TOTAL	2,146	100.0	76.7	23.3	77.3	21.6	1.6	30.6

Note: Due to missing data, each category is based on different numbers: Gender, N=2,146; Race, N=2,136; and Age, N=2,141.
 * Average age at time of offense.

Table 9: Characteristics of Probation Nondrug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
N1	5	0.1	100.0	0.0	100.0	0.0	0.0	26.0
N2	2	0.0	100.0	0.0	50.0	0.0	50.0	29.0
N3	37	0.8	91.9	8.1	81.1	16.2	2.7	31.2
N4	16	0.4	87.5	12.5	62.5	31.3	6.3	30.8
N5	225	4.9	87.9	12.1	78.0	21.5	0.4	28.3
N6	76	1.7	89.5	10.5	73.7	25.0	1.3	31.6
N7	962	21.1	87.6	12.4	74.0	23.4	2.6	27.6
N8	756	16.6	61.5	38.5	74.8	24.1	1.1	29.4
N9	1,451	31.8	80.8	19.2	75.3	22.8	1.9	28.7
N10	546	12.0	74.1	25.9	65.2	33.9	0.9	29.9
Nongrid	488	10.7	90.3	9.7	89.5	9.5	1.1	37.4
TOTAL	4,564	100.0	79.9	20.1	75.4	23.0	1.7	29.7

Note: Due to missing data, each category is based on different numbers: Gender, N=4,555; Race, N=4,537; and Age, N=4,543.
 * Average age at time of offense.

Table 10: Characteristics of Probation Drug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Mean Age*
			Male	Female	White	Black	Other	
D1	49	2.3	56.3	34.7	91.8	6.1	2.0	30.3
D2	44	2.1	70.5	29.5	69.8	30.2	0.0	33.5
D3	555	25.9	80.0	20.0	73.2	25.2	1.6	29.3
D4	1,498	69.8	76.0	24.0	78.6	19.8	1.7	31.1
TOTAL	2,146	100.0	76.7	23.3	77.3	21.1	1.6	30.6

Note: Due to missing data, each category is based on different numbers: Gender, N=2,146; Race, N=2,136 and Age, N=2,141
 * Average age at time of offense.

Figure 22: Distribution of FY 2002 Probation Nondrug Sentences by Severity Level

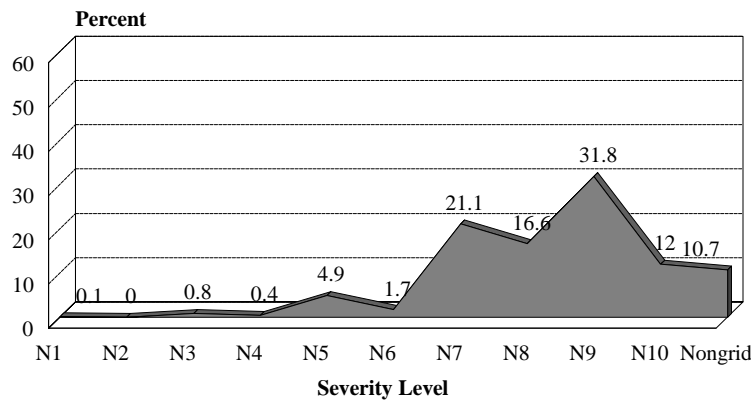
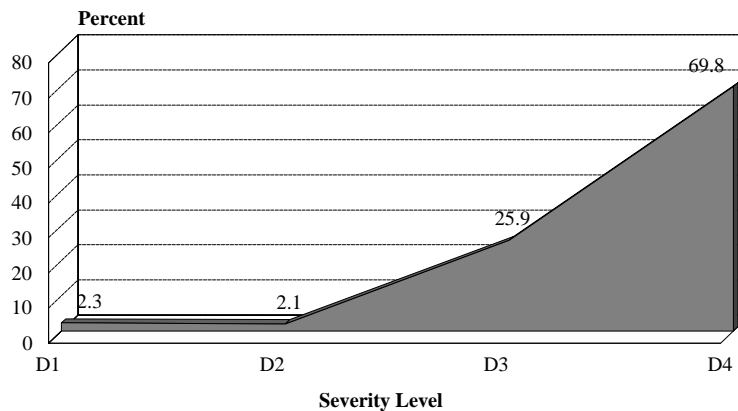


Figure 23: Distribution of FY 2002 Probation Drug Sentences by Severity Level



Criminal History and Length of Probation

The data indicates that 6,245 probation sentences with assigned criminal history categories were reported in FY 2002, accounting for 93% of all probation sentences received by the Commission. The largest number of this group (37.2%, N=2,324) fell within criminal history category I, representing no previous criminal history or one misdemeanor conviction (Figure 24).

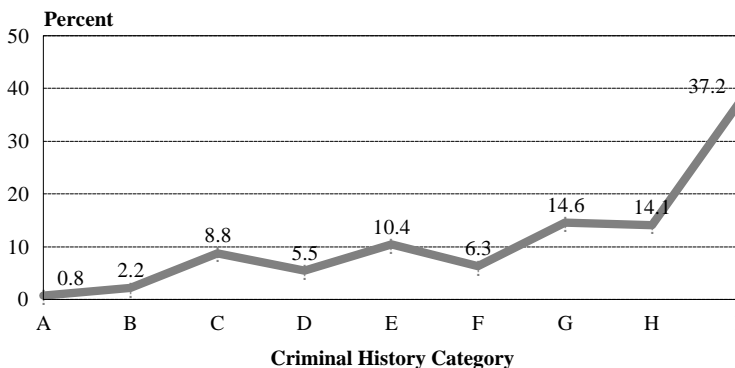
Offenders with criminal history category I accounted for almost 35% of offenders on the nondrug grid and 41.6% of offenders on the drug grid. Approximately 89% of nondrug offenders fell within the presumptive probation boxes (Table 11), while 52.4% of probation drug offenders were sentenced within the presumptive probation boxes (Table 12).

Only 4.7% of nondrug offenders were found to be at severity level 5 criminal history categories H and I and severity level 6 criminal history category G, while 33.3% of drug probation sentences fell within severity level 3 criminal history categories E to I and severity level 4 criminal history categories E and F, which are designated as border boxes (Tables 11 and 12). In comparison with drug and nondrug probation sentences, a significant difference was also found in the use of some downward dispositional departures to obtain a probation sentence. Nondrug probation sentences reported 5.3% downward dispositional departure, while drug probation sentences reported 14.2% downward dispositional departure.

Lengths of probation sentences by severity levels are exhibited in Tables 11 and 12. The average length of probation for nondrug offenders was 17.9 months, while the average length of probation for drug offenders was 15.3 months, which are almost constant with those in FY 2001.

Figure 24: Distribution of FY 2002 Probation Sentences by Criminal History

Nondrug and Drug Sentences



Based on 6,245 sentences reporting criminal history category

Table 11: Criminal History and Probation Length by Severity Level - Nondrug Offenders

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
N1	5	0	0	0	0	1	0	0	0	4	40.8
N2	2	0	0	0	0	0	0	0	0	2	48.0
N3	37	1	1	7	0	0	1	1	3	23	42.5
N4	16	0	0	1	1	1	0	2	4	7	35.3
N5	225	0	5	7	9	7	2	11	38	145	36.9
N6	76	0	2	3	3	3	1	9	2	53	28.0
N7	962	8	23	116	87	94	50	123	121	340	23.5
N8	756	3	21	86	37	135	65	115	98	196	17.9
N9	1,451	12	38	179	86	184	95	188	192	475	13.0
N10	546	5	20	51	39	61	43	90	55	182	12.7
Nongrid	488	1	0	2	0	3	1	6	8	5	14.2
TOTAL	4,564	30	110	452	262	489	258	545	521	1,432	17.9

Note: Criminal history classes are based on 4,099 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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Table 12: 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	49	0	1	2	1	3	2	9	14	17	33.2
D2	44	0	1	4	1	4	1	10	8	15	32.3
D3	555	5	4	24	22	37	39	76	80	268	18.7
D4	1,498	12	23	68	57	119	95	272	260	592	13.0
TOTAL	2,146	17	29	98	81	163	137	367	362	892	15.3

Note: Criminal history classes are based on 2,146 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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CHAPTER TWO VIOLATORS

VIOLATIONS RESULTING IN INCARCERATION

Violators are classified in two ways. Offenders on some form of supervision who commit an offense for which they receive a new sentence are defined as “violators with new sentences.” Offenders who are on probation, parole/postrelease supervision, who violate the conditions of their supervision but do not receive a new sentence are defined as “condition violators.” Both types of violations can result in revocation and subsequently, incarceration. This section presents an overview of both types of violators whose revocations resulted in incarceration. Violators with or without new convictions who continue on probation will be discussed after this section.

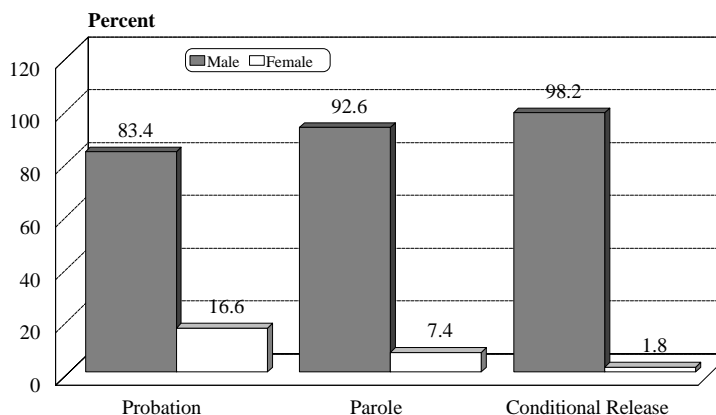
Condition violators alone accounted for 65.1% of all FY 2002 prison admissions. Characteristics of condition violators by gender, race, and age are shown in Figures 25, 26, and 27.

Overview of Condition Violators

Violators in this section include offenders classified as probation, parole/postrelease supervision, and conditional release condition violators. For the purpose of this report, the term “condition violator” is defined as an offender who violates the conditions of his/her probation, parole, postrelease or conditional release that does not result in a conviction for a new criminal offense but results in a revocation and subsequent placement of the offender in a state correctional facility.

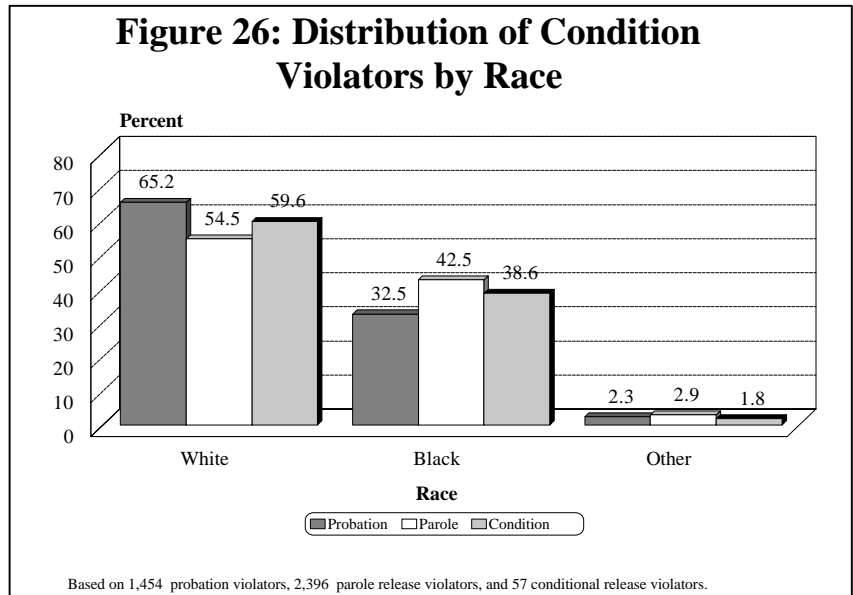
In FY 2002, there were a total number of 3,907 condition violators, representing 1,454 probation violators, 2,396 parole/postrelease supervision violators, and 57 conditional release violators respectively.

Figure 25: Distribution of Condition Violators by Gender

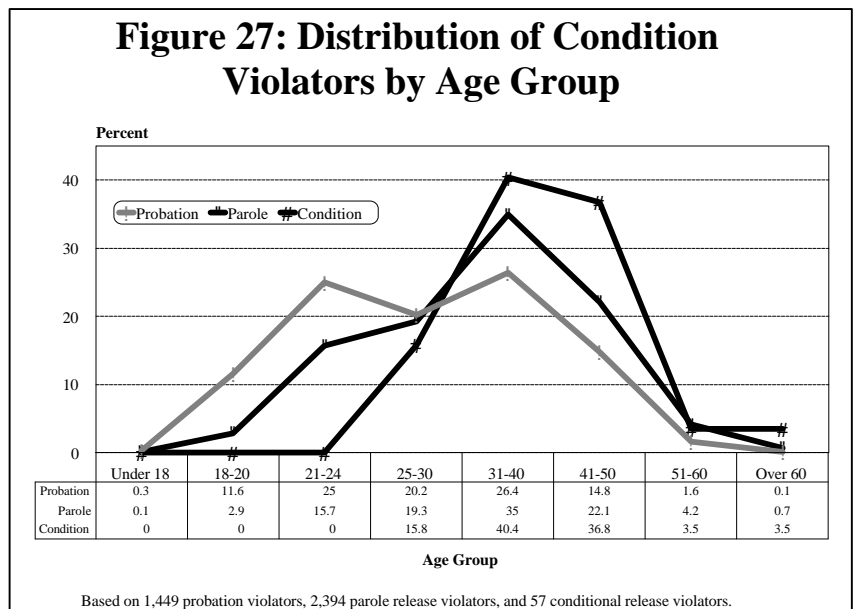


Based on 1,454 probation violators, 2,396 parole release violators, and 57 conditional release violators.

White males represented the highest percentages (Figures 25 and 26) of all three types of violators.

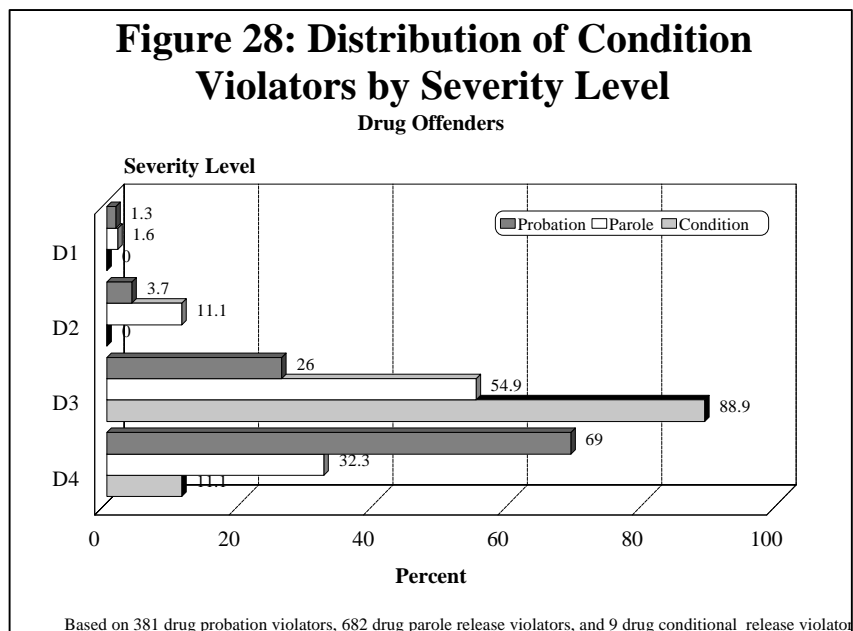


The largest proportions of violators of the three categories were found to be in the age group ranging from 31 to 40 at the time of admission to prison (Figure 27). This age pattern is consistent with that of the total incarceration sentences of FY 2002 (Figure 10).



Characteristics of all violators by severity level are presented in Figures 28 and 29.

The highest percentages of parole and conditional release violators fell on drug severity level 3. The largest proportion of probation violators was found on drug level 4 (Figure 28). This level distribution is the same as that in FY 2001.



The largest percentage of probation violators fell on nondrug severity level nine (32.7%, N=351), parole/postrelease supervision violators represented the largest number on nondrug severity level three (21.4%, N=377) and conditional release violators accounted for the highest percentage on nondrug severity level three (41.7%, N=20) (Figure 29). This pattern indicates no change from that of FY 2001.

