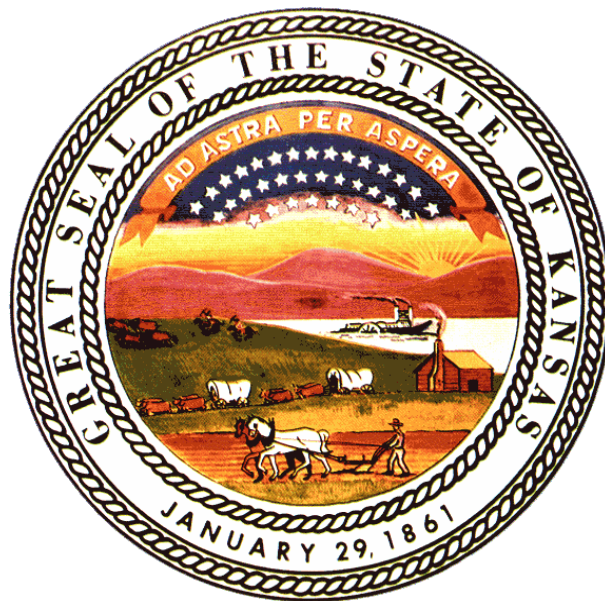


# KANSAS SENTENCING COMMISSION

FY 2007 ANNUAL REPORT



MARCH 2008

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# **KANSAS SENTENCING COMMISSION**

**ANNUAL REPORT  
FY 2007**

## *Analysis Of Sentencing Guidelines In Kansas*

**Honorable Ernest L. Johnson  
Chair**

**Helen J. Pedigo  
Executive Director**



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## EXECUTIVE SUMMARY

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Pursuant to the statutory obligations assigned to the Kansas Sentencing Commission, during FY 2007, the Commission performed the following major activities:

- A. Processing statewide felony sentencing journal entries including both prison and non-prison guideline sentences;
- B. Presenting recommendations to the state legislature relating to modification and improvement of current sentencing guidelines through the functions of the Proportionality Subcommittee, Recodification Commission and the Sentencing Commission;
- C. Providing the legislature and state agencies with prison bed-space impact assessments under any policy change related to sentencing guidelines;
- D. Producing annual prison population projections for both Kansas Adult Correctional Facilities and Kansas Juvenile Correctional Facilities;
- E. Monitoring the implementation of 2003 Senate Bill 123 drug treatment programs including the evaluation of recidivism after 36-months implementation of 2003 Senate Bill 123;
- F. Revising the forms of sentencing journal entry of judgment carried out by the Journal Entry Subcommittee;
- G. Participating in the project to establish the Kansas Electronic Sentencing Journal Entry Database

- sponsored by Kansas Criminal Justice Information System (KCJIS);
- H. Conducting training sessions on sentencing guidelines and various sentencing issues;
  - I. Serving as an information resource to respond to national, state and county requests regarding sentencing data.

This section provides a brief summary of the major sentencing issues presented in the Annual Report. During FY 2007, the Commission received a total number of 12,646 felony sentences, indicating a decrease of 6% from that of FY 2006. Of the total number of sentences, 4,899 were prison sentences and 7,747 were probation sentences. Nondrug sentences represented 66.8% (8,443 sentences) and drug sentences accounted for 33.2% (4,203 sentences).

### INCARCERATION SENTENCES

In FY 2007, 4,899 offenders were admitted to the Kansas Department of Corrections (KDOC). Male offenders represented 87.2% of the total admissions, a percentage decrease of 0.7% from that of FY 2006 (87.9%). More than 90% of the violent and sex offenses were committed by male offenders, such as, aggravated assault, aggravated battery, aggravated robbery, burglary, murder, rape and aggravated indecent liberties with a child. However, female offenders were incarcerated more frequently for the crimes of forgery, criminal use of financial card and identity theft (pages 18 & 19). The analysis of drug

crimes indicates that male offenders were convicted of more than 85% of drug sales and unlawful manufacture of controlled substance, while female offenders committed over 20% of offenses in drug possession and sale of opiates or narcotics for the third or subsequent offense (page 21).

Racial analyses of offenders reveal that white offenders made up 66.7% of the admissions to state prisons in FY 2007, indicating an increase by 0.7% over that of FY 2006 (66%). The offenders with non-Hispanic origin represented 90%, a decrease of almost 1% compared with that of FY 2006 (90.9%). The highest incarceration rates for white offenders (over 70%) were found in the offense categories of most sex offenses, burglary, involuntary manslaughter, failure to register, 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 battery on LEO, aggravated robbery, kidnapping, possession of firearm and drug without tax stamps (pages 18 & 19).

When examining the age of offenders, the Commission noticed that the largest population of incarcerated offenders (26.7%) was found in the age group ranging from 31 to 40 years old at the time of admission to prison in FY 2007, which is consistent with those of previous years. As for the educational background of the offenders admitted in FY 2007, nearly 50% 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 32.7%,

35.7% and 24.9%, respectively, of the total prison admissions in FY 2007. Most of the drug offenders admitted to KDOC in FY 2007 fell at drug severity level 3 (28.8%) and drug severity level 4 (55.4%), while the largest numbers of nondrug offenders were identified at nondrug severity levels 7 and 9 with admissions of 675 and 662, respectively, in FY 2007 (Pages 22 & 23).

House Bill 2576 became law (Jessica's Law) in the 2006 Legislative Session. During FY 2007, seven offenders were sentenced to prison under Jessica's Law based on the sentencing journal entries of judgment reported to the Commission. As FY 2007 is the initial year for the implementation of this law, the number of sentences received is too small for statistical analysis. However, the sentencing practice of this law is being closely monitored by the Commission.

### **PROBATION SENTENCES**

A total number of 7,747 probation sentences were reported to the Commission in FY 2007. The analysis of the probation sentences discloses that DUI (15.5%), theft (14.2%), burglary (14.1%) and forgery (11.4%) were the top four offenses for nondrug probation offenders representing more than 55.2% of the total nondrug crimes (page 28), which does not fluctuate much when compared with that of FY 2006 (55%). The probation sentences for the crime of drug possession accounted for 73.9% of all drug probation sentences, an increase of 1.3% over that of FY 2006 (72.6%), (pages 29 & 31).

The analysis of the criminal history categories of the offenders sentenced to probation in FY 2007 demonstrates that offenders with criminal history category I accounted for 30.2% of offenders on the

nondrug grid and 32.9% of offenders on the drug grid. Approximately 86% of nondrug offenders were within the presumptive probation boxes (Table 12), while 66.5% of probation drug offenders were sentenced within the presumptive probation boxes (Table 13). Meanwhile, only 4.1% of probation nondrug sentences were found to be within the designated border boxes compared to 18% of probation drug sentences. This significant percentage difference indicates that drug offenders were more likely to receive probation sentences 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

In FY 2007, the number of drug incarceration sentences (1,519) decreased by 7.5% compared to that of FY 2006 (1,642) and decreased by 16.7% compared to that of FY 2003 (1,824). When individual drug severity levels were compared, all drug severity levels in FY 2007 demonstrated a decrease from those of FY 2006 and FY 2003 with the exception of drug severity level 4 with an increase of 2.6% and 9.5% respectively. The most significant decrease was identified at drug severity level 2, a decrease of 55.4%, followed by drug severity level 1, a decrease of 36.6% in the past five years (page 69).

The analysis of the drug incarceration sentences in terms of offense types demonstrates that 56.7% of the incarceration drug sentences were convictions of drug possession, increasing by 5.4% compared with that of FY 2006 (51.3%). Almost 95% of the drug possession sentences were found

at drug severity level 4, representing an increase of 3% over that (92%) of FY 2006 (page 20).

The trend analysis of drug offenders on probation indicates that the total number of drug probation sentences in FY 2007 decreased by 5.7% compared with that of FY 2006 but increased by 9.6% compared with that of FY 2003. The number of drug probation sentences at all levels decreased except for drug level 4, which increased by 18.3% compared with that of FY 2003 (page 71). Probation sentences at drug severity level 4 accounted for nearly 78% of the probation drug sentences imposed in FY 2007, an increase of 1% over that (77%) of FY 2006 (page 32).

Further evaluation of probation drug offenders displays that a total number of 1,261 sentences were imposed to Senate Bill 123 (SB 123) drug treatment programs during FY 2007, representing nearly 47% of the total drug probation sentences (2,684), a decrease of 1% compared with that of FY 2006 (48%). Of these offenders, 79% were convicted of the crime of drug possession under K.S.A. 65-4160 and 20% were convicted of the crime of drug possession under K.S.A. 65-4162. The offenders at drug severity level 4 accounted for 99.5%. White male offenders were still the majority of the treatment sentences. The average age of the drug treatment offenders was 32.6 years old, which remains very close to those of FY 2006, FY 2005 and FY 2004. Sedgwick County imposed the most SB 123 drug treatment sentences (137) followed by Johnson (130), Wyandotte (109), Shawnee (76), Geary (68) and Saline (67) counties (pages 33 and 34). In addition, 451 SB 123 drug treatment sentences were revoked during FY 2007. Of this number, 187 sentences were revoked to prison. The

average period between original sentence and the first revocation hearing was 12.4 months and 5.2 months for the second revocation.

## **VIOLATORS**

In FY 2007, a total number of 2,989 condition violators were admitted to prison, accounting for 61% of the total prison admission events of the fiscal year. Of this number, 1,750 were probation violators, 1,221 were parole/postrelease supervision violators and 18 were conditional release violators. The total percentage of condition violators decreased by 4.6% compared with that (65.6%) of FY 2006 (page 37).

The analyses on the admission types of condition violators indicate that the decrease of condition violators primarily resulted from the decrease of parole/postrelease violators, who decreased by 25.2% compared with FY 2006 and by 49.3% compared with FY 2003. 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. The number of probation condition violators admitted to prison in FY 2007 decreased, as well, which decreased by 14.1% from that of FY 2006 and represented the first drop in number of admissions in the past five years. However, conditional release violators, though small in number, increased by 100% compared with those of FY 2006 (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 7 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 condition violators observed in FY 2006 (page 40).

In addition, 2,472 probation condition violators and 204 probation violators with new convictions were sentenced to either continued or extended probation for a violation during FY 2007. This represents 53.3% of the total number of 4,634 condition probation violators and 42.5% of the total number of 480 probation violators with new offenses (page 49). Compared with the percentages of FY 2006, probation condition violators sentenced to continued or extended probation for a violation increased by 2%, while probation violators with new convictions who had their probation sentence either continued or extended increased by 8.6%.

## **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.

A total number of 7,261 pure guideline sentences of FY 2007 were utilized to



determine the conformity to the sentencing guidelines in this Annual Report. Of this number, 1,459 were incarceration guideline sentences and 5,802 were probation sentences. More than 81% of the guideline sentences imposed fell within the designated guideline sentence range. Dispositional departures accounted for 12.8% of sentences and durational departures were found in 5.9% of sentences (page 52). No significant changes were found when comparing the total conformity rates of FY 2007 with those of the past three years.

The examination of presumptive prison sentences within guidelines discloses that 44.8% of the sentences imposed fell within the standard range of the grid cell; 9.7% of all sentences were within the aggravated range; 20.1% were within the mitigated range and 25.3% were located within designated border boxes (page 53). This distribution of presumptive prison sentences does not fluctuate significantly compared with that of FY 2006.

The analysis of durational departures of the incarceration guideline sentences reveals that 71.6% of the durational departures were downward durational departures, while 28.4% indicated upward durational departures (page 53). The percentage of downward durational departures increased by 1.3% compared with that of FY 2006. The comparative study of durational departures between drug and nondrug incarceration sentences indicates that 84.7% of drug durational departure sentences were downward compared to 62.2% 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 4 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 27.5% upward dispositional departure rate while drug sentences only represented a 6.9% upward dispositional departure rate (page 57).

In evaluating probation guideline sentences, the Commission noticed that, as expected, the majority (89.4%) of probation guideline sentences fell beneath the incarceration line, among which 88.4% were within presumptive probation grids and 11.6% were within border boxes. Downward dispositional departure was only identified in 10.6% of the probation guideline sentences imposed in FY 2007 (page 54). The conformity rates of the total sentences remain constant compared with those of FY 2006.

Further analysis of downward dispositional departures of probation sentences discloses that drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences (14.5% vs. 8.1%). More drug probation sentences resulted from border boxes than did nondrug probation sentences (18.8% vs. 4.9%), (page 58).

## **PRISON POPULATION FORECAST**

Producing official inmate population projections annually for the state

Department of Corrections is one of the statutory tasks of the Kansas Sentencing Commission. 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 2017, a total of 9,251 prison beds will be needed. This represents a total increase of 4.5% or 397 beds over the actual prison population as of June 30<sup>th</sup>, 2007. 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. The decrease of prison population after 2009 results from the implementation of House Substitute for Senate Bill 14, passed during the 2007 Legislative Session, which promotes 20% reduction of probation revocation rate, modifies some good time rates from 15% to 20% and provides potential credit for program completion. The effective date is January 1, 2008 (Pages 73 and 74).

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 792 offenders or 108.9%. This significant growth is primarily due to the implementation of Jessica's Law (House Bill 2567) passed in the 2006 Legislative Session.

The second largest increase in number falls at nondrug severity level 1, an increase of 184 offenders over the ten-year forecast period. This is due to the "stacking effect" of long sentence length of most serious offenses, even though the number of admissions at this level is decreasing (Table 38).

The largest decrease is found at nondrug severity levels 3 and 7 with a deduction of 198 and 128 offenders, respectively, in the next ten years. This decreasing tendency reflects the implementation of House Bill 2576, as well, which reclassifies certain sexual offenses at these levels as offgrid felonies.

The prison population of drug offenders at all severity levels displays a declining trend in the ten-year forecast period. This tendency may result from the implementation of Senate Bill 123, which reclassifies all drug possession offenses under KSA 65-4160 and KSA 65-4162 to drug severity level 4 and establishes a non-prison sanction of certified drug abuse treatment programs for the eligible drug offenders supervised by community correctional services (Pages 73 & 74).

In terms of types of prison beds needed for custody over the next ten years, custodial classification projections demonstrate that by the end of FY 2008, KDOC will need 3,059 minimum beds, 2,638 medium low beds, 1,438 medium high beds, 936 regular maximum beds, 249 unclassified beds and

695 beds for special management. By the end of FY 2017, the custodial beds in demand will include 2,996 minimum, 2,604 medium low, 1,535 medium high, 1,028 regular maximum, 225 unclassified and 863 special management beds (page 75). These projections assume no substantial change in the method or practice of custody decision making.

## **REPORT CONTENTS**

The FY 2007 Annual Report is presented in four chapters. A descriptive statistical summary of statewide guideline sentencing practices in FY 2007 is illustrated in Chapter One. Chapter Two describes the types and characteristics of violators incarcerated in the state correctional facilities. In Chapter Three, the pure prison and probation sentences imposed under the sentencing guidelines are examined to evaluate the conformity to the sentencing guidelines. Chapter Four contains analyses on sentencing trends and prison population projections.

Appendix I analyses 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

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### SENTENCES REPORTED IN FISCAL YEAR 2007

The analyses of sentences reported in Fiscal Year (FY) 2007 include both prison and non-prison or probation sentences. Senate Bill 123 drug treatment sentences are comprised in the type of probation sentences. 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.

A total number of 12,646 felony sentences were reported to the Kansas Sentencing Commission in FY 2007, which decreased by 6% from that of FY 2006. Of that total number of sentences, 4,899 were prison sentences and 7,747 were probation sentences. This total included 8,443 nondrug sentences and 4,203 drug sentences. Non-person offenses accounted for 70.5% and person offenses accounted for 29.5% (Figure 1).

The overall sentencing distribution of FY 2007 by sentence type and offense type at each severity level is presented in Figure 2. More than 55% (841 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 (513 sentences or 15.2%), severity level 7 (675 sentences or 20%) and severity level 9 (662 sentences or 19.6%). The examination of probation sentences in FY 2007 demonstrates that 2,091 probation sentences fell at drug

severity level 4, representing almost 78% of the total drug probation sentences. Of these 2,091 probation sentences, 1,255 (60%) were imposed to SB 123 drug treatment programs. The highest rate of nondrug probation offenders was at nondrug severity level 9 (29.2% or 1,479 sentences) followed by nondrug severity level 7 (20% or 1,013 sentences) and nondrug severity level 8 (19.2% or 972 sentences).

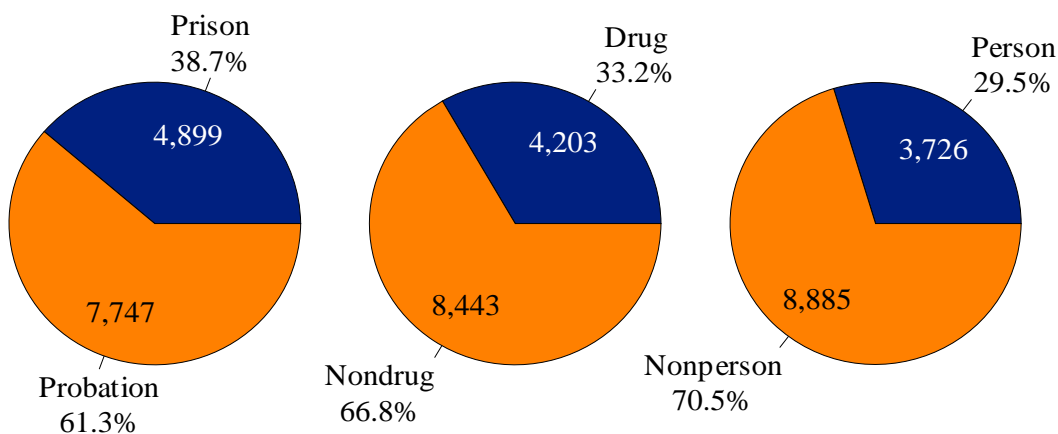
One hundred and three counties in the state submitted sentences to the Commission during FY 2007. No sentences were reported from Comanche and Sheridan counties. Most of the counties reported 1 to 200 sentences. Nine counties, Butler, Douglas, Finney, Ford, Geary, Harvey, Lyon, Montgomery and Reno counties, reported 201 to 400 sentences. Saline County reported 478 sentences. Sedgwick, Johnson, Wyandotte and Shawnee counties remained the top four committing counties, accounting for 50.4% of all sentences imposed in FY 2007, no significant percentage change compared with that of FY 2006 (Figure 3).

Figure 4 exhibits the distribution of top five offenses committed in FY 2007, including both prison and probation sentences. They are crimes of drugs (33.2% or 4,203 sentences), burglary (9.9% or 1,256 sentences, including aggravated burglary), theft (8.3% or 1,048 sentences), DUI (7.1% or 893 sentences) and forgery (6.5% or 822 sentences). These top five offenses accounted for 65% of the total 12,646 sentences in FY 2007.

According to the definition of the Uniform Crime Reporting (UCR) Handbook, violent crimes refer to murder (including all types of murder and manslaughter), rape, robbery (including aggravated robbery) and aggravated assault (including aggravated assault on LEO). The distribution of the violent crimes in FY 2007 by county is presented in Figure 5. Most of the violent crimes were found to be committed in the

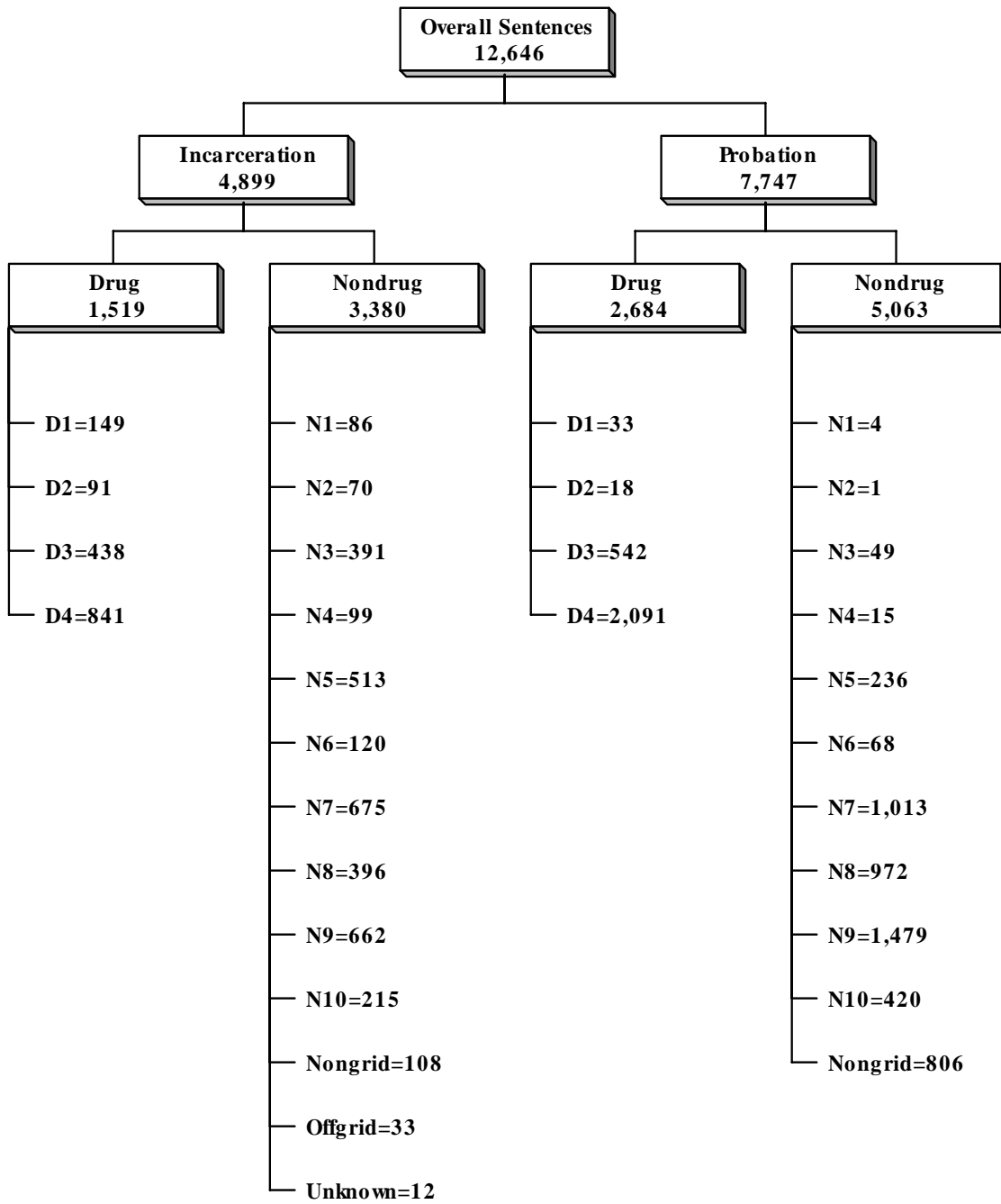
top four counties. Sedgwick County reported the largest number of violent crimes (301 sentences) followed by Wyandotte County (156 sentences), Johnson County (138 sentences) and Shawnee County (93 sentences). Table 1 demonstrates the offenders' characteristics by individual counties. The average age of offenders at sentencing is approximately 32 years old.

**Figure 1: Sentences Reported in FY 2007**

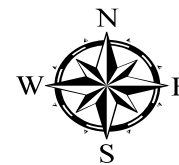
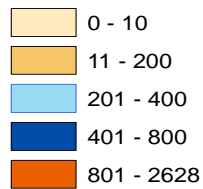
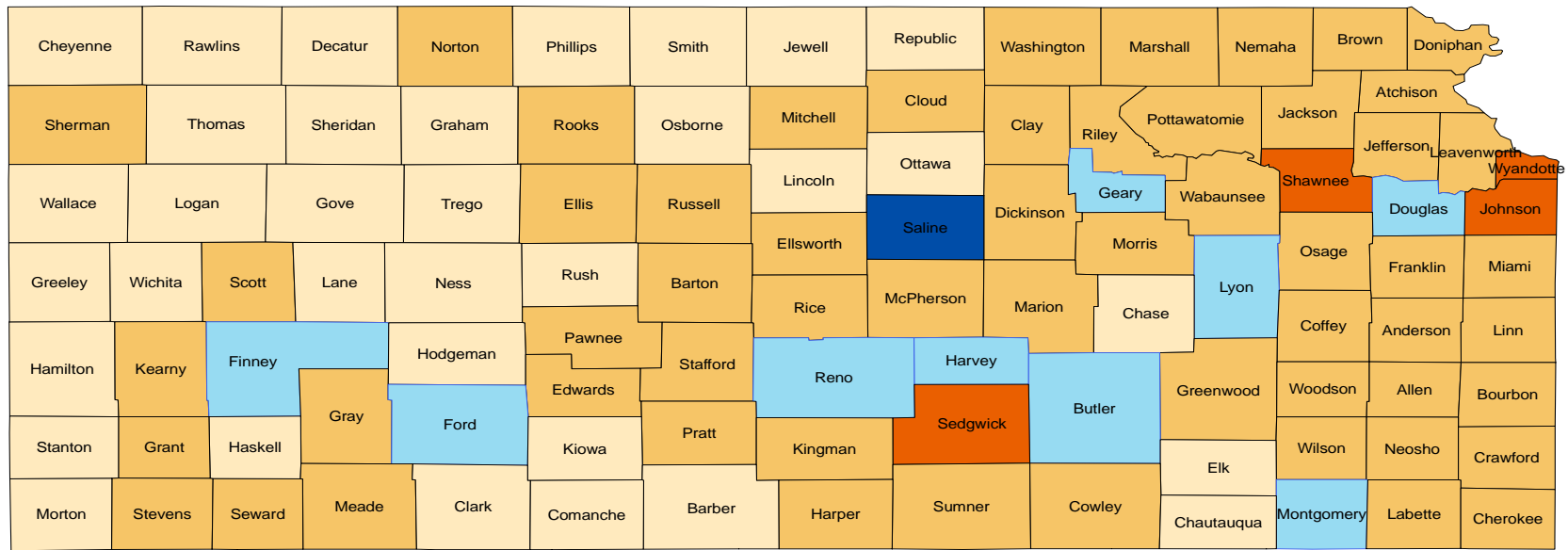


Based on 12,646 felony sentences reported in FY 2007 (July 1, 2006 through June 30, 2007)

