



Justice Center
THE COUNCIL OF STATE GOVERNMENTS

Justice Reinvestment in Kansas

Update to the Criminal Justice Reform Commission
September 14, 2020

Presentation Overview

1 Justice Reinvestment in
Kansas

2 Current Challenges

3 Subcommittee Updates

4 Next Steps

The CSG Justice Center's core Justice Reinvestment team in Kansas



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Justice Center

THE COUNCIL OF STATE GOVERNMENTS

We are a national nonprofit, nonpartisan organization that combines the power of a membership association, serving state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.

How We Work

- We bring people together
- We drive the criminal justice field toward with original research
- We build momentum for policy change
- We provide expert assistance

Our Goals

- Break the cycle of incarceration
- Advance health, opportunity, and equity
- Use data to improved safety and justice



What is Justice Reinvestment?

A data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism.

The Justice Reinvestment Initiative is funded principally by the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** with additional funding from **The Pew Charitable Trusts**.

Technical assistance for states participating in the Justice Reinvestment Initiative is provided by the **CSG Justice Center** and **Community Resources for Justice's Crime and Justice Institute**.

The Kansas Criminal Justice Reform Commission (KCJRC) has guided the CSG Justice Center analysis.

Based on the KCJRC goals, CSG Justice Center staff have requested data for the Justice Reinvestment Initiative to begin exploring ways to

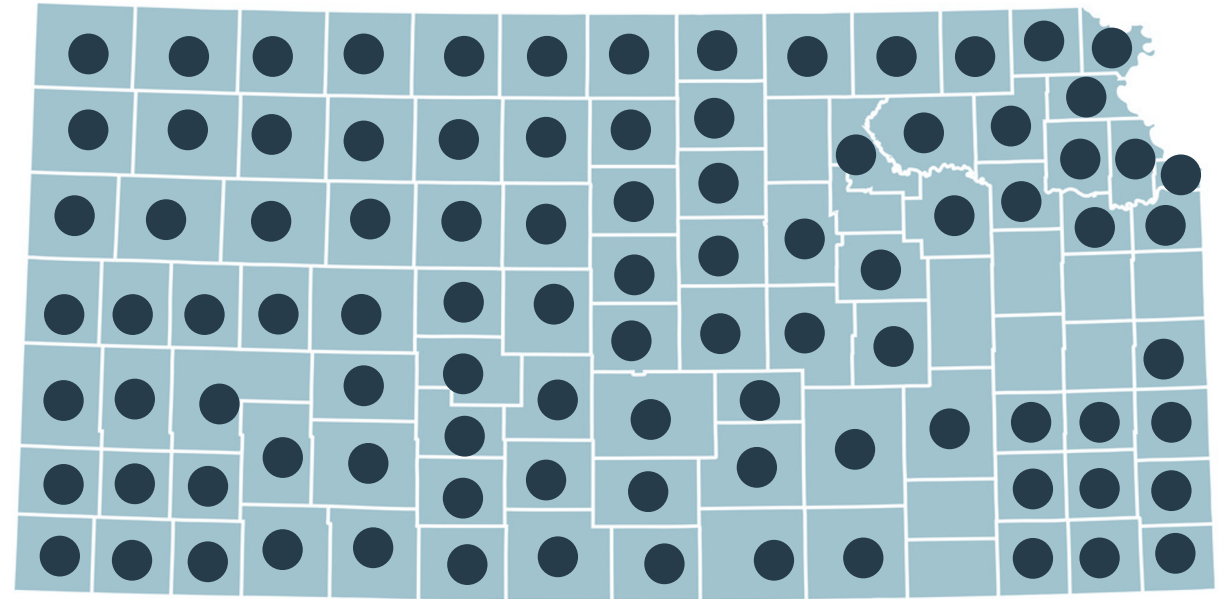
- Prioritize prison for people who pose a threat to public safety by **managing expensive prison population growth/pressure;**
- Increase support for **victims of crime;**
- **Strengthen community supervision and resources** to change behavior and reduce recidivism/revocations; and
- Break the cycle of recidivism by ensuring that criminal justice system practitioners have the resources they need in facilities and in the community to help people succeed, including **access to mental health/substance use treatment, and employment/housing support.**

**A number
of assessments are part of
the Justice Reinvestment
Initiative in Kansas.**

- Victim Services
- Violent Crime
- Sentencing
- Supervision
- Behavioral Health
- Reentry

As of Friday, September 11, team members have connected with stakeholders from 95 of Kansas's 105 counties.

Since July 2, 2020, JRI team members have hosted more than **70 meetings** with more than **100 people**. In addition to these individuals, they have met at least **17 times** with subcommittees and working groups of the KCJRC.



The CSG Justice Center's assessment team in Kansas



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Former vice president of programs for agency providing correctional and behavioral health treatment

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The CSG Justice Center's assessment team in Kansas



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The CSG Justice Center's assessment team in Kansas



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Like many states, Kansas is engaging in critical conversations about the efficiency and effectiveness of its criminal justice system given the projected budget deficits.

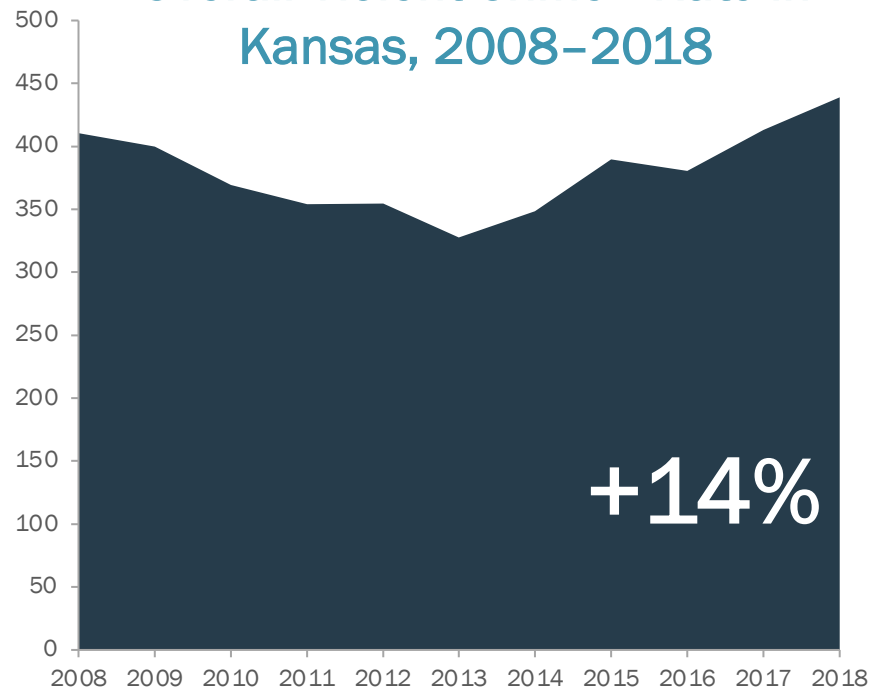


“Kansas is facing a projected 8.1% shortfall in its next state budget after a new fiscal forecast slashed projections for expected tax collections over the next 15 months by nearly \$1.37 billion.”
–Associated Press

The state is facing an unprecedented budget deficit and must prioritize corrections investments that work to **reduce recidivism and maintain public safety.**

The violent crime rate in Kansas has increased in recent years driven by increases in aggravated assaults.

Overall Violent Crime* Rate in Kansas, 2008–2018



+14%

*Violent crimes are homicide, rape, robbery, and aggravated assault. Rates are per 100,000 residents.

** In 2013, the FBI revised its definition of rape. Therefore, the timeframe used for rape is 2013–2018.

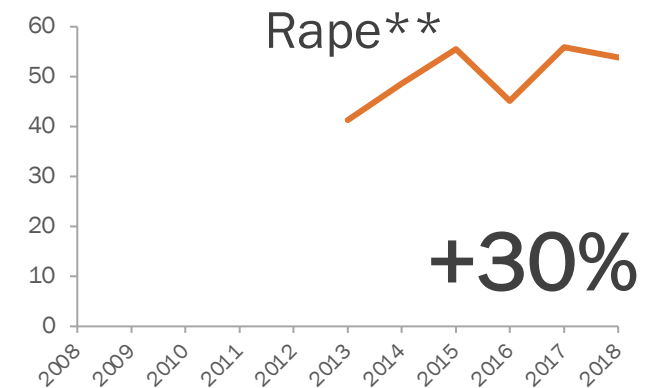
Federal Bureau of Investigation, *Crime in the United States, 2008–2018* (Washington, DC: United States Department of Justice, 2009–2019).

There were 12,367 violent crimes in Kansas in 2018, and 9,276 of those were aggravated assaults in 2018. The title and graphs were modified on 9/11/2020 to more accurately reflect this.

