

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  
Carol Benoit, Chief of Staff, Senate Judiciary Committee  
Melinda Gaul, Chief of Staff, Senate Ways & Means Committee  
Karen Clowers, Committee Assistant, Senate Judiciary Committee  
Mary Shaw, Committee Assistant

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*. A copy of the power point presentation *Tough and Smart: Opportunities for Kansas Policymakers to Reduce Crime and Spending* is attached ([Attachment 2](#)).

Committee questions and discussion followed.

The meeting adjourned at 1:08 p.m. The next meeting is scheduled for February 6, 2007.



# 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.<sup>1</sup>
- Unless policymakers act, the projected prison population will cost the state over \$500 million in additional spending over the next ten years.<sup>2</sup>

## People on supervision are failing at high rates.

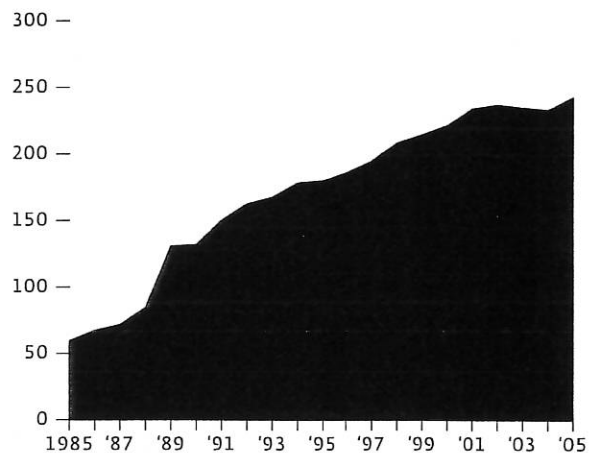
- 65 percent of admissions to prison are people who violated the conditions of their probation or parole.<sup>3</sup>
- Over the past two years, probation revocations increased 17 percent while parole revocations decreased 26 percent.<sup>4</sup>

## 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.<sup>5</sup>
- Half of prisoners in need of substance abuse treatment do not participate in treatment prior to release.<sup>6</sup>

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

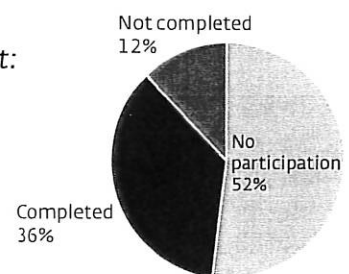
KANSAS DEPARTMENT OF CORRECTIONS EXPENDITURES (FISCAL YEARS 1985 – 2005, IN MILLIONS)



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



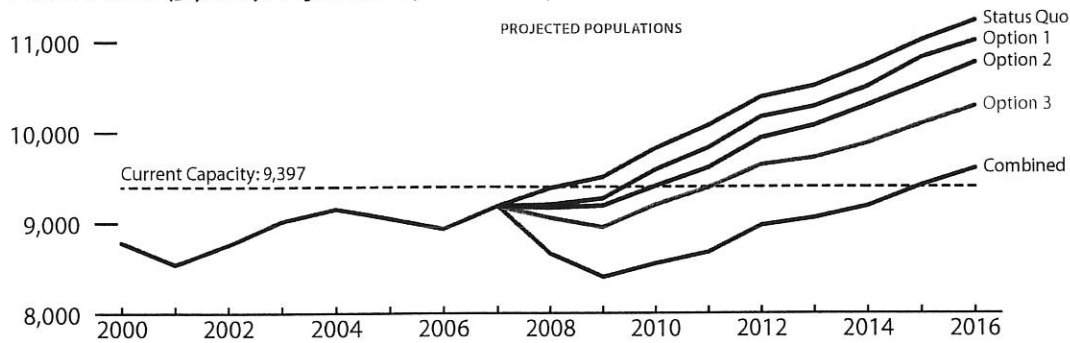
Offenders in need of substance abuse treatment: Program participation & completion prior to release