**Figure 2: FY 2007 Sentencing Distribution**

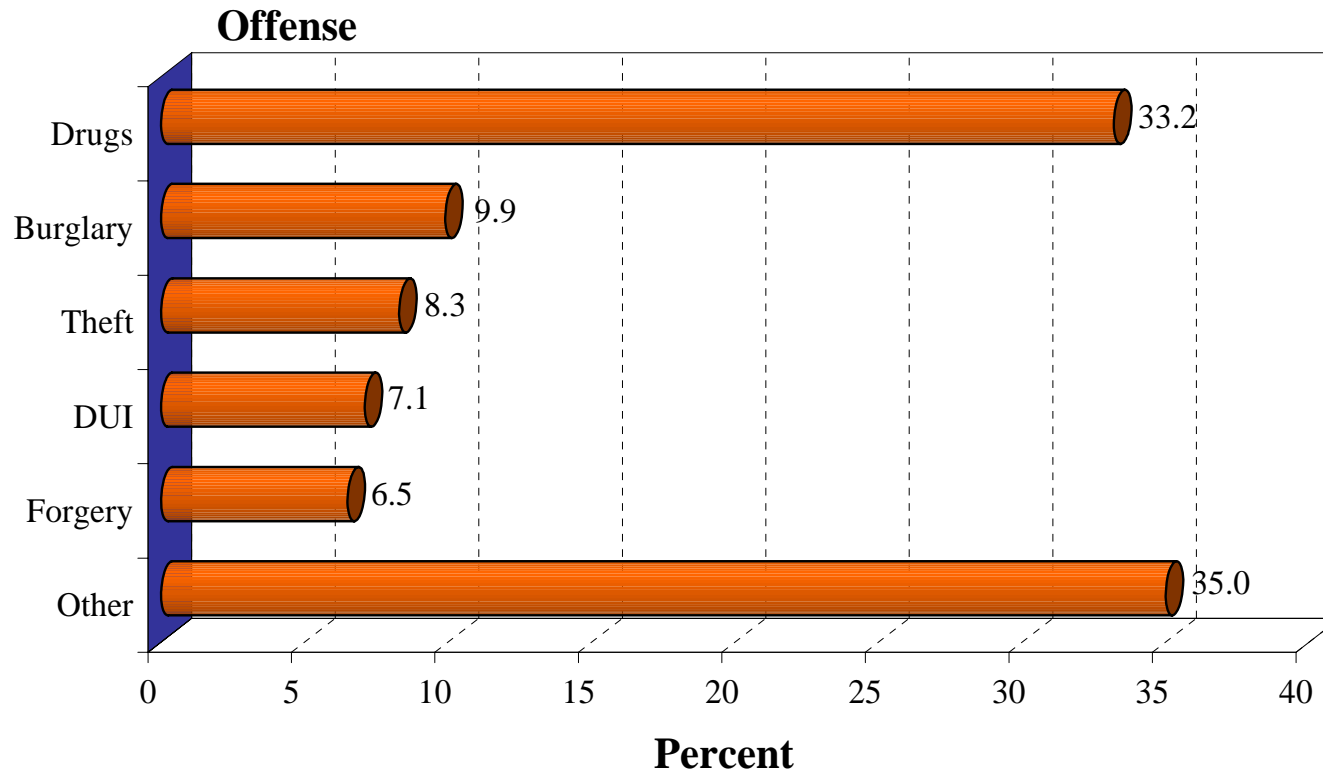


**Figure 3: Sentences Reported in FY 2007 By County**



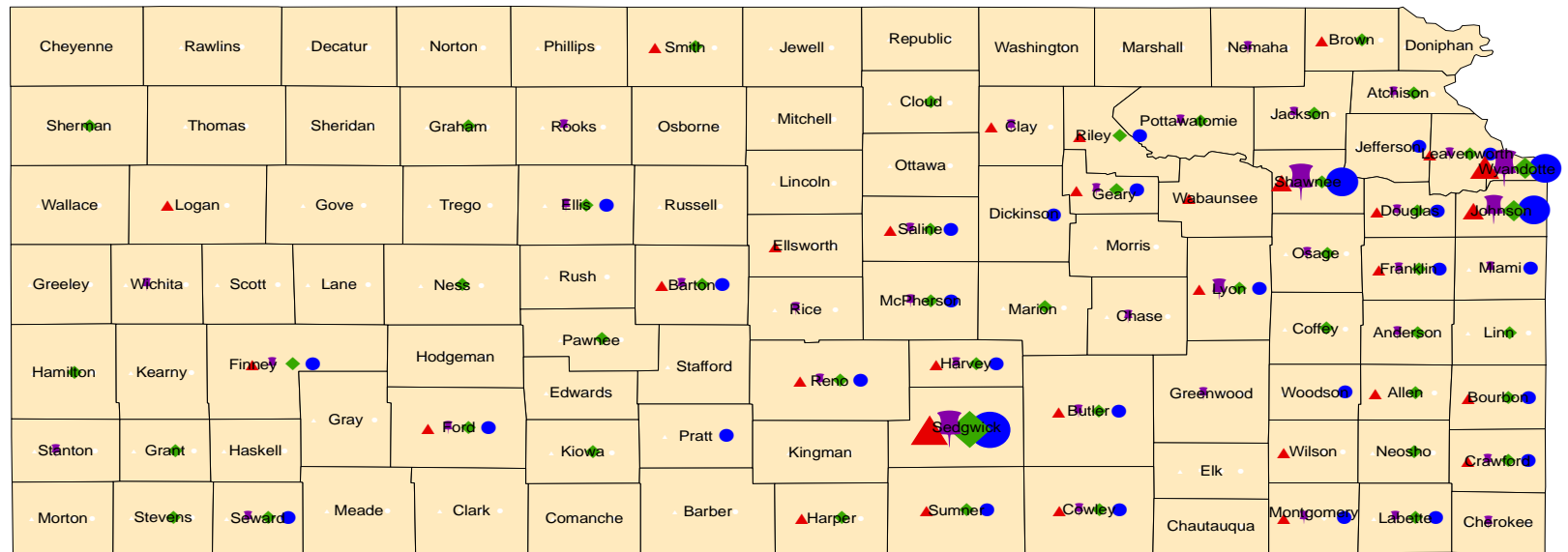


## Figure 4: FY 2007 Top Five Offenses of Prison and Probation Sentences

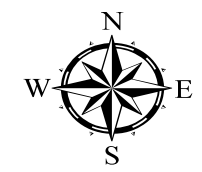


Based on 12,646 prison and probation sentences

**Figure 5: FY 2007 UCR Offenses by County  
Violent Crime**



Rape	Murder	Agg. Assault	Robbery
▲ 1-5	■ 1-5	◆ 1-25	● 1-25
▲ 6-10	■ 6-10	◆ 16-50	● 26-50
▲ 11-20	■ 11-15	◆ 51-75	● 51-100
▲ 21-30	■ 16-26	◆ 76-97	● 101-148



**Table 1: FY 2007 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	64	49	15	56	8	0	15	49	32	32	30.7
Anderson	35	26	8	34	0	0	6	29	17	18	30.0
Atchison	97	71	26	72	22	3	35	62	59	38	32.1
Barber	4	4	0	4	0	0	1	3	3	1	28.9
Barton	132	103	28	122	8	1	41	91	69	63	31.1
Bourbon	47	41	6	42	5	0	25	22	28	19	33.3
Brown	40	30	9	26	3	10	9	31	20	20	31.1
Butler	244	189	54	221	16	6	66	178	173	71	29.6
Chase	8	8	0	8	0	0	1	7	3	5	28.8
Chautauqua	2	2	0	2	0	0	2	0	2	0	53.1
Cherokee	23	20	3	21	2	0	8	15	17	6	30.8
Cheyenne	4	4	0	4	0	0	1	3	4	0	20.6
Clark	3	2	1	2	0	1	2	1	1	2	26.4
Clay	29	25	4	28	1	0	12	17	18	11	35.4
Cloud	27	26	1	27	0	0	12	15	22	5	31.8
Coffey	40	32	8	34	6	0	19	21	20	20	32.1
Cowley	153	118	35	131	15	7	55	98	90	63	31.7
Crawford	157	145	12	129	27	1	58	99	108	49	31.1
Decatur	2	2	0	1	0	1	1	1	2	0	37.9
Dickinson	100	84	16	88	11	1	35	65	61	39	31.4
Doniphan	23	21	2	21	1	1	8	15	19	4	32.3
Douglas	272	236	36	183	70	19	88	184	204	68	31.6
Edwards	11	11	0	11	0	0	2	9	8	3	30.6
Elk	4	4	0	3	1	0	1	3	4	0	43.5
Ellis	118	100	18	104	14	0	27	91	70	48	28.5
Ellsworth	35	31	3	33	0	1	13	22	22	13	29.7
Finney	279	229	49	261	12	5	71	208	190	89	30.2
Ford	264	224	39	248	13	2	80	184	143	121	31.0

**Table 1: FY 2007 Offender Characteristics by County - 2**

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age*
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Franklin	130	106	23	127	2	0	39	91	84	46	30.5
Geary	320	227	91	171	140	7	95	225	152	168	32.2
Gove	1	1	0	0	1	0	1	0	1	0	27.0
Graham	10	10	0	8	2	0	2	8	8	2	32.1
Grant	20	15	4	19	0	0	13	7	18	2	27.2
Gray	12	9	3	12	0	0	2	10	7	5	35.1
Greeley	4	4	0	4	0	0	1	3	2	2	38.0
Greenwood	45	41	4	42	2	1	14	31	30	15	34.2
Hamilton	2	2	0	2	0	0	2	0	2	0	28.9
Harper	36	30	6	35	0	1	11	25	29	7	33.7
Harvey	254	196	57	222	30	1	86	168	127	127	30.8
Haskell	4	3	1	4	0	0	3	1	1	3	36.8
Hodgeman	7	7	0	7	0	0	0	7	4	3	31.4
Jackson	96	77	19	80	6	10	24	72	53	43	36.8
Jefferson	41	29	11	37	3	0	5	36	32	9	30.9
Jewell	9	6	3	9	0	0	4	5	4	5	43.2
Johnson	1,686	1,344	341	1,263	410	12	680	1,006	1,240	446	31.7
Kearny	28	25	3	28	0	0	9	19	21	7	26.1
Kingman	27	24	3	27	0	0	6	21	26	1	34.1
Kiowa	6	4	2	5	1	0	6	0	4	2	30.3
Labette	111	99	11	77	30	3	39	72	78	33	32.6
Lane	7	6	1	7	0	0	1	6	3	4	30.7
Leavenworth	172	135	37	117	52	2	75	97	130	42	33.3
Lincoln	3	1	2	2	1	0	2	1	2	1	39.6
Linn	29	27	2	27	2	0	14	15	19	10	32.5
Logan	10	10	0	10	0	0	5	5	5	5	36.6
Lyon	236	197	39	194	39	3	109	127	136	100	29.9
Marion	32	29	3	30	2	0	9	23	17	15	33.4

**Table 1: FY 2007 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	
Marshall	48	39	9	46	1	1	9	39	26	22	29.0
McPherson	113	87	26	98	12	3	33	80	71	42	31.8
Meade	11	11	0	11	0	0	6	5	7	4	27.4
Miami	88	79	9	75	13	0	38	50	57	31	32.7
Mitchell	11	8	3	10	1	0	4	7	6	5	33.9
Montgomery	224	168	56	155	66	3	95	129	130	94	30.4
Morris	24	21	3	24	0	0	2	22	14	10	31.0
Morton	6	6	0	6	0	0	2	4	4	2	22.2
Nemaha	22	18	4	20	0	2	7	15	17	5	30.6
Neosho	75	62	12	70	2	2	22	53	41	34	36.0
Ness	6	6	0	6	0	0	0	6	4	2	35.6
Norton	11	10	1	10	0	1	8	3	10	1	29.7
Osage	67	54	13	64	1	2	22	45	34	33	34.5
Osborne	4	4	0	3	0	1	3	1	3	1	27.0
Ottawa	1	1	0	1	0	0	1	0	0	1	25.1
Pawnee	38	31	7	32	6	0	10	28	29	9	29.6
Phillips	9	9	0	9	0	0	2	7	7	2	26.3
Pottawatomie	61	43	18	52	9	0	11	50	46	15	31.2
Pratt	66	51	15	60	6	0	24	42	28	38	29.9
Rawlins	2	2	0	2	0	0	0	2	1	1	29.9
Reno	373	289	84	309	63	1	161	212	201	172	32.0
Republic	2	2	0	2	0	0	0	2	1	1	37.7
Rice	40	34	6	39	1	0	13	27	21	19	31.2
Riley	183	155	28	127	51	5	61	122	115	68	28.1
Rooks	16	15	1	16	0	0	4	12	15	1	29.4
Rush	9	8	1	9	0	0	2	7	6	3	35.7
Russell	14	13	1	13	1	0	8	6	11	3	32.2
Saline	478	343	132	381	86	8	183	295	282	196	31.2

**Table 1: FY 2007 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	
Scott	31	22	9	31	0	0	3	28	19	12	31.0
Sedgwick	2,628	2,151	473	1,623	928	72	1,221	1,407	1,927	701	32.8
Seward	75	60	15	48	27	0	75	0	61	14	31.9
Shawnee	856	671	178	536	300	13	272	584	632	224	33.5
Sherman	30	25	2	27	0	0	10	20	23	7	29.4
Smith	3	3	0	3	0	0	1	2	3	0	19.8
Stafford	13	11	2	13	0	0	2	11	10	3	31.8
Stanton	1	1	0	1	0	0	1	0	1	0	20.8
Stevens	26	21	5	25	1	0	10	16	14	12	25.3
Sumner	112	98	13	101	8	2	37	75	79	33	34.0
Thomas	10	9	1	10	0	0	3	7	7	3	30.0
Trego	2	2	0	2	0	0	0	2	1	1	23.0
Wabaunsee	13	8	0	7	1	0	2	11	8	5	36.8
Wallace	3	3	0	3	0	0	2	1	2	1	21.1
Washington	14	12	2	14	0	0	5	9	10	4	25.6
Wichita	5	5	0	5	0	0	2	3	5	0	22.7
Wilson	42	34	8	39	2	1	8	34	28	14	32.7
Woodson	12	8	4	11	0	1	2	10	5	7	33.7
Wyandotte	1,201	1,012	188	634	561	5	549	652	765	436	32.4
Unknown	12	10	2	7	3	2	12	0	12	0	30.2
<b>TOTAL**</b>	<b>12,646</b>	<b>10,236</b>	<b>2,370</b>	<b>9,272</b>	<b>3,108</b>	<b>224</b>	<b>4,899</b>	<b>7,747</b>	<b>8,443</b>	<b>4,203</b>	<b>31.9</b>

Note: Because of missing data, numbers in each category are based on the following: Gender, N=12,606; Race, N=12,604; Sentence Type, N=12,646; Offense Type, N=12,646; and Age, N=12,583.

\* Average age at time of sentencing.

\*\* Based on the sentences reported during FY 2007.

## CHARACTERISTICS OF OFFENDERS AND OFFENSES

This section illustrates the characteristics of the offenders who were sentenced during FY 2007. The crime categories committed by the offenders are descriptively analyzed, as well.

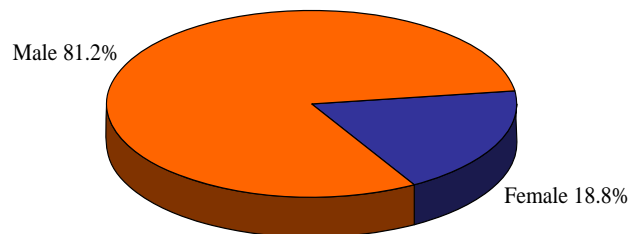
Figures 6, 7, 8, and 9 respectively exhibit the distributions of offenders by gender, race and age. The demographic information of offenders by offense types is presented in Table 2.

In FY 2007, male offenders represented 81.2% of the total sentences (Figure 6) and in excess of 90% of most aggravated crimes and violent crimes such as murder, rape, sex offenses, burglary, robbery, kidnapping, firearms, weapons, fleeing or eluding LEO and criminal threat (Table 2).

Female offenders accounted for 18.8% of the sentences in FY 2007, the same percentage rate as that of FY 2006. The most frequently committed crimes by female offenders (over 40%) were forgery, identity theft, perjury, criminal use of financial card and aiding a felon.

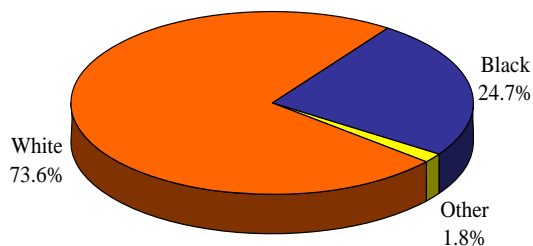
White offenders made up 73.6% of the sentences in FY 2007 and 25% of the sentences were committed by black offenders. This racial distribution remains pretty constant compared to that in FY 2006 (Figure 7).

**Figure 6: Distribution of FY 2007 Sentences by Gender of Offenders**



Based on 12,606 sentences reporting gender of offenders

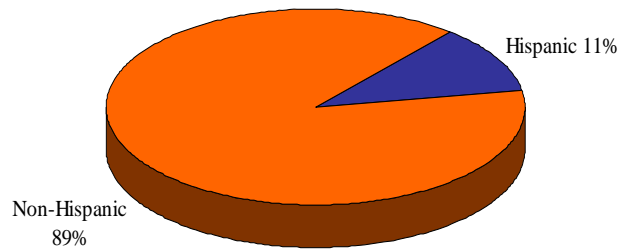
**Figure 7: Distribution of FY 2007 Sentences by Race of Offenders**



Based on 12,604 sentences reporting race of offenders

The distribution of ethnicity of offenders discloses that 89% of the offenders sentenced in FY 2007 were of Non-Hispanic origin, indicating no significant percentage change compared with that of FY 2006 (Figure 8). This distribution of ethnicity of offenders has been comparatively constant in the past five years.

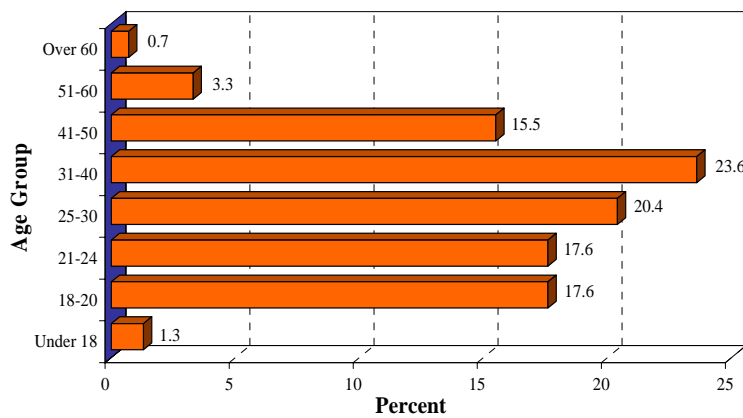
**Figure 8: Distribution of FY 2007 Sentences by Ethnicity of Offenders**



Based on 12,586 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 23.6% of all offenders in FY 2007. This finding is consistent with those in the past five years (Figure 9).

**Figure 9: Distribution of FY 2007 Sentences by Age of Offenders**



Based on 12,582 sentences reporting age of offenders at time of offense



**Table 2: FY 2007 Offender Characteristics by Type of Offense – 1**

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Abuse of Child	24	56.5	43.5	73.9	26.1	0.0	27.2
Agg Arson	12	75.0	25.0	75.0	25.0	0.0	28.9
Agg Assault	288	94.1	5.9	67.2	30.7	2.1	30.6
Agg Assault on LEO	43	93.0	7.0	67.4	32.6	0.0	32.5
Agg Battery	672	88.4	11.6	65.0	31.9	3.1	29.9
Agg Battery on LEO	20	85.0	15.0	45.0	55.0	0.0	32.0
Agg Burglary	140	92.1	7.9	67.9	30.7	1.4	29.2
Agg Criminal Sodomy w/Child	32	100.0	0.0	84.4	12.5	3.1	33.9
Agg Endangering a Child	16	62.5	37.5	93.8	6.3	0.0	31.8
Agg Escape from Custody	98	85.7	14.3	60.2	34.7	5.1	34.6
Agg Failure to Appear	41	92.5	7.5	72.5	27.5	0.0	32.5
Agg False Impersonation	10	80.0	20.0	70.0	30.0	0.0	30.2
Agg Robbery	240	89.6	10.4	40.8	58.3	0.8	24.5
Agg Indecent Liberties w/Child	269	98.9	1.1	82.2	16.0	1.9	30.3
Agg Indecent Solicit w/Child	40	100.0	0.0	75.0	22.5	2.5	30.5
Agg Inter w/Parental Custody	9	55.6	44.4	55.6	44.4	0.0	22.9
Agg Intimidation of a Victim	18	88.9	11.1	77.8	22.2	0.0	33.1
Agg Kidnapping	8	87.5	12.5	62.5	37.5	0.0	27.8
Agg Sexual Battery	46	100.0	0.0	73.9	26.1	0.0	30.3
Agg Weapon Violation	8	100.0	0.0	62.5	37.5	0.0	34.9
Aid Felon	36	50.0	50.0	66.7	33.3	0.0	31.5
Arrange Sale/Purchase Drug	6	66.7	33.3	83.3	16.7	0.0	28.3
Arson	47	91.5	8.5	89.4	10.6	0.0	28.8
Battery on LEO	54	83.3	16.7	61.1	38.9	0.0	28.1
Burglary	1,116	92.7	7.3	80.6	17.5	1.9	27.3
Contribute Child's Misconduct	22	63.6	36.4	81.8	18.2	0.0	25.6
Computer Crime	6	66.7	33.3	83.3	16.7	0.0	33.9
Criminal Damage to Property	109	89.0	11.0	82.6	15.6	1.8	26.7
Criminal Discharge of Firearm	38	97.4	2.6	65.8	31.6	2.6	22.5
Criminal Sodomy w/Child	13	76.9	23.1	76.9	23.1	0.0	29.5
Criminal Threat	308	93.2	6.8	72.1	26.6	1.3	31.6
Criminal Use of Financial Card	26	53.8	46.2	84.6	15.4	0.0	29.8
Domestic Battery	22	95.5	4.5	77.3	22.7	0.0	33.0
Drug	4,203	77.8	22.2	74.2	24.2	1.6	31.5
Drug without Tax Stamps	77	84.4	15.6	72.7	24.7	2.6	32.0
DUI	893	86.3	13.7	92.2	5.5	2.4	38.8

**Table 2: FY 2007 Offender Characteristics by Type of Offense – 2**

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Failure to Register	52	96.2	3.8	69.2	26.9	3.8	31.7
Fleeing or Eluding LEO	255	92.2	7.8	69.4	30.2	0.4	29.0
Forgery	822	51.4	48.6	73.9	24.9	1.2	31.3
False Writing	126	65.1	34.9	77.8	21.4	0.8	31.5
Giving Worthless Checks	55	72.7	27.3	76.4	16.4	7.3	33.8
Identity Theft	163	51.6	48.4	73.9	24.8	1.2	31.1
Indecent Liberties w/Child	62	91.9	8.1	79.0	17.7	3.2	25.8
Indecent Solicitation of Child	33	97.0	3.0	84.8	9.1	6.1	27.0
Involuntary Manslaughter	37	94.6	5.4	75.7	18.9	5.4	29.4
Kidnapping	38	97.4	2.6	39.5	55.3	5.3	27.1
Lewd and Lascivious Behavior	13	100.0	0.0	92.3	7.7	0.0	41.2
Murder in the First Degree	42	90.5	9.5	59.5	40.5	0.0	29.1
Murder in the Second Degree	50	96.0	4.0	68.0	28.0	4.0	32.0
Nonsupport of Child or Spouse	53	96.2	3.8	92.5	5.7	1.9	35.2
Obstructing Legal Process	125	82.3	17.7	70.2	28.2	1.6	29.2
Perjury	5	40.0	60.0	60.0	40.0	0.0	25.9
Possession of Firearm	108	97.2	2.8	46.3	50.9	2.8	27.5
Rape	112	100.0	0.0	63.4	34.8	1.8	28.1
Robbery	231	92.2	7.8	55.4	43.3	1.3	27.0
Securities Crimes	8	100.0	0.0	62.5	37.5	0.0	36.0
Sex Exploitation of a Child	19	100.0	0.0	100.0	0.0	0.0	33.6
Stalking	12	83.3	16.7	83.3	16.7	0.0	34.5
Theft	1,048	71.3	28.7	69.4	29.2	1.4	32.5
Traffic in Contraband	44	75.0	25.0	79.5	13.6	6.8	30.9
Unlawful Sexual Relation	5	60.0	40.0	80.0	20.0	0.0	34.2
Unlawful Voluntary Sex Relation	52	100.0	0.0	82.7	15.4	1.9	18.7
Voluntary Manslaughter	13	100.0	0.0	69.2	30.8	0.0	31.6
Weapons	8	100.0	0.0	75.0	25.0	0.0	36.2
Other	45	73.3	26.7	82.2	11.1	6.7	38.2
<b>TOTAL</b>	<b>12,646</b>	<b>81.2</b>	<b>18.8</b>	<b>73.6</b>	<b>24.7</b>	<b>1.8</b>	<b>31.1</b>

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=12,606; Race, N=12,604; and Age, N=12,582.

\* Average age at time of offense.

## INCARCERATION SENTENCES

### Characteristics of Offenders

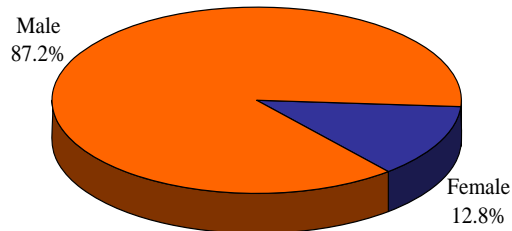
Figures 10, 11, 12, 13 and 14 present the characteristics of offenders admitted to the state correctional facilities during FY 2007.

In FY 2007, white males continued to be the predominant offender group admitted to prison (Figures 10 and 11). Non-Hispanic offenders represented 90% of the offenders sentenced to prison (Figure 12). The overall distributions of the offenders by gender, race and ethnicity are pretty constant compared with those of the past five years.

The largest number of incarcerated offenders were identified in their thirties (26.7%) at the time of admission to prison (Figure 13).

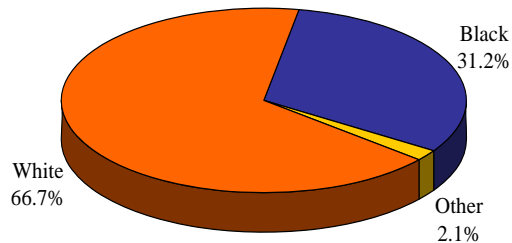
Nearly 50% of the incarcerated offenders had obtained a high school diploma or GED equivalent (Figure 14).

**Figure 10: FY 2007 Incarceration Sentences by Gender of Offenders**



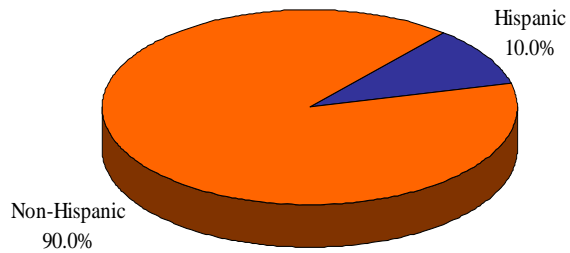
Based on 4,899 incarceration sentences reporting gender of offenders

**Figure 11: FY 2007 Incarceration Sentences by Race of Offenders**



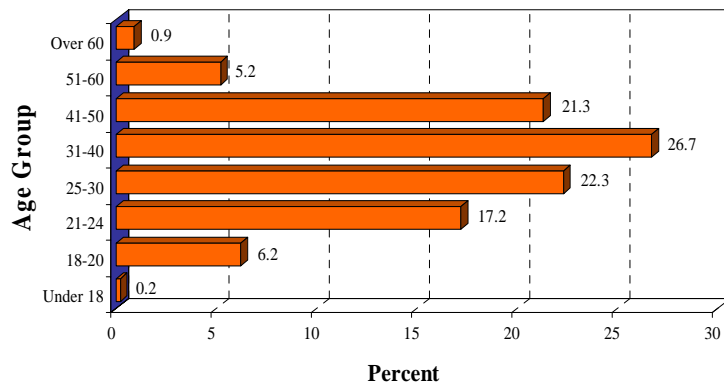
Based on 4,897 incarceration sentences reporting race of offenders

**Figure 12: FY 2007 Incarceration Sentences by Ethnicity of Offenders**

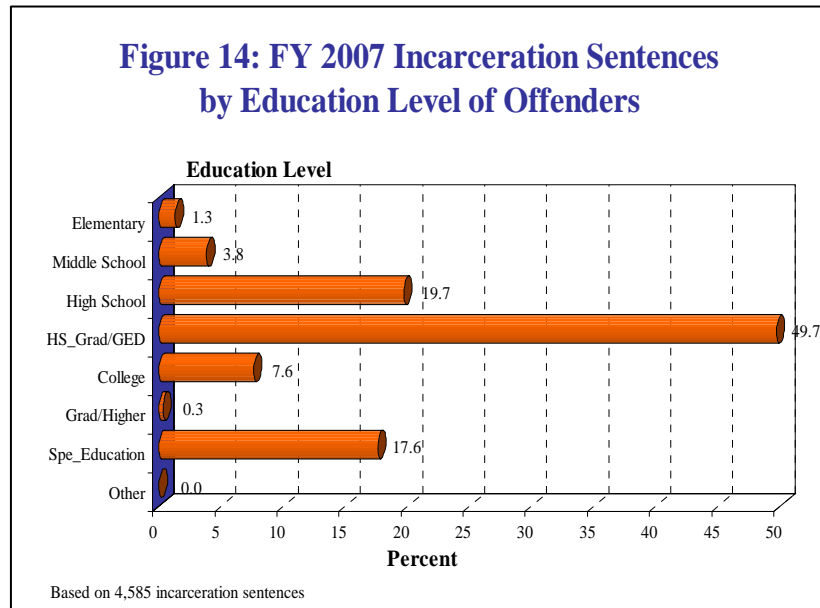


Based on 4,885 incarceration sentences reporting ethnicity of offenders

**Figure 13: FY 2007 Incarceration Sentences by Age of Offender at Admission**



Based on 4,896 incarceration sentences reporting age of offenders



### Incarceration Nondrug Offenses

A total number of 3,380 nondrug offenders were admitted to prison in FY 2007, representing 69% of the total incarceration sentences (4,899) of the fiscal year. The top ten nondrug offenses included burglary (400 sentences), theft (327 sentences), aggravated battery (313 sentences), forgery (244 sentences), aggravated robbery (202 sentences), aggravated indecent liberties with a child (194 sentences), robbery (155 sentences), criminal threat (115 sentences), aggravated assault (112 sentences) and DUI (108 sentences). These top ten offenses accounted for 64.2% of the total nondrug crimes committed by the offenders admitted to prison in FY 2007 (Table 3).

