KANSAS SENTENCING COMMISSION

FY 2015 ANNUAL REPORT

APRIL 2016

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ANNUAL REPORT
FY 2015

Analysis Of Sentencing Guidelines In Kansas

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

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EXECUTIVE SUMMARY

WHAT IS NEW

The Kansas Sentencing Commission (KSC) continues tracking the impact of House Bill 2170, which was passed in the 2013 Legislative Session as a result of the Kansas Justice Reinvestment Initiative. The purpose of the bill is to increase public safety, reduce recidivism and curb spending. House Bill 2170 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).

MAJOR ACTIVITIES PERFORMED

According to the statutory obligations assigned to the Kansas Sentencing Commission under K.S.A. 74-9101, the Commission performed the following activities in FY 2015: 1) made recommendations to the state legislature relating to modification and improvement of current sentencing guidelines and providing the legislature and state agencies with prison bed space impact assessments under any policy change related to the sentencing guidelines; 2) produced annual prison population projections and custody classification forecasts for the Kansas Adult Correctional Facilities; 3) updated the Kansas Sentencing Guidelines Desk Reference Manual according to sentencing policy changes passed during the 2015 Legislative Session; 4) developed 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; 5) processed statewide felony sentencing and probation revocation journal entries including both prison and non-prison guideline sentences; 6) published an annual report statistically presenting sentencing practice and policies under Kansas Sentencing Guidelines; 7) monitored and evaluated the implementation of 2003 Senate Bill 123 drug treatment programs and processed statewide transactions of the programs; 8) performed criminal justice research projects funded through federal grant in the area of increasing access to statistic data and measuring criminal justice system performance; 9) served as an information resource to respond to national, state and county requests regarding sentencing data; 10) issued newsletters quarterly to provide updates and helpful information relating to Kansas Sentencing Commission programs, publications and forms; and 11) conducted training sessions on sentencing guidelines and various sentencing issues.

This section provides a brief summary of the key sentencing issues discussed in FY 2015 Annual Report. A total number of 14,452 felony sentences were reported to the Commission during FY 2015, indicating an increase of 5.4% over that of FY 2014. Of

the total number of sentences, 5,876 (40.7%) were prison sentences, 7,917 (54.8%) were probation sentences and 659 (4.6%) were DUI or test refusal post-imprisonment supervision and county jail sentences. Nondrug sentences accounted for 67.1% or 9,692 sentences and drug sentences accounted for 32.9% or 4,760 sentences (page 2).

INCARCERATION SENTENCES

In FY 2015, a total number of 5,876 offenders were admitted to the Kansas Department of Corrections (KDOC). Male offenders made up 84.5% of the total admissions, a percentage decrease of 2% from that of FY 2014 (86.5%). 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 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% of the crime of drug distribution and 86.2% of unlawful manufacture of a controlled substance (page 26).

The racial analysis of the offenders indicates that white offenders represented 71.8% of the admissions to the state prisons in FY 2015, indicating an increase of 1.4% over that of FY 2014 (70.4%). The offenders with non-Hispanic origin made up 90.7%, a decrease of 0.6% from that of FY 2014 (91.3%). The highest incarceration rates for white offenders (over 70%) were discovered in the areas of burglary, criminal threat, failure to register, forgery, theft, identity theft, obstruction legal process, traffic in contraband, aggravated assault on LEO, false writing and most sex offenses. Nevertheless, black offenders were incarcerated more often (over 40%) for the crimes of aggravated robbery, robbery, possession of firearms, domestic battery, capital murder and voluntary manslaughter (pages 23 & 24).

When reviewing offenders' age, the Commission determined that the largest population of incarcerated offenders was identified in the age group ranging from 31 to 40 years old (29.7%) and the second largest number of offenders was identified in the group from 25 to 30 years old (24.3%) at the time of admission to prison in FY 2015. This age distribution is consistent with the age data observed in FY 2014 and 2013. As for the educational background of the offenders admitted in FY 2015, approximately 50% of the offenders had attained either a high school diploma or GED equivalent, which is similar to the percentage of the same group observed in FY 2014.

In terms of admission type, the three largest groups of admissions are new court commitments, probation condition violators (excluding 11.8% of sanctions from probation violation) and parole or postrelease/CR condition violators. These represent 32.7%, 22.5% and 20.8%, respectively, of the total prison admissions in FY 2015. Most of the drug offenders admitted to KDOC in FY 2015 fell at drug severity level 4 (535 sentences or 30.9%) and drug severity level 5 (715 sentences or 41.3%), while the largest numbers of nondrug offenders were identified at

nondrug severity levels 5, 7 and 9 with admissions of 647, 892 and 1,007, respectively, in FY 2015 (pages 27 & 28).

The study of the sex offenders reveals that 80 sex offenders were convicted under Jessica's Law and admitted to prison during FY 2015. Of this number, 66 offenders (82.5%) were new court commitments and 14 offenders (17.5%) were probation and parole condition violators. While most jurisdictions identify the severity of these crimes as offgrid (78.8%), a few sentenced them at the severity level for a downward departure on the nondrug grid. The analysis of sentence length demonstrates that 63.8% of the sentences were downward departures to guidelines, an increase of 2% compared with that of FY 2014 (61.8%). The average sentence length of the durational departures was 119.8 months, an increase of 12.8 months over that observed in FY 2014 (107 months). The major departure reasons are: plea agreement between parties, defendant had no prior criminal history and the defendant accepted responsibility (page 33).

PROBATION SENTENCES

In FY 2015, The Commission received 7,917 probation sentences. The analysis of the probation sentences discloses that theft (23.7%), burglary (13.1%) and aggravated battery (7.9%) were the top three offenses committed by nondrug probation offenders, representing 44.7% of the total nondrug crimes (page 37). The probation sentences for the crime of drug possession accounted for 74.7% of all drug probation sentences, an increase of 1.6% over that (73.1%) of FY 2014 (pages 38 & 40).

The study of the criminal history categories of the offenders sentenced to probation in FY 2015 reveals that offenders with criminal history category I accounted for 22.8% of offenders on the nondrug grid and 25.8% of offenders on the drug grid. The nondrug offenders within the presumptive probation boxes made up 81.2%, a decrease of 1.7% compared with that of FY 2014 (82.9%). The examination of the border box sentences shows that 4.4% 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 2013 to FY 2015 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.

HB 2170 GRADUATED SANCTIONS

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

Based on the Commission's probation revocation disposition data in FY 2015, a total number of 1,653 probation violators received a jail sanction, an increase of 978 or 145% over that of FY 2014 (675 jail sanctions). Of the 1,653 jail sanctions, 99.4% served from 2 to18 days in county jails and the average jail days served is 3.7 days, which is much more standard than that of FY 2014 (26.7 days). FY 2014 is the initial year of implementation of HB 2170. Therefore, there was some diversion of days served in county jails in sentencing practice (pages 62 & 63).

The KDOC's admission data indicates that 691 probation condition violators in FY 2015 were admitted to prison as HB 2170 sanction from probation, an increase of 368 violators (114%) compared with FY 2014 (323 violators). Of those 691 violators, 415 offenders (60.1%) were remanded for 120 sanction days, 270 offenders (39.1%) were remanded for 180 sanction days and 6 offenders (0.8%) were remanded for more than 240 days in KDOC. Since FY 2015 is the second year for the implementation of HB 2170, the Commission will continue tracking the impact of the bill on sentencing practice and recidivism rate (pages 31 & 32).

DUI/TEST REFUSAL PIS and COUNTY JAIL SENTENCES

In FY 2015, the Commission received 659 DUI/Test Refusal post-imprisonment supervision (PIS) and jail sentences. Of this number, DUI/Test Refusal PIS accounted for 90.4% (596 sentences) and county jail sentences accounted for 9.6% (63 sentences). House Substitute for 2011 Senate Bill 6, which amends a third DUI conviction to a class A nonperson misdemeanor, continued impacting felony jail sentences in FY 2015 (page 15).

The gender analysis of the offenders of this group indicates that male offenders accounted for 83.6% and female offenders accounted for 16.4% of the 659 sentences. The percentage of female offenders sentenced to this group increased by 2.5% when compared with that of FY 2014 (13.9%). White offenders represented 84.2%, black offenders represented 14.3% and other races represented 1.5% of the DUI/test refusal PIS and county jail sentences imposed in FY 2015. Their average age at sentencing is 39.6 years old, an increase of 0.6 years when compared with FY 2014 (page 46).

When examining the crimes committed by this group of offenders, the Commission Observed that 88% of the offenders were convicted of felony DUI (580 sentences), 8% (53 sentences) were convicted of the crime of DUI/Test Refusal and 2.6% (17 sentences) were convictions of the crime of domestic battery. Johnson County imposed the most sentences of this group (185) representing 28.1%, followed by Sedgwick County with 146 sentences representing 22.2% of the total DUI/Test Refusal PIS and county jail sentences imposed in FY 2015 (page 47).

DRUG SENTENCES

Since July 1, 2012, a new drug sentencing grid with 5 drug levels has been implemented. The admissions and sentences in FY 2015 include offenders sentenced under both old and new drug sentencing grids. Consequently, a comparison of drug offenders by severity level is not presently available (pages 86 & 88).

The number of drug offenders admitted to prison (1,731 offenders) in FY 2015 increased by 21.2% compared with that of FY 2014 (1,428 offenders) and by 29.8% compared with that of FY 2011 (1,334 offenders). The examination of drug offenses indicates that 61.8% of the incarceration drug sentences were convictions of drug possession, an increase of 4.9% compared with that of FY 2014 (56.9%). Approximately 34% of the drug possession sentences were found at drug severity level 4. Offenders at drug severity level 5 accounted for 65.9% of the drug possession group, an increase of 29.5% over that of FY 2014 (36.4%). The percentage of

offenders admitted at drug severity level 5 for drug possession will continue to increase as implementation of the new drug sentencing grid continues in the next several years (page 25).

The analysis of drug probation sentences shows that the number of drug probation sentences in FY 2015 (3,029) increased by 6.1% compared with that of FY 2014 (2,855) and increased by 16.1% compared with that of FY 2011 (2,610). Probation sentences at drug severity level 4 decreased to 15.8% in FY 2015 from 24.8% of the probation drug sentences imposed in FY 2014, while probation sentences at drug severity level 5 in FY 2015 increased to 74.4% from 63% in FY 2014. This reflects the impact of the new drug sentencing grid on drug possession crimes.

Further examination of drug offenders on probation discloses that during FY 2015, a total number of 1,159 sentences were imposed to 2003 Senate Bill 123 (SB 123) drug treatment programs, representing 38.3% of the total drug probation sentences (3,029), a decrease of 0.2% compared with that of FY 2014 (38.5%). All of these sentences were convicted of the crime of drug possession under K.S.A. 21-5706 (formerly K.S.A. 21-36a06 or 65-4160 or 65-4162). White male offenders are still the majority of the treatment sentences. The average age of the drug treatment offenders was 32.6 years old, indicating no change from that of FY 2014. The distribution of SB 123 drug treatment sentences imposed by county displays that Sedgwick County continuously imposed the most SB 123 sentences (177) followed by Shawnee (127), Reno (81), Johnson (73) and Wyandotte (65) counties (pages 42 & 43). In addition, 758 SB 123 drug treatment sentences were violated as probation condition violators during FY 2015. Of this number, 265 sentences were revoked to prison, representing 22.9% of SB 123 sentences imposed (1,159 sentences) in FY 2015, an increase of 2.5% over that of FY 2014 (20.4%). The average period between original sentence and the first revocation hearing was 15.3 months, 9 days longer than that of FY 2013 (15 months).

VIOLATORS

Violators, in the report, refer to condition violators and include probation condition violators, parole/postrelease supervision violators and conditional release violators. Prison sanctions from probation violations are excluded from this analysis. A total number of 2,540 condition violators were admitted to prison in FY 2015, accounting for 43.2% of the total prison admission events of the fiscal year. Of this number, 1,321 were probation condition violators, 1,214 were parole/postrelease supervision violators and 5 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 3.7% compared with that (46.9%) of FY 2014 (page 49).

In the past five years, the number of probation condition violators admitted to prison in FY 2015 significantly decreased by 18.8% when compared with FY 2011 and decreased by 3.4% from that of FY 2014. 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 2015 increased by 18.7% and 8.6% over those of FY 2011 and FY 2014 respectively (page 85).

The gender analysis of violators indicates that male condition violators sentenced to prison represented the largest number of offenses at severity level 9 of the nondrug grid and severity level 4 of the drug grid, which is consistent with the pattern of FY 2014. 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 5 of the drug grid. The female severity level pattern is a little different from that of FY 2014, when most drug female condition violators were at nondrug severity level 4, which majorly resulted from the implementation of the new drug sentencing grid (page 52).

Based on the Commission's probation revocation disposition data, 1,071 probation condition violators and 146 probation violators with new convictions were sentenced to either continued or extended probation for a violation in FY 2015. This represents 21.9% of the total number of 4,901 condition probation violators and 17% of the total number of 866 probation violators with new offenses revoked during FY 2015 (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.

A total number 6,925 pure guideline sentences of FY 2015 were utilized for the study of conformity rates to sentencing guidelines. Of this number, 1,426 were incarceration guideline sentences and 5,499 were probation sentences. More than 80% of the guideline sentences imposed fell within the designated guideline sentence range. Dispositional departures accounted for 10.9% of sentences and durational departures were found in 8.7% of sentences (page 65). The sentence distribution is very consistent with that of FY 2014.

The analysis of incarceration sentences within guidelines displays that 38.7% of the sentences imposed fell within the standard range of the grid cell; 10.4% of all sentences were within the aggravated range; 26% were within the mitigated range and 24.9% were located within designated border boxes (page 66). This distribution of presumptive prison sentences does not fluctuate much compared with that of FY 2014.

The assessment of the durational departures of the incarceration guideline sentences discloses that 70.2% of the durational departures were downward durational departures, while 29.8% indicated upward durational departures (page 66). The percentage of downward durational departures increased by 1.8% compared with that of FY 2014 (68.4%). The comparative study of durational departures between drug and nondrug incarceration sentences indicates that 75.1% of drug durational departure sentences were downward

compared to 68.2% 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 7.9% upward dispositional departure rate while drug sentences only represented a 3.5% upward dispositional departure rate (page 70).

When examining the probation guideline sentences, the Commission observed that as expected, the majority (88%) of probation guideline sentences fell beneath the incarceration line, among which 84.7% were within presumptive probation grids and 15.3% were within border boxes. Downward dispositional departures were identified in 12% of the probation guideline sentences imposed in FY 2015 (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. 10%). A lot more drug probation sentences resulted from border boxes than did nondrug probation sentences (24.3% vs. 5.8%, 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 2015 Legislative Session, forty-six 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.

A total number of 719 pure guideline prison sentences and 761 pure guideline probation sentences were imposed with special sentencing rules in FY 2015, which accounted for 43.2% of prison pure guideline admissions (1,665 admissions) and 13.5% of pure guideline probation sentences (5,641) imposed in FY 2015. The percentage of offenders admitted to prison with special sentencing rules increased from 36.1% in FY 2011 to 43.2% in FY 2015. The percentage of probation sentences imposed with special sentencing rules accounted for 11.1% in FY 2011 and increased to 13.5% in FY 2015. The total percentage of both prison and probation sentences applied with special rules increased from 16.8% in FY 2011 to 20.3% in FY 2015 (page 81).

PRISON POPULATION FORECAST

The prison population projection is based on FY 2015 data of prison admission, inmate stock population and release from KDOC, and felony sentencing data from KSC. It mirrors continuously the sentencing policy changes in previous years, such as 2006 House Bill 2567 (Jessica's Law), 2007 Senate Bill 14 and 2013 House Bill 2170, a justice reinvestment bill, which seeks to reduce the probation condition violator population in Kansas prisons.

The prison population projection predicts that by the end of FY 2025, a total of 11,300 prison beds will be needed. This represents a total increase of 15% or 1,478 beds over the actual prison population as of June 30, 2015. Although the total admission trend in the past five 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 (pages 91 & 92).

In the ten-year forecast period, the largest increase in number is identified at the drug offender group, an increase of 421 offenders or 31.6%. The number at nondrug severity levels 1 to 3 will increase by 139 offenders or 5.7% in the next ten years. This is due to the "stacking effect" of the long sentence length of the most serious offenses even though the trend of violent crimes in Kansas declined in the past five years. The projected population at nondrug severity levels 4 to 6 will increase by 229 offenders or 13.7% during the ten-year forecast period. The prison population at nondrug severity levels 7 to 10 will increase by 183 offenders or 19.5%, which partially results from the application of the special sentencing rules. The incarcerated population at offgrid in the next ten years will increase by 393 offenders or 30.8%, indicating the second largest category increase in groups of the projection. This growth reflects the continuous impact of Jessica's Law (House Bill 2567) passed in the 2006 Legislative Session.

Before 2013, probation condition violators admitted to prison were required to serve their underlying prison sentence. Now House Bill 2170 requires probation condition violators to serve graduated sanctions instead, which includes custody in KDOC for a period of 120 days or 180 days. As a result, in the next ten years, the number of prison sanctions from probation will increase by 53 or 44.9%, while the probation condition violators admitted to prison will increase by 56 or 4.5%, a slow rate of increase which reflects the continual implementation of House Bill 2170.

In the next ten years, condition parole or postrelease violators will increase by 160 or 25.8%. This is the impact of House Bill 2170 as well, which requires that probation condition violators who are released from prison after July 1, 2013, to serve a postrelease supervision term. Figure 61 illustrates the trend of the actual and projected prison population from FY 2006 through FY 2025.

The custodial classification projection predicts the types of prison beds needed for custody over the next ten years. By the end of FY 2016, KDOC will need 2,991 minimum beds, 2,932 medium low beds, 1,433 medium high beds, 1,476 regular maximum beds, 351 unclassified beds and 840 beds for special management. By the end of FY 2025, the custodial beds in demand will include 3,356 minimum, 3,121

medium low, 1,816 medium high, 1,580 regular maximum, 404 unclassified and 1,023 special management beds (page 92). These projections assume no substantial change in the method or practice of custody decision-making.

REPORT CONTENTS

The Fiscal Year 2015 Annual Report is presented in four chapters. A descriptive statistical summary of statewide guideline sentencing practices in FY 2015 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 also analyzed in this section.

CHAPTER ONE
SENTENCING IN KANSAS

SENTENCES REPORTED IN FISCAL YEAR 2015

The analysis and research in this Annual Report includes prison sentences, nonprison or probation sentences, county jail and DUI post imprisonment supervision sentences reported to the Kansas Sentencing Commission during FY 2015. Senate Bill 123 drug treatment sentences are comprised in the type of probation sentences. Sentences utilized for analyses on sentencing practice and sentencing tendency are based upon the most serious felony offense of a single sentencing event.

During FY 2015, the Commission received 14,452 felony sentences, an increase of 745 sentences or 5.4% over that of FY 2014. Of that total number of sentences, 5,876 were prison sentences, 7,917 were probation sentences and 659 were DUI post imprisonment supervision and county jail sentences (County jail sentences made up 63). In terms of drug or nondrug crimes, this total included 9,692 nondrug sentences and 4,760 drug sentences. Nonperson offenses accounted for 67.7% and person offenses accounted for 32.3% (Figure 1), which does not fluctuate much from those of FY 2014.

The sentencing distribution of FY 2015 by sentence type, offense type and severity level is presented in Figure 2. Drug incarceration sentences at drug severity levels 4 and 5 represented 72.2% (1,250 sentences) of the total drug incarceration sentences. The largest number of nondrug incarceration offenders was identified at severity level 9 (1,007 sentences or 24.3%) followed by severity level 7 (892 sentences or 21.5%) and severity level 5 (647 sentences or 15.6%), which is similar with the pattern of FY 2014. The examination of probation sentences in FY 2015 indicates that 2,255 probation sentences fell at drug severity level 5, representing 74.4% of the total drug probation sentences and 478 probation sentences were at drug severity level 4 representing 15.8%. 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 2,733. Of this number, 82.8% or 2,263 sentences were convicted of the crimes of drug possession. Of the 2,263 drug possession sentences, 51.2% or 1,159 sentences were imposed to SB 123 drug treatment programs, which decreased by 1.3% compared with the percentage (52.5%) of FY 2014. The highest rates of nondrug probation offenders were found at nondrug severity level 9 (41.6% or 2,031 sentences) and nondrug severity level 7 (21.1% or 1,031 sentences). The analysis of DUI post imprisonment supervision and county jail sentences discloses that 98.9% of the offenders were convicted of nongrid crimes with 1.1% sentences convicted of other crimes at nondrug severity levels 8 and 9.

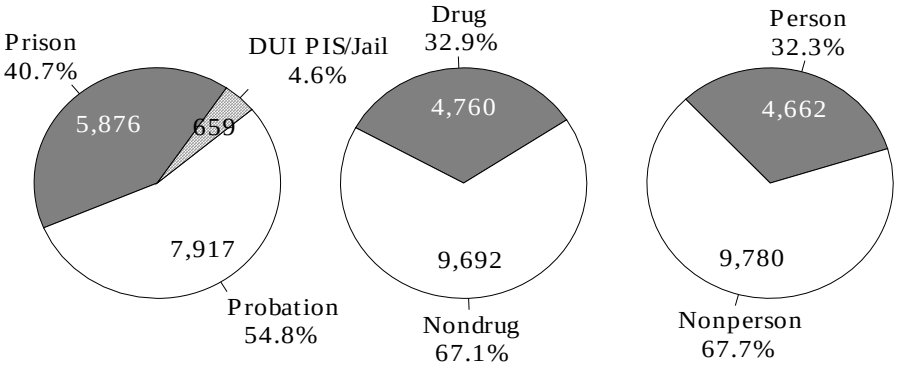
Felony sentences from 103 counties in the state were reported to the Commission during FY 2015. No sentences were reported from Comanche and Sheridan counties.

Most of the counties reported 1 to 100 sentences. Eleven counties reported 101 to 200 sentences. They are Atchison (140), Barton (146), Butler (193), Cowley (162), Dickinson (104), Douglas (196), Franklin (147), Jackson (151), Labette (113), Riley (187) and Sumner (155) counties. Eleven counties reported 201 to 700 sentences. They are Crawford (207), Ellis (214), Finney (203), Ford (334), Geary (298), Harvey (201), Leavenworth (270), Lyon (263), Montgomery (226), Reno (609) and Saline (582) counties. Sedgwick, Johnson, Wyandotte and Shawnee counties remained the top four committing counties, accounting for 49.7% of all sentences imposed in FY 2015, a decrease of 0.4% compared with that (50.1%) of FY 2014 (Figure 3).

The top five offenses committed in FY 2015 are crimes of drugs (33% or 4,762 sentences), theft (12% or 1,732 sentences), burglary (10.1% or 1,186 sentences, including aggravated burglary), aggravated battery (5.6% or 815 sentences) and DUI/Test Refusal (5% or 728 sentences). These top five offenses, including prison, probation, DUI post imprisonment supervision and county jail sentences, accounted for 65.7% of the total 14,452 sentences in FY 2015 (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 (310 sentences) followed by Wyandotte County (122 sentences), Shawnee County (106 sentences) and Johnson County (79 sentences). Figure 5 exhibits the distribution of the violent crimes committed in the top four counties during FY 2015. 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 2014.

Figure 1: Sentences Reported in FY 2015



Based on 14,452 felony sentences reported in FY 2015. DUI or test refusal post-imprisonment supervision accounted for 596 and jail accounted for 63 sentences.

Figure 2: FY 2015 Sentencing Distribution

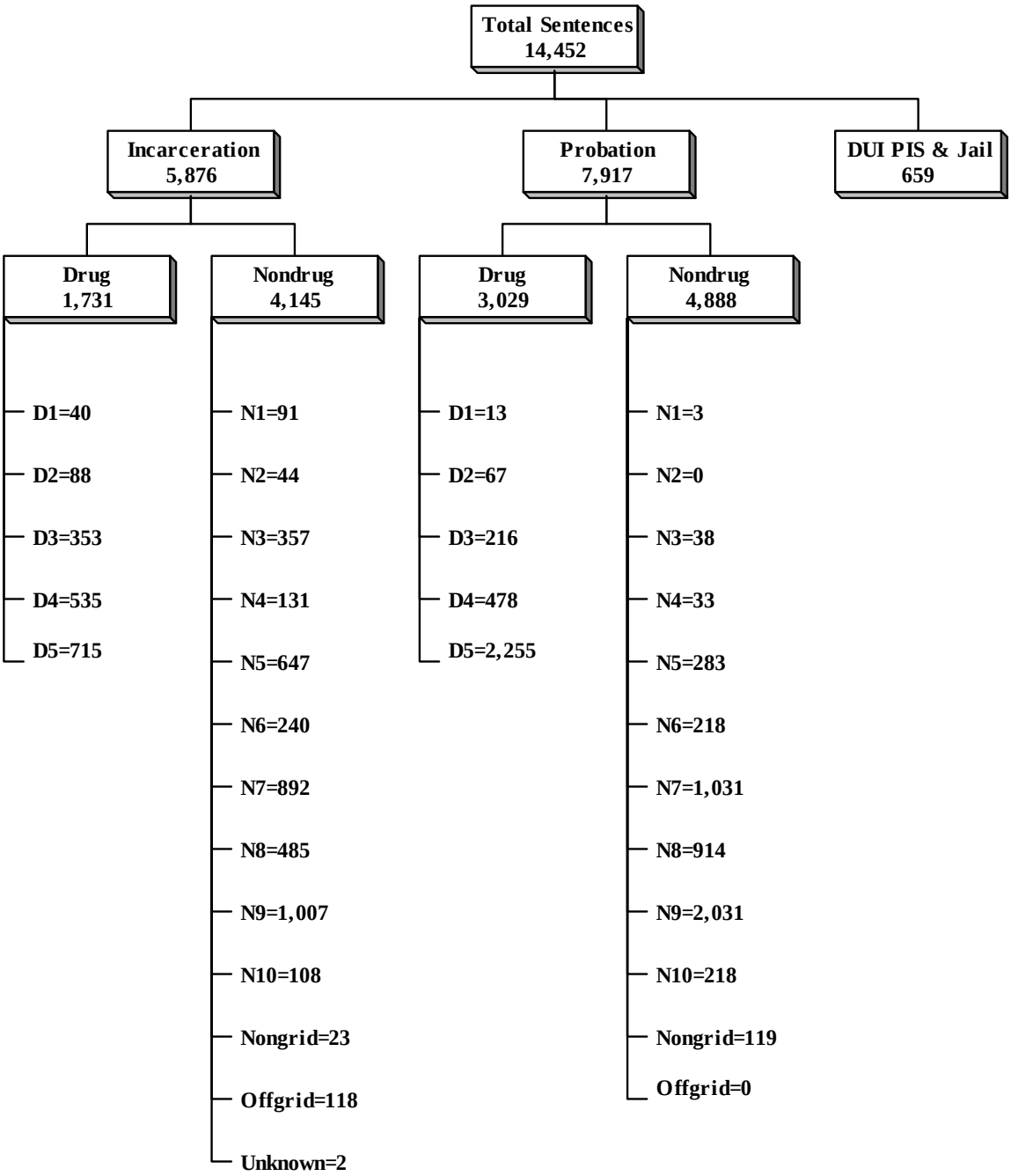
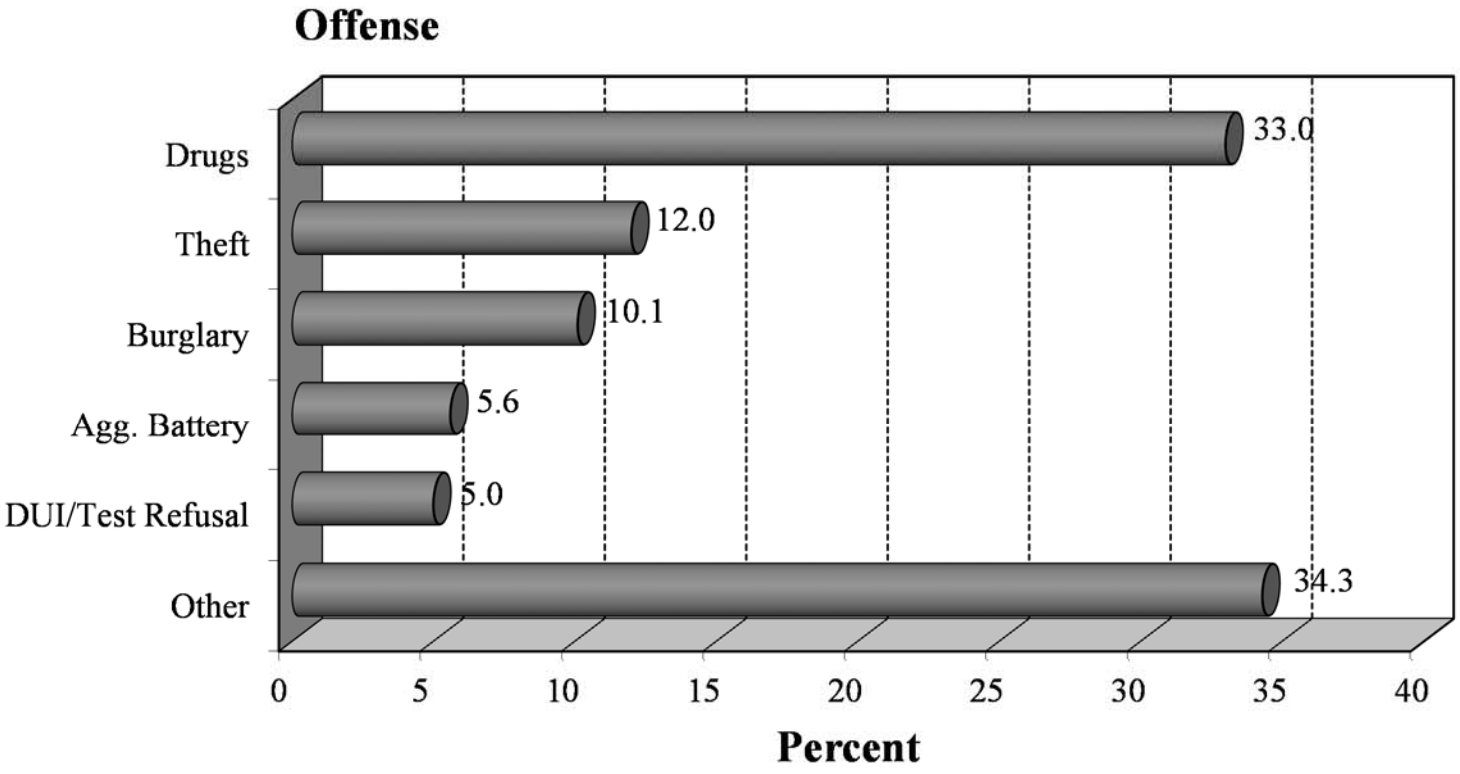


