

MINUTES OF THE JOINT MEETING OF THE
SENATE JUDICIARY AND THE WAYS AND MEANS COMMITTEE

The meeting was called to order at 11:49 a.m. on February 5, 2007, in Room 123-S of the Capitol, with Chairman Dwayne Umbarger and Chairman John Vratil presiding.

All members were present except:

Senator Barbara Allen - absent
Senator Terry Bruce - absent
Senator Jim Barone- excused
Senator Jay Emler- excused
Senator Les Donovan - excused
Senator David Haley - absent
Senator Phillip Journey - absent
Senator Derek Schmidt - absent

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes Office
Bruce Kinzie, Revisor of Statutes Office
Nobuko Folmsbee, Revisor of Statutes Office
Reagan Cussimano, Kansas Legislative Research Department
Athena Andaya, Kansas Legislative Research Department
Melinda Gaul, Chief of Staff, Senate Ways & Means Committee
Karen Clowers, Committee Assistant, Senate Judiciary Committee
Mary Shaw, Committee Assistant, Senate Ways & Means Committee

Conferees appearing before the committee:

Dr. Tony Fabelo, Senior Research Consultant
Dr. Fred Osher, Director of Health Systems and Services Policy

Others attending:

See attached list.

Chairman Umbarger welcomed Dr. Tony Fabelo who presented information on *Tough and Smart: Opportunities for Kansas Policymakers to Reduce Crime and Spending* (Attachment 1) and Dr. Fred Osher who presented information on *Kansas' Opportunity to Improve Public Safety Through Effective Treatment*. Copies of the power point presentation, *Tough and Smart: Opportunities for Kansas Policymakers to Reduce Crime and Spending* is attached (Attachment 2).

Following questions from the committee and discussion, the meeting adjourned at 1:08 P.M.

**JOINT MEETING
SENATE JUDICIARY COMMITTEE
and
SENATE WAYS AND MEANS COMMITTEE
GUEST LIST**

Date February 5, 2007

Name	Representing
Ed Klumpp	Ks Assoc. of Chiefs of Police
Michael White	Senate President's Office
Charles Simmons	Dept. of Corrections
Roger Haden	Dept. of Corrections
Ed May	LBR
Chris Mechlur	DJA
Leslie Huss	SRS - Healthcare Policy
Mindy Baccus	SRS - Healthcare Policy
John Pedigo	Ks Sentencing Commission
Brenda Garman	Ks Sentencing Commission
Keven Pellant	KDOC
Mike Wolanski	BI, INC. Day Reporting
Candace Kalcoun	BI, INC Day Reporting
Peter Ninemire	FAMM -
Chuck Sypher	Parent - Retired Dir. of Fed Ct.
Ladawn Sypher	Parent
Tim Carpenter	Capitol Journal
Ed Flynn	Division of the Budget
Julia Thomas	DOB

Tough and Smart: Opportunities for Kansas Policymakers to Reduce Crime and Spending

Prison population is growing.

- The prison population is projected to increase 26 percent over the next ten years.¹
- Unless policymakers act, the projected prison population will cost the state over \$500 million in additional spending over the next ten years.²

People on supervision are failing at high rates.

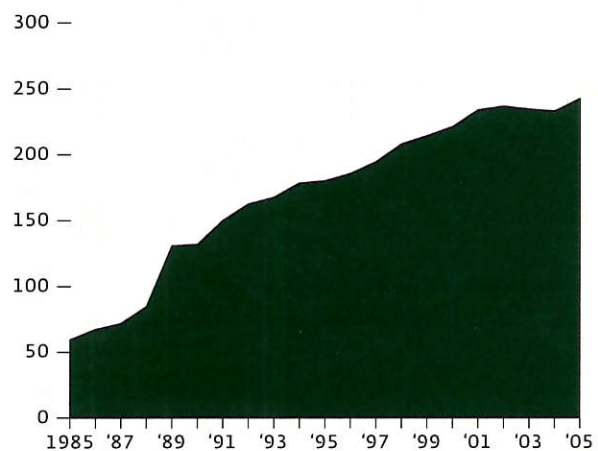
- 65 percent of admissions to prison are people who violated the conditions of their probation or parole.³
- Over the past two years, probation revocations increased 17 percent while parole revocations decreased 26 percent.⁴

Prisoners are being released without completing programs to reduce their risk.

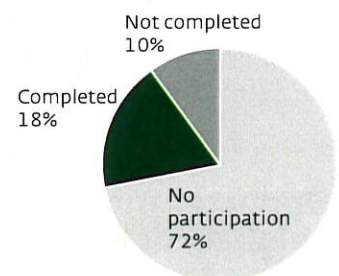
- 72 percent of prisoners needing vocational education do not participate in programs prior to release.⁵
- Half of prisoners in need of substance abuse treatment do not participate in treatment prior to release.⁶

Over the past 20 years, state spending on corrections increased from \$60 million to \$243 million.

