

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 1, 2007 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research  
Athena Andaya, Kansas Legislative Research  
Jill Wolters, Office of Revisor of Statutes  
Duston Slinkard, Office of Revisor of Statutes  
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Helen Pedigo, Executive Director, Kansas Sentencing Commission  
Tim Madden, Kansas Department of Corrections  
Representative Pat Colloton  
Secretary Roger Werholtz, Kansas Department of Corrections  
John Trembly & Annie Grevas, Community Corrections in Kansas  
Marshall Clement, Council of State Governments  
Kyle Smith, Kansas Bureau of Investigation

Helen Pedigo gave a short explanation on how to read the sentencing guideline grids. She then covered adult inmate prison population projections estimating that by 2016 Kansas will have 11,231 male and females in prison. ([Attachment 1](#))

The hearing on **HB 2087 - Kansas sentencing commission assumes the function of the state statistical analysis center**, was opened.

Helen Pedigo appeared in support of the proposed bill which would authorize the Kansas Sentencing Commission to become the state statistical analysis center. This designation is recognized by the Federal Bureau of Justice Statistics and comes with a renewable \$50,000 yearly grant to fund statistical research and reporting.

She opposed any amendment that would require the data be in the form and manner established by the Criminal Justice Coordinating Council. ([Attachment 2](#))

Secretary Roger Werholtz appeared as a proponent of the bill. Explained that the Kansas Sentencing Commission has been responsible for data collection and that the bill is simply technical in nature. The Department of Corrections currently transfers data to the Sentencing Commission so they can do their projections and hopes that the format to do the data transfer would not change. ([Attachment 3](#))

Kyle Smith requested a clarifying amendment as to which authority, the Criminal Justice Coordinating Council (CJCC) or the Kansas Sentencing Commission, determines the "form and manner" in which the data will be collected and shared. He proposed striking "commission" so that the CJCC would have sole authority. ([Attachment 4](#))

The hearing on **HB 2087** was closed.

The hearing on **HB 2230 - program agreements between the secretary of corrections and inmates**, was opened.

Tim Madden appeared as a proponent of the bill. He explained that the bill would repeal the requirement that agreements, regarding what programs that must be completed in order for the inmate to be prepared for release, be entered into between the department and the offender upon the beginning of the service of the sentence in the department's custody. This would apply for only those inmates who are serving an indeterminate or off-grid sentence. ([Attachment 5](#))

The hearing on **HB 2230** was closed.

The hearing on **HB 2232- eliminating department of corrections reimbursement for jury fees**, was opened.

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on February 1, 2007 in Room 313-S of the Capitol.

Tim Madden appeared in support of the proposed bill. He explained that it would repeal the requirement of the department to pay jury fees incurred in a criminal prosecution for a crime that was committed in a correctional facility. (Attachment 6)

The hearing on HB 2232 was closed.

The hearing on HB 2233 - authorizing the sale of prison made goods, was opened.

Tim Madden voiced his support for allowing state employees to purchase prison-made goods. Currently the statute allows for governmental entities and charitable organization to purchase these goods. (Attachment 7)

The hearing on HB 2233 was closed.

The hearings on HB 2141 - community corrections revocation reductions grant program & HB 2142 - program credits, for offenders who complete vocational or technical training or substance abuse programs, was opened.

Representative Colloton appeared before the committee as the sponsor of the proposed bills. The goals of the bills are to reduce the number of revocations of parole and probation, and to avoid or reduce the dollar amount to be spent on future prison construction costs.

HB 2142 provides for a county grant program for training corrections officers on how to tailor programs to fit each parolees needs. While HB 2142 provides incentives for those who are in prison who are near the completion of their sentence to complete substance abuse treatment, job training, and GED. The competition would result in a reduction of their sentence during their post release supervision. (Attachment 8)

Secretary Roger Werholtz spoke in support of HB 2141 but expressed that the language needs to be made clear that reduction in revocation rates use evidence based practices and risk reduction techniques as the intended outcome of this enhanced funding and conditions continuation of that funding on the attainment and maintenance of that goal. (Attachment 9)

Secretary Werholtz commented that of all the possible procedures that might reduce incarceration time of an offender's sentence, HB 2142 directly addresses the offenders' crime producing characteristics. Therefore having program credits being in direct correlation to rewarding actions that address public safety issues. (Attachment 10)

Marshall Clement commented that one out of every five offenders are in the system due to probation revocation. HB 2141 was modeled after a similar program in Texas. One year after its enactment, revocations are down 15% in the counties which received the grant. He estimated that Kansas would be able to reduce revocations by 20% and therefore would not have to build new prison beds. (Attachment 11)

Mr. Clement commented that many states are increasing "good time credit" and using the savings to provide more programs for inmates, as proposed in HB 2142. The amount of total good time credits one can receive are usually capped. He suggested that only programs that can be proven to reduce recidivism, such as vocational and educational programs, should be offered and could reduce recidivism by 12%.

John Trembly & Annie Grevas both spoke in support of HB 2141 because it will provide the necessary resources to reduce the number of conditional violators by enhancing services, training staff and incorporating evidence based practices that will increase public safety and reduce revocation rates. (Attachments 12 & 13)

(Attachment 14)

The hearings on HB 2141 & HB 2142 was closed.

Committee minutes from January 9 & 27 were distributed by e-mail. They will stand approved if no changes are requested by February 7, 2007.

The committee meeting adjourned at 5:20 p.m. The next meeting was scheduled for February 5, 2007.



# KANSAS

KATHLEEN SEBELIUS, GO

**KANSAS SENTENCING COMMISSION**

Honorable Ernest L. Johnson, Chairman  
Attorney General Paul Morrison, Vice Chairman  
Helen Pedigo, Executive Director

House Judiciary

Date 2-1-07

Attachment # 1

## HOUSE JUDICIARY COMMITTEE

### TESTIMONY

FISCAL YEAR 2007

### ADULT INMATE PRISON POPULATION PROJECTIONS

by

**Helen Pedigo, Executive Director**

700 SW Jackson Street, Suite 501, Topeka, KS 66603

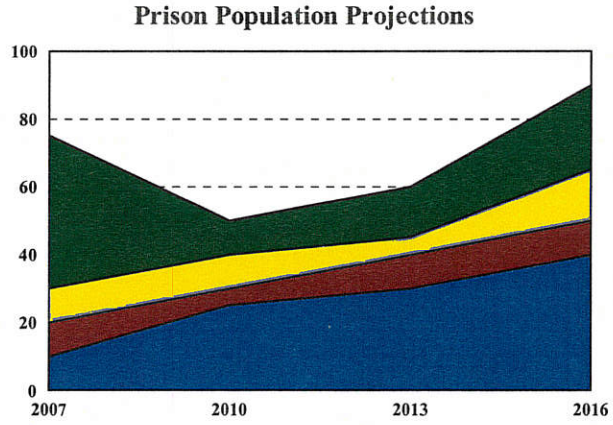
Voice: 785-296-0923 Fax: 785-296-0927 Email: [helenp@sentencing.ks.gov](mailto:helenp@sentencing.ks.gov)

**Wednesday, January 31, 2007**

<http://www.kansas.gov/ksc/>

# KANSAS SENTENCING COMMISSION

## Fiscal Year 2007 Adult Inmate Prison Population Projections



August 24, 2006

## GUIDELINE NEW COMMITMENT ADMISSION CHARACTERISTICS - FISCAL YEAR 2006

ID GROUP	NUMBER ADMITTED	PERCENT ADMITTED	AVERAGE SENTENCE (MONTHS)	JAIL CREDIT (DAYS)	CONDITION PROBATION VIOLATORS (%)	PROBATION VIOLATORS W/NEW SENT (%)
D1	145	3.8%	69.0	182.2	36.6	2.1
D2	50	1.3%	61.8	154.0	34.0	2.0
D3	310	8.2%	29.3	152.7	46.1	4.2
D4	657	17.3%	19.8	135.0	71.5	2.7
N1	76	2.0%	245.6	328.8	5.3	3.9
N2	36	1.0%	186.5	187.4	2.8	2.8
N3	227	6.0%	90.1	229.1	9.7	4.0
N4	64	1.7%	65.4	173.0	9.4	N/A
N5	309	8.2%	50.6	198.5	29.4	2.9
N6	77	2.0%	36.5	197.4	35.1	3.9
N7	611	16.1%	26.2	189.8	63.2	7.7
N8	345	9.1%	17.0	156.1	71.3	4.9
N9	650	17.2%	11.6	131.1	67.1	2.6
N10	184	4.9%	8.3	106.7	70.1	N/A
OFF GRID	29	0.8%	-	-	N/A	N/A
TOTAL NEW LAW	3770	99.5%	68.1	164.2	54.1	3.8
TOTAL OLD LAW	7	0.2%				
MISSING/ NONGRID	13	0.3%				
TOTAL ADMITS	3790	100.0%				

Source: DOC admission file.

## PRISON POPULATION CHARACTERISTICS JUNE 30, 2006

ID GROUP	PRE-GUIDELINE		GUIDELINE		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
D1	0	0.0%	572	6.4%	572	6.4%
D2	1	0.0%	239	2.7%	240	2.7%
D3	0	0.0%	475	5.3%	475	5.3%
D4	0	0.0%	638	7.1%	638	7.1%
N1	166	1.9%	596	6.7%	762	8.5%
N2	109	1.2%	317	3.5%	426	4.8%
N3	86	1.0%	1202	13.5%	1288	14.4%
N4	8	0.1%	252	2.8%	260	2.9%
N5	18	0.2%	996	11.2%	1014	11.4%
N6	0	0.0%	148	1.7%	148	1.7%
N7	2	0.0%	840	9.4%	842	9.4%
N8	0	0.0%	233	2.6%	233	2.6%
N9	0	0.0%	267	3.0%	267	3.0%
N10	0	0.0%	43	0.5%	43	0.5%
OFFGRID	276	3.1%	238	2.7%	514	5.8%
PAROLE CONDITIONAL VIOLATORS	420	4.7%	317	3.5%	737	8.3%
AGGREGATE SENTENCE	456	5.1%	0	0.0%	456	5.1%
SUBTOTAL	1542	17.3%	7373	82.5%	8915	99.8%
MISSING/NONGRID					18	0.2%
TOTAL					8933	100.0%

Source: DOC prison population file.

**COMPARISON OF GUIDELINE NEW COMMITMENTS BY SEVERITY LEVEL  
ADMISSIONS AND AVERAGE LENGTH OF SENTENCE (LOS)  
FY 2002 THROUGH FY 2006**

Severity Level	FY 2002		FY 2003		FY2004		FY2005		FY2006	
	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month
D1	209	91.1	176	92.2	196	67.5	140	53.4	145	69.0
D2	110	53.1	106	51.5	80	51.9	41	53.8	50	61.8
D3	265	26.8	252	28.1	276	28.8	263	28.5	310	29.3
D4	451	20.0	576	22.8	505	19.6	579	21.1	657	19.8
N1	61	245.7	77	247.9	81	250.1	58	226.7	76	245.6
N2	37	178.8	33	142.4	20	152.4	27	170.7	36	186.5
N3	239	91.2	202	84.7	208	89.3	210	99.5	227	90.1
N4	74	66.5	59	68.8	61	59.7	58	68.7	64	65.4
N5	287	51.6	308	51.4	243	54.5	256	54.4	306	50.6
N6	69	35.0	69	34.5	71	29.8	62	33.7	77	36.5
N7	550	24.0	519	24.5	517	26.3	584	27.3	611	26.2
N8	261	16.0	281	17.4	336	16.9	332	16.1	345	17.0
N9	547	11.1	472	11.5	508	11.3	548	11.7	650	11.6
N10	166	7.4	158	7.3	215	8.3	190	7.9	184	8.3
<b>Total</b>	<b>3326</b>		<b>3288</b>		<b>3317</b>		<b>3348</b>		<b>3741</b>	

Source: DOC admission file.

Note: Guideline new commitment admissions include new court commitments, probation condition violators and probation violators with new sentence.

**COMPARATIVE ANALYSIS OF  
CONDITION PAROLE/POST RELEASE SUPERVISION VIOLATORS  
BETWEEN FY 2005 AND FY 2006**

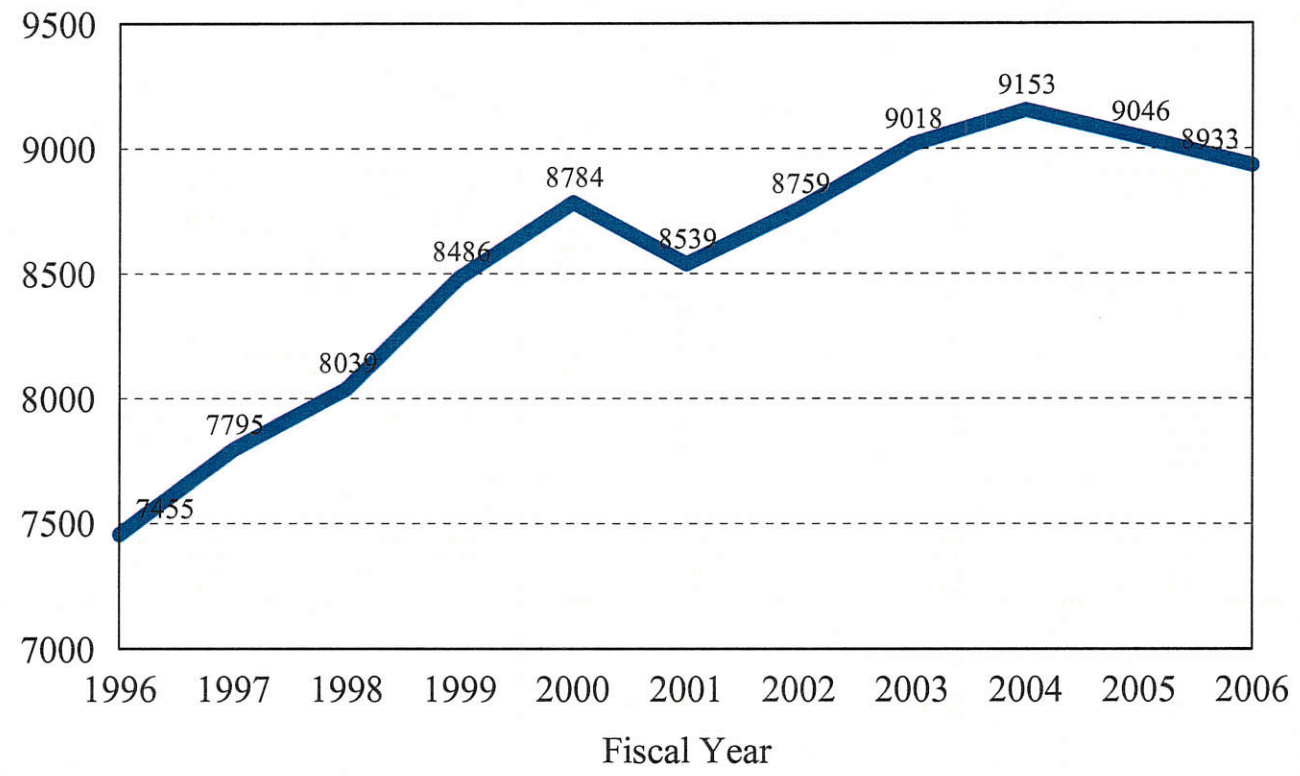
Law	Admission Number				Average Length of Stay in Month			
	FY 2005	FY 2006	# Change	% Change	FY 2005	FY 2006	LOS Change	% Change
Both/Agg	55	33	-23	-41.1%	20.8	25.2	4.4	21.2%
Guideline	1748	1360	-388	-22.2%	3.5	4.0	0.5	14.3%
Pre-guideline	334	248	-86	-25.7%	19.0	19.8	0.8	4.2%
<b>Total</b>	<b>2137</b>	<b>1641</b>	<b>-497</b>	<b>-23.2%</b>				

Source: DOC admission and release files.



