KANSAS SENTENCING COMMISSION

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KANSAS SENTENCING COMMISSION

ANNUAL REPORT
FY 2014

Analysis Of Sentencing Guidelines In Kansas

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EXECUTIVE SUMMARY

WHAT IS NEW

House Bill 2170 was passed in the 2013 Legislative Session as a result of the Kansas Justice Reinvestment Initiative to increase public safety, reduce recidivism and curb spending. This bill makes numerous changes to sentencing, probation and postrelease supervision statutes. Graduated sanctions for probation technical violators is one of the changes.

- The analysis on prison sanctions from probation violation is presented in Chapter One (pages 31-32).
- Jail sanctions from probation violation is discussed in Chapter Two (pages 62-63).

During Fiscal Year 2014, the Kansas Sentencing Commission (KSC) continued its efforts to carry out the statutory obligations assigned to the Kansas Sentencing Commission under K.S.A. 74-9101. The major activities include:

a. Developing and maintaining the post-implementation monitoring system that allows for a comprehensive evaluation of the sentencing guidelines through constructing and maintaining sentencing databases, which collects statewide sentencing and revocation hearing disposition information for this goal;
b. Processing statewide felony sentencing and probation revocation journal entries including both prison and non-prison guideline sentences;
c. Monitoring and evaluating the implementation of 2003 Senate Bill 123 drug treatment programs and processing statewide transactions of the programs;
d. Making recommendations to the state legislature relating to modification and improvement of current sentencing guidelines and providing the legislature and state agencies with prison bedspace impact assessments under any policy change related to the sentencing guidelines;
e. Updating the Kansas Sentencing Guidelines Desk Reference Manual according to sentencing policy changes passed during the 2014 Legislative Session;
f. Producing annual prison population projections and custody classification forecasts for the Kansas Adult Correctional Facilities;
g. Publishing an annual report statistically presenting sentencing practice and policies under Kansas Sentencing Guidelines;
h. Performing criminal justice research projects funded through federal grant in the area of increasing access to statistic data and measuring criminal justice system performance;
i. Issuing newsletters quarterly to provide updates and helpful information relating to Kansas Sentencing Commission programs, publications and forms;
j. Updating Kansas Criminal Justice Resource Directory, which provides contacts, addresses and phone numbers of many statewide criminal justice professionals;

k. Conducting training sessions on sentencing guidelines and various sentencing issues; and
l. Serving as an information resource to respond to national, state and county requests regarding sentencing data.

FY 2014 Annual Report is based on the sentencing data reported from 104 of 150 counties of the state and the adult prison data contributed by the Kansas Department of Corrections (KDOC) in FY 2014. This section provides a brief summary of the key sentencing issues discussed in the Annual Report. A total number of 13,707 felony sentences were reported to the Commission during FY 2014, indicating an increase of 4% over that of FY 2013. Of the total number of sentences, 5,307 (38.7%) were prison sentences, 8,148 (59.4%) were probation sentences and 252 (1.8%) were county jail sentences (including 33 DUI or test refusal post-imprisonment supervision sentences). Nondrug sentences accounted for 68.7% or 9,423 sentences and drug sentences accounted for 31.3% or 4,284 sentences (page 2).

INCARCERATION SENTENCES

A total number of 5,307 offenders were admitted to the Kansas Department of Corrections in FY 2014. Male offenders made up 86.5% of the total admissions, a percentage decrease of 1.1% from that of FY 2013 (87.6%). Over 85% of the violent and sex offenses were committed by male offenders, such as aggravated assault, aggravated battery, aggravated burglary, aggravated robbery, burglary, criminal threat, fleeing or eluding LEO, murders in the first and second degree, indecent liberties with a child and rape. However, female offenders were incarcerated more frequently for the crimes of forgery, identity theft, false writing, traffic in contraband and theft (pages 23 & 24). The analysis of drug crimes indicates that most female offenders committed drug crimes of drug possessions and possession of paraphernalia, while male offenders were convicted of 84.3% of the crime of drug distribution and 94% of unlawful manufacture of controlled substance (page 26).

The analysis of the offenders by race demonstrates that white offenders represented 70.4% of the admissions to the state prisons in FY 2014, indicating an increase of 1.1% over that of FY 2013 (69.3%). The offenders with non-Hispanic origin made up 91.3%, an increase of 0.4% over that of FY 2013 (90.9%). The highest incarceration rates for white offenders (over 70%) were discovered in the areas of aggravated assault on LEO, aggravated escape from custody, burglary, criminal threat, DUI, forgery, identity theft, traffic in contraband and most sex offenses. Nevertheless, black offenders were incarcerated more often (over 40%) for the crimes of aggravated robbery, robbery, aggravated kidnapping, kidnapping, murder in the first degree and stalking (pages 23 & 24).

The examination of offenders' age discloses that the largest population of incarcerated offenders was identified in the age group ranging from 31 to 40 years old (29%) and the second largest number of offenders was identified in the group from 25 to 30 years old (23.7%) at the time of admission to prison in FY 2014. This age distribution is consistent with the age data observed in FY 2013 and 2012. As for the educational background of the offenders admitted in FY 2014, a little more than 49% of the offenders had attained either a high school diploma or GED equivalent, which is very close to the

percentage of the same group observed in FY 2013.

The review of admission type indicates that the three largest groups of admissions are new court commitments, probation condition violators (excluding 6.1% of sanctions from probation violation) and parole/postrelease condition violators representing 34.7%, 25.8% and 21.2%, respectively, of the total prison admissions in FY 2014. Most of the drug offenders admitted to KDOC in FY 2014 fell at drug severity level 4 (606 sentences or 42.4%) and drug severity level 5 (307 sentences or 21.5%), while the largest numbers of nondrug offenders were identified at nondrug severity levels 5, 7 and 9 with admissions of 670, 858 and 878, respectively, in FY 2014 (Pages 27 & 28).

The study of the sex offenders reveals that 76 sex offenders were convicted under Jessica's Law and admitted to prison during FY 2014. Of this number, 67 offenders (88.2%) were new court commitments and 9 offenders (11.8%) were probation and parole condition violators. While most jurisdictions identify the severity of these crimes as offgrid (71.1%), a few sentenced them at the severity level for a downward departure on the nondrug grid. The analysis of sentence length demonstrates that 61.8% of the sentences were downward departure to guidelines, an increase of 11.1% compared with that of FY 2013 (50.7%). The average sentence length of the durational departures was 107 months, a decrease of 19 months from that observed in FY 2013 (126 months). The major departure reasons were: plea agreement between parties, defendant had no prior criminal history and defendant accepted responsibility (Page 33).

PROBATION SENTENCES

During FY 2014, a total number of 8,148 probation sentences were reported to the Commission. The research of the probation sentences reveals that theft (19.5%), burglary (13.3%) and DUI (10.3%) continued to be the top three offenses committed by nondrug probation offenders representing 43.1% of the total nondrug crimes (page 37), a decrease of 1.1% from that of those crimes observed in FY 2013 (44.2%). The probation sentences for the crime of drug possession accounted for 73.1% of all drug probation sentences, an increase of 3.1% over that (70%) of FY 2013 (pages 38 & 40).

Looking into the criminal history categories of the offenders sentenced to probation in FY 2014, the Commission found that offenders with criminal history category I accounted for 25.1% of offenders on the nondrug grid and 24.6% of offenders on the drug grid. The nondrug offenders within the presumptive probation boxes made up 82.9%, an increase of 2.2% compared with that of FY 2013 (80.7%). The examination of the border box sentences shows that 3.9% of probation nondrug sentences were found to be within the designated border boxes (page 45). The analysis on drug sentences by presumptive probation and border box is not applicable in FY 2014 and FY 2013 because the sentences were imposed according to both old (with four drug levels) and new (with five drug levels) drug sentencing grids, which have different designations for presumptive probation and border box.

COUNTY JAIL SENTENCES

During FY 2014, a total number of 252 felony jail sentences were reported to the Commission, which includes 33 DUI or test

refusal post imprisonment supervision sentences. The number decreased by 73 sentences or 22.5% when compared with the data of FY 2013 (325 sentences). House Substitute for 2011 Senate Bill 6, which amends a third DUI conviction to a Class A nonperson misdemeanor, continued impacting felony jail sentence in FY 2014 (page 15).

Male offenders accounted for 86.1% and female offenders accounted for 13.9% of the 252 sentences. The percentage of female offenders sentenced to jail increased by 0.4% when compared with that of FY 2013 (13.5%). White offenders represented 84.1%, black offenders represented 12.7% and other races represented 3.2% of the county jail sentences imposed in FY 2014. Their average age at sentencing is 39 years old, a decrease of 3 years from that of FY 2013 (page 46).

The analysis of offenses indicates that approximately 92% of the jail sentences were convictions of felony DUI (231 sentences), 6.8% were convictions of domestic battery (17 sentences) and 1.6% were convictions of other crimes (4 sentences). The average jail term was 8.3 months, indicating half a month longer than that of FY 2013 (7.8 months). Johnson County imposed the most jail sentences (105) representing 41.7%, followed by Sedgwick County with 76 jail sentences representing 30.2% of the total county jail sentences imposed in FY 2014 (page 47).

DRUG SENTENCES

A new drug sentencing grid with 5 drug levels has been implemented since July 1, 2012. The admissions and sentences in FY 2014 include offenders sentenced under both old and new drug sentencing grids. Consequently, the comparison of drug offenders by severity level is not applicable at present (pages 86 & 88).

In FY 2014, the number of drug offenders admitted to prison (1,428 offenders) increased by 7.5% compared with that of FY 2013 (1,328 offenders) and by 7.4% compared with that of FY 2010 (1,329 offenders). The examination of drug offenses indicates that 56.9% of the incarceration drug sentences were convictions of drug possession, an increase of 0.7% compared with that of FY 2013 (56.2%). More than 63% of the drug possession sentences were found at drug severity level 4. Offenders at drug severity level 5 accounted for 36.4% of the drug possession group, an increase of 29.2% over that of FY 2013 (7.2%). The percentage of offenders admitted at drug severity level 5 for drug possession will continue increasing in future years (page 25).

The study of the drug probation sentences indicates that the total number of drug probation sentences (2,855) in FY 2014 increased by 19.4% compared with that (2,392) of FY 2013 and increased by 12.8% compared with that (2,531) of FY 2010. Probation sentences at drug severity level 4 decreased to 24.8% in FY 2014 from 53% of the probation drug sentences imposed in FY 2013, while probation sentences at drug severity level 5 in FY 2014 significantly increased to 63% over 24.3% of FY 2013.

Further examination of drug offenders on probation discloses that during FY 2014, a total number of 1,098 sentences were imposed to 2003 Senate Bill 123 (SB 123) drug treatment programs, representing 38.5% of the total drug probation sentences (2,855), a decrease of 4.1% compared with that of FY 2013 (42.6%). Of these

sentences, 99.8% were convicted of the crime of drug possession under K.S.A. 21-5706 (formerly 21-36a06 or 65-4160 or 65-4162) and 0.2% were convicted of drug distribution crime. White male offenders were still the majority of the treatment sentences. The average age of the drug treatment offenders was 32.6 years old at sentencing, which remains very close to that of FY 2013 (32.8 years old). The distribution of SB 123 drug treatment sentences imposed by county displays that Sedgwick County continuously imposed the most SB 123 sentences (152) followed by Shawnee (103), Wyandotte (95), Johnson (74) and Reno (74) counties (pages 42 & 43). In addition, 590 SB 123 drug treatment sentences were probation condition violators with no new sentences during FY 2014. Of this number, 224 sentences were revoked to prison, representing 20.4% of SB 123 sentences imposed (1,098 sentences) in FY 2014, a decrease of 2.1% from that of FY 2013 (22.5%). The average period between original sentence and the first revocation hearing was 15 months, one month shorter than that of FY 2013 (16 months).

VIOLATORS

In the report, violators refer to condition violators and include probation condition violators, parole/postrelease supervision violators and conditional release violators. Prison sanctions from probation violation are excluded from this analysis.

In FY 2014, a total number of 2,490 condition violators were admitted to prison, accounting for 46.9% of the total prison admission events of the fiscal year. Of this number, 1,368 were probation condition violators, 1,118 were parole/postrelease supervision violators and 4 were conditional release violators, who are merged with the group of parole/postrelease supervision violators in the analyses of the report. The total percentage of condition violators decreased by 8.1% compared with that (55%) of FY 2013 (page 49).

The admission trend of violators in the past five years demonstrates that the number of probation condition violators admitted to prison in FY 2014 significant decreased by 20.3% and 16%, respectively, when compared with FY 2010 and FY 2013. This decrease is due to the implementation of prison sanctions for probation violators. The number of parole/postrelease and conditional release violators admitted to prison in FY 2014 decreased by 9.1% compared with that of FY 2013 but increased by 3.5% compared with that of FY 2010 (page 85).

The analysis of violators by gender shows 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, which is consistent with the pattern of FY 2013. However, females were most often revoked and placed in prison for condition violations of offenses designated at severity level 9 of the nondrug grid and severity level 4 of the drug grid. Female level pattern is a little different from that of FY 2013, when most nondrug female condition violators were at nondrug severity level 9 (page 52).

In addition, 1,876 probation condition violators and 225 probation violators with new convictions were sentenced to either continued or extended probation for a violation in FY 2014. This represents 41.9% of the total number of 4,472 condition probation violators and 28.8% of the total number of 780 probation violators with new offenses revoked during FY 2014 (page 60).

CONFORMITY TO SENTENCING GUIDELINES

The comparison of the actual sentence imposed to the sentence identified under the Sentencing Guidelines Act provides a measure of whether the designated sentence is viewed as appropriate. Under sentencing guidelines, departures may be imposed to sentence an offender to a sentence length or type that differs from the sentence set forth under the guidelines. Therefore departures, whether durational or dispositional, serve as a measure of conformity. Only new court commitments of guideline sentences were utilized for this specific analysis. Consecutive sentences and sentences applied with special sentencing rules related to sentence disposition are excluded from this analysis. In addition, the analysis is based on computed variables regarding departures.

The study of conformity rates to sentencing guidelines is based on the observation of 6,957 pure guideline sentences of FY 2014. Of this number, 1,385 were incarceration guideline sentences and 5,572 were probation sentences. Approximately 82% of the guideline sentences imposed fell within the designated guideline sentence range. Dispositional departures accounted for 10.3% of sentences and durational departures were found in 8.2% of sentences (page 65). The sentence distribution is very consistent with that of FY 2013.

The investigation of incarceration sentences within guidelines shows that 41.4% of the sentences imposed fell within the standard range of the grid cell; 10.2% of all sentences were within the aggravated range; 25.7% were within the mitigated range and 22.7% were located within designated border boxes (page 66). This distribution of presumptive prison sentences does not fluctuate much compared with that of FY 2013.

When evaluating the durational departures of the incarceration guideline sentences, the Commission noticed that 68.4% of the durational departures were downward durational departures, while 31.6% indicated upward durational departures (page 66). The percentage of downward durational departures increased by 3.7% compared with that of FY 2013. The comparative study of durational departures between drug and nondrug incarceration sentences indicates that 86.2% of drug durational departure sentences were downward compared to 61.9% for nondrug downward durational departure sentences (page 68). 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 to 4 of the nondrug grid (page 70).

Dispositional departures are identified when the sentence imposed, prison or nonprison, is different from the sentence disposition designated under the sentencing guidelines. Upward dispositional departures are only applicable when prison sentences are imposed. When drug and nondrug sentences were compared, nondrug sentences indicated a 7.7% upward dispositional departure rate while drug sentences only represented a 2.9% upward dispositional departure rate (page 70).

The analysis of probation guideline sentences reveals that as expected, the majority (88.8%) of probation guideline sentences fell beneath the incarceration line, among which 85.3% were within presumptive probation grids and 14.7% were within border boxes. Downward dispositional departures were identified in

11.2% of the probation guideline sentences imposed in FY 2014 (page 67). Durational departures are not applicable to probation sentences. Further research of downward dispositional departures of probation sentences discloses that drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences (14.8% vs. 8.8%). A lot more drug probation sentences resulted from border boxes than did nondrug probation sentences (25.2% vs. 4.9%, page 71).

SPECIAL SENTENCING RULES

Special sentencing rules provide special treatment of certain crimes and sanctions. There were small numbers of special sentencing rules at the beginning years of implementation of the guidelines, such as only five special rules in 1994 and 1995. With the modification of sentencing guidelines and amendments of sentencing policies in each legislative year, the number of special sentencing rules has increased. As of the 2014 Legislative Session, forty-three special sentencing rules have been established or amended. The most frequently applied special sentencing rules in the past five years were: crime committed while incarcerated or on probation, parole, etc.; crime committed while on felony bond and person felony committed with a firearm.

During FY 2014, a total number of 675 pure guideline prison sentences and 696 pure guideline probation sentences were imposed with special sentencing rules, which accounted for 42% of prison pure guideline admissions (1,608 admissions) and 12.2% of pure guideline probation sentences (5,711) imposed in FY 2014. The percentage of offenders admitted to prison with special sentence rules increased from 33.6% in FY 2010 to 42% in FY 2014. The percentage of probation sentences imposed with special sentencing rules accounted for 11.6% in FY 2010 and increased to 12.2% in FY 2014. The total percentage of both prison and probation sentences applied with special rules increased from 16.5% in FY 2010 to 18.7% in FY 2014 (page 81).

PRISON POPULATION FORECAST

FY 2015 prison population projections reflect the policy changes of a justice reinvestment bill, House Bill 2170, passed during the 2013 Legislative Session. This bill makes numerous changes to sentencing, postrelease supervision and probation statutes, which seeks to reduce the probation condition violator population in Kansas prisons.

The prison population projection predicts that by the end of FY 2024, a total of 10,351 prison beds will be needed. This represents a total increase of 7.7% or 739 beds over the actual prison population as of June 30, 2014. Although the total admission trend in the past four years is comparatively stable with a slow increase, a combination of developing admission trends with the impact of the pronounced stacking effect and new sentencing policies has resulted in a continual growth in the state's prison population. The decrease of prison population after FY 2007 resulted from the implementation of House Substitute for Senate Bill 14, passed during the 2007 Legislative Session, which promotes a 20% reduction of the probation revocation rate, modifies lower severity level good time rates from 15% to 20% and provides potential credit for program completion. (Pages 91 & 92).

The examination of the projected population at individual severity levels demonstrates

that the largest increase in number falls at nondrug severity levels 4 to 6, an increase of 264 offenders or 16.1% in the ten-year forecast period. The number at nondrug severity levels 1 to 3 will increase by 233 offenders or 9.4% in the next ten years. This is due to the "stacking effect" of long sentence length of the most serious offenses. The prison population at nondrug severity levels 7 to10 will increase by 213 offenders or 22.1% in the next ten years, which partially resulted from the application of the special sentencing rules. The incarcerated population at offgrid in the next ten years will increase by 251 offenders or 20.7%. This growth reflects the continuous impact of Jessica's Law (House Bill 2567) passed in the 2006 Legislative Session. Drug inmate population during the forecast period will increase by 255 inmates or 21.6%.

The probation condition violators admitted to prison is expected to decrease by 391 or 28.9% in the next ten years, which results from implementing 2013 House Bill 2170. Previously, probation condition violators admitted to prison were required to serve their underlying prison sentence, but now House Bill 2170 requires probation condition violators to serve graduated sanctions instead. The number of prison sanctions from probation will increase by 51 or 100% in the ten-year forecast period.

Condition parole or postrelease violators will slowly increase by 32 or 6.1% in the next ten years. This is the impact of House Bill 2170 as well, which requires that probation condition violators who are released from prison after July 1, 2013 will receive a postrelease supervision period. Figure 61 illustrates the trend of the actual and projected prison population from FY 2005 through FY 2024.

In the effort to predict types of prison beds needed for custody over the next ten years, custodial classification projections indicate that by the end of FY 2015, KDOC will need 2,776 minimum beds, 2,891 medium low beds, 1,554 medium high beds, 1,278 regular maximum beds, 349 unclassified beds and 811 beds for special management. By the end of FY 2024, the custodial beds in demand will include 2,869 minimum, 3,068 medium low, 1,753 medium high, 1,397 regular maximum, 365 unclassified and 899 special management beds (page 93). These projections assume no substantial change in the method or practice of custody decision-making.

REPORT CONTENTS

The Fiscal Year 2014 Annual Report is presented in four chapters. A descriptive statistical summary of statewide guideline sentencing practices in FY 2014 is presented 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 analyzes sentences of felony convictions from the top four contributing counties of the State of Kansas. Appendix II tracks the trends of the top five felonies, Uniform Crime Reporting (UCR) offenses, offgrid and nongrid crimes in the past five years. Admissions and population of female offenders are analyzed in this section as well.

CHAPTER ONE
SENTENCING IN KANSAS

SENTENCES REPORTED IN FISCAL YEAR 2014

In FY 2014 Annual Report, sentences utilized for analyses on sentencing practice and sentencing tendency are based upon the most serious felony offense of a single sentencing event. The analysis and research includes prison sentences, nonprison or probation sentences and county jail sentences reported to the Kansas Sentencing Commission during FY 2014. Senate Bill 123 drug treatment sentences are comprised in the type of probation sentences.

A total number of 13,707 felony sentences were reported to the Commission during FY 2014, an increase of 533 sentences or 4% over that of FY 2013. Of that total number of sentences, 5,307 were prison sentences, 8,148 were probation sentences and 252 were county jail sentences (including 33 DUI or test refusal post-imprisonment supervision sentences). In terms of drug or nondrug crimes, this total included 9,423 nondrug sentences and 4,284 drug sentences. Nonperson offenses accounted for 66.4% and person offenses accounted for 33.6% (Figure 1), which does not fluctuate much from those of FY 2013.

Figure 2 demonstrates FY 2014 sentencing distribution by sentence type, offense type and severity level. Drug incarceration sentences at drug severity levels 4 and 5 represented 63.9% (913 sentences) of the total drug incarceration sentences. The largest number of nondrug incarceration offenders was identified at severity level 9 (878 sentences or 22.6%) followed by severity level 7 (858 sentences or 22.1%) and severity level 5 (670 sentences or 17.3%). The examination of probation sentences in FY 2014 indicates that 1,800 probation sentences fell at drug severity level 5, representing 63% of the total drug probation sentences and 709 probation sentences were at drug severity level 4 representing 24.8%. The new drug sentencing grid with five severity levels became effective on July 1, 2012. Pure drug possession crimes convicted under K.S.A. 21-5706 are sentenced at drug severity level 5. The total number of drug probation sentences at drug severity levels 4 and 5 is 2,509. Of this number, 83.2% or 2,088 sentences were convicted of the crimes of drug possession. Of the 2,088 drug possession sentences, 52.5% or 1,096 sentences were imposed to SB 123 drug treatment programs, which decreased by 8.2% compared with the percentage (60.7%) of FY 2013. The highest rates of nondrug probation offenders were found at nondrug severity level 9 (37.2% or 1,969 sentences) and nondrug severity level 7 (20.2% or 1,068 sentences). The analysis of county jail sentences discloses that 98.4% of the offenders were convicted of nongrid crimes with 1.6% sentences convicted of other crimes at nondrug severity level 8 and drug severity level 5.

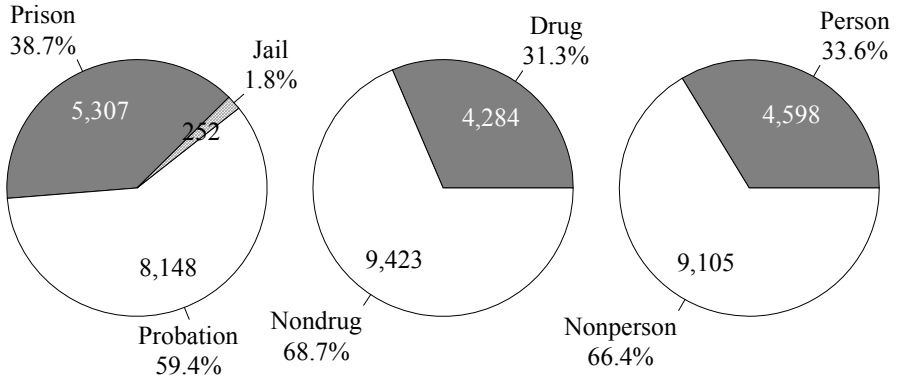
During FY 2014, the Commission received felony sentences from 104 counties in the state. No sentences were reported from Sheridan County. Most of the counties reported 1 to 100 sentences. Eight counties

reported 101 to 200 sentences. They are Atchison (122), Barton (125), Cowley (166), Franklin (104), Jackson (114), Riley (194), Seward (110) and Sumner (102) counties. Thirteen counties reported 201 to 700 sentences. They are Butler (228), Crawford (208), Douglas (220), Ellis (248), Finney (209), Ford (303), Geary (302), Harvey (238), Leavenworth (242), Lyon (234), Montgomery (248), Reno (601) and Saline (458) counties. Sedgwick, Johnson, Wyandotte and Shawnee counties remained the top four committing counties, accounting for 50.1% of all sentences imposed in FY 2014, a decrease of 1.4% compared with that (51.5%) of FY 2013 (Figure 3).

The analysis of offenses committed in FY 2014 indicates that the top five offenses committed in FY 2014 are crimes of drugs (31.3% or 4,284 sentences), theft (10.9% or 1490 sentences), burglary (10.8% or 1,484 sentences, including aggravated burglary), DUI/test refusal (6.2% or 855 sentences) and aggravated battery (6.1% or 841 sentences). These top five offenses, including prison, probation and county jail sentences, accounted for 65.3% of the total 13,707 sentences in FY 2014 (Figure 4).

According to the definition of the Uniform Crime Reporting (UCR) Handbook, the violent crimes in the report refer to murder (including all types of murder and manslaughter), rape, robbery (including aggravated robbery) and aggravated assault (including aggravated assault on LEO). The study of the violent crimes demonstrates that most of the violent crimes were found to be committed in the top four counties. Sedgwick County reported the largest number of violent crimes (326 sentences) followed by Wyandotte County (138 sentences), Shawnee County (109 sentences) and Johnson County (81 sentences). Figure 5 exhibits the distribution of the violent crimes committed in the top four counties during FY 2014. Table 1 presents the characteristics of offenders by individual counties. The average age of offenders at sentencing is 33 years old, which remains very close to that of FY 2013.

Figure 1: Sentences Reported in FY 2014



Based on 13,707 felony sentences reported in FY 2014. Jail sentences include 33 DUI or test refusal post-imprisonment supervision cases.

Figure 2: FY 2014 Sentencing Distribution

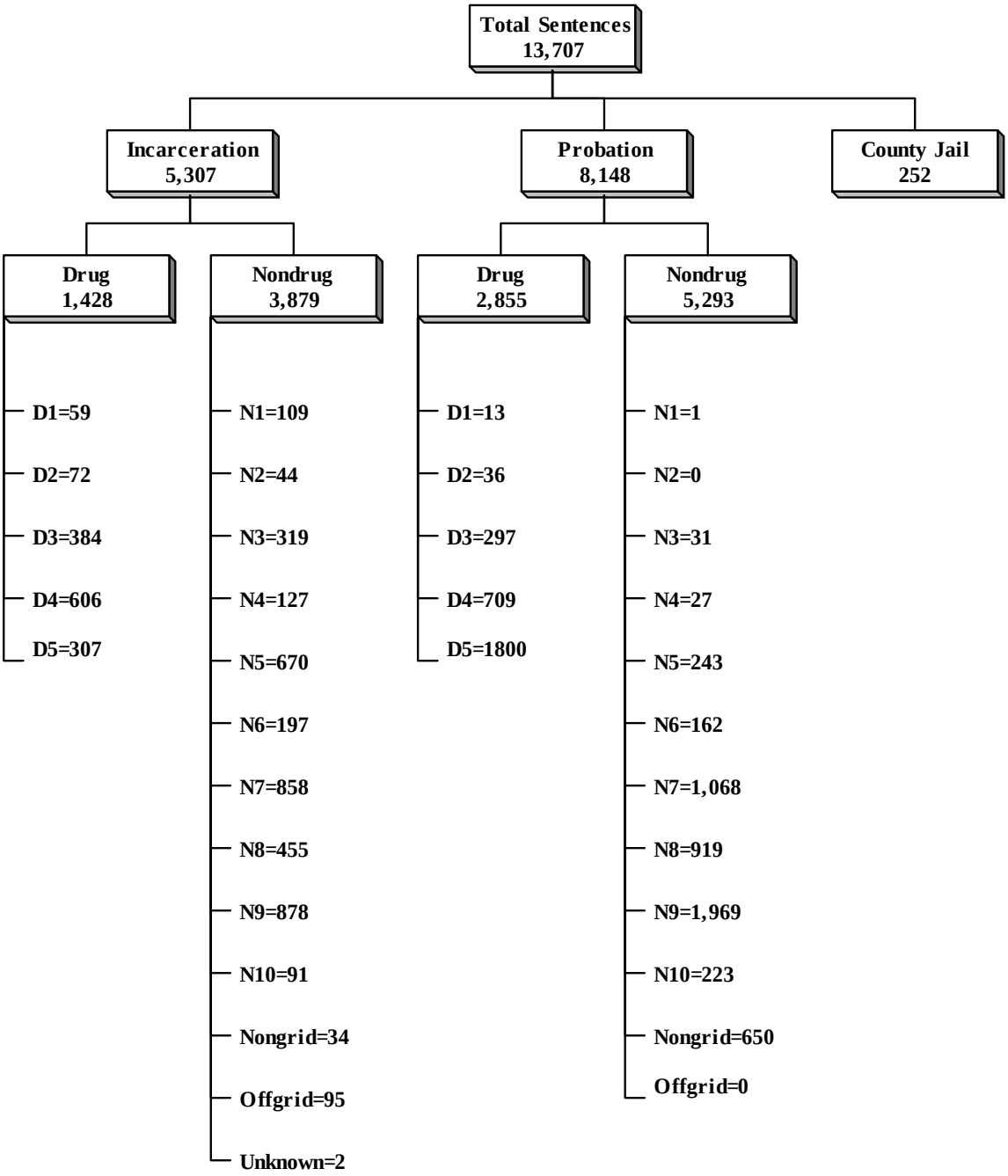


Figure 3: Sentences Reported in FY 2014 by County

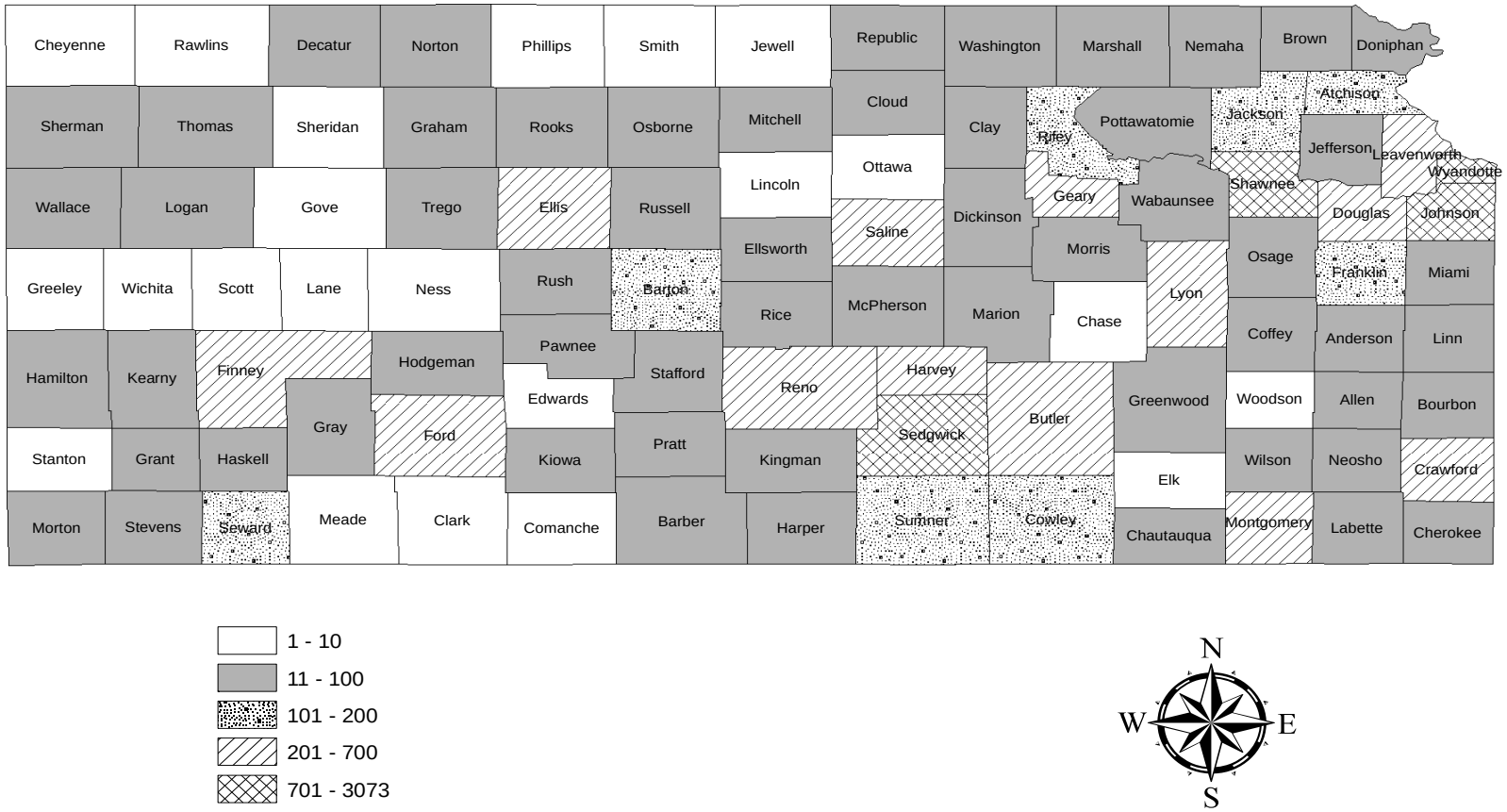
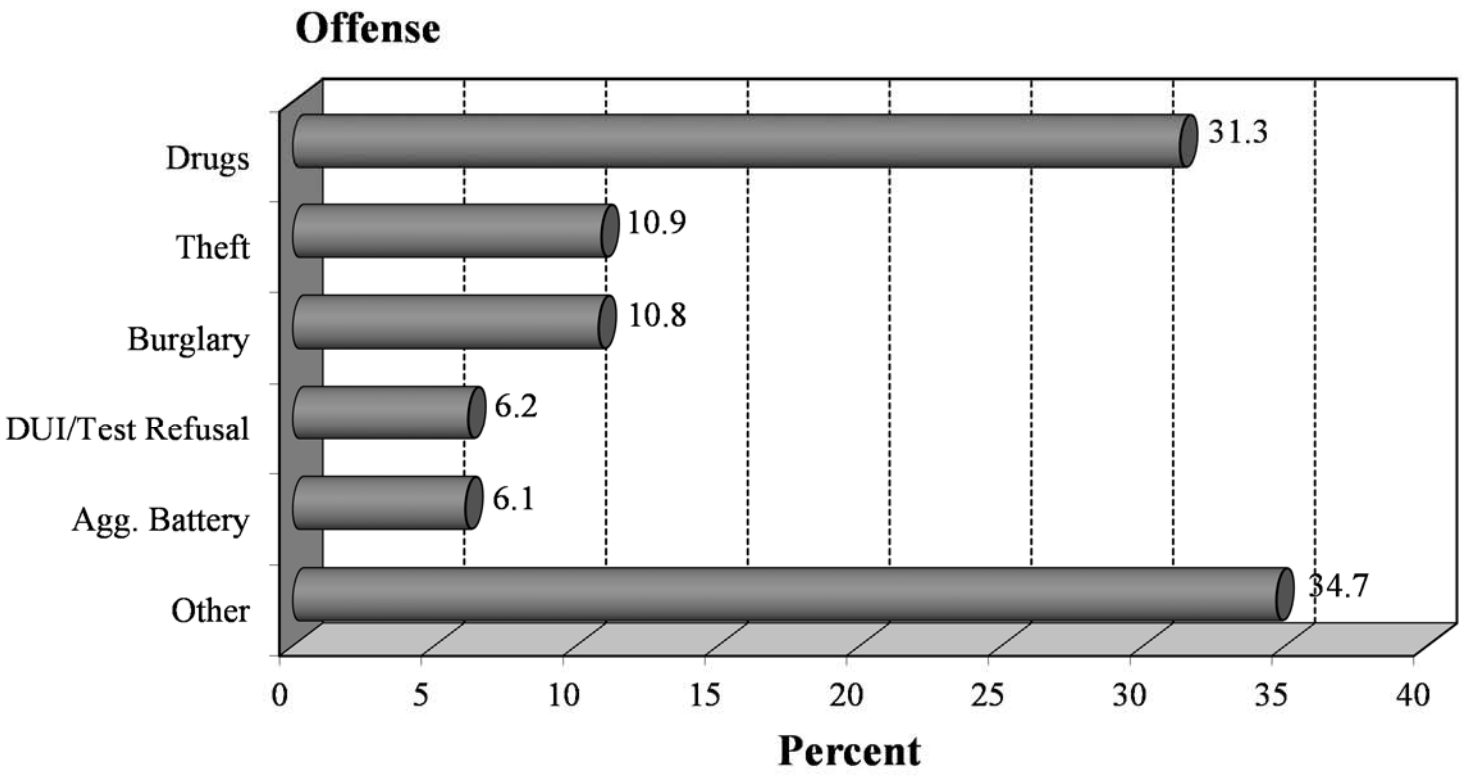