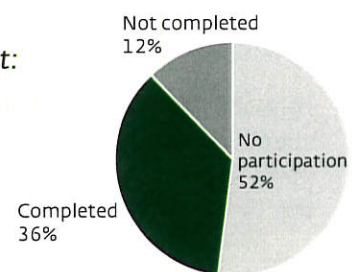
KANSAS DEPARTMENT OF CORRECTIONS EXPENDITURES (FISCAL YEARS 1985 – 2005, IN MILLIONS)



Offenders in need of vocational education: Program participation & completion prior to release



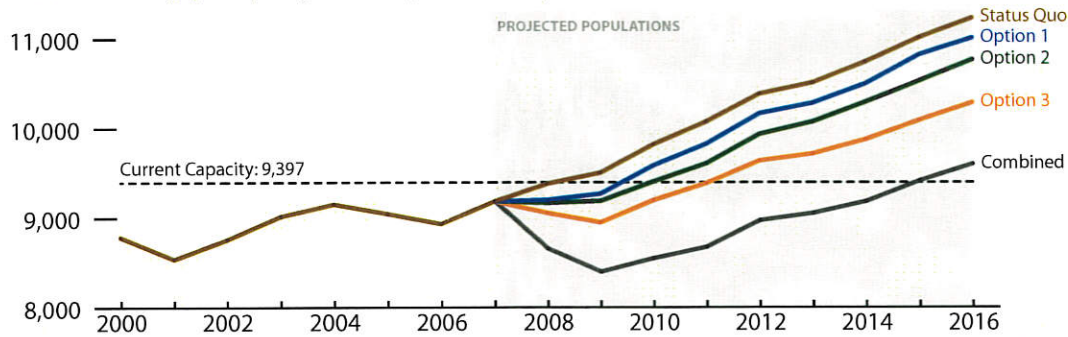
Offenders in need of substance abuse treatment: Program participation & completion prior to release



1. Kansas Sentencing Commission, *Fiscal Year 2007 Adult Inmate Prison Population Projections*, August 2006.
 2. Cost based on Kansas Department of Corrections expansion options and inflation-adjusted estimate of operating costs.
 3. Kansas Sentencing Commission, *Fiscal Year 2007 Adult Inmate Prison Population Projections*, August 2006, pg. 35.
 4. Ibid.
 5. Department of Corrections Analysis, October 2006.
 6. Ibid.

Options for policymakers

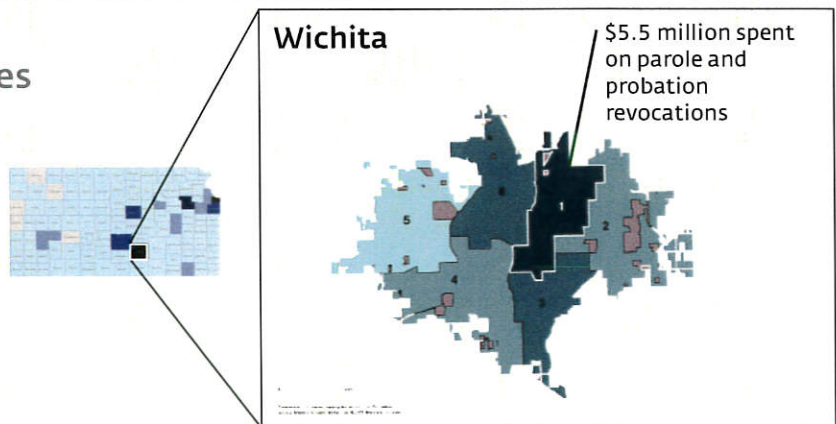
FY2008-2016 (9 years) Projected Population Impact⁷



POLICY OPTION	BED SAVINGS	9 YEAR AVERTED OPERATING COSTS
1. Maintain recent reductions in the number of parole revocations at 90 per month KEY ELEMENTS <ul style="list-style-type: none"> Expand the capacity of community-based treatment and sanctions Focus increased resources toward counties with high revocation rates 	223	\$52 million
2. Reduce the number of probation/community corrections violators by 20 percent KEY ELEMENTS <ul style="list-style-type: none"> Provide incentive grant funding to community corrections to expand treatment and sanctioning capacity Require community corrections programs and judges to develop consistent supervision and sanctioning strategies 	465	\$97 million
3. Create a 10 percent "Risk Reduction Program Credit" for guideline offenders who successfully complete treatment, educational, and vocational programs before release KEY ELEMENTS <ul style="list-style-type: none"> Use risk/needs assessments to determine which offenders should be required to complete programs prior to release Expand substance abuse, vocational, and educational programming in prison using savings generated from the program credit 	943	\$171 million
Combined Impact	1,631	\$320 million + \$177 million <small>AVERTED CONSTRUCTION COSTS</small> \$497 million

Opportunities for neighborhood-based strategies

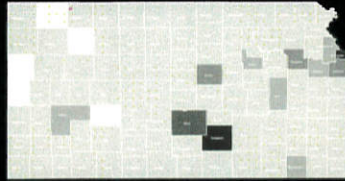
- Sedgwick and Wyandotte counties account for 40 percent of the state's prison admissions.
- In just one year, Kansas taxpayers spent \$5.5 million to incarcerate parole and probation violators from the 1st Council District in Wichita.⁸



7. Tony Fabelo & Marshall Clement, "Tough and Smart: Opportunities for Kansas Policymakers to Reduce Crime and Spending," Presentation to the Kansas Sentencing Commission, October 5, 2006.
 8. Eric Cadora & Tony Fabelo, "Building Community Capacity to Reduce Crime and Save Prison Space," Presentation to 3-R's Committee, April 18, 2005.

The Pew Charitable Trusts is providing assistance to state leaders in Kansas through its Public Safety Performance Project, which assists select states that want better results from their sentencing and corrections systems. Working with the Council of State Governments and other partners, Pew's project provides nonpartisan research, analysis and expertise to help states identify data-driven, fiscally responsible options for protecting public safety, holding offenders accountable, and controlling corrections costs.