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

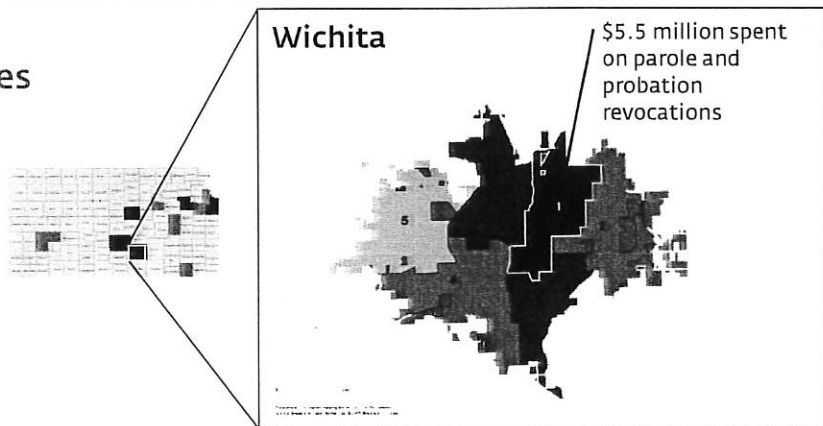
FY2008-2016 (9 years) Projected Population Impact<sup>7</sup>



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

## Opportunities for neighborhood-based strategies

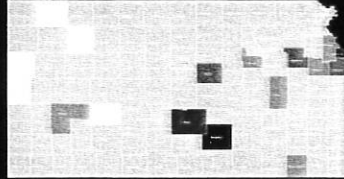
- Sedgwick and Wyandotte counties account for 40 percent of the state's prison admissions.
- In just one year, Kansas taxpayers spent \$5.5 million to incarcerate parole and probation violators from the 1st Council District in Wichita.<sup>8</sup>



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**

**JUSTICE CENTER**  
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**

February 5, 2007

2

Senate Ways and Means  
2-5-07  
Attachment 2 1

### 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**

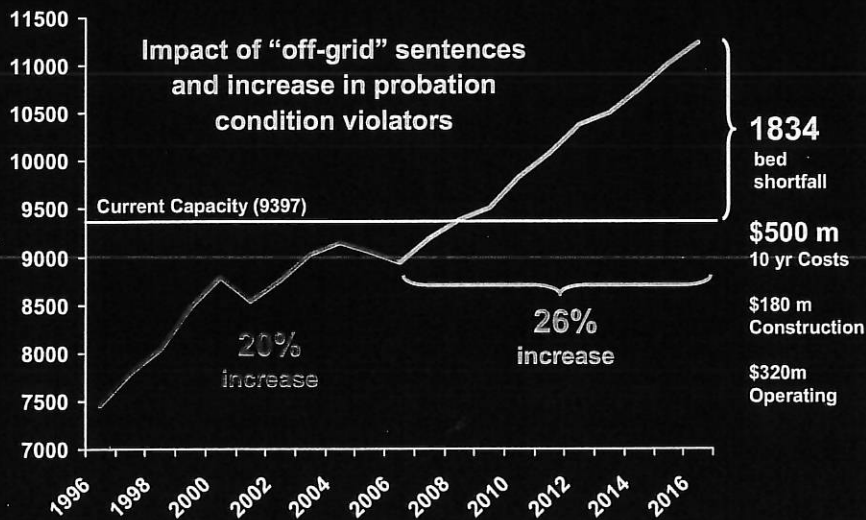


Pressure on framework:  
High number of revocations  
consuming a large percentage of  
prison capacity