Figure 3: Sentences Reported in FY 2015 by County

Figure 4: FY 2015 Top Five Offenses of Prison, Probation and Jail Sentences



Based on 14,452 prison, probation, DUI PSI and county jail sentences

Figure 5: FY 2015 UCR Offenses by Top Four Counties - Violent Crime Convictions

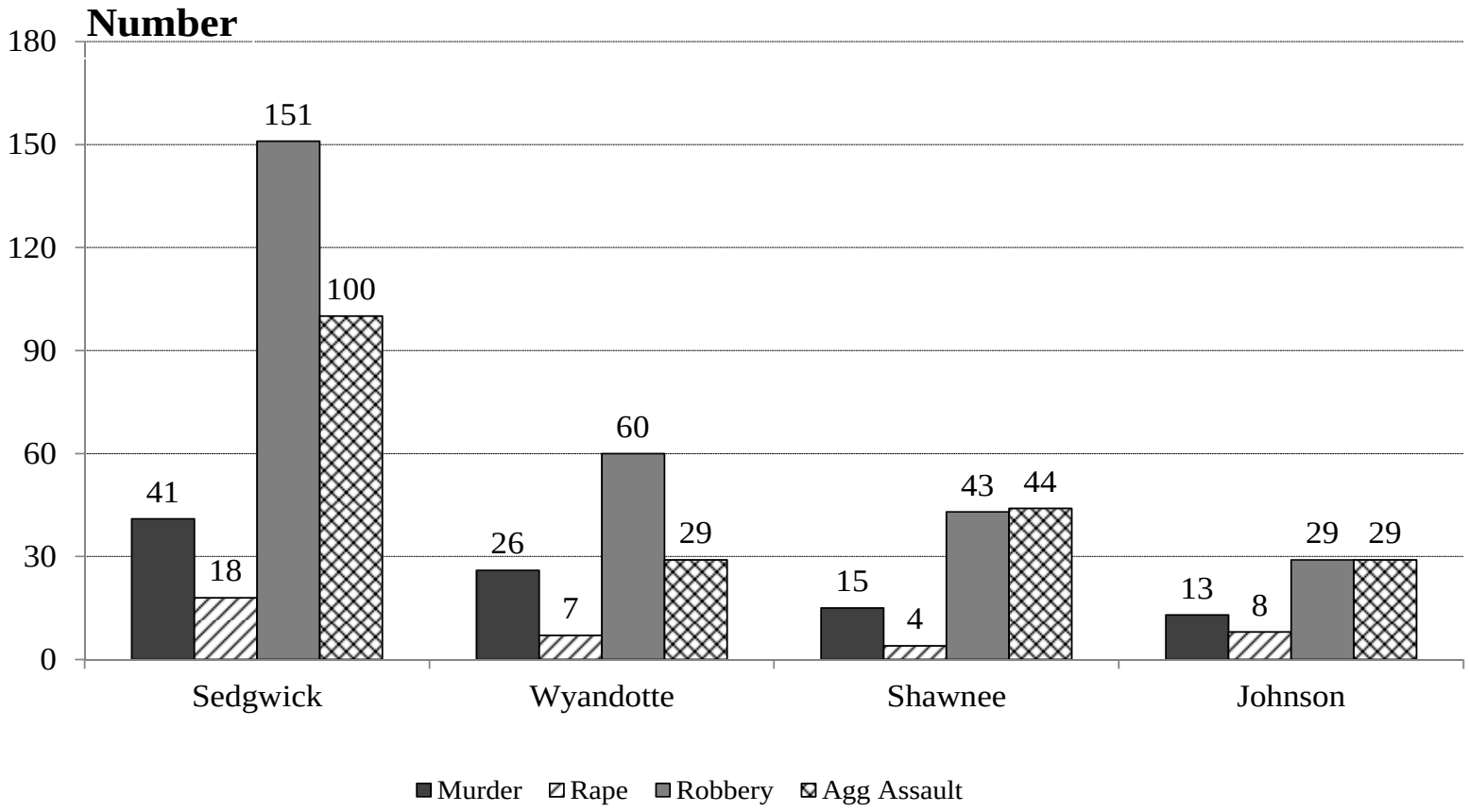


Table 1: FY 2015 Offender Characteristics by County – 1

County	Number Of Sentences	Gender		Race			Sentence Type*			Offense Type		Mean Age**
		Male	Female	White	Black	Other	Prison	Probation	DUI PIS Jail**	Nondrug	Drug	
Allen	82	55	27	77	5	0	32	49	1	28	54	31.3
Anderson	39	29	10	38	1	0	6	33	0	31	8	33.3
Atchison	140	107	33	117	20	3	63	76	1	81	59	32.5
Barber	18	16	2	16	1	1	5	10	3	12	6	32.8
Barton	146	109	37	141	4	1	49	95	2	63	83	31.4
Bourbon	76	61	15	68	6	2	28	44	4	55	21	32.6
Brown	73	54	18	59	1	12	30	41	2	43	30	32.0
Butler	193	145	48	180	11	2	75	108	10	130	63	32.5
Chase	4	3	1	3	1	0	2	1	1	2	2	29.6
Chautauqua	18	16	2	17	1	0	3	15	0	10	8	35.4
Cherokee	55	43	12	53	0	2	14	40	1	34	21	40.0
Cheyenne	4	3	1	4	0	0	1	3	0	3	1	43.4
Clark	8	7	1	7	1	0	2	5	1	5	3	37.6
Clay	45	41	4	44	1	0	16	27	2	22	23	31.1
Cloud	77	56	21	69	5	3	33	43	1	46	31	29.0
Coffey	38	32	6	36	2	0	17	18	3	27	11	30.7
Cowley	162	126	36	135	21	6	88	70	4	107	55	33.2
Crawford	207	157	50	174	31	2	107	98	2	169	38	33.3
Decatur	4	4	0	4	0	0	2	2	0	2	2	36.3
Dickinson	104	87	17	92	11	1	32	71	1	54	50	33.6
Doniphan	17	14	3	15	2	0	2	14	1	11	6	33.7
Douglas	196	163	33	135	52	9	144	42	10	144	52	32.0
Edwards	5	4	1	5	0	0	1	4	0	5	0	29.5
Elk	8	6	2	8	0	0	1	7	0	6	2	32.9
Ellis	214	168	46	199	12	3	79	124	11	93	121	30.9
Ellsworth	18	17	1	15	3	0	5	13	0	12	6	31.8
Finney	203	166	37	182	17	4	75	118	10	143	60	30.9

Table 1: FY 2015 Offender Characteristics by County – 2

County	Number of Sentences	Gender		Race			Sentence Type*			Offense Type		Mean Age**
		Male	Female	White	Black	Other	Prison	Probation	DUI PIS Jail**	Nondrug	Drug	
Ford	334	261	73	298	27	9	113	204	17	218	116	31.4
Franklin	147	118	29	138	9	0	45	95	7	93	54	32.2
Geary	298	227	71	170	118	10	100	185	13	158	140	31.5
Gove	2	2	0	2	0	0	0	2	0	2	0	33.7
Graham	7	5	2	7	0	0	3	4	0	5	2	28.3
Grant	19	16	3	18	0	1	17	2	0	15	4	32.4
Gray	27	23	4	24	2	1	3	23	1	13	14	33.4
Greeley	2	1	1	1	1	0	0	2	0	2	0	36.2
Greenwood	41	33	8	38	1	2	23	17	1	26	15	32.0
Hamilton	5	3	2	5	0	0	3	2	0	4	1	31.9
Harper	60	46	14	59	1	0	25	34	1	32	28	32.1
Harvey	201	143	58	177	21	3	67	122	12	85	116	35.0
Haskell	22	18	4	22	0	0	2	17	3	17	5	31.4
Hodgeman	2	2	0	2	0	0	0	1	1	2	0	50.3
Jackson	151	105	46	122	8	21	47	95	9	62	89	36.7
Jefferson	69	52	17	67	2	0	21	48	0	46	23	35.7
Jewell	7	6	1	4	2	1	0	6	1	6	1	27.3
Johnson	1,705	1,341	364	1,249	426	29	624	896	185	1,235	470	32.8
Kearny	20	16	4	19	1	0	5	14	1	14	6	28.0
Kingman	26	21	5	23	2	1	11	11	4	21	5	33.8
Kiowa	23	22	1	21	2	0	9	14	0	9	14	38.0
Labette	113	93	20	83	30	0	40	71	2	71	42	31.3
Lane	7	6	1	7	0	0	1	6	0	4	3	33.7
Leavenworth	270	195	75	193	72	5	115	147	8	173	97	34.5
Lincoln	3	3	0	2	1	0	2	1	0	2	1	30.2
Linn	16	14	2	14	2	0	16	0	0	12	4	36.0
Logan	13	8	5	12	1	0	3	10	0	8	5	30.3
Lyon	263	207	56	216	40	7	135	115	13	114	149	31.1

Table 1: FY 2015 Offender Characteristics by County – 3

County	Number of Sentences	Gender		Race			Sentence Type*			Offense Type		Mean Age**
		Male	Female	White	Black	Other	Prison	Probation	DUI PIS Jail**	Nondrug	Drug	
Marion	31	26	5	30	1	0	9	22	0	20	11	33.3
Marshall	41	27	14	34	2	5	9	31	1	20	21	35.1
McPherson	88	76	12	77	8	3	34	49	5	58	30	33.7
Meade	1	1	0	1	0	0	0	1	0	1	0	27.3
Miami	72	66	6	67	4	1	40	32	0	52	20	30.8
Mitchell	19	18	1	17	1	1	10	9	0	10	9	30.2
Montgomery	226	176	50	177	41	8	123	99	4	146	80	33.1
Morris	13	11	2	13	0	0	6	6	1	7	6	31.7
Morton	6	4	2	5	1	0	2	4	0	6	0	36.7
Nemaha	45	36	9	43	2	0	16	26	3	28	17	32.6
Neosho	79	60	19	76	3	0	31	48	0	46	33	31.9
Ness	9	8	1	9	0	0	1	7	1	6	3	42.5
Norton	9	6	3	8	0	1	4	5	0	7	2	29.9
Osage	52	41	11	47	0	5	15	33	4	36	16	34.0
Osborne	4	4	0	4	0	0	0	4	0	2	2	30.9
Ottawa	1	0	1	1	0	0	1	0	0	0	1	27.7
Pawnee	44	39	5	39	3	2	18	26	0	32	12	34.7
Phillips	16	15	1	15	1	0	4	11	1	8	8	28.3
Pottawatomie	93	63	30	80	11	2	39	50	4	70	23	32.3
Pratt	65	56	9	61	4	0	22	40	3	38	27	30.1
Rawlins	6	5	1	6	0	0	2	4	0	3	3	35.3
Reno	609	471	138	532	67	10	228	369	12	378	231	32.4
Republic	13	9	4	13	0	0	8	4	1	6	7	35.6
Rice	46	30	16	43	1	2	14	32	0	35	11	32.0
Riley	187	151	36	126	59	2	82	96	9	119	68	31.6
Rooks	17	14	3	17	0	0	7	9	1	9	8	32.1
Rush	10	5	5	10	0	0	3	7	0	8	2	34.9
Russell	32	26	6	32	0	0	14	17	1	15	17	31.1

Table 1: FY 2015 Offender Characteristics by County – 4

County	Number of Sentences	Gender		Race			Sentence Type*			Offense Type		Mean Age***
		Male	Female	White	Black	Other	Prison	Probation	DUI PIS Jail**	Nondrug	Drug	
Saline	582	404	178	481	86	15	252	313	17	351	231	32.9
Scott	5	4	1	3	2	0	1	4	0	3	2	31.3
Sedgwick	3,059	2,417	642	1,973	966	119	1,436	1,477	146	2,409	650	33.5
Seward	157	142	15	126	23	8	68	80	9	122	35	30.3
Shawnee	1,309	1,005	304	888	388	33	394	867	48	964	345	34.8
Sherman	51	46	5	41	10	0	16	35	0	14	37	31.8
Smith	5	5	0	5	0	0	3	1	1	5	0	28.6
Stafford	4	4	0	4	0	0	3	1	0	4	0	25.1
Stanton	4	4	0	4	0	0	2	2	0	4	0	25.2
Stevens	25	22	3	25	0	0	12	13	0	18	7	30.2
Sumner	155	119	36	142	7	6	67	81	7	112	43	32.8
Thomas	46	38	8	45	1	0	10	36	0	19	27	32.2
Trego	17	16	1	13	3	1	1	16	0	7	10	31.9
Wabaunsee	15	14	1	15	0	0	5	7	3	12	3	27.5
Wallace	3	2	1	3	0	0	1	2	0	2	1	20.0
Washington	15	11	4	15	0	0	8	7	0	8	7	36.5
Wichita	5	4	1	5	0	0	2	2	1	2	3	34.5
Wilson	35	28	7	35	0	0	16	18	1	12	23	35.3
Woodson	15	11	4	14	1	0	4	11	0	5	10	34.8
Wyandotte	1,094	887	207	620	450	24	481	588	25	656	438	34.5
Unknown	10	7	3	5	4	1	10	0	0	10	0	31.2
TOTAL	**14,452**	**11,310**	**3,141**	**10,931**	**3,128**	**390**	**5,876**	**7,917**	**659**	**9,692**	**4,760**	**33.1**

* Prison sentences are based on KDOC admissions in FY 2015. Probation, DUI PIS and jail sentences are based on the sentencing journal entries reported to KSC during FY 2015.

** DUI or Test Refusal post-imprisonment supervision sentences accounted for 596 and county jail accounted for 63 sentences.

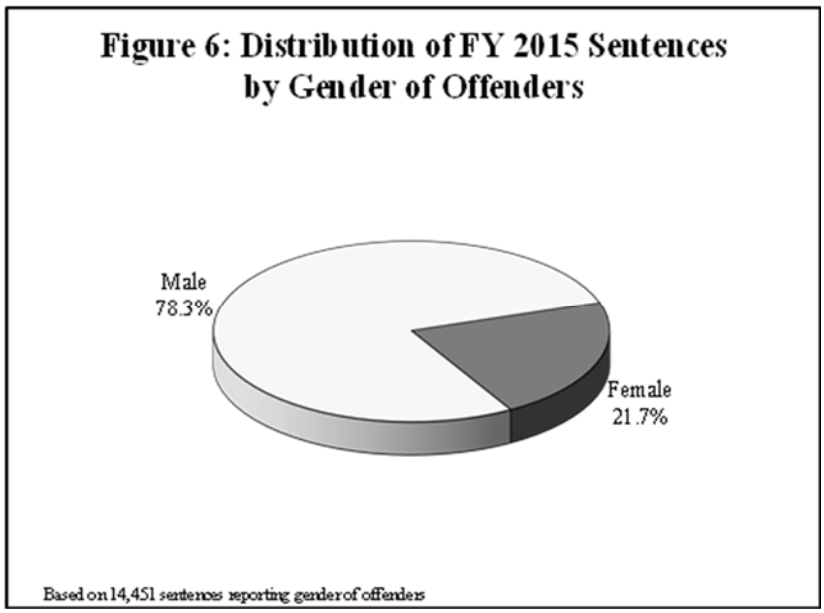
*** Average age at time of sentencing.

CHARACTERISTICS OF OFFENDERS AND OFFENSES

The characteristics of the offenders who were sentenced during FY 2015 are discussed in this section. The crime categories committed by the offenders are descriptively analyzed as well.

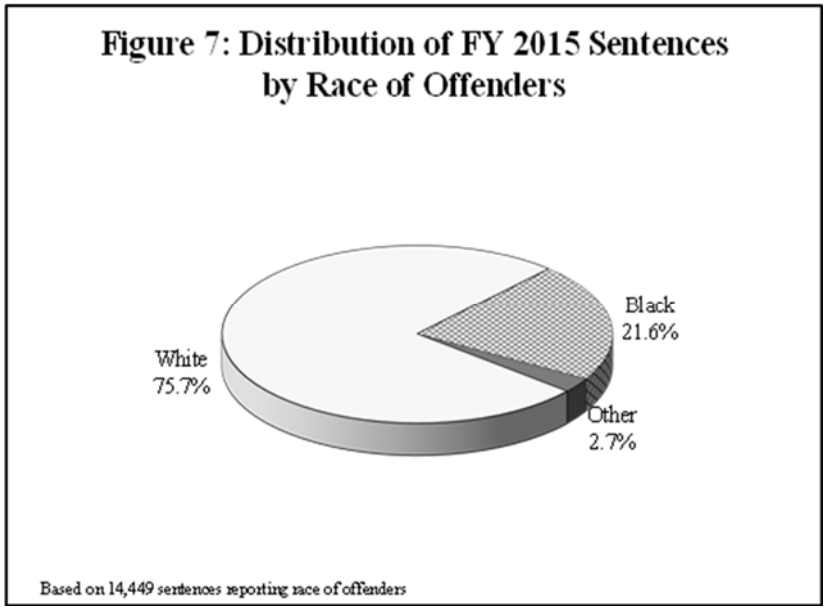
Figures 6 - 9 demonstrate the distributions of offenders by gender, race and age respectively. The demographic information of offenders by offense types is presented in Table 2.

Male offenders represented 78.3% of the total sentences in FY 2015 (Figure 6) and committed more than 80% of most aggravated crimes and violent crimes such as aggravated assault, aggravated battery, aggravated robbery, burglary, criminal threat, murders, rape and kidnapping.

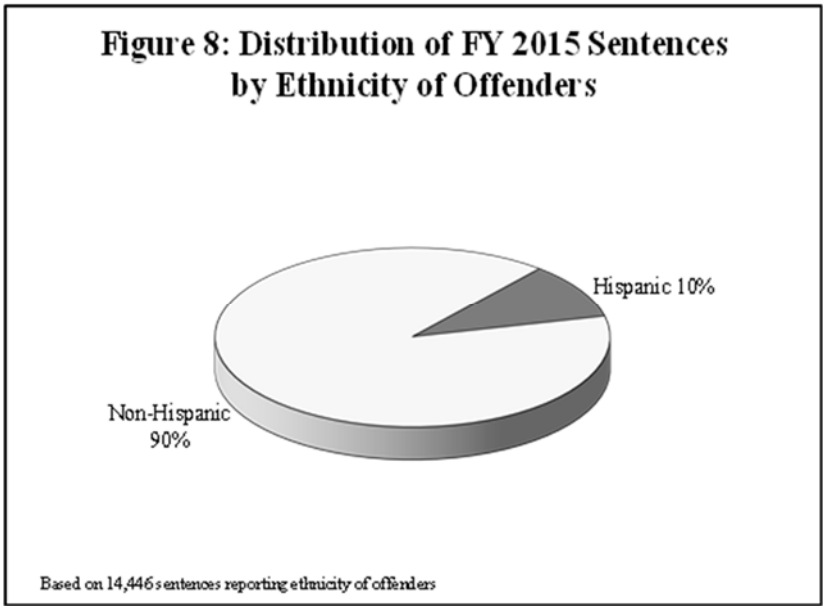


In FY 2015, female offenders accounted for 21.7% of the sentences, an increase of 0.9% compared with the percentage rate of FY 2014 (20.8%). The most frequently committed crimes by female offenders (over 40%) were forgery, identity theft, aggravated failure to appear, aiding felon and giving worthless checks.

White offenders made up 75.7% of the sentences and 21.6% of the sentences were committed by black offenders in FY 2015. The racial distribution is similar to that of FY 2014 (Figure 7).



In terms of ethnicity of offenders, 90% of the offenders in FY 2015 were of Non-Hispanic origin, indicating no change in percentage when compared with those of FY 2014 and 2013. This distribution of ethnicity of offenders has been comparatively constant in the past five years (Figure 8).



The study of offenders' age reveals that the largest group of offenders in FY 2015 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 2015. 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.

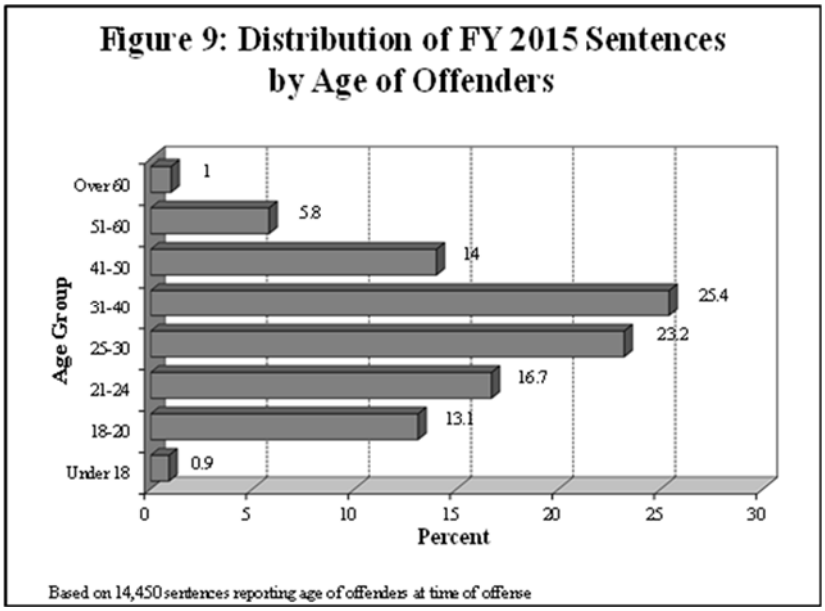


Table 2: FY 2015 Offender Characteristics by Type of Offense – 1

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Abuse of Child	21	81.0	19.0	76.2	23.8	0.0	27.3
Agg. Arson	11	72.7	27.3	100.0	0.0	0.0	29.0
Agg. Assault	297	90.2	9.8	66.7	29.3	4.0	31.7
Agg. Assault on LEO	47	87.2	12.8	83.0	17.0	0.0	32.8
Agg. Battery	804	89.9	10.1	65.7	28.7	5.6	31.3
Agg. Battery on LEO	11	100.0	0.0	81.8	18.2	0.0	28.3
Agg. Burglary	275	78.5	21.5	68.4	29.5	2.2	30.9
Agg. Criminal Sodomy w/Child	34	97.1	2.9	79.4	20.6	0.0	32.9
Agg. Endangering a Child	63	63.5	36.5	88.9	11.1	0.0	29.8
Agg. Escape from Custody	72	77.8	22.2	66.7	26.4	6.9	32.4
Agg. Failure to Appear	34	55.9	44.1	73.5	23.5	2.9	31.3
Agg. False Impersonation	4	50.0	50.0	50.0	50.0	0.0	26.9
Agg. Robbery	206	88.8	11.2	44.7	51.9	3.4	25.4
Agg. Indecent Liberties w/Child	182	97.3	2.7	83.5	15.4	1.1	31.4
Agg. Indecent Solicit w/Child	56	100.0	0.0	82.1	10.7	7.1	30.2
Agg. Interference w/Parent Custody	6	50.0	50.0	83.3	16.7	0.0	28.2
Agg. Intimidation of a Victim	37	89.2	10.8	75.7	21.6	2.7	27.9
Agg. Kidnapping	15	93.3	6.7	73.3	26.7	0.0	25.7
Agg. Sexual Battery	35	100.0	0.0	74.3	25.7	0.0	35.1
Agg. Weapon Violation	9	88.9	11.1	88.9	11.1	0.0	27.2
Aid Felon	22	54.5	45.5	77.3	18.2	4.5	27.7
Animal Cruelty	6	100.0	0.0	83.3	16.7	0.0	39.8
Arrange Sale/Purchase Drug	33	75.8	24.2	81.8	15.2	3.0	28.9
Arson	37	86.5	13.5	78.4	21.6	0.0	37.6
Auto Failure to Remain	5	100.0	0.0	100.0	0.0	0.0	44.6
Battery on LEO	88	81.8	18.2	65.9	33.0	1.1	31.1
Breach of Privacy	7	100.0	0.0	85.7	14.3	0.0	25.6
Burglary	1,186	87.1	12.9	79.5	18.5	2.0	29.1
Capital Murder	4	75.0	25.0	50.0	50.0	0.0	28.4
Contribute Child's Misconduct	18	94.4	5.6	94.4	5.6	0.0	24.4
Computer Crime	7	42.9	57.1	85.7	0.0	14.3	31.1
Criminal Damage to Property	95	88.4	11.6	84.2	10.5	5.3	33.4
Criminal Discharge of Firearm	25	100.0	0.0	60.	40.0	0.0	28.5
Criminal Sodomy w/Child	8	87.5	12.5	87.5	12.5	0.0	27.0
Criminal Threat	421	87.9	12.1	73.2	24.2	2.6	33.6
Criminal Use of Explosives	8	100.0	0.0	87.5	12.5	0.0	36.9
Criminal Use of Financial Card	15	60.0	40.0	93.3	0.0	6.7	29.2
Domestic Battery	60	93.3	6.7	66.7	33.3	0.0	34.6
Drugs	4,762	74.7	25.3	79.2	18.2	2.6	32.1

Table 2: FY 2015 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	30	86.7	13.3	66.7	26.7	6.7	29.0
DUI	673	83.1	16.9	85.7	12.9	1.3	38.8
DUI Test Refusal	55	85.5	14.5	72.7	25.5	1.8	35.1
Electronic Solicitation of Child	20	100.0	0.0	85.0	10.0	5.0	32.9
Failure to Register	402	91.5	8.5	66.7	32.1	1.2	34.0
Fleeing or Eluding LEO	286	88.5	11.5	75.5	23.1	1.4	30.5
Forgery	536	51.7	48.3	77.4	18.5	4.1	32.1
False Writing	121	65.3	34.7	81.8	16.5	1.7	31.2
Giving Worthless Checks	28	50.0	50.0	85.7	14.3	0.0	39.3
Identity Theft	204	54.9	45.1	72.1	25.5	2.5	33.2
Indecent Liberties w/Child	65	92.3	7.7	80.0	15.4	4.6	27.6
Indecent Solicitation of Child	18	94.4	5.6	83.3	16.7	0.0	20.9
Involuntary Manslaughter	39	89.7	10.3	74.4	20.5	5.1	30.2
Kidnapping	45	84.4	15.6	64.4	28.9	6.7	29.7
Lewd and Lascivious Behavior	14	100.0	0.0	100.0	0.0	0.0	28.8
Medicaid Fraud	7	28.6	71.4	85.7	14.3	0.0	47.4
Mistreat Dependant Adult	6	50.0	50.0	100.0	0.0	0.0	48.1
Murder in the First Degree	53	94.3	5.7	58.5	35.8	5.7	28.1
Murder in the Second Degree	55	89.1	10.9	52.7	38.2	9.1	29.0
Nonsupport of Child or Spouse	20	90.0	10.0	75.0	20.0	5.0	36.9
Obstructing Legal Process	193	73.1	26.9	81.3	16.1	2.6	30.2
Obtain Prescription Drug by Fraud	9	44.4	55.6	100.0	0.0	0.0	34.6
Possession of Firearm	177	92.1	7.9	58.2	39.5	2.3	29.6
Rape	92	98.9	1.1	73.9	22.8	3.3	30.7
Robbery	191	85.9	14.1	52.9	44.0	3.1	27.3
Sex Exploitation of a Child	49	95.9	4.1	87.8	4.1	8.2	35.0
Stalking	33	97.0	3.0	69.7	27.3	3.0	37.2
Tamper w/Electronic Monitor Equip.	21	76.2	23.8	66.7	28.6	4.8	30.7
Theft	1,732	66.1	33.9	75.2	22.8	2.1	35.1
Traffic in Contraband	124	69.4	30.6	78.2	16.9	4.8	30.7
Unlawful Sexual Relations	7	42.9	57.1	71.4	28.6	0.0	45.1
Unlawful Voluntary Sex Relations	34	100.0	0.0	85.3	14.7	0.0	19.2
Voluntary Manslaughter	22	86.4	13.6	54.5	40.9	4.5	32.4
Weapons	11	100.0	0.0	90.9	9.1	0.0	30.9
Other	54	74.1	25.9	72.2	24.1	3.7	31.0
TOTAL	**14,452**	**78.3**	**21.7**	**75.7**	**21.6**	**2.7**	**32.2**

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)

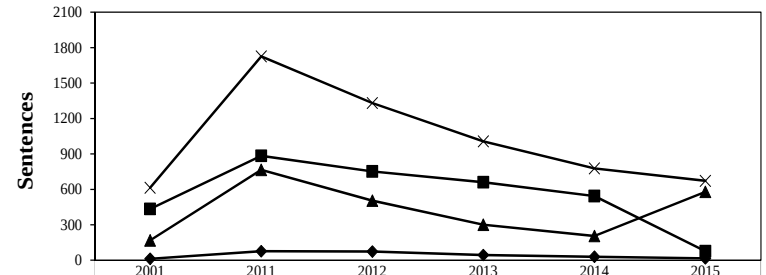
In 1993 when the Sentencing Guidelines were established, the felony crime of driving under the influence of alcohol or drugs for the third or subsequent conviction (DUI) under K.S.A. 8-1567(f) was classified as a severity level 9, nonperson felony offense. In the 1994 Legislative Session, the crime was amended as a nongrid crime and subjected to the specific sentencing provisions of K.S.A. 8-1567. Additionally, the offender cannot be ordered to a state correctional facility to serve the sentence imposed as set forth in K.S.A. 21-6804(i). The crime was further amended by Senate Bill 67 in 2001. As a result, it 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 to be served in jail. There are no provisions for postrelease supervision by KDOC parole officers.

Figure 10 displays 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 2015, a total number of 673 sentences were convicted under this crime with 16 (2.4%) sentenced to prison majorly as parole condition violators, 77 (11.4%) sentenced to probation and 580 (86.2%) sentenced to county jail/post-imprisonment supervision. The total number of sentences convicted under the crime of felony DUI in FY 2015 decreased by 13.5% from that of FY 2014 and by 61 % from that of FY 2011. When compared with that of FY 2001, the number increased by 9.6%. The distribution of felony DUI convictions in FY 2015 by county is presented in Figure 11. Johnson and Sedgwick counties were the top two counties imposing 182 (27%) and 103 (15.3%) sentences respectively under K.S.A. 8-1567(f) in FY 2015.

The total number of DUI sentences has decreased since FY 2011, which mirrors the impact of 2011 Senate Bill 6. In this bill, it amends a third DUI conviction to a Class A nonperson misdemeanor. The majority of the prison sentences were parole condition violators.

Figure 10: DUI Sentences

FY 2001, FY 2011 through FY 2015

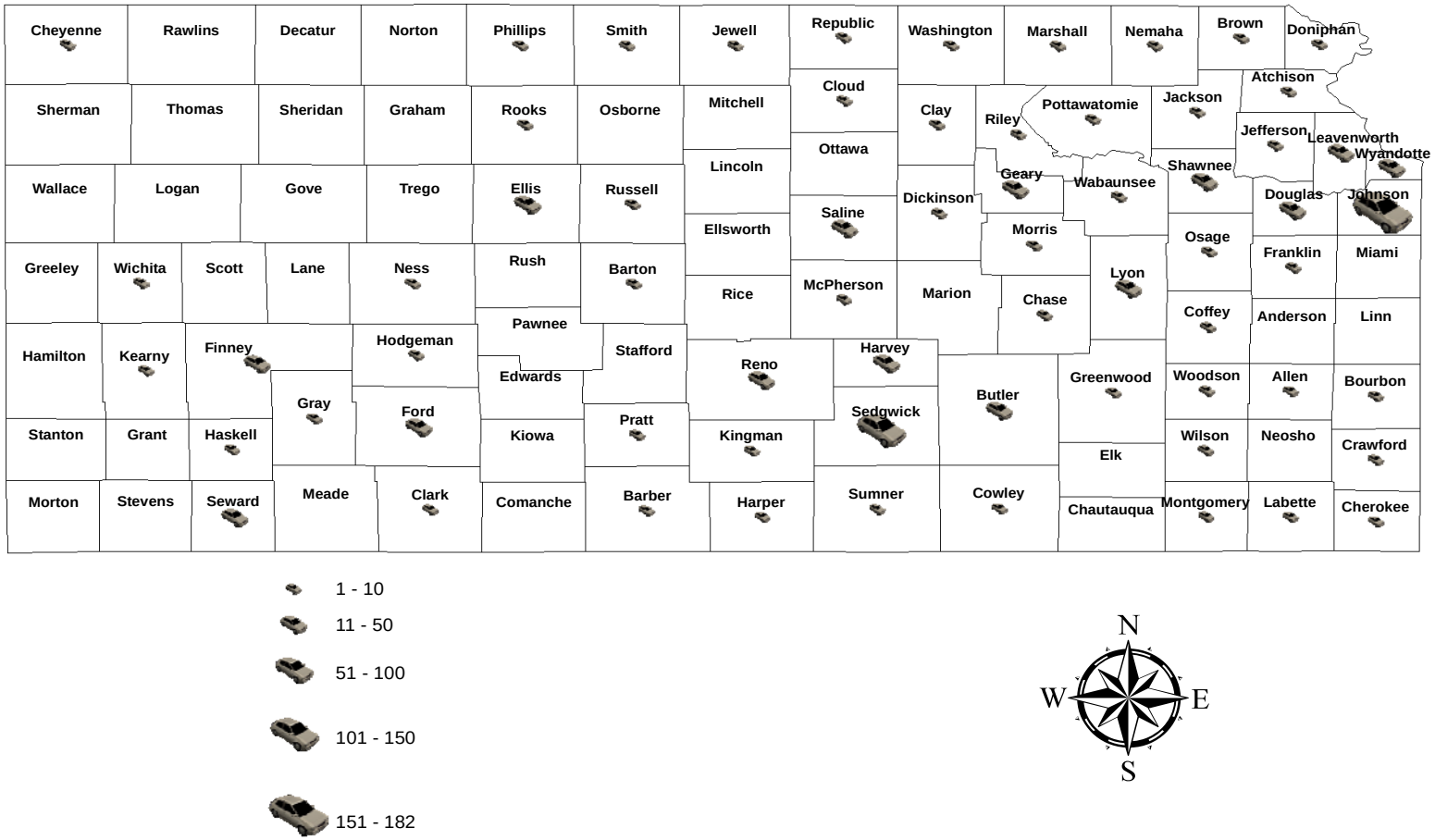


	2001	2011	2012	2013	2014	2015
Prison	12	76	74	44	30	16
Probation	434	884	752	661	543	77
Jail/PIS*	168	766	505	301	205	580
Total	614	1726	1331	1006	778	673

Fiscal Year

* FY 2015 Jail/PIS sentences include 35 county jail and 545 DUI or Test Refusal post-imprisonment supervission sentences.