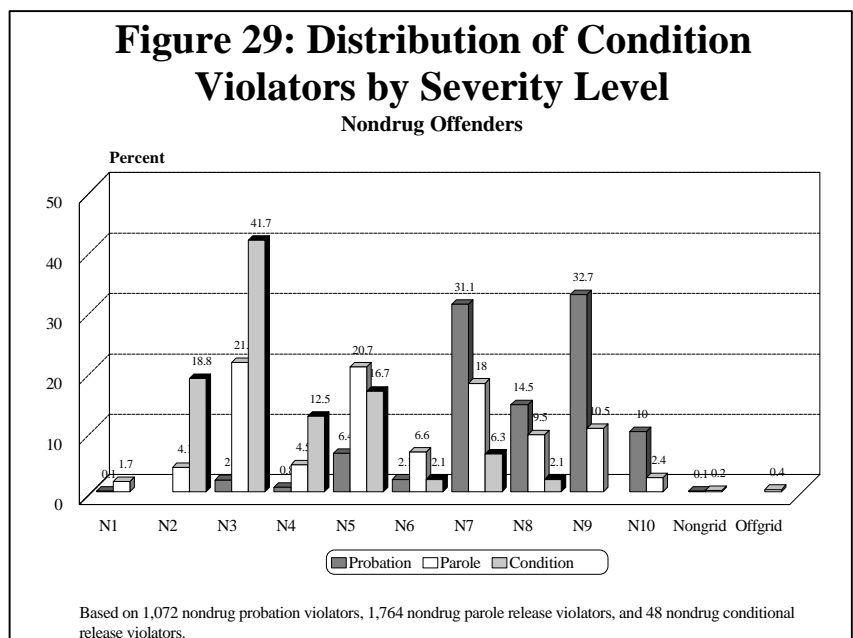


Table 13 exhibits the characteristics of all types of condition violators by severity level, race, and gender. The highest frequencies for males were found on nondrug severity level 7 (613 sentences) and drug severity level 3 (395 sentences). However, the largest numbers of females fell on nondrug severity level 8 (81 sentences) and drug severity level 4 (80

sentences). These gender characteristics by severity level have not changed compared with those of the previous year. Whites represented the highest numbers in nondrug level 7 (425 sentences) and drug level 4 (289 sentences), while nondrug level 7 (208 sentences) and drug level 3 (201 sentences) accounted for the largest numbers of violators for blacks (Table 13).

Table 13: 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	8	7	9	5	1	37.7
D2	84	75	9	41	42	1	38.3
D3	452	395	57	237	201	14	35.3
D4	467	387	80	289	169	9	33.4
N1	33	32	1	19	14	0	39.5
N2	82	79	3	51	29	2	38.3
N3	418	408	10	213	193	12	36.2
N4	95	90	5	50	43	2	35.9
N5	442	409	33	241	191	10	33.2
N6	141	131	10	88	49	4	32.4
N7	653	613	40	425	208	20	30.6
N8	323	242	81	205	104	14	33.0
N9	537	476	61	334	190	13	31.4
N10	149	126	23	73	73	3	32.3
Offgrid	7	7	0	6	1	0	51.6
Nongrid	4	4	0	4	0	0	35.2
Unknown	5	5	0	4	1	0	37.2
Total	3,907	3,487	420	2,289	1,513	105	33.4

Condition Probation Violators

During FY 2002, 1,073 condition probation violators were admitted to the custody of the Department of Corrections (DOC). This number represents a decrease of 257 offenders, or a 19.3% decrease compared with the FY 2001 figure. Characteristics of this group, by the top 10 most frequent committing offenses, are shown on Tables 14 and 15.

Aggravated assault, aggravated battery, aggravated burglary, burglary, aggravated indecent liberties with a child, criminal threat, fleeing or eluding LEO, forgery, robbery and theft were among the top ten most frequent committing offenses for nondrug probation violators, representing 76.4% of all nondrug offenses. Burglary, theft and forgery were the three most frequent sentencing offenses for which there

were a large number of probation violators (Table 14).

Possession of drugs was the most frequent offense type for probation violators on the drug grid, accounting for nearly 70% of all drug offenses, while the crime of opiates or narcotics possession 1st represented 58.3% of the total drug offenses for the condition probation violators (Table 15).

The average length of lag time for nondrug probation violators from the age of offense to the age of admission to prison was 2.3 years, which remains the same with the length of lag time in FY 2001. The average length of lag time for drug violators was 2.4 years, indicating little difference from that of drug condition probation violators in FY 2001. Distributions of probation violators by severity level and criminal history are exhibited in Table 16.

Table 14: Top 10 Most Frequent Committing Offenses of Nondrug Probation Violators

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Aggravated Assault	55	96.4	3.6	58.2	38.2	3.6	29.2	31.1
Aggravated Battery	113	86.7	13.3	56.6	39.8	3.5	29.3	31.4
Aggravated Burglary	21	90.5	9.5	61.9	38.1	0.0	21.7	24.0
Agg Indecent Liberties w/Child	22	95.5	4.5	81.8	13.6	4.5	25.3	28.0
Burglary	205	94.1	5.9	73.7	23.9	2.4	24.9	27.2
Criminal Threat	60	98.3	1.7	66.7	33.3	0.0	31.0	32.7
Fleeing or Eluding LEO	26	88.5	11.5	53.8	42.3	3.8	26.2	27.8
Forgery	122	54.1	45.9	61.5	36.9	1.6	31.4	33.7
Robbery	32	81.3	18.8	56.3	40.6	3.1	26.0	27.9
Theft	164	78.0	22.0	61.6	35.4	3.0	28.9	31.3
Subtotal	820	83.7	16.3	64.1	33.3	2.6	28.0	30.2
Other	253	88.5	11.5	65.2	32.4	2.4	28.1	30.7
TOTAL	1,073	84.8	15.2	64.4	33.1	2.5	28.0	30.3

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

Table 15: Characteristics of Drug Probation Violators by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Opiates or narcotics; poss 1	222	73.0	27.0	61.7	35.6	2.7	29.5	31.9
Opiates or narcotics; poss 2	10	80.0	20.0	50.0	50.0	0.0	37.6	39.5
Opiates or narcotics; sale 1	67	86.6	13.4	67.2	32.8	0.0	29.6	32.3
Opiates /narcotics, depress, stim, hall, etc.; sale w/in 1,000 ft of school	3	100.0	0.0	100.0	0.0	0.0	25.7	27.4
Depress, stim, hall; poss 2nd	33	93.9	6.1	81.8	18.2	0.0	28.7	31.2
Depress, stim, hall, etc.; sale, poss w/intent to sale	32	90.6	9.4	84.4	12.5	3.1	25.2	27.6
Possession of paraphernalia	8	87.5	12.5	87.5	12.5	0.0	33.1	35.1
Possession of precursor drugs	2	100.0	0.0	100.0	0.0	0.0	35.8	36.7
Unlawful manufacture controlled substance	4	75.0	25.0	100.0	0.0	0.0	37.4	38.9
TOTAL	381	79.5	20.5	67.5	30.7	1.8	29.5	31.9

* Average age at time of offense.

** Average age at time admitted to prison.

Table 16: Distribution of Probation Violators by Severity Level and Criminal History*

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1	0	1	1	0	1	0	1	0	1	5
D2	0	0	4	0	2	0	2	2	4	14
D3	0	2	9	3	9	6	12	14	38	93
D4	3	10	12	12	36	23	26	24	32	178
N1	1	0	0	0	0	0	0	0	2	3
N2	0	0	0	0	0	0	0	0	0	0
N3	1	2	4	0	1	1	3	3	6	21
N4	0	0	2	1	0	0	1	3	1	8
N5	0	8	4	0	2	1	5	16	33	69
N6	2	0	2	1	0	1	2	4	9	21
N7	5	14	44	27	25	21	41	38	39	254
N8	1	6	14	5	22	10	9	8	13	88
N9	5	16	38	12	23	7	12	7	20	140
N10	1	2	7	4	1	2	1	5	4	27
TOTAL	19	61	141	65	122	72	115	124	202	921

* Due to missing data, criminal history categories are based on 921 probation violators reporting criminal history.

Condition Parole/Postrelease Supervision Violators

Condition parole/postrelease supervision violators contributed the largest percentage of FY 2002 admissions. Totaling 2,396 admissions this group accounted for approximately 40% of all admissions to DOC. Characteristics of this offender group are presented on Tables 17 and 18. The top 10 most frequent committing offenses of nondrug parole/postrelease violators included aggravated escape from custody, aggravated battery, aggravated robbery, aggravated indecent liberties with a child, burglary, forgery, indecent liberties with a child, rape, robbery and theft, accounting for more than 67% of the total nondrug offenses. More than 94% of this group was males. Females represented the highest

percentage (over 25%) for the crime of forgery. The highest percentage of whites was found in the offense categories of aggravated indecent liberties with a child and indecent liberties with a child, whereas blacks indicated the highest representation in aggravated robbery and robbery (Table 17). Drug parole/postrelease violators were convicted primarily for possession of opiates or narcotics (33.3%) and sale of opiates or narcotics (39.8%, Table 18).

Distribution of parole/postrelease supervision violators by severity level and criminal history is shown on Table 19. The largest number of parole/postrelease supervision violators fell on severity levels 3 and 4 of the drug grid and severity levels 5 and 7 of the nondrug grid.

Table 17: Top 10 Most Frequent Committing Offenses of Parole/Postrelease Supervision Nondrug Violators

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Agg Escape from custody	61	77.0	23.0	57.4	37.7	4.9	29.9	34.8
Aggravated battery	140	96.4	3.6	53.6	42.9	3.6	27.3	32.8
Aggravated robbery	215	98.6	1.4	41.9	57.2	0.9	24.1	36.3
Agg Indecent Liberties w/Child	120	99.2	0.8	75.0	23.3	1.7	28.4	34.2
Burglary	190	97.4	2.6	57.4	38.9	3.7	27.7	32.0
Forgery	84	73.8	26.2	58.3	36.9	4.8	32.0	35.6
Indecent Liberties w/Child	65	100.0	0.0	73.8	23.1	3.1	24.9	34.7
Rape	63	100.0	0.0	54.0	41.3	4.8	27.3	38.6
Robbery	178	93.8	6.2	41.6	58.4	0.0	26.5	33.9
Theft	77	94.8	5.2	58.4	39.0	2.6	29.0	32.5
Other	575	93.2	6.8	59.8	36.3	3.8	27.9	34.5
TOTAL	1,768	94.1	5.9	56.2	40.9	2.9	27.4	34.4

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

Table 18: Characteristics of Parole/Postrelease Drug Violators by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Opiates or narcotics; poss 1	169	90.5	9.5	55.6	42.6	1.8	31.9	35.8
Opiates or narcotics; poss 2	33	90.9	9.1	42.4	57.6	0.0	31.8	37.1
Opiates or narcotics; poss 3	7	28.6	71.4	57.1	28.6	14.3	31.7	37.1
Opiates or narcotics; sale 1	230	84.3	15.7	34.3	63.9	1.7	29.9	37.0
Opiates or narcotics; sale 2	17	88.2	11.8	35.3	64.7	0.0	35.0	42.6
Opiates or narcotics; sale 3	3	66.7	33.3	0.0	100.0	0.0	33.6	40.3
Opiates/narcotics, Depress, stim, hall; sale w/in 1,000 ft of school	12	91.7	8.3	50.0	50.0	0.0	31.3	36.5
Depress, stim, hall; poss 2	29	96.6	3.4	62.1	37.9	0.0	29.2	33.5
Depress, stim, hall, etc.; sale, poss w/intent to sale	116	93.1	6.9	70.7	21.6	7.8	28.6	35.5
Possession of paraphernalia	5	100.0	0.0	100.0	0.0	0.0	29.6	32.5
Unlawful manufacture controlled substance	7	85.7	14.3	85.7	0.0	14.3	35.3	39.3
TOTAL	628	88.2	11.8	50.0	47.1	2.9	30.5	36.4

* Average age at time of offense.

** Average age at time admitted to prison.

Table 19: Distribution of Parole/Postrelease Supervision Violators by Severity Level and Criminal History*

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1	0	1	0	0	1	0	1	0	0	3
D2	0	1	5	2	10	8	12	3	5	46
D3	7	8	26	20	33	14	26	31	36	201
D4	7	23	46	16	45	25	13	17	6	198
N1	0	0	0	0	3	0	0	3	3	9
N2	0	0	0	0	0	0	2	3	4	9
N3	0	1	4	5	4	3	14	13	47	91
N4	0	2	4	1	4	1	2	3	13	30
N5	2	0	23	25	17	16	36	27	62	208
N6	4	10	19	6	10	3	9	5	30	96
N7	39	47	39	14	43	22	24	19	27	274
N8	25	15	24	10	32	15	15	10	10	156
N9	39	35	25	4	42	13	10	2	10	180
N10	9	11	5	2	7	1	4	2	1	42
TOTAL	132	154	220	105	251	121	168	138	254	1,543

* Due to missing data, criminal history categories are based on 1,543 violators reporting criminal history.

Conditional Release Violators

Conditional release violators made up the smallest group of condition violators totaling 57 in FY 2002, which decreased by 47.7% when compared with those in FY 2001 (N=109). Conditional release violators are governed by pre-guideline sentences therefore, they had missing criminal history categories. In examining offense types, the

analysis found that the highest percentage of conditional release violators was classified as sex offenders, which attributed to 35.1% of this group. Drug offenders represented the 15.8% of this specific population (Figure 30). Table 20 presents the characteristics of conditional release violators. All violators were males except one drug violator in this group. White offenders accounted for nearly 60% of this type of violators.

Almost 89% of the drug conditional release violators were convicted of the crime of drug sale. Other offenses included aggravated assault, aggravated burglary, kidnapping, murder in the first degree, etc. (Figure 30).

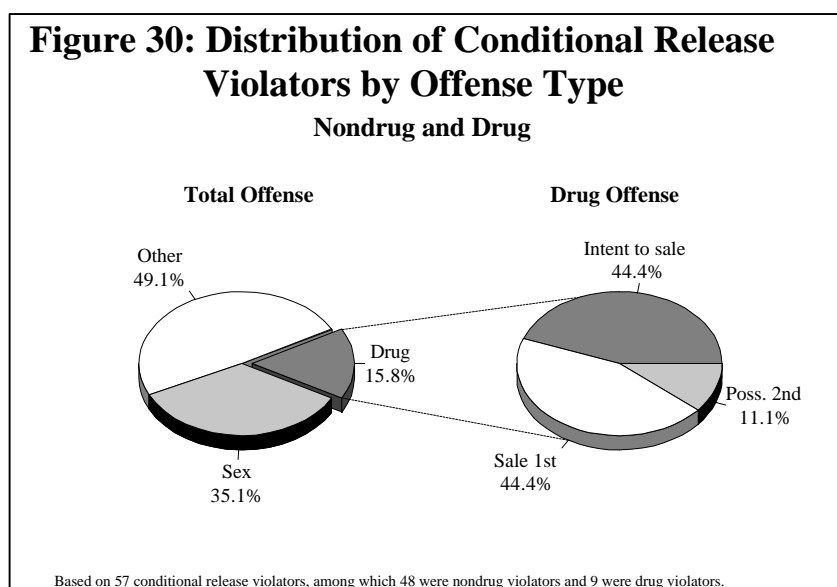


Table 20: Most Frequent Committing Offenses of Conditional Release Violators
Nondrug and Drug Offenders

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Aggravated Battery	5	100.0		20.0	80.0		28.3	43.5
Aggravated Robbery	7	100.0		28.6	71.4		22.4	39.5
Robbery	3	100.0		33.3	66.7		32.8	42.1
Sex offenses	20	100.0		75.0	20.0	5.0	29.0	40.5
Drug	9	88.9	11.1	55.6	44.4		27.3	39.3
Other	13	100.0		76.9	23.1		25.8	37.3
TOTAL	57	98.2	1.8	59.6	38.6	1.8	27.3	39.8

* Average age at time of offense.