# KANSAS PRISON POPULATION TRENDS

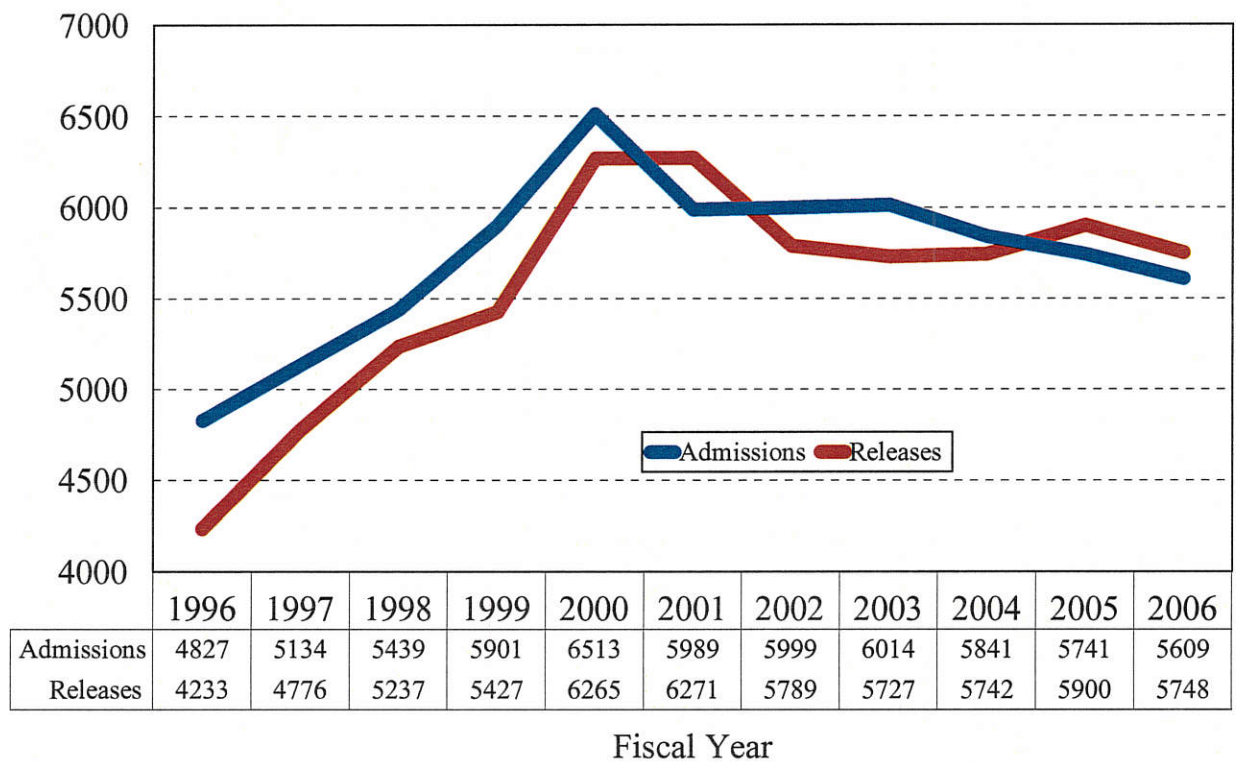
## Total Prison Population



Source: KDOC prison population files

## KANSAS PRISON POPULATION TRENDS

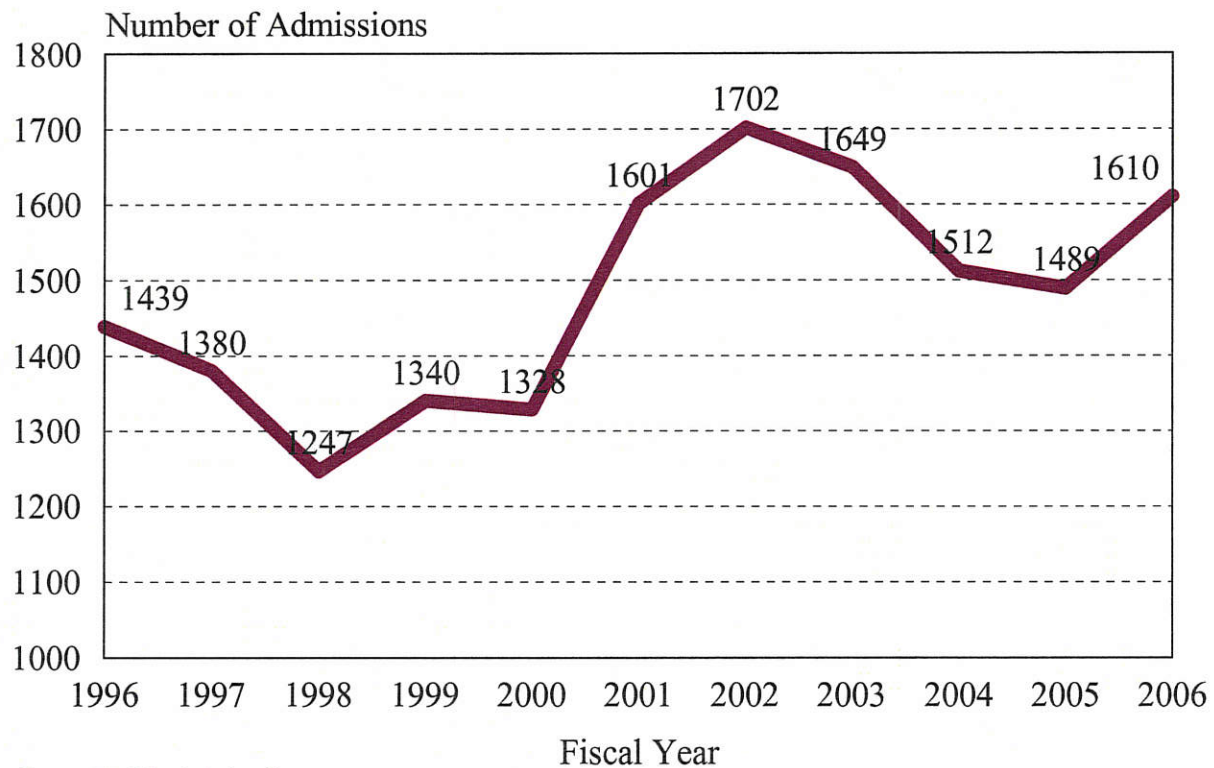
### Admissions and Releases



Source: KDOC admission and release files

# KANSAS PRISON ADMISSION TRENDS

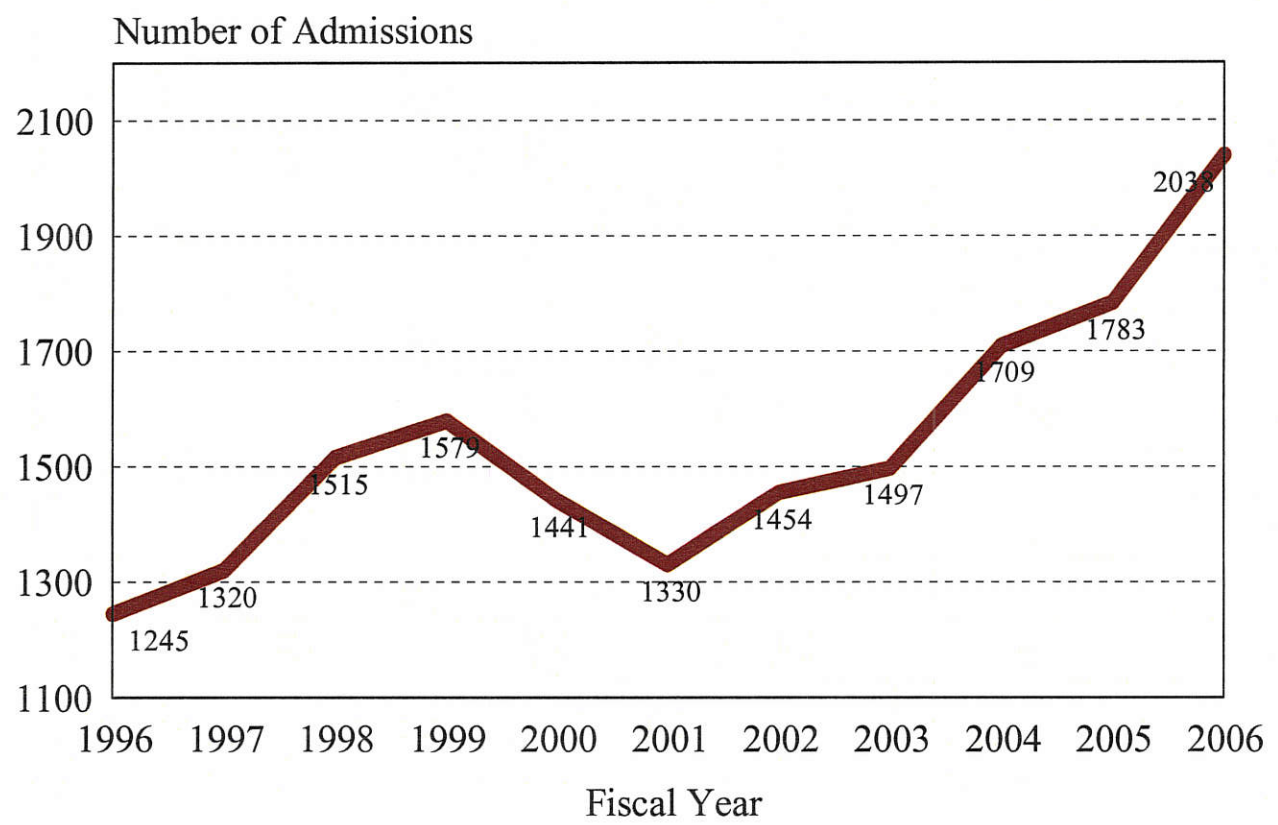
## New Court Commitments



Source: KDOC admission files

# KANSAS PRISON ADMISSION TRENDS

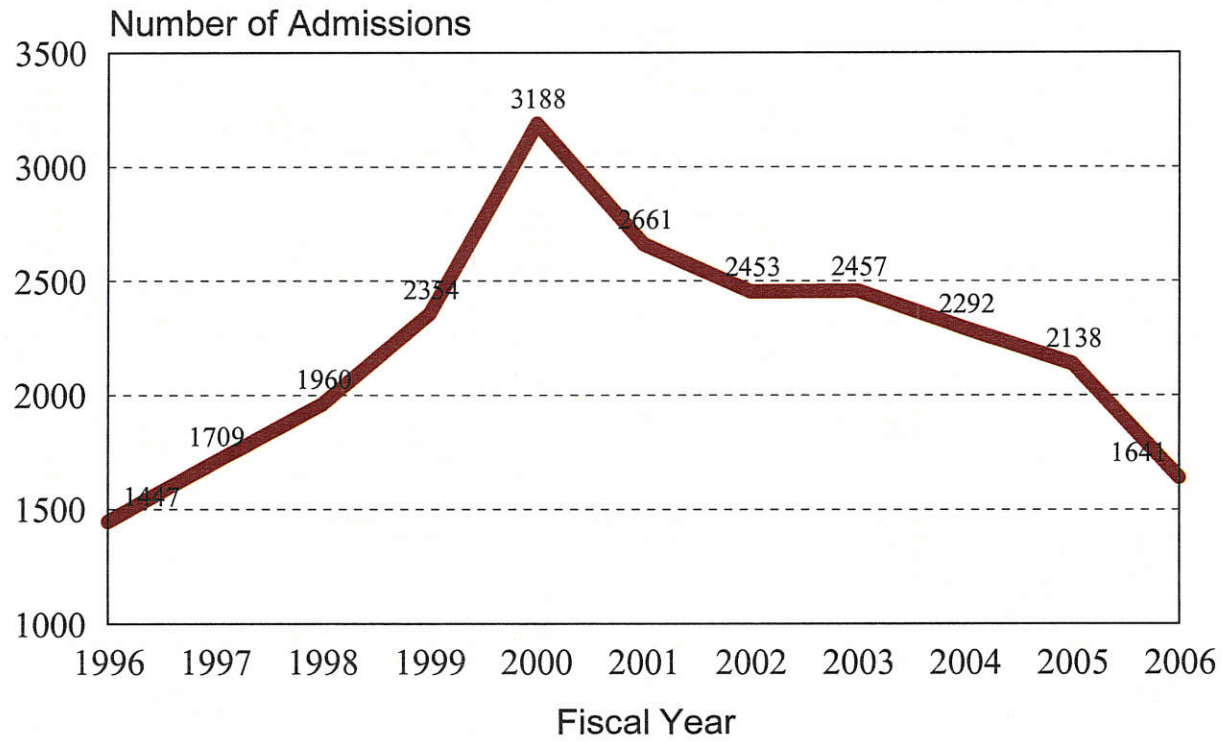
## Probation Condition Violators



Source: KDOC admission files

# KANSAS PRISON ADMISSION TRENDS

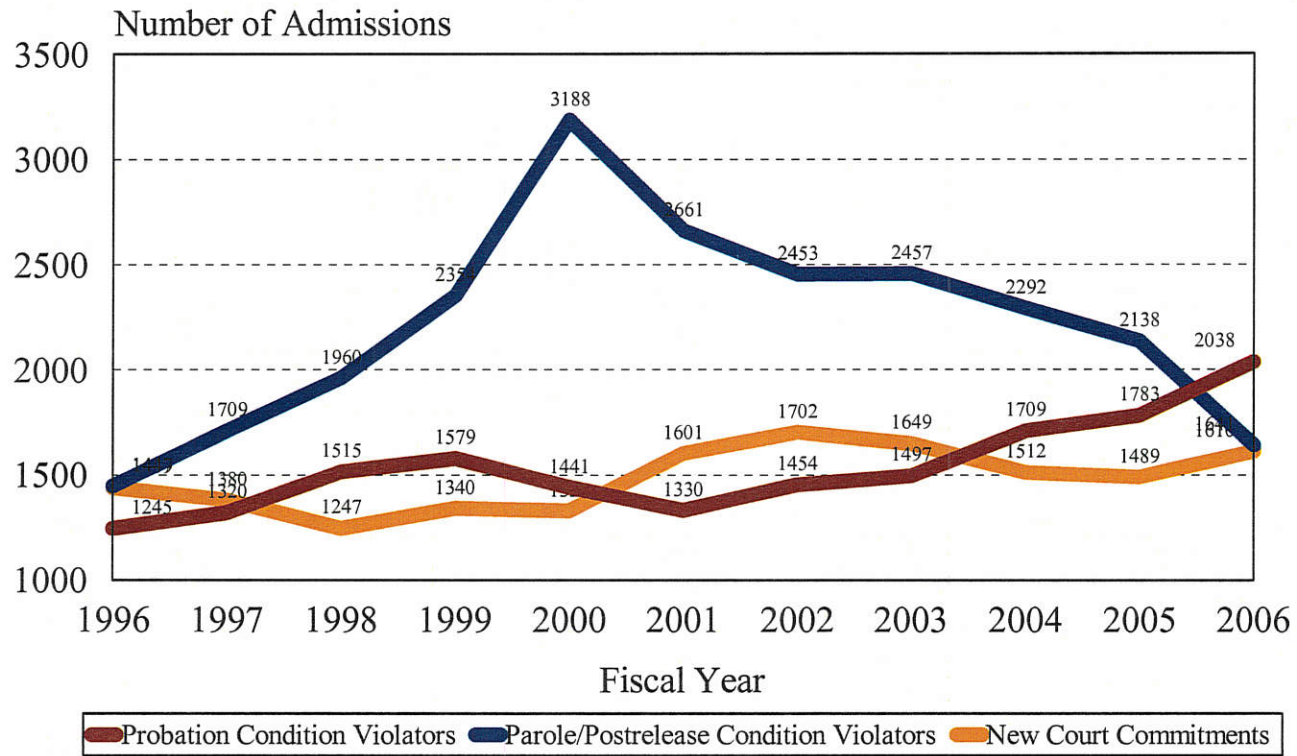
## Parole/Postrelease Condition Violators