More than 90% of the top ten crime categories, except forgery and theft, were committed by male offenders. Most sex offenders were males, indicating no change

from the previous year. However, the highest percentage of sentenced females (over 35%) were found in the offense categories of abuse of a child, criminal use of financial card, forgery and identity theft (Table 3).

The analysis on race characteristics of nondrug offenders reveals that the highest incarceration rates for whites (over 70%) were discovered in the areas of most sex offenses, burglary, involuntary manslaughter, failure to register, DUI, nonsupport of a child or spouse and traffic in contraband. Nevertheless, blacks were incarcerated more often (over 50%) for the crimes of aggravated battery on LEO, aggravated robbery, kidnapping, possession of firearm and drug without tax stamps. The average age of the nondrug offenders was 34 years old at the time of admission to prison in FY 2007, which is a half year older than that of FY 2006 (Table 3).

**Table 3: FY 2007 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	11	54.5	45.5	90.9	9.1	0.0	30.5
Agg Arson	10	90.0	10.0	70.0	30.0	0.0	35.6
Agg Assault	112	94.6	5.4	65.2	33.0	1.8	32.6
Agg Assault on LEO	30	90.0	10.0	63.3	36.7	0.0	33.1
Agg Battery	313	91.1	8.9	58.5	38.0	3.5	32.9
Agg Battery on LEO	16	87.5	12.5	37.5	62.5	0.0	38.4
Agg Burglary	97	91.8	8.2	66.0	33.0	1.0	33.8
Agg Criminal Sodomy w/Child	30	100.0	0.0	83.3	13.3	3.3	38.8
Agg Escape from Custody	70	88.6	11.4	62.9	31.4	5.7	38.8
Agg Failure to Appear	9	100.0	0.0	77.8	22.2	0.0	41.7
Agg Indecent Liberties w/Child	194	100.0	0.0	81.4	16.5	2.1	35.2
Agg Indecent Solicit w/Child	33	100.0	0.0	75.8	24.2	0.0	32.6
Agg Kidnapping	8	87.5	12.5	62.5	37.5	0.0	45.1
Agg Robbery	202	92.6	7.4	40.1	58.9	1.0	32.8
Agg Sexual Battery	36	100.0	0.0	75.0	25.0	0.0	35.4
Arson	12	91.7	8.3	66.7	33.3	0.0	33.3
Battery on LEO	32	84.4	15.6	65.6	34.4	0.0	30.4
Burglary	400	94.8	5.3	75.0	24.0	1.0	31.1
Contribute Child's Misconduct	10	80.0	20.0	70.0	30.0	0.0	27.8
Criminal Damage to Property	29	89.7	10.3	69.0	27.6	3.4	30.4
Criminal Discharge of Firearm	17	100.0	0.0	52.9	47.1	0.0	22.4
Criminal Sodomy w/Child	9	77.8	22.2	66.7	33.3	0.0	36.3
Criminal Threat	115	94.8	5.2	68.7	29.6	1.7	34.5
Criminal Use Financial Card	10	60.0	40.0	90.0	10.0	0.0	35.9
Drug without Tax Stamps	17	94.1	5.9	41.2	58.8	0.0	37.6
DUI	108	97.2	2.8	88.9	7.4	3.7	44.4
Failure to Register	15	100.0	0.0	73.3	26.7	0.0	35.6
Fleeing or Eluding LEO	100	93.0	7.0	65.0	34.0	1.0	31.7
Forgery	244	57.8	42.2	65.2	33.2	1.6	34.1
False Writing	19	84.2	15.8	63.2	36.8	0.0	33.5
Giving Worthless Checks	6	50.0	50.0	33.3	50.0	16.7	32.4
Identity Theft	51	60.8	39.2	66.7	33.3	0.0	36.6
Indecent Liberties w/Child	45	91.1	8.9	75.6	22.2	2.2	32.3
Indecent Solicitation of Child	16	93.8	6.3	75.0	18.8	6.3	30.3
Involuntary Manslaughter	33	93.9	6.1	75.8	18.2	6.1	32.5
Kidnapping	33	100.0	0.0	33.3	60.6	6.1	33.6

**Table 3: FY 2007 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	
Lewd and Lascivious Behavior	5	100.0	0.0	100.0	0.0	0.0	33.3
Murder in the First Degree	42	90.5	9.5	59.5	40.5	0.0	37.0
Murder in the Second Degree	50	96.0	4.0	68.0	28.0	4.0	36.0
Nonsupport of Child or Spouse	21	95.2	4.8	90.5	9.5	0.0	40.7
Obstructing Legal Process	44	84.1	15.9	63.6	36.4	0.0	30.9
Possession of Firearm	37	97.3	2.7	40.5	54.1	5.4	28.3
Rape	105	100.0	0.0	62.9	35.2	1.9	36.0
Robbery	155	94.8	5.2	53.5	45.2	1.3	33.1
Sex Exploitation of a Child	7	100.0	0.0	100.0	0.0	0.0	36.3
Theft	327	79.8	20.2	64.5	33.3	2.1	35.4
Traffic in Contraband	24	87.5	12.5	87.5	4.2	8.3	31.3
Unlawful Voluntary Sex Relation	11	100.0	0.0	72.7	27.3	0.0	21.0
Voluntary Manslaughter	12	100.0	0.0	66.7	33.3	0.0	34.9
Weapons	6	100.0	0.0	50.0	50.0	0.0	38.3
Other	42	78.6	21.4	76.2	16.7	7.1	34.7
<b>TOTAL</b>	<b>3,380</b>	<b>89.1</b>	<b>10.9</b>	<b>65.9</b>	<b>32.1</b>	<b>2.0</b>	<b>34.0</b>

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

## Incarceration Drug Offenses

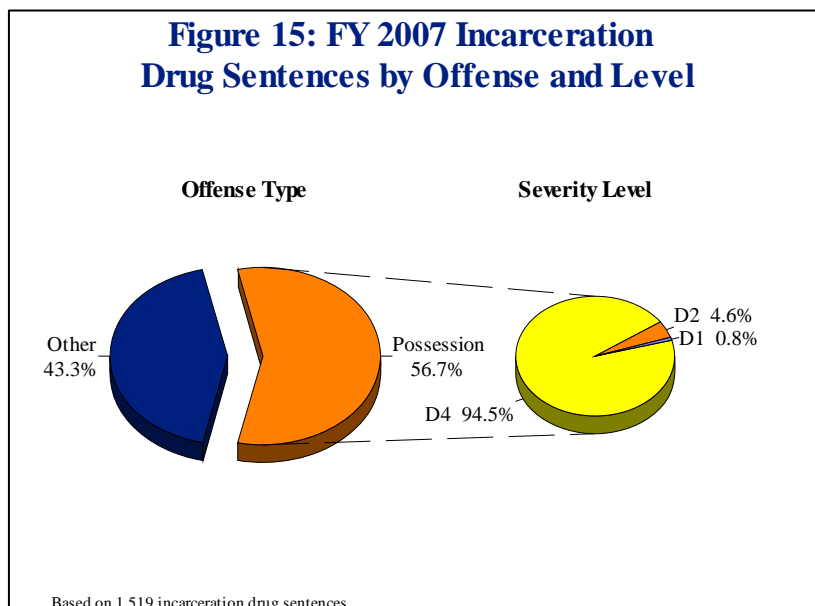
Totaling 1,519, drug offenders accounted for 31% of the total admissions to the State Correctional Facilities during FY 2007. Of this total number, 56.7% were incarcerated for convictions of drug possession offenses, indicating an increase of 5.4% compared with that of FY 2006 (51.3%). Almost 95% of the drug possession sentences were found at drug severity level 4 (Figure 15).

Over 83% of the drug offenders were males. Female offenders represented the highest percent (over 18%) in the drug crimes of opiates or narcotics possession first offense, opiates or narcotics sale third and subsequent offenses and possession of paraphernalia. White offenders were convicted of over 80% of incarceration drug sentences in the drug crime areas of unlawfully manufacturing controlled substance, 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 first, third and the subsequent offenses, which remains constant to those of FY 2006. The average age of the drug offenders was 34.1 years old at admission to prison (Table 4), indicating 0.6 year younger than the age of the drug offenders observed in FY 2006 (34.7 years old).

The drug crime of possession of precursor drugs under K.S.A 65-7006 was created in the 1999 Legislative Session. 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 severity 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 during the 2006 Legislative Session. Figure 16 presents the conviction trend of the crime in the past eight 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).

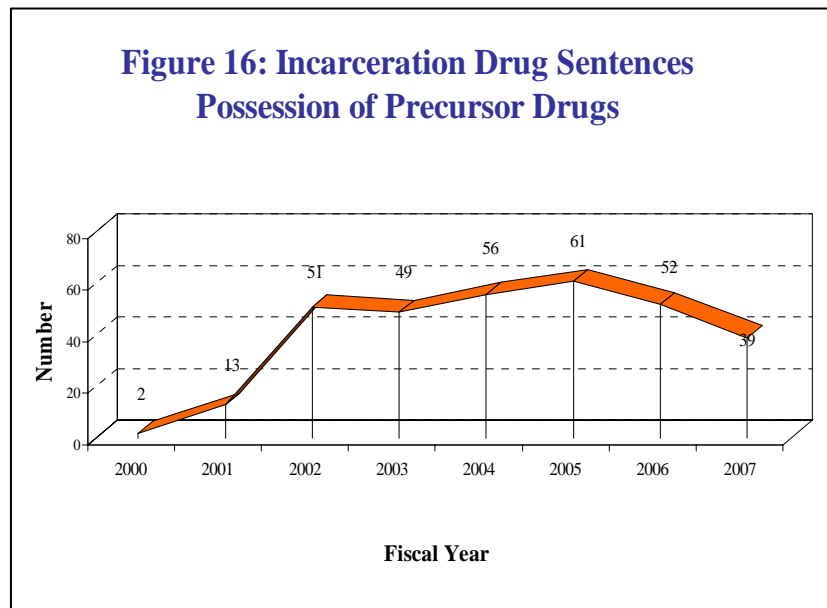




**Table 4: FY 2007 Incarceration Drug Offender Characteristics by Type of Offense**

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age at Admission
		Male	Female	White	Black	Other	
Opiates or Narcotics; Poss 1	714	76.6	23.4	66.6	31.1	2.2	34.3
Opiates or Narcotics; Poss 2	40	85.0	15.0	42.5	50.0	7.5	40.6
Opiates or Narcotics; Poss 3	7	100.0	0.0	28.6	71.4	0.0	39.8
Opiates or Narcotics; Sale 1	307	85.7	14.3	58.8	40.2	1.0	33.6
Opiates or Narcotics; Sale 2	23	87.0	13.0	60.9	34.8	4.3	40.9
Opiates or Narcotics; Sale 3	5	80.0	20.0	60.0	40.0	0.0	46.9
Opiates/ Narcotics, Depress, Stim, Hall; Sale w/in 1,000 ft of School	24	87.5	12.5	66.7	33.3	0.0	32.3
Depress, Stim, Hall; Poss 2	100	92.0	8.0	78.0	20.0	2.0	33.0
Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale	128	95.3	4.7	75.8	22.7	1.6	30.3
Unlawful Manufacture Controlled Substance	105	91.4	8.6	93.3	0.0	6.7	35.7
Possession of Paraphernalia	27	81.5	18.5	88.9	11.1	0.0	32.0
Possession of Precursor Drugs	39	89.7	10.3	97.4	2.6	0.0	36.1
<b>TOTAL</b>	<b>1,519</b>	<b>83.1</b>	<b>16.9</b>	<b>68.7</b>	<b>29.1</b>	<b>2.2</b>	<b>34.1</b>

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 dropped to 52 in FY 2006 and 39 in FY 2007. The majority of the offenders were white males and the average age of the offenders was 36 years old at the time of admission to prison (Table 4).



**Types of Admission and Severity Levels**

The distribution of offenders by types of admission to the Kansas Department of Corrections in FY 2007 is presented in Table 5. Condition violators, including probation condition violators, parole/post-release condition violators, and conditional release condition violators, comprised 61% of all offenders admitted to state correctional facilities during FY 2007. This represents a percentage decrease of 4.6% from FY 2006 (65.6%). 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 2007.

Further analysis on new commitments indicates that new court commitments and violators with new sentences made up another big proportion of prison admissions, increasing from 34.2% of total admissions in FY 2006 to 38.7% of the total admissions in FY 2007. This is the second time that new commitments increased in percentage in the past five years, when this group of offenders revealed a declining tendency from FY 2003 through FY 2005.

**Table 5: Distribution of FY 2007 Incarceration Sentences by Admission Type**

<b>Admission Type</b>	<b>Number of Cases</b>	<b>Percent</b>
New Court Commitment	1,605	32.7
Probation Condition Violator	1,750	35.7
Probation Violator With New Sentence	99	2.0
Inmate Received on Interstate Compact	5	0.1
Parole/Post-release Condition Violator	1,221	24.9
Parole/Post-release Violator With New Sentence	189	3.9
Paroled to Detainer Returned With New Sentence	11	0.2
Conditional Release Condition Violator	18	0.4
Conditional Release Condition Violator with New Sentence	1	0.0
<b>TOTAL</b>	<b>4,899</b>	<b>100.0</b>

Table 6 demonstrates the distribution of all incarcerated offenders admitted in FY 2007 by offense severity level and gender. The highest percentages (over 15%) of all nondrug offenders are found at severity levels 5, 7 and 9 (Figure 17). This severity level distribution of nondrug incarcerated offenders has remained constant in the past five years. The examination of drug offenders indicates that 55.4% of all drug

offenders fell at drug severity level 4 (Figure 18), which increased by 5.5% compared with that in FY 2006 (49.9%). Female offenders were convicted more often of drug offenses than of nondrug offenses (16.9% vs. 10.9%). The highest percentages of female offenders were found at drug severity level 4 (21.4%) and nondrug severity level 8 (28.8%).

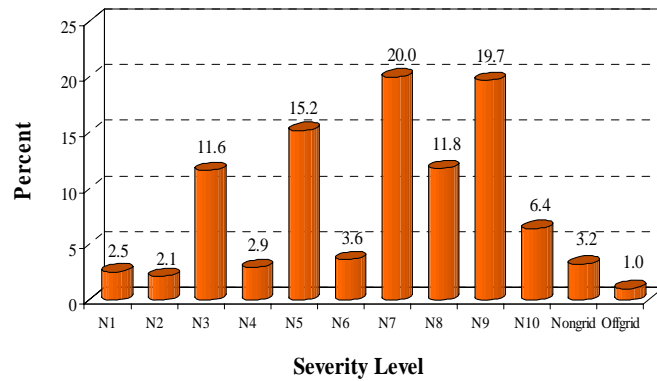
**Table 6: Distribution of FY 2007 Incarceration Sentences  
By Severity Level and Gender\***

Severity Level	Number of Cases	Gender (%)		Subtotal (%)
		Male	Female	
<b>Drug</b>				
1	149	91.3	8.7	9.8
2	91	85.7	14.3	6.0
3	438	88.6	11.4	28.8
4	841	78.6	21.4	55.4
<b>Subtotal</b>	<b>1,519</b>	<b>83.1</b>	<b>16.9</b>	<b>100.0</b>
<b>Nondrug</b>				
1	86	97.7	2.3	2.5
2	70	97.1	2.9	2.1
3	391	96.7	3.3	11.6
4	99	91.9	8.1	2.9
5	513	91.8	8.2	15.2
6	120	92.5	7.5	3.6
7	675	92.6	7.4	20.0
8	396	71.2	28.8	11.8
9	662	86.0	14.0	19.7
10	215	86.5	13.5	6.4
Nongrid	108	97.2	2.8	3.2
Offgrid	33	93.9	6.1	1.0
<b>Subtotal</b>	<b>3,368</b>	<b>89.1</b>	<b>10.9</b>	<b>100.0</b>
<b>TOTAL**</b>	<b>4,899</b>	<b>87.2</b>	<b>12.8</b>	<b>100.0</b>

\* Based on 1,519 drug offenders and 3,368 nondrug offenders.

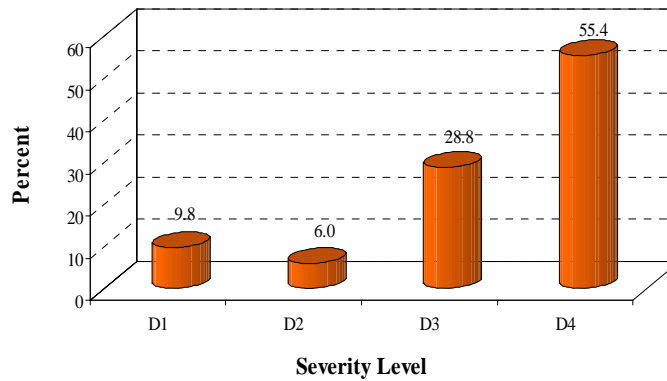
\*\* Total number includes 12 nondrug offenders whose severity levels are unknown.

**Figure 17: FY 2007 Incarceration Sentences  
Nondrug Offenders by Severity Level**



Based on 3,368 nondrug offenders

**Figure 18: FY 2007 Incarceration Sentences  
Drug Offenders by Severity Level**



Based on 1,519 drug offenders

Table 7 presents the average length of sentence imposed by severity level for guideline new commitment offenders admitted to prison during FY 2007. This group of offenders includes new court

commitments, probation condition violators and probation violators with new sentence. Pre-guideline offenders are excluded from this analysis.

**Table 7: FY 2007 Guideline New Commitment Admissions  
Average Length of Sentence (LOS) Imposed by Severity Level**

Severity Level	Number of Admissions	Average LOS (Months)
D1	89	71.9
D2	26	50.6
D3	288	30.0
D4	741	20.5
N1	67	263.8
N2	29	158.4
N3	187	89.5
N4	54	71.8
N5	292	51.9
N6	62	33.2
N7	525	26.3
N8	322	16.2
N9	549	11.5
N10	183	8.3
<b>Total</b>	<b>3,414</b>	<b>N/A</b>

**Jessica’s Law Sentences**

House Bill 2576 became law (Jessica’s Law) 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).

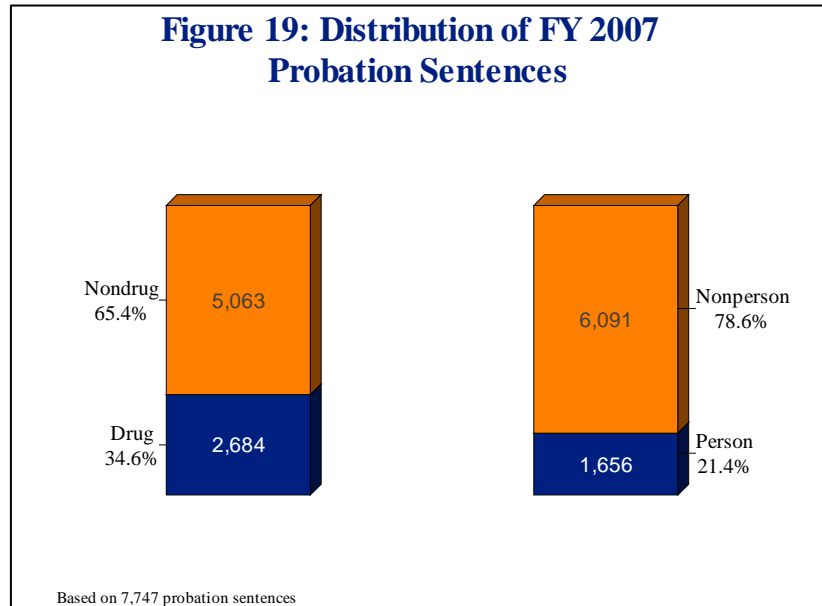
During FY 2007, seven offenders were sentenced to prison under Jessica’s Law. As FY 2007 is the initial year for the

implementation of this law, the number of sentences received is too small for statistical analysis. However, the sentencing practice

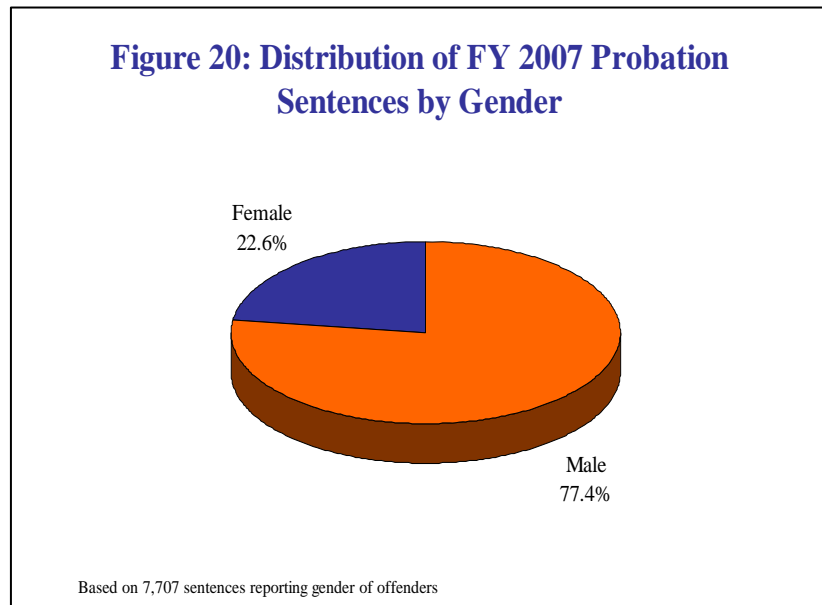
of this law is being closely monitored by the Commission.

### PROBATION SENTENCES

In FY 2007, a total number of 7,747 probation sentences were reported to the Kansas Sentencing Commission. Of this number, 5,063 were nondrug sentences and 2,684 were drug sentences; non-person offenses made up 78.6% and person offenses made up 21.4% (Figure 19). The demographic information of this offender group was described in Figures 20, 21 and 22.

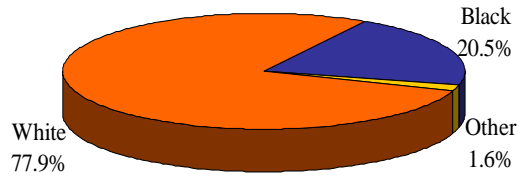


The distribution of offenders by gender demonstrates that male offenders accounted for 77.4% of all probation sentences imposed in FY 2007, indicating an increase of 1% compared with that observed (76.4%) in FY 2006 (Figure 20).



The racial analysis discloses that white offenders made up 77.9% of the probation sentences imposed in FY 2007. The percentage change of the white offenders indicates a decrease of 0.3% compared with that of FY 2006 (78.2%) and a decrease of 2.1% from 80% observed in FY 2005 (Figure 21).

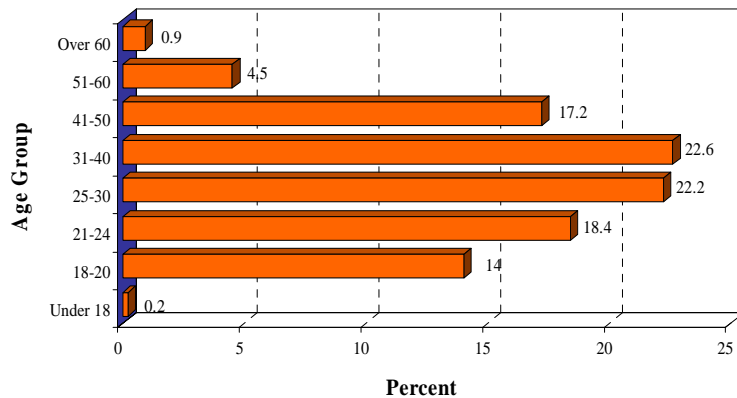
**Figure 21: Distribution of FY 2007 Probation Sentences by Race**



Based on 7,707 sentences reporting race of offenders

The largest population of probation offenders was found to be in the age group ranging from 31 to 40 years old at the time of sentencing (22.6%), which demonstrates no change in the past five years. The second largest number of offenders (22.2%) was identified in the age group between 25 to 30 years old (Figure 22).

**Figure 22: Distribution of FY 2007 Probation Sentences by Age**



Based on 7,694 sentences reporting age of offenders at time of sentencing

### Type of Offense and Severity Level

The characteristics of offenders sentenced to probation in FY 2007 are presented by offense type in Tables 8 and 9. The top ten offenses committed by nondrug probation offenders include aggravated assault, aggravated battery, burglary, criminal threat, DUI, fleeing LEO, false writing, forgery, identity theft and theft, accounting for 77% of the total nondrug probation sentences in FY 2007 (Figure 23), an increase of 0.3% over that of the previous year (76.7%). In reviewing drug offenders on probation, the largest number of sentences was for possession of drugs, representing 73.9% of all probation drug offenses (Figure 24) and demonstrating an increase of 1.3% compared with that of FY 2006 (72.6%).

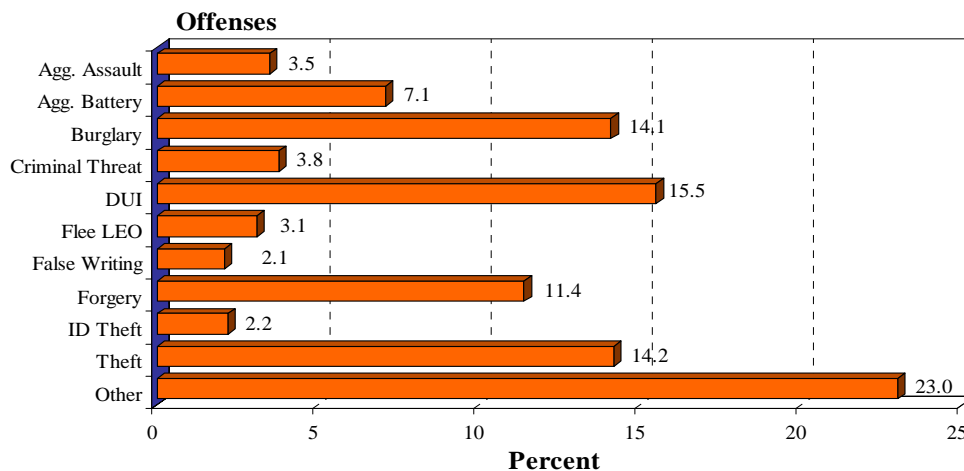
Male offenders sentenced to probation during FY 2007 were convicted of over 90% of the sex offenses and violent crimes of probation sentences such as: aggravated assault, aggravated burglary, burglary, criminal threat, domestic battery, fleeing or eluding LEO and possession of firearms.

The highest percentages of female probation nondrug offenses (over 50%) included forgery, identity theft, aiding a felon and criminal use of financial card (Table 8).

White offenders represented 78.2% of all nondrug probation sentences and 77.3% of all drug offenders on probation in FY 2007. Black offenders on probation had a little lower conviction rate for nondrug offenses than drug crimes (20% versus 21.4%). The average age at the time of committing offense was 31.1 years old for nondrug offenders and 31.6 years old for drug offenders, which remains constant with those in FY 2006 (Table 8 & Table 9).

The characteristics of probation offenders by severity level are displayed in Tables 10 and 11. The largest number of probation nondrug sentences were found at nondrug grid severity level 9 (1,479 sentences or 29.2%) and the majority of probation drug sentences were identified at drug grid severity level 4 (2,091 sentences or 77.9%). These distributions are pretty consistent with those in the past five years.