Figure 4: FY 2014 Top Five Offenses of Prison, Probation and Jail Sentences



Based on 13,707 prison, probation and county jail sentences

Figure 5: FY 2014 UCR Offenses by Top Four Counties - Violent Crime Convictions

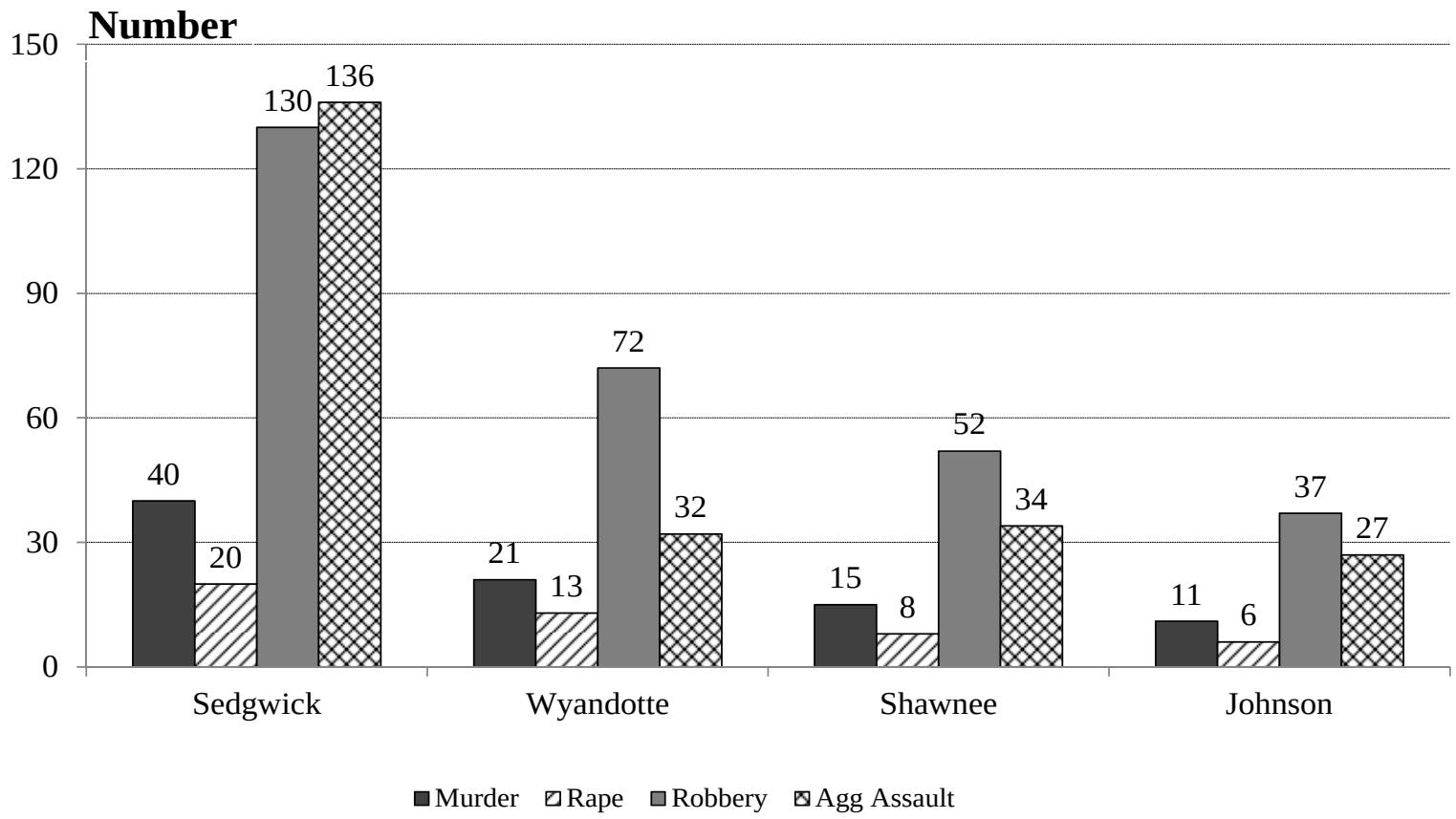


Table 1: FY 2014 Offender Characteristics by County – 1

County	Number Of Sentences	Gender		Race			Sentence Type*		Offense Type			Mean Age**
		Male	Female	White	Black	Other	Prison	Probation	Jail	Nondrug	Drug	
Allen	75	64	11	69	5	1	30	45	0	39	36	34.3
Anderson	29	22	7	28	1	0	12	17	0	20	9	38.5
Atchison	122	105	17	109	13	0	63	59	0	82	40	31.0
Barber	17	16	1	17	0	0	7	9	1	14	3	31.7
Barton	125	98	27	116	6	3	38	87	0	66	59	33.5
Bourbon	48	38	10	45	3	0	47	1	0	28	20	29.3
Brown	60	46	14	51	1	8	20	39	1	38	22	32.9
Butler	228	170	58	206	20	2	60	167	1	145	83	33.4
Chase	3	3	0	3	0	0	2	0	1	3	0	46.3
Chautauqua	23	16	7	21	1	1	2	21	0	10	13	31.5
Cherokee	35	29	6	33	1	1	9	26	0	16	19	33.6
Cheyenne	1	1	0	1	0	0	0	1	0	1	0	24.8
Clark	3	3	0	2	1	0	3	0	0	2	1	33.8
Clay	48	40	8	48	0	0	20	28	0	31	17	34.3
Cloud	71	56	15	67	3	1	25	46	0	41	30	32.2
Coffey	20	19	1	18	2	0	9	11	0	15	5	32.0
Comanche	4	3	1	4	0	0	1	3	0	2	2	36.5
Cowley	166	132	34	153	9	4	69	97	0	107	59	32.0
Crawford	208	164	44	173	35	0	85	123	0	142	66	31.8
Decatur	11	10	1	11	0	0	5	6	0	10	1	32.2
Dickinson	77	63	14	67	10	0	33	44	0	51	26	35.2
Doniphan	21	18	3	18	2	1	7	14	0	13	8	36.2
Douglas	220	168	52	157	52	11	107	106	7	158	62	33.7
Edwards	10	10	0	10	0	0	8	2	0	9	1	31.3
Elk	4	4	0	4	0	0	3	1	0	3	1	43.6
Ellis	248	189	59	225	19	4	87	161	0	130	118	32.4
Ellsworth	21	18	3	19	2	0	7	14	0	17	4	33.1
Finney	209	176	33	185	19	5	75	128	6	128	81	30.2

Table 1: FY 2014 Offender Characteristics by County – 2

County	Number of Sentences	Gender		Race			Sentence Type*			Offense Type		Mean Age**
		Male	Female	White	Black	Other	Prison	Probation	Jail	Nondrug	Drug	
Ford	303	245	58	268	30	5	106	193	4	198	105	31.3
Franklin	104	88	16	95	7	2	38	65	1	75	29	32.9
Geary	302	214	88	156	140	6	97	205	0	154	148	33.3
Gove	1	1	0	1	0	0	0	1	0	1	0	29.4
Graham	11	5	6	9	2	0	2	9	0	6	5	28.2
Grant	12	10	2	11	0	1	8	4	0	10	2	36.2
Gray	21	16	5	21	0	0	7	14	0	7	14	32.6
Greeley	5	4	1	5	0	0	1	4	0	3	2	34.5
Greenwood	26	21	5	24	1	1	13	13	0	17	9	34.0
Hamilton	11	9	2	10	1	0	8	3	0	7	4	32.3
Harper	48	32	16	48	0	0	9	38	1	25	23	30.8
Harvey	238	184	54	201	34	3	55	183	0	114	124	34.3
Haskell	19	17	2	18	1	0	3	15	1	12	7	32.9
Hodgeman	16	12	4	16	0	0	4	12	0	8	8	38.7
Jackson	114	80	34	98	3	13	48	65	1	50	64	32.9
Jefferson	64	58	6	60	2	2	29	35	0	49	15	34.1
Jewell	10	9	1	9	0	1	4	6	0	8	2	29.9
Johnson	1,511	1,194	317	1,154	338	19	555	851	105	1,139	372	32.7
Kearny	20	16	4	20	0	0	4	15	1	16	4	27.8
Kingman	19	15	4	19	0	0	7	12	0	17	2	33.4
Kiowa	17	14	3	17	0	0	6	10	1	10	7	30.0
Labette	99	71	28	73	22	4	40	59	0	60	39	31.2
Lane	8	8	0	8	0	0	4	4	0	6	2	38.5
Leavenworth	242	178	64	192	49	1	76	163	3	149	93	34.5
Lincoln	2	1	1	2	0	0	1	1	0	2	0	28.1
Linn	21	18	3	19	1	1	21	0	0	17	4	30.4
Logan	11	9	2	10	1	0	5	6	0	6	5	29.7
Lyon	234	186	48	205	26	3	85	145	4	115	119	32.4

Table 1: FY 2014 Offender Characteristics by County – 3

County	Number of Sentences	Gender		Race			Sentence Type*		Offense Type			Mean Age**
		Male	Female	White	Black	Other	Prison	Probation	Jail	Nondrug	Drug	
Marion	16	12	4	15	1	0	2	13	1	8	8	34.5
Marshall	35	31	4	34	1	0	6	28	1	18	17	34.2
McPherson	87	76	11	81	4	2	25	60	2	55	32	34.1
Meade	4	4	0	4	0	0	0	4	0	3	1	36.3
Miami	66	58	8	58	8	0	30	36	0	46	20	31.0
Mitchell	23	22	1	18	3	2	8	15	0	14	9	29.7
Montgomery	248	181	67	176	62	10	110	137	1	148	100	33.3
Morris	27	20	7	27	0	0	9	18	0	17	10	30.9
Morton	11	7	4	11	0	0	4	7	0	6	5	37.1
Nemaha	37	30	7	34	1	2	16	21	0	28	9	32.1
Neosho	63	48	15	61	1	1	30	33	0	41	22	30.2
Ness	5	5	0	5	0	0	1	4	0	2	3	32.4
Norton	11	9	2	9	2	0	8	3	0	9	2	40.8
Osage	41	34	7	40	1	0	22	17	2	30	11	31.7
Osborne	15	13	2	15	0	0	5	10	0	13	2	27.0
Ottawa	2	2	0	2	0	0	2	0	0	2	0	54.1
Pawnee	43	37	6	39	3	1	14	29	0	31	12	36.8
Phillips	7	5	2	7	0	0	2	5	0	6	1	30.7
Pottawatomie	63	45	18	53	9	1	23	39	1	46	17	33.9
Pratt	71	52	19	62	8	1	22	49	0	37	34	31.6
Rawlins	3	3	0	3	0	0	1	2	0	3	0	29.2
Reno	601	445	156	525	67	9	206	394	1	399	202	31.8
Republic	11	10	1	11	0	0	4	7	0	9	2	32.7
Rice	70	42	28	70	0	0	18	52	0	54	16	32.0
Riley	194	157	37	135	55	4	68	118	8	121	73	30.6
Rooks	14	11	3	14	0	0	4	9	1	10	4	37.3
Rush	11	9	2	11	0	0	6	5	0	5	6	29.2
Russell	35	30	5	32	3	0	13	20	2	25	10	32.8

Table 1: FY 2014 Offender Characteristics by County – 4

County	Number of Sentences	Gender		Race			Sentence Type*			Offense Type		Mean Age***
		Male	Female	White	Black	Other	Prison	Probation	Jail*	Nondrug	Drug	
Saline	458	342	116	371	80	7	154	304	0	293	165	32.4
Scott	4	4	0	4	0	0	2	2	0	4	0	37.6
Sedgwick	3,073	2,453	620	1,986	980	107	1,388	1,609	76	2,446	627	33.7
Seward	110	102	8	93	14	3	50	60	0	79	31	32.1
Shawnee	1,161	927	234	765	367	29	377	773	11	872	289	33.9
Sherman	47	39	8	43	3	1	11	36	0	19	28	33.1
Smith	1	1	0	1	0	0	1	0	0	0	1	26.0
Stafford	16	16	0	16	0	0	3	13	0	12	4	32.7
Stanton	2	2	0	2	0	0	1	1	0	2	0	24.3
Stevens	26	17	9	25	1	0	8	18	0	17	9	27.9
Sumner	102	85	17	94	6	2	39	62	1	74	28	33.9
Thomas	40	35	5	36	3	1	10	30	0	20	20	28.9
Trego	22	20	2	17	4	1	2	20	0	6	16	35.5
Wabaunsee	17	16	1	10	7	0	3	14	0	13	4	31.9
Wallace	12	11	1	12	0	0	3	9	0	7	5	32.5
Washington	14	14	0	14	0	0	7	7	0	10	4	35.7
Wichita	4	4	0	4	0	0	1	3	0	4	0	35.9
Wilson	34	28	6	32	1	1	19	15	0	21	13	32.7
Woodson	10	6	4	10	0	0	5	5	0	3	7	32.7
Wyandotte	1,126	929	197	585	526	15	476	645	5	716	410	34.2
Unknown	18	16	2	11	4	3	18	0	0	17	1	35.5
TOTAL	**13,707**	**10,861**	**2,846**	**10,312**	**3,088**	**307**	**5,307**	**8,148**	**252**	**9,423**	**4,284**	**33.1**

* Prison sentences are based on KDOC admissions in FY 2014. Probation and jail sentences are based on the sentencing journal entries reported to KSC during FY 2014.
** Jail sentences include 33 DUI or test refusal post-imprisonment supervision sentences.
*** Average age at time of sentencing.

CHARACTERISTICS OF OFFENDERS AND OFFENSES

This section presents the characteristics of the offenders who were sentenced during FY 2014. The crime categories committed by the offenders are descriptively analyzed as well.

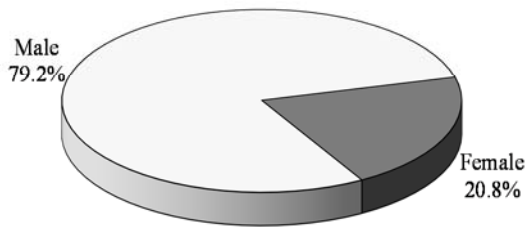
The distributions of offenders by gender, race and age are illustrated respectively in Figures 6 - 9. Table 2 presents the demographic information of offenders by offense types.

In FY 2014, male offenders represented 79.2% of the total sentences (Figure 6) and committed more than 80% of most aggravated crimes and violent crimes such as aggravated battery, burglary, criminal threat, fleeing or eluding LEO, rape and kidnapping.

Female offenders accounted for 20.8% of the sentences in FY 2014, an increase of 1.4% compared with the percentage rate of FY 2013 (19.4%). The most frequently committed crimes by female offenders (over 40%) were forgery, aiding felon, computer crime and mistreating dependent adults.

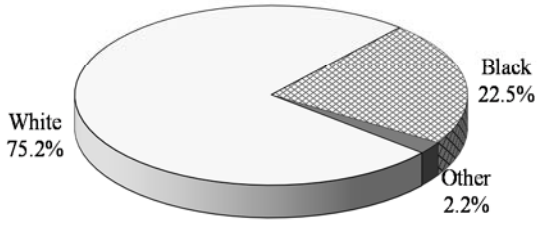
In FY 2014, white offenders made up 75.2% of the sentences and 22.5% of the sentences were committed by black offenders. No significant fluctuation is identified in the racial distribution compared with FY 2013 (Figure 7).

Figure 6: Distribution of FY 2014 Sentences by Gender of Offenders



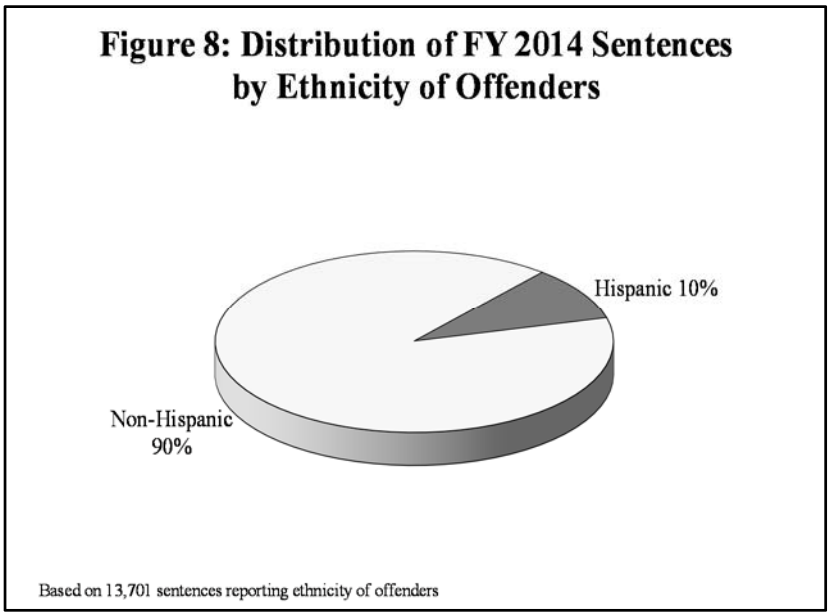
Based on 13,707 sentences reporting gender of offenders

Figure 7: Distribution of FY 2014 Sentences by Race of Offenders



Based on 13,706 sentences reporting race of offenders

In FY 2014, 90% of the offenders were of Non-Hispanic origin, indicating no change in percentage when compared with those of FY 2013 and 2012. This distribution of ethnicity of offenders has been comparatively constant in the past five years (Figure 8).



The largest group of offenders in FY 2014 was found in the age group ranging from 31 to 40 years old at the time of committing the offense, which represented 25.4% of all offenders in FY 2014. The second largest offender population was identified in the age group ranging from 25 to 30 (Figure 9). This finding is consistent with those in the past five years.

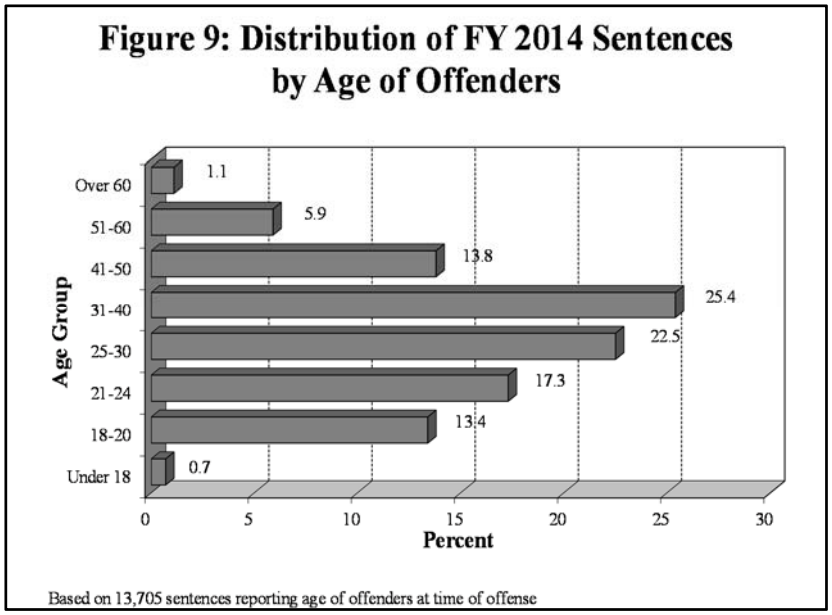


Table 2: FY 2014 Offender Characteristics by Type of Offense – 1

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Abuse of Child	26	96.2	3.8	73.1	26.9	0.0	28.6
Agg. Arson	20	85.0	15.0	75.0	25.0	0.0	29.6
Agg. Assault	298	90.3	9.7	68.1	28.5	3.4	32.5
Agg. Assault on LEO	54	90.7	9.3	79.6	20.4	0.0	33.3
Agg. Battery	827	88.4	11.6	67.6	29.5	2.9	31.2
Agg. Battery on LEO	14	78.6	21.4	42.9	42.9	14.3	28.8
Agg. Burglary	254	81.5	18.5	64.6	33.1	2.4	29.3
Agg. Criminal Sodomy w/Child	35	94.3	5.7	91.4	2.9	5.7	32.1
Agg. Endangering a Child	61	60.7	39.3	85.2	13.1	1.6	31.8
Agg. Escape from Custody	68	88.2	11.8	73.5	23.5	2.9	30.9
Agg. Failure to Appear	34	73.5	26.5	70.6	29.4	0.0	29.5
Agg. False Impersonation	4	100.0	0.0	100.0	0.0	0.0	29.9
Agg. Robbery	217	91.2	8.8	41.9	55.8	2.3	25.6
Agg. Indecent Liberties w/Child	154	97.4	2.6	82.5	15.6	1.9	30.1
Agg. Indecent Solicit w/Child	70	95.7	4.3	80.0	18.6	1.4	31.9
Agg. Intimidation of a Victim	21	100.0	0.0	85.7	14.3	0.0	31.6
Agg. Kidnapping	11	100.0	0.0	54.5	45.5	0.0	27.5
Agg. Sexual Battery	47	100.0	0.0	72.3	27.7	0.0	32.3
Agg. Weapon Violation	10	100.0	0.0	60.0	30.0	10.0	28.3
Aid Felon	25	48.0	52.0	76.0	24.0	0.0	28.5
Animal Cruelty	6	83.3	16.7	83.3	16.7	0.0	26.5
Arrange Sale/Purchase Drug	45	73.3	26.7	64.4	35.6	0.0	34.6
Arson	44	90.9	9.1	75.0	25.0	0.0	29.7
Auto Failure to Remain	10	70.0	30.0	70.0	30.0	0.0	31.5
Battery on LEO	72	83.3	16.7	61.1	37.5	1.4	31.1
Blackmail	4	75.0	25.0	100.0	0.0	0.0	34.0
Breach of Privacy	6	100.0	0.0	83.3	16.7	0.0	27.5
Burglary	1,230	86.9	13.1	79.1	18.8	2.1	28.7
Contribute Child's Misconduct	14	85.7	14.3	78.6	14.3	7.1	27.5
Computer Crime	18	44.4	55.6	77.8	22.2	0.0	28.4
Criminal Damage to Property	83	84.3	15.7	84.3	14.5	1.2	31.8
Criminal Discharge of Firearm	22	86.4	13.6	54.5	45.5	0.0	27.2
Criminal Sodomy w/Child	5	100.0	0.0	100.0	0.0	0.0	38.9
Criminal Threat	382	90.6	9.4	74.9	22.3	2.9	34.2
Criminal Use of Explosives	10	90.0	10.0	100.0	0.0	0.0	33.4
Criminal Use of Financial Card	17	70.6	29.4	94.1	5.9	0.0	35.5
Defacing ID Marks of Firearm	5	100.0	0.0	40.0	40.0	20.0	23.7
Domestic Battery	70	97.1	2.9	62.9	34.3	2.9	31.7
Drugs	4,285	75.3	24.7	76.9	21.1	2.0	32.3

Table 2: FY 2014 Offender Characteristics by Type of Offense – 2

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Drug without Tax Stamps, DUI	37	91.9	8.1	78.4	21.6	0.0	31.7
DUI	778	85.5	14.5	85.7	11.1	3.2	38..4
DUI Test Refusal	77	85.7	14.3	85.7	11.7	2.6	37.1
Electronic Solicitation of Child	21	100.0	0.0	95.2	4.8	0.0	31.8
Failure to Register	307	92.8	7.2	72.6	23.5	3.9	33.9
Fleeing or Eluding LEO	299	90.0	10.0	66.2	30.4	3.3	31.4
Forgery	535	54.4	45.6	80.2	17.9	1.9	31.6
False Writing	137	65.0	35.0	73.7	23.4	2.9	35.3
Giving Worthless Checks	23	73.9	26.1	82.6	13.0	4.3	35.0
Identity Theft	155	56.8	43.2	84.5	13.5	1.9	32.1
Indecent Liberties w/Child	58	96.6	3.4	82.8	13.8	3.4	27.7
Indecent Solicitation of Child	34	97.1	2.9	82.4	17.6	0.0	27.4
Involuntary Manslaughter	30	76.7	23.3	73.3	20.0	6.7	32.6
Kidnapping	42	92.9	7.1	47.6	52.4	0.0	28.5
Lewd and Lascivious Behavior	20	100.0	0.0	95.0	0.0	5.0	33.7
Medicaid Fraud	7	28.6	71.4	85.7	14.3	0.0	41.0
Mistreat Dependant Adult	11	45.5	54.5	72.7	18.2	9.1	38.7
Murder in the First Degree	51	88.2	11.8	49.0	41.2	9.8	29.6
Murder in the Second Degree	56	89.3	10.7	67.9	26.8	5.4	27.8
Nonsupport of Child or Spouse	29	86.2	13.8	79.3	20.7	0.0	36.5
Obstructing Legal Process	171	78.4	21.6	84.8	14.6	0.6	31.2
Obtain Prescription Drug by Fraud	8	25.0	75.0	75.0	25.0	0.0	41.3
Perjury	4	50.0	50.0	75.0	25.0	0.0	39.9
Possession of Firearm	158	95.6	4.4	62.7	34.8	2.5	31.0
Rape	96	99.0	1.0	72.9	25.0	2.1	30.1
Robbery	187	84.5	15.5	51.9	47.1	1.1	27.6
Sex Exploitation of a Child	55	96.4	3.6	87.3	9.1	3.6	35.2
Stalking	37	94.6	5.4	70.3	29.7	0.0	37.0
Tamper w/Electronic Monitor Equip.	20	85.0	15.0	65.0	30.0	5.0	27.3
Theft	1,490	64.0	36.0	76.4	21.9	1.7	34.4
Traffic in Contraband	98	63.3	36.7	79.6	18.4	2.0	32.4
Unlawful Sexual Relations	4	75.0	25.0	100.0	0.0	0.0	31.7
Unlawful Voluntary Sex Relations	34	100.0	0.0	91.2	8.8	0.0	18.8
Voluntary Manslaughter	13	84.6	15.4	53.8	38.5	7.7	29.8
Weapons	7	85.7	14.3	100.0	0.0	0.0	33.4
Other	40	82.5	17.5	65.0	35.0	0.0	31.0
TOTAL	**13,707**	**79.2**	**20.8**	**75.2**	**22.5**	**2.2**	**32.1**

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

Felony DUI under K.S.A. 8-1567(f)

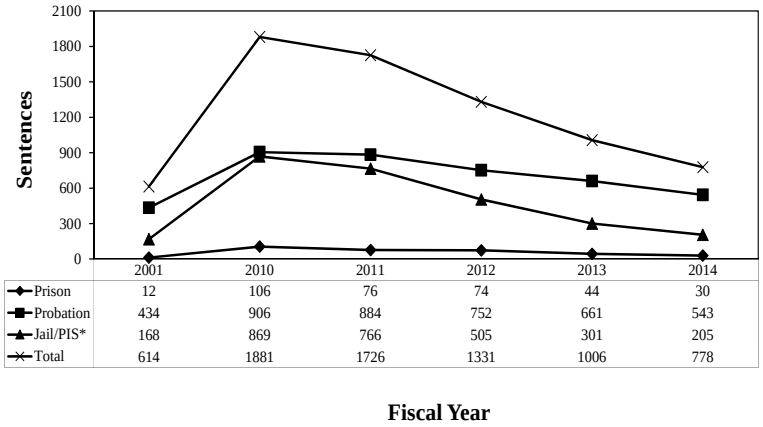
The felony crime of driving under the influence of alcohol or drugs for the third or subsequent conviction (DUI) under K.S.A. 8-1567(f) was classified as a severity level 9, nonperson felony offense in 1993 when the Sentencing Guidelines were established. In the 1994 Legislative Session, the crime was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

Figure 10 exhibits the sentencing trends of felony DUI under K.S.A. 8-1567(f) in FY 2001 and the past five fiscal years. During FY 2001, 614 offenders were convicted of the crime of felony DUI. Of this number, 12 (2%) were sentenced to prison as condition violators, 434 (70.7%) were sentenced to probation and 168 (27.4%) were sentenced to county jail. During FY 2014, a total number of 778 sentences were convicted under this crime with 30 (3.9%) sentenced to prison as parole condition violators, 543 (69.8%) sentenced to probation and 205 (26.3%) sentenced to county jails and post-imprisonment supervision. The total number of sentences convicted under the crime of felony DUI in FY 2014 decreased by 22.7% from that of FY 2013 and 58.6 % from that of FY 2010. When compared with that of FY 2001, the number increased by 26.7%. The distribution of felony DUI convictions in FY 2014 by county is presented in Figure 11. Johnson and Sedgwick counties were the top two counties imposing 206 (26.5%) and 154 (19.8%) sentences respectively under K.S.A. 8-1567(f) in FY 2014.

The decrease of DUI sentences since FY 2011 mirrors the impact of 2011 Senate Bill 6, which amends a third DUI conviction to a Class A nonperson misdemeanor. The majority of the prison sentences were parole condition violators (Figure 10).

Figure 10: DUI Sentences

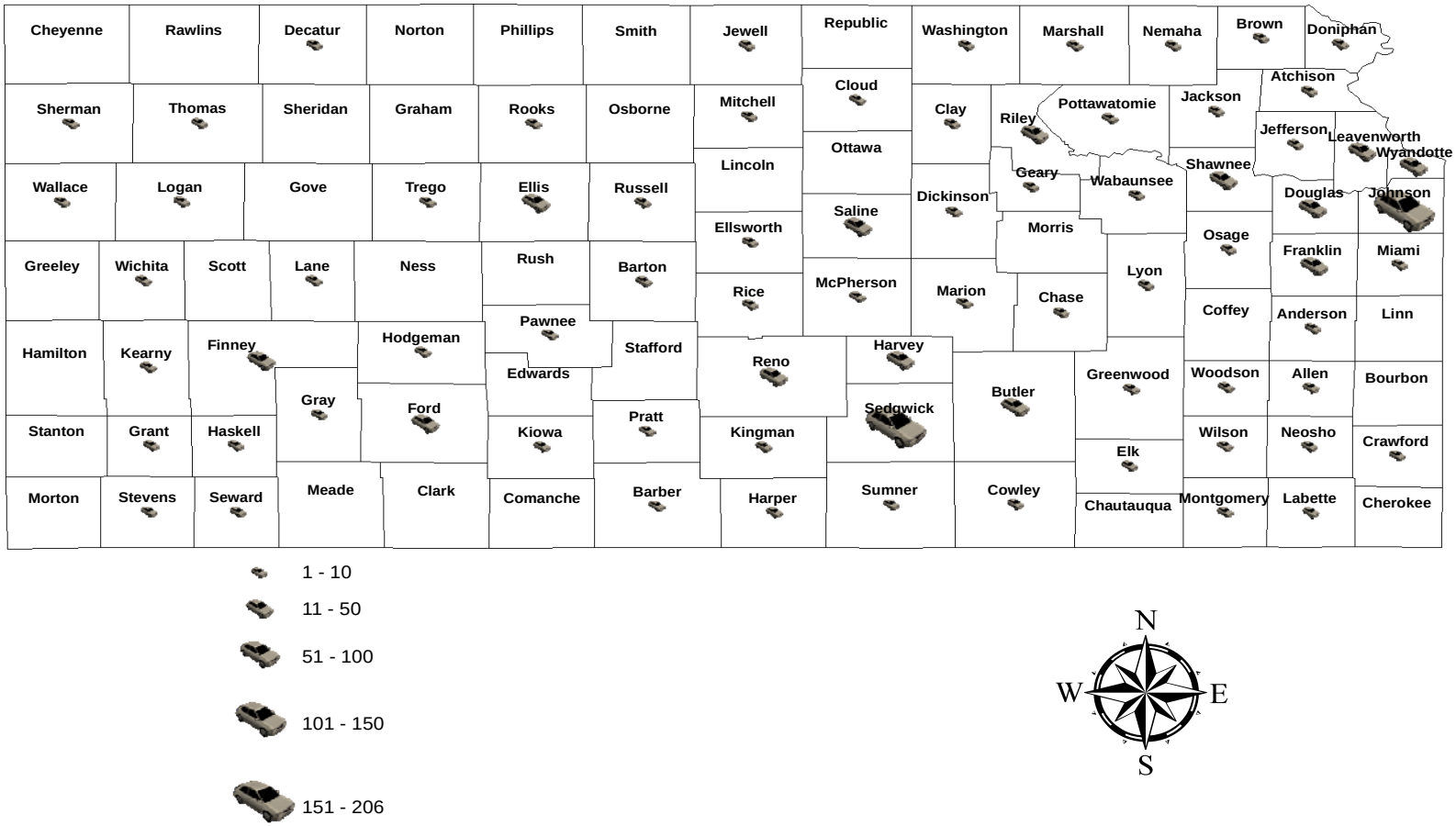
FY 2001, FY 2010 through FY 2014



	2001	2010	2011	2012	2013	2014
Prison	12	106	76	74	44	30
Probation	434	906	884	752	661	543
Jail/PIS*	168	869	766	505	301	205
Total	614	1881	1726	1331	1006	778

* FY 2014 Jail/PIS sentences include 25 DUI or test refusal post-imprisonment supervission sentences.