Source: KDOC admission file  
Note: Including condition conditional-release violators

# KANSAS PRISON ADMISSION TRENDS

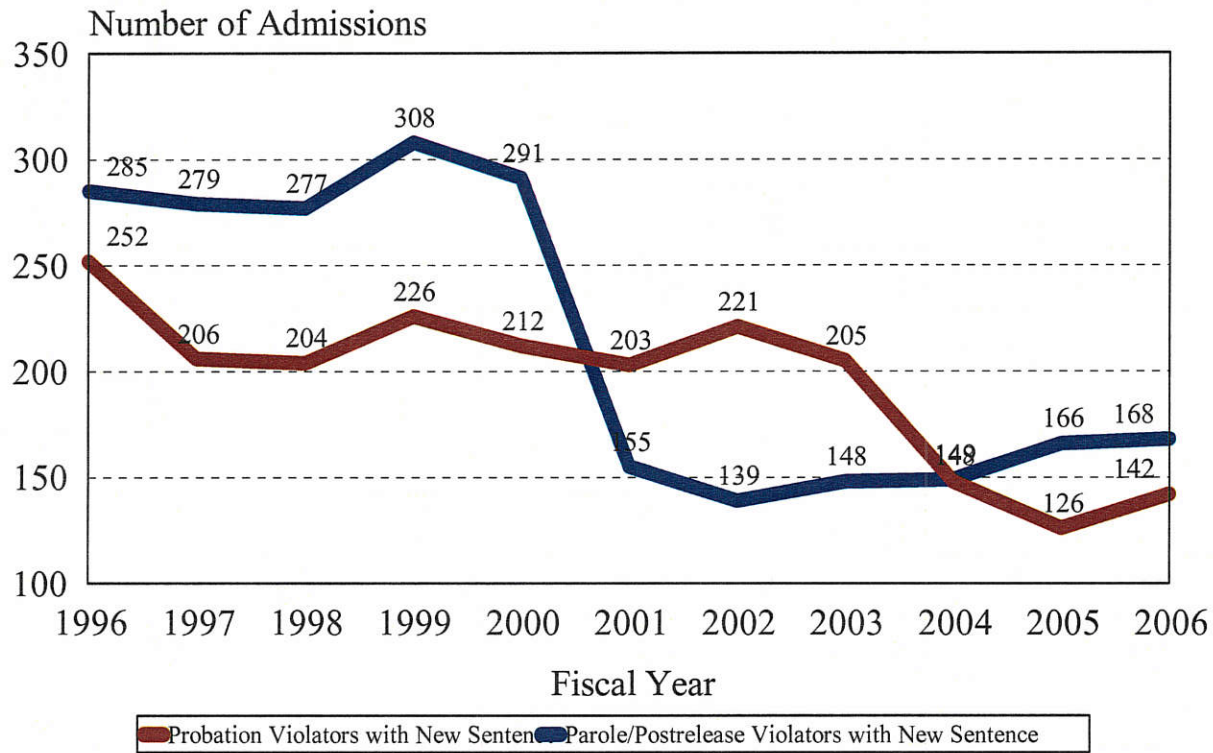
## Admissions by Type



Source: KDOC admission files

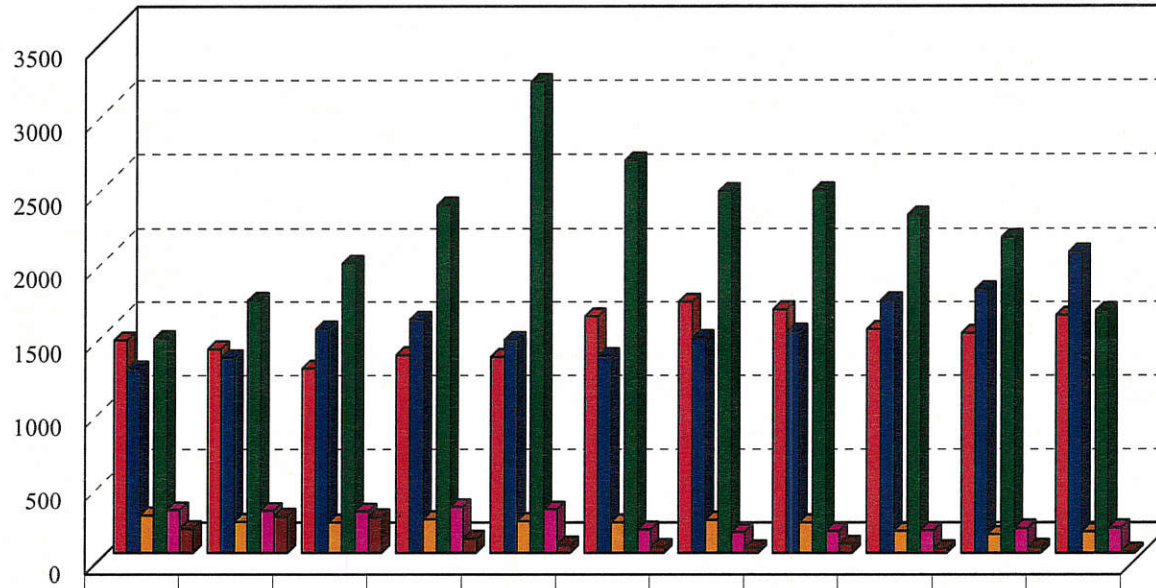
# KANSAS PRISON ADMISSION TRENDS

## Comparison between Probation and Parole/Postrelease Violators with New Sentence



Source: KDOC admission files

## KANSAS PRISON ADMISSION TRENDS BY TYPE FY 1996 Through FY 2006



	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
<b>New Court Commitment</b>	1439	1380	1247	1340	1328	1601	1702	1649	1512	1489	1610
<b>Probation Condition Violators</b>	1245	1320	1515	1579	1441	1330	1454	1497	1709	1783	2038
<b>Probation Violators w/New Sent</b>	252	206	204	226	212	203	221	205	148	126	142
<b>Parole/PIS Condition Violators</b>	1447	1709	1960	2354	3188	2661	2453	2457	2292	2138	1641
<b>Parole/PIS Violators w/New Sent</b>	285	279	277	308	291	155	139	148	149	166	168
<b>Other</b>	159	240	236	94	53	39	30	58	31	39	10

Source: KDOC admission files



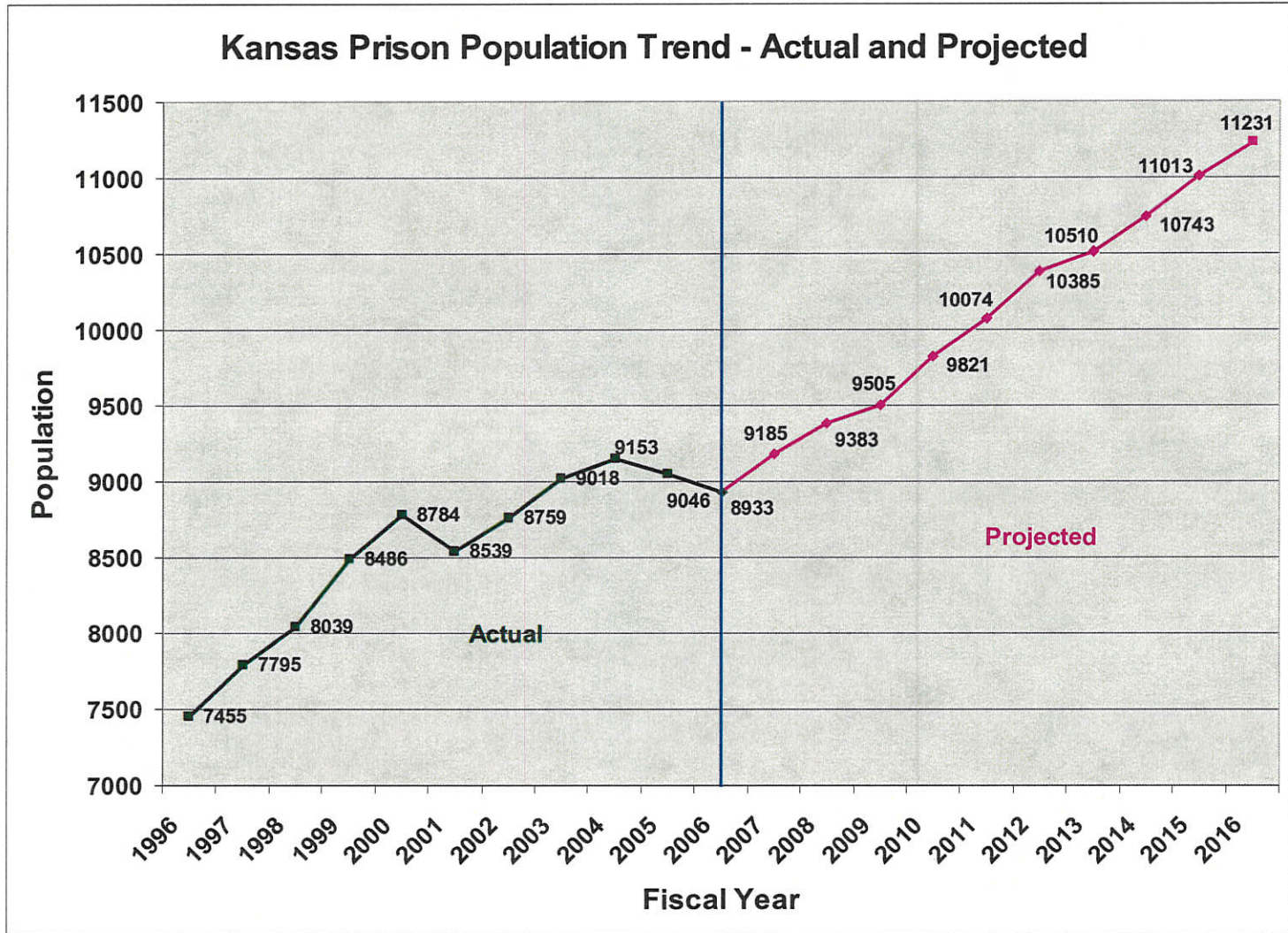
**PRISON POPULATION MONTHLY MONITORING REPORT  
FY 2006 MODEL**

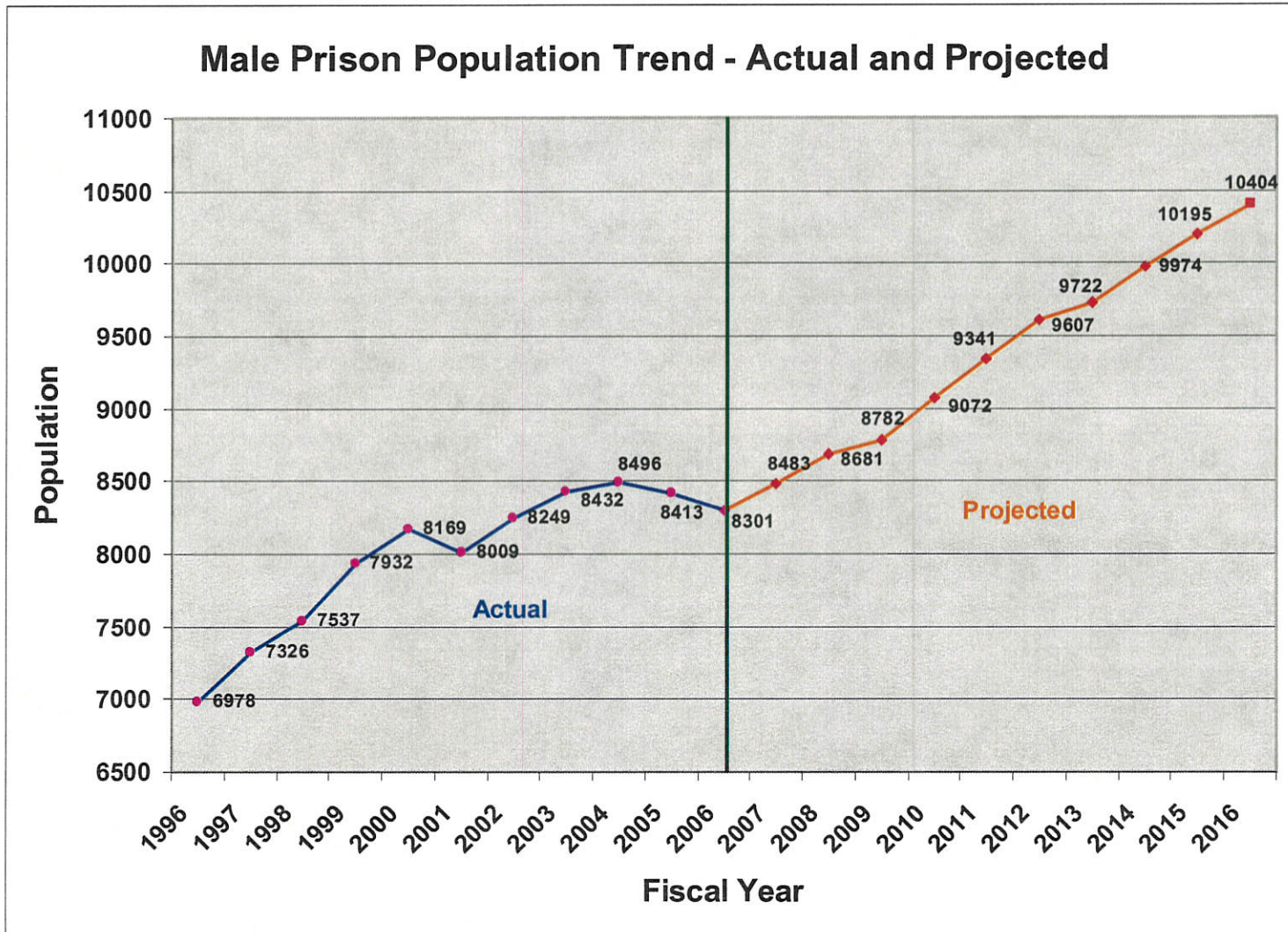
Month/Year	Projected	Actual	Difference	Percent Error
July 2005	8991	8943	48	0.54%
August 2005	9042	9049	-7	-0.08%
September 2005	9052	9101	-49	-0.54%
October 2005	9045	9113	-68	-0.75%
November 2005	9053	9073	-20	-0.22%
December 2005	9066	9069	-3	-0.03%
January 2006	9014	9074	-60	-0.66%
February 2006	9036	9080	-44	-0.48%
March 2006	9065	9032	33	0.37%
April 2006	9128	9005	123	1.37%
May 2006	9150	9052	98	1.08%
June 2006	9166	8933	233	2.61%
<b>Month-End Average</b>	<b>9067</b>	<b>9044</b>	<b>23</b>	<b>0.25%</b>
<b>Month-End High</b>	<b>9166</b>	<b>9113</b>	<b>53</b>	<b>0.58%</b>
<b>Month-End Low</b>	<b>8991</b>	<b>8933</b>	<b>58</b>	<b>0.65%</b>