February 5, 2007

3

### Framework Under Pressure

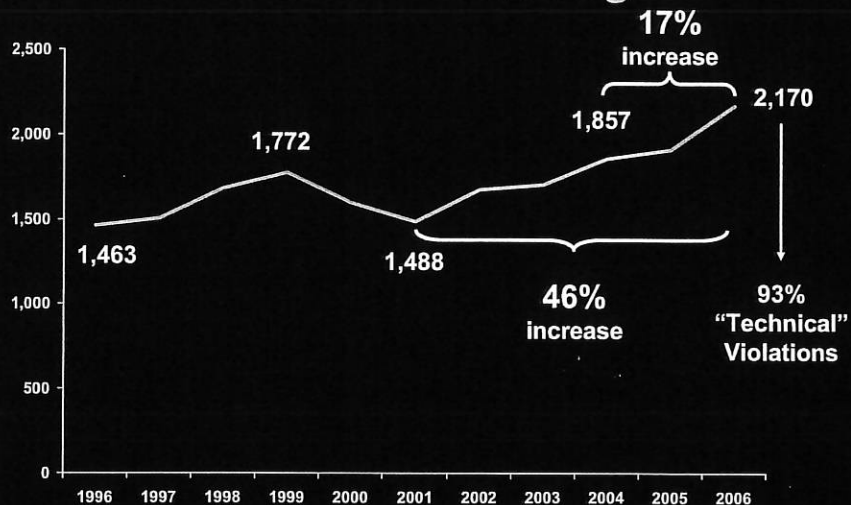


February 5, 2007

4



## Probation Revocations Rising

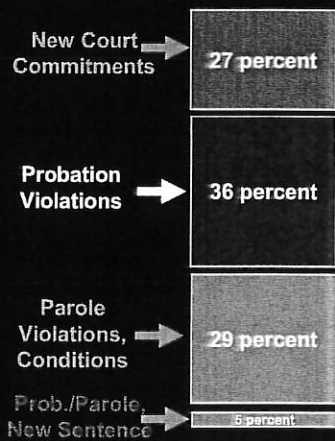


February 5, 2007

5

## Probation Revocations

### Prison Admissions FY2006

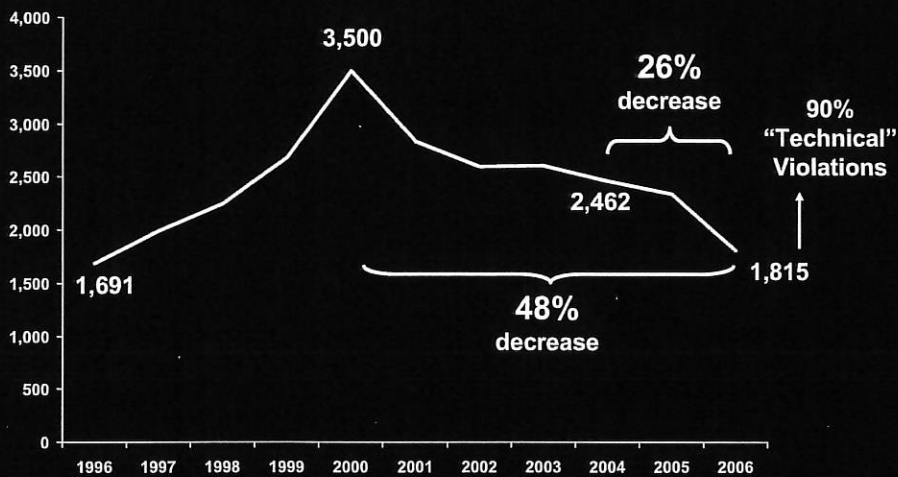


- Revocation rate unchanged since FY04
- Lack of Consistent Supervision Strategies
- 19% of prison population
- Annual cost of \$37.4 million

