

Justice Reinvestment in Kansas






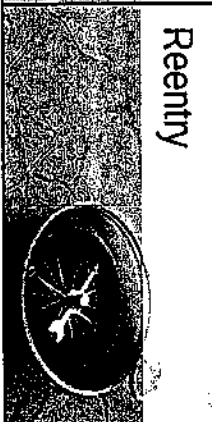
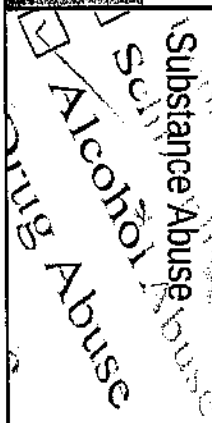

*Presentation to Joint
Committee on Corrections and
Juvenile Justice Oversight*

November 8, 2012

Andy Barbee, Research Manager
Anne Bettesworth, Policy Analyst

Council of State Governments Justice Center

- National non-profit, non-partisan membership association of state government officials
- Engages members of all three branches of state government
- Justice Center provides practical, nonpartisan advice informed by the best available evidence

| | | | |
|---|--|--|---|
|  Corrections |  Courts |  Justice Reinvestment |  Law Enforcement |
|  Mental Health |  Reentry |  Substance Abuse |  Youth |

Funding and Partners

Justice Reinvestment

*a data-driven approach to reduce corrections spending
and reinvest savings in strategies that can
decrease recidivism and increase public safety.*