Figure 11: FY 2014 DUI Offenses by County



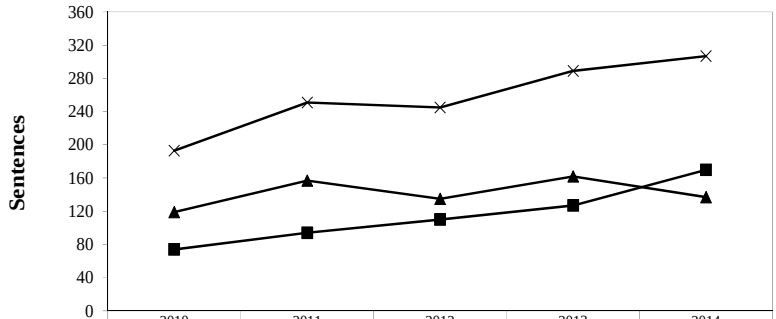
Sentences for Failure to Register under the Kansas Offender Registration Act

K.S.A. 22-4903 lists the penalty for a failure to register under the Kansas Offender Registration Act. The statute was amended to increase the penalty from a Class A, nonperson misdemeanor to a severity level 10, nonperson felony during the 1999 Legislative Session. The penalty for the crime was amended again in the 2006 Legislative Session, which increased the penalty to a severity level 5, person felony.

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

From FY 2010 to FY 2014, the number of the crime of failure to register increased each year except a decrease in FY 2012. During FY 2014, 307 sentences were convicted under this crime, an increase of 6.2% when compared with FY 2013 and an increase of 59.1 % when compared with FY 2010. Of those 307 convictions, 170 were sentenced to prison and 137 were sentenced to probation (Figure 12).

Figure 12: Failure to Register Sentences
By Sentence Imposed - FY 2010 through FY 2014

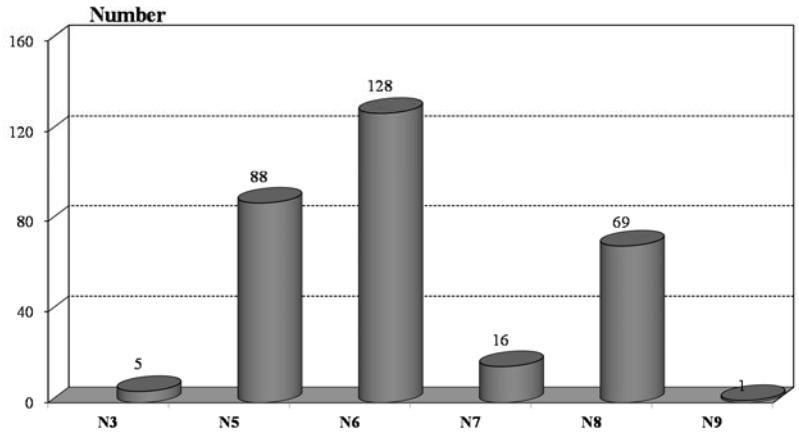


	2010	2011	2012	2013	2014
Prison	74	94	110	127	170
Probation	119	157	135	162	137
Total	193	251	245	289	307

Fiscal Year

Figure 13 presents the severity level of the crime committed in FY 2014. Five (1.6%) convictions under this crime were sentenced at nondrug severity level 3, 88 (28.7%) were sentenced at nondrug severity level 5 and 128 (41.7%) were sentenced at nondrug severity level 6. Sentences at nondrug severity levels 7 and 8 were attempt convictions of the crime, representing 16 (5.2%) and 69 (22.5%) convictions respectively. One sentence was at nondrug severity level 9.

Figure 13: Failure to Register Sentences
By Severity Level - FY 2014

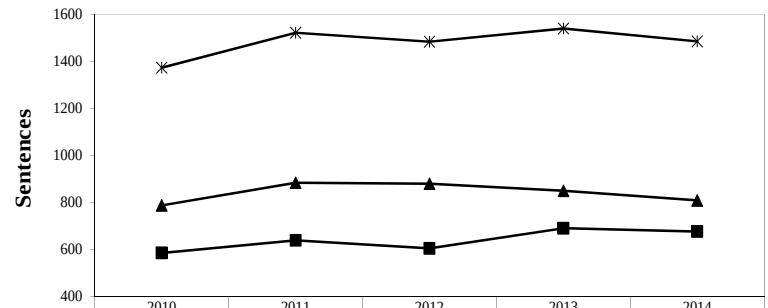


Burglary and Aggravated Burglary

Burglary, including aggravated burglary, is one of the top five offenses committed in the past five years. The penalty for the crime is nondrug severity level 5 for aggravated burglary, nondrug severity level 7 for residential and nonresidential burglary and nondrug severity level 9 for motor vehicle burglary. Two special sentencing rules related to burglary make a conviction of the crime a presumptive prison sentence. The number of burglary offenders sentenced to prison with the two special sentencing rules has been increasing since FY 2010: 150 during FY 2014, 140 in FY 2013, 129 in FY 2012, 111 in FY 2011 and 92 in FY 2010.

During FY 2014, the total number of burglary sentences decreased by 3.6% from that of FY 2013 but increased by 8.2% over that of FY 2010. The number of prison sentences in FY 2014 decreased by 14 sentences compared with FY 2013 but increased by 91 sentences compared with FY 2010. The number of probation sentences decreased by 41 compared with FY 2013 but increased by 21 compared with FY 2010.

Figure 14: Burglary Sentences
By Sentence Imposed - FY 2010 through FY 2014

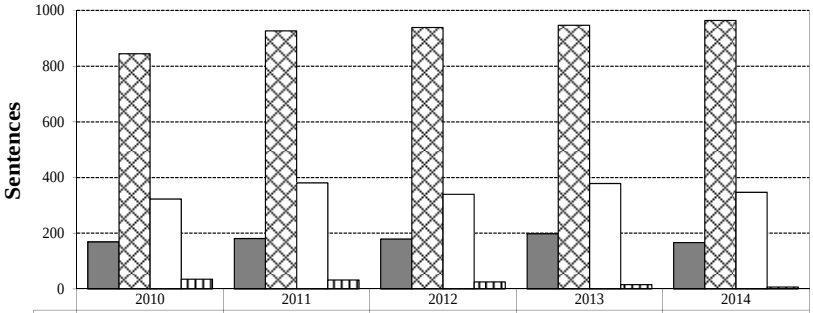


	2010	2011	2012	2013	2014
Prison	585	638	604	690	676
Probation	787	883	879	849	808
Total	1372	1521	1483	1539	1484

Fiscal Year

The analysis of severity levels of the crimes indicates that the majority of the convictions were sentenced at nondrug severity level 7, representing 65% of burglary sentences imposed in FY 2014, 61.5% in FY 2013, 63.3% in FY 2012, 60.9% in FY 2011 and 61.6% in 2010 (Figure 15).

Figure 15: Burglary Sentences
By Severity Level - FY 2010 through FY 2014



	2010	2011	2012	2013	2014
N5	169	181	179	198	166
N7	845	927	939	947	964
N9	323	381	340	379	347
N10	35	32	25	15	7

Fiscal Year

Domestic Violence Cases

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

A total number of 294 sentences in FY 2014 were designated by court as domestic violence cases, increasing by 99 or 50.8% compared with FY 2013 (195 sentences). Of the 294 sentences, 56 (19%) were sentenced to prison, 229 (77.9%) were sentenced to probation and 9 (3.1%) were sentenced to county jail. More than 92% of the offenders were male. White offenders accounted for 61.9%, black offenders accounted for 35.4% and offenders of other races represented 2.7%. Their average age at sentencing was 34 years old, which is close to that of FY 2013. Aggravated battery (35.7%), criminal threat (18.4%) and domestic battery (16%) were still the top three offenses committed by this group of offenders compared with the data observed in FY 2013.

Table 3: FY 2014 Most Serious Offenses Convicted by Designated Domestic Violent Offenders

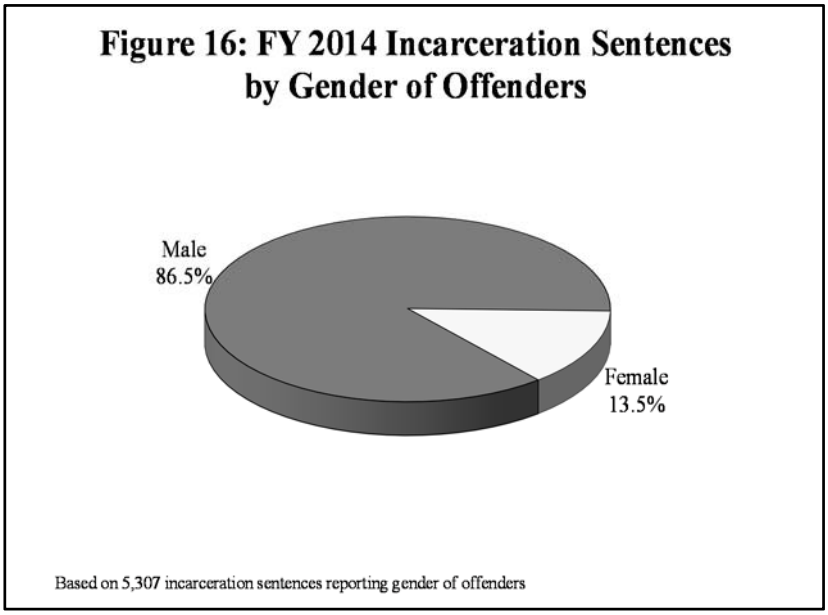
Offense	Number	Percent
Aggravated Assault	31	10.5
Aggravated Battery	105	35.7
Aggravated Kidnapping/Kidnapping	4	1.4
Aggravated burglary/Burglary	15	5.1
Criminal Damage to Property	4	1.4
Criminal Threat	54	18.4
Domestic Battery	47	16.0
Murder in the First Degree	1	0.3
Murder in the Second Degree	1	0.3
Robbery	2	0.7
Arson	3	1.0
Stalking	10	3.4
Voluntary Manslaughter	1	0.3
Other	16	5.4
Total	**294**	**100.0**

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

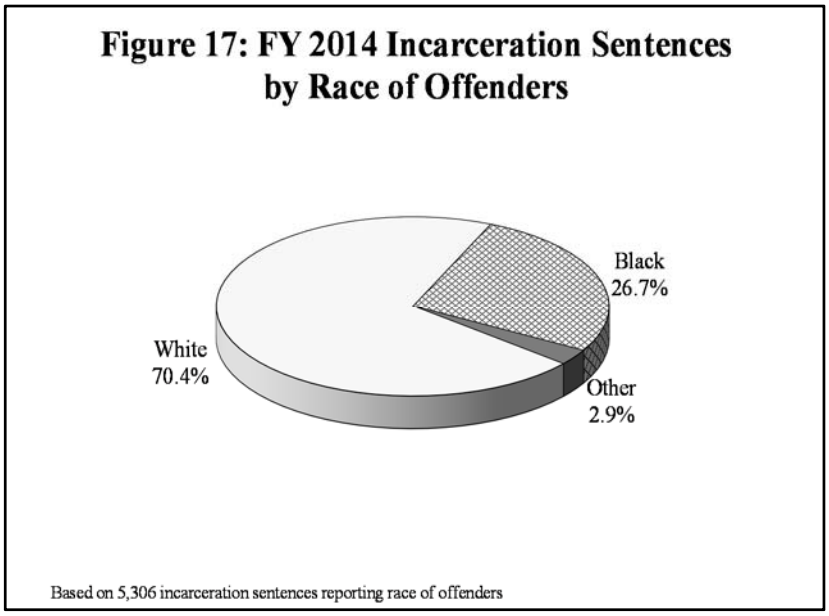
INCARCERATION SENTENCES

Characteristics of Offenders

The characteristics of offenders admitted to the state correctional facilities during FY 2014 are presented in Figures 16 - 20. Male offenders continued to be the predominant offender group representing 86.5% of the offenders admitted to prison in FY 2014 (Figure 16).



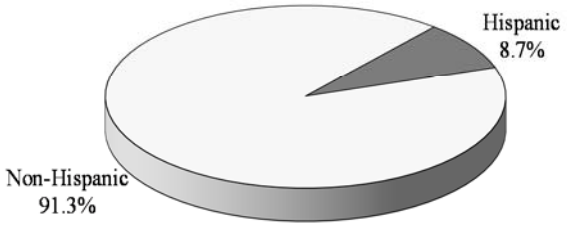
White offenders represented 70.4%, black offenders represented 26.7% and other races accounted for 2.9% of the total admissions of FY 2014 (Figure 17). This racial distribution of offenders does not fluctuate much when compared with that of FY 2013.



Non-Hispanic offenders accounted for 91.3% of the offenders sentenced to prison (Figure 18). The overall distributions of the offenders by gender, race and ethnicity are comparatively constant compared with those of the past five years.

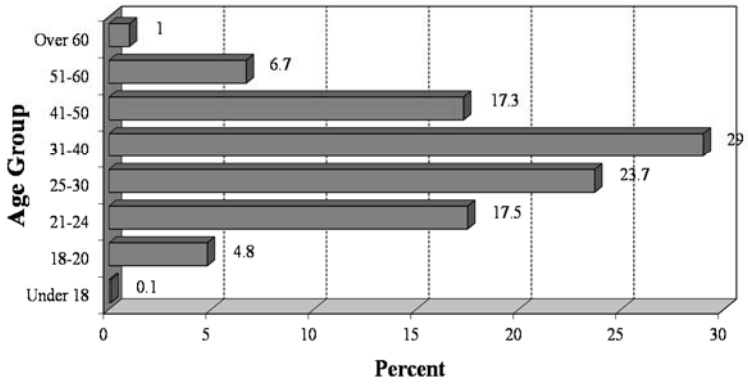
The analysis of offenders' age reveals that the largest number of incarcerated offenders were found in their thirties (29%) at the time of admission to prison. The second largest number of offenders were in the age group ranging from 25 to 30 years old representing 23.7% of the total admission in FY 2014 This age distribution pattern is consistent with the age data observed in FY 2013 (Figure 19).

Figure 18: FY 2014 Incarceration Sentences by Ethnicity of Offenders



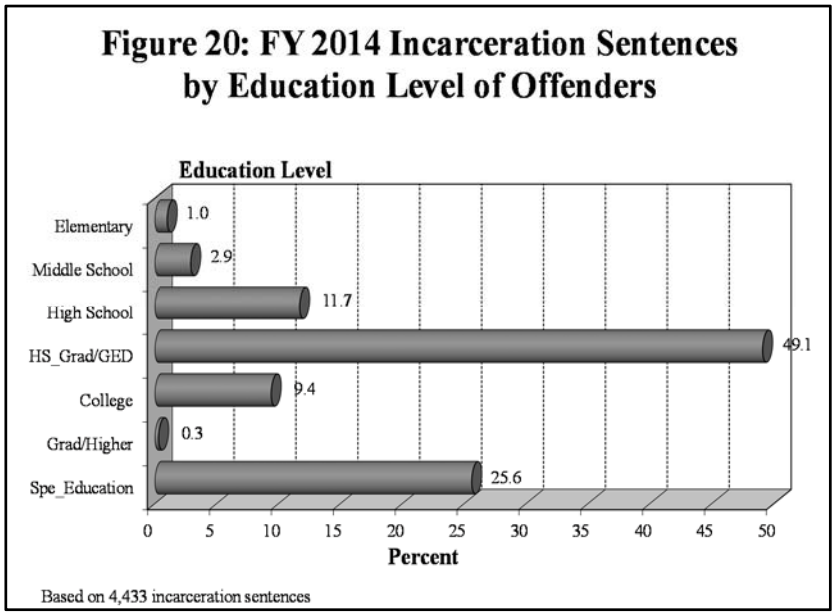
Based on 5,301 incarceration sentences reporting ethnicity of offenders

Figure 19: FY 2014 Incarceration Sentences by Age of Offenders at Admission



Based on 5,307 incarceration sentences reporting age of offenders

Figure 20 demonstrates the education levels of the offenders admitted to prison during FY 2014. The analysis indicates that 49.1% of the offenders had obtained a high school diploma or GED equivalent, which is very close to the percentage of the same group observed in FY 2013.



Incarceration Nondrug Offenses

A total number of 3,879 offenders were admitted to prison in FY 2014 for convictions of nondrug crimes, representing 73.1% of the total incarceration sentences (5,307) of the fiscal year. The top ten nondrug crimes included burglary (526 sentences), theft (456 sentences), aggravated battery (393 sentences), aggravated robbery (185 sentences), forgery (173 sentences), failure to register (170 sentences), aggravated burglary (150 sentences), aggravated assault (146 sentences), aggravated indecent liberties with a child (139 sentences) and robbery (135 sentences). These top ten crimes accounted for 63.8% of the total nondrug crimes committed by the offenders admitted to prison in FY 2014 (Table 4).

The examination of offenders by gender indicates that male offenders committed more than 85% of the top ten crime categories, except forgery and theft. Most sex offenders were males, indicating no change from the previous year. However, the most frequently committed offenses by female offenders were found in the offense categories of forgery, identity theft, false writing, traffic in contraband and theft (Table 4).

Racial analysis on nondrug offenders reveals that the highest incarceration rates for white offenders (over 70%) were discovered in the crime areas of burglary, criminal threat, failure to register, forgery, aggravated assault of LEO, aggravated escape from custody, DUI, identity theft, obstruction legal process, traffic in contraband and most sex offenses. Nevertheless, black offenders were incarcerated more often (over 40%) for the crimes of aggravated robbery, kidnapping, murder in the first degree, robbery, stalking, arson and aggravated arson. The average age of the nondrug offenders was 34.1 years old at the time of admission to prison in FY 2014, which is the very close with that (33.9) of FY 2013 (Table 4).

Table 4: FY 2014 Incarceration Nondrug Offender Characteristics by Type of Offense – 1

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age at Admission
		Male	Female	White	Black	Other	
Abuse of Child	17	100.0	0.0	70.6	29.4	0.0	30.8
Agg. Arson	9	100.0	0.0	55.6	44.4	0.0	36.1
Agg. Assault	146	92.5	7.5	64.4	31.5	4.1	32.0
Agg. Assault on LEO	39	94.9	5.1	76.9	23.1	0.0	36.1
Agg. Battery	393	92.6	7.4	62.2	34.4	3.3	33.7
Agg. Battery on LEO	10	90.0	10.0	50.0	40.0	10.0	30.8
Agg. Burglary	150	88.7	11.3	64.0	33.3	2.7	32.2
Agg. Criminal Sodomy w/Child	35	94.3	5.7	91.4	2.9	5.7	38.1
Agg. Endangering a Child	11	54.5	45.5	90.9	9.1	0.0	33.1
Agg. Escape from Custody	52	88.5	11.5	75.0	23.1	1.9	33.6
Agg. Failure to Appear	5	80.0	20.0	60.0	40.0	0.0	33.7
Agg. Indecent Liberties w/Child	139	97.1	2.9	82.7	15.1	2.2	34.9
Agg. Indecent Solicit w/Child	52	96.2	3.8	80.8	17.3	1.9	33.8
Agg. Intimidation of a Victim	13	100.0	0.0	76.9	23.1	0.0	32.7
Agg. Kidnapping	11	100.0	0.0	54.5	45.5	0.0	44.8
Agg. Robbery	185	91.9	8.1	42.7	54.6	2.7	32.2
Agg. Sexual Battery	37	100.0	0.0	70.3	29.7	0.0	35.7
Aid Felon	10	50.0	50.0	70.0	30.0	0.0	29.8
Arrange Sale/Purchase Drug	6	83.3	16.7	100.0	0.0	0.0	32.4
Arson	15	93.3	6.7	60.0	40.0	0.0	30.2
Battery on LEO	49	85.7	14.3	59.2	38.8	2.0	33.3
Burglary	526	92.8	7.2	77.6	20.0	2.5	32.0
Contribute Child's Misconduct	7	71.4	28.6	57.1	28.6	14.3	27.0
Criminal Damage to Property	18	83.3	16.7	83.3	16.7	0.0	32.4
Criminal Discharge of Firearm	10	100.0	0.0	60.0	40.0	0.0	25.8
Criminal Threat	138	94.2	5.8	71.7	23.9	4.3	35.5
Domestic Battery	4	100.0	0.0	50.0	50.0	0.0	26.4
Drug without Tax Stamps	5	100.0	0.0	40.0	60.0	0.0	34.3
DUI	30	83.3	16.7	83.3	10.0	6.7	45.1
Electronic Solicitation of Child	20	100.0	0.0	95.0	5.0	0.0	33.2
Failure to Register	170	95.9	4.1	70.0	25.3	4.7	36.2
Fleeing or Eluding LEO	116	90.5	9.5	65.5	32.8	1.7	33.5
Forgery	173	65.3	34.7	79.2	18.5	2.3	33.5
False Writing	36	72.2	27.8	63.9	30.6	5.6	36.2
Giving Worthless Checks	5	80.0	20.0	100.0	0.0	0.0	41.3
Identity Theft	38	65.8	34.2	89.5	5.3	5.3	35.1

Table 4: FY 2014 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	
Indecent Liberties w/Child	41	100.0	0.0	82.9	12.2	4.9	31.4
Indecent Solicitation of Child	20	95.0	5.0	75.0	25.0	0.0	30.3
Involuntary Manslaughter	26	84.6	15.4	73.1	19.2	7.7	37.4
Kidnapping	37	91.9	8.1	45.9	54.1	0.0	35.2
Lewd and Lascivious Behavior	4	100.0	0.0	100.0	0.0	0.0	33.5
Murder in the First Degree	51	88.2	11.8	49.0	41.2	9.8	33.7
Murder in the Second Degree	55	89.1	10.9	67.3	27.3	5.5	30.8
Nonsupport of Child or Spouse	12	83.3	16.7	83.3	16.7	0.0	43.5
Obstructing Legal Process	36	94.4	5.6	80.6	16.7	2.8	31.9
Possession of Firearm	69	97.1	2.9	62.3	34.8	2.9	31.3
Rape	94	100.0	0.0	72.3	25.5	2.1	37.9
Robbery	135	86.7	13.3	54.1	44.4	1.5	31.5
Sex Exploitation of a Child	30	96.7	3.3	83.3	13.3	3.4	39.7
Tamper w/Electronic Monitor Equip.	15	93.3	6.7	66.7	26.7	6.7	30.9
Stalking	14	92.9	7.1	57.1	42.9	0.0	40.1
Theft	456	76.5	23.5	69.5	27.6	2.9	37.5
Traffic in Contraband	38	65.8	34.2	78.9	18.4	2.6	33.2
Unlawful Voluntary Sex Relation	8	100.0	0.0	87.5	12.5	0.0	20.9
Voluntary Manslaughter	13	84.6	15.4	53.8	38.5	7.7	36.4
Weapons/Agg. Weapon Violation	10	90.0	10.0	80.0	10.0	10.0	34.1
Other	35	85.7	14.3	65.7	34.3	0.0	37.3
TOTAL	**3,879**	**88.6**	**11.4**	**69.2**	**27.9**	**2.9**	**34.1**

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

Incarceration Drug Offenses

During the 2012 Legislative Session, a new drug sentencing grid with five levels was adopted, which became effective on July 1, 2012. The crimes of drug possession convicted under K.S.A. 21-5706 are reclassified to drug severity level 5. The felony crimes of drug distribution or possession with intention to distribute the drugs convicted under K.S.A. 21-5705 are reclassified to drug severity levels 1 to 4 based on drug types and quantity. Violations occurring within 1,000 feet of any school property increase the severity level by one level. As FY 2014 is the second year of implementing the new dug sentencing grid with five levels, the distribution of drug severity levels is the mix of the old and new drug sentencing grids.

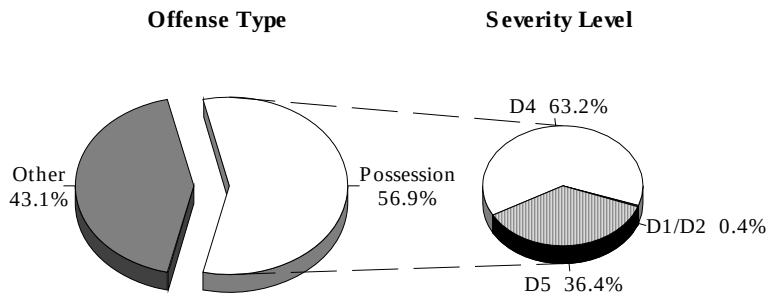
In FY 2014, a total number of 1,428 drug offenders were admitted to prison, representing 26.9% of the total admissions to the State Correctional Facilities. Of this total number, 56.9% were incarcerated for convictions of drug possession offenses, indicating an increase of 0.7% compared with that of FY 2013 (56.2%). More than 63% of the drug possession

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

offenders were found at drug severity level 4. Offenders at drug severity level 5 accounted for 36.4% of the drug possession group. The percentage of offenders admitted at drug severity level 5 increased greatly by 29.2% over that of FY 2013 (7.2%), which will keep increasing as the implementation of the new drug sentencing grid continues (Figure 21).

Males represented 80.9% of the drug offenders admitted to prison in FY 2014. Most female offenders were convicted of drug crimes for drug possession and possession of paraphernalia. White offenders were convicted of over 75% of incarceration drug sentences in the drug crime areas of possession of drugs, including precursor drugs, and unlawfully manufacturing controlled substance. Black offenders were incarcerated more frequently for convictions of drug crimes of drugs distribution and possession of paraphernalia. The average age of the drug offenders was 34 years old at admission to prison, very close to that observed in FY 2013 (Table 5).

Figure 21: FY 2014 Incarceration Drug Sentences by Offense and Level



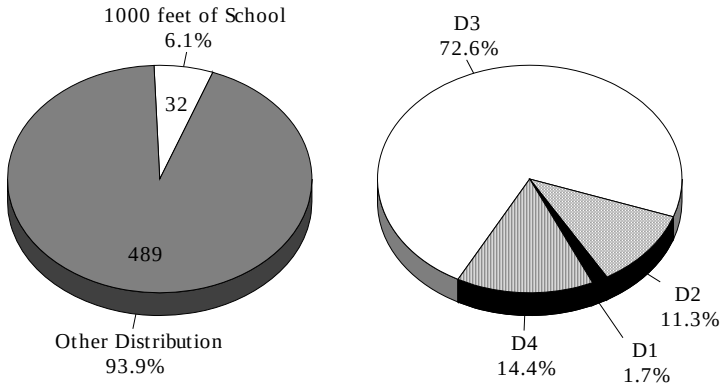
Based on 1,428 incarceration drug sentences

Table 5: FY 2014 Incarceration Drug Offender Characteristics by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age at Admission
		Male	Female	White	Black	Other	
Drugs; Possession	813	77.7	22.3	76.5	20.9	2.6	34.4
Drugs; Distribution/Sale	521	84.3	15.7	67.8	29.4	2.9	32.9
Unlawful Manufacture Controlled Substance	51	94.1	5.9	88.2	11.8	0.0	40.0
Possession of Paraphernalia	23	78.3	21.7	73.9	21.7	4.3	32.8
Possession of Precursor Drugs	15	86.7	13.3	93.3	6.7	0.0	35.5
Other	5	100.0	0.0	40.0	40.0	20.0	30.1
TOTAL	**1,428**	**80.9**	**19.1**	**73.7**	**23.6**	**2.7**	**34.0**

During FY 2014, a number of 521 offenders (36.5%) were admitted to prison for the crimes of drug distribution or possession with intent to distribute. Of this number, 32 or 6.1% occurred within 1,000 feet of school property. The largest number of the offenders was at drug severity level 3, accounting for 72.6% (or 378) of the offenders convicted of drug distribution or possession with intent to distribute (Figure 22).

Figure 22: FY 2014 Incareceration Drug Sentences Distribution Offenses and Severity Level



Based on 521 incarceratted offenders convicted of drug distribution or possession with intent to distribute.

Types of Admission and Severity Levels

Table 6 presents the distribution of offenders by types of admission to the Kansas Department of Corrections in FY 2014. New court commitments made up a big proportion of prison admissions in FY 2014, representing 34.7% of the total admissions. The percentage of this group decreased by 1.7% compared with that of FY 2013 (36.4%).

Condition violators, including probation condition violators, parole/postrelease condition violators and conditional release condition violators, comprised 47% of all offenders admitted to state correctional facilities during FY 2014. Sanctions from probation violation accounted for 6.1%. This group of offenders will be discussed in the coming section. 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 2014.

Violators with new sentences, including probation violators with new sentences, parole or postrelease violators with new sentences and conditional release violators with new sentences, accounted for 10.8%, an increase of 3.6% over the percentage of this group of violators (7.2%) in FY 2013.

Table 6: Distribution of FY 2014 Incarceration Sentences by Admission Type

Admission Type	Number of Cases	Percent
New Court Commitment	1,844	34.7
Sanction from Probation	323	6.1
Probation Condition Violator	1,368	25.8
Probation Violator With New Sentence/New Conviction	391	7.3
Inmate Received on Interstate Compact	16	0.3
Parole/Postrelease/CR Condition Violator	1,122	21.2
Parole/Postrelease Violator With New Sentence	185	3.5
Paroled to Detainer Returned With New Sentence	34	0.6
Other	24	0.6
TOTAL	**5,307**	**100.0**

The distribution of all incarcerated offenders admitted in FY 2014 by offense severity level and gender is provided in Table 7. The highest percentages (over 17%) of all nondrug offenders are found at severity levels 5, 7 and 9 (Figure 23). This severity level distribution of nondrug incarcerated offenders remained constant in the past five years. The examination of drug offenders indicates that 42.4% of all drug offenders fell at drug severity level 4 and 26.9% of the offenders were identified at drug severity level 3 (Figure 24). Female offenders were convicted more often of drug offenses than of nondrug offenses (19.1% vs. 11%). The highest percentages of female offenders

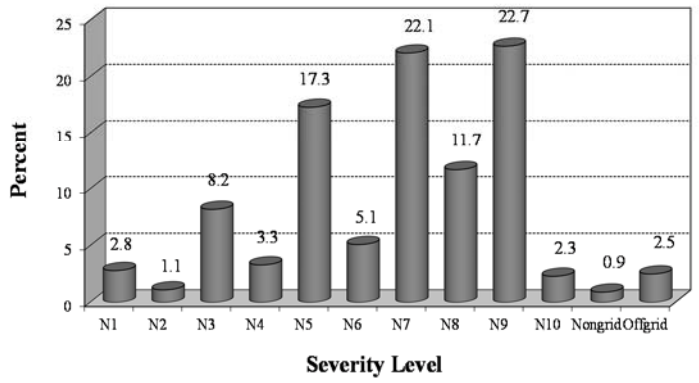
were found at drug severity level 4 (22.9%) and nondrug severity level 8 (22%). The highest percentage rates of male offenders were identified at drug severity level 1 (96.6%) and offgrid (98.9%).

Table 7: Distribution of FY 2014 Incarceration Sentences By Severity Level and Gender*

Severity Level	Number	Percent	Gender (%)	
			Male	Female
Drug				
D1	59	4.1	96.6	3.4
D2	72	5.0	87.5	12.5
D3	384	26.9	84.1	15.9
D4	606	42.4	77.1	22.9
D5	307	21.5	79.8	20.2
Subtotal	**1,428**	**100.0**	**80.9**	**19.1**
Nondrug				
N1	109	2.8	93.6	6.4
N2	44	1.1	90.9	9.1
N3	319	8.2	94.0	6.0
N4	127	3.3	95.3	4.7
N5	670	17.3	90.7	9.3
N6	197	5.1	91.4	8.6
N7	858	22.1	91.7	8.3
N8	455	11.7	78.0	22.0
N9	878	22.7	84.4	15.6
N10	91	2.3	85.7	14.3
Nongrid	34	0.9	85.3	14.7
Offgrid	95	2.5	98.9	1.1
Subtotal	**3,877**	**100.0**	**89.0**	**11.0**
TOTAL**	**5,307**	**100.0**	**86.5**	**13.5**

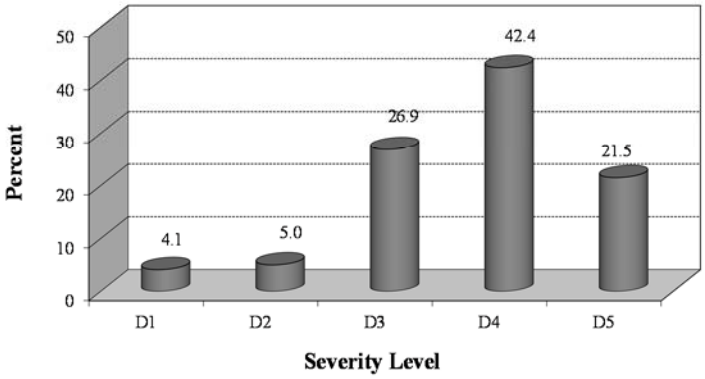
* Based on 1,428 drug offenders and 3,877 nondrug offenders.
** Total number includes 2 nondrug offenders whose severity levels are unknown.

Figure 23: FY 2014 Incarceration Sentences Nondrug Offenders by Severity Level



Based on 3,877 nondrug offenders

Figure 24: FY 2014 Incarceration Sentences Drug Offenders by Severity Level



Based on 1,428 drug offenders

The guideline new commitment offenders includes direct new court commitments, probation condition violators and probation violators with new sentences or new conviction. Violators of sanction from probation and pre-guideline offenders are excluded from this analysis. Table 8 presents the admission numbers and average length of sentences imposed by severity level for this group of offenders admitted to prison during FY 2013 and FY 2014.

Because of the implementation of the new 5-level drug sentencing grid, the admission numbers and average length of stay of drug offenders are not comparable with those of FY 2013 when both old and new drug sentencing grids were applied. The comparative analysis of nondrug new commitment offenders between FY 2013 and FY 2014 indicates that in FY 2014, the admissions at all severity levels decreased except nondrug severity levels 2 and 9. The most obvious decrease was identified at nondrug severity level 3 with a decrease of 31 offenders and nondrug severity level 7 with a decrease of 49 offenders. Offenders at severity levels 2 and 9 increased by 8 and 17 offenders respectively. The average sentence length in FY 2014 increased by 23.5 months at severity level 2 and 62.8 month at severity level 3, but decreased by 15.2 months at severity level 1 and by 5.3 months at severity level 4 when compared with those observed in FY 2013. No significant differences of average length of stay were identified at other nondrug severity levels.