** Average age at time admitted to prison.

Violators with New Sentences

Violators with new sentences include probation, parole/postrelease, and conditional release violators convicted of an offense for which they received a new sentence. This group represented 6% of the total prison admissions in FY 2002, indicating no percentage change when compared with FY 2001. Characteristics of this group are presented in Figures 31 to 33. Drugs (25.8%), burglary (14.9%) and forgery (8.1%) were the major committing offense categories for probation violators with new convictions. Drugs (24.3%), theft (11%) and burglary (8.8%) represented the

major committing offenses for parole/postrelease violators with new sentences. There were only three conditional release violators with new sentences who committed the crimes of aggravated assault of LEO, aggravated indecent solicitation with a child and theft. Table 21 illustrates the distribution of the above offenders by severity levels. The largest numbers of probation violators with new sentences fell at nondrug severity level 7 (N=56) and drug severity level 4 (N=21), while nondrug severity level 9 (22.1%) and drug severity level 4 (12.5) represented the highest percentages of parole/postrelease violators with new sentences.

White males were the predominant gender for this population (Figures 31 and 32). The highest percentages of probation violators, parole/postrelease violators and conditional release violators with new sentences were found in the age group between 31 to 40 years old at the time of admission to prison (Figure 33).

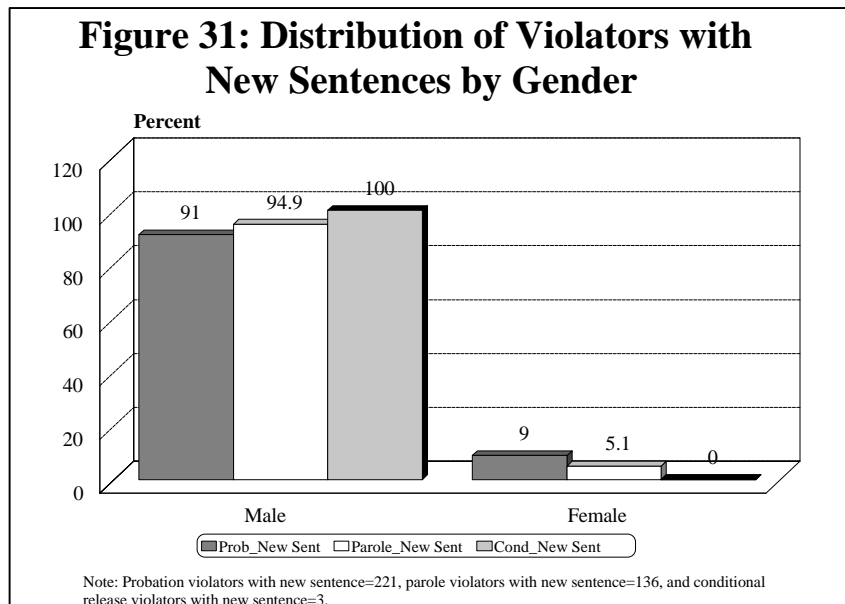
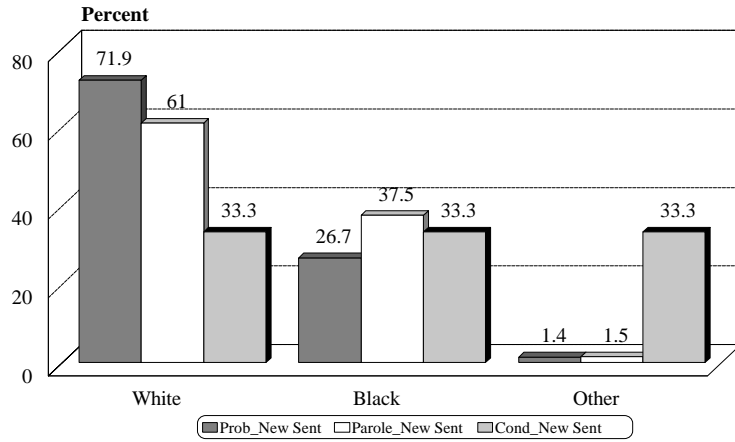
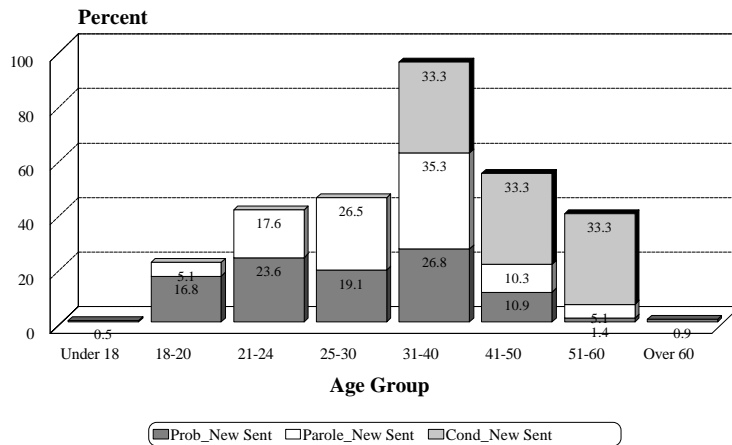


Figure 32: Distribution of Violators with New Sentences by Race



Note: Probation violators with new sentence=221, parole violators with new sentence=136, and conditional release violators with new sentence=3.

Figure 33: Distribution of Violators with New Sentences by Age Group



Note: Probation violators with new sentence=221, parole violators with new sentence=136, and conditional violators with new sentence=3.

**Table 21: Distribution of FY 2002 Violators with New Sentences
by Severity Level**

Severity Level	Probation		Parole/Postrelease		Conditional Release	
	N	%	N	%	N	%
D1	10	4.5	6	4.4	0	0.0
D2	7	3.2	4	2.9	0	0.0
D3	19	8.6	6	4.4	0	0.0
D4	21	9.5	17	12.5	0	0.0
N1	2	0.9	1	0.7	0	0.0
N2	0	0.0	2	1.5	0	0.0
N3	9	4.1	6	4.4	0	0.0
N4	0	0.0	2	1.5	0	0.0
N5	18	8.1	8	5.9	0	0.0
N6	7	3.2	6	4.4	1	33.3
N7	56	25.3	18	13.2	0	0.0
N8	31	14.0	14	10.3	1	33.3
N9	33	14.9	30	22.1	1	33.3
N10	6	2.7	15	11.0	0	0.0
Nongrid	1	0.5	0	0.0	0	0.0
Unknown	1	0.5	1	0.7	0	0.0
TOTAL	221	100.0	136	100.0	3	100.0

VIOLATORS CONTINUING AND EXTENDING ON PROBATION

In this section, violators continued or extended on probation refer to probation violators with or without new convictions, whose violations did not result in incarceration but rather a continuation or an extension of the probation. In FY 2002, there were 1,504 condition probation violators and 143 probation violators with new convictions representing 41.7% of the total number of 3,603 condition probation violators and 29.7% of the total number of 481 probation violators with new offenses

respectively, who were continued or extended on probation. Drugs (30%), burglary (11.8%), forgery (10.8%), theft (10.6%) and DUI 3rd or subsequent conviction (5.3%) were the top five committing offenses for this group of condition violators. Drugs (23.1%), burglary (19.6%), and theft (12.6%) were the top three committing offenses for probation violators with new convictions. Tables 22 and 23 present criminal history by severity levels of the two types of violators who were sentenced to continued or extended probation.

Table 22: Criminal History by Severity Levels of Condition Probation Violators Continuing and Extending on Probation

Severity Level	Number of Cases	Criminal History Class									
		A	B	C	D	E	F	G	H	I	
D1	1	0	0	0	0	0	0	0	0	0	1
D2	6	0	0	0	0	1	0	2	2	1	
D3	94	0	2	2	2	4	5	13	15	50	
D4	350	3	6	16	12	21	19	57	80	133	
N1	3	0	0	1	0	0	0	0	0	2	
N2	1	0	0	0	0	0	0	0	0	1	
N3	5	0	1	0	0	0	0	1	0	3	
N4	5	0	0	0	0	0	0	1	1	3	
N5	38	1	5	3	0	0	2	3	6	18	
N6	10	0	0	1	0	0	1	0	1	7	
N7	218	4	9	15	16	23	22	24	31	71	
N8	189	1	1	17	5	30	13	32	30	58	
N9	383	1	15	42	23	43	20	50	66	120	
N10	114	1	1	16	6	9	12	14	17	37	
Nongrid	87	0	0	0	1	2	0	6	6	7	
TOTAL	1,504	11	40	113	65	133	94	203	255	512	

Note: Criminal history classes are based on 1,426 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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Table 23: Criminal History by Severity Levels of Probation Violators with New Convictions Continuing and Extending on Probation

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D2	1	0	0	0	0	0	0	0	0	1
D3	4	0	0	0	0	0	0	0	2	2
D4	28	0	0	2	1	2	1	4	10	8
N3	1	0	0	0	0	1	0	0	0	0
N4	1	0	0	0	0	0	0	0	0	1
N5	2	0	0	0	0	0	0	0	0	2
N6	3	0	0	0	0	0	0	1	1	1
N7	31	1	0	1	2	3	2	4	8	10
N8	17	0	0	3	0	3	1	2	4	4
N9	39	0	0	2	2	5	2	9	7	12
N10	5	0	0	1	0	0	2	0	0	2
Nongrid	11	0	0	1	0	1	1	2	1	1
TOTAL	143	1	0	10	5	15	9	22	33	44

Note: Criminal history classes are based on 139 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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CHAPTER THREE

CONFORMITY TO THE SENTENCING GUIDELINES

Conformity to the sentencing guidelines refers to presumptive prison and probation sentences imposed under the sentencing guidelines for offenders sentenced during FY 2002. A sentence is considered to conform to the guidelines if it falls within the range of sentence lengths for a guideline grid box at a specific designated severity level and criminal history category. A sentence that falls at the mid-point of a relative grid box is regarded as standard. A sentence that falls at either the upper end or lower end of the relative grid box is considered as an aggravated or mitigated sentence, respectively. All other sentence lengths imposed are considered to be a departure from the guidelines unless the grid box is a designated border box. A sentence length above the aggravated level is defined as "departure upward" and a sentence length less than the mitigated level is defined as "departure downward."

Departures from the designated guideline sentence can be further categorized into two types: dispositional departures and durational departures. A dispositional departure occurs when the guidelines recommend a period of incarceration or probation but the reverse type of sentence is imposed. For example, the grid box indicates a period of incarceration, but a probation sentence is imposed. Sentences imposed in "border boxes" or violations resulting from a probation sentence are not considered departures. A durational departure occurs when a sentence is pronounced but the imposed length of

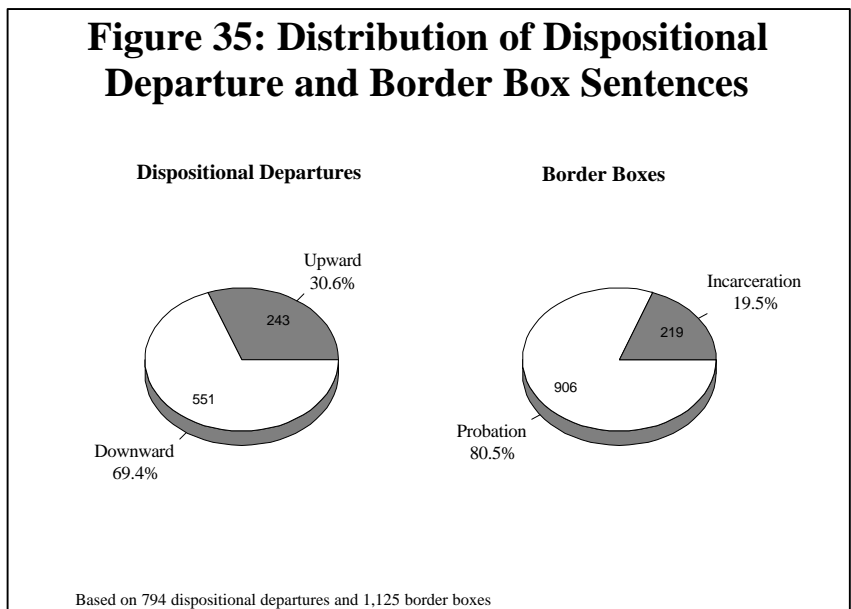
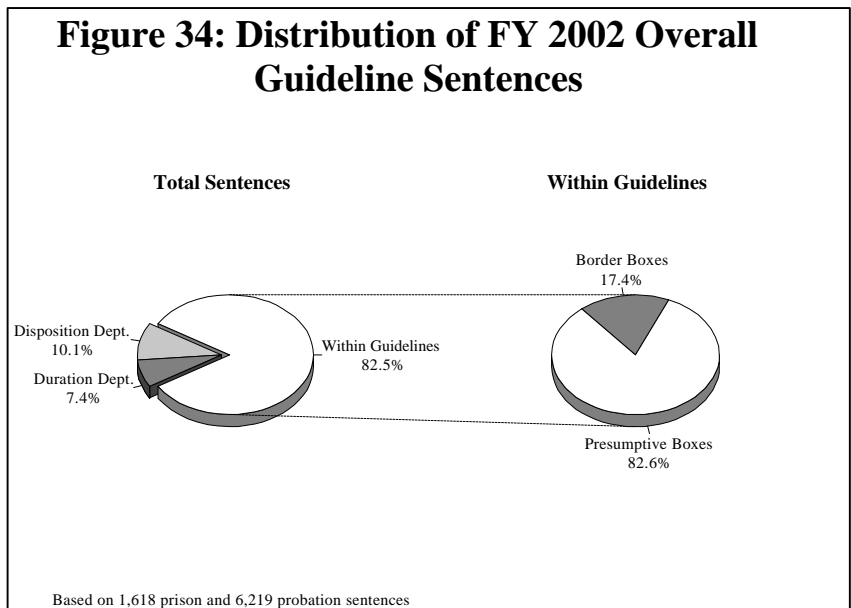
incarceration is either greater or less than the number of months designated by the guidelines. Only pure guideline sentences were used for this specific analysis. A pure guideline sentence is defined as a guideline sentence that is not imposed to run concurrent or consecutive with a "pre-guideline" sentence and to which a criminal history category was present in the database.

OVERALL CONFORMITY RATES

In FY 2002, there were 7,837 pure guideline sentences, including 1,618 incarceration guideline sentences and 6,219 probation sentences. Figure 34 demonstrates that 82.5% (6,463 sentences) of the 7,837 guideline sentences fell within the presumptive guideline grids; 7.4% (580 sentences) indicated durational departures, and 10.1% (794 sentences) were dispositional departures. Of all the sentences within the presumptive guideline grids, 5,338 sentences (82.6%) fell within either the presumptive prison boxes or presumptive probation boxes, while 1,125 sentences (17.4%) were located on designated border boxes.

Figure 35 indicates that more than 69% (551 sentences) of the 794 dispositional departures were downward departures and almost 31% (243 sentences) were upward dispositional departures. Approximately 81% of the 1,125 border box sentences resulted in probation sentences with only 19% of this group sentenced to prison.

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



CONFORMITY OF PRESUMPTIVE PRISON GUIDELINE SENTENCES

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

grids. Revocations of probation, either with or without new sentences, which result in prison sentences were excluded from this analysis. A total of 1,618 presumptive prison guideline sentences were utilized for this analysis.

Figure 36 indicates that more than 49% of total sentences fell within the presumptive incarceration range. Of this percentage, 41.3% fell within the standard range, 9.2% were within the aggravated range, and 22% were within the mitigated range. 27.5% were located within designated border boxes. 15.0% were located within the Disposition Dept and 35.8% were located within the Duration Dept.