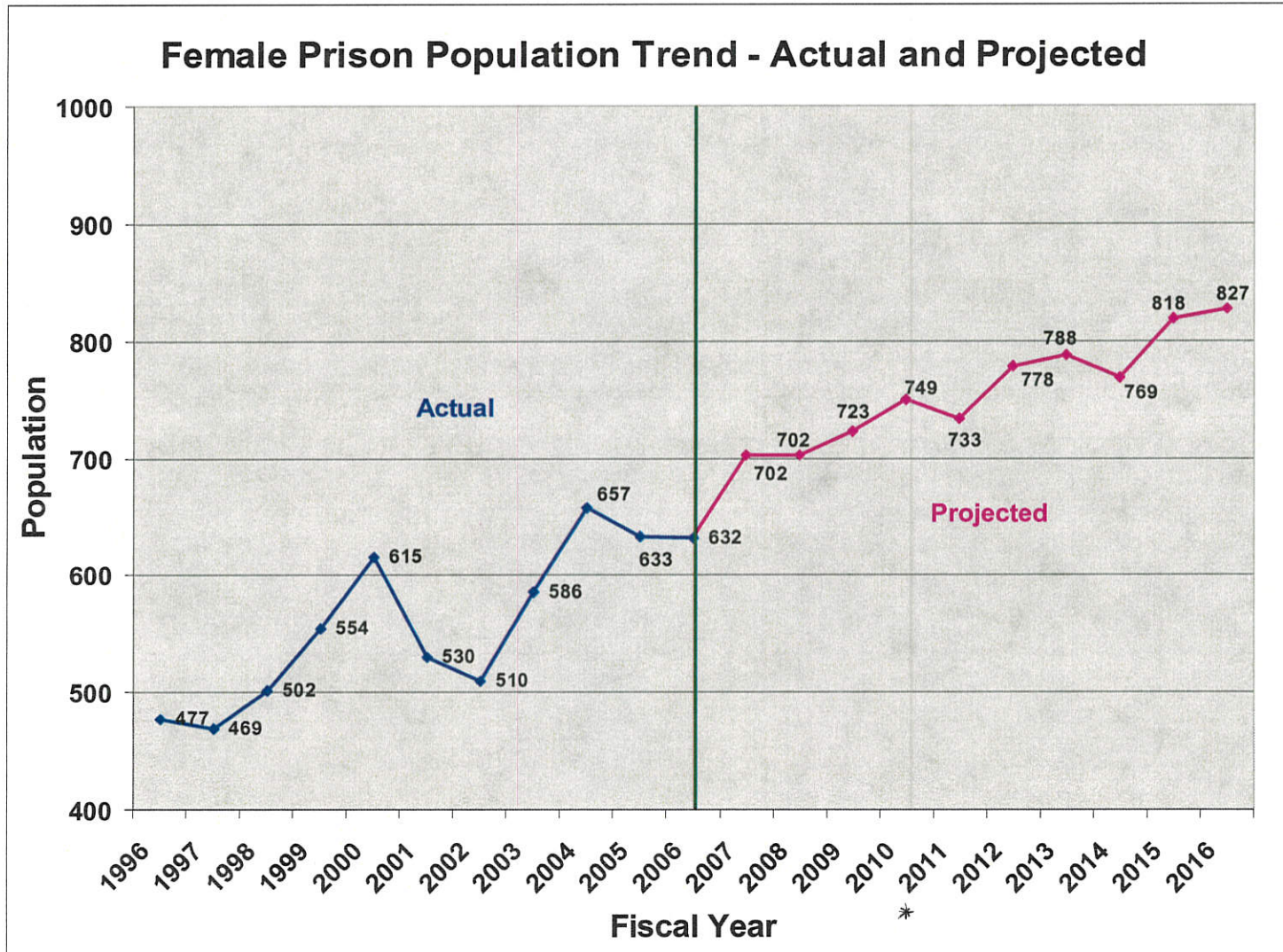
## KANSAS SENTENCING COMMISSION FY 2007 ADULT INMATE PRISON POPULATION PROJECTIONS

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

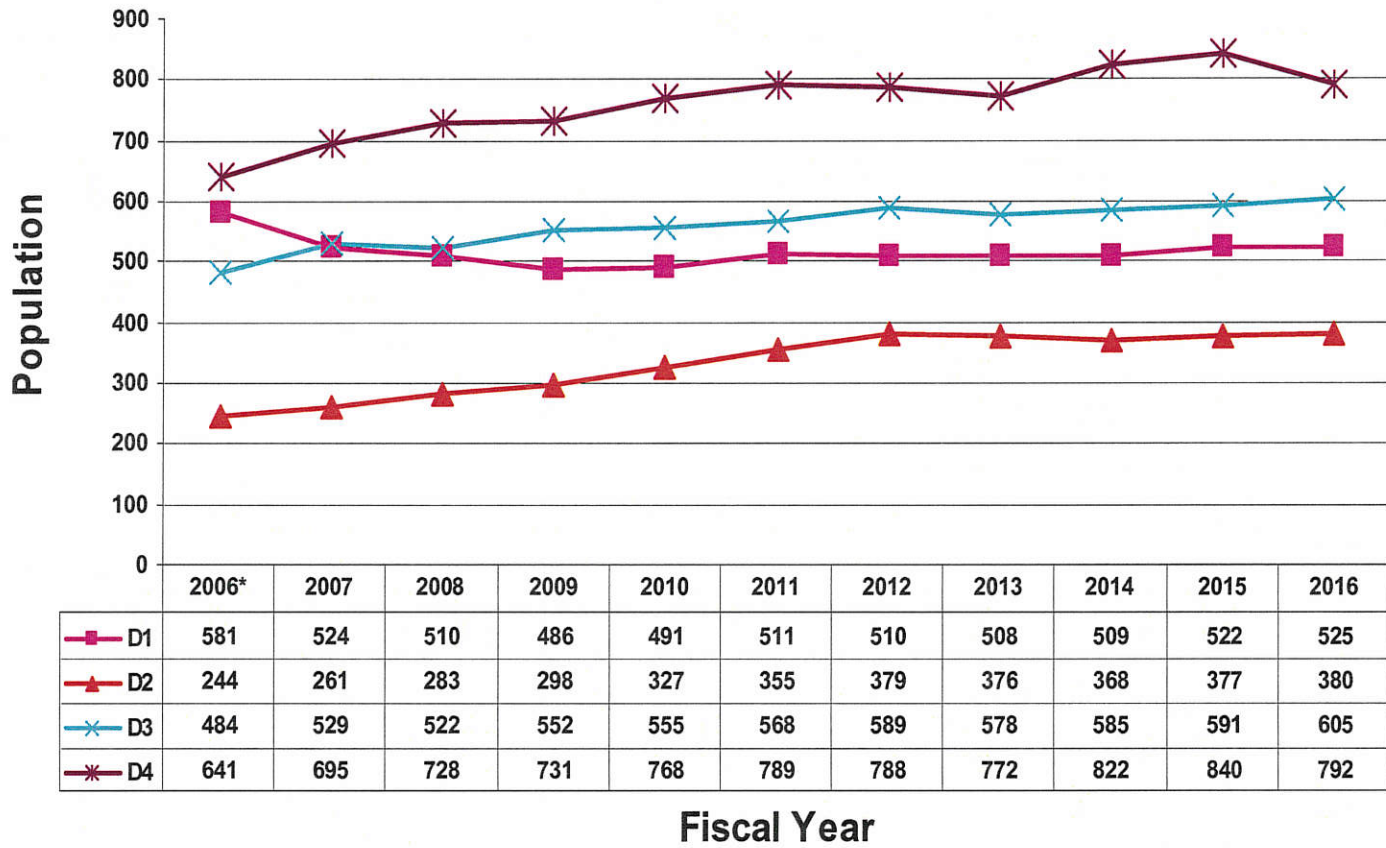
\*. Based on the actual prison population on that date (for the purpose of forecasting, non-grid and missing are analyzed and assigned to each level).





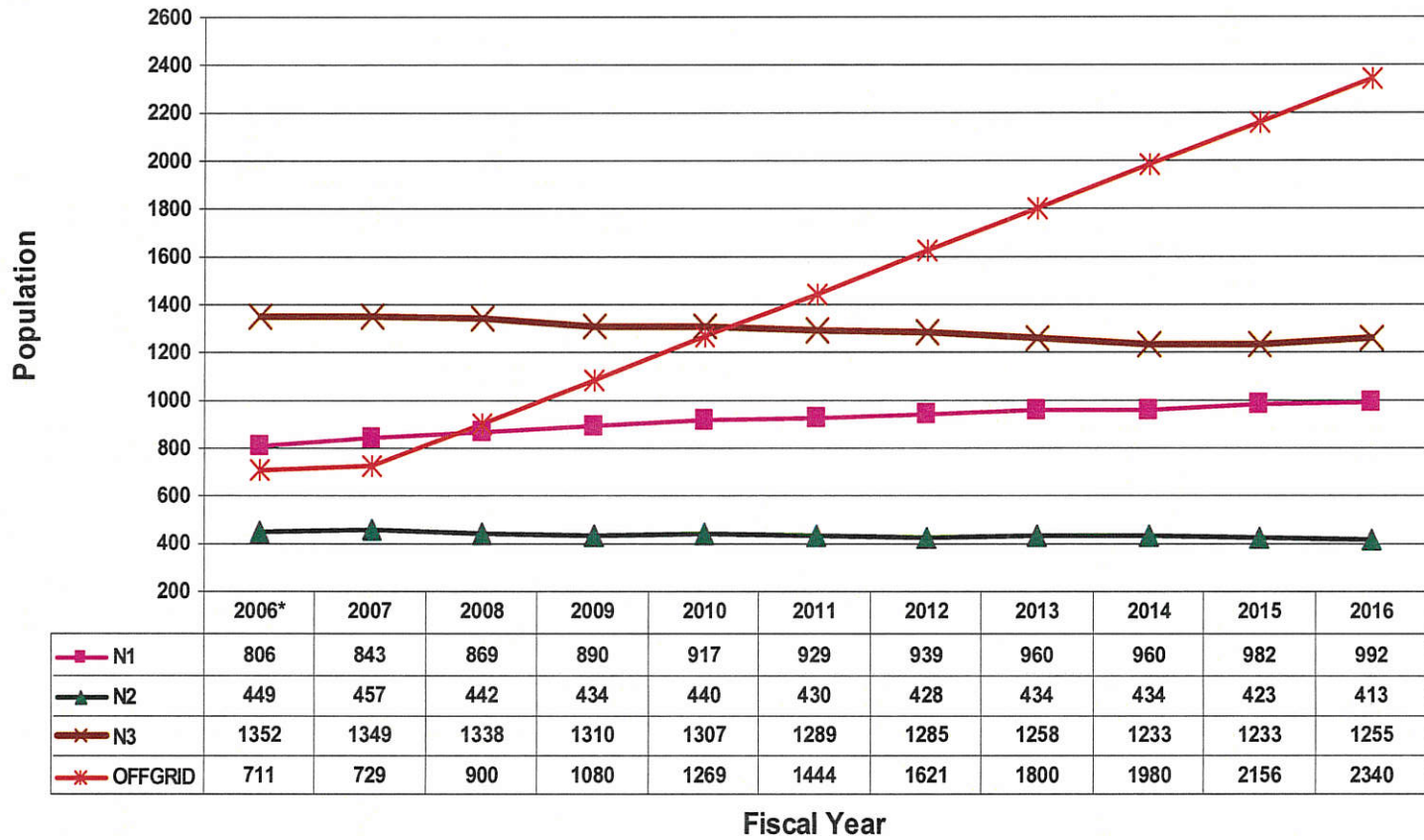


### Projected Drug Inmate Prison Population

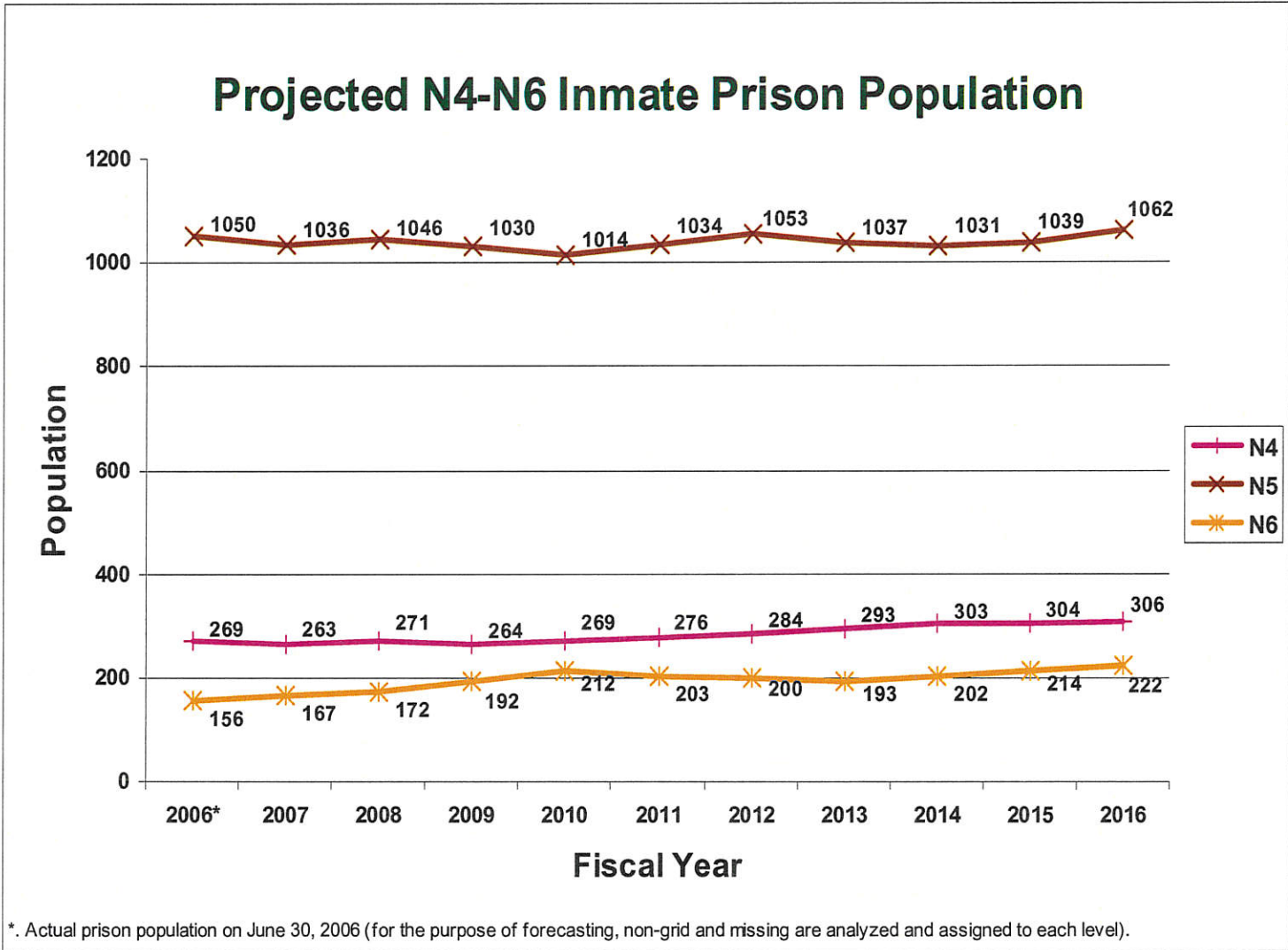


\*. Actual prison population on June 30, 2006 (for the purpose of forecasting, non-grid and missing are analyzed and assigned to each level).