Figure 11: FY 2015 DUI Offenses by County



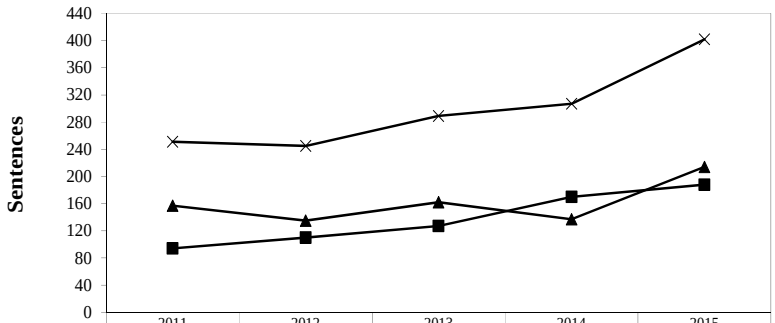
Sentences for Failure to Register under the Kansas Offender Registration Act

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).

The trend analysis indicates that the number of the crimes increased each year except in FY 2012. During FY 2015, 402 sentences were convicted under this crime, an increase of 30.9% when compared with FY 2014 and an increase of 60.2 % when compared with FY 2011. Of those 402 convictions, 188 were sentenced to prison and 214 were sentenced to probation (Figure 12).

Figure 12: Failure to Register Sentences
By Sentence Imposed - FY 2011 through FY 2015

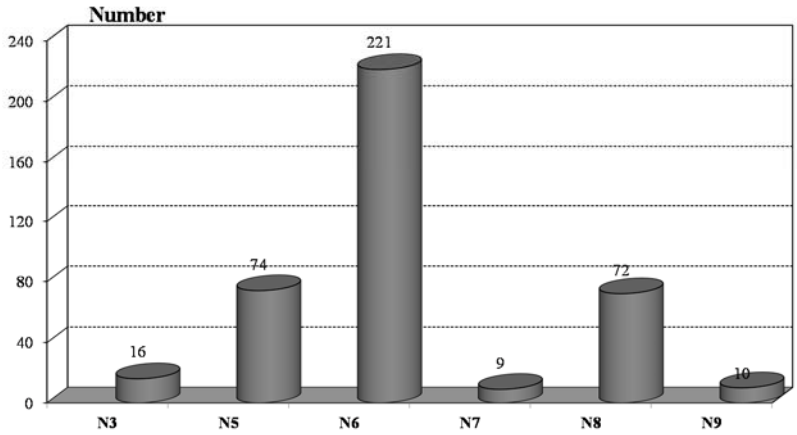


	2011	2012	2013	2014	2015
Prison	94	110	127	170	188
Probation	157	135	162	137	214
Total	251	245	289	307	402

Fiscal Year

The severity level of the crime committed in FY 2015 is presented in Figure 13. Sixteen (4%) convictions under this crime were sentenced at nondrug severity level 3, 74 (18.4%) were sentenced at nondrug severity level 5 and 221 (55%) were sentenced at nondrug severity level 6. Sentences at nondrug severity levels 7 and 8 were attempt convictions of the crime, representing 9 (2.2%) and 72 (17.9%) convictions respectively. Ten sentences were at nondrug severity level 9.

Figure 13: Failure to Register Sentences
By Severity Level - FY 2015

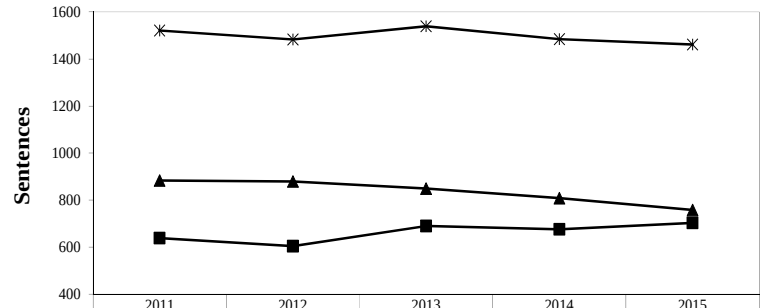


Burglary and Aggravated Burglary

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 2011: 147 during FY 2015 (first decrease in the past 5 years), 150 in FY 2014, 140 in FY 2013, 129 in FY 2012, and 111 in FY 2011.

The total number of burglary sentences in FY 2015 decreased by 1.5% from that of FY 2014 and by 3.9% from that of FY 2011. The number of prison sentences in FY 2015 increased by 27 sentences compared with FY 2014 and increased by 65 sentences compared with FY 2011. The number of probation sentences decreased by 50 compared with FY 2014 and decreased by 125 compared with FY 2011.

Figure 14: Burglary Sentences
By Sentence Imposed - FY 2011 through FY 2015

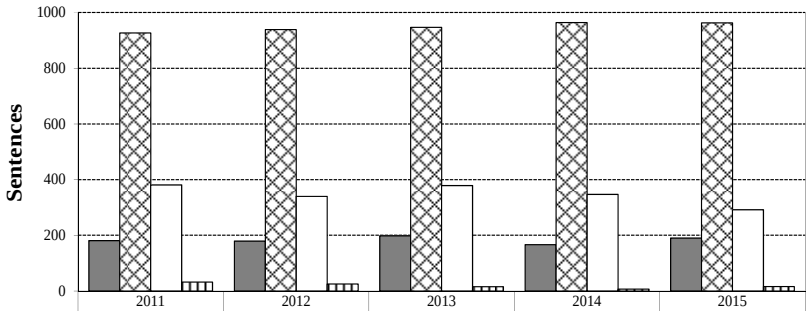


	2011	2012	2013	2014	2015
Prison	638	604	690	676	703
Probation	883	879	849	808	758
Total	1521	1483	1539	1484	1461

Fiscal Year

Figure 15 exhibits the distribution of burglary sentences by severity level in the past five years. The majority of the convictions were sentenced at nondrug severity level 7, representing 65.9% of burglary sentences imposed in FY 2015, 65% in FY 2014, 61.5% in FY 2013, 63.3% in FY 2012 and 60.9% in FY 2011 (Figure 15).

Figure 15: Burglary Sentences
By Severity Level - FY 2011 through FY 2015



	2011	2012	2013	2014	2015
N5	181	179	198	166	190
N7	927	939	947	964	963
N9	381	340	379	347	292
N10	32	25	15	7	16

Fiscal Year

Domestic Violence Cases

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

In FY 2015, 331 sentences were designated by court as domestic violence cases. This was an increase of 37 sentences or 12.6% compared with FY 2014 (294 sentences). Of the 331 sentences, 71 (21.5%) were sentenced to prison, 247 (74.6%) were sentenced to probation and 13 (3.9%) were sentenced to county jail. More than 90% of the offenders were male. White offenders accounted for 58.9%, black offenders accounted for 38.4% and offenders of other races represented 2.7%. Their average age at sentencing was 34.4 years old, which is similar to that of FY 2014. Aggravated battery (38.1%), criminal threat (23.3%), aggravated assault (13.3%) and domestic battery (10%) were still the top four offenses committed by this group of offenders when compared with FY 2014.

Table 3: FY 2015 Most Serious Offenses Convicted by Designated Domestic Violent Offenders

Offense	Number	Percent
Aggravated Assault	44	13.3
Aggravated Battery	126	38.1
Aggravated Kidnapping/Kidnapping	5	1.5
Aggravated burglary/Burglary	9	2.7
Aggravated Intimidation of a victim	6	1.8
Criminal Damage to Property	5	1.5
Criminal Threat	77	23.3
Domestic Battery	33	10.0
Murder in the First Degree	1	0.3
Murder in the Second Degree	4	1.2
Rape	2	0.6
Robbery	2	0.6
Stalking	8	2.4
Voluntary Manslaughter	1	0.3
Other	8	2.4
Total	**331**	**100.0**

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

INCARCERATION SENTENCES

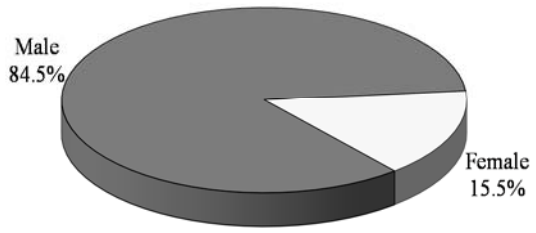
Characteristics of Offenders

In FY 2015, a total number of 5,876 offenders were admitted to the state correctional facilities. Figures 16 - 20 present the characteristics of the offenders. Males continued to be the predominant offender group making up 84.5% of the offenders admitted to prison in FY 2015 (Figure 16).

Racial analysis of the offenders shows that white offenders represented 71.8%, black offenders represented 24.8% and other races accounted for 3.4% of the total admissions of FY 2015 (Figure 17). This racial distribution of offenders does not fluctuate much when compared with FY 2014.

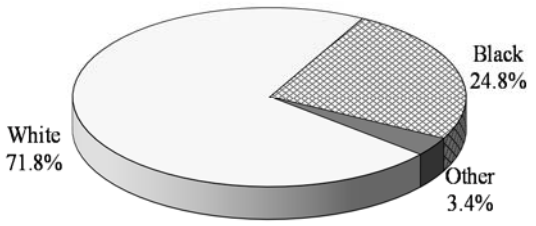
Non-Hispanic offenders accounted for 90.7% of the offenders sentenced to prison (Figure 18). The overall distributions of the offenders by gender, race and ethnicity are comparatively constant compared with those of the past five years.

Figure 16: FY 2015 Incarceration Sentences by Gender of Offenders



Based on 5,876 incarceration sentences reporting gender of offenders

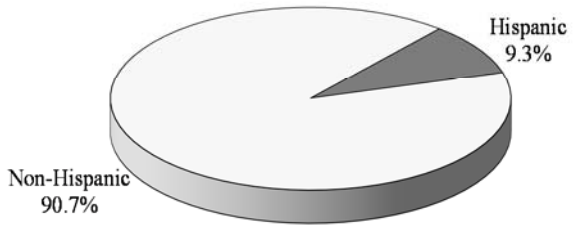
Figure 17: FY 2015 Incarceration Sentences by Race of Offenders



Based on 5,874 incarceration sentences reporting race of offenders

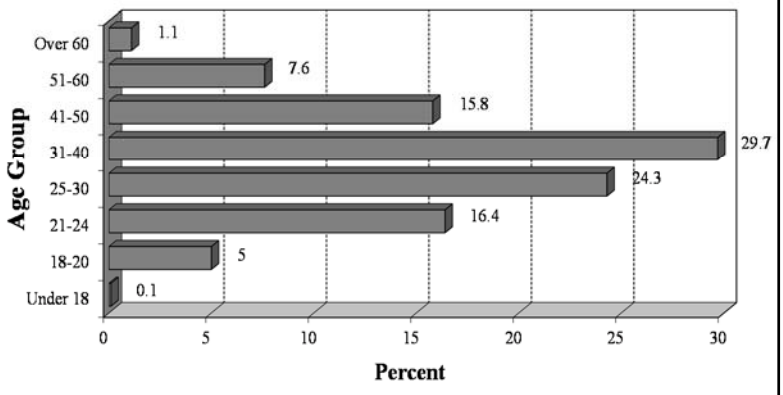
The review of offenders' age reveals that the largest number of incarcerated offenders were found in their thirties (29.7%) at the time of admission to prison. The second largest number of offenders were in the age group ranging from 25 to 30 years old representing 24.3% of the total admission in FY 2015. This age distribution pattern is consistent with the age data observed in FY 2014 (Figure 19).

Figure 18: FY 2015 Incarceration Sentences by Ethnicity of Offenders



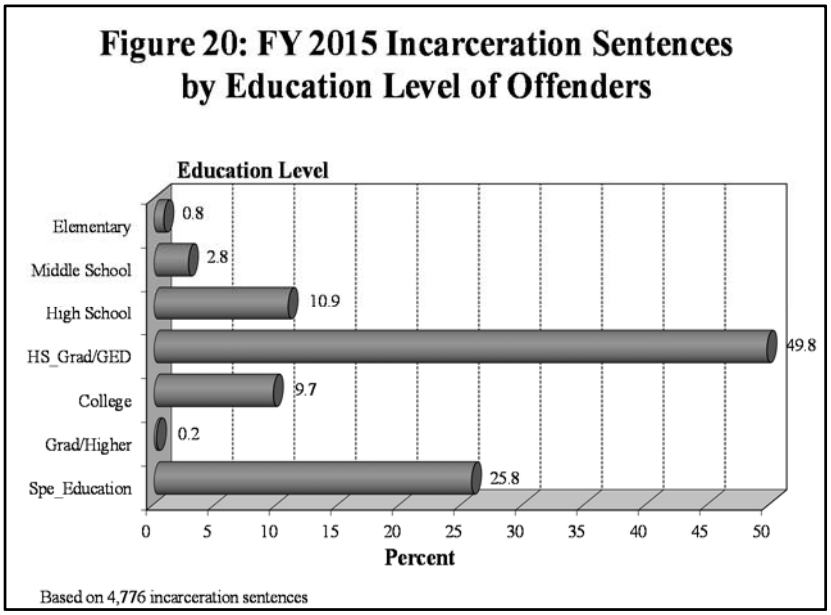
Based on 5,875 incarceration sentences reporting ethnicity of offenders

Figure 19: FY 2015 Incarceration Sentences by Age of Offenders at Admission



Based on 5,876 incarceration sentences reporting age of offenders

The education levels of the offenders admitted to prison during FY 2015 are displayed in Figure 20. The analysis indicates that 49.8% 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 2014.



Incarceration Nondrug Offenses

In FY 2015, there were 4,145 offenders admitted to prison for convictions of nondrug crimes, representing 70.5% of the total incarceration sentences (5,876) of the fiscal year. The top ten nondrug crimes included: theft (572), burglary (544), aggravated battery (420), failure to register (188), forgery (179), aggravated robbery (179), aggravated indecent liberties with a child (164) aggravated burglary (159), criminal threat (135), and robbery (131). These top ten crimes accounted for 64.4% of the total nondrug crimes committed by the offenders admitted to prison in FY 2015 (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 and theft (Table 4).

Racial analysis on nondrug offenders revealed that the highest incarceration rates for white offenders (over 70%) were discovered in the crime areas of burglary, criminal threat, failure to register, forgery, theft, identity theft, obstruction legal process, traffic in contraband, aggravated assault on LEO, false writing and most sex offenses. Nevertheless, black offenders were incarcerated more often (over 40%) for the crimes of aggravated robbery, robbery, possession of firearms, domestic battery, capital murder and voluntary manslaughter. The average age of the nondrug offenders was 34.3 years old at the time of admission to prison in FY 2015, which is similar with that of FY 2014 (34.1), (Table 4).

Table 4: FY 2015 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	13	100.0	0.0	76.9	23.1	0.0	27.2
Agg. Arson	6	100.0	0.0	100.0	0.0	0.0	31.7
Agg. Assault	118	92.4	7.6	59.3	37.3	3.4	32.7
Agg. Assault on LEO	32	96.9	3.1	84.4	15.6	0.0	34.8
Agg. Battery	420	93.3	6.7	64.0	29.8	6.2	33.4
Agg. Battery on LEO	11	100.0	0.0	81.8	18.2	0.0	34.1
Agg. Burglary	159	87.4	12.6	66.0	30.2	3.8	34.4
Agg. Criminal Sodomy w/Child	34	97.1	2.9	79.4	20.6	0.0	39.0
Agg. Endangering a Child	18	72.2	27.8	94.4	5.6	0.0	33.6
Agg. Escape from Custody	50	80.0	20.0	66.0	24.0	10.0	35.6
Agg. Failure to Appear	7	28.6	71.4	71.4	14.3	14.3	27.2
Agg. Indecent Liberties w/Child	164	97.6	2.4	82.9	15.9	1.2	36.4
Agg. Indecent Solicit w/Child	39	100.0	0.0	76.9	12.8	10.3	33.7
Agg. Intimidation of a Victim	23	82.6	17.4	78.3	17.4	4.3	31.9
Agg. Kidnapping	15	93.3	6.7	73.3	26.7	0.0	37.3
Agg. Robbery	179	91.6	8.4	43.0	53.6	3.4	32.5
Agg. Sexual Battery	25	100.0	0.0	72.0	28.0	0.0	38.0
Aid Felon	11	81.8	18.2	72.7	18.2	9.1	26.3
Arrange Sale/Purchase Drug	6	50.0	50.0	83.3	16.7	0.0	31.8
Arson	18	88.9	11.1	72.2	27.8	0.0	37.4
Battery on LEO	64	82.8	17.2	65.6	32.8	1.6	33.4
Burglary	544	89.9	10.1	76.1	20.6	3.3	31.6
Capital Murder	4	75.0	25.0	50.0	50.0	0.0	32.8
Contribute Child's Misconduct	8	100.0	0.0	100.0	0.0	0.0	29.9
Criminal Damage to Property	26	96.2	3.8	84.6	7.7	7.7	37.2
Criminal Discharge of Firearm	13	100.0	0.0	61.5	38.5	0.0	27.6
Criminal Sodomy w/Child	7	85.7	14.3	85.7	14.3	0.0	32.8
Criminal Threat	135	91.1	8.9	76.3	20.0	3.7	35.9
Criminal Use of Explosives	6	100.0	0.0	83.3	16.7	0.0	36.3
Domestic Battery	7	100.0	0.0	57.1	42.9	0.0	34.1
Drug without Tax Stamps	11	100.0	0.0	72.7	27.3	0.0	31.8
DUI	16	81.2	18.8	81.3	12.5	6.3	43.3
Electronic Solicitation of Child	16	100.0	0.0	87.5	12.5	0.0	39.1
Failure to Register	188	93.6	6.4	71.3	28.2	0.5	35.6
Fleeing or Eluding LEO	116	92.2	7.8	73.3	25.0	1.7	34.3
Forgery	179	58.7	41.3	77.1	19.6	3.4	35.3
False Writing	38	68.4	31.6	81.6	18.4	0.0	33.5

Table 4: FY 2015 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	
Identity Theft	55	61.8	38.2	74.5	23.6	1.8	34.4
Indecent Liberties w/Child	49	95.9	4.1	77.6	16.3	6.1	35.6
Indecent Solicitation of Child	10	100.0	0.0	80.0	20.0	0.0	24.5
Involuntary Manslaughter	31	93.5	6.5	71.0	22.6	6.5	32.2
Kidnapping	42	83.3	16.7	61.9	31.0	7.1	34.7
Lewd and Lascivious Behavior	5	100.0	0.0	100.0	0.0	0.0	32.5
Murder in the First Degree	52	94.2	5.8	57.7	36.5	5.8	34.7
Murder in the Second Degree	55	89.1	10.9	52.7	38.2	9.1	35.2
Nonsupport of Child or Spouse	8	87.5	12.5	87.5	0.0	12.5	41.6
Obstructing Legal Process	56	87.5	12.5	78.6	17.9	3.6	32.6
Obtain Prescription Drug by fraud	6	50.0	50.0	100.0	0.0	0.0	39.7
Possession of Firearm	80	90.0	10.0	51.3	43.8	5.0	30.4
Rape	89	98.9	1.1	73.0	23.6	3.4	38.6
Robbery	131	91.6	8.4	51.1	46.6	2.3	31.0
Sex Exploitation of a Child	27	96.3	3.7	88.9	0.0	11.1	37.6
Tamper w/Electronic Monitor Equip.	17	82.4	17.6	64.7	29.4	5.9	32.7
Stalking	13	100.0	0.0	84.6	15.4	0.0	41.2
Theft	572	76.2	23.8	73.3	23.6	3.0	37.1
Traffic in Contraband	53	79.2	20.8	75.5	20.8	3.8	33.1
Unlawful Voluntary Sex Relation	5	100.0	0.0	80.0	20.0	0.0	21.9
Voluntary Manslaughter	20	90.0	10.0	55.0	40.0	5.0	38.4
Weapons/Agg. Weapon Violation	6	100.0	0.0	66.7	33.3	0.0	28.8
Other	37	73.0	27.0	62.2	32.4	5.4	32.1
TOTAL	**4,145**	**87.1**	**12.9**	**70.1**	**26.3**	**3.6**	**34.3**

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

Incarceration Drug Offenses

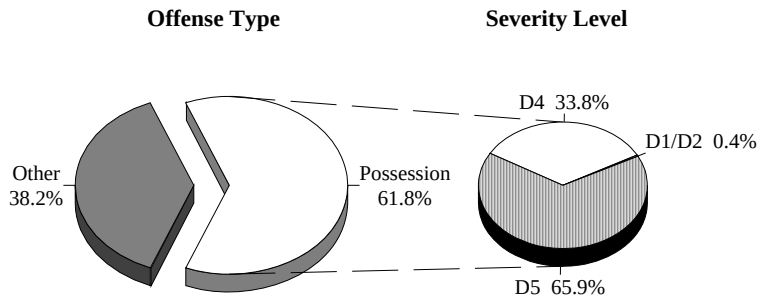
A new drug sentencing grid with five levels was adopted and became effective on July 1, 2012. The crimes of drug possession convicted under K.S.A. 21-5706 are reclassified to drug severity level 5. The felony crimes of drug distribution or possession with intention to distribute the drugs convicted under 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 2015 is the third year of implementing the new drug sentencing grid with five levels, the distribution of drug severity levels is a mix of the old and new drug sentencing grids.

A total number of 1,731 drug offenders were admitted to prison in FY 2015, representing 29.5% of the total admissions to the state correctional facilities. Of this total number, 61.8% were incarcerated for convictions of drug possession offenses, indicating an increase of 4.9% compared with that of FY 2014 (56.9%). Approximately 34% of the drug possession offenders were found at drug severity level 4. Offenders at drug severity level 5 accounted for 65.9% of the drug possession group. The percentage of offenders admitted at drug severity level 5 increased significantly by 29.5% over that of FY 2014 (36.4%), which will keep increasing as the implementation of the new drug sentencing grid continues (Figure 21).

In FY 2015, male offenders represented 78.3% of the drug offenders admitted to prison. 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 drug offenders was 33.8 years old at admission to prison, similar to that observed in FY 2014 (Table 5).

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

Figure 21: FY 2015 Incarceration Drug Sentences by Offense and Level



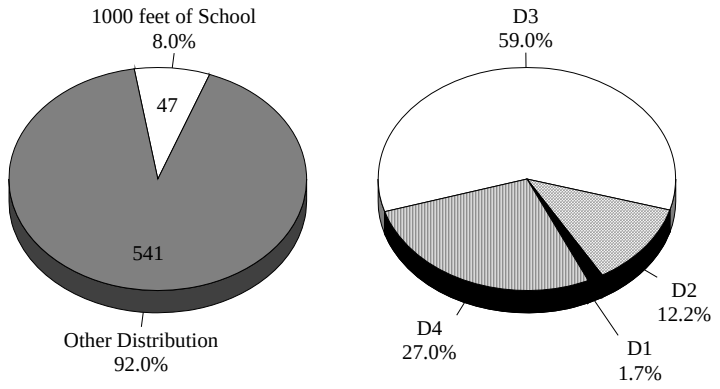
Based on 1,731 incarceration drug sentences

Table 5: FY 2015 Incarceration Drug Offender Characteristics by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age at Admission
		Male	Female	White	Black	Other	
Drugs; Possession	1,069	74.6	25.4	78.7	18.7	2.5	34.4
Drugs; Distribution/Sale	588	84.0	16.0	68.2	27.7	4.1	32.5
Unlawful Manufacture Controlled Substance	29	86.2	13.8	96.6	0.0	3.4	40.0
Possession of Paraphernalia	25	80.0	20.0	76.0	24.0	0.0	32.0
Possession of Precursor Drugs	19	100.0	0.0	94.7	5.3	0.0	36.1
Receiving Proceeds from Violation	1	0.0	100.0	100.0	0.0	0.0	25.5
TOTAL	**1,731**	**78.3**	**21.7**	**75.6**	**21.4**	**3.0**	**33.8**

During FY 2015, a number of 588 offenders (36.5%) were admitted to prison for the crimes of drug distribution or possession with intent to distribute. Of this number, 47 or 8% occurred within 1,000 feet of school property. The largest number of the offenders was at drug severity level 3, accounting for 347 or 59% of the offenders convicted of drug distribution or possession with intent to distribute (Figure 22).

Figure 22: FY 2015 Incareceration Drug Sentences Distribution Offenses and Severity Level



Based on 588 incarceratted offenders convicted of drug distribution or possession with intent to distribute.

Types of Admission and Severity Levels

The distribution of offenders by types of admission to the Kansas Department of Corrections is provided in Table 6. New court commitments made up a large proportion of prison admissions in FY 2015, representing 32.7% of the total admissions. The percentage of this group decreased by 2% compared with that of FY 2014 (34.7%).

Condition violators, including probation condition violators, parole/postrelease condition violators and conditional release condition violators, comprised 43.3% of all offenders admitted to state correctional facilities during FY 2015. Sanctions from probation violation accounted for 11.8%, an increase of 5.7% compared with the percentage of FY 2014 (6.1%). This group of offenders will be discussed in further detail below. As in past years, condition violators admitted to prison had a significant impact on the total admissions to the Department of Corrections in FY 2015.

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 11.1%, an increase of 0.3% over the percentage of this group of violators (10.8%) in FY 2014.

Table 6: Distribution of FY 2015 Incarceration Sentences by Admission Type

Admission Type	Number of Cases	Percent
New Court Commitment	1,922	32.7
Sanction from Probation	691	11.8
Probation Condition Violator	1,321	22.5
Probation Violator With New Sentence/New Conviction	499	8.5
Inmate Received on Interstate Compact	8	0.1
Parole/Postrelease/CR Condition Violator	1,219	20.8
Parole/Postrelease Violator With New Sentence	151	2.6
Paroled to Detainer Returned With New Sentence	27	0.5
Other	38	0.7
TOTAL	**5,876**	**100.0**

Table 7 presents the distribution of all incarcerated offenders admitted in FY 2015 by offense severity level and gender. The highest percentages (over 15%) of all nondrug offenders are found at severity levels 5, 7 and 9 (Figure 23). This severity level distribution of nondrug incarcerated offenders remained constant in the past five years. The examination of drug offenders indicates that 30.9% of all drug offenders fell at drug severity level 4 and 41.3% of the offenders were identified at drug severity level 5 (Figure 24). Female offenders were convicted more often of drug offenses than

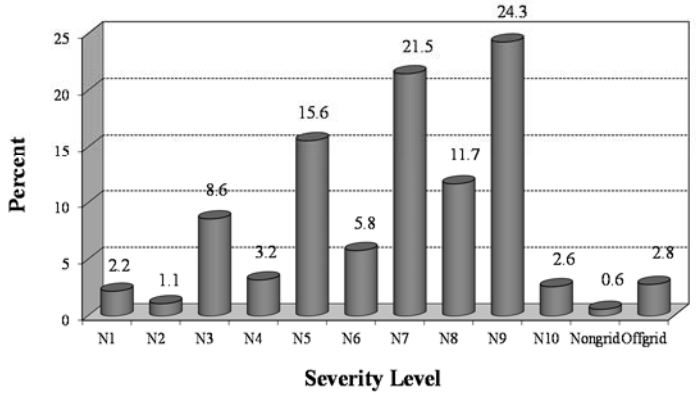
of nondrug offenses (21.7% vs. 12.9%). The highest percentages of female offenders were found at drug severity level 5 (26.7%) and nondrug severity level 8 (27.8%). The highest percentage rates of male offenders were identified at drug severity level 2 (86.4%) and nondrug severity level 1 (96.7%).

Table 7: Distribution of FY 2015 Incarceration Sentences By Severity Level and Gender*

Severity Level	Number	Percent	Gender (%)	
			Male	Female
Drug				
D1	40	2.3	85.0	15.0
D2	88	5.1	86.4	13.6
D3	353	20.4	83.9	16.1
D4	535	30.9	79.6	20.4
D5	715	41.3	73.3	26.7
Subtotal	**1,731**	**100.0**	**78.3**	**21.7**
Nondrug				
N1	91	2.2	96.7	3.3
N2	44	1.1	88.6	11.4
N3	357	8.6	92.2	7.8
N4	131	3.2	93.9	6.1
N5	647	15.6	92.6	7.4
N6	240	5.8	90.8	9.2
N7	892	21.5	89.6	10.4
N8	485	11.7	72.2	27.8
N9	1007	24.3	83.0	17.0
N10	108	2.6	86.1	13.9
Nongrid	23	0.6	87.0	13.0
Offgrid	118	2.8	96.6	3.4
Subtotal	**4,143**	**100.0**	**87.1**	**12.9**
TOTAL**	**5,876**	**100.0**	**84.5**	**15.5**

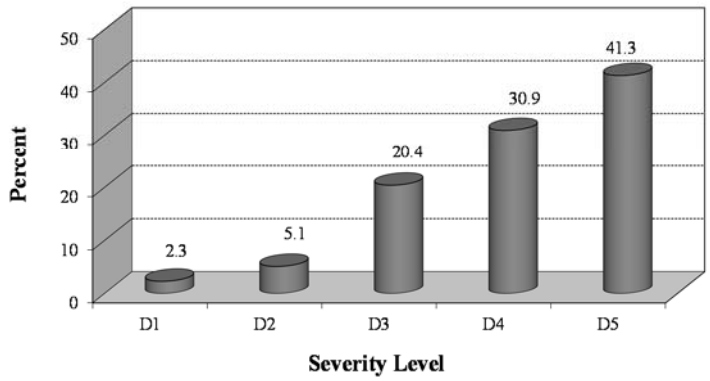
* Based on 1,731 drug offenders and 4,145 nondrug offenders.
** Total number includes 2 nondrug offenders whose severity levels are unknown.

Figure 23: FY 2015 Incarceration Sentences Nondrug Offenders by Severity Level



Based on 4,145 nondrug offenders

Figure 24: FY 2015 Incarceration Sentences Drug Offenders by Severity Level



Based on 1,731 drug offenders

Table 8 presents the admission numbers and average length of sentences of the guidelines new commitment offenders admitted to prison during FY 2014 and FY 2015. This group of offenders include 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.

Due to 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 2014 when both old and new drug sentencing grids were applied. The comparative analysis of nondrug new commitment offenders between FY 2014 and FY 2015 indicates that the total number of this group in FY 2015 increased by 112 (3.2%) compared with that of FY 2014. The admissions increased by 21 at nondrug severity level 3 and increased by 35 respectively at nondrug severity levels 6 and 9. The most obvious decrease was identified at nondrug severity level 5 with a decrease of 32 offenders and nondrug severity level 1 with a decrease of 17 offenders. Offenders at severity levels 7 and 8 decreased by 12 and 11 offenders respectively. The average sentence length in FY 2015 increased by 46.3 months at nondrug severity level 1, but decreased by 22.1 months at nondrug severity level 2 and by 53.4 months at nondrug severity level 3 when compared with those observed in FY 2014. No significant differences of average length of sentence 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 2014*		FY 2015*	
	Admission #	Average LOS	Admission #	Average LOS
D1	37	95.0	24	127.2
D2	43	69.5	52	85.5
D3	230	39.3	187	44.9
D4	422	22.7	340	25.8
D5	253	26.7	475	25.8
N1	77	251.2	60	297.5
N2	19	161.4	18	139.3
N3	164	157.7	185	104.3
N4	74	71.6	72	75.5
N5	382	58.6	350	59.1
N6	120	38.9	155	36.7
N7	610	28.3	598	28.1
N8	332	17.2	321	17.8
N9	670	12.8	705	12.8
N10	76	8.7	79	8.5
Total	**3,509**	**N/A**	**3,621**	**N/A**

* Sanction probation violators are excluded.

