



Justice Reinvestment in Kansas

3rd Working Group Meeting

October 29, 2012

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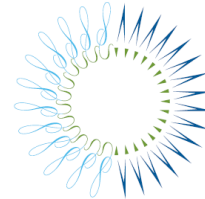
Council of State Governments Justice Center

- 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



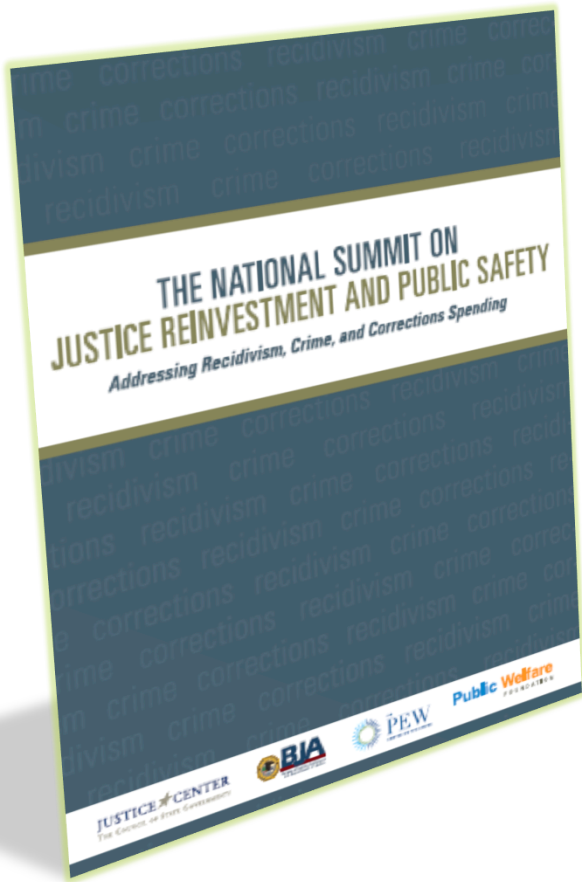
Justice Reinvestment

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



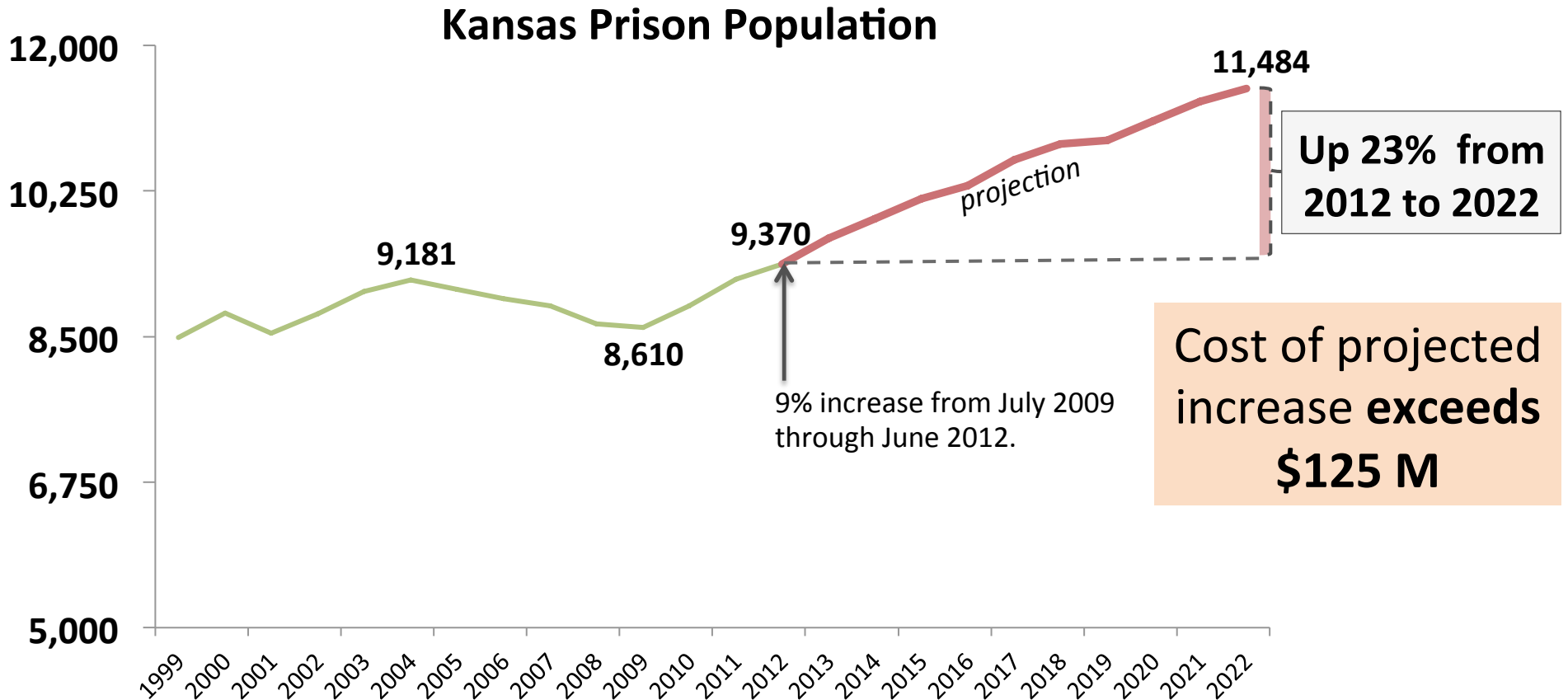
Public Safety
Performance
Project

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

Justice Reinvestment Process

Bipartisan , bicameral, inter-branch working group

Phase I

Analyze Data and Develop Policy Options

- Analyze data to look at crime, court, corrections, and supervision trends
- Solicit input from stakeholders
- Map allocation of resources
- Develop policy options & estimate cost savings

Phase 2

Implement New Policies

- Identify assistance needed to implement policies effectively
- Deploy targeted reinvestment strategies to increase public safety
- Track the impact of enacted policies/programs
- Monitor recidivism rates and other key measures

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.

Presentation Overview

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.

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Probation Under Strain

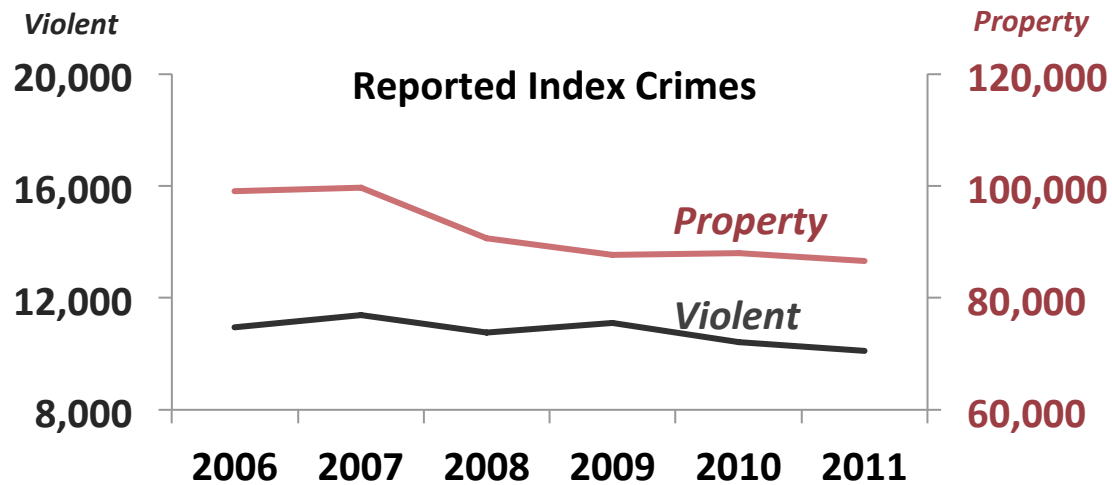
Reentry and Victim Issues

Summary of Crime Findings

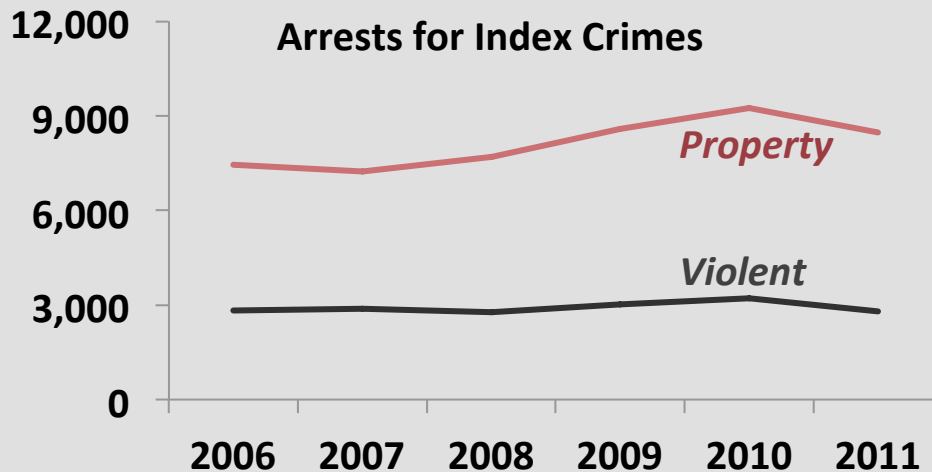
Crime is down when viewed as a statewide average, but...

- ☐ 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 - Reported Crime	2006 - 2011	2009 - 2011
Property	- 13%	- 1%
Violent	- 8%	- 9%



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

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

Feedback from Law Enforcement Officials

Emerging Challenges

- ☐ Few options for addressing mental health issues when responding to calls for service
- ☐ Increased amount of time spent transporting offenders (esp. behavioral health crisis)
- ☐ Backlogs at KBI prevent timely processing of crime scene evidence
- ☐ Need for greater data sharing across systems and agencies
- ☐ Local budget cuts leading to reductions in force
- ☐ Large geographical distances being covered by too few officers

Characteristics of Crime

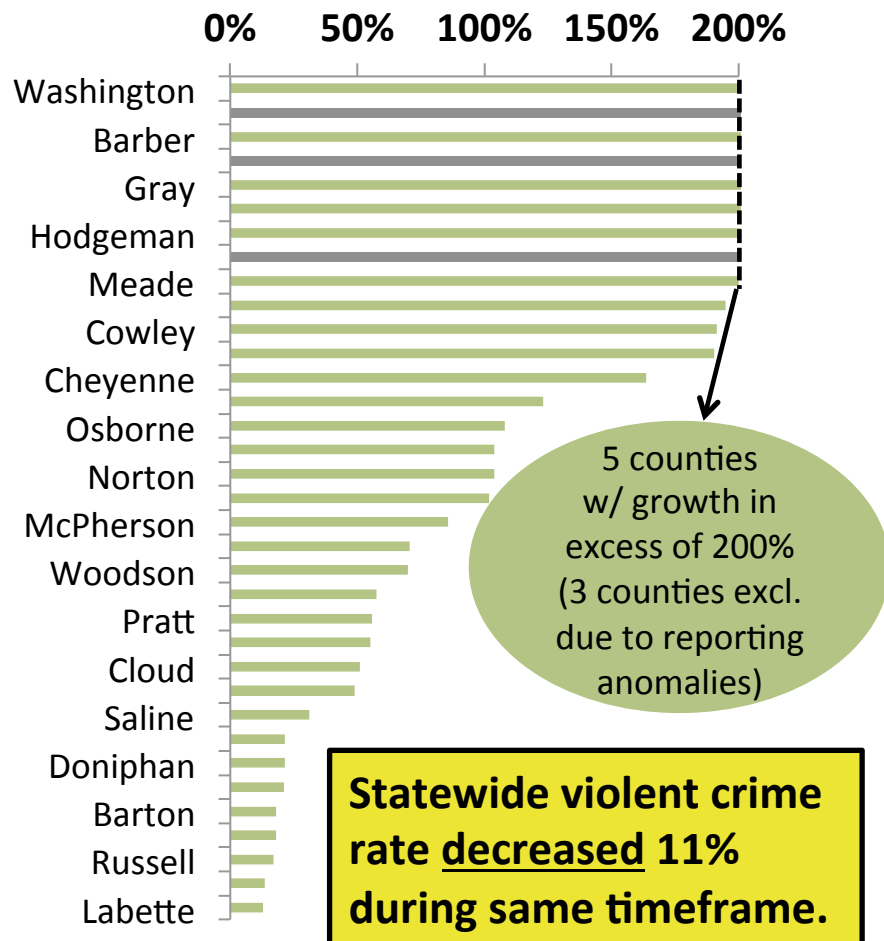
- ☐ Drugs and alcohol frequently a contributing factor to criminal activity
- ☐ Rising domestic violence incidents

