



**Justice
Reinvestment
Initiative**
Kansas

The Justice Reinvestment Initiative in Kansas

Improving Supervision and Expanding Diversion

Overview

In 2019, Kansas Department of Corrections (KDOC) prisons were operating over 100 percent capacity, and the prison population was projected to increase 14 percent by 2029 at an estimated cost to the state of \$209 million.¹ Through a series of public health decisions, the population in KDOC facilities fell to 82 percent capacity by the end of July 2020 and kept more people on community supervision or otherwise held in the community, but this was only a short-term fix. Communities were not equipped to handle the increase of people on supervision or focus on recidivism reduction. As a result, the state found itself in a precarious position.

Two-thirds of prison admissions in Kansas in 2019 were due to supervision violations²—largely technical violations, such as failed drug tests or missed appointments.³ Further, as of September 2020, KDOC was projecting that future prison population growth would be primarily driven by drug and nonviolent offenses and supervision violations. Additionally, due to staffing shortages and other capacity issues, KDOC has a limited ability to provide programming and treatment for people in prison, which hinders rehabilitation efforts and can cause additional challenges upon release.

To address these issues, the Kansas legislature established the Kansas Criminal Justice Reform Commission (Commission) in 2019. In January 2020, Kansas leaders⁴ took additional action by requesting support from the U.S. Department of Justice’s Office of Justice Programs, Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts (Pew) to utilize the Justice Reinvestment Initiative (JRI) to address system challenges. BJA and Pew approved Kansas state leaders’ request and asked The Council of State Governments (CSG) Justice Center to partner with state leaders to collect and analyze state data and assist in developing appropriate policy recommendations that prioritize corrections spending on effective recidivism-reduction strategies.

Analysis conducted throughout the project resulted in numerous policy and practice recommendations to improve community supervision, victim services, behavioral health supports, employment opportunities, and housing for people in the criminal justice system. These recommendations were advanced to the Commission, and some were introduced to the legislature during the 2021 session. Some of these bills, in addition to new ones, were also considered in the 2022 session. Recommendations related to improving supervision

by focusing resources where they can be most effective, expanding prosecutor diversions, and extending the existence of the Commission culminated in legislation that was signed into law in May 2021. Recommendations focused on improving specialty court programs, allowing people to petition to be removed from a drug offenses registry, and ensuring that people on supervision are supervised by only one entity were signed into law in April 2022.

The Kansas Criminal Justice Reform Commission

The 22-member Commission included state leaders representing all three branches of Kansas government as well as criminal justice system stakeholders from local governments, nonprofit organizations, and more. The commission met three times between September and December 2020 to review analyses and discuss system challenges and policies.

Commission Members

Chair	Vice Chair
Marc Bennett Sedgwick County District Attorney	Stephen Owens State Representative
Members	
Gail Finney State Representative	Rick Wilborn State Senator
David Haley State Senator	
Nonlegislative Members	
Todd Ackerman Marysville Chief of Police	Spence Koehn Court Services Officer Specialist, Kansas Supreme Court’s Office of Judicial Administration
Jennifer Baysinger Vice President, Political Affairs, Kansas Chamber of Commerce	Tabitha Owen Smith County Attorney
Glenn Braun Chief Judge, 23rd Judicial District	Sylvia Penner Partner, Penner Lowe Law Group
Bill Carr Sheriff, Ford County	Bill Persinger Chief Executive Officer, Valeo Behavioral Health Care
Marty Clark District Magistrate, Russell County	Jean Phillips Professor of Law, University of Kansas, School of Law
John Francis Professor, Washburn University School of Law	Adrian Roberson Teacher, Kansas Leadership Center
Chad Harmon Clinical Care Manager, Substance Abuse Center of Kansas	Shelly Williams Community Corrections Director
Nonvoting Members	
Derek Schmidt Attorney General	Jeff Zmuda Secretary, Department of Corrections
Scott Schultz Executive Director, Kansas Sentencing Commission	

Data Collection

Case-level data were provided to the CSG Justice Center by KDOC and the Kansas Sentencing Commission. In total, CSG Justice Center staff analyzed more than 3 million individual data records spanning 10 years, including supervision and prison populations and admissions, risk assessments, parole board decision-making, and court case sentencing activity. This was the most comprehensive analysis completed since Kansas's JRI process in 2012 and was critical to the CSG Justice Center's ability to deliver comprehensive, systemic analysis of adult criminal justice processes to the Commission.

Key Challenges

Kansas's criminal justice system is struggling to meet the needs of people who have substance use disorders. Drug offenses account for a significant portion of prison admissions and community supervision violations. Additionally, once people leave prison or jail, limited education, housing, or food assistance often makes it difficult for them to succeed in the community.