BJA
Bureau of Justice Assistance
U.S. Department of Justice

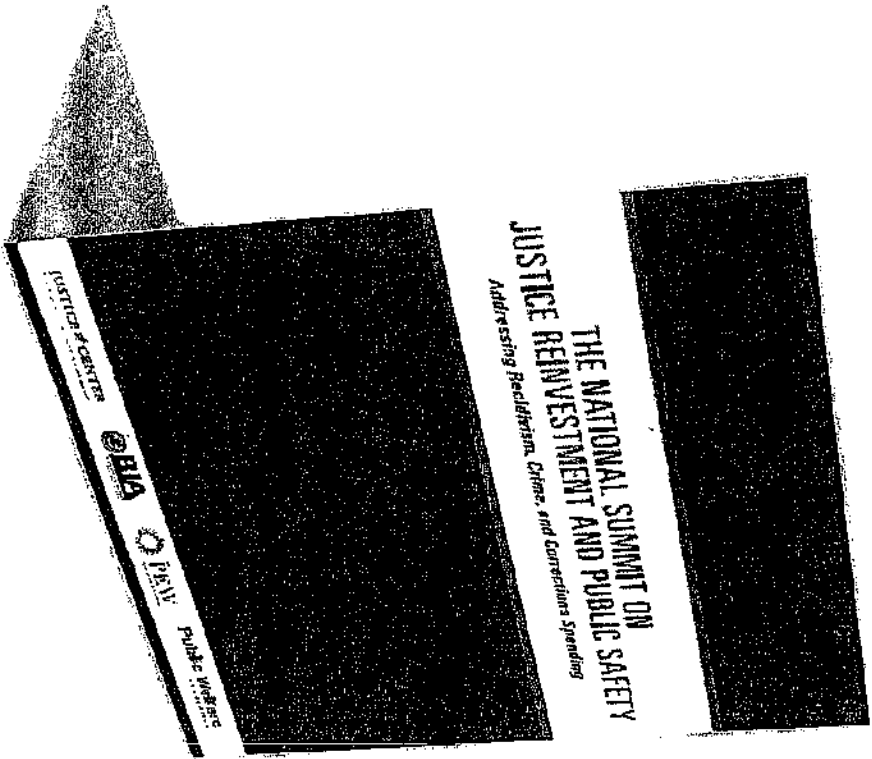


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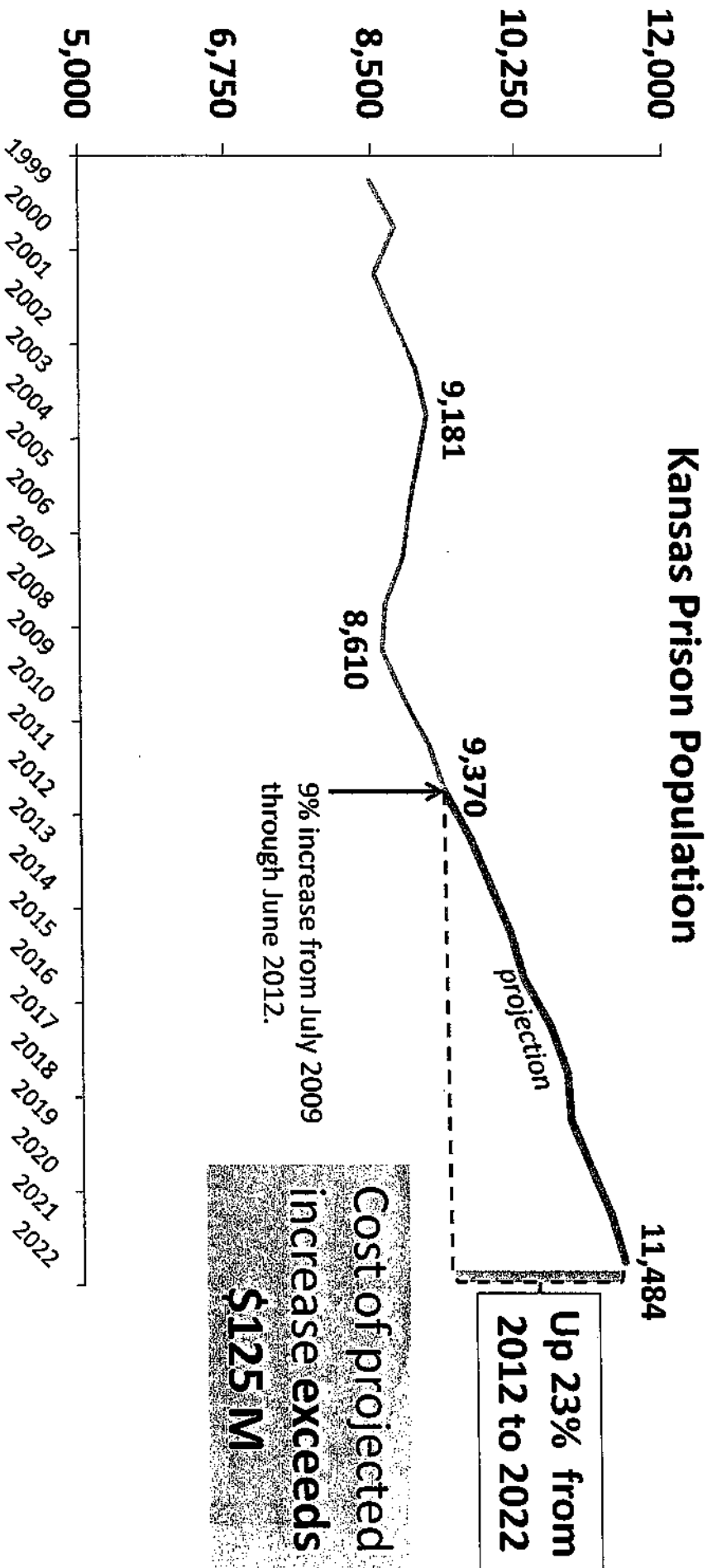
Public Safety
Performance
Project

Justice Reinvestment Focuses on Four Evidence-Based Strategies

1. Focus on the people most likely to commit crime
2. Use programs proven to work and ensure they are high quality
3. Deploy supervision policies and practices that balance sanctions and treatment
4. Target places where crime and recidivism rates are the highest



Kansas Prison Population to Grow 23% Over Next Ten Years



Sources: Kansas Sentencing Commission, 2013 Prison Population Projection, August 2012

Wrapping Up Detailed Analysis and Developing Policy Framework

Phase I Analyze Data & Develop Policy Options

Collect and examine quantitative data

- Reported crime & arrests
- Court dispositions & sentencing
- Court services, community corrections & post-release supervision
- Prison admissions, population & releases

Engage stakeholders

- Law enforcement
- Judges
- County/district attorneys & defense counsel
- Victim advocates
- County officials
- Supervision agencies
- Behavioral Health Treatment Providers

Develop and present a comprehensive analysis of the state's criminal justice system

Develop a framework of policy options that together would increase public safety and reduce/avert taxpayer spending

June - October

November - December

Data Used to Inform Analyses

| Data* | Source | Status |
|---|-----------|-------------------------|
| Felony Sentences | KSC | Received |
| Court Services | Judiciary | Received |
| Community Corrections | DOC | Received |
| Prison Admissions, Releases, & Annual Population Snapshot | DOC | Received |
| Parole/Post-Release Supervision | DOC | Received |
| Arrests | KBI | Prohibited by State Law |

* Denotes case specific records at person level. Court Services data are the exception as they were available only in aggregate form.

Primary Issue Areas

Crime Challenges

Probation Under Strain

Reentry and Victim Issues

Kansas Faces Three Public Safety Challenges That Are Also Contributing to Growth in the Corrections System

1 Crime – Statewide crime rate is lower than national averages, but law enforcement resources are challenged by rising or higher rates of crime in certain communities and with particular populations.

2 Probation – Kansas has taken steps to strengthen supervision in the community, but the locally-driven community corrections system's resources are now strained.

3 Reentry – Recidivism has fallen thanks to successful efforts, but opportunities exist to broaden these gains and better address the needs of victims.

