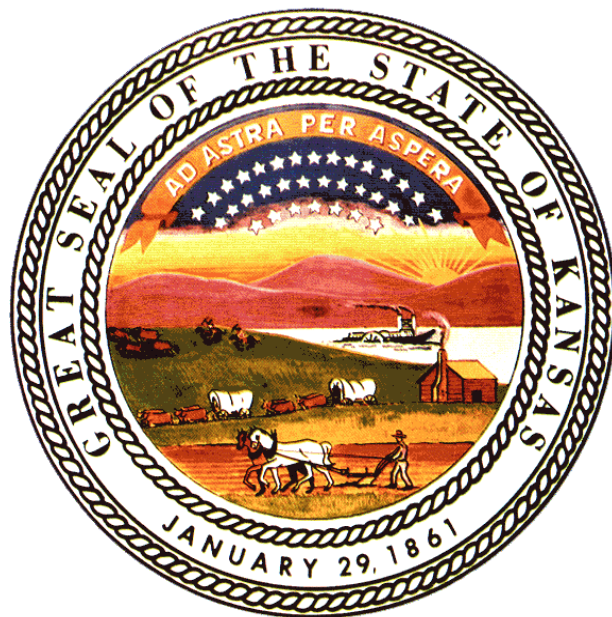


KANSAS SENTENCING COMMISSION

FY 2006 ANNUAL REPORT



MARCH 2007

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KANSAS SENTENCING COMMISSION

**ANNUAL REPORT
FY 2006**

Analysis Of Sentencing Guidelines In Kansas

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EXECUTIVE SUMMARY

During FY 2006, the Kansas Sentencing Commission continued its efforts in the areas of monitoring the implementation of sentencing guidelines, examining and conducting research on sentencing issues related to the sentencing guidelines. The activities the Commission focused on included: processing statewide felony sentencing journal entries including both prison and non-prison guideline sentences; evaluating the proportionality of sentences under Kansas Sentencing Guidelines; presenting recommendations to the state legislature relating to modification and improvement of current sentencing guidelines; providing the legislature and state agencies with prison bed-space impact assessments under any policy change related to sentencing guidelines; producing annual prison population projections for both Kansas Adult Correctional Facilities and Kansas Juvenile Correctional Facilities; monitoring the implementation of 2003 Senate Bill 123 drug treatment programs including the initial evaluation of the process and implementation of 2003 Senate Bill 123; conducting training sessions on sentencing guidelines and various sentencing issues; serving as an information resource to respond to national, state and county requests regarding sentencing data. The following summarizes the major sentencing issues presented in the annual report of FY 2006.

A total number of 13,456 felony sentences were reported to the Commission during FY 2006, indicating a decrease of 0.5% from that of FY 2005. Of the total number of

sentences, 5,609 were prison sentences and 7,847 were probation sentences. Non-drug sentences accounted for 66.6% (8,967 sentences) and drug sentences accounted for 33.4% (4,489 sentences).

INCARCERATION SENTENCES

Prison admissions to Kansas Department of Corrections (KDOC) reached 5,609 at the end of FY 2006. Male offenders represented 88% of the total admissions, which is very close to that of FY 2005. More than 85% of the violent and sex offenses were committed by male offenders, such as, rape, indecent liberties with a child, murder, burglary, robbery, battery, assault, criminal threat and possession of firearms. However, female offenders were incarcerated more frequently for the offenses of forgery, criminal use of financial card and identity theft (pages 19 & 20). Regarding drug crimes, male offenders were convicted of more than 85% of drug sales and unlawful manufacture of controlled substance but female offenders committed over 19% of offenses in drug possession and possession of precursor drugs (page 22).

The analyses on race and ethnic origin of offenders demonstrates that whites accounted for 66% of offenders sentenced to state prisons in FY 2006, indicating an increase by 1% over that of FY 2005 (65%). The offenders with non-Hispanic origin represented 91%, which remains constant compared with that of FY 2005. The highest incarceration rates for white offenders (over 70%) were found in the offense categories

of sex offenses, burglary, aggravated assault on LEO, involuntary manslaughter, DUI, nonsupport of a child or spouse and traffic in contraband. Nevertheless, black offenders were incarcerated more often (over 50%) for the crimes of aggravated robbery, robbery and kidnapping (pages 19 & 20).

The examination of the age of offenders reveals that the largest population of incarcerated offenders (28.3%) was found in the age group ranging from 31 to 40 years old at the time of admission to prison in FY 2006, which is consistent with those of previous years. As for the educational background of the offenders admitted in FY 2006, more than 49% of the offenders had attained either a high school diploma or GED equivalent.

In terms of admission types, new court commitments, probation condition violators and parole/post-release violators are the three largest groups representing 28.7%, 36.3% and 29.1% respectively of the total prison admissions in FY 2006. Most drug offenders incarcerated in FY 2006 fell at drug severity level 3 (29.7%) and drug severity level 4 (49.9%), while the largest numbers of nondrug offenders were identified at nondrug severity levels 7 and 9 with admissions of 792 and 804 respectively in FY 2006 (Pages 23 & 24).

PROBATION SENTENCES

In FY 2006, the Commission received a total number of 7,847 probation sentences. The analysis of the probation sentences discloses that DUI (15.4%), burglary (14.2%), theft (13.6%) and forgery (12.2%) were the top four offenses for nondrug probation offenders representing more than 55% of the total nondrug crimes (page 28), which indicates a decrease of 2% from that of FY

2005 (57%). The probation sentences for the crime of drug possession accounted for 72.6% of all drug probation sentences, an increase of 7.6% over that of FY 2006 (65%), (pages 29 & 31).

The analysis of the criminal history categories of the offenders on probation in FY 2006 demonstrates that offenders with criminal history category I accounted for 30% of offenders on the nondrug grid and 32% of offenders on the drug grid. Approximately 87% of nondrug offenders fell within the presumptive probation boxes (Table 11), while 66.7% of probation drug offenders were sentenced within the presumptive probation boxes (Table 12). Meanwhile, only 4% of probation nondrug sentences were found to be within the designated border boxes compared to 17.7% of probation drug sentences. This significant percentage difference indicates that drug offenders were more likely to receive probation than nondrug offenders when their offense types and criminal history categories fell within the border boxes. The data also implies that downward dispositional departures were another primary source of non-prison sentences found on the drug grid.

DRUG SENTENCES

The comparative analysis of drug sentences indicates that the number of drug incarceration sentences in FY 2006 (1,642) increased by 1.6% compared to that of FY 2005 (1,616) but decreased by 4.4% compared to that of FY 2002 (1,717). When individual drug severity levels were compared, all drug severity levels in FY 2006 demonstrated an increase over those of FY 2005 with the exception of drug severity level 3 with a decrease of 5.6%. However compared with FY 2002, each drug severity level demonstrated a decrease except for

drug severity level 4 with an increase of 21.3%. The most significant decrease was identified at drug severity level 2, a decrease of 26.9%, followed by drug severity level 3, a decrease of 22.5% (page 69).

When examining the offenses of the drug incarceration sentences, 51.3% of the incarceration drug sentences were convictions of drug possession increasing by 1.4% over that of FY 2005 (49.9%). Approximately 92% of the drug possession sentences fell at drug severity level 4 representing an increase of 0.7% over that (91.3%) of FY 2005 (page 21).

On the contrary, drug probation sentences exhibited a growing tendency in the past five years. The total number of drug probation sentences in FY 2006 increased by 2.5% compared with that of FY 2005 and significantly increased by 32.7% compared with that of FY 2002. The number of drug probation sentences at all levels increased except for drug level 2, which decreased by 59.1% compared with that of FY 2002 (page 71). Further analysis on the types of offense reveals that drug possession sentences represented 72.6% of probation drug sentences in FY 2006, an increase of 7.6% over that of FY 2005 (65%). More than 77% of the probation drug sentences fell at drug severity level 4, an increase of 5.8% over that (71.4%) of FY 2005 (pages 29 & 32). This distribution of drug possession offenses and severity levels of the offenders on probation is very consistent with that of FY 2005.

As for probation drug offenders under Senate Bill 123 (SB 123) drug treatment programs, the Commission received a total number of 1,359 sentences imposed to SB 123 drug treatment programs during FY 2006, representing nearly 48% of the total

drug probation sentences (2,847), an increase of 8% compared with that of FY 2005 (40%). Of these offenders, 83% were convicted of the crime of drug possession under K.S.A. 65-4160 and 16.7% were convicted of the crime of drug possession under K.S.A. 65-4162. The offenders at drug severity level 4 accounted for 99.7%. White male offenders were still the majority of the treatment sentences. The average age of the drug treatment offenders was 32 years old, which is the same with those of FY 2005 and FY 2004. Sedgwick County imposed the most SB 123 drug treatment sentences (185) followed by Johnson (139), Saline (112), Shawnee (86) and Wyandotte (85) counties (pages 33 and 34). In addition, 394 SB 123 drug treatment sentences were revoked during FY 2006. Of this number, 154 sentences were revoked to prison. The average period between original sentence and the first revocation hearing was 8.7 months and 4.5 months for the second revocation.

VIOLATORS

Totaling 3,679, condition violators admitted to prison during FY 2006 accounted for 65.6% of the total prison admission events of the fiscal year. Of this number, 2,038 were probation violators, 1,632 were parole/postrelease supervision violators, and 9 were conditional release violators. The total percentage of condition violators decreased by 2.7% compared with that (68.3%) of FY 2005 (page 37).

The analyses on the admission types of condition violators reveal that the decrease of condition violators primarily resulted from the decrease of parole/postrelease violators, who decreased by 22.6% compared with FY 2005. Conditional release violators, though small in number, decreased

by 69% compared with those of FY 2005. Senate Bill 323, which has modified the periods of postrelease supervision and was passed into law in May 2000, continues its impact on the admission rate of parole/postrelease condition violators returned to prison. However, the number of probation condition violators admitted to prison kept growing in FY 2006, which increased by 40.2% over that of FY 2002 and represented the highest in the past five years (page 68).

The analysis of offenders by gender demonstrates that male condition violators sentenced to prison represented the largest number of offenses at severity level 9 of the nondrug grid and severity level 4 of the drug grid. However, females were most often revoked and placed in prison for condition violations of offenses designated at severity level 8 of the nondrug grid and severity level 4 of the drug grid, which is consistent with the findings of female condition violators observed in FY 2005 (page 40).

In addition, 2,559 probation condition violators and 193 probation violators with new convictions were sentenced to either continued or extended probation for a violation during FY 2006. This represents 51.3% of the total number of 4,990 condition probation violators and 33.9% of the total number of 569 probation violators with new offenses (page 49). Compared with the data of FY 2005, probation condition violators sentenced to continued or extended probation for a violation increased by 2.2% while probation violators with new convictions who had their probation sentence either continued or extended increased by 25.3%.

CONFORMITY TO SENTENCING GUIDELINES

The comparison of the actual sentence imposed to the sentence identified under the Sentencing Guidelines Act provides a measure of whether the designated sentence is viewed as appropriate. Therefore, the conformity rate of sentences is an important monitor to evaluate the effectiveness of implementation of sentencing guidelines. Under sentencing guidelines, departures may be imposed to sentence an offender to a sentence length or type that differs from the sentence set forth under the guidelines. Thus departures, whether durational or dispositional, serve as a measure of conformity.

In this Annual Report, 7,384 pure guideline sentences of FY 2006 were analyzed to determine the conformity to the sentencing guidelines. Of this number, 1,448 were incarceration guideline sentences and 5,936 were probation sentences. More than 82.1% of the guideline sentences imposed fell within the designated guideline sentence range. Dispositional departures accounted for 11.7% of sentences and durational departures were found in 6.2% of sentences (page 52). The total conformity rates of FY 2006 remained very constant compared with those of FY 2005 and FY 2004.

When reviewing presumptive prison sentences within guidelines, the statistical data discloses that 41.1% of the sentences imposed fell within the standard range of the grid cell; 11.1% of all sentences were within the aggravated range; 22.3% were within the mitigated range; 25.5% were located within designated border boxes (page 53). This distribution of presumptive prison sentences does not fluctuate significantly compared with that of FY 2005.

The analysis of durational departures of the incarceration guideline sentences reveals that 70.3% of the durational departures were designated as downward durational departures, while 29.7% indicated upward durational departures (page 53). The percentage of downward durational departures increased by 2.5% compared with that of FY 2005.

The comparison of durational departures between drug and nondrug incarceration sentences indicates that 87.3% of drug durational departure sentences were downward compared to 60.8% for nondrug durational departure sentences (page 55). Downward durational departures were most frequently identified at severity levels 1 and 2 of the drug grid. Upward durational departures were found most frequently at severity levels 1, 2, 3 and 6 of the nondrug grid (page 57). This pattern of durational departures has remained fairly consistent over the past five years.

Dispositional departures are identified when the sentence imposed, prison or nonprison, is different from the sentence disposition designated under the sentencing guidelines. Upward dispositional departures are only applicable when prison sentences are imposed. When drug and nondrug sentences were compared, nondrug sentences indicated a 24% upward dispositional departure rate while drug sentences only represented a 6% upward dispositional departure rate (page 57).

In evaluating probation guideline sentences, the Commission noticed that, as expected, the majority (90%) of probation guideline sentences fell beneath the incarceration line, among which 87.7% fell within presumptive probation grids and 12.3% were within border boxes. Downward dispositional

departure was only identified in 10% of the probation guideline sentences imposed (page 54). The conformity rates of the total sentences remain constant compared with those of FY 2005.

Further analysis of downward dispositional departures of probation sentences discloses that drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences (14.4% vs. 7%). More drug probation sentences resulted from border boxes than did nondrug probation sentences (20% vs. 4.7%), (page 58).

PRISON POPULATION FORECAST

One of the statutory tasks of the Kansas Sentencing Commission is to produce annual prison population projections for the state correctional facilities. Sentencing data from felony journal entries, prison admission files, 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 of prison population projections is utilized by the Kansas Department of Corrections and various legislative committees in planning resource allocations, as well as policy development involving sentencing and other criminal justice related areas.

The prison population forecast projects that by the end of FY 2016, a total of 11,231 prison beds will be needed. This represents a total increase of 25.7% or 2,298 beds over the actual prison population as of June 30th, 2006. Although the total number of admissions has dropped compared with those of the past five years, a combination of developing admission trends with the impact

of the pronounced stacking effect and new sentencing policies have been resulting in a continual growth in the state's prison population.

When looking into projected population at individual severity levels over the next ten years, the most significant increase in both number and percentage of incarcerated population is identified in the group of offgrid offenders, an increase of 1,629 offenders or 229.1%. This significant growth results from the implementation of Jessica's Law (House Bill 2567) passed in the 2006 Legislative Session. According to this law, aggravated habitual sex offenders shall be sentenced to life imprisonment without possibility of parole (K.S.A.2006 Supp.21-4642); child sex offenses, where the offender is 18 years of age or older and the victim is less than 14 years of age, shall be sentenced to mandatory minimum of Hard 25 years for the first offense, Hard 40 years for the second offense and life imprisonment without parole for the third offense (K.S.A.2006 Supp. 21-4643).

The second largest increase in number falls at nondrug severity level 1, an increase of 186 offenders over the ten-year forecast period. This is due to the "stacking effect" of long sentence length of most serious offenses. The numbers of offenders at nondrug severity level 9 and drug severity level 4 will increase by 151 offenders respectively in ten years, who are primarily condition probation violators.

The largest decrease is found in the group of condition parole/postrelease violators (a decrease of 105 offenders or 13.4%) over the ten-year forecast period, which mirrors the impact of Senate Bill 323, wherein conditional probation violators would not be

placed on a period of postrelease supervision upon their release from prison.

The number of drug offenders demonstrates a declining trend at drug severity level 1 with a growing tendency at drug severity level 2 in the ten-year forecast period. These tendencies may result from Senate Bill 366 passed in the 2006 Legislative Session. This Bill has amended the severity level for a violation of possession of precursors under K.S.A. 65-7006(e) from a drug severity level 1 to a drug severity level 2 (pages 73 & 74).

REPORT CONTENTS

The FY 2006 Annual Report is presented in four chapters. A descriptive statistical summary of statewide guideline sentencing practices in FY 2006 is illustrated in Chapter One. Chapter Two describes the types and characteristics of violators incarcerated in correctional facilities. In Chapter Three, the pure prison and probation sentences imposed under the sentencing guidelines are examined to evaluate the conformity to the sentencing guidelines. Chapter Four contains analyses on sentencing trends and prison population projections.

Appendix I analyzes sentences of felony convictions from the top four contributing counties of the State of Kansas. Appendix II tracks the trends of the top five felonies, UCR offenses, offgrid and nongrid crimes in the past five years. Female offenders are analyzed in this section as well.

CHAPTER ONE SENTENCING IN KANSAS

SENTENCES REPORTED IN FISCAL YEAR 2006

In this report, sentences utilized for analyses on sentencing practice and sentencing tendency are based upon the most serious felony offense of a single sentencing event. The analyses of sentences include both prison and non-prison or probation sentences. Senate Bill 123 drug treatment sentences are comprised in the type of probation sentences.

In Fiscal Year (FY) 2006, a total number of 13,456 felony sentences were submitted to the Kansas Sentencing Commission, which decreased by 0.5% from that of FY 2005. Of that total number of sentences, 5,609 were prison sentences and 7,847 were probation sentences. This total included 8,967 nondrug sentences and 4,489 drug sentences. Non-person offenses accounted for 69.7% and person offenses accounted for 30.3% (Figure 1).

Figure 2 presents the overall sentencing distribution of FY 2006 by sentence type and offense type at each severity level. Approximately 50% (820 sentences) of the drug incarceration sentences were found at drug severity level 4. The largest numbers of nondrug incarceration offenders were identified at severity level 5 (551 sentences or 13.9%), severity level 7 (792 sentences or 20%) and severity level 9 (804 sentences or 20.3%). The examination of probation sentences in FY 2006 demonstrates that 2,196 probation sentences fell at drug severity level 4, representing more than 77%

of the total drug probation sentences. Of these 2,196 probation sentences, 1,359 (61.9%) were imposed to SB 123 drug treatment programs. The highest rate of nondrug probation offenders was at nondrug severity level 9 (30.7% or 1,534 sentences) followed by nondrug severity level 7 (19.9% or 997 sentences) and nondrug severity level 8 (17.6% or 879 sentences).

During FY 2006, 104 counties in the state reported sentences to the Commission. No sentences were reported from Sheridan County. Most of the counties reported 1 to 200 sentenced. Eight counties, Butler, Douglas, Finney, Ford, Geary, Harvey, Lyon and Montgomery counties, reported 201 to 400 sentences. Saline and Reno counties reported more than 400 sentences. Sedgwick, Johnson, Wyandotte and Shawnee counties remained the top four committing counties, accounting for almost 51% of all sentences during FY 2006, no percentage change compared with that of FY 2006 (Figure 3).

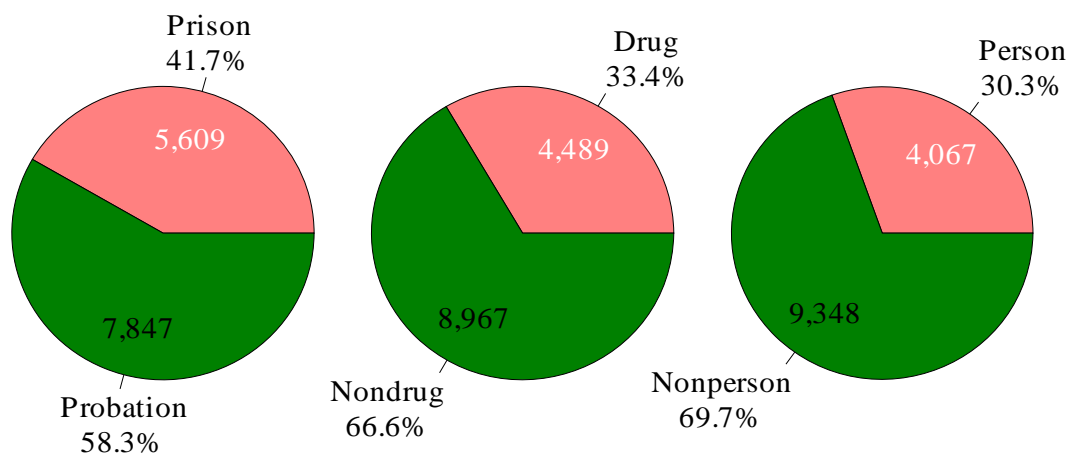
The top five offenses committed in FY 2006, including both prison and probation sentences, were crimes of drugs (33.4% or 4,489 sentences), burglary (10% or 1,336 sentences, including aggravated burglary), theft (8.1% or 1,090 sentences), DUI (6.7% or 904 sentences) and forgery (6.7% or 902 sentences). These top five offenses accounted for 64.8% of the total 13,456 sentences in FY 2006. The distribution of the top five offenses by county is illustrated in Figures 4 and 5. The analysis on the crime relations reveals that crimes of drugs and

DUI are closely related, while the occurrence of theft offense is closely related to the occurrence of burglary.

Violent crimes, according to the definition of the Uniform Crime Reporting (UCR) Handbook, refer to murder (including all types of murder and manslaughter), rape, robbery (including aggravated robbery) and aggravated assault (including aggravated assault on LEO). Figure 6 demonstrates the distribution of the violent crimes in FY 2006

by county. Most of the violent crimes were found to be committed in the top four counties. Sedgwick County reported the largest number of violent crimes (359 sentences) followed by Wyandotte County (217 sentences), Johnson County (118 sentences) and Shawnee County (92 sentences). The offenders' characteristics by individual counties are presented in Table 1.

Figure 1: Sentences Reported in FY 2006



Based on 13,456 felony sentences reported in FY 2006 (July 1, 2005 through June 30, 2006)

Figure 2: FY 2006 Sentencing Distribution

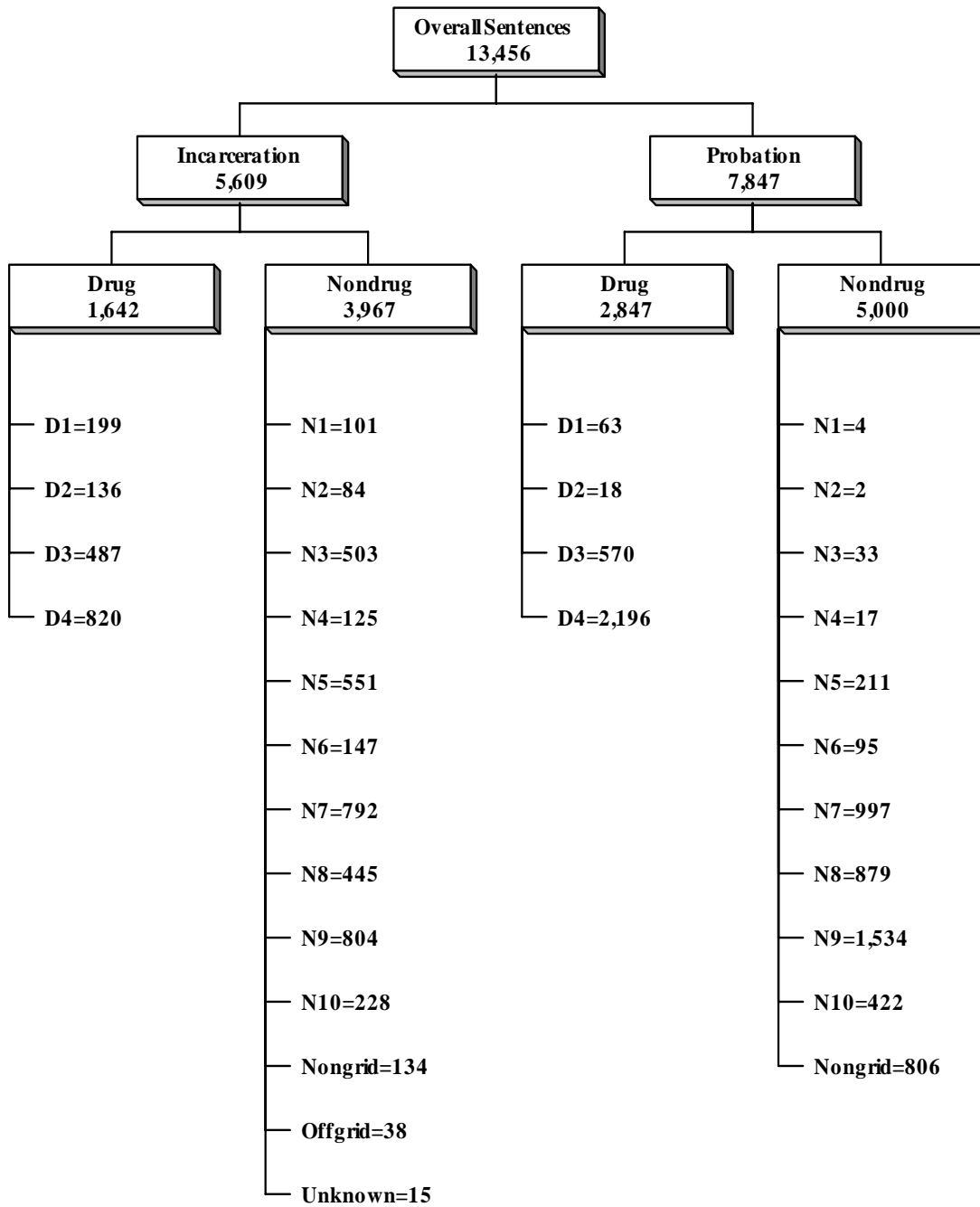


Figure 3: Sentences Reported in FY 2006 by County

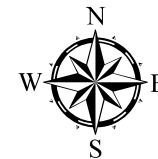
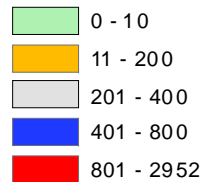
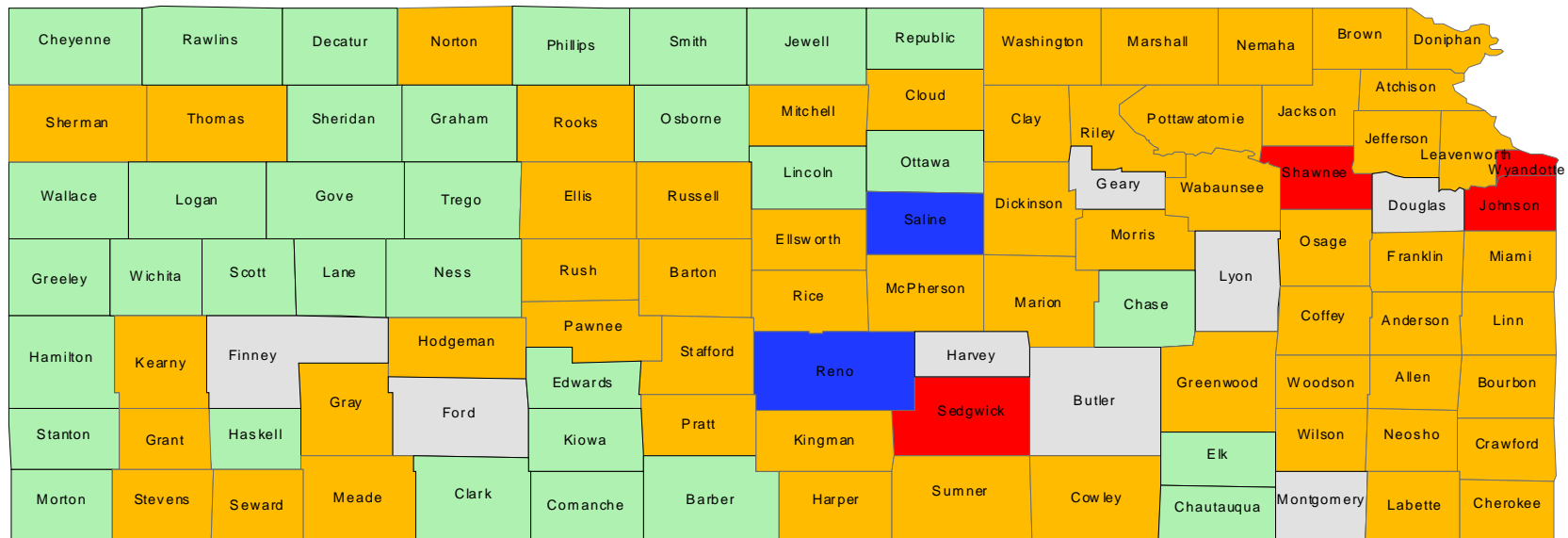


