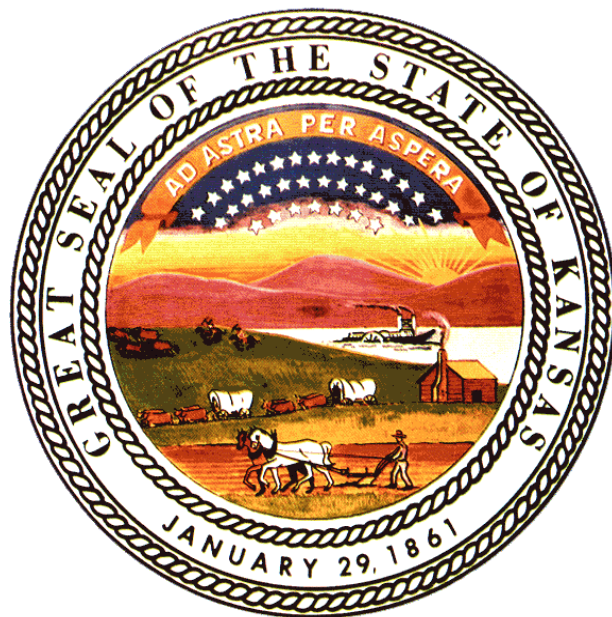


KANSAS SENTENCING COMMISSION

FY 2005 ANNUAL REPORT



MARCH 2006

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KANSAS SENTENCING COMMISSION

**ANNUAL REPORT
FY 2005**

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

Pursuant to the statutory obligations assigned to the Kansas Sentencing Commission under K.S.A. 74-9101, in FY 2005, the Commission carried out the following major activities: 1) presenting recommendations to the state legislature relating to modification and improvement of current sentencing guidelines; 2) providing the legislature and state agencies with prison bed-space impact assessments under any policy change related to sentencing guidelines; 3) processing statewide felony sentencing journal entries including both prison and nonprison guideline sentences, examining and conducting research on sentencing issues related to sentencing guidelines; 4) supervising and monitoring the implementation of Senate Bill 123 drug treatment programs including holding training seminars, processing and tracking treatment transactions and collecting treatment evaluation data; 5) producing annual prison population projections and custody classification forecasts for both Kansas Adult Correctional Facilities and Kansas Juvenile Correctional Facilities; 6) serving as an information resource to respond to national, state and county requests regarding sentencing data; 7) conducting training sessions on sentencing guidelines and various sentencing issues.

During FY 2005, a total number of 13,517 felony sentences were reported to the Commission, which increased by 3.6% over that of FY 2004. Of the total number of sentences, 5,741 were prison sentences and 7,776 were probation sentences. Nondrug sentences accounted for 67.5% (9,124

sentences) and drug sentences accounted for 32.5% (4,393 sentences).

INCARCERATION SENTENCES

In FY 2005, 5,741 offenders were admitted to prison. Reviewing the characteristics of the offenders, the Commission noticed that males remained the predominant offender group, representing 89% of all offenders sentenced to prison, which is the same with that of FY 2004. More than 90% of the violent and sex offenses were committed by males, such as, the crimes of murder, burglary, robbery, battery, assault, possession of firearms and sex offenses. However, females were incarcerated more frequently for the offenses of forgery, false writing, criminal use of financial card and identity theft (pages 15 & 16). For drug crimes, male offenders were convicted of more offenses of drug sales and unlawful manufactures of controlled substance but female offenders committed more offenses of drug possession (page 18).

Racial analysis of the offenders admitted to prison in FY 2005 reveals that white offenders represented 65% of individuals incarcerated in state prisons, which indicated no percentage change from that in FY 2004. The offenders with Non-Hispanic origin accounted for 91%, which decreased by 0.9% compared with that of FY 2004 (91.9%). The highest incarceration rates for Caucasians (over 70%) were found in the offense categories of sex offenses, burglary, DUI, fleeing or eluding LEO, nonsupport of a child or spouse and traffic in contraband.

Nevertheless, African Americans were incarcerated more often (over 50%) for the crimes of murders and aiding felons (pages 15 & 16).

The largest percentage of incarcerated offenders (27.5%) was in the age group ranging from 31 to 40 years old at the time of admission to prison in FY 2005, which is consistent with those of previous years. As for the educational background of the offenders admitted in FY 2005, almost 54% of the offenders had attained either a high school diploma or GED equivalent.

PROBATION SENTENCES

The Commission received a total number of 7,776 probation sentences in FY 2005. The analysis of the probation sentences discloses that burglary, DUI, theft and forgery were the top four offenses for nondrug probation offenders representing approximately 57% of the total nondrug crimes (page 24), which indicates an increase of 2% compared with that of FY 2004 (55%). The probation sentences for the crime of drug possession accounted for 65% of all drug offenders on probation, an increase of 2% over that of FY 2004 (63%, page 27).

The analysis on the criminal history categories of the offenders on probation in FY 2005 demonstrates that offenders with criminal history category I accounted for almost 33% of offenders on the nondrug grid and 36.4% of offenders on the drug grid. Approximately 88% of nondrug offenders fell within the presumptive probation boxes (Table 11), while 61.7% of probation drug offenders were sentenced within the presumptive probation boxes (Table 12). Meanwhile, only 4% of probation nondrug sentences were found to be within the designated border boxes

compared to 21.7% of probation drug sentences. This significant percentage difference indicates that drug sentences tend to be imposed to probation more frequently than do nondrug sentences when their offense types and offender criminal history categories fall within the border boxes. The data also indicates that downward dispositional departures were another primary source of non-prison sentences found on the drug grid.

DRUG SENTENCES

Totaling 1,616, the number of drug incarceration sentences in FY 2005 decreased by 5.1% and 1.5% respectively when compared to those of FY 2004 and FY 2001. When individual drug grid severity levels were compared with those of FY 2004, all drug severity levels demonstrate decreases except drug severity level 4. The most significant decrease was identified at drug severity level 2 (-26.3%) followed by drug severity level 1 (-18.3%, page 64).

When examining the offenses of the drug incarceration sentences, 49.9% of the incarceration drug sentences were convictions of drug possession increasing by 4.2% over that of FY 2004 (45.7%). More than 91% of the drug possession sentences fell at drug severity level 4 representing an increase of 5% over that of FY 2004 (86.3%, page 17).

The trend analysis of the drug probation sentences in the past five years exhibits a growing tendency. The number of drug probation sentences increased by 13.8% compared with that of FY 2004 and significantly increased by 47.9% compared with that of FY 2001. The number of drug probation sentences at all levels increased except for drug level 2, which decreased by

54.5% compared with that of FY 2004 and decreased by 51.2% compared with that of FY 2001 (page 66). Further analysis on the types of offense reveals that drug possession sentences represented 65% of probation drug sentences in FY 2005 and approximately 71.4% of the probation drug sentences fell at drug severity level 4 (pages 25 & 28). This distribution of drug possession offenses and severity levels of the offenders on probation is very consistent with that of FY 2004.

During FY 2005, a total number of 1,105 sentences were imposed to SB 123 drug treatment programs, representing nearly 40% of the total drug probation sentences (2,777). Of these offenders, 80% were convicted of the crime of drug possession under K.S.A. 65-4160 and 19.3% were convicted of the crime of drug possession under K.S.A. 65-4162. The offenders at drug severity level 4 accounted for 99.5%. White male offenders were still the majority of the treatment sentences. The average age of the drug treatment offenders was 32 years old, which is the same with that of FY 2004. Johnson County imposed the most SB 123 drug treatment sentences (150) followed by Sedgwick (143), Saline (77), Reno (66), Shawnee (57) and Harvey (57) counties (pages 28 and 29).

VIOLATORS

Condition violators admitted to prison during FY 2005 accounted for 68.3% of the total prison admission events of the fiscal year. Totaling 3,921, they include 1,783 probation violators, 2,109 parole/postrelease supervision violators, and 29 conditional release violators, indicating a decrease of 0.7% from that of FY 2004 (69%, page 32).

The trend analyses on the admission types of condition violators indicate that the decrease of condition violators primarily resulted from the decrease of parole/postrelease violators, who decreased by 6.4% compared with FY 2004. Conditional release violators, though small in number, decreased by 25.6% compared with those of FY 2004. Senate Bill 323, which has modified the periods of postrelease supervision and was passed into law in May 2000, continues its impact on the admission rate of condition violators returned to prison. However, the number of probation condition violators admitted to prison kept growing in FY 2005, which increased by 34.1% over that of FY 2001 representing the highest in the past five years (page 63).

When examining condition violators by gender, the analysis demonstrates that male condition violators sentenced to prison represented the largest number of offenses at severity level 7 of the nondrug grid and severity level 4 of the drug grid. However, females were most often revoked and placed in prison for condition violations of offenses designated at severity level 8 of the nondrug grid and severity level 4 of the drug grid (page 35). This severity level distribution pattern of condition violators is consistent with the findings observed in FY 2004.

In addition to the condition violators admitted to prison, 2,503 probation condition violators and 154 probation violators with new convictions were sentenced to either continued or extended probation for a violation during FY 2005. This represents 53.3% of the total number of 4,695 condition probation violators and 33% of the total number of 467 probation violators with new offenses (page 44). Compared with the data of FY 2004,

probation condition violators sentenced to continued or extended probation for a violation increased by 4.4% while probation violators with new convictions who had their probation sentence either continued or extended decreased by 18%.

CONFORMITY TO SENTENCING GUIDELINES

The conformity rate of sentences imposed compared to that called for under sentencing guidelines is an important indicator to monitor the effectiveness of implementation of 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. Thus departures, whether durational or dispositional, serve as a measure of conformity.

A total number of 7,307 pure guideline sentences of FY 2005 were reviewed to determine conformity to the sentencing guidelines. Of this number, 1,345 were incarceration guideline sentences and 5,962 were probation sentences. Approximately 83% of the guideline sentences imposed fell within the designated guideline sentence range. Dispositional departures accounted for 11.9% of sentences and durational departures were found in 5.6% of sentences (page 47). The total conformity rates of FY 2005 remained very constant compared with those of FY 2004.

The analysis of presumptive prison sentences within guidelines displays that 39.5% of the sentences imposed fell within

the standard range of the grid cell; 10.6% of all sentences were within the aggravated range; 26.7% were within the mitigated range; and 23.2% were located within designated border boxes (page 48). This distribution of presumptive prison sentences does not fluctuate much compared with that of FY 2004.

The evaluation of durational departures of the incarceration guideline sentences reveals that almost 68% of the durational departures were designated as downward durational departures, while 32% indicated upward durational departures (page 48). The percentage of downward durational departures decreased by 6.1% compared with that of FY 2004.

When comparing durational departures between drug and nondrug incarceration sentences, the analysis indicates that 87.5% of drug durational departure sentences were downward compared to 55.1% for nondrug durational departure sentences (page 50). Downward durational departures were most frequently identified at severity levels 1 and 2 of the drug grid. Upward durational departures were found most frequently at severity levels 1, 2, 3 and 4 of the nondrug grid (page 52). This pattern of durational departures has remained fairly consistent over the past five years.

Dispositional departures are identified when the sentence imposed, prison or nonprison, is different from the sentence disposition designated under the sentencing guidelines. Upward dispositional departures are only applicable when prison sentences are imposed. When drug and nondrug sentences were compared, nondrug sentences indicated a 25.9% upward dispositional departure rate while drug sentences only represented a

5.5% upward dispositional departure rate (page 52).

The examination of probation guideline sentences indicates that, as expected, the majority (90%) of probation guideline sentences fell beneath the incarceration line, among which 85% fell within presumptive probation grids and 15% were within border boxes. Downward dispositional departure was only identified in 10% of the probation guideline sentences imposed (page 49).

Further analysis of downward dispositional departures of probation sentences discloses that drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences (15.7% vs. 6.3%). More drug probation sentences resulted from border boxes than did nondrug probation sentences (26% vs. 4.7%, page 53).

PRISON POPULATION FORECAST

Providing the state correctional facilities with annual prison population projections is one of the statutory tasks of the Kansas Sentencing Commission. Sentencing data from felony journal entries, prison admission files, inmate stock population files and release files are analyzed and programmed into a simulation projection model known as Prophet, which is used to forecast prison population over a ten-year projection period. The information of prison population projections is utilized by the Kansas Department of Corrections (KDOC) and various legislative committees in planning resource allocations, as well as policy development involving sentencing and other criminal justice related areas.

The prison population forecast projects that by the end of FY 2015, a total of 9,749

prison beds will be needed. This represents a total increase of 7.8% or 703 beds over the actual prison population at the close of FY 2005. Although the total number of admissions has dropped compared with those of the past five years, a combination of developing admission trends with the impact of the pronounced stacking effect has been resulting in a slow but continual growth in the state's prison population.

When looking into projected population at individual severity levels over the next ten years, the largest increase of projected prison beds is identified at drug severity level 4 (an increase of 33.7%), followed by nondrug severity level 1 (an increase of 23.8%) and nondrug severity level 3 (an increase of 12.7%). While the largest decrease of prison beds needed is found at drug severity level 1 (a decrease of 20%) and drug severity level 2 (a decrease of 22.4%). This decrease of drug population in prison reflects the penalty change resulting from Senate Bill 123 passed during the 2003 Legislative Session, which has enhanced penalties by diverting drug possession offenders to drug treatment programs rather than incarcerating them in prison (page 68).

In terms of types of prison beds needed for custody over the next ten years, custodial classification projections demonstrate that by the end of FY 2006, KDOC will need 3,046 minimum beds, 3,729 medium beds, 1,413 regular maximum beds, 230 unclassified beds and 748 beds for special management. By the end of FY 2015, the custodial beds in demand will include 3,189 minimum, 4,011 medium, 1,477 regular maximum, 251 unclassified and 821 special management beds (page 69). These projections assume no substantial change in the method or practice of custody decision making.

REPORT CONTENTS

FY 2005 Annual Report is presented in four chapters. A descriptive statistical summary of statewide guideline sentencing practices in FY 2005 is illustrated in Chapter One. Chapter Two describes the types and characteristics of violators incarcerated in correctional facilities. In Chapter Three, the pure prison and probation sentences imposed under the sentencing guidelines are examined to evaluate the conformity to the sentencing guidelines. Chapter Four contains analyses on sentencing trends and forecasts, including prison population and custody classification projections.

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

CHAPTER ONE SENTENCING IN KANSAS

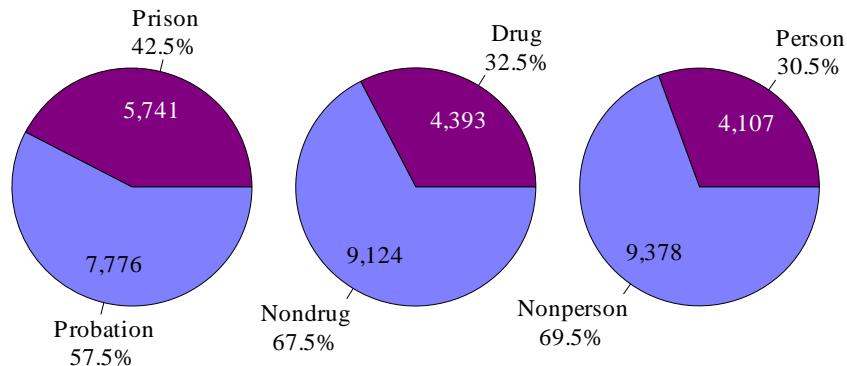
SENTENCES REPORTED IN FISCAL YEAR 2005

The analyses of sentences in this report include both prison and non-prison or probation sentences. 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.

A total number of 13,517 felony sentences were reported to the Kansas Sentencing Commission in fiscal year (FY) 2005, which increased by 3.6% over that of FY 2004. Of that total number of sentences, 5,741 were prison sentences and 7,776 were probation sentences. This total included 9,124 nondrug sentences and 4,393 drug sentences. Non-person offenses accounted for 69.5%

and person offenses accounted for 30.5% (Figure 1). The overall sentencing distribution by sentence type and offense type at each severity level is displayed in Figure 2. During FY 2005, 102 counties in the state reported sentences to the Commission. No sentences were reported from Clark, Gove and Stanton counties. Most of the counties reported sentences ranging from 1 to 200. Eight counties reported sentences ranging from 201 to 400, which are Butler, Douglas, Finney, Ford, Geary, Harvey, Lyon and Montgomery counties. Saline and Reno counties reported sentences more than 400. Sedgwick, Johnson, Wyandotte and Shawnee counties remained the top four committing counties, accounting for 50.8% of all sentences during FY 2005, an increase of 1.3% over last year (Figure 3). The offenders' characteristics by individual counties are demonstrated in Table 1.

Figure 1: Sentences Reported in FY 2005



Based on 13,517 felony sentences reported in FY 2005 (July 1, 2004 through June 30, 2005)

Figure 2: FY 2005 Sentencing Distribution

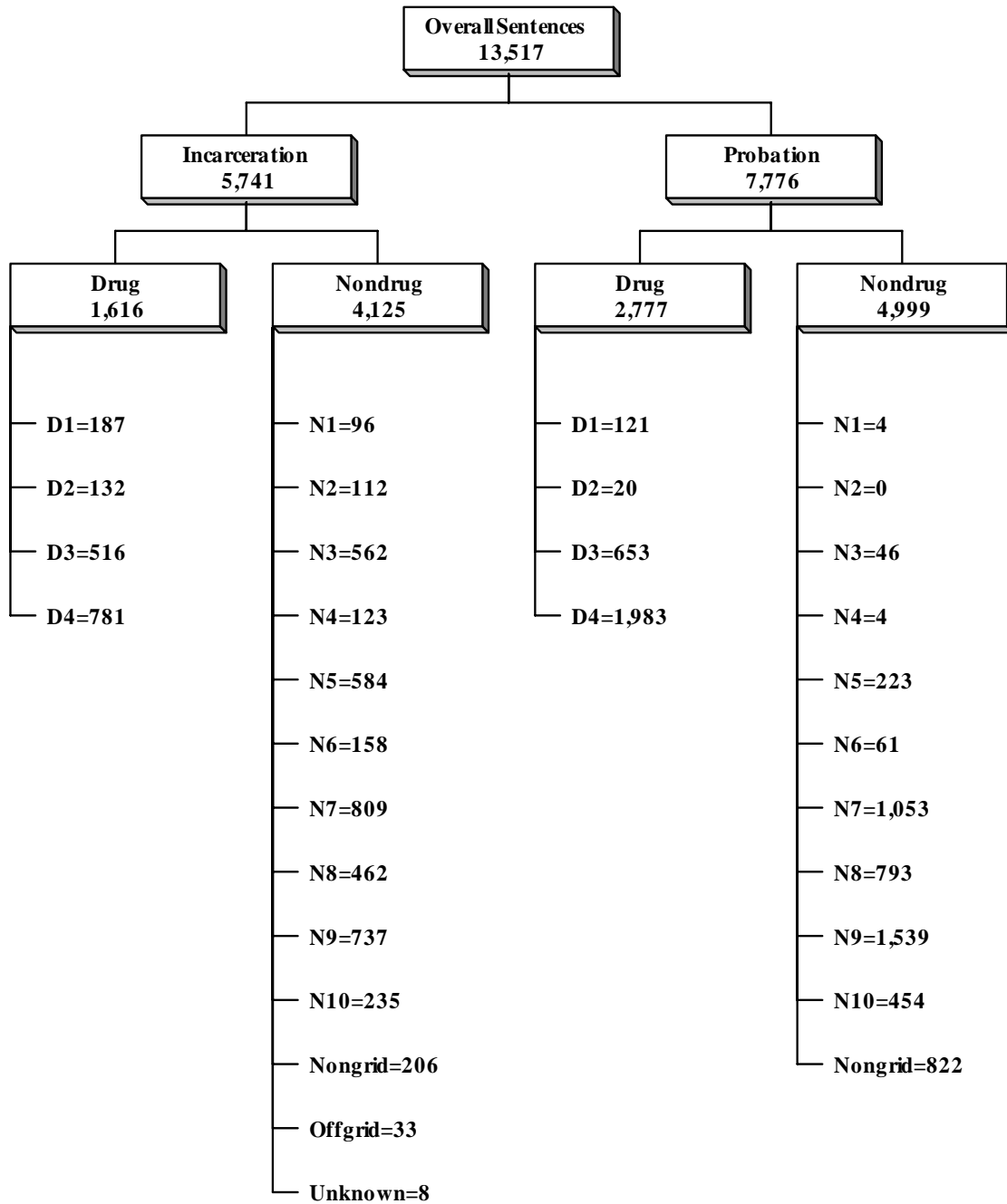


Figure 3: Sentences Reported in FY 2005 by County

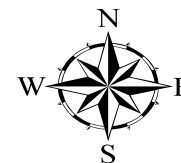
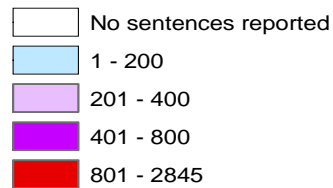
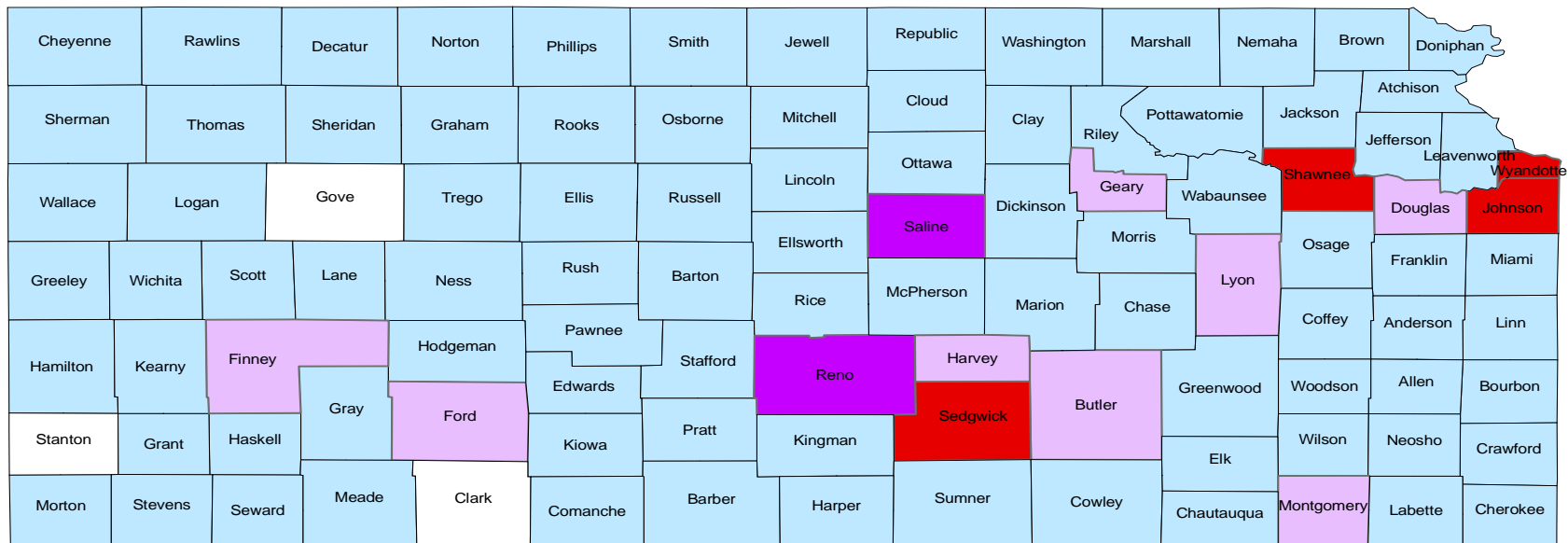


Table 1: FY 2005 Offender Characteristics by County - 1

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age*
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Allen	75	65	9	65	7	2	23	52	52	23	30.2
Anderson	46	39	7	46	0	0	11	35	34	12	30.3
Atchison	129	108	21	108	20	1	45	84	76	53	31.5
Barber	11	9	2	11	0	0	5	6	7	4	36.3
Barton	131	106	24	117	10	3	45	86	76	55	31.2
Bourbon	113	74	39	91	16	6	27	86	65	48	31.8
Brown	56	44	12	44	10	2	24	32	28	28	32.1
Butler	213	171	41	196	13	3	79	134	147	66	30.9
Chase	10	10	0	10	0	0	2	8	6	4	38.5
Chautauqua	2	2	0	2	0	0	2	0	2	0	30.4
Cherokee	65	53	12	59	2	4	5	60	26	39	35.2
Cheyenne	2	1	1	2	0	0	1	1	1	1	33.8
Clay	12	12	0	12	0	0	3	9	10	2	35.3
Cloud	29	27	2	29	0	0	13	16	23	6	33.0
Coffey	50	44	6	43	6	1	23	27	17	33	29.4
Comanche	2	2	0	2	0	0	1	1	1	1	48.3
Cowley	65	54	11	49	14	2	46	19	45	20	30.7
Crawford	181	144	36	152	26	2	75	106	87	94	31.8
Decatur	3	3	0	3	0	0	1	2	1	2	26.4
Dickinson	37	36	1	33	3	1	31	6	30	7	28.2
Doniphan	21	19	1	18	2	0	10	11	15	6	33.0
Douglas	295	250	45	196	78	21	98	197	223	72	31.0
Edwards	12	11	1	12	0	0	8	4	6	6	36.0
Elk	5	4	1	5	0	0	2	3	5	0	40.8
Ellis	112	100	12	100	12	0	35	77	67	45	30.6
Ellsworth	31	28	3	25	6	0	21	10	18	13	28.0
Finney	273	228	45	256	15	2	99	174	180	93	29.5
Ford	205	173	29	187	11	4	80	125	130	75	27.8