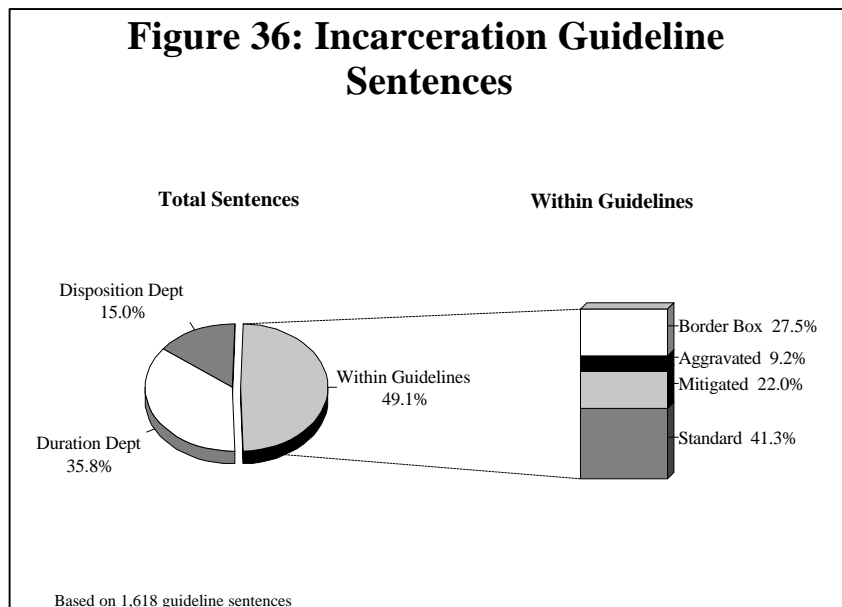
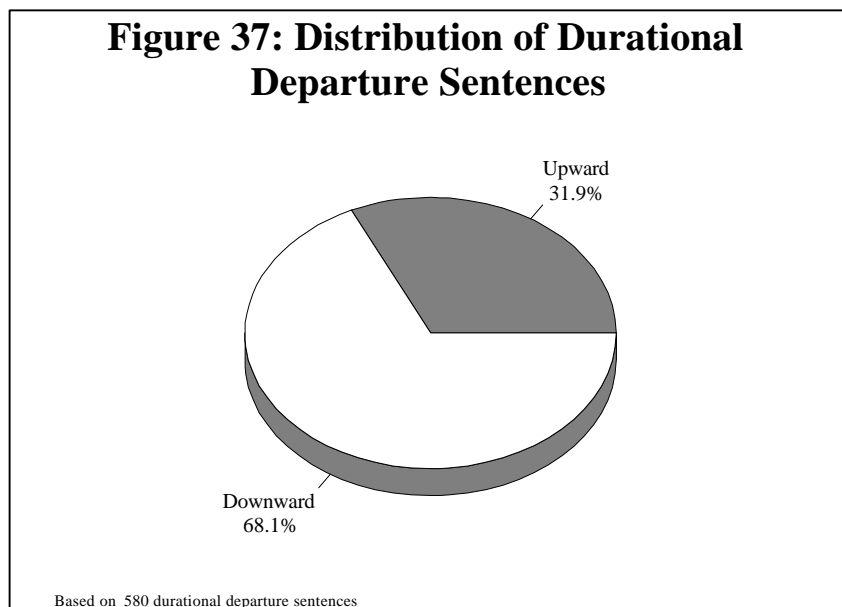


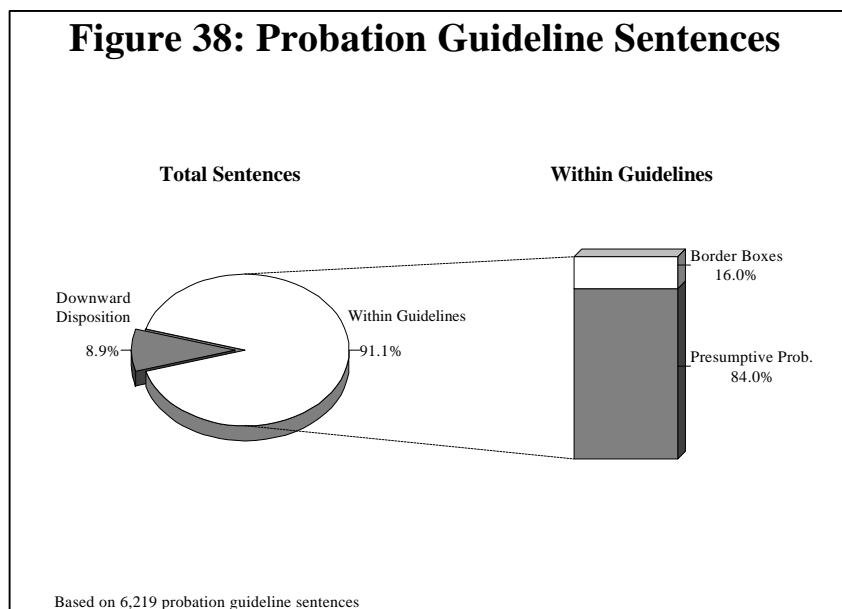
Figure 37 indicates that among the durational departure sentences, only 32% departed upward from the presumptive guideline ranges, while 68% departed downward from the sentence lengths indicated on the presumptive range. The percentage of downward durational departures increased by 16% compared with that in FY 2001.



CONFORMITY OF PRESUMPTIVE PROBATION GUIDELINE SENTENCES

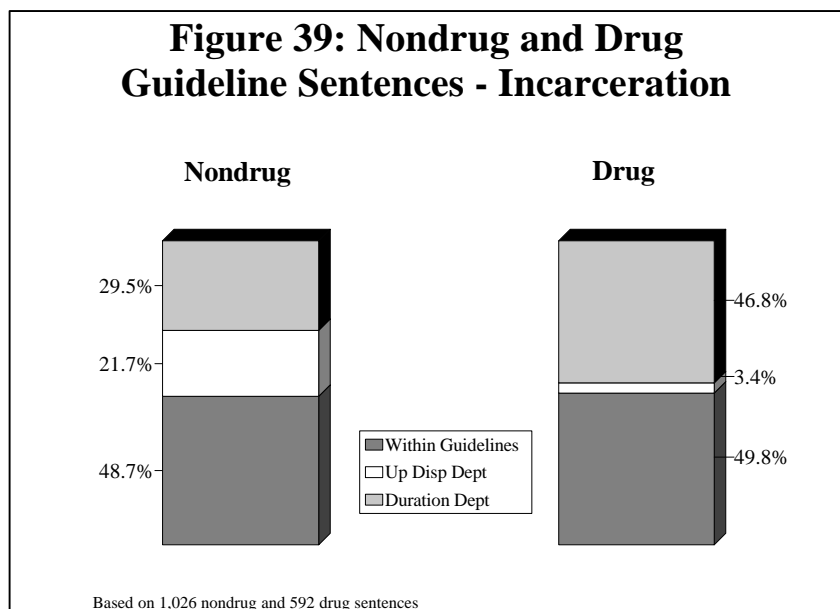
The analysis of probation guideline sentences demonstrated that as expected, the majority of probation guideline sentences (91.1% or 5,668 cases) fell beneath the incarceration line, among which 84% fell within presumptive probation grids and 16% within presumptive probation grids and 16%

were within border boxes (Figure 38). This distribution accounted for nearly 85% of the total probation sentences during FY 2002 (6,710). Further analysis of the dispositional departures revealed that probation sentences reflected downward dispositional departures of 8.9% (Figure 38), while upward dispositional departure sentences were reflected in presumptive incarceration sentences (See Figure 36).

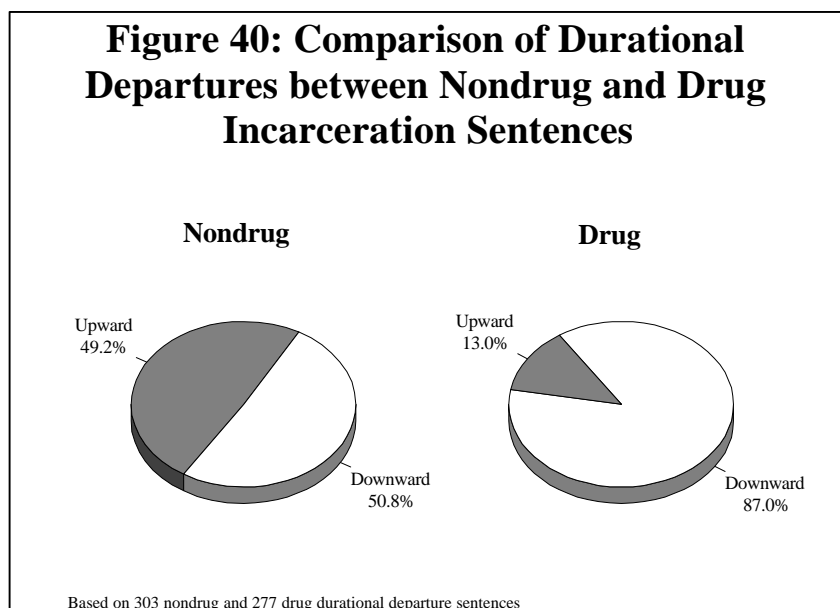


CONFORMITY OF NONDRUG AND DRUG GUIDELINE SENTENCES

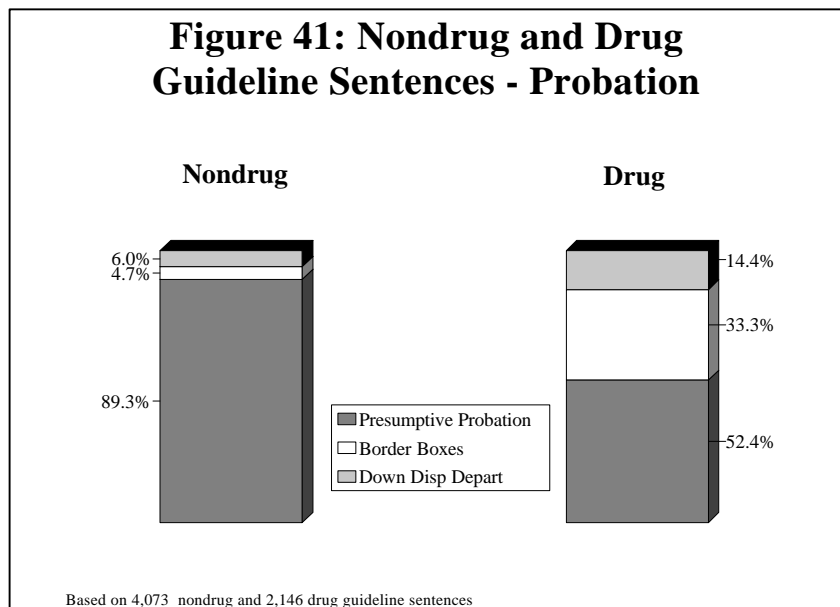
The analysis of guideline incarceration sentences indicates that among nondrug offenders, 21.7% showed upward dispositional departures, while drug offenders only revealed 3.4% upward dispositional departures. Nondrug offenders indicated 29.5% durational departures while drug offenders showed 46.8% durational departures (Figure 39).



Examination of durational departures in Figure 40 indicates that downward departures represented 87% of the total durational departures on the drug grid. However, on the nondrug grid, only 50.8% of durational departures were downward. The majority of the upward departures were found on severity levels 1, 2, 3 and 4 of the nondrug grid, which include the most serious person offenses.



Significant differences were also found between nondrug and drug grids with regard to probation sentences. Drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences (14.4% vs. 6%). A lot more drug probation sentences resulted from border boxes than did nondrug probation sentences (33.3% vs. 4.7%, Figure 41).



The sentencing trend in Kansas seems to indicate that there is a higher tendency to depart downward more often with drug sentences than with nondrug sentences. The sentencing trend also indicates that drug offenders tend to be sentenced to probation sentences more often than do nondrug offenders when their offense types and criminal history categories fell within the border boxes (Figure 41).

CONFORMITY RATES TO THE GUIDELINES BY SEVERITY LEVEL

Table 24 demonstrates that conformity rates vary depending on severity levels, in addition to the drug or nondrug offense classifications. Drug incarceration sentences, as a whole, indicated a 15.5% standard, 2% aggravated, 9.5% mitigated

and 22.8% border box sentence distribution. Nondrug sentences revealed a 23% standard, 5.9% aggravated, 11.6% mitigated and 8.2% border box sentence distribution. As for the departure sentences, drug sentences showed 6.1% upward durational departures and 40.7% downward durational departures, whereas nondrug sentences showed a 14.5% upward durational departure rate and a 15% downward durational departure rate. When examining dispositional departures, nondrug sentences upward dispositional departures were present in 21.7%. By contrast, drug sentences showed only 3.4% upward dispositional departures. This would imply that judges are more likely to impose fewer upward dispositional sentences for drug offenders than for nondrug offenders. This finding has been supported by data over the past seven years.

Table 24: Conformity Rates by Severity Level - Incarceration Sentences

Severity Level	N	Within Guidelines (%)				Departures (%)		
						Durational		Dispositional
		Agg	Stand	Miti	Box	Upward	Downward	Upward
D1	193	1.0	5.7	7.8		5.2	80.3	
D2	89	6.7	25.8	18.0		11.2	38.2	
D3	149	1.3	13.4	5.4	64.4	4.0	11.4	
D4	161	1.2	23.6	10.6	24.2	6.2	21.7	12.4
Subtotal	592	2.0	15.5	9.5	22.8	6.1	40.7	3.4
N1	56	12.5	21.4	8.9		26.8	30.4	
N2	37	10.8	21.6	10.8		29.7	27.0	
N3	209	6.7	24.4	20.6		25.8	22.5	
N4	64	10.9	31.3	21.9		21.9	14.1	
N5	198	6.1	15.7	11.1	40.9	8.6	17.7	
N6	40	5.0	30.0		7.5	32.5	7.5	17.5
N7	153	2.0	17.6	7.2		10.5	9.2	53.6
N8	75	6.7	22.7	4.0		4.0	5.3	57.3
N9	152	3.9	32.2	7.9		3.9	9.2	42.8
N10	42	2.4	21.4	11.9			2.4	61.9
Subtotal	1,026	5.9	23.0	11.6	8.2	14.5	15.0	21.7
TOTAL	1,618	4.5	20.3	10.8	13.5	11.4	24.4	15.0

Table 25 displays conformity rates for probation sentences by severity levels. Probation drug sentences indicated 14.4% downward dispositional departures for sentences, which should have been presumptive incarceration, while only 6% of nondrug sentences experienced downward dispositional departures. The significant differences also occurred within the border box grids. Drug offenders received more probation sentences than nondrug offenders

did when their severity levels and criminal history categories fell within the border boxes (33.3% versus 4.7%). Comparison of probation drug and nondrug sentences revealed the same trend as indicated with incarceration sentences: the tendency is to impose more non-prison sentences for drug offenders than for nondrug offenders. This trend has been consistent for the past seven years.

Table 25: Conformity Rates by Severity Level - Probation Sentences

Severity Level	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	49			100.0
D2	44			100.0
D3	555		90.1	9.9
D4	1,498	75.0	14.3	10.7
Subtotal	2,146	52.4	33.3	14.4
N1	5			100.0
N2	2			100.0
N3	37			100.0
N4	16			100.0
N5	224		81.7	18.3
N6	76	72.4	11.8	15.8
N7	962	96.8		3.2
N8	756	96.8		3.2
N9	1,449	96.5		3.5
N10	546	95.4		4.6
Subtotal	4,073	89.3	4.7	6.0
TOTAL	6,219	76.6	14.6	8.9

CONFORMITY RATES TO THE GUIDELINES BY RACE

Conformity rates to sentencing guidelines by race between drug and nondrug incarceration sentences are illustrated in Tables 26 and 27. The examination of drug incarceration sentences within guidelines indicates that blacks received more standard sentences (21.5% vs. 13.7%) and mitigated sentences (13.1% vs. 8.1%) than whites. However, when examining sentence departures, whites indicated a higher percentage in downward durational departures (43.4% vs. 31.5%) and a lower percentage in upward dispositional departures (2.9% vs. 5.4%) than blacks.

There was not much difference revealed in border box sentences (Table 26).

When analyzing nondrug incarceration sentences in Table 27, the data demonstrates that blacks still received more standard sentences (24% vs. 22.1%) and mitigated sentences (13.7% vs. 10.9%) than whites, whereas whites represented higher percentages in border box sentences (9.3% vs. 6.2%) and upward durational departures (15.2% vs. 12.8%) than blacks. As for downward durational departures and upward dispositional departures, no significant percentage difference was identified between white and black nondrug offenders.