Tough and Smart: Opportunities for Kansas Policymakers to Reduce Crime and Spending



Dr. Tony Fabelo, Senior Research Consultant
Marshall Clement, Policy Analyst

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THE COUNCIL OF STATE GOVERNMENTS

Overview

- **Tough and Smart Criminal Justice Framework Under Pressure**
- **Policy Options to Strengthen Framework**
- **Neighborhood Based Strategies for Long-Term Success**

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Senate Judiciary

2-5-07

Attachment 2

Technical Assistance to 3Rs Committee: Kansas Framework is Tough & Smart

- **Tough:**
Increased punishments for violent offenders
- **Smart:**
Increased alternatives for low-level nonviolent offenders

Tough



Smart

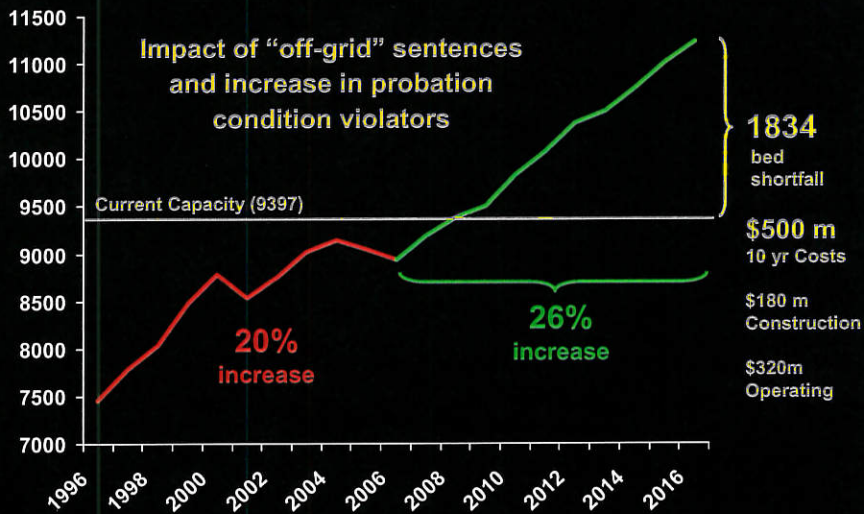


Pressure on framework:
High number of revocations consuming a large percentage of prison capacity

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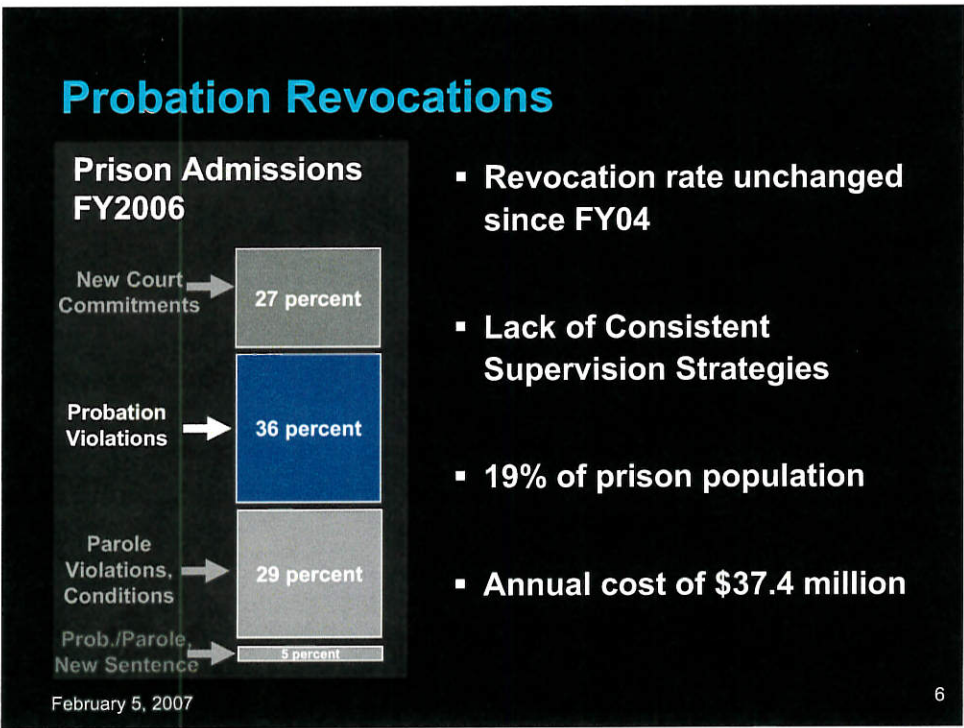
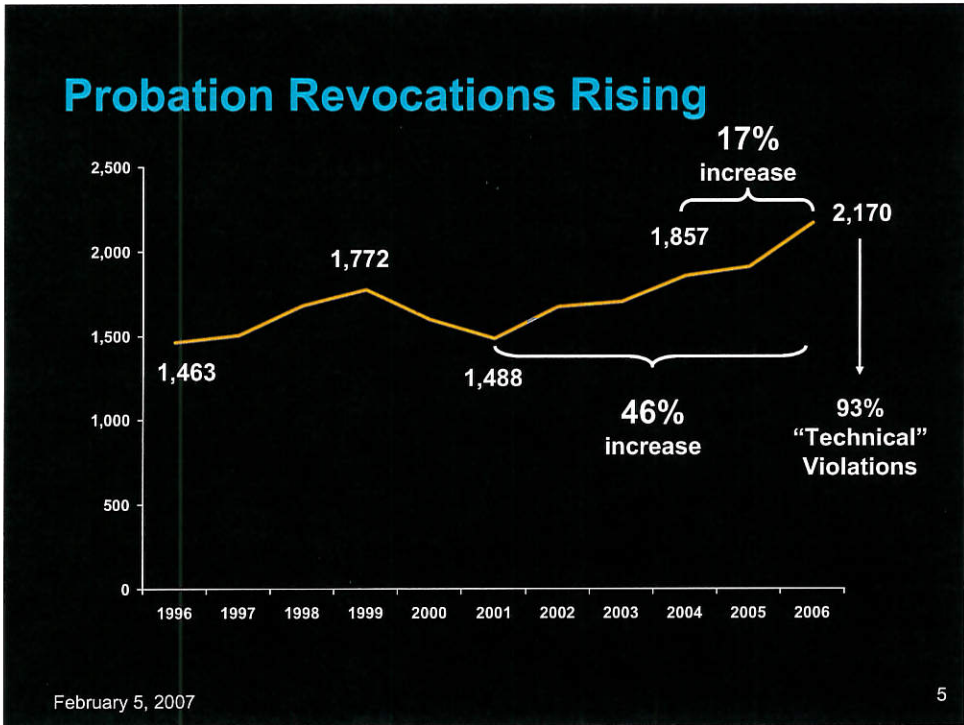
Framework Under Pressure