February 5, 2007

6

## Parole Revocations Decreasing



February 5, 2007

7

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

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

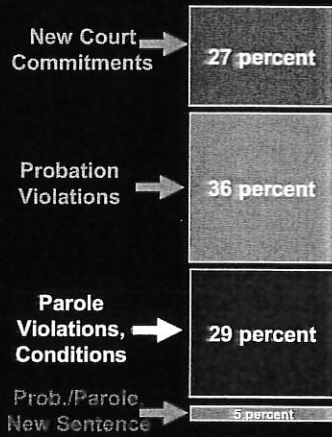
February 5, 2007

8



## Challenge is to Sustain Lower Parole Revocation Rate

### Prison Admissions FY2006



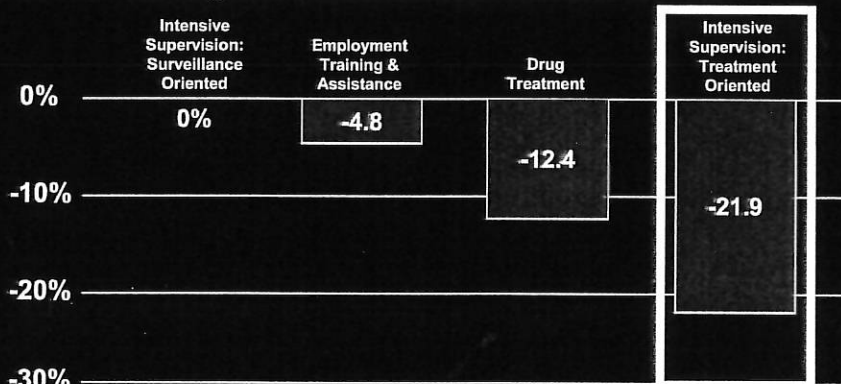
- Reducing risk in the community requires adequate supervision and treatment capacity
- 8% of prison population
- Annual cost of \$15.7 million

February 5, 2007

9

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

### Change in Recidivism Rates for Adult Offenders



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

February 5, 2007

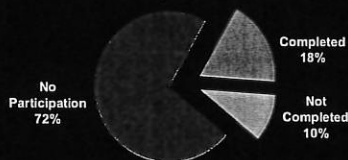
10

## 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**



February 5, 2007

11

## Overview

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

February 5, 2007

12

## Policy Options

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

February 5, 2007

13

### 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**

February 5, 2007

14

**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)**

February 5, 2007

15

**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**

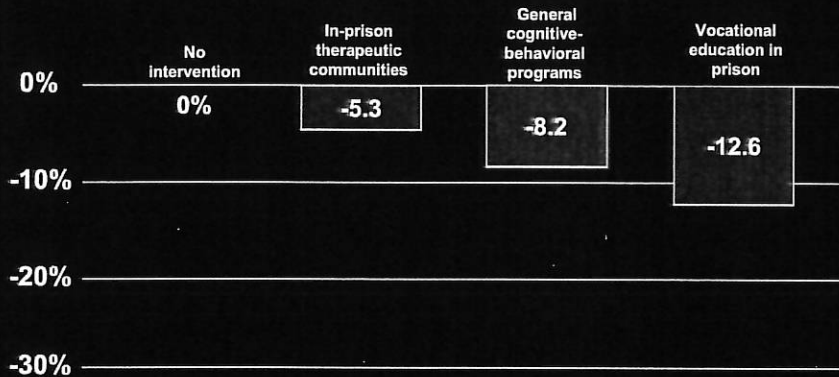
**HB2142: An Act Concerning Program Credits**

February 5, 2007

16

### Policy Option 3 Reduce Risk Before Release

#### Change in Recidivism Rates for Adult Offenders



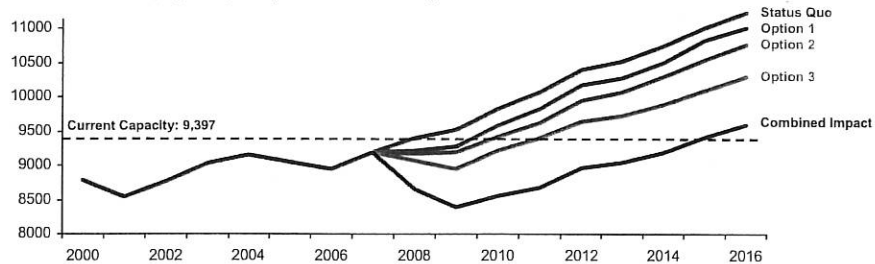
Steve Aos, Marna Miller, and Elizabeth Drake. (2006). *Evidence-Based Adult Corrections Programs: What Works and What Does Not*. Olympia: Washington State Institute for Public Policy.