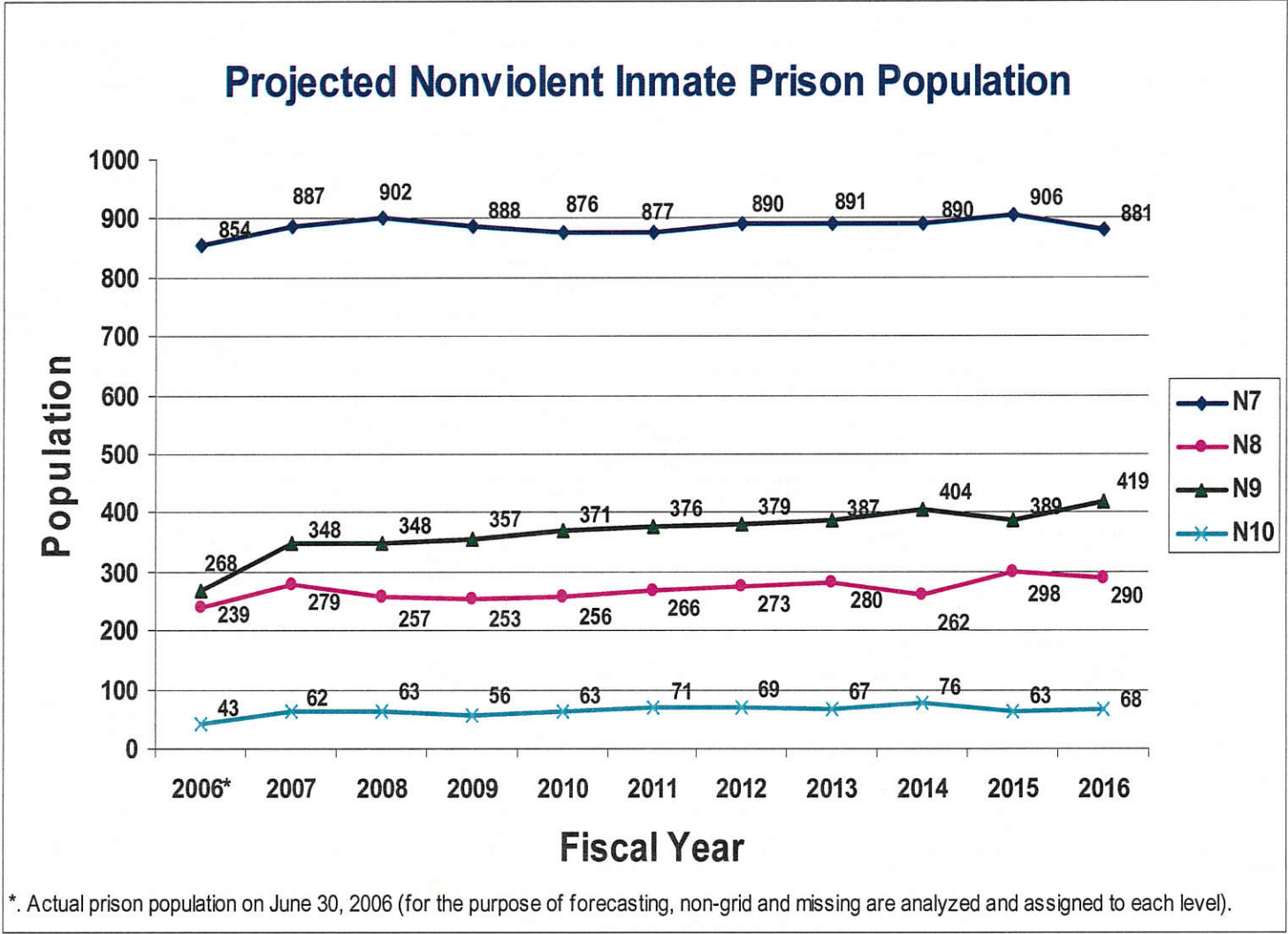
### Projected Violent Inmate Prison Population



\*. Actual prison population on June 30, 2006 (for the purpose of forecasting, non-grid and missing are analyzed and assigned to each level). This group will account for 44.5% of the total projected prison population in FY 2016.







# KANSAS

## KANSAS SENTENCING COMMISSION

Honorable Ernest L. Johnson, Chairman  
Attorney General Paul Morrison, Vice Chairman  
Helen Pedigo, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

### HOUSE JUDICIARY COMMITTEE Representative Mike O'Neal, Chairman

#### TESTIMONY ON HOUSE BILL 2087 STATISTICAL ANALYSIS CENTER Helen Pedigo, Executive Director Thursday, February 1, 2007

Mr. Chairman and Committee members, thank you for the opportunity to appear before you today in support of House Bill 2087. We view this as a technical clean-up bill.

The State Statistical Analysis Center (SAC) designation is recognized by the Bureau of Justice Statistics within the United States Department of Justice. Each state has a SAC. The Kansas SAC was located within the Kansas Bureau of Investigation for many years. In 1994, the Kansas SAC was transferred to the Criminal Justice Coordinating Council. The Council, at that time, was staffed by the staff of the Kansas Sentencing Commission.

In 2004, the Council was transferred to the Governor's Office in an effort to consolidate grants. The SAC language was included in the paragraph outlining the duties of the Council relating to the development of the Criminal Justice Information System (CJIS), and was not removed. From that point on, the Sentencing Commission no longer staffed the Council, but it continued serving the function of statistical analysis center by agreement with the Governor. The Commission feels that the statutes should be amended to reflect present practice.

The SAC designation comes with a renewable \$50,000 yearly grant to fund statistical research and reporting, including reporting information to the Bureau of Justice Statistics. The most recent grant was used to fund the 2003 SB 123 Drug Treatment Program Operations Manual, local update conferences, training, and the 18-month post-implementation program evaluation. That grant also partially funded salaries for staff who pull the data and analyze it. We are using the present year's award to continue partial funding of those salaries, as well as expenses related to the 36-month evaluation presently underway through the Vera Institute of Justice.

I understand that the Criminal Justice Coordinating Council, while supportive of the bill, will be proposing an amendment to prescribe the data requested by the Sentencing Commission to be in the form and manner established by the Criminal

House Judiciary

Date 2-1-07

Attachment # 2

Justice Coordinating Council. We oppose this amendment as, under the bill, the Council's control over CJIS is retained, pursuant to K.S.A. 74-9501 (Section 2 (e)(4) of the bill on page 4, lines 29-38).

29 (4) oversee development and management of a criminal justice da-  
30 tabase ~~including assuming the designation and functions of the state sta-~~  
31 ~~tistical analysis center currently assigned to the Kansas bureau of inves-~~  
32 ~~tigation pursuant to K.S.A. 75-712a and amendments thereto.~~ All criminal  
33 justice agencies as defined in subsection (c) of K.S.A. 22-4701 and amend-  
34 ments thereto and the juvenile justice authority shall provide any data or  
35 information, including juvenile offender information which is requested  
36 by the council, in a form and manner established by the council, in order  
37 to facilitate the development and management of the criminal justice  
38 council database;

The Commission feels that the form and manner of the data requested with regard to the SAC is rightly a responsibility of the Sentencing Commission. The Commission has its own journal entry data base, SB 123 payment data base and access to KDOC data to do prison population analysis and SB 123 analysis. Historically, the Commission has entered into agreements and worked with the entity that possesses the needed data. That information is translated into a data base format that works with Commission analysis software. All we seek is authorization to collect the information we need to do the analysis for which we are responsible.

If the committee should find amendment necessary, we would suggest simply striking the phrase, "in a form and manner established by the commission," on page 3, lines 40 and 41. The amendment is shown below.

36 *(19) assume the designation and functions of the state statistical anal-*  
37 *ysis center. All criminal justice agencies, as defined in subsection (c) of*  
38 *K.S.A. 22-4701, and amendments thereto, and the juvenile justice au-*  
39 *thority shall provide any data or information, including juvenile offender*  
40 *information, requested by the commission ~~in a form and manner estab-~~*  
41 *~~lished by the commission,~~ to facilitate the function of the state statistical*  
42 *analysis center.*

We ask you to consider this bill and pass it out of committee favorably. I would be happy to answer your questions.



# K A N S A S

OFFICE OF THE GOVERNOR

KATHLEEN SEBELIUS, GOVERNOR

January 24, 2007

The Honorable Mike O'Neal  
Chair of House Judiciary Committee  
Statehouse, Room 143 North  
Topeka, KS 66612

RE: House Bill 2087

Dear Chair O'Neal and Members of the Committee:

On behalf of the Kansas Criminal Justice Coordinating Council (KCJCC), we are in support of House Bill 2087 along with the proposed amendment. This bill amends K.S.A. 74-9501, which establishes the duties of the KCJCC, by moving the duties of the state statistical analysis center from the oversight of the KCJCC to the Kansas Sentencing Commission. This function has been the responsibility of the Kansas Sentencing Commission and the change is merely technical to include it as part of the duties of the Commission.

The proposed amendment keeps the authority of the criminal justice database under the management of the KCJCC along with the form and manner regarding the submission of the information.

The KCJCC is representative of the governor, chief justice of the supreme court, the attorney general, the secretary of corrections, the commissioner of juvenile justice, the director of the Kansas bureau of investigation and the superintendent of the highway patrol. The KCJCC was created in 1994 to improve and coordinate the state's criminal justice activities. The council oversees the development and management of the Kansas Criminal Justice Information System (KCJIS). In addition to the oversight of the KCJCC the council is responsible for overseeing the criminal justice federal funding made available to Kansas through the U.S. Department of Justice.

The KCJCC requests your favorable consideration of this bill and the proposed amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Werholtz".

Roger Werholtz, Chair  
Kansas Criminal Justice Coordinating Council

Attachment

**Proposed amendment to HB 2087**  
**Amending section 1, K.S.A. 2006 Supp. 74-9101, Page 3, line41:**

...

(18) determine the effect the mandatory sentencing established in K.S.A. 2006 Supp. 21-4642 and 21-4643, and amendments thereto, would have on the number of offenders civilly committed to a treatment facility as a sexually violent predator as provided pursuant to K.S.A. 59-29a01 et seq., and amendments thereto; *and*

*(19) assume the designation and functions of the state statistical analysis center. All criminal justice agencies, as defined in subsection (c) of K.S.A. 22-4701, and amendments thereto, and the juvenile justice authority shall provide any data or information, including juvenile offender information, requested by the commission in a form and manner established by the ~~commission~~ **Kansas criminal justice coordinating council**, to facilitate the function of the state statistical analysis center.*



# Kansas Bureau of Investigation

Larry Welch  
*Director*

Paul Morrison  
*Attorney General*

**Testimony Regarding HB 2087  
Before the House Judiciary Committee  
Kyle Smith, Deputy Director  
Kansas Bureau of Investigation  
February 1, 2007**

Chairman O'Neal and Members of the Committee

I appear today on behalf of the Kansas Bureau of Investigation regarding HB 2087. This legislation updates the statutes regarding the Kansas Criminal Justice Coordinating Council and Kansas Sentencing Commission to clarify what is already the practice regarding statistical analysis of criminal history information.

My only purpose in testifying today is to offer one, hopefully friendly, amendment clarifying who has authority to set out the 'form and manner' of criminal justice information. The legislature established the Kansas Criminal Justice Coordinating Council (CJCC) as the ultimate authority on the 'form and manner' in which such data will be collected and shared. The bill as drafted copies the language giving the KCJCC that authority from K.S.A. 74-9501, and also gives it to the sentencing commission. Since the KJCC's main job is to *coordinate* the efforts of all the state's criminal justice organizations, we think it important that such authority stay with that agency alone.

Further, K.S.A. 74-5702 established the 'criminal justice information system committee' and charged it with supervising the changes to the databases and format changes, but reporting regularly to the CJCC. The bill as written, could be construed as a newer and more specific expression of legislative intent and create some uncertainty as to authority over such form and content issues.

In short, we support the statistical analysis legislative mandate being clearly with the sentencing commission but would urge some modification to clarify that the CJCC is the ultimate authority on 'form and manner'. Multiple and conflicting standards could be wasteful and expensive. Either the following proposed language on the attached page or the alternate language in Executive Director Pedigo's testimony, striking the phrase; "in a form and manner established by the commission" would be fine.

Thank you for your attention and consideration. I would be happy to stand for questions.

House Judiciary  
Date 2-1-07  
Attachment # 4

**Proposed amendment to HB 2087**  
**Amending section 1, K.S.A. 2006 Supp. 74-9101, Page 3, line41:**

...

*(19) assume the designation and functions of the state statistical analysis center. All criminal justice agencies, as defined in subsection (c) of K.S.A. 22-4701, and amendments thereto, and the juvenile justice authority shall provide any data or information, including juvenile offender information, requested by the commission in a form and manner established by the ~~commission~~ **Kansas criminal justice coordinating council**, to facilitate the function of the state statistical analysis center.*

## Article 57.--CRIMINAL JUSTICE INFORMATION SYSTEM COMMITTEE

**74-5702. Same; purposes, powers and duties.** The committee shall establish, maintain and upgrade the criminal justice information system, **by adoption and enforcement of a minimum standard of computerized data base information exchange**, to interconnect each county of the state into a unified electronic information system, with at least one designated outlet or terminal in each county. Such minimum standard of computerized data base information shall be established by the committee by rule and regulation and may be changed as technology and system management may require. **The committee shall approve substantive changes made by any state agency or other agency to a data base, telecommunications format, programming or other facilities accessed by, providing or using service of, the criminal justice information system before the changes may be implemented.** The committee shall **report regularly to the criminal justice coordinating council**, established by K.S.A. 74-9501, and amendments thereto. The committee shall inform the council and request its comments regarding proposed rules and regulations, policies and standards proposed by the committee and proposed projects which would expand or modify the criminal justice information system or its services.

