



1

Presentation Overview

- 1** Project Overview
- 2** Community Supervision Findings
- 3** Community Supervision Recommendations
- 4** Review of Support for Policy Options

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2



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 forward 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 improve safety and justice

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3

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.

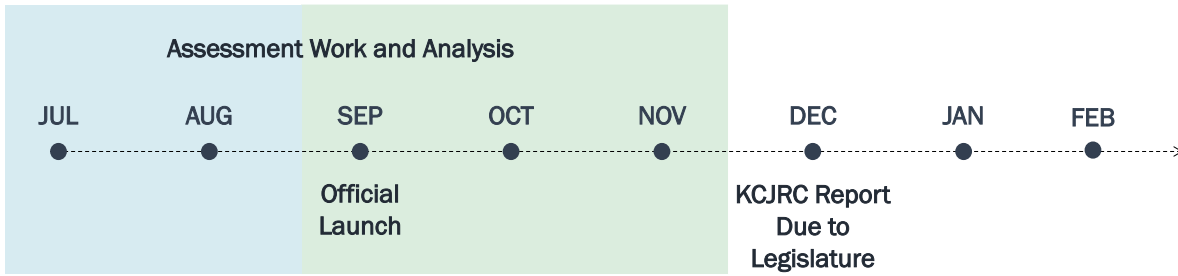
The Justice Reinvestment Initiative is funded principally by the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** with additional funding from **The Pew Charitable Trusts**.

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**.

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4

The Justice Reinvestment assessment of supervision policies, and practices driving challenges in Kansas.



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5

The CSG Justice Center’s assessment team in Kansas



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BA, Kent State University
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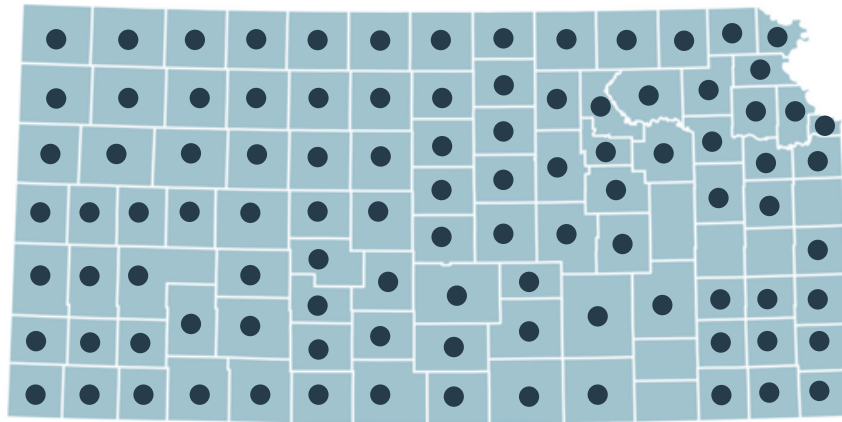


Laura van der Lugt, Project Manager
Former director of research and innovation for the Suffolk County Sheriff’s Department (Massachusetts)
BA, Bates College,
MA, University of Pennsylvania
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6

Team members have connected with stakeholders from 99 of Kansas's 105 counties and spoken with more than 180 people.



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7

Since July 2020, CSG Justice Center staff have connected with 35 Kansas stakeholders across 24 organizations to discuss community supervision.

- Supervision Working Group of the Kansas Criminal Justice Reform Commission
- Kansas Department of Corrections Reentry and Supervision Staff
- Leadership and front-line staff across all three entities of community supervision in the following areas:
 - Wichita
 - Olathe
 - Kansas City
 - Topeka
 - Saline
 - Hutchinson
 - Northwest Kansas Community Corrections
 - 11th Judicial District
 - 25th Judicial District

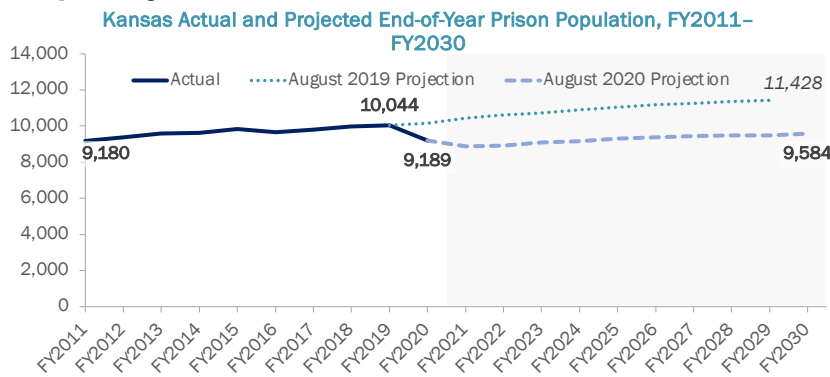
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8