Table 1: FY 2005 Offender Characteristics by County - 2

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Franklin	174	130	44	167	6	1	47	127	117	57	29.8
Geary	263	208	53	122	133	6	124	139	134	129	30.6
Graham	10	10	0	8	2	0	5	5	8	2	22.5
Grant	24	23	1	24	0	0	11	13	22	2	29.0
Gray	23	17	6	22	0	1	9	14	14	9	30.0
Greeley	4	3	1	4	0	0	2	2	4	0	33.6
Greenwood	40	34	4	38	0	0	13	27	25	15	34.9
Hamilton	3	3	0	3	0	0	3	0	3	0	33.0
Harper	27	22	5	26	0	1	10	17	18	9	35.4
Harvey	265	210	55	224	37	4	78	187	128	137	32.1
Haskell	4	4	0	3	0	1	3	1	3	1	23.0
Hodgeman	3	3	0	3	0	0	1	2	2	1	30.2
Jackson	43	36	6	37	1	4	16	27	20	23	35.8
Jefferson	38	35	2	33	2	2	17	21	19	19	31.1
Jewell	20	15	5	19	1	0	7	13	17	3	33.4
Johnson	1,797	1,448	349	1,359	419	19	747	1,050	1,362	435	31.7
Kearny	28	25	3	28	0	0	7	21	14	14	25.7
Kingman	37	30	7	36	0	1	13	24	25	12	34.0
Kiowa	9	7	2	8	1	0	8	1	3	6	26.5
Labette	140	123	16	101	32	6	45	95	80	60	30.0
Lane	5	4	1	5	0	0	2	3	1	4	35.7
Leavenworth	178	144	33	121	53	2	95	83	131	47	30.7
Lincoln	2	2	0	2	0	0	2	0	1	1	33.6
Linn	31	28	2	29	1	0	22	9	28	3	27.6
Logan	3	3	0	3	0	0	2	1	2	1	26.3
Lyon	292	244	48	235	54	3	105	187	154	138	29.2
Marion	30	25	5	30	0	0	7	23	12	18	31.2
Marshall	30	24	6	27	3	0	12	18	18	12	29.8

Table 1: FY 2005 Offender Characteristics by County – 3

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
McPherson	98	81	16	90	7	0	31	67	60	38	30.2
Meade	12	10	2	12	0	0	3	9	8	4	23.0
Miami	114	87	26	96	16	1	39	75	78	36	29.9
Mitchell	17	15	2	17	0	0	7	10	14	3	28.6
Montgomery	222	186	36	152	65	5	102	120	149	73	31.8
Morris	26	23	3	25	1	0	7	19	21	5	30.8
Morton	16	14	2	16	0	0	7	9	8	8	31.6
Nemaha	19	18	1	18	1	0	8	11	12	7	34.1
Neosho	126	101	24	115	7	3	25	101	81	45	29.2
Ness	4	2	2	4	0	0	0	4	2	2	40.8
Norton	19	18	1	16	2	1	11	8	15	4	26.6
Osage	73	56	17	73	0	0	24	49	45	28	33.2
Osborne	8	8	0	8	0	0	5	3	5	3	39.8
Ottawa	5	4	1	3	1	1	5	0	2	3	30.5
Pawnee	60	47	13	55	5	0	22	38	36	24	30.2
Phillips	1	0	1	1	0	0	1	0	0	1	35.8
Pottawatomie	59	47	11	56	2	0	12	47	45	14	29.2
Pratt	49	40	8	48	0	0	22	27	21	28	31.9
Rawlins	6	6	0	6	0	0	2	4	6	0	32.7
Reno	481	383	97	403	70	7	189	292	265	216	31.8
Republic	6	4	2	4	0	2	3	3	4	2	36.6
Rice	58	45	13	57	1	0	14	44	23	35	34.8
Riley	167	135	32	113	47	7	56	111	100	67	27.8
Rooks	25	21	4	24	1	0	7	18	16	9	32.4
Rush	10	9	1	10	0	0	3	7	2	8	36.6
Russell	39	34	5	34	5	0	13	26	28	11	29.6
Saline	564	432	122	437	98	19	239	325	362	202	30.7
Scott	5	5	0	5	0	0	5	0	4	1	28.5

Table 1: FY 2005 Offender Characteristics by County – 4

County	Number of Sentences	Gender		Race			Sentence Type		Offense Type		Mean Age
		Male	Female	White	Black	Other	Prison	Probation	Nondrug	Drug	
Sedgwick	2,845	2,332	510	1,740	1,026	76	1,445	1,400	2,040	805	31.9
Seward	129	107	22	109	19	1	53	76	103	26	28.6
Shawnee	825	655	160	497	310	8	307	518	573	252	33.7
Sheridan	1	1	0	1	0	0	0	1	0	1	23.7
Sherman	36	28	6	32	1	0	11	25	28	8	29.1
Smith	5	5	0	5	0	0	2	3	4	1	23.4
Stafford	12	10	2	12	0	0	3	9	8	4	35.6
Stevens	22	16	6	22	0	0	14	8	10	12	28.1
Sumner	89	76	13	79	8	2	38	51	69	20	29.8
Thomas	23	18	3	20	1	0	3	20	15	8	32.2
Trego	8	7	1	8	0	0	2	6	3	5	36.6
Wabaunsee	34	27	7	26	8	0	12	22	13	21	32.7
Wallace	2	2	0	2	0	0	1	1	0	2	21.9
Washington	23	21	2	23	0	0	11	12	13	10	32.3
Wichita	7	7	0	7	0	0	3	4	6	1	29.6
Wilson	34	31	3	34	0	0	10	24	19	15	33.2
Woodson	7	5	2	7	0	0	3	4	4	3	30.6
Wyandotte	1,403	1,212	188	704	689	7	719	684	1,048	355	31.5
Unknown	14	12	2	13	0	1	14	0	13	1	34.5
TOTAL	13,517	11,080	2,384	9,829	3,387	246	5,741	7,776	9,124	4,393	31.4

Note: Because of missing data, numbers in each category are based on the following: Gender, N=13,464; Race, N=13,462; Sentence Type, N=13,517; Offense Type, N=13,517; and Age, N=13,461.

* Average age at time of sentencing.

CHARACTERISTICS OF OFFENDERS AND OFFENSES

This section presents the characteristics of the offenders who were sentenced during FY 2005. The crime categories committed by the offenders are descriptively analyzed, as well.

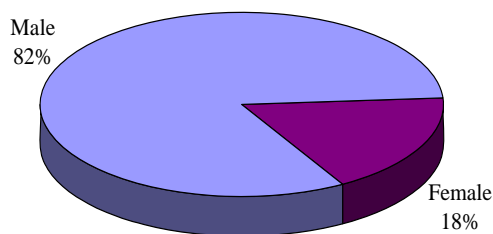
The distribution of offenders by gender, race, and age are graphically exhibited in Figures 4, 5, 6 and 7 respectively. Table 2 demonstrates offender characteristics by offense types.

In FY 2005, male offenders comprised 82% of all sentences (Figure 4) and in excess of 90% of most aggravated crimes, murders, rapes, sex offenses, burglaries, kidnapping, firearms, weapons, fleeing or eluding LEO, criminal threat, domestic battery, and other types of offenses (Table 2).

Female offenders made up 18% of the sentences in FY 2005, increasing by 1.6% compared to that of FY 2004 (16.4%). The most frequently committed crimes by female offenders (over 40%) were forgery, giving worthless checks, computer crimes and identity theft.

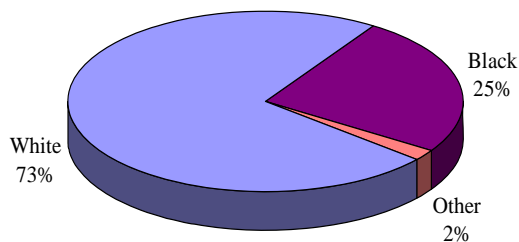
Racial analysis reveals that white offenders accounted for 73% and black offenders represented 25% of all sentences, respectively. This racial distribution remains pretty constant to that in FY 2004 (Figure 5).

Figure 4: Distribution of FY 2005 Sentences by Gender of Offenders



Based on 13,464 sentences reporting gender of offenders

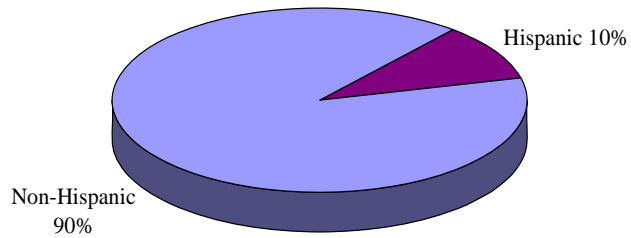
Figure 5: Distribution of FY 2005 Sentences by Race of Offenders



Based on 13,462 sentences reporting race of offenders

The distribution of ethnicity of offenders demonstrates that 90% of the offenders sentenced in FY 2005 were of Non-Hispanic origin, indicating no significant variance compared with that of FY 2004 (Figure 6). This distribution of ethnicity of offenders has been comparatively constant for the past five years.

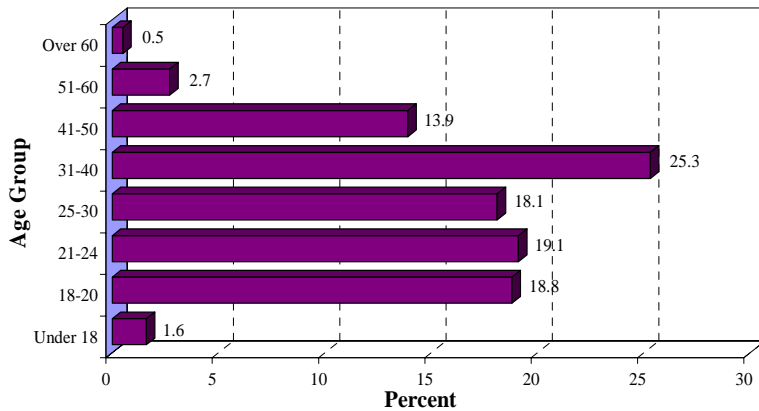
Figure 6: Distribution of FY 2005 Sentences by Ethnicity of Offenders



Based on 13,447 sentences reporting ethnicity of offenders

When analyzing offenders by age at the time of committing the offense, the largest group of offenders was found in the age group ranging from 31 to 40, representing 25.3% of all offenders in FY 2005. This finding is consistent with those in the past five years (Figure 7).

Figure 7: Distribution of FY 2005 Sentences by Age of Offenders



Based on 13,461 sentences reporting age of offenders at time of offense

Table 2: FY 2005 Offender Characteristics by Type of Offense – 1

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Abuse of Child	31	67.7	32.3	83.9	12.9	3.2	31.5
Agg Arson	19	72.2	27.8	72.2	22.2	5.6	29.8
Agg Assault	282	88.9	11.1	66.8	31.8	1.4	29.8
Agg Assault on LEO	41	95.1	4.9	73.2	26.8	0.0	31.5
Agg Battery	663	91.4	8.6	62.3	34.8	2.9	28.9
Agg Battery on LEO	18	94.4	5.6	61.1	38.9	0.0	29.4
Agg Burglary	149	89.9	10.1	59.7	36.9	3.4	28.5
Agg Criminal Sodomy w/Child	62	100.0	0.0	82.3	14.5	3.2	30.9
Agg Escape from Custody	102	86.3	13.7	62.7	34.3	2.9	31.1
Agg Failure to Appear	41	87.5	12.5	67.5	30.0	2.5	32.8
Agg False Impersonation	16	93.8	6.3	81.3	18.7	0.0	30.7
Agg Robbery	300	95.0	5.0	43.7	55.3	1.0	25.4
Agg Incest	11	100.0	0.0	100.0	0.0	0.0	35.9
Agg Indecent Liberties w/Child	345	98.6	1.4	79.7	18.3	2.0	29.2
Agg Indecent Solicit w/Child	81	97.5	2.5	81.5	16.0	2.5	29.6
Agg Inter w/Parental Custody	9	44.4	55.6	88.9	0.0	11.1	31.7
Agg Intimidation of a Victim	10	90.0	10.0	80.0	20.0	0.0	27.5
Agg Kidnapping	20	100.0	0.0	50.0	50.0	0.0	28.8
Agg Sexual Battery	64	100.0	0.0	48.4	45.3	6.3	31.2
Agg Weapon Violation	14	92.9	7.1	50.0	35.7	14.3	34.8
Aid Felon	30	73.3	26.7	56.7	43.3	0.0	28.0
Arrange Sale/Purchase Drug	7	71.4	28.6	100.0	0.0	0.0	32.0
Arson	45	84.4	15.6	73.3	26.7	0.0	29.0
Banking Embezzlement	6	0.0	100.0	83.3	16.7	0.0	39.1
Battery on LEO	49	71.4	28.6	46.9	51.0	2.0	25.9
Burglary	1,242	91.9	8.1	79.6	18.6	1.8	26.5
Contribute Child's Misconduct	17	64.7	35.3	88.2	5.9	5.9	24.5
Computer Crime	17	58.8	41.2	94.1	5.9	0.0	30.6
Criminal Damage to Property	134	85.8	14.2	75.4	21.6	3.0	27.1
Criminal Discharge of Firearm	19	100.0	0.0	57.9	36.8	5.3	23.5
Criminal Sodomy w/Child	8	100.0	0.0	87.5	0.0	12.5	23.4
Criminal Threat	299	92.3	7.7	74.8	22.5	2.7	31.0
Criminal Use of Explosives	7	100.0	0.0	100.0	0.0	0.0	25.7
Criminal Use of Financial Card	50	62.0	38.0	68.0	28.0	4.0	29.6
Domestic Battery	13	100.0	0.0	76.9	23.1	0.0	30.8
Driving While a Habitual Violator	6	100.0	0.0	50.0	50.0	0.0	31.9

Table 2: FY 2005 Offender Characteristics by Type of Offense – 2

Offense Type	Number of Cases	Gender (%)		Race (%)			Mean Age*
		Male	Female	White	Black	Other	
Drugs	4,393	78.6	21.4	75.4	23.2	1.4	31.0
Drug without Tax Stamps	91	81.3	18.7	79.1	20.9	0.0	30.9
DUI	1,015	86.7	13.3	90.9	7.5	1.6	39.1
Failure to Register	35	100.0	0.0	82.9	17.1	0.0	35.3
Fleeing or Eluding LEO	271	93.3	6.7	68.0	30.1	1.9	29.5
Forgery	870	52.7	47.3	69.8	28.4	1.9	30.7
False Writing	106	61.0	39.0	66.7	32.4	1.0	31.8
Giving Worthless Checks	75	52.7	47.3	87.8	9.5	2.7	34.6
Identity Theft	77	50.6	49.4	76.6	23.4	0.0	32.4
Indecent Liberties w/Child	93	98.9	1.1	77.4	20.4	2.2	28.1
Indecent Solicitation of Child	52	98.1	1.9	94.2	5.8	0.0	24.5
Involuntary Manslaughter	44	95.5	4.5	68.2	31.8	0.0	25.3
Kidnapping	59	96.6	3.4	59.3	37.3	3.4	28.1
Lewd and Lascivious Behavior	14	100.0	0.0	92.9	7.1	0.0	34.7
Medicaid Fraud	8	37.5	62.5	87.5	12.5	0.0	39.0
Murder in the First Degree	49	95.9	4.1	49.0	49.0	2.0	27.8
Murder in the Second Degree	35	88.6	11.4	51.4	40.0	8.6	26.2
Nonsupport of Child or Spouse	72	97.2	2.8	93.1	6.9	0.0	34.8
Obstructing Legal Process	108	88.0	12.0	68.5	28.7	2.8	29.4
Obtain Prescription Drug	8	37.5	62.5	100.0	0.0	0.0	35.5
Possession of Firearm	96	96.9	3.1	50.0	46.9	3.1	28.4
Rape	121	100.0	0.0	54.5	43.8	1.7	26.8
Robbery	294	89.1	10.9	43.2	55.4	1.4	26.8
Securities Crimes	13	92.3	7.7	100.0	0.0	0.0	44.6
Sex Exploitation of a Child	26	96.2	3.8	92.3	7.7	0.0	35.8
Stalking	14	92.3	7.7	76.9	23.1	0.0	39.3
Theft	1,082	74.4	25.6	70.9	26.9	2.1	30.9
Traffic in Contraband	52	76.9	23.1	76.9	19.2	3.8	28.7
Unlawful Sexual Relation	5	100.0	0.0	60.0	40.0	0.0	34.1
Unlawful Voluntary Sex Relation	26	96.2	3.8	84.6	15.4	0.0	18.7
Voluntary Manslaughter	43	100.0	0.0	39.5	53.5	7.0	25.7
Weapons	7	100.0	0.0	100.0	0.0	0.0	30.3
Other	36	72.7	27.3	90.9	9.1	0.0	32.0
TOTAL	13,517	82.3	17.7	73.0	25.2	1.8	30.5

Note: Due to missing data, percentages in each category are based on different numbers: Gender, N=13,464; Race, N=13,462; and Age, N=13,461.

* Average age at time of offense.

INCARCERATION SENTENCES

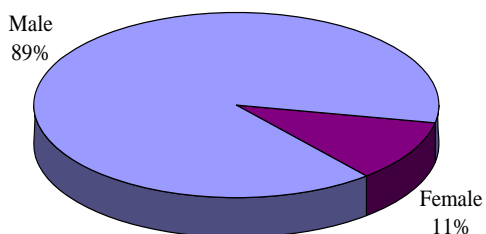
Characteristics of Offenders

Figures 8, 9, 10, 11 and 12 depict the characteristics of offenders admitted to the state correctional facilities during FY 2005.

The predominant offender group admitted to prison in FY 2005 continued to be white males (Figures 8 and 9). Non-Hispanic offenders represented 91% of the offenders sentenced to prison (Figure 10). The overall distributions of the offenders by gender, race and ethnic origin are constant compared with those of the past five years.

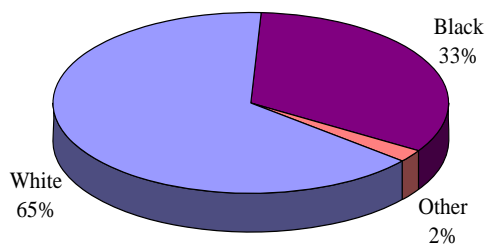
The largest number of incarcerated offenders were identified in their thirties (27.5%) at the time of admission to prison (Figure 11). Approximately 54% of the incarcerated offenders had obtained a high school diploma or GED equivalent (Figures 12).

Figure 8: FY 2005 Incarceration Sentences by Gender of Offenders



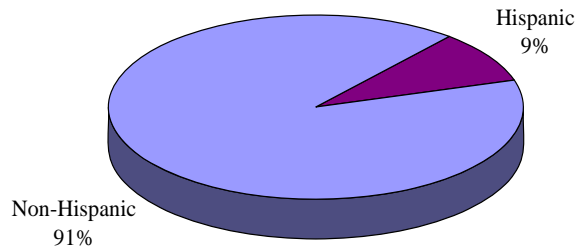
Based on 5,741 incarceration sentences reporting gender of offenders

Figure 9: FY 2005 Incarceration Sentences by Race of Offenders



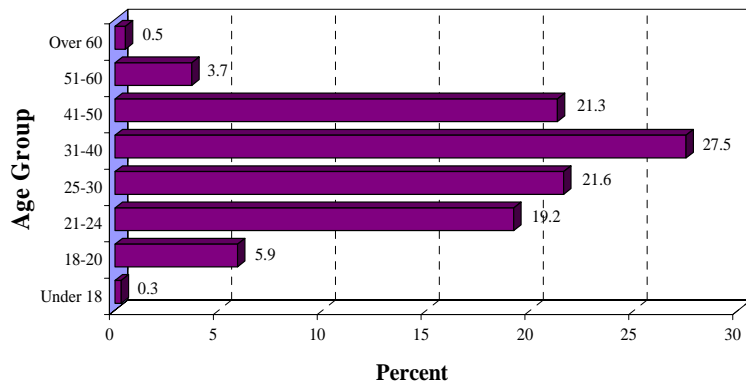
Based on 5,740 incarceration sentences reporting race of offenders

Figure 10: FY 2005 Incarceration Sentences by Ethnic Origin of Offenders



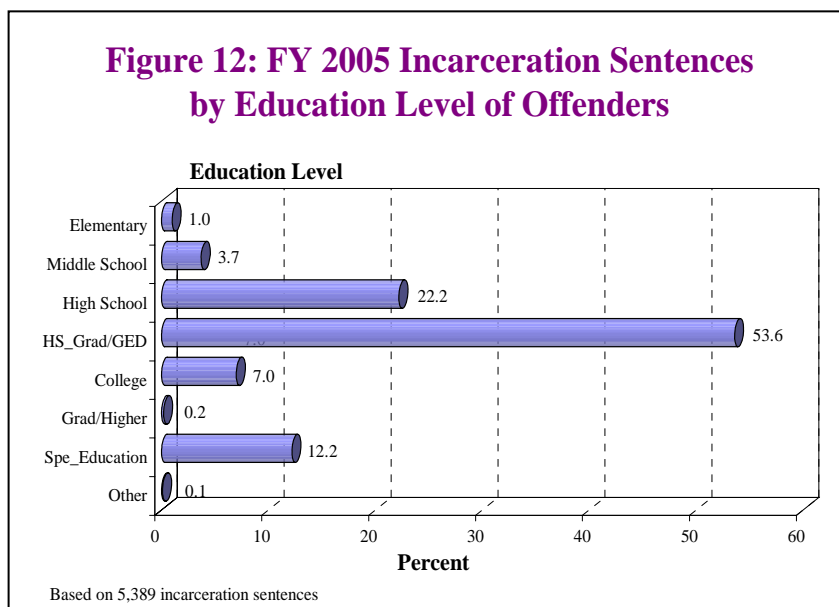
Based on 5,730 incarceration sentences reporting ethnic origin of offenders

Figure 11: FY 2005 Incarceration Sentences by Age of Offenders at Admission



Based on 5,741 incarceration sentences reporting age of offenders

Figure 12: FY 2005 Incarceration Sentences by Education Level of Offenders



Incarceration Nondrug Offenses

Totaling 4,125 sentences, incarceration nondrug offenses made up approximately 72% of the total incarceration sentences (5,741) in FY 2005. The top ten nondrug offenses included aggravated assault, aggravated battery, aggravated indecent liberties with a child, aggravated robbery, burglary, DUI, forgery, rape, robbery and theft (Table 3).

Over 90% of sentences in the top ten crime categories, except forgery and theft, were committed by male offenders. Most sex offenders were males, indicating no change from the previous year. However, the highest percentage of sentenced females (over 30%) were found in the offense categories of criminal use of financial card,

forgery, giving false writing, aiding felon, aggravated arson and contributing child's misconduct (Table 3).

The analysis on the race characteristics of offenders indicated that the highest incarceration rates for whites (over 70%) were discovered in the areas of sex offenses, burglary, DUI, criminal threat, nonsupport of a child or spouse and traffic in contraband. Nevertheless, blacks were incarcerated more often (over 50%) for the crimes of murders, aggravated robbery, robbery and possession of firearms. The average age of the nondrug offenders was 33.5 years old at the time of admission to prison in FY 2005, which is very close to that of FY 2004 (Table 3).

Table 3: FY 2005 Incarceration Nondrug Offender Characteristics by Type of Offense – 1

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age at Admission
		Male	Female	White	Black	Other	
Abuse of Child	17	82.4	17.6	88.2	5.9	5.9	31.3
Agg Arson	13	69.2	30.8	69.2	23.1	7.7	34.9
Agg Assault	124	91.9	8.1	62.1	36.3	1.6	32.0
Agg Assault on LEO	28	100.0	0.0	75.0	25.0	0.0	34.6
Agg Battery	365	94.2	5.8	55.9	40.5	3.6	32.3
Agg Battery on LEO	13	100.0	0.0	61.5	38.5	0.0	34.6
Agg Burglary	94	94.7	5.3	53.2	43.6	3.2	33.4
Agg Criminal Sodomy w/Child	61	100.0	0.0	82.0	14.8	3.2	37.7
Agg Escape from Custody	81	86.4	13.6	59.3	37.0	3.7	35.0
Agg Failure to Appear	8	100.0	0.0	75.0	25.0	0.0	32.5
Agg False Impersonation	6	100.0	0.0	83.3	16.7	0.0	32.4
Agg Incest	6	100.0	0.0	100.0	0.0	0.0	39.6
Agg Indecent Liberties w/Child	272	98.9	1.1	77.2	20.2	2.6	33.8
Agg Indecent Solicit w/Child	51	98.0	20.0	74.5	21.6	3.9	30.9
Agg Kidnapping	20	100.0	0.0	50.0	50.0	0.0	42.6
Agg Robbery	274	95.6	4.4	43.1	55.8	1.1	34.2
Agg Sexual Battery	48	100.0	0.0	43.8	52.0	4.2	36.3
Agg Weapon Violation	8	87.5	12.5	62.5	25.0	12.5	34.7
Aid Felon	9	66.7	33.3	44.4	55.6	0.0	29.5
Arson	15	93.3	6.7	60.0	40.0	0.0	32.2
Battery on LEO	31	77.4	22.6	35.5	61.3	3.2	27.6
Burglary	504	94.8	5.2	73.4	25.0	1.6	30.5
Contribute Child's Misconduct	5	40.0	60.0	80.0	20.0	0.0	24.8
Criminal Damage to Property	36	91.7	8.3	63.9	33.3	2.8	32.6
Criminal Sodomy w/Child	7	100.0	0.0	85.7	0.0	14.3	26.9
Criminal Threat	102	94.1	5.9	72.5	24.5	2.9	31.2
Criminal Use Financial Card	12	66.7	33.3	75.0	25.0	0.0	32.9
Discharge of Firearm	16	100.0	0.0	50.0	43.8	6.3	24.5
Drug without Tax Stamps	23	78.3	21.7	69.6	30.4	0.0	34.1
Driving While a Habitual Violator	5	100.0	0.0	60.0	40.0	0.0	34.0
DUI	204	95.6	4.4	89.2	8.3	2.5	42.6
Failure to Register	11	100.0	0.0	90.9	9.1	0.0	33.6
Fleeing or Eluding LEO	88	96.6	3.4	64.8	31.8	3.4	32.5
Forgery	292	66.4	33.6	64.7	33.2	2.1	34.6
False Writing	33	66.7	33.3	51.5	48.5	0.0	34.8

Table 3: FY 2005 Incarceration Nondrug Offender Characteristics by Type of Offense – 2

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age at Admission
		Male	Female	White	Black	Other	
Giving Worthless Checks	7	85.7	14.3	100.0	0.0	0.0	38.8
Identity Theft	23	73.9	26.1	65.2	34.8	0.0	37.0
Indecent Liberties w/Child	75	100.0	0.0	77.3	20.0	2.7	35.3
Indecent Solicitation of Child	24	100.0	0.0	87.5	12.5	0.0	25.5
Involuntary Manslaughter	33	93.9	6.1	66.7	33.3	0.0	28.1
Kidnapping	52	98.1	1.9	57.7	40.4	1.9	35.4
Lewd and Lascivious Behavior	5	100.0	0.0	100.0	0.0	0.0	34.6
Murder in the First Degree	48	97.9	2.1	47.9	50.0	2.1	34.0
Murder in the Second Degree	35	88.6	11.4	51.4	40.0	8.6	34.5
Nonsupport of Child or Spouse	31	96.8	3.2	90.3	9.7	0.0	39.0
Obstructing Legal Process	39	89.7	10.3	53.8	41.0	5.1	30.3
Possession of Firearm	41	97.6	2.4	43.9	56.1	0.0	29.0
Rape	116	100.0	0.0	53.4	44.8	1.7	36.0
Robbery	212	91.5	8.5	37.7	60.8	1.4	31.8
Securities Crimes	6	83.3	16.7	100.0	0.0	0.0	43.2
Sex Exploitation of a Child	15	100.0	0.0	86.7	13.3	0.0	38.5
Stalking	7	100.0	0.0	57.1	42.9	0.0	40.5
Theft	371	85.2	14.8	63.1	33.2	3.8	33.4
Traffic in Contraband	27	88.9	11.1	70.4	25.9	3.7	30.3
Unlawful Voluntary Sex Relation	9	100.0	0.0	77.8	22.2	0.0	21.0
Voluntary Manslaughter	39	100.0	0.0	43.6	51.3	5.1	33.8
Other	28	67.9	32.1	89.3	7.1	3.6	35.7
TOTAL	4,125	91.3	8.7	63.7	33.9	2.4	33.5

Incarceration Drug Offenses

A total number of 1,616 offenders were admitted to prison during FY 2005 for conviction of drug crimes, representing 28.1% of the total admission to the State Correctional Facilities. Of the total 1,616 incarceration drug sentences, almost 50% were offenses of drug possession indicating an increase of 4.2% compared with that of FY 2004 (45.7%). More than 91% of the drug possession sentences fell at drug severity level 4 (Figure 13).