February 5, 2007

17

#### 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
<b>Combined Impact</b>	<b>1,631</b>	<b>\$320 million + \$177 million [AVERTED CONSTRUCTION COSTS] \$497 million</b>

## 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

February 5, 2007

19

## Overview

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

February 5, 2007

20



# 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

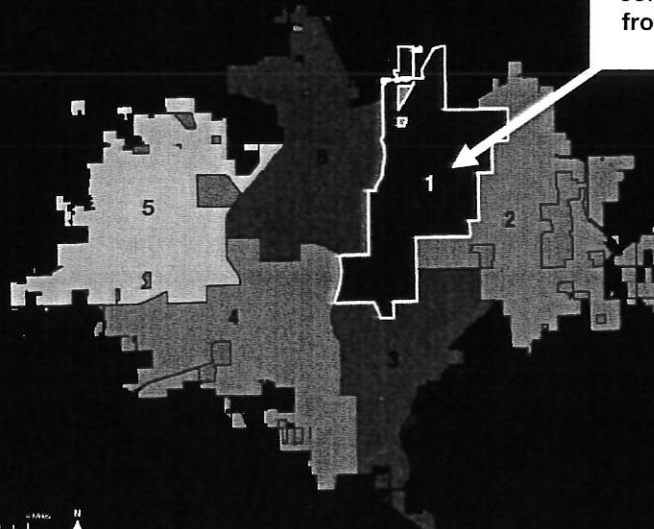
Reinvest in strengthening parole and community corrections, expanding evidence-based programming in prison, and better coordination of resources in "high-stakes" neighborhoods to improve community outcomes for all residents

February 5, 2007

21

## Focus on Neighborhoods Wichita, Kansas

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

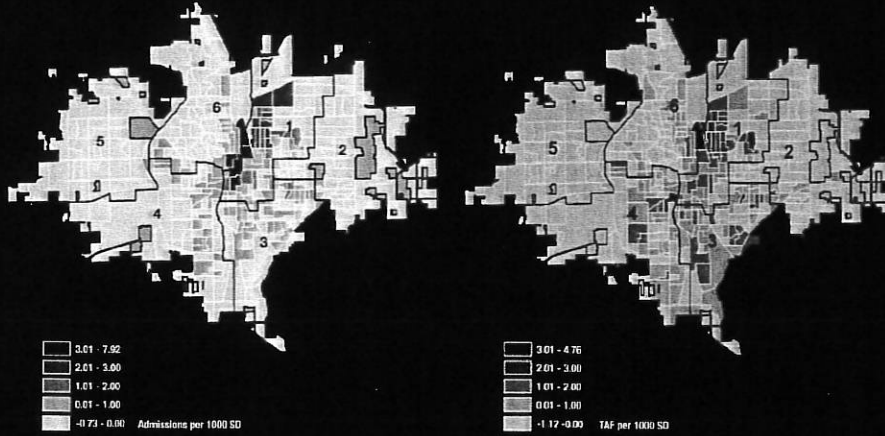


# Prison Admissions & TAF Recipients

Expressed as Standard Deviations from the Mean Value

Prison Admissions per 1000 SD

TAF Recipients per 1000 SD



Map data provided by the Justice Center for State Government, Columbus, Ohio. All rights reserved.