Through Commission discussions, comprehensive stakeholder engagement, legal review, and analysis of Kansas data, the following key challenges and related findings were identified:

1. Increases in sentences to prison for drug offenses

More Kansans are being incarcerated for drug offenses, which drives up costs without improving outcomes. There was a 33 percent increase in sentences to prison for drug offenses from 2010 to 2019.⁵ In the same period, the number of women in prison for drug offenses doubled.⁶ It cost an estimated \$41 million to incarcerate people for drug offenses in 2019 alone,⁷ and prison costs almost 10 times more than supervision by community corrections offices.⁸ However, research indicates that a prison sentence does not lead to lower rates of recidivism than probation.⁹

Additional context and information were provided through in-person meetings and conference calls with prison and probation leadership and officers; judges, prosecutors, and defense lawyers; sheriffs and municipal law enforcement officials; behavioral health leadership and service providers; municipal and county officials; victims and their advocates; advocates of people in the criminal justice system; and others.

2. Use of prison to sanction people who violate supervision conditions

People who violate conditions of supervision make up a significant portion of people in prison. In 2019, one-third of the prison population and two-thirds of prison admissions in Kansas were due to supervision violations or sanctions,¹⁰ the majority of which were condition violations. Of the people revoked from community corrections for condition violations, the most common violations, including the one they were revoked for, were for failures to report, abstain from drugs/alcohol, pay costs, and attend treatment.¹¹ Using prison to sanction Kansans who violate conditions of their supervision is expensive. It cost \$43 million to incarcerate 1,630 people who violated supervision conditions in 2019.¹²

3. Barriers to work and limited reentry supports

People in the justice system in Kansas have struggled to find employment due to lack of training and other barriers. Nearly half of people on parole in Kansas in 2019 were unemployed,¹³ and the vast majority of people returning to the community from prison are in need of education or employment services.¹⁴ Additionally, more than 400 legal and regulatory barriers in the state prevent people convicted of crimes from accessing employment, business, and occupational licensing opportunities.¹⁵

Summary of Proposed Policy Recommendations

Over 60 administrative and legislative policy recommendations were proposed to the Kansas Criminal Justice Reform Commission. Of the 14 legislative recommendations introduced, 7 were passed into law, 2 of which were combined into one bill:

1. Build on the SB 123 infrastructure to encourage more prosecutor diversions to certified treatment and provide treatment to more people before they commit more crimes. (SB 123 provides substance use disorder treatment for certain people convicted of drug possession.)
2. Require the supreme court to adopt rules for establishing and operating specialty courts and support jurisdictions interested in expanding specialty courts.
3. Formalize workgroups to standardize conditions of supervision, encourage behavior change through research-based incentives, and explore other topic areas as needed.

4. Enact legislation building on the work of the concurrent supervision workgroup to ensure that people on supervision are supervised by only one entity.
5. Formalize KDOC's approach to parole supervision violations, including implementing effective responses to behavior. Also, establish a clear definition of absconder status. (These were initially introduced as two separate bills but were combined during session.)
6. Create a mechanism for people to be removed from the public online drug registry, eliminating a current barrier that impedes their ability to secure necessities like housing and employment.

See the Appendix for a full list of proposed policy and practice recommendations.

Select Policy Recommendation Details

The policy recommendations that were passed by the legislature and signed into law were designed to achieve three goals:

1. Divert more people charged with drug offenses to treatment and supervision. (Policy Recommendations 1 and 2)
2. Improve supervision by focusing resources where they can be most effective. (Policy Recommendations 3, 4, and 5)
3. Reduce barriers to work and securing housing. (Policy Recommendation 6)

Policy Recommendations 1 and 2

Build on the SB 123 infrastructure to encourage more prosecutor diversions to certified treatment and provide treatment to more people before they commit more crimes. (HB 2026)

Require the Supreme Court to adopt rules for establishing and operating specialty courts and support jurisdictions interested in expanding specialty courts. (HB 2361)

Background

- **Arrests and admissions to prison for drug offenses have increased in recent years.** From 2010 to 2018, total reported arrests decreased 40 percent, while arrests for drug offenses increased 19 percent.¹⁶ In the same period, admissions to prison for drug offenses rose 62 percent.¹⁷
- **Felony drug cases and sentences have also increased.** From 2010 to 2019, 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 to 27 percent.¹⁸ During this time, community corrections starts for felony drug offenses increased 52 percent,¹⁹ and the number of women starting community corrections for felony drug offenses increased 91 percent.²⁰ Overall, felony sentences for drug offenses increased 51 percent,²¹ and sentences to prison for drug offenses went up 33 percent.²² The average prison sentence length for drug offenses increased from 35 to 42 months.²³

Policy Recommendation 1 Details

SB 123 was developed during the 2003 legislative session to provide substance use disorder treatment for people convicted of drug possession who are nonviolent and have no prior convictions for drug trafficking, drug manufacturing, or drug possession with intent to sell. HB 2026 (enacted as K.S.A. 21-6825) expands eligibility for this existing drug treatment. People accepted into a diversion program in lieu of undergoing further criminal proceedings for a felony violation are now eligible to participate in a certified substance use disorder treatment program. SB 123 previously limited participation in these programs to people convicted of a felony.