Accountability

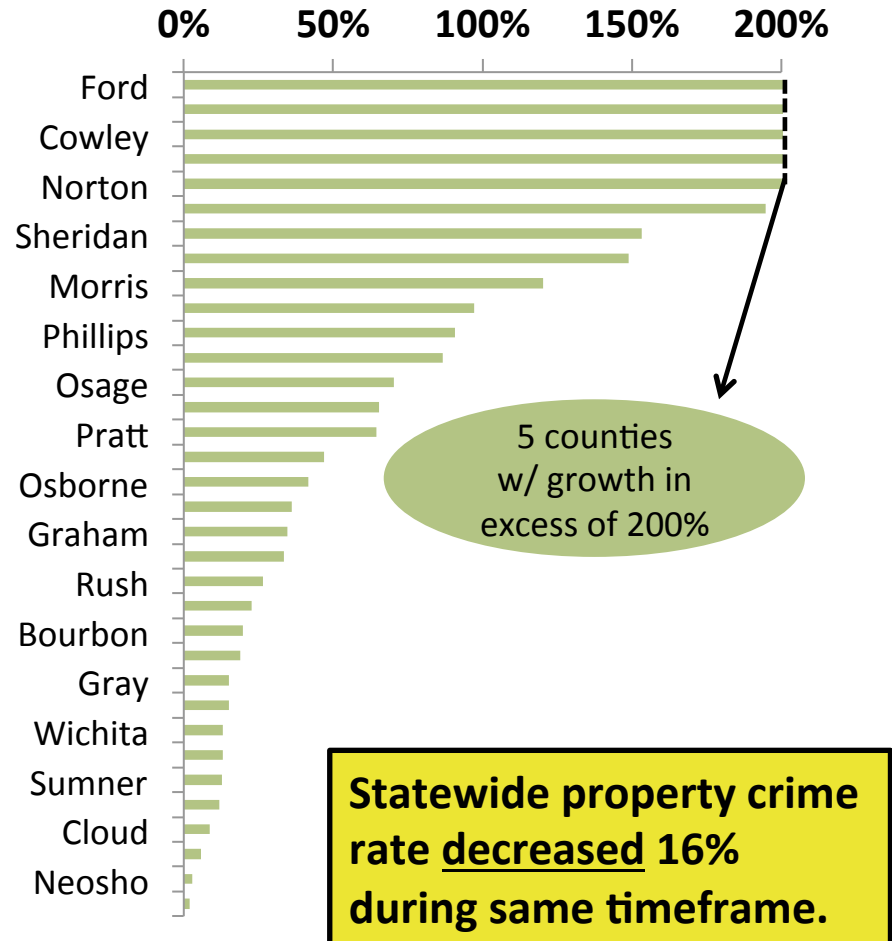
- ☐ Perceived lack of accountability for those on supervision when violating conditions

Despite Overall Statewide Declines in Crime, Many Counties Face Increasing Crime

% Change: 2006-11 Violent Crime Rate



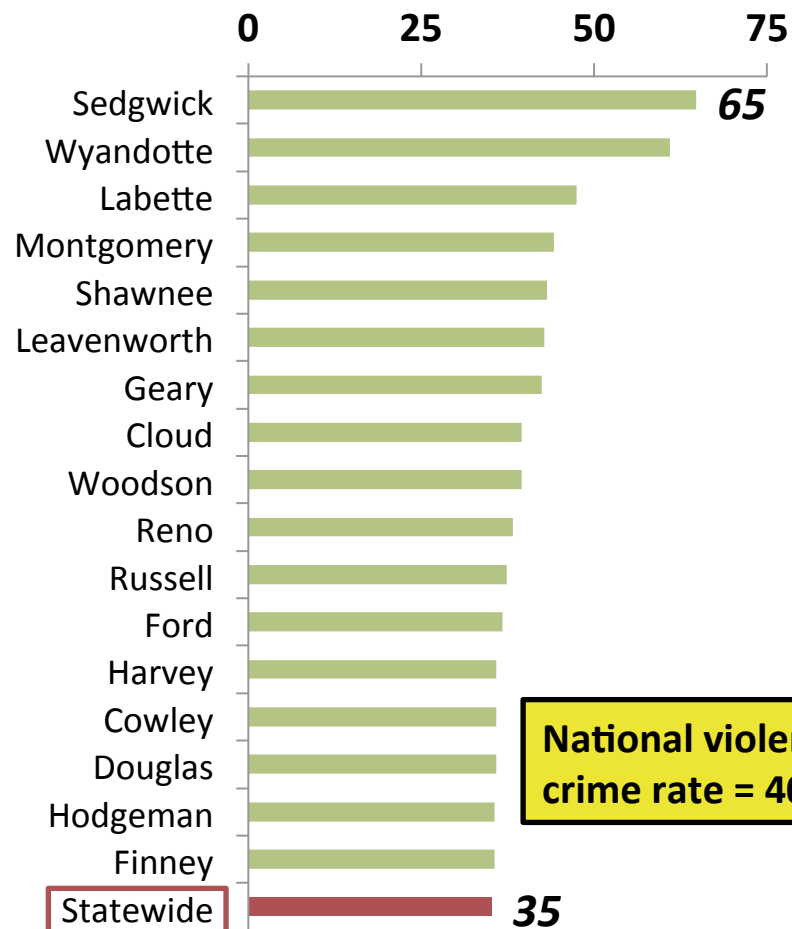
% Change: 2006-11 Property Crime Rate



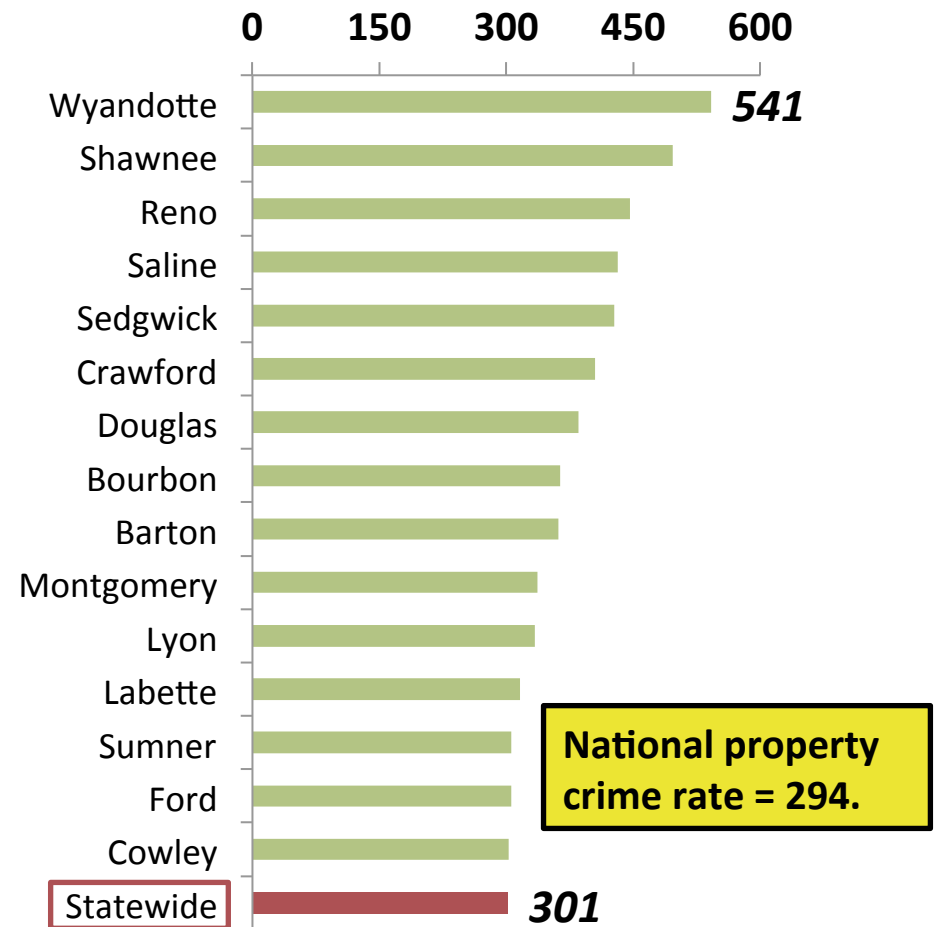
Sources: Kansas Bureau of Investigation, Crime Statistics by Year.