Table 1: FY 2006 Offender Characteristics by County - 1

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age*
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Allen	63	50	13	54	6	3	17	46	34	29	33.0
Anderson	37	30	7	36	0	1	14	23	23	14	33.4
Atchison	131	104	27	100	30	1	46	85	73	58	32.8
Barber	7	6	1	7	0	0	1	6	5	2	41.4
Barton	130	102	28	118	10	2	49	81	69	61	31.3
Bourbon	87	78	9	66	19	2	30	57	54	33	31.9
Brown	59	52	7	43	5	11	13	46	29	30	31.3
Butler	246	197	49	227	16	3	87	159	148	98	30.8
Chase	9	8	1	8	0	1	7	2	5	4	41.5
Chautauqua	2	2	0	2	0	0	2	0	2	0	30.7
Cherokee	31	25	6	28	3	0	12	19	22	9	37.3
Cheyenne	3	3	0	3	0	0	3	0	1	2	41.3
Clark	2	1	1	2	0	0	2	0	1	1	33.8
Clay	32	27	5	30	2	0	8	24	18	14	29.6
Cloud	29	25	4	29	0	0	7	22	19	10	31.9
Coffey	49	36	13	49	0	0	22	27	21	28	31.6
Comanche	1	1	0	1	0	0	1	0	1	0	46.0
Cowley	145	111	34	107	31	6	75	70	85	60	34.1
Crawford	188	156	31	162	24	1	66	122	116	72	31.3
Decatur	3	2	1	3	0	0	1	2	3	0	34.5
Dickinson	66	57	9	61	4	1	25	41	38	28	31.9
Doniphan	13	11	2	12	1	0	5	8	8	5	37.2
Douglas	259	223	36	169	71	19	95	164	212	47	30.9
Edwards	4	3	1	4	0	0	3	1	3	1	39.0
Elk	10	8	2	10	0	0	5	5	7	3	34.3
Ellis	44	37	7	41	3	0	26	18	23	21	29.8
Ellsworth	18	15	3	14	3	1	10	8	10	8	35.6
Finney	279	235	44	253	19	7	102	177	197	82	29.9

Table 1: FY 2006 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	249	208	40	235	7	6	62	187	114	135	30.9
Franklin	168	132	33	162	3	0	54	114	112	56	30.7
Geary	310	233	75	155	148	5	136	174	160	150	31.2
Gove	2	2	0	2	0	0	2	0	0	2	24.5
Graham	3	3	0	3	0	0	1	2	3	0	25.1
Grant	17	15	2	17	0	0	6	11	12	5	26.0
Gray	12	11	1	12	0	0	3	9	3	9	31.1
Greeley	2	2	0	2	0	0	1	1	1	1	40.1
Greenwood	56	48	8	56	0	0	14	42	33	23	34.1
Hamilton	1	1	0	1	0	0	1	0	1	0	23.5
Harper	32	27	5	31	0	1	7	25	28	4	28.9
Harvey	242	198	44	208	28	6	83	159	122	120	33.2
Haskell	5	5	0	3	0	2	5	0	4	1	28.9
Hodgeman	11	9	2	11	0	0	1	10	9	2	34.6
Jackson	88	69	19	74	5	9	20	68	54	34	33.7
Jefferson	27	25	2	21	5	1	9	18	14	13	35.2
Jewell	7	7	0	7	0	0	3	4	5	2	31.7
Johnson	1,789	1,446	342	1,345	415	27	749	1,040	1,322	467	31.5
Kearny	38	25	13	38	0	0	10	28	28	10	32.4
Kingman	35	29	6	34	1	0	7	28	25	10	36.5
Kiowa	8	7	1	6	2	0	8	0	6	2	30.7
Labette	94	79	15	82	12	0	22	72	53	41	31.8
Lane	7	7	0	7	0	0	2	5	4	3	40.4
Leavenworth	187	159	27	122	61	3	92	95	131	56	32.2
Lincoln	2	2	0	1	1	0	2	0	1	1	39.1
Linn	28	24	4	28	0	0	15	13	27	1	34.9
Logan	4	2	0	2	0	0	2	2	3	1	28.1
Lyon	248	201	47	201	43	4	77	171	125	123	29.8

Table 1: FY 2006 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	
Marion	27	22	5	27	0	0	9	18	21	6	31.1
Marshall	31	29	2	30	0	1	12	19	18	13	31.2
McPherson	118	90	28	108	9	1	42	76	78	40	32.7
Meade	13	12	1	12	1	0	4	9	9	4	38.4
Miami	105	88	17	88	13	4	42	63	72	33	31.5
Mitchell	14	12	2	12	2	0	5	9	10	4	28.9
Montgomery	244	190	54	176	64	4	117	127	137	107	31.2
Morris	19	16	3	19	0	0	9	10	10	9	33.0
Morton	9	9	0	8	1	0	8	1	6	3	33.1
Nemaha	28	24	4	25	1	2	11	17	16	12	31.3
Neosho	77	58	19	75	1	1	33	44	46	31	31.5
Ness	2	2	0	2	0	0	0	2	1	1	36.8
Norton	16	15	1	14	2	0	4	12	11	5	27.5
Osage	78	59	19	75	3	0	30	48	42	36	31.9
Osborne	10	9	1	9	0	1	1	9	6	4	29.8
Ottawa	3	3	0	3	0	0	3	0	2	1	33.1
Pawnee	47	39	8	40	6	1	16	31	30	17	33.6
Phillips	6	5	1	6	0	0	4	2	4	2	31.6
Pottawatomie	41	32	9	38	3	0	9	32	33	8	34.3
Pratt	72	56	16	70	0	2	17	55	38	34	31.5
Rawlins	4	3	1	4	0	0	2	2	4	0	24.4
Reno	420	341	77	344	69	5	164	256	190	230	32.4
Republic	9	6	3	8	0	1	1	8	8	1	43.2
Rice	42	36	6	40	1	0	19	23	19	23	31.6
Riley	195	157	37	129	62	3	52	143	127	68	28.0
Rooks	18	13	5	17	1	0	6	12	14	4	33.7
Rush	11	11	0	10	0	1	1	10	9	2	34.4
Russell	35	35	0	31	3	1	21	14	23	12	30.1

Table 1: FY 2006 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	
Saline	630	469	155	505	108	10	205	425	355	275	31.1
Scott	7	6	1	7	0	0	7	0	7	0	29.8
Sedgwick	2,952	2,379	570	1,793	1,085	70	1,501	1,451	2,187	765	32.3
Seward	134	112	22	112	22	0	71	63	106	28	30.3
Shawnee	832	643	180	517	289	17	286	546	587	245	33.3
Sherman	20	17	2	19	0	0	7	13	16	4	32.7
Smith	3	3	0	3	0	0	2	1	2	1	37.3
Stafford	15	14	1	15	0	0	5	10	8	7	30.0
Stanton	2	2	0	2	0	0	2	0	2	0	22.1
Stevens	36	28	8	33	2	1	13	23	16	20	29.7
Sumner	123	101	22	110	10	3	49	74	86	37	31.3
Thomas	23	19	4	21	2	0	5	18	16	7	29.3
Trego	5	5	0	5	0	0	1	4	1	4	35.6
Wabaunsee	17	15	2	16	1	0	6	11	14	3	36.8
Wallace	3	1	1	2	0	0	0	3	1	2	36.4
Washington	17	16	1	17	0	0	9	8	10	7	35.6
Wichita	6	5	1	6	0	0	1	5	5	1	34.1
Wilson	36	29	7	34	2	0	17	19	21	15	31.3
Woodson	11	8	3	11	0	0	2	9	10	1	26.4
Wyandotte	1,256	1,057	194	640	598	13	635	621	892	364	31.4
Unknown	15	14	1	11	4	0	15	0	14	1	28.9
TOTAL	13,456	10,896	2,521	9,804	3,343	266	5,609	7,847	8,967	4,489	31.8

Note: Because of missing data, numbers in each category are based on the following: Gender, N=13,417; Race, N=13,413; Sentence Type, N=13,456; Offense Type, N=13,456; and Age, N=13,412.

* Average age at time of sentencing.

CHARACTERISTICS OF OFFENDERS AND OFFENSES

The characteristics of the offenders who were sentenced during FY 2006 are presented in this section. The crime categories committed by the offenders are descriptively analyzed as well.

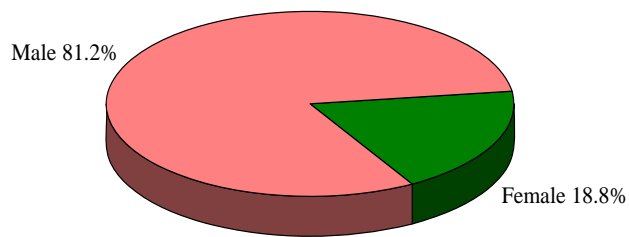
The distribution of offenders by gender, race, and age are exhibited in Figures 7, 8, 9 and 10 respectively. Table 2 illustrates the demographic information of offenders by offense types.

Male offenders accounted for 81.2% of all sentences in FY 2006 (Figure 7) and in excess of 90% of most aggravated crimes and violent crimes such as murder in the first degree, rape, sex offenses, burglary, kidnapping, firearms, weapons, fleeing or eluding LEO and criminal threat (Table 2).

Female offenders made up 18.8% of the sentences in FY 2006, increasing by 0.8% compared to that of FY 2005 (18%). The most frequently committed crimes by female offenders (over 40%) were forgery, identity theft, giving worthless checks, criminal use of financial card and computer crimes.

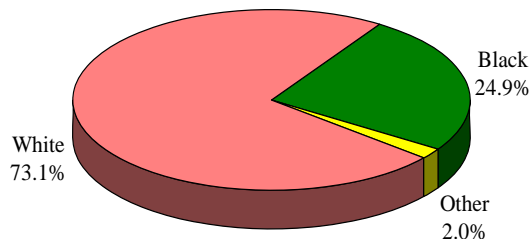
In FY 2006, white offenders accounted for 73% of the total sentences and 25% of the sentences were committed by black compared to that in FY 2005 (Figure 8).

Figure 7: Distribution of FY 2006 Sentences by Gender of Offenders



Based on 13,417 sentences reporting gender of offenders

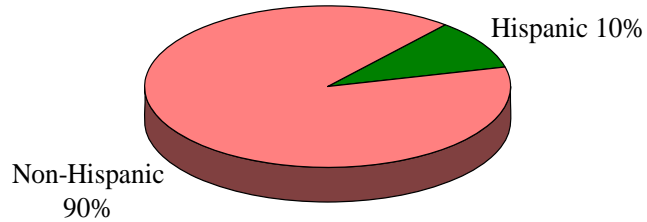
Figure 8: Distribution of FY 2006 Sentences by Race of Offenders



Based on 13,413 sentences reporting race of offenders

The examination of ethnicity of offenders discloses that 90% of the offenders sentenced in FY 2006 were of Non-Hispanic origin, indicating no percentage change compared with that of FY 2005 (Figure 9). This distribution of ethnicity of offenders has been comparatively constant in the past five years.

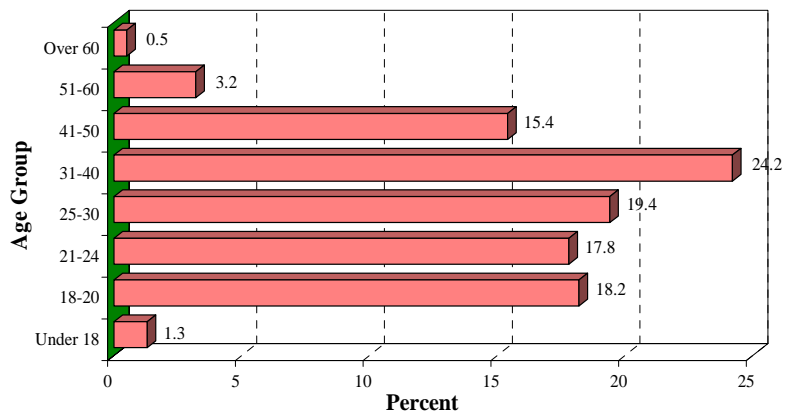
Figure 9: Distribution of FY 2006 Sentences by Ethnicity of Offenders



Based on 13,393 sentences reporting ethnicity of offenders

When analyzing offenders by age at the time of committing the offense, the largest group of offenders was found in the age group ranging from 31 to 40, representing 24.2% of all offenders in FY 2006. This finding is consistent with those in the past five years (Figure 10).

Figure 10: Distribution of FY 2006 Sentences by Age of Offenders



Based on 13,411 sentences reporting age of offenders at time of offense

Table 2: FY 2006 Offender Characteristics by Type of Offense – 1

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Abuse of Child	34	76.5	23.5	64.7	29.4	5.9	27.0
Agg Arson	17	88.2	11.8	58.8	29.4	11.8	26.1
Agg Assault	263	89.4	10.6	70.7	27.8	1.5	30.0
Agg Assault on LEO	50	94.0	6.0	78.0	22.0	0.0	31.0
Agg Battery	709	88.2	11.8	63.0	33.0	4.0	30.1
Agg Battery on LEO	22	86.4	13.6	50.0	45.5	4.5	29.3
Agg Burglary	168	90.4	9.6	70.1	28.7	1.2	29.7
Agg Criminal Sodomy w/Child	47	95.7	4.3	74.5	25.5	0.0	32.8
Agg Endangering a Child	8	75.0	25.0	87.5	12.5	0.0	29.1
Agg Escape from Custody	105	89.5	10.5	65.7	31.4	2.9	32.4
Agg Failure to Appear	53	76.9	23.1	61.5	36.5	2.0	34.7
Agg False Impersonation	12	83.3	16.7	58.3	41.7	0.0	29.5
Agg Robbery	283	96.1	3.9	37.5	61.1	1.4	24.6
Agg Incest	9	88.9	11.1	100.0	0.0	0.0	35.6
Agg Indecent Liberties w/Child	273	97.8	2.2	82.8	13.9	3.3	29.1
Agg Indecent Solicit w/Child	75	98.7	1.3	80.0	17.3	2.7	31.9
Agg Inter w/Parental Custody	7	42.9	57.1	57.1	28.6	14.3	33.4
Agg Intimidation of a Victim	18	94.4	5.6	77.8	16.7	5.6	28.2
Agg Kidnapping	10	90.0	10.0	100.0	0.0	0.0	30.9
Agg Sexual Battery	70	100.0	0.0	62.9	37.1	0.0	30.8
Agg Weapon Violation	8	100.0	0.0	50.0	50.0	0.0	27.7
Aid Felon	23	78.3	21.7	56.5	43.5	0.0	26.8
Arrange Sale/Purchase Drug	8	62.5	37.5	37.5	62.5	0.0	38.3
Arson	53	88.7	11.3	83.0	17.0	0.0	32.0
Battery on LEO	50	86.0	14.0	56.0	42.0	2.0	29.4
Burglary	1,168	92.5	7.5	81.0	17.0	2.0	26.6
Contribute Child's Misconduct	18	83.3	16.7	83.3	16.7	0.0	25.4
Computer Crime	11	45.5	54.5	90.9	9.1	0.0	30.3
Criminal Damage to Property	138	89.9	10.1	83.3	15.2	1.4	27.1
Criminal Discharge of Firearm	26	100.0	0.0	46.2	50.0	3.8	22.1
Criminal Sodomy w/Child	11	100.0	0.0	81.8	18.2	0.0	27.9
Criminal Threat	324	94.1	5.9	68.2	28.1	3.7	32.0
Criminal Use of Financial Card	51	54.9	45.1	74.5	19.6	5.9	29.0
Domestic Battery	37	97.2	2.8	72.2	27.8	0.0	33.9
Drug	4,489	78.0	22.0	76.6	21.7	1.7	31.6
Drug without Tax Stamps	70	91.3	8.7	71.0	24.6	4.3	28.4
DUI	904	84.7	15.3	89.7	8.4	1.9	38.8

Table 2: FY 2006 Offender Characteristics by Type of Offense – 2

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Failure to Register	44	100.0	0.0	65.9	29.5	4.5	35.5
Fleeing or Eluding LEO	276	93.5	6.5	63.8	33.3	2.9	29.1
Forgery	902	51.0	49.0	71.2	27.5	1.2	31.4
False Writing	103	58.3	41.7	61.2	36.9	1.9	30.5
Giving Worthless Checks	76	50.0	50.0	82.9	13.2	3.9	34.5
Identity Theft	134	43.3	56.7	74.6	24.6	0.8	32.6
Indecent Liberties w/Child	87	97.7	2.3	81.6	14.9	3.4	26.4
Indecent Solicitation of Child	39	94.9	5.1	82.1	15.4	2.6	27.9
Involuntary Manslaughter	39	87.2	12.8	76.9	23.1	0.0	28.9
Kidnapping	58	100.0	0.0	43.1	51.7	5.2	27.0
Lewd and Lascivious Behavior	10	100.0	0.0	90.0	0.0	10.0	36.8
Medicaid Fraud	6	33.3	66.7	33.3	66.7	0.0	46.2
Murder in the First Degree	52	90.4	9.6	50.0	48.1	1.9	30.1
Murder in the Second Degree	64	89.1	10.9	53.1	45.3	1.6	25.9
Nonsupport of Child or Spouse	58	98.3	1.7	87.9	12.1	0.0	37.1
Obstructing Legal Process	118	80.5	19.5	68.6	30.5	0.8	30.0
Obtain Prescription Drug	10	10.0	90.0	100.0	0.0	0.0	34.8
Perjury	7	42.9	57.1	71.4	28.6	0.0	28.3
Possession of Firearm	89	98.9	1.1	56.2	42.7	1.1	28.5
Rape	120	99.2	0.8	60.0	37.5	2.5	29.6
Robbery	237	86.9	13.1	45.6	52.7	1.7	26.9
Securities Crimes	5	40.0	60.0	100.0	0.0	0.0	35.8
Sex Exploitation of a Child	27	96.2	3.8	100.0	0.0	0.0	33.6
Stalking	19	100.0	0.0	89.5	10.5	0.0	36.8
Theft	1,090	74.8	25.2	68.6	29.9	1.5	31.5
Traffic in Contraband	53	67.9	32.1	83.0	15.1	1.9	31.3
Unlawful Voluntary Sex Relation	35	100.0	0.0	77.1	22.9	0.0	18.6
Voluntary Manslaughter	15	73.3	26.7	20.0	73.3	6.7	28.0
Weapons	8	100.0	0.0	75.0	25.0	0.0	23.3
Other	53	75.5	24.5	77.4	18.9	3.8	35.6
TOTAL	13,456	81.2	18.8	73.1	24.9	2.0	30.9

Note: Offenses with number of cases smaller than 5 are included in the offense type of "Other".
 Due to missing data, percentages in each category are based on different numbers: Gender, N=13,417; Race, N=13,413; and Age, N=13,411.

* Average age at time of offense.

INCARCERATION SENTENCES

Characteristics of Offenders

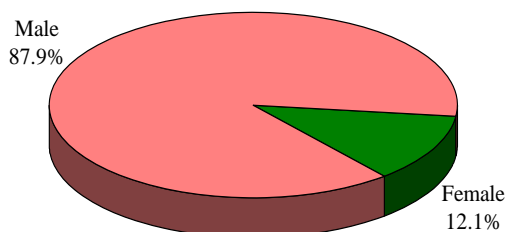
The characteristics of offenders admitted to the state correctional facilities during FY 2006 are illustrated in Figures 11, 12, 13, 14 and 15.

White males continued to be the predominant offender group admitted to prison in FY 2006 (Figures 11 and 12). Non-Hispanic offenders represented almost 91% of the offenders sentenced to prison (Figure 13). The overall distributions of the offenders by gender, race and ethnic origin are pretty constant compared with those of the past five years.

The largest number of incarcerated offenders were identified in their thirties (28.3%) at the time of admission to prison (Figure 14).

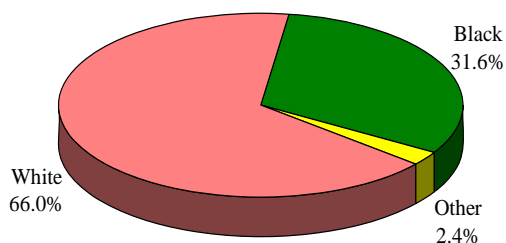
Approximately 50% of the incarcerated offenders had obtained a high school diploma or GED equivalent (Figures 15).

Figure 11: FY 2006 Incarceration Sentences by Gender of Offenders



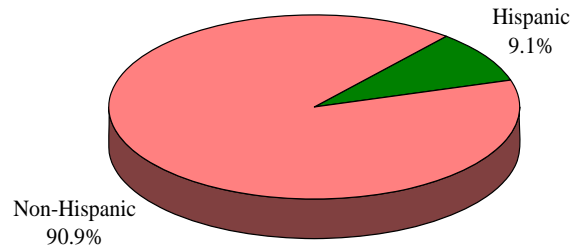
Based on 5,609 incarceration sentences reporting gender of offenders

Figure 12: FY 2006 Incarceration Sentences by Race of Offenders



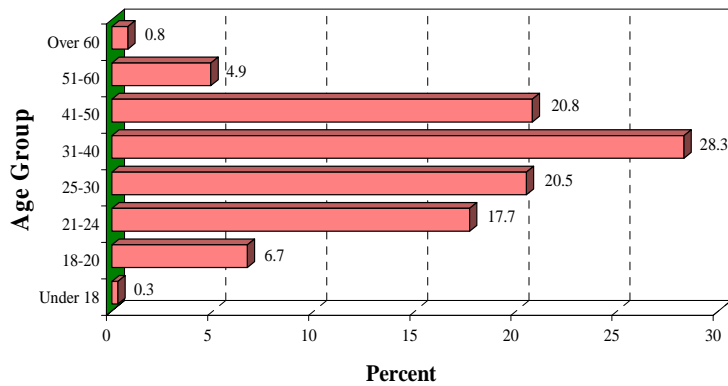
Based on 5,606 incarceration sentences reporting race of offenders

Figure 13: FY 2006 Incarceration Sentences by Ethnic Origin of Offenders

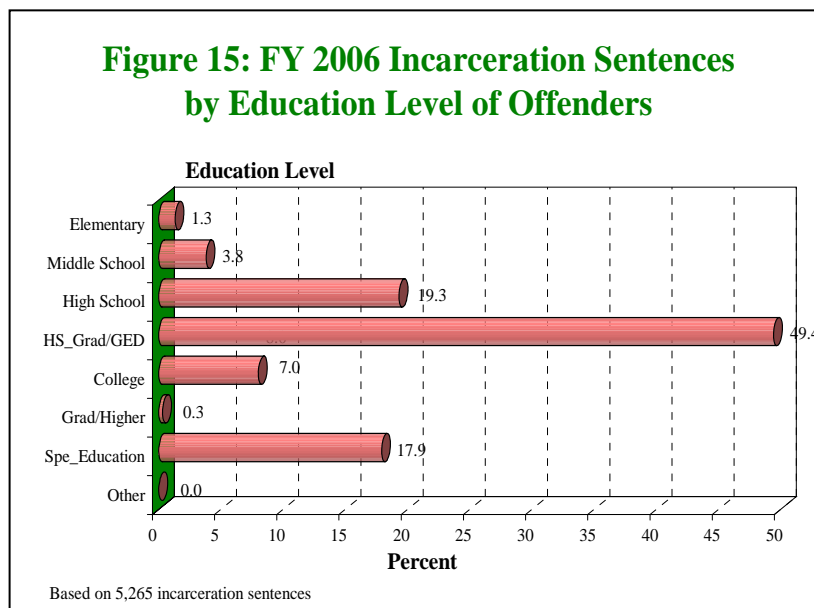


Based on 5,585 incarceration sentences reporting ethnic origin of offenders

Figure 14: FY 2006 Incarceration Sentences by Age of Offender at Admission



Based on 5,609 incarceration sentences reporting age of offenders



Incarceration Nondrug Offenses

In FY 2006, a total number of 3,967 offenders were admitted to prison with the convictions of nondrug offenses, representing approximately 71% of the total incarceration sentences (5,609) in FY 2006. The top ten nondrug offenses included burglary (459 sentences), theft (411 sentences), aggravated battery (339 sentences), forgery (292 sentences), aggravated robbery (255 sentences), aggravated indecent liberties with a child (230 sentences), robbery (179 sentences), DUI (134 sentences), aggravated assault (125 sentences), and criminal threat (122 sentences). These top ten offenses accounted for 64.2% of the total nondrug crimes committed by the offenders admitted to prison in FY 2006 (Table 3).

Male offenders were convicted of over 85% of the top ten crime categories, except for forgery and theft. Most sex offenders were

males, indicating no change from the previous year. However, the

highest percentage of sentenced females (over 30%) were found in the offense categories of criminal use of financial card, forgery, identity theft and traffic in contraband (Table 3).

The racial analysis of nondrug offenders indicates that the highest incarceration rates for whites (over 70%) were discovered in the areas of sex offenses, burglary, aggravated assault on LEO, involuntary manslaughter, DUI, nonsupport of a child or spouse and traffic in contraband. Nevertheless, blacks were incarcerated more often (over 50%) for the crimes of aggravated robbery, robbery and kidnapping. The average age of the nondrug offenders was 33.5 years old at the time of admission to prison in FY 2006, which is the same as that of FY 2005 (Table 3).