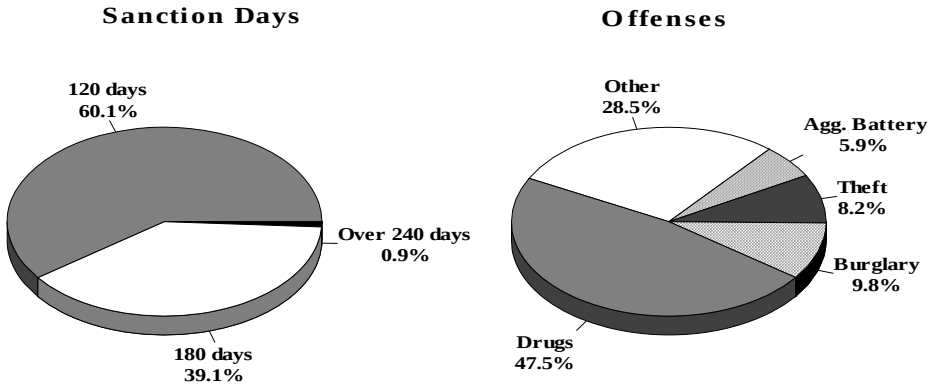
Admissions of Sanction from Probation

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

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

A total number of 691 probation condition violators in FY 2015 were ordered to prison as sanction from probation, an increase of 368 violators (114%) compared with FY 2014 (323 violators). Of those 691 violators, 415 offenders (60.1%) were remanded for 120 sanction days, 270 offenders (39.1%) were remanded for 180 sanction days and 6 offenders (0.9%) were remanded for more than 240 days in KDOC. The top four offenses convicted by this group were drug crimes (47.5%), burglary (9.8%), theft (8.2%) and aggravated battery (5.9%). The majority of the group were males accounting for 75.1% and female offenders comprising 24.9% of the group. White offenders represented 80%, black offenders consisted of 16.5% and other races consisted of 3.5%. The average age of the offenders was 32.

Figure 25: FY 2015 Sanction from Probation Incarceration Sentences



Based on 691 sanction from probation incarceration sentences.

The admission of the offenders of sanction from probation by county is presented in Table 9. Sedgwick County imposed the largest number of sanction from probation (92 or 13.3%), followed by Wyandotte County (69 or 10%), Johnson County (45, or 6.5%), Reno and Shawnee counties (37 or 5.4% respectively).

Table 9: FY 2015 Sanction from Probation Incarceration Sentences Imposed by County

County	Number	Percent	County	Number	Percent
Allen	6	0.9	Mitchell	3	0.4
Anderson	1	0.1	Montgomery	12	1.8
Atchison	14	2.0	Miami	9	1.3
Barton	16	2.3	Marion	3	0.4
Brown	10	1.5	McPherson	7	1.0
Butler	12	1.8	Morris	1	0.1
Cloud	9	1.3	Marshall	2	0.3
Coffey	3	0.4	Nemaha	3	0.4
Cowley	15	2.2	Neosho	2	0.3
Crawford	25	3.6	Osborne	5	0.7
Clay	1	0.1	Ottawa	1	0.1
Decatur	1	0.1	Pawnee	1	0.1
Douglas	1	0.1	Pottawatomie	7	1.0
Dickson	3	0.5	Rice	4	0.6
Doniphan	1	0.1	Rush	1	0.1
Ellis	19	2.8	Riley	14	2.0
Finney	10	1.5	Reno	37	5.4
Ford	26	3.8	Republic	3	0.4
Franklin	6	0.9	Russell	2	0.3
Geary	2	0.3	Saline	51	7.4
Grant	1	0.1	Stafford	1	0.1
Harper	5	0.7	Sedgwick	92	13.3
Harvey	15	2.2	Sherman	4	0.6
Jackson	6	0.9	Smith	1	0.1
Jefferson	3	0.5	Shawnee	37	5.4
Johnson	45	6.5	Sumner	9	1.3
Kiowa	2	0.3	Seward	1	0.1
Labette	4	0.6	Trego	2	0.3
Linn	6	0.9	Wilson	4	0.6
Leavenworth	9	1.3	Wyandotte	69	10.0
Lyon	26	3.8			
Total				**691**	**100.0**

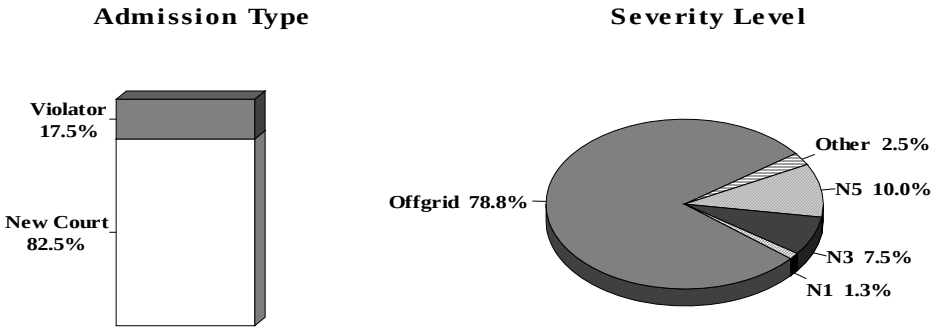
Jessica's Law Sentences

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

In FY 2015, A total number of 80 offenders were sentenced and admitted to prison under Jessica's Law in FY 2015. Of this number, 66 (82.5%) were new court commitments and 14 (17.5%) were probation and parole condition violators. While most jurisdictions identify the severity of these crimes as offgrid, 17 offenders received a downward departure on the nondrug grid. Of these 80 offenders, 63 offenders (78.8%) were sentenced at offgrid, 1 offender (1.3%) was sentenced at nondrug severity level 1, 6 offenders (7.5%) were sentenced at nondrug severity level 3, 8 offenders (10 %) were at nondrug severity level 5 and 2 offenders (2.5%) were at nondrug severity levels 7 and 9 (Figure 25). The analysis of the sentence length demonstrates that 63.8% of the sentences were downward departure to guidelines, an increase of 2% compared with that of FY 2014 (61.8%). The average sentence length of the durational departures was 119.8 months, an increase of 12.8 month from that observed in FY 2014 (107 months). The major departure reasons were: a plea agreement between parties, defendant had no prior criminal history and defendant accepted responsibility.

The distribution of the incarcerated offenders under Jessica's Law by county is demonstrated in Table 10. Sedgwick county imposed the most Jessica's Law prison sentences (30) followed by Wyandotte (7) and Douglas (4) counties.

Figure 26: FY 2015 Jessica's Law Incarceration Sentences

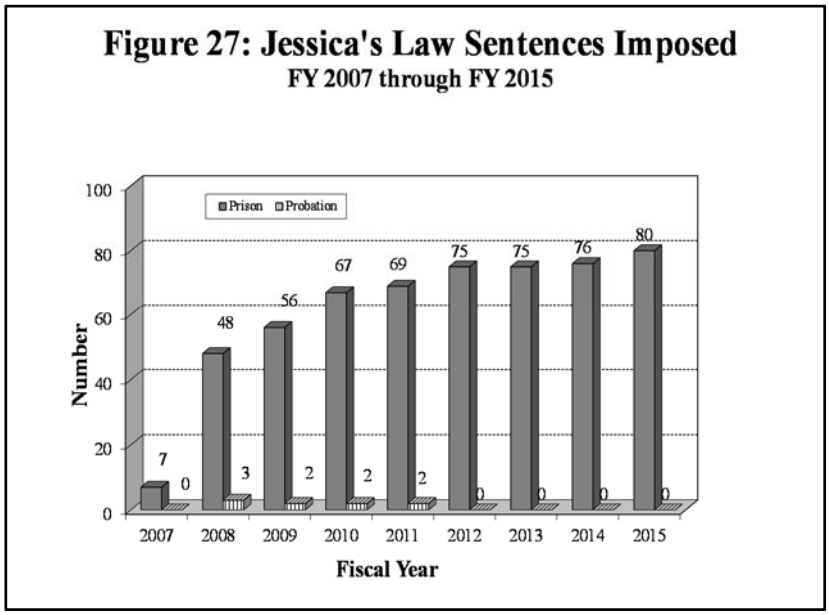


Based on 80 Jessica's Law incarceration sentences.

Table 10: FY 2015 Jessica's Law Incarceration Sentences Imposed by County

County	Number	County	Number	County	Number
Anderson	1	Johnson	3	Sedgwick	30
Barber	1	Labette	2	Shawnee	3
Clark	1	Leavenworth	1	Sumner	2
Cherokee	1	Lyon	1	Stevens	1
Cowley	1	Montgomery	1	Seward	3
Crawford	1	Miami	1	Wyandotte	7
Decatur	1	Marion	1		
Douglas	4	Nemaha	1		
Ford	1	Rawlins	1		
Franklin	1	Rice	1		
Harper	1	Reno	3		
Harvey	1	Saline	3		
Total				**80**	

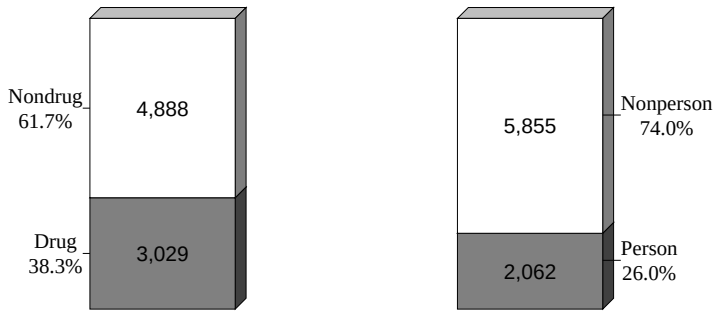
Figure 27 displays the sentencing trend of Jessica's Law sentencing in the past nine years. The total number of Jessica's Law sentences imposed in FY 2015 was 80, indicating an increase of 4 sentences compared with that of FY 2014 (76 sentences) and an increase of 73 sentences compared with that of FY 2007 (7 sentences). FY 2007 is the initial year for the implementation of Jessica's Law.



PROBATION SENTENCES

In FY 2015, the Kansas Sentencing Commission received 7,917 probation sentences, a decrease of 231 sentences or 2.8% compared with FY 2014 (8,148 sentences). Of this number, 4,888 were nondrug sentences and 3,029 were drug sentences; nonperson offenses made up 74% and person offenses made up 26% (Figure 28). The demographic information of this offender group is described in Figures 29 - 31.

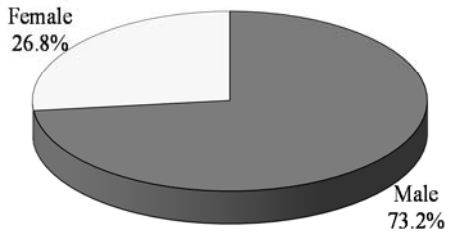
Figure 28: Distribution of FY 2015 Probation Sentences



Based on 7,917 probation sentences

The distribution of FY 2015probationers by gender does not fluctuate much from that of FY 2014. Male offenders accounted for 73.2% of all probation sentences imposed in FY 2015, a decrease of 1.1% compared with that observed (74.3%) in FY 2014 (Figure 29).

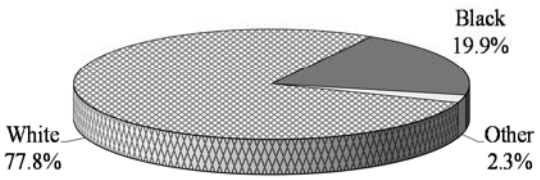
Figure 29: Distribution of FY 2015 Probation Sentences by Gender



Based on 7,916 sentences reporting gender of offenders

White offenders made up 77.8% of the probation sentences imposed in FY 2015, a decrease of 0.3% compared with that of FY 2014 (78.1%). The percentage of black offenders accounted for 19.9%, a decrease of 0.2% compared with that of FY 2014 (20.1%). The percentage of offenders in other races represented 2.3%, an increase of 0.5% compared with FY 2014 (1.8%), (Figure 30).

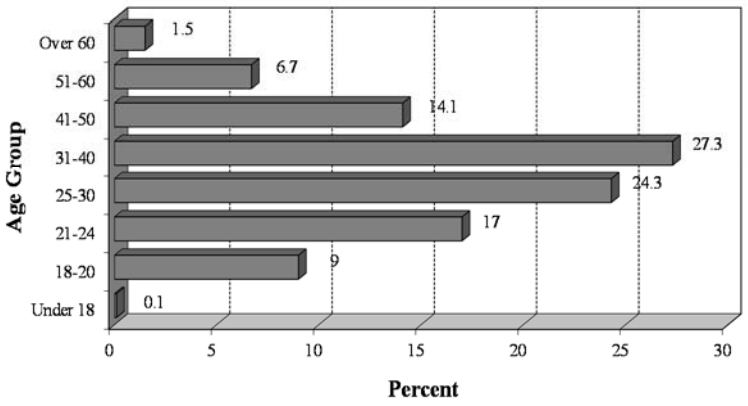
Figure 30: Distribution of FY 2015 Probation Sentences by Race



Based on 7,916 sentences reporting race of offenders

The analysis 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 (27.3%) and the second largest group was identified in the age group ranging from 25 to 30 (24.3%). This distribution indicated no change from FY 2014 (Figure 31).

Figure 31: Distribution of FY 2015 Probation Sentences by Age



Based on 7,917 sentences reporting age of offenders at time of sentencing

Type of Offense and Severity Level

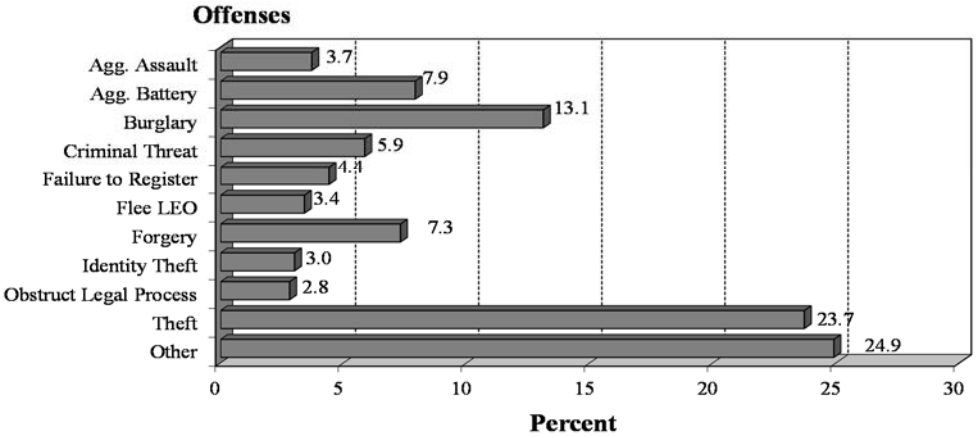
In FY 2015, the top ten offenses committed by nondrug probation offenders include aggravated assault, aggravated battery, burglary, criminal threat, failure to register, fleeing LEO, forgery, identity theft, obstruct legal process and theft. These ten offenses accounted for 75.1% of the total nondrug probation sentences in FY 2015 (Figure 32), an increase of 1.5% from the previous year (73.6%). In reviewing drug offenders on probation, the largest number of sentences was possession of drugs, representing 74.7% of all probation drug offenses (Figure 33), an increase of 1.6% over FY 2014 (73.1%).

Tables 11 and 12 present the characteristics of offenders sentenced to probation during FY 2015. Male offenders were convicted of over 90% of the sex offenses and 80% of violent crimes of probation sentences imposed in FY 2015 such as: aggravated assault, aggravated battery, burglary, criminal threat, domestic battery, fleeing or eluding LEO, possession of firearms and arson. The highest percentages of female probation nondrug offenses (over 40%) included aggravated endangering a child, aiding felon, forgery, identity theft and giving a worthless check.

In FY 2015, white offenders represented 75.7% of all nondrug probation sentences and 81.2% of all drug offenders on probation. Black offenders on probation had a higher conviction rate for nondrug offenses than drug crimes (22.1% versus 16.3%). The average age at the time of committing offense was 32.2 years old for nondrug offenders and 32.4 years old for drug offenders, which is similar to those in FY 2014 (Tables 11 & 12).

Tables 13 and 14 demonstrate the characteristics of probation offenders by severity level. The largest number of probation nondrug sentences were found at nondrug grid severity level 9 (2,031 sentences or 41.6%). Like FY 2014, the majority of probation drug sentences were identified at drug grid severity level 5 (2,255 sentences or 74.4%), which differs from FY 2013 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 as previously discussed.

Figure 32: FY 2015 Top Ten Offenses for Probation Nondrug Sentences



Based on 4,888 probation nondrug sentences

The felony crimes of drug possession represented 74.7% of the total probation drug sentences imposed in FY 2015. These crimes included the offenses of possession of opiates or narcotics and possession of depressants, stimulants, hallucinogenic, etc. for the second and subsequent offenses.

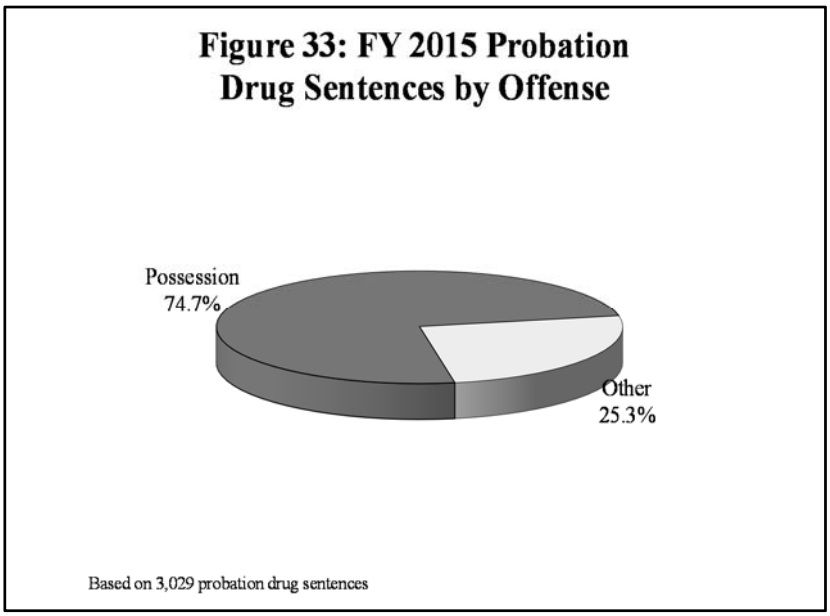


Table 11: Characteristics of Probation Nondrug Offenders by Type of Offense –1

Offense Type	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
Abuse of Child	8	0.2	50.0	50.0	75.0	25.0	0.0	34.1
Agg Arson	5	0.1	40.0	60.0	100.0	0.0	0.0	27.6
Agg Assault	179	3.7	88.8	11.2	71.5	24.0	4.5	32.5
Agg Assault on LEO	15	0.3	66.7	33.3	80.0	20.0	0.0	34.3
Agg Battery	384	7.9	86.2	13.8	67.4	27.6	4.9	31.8
Agg Burglary	116	2.4	66.4	33.6	71.6	28.4	0.0	30.5
Agg Endangering a Child	45	0.9	60.0	40.0	86.7	13.3	0.0	28.9
Agg Escape from Custody	22	0.5	72.7	27.3	68.2	31.8	0.0	29.8
Agg Failure to Appear	27	0.6	63.0	37.0	74.1	25.9	0.0	32.8
Agg Ind Lib with a Child	18	0.4	94.4	5.6	88.9	11.1	0.0	25.7
Agg Ind Solicit with a Child	17	0.3	100.0	0.0	94.1	5.9	0.0	30.0
Agg Interference w/Parental Custody	5	0.1	40.0	60.0	80.0	20.0	0.0	30.0
Agg Intimidation of a Victim	14	0.3	100.0	0.0	71.4	28.6	0.0	25.3
Agg Robbery	27	0.6	70.4	29.6	55.6	40.7	3.7	27.1
Agg Sex Battery with Child	10	0.2	100.0	0.0	80.0	20.0	0.0	35.9
Agg Weapon Violation	6	0.1	83.3	16.7	100.0	0.0	0.0	30.1
Aiding Felon	11	0.2	27.3	72.7	81.8	18.2	0.0	31.7
Animal Cruelty	4	0.1	100.0	0.0	75.0	25.0	0.0	40.1
Arrange Sale/Purchase Drug	27	0.6	81.5	18.5	81.5	14.8	3.7	29.0
Arson	19	0.4	84.2	15.8	84.2	15.8	0.0	39.3
Auto Failure to Remain	5	0.1	100.0	0.0	100.0	0.0	0.0	44.6
Battery on LEO	24	0.5	79.2	20.8	66.7	33.3	0.0	31.7

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	7	0.1	100.0	0.0	85.7	14.3	0.0	25.6
Burglary	642	13.1	84.7	15.3	82.4	16.7	0.9	28.8
Computer Crime	7	0.1	42.9	57.1	85.7	0.0	14.3	31.1
Contribute Child Misconduct	10	0.2	90.0	10.0	90.0	10.0	0.0	22.3
Criminal Damage of Property	69	1.4	85.5	14.5	84.1	11.6	4.3	32.6
Criminal Discharge of Firearm	12	0.2	100.0	0.0	58.3	41.7	0.0	31.6
Criminal Threat	286	5.9	86.4	13.6	71.7	26.2	2.1	33.2
Criminal Use of Financial Card	12	0.2	50.0	50.0	100.0	0.0	0.0	30.2
Domestic Battery	36	0.7	88.9	11.1	66.7	33.3	0.0	36.4
Drug without Tax Stamps	19	0.4	78.9	21.1	63.2	26.3	10.5	28.6
DUI	77	1.6	84.4	15.6	85.7	14.3	0.0	36.3
Electronic Solicitation of a Child	4	0.1	100.0	0.0	75.0	25.0	0.0	20.8
Failure to Register	214	4.4	89.7	10.3	62.6	35.5	1.9	34.9
False Writing	83	1.7	63.9	36.1	81.9	15.7	2.3	31.5
Fleeing/Eluding LEO	167	3.4	85.6	14.4	77.2	21.6	1.2	29.5
Forgery	356	7.3	48.3	51.7	77.8	18.0	4.2	31.9
Giving Worthless Check	25	0.5	48.0	52.0	84.0	16.0	0.0	38.8
Identity Theft	148	3.0	52.0	48.0	70.9	26.4	2.7	33.4
Ind. Liberties with a Child	16	0.3	81.3	18.7	87.5	12.5	0.0	22.7
Ind. Solicitation with a Child	8	0.2	87.5	12.5	87.5	12.5	0.0	21.1
Involuntary Manslaughter	8	0.2	75.0	25.0	87.5	12.5	0.0	37.2
Lewd and Lascivious Behavior	9	0.2	100.0	0.0	100.0	0.0	0.0	28.2
Medicaid Fraud	7	0.1	28.6	71.4	85.7	14.3	0.0	47.4
Mistreatment of Dependant Adult	4	0.1	50.0	50.0	100.0	0.0	0.0	43.9
Non-Support of a Child	12	0.2	91.7	8.3	66.7	33.3	0.0	38.4
Obstruct Legal Process	137	2.8	67.2	32.8	82.5	15.3	2.2	29.8
Possession of Firearms	97	2.0	93.8	6.2	63.9	36.1	0.0	30.4
Robbery	60	1.2	73.3	26.7	56.7	38.3	5.0	26.3
Sex Exploitation of a Child	22	0.5	95.5	4.5	86.4	9.1	4.5	35.3
Stalking	20	0.4	95.0	5.0	60.0	35.0	5.0	35.7
Tamper w/Electronic Monitor Equip.	4	0.1	50.0	50.0	75.0	25.0	0.0	30.1
Theft	1159	23.7	61.0	39.0	76.0	22.3	1.6	34.9
Traffic in Contraband	71	1.5	62.0	38.0	80.3	14.1	5.6	30.7
Unlawful Sexual Relations	5	0.1	40.0	60.0	60.0	40.0	0.0	48.8
Unlawful Voluntary Sex Relation	29	0.6	100.0	0.0	86.2	13.8	0.0	19.2
Weapons	8	0.2	100.0	0.0	100.0	0.0	0.0	30.3
Other	50	1.0	74.0	26.0	90.0	8.0	2.0	34.5
TOTAL	**4,888**	**100.0**	**73.5**	**26.5**	**75.7**	**22.1**	**2.2**	**32.2**

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

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

Offense Type	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
Drugs; Possession	2,263	74.7	70.2	29.8	84.4	13.6	2.0	33.3
Drugs; Distribution/Sale	662	21.9	80.5	19.5	70.4	25.8	3.8	29.7
Unlawful Manufacture Controlled Substance	6	0.2	100.0	0.0	83.3	16.7	0.0	38.3
Possession of Paraphernalia	80	2.6	75.0	25.0	80.0	20.0	0.0	30.4
Possession of Precursor Drugs	8	0.3	62.5	37.5	100.0	0.0	0.0	30.8
Receive Proceeds from Violation of Controlled Substance Act	10	0.3	80.0	20.0	80.0	20.0	0.0	32.3
TOTAL	**3,029**	**100.0**	**72.7**	**27.3**	**81.2**	**16.3**	**2.4**	**32.4**

Table 13: Characteristics of Probation Nondrug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
N1	3	0.1	66.7	33.3	100.0	0.0	0.0	22.2
N2	0	0.0	0.0	0.0	0.0	0.0	0.0	N/A
N3	38	0.8	94.7	5.3	57.9	36.8	5.3	31.6
N4	33	0.7	87.9	12.1	72.7	27.3	0.0	27.7
N5	283	5.8	77.0	23.0	74.6	23.0	2.5	29.8
N6	218	4.5	82.1	17.9	74.8	23.9	1.4	32.1
N7	1,031	21.1	83.0	17.0	74.5	22.8	2.7	30.9
N8	914	18.7	64.2	35.8	75.4	21.6	3.1	31.9
N9	2,031	41.6	70.7	29.3	77.0	21.4	1.6	33.1
N10	218	4.5	67.9	32.1	74.3	22.5	3.2	33.0
Nongrid	119	2.4	86.6	13.4	79.8	20.2	0.0	36.5
TOTAL	**4,888**	**100.0**	**73.5**	**26.5**	**75.7**	**22.1**	**2.2**	**32.2**

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	0.4	84.6	15.4	84.6	15.4	0.0	37.5
D2	67	2.2	80.6	19.4	76.1	19.4	4.5	34.0
D3	216	7.1	79.6	20.4	68.5	29.6	1.9	29.9
D4	478	15.8	78.7	21.3	68.8	27.2	4.0	30.0
D5	2,255	74.4	70.4	29.6	85.2	12.7	2.1	33.1
TOTAL	**3,029**	**100.0**	**72.7**	**27.3**	**81.2**	**16.3**	**2.4**	**32.4**

SB 123 Drug Treatment Offenders

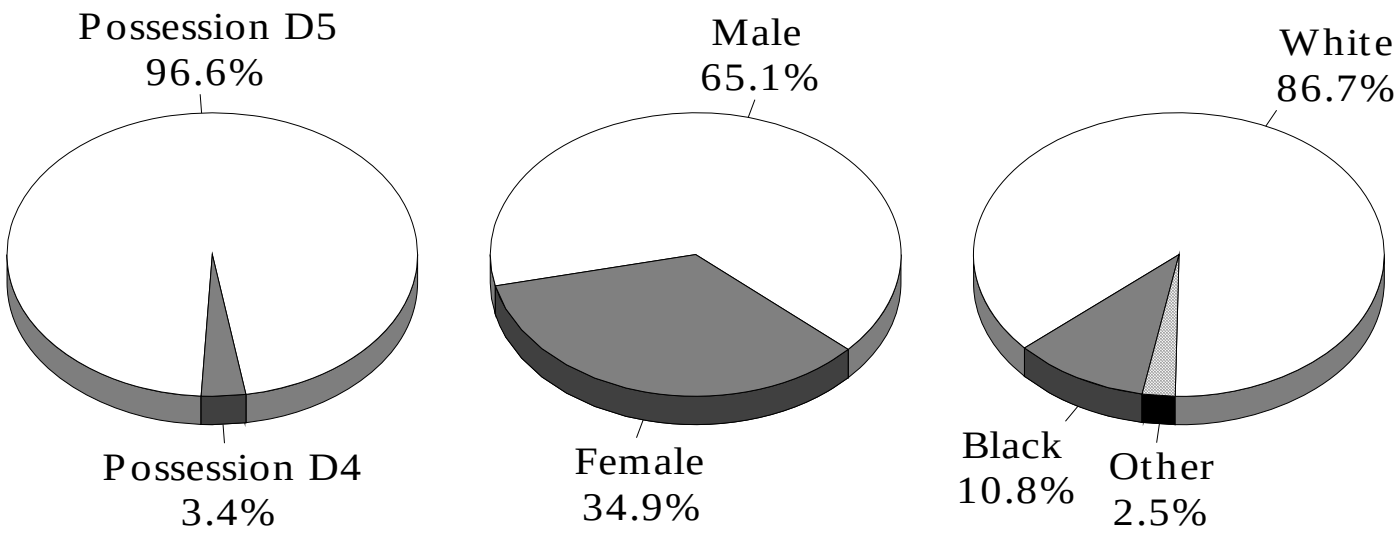
Senate Bill 123, which became law in 2003, establishes a nonprison sanction of certified drug abuse treatment programs for a defined target population of nonviolent adult drug offenders who are sentenced on or after November 1, 2003 with the convictions of drug crimes under K.S.A. 21-5706, or 21-36a06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

In FY 2015, Kansas courts ordered offenders in 1,159 sentences to SB 123 drug abuse treatment programs, representing 38.3% of the total drug probation sentences (3,029), a decrease of 0.2% compared with that of FY 2014 (38.5%). All of these sentences were convicted of the crime of drug possession under K.S.A. 21-5706 (formerly 21-36a06 or 65-4160 or 65-4162). The evaluation of the criminal history of the offenders demonstrates that 81.5 % of offenders were in the criminal history categories E through I, a decrease of 2.1% when compared with that of FY 2014 (83.6%). This data implies that the policy of SB 123 was implemented very consistently during FY 2015.

A summary of the offenders sentenced to SB 123 treatment programs in FY 2015 is displayed in Figure 34. The offenders convicted of the crime of drug possession represented 96.6% at drug severity level 5 and 3.4% at drug severity level 4, which reflects the implementation of new five-level drug sentencing grid effective July 1, 2012. White males are still the majority of the treatment offenders. The average age of the drug treatment offenders was 32.6 years old at sentencing, indicating no change compared with that of FY 2014. Figure 35 demonstrates the distribution of SB 123 drug treatment sentences imposed in FY 2015 by county. Sedgwick County imposed the most SB 123 sentences (177) followed by Shawnee (127), Reno (81), Johnson (73) and Wyandotte (65) counties. No SB 123 sentences were reported from 31 counties. The average number of SB 123 sentences imposed by the 74 counties is 16, which remains the same compared with that of FY 2014 (16 sentences).