Even if Crime Declined, Many Counties Still Well Above Average Crime Rates

2011 Violent Crime Rate per 10,000

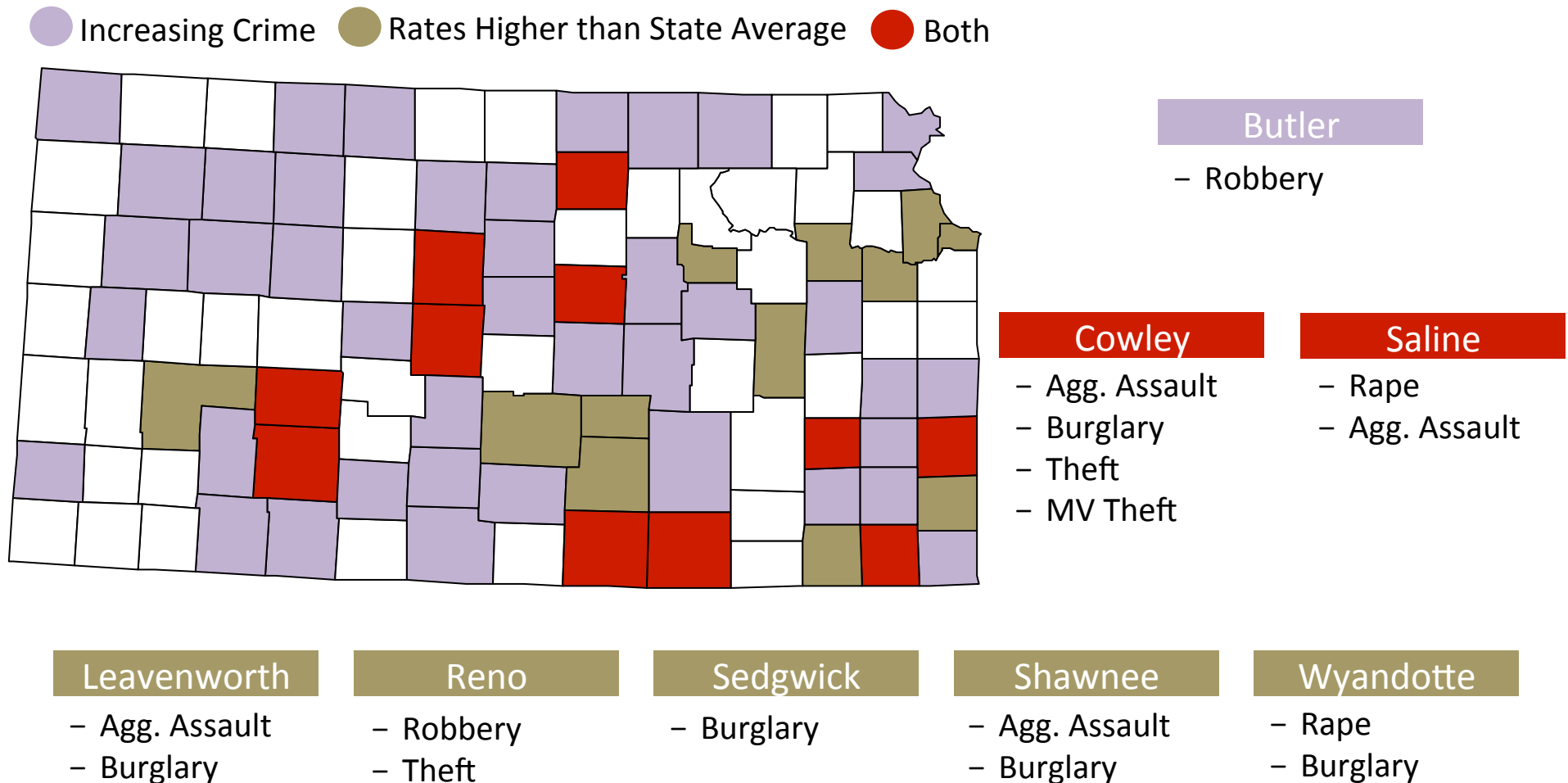


2011 Property Crime Rate per 10,000



Sources: Kansas Bureau of Investigation, Crime Statistics by Year, and FBI Uniform Crime Reports 2010.

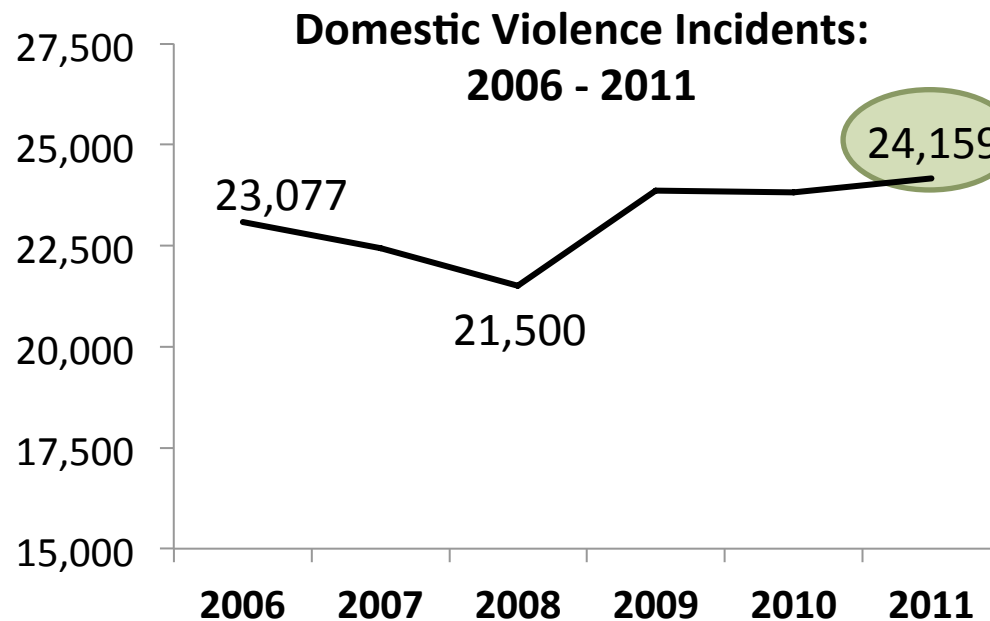
64 of 105 Counties Have Increasing Crime or Rates Higher than the Statewide Average



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

Beyond “Index” Crimes...

Reports of Domestic Violence Increasing



2011 DV Incidents highest
in history of reporting

✓ 12% increase since 2008

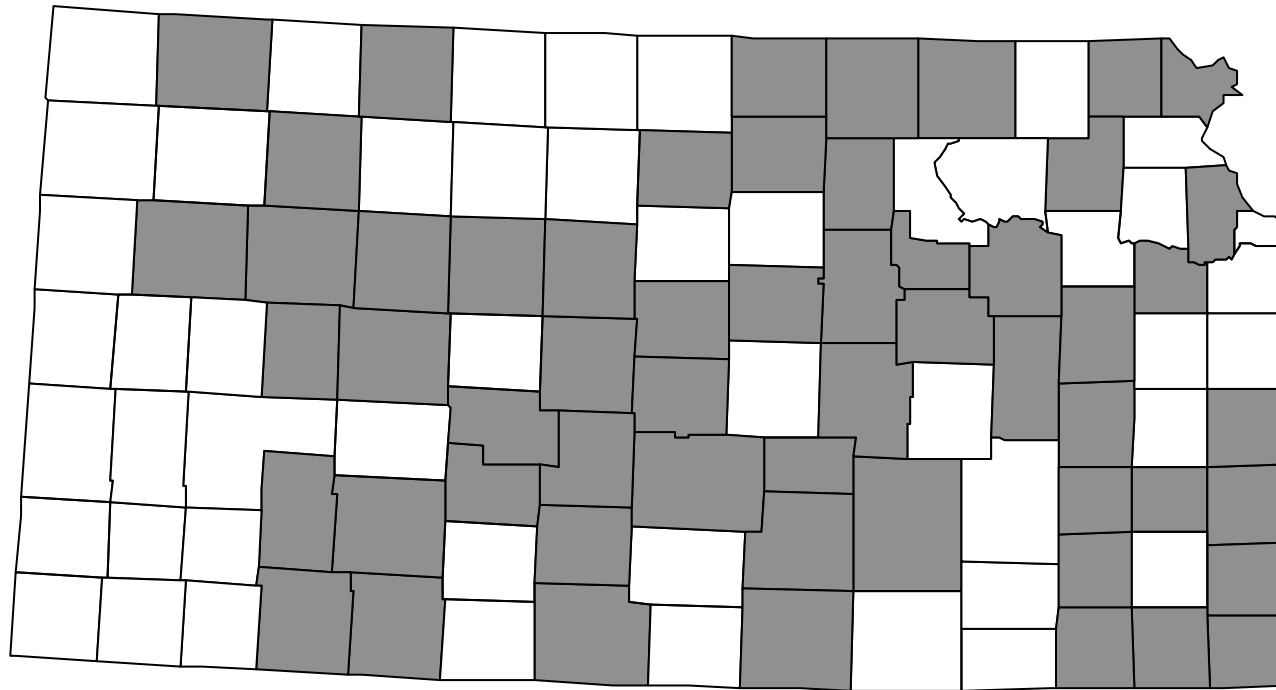
*13% increase in domestic violence
arrests during same time period*

Number of domestic violence homicides related rose from 17 in FY 2007 to 28 in FY 2011.

– Representing a 65% increase

Sources: Kansas Bureau of Investigation, Annual Reports on *Domestic Violence, Stalking, and Rape in Kansas*.

56 of 105 Counties Had Increased Reports of Domestic Violence Since 2006



Additional
2,456 DV
Incidents
from
2006-11

Counties experiencing increased reports of DV incidents accounted for a 19% increase from FY 2006 to FY 2011.

Sources: Kansas Bureau of Investigation, Annual Reports on *Domestic Violence, Stalking, and Rape in Kansas*.

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

Johnson County: Case Study of Specialized Police-Based Response to People with Mental Illness

Johnson Co. received a grant in 2010 to pilot a “co-responder” approach, which is a partnership between:

- Johnson County Mental Health
- Olathe Police Department
- Johnson County Sheriffs Office



✓ Qualified Mental Health Professional
+
✓ Police Officer (at scene where mental illness is suspected)
=
Co-Responder Model



Preliminary result indicate success. Of 442 cases, only 5 resulted in jail admission/charges.

Compared to the same period of time the previous year:

- Time spent on calls involving a mental illness *dropped 36%*, from 69 to 44 minutes.
- Hospital trips *decreased 75%*, from 20 to 5 trips.

We Want Even More Input from Law Enforcement and Created a Survey Asking About...



Department Characteristics & Jurisdiction Trends



Jail Capacity



Crime Analysis & Prevention



Processing Crime Scene Evidence



Mental Health Training & Transport

**Results will be
in by mid-
November!**

Kansas Law Enforcement Survey

Crime Prevention

13. Please rank the order in which the following would help your officers/deputies reduce crime in your jurisdiction (1 being most helpful; 5 being least helpful).

<input type="checkbox"/>	Overtime to fund crime prevention activities
<input type="checkbox"/>	Crime analysis software
<input type="checkbox"/>	Crime analyst(s)
<input type="checkbox"/>	Community crime prevention programs
<input type="checkbox"/>	Other crime-fighting technology (i.e. Coplink, smart phones, GPS)