Presentation Overview

- 1** Project Overview
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- 3** Community Supervision Recommendations
- 4** Review of Support for Policy Options

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

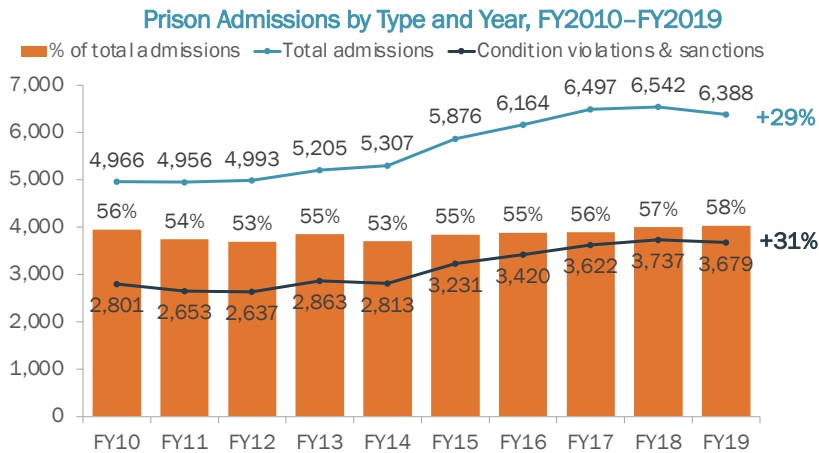


Maintaining the population at current levels would cost the state an estimated \$255 million annually, as opposed to the \$261 million actual expenditures for FY2019.*

*Estimated cost was calculated by multiplying the FY2020 average daily population in KDOC facilities (9,744) by the FY2019 annual operating cost per person for KDOC facilities (\$26,168) and assumes a one-year length of stay in prison. Actual expenditures are for KDOC facilities.

Kansas Sentencing Commission, Fiscal Year 2020 Adult Inmate Prison Population Projections (Topeka, KS: Kansas Sentencing Commission, 2019); Kansas Sentencing Commission, Fiscal Year 2021 Adult Inmate Prison Population Projections (Topeka, KS: Kansas Sentencing Commission, 2020); 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>.

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



Additional takeaways:

- **The majority of admissions to prison each year are for supervision condition violations.**
- Failure to report is the most cited reason at revocation (multiple reasons can apply) followed by failure of drug test and failure of program/treatment.
- Approximately 20–25% of the community corrections population is on absconder status.

CSG Justice Center analysis of KDOC prison admission data, May 2020; CSG Justice Center analysis of Kansas Sentencing Commission probation revocation hearings data, August 2020; CSG Justice Center analysis of Kansas Department of Corrections Statistical Summary FY2019 of Community Corrections Adult Offender Population.

11

Initial assessment conversations revealed inconsistencies in policy and practice across jurisdictions and inefficiencies in supervision across three areas.



Conditions of Supervision

Supervision conditions do not meet best practice standards and vary in length and content across the state.



Concurrent Supervision

5–16 percent of the supervision population is on supervision with more than one supervision entity.



Resources/Programming

There are variations in access and cost of programming between agencies.

12

Further assessment and analysis revealed additional challenges for supervision agencies that exacerbate the initial community supervision findings.



Information Sharing



Training and Continuous Quality Improvement (CQI)



Data Collection, Integration, and Reporting

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13

Information should be shared across agencies to reduce duplication, improve services, and develop consistent processes.



Assessment Findings

- Coordination across agencies is not standardized for dual supervision cases causing duplicative appointments, assessments, drug tests, supervision fees, sanctions, and conflicting conditions of supervision.
- Community resources are not consistently known across agencies.
- LSI-R assessments and related documents are not leveraged between agencies causing redundant and potentially conflicting assessments.

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14

Initial and ongoing staff training should occur to assist with skill acquisition and fidelity to practices.



Assessment Findings

- Not all supervision entities have internal trainers for ongoing training needs (i.e., assessments, effective supervision practices, and cognitive behavioral programming) causing the added expense of hiring external trainers.
- Many trainings are siloed between agencies, with a few exceptions, causing inefficiencies and inconsistent practices across agencies.
- Training needs to be conducted or expanded to include gender-responsive, culturally appropriate, and trauma-informed approaches to supervision.
- The use of quality assurance and CQI practices vary.

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15

Fragmented trainings and a lack of coordination are frustrating supervision officers, agency leaders, and stakeholders.

“We can’t all be on the same page if we don’t have opportunities for joint training.”