Presentation Overview

Crime Challenges

Probation Under Strain

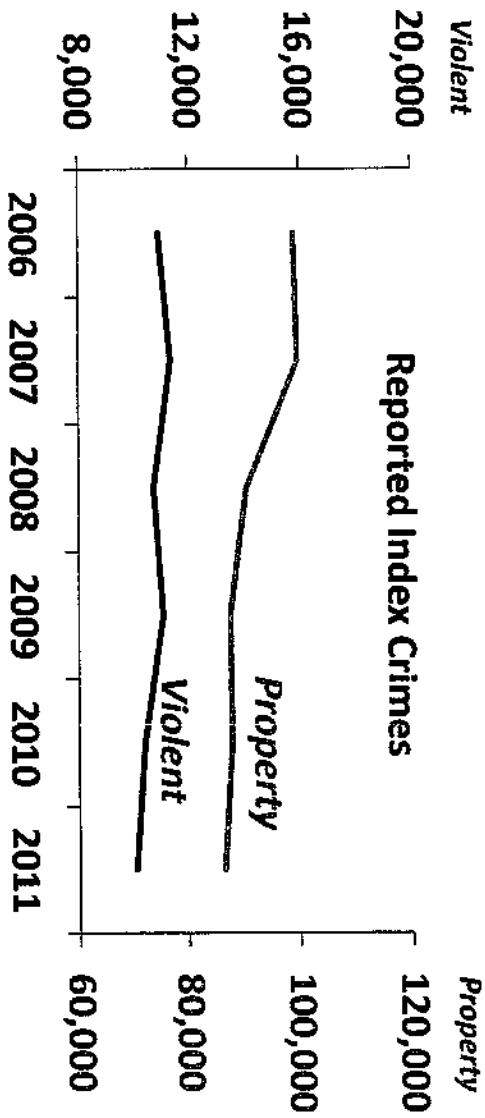
Reentry and Victim Issues

Summary of Crime Findings

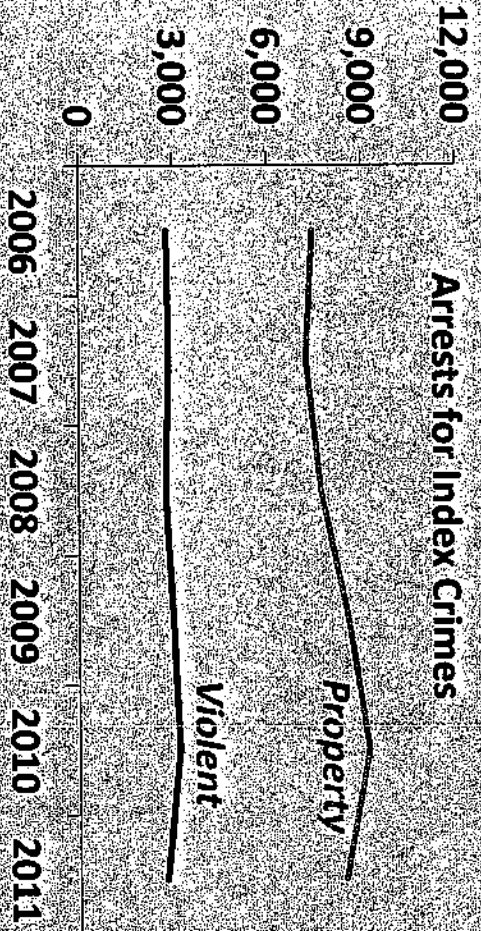
Crime is down when viewed as a statewide average, but...

- More than 60% of counties face rising crime or have rates exceeding the statewide average.
- More than half of all counties are experiencing significant increases in domestic violence.
- Constrained resources are limiting ability of law enforcement to be more effective in preventing crime.

Declines in Reported Index Crime which Index Arrests Have Begun Tracking



| | % Change - 2006 - 2011 | 2009 - 2011 |
|----------------|------------------------|-------------|
| Property Crime | -13% | -1% |
| Violent | -8% | -9% |