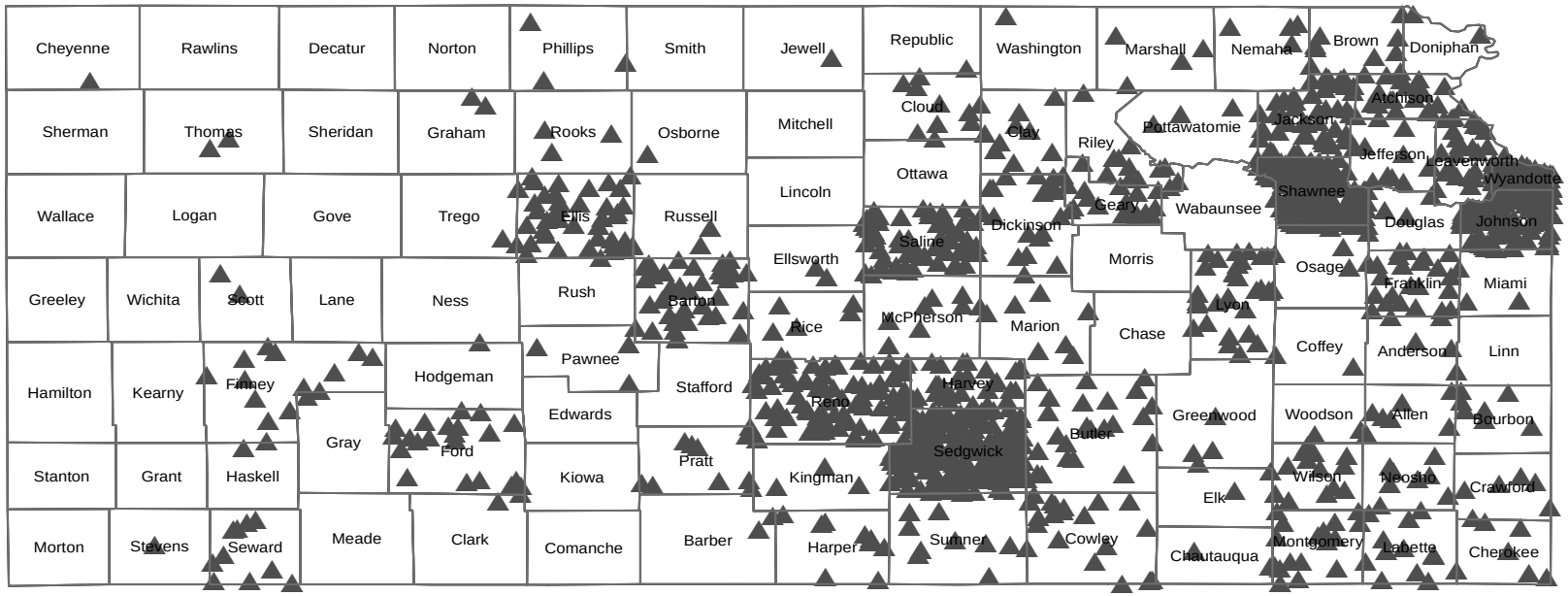
In addition, 758 SB 123 drug treatment sentences were violated as probation condition violators in FY 2015. Of this number, 265 sentences were revoked to prison, representing 22.9% of SB 123 sentences imposed (1,159 sentences) in FY 2015, an increase of 2.5% over that of FY 2014 (20.4%). The average period between original sentence and revocation hearing was 15.3 months, 9 days longer than that of FY 2014 (15 months).

Figure 34: Distribution of FY 2015 Senate Bill 123 Drug Treatment Sentences

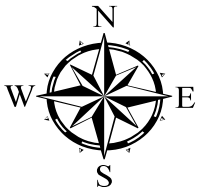


Based on 1,159 SB 123 sentences

Figure 35: Distribution of SB 123 Drug Treatment Sentences Imposed by County - FY 2015



Summary
Total counties=105
Total sentences=1,159
Counties w/zero=31
Minimum=1
Maximum=177
Mean=16



Criminal History and Length of Probation

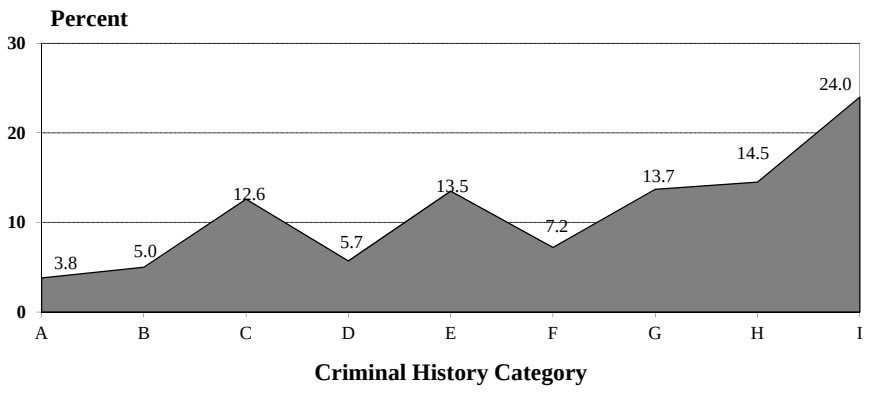
The analysis of offenders' criminal history indicates that offenders sentenced to probation with assigned criminal history categories accounted for 98.5% of all the probation sentences (7,917) reported to the Commission in FY 2015, which is 6% higher than the rate of FY 2014 (92.5%). The largest number of this group fell within criminal history category I (24% or 1,872 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 22.8% of offenders on the nondrug grid and 25.8% of offenders on the drug grid.

When looking into the presumptive probation boxes, nondrug offenders within the presumptive probation boxes made up 81.2% (Table 15), a decrease of 1.7% compared with that of FY 2014 (82.9%). The examination of the border box sentences discloses that 4.4% of nondrug offenders were found to be at severity level 5 with criminal history categories H and I and severity level 6 with criminal history category G, which are designated as border boxes (Table 15). The percentage of border box in FY 2014 increased by 0.5% when compared with that of FY 2014 (3.9%).

The analysis on drug sentences by presumptive probation and border box is still not applicable in FY 2015 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 18 months, which is 0.7 month or 21 days longer than that of FY 2014 (17.3 months). The average length of probation for drug offenders was 17.6 months, indicating an increase of 0.3 month or 9 days when compared with that of FY 2014 (17.3 months).

Figure 36: Distribution of FY 2015 Probation Sentences by Criminal History
Nondrug and Drug Sentences



Based on 7,800 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	3	0	0	0	0	0	0	0	1	2	52.0
N3	38	2	3	5	1	1	1	1	8	16	36.3
N4	33	1	0	3	3	1	2	0	8	15	35.6
N5	283	14	10	20	13	9	8	24	63	122	35.5
N6	218	18	19	24	19	16	15	27	26	53	23.9
N7	1,031	38	47	146	94	119	52	120	159	256	23.7
N8	914	30	48	118	47	155	71	119	113	212	17.6
N9	2,031	95	115	344	122	321	156	260	253	365	12.4
N10	218	11	14	35	10	24	15	30	31	48	12.5
Nongrid	119	0	1	0	1	0	2	0	1	1	12.7
TOTAL	**4,888**	**209**	**257**	**695**	**310**	**646**	**322**	**581**	**663**	**1,090**	**18.0**

Note: Criminal history classes are based on 4,773 cases reporting criminal history category.
Legend:

Presumptive Prison	Border Boxes	Presumptive Probation

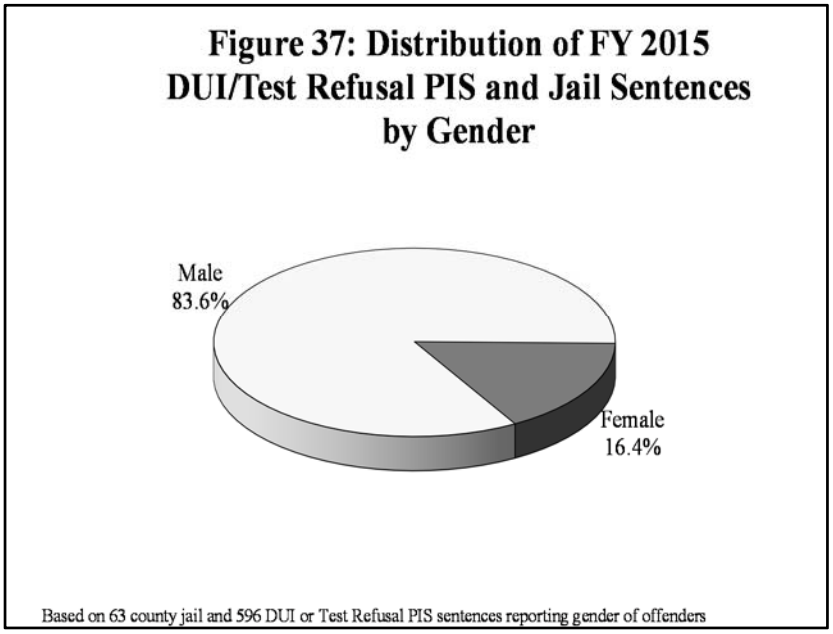
Table 16: Criminal History and Probation Length by Severity Level – Drug Offenders

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
D1	13	1	0	0	1	2	1	2	0	6	39.7
D2	67	2	4	5	3	6	5	9	11	22	36.9
D3	216	7	8	19	14	17	11	17	38	85	32.7
D4	478	12	9	21	13	57	34	56	88	188	17.8
D5	2,255	62	109	245	104	327	192	401	332	481	15.2
TOTAL	**3,029**	**84**	**130**	**290**	**135**	**409**	**243**	**485**	**469**	**782**	**17.6**

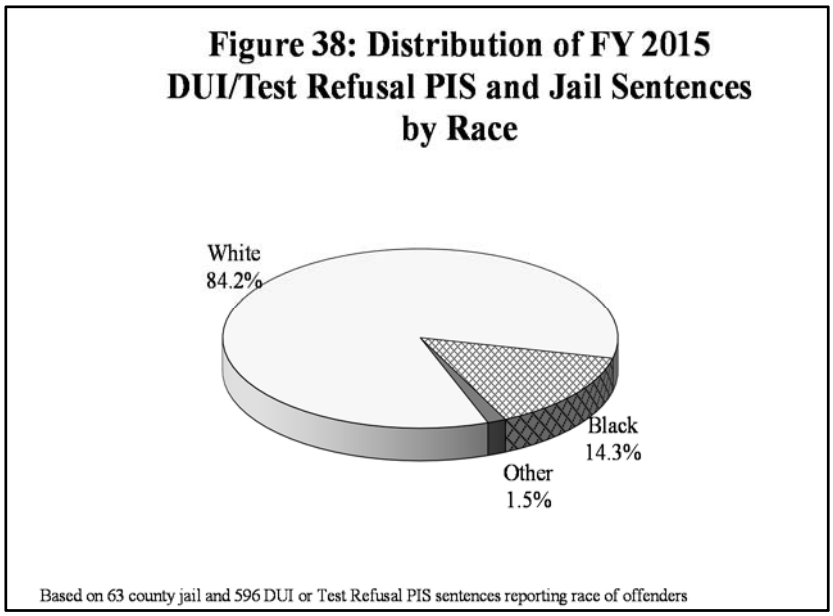
Note: Criminal history classes are based on 3,027 cases reporting criminal history category.
Border boxes and presumptive probation numbers are not highlighted because the numbers were the mixture of the old and new drug sentencing grids.

DUI/TEST REFUSAL POST-INCARCERATION SUPERVISION AND COUNTY JAIL SENTENCES

In FY 2015, The Commission received 659 DUI/Test Refusal PIS and county jail sentences. Of this number, DUI/Test Refusal PIS accounted for 90.4% (596 sentences) and county jail accounted for 9.6% (63 sentences). Female offenders made up 16.4% and male offenders accounted for 83.6%, a decrease of 2.5% from that of FY 2014 (86.1%, Figure 37).

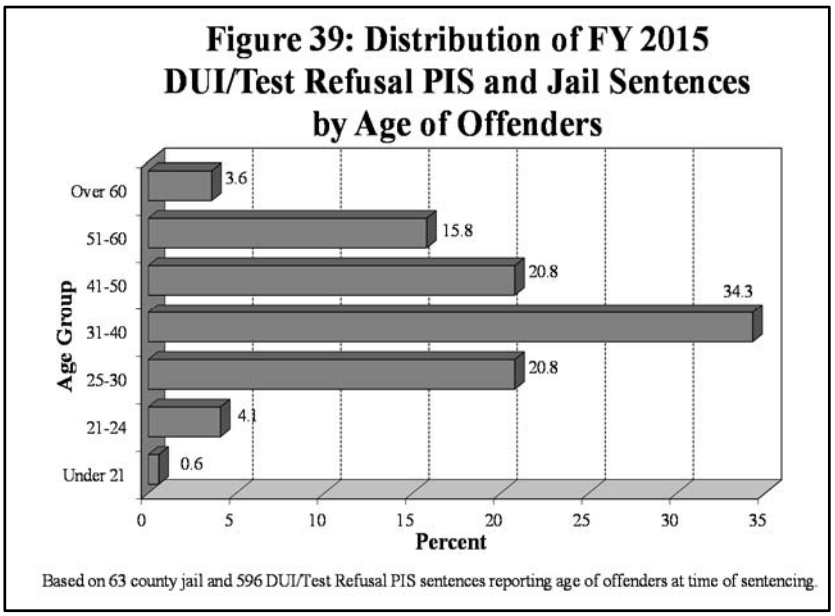


Racial analysis shows that white offenders accounted for 84.2%, black offenders represented 14.3% and other races represented 1.5% of the total DUI/Test Refusal PIS and county jail sentences imposed in FY 2015 (Figure 38).



The review of age discloses that most offenders were in the age group ranging from 31 to 40 years old (34.3%), which is consistent with the data observed in FY 2014. Their average age at sentencing is 39.6 years old, an increase of 0.6 year when compared with FY 2014 (Figure 39).

The analysis of the crimes committed by the offenders sentenced to DUI/Test Refusal PIS and county jails indicates that 88% of the sentences in FY 2015 were convicted of the crime of felony DUI (580 sentences), 8% (53 sentences) were convicted of the crime of DUI/Test Refusal and 2.6% were convicted of the crime of domestic battery (17 sentences), (Figure 40). A detailed analysis on the crime of DUI is provided on page 15 of this report.



The distribution of FY 2015 DUI/Test Refusal PIS and county jail sentences by county is presented in Figure 41. Johnson County imposed the most sentences of this group (185) representing 28.1%, followed by Sedgwick County with 146 sentences representing 22.2% of the total DUI/Test Refusal PIS and county jail sentences imposed during FY 2015.

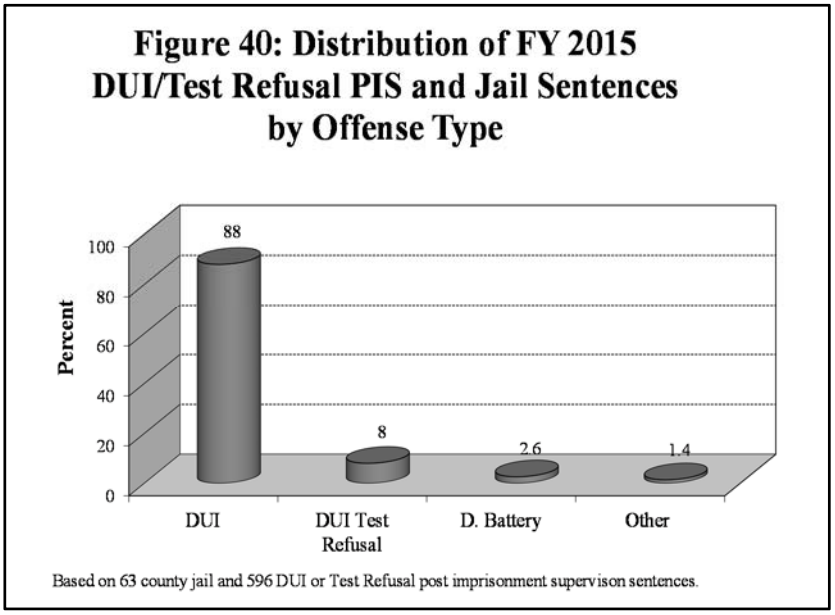


Figure 41: FY 2015 DUI/Test Refusal PIS and Jail Sentences by County

CHAPTER TWO
VIOLATORS

VIOLATIONS RESULTING IN INCARCERATION

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

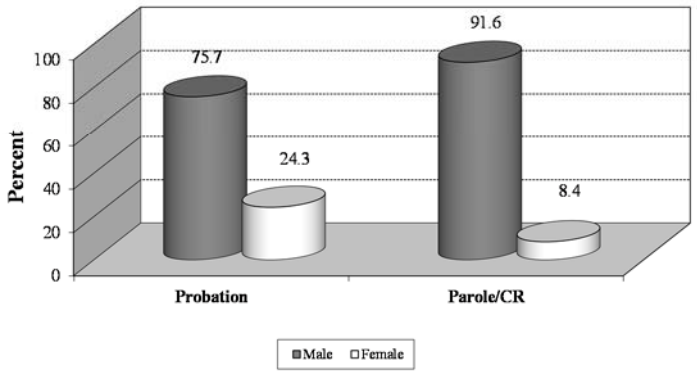
Overview of Condition Violators

The term "condition violator" is defined as an offender who violates the conditions of 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. HB 2170 prison sanctions from probation violation are excluded from this analysis (refer to page 31).

A total number of 2,540 condition violators were admitted to prison for their violation of conditions in FY 2015, representing 1,321 probation violators, 1,214 parole or postrelease supervision violators and five conditional release violators respectively.

In the following analysis, conditional release violators (five offenders) are merged with the group of parole or postrelease supervision violators. In FY 2015, condition violators accounted for 43.2% of all admissions to prison, a decrease of 3.7% from FY 2014 (46.9%).

Figure 42: Distribution of FY 2015 Condition Violators by Gender



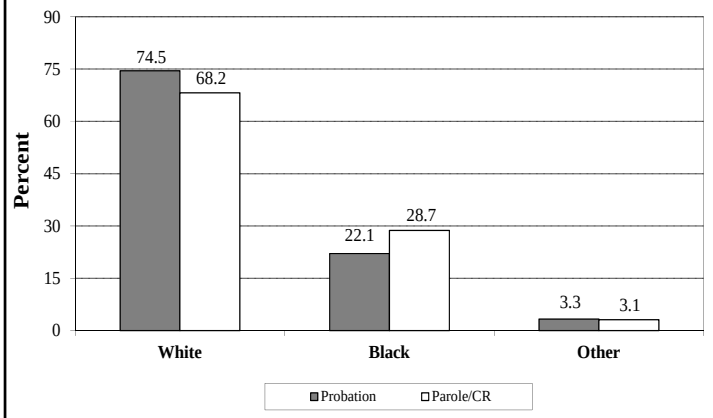
Based on 1,321 probation condition violators and 1,219 parole/conditional release condition violators

The majority of condition violators were male offenders, accounting for 75.7% of probation violators and 91.6% of parole/conditional release violators admitted to prison in FY 2015 (Figure 42).

White offenders represented the highest rate (74.5%) in the group of probation violators, while the highest percentage of black offenders (28.7%) was identified in the group of parole or postrelease supervision and conditional release violators (Figure 43).

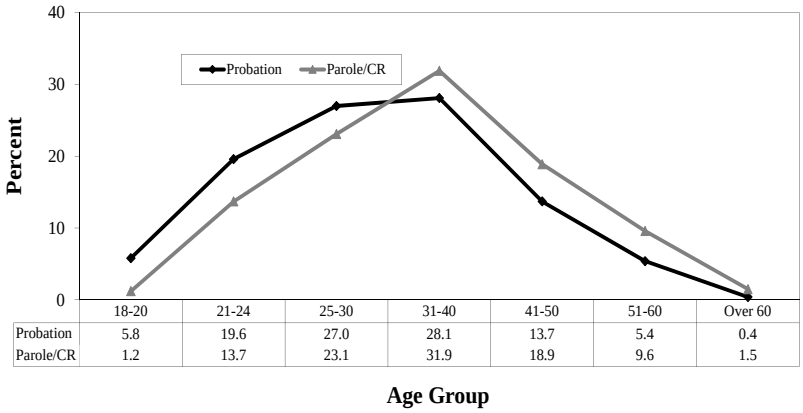
Most probation violators were in the age group ranging from 31 to 40 (28.1%), which is consistent with that of FY 2014. The largest number of parole or postrelease supervision and conditional release violators was also found in the age group ranging from 31 to 40 (31.9%) at the time of admission to prison, which is the same as FY 2014 (Figure 44).

Figure 43: Distribution of FY 2015 Condition Violators by Race



Based on 1,319 probation condition violators and 1,219 parole/conditional release condition violators

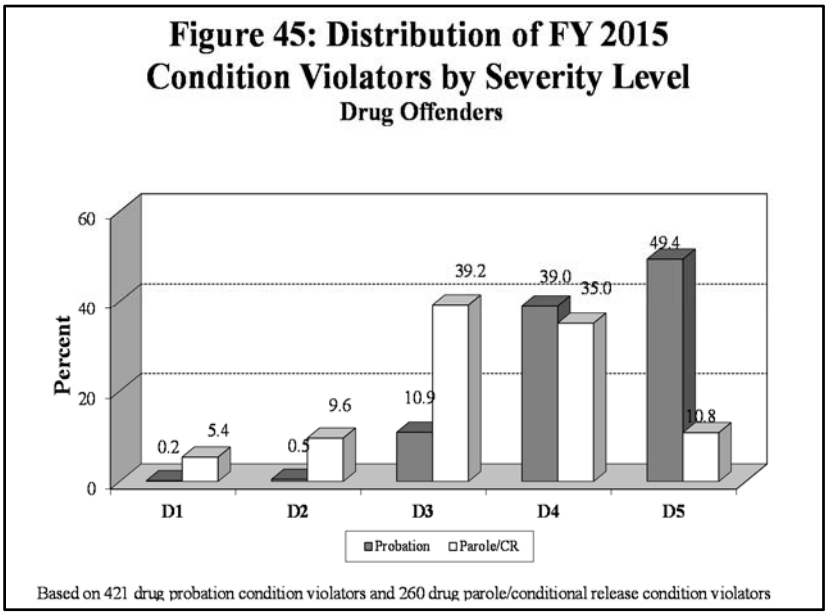
Figure 44: Distribution of FY 2015 Condition Violators by Age Group



	18-20	21-24	25-30	31-40	41-50	51-60	Over 60
Probation	5.8	19.6	27.0	28.1	13.7	5.4	0.4
Parole/CR	1.2	13.7	23.1	31.9	18.9	9.6	1.5

Based on 1,321 probation condition violators and 1,219 parole/conditional release condition violators

The largest number of drug probation violators was identified at drug severity level 5, representing 49.4% or 208 offenders, which is different from that of FY 2014 (drug severity level 4). The highest percentage of drug parole/postrelease and conditional release violators was found at drug severity level 3, accounting for 39.2% or 102 offenders, which is the same drug severity level as FY 2014 (Figure 45).



The highest percentage of nondrug condition violators were identified at nondrug severity level 9, which represents 37.1% or 334 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 22.3% or 214 of this group of violators (Figure 46). This distribution of severity levels and percentage is very consistent with that of FY 2014.

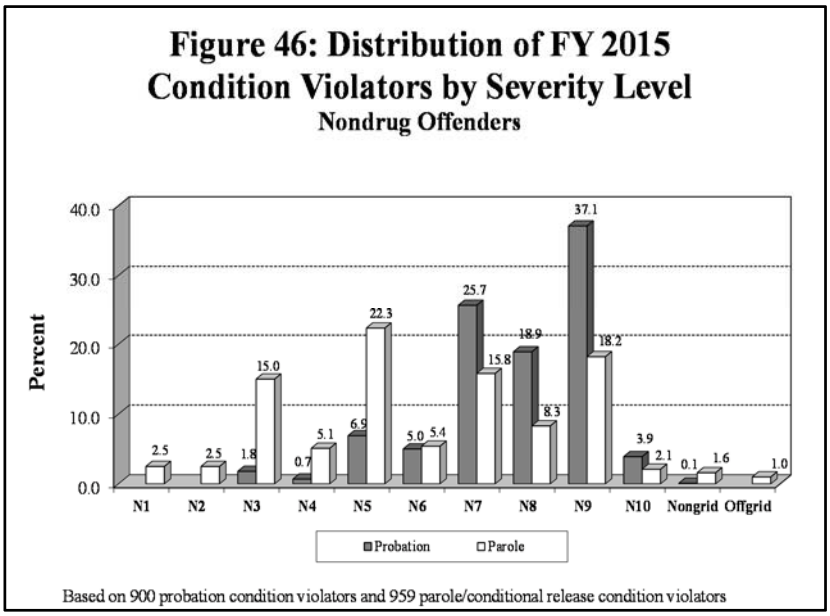


Table 17 presents the characteristics of all types of condition violators. The largest numbers of males were found at nondrug severity level 9 (416 sentences) and drug severity level 4 (198 sentences). The highest frequencies of females were at nondrug severity level 9 (93 sentences) as well and drug severity level 5 (83 sentences). Racial analysis of the condition violators demonstrates that drug severity level 5 represented the largest number of white violators (199 violators), while the largest number of black violators was identified at drug severity level 4 (72 violators). As for nondrug sentences, most violators were found at nondrug severity level 9. White offenders accounted for 397 sentences and black offenders accounted for 97 sentences. The average age of the violators was 34.2 years old at the time of admission, which does not fluctuate much from FY 2014 (33.8 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	15	13	2	12	2	1	40.9
D2	27	24	3	19	8	0	38.5
D3	148	124	24	91	55	2	31.3
D4	255	198	57	169	72	13	34.2
D5	236	153	83	199	33	4	33.0
N1	24	23	1	20	4	0	43.1
N2	24	23	1	16	7	1	49.0
N3	160	150	10	91	62	7	37.2
N4	55	54	1	41	14	0	34.5
N5	276	260	16	192	80	4	34.1
N6	97	88	9	72	22	3	31.9
N7	383	344	39	275	93	15	32.7
N8	250	176	74	171	67	12	33.2
N9	509	416	93	397	97	14	34.5
N10	55	46	9	31	20	4	34.5
Offgrid	10	10	0	7	2	1	40.3
Nongrid	16	14	2	11	4	1	42.2
Total	**2,540**	**2,116**	**424**	**1,814**	**642**	**82**	**34.2**

* Because of data missing, the distribution of gender is based on 2,538 sentences reporting gender information.

Probation Condition Violators

A total number of 1,321 probation condition violators were admitted to prison in FY 2015. Of this number, 68.1% (900) were nondrug offenders and 31.9% (421) were drug offenders. Compared with FY 2014, the admissions of probation condition violators demonstrated a decrease of 3.4% or 47 violators. This decrease continuously reflects the impact from the 120/180-day prison sanctions for probation condition violators. The characteristics of probation condition violators are presented in Tables 18 and 19.

In FY 2015, the top ten offenses committed by nondrug probation violators were aggravated assault, aggravated battery, burglary, criminal threat, failure to register, fleeing or eluding LEO, forgery, identity theft, possession of firearm and theft. These ten offenses represent 75.6% of all nondrug convictions by probation violators. As in previous years, burglary and theft were still the top two offenses committed by probation condition violators (Table 18). The analysis of drug probation violators indicates that possession of drugs was the most frequently convicted drug crime, accounting for 81.5% of all drug offenses committed by the probation condition violators admitted to prison in FY 2015. The crimes of drug distribution or possession with intent to distribute represents 16.4% of this group of violators to prison in FY 2015 (Table 19).

The average length of time from the age of offense to the age of admission to prison was 2.5 years for both nondrug probation violators and drug probation violators. This remains constant with those of FY 2014 and 2013. 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	33	87.9	12.1	72.7	21.2	6.1	28.6	31.1
Aggravated Battery	80	87.5	12.5	61.3	30.0	8.8	29.1	31.7
Burglary	169	87.0	13.0	72.8	24.3	3.0	26.7	29.2
Criminal Threat	39	82.1	17.9	79.5	17.9	2.6	32.1	33.9
Failure to Register	34	94.1	5.9	64.7	35.3	0.0	32.9	35.8
Fleeing or Eluding LEO	28	85.7	14.3	75.0	21.4	3.6	32.5	34.9
Forgery	67	50.7	49.3	71.6	22.4	6.0	31.6	34.9
Identity Theft	21	42.9	57.1	90.5	9.5	0.0	30.6	32.9
Possession of Firearm	22	86.4	13.6	31.8	59.1	9.1	29.9	31.9
Theft	187	72.2	27.8	80.1	16.7	3.2	33.1	35.2
Subtotal	**680**	**78.1**	**21.9**	**72.6**	**23.3**	**4.1**	**30.4**	**32.8**
Other	220	82.3	17.7	71.8	25.5	2.7	27.8	30.7
TOTAL	**900**	**79.1**	**20.9**	**72.4**	**23.8**	**3.8**	**29.8**	**32.3**

* 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	343	65.9	34.1	82.5	16.4	1.2	30.9	33.3
Drugs; Distribution/Sale	69	78.3	21.7	63.8	27.5	8.7	27.2	30.3
Possession of Paraphernalia	8	100.0	0.0	62.5	37.5	0.0	28.8	32.9
Unlawful Manufacture Controlled Substance	1	0.0	100.0	100.0	0.0	0.0	29.5	35.7
TOTAL	**421**	**68.4**	**31.6**	**79.0**	**18.6**	**2.4**	**30.3**	**32.8**

* 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	0	0	0	0	0	0	1	0	0	1
D2	0	0	0	1	1	0	0	0	0	2
D3	1	1	5	3	5	5	7	9	10	46
D4	2	5	19	7	18	7	22	43	41	164
D5	6	14	25	10	29	22	23	49	30	208
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	2	1	2	3	1	0	1	1	5	16
N4	0	0	2	2	0	0	0	1	1	6
N5	3	4	5	3	3	5	6	11	22	62
N6	4	2	4	4	3	5	7	6	10	45
N7	9	12	24	18	19	18	35	37	59	231
N8	5	14	18	7	20	9	15	36	46	170
N9	18	23	66	18	34	23	32	64	56	334
N10	1	1	4	2	2	3	6	6	10	35
Nongrid	0	0	1	0	0	0	0	0	0	1
TOTAL	**51**	**77**	**175**	**78**	**135**	**97**	**155**	**263**	**290**	**1,321**

Condition Parole/Postrelease Supervision and Conditional Release Violators

In FY 2015, a total number of 1,219 condition parole/postrelease supervision and conditional release violators were admitted to prison, indicating an increase of 97 violators or 8.6% when compared with the data observed in FY 2014. Tables 21 and 22 present the characteristics of this offender group.

The top ten nondrug 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, criminal threat, failure to register, rape, robbery and theft, accounting for 64% of the total nondrug offenses. Male offenders represented 93% of this group. White offenders committed more than 70% of crimes of aggravated indecent liberties with a child, burglary, criminal threat, failure to register and rape. Blacks indicated the highest representation in aggravated robbery, robbery, aggravated battery and aggravated burglary (Table 21). Table 22 demonstrates that drug offenders of this group of violators were convicted primarily of the crimes of possession of drugs (45%) and drug distribution (45.8%), which is consistent with FY 2014.