Instead of requiring a felony conviction to access treatment, HB 2026 allows a county or district attorney to enter into a memorandum of understanding (MOU) with the chief judge of a judicial district or a community corrections office to implement a diversion program. The county or district attorney shall retain authority over diversion placement and termination, while the judicial district or community corrections office identified in the MOU shall oversee the supervision of a person placed in the diversion program.

Giving prosecutors discretion to develop and implement diversion opportunities with treatment in lieu of a felony conviction can provide the necessary treatment and accountability for people in need without the stigma and collateral consequences of a conviction. The Kansas Sentencing Commission projected that enacting legislation to encourage more prosecutor diversions could lead to an increase of 25 to 75 SB 123 drug treatment cases in FY2022. Due to the potential increase, the Commission estimated that an investment of \$88,368 to \$265,104 would be required to support the additional clients needing treatment.²⁴

Policy Recommendation 2 Details

Currently, many judicial districts are interested in operating specialty courts to address behaviors and needs of individuals to avoid the use of unnecessary incarceration. These courts are typically labor intensive and require participation from social workers, mental health professionals, prosecutors, defense attorneys, and judges who work as a team to help a defendant.

According to judges in Kansas, the individualized and focused attention that a defendant receives from these courts provides a clear benefit. But jurisdictions struggle to form

and operate these courts because they have limited staff time and resources to do so. Clients often need a range of resources, such as transportation, job training, substance use treatment, and access to technology, that these courts provide to help lay the foundation for a successful and stable life.

HB 2361 (enacted as Session Laws Chapter 79) requires the Kansas Supreme Court to adopt rules for establishing and operating specialty court programs within the state,²⁵ creates a funding advisory committee for specialty courts, allows for expungement after program completion, and allows the Office of Judicial Administration (OJA) to provide technical assistance to jurisdictions interested in establishing a specialty court. This bill will help give judges additional tools to respond to issues like substance use addiction, so that more courts statewide can help people on their path to recovery with options other than incarceration.

Policy Recommendations 3 and 4

Formalize workgroups to standardize conditions of supervision, eliminate concurrent supervision, encourage behavior change through research-based incentives, and explore other topics as needed. (HB 2077)

Enact legislation building on the work of the concurrent supervision workgroup to ensure that people on supervision are supervised by only one entity. (HB 2654)

Background

- In Kansas, community supervision is provided by three entities—Court Services, Kansas Community Corrections, and KDOC. A process exists to determine which entity provides supervision to a person on probation or parole. However, a variety of silos exist within each supervision entity that limit the effectiveness and efficiency of the overall community supervision system. There are variations in the sanctions and incentives that are utilized, early discharge requests, programming availability, and trainings provided to staff.
- Only KDOC has statewide conditions of supervision, while Court Services' and Kansas Community Corrections' conditions of supervision vary by county or judicial district. The conditions of supervision differ by jurisdiction in the numbers and types of conditions, the length and complexity of conditions listed, in document formatting, and the language used and ease of readability. These variations

create challenges when cases are transferred between jurisdictions and cause confusion for people on supervision.

- Approximately 5 percent of the supervision population—1,200 people—are on concurrent supervision between KDOC and community corrections agencies. This number could be as high as 15 percent, or 3,600 people, when factoring in people also concurrently supervised by Court Services or local municipal probation offices.²⁶ As a result, people on concurrent supervision are supervised by multiple officers with no formalized coordination or information sharing.

Policy Recommendation 3 Details

Throughout 2020, the Commission explored numerous policies to address challenges, improve proportionality of sentences, create efficiencies, and promote public safety through recidivism reduction. Some policy recommendations require additional discussions and analysis for the development of legislation that minimizes unintended consequences. As a result, the continuation of the Commission was necessary to build upon current knowledge and expertise to advance changes to Kansas's criminal justice system in a thoughtful and strategic way. Ongoing work with the CSG Justice Center is centered on effective supervision practices, including standardizing conditions of supervision, consolidating concurrent supervision, encouraging behavior change through research-based incentives, and exploring other topic areas as needed.

HB 2077 (enacted as K.S.A. 21-6902) extended the Commission until December 2021 to do the following:

- Review felony supervision practices by Court Services, Kansas Community Corrections, and Parole Services.
- Develop legislative recommendations and administrative policies that establish research-based standards and practices for all community supervision programs that
 - Create standardized terms and conditions of supervision;
 - Provide for a means to eliminate instances of concurrent supervision;
 - Provide incentives for compliant behavior and the ability to earn early discharge from supervision; and
 - Create standardized effective responses to behavior through a system of incentives and graduated sanctions.
- Further review sentences for proportionality.