Table 26: Conformity Rates by Race - Incarceration Sentences Drug Offenders

Severity Level	Race	N	Within Guidelines (%)				Departures (%)		
			Agg	Stand	Miti	Box	Durational		Dispositional
							Upward	Downward	Upward
D1	White	186	1.1	5.9	7.5		5.4	80.1	
	Black	3						100.0	
	Other	4			25.0			75.0	
D2	White	65	9.2	30.8	15.4		15.4	29.2	
	Black	24		12.5	25.0			62.5	
	Other	0							
D3	White	103	1.9	8.7	4.9	73.8	2.9	7.8	
	Black	43		20.9	7.0	44.2	7.0	20.9	
	Other	3		66.7		33.3			
D4	White	100	1.0	22.0	8.0	30.0	5.0	21.0	13.0
	Black	60	1.7	26.7	13.3	15.0	8.3	23.3	11.7
	Other	1			100.0				
Total	White	454	2.4	13.7	8.1	23.3	6.2	43.4	2.9
	Black	130	0.8	21.5	13.1	21.5	6.2	31.5	5.4
	Other	8		25.0	25.0	12.5		37.5	

Based on 592 drug incarceration guideline sentences reporting race of offenders.

**Table 27: Conformity Rates by Race - Incarceration Sentences
Nondrug Offenders**

Severity Level	Race	N	Within Guidelines (%)				Departures (%)		
			Agg	Stand	Miti	Box	Durational		Dispositional
							Upward	Downward	Upward
N1	White	38	13.2	21.1	7.9		31.6	26.3	
	Black	14	14.3	28.6	7.1		21.4	28.6	
	Other	3						100.0	
N2	White	28	7.1	21.4	10.7		35.7	25.0	
	Black	9	22.2	22.2	11.1		11.1	33.3	
	Other	0							
N3	White	132	7.6	23.5	19.7		25.8	23.5	
	Black	72	5.6	23.6	23.6		25.0	22.2	
	Other	5		60.0			40.0		
N4	White	43	7.0	27.9	23.3		27.9	14.0	
	Black	20	15.0	40.0	20.0		10.0	15.0	
	Other	1	100.0						
N5	White	136	7.4	14.7	8.8	44.9	8.8	15.4	
	Black	58	3.4	15.5	17.2	32.8	6.9	24.1	
	Other	4		50.0		25.0	25.0		
N6	White	28	3.6	35.7		7.1	21.4	7.1	25.0
	Black	10	10.0	10.0		10.0	60.0	10.0	
	Other	2		50.0			50.0		
N7	White	98	1.0	17.3	6.1		9.2	10.2	56.1
	Black	49	2.0	18.4	10.2		12.2	4.1	53.1
	Other	6	16.7	16.7			16.7	33.3	16.7
N8	White	37	2.7	24.3	2.7		5.4	5.4	59.5
	Black	36	11.1	22.2	5.6		2.8	5.6	52.8
	Other	2							100.0
N9	White	110	3.6	29.1	9.1		5.5	9.1	43.6
	Black	39	5.1	38.5	5.1			10.3	41.0
	Other	3		66.7					33.3
N10	White	28		17.9	10.7			3.6	67.9
	Black	14	7.1	28.6	14.3				50.0
	Other	0							
Total	White	678	5.5	22.1	10.9	9.3	15.2	14.7	22.3
	Black	321	6.9	24.0	13.7	6.2	12.8	15.3	21.2
	Other	26	7.7	34.6		3.8	19.2	19.2	15.4

Based on 1,025 nondrug incarceration guideline sentences reporting race of offenders.

Conformity rates for probation sentences by race are presented in Tables 28 and 29. White offenders received more presumptive probation sentences (55.1% vs. 42.2%) than black offenders for drug offenses but black drug offenders indicated a higher rate in downward disposition departures than white drug offenders (22% vs. 12.3%). A little percentage difference was shown in border box sentences between white and black drug offenders (Table 28).

The analysis of nondrug probation sentences in Table 29 indicates that no significant

percentage differences were revealed between white and black offenders in presumptive probation sentences and border box sentences. The only varying conformity rates appeared in downward dispositional departures, where black nondrug offenders on probation represented a higher percentage than their counterparts (7.1% vs. 5.7%). Most of the downward dispositional departure sentences fell at offense severity levels one to six on the nondrug grid, and severity levels one and two on the drug grid for both white and black offenders sentenced to probation in FY 2002 (Tables 28 and 29).

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

Severity Level	Race	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	White	45			100.0
	Black	3			100.0
	Other	1			100.0
D2	White	30			100.0
	Black	13			100.0
	Other	0			
D3	White	404		92.8	7.2
	Black	139		82.0	18.0
	Other	9		88.9	11.1
D4	White	1,172	77.7	13.8	8.4
	Black	295	64.4	15.9	19.7
	Other	25	80.0	12.0	8.0
Total	White	1,651	55.2	32.5	12.3
	Black	450	42.2	35.8	22.0
	Other	35	57.1	31.4	11.4

Based on 2,136 drug probation sentences reporting race of offenders.

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

Severity Level	Race	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
N1	White	5			100.0
N2	White	1			100.0
	Other	1			100.0
N3	White	30			100.0
	Black	6			100.0
	Other	1			100.0
N4	White	10			100.0
	Black	5			100.0
	Other	1			100.0
N5	White	173		82.1	17.9
	Black	48		79.2	20.8
	Other	1		100.0	
N6	White	56	80.4	7.1	12.5
	Black	19	47.4	26.3	26.3
	Other	1	100.0		
N7	White	712	96.8		3.2
	Black	225	96.4		3.6
	Other	25	100.0		
N8	White	564	97.3		2.7
	Black	182	95.1		4.9
	Other	8	100.0		
N9	White	1,086	97.0		3.0
	Black	329	94.8		5.2
	Other	27	100.0		
N10	White	354	96.0		4.0
	Black	184	94.0		6.0
	Other	5	100.0		
Total	White	2,991	89.5	4.9	5.7
	Black	998	88.6	4.3	7.1
	Other	70	94.3	1.4	4.3

Based on 4,059 nondrug probation sentences reporting race of offenders.

CONFORMITY RATES TO THE GUIDELINES BY GENDER

Conformity rates to the guidelines varied between male and female offenders for drug incarceration sentences (Table 30). The same with FY 2001, only males received aggravated sentences. In addition, male drug offenders represented higher rates in standard sentences (16.2% vs. 9.3%) and border box sentences (23.4% vs. 16.7%) than female drug offenders. However, females represented a lower rate in upward durational departure (3.7% vs. 6.3%) and a higher rate in downward durational departures (57.4% vs. 39%) than males. Both male and female offenders differed

little in the rates of dispositional departures (Table 30).

Table 31 demonstrates the conformity rates by gender of the nondrug incarceration sentences. Within guidelines females received more standard sentences (26.2% vs. 22.8%), while males represented higher percentages in all the other sentences than females: 6% at aggravated sentences, 12% at mitigated sentences and 8.3% at border box sentences. The examination of departure sentences indicates that males received more durational departure sentences in both upward and downward departures, but females received a lot more upward dispositional departures than males (42.6% vs. 20.4%).

Table 30: Conformity Rates by Gender - Incarceration Sentences Drug Offenders

Severity Level	Gender	N	Within Guidelines (%)				Departures (%)		
			Agg	Stand	Miti	Box	Durational		Dispositional
							Upward	Downward	Upward
D1	Male	173	1.2	6.4	8.7		4.6	79.2	
	Female	20					10.0	90.0	
D2	Male	73	8.2	27.4	15.1		13.7	35.6	
	Female	16		18.8	31.3			50.0	
D3	Male	142	1.4	14.1	5.6	64.1	4.2	10.6	
	Female	7				71.4		28.6	
D4	Male	150	1.3	24.0	11.3	23.3	6.7	21.3	12.0
	Female	11		18.2		36.4		27.3	18.2
Total	Male	538	2.2	16.2	9.5	23.4	6.3	39.0	3.3
	Female	54		9.3	9.3	16.7	3.7	57.4	3.7

Based on 592 drug incarceration guideline sentences.

**Table 31: Conformity Rates by Gender - Incarceration Sentences
Nondrug Offenders**

Severity Level	Gender	N	Within Guidelines (%)				Departures (%)		
			Agg	Stand	Miti	Box	Durational		Dispositional
							Upward	Downward	Upward
N1	Male	54	11.1	20.4	9.3		27.8	31.5	
	Female	2	50.0	50.0					
N2	Male	32	9.4	15.6	12.5		34.4	28.1	
	Female	5	20.0	60.0				20.0	
N3	Male	202	6.9	24.3	20.3		26.7	21.8	
	Female	7		28.6	28.6			42.9	
N4	Male	60	11.7	30.0	23.3		21.7	13.3	
	Female	4		50.0			25.0	25.0	
N5	Male	190	6.3	14.7	11.6	41.1	8.4	17.9	
	Female	8		37.5		37.5	12.5	12.5	
N6	Male	38	5.3	28.9		5.3	34.2	7.9	18.4
	Female	2		50.0		50.0			
N7	Male	146	2.1	17.8	7.5		11.0	9.6	52.1
	Female	7		14.3					85.7
N8	Male	66	6.1	25.8	3.0		4.5	6.1	54.5
	Female	9	11.1		11.1				77.8
N9	Male	144	4.2	32.6	8.3		3.5	9.7	41.7
	Female	8		25.0			12.5		62.5
N10	Male	33	3.0	24.2	15.2			3.0	54.5
	Female	9		11.1					88.9
Total	Male	965	6.0	22.8	12.0	8.3	15.1	15.3	20.4
	Female	61	4.9	26.2	4.9	6.6	4.9	9.8	42.6

Based on 1,026 nondrug incarceration guideline sentences.

Analyses of overall probation sentences show that females, on both drug and nondrug grids, received less downward dispositional departures than males (Tables 32 and 33). This finding indicates that females were more likely to be incarcerated than males when both upward and downward dispositional departures are compared for incarceration and probation sentences. Females have a higher likelihood of an upward dispositional departure to

prison even when their offenses fell within the presumptive probation portion of the grid (Tables 30 and 31). Females also had less chance for a downward departure to probation if their sentences fell within a presumptive prison box (Table 32 and 33). The above findings continue a trend that was present in the past six years (Annual Reports of FY 1996, FY 1997 and FY 1998, FY 1999 and FY 2000 and FY 2001).

**Table 32: Conformity Rates by Gender - Probation Sentences
Drug Offenders**

Severity Level	Gender	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	Male	32			100.0
	Female	17			100.0
D2	Male	31			100.0
	Female	13			100.0
D3	Male	444		88.7	11.3
	Female	111		95.5	4.5
D4	Male	1,138	72.2	14.8	13.0
	Female	360	83.9	12.8	3.3
Total	Male	1,645	50.0	34.2	15.9
	Female	501	60.3	30.3	9.4

Based on 2,146 drug probation sentences reporting gender of offenders.

**Table 33: Conformity Rates by Gender - Probation Sentences
Nondrug Offenders**

Severity Level	Gender	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
N1	Male	5			100.0
N2	Male	2			100.0
N3	Male	34			100.0
	Female	3			100.0
N4	Male	14			100.0
	Female	2			100.0
N5	Male	196		80.6	19.4
	Female	27		88.9	11.1
N6	Male	68	75.0	7.4	17.6
	Female	8	50.0	50.0	
N7	Male	843	96.7		3.3
	Female	119	97.5		2.5
N8	Male	465	95.5		4.5
	Female	291	99.0		1.0
N9	Male	1,169	96.1		3.9
	Female	278	98.6		1.4
N10	Male	404	94.1		5.9
	Female	141	99.3		0.7
Total	Male	3,200	87.9	5.1	7.0
	Female	869	94.6	3.2	2.2

Based on 4,069 nondrug probation sentences reporting gender of offenders.

CHAPTER FOUR SENTENCING TRENDS AND FORECAST

INCARCERATION SENTENCES

In FY 2002, the total number of incarceration sentences slightly increased compared with that of FY 2001. The total number of FY 2002 prison admissions indicated an increase of 10.3% from the 5,439 admissions reported in FY 1998 (Figure 42). Monthly prison admissions are demonstrated in Table 34. When compared with previous years, the largest monthly admission in FY 2002 was in November, which is different from previous fiscal years.

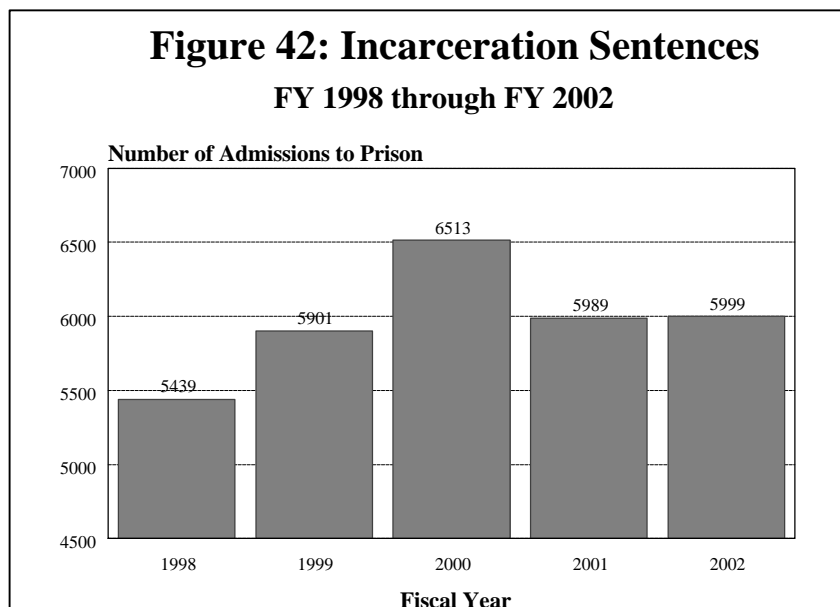


Table 34: Prison Admissions by Month

Month by Fiscal Year	1998	1999	2000	2001	2002
July	411	486	493	559	489
August	396	479	456	616	517
September	502	457	493	501	339
October	466	441	593	463	462
November	419	427	500	440	558
December	479	554	530	384	533
January	458	436	532	446	501
February	467	500	592	488	487
March	457	586	593	584	542
April	455	539	592	443	531
May	460	471	507	523	490
June	469	525	632	542	550
Total	5,439	5,901	6,513	5,989	5,999

Table 35 presents the types of admissions to prison during the past five years. The admissions of new court commitments in FY 2002 indicated an increase of 6.3% and 36.5% respectively, when compared with that of FY 2001 and that of FY 1998. Probation condition violators decreased by 4% from FY 1998 but increased by 9.3% from FY 2001. Probation violators with new sentences in FY 2002 demonstrated an increase from all previous years except from FY 1999. The admissions of parole and post-release supervision condition violators

during FY 2002 indicated a decrease for the second consecutive year since FY 2000 (the year when the Senate Bill 323 was passed into law) but still represented nearly 30% increase when compared with that in FY 1998. Parole and post-release violators with new sentences in FY 2002 reached the lowest admissions during the past five years. The largest percentage decreases of conditional release violators and conditional release violators with new sentences since FY 1998 were due to the decrease of pre-guideline sentences (old law sentences).

**Table 35: Comparison of Prison Admissions by Type
FY 1998 through FY 2002**

Admission Type	FY 1998	FY1999	FY 2000	FY 2001	FY 2002	FY 2002-1998 % Difference
New Court Commitment	1,247	1,340	1,328	1,601	1,702	36.5%
Probation Violator	1,515	1,579	1,441	1,330	1,454	-4.0%
Probation Violator with New Sentence	204	226	212	203	221	8.3%
Parole/Postrelease Violator	1,847	2,236	3,084	2,552	2,396	29.7%
Parole/Postrelease Violator with New Sent	262	295	284	145	136	-92.6%
Conditional Release Violator	113	118	104	109	57	-98.2%
Conditional Release Violator with New Sent	15	13	7	10	3	-80.0%
Other Types*	236	94	53	39	30	-87.3%
Total	5,439	5,901	6,513	5,989	5,999	10.3%

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

As illustrated in Table 36, drug sentences during the past five years have increased, especially drug levels one and two. The most significant increase in drug sentences was drug level one during the past five years. Table 37 demonstrates the different patterns of nondrug admissions to prison during the past five years from FY 1998 to FY 2002 by severity levels. The most significant changes of nondrug sentences were the increase of incarceration of the

serious offenders and decrease of lower level offenders. The overall incarceration rate of drug offenders during the past five years has increased by 22%, while the overall nondrug incarceration rate has increased by 6.2%. However, when compared with FY 2001, the overall drug incarceration in FY 2002 increased by 4.6% while nondrug incarceration in FY 2002 decreased by 1.5% (Table 36 and Table 37). Further examination of the drug incarceration

sentences indicated that the number of drug levels one and two increased significantly during the past five years. The largest increase in number and percentage of drug offenders in FY 2002 fell on drug severity level one, which increased by 110.2% from FY 2001 and 1791.7% from FY 1998. For nondrug offenses, the largest increase in percentage during the past five years fell on nondrug level one and the largest decrease

in number and percentage occurred in nondrug severity level nine, which dropped by 2% from the previous year and 25% from FY 1998. As expected, the increase of incarceration of serious nondrug offenders and the decreases of incarceration of less serious offenders reflect the legislative changes during the past five years with the philosophy that “incarceration should be reserved for serious offenders.”