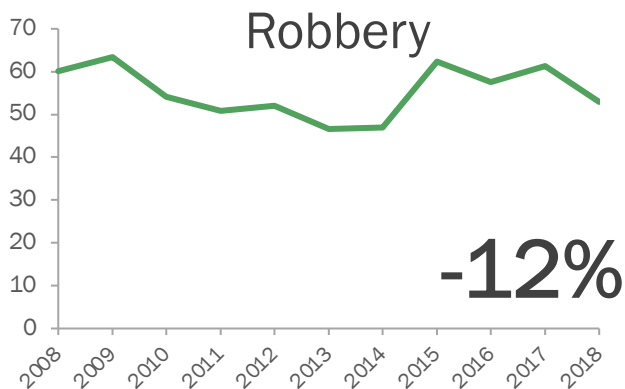
Violent Crime Rate in Kansas by Offense Category, 2008–2018



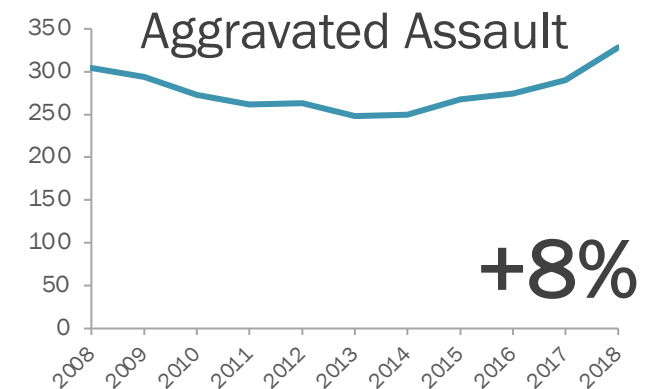
-3%



+30%



-12%



+8%

Law enforcement officials, victim advocates, and members of the legal community report recent challenges responding to violent crime across the state.

Since March, reports of violent crime, and more specifically reports of domestic violence, have increased while custodial response options have reportedly decreased.

INCREASED CALLS FOR SERVICE

Police and sheriffs statewide report increased calls for service for violent and persons crimes, often at more than double pre-March 2020 levels.

Urban and rural law enforcement have dedicated more staff resources to responding to violent crime.

DOUBLE TO TRIPLE THE CALLS FOR REPORTS OF DOMESTIC VIOLENCE

Domestic violence calls are driving the increase in calls to police for reports of violent crime. Domestic violence is connected to increased substance use, economic downturn, and lack of access to mental health support services in a quarantine.

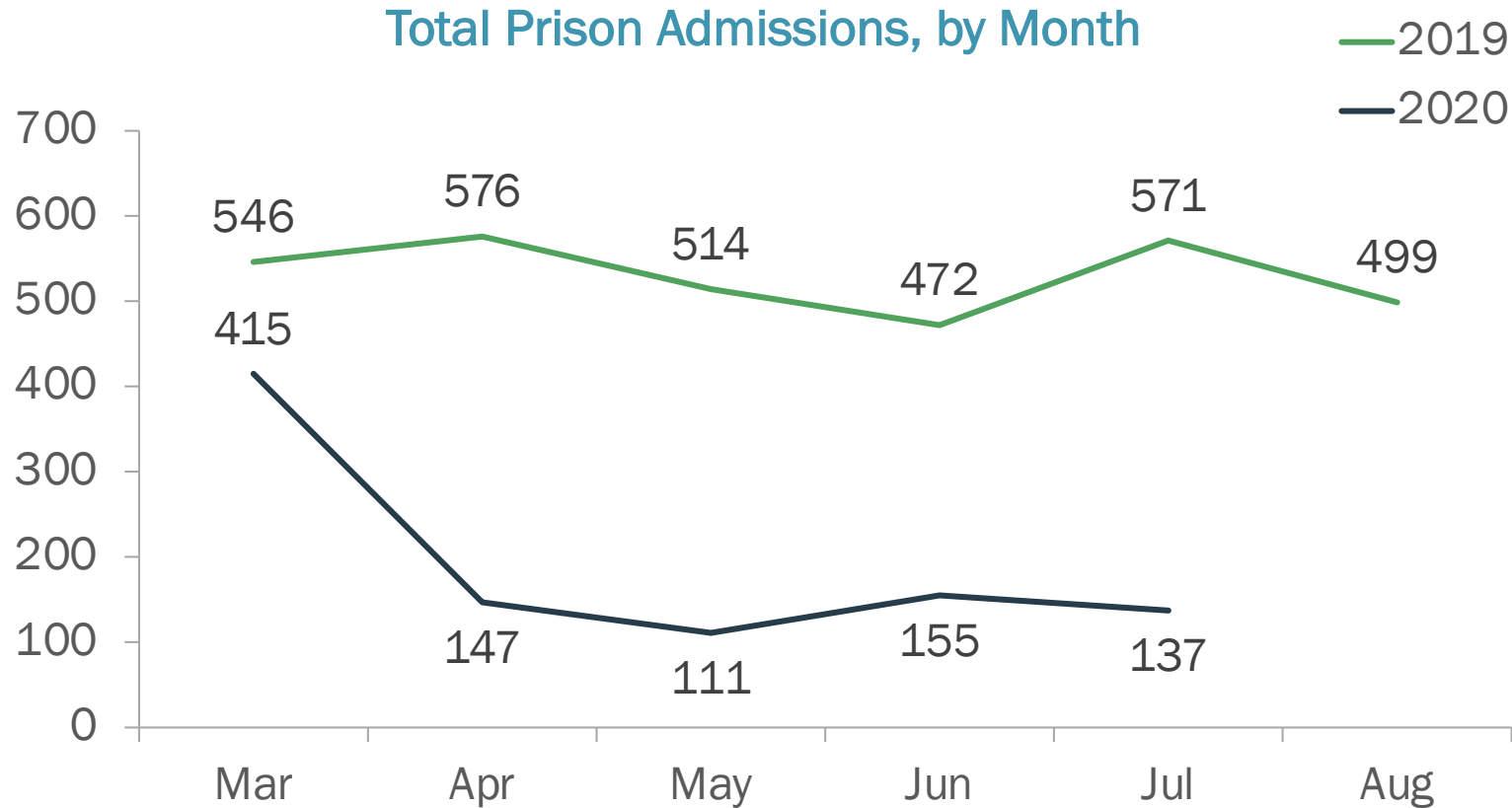
LIMITED CUSTODIAL OPTIONS IN PANDEMIC

Safety regulations and public health concerns limit capacity of state prisons, county jails, and local lock-ups. Community-based services and supervision are over capacity and are working to remotely serve individuals in need of services, support, or supervision.

“When I took over as Governor, our corrections system was in dire straits. Overpopulation and understaffing led to dangerous conditions in our prisons. It **costs Kansas taxpayers nearly \$30,000 annually to keep each person** incarcerated in Kansas. Safely reducing that price tag gives us the **chance to invest** in substance use programs and mental health services that help stop the cycle of reoffending. We must re-focus on **protecting public safety and rehabilitating** [people] so that they can return to society with the skills they need to hold a job, find stable housing, and succeed. That’s how the system can work for both the people it’s responsible for rehabilitating and for all the people of this great state, because it will **make us all safer in the end.**”