- Analyze diversion programs to develop legislation that requires diversion options before someone is officially charged (prefiling) and after they are charged (postfiling) in all counties.

Policy Recommendation 4 Details

The concurrent supervision workgroup developed a legislative framework to ensure that only one agency supervises each individual and provides a way to make transfers between agencies consistent and efficient.

Under current law, at sentencing, the district court may transfer supervision to a different district if the receiving Court Services officer agrees to this. But this transfer is not required, and the district court may choose to retain supervision.

HB 2654—enacted as K.S.A. 21-6902(5)(D)—provides optional guidelines for the court to consider when deciding whether to make a transfer to help establish greater consistency in how transfer decisions are made. The new law also requires the Office of Judicial Administration and KDOC to agree to an MOU that eliminates duplicative supervision and details how the agencies will handle conditions, violations, revocations, termination of supervision, and information sharing.

Policy Recommendation 5

Formalize KDOC's approach to parole supervision violations, including implementing effective responses to behavior. Also, establish a clear definition of absconder status. (HB 2121)

Background

- In 2019, one-third of the year-end prison population and two-thirds of prison admissions were due to supervision sanctions and revocations.²⁷
- In the same year, 992 people were revoked from community corrections for condition violations only. The most common violations committed by this group of people, including the violation they were revoked for, were failure to report/absconding (79 percent of people revoked had at least one violation of this type); missed or positive urinalysis/alcohol test (76 percent); failure to pay costs (69 percent); and failure to attend treatment (43 percent). Just over half (525, or 53 percent) of these people did not have even one hearing prior to the hearing that resulted in a revocation.²⁸

- In March 2020, there were 466 people in prison serving time for condition violations on parole at a cost of \$14 million per year.²⁹
- Kansas lacked a formalized definition for absconding from supervision, which created an inconsistent threshold for sanctions between each supervision entity.

Policy Recommendation 5 Details

HB 2121 (which amended K.S.A. 75-5216) requires KDOC to establish standards for parole behavior responses that follow evidence-based practices. This includes the use of incentives for compliant behavior and appropriate interventions for violations. Additionally, HB 2121 created a uniform definition for absconding from supervision, which ensures that each supervision entity is utilizing the same criteria for an absconding violation.

Policy Recommendation 6

Create a mechanism for people to be removed from the public online drug registry, eliminating a current barrier that impedes their ability to secure necessities like housing and employment. (HB 2515)

Background

- The Kansas Offender Registration Act (KORA) requires people who have been convicted of violent offenses, sex offenses, and drug offenses to register. Kansas is one of a handful of states that requires people convicted of drug offenses to add their name to a public online registry.
- Currently the minimum length of registration for a person convicted of a qualifying drug offense is 15 years. Qualifying drug offenses are manufacturing, possession of precursors of a controlled substance, distribution, or possession with intent to distribute, regardless of the amount.
- KORA previously had a mechanism for people to apply for early removal from the registry, but in 2011, the legislature made sweeping changes to KORA, eliminating the removal process altogether.
- There are currently more than 5,964 people on the public drug offense registry, impacting their ability to secure housing and employment. More than 3,556 people have been registered for 5 years or more.³⁰

- Registrants report having a hard time securing housing and employment because of how easy it is for the public to search for and find people on the registry and make judgments about who they are based on their past mistakes.

Policy Recommendation 6 Details

HB 2515, which passed as part of SB 366 and was enacted as Session Laws Chapter 83, allows people convicted of drug offenses to petition to be removed from the registry after 5 years if they have been rehabilitated. This would remove an unnecessary barrier that currently limits these people's ability to secure housing and employment. It is projected that this bill will result in 43 prison beds saved by the end of FY2023 and 71 prison beds saved by the end of FY2032.³¹

Implementation

HB 2077 reappointed the Commission to continue working on changes to the criminal justice system in Kansas with support from CSG Justice Center staff until December 2021. Beginning in January 2022, CSG Justice Center staff continued implementation efforts with relevant agencies.

For the work in 2021, the Commission created five subcommittees: three for supervision topics (conditions of supervision, concurrent supervision, and research-based incentives), a sentencing and proportionality subcommittee, and a diversion subcommittee. Finally, although not required by HB 2077, the Commission continued a sixth subcommittee charged with discussing race and the criminal justice system. This subcommittee was tasked with identifying areas of concern as well as monitoring the work of the other five subcommittees on any issues involving race or disparity.

A large portion of CSG Justice Center technical assistance centered on working with the Commission and relevant agencies to develop and implement administrative policies to improve the system. The Commission meetings provided a helpful forum for consensus building between various stakeholders and addressing silos within the trifurcated supervision system.

