

Testimony on SB 453
To
The Senate Judiciary Committee

By Johnnie Goddard
Interim Secretary
Kansas Department of Corrections
February 17, 2016

The Department of Corrections supports SB 453 and appreciates the opportunity to confer with the committee regarding the department's considerations relative to community release/supervision and electronic monitoring as well as issues concerning reuniting parents and their children. The department however recommends the monitoring of the released parent mirror the provisions of house arrest and that supervision of the released offender be conducted by a parole officer rather than by community corrections. A balloon amendment incorporating these recommendations is attached.

The department recommends that supervision levels, including the imposition of electronic monitoring be determined by the best practices in the correction field and risk posed by the individual offender. Continuously monitored GPS is an expensive proposition for both the offender and the state. Staff must respond to alarms. Former Secretary Ray Roberts provided information regarding electronic monitoring last November to the Interim Joint Committee on Corrections and Juvenile Justice which is attached for the convenience of the committee.

In regard to reuniting a released offender with his or her child, a major consideration of the department is to provide that parent with the necessary parenting skills while incarcerated. Parents who had custody of their child(ren) prior to incarceration were not dissuaded from their criminal lifestyle. The department believes parenting programs are critical and programs that focus on criminal thinking are not readily available in the community. In FY 2015, 750 offenders were placed in KDOC parenting or family transition groups while incarcerated. The department's program is modeled on the Oregon Parenting Inside Out program which has been independently evaluated. KDOC's parenting programs has a 27% one year recidivism rate which is 48% lower than for nonparticipants. Thus, the department believes the facility program should be completed before the parent is released.

The department urges favorable consideration of its attached amendment.

SENATE BILL No. 453

By Committee on Corrections and Juvenile Justice

2-11

AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; early release from incarceration.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) The secretary of corrections may transfer an offender from a correctional facility to home detention in the community if the secretary determines that community parenting release is an appropriate placement and:

(1) The offender is serving a current sentence for a nondrug severity level 4-10 felony or a drug severity level 1-5 felony and is determined to be low, low-moderate or moderate risk on a standardized risk assessment tool;

(2) the offender has no prior or current conviction for a sex offense or an inherently dangerous felony as defined in K.S.A. 2015 Supp. 21-5402, and amendments thereto;

(3) the offender has not been found by the United States attorney general to be subject to a deportation detainer or order;

(4) the offender signs any release of information waivers required to allow information regarding current or prior child in need of care cases involving the offender to be shared with the department of corrections;

(5) the offender had physical custody of such offender's minor child or was a legal guardian or custodian with physical custody of a minor child at the time the offense for which the offender is serving a sentence was committed;

(6) the offender has 12 months or less remaining of the offender's sentence; and

(7) the secretary of corrections determines that such placement is in the best interests of the child.

(b) Prior to transferring an offender from a correctional facility to home detention pursuant to this section, the secretary of corrections shall obtain information from the department for children and families regarding any child in need of care case involving the offender. Such information shall be used by the secretary of corrections in determining whether placing an offender in community parenting release is in the best interests of the child.

(c) Offenders placed on community parenting release shall provide to

1 the secretary of corrections an approved residence and living arrangement
2 prior to transfer to home detention.

3 (d) The secretary of corrections shall:

4 (1) Require offenders placed on community parenting release to:

5 (A) ~~Wear an electronic monitoring device that provides continuous~~
6 ~~verification of the offender's location through a global positioning system~~
7 ~~that is continuously monitored by a 24-hour call center capable of alerting~~
8 ~~appropriate authorities of alarms; and~~

DELETE: "Wear....alarms" and INSERT:
"Comply with the provisions of K.S.A.
21-6609 and amendments thereto"

9 (B) participate in programming and treatment that the secretary
10 determines is needed; and

11 (2) assign a ~~community corrections~~ officer to monitor the offender's
12 compliance with conditions of community parenting release.

13 (e) The secretary of corrections has the authority to return any
14 offender serving the remainder of such offender's sentence on community
15 parenting release to a correctional facility if the offender is not complying
16 with community parenting release requirements.

17 Sec. 2. This act shall take effect and be in force from and after its
18 publication in the statute book.

DELETE: "community
corrections" and INSERT:
"parole"

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Ray Roberts, Secretary

Sam Brownback, Governor

Testimony on Electronic Monitoring
to
The Interim Joint Committee for Corrections and Juvenile Justice

By Ray Roberts
Secretary
Kansas Department of Corrections
November 2, 2015

- KDOC Population with Electronic Monitoring.
 - ✓ KDOC uses electronic monitoring for 90 to 100 offenders on postrelease supervision.
 - Some of the postrelease supervision offenders have electronic monitoring for life by statute irrespective of risk level, age, mobility or other medical condition.
 - The other postrelease supervision offenders have electronic monitoring as a supervision condition ordered by the Prisoner Review Board or parole officer based upon risk assessment.
 - KDOC averages 2,016 alerts per month for 89 offenders
 - 25% of the alerts take 30 to 60 minutes to resolve.
 - 75% of the alerts take an average of 5 minutes to resolve.
 - Electronic monitoring costs \$1,825 per person/year for equipment and contractor personnel; and \$2,500 per person/year for KDOC personnel to monitor and respond.
 - ✓ Offenders placed under house arrest by the department are required to be under electronic monitoring by statute. K.S.A. 21-6609 requires electronic monitoring irrespective of risk level, length of time remaining to be served, age, mobility or other medical condition. Currently, KDOC does not have any inmates on house arrest.
- Targeted Electronic Monitoring Population
 - ✓ Evidence based practices indicate that supervision/control should be based upon the risk posed by the offender. The risk posed by the offender should be correlated with the level of supervision imposed.
 - An appropriate level of supervision is more cost effective and produces better recidivism rates.
 - Allows staff to focus on higher risk offenders.
 - Increased use of electronic monitoring increases the number of false alarms. False alarms for low risk offenders diverts officers and resources from higher risk offenders.
 - Electronic monitoring useful when an elevated risk cannot be addressed through incarceration, so when the release from prison is mandatory despite an inmate's high risk assessment.
- Conclusions Regarding Use of Electronic Monitoring.
 - ✓ Electronic monitoring useful when the risk posed by the offender cannot be addressed by incarceration due to the expiration of the prison portion of a sentence.
 - ✓ In the case of a discretionary release to house arrest, if there is a question of the risk posed by the inmate, placement can be denied without the costs and staff burden created by the limited utility of electronic monitoring.
 - ✓ Currently, the department does not have a shortage of minimum custody beds which would be the custody level from which the house arrest population would be drawn, therefore house arrest with electronic monitoring will not provide the needed higher custody level beds.