—Governor Kelly

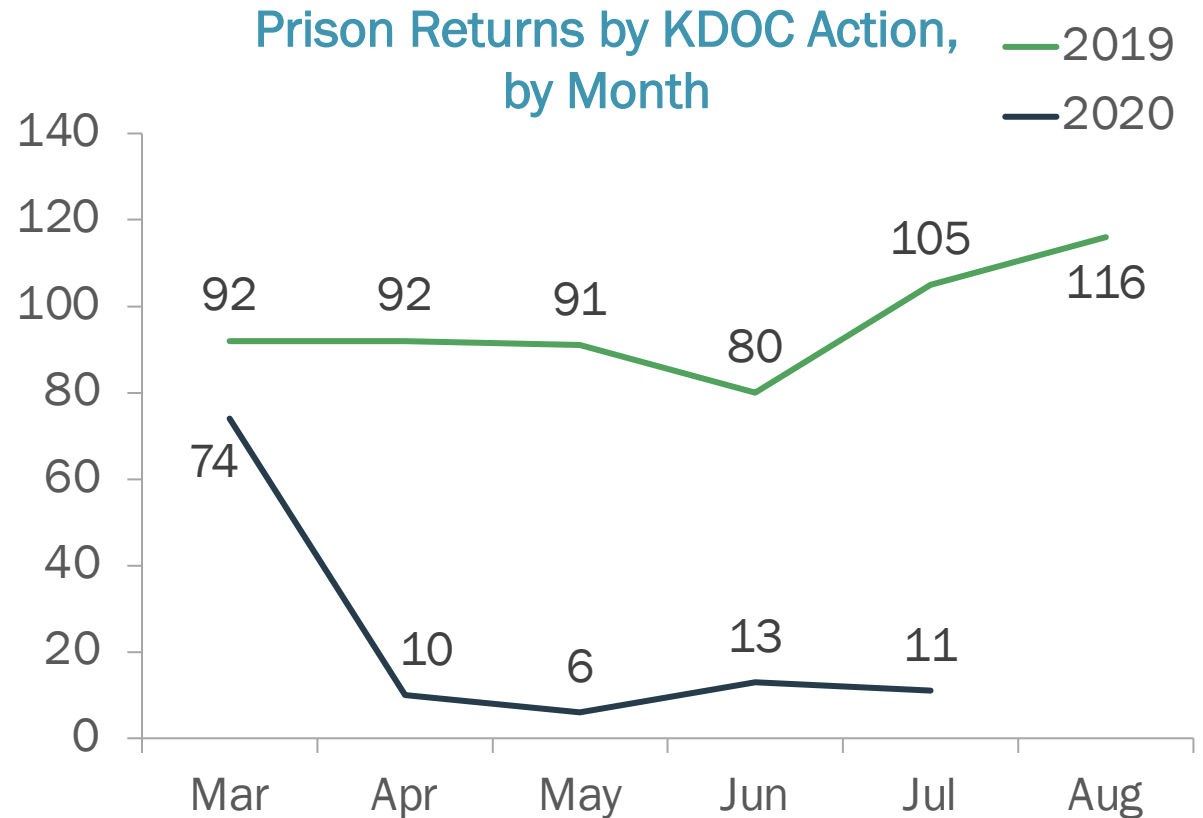
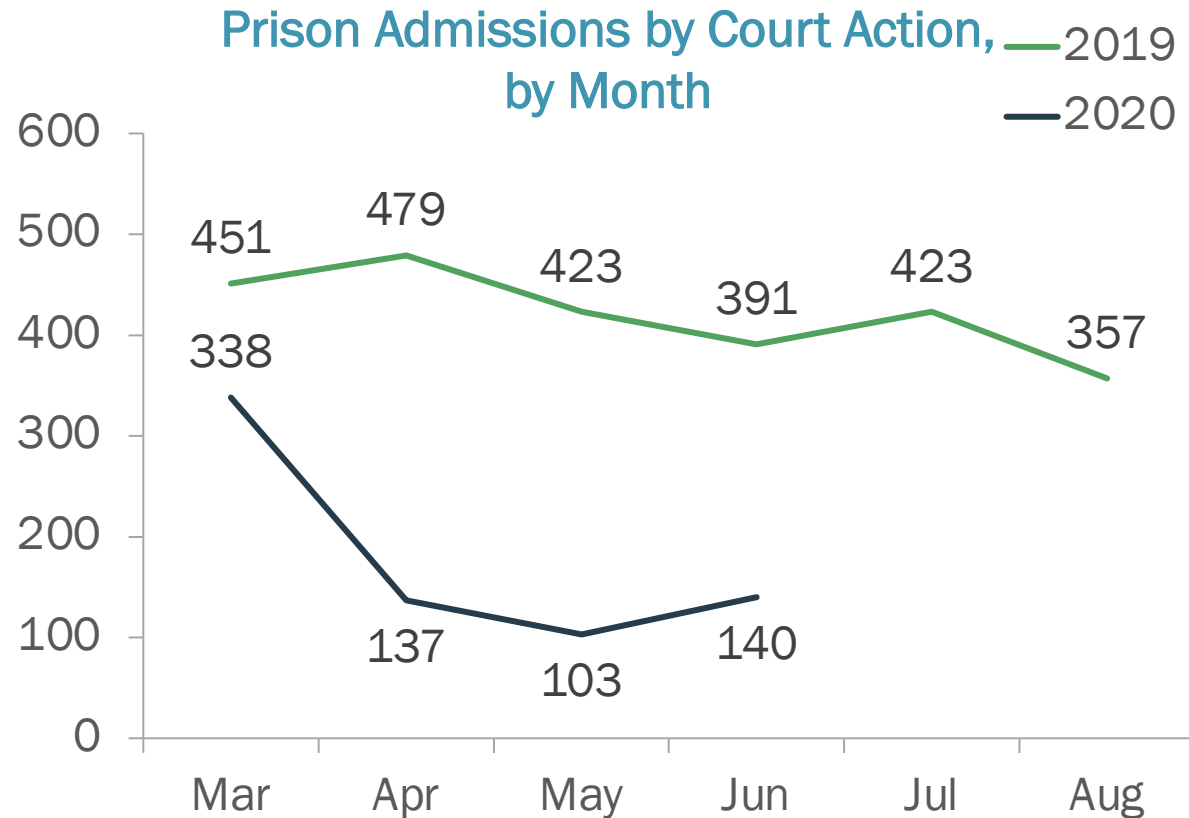
Admissions to prisons in Kansas from March to July of FY2020 were lower than admissions to prison during the same months in FY2019.



**Returned from court appearance is included in the All Types Admission total; Number of escapees and Non-Violator Return-No New Sentence is not included.*

Kansas Department of Corrections, *Monthly Offender Population Reports (March 2019 – July 2020)* (Topeka, KS: Kansas Department of Corrections, 2019–2020).

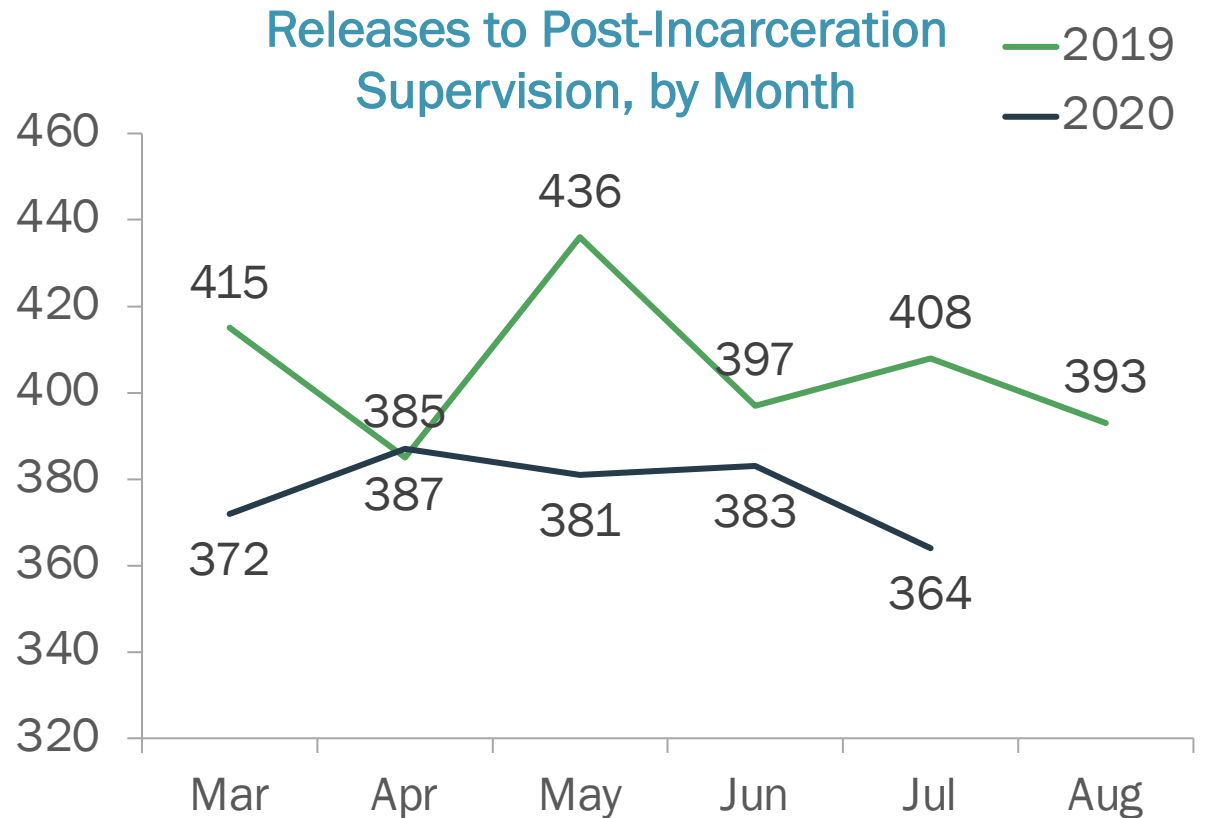
Admissions to prisons in Kansas from March to July of FY2020 were lower than admissions to prison during the same months in FY2019.



Admissions by court action include new commitments and probation revocations; Returns by KDOC action include parole revocations for condition violations.

Kansas Department of Corrections, *Monthly Offender Population Reports (March 2019 – July 2020)* (Topeka, KS: Kansas Department of Corrections, 2019–2020).

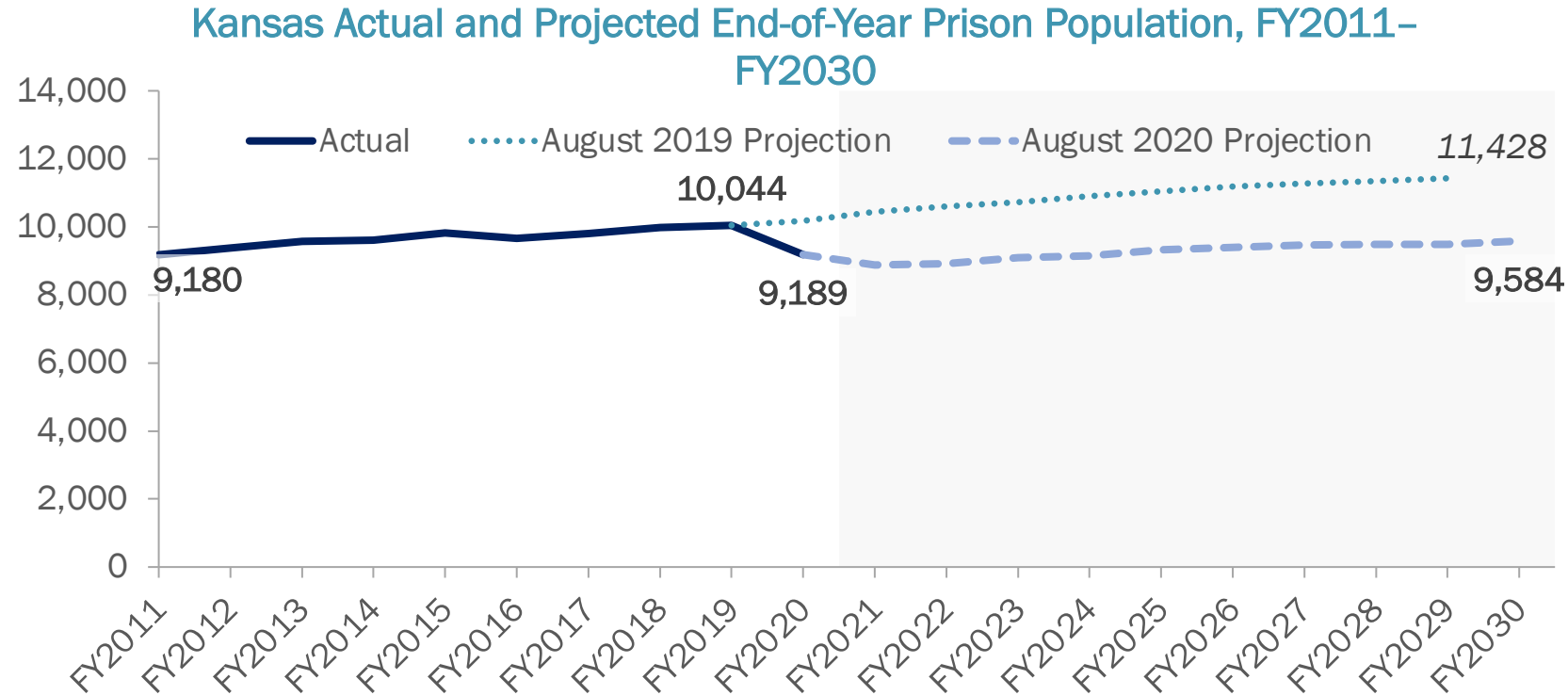
There were also fewer releases from prisons in Kansas between March and July 2020 than during the same months in 2019.