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

Severity Level	FY 2013		FY 2014*	
	Admission #	Average LOS	Admission #	Average LOS
D1	55	99.6	37	95.0
D2	45	62.5	43	69.5
D3	278	34.0	230	39.3
D4	555	22.6	422	22.7
D5	52	26.4	253	26.7
N1	87	266.4	77	251.2
N2	11	137.9	19	161.4
N3	195	94.9	164	157.7
N4	76	76.9	74	71.6
N5	393	56.6	382	58.6
N6	126	40.3	120	38.9
N7	659	27.0	610	28.3
N8	347	16.9	332	17.2
N9	653	12.6	670	12.8
N10	78	9.1	76	8.7
Total	**3,610**	**N/A**	**3,509**	**N/A**

* FY 2014 excludes sanction probation violators.

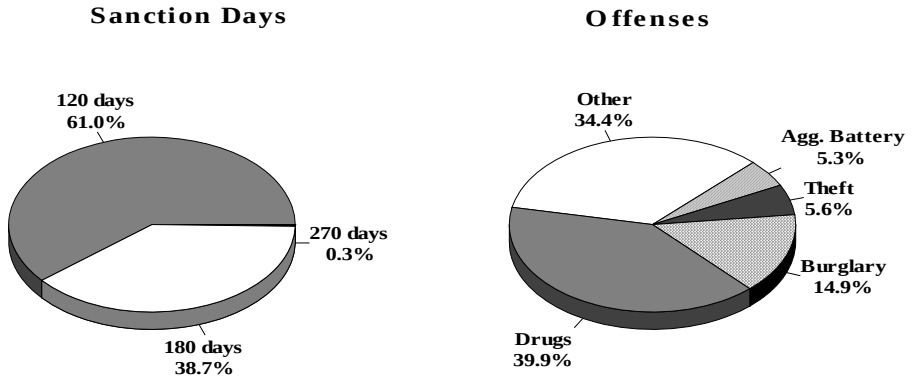
Admissions of Sanction from Probation

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

If the original crime of conviction is a felony and a violation is established, the bill allows the court to impose series of increasing or graduated intermediate violation sanctions including: intermediate sanction of confinement in jail for 2-3 days, not to exceed 18 days of jail sanctions during the entire probation supervision period; if the violator already has at least one intermediate sanction of confinement in jail, remand the defendant to the custody of KDOC for a period of 120 days; if the violator already has been remanded to KDOC custody for a period of 120 days, remand the defendant to KDOC custody for a period of 180 days. The bill provides that the period of time spent in jail or in the custody of KDOC shall not exceed the time remaining on the person's underlying prison sentence.

During FY 2014, 323 probation condition violators were imposed to prison as sanction from probation. Of this number, 197 offenders (61%) were remanded for 120 sanction days, 125 offenders (38.7%) were remanded for 180 sanction days and 1 offender was remanded for 270 days in KDOC. The top four offenses convicted by this group were drug crime (39.9%), burglary (14.9%), theft (5.6%) and aggravated battery (5.3%). The majority of the group were males accounting for 75.2% and female offenders made up 24.8% of the group. White offenders represented 80.8%, black offenders consisted of 16.1% and other races consisted of 3.1%. The average age of the offenders was 31.7.

Figure 25: FY 2014 Sanction from Probation Incarceration Sentences



Based on 323 sanction from probation incarceration sentences.

Table 9 presents the admission of the offenders of sanction from probation by county. Wyandotte County and Reno County imposed the largest number of sanction from probation (38 or 11.8% respectively), followed by Sedgewick County (27 or 8.4%), Lyon County (24, or 7.4%) and Shawnee County (14 or 4.3%).

Table 9: FY 2014 Sanction from Probation Incarceration Sentences Imposed by County

County	Number	Percent	County	Number	Percent
Allen	2	0.6	Lyon	24	7.4
Atchison	3	0.9	Mitchell	2	0.6
Bourbon	2	0.6	Montgomery	4	1.3
Barton	6	1.9	Miami	1	0.3
Butler	3	0.9	McPherson	4	1.3
Cloud	2	0.6	Morris	1	0.3
Coffey	2	0.6	Nemaha	3	0.9
Cowley	10	3.1	Neosho	1	0.3
Crawford	7	2.2	Norton	1	0.3
Douglas	1	0.3	Osborne	1	0.3
Dickson	1	0.3	Philips	1	0.3
Ellis	13	4.0	Pratt	2	0.6
Ellsworth	3	0.9	Pottawatomie	1	0.3
Finney	7	2.2	Rice	3	0.9
Ford	4	1.3	Riley	5	1.6
Graham	1	0.3	Reno	38	11.8
Grant	1	0.3	Rooks	1	0.3
Greenwood	1	0.3	Russell	3	0.9
Harper	2	0.6	Saline	8	2.5
Harvey	2	0.6	Stafford	1	0.3
Jackson	12	3.7	Sedgwick	27	8.4
Jefferson	9	2.8	Sherman	3	0.9
Johnson	14	4.3	Shawnee	14	4.3
Jewell	1	0.3	Seward	1	0.3
Kingman	1	0.3	Thomas	4	1.3
Labette	5	1.6	Wilson	2	0.6
Logan	1	0.3	Washington	2	0.6
Linn	5	1.6	Wyandotte	38	11.8
Leavenworth	6	1.9			
Total				**323**	**100.0**

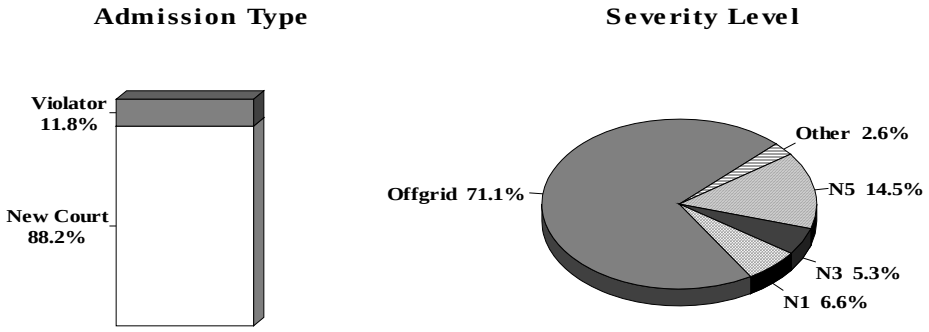
Jessica's Law Sentences

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

In FY 2014, a total number of 76 offenders were sentenced and admitted to prison under Jessica's Law. Of this number, 67 (88.2%) were new court commitments and 9 (11.8%) were probation and parole condition violators. While most jurisdictions identify the severity of these crimes as offgrid, 22 offenders received a downward departure on the nondrug grid. Of these 76 offenders, 54 offenders (71.1%) were sentenced at offgrid, 5 offenders (6.6%) were sentenced at nondrug severity level 1, 4 offenders (5.3%) were sentenced at nondrug severity level 3, 11 offenders (14.5%) were at nondrug severity level 5 and 2 offenders (2.6%) were at nondrug severity levels 4 and 6 (Figure 25). The analysis of the sentence length demonstrates that 61.8% of the sentences were downward departure to guidelines, an increase of 11.1% compared with that of FY 2013 (50.7%). The average sentence length of the durational departures was 107 months, a decrease of 19.2 month from that observed in FY 2013 (126.2 months). The major departure reasons are that there was a plea agreement between parties, the defendant had no prior criminal history and the defendant accepted responsibility.

Table 10 displays the distribution of the incarcerated offenders under Jessica's Law by county. Sedgwick county imposed the most Jessica's Law prison sentences (17) followed by Saline (7) and Wyandotte (7) counties.

Figure 26: FY 2014 Jessica's Law Incarceration Sentences



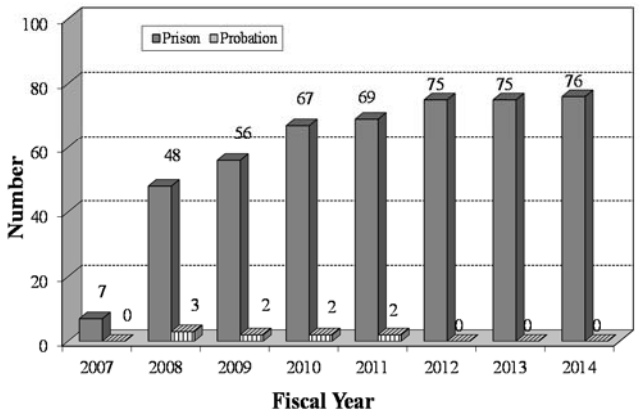
Based on 76 Jessica's Law incarceration sentences.

Table 10: FY 2014 Jessica's Law Incarceration Sentences Imposed by County

County	Number	County	Number	County	Number
Allen	1	Ford	2	Stafford	1
Barber	1	Hodgeman	1	Sedgwick	17
Bourbon	2	Harvey	5	Shawnee	3
Brown	2	Johnson	1	Seward	2
Barton	1	Lincoln	1	Wallace	1
Butler	1	Mitchell	1	Wilson	1
Clark	1	McPherson	2	Wyandotte	7
Cloud	1	Nemaha	1		
Cowley	2	Osage	2		
Clay	1	Pawnee	1		
Douglas	1	Reno	5		
Edwards	1	Saline	7		
Total				**76**	

The sentencing trend in the past eight years is exhibited in Figure 27. The total number of Jessica's Law sentences imposed in FY 2014 was 76, indicating an increase of 1 sentence compared with that of FY 2013 (75 sentences) and an increase of 69 sentences compared with that of FY 2007 (7 sentences). FY 2007 is the initial year for the implementation of Jessica's Law.

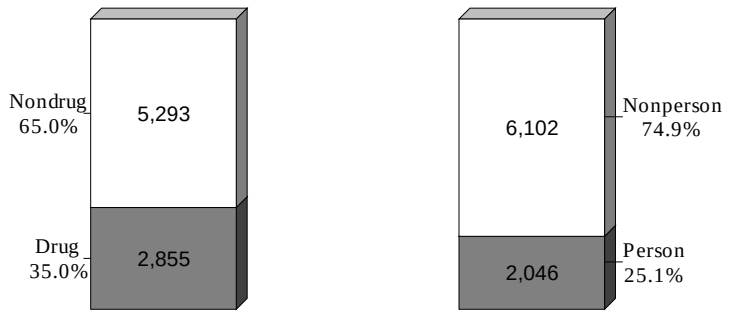
Figure 27: Jessica's Law Sentences Imposed
FY 2007 through FY 2014



PROBATION SENTENCES

A total number of 8,148 probation sentences were reported to the Kansas Sentencing Commission during FY 2014. Of this number, 5,293 were nondrug sentences and 2,855 were drug sentences; nonperson offenses made up 74.9% and person offenses made up 25.1% (Figure 28). The demographic information of this offender group is described in Figures 29 - 31.

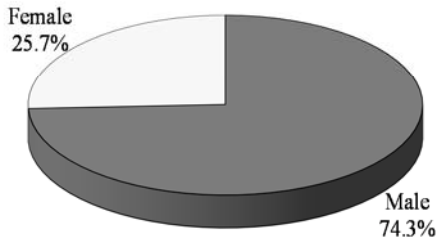
Figure 28: Distribution of FY 2014 Probation Sentences



Based on 8,148 probation sentences

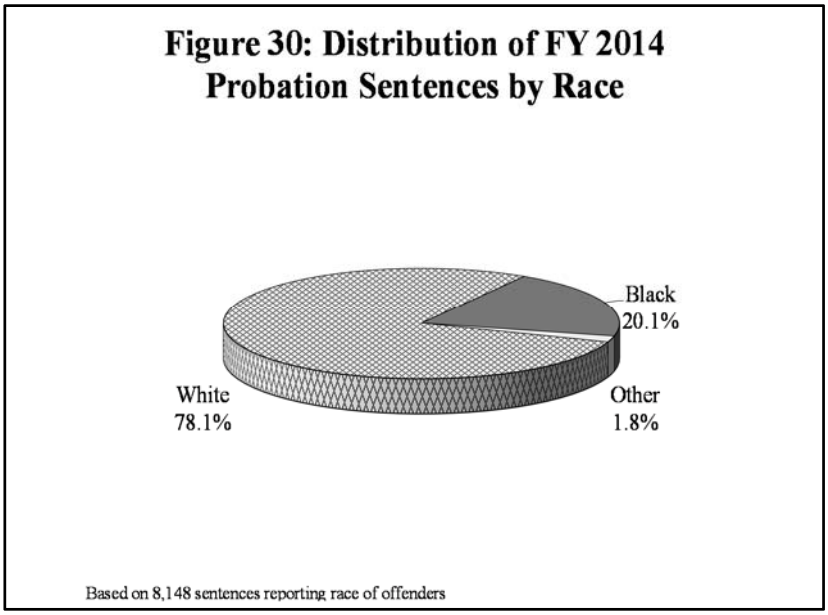
The analysis of offenders' gender discloses that male offenders accounted for 74.3% of all probation sentences imposed in FY 2014, a decrease of 1.3% compared with that observed (75.6%) in FY 2013 (Figure 29).

Figure 29: Distribution of FY 2014 Probation Sentences by Gender

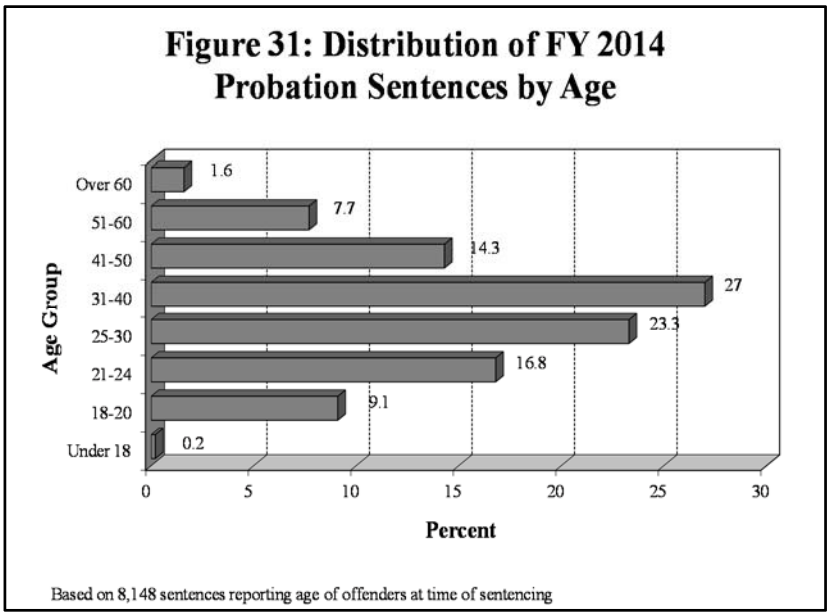


Based on 8,148 sentences reporting gender of offenders

Racial analysis of offenders reveals that white offenders made up 78.1% of the probation sentences imposed in FY 2014, an increase of 0.2% compared with that of FY 2013 (77.9%). The percentage of black offenders accounted for 20.1%, a decrease of 0.4% compared with that of FY 2013 (20.5%). The percentage of offenders in other races remains constant compared with that observed in FY 2013 (Figure 30).



The examination of offenders by age indicates that the largest population of probation offenders was found in the age group ranging from 31 to 40 years old at the time of sentencing (27%) and the second largest group was identified in the age group ranging from 25 to 30 (23.3%). This distribution indicated no change from that of FY 2013 (Figure 31).



Type of Offense and Severity Level

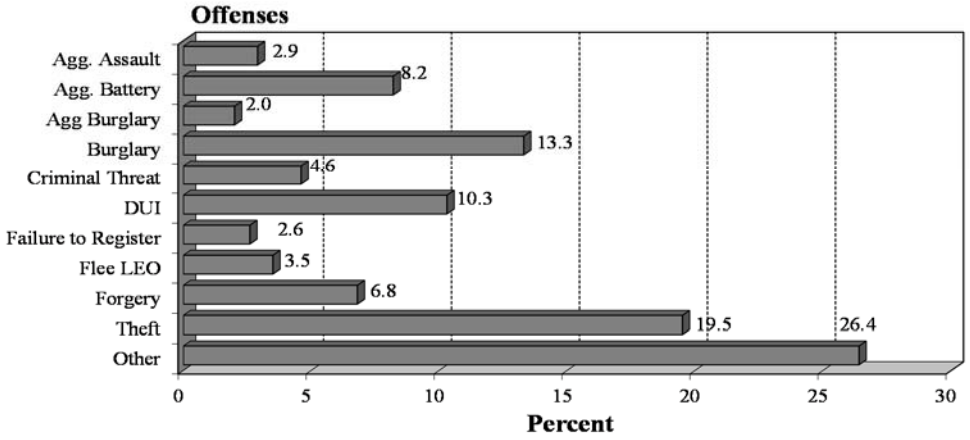
The top ten offenses committed by nondrug probation offenders in FY 2014 include aggravated assault, aggravated battery, aggravated burglary, burglary, criminal threat, DUI, failure to register, fleeing LEO, forgery and theft. These ten offenses accounted for 73.6% of the total nondrug probation sentences in FY 2014 (Figure 32), a decrease of 1.4% from that of the previous year (75%). In reviewing drug offenders on probation, the largest number of sentences was for possession of drugs, representing 73.1% of all probation drug offenses (Figure 33), an increase of 3.1% over that of FY 2013 (70%).

The characteristics of offenders sentenced to probation in FY 2014 by offense type are demonstrated in Tables 11 and 12. Male offenders were convicted of over 90% of the sex offenses and 80% of violent crimes of probation sentences imposed in FY 2014 such as: aggravated assault, aggravated battery, burglary, criminal threat, fleeing or eluding LEO, possession of firearms and arson. The highest percentages of female probation nondrug offenses (over 40%) included aiding felon, computer crime, forgery, identity theft and theft.

In FY 2014, white offenders represented 77.9% of all nondrug probation sentences and 78.6% of all drug offenders on probation. Black offenders on probation had a little higher conviction rate for nondrug offenses than drug crimes (20.2% versus 19.8%). The average age at the time of committing offense was 32.5 years old for nondrug offenders and 32.7 years old for drug offenders, which remains very close to those in FY 2013 (Tables 11 & 12).

The characteristics of probation offenders by severity level are presented in Tables 13 and 14. The largest number of probation nondrug sentences were found at nondrug grid severity level 9 (1,969 sentences or 37.2%). The majority of probation drug sentences were identified at drug grid severity level 5 (1,800 sentences or 63%), which differs from last year when the largest number was identified at drug severity level 4 (1,268 sentences or 53%). This change reflects the impact of the new drug sentencing grid.

Figure 32: FY 2014 Top Ten Offenses for Probation Nondrug Sentences



Based on 5,293 probation nondrug sentences

Figure 33 exhibits the distribution of drug sentences by offense. The felony crimes of drug possession represented 73.1% of the total probation drug sentences imposed in FY 2014. These crimes included the offenses of possession of opiates or narcotics and possession of depressants, stimulants, hallucinogenic, etc. for the second and subsequent offenses.

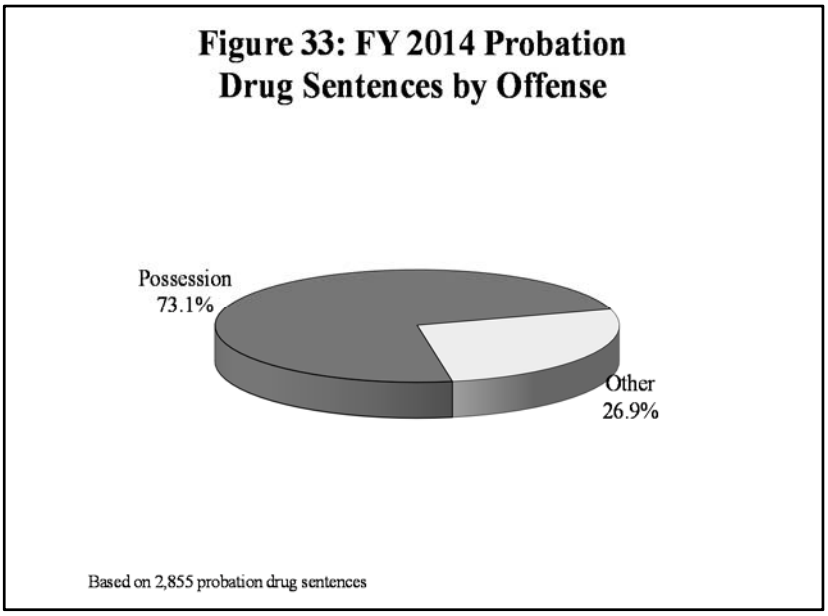


Table 11: Characteristics of Probation Nondrug Offenders by Type of Offense –1

Offense Type	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
Abuse of Child	9	0.2	88.9	11.1	77.8	22.2	0.0	29.2
Agg Arson	11	0.2	72.7	27.3	90.9	9.1	0.0	32.5
Agg Assault	152	2.9	88.2	11.8	71.7	25.7	2.6	35.0
Agg Assault on LEO	15	0.3	80.0	20.0	86.7	13.3	0.0	31.1
Agg Battery	434	8.2	84.6	15.4	72.4	25.1	2.5	31.3
Agg Battery on LEO	4	0.1	50.0	50.0	25.0	50.0	25.0	34.1
Agg Burglary	104	2.0	71.2	28.8	65.4	32.7	1.9	29.5
Agg Endangering a Child	50	0.9	62.0	38.0	84.0	14.0	2.0	31.9
Agg Escape from Custody	16	0.3	87.5	12.5	68.8	25.0	6.3	30.1
Agg Failure to Appear	29	0.5	72.4	27.6	72.4	27.6	0.0	29.4
Agg False Impersonation	4	0.1	100.0	0.0	100.0	0.0	0.0	29.9
Agg Ind Lib with a Child	15	0.3	100.0	0.0	80.0	20.0	0.0	29.5
Agg Ind Solicit with a Child	18	0.3	94.4	5.6	77.8	22.2	0.0	34.0
Agg Intimidation of a Victim	8	0.2	100.0	0.0	100.0	0.0	0.0	32.9
Agg Robbery	32	0.6	87.5	12.5	37.5	62.5	0.0	22.9
Agg Sex Battery with Child	10	0.2	100.0	0.0	80.0	20.0	0.0	36.6
Agg Weapon Violation	7	0.1	100.0	0.0	71.4	28.6	0.0	27.0
Aiding Felon	15	0.3	46.7	53.3	80.0	20.0	0.0	29.2
Animal Cruelty	6	0.1	83.3	16.7	83.3	16.7	0.0	26.5
Arrange Sale/Purchase Drug	39	0.7	71.8	28.2	59.0	41.0	0.0	35.2
Arson	29	0.5	89.7	10.3	82.8	17.2	0.0	30.9
Auto Failure to Remain	10	0.2	70.0	30.0	70.0	30.0	0.0	31.5
Battery on LEO	23	0.4	78.3	21.7	65.2	34.8	0.0	32.7

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

Offense Type	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
Breach of Privacy	6	0.1	100.0	0.0	83.3	16.7	0.0	27.5
Burglary	704	13.3	82.5	17.5	80.3	17.9	1.8	27.9
Computer Crime	16	0.3	37.5	62.5	81.3	18.8	0.0	27.7
Contribute Child Misconduct	7	0.1	100.0	0.0	100.0	0.0	0.0	30.2
Criminal Damage of Property	65	1.2	84.6	15.4	84.6	13.8	1.5	32.5
Criminal Discharge of Firearm	12	0.2	75.0	25.0	50.0	50.0	0.0	31.8
Criminal Threat	244	4.6	88.5	11.5	76.6	21.3	2.0	34.3
Criminal Use of Explosives	7	0.1	85.7	14.3	100.0	0.0	0.0	30.9
Criminal Use of Financial Card	15	0.3	73.3	26.7	100.0	0.0	0.0	34.4
Defacing ID Mark of Firearm	5	0.1	100.0	0.0	40.0	40.0	20.0	23.7
Domestic Battery	49	0.9	95.9	4.1	63.3	34.7	2.0	32.3
Drug without Tax Stamps	32	0.6	90.6	9.4	84.4	15.6	0.0	31.6
DUI	543	10.3	85.8	14.2	86.2	10.9	2.9	38.4
DUI Test Refusal	51	1.0	84.3	15.7	82.4	13.7	3.9	35.3
Failure to Register	137	2.6	89.1	10.9	75.9	21.2	2.9	34.2
False Writing	101	1.9	62.4	37.6	77.2	20.8	2.0	36.1
Fleeing/Eluding LEO	183	3.5	89.6	10.4	66.7	29.0	4.4	31.1
Forgery	361	6.8	49.0	51.0	80.6	17.7	1.7	32.0
Giving Worthless Check	18	0.3	72.2	27.8	77.8	16.7	5.6	34.1
Identity Theft	116	2.2	54.3	45.7	82.8	16.4	0.9	31.8
Ind. Liberties with a Child	17	0.3	88.2	11.8	82.4	17.6	0.0	29.1
Ind. Solicitation with a Child	14	0.3	100.0	0.0	92.9	7.1	0.0	27.9
Involuntary Manslaughter	4	0.1	25.0	75.0	75.0	25.0	0.0	26.0
Kidnapping	5	0.1	100.0	0.0	60.0	40.0	0.0	28.1
Lewd and Lascivious Behavior	16	0.3	100.0	0.0	93.8	0.0	6.3	34.1
Medicaid Fraud	7	0.1	28.6	71.4	885.7	14.3	0.0	41.0
Mistreatment of Dependant Adult	9	0.2	44.4	55.6	77.8	11.1	11.1	39.1
Non-Support of a Child	17	0.3	88.2	11.8	76.5	23.5	0.0	35.1
Obstruct Legal Process	135	2.6	74.1	25.9	85.9	14.1	0.0	31.4
Obtain Prescription Drug by Fraud	6	0.1	16.7	83.3	83.3	16.7	0.0	39.1
Possession of Firearms	89	1.7	94.4	5.6	62.9	34.8	2.2	32.2
Robbery	52	1.0	78.8	21.2	46.2	53.8	0.0	26.7
Sex Exploitation of a Child	25	0.5	96.0	4.0	92.0	4.0	4.0	32.6
Stalking	23	0.4	95.7	4.3	78.3	21.7	0.0	36.1
Tamper w/Electronic Monitor Equip.	5	0.1	60.0	40.0	60.0	40.0	0.0	22.5
Theft	1034	19.5	58.4	41.6	79.4	19.3	1.3	33.9
Traffic in Contraband	60	1.1	61.7	38.3	80.0	18.3	1.7	33.4
Unlawful Voluntary Sex Relation	26	0.5	100.0	0.0	92.3	7.7	0.0	18.8
Other	37	0.7	73.0	27.0	81.1	18.9	0.0	32.4
TOTAL	**5,293**	**100.0**	**75.2**	**24.8**	**77.9**	**20.2**	**1.9**	**32.5**

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

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

Offense Type	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
Drugs; Possession	2,088	73.1	71.5	28.5	80.7	17.5	1.7	33.1
Drugs; Distribution/Sale	652	22.8	75.8	24.2	71.6	26.8	1.5	31.5
Unlawful Manufacture Controlled Substance	9	0.3	77.8	22.2	100.0	0.0	0.0	37.2
Possession of Paraphernalia	88	3.1	75.0	25.0	73.9	26.1	0.0	30.2
Possession of Precursor Drugs	11	0.4	63.6	36.4	100.0	0.0	0.0	28.5
Receive Proceeds from Violation of Controlled Substance Act	7	0.2	57.1	42.9	71.4	28.6	0.0	33.3
TOTAL	**2,855**	**100.0**	**72.5**	**27.5**	**78.6**	**19.8**	**1.6**	**32.7**

Table 13: Characteristics of Probation Nondrug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
N1	1	0.0	0.0	100.0	100.0	0.0	0.0	33.1
N2	0	0.0	0.0	0.0	0.0	0.0	0.0	N/A
N3	31	0.6	90.3	9.7	58.1	38.7	3.2	28.0
N4	27	0.5	85.2	14.8	66.7	29.6	3.7	27.7
N5	243	4.6	80.7	19.3	71.6	27.6	0.8	29.1
N6	162	3.1	81.5	18.5	83.3	14.8	1.9	32.6
N7	1,068	20.2	81.6	18.4	75.1	22.8	2.1	31.0
N8	919	17.4	63.2	36.8	77.5	20.9	1.6	32.3
N9	1,969	37.2	71.8	28.2	78.5	19.8	1.7	32.6
N10	223	4.2	78.0	22.0	76.2	22.4	1.3	30.6
Nongrid	650	12.3	86.5	13.5	84.2	12.9	2.9	37.6
TOTAL	**5,293**	**100.0**	**75.2**	**24.8**	**77.9**	**20.2**	**1.9**	**32.5**

Table 14: Characteristics of Probation Drug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
D1	13	0.5	53.8	46.2	92.3	7.7	0.0	37.3
D2	36	1.3	69.4	30.6	97.2	2.8	0.0	32.1
D3	297	10.4	79.5	20.5	66.3	32.0	1.7	31.3
D4	709	24.8	73.5	26.5	72.6	26.2	1.1	32.3
D5	1,800	63.0	71.2	28.8	82.4	15.7	1.8	33.0
TOTAL	**2,855**	**100.0**	**72.5**	**27.5**	**78.6**	**19.8**	**1.6**	**32.7**

SB 123 Drug Treatment Offenders

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

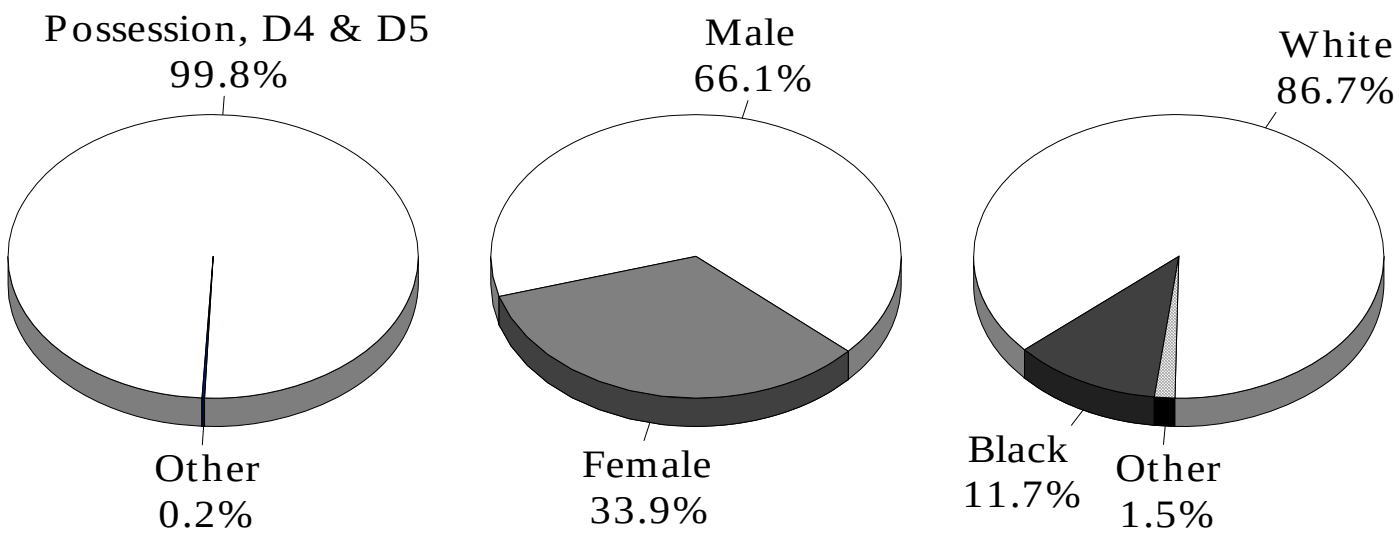
A total number of 1,098 sentences were imposed during FY 2014, accounting for 38.5% of the total drug probation sentences (2,855), a decrease of 4.1% compared with that of FY 2013 (42.6%). Of these sentences, 99.8% were convicted of the crime of drug possession under K.S.A. 21-5706 (formerly 21-36a06 or 65-4160 or 65-4162) and 0.2% were convicted of drug distribution crime. The evaluation of the criminal history of the offenders demonstrates that 83.6% of offenders were in the criminal history categories E through I, a decrease of 5.8% compared with that of FY 2013 (89.4%). This data implies that the policy of SB 123 was implemented very consistently during FY 2014.

Figure 34 presents a summary of the offenders sentenced to SB 123 treatment programs in FY 2014. The offenders convicted of the crime of drug possession represented 99.8%, of which 16.6% were sentenced at drug severity level 4 and 83.4% were sentenced at drug severity level 5. White males are still the majority of the treatment offenders. The average age of the drug treatment offenders is 32.6 years old at sentencing, which remains very close to FY 2013 (32.8 years old).

Figure 35 demonstrates the distribution of SB 123 drug treatment sentences imposed in FY 2014 by county. Sedgwick County imposed the most SB 123 sentences (152) followed by Shawnee (103), Wyandotte (95), Johnson (74) and Reno (74) counties. No SB 123 sentences were reported from 35 counties. The average number of SB 123 sentences imposed by the 70 counties is 16, an increase of 2 sentences compared with that of FY 2013 (14 sentences).