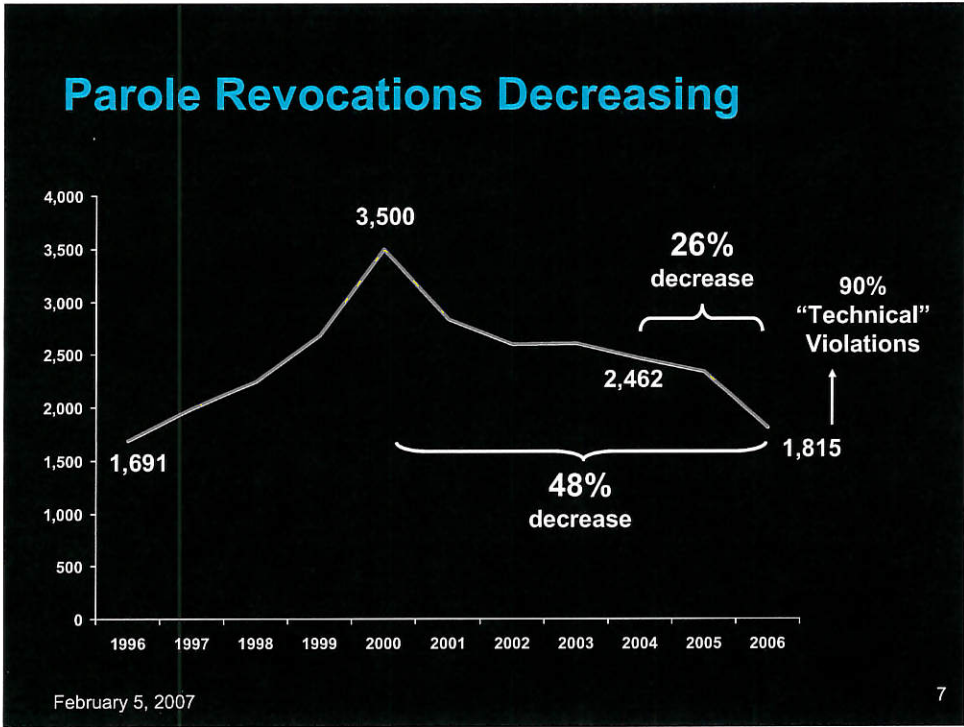
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Parole Revocation Decrease Has Already Averted Prison Costs

Parole Revocations as Share of Prison Population
(FY05 Projection vs. Actual Population & Est. Averted Costs)

	2005	2006
FY05 Projections	1180	1138
Actual Population	996	737
Bed "Savings"	184	401
Averted Costs	\$ 4,037,696	\$ 8,799,544
Two Year Averted Costs*	\$ 13,837,240	

*Based on average total cost per day (not marginal cost savings)

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Challenge is to Sustain Lower Parole Revocation Rate

Prison Admissions FY2006



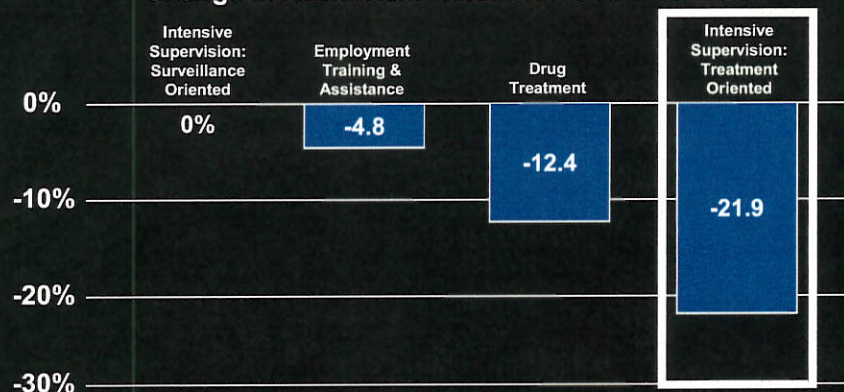
- Reducing risk in the community requires adequate supervision and treatment capacity
- 8% of prison population
- Annual cost of \$15.7 million

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Without Treatment Capacity, Supervision is Unable to Reduce Risk of Offenders

Change in Recidivism Rates for Adult Offenders



Steve Aos, Marna Miller, and Elizabeth Drake. (2006) *Evidence-Based Adult Corrections Programs: What Works and What Does Not*. Olympia: Washington State Institute for Public Policy.