Table 3: FY 2006 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	17	94.1	5.9	82.4	11.8	5.9	30.0
Agg Arson	13	84.6	15.4	53.8	30.8	15.4	29.8
Agg Assault	125	94.4	5.6	67.2	32.0	0.8	30.0
Agg Assault on LEO	39	94.9	5.1	76.9	23.1	0.0	33.1
Agg Battery	339	91.4	8.6	57.2	38.1	4.7	32.5
Agg Battery on LEO	17	82.4	17.6	47.1	47.1	5.9	34.0
Agg Burglary	116	92.2	7.8	62.9	35.3	1.7	34.4
Agg Criminal Sodomy w/Child	45	97.8	2.2	73.3	26.7	0.0	37.0
Agg Escape from Custody	73	90.4	9.6	67.1	30.1	2.8	37.7
Agg Failure to Appear	5	80.0	20.0	100.0	0.0	0.0	42.2
Agg False Impersonation	5	80.0	20.0	20.0	80.0	0.0	29.5
Agg Incest	5	80.0	20.0	100.0	0.0	0.0	45.0
Agg Indecent Liberties w/Child	230	98.7	1.3	83.0	13.0	3.9	33.5
Agg Indecent Solicit w/Child	40	100.0	0.0	70.0	30.0	0.0	34.3
Agg Intimidation of a Victim	12	100.0	0.0	75.0	16.7	8.3	30.7
Agg Kidnapping	10	90.0	10.0	100.0	0.0	0.0	37.2
Agg Robbery	255	97.3	2.7	36.9	61.6	1.6	33.5
Agg Sexual Battery	47	100.0	0.0	48.9	51.1	0.0	36.3
Agg Weapon Violation/Weapons	6	100.0	0.0	50.0	50.0	0.0	28.5
Aid Felon	9	88.9	11.1	55.6	44.4	0.0	29.8
Arson	17	88.2	11.8	70.6	29.4	0.0	35.7
Battery on LEO	37	91.9	8.1	54.1	43.2	2.7	31.8
Burglary	459	93.0	7.0	75.3	22.5	2.2	30.1
Contribute Child's Misconduct	9	88.9	11.1	88.9	11.1	0.0	25.4
Criminal Damage to Property	34	91.2	8.8	82.4	14.7	2.9	29.4
Criminal Discharge of Firearm	12	100.0	0.0	33.3	58.3	8.4	23.8
Criminal Sodomy w/Child	10	100.0	0.0	80.0	20.0	0.0	33.3
Criminal Threat	122	97.5	2.5	67.2	25.4	7.4	33.3
Criminal Use Financial Card	11	63.6	36.4	72.7	0.0	27.3	34.2
Drug without Tax Stamps	18	88.9	11.1	61.1	38.9	0.0	31.9
DUI	134	87.3	12.7	90.3	8.2	1.5	43.9
Failure to Register	15	100.0	0.0	66.7	33.3	0.0	38.0
Fleeing or Eluding LEO	109	96.3	3.7	56.9	38.5	4.6	31.6
Forgery	292	58.2	41.8	64.3	33.3	2.4	34.9
False Writing	30	76.7	23.3	53.3	46.7	0.0	34.6

Table 3: FY 2006 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	
Giving Worthless Checks	12	75.0	25.0	66.7	25.0	8.3	36.1
Identity Theft	47	53.2	46.8	63.8	34.0	2.1	34.4
Indecent Liberties w/Child	58	96.6	3.4	75.9	19.0	5.2	34.1
Indecent Solicitation of Child	19	89.5	10.5	78.9	21.1	0.0	26.1
Involuntary Manslaughter	34	88.2	11.8	73.5	26.5	0.0	31.7
Kidnapping	52	100.0	0.0	46.2	50.0	3.8	37.2
Murder in the First Degree	52	90.4	9.6	50.0	48.1	1.9	35.5
Murder in the Second Degree	63	88.9	11.1	54.0	44.4	1.6	32.2
Nonsupport of Child or Spouse	27	100.0	0.0	85.2	14.8	0.0	41.7
Obstructing Legal Process	33	97.0	3.0	60.6	39.4	0.0	33.0
Possession of Firearm	37	100.0	0.0	45.9	51.4	2.7	31.0
Rape	115	99.1	0.9	59.1	38.3	2.6	38.0
Robbery	179	89.4	10.6	42.5	55.9	1.7	31.4
Sex Exploitation of a Child	18	100.0	0.0	100.0	0.0	0.0	35.3
Stalking	8	100.0	0.0	87.5	12.5	0.0	42.9
Theft	411	84.7	15.3	65.7	33.1	1.2	33.6
Traffic in Contraband	23	69.6	30.4	87.0	8.7	4.3	32.6
Unlawful Voluntary Sex Relation	7	100.0	0.0	85.7	14.3	0.0	21.6
Voluntary Manslaughter	15	73.3	26.7	20.0	73.3	6.7	35.1
Other	40	70.0	30.0	67.5	32.5	0.0	37.6
TOTAL	3,967	89.2	10.8	64.3	33.2	2.5	33.5

Note: Offenses with number of cases smaller than 5 are included in the offense type of "Other".

Incarceration Drug Offenses

Drug offenders, totaling 1,642, represented 29.3% of the total admissions to the State Correctional Facilities during FY 2006. Of this total number, 51.3% were incarcerated for convictions of drug possession offenses, indicating an increase of 1.4% compared with that of FY 2005 (49.9%). Almost 92% of the drug possession sentences fell at drug severity level 4 (Figure 16).

Males made up almost 85% of the drug offenders. Female offenders represented the highest percent (over 19%) in the drug crimes of opiates or narcotics possession first offense, opiates or narcotics sale second offense and possession of precursor drugs. White offenders were convicted of over 80% of incarceration drug sentences in the drug crime areas of unlawfully manufacturing controlled substance, possession of depressants, stimulants and hallucinogenic for the second offense, possession of paraphernalia and possession of precursor drugs. Black offenders were incarcerated more frequently (over 40%) for convictions of drug crimes of opiate or narcotics possession for the second, third and

subsequent offenses, and opiate or narcotics sale for the second, third and the subsequent offenses, which remains constant to those of FY 2005. The average age of the drug offenders was nearly 35 years old at admission to prison (Table 4), indicating one year older than the age of the drug offenders observed in FY 2005 (34 years old).

The drug crime of possession of precursor drugs under K.S.A 65-7006 was created in the 1999 Legislation. The penalty for a violation of this section was a drug severity level 1 felony. In 2002, the severity level for the crime was reclassified to drug severity level 4 according to the Kansas Court of Appeals' ruling in *State vs. Frazier* and reconfirmed as a drug severity level 1 with length of sentence at drug level 4 in the Kansas Supreme Court's decision in *State vs. Campbell* in 2005. However, the crime has been amended to a felony drug severity level 2 by Senate Bill 366 passed during the 2006 Legislative Session. Figure 17 presents the conviction trend of the crime in the past seven years.

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

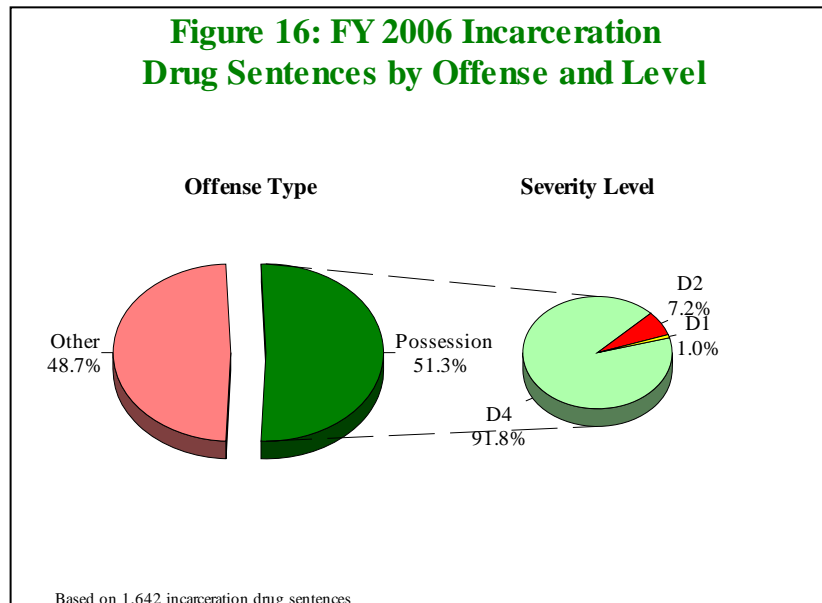
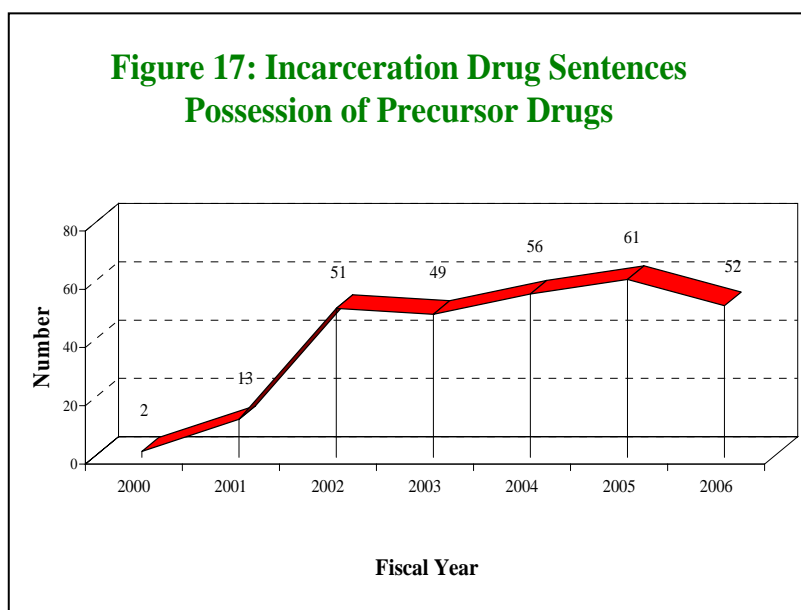


Table 4: FY 2006 Incarceration Drug Offender Characteristics by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age at Admission
		Male	Female	White	Black	Other	
Opiates or Narcotics; Poss 1	665	80.2	19.8	64.4	33.2	2.4	35.2
Opiates or Narcotics; Poss 2	61	90.2	9.8	52.5	44.3	3.3	38.8
Opiates or Narcotics; Poss 3	8	87.5	12.5	12.5	87.5	0.0	42.6
Opiates or Narcotics; Sale 1	322	86.0	14.0	62.6	36.1	1.2	35.2
Opiates or Narcotics; Sale 2	25	76.0	24.0	48.0	52.0	0.0	40.6
Opiates or Narcotics; Sale 3	5	100.0	0.0	40.0	60.0	0.0	36.6
Opiates/ Narcotics, Depress, Stim, Hall; Sale w/in 1,000 ft of School	39	87.2	12.8	82.1	15.4	2.6	33.3
Depress, Stim, Hall; Poss 2	108	89.8	10.2	82.4	16.7	0.9	32.0
Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale	161	92.5	7.5	73.9	23.0	3.1	30.3
Unlawful Manufacture Controlled Substance	149	90.6	9.4	98.0	0.0	2.0	35.3
Possession of Paraphernalia	45	84.4	15.6	84.4	11.1	4.4	33.6
Possession of Precursor Drugs	52	80.8	19.2	96.2	1.9	1.9	37.0
Other	2	100.0	0.0	100.0	0.0	0.0	33.5
TOTAL	1,642	84.8	15.2	70.2	27.7	2.1	34.7

The drug crime of possession of precursor drugs under K.S.A. 65-7006 kept increasing from FY 2000 through FY 2005. However the admissions to prison under this drug crime during FY 2006 dropped to 52 and the majority of the offenders were white males. The average age of the offenders was 37 years old at the time of admission to prison (Table 4).



Types of Admission and Severity Levels

Table 5 presents the distribution of offenders by types of admission to the Kansas Department of Corrections (KDOC) in FY 2006. Condition violators, including probation condition violators, parole/post-release condition violators, and conditional release condition violators, comprised 65.6% of all offenders admitted to state correctional facilities during FY 2006. This represents a percentage decrease of 2.7% from FY 2005 (68.3%). As in the past years, condition violators admitted to prison had a

significant impact on the total admissions to the Department of Corrections in FY 2006.

New court commitments and violators with new sentences comprised another big proportion of prison admissions, increasing from 31% of total admissions in FY 2005 to 34.2% of the total admissions in FY 2006. This is the first time that new court commitments increased in both number and percentage in the past five years, when new court commitments revealed a declining tendency from FY 2002 through FY 2005.

Table 5: Distribution of FY 2006 Incarceration Sentences by Admission Type

Admission Type	Number of Cases	Percent
New Court Commitment	1,610	28.7
Probation Condition Violator	2,038	36.3
Probation Violator With New Sentence	142	2.5
Inmate Received on Interstate Compact	4	0.1
Parole/Post-release Condition Violator	1,632	29.1
Parole/Post-release Violator With New Sentence	168	3.0
Paroled to Detainer Returned With New Sentence	6	0.1
Conditional Release Condition Violator	9	0.2
TOTAL	5,609	100.0

Table 6 demonstrates the distribution of all incarcerated offenders admitted in FY 2006 by offense severity level and gender. The highest percentages (over 13%) of all nondrug offenders are found at severity levels 5, 7 and 9 (Figure 18). This severity level distribution of nondrug incarcerated offenders has remained constant in the past five years. The examination of drug offenders indicates that 49.9% of all drug

offenders fell at drug severity level 4 (Figure 19), which increased by 1.6% compared with that in FY 2005 (48.3%). Female offenders were convicted more often of drug offenses than of nondrug offenses (15.2% vs. 10.8%). The highest percentages of female offenders were found at drug severity level 4 (18.3%) and nondrug severity level 8 (29.7%).

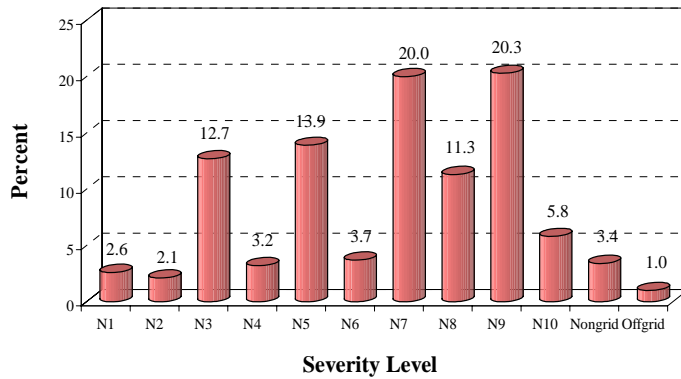
**Table 6: Distribution of FY 2006 Incarceration Sentences
By Severity Level and Gender***

Severity Level	Number of Cases	Gender (%)		Subtotal (%)
		Male	Female	
Drug				
1	199	87.9	12.1	12.1
2	136	87.5	12.5	8.3
3	487	88.1	11.9	29.7
4	820	81.7	18.3	49.9
Subtotal	1,642	84.8	15.2	100.0
Nondrug				
1	101	95.0	5.0	2.6
2	84	94.0	6.0	2.1
3	503	96.8	3.2	12.7
4	125	95.2	4.8	3.2
5	551	92.7	7.3	13.9
6	147	93.9	6.1	3.7
7	792	90.7	9.3	20.0
8	445	70.3	29.7	11.3
9	804	88.8	11.2	20.3
10	228	87.3	12.7	5.8
Nongrid	134	87.3	12.7	3.4
Offgrid	38	89.5	10.5	1.0
Subtotal	3,952	89.2	10.8	100.0
TOTAL**	5,609	87.9	12.1	100.0

* Based on 1,642 drug offenders and 3,967 nondrug offenders.

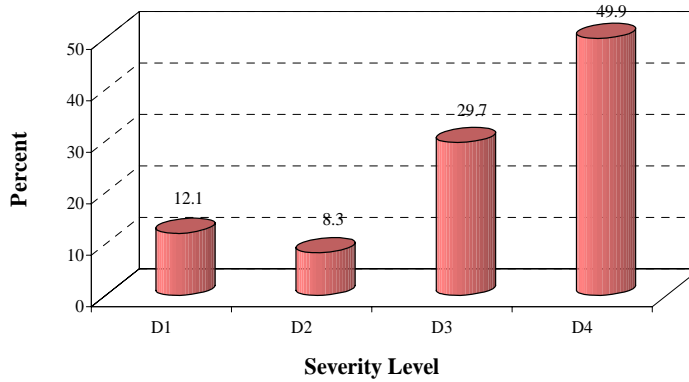
** Total number includes 15 offenders whose severity levels are unknown.

**Figure 18: FY 2006 Incarceration Sentences
Nondrug Offenders by Severity Level**



Based on 3,952 nondrug offenders

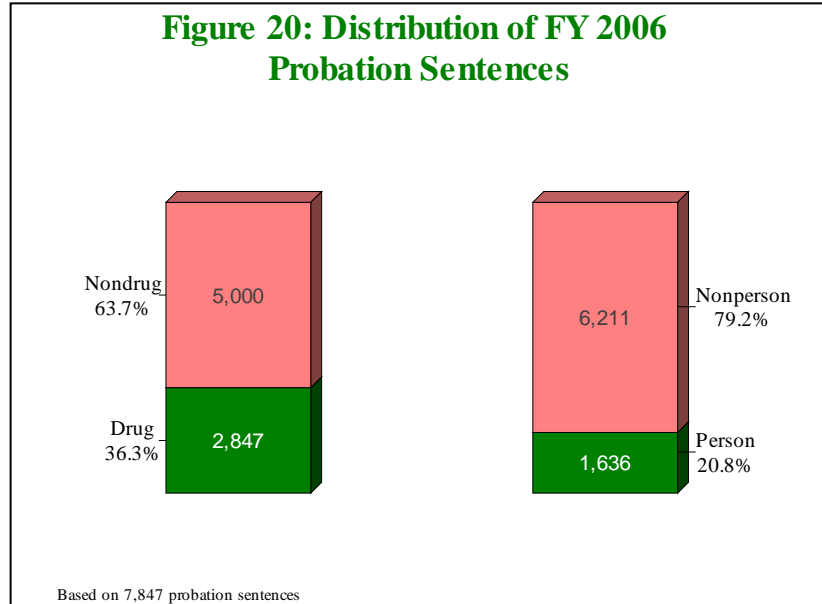
**Figure 19: FY 2006 Incarceration Sentences
Drug Offenders by Severity Level**



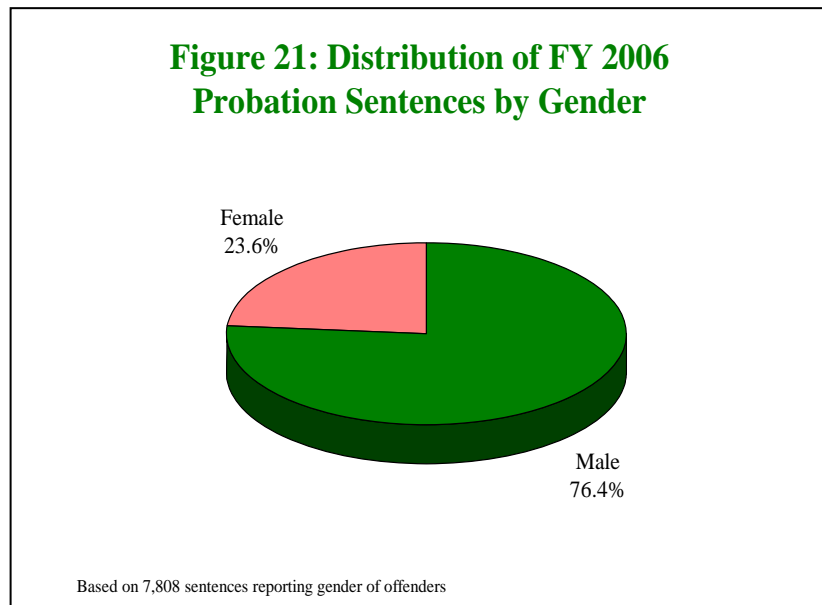
Based on 1,642 drug offenders

PROBATION SENTENCES

A total number of 7,847 probation sentences were reported to the Kansas Sentencing Commission in FY 2006. Of this number, 5,000 were nondrug sentences and 2,847 were drug sentences; non-person offenses made up 79.2% and person offenses made up 20.8% (Figure 20). Figures 21, 22 and 23 describe the demographic information of this offender group.

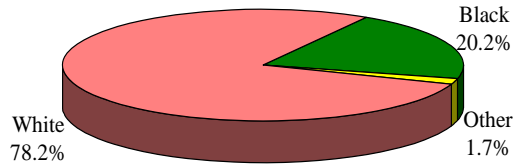


Male offenders accounted for 76.4% of all probation sentences in FY 2006, indicating a decrease of 0.6% compared with that observed in FY 2005 (Figure 21).



White offenders made up 78.2% of the probation sentences imposed in FY 2006. The percentage change of the white offenders indicates a decrease of 1.8% compared with that of FY 2005 (80%) and a decrease of 0.9% from 79.1% observed in FY 2004 (Figure 22).

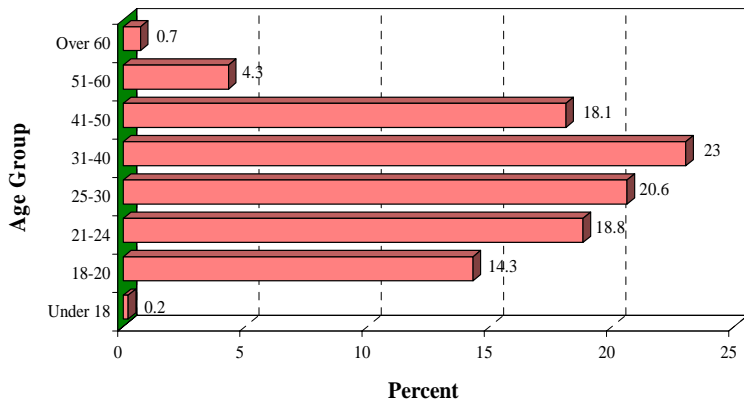
Figure 22: Distribution of FY 2006 Probation Sentences by Race



Based on 7,807 sentences reporting race of offenders

Most probation offenders were found to be in the age group ranging from 31 to 40 years old at the time of sentencing (23%), which demonstrates no change in the past five years (Figure 23).

Figure 23: Distribution of FY 2006 Probation Sentences by Age



Based on 7,815 sentences reporting age of offenders at time of sentencing

Type of Offense and Severity Level

Tables 7 and 8 present the characteristics of offenders on probation in FY 2006 by offense type. The top ten offenses committed by nondrug probation offenders include aggravated assault, aggravated battery, burglary, criminal damage to property, criminal threat, DUI, fleeing LEO, forgery, identity theft and theft, accounting for 76.7% of the total nondrug probation sentences in FY 2006 (Figure 24), a decrease of 0.4% from that of the previous year (77.1%). In reviewing drug offenders on probation, the largest number of sentences was for possession of drugs, representing 72.6% of all probation drug offenses (Figure 25) and demonstrating an increase of 7.6% compared with that of FY 2005 (65%).

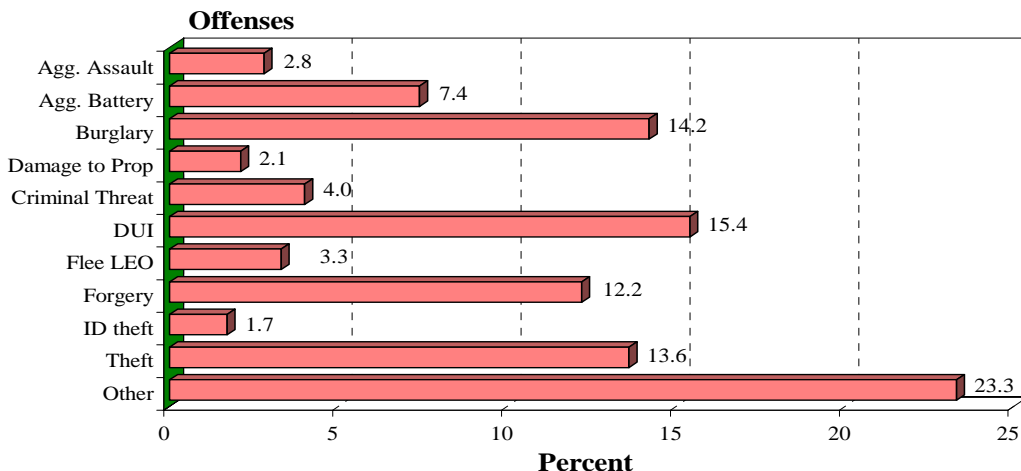
In FY 2006, male offenders committed over 90% of the sex offenses and violent crimes with probation sentences such as: burglary, criminal threat, domestic battery, fleeing or eluding LEO, and possession of firearms and weapons. The highest percentages of female probation nondrug offenses (over

45%) included forgery, giving worthless checks, identity theft, false writing and criminal use of financial card (Table 7).

Whites represented 77% of all nondrug probation sentences and 80.3% of all drug offenders on probation in FY 2006. Black offenders on probation had a higher conviction rate for nondrug offenses than drug crimes (21.3% versus 18.2%). The average age at the time of committing offense was 31.2 years old for nondrug offenders and 31.5 years old for drug offenders, which does not show much difference from those in FY 2005 (Table 7 & Table 8).

Tables 9 and 10 illustrate the characteristics of probation offenders by severity level. The largest number of probation nondrug sentences were found at nondrug grid severity level 9 (1,534 sentences or 30.7%) and the majority of probation drug sentences were identified at drug grid severity level 4 (2,196 sentences or 77.2%). These distributions are pretty consistent with those in the past five years.

Figure 24: FY 2006 Top Ten Offenses for Probation Nondrug Sentences



Based on 5,000 probation nondrug sentences

Drug possession crimes included opiates or narcotics possession offenses under KSA 65-4160, and depressants, stimulants, hallucinogenic, etc. possession 2nd and subsequent offense under K.S.A. 65-4162. The conviction of opiates or narcotics possession offenses represented 61.6% of the total probation drug sentences in FY 2006 (Table 8).