Ongoing CSG Justice Center technical assistance includes the following activities:

Standardized Conditions

- Guide the drafting of supervision conditions to eliminate conflicts between conditions and ensure readability.
- Guide the ongoing workgroup to standardize special conditions of supervision to complement the general conditions that were standardized by the 2021 Commission.
- Develop and conduct training and education for stakeholders on conditions of supervision.
- Leverage subaward funding to assist with ongoing training needs related to condition setting.

Dual Supervision

- Conduct focus groups with supervision leadership from Court Services and Kansas Community Corrections to elicit feedback on challenges experienced by supervision agencies and strengths of those agencies to resolve instances of dual supervision.
- Guide the ongoing workgroup on the development of the communication standards between KDOC (postrelease supervision), Community Corrections, and Court Services regarding dual supervision cases.
- Assist the ongoing workgroup with administrative policy updates based on statutory changes that formalize the transfer of supervision of dual supervision cases.
- Discuss the potential of subaward funding to assist with connecting KDOC and OJA data systems to make information sharing more efficient.

Research-Based Incentives

- Facilitate discussion with supervision system stakeholders regarding any difficulties and benefits of implementing various research-based incentives.
- Guide the ongoing workgroup on the creation of the inter-agency incentive and sanction matrix that will be used with the Carey Group 4:1 Behavior Management System by both KDOC and OJA.
- Develop training materials for stakeholders on the new incentives and sanctions matrix and the impact on supervision decision-making for supervision staff, the judiciary, and county/district attorneys.
- Develop training and webinars for the judiciary on application of risk and need principles, condition setting, and the new behavior management matrix.

Appendix

The following tables show all the policy and practice recommendations presented to the Commission.

Policy Recommendations Passed into Law	
1. Build on the SB 123 infrastructure to encourage more prosecutor diversions to certified treatment and provide treatment to more people before they commit more crimes. (HB 2026)	Passed House (123-0)
	Passed Senate (40-0)
2. Require the supreme court to adopt rules for establishing and operating specialty courts and support jurisdictions interested in expanding specialty courts. (HB 2361)	Passed House (113-0)
	Passed Senate (36-4)
3. Formalize workgroups to standardize conditions of supervision, eliminate concurrent supervision, encourage behavior change through research-based incentives, and explore other topic areas as needed. (HB 2077)	Passed House (120-5)
	Passed Senate (39-1)
4. Enact legislation building on the work of the concurrent supervision workgroup to ensure that people on supervision are supervised by only one entity . (HB 2654, as part of SB 408)	Passed House (114-2)
	Passed Senate (40-0)
5. Formalize KDOC’s approach to parole supervision violations , including implementing effective responses to behavior. Also, establish a clear definition of absconder status . (HB 2121, includes language from HB 2275)	Passed House (101-22)
	Passed Senate (40-0)
6. Create a mechanism for people to be removed from the public online drug registry , eliminating a current barrier that impedes their ability to secure necessities like housing and employment. (HB 2515, as part of SB 366)	Passed House (116-0)
	Passed Senate (37-3)

Other Proposed Policy and Practice Recommendations
Amend the drug and the nondrug grid to better reflect actual sentencing and reduce downward departures by expanding presumptive probation and border box zones; continue to ensure adequate capacity for people convicted of off-grid and other extremely serious crimes. (HB 2146 and HB 2350)
Standardize conditions of supervision. (HB 2658)
Create earned compliance credits or strengthen early discharge mechanisms. Support the work of the Sentencing Commission to propose legislation for earned compliance credits and/or strengthened early discharge mechanisms for people on supervision. (HB 2084)
Fully opt out of the federal ban on SNAP, TANF, or both to remove barriers to benefit eligibility based on felony drug convictions. (HB 2215)

Other Proposed Policy and Practice Recommendations

Promote fair, consistent, and transparent application of occupational licensing barriers. (HB 2370)

Require that disqualifying offenses be directly related to the specific duties and responsibilities of the licensed activity.

Require individualized consideration of applicants and their convictions guided by a consistent factor-based analysis that considers evidence of rehabilitation, time since conviction, the nature of the offense, and other relevant factors.

Provide applicants with written reasons for conviction-based denial that address all statutory factors that must be considered.

Make pre-application determinations binding unless new criminal history information comes to light, either in the form of new charges or convictions or past convictions that were not previously disclosed.

Eliminate or narrowly tailor exemptions for specific licensing bodies and types of licenses.

Expand the law to cover all state-imposed conviction-based licensing barriers so that existing mandatory barriers are essentially converted into discretionary ones that allow individuals to be considered on their merits and in the full context of their history and experience.

Allow terminal medical release at 120 days instead of 30 days. (HB 2030)

Disallow anger management programming in cases of intimate partner violence. Replace anger management in these cases with batterer's intervention programming (BIP).