Returned from escape are included in the All Type Releases total but not its own personal category and Inter-Jurisdictional transfers are included in the All Types Releases total.

Kansas Department of Corrections, *Monthly Offender Population Reports (March 2019 – July 2020)* (Topeka, KS: Kansas Department of Corrections, 2019–2020).

Prison population projections have changed based on the reduced population in 2020, with KDOC at 82 percent of capacity.



Estimated cost is calculated by multiplying the prison population by the FY2019 annual operating cost per person for KDOC facilities (\$26,188). Estimates assume a one-year length of stay in prison.

Kansas Sentencing Commission, *Fiscal Year 2020 Adult Inmate Prison Population Projections* (Topeka, KS: Kansas Sentencing Commission, 2019); Kansas Department of Corrections, *Fiscal Year 2019 Annual Report* (Topeka, KS: Kansas Department of Corrections, 2020); "End of Month Inmate Population: FY 2020 To Date (June 2020)," Kansas Department of Corrections, accessed August 5, 2020, <https://www.doc.ks.gov/publications/population/eom>; Kansas Sentencing Commission, *Fiscal Year 2021 Adult Inmate Prison Population Projections* (Topeka, KS: Kansas Sentencing Commission, August 2020).

On August 28, 2020, the Kansas Sentencing Commission released updated prison population projections. The title and graph were modified on 9/11/2020 to more accurately reflect this.

Maintaining the population at current levels would cost the state an estimated \$241 million annually, as opposed to the \$263 million estimated annual cost for the FY2019 prison population.

Sustaining recent prison population reductions could save the state \$22 million in incarceration costs annually.

Cost estimates are based on the FY2019 and FY2020 year-end prison population and the FY2019 operating cost expenditures per inmate for KDOC facilities.

Source: Kansas Department of Corrections, *Fiscal Year 2019 Annual Report* (Topeka, KS: Kansas Department of Corrections, 2020); "End of Month Inmate Population: FY 2020 To Date (June 2020)," Kansas Department of Corrections, accessed August 5, 2020, <https://www.doc.ks.gov/publications/population/eom>.

Maintaining public safety and permanently interrupting cycles of recidivism must drive decisions to sustain the reduced number of people who are incarcerated in Kansas.

Drug-related crime creates growing pressure at each point in the system.

- From 2010 to 2018,*
 - Total reported arrests decreased 40 percent; and
 - **Arrests** for drug offenses **increased 19 percent**.
- From FY2010 to FY2019,
 - The number of felony drug **cases filed** in district court **increased 125 percent**; and
 - The **proportion** of felony drug cases filed in district court, out of all felony filings, **increased from 13 percent to 27 percent**.

*Arrest figures for 2019 were not available as of September 11, 2020.

Kansas Bureau of Investigation Incident Based Reporting Unit, *Kansas Adult Arrests 2008-2018* (Topeka, KS: Kansas Bureau of Investigation, 2009-2019); Supreme Court of Kansas, *Annual Report of the Courts of Kansas Fiscal Year 2010-2019* (Topeka, KS: Supreme Court of Kansas, 2011-2020).

Drug-related crime creates growing pressure at each point in the system.

- From FY2010 to FY2019,
 - **Community Corrections (CC) starts** for felony drug offenses **increased 52 percent**;^{*}
 - The number of **women** starting CC for felony drug offenses **increased 91 percent**;
 - Felony **sentences** for drug offenses overall **increased 63 percent**;^{**}
 - **Sentences to prison** for drug offenses **increased 79 percent**;^{**} and
 - Drug offense **prison sentence lengths** **increased from 38 to 43 months**.^{***}

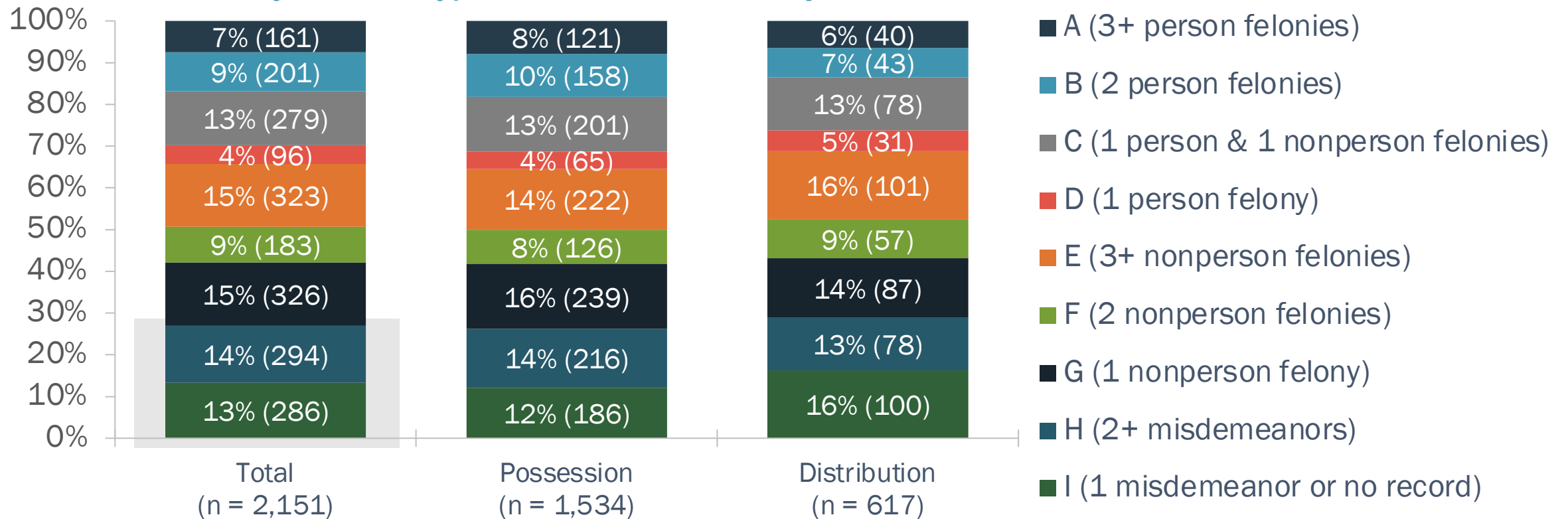
^{*}Starts are counted per person and probation start date; i.e., if a person started more than one probation term on the same date, they are only counted once. Offense level and type are based on the most serious offense per person and probation start date.

^{**}Sentences to prison are based on admissions to prison to match Kansas Sentencing Commission analysis methodology. Figures here are based on admissions to prison by court action only (i.e., parole condition violations and interjurisdictional transfers are excluded).

^{***}Prison sentence length was only available for new court commitments.

Of all admissions to prison for drug offenses in FY2019, 27 percent were for people with no prior felonies.