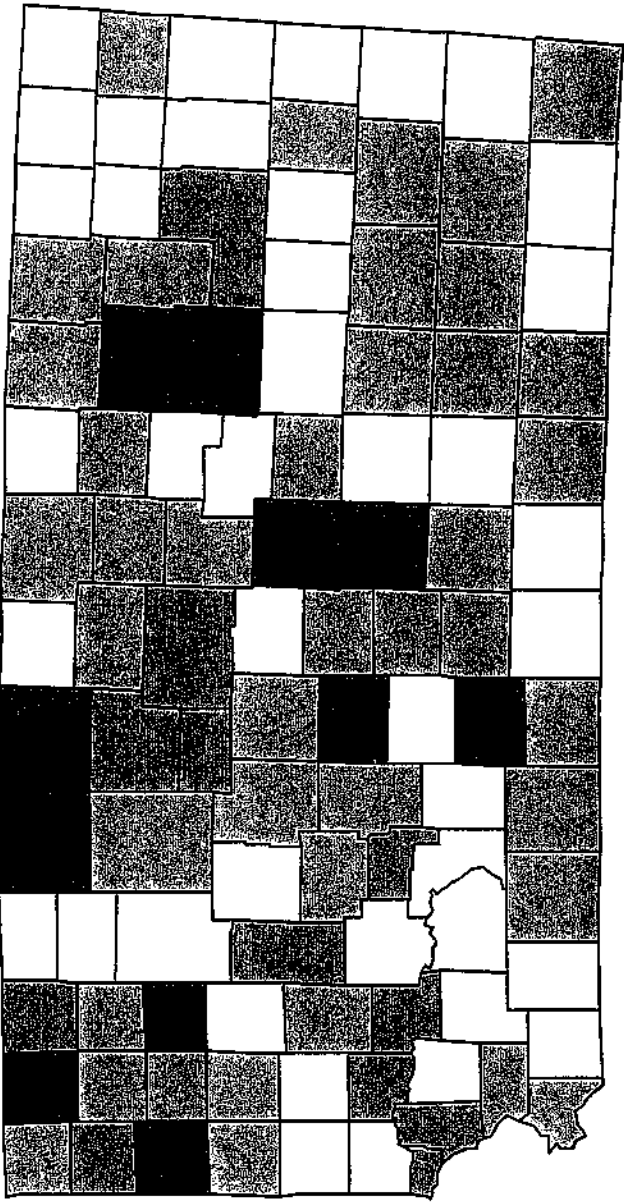


| | % Change - 2006 - 2011 | 2009 - 2011 |
|------------------|------------------------|-------------|
| Property Arrests | +14% | -1% |
| Violent | -1% | -8% |

Sources: Kansas Bureau of Investigation, Crime Statistics by Year.

64 of 105 Counties Have Increasing Crime or Rates Higher than the Statewide Average

- Increasing Crime
- Rates Higher than State Average
- Both



Butler

- Robbery

Cowley

- Agg. Assault
- Burglary
- Theft
- MV Theft

Saline

- Rape
- Agg. Assault

Leavenworth

- Agg. Assault
- Burglary

Reno

- Robbery
- Theft

Sedgwick

- Burglary

Shawnee

- Agg. Assault
- Burglary

Wyandotte

- Rape
- Burglary

Sources: Kansas Bureau of Investigation, Crime Statistics by Year.

Crime Prevention Hampered Due to Insufficient KBI Capacity to Process Evidence

Long Waits for Analysis Results
DNA ~ 1 Year
Toxicology ~ 9 Months

Lack of Adequate Physical Lab Space

Challenges finding, training, and retaining technicians

Based on Survey of Local Law Enforcement by KBI:

- 35% of KS law enforcement agencies use their own funds to use a private lab
- 25% of cases were dismissed or had charges reduced due to KBI processing delays
- 75% of prosecutors said they had cases ready to prosecute but couldn't due to KBI processing delays