Require BIP assessment and programming at the time of first offense. People who perpetrate domestic violence should be sentenced to BIP. Providers of BIP should use evidence-based practices and collaborate closely with victim service providers and with parole and probation supervision agencies. Expand SB 123 to include provision of determination of need for BIP assessment and programming. Expand access to include pretrial availability.

Statutorily mandate statewide adoption of lethality assessments. Use of lethality assessments should focus on assessing the risk of a person committing abuse as well as connecting victims to resources. Statutorily mandate statewide adoption of a valid, reliable assessment instrument.

Prioritize the transition to an incident-based reporting system. Support the Kansas Bureau of Investigation's transition to Kansas Incident-Based Reporting System (KIBRS); provide technical assistance to local law enforcement agencies necessary to transition to incident-based reporting.

Use incident-based data to understand potential disparity. Collect, analyze, and make publicly available incident-level crime data that break down crime incidents by sex, race, geography, and relationship between people who commit offenses and victims.

Conduct a statewide victimization survey to understand the full scope of victimization across the state, capture polyvictimization that is occurring (people who experience multiple victimizations simultaneously), and identify survivor populations that systems may not currently be serving. This survey can inform priorities for statewide victim services funding. The victimization survey should be undertaken by The Kansas Governor's Grants Program (KGGP) and should be conducted every five years.

Other Proposed Policy and Practice Recommendations

Maximize technology to provide remote assistance to victim-witness coordinators in under-resourced areas.

Utilize the KGGP Kansas Academy of Victim Assistance to administer specialized and advanced training on best practices to victim-witness coordinators across the state.

Formalize interagency collaboration on information sharing, training, quality assurance, and continuous quality improvement to create efficiencies and leverage agency expertise.

Support interagency collaboration on programming access to increase access to programming for people assessed as high risk and high need by developing a statewide coordinated effort to allow people supervised by one agency to receive programming facilitated by another agency.

Ensure robust sanctions and incentives are available statewide to allow adequate opportunities for behavior change for people on community supervision.

Explore the use of a data dashboard to merge siloed data systems.

Update mission and vision statements for community supervision agencies to ensure alignment with implemented best practices and goals of supervision in Kansas.

Require the Behavioral Science Regulatory Board to provide additional training on how to work with people in the justice system as part of state licensure.

Develop guidelines and information-sharing protocols for KDOC to communicate completion of cognitive behavioral interventions with community-based providers as people reenter the community.

Modify policies and procedures to require a formal transition package for all people leaving prison that includes the following:

- a. Requirements for coordination with probation and parole agencies and KDOC contractors for people with mental illnesses and substance use disorders (SUDs)
- b. Written policies and procedures about coordination between KDOC transition planners, Community Mental Health Centers (CMHCs), and community-based SUD treatment providers

Develop policy and provide funding to support correctional facility liaisons for the CMHCs and/or substance use treatment to support warm handoffs to community-based care.

Provide training for community supervision officers on mental illnesses and substance use disorders, treatment options, and strategies to better coordinate with treatment and recovery support service providers.

Modify contracts to ensure that mental health and substance use providers create a coordinated care team to support people with co-occurring mental illnesses and substance use disorders.

Other Proposed Policy and Practice Recommendations

Modify policies and procedures to create standard guidance for all contracted providers on intake and reentry support for people receiving the University of Cincinnati Substance Abuse curriculum.

Develop guidance for transition specialists and contracted substance use curriculum providers on how to coordinate with community-based substance use disorder treatment and recovery support service providers.

Develop mobile crisis teams through CMHCs and SUD treatment providers to increase service accessibility in rural and frontier counties and support crisis response.

Leverage access to telehealth services through Medicaid and insurance to assist with connections to care for people in the justice system. Identify funding for telehealth consultations while people are in jail or prison prior to reentering the community.

Coordinate with the Governor's Behavioral Health Services Planning Council's Justice Involved Youth and Adults Subcommittee to make sure that priorities are aligned.

Use feedback and lessons learned from cross-system coordination for mental health and jails to inform opportunities in other areas of the justice system, including best practices, and address housing instability and substance use disorders.

Create a subcommittee or leverage the data subcommittee to identify common data metrics that should be collected across the criminal justice, mental illness, substance use disorder, and housing systems. This group will develop recommended legislation regarding what data should be collected.

Develop a legislative liaison position at KDOC to ensure that the statutory and administrative policy barriers experienced by people in the justice system are communicated to policymakers.

Develop a streamlined process during intake to KDOC facilities for using assessment results and other information gathered during intake to assign people to a facility based on programming needs, availability, interest, anticipated release date, as well as security risk.