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 2015, thirteen DUI violators were admitted to prison, a decrease of 17 violators when compared with FY 2014 (30 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 (102 offenders) and severity level 5 of the nondrug grid (211 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	94	98.9	1.1	63.8	35.1	1.1	30.1	35.4
Aggravated Burglary	58	93.1	6.9	62.1	34.5	3.4	32.1	37.4
Aggravated Robbery	75	90.7	9.3	38.7	57.3	4.0	24.8	37.2
Agg Indecent Liberties w/Child	59	98.3	1.7	79.7	16.9	3.4	26.8	34.9
Burglary	85	96.5	3.5	84.7	10.6	4.7	30.8	34.5
Criminal Threat	32	93.8	6.2	78.1	21.9	0.0	34.8	36.9
Failure to Register	52	98.1	1.9	82.7	17.3	0.0	30.4	34.7
Rape	29	100.0	0.0	72.4	24.1	3.4	25.8	44.0
Robbery	35	97.1	2.9	62.9	37.1	0.0	26.5	32.7
Theft	95	82.1	17.9	67.4	28.4	4.2	36.4	38.7
Other	345	91.3	8.7	73.6	23.2	3.2	29.9	36.3
TOTAL	**959**	**93.0**	**7.0**	**70.2**	**26.9**	**2.9**	**30.1**	**36.4**

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	117	84.6	15.4	58.1	35.9	6.0	31.8	35.8
Drugs; Distribution/Sale	119	85.7	14.3	58.0	40.3	1.7	27.1	32.1
Possession of Paraphernalia	2	100.0	0.0	50.0	50.0	0.0	25.3	29.6
Possession of Precursor Drugs	11	100.0	0.0	90.9	9.1	0.0	32.9	40.3
Unlawful Manufacture Controlled Substance	11	90.9	9.1	90.9	0.0	9.1	32.5	43.1
TOTAL	**260**	**86.2**	**13.8**	**60.8**	**35.4**	**3.8**	**29.7**	**34.6**

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	2	1	4	0	1	1	2	2	1	14
D2	5	1	1	0	8	4	3	1	2	25
D3	9	11	15	10	15	4	16	11	11	102
D4	29	18	20	4	9	2	1	7	1	91
D5	5	2	4	1	5	2	0	4	5	28
N1	4	2	1	1	0	0	0	2	8	18
N2	3	0	1	0	1	0	1	2	7	15
N3	3	10	25	10	10	6	6	13	34	117
N4	4	3	9	5	7	2	3	4	9	46
N5	21	17	48	24	16	8	16	29	32	211
N6	6	12	11	4	2	1	6	5	5	52
N7	45	27	26	7	17	10	9	7	3	151
N8	24	13	10	1	9	2	6	9	6	80
N9	62	36	24	1	18	10	2	12	10	175
N10	7	5	3	0	2	0	0	1	2	20
Offgrid	0	0	0	1	0	0	1	0	6	8
Nongrid	4	0	1	0	1	0	0	0	0	6
TOTAL	**233**	**158**	**203**	**69**	**121**	**52**	**72**	**109**	**142**	**1,159**

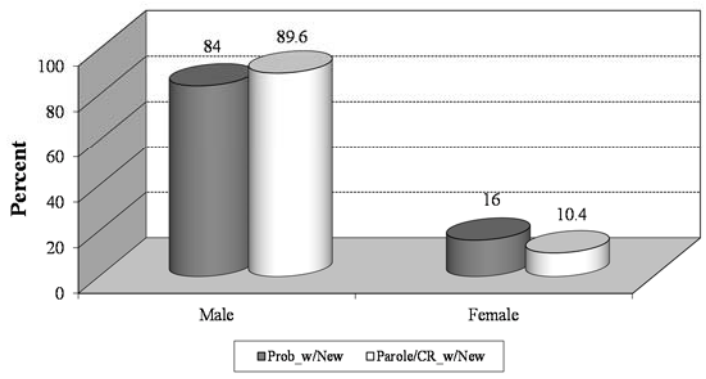
* Due to missing data, criminal history categories are based on 1,048 violators reporting criminal history.

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 8.1% (475 violators) of the total prison admissions in FY 2015. This is similar to the percentage of the same group when compared with FY 2014 (8.2%). Characteristics of this group are illustrated in Figures 47 - 49. Drugs (31.1 %), burglary/aggravated burglary (16.3%), aggravated battery/battery of LEO (10.6%) and failure to register (5.4%) were the major offense categories committed by probation violators with new convictions. Drugs (28.5%), burglary/aggravated burglary (11.8%) and aggravated robbery/robbery (11.1%) 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 (87, 41 and 30 violators) and drug severity level 5 (50 violators). The highest percentages of parole/postrelease/conditional release violators with new sentences were found at nondrug severity levels 5, 7 and 9 (22.2%, 13.9% and 11.8%) and drug severity level 3 (16.7%). The distribution of severity levels is similar to FY 2014.

Male offenders made up 89.6% of the parole/postrelease and conditional release violators with new sentences admitted to prison in FY 2015, while female offenders accounted for 16% of probation violators with new sentences. This gender distribution is consistent with that of FY 2014 (Figure 47).

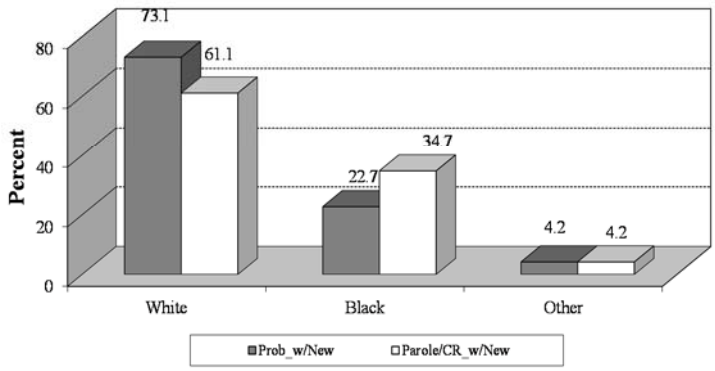
Figure 47: Distribution of FY 2015 Violators with New Sentences by Gender



Note: Probation violators w/new sentence=331; parole/conditional release condition violators w/new sentence=144

White offenders were identified as the largest group of violators with new sentences, representing 73.1% of probation violators with new sentences and 61.1% of parole/postrelease and conditional release violators with new sentences. More black offenders (34.7%) were found in the group of parole/postrelease and conditional release violators with new sentences (Figure 48).

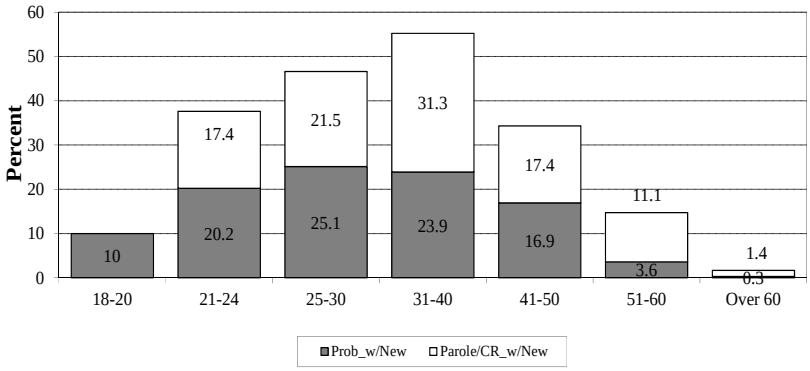
Figure 48: Distribution of FY 2015 Violators with New Sentences by Race



Note: Probation violators w/new sentence=331 and parole/conditional release violators w/new sentence=144

At the time of admission to prison, the highest percentage of probation violators with new sentences were in the age group from 25 to 30 (25.1%), which is different from FY 2014, when the highest rate was in the age group of 21 to 24. Parole or postrelease and conditional release violators with new sentences represented the largest proportion in the age group of 31 to 40 (31.3%), which is consistent with FY 2014. (Figure 49).

Figure 49: Distribution of FY 2015 Violators with New Sentences by Age Group



Note: Probation violators w/new sentence=331 and parole/conditional release violators w/new sentence=144

Table 24: Distribution of FY 2015 Violators with New Sentences By Severity Level

Severity Level	Probation		Parole/Postrelease/Conditional Release	
	Number	Percent	Number	Percent
D1	0	0.0	0	0.0
D2	2	0.6	5	3.5
D3	16	4.8	24	16.7
D4	35	10.6	4	2.8
D5	50	15.1	8	5.6
N1	0	0.0	4	2.8
N2	1	0.3	0	0.0
N3	12	3.6	16	11.1
N4	3	0.9	4	2.8
N5	29	8.8	32	22.2
N6	21	6.3	5	3.5
N7	87	26.3	20	13.9
N8	41	12.4	2	1.4
N9	30	9.1	17	11.8
N10	0	0.0	0	0.0
Offgrid	4	1.2	2	1.4
Nongrid	0	0.0	1	0.7
TOTAL	**331**	**100.0**	**144**	**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 2015, there were 1,071 probation condition violators and 146 probation violators with new convictions who were continued or extended on probation, representing 21.9% of the total number of 4,901 condition probation violators and 17% of the total number of 866 probation violators with new offenses, respectively. Drugs (25.7%), theft (18.5%), burglary (11.3%), forgery (8.1%) and DUI (4.8%) were the top five offenses committed by the group of condition probation violators. Drugs (30.1%), theft (25.3%) and burglary (11%) 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 2014 and 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	1	0	0	1	0	0	0	0	0	0
D2	3	0	0	1	1	0	1	0	0	0
D3	36	0	5	1	4	2	2	6	4	12
D4	88	3	3	11	3	20	5	9	17	17
D5	147	2	6	10	11	17	12	21	39	29
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	3	0	0	0	0	1	0	0	0	2
N4	6	0	0	0	0	0	0	1	1	4
N5	37	2	3	3	2	3	2	2	11	9
N6	21	0	1	0	4	0	1	1	7	7
N7	167	4	7	19	13	16	12	23	31	42
N8	158	2	6	19	7	23	15	30	26	30
N9	310	6	10	51	22	47	24	39	45	66
N10	26	1	0	4	2	3	3	4	3	6
TOTAL	**1,003**	**20**	**41**	**120**	**69**	**132**	**77**	**136**	**184**	**224**

Note: Criminal history classes are based on 1,003 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	0	0	0	0	0	0	0	0	0	0
D2	0	0	0	0	0	0	0	0	0	0
D3	3	0	0	0	0	0	0	2	1	0
D4	16	4	0	1	0	1	1	2	4	3
D5	25	1	1	2	1	3	3	5	5	4
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	0	0	0	0	0	0	0	0	0	0
N4	0	0	0	0	0	0	0	0	0	0
N5	6	0	0	1	0	0	0	0	1	4
N6	3	1	0	0	0	0	0	0	1	1
N7	17	1	0	5	1	2	3	1	2	2
N8	14	1	0	0	3	2	1	2	2	3
N9	50	1	0	5	1	5	7	8	12	11
N10	4	0	0	0	1	0	1	0	1	1
TOTAL	**138**	**9**	**1**	**14**	**7**	**13**	**16**	**20**	**29**	**29**

Note: Criminal history classes are based on 138 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 2013 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.

A total number of 1,653 probation violators were recipients of a jail sanction in FY 2015, an increase of 978 or 145% over that of FY 2014 (675 jail sanctions). Of the 1,653 jail sanctions, 99.4% served from 2 to 18 days in county jail and the average jail days served is 3.7 days, which is much more consistent with the sentencing policy of the bill than FY 2014 (26.7 days). FY 2014 is the initial year of implementation of HB 2170.

The analysis of offenders' violation sanction history demonstrates that 78.9% (1,304) of them have no sanction history and 21.2% (340) of them have sanction history of one to six county jail sanctions. Table 27 present the sanction history of the 340 jai sanction sentences. Of the 340 sentences with one prior jail sanction, 58.5% were imposed by court and 41.5% were imposed by supervising officers. Ninety-eight sentences have two prior jail sanctions with 42.9% imposed by court and 57.1% imposed by supervising officer. Thirty-nine sentences have three prior jail sanctions with 43.6% imposed by court and 56.4% imposed by supervising officer. Fourteen sentences have four prior jail sanctions, seven sentences have five prior jail sanctions and four have six prior jail sanctions.

Table 27: FY 2015 Violation Sanction History - County Jail Sanction

Prior Sanction	Number	Jail Sanction Imposed by (%)	
		Supervising Officer	Court
First	340	41.5	58.5
Second	98	57.1	42.9
Third	39	56.4	43.6
Fourth	14	42.9	57.1
Fifth	7	57.1	42.9
Sixth	4	25.0	75.0

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

Jail sanction events imposed by county in FY 2015 is presented in Table 28. Sedgwick County imposed the most jail sanctions accounting for almost 24.8% (or 410 sanctions) of the 1,653 jail sanctions of FY 2015. Shawnee County imposed the second largest number of jail sanctions (237 sanctions or 14.3%) followed by Reno County (180 sanctions or 10.9%), Johnson County (139 sanctions or 8.4%) and Riley County (79 sanctions or 4.8%). The top four offenses committed by this group of

offenders include crimes of drugs (517 sentences or 31.3%), theft (262 sentences or 15.8%), burglary (187 sentences or 11.3%) and forgery (115 sentences or 7%), which is consistent with the data observed in FY 2014.

Table 28: FY 2015 Jail Sanctions from Probation Imposed by County

County	Number	Percent	County	Number	Percent
Allen	11	0.7	Lane	1	0.1
Anderson	1	0.1	Leavenworth	18	1.1
Barton	50	3.0	Lyon	15	0.9
Bourbon	11	0.7	Marshall	5	0.3
Brown	5	0.3	McPherson	12	0.7
Butler	37	2.2	Miami	19	1.1
Chautauqua	1	0.1	Mitchell	1	0.1
Cherokee	2	0.1	Montgomery	4	0.2
Clay	2	0.1	Nemaha	1	0.1
Cloud	6	0.4	Neosho	7	0.4
Coffey	5	0.3	Osage	2	0.1
Cowley	35	2.1	Pawnee	2	0.1
Crawford	25	1.5	Pottawatomie	8	0.5
Dickson	6	0.4	Prat	4	0.2
Doniphan	1	0.1	Reno	180	10.9
Finney	17	1.0	Republic	1	0.1
Ford	30	1.8	Rice	27	1.6
Franklin	26	1.6	Riley	79	4.8
Geary	29	1.8	Rush	1	0.1
Greenwood	2	0.1	Russell	15	0.9
Harper	14	0.8	Saline	28	1.7
Harvey	13	0.8	Sedgwick	410	24.8
Jackson	15	0.9	Shawnee	237	14.3
Johnson	139	8.4	Sumner	23	1.4
Kearny	1	0.1	Wilson	1	0.1
Kingman	1	0.1	Woodson	4	0.2
Labette	20	1.2	Wyandotte	43	2.6
	Total			**1,653**	**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 Revised Sentencing Guidelines Act. A sentence is considered to conform to the guidelines if it falls within the range of sentence lengths for a guideline grid box at a specific designated severity level and criminal history category. A sentence that falls at the mid-point of a relative grid box is regarded as standard. A sentence that falls at either the upper end or lower end of the relative grid box is considered as an aggravated or mitigated sentence, respectively. All other sentence lengths imposed are considered to be a departure from the guidelines unless the grid box is a designated border box. A sentence length above the aggravated level is defined as an "upward departure" and a sentence length less than the mitigated level is defined as a "downward departure."

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

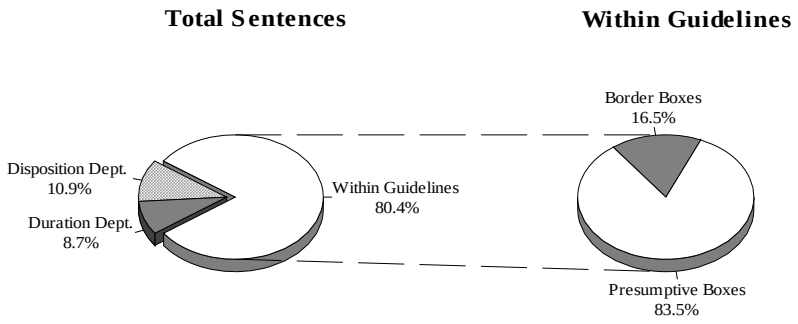
Only pure guideline sentences were utilized for this specific analysis. A pure guideline sentence is defined as a guideline sentence that is not imposed to run concurrent or consecutive with a "pre-guideline" sentence. In addition, the analysis is based on computed variables regarding departures and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

OVERALL CONFORMITY RATES

A total number of 6,925 pure guideline sentences of FY 2015 were utilized for this study, which includes 1,426 incarceration guideline sentences and 5,499 probation sentences. Figure 50 demonstrates that 80.4% of the 6,925 guideline sentences were within the presumptive guideline grids, 8.7% indicated durational departures and 10.9% were dispositional departures. Of all the sentences within the presumptive guideline grids, 4,648 sentences (83.5%) fell within either the presumptive prison boxes or presumptive probation boxes, while 920 sentences (16.5%) were located on designated border boxes. Figure 51 indicates that 87.5% (659 sentences) of the 753 dispositional departures were downward departures and 12.5% (94 sentences) were upward dispositional departures. More than

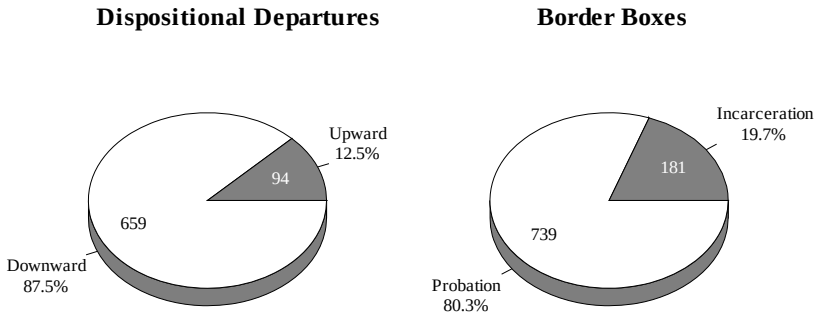
80% of the 920 border box sentences resulted in probation sentences with 19.7% of this group sentenced to prison. The analysis of durational departure sentences is only applicable to presumptive prison sentences.

Figure 50: Distribution of FY 2015 Overall Guideline Sentences



Based on 1,426 prison and 5,499 probation sentences

Figure 51: Distribution of FY 2015 Dispositional Departures and Border Box Sentences



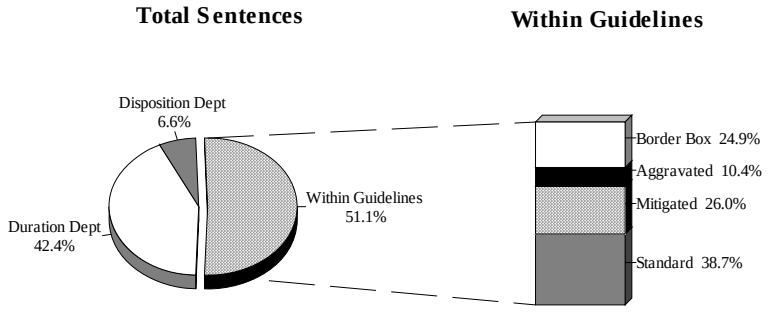
Based on 753 dispositional departures and 920 border box sentences

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 1,426 presumptive prison guideline sentences of FY 2015 were analyzed for this purpose.

Sentences within the presumptive incarceration range accounted for 51.1% of the total incarceration guideline sentences in FY 2015. Of these sentences within the guidelines, the standard sentences accounted for 38.7%, the aggravated sentences accounted for 10.4%, the mitigated sentences accounted for 26% and 24.9% were located within designated border boxes (Figure 52).

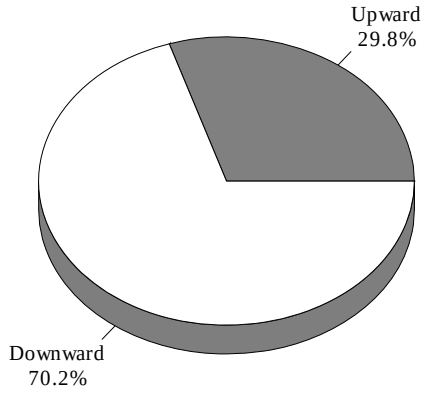
Figure 52: FY 2015 Incarceration Guideline Sentences



Based on 1,426 guideline sentences

The examination of the durational depatures indicates that 70.2% of the durational departure sentences departed downward from the sentence lengths indicated on the presumptive range, while 29.8% departed upward from the presumptive guideline ranges. The percentage change of the downward durational departure sentences is a 1.8% increase over that of FY 2014 (68.4%), (Figure 53).

Figure 53: FY 2015 Incarceration Durational Departure Sentences

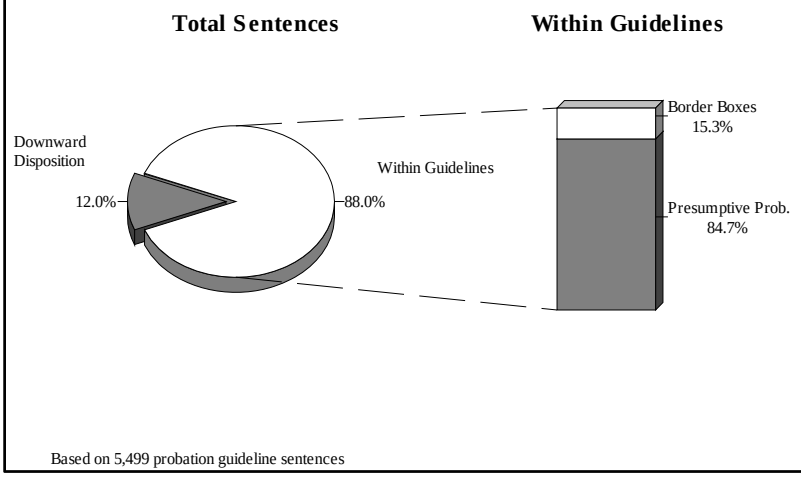


Based on 604 durational departure sentences

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 2015 (88% or 4,840 cases) fell within the presumptive guideline range, among which 84.7% were within presumptive probation grids and 15.3% were within border boxes (Figure 54). The sentences within the presumptive guideline range (4,840) accounted for 61.1% of the total probation sentences imposed in FY 2015 (7,917), which increased by 0.4% compared with the percentage rate of FY 2014 (60.7%). Further analysis of the dispositional departures indicates that probation sentences reflected downward dispositional departures of 12% of the total probation guideline sentences in FY 2015, an increase of 0.8% compared with that of FY 2014 (11.2%), (Figure 54). Upward dispositional departure sentences were reflected in presumptive incarceration sentences (Refer to Figure 52).

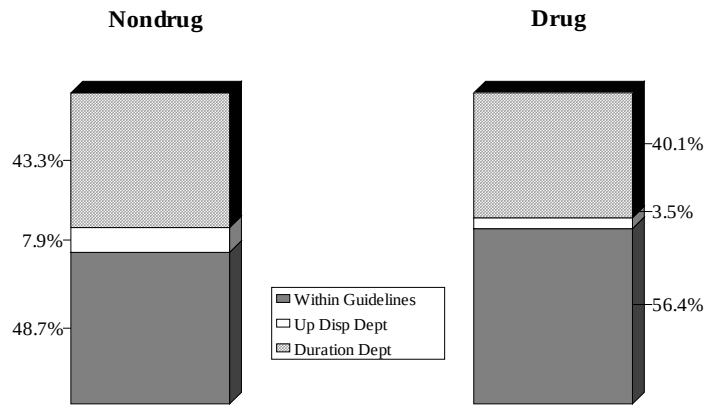
Figure 54: FY 2015 Probation Guideline Sentences



CONFORMITY OF NONDRUG AND DRUG GUIDELINE SENTENCES

The comparative study of nondrug and drug guideline incarceration sentences discloses that 7.9% of nondrug offenders showed upward dispositional departures, while 3.5% of drug offenders indicated upward dispositional departures. Additionally, nondrug offenders represented 43.3% durational departures and drug offenders showed 40.1% durational departures (Figure 55).

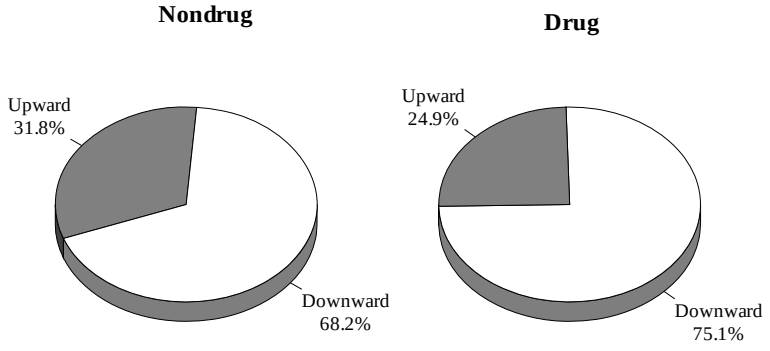
Figure 55: FY 2015 Nondrug and Drug Guideline Sentences - Incarceration



Based on 995 nondrug and 431 drug sentences

The examination of durational departures indicates that downward departures represented 75.1% of the total durational departures on the drug grid. However, on the nondrug grid, 68.2% 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).

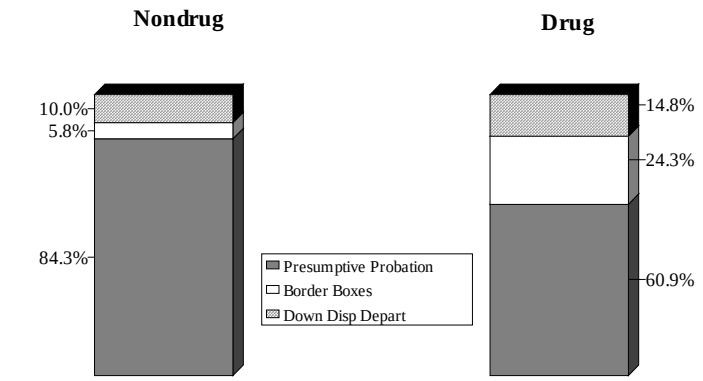
Figure 56: Comparison of Durational Departures between Nondrug and Drug Incarceration Sentences



Based on 431 nondrug and 173 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. 10%). The rate of drug probation sentences resulting from border boxes was much higher than that of nondrug probation sentences (24.3% vs. 5.8%), which remains constant when compared with FY 2014.

Figure 57: FY 2015 Nondrug and Drug Guideline Sentences - Probation



Based on 3,216 nondrug and 2,283 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

The conformity rates of incarceration sentences to the guidelines at each severity level are presented in Table 29. Drug incarceration sentences, as a whole, indicated a 18.1 % standard, 3.2% aggravated, 11.8% mitigated and 23.2% border box sentence distribution. Nondrug sentences revealed a 20.5% standard, 6.2% aggravated, 13.9% mitigated and 8.1% border box sentence distribution. The review of the departure sentences reveals that drug sentences indicated 10% upward durational departures and 30.2% downward durational departures, whereas nondrug sentences showed a 13.8% upward durational departure rate and a 29.5% downward durational departure rate. The highest rate of downward durational departures was identified at drug severity level 1 (63.6%) for drug incarceration sentences and nondrug severity level 5 (38.7%) for nondrug incarceration sentences. When examining dispositional departures, 7.9% of nondrug incarceration sentences were upward dispositional departures. By contrast, only 3.5% 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 nineteen 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	22		9.1	13.6		13.6	63.6	
D2	47	4.3	23.4	17.0		4.3	51.1	
D3	118	5.9	23.7	14.4	9.3	16.1	30.5	
D4	112	1.8	17.0	6.3	44.6	5.4	22.3	2.7
D5	132	2.3	13.6	12.1	29.5	9.8	23.5	9.1
Subtotal	**431**	**3.2**	**18.1**	**11.8**	**23.2**	**10.0**	**30.2**	**3.5**
N1	54	3.7	16.7	13.0		38.9	27.8	
N2	17	11.8		35.3		23.5	29.4	
N3	139	12.2	25.9	8.6		23.0	30.2	
N4	59	10.2	25.4	6.8		23.7	33.9	
N5	238	4.2	10.9	7.6	31.5	7.1	38.7	
N6	67	1.5	25.4	17.9	9.0	13.4	28.4	4.5
N7	142	6.3	20.4	23.9		16.2	18.3	14.8
N8	56	10.7	25.0	23.2		8.9	12.5	19.6
N9	192	4.7	30.2	10.4		6.3	28.6	19.8
N10	31			38.7			41.9	19.4
Subtotal	**995**	**6.2**	**20.5**	**13.9**	**8.1**	**13.8**	**29.5**	**7.9**
TOTAL	**1,426**	**5.3**	**19.8**	**13.3**	**12.7**	**12.6**	**29.7**	**6.6**

The conformity rates of probation sentences to the guidelines by severity level are demonstrated in Table 30. Probation drug sentences indicated 14.8% downward dispositional departures, which should have been presumptive incarceration, while 10% 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 (24.3% vs. 5.8%). 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 nineteen years.

Table 30: Conformity Rates by Severity Level - Probation Sentences

Severity Level	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	8			100.0
D2	52			100.0
D3	176		14.2	85.8
D4	396	12.9	78.3	8.8
D5	1,651	81.2	13.3	5.6
Subtotal	**2,283**	**60.9**	**24.3**	**14.8**
N1	2			100.0
N2	0			
N3	28			100.0
N4	27			100.0
N5	209		80.4	19.6
N6	134	49.3	12.7	38.1
N7	735	95.5		4.5
N8	607	93.4		6.6
N9	1,315	93.3		6.7
N10	159	93.1		6.9
Subtotal	**3,216**	**84.3**	**5.8**	**10.0**
TOTAL	**5,499**	**74.6**	**13.4**	**12.0**

CONFORMITY RATES TO THE GUIDELINES BY RACE

The conformity rates to the sentencing guidelines by race for the drug and nondrug offenders admitted to prison in FY 2015 are presented in Tables 31 and 32. The analysis of drug incarceration sentences demonstrates that whites received more standard, mitigated and border box sentences than blacks (18.2% vs. 16.7%; 12.7% vs. 8.8%; 24.5% vs. 19.6%). However, black offenders represented higher percentages than white offenders at aggravated sentences (3.9% vs. 2.9%). The analysis of departures demonstrates that white offenders received more upward durational departures than black offenders (10.5% vs. 8.8%), while black offenders received more downward durational departures and upward dispositional departures (36.3% vs. 28.3%; 5.9% vs. 2.9%).

The examination of nondrug incarceration sentences within guidelines shows that black offenders received more aggravated and mitigated sentences than white offenders (6.5% vs. 6.4%; 18% vs. 11.9%), while white offenders represented higher percentages than black offenders at standard and border box sentences (22.6% vs. 16%; 10.1% vs. 3.9%). The review of departures reveals that whites represented higher rates than blacks in upward dispositional departures (9.5% vs. 3.9%), whereas blacks received more downward durational departures (38.2% vs. 26.1%) than whites for nondrug offenses. Upward durational departures accounted for 13.4% in both white and black offender groups.

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	20		10.0	10.0		15.0	65.0	
	Black	2			50.0			50.0	
D2	White	37		27.0	16.2		5.4	51.4	
	Black	6	16.7	16.7	16.7			50.0	
	Other	4	25.0		25.0			50.0	
D3	White	87	5.7	24.1	19.5	5.7	16.1	28.7	
	Black	26	7.7	19.2		19.2	15.4	38.5	
	Other	5		40.0		20.0	20.0	20.0	
D4	White	78	2.6	15.4	5.1	53.8	6.4	15.4	1.3
	Black	31		19.4	9.7	19.4	3.2	41.9	6.5
	Other	3		33.3		66.7			
D5	White	92	2.2	13.0	12.0	32.6	9.8	21.7	8.7
	Black	37	2.7	13.5	10.8	24.3	10.8	27.0	10.8
	Other	3		33.3	33.3			33.3	
Total	**White**	**314**	**2.9**	**18.2**	**12.7**	**24.5**	**10.5**	**28.3**	**2.9**
	Black	**102**	**3.9**	**16.7**	**8.8**	**19.6**	**8.8**	**36.3**	**5.9**
	Other	**15**	**6.7**	**26.7**	**13.3**	**20.0**	**6.7**	**26.7**	

Note: Based on 431 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	30	3.3	16.7	13.3		43.3	23.3	
	Black	23	4.3	17.4	13.0		30.4	34.8	
	Other	1					100.0		
N2	White	11	18.2		36.4		9.1	36.4	
	Black	3			33.3		33.3	33.3	
	Other	3			33.3		66.7		
N3	White	93	11.8	26.9	9.7		26.9	24.7	
	Black	42	14.3	21.4	4.8		14.3	45.2	
	Other	4		50.0	25.0		25.0		
N4	White	41	7.3	34.1	7.3		22.0	29.3	
	Black	16	18.8	6.3	6.3		18.8	50.0	
	Other	2					100.0		
N5	White	161	3.7	10.6	7.5	37.9	6.2	34.2	
	Black	65	6.2	10.8	7.7	16.9	7.7	50.8	
	Other	12		16.7	8.3	25.0	16.7	33.3	
N6	White	51	2.0	29.4	15.7	9.8	11.8	27.5	3.9
	Black	14		7.1	28.6	7.1	21.4	35.7	
	Other	2		50.0					50.0
N7	White	87	9.2	24.1	14.9		17.2	14.9	19.5
	Black	50	2.0	14.0	40.0		16.0	24.0	4.0
	Other	5		20.0	20.0			20.0	40.0
N8	White	27	11.1	22.2	22.2		7.4	14.8	22.2
	Black	28	10.7	28.6	21.4		10.7	10.7	17.9
	Other	1			100.0				
N9	White	132	5.3	34.1	9.1		5.3	22.7	23.5
	Black	56	3.6	21.4	14.3		8.9	42.9	8.9
	Other	4		25.0				25.0	50.0
N10	White	22			31.8			40.9	27.3
	Black	9			55.6			44.4	
	Other	0							
Total	**White**	**655**	**6.4**	**22.6**	**11.9**	**10.1**	**13.4**	**26.1**	**9.5**
	Black	**306**	**6.5**	**16.0**	**18.0**	**3.9**	**13.4**	**38.2**	**3.9**
	Other	**34**		**20.6**	**14.7**	**8.8**	**23.5**	**17.6**	**14.7**

Note: Based on 995 nondrug incarceration guideline sentences reporting race of offenders.