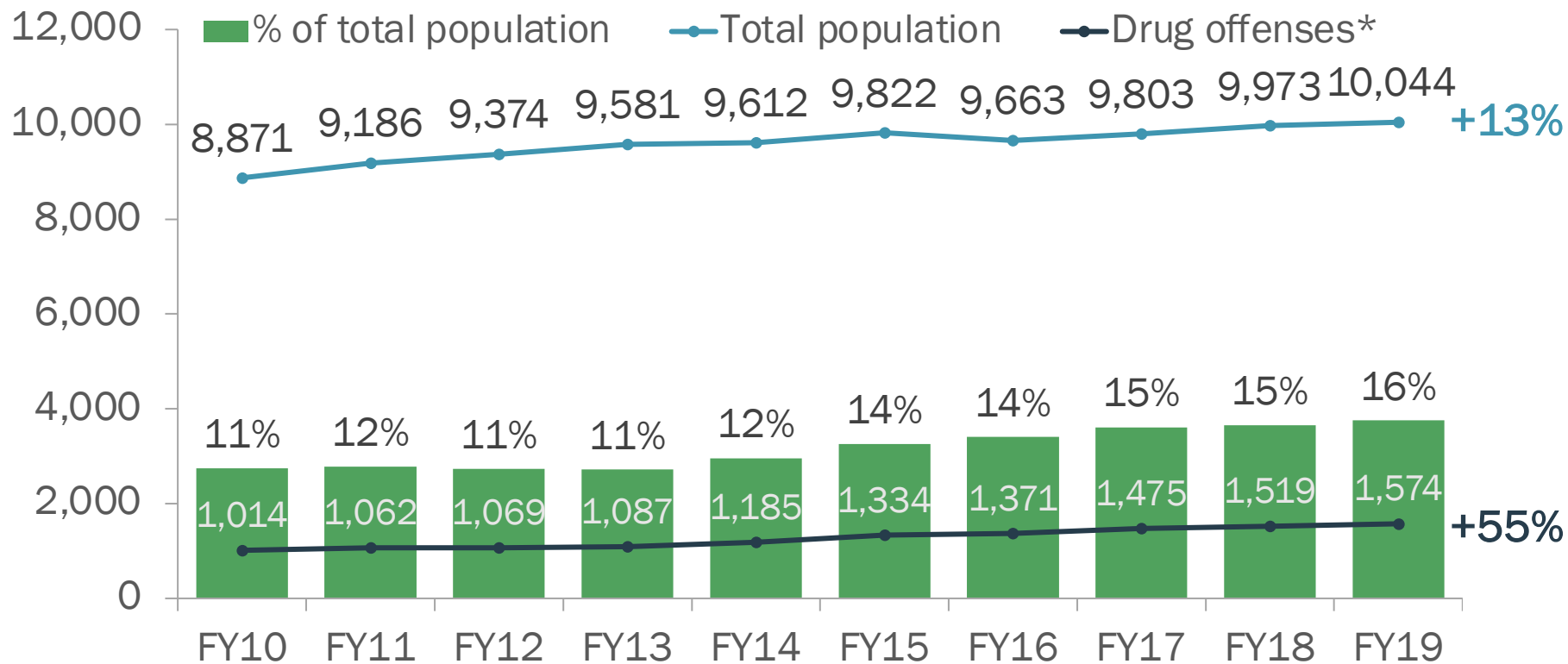
FY2019 Prison Admissions for Drug Offenses,
by Offense Type* and Criminal History Classification



*Offense type is based on offense description; distribution offenses include drug manufacturing or sale offenses. 2 admissions for drug offenses were missing criminal history classification information.

A substantial and growing proportion of the prison population consists of people who were sentenced for drug offenses.

Prison Population by Type and Year



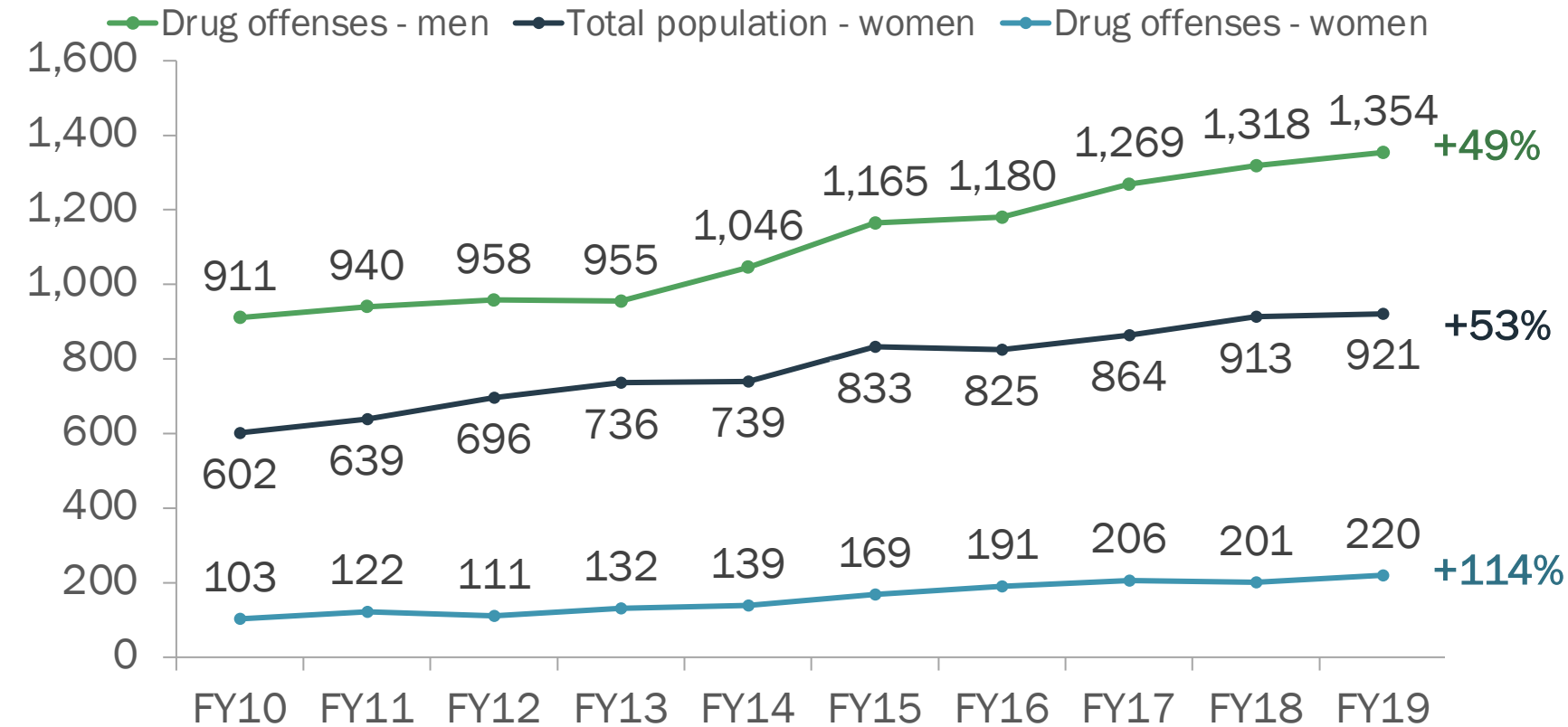
*The prison population for drug offenses excludes people who were sent to prison for a supervision condition violation or probation sanction where the original offense was a drug offense. Less than 1 percent of the prison population each year was missing offense information.

Additional takeaways:

- Over half of people in prison were sentenced for a violent offense.
- People who violated conditions of supervision make up about 1/5 of the prison population.
- The number of people in prison for drug offenses has increased 3-4x more than other groups.

The number of women in prison for drug offenses has increased dramatically.

Prison Population by Gender, Type, and Year



Less than 1 percent of the prison population each year was missing offense information. The prison population for drug offenses excludes people who were sent to prison for a supervision condition violation or probation sanction where the original offense was a drug offense.

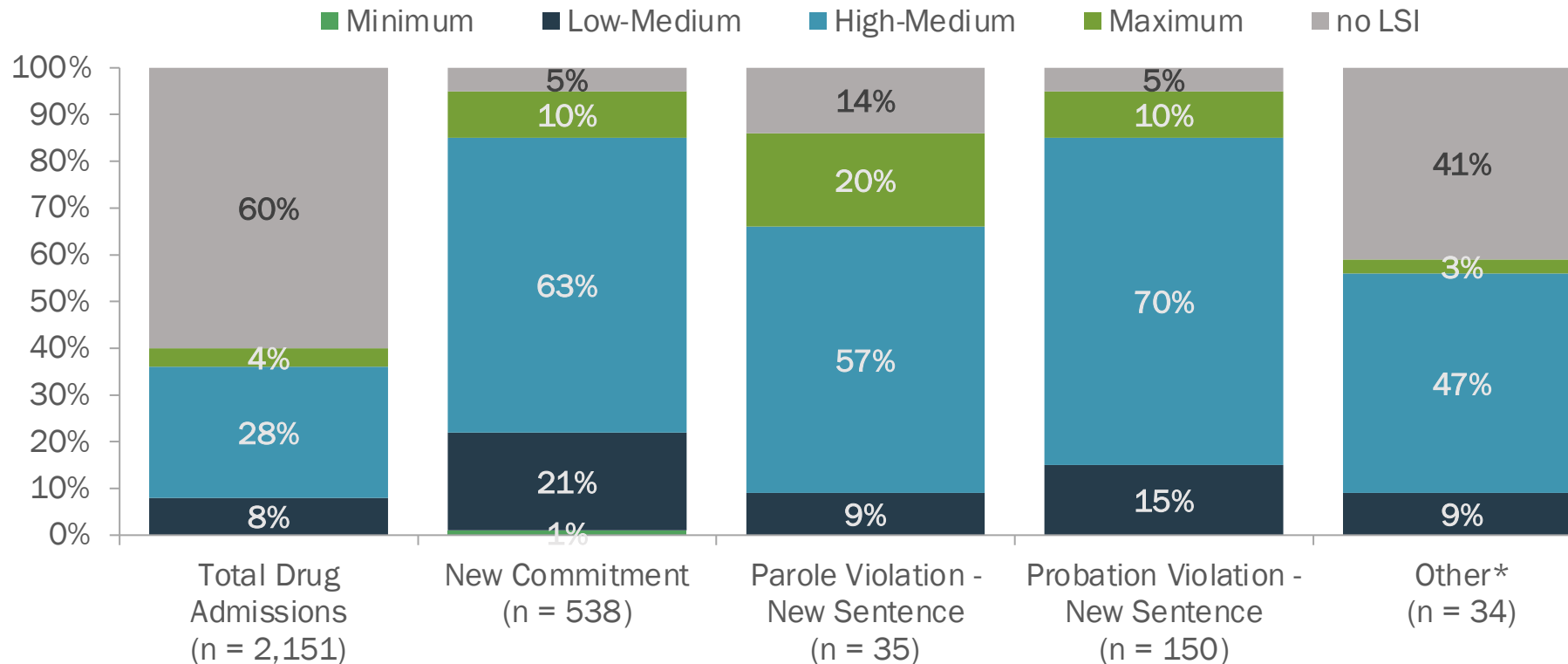
CSG Justice Center analysis of KDOC prison population data, May 2020.