**Table 36: Comparison of Drug Prison Admissions by Severity Level
FY 1998 through FY 2002**

Severity Level	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2002-2001 % Difference	FY 2002-1998 % Difference
D1	12	15	33	108	227	110.2%	1791.7%
D2	92	123	146	163	186	14.1%	102.2%
D3	541	707	688	715	628	-12.2%	16.1%
D4	762	679	769	655	676	3.2%	-11.3%
Total	1,407	1,524	1,636	1,641	1,717	4.6%	22.0%

**Table 37: Comparison of Nondrug Prison Admissions by Severity Level
FY 1998 through FY 2002**

Severity Level	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2002-2001 %Difference	FY 2002-1998 % Difference
N1	37	63	67	99	92	-7.1%	148.6%
N2	87	78	109	138	121	-12.3%	39.1%
N3	370	444	529	612	645	5.4%	74.3%
N4	82	126	135	145	162	11.7%	97.6%
N5	492	520	626	751	671	-10.7%	36.4%
N6	109	173	196	207	195	-5.8%	78.9%
N7	862	871	1,031	889	890	0.1%	3.2%
N8	541	531	630	454	449	-1.1%	-17.0%
N9	1,035	1,116	1,160	789	773	-2.0%	-25.3%
N10	222	267	284	194	227	17.0%	2.3%
Offgrid	46	56	45	36	38	2.6%	-17.4%
Other*	149	132	65	34	19	-44.1%	-87.2%
Total	4,032	4,377	4,877	4,348	4,282	-1.5%	6.2%

* Other includes nongrid and unknown.

PROBATION SENTENCES

Distributions of probation sentences for the past five years are illustrated in Figure 43. Probation sentences demonstrate an increase trend in FY 2002 over FY 1998, FY 2000 and FY 2001 but a slight decrease from FY 1999. The decrease trend in FY 2000 and FY 2001 was the reflection of the changes from felony provisions to misdemeanors for the offenses of driving while suspended and driving while a habitual violator as a result of the 1999 Legislation.

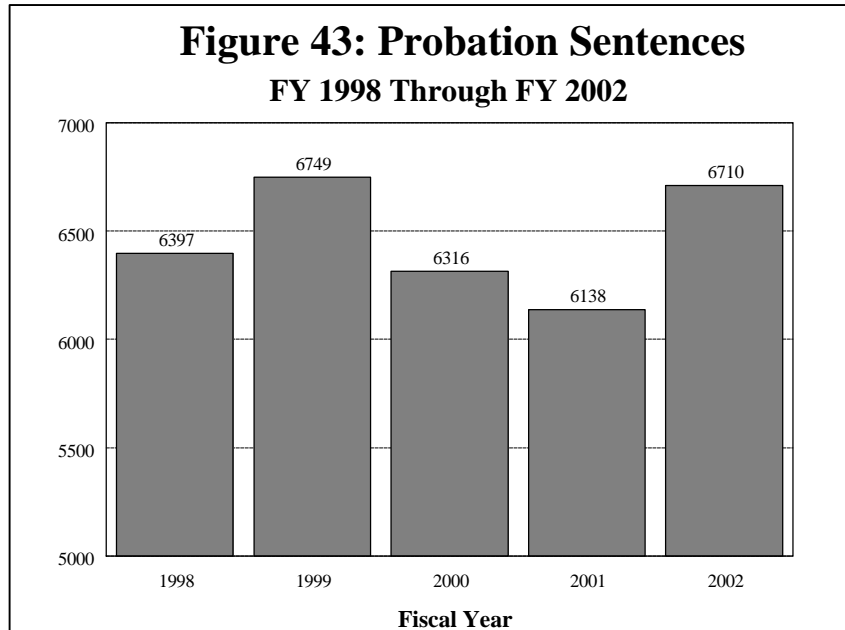


Table 38 illustrates the changes of probation sentences for drug offenses by severity levels during the past five years. The total number of drug probation sentences in FY 2002 increased by 14.3% from that of FY 2001 and 60.4% from FY 1998. Like incarceration sentences, the largest percentage increase of probation sentences for drug offenses fell within drug level one. The largest increase in number for drug probation sentences is shown in severity level four. The increase in drug sentences in Kansas mirrors the national trend of “war on

drugs.” As demonstrated in Table 39, the FY 2002 probation sentences for nondrug offenses indicated an increase of 7.1% from FY 2001 but a decrease of 9.8% from FY 1998. The largest decrease in numbers of probation sentences over the past five years fell within nondrug severity level nine, while the largest increase in numbers is indicated on nondrug level five. The decrease in numbers of nondrug severity level nine offenses reflects the legislative changes during the past three years.

**Table 38: Comparison of Probation Drug Sentences by Severity Level
FY 1998 through FY 2002**

Severity Level	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2002-2001 % Difference	FY 2002-1998 % Difference
D1	2	0	2	17	49	188.2%	2350.0%
D2	21	42	34	41	44	7.3%	109.5%
D3	377	380	395	507	555	9.5%	47.2%
D4	938	1,067	1,186	1,313	1,498	14.1%	59.7%
Total	1,338	1,490*	1,617	1,878	2,146	14.3%	60.4%

*FY 1999 total number includes one unknown.

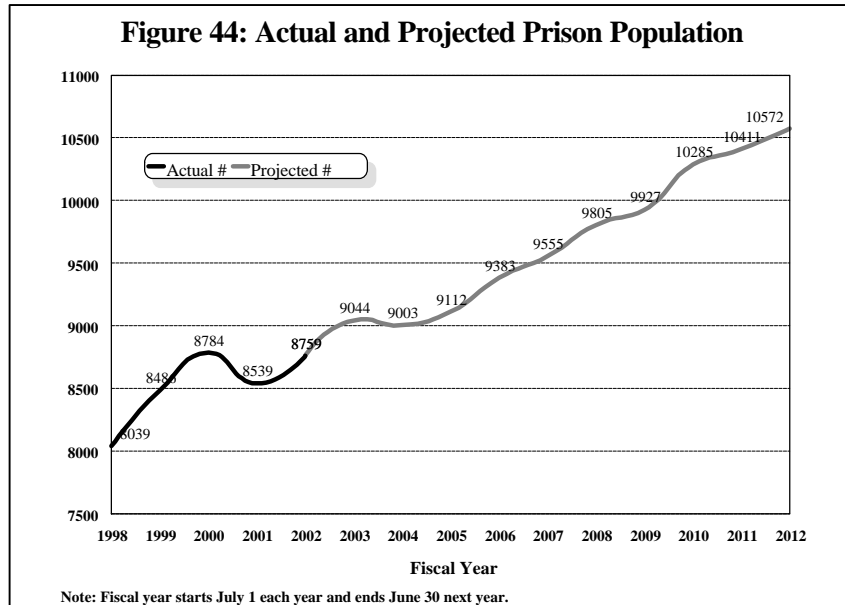
**Table 39: Comparison of Probation Nondrug Sentences by Severity Level
FY 1998 through FY 2002**

Severity Level	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2002-2001 %Difference	FY 2002-1998 % Difference
N1	6	3	5	3	5	66.7%	-16.7%
N2	5	6	2	2	2	0.0%	-60.0%
N3	44	26	38	32	37	15.6%	-15.9%
N4	13	25	17	15	16	6.7%	23.1%
N5	149	167	198	180	225	25.0%	51.0%
N6	104	80	91	89	76	-14.6%	-26.9%
N7	858	901	868	898	962	7.1%	12.1%
N8	642	678	664	682	756	10.9%	17.8%
N9	2,412	2,508	1,927	1,419	1,451	2.3%	-39.8%
N10	442	448	472	485	546	12.6%	23.5%
Nongrid	384	390	417	455	488	7.3%	27.1%
Total	5,059	5,259*	4,699	4,260	4,564	7.1%	-9.8%

*FY 1999 total number includes 27 unknowns.

PRISON POPULATION FORECASTS

Figure 44 indicates the actual and projected prison populations from FY 1998 through FY 2012.



Offenders incarcerated in state prisons are projected to reach 10,572 by June 30, 2012, which indicates a significant increase of 1,813 inmates or 20.7% from the FY 2002 actual prison population. Prison inmate population projections by severity levels are presented on Table 40.

The largest number of incarceration during the next ten years falls on nondrug severity level three followed by nondrug severity level one and offgrid. The largest increase in percentage falls on drug severity level one followed by nondrug severity level one and offgrid. The largest increase in numbers during the ten-year forecast period falls on drug severity level one followed by nondrug severity level three and nondrug severity level one. The above increases reflect the

penalty changes passed during the 1999 Legislation. The enactment of this Legislation, such as Substitute for House Bill 2469, enhanced penalties by elevating the severity level and correspondingly increased sentence lengths. As a result, from June 30, 1999 to June 30, 2002, during the period of three years, the prison population of drug severity level one has increased from 41 to 371 inmates, an increase of 805%. Even with the decision of the Kansas Court of Appeals State vs. Frazier ruling on precursor drugs on March 15, 2002 (change of drug level one to drug level four), the prison bed need for drug severity level one will increase by nearly 124% from the current 371 beds to 830 beds over the ten-year projection period.

Table 40: Ten-Year Inmate Prison Population Projection

Severity Level	June 30 Each Fiscal Year											Total # Increase	Percent Increase
	2002*	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012		
D1	371	423	515	582	635	712	751	760	792	820	830	459	123.7%
D2	340	337	345	367	374	405	442	445	460	439	435	95	27.9%
D3	427	433	445	450	464	475	485	458	481	478	488	61	14.3%
D4	480	549	543	539	591	618	589	600	611	622	637	157	32.7%
N1	656	692	741	793	837	876	910	951	983	1,019	1,056	400	61.0%
N2	509	511	520	532	548	562	576	596	594	608	612	103	20.2%
N3	1,246	1,323	1,380	1,431	1,487	1,514	1,529	1,592	1,638	1,651	1,689	443	35.6%
N4	276	278	295	305	323	319	339	331	345	356	358	82	29.7%
N5	921	946	907	900	896	912	925	937	982	994	998	77	8.4%
N6	160	165	170	177	183	182	189	171	189	186	198	38	23.8%
N7	758	758	778	808	829	835	841	828	843	864	852	94	12.4%
N8	212	213	207	205	195	190	193	210	222	214	211	-1	-0.5%
N9	274	274	303	290	302	288	320	317	328	328	331	57	20.8%
N10	51	65	70	52	56	44	65	57	56	59	54	3	5.9%
OFF GRID	656	676	707	734	763	795	825	854	885	916	945	289	44.1%
Condition Parole PIS Violators	1,422	1,401	1,077	947	900	828	826	820	876	857	878	-544	-38.3%
Total	8,759	9,044	9,003	9,112	9,383	9,555	9,805	9,927	10,285	10,411	10,572	1,813	20.7%

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

CUSTODY CLASSIFICATION PROJECTION

While Table 40 indicates the total beds needed over the ten-year forecast period, Table 41 demonstrates the kinds of beds needed over the next ten years. As illustrated in Table 41, by the end of FY 2003, the forecasted prison population will reach 9,044. Of that total population, it is projected that 148 unclassified beds, 2,966 minimum beds, 3,921 medium beds, 1,405

maximum beds, and 604 special management beds will be needed. By the end of FY 2012, the total prison population is expected to reach 10,572 and the projected beds needed at each custody level will be 156 unclassified beds, 3,447 minimum beds, 4,687 medium beds, 1,578 maximum beds, and 704 special management beds.

Table 41: Ten Years Custody Classification Projection

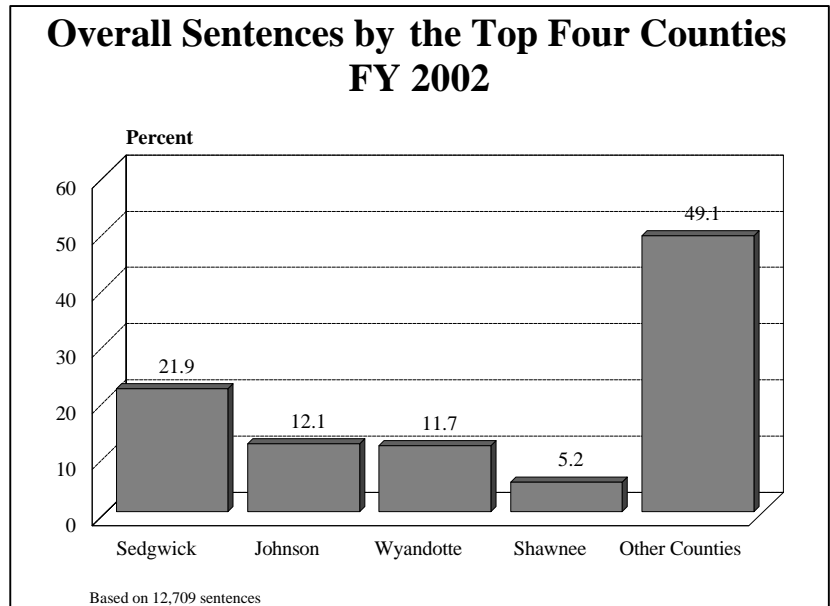
Fiscal Year	Unclassified	Minimum	Medium	Maximum	Special	Total
2003	148	2,966	3,921	1,405	604	9,044
2004	134	2,975	3,910	1,355	629	9,003
2005	145	2,977	3,932	1,418	640	9,112
2006	145	3,071	4,044	1,446	677	9,383
2007	139	3,150	4,153	1,449	664	9,555
2008	139	3,247	4,298	1,466	655	9,805
2009	139	3,267	4,380	1,509	632	9,927
2010	160	3,439	4,510	1,500	676	10,285
2011	149	3,437	4,560	1,572	693	10,411
2012	156	3,447	4,687	1,578	704	10,572

APPENDIX I SENTENCES FROM THE TOP FOUR COUNTIES

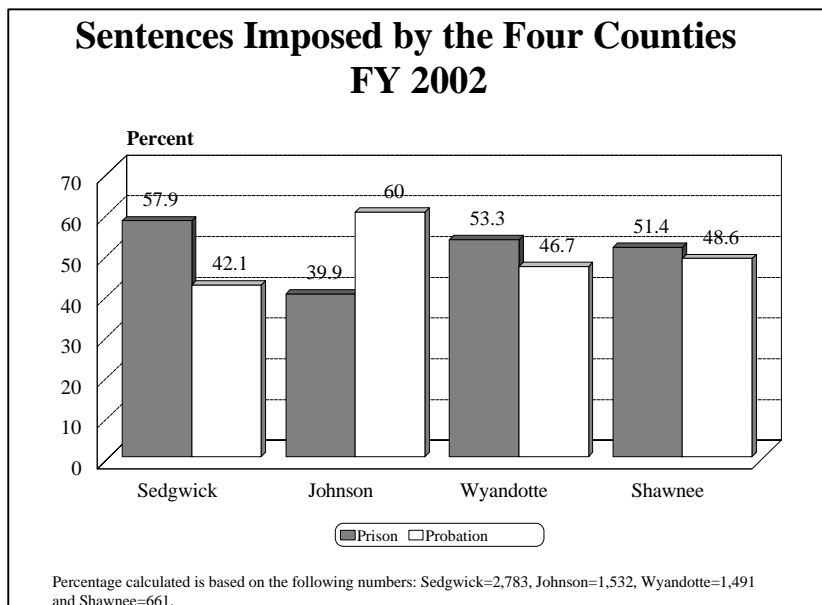
Sentences received by the Commission in FY 2002 demonstrated that Sedgwick, Johnson, Wyandotte and Shawnee counties accounted for 50.9% of the total state sentences. This percentage has decreased by 2.9% from FY 2001. Sedgwick remained the top-committing county followed by Johnson, Wyandotte and Shawnee counties. In comparison with the FY 2001 sentences,

Sedgwick County's sentences decreased by 2.5% followed by Johnson County (0.7%) and Shawnee County (0.2%), while Wyandotte County's sentences increased by 0.5%. Characteristics of offenses and offenders from the four counties in FY 2002 are displayed in the following figures and tables.