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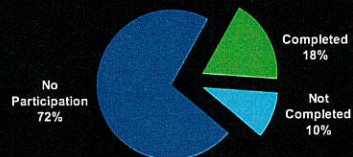
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Prison-Based Program Completion

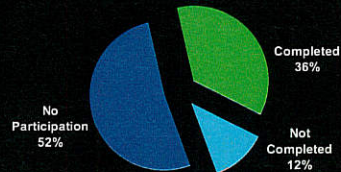
Prisoners are being released without completing programs to reduce their risk

- 72% of prisoners needing vocational education do not participate in programs prior to release
- Half of prisoners in need of substance abuse treatment do not participate in treatment prior to release

Offenders in Need of Vocational Education: Program Participation & Completion Prior to Release



Offenders in Need of Substance Abuse Treatment: Program Participation & Completion Prior to Release



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Overview

- Tough and Smart Criminal Justice Framework Under Pressure
- Policy Options to Strengthen Framework
- Neighborhood Based Strategies for Long-Term Success

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Policy Options

1. Maintain Lower Parole Failure Rate
2. Strengthen Community Corrections to Reduce Probation Failures
3. Reduce Risk Before Release

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Policy Option 1

Maintain Lower Parole Failure Rate

Proposal

Maintain the average number of parole violators at 90 each month
(from 135 per month currently projected)

Reentry/Program Funds
JEHT Foundation: \$4.6 m
Governor's Budget: \$2.4 m

Focus increased resources toward counties with high revocation rates

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Policy Option 2
Strengthen Community Corrections

Proposal

Reduce the number of probation/community corrections violators by 20 percent

(from 170 to 142 per month)

Provide incentive grant funding to community corrections to reduce caseloads, expand treatment & sanctioning capacity

Require community corrections programs and judges to develop consistent supervision and sanctioning strategies

HB2141: Community Corrections Revocation Reduction Grant Program (\$4m)

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Policy Option 3
Reduce Risk Before Release

Proposal

Create a "Risk Reduction Program Credit" for guideline offenders who successfully complete treatment, educational, and vocational programs before release

Use risk/need assessments to determine which offenders should be required to complete programs prior to release

Expand substance abuse, vocational, and educational programming in prison using savings generated from program credit

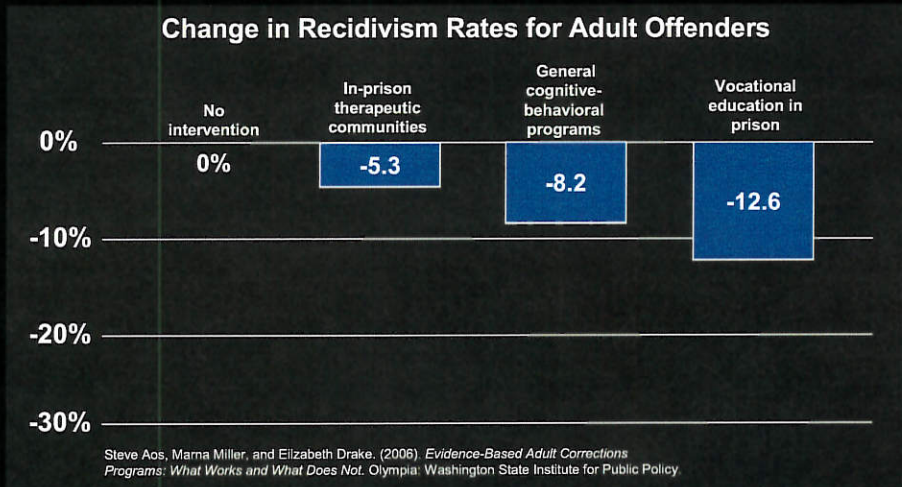
HB2142: An Act Concerning Program Credits

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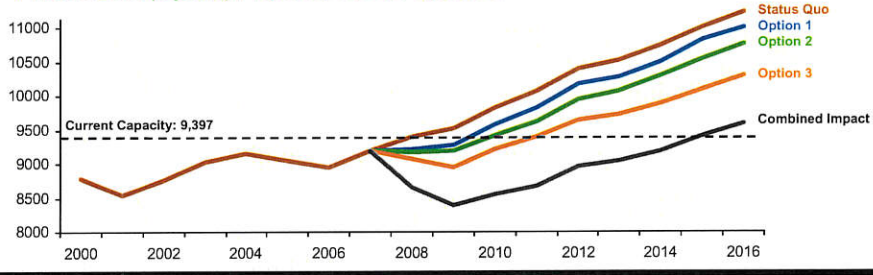
Policy Option 3 Reduce Risk Before Release



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Options for policymakers FY2008-2016 (9 years) Projected Prison Population



POLICY OPTION	BED SAVINGS	9 YEAR AVERTED OPERATING COSTS
1. Maintain recent reductions in the number of parole revocations at 90 per month	223	\$52 million
2. Reduce the number of probation/community corrections violators by 20 percent	465	\$97 million
3. Create a 10 percent "Risk Reduction Program Credit" for guideline offenders who successfully complete treatment, educational, and vocational programs before release	943	\$171 million
Combined Impact	1,631	\$320 million + \$177 million \$497 million