The committee is authorized to enter into agreements to lease or purchase such facilities and equipment as may be necessary to establish, operate and maintain such electronic information system. The committee may designate a specific state agency or group of agencies to provide a specific service or group of services to the system. The cost of establishing, maintaining and upgrading such system, except as otherwise provided in this act, shall be paid for from funds appropriated or made available for such purpose by the legislature. The committee is hereby authorized and directed to accept and use any available federal funds for the establishment, upgrading and operation of the information system. The chairperson may appoint subcommittees to assist the committee in its operation.

**History:** L. 1968, ch. 123, § 2; L. 1970, ch. 343, § 2; L. 1991, ch. 241, § 2; L. 2003, ch. 62, § 2; July 1.



Testimony on HB 2230  
to  
The House Judiciary Committee

By Roger Werholtz  
Secretary  
Kansas Department of Corrections  
February 1, 2007

The Department of Corrections supports HB 2230. HB 2230 would amend K.S.A. 75-5210a to modify the requirement that agreements regarding the programs that must be completed in order for the inmate to be prepared for release be entered into between the department and offenders upon the beginning of the service of a sentence in the department's custody. HB 2230 would continue that practice for inmates serving indeterminate or off-grid sentences. However, HB 2230 would repeal that requirement for offenders serving indeterminate sentences. Nonetheless, all inmates will continue to be evaluated and their program needs assessed by the department. That evaluation and assessment would be part of the continuing process of the case management of the offender.

K.S.A. 75-5210a was enacted in 1988. At that time, Kansas utilized indeterminate sentencing and the release of inmates was subject to decision of the Parole Board. K.S.A. 75-5210a was supported by the department as a method for providing uniformity to the issue of what programs an inmate should participate in while incarcerated. Since the department evaluated the programming needs of inmates and designed the programs offered in prison, K.S.A. 75-5210a established that program agreements would be between the inmate and the department, with the department agreeing to report the inmate's participation or lack of participation to the Board. Thus, K.S.A. 75-5210a provided to the inmate a designation of his or her program needs from a single entity, the Department of Corrections. The utility of having a single entity determine an inmate's program needs and avoiding conflicting recommendations from the Parole Board and the department continues in regarding to indeterminate and off grid sentences which still involve the Parole Board in determining whether an offender should be released from incarceration.

With the adoption of Guidelines Sentencing, statutes regarding parole were uniformly amended to also include references to postrelease supervision created by determinate sentencing. However, in regard to K.S.A. 75-5210a, a statutory provision that addresses program participation relevant to parole consideration is unnecessary for a determinate sentence since whether and when an offender sentenced to a determinate sentence is to be released is not determined by the Parole Board. HB 2230 would allow correctional officials to devote their time and resources toward the case management of the offender, which includes program needs both while incarcerated and when released, rather than duplicating those activities in a separate agreement process.

House Judiciary

Date 2-1-07

Attachment # 5

It is important to note that HB 2230 does not restrict the supervision conditions that can be imposed by the Parole Board upon persons released either on parole or postrelease supervision. See K.S.A. 22-3717 which will continue to authorize the Board to impose any conditions upon postreleasees they deem necessary to insure public safety or aid in the reintegration of the inmate into the community.

Testimony on HB 2232  
to  
The House Judiciary Committee

By Roger Werholtz  
Secretary  
Kansas Department of Corrections  
February 1, 2007

The Department of Corrections supports HB 2232. HB 2232 repeals the provision of K.S.A. 22-3801(c) regarding the department paying the jury fees incurred in a criminal prosecution for a crime committed in a correctional institution. Payment of jury fees by the department pursuant to that statute is contingent upon appropriations for that purpose. Historically, the department has never received an appropriation for the payment of jury fees.

K.S.A. 22-3801 establishes the general rule that in all criminal cases, jury fees are to be paid by the county. The exception to the general rule, which requires payment of those fees by the department subject to appropriation, creates an unfounded expectation on the part of counties that the department will pay jury fees since there is no appropriation for that purpose. HB 2232 would negate any false expectation or confusion caused by the current version of K.S.A. 22-3801(c).

Criminal prosecutions of crimes committed by incarcerated offenders are at the discretion of local county and district attorneys. Additionally, the siting of a correctional facility in a community is an economic benefit to that community. Thus, the department believes that the relatively small expense of jury fees for prosecutions originating within a correctional facility should be born by the host community as is the case for all other crimes committed within the county. The department believes this opinion is shared by the legislature due to the absence of appropriations for those expenses.

House Judiciary

Date 2-1-07

Attachment # 6

Testimony on HB 2233  
to  
The House Judiciary Committee

By Roger Werholtz  
Secretary  
Kansas Department of Corrections  
February 1, 2007

The Department supports HB 2233. HB 2233 would amend the provisions of the Prison Made Goods Act specifically, K.S.A. 75-5275 and 75-5276, to authorize the sale of inmate produced goods and services to state employees for their personal use. HB 2233 also makes a technical change regarding the processing of payments for prison made goods and services by repealing the requirement that all purchases are to be made through the Department of Administration through requisitions.

The Prison Made Goods Act is the basis for the operation of the department's Correctional Industries program. Correctional Industries employs inmates in a work environment mirroring that found in the community. Industry employment of inmates reduces idleness in correctional facilities and aids in the inmate's reentry into the community. Deductions are made from the inmate's wages to pay for his or her incarceration, profits are used for departmental operations, and inmates are required to save a portion of their pay for use upon release. Additionally, KCI employment provides work training and experience necessary for the successful reentry of the offender into the community.

Currently, the department is authorized to sell prison made goods and services to governmental entities and charitable organizations. However, the 2006 Legislature authorized a pilot program exempting two regent universities from the purchase requirements of the Prison Made Goods Act. HB 2233 would serve to expand the potential client base for KCI goods and services.

Repeal of the provision regarding the processing of requisitions through the Department of Administration would not prevent the use of interagency vouchers; however deletion of that provision would recognize that units of government other than the state and charitable entities do not make their payments through the Department of Administration.

STATE OF KANSAS  
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**PAT COLLOTON**  
28TH DISTRICT

January 31, 2007

Re: House Bills 2141 and 2142

Dear Chairman O'Neal and Committee Members:

I am here in support of H.B. 2141 and H.B. 2142. These two bills address two crucial needs. The first is to reduce the number of revocations of parole and probation and the second is to avoid or reduce millions of dollars in future prison construction costs as well as the growing costs of maintaining prisoners.

H.B. 2141 seeks to use best practices in handling those who are under the supervision of community corrections officers. H.B. 2142 provides an incentive program for successful completion of substance abuse treatment, job training or high school graduation requirements for those who are near completion of their prison sentence and about to be released back into the community. These two programs are aimed at people who are at high risk for revocation because of continued substance abuse or mental illness related conduct.

Two thirds of all admissions to Kansas prisons are due to revocation of probation or parole. About 60 % of these revocations are a direct result of continued drug use and an additional percentage are the result of serious untreated mental illness. Most prisoners are released into the community without receiving any drug treatment, mental health counseling or job training either before they are released or after they are released. In a majority of cases revocation is not because of any criminal conduct, but because of violation of conditions for probation or parole.

The average time of incarceration is 6 to 9 months for probation revocation and 3 to 6 months for parole violation. Each revocation, on average, costs the state about \$15,000 in maintenance. After spending this time in prison, almost half of those released will again be sent back to prison within the year. Under these circumstances, and without changes like the ones contained in this proposed legislation, the Kansas Sentencing Commission predicts our prison population will grow substantially and will require hundreds of new beds and millions of dollars in maintenance costs.

House Judiciary

Date 2-1-07

Attachment # 8

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PAT COLLOTON  
28TH DISTRICT

H.B. 2041 provides a county grant program under the supervision of the Department of Corrections. Grants would be made to community corrections programs for training corrections officers and will include guidelines for use of the funds. Extended drug treatment, job training and placement, housing and transportation to jobs, mental health services and family counseling will be provided and tailored for each eligible participant. The legislation provides that if revocation rates do not drop substantially, by at least 20%, the county will not receive any more money. The Shawnee County Reentry pilot program saw a 50% reduction in parole revocations when this program was implemented. The Department of Corrections has used these practices with parolees and is seeing revocation rates for them drop. In contrast, revocation rates for those on probation are rising. This legislation will apply the successful risk reduction model used for parolees to community corrections programs in order to achieve similar results.

H.B. 2042 provides an incentive program for those who are in prison and who are near completion of their sentence. This program is limited to certain categories of prisoners and is not available to sex offenders. It provides an incentive for successful completion of substance abuse treatment, job training and, if appropriate, GED completion while in prison. The incentive is a potential 60 day reduction of prison time for successful completion under regulations issued by and oversight provided by the Department of Corrections. The reduction in sentence will be added to the post release supervision time where appropriate under the new regulations. Offering expanded program availability to select prisoners will create a cost savings in maintenance and increase the likelihood of a reduction in the number of parole revocations.

This legislation was developed with the help of the Council of State Governments and has the support of many experts in the area such as Judge Johnson who serves as Chairman of the Kansas Sentencing Commission and Marilyn Scafe who serves as Chairman of the Kansas Reentry Policy Council. Successful preparation before release will increase the likelihood of success after release and this will increase safety for all Kansas citizens.

Respectfully submitted,

*Pat Colloton*

Pat Colloton

Testimony on HB 2141  
to  
The House Judiciary Committee

By Roger Werholtz  
Secretary  
Kansas Department of Corrections  
February 1, 2007

The Department of Corrections has implemented risk reduction case management supervision practices for those offenders under release supervision by the department. The department's practices have resulted in a reduction in the number of persons being returned to prison for violation of a condition of release from a high of 3,188 in FY 2000 to 1,640 for FY 2006. The monthly average of revoked releasees being returned to prison by the department has decreased from 191 in FY 2004 to 103 for the first 6 months of FY 2007. Interestingly, the number of persons for whom an absconder parole violation warrant has been issued is at an all time low. In contrast, the number of persons whose community corrections supervision has been revoked resulting in their incarceration has increased from a low of 1,330 in FY 2001 to 2,038 in FY 2006. The department believes that risk reduction case management practices can produce the same results for Community Corrections programs.

Case management of persons under release supervision focusing on reducing the risk posed by them requires employment of a multifaceted approach. HB 2141 provides financial aid to Community Corrections programs that develop and implement risk reduction case management supervision similar to that employed by the department.

HB 2141 would establish a grant program through which appropriated funds would be awarded to Community Corrections programs implementing risk reduction supervision. Community Corrections programs applying for these grant funds would be required to

- Target offenders with medium or high risk for revocation utilizing risk assessment instruments approved by the department.
- Reduce and specialize caseloads.
- Utilize supervision and resources that are evidence-based and address offender's criminogenic risks, needs and responsivity characteristics.
- Utilize an intermediate sanctions community supervision model.
- Provide staff training in risk reduction and intervention approved by the department.

- Utilize treatment options including substance abuse treatment, mental health treatment, and cognitive and behavioral programs using approved assessment and evaluation instruments.
- Utilize gang intervention strategies
- While addressing safety concerns of the community, and
- Implementing a method of tracking and reporting revocations.

Community Corrections program applicants would be required to establish a goal of reducing revocations by at least 20% of their 2006 revocation rate or targeting the successful reentry of offenders who are considered medium or high risk for revocation.

The department would be required to evaluate the programs receiving grants in order to determine the effectiveness of the program components. The department would also be required to report on the grants and their effectiveness annually to the Governor, Secretary of the Senate, Chief Clerk of the House, and the Kansas Reentry Policy Council.

The department supports HB 2141. However, that support is conditioned upon the clear and unambiguous language currently contained in HB 2141 that establishes reduction in revocation rates using evidence based practices and risk reduction techniques as the intended outcome of this enhanced funding and conditions continuation of that funding on the attainment and maintenance of that goal.



Testimony on HB 2142  
to  
The House Judiciary Committee

By Roger Werholtz  
Secretary  
Kansas Department of Corrections  
February 1, 2007

As background, Kansas has long awarded positive behavior in the form of a reduction of the length of an offender's sentence. Prior to the 1993 adoption of determinate guidelines sentences, most inmates could earn good time credits which would reduce the amount of time they had to serve in order to be eligible for parole or be mandatorily released from prison. The rate of credit that could be earned was up to 50% of their indeterminate sentence. Upon the adoption of determinate guidelines sentencing, the prison portion of the determinate sentence could be reduced by up to 20%. The length of time by which the prison portion of the sentence was reduced was added to the offender's postrelease supervision obligation. In 1994, the amount of good time credit that could be earned for a guidelines sentence was reduced to 15% in compliance with federal "Violent Offender Incarceration/Truth in Sentencing" (VOI/TIS) grant requirements. Currently, VOI/TIS funds are no longer available and thus there are no grant restrictions upon states relative to good time rates.

HB 2142 would provide "program credits" for certain sentences due to the offender's successful completion of a general education diploma, technical or vocational training, substance abuse treatment and any other program designated by the secretary which has been shown to reduce offender risk after release. However, participation in sex offender treatment programs shall not be awarded program credits. Program credits would be in addition to the 15% good time credits that are currently applicable.

Program credits could not exceed 60 days credit for each program successfully completed. Any credit earned and retained would serve to reduce the prison portion of an offender's sentence but would extend the length of the offender's postrelease supervision period if applicable.

The only offenders that would be eligible for program credits would be those with sentences for nondrug severity levels 4 through 10 crimes and drug severity levels 3 and 4 crimes committed after January 1, 2008. If an offender has sentences for crimes within the eligibility categories as well as for crimes outside the eligible categories, that offender would be ineligible for this incentive.

The department recommends that HB 2142 be amended for nonsubstantive reasons in the following manner;

- At page 2, line 40, striking “any presumptive” and inserting “the prison portion of the”
- At page 2, line 42 striking “time of” and inserting after “supervision” the word “obligation”

A balloon amendment incorporating those recommended amendments to page 2 of the bill are attached.

Of all the potential procedures that might be used to reduce the incarceration portion of an offender’s sentence, this has particular appeal because it directly addresses offenders’ criminogenic (crime producing) characteristics. Thus, program credits would have the most direct correlation to rewarding actions that address public safety issues.

The department supports HB 2142.

1 (2) the amount of time which can be earned by an inmate and sub-  
2 tracted from any sentence is limited to an amount equal to 15% of the  
3 prison part of the sentence.

4 (b) Any time which is earned and subtracted from any presumptive  
5 sentence of any inmate pursuant to good time calculation shall be added  
6 to such inmate's time of postrelease supervision.

7 (c) The secretary of corrections is hereby authorized to adopt rules  
8 and regulations to carry out the provisions of this ~~aet~~ section regarding  
9 good time calculations. Such rules and regulations shall provide circum-  
10 stances upon which an inmate may earn good time credits and for the  
11 forfeiture of earned credits and such circumstances may include factors  
12 substantially related to program and work participation and conduct and  
13 the inmate's willingness to examine and confront the past behavior pat-  
14 terns that resulted in the commission of the inmate's crimes.

15 (d) An inmate shall not be awarded good time credits pursuant to  
16 this section for any review period established by the secretary of correc-  
17 tions in which a court finds that the inmate has done any of the following  
18 while in the custody of the secretary of corrections:

- 19 (1) Filed a false or malicious action or claim with the court;
- 20 (2) brought an action or claim with the court solely or primarily for  
21 delay or harassment;
- 22 (3) testified falsely or otherwise submitted false evidence or infor-  
23 mation to the court;
- 24 (4) attempted to create or obtain a false affidavit, testimony or evi-  
25 dence; or
- 26 (5) abused the discovery process in any judicial action or proceeding.