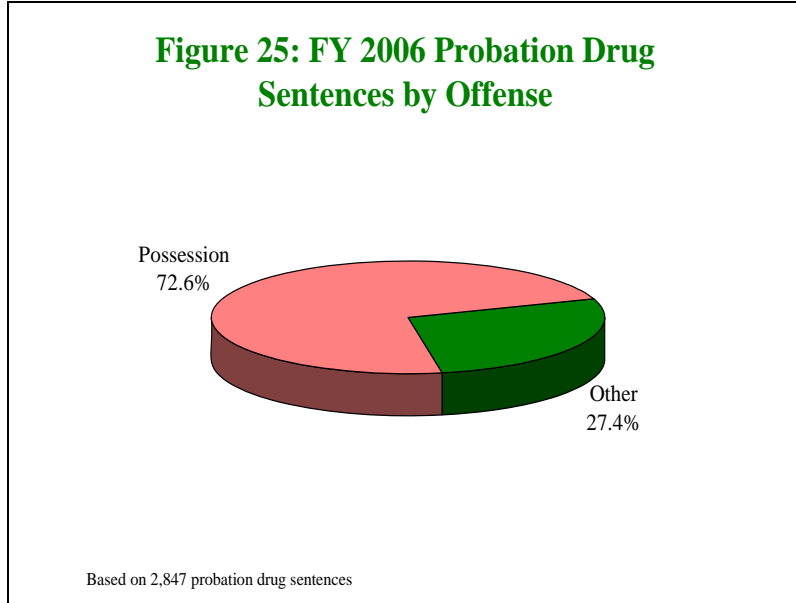


Table 7: Characteristics of Probation Nondrug Offenders by Type of Offense –1

Offense Type	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
Abuse of Child	17	0.3	58.8	41.2	47.1	47.1	5.8	27.1
Agg Arson	4	0.1	100.0	0.0	75.0	25.0	0.0	31.4
Agg Assault	138	2.8	84.8	15.2	73.9	23.9	2.2	32.1
Agg Assault on LEO	11	0.2	90.9	9.1	81.8	18.2	0.0	34.9
Agg Battery	370	7.4	85.3	14.7	68.4	28.3	3.3	30.3
Agg Battery on LEO	5	0.1	100.0	0.0	60.0	40.0	0.0	26.5
Agg Burglary	52	1.0	86.3	13.7	86.3	13.7	0.0	28.4
Agg Endangering a Child	8	0.2	75.0	25.0	87.5	12.5	0.0	29.1
Agg Escape from Custody	32	0.6	87.5	12.5	62.5	34.4	3.1	30.8
Agg Fail to Appear	48	1.0	76.6	23.4	57.4	40.4	2.1	34.3
Agg False Impersonation	7	0.1	85.7	14.3	85.7	14.3	0.0	30.7
Agg Incest	4	0.1	100.0	0.0	100.0	0.0	0.0	32.4
Agg Ind Lib with a Child	43	0.9	93.0	7.0	81.4	18.6	0.0	27.3
Agg Ind Solicit with a Child	35	0.7	97.1	2.9	91.4	2.9	5.7	33.2
Agg Inter w/Parental Custody	6	0.1	50.0	50.0	66.7	16.7	16.7	34.7
Agg Intimidation of a Victim	6	0.1	83.3	16.7	83.3	16.7	0.0	28.8
Agg Robbery	28	0.6	85.7	14.3	42.9	57.1	0.0	22.7
Agg Sex Battery with Child	23	0.5	100.0	0.0	91.3	8.7	0.0	30.3
Agg Weapon Violation	4	0.1	100.0	0.0	75.0	25.0	0.0	25.4
Aiding Felon	14	0.3	71.4	28.6	57.1	42.9	0.0	26.0
Arrange Sale/Purchase Drug	6	0.1	66.7	33.3	50.0	50.0	0.0	36.4

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

Offense Type	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
Arson	36	0.7	88.9	11.1	88.9	11.1	0.0	31.4
Battery on LEO	13	0.3	69.2	30.8	61.5	38.5	0.0	30.1
Burglary	709	14.2	92.1	7.9	84.6	13.6	1.8	25.8
Computer Crime	9	0.2	33.3	66.7	100.0	0.0	0.0	31.9
Contribute Child Misconduct	9	0.2	77.8	22.2	77.8	22.2	0.0	27.9
Crim Damage of Property	104	2.1	89.4	10.6	83.7	15.4	1.0	26.9
Criminal Discharge of Firearm	14	0.3	100.0	0.0	57.1	42.9	0.0	23.3
Criminal Threat	202	4.0	92.1	7.9	68.8	29.7	1.5	32.4
Criminal Use of Explosives	4	0.1	100.0	0.0	100.0	0.0	0.0	43.2
Crim Use of Financial Card	40	0.8	52.5	47.5	75.0	25.0	0.0	28.2
Domestic Battery	36	0.7	97.1	2.9	74.3	25.7	0.0	34.1
Drug without Tax Stamps	52	1.0	92.2	7.8	74.5	19.6	5.9	27.8
DUI	770	15.4	84.3	15.7	89.6	8.4	2.0	38.3
Failure to Register	29	0.6	100.0	0.0	65.6	27.6	6.9	35.4
False Writing	73	1.5	50.7	49.3	64.4	32.9	2.7	30.1
Fleeing/Eluding LEO	167	3.3	91.6	8.4	68.3	29.9	1.8	28.6
Forgery	610	12.2	47.5	52.5	74.6	24.8	0.7	30.9
Giving Worthless Check	64	1.3	45.3	54.7	85.9	10.9	3.1	34.6
Identity Theft	87	1.7	37.9	62.1	80.5	19.5	0.0	32.6
Ind Liberties with a Child	29	0.6	100.0	0.0	93.1	6.9	0.0	25.5
Ind Solicitation with a Child	20	0.4	100.0	0.0	85.0	10.0	5.0	32.7
Involuntary Manslaughter	5	0.1	80.0	20.0	100.0	0.0	0.0	31.5
Kidnapping	6	0.1	100.0	0.0	16.7	66.7	16.7	26.6
Lewd and Lascivious Behavior	6	0.1	100.0	0.0	83.3	0.0	16.7	35.4
Medicaid Fraud	6	0.1	33.3	66.7	33.3	66.7	0.0	46.2
Non-Support of a Child	31	0.6	96.8	3.2	90.3	9.7	0.0	36.5
Obstruct Legal Process	85	1.7	74.1	25.9	71.8	27.1	1.2	29.4
Obtain Prescription Drug	7	0.1	14.3	85.7	100.0	0.0	0.0	34.8
Perjury	6	0.1	50.0	50.0	66.7	33.3	0.0	30.0
Possession of Firearms	52	1.0	98.1	1.9	63.5	36.5	0.0	28.3
Rape	5	0.1	100.0	0.0	80.0	20.0	0.0	19.2
Robbery	58	1.2	79.3	20.7	55.2	43.1	1.7	26.9
Sex Exploitation of a Child	9	0.2	87.5	12.5	100.0	0.0	0.0	35.4
Stalking	11	0.2	100.0	0.0	90.9	9.1	0.0	33.7
Theft	679	13.6	68.8	31.2	70.4	28.0	1.6	31.6
Traffic in Contraband	30	0.6	66.7	33.3	80.0	20.0	0.0	31.9
Unlawful Voluntary Sex Relation	28	0.6	100.0	0.0	75.0	25.0	0.0	18.6
Weapon	6	0.1	100.0	0.0	66.7	33.3	0.0	23.7
Other	32	0.6	65.6	34.4	84.4	9.4	6.3	34.7
TOTAL	5,000	100.0	77.7	22.3	77.0	21.3	1.8	31.2

Note: Offenses with number of cases smaller than 4 are included in the offense type of "Other".
 Due to missing data, each category is based on different numbers: Gender, N=4,972; Race, N=4,971; and Age, N=4,977.

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

Offense Type	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
Opiates or Narcotics; Possession	1,753	61.6	69.7	30.3	78.8	19.5	1.7	32.5
Opiates or Narcotics; Sale 1	297	10.4	70.9	29.1	73.0	26.0	1.0	31.1
Opiates or Narcotics; Sale 2	4	0.1	50.0	50.0	100.0	0.0	0.0	46.8
Opiates/ Narcotics, Depress, Stim, Hall; Sale w/in 1,000 ft of School	12	0.4	83.3	16.7	91.7	8.3	0.0	25.3
Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale	260	9.1	85.3	14.7	84.2	14.3	1.5	27.3
Depress, Stim, Hall; Poss 2	313	11.0	89.7	10.3	83.9	15.8	0.3	30.0
Possession of Paraphernalia	110	3.9	81.7	18.3	89.0	6.4	4.6	31.2
Possession of Precursor Drugs	54	1.9	68.5	31.5	96.3	3.7	0.0	35.4
Unlawful Manufacture Controlled Substance	40	1.4	75.0	25.0	100.0	0.0	0.0	33.2
Other	4	0.1	75.0	25.0	50.0	50.0	0.0	21.2
TOTAL	2,847	100.0	74.0	26.0	80.3	18.2	1.5	31.5

Note: Due to missing data, each category is based on different numbers: Gender, N=2,836; Race, N=2,836; and Age, N=2,838.

Table 9: Characteristics of Probation Nondrug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
N1	4	0.1	100.0	0.0	75.0	25.0	0.0	19.1
N2	2	0.1	50.0	50.0	100.0	0.0	0.0	34.5
N3	33	0.7	93.9	6.1	57.6	42.4	0.0	21.8
N4	17	0.3	82.4	17.6	88.2	11.8	0.0	25.3
N5	211	4.2	85.7	14.3	72.4	25.7	1.9	27.7
N6	95	1.9	85.3	14.7	83.2	14.7	2.1	32.0
N7	997	19.9	84.8	15.2	78.8	19.3	1.9	29.1
N8	879	17.6	56.6	43.4	73.7	25.4	0.9	30.6
N9	1,534	30.7	78.3	21.7	73.0	25.0	2.0	30.2
N10	422	8.4	82.1	17.9	73.0	24.9	2.2	30.3
Nongrid	806	16.1	84.6	15.2	89.0	9.2	1.9	38.2
TOTAL	5,000	100.0	77.7	22.3	77.0	21.3	1.8	31.2

Note: Due to missing data, each category is based on different numbers: Gender, N=4,972; Race, N=4,971; and Age, N=4,977.

Table 10: Characteristics of Probation Drug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
D1	63	2.2	73.0	27.0	96.8	3.2	0.0	33.1
D2	18	0.6	66.7	33.3	94.4	5.6	0.0	31.7
D3	570	20.0	77.6	22.4	78.7	20.1	1.2	29.0
D4	2,196	77.2	73.2	26.8	80.1	18.2	1.6	32.1
TOTAL	2,847	100.0	74.0	26.0	80.3	18.2	1.5	31.5

Note: Due to missing data, each category is based on different numbers: Gender, N=2,836; Race, N=2,836 and Age, N=2,838.

SB 123 Drug Treatment Offenders

The implementation of Senate Bill 123 started on November 1, 2003. This law provides mandatory certified drug abuse treatment for a defined target population of nonviolent adult drug offenders who have been convicted of drug crimes under K.S.A. 65-4160 or 65-4162.

In FY 2006, a total number of 1,359 sentences were imposed to SB 123 drug treatment programs, representing almost 48% of the total drug probation sentences (2,847), an increase of 8% compared with that of FY 2005 (40%). Of these sentences, nearly 83% were convicted of the crime of drug possession under K.S.A. 65-4160 and 16.7% were convicted of the crime of drug possession under K.S.A. 65-4162. When reviewing the criminal history of the offenders, 94% of them were in the criminal history categories from E through I. This data implies that Senate Bill 123 is implemented very consistently in sentencing practice during FY 2006.

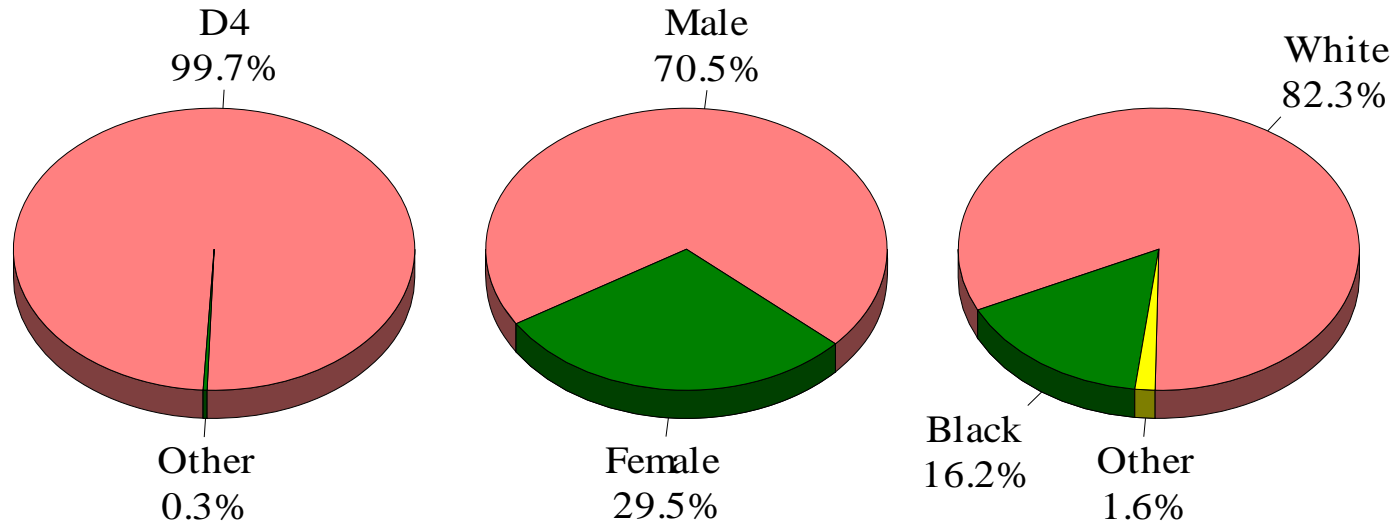
Figure 26 briefly presents information of the offenders sentenced to SB 123 treatment programs in FY 2006. The offenders at drug severity level 4 accounted for 99.7% and

0.3% of the offenders fell at other drug severity levels. White males were still the majority of the treatment offenders. The average age of the drug treatment offenders was 32 years old, which is consistent with that of FY 2005 and FY 2004.

The analysis of the SB 123 drug treatment sentences by county reveals that Sedgwick County imposed the most SB 123 sentences (185) followed by Johnson (139), Saline (112), Shawnee (86) and Wyandotte (85) counties. No SB 123 sentences were reported from 34 counties. The average number of SB 123 sentences imposed by the 71 counties is 19 (Figure 27).

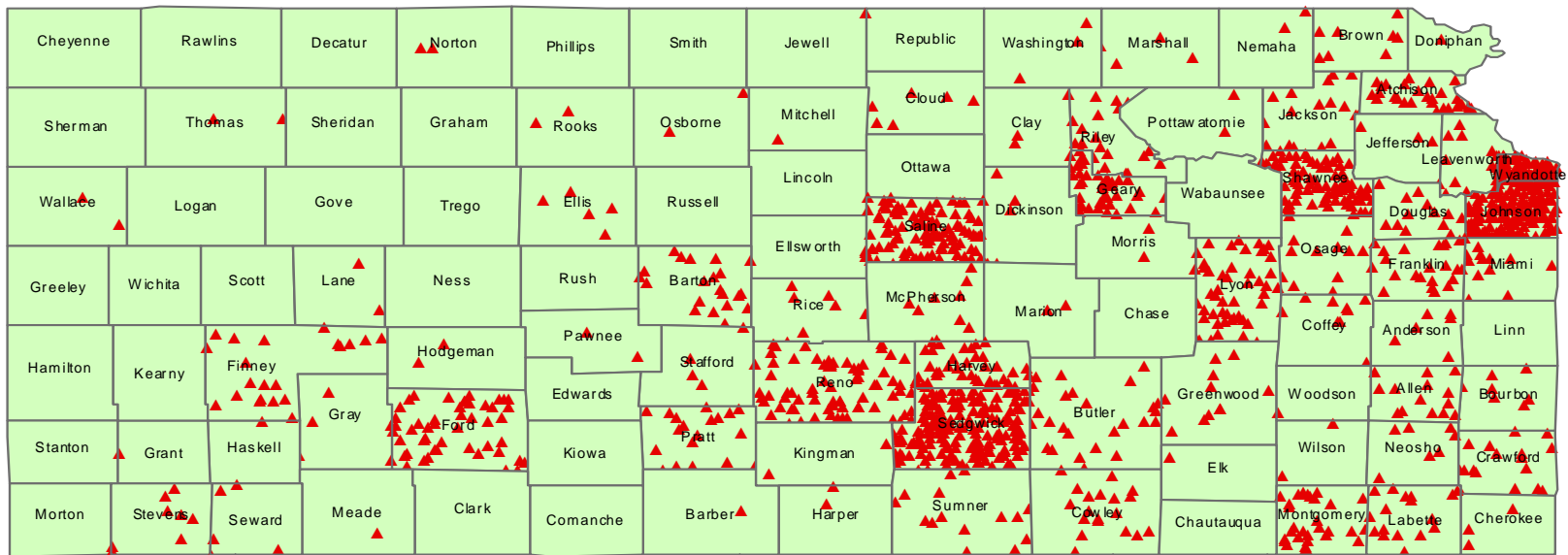
In addition, 394 SB 123 drug treatment sentences were revoked during FY 2006. Of this number, 154 sentences were revoked to prison. The average period between original sentence and revocation hearing was 8.7 months and 4.5 months for the second revocation.

Figure 26: Distribution of FY 2006 Senate Bill 123 Drug Treatment Sentences

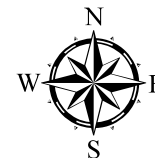


Note: Severity level, N=1,359; Gender, N=1,354; Race, N=1,354

Figure 27: Distribution of Senate Bill 123 Drug Treatment Sentences Imposed by County - FY 2006



Summary
 Total county=105
 Total sentences=1,359
 County w/zero=34
 Minimum=1
 Maximum=185
 Mean=19



Criminal History and Length of Probation

Offenders sentenced to probation with assigned criminal history categories represented 90.6% of all the probation sentences (7,847) reported to the Commission in FY 2006. The largest number of this group fell within criminal history category I (31% or 2,199 sentences), representing having no previous criminal history or one misdemeanor conviction (Figure 28). Further analysis of the offenders with criminal history category I reveals that they accounted for 30.2% of offenders on the nondrug grid and 32% of offenders on the drug grid.

Nondrug offenders who fell within the presumptive probation boxes accounted for 87% (Table 11), while 66.7% of probation drug offenders were sentenced within the presumptive probation boxes (Table 12). In reviewing border box sentences, only 4% of nondrug offenders were found to be at

severity level 5 with criminal history categories H and I and severity level 6 with criminal history category G, while 17.7% of drug probation sentences fell within severity level 3 with criminal history categories E to I, which are designated as border boxes (Tables 11 and 12).

Drug severity level 4 with criminal history categories E and F were reclassified as presumptive probation boxes, effective on November 1, 2003. The sentencing data in border boxes implies that drug offenders tend to be sentenced to probation more frequently than do nondrug offenders.

The probation terms of probation sentences by each severity level are presented in Tables 11 and 12. The average length of probation for nondrug offenders was 17.7 months, while the average length of probation for drug offenders was 16.3 months. This is consistent with the average probation lengths over the past five years.

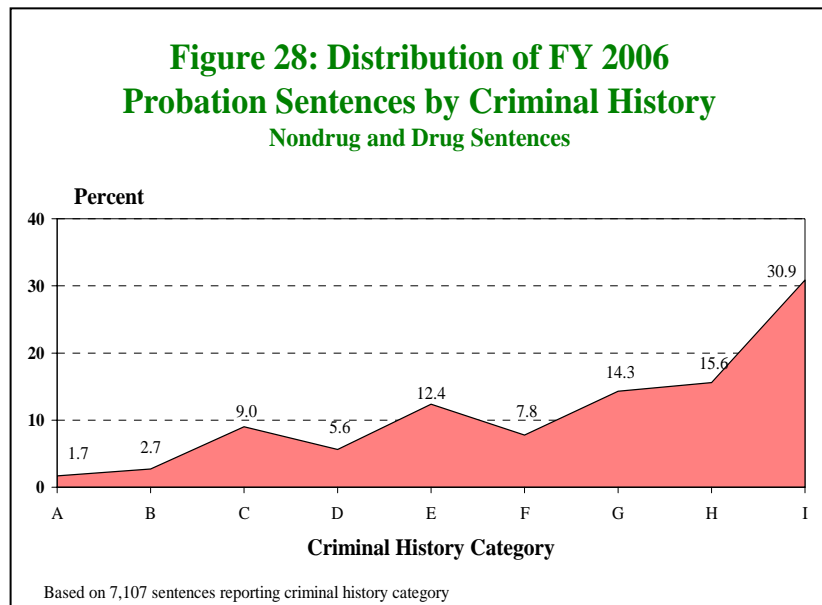


Table 11: Criminal History and Probation Length by Severity Level – Nondrug Offenders

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
N1	4	0	0	0	1	0	0	0	0	3	36.0
N2	2	0	0	0	0	0	0	0	0	2	48.0
N3	33	0	1	2	5	0	1	4	3	17	37.8
N4	17	0	0	3	3	1	1	2	0	7	38.1
N5	211	3	3	13	12	5	3	17	46	109	36.0
N6	95	0	5	2	4	1	6	15	16	46	28.1
N7	997	17	43	102	80	101	69	127	139	319	24.0
N8	879	13	24	114	41	145	79	118	124	220	18.1
N9	1,534	25	39	196	99	226	122	203	214	409	13.0
N10	422	15	10	48	36	51	24	51	59	128	12.8
Nongrid	806	2	3	7	4	4	3	9	10	27	13.8
TOTAL	5,000	75	128	487	285	534	308	546	611	1,287	17.7

Note: Criminal history classes are based on 4,261 cases reporting criminal history category.

Legend:

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

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	63	0	1	5	0	4	10	11	9	23	20.4
D2	18	0	1	1	0	3	1	5	2	5	36.8
D3	570	8	12	22	23	47	34	78	98	248	18.8
D4	2,196	35	47	125	89	297	200	377	389	636	15.7
TOTAL	2,847	43	61	153	112	351	245	471	498	912	16.3

Note: Criminal history classes are based on 2,846 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 and 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.

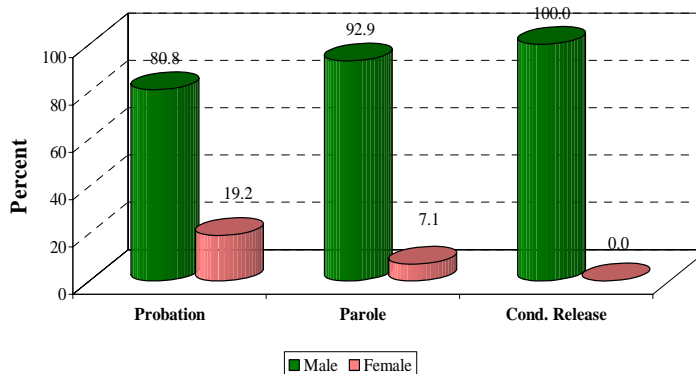
Condition violators alone accounted for 65.6% of all admissions to prison in FY 2006, indicating a decrease of 2.7% when compared with FY 2005 (68.3%). Characteristics of condition violators by gender, race, and age are depicted in Figures 29, 30, and 31.

Overview of Condition Violators

Violators analyzed in this section include offenders classified as probation, parole/postrelease supervision and conditional release condition violators. For the purpose of discussion, 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.

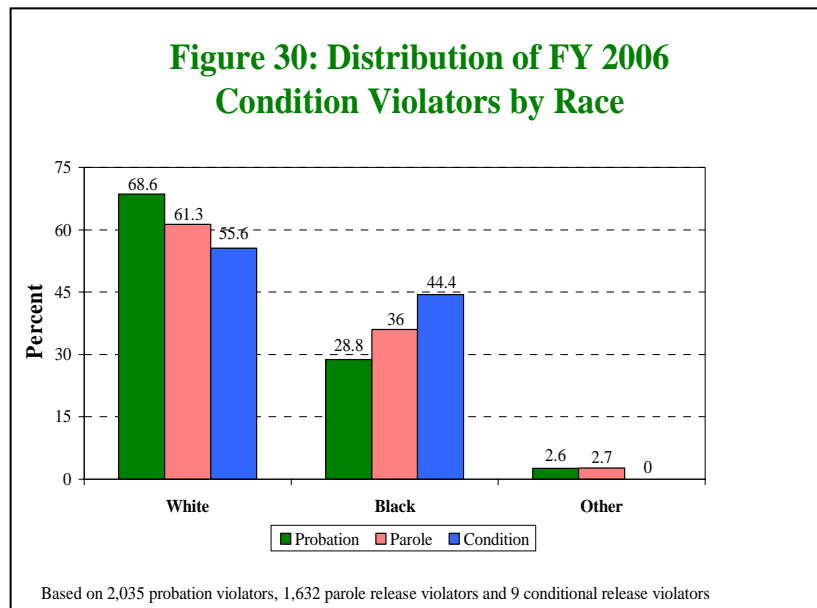
A total number of 3,679 condition violators were admitted to prison in FY 2006 for their violation of conditions, representing 2,038 probation violators, 1,632 parole or postrelease supervision violators, and 9 conditional release violators respectively.

Figure 29: Distribution of FY 2006 Condition Violators by Gender

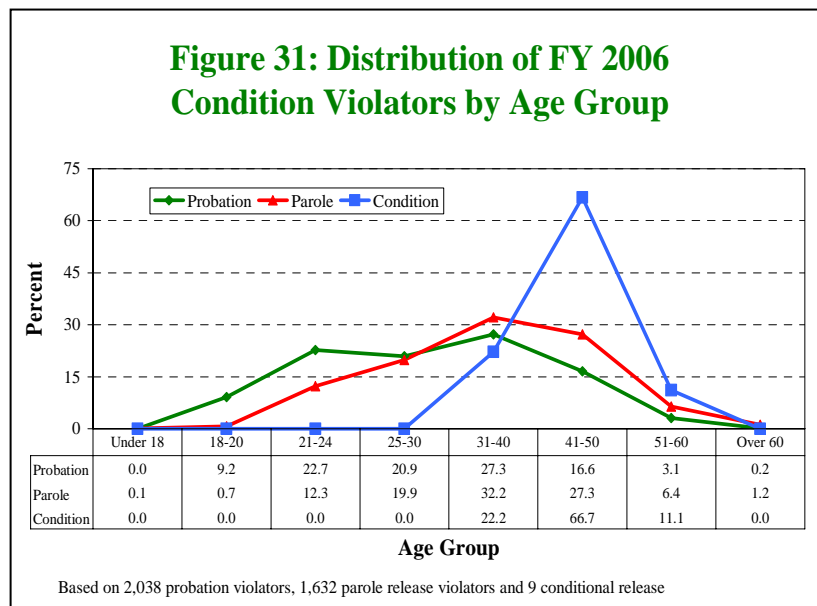


Based on 2,038 probation violators, 1,632 parole release violators and 9 conditional release violators.