Additional takeaways:

- The number of women in prison for drug offenses doubled between FY10 and FY19.
- People convicted of nonviolent offenses make up the smallest portion of the prison population for both men and women.
- The number of women in prison for supervision condition violations increased from FY10 to FY19, while the number of men decreased.

Most admissions to prison for drug offenses are people with high-medium Level of Service Inventory-Revised (LSI-R) scores.

FY2019 Prison Admissions for Drug Offenses by Admission Type and Risk Level



Additional takeaways:

- Very few supervision condition violation or probation sanction admissions for drug offenses had an LSI-R assessment within 30 days of admission.
- Scores are fairly consistent across admission types, with people who violate parole having a slightly higher overall risk level.

Based on the LSI-R assessment closest to the admission date. Assessments conducted more than 30 days after admission were excluded from analysis. Admission types with more than 50% of records missing LSI information are not shown: Parole Condition Violations (98% missing of 251 admissions), Probation Condition Violations (74% of 573), and Probation Sanctions (100% of 570).

* "Other" admission types are Admit in lieu of revo of Parole/CR, Compact Inmate Received, Non Violator Return - New Sentence, Non Violator Return - No New Sentence, and Paroled to Detainer - Returned with New Sentence.

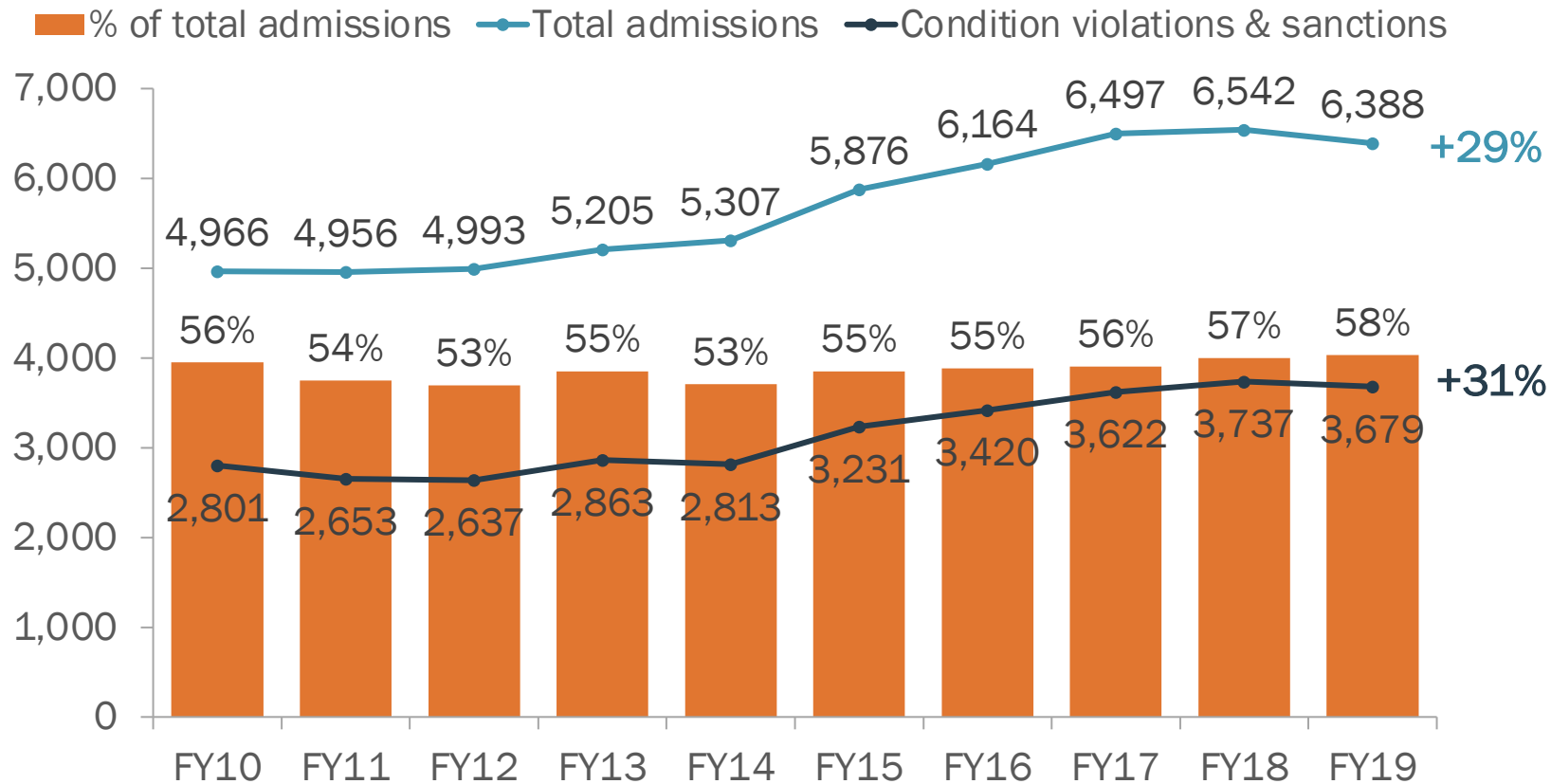
**It cost an estimated \$41
million to incarcerate
people for drug offenses in
FY2019.**

Cost estimates are based on the FY2019 year-end prison population and the FY2019 operating cost expenditures per inmate for KDOC facilities.

CSG Justice Center analysis of KDOC prison population data, July 2020; Kansas Department of Corrections, *Fiscal Year 2019 Annual Report* (Topeka, KS: Kansas Department of Corrections, 2020).

People who commit supervision violations account for a substantial and growing proportion of prison admissions.

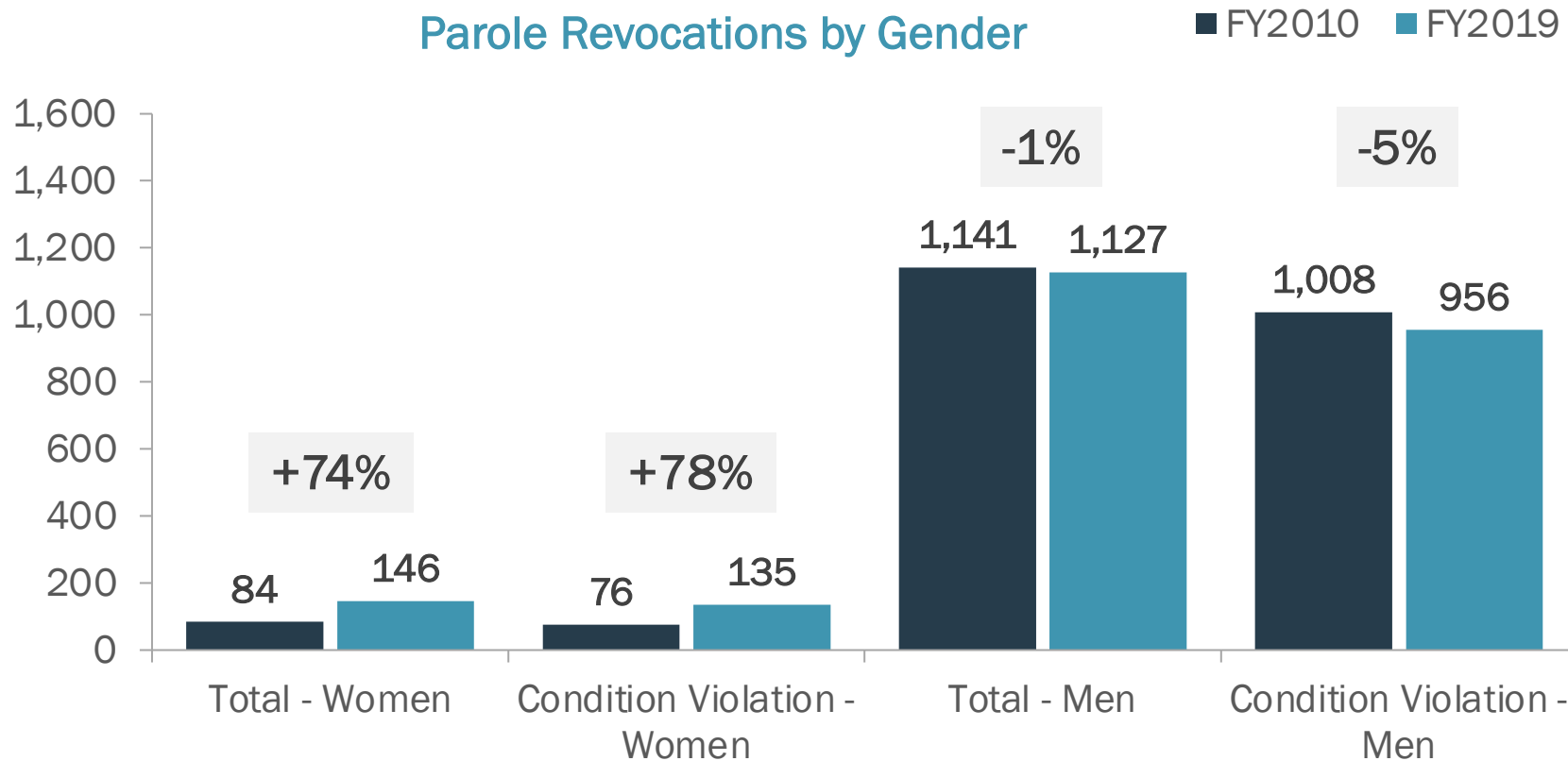
Prison Admissions by Type and Year



Additional takeaways:

- Drug offenses saw the largest increase from FY10 to FY19.
- Nonviolent offenses and supervision condition violations increased at about the same rate from FY10 to FY19.
- The majority of admissions to prison each year are for supervision condition violations.
- Each group's percent of the total number of admissions remained fairly stable from FY10 to FY19.

