



Justice Reinvestment in Kansas

Overview



Background

In early 2012, Governor Sam Brownback, Senate President Steve Morris, House Speaker Mike O’Neal, Chief Justice Lawton Nuss, Attorney General Derek Schmidt, and Department of Corrections Secretary Ray Roberts requested technical assistance from the Pew Center on the States and the U.S. Department of Justice’s Bureau of Justice Assistance to employ a data-driven Justice Reinvestment approach to reduce corrections spending and reinvest a portion of the savings generated in strategies that can increase public safety.

In June, Governor Brownback signed House Bill 2684 into law, which established an inter-branch, bipartisan working group to lead the Justice Reinvestment effort. This group comprises designees from the executive, legislative, and judicial branches of government, in addition to key criminal justice stakeholders. State officials will compile extensive data from various agencies and provide them to the Council of State Governments (CSG) Justice Center staff, who will conduct a comprehensive analysis of this information. To help them interpret and understand the data they review, CSG Justice Center staff will also convene focus groups and conduct interviews of people working on the front lines of the Kansas criminal justice system.

Based on these exhaustive quantitative and qualitative analyses, CSG Justice Center staff will develop findings that will be presented to the working group. Working group members and stakeholders from across the criminal justice system will review these findings and assist in developing options for policymakers’ consideration that are designed to both increase public safety and reduce corrections spending.

This overview highlights recent trends in Kansas that CSG Justice Center staff will be exploring in the upcoming months.

Criminal Justice Trends

The crime rate in Kansas has declined over the past decade.

- The 2010 rate of 369 reported violent crimes per 100,000 Kansas residents was below the national average of 404 per 100,000 U.S. residents. Kansas' violent crime rate ranked 22nd among all 50 states in 2010.^{1,2}
- Between 2000 and 2010, Kansas' violent crime rate dropped five percent, from 389 to 369 reported crimes per 100,000 Kansas residents. During the same period, the national violent crime rate decreased 20 percent, from 507 to 404 reported crimes per 100,000 U.S. residents.³
- Kansas' 2010 property crime rate ranked 19th in the nation, with 3,120 reported crimes per 100,000 Kansas residents—as compared to 2,942 per 100,000 residents for the U.S. nationally.^{4,5}
- Between 2000 and 2010, Kansas' property crime rate decreased 22 percent, from 4,019 to 3,120 reported crimes per 100,000 Kansas residents. Meanwhile, the national rate declined almost 19 percent, from 3,618 to 2,942 per 100,000 U.S. residents.⁶

Reported crime is concentrated in specific locations.

- Governor Brownback initiated a study of the ZIP codes that produce the most reported person crimes. The study found that person crime was reported at disproportionately high rates in a handful of areas: from 2008–2011, six of the nine ZIP codes with the highest person crime rates were located in Wichita. The remaining ZIP codes were located in Salina, Hutchinson, and Lawrence.⁷
- Among the nine ZIP codes with the highest person crime rates, domestic battery was consistently the most common crime, with 10,630 offenses reported between 2008 and 2010.⁸

After years of steady growth, the Kansas prison population declined slightly between 2007 and 2009; growth resumed in 2009, however, and the population has increased in each subsequent year.

- Between Fiscal Year (FY) 2007 and FY 2009, the Kansas prison population decreased three percent, from 8,854 to 8,602.^{9,10} However, between FY 2009 and March 30, 2012, the prison population increased eight percent, from 8,602 to 9,290.^{11,12}
- The number of parole and post-release supervision violators admitted to prison is at a five-year low. Since FY 2007, the number of people admitted to prison because they failed to comply with the terms of supervision after leaving the Kansas Department of Corrections (KDOC) has decreased 17 percent. Between FY 2010 and FY 2011, that number declined five percent.¹³
- Funding for in-prison programming that allows offenders to earn a 60-day incentive credit for successfully completing a program has decreased 64 percent since the policy's implementation in FY 2008, from \$7.3 million in that year to \$2.6 million in FY 2012.¹⁴

The number of people sentenced to prison for new crimes—who were not on supervision when they committed the crime—has increased dramatically.