Appoint a representative from KDOC to the KansasWorks state board to ensure the workforce development and supportive service needs of people with justice system involvement are taken into consideration when developing the state Workforce Innovation and Opportunity Act (WIOA) plan and other state-funded workforce development initiatives.

Develop additional partnerships with community-based agencies to provide more programming, such as Adult Basic Education (ABE) and General Educational Development (GED) courses each day of the week.

Develop formal partnerships and information-sharing agreements between KDOC and the Kansas Department for Children and Families Vocational Rehabilitation department to screen people for services prior to release from KDOC and/or at the start of community supervision.

Other Proposed Policy and Practice Recommendations

Develop formal partnerships between KDOC, Kansas Consortium for Correctional Higher Education, businesses, and all local Workforce Boards to leverage state, federal, and private funding and resources to bring intensive workforce development models to scale within the state.

Increase funding for education and employment programming and space within KDOC facilities.

Standardize KDOC's roles and responsibilities for employment specialists to include job development or invest in job development specialists to form relationships with businesses in the community to promote hiring people who are reentering the community.

Utilize the governor's WIOA Reserve Obligation/set-aside to build on successful intensive workforce development models.

Develop a plan for marketing KDOC Vocational/Career and Technical Education (CTE) to businesses and legislators to show that KDOC's untapped skilled population has what it takes to meet the needs of businesses and that Kansas stakeholders should continue to invest in programming.

Develop shared positions between KDOC, Department for Children and Families, and all local Workforce Boards to ensure a smooth handoff as a person reenters the community.

Develop a sustainability plan for the Second Chance Pell Pilot Programs to continue educational and vocational programming.

Ensure that people in the criminal justice system are included in the upcoming housing study.

Develop policies requiring ongoing collaboration among state agencies—KDOC, Kansas Department for Aging and Disability Services (KDADS), and the Kansas Housing Resources Corporation (KHRC)—to address housing for people in the justice system.

Develop policy requiring a consistent method of screening to track people in jails and prisons who are experiencing housing instability or are at risk of homelessness. VI-SPDAT (Vulnerability Index - Service Prioritization Decision Assistance Tool) is used by the Balance of State BoS Continuum of Care (CoC) as well as some of the other CoCs to identify people experiencing homelessness.

Develop policies and procedures on coordination between KDOC and the regional BoS CoC coordinators, CoCs, CMHC housing specialists, recovery housing, and other housing services providers.

Expand existing lists of housing opportunities available through KDOC, the KHRC, and KDADS to provide information on which programs in the state support access for people in the justice system.

Incorporate people in the criminal justice system into existing working groups and task forces with a priority on homelessness and housing.

Other Proposed Policy and Practice Recommendations

In cooperation with the Lieutenant Governor's Office and the KHRC, **work with the Rural Prosperity Task Force and the Housing and Homeless Subcommittee** to include people in the criminal justice system.

Provide training for community supervision officers on housing opportunities, the housing system, and strategies to better coordinate with CoCs, housing authorities, landlords, CMHCs, and housing support service providers.

Utilize justice system partnerships to provide training for housing providers on working with people in the justice system, including information on criminogenic risk and needs and common misconceptions.

Offer outreach and training for CoCs, housing authorities, and landlords on the housing needs of people in the justice system and how to effectively coordinate with community supervision agencies, CMHCs, and substance use disorder treatment providers.

Discuss and evaluate barriers to accessing existing shelter services, permanent supportive housing, recovery housing, and other housing options for people in the criminal justice system.

Have the regional BoS CoCs coordinators **review information in the new Housing Management Information System to identify available properties** and support people reentering the community from jails or prison.

Identify statutory or administrative restrictions on housing for people with criminal histories. Distill the barriers that are perceived vs. restrictions that are mandatory. Generate a list of restrictions that impact the most people in the criminal justice system.

Leverage the data subcommittee to identify common data metrics that should be collected across the criminal justice, mental illness, substance use disorder, and housing systems. This group will develop recommended legislation regarding what metrics should be included in the data framework.