Sources: Interview with KBI Director Kirk Thompson

4-14

Presentation Overview

Crime Challenges

Probation Under Strain

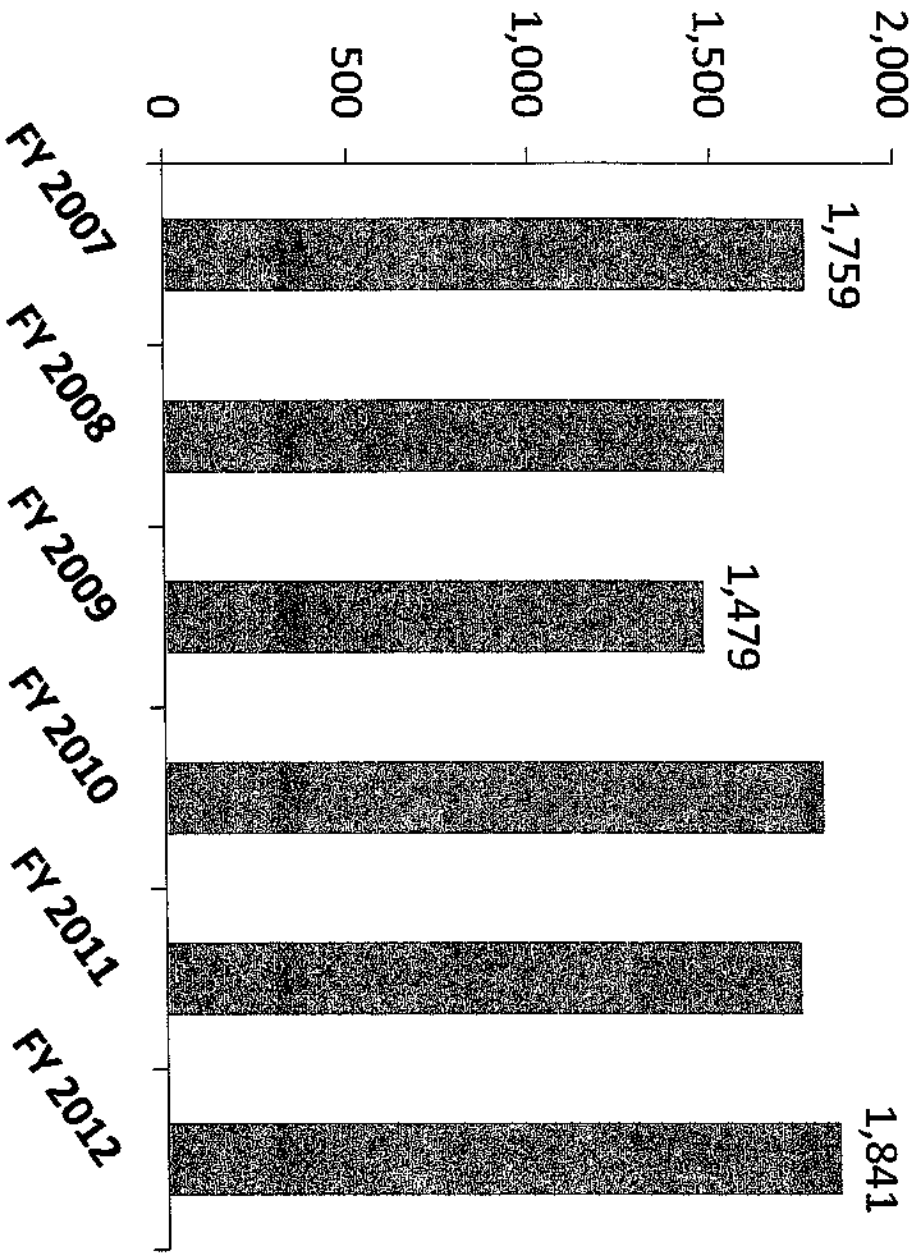
Reentry and Victim Issues

Summary of Probation Findings

Despite modest growth in felony probation population, revocations are on the rise contributing to prison growth.

- ❑ 17% increase in rate of revocations to prison since FY 2009 -- almost exclusively conditions violators.
- ❑ Most revoked high-risk probationers do not receive adequate programming in community.
- ❑ Successful, low-risk probationers are being supervised as long as high-risk probationers.
- ❑ Barriers exist to more effective supervision practices.

Probation Revocations to Prison Have Increased Almost 25% Past Three Years



After a decline in revocations from FY07 to FY09, they have since risen by 24%.

Sources: Kansas Sentencing Commission, Felony Sentencing Case Data, and 2013 Prison Population Projection, August 2012

Higher Risk Probationers with Behavioral Health Needs
Cost the State \$20 million Annually when Revoked

Moderate/High Risk
Probation Condition
Violators with
Behavioral Health
Needs Revoked
to Prison in FY 2011
787

- Avg. stay in prison = 365 days
- Average cost per day = \$70

\$20 million annually

❖ 76% of these revocations were non SB123 probationers.

- One-third had zero behavioral health interventions
- One-quarter had only one behavioral health intervention

**\$20m can buy a
great deal of
effective
programming.**

Sources: Kansas Dept. of Corrections, Community Corrections, Prison Admissions and Inmate Assessment Case Data, and FY 2011 Annual Report.

Graduated Sanctions Coupled with Targeted Programs and Supervision Are Less Costly than Traditional Approaches

Ineffective Practice

12 months incarceration

- Unlikely to receive programs in prison to reduce risk
- No supervision upon release to monitor risk & mitigate

~0% recidivism reduction
\$25,500 cost per person

Effective Practice

3 months incarceration

3 month program in the community

~1.8 months remaining on supervision

~20% recidivism reduction
\$13,800 cost per person

Probation Agencies Indicate Challenges to Providing Successful Supervision

Uniform LSI-R cut-off scores are not used across the state for purposes of sentencing to probation.

Officers are unable to move an offender between Community Corrections and Court Services.

There is no standardized grid of progressive sanctions for responding to violations.

Sanctions lack speed; much time elapses between motion to revoke filing and the hearing date.

Many agencies cannot impose a brief jail stay without going back to court.

Officers spend excessive time in court due to continuances and postponements.

Restitution-only cases comprise significant share of caseload; they still require officer face time.



Court Services and Community Corrections not truly distinguished according to risk level.