- Between FY 2007 and FY 2011, new court commitments increased 24 percent, from 1,605 to 1,995.¹⁵ In FY 2011, this group represented 40 percent of prison admissions, the highest this share of admissions has been in the past five years.¹⁶
- The penalty for failing to register under the Kansas Offender Registration Act was increased from a misdemeanor to a felony in 1999 and amended again in 2006 to further increase the severity level. Since then, the total number of sentences imposed for the crime of failure to register has risen. During FY 2011, 94 people were sentenced to prison for this crime.¹⁷ Previously, all of the people convicted of this crime received sentences other than prison.

Kansas' male prison population currently exceeds the capacity of the KDOC; the state plans to retrofit facilities currently not in use to address this overcrowding.

- Kansas General Fund spending on corrections rose nine percent between FY 2000 and FY 2012, from \$200 million to \$218 million.¹⁸
- Capacity for male offenders in state prison facilities is currently 8,442. As of March 30, 2012 the state was at 102 percent of capacity, housing 8,629 male offenders.¹⁹
- To address this problem, KDOC plans to purchase and renovate, as well as renovate existing owned facilities, to increase male capacity by 357 beds by the end of FY 2013.²⁰

The prison population is projected to grow. If current policies remain unchanged, state leaders will need to increase the capacity of the prison system, which carries a significant price tag for taxpayers.

- The Kansas Sentencing Commission projects that between FY 2011 and FY 2021 the state prison population will grow by 23 percent, from 9,180 to 11,284 overall offenders.²¹
- Even with the expansion in capacity already underway, the state will need an additional 1,397 male prison beds between FY 2014 and FY 2021 to ensure it has enough space.²²
- Cost estimates for the construction and operation of prison facilities necessary to house the projected growth in the male prison population between FY 2014 and FY 2021 are upwards of \$128 million.²³

Kansas' falling recidivism rate (readmission within three years of release) prevented the state's prison population from growing at an even faster rate in the last decade.

- Between FY 2002 and FY 2007, the percentage of people released from prison whose parole or post-release supervision was revoked and who were returned to prison within three years declined from 55 percent to 43 percent.^{24, 25}
- A study of 33 states found that the recidivism rate in most states during this period remained flat. Kansas was one of only six states whose rate fell by more than 10 percent, and among those six, it had the second largest percentage drop in its recidivism. Nineteen states saw changes of less than 10 percent, while only eight states saw an increase in recidivism greater than 10 percent.²⁶

The Justice Reinvestment Approach

STEP 1

Analyze Data and Develop Policy Options

The CSG Justice Center staff will comprehensively analyze crime, arrest, conviction, sentencing, community corrections, court services, prison, behavioral health, parole, and post-release supervision data. The analyses will examine movements through Kansas' criminal justice system, producing findings regarding capacity, pressures, and effectiveness. Outcomes will be evaluated concerning effectiveness at preventing future crime by lowering recidivism and meaningfully holding offenders accountable.

To incorporate perspectives and recommendations from across Kansas, the CSG Justice Center will collect input and recommendations from criminal justice system stakeholders, including: county and district attorneys; the defense bar; judges; law enforcement executives; behavioral health service providers; victims, survivors, and their advocates; local officials; community corrections officers; and others.

In collaboration with the working group, which will review analyses and share recommendations, the CSG Justice Center staff will develop data-driven policy options that increase public safety and reduce spending on corrections.

STEP 2

Adopt New Policies and Put Reinvestment Strategies into Place

Once the policy options have been enacted, Kansas policymakers will need to verify that the policies are implemented effectively. The CSG Justice Center will assist Kansas with translating the new policies into practice and ensuring related programs and system investments achieve projected outcomes. This assistance includes developing implementation plans with state and local officials and keeping policymakers apprised through frequent progress reports and testimony to relevant legislative committees.

STEP 3

Measure Performance

Finally, the CSG Justice Center will ensure that Kansas officials receive brief, user-friendly, and up-to-date information that explains the impact of enacted policies on prison populations and rates of re-incarceration and criminal activity. Typically, this includes a “dashboard” of multiple indicators that make it easy for policymakers to track—in real time—the changes in various components of the criminal justice system.