Prev Next

Presentation Overview

Crime Challenges

Probation Under Strain

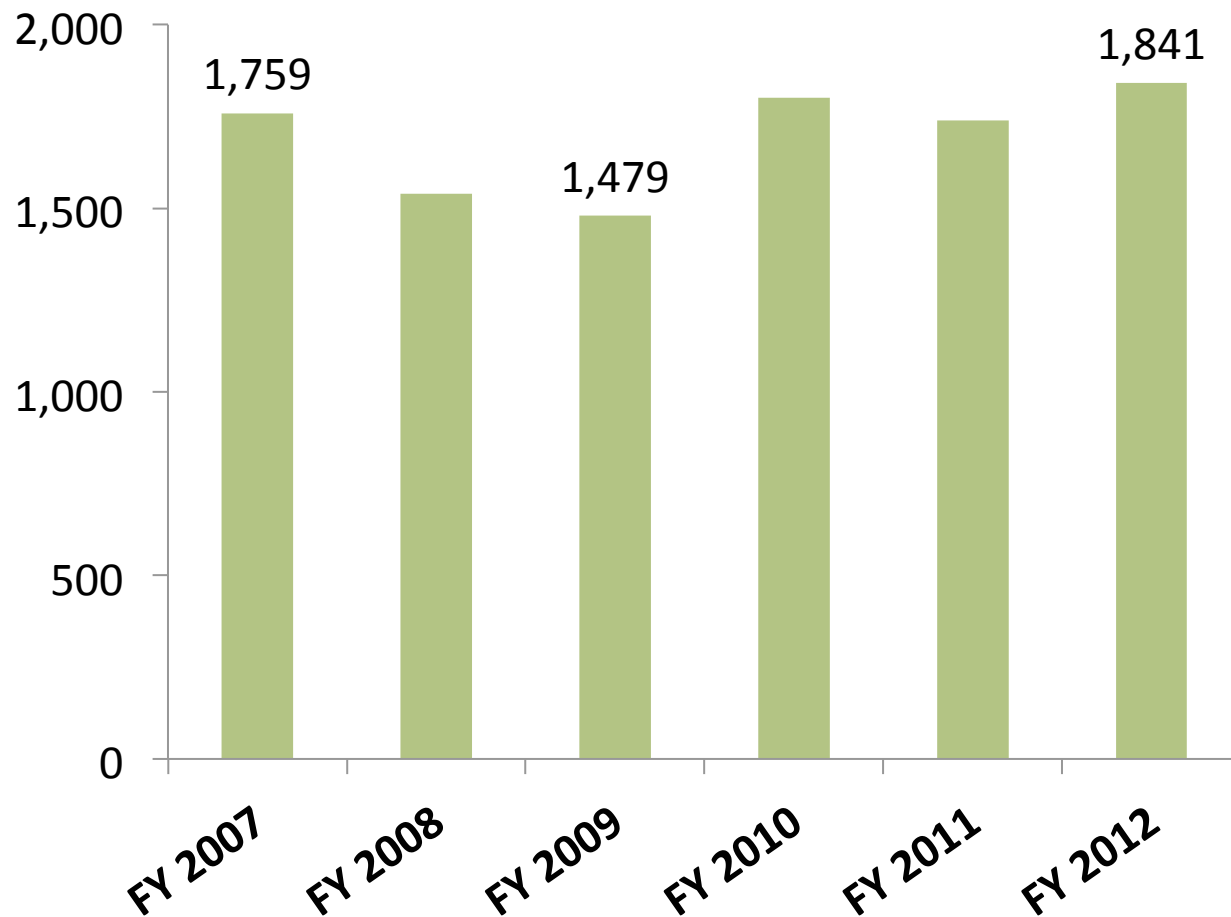
Reentry and Victim Issues

Summary of Probation Findings

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

- ☐ 24% 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



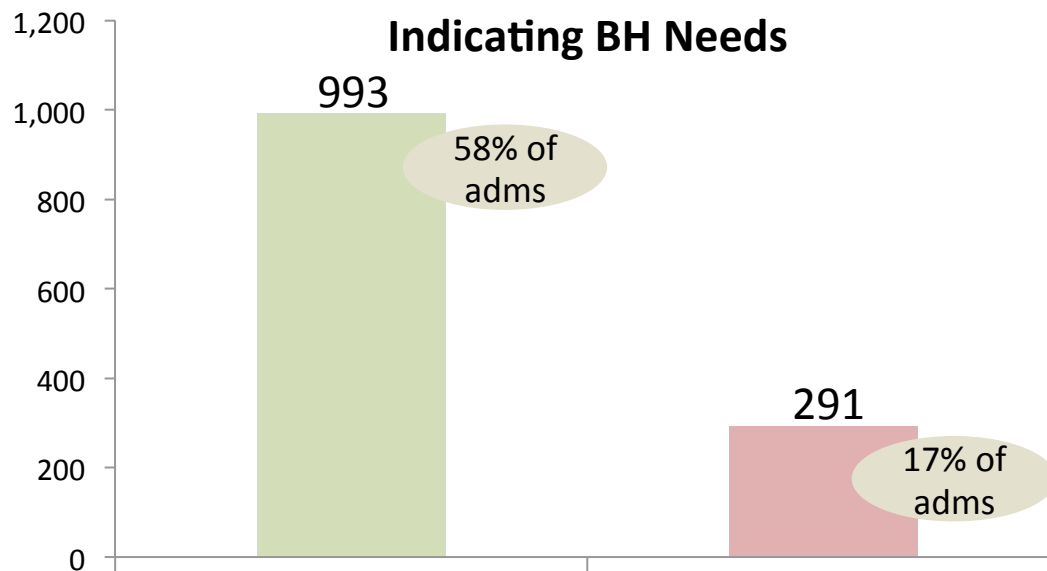
After a decline in revocations from FY07 to FY09, they have since risen by 24%.

Only one-quarter of Community Corrections revocations involve “presumptive prison” or “border box” offenders.

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

Most Probationers Revoked to Prison Have Behavioral Health Needs

**FY 2011 Probation Revocations to Prison
Indicating BH Needs**



SA Score 4+

- SA Scores range from 0 to 9 and are based on nine questions within the substance abuse domain within the LSI-R risk assessment.
(A score of 4 means that four of the nine questions were answered in the affirmative.)

MH Score 3+

- MH Scores range from 1 to 7 and are based on a continuum of MH programming intensity.
 1. Not currently requiring MH
 2. Receives time-limited mental health services
 3. Receives on-going mental health services that may include medication management
 4. Receives special needs treatment monitoring
 5. Placed in mental health structured reintegration program at LCF-TRU
 6. Placed in intensive mental health placement at LCMHF or TCF-MHU
 7. Hospitalization at LSSH

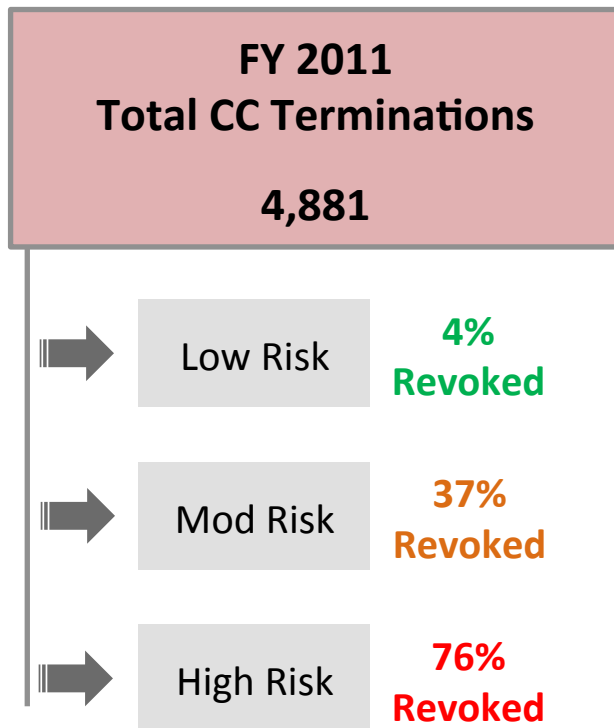
Of FY 2011 Probation Revocations

- ✓ 58% had SA score of 4 or higher
- ✓ 17% had MH score of 3 or higher
- ✓ 12% had both

For comparison, only 16% of the successfully terminated CC probationers had an SA score of 4 or higher.

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

Successful Probationers Are Twice as Likely to Receive Programming as Those Revoked



Of successful mod/high risk terminations:

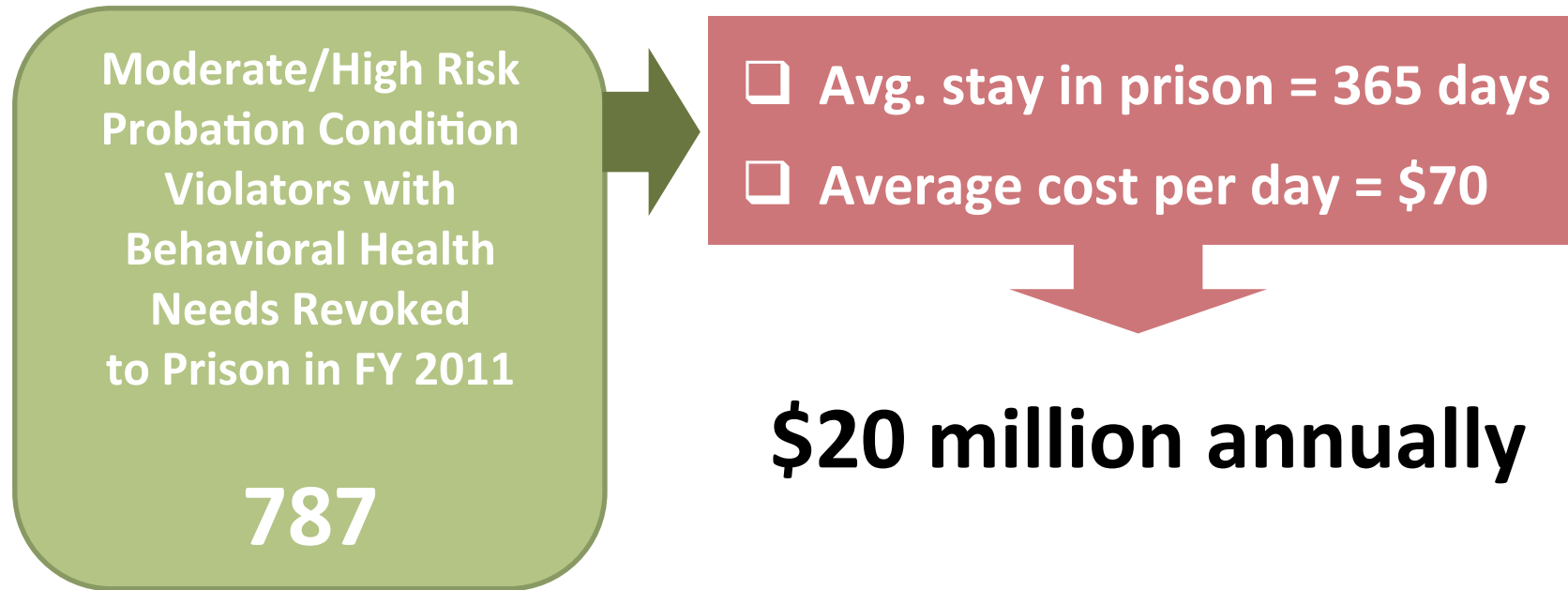
- ✓ 57% completed two or more behavioral health programming interventions.

Of the mod/high risk revocations:

- ✓ Only 31% completed two or more behavioral health programming interventions.

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

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



❖ 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

~18 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.



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

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.



Accountability weakened.

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

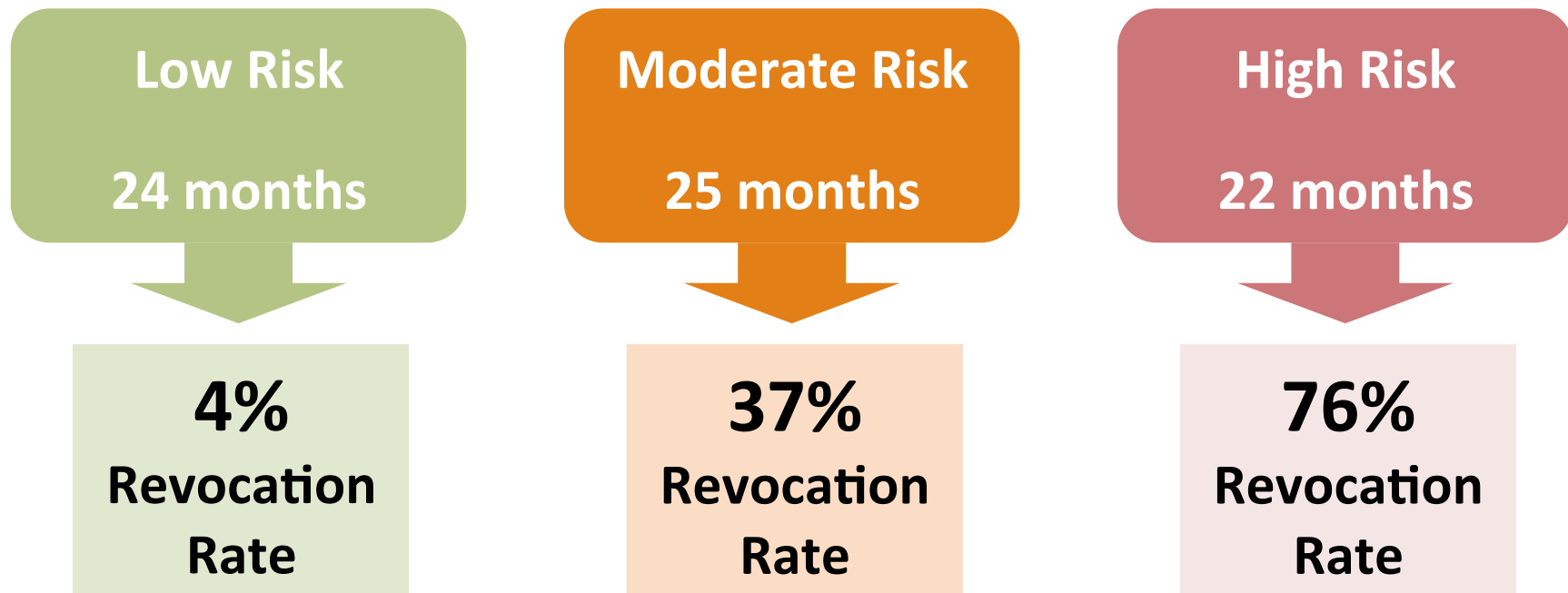
Restitution-only cases comprise significant share of caseload; they still require officer face time.