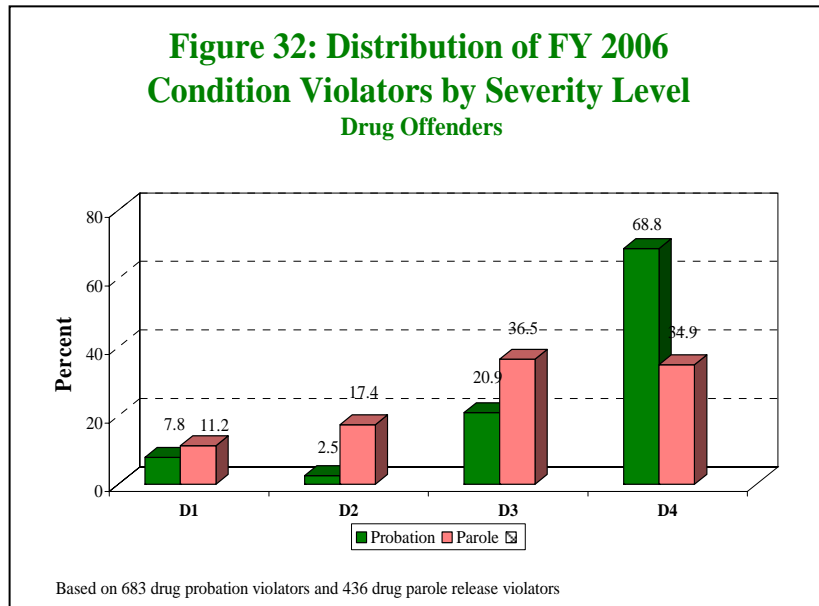
White male offenders represented the highest percentages of all three types of violators as in previous years (Figures 29 and 30).



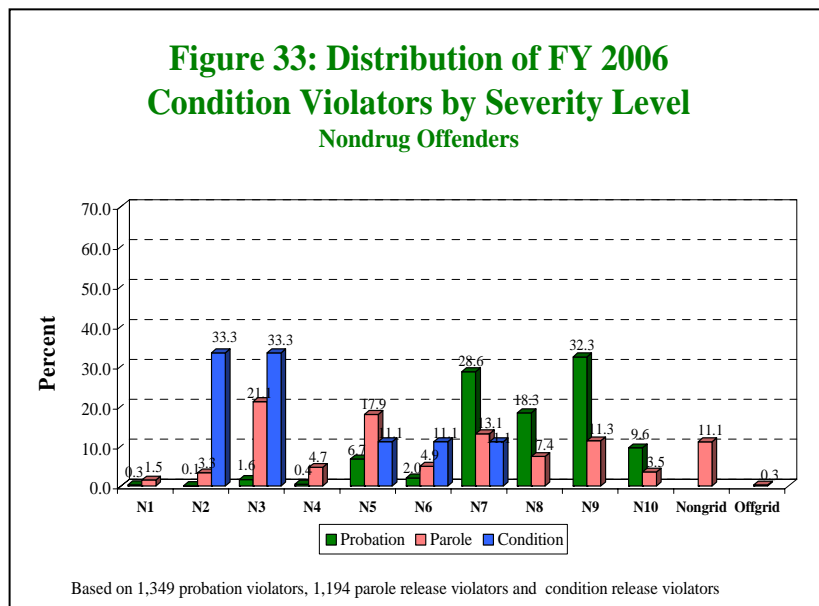
Most probation violators and parole violators were in the age group ranging from 31 to 40 (27.3% and 32.2% respectively). The conditional release violators in their forties accounted for the highest rate (66.7%) at the time of admission to prison (Figure 31).



Figures 32 and 33 present the characteristics of all violators by severity level. The largest proportion of drug probation violators was identified at drug severity level 4 (68.8%, 470 offenders) and the highest percentage of drug parole/postrelease violators fell on drug severity level 3 (36.5%, 159 offenders). No drug conditional release violators were admitted in FY 2006 (Figure 32).



Nondrug probation violators represented the highest percentage at nondrug severity level 9 (32.3%, 436 offenders), while the largest number of nondrug parole/postrelease violators were identified at nondrug severity level 3 (21.1%, 252 offenders). The conditional release violators, small in number, were at nondrug severity levels 2, 3, 5, 6 and 7 (Figure 33).



The characteristics of all types of condition violators by severity level, gender and race are described in Table 13. The largest numbers for males were found at nondrug severity level 9 (503 sentences) and drug severity level 4 (491 sentences). However, the highest frequencies of females were at nondrug severity level 8 (111 sentences) and drug severity level 4 (131 sentences). The distribution by race demonstrates that drug level 4 represented the largest numbers of

violators for both whites and blacks, which is consistent with the distribution of FY 2005. White offenders accounted for 429 sentences and black offenders made up 178 sentences at drug level 4. As for nondrug sentences, most white violators were found at nondrug severity level 7 (387 sentences) and black offenders accounted for the largest number at nondrug severity level 9 (177 sentences). The average age of the violators was 34 years old at the time of admission.

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	102	90	12	92	7	3	35.1
D2	93	81	12	56	34	3	38.0
D3	302	256	46	194	97	11	33.8
D4	622	491	131	429	178	15	34.5
N1	22	22	0	9	13	0	41.8
N2	43	43	0	23	20	0	42.8
N3	277	270	7	135	130	12	37.7
N4	62	58	4	32	26	4	34.6
N5	306	287	19	166	134	6	32.6
N6	87	81	6	57	29	1	34.2
N7	543	492	51	387	144	12	30.6
N8	335	224	111	208	118	9	34.4
N9	571	503	68	374	177	20	31.9
N10	171	148	23	116	53	2	34.1
Offgrid	3	3	0	1	2	0	52.8
Nongrid	132	115	17	119	11	2	43.9
Unknown	8	8	0	4	4	0	42.4
Total	3,679	3,172	507	2,402	1,177	100	34.1

Condition Probation Violators

A total number of 2,038 condition probation violators were admitted to prison during FY 2006. Of this number, 66.5% (1,355) were nondrug offenders and 33.5% (683) were drug offenders. Compared with FY 2005, the admissions of condition probation violators demonstrated a significant increase of 14.3%. The characteristics of this group of violators are presented in Tables 14 and 15.

The top ten nondrug offenses committed most frequently by probation violators in FY 2006 include aggravated assault, aggravated battery, aggravated burglary, aggravated indecent liberties with a child, burglary, criminal threat, fleeing or eluding LEO, forgery, robbery and theft. These ten offenses represented 77.4% of all nondrug convictions by probation violators. Burglary, theft and forgery were the three most

frequently committed offenses for which there were a large number of probation violators (Table 14).

The analysis of drug probation violators indicates that possession of drugs was the most frequently convicted offense type, accounting for 67.3% of all drug offenses, while the crime of opiates or narcotics 1st possession represented 55.8% of the total drug offenses committed by the condition probation violators (Table 15).

The average length of lag time from the age of offense to the age of admission to prison was 2.3 years for nondrug probation violators and 2.2 years for drug probation violators, which remains very close with the length of lag time of the probation violators in FY 2005. The distribution of probation violators by severity level and criminal history is exhibited in Table 16.

Table 14: Top 10 Offenses Committed by Nondrug Probation Violators

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Aggravated Assault	54	96.3	3.7	72.2	25.9	1.9	28.0	30.6
Aggravated Battery	128	84.4	15.6	62.5	35.2	2.3	28.8	31.1
Aggravated Burglary	32	84.4	15.6	53.1	43.8	3.1	29.1	30.7
Agg Indecent Liberties w/Child	26	92.3	7.7	96.2	3.8	0.0	24.5	27.5
Burglary	232	90.5	9.5	79.2	18.6	2.2	25.0	27.2
Criminal Threat	70	95.7	4.3	60.0	32.9	7.1	30.4	32.3
Fleeing or Eluding LEO	57	94.7	5.3	47.4	45.6	7.0	28.9	30.9
Forgery	190	49.5	50.5	59.8	37.0	3.2	32.0	34.5
Robbery	42	81.0	19.0	45.2	54.8	0.0	26.3	28.3
Theft	218	82.6	17.4	67.0	31.7	1.4	29.8	32.0
Subtotal	1,049	81.0	19.0	66.0	31.3	2.7	28.6	30.9
Other	306	85.3	14.7	69.9	28.1	2.0	29.9	32.3
TOTAL	1,355	82.0	18.0	66.9	30.6	2.5	28.9	31.2

* 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	381	76.1	23.9	66.4	31.0	2.6	32.6	34.7
Opiates or Narcotics; Poss 2	11	81.8	18.2	72.7	27.3	0.0	35.3	38.4
Opiates or Narcotics; Sale 1	86	73.3	26.7	65.9	31.8	2.4	30.1	32.8
Opiates/ Narcotics, Depress, Stim, Hall; Sale w/in 1,000 ft of School	6	66.7	33.3	66.7	33.3	0.0	29.1	32.5
Depress, Stim, Hall; Poss 2nd	68	85.3	14.7	85.3	13.2	1.5	28.5	30.8
Depress, Stim, Hall, etc.; Ssale, Poss w/Intent to Sale	53	92.5	7.5	79.2	17.0	3.8	24.1	27.0
Possession of Paraphernalia	20	75.0	25.0	85.0	15.0	0.0	31.2	33.1
Possession of Precursor Drugs	25	72.0	28.0	96.0	4.0	0.0	34.0	36.0
Unlawful Manufacture Controlled Substance	30	90.0	10.0	93.3	0.0	6.7	30.2	32.4
Other	3	100.0	0.0	66.7	33.3	0.0	37.3	39.7
TOTAL	683	78.5	21.5	72.1	25.2	2.6	31.2	33.4

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	2	1	4	1	9	6	4	11	15	53
D2	1	0	6	1	1	1	3	3	1	17
D3	0	5	6	6	19	12	28	23	44	143
D4	9	19	32	22	67	41	92	76	112	470
N1	1	0	0	0	0	1	0	1	1	4
N2	0	0	0	0	0	0	1	0	0	1
N3	0	1	3	1	1	2	2	4	8	22
N4	0	0	0	1	0	0	2	0	3	6
N5	4	0	9	5	4	3	7	33	26	91
N6	0	0	2	1	3	3	4	7	7	27
N7	9	15	48	39	44	22	68	66	75	386
N8	2	10	38	16	46	25	33	30	45	245
N9	12	15	62	36	69	25	51	70	95	435
N10	5	5	13	10	18	13	14	16	34	128
TOTAL	45	71	223	139	281	154	309	340	466	2,028

* Due to missing data, criminal history categories are based on 2,028 probation violators reporting criminal history.

Condition Parole/Postrelease Supervision Violators

In FY 2006, 1,632 condition parole/post-release supervision violators were admitted to prison, indicating a significant decrease of 22.6% (477 violators) when compared with the data observed in FY 2005. The characteristics of this offender group are presented in Tables 17 and 18.

Parole/postrelease violators were convicted most frequently of the following ten offenses: aggravated escape from custody, aggravated battery, aggravated robbery, aggravated indecent liberties with a child, burglary, DUI, forgery, rape, robbery and theft, accounting for almost 67% of the total nondrug offenses. Approximately 95% of this group was males. Females represented the highest percentage (24.4%) for the crime of forgery. White offenders committed more than 70% of crimes of aggravated indecent liberties with a child, burglary and DUI,

whereas blacks indicated the highest representation in aggravated robbery and robbery (Table 17), which is consistent with the data observed in FY 2005. Table 18 demonstrates that drug parole/postrelease violators were convicted primarily of the crimes of possession of drugs (42.7%) and sale of opiates or narcotics (27%).

Postrelease violators for the crime of DUI are subject to imprisonment if the offenders committed the crime on or after July 1, 2001. In FY 2006, 132 DUI violators were admitted to prison, a decrease of 32.7% when compared with those in FY 2005 (Table 17).

The distribution of parole/postrelease supervision violators by severity level and criminal history is illustrated in Table 19. The largest numbers of parole/postrelease supervision violators were found at severity levels 3 and 4 of the drug grid and severity levels 3, 5, 7 and 9 of the nondrug grid.

Table 17: Top 10 Offenses Committed by 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	42	95.2	4.8	73.8	26.2	0.0	33.2	29.3
Aggravated battery	75	94.7	5.3	46.7	46.7	6.6	29.9	35.6
Aggravated robbery	135	97.8	2.2	33.3	64.4	2.3	25.3	39.4
Agg Indecent Liberties w/Child	94	98.9	1.1	73.4	19.1	7.4	26.7	33.8
Burglary	98	96.9	3.1	73.5	26.5	0.0	29.2	33.2
DUI	132	87.1	12.9	90.2	8.3	1.5	41.7	43.9
Forgery	41	75.6	24.4	73.2	26.8	0.0	31.3	35.5
Rape	46	100.0	0.0	50.0	45.7	4.3	28.0	42.9
Robbery	67	95.5	4.5	40.3	58.2	1.5	25.8	34.8
Theft	70	92.9	7.1	65.7	32.9	1.4	30.9	34.4
Other	396	96.5	3.5	56.6	40.7	2.8	27.9	35.5
TOTAL	1,196	94.8	5.2	60.3	37.0	2.7	29.6	36.9

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	118	79.7	20.3	61.0	37.3	1.7	31.9	35.9
Opiates or Narcotics; Poss 2	44	90.9	9.1	47.7	47.7	4.5	32.4	38.4
Opiates or Narcotics; Poss 3	6	83.3	16.7	16.7	83.3	0.0	35.9	41.8
Opiates or Narcotics; Sale 1	108	87.0	13.0	55.6	42.6	1.9	30.6	37.8
Opiates or Narcotics; Sale 2	10	60.0	40.0	40.0	60.0	0.0	33.8	44.0
Opiates/Narcotics, Depress, Stim, Hall; Sale w/in 1,000 ft of School	14	100.0	0.0	78.6	14.3	7.1	25.4	32.8
Depress, Stim, Hall; Poss 2	18	100.0	0.0	83.3	16.7	0.0	28.9	33.6
Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale	51	92.2	7.8	64.7	29.4	5.9	26.6	33.9
Possession of Paraphernalia	15	93.3	6.7	80.0	6.7	13.3	31.7	35.4
Possession of Precursor Drugs	11	90.9	9.1	100.0	0.0	0.0	31.8	35.2
Unlawful Manufacture Controlled Substance	39	97.4	2.6	97.4	0.0	2.6	31.5	36.4
Other	2	100.0	0.0	50.0	50.0	0.0	32.5	35.0
TOTAL	436	87.6	12.4	64.0	33.0	3.0	30.7	36.5

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	3	2	8	2	7	8	10	3	6	49
D2	2	6	12	8	11	7	10	8	5	69
D3	7	13	20	8	20	7	17	10	22	124
D4	7	23	38	13	34	18	7	5	6	151
N1	0	1	0	1	1	0	1	0	0	4
N2	1	2	4	0	0	0	1	4	2	14
N3	8	3	25	14	19	6	23	8	37	143
N4	1	0	8	5	4	5	4	3	11	41
N5	7	14	34	13	17	9	20	30	36	180
N6	2	8	12	7	4	2	3	3	9	50
N7	30	33	17	13	14	12	7	13	10	149
N8	13	17	20	3	18	4	3	5	2	85
N9	31	25	23	1	27	7	8	10	3	135
N10	9	12	7	1	2	1	2	5	3	42
TOTAL	121	159	228	89	178	86	116	107	152	1,236

* Due to missing data, criminal history categories are based on 1,236 violators reporting criminal history.

Conditional Release Violators

Conditional release violators represented the smallest group of condition violators admitted to KDOC, accounting for only 0.2% (9 offenders) of the total admissions in FY 2006 (Figure 34). The crimes committed by this group of condition violators in FY 2006 included sex offenses, aggravated robbery, burglary, arson, aggravated escape

from custody and kidnapping. Table 20 presents the characteristics of conditional release violators. All violators were males in this group, which is the same as the sentencing data of FY 2005. Black offenders represented 44.4% and white offenders represented 55.6% of this type of violators. The average age of conditional release violators was 27 at the time of offense and 44.7 at the time of admission.

Conditional release violators decreased by 69% when compared with the number in FY 2005 (29 offenders) and decreased by 84% compared with the data in FY 2002 (57 offenders). Conditional release violators are governed by pre-guideline sentences, therefore, this group of violators will eventually be out of the prison system.

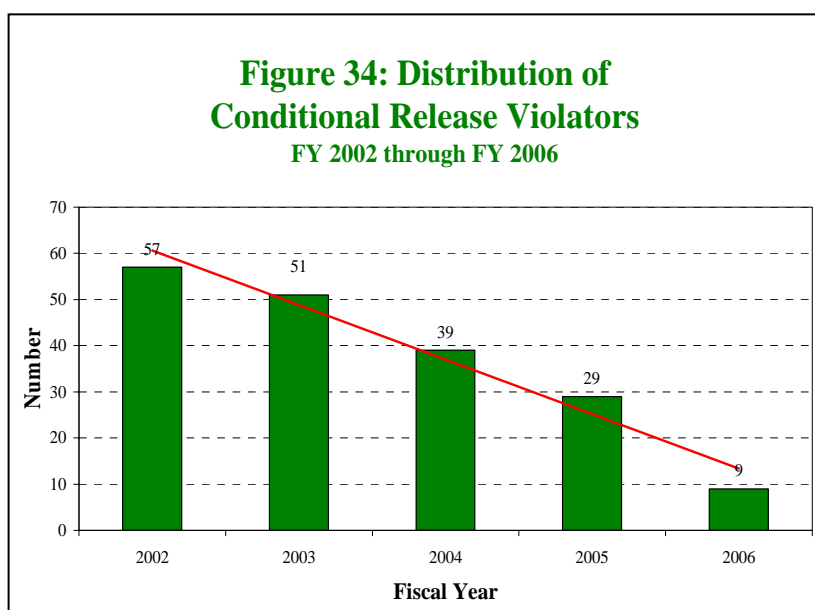


Table 20: Offenses Committed by Conditional Release Violators Only Nondrug Offenders

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Agg Escape from Custody	1	100.0			100.0		26.8	43.5
Agg. Robbery	1	100.0		100.0			26.5	41.7
Arson	1	100.0		100.0			43.4	57.0
Burglary	1	100.0		100.0			35.6	48.6
Kidnapping	1	100.0			100.0		26.2	42.4
Sex Offenses	4	100.0		50.0	50.0		21.1	42.3
TOTAL	9	100.0		55.6	44.4	0.0	27.0	44.7

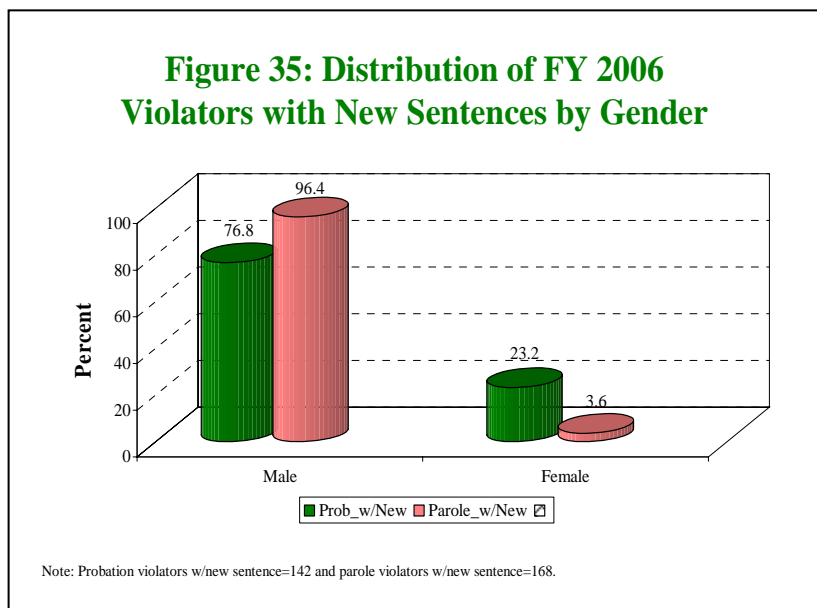
Violators with New Sentences

This section reviews the violators with new sentences. Violators in this group include probation, parole/postrelease and conditional release violators convicted of an offense for which they received a new sentence.

Violators with new sentences in FY 2006 represented 5.5% (310 violators) of the total prison admissions, increasing by 0.5% compared with the percentage of FY 2005. Characteristics of this group are depicted in Figures 35, 36 and 37. Drugs (24.6%), burglary (15.5%) and aggravated robbery/robbery (10.5%) were the major offense categories committed by probation violators with new convictions. Drugs

(25%), aggravated robbery/robbery (16%) and aggravated burglary/burglary (15.5%) represented the top offenses committed by parole/postrelease violators with new sentences. There was no conditional release violators with new sentences admitted to prison in FY 2006. Table 21 presents the distribution of the above offenders by severity levels. The largest numbers of probation violators with new sentences fell at nondrug severity level 7 (47 violators) and drug severity level 4 (18 violators), while nondrug severity level 5 (16.1%) and drug severity level 3 (9.5%) represented the highest percentages of parole/postrelease violators with new sentences.

Male offenders were the predominant gender of the two types of violators with new sentences, which is consistent with those of previous years (Figure 35).



White offenders accounted for the largest number of the two types of violators with new sentences, representing 69% of probation violators with new sentences and 60.7% of parole/postrelease violators with new sentences (Figure 36).

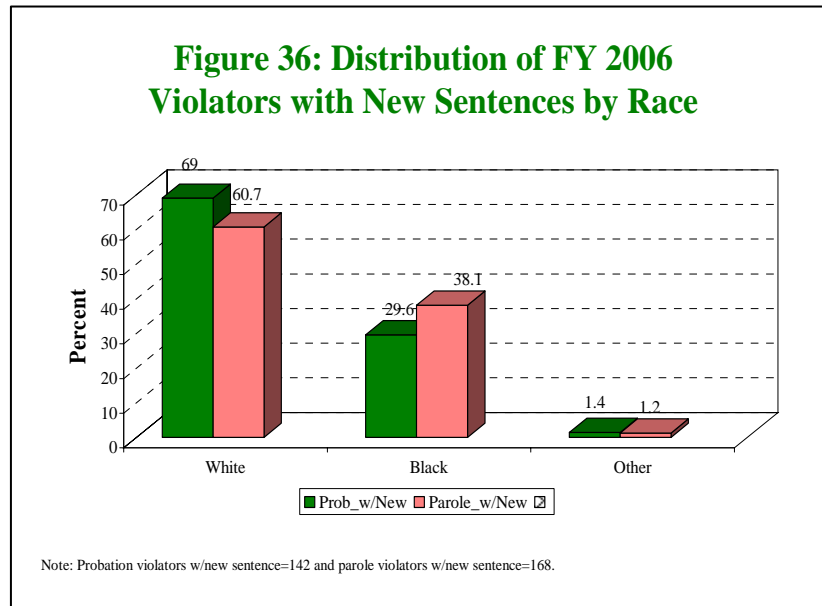
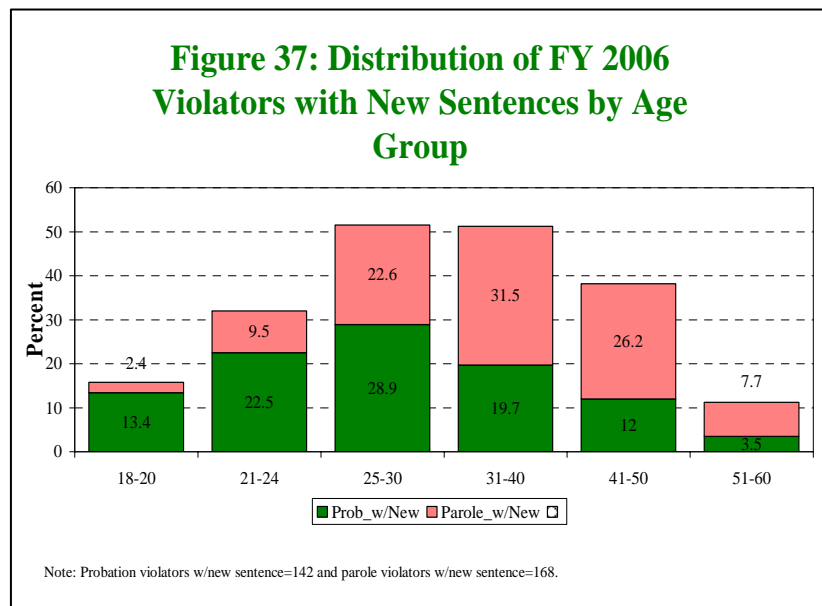


Figure 37 displays that the highest percentage of probation violators with new sentences were in the age group from 25 to 30 (28.9%) at the time of admission to prison, while parole/postrelease violators with new sentences represented the largest proportion in the age group between 31 and 40 (31.5%).