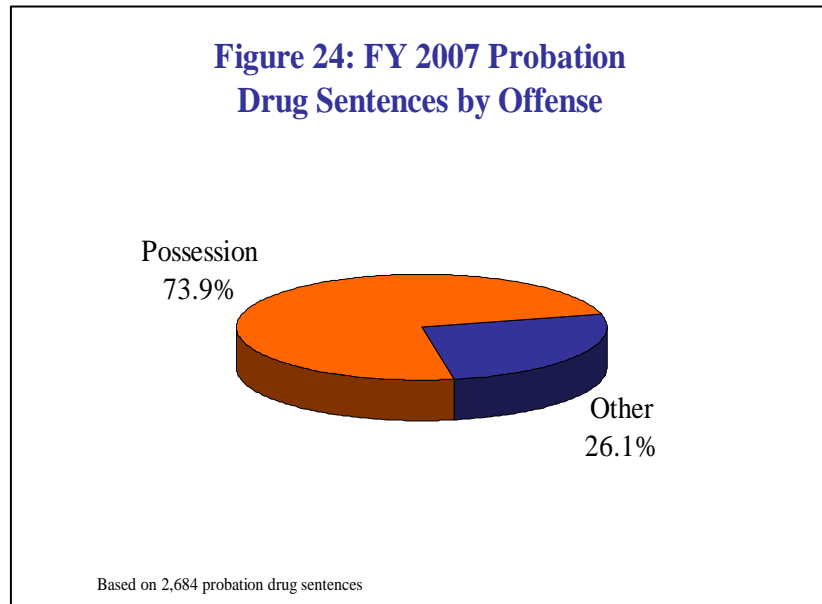
**Figure 23: FY 2007 Top Ten Offenses for Probation Nondrug Sentences**



Based on 5,063 probation nondrug sentences



Drug possession crimes included opiates or narcotics possession offenses under KSA 65-4160, and depressants, stimulants, hallucinogenic, etc. possession 2<sup>nd</sup> and subsequent offense under K.S.A. 65-4162. The conviction of opiates or narcotics possession offenses represented 66.6% of the total probation drug sentences in FY 2007 (Table 9).



**Table 8: 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	13	0.3	58.3	41.7	58.3	41.7	0.0	25.8
Agg Assault	176	3.5	93.7	6.3	68.6	29.1	2.3	30.7
Agg Assault on LEO	13	0.3	100.0	0.0	76.9	23.1	0.0	37.0
Agg Battery	359	7.1	86.0	14.0	70.7	26.5	2.8	30.0
Agg Battery on LEO	4	0.1	75.0	25.0	75.0	25.0	0.0	39.9
Agg Burglary	43	0.8	93.0	7.0	72.1	25.6	2.3	29.2
Agg Endangering a Child	13	0.3	53.8	46.2	100.0	0.0	0.0	30.4
Agg Escape from Custody	28	0.6	78.6	21.4	53.6	42.9	3.6	33.0
Agg Fail to Appear	32	0.6	90.3	9.7	71.0	29.0	0.0	31.2
Agg False Impersonation	6	0.1	66.7	33.3	50.0	50.0	0.0	29.3
Agg Ind Lib with a Child	75	1.5	96.0	4.0	84.0	14.7	1.3	28.2
Agg Ind Solicit with a Child	7	0.1	100.0	0.0	71.4	14.3	14.3	37.0
Agg Inter w/Parental Custody	8	0.2	62.5	37.5	62.5	37.5	0.0	22.6
Agg Intimidation of a Victim	14	0.3	85.7	14.3	78.6	21.4	0.0	32.6
Agg Robbery	38	0.8	73.7	26.3	44.7	55.3	0.0	22.3
Agg Sex Battery with Child	10	0.2	100.0	0.0	70.0	30.0	0.0	28.2
Agg Weapon Violation	5	0.1	100.0	0.0	80.0	20.0	0.0	34.6
Aiding Felon	32	0.6	50.0	50.0	62.5	37.5	0.0	32.1
Arrange Sale/Purchase Drug	4	0.1	100.0	0.0	75.0	25.0	0.0	25.3
Arson	35	0.7	91.4	8.6	97.1	2.9	0.0	28.7
Battery on LEO	22	0.4	81.8	18.2	54.5	45.5	0.0	29.6

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

Offense Type	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
Burglary	716	14.1	91.6	8.4	83.8	13.9	2.4	26.5
Computer Crime	6	0.1	66.7	33.3	83.3	16.7	0.0	33.9
Contribute Child Misconduct	12	0.2	50.0	50.0	91.7	8.3	0.0	26.1
Criminal Damage of Property	80	1.6	88.8	11.3	87.5	11.3	1.3	26.2
Criminal Discharge of Firearm	21	0.4	95.2	4.8	76.2	19.0	4.8	23.8
Criminal Sodomy w/Child	4	0.1	75.0	25.0	100.0	0.0	0.0	23.5
Criminal Threat	193	3.8	92.2	7.8	74.1	24.9	1.0	31.0
Criminal Use of Financial Card	16	0.3	50.0	50.0	81.3	18.8	0.0	27.2
Domestic Battery	20	0.4	95.0	5.0	80.0	20.0	0.0	33.4
Drug without Tax Stamps	60	1.2	81.7	18.3	81.7	15.0	3.3	31.1
DUI	785	15.5	84.8	15.2	92.6	5.2	2.2	38.3
Failure to Register	37	0.7	94.6	5.4	67.6	27.0	5.4	30.9
False Writing	107	2.1	61.7	38.3	80.4	18.7	0.9	31.6
Fleeing/Eluding LEO	155	3.1	91.6	8.4	72.3	27.7	0.0	28.4
Forgery	578	11.4	48.7	51.3	77.6	21.4	1.0	31.1
Giving Worthless Check	49	1.0	75.5	24.5	81.6	12.2	6.1	34.2
Identity Theft	112	2.2	47.3	52.7	77.3	20.9	1.8	29.3
Ind Liberties with a Child	17	0.3	94.1	5.9	88.2	5.9	5.9	25.9
Ind Solicitation with a Child	17	0.3	100.0	0.0	94.1	0.0	5.9	27.2
Involuntary Manslaughter	4	0.1	100.0	0.0	75.0	25.0	0.0	25.5
Kidnapping	5	0.1	80.0	20.0	80.0	20.0	0.0	27.1
Lewd and Lascivious Behavior	8	0.2	100.0	0.0	87.5	12.5	0.0	48.0
Mistreatment of Dependant Adult	4	0.1	50.0	50.0	100.0	0.0	0.0	38.9
Non-Support of a Child	32	0.6	96.9	3.1	93.8	3.1	3.1	34.5
Obstruct Legal Process	81	1.6	81.3	18.8	73.8	23.8	2.5	29.3
Perjury	5	0.1	40.0	60.0	60.0	40.0	0.0	25.9
Possession of Firearms	71	1.4	97.2	2.8	49.3	49.3	1.4	28.0
Rape	7	0.1	100.0	0.0	71.4	28.6	0.0	25.9
Robbery	76	1.5	86.8	13.2	59.2	39.5	1.3	25.1
Securities Crimes	5	0.1	100.0	0.0	40.0	60.0	0.0	36.2
Sex Exploitation of a Child	12	0.2	100.0	0.0	100.0	0.0	0.0	35.0
Stalking	9	0.2	77.8	22.2	88.9	11.1	0.0	35.1
Theft	721	14.2	67.4	32.6	71.6	27.3	1.1	32.2
Traffic in Contraband	20	0.4	60.0	40.0	70.0	25.0	5.0	34.7
Unlawful Sexual Relation	5	0.1	60.0	40.0	80.0	20.0	0.0	34.2
Unlawful Voluntary Sex Relation	41	0.8	100.0	0.0	85.4	12.2	2.4	18.6
Weapon	5	0.1	100.0	0.0	80.0	20.0	0.0	35.2
Other	30	0.6	73.3	26.7	90.0	10.0	0.0	40.0
<b>TOTAL</b>	<b>5,063</b>	<b>100.0</b>	<b>78.8</b>	<b>21.2</b>	<b>78.2</b>	<b>20.0</b>	<b>1.8</b>	<b>31.1</b>

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=5,031; Race, N=5,061; and Age, N=5,021.

**Table 9: 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	1,626	60.6	70.3	29.7	77.1	21.3	1.6	33.0
Opiates or Narcotics; Sale 1	271	10.1	75.6	24.4	68.9	30.4	0.7	30.5
Opiates or Narcotics; Sale 2	6	0.2	100.0	0.0	80.0	20.0	0.0	29.9
Opiates/ Narcotics, Depress, Stim, Hall; Sale w/in 1,000 feet of School	10	0.4	80.0	20.0	80.0	20.0	0.0	29.8
Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale	267	9.9	84.5	15.5	77.7	21.6	0.8	27.5
Depress, Stim, Hall; Poss 2	358	13.3	85.7	14.3	80.7	19.0	0.3	29.8
Possession of Paraphernalia	90	3.4	76.6	23.3	84.4	13.3	2.2	30.2
Possession of Precursor Drugs	26	1.0	76.9	23.1	96.2	3.8	0.0	34.8
Unlawful Manufacture Controlled Substance	25	0.9	78.3	21.7	95.7	4.3	0.0	27.8
Other	5	0.2	60.0	40.0	80.0	20.0	0.0	26.6
<b>TOTAL</b>	<b>2,684</b>	<b>100.0</b>	<b>74.7</b>	<b>25.3</b>	<b>77.3</b>	<b>21.4</b>	<b>1.2</b>	<b>31.6</b>

Note: Due to missing data, each category is based on different numbers: Gender, N=2,676; Race, N=2,676; and Age, N=2,673.

**Table 10: 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	100.0	0.0	0.0	27.7
N2	1	0.0	100.0	0.0	100.0	0.0	0.0	29.3
N3	49	1.0	81.6	18.4	67.3	32.7	0.0	26.4
N4	15	0.3	86.7	13.3	73.3	26.7	0.0	32.4
N5	236	4.7	87.7	12.3	69.8	28.1	2.1	27.3
N6	68	1.3	85.3	14.7	79.4	17.6	2.9	33.7
N7	1,013	20.0	88.0	12.0	77.3	20.4	2.4	28.5
N8	972	19.2	59.5	40.5	75.5	22.9	1.7	30.3
N9	1,479	29.2	79.7	20.3	76.4	22.4	1.3	30.5
N10	420	8.3	78.9	21.1	72.5	26.1	1.4	30.2
Nongrid	806	15.9	85.0	15.0	92.3	5.6	2.1	38.2
<b>TOTAL</b>	<b>5,063</b>	<b>100.0</b>	<b>78.8</b>	<b>21.2</b>	<b>78.2</b>	<b>20.0</b>	<b>1.8</b>	<b>31.1</b>

Note: Due to missing data, each category is based on different numbers: Gender, N=5,031; Race, N=5,031; and Age, N=5,021.

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

Severity Level	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
D1	33	1.2	81.3	18.7	93.8	6.3	0.0	30.9
D2	18	0.7	88.9	11.1	66.7	33.3	0.0	29.3
D3	542	20.2	80.1	19.9	73.4	25.9	0.7	29.1
D4	2,091	77.9	73.1	26.9	78.2	20.4	1.4	32.3
<b>TOTAL</b>	<b>2,684</b>	<b>100.0</b>	<b>74.7</b>	<b>25.3</b>	<b>77.3</b>	<b>21.4</b>	<b>1.2</b>	<b>31.6</b>

Note: Due to missing data, each category is based on different numbers: Gender, N=2,676; Race, N=2,676 and Age, N=2,673.

### SB 123 Drug Treatment Offenders

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

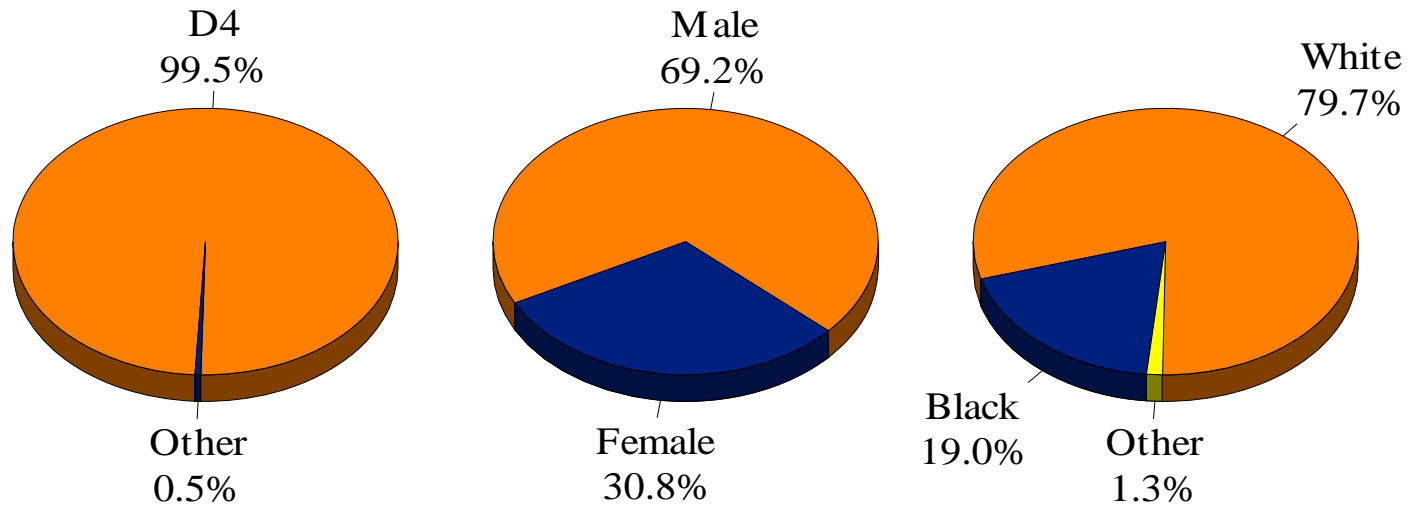
A total number of 1,261 sentences were imposed to SB 123 drug treatment programs during FY 2007, representing almost 47% of the total drug probation sentences (2,684), a decrease of 1% compared with that of FY 2006 (48%). Of these sentences, more than 79% were convicted of the crime of drug possession under K.S.A. 65-4160 and 20% were convicted of the crime of drug possession under K.S.A. 65-4162. When reviewing the criminal history of the offenders, 94.4% of them were in the criminal history categories from E through I, an increase of 0.4% compared with that observed in FY 2006 (94%). This data implies that Senate Bill 123 is continuously implemented very consistently in sentencing practice during FY 2007.

A brief summary of the offenders sentenced to SB 123 treatment programs in FY 2007 is presented in Figure 25. The offenders at drug severity level 4 accounted for 99.5% and 0.5% 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 32.6 years old, which remains pretty close to that of FY 2006 and FY 2005.

The analysis of the SB 123 drug treatment sentences by county reveals that Sedgwick County imposed the most SB 123 sentences (137) followed by Johnson (130), Wyandotte (109), Shawnee (76), Geary (68) and Saline (67) counties. No SB 123 sentences were reported from 32 counties. The average number of SB 123 sentences imposed by the 73 counties is 17 (Figure 26).

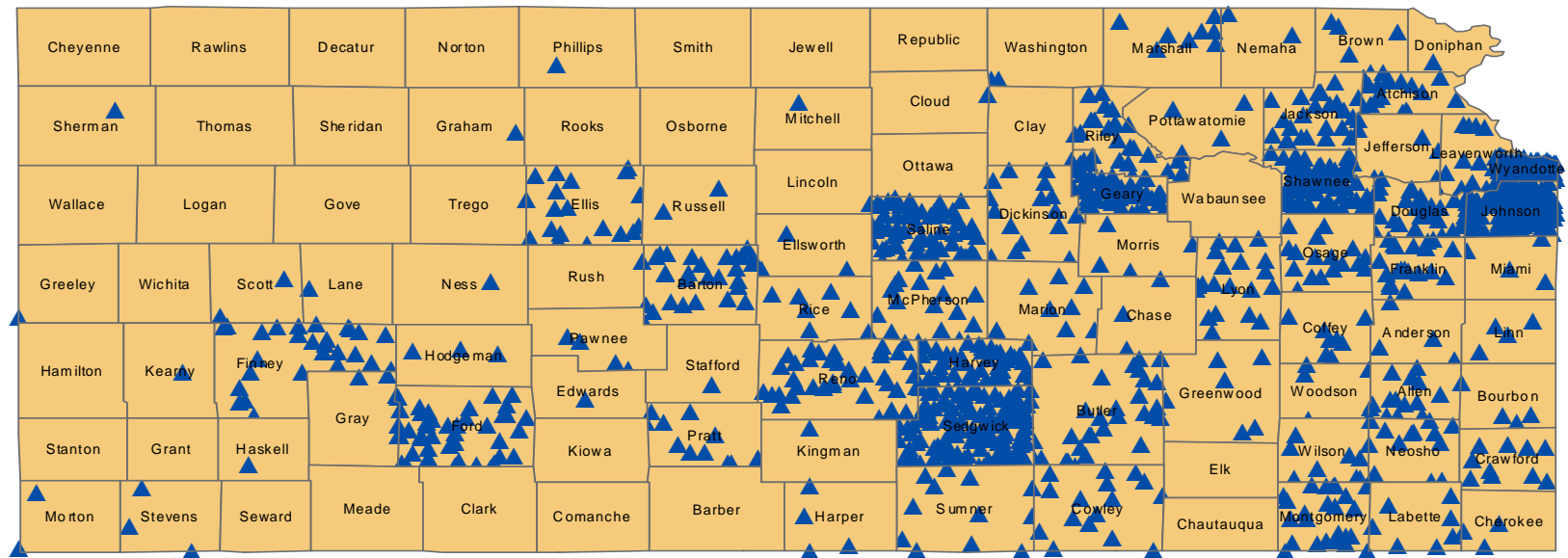
In FY 2007, 451 SB 123 drug treatment sentences were revoked. Of this number, 187 sentences were revoked to prison. The average period between original sentence and revocation hearing was 12.4 months and 5.2 months for the second revocation.

## Figure 25: Distribution of FY 2007 Senate Bill 123 Drug Treatment Sentences

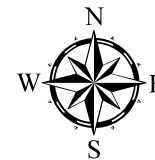


Note: Severity level, N=1,261; Gender, N=1,260; Race, N=1,260

**Figure 26: Distribution of Senate Bill 123 Drug Treatment Sentences Imposed by County - FY 2007**



Summary  
 Total county=105  
 Total sentences=1,261  
 County w/zero=32  
 Minimum=1  
 Maximum=137  
 Mean=17



**Criminal History and Length of Probation**

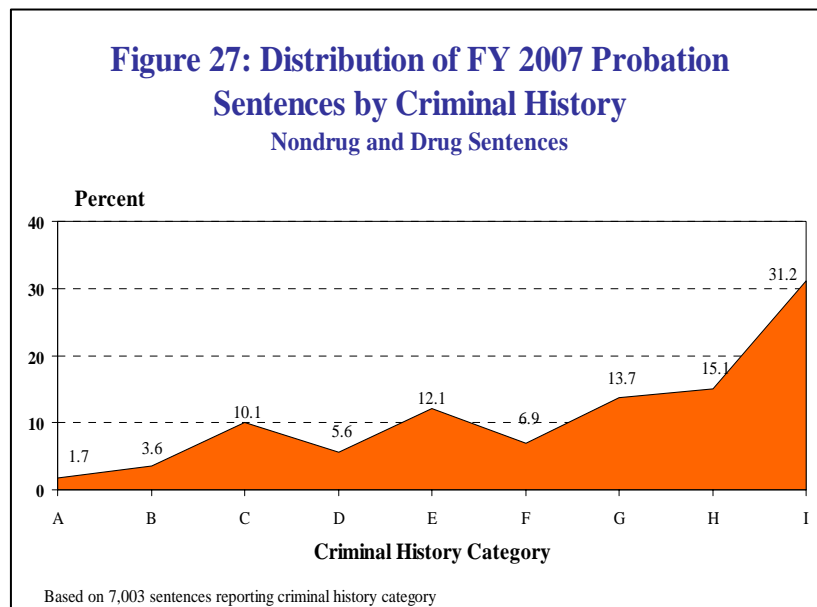
In FY 2007, offenders sentenced to probation with assigned criminal history categories accounted for 90.4% of all the probation sentences (7,747) reported to the Commission, which is very consistent with that of FY 2006 (90.6%). The largest number of this group fell within criminal history category I (31.2% or 2,186 sentences), representing having no previous criminal history or one misdemeanor conviction (Figure 27). Further analysis of the offenders with criminal history category I reveals that they accounted for 30.2% of offenders on the nondrug grid and 32.9% of offenders on the drug grid.

Nondrug offenders who were within the presumptive probation boxes accounted for 85.5% (Table 12), while 66.5% of probation drug offenders were sentenced within the presumptive probation boxes (Table 13). In reviewing border box sentences, only 4.1% 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 18% of drug probation sentences fell within severity level 3 with criminal history categories E to I, which are designated as border boxes (Tables 12 and 13).

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

Tables 12 and 13 present the probation terms of probation sentences by each severity level. The average length of probation for nondrug offenders was 17.6 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 12: Criminal History and Probation Length by Severity Level – Nondrug Offenders**

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
N1	4	0	0	0	0	0	0	0	0	4	48.0
N2	1	0	0	0	0	0	0	0	0	1	36.0
N3	49	0	4	3	3	1	0	5	7	26	39.8
N4	15	1	1	0	2	1	3	1	3	3	35.1
N5	236	3	8	13	11	14	4	14	36	133	35.4
N6	68	1	2	2	3	2	0	10	11	37	24.0
N7	1,013	25	44	136	98	104	53	107	146	300	23.8
N8	972	10	33	118	43	163	71	124	125	285	17.9
N9	1,479	39	67	213	103	205	107	194	192	359	12.7
N10	420	5	13	45	34	46	21	64	61	131	12.6
Nongrid	806	0	3	6	0	6	0	10	14	26	13.4
<b>TOTAL</b>	<b>5,063</b>	<b>84</b>	<b>175</b>	<b>536</b>	<b>297</b>	<b>542</b>	<b>259</b>	<b>529</b>	<b>595</b>	<b>1,305</b>	<b>17.6</b>

Note: Criminal history classes are based on 4,322 cases reporting criminal history category.

Legend:

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

**Table 13: Criminal History and Probation Length by Severity Level – Drug Offenders**

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
D1	33	0	1	2	1	7	2	4	6	10	24.4
D2	18	0	2	3	0	1	1	3	5	3	34.3
D3	542	5	13	19	22	39	31	77	94	242	18.5
D4	2,091	30	58	147	70	259	189	349	360	626	15.8
<b>TOTAL</b>	<b>2,684</b>	<b>35</b>	<b>74</b>	<b>171</b>	<b>93</b>	<b>306</b>	<b>223</b>	<b>433</b>	<b>465</b>	<b>881</b>	<b>16.3</b>

Note: Criminal history classes are based on 2,681 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.

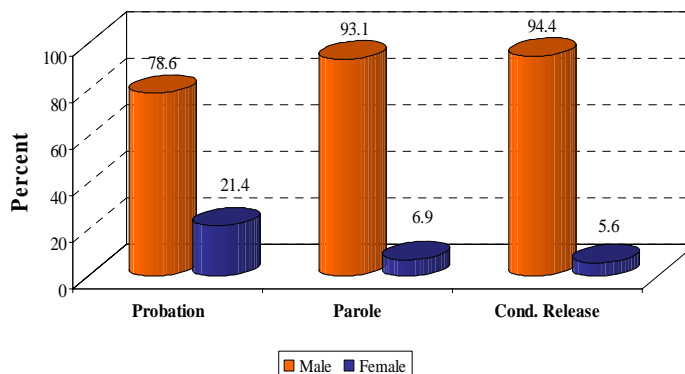
Condition violators alone accounted for 61% of all admissions to prison in FY 2007, indicating a decrease of 4.6% when compared with FY 2006 (65.6%). Characteristics of condition violators by gender, race, and age are depicted in Figures 28, 29, and 30.

### 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.

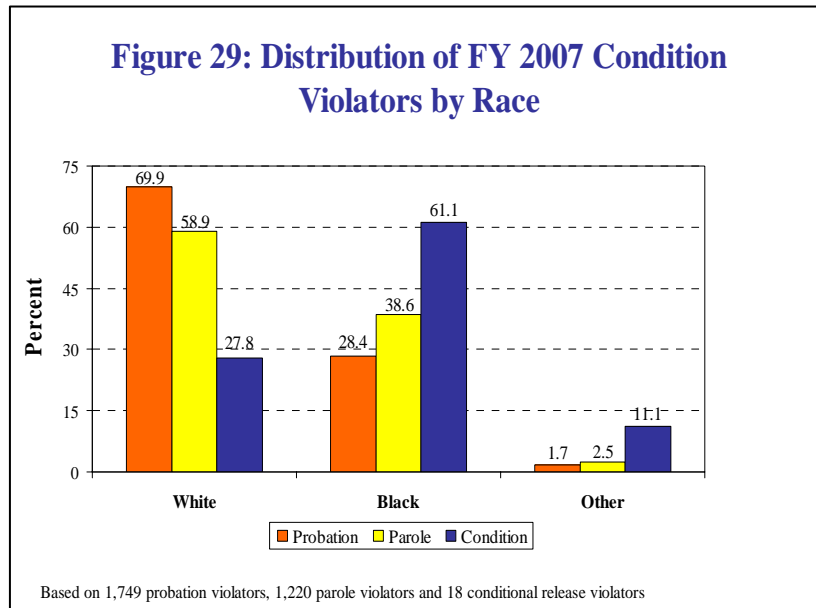
In FY 2007, a total number of 2,989 condition violators were admitted to prison for their violation of conditions, representing 1,750 probation violators, 1,221 parole or postrelease supervision violators, and 18 conditional release violators respectively.

**Figure 28: Distribution of FY 2007 Condition Violators by Gender**

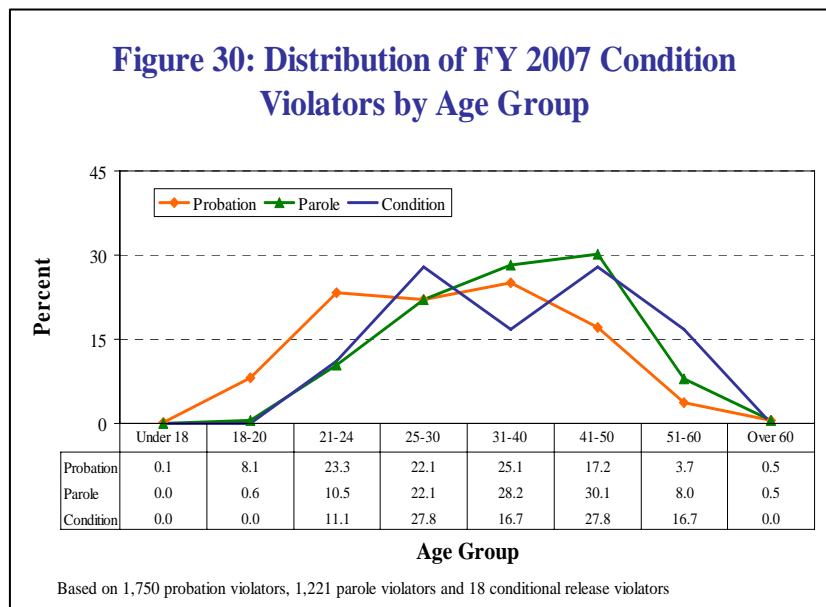


Based on 1,750 probation violators, 1,221 parole violators and 18 conditional release violators

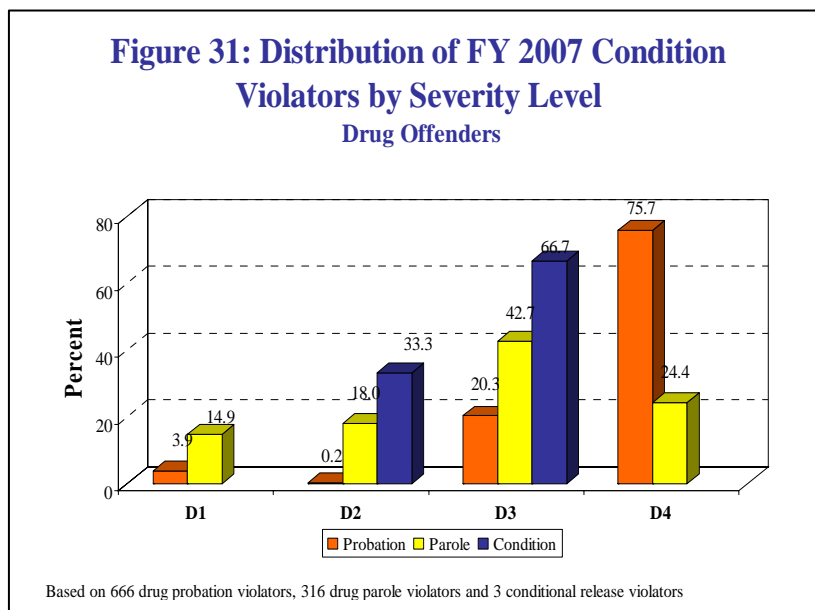
The highest percentages of probation violators and parole/postrelease supervision violators were identified in the group of white male offenders, while black males accounted for the highest rate of conditional release violators (Figures 28 and 29).