Approximately 84% of the drug offenders were males. Female offenders represented the highest percent (over 20%) in the drug crimes of opiates or narcotics possession offenses, opiates or narcotics sale third offense and possession of precursor drugs. White offenders were convicted of over 80% of incarceration drug sentences in the drug crime areas of unlawfully manufacturing controlled substance, possession of paraphernalia and possession of precursor

drugs. Black offenders were incarcerated more frequently (over 40%) for convictions of drug crimes of the opiate or narcotics possession for the second, third and subsequent offenses, and opiate or narcotics sale for the first and the second offenses, which demonstrates little difference from those of FY 2004. The average age of the drug offenders was nearly 34 years old at admission to prison (Table 4), remaining constant to the age of the drug offenders observed in FY 2004 (34 years old).

The drug crime of possession of precursor drugs under K.S.A. 65-7006 has kept increasing since it was created in the 1999 Legislative Session. During FY 2005, sixty-one drug offenders were sentenced to prison under this drug crime and the majority of the offenders were white males (Table 4). Figure 14 presents the conviction trend of the crime in the past six years.

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

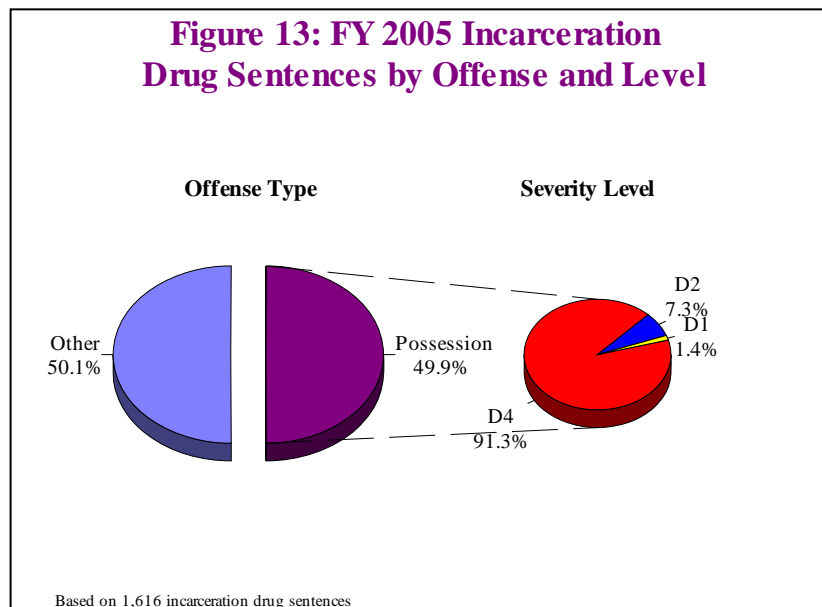
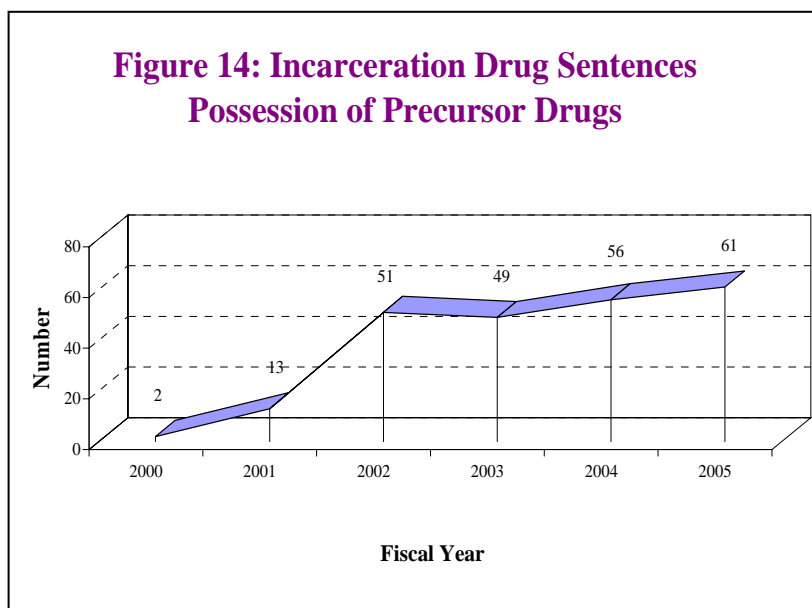


Table 4: FY 2005 Incarceration Drug Offender Characteristics by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Average Age at Admission
		Male	Female	White	Black	Other	
Opiates or Narcotics; Poss 1	631	77.2	22.8	62.9	34.8	2.4	33.8
Opiates or Narcotics; Poss 2	59	78.0	22.0	54.2	42.4	3.4	35.7
Opiates or Narcotics; Poss 3	11	63.6	36.4	27.3	72.7	0.0	39.8
Opiates or Narcotics; Sale 1	336	86.9	13.1	56.8	42.0	1.2	33.5
Opiates or Narcotics; Sale 2	18	88.9	11.1	16.7	83.3	0.0	40.7
Opiates or Narcotics; Sale 3	6	66.7	33.3	66.7	33.3	0.0	35.6
Opiates/ Narcotics, Depress, Stim, Hall; Sale w/in 1,000 ft of School	36	86.1	13.9	69.4	27.8	2.8	32.8
Depress, Stim, Hall; Poss 2	105	92.4	7.6	74.3	23.8	1.9	30.3
Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale	168	92.3	7.7	72.6	24.4	3.0	29.6
Unlawful Manufacture Controlled Substance	139	92.8	7.2	98.6	1.4	0.0	37.3
Possession of Paraphernalia	44	97.7	2.3	86.4	13.6	0.0	34.5
Possession of Precursor Drugs	61	78.7	21.3	95.1	3.3	1.6	33.9
Other	2	50.0	50.0	100.0	0.0	0.0	29.1
TOTAL	1,616	83.9	16.1	67.4	30.7	1.9	33.6

According to the Kansas Court of Appeals’ ruling over *State vs. Frazier* in March 2002, the severity level for the crime of possession of precursor drugs was reclassified to drug severity level 4. However, in the Kansas Supreme Court’s decision on *State vs. Campbell* issued in January 2005, the crime is reconfirmed as a drug severity level 1 felony with length of sentence at drug level 4 (Figure 14).



Types of Admission and Severity Levels

The distribution of offenders by types of admission to the Kansas Department of Corrections (KDOC) in FY 2005 is illustrated in Table 5. Condition violators, including probation condition violators, parole/post-release condition violators, and conditional release condition violators, comprised 68.3% of all offenders admitted to state correctional facilities during FY 2005. This represents a percentage decrease of 0.2% from FY 2004 (68.5%). As in the past years, condition violators admitted to prison had a significant impact on the total

admissions to the Department of Corrections in FY 2005.

Another big proportion of prison admissions came from new court commitments and violators with new sentences, which contributed another 31% to the total admissions in FY 2005, representing no percentage change compared with that of FY 2004 (30.9%). However, the trend analysis of new court commitments in the past five years reveals a declining tendency, which is consistent with the dropping crime rates observed statewide and nationwide.

Table 5: Distribution of FY 2005 Incarceration Sentences by Admission Type

Admission Type	Number of Cases	Percent
New Court Commitment	1,489	25.9
Probation Condition Violator	1,783	31.1
Probation Violator With New Sentence	126	2.2
Inmate Received on Interstate Compact	6	0.1
Parole/Post-release Condition Violator	2,109	36.7
Parole/Post-release Violator With New Sentence	163	2.8
Paroled to Detainer Returned With New Sentence	33	0.6
Conditional Release Condition Violator	29	0.5
Conditional Release Violator With New Sentence	3	0.1
TOTAL	5,741	100.0

Table 6 illustrates a distribution of all incarcerated offenders by offense severity level and gender. The highest percentages (over 14%) of all nondrug offenders are found in severity levels 5, 7 and 9 (Figure 15). This severity level distribution of nondrug incarcerated offenders has

remained constant in the past five years. The examination of drug offenders demonstrates that 48.3% of all drug offenders fell on drug severity level 4 (Figure 16), which increased by 5.6% compared with that in FY 2004 (42.7%). Female offenders were convicted more often of drug offenses than of nondrug

offenses (16.1% vs. 8.7%). The highest percentages of female offenders were found

at drug severity level 4 (19.7%) and nondrug severity level 8 (25.3%, Table 6).

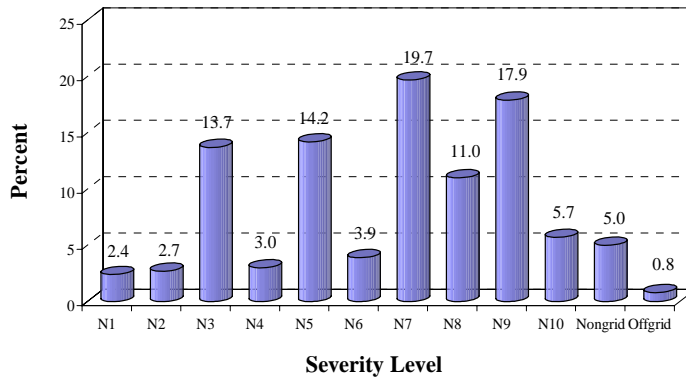
Table 6: Distribution of FY 2005 Incarceration Sentences by Severity Level and Gender*

Severity Level	Number of Cases	Gender (%)		Subtotal (%)
		Male	Female	
Drug				
1	187	84.5	15.5	11.6
2	132	84.1	15.9	8.2
3	516	89.1	10.9	31.9
4	781	80.3	19.7	48.3
Subtotal	1,616	83.9	16.1	100.0
Nondrug				
1	96	96.9	3.1	2.4
2	112	99.1	0.9	2.7
3	562	97.9	2.1	13.7
4	123	95.9	4.1	3.0
5	584	94.2	5.8	14.2
6	158	92.4	7.6	3.9
7	809	92.3	7.7	19.7
8	462	74.7	25.3	11.0
9	737	90.6	9.4	17.9
10	235	87.2	12.8	5.7
Nongrid	206	95.6	4.4	5.0
Offgrid	33	97.0	3.0	0.8
Subtotal	4,117	91.3	8.7	100.0
TOTAL**	5,741	89.3	10.7	100.0

* Based on 1,616 drug offenders and 4,125 nondrug offenders.

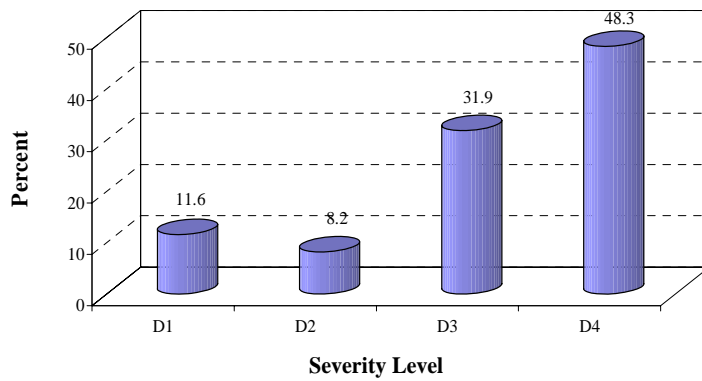
** Total number includes 8 offenders whose severity levels are unknown.

**Figure 15: FY 2005 Incarceration Sentences
Nondrug Offenders by Severity Level**



Based on 4,117 nondrug offenders

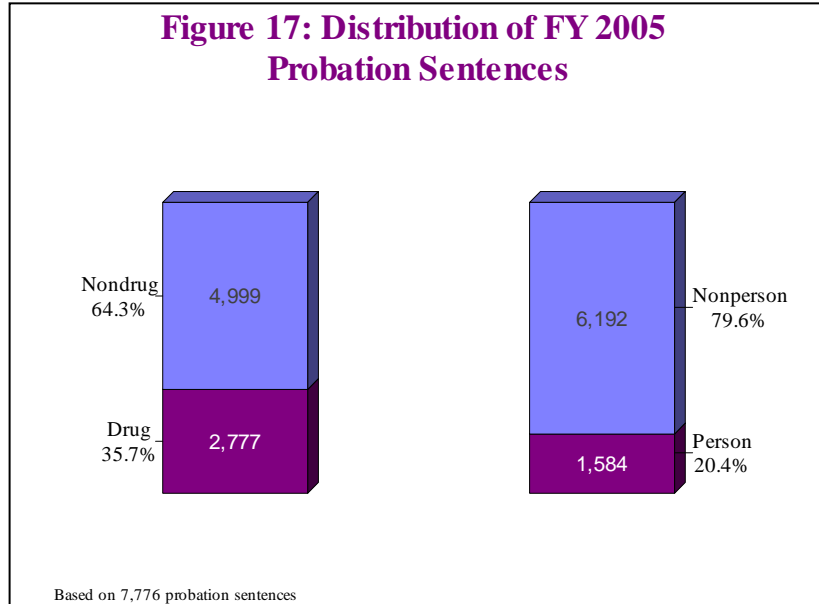
**Figure 16: FY 2005 Incarceration Sentences
Drug Offenders by Severity Level**



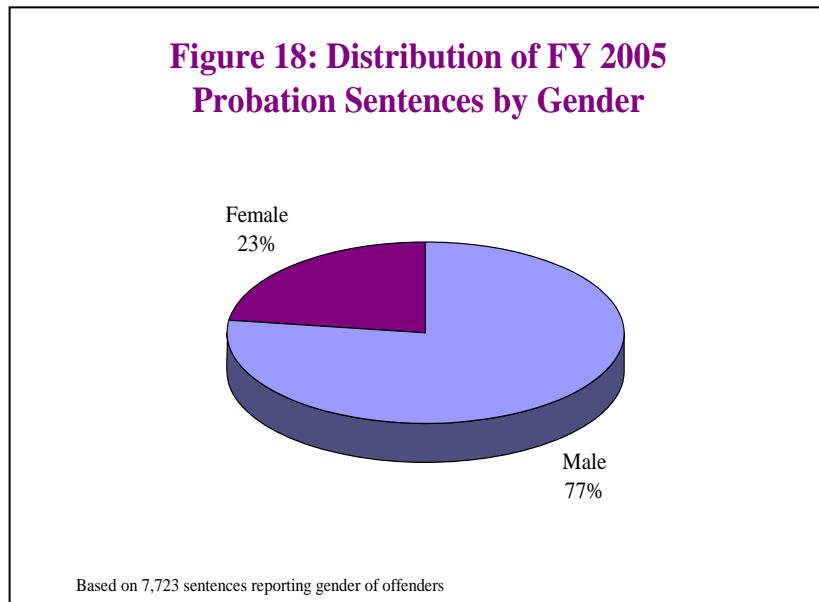
Based on 1,616 drug offenders

PROBATION SENTENCES

During FY 2005 the Kansas Sentencing Commission received a total number of 7,776 probation sentences. Of this number, 4,999 were nondrug sentences and 2,777 were drug sentences; non-person offenses made up 79.6% (6,192 sentences) and person offenses made up 20.4% (1,584 sentences, Figure 17). The demographic information of this offender group is described in Figures 18, 19 and 20.

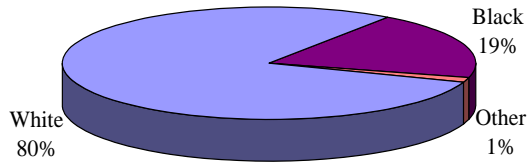


Male offenders accounted for 77% of all probation sentences in FY 2005 decreased by 2.1% compared with that observed in FY 2004 (Figure 18).



White offenders represented 80% of the probation sentences imposed in FY 2005. The percentage change of the white offenders indicates an increase of 0.9% compared with that of FY 2004 (79.1%) and an increase of 1.9% (78.1%) compared with that of FY 2003 (Figure 19).

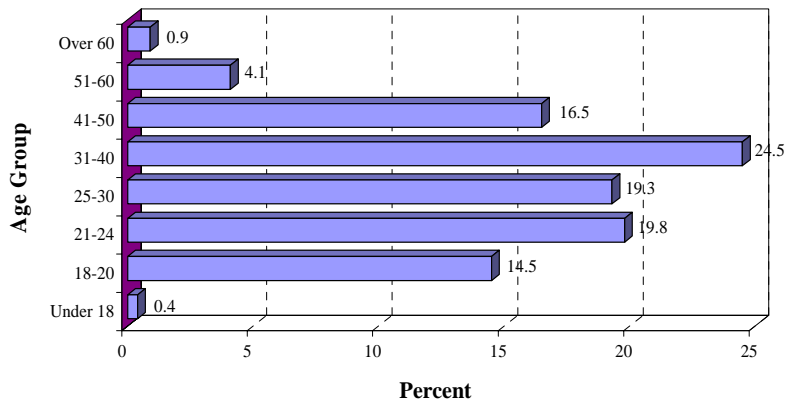
Figure 19: Distribution of FY 2005 Probation Sentences by Race



Based on 7,722 sentences reporting race of offenders

The biggest age group of probation offenders at the time of sentencing were found to be in their thirties (24.5%), demonstrating no change in the past five years (Figure 20).

Figure 20: Distribution of FY 2005 Probation Sentences by Age



Based on 7,728 sentences reporting age of offenders at time of sentencing

Type of Offense and Severity Level

The characteristics of probation offenders by offense type are presented in Tables 7 and 8. The top ten offenses committed by nondrug offenders on probation include aggravated assault, aggravated battery, burglary, criminal damage to property, criminal threat, DUI, fleeing LEO, forgery, robbery and theft, accounting for 77.1% of the total nondrug probation sentences in FY 2005 (Figure 21), an increase of 2.1% over that of the previous year (75%). In reviewing drug offenders on probation, the largest number of sentences was for possession of drugs, representing 65% of all probation drug offenses (Figure 22).

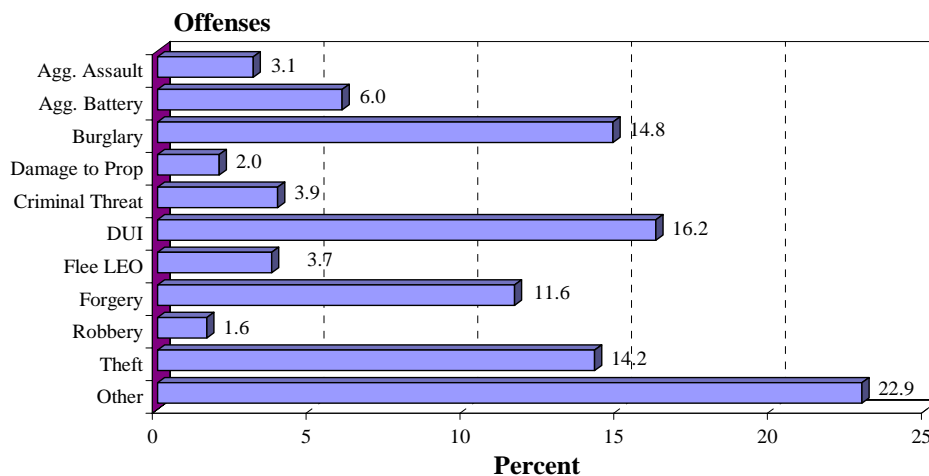
Males on probation in FY 2005 committed over 90% of the sex offenses and violent crimes of probation sentences such as: criminal threat, domestic battery, fleeing or eluding LEO, failure to register, nonsupport of a child or spouse and possession of firearms and weapons. The highest percentages of female probation nondrug

offenses (over 45%) included forgery, giving worthless checks, identity theft and Medicaid fraud (Table 7).

Racial analysis demonstrates that whites were responsible for 78.7% of all nondrug crimes and 80.1% of all drug offenses; blacks had a little higher conviction percentage for nondrug offenses than drug crimes (19.7% versus 18.8%). The average age at the time of committing offense was 30.8 years old for nondrug offenders and 31.3 years old for drug offenders (Table 7 & Table 8), which didn't show much difference from those in FY 2004.

The characteristics of probation offenders by severity level are presented in Tables 9 and 10. The largest number of probation nondrug sentences fell within nondrug grid severity level 9 (30.8%) and the highest percentage of probation drug sentences fell at drug grid severity level 4 (71.4%). These distributions are pretty consistent with those in the past four years.

Figure 21: FY 2005 Top Ten Offenses for Probation Nondrug Sentences



Based on 4,999 probation nondrug sentences

Drug possession crimes included opiates or narcotics; possession 1st, 2nd, 3rd and subsequent offenses; depressants, stimulants, hallucinogenics, etc. possession 2nd and subsequent offense (Figure 22). The conviction of opiates or narcotics possession 1st represented 53.3% of the total probation drug sentences in FY 2005 (Table 8).

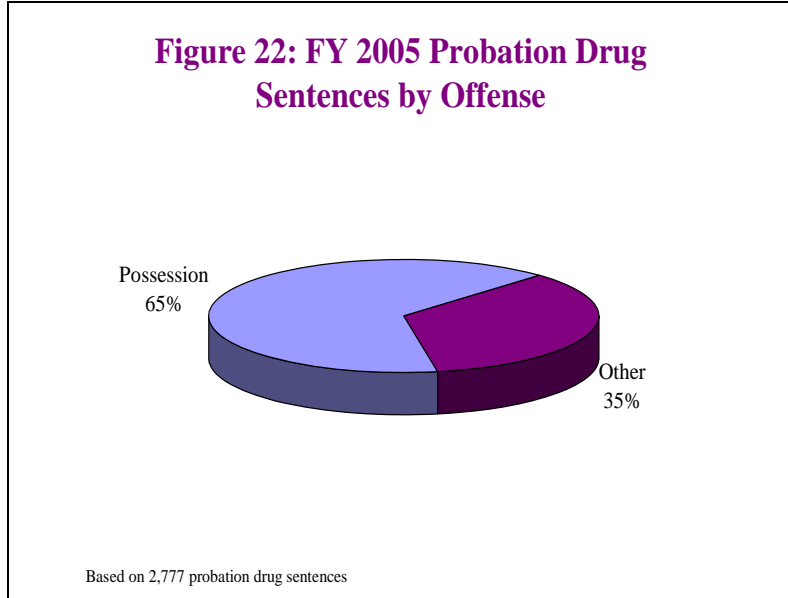


Table 7: Characteristics of Probation Nondrug Offenders by Type of Offense –1

Offense Type	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
Abuse of Child	14	0.3	50.0	50.0	78.6	21.4	0.0	35.6
Agg Arson	6	0.1	80.0	20.0	80.0	20.0	0.0	36.8
Agg Assault	158	3.2	86.5	13.5	70.5	28.2	1.3	30.0
Agg Assault on LEO	13	0.3	84.6	15.4	69.2	30.8	0.0	29.9
Agg Battery	298	6.0	87.9	12.1	70.1	27.9	2.0	28.7
Agg Battery on LEO	5	0.1	80.0	20.0	60.0	40.0	0.0	31.6
Agg Burglary	55	1.1	81.8	18.2	70.9	25.5	3.6	27.7
Agg Escape from Custody	21	0.4	85.7	14.3	76.2	23.8	0.0	32.7
Agg Fail to Appear	33	0.7	84.4	15.6	65.6	31.3	3.1	33.6
Agg False Impersonation	10	0.2	90.0	10.0	80.0	20.0	0.0	31.4
Agg Incest	5	0.1	100.0	0.0	100.0	0.0	0.0	45.4
Agg Ind Lib with a Child	73	1.5	97.3	2.7	89.0	11.0	0.0	27.3
Agg Ind Solicit with a Child	30	0.6	96.7	3.3	93.3	6.7	0.0	34.8
Agg Inter w/Parental Custody	5	0.1	40.0	60.0	100.0	0.0	0.0	33.1
Agg Intimidation of a Victim	7	0.1	85.7	14.3	71.4	28.6	0.0	28.3
Agg Robbery	26	0.5	88.5	11.5	50.0	50.0	0.0	24.0
Agg Sex Battery with Child	16	0.3	100.0	0.0	62.5	25.0	12.5	29.7
Agg Weapon Violation	6	0.1	100.0	0.0	33.3	50.0	16.7	36.5
Aiding Felon	21	0.4	76.2	23.8	61.9	38.1	0.0	28.2
Arrange Sale/Purchase Drug	6	0.1	66.7	33.3	100.0	0.0	0.0	32.4
Arson	30	0.6	80.0	20.0	80.0	20.0	0.0	29.9

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

Offense Type	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
Banking Embezzlement	6	0.1	0.0	100.0	83.3	16.7	0.0	39.1
Battery on LEO	18	0.4	61.1	38.9	66.7	33.3	0.0	28.0
Burglary	738	14.8	89.8	10.2	83.9	14.2	1.9	25.4
Computer Crime	15	0.3	66.7	33.3	100.0	0.0	0.0	28.6
Contribute Child Misconduct	12	0.2	75.0	25.0	91.7	0.0	8.3	25.1
Crim Damage of Property	98	2.0	83.7	16.3	79.6	17.3	3.1	26.0
Criminal Threat	197	3.9	91.3	8.7	76.0	21.4	2.6	31.7
Criminal Use of Explosives	7	0.1	100.0	0.0	100.0	0.0	0.0	25.7
Crim Use of Financial Card	38	0.8	60.5	39.5	65.8	28.9	5.3	29.3
Domestic Battery	11	0.2	100.0	0.0	81.8	18.2	0.0	30.8
Drug without Tax Stamps	68	1.4	82.4	17.6	82.4	17.6	0.0	30.4
DUI	811	16.2	84.4	15.6	91.3	7.3	1.4	38.7
Failure to Register	24	0.5	100.0	0.0	79.2	20.8	0.0	37.1
False Writing	73	1.5	58.3	41.7	73.6	25.0	1.4	31.6
Fleeing/Eluding LEO	183	3.7	91.7	8.3	69.6	29.3	1.1	29.0
Forgery	578	11.6	45.7	54.3	72.3	25.9	1.8	30.0
Giving Worthless Check	68	1.4	49.3	50.7	86.6	10.4	3.0	34.4
Identity Theft	54	1.1	40.7	59.3	81.5	18.5	0.0	31.0
Ind Liberties with a Child	18	0.4	94.4	5.6	77.8	22.2	0.0	33.0
Ind Solicitation with a Child	28	0.6	96.4	3.6	100.0	0.0	0.0	26.1
Involuntary Manslaughter	11	0.2	100.0	0.0	72.7	27.3	0.0	27.3
Kidnapping	7	0.1	85.7	14.3	71.4	14.3	14.3	33.5
Lewd and Lascivious Behavior	9	0.2	100.0	0.0	88.9	11.1	0.0	35.6
Medicaid Fraud	8	0.2	37.5	62.5	87.5	12.5	0.0	39.0
Non-Support of a Child	41	0.8	97.6	2.4	95.1	4.9	0.0	35.5
Obtain Prescription Drug	6	0.1	50.0	50.0	100.0	0.0	0.0	38.2
Obstruct Legal Process	69	1.4	87.0	13.0	76.8	21.7	1.4	29.7
Possession of Firearms	55	1.1	96.4	3.6	54.5	40.0	5.5	29.5
Rape	5	0.1	100.0	0.0	80.0	20.0	0.0	20.8
Robbery	82	1.6	82.9	17.1	57.3	41.5	1.2	26.5
Securities Crimes	7	0.1	100.0	0.0	100.0	0.0	0.0	48.6
Sex Exploitation of a Child	11	0.2	90.9	9.1	100.0	0.0	0.0	36.4
Stalking	7	0.1	83.3	16.7	100.0	0.0	0.0	39.5
Theft	711	14.2	68.8	31.2	75.0	23.7	1.3	30.7
Traffic in Contraband	25	0.5	64.0	36.0	84.0	12.0	4.0	30.6
Unlawful Sexual Relations	5	0.1	100.0	0.0	60.0	40.0	0.0	34.1
Unlawful Voluntary Sex Relation	17	0.3	94.1	5.9	88.2	11.8	0.0	18.5
Voluntary Manslaughter	5	0.1	80.0	20.0	20.0	60.0	20.0	27.3
Weapon	6	0.1	100.0	0.0	100.0	0.0	0.0	32.4
Other	29	0.6	76.9	23.1	84.6	15.4	0.0	32.0
TOTAL	4,999	100.0	78.1	21.9	78.7	19.7	1.6	30.8

Note: Due to missing data, each category is based on different numbers: Gender, N=4,961; Race, N=4,960; and Age, N=4,966.