Tables 33 and 34 present the conformity rates by race for offenders sentenced to probation during FY 2015. White offenders received more presumptive probation sentences for drug offenses than black offenders (64.9% vs. 41.9%) but black drug offenders had a higher rate of border box sentences (35.1% vs. 22%) and downward dispositional departures (22.9% vs. 13.1%) than white drug offenders (Table 33). This racial conformity rate pattern is consistent with those of the past four years.

The study on conformity rates of the probation sentences of the nondrug offenders discloses a little different pattern from that of the drug offenders. White nondrug offenders received more presumptive probation sentences and border box sentences than black nondrug offenders (85.5% vs. 80.3%; 6% vs. 4.9%). While black offenders represented a higher percentage of downward dispositional departures (14.7% vs. 8.6%) 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	6			100.0
	Black	2			100.0
	Other	0			
D2	White	40			100.0
	Black	9			100.0
	Other	3			100.0
D3	White	123		13.8	86.2
	Black	49		16.3	83.7
	Other	4			100.0
D4	White	283	12.7	78.1	9.2
	Black	96	14.6	77.1	8.3
	Other	17	5.9	88.2	5.9
D5	White	1,420	83.0	12.2	4.8
	Black	197	68.0	21.3	10.7
	Other	33	78.8	12.1	9.1
Total	**White**	**1,872**	**64.9**	**22.0**	**13.1**
	Black	**353**	**41.9**	**35.1**	**22.9**
	Other	**57**	**47.4**	**33.3**	**19.3**

Note: Based on 2,282 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	2			100.0
	Black	0			
	Other	0			
N2	White	0			
	Black	0			
	Other	0			
N3	White	16			100.0
	Black	10			100.0
	Other	2			100.0
N4	White	21			100.0
	Black	6			100.0
	Other	0			
N5	White	159		82.4	17.6
	Black	44		72.7	27.3
	Other	6		83.3	16.7
N6	White	100	54.0	14.0	32.0
	Black	31	29.0	9.7	61.3
	Other	3	100.0		
N7	White	548	96.9		3.1
	Black	167	92.8		7.2
	Other	20	80.0		20.0
N8	White	464	94.6		5.4
	Black	127	89.0		11.0
	Other	16	93.8		6.3
N9	White	1,003	94.0		6.0
	Black	289	90.3		9.7
	Other	23	100.0		
N10	White	116	94.0		6.0
	Black	38	89.5		10.5
	Other	5	100.0		
Total	**White**	**2,429**	**85.5**	**6.0**	**8.6**
	Black	**712**	**80.3**	**4.9**	**14.7**
	Other	**75**	**82.7**	**6.7**	**10.7**

Note: Based on 3,216 nondrug probation sentences reporting race of offenders.

CONFORMITY RATES TO THE GUIDELINES BY GENDER

The conformity rates to the sentencing guidelines between male and female offenders admitted to prison in FY 2015 are discussed in this section. Male drug offenders represented higher rates than female drug offenders in aggravated sentences (3.5% vs. 1.7%) and mitigated sentences (12.3% vs. 8.6%). Females received more standard sentences than males (22.4% vs. 17.4%). Little rate difference was found between male and female drug offenders in border box sentences (23.3% vs. 22.4%). The examination of departure sentences reveals that male drug offenders received slightly more than female drug offenders in downward durational departures and upward dispositional departures (30.3% vs. 29.3%; 3.5% vs. 3.4%), while female drug offenders had a higher rate of upward durational departures (12.1% vs. 9.7%) than their counterparts (Table 35).

The analysis of nondrug incarceration sentences indicates that within guidelines, males represented a higher percentage than females in aggravated sentences (6.4% vs. 4.1%), standard sentences (20.5% vs. 20.3%) and mitigated sentences (14.2% vs. 9.5%) for nondrug crimes, while female offenders received more border box sentences than male offenders (9.5% vs. 8%). The analysis of departure sentences reveals that male nondrug offenders had a higher rate in both upward and downward durational departures (14% vs. 10.8%; 29.6% vs. 28.4%) than female offenders. However female offenders represented higher percentage of upward dispositional departures (17.6% vs. 7.2%) than their counterparts (Table 36), which differs from the findings of FY 2014.

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	18			16.7		11.1	72.2	
	Female	4		50.0			25.0	25.0	
D2	Male	41	4.9	24.4	19.5		2.4	48.8	
	Female	6		16.7			16.7	66.7	
D3	Male	99	6.1	21.2	13.1	11.1	17.2	31.3	
	Female	19	5.3	36.8	21.1		10.5	26.3	
D4	Male	96	2.1	18.8	6.3	42.7	5.2	24.0	1.0
	Female	16		6.3	6.3	56.3	6.3	12.5	12.5
D5	Male	119	2.5	13.4	13.4	29.4	9.2	21.8	10.1
	Female	13		15.4		30.8	15.4	38.5	
Total	**Male**	**373**	**3.5**	**17.4**	**12.3**	**23.3**	**9.7**	**30.3**	**3.5**
	Female	**58**	**1.7**	**22.4**	**8.6**	**22.4**	**12.1**	**29.3**	**3.4**

Note: Based on 431 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	53	3.8	15.1	13.2		39.6	28.3	
	Female	1		100.0					
N2	Male	13	15.4		30.8		23.1	30.8	
	Female	4			50.0		25.0	25.0	
N3	Male	126	11.9	24.6	7.9		23.8	31.7	
	Female	13	15.4	38.5	15.4		15.4	15.4	
N4	Male	54	11.1	24.1	7.4		20.4	37.0	
	Female	5		40.0			60.0		
N5	Male	217	4.1	11.5	7.4	31.8	7.4	37.8	
	Female	21	4.8	4.8	9.5	28.6	4.8	47.6	
N6	Male	63	1.6	23.8	19.0	7.9	14.3	28.6	4.8
	Female	4		50.0		25.0		25.0	
N7	Male	134	6.7	20.1	25.4		16.4	18.7	12.7
	Female	8		25.0			12.5	12.5	50.0
N8	Male	52	11.5	26.9	25.0		9.6	11.5	15.4
	Female	4						25.0	75.0
N9	Male	179		15.4				38.5	46.2
	Female	13		16.7	16.7			16.7	50.0
N10	Male	30			36.7			43.3	20.0
	Female	1			100.0				
Total	**Male**	**921**	**6.4**	**20.5**	**14.2**	**8.0**	**14.0**	**29.6**	**7.2**
	Female	**74**	**4.1**	**20.3**	**9.5**	**9.5**	**10.8**	**28.4**	**17.6**

Note: Based on 995 nondrug incarceration guideline sentences.

The conformity rates of the probation sentences by gender are provided in Tables 37 and 38. The analysis of the offenders on probation shows that females on both drug and nondrug grids received fewer downward dispositional departures than males (8% vs. 17.5%, Table 37; 3.9% vs. 12.1%, Table 38), which is consistent with those in FY 2014, 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 36). Females were less likely to receive a downward dispositional departure to probation if their sentences fell within a presumptive prison box (Tables 37 & 38). The above findings continue the trend that has been present in the past nineteen years (Annual Reports of FY 1996 - FY 2014).

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

Severity Level	Gender	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	Male	8			100.0
	Female	0			
D2	Male	40			100.0
	Female	12			100.0
D3	Male	139		13.7	86.3
	Female	37		16.2	83.8
D4	Male	314	10.2	79.6	10.2
	Female	82	23.2	73.2	3.7
D5	Male	1,142	76.1	16.3	7.6
	Female	508	92.5	6.5	1.0
Total	**Male**	**1,643**	**54.8**	**27.7**	**17.5**
	Female	**639**	**76.5**	**15.5**	**8.0**

Note: Based on 2,282 drug probation sentences reporting gender of offenders.

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

Severity Level	Gender	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
N1	Male	1			100.0
	Female	1			100.0
N2	Male	0			
	Female	0			
N3	Male	28			100.0
	Female	0			
N4	Male	24			100.0
	Female	3			100.0
N5	Male	167		81.4	18.6
	Female	42		76.2	23.8
N6	Male	111	48.6	12.6	38.7
	Female	23	52.2	13.0	34.8
N7	Male	603	94.5		5.5
	Female	132	100.0		
N8	Male	390	91.0		9.0
	Female	217	97.7		2.3
N9	Male	943	91.2		8.8
	Female	372	98.7		1.3
N10	Male	106	90.6		9.4
	Female	53	98.1		1.9
Total	**Male**	**2,373**	**81.5**	**6.3**	**12.1**
	Female	**843**	**91.9**	**4.2**	**3.9**

Note: Based on 3,216 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. In 1994 and 1995, only five existed. With the modification of sentencing guidelines and amendments of sentencing policies in each legislative year, the number of special sentencing rules has increased. As of the 2015 Legislative Session, forty-six special sentencing rules have been established or amended. The most frequently applied special sentencing rules in the past five years have been: crime committed while incarcerated or on probation, parole, etc.; crime committed while on felony bond and person felony committed with a firearm.

The numbers and percentages of sentencing practice with special sentencing rules in the past five years are presented in Tables 39 and 40. The percentage of offenders admitted to prison with special sentencing rules increased from 36.1% in FY 2011 to 43.2% in FY 2015. FY 2015 represented the highest number (719 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 13.5% in FY 2015, an increase of 1.3% and 2.4% when compared with those of FY 2014 and 2011 respectively (Table 39). The total percentage of both prison and probation sentences applied with special rules increased from 16.8% in FY 2011 to 20.3% in FY 2015 (Table 40).

In FY 2015, a number of 719 pure guideline prison sentences and 761 pure guideline probation sentences were imposed with special sentencing rules, which accounted for 43.2% of prison pure guideline admissions (1,665 admissions) and 13.5% of pure guideline probation sentences (5,641) imposed in FY 2015 (Tables 39).

The top three special sentencing rules applied to prison sentences in sentencing practice during FY 2015 were “crime committed while incarcerated or on probation, parole, etc.” (368 sentences) representing 51.2% of 719 prison sentences applied with special sentencing rules; “crime committed while on felony bond” (122 sentences) representing 17% and “person felony committed with a firearm” (114 sentences) making up 15.9% of prison admissions with special sentencing rules during FY 2015 (Table 41).

In FY 2015, the top three special sentencing rules applied most frequently to probation sentences included “crime committed while incarcerated or on probation, parole, etc.” (282 sentences) accounted for 37.1%; “crime committed while on felony bond” (180 sentences) accounted for 23.7%; and “third or subsequent drug possession” (72 sentences) accounted for 9.5 % of the total 761 probation sentences applied with special sentencing rules (Table 42).

Table 39: Pure Guideline Sentences Applied with Special Sentencing Rules
By Prison and Probation
FY 2011 through FY 2015

Fiscal Year	Prison Admissions			Probation Sentences		
	Guideline	with Special Rules		Guideline	with Special Rules	
		Number	Percent		Number	Percent
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
2015	1665	719	43.2	5641	761	13.5

Table 40: Pure Guideline Sentences Applied with Special Sentencing Rules
By Total Sentences
FY 2011 through FY 2015

Fiscal Year	Guideline	with Special Rules	
		Number	Percent
2011	7516	1259	16.8
2012	7108	1295	18.2
2013	7002	1263	18.0
2014	7319	1371	18.7
2015	7306	1480	20.3

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

Table 41: Distribution of Special Sentencing Rules Applied To Prison Sentences – FY 2015

Special Rules Applied to Sentences	Number	Percent
Crime committed while incarcerated, probation, parole, etc.	368	51.2
Crime committed while on felony bond	122	17.0
Person felony committed with a firearm	114	15.9
Theft with 3 or more prior theft, burglary, aggravated burglary	56	7.8
Burglary with 2 or more prior theft, burglary, aggravated burglary	54	7.5
Third or subsequent drug possession	40	5.6
Resident burglary with a prior residential ,nonresidential or aggravated burglary conviction	16	2.2
Persistent sex offender	11	1.5
Third or subsequent. forgery	11	1.5
Drug felony with a firearm	9	1.3
Aggravated assault of a LEO	6	0.8
Battery on a LEO resulting in bodily harm	6	0.8
Felony committed after early discharge	5	0.7
Aggravated endangering a child	4	0.6
Extended Juvenile jurisdiction	3	0.4
Crime committed while incarcerated in Juvenile facility	2	0.3
Second or subsequent identity theft or fraud	2	0.3
Aggravated battery of a LEO	1	0.1
Felony domestic battery	1	0.1
Second forgery	1	0.1
Aggravated habitual sex offender-life no parole, HB2576	1	0.1
Third or subsequent criminal deprivation of a motor	1	0.1
Unlawful sexual relations	1	0.1

Note: The number and percentage are mutually exclusive.

Table 42: Distribution of Special Sentencing Rules Applied To Probation Sentences – FY 2015

Special Rules Applied to Sentences	Number	Percent
Crime committed while incarcerated, probation, parole, etc.	282	37.1%
Crime committed while on felony bond	180	23.7%
Third or sub. drug possession	72	9.5%
Felony theft with =>3 prior felony theft, burglary, aggravated burglary	60	7.9%
Person felony committed with a firearm	51	6.7%
Burglary with 2 prior burglary convictions	36	4.7%
Third or sub. forgery	28	3.7%
Second forgery	21	2.8%
Aggravated endangering a child	20	2.6%
Resident burglary with a prior residential, nonresidential or aggravated burglary conviction	14	1.8%
Drug felony with a firearm	10	1.3%
Aggravated assault LEO	7	0.9%
Battery on a LEO resulting in bodily harm	7	0.9%
Second or subsequent identity theft or identity fraud	7	0.9%
Felony committed after early discharge	5	0.7%
Unlawful sexual relations	4	0.5%
Extended juvenile jurisdiction imposed	3	0.4%
Crime committed while incarcerated in a juvenile correction facility	2	0.3%
Crime committed for benefit of criminal street gang	1	0.1%
Felony DUI	1	0.1%
Kansas Security Act	1	0.1%
Other	2	0.3%

Note: The number and percentage are mutually exclusive.

CHAPTER FOUR
SENTENCING TRENDS AND FORECAST

INCARCERATION SENTENCES

The total admission to KDOC demonstrates an increasing trend in the past five years. The total number of offenders admitted to prison in FY 2015 reached 5,876, which increased by 569 offenders or 10.7% when compared with FY 2014 and by 918 offenders or 18.5% when compared with FY 2011. (Figure 58). The prison admission pattern by month in the past five years is presented in Table 43.

Figure 58: Incarceration Sentences
FY 2011 through FY 2015

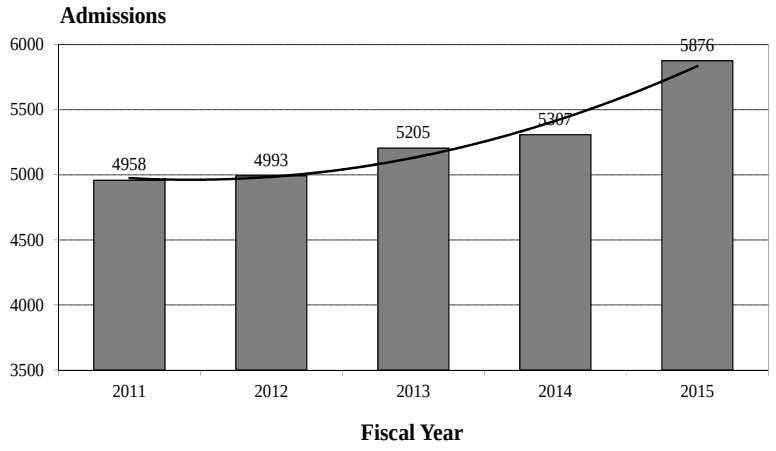


Table 43: Prison Admissions by Month

Month by Fiscal Year	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
July	410	385	471	472	520
August	413	495	489	418	472
September	430	399	411	400	515
October	366	401	455	492	500
November	418	416	388	398	453
December	444	418	395	438	531
January	358	368	464	446	368
February	387	394	352	392	475
March	467	411	468	472	543
April	392	402	488	495	516
May	441	515	408	434	437
June	432	389	416	450	546
Total	**4,958**	**4,993**	**5,205**	**5,307**	**5,876**

Table 44 displays the admission trend by type of admission in the past five fiscal years. Compared with FY 2011, the admission number of new court commitments in FY 2015 decreased by 3.7% from that of FY 2011 but increased by 4.2% over that of FY 2014. The number of probation condition violators admitted to prison in FY 2015 significantly decreased by 18.8% when compared with FY 2011 and decreased by 3.4% from that of FY 2014. The decrease of probation condition violators in the past two years is due to the implementation of prison sanctions for probation violators. In FY 2015, 691 offenders were admitted to prison to serve 120/180-day prison sanctions (see page 31 for details). Probation violators with new sentence/new conviction that were admitted to prison in FY 2015 significantly increased by 448.4% compared with FY 2011 and increased by 27.6% compared with FY 2014. The large increase of probation violators with new sentence/conviction is due to KDOC's new rule of computation of this group and direct new court commitments. As a result, direct court commitments decreased from FY 2012 to FY 2014. The number of parole/postrelease and conditional release violators admitted to prison in FY 2015 increased by 18.7% and 8.6%% over those of FY 2011 and FY 2014 respectively. Parole/postrelease and condition release violators with new sentences admitted in FY 2015 decreased by 6.2% and 18.4% respectively from those in FY 2011 and FY 2014.

Table 44: Comparison of Prison Admissions by Type

Admission Type	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2015-2011 % Difference.
New Court Commitment	1,995	1,975	1,894	1,844	1,922	-3.7%
Sanction from Probation	N/A	N/A	N/A	323	691	N/A
Probation Condition Violator	1,626	1,682	1,629	1,368	1,321	-18.8%
Probation Violator With New Sentence/New Conviction	91	180	198	391	499	448.4%
Parole/Post-release/CR Condition Violator	1,027	955	1,234	1,122	1,219	18.7%
Parole/Post-release/CR Violator With New Sentence	161	141	177	185	151	-6.2%
Other Types*	58	60	73	74	73	25.9%
Total	**4,958**	**4,993**	**5,205**	**5,307**	**5,876**	**18.5%**

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

Table 45 presents the admission trend of incarceration drug sentences by severity level in the past five fiscal years. The total admissions of drug offenders in FY 2015 increased by 21.2% when compared with that of FY 2014 and by 29.8%% when compared with that of FY 2011. Since July 1, 2012, a new five-level drug sentencing grid has been implemented. The admissions in FY 2015 included offenders sentenced under both old and new sentencing grids. Therefore, comparison of drug prison admission by severity level is not applicable.

The admission trend of nondrug offenders in the past five fiscal years is demonstrated in Table 46. The total number of nondrug admissions increased by 6.9% over that of

FY 2014 and by 14.4% over that of FY 2011. In the past five years, the most significant increase of nondrug admissions was identified at nondrug severity level 6, an increase by 90.5%. The admissions at levels 4, 5, 7, 8 and 9 increased, respectively, by 14.9%, 9.1%, 10.3%, 22.8% and 40.1%. The most significant decrease in the past five years was found at nongrid with a decrease of 70.1% followed by level 3 with a decrease of 12.7%, level 1 with a decrease of 10.8% and level 2 with a decrease of 8.3%. Offgrid offenders admitted to prison in FY 2015 decreased by 6.4% from that of FY 2011.

When compared with FY 2014, the number at nondrug severity level 6 increased by 21.8%, followed by level 10 with an increase of 18.7%, level 9 with an increase of 14.7% and level 3 with an increase of 11.9%. The number of admissions at offgrid increased by 24.2%. The number of admissions at nongrid decreased by 32.4% followed by level 1 with a decrease of 16.5%. The admissions at other nondrug levels fluctuated little when compared with those of FY 2014 (Table 46).

Table 45: Comparison of Drug Prison Admissions by Severity Level

Severity Level	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2015-2014 % Difference	FY 2015-2011 % Difference
D1	111	85	79	59	40	-32.2%	
D2	99	85	73	72	88	22.2%	
D3	418	396	405	384	353	-8.1%	**N/A**
D4	706	736	715	606	535	-11.7%	
D5			56	307	715	132.9%	
Total	**1,334**	**1,302**	**1,328**	**1,428**	**1,731**	**21.2%**	**29.8%**

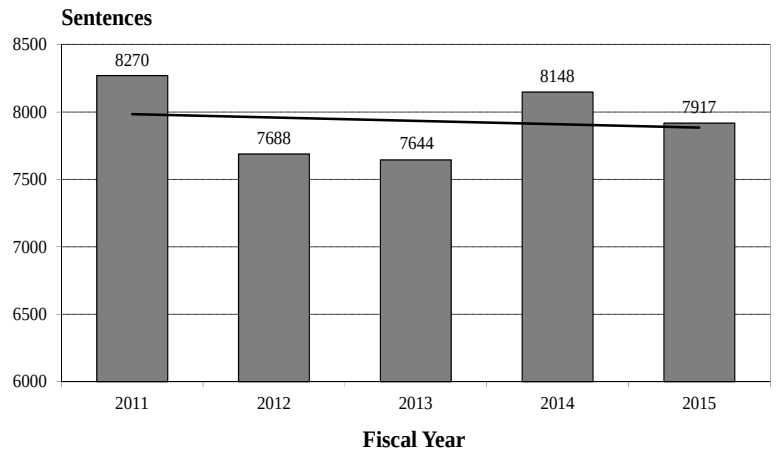
Table 46: Comparison of Nondrug Prison Admissions by Severity Level

Severity Level	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2015-2014 % Difference	FY 2015-2011 % Difference
N1	102	107	125	109	91	-16.5%	-10.8%
N2	48	39	39	44	44	0.0%	-8.3%
N3	409	357	359	319	357	11.9%	-12.7%
N4	114	116	116	127	131	3.2%	14.9%
N5	593	641	623	670	647	-3.4%	9.1%
N6	126	116	195	197	240	21.8%	90.5%
N7	809	838	870	858	892	4.0%	10.3%
N8	395	446	443	455	485	6.6%	22.8%
N9	719	739	845	878	1007	14.7%	40.1%
N10	105	109	105	91	108	18.7%	2.9%
Offgrid	126	106	110	95	118	24.2%	-6.4%
Nongrid	77	74	46	34	23	-32.4%	-70.1%
Unknown	1	3	1	2	2	0.0%	100.0%
Total	**3,624**	**3,691**	**3,877**	**3,879**	**4,145**	**6.9%**	**14.4%**

PROBATION SENTENCES

The number of probation sentences imposed has fluctuated in the past five fiscal years. The number of probation sentences in FY 2015 decreased by 2.8% or 231 sentences compared with that of FY 2014 and decreased by 4.3% or by 353 sentences compared with that of FY 2011. The largest number of probation sentences imposed in the past five years is identified in FY 2011 (Figure 59).

Figure 59: Probation Sentences
FY 2011 through FY 2015



The sentencing trend of drug probation sentences by severity level in the past five years is presented in Table 47. The total drug probation sentences in FY 2015 increased by 6.1% or 174 sentences over that of FY 2014 and increased by 16.1% or 419 sentences over that of FY 2011. Owing to the implementation of the new drug sentencing grid with five levels, probation sentences imposed in FY 2015 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.

Table 48 demonstrates the sentencing trend of nondrug probation sentences in the past five years. The total number of nondrug probation sentences in FY 2015 decreased by 7.7% from that of FY 2014 and decreased by 13.6% from that of FY 2011. The largest decline of nondrug probation sentences in the past five years was found with the nongrid crimes (-87.3%), followed by nondrug severity level 5 (-28.9%), severity level 10 (-24.3%), severity level 3 (-15.6%) and severity level 7 (-13.7%). The largest increase of nondrug probation sentences in the past five years was identified at nondrug severity level 6 (134.4%), followed by nondrug severity level 4 (17.9%) and severity level 9 (18.3%), when compared with the data observed in FY 2011.

Table 47: Comparison of Probation Drug Sentences by Severity Level FY 2011 through FY 2015

Severity Level	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2015-2014 % Difference	FY 2015-2011 % Difference
D1	16	9	11	13	13	0.0%	
D2	36	32	23	36	67	86.1%	
D3	737	694	509	297	216	-27.3%	**N/A**
D4	1821	1715	1268	709	478	-32.6%	
D5			581	1,800	2,255	25.3%	
Total	**2,610**	**2,450**	**2,392**	**2,855**	**3,029**	**6.1%**	**16.1%**

Table 48: Comparison of Probation Nondrug Sentences by Severity Level FY 2011 through FY 2015

Severity Level	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2015-2014 % Difference	FY 2015-2011 % Difference
N1	0	2	3	1	3	200.0%	N/A
N2	0	2	0	0	0	N/A	N/A
N3	45	45	46	31	38	22.6%	-15.6%
N4	28	25	32	27	33	22.2%	17.9%
N5	398	334	316	243	283	16.5%	-28.9%
N6	93	93	156	162	218	34.6%	134.4%
N7	1,194	1,136	1,086	1,068	1,031	-3.5%	-13.7%
N8	960	836	826	919	914	-0.5%	-4.8%
N9	1,717	1,719	1,853	1,969	2,031	3.2%	18.3%
N10	288	259	223	223	218	-2.2%	-24.3%
Offgrid	2	0	0	0	0	N/A	N/A
Nongrid	935	787	711	650	119	-81.7%	-87.3%
Total	**5,660**	**5,238**	**5,252**	**5,293**	**4,888**	**-7.7%**	**-13.6%**

PRISON POPULATION FORECAST

The prison population projection is based on FY 2015 data of prison admission, inmate stock population and release from KDOC, and felony sentencing data from KSC. It mirrors continuously the changes of sentencing policy in previous years, such as 2006 House Bill 2567 (Jessica's Law), 2007 Senate Bill 14 and 2013 House Bill 2170, a justice reinvestment bill, which seeks to reduce the probation condition violator population in Kansas prisons.

The prison population projection predicts that offenders incarcerated in state prisons will reach 11,300 by June 30, 2025, an increase of 1,478 inmates or 15% over the actual prison population on the same date in 2015. Although the total admission trend in the past five years is comparatively stable with a slow increase tendency (Figure 58), a combination of developing admission trends with the impact of the pronounced stacking effect and new sentencing policies has resulted in continual growth in the state's prison population. The decrease of prison population after FY 2007 resulted from the implementation of House Substitute for Senate Bill 14, passed during the 2007 Legislative Session, which promotes a 20% reduction of probation revocation rate, increases lower severity level good time rates from 15% to 20% and provides potential credit for program completion (Figure 60).

Table 49 presents FY 2016 prison population projection by offender group. In the ten-year forecast period, the largest increase in number is identified at the drug offender group, an increase of 421 offenders or 31.6%. The number at nondrug severity levels 1 to 3 will increase by 139 offenders or 5.7% in the next ten years. This is due to the "stacking effect" of long, mandatory minimum sentences of the most serious offenses, even though the trend of violent crimes in Kansas has declined in the past five years. The projected population at nondrug severity levels 4 to 6 will increase by 229 offenders or 13.7% during the ten-year forecast period. The prison population at nondrug severity levels 7 to 10 will increase by 183 offenders or 19.5%, which partially results from the application of the special sentencing rules. The incarcerated population at offgrid in the next ten years will increase by 393 offenders or 30.8%, indicating the second largest increase in groups of the projection. This growth reflects the continuous impact of Jessica's Law (House Bill 2567) passed in the 2006 Legislative Session.

Before 2013, probation condition violators admitted to prison were required to serve their underlying prison sentence, but now House Bill 2170 requires probation condition violators to serve graduated sanctions instead, which includes a custody in KDOC for a period of 120 days or 180 days. As a result, in the next ten years, the number of prison sanctions from probation will increase by 53 or 44.9%, while the probation condition violators admitted to prison will increase by 56 or 4.5%, a very slow increase rate which reflects the implementation of House Bill 2170. Parole/postrelease condition violators will increase by 160 or 25.8% in the next ten years. This is the impact of House Bill 2170 as well, which requires that probation condition violators who are released from prison after July 1, 2013 will serve a postrelease supervision term. Figure 60 illustrates the trend of the actual and projected prison population from FY 2006 through FY 2025.

Figure 60: Prison Population Actual and Projected

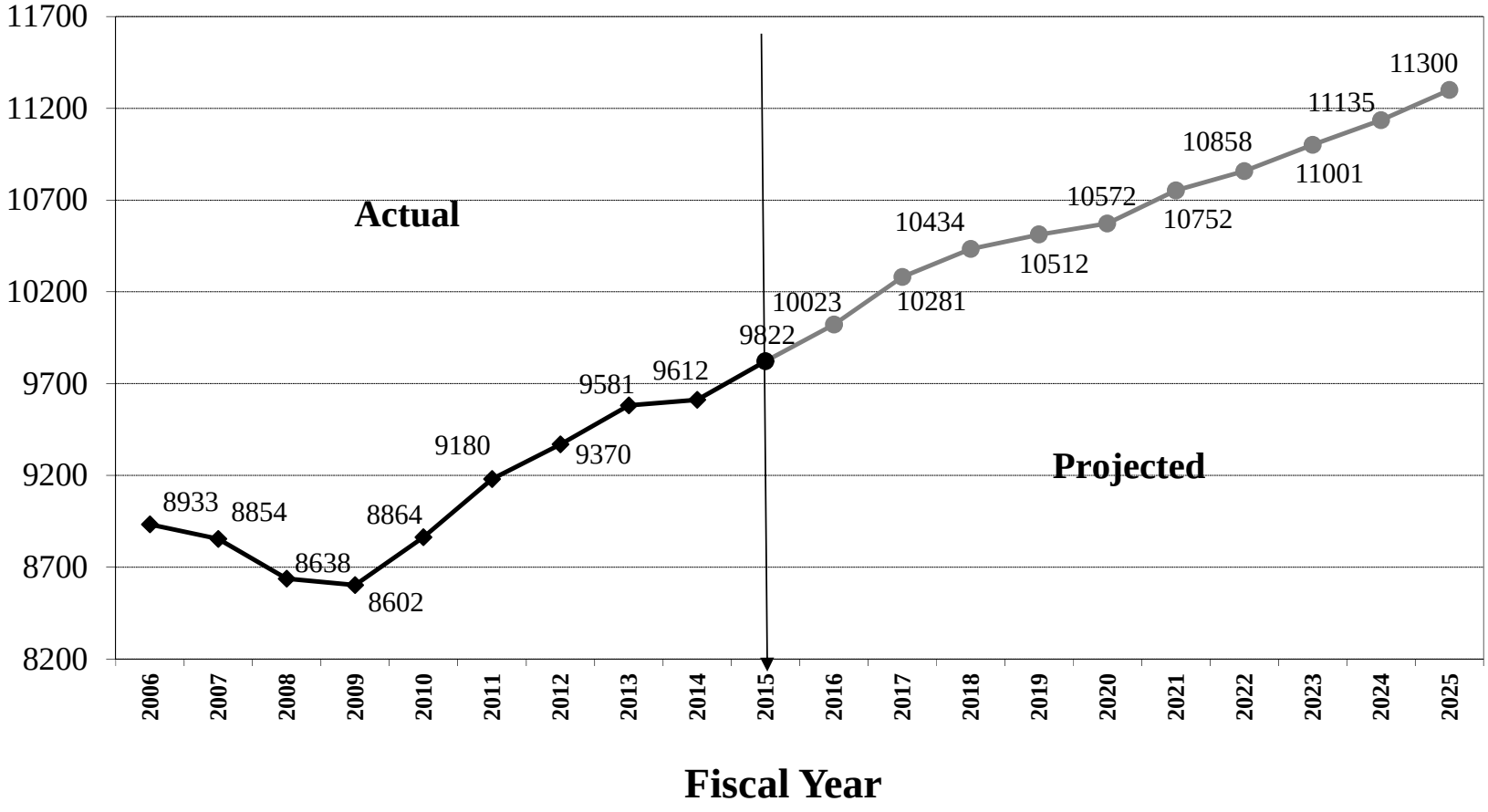


Table 49: FY 2016 Adult Inmate Prison Population Projections

Offender Group	2015*	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	# Change	% Change
Drug	1332	1406	1440	1520	1551	1570	1604	1634	1664	1717	1753	**421**	**31.6%**
N1 to N3	2434	2366	2370	2379	2434	2468	2499	2484	2505	2530	2573	**139**	**5.7%**
N4 to N6	1668	1702	1727	1758	1754	1740	1791	1852	1885	1901	1897	**229**	**13.7%**
N7 to N10	937	1034	1055	1036	1041	1048	1096	1096	1121	1098	1120	**183**	**19.5%**
Sanction	118	152	165	153	156	158	169	164	195	192	171	**53**	**44.9%**
Probation Condition Violators	1250	1293	1343	1331	1257	1283	1270	1263	1252	1256	1306	**56**	**4.5%**
Offgrid Including Old Law Lifer	1276	1288	1375	1460	1506	1524	1545	1584	1608	1645	1669	**393**	**30.8%**
Parole/Post Release Violators	621	635	676	694	729	716	724	740	737	763	781	**160**	**25.8%**
Old Law Inmates	186	147	130	103	84	65	54	41	34	33	30	**-156**	**-83.9%**
Total	**9822**	**10023**	**10281**	**10434**	**10512**	**10572**	**10752**	**10858**	**11001**	**11135**	**11300**	**1478**	**15.0%**

* The numbers of 2015 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 2016, 351 unclassified beds, 2,991 minimum beds, 2,932 medium low beds, 1,43 medium high beds, 1,476 maximum beds and 840 special management beds will be needed. The total projected prison beds, by the end of FY 2025 will include 404 unclassified beds, 3,356 minimum beds, 3,121 medium low beds, 1,816 medium high beds, 1,580 maximum beds and 1,023 special management beds (Table 50).