Most probation violators were in the age group ranging from 31 to 40 (25.1%). The largest number of parole violators was found to be in their forties (30.1%). The conditional release violators accounted for 27.8% respectively in the age groups of 25 to 30 and 41 to 50 at the time of admission to prison (Figure 30).



The characteristics of all violators by severity level are presented in Figures 31 and 32. The largest proportion of drug probation violators was identified at drug severity level 4 (75.7%, 504 offenders) and the highest percentage of drug parole/postrelease violators was at drug severity level 3 (42.7%, 135 offenders). Most drug conditional release violators were found at drug severity level 3, as well (Figure 31).



The highest percentage of nondrug probation violators was found at nondrug severity level 9 (31.6%, 340 offenders), the same pattern with that of FY 2006, while the largest number of nondrug parole/postrelease violators were identified at nondrug severity level 5 (20.8%, 188 offenders). Most conditional release violators were at nondrug severity levels 3, 4, 5 and 7 (Figure 33).

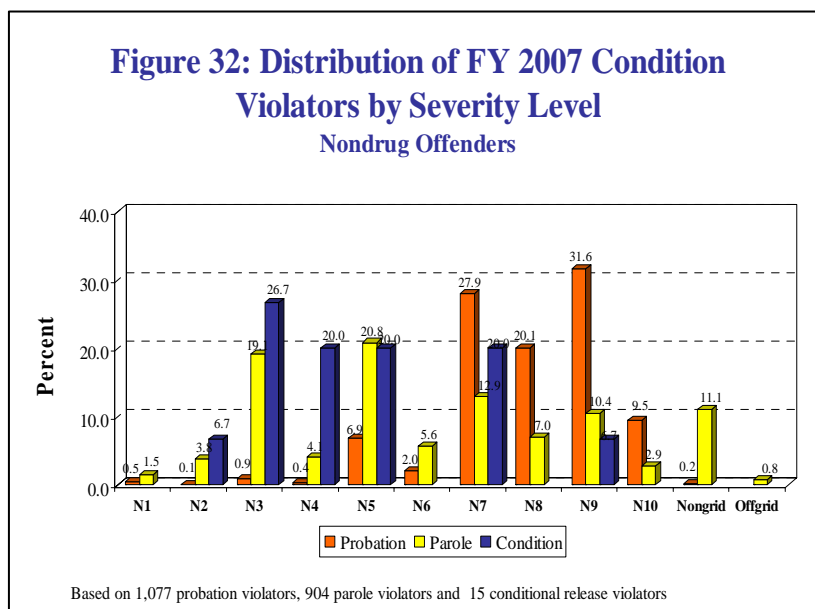


Table 14 describes the characteristics of all types of condition violators by severity level, gender and race. The largest numbers of males were found at nondrug severity level 7 (383 sentences) and drug severity level 4 (427 sentences). However, the highest frequencies of females were at nondrug severity level 8 (86 sentences) and drug severity level 4 (154 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 2006. White offenders accounted for 407 sentences and black offenders made up 158 sentences at drug level 4. As for nondrug sentences, most white violators were found at nondrug severity level 7 (300 sentences) and black offenders accounted for the largest number at nondrug severity level 9 (150 sentences). The average age of the violators was 34 years old at the time of admission.

**Table 14: Characteristics of Overall Violators by Severity Level, Race and Gender**

Severity Level	Number of Cases	Gender		Race			Average Age at Admission
		Male	Female	White	Black	Other	
D1	73	69	4	66	4	3	34.9
D2	59	51	8	30	26	3	39.6
D3	272	240	32	169	99	3	32.9
D4	581	427	154	407	158	15	33.7
N1	19	18	1	11	8	0	39.4
N2	36	36	0	20	16	0	42.8
N3	187	180	7	90	92	5	37.9
N4	44	38	6	22	22	0	38.1
N5	265	250	15	151	110	4	33.1
N6	73	67	6	46	25	2	35.0
N7	421	383	38	300	115	6	32.0
N8	279	193	86	172	101	6	33.6
N9	435	358	77	276	150	9	32.7
N10	128	107	21	89	37	2	34.0
Offgrid	7	7	0	4	3	0	52.8
Nongrid	102	99	3	90	8	4	44.2
Unknown	8	7	1	3	4	1	37.7
<b>Total</b>	<b>2,989</b>	<b>2,530</b>	<b>459</b>	<b>1,946</b>	<b>978</b>	<b>63</b>	<b>34.3</b>

### Condition Probation Violators

During FY 2007, a total number of 1,750 condition probation violators were admitted to prison. Of this number, 61.9% (1,084) were nondrug offenders and 38.1% (666) were drug offenders. Compared with FY 2006, the admissions of condition probation violators demonstrated a significant decrease of 14.1%. The characteristics of this group of violators are presented in Tables 15 and 16.

Aggravated assault, aggravated battery, aggravated burglary, burglary, criminal threat, fleeing or eluding LEO, forgery, identity theft, robbery and theft were the top ten offenses committed most frequently by nondrug probation violators in FY 2007. These ten offenses represented 76.8% of all nondrug convictions by probation violators. As the previous year, burglary, theft and forgery were the three most frequently

committed offenses for which there were a large number of probation violators (Table 15).

The crime of possession of drugs was the most frequently convicted offense type by drug probation violators, accounting for 73% of all drug offenses, while the crime of opiates or narcotics possession represented 63.1% of the total drug offenses committed by the condition probation violators (Table 16).

The average length of lag time from the age of offense to the age of admission to prison was 2.3 years for both nondrug and drug probation violators, which remains very close with the length of lag time of the probation violators in FY 2006. The distribution of probation violators by severity level and criminal history is exhibited in Table 17.

**Table 15: 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	53	92.5	7.5	66.0	30.2	3.8	30.2	32.5
Aggravated Battery	104	85.6	14.4	60.6	36.5	2.9	30.2	32.2
Aggravated Burglary	28	85.7	14.3	85.7	14.3	0.0	29.7	32.0
Burglary	180	91.7	8.3	77.8	21.7	0.6	26.6	28.7
Criminal Threat	56	92.9	7.1	66.1	32.1	1.8	31.9	34.0
Fleeing or Eluding LEO	42	88.1	11.9	64.3	35.7	0.0	28.6	30.8
Forgery	147	52.4	47.6	65.3	32.7	2.0	30.6	33.1
Identity Theft	20	45.0	55.0	70.0	30.0	0.0	31.5	33.4
Robbery	29	89.7	10.3	65.5	34.5	0.0	26.2	28.2
Theft	173	71.1	28.9	66.5	32.4	1.2	31.3	33.8
<b>Subtotal</b>	<b>832</b>	<b>78.2</b>	<b>21.8</b>	<b>68.5</b>	<b>30.0</b>	<b>1.4</b>	<b>29.6</b>	<b>31.9</b>
Other	252	88.9	11.1	67.1	31.3	1.6	28.6	31.3
<b>TOTAL</b>	<b>1,084</b>	<b>80.7</b>	<b>19.3</b>	<b>68.2</b>	<b>30.4</b>	<b>1.5</b>	<b>29.4</b>	<b>31.7</b>

\* Average age at time of offense.

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

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

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Opiates or Narcotics; Possession	420	68.8	31.2	69.9	27.4	2.6	31.7	33.8
Opiates or Narcotics; Sale 1	90	81.1	18.9	61.1	38.9	0.0	28.6	31.2
Depress, Stim, Hall; Poss 2nd	66	87.9	12.1	84.8	12.1	3.0	30.1	32.5
Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale	45	95.6	4.4	84.4	15.6	0.0	25.6	28.7
Possession of Paraphernalia	18	77.8	22.2	88.9	11.1	0.0	26.1	28.7
Possession of Precursor Drugs	11	90.9	9.1	100.0	0.0	0.0	34.2	36.7
Unlawful Manufacture Controlled Substance	16	87.5	12.5	93.8	0.0	6.3	30.1	33.8
<b>TOTAL</b>	<b>666</b>	<b>75.2</b>	<b>24.8</b>	<b>72.8</b>	<b>25.1</b>	<b>2.1</b>	<b>30.6</b>	<b>32.9</b>

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

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1	0	0	4	0	3	3	5	7	4	26
D2	0	0	0	0	0	0	1	0	0	1
D3	4	4	11	7	11	13	22	23	40	135
D4	5	13	45	21	77	50	88	101	104	504
N1	0	0	1	2	0	0	0	1	1	5
N2	0	1	0	0	0	0	0	0	0	1
N3	0	0	3	1	2	0	0	0	4	10
N4	0	0	1	0	0	0	1	1	1	4
N5	0	5	11	10	4	4	4	11	25	74
N6	0	3	0	1	1	2	1	4	10	22
N7	8	25	43	25	33	21	39	47	60	301
N8	9	5	22	11	37	17	27	42	46	216
N9	4	13	61	17	50	26	43	53	72	339
N10	3	3	14	13	7	8	11	21	22	102
<b>TOTAL</b>	<b>33</b>	<b>72</b>	<b>216</b>	<b>108</b>	<b>225</b>	<b>144</b>	<b>242</b>	<b>311</b>	<b>389</b>	<b>1,740</b>

\* Due to missing data, criminal history categories are based on 1,740 probation violators reporting criminal history.

### Condition Parole/Postrelease Supervision Violators

In FY 2007, 1,221 condition parole/post-release supervision violators were admitted to prison, indicating a significant decrease of 25.2% (411 violators) when compared with the data observed in FY 2006. The characteristics of this offender group are presented in Tables 18 and 19.

The top ten offenses most frequently committed by parole/postrelease violators include aggravated escape from custody, aggravated battery, aggravated burglary, aggravated robbery, aggravated indecent liberties with a child, burglary, DUI, rape, robbery and theft, accounting for 67.7% of the total nondrug offenses. Male offenders represented 94.3% of this group. White offenders committed more than 70% of crimes of aggravated indecent liberties with a child and DUI, which is consistent with the data observed in FY 2006. Blacks

indicated the highest representation in aggravated robbery and rape (Table 18). Table 19 demonstrates that drug parole/postrelease violators were convicted primarily of the crimes of possession of drugs (36.4%) and sale of opiates or narcotics (36.4%).

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 2007, 100 DUI violators were admitted to prison, a decrease of 24.2% when compared with those in FY 2006 (Table 18).

Table 20 displays the distribution of parole/postrelease supervision violators by severity level and criminal history category. The largest numbers of parole/postrelease supervision violators were found at severity level 3 of the drug grid (108 offenders) and severity levels 5 of the nondrug grid (163 offenders).

**Table 18: 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	36	88.9	11.1	66.7	27.8	5.6	34.0	39.8
Aggravated Battery	74	90.5	9.5	45.9	54.1	0.0	29.4	36.9
Aggravated Burglary	28	100.0	0.0	50.0	46.4	3.6	26.6	35.7
Aggravated Robbery	91	94.5	5.5	33.0	64.8	2.2	24.8	38.0
Agg Indecent Liberties w/Child	70	100.0	0.0	77.1	20.0	2.9	25.9	33.5
Burglary	69	97.1	2.9	66.7	33.3	0.0	31.0	34.8
DUI	100	97.0	3.0	88.0	8.0	4.0	41.9	44.1
Rape	40	100.0	0.0	37.5	62.5	0.0	26.9	40.7
Robbery	60	95.0	5.0	41.7	56.7	1.6	28.2	37.0
Theft	45	91.1	8.9	53.3	42.2	4.5	34.0	37.4
Other	292	91.8	8.2	60.6	37.0	2.4	29.7	36.6
<b>TOTAL</b>	<b>905</b>	<b>94.3</b>	<b>5.7</b>	<b>58.7</b>	<b>39.0</b>	<b>2.3</b>	<b>30.4</b>	<b>37.6</b>

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

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Opiates or Narcotics; Poss 1	64	82.8	17.2	48.4	48.4	3.2	31.8	35.4
Opiates or Narcotics; Poss 2	35	85.7	14.3	42.9	48.6	8.5	33.5	40.2
Opiates or Narcotics; Poss 3	6	100.0	0.0	33.3	66.7	0.0	34.3	40.4
Opiates or Narcotics; Sale 1	106	89.6	10.4	49.5	48.6	1.9	27.9	35.4
Opiates or Narcotics; Sale 2	9	77.8	22.2	66.7	33.3	0.0	36.0	46.2
Opiates/Narcotics, Depress, Stim, Hall; Sale w/in 1,000 ft of School	11	90.9	9.1	63.6	36.4	0.0	27.0	33.6
Depress, Stim, Hall; Poss 2	10	100.0	0.0	80.0	20.0	0.0	33.6	37.7
Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale	28	96.4	3.6	75.0	21.4	3.6	27.0	34.0
Possession of Precursor Drugs	12	100.0	0.0	100.0	0.0	0.0	28.9	33.3
Unlawful Manufacture Controlled Substance	31	96.8	3.2	93.5	0.0	6.5	29.1	34.4
Other	4	100.0	0.0	100.0	0.0	0.0	34.5	40.2
<b>TOTAL</b>	<b>316</b>	<b>89.9</b>	<b>10.1</b>	<b>59.4</b>	<b>37.5</b>	<b>3.2</b>	<b>30.0</b>	<b>36.1</b>

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

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1	3	0	10	1	8	9	6	5	5	47
D2	2	4	8	4	8	10	9	6	4	55
D3	6	10	15	12	21	10	15	10	9	108
D4	10	6	20	7	21	2	2	6	3	77
N1	1	1	1	0	1	0	0	0	1	5
N2	0	0	1	4	0	0	1	1	1	8
N3	6	6	23	8	16	8	15	10	26	118
N4	2	1	4	1	1	2	0	3	8	22
N5	13	19	25	10	20	14	19	23	20	163
N6	4	3	10	2	7	1	6	5	7	45
N7	27	33	17	5	7	2	6	11	7	115
N8	15	8	17	0	9	4	7	1	2	63
N9	27	23	15	3	19	2	1	1	3	94
N10	7	7	4	0	5	0	1	2	0	26
<b>TOTAL</b>	<b>123</b>	<b>121</b>	<b>170</b>	<b>57</b>	<b>143</b>	<b>64</b>	<b>88</b>	<b>84</b>	<b>96</b>	<b>946</b>

\* Due to missing data, criminal history categories are based on 946 violators reporting criminal history.

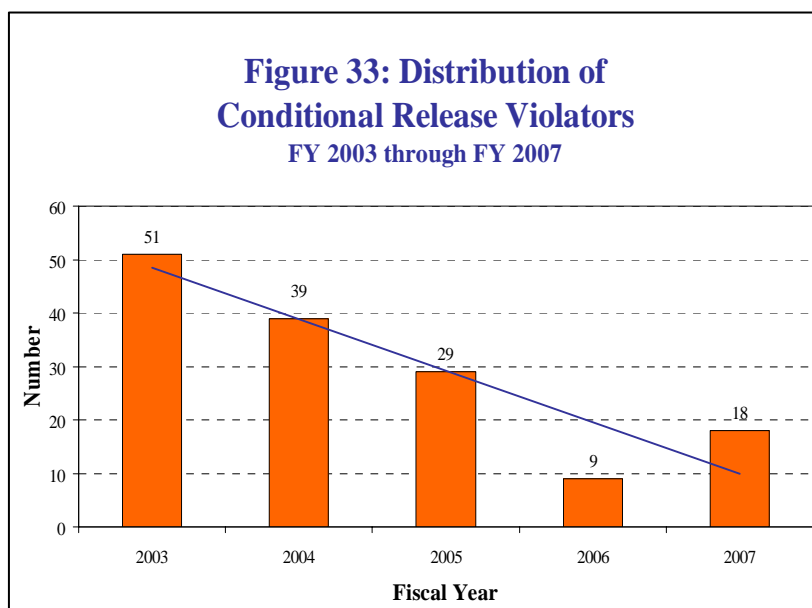


### Conditional Release Violators

In FY 2007, only 18 conditional release violators were admitted to KDOC, representing the smallest group of condition violators and 0.4% of the total admissions in FY 2007 (Figure 33). The crimes committed by this group of condition violators in FY 2007 included sex offenses, aggravated battery, aggravated burglary, aggravated robbery, burglary, theft and drug offenses.

The characteristics of conditional release violators are presented in Table 21. More than 94% violators were males in this group. Black offenders were the majority, representing 61.1% of this group, which is different from the race distribution of previous years. The average age of conditional release violators was 25.4 at the time of offense and 37.7 at the time of admission.

The number of conditional release violators in FY 2007 was doubled (18 offenders) compared with that of FY 2006 (9 offenders) though the admission trend of this group in the past five years is declining. Conditional release violators are governed by pre-guideline sentences, therefore, this group of violators will eventually be out of the prison system (Figure 33).



**Table 21: Offenses Committed by Conditional Release Violators  
Nondrug and Drug Offenders**

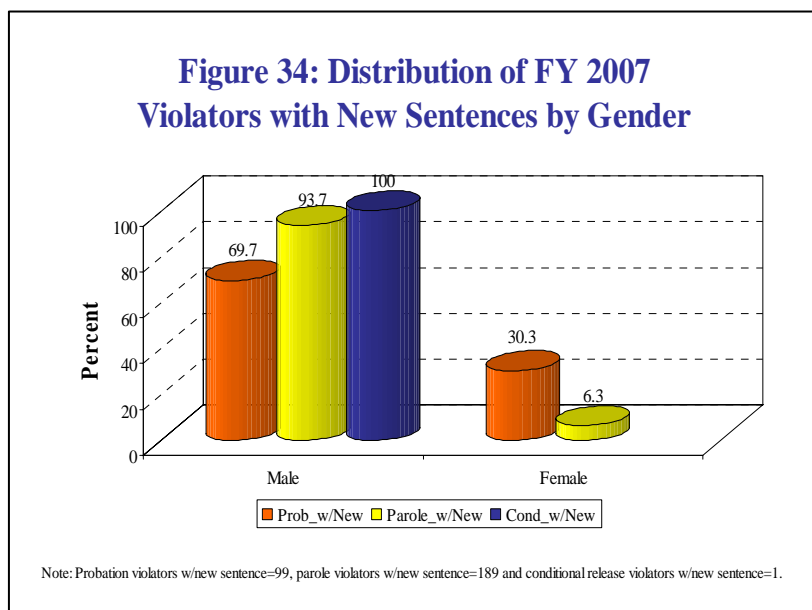
Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Agg Battery	5	100.0		40.0	40.0	20.0	23.8	33.7
Agg Burglary	1	100.0			100.0		27.5	42.1
Agg. Robbery	3	100.0			100.0		21.6	47.9
Burglary	1	100.0			100.0		34.4	37.4
Sex Offenses	3	100.0		33.3	66.7		18.7	30.1
Theft	2	100.0		50.0	0.0	50.0	33.4	36.3
Drugs	3	66.7	33.3	33.3	66.7	0.0	29.3	41.4
<b>TOTAL</b>	<b>18</b>	<b>94.4</b>	<b>5.6</b>	<b>27.8</b>	<b>61.1</b>	<b>11.1</b>	<b>25.4</b>	<b>37.7</b>

### Violators with New Sentences

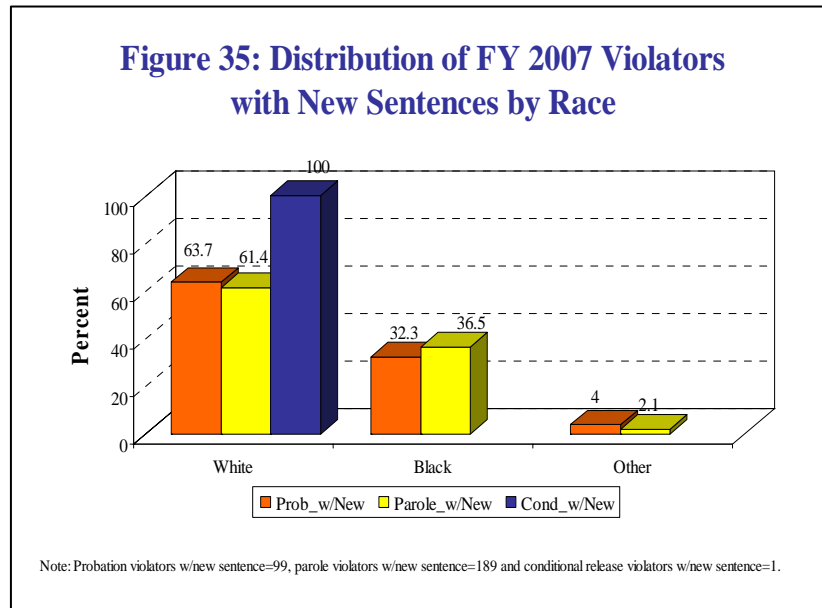
Violators with new sentences analyzed in this section include probation, parole/postrelease and conditional release violators convicted of an offense for which they received a new sentence. This group of violators represented 5.9% (289 violators) of the total prison admissions in FY 2007, increasing by 0.4% compared with the percentage of FY 2006. Characteristics of this group are illustrated in Figures 34, 35 and 36. Drugs (28.3%), burglary (14.1%), forgery (13.1%) and theft (10.1%) were the major offense categories committed by probation violators with new convictions. Drugs (27.5%), aggravated robbery/robbery (19%), aggravated burglary/burglary (11%)

and sex offenses (11%) represented the top offenses committed by parole/postrelease violators with new sentences. In FY 2007, only one conditional release violator with a new sentence was admitted to prison for the conviction of the crime of rape. Table 22 presents the distribution of the above offenders by severity levels. The largest numbers of probation violators with new sentences were identified at nondrug severity levels 7, 8 and 9 (22, 19 and 16 violators) and drug severity level 4 (20 violators), while nondrug severity levels 3, 5 and 7 (13.8%, 14.8% and 14.3%) and drug severity level 4 (10.6%) represented the highest percentages of parole/postrelease violators with new sentences.

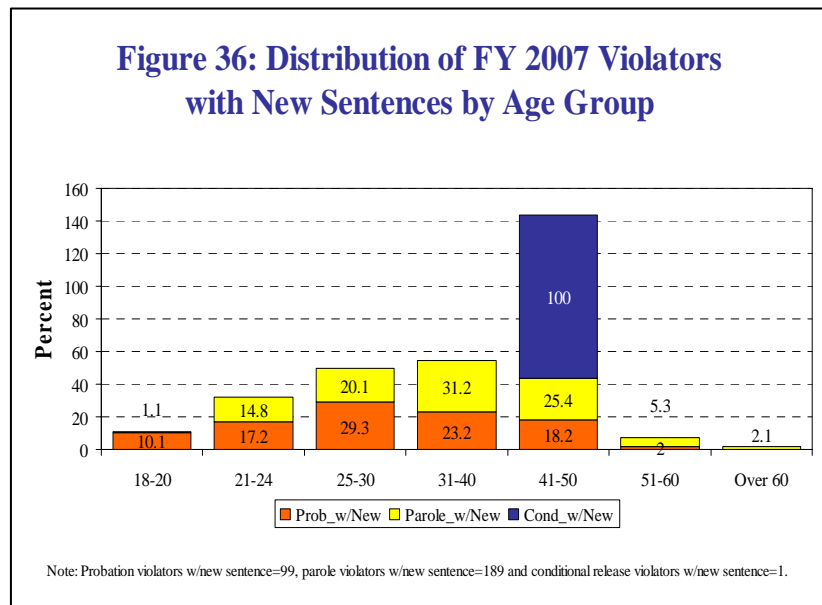
In FY 2007, male offenders remained the predominant gender of all types of violators with new sentences, which is consistent with those of previous years (Figure 34).



White offenders made up the largest number of the three types of violators with new sentences, representing 63.7% of probation violators with new sentences and 61.4% of parole/postrelease violators with new sentences and 100% of conditional release violators with new sentences (Figure 35).



The highest percentage of probation violators with new sentences were in the age group from 25 to 30 (29.3%) 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 (31.2%). This distribution remains constant to that of FY 2006. The age of the conditional release violator with a new sentence was in his forties (Figure 36).



**Table 22: Distribution of FY 2007 Violators with New Sentences  
By Severity Level**

Severity Level	Probation		Parole/Postrelease		Conditional Release	
	N	%	N	%	N	%
D1	0	0.0	13	6.9	0	0.0
D2	1	1.0	7	3.7	0	0.0
D3	7	7.1	12	6.3	0	0.0
D4	20	20.2	20	10.6	0	0.0
N1	0	0.0	4	2.1	0	0.0
N2	0	0.0	6	3.2	0	0.0
N3	5	5.1	26	13.8	0	0.0
N4	3	3.0	3	1.6	1	100.0
N5	4	4.0	28	14.8	0	0.0
N6	1	1.0	7	3.7	0	0.0
N7	22	22.2	27	14.3	0	0.0
N8	19	19.2	8	4.2	0	0.0
N9	16	16.2	16	8.5	0	0.0
N10	1	1.0	3	1.6	0	0.0
Offgrid	0	0.0	5	2.6	0	0.0
Nongrid	0	0.0	4	2.1	0	0.0
<b>TOTAL</b>	<b>99</b>	<b>100.0</b>	<b>189</b>	<b>100.0</b>	<b>1</b>	<b>100.0</b>

**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 2007, there were 2,472 condition probation violators and 204 probation violators with new convictions who were continued or extended on probation, representing 53.3% of the total number of 4,634 condition probation violators and 42.5% of the total number of 480 probation violators with new offenses,

respectively. Drugs (34.3%), burglary (10.8%), forgery (10.4%), theft (10.3%) and DUI (5.7%) were the top five offenses committed by the group of condition probation violators. Drugs (33.3%), theft (16.2%), burglary (13.2%) and forgery (10.3%) 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 2006. Tables 23 and 24 present the criminal history categories by severity level for the two types of violators who were sentenced to continued or extended probation.