## Thank You



Contact  
**Marshall Clement**  
Tel: (212) 482-2320  
[mclement@csg.org](mailto:mclement@csg.org)

February 5, 2007

24

# JUSTICE CENTER

THE COUNCIL OF STATE GOVERNMENTS

*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**

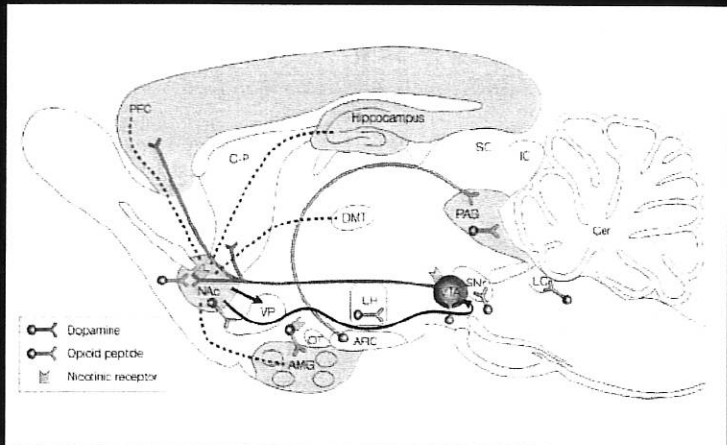
**February 5, 2007**

### **Overview**

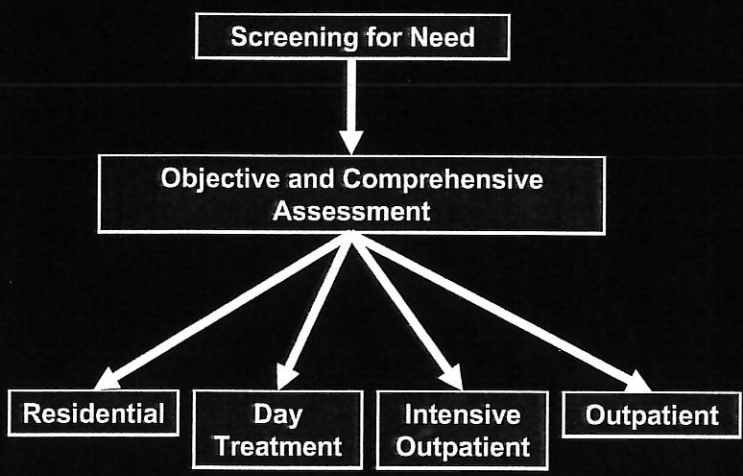
- **Principles of Effective Treatment for Criminal Justice Populations**
- **Analysis of Treatment Needs of Kansas Probation Revocations**
- **Challenges and Opportunity for Kansas**

### 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

### 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)

### Kansas Probation Revocation Analysis: Estimated Annual Service Demand

Probation Revocations

N = 2,168

Substance Abuse or Mental Health  
Treatment Need?