**Table 21: Distribution of FY 2006 Violators with New Sentences
By Severity Level**

Severity Level	Probation		Parole/Postrelease	
	N	%	N	%
D1	3	2.1	5	3.0
D2	1	0.7	10	6.0
D3	13	9.2	16	9.5
D4	18	12.7	11	6.5
N1	3	2.1	5	3.0
N2	1	0.7	6	3.6
N3	9	6.3	17	10.1
N4	0	0.0	4	2.4
N5	9	6.3	27	16.1
N6	3	2.1	9	5.4
N7	47	33.1	22	13.1
N8	17	12.0	11	6.5
N9	17	12.0	17	10.1
N10	0	0.0	2	1.2
Offgrid	1	0.7	4	2.4
Nongrid	0	0.0	2	1.2
TOTAL	142	100.0	168	100.0

VIOLATORS CONTINUING AND EXTENDING ON PROBATION

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 2006, there were 2,559 condition probation violators and 193 probation violators with new convictions who were continued or extended on probation, representing 51.3% of the total number of 4,990 condition probation violators and 33.9% of the total number of

569 probation violators with new offenses, respectively. Drugs (33.3%), burglary (12%), forgery (11%), theft (10.6%) and DUI (6.1%) were the top five offenses committed by the group of condition probation violators. Drugs (32.1%), burglary (20.2%) theft (13%) and forgery (11.9%) were the top four offenses committed by probation violators with new convictions. Most top offenses committed by both groups were the same when compared with those of FY 2005. Tables 22 and 23 display 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	27	0	1	1	1	4	2	3	2	13
D2	10	0	0	2	0	2	0	1	1	4
D3	172	0	1	3	6	11	17	36	30	68
D4	642	1	16	47	20	71	63	120	125	178
N1	3	0	0	0	0	0	0	0	1	2
N2	0	0	0	0	0	0	0	0	0	0
N3	16	0	0	0	3	0	1	1	3	8
N4	2	0	0	0	0	0	1	0	1	0
N5	73	1	2	4	10	5	1	6	19	25
N6	23	0	1	0	2	0	1	2	6	11
N7	378	4	6	40	28	36	39	44	63	118
N8	337	3	1	26	17	60	22	55	62	91
N9	558	8	15	69	41	54	47	78	95	151
N10	157	2	5	12	12	14	14	18	26	54
Nongrid	161	0	0	2	2	5	1	5	6	10
TOTAL	2,559	19	48	206	142	262	209	369	440	733

Note: Criminal history classes are based on 2,428 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
D1	5	0	0	0	0	2	0	2	0	1
D2	0	0	0	0	0	0	0	0	0	0
D3	12	0	0	0	0	2	2	0	3	5
D4	45	0	0	1	4	8	5	3	9	15
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	1	0	0	0	0	0	0	0	0	1
N4	0	0	0	0	0	0	0	0	0	0
N5	7	0	0	1	1	0	0	0	3	2
N6	1	0	0	0	0	0	0	0	0	1
N7	41	0	0	6	2	2	3	7	7	14
N8	24	0	0	2	1	1	3	6	5	5
N9	38	0	0	5	2	3	5	8	5	10
N10	11	1	0	2	1	1	2	0	0	4
Nongrid	8	0	0	0	0	0	0	1	0	2
TOTAL	193	1	0	17	11	19	20	27	32	60

Note: Criminal history classes are based on 187 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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CHAPTER THREE

CONFORMITY TO THE SENTENCING GUIDELINES

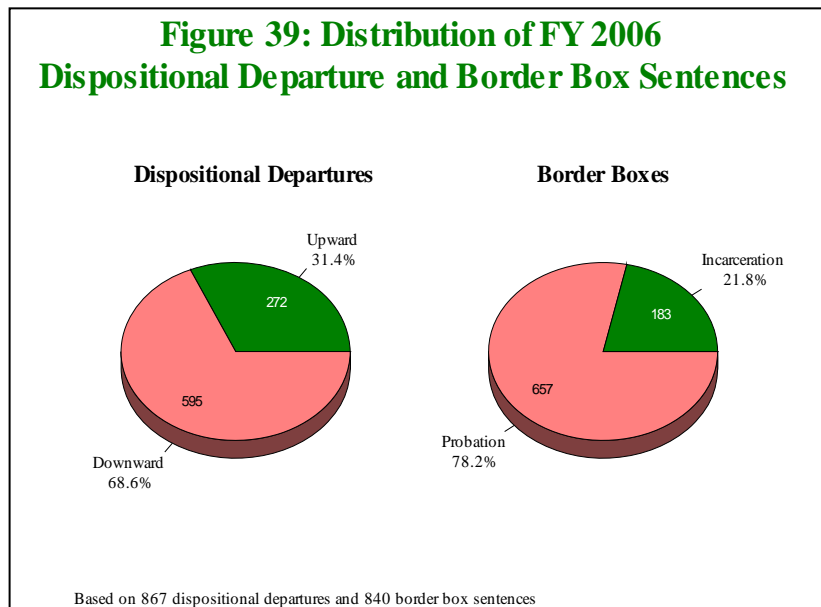
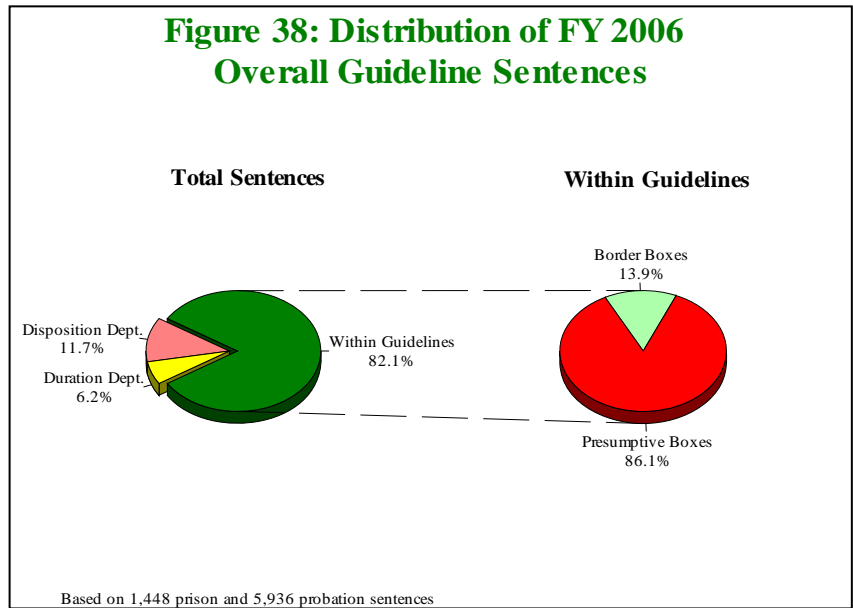
The analysis of conformity to the sentencing guidelines involves the comparison of the actual sentence imposed to the sentence identified under the Sentencing Guidelines Act. A sentence is considered to conform to the guidelines if it falls within the range of sentence lengths for a guideline grid box at a specific designated severity level and criminal history category. A sentence that falls at the mid-point of a relative grid box is regarded as standard. A sentence that falls at either the upper end or lower end of the relative grid box is considered as an aggravated or mitigated sentence, respectively. All other sentence lengths imposed are considered to be a departure from the guidelines unless the grid box is a designated border box. A sentence length above the aggravated level is defined as "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 utilized for this specific analysis. A pure guideline sentence is defined as a guideline sentence that is not imposed to run concurrent or consecutive with a "pre-guideline" sentence. In addition, the analysis is based on computed variables regarding departures and the consecutive sentences are excluded from this analysis.

OVERALL CONFORMITY RATES

In FY 2006, a total number of 7,384 pure guideline sentences were utilized for this analysis, including 1,448 incarceration guideline sentences and 5,936 probation sentences. Figure 38 demonstrates that 82.1% of the 7,384 guideline sentences fell within the presumptive guideline grids; 6.2% indicated durational departures, and 11.7% were dispositional departures. Of all the sentences within the presumptive guideline grids, 5,219 sentences (86.1%) fell within either the presumptive prison boxes or presumptive probation boxes, while 840 sentences (13.9%) were located on designated border boxes. Figure 39 indicates that 68.6% (595 sentences) of the 867 dispositional departures were downward departures and 31.4% (272 sentences) were upward dispositional departures. More than 78% of the 840 border box sentences resulted in probation sentences with only 21.8% of this group sentenced to prison. The analysis of durational departure sentences is only applicable to presumptive prison sentences.

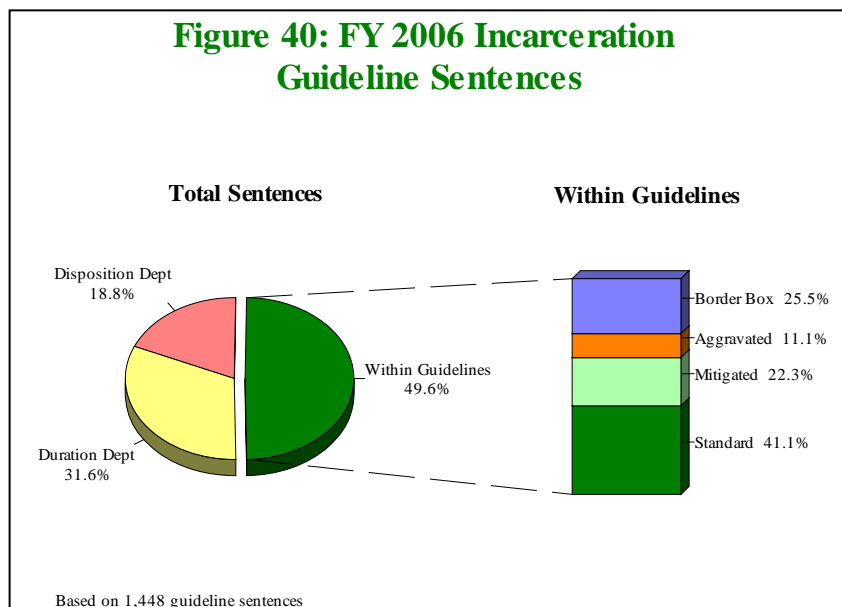


CONFORMITY OF PRESUMPTIVE PRISON GUIDELINE SENTENCES

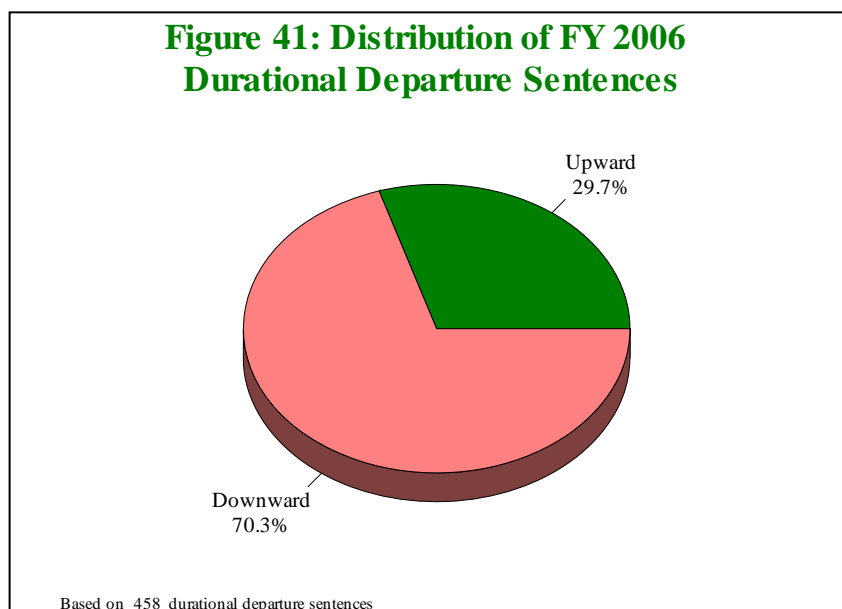
Presumptive prison guideline sentences refer to sentences that are designated above the incarceration line of the sentencing grids.

Revocations of probation conditions, either with or without new sentences, which result in prison sentences were excluded from this analysis. A total of 1,448 presumptive prison guideline sentences of FY 2006 were analyzed for this purpose.

Approximately 50% of total sentences fell within the presumptive incarceration range. Of these sentences within the guidelines, 41.1% were within the standard range, 11.1% were within the aggravated range, and 22.3% were within the mitigated range. Nearly 26% were located within designated border boxes (Figure 40).



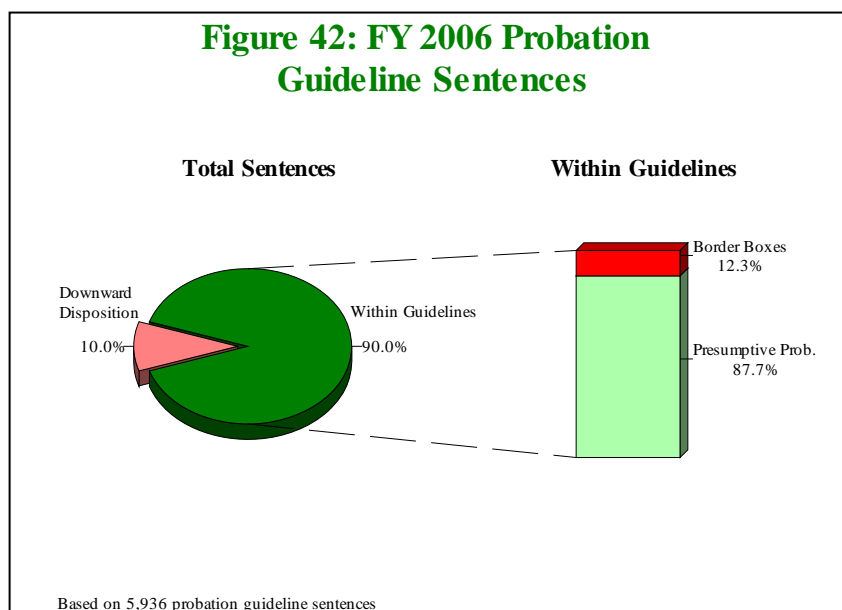
The analysis on the durational departure sentences reveals that 70.3% of the sentences departed downward from the sentence lengths indicated on the presumptive range, while 29.7% departed upward from the presumptive guideline ranges. The percentage change of the upward durational departure sentences is a 2.5% decrease from that in FY 2005 (Figure 41).



CONFORMITY OF PRESUMPTIVE PROBATION GUIDELINE SENTENCES

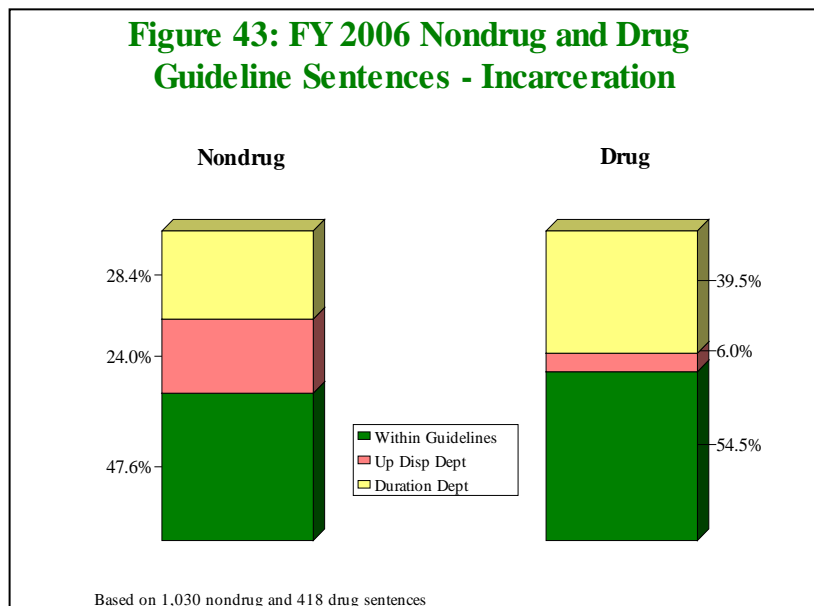
Sentences that are designated below the incarceration line of the sentencing grids are presumptive probation guideline sentences. The analysis of probation guideline sentences demonstrates that as expected, the majority of probation guideline sentences (90% or 5,341 cases) fell within presumptive guideline range, among which 87.7% were within presumptive probation grids and 12.3% were within border boxes

(Figure 42). The sentences within presumptive guideline range (5,341) accounted for 68% of the total probation sentences in FY 2006 (7,847), which decreased by 2% compared to the percentage rate of FY 2005 (70%). Further analysis of the dispositional departures indicates that probation sentences reflected downward dispositional departures of 10% (Figure 42), which remains constant compared to the percentage rate of FY 2005. Upward dispositional departure sentences were reflected in presumptive incarceration sentences (See Figure 40).

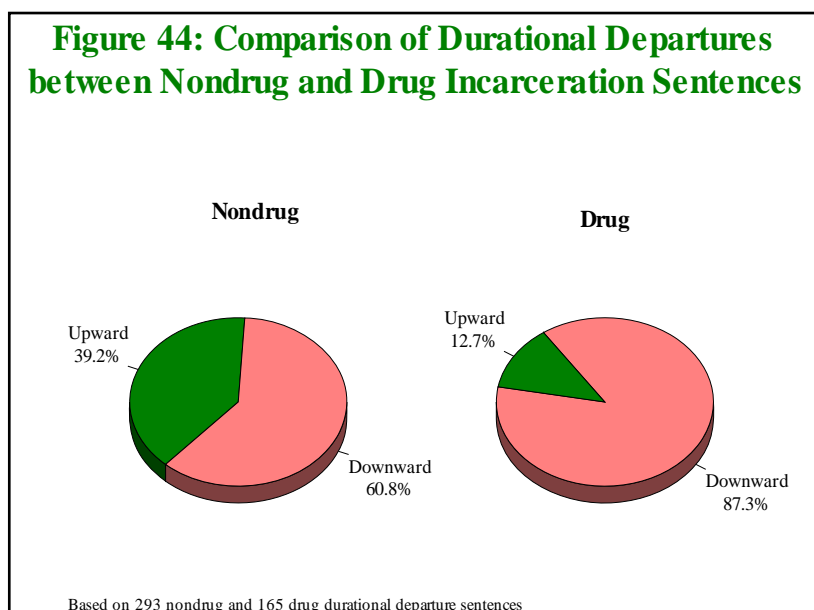


CONFORMITY OF NONDRUG AND DRUG GUIDELINE SENTENCES

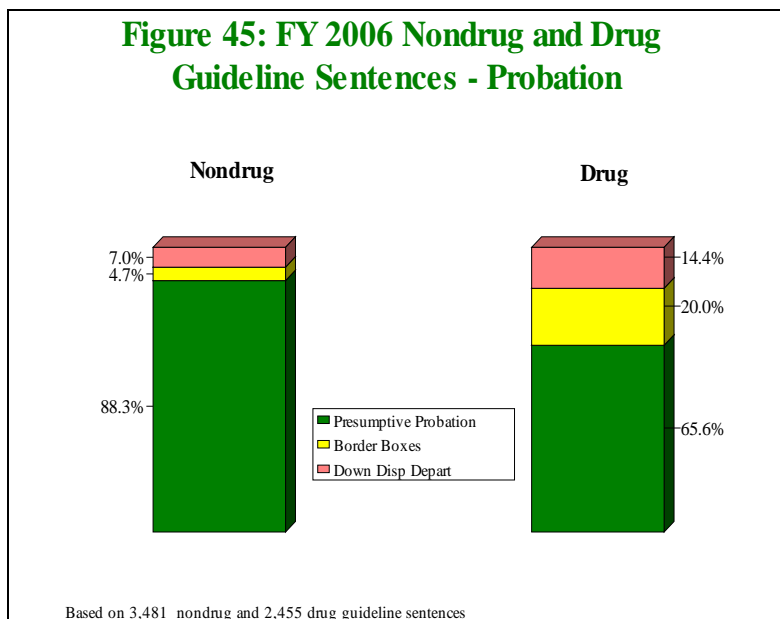
The comparative analysis of guideline incarceration sentences in terms of nondrug and drug sentences reveals that 24% of nondrug offenders showed upward dispositional departures, while only 6% of drug offenders indicated upward dispositional departures. Additionally, nondrug offenders represented 28.4% durational departures while drug offenders showed 39.5% durational departures (Figure 43).



When reviewing the durational departures, the data shows that downward departures represented 87.3% of the total durational departures on the drug grid. However, on the nondrug grid, 60.8% of durational departures were downward (in Figure 44). The majority of the upward departures were found at severity levels 1, 2, 3 and 6 of the nondrug grid, which include the most serious person offenses (Table 24).



Significant differences were also noticed between nondrug and drug offenders on probation (Figure 45). Drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences (14.4% vs. 7%). The rate of drug probation sentences resulting from border boxes was much higher than that of nondrug probation sentences (20% vs. 4.7%).



The sentencing trend in Kansas seems to indicate that there is a tendency to depart downward more often with drug sentences than with nondrug sentences. The sentencing trend also indicates that drug offenders tend to be sentenced to probation sentences more frequently than do nondrug offenders when their offense types and criminal history categories fall within the border boxes (Figure 45).

CONFORMITY RATES TO THE GUIDELINES BY SEVERITY LEVEL

Table 24 presents conformity rates of incarceration sentences to the guidelines at each severity level. Drug incarceration sentences, as a whole, indicated an 18.2% standard, 2.6% aggravated, 7.9% mitigated and 25.8% border box sentence distribution. Nondrug sentences revealed a 21.3% standard, 6.7% aggravated, 12.3% mitigated and 7.3% border box sentence distribution.

As for the departure sentences, drug sentences showed 5% upward durational departures and 34.4% downward durational departures, whereas nondrug sentences showed a 11.2% upward durational departure rate and a 17.3% downward durational departure rate. The highest rate of downward durational departures was identified at drug severity level 1 (85.9%) for drug incarceration sentences and nondrug severity level 1 (32.8%) for nondrug incarceration sentences. When examining dispositional departures, 24% of nondrug incarceration sentences were upward dispositional departures. By contrast, only 6% of drug incarceration sentences were 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 ten years.

Table 24: Conformity Rates by Severity Level - Incarceration Sentences

Severity Level	N	Within Guidelines (%)				Departures (%)		
		Agg.	Standard	Mit.	Box	Durational		Dispositional
						Upward	Downward	Upward
D1	85	1.2	7.1	5.9			85.9	
D2	29	10.3	34.5	3.4		13.8	37.9	
D3	143	2.8	10.5	6.3	60.8	4.9	14.7	
D4	161	1.9	28.0	11.2	13.0	6.2	24.2	15.5
Subtotal	418	2.6	18.2	7.9	25.8	5.0	34.4	6.0
N1	64	15.6	23.4	6.3		21.9	32.8	
N2	31	9.7	25.8	16.1		22.6	25.8	
N3	181	9.4	24.3	17.1		21.0	28.2	
N4	46	6.5	32.6	19.6		17.4	23.9	
N5	195	4.6	17.9	10.3	36.4	6.7	24.1	
N6	41	7.3	29.3	4.9	9.8	22.0	17.1	9.8
N7	162	3.7	14.2	8.0		9.9	9.3	54.9
N8	73	1.4	12.3	20.5		6.8	5.5	53.4
N9	182	8.2	25.3	11.5		2.7	5.5	46.7
N10	55	3.6	21.8	12.7			7.3	54.5
Subtotal	1,030	6.7	21.3	12.3	7.3	11.2	17.3	24.0
TOTAL	1,448	5.5	20.4	11.0	12.6	9.4	22.2	18.8

The conformity rates of probation sentences to the guidelines by severity levels are displayed in Table 25. Probation drug sentences indicated 14.4% downward dispositional departures, which should have been presumptive incarceration, while only 7% of probation nondrug sentences experienced downward dispositional departures. The significant differences also occurred within the border boxes of the grids. Drug offenders received more

probation sentences than nondrug offenders did when their severity levels and criminal history categories fell within the border boxes (20% versus 4.7%). Comparison of probation drug and nondrug sentences reveals 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 ten years.

Table 25: Conformity Rates by Severity Level - Probation Sentences

Severity Level	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	55			100.0
D2	14			100.0
D3	525		89.7	10.3
D4	1,861	86.5	1.1	12.4
Subtotal	2,455	65.6	20.0	14.4
N1	4			100.0
N2	2			100.0
N3	30			100.0
N4	16			100.0
N5	195		78.5	21.5
N6	86	68.6	14.0	17.4
N7	858	94.6		5.4
N8	698	96.7		3.3
N9	1,252	96.1		3.9
N10	340	95.6		4.4
Subtotal	3,481	88.3	4.7	7.0
TOTAL	5,936	78.9	11.1	10.0

CONFORMITY RATES TO THE GUIDELINES BY RACE

The conformity rates to the sentencing guidelines by race were analyzed respectively in Tables 26 and 27 for the drug and nondrug offenders admitted to prison in FY 2006. The examination of drug incarceration sentences within guidelines indicates that blacks received more standard sentences (21.5% vs. 16.6%) and mitigated sentences (15.9% vs. 5.2%) than whites. However, white offenders represented a higher percentage in aggravated sentences than black offenders (3.2% vs. 0.9%). No big percentage difference was identified between whites and blacks in border box sentences (26% vs. 26.2%). When reviewing sentence departures, whites indicated a much higher percentage of downward

durational departures (38.3% vs. 23.4%) and a lower percentage of upward dispositional departures (5.5% vs. 7.5%) than blacks, while black offenders received fewer upward durational departures than white offenders (4.7% vs. 5.2%), (Table 26).

No significant percentage differences were identified between white and black nondrug offenders in both upward and downward durational departures. Nevertheless, blacks received more aggravated sentences (8.3% vs. 6.2%) and mitigated sentences (16.8% vs. 10.1%) than whites, whereas whites represented higher percentages in standard sentences (22.1% vs. 19.9%), border box sentences (8.3% vs. 5.2%) and upward dispositional departures (25.6% vs. 20.8%) than blacks (Table 27).

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

Severity Level	Race	N	Within Guidelines (%)				Departures (%)		
			Agg.	Standard	Mit.	Box	Durational		Dispositional
							Upward	Downward	Upward
D1	White	84	1.2	7.1	6.0			85.7	
	Black	1						100.0	
	Other	0							
D2	White	24	12.5	37.5			16.7	33.3	
	Black	5		20.0	20.0			60.0	
	Other	0							
D3	White	100	3.0	8.0	4.0	66.0	5.0	14.0	
	Black	43	2.3	16.3	11.6	48.8	4.7	16.3	
	Other	0							
D4	White	100	3.0	28.0	7.0	14.0	7.0	24.0	17.0
	Black	58		25.9	19.0	12.1	5.2	24.1	13.8
	Other	3		66.7				33.3	
Total	White	308	3.2	16.6	5.2	26.0	5.2	38.3	5.5
	Black	107	0.9	21.5	15.9	26.2	4.7	23.4	7.5
	Other	3		66.7				33.3	

Note: Based on 418 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.	Standard	Mit.	Box	Durational		Dispositional
							Upward	Downward	Upward
N1	White	49	16.3	24.5	6.1		26.5	26.5	
	Black	14	14.3	21.4	7.1		7.1	50.0	
	Other	1						100.0	
N2	White	21		19.0	23.8		33.3	23.8	
	Black	10	30.0	40.0				30.0	
	Other	0							
N3	White	108	9.3	27.8	15.7		18.5	28.7	
	Black	68	10.3	19.1	20.6		22.1	27.9	
	Other	5		20.0			60.0	20.0	
N4	White	33	6.1	36.4	21.2		12.1	24.2	
	Black	10	10.0	20.0	20.0		30.0	20.0	
	Other	3		33.3			33.3	33.3	
N5	White	135	3.7	17.8	8.9	39.3	8.1	22.2	
	Black	57	7.0	19.3	14.0	29.8	3.5	26.3	
	Other	3				33.3		66.7	
N6	White	26	7.7	23.1		11.5	19.2	26.9	11.5
	Black	13	7.7	38.5	15.4		30.8		7.7
	Other	2		50.0		50.0			
N7	White	103	1.9	14.6	1.9		7.8	10.7	63.1
	Black	53	7.5	13.2	17.0		15.1	7.5	39.6
	Other	6		16.7	33.3				50.0
N8	White	49	2.0	10.2	16.3		6.1	2.0	63.3
	Black	22		18.2	22.7		9.1	13.6	36.4
	Other	2			100.0				
N9	White	109	9.2	31.2	8.3		2.8	2.8	45.9
	Black	67	7.5	16.4	17.9		3.0	7.5	47.8
	Other	6		16.7				33.3	50.0
N10	White	42	4.8	16.7	11.9			9.5	57.1
	Black	13		38.5	15.4				46.2
	Other	0							
Total	White	675	6.2	22.1	10.1	8.3	11.0	16.7	25.6
	Black	327	8.3	19.9	16.8	5.2	11.3	17.7	20.8
	Other	28		17.9	14.3	7.1	14.3	25.0	21.4

Note: Based on 1,030 nondrug incarceration guideline sentences reporting race of offenders.