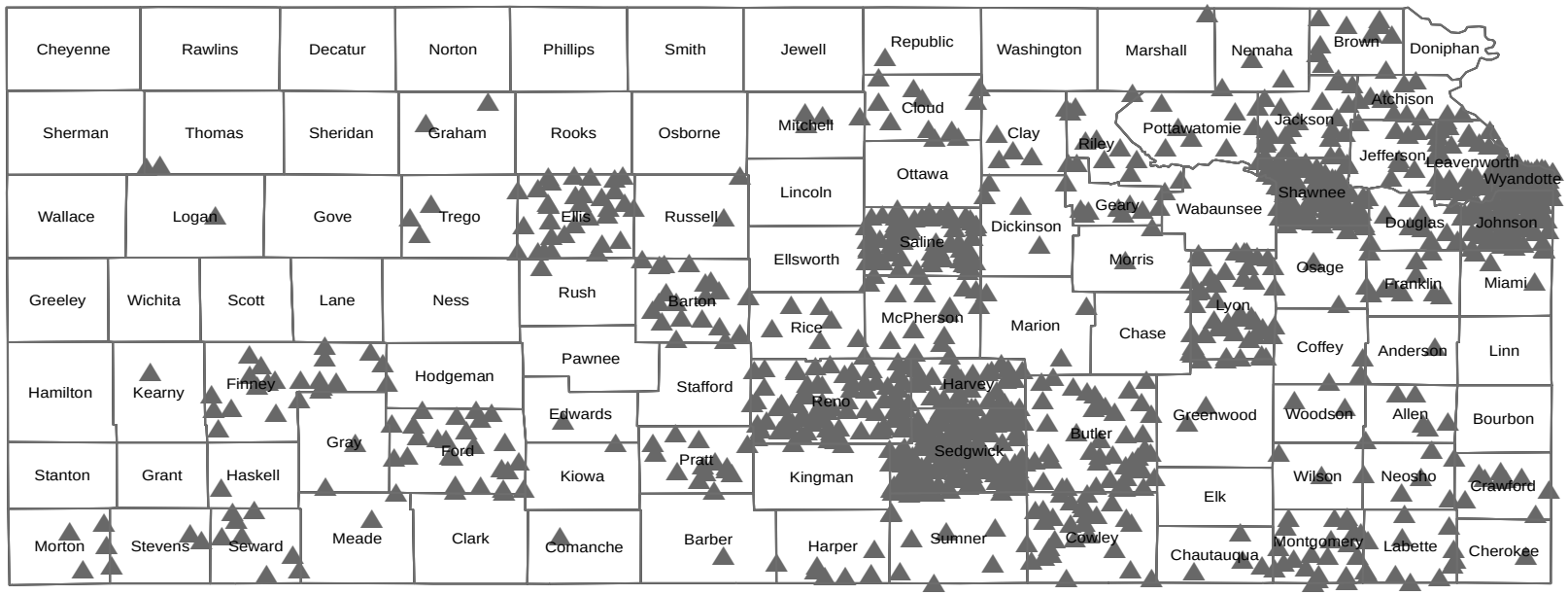
In FY 2014, 590 SB 123 drug treatment sentences were probation condition violators with no new sentences. Of this number, 224 sentences were revoked to prison, representing 20.4% of SB 123 sentences imposed (1,098 sentences) in FY 2014, a decrease of 2.1% from that of FY 2013 (22.5%). The average period between original sentence and revocation hearing was 15 months, one month shorter than that of FY 2013 (16 months).

Figure 34: Distribution of FY 2014 Senate Bill 123 Drug Treatment Sentences

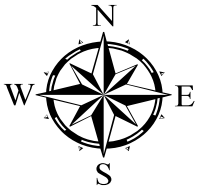


Based on 1,098 SB 123 sentences

Figure 35: Distribution of SB 123 Drug Treatment Sentences Imposed by County - FY 2014



Summary
Total counties=105
Total sentences=1,098
Counties w/zero=35
Minimum=1
Maximum=152
Mean=16



Criminal History and Length of Probation

The analysis of offenders' criminal history indicates that offenders sentenced to probation with assigned criminal history categories accounted for 92.5% of all the probation sentences (8,148) reported to the Commission in FY 2014, which is 1.5% higher than the rate of FY 2013 (91%). The largest number of this group fell within criminal history category I (24.9% or 1,877 sentences), representing having no previous criminal history or one misdemeanor conviction (Figure 36). Further analysis of the offenders with criminal history category I reveals that they accounted for 25.1% of offenders on the nondrug grid and 24.6% of offenders on the drug grid.

When looking into the presumptive probation boxes, nondrug offenders within the presumptive probation boxes made up 82.9% (Table 15), an increase of 2.2% compared with that of FY 2013 (80.7%). The examination of the border box sentences discloses that 3.9% of nondrug offenders were found to be at severity level 5 with criminal history categories H and I and severity level 6 with criminal history category G, which are designated as border boxes (Table 15). The percentage of border box in FY 2014 decreased by 1.2% when compared with that of FY 2013 (5.1%).

The analysis on drug sentences by presumptive probation and border box is not applicable in FY 2014 because the sentences were imposed according to both old (with four drug levels) and new (with five drug levels) drug sentencing grids, which have different designations for presumptive probation and border box.

Tables 15 and 16 present the probation terms of probation sentences by each severity level. The average length of probation for nondrug offenders was 17.3 months, which is very consistent with those of the past five years. The average length of probation for drug offenders was 17.3 months as well, indicating an increase of 0.5 month when compared with that of FY 2013 (16.8 months).

Figure 36: Distribution of FY 2014 Probation Sentences by Criminal History
Nondrug and Drug Sentences

Based on 7,536 sentences reporting criminal history category

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

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
N1	1	0	0	0	0	0	0	0	1	0	60.0
N3	31	1	0	2	4	1	1	2	4	16	37.9
N4	27	0	2	0	2	2	1	3	4	13	36.4
N5	243	7	11	9	14	8	10	20	43	121	35.6
N6	162	17	12	11	13	10	8	18	30	43	23.9
N7	1,068	36	57	110	97	117	69	132	166	284	23.7
N8	919	30	42	112	58	148	63	111	121	233	17.7
N9	1,969	86	98	299	122	304	150	244	266	398	12.4
N10	223	10	10	34	16	30	19	25	25	54	12.5
Nongrid	650	3	3	6	7	3	1	3	3	12	12.3
TOTAL	**5,293**	**190**	**235**	**583**	**333**	**623**	**322**	**558**	**663**	**1,174**	**17.3**

Note: Criminal history classes are based on 4,681 cases reporting criminal history category.
Legend:

Presumptive Prison	Border Boxes	Presumptive Probation

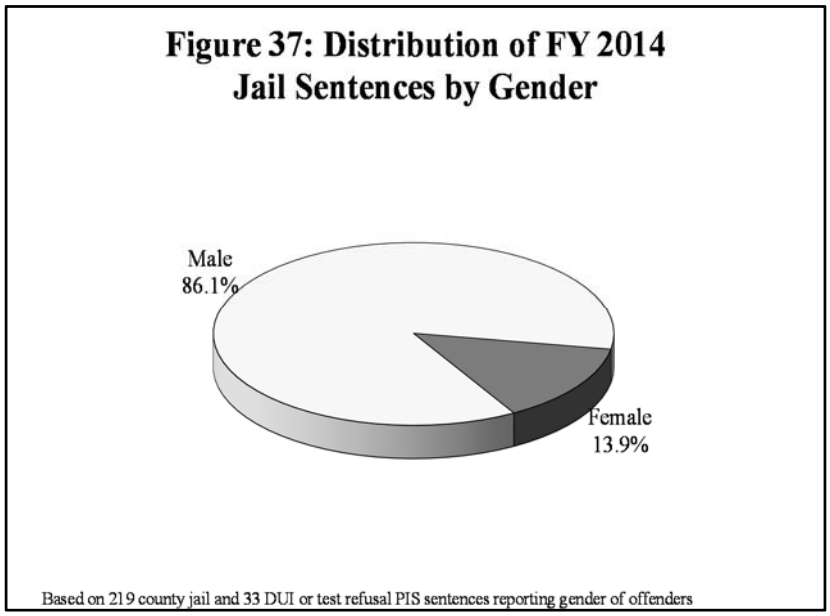
Table 16: Criminal History and Probation Length by Severity Level – Drug Offenders

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
D1	13	1	0	1	0	2	1	1	4	3	41.5
D2	36	1	0	2	0	4	2	5	7	15	32.8
D3	297	6	13	27	13	34	21	39	40	104	26.3
D4	709	20	28	55	29	110	48	104	117	198	16.7
D5	1800	55	93	205	96	216	154	279	319	383	15.4
TOTAL	**2,855**	**83**	**134**	**290**	**138**	**366**	**226**	**428**	**487**	**703**	**17.3**

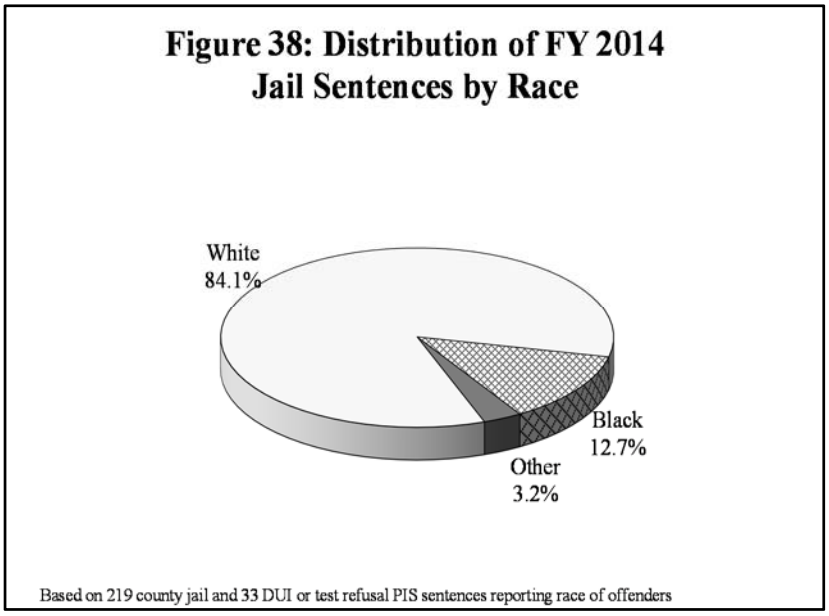
Note: Criminal history classes are based on 2,855 cases reporting criminal history category.
Border boxes and presumptive probation numbers are not highlighted because the numbers were the mixture of the old and new drug sentencing grids.

COUNTY JAIL SENTENCES

A total number of 252 jail sentences were reported to the Commission in FY 2014, which includes 33 DUI or test refusal post imprisonment supervision (PIS) sentences. The number decreased by 73 sentences or 22.5% when compared with the data of FY 2013. Of this number, male offenders accounted for 86.1% and female offenders accounted for 13.9% (Figure 37).



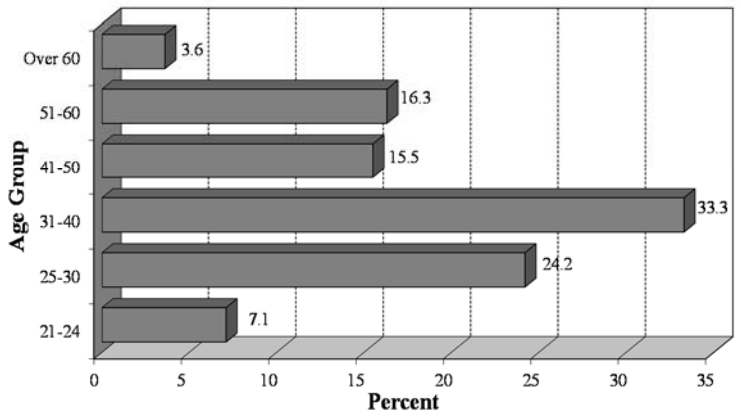
White offenders represented 81.2%, black offenders represented 12.7% and other races represented 3.2% of the county jail sentences imposed in FY 2014 (Figure 38).



Most offenders were in the age groups ranging from 31 to 40 years old (33.3%), which is different from the age group observed in FY 2013 (41-50). Their average age at sentencing is 39 years old (Figure 39). The analysis of the sentence length reveals that the minimum jail term is 2.6 months, maximum jail term is 12 months and the average jail term is 8.3 months.

The analysis of the crimes committed by the offenders sentenced to county jails indicates that 91.7% of the sentences in FY 2014 were convicted of the crime of felony DUI (231 sentences) and 6.8% were convicted of the crime of domestic battery (17 sentences). Though small in number, the crime of domestic battery increased by 2 sentences compared with the number of FY 2013 (15 sentences). A detailed analysis on the crime of DUI is provided on page 15 of this report (Figure 40).

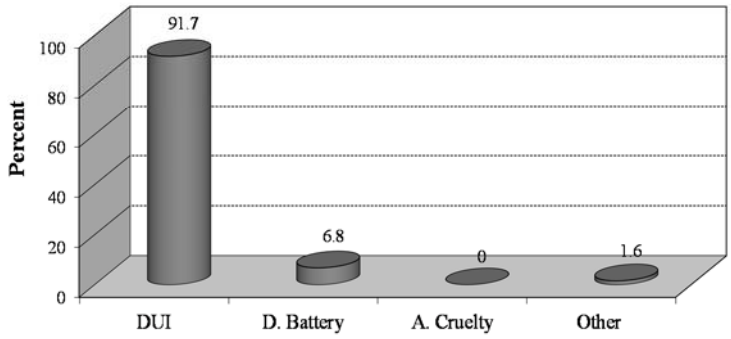
Figure 39: Distribution of FY 2014 Jail Sentences by Age of Offenders



Based on 219 county jail and 33 DUI/test refusal PIS sentences reporting age of offenders at time of sentencing.

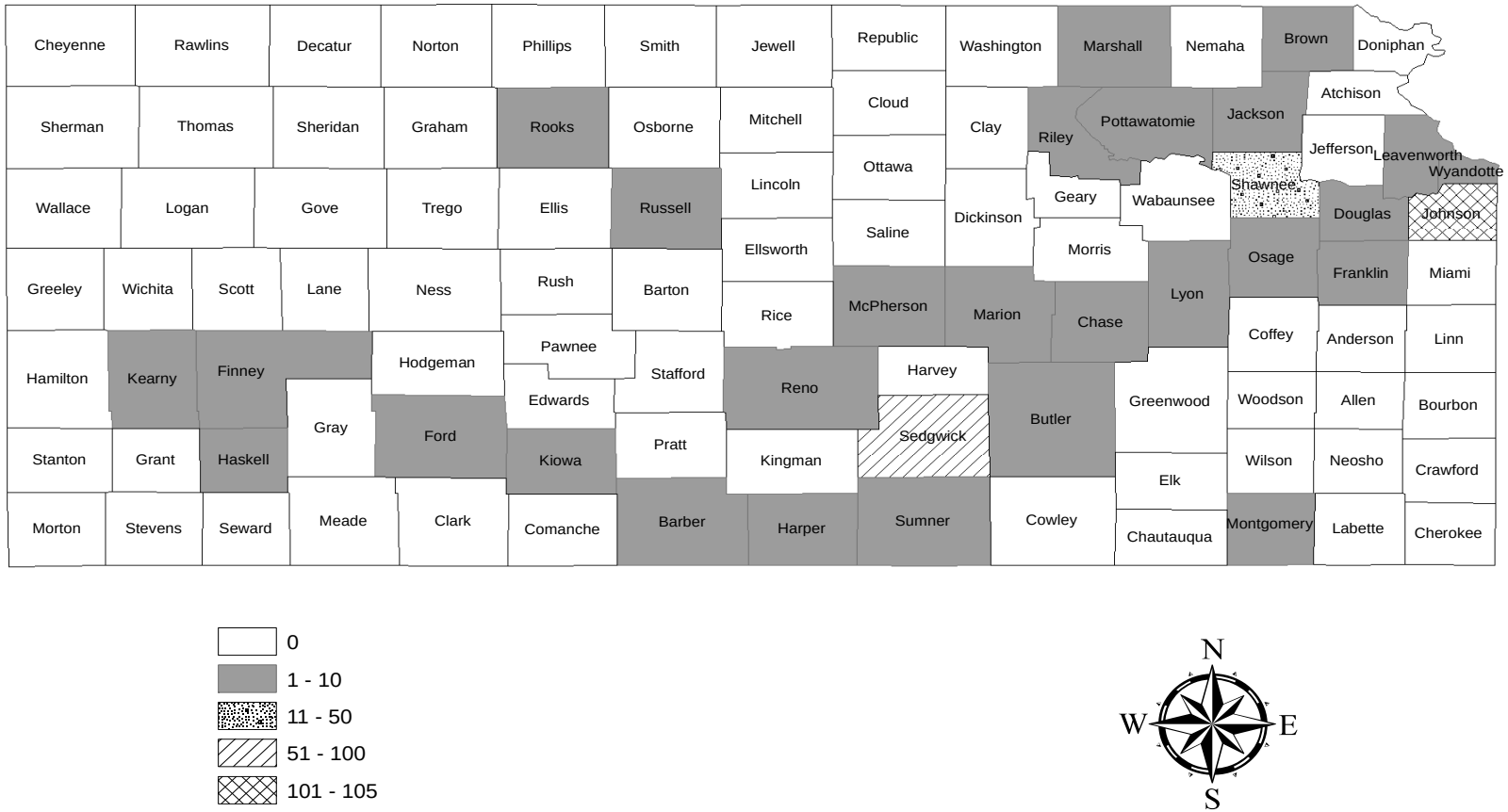
Figure 41 demonstrates the distribution of FY 2014 jail sentences by county. Johnson County imposed the most jail sentences (105) representing 41.7% followed by Sedgwick County with 76 jail sentences representing 30.2% of the total county jail sentences imposed during FY 2014.

Figure 40: FY 2014 County Jail Sentences by Offense Type



Based on 219 county jail and 33 DUI or test refusal post imprisonment supervison sentences.

Figure 41: FY 2014 County Jail Sentences by County



CHAPTER TWO
VIOLATORS

VIOLATIONS RESULTING IN INCARCERATION

Violators are classified in two groups. 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". Offenders on some form of supervision who commit an offense for which they receive a new sentence are defined as "violators with new sentences". Both types of violations can result in revocation and subsequently, incarceration. This section presents an overview of both types of violators whose revocations resulted in incarceration. Violators with or without new convictions who continue on probation will be discussed after this section.

Overview of Condition Violators

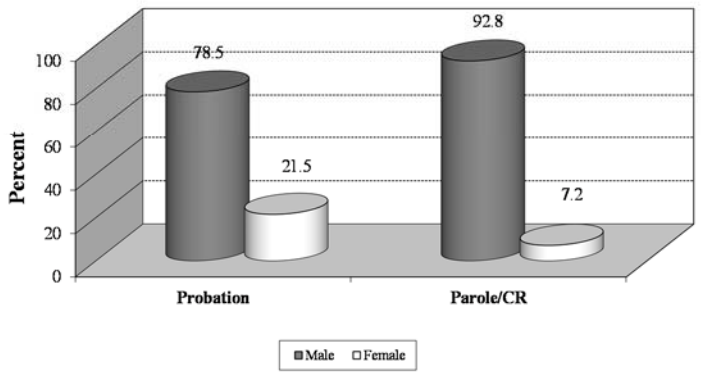
For the purpose of discussion, the term "condition violator" is defined as an offender who violates the conditions of his/her probation, parole, postrelease or conditional release that does not result in a conviction for a new criminal offense but results in a revocation and subsequent placement of the offender in a state correctional facility. In this section, violators include offenders classified as probation, parole/postrelease supervision and conditional release condition violators. Prison sanctions from probation violation are excluded from this analysis (refer to page 31).

In FY 2014, a total number of 2,490 condition violators were admitted to prison for their violation of conditions, representing 1,368 probation violators, 1,118 parole or postrelease supervision violators and 4 conditional release violators respectively.

Conditional release violators (4 offenders) are merged with the group of parole or postrelease supervision violators in the following analyses. In FY 2014, condition violators accounted for 46.9% of all admissions to prison, a decrease of 8.1% from that of FY 2013 (55%).

Male offenders were the majority of condition

Figure 42: Distribution of FY 2014 Condition Violators by Gender



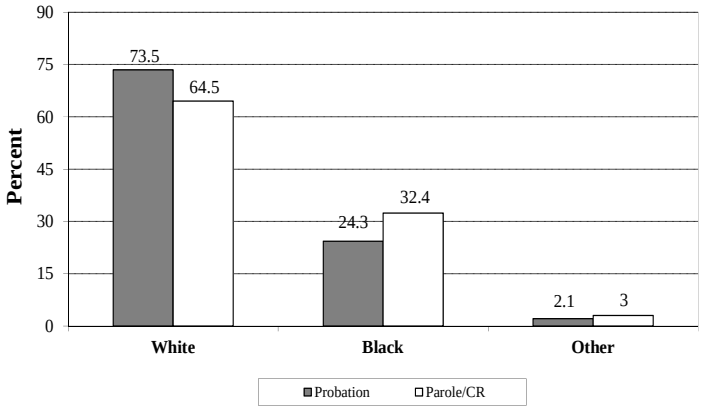
Based on 1,368 probation condition violators and 1,122 parole/conditional release condition violators

violators, accounting for 78.5% of probation violators and 92.8% of parole/conditional release violators admitted to prison in FY 2014 (Figure 42).

White offenders represented the highest rate (73.5%) in the group of probation violators, while the highest percentage of black offenders (32.4%) was identified in the group of parole or postrelease supervision and conditional release violators (Figure 43).

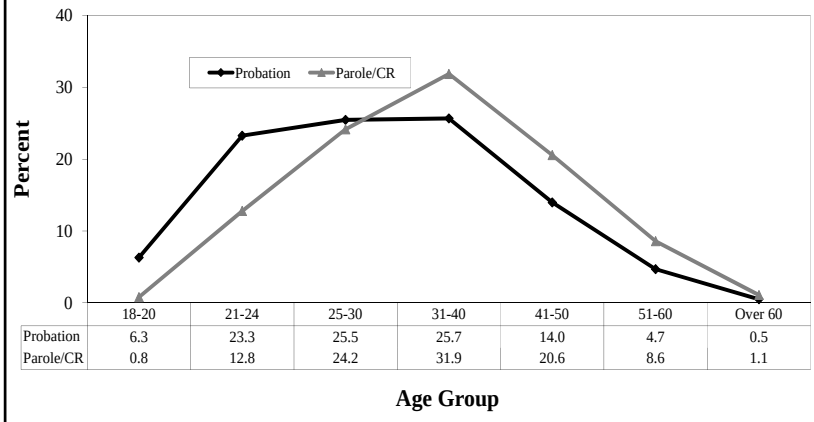
Figure 44 shows that most probation violators were in the age group ranging from 31 to 40 (25.7%), which is different from that of FY 2013 (25 to 30). The largest number of parole or postrelease supervision and conditional release violators was also found in the age group ranging from 31 to 40 (31.9%) at the time of admission to prison, which is the same with that of FY 2013.

Figure 43: Distribution of FY 2014 Condition Violators by Race



Based on 1,368 probation condition violators and 1,122 parole/conditional release condition violators

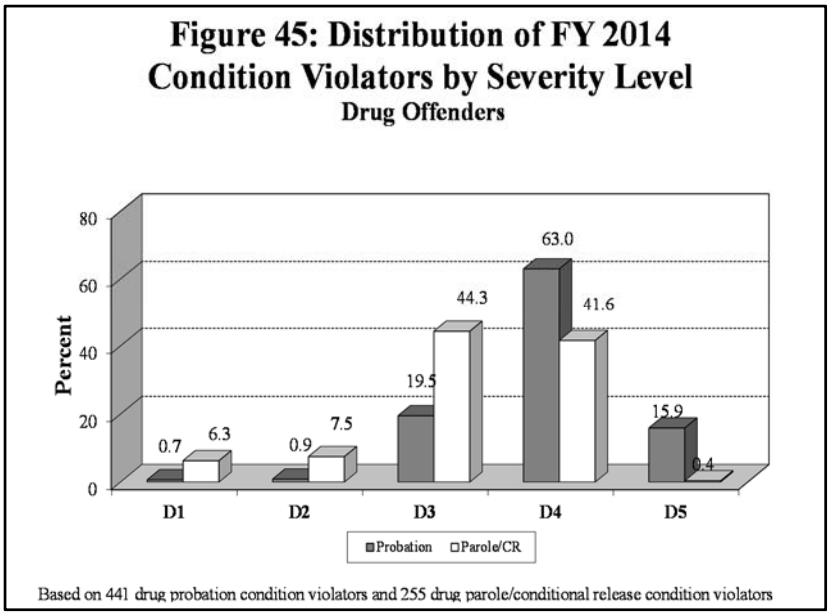
Figure 44: Distribution of FY 2014 Condition Violators by Age Group



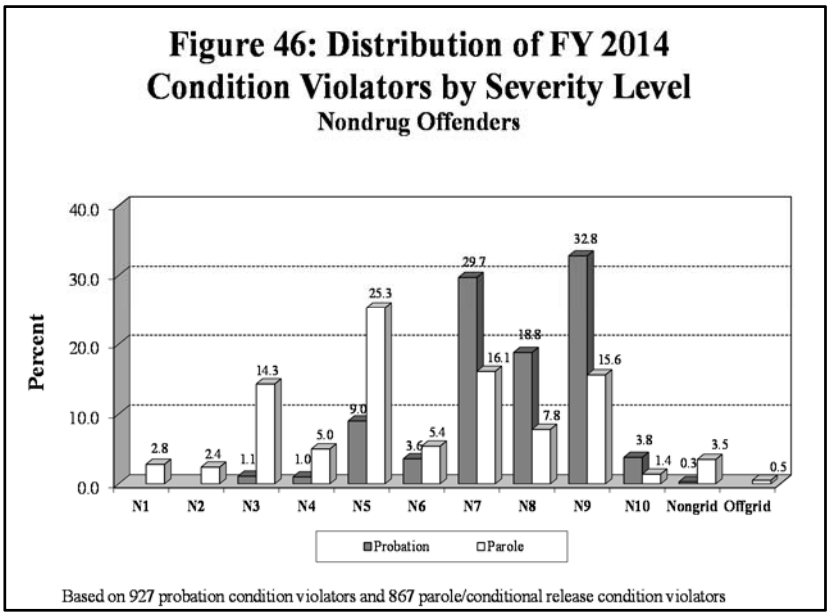
	18-20	21-24	25-30	31-40	41-50	51-60	Over 60
Probation	6.3	23.3	25.5	25.7	14.0	4.7	0.5
Parole/CR	0.8	12.8	24.2	31.9	20.6	8.6	1.1

Based on 1,368 probation condition violators and 1,122 parole/conditional release condition violators

The largest proportion of drug probation violators was identified at drug severity level 4, representing 63% or 278 offenders. The highest percentage of drug parole/postrelease and conditional release violators was found at drug severity level 3, accounting for 44.3% or 113 offenders (Figure 45).



The highest percentage of nondrug condition violators were identified at nondrug severity level 9, which represents 32.8% or 304 offenders of nondrug probation condition violators. The highest rate of parole or postrelease and conditional release violators were found at nondrug severity level 5 representing 25.3% or 219 of this group of violators (Figure 46).



The characteristics of all types of condition violators are presented in Table 17. The largest numbers of males were found at nondrug severity level 7 (375 sentences) and drug severity level 4 (294 sentences). However, the highest frequencies of females were at nondrug severity level 9 (74 sentences) and drug severity level 4 (90 sentences). Racial analysis of the condition violators demonstrates that drug severity level 4 represented the largest numbers of violators for both whites and blacks. White offenders accounted for 287 sentences and black offenders made up 90 sentences at drug severity level 4. As for nondrug sentences, most violators were found at nondrug severity level 9. White offenders accounted for 313 sentences and black offenders accounted for 115 sentences. The average age of the violators was 33.8 years old at the time of admission, which is very close to that of FY 2013 (33.7 years old).

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

Severity Level	Number of Cases	Gender		Race			Average Age at Admission
		Male	Female	White	Black	Other	
D1	19	18	1	18	1	0	39.9
D2	23	20	3	16	7	0	33.7
D3	199	165	34	130	64	5	31.9
D4	384	294	90	287	90	7	34.3
D5	71	49	22	55	11	5	31.0
N1	24	23	1	14	9	1	44.7
N2	21	19	2	14	7	0	47.4
N3	134	128	6	68	63	3	36.1
N4	52	48	4	31	19	2	36.3
N5	302	278	24	187	107	8	33.6
N6	80	74	6	60	20	0	32.6
N7	415	375	40	287	115	13	32.0
N8	242	187	55	188	48	6	33.0
N9	439	365	74	313	115	11	34.0
N10	47	39	8	33	14	0	36.8
Offgrid	4	4	0	2	2	0	35.3
Nongrid	33	28	5	27	4	2	43.1
Total	**2,490***	**2,114**	**375**	**1,730**	**696**	**63**	**33.8**

*The total number includes one offender whose severity level is unknown.

Probation Condition Violators

In FY 2014, a total number of 1,368 probation condition violators were admitted to prison. Of this number, 67.8% (927) were nondrug offenders and 32.2% (441) were drug offenders. Compared with FY 2013, the admissions of probation condition violators demonstrated a decrease of 16% or 261 violators. This significant decrease is majorly due to the 120/180-day prison sanctions from probation violation. The characteristics of probation condition violators are presented in Tables 18 and 19.

The top ten offenses committed by nondrug probation violators in FY 2014 were aggravated assault, aggravated battery, aggravated burglary, burglary, criminal threat, failure to register, fleeing or eluding LEO, forgery, possession of firearm and theft. These ten offenses represented 78.1% of all nondrug convictions by probation violators. As in the previous year, burglary and theft were still the top two offenses committed by the probation condition violators (Table 18). The analysis of drug probation violators indicates that possession of drugs was the most frequently convicted drug crime, accounting for 73.5% of all drug offenses committed by the probation condition violators admitted to prison in FY 2014. The crimes of drug distribution or possession with intent to distribute represented 23.1% of this group of violators to prison in FY 2014 (Table 19).

The average length of lag time from the age of offense to the age of admission to prison was 2.4 years for nondrug probation violators and 2.6 years for drug probation violators, which remains constant with those of FY 2013 and 2012. Table 20 presents the distribution of probation violators by severity level and criminal history.

Table 18: 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	45	91.1	8.9	73.3	22.2	4.4	28.0	29.9
Aggravated Battery	105	88.6	11.4	64.8	31.4	3.8	30.5	33.1
Aggravated Burglary	30	83.3	16.7	60.0	40.0	0.0	32.1	34.3
Burglary	170	88.8	11.2	79.4	17.1	3.5	26.3	28.7
Criminal Threat	50	92.0	8.0	64.0	30.0	6.0	30.9	32.8
Failure to Register	42	95.2	4.8	78.6	21.4	0.0	33.1	34.5
Fleeing or Eluding LEO	33	78.8	21.2	66.7	33.3	0.0	30.7	33.0
Forgery	76	56.6	43.4	80.3	18.4	1.3	28.9	31.5
Possession of Firearm	20	100.0	0.0	65.0	35.0	0.0	26.9	29.0
Theft	153	69.9	30.1	68.6	30.1	1.3	32.9	35.1
Subtotal	**724**	**81.8**	**18.2**	**71.8**	**25.7**	**2.5**	**29.9**	**32.2**
Other	203	81.8	18.2	73.9	25.1	1.0	28.3	31.1
TOTAL	**927**	**81.8**	**18.2**	**72.3**	**25.6**	**2.2**	**29.5**	**31.9**

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

Table 19: 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		
Drugs; Possession	324	75.0	25.0	77.2	20.4	2.5	30.7	33.2
Drugs; Distribution/Sale	102	74.5	25.5	72.5	26.5	1.0	27.3	29.9
Possession of Paraphernalia	8	62.5	37.5	75.0	25.0	0.0	26.9	30.0
Unlawful Manufacture Controlled Substance	3	66.7	33.3	100.0	0.0	0.0	36.6	39.2
Other	4	75.0	25.0	75.0	25.0	0.0	32.8	35.7
TOTAL	**441**	**71.7**	**28.3**	**76.2**	**21.8**	**2.0**	**29.9**	**32.5**

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

Table 20: 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	1	0	1	0	1	0	0	0	0	3
D2	0	0	0	0	1	0	1	0	2	4
D3	0	4	6	6	9	5	9	16	31	86
D4	9	21	31	10	27	33	36	60	51	278
D5	4	6	7	4	6	3	12	16	12	70
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	1	0	0	0	2	0	0	2	5	10
N4	1	0	3	0	1	1	0	2	1	9
N5	5	4	3	3	10	2	9	18	29	83
N6	5	2	4	3	2	0	3	5	9	33
N7	7	18	48	28	21	12	30	58	53	275
N8	6	8	21	8	28	12	15	35	40	173
N9	16	22	33	18	33	18	42	75	47	304
N10	1	1	1	3	6	5	5	7	6	35
Nongrid	0	0	1	0	0	0	2	0	0	3
TOTAL	**56**	**86**	**159**	**83**	**147**	**91**	**164**	**294**	**286**	**1,366**

Condition Parole/Postrelease Supervision and Conditional Release Violators

In FY 2014, a total number of 1,122 condition parole/postrelease supervision and conditional release violators were admitted to prison, indicating a decrease of 112 violators or 9.1% when compared with the data observed in FY 2013. Tables 21 and 22 present the characteristics of this offender group.

The top ten offenses most frequently committed by parole/postrelease and conditional release violators were aggravated battery, aggravated burglary, aggravated robbery, aggravated indecent liberties with a child, burglary, DUI, failure to register, rape, robbery and theft, accounting for 62.6% of the total nondrug offenses. Male offenders represented 93.5% of this group. White offenders committed more than 70% of crimes of aggravated indecent liberties with a child, burglary and DUI. Blacks indicated the highest representation in aggravated robbery, rape and robbery (Table 21). Table 22 demonstrates that drug offenders of this group of violators were convicted primarily of the crimes of possession of drugs (40.4%) and drug distribution (48.2%), which is consistent with that of FY 2013.

Postrelease supervision violators for the crime of DUI are subject to imprisonment if the offenders committed the crime on or after July 1, 2001 and before July 1, 2011. In FY 2014, thirty DUI violators were admitted to prison (Table 21), a decrease of 14 violators when compared with FY 2013 (44 violators) and a decrease of 43 violators when compared with FY 2012 (73 violators). Table 23 demonstrates the distribution of parole/postrelease supervision and conditional release violators by severity level and criminal history. The largest numbers of this group of violators were found at severity level 3 of the drug grid (109 offenders) and severity level 5 of the nondrug grid (213 offenders).