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

Offense Type	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
Opiates or Narcotics; Poss 1	1,481	53.3	71.7	28.3	79.1	19.9	1.0	32.1
Opiates or Narcotics; Poss 2	5	0.2	40.0	60.0	60.0	40.0	0.0	41.6
Opiates or Narcotics; Sale 1	319	11.5	71.9	28.1	73.2	25.2	1.6	31.4
Opiates/ Narcotics, Depress, Stim, Hall; Sale w/in 1,000 ft of School	13	0.5	76.9	23.1	69.2	30.8	0.0	28.5
Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale	289	10.4	87.1	12.9	74.6	24.7	0.7	28.7
Depress, Stim, Hall; Poss 2	315	11.3	85.1	14.9	81.6	16.8	1.6	28.6
Possession of Paraphernalia	152	5.5	80.3	19.7	92.1	7.2	0.7	31.3
Possession of Precursor Drugs	92	3.3	63.0	37.0	96.7	1.1	2.2	32.2
Simulated Controlled Substances	5	0.2	80.0	20.0	80.0	20.0	0.0	33.6
Unlawful Manufacture Controlled Substance	103	3.7	82.7	17.3	96.9	0.0	3.1	34.4
Other	3	0.1	100.0	0.0	66.7	33.3	0.0	36.0
TOTAL	2,777	100.0	75.4	24.6	80.1	18.8	1.2	31.3

Note: Due to missing data, each category is based on different numbers: Gender, N=2,762; Race, N=2,762; and Age, N=2,762.

Table 9: Characteristics of Probation Nondrug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
N1	4	0.1	100.0	0.0	75.0	25.0	0.0	21.4
N3	46	0.9	93.5	6.5	76.1	23.9	0.0	25.3
N4	4	0.1	100.0	0.0	100.0	0.0	0.0	28.7
N5	223	4.5	85.7	14.3	71.7	25.6	2.7	28.7
N6	61	1.2	90.2	9.8	82.0	18.0	0.0	30.6
N7	1,053	21.1	85.0	15.0	79.4	18.9	1.7	28.1
N8	793	15.9	55.5	44.5	72.9	25.4	1.8	29.9
N9	1,539	30.8	79.0	21.0	76.6	21.6	1.9	29.5
N10	454	9.0	78.9	21.1	75.1	24.0	0.9	31.2
Nongrid	822	16.4	84.6	15.4	91.2	7.4	1.4	38.6
TOTAL	4,999	100.0	78.1	21.9	78.7	19.7	1.6	30.8

Note: Due to missing data, each category is based on different numbers: Gender, N=4,961; Race, N=4,960; and Age, N=4,966.

Table 10: Characteristics of Probation Drug Offenders by Severity Level

Severity Level	N	%	Gender (%)		Race (%)			Offense Age Mean
			Male	Female	White	Black	Other	
D1	121	4.4	70.9	29.1	98.3	0.9	0.9	33.6
D2	20	0.7	70.0	30.0	70.0	30.0	0.0	32.1
D3	653	23.5	79.3	20.7	75.3	23.1	1.5	30.4
D4	1,983	71.4	74.5	25.5	80.6	18.3	1.1	31.5
TOTAL	2,777	100.0	75.4	24.6	80.1	18.8	1.2	31.3

Note: Due to missing data, each category is based on different numbers: Gender, N=2,762; Race, N=2,762 and Age, N=2,762.

SB 123 Drug Treatment Offenders

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

A total number of 1,105 sentences in FY 2005 were imposed to SB 123 drug treatment programs, representing nearly 40% of the total drug probation sentences (2,777). Of these sentences, almost 80%

were convicted of the crime of drug possession under K.S.A. 65-4160 and 19.3% were convicted of the crime of drug possession under K.S.A. 65-4162. Johnson County imposed most SB 123 drug treatment sentences (150) followed by Sedgwick (143), Saline (77), Reno (66), Shawnee (57) and Harvey (57) counties (Figure 24).

In addition, 127 drug treatment sentences were revoked during FY 2005. Of this number, 58 were revoked to prison. The average period between original sentence and revocation hearing was 6.7 months.

The offenders at drug severity level 4 accounted for 99.5% and 0.5% of the offenders fell at drug severity level 1. White males were still the majority of the treatment offenders. The average age of the drug treatment offenders was 32 years old, which is the same with that of FY 2004 (Figure 23).

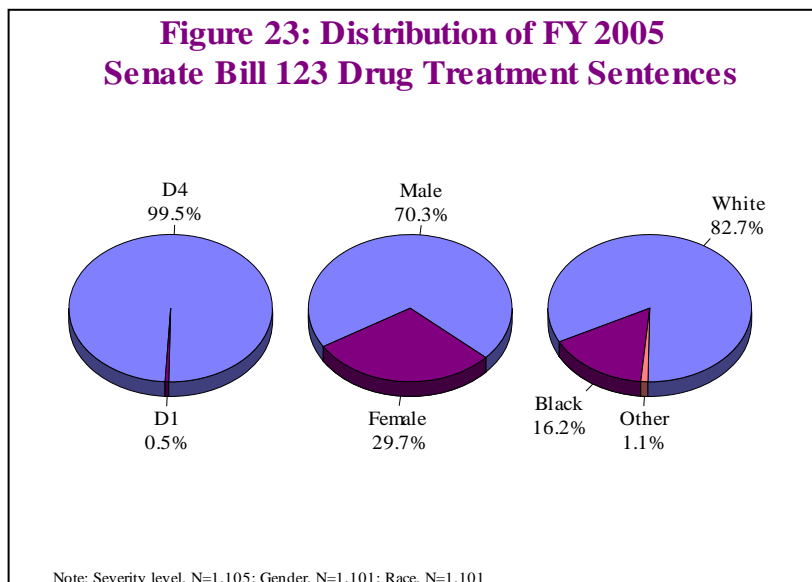
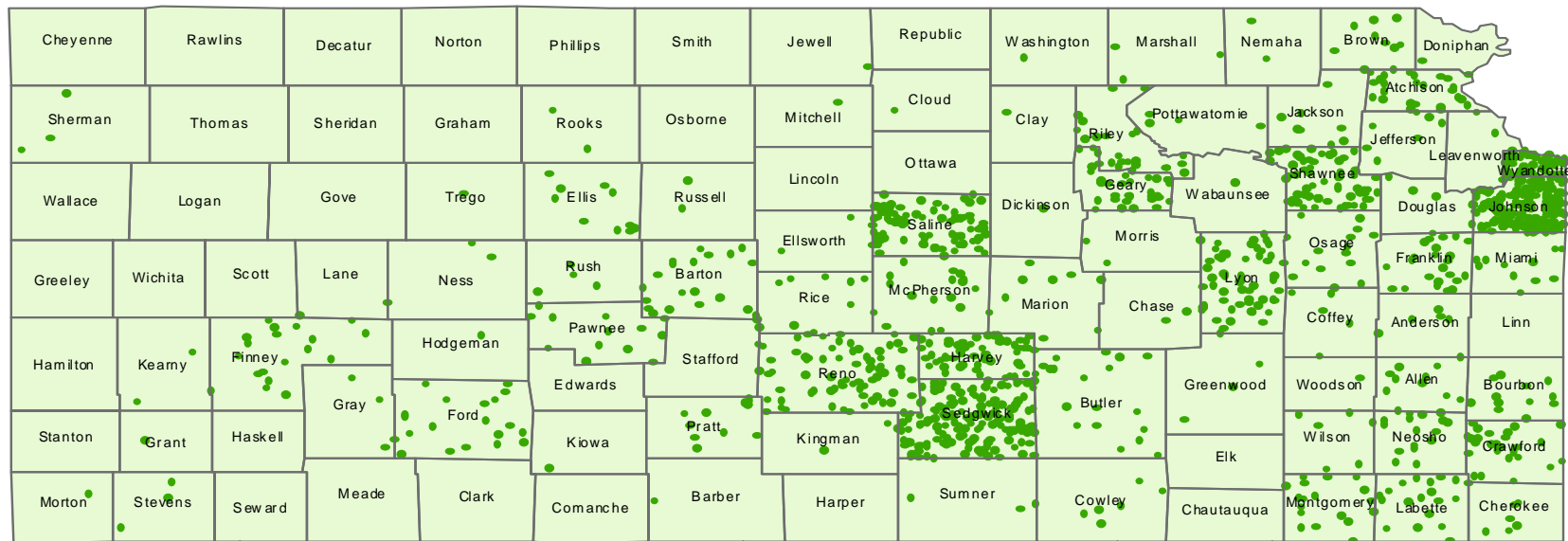
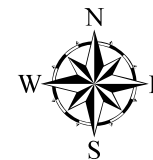


Figure 24: Distribution of Senate Bill 123 Drug Treatment Sentences Imposed by County - FY 2005



Summary
 Total county=105
 Total sentences=1,105
 County w/zero=31
 Minimum=1
 Maximum=150
 Mean=15



Criminal History and Length of Probation

In FY 2005, there were 7,000 probation sentences reported to the Commission with assigned criminal history categories, representing 90% of all the probation sentences (7,776). The largest number of this group fell within criminal history category I (34% or 2,387 sentences), representing having no previous criminal history or one misdemeanor conviction (Figure 25). Further analysis of the offenders with criminal history category I reveals that they accounted for 32.6% of offenders on the nondrug grid and 36.4% of offenders on the drug grid.

Approximately 88% of nondrug offenders fell within the presumptive probation boxes (Table 11), while 61.7% of probation drug offenders were sentenced within the presumptive probation boxes (Table 12). In reviewing border box sentences, only 4% of nondrug offenders were found to be at severity level 5 with criminal history

categories H and I and severity level 6 with criminal history category G, while 21.7% of drug probation sentences fell within severity level 3 with criminal history categories E to I, which are designated as border boxes (Tables 11 and 12).

In the Legislation of year 2003, drug severity level 4 with criminal history categories E and F are reclassified as presumptive probation boxes, effective on November 1, 2003. The sentencing data in border boxes implies that drug offenders tend to be sentenced to probation more frequently than do nondrug offenders when their offense types and criminal history categories fell within the border boxes.

Tables 11 and 12 contain the probation terms of probation sentences by severity levels. The average length of probation for nondrug offenders was 17.5 months, while the average length of probation for drug offenders was 16.3 months, which are very constant to those of the past five years.

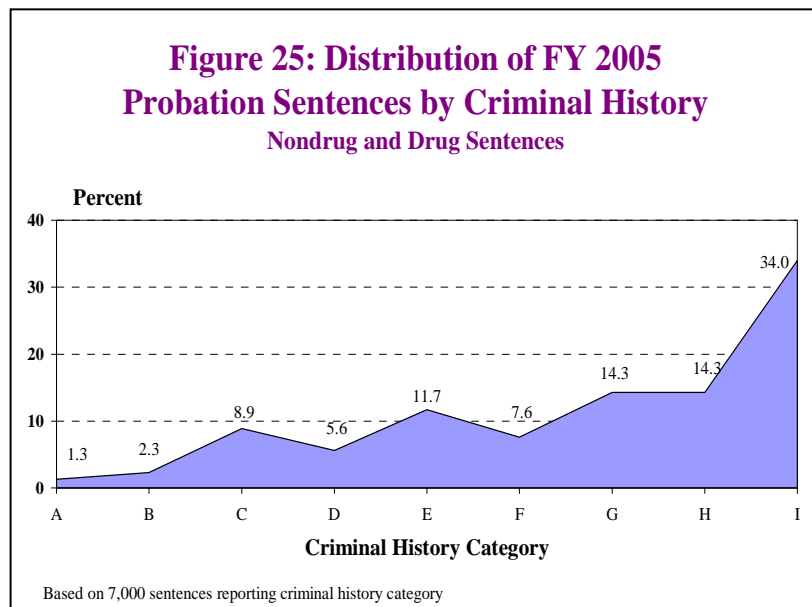


Table 11: Criminal History and Probation Length by Severity Level – Nondrug Offenders

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
N1	4	0	0	0	0	0	0	0	2	2	48.0
N2	0	0	0	0	0	0	0	0	0	0	N/A
N3	46	0	1	1	1	3	1	3	8	28	40.6
N4	4	0	0	0	0	0	1	1	0	2	36.0
N5	223	3	3	4	20	9	2	20	41	121	36.4
N6	61	0	0	1	1	1	2	9	11	36	26.3
N7	1,053	15	31	117	90	90	67	132	137	374	23.5
N8	793	13	19	90	41	146	62	109	99	214	18.2
N9	1,539	32	43	192	98	210	116	196	211	439	12.8
N10	454	8	12	41	48	57	28	46	70	144	12.4
Nongrid	822	1	0	3	2	2	5	7	12	17	13.6
TOTAL	4,999	72	109	449	301	518	284	523	591	1,377	17.5

Note: Criminal history classes are based on 4,224 cases reporting criminal history category.

Legend:

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

Table 12: Criminal History and Probation Length by Severity Level – Drug Offenders

Severity Level	N	Criminal History Class									Average Probation Length in Months
		A	B	C	D	E	F	G	H	I	
D1	121	1	1	8	2	18	7	21	12	50	17.4
D2	20	0	1	4	0	3	0	2	2	8	31.5
D3	653	1	5	21	23	54	70	109	97	273	18.7
D4	1,983	20	42	139	69	224	170	343	297	679	15.1
TOTAL	2,777	22	49	172	94	299	247	475	408	1,010	16.3

Note: Criminal history classes are based on 2,776 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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CHAPTER TWO VIOLATORS

VIOLATIONS RESULTING IN INCARCERATION

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

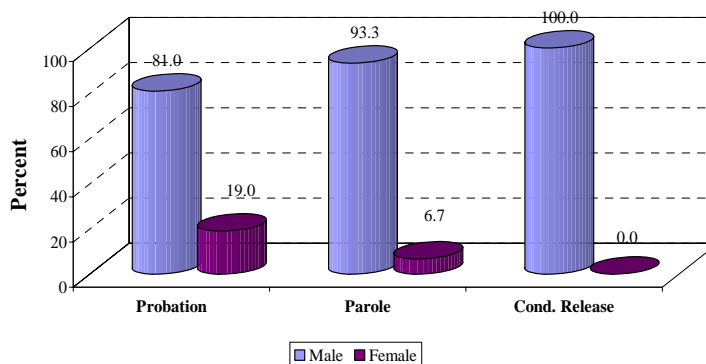
Condition violators alone accounted for 68.3% of all admissions to prison in FY 2005. Characteristics of condition violators by gender, race, and age are shown in Figures 26, 27, and 28.

Overview of Condition Violators

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

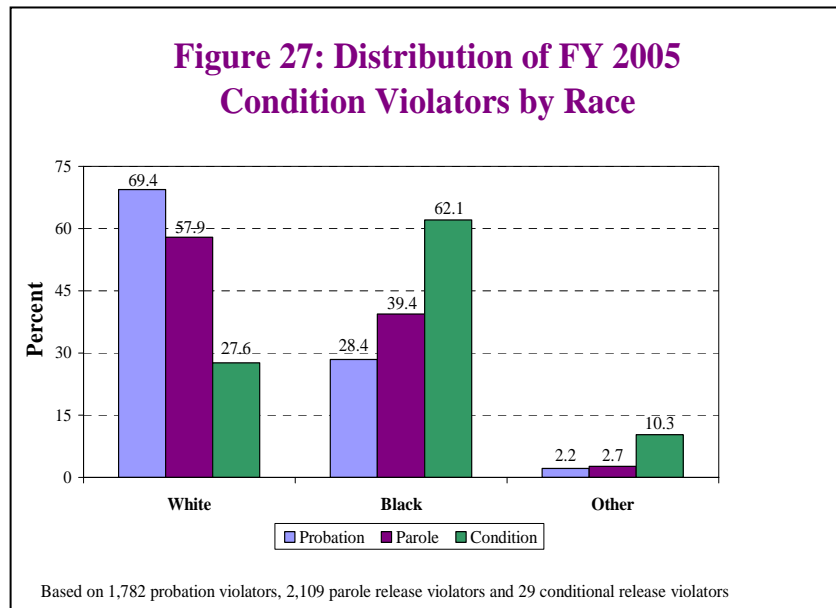
During FY 2005, a total number of 3,921 condition violators were incarcerated for their violation of conditions, representing 1,783 probation violators, 2,109 parole/postrelease supervision violators, and 29 conditional release violators respectively.

Figure 26: Distribution of FY 2005 Condition Violators by Gender

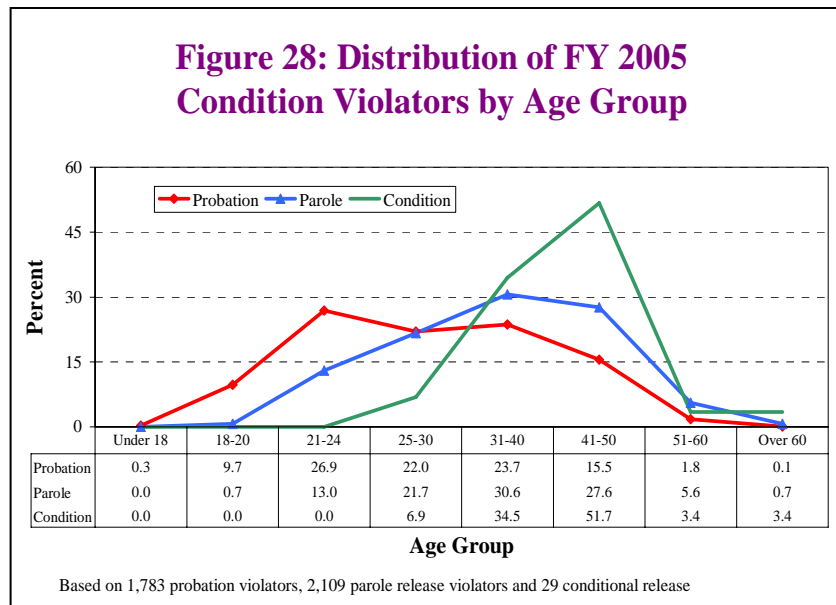


Based on 1,783 probation violators, 2,109 parole release violators and 29 conditional release violators.

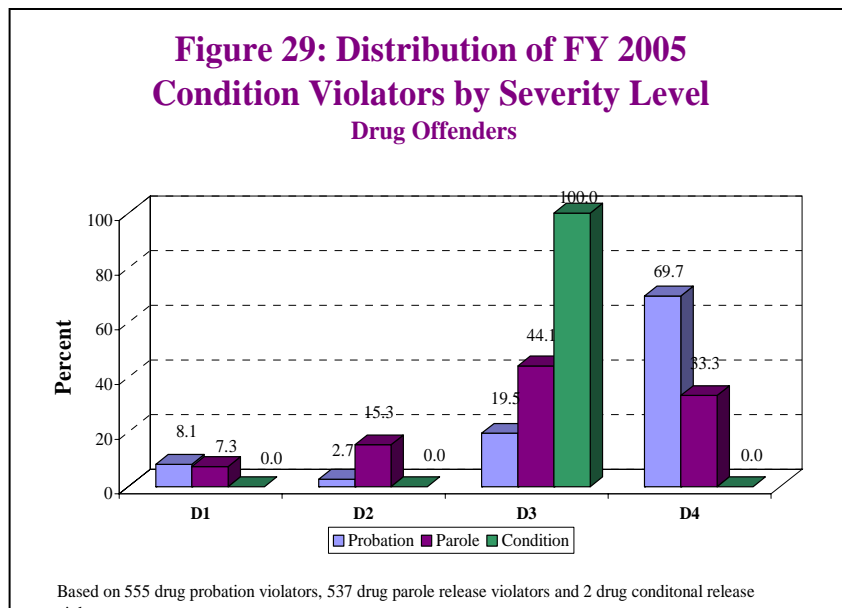
White males represented the highest percentages of probation violators and parole/postrelease supervision violators, while black males accounted for the highest rate of conditional release violators (Figures 26 and 27).



The largest number of probation violators were found to be in the age group ranging from 21 to 24 (26.9%), most parole violators were in their thirties (30.6%) and conditional release violators in their forties accounted for the highest rate (51.7%) at the time of admission to prison (Figure 28).



The characteristics of all violators by severity level are illustrated in Figures 29 and 30. The largest proportion of drug probation violators was identified at drug severity level 4 (69.7%, 387 offenders) and the highest percentage of drug parole release violators fell on drug severity level 3 (44.1%, 237 offenders). Drug conditional release violators were all found at drug severity level 3, as well (Figure 29).



The largest number of nondrug probation violators fell on nondrug severity level 9 (29.8%, 365 offenders). Nondrug parole/postrelease violators and conditional release violators represented the highest rates at nondrug severity level 3 (19.4%, 305 offenders and 59.3%, 16 offenders, respectively, Figure 30).

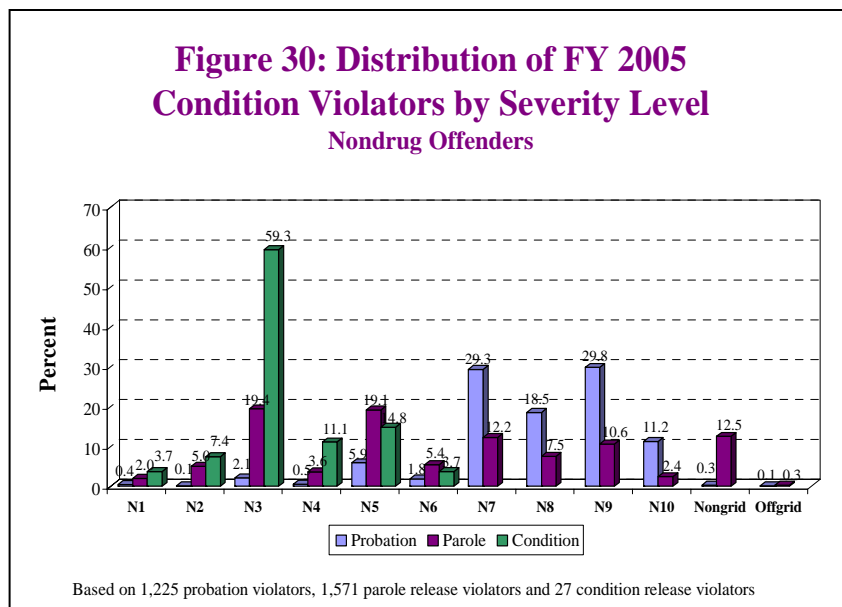


Table 13 describes the characteristics of all types of condition violators by severity level, gender and race. The largest numbers for males were found at nondrug severity level 7 (503 sentences) and drug severity level 4 (439 sentences). However, the highest frequencies of females fell on nondrug severity level 8 (96 sentences) and drug severity level 4 (127 sentences). These gender characteristics by severity level have not changed much compared with those of

the previous year. Nondrug level 7 and drug level 4 represented the largest numbers of violators for both whites and blacks, which is consistent with the distribution of FY 2004. White offenders accounted for 363 sentences at nondrug level 7 and 374 sentences at drug level 4, while black offenders made up 177 sentences at nondrug level 7 and 177 sentences at drug level 4. The average age of the violators at admission was 33.8 years old.