Tables 28 and 29 present the conformity rates by race for offenders sentenced to probation during FY 2006. White offenders received more presumptive probation sentences for drug offenses than black offenders (66.7% vs. 59.3%) but black drug offenders indicated a higher rate of downward dispositional departures than white drug offenders (19.9% vs. 13.3%). Border box sentences remained pretty close in percentage rates between white and black drug offenders (20% vs. 20.8%).

The analysis of the probation sentences of the nondrug offenders reveals that similar to

the drug sentence pattern, white nondrug offenders received more presumptive probation sentences than black nondrug offenders (89.3% vs. 84.7%), while black offenders represented a higher percentage of downward dispositional departures than white offenders for nondrug offenses (10.7% vs. 5.9%). No significant percentage difference was identified in border box sentences between white and black nondrug offenders (4.8% vs. 4.6%). This sentence distribution for nondrug offenders did not fluctuate much as compared with that of FY 2005.

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

Severity Level	Race	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	White	53			100.0
	Black	2			100.0
	Other	0			100.0
D2	White	13			100.0
	Black	1			100.0
	Other	0			
D3	White	412		91.3	8.7
	Black	105		83.8	16.2
	Other	7		85.7	14.3
D4	White	1,482	88.3	1.1	10.7
	Black	339	78.2	1.5	20.4
	Other	35	94.3		5.7
Total	White	1,960	66.7	20.0	13.3
	Black	447	59.3	20.8	19.9
	Other	42	78.6	14.3	7.1

Note: Based on 2,449 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	3			100.0
	Black	1			100.0
N2	White	2			100.0
	Black	0			
N3	White	17			100.0
	Black	13			100.0
N4	White	14			100.0
	Black	2			100.0
N5	White	140		81.4	18.6
	Black	51		68.6	31.4
	Other	3		100.0	
N6	White	72	72.2	13.9	13.9
	Black	12	41.7	16.7	41.7
	Other	2	100.0		
N7	White	673	95.4		4.6
	Black	166	91.0		9.0
	Other	17	100.0		
N8	White	513	97.5		2.5
	Black	173	94.2		5.8
	Other	7	100.0		
N9	White	918	96.8		3.2
	Black	311	94.2		5.8
	Other	20	95.0		5.0
N10	White	246	96.7		3.3
	Black	83	91.6		8.4
	Other	8	100.0		
Total	White	2,598	89.3	4.8	5.9
	Black	812	84.7	4.6	10.7
	Other	57	93.0	5.3	1.8

Note: Based on 3,467 nondrug probation sentences reporting race of offenders.

CONFORMITY RATES TO THE GUIDELINES BY GENDER

This section discusses the conformity rates to the sentencing guidelines between male and female offenders sentenced or admitted to prison in FY 2006. For drug incarceration sentences, only males received aggravated sentences and mitigated sentences. In addition, male drug offenders represented higher rates in standard sentences (18.9% vs. 10.8%) and border box sentences (26.2% vs. 21.6%). The examination of departure sentences demonstrates that female drug offenders represented higher rates in downward durational departures (45.9% vs. 33.3%) and upward dispositional departures (18.9% vs. 4.7%) than their counterparts, while male drug offenders represented a higher rate in upward durational departures (5.2% vs. 2.7%) than female drug offenders (Table 30).

The analysis of nondrug incarceration sentences reveals that within guidelines, males represented higher percentages than females in aggravated sentences (7.2% vs. 1.3%), standard sentences (22.1% vs. 11.3%) and mitigated sentences (12.6% vs. 8.8%), which is pretty consistent with the data observed in FY 2005. Female nondrug offenders received more border box sentences than male nondrug offenders (10% vs. 7.1%). The evaluation of departure sentences demonstrates that female nondrug offenders stood for the lower rate of upward durational departure sentences (6.3% vs. 11.6%) and higher rate of downward durational departures (20% vs. 17.1%) than males. However, females represented a much higher percentage in upward dispositional departures (42.5% vs. 22.4%) than their counterparts (Table 31).

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

Severity Level	Gender	N	Within Guidelines (%)				Departures (%)		
			Agg	Standard	Mit.	Box	Durational		Dispositional
							Upward	Downward	Upward
D1	Male	73	1.4	6.8	6.8			84.9	
	Female	12		8.3				91.7	
D2	Male	24	12.5	37.5	4.2		12.5	33.3	
	Female	5		20.0			20.0	60.0	
D3	Male	135	3.0	11.1	6.7	60.0	5.2	14.1	
	Female	8				75.0		25.0	
D4	Male	149	2.0	28.9	12.1	12.8	6.7	25.5	12.1
	Female	12		16.7		16.7		8.3	58.3
Total	Male	381	2.9	18.9	8.7	26.2	5.2	33.3	4.7
	Female	37		10.8		21.6	2.7	45.9	18.9

Note: Based on 418 drug incarceration guideline sentences.

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

Severity Level	Gender	N	Within Guidelines (%)				Departures (%)		
			Agg.	Standard	Mit.	Box	Durational		Dispositional
							Upward	Downward	Upward
N1	Male	61	16.4	21.3	6.6		23.0	32.8	
	Female	3		66.7				33.3	
N2	Male	26	11.5	26.9	15.4		26.9	19.2	
	Female	5		20.0	20.0			60.0	
N3	Male	174	9.8	24.7	17.8		20.7	27.0	
	Female	7		14.3			28.6	57.1	
N4	Male	44	6.8	31.8	20.5		18.2	22.7	
	Female	2		50.0				50.0	
N5	Male	177	5.1	18.1	10.7	35.6	6.8	23.7	
	Female	18		16.7	5.6	44.4	5.6	27.8	
N6	Male	39	7.7	30.8	5.1	10.3	20.5	15.4	10.3
	Female	2					50.0	50.0	
N7	Male	150	4.0	15.3	6.7		10.7	9.3	54.0
	Female	12			25.0			8.3	66.7
N8	Male	63	1.6	12.7	20.6		7.9	6.3	50.8
	Female	10		10.0	20.0				70.0
N9	Male	167	8.4	27.5	12.6		2.4	6.0	43.1
	Female	15	6.7				6.7		86.7
N10	Male	49	4.1	24.5	14.3			8.2	49.0
	Female	6							100.0
Total	Male	950	7.2	22.1	12.6	7.1	11.6	17.1	22.4
	Female	80	1.3	11.3	8.8	10.0	6.3	20.0	42.5

Note: Based on 1,030 nondrug incarceration guideline sentences.

Tables 32 and 33 demonstrate the conformity rates of the probation sentences by gender. The analyses of the offenders on probation show that females on both drug and nondrug grids received less downward dispositional departures than males (8.3% vs. 16.5%), (Table 32); (3.1% vs. 8.2%), (Table 33). This finding indicates that except for incarceration drug sentences in FY 2003, females were more likely to be incarcerated than males when both upward and downward dispositional departures are compared for incarceration and probation

sentences. Females had 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 were less likely to receive a downward dispositional departure to probation if their sentences fell within a presumptive prison box (Tables 32 and 33). The above findings continue the trend that was present in the past ten years (Annual Reports of FY 1996, FY 1997, FY 1998, FY 1999, FY 2000, FY 2001, FY 2002, FY 2003, FY 2004 and FY 2005).

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

Severity Level	Gender	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	Male	38			100.0
	Female	17			100.0
D2	Male	11			100.0
	Female	3			100.0
D3	Male	408		88.5	11.5
	Female	116		94.0	6.0
D4	Male	1,350	83.8	1.2	15.0
	Female	506	93.9	1.0	5.1
Total	Male	1,807	62.6	20.9	16.5
	Female	642	74.0	17.8	8.3

Note: Based on 2,449 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	4			100.0
N2	Male	1			100.0
	Female	1			100.0
N3	Male	28			100.0
	Female	2			100.0
N4	Male	13			100.0
	Female	3			100.0
N5	Male	166		78.3	21.7
	Female	28		78.6	21.4
N6	Male	74	73.0	9.5	17.6
	Female	12	41.7	41.7	16.6
N7	Male	726	94.1		5.9
	Female	130	97.7		2.3
N8	Male	378	94.4		5.6
	Female	315	99.4		0.6
N9	Male	966	95.7		4.3
	Female	283	97.9		2.1
N10	Male	268	94.8		5.2
	Female	70	98.6		1.4
Total	Male	2,624	86.6	5.2	8.2
	Female	844	93.7	3.2	3.1

Note: Based on 3,468 nondrug probation sentences reporting gender of offenders.

CHAPTER FOUR SENTENCING TRENDS AND FORECAST

INCARCERATION SENTENCES

Prison admissions in the past five years exhibit a very obvious declining tendency. The number of admissions in FY 2006 decreased by 132 or 2.3% when compared with that of FY 2005 and 6.5% compared with that of FY 2002 (Figure 46). Table 34 displays the prison admission patterns by month in the past five years.

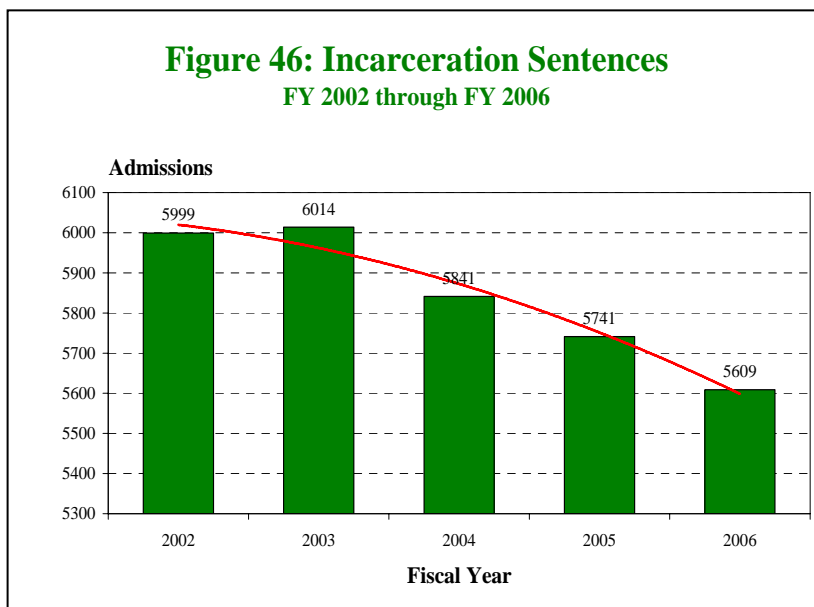


Table 34: Prison Admissions by Month

Month by Fiscal Year	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
July	489	523	525	439	407
August	517	569	441	497	570
September	339	521	460	501	534
October	462	577	500	413	473
November	558	479	418	466	473
December	533	475	550	441	459
January	501	472	445	407	461
February	487	440	435	471	443
March	542	460	560	575	472
April	531	520	491	491	409
May	490	466	469	486	492
June	550	512	547	554	416
Total	5,999	6014	5,841	5,741	5,609

The trend analysis on the types of admissions to prison in the past five years is presented in Table 35. The admissions of new court commitments in FY 2006 increased by 8.1% compared with FY 2005 but decreased by 5.4% compared with FY 2002. The number of probation condition violators admitted to prison continued growing in FY 2006, increasing by 40.2% over that of FY 2002 and representing the highest in the past five years. Probation violators with new sentences admitted to prison in FY 2006 increased by 12.7% compared with FY 2005 but decreased by 35.7% compared with FY 2002. Parole/post-release supervision condition violators admitted to prison in FY 2006 represented

the lowest admission rate from FY 2002 through FY 2006, indicating a decrease of 22.6% and 31.9%, respectively, compared with those in FY 2005 and FY 2002. The number of parole/post-release violators with new sentences in FY 2006 increased by 3.1% over that of FY 2005 and 23.5% over that of FY 2002. The largest percentage decrease is identified in the number of conditional release violators, which decreased by 84.2% in the past five years. There was no admission of conditional release violators with new sentences during FY 2006. As pre-guideline sentences are reducing, these two types of conditional release violators will be eventually out of the prison system.

Table 35: Comparison of Prison Admissions by Type

Admission Type	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2006-2002 % Difference
New Court Commitment	1,702	1,649	1,512	1,489	1,610	-5.4%
Probation Violator	1,454	1,497	1,709	1,783	2,038	40.2%
Probation Violator with New Sentence	221	205	148	126	142	-35.7%
Parole/Postrelease Violator	2,396	2,406	2,253	2,109	1,632	-31.9%
Parole/Postrelease Violator with New Sent	136	144	146	163	168	23.5%
Conditional Release Violator	57	51	39	29	9	-84.2%
Conditional Release Violator with New Sent	3	4	3	3	0	-100.0%
Other Types*	30	58	31	39	10	-66.7%
Total	5,999	6,014	5,841	5,741	5,609	-6.5%

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

Table 36 reveals the admission trend of incarceration drug sentences by severity level in the past five years. In FY 2006, admissions at all drug levels indicated an increase over those of the previous year, with the exception of admissions at drug level 3, but demonstrated a decrease from those of FY 2002 except for drug severity level 4 with an increase of 21.3%. The overall admissions of drug offenders in FY

2006 indicated a decrease of 4.4% compared with FY 2002.

Further analysis of the drug incarceration sentences indicates that the number of drug severity level 4 continued increasing in the past five years with an increase of 21.3% compared with that of FY 2002. The largest decrease was found at drug severity level 2

during FY 2006, which decreased by 26.9% from that of FY 2002 (Table 36).

Table 37 demonstrates that the total nondrug admissions to prison kept dropping in the past five years, decreased by 3.8% from that of FY 2005 and by 7.4% from that of FY 2002. The most notable decrease of nondrug sentences in the past five years were identified at the severity levels containing offenders with the most serious crimes: level 2 with a decrease of 30.6%, level 3 with a decrease of 22%, level 4 with a decrease of 22.8% and level 6 with a decrease of 24.6%. No significant fluctuations were identified in

the numbers of admissions at lower nondrug severity levels 8, 9 and 10 from FY 2002 to FY 2006.

Offgrid sentences remained comparatively stable in the past five years. Nevertheless a significant increase should occur in the future resulting from Jessica's Law passed in the 2006 Legislative Session. Nongrid offenders admitted to prison in FY 2006 were all violators under the crime of DUI (134 offenders), demonstrating the largest increase in percentage during the past five years (an increase of 2,580%).

Table 36: Comparison of Drug Prison Admissions by Severity Level

Severity Level	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2006-2005 % Difference	FY 2006-2002 % Difference
D1	227	235	229	187	199	6.4%	-12.3%
D2	186	204	179	132	136	3.0%	-26.9%
D3	628	617	567	516	487	-5.6%	-22.5%
D4	676	768	728	781	820	5.0%	21.3%
Total	1,717	1,824	1,703	1,616	1,642	1.6%	-4.4%

Table 37: Comparison of Nondrug Prison Admissions by Severity Level

Severity Level	FY 2002	FY 2003	FY 2004	FY2005	FY 2006	FY 2006-2005 % Difference	FY 2006-2002 % Difference
N1	92	113	108	96	101	5.2%	9.8%
N2	121	121	99	112	84	-25.0%	-30.6%
N3	645	604	559	562	503	-10.5%	-22.0%
N4	162	155	151	123	125	1.6%	-22.8%
N5	671	718	586	584	551	-5.7%	-17.9%
N6	195	208	171	158	147	-7.0%	-24.6%
N7	890	864	825	809	792	-2.1%	-11.0%
N8	449	424	458	462	445	-3.7%	-0.9%
N9	773	703	728	737	804	9.1%	4.0%
N10	227	206	261	235	228	-3.0%	0.4%
Offgrid	38	49	37	33	38	15.2%	0.0%
Nongrid	5	5	148	206	134	-35.0%	2580.0%
Unknown	14	20	7	8	15	87.5%	7.1%
Total	4,282	4,190	4,138	4,125	3,967	-3.8%	-7.4%

PROBATION SENTENCES

Figure 47 exhibits the total sentencing trend of probation sentences in the past five years. In FY 2006, the number of probation sentences indicated an increase of 0.9% compared with that of FY 2005 and an increase of 16.9% (1,137 sentences) compared with that of FY 2002, representing the largest number of probation sentences in the past five years.

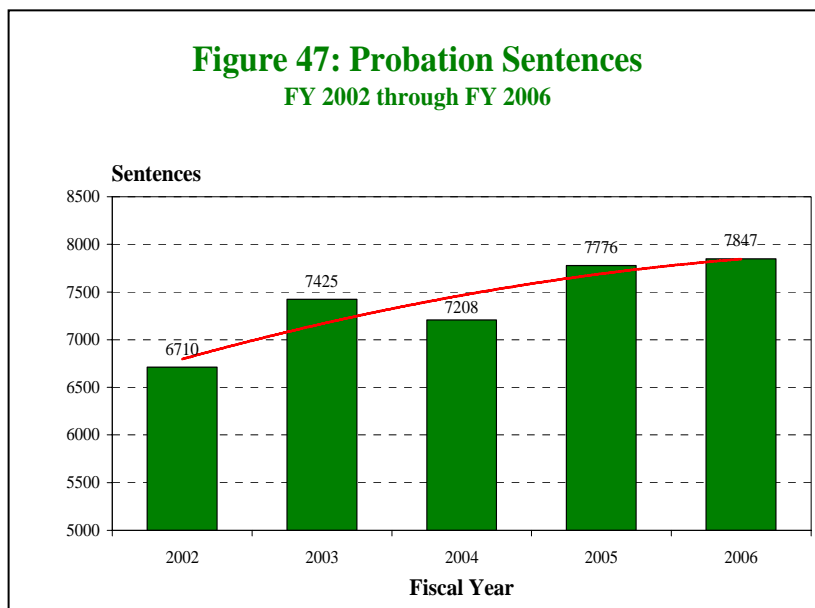


Table 38 presents the sentencing trend of the probation sentences by severity levels for drug offenses during the past five years. The analysis shows that drug probation sentences at all levels in FY 2006 increased except sentences at drug severity level 2 with a decrease of 10% compared with FY 2005 and 59.1% compared with FY 2002. The largest increase of probation sentences for drug offenses fell on drug severity level 4, an increase of 10.7% and 46.6%, compared to those of FY 2005 and FY 2002 respectively. This significant increase at drug severity level 4 reflects the implementation of Senate Bill 123 effective on November 1, 2003, wherein convictions under K.S.A. 65-4160 are all sentenced at drug severity level 4, no matter if the conviction is the first or second offense. Consequently, the numbers of probation sentences at drug severity levels 1 and 2

decreased by 47.9% and 10%, respectively, compared with those of FY 2005. The total number of drug probation sentences presents a growing tendency with an increase of 2.5% over that of FY 2005 and an increase of 32.7% over that of FY 2002.

The total number of nondrug probation sentences in FY 2006 remained stable compared with that of FY 2005 but indicated an increase of 9.6% compared with that of FY 2002. The largest increase of nondrug probation sentences in the past five years were found at nongrid (an increase of 65.2%, 318 sentences) followed by nondrug severity level 6 (an increase of 25%, 19 sentences) and nondrug severity level 8 (an increase of 16.3%, 123 sentences) compared with the data observed in FY 2002 (Table 39).

**Table 38: Comparison of Probation Drug Sentences by Severity Level
FY 2002 through FY 2006**

Severity Level	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2006-2005 % Difference	FY 2006-2002 % Difference
D1	49	44	36	121	63	-47.9%	28.6%
D2	44	71	44	20	18	-10.0%	-59.1%
D3	555	566	633	653	570	-12.7%	2.7%
D4	1,498	1,767	1,728	1,983	2,196	10.7%	46.6%
Total	2,146	2,448	2,441	2,777	2,847	2.5%	32.7%

**Table 39: Comparison of Probation Nondrug Sentences by Severity Level
FY 2002 through FY 2006**

Severity Level	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2006-2005 % Difference	FY 2006-2002 % Difference
N1	5	5	7	4	4	0.0%	-20.0%
N2	2	4	0	0	2	N/A	0.0%
N3	37	61	48	46	33	-28.3%	-10.8%
N4	16	17	13	4	17	325.0%	6.3%
N5	225	202	212	223	211	-5.4%	-6.2%
N6	76	91	62	61	95	55.7%	25.0%
N7	962	1,024	934	1,053	997	-5.3%	3.6%
N8	756	825	781	793	879	10.8%	16.3%
N9	1,451	1,521	1,430	1,539	1,534	-0.3%	5.7%
N10	546	538	557	454	422	-7.0%	-22.7%
Nongrid	488	689	723	822	806	-1.9%	65.2%
Total	4,564	4,977	4,767	4,999	5,000	0.0%	9.6%

PRISON POPULATION FORECASTS

The prison population forecasts are based on historical sentencing data, primarily on the data of FY 2006, and the input assumptions formulated by the experts from various criminal justice agencies, who are the members of the Prison Population Consensus Group. The prison population projections predict that the offenders incarcerated in state prisons will reach 11,231 by June 30, 2016, which indicates an increase of 2,298 inmates or 25.7% over the actual prison population on the same date of year 2006. Although the total number of admissions has dropped compared with those of the past five years, a combination of developing admission trends with the impact of the pronounced stacking effect and new sentencing policies has resulted in a continual growth in the state's prison population (Figure 48).

Table 40 provides prison inmate population projections by severity levels. The most significant increase in both number and percentage of incarcerated populations in the next ten years is identified in the group of offgrid offenders, an increase of 1,629 offenders or 229.1%. This significant growth results from the implementation of Jessica's Law (House Bill 2567) passed in the 2006 Legislative Session. According to this law, aggravated habitual sex offenders shall be sentenced to life imprisonment without possibility of parole (K.S.A. 2006 Supp. 21-4642); child sex offenses, where the offender is 18 years of age or older and the victim is less than 14 years of age, shall be sentenced to mandatory minimum of Hard 25 years for the first offense, mandatory minimum of Hard 40 years for the second offense and life imprisonment without parole for the third offense (K.S.A. 2006 Supp. 21-4643).

The second largest increase in number falls at nondrug severity level 1, an increase of 186 offenders over the ten-year forecast period. This is due to the "stacking effect" of long sentence length of most serious offenses. The numbers of offenders at nondrug severity level 9 and drug severity level 4 will increase by 151 offenders respectively in ten years, who are primary condition probation violators.

The largest decrease is found in the group of condition parole/postrelease violators (a decrease of 105 offenders or 13.4%) over the ten-year forecast period, which mirrors the effect of Senate Bill 323, wherein conditional probation violators would not be placed on a period of postrelease supervision upon their release from prison. The prison population at nondrug severity levels 2 and 3 will be reduced by 8% and 7.2% respectively, which reflects the implementation of House Bill 2576, which reclassifies certain sexual offenses as offgrid felonies.

The number of drug offenders demonstrates a declining trend at drug severity level 1 with a growing tendency at drug severity level 2 in the ten-year forecast period. These tendencies may result from Senate Bill 366 passed in the 2006 Legislative Session. This Bill has amended the severity level for a violation of possession of precursors under K.S.A. 65-7006(e) from a drug severity level 1 to a drug severity level 2. Figure 48 depicts the trend of the actual and projected prison population from FY 1996 through FY 2016.