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

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Aggravated Battery	82	93.9	6.1	58.5	37.8	3.7	30.4	36.0
Aggravated Burglary	40	90.0	10.0	62.5	35.0	2.5	27.6	33.2
Aggravated Robbery	67	95.5	4.5	31.3	65.7	3.0	24.8	37.0
Agg Indecent Liberties w/Child	45	97.8	2.2	77.8	20.0	2.2	24.8	34.0
Burglary	80	96.2	3.8	71.3	23.8	5.0	30.2	33.5
DUI	30	83.3	16.7	83.3	10.0	6.7	41.9	45.1
Failure to Register	49	100.0	0.0	57.1	36.7	6.1	32.5	36.8
Rape	33	100.0	0.0	54.5	45.5	0.0	25.3	42.9
Robbery	43	88.4	11.6	55.8	44.2	0.0	25.2	32.7
Theft	74	89.2	10.8	67.6	25.7	6.8	36.6	38.8
Other	324	93.2	6.8	68.8	29.6	1.5	30.0	36.0
TOTAL	**867**	**93.5**	**6.5**	**63.9**	**33.1**	**3.0**	**30.0**	**36.3**

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

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Drugs; Possession	103	91.3	8.7	69.9	28.2	1.9	32.3	36.4
Drugs; Distribution/Sale	123	88.6	11.4	61.8	35.0	3.3	28.3	32.9
Possession of Paraphernalia	3	100.0	0.0	33.3	0.0	66.7	38.5	42.5
Possession of Precursor Drugs	6	100.0	0.0	100.0	0.0	0.0	29.0	33.8
Unlawful Manufacture Controlled Substance	20	90.0	10.0	75.0	25.0	0.0	29.9	41.9
TOTAL	**255**	**90.2**	**9.8**	**66.7**	**30.2**	**3.1**	**30.2**	**35.1**

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

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1	0	2	6	1	5	1	0	0	1	16
D2	3	0	1	1	4	5	5	0	0	19
D3	10	9	11	6	18	14	11	21	9	109
D4	25	17	24	8	16	4	5	7	0	106
D5	0	0	1	0	0	0	0	0	0	1
N1	2	0	0	3	1	0	1	1	10	18
N2	2	0	0	0	0	0	2	2	2	8
N3	6	7	18	12	5	5	5	15	30	103
N4	1	6	8	6	4	2	1	0	10	38
N5	19	19	35	28	19	11	21	29	32	213
N6	7	8	9	4	2	1	7	3	5	46
N7	39	29	22	6	14	8	10	4	8	140
N8	22	11	16	3	8	0	2	3	3	68
N9	50	34	15	4	11	4	10	5	2	135
N10	6	4	0	0	1	0	1	0	0	12
Offgrid	0	0	0	0	0	0	1	0	1	2
Nongrid	1	5	1	0	1	0	2	3	1	14
TOTAL	**193**	**151**	**167**	**82**	**109**	**55**	**84**	**93**	**114**	**1,048**

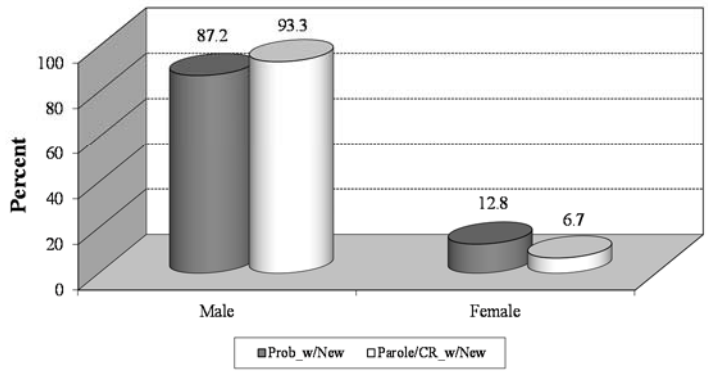
* Due to missing data, criminal history categories are based on 1,048 violators reporting criminal history.

Violators with New Sentences

In this section, violators with new sentences include probation, parole or postrelease and conditional release violators convicted of an offense for which they received a new sentence. This group of violators represented 8.2% (436 violators) of the total prison admissions in FY 2014, indicating an increase of 1% compared with the percentage (7.2%) of FY 2013. Characteristics of this group are illustrated in Figures 47 - 49. Drugs (27.2%), burglary/aggravated burglary (18.3%), aggravated battery/aggravated battery of LEO (10.1%) and theft (7.8%) were the major offense categories committed by probation violators with new convictions. Drugs (22.9%), burglary/aggravated burglary (15.1%) and aggravated robbery/robbery (15.1%) represented the top offenses committed by parole/postrelease/conditional release violators with new sentences. Table 24 presents the distribution of the above offenders by severity level. The largest numbers of probation violators with new sentences were identified at nondrug severity levels 7, 8 and 9 (62, 29 and 31 violators) and drug severity level 4 (27 violators). The highest percentages of parole/postrelease/conditional release violators with new sentences were found at nondrug severity levels 5, 7 and 9 (17.3%, 16.8% and 12.3%) and drug severity level 3 (8.9%).

Male offenders made up 93.3% of the parole/postrelease and conditional release violators with new sentences admitted to prison in FY 2014, while female offenders accounted for 12.8% of probation violators with new sentences. This gender distribution is consistent with that of FY 2013 (Figure 47).

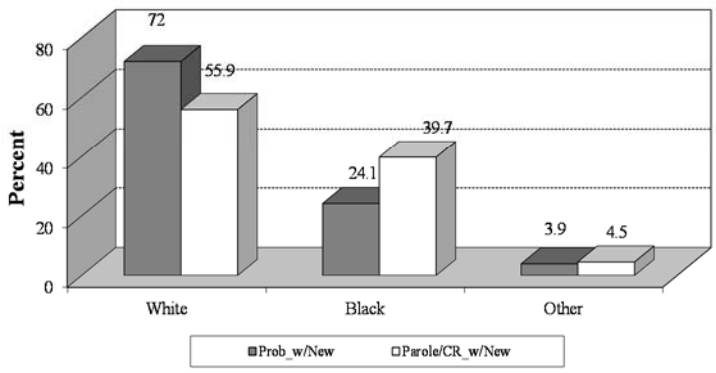
Figure 47: Distribution of FY 2014 Violators with New Sentences by Gender



Note: Probation violators w/new sentence=257; parole/conditional release condition violators w/new sentence=179

White offenders were identified as the largest group of the violators with new sentences, representing 72% of probation violators with new sentences and 55.9% of parole/postrelease and conditional release violators with new sentences. More black offenders (39.7%) were found in the group of parole/postrelease and conditional release violators with new sentences (Figure 48).

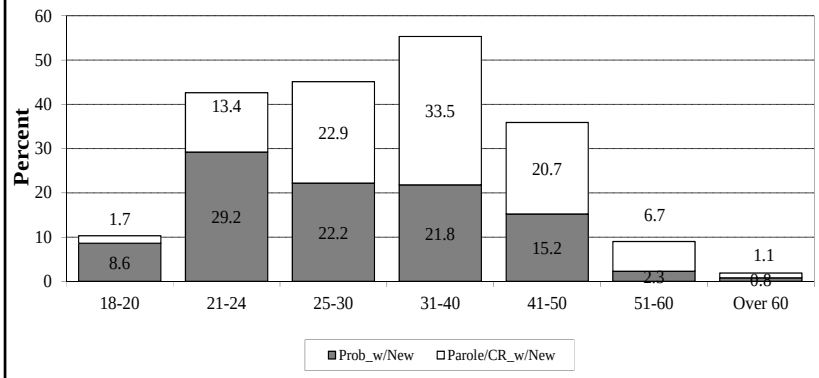
Figure 48: Distribution of FY 2014 Violators with New Sentences by Race



Note: Probation violators w/new sentence=257 and parole/conditional release violators w/new sentence=179

At the time of admission to prison, the highest percentage of probation violators with new sentences were in the age group from 21 to 24 (29.2%), which is different from that of FY 2013, when the highest rate was in the age group of 25 to 30. Parole or postrelease and conditional release violators with new sentences represented the largest proportion in the age group of 31 to 40 (33.5%), which is consistent with that of FY 2013. (Figure 49).

Figure 49: Distribution of FY 2014 Violators with New Sentences by Age Group



Note: Probation violators w/new sentence=257 and parole/conditional release violators w/new sentence=179

Table 24: Distribution of FY 2014 Violators with New Sentences By Severity Level

Severity Level	Probation		Parole/Postrelease/Conditional Release	
	Number	Percent	Number	Percent
D1	2	0.8	5	2.8
D2	2	0.8	4	2.2
D3	18	7.0	16	8.9
D4	27	10.5	10	5.6
D5	21	8.2	6	3.4
N1	3	1.2	5	2.8
N2	1	0.4	3	1.7
N3	9	3.5	17	9.5
N4	4	1.6	5	2.8
N5	34	13.2	31	17.3
N6	11	4.3	14	7.8
N7	62	24.1	30	16.8
N8	29	11.3	9	5.0
N9	31	12.1	22	12.3
N10	2	0.8	0	0.0
Offgrid	0	0.0	2	1.1
Unknown	1	0.4	0	0.0
TOTAL	**257**	**100.0**	**179**	**100.0**

VIOLATORS CONTINUED OR EXTENDED ON PROBATION

In this section, violators continued or extended on probation refer to probation violators with or without new convictions, whose violations did not result in incarceration but rather a continuation or an extension of the probation. In FY 2014, there were 1,876 probation condition violators and 225 probation violators with new convictions who were continued or extended on probation, representing 41.9% of the total number of 4,472 condition probation violators and 28.8% of the total number of 780 probation violators with new offenses, respectively. Drugs (27.6%), burglary (13.8%), theft (15.9%), forgery (7.9%) and DUI (4.9%) were the top five offenses committed by the group of condition probation violators. Drugs (25.8%), burglary (16%) and theft (17.8%), were the top three offenses committed by probation violators with new convictions. Most top offenses committed by both groups were the same when compared with those of FY 2013. Tables 25 and 26 present the criminal history categories by severity level for the two types of violators who were sentenced to continued or extended probation.

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

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D1	3	1	0	0	0	1	0	1	0	0
D2	11	0	1	0	0	3	2	0	3	2
D3	96	3	1	6	5	12	5	15	22	27
D4	259	9	19	31	6	32	20	26	66	50
D5	149	4	8	14	8	23	16	26	25	25
N1	2	0	0	0	0	0	0	0	0	2
N2	1	0	0	0	0	0	0	0	0	1
N3	15	0	0	0	1	2	0	0	4	8
N4	5	1	0	1	0	0	0	1	1	1
N5	74	1	6	13	3	6	3	8	18	16
N6	33	1	1	4	3	5	0	2	5	12
N7	297	9	12	30	30	30	15	36	60	75
N8	267	6	6	42	21	37	19	30	58	48
N9	499	17	23	76	29	75	29	67	82	101
N10	62	3	2	10	1	11	8	9	10	8
TOTAL	**1,773**	**55**	**79**	**227**	**107**	**237**	**117**	**221**	**354**	**376**

Note: Criminal history classes are based on 1,773 cases reporting criminal history category. Border boxes and presumptive probation cells of drug grid are not highlighted because the numbers were the mixture of the old and new drug sentencing grids.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation

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

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D1	3	0	0	1	0	1	0	0	0	1
D2	0	0	0	0	0	0	0	0	0	0
D3	14	0	0	1	1	2	3	0	2	5
D4	30	0	1	4	0	3	3	5	6	8
D5	11	0	0	1	0	2	5	0	1	2
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	1	0	0	0	0	0	0	0	1	0
N4	0	0	0	0	0	0	0	0	0	0
N5	6	0	0	0	0	2	0	0	1	3
N6	4	1	0	1	0	0	0	0	2	0
N7	39	0	2	7	3	5	4	6	4	8
N8	32	0	0	4	3	7	1	4	7	6
N9	62	2	2	3	7	4	12	8	10	14
N10	13	1	0	2	1	2	1	3	2	1
TOTAL	**215**	**4**	**5**	**24**	**15**	**28**	**29**	**26**	**36**	**48**

Note: Criminal history classes are based on 215 cases reporting criminal history category. Border boxes and presumptive probation cells of drug grid are not highlighted because the numbers were the mixture of the old and new drug sentencing grids.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation

JAIL SANCTION FROM PROBATION VIOLATION

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

During FY 2014, a number of 675 probation violators were imposed to jail sanction. Of this number, 51.8% served from 2 to18 days in county jail and the average jail days served is 26.7 days. Some diversion of days served in county jails exists in sentencing practice because FY 2014 is the initial year of implementation of HB 2170.

The analysis of offenders' violation sanction history demonstrates that 78.8% (532) of them have no sanction history and 21.2% (143) of them have sanction history of one to four county jail sanctions. Table 27 present the sanction history of the 143 jai sanction sentences. Of the 675 jail sanctions, 143 sentences have one prior jail sanction. Approximately 75% of the 143 first prior sanctions were imposed by court and 25% was imposed by supervising officers. Twenty-two have two prior jail sanctions, 54.5% imposed by court and 45.5 imposed by supervising officer. Seven sentences have three prior jail sanctions and 3 have four prior jail sanctions.

Table 27: FY 2014 Violation Sanction History - County Jail Sanction

Prior Sanction	Number	Jail Sanction Imposed by (%)	
		Supervising Officer	Court
First	143	25.2	74.8
Second	22	45.5	54.5
Third	7	57.1	42.9
Fourth	3	66.7	33.3

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

Table 28 presents FY 2014 jail sanction events imposed by county. Sedgwick County imposed the most jail sanctions accounting for almost 34% (or 229 sanctions) of the 675 jail sanctions of FY2014. Shawnee County imposed the second largest number of jail sanctions (125 sanctions or 18.5%) followed by Johnson County (33 sanctions or 4.9%) and Butler County (32 sanctions or 4.7%). The top four offenses committed by this group of offenders include crimes of drugs (167 sentences or 24.7%), theft (103 sentences or 15.3%), burglary (76 sentences or 11.3%) and forgery (62 sentences or 9.2%).

Table 28: FY 2014 Jail Sanctions from Probation Imposed by County

County	Number	Percent	County	Number	Percent
Allen	4	0.6	Leavenworth	4	0.6
Anderson	1	0.1	Lyon	16	2.4
Barber	2	0.3	McPherson	4	0.6
Barton	3	0.4	Meade	1	0.1
Brown	2	0.3	Miami	7	1.0
Butler	32	4.7	Montgomery	1	0.1
Clay	2	0.3	Nemaha	3	0.4
Cloud	3	0.4	Neosho	5	0.7
Coffey	5	0.7	Osage	3	0.4
Cowley	9	1.3	Pawnee	2	0.3
Crawford	14	2.1	Pottawatomie	5	0.7
Dickson	2	0.3	Prat	1	0.1
Douglas	1	0.1	Reno	6	0.9
Ellis	1	0.1	Republic	3	0.4
Finney	11	1.6	Rice	8	1.2
Ford	12	1.8	Riley	27	4.0
Franklin	15	2.2	Russell	6	0.9
Geary	15	2.2	Saline	1	0.1
Graham	1	0.1	Scott	2	0.3
Harper	3	0.4	Sedgwick	229	33.9
Harvey	3	0.4	Seward	1	0.1
Jackson	1	0.1	Shawnee	125	18.5
Johnson	33	4.9	Sumner	4	0.6
Kearny	3	0.4	Thomas	2	0.3
Kingman	2	0.3	Wilson	3	0.4
Labette	3	0.4	Wyandotte	23	3.4
Total				**675**	**100.0**

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

CHAPTER THREE
CONFORMITY TO THE SENTENCING GUIDELINES

The analysis of conformity to the Sentencing Guidelines involves the comparison of the actual sentence imposed to the sentence identified under the Sentencing Guidelines Act. A sentence is considered to conform to the guidelines if it falls within the range of sentence lengths for a guideline grid box at a specific designated severity level and criminal history category. A sentence that falls at the mid-point of a relative grid box is regarded as standard. A sentence that falls at either the upper end or lower end of the relative grid box is considered as an aggravated or mitigated sentence, respectively. All other sentence lengths imposed are considered to be a departure from the guidelines unless the grid box is a designated border box. A sentence length above the aggravated level is defined as an "upward departure" and a sentence length less than the mitigated level is defined as a "downward departure."

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

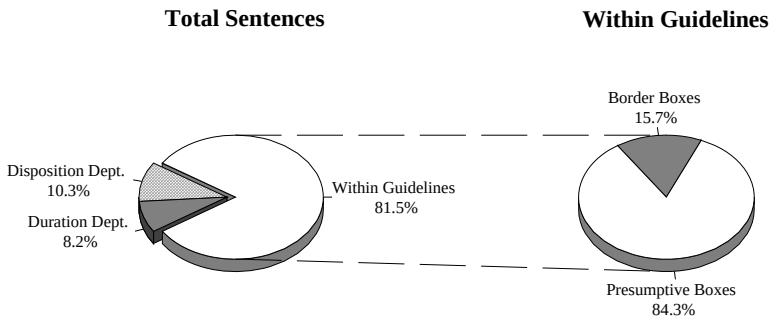
Only pure guideline sentences were utilized for this specific analysis. A pure guideline sentence is defined as a guideline sentence that is not imposed to run concurrent or consecutive with a "pre-guideline" sentence. In addition, the analysis is based on computed variables regarding departures and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

OVERALL CONFORMITY RATES

In this study, a total number of 6,957 pure guideline sentences of FY 2014 were utilized for analysis, including 1,385 incarceration guideline sentences and 5,572 probation sentences. Figure 50 demonstrates that 81.5% of the 6,957 guideline sentences were within the presumptive guideline grids, 8.2% indicated durational departures and 10.3% were dispositional departures. Of all the sentences within the presumptive guideline grids, 4,783 sentences (84.3%) fell within either the presumptive prison boxes or presumptive probation boxes, while 890 sentences (15.7%) were located on designated border boxes. Figure 51 indicates that 87.6% (626 sentences) of the 715 dispositional departures were downward departures and 12.4% (89 sentences) were upward dispositional departures.

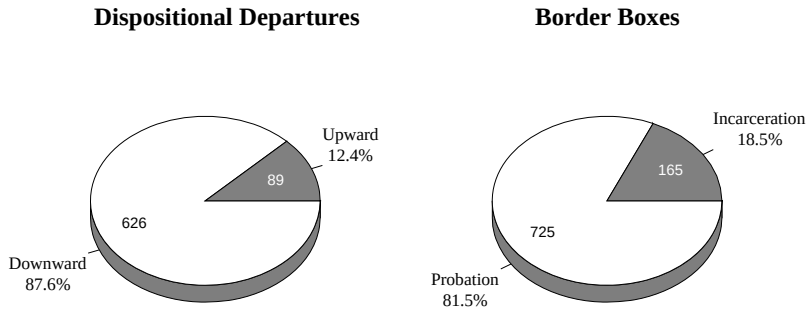
Approximately 82% of the 890 border box sentences resulted in probation sentences with 18% of this group sentenced to prison. The analysis of durational departure sentences is only applicable to presumptive prison sentences.

Figure 50: Distribution of FY 2014 Overall Guideline Sentences



Based on 1,385 prison and 5,572 probation sentences

Figure 51: Distribution of FY 2014 Dispositional Departure and Border Box Sentences



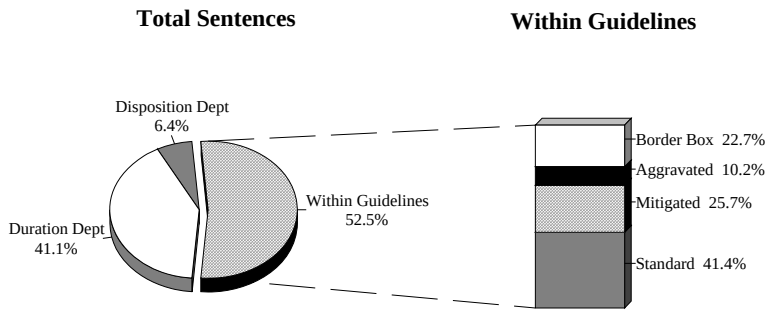
Based on 715 dispositional departures and 890 border box sentences

CONFORMITY OF PRESUMPTIVE PRISON GUIDELINE SENTENCES

Sentences that are designated above the incarceration line of the sentencing grids are presumptive prison guideline sentences. Revocations of probation conditions, either with or without new sentences, which result in prison sentences were excluded from this analysis. A total of 1,385 presumptive prison guideline sentences of FY 2014 were analyzed for this purpose.

In FY 2014, sentences within the presumptive incarceration range accounted for 52.5% of the total incarceration guideline sentences. Of these sentences within the guidelines, the standard sentences accounted for 41.4%, the aggravated sentences accounted for 10.2%, the mitigated sentences accounted for 25.7% and 22.7% were located within designated border boxes (Figure 52).

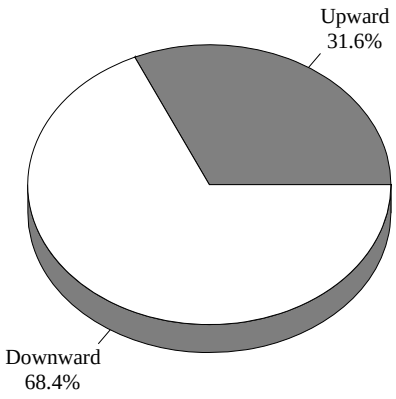
Figure 52: FY 2014 Incarceration Guideline Sentences



Based on 1,385 guideline sentences

The examination of the durational depatures indicates that 68.4% of the durational departure sentences departed downward from the sentence lengths indicated on the presumptive range, while 31.6% departed upward from the presumptive guideline ranges. The percentage change of the downward durational departure sentences is a 3.7% increase over that of FY 2013 (Figure 53).

Figure 53: FY 2014 Incarceration Durational Departure Sentences

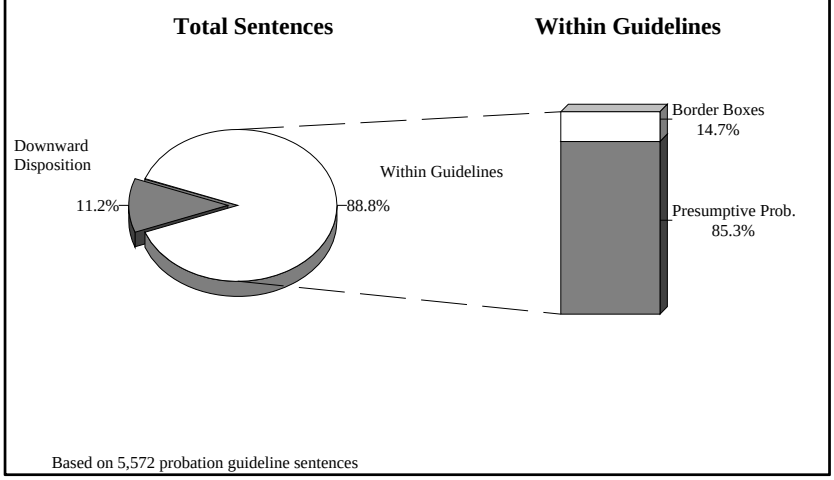


Based on 569 durational departure sentences

CONFORMITY OF PRESUMPTIVE PROBATION GUIDELINE SENTENCES

Presumptive probation guideline sentences refer to sentences that are designated below the incarceration line of the sentencing grids. The analysis of probation guideline sentences indicates that, as expected, the majority of probation guideline sentences in FY 2014 (88.8% or 4,946 cases) fell within the presumptive guideline range, among which 85.3% were within presumptive probation grids and 14.7% were within border boxes (Figure 54). The sentences within the presumptive guideline range (4,946) accounted for 60.7% of the total probation sentences imposed in FY 2014 (8,148), which decreased by 0.2% compared with the percentage rate of FY 2013 (60.9%). Further analysis of the dispositional departures indicates that probation sentences reflected downward dispositional departures of 11.2% of the total probation guideline sentences in FY 2014 (Figure 54). Upward dispositional departure sentences were reflected in presumptive incarceration sentences (Refer to Figure 52).

Figure 54: FY 2014 Probation Guideline Sentences

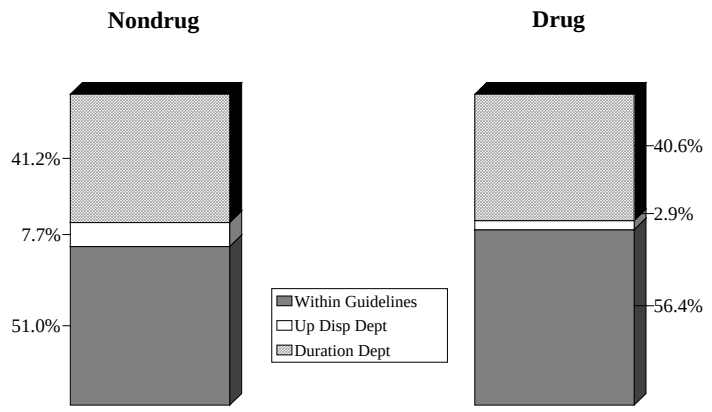


Based on 5,572 probation guideline sentences

CONFORMITY OF NONDRUG AND DRUG GUIDELINE SENTENCES

The comparative study of nondrug and drug guideline incarceration sentences discloses that 7.7% of nondrug offenders showed upward dispositional departures, while 2.9 % of drug offenders indicated upward dispositional departures. Additionally, nondrug offenders represented 41.2% durational departures and drug offenders showed 40.6% durational departures (Figure 55).

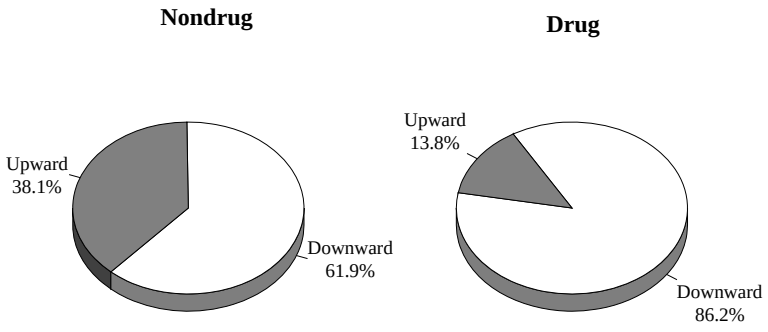
Figure 55: FY 2014 Nondrug and Drug Guideline Sentences - Incarceration



Based on 1,011 nondrug and 374 drug sentences

The examination of durational departures indicates that downward departures represented 86.2% of the total durational departures on the drug grid. However, on the nondrug grid, 61.9% of durational departures were downward (Figure 56). The majority of the upward departures were found at severity levels 1 to 4 of the nondrug grid, which include the most serious offenses (Table 29).

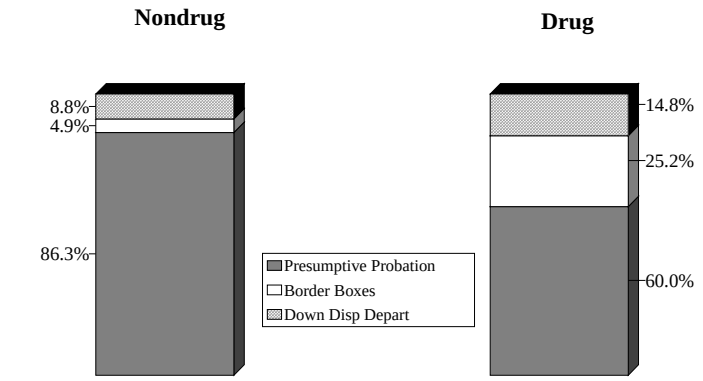
Figure 56: Comparison of Durational Departures between Nondrug and Drug Incarceration Sentences



Based on 417 nondrug and 152 drug durational departure sentences

Figure 57 presents the sentencing disparities between nondrug and drug offenders on probation. Drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences (14.8 % vs. 8.8%). The rate of drug probation sentences resulting from border boxes was much higher than that of nondrug probation sentences (25.2% vs. 4.9%).

Figure 57: FY 2014 Nondrug and Drug Guideline Sentences - Probation



Based on 3,339 nondrug and 2,233 drug guideline sentences

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 57).

CONFORMITY RATES TO THE GUIDELINES BY SEVERITY LEVEL

Table 29 demonstrates the conformity rates of incarceration sentences to the guidelines at each severity level. Drug incarceration sentences, as a whole, indicated a 20.9 % standard, 3.7% aggravated, 11.8% mitigated and 20.1% border box sentence distribution. Nondrug sentences revealed a 22.1% standard, 5.9% aggravated, 14.1% mitigated and 8.9% border box sentence distribution. The review of the departure sentences reveals that drug sentences indicated 5.6% upward durational departures and 35% downward durational departures, whereas nondrug sentences showed a 15.7% upward durational departure rate and a 25.5% downward durational departure rate. The highest rate of downward durational departures was identified at drug severity level 1 (83.9%) for drug incarceration sentences and nondrug severity level 3 (36.4%) for nondrug incarceration sentences. When examining dispositional departures, 7.7% of nondrug incarceration sentences were upward dispositional departures. By contrast, only 2.9% 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 eighteen years.

Table 29: Conformity Rates by Severity Level - Incarceration Sentences

Severity Level	N	Within Guidelines (%)				Departures (%)		
						Durational		Dispositional
		Agg.	Standard	Mit.	Box	Upward	Downward	Upward
D1	31	3.2	3.2	3.2		6.5	83.9	
D2	36		25.0	8.3		5.6	61.1	
D3	114	5.3	27.2	15.8	18.4	7.0	26.3	
D4	93	2.2	12.9	14.0	34.4	4.3	29.0	3.2
D5	100	5.0	25.0	9.0	22.0	5.0	26.0	8.0
Subtotal	**374**	**3.7**	**20.9**	**11.8**	**20.1**	**5.6**	**35.0**	**2.9**
N1	68	4.4	26.5	8.8		35.3	25.0	
N2	18	11.1		44.4		22.2	22.2	
N3	132	6.8	22.0	11.4		23.5	36.4	
N4	57	8.8	28.1	12.3		28.1	22.8	
N5	239	3.8	7.9	7.5	35.1	10.0	35.6	
N6	68	8.8	25.0	10.3	8.8	22.1	25.0	
N7	142	7.0	25.4	17.6		15.5	12.0	22.5
N8	67	10.4	28.4	13.4		11.9	13.4	22.4
N9	192	4.7	34.4	19.3		7.8	20.3	13.5
N10	28		10.7	39.3			32.1	17.9
Subtotal	**1,011**	**5.9**	**22.1**	**14.1**	**8.9**	**15.7**	**25.5**	**7.7**
TOTAL	**1,385**	**5.3**	**21.7**	**13.5**	**11.9**	**13.0**	**28.1**	**6.4**

Table 30 presents the conformity rates of probation sentences to the guidelines by severity level. Probation drug sentences indicated 14.8% downward dispositional departures, which should have been presumptive incarceration, while 8.8% 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 (25.2% 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 nonprison sentences for drug offenders than for nondrug offenders. This trend has been consistent in the past eighteen years.

Table 30: Conformity Rates by Severity Level - Probation Sentences

Severity Level	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	10			100.0
D2	26			100.0
D3	236		39.0	61.0
D4	562	40.9	45.2	13.9
D5	1399	79.3	15.5	5.2
Subtotal	**2,233**	**60.0**	**25.2**	**14.8**
N1	1			100.0
N2	0			
N3	18			100.0
N4	20			100.0
N5	195		76.9	23.1
N6	102	61.8	11.8	26.5
N7	815	94.4		5.6
N8	661	93.0		7.0
N9	1,361	93.9		6.1
N10	166	94.6		5.4
Subtotal	**3,339**	**86.3**	**4.9**	**8.8**
TOTAL	**5,572**	**75.8**	**13.0**	**11.2**

CONFORMITY RATES TO THE GUIDELINES BY RACE

Tables 31 and 32 exhibit the conformity rates to the sentencing guidelines by race for the drug and nondrug offenders admitted to prison in FY 2014. The analysis of drug incarceration sentences demonstrates that whites received a little more aggravated and standard sentences than blacks (3.7% vs. 3.2%; 20.7% vs. 20%). However, black offenders represented higher percentages than white offenders at mitigated and border box sentences (14.7% vs. 11.1%; 23.2% vs. 18.8%). The analysis of departures demonstrates that black offenders received more upward durational departures than whites (6.3% vs. 5.5%), while white offenders received more downward durational departures and upward dispositional departures (36.5% vs. 31.6%; 3.7% vs. 1.1%).

The examination of nondrug incarceration sentences within guidelines shows that black offenders received more aggravated and mitigated sentences than white offenders (7% vs. 5.4%; 18.7% vs. 12.7%), while white offenders represented higher percentages than black offenders at standard and border box sentences (22.1% vs. 21.6%; 10.4% vs. 4.8%). The review of departures reveals that whites represented higher rates than blacks in both upward durational and dispositional departures (17% vs. 13.2%; 8.9% vs. 5.1%), whereas blacks received more downward durational departures (29.7% vs. 23.5%) than whites for nondrug offenses.

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

Severity Level	Race	N	Within Guidelines (%)				Departures (%)		
							Durational		Dispositional
			Agg.	Standard	Mit.	Box	Upward	Downward	Upward
D1	White	30	3.3	3.3			6.7	86.7	
	Black	1			100.0				
D2	White	29		27.6	6.9		6.9	58.6	
	Black	5		20.0	20.0			60.0	
	Other	2						100.0	
D3	White	72	4.2	29.2	16.7	16.7	5.6	27.8	
	Black	39	7.7	20.5	15.4	20.5	10.3	25.6	
	Other	3		66.7		33.3			
D4	White	61	3.3	11.5	14.8	37.7	3.3	24.6	4.9
	Black	32		15.6	12.5	28.1	6.3	37.5	
D5	White	79	5.1	24.1	8.9	20.3	6.3	26.6	8.9
	Black	18		27.8	11.1	27.8		27.8	5.6
	Other	3	33.3	33.3		33.3			
Total	**White**	**271**	**3.7**	**20.7**	**11.1**	**18.8**	**5.5**	**36.5**	**3.7**
	Black	**95**	**3.2**	**20.0**	**14.7**	**23.2**	**6.3**	**31.6**	**1.1**
	Other	**8**	**12.5**	**37.5**		**25.0**		**25.0**	

Note: Based on 374 drug incarceration guideline sentences reporting race of offenders.

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

Severity Level	Race	N	Within Guidelines (%)				Departures (%)		
							Durational		Dispositional
			Agg.	Standard	Mit.	Box	Upward	Downward	Upward
N1	White	56	5.4	26.8	8.9		35.7	23.2	
	Black	11		27.3	9.1		36.4	27.3	
	Other	1						100.0	
N2	White	12	8.3		33.3		25.0	33.3	
	Black	5	20.0		60.0		20.0		
	Other	1			100.0				
N3	White	88	8.0	22.7	9.1		23.9	36.4	
	Black	41	2.4	22.0	17.1		22.0	36.6	
	Other	3	33.3				33.3	33.3	
N4	White	35	14.3	17.1	14.3		34.3	20.0	
	Black	21		42.9	9.5		19.0	28.6	
	Other	0							
N5	White	175	4.0	8.0	6.3	40.0	12.6	29.1	
	Black	56	3.6	7.1	12.5	19.6	3.6	53.6	
	Other	8		12.5		37.5		50.0	
N6	White	47	4.3	25.5	10.6	8.5	25.5	25.5	
	Black	17	23.5	17.6	11.8	11.8	17.6	17.6	
	Other	4		50.0				50.0	
N7	White	98	3.1	25.5	15.3		16.3	13.3	26.5
	Black	41	12.2	26.8	22.0		14.6	9.8	14.6
	Other	3	66.7		33.3				
N8	White	43	9.3	30.2	14.0		7.0	11.6	27.9
	Black	23	13.0	26.1	13.0		17.4	17.4	13.0
	Other	1					100.0		
N9	White	137	4.4	36.5	16.8		8.8	17.5	16.1
	Black	49	6.1	26.5	28.6		6.1	26.5	6.1
	Other	6		50.0				33.3	16.7
N10	White	19		10.5	42.1			31.6	15.8
	Black	9		11.1	33.3			33.3	22.2
	Other	0							
Total	**White**	**710**	**5.4**	**22.1**	**12.7**	**10.4**	**17.0**	**23.5**	**8.9**
	Black	**273**	**7.0**	**21.6**	**18.7**	**4.8**	**13.2**	**29.7**	**5.1**
	Other	**27**	**11.1**	**22.2**	**7.4**	**11.1**	**7.4**	**37.0**	**3.7**

Note: Based on 1,010 nondrug incarceration guideline sentences reporting race of offenders.