Parole revocations for condition violations increased 78 percent for women between 2010 and 2019 but decreased 5 percent for men.



Additional takeaways:

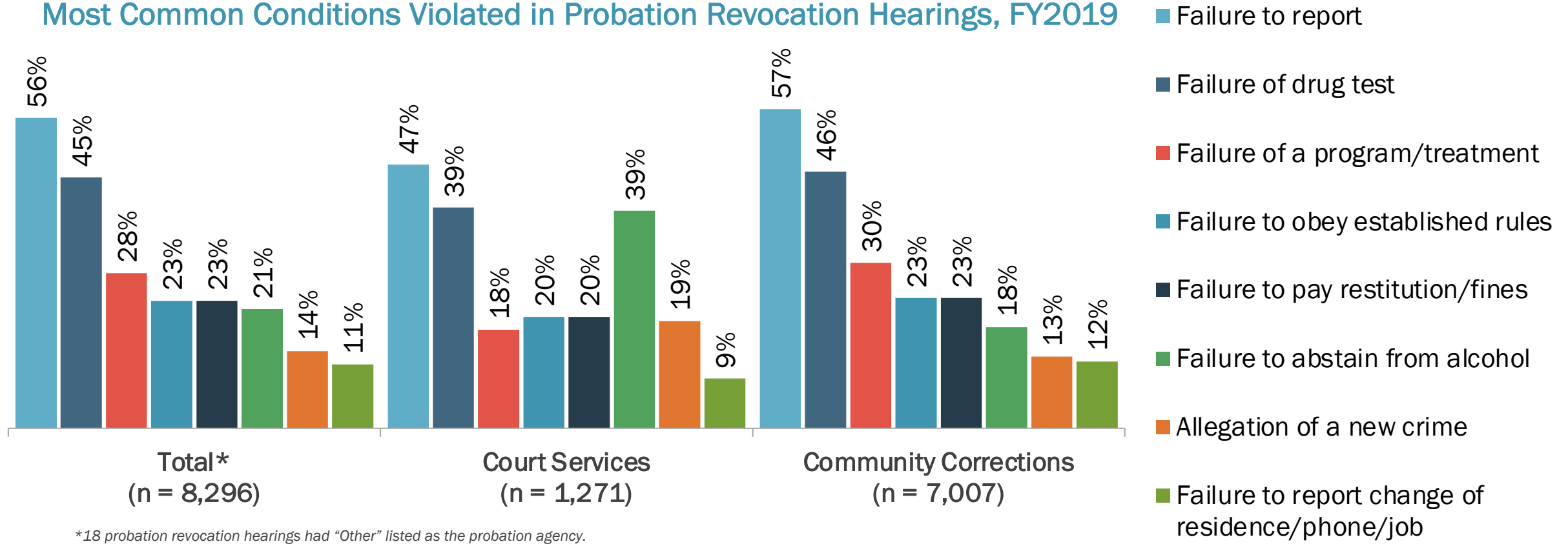
- In FY19, 92 percent of revocations for women were due to condition violations, compared to 85 percent for men.
- In FY10, women made up 7 percent of parole revocations, but 11 percent in FY19.

Parole revocations are measured by admissions to prison for parole revocation.

CSG Justice Center analysis of KDOC prison admission data, August 2020.

When examining revocation hearing reasons for people on probation, “failure to report” is the most cited reason, which could be exacerbated by excessive conditions and dual supervision.

Most Common Conditions Violated in Probation Revocation Hearings, FY2019



*18 probation revocation hearings had “Other” listed as the probation agency.

Conditions violated in fewer than 10% of revocation hearings are not shown. The number of violations is more than the number of hearings because each hearing can involve multiple violations. New offense revocations can also have violations alleged.

It cost an estimated \$43 million to incarcerate people who violated supervision conditions in FY2019.

Cost estimates are based on the FY2019 year-end prison population and the FY2019 operating cost expenditures per inmate for KDOC facilities.

CSG Justice Center analysis of KDOC prison population data, July 2020; Kansas Department of Corrections, *Fiscal Year 2019 Annual Report* (Topeka, KS: Kansas Department of Corrections, 2020).

Supervising a person in prison costs about 10 times as much as supervising them in the community. And, community supervision may be more effective than incarceration at reducing recidivism.

- \$71.75/day to incarcerate
- \$7.42/day to supervise in the community

**Smarter corrections
investments will work
better and save Kansas
money.**

Kansas cannot afford business as usual and can use this opportunity to improve the overall outcomes of the criminal justice system and permanently interrupt cycles of recidivism.

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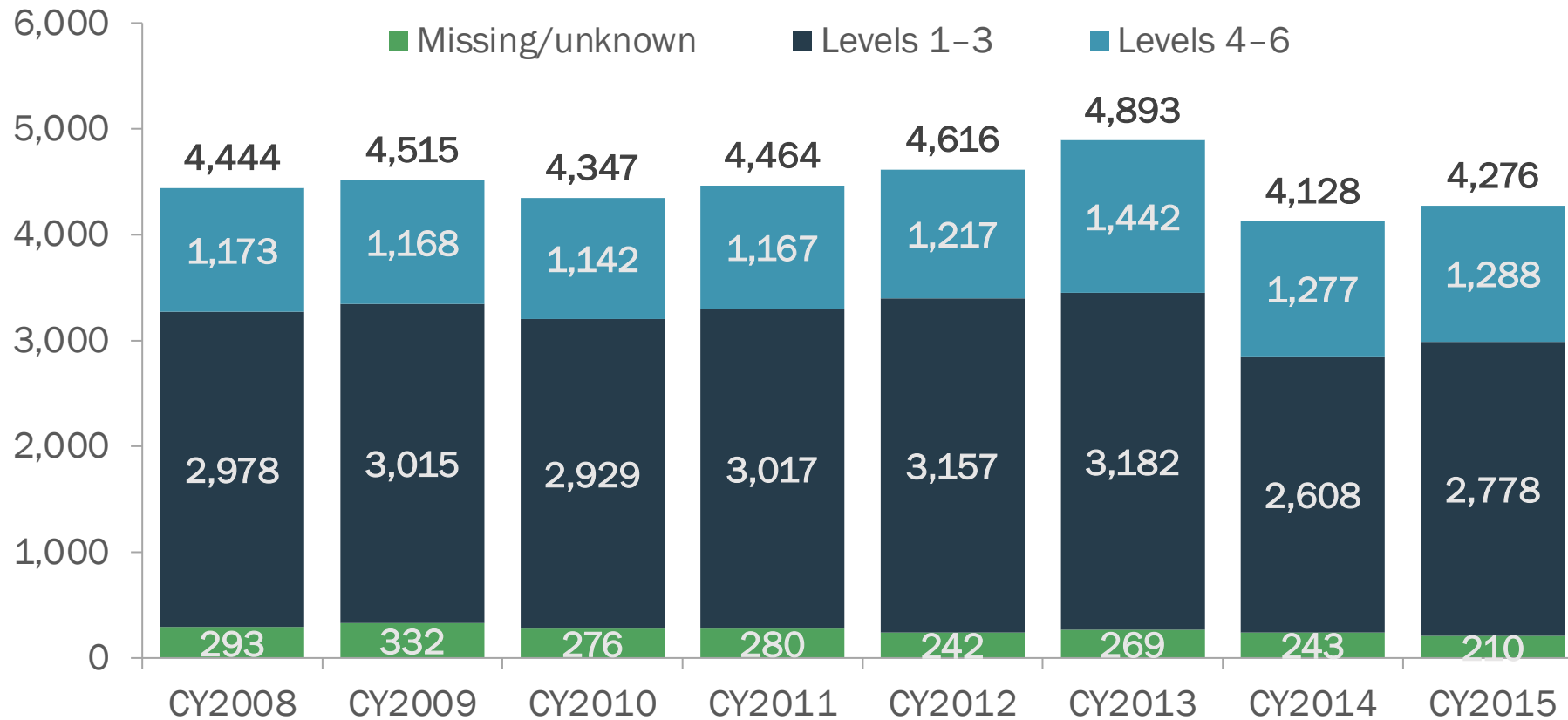
**The victim, violent crime,
sentencing, supervision,
behavioral health, housing, and
employment assessment teams
presented to subcommittees
of the Kansas Criminal Justice
Reform Commission
on September 9, 2020.**

- Members of these subcommittees are working with CSG Justice Center staff to put forward policy options for the CJRC in November.
- The September presentations were emailed to each Commission member.

Behavioral Health

Over a quarter of the people released from prison each year have mental health needs requiring some level of treatment or services.