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Assumptions & Challenges

- **Financing Policy Options**
 - Assumption of adequate investment in FY2008
- **Implementation Effectiveness**
 - Assumption that all guideline offenders are eligible for the “risk reduction program credit,” but on average lose 16 percent of eligible time off their sentence
- **Accountability Monitoring**
 - Assumption that policy and practices will be implemented to monitor the effectiveness of policy options and their impact on the prison population

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Overview

- **Tough and Smart Criminal Justice Framework Under Pressure**
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Justice Reinvestment Framework

Step 1 Analyze prison population and “high stakes” communities to which offenders return

Revocations consume a large chunk of prison space and a disproportionate share of prison admissions come from a handful of neighborhoods

Step 2 Control prison population growth to generate savings

Reduce failure to meet conditions of parole and probation, and increase completion of programs in prison to reduce the risk of offenders prior to release

Step 3 Capture some “savings” from reduced prison costs to “reinvest” in neighborhood-based strategies

Reinvest in strengthening parole and community corrections, expanding evidence-based programming in prison, and better coordination of resources in “high-stakes” neighborhoods to improve community outcomes for all residents

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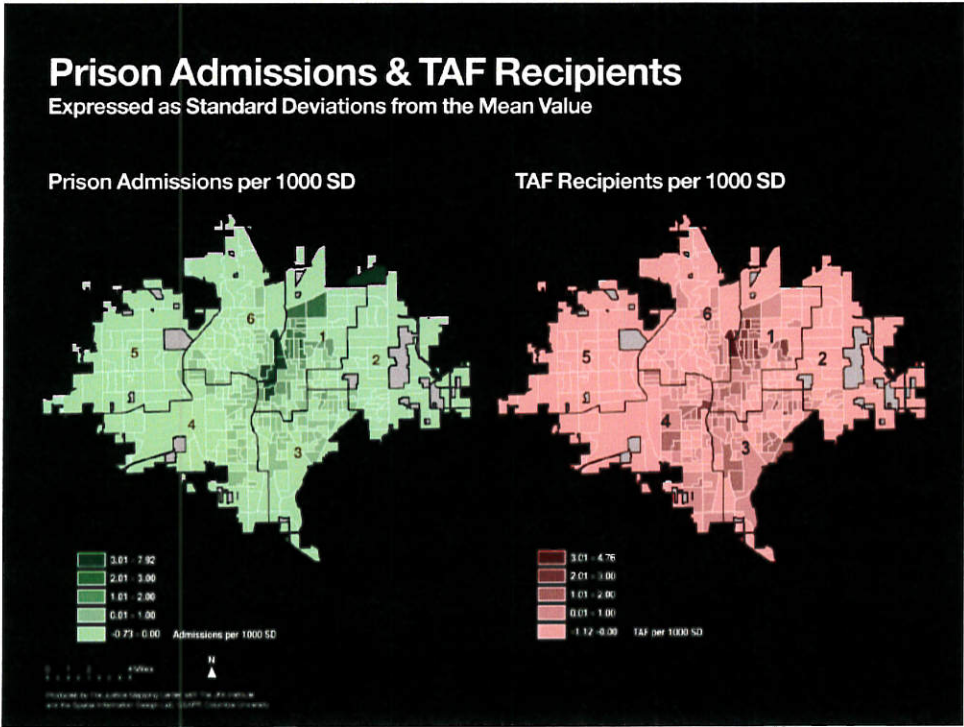
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Focus on Neighborhoods Wichita, Kansas

\$11.4 million
spent on prison
commitments
from a single
year



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Thank You



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Collaborative Approaches to Public Safety

**Kansas' Opportunity to
Improve Public Safety Through
Effective Treatment**

Fred C. Osher, MD
Director of Health Systems and Services Policy

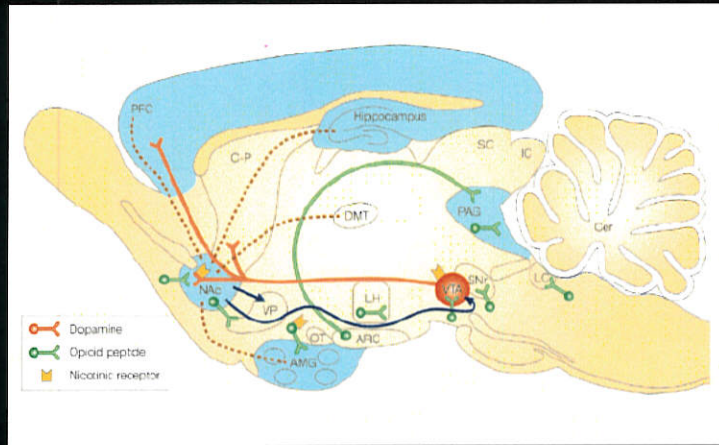
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Overview