The conformity rates by race for offenders sentenced to probation during FY 2014 are presented in Tables 33 and 34. White offenders received more presumptive probation sentences for drug offenses than black offenders (63.8% vs. 44.1%) but black drug offenders had a higher rate of border box sentences (33.6% vs. 23.1%) and downward dispositional departures (22.4% vs. 13.1%) than white drug offenders (Table 33). This racial conformity rate pattern is consistent with those of the past three years.

The research on conformity rates of the probation sentences of the nondrug offenders discloses a very similar pattern with that of the drug offenders. White nondrug offenders received more presumptive probation sentences than black nondrug offenders (87.4% vs. 81.8%). Black offenders represented a higher percentage of border box sentences (6% vs. 4.6%) and downward dispositional departures (12.2% vs. 8%) than white offenders for nondrug offenses (Table 34).

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

Severity Level	Race	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	White	9			100.0
	Black	1			100.0
	Other	0			
D2	White	26			100.0
	Black	0			100.0
	Other	0			
D3	White	160		36.9	63.1
	Black	72		43.1	56.9
	Other	4		50.0	50.0
D4	White	402	42.5	46.8	10.7
	Black	154	37.0	40.3	22.7
	Other	6	33.3	66.7	
D5	White	1169	81.7	13.8	4.5
	Black	202	65.3	25.2	9.4
	Other	28	78.6	17.9	3.6
Total	**White**	**1,766**	**63.8**	**23.1**	**13.1**
	Black	**429**	**44.1**	**33.6**	**22.4**
	Other	**38**	**63.2**	**28.9**	**7.9**

Note: Based on 2,233 drug probation sentences reporting race of offenders.

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

Severity Level	Race	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
N1	White	1			100.0
	Black	0			
	Other	0			
N2	White	0			
	Black	0			
	Other	0			
N3	White	12			100.0
	Black	6			100.0
	Other	0			
N4	White	15			100.0
	Black	5			100.0
	Other	0			
N5	White	143		76.2	23.8
	Black	50		78.0	22.0
	Other	2		100.0	
N6	White	85	63.5	11.8	24.7
	Black	14	64.3	7.1	28.6
	Other	3		33.3	66.7
N7	White	630	95.4		4.6
	Black	168	89.9	10.1	
	Other	17	100.0		
N8	White	509	95.3		4.7
	Black	141	85.1		14.9
	Other	11	90.9		9.1
N9	White	1,080	94.0		6.0
	Black	255	93.3		6.7
	Other	26	96.2		3.8
N10	White	131	93.9		6.1
	Black	33	97.0		3.0
	Other	2	100.0		
Total	**White**	**2,606**	**87.4**	**4.6**	**8.0**
	Black	**672**	**81.8**	**6.0**	**12.2**
	Other	**61**	**88.5**	**4.9**	**6.6**

Note: Based on 3,339 nondrug probation sentences reporting race of offenders.

CONFORMITY RATES TO THE GUIDELINES BY GENDER

This section presents the conformity rates to the sentencing guidelines between male and female offenders admitted to prison in FY 2014. Male drug offenders represented higher rates than female drug offenders in aggravated sentences (3.9% vs. 2.4%) and mitigated sentences (12.3% vs. 7.3%). Females received more standard (24.4% vs. 20.4%) and border box sentences (29.3% vs. 18.9%) for drug crimes than males. The examination of departure sentences reveals that male drug offenders received more than female drug offenders in both upward and downward durational departures (5.7% vs. 4.9%; 36.9% vs. 19.5%), while female drug offenders had a higher rate of upward dispositional departures (12.2% vs. 1.8%) than their counterparts (Table 35).

The analysis of nondrug incarceration sentences indicates that within guidelines, females represented a higher percentage than males in aggravated sentences (7.8% vs. 5.8%) and border box sentences (15.6% vs. 8.4%) for nondrug crimes, while male offenders received more standard and mitigated sentences than female offenders (22.6% vs. 14.1%; 14.4% vs. 10.9%).The analysis of departure sentences reveals that male nondrug offenders had a higher rate of downward durational departures (26% vs. 18.8%) than female offenders. However female offenders represented higher percentages of upward durational departures (17.2% vs. 15.6%) and upward dispositional departures (15.6% vs. 7.2%) than their counterparts (Table 36), which differs from the findings of FY 2013.

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

Severity Level	Gender	N	Within Guidelines (%)				Departures (%)		
							Durational		Dispositional
			Agg.	Standard	Mit.	Box	Upward	Downward	Upward
D1	Male	30	3.3	3.3	3.3		6.7	83.3	
	Female	1						100.0	
D2	Male	31		25.8	9.7		3.2	61.3	
	Female	5		20.0			20.0	60.0	
D3	Male	98	5.1	25.5	15.3	17.3	7.1	29.6	
	Female	16	6.3	37.5	18.8	25.0	6.3	6.3	
D4	Male	82	2.4	13.4	15.9	32.9	4.9	29.3	1.2
	Female	11		9.1		45.5		27.3	18.2
D5	Male	92	5.4	25.0	9.8	20.7	5.4	28.3	5.4
	Female	8		25.0		37.5			37.5
Total	**Male**	**333**	**3.9**	**20.4**	**12.3**	**18.9**	**5.7**	**36.9**	**1.8**
	Female	**41**	**2.4**	**24.4**	**7.3**	**29.3**	**4.9**	**19.5**	**12.2**

Note: Based on 374 drug incarceration guideline sentences.

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

Severity Level	Gender	N	Within Guidelines (%)				Departures (%)		
							Durational		Dispositional
			Agg.	Standard	Mit.	Box	Upward	Downward	Upward
N1	Male	62	4.8	27.4	9.7		32.3	25.8	
	Female	6		16.7			66.7	16.7	
N2	Male	16	12.5		43.8		18.8	25.0	
	Female	2			50.0		50.0		
N3	Male	121	4.1	22.3	11.6		24.0	38.0	
	Female	11	36.4	18.2	9.1		18.2	18.2	
N4	Male	56	8.9	26.8	12.5		28.6	23.2	
	Female	1		100.0					
N5	Male	217	4.1	7.8	6.9	34.1	10.6	36.4	
	Female	22		9.1	13.6	45.5	4.5	27.3	
N6	Male	64	9.4	25.0	9.4	9.4	21.9	25.0	
	Female	4		25.0	25.0		25.0	25.0	
N7	Male	138	7.2	25.4	18.1		15.9	12.3	21.0
	Female	4		25.0					75.0
N8	Male	60	10.0	31.7	15.0		10.0	13.3	20.0
	Female	7	14.3				28.6	14.3	42.9
N9	Male	186	4.8	34.9	19.4		8.1	20.4	12.4
	Female	6		16.7	16.7			16.7	50.0
N10	Male	27		11.1	40.7			33.3	14.8
	Female	1							100.0
Total	**Male**	**947**	**5.8**	**22.6**	**14.4**	**8.4**	**15.6**	**26.0**	**7.2**
	Female	**64**	**7.8**	**14.1**	**10.9**	**15.6**	**17.2**	**18.8**	**15.6**

Note: Based on 1,011 nondrug incarceration guideline sentences.

Tables 37 and 38 present the conformity rates of the probation sentences by gender. The analysis of the offenders on probation shows that females on both drug and nondrug grids received less downward dispositional departures than males (7.9% vs. 17.5%, Table 37; 3.7% vs. 10.7%, Table 38), which is consistent with those of FY 2013 and 2012. This finding indicates that females were more likely to be incarcerated than males when both upward and downward dispositional departures were compared for incarceration and probation sentences. Females had a higher likelihood of an upward dispositional departure to prison even when their offenses were designated within the presumptive probation portion of the grid (Tables 35 & 36). Females were less likely to receive a downward dispositional departure to probation if their sentences fell within a presumptive prison box (Tables 37 & 38). The above findings continue the trend that was present in the past eighteen years (Annual Reports of FY 1996 - FY 2013).

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

Severity Level	Gender	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	Male	4			100.0
	Female	6			100.0
D2	Male	18			100.0
	Female	8			100.0
D3	Male	191		62.3	37.7
	Female	45		44.4	55.6
D4	Male	412	38.3	44.4	17.2
	Female	150	48.0	47.3	4.7
D5	Male	984	75.2	17.7	7.1
	Female	415	88.9	10.4	0.7
Total	**Male**	**1,609**	**55.8**	**26.7**	**17.5**
	Female	**624**	**70.7**	**21.5**	**7.9**

Note: Based on 2,233 drug probation sentences reporting gender of offenders.

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

Severity Level	Gender	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
N1	Male	0			
	Female	1			100.0
N2	Male	0			
	Female	0			
N3	Male	16			100.0
	Female	2			100.0
N4	Male	17			100.0
	Female	3			100.0
N5	Male	160		78.1	21.9
	Female	35		71.4	28.6
N6	Male	84	59.5	10.7	29.8
	Female	18	72.2	16.7	11.1
N7	Male	659	93.6		6.4
	Female	156	97.4		2.6
N8	Male	413	90.3		9.7
	Female	248	97.6		2.4
N9	Male	972	91.9		8.1
	Female	389	99.0		1.0
N10	Male	132	93.9		6.1
	Female	34	97.1		2.9
Total	**Male**	**2,453**	**83.9**	**5.5**	**10.7**
	Female	**886**	**93.1**	**3.2**	**3.7**

Note: Based on 3,339 nondrug probation sentences reporting gender of offenders.

SPECIAL SENTENCING RULES

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

In the initial years of implementing the guidelines, there were small numbers of special sentencing rules, such as five special rules in 1994 and 1995. With the modification of sentencing guidelines and amendments of sentencing policies in each legislative year, the number of special sentencing rules has increased. As of the 2014 Legislative Session, forty-three special sentencing rules have been established or amended. The most frequently applied special sentencing rules in the past five years were: crime committed while incarcerated or on probation, parole, etc.; crime committed while on felony bond and person felony committed with a firearm.

Tables 39 and 40 present the numbers and percentages of sentencing practice with special sentencing rules in the past five years. The percentage of offenders admitted to prison with special sentencing rules increased from 33.6% in FY 2010 to 42% in FY 2014. FY 2014 represented the highest number (675 admissions) of special sentencing rules applied to prison sentences in the past five years. The percentage of probation sentences imposed with special sentencing rules accounted for 12.2% in FY 2014, an increase of 0.7% and 0.6% when compared with those of FY 2013 and 2010 respectively (Table 39). The total percentage of both prison and probation sentences applied with special rules increased from 16.5% in FY 2010 to 18.7% in FY 2014 (Table 40).

During FY 2014, a number of 675 pure guideline prison sentences and 696 pure guideline probation sentences were imposed with special sentencing rules, which accounted for 42% of prison pure guideline admissions (1,608 admissions) and 12.2% of pure guideline probation sentences (5,711) imposed in FY 2014 (Tables 39).

The top three special sentencing rules applied to prison sentences in sentencing practice during FY 2014 were “crime committed while incarcerated or on probation, parole, etc.” (349 sentences) representing 51.7% of 675 prison sentences applied with special sentencing rules; “crime committed while on felony bond” (118 sentences) representing 17.5% and “person felony committed with a firearm” (113 sentences) making up 16.7% of prison admissions with special sentencing rules during FY 2014 (Table 41).

These three special sentencing rules were applied most frequently to probation sentences imposed in FY 2014, as well. The special rule of “crime committed while incarcerated or on probation, parole, etc.” (244 sentences) accounted for 35.1%; “crime committed while on felony bond” (175 sentences) accounted for 25.1%; and “person felony committed with a firearm” (73 sentences) accounted for 10.5 % of the total 696 probation sentences applied with special sentencing rules (Table 42).

Table 39: Pure Guideline Sentences Applied with Special Sentencing Rules
By Prison and Probation
FY 2010 through FY 2014

Fiscal Year	Prison Admissions			Probation Sentences		
	Guideline	with Special Rules		Guideline	with Special Rules	
		Number	Percent		Number	Percent
2010	1636	550	33.6	5730	664	11.6
2011	1690	610	36.1	5826	649	11.1
2012	1713	660	38.5	5395	635	11.8
2013	1653	649	39.3	5349	614	11.5
2014	1608	675	42.0	5711	696	12.2

Table 40: Pure Guideline Sentences Applied with Special Sentencing Rules
By Total Sentences
FY 2010 through FY 2014

Fiscal Year	Guideline	with Special Rules	
		Number	Percent
2010	7366	1214	16.5
2011	7516	1259	16.8
2012	7108	1295	18.2
2013	7002	1263	18.0
2014	7319	1371	18.7

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

Table 41: Distribution of Special Sentencing Rules Applied To Prison Sentences – FY 2014

Special Rules Applied to Sentences	Number	Percent
Crime committed while incarcerated, probation, parole, etc.	349	51.7
Crime committed while on felony bond	118	17.5
Person felony committed with a firearm	113	16.7
Burglary with 2 or more prior theft, burglary, aggravated burglary	46	6.8
Third or subsequent drug possession	42	6.2
Theft with 3 or more prior theft, burglary, aggravated burglary	40	5.9
Resident burglary with a prior residential, nonresidential or aggravated burglary conviction	25	3.7
Third or subsequent forgery	11	1.6
Persistent sex offender	10	1.5
Aggravated assault of a LEO	9	1.3
Drug felony with a firearm	6	0.9
Second forgery	4	0.6
Aggravated endangering a child	3	0.4
Second or subsequent identity theft or fraud	3	0.4
Kansas Security Act	2	0.3
Battery on a LEO resulting in bodily harm	2	0.3
Second or subsequent manufacture controlled substance	1	0.1
Aggravated habitual sex offender-life no parole, HB2576	1	0.2
Crime committed while incarcerated in Juvenile facility.	1	0.1
Third or subsequent criminal deprivation of a motor	1	0.1
Felony committed after early discharge	1	0.1

Note: The number and percentage are mutually exclusive.

Table 42: Distribution of Special Sentencing Rules Applied To Probation Sentences – FY 2014

Special Rules Applied to Sentences	Number	Percent
Crime committed while incarcerated, probation, parole, etc.	244	35.1
Crime committed while on felony bond	175	25.1
Person felony committed with a firearm	73	10.5
Third or sub. drug possession	67	9.6
Felony theft with =>3 prior felony theft, burglary or aggravated burglary	37	5.3
Burglary with 2 prior burglary convictions	34	4.9
Third or sub. forgery	29	4.2
Aggravated endangering a child	21	3.0
Second forgery	18	2.6
Aggravated assault LEO	9	1.3
Resident burglary with a prior residential, nonresidential or aggravated burglary conviction	8	1.1
Drug felony with a firearm	4	0.6
Battery on a LEO resulting in bodily harm	4	0.6
Crime committed for benefit of criminal street gang	4	0.6
Unlawful sexual relations	2	0.3
Second or sub. identity theft or identity fraud	1	0.1
Extended juvenile jurisdiction imposed	1	0.1
Crime committed while incarcerated in a juvenile correction facility	1	0.1
Other	19	2.7

Note: The number and percentage are mutually exclusive.

CHAPTER FOUR
SENTENCING TRENDS AND FORECAST

INCARCERATION SENTENCES

The total admission trend in the past five years demonstrates an increasing tendency. The total number of offenders admitted to prison in FY 2014 reached 5,307, which increased by 102 offenders or 2% when compared with FY 2013 and by 341 offenders or 6.9% when compared with FY 2010. (Figure 58). The prison admission pattern by month in the past five year is presented in Table 43.

Figure 58: Incarceration Sentences
FY 2010 through FY 2014

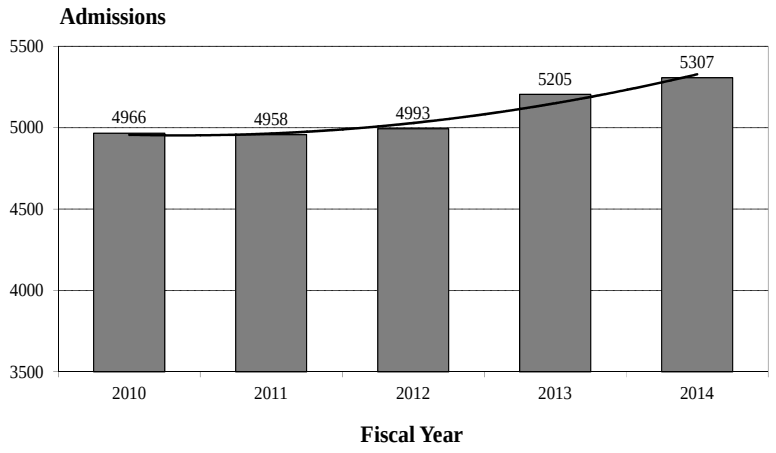


Table 43: Prison Admissions by Month

Month by Fiscal Year	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
July	450	410	385	471	472
August	384	413	495	489	418
September	412	430	399	411	400
October	415	366	401	455	492
November	384	418	416	388	398
December	423	444	418	395	438
January	352	358	368	464	446
February	405	387	394	352	392
March	497	467	411	468	472
April	432	392	402	488	495
May	362	441	515	408	434
June	450	432	389	416	450
Total	**4,966**	**4,958**	**4,993**	**5,205**	**5,307**

The trend of admissions to prison by type in the past five fiscal years is demonstrated in Table 44. Compared with FY 2010, the admission number of new court commitments in FY 2014 decreased by 3.4% from that of FY 2010 and decreased by 2.6% from that of FY 2013. FY 2014 represents the lowest admission number of new court commitments in the past five years. The number of probation condition violators admitted to prison in FY 2014 significantly decreased by 20.3% and 16%, respectively, when compared with FY 2010 and FY 2013. This decrease is due to the implementation of prison sanctions for probation violators. In FY 2014, 323 offenders were admitted to prison to serve 120/180-day prison sanctions (refer to page 31 for details). Probation violators with new sentences/new conviction admitted to prison in FY 2014 significantly increased by 365.5% compared with FY 2010 and increased by 97.5% compared with FY 2013. The large increase of probation violators with new sentences/conviction is due to KDOC's new rule of computation of this group and direct new court commitments. As a result, direct court commitments has decreased since FY 2012. The number of parole/postrelease and conditional release violators admitted to prison in FY 2014 increased by 3.5% over that of FY 2010 but decreased by 9.1% from that of FY 2013. Parole/postrelease and condition release violators with new sentences admitted in FY 2014 increased by 31.2% and 4.5% respectively over those of FY 2010 and FY 2013.

Table 44: Comparison of Prison Admissions by Type

Admission Type	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2014-2010 % Difference.
New Court Commitment	1,908	1,995	1,975	1,894	1,844	-3.4%
Sanction from Probation	N/A	N/A	N/A	N/A	323	N/A
Probation Condition Violator	1,717	1,626	1,682	1,629	1,368	-20.3%
Probation Violator With New Sentence/New Conviction	84	91	180	198	391	365.5%
Parole/Post-release/CR Condition Violator	1,084	1,027	955	1,234	1,122	3.5%
Parole/Post-release/CR Violator With New Sentence	141	161	141	177	185	31.2%
Other Types*	32	58	60	73	74	131.3%
Total	**4,966**	**4,958**	**4,993**	**5,205**	**5,307**	**6.9%**

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

The admission trend of incarceration drug sentences by severity level in the past five fiscal years is presented in Table 45. The total admissions of drug offenders in FY 2014 increased by 7.5% when compared with that of FY 2013 and by 7.4% when compared with that of FY 2010. Since July 1, 2012, a new five-level drug sentencing grid has been implemented. The admissions in FY 2014 include offenders sentenced under both old and new sentencing grids. Therefore, the comparison of drug prison admission by severity level is not applicable.

Table 46 displays the admission trend of nondrug offenders in the past five. The total number of nondrug admissions increased by 0.1% over that of FY 2013 and by 6.7%

over that of FY 2010. In the past five years, the most significant increase of nondrug admissions was identified at nondrug severity level 6, an increase by 93.1%. The admissions at levels 1, 4, 5, 7, 8 and 9 increased, respectively, by 3.8%, 12.4%, 12.4%, 8.6%, 17.3% and 28.4%. The most significant decrease in the past five years was found at nongrid with a decrease of 67.9% followed by level 10 with a decrease of 43.5%, level 3 with a decrease of 24% and level 2 with a decrease of 17%. Offgrid offenders admitted to prison in FY 2014 decreased by 15.9% from that of FY 2010.

When compared with FY 2013, the number at nondrug severity level 2 increased by 12.8%, followed by level 4 with an increase of 9.5% and level 5 with an increase of 7.5%. The number of admissions at nongrid decreased by 26.1%, followed by offgrid by 13.6%, level 10 by 13.3%, level 1 by 12.8% and level 3 by 11.1%. The admissions at other nondrug levels did not fluctuate much when compared with those of FY 2013 (Table 46).

Table 45: Comparison of Drug Prison Admissions by Severity Level

Severity Level	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2014-2013 % Difference	FY 2014-2010 % Difference
D1	98	111	85	79	59		
D2	93	99	85	73	72		
D3	387	418	396	405	384	**N/A**	**N/A**
D4	751	706	736	715	606		
D5				56	307		
Total	**1,329**	**1,334**	**1,302**	**1,328**	**1,428**	**7.5%**	**7.4%**

Table 46: Comparison of Nondrug Prison Admissions by Severity Level

Severity Level	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2014-2013 % Difference	FY 2014-2010 % Difference
N1	105	102	107	125	109	-12.8%	3.8%
N2	53	48	39	39	44	12.8%	-17.0%
N3	420	409	357	359	319	-11.1%	-24.0%
N4	113	114	116	116	127	9.5%	12.4%
N5	596	593	641	623	670	7.5%	12.4%
N6	102	126	116	195	197	1.0%	93.1%
N7	790	809	838	870	858	-1.4%	8.6%
N8	388	395	446	443	455	2.7%	17.3%
N9	684	719	739	845	878	3.9%	28.4%
N10	161	105	109	105	91	-13.3%	-43.5%
Off-grid	113	126	106	110	95	-13.6%	-15.9%
Non-grid	106	77	74	46	34	-26.1%	-67.9%
Unknown	6	1	3	1	2	100.0%	-66.7%
Total	**3,637**	**3,624**	**3,691**	**3,877**	**3,879**	**0.1%**	**6.7%**

PROBATION SENTENCES

The number of probation sentences imposed fluctuated in the past five fiscal years. The number of probation sentences in FY 2014 increased by 6.6% or 504 sentences compared with that of FY 2013 and increased by 2.3% or by 182 sentences compared with that of FY 2010. The largest number of probation sentences imposed in the past five years is identified in FY 2011 (Figure 59).

Figure 59: Probation Sentences
FY 2010 through FY 2014

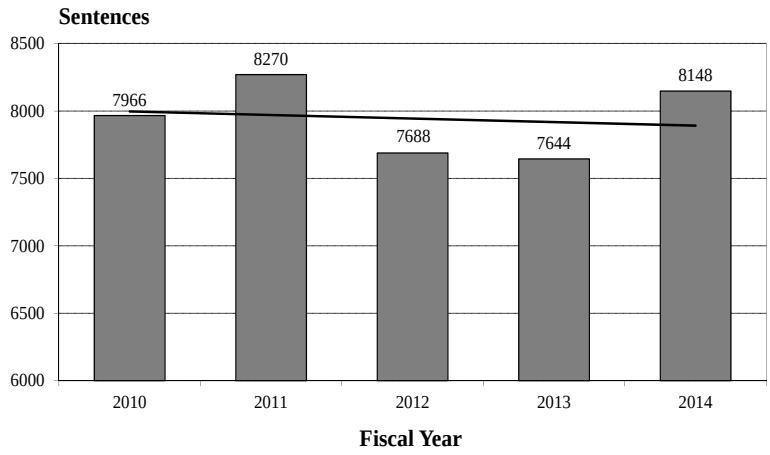


Table 47 presents the sentencing trend of drug probation sentences by severity level in the past five years. The total drug probation sentences in FY 2014 increased by 19.4% or 463 sentences over that of FY 2013 and increased by 12.8% or 324 sentences over that of FY 2010. Owing to the implementation of the new drug sentencing grid with five levels, probation sentences imposed in FY 2014 include offenders sentenced under both old and new sentencing grids according to their offense dates. As a result, the comparison of drug probation sentences by severity level is not applicable.

The sentencing trend of nondrug probation sentences in the past five years is demonstrated in Table 48. The total number of nondrug probation sentences in FY 2014 increased by 0.8% over that of FY 2013 but decreased by 2.6% from that of FY 2010. The largest decline of nondrug probation sentences in the past five years was found at nondrug severity level 3 with a decrease of 49.2%, followed by severity level 10 with a decrease of 36.8%, nongrid with a decrease of 32.6% and severity level 5 with a decrease of 27.9%. The largest increase of nondrug probation sentences in the past five years was identified at nondrug severity level 6 with an increase of 67%, followed by nondrug severity level 4 (an increase of 50%) and severity level 9 (an increase of 23.1%) when compared with the data observed in FY 2010.

Table 47: Comparison of Probation Drug Sentences by Severity Level
FY 2010 through FY 2014

Severity Level	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2014-2013 % Difference	FY 2014-2010 % Difference
D1	24	16	9	11	13		
D2	19	36	32	23	36		
D3	673	737	694	509	297	**N/A**	**N/A**
D4	1815	1821	1715	1268	709		
D5				581	1800		
Total	**2,531**	**2,610**	**2,450**	**2,392**	**2,855**	**19.4%**	**12.8%**

Table 48: Comparison of Probation Nondrug Sentences by Severity Level
FY 2010 through FY 2014

Severity Level	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2014-2013 % Difference	FY 2014-2010 % Difference
N1	1	0	2	3	1	-66.7%	0.0%
N2	0	0	2	0	0	N/A	N/A
N3	61	45	45	46	4631	-32.6%	-49.2%
N4	18	28	25	32	3227	-15.6%	50.0%
N5	337	398	334	316	243	-23.1%	-27.9%
N6	97	93	93	156	162	3.8%	67.0%
N7	1,073	1,194	1,136	1,086	1,068	-1.7%	-0.5%
N8	930	960	836	826	919	11.3%	-1.2%
N9	1,599	1,717	1,719	1,853	1,969	6.3%	23.1%
N10	353	288	259	223	223	0.0%	-36.8%
Off-grid	2	2	0	0	0	N/A	N/A
Non-grid	964	935	787	711	650	-8.6%	-32.6%
Total	**5,435**	**5,660**	**5,238**	**5,252**	**5,293**	**0.8%**	**-2.6%**

COUNTY JAIL SENTENCES

The total number of county jail sentences declined significantly in the past five years due to the implementation of 2011 House Substitute for Senate Bill 6 (Page 15). The number of county jail sentences imposed in FY 2014 decreased by 22.5% or 73 sentences compared with that of FY 2013 and significantly decreased by 71.3% or 626 sentences compared with that of FY 2010.

Figure 60: County Jail Sentences
FY 2010 through FY 2014

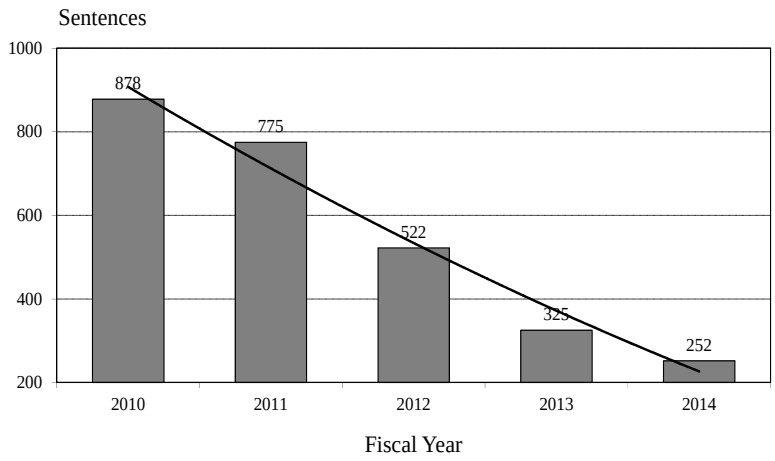


Table 49 displays the offense trend of county jail sentences from FY 2010 through FY 2014. Approximately 92% of the jail sentences were convictions of the crime of DUI and DUI test refusal. Further analysis of DUI crime reveals that the 4th or subsequent convictions of DUI accounted for 52.8%, while 3rd DUI accounted for 28.6% of county jail sentences. In FY 2014, the number of the 4th or subsequent convictions of DUI decreased by 43.6% compared with FY 2013 and by 83.1% compared with FY 2010. The number of the 3rd convictions of DUI in FY 2014 increased by 4.3% over that of FY 2013, but decreased by 12.2% from that of FY 2010. DUI test refusal was created as a felony in 2012 Legislative Session. Twenty-six offenders were convicted of the crime and sentenced to county jail representing 10.3% of county jail sentences in FY 2014. Though small in number, the crime of domestic battery increased by 13.3% and 466.7% over those of FY 2013 and 2010 respectively.

Table 49: Comparison of County Jail Sentences by Offense
FY 2010 through FY 2014

Offenses	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2014-2013 % Difference	FY 2014-2010 % Difference
3rd DUI	82	69	59	69	72	**4.3%**	**-12.2%**
4th or Sub. DUI	786	696	446	236	133	**-43.6%**	**-83.1%**
DUI test refusal	N/A	N/A	N/A	N/A	26	**N/A**	**N/A**
Domestic battery	3	9	7	15	17	**13.3%**	**466.7%**
Cruelty to Animal	1	0	2	0	0	**N/A**	**N/A**
Other	6	1	8	5	4	**-20.0%**	**-33.3%**
Total	**878**	**775**	**522**	**325**	**252**	**-22.5%**	**-71.3%**

PRISON POPULATION FORECASTS

FY 2015 prison population projection continuously reflects the policy changes of a justice reinvestment bill, House Bill 2170, passed in the 2013 Legislative Session. This bill makes numerous changes to sentencing, postrelease supervision and probation statutes, which seeks to reduce the probation condition violator population in Kansas prisons.

The prison population projection predicts that offenders incarcerated in state prisons will reach 10,351 by June 30, 2024, which indicates an increase of 739 inmates or 7.7% over the actual prison population on the same date in 2014. Although the total admission trend in the past four years is comparatively stable with a slow increase (Figure 58), a combination of developing admission trends with the impact of the pronounced stacking effect and new sentencing policies has resulted in a continual growth in the state's prison population. The decrease of prison population after FY 2007 resulted from the implementation of House Substitute for Senate Bill 14, passed during the 2007 Legislative Session, which promotes a 20% reduction of probation revocation rate, modifies lower severity level good time rates from 15% to 20% and provides potential credit for program completion (Figure 61).

FY 2015 prison population projections by severity levels is presented in Table 50. The largest increase in number falls at nondrug severity levels 4 to 6, an increase of 264 offenders or 16.1% in the ten-year forecast period. The number at nondrug severity levels 1 to 3 will increase by 233 offenders or 9.4% in the next ten years. This is due to the "stacking effect" of long sentence length of the most serious offenses. The prison population at nondrug severity levels 7 to10 will increase by 213 offenders or 22.1% in the next ten years, which partially resulted from the application of the special sentencing rules. The incarcerated population at offgrid in the next ten years will increase by 251 offenders or 20.7%. This growth reflects the continuous impact of Jessica's Law (House Bill 2567) passed in the 2006 Legislative Session. Drug inmate population during the forecast period will increase by 255 inmates or 21.6%.

The probation condition violators admitted to prison is expected to decrease by 391 or 28.9% in the next ten years, which results from implementing House Bill 2170. Previously, probation condition violators admitted to prison were required to serve their underlying prison sentence, but now House Bill 2170 requires probation condition violators to serve graduated sanctions instead. The number of prison sanctions from probation will increase by 51 or 100% in the ten-year forecast period.

Condition parole or postrelease violators will slowly increase by 32 or 6.1% in the next ten years. This is the impact of House Bill 2170 as well, which requires that probation condition violators who are released from prison after July 1, 2013 will receive a postrelease supervision period. Figure 61 illustrates the trend of the actual and projected prison population from FY 2005 through FY 2024.