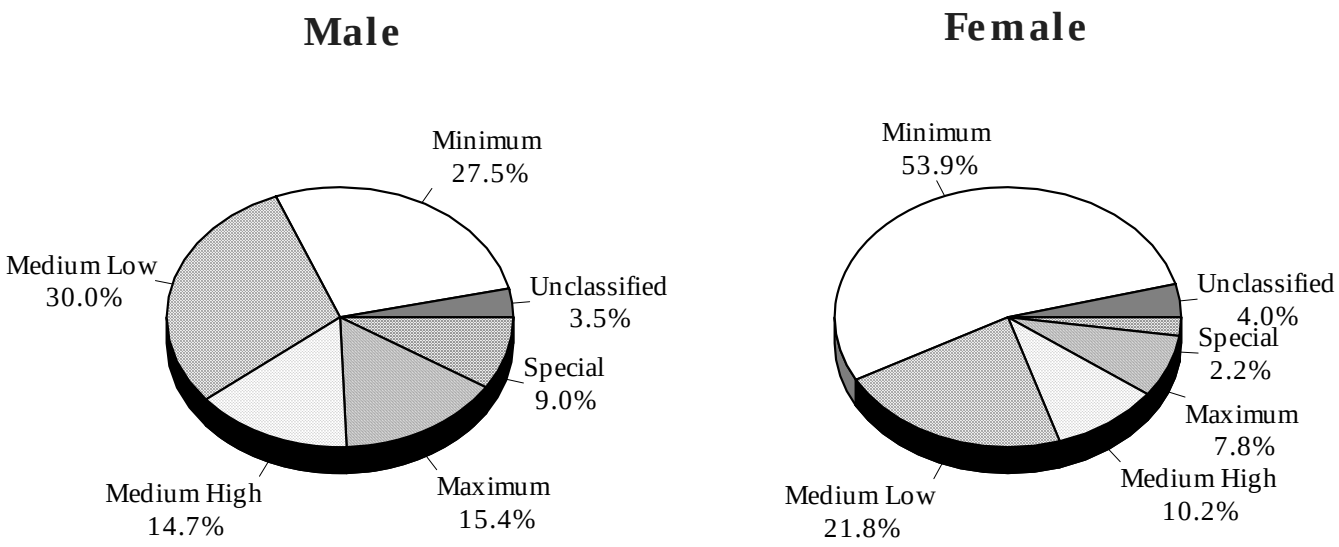
Figure 61 exhibits the projected percentage distribution of custodial classifications by gender. The distribution demonstrates a significant difference between male and female offenders. Females will need 4% unclassified, 53.9% minimum, 21.8% medium low, 10.2% medium high, 7.8% maximum custody and 2.2% special management beds by the end of FY 2016. Males will need 3.5% unclassified, 27.5% minimum, 30% medium low, 14.7% medium high, 15.4% maximum custody and 9% special management beds by the end of FY 2016. These classification percentages of male and female offenders remain fairly constant during the ten-year forecast period.

In the ten-year forecast period, the need for male beds increases at all custody types. The largest increase is found for medium high beds with an increase of 332. The second largest increase is for medium beds with an increase of 275 beds. The special management beds, minimum low beds maximum custody beds and unclassified beds show an increase of 171, 96, 82 and 43, respectively, over the ten-year forecast period. Beds for females, in terms of custody types, fluctuate slightly in the next ten years except for medium low beds and minimum beds with an increase of 93 and 90 respectively. This forecast assumes no changes in custody practice over the ten-year forecast period.

Table 50: Ten-Year Custody Classification Projection

Fiscal Year	Unclassified	Special	Maximum	Medium High	Medium Low	Minimum	Total
2016	351	840	1,476	1,433	2,932	2,991	10,023
2017	370	948	1,487	1,476	2,943	3,057	10,281
2018	398	920	1,482	1,538	2,932	3,164	10,434
2019	358	940	1,520	1,589	2,953	3,152	10,512
2020	390	993	1,476	1,611	2,982	3,120	10,572
2021	405	1,044	1,510	1,645	3,009	3,139	10,752
2022	416	1,056	1,533	1,689	2,986	3,178	10,858
2023	392	1,023	1,529	1,748	3,060	3,249	11,001
2024	401	1,016	1,534	1,772	3,101	3,311	11,135
2025	404	1,023	1,580	1,816	3,121	3,356	11,300

Figure 61: Projected Percentage Distribution of Custody Classification by Gender

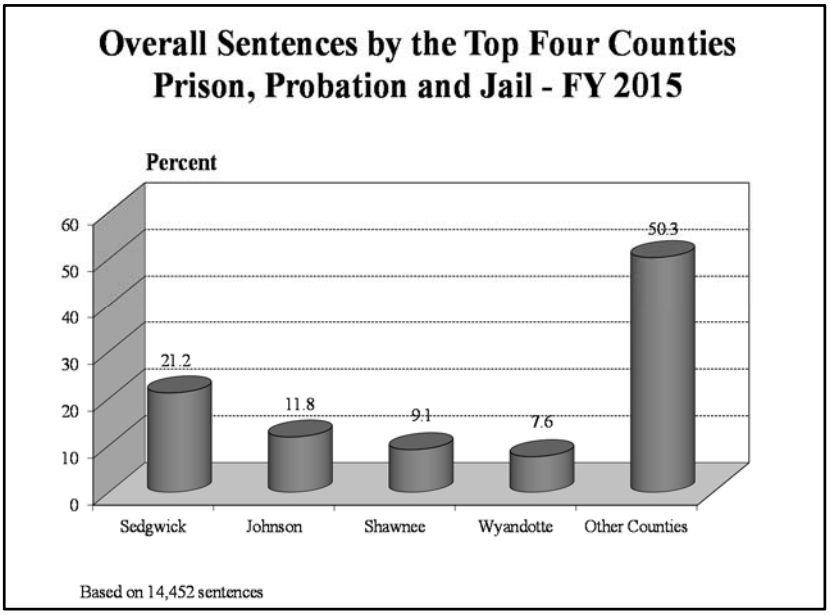


Based on the projected prison population on June 30, 2016 (male = 9,125 and female = 898).

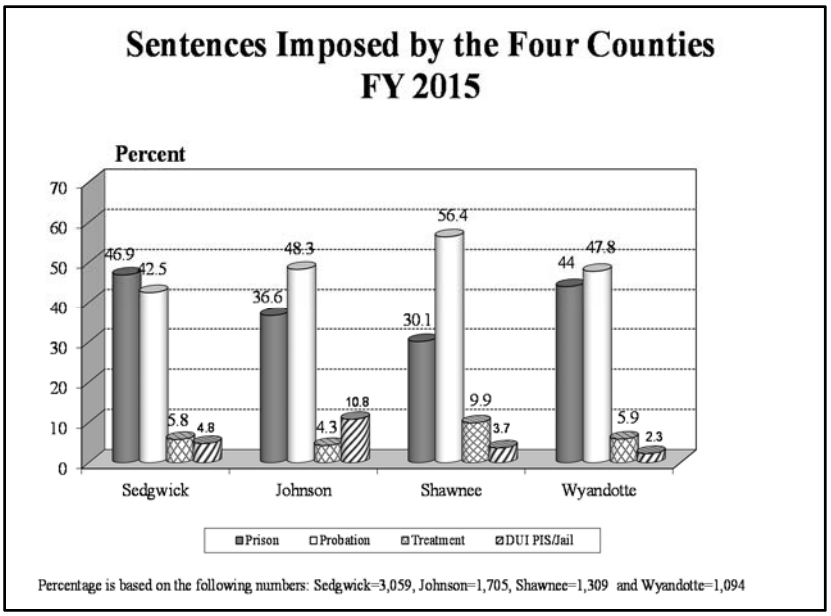
APPENDIX I
SENTENCES FROM THE TOP FOUR COUNTIES

Sentences utilized for analyses in this section include incarceration, probation, DUI/Test Refusal PIS and county jail sentences submitted to the Commission during FY 2015. The analysis on the sentences indicates that Sedgwick County, Johnson County, Shawnee County and Wyandotte County remained the top four counties, whose sentences imposed accounted for 49.7% of the total state sentences, a decrease of 0.4% compared with that (50.1%) of FY 2014. Sedgwick County continued to have the highest number of overall felony sentences, 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 2014, the percentages of sentences from these four counties in FY 2015 do not fluctuate much. Sentences from Sedgwick County and Wyandotte County decreased respectively by 1.2% and 0.6%. Johnson County and Shawnee County indicated an increase of 0.8% and 0.6% respectively. The following figures and tables display the characteristics of offenses and offenders from the four counties in FY 2015.

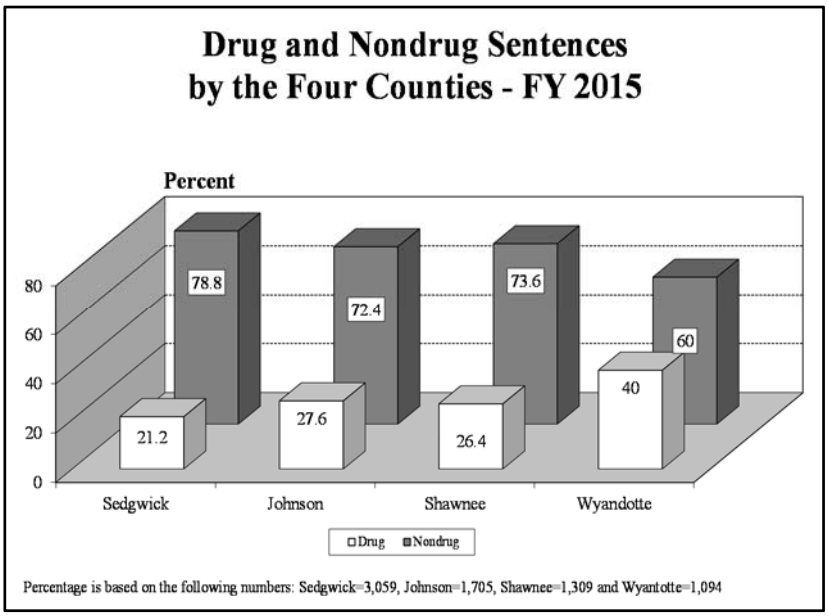
The top four counties with the greatest overall felony sentencing events were Sedgwick, Johnson, Shawnee and Wyandotte counties. Sedgwick County imposed 21.2% sentences of the total state sentence events in FY 2015, followed by Johnson County (11.8%), Shawnee County (9.1%) and Wyandotte County (7.6%).



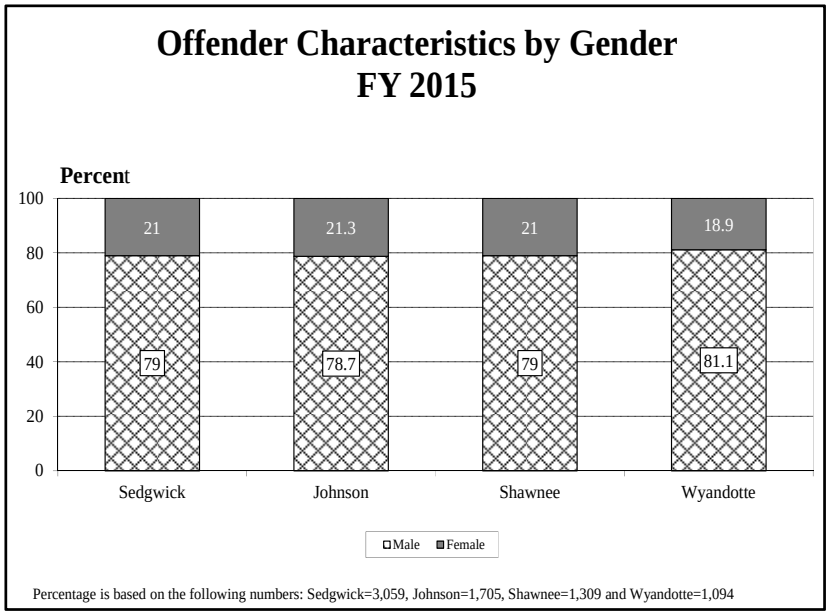
The highest percentage of prison sentences in FY 2015 was found in Sedgwick County (46.9%), while Shawnee County imposed a higher rate of probation sentences than the other three counties (56.4%). Shawnee County imposed the highest rate of Senate Bill 123 drug treatment sentences (9.9%) among the four counties. The highest percentage of DUI/Test Refusal PIS and county jail sentences was identified in Johnson County (10.8%).



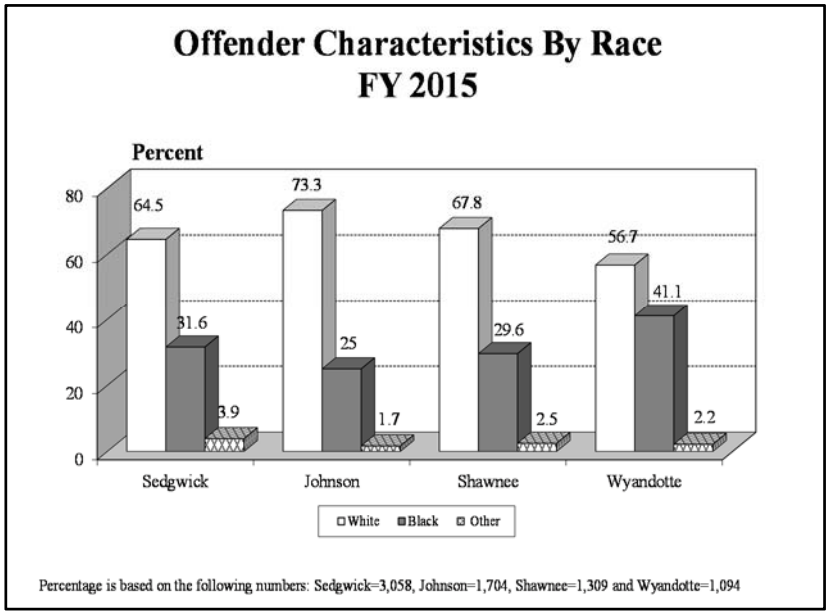
The analysis of sentences imposed by types of drug and nondrug reveals that in FY 2015, Sedgwick County imposed the largest proportion of nondrug sentences (78.8%), while Wyandotte County represented the highest percentage of drug sentences (40%) among the four counties. This distribution pattern is consistent with that of FY 2014.



The examination of offenders by gender indicates that Wyandotte County represented the highest percentage of male offenders (81.1%), while Johnson County reported the highest rate of female offenders (21.3%) among the four counties during FY 2015. This is no change from the data observed in FY 2014.



Racial analysis on offenders discloses that in FY 2015, Johnson County reported more white offenders (73.3%), while Wyandotte County reported more black offenders (41.1%) than the other three counties respectively. This racial distribution has remained constant in the past five years.



FY 2015 Sentences from the Four Counties by Severity Level
Prison, Probation, DUI/Test Refusal PIS and County Jail Sentences

Severity Level	Sedgwick		Johnson		Shawnee		Wyandotte	
	N	%	N	%	N	%	N	%
D1	8	0.3	0	0.0	3	0.2	2	0.2
D2	28	0.9	18	1.1	5	0.4	17	1.6
D3	104	3.4	82	4.8	18	1.4	54	4.9
D4	143	4.7	115	6.7	56	4.3	106	9.7
D5	367	12.0	255	15.0	263	20.1	259	23.7
N1	21	0.7	12	0.7	7	0.5	11	1.0
N2	10	0.3	3	0.2	3	0.2	5	0.5
N3	115	3.8	27	1.6	25	1.9	58	5.3
N4	44	1.4	8	0.5	9	0.7	28	2.6
N5	305	10.0	88	5.2	87	6.6	85	7.8
N6	110	3.6	38	2.2	42	3.2	23	2.1
N7	503	16.4	158	9.3	204	15.6	110	10.1
N8	334	10.9	233	13.7	127	9.7	63	5.8
N9	747	24.4	426	25.0	340	26.0	201	18.4
N10	22	0.7	42	2.5	44	3.4	28	2.6
Nongrid	165	5.4	195	11.4	67	5.1	34	3.1
Offgrid	33	1.1	5	0.3	9	0.7	10	0.9
Total	**3,059**	**100.0**	**1,705**	**100.0**	**1,309**	**100.0**	**1,094**	**100.0**

FY 2015 Top Ten Offenses Committed by Offenders in the Four Counties – 1

Offense Type	Sedgwick County		Offense Type	Johnson County	
	N	%		N	%
Drugs	650	21.2	Drugs	471	27.6
Theft	472	15.4	Theft	302	17.7
Burglary	270	8.8	DUI	182	10.7
Aggravated Battery	224	7.3	Identity Theft	109	6.4
Forgery	137	4.5	Burglary	105	6.2
Failure to Register	114	3.7	Aggravated Battery	77	4.5
Criminal Threat	108	3.5	Forgery	49	2.9
DUI	103	3.4	Criminal Threat	41	2.4
Aggravated Assault	92	3.0	Aggravated Assault	25	1.5
Aggravated Burglary	87	2.8	Fleeing or Eluding LEO	21	1.2
Total	**2,257**	**73.6**	**Total**	**1,382**	**81.1**

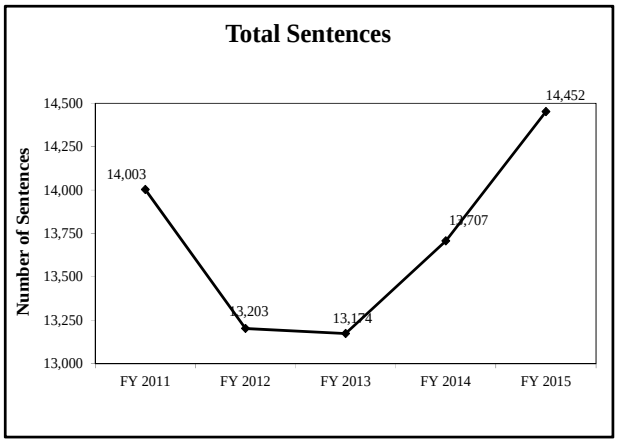
FY 2015 Top Ten Offenses Committed by Offenders in the Four Counties – 2

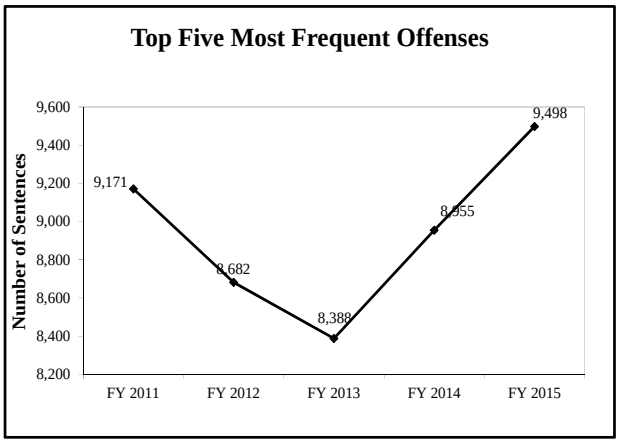
Offense Type	Wyandotte County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	438	40.0	Drugs	345	26.4
Theft	100	9.1	Theft	200	15.3
Burglary	79	7.2	Aggravated Battery	97	7.4
Aggravated Battery	66	6.0	Aggravated Burglary	77	5.9
Fleeing or Eluding LEO	54	4.9	Failure to Register	75	5.7
Aggravated Robbery	39	3.6	Burglary	69	5.3
Forgery	35	3.2	DUI	50	3.8
DUI	34	3.1	Forgery	49	3.7
Aggravated Burglary	25	2.3	Criminal Threat	44	3.4
Aggravated Assault	23	2.1	Aggravated Assault	40	3.1
Total	**893**	**81.5**	**Total**	**1,046**	**80.0**

APPENDIX II
TRENDS OF SELECTED OFFENSES

TOP FIVE MOST FREQUENT OFFENSES

The top five most frequently convicted offenses in the past five years were the crimes of drugs, DUI, burglary, theft and aggravated battery. Of the total offenses, including incarceration, probation, DUI/Test Refusal PIS and county jail sentences, these top five offenses represented 65.5% in FY 2011, 65.8% in FY 2012, 63.7% in FY 2013, 65.3% in FY 2014 and 65.7% in FY 2015. The following figures and table present the sentencing trends of the top five offenses from FY 2011 to FY 2015. The sentence number of the top five offenses was up and down generally in the pattern of the total number of incarceration, probation, DUI or Test Refusal PIS and county jail sentences in the past five years.





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

Top Five Offenses	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Drugs	3,944	3,752	3,720	4,285	4,762
DUI	1,725	1,331	1,006	855	728
Burglary	1,521	1,483	1,539	1,484	1,461
Theft	1,157	1,290	1,367	1,490	1,732
Aggravated Battery	824	826	756	841	815
Subtotal	**9,171**	**8,682**	**8,388**	**8,955**	**9,498**
Total Offenses	**14,003**	**13,203**	**13,174**	**13,707**	**14,452**

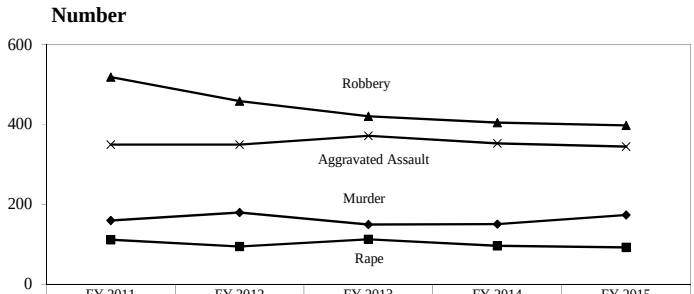
UNIFORM CRIME REPORTING (UCR) OFFENSES

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 2011 to FY 2015, murder includes capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter and involuntary manslaughter. Robbery includes aggravated robbery. Aggravated assault includes aggravated assault on LEO. Burglary includes aggravated burglary, residential, non-residential and motor vehicle burglaries. Theft includes motor vehicle theft and arson includes aggravated arson.

The number of the murder crimes in FY 2015 increased by 15.3% compared with FY 2014 and increased by 8.8% compared with FY 2011. The number of rape crimes decreased by 4.2% compared with FY 2014 and decreased by 17.1% compared with FY 2011. Robbery convictions decreased by 1.7% and 23.4% respectively compared with FY 2014 and FY 2011. The number of aggravated assaults decreased by 2.3% and 1.4% respectively from those of FY 2014 and FY 2011.

Burglary crimes in FY 2015 decreased respectively by 1.5% and 3.9% from those of FY 2014 and FY 2011. However, the number of theft crimes greatly increased by 16.2% and 49.7% respectively over those of FY 2014 and FY 2011. The crime of arson decreased by 25% from that of FY 2014 and 22.6% from that of FY 2011.

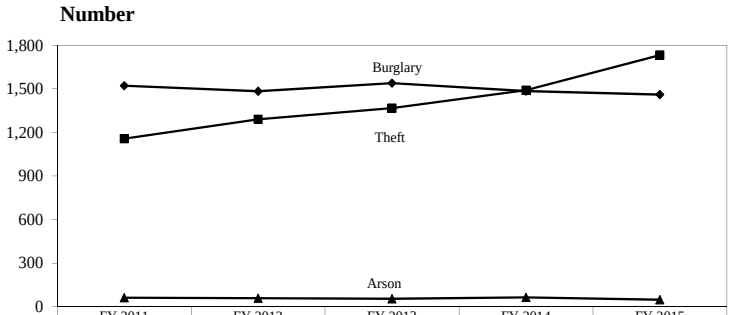
UCR Offenses: Violent Crime
FY 2011 through FY 2015



	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Murder	159	179	149	150	173
Rape	111	94	112	96	92
Robbery	518	458	420	404	397
Agg. Assault	349	349	371	352	344

Both incarceration and probation sentences are included.

UCR Offenses: Property Crime
FY 2011 through FY 2015



	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Burglary	1,521	1,483	1,539	1,484	1,461
Theft	1,157	1,290	1,367	1,490	1,732
Arson	62	59	55	64	48

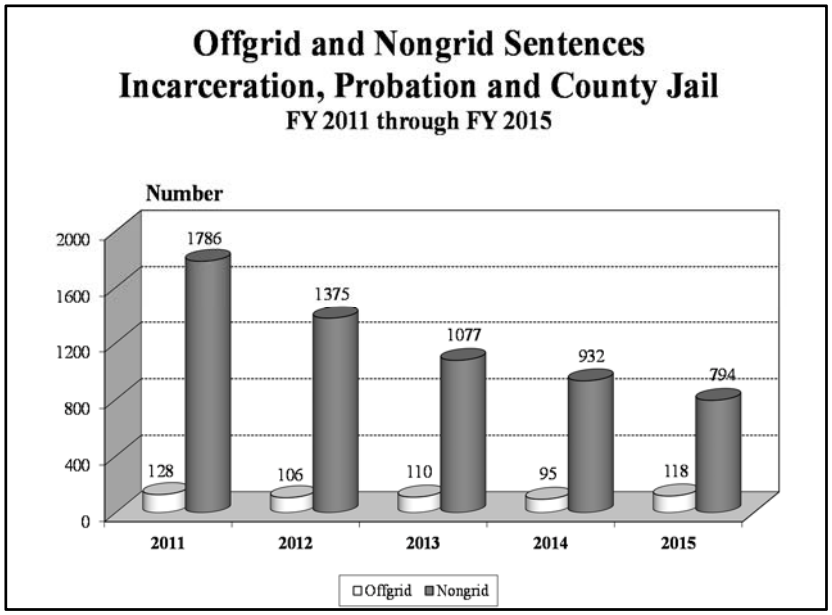
Both incarceration and probation sentences are included.

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 revised Kansas Sentencing Guidelines Act (K.S.A. 21-4701, *et seq.*). The crimes of felony driving under the influence of alcohol or drugs (K.S.A. 8-1567), felony 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.

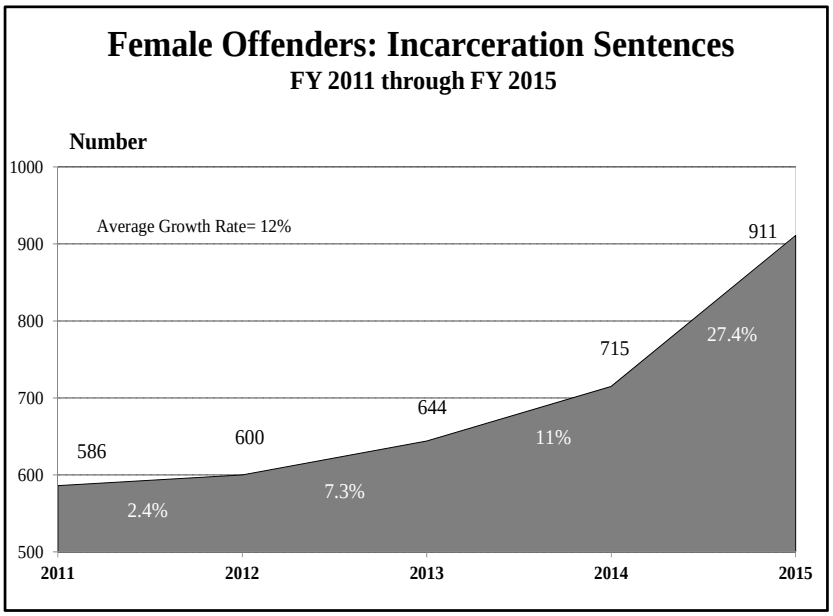
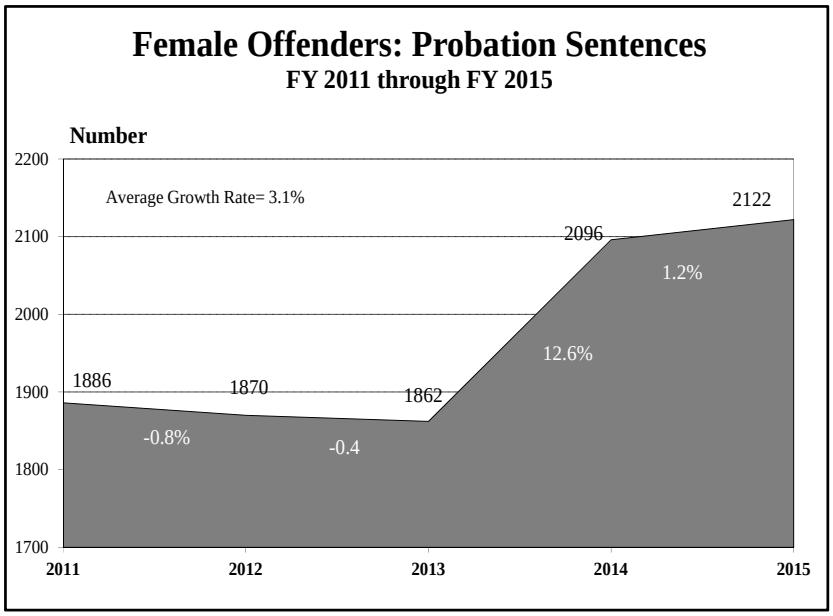
The number of offgrid crimes in FY 2015 increased by 24.2% over that of FY 2014 but decreased by 7.8% from FY 2011. The majority of the offgrid sentences were convicted under the Jessica's Law, which implies that the policy was implemented consistently in the past five years. Nongrid sentences in FY 2015, including incarceration, probation and county jail sentences, continued to decrease by 138 (14.8%) and 992 (55.5%) respectively from those of FY 2014 and FY 2011, which mirrors the 2011 policy changes on felony DUI (Page 15).



FEMALE OFFENDERS

In the past five years, the admission of female offenders demonstrates an increasing trend. The number of female admissions in FY 2015 increased by 27.4% compared with that of FY 2014 and significantly increased by 55.4% compared with that of FY 2011. The average growth rate in the past five years is 12%. The numbers of female offenders on probation fluctuated little from FY 2011 to FY 2013 but the number increased consecutively in FY 2014 and FY 2015. In FY 2015, female offenders on probation increased by 1.2% and 12.5% respectively over those of FY 2014 and FY 2011. The average growth rate is 3.1% 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 2.4% in FY 2012, 7.3% in FY 2013, 11% in FY 2014 and 27.4% in FY 2015 when compared with those of the previous years. The population in FY 2015 is the highest number (911) of female admissions to prison in the past five years.



The population of females sentenced to probation 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 increased greatly by 12.6% in FY 2014 and continue to increase by 1.2% in FY 2015.