27 (e) (1) *For purposes of determining release of an inmate who is serv-*  
28 *ing a sentence for a nondrug severity level 4 through 10 crime or a drug*  
29 *severity level 3 or 4 crime committed on or after January 1, 2008, in*  
30 *addition to any good time credits earned and retained, the following shall*  
31 *apply with regard to program credit calculations:*

32 (A) *A system shall be developed whereby program credits may be*  
33 *earned by inmates for the successful completion of a general education*  
34 *diploma, a technical or vocational training program, a substance abuse*  
35 *treatment program or any other program designated by the secretary*  
36 *which has been shown to reduce offender's risk after release; and*

37 (B) *the amount of time which can be earned and retained by an in-*  
38 *mate and subtracted from any sentence is limited to not more than 60*  
39 *days for the successful completion of each program.*

40 (2) Any time which is earned and subtracted from ~~any presumptive~~  
41 sentence of any inmate pursuant to program credit calculation shall be  
42 added to such inmate's ~~time of~~ postrelease supervision, if applicable.

43 (3) When separate sentences of imprisonment for different crimes are

the prison portion of the  
obligation

Date: February 1, 2007

To: Chairman O'Neal and Members of the Judiciary Committee

From: Marshall Clement, Policy Analyst  
Council of State Governments Justice Center

Re: HB2141, An act concerning corrections; creating a grant program to fight crime by strengthening community corrections and implementing risk reduction supervision.

---

**I. Problem**

The number of people admitted to prison in Kansas for violating the conditions of probation/community corrections supervision has grown from 1,330 in FY2001 to 2,031 in FY2006, a 53 percent increase over five years. As a share of all prison admissions, probation revocations grew from 29 percent in FY2004 to 36 percent in FY2006. To reserve prison capacity for a projected increase in serious and violent offenders, Kansas state policymakers should consider assisting community corrections departments, and the judges they work with, in crafting more uniform supervision policies and expanding local treatment/sanction options to reduce the high rate of revocations to state prison.

For example, judges in Wichita currently have no shared policy for the supervision or sanctioning of individuals on probation / community corrections supervision. The lack of a common policy leaves probation and community corrections officers, as well as offenders, guessing about how judges want offenders supervised or sanctioned. Officers juggle as many as 30 different supervision and sanctioning policies (for 30 different judges) since they currently report to the judges that originally sentenced each of the offenders on their caseload.

**II. Similar Policy Strategy in Texas**

In 2005, state policymakers in Texas enacted legislation similar to HB2141 to reduce the large number of probation revocations. The Texas legislation directed the state corrections department to establish a pilot program to provide grants to selected probation departments for the "implementation of progressive sanctions designed to reduce the revocation rate of defendants placed on community supervision."

The impact of the Texas legislation appears impressive. In only one year since the enactment of the grant program, probation revocations are down 15 percent among departments that received funding. Statewide, probation revocations are down 10 percent from last year.

### **III. HB2141**

The legislation currently before the committee would create a grant program for community corrections programs to develop and implement strategies to reduce the number of revocations by 20 percent. Similar to the Texas policy, HB2141 implements a performance-based budgeting mechanism to require community corrections programs to meet their revocation reduction goals in order to receive continued funding. Additionally, HB2141 requires community corrections programs receiving funds to work with judges to develop a consistent set of policies to guide the supervision and revocation of offenders.

Through this grant program, Kansas can empower local community corrections programs to craft the most appropriate policies for their officers, judges, and offenders. By strengthening these programs, setting consistent policies across judges, and expanding the capacity of community-based treatment and sanctioning facilities, HB2141 can make communities safer and avert growth in the prison population, saving taxpayers millions in unnecessary additional prison costs.

If Kansas is able to reduce probation revocations by just 20 percent, the state would not have to build 465 new prison beds that are currently projected as being needed. In addition to construction costs, the state would save an estimated \$97 million in operating costs over the next ten years.

Date: February 1, 2007  
To: Chairman O'Neal and Members of the Judiciary Committee  
From: Marshall Clement, Policy Analyst  
Council of State Governments Justice Center  
Re: HB2142, An act concerning corrections; relating to program credits.

---

**I. Problem**

Across the country, and especially here in Kansas, policymakers are seeking ways to increase the safety of our communities by reducing the unacceptably high rates of failure for people on parole after leaving prison, and on probation after leaving jail. Not only do these high rates of failure translate into crime and destabilized communities, but they result in significant costs for state taxpayers.

These high rates of recidivism are one of the key reasons why the Kansas prison population continues to grow. The majority of admissions to prison (65 percent) in Kansas are people who did not necessarily commit a new crime, but broke the rules of their supervision by using drugs or alcohol, or failing to report for supervision.

One reason why people fail is that they do not participate in drug treatment, obtain their GED, or participate in vocational training while they are in prison. Nearly three-quarters (72 percent) of those needing vocational training in prison were released without participating in the program. Of those needing drug treatment, half didn't participate. There is both a lack of available programs in Kansas prisons, as well as a lack of an incentive for guideline offenders to participate and complete the programs that can reduce their risk to public safety.

Unfortunately, as we see in states across the country, too often policymakers are without the financial flexibility to increase funding for programs that have been proven to reduce recidivism while people are both in prison and in the community. Instead, any new funding for corrections is needed to build and operate additional prison capacity – capacity that would not be needed, however, if recidivism rates were to drop.

**II. Policies Adopted in Other States**

To address the twin problems of how to expand program capacity in prison and provide an incentive for more offenders to participate in the programs, many states have enacted “earned time” policies which provide credits for participating in or completing drug treatment, educational, or vocational programs. These policies are in addition to the state's good time statutes, and are intended to increase participation in programs and generate the funding needed to support an expansion of programs.

House Judiciary  
Date 2-1-07  
Attachment # 12

In Indiana, offenders earn six months of time off their sentences upon earning their GED or high school diploma while in prison. Louisiana and Mississippi provide 10 days of "earned time" per month for participation in treatment or vocational programming. Oklahoma awards 70 days for completing drug treatment, 80 days for completing vocational education and 90 days for obtaining a GED. South Carolina awards up to 180 days per year for participation in education or vocational programs.

In many states that recently expanded these statutes, such as in Louisiana, policymakers are using the anticipated savings that will be generated to reinvest in increasing the capacity of these programs.

### **III. HB2142**

The legislation currently before the committee would add Kansas to number of states with this type of policy, but is unique in some important ways. Unlike some states that reward participation in programs, HB2142 would only provide a credit of time to an offender's sentence once they successfully completed the program. The amount of time that an offender can earn is limited for each program, preventing offenders from staying in programs longer to "rack up" credits. The legislation is also not available to the most severe offenders. The legislation also recognizes that not all programs reduce recidivism and crime, and directs the secretary of corrections to only apply the credit to programs that have been shown to be effective. For example, the best research currently available indicates that vocational education can reduce recidivism by 12 percent.

The savings that would be generated, in terms of averted corrections costs from the implementation of this policy would allow the state to increase funding for these programs without having to find new dollars. The savings, depending on how widely implemented, could avert significant enough growth in the prison population, to allow the state to save hundreds of millions by not having to build and operate as many new beds.

Although other states have similar laws in place, HB2142 represents a smart and tough approach to reducing recidivism and conserving prison capacity. If enacted, the legislation would be a national model for policymakers in other states that are seeking to reduce crime and spending on corrections.



## Northwest Kansas Community Corrections

1011 Fort Street -- Hays, Kansas 67601

Telephone: (785) 625-9192 -- Fax: (785) 625-9194

John Trembley, Director

Dear Committee Members,

I am here today to talk to you about my support for House Bill No. 2141 and the conditional violator rates of community corrections.

I am the Director of Northwest Kansas Community Corrections. My agency has been contracted with the Kansas Department of Corrections to supervise parole and post release offenders that are located in our area. Northwest Kansas Community Corrections is the only community correction agency in the state of Kansas that also supervises parole and post release offenders.

Working with both the Kansas Department of Corrections and Community Corrections has provided me with the opportunity to understand the decrease in conditional violator rates for parole and post release offenders and the continuing increase in conditional violator rates for community correction offenders.

I would like to take a minute to explain the charts that I have provided for you. The graphs completed were from the Kansas Sentencing Commission on August 24, 2006. I have also personally worked on the Prison Population Committee for the last three years.

You will notice a large decrease in parole and post release conditional violators from fiscal year 2005 to fiscal year 2006. The Kansas Department of Corrections has developed a very successful reentry and risk reduction model. What the department has accomplished has received national attention. Reentry and risk reduction is not a philosophy. It is a coordinated effort that starts while offenders are in custody and continues through out supervision. The department has spent a lot of time and money training staff from the institutions and in the field on reentry, risk reduction, and effective case management. Effective programs have also been developed. The department has the Topeka Day Reporting Center, Kansas Reentry Policy Council, Sedgwick County Reentry, Shawnee County Reentry, and Wichita Work Release. There are specialized caseloads that deal with

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C  
To

House Judiciary

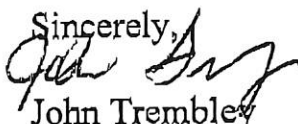
Date 2-1-07

Attachment # 13



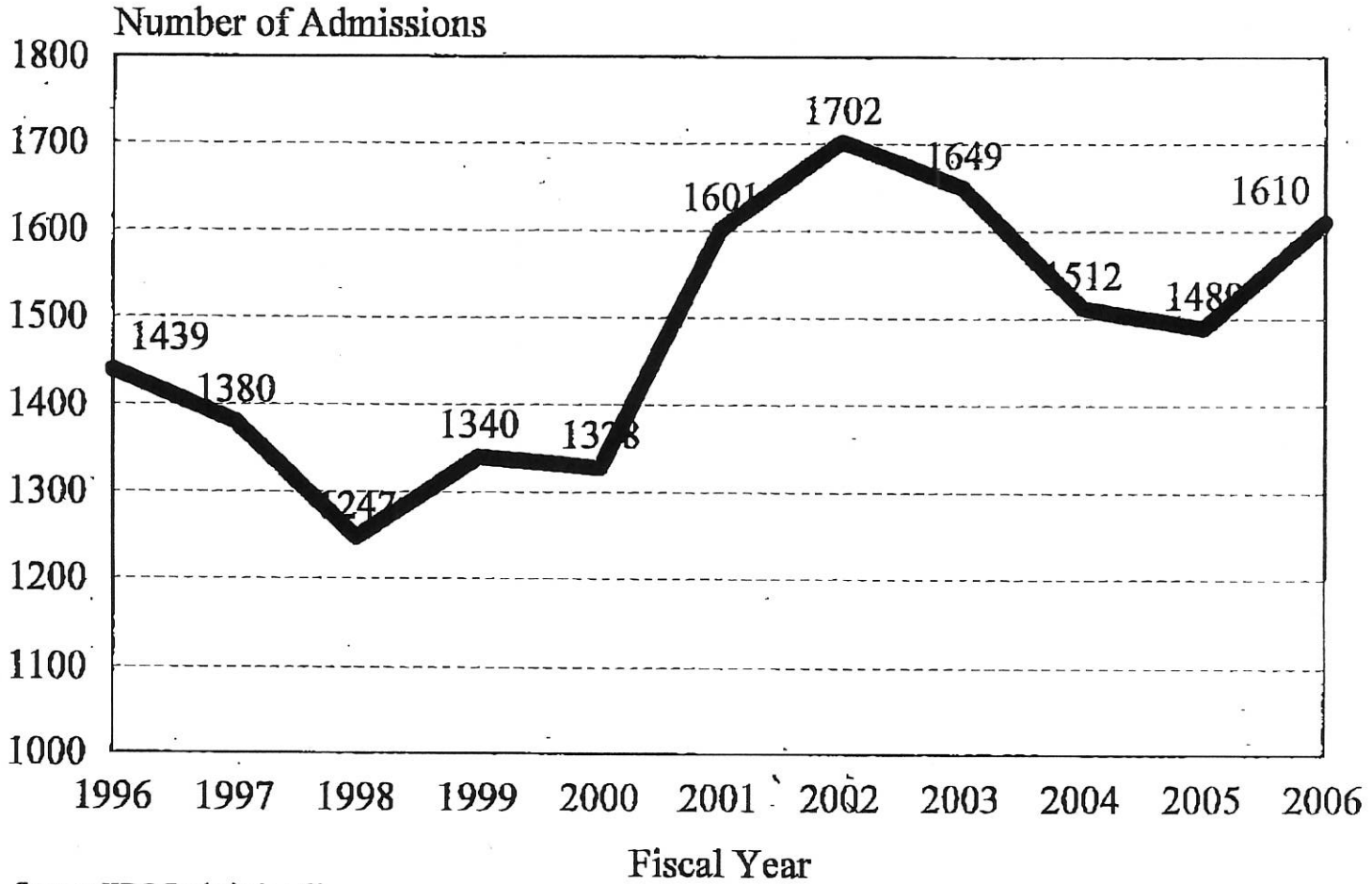
sex offenders and gangs. GPS monitoring to help reduce risk and increase public safety has also been developed by the program. All of these efforts have contributed to the decrease in the number of conditional violators being returned to prison.

For all the training and resources that have been developed by the Kansas Department of Corrections the exact opposite has happened with community correction programs. You will notice a continued increase in probation conditional violators. A very large percentage of those offenders are community correction offenders. For the first time since 1996 there are more probation conditional violators going to prison than parole/post release offenders. Currently 23% of all offenders in prison are probation conditional violators. That number is going to continue to increase unless community corrections receive the training, staff, and resources that have been developed by the Kansas Department of Corrections. Community Corrections agencies have had no increase in funding for the last several years. Agencies across the state have lost staff and resources that are needed to reduce conditional violator rates and enhance public safety. Caseloads continue to increase and resources in many agencies are non-existent. Community Correction agencies made a commitment to the state of Kansas to supervise SB 123 offenders. I participated in a conference with the Kansas Sentencing Commission on August 24, 2006. The Vera Institute of Justice provided the commission with an evaluation of SB123. Though SB123 is still at its early stages the data has indicated the program has been effective in reducing conditional violator rates. SB123 is an example of what can be accomplished by community correction agencies if they are provided with the necessary resources. Community correction agencies have the professionalism and commitment to reduce conditional violator rates but simply do not have the staff and resources to accomplish what the Kansas Department of Corrections has accomplished. House Bill 4121 will provide community correction agencies with the necessary resources to reduce conditional violator rates. I can assure you that the commitment is there from community correction agencies to reduce conditional violator rates but without the same resources that have been developed by the Kansas Department of Corrections probation conditional violator rates will continue to increase.

Sincerely,  
  
John Trembley  
Director NWKCC.