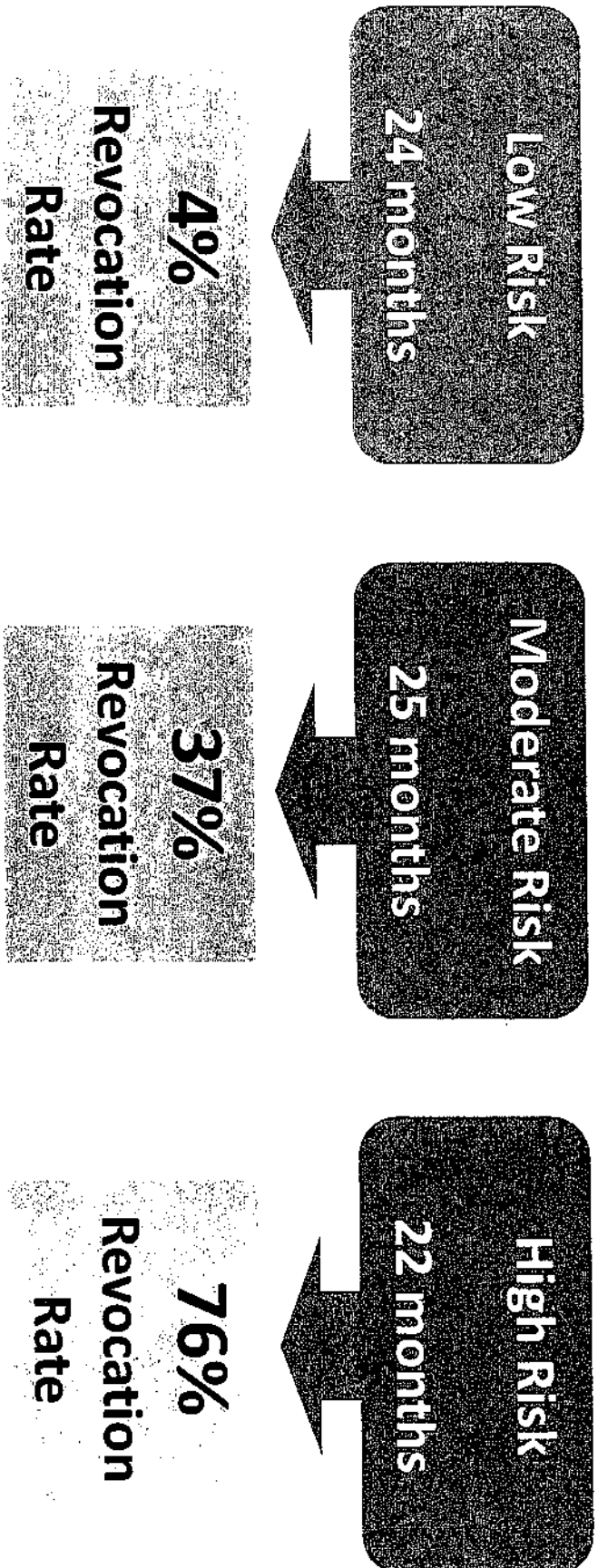
Accountability weakened.



Probation officers spend valuable time on matters unrelated to public safety.

Low-Risk Community Corrections Probationers Spend As Long on Supervision as High-Risk Probationers

Months on Probation for Community Corrections Terminations



Other states have found ways to better target resources towards higher risk probationers, often through the use of incentive-based earned discharge options for low-risk probationers.

Sources: Kansas Dept. of Corrections, Community Corrections Case Data.

Presentation Overview

Crime Challenges

Probation Under Strain

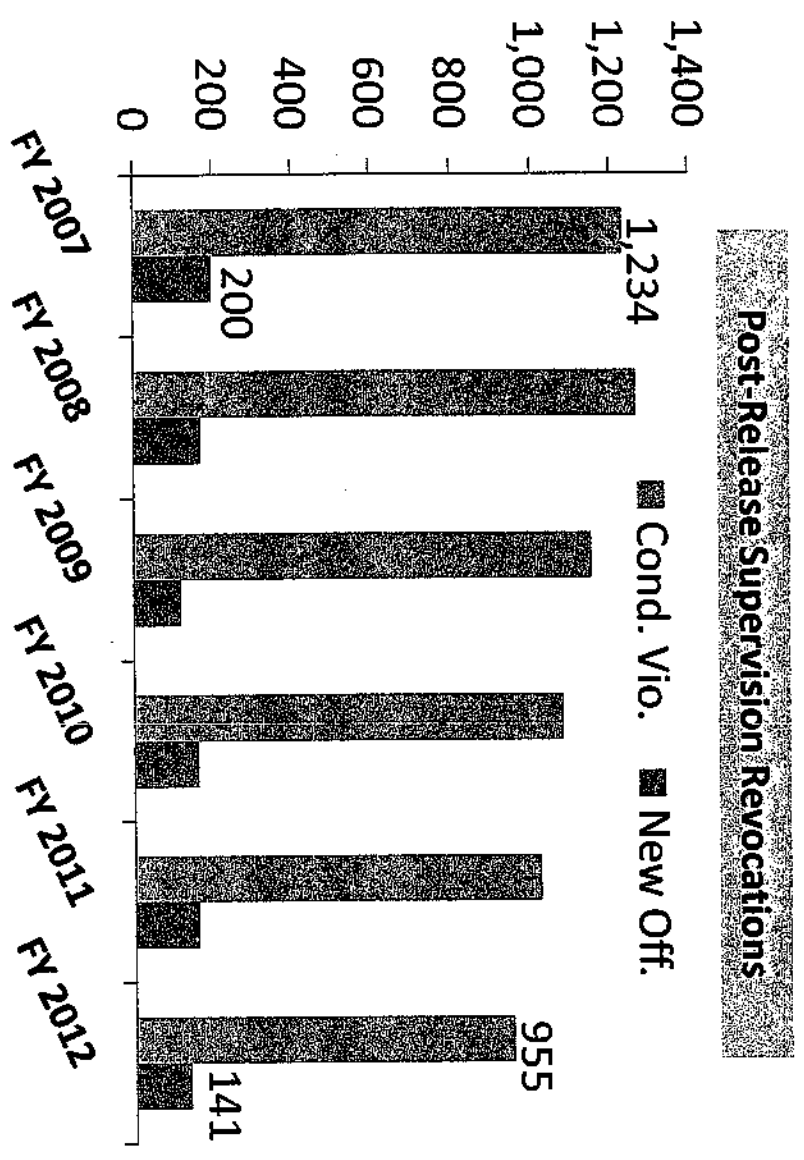
Reentry and Victim Issues

Summary of Reentry-Related Findings

Kansas has demonstrated success in reducing recidivism for those released to post-release supervision, and there are opportunities to expand that success even further.