Table 13: Characteristics of Overall Violators by Severity Level, Race and Gender

Severity Level	Number of Cases	Gender		Race			Average Age at Admission
		Male	Female	White	Black	Other	
D1	84	68	16	72	11	1	35.3
D2	97	80	17	58	36	3	38.0
D3	347	301	46	197	142	8	32.5
D4	566	439	127	374	177	15	33.3
N1	38	37	1	16	20	2	41.6
N2	82	82	0	44	35	3	40.2
N3	347	341	6	186	149	12	36.6
N4	66	63	3	26	36	4	37.1
N5	376	350	26	193	177	6	32.9
N6	108	102	6	72	33	3	32.4
N7	550	503	47	363	177	10	31.0
N8	345	249	96	212	127	6	33.3
N9	531	477	54	357	154	20	31.4
N10	174	150	24	109	61	4	33.3
Offgrid	6	6	0	3	3	0	48.2
Nongrid	200	191	9	179	16	5	42.5
Unknown	4	2	2	4	0	0	44.3
Total	3,921	3,441	480	2,465	1,354	102	33.8

Condition Probation Violators

In FY 2005, a total number of 1,783 condition probation violators were admitted to prison, including 1,228 nondrug offenders and 555 drug offenders. The number of condition probation violators demonstrates an increase of 4.3% compared with that of FY 2004. The characteristics of this group of violators are presented in Tables 14 and 15.

Nondrug probation violators were convicted most frequently of the following ten nondrug offenses: aggravated assault, aggravated battery, aggravated indecent liberties with a child, burglary, criminal damage to property, criminal threat, fleeing or eluding LEO, forgery, robbery and theft. These top ten offenses represented 77.3% of all nondrug offenses. Burglary, forgery and theft were the three most frequently committed offenses for which there were a

large number of probation violators (Table 14).

As for drug probation violators, the analysis of drug offenses indicates that possession of drugs was the most frequent offense type for probation violators on the drug grid, accounting for 70% of all drug offenses, while the crime of opiates or narcotics 1st possession represented 58% of the total drug offenses committed by the condition probation violators (Table 15).

The average length of lag time from the age of offense to the age of admission to prison was 2.4 years for nondrug probation violators and 2.3 years for drug probation violators, which remains very close with the length of lag time of the probation violators in FY 2004. Table 16 exhibits the distribution of probation violators by severity level and criminal history.

Table 14: Top 10 Offenses Committed by Nondrug Probation Violators

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Aggravated Assault	66	89.4	10.6	68.2	30.3	1.5	29.5	31.7
Aggravated Battery	115	91.3	8.7	64.3	33.0	2.6	28.1	30.5
Agg Indecent Liberties w/Child	30	96.7	3.3	66.7	30.0	3.3	25.2	27.9
Burglary	231	93.1	6.9	75.3	22.5	2.2	25.7	27.8
Criminal Damage to Property	25	88.0	12.0	68.0	28.0	4.0	26.4	29.0
Criminal Threat	47	91.5	8.5	72.3	27.7	0.0	29.0	30.7
Fleeing or Eluding LEO	45	97.8	2.2	64.4	31.1	4.4	26.4	28.6
Forgery	170	55.3	44.7	65.3	32.4	2.4	30.2	32.8
Robbery	43	88.4	11.6	46.5	53.5	0.0	24.1	26.2
Theft	177	78.5	21.5	65.5	31.6	2.8	29.3	31.5
Subtotal	949	83.0	17.0	67.4	30.2	2.3	27.9	30.1
Other	279	85.7	14.3	70.6	28.3	1.1	28.2	30.7
TOTAL	1,228	83.6	16.4	68.2	29.8	2.0	27.9	30.3

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

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

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Opiates or Narcotics; Poss 1	322	70.8	29.2	67.6	29.0	3.4	31.0	33.2
Opiates or Narcotics; Poss 2	13	53.8	46.2	69.2	23.1	7.7	32.2	34.6
Opiates or Narcotics; Poss 3	3	33.3	66.7	33.3	66.7	0.0	33.1	36.1
Opiates or Narcotics; Sale 1	73	79.5	20.5	72.6	26.0	1.4	28.3	30.8
Depress, Stim, Hall; Poss 2nd	50	88.0	12.0	80.0	18.0	2.0	25.5	27.6
Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale	33	93.9	6.1	72.7	27.3	0.0	23.1	26.1
Possession of Paraphernalia	14	92.9	7.1	85.7	14.3	0.0	29.8	32.2
Possession of Precursor Drugs	24	62.5	37.5	91.7	4.2	4.2	31.6	33.7
Unlawful Manufacture Controlled Substance	18	88.9	11.1	100.0	0.0	0.0	29.5	31.5
Other	5	80.0	20.0	60.0	40.0	0.0	22.8	24.5
TOTAL	555	75.1	24.9	71.9	25.2	2.9	29.6	31.9

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

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1	0	0	2	3	5	3	13	8	11	45
D2	0	0	3	0	4	0	3	3	2	15
D3	1	4	5	12	15	19	11	18	23	108
D4	5	16	27	21	58	29	52	75	104	387
N1	0	0	0	1	0	0	0	1	3	5
N2	0	1	0	0	0	0	0	0	0	1
N3	0	2	2	0	2	2	2	5	11	26
N4	0	1	1	0	0	1	1	1	1	6
N5	0	0	5	4	0	3	10	20	30	72
N6	0	0	2	2	3	1	3	2	9	22
N7	8	19	51	34	49	26	39	52	79	357
N8	8	8	22	19	32	21	33	34	47	224
N9	5	8	53	22	56	31	44	61	83	363
N10	0	9	17	9	8	12	16	24	38	133
TOTAL	27	68	190	127	232	148	227	304	441	1,764

* Due to missing data, criminal history categories are based on 1,764 probation violators reporting criminal history.

Condition Parole/Postrelease Supervision Violators

Totalling 2,109, condition parole/post-release supervision violators admitted to prison contributed the largest percentage (36.7%) of all admissions to the custody of the Department of Corrections (DOC) in FY 2005. Tables 17 and 18 present the characteristics of this offender group.

The top 10 offenses most frequently committed by the nondrug parole/postrelease violators include aggravated escape from custody, aggravated battery, aggravated robbery, aggravated indecent liberties with a child, burglary, DUI, forgery, rape, robbery and theft, accounting for almost 68% of the total nondrug offenses. More than 95% of this group was males. Females represented the highest percentage (16%) for the crime of forgery. The highest percentage of whites was found in the offense categories of aggravated indecent liberties with a child,

burglary and DUI, whereas blacks indicated the highest representation in aggravated robbery and robbery (Table 17), which is consistent with the data observed in FY 2004. Drug parole/postrelease violators were convicted primarily of the crimes of possession of drugs (40%) and sale of opiates or narcotics (34.8%, Table 18).

Postrelease violators for the crime of DUI are subject to imprisonment if the offenders committed the crime on or after July 1, 2001. In FY 2005, 196 DUI violators were admitted to prison increasing by 39% compared with those in FY 2004 (Table 17).

Table 19 provides a distribution of parole/postrelease supervision violators by severity level and criminal history. The largest number of parole/postrelease supervision violators fell on severity levels 3 and 4 of the drug grid and severity levels 5 and 7 of the nondrug grid. This distribution remains constant compared with that of FY 2004.

Table 17: Top 10 Offenses Committed by Parole/Postrelease Supervision Nondrug Violators

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Agg Escape from Custody	45	86.7	13.3	53.3	40.0	6.7	30.2	36.4
Aggravated battery	115	95.7	4.3	42.6	53.0	4.3	30.1	36.1
Aggravated robbery	160	96.9	3.1	39.4	59.4	1.3	25.5	37.1
Agg Indecent Liberties w/Child	129	98.4	1.6	75.2	20.9	3.9	26.9	33.4
Burglary	123	95.9	4.1	63.4	35.0	1.6	30.4	34.4
DUI	196	95.4	4.6	89.8	7.7	2.6	40.8	42.7
Forgery	49	83.7	16.3	53.1	44.9	2.0	34.2	37.8
Rape	65	100.0	0.0	41.5	56.9	1.5	24.5	38.2
Robbery	103	91.3	8.7	33.0	65.0	2.0	26.9	35.1
Theft	82	96.3	3.7	57.3	36.6	6.1	32.5	35.5
Other	505	95.8	4.2	59.2	37.6	3.2	28.1	35.8
TOTAL	1,572	95.4	4.6	58.5	38.5	3.0	29.9	36.6

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

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Opiates or Narcotics; Poss 1	140	83.6	16.4	52.1	46.4	1.4	31.7	35.3
Opiates or Narcotics; Poss 2	37	83.8	16.2	54.1	43.2	2.7	31.7	37.4
Opiates or Narcotics; Poss 3	6	66.7	33.3	16.7	83.3	0.0	32.8	39.4
Opiates or Narcotics; Sale 1	173	87.9	12.1	45.1	53.8	1.2	28.1	34.9
Opiates or Narcotics; Sale 2	11	81.8	18.2	0.0	100.0	0.0	34.4	43.4
Opiates or Narcotics; Sale 3	3	66.7	33.3	100.0	0.0	0.0	30.2	28.3
Opiates/Narcotics, Depress, Stim, Hall; Sale w/in 1,000 ft of School	19	84.2	15.8	63.2	31.6	5.3	30.4	37.0
Depress, Stim, Hall; Poss 2	32	93.8	6.2	75.0	25.0	0.0	29.0	34.0
Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale	65	87.7	12.3	60.0	32.3	7.7	24.5	30.9
Possession of Paraphernalia	7	100.0	0.0	100.0	0.0	0.0	30.9	34.2
Possession of Precursor Drugs	8	100.0	0.0	100.0	0.0	0.0	29.7	33.4
Unlawful Manufacture Controlled Substance	36	100.0	0.0	100.0	0.0	0.0	35.6	40.8
TOTAL	537	87.3	12.7	56.1	41.9	2.0	29.8	35.3

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

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1	0	1	2	2	6	9	12	1	3	36
D2	4	4	10	3	16	10	19	7	4	77
D3	11	13	20	12	26	17	26	35	29	189
D4	11	20	46	13	43	17	9	4	12	175
N1	0	2	0	2	1	2	1	0	2	10
N2	2	0	1	0	0	1	3	5	7	19
N3	2	2	25	21	24	8	17	8	52	159
N4	2	2	7	6	1	0	7	1	14	40
N5	7	11	50	27	24	12	28	44	48	251
N6	2	11	21	5	3	8	4	3	17	74
N7	30	30	38	11	28	16	14	9	5	181
N8	14	26	25	3	30	7	4	3	5	117
N9	35	52	25	4	28	5	7	7	3	166
N10	7	19	2	1	1	1	5	1	0	37
TOTAL	127	193	272	110	231	113	156	128	201	1,531

* Due to missing data, criminal history categories are based on 1,531 violators reporting criminal history.

Conditional Release Violators

The smallest group of condition violators admitted to DOC was conditional release violators, representing only 0.5% (29 offenders) of the total admissions in FY 2005 (Figure 29). In examining offense types, the analysis demonstrates that robbery including aggravated robbery represented 41.4% of the conditional release violators. Sex offenders accounted for 24.1% of the

crimes committed by the conditional release violators. Table 20 presents the characteristics of conditional release violators. All violators were males in this group, which is the same with the sentencing data of FY 2004. Black offenders represented more than 62% and white offenders represented 27.6% of this type of violators. The average age of conditional release violators was 41.2 at the time of admission.

Conditional release violators decreased by 25.6% when compared with that in FY 2004 (39 offenders) and decreased by 73.4% compared with the number in FY 2001 (109 offenders). Conditional release violators are governed by pre-guideline sentences, therefore, this group of violators will eventually be out of the prison system.

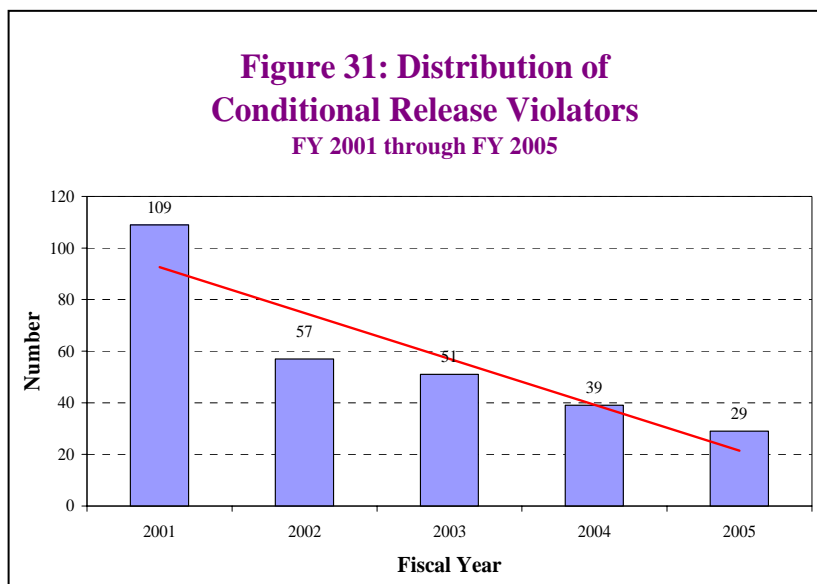


Table 20: Offenses Most Frequently Committed by Conditional Release Violators Nondrug and Drug Offenders

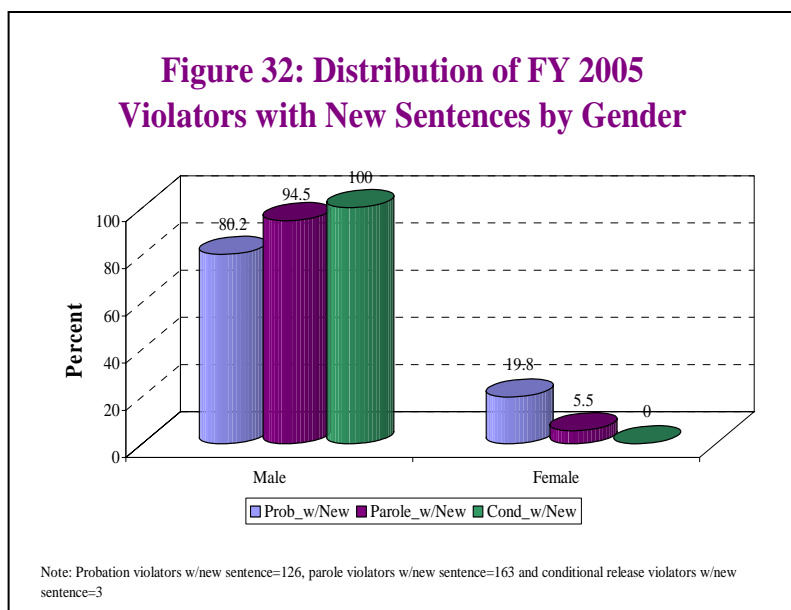
Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Aggravated Battery	3	100.0		66.7		33.3	30.8	43.6
Agg. Robbery/Robbery	12	100.0		8.3	91.7		25.0	41.0
Voluntary Manslaughter	3	100.0		66.7	33.3		23.6	44.9
Sex Offenses	7	100.0		57.1	14.3	28.6	24.7	37.9
Drug	2	100.0		50.0	50.0		29.1	43.1
Other	2	100.0			100.0		21.4	43.6
TOTAL	29	100.0		27.6	62.1	10.3	25.4	41.2

Violators with New Sentences

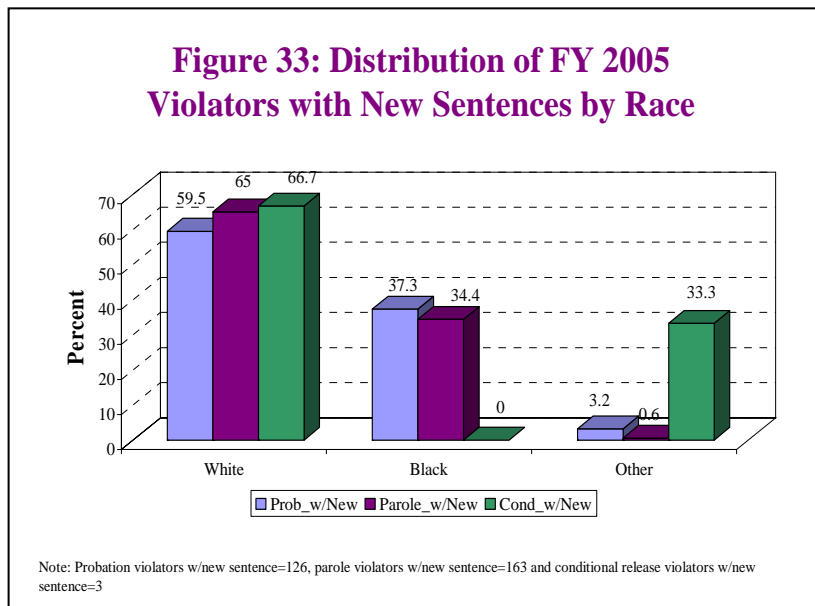
Violators with new sentences analyzed in this section include probation, parole/postrelease and conditional release violators convicted of an offense for which they received a new sentence. This group represented 5% (292 violators) of the total prison admissions in FY 2005, indicating no percentage change compared with that of FY 2004. Characteristics of this group are depicted in Figures 32, 33 and 34. Drugs (35%), forgery (5.6%) and theft (5.6%) were the major committing offense categories for probation violators with new convictions. Drugs (27.6%), aggravated robbery/robbery (11.7%) and aggravated burglary/burglary (10.4%) represented the top committing

offenses for parole/postrelease violators with new sentences. There were only three conditional release violators with new sentences who committed the crimes of aggravated robbery, burglary and voluntary manslaughter. Table 21 illustrates the distribution of the above offenders by severity levels. The largest numbers of probation violators with new sentences fell at nondrug severity level 7 (22 violators) and drug severity level 4 (30 violators), while nondrug severity level 3 (15.3%) and drug severity level 4 (9.8%) represented the highest percentages of parole/postrelease violators with new sentences. The conditional release violators with new sentences in FY 2005 were all nondrug offenders at severity levels 3 and 7.

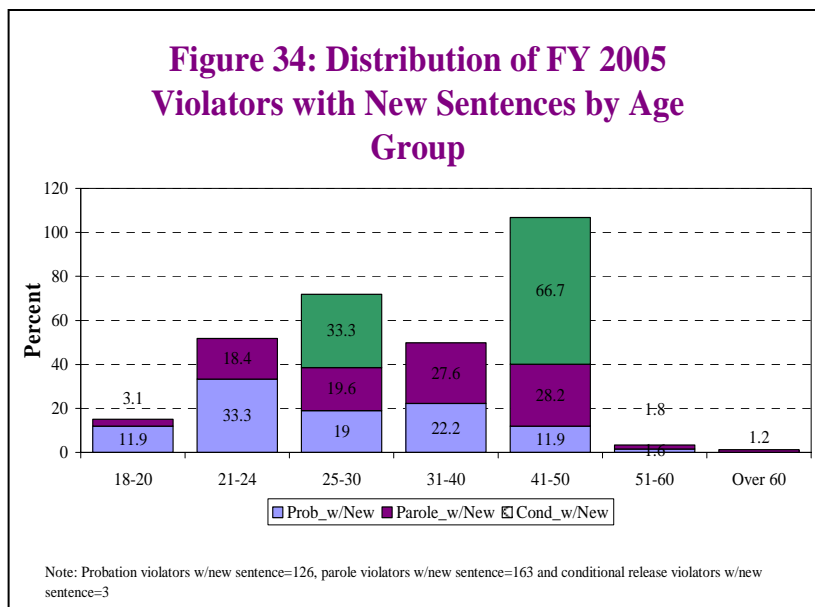
Males were obviously the predominant gender of all the three types of violators with new sentences, which is consistent with those of previous years (Figure 32).



White offenders accounted for the largest number of the three types of violators with new sentences, representing 59.5% of probation violators with new sentences, 65% of parole/postrelease violators with new sentences and 66.7% of conditional release violators with new sentences (Figure 33).



The highest percentage of probation violators (33.3%) were found in the age group from 21 to 24 at the time of admission to prison, while most of parole/post-release violators (28.2%) and conditional release violators with new sentences (66.7%) represented the largest proportion in the age group between 41 and 50 (Figure 34).



**Table 21: Distribution of FY 2005 Violators with New Sentences
by Severity Level**

Severity Level	Probation		Parole/Postrelease		Conditional Release	
	N	%	N	%	N	%
D1	8	6.3	8	4.9	0	0.0
D2	3	2.4	9	5.5	0	0.0
D3	3	2.4	12	7.4	0	0.0
D4	30	23.8	16	9.8	0	0.0
N1	0	0.0	2	1.2	0	0.0
N2	1	0.8	4	2.5	0	0.0
N3	6	4.8	25	15.3	2	66.7
N4	3	2.4	4	2.5	0	0.0
N5	10	7.9	19	11.7	0	0.0
N6	6	4.8	10	6.1	0	0.0
N7	22	17.5	19	11.7	1	33.3
N8	20	15.8	9	5.5	0	0.0
N9	14	11.1	17	10.4	0	0.0
N10	0	0.0	5	3.1	0	0.0
Offgrid	0	0.0	3	1.8	0	0.0
Nongrid	0	0.0	1	0.6	0	0.0
TOTAL	126	100.0	163	100.0	3	100.0

VIOLATORS CONTINUING AND EXTENDING ON PROBATION

Violators continued or extended on probation refer to probation violators with or without new convictions, whose violations did not result in incarceration but rather a continuation or an extension of the probation. In FY 2005, there were 2,503 condition probation violators and 154 probation violators with new convictions who were continued or extended on probation, representing 53.3% of the total number of 4,695 condition probation violators and 33% of the total number of 467

probation violators with new offenses, respectively. Drugs (32.5%), burglary (11.8%), forgery (11.5%), theft (9.7) and DUI (6.1%) were the top five committing offenses for the group of condition probation violators. Drugs (36.4%), burglary (14.3%) and forgery (14.9%) were the top three committing offenses for probation violators with new convictions. Most top committing offenses for both groups were the same with those of FY 2004. Tables 22 and 23 display criminal history by severity levels of the two types of violators who were sentenced to continued or extended probation.

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

Severity Level	Number of Cases	Criminal History Class									
		A	B	C	D	E	F	G	H	I	
D1	39	0	0	4	1	6	2	2	7	17	
D2	19	1	0	3	2	3	3	1	2	4	
D3	179	2	0	4	8	17	18	31	27	71	
D4	577	13	11	37	20	48	48	109	124	165	
N1	1	0	0	0	0	0	0	0	0	1	
N2	0	0	0	0	0	0	0	0	0	0	
N3	20	0	0	4	0	0	0	0	3	13	
N4	2	0	0	0	0	0	0	0	2	0	
N5	64	1	1	3	2	2	0	9	19	27	
N6	19	0	1	1	0	2	1	1	3	10	
N7	361	1	5	36	28	30	26	52	56	125	
N8	355	2	7	39	23	43	30	45	56	109	
N9	515	6	12	69	42	69	44	64	61	146	
N10	195	3	7	17	10	25	12	30	27	64	
Nongrid	157	0	0	4	0	0	4	4	6	5	
TOTAL	2,503	29	44	221	136	245	188	348	393	757	

Note: Criminal history classes are based on 2,361 cases reporting criminal history category.

Legend:

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

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D1	0	0	0	0	0	0	0	0	0	0
D2	0	0	0	0	0	0	0	0	0	0
D3	12	0	0	0	2	0	1	2	3	4
D4	44	0	2	2	1	1	3	8	13	14
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	1	0	0	0	0	0	0	1	0	0
N4	0	0	0	0	0	0	0	0	0	0
N5	4	0	0	0	0	0	0	3	0	1
N6	2	0	0	0	0	1	0	0	0	1
N7	27	0	1	3	0	0	2	7	3	11
N8	34	0	0	2	2	8	1	4	4	13
N9	21	1	0	3	0	4	2	2	3	5
N10	4	0	0	0	0	1	2	1	0	0
Nongrid	5	0	0	0	0	0	0	0	0	0
TOTAL	154	1	3	10	5	15	11	28	26	49

Note: Criminal history classes are based on 148 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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CHAPTER THREE

CONFORMITY TO THE SENTENCING GUIDELINES

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

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

number of months designated by the guidelines. Only pure guideline sentences were utilized for this specific analysis. A pure guideline sentence is defined as a guideline sentence that is not imposed to run concurrent or consecutive with a "pre-guideline" sentence. In addition, the analysis is based on computed variables regarding departures and the consecutive sentences are excluded from this analysis.

OVERALL CONFORMITY RATES

In FY 2005, a total number of 7,307 pure guideline sentences were utilized for this analysis, including 1,345 incarceration guideline sentences and 5,962 probation sentences. Figure 35 demonstrates that 82.5% of the 7,307 guideline sentences fell within the presumptive guideline grids; 5.6% indicated durational departures, and 11.9% were dispositional departures. Of all the sentences within the presumptive guideline grids, 5,077 sentences (84.2%) fell within either the presumptive prison boxes or presumptive probation boxes, while 952 sentences (15.8%) were located on designated border boxes. Figure 36 indicates that 69.3% (604 sentences) of the 871 dispositional departures were downward departures and 30.7% (267 sentences) were upward dispositional departures. Approximately 84% of the 952 border box sentences resulted in probation sentences with only 16% of this group sentenced to prison. The analysis of durational departure sentences is only applicable to presumptive prison sentences.