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

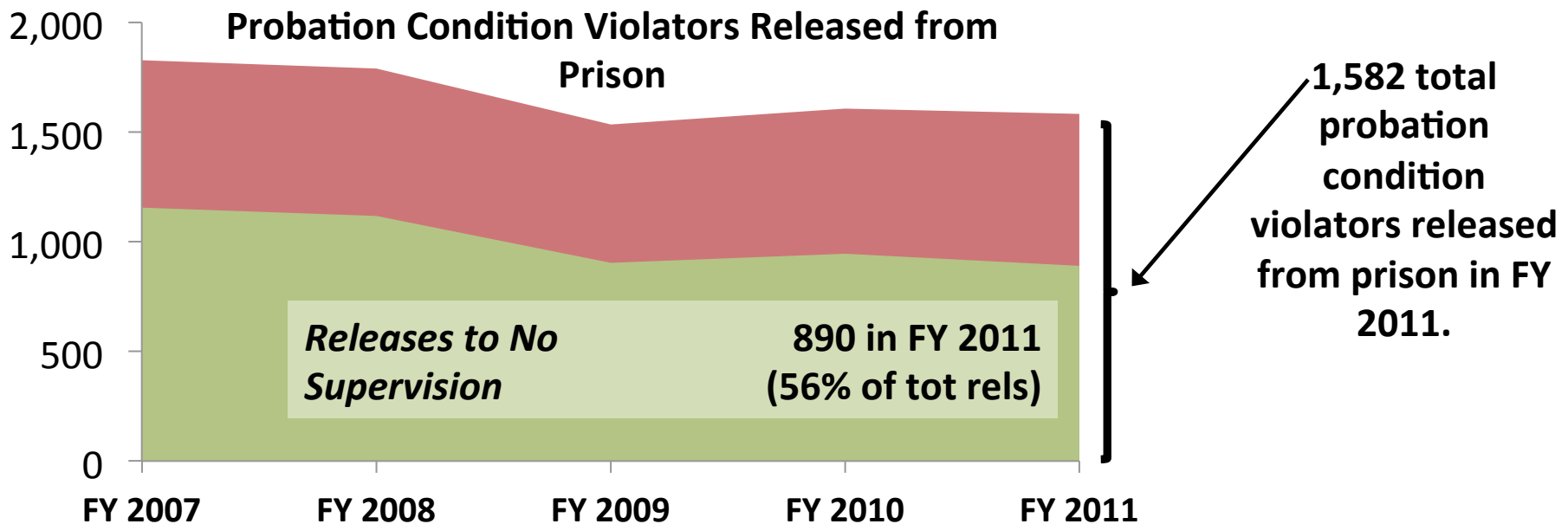
Months on Probation for Community Corrections Terminations



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.

More than Half of Probation Condition Violators Released from Prison to No Supervision



In stark contrast to PRS, where there are capped revocation responses ensuring programming and return to supervision, most probation condition violators:

- ☐ Exhaust sentence in prison,
- ☐ Receive little or no programming, and
- ☐ Are returned to the community without any further supervision.

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

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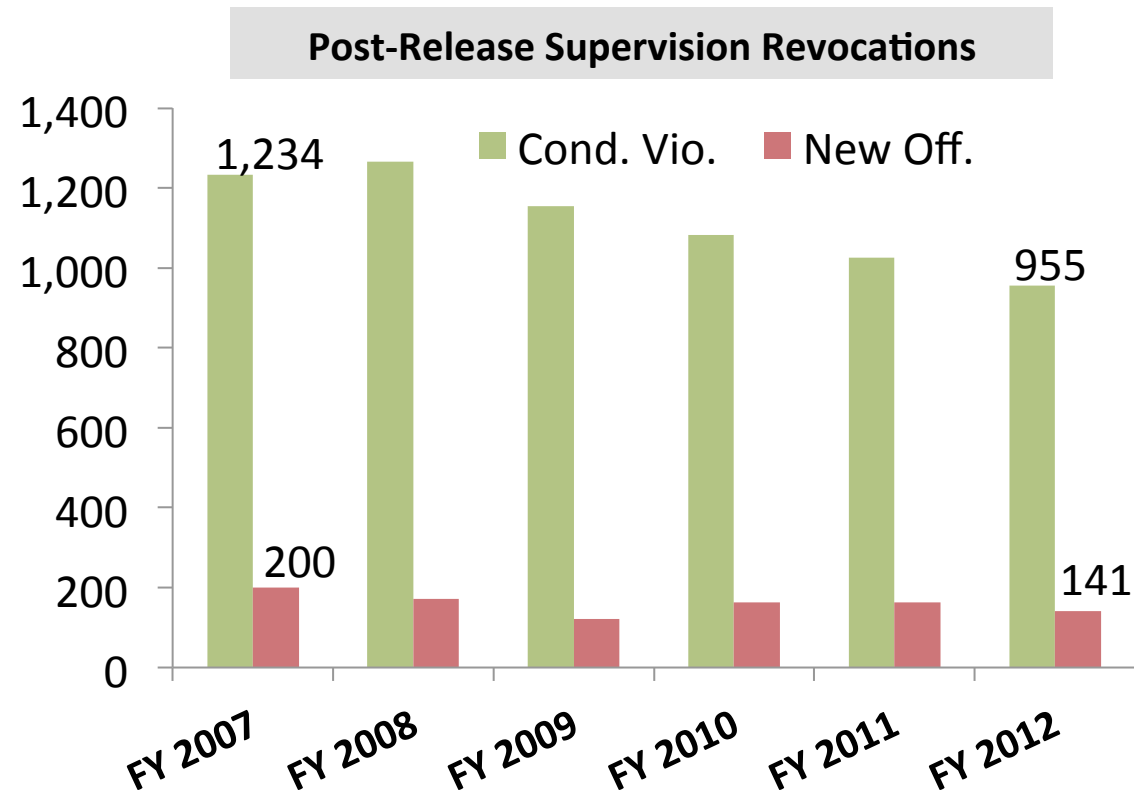
Reentry and Victim Issues

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



During the past five years, while the numbers on post-release supervision have risen:

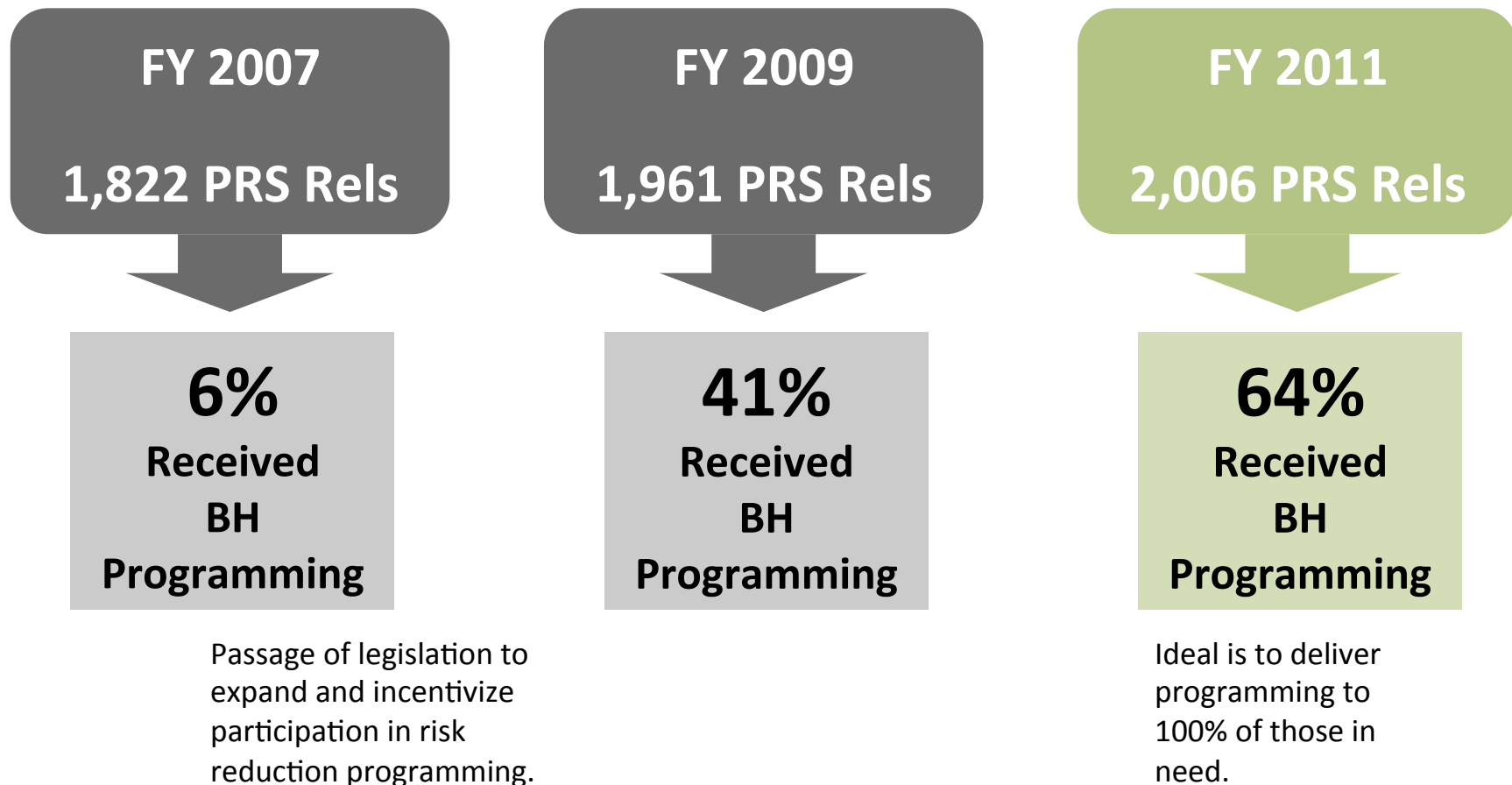
- ✓ **PRS condition violation revocations have declined 23%**
- ✓ **PRS new offense revocations have declined 30%**

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.

Victim Advocate Feedback

Need to enhance prioritization of issues surrounding the crime of domestic violence

Inadequate victim services, especially in rural areas

Insufficient training and oversight of victim witness coordinators

No automated victim notification system

A need to strengthen restitution collection

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.

Victim-Witness Coordinators & DOC Need More Access to Training & Resources for Improving Notification

- ❑ Funding for training of victim-witness coordinators has dwindled as grant funds diminish.
- ❑ Victim notification of offender movement is not electronic like most states. Rather, in Kansas it's typically done through traditional paper mail or phone calls.
- ❑ There is little consistency across the state regarding the kinds of services a victim-witness coordinator provides.