Endnotes

1. 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). Cost estimates are based on actual and projected prison populations, the KDOC capacity as of June 2019, and FY2019 operating cost expenditures per incarcerated person for KDOC facilities.
2. Kansas Department of Corrections, *End-of-Month Offender Population Report: June 2019* (Topeka, KS: Kansas Department of Corrections, 2019). Includes probation sanctions.
3. Email correspondence between CSG Justice Center and Kansas Department of Corrections, February 24, 2020. Violation types are not mutually exclusive; people who were revoked may have had more than one of each type of condition violation.
4. Governor Laura Kelly, Attorney General Derek Schmidt, Chief Justice Marla Luckert, then Senate President Susan Wagle, Speaker of the House Ron Ryckman, Kansas Department of Corrections Secretary Jeff Zmuda, Kansas Criminal Justice Reform Commission Chair and Sedgwick County District Attorney Marc Bennett, and Department of Aging and Disability Services and Children and Families Secretary Laura Howard.
5. CSG Justice Center analysis of Kansas Sentencing Commission felony sentencing data, September 2020.
6. CSG Justice Center analysis of KDOC prison population data, May 2020. There were 103 women in prison for drug offenses at the end of FY2010 and 220 at the end of FY2019.
7. CSG Justice Center analysis of KDOC prison population data, July 2020; Kansas Department of Corrections, *Fiscal Year 2019 Annual Report*. Cost estimates are based on the FY2019 year-end prison population and the FY2019 annual average operating cost per incarcerated person for KDOC facilities (\$26,188).
8. Kansas Department of Corrections, *Fiscal Year 2019 Annual Report*; Kansas Department of Corrections, *Statistical Summary FY 2019 Community Corrections Offender Population* (Topeka, KS: Kansas Department of Corrections, 2020). The FY2019 average daily operating cost per person for prisons was reported in the FY2019 KDOC annual report as \$71.75. The estimated cost per day for community supervision was \$7.42; this was calculated by dividing the FY2019 KDOC expenditures for Community Corrections (\$22,428,423) by the average daily population on Community Corrections for FY2019 (8,284), then dividing by 365 to get a daily rate. Cost and population information for Court Services supervision was not available.
9. Donald P. Green and Daniel Winik, "Using Random Judge Assignments to Estimate the Effects of Incarceration and Probation on Recidivism among Dug Offenders," *Criminology* 48, no. 2 (2010): 357–387, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1477673.
10. Kansas Department of Corrections, *End-of-Month Offender Population Report: June 2019*. Includes probation sanctions.
11. Email correspondence between CSG Justice Center and Kansas Department of Corrections, February 24, 2020. Violation types are not mutually exclusive; people who were revoked may have had more than one of each type of condition violation.
12. CSG Justice Center analysis of KDOC prison population data, July 2020; Kansas Department of Corrections, *Fiscal Year 2019 Annual Report*. Cost estimates are based on the FY2019 year-end prison population and the FY2019 annual operating cost expenditures per person for KDOC facilities (\$26,188). Does not include people in prison for probation sanctions.
13. 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 $2,416 \div 4,595$.
14. Jeff Zmuda, "Kansas Department of Corrections Presentation to the Criminal Justice Reform Commission" (PowerPoint presentation, Kansas Criminal Justice Reform Commission, Topeka, KS, October 28, 2019).
15. "Collateral Consequences Inventory," National Inventory of Collateral Consequences of Conviction, accessed June 23, 2020, https://niccc.csgjusticecenter.org/database/results/?jurisdiction=253&consequence_category=236%2C234%2C377%2C396&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1.
16. Arrest figures for 2019 were not available as of September 29, 2020. Kansas Bureau of Investigation Incident Based Reporting Unit, *Kansas Adult Arrests 2008–2018* (Topeka, KS: Kansas Bureau of Investigation, 2009–2019).
17. Kansas Bureau of Investigation Incident Based Reporting Unit, *Kansas Adult Arrests 2010–2018* (Topeka, KS: Kansas Bureau of Investigation, 2011–2019); Kansas Sentencing Commission, *FY 2010–2018 Annual Report* (Topeka, KS: Kansas Sentencing Commission, 2011–2019). Arrest numbers are reported by calendar year (January 1 to December 31), and numbers for 2019 were not available as of the publication of this report. Admissions to prison are reported by fiscal year (July 1 to June 30) and are based on all admission types, including supervision violations.
18. Supreme Court of Kansas, *Annual Report of the Courts of Kansas Fiscal Year 2010–2019* (Topeka, KS: Supreme Court of Kansas, 2011–2020).
19. CSG Justice Center analysis of KDOC community corrections data, August 2020. 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.
20. CSG Justice Center analysis of KDOC community corrections data, August 2020. 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.
21. CSG Justice Center analysis of Kansas Sentencing Commission felony sentencing data, September 2020.
22. Ibid.
23. Ibid.
24. Kansas Division of the Budget, Fiscal Note for HB 2026.
25. See Kansas Supreme Court Rule 191 (2021).
26. Due to how data are collected in Kansas and the different data systems used by Court Services, an exact number is unable to be obtained. An estimate of 5 percent 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.
27. Kansas Department of Corrections, *End-of-Month Offender Population Report: June 2019* (Topeka, KS: Kansas Department of Corrections, 2019). Includes probation sanctions.
28. Email correspondence between CSG Justice Center and Kansas Department of Corrections, February 24, 2020. Violation types are not mutually exclusive; people who were revoked may have had more than one of each type of condition violation.
29. 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).
30. Kansas Division of the Budget, Fiscal Note for HB 2125 containing the registry relief enacted in SB 366.
31. Ibid.



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