**Table 23: 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	25	0	1	3	1	4	0	8	5	3
D2	6	0	0	0	0	3	0	1	0	2
D3	162	0	1	4	12	10	10	22	33	70
D4	655	12	16	44	27	100	52	92	141	171
N1	5	0	0	0	0	0	0	0	2	3
N2	0	0	0	0	0	0	0	0	0	0
N3	17	0	0	1	3	0	0	0	4	9
N4	12	0	0	0	0	0	1	3	1	7
N5	78	2	3	5	7	2	1	10	22	26
N6	19	1	1	2	0	1	0	4	4	6
N7	355	3	7	37	31	33	37	45	67	95
N8	339	2	7	46	16	63	27	34	64	79
N9	524	11	16	69	40	69	35	89	79	116
N10	124	1	6	10	11	13	10	16	17	40
Nongrid	151	0	1	1	0	1	2	3	5	3
<b>TOTAL</b>	<b>2,472</b>	<b>32</b>	<b>59</b>	<b>222</b>	<b>148</b>	<b>299</b>	<b>175</b>	<b>327</b>	<b>444</b>	<b>630</b>

Note: Criminal history classes are based on 2,336 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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**Table 24: 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	1	0	0	0	0	0	0	0	1	0
D2	0	0	0	0	0	0	0	0	0	0
D3	13	0	1	1	1	2	1	1	3	3
D4	54	2	0	2	1	8	4	13	10	14
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	0	0	0	0	0	0	0	0	0	0
N4	1	0	0	0	0	0	0	0	1	0
N5	6	0	0	0	0	0	0	0	3	3
N6	1	0	0	0	0	0	0	0	0	1
N7	33	0	1	3	2	3	3	5	11	5
N8	26	0	0	2	0	4	1	7	4	8
N9	52	0	1	11	2	6	2	6	10	14
N10	9	0	0	2	1	2	1	0	1	2
Nongrid	8	0	0	0	0	0	0	1	2	0
<b>TOTAL</b>	<b>204</b>	<b>2</b>	<b>3</b>	<b>21</b>	<b>7</b>	<b>25</b>	<b>12</b>	<b>33</b>	<b>46</b>	<b>50</b>

Note: Criminal history classes are based on 199 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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## CHAPTER THREE

# CONFORMITY TO THE SENTENCING GUIDELINES

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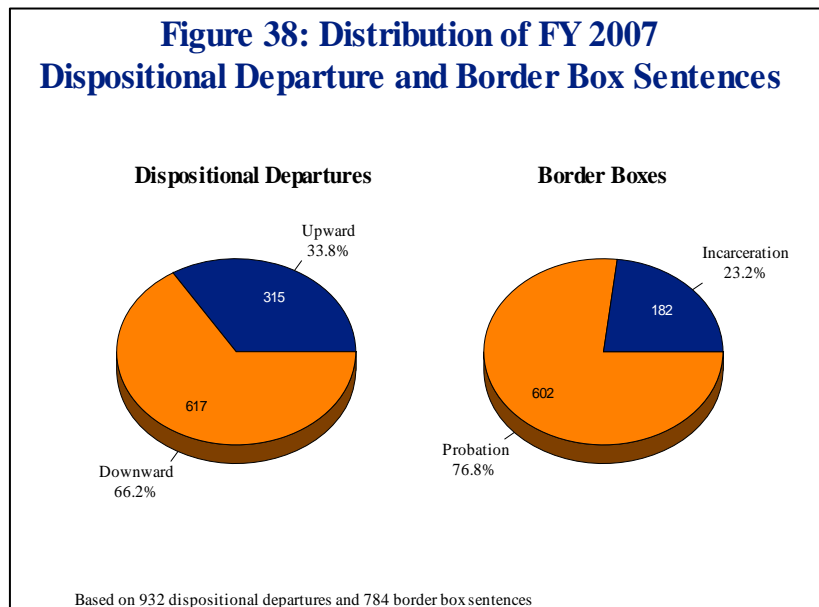
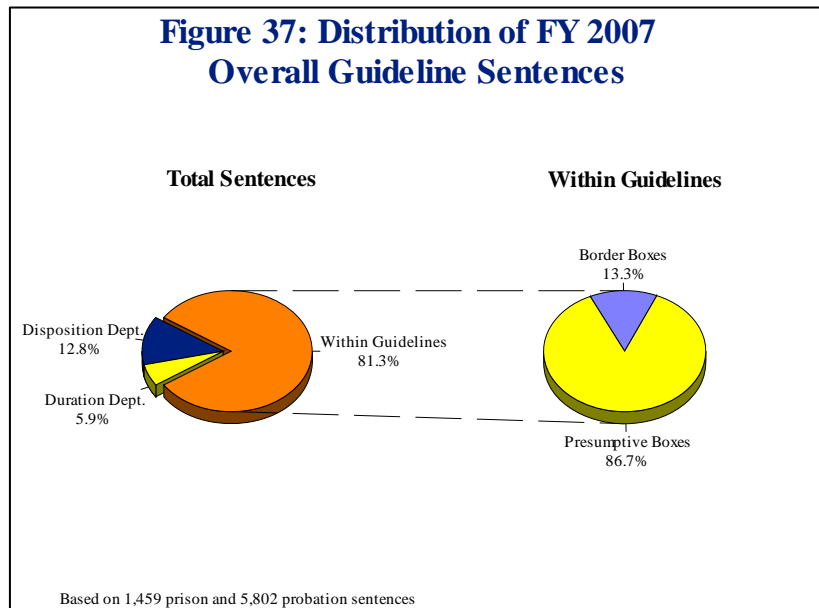
The analysis of conformity to the sentencing guidelines involves the comparison of the actual sentence imposed to the sentence identified under the Sentencing Guidelines Act. A sentence is considered to conform to the guidelines if it falls within the range of sentence lengths for a guideline grid box 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 2007, a total number of 7,261 pure guideline sentences were utilized for this analysis, including 1,459 incarceration guideline sentences and 5,802 probation sentences. Figure 37 demonstrates that 81.3% of the 7,261 guideline sentences were within the presumptive guideline grids, 5.9% indicated durational departures and 12.8% were dispositional departures. Of all the sentences within the presumptive guideline grids, 5,119 sentences (86.7%) fell within either the presumptive prison boxes or presumptive probation boxes, while 784 sentences (13.3%) were located on designated border boxes. Figure 38 indicates that 66.2% (617 sentences) of the 932 dispositional departures were downward departures and 33.8% (315 sentences) were upward dispositional departures. Approximately 77% of the 784 border box sentences resulted in probation sentences with only 23% of this group sentenced to prison. The analysis of durational departure sentences is only applicable to presumptive prison sentences.



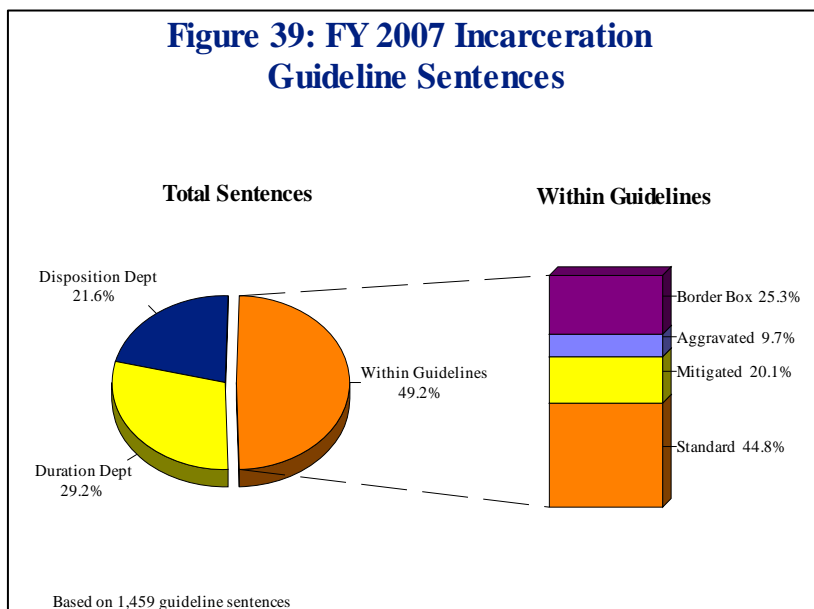


**CONFORMITY OF PRESUMPTIVE PRISON GUIDELINE SENTENCES**

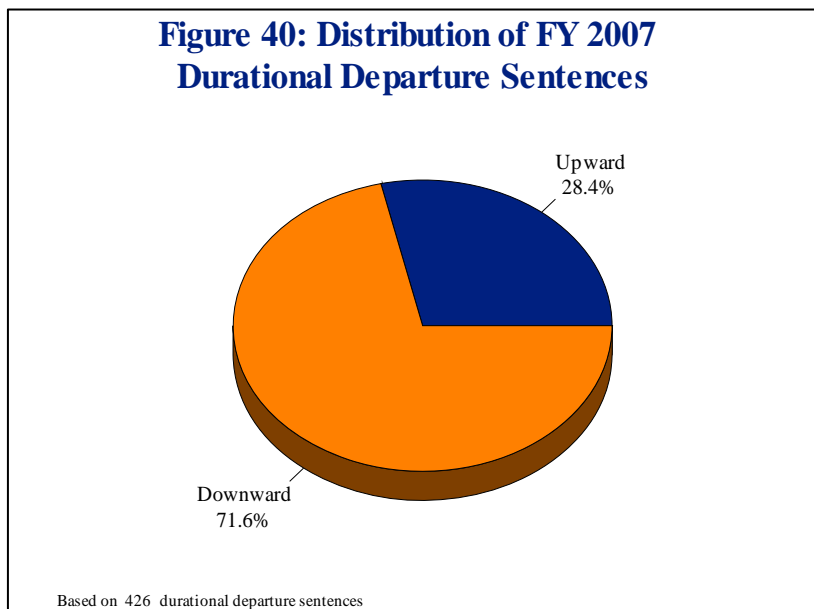
Presumptive prison guideline sentences refer to sentences that are designated above the incarceration line of the sentencing grids.

Revocations of probation conditions, either with or without new sentences, which result in prison sentences were excluded from this analysis. A total of 1,459 presumptive prison guideline sentences of FY 2007 were analyzed for this purpose.

More than 49% of total sentences fell within the presumptive incarceration range. Of these sentences within the guidelines, 44.8% were within the standard range, 9.7% were within the aggravated range, and 20.1% were within the mitigated range. More than 25% were located within designated border boxes (Figure 39).



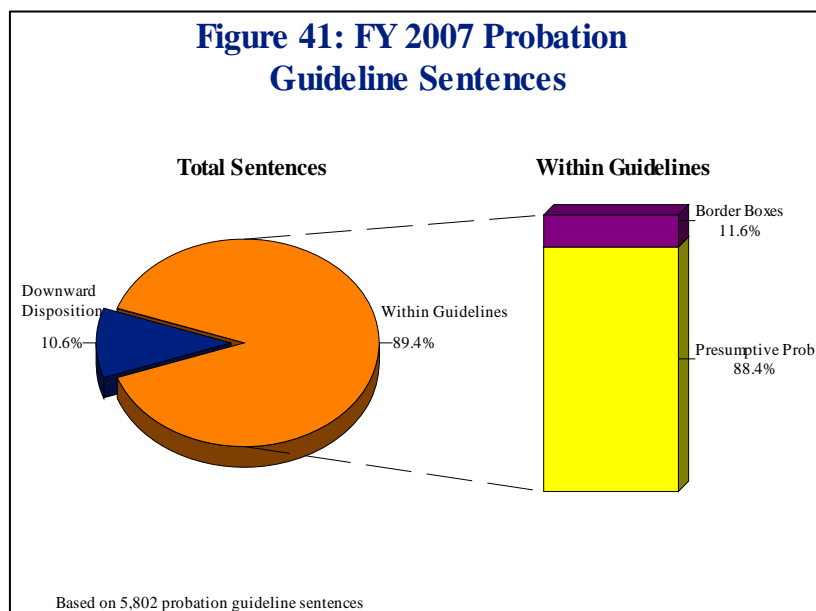
Among the durational departure sentences, 71.6% departed downward from the sentence lengths indicated on the presumptive range, while 28.4% departed upward from the presumptive guideline ranges. The percentage change of the upward durational departure sentences is a 1.3% decrease from that in FY 2006 (Figure 40).



### CONFORMITY OF PRESUMPTIVE PROBATION GUIDELINE SENTENCES

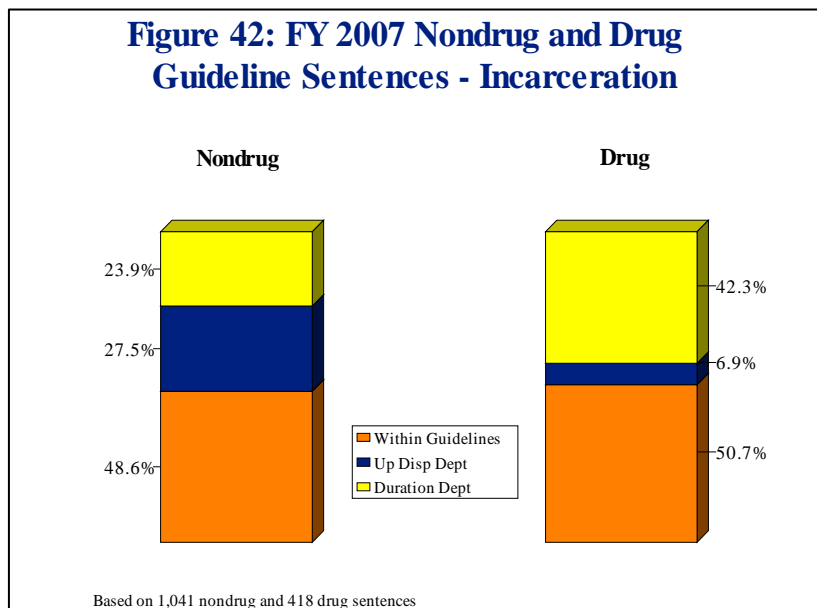
Sentences that are designated below the incarceration line of the sentencing grids are presumptive probation guideline sentences. The analysis of probation guideline sentences demonstrates that as expected, the majority of probation guideline sentences (89.4% or 5,185 cases) fell within presumptive guideline range, among which 88.4% were within presumptive probation grids and 11.6% were within border boxes

(Figure 41). The sentences within presumptive guideline range (5,185) accounted for almost 67% of the total probation sentences in FY 2007 (7,747), which decreased by 1% compared to the percentage rate of FY 2006 (68%). Further analysis of the dispositional departures indicates that probation sentences reflected downward dispositional departures of 10.6% (Figure 41), an increase of 0.6% compared with the percentage rate of FY 2006. Upward dispositional departure sentences were reflected in presumptive incarceration sentences (See Figure 39).

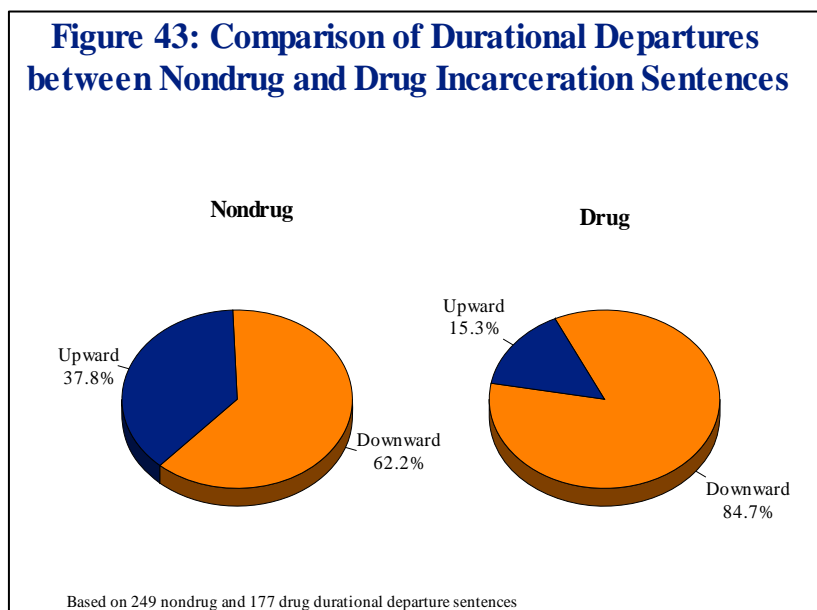


### CONFORMITY OF NONDRUG AND DRUG GUIDELINE SENTENCES

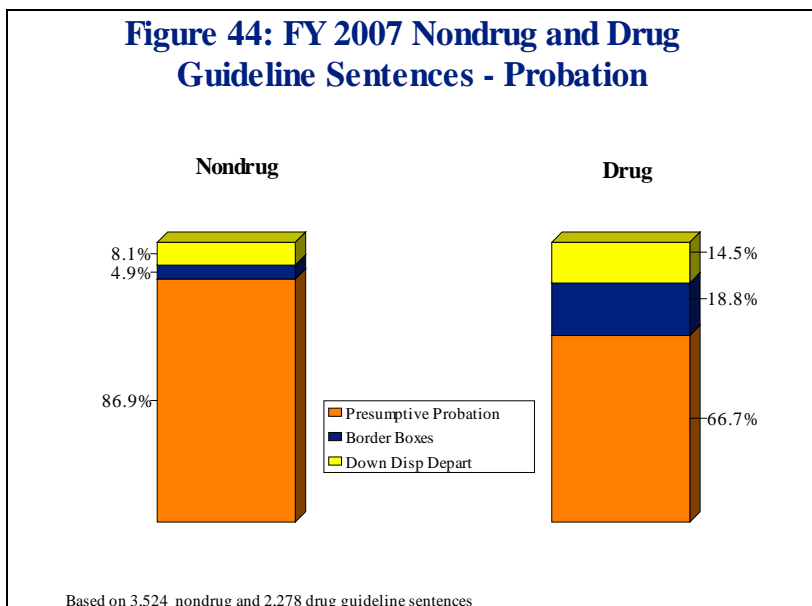
The comparative analysis of guideline incarceration sentences in terms of nondrug and drug sentences reveals that 27.5% of nondrug offenders showed upward dispositional departures, while only 6.9% of drug offenders indicated upward dispositional departures. Additionally, nondrug offenders represented 23.9% durational departures while drug offenders showed 42.3% durational departures (Figure 42).



The examination of durational departures indicates that downward departures represented 84.7% of the total durational departures on the drug grid. However, on the nondrug grid, 62.2% of durational departures were downward (in Figure 43). The majority of the upward departures were found at severity levels 1, 2, 3 and 4 of the nondrug grid, which include the most serious person offenses (Table 25).



Disparities were identified between nondrug and drug offenders on probation, as well (Figure 44). Drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences (14.5% vs. 8.1%). The rate of drug probation sentences resulting from border boxes was much higher than that of nondrug probation sentences (18.8% vs. 4.9%).



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 are within the border boxes (Figure 44).

### CONFORMITY RATES TO THE GUIDELINES BY SEVERITY LEVEL

The conformity rates of incarceration sentences to the guidelines at each severity level are presented in Table 25. Drug incarceration sentences, as a whole, indicated a 17.9% standard, 1.4% aggravated, 7.9% mitigated and 23.4% border box sentence distribution. Nondrug sentences revealed a 23.7% standard, 6.1% aggravated, 10.7% mitigated and 8.1%

border box sentence distribution. As for the departure sentences, drug sentences showed 6.5% upward durational departures and 35.9% downward durational departures, whereas nondrug sentences showed a 9% upward durational departure rate and a 14.9% downward durational departure rate. The highest rate of downward durational departures was identified at drug severity level 1 (80.6%) for drug incarceration sentences and nondrug severity level 3 (28%) for nondrug incarceration sentences. When examining dispositional departures, 27.5% of nondrug incarceration sentences were upward dispositional departures. By contrast, only 6.9% 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 the data observed in the past eleven years.

**Table 25: Conformity Rates by Severity Level - Incarceration Sentences**

Severity Level	N	Within Guidelines (%)				Departures (%)		
		Agg.	Standard	Mit.	Box	Durational		Dispositional
						Upward	Downward	Upward
D1	62		11.3	6.5		1.6	80.6	
D2	24	8.3	20.8	12.5		8.3	50.0	
D3	132	0.8	13.6	3.0	56.1	9.8	16.7	
D4	200	1.5	22.5	11.0	12.0	5.5	33.0	14.5
<b>Subtotal</b>	<b>418</b>	<b>1.4</b>	<b>17.9</b>	<b>7.9</b>	<b>23.4</b>	<b>6.5</b>	<b>35.9</b>	<b>6.9</b>
N1	55	20.0	25.5	5.5		25.5	23.6	
N2	26	19.2	19.2	7.7		30.8	23.1	
N3	157	10.2	32.5	15.3		14.0	28.0	
N4	41	7.3	36.6	19.5		12.2	24.4	
N5	200	5.5	18.0	9.0	40.0	6.0	21.5	
N6	35	2.9	25.7	14.3	11.4	8.6	20.0	17.1
N7	185	3.2	19.5	7.6		9.2	5.9	54.6
N8	76	5.3	17.1	3.9		5.3	7.9	60.5
N9	187	2.7	28.3	11.2		4.8	4.8	48.1
N10	79	2.5	19.0	16.5			7.6	54.4
<b>Subtotal</b>	<b>1,041</b>	<b>6.1</b>	<b>23.7</b>	<b>10.7</b>	<b>8.1</b>	<b>9.0</b>	<b>14.9</b>	<b>27.5</b>
<b>TOTAL</b>	<b>1,459</b>	<b>4.8</b>	<b>22.1</b>	<b>9.9</b>	<b>12.5</b>	<b>8.3</b>	<b>20.9</b>	<b>21.6</b>

Table 26 displays the conformity rates of probation sentences to the guidelines by severity level. Probation drug sentences indicated 14.5% downward dispositional departures, which should have been presumptive incarceration, while only 8.1% of probation nondrug sentences experienced downward dispositional departures. A significant difference also occurred within the border boxes of the grids. Drug offenders received more probation sentences

than nondrug offenders did when their severity levels and criminal history categories fell within the border boxes (18.8% versus 4.9%). The 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 eleven years.

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

Severity Level	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	30			100.0
D2	13			100.0
D3	478		88.9	11.1
D4	1,757	86.5	0.2	13.3
<b>Subtotal</b>	<b>2,278</b>	<b>66.7</b>	<b>18.8</b>	<b>14.5</b>
N1	4			100.0
N2	1			100.0
N3	44			100.0
N4	15			100.0
N5	209		78.9	21.1
N6	66	72.7	13.6	13.6
N7	837	93.2		6.8
N8	789	96.1		3.9
N9	1,201	94.2		5.8
N10	358	96.6		3.4
<b>Subtotal</b>	<b>3,524</b>	<b>86.9</b>	<b>4.9</b>	<b>8.1</b>
<b>TOTAL</b>	<b>5,802</b>	<b>79.0</b>	<b>10.4</b>	<b>10.6</b>

**CONFORMITY RATES TO THE GUIDELINES BY RACE**

Tables 27 and 28 present the conformity rates to the sentencing guidelines by race respectively for the drug and nondrug offenders admitted to prison in FY 2007. The examination of drug incarceration sentences within guidelines indicates that blacks received more standard sentences (23.7% vs. 15.8%) and mitigated sentences (9.3% vs. 7.5%) than whites. However, white offenders represented a higher percentage in aggravated sentences than black offenders (1.4% vs. 0.8%). No big percentage difference was identified between whites and blacks in border box sentences (24% vs. 23.7%). When reviewing sentence departures, whites indicated a much higher percentage of downward durational departures (39.4% vs. 25.4%) and

a lower percentage of upward durational departures (4.5% vs. 11%) than blacks, while black offenders received fewer upward dispositional departures than white offenders (5.9% vs. 7.5%), (Table 27).

The analysis of nondrug incarceration sentences demonstrates that white nondrug offenders represented higher percentages in aggravated sentences (6.4% vs. 5.7%), border box sentences (8.9% vs. 5.3%) and upward dispositional departures (29.1% vs. 24.2%) than black nondrug offenders. Similar with drug sentences, blacks received higher rates of standard sentences (24.6 vs. 22.9%) and mitigated sentences (13.2% vs. 9.7%) for nondrug offenses than whites. In addition, blacks received more durational departure sentences in both upward (11% vs. 8.4%) and downward departures (16% vs. 14.6%) than whites (Table 28).

**Table 27: 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	58		12.1	5.2		1.7	81.0	
	Black	1			100.0				
	Other	3						100.0	
D2	White	17	5.9	17.6	5.9		11.8	58.8	
	Black	6	16.7	33.3	33.3			16.7	
	Other	1						100.0	
D3	White	88	1.1	10.2	3.4	63.6	5.7	15.9	
	Black	42		19.0	2.4	42.9	16.7	19.0	
	Other	2		50.0			50.0		
D4	White	129	1.6	20.9	11.6	10.9	3.9	34.1	17.1
	Black	69		26.1	10.1	14.5	8.7	30.4	10.1
	Other	2	50.0					50.0	
<b>Total</b>	<b>White</b>	<b>292</b>	<b>1.4</b>	<b>15.8</b>	<b>7.5</b>	<b>24.0</b>	<b>4.5</b>	<b>39.4</b>	<b>7.5</b>
	<b>Black</b>	<b>118</b>	<b>0.8</b>	<b>23.7</b>	<b>9.3</b>	<b>23.7</b>	<b>11.0</b>	<b>25.4</b>	<b>5.9</b>
	<b>Other</b>	<b>8</b>	<b>12.5</b>	<b>12.5</b>			<b>12.5</b>	<b>62.5</b>	

Note: Based on 418 drug incarceration guideline sentences reporting race of offenders.

**Table 28: 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	41	19.5	19.5	4.9		29.3	26.8	
	Black	11	27.3	36.4	9.1		9.1	18.2	
	Other	3		66.7			33.3		
N2	White	22	18.2	22.7	4.5		31.8	22.7	
	Black	3	33.3				33.3	33.3	
	Other	1			100.0				
N3	White	110	11.8	33.6	13.6		11.8	29.1	
	Black	44	6.8	27.3	20.5		20.5	25.0	
	Other	3		66.7				33.3	
N4	White	34	8.8	32.4	23.5		8.8	26.5	
	Black	7		57.1			28.6	14.3	
	Other	0							
N5	White	139	5.8	15.8	7.9	45.3	4.3	20.9	
	Black	56	3.6	25.0	12.5	25.0	10.7	23.2	
	Other	5	20.0			60.0		20.0	
N6	White	28	3.6	21.4	14.3	10.7	10.7	21.4	17.9
	Black	5		20.0	20.0	20.0		20.0	20.0
	Other	2		100.0					
N7	White	128	3.1	22.7	6.3		8.6	5.5	53.9
	Black	54	3.7	11.1	11.1		11.1	7.4	55.6
	Other	3		33.3					66.7
N8	White	51	3.9	11.8	2.0		5.9	3.9	72.5
	Black	24	8.3	25.0	8.3		4.2	16.7	37.5
	Other	1		100.0					
N9	White	131	1.5	26.7	9.9		3.1	3.1	55.7
	Black	53	5.7	32.1	13.2		9.4	9.4	30.2
	Other	3		33.3	33.3				33.3
N10	White	55	3.6	18.2	16.4			5.5	56.4
	Black	24		20.8	16.7			12.5	50.0
	Other	0							
<b>Total</b>	<b>White</b>	<b>739</b>	<b>6.4</b>	<b>22.9</b>	<b>9.7</b>	<b>8.9</b>	<b>8.4</b>	<b>14.6</b>	<b>29.1</b>
	<b>Black</b>	<b>281</b>	<b>5.7</b>	<b>24.6</b>	<b>13.2</b>	<b>5.3</b>	<b>11.0</b>	<b>16.0</b>	<b>24.2</b>
	<b>Other</b>	<b>21</b>	<b>4.8</b>	<b>42.9</b>	<b>9.5</b>	<b>14.3</b>	<b>4.8</b>	<b>9.5</b>	<b>14.3</b>

Note: Based on 1,041 nondrug incarceration guideline sentences reporting race of offenders.



The conformity rates by race for offenders sentenced to probation during FY 2007 are exhibited in Tables 29 and 30. White offenders received more presumptive probation sentences for drug offenses than black offenders (69.3 vs. 57.9%) but black drug offenders indicated a higher rate of border box sentences (21.1% vs. 18.1%) and downward dispositional departures than white drug offenders (20.9% vs. 12.7%), (Table 29).

The conformity rates of the probation sentences of the nondrug offenders reveal

that similar to the drug sentence pattern, white nondrug offenders received more presumptive probation sentences than black nondrug offenders (88.5 vs. 81.4%), while black offenders represented a higher percentage of border box sentences (6.1% vs. 4.6%) and downward dispositional departures than white offenders for nondrug offenses (12.5% vs. 6.9%). This sentence distribution for nondrug offenders did not fluctuate much as compared with that of FY 2006 (Table 30).

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

Severity Level	Race	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	White	27			100.0
	Black	2			100.0
	Other	0			
D2	White	8			100.0
	Black	5			100.0
	Other	0			
D3	White	346		91.0	9.0
	Black	124		82.3	17.7
	Other	3		100.0	
D4	White	1,373	88.5	0.1	11.4
	Black	356	79.2	0.3	20.5
	Other	27	85.2		14.8
<b>Total</b>	<b>White</b>	<b>1,754</b>	<b>69.3</b>	<b>18.1</b>	<b>12.7</b>
	<b>Black</b>	<b>487</b>	<b>57.9</b>	<b>21.1</b>	<b>20.9</b>
	<b>Other</b>	<b>30</b>	<b>76.7</b>	<b>10.0</b>	<b>13.3</b>

Note: Based on 2,271 drug probation sentences reporting race of offenders.