- ❑ Increased delivery of behind-the-walls programming for those in need and resulting reductions in recidivism.
- ❑ As with probation, supervision resources unnecessarily devoted to low-risk PRS population.
- ❑ Many obstacles to preservation of victims' interests identified by advocates.

Post-Release Supervision Revocations Down Almost 25% Since FY 2007



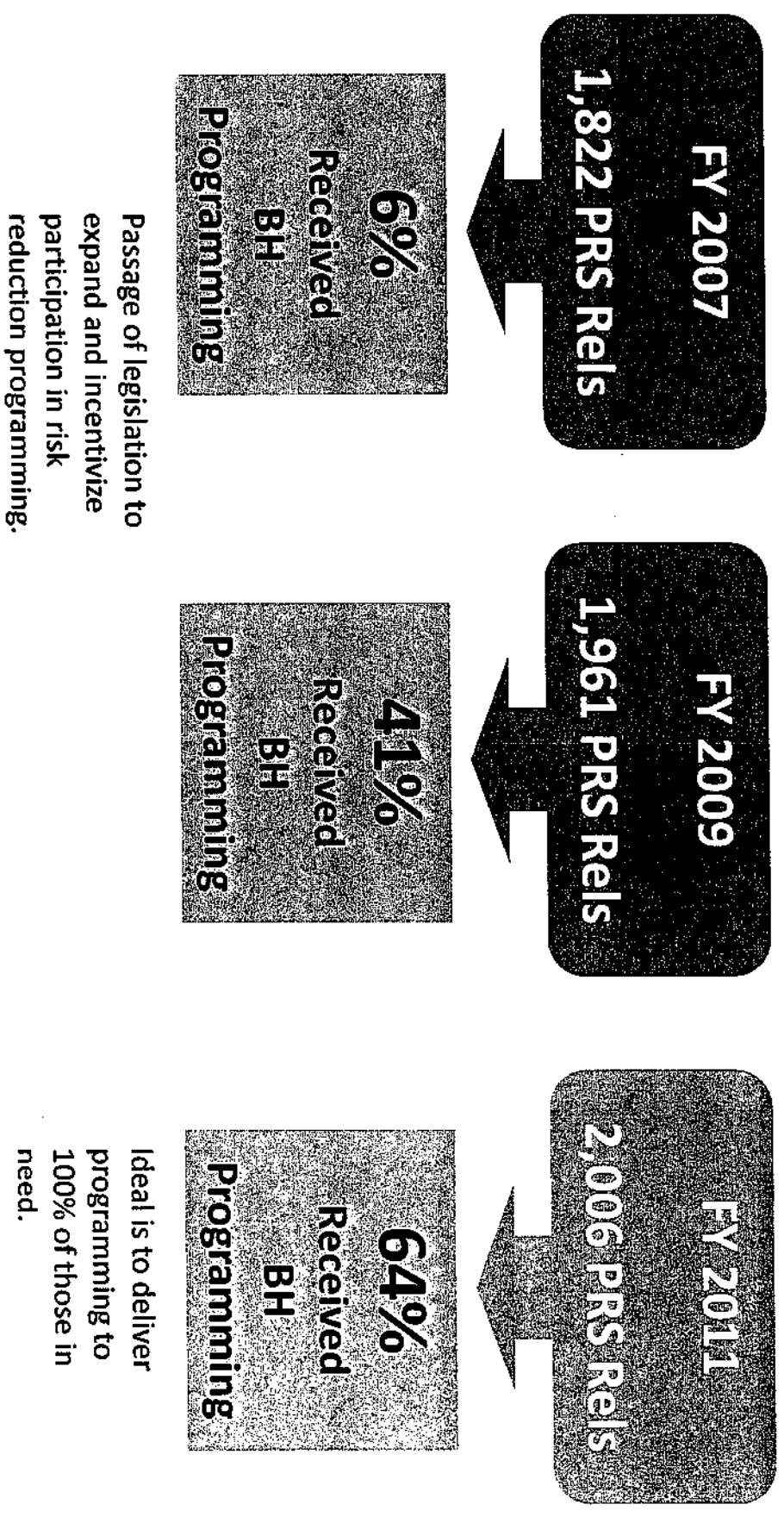
- ✓ PRS condition violation revocations have declined 23%
 - ✓ PRS new offense revocations have declined 30%
- During the past five years, while the numbers on post-release supervision have risen:

| PRS Supervision | FY 2007 | FY 2011 | % Change |
|-----------------|---------|---------|----------|
| Releases to PRS | 3,393 | 3,427 | + 1% |
| Supervised Pop. | 5,626 | 5,938 | + 6% |

Sources: Kansas Sentencing Commission, 2013 Prison Population Projection, August 2012, and Kansas Department of Corrections Annual Reports.