# KANSAS PRISON ADMISSION TRENDS

## New Court Commitments

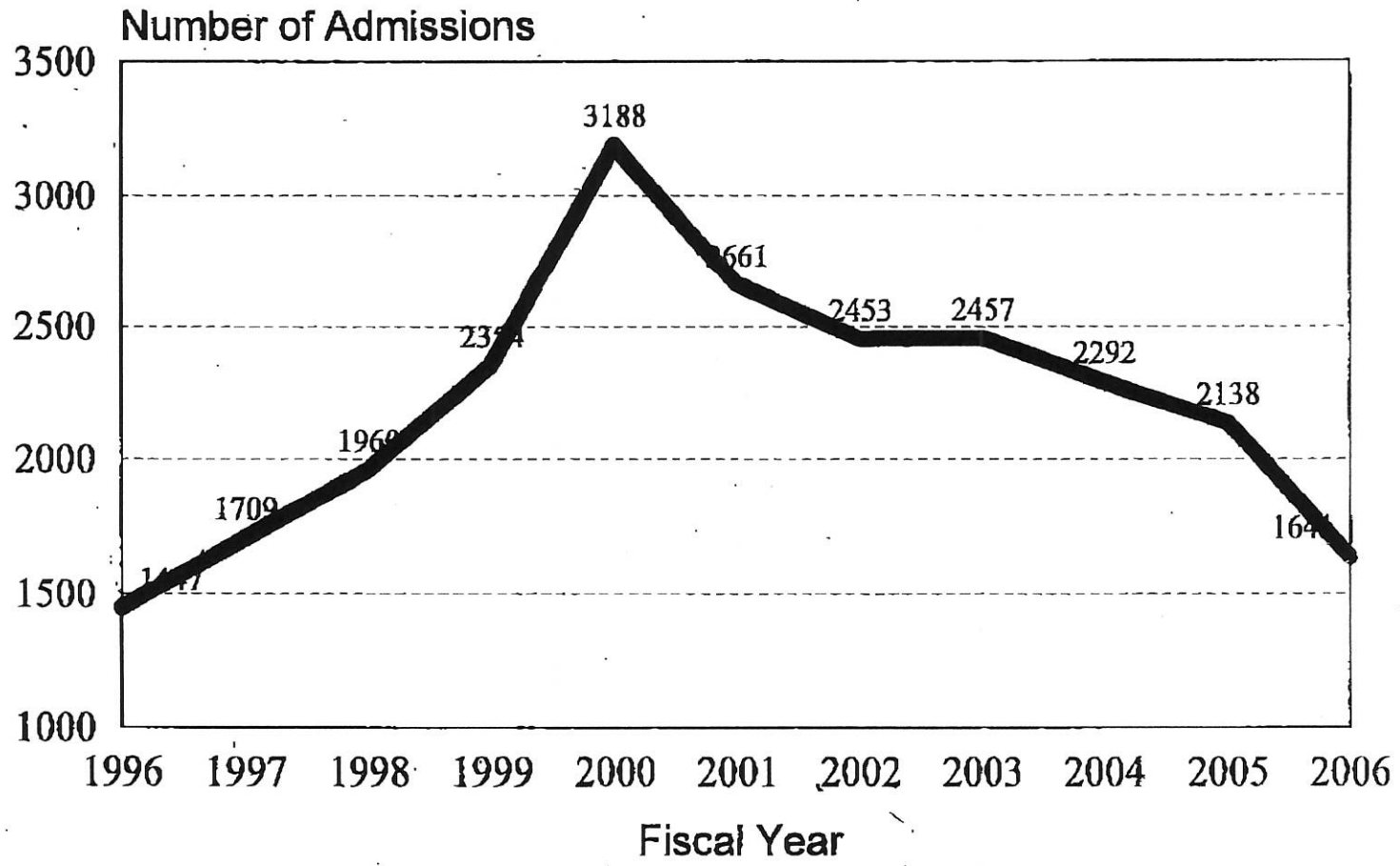


Source: KDOC admission files

4-31

# KANSAS PRISON ADMISSION TRENDS

## Parole/Postrelease Condition Violators



Source: KDOC admission file

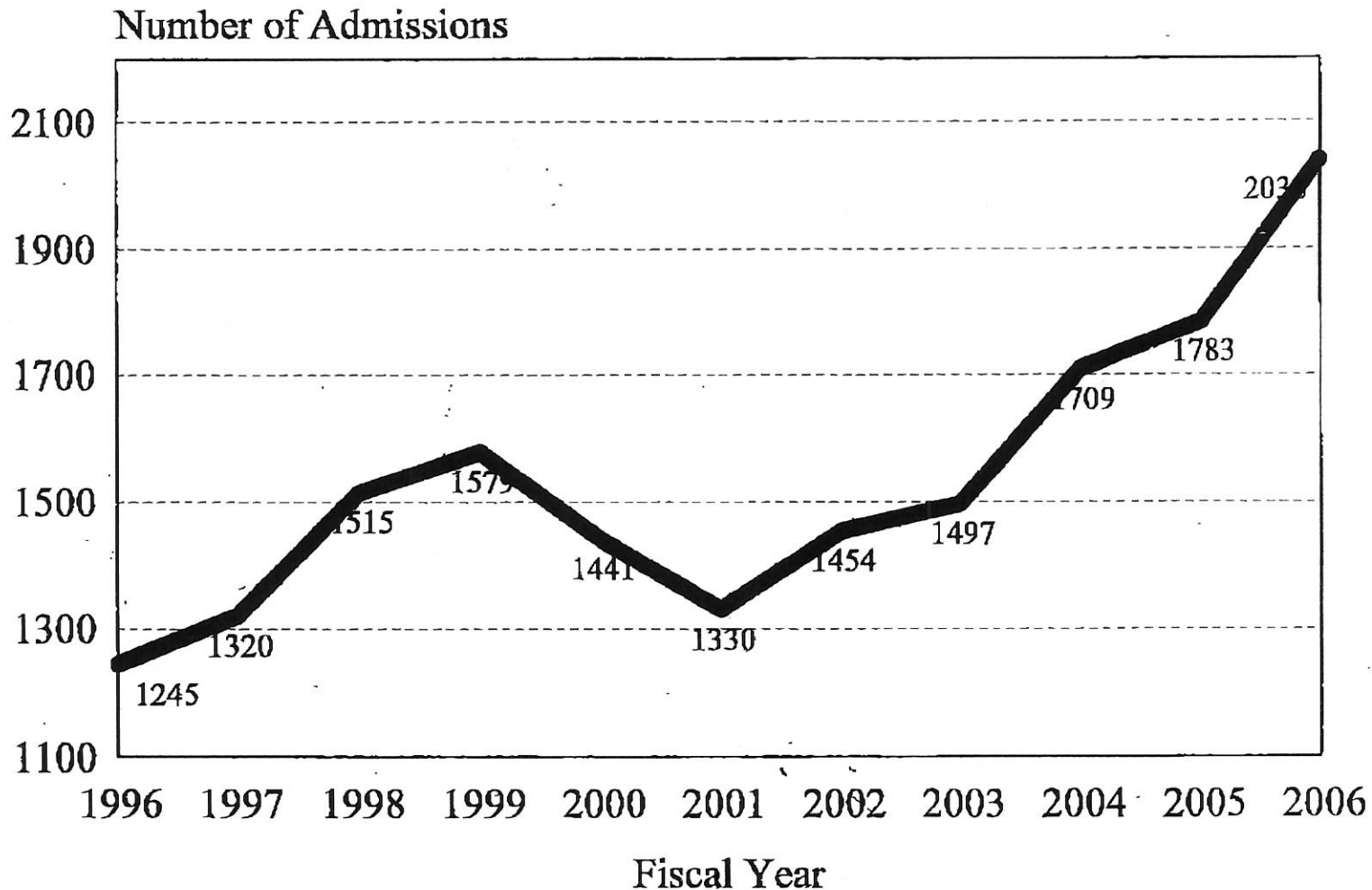
Note: Including condition conditional-release violators

3

5-51

# KANSAS PRISON ADMISSION TRENDS

## Probation Condition Violators

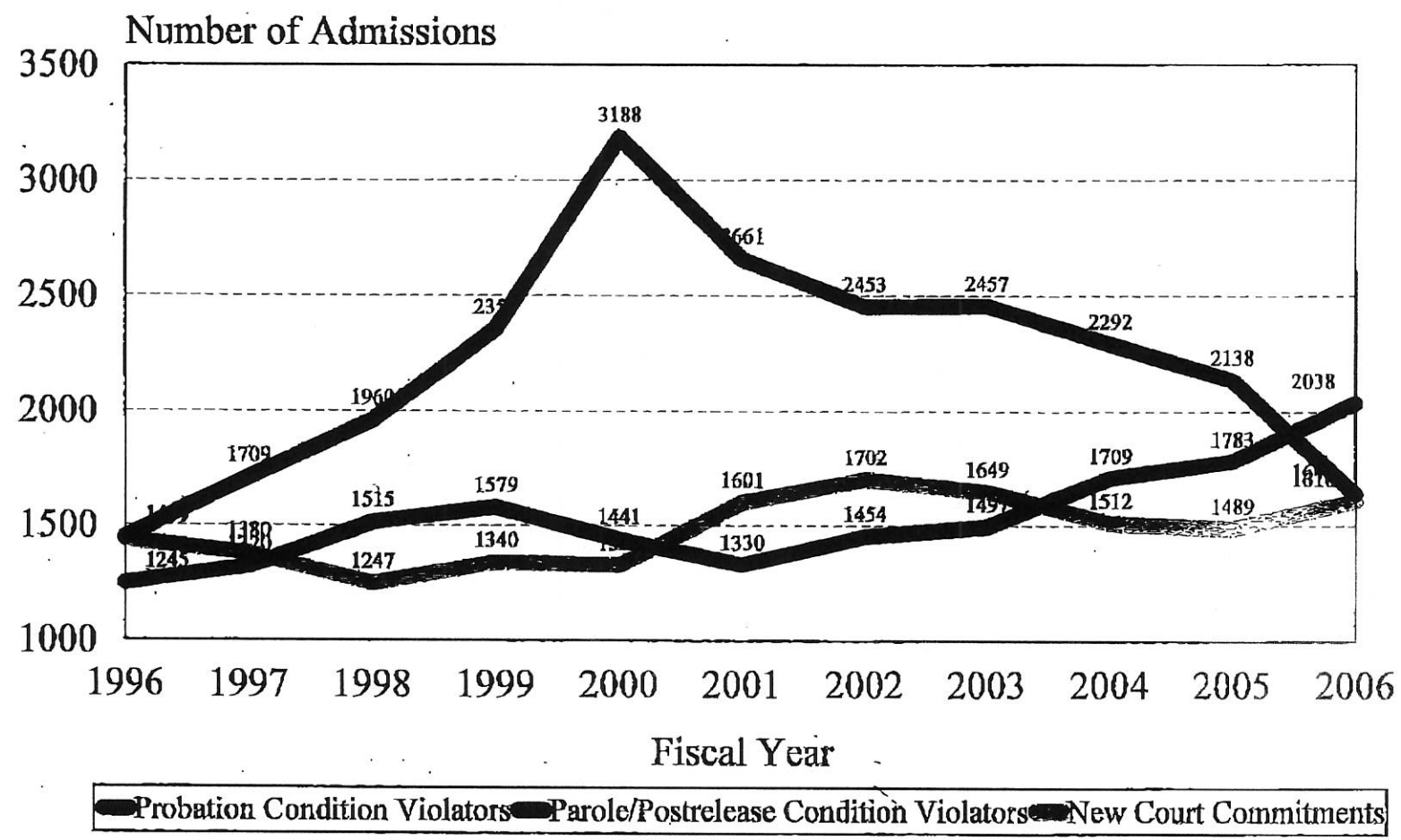


Source: KDOC admission files

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# KANSAS PRISON ADMISSION TRENDS

## Admissions by Type



Source: KDOC admission files

**Members of the House Judiciary Committee  
Support of HB 2141**

Chairman O'Neal and Committee Members, Thank you for this opportunity to address your Committee in support of HB 2141.

My name is Annie Grevas and I am the Director of the 28<sup>th</sup> Judicial District Community Corrections Program, serving Saline and Ottawa Counties. Additionally I am president of the Kansas Community Corrections Association and a member of the Kansas Sentencing Commission.

**OVERVIEW**

I want to briefly provide some background information on what community corrections are so that you might be more aware of this critical component in the adult community corrections systems in Kansas.

We are thirty-one statutorily mandated programs in each part of the state, governed by county commissions and community advisory boards for both adult and juvenile offenders. The programs provide cost-effective community-based supervision instead of prison for high-risk and high-need adult and juvenile offenders. The courts and sentencing guidelines determine whether an adult offender is assigned to regular probation or intensive supervision with community corrections.

In adult services community corrections is responsible for providing intensive supervision to those adult offenders assigned to us through the court system and through court services in lieu of revocation. Additionally in the 28<sup>th</sup> District, we provide support to the parole department in an effort to supervise those high risk offenders needing more supervision. A strong intensive supervision program should enhance services and supervision of high-risk and high-need offenders under community supervision in an effort to increase public safety; utilizing a graduated continuum of internal and community-based sanctions at a cost much lower than that of imprisonment. Service components could include drug testing, electronic monitoring, employment and community service assistance, cognitive skill-based groups, surveillance, and frequent monitoring in the community. Each program determines the specific mix of services based on client needs and funding.

**SUPPORT OF HB 2141**

For many years funding for community corrections has reduced or remained flat despite increases in offender populations. As a result staff is laid off, offender programming is cut or gone, caseloads are exceedingly high and staff simply do not have time to monitor client activity, collaborate with client support systems, and include the client in their own behavior change plan. Evidence-based practices, proven to

House Judiciary

Date 2-1-07

Attachment # 14

elicit offender behavior changes, are not being utilized across the state due to the need for training, increased cognitive-based offender programming, and substance abuse and mental health treatment and services.

Revocation rates are on the rise and those numbers will continue to increase if we do not correctly supervise and provide services. According to the table attached, in FY 2004 a total of 1709 probation condition violators were sent to prison. In FY 2006 that number jumped to 2038. That accounts for 36.3 % of the prison admissions in FY 2006. You will notice the parole revocations have reduced. This is not just a chance happening. The decrease is due to KDOC's re-entry and risk reduction efforts. Funding, targeted for staff training and offender programming, to address the high-risk behavior among offenders who show a high occurrence of revocation, will directly reduce revocations.

HB 2141 provides the opportunity necessary for community corrections programs to enhance services, train staff, and incorporate those evidence based practices that are needed to increase public safety and reduce revocation rates. It is my belief that without such opportunity revocation rates will continue to rise. I urge you to support HB 2141.

Thank you for this opportunity. I am happy to answer any questions you might have at this time.

**COMPARATIVE ANALYSIS ON ADMISSION TYPE  
FY 2004 THROUGH FY 2006**

Admission Type	FY 2004		FY 2005		FY 2006	
	N	%	N	%	N	%
New Court Commitment	1512	25.9	1489	25.9	1610	28.7
Probation Condition Violator	1709	29.3	1783	31.1	2038	36.3
Probation Violator With New Sentence	148	2.5	126	2.2	142	2.5
Parole/Post-release Condition Violator	2253	38.5	2109	36.7	1632	29.1
Parole/Post-release Violator With New Sentence	146	2.5	163	2.8	168	3.0
SB 123 Violators*	0	0.0	48	0.8	141	2.5
<b>Total admissions</b>	<b>5841</b>		<b>5741</b>		<b>5609</b>	

Source: DOC admission file.

Note: Federal female admissions are excluded.

\* SB 123 violators are included in the groups of probation violators and probation violators with new sentence.