Figure 35: Distribution of FY 2005 Overall Guideline Sentences

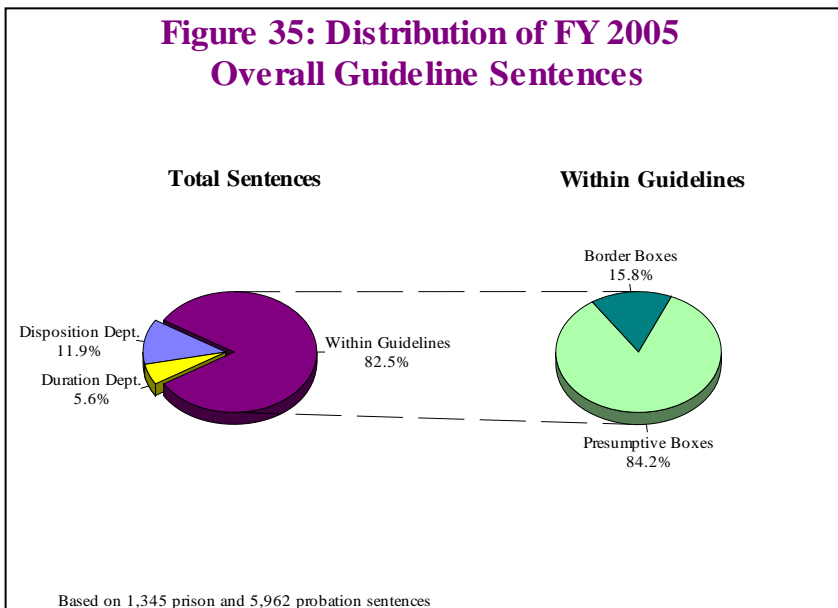
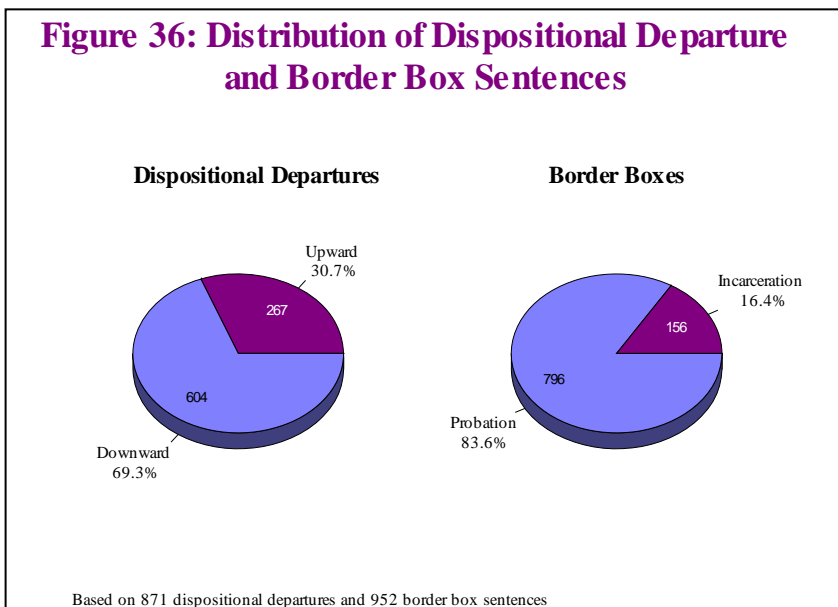


Figure 36: Distribution of Dispositional Departure and Border Box Sentences

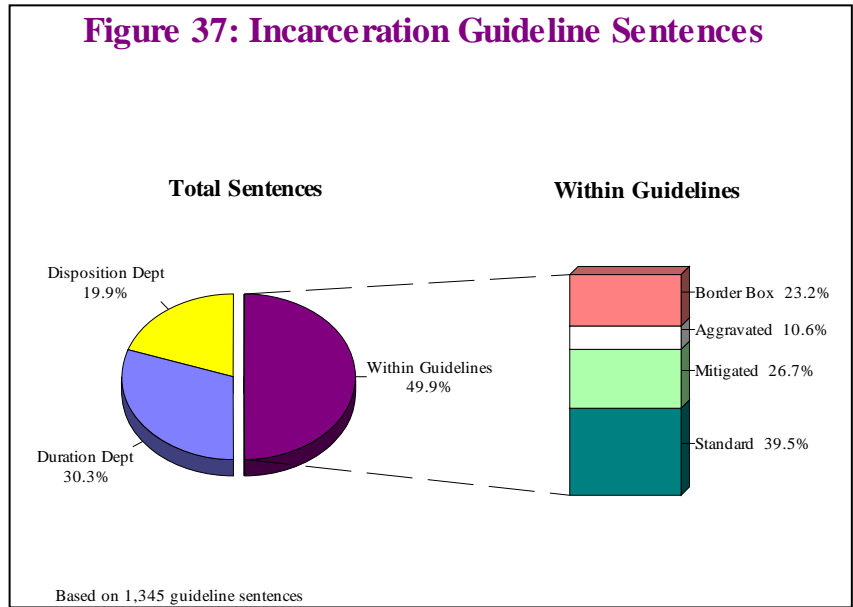


CONFORMITY OF PRESUMPTIVE PRISON GUIDELINE SENTENCES

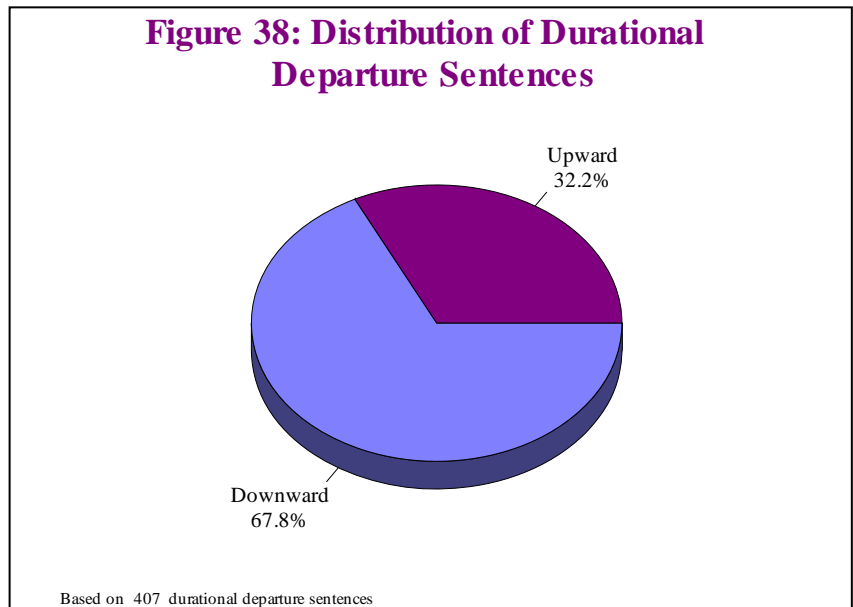
Sentences that are designated above the incarceration line of the sentencing grids are presumptive prison guideline sentences.

Revocations of probation conditions, either with or without new sentences, which result in prison sentences were excluded from this analysis. A total of 1,345 presumptive prison guideline sentences of FY 2005 were analyzed for this purpose.

Almost 50% of total sentences fell within the presumptive incarceration range. Of these sentences within the Guidelines, 39.5% fell within the standard range, 10.6% were within the aggravated range, and 26.7% were within the mitigated range. More than 23% were located within designated border boxes (Figure 37).



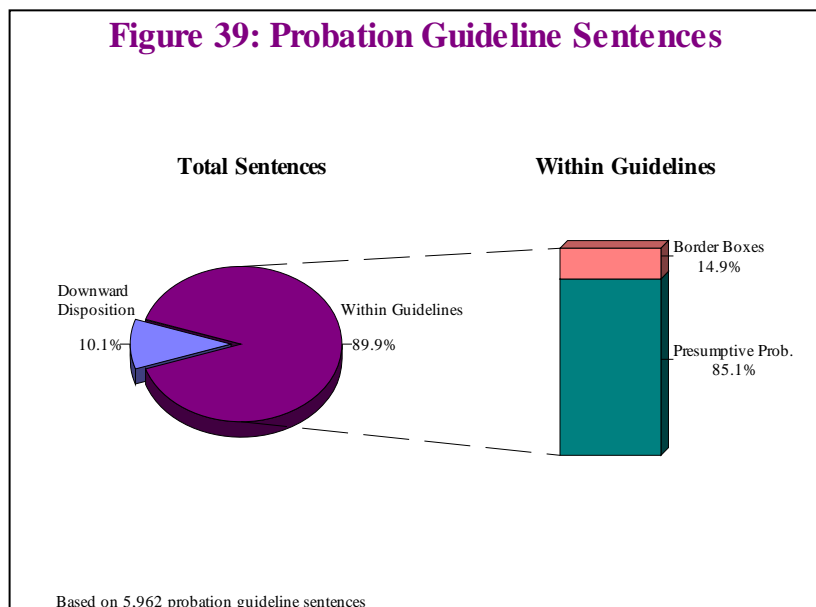
Among the durational departure sentences, 67.8% departed downward from the sentence lengths indicated on the presumptive range, while 32.2% departed upward from the presumptive guideline ranges. The percentage change of the upward durational departure sentences is a 6.1% increase over that in FY 2004 (Figure 38).



CONFORMITY OF PRESUMPTIVE PROBATION GUIDELINE SENTENCES

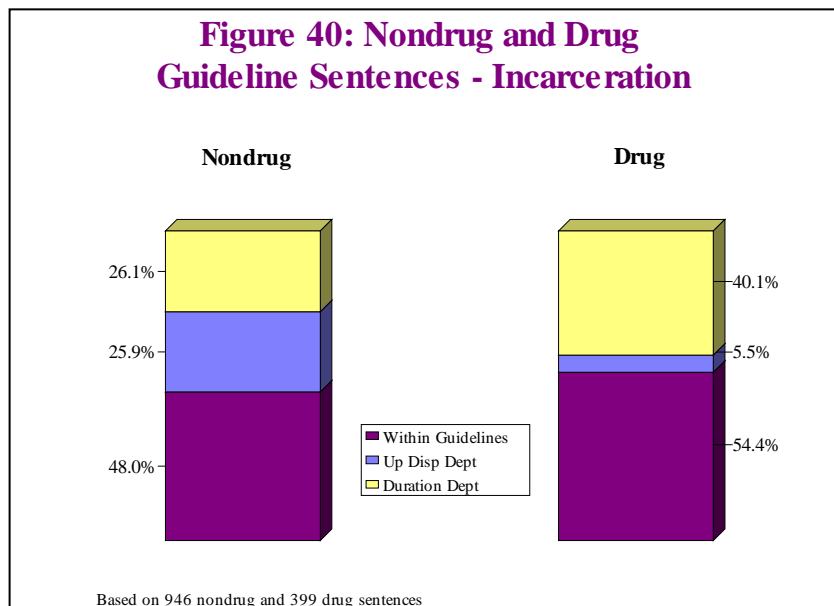
Presumptive probation guideline sentences refer to the sentences that are designated below the incarceration line of the sentencing grids. The analysis of probation guideline sentences demonstrates that as expected, the majority of probation guideline sentences (89.9% or 5,358 cases) fell within presumptive guideline range, among which 85% fell within presumptive probation grids and 15% were within border

boxes (Figure 39). The sentences within presumptive guideline range (5,358) accounted for 70% of the total probation sentences in FY 2005 (7,776), which is the same percentage rate as that of FY 2004. Further analysis of the dispositional departures indicates that probation sentences reflected downward dispositional departures of 10.1% (Figure 39), which increased by 0.4% compared to the percentage rate of FY 2004 (9.7%). Upward dispositional departure sentences were reflected in presumptive incarceration sentences (See Figure 37).

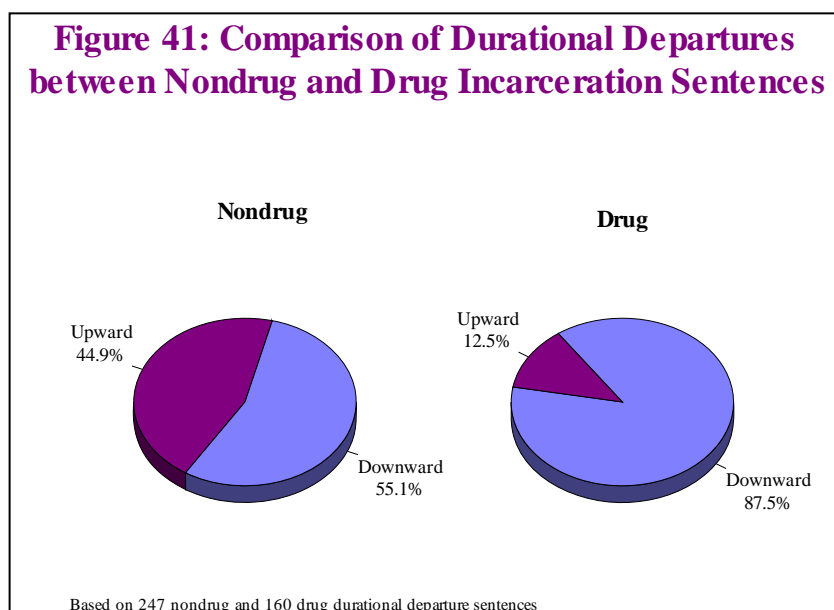


CONFORMITY OF NONDRUG AND DRUG GUIDELINE SENTENCES

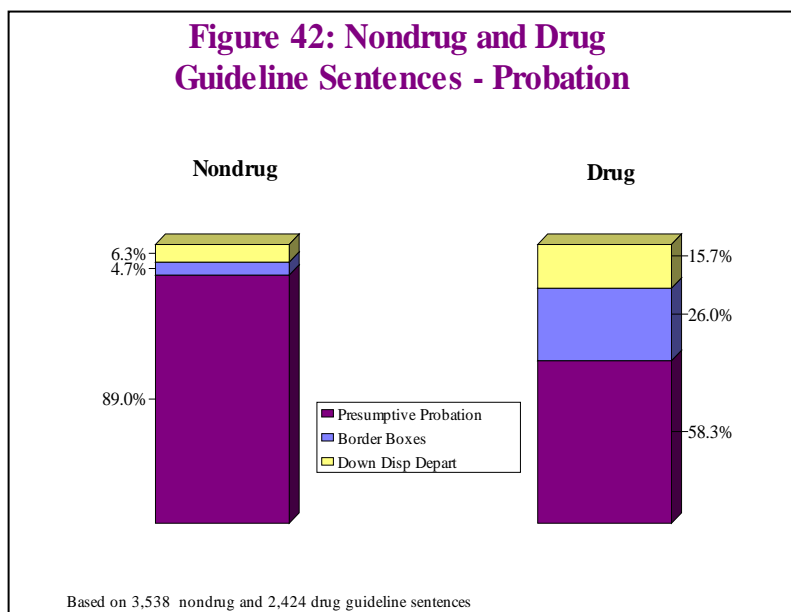
The comparative analysis of guideline incarceration sentences in terms of nondrug and drug sentences indicates that almost 26% of nondrug offenders showed upward dispositional departures, while drug offenders only revealed 5.5% upward dispositional departures. Besides, nondrug offenders represented 26% durational departures while drug offenders showed 40% durational departures (Figure 40).



When reviewing the durational departures, the data shows that downward departures represented 87.5% of the total durational departures on the drug grid. However, on the nondrug grid, only 55.1% of durational departures were downward (in Figure 41). The majority of the upward departures were found on severity levels 1, 2, 3 and 4 of the nondrug grid, which include the most serious person offenses (Table 24).



Examination of probation sentences reveals that significant differences were also identified between nondrug and drug grids. Drug sentences represented a higher percentage of downward dispositional departures than nondrug sentences (15.7% vs. 6.3%). The rate of drug probation sentences resulting from border boxes was much higher than that of nondrug probation sentences (26% vs. 4.7%, Figure 42).



The sentencing trend in Kansas seems to indicate that there is a tendency to depart downward more often with drug sentences than with nondrug sentences. The sentencing trend also indicates that drug offenders tend to be sentenced to probation sentences more frequently than do nondrug offenders when their offense types and criminal history categories fall within the border boxes (Figure 42).

CONFORMITY RATES TO THE GUIDELINES BY SEVERITY LEVEL

In addition to the drug or nondrug offense classifications, conformity rates vary depending on severity levels. The conformity rates of incarceration sentences by severity level are presented in Table 24. Drug incarceration sentences, as a whole, indicated a 13.8% standard, 2% aggravated,

10.3% mitigated and 28.3% border box sentence distribution. Nondrug sentences revealed a 19.7% standard, 5.3% aggravated, 13.3% mitigated and 11.6% border box sentence distribution. As for the departure sentences, drug sentences showed 5% upward durational departures and 35.1% downward durational departures, whereas nondrug sentences showed a 11.7% upward durational departure rate and a 14.4% downward durational departure rate. When examining dispositional departures, 25.9% of nondrug incarceration sentences were upward dispositional departures. By contrast, only 5.5% 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 data over the past ten years.

Table 24: Conformity Rates by Severity Level - Incarceration Sentences

Severity Level	N	Within Guidelines (%)				Departures (%)		
		Agg.	Standard	Mit.	Box	Durational		Dispositional
						Upward	Downward	Upward
D1	79	1.3	2.5	2.5		1.3	92.4	
D2	20	5.0	25.0	15.0		10.0	45.0	
D3	144	2.1	13.9	6.9	57.6	2.1	17.4	
D4	156	1.9	17.9	16.7	19.2	9.0	21.2	14.1
Subtotal	399	2.0	13.8	10.3	28.3	5.0	35.1	5.5
N1	50	10.0	34.0	12.0		20.0	24.0	
N2	24	20.8	33.3	8.3		16.7	20.8	
N3	165	8.5	24.8	22.4		23.6	20.6	
N4	48	10.4	29.2	18.8		31.3	10.4	
N5	170	7.1	16.5	14.7	24.1	9.4	28.2	
N6	28	3.6	25.0	10.7	7.1	7.1	21.4	25.0
N7	172	4.1	17.4	13.4		10.5	4.1	50.6
N8	80	3.8	21.3	13.8		2.5	11.3	47.5
N9	155	5.2	23.9	11.0		3.2	4.5	52.3
N10	54	5.6	20.4	9.3			5.6	59.3
Subtotal	946	6.7	22.2	14.6	4.5	11.7	14.4	25.9
TOTAL	1,345	5.3	19.7	13.3	11.6	9.7	20.5	19.9

Table 25 displays the conformity rates of probation sentences by severity levels. Probation drug sentences indicated 15.7% downward dispositional departures, which should have been presumptive incarceration, while only 6.3% of nondrug sentences experienced downward dispositional departures. The significant differences also occurred within the border box grids. Drug offenders received more probation sentences

than nondrug offenders did when their severity levels and criminal history categories fell within the border boxes (26% versus 4.7%). Comparison of probation drug and nondrug sentences reveals the same trend as indicated with incarceration sentences: the tendency is to impose more non-prison sentences for drug offenders than for nondrug offenders. This trend has been consistent for the past ten years.

Table 25: Conformity Rates by Severity Level - Probation Sentences

Severity Level	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	109			100.0
D2	18			100.0
D3	601		93.2	6.8
D4	1,696	83.3	4.1	12.6
Subtotal	2,424	58.3	26.0	15.7
N1	4			100.0
N2	0			N/A
N3	43			100.0
N4	4			100.0
N5	208		75.5	24.5
N6	58	79.3	15.5	5.2
N7	927	96.7		3.3
N8	613	96.1		3.9
N9	1,284	96.2		3.8
N10	397	96.5		3.5
Subtotal	3,538	89.0	4.7	6.3
TOTAL	5,962	76.5	13.4	10.1

CONFORMITY RATES TO THE GUIDELINES BY RACE

The conformity rates to sentencing guidelines by race were analyzed respectively in Tables 26 and 27 for the drug and nondrug offenders admitted to prison in FY 2005. The examination of drug incarceration sentences within guidelines indicates that blacks received more standard sentences (23.7% vs. 10.9%), aggravated sentences (3.2% vs. 1.6%) and mitigated sentences (15.1% vs. 8.9%) than whites. However black offenders represented a lower percentage in border box sentences than white offenders (20.4% vs. 30.3%). When reviewing sentence departures, whites indicated a much higher percentage in downward durational departures (38.2% vs. 25.8%) and a lower percentage in upward

durational departures (4.3% vs. 7.5%) than blacks, while black offenders received fewer upward dispositional departures than white offenders (4.3% vs. 5.9%, Table 26).

No significant percentage differences were identified between white and black nondrug offenders in aggravated sentences, standard sentences and upward durational departures. Nevertheless, the conformity rates varied in mitigated, border box and departure sentences. Blacks received more mitigated sentences (16.9% vs. 13.7%) and downward durational departures (20.9% vs. 11%) than whites, whereas whites represented higher percentages in border box sentences (5.1% vs. 2.7%) and upward dispositional departures (29.2% vs. 19.9) than blacks (Table 27).

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

Severity Level	Race	N	Within Guidelines (%)				Departures (%)		
			Agg.	Standard	Mit.	Box	Durational		Dispositional
							Upward	Downward	Upward
D1	White	77	1.3	2.6	2.6		1.3	92.2	
	Black	2						100.0	
	Other	0							
D2	White	12		16.7	16.7		8.3	58.3	
	Black	8	12.5	37.5	12.5		12.5	25.0	
	Other	0							
D3	White	110	2.7	12.7	6.4	62.7	2.7	12.7	
	Black	33		18.2	9.1	39.4		33.3	
	Other	1				100.0			
D4	White	105	1.0	14.3	15.2	21.9	7.6	22.9	17.1
	Black	50	4.0	26.0	20.0	12.0	12.0	18.0	8.0
	Other	1				100.0			
Total	White	304	1.6	10.9	8.9	30.3	4.3	38.2	5.9
	Black	93	3.2	23.7	15.1	20.4	7.5	25.8	4.3
	Other	2				100.0			

Note: Based on 399 drug incarceration guideline sentences reporting race of offenders.

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

Severity Level	Race	N	Within Guidelines (%)				Departures (%)		
			Agg.	Standard	Mit.	Box	Durational		Dispositional
							Upward	Downward	Upward
N1	White	34	11.8	35.3	17.6		11.8	23.5	
	Black	16	6.3	31.3			37.5	25.0	
	Other	0							
N2	White	18	22.2	33.3	11.1		22.2	11.1	
	Black	5	20.0	40.0				40.0	
	Other	1						100.0	
N3	White	115	9.6	27.8	20.9		26.1	15.7	
	Black	48	6.3	18.8	27.1		16.7	31.3	
	Other	2					50.0	50.0	
N4	White	35	5.7	31.4	20.0		31.4	11.4	
	Black	9	11.1	33.3	22.2		22.2	11.1	
	Other	4	50.0				50.0		
N5	White	92	8.7	16.3	14.1	33.7	7.6	19.6	
	Black	72	4.2	18.1	15.3	11.1	12.5	38.9	
	Other	6	16.7		16.7	33.3		33.3	
N6	White	19		21.1	10.5	5.3	10.5	21.1	31.6
	Black	7	14.3	42.9	14.3			28.6	
	Other	2				50.0			50.0
N7	White	119	1.7	19.3	13.4		8.4	3.4	53.8
	Black	52	9.6	13.5	13.5		13.5	5.8	44.2
	Other	1					100.0		
N8	White	51	3.9	17.6	7.8		3.9	9.8	56.9
	Black	28	3.6	28.6	25.0			14.3	28.6
	Other	1							100.0
N9	White	109	4.6	24.8	8.3		4.6	3.7	54.1
	Black	44	4.5	22.7	18.2			4.5	50.0
	Other	2	50.0				50.0		
N10	White	38	5.3	13.2	7.9			5.3	68.4
	Black	15	6.7	40.0	6.7			6.7	40.0
	Other	1			100.0				50.0
Total	White	630	6.3	22.9	13.7	5.1	11.9	11.0	29.2
	Black	296	6.4	22.3	16.9	2.7	10.8	20.9	19.9
	Other	20	20.0		10.0	15.0	20.0	25.0	10.0

Note: Based on 946 nondrug incarceration guideline sentences reporting race of offenders.

The conformity rates by race for offenders sentenced to probation during FY 2005 were presented in Tables 28 and 29. White offenders received more presumptive probation sentences (60.6% vs. 50.7%) than black offenders for drug offenses but black drug offenders indicated a higher rate in border box sentences (31.6% vs. 24.6%) and downward dispositional departures than white drug offenders (17.8% vs. 14.9%, Table 28). This sentence distribution for drug offenders did not fluctuate much in the past four years.

The analysis of the probation sentences of the nondrug offenders reveals that similar to the drug sentence pattern, white nondrug offenders received more presumptive probation sentences (90% vs. 84.9%) than black nondrug offenders, while black offenders represented higher percentage of downward dispositional departures (10.2% vs. 5.4%) than white offenders for nondrug offenses. No significant percentage difference was identified in border box sentences between white and black nondrug offenders (4.6% vs. 4.9%, Table 29).

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

Severity Level	Race	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	White	103			100.0
	Black	1			100.0
	Other	1			100.0
D2	White	12			100.0
	Black	6			100.0
	Other	0			
D3	White	450		94.4	5.6
	Black	137		89.1	10.9
	Other	10		90.0	10.0
D4	White	1,365	85.6	3.6	10.8
	Black	306	74.5	6.5	19.0
	Other	19	73.7	5.3	21.1
Total	White	1,930	60.6	24.6	14.9
	Black	450	50.7	31.6	17.8
	Other	30	46.7	33.3	20.0

Note: Based on 2,410 drug probation sentences reporting race of offenders.

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

Severity Level	Race	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
N1	White	3			100.0
	Black	1			100.0
N2	White	0			
	Black	0			
N3	White	32			100.0
	Black	11			100.0
N4	White	4			100.0
	Black	0			
N5	White	152		77.6	22.4
	Black	52		67.3	32.7
	Other	4		100.0	
N6	White	47	83.0	12.8	4.3
	Black	11	63.6	27.3	9.1
N7	White	737	97.6		2.4
	Black	171	93.0		7.0
	Other	16	93.8		6.2
N8	White	435	97.5		2.5
	Black	158	91.8		8.2
	Other	12	100.0		
N9	White	984	97.0		3.0
	Black	270	93.0		7.0
	Other	22	100.0		
N10	White	295	96.6		3.4
	Black	95	95.8		4.2
	Other	4	100.0		
Total	White	2,689	90.0	4.6	5.4
	Black	769	84.9	4.9	10.2
	Other	58	91.4	6.9	1.7

Note: Based on 3,516 nondrug probation sentences reporting race of offenders.