Figure 48: Prison Population Actual and Projected

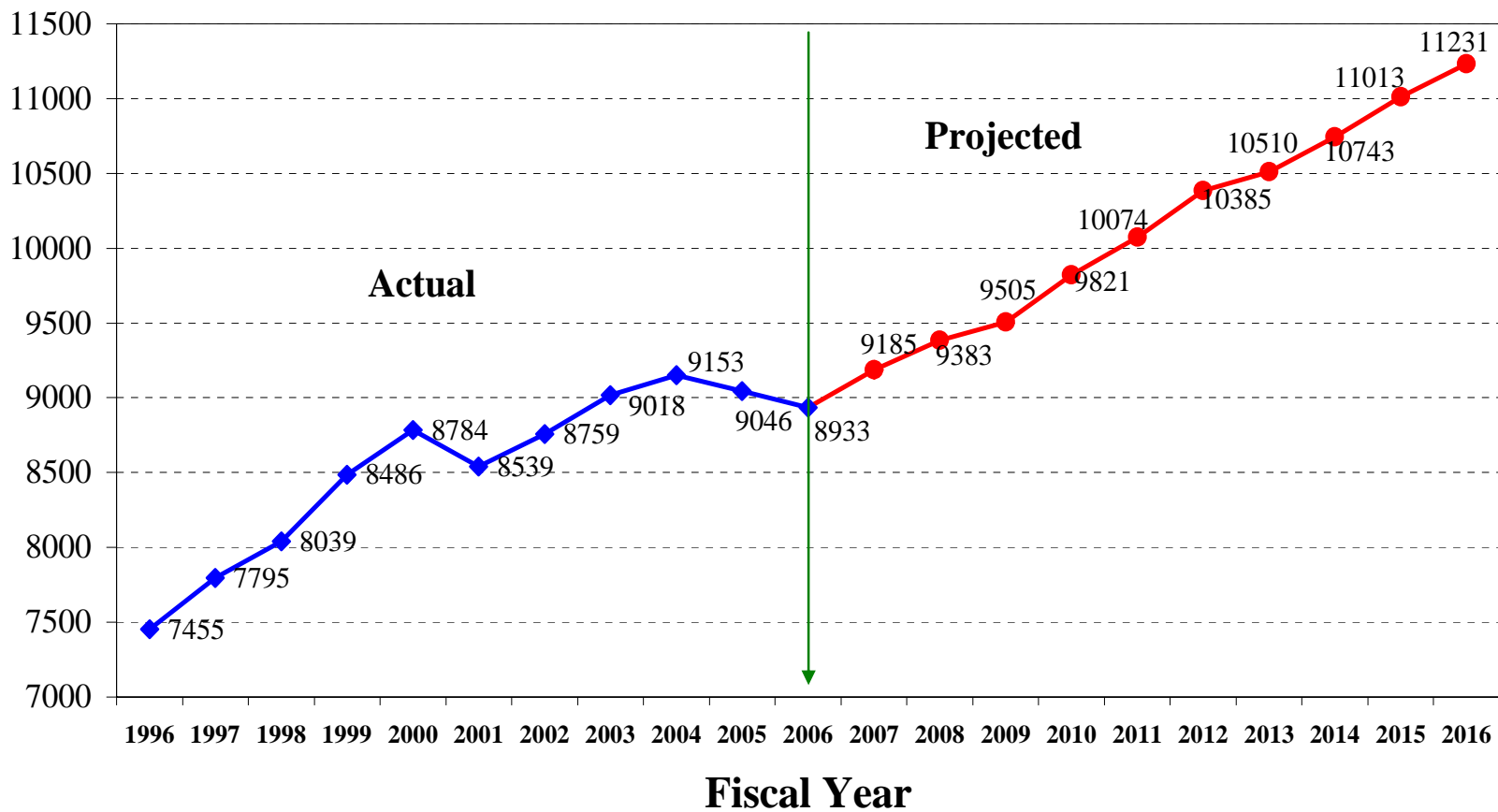


Table 40: FY 2007 Adult Inmate Prison Population Projections

Severity Level	June 30 2006*	June 30 2007	June 30 2008	June 30 2009	June 30 2010	June 30 2011	June 30 2012	June 30 2013	June 30 2014	June 30 2015	June 30 2016	Total # Increase	Percent Increase
D1	581	524	510	486	491	511	510	508	509	522	525	-56	-9.6%
D2	244	261	283	298	327	355	379	376	368	377	380	136	55.7%
D3	484	529	522	552	555	568	589	578	585	591	605	121	25.0%
D4	641	695	728	731	768	789	788	772	822	840	792	151	23.6%
N1	806	843	869	890	917	929	939	960	960	982	992	186	23.1%
N2	449	457	442	434	440	430	428	434	434	423	413	-36	-8.0%
N3	1352	1349	1338	1310	1307	1289	1285	1258	1233	1233	1255	-97	-7.2%
N4	269	263	271	264	269	276	284	293	303	304	306	37	13.8%
N5	1050	1036	1046	1030	1014	1034	1053	1037	1031	1039	1062	12	1.1%
N6	156	167	172	192	212	203	200	193	202	214	222	66	42.3%
N7	854	887	902	888	876	877	890	891	890	906	881	27	3.2%
N8	239	279	257	253	256	266	273	280	262	298	290	51	21.3%
N9	268	348	348	357	371	376	379	387	404	386	419	151	56.3%
N10	43	62	63	56	63	71	69	67	76	63	68	25	58.1%
OFF GRID	711	729	900	1080	1269	1444	1621	1800	1980	2156	2340	1629	229.1%
Condition Parole/PIS Violators	786	756	732	684	686	656	698	676	684	679	681	-105	-13.4%
Total	8933	9185	9383	9505	9821	10074	10385	10510	10743	11013	11231	2298	25.7%

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

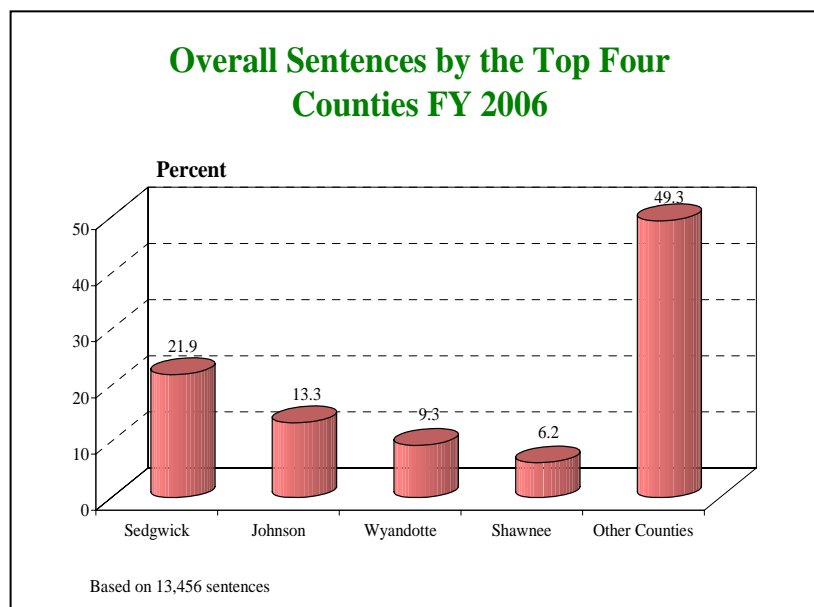
APPENDIX I

SENTENCES FROM THE TOP FOUR COUNTIES

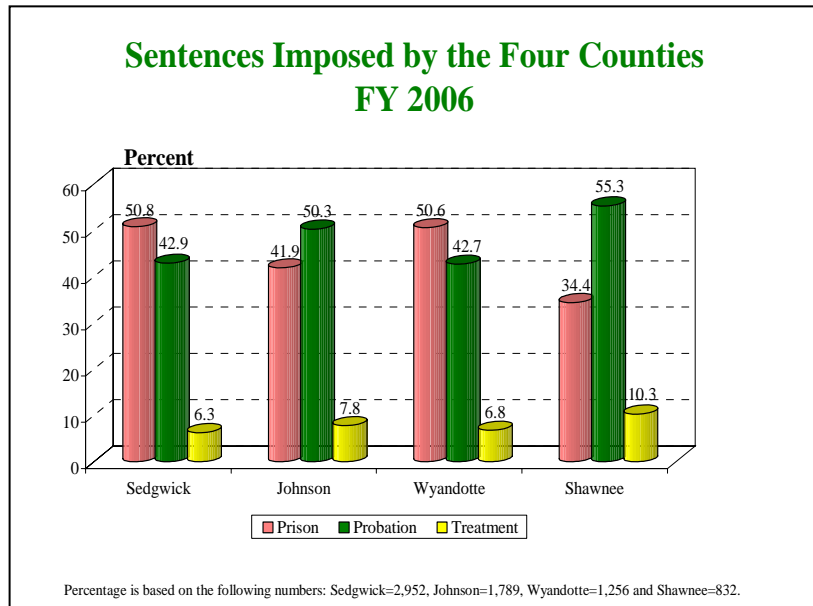
Based on the sentences reported to the Commission in FY 2006, Sedgwick, Johnson, Wyandotte and Shawnee counties remained the top four counties, whose sentences imposed accounted for 50.7% of the total state sentences. This percentage is very close to that of FY 2005. Sedgwick remained the top-committing county followed by Johnson, Wyandotte and Shawnee counties, which is consistent with the distributions of previous years. In

comparison with the sentencing data of FY 2005, no significant changes were identified in the percentages of sentences from the four counties. Sedgwick County and Shawnee County increased by 0.9% and 0.1% respectively, while Wyandotte County decreased by 1.1%. Johnson County remained constant. The following figures and tables display the characteristics of offenses and offenders from the four counties in FY 2006.

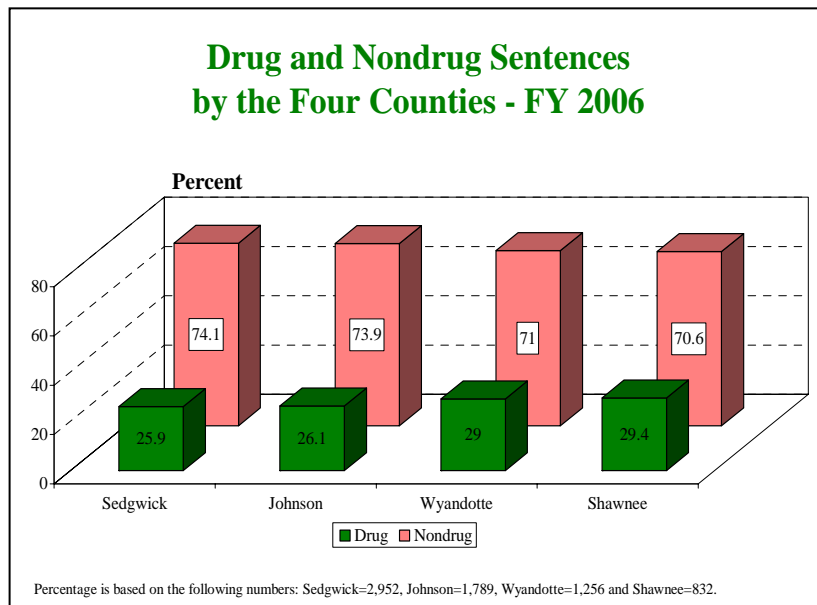
Sedgwick, Johnson, Wyandotte and Shawnee Counties were the top four committing counties with sentencing events accounting for 50.7% of the total state sentences in FY 2006.



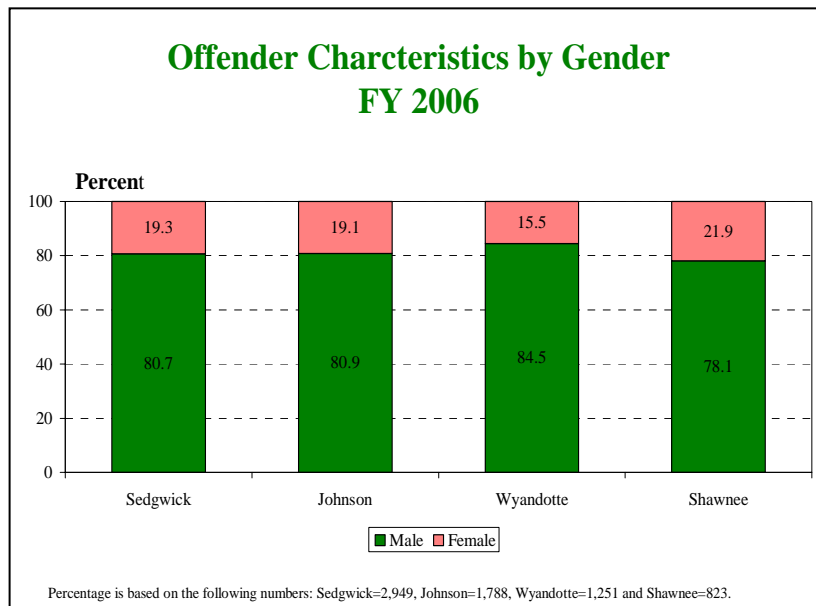
The highest percentage of prison sentences imposed was found in Sedgwick County (50.8%), while Shawnee County imposed higher rates of probation sentences (55.3%) and Senate Bill 123 drug treatment sentences (10.3%) than the other three counties.



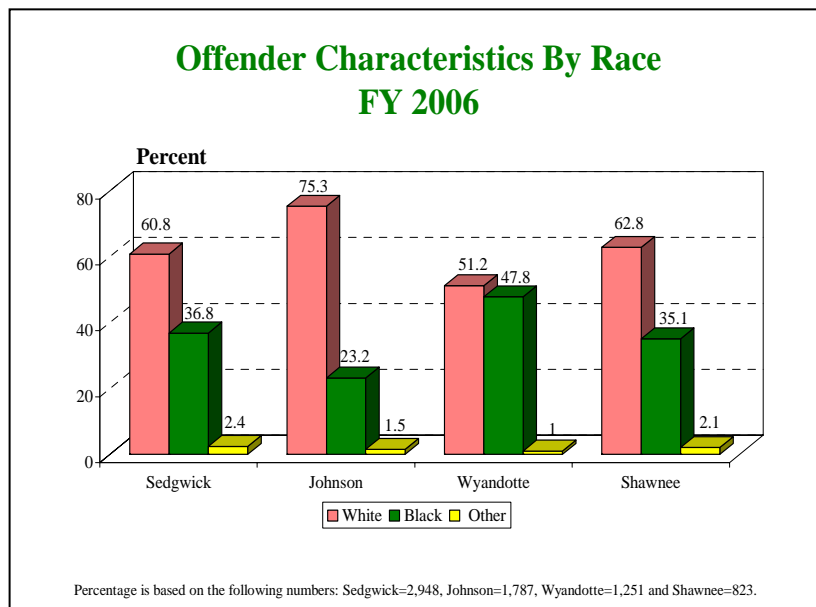
Shawnee County represented the highest percentage of drug sentences (29.4%), while Sedgwick County imposed the largest proportion of nondrug sentences (74.1%) among the four counties.



Shawnee County indicated the highest percentage of female offenders (21.9%), while Wyandotte County represented the highest rate of male offenders (84.5%).



Johnson County reported more white offenders (75.3%), while Wyandotte County reported more black offenders (47.8%), which remained constant as compared to FY 2005.



FY 2006 Sentences from the Four Counties by Severity Level

Severity Level	Sedgwick		Johnson		Wyandotte		Shawnee	
	N	%	N	%	N	%	N	%
D1	68	2.3	5	0.3	5	0.4	7	0.8
D2	42	1.4	5	0.3	8	0.6	5	0.6
D3	173	5.9	141	7.9	50	4.0	72	8.7
D4	482	16.3	316	17.7	301	24.0	161	19.4
N1	26	0.9	6	0.3	24	1.9	9	1.1
N2	25	0.8	6	0.3	14	1.1	7	0.8
N3	203	6.9	41	2.3	88	7.0	34	4.1
N4	42	1.4	23	1.3	18	1.4	10	1.2
N5	262	8.9	88	4.9	95	7.6	43	5.2
N6	50	1.7	22	1.2	29	2.3	9	1.1
N7	464	15.7	199	11.1	146	11.6	103	12.4
N8	385	13.0	154	8.6	88	7.0	86	10.3
N9	505	17.1	401	22.4	201	16.0	171	20.6
N10	61	2.1	216	12.1	130	10.4	24	2.9
Nongrid	154	5.2	166	9.3	47	3.7	89	10.7
Offgrid	8	0.3	0	0.0	12	1.0	2	0.2
Unknown	2	0.1	0	0.0	0	0.0	0	0.0
Total	2,952	100.0	1,789	100.0	1,256	100.0	832	100.0

FY 2006 Top Ten Offenses Committed by Offenders in the Four Counties – 1

Offense Type	Sedgwick County		Offense Type	Johnson County	
	N	%		N	%
Drugs	765	25.9	Drugs	467	26.1
Forgery	250	8.5	Theft	273	15.3
Aggravated Battery	246	8.3	DUI	157	8.8
Theft	240	8.1	Burglary	112	6.3
Burglary	233	7.9	Forgery	97	5.4
DUI	146	4.9	Aggravated Battery	95	5.3
Aggravated Robbery	120	4.1	Criminal Threat	70	3.9
Robbery	82	2.8	Identity Theft	57	3.2
Aggravated Assault	77	2.6	Aggravated Assault	41	2.3
Criminal Threat	68	2.3	Nonsupport of Child or Spouse	37	2.1
Total	2,227	75.4	Total	1,406	78.7

FY 2006 Top Ten Offenses Committed by Offenders in the Four Counties – 2

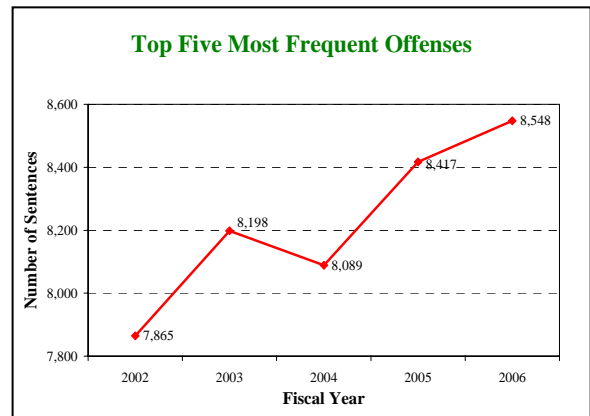
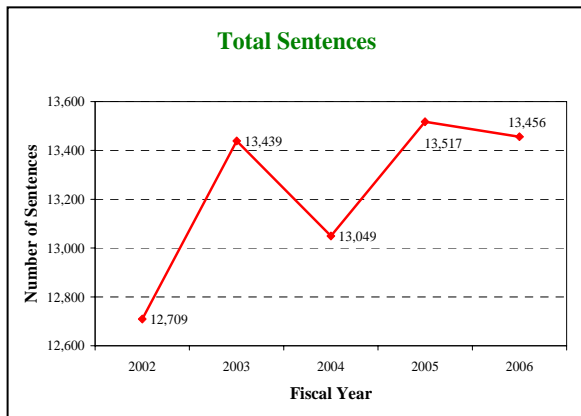
Offense Type	Wyandotte County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	364	29.0	Drugs	245	29.4
Theft	97	7.7	DUI	85	10.2
Burglary	94	7.5	Burglary	81	9.7
Forgery	82	6.5	Theft	75	9.0
Fleeing or Eluding LEO	71	5.7	Forgery	64	7.7
Aggravated Battery	66	5.3	Aggravated Battery	35	4.2
Robbery	54	4.3	Fleeing or Eluding LEO	27	3.2
DUI	47	3.7	Aggravated Robbery	22	2.6
Aggravated Robbery	45	3.6	Aggravated Assault	21	2.5
Agg Indecent Liberties w/Child	42	3.3	Robbery	20	2.4
Total	962	76.6	Total	675	80.9

APPENDIX II TRENDS OF SELECTED OFFENSES

TOP FIVE MOST FREQUENT OFFENSES

The crimes of drugs, burglary, theft, forgery and aggravated battery were the top five most frequently convicted offenses in the past five years. Of the total offenses including both incarceration and probation sentences, these top five offenses accounted for 61.9% in FY 2002, 61% in FY 2003,

62% in FY 2004, 62.3% in FY 2005 and 63.5% in FY 2006. The trends of the top five offenses from FY 2002 to FY 2006 are presented in the following figures and table. The sentence number of the top five offenses increased along with the increase of the total number of incarceration and probation sentences in the past five years.



Top Five Most Frequent Offenses: Incarceration and Probation Sentences FY 2002 through FY 2006

Top Five Offenses	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006*
Drugs	3,863	4,272	4,143	4,393	4,489
Burglary	1,336	1,370	1,390	1,391	1,336
Theft	1,030	959	987	1,082	1,090
Forgery	850	832	881	870	902
Aggravated Battery	786	765	688	681	731
Subtotal	7,865	8,198	8,089	8,417	8,548
Total Offenses	12,709	13,439	13,049	13,517	13,456

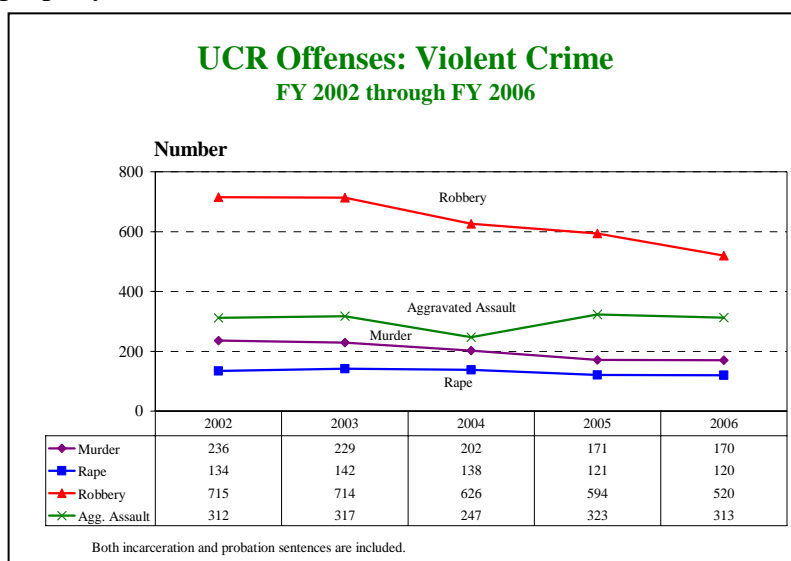
* The offense of DUI (904 sentences) is included in the top five offenses in FY 2006, but not in trend analysis.

UNIFORM CRIME REPORTING (UCR) OFFENSES

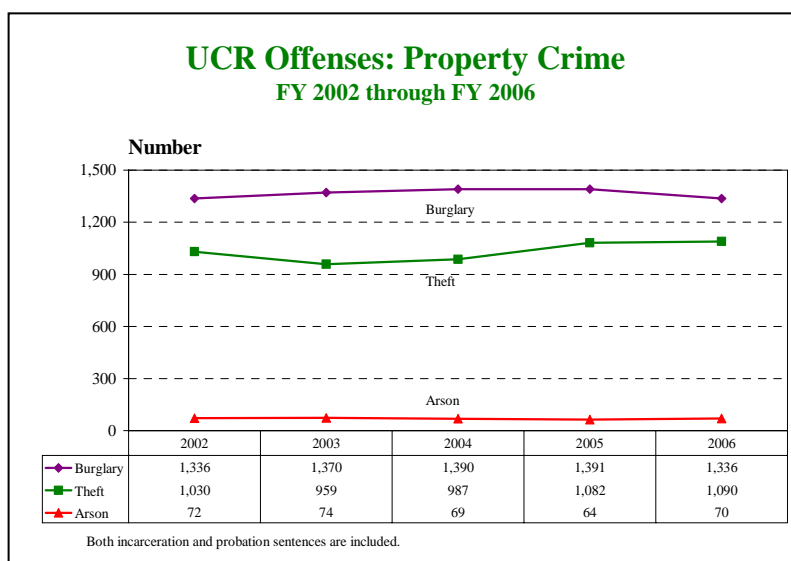
The UCR offenses include murder, rape, robbery, aggravated assault, burglary, larceny-theft/motor vehicle theft and arson. These are serious crimes by nature and/or volume, which are most likely to be reported and most likely to occur with sufficient frequency to provide an adequate basis for comparison (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 2002 to FY 2006, 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.

Compared with FY 2005, the numbers of all violent crimes dropped in FY 2006. The crime of robbery displays a significant declining trend in the past five years, with a decrease of 12.5% compared with FY 2005 and 27.3% compared with FY 2002.



The analysis on property crimes discloses that the crime of burglary in FY 2006 reduced in number by 4%, which is the lowest in the past five years. However, the crimes of theft and arson in FY 2006 increased compared to those of FY 2005 though the increase is not significant.



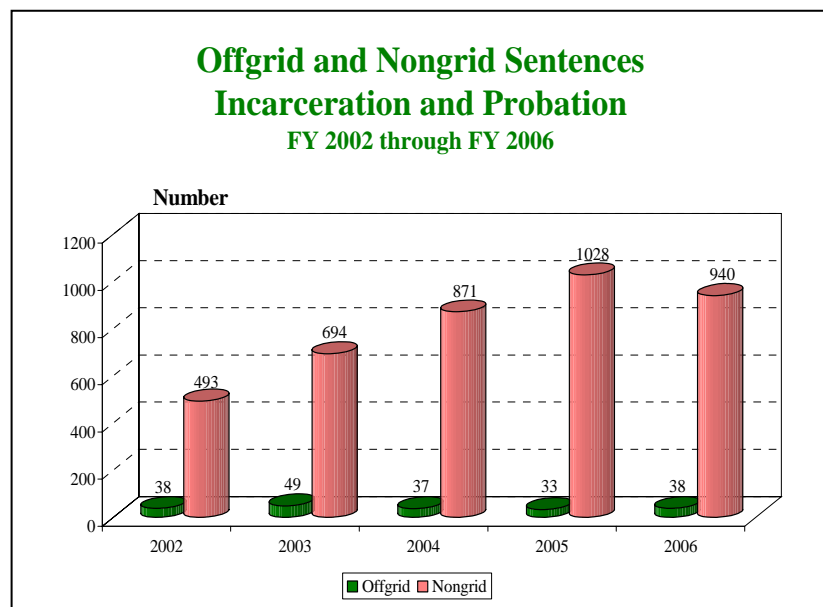
OFFGRID AND NONGRID CRIMES

Offgrid 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 offgrid crimes. Persons convicted of offgrid crimes will be eligible for parole 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.

Nongrid 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), felony “domestic battery” (K.S.A. 21-3412a) and felony “cruelty to animals” (K.S.A. 2006 Supp. 21-4310 and 21-4318) are categorized as nongrid crimes. The applicable sentence of each of the nongrid crimes is specified within the individual criminal statute defining the crime. For example, the “sentence” for the crime of felony domestic battery specifies that the offender “shall be sentenced to 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 nongrid sentences in FY 2006 decreased by 88 in number or 8.6% compared with FY 2005, which is the first time decrease in the past five years. The number of offgrid crimes did not fluctuate greatly in the past five years, but should increase significantly in future due to Jessica’s Law passed in the 2006 Legislation.

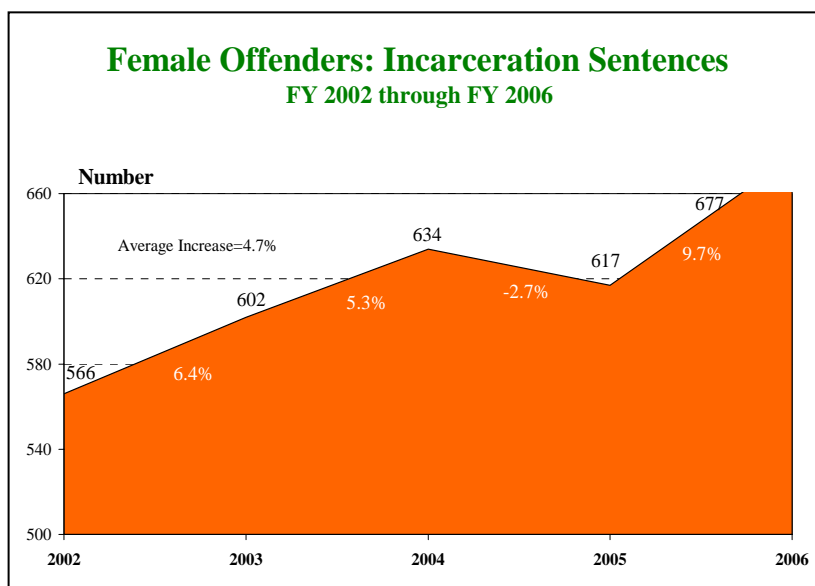


FEMALE OFFENDERS

From FY 2002 through FY 2004, the admissions of female offenders to prison kept increasing. However, female admissions decreased by 2.7% in FY 2005 compared with FY 2004, which is primarily due to the implementation of Senate Bill 123. In FY 2006, the number of admissions increased by 9.7%. The average growth rate in the past five years is 4.7%. In contrast, female offenders on probation in FY 2005

increased by 17.5% compared with those of FY 2004, resulting from the implementation of Senate Bill 123, wherein pure drug possession offenders shall be sentenced to drug treatment programs instead of prison. This pattern is consistent with that of the total probation population (Page 70). The average growth rate is 7.1% in the past five years. Females were sentenced to prison or probation most frequently for the crimes of drugs, forgery and theft in the past five years.

The total trend of female population incarcerated in prison is increasing in the past five years with an increase of 6.4% in FY 2003, 5.3% in FY 2004 and 9.7% in FY 2006 compared with those of their previous years. However, the population decreased in FY 2005 by 2.7% compared with FY 2004.



The number of female probation sentences demonstrates an increasing tendency, as well, in the past five years, with an increase of 11% in FY 2003, 17.5% in FY 2005 and 4.4% in FY 2006 compared with those of their previous years. But in FY 2004, the number dropped by 4.4% from that of FY 2003.

