

JUSTICE CENTER

THE COUNCIL OF STATE GOVERNMENTS

Testimony on HB 2170
to
The Senate Committee on Judiciary

By Andy Barbee
Research Manager
Council of State Governments Justice Center
March 14, 2013

Good Afternoon Chairman King and fellow committee members. Thank you for the opportunity to testify before the Committee on House Bill 2170. I am Andy Barbee with the Council of State Governments Justice Center, and I would like to testify in support of House Bill 2170.

Our organization is a national, non-profit, non-partisan group devoted to improving public safety and making more effective use of criminal justice resources. Last Spring, we were invited by Governor Brownback, Chief Justice Nuss, Attorney General Schmidt, leaders from the Senate and House, and Corrections Secretary Roberts to come to Kansas and help them take a hard look at how to increase the effectiveness of the state's criminal justice system.

Through an initiative known as Justice Reinvestment, we've spent the past nine months analyzing vast amounts of criminal justice data and listening to practitioners and stakeholders in the state's criminal justice system with the goal of identifying how to better reduce criminal behavior and increase public safety.

Guided by a 17-member working group that reviewed our analyses and facilitated access to information and stakeholders, we compiled a comprehensive set of policy options that would enable Kansas policymakers to take a significant step forward in reducing recidivism and slowing the rate of growth in the corrections system. In fact, the impacts from these policy recommendations would reduce the demand for prison beds over the next five years by more than 800 beds. That reduced bed demand translates into a savings of \$53 million over that same time frame. If the state chooses not to act this year, the prison population stands to grow unchecked by 23% over the next ten years, and place tremendous strain on the state's budget.

I am voicing my support for House Bill 2170 today because its provisions are grounded in sound criminal justice policy as informed by rigorous analysis of data and research into practices that effectively reduce criminal behavior. This is not a prison reduction bill. This is a public safety bill that when implemented will reduce recidivism among probationers and relieve the growing prison admissions pressure coming

from a probation system under stress. No aspect of the proposed policies would reclassify offenses, reduce maximum sentence lengths, or let inmates out of prison earlier than currently allowed under Kansas law. While focused on improving probation outcomes, the provisions of House Bill 2170 are effective not because they are easier on probationers; rather, these are policies that actually increase accountability in the probation system. The balance between judicial discretion and the structure of your sentencing guidelines is preserved. The range of incarceration sanctions for the courts to impose on probation violators is increased. In short, the legislation aims to increase the effectiveness of community supervision by doing four primary things:

1. Providing probation officers with the tools they need to impose swift and certain sanctions in response to technical violations of probation rather than allowing multiple violations to stack up before responding;
2. Increasing the likelihood that probationers will be connected to quality substance abuse, mental health, and/or cognitive programming in the community where recidivism reduction impacts are greatest;
3. Focusing supervision resources on individuals who are the most likely to reoffend; and
4. Using graduated sanctions to respond to technical violations of probation. These graduated sanctions make smarter use of scarce resources and increase offender accountability by removing current loopholes that make prison more attractive than supervision.

In summary, these are not only common-sense policies; they are also backed up by significant research into what works to reduce recidivism and improve public safety. Kansas has already demonstrated the effectiveness of many of these practices through its policies for the population of offenders released from prison. The recidivism rates of that group have declined substantially since the reforms of 2007. Adopting the measures set forth in House Bill 2170 and applying these proven principles to the front-end of the system will continue the Kansas tradition of leading on effective criminal justice practices. Most important, House Bill 2170 is a critical and necessary step toward slowing the rate of growth in the corrections budget in a way that preserves and enhances public safety.