CONFORMITY RATES TO THE GUIDELINES BY GENDER

This section discusses the conformity rates to the sentencing guidelines between male and female offenders sentenced or admitted to prison in FY 2005. For the drug incarceration sentences, only males received aggravated sentences, which is consistent with data in the past four years. In addition, male drug offenders represented higher rates in standard sentences (14% vs. 11.4%) and mitigated sentences (11% vs. 2.9%). However, female drug offenders represented a higher rate in border box sentences (37.1% vs. 27.5%) and downward durational departures (40% vs. 34.6%) than their counterparts. Upward durational departures were only identified in male drug offenders, but female drug offenders received more

upward dispositional departures than male drug offenders (8.6% vs. 5.2%, Table 30).

The evaluation of the nondrug incarceration sentences shows that within guidelines, males represented higher percentages than females in aggravated sentences (7% vs. 1.8%), standard sentences (22.4% vs. 18.2%), mitigated sentences (14.9% vs. 9.1%) and border box sentences (4.6% vs. 3.8%), which are pretty consistent with the data observed in FY 2004. The analysis of departure sentences reveals that female nondrug offenders stood for the lower rates of durational departure sentences including both upward and downward durational departures than males. However, females represented a much higher percentage in upward dispositional departures than their counterparts (60% vs. 23.8%, Table 31).

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

Severity Level	Gender	N	Within Guidelines (%)				Departures (%)		
			Agg	Standard	Mit.	Box	Durational		Dispositional
							Upward	Downward	Upward
D1	Male	69	1.4	2.9	2.9		1.4	91.3	
	Female	10						100.0	
D2	Male	16	6.3	25.0	18.8		12.5	37.5	
	Female	4			25.0			75.0	
D3	Male	136	2.2	14.0	7.4	55.9	2.2	18.4	
	Female	8		12.5		87.5			
D4	Male	143	2.1	18.2	17.5	16.8	9.8	22.4	13.3
	Female	13		15.4	7.7	46.2		7.7	23.1
Total	Male	364	2.2	14.0	11.0	27.5	5.5	34.6	5.2
	Female	35		11.4	2.9	37.1		40.0	8.6

Note: Based on 399 drug incarceration guideline sentences.

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

Severity Level	Gender	N	Within Guidelines (%)				Departures (%)		
			Agg.	Standard	Mit.	Box	Durational		Dispositional
							Upward	Downward	Upward
N1	Male	48	10.4	33.3	10.4		20.8	25.0	
	Female	2		50.0	50.0				
N2	Male	23	21.7	30.4	8.7		17.4	21.7	
	Female	1		100.0					
N3	Male	160	8.8	25.0	21.9		23.8	20.6	
	Female	5		20.0	40.0		20.0	20.0	
N4	Male	47	8.5	29.8	19.1		31.9	10.6	
	Female	1	100.0						
N5	Male	163	7.4	14.7	14.7	23.9	9.8	29.4	
	Female	7		57.1	14.3	28.6			
N6	Male	27	3.7	25.9	11.1	7.4	7.4	22.2	22.2
	Female	1							100.0
N7	Male	159	4.4	17.6	14.5		11.3	3.8	48.4
	Female	13		15.4				7.7	76.9
N8	Male	70	4.3	24.3	14.3		2.9	11.4	42.9
	Female	10			10.0			10.0	80.0
N9	Male	146	5.5	24.7	11.6		3.4	4.8	50.0
	Female	9		11.1					88.9
N10	Male	48	6.3	22.9	10.4			6.3	54.2
	Female	6							100.0
Total	Male	891	7.0	22.4	14.9	4.6	12.3	14.9	23.8
	Female	55	1.8	18.2	9.1	3.6	1.8	5.5	60.0

Note: Based on 946 nondrug incarceration guideline sentences.

The conformity rates of the probation sentences by gender are demonstrated in Tables 32 and 33. The analyses of the offenders on probation show that females on both drug and nondrug grids received less downward dispositional departures than males (10.2% vs. 17.2%, Table 32; 2.3% vs. 7.6%, Table 33). This finding indicates that except incarceration drug sentences in FY 2003, females were more likely to be incarcerated than males when both upward and downward dispositional departures are compared for incarceration and probation

sentences. Females had a higher likelihood of an upward dispositional departure to prison even when their offenses fell within the presumptive probation portion of the grid (Table 30 and Table 31). Females also had less chance for a downward departure to probation if their sentences fell within a presumptive prison box (Table 32 and 33). The above findings continue the trend that was present in the past nine years (Annual Reports of FY 1996, FY 1997, FY 1998, FY 1999, FY 2000, FY 2001, FY 2002 FY 2003 and FY 2004).

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

Severity Level	Gender	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
D1	Male	74			100.0
	Female	31			100.0
D2	Male	13			100.0
	Female	5			100.0
D3	Male	473		91.5	8.5
	Female	124		99.2	0.8
D4	Male	1,245	81.0	4.2	14.8
	Female	445	90.3	4.0	5.6
Total	Male	1,805	55.9	26.9	17.2
	Female	605	66.4	23.3	10.2

Note: Based on 2,410 drug probation sentences reporting gender of offenders.

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

Severity Level	Gender	N	Presumptive Probation (%)	Border Boxes (%)	Downward Disposition (%)
N1	Male	4			100.0
N2	Male	0			
N3	Male	40			100.0
	Female	3			100.0
N4	Male	4			100.0
	Female	0			100.0
N5	Male	181		74.0	26.0
	Female	27		85.2	14.8
N6	Male	52	80.8	15.4	3.8
	Female	6	66.7	16.7	16.7
N7	Male	775	96.3		3.7
	Female	149	98.7		1.3
N8	Male	337	94.1		5.9
	Female	268	98.5		1.5
N9	Male	997	95.6		4.4
	Female	279	98.2		1.8
N10	Male	309	95.5		4.5
	Female	85	100.0		
Total	Male	2,699	87.2	5.3	7.6
	Female	817	94.7	2.9	2.3

Note: Based on 3,516 nondrug probation sentences reporting gender of offenders.

CHAPTER FOUR SENTENCING TRENDS AND FORECAST

INCARCERATION SENTENCES

The trend analysis of incarceration sentences in the past five years indicates a declining tendency. The number of admissions in FY 2005 decreased by 100 or 1.7% when compared with that of FY 2004 and 4.1% compared with that of FY 2001 (Figure 43). The prison admission patterns by month in the past five years are presented in Table 34.

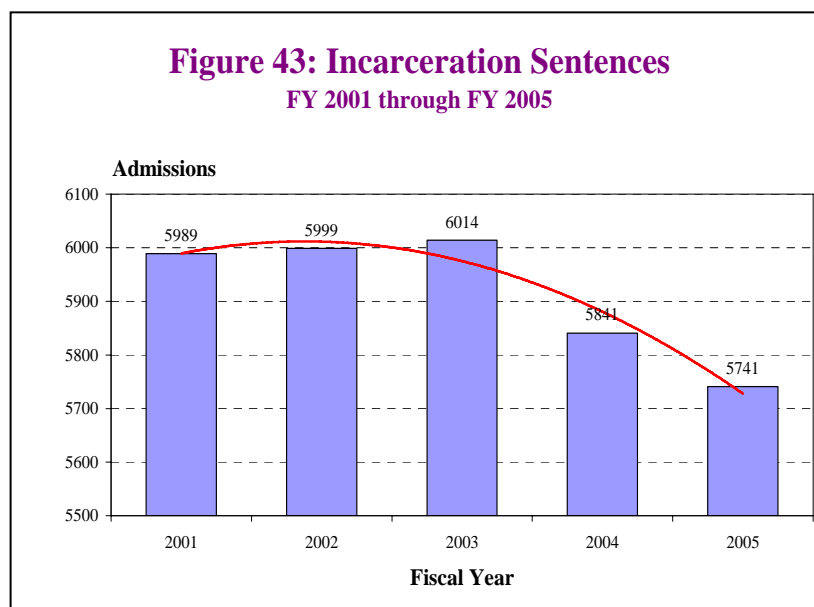


Table 34: Prison Admissions by Month

Month by Fiscal Year	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
July	559	489	523	525	439
August	616	517	569	441	497
September	501	339	521	460	501
October	463	462	577	500	413
November	440	558	479	418	466
December	384	533	475	550	441
January	446	501	472	445	407
February	488	487	440	435	471
March	584	542	460	560	575
April	443	531	520	491	491
May	523	490	466	469	486
June	542	550	512	547	554
Total	5,989	5,999	6,014	5,841	5,741

Table 35 illustrates the types of admissions to prison during the past five years. The admissions of new court commitments in FY 2005 decreased by 1.5% compared with FY 2004 and 7% compared with FY 2001. The number of probation condition violators admitted to prison continued growing in FY 2005, increasing by 34.1% over that of FY 2001 and representing the highest in the past five years. Probation violators with new sentences and parole/post-release supervision condition violators admitted to prison in FY 2005 represented the lowest admission rates from FY 2001 through FY 2005, indicating a decrease of 37.9% and

17.4%, respectively, compared with those in FY 2001. The number of parole/post-release violators with new sentences in FY 2005 increased by 11.6% over that of FY 2004 and 12.4% over that of FY 2001. The largest percentage decrease is identified in the number of conditional release violators, which decreased by 73.4% in the past five years. The number of conditional release violators with new sentences was very small and has been decreasing over the past five years, as well. As pre-guideline sentences are reducing, these two types of offenders will be eventually out of the prison system.

Table 35: Comparison of Prison Admissions by Type

Admission Type	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2005-2001 % Difference
New Court Commitment	1,601	1,702	1,649	1512	1,489	-7.0%
Probation Violator	1,330	1,454	1,497	1709	1,783	34.1%
Probation Violator with New Sentence	203	221	205	148	126	-37.9%
Parole/Postrelease Violator	2,552	2,396	2,406	2253	2,109	-17.4%
Parole/Postrelease Violator with New Sent	145	136	144	146	163	12.4%
Conditional Release Violator	109	57	51	39	29	-73.4%
Conditional Release Violator with New Sent	10	3	4	3	3	-70.0%
Other Types*	39	30	58	31	39	0.0%
Total	5,989	5,999	6,014	5,841	5,741	-4.1%

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

Table 36 reveals the admission trend of incarceration drug sentences by severity level in the past five years. In FY 2005, admissions at all drug levels indicated a decrease from those of the previous year, with the exception of admissions at drug level 4, which increased by 7.3% compared with FY 2004 and 19.2% compared with FY 2001. However, the total admissions of drug offenders in FY 2005 demonstrated a decrease of 5.1% and 1.5%, respectively, from those in FY 2004 and FY 2001.

Further analysis of the drug incarceration sentences indicates that the number of drug severity level 1 continued decreasing during FY 2005 with a decrease of 18.3% from that of FY 2004 and a decrease of 20.4% from that of FY 2003, though it still increased by 73.1% over that of FY 2001. The largest decrease was found at drug severity level 3 during FY 2005, which decreased by 199 admissions or 27.8% from that of FY 2001. Admissions at drug level 2 decreased by

Chapter Four: Sentencing Trends and Forecast

26.3% and 19% compared with those of FY 2004 and FY 2001 respectively (Table 36).

Table 37 demonstrates that the total nondrug admissions to prison dropped all the way in the past five years, decreased by 0.3% from that of FY 2004 and by 5.1% from that of FY 2001. The most notable decrease of nondrug sentences in the past five years were identified at level 2 (a decrease of 18.8%), level 4 (a decrease of 15.2%), level 5 (a decrease of 22.2%) and level 6 (a decrease of 23.7%), which contain offenders

with the most serious crimes. Offgrid sentences in FY 2005 indicated a decreasing pattern, too, a decrease of 10.8% from the previous year and a decrease of 8.3% from FY 2001.

Nevertheless, offenders at nondrug severity level 10 in FY 2005 increased by 21.1% when compared with the data of FY 2001. Nongrid offenders primarily consist of DUI violators (196 offenders), demonstrating the largest increase in percentage during the past five years (an increase of 1,772.7%).

Table 36: Comparison of Drug Prison Admissions by Severity Level

Severity Level	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2005-2004 % Difference	FY 2005-2001 % Difference
D1	108	227	235	229	187	-18.3%	73.1%
D2	163	186	204	179	132	-26.3%	-19.0%
D3	715	628	617	567	516	-9.0%	-27.8%
D4	655	676	768	728	781	7.3%	19.2%
Total	1,641	1,717	1,824	1,703	1,616	-5.1%	-1.5%

Table 37: Comparison of Nondrug Prison Admissions by Severity Level

Severity Level	FY 2001	FY 2002	FY 2003	FY2004	FY2005	FY 2005-2004 % Difference	FY 2005-2001 % Difference
N1	99	92	113	108	96	-11.1%	-0.3%
N2	138	121	121	99	112	13.1%	-18.8%
N3	612	645	604	559	562	0.5%	-8.2%
N4	145	162	155	151	123	-18.5%	-15.2%
N5	751	671	718	586	584	-0.3%	-22.2%
N6	207	195	208	171	158	-7.6%	-23.7%
N7	889	890	864	825	809	-1.9%	-9.0%
N8	454	449	424	458	462	0.9%	1.8%
N9	789	773	703	728	737	1.2%	-6.6%
N10	194	227	206	261	235	-10.0%	21.1%
Offgrid	36	38	49	37	33	-10.8%	-8.3%
Nongrid	11	5	5	148	206	39.2%	1,772.7%
Unknown	23	14	20	7	8	14.3%	-65.2%
Total	4,348	4,282	4,190	4,138	4,125	-0.3%	-5.1%

PROBATION SENTENCES

The total trend of probation sentences in the past five years is exhibited in Figure 44. In FY 2005, the number of probation sentences indicated an increase of almost 8% (568 sentences) compared with that of FY 2004 and an increase of 26.7% (1,638 sentences) compared with that of FY 2001, representing the largest number of probation sentences in the past five years.

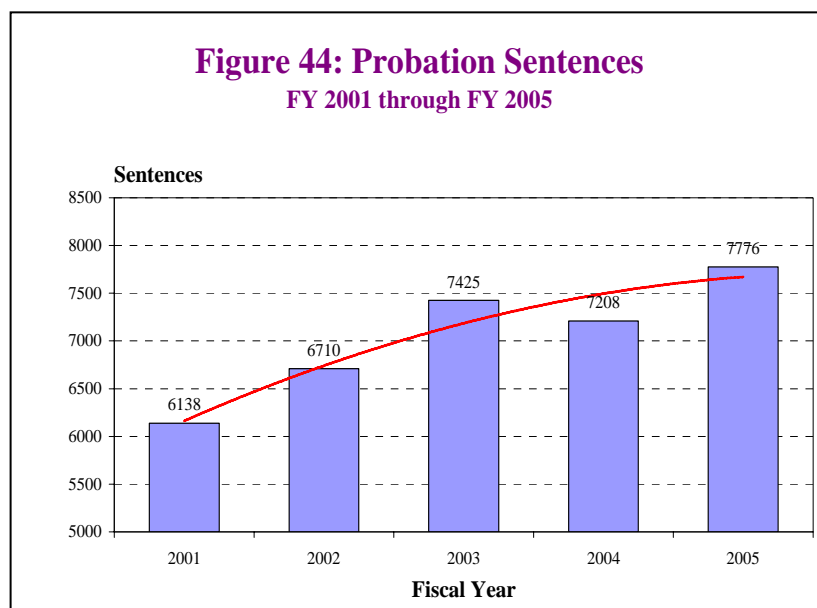


Table 38 presents the sentencing trend of the probation sentences by severity levels for drug offenses during the past five years. The analysis shows that drug probation sentences at all levels in FY 2005 increased except sentences at drug severity level 2. The largest percentage increase of probation sentences for drug offenses fell on drug severity level 1, an increase of 236.1% and 611.8%, respectively, compared to those of FY 2004 and FY 2001. This significant increase at drug severity level 1 reflects the implementation of the Kansas Supreme Court's Ruling on *State vs. McAdam* issued on January 30, 2004 and the Kansas Supreme Court's decision on *State vs. Campbell* issued in January 2005, wherein convictions under K.S.A. 65-4159 may be sentenced at drug severity level 1 with length of sentence at drug severity level 3 and convictions under K.S.A. 65-7006 may be sentenced at drug severity level 1 with length of sentence at drug severity level 4.

The probation sentences in FY 2005 increased by 51% at drug severity level 4 and by 28.8% at drug severity level 3 when compared with those of FY 2001. The probation sentences at drug severity level 2 decreased by 54.5% from that of FY 2004 and 51.2% from that of FY 2001. The total number of drug probation sentences presents a growing tendency with an increase of 13.8% over that of FY 2004 and an increase of 47.9% over that of FY 2001.

Nondrug probation sentences in the past five years revealed an increasing pattern, as well. In FY 2005 the total number of nondrug probation sentences increased by 4.9% when compared with that of FY 2004 and 17.3% when compared with that of FY 2001. In number, the largest increase of nondrug probation sentences in the past five years fell within nondrug severity level 7 (an increase of 155 sentences), nondrug severity level 8 (an increase of 111 sentences) and

nondrug severity level 9 (an increase of 120 sentences). While the largest increase in both percentage and number in FY 2005 is found on nongrid sentences, indicating an

increase of 80.7% or 367 sentences compared with the data observed in FY 2001 (Table 39).

**Table 38: Comparison of Probation Drug Sentences by Severity Level
FY 2001 through FY 2005**

Severity Level	FY 2001	FY 2002	FY 2003	FY2004	FY2005	FY 2005-2004 % Difference	FY 2005-2001 % Difference
D1	17	49	44	36	121	236.1%	611.8%
D2	41	44	71	44	20	-54.5%	-51.2%
D3	507	555	566	633	653	3.2%	28.8%
D4	1,313	1,498	1,767	1,728	1,983	14.8%	51.0%
Total	1,878	2,146	2,448	2,441	2,777	13.8%	47.9%

**Table 39: Comparison of Probation Nondrug Sentences by Severity Level
FY 2001 through FY 2005**

Severity Level	FY 2001	FY 2002	FY 2003	FY 2004	FY2005	FY 2005-2004 % Difference	FY 2005-2001 % Difference
N1	3	5	5	7	4	-42.9%	33.3%
N2	2	2	4	0	0	N/A	-100.0%
N3	32	37	61	48	46	-4.2%	43.8%
N4	15	16	17	13	4	-69.2%	-73.3%
N5	180	225	202	212	223	5.2%	23.9%
N6	89	76	91	62	61	-1.6%	-31.5%
N7	898	962	1024	934	1,053	12.7%	17.3%
N8	682	756	825	781	793	1.5%	16.3%
N9	1,419	1,451	1,521	1,430	1,539	7.6%	8.5%
N10	485	546	538	557	454	-18.5%	-6.4%
Nongrid	455	488	689	723	822	13.7%	80.7%
Total	4,260	4,564	4,977	4,767	4,999	4.9%	17.3%

PRISON POPULATION FORECASTS

The prison population forecasts are based on historical sentencing data, primarily on the data of FY 2005, and the input assumptions formulated by the experts from various criminal justice agencies, who are the members of the Prison Population Consensus Group. The prison population projections predict that the offenders incarcerated in state prisons will reach 9,749 by June 30, 2015, which indicates an increase of 703 inmates or 7.8% over the actual prison population on the same date of year 2005. Although the total number of admissions has dropped compared with those of the past five years, a combination of developing admission trends with the impact of the pronounced stacking effect has been resulting in a slow but continual growth in the state’s prison population.

Prison inmate population projections by severity levels are presented in Table 40. The largest increase in both number and

percentage of incarcerated populations in the next ten years fall on drug severity level 4 (an increase of 195 offenders or 33.7%) followed by nondrug severity level 1 (an increase of 182 offenders or 23.8%) and nondrug severity level 3 (an increase of 170 offenders or 12.7%). The largest decrease in number falls on drug severity level 1 (a decrease of 127 offenders or 20%), while the largest decrease in percentage falls on drug severity level 2 (a decrease of 22.4% or 68 offenders). The overall increase of drug offenders to be incarcerated indicates a small number (72 offenders) over the ten-year forecast period. This reflects the penalty change resulting from Senate Bill 123 passed during the 2003 Legislative Session, which has enhanced penalties by diverting drug possession offenders to drug treatment programs rather than incarcerating them in prison. Figure 45 depicts the trend of the actual and projected prison population from FY 1996 through FY 2015.

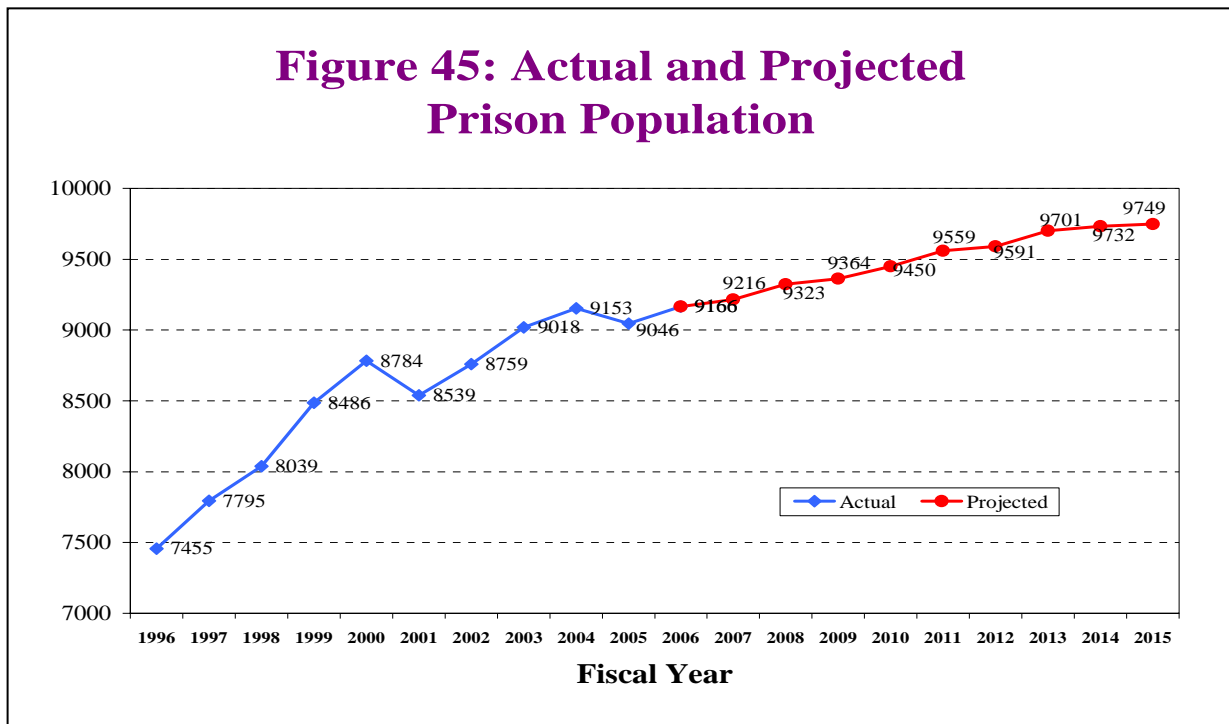


Table 40: FY 2006 Adult Inmate Prison Population Projections

Severity Level	June 30 2005*	June 30 2006	June 30 2007	June 30 2008	June 30 2009	June 30 2010	June 30 2011	June 30 2012	June 30 2013	June 30 2014	June 30 2015	Total # Increase	Percent Increase
D1	635	595	579	560	563	564	562	548	525	524	508	-127	-20.0%
D2	303	248	243	229	228	235	224	230	231	224	235	-68	-22.4%
D3	452	465	459	471	461	468	490	492	509	528	524	72	15.9%
D4	578	605	685	728	736	763	751	755	768	776	773	195	33.7%
N1	765	792	805	823	855	875	885	900	914	935	947	182	23.8%
N2	454	459	461	468	482	488	484	489	479	476	481	27	5.9%
N3	1337	1337	1352	1355	1379	1387	1404	1424	1445	1468	1507	170	12.7%
N4	265	247	253	265	262	273	278	287	288	287	294	29	10.9%
N5	993	989	960	954	956	977	993	978	968	994	950	-43	-4.3%
N6	147	144	149	145	155	158	139	152	151	168	161	14	9.5%
N7	817	851	874	899	850	837	821	843	867	839	858	41	5.0%
N8	232	261	256	266	253	245	264	270	308	279	262	30	12.9%
N9	268	293	271	289	294	294	313	290	319	306	297	29	10.8%
N10	44	59	67	61	69	77	71	70	71	71	70	26	59.1%
OFF GRID	697	716	723	738	739	736	747	748	748	763	772	75	10.8%
Condition Parole/PIS Violators	1059	1105	1079	1072	1082	1073	1133	1115	1110	1094	1110	51	4.8%
Total	9046	9166	9216	9323	9364	9450	9559	9591	9701	9732	9749	703	7.8%

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

CUSTODY CLASSIFICATION PROJECTION

The prison population projections forecast the total beds needed over the ten-year forecast period, while custody classification projections predict the kinds of beds needed for custody in the next ten years. As demonstrated in Table 41, the overall custodial classification projections indicate that 230 unclassified beds, 3,046 minimum beds, 3,729 medium beds, 1,413 maximum beds and 748 special management beds will be needed by the end of FY 2006. The total projected prison beds, by the end of FY 2015, will include 251 unclassified beds, 3,189 minimum beds, 4,011 medium beds, 1,477 maximum beds and 821 special management beds.