Other JR States Have Addressed Issues with Victim Restitution, Notification and Services

JR in Ohio

- ✓ Called for a Blue Ribbon Commission to study and recommend statewide restitution practices

JR in Hawaii

- ✓ Increased funding for victim-witness coordinators
- ✓ Improved restitution policies
- ✓ Supported an updated victim notification system

Key Findings from the Data Analyses and Stakeholder Engagement

Many locations dealing with crime challenges

- Majority of counties 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

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

2. Use programs proven to work and ensure they are high quality

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

3. Deploy supervision policies and practices that balance sanctions and treatment

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

4. Target places where crime and recidivism rates are the highest

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

Timeline and Next Steps

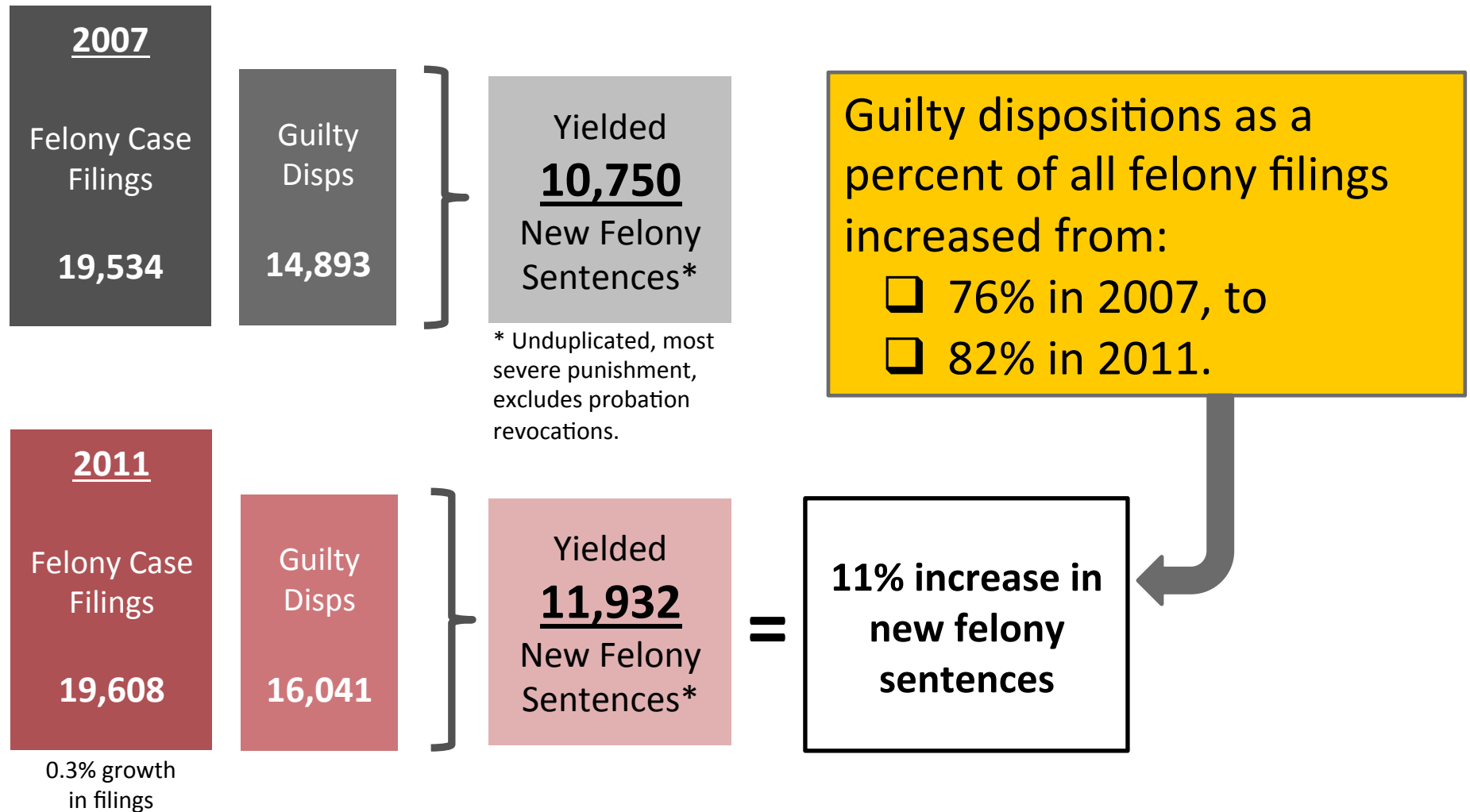
<u>Date</u>	<u>Activity</u>
May-June	<ul style="list-style-type: none">• Data Collection
June 6	<ul style="list-style-type: none">• Bill Signing
June 13	<ul style="list-style-type: none">• Working Group Meeting
July-October	<ul style="list-style-type: none">• Detailed Data Analysis• Stakeholder Engagement
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

Appendix of Additional Analyses

Felony Sentencing Trends

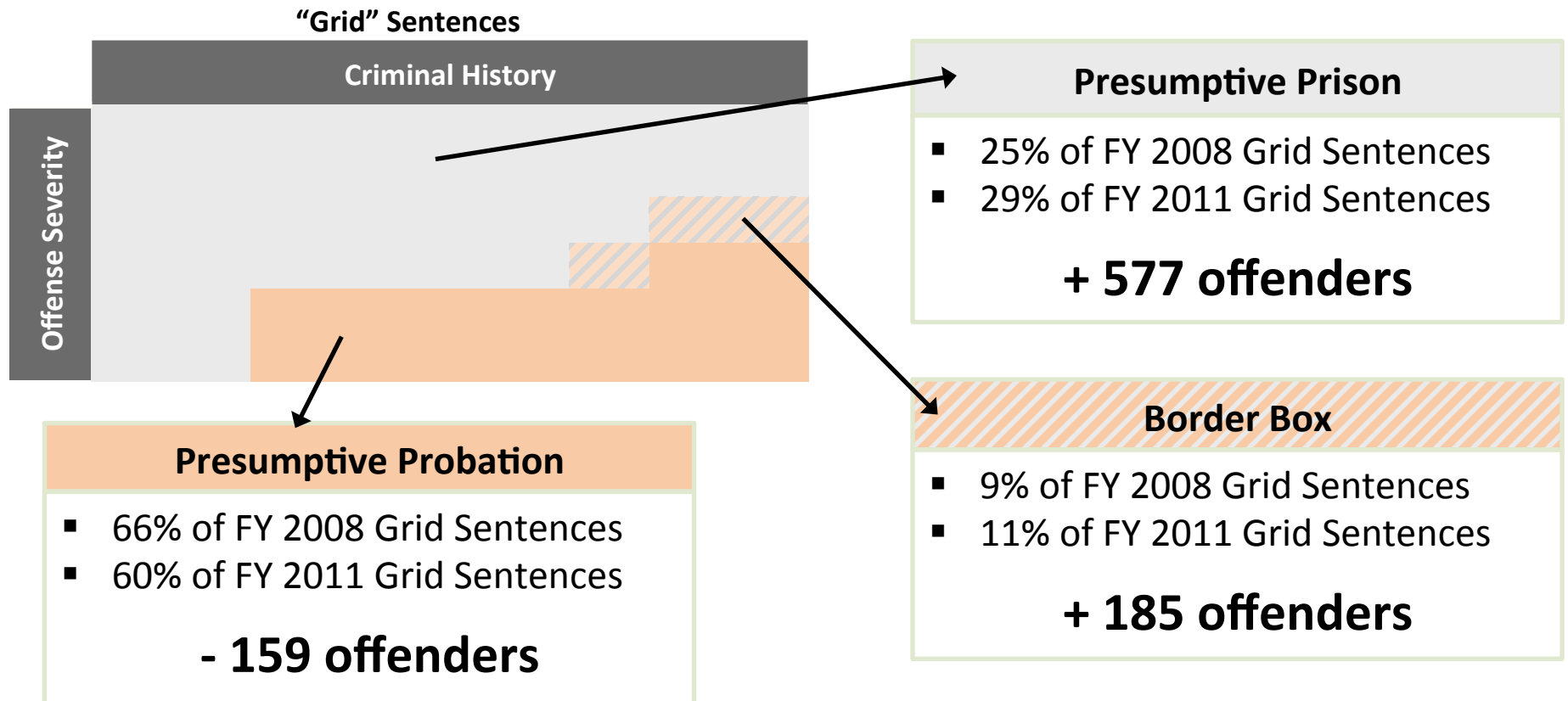
Additional Probation Analyses

Increase in Guilty Disposition Rate Has Yielded More Felony Sentences



Sources: Kansas Judicial Branch, *Annual Reports*; Kansas Sentencing Commission, Felony Sentencing Case Data.

Large Increase in Number of Offenders Falling in Higher Severity Levels of Grids

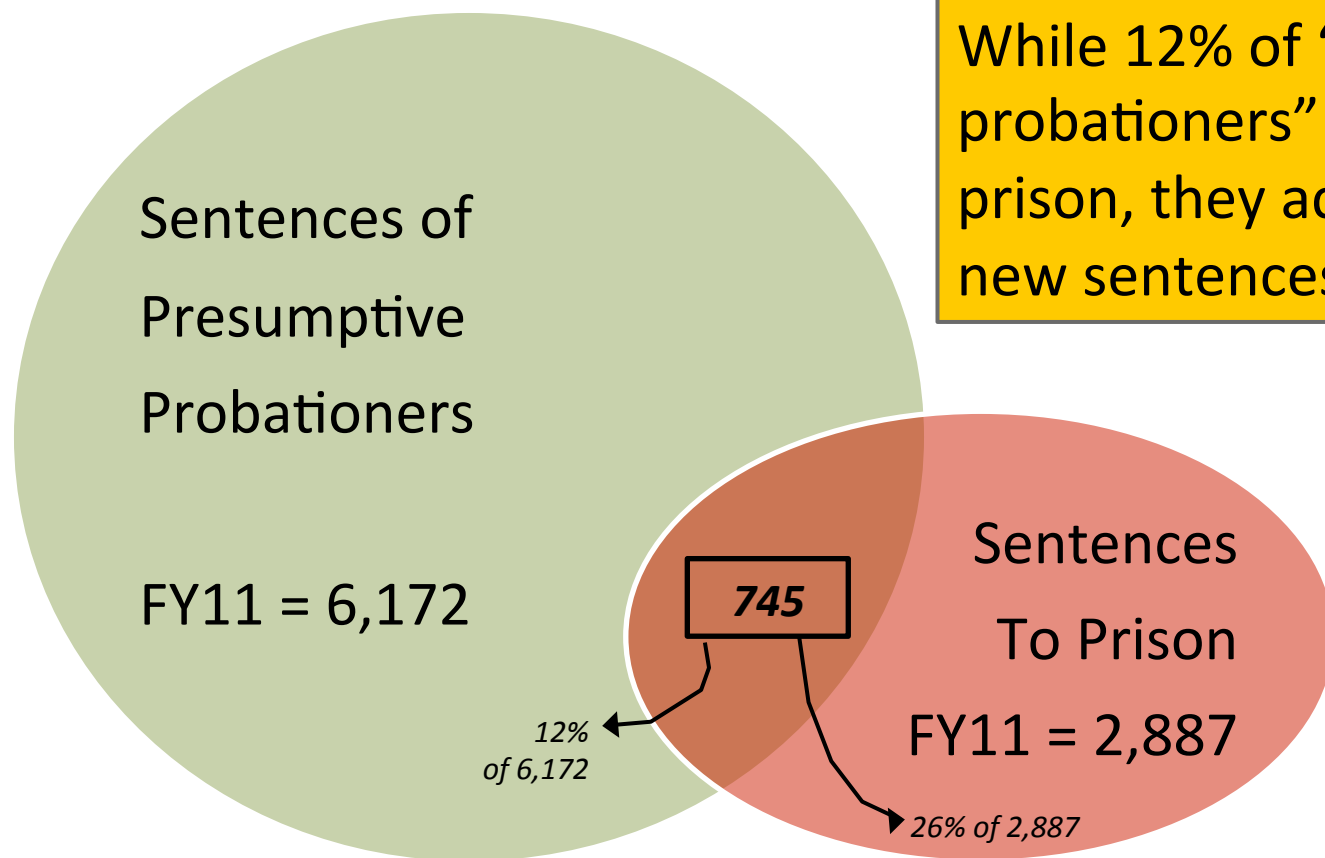


❖ Net increase of 603 offenders in higher severity levels

Sources: Kansas Sentencing Commission, Felony Sentencing Case Data.