Figure 61: Prison Population Actual and Projected

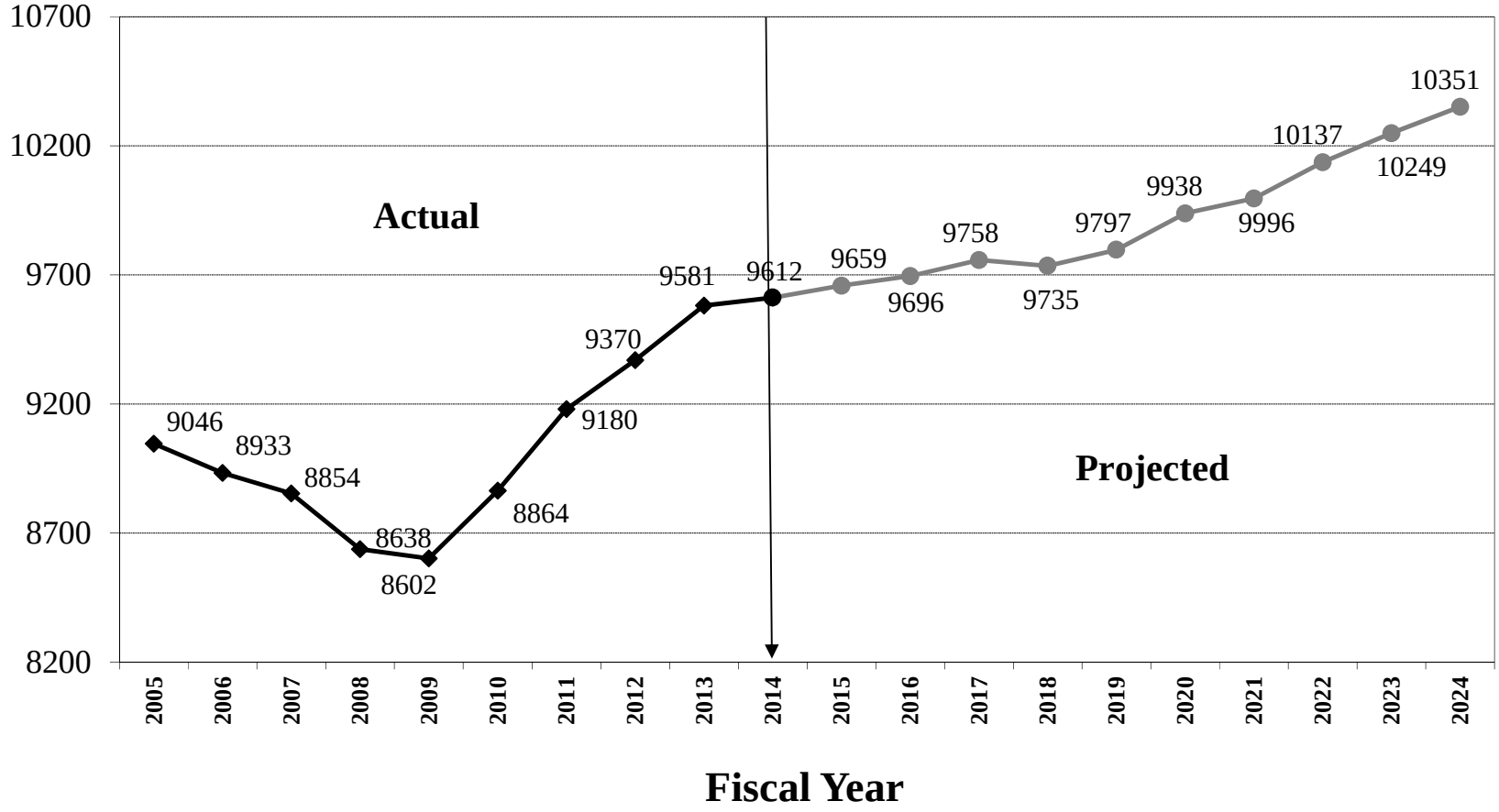


Table 50: FY 2015 Adult Inmate Prison Population Projections (Updated already)

Offender Group	2014*	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	# Change	% Change
Drug	1183	1256	1333	1327	1316	1348	1333	1395	1399	1402	1438	255	21.6%
N1 to N3	2485	2473	2485	2518	2560	2595	2630	2631	2660	2686	2718	233	9.4%
N4 to N6	1639	1691	1725	1748	1745	1757	1802	1811	1842	1896	1903	264	16.1%
N7 to N10	963	1047	1064	1086	1094	1082	1122	1108	1163	1161	1176	213	22.1%
Sanction	51	97	98	101	98	103	103	105	101	106	102	51	100.0%
Probation Condition Violators	1353	1189	1090	1064	990	990	998	987	961	964	962	-391	-28.9%
Off-grid Including Old Law Lifer	1210	1223	1251	1276	1304	1329	1369	1390	1413	1443	1461	251	20.7%
Parole/Post Release Violators	526	527	518	533	544	519	520	517	550	553	558	32	6.1%
Old Law Inmates	202	156	132	105	84	74	61	52	48	38	33	-169	-83.7%
Total	**9612**	**9659**	**9696**	**9758**	**9735**	**9797**	**9938**	**9996**	**10137**	**10249**	**10351**	**739**	**7.7%**

* The numbers of 2014 are the actual prison population on that date.

CUSTODY CLASSIFICATION PROJECTION

The prison population projections forecast the total beds needed over the ten-year forecast period, while custody classification projections predict the types of beds needed for custody in the next ten years. The overall custodial classification projections reveal that by the end of FY 2015, 349 unclassified beds, 2,776 minimum beds, 2,891 medium low beds, 1,554 medium high beds, 1,278 maximum beds and 811 special management beds will be needed. The total projected prison beds, by the end of FY 2024, will include 365 unclassified beds, 2,869 minimum beds, 3,068 medium low beds, 1,753 medium high beds, 1,397 maximum beds and 899 special management beds (Table 51).

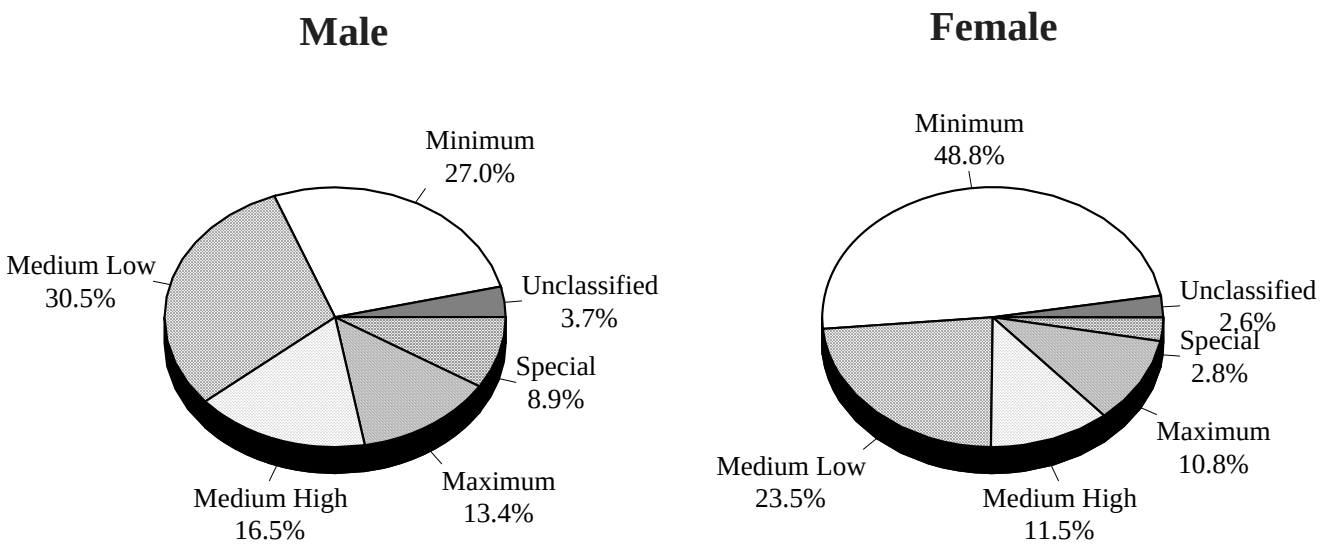
The projected percentage distribution of custodial classifications by gender is exhibited in Figure 62. The distribution demonstrates a significant difference between male and female offenders. Females will need 2.6% unclassified, 48.8% minimum, 23.5% medium low, 11.5% medium high, 10.8% maximum custody and 2.8% special management beds by the end of FY 2015. Males will need 3.7% unclassified, 27% minimum, 30.5% medium low, 16.5% medium high, 13.4% maximum custody and 8.9% special management beds by the end of FY 2015. These classification percentages of male and female offenders remain fairly constant during the ten-year forecast period.

The need for male beds increases at all custody types in the ten-year forecast period. The largest increase is found for medium high beds with an increase of 195. The second largest increase is for medium low beds with an increase of 173 beds. The maximum custody beds, minimum beds, special management beds and unclassified beds show an increase of 107, 89, 88 and 12, respectively, over the ten-year forecast period. Beds for females, in terms of custody types, fluctuate little in the next ten years. This forecast assumes no changes in custody practice over the ten-year forecast period.

Table 51: Ten-Year Custody Classification Projection

Fiscal Year	Unclassified	Special	Maximum	Medium High	Medium Low	Minimum	Total
2015	349	811	1,278	1,554	2,891	2,776	9,659
2016	351	830	1,252	1,483	2,990	2,790	9,696
2017	328	878	1,241	1,536	3,019	2,756	9,758
2018	333	860	1,224	1,563	2,952	2,803	9,735
2019	351	853	1,293	1,634	2,888	2,778	9,797
2020	347	874	1,302	1,594	3,001	2,820	9,938
2021	353	921	1,284	1,646	2,975	2,817	9,996
2022	374	907	1,320	1,680	3,063	2,793	10,137
2023	376	888	1,376	1,702	3,039	2,868	10,249
2024	365	899	1,397	1,753	3,068	2,869	10,351

Figure 62: Projected Percentage Distribution of Custody Classification by Gender



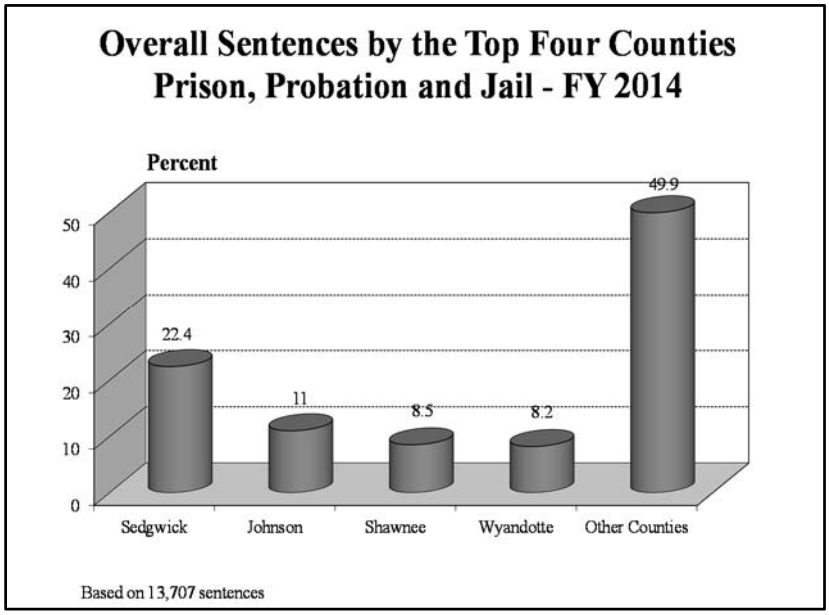
Based on the projected prison population on June 30, 2015 (male = 8,884 and female = 775).

APPENDIX I
SENTENCES FROM THE TOP FOUR COUNTIES

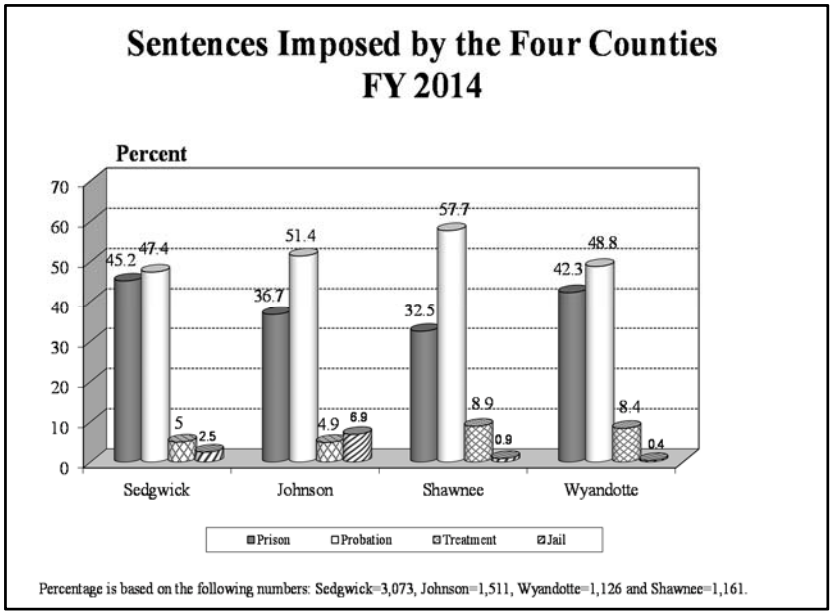
In this section, sentences utilized for analyses include incarceration, probation and county jail sentences submitted to the Commission during FY 2014. The analysis on the sentences indicates that Sedgwick County, Johnson County, Wyandotte County and Shawnee County remained the top four counties, whose sentences imposed accounted for 50.1% of the total state sentences, a decrease of 1.4% compared with that (51.5%) of FY 2013. Sedgwick County continued to be the top-committing county followed by Johnson County, Shawnee County and Wyandotte County.

This distribution is comparatively consistent with those of previous years. When compared with the sentencing data of FY 2013, the percentages of sentences from the four counties in FY 2014 do not fluctuate much. Sentences from Sedgwick County, Johnson County and Wyandotte County decreased respectively by 0.2%, 0.8% and 0.7%. Shawnee County indicated an increase of 0.3%. The following figures and tables display the characteristics of offenses and offenders from the four counties in FY 2014.

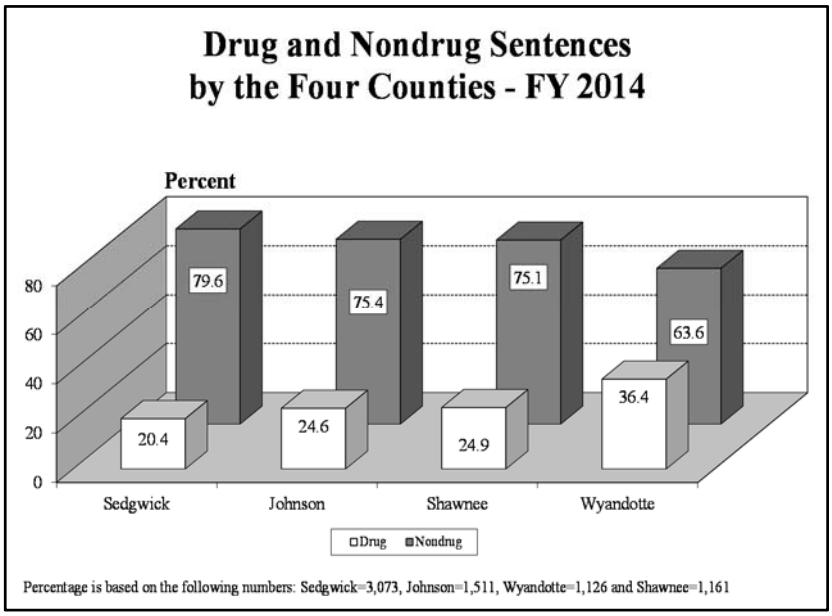
Sedgwick, Johnson, Shawnee and Wyandotte counties were the top four committing counties with sentencing events. Sedgwick County imposed 22.4% sentences of the total state sentence events in FY 2014, followed by Johnson County accounting for 11%, Shawnee County accounting for 8.5% and Wyandotte County accounting for 8.2%.



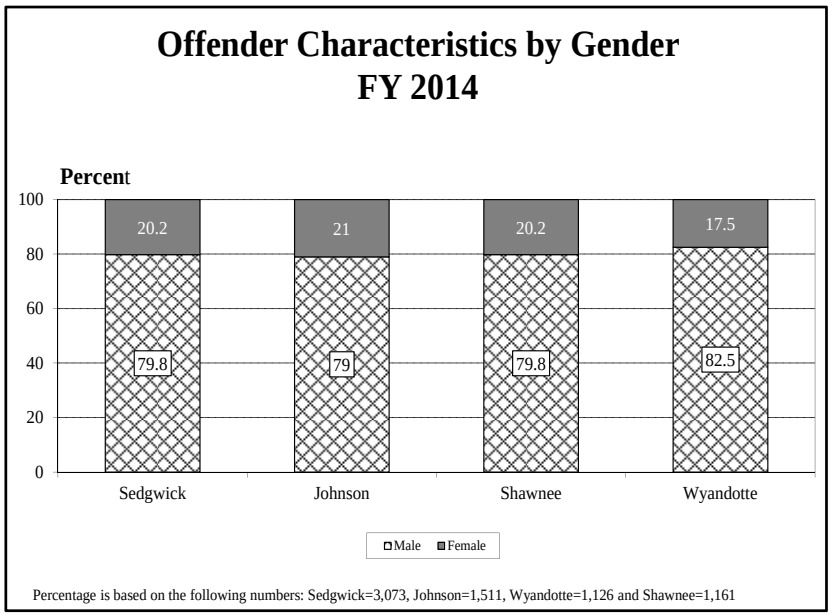
In FY 2014, the highest percentage of prison sentences was found in Sedgwick County (45.2%), while Shawnee County imposed a higher rate of probation sentences than the other three counties (57.7%). Shawnee County imposed the highest rate of Senate Bill 123 drug treatment sentences (8.9%) among the four counties. The highest percentage of county jail sentences was identified in Johnson County (6.9%).



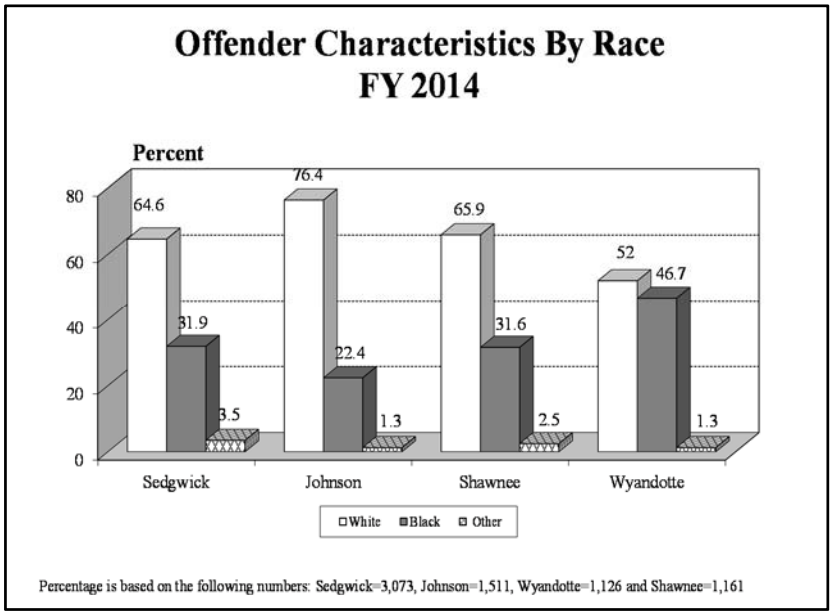
The analysis of sentences imposed by types of drug and nondrug reveals that in FY 2014, Sedgwick County imposed the largest proportion of nondrug sentences (79.6%), while Wyandotte County represented the highest percentage of drug sentences (36.4%) among the four counties. This distribution pattern is consistent with that of FY 2013.



The examination of offenders by gender indicates that Wyandotte County represented the highest percentage of male offenders (82.5%), while Johnson County reported the highest rate of female offenders (21%) among the four counties during FY 2014.



Racial analysis on offenders discloses that in FY 2014, Johnson County reported more white offenders (76.4%), while Wyandotte County reported more black offenders (46.7%) than the other three counties respectively. This racial distribution remained constant in the past five years



FY 2014 Sentences from the Four Counties by Severity Level
Prison, Probation and County Jail Sentences

Severity Level	Sedgwick		Johnson		Wyandotte		Shawnee	
	N	%	N	%	N	%	N	%
D1	4	0.1	2	0.1	2	0.2	2	0.2
D2	11	0.4	13	0.9	6	0.5	3	0.3
D3	148	4.8	105	6.9	61	5.4	16	1.4
D4	304	9.9	92	6.1	133	11.8	92	7.9
D5	160	5.2	160	10.6	208	18.5	176	15.2
N1	24	0.8	14	0.9	17	1.5	10	0.9
N2	16	0.5	0	0.0	5	0.4	4	0.3
N3	93	3.0	37	2.4	77	6.8	26	2.2
N4	37	1.2	8	0.5	36	3.2	9	0.8
N5	303	9.9	80	5.3	66	5.9	92	7.9
N6	99	3.2	27	1.8	17	1.5	29	2.5
N7	577	18.8	126	8.3	137	12.2	182	15.7
N8	323	10.5	214	14.2	59	5.2	137	11.8
N9	684	22.3	351	23.2	219	19.4	284	24.5
N10	17	0.6	55	3.6	29	2.6	44	3.8
Nongrid	245	8.0	222	14.7	45	4.0	50	4.3
Offgrid	28	0.9	5	0.3	9	0.8	5	0.4
Total	**3,073**	**100.0**	**1,511**	**100.0**	**1,126**	**100.0**	**1,161**	**100.0**

FY 2014 Top Ten Offenses Committed by Offenders in the Four Counties – 1

Offense Type	Sedgwick County		Offense Type	Johnson County	
	N	%		N	%
Drugs	627	20.4	Drugs	372	24.6
Theft	410	13.3	Theft	252	16.7
Burglary	287	9.3	DUI	206	13.6
Aggravated Battery	255	8.3	Burglary	104	6.9
DUI	154	5.0	Identity Theft	81	5.4
Forgery	131	4.3	Aggravated Battery	47	3.1
Aggravated Assault	115	3.7	Forgery	46	3.0
Criminal Threat	94	3.1	Criminal Threat	28	1.9
Aggravated Burglary	87	2.8	False Writing	27	1.8
Failure to Register	86	2.8	Aggravated Escape from Custody	26	1.7
Total	**2,246**	**73.0**	**Total**	**1,189**	**78.7**

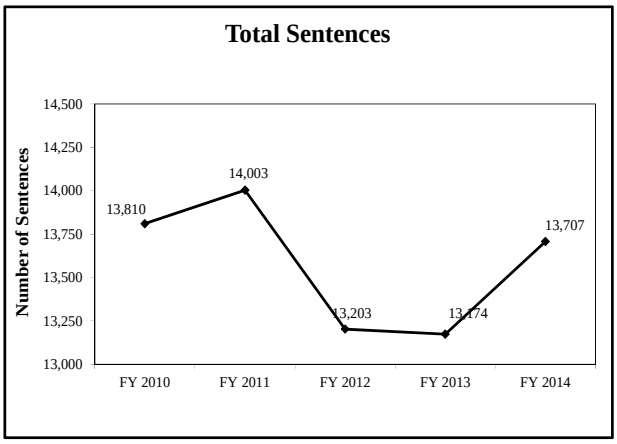
FY 2014 Top Ten Offenses Committed by Offenders in the Four Counties – 2

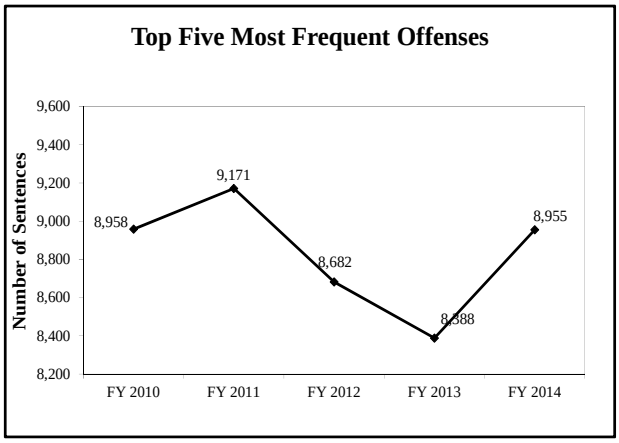
Offense Type	Wyandotte County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	410	36.4	Drugs	289	24.9
Theft	111	9.9	Theft	139	12.0
Burglary	104	9.2	Aggravated Battery	80	6.9
Aggravated Battery	69	6.1	Burglary	78	6.7
Fleeing or Eluding LEO	53	4.7	Failure to Register	70	6.0
DUI	43	3.8	Aggravated Burglary	65	5.6
Aggravated Robbery	49	4.4	Criminal Threat	50	4.3
Forgery	35	3.1	Forgery	41	3.5
Aggravated Assault	26	2.3	DUI	39	3.4
Robbery	23	2.0	Fleeing or Eluding LEO	30	2.6
Total	**923**	**81.9**	**Total**	**881**	**75.9**

APPENDIX II
TRENDS OF SELECTED OFFENSES

TOP FIVE MOST FREQUENT OFFENSES

In the past five years, the top five most frequently convicted offenses were the crimes of drugs, DUI, burglary, theft and aggravated battery. Of the total offenses, including incarceration, probation and county jail sentences, these top five offenses represented 64.9% in FY 2010, 65.5% in FY 2011, 65.8% in FY 2012, 63.7% in FY 2013 and 65.3% in FY 2014. The following figures and table present the sentencing trends of the top five offenses from FY 2010 to FY 2014. The sentence number of the top five offenses was up and down generally in the pattern of the total number of incarceration, probation and county jail sentences in the past five years.





Top Five Most Frequent Offenses
Incarceration, Probation and County Jail Sentences

Top Five Offenses	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Drugs	3,859	3,944	3,752	3,720	4,285
DUI	1,880	1,725	1,331	1,006	855
Burglary	1,372	1,521	1,483	1,539	1,484
Theft	1,096	1,157	1,290	1,367	1,490
Aggravated Battery	751	824	826	756	841
Subtotal	**8,958**	**9,171**	**8,682**	**8,388**	**8,955**
Total Offenses	**13,810**	**14,003**	**13,203**	**13,174**	**13,707**

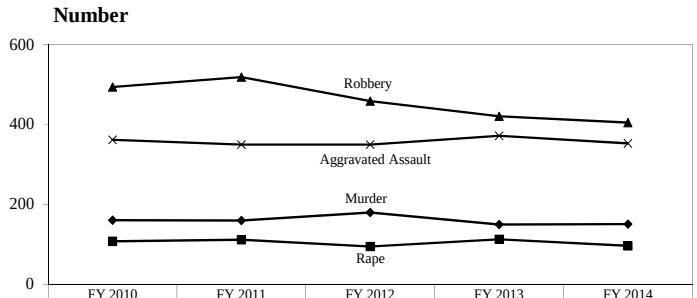
UNIFORM CRIME REPORTING (UCR) OFFENSES

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. 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 2010 to FY 2014, 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.

In FY 2014, the number of the murder crimes increased by 0.7% compared with FY 2013 but decreased by 6.3% compared with FY 2010. The number of rape crimes decreased by 14.3% compared with FY 2013 and by 10.3% compared with FY 2010. Robbery convictions decreased by 3.8% and 18.1% respectively compared with FY 2013 and FY 2010. The number of aggravated assaults decreased by 5.1% and 2.5% respectively from those of FY 2013 and FY 2010.

During FY 2014, burglary crimes decreased by 3.6% compared with FY 2013 but increased by 8.2% over that of FY 2010. The number of theft crimes increased by 9% and 35.9% respectively over those of FY 2013 and FY 2010. The crime of arson increased by 16.4% compared with FY 2013 but decreased by 17.9% from that of FY 2010.

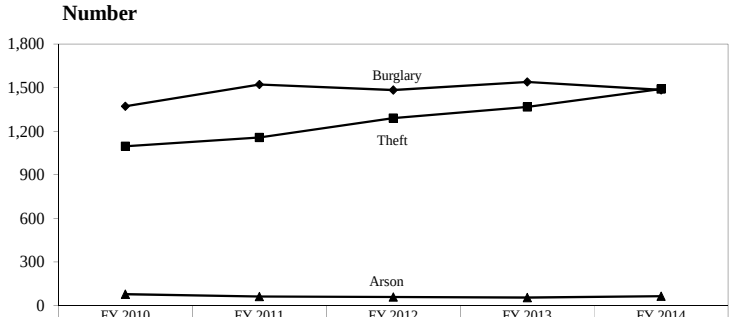
UCR Offenses: Violent Crime
FY 2010 through FY 2014



	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Murder	160	159	179	149	150
Rape	107	111	94	112	96
Robbery	493	518	458	420	404
Agg. Assault	361	349	349	371	352

Both incarceration and probation sentences are included.

UCR Offenses: Property Crime
FY 2010 through FY 2014



	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Burglary	1,372	1,521	1,483	1,539	1,484
Theft	1,096	1,157	1,290	1,367	1,490
Arson	78	62	59	55	64

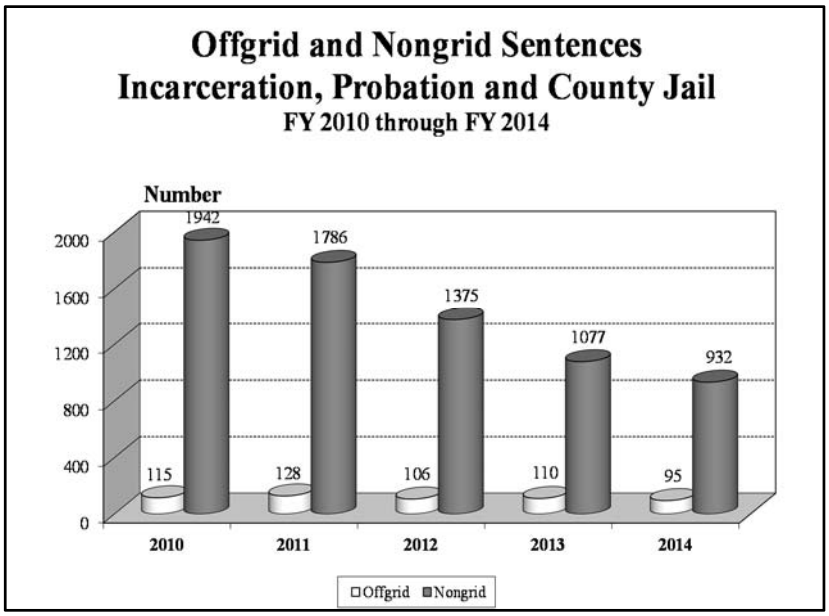
Both incarceration and probation sentences are included.

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. 21-5401 or 21-3439), murder in the first degree (K.S.A. 21-5402 or 21-3401), treason (K.S.A. 21-5901 or 21-3801) and certain sex offenses under Jessica's Law (2006 Senate Substitute for House Bill 2576) are designated as offgrid crimes. Persons convicted of offgrid crimes will be eligible for parole after serving 50 years in confinement for premeditated first-degree murder, or 25 years in certain premeditated first-degree murder cases in which mitigating circumstances are found by the sentencing court. The Kansas law also provides for the imposition of a death penalty, under specified circumstances, for a conviction of capital murder. Felony murder and treason carry a term of life imprisonment with a 15-year parole eligibility date for crimes committed after July 1, 1993 but prior to July 1, 1999, and a 20-year parole eligibility date for crimes committed on or after July 1, 1999 but prior to July 1, 2014. Felony murder crimes committed on or after July 1, 2014, carry a life sentence with parole eligibility after serving a mandatory 25-year sentence.

Nongrid crimes are not assigned severity levels on either sentencing guidelines grids under the 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 test refusal (K.S.A. 8-1025), felony domestic battery (K.S.A. 21-5414) and felony cruelty to animals (K.S.A. 21-6412 and 21-6416) are categorized as nongrid crimes. The applicable sentence of each of the nongrid crimes is specified within the individual criminal statute defining the crime. For example, the sentence for the crime of felony domestic battery specifies that the offender "shall be sentenced to no less than 90 days or more than one year's imprisonment." Further, a felony domestic battery offender must serve at least 48 consecutive hours imprisonment before being eligible for any type of release program.

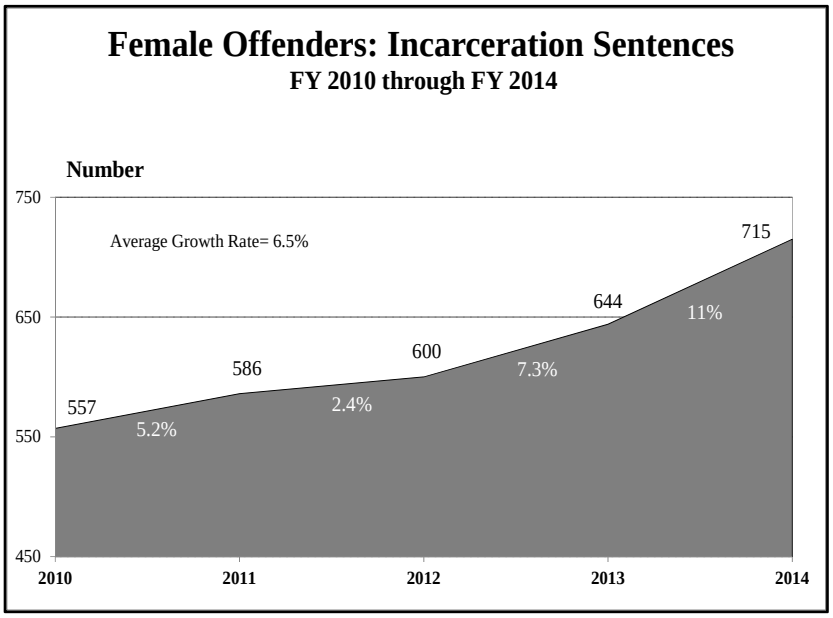
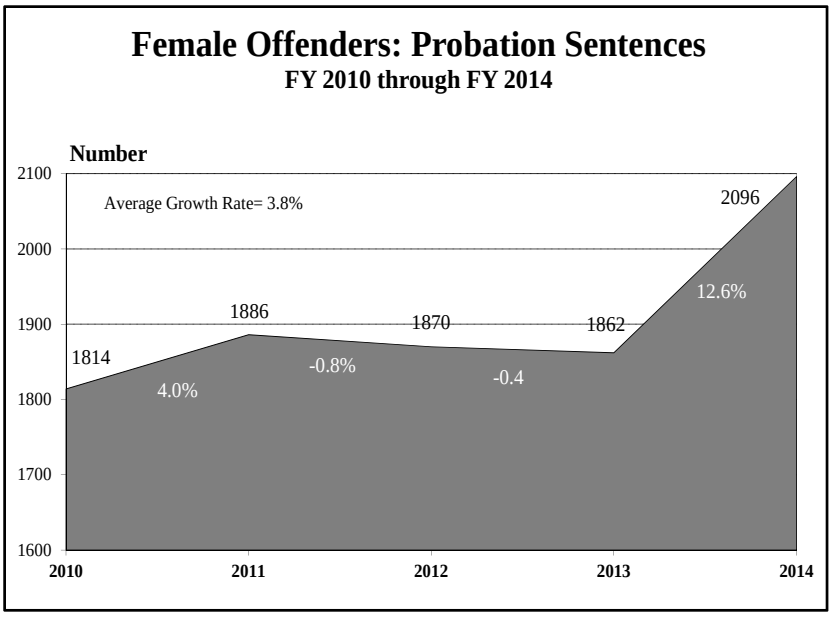
In FY 2014, the number of offgrid crimes decreased by 13.6% and 17.4% respectively from those of FY 2013 and FY 2010. The majority of the offgrid sentences were convicted under the Jessica's Law, which implies that the policy was implemented consistently in the past five years. Nongrid sentences in FY 2014, including incarceration, probation and county jail sentences, continued to decrease by 145 (13.5%) and 1010 (52%) respectively from those of FY 2013 and FY 2010, which mirrors the 2011 policy changes on felony DUI (Page 15).



FEMALE OFFENDERS

The admission of female offenders demonstrates an increasing trend in the past five years. The number of female admissions in FY 2014 increased by 11% compared with that of FY 2013 and increased by 28.4% compared with that of FY 2010. The average growth rate in the past five years is 6.5%. The numbers of female offenders on probation did not fluctuate much from FY 2010 to FY 2013. In FY 2014, the number of female offenders on probation increased by 12.6% and 15.5% respectively over those of FY 2013 and FY 2010. The average growth rate is 3.8% in the past five years. Females were sentenced to prison or probation most frequently for the crimes of drugs, forgery and theft.

The number of female offenders incarcerated in prison increased by 5.2% in FY 2011, 2.4% in FY 2012, 7.3% in FY 2013 and 11% in FY 2014 when compared with those of the previous years. The population in FY 2014 is the highest number (715) of female admissions to prison in the past five years.



The population of females sentenced to probation increased by 4% in FY 2011, decreased by 0.8% in FY 2012, continued to decrease by another 0.4% in FY 2013 when compared with those of the previous years. However, the female probationers increase greatly by 12.6% in FY 2014.