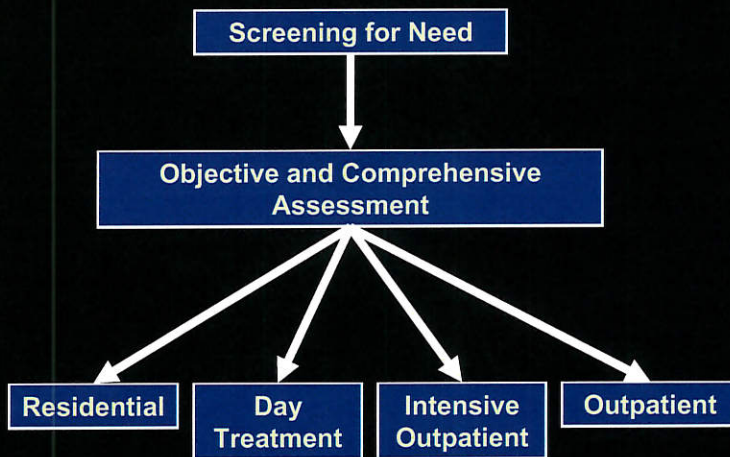
- **Principles of Effective Treatment for Criminal Justice Populations**
- **Analysis of Treatment Needs of Kansas Probation Revocations**
- **Challenges and Opportunity for Kansas**

Principles of Effective Treatment

- Drug Addiction and Mental Illnesses are brain diseases that affect behavior



Principles of Effective Treatment



Principles of Effective Treatment

- Treatment on Demand
- Coerced Treatment Can Be Effective
- One Size Doesn't Fit All
- Integrate Mental Health & Substance Abuse Treatment

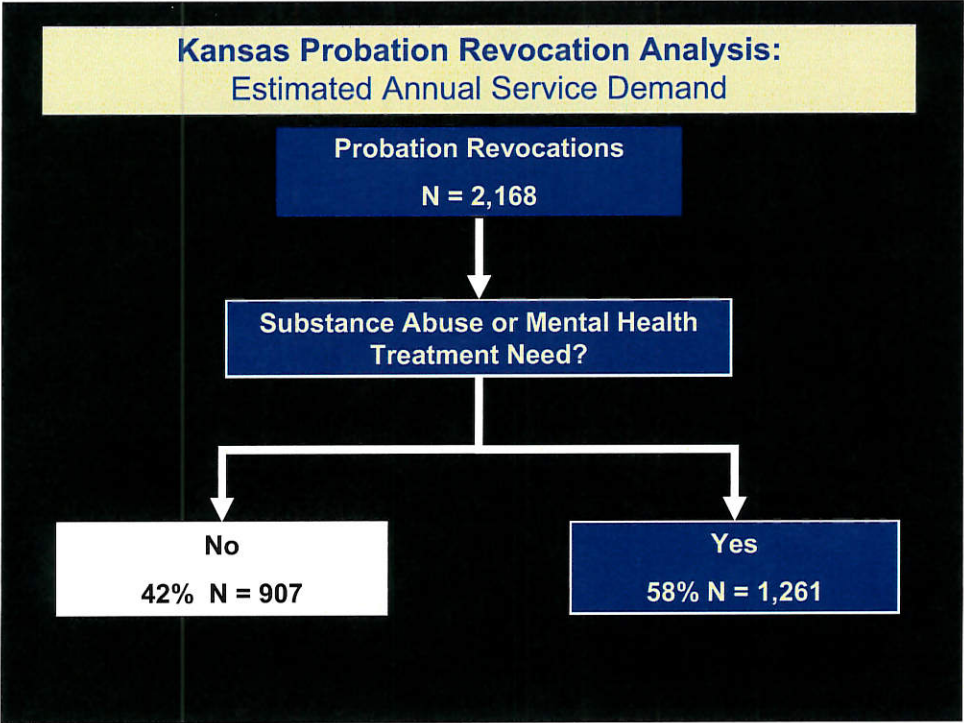
Overview

- Principles of Effective Treatment for Criminal Justice Populations
- Analysis of Kansas Probation Revocations
- Challenges and Opportunity for Kansas

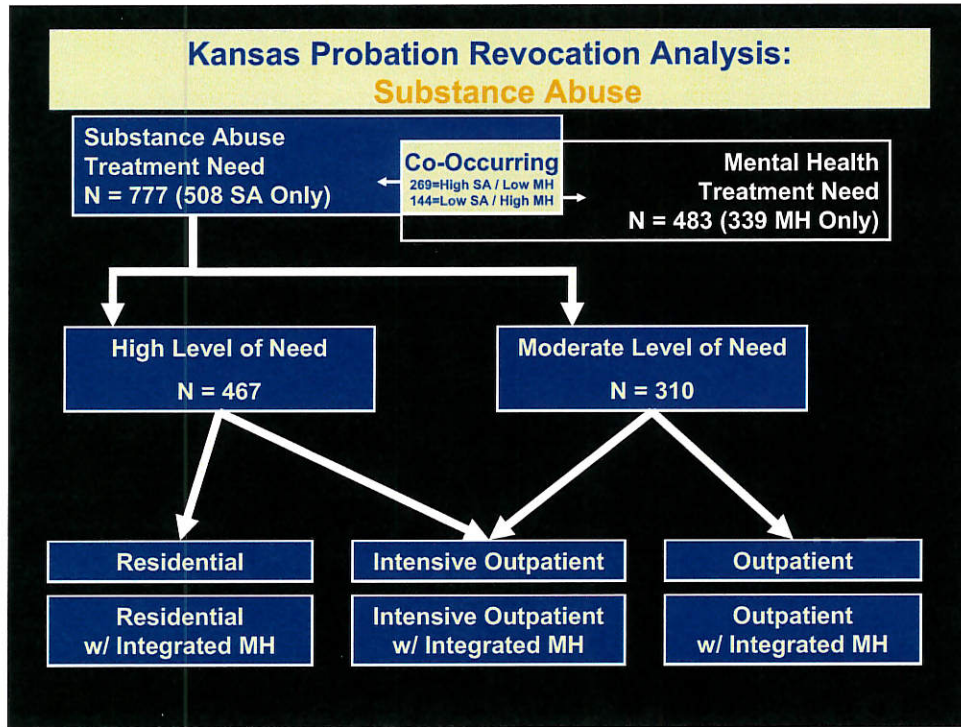
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**Kansas Probation Revocation Analysis:
Methodology**