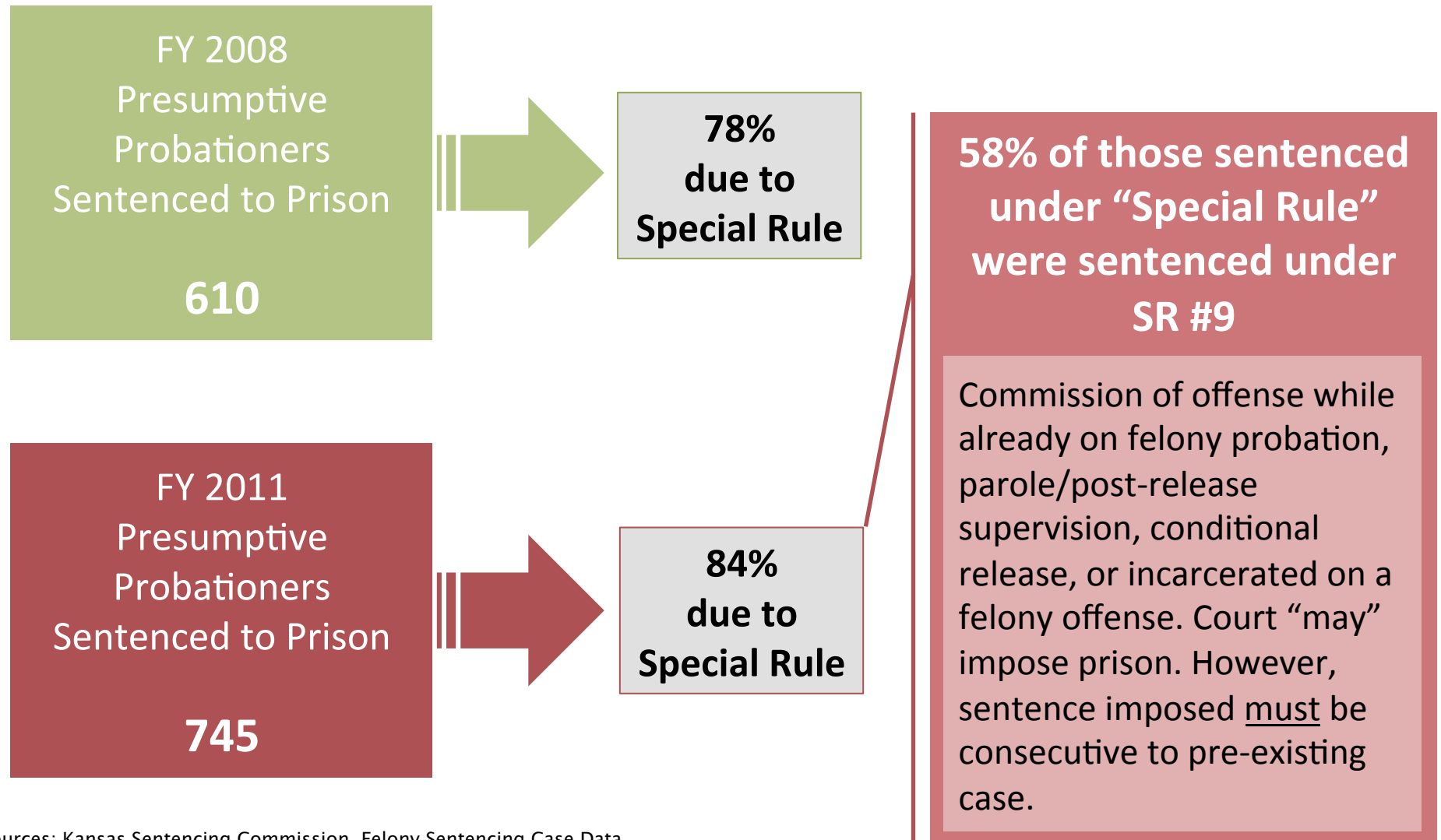
More than One-Quarter of Prison Sentences Are “Presumptive Probation” Offenders

While 12% of “presumptive probationers” are sentenced to prison, they account for 26% of all new sentences to prison.



Sources: Kansas Sentencing Commission, Felony Sentencing Case Data.

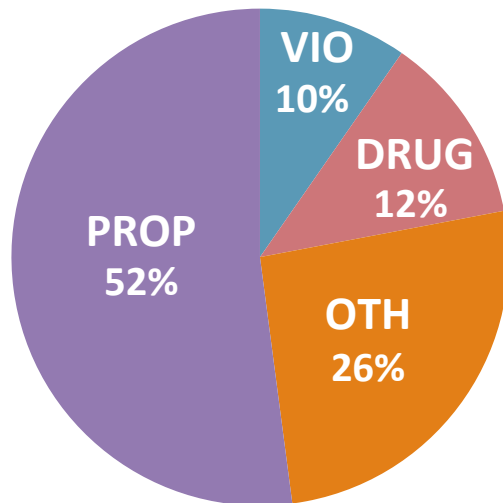
Special Rules Largely Account for “Presumptive Probationers” Receiving Prison Sentences



Sources: Kansas Sentencing Commission, Felony Sentencing Case Data.

90% of “Presumptive Probation” Sentences to Prison Involve Nonviolent Offenses

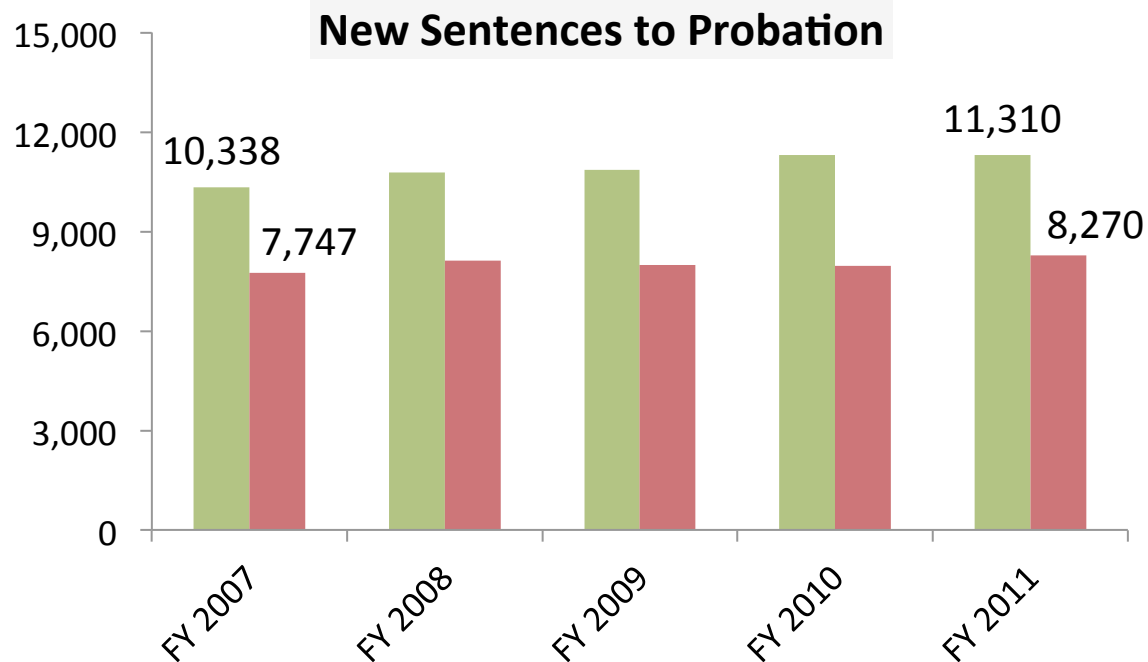
Offense Type	FY 2011 Sentences of Offenders Falling in Presumptive Probation		
	Total Sentenced	# to Prison	% to Prison
Total	6,172	745	12%
Violent	730	72	10%
Property	2,754	388	14%
Drug	1,654	92	6%
Other	1,034	193	19%



- ☐ More than half of the “property” offenses are theft.
- ☐ The “other” offenses involve escape from custody, obstructing legal process, fleeing or eluding a law enforcement officer (2 or more priors of same), criminal threat, aggravated failure to appear...

Sources: Kansas Sentencing Commission, Felony Sentencing Case Data.

Modest Growth in the Number Sentenced to Probation



Roughly one-quarter of felony probation sentences involve “presumptive prison” or “border box” offenders.

Misdemeanor probation placements have **increased 9%** since FY07.

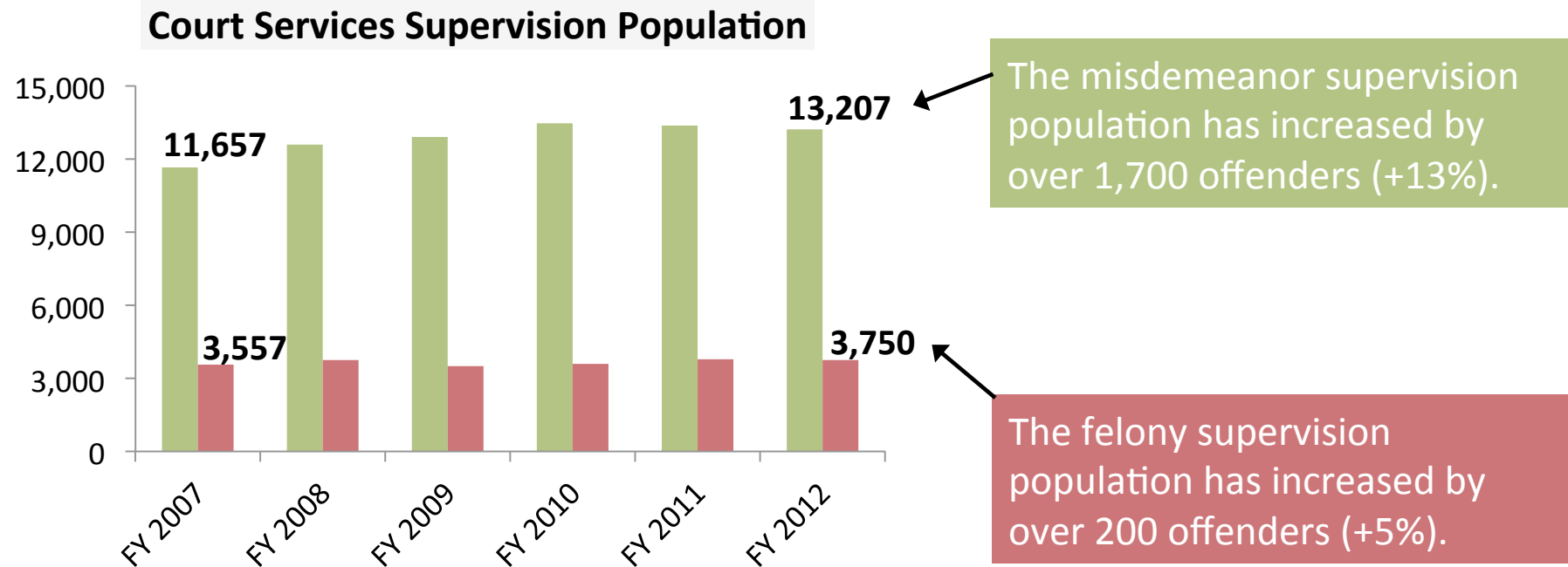
- All misdemeanor probationers are supervised by Court Services.