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

Severity Level	Race	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
N1	White	4			100.0
	Black	0			
	Other	0			
N2	White	1			100.0
	Black	0			
	Other	0			
N3	White	30			100.0
	Black	14			100.0
	Other	0			
N4	White	11			100.0
	Black	4			100.0
	Other	0			
N5	White	147		78.2	21.8
	Black	57		82.5	17.5
	Other	5		60.0	40.0
N6	White	52	76.9	15.4	7.7
	Black	12	50.0	8.3	41.7
	Other	2	100.0		
N7	White	643	94.4		5.6
	Black	173	88.4		11.6
	Other	19	94.7		5.3
N8	White	598	96.7		3.3
	Black	173	94.8		5.2
	Other	12	83.3		16.7
N9	White	920	95.8		4.2
	Black	258	88.4		11.6
	Other	17	94.1		5.9
N10	White	258	97.7		2.3
	Black	93	93.5		6.5
	Other	6	93.5		6.5
<b>Total</b>	<b>White</b>	<b>2,664</b>	<b>88.5</b>	<b>4.6</b>	<b>6.9</b>
	<b>Black</b>	<b>784</b>	<b>81.4</b>	<b>6.1</b>	<b>12.5</b>
	<b>Other</b>	<b>61</b>	<b>85.2</b>	<b>4.9</b>	<b>9.8</b>

Note: Based on 3,509 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 2007. For drug incarceration sentences, only males received aggravated sentences and upward durational departures. In addition, male drug offenders represented higher rates in standard sentences (18.5% vs. 12.5%) and mitigated sentences (8.2% vs. 5%). While females received more border box sentences for drug crimes (30% vs. 22.8%) than males. The examination of departure sentences demonstrates that female drug offenders represented higher rates in downward durational departures (42.5% vs. 35.2%) and upward dispositional departures (10% vs. 6.6%) than their counterparts (Table 31).

The evaluation of nondrug incarceration sentences reveals that within guidelines, males represented higher percentages than females in aggravated sentences (6.3% vs. 4.4%), standard sentences (24.6% vs. 11.8%) and mitigated sentences (10.8% vs. 8.8%), which is pretty consistent with the data observed in FY 2006. Female nondrug offenders received a lot more border box sentences than male nondrug offenders (22.1% vs. 7.1%). The analysis of departure sentences demonstrates that female nondrug offenders stood for the lower rate of upward durational departure sentences (7.4% vs. 9.1%) and downward durational departures (10.3% vs. 15.2%) than males. However, females represented a much higher percentage in upward dispositional departures (35.3% vs. 26.9%) than their counterparts (Table 32).

**Table 31: 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	54		13.0	7.4		1.9	77.8	
	Female	8						100.0	
D2	Male	21	9.5	19.0	14.3		9.5	47.6	
	Female	3		33.3				66.7	
D3	Male	118	0.8	13.6	2.5	54.2	11.0	17.8	
	Female	14		14.3	7.1	71.4		7.1	
D4	Male	185	1.6	23.3	11.4	11.9	5.9	32.4	13.5
	Female	15		13.3	6.7	13.3		40.0	26.7
<b>Total</b>	<b>Male</b>	<b>378</b>	<b>1.6</b>	<b>18.5</b>	<b>8.2</b>	<b>22.8</b>	<b>7.1</b>	<b>35.2</b>	<b>6.6</b>
	<b>Female</b>	<b>40</b>		<b>12.5</b>	<b>5.0</b>	<b>30.0</b>		<b>42.5</b>	<b>10.0</b>

Note: Based on 418 drug incarceration guideline sentences.

**Table 32: 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	54	20.4	25.9	5.6		25.9	22.2	
	Female	1						100.0	
N2	Male	24	20.8	20.8	8.3		29.2	20.8	
	Female	2					50.0	50.0	
N3	Male	152	10.5	31.6	15.8		14.5	27.6	
	Female	5		60.0				40.0	
N4	Male	40	7.5	37.5	20.0		10.0	25.0	
	Female	1					100.0		
N5	Male	174	5.2	19.5	9.2	37.9	5.2	23.0	
	Female	26	7.7	7.7	7.7	53.8	11.5	11.5	
N6	Male	32	3.1	21.9	15.6	9.4	9.4	21.9	18.8
	Female	3		66.7		33.3			
N7	Male	182	3.3	19.2	7.7		9.3	6.0	54.4
	Female	3		33.3					66.7
N8	Male	66	6.1	19.7	3.0		6.1	9.1	56.1
	Female	10			10.0				90.0
N9	Male	177	2.8	29.9	10.2		5.1	5.1	46.9
	Female	10			30.0				70.0
N10	Male	72	1.4	20.8	18.1			8.3	51.4
	Female	7	14.3						85.7
<b>Total</b>	<b>Male</b>	<b>973</b>	<b>6.3</b>	<b>24.6</b>	<b>10.8</b>	<b>7.1</b>	<b>9.1</b>	<b>15.2</b>	<b>26.9</b>
	<b>Female</b>	<b>68</b>	<b>4.4</b>	<b>11.8</b>	<b>8.8</b>	<b>22.1</b>	<b>7.4</b>	<b>10.3</b>	<b>35.3</b>

Note: Based on 1,041 nondrug incarceration guideline sentences.

The conformity rates of the probation sentences by gender are demonstrated in Tables 33 and 34. The analyses of the offenders on probation show that females on both drug and nondrug grids received less downward dispositional departures than males (4.7% vs. 17.8%), (Table 33); (3.9% vs. 9.4%), (Table 34). 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 were designated within the presumptive probation portion of the grid (Tables 31 and 32). Females were less likely to receive a downward dispositional departure to probation if their sentences fell within a presumptive prison box (Tables 33 and 34). The above findings continue the trend that was present in the past eleven years (Annual Reports of FY 1996, FY 1997, FY 1998, FY 1999, FY 2000, FY 2001, FY 2002, FY 2003, FY 2004, FY 2005 and FY 2006).

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

Severity Level	Gender	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	Male	24			100.0
	Female	5			100.0
D2	Male	11			100.0
	Female	2			100.0
D3	Male	383		87.5	12.5
	Female	90		94.4	5.6
D4	Male	1,273	82.7	0.2	17.1
	Female	483	96.7	0.2	3.1
<b>Total</b>	<b>Male</b>	<b>1,691</b>	<b>62.3</b>	<b>19.9</b>	<b>17.8</b>
	<b>Female</b>	<b>580</b>	<b>80.5</b>	<b>14.8</b>	<b>4.7</b>

Note: Based on 2,271 drug probation sentences reporting gender of offenders.

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

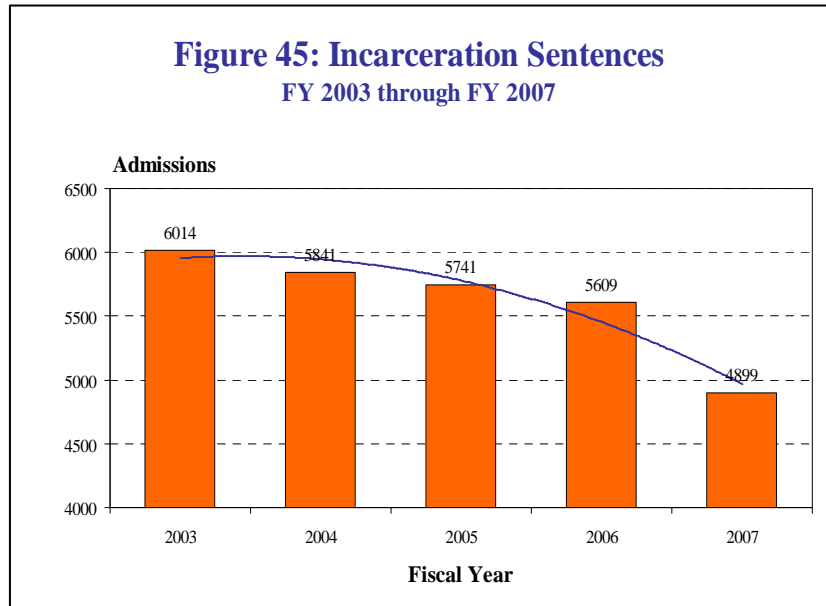
Severity Level	Gender	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
N1	Male	4			100.0
	Female	0			
N2	Male	1			100.0
	Female	0			
N3	Male	36			100.0
	Female	8			100.0
N4	Male	13			100.0
	Female	2			100.0
N5	Male	183		78.1	21.9
	Female	26		84.6	15.4
N6	Male	57	68.4	15.8	15.8
	Female	9	100.0		
N7	Male	737	92.5		7.5
	Female	98	98.0		2.0
N8	Male	475	94.5		5.5
	Female	308	98.4		1.6
N9	Male	953	93.5		6.5
	Female	242	96.7		3.3
N10	Male	274	96.0		4.0
	Female	83	98.8		1.2
<b>Total</b>	<b>Male</b>	<b>2,733</b>	<b>85.0</b>	<b>5.6</b>	<b>9.4</b>
	<b>Female</b>	<b>776</b>	<b>93.3</b>	<b>2.8</b>	<b>3.9</b>

Note: Based on 3,509 nondrug probation sentences reporting gender of offenders.

## CHAPTER FOUR SENTENCING TRENDS AND FORECAST

### INCARCERATION SENTENCES

The trend analysis of prison admissions in the past five years demonstrates a very obvious declining tendency. The number of admissions in FY 2007 decreased significantly by 710 or 12.7% when compared with that of FY 2006 and 18.5% compared with that of FY 2003 (Figure 45). Table 35 displays the prison admission patterns by month in the past five years.



**Table 35: Prison Admissions by Month**

Month by Fiscal Year	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
July	523	525	439	407	417
August	569	441	497	570	420
September	521	460	501	534	390
October	577	500	413	473	448
November	479	418	466	473	375
December	475	550	441	459	354
January	472	445	407	461	442
February	440	435	471	443	355
March	460	560	575	472	422
April	520	491	491	409	397
May	466	469	486	492	502
June	512	547	554	416	377
<b>Total</b>	<b>6014</b>	<b>5841</b>	<b>5,741</b>	<b>5,609</b>	<b>4,899</b>

Table 36 presents the trend of admissions to prison by type in the past five years. The admissions of new court commitments in FY 2007 decreased by 0.3% compared with FY 2006 and decreased by 2.7% compared with FY 2003. The number of probation condition violators admitted to prison in FY 2007 decreased by 14.1% from that of FY 2006, which is the first declining of admissions in the past five years. However, when compared with that of FY 2003, probation condition violators admitted in FY 2007 still increased by 16.9%. Probation violators with new sentences admitted to prison in FY 2007 decreased greatly, as well, by 30.3% compared with FY 2006 and by 51.7% compared with FY 2003. The number of parole/post-release supervision condition violators admitted to prison in FY

2007 continued dropping, indicating a decrease of 25.2% and 49.3%, respectively, compared with those in FY 2006 and FY 2003. On the contrary, the number of parole/post-release violators with new sentences in FY 2007 continued growing, demonstrating an increase of 12.5% over that of FY 2006 and 31.3% over that of FY 2003. The largest percentage decrease is identified in the number of conditional release violators, which decreased by 64.7% in the past five years, though increased by 100% compared with that of FY 2006. There was only one admission of conditional release violator with new sentences during FY 2007. As pre-guideline sentences are reducing, these two types of conditional release violators will be eventually out of the prison system.

**Table 36: Comparison of Prison Admissions by Type**

Admission Type	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2007-2003 % Difference
New Court Commitment	1,649	1,512	1,489	1,610	1,605	-2.7%
Probation Violator	1,497	1,709	1,783	2,038	1,750	16.9%
Probation Violator with New Sentence	205	148	126	142	99	-51.7%
Parole/Postrelease Violator	2,406	2,253	2,109	1,632	1,221	-49.3%
Parole/Postrelease Violator with New Sent	144	146	163	168	189	31.3%
Conditional Release Violator	51	39	29	9	18	-64.7%
Conditional Release Violator with New Sent	4	3	3	0	1	-75.0%
Other Types*	58	31	39	10	16	-72.4%
<b>Total</b>	<b>6,014</b>	<b>5,841</b>	<b>5,741</b>	<b>5,609</b>	<b>4,899</b>	<b>-18.5%</b>

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

The admission trend of incarceration drug sentences by severity level in the past five years is exhibited in Table 37. In FY 2007, admissions at all drug levels indicated a decrease from those of the previous year, with the exception of admissions at drug level 4. The overall admissions of drug offenders in FY 2007 indicated a decrease of

7.5% compared with FY 2006 and 16.7% compared with FY 2003.

Further analysis of the drug incarceration sentences demonstrates that the number of drug severity level 4 continued increasing in the past five years with an increase of 9.5% compared with that of FY 2003. The largest



decrease was found at drug severity level 2 during FY 2007, which decreased by 55.4% from that of FY 2003 (Table 37).

The total nondrug admissions to prison kept dropping in the past five years, decreased by 14.8% from that of FY 2006 and by 19.3% from that of FY 2003. 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 42.1%, level 3 with a decrease of 35.3%, level 4 with a decrease of 36.1% and level 6 with a decrease of 42.3%. No significant fluctuations were identified in the numbers

of admissions at lower nondrug severity levels 8, 9 and 10 from FY 2003 to FY 2007 (Table 38).

Though small in number, offgrid sentences decrease by 13.2% compared with FY 2006 and decreased by 32.7% compared with FY 2003. Nevertheless an increase trend should occur in the future resulting from Jessica's Law passed in the 2006 Legislative Session. Nongrid offenders admitted to prison in FY 2007 were all violators under the crime of DUI (108 offenders), demonstrating the largest increase in percentage during the past five years (an increase of 2,060%).

**Table 37: Comparison of Drug Prison Admissions by Severity Level**

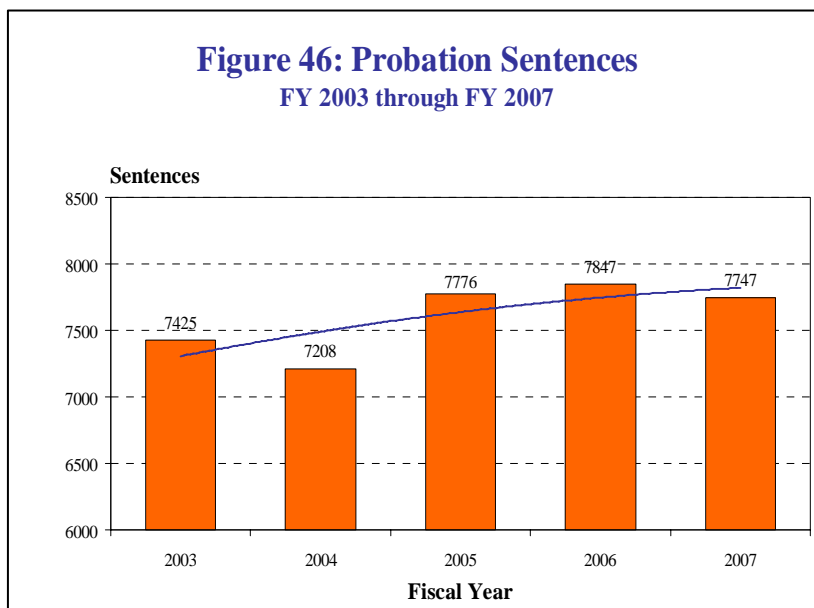
Severity Level	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2007-2006 % Difference	FY 2007-2003 % Difference
D1	235	229	187	199	149	-25.1%	-36.6%
D2	204	179	132	136	91	-33.1%	-55.4%
D3	617	567	516	487	438	-10.1%	-29.0%
D4	768	728	781	820	841	2.6%	9.5%
<b>Total</b>	<b>1,824</b>	<b>1,703</b>	<b>1,616</b>	<b>1,642</b>	<b>1,519</b>	<b>-7.5%</b>	<b>-16.7%</b>

**Table 38: Comparison of Nondrug Prison Admissions by Severity Level**

Severity Level	FY 2003	FY 2004	FY 2005	FY2006	FY 2007	FY 2007-2006 % Difference	FY 2007-2003 % Difference
N1	113	108	96	101	86	-14.9%	-23.9%
N2	121	99	112	84	70	-16.7%	-42.1%
N3	604	559	562	503	391	-22.3%	-35.3%
N4	155	151	123	125	99	-20.8%	-36.1%
N5	718	586	584	551	513	-6.9%	-28.6%
N6	208	171	158	147	120	-18.4%	-42.3%
N7	864	825	809	792	675	-14.8%	-21.9%
N8	424	458	462	445	396	-11.0%	-6.6%
N9	703	728	737	804	662	-17.7%	-5.8%
N10	206	261	235	228	215	-5.7%	4.4%
Offgrid	49	37	33	38	33	-13.2%	-32.7%
Nongrid	5	148	206	134	108	-19.4%	2060.0%
Unknown	20	7	8	15	12	-20.0%	-40.0%
<b>Total</b>	<b>4,190</b>	<b>4,138</b>	<b>4,125</b>	<b>3,967</b>	<b>3,380</b>	<b>-14.8%</b>	<b>-19.3%</b>

## PROBATION SENTENCES

The total sentencing trend of probation sentences in the past five years is displayed in Figure 46. The number of probation sentences in FY 2007 indicated a decrease of 1.3% (100 sentences) compared with that of FY 2006 but an increase of 4.3% (322 sentences) compared with that of FY 2003.



The sentencing trend of the probation sentences by severity level for drug offenses during the past five years is presented in Table 39. The analysis shows that except at drug severity level 2, drug probation sentences at all other levels in FY 2007 decreased compared with FY 2006. The largest decrease of probation sentences for drug offenses was at drug severity level 1, a decrease of 47.6% compared with that of FY 2006. The total number of drug probation sentences in FY 2007 decreased by 5.7% from that of FY 2006. When compared with FY 2003, drug probation sentences at severity levels 1, 2 and 3 reduced by 25%, 74.6% and 4.2% respectively, while drug probation sentences at severity level 4 increased by 18.3%. This increase at drug severity level 4 mirrors 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.

The analysis of nondrug probation sentences indicates that the number of nondrug probation sentences in FY 2007 increased by 1.3% and 1.7%, respectively, compared with those of FY 2006 and FY 2003. The largest increase of nondrug probation sentences in the past five years were found at nondrug severity level 8 (an increase of 17.8%, 147 sentences) followed by nongrid (an increase of 17%, 117 sentences) and nondrug severity level 5 (an increase of 16.8%, 34 sentences) compared with the data observed in FY 2003 (Table 40).

**Table 39: Comparison of Probation Drug Sentences by Severity Level  
FY 2003 through FY 2007**

Severity Level	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2007-2006 % Difference	FY 2007-2003 % Difference
D1	44	36	121	63	33	-47.6%	-25.0%
D2	71	44	20	18	18	0.0%	-74.6%
D3	566	633	653	570	542	-4.9%	-4.2%
D4	1,767	1,728	1,983	2,196	2,091	-4.8%	18.3%
<b>Total</b>	<b>2,448</b>	<b>2,441</b>	<b>2,777</b>	<b>2,847</b>	<b>2,684</b>	<b>-5.7%</b>	<b>9.6%</b>

**Table 40: Comparison of Probation Nondrug Sentences by Severity Level  
FY 2003 through FY 2007**

Severity Level	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2007-2006 % Difference	FY 2007-2003 % Difference
N1	5	7	4	4	4	0.0%	-20.0%
N2	4	0	0	2	1	-50.0%	-75.0%
N3	61	48	46	33	49	48.5%	-19.7%
N4	17	13	4	17	15	-11.8%	-11.8%
N5	202	212	223	211	236	11.8%	16.8%
N6	91	62	61	95	68	-28.4%	-25.3%
N7	1,024	934	1,053	997	1,013	1.6%	-1.1%
N8	825	781	793	879	972	10.6%	17.8%
N9	1,521	1,430	1,539	1,534	1,479	-3.6%	-2.8%
N10	538	557	454	422	420	-0.5%	-21.9%
Nongrid	689	723	822	806	806	0.0%	17.0%
<b>Total</b>	<b>4,977</b>	<b>4,767</b>	<b>4,999</b>	<b>5,000</b>	<b>5,063</b>	<b>1.3%</b>	<b>1.7%</b>

## PRISON POPULATION FORECASTS

The prison population forecasts are based on historical sentencing data, primarily on the data of FY 2007, 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 9,251 by June 30, 2017, which indicates an increase of 397 inmates or 4.5% over the actual prison population on the same date of year 2007. 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. The decrease of prison population after 2009 results from the implementation of House Substitute for Senate Bill 14, passed during the 2007 Legislative Session, which promotes 20% reduction of probation revocation rate, modifies some good time rates from 15% to 20% and provides potential credit for program completion. The effective date is January 1, 2008 (Figure 47).

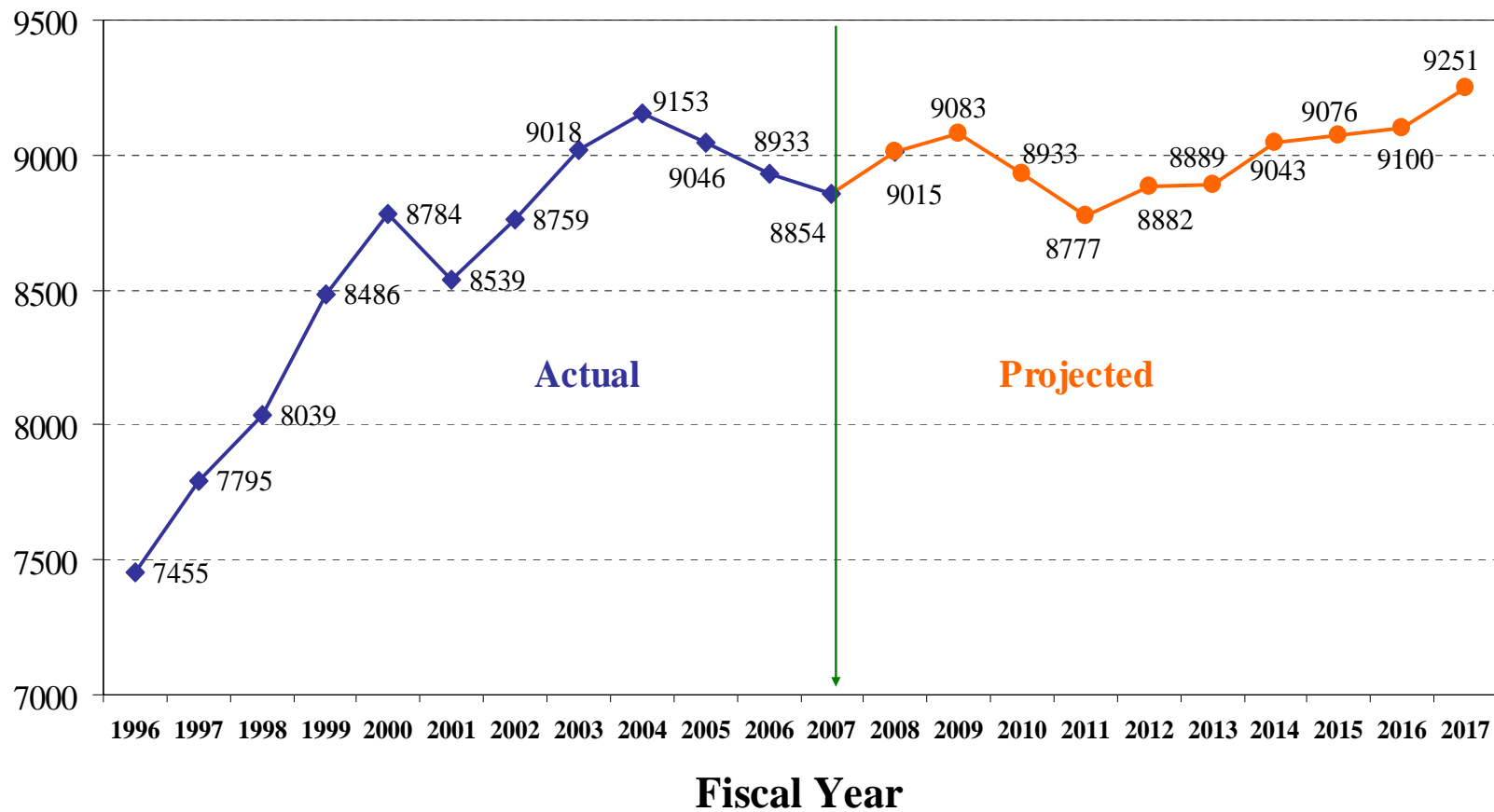
FY 2008 prison population projections by severity levels are presented in Table 41. The most significant increase in both number and percentage of incarcerated populations in the next ten years is identified in the group of offgrid offenders, an increase of 792 offenders or 108.8%. This significant growth is primarily due to the implementation of Jessica's Law (House Bill 2567) passed in the 2006 Legislative Session.

The second largest increase in number falls at nondrug severity level 1, an increase of 184 offenders over the ten-year forecast period. This is due to the "stacking effect" of long sentence length of most serious offenses, even though the number of admissions is decreasing (Table 38).

The largest decrease is found at nondrug severity levels 3 and 7 with a deduction of 198 and 128 offenders respectively in the next ten years. This decreasing tendency reflects the implementation of House Bill 2576, as well, which reclassifies certain sexual offenses at these levels as offgrid felonies.

The prison population of drug offenders at all severity levels displays a declining trend in the ten-year forecast period. This tendency may result from the implementation of Senate Bill 123, which reclassifies all drug possession offenses under KSA 65-4160 and KSA 65-4162 to drug severity level 4 and establishes a non-prison sanction of certified drug abuse treatment programs for the eligible drug offenders supervised by community correctional services. Figure 47 depicts the trend of the actual and projected prison population from FY 1996 through FY 2017.

## Figure 47: Prison Population Actual and Projected



**Table 41: FY 2008 Adult Inmate Prison Population Projections**

Severity Level	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	June 30 2017	Total # Increase	Percent Increase
D1	452	418	398	392	388	399	417	429	433	427	432	-20	-4.4%
D2	187	168	163	152	137	138	133	137	133	128	126	-61	-32.6%
D3	494	528	536	500	494	450	451	476	462	443	443	-51	-10.3%
D4	771	747	792	757	741	764	719	740	739	722	703	-68	-8.8%
N1	847	870	882	896	916	933	946	975	997	1012	1031	184	21.7%
N2	446	454	437	435	441	430	430	417	407	404	397	-49	-11.0%
N3	1333	1328	1303	1290	1266	1245	1223	1198	1169	1167	1135	-198	-14.9%
N4	276	276	272	286	287	279	278	269	282	280	282	6	2.2%
N5	1067	1069	1079	1040	989	999	998	1008	997	1003	1014	-53	-5.0%
N6	162	159	149	134	127	137	122	142	134	123	130	-32	-19.8%
N7	797	868	868	820	722	710	704	660	665	640	669	-128	-16.1%
N8	218	284	252	244	229	221	214	236	216	225	241	23	10.6%
N9	244	308	297	263	248	258	248	245	242	263	255	11	4.5%
N10	46	65	61	50	42	62	58	56	59	45	50	4	8.7%
OFF GRID	728	735	825	905	986	1077	1165	1252	1343	1425	1520	792	108.8%
Condition Parole/PIS Violators	786	738	769	769	764	780	783	803	798	793	823	37	4.7%
<b>Total</b>	<b>8854</b>	<b>9015</b>	<b>9083</b>	<b>8933</b>	<b>8777</b>	<b>8882</b>	<b>8889</b>	<b>9043</b>	<b>9076</b>	<b>9100</b>	<b>9251</b>	<b>397</b>	<b>4.5%</b>

\*. Based on the actual prison population on that date (for the purpose of forecasting, nongrid and missing are analyzed and assigned to each level).  
 Note: Based on House Substitute for Senate Bill 14 enacted into law on July 1, 2007.

## CUSTODY CLASSIFICATION PROJECTION

The prison population projections forecast the total beds needed over the ten-year forecast period, while custody classification projections predict the kinds of beds needed for custody in the next ten years. As demonstrated in Table 42, the overall custodial classification projections indicate that 249 unclassified beds, 3,059 minimum beds, 2,638 medium low beds, 1,438 medium high beds, 936 maximum beds and 695 special management beds will be needed by the end of FY 2008. The total projected prison beds, by the end of FY 2017, will include 225 unclassified beds, 2,996 minimum beds, 2,604 medium low beds, 1,535 medium high beds, 1,028 maximum beds and 863 special management beds.