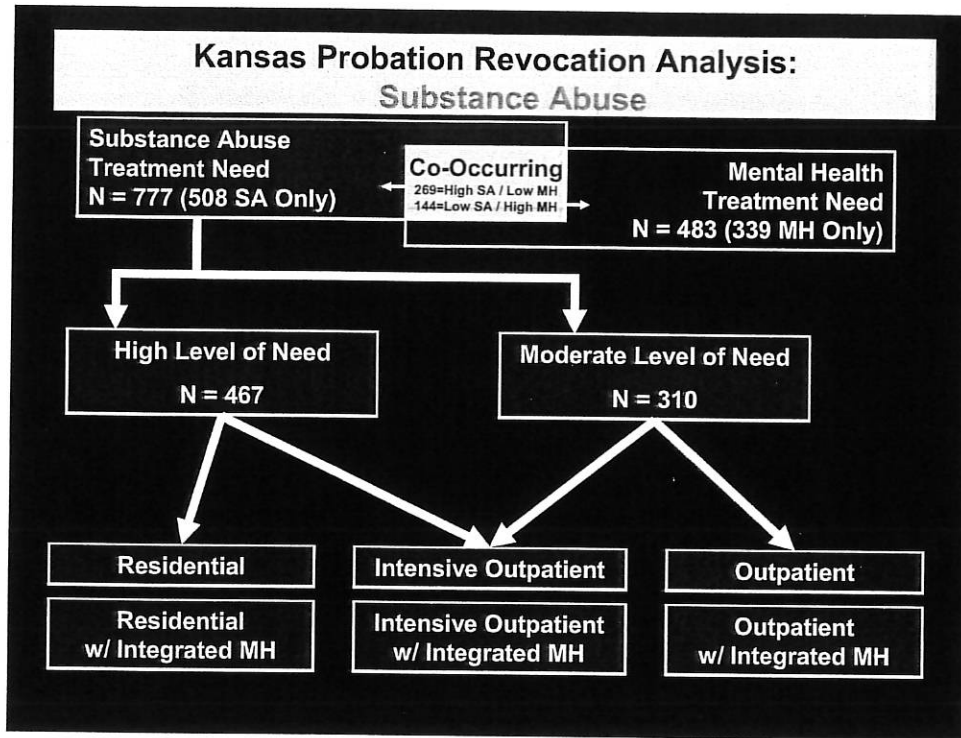
No

42% N = 907

Yes

58% N = 1,261



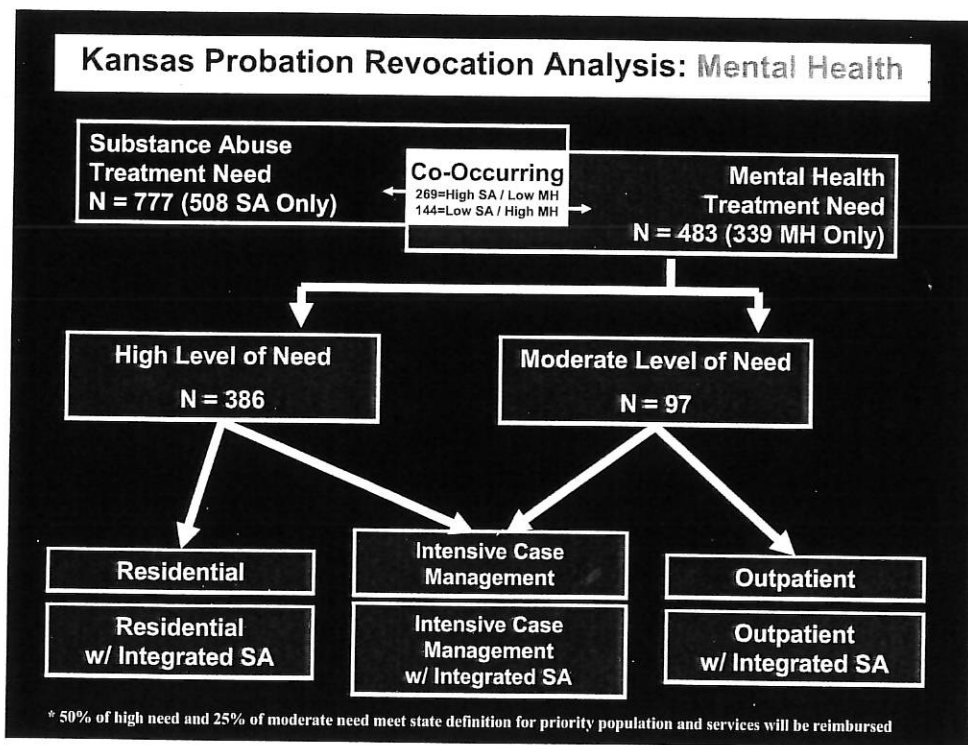


### Kansas Probation Revocation Analysis: Substance Abuse Service Demand

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

### Kansas Probation Revocation Analysis: Substance Abuse Service Cost Estimate

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



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

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

## 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**

## JUSTICE ★ CENTER

*Collaborative Approaches to Public Safety*

Contact Information:

**Marshall Clement**  
[mclement@csg.org](mailto:mclement@csg.org)

**Tony Fabelo**  
[tonymosca@aol.com](mailto:tonymosca@aol.com)

**Fred C. Osher, M.D.**  
[fosher@csg.org](mailto:fosher@csg.org)

**Council of State Governments Justice Center**  
[www.justicecenter.csg.org](http://www.justicecenter.csg.org)

**THANK YOU !**