Figure 46 illustrates the projected percentage distributions of the custodial classifications by gender, which demonstrates a significant difference between male and female offenders. Females will need 3.7% unclassified, 49.8% minimum, 27.6% medium, 10.7% maximum

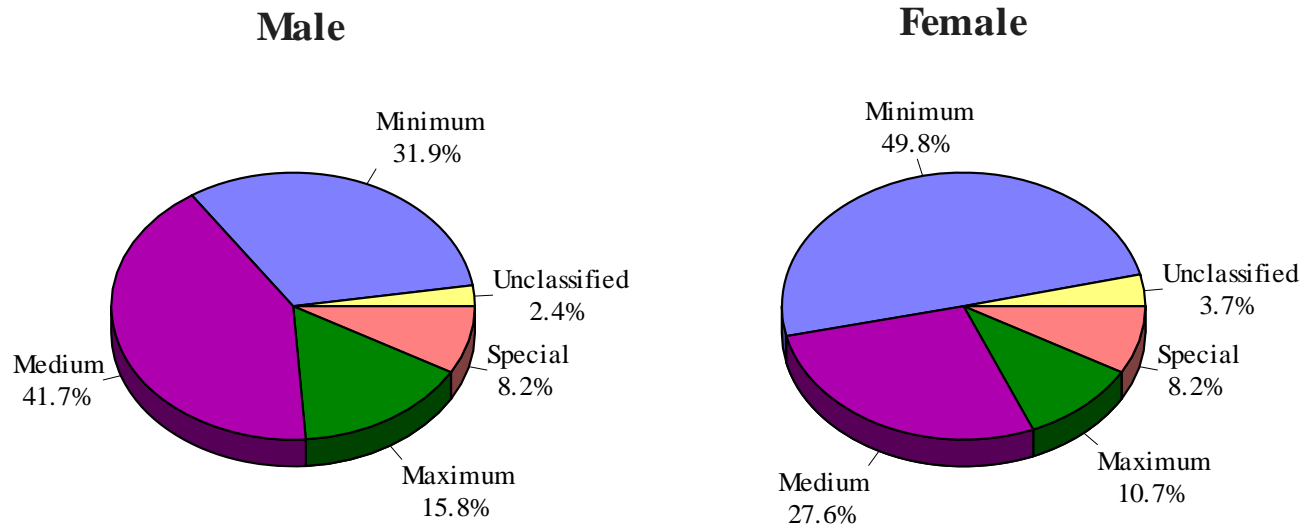
custody and 8.2% special management beds by the end of FY 2006. While males will need 2.4% unclassified, 31.9% minimum, 41.7% medium, 15.8% maximum custody and 8.2% special management beds by the end of FY 2006. These classification percentages of male and female offenders remain fairly constant during the ten-year forecasting period.

For female offenders, medium beds indicate an increase of 19, minimum beds shows an increase of 16, special management beds will increase by 17 and the other types of beds remain constant over the ten-year forecast period. The largest increase for males is the medium custody beds, which will increase by 263. Minimum custody beds for males will increase by 127 and maximum beds will go up by 65 beds. Special management beds for male offenders indicate an increase of 56 beds and the smallest increase of beds for male offenders are the unclassified beds during the ten-year forecast period. This forecast assumes no changes in custody practice over the ten-year forecast period.

Table 41: Ten Years Custody Classification Projection

June 30 Each Year	Unclassified	Minimum	Medium	Maximum	Special	Total
2006	230	3046	3729	1413	748	9166
2007	224	3015	3720	1458	799	9216
2008	220	3051	3764	1458	830	9323
2009	232	3049	3812	1458	813	9364
2010	239	3118	3871	1442	780	9450
2011	242	3152	3907	1454	804	9559
2012	236	3194	3904	1433	824	9591
2013	265	3276	3889	1435	836	9701
2014	221	3254	3970	1456	831	9732
2015	251	3189	4011	1477	821	9749

Figure 46: Projected Percentage Distribution of Custody Classification by Gender



Based on the projected prison population on June 30, 2006 (male = 8,493 and female = 673).

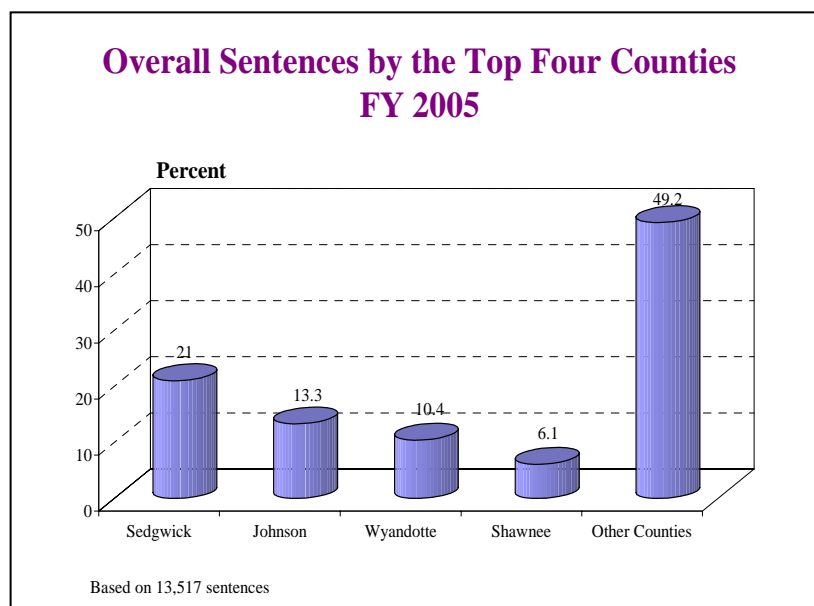
APPENDIX I

SENTENCES FROM THE TOP FOUR COUNTIES

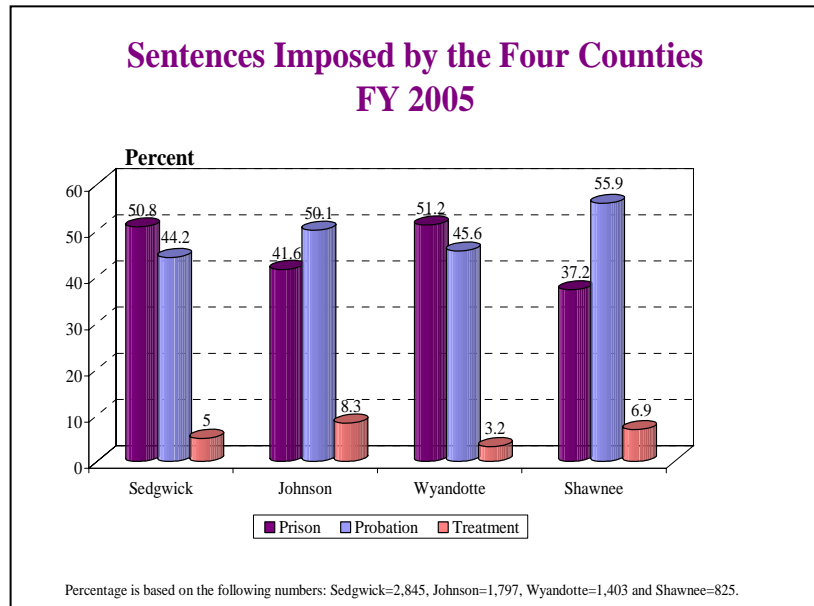
Based on the sentences reported to the Commission in FY 2005, Sedgwick, Johnson, Wyandotte and Shawnee counties remained the top four counties, whose sentences imposed accounted for 50.8% of the total state sentences. This percentage increased by 1.2% over FY 2004. Sedgwick remained the top-committing county followed by Johnson, Wyandotte and Shawnee counties, which is consistent with the distributions of previous years. In

comparison with the sentencing data of FY 2004, the numbers of sentences from Sedgwick County and Johnson County increased by 1.4% and 0.6% respectively, while Wyandotte County and Shawnee County's sentences decreased by 0.5% and 0.3% respectively. The following figures and tables display the characteristics of offenses and offenders from the four counties in FY 2005.

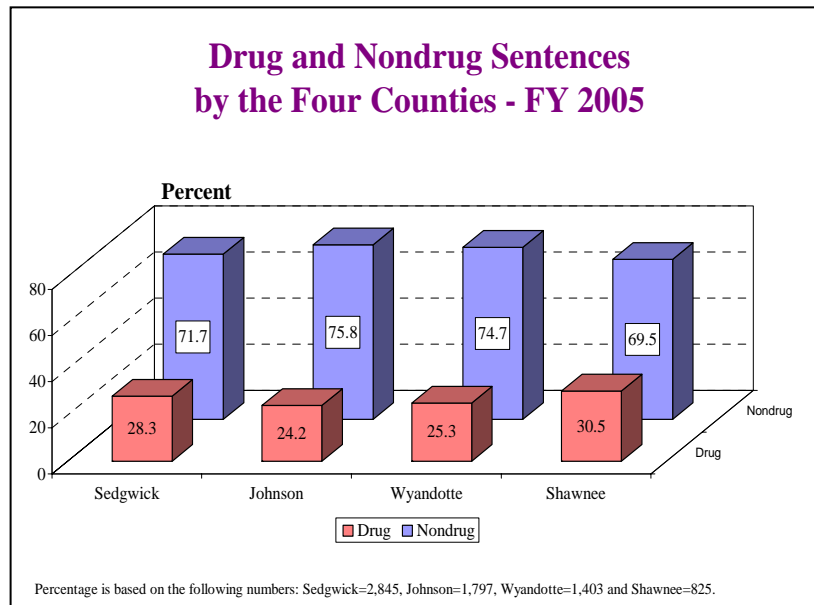
Sedgwick, Johnson, Wyandotte and Shawnee Counties were the top four committing counties with sentencing events accounting for 50.8% of the total state sentences in FY 2005.



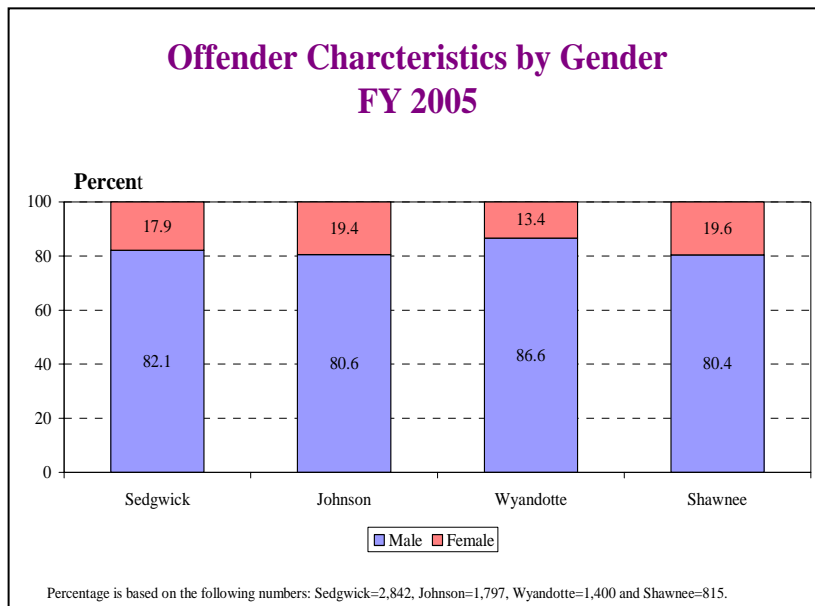
The highest percentage of prison sentences imposed was found in Wyandotte County (51.2%), while Shawnee County imposed higher rate of probation sentences (55.9%) than the other three counties. This sentencing pattern remains unchanged compared to that of FY 2004.



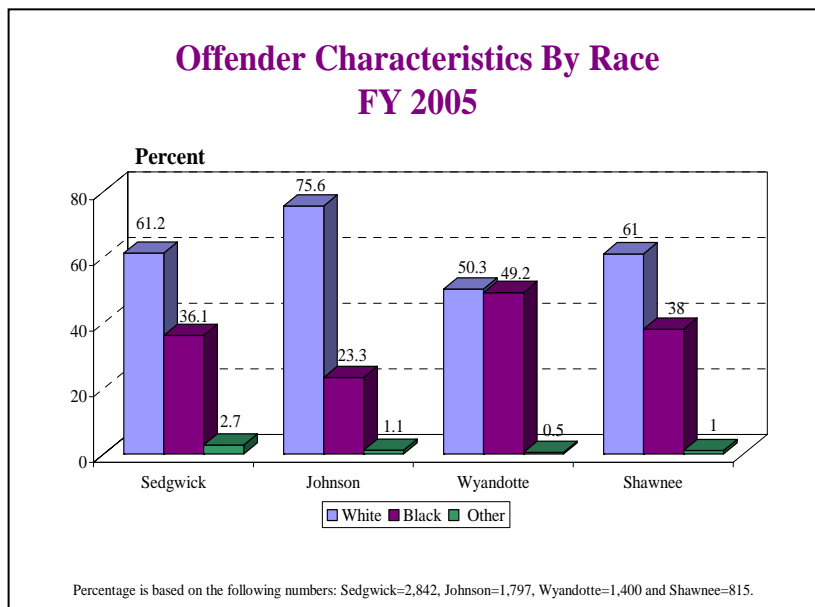
Shawnee County represented the highest percentage of drug sentences (30.5%), while Johnson County imposed the largest proportion of nondrug sentences (75.8%) among the four counties.



Shawnee County indicated the highest percentage of female offenders (19.6%), while Wyandotte County represented the highest rate of male offenders (86.6%).



Johnson County reported more white offenders (75.6%), while Wyandotte County reported more black offenders (49.2%), which remained constant as compared to FY 2004.



FY 2005 Sentences from the Four Counties by Severity Level

Severity Level	Sedgwick		Johnson		Wyandotte		Shawnee	
	N	%	N	%	N	%	N	%
D1	105	3.7	12	0.7	6	0.4	4	0.5
D2	43	1.5	6	0.3	7	0.5	8	1.0
D3	194	6.8	117	6.5	61	4.3	97	11.8
D4	463	16.3	300	16.7	281	20.0	143	17.3
N1	33	1.2	4	0.2	8	0.6	7	0.8
N2	28	1.0	10	0.6	20	1.4	9	1.1
N3	207	7.3	47	2.6	82	5.8	46	5.6
N4	35	1.2	11	0.6	21	1.5	11	1.3
N5	235	8.3	91	5.1	130	9.3	48	5.8
N6	46	1.6	18	1.0	33	2.4	7	0.8
N7	434	15.3	201	11.2	207	14.8	98	11.9
N8	345	12.1	152	8.5	81	5.8	64	7.8
N9	459	16.1	409	22.8	207	14.8	146	17.7
N10	52	1.8	235	13.1	175	12.5	34	4.1
Nongrid	155	5.4	182	10.1	76	5.4	100	12.1
Offgrid	11	0.4	2	0.1	8	0.6	3	0.4
Total	2,845	100.0	1,797	100.0	1,403	100.0	825	100.0

FY 2005 Top Ten Offenses Committed by Offenders in the Four Counties – 1

Offense Type	Sedgwick County		Offense Type	Johnson County	
	N	%		N	%
Drugs	805	28.3	Drugs	435	24.2
Burglary	269	9.5	Theft	268	14.9
Forgery	231	8.1	DUI	177	9.8
Theft	194	6.8	Burglary	129	7.2
Aggravated Battery	179	6.3	Forgery	114	6.3
DUI	154	5.4	Aggravated Battery	81	4.5
Aggravated Robbery	119	4.2	Criminal Threat	73	4.1
Robbery	94	3.3	Nonsupport of Child or Spouse	48	2.7
Aggravated Assault	74	2.6	Aggravated Assault	42	2.3
Fleeing or Eluding LEO	73	2.6	False Writing	41	2.3
Total	2,192	77.1	Total	1,408	78.3

FY 2005 Top Ten Offenses Committed by Offenders in the Four Counties – 2

Offense Type	Wyandotte County		Offense Type	Shawnee County	
	N	%		N	%
Drugs	355	25.3	Drugs	252	30.5
Theft	125	8.9	DUI	99	12.0
Burglary	117	8.3	Theft	66	8.0
Robbery	91	6.5	Burglary	59	7.2
Aggravated Battery	83	5.9	Forgery	50	6.1
Forgery	73	5.2	Fleeing or Eluding LEO	42	5.1
DUI	76	5.4	Aggravated Battery	36	4.4
Agg Indecent Liberties w/Child	56	4.0	Aggravated Robbery	32	3.9
Aggravated Assault	50	3.6	Robbery	25	3.0
Fleeing or Eluding LEO	48	3.4	Aggravated Assault	15	1.8
Total	1,074	76.5	Total	676	82.0

APPENDIX II TRENDS OF SELECTED OFFENSES

TOP FIVE MOST FREQUENT OFFENSES

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

for 60.4% in FY 2001, 61.9% in FY 2002, 61% in FY 2003, 62% in FY 2004 and 62.3% in FY 2005. The trends of the top five offenses from FY 2001 to FY 2005 are presented in the following table. The sentence number of the top five offenses increased along with the increase of the total number of incarceration and probation sentences in the past five years.

Top Five Most Frequent Offenses: Incarceration and Probation Sentences FY 2001 through FY 2005

Top Five Offenses	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Drugs	3,517	3,863	4,272	4,143	4,393
Burglary	1,352	1,336	1,370	1,390	1,391
Theft	963	1,030	959	987	1,082
Forgery	791	850	832	881	870
Aggravated Battery	702	786	765	688	681
Subtotal	7,325	7,865	8,198	8,089	8,417
Total Offenses	12,127	12,709	13,439	13,049	13,517

UNIFORM CRIME REPORTING (UCR) OFFENSES

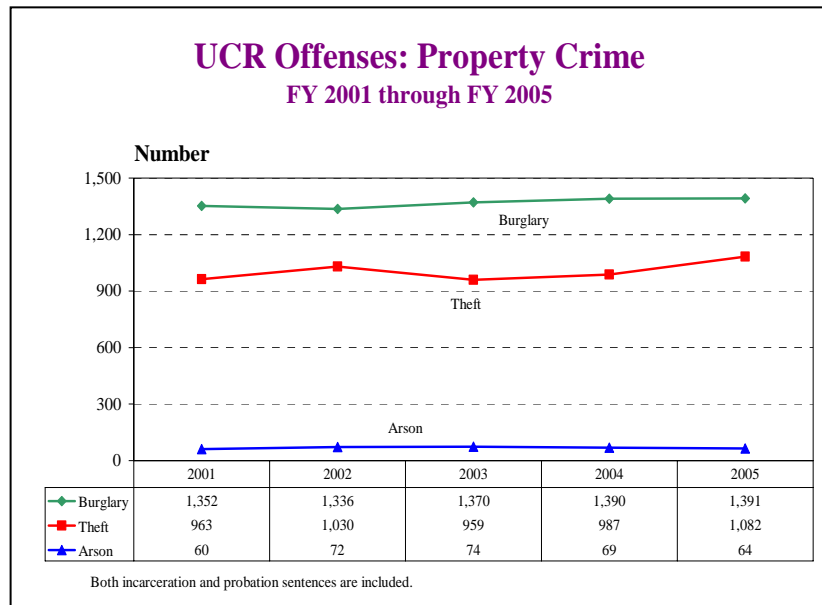
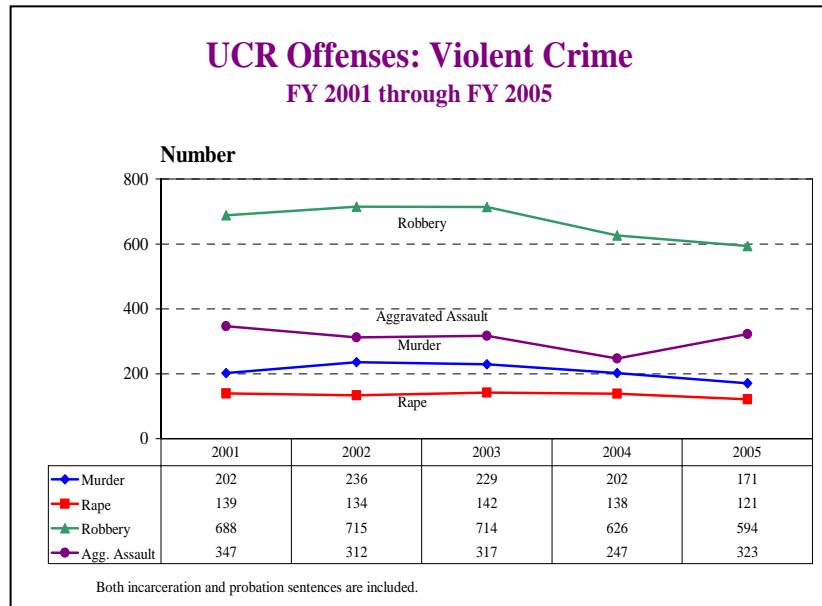
The UCR offenses include murder, rape, robbery, aggravated assault, burglary, larceny-theft/motor vehicle theft and arson. These are serious crimes by nature and/or volume, which are most likely to be reported and most likely to occur with sufficient frequency to provide an adequate basis for comparison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

rape, robbery and aggravated assault are classified as violent crimes, while burglary, theft and arson are classified as property crimes. In the following trend analyses on the UCR offenses from FY 2001 to FY 2005, murder includes capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter and involuntary manslaughter; robbery includes

aggravated robbery; aggravated assault includes aggravated assault on LEO; burglary includes aggravated burglary, residential, non-residential and motor vehicle burglaries; theft includes motor vehicle theft; and arson includes aggravated arson.

Compared with FY 2004, the numbers of all violent crimes dropped in FY 2005 except aggravated assault, which increased significantly by 30.8% over that of the previous year.

The analysis on property crimes discloses that the crimes of arson and burglary remain very stable in numbers over the past two years, while the crime rate of theft continues growing with an increase of 10% compared to that of FY 2004.



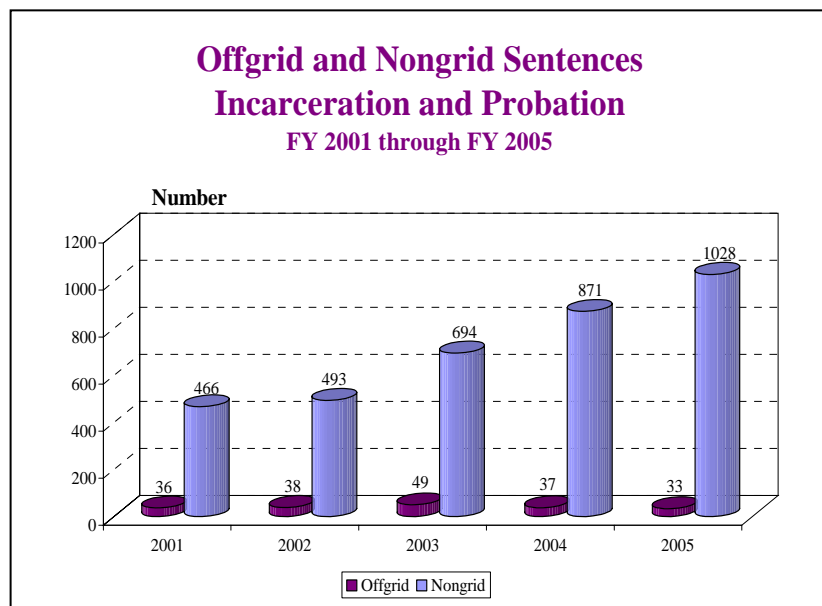
OFFGRID AND NONGRID CRIMES

Offgrid crimes are crimes that carry “life” sentences, meaning the length of imprisonment is life. The crimes of capital murder (K.S.A. 21-3439), murder in the first degree (K.S.A. 21-3401) and treason (K.S.A. 21-3801) are designated as offgrid crimes. Persons convicted of offgrid crimes will be parole eligible after serving 25 years in confinement for premeditated first-degree murder, or 40 or 50 years in certain premeditated first-degree murder cases, in which aggravating circumstances are found by the sentencing court. Offenders convicted of intentional second-degree murder for crimes committed prior to July 1, 1999, will be eligible for parole after serving 10 years of confinement. The Kansas law also provides for the imposition of a death penalty, under specified circumstances, for a conviction of capital murder. Felony murder and treason carry a term of life

imprisonment with a 20-year parole eligibility date.

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

An obvious growing trend was demonstrated for nongrid sentences from FY 2001 through FY 2005. The considerable increase has occurred since FY 2003. In FY 2005, the number of nongrid crimes increased by 18% compared with that of FY 2004 and by 121% compared with that of FY 2001. Nevertheless, the offgrid crimes revealed a decreasing trend in the past five years.

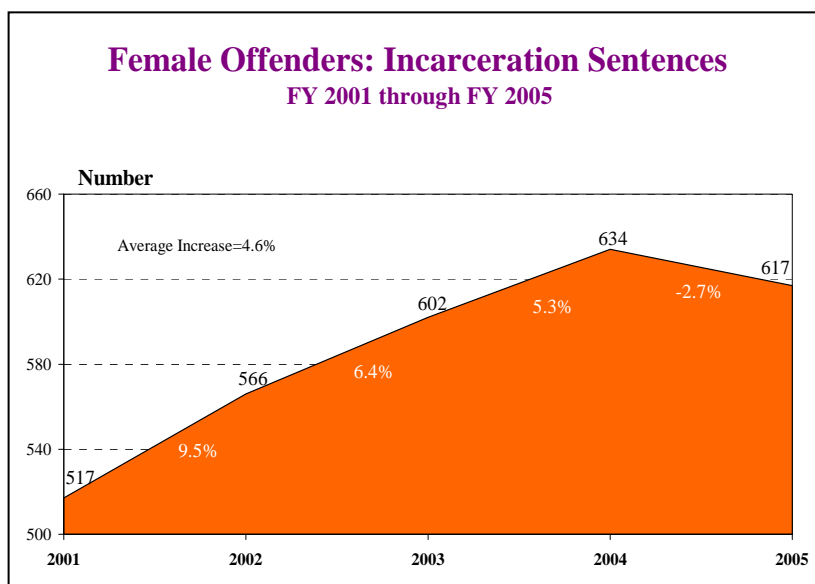


FEMALE OFFENDERS

The admissions of female offenders to prison decreased significantly due to the implementation of SB 323 in FY 2001, when the number of female admissions dropped by almost 30% compared with that of FY 2000 (735 admissions). Since then, the admissions of female offenders started growing again with an average rate of 4.6% from FY 2001 to FY 2005. However, female

admissions decreased by 2.7% in FY 2005 compared with FY 2004. In contrast, female offenders on probation in FY 2005 increased by 17.5% compared with those of FY 2004 and increased by 46.4% when compared with those of FY 2001. This pattern is consistent with that of the total probation population (Page 65). Females were sentenced to prison or probation most frequently for the crimes of drugs, forgery and theft in the past five years.

The female population incarcerated in prison had been growing since FY 2001, with an increase of 9.5% in FY 2002, 6.4% in FY 2003 and 5.3% in FY 2004 compared with those of their previous years. However, the population decreased in FY 2005 by 2.7% compared with FY 2004, which is consistent with the pattern of total admissions to prison (Page 62).



From FY 2001 to FY 2003, female probation sentences steadily increased, but in FY 2004 the number of female offenders on probation dropped by 4.4%, which was followed by an increase of 17.5% in FY 2005. The average increase rate is 10.4% in the period of the past five years.