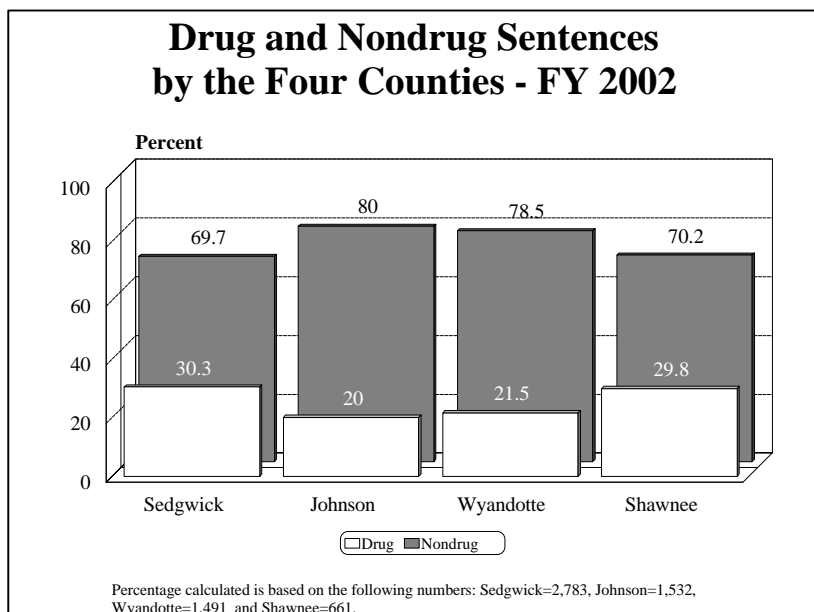
Sedgwick, Johnson, Wyandotte and Shawnee Counties accounted for 50.9% of the total state sentences in FY 2002.



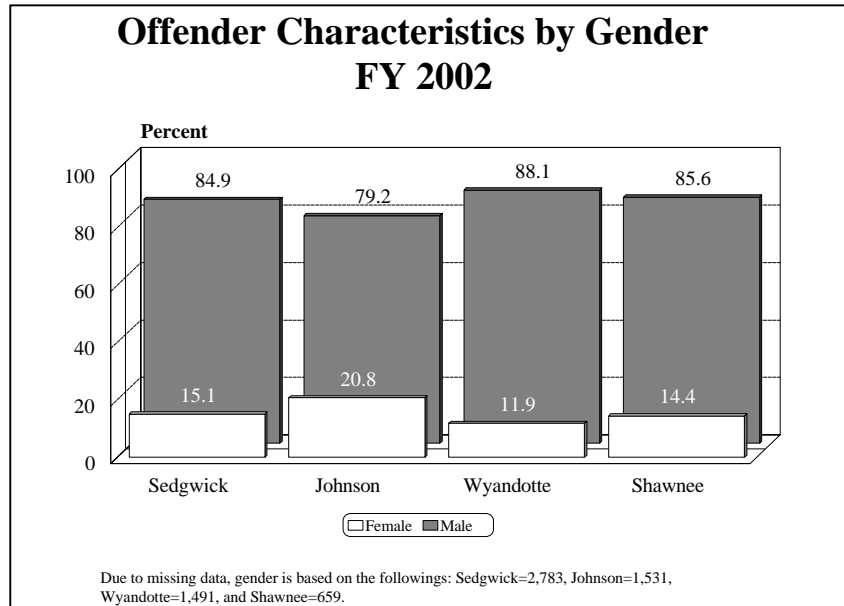
Johnson County imposed more probation sentences (60%) than the other three counties, while Sedgwick County had the highest percentage of prison sentences (57.9%) among the four counties.



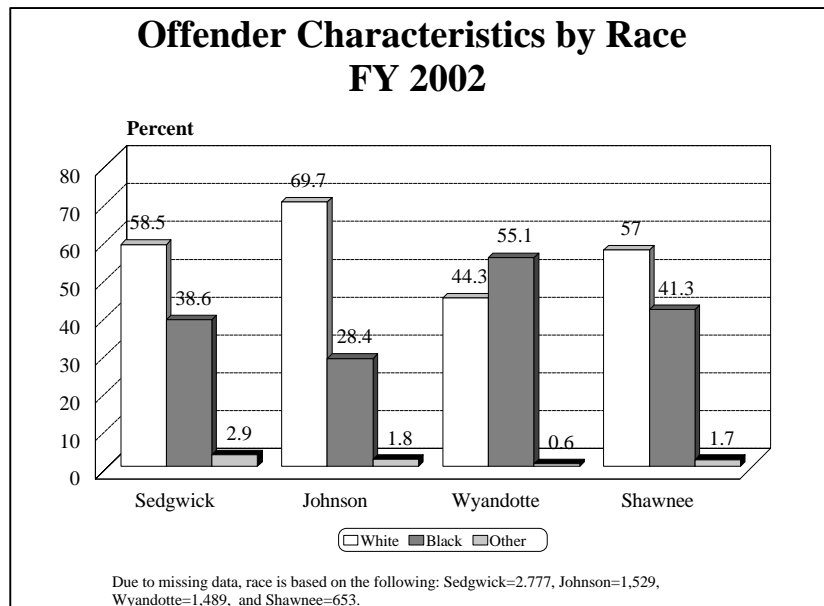
Sedgwick County had the highest percentage of drug sentences (30.3%), while Johnson County imposed the largest number of nondrug sentences (80%).



Johnson County indicated the highest percentage of female offenders (20.8%), while Wyandotte County indicated the most male offenders (88.1%).



Wyandotte County reported more black offenders (51.1%), while Johnson County reported more white offenders (69.7%).



FY 2002 Sentences from the Four Counties by Severity Level

Severity Level	Sedgwick		Johnson		Wyandotte		Shawnee	
	N	%	N	%	N	%	N	%
D1	82	2.9	8	0.5	7	0.5	10	1.5
D2	83	3.0	2	0.1	6	0.4	8	1.2
D3	274	9.8	107	7.0	74	5.0	57	8.6
D4	403	14.5	190	12.4	233	15.6	122	18.4
N1	32	1.1	3	0.2	13	0.9	11	1.7
N2	20	0.7	4	0.3	21	1.4	11	1.7
N3	218	7.8	43	2.8	106	7.1	46	7.0
N4	39	1.4	21	1.4	31	2.1	13	2.0
N5	266	9.6	93	6.1	112	7.5	65	9.8
N6	44	1.6	24	1.6	45	3.0	15	2.3
N7	452	16.2	173	11.3	254	17.0	85	12.8
N8	322	11.6	146	9.5	87	5.8	56	8.5
N9	416	14.9	363	23.7	234	15.7	104	15.7
N10	50	1.8	278	18.1	210	14.1	29	4.4
Nongrid	71	2.6	77	5.0	49	3.3	22	3.3
Offgrid	10	0.4	0	0.0	9	0.6	7	1.1
Unknown	1	0.0	0	0.0	0	0.0	0	0.0
Total	2,783	100.0	1,532	100.0	1,491	100.0	661	100.0

FY 2002 Top Ten Most Common Offenses by the Four Counties – 1

Offense Type	Sedgwick County		Offense Type	Johnson County	
	N	%		N	%
Drugs	842	30.3	Drugs	307	20.0
Burglary	244	8.8	Theft	301	19.6
Aggravated Battery	219	7.9	Forgery	154	10.1
Forgery	191	6.9	Burglary	107	7.0
Aggravated Robbery	142	5.1	Aggravated Battery	83	5.4
Theft	137	4.9	DUI	76	5.0
Robbery	117	4.2	Criminal Threat	47	3.1
Criminal Threat	84	3.0	Robbery	44	2.9
DUI	67	2.4	False Writing	33	2.2
Aggravated Burglary	64	2.3	Nonsupport of Child or Spouse	30	2.0
Total	2,107	75.8	Total	1,182	77.3

FY 2002 Top Ten Most Common Offenses by the Four Counties – 2

Offense Type	Wyandotte County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	320	21.5	Drugs	197	29.8
Theft	161	10.8	Burglary	60	9.1
Burglary	145	9.7	Aggravated Battery	46	7.0
Aggravated Battery	111	7.4	Forgery	41	6.2
Forgery	89	6.0	Robbery	38	5.7
Aggravated Assault	63	4.2	Theft	38	5.7
Robbery	60	4.0	Aggravated Robbery	32	4.8
Aggravated Robbery	56	3.8	DUI	21	3.2
Agg Indecent Lib w/Child	51	3.4	Aggravated Assault	15	2.3
DUI	46	3.1	Criminal Threat	15	2.3
Total	1,102	73.9	Total	503	76.1

APPENDIX II TRENDS OF SELECTED OFFENSES

TOP FIVE MOST FREQUENT OFFENSES

The top five most frequent offenses from FY 1998 through FY 2002 are drugs, burglary, theft, forgery and aggravated battery. Of the total offenses including both incarceration and probation sentences, these top five

offenses accounted for 56.1% (N=6,638) in FY 1998, 57.1% (N=7,226) in FY 1999, 58.7% (N=7,529) in FY 2000, 60.4% (N=7,325) in FY 2001 and 61.9% (N=7,865) in FY 2002. The following table displays the trends of the top five offenses from FY 1998 to FY 2002.

Top Five Most Frequent Offenses: Incarceration and Probation Sentences FY 1998 through FY 2002

Top Five Offenses*	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
Drugs	2,745	3,014	3,254	3,517	3,863
Burglary	1,427	1,515	1,512	1,352	1,336
Theft	1,084	1,211	1,158	963	1,030
Forgery	836	873	967	791	850
Aggravated Battery	546	613	638	702	786
Subtotal	6,638	7,226	7,529	7,325	7,865
Total Offenses	11,836	12,650	12,829	12,127	12,709

* The offense of driving while a habitual violator has been reclassified as misdemeanor since July 1, 1999. Therefore it is not included for this analysis.

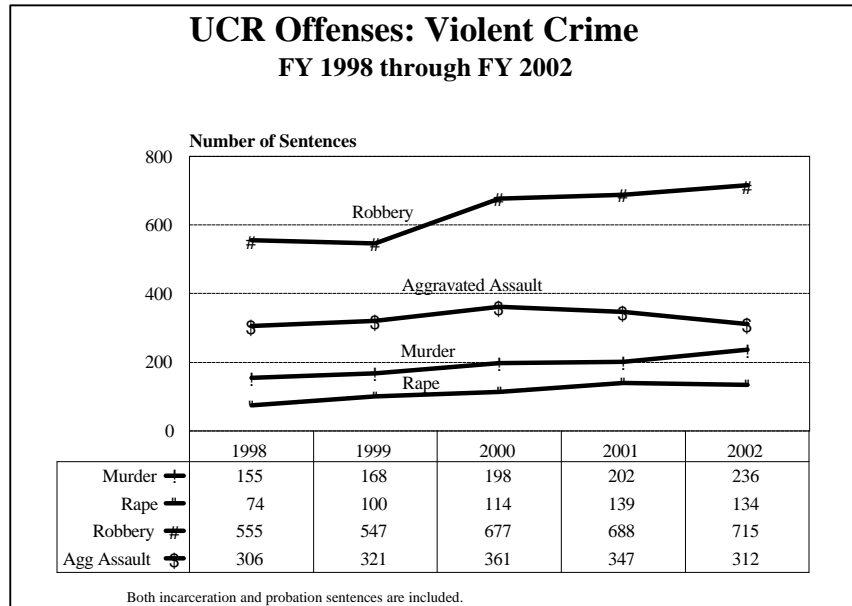
UNIFORM CRIME REPORTING (UCR) OFFENSES

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

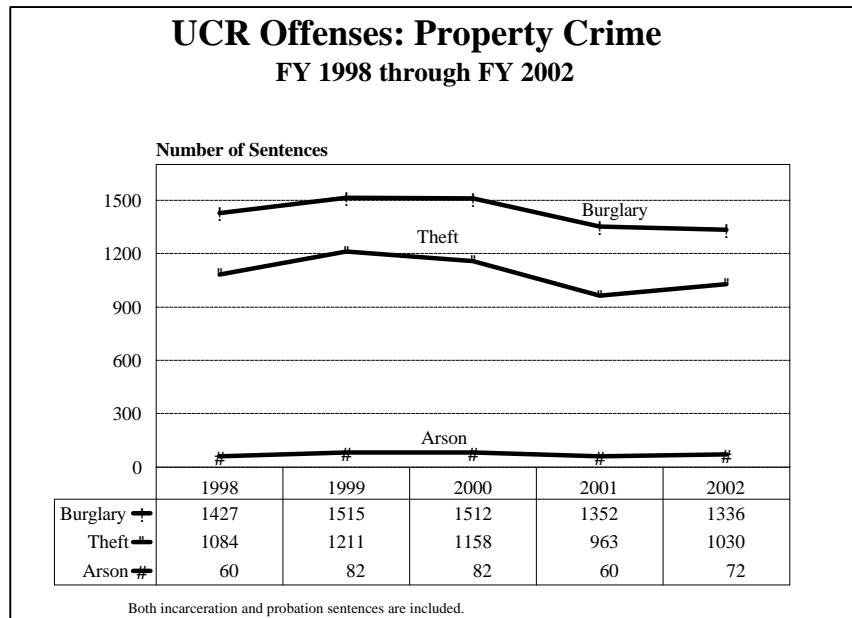
rape, robbery and aggravated assault are classified as violent crimes, while burglary, theft and arson are classified as property crimes. In the following trend analyses on the UCR offenses from FY 1998 to FY 2002, murder includes capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter and involuntary manslaughter; robbery includes aggravated robbery; aggravated assault includes aggravated assault on LEO;

burglary includes aggravated burglary, residential, non-residential and motor vehicle burglaries; theft includes motor vehicle theft; and arson includes aggravated arson.

For the violent crimes, the rising tendency was obvious for each of the violent crimes. However the crimes of aggravated assault and rape decreased a little bit in FY 2002 compared with those in FY 2001.



The analysis on the property crimes indicates that there was not much difference in the numbers of the crime of arson from FY 1998 to FY 2002. The crime of theft showed a dropping tendency since FY 2000 but it started increasing in FY 2002. The crime of burglary continued dropping after the new special sentencing rules passed in the 1999 Kansas Legislature.



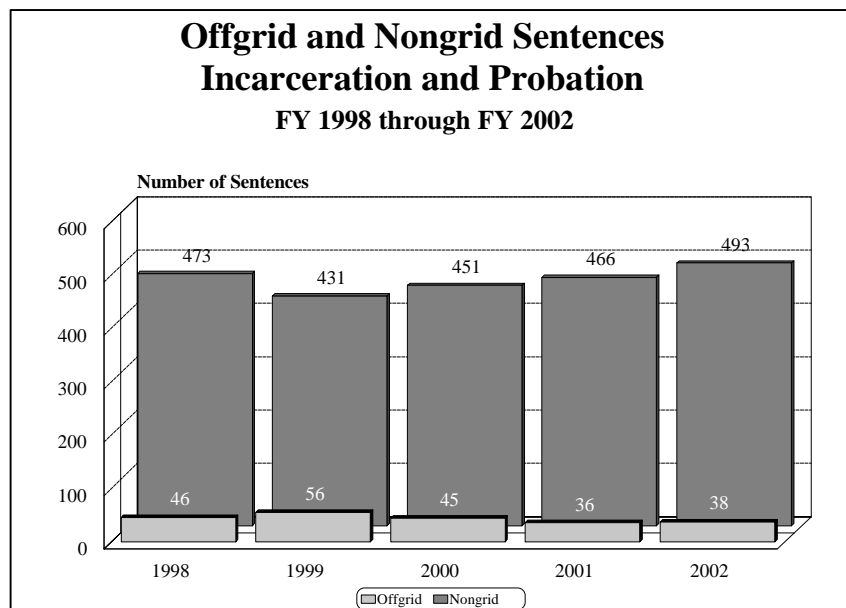
OFF-GRID AND NON-GRID CRIMES

Off-grid crimes are crimes that carry “life” sentences, meaning the length of imprisonment is life. The crimes of capital murder (K.S.A. 21-3439), murder in the first degree (K.S.A. 21-3401) and treason (K.S.A. 21-3801) are designated as off-grid crimes. Persons convicted of off-grid crimes will be parole eligible after serving 25 years in confinement for premeditated first-degree murder, or 40 or 50 years in certain premeditated first-degree murder cases, in which aggravating circumstances are found by the sentencing court. Offenders convicted of intentional second-degree murder for crimes committed prior to July 1, 1999, will be eligible for parole after serving 10 years of confinement. 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 20-year parole eligibility date.