Figure 48 illustrates the projected percentage distributions of the custodial classifications by gender, which demonstrates a significant difference between male and female offenders. Females will need 4% unclassified, 60.5% minimum, 13.3% medium low, 9.7%

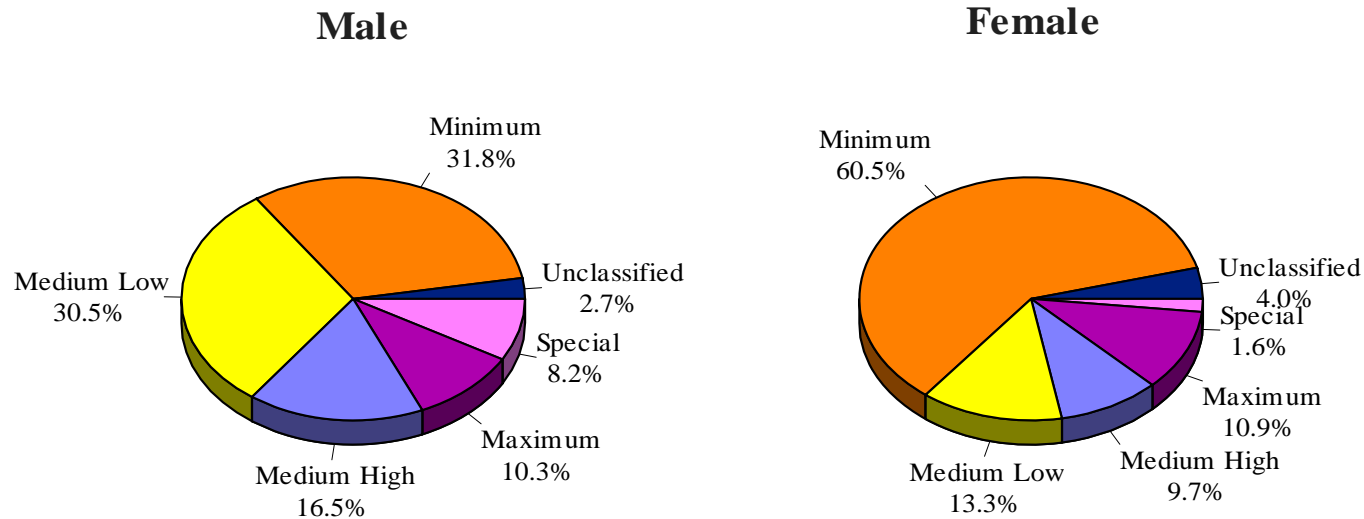
medium high, 10.9% maximum custody and 1.6% special management beds by the end of FY 2008. Males will need 2.7% unclassified, 31.8% minimum, 30.5% medium low, 16.5% medium high, 10.3% maximum custody and 8.2% special management beds by the end of FY 2008. These classification percentages of male and female offenders remain fairly constant during the ten-year forecasting period.

For male offenders, medium high beds indicate an increase of 94, maximum beds shows an increase of 106, special management beds will increase by 171; while the other types of unclassified, minimum and medium low beds demonstrate a decrease of 22, 54 and 47, respectively, over the ten-year forecast period. The beds for females, in terms of custody types, do not fluctuate much in the next ten years with an increase of 13 of medium low beds and a decrease of 14 of maximum beds. This forecast assumes no changes in custody practice over the ten-year forecast period.

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

June 30 Each Year	Unclassified	Minimum	Medium Low	Medium High	Maximum	Special	Total
2008	249	3,059	2,638	1,438	936	695	9,015
2009	245	3,034	2,631	1,445	938	790	9,083
2010	227	3,001	2,521	1,446	961	777	8,933
2011	250	2,989	2,447	1,386	914	791	8,777
2012	221	3,023	2,473	1,427	939	799	8,882
2013	234	2,981	2,460	1,453	932	829	8,889
2014	245	3,068	2,510	1,454	960	806	9,043
2015	232	3,008	2,550	1,483	985	818	9,076
2016	238	3,002	2,542	1,479	984	855	9,100
2017	225	2,996	2,604	1,535	1,028	863	9,251

## Figure 48: Projected Percentage Distribution of Custody Classification by Gender



Based on the projected prison population on June 30, 2008 (male = 8,344 and female = 671).



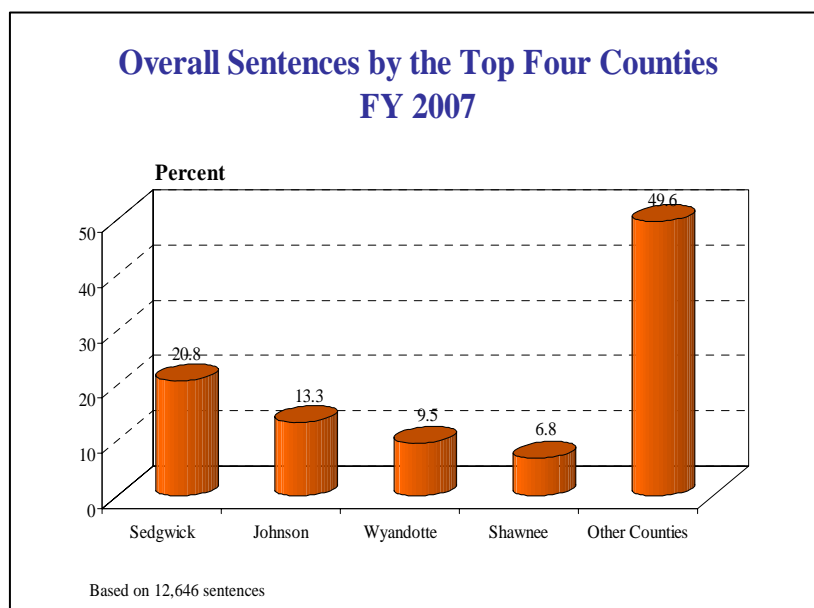
## APPENDIX I

### SENTENCES FROM THE TOP FOUR COUNTIES

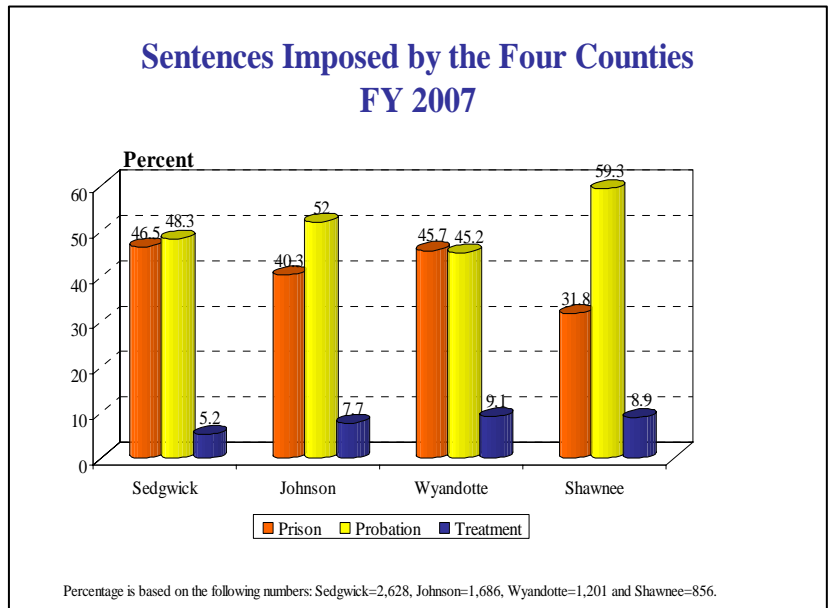
The Analysis on the sentences submitted to the Commission during FY 2007 indicates that Sedgwick, Johnson, Wyandotte and Shawnee counties remained the top four counties, whose sentences imposed accounted for 50.4% of the total state sentences. This percentage is very close to that of FY 2006. Sedgwick continued to be 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 2006, no significant changes were identified in the percentages of sentences from the four counties. Sedgwick County decreased by 1.1%, while Wyandotte County and Shawnee County increased by 0.2% and 0.6% respectively. Johnson County remained constant in the percentage of sentences imposed. The following figures and tables display the characteristics of offenses and offenders from the four counties in FY 2007.

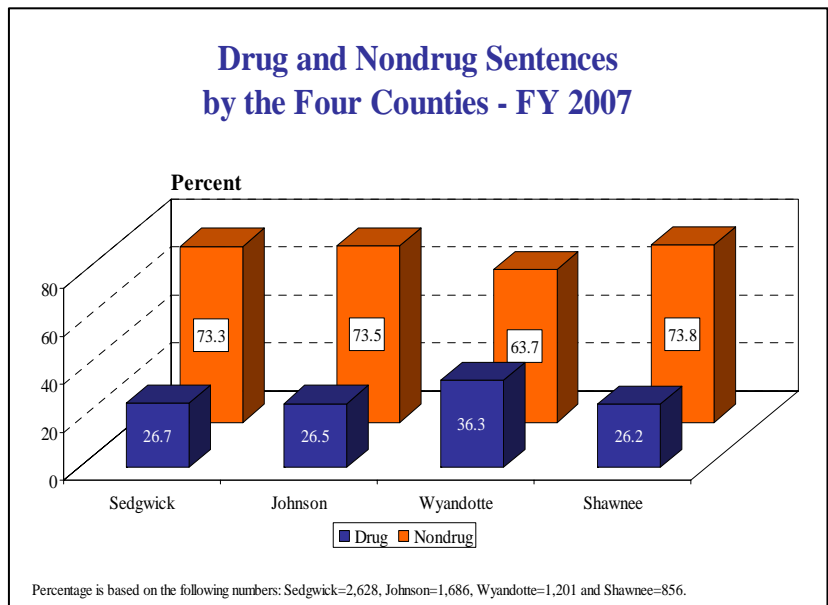
Sedgwick, Johnson, Wyandotte and Shawnee Counties were the top four committing counties with sentencing events accounting for 50.4% of the total state sentences in FY 2007, a decrease of 0.3% from that of FY 2006 (50.7%).



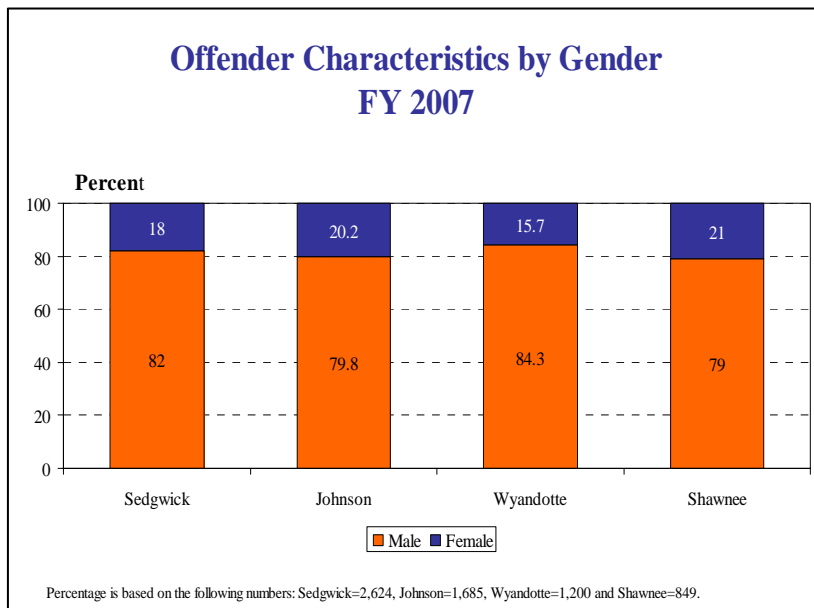
Sedgwick County imposed the higher percentage of prison sentences (46.5%) than the other three counties, while the highest rate of probation sentences was identified in Shawnee County (59.3%). Wyandotte County imposed the highest rate of Senate Bill 123 drug treatment sentences (9.1%) among the four counties.



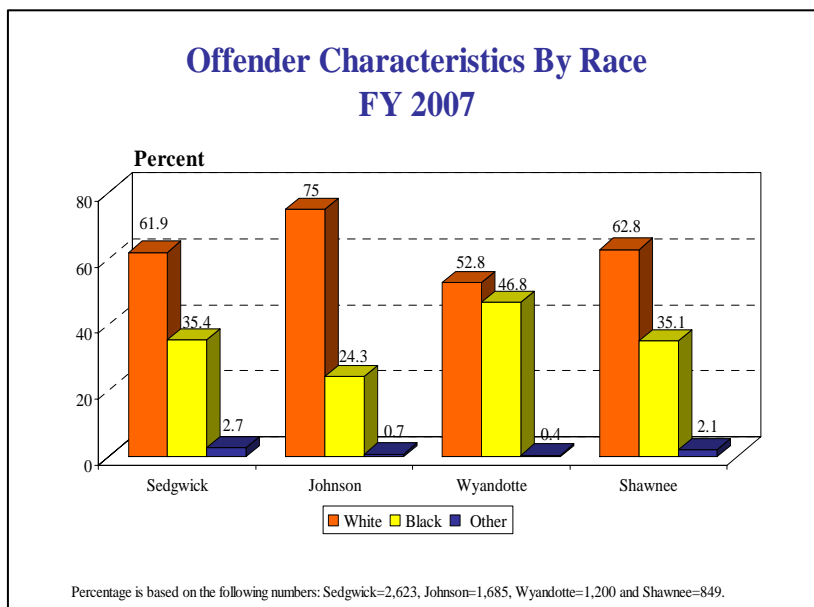
The examination of sentences imposed by types of drug and nondrug discloses that Wyandotte County represented the highest percentage of drug sentences (36.3%), while Shawnee County imposed the largest proportion of nondrug sentences (73.8%) among the four counties.



In terms of gender of offenders, Shawnee County represented the highest percentage of female offenders (21%), while Wyandotte County reported the highest rate of male offenders (84.3%).



Racial analysis on offenders reveals that Johnson County reported more white offenders (75%), while Wyandotte County reported more black offenders (46.8%), which remained constant as compared to FY 2006.



**FY 2007 Sentences from the Four Counties by Severity Level**

Severity Level	Sedgwick		Johnson		Wyandotte		Shawnee	
	N	%	N	%	N	%	N	%
D1	33	1.3	7	0.4	3	0.2	7	0.8
D2	39	1.5	3	0.2	4	0.3	7	0.8
D3	174	6.6	154	9.1	60	5.0	64	7.5
D4	455	17.3	282	16.7	369	30.7	146	17.1
N1	26	1.0	9	0.5	10	0.8	7	0.8
N2	23	0.9	6	0.4	9	0.7	4	0.5
N3	137	5.2	49	2.9	54	4.5	39	4.6
N4	39	1.5	10	0.6	12	1.0	10	1.2
N5	225	8.6	105	6.2	93	7.7	50	5.8
N6	49	1.9	12	0.7	23	1.9	12	1.4
N7	454	17.3	158	9.4	124	10.3	110	12.9
N8	374	14.2	208	12.3	79	6.6	93	10.9
N9	408	15.5	338	20.0	186	15.5	213	24.9
N10	42	1.6	192	11.4	132	11.0	19	2.2
Nongrid	142	5.4	149	8.8	35	2.9	69	8.1
Offgrid	6	0.2	4	0.2	8	0.7	6	0.7
Unknown	2	0.1	0	0.0	0	0.0	0	0.0
<b>Total</b>	<b>2,628</b>	<b>100.0</b>	<b>1,686</b>	<b>100.0</b>	<b>1,201</b>	<b>100.0</b>	<b>856</b>	<b>100.0</b>

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**FY 2007 Top Ten Offenses Committed by Offenders in the Four Counties – 1**

Offense Type	Sedgwick County		Offense Type	Johnson County	
	N	%		N	%
Drugs	701	26.7	Drugs	446	26.5
Burglary	238	9.1	Theft	226	13.4
Aggravated Battery	212	8.1	DUI	144	8.5
Theft	212	8.1	Forgery	114	6.8
Forgery	202	7.7	Burglary	109	6.5
DUI	139	5.3	Identity Theft	71	4.2
Aggravated Robbery	84	3.2	Aggravated Battery	62	3.7
Aggravated Assault	82	3.1	Criminal Threat	57	3.4
Agg Escape from Custody	73	2.8	False Writing	57	3.4
Agg Indecent Liberties w/Child	71	2.7	Aggravated Assault	43	2.6
<b>Total</b>	<b>2,014</b>	<b>76.8</b>	<b>Total</b>	<b>1,329</b>	<b>79.0</b>

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

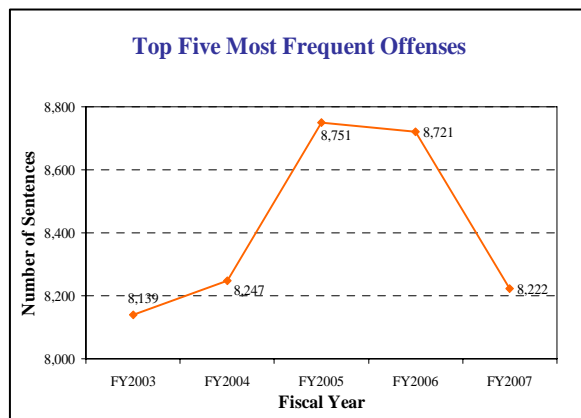
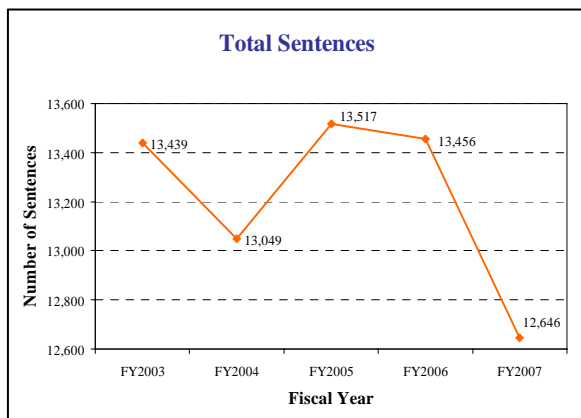
Offense Type	Wyandotte County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	436	36.3	Drugs	224	26.2
Theft	88	7.3	Theft	116	13.6
Burglary	76	6.3	Burglary	78	9.1
Fleeing or Eluding LEO	73	6.1	DUI	67	7.8
Aggravated Battery	69	5.7	Forgery	61	7.1
Forgery	67	5.6	Aggravated Battery	54	6.3
Robbery	42	3.5	Fleeing or Eluding LEO	28	3.3
Aggravated Assault	39	3.2	Robbery	27	3.2
DUI	35	2.9	Aggravated Robbery	24	2.8
Aggravated Robbery	32	2.7	Aggravated Burglary	15	1.8
<b>Total</b>	<b>957</b>	<b>79.6</b>	<b>Total</b>	<b>694</b>	<b>81.2</b>

## APPENDIX II TRENDS OF SELECTED OFFENSES

### TOP FIVE MOST FREQUENT OFFENSES

The top five most frequently convicted offenses in the past five years include crimes of drugs, burglary, theft, forgery and DUI. Of the total offenses, including both incarceration and probation sentences, these top five offenses represented 60.6% in FY 2003, 63.2% in FY 2004, 64.7% in FY

2005, 64.8% in FY 2006 and 65% in FY 2007. The sentencing trends of the top five offenses from FY 2003 to FY 2007 are exhibited in the following figures and table. The sentence number of the top five offenses was up and down generally in the pattern of the total number of incarceration and probation sentences in the past five years.



### Top Five Most Frequent Offenses: Incarceration and Probation Sentences FY 2003 through FY 2006

Top Five Offenses	FY 2003	FY 2004	FY 2005	FY 2006*	FY 2007
Drugs	4,272	4,143	4,393	4,489	4,203
Burglary	1,370	1,390	1,391	1,336	1,256
Theft	959	987	1,082	1,090	1,048
Forgery	832	881	870	902	822
DUI*	706	846	1015	904	893
<b>Subtotal</b>	<b>8,139</b>	<b>8,247</b>	<b>8,751</b>	<b>8,721</b>	<b>8,222</b>
<b>Total Offenses</b>	<b>13,439</b>	<b>13,049</b>	<b>13,517</b>	<b>13,456</b>	<b>12,646</b>

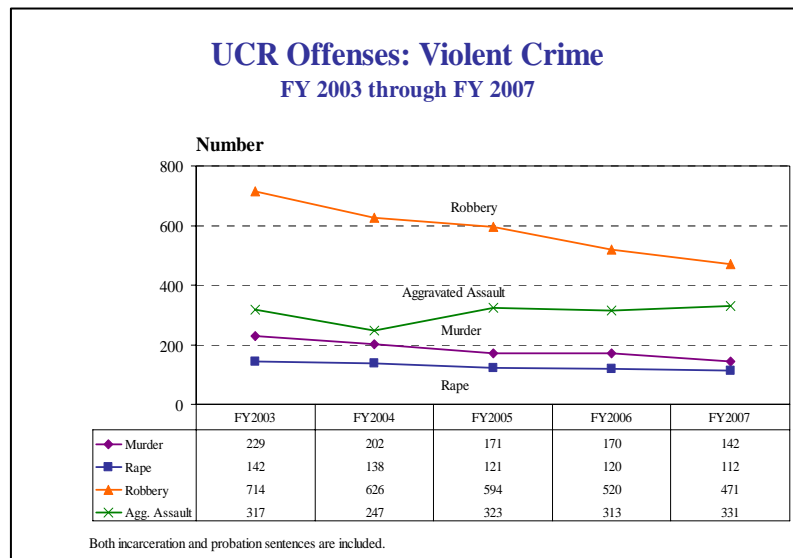
\* The offense of DUI has become one of the top five offenses since FY 2004.

## UNIFORM CRIME REPORTING (UCR) OFFENSES

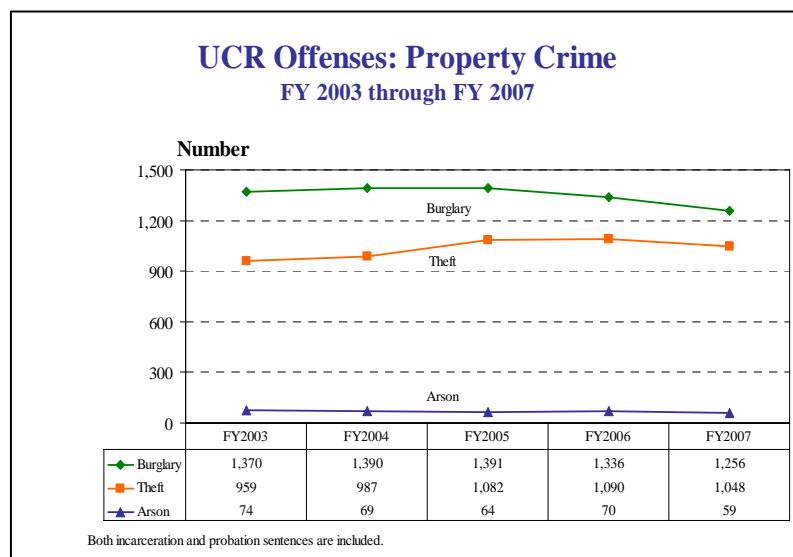
The UCR offenses include murder, rape, robbery, aggravated assault, burglary, larceny-theft/motor vehicle theft and arson. These are serious crimes by nature and/or volume, which are most likely to be reported and most likely to occur with sufficient frequency to provide an adequate basis for comparison (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 2003 to FY 2007, murder includes capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter and involuntary manslaughter; robbery includes aggravated robbery; aggravated assault includes aggravated assault on LEO; burglary includes aggravated burglary, residential, non-residential and motor vehicle burglaries; theft includes motor vehicle theft; and arson includes aggravated arson.

The numbers of all violent crimes dropped in FY 2007 except the crime of aggravated assault with an increase of 5.8% compared with FY 2006. The crime of robbery displays a significant declining trend in the past five years, with a decrease of 9.4% compared with FY 2006 and 34% compared with FY 2003.



The analysis on property crimes indicates that all crimes dropped, as well, in FY 2007. Burglary reduced by 6%, theft by 3.9% and arson by 15.7% from those of FY 2006. Compared with FY 2003, burglary and arson dropped by 8.3% and 20.3% respectively, while theft increased by 9.3%.



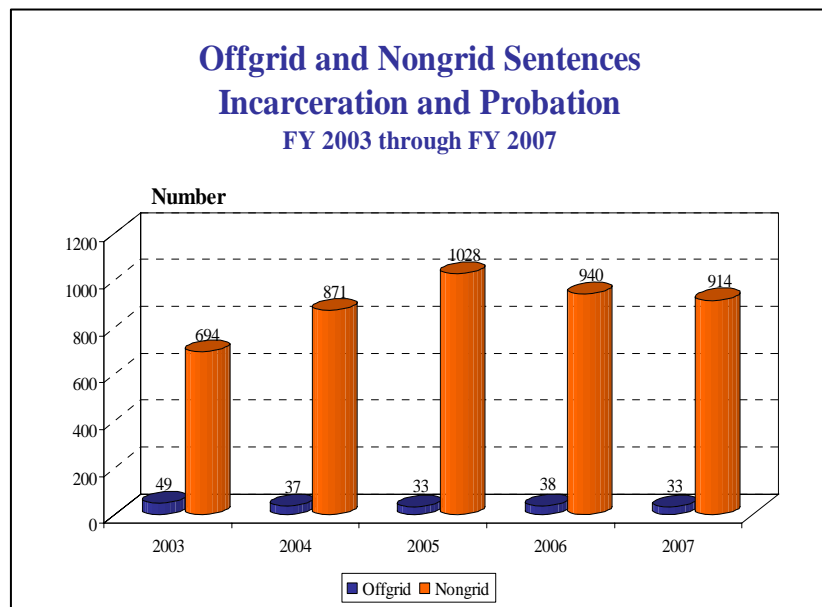
## OFFGRID AND NONGRID CRIMES

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.

In FY 2007, nongrid sentences decreased by 26 in number or 2.8% compared with FY 2006, but increased by 220 or 31.7% compared with FY 2003. The number of offgrid crimes did not fluctuate greatly in the past five years, but should increase significantly in the future due to Jessica’s Law, which was passed in the 2006 Legislative Session.



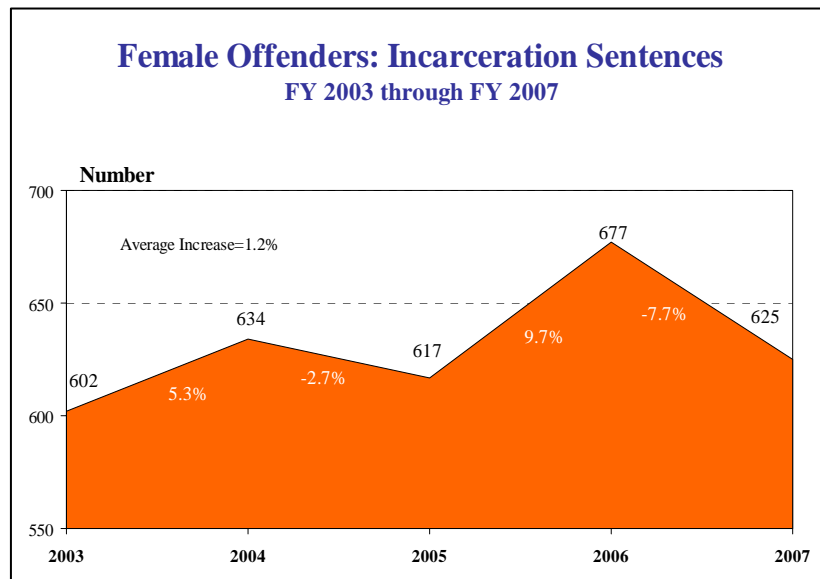


**FEMALE OFFENDERS**

In the past five years, the number of female admissions decreased twice. The first decrease occurred in FY 2005 with a decrease of 2.7% compared with FY 2004. This is primarily due to the implementation of Senate Bill 123. The second decrease was in FY 2007, the admissions reduced by 7.7% compared with FY 2006, which is consistent with the pattern of total prison admissions (Page 67). The average growth rate in the past five years is 1.2%. Female offenders on probation displayed a very

similar pattern with the total probation population in the past five years (Page 70). Female offenders on probation kept increasing from FY 2005 to FY 2006, resulting from the implementation of Senate Bill 123, wherein pure drug possession offenders shall be sentenced to drug treatment programs instead of prison. In FY 2007 the number dropped from 1,844 to 1,745 offenders. The average growth rate is 3% 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 female population incarcerated in prison increased by 5.3% in FY 2004 and 9.7% in FY 2006 compared with those of the previous years. However, the population decreased by 2.7% in FY 2005 and 7.7% in FY 2007 compared with FY 2004 and 2006 respectively.



The number of female probation sentences declined by 4.4% in FY 2004 from that of FY 2003, then, kept growing by 17.5% and 4.4% in FY 2005 and FY 2006, respectively, over those of the previous years. However it decreased by 5.4% in FY 2007 when compared with FY 2006.