Felony probation placements have **increased 7%** since FY07.

- About two-thirds of felony probationers are supervised by Community Corrections.
- The remainder are supervised by Court Services.

Sources: Kansas Sentencing Commission, Felony Sentencing Case Data.

Number Supervised by Court Services Has Increased 11% Since FY 2007



Sources: Kansas Judicial Branch, *Court Services Fiscal Year Reports*.

Court Services Revokes Only 15% of Cases

Court Services **Misdemeanor** Probation Terminations

Misd. Terminations	FY 2007	FY 2012
Total Terminations	15,184	16,688
Revocations	2,343	2,238
% Revocation	15%	13%

Court Services **Felony** Probation Terminations

Fel. Terminations	FY 2007	FY 2012
Total Terminations	4,618	4,452
Revocations	939	934
% Revocation	20%	21%

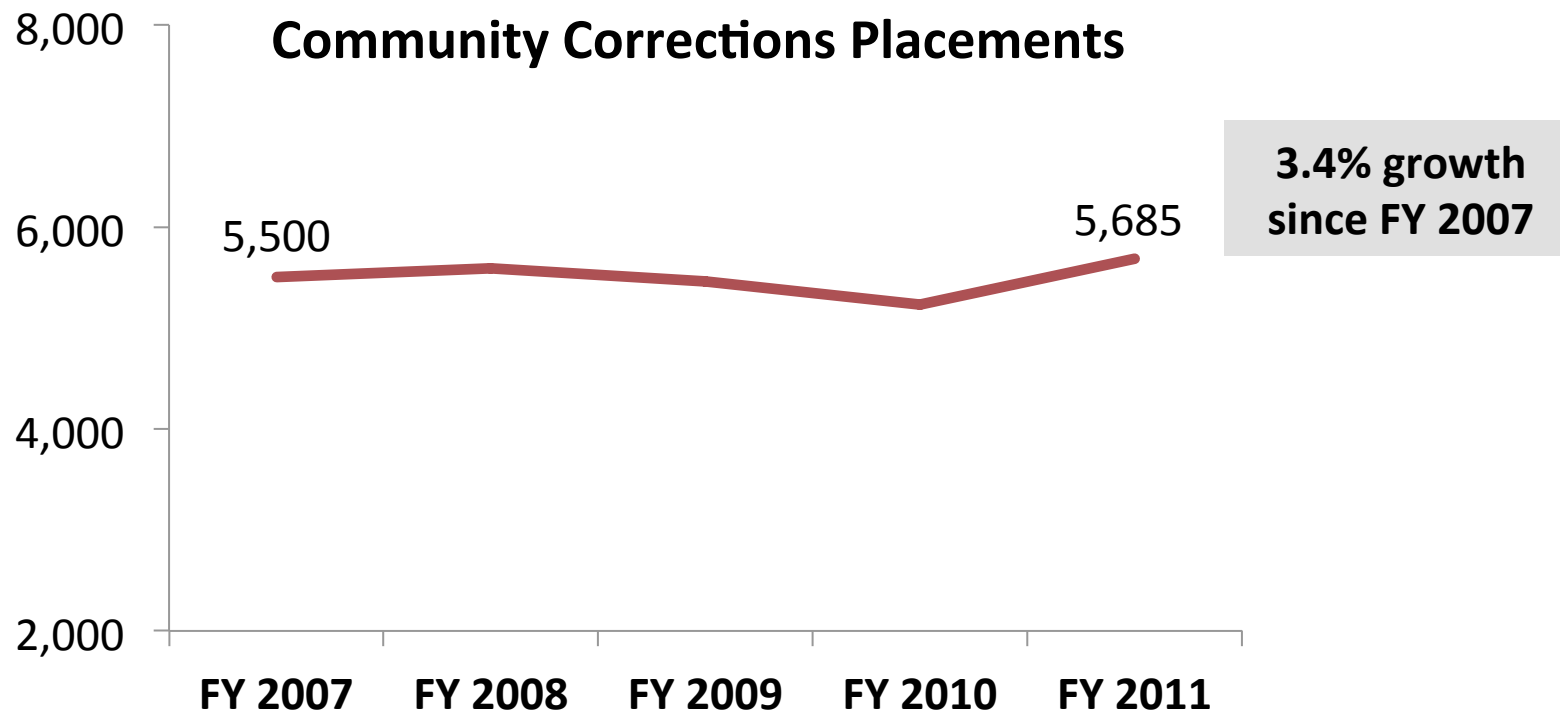
FY 2012 Total Cases Terminated = 21,140

FY 2012 Total Cases Revoked = 3,172

FY 2012 Revocation Rate = 15.0%

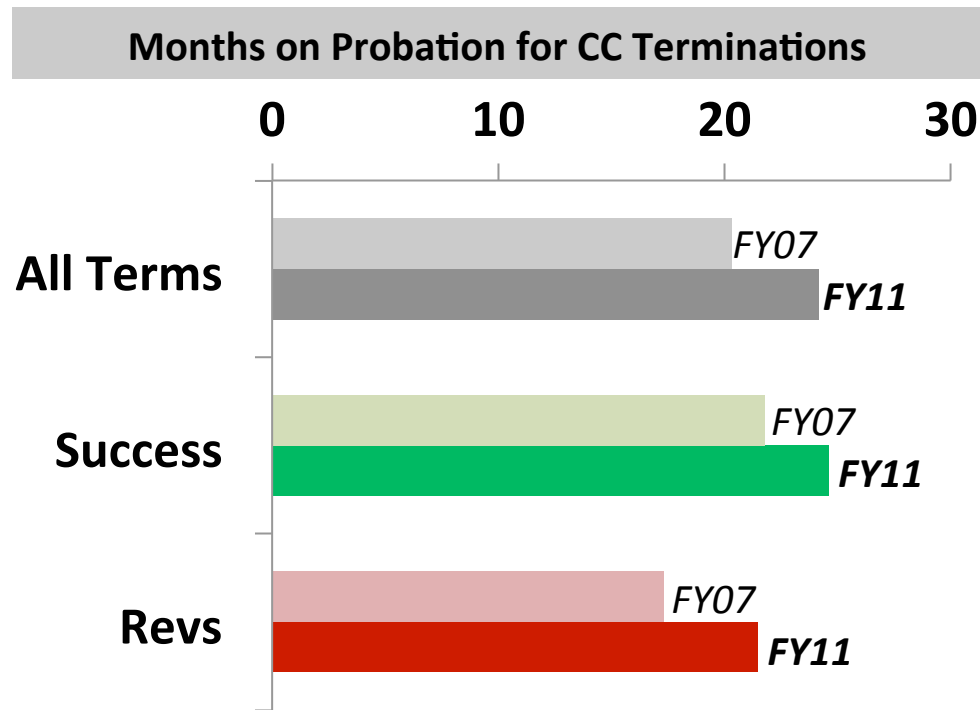
Sources: Kansas Judicial Branch, *Court Services Fiscal Year Reports*.

Community Corrections Placements Have Increased Less than 5% Since FY 2007



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

Probationers Are Spending Almost 20% Longer on Supervision



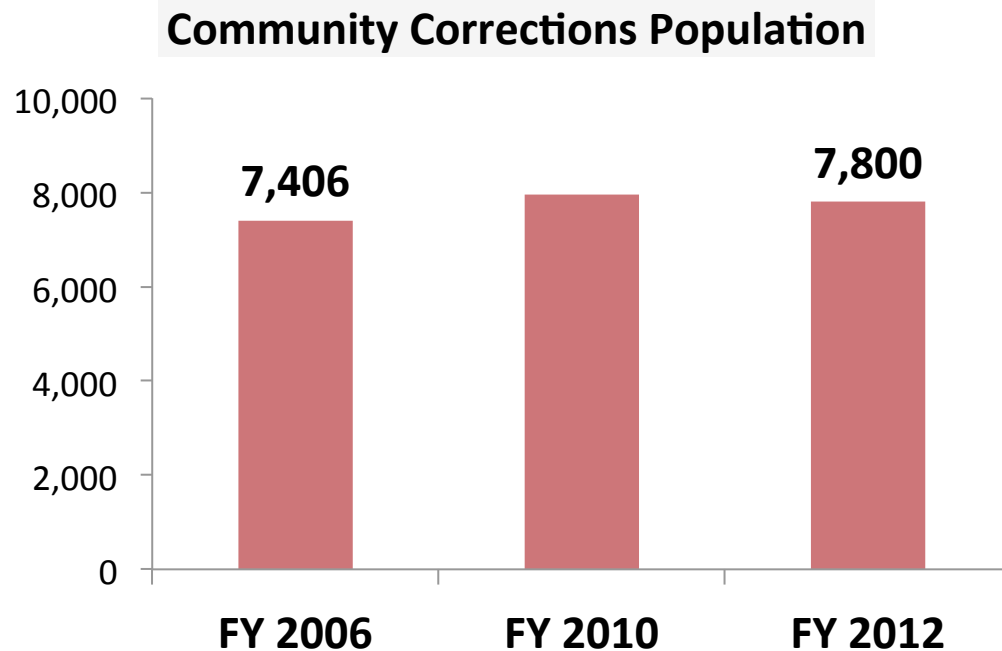
❑ 19% increase in months on supervision FY07-11
– 20mos to 24mos

❑ 29% increase for “presumptive probationers”
– 18mos to 24mos

The increased length of supervision does not seem to be related to success or failure on probation.

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

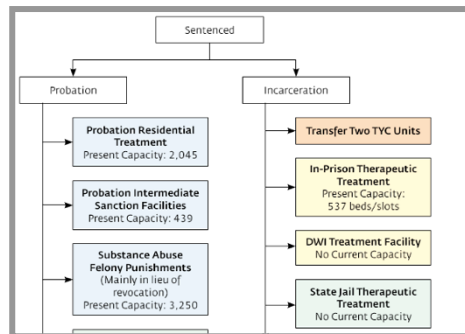
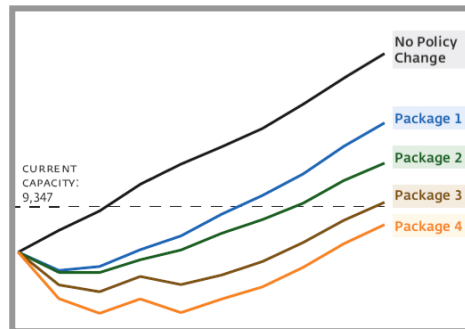
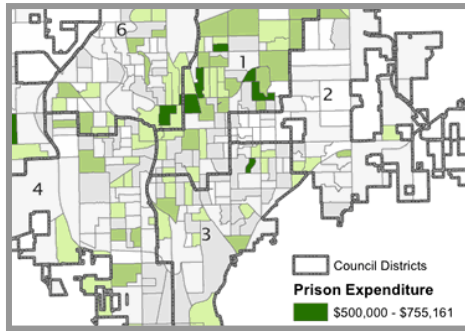
Number Supervised by Community Corrections Has Increased 5% Since FY 2007



Modest growth in Community Corrections placements (+3%) and supervised population (+5%) actually mask other, more worrisome underlying trends...

- ✓ Increasing revocations
- ✓ Increasing lengths of supervision

Sources: Kansas Department of Corrections *Annual Reports*.



Thank You

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