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

The sentencing trend of off-grid crimes revealed a decreasing trend from FY 2000 to FY 2002. Whereas the non-grid sentences demonstrated an increasing trend starting from FY 2000. The number of non-grid sentences in FY 2002 increased by 5.8% compared with that in FY 2001.

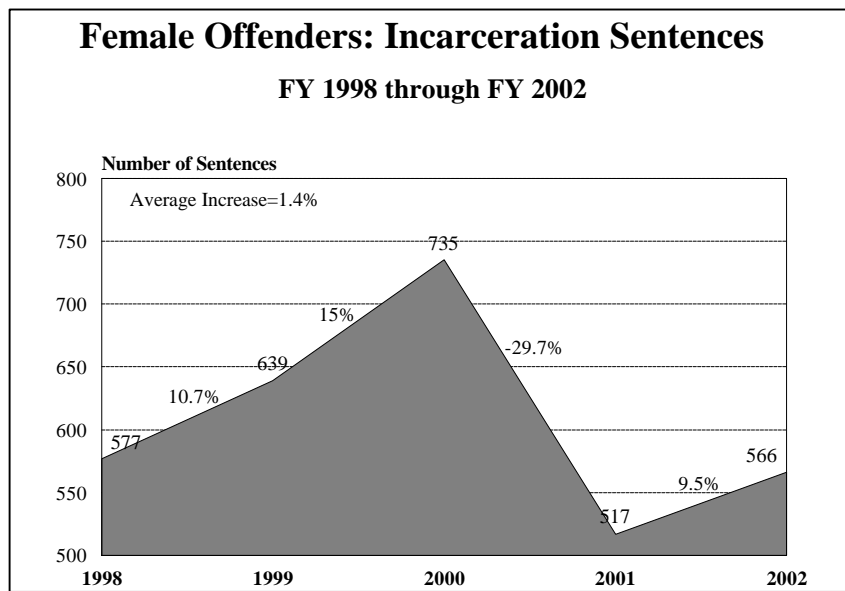


FEMALE OFFENDERS

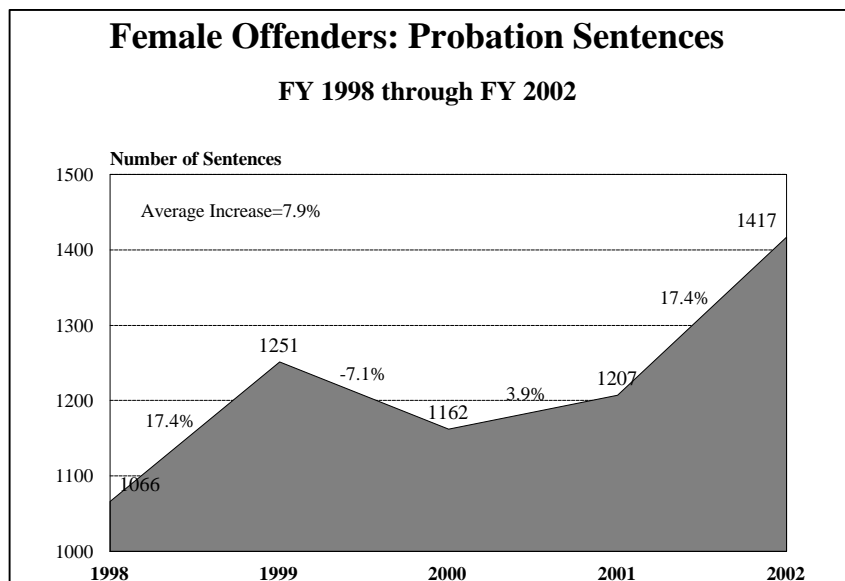
The number of female offenders admitted to prison kept increasing from FY 1998 to FY 2000 and decreased nearly 30% in FY 2001 compared with FY 2000. This admission pattern was consistent with the rising and falling pattern of the total admission of incarceration sentences during this period (Page 60). FY 2002 admission data

indicated that female offenders increased by 9.5% compared with those in FY 2001. The sentencing pattern of female offenders on probation was pretty much similar to that of the total probation sentences with an eventually rising tendency (Page 63). Females were sentenced to prison or probation most frequently for the offenses of drugs, forgery, and theft from FY 1998 to FY 2002.

The average growth rate for the female offenders sentenced to prison from FY 1998 to FY 2002 is 1.4% because of the offsetting effect of sharp decreasing (29.7%) in FY 2001. The highest annual increase rate during this period was 15% indicated in FY 2000.



Female probation sentences peaked twice with one in FY 1999 and the other in FY 2002. The annual increase rate was 17.4% for both years compared with its previous year. The average increase rate from FY 1998 to FY 2002 is 7.9%.



APPENDIX III

THE KANSAS SENTENCING COMMISSION

HISTORY OF THE KANSAS SENTENCING COMMISSION

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

the president of the senate, the senate minority leader, the speaker of the house of representatives, and the house minority leader, were to serve on the Commission as ex-officio, nonvoting members (L. 1989, Ch. 225, Sec. 2). The membership of the Sentencing Commission was amended during the 1997 session to designate the four legislative members of the Sentencing Commission as voting members (Senate Bill 363).

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

authorities with information to assist with population management options and program coordination; and (6) To provide policy makers information that will enhance decisions regarding resource allocations.

Over the next two years, the Sentencing Commission considered a wide range of topics relevant to sentencing guidelines, reviewed information from other guideline states (primarily Minnesota, Washington, Oregon and California), heard testimony from local and national criminal justice professionals, visited several correctional facilities, and held a series of public hearings throughout the state. In addition, the Commission conducted a comprehensive study of existing sentencing practices. The study documented a history of racial and geographical bias in sentencing, attributable to a system that, because it directed decision makers to consider socio-economic factors in sentencing, reflected general societal inequities.

The Sentencing Commission submitted its recommendations at the commencement of the 1991 legislative session, as was required under L. 1989, Ch. 225, Sec. 4. The Commission recommended a presumptive sentencing system, represented by sentencing grids for both nondrug and drug offenses, that provided an appropriate sentence for a crime based upon the crime of conviction and the individual's past criminal history. It further recommended that the sentencing court be allowed to depart from the presumptive sentence provided that the court explains on the record the reasons for a departure, and that a decision to depart is subject to appeal. The Commission recommended that statutory enactments and amendments to implement a sentencing guideline system become effective on July

1, 1992 (Recommendations of the Kansas Sentencing Commission 1991, p. 7).

The Commission's recommendations were first incorporated into Senate Bill 382, enacting a sentencing guidelines system. The bill was the subject of hearings in the Senate Judiciary Committee during the 1991 legislative session. At the close of the session, Senate Bill 382 was retained in committee, and recommended for an interim study. Hearings on the bill were held before the interim Special Committee on Judiciary in late 1991. Senate Bill 479 was a redraft of Senate Bill 382 to reflect the changes and recommendations of the 1991 interim Special Committee on Judiciary. Hearings on the new bill began in January 1992. After many debates in the Senate, and then in the House of Representatives, the bill was referred to a conference committee, whose report was subsequently adopted by both chambers. The Governor signed Senate Bill 479 on May 11, 1992. The effective date of sentencing guidelines under Senate Bill 479 was deferred until July 1, 1993, to allow for further refinement of the law and to allow the Kansas Judicial Council to complete its work on a revision of the criminal code.

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

CURRENT ROLE OF THE KANSAS SENTENCING COMMISSION

Monitoring

Since the sentencing guidelines have been implemented in Kansas, the primary focus of the Kansas Sentencing Commission has shifted to monitoring, evaluation and research related to the sentencing guidelines. Among the mandatory duties assigned to the Commission under K.S.A. 2001 Supp. 74-9101 are the following: to develop post-implementation monitoring procedures and reporting methods to evaluate guideline sentences; to advise and consult with the secretary of corrections and members of the legislature in developing a mechanism to link guidelines sentencing practices with correctional resources and policies, which includes review and determination of the impact of the sentencing guidelines on the state's prison population; to consult with and advise the legislature with reference to implementation, management, monitoring, maintenance and operations of the sentencing guidelines system; and to make recommendations to the legislature relating to modification and improvement of the sentencing guidelines. A report to the legislature is due by February 1st of each year, outlining modifications or adjustments to current sentencing policy that could reduce prison population. The Sentencing Commission performs two functions, which are essential to the discharge of these statutory duties: on-going analysis of sentencing guideline data and prison population projections.

First, the Commission receives pre-sentence investigation (PSI) reports and journal entries of judgment for all persons who are sentenced for crimes committed on or after July 1, 1993 (K.S.A. 2001 Supp. 74-

9101(b)(5)). State sentencing information extracted from the PSIs and journal entries is maintained in a database, from which the Commission staff can monitor, evaluate, and analyze sentences imposed pursuant to the sentencing guidelines. For instance, the staff can determine the number of guidelines sentences imposed, the characteristics of offenders and the offenses committed, the number and types of departure sentences, and the overall conformity of sentences to the sentencing guidelines. More importantly, the staff can analyze the overall distribution of guidelines sentences by race, ethnic origin, gender, age, education level and geographic location to determine whether the sentencing guidelines have reduced or eliminated such biases, which were found to be inherent in the pre-guidelines sentencing system. Indeed, a primary purpose for the development of a sentencing guidelines system in Kansas was to "establish rational and consistent sentencing standards which reduce sentence disparity, to include, but not be limited to, racial and regional biases..." (K.S.A. 2001 Supp. 74-9101(b)(1) and Recommendations of the Kansas Sentencing Commission 1991, at pp. 2, 8-26).

In 2001, the Sentencing Commission conducted a study on "An Evaluation of the Impact of Kansas Sentencing Guidelines on Sentencing Disparity," which was completed in January 2002. This study examines the impact sentencing guidelines have had in addressing the issue of racial, gender and geographical disparities in sentencing, especially with regard to departures and border box sentencing options. The study concludes that there has been a milestone improvement in the consistent application as to the length of sentences and sentences imposed since the implementation of sentencing guidelines, though continued policy changes must be

addressed in the sentencing areas of border boxes and special sentencing rules.

Starting on July 1, 1999 (the beginning of FY 2000), the Commission began to collect parole/post-release violators' data. This data is used to identify and evaluate supervision trends and behaviors of offenders on parole and supervision.

Second, in FY 1996 the Sentencing Commission acquired the PROPHET Simulation Model, an interactive microcomputer software system designed by the National Council on Crime and Delinquency (NCCD). The PROPHET model permits staff analysts to construct a model, which mimics the flow of offenders through the prison and parole populations based on the state of Kansas's sentencing structure and policy environment. With the PROPHET model, offenders enter the prison system and are placed in a designated status for a determined period of time; then exited from the system. Offender population and movement through the prison system can be forecasted on an annual basis as far as twenty years into the future. The first official ten-year baseline projections of the adult prison population, using the PROPHET model, were released in November 1995. Annual prison population projections are required, by statute, to be completed by the Commission in the fall of each year. The annual projections incorporate any changes or amendments from the previous legislative session pertaining to criminal acts or modifications to the sentencing guidelines. The model also allows staff analysts to determine changes in specific offender populations and their corresponding lengths of stay on an annual basis.

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

In 2002, the Commission developed its first projection models for prison population by gender. The projection reports by gender were released in December 2002.

The PROPHET model can also be programmed to statistically determine the impact of proposed legislation on the prison population, thus facilitating the Commission's duty to prepare and submit fiscal impact and correctional resource statements as required (K.S.A. 2001 Supp. 74-9101(b)(8)). Most importantly, the Commission utilizes the PROPHET projection model to analyze proposed sentencing policy changes and to assist in its development of recommendation to the Kansas Legislature. Proposals can be developed that indicate both short and long term impacts, quantify prison beds needed or saved and identify the specific resources associated with the proposal.

At present, the Sentencing Commission is developing and modifying a separate parole/postrelease projection model. This model would enable more accurate and detailed analysis of issues relating to the projection of the parole/postrelease population and the return to prison of condition violators.

The PROPHET model has also been used to project various populations in addition to adult felony offenders. In January 1996, the Sentencing Commission developed a projection model to forecast the juvenile detention population for Sedgwick County. This model served as a pilot for juvenile detentions and was also utilized in the Northeast Juvenile Detention Center in Douglas County.

In May of 1996, the PROPHET contract was extended again to complete the Phase I Needs Assessment Study requested by the Youth Authority. The study required the development of a statewide Youth Center database. Staff of the Commission manually gathered an entire year of admission data for all state youth centers. The data was then entered into a database from which a simulation projection model was developed. Similar to the adult prison projection model, the PROPHET model permitted the projection of admissions, lengths of stay, movement between youth centers and release types. In addition to the baseline projections, various scenarios were produced, which assisted in the development of the Placement Matrix adopted by the Youth Authority. Since then, the Commission has consecutively produced four juvenile correctional population projections for the Juvenile Justice Authority and the Kansas Legislature.

Training

Another duty of the Sentencing Commission is to assist in the process of training judges, attorneys at county and district levels, court services officers, state parole officers, correctional officers, law enforcement officials and other criminal justice groups (K.S.A. 2001 Supp. 74-9101(b)(4)). Since 1993 the Commission staff has initiated and

conducted training seminars on sentencing guidelines across the state, and the Commission -- members as well as staff -- frequently participate in seminars and training conferences at the request of various criminal justice groups and associations. Training and informational presentations are provided by staff to Washburn University, the University of Kansas Law School, as well as numerous county Bar Associations. In addition, Commission staff presented sentencing information for the state of Kansas at numerous nationwide conferences and the National Association of Sentencing Commissions.

The Commission also publishes the Sentencing Guidelines Desk Reference Manual and the Annual Report. A revised edition of the Desk Reference Manual is issued each year by the Commission following the Kansas legislative session. The Manual is available in print or on computer diskette or from the Commission's web site on the Internet. The Desk Reference Manual is used by all judges, prosecutors, defense attorneys, court services officers and community corrections agencies in the state. In addition, the Commission also compiles and distributes quarterly updates on recent Kansas Supreme and Appellate court decisions that pertain to sentencing guidelines.

The Sentencing Commission's Annual Report provides an overview of sentencing trends for each year and provides comparison data of changes in sentencing patterns among the various years. Sentencing data is presented by offense type, county, gender, race and various other data elements. The report serves as a reference to sentencing information statewide. It is available either in print or from the web site on the Internet.

Information Resource

The Commission has and continues to serve as an information resource for the legislature and various state criminal justice agencies. During FY 2002 the Commission received 9,368 felony journal entries, 4,218 probation revocation journals and 4,942 parole/postrelease hearing data. Now, the Commission has maintained seven years of complete felony sentencing data and three years parole/postrelease hearing data. During the past seven years, on average, the Commission annually responded to more than 200 individual requests for sentencing information to various individual counties, judicial districts, federal and other state agencies upon request. In addition, at the request of the legislature, the Commission has conducted various research projects and has published a selection of reports. Publications include: "An Evaluation of the Impact of Kansas Sentencing Guidelines on Sentencing Disparity," "Impact of Extended Jurisdiction Juvenile Prosecution on the Adult Correctional System," "Kansas State Juvenile Correctional Facilities: Population Projections and Trends," "An Evaluation of School Resource Officer Program In Kansas," "Preliminary Evaluation of Drug Abuse Resistance Education in Kansas," "Study of Intermediate Sanctions," "Report on Juvenile Offenders," "Intermediate Sanctions Throughout the United States", etc.

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

concerns to be submitted to the agency for response.