Programming in Prison Has Increased Tenfold Since FY 2007

Prisoners with Behavioral Health Needs Released to Post-Release Supervision



Sources: Kansas Dept. of Corrections, Prison Release and Inmate Assessment Case Data

Low-Risk Post-Release Supervision Clients Spend As Long on Supervision as High-Risk Clients

Months on Probation for Post-Release Supervision Terminations

Low Risk
31 months

Moderate Risk
22 months

High Risk
17 months

Other states have found ways to better target resources towards higher risk parolees, often through the use of incentive-based earned discharge options for low-risk parolees.

Sources: Kansas Dept. of Corrections, Parole/Post-Release Supervision Case Data.

Kansas' Restitution Collection Policies Present Opportunities for Better Practices

- Begin collecting restitution from inmates earlier than current practice (i.e. before work release).
- Expand funds from which restitution can be collected (i.e. tax return garnishments, other inmate deposits).
- Only allow commissary purchases for inmates who are up to date in meeting restitution obligations (either in whole or in accordance with a payment plan).
- Ensure that parole/PRS officers have easy access to payment history/amount owed.

Key Findings from the Data Analyses and Stakeholder Engagement

Many locations dealing with crime challenges

- Majority of countries experiencing either rising crime or higher than average rates
- Significant resource challenges

Challenges to probation effectiveness

- Rising revocations to prison
- Lack of programming for high risk probationers with behavioral health needs
- Barriers to effective supervision

Opportunities to build upon re-entry successes

- Post-release supervision unnecessarily long for low risk groups
- Obstacles to collecting restitution, notifying victims, and training coordinators

Principles to Guide Development of Policy Framework

1. Focus on the people most likely to commit crime
2. Use programs proven to work and ensure they are high quality
3. Deploy supervision policies and practices that balance sanctions and treatment
4. Target places where crime and recidivism rates are the highest

Are valuable supervision resources focused on those who are high risk and needs?

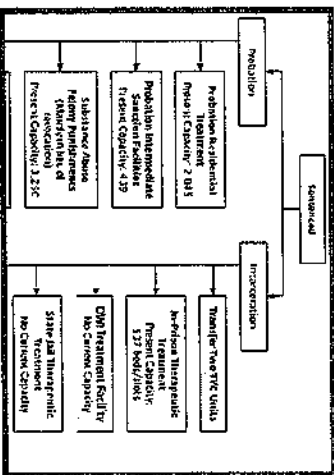
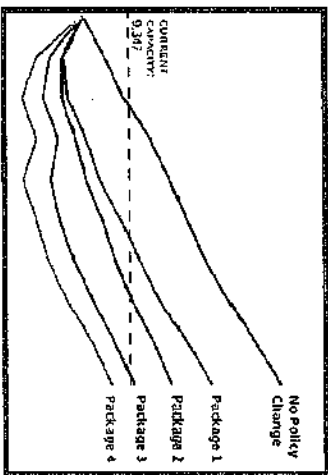
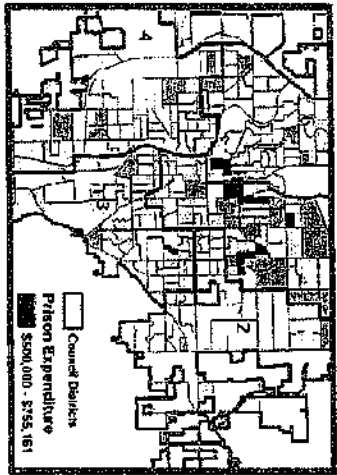
Is there enough programming capacity in the community to promote public safety outcomes?

Does supervision graduate sanctions and promote accountability through swift/certain sanctions balanced with incentives?

Does local law enforcement have the tools it needs to protect community?

Timeline and Next Steps

| <u>Date</u> | <u>Activity</u> |
|-------------------|---|
| May-June | <ul style="list-style-type: none">• Data Collection |
| June 6 | <ul style="list-style-type: none">• Bill Signing |
| June 13 | <ul style="list-style-type: none">• Working Group Meeting |
| July-October | <ul style="list-style-type: none">• Detailed Data Analysis• Stakeholder Engagement |
| September 5 | <ul style="list-style-type: none">• Working Group Meeting |
| October-November | <ul style="list-style-type: none">• Policy Framework Development• Stakeholder Consultation |
| October 29 | <ul style="list-style-type: none">• Working Group Meeting |
| November-December | <ul style="list-style-type: none">• Policy Option Vetting |
| December 7 | <ul style="list-style-type: none">• Working Group Meeting |
| Early January | <ul style="list-style-type: none">• Working Group Meeting (final) |



Thank You

Anne Bettesworth

Policy Analyst, Justice Reinvestment

abettesworth@csg.org

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