1. United States Department of Justice, Federal Bureau of Investigation. (September 2011). *Crime in the United States, 2010*. Retrieved April 2012 from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010>.
2. The Federal Bureau of Investigation Uniform Crime Report includes under its violent crime category the following offenses: murder and non-negligent manslaughter; forcible rape; robbery; and aggravated assault.
3. United States Department of Justice, Federal Bureau of Investigation. (September 2001). *Crime in the United States, 2000*. Retrieved April 2012 from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2000/toc00.pdf>; *Ibid* (September 2011). *Crime in the United States, 2010*. Retrieved April 2012 from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010>.
4. United States Department of Justice, Federal Bureau of Investigation. (September 2011). *Crime in the United States, 2010*. Retrieved April 2012 from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010>.
5. The Federal Bureau of Investigation Uniform Crime Report includes under its property crime category the following offenses: burglary; larceny-theft; and motor vehicle theft.
6. United States Department of Justice, Federal Bureau of Investigation. (September 2001). *Crime in the United States, 2000*. Retrieved April 2012 from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2000/toc00.pdf>; *Ibid* (September 2011). *Crime in the United States, 2010*. Retrieved April 2012 from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010>.
7. Kansas Bureau of Investigation. (May 2012). Internal memo, *Top 10 Person Crimes within Top 10 ZIP codes*.
8. *Ibid*.
9. The prison population figures refer to the population as of June 30, the last day of the fiscal year.
10. All population figures in this document contracted county jail placements and offenders housed at Larned State Hospital.
11. Kansas Sentencing Commission. (March 2012). *FY 2011 Annual Report*. Retrieved April 2012 from <http://www.accesskansas.org/ksc/documents/FY2011AnnualReport.pdf>.
12. The March 30, 2012 population count was used in this case because the publication date of this document preceded the end of FY 2012 (June 30).
13. Kansas Sentencing Commission. (March 2012). *FY 2011 Annual Report*. Retrieved April 2012 from <http://www.accesskansas.org/ksc/documents/FY2011AnnualReport.pdf>.
14. Keith Bradshaw (Kansas Department of Corrections), personal communication, April 16, 2012.
15. Kunlun Chang (Kansas Sentencing Commission), personal communication, May 14, 2012.
16. Kansas Department of Corrections. (January 2012). *Annual Report Fiscal Year 2011*. Retrieved April 2012 from <http://www.doc.ks.gov/publications/fy-2010-kdoc-annual-report/view>.
17. *Ibid*.
18. Keith Bradshaw (Kansas Department of Corrections), personal communication, April 27, 2012.
19. Kansas Department of Corrections. (March, 30, 2012). *Population Report*. Retrieved April 2012 from <http://www.doc.ks.gov/publications/pop/POP%2003-30-2012.PDF/view>.
20. Jeremy Barclay, (Kansas Department of Corrections), personal communication, April 30, 2012.
21. Kansas Sentencing Commission. (March 2012). *FY 2011 Annual Report*. Retrieved April 2012 from <http://www.accesskansas.org/ksc/documents/FY2011AnnualReport.pdf>.
22. CSG Justice Center estimates based on cost figures from an internal Department of Corrections memo: *Male Population Projections, May 2012*.
23. *Ibid*.
24. This is consistent with the Kansas Department of Corrections' more recent recidivism analysis, which showed a drop from 38 percent in 2008 to 32 percent in 2010. Kansas Department of Corrections. *Annual Report Fiscal Year 2011*. Retrieved April 2012 from <http://www.doc.ks.gov/publications/fy-2010-kdoc-annual-report/view>.
25. The Pew Center on the States. (April 2011). *State Recidivism: The Revolving Door of America's Prisons*. Retrieved May 2012 from http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/sentencing_and_corrections/State_Recidivism_Revolving_Door_America_Prisons%20.pdf.
26. *Ibid*.

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To learn more about the justice reinvestment strategy
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This project was supported by Grant No. 2010-RRBX-K071 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

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Research and analysis described in this report has been funded in part by the Public Safety Performance Project of The Pew Charitable Trusts' Center on the States. Launched in 2006 as a project of the Pew Center on the States, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs.

To learn more about the Public Safety Performance Project, please visit: <http://www.pewpublicsafety.org/>.

Points of view, recommendations, or findings stated in this document are those of the authors and do not necessarily reflect the official position or policies of The Pew Charitable Trusts, Council of State Governments Justice Center, or the Council of State Governments' members.

Suggested citation: Council of State Governments Justice Center, *Justice Reinvestment in Kansas: Overview* (New York: Council of State Governments Justice Center, 2012).

Council of State Governments Justice Center

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.

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PROJECT CONTACT:

Anne Bettsworth

abettesworth@csg.org

www.justicecenter.csg.org