- **Target Population:**
 - People admitted to prison in Kansas for probation revocations (93% Technical)
- 6 weeks of data
- 141 cases
- Substance Abuse Screen (TCUDS II)
- Mental Health Screen (NCCHC)



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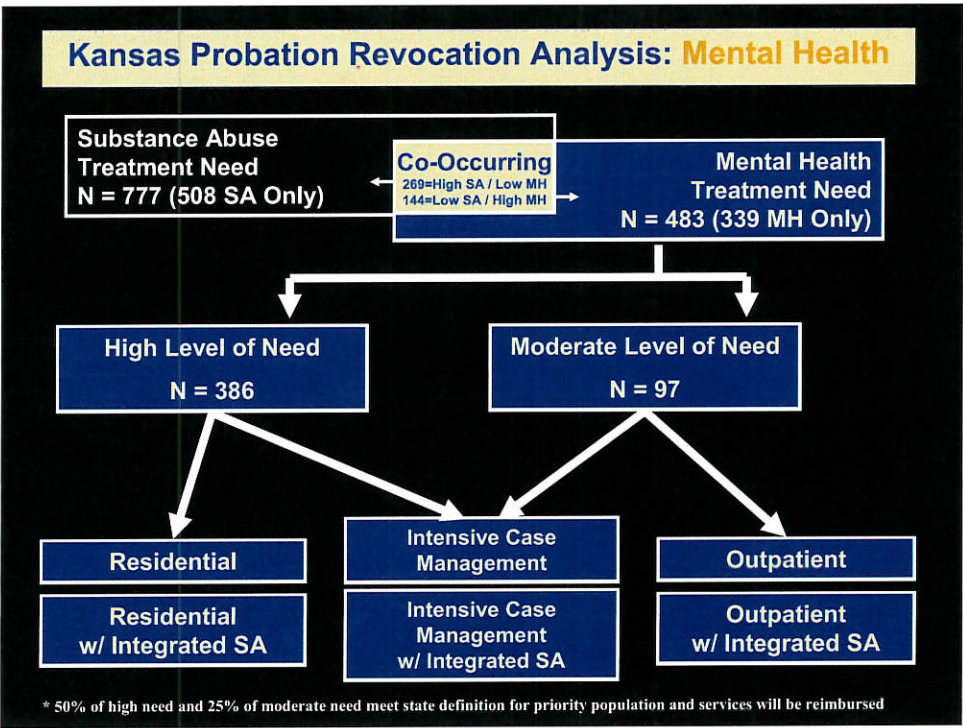
**Kansas Probation Revocation Analysis:
Substance Abuse Service Demand**

	Residential <small>(6-Month Therapeutic Community)</small>	Intensive Outpatient <small>(3-month program)</small>	Outpatient <small>(12-month program)</small>
Substance Abuse Treatment	100	200	200
Integrated Substance Abuse and Mental Health Treatment	100	100	50
	200	300	250

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Kansas Probation Revocation Analysis: Substance Abuse Service Cost Estimate

	Proposed # People Served	Cost Per Person	Additional Capacity Required	Annual Cost
Residential	200	\$15,000	100 beds	\$3 million
Intensive Outpatient	300	\$7,000	75 slots	\$2.1 million
Outpatient	250	\$3,000	250	\$750,000
Average Annual Incarceration Costs for Revoking Population: \$13.4 million				\$5.85 million



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Kansas Probation Revocation Analysis: Mental Health Service Demand			
	Residential <small>(6-month program)</small>	Intensive Case Management <small>(12-month program)</small>	Outpatient <small>(12-month program)</small>
Mental Health Treatment	4	22	54
Integrated Mental Health and Substance Abuse Treatment	6	33	156
	10	55	210

Kansas Probation Revocation Analysis: Mental Health Service Cost Estimate				
	Proposed # People Served	Cost Per Person	Capacity Required	Annual Cost
Residential	10	\$30,000	5 beds	\$300,000
Intensive Case Management	55	\$8,000	55 slots	\$440,000
Outpatient	210	\$3,000	210 slots	\$620,000
<small>*Cost Data Reflects National Averages</small>	Average Annual Incarceration Costs for Revoking Population: \$8.4 million			\$1.4 million

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Overview

- Principles of Effective Treatment for Criminal Justice Populations
- Analysis of Kansas Probation Revocations
- **Challenges and Opportunity for Kansas**

Challenges

- **Conducting Accurate Assessments**
- **Agreeing on Appropriate Placement**
- **Providing Effective Treatment**
- **Expanding Capacity Without Displacing Non-CJ Population**

Challenges

- **Workforce Development and Collaboration**
- **Develop Performance Measures and Evaluate Outcomes**

Opportunity: Join Other States in Developing Cost-Effective Solutions

- **Oklahoma**
- **Nevada**
- **Texas**
- **Connecticut**

Opportunity in Kansas

- Avert spending on corrections and increase public safety
- Reinvest savings to expand community treatment capacity
- Demonstrate a tough and smart approach to allocating scarce taxpayer dollars



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Council of State Governments Justice Center
www.justicecenter.csg.org

THANK YOU !

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