Prison Releases by Mental Health Disorder Levels, 2010–2015



*Mental Health Disorder Levels are at time of release. Approximately 6 percent of people released each year did not have a mental health level. **Per descriptions on page 12 of the KDOC Fiscal Year 2018 Annual Report
Kansas Department of Corrections recidivism numbers provided to CSG Justice Center staff on August 14, 2019.

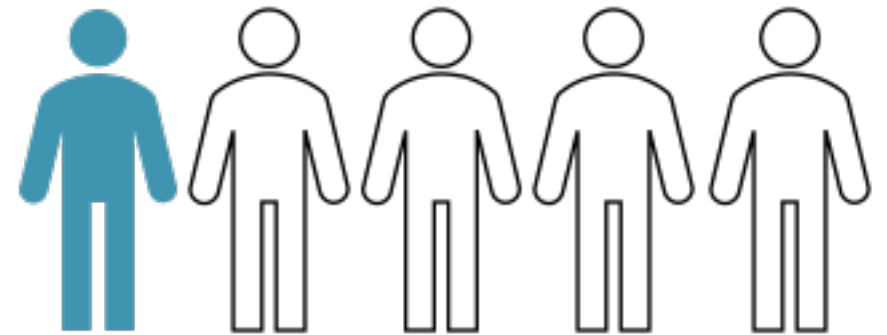
Mental Health Disorder Level Treatment Needs**	
Levels 1 and 2	Generally do not require behavioral health services
Level 3	Transient mental disorders unlikely to cause much functional impairment
Level 4	Typically require behavioral health services or special needs monitoring
Levels 5 and 6	Serious mental health diagnoses and treatment needs

An estimated 46 percent of people on parole in 2019 were unemployed, in contrast to a statewide unemployment rate of 3.2 percent at the time.

As of **July 2020**, the statewide unemployment rate was **7.2 percent**.

Email correspondence between CSG Justice Center and Kansas Department of Corrections, February 24, 2020. Of the 5,080 people on parole at that time, 2,416 were employed. 485 of the 5,080 were identified as not employable, so the percentage is calculated as $2,416 \div 4,595$. "States and Selected Areas: Employment Status of the Civilian Noninstitutional Population, January 1976 to Date, Seasonally Adjusted," Bureau of Labor Statistics, accessed February 12, 2020. Kansas Labor Market Report July 2020.

20 percent of people leaving
KDOC facilities each year have no
stable housing.



Supervision

Kansas statute (§21-6610) allows for the transfer of community supervision from one jurisdiction to another. This provision is not utilized to its fullest extent causing inefficiencies and duplication of efforts.

Dual Supervision in Kansas

1,200 The estimated number of people on dial supervision in Kansas*



Some individuals in Kansas are on triple supervision across all three agencies.

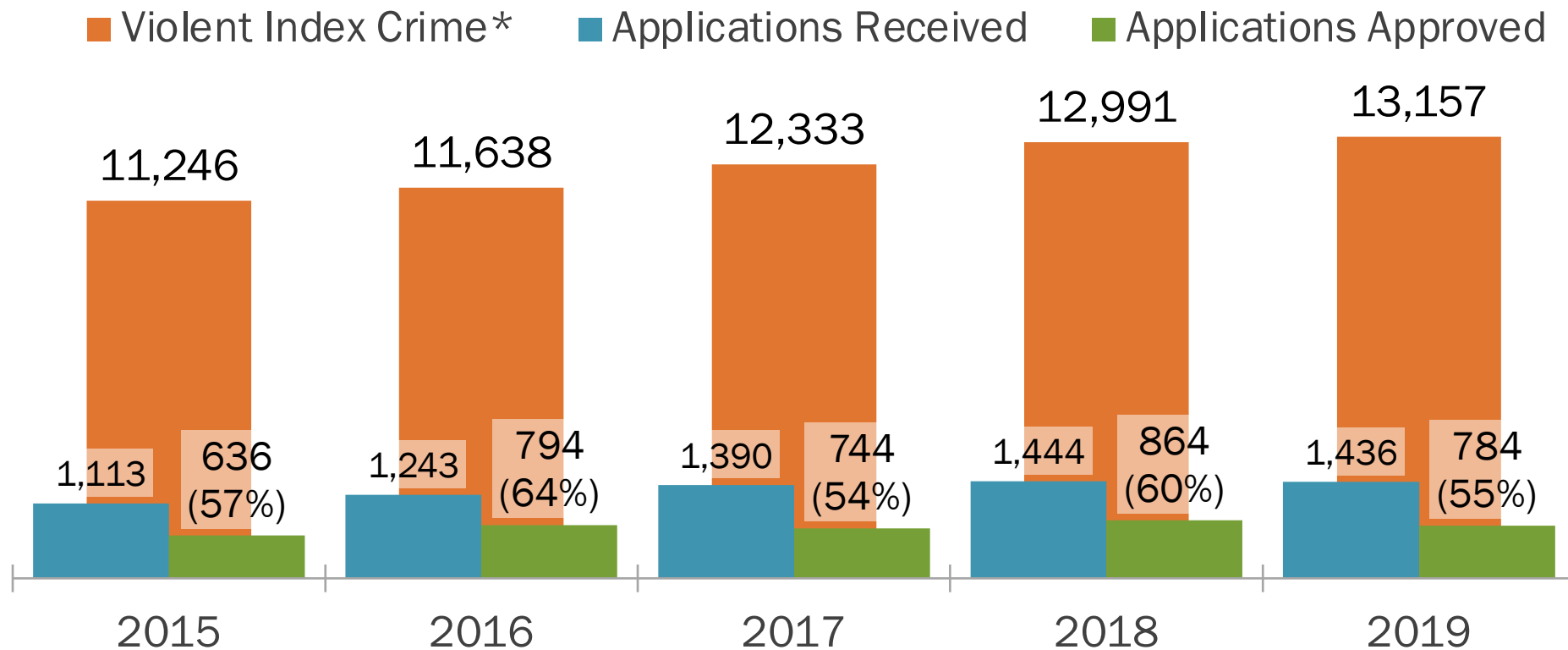


Agencies do not work together and conduct duplicate activities such as assessments, case plans, drug and alcohol testing, and payment of supervision fees.

*Due to how data is collected in Kansas and the different data systems used by Court Services an exact number is unable to be obtained. An estimate of 5% of the supervision population (1,200 people) on dual supervision is based on a review of KDOC supervision cases dually supervised with Northwest Community Corrections and agreed upon by all community supervision agencies at the supervision subcommittee meeting on September 19, 2020.

While applications to the Kansas Crime Victim Compensation Board have increased, the majority of victims of violent crime do not apply for compensation.

Violent Crime and Victim Compensation Applications, 2015–2019



The total number of victims of violent crime in Kansas is unknown, but based on the number of reported violent index crimes, we can infer that a large number of victims do not apply for compensation.

*Index crimes are those reported to the FBI for Uniform Crime Reports and are murder, rape, aggravated assault, robbery, burglary, theft, and motor vehicle theft. Violent index crimes are murder, rape, aggravated assault, and robbery. Not all offenses eligible for compensation are included in crime reports (e.g., human trafficking offenses); KBI crime reports include the number of reported arson offenses per year, but they are excluded from index crime totals. Kansas Bureau of Investigation Incident Based Reporting Unit, *Kansas Crime Index 2010-2019* (Topeka, KS: Kansas Bureau of Investigation, 2011–2020). Crime numbers are based on calendar year and compensation application numbers are based on state fiscal year (July 1–June 30). Kansas Crime Victim Compensation Board Annual Reports 2015–2019.

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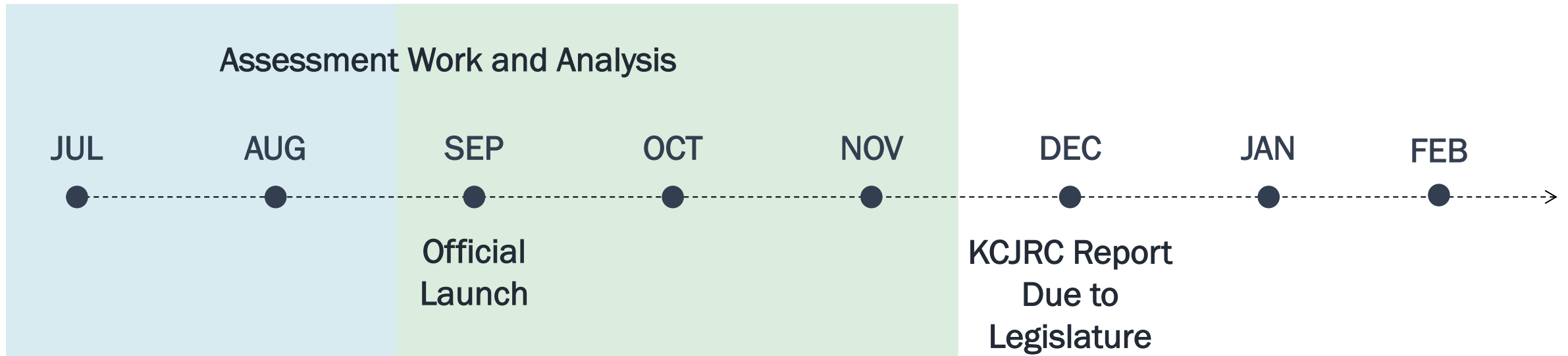
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The Justice Reinvestment team will continue to work with Commission and subcommittee members to identify policy options to address the criminal justice challenges in Kansas.



Thank You!

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