—Supervision Officer

“The lack of communication between all entities creates an atmosphere of distrust, frustration and ultimately leads good people to the exit door.”

—Supervision Officer

“Our supervisors don’t have the time to do all of the quality assurance and coaching; we need help.”

—Agency Leader

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16

Varying perceptions exist about balancing punishment and behavior change, causing inconsistencies in how violation behaviors are handled and the threshold for revocation.

Pretrial Detention: More than 1 Day	Community Sanctions vs. Jail Sanctions	Prison: Not shown to reduce recidivism
<ul style="list-style-type: none"> ▪ Increased failure-to-appear rates for low-risk individuals ▪ Increased recidivism for low- and moderate-risk individuals 	<p>Both have the same:</p> <ul style="list-style-type: none"> ▪ Time to next violation ▪ Number of subsequent violations ▪ Likelihood of successful completion of supervision 	<ul style="list-style-type: none"> ▪ Increasing severity of punishment does little to deter crime ▪ Certainty of being caught is more powerful deterrent than punishment ▪ Prison may exacerbate recidivism

Christopher T. Lowenkamp, Marie VanNostrand, and Alexander Holsinger, *The Hidden Costs of Pretrial Detention* (Laura and John Arnold Foundation, 2013); E.J. Wodahl, John Boman IV, and Brett Garland, "Responding to probation and parole violations: Are jail sanctions more effective than community-based graduated sanctions?" *Journal of Criminal Justice* 43, no. 3: 242-250; National Institute of Justice, "Five Things about Deterrence" (Washington, DC: National Institute of Justice, 2016), <https://www.ncjrs.gov/pdffiles1/nij/247350.pdf>.

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17

Data should be collected uniformly across criminal justice stakeholders to allow for easy system analysis and should be reported in a way that is meaningful and actionable.



Assessment Findings

- Probation data is not collected uniformly between Court Services and Community Corrections.
- Siloed criminal justice system data does not allow for dual supervision cases to be easily identified statewide.
- An automated process does not exist to identify sentencing grid recommendations creating a cumbersome process for Pre-Sentence Investigation (PSI) writers.
- Data is not collected and reported in actionable ways to drive decisions at all levels of supervision agencies.

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18

Assessment Limitations

Perspective of People on Supervision

The perspective of people on supervision was limited to Sedgwick County. Further engagement with people on supervision can help inform implementation efforts for current policies and the development of future policies.

Stakeholder Engagement

Some policy recommendations require stakeholder engagement to an extent that may not be possible for this legislative session.

Rural Revocation Rates

Time constraints prevented a full understanding of high revocation rates in certain rural counties. Further assessment could produce actionable insights.

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19

Presentation Overview

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- 3** Community Supervision Recommendations
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20

Assessment recommendations were carefully crafted to meet the unique needs of Kansas.

Goal for recommendations:

Promote public safety through reductions in recidivism.

- ✓ Reduce barriers that may unnecessarily prevent someone from being successful on supervision.
- ✓ Identify inefficiencies to allow for a more effective use of precious resources.
- ✓ Create strategies that are sensitive to the state's current budget realities.

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21

Immediate community supervision policy recommendations

1. Consolidate concurrent supervision cases.

Introduce legislation to create a mechanism to consolidate concurrent supervision cases.

2. Create statewide conditions of supervision.

Form a workgroup with adequate representation from supervision agencies, judges, prosecutors, and defense attorneys to establish a standard set of conditions of supervision and special conditions based on best practices.

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22

Immediate community supervision policy recommendations (cont.)

3. 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.

4. Work with the judiciary to promote consistency in the reasons and thresholds for revocations statewide.

✓ Collaborate with judges to explore the possibility of revocation guidelines.

Consider KDOC revocation practices or Utah statewide revocation guidelines as examples.

✓ Statewide revocation judges

Explore the possibility of allowing statewide revocation judges located in the judicial branch to hear revocation cases, create consistency in revocation decisions, and allow for specialized training on behavior change strategies and accountability.

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23

Immediate community supervision policy recommendations (cont.)

5. Formalize interagency collaboration to increase information sharing, create efficiencies, and leverage agency expertise.

✓ Information sharing

Share information across agencies to reduce inconsistencies and ensure adequate knowledge of existing resources.

✓ Trainings

Leverage expertise across agencies to meet training needs of staff.

✓ Quality Assurance (QA) and CQI Efforts

Share QA/CQI documents and processes, create universal data collection, and develop a process for inter-rater reliability and fidelity monitoring across agencies.

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24

Immediate community supervision policy recommendations (cont.)

6. Support interagency collaboration to leverage resources to promote success on supervision and reductions in recidivism.

- ✓ Access to programming for all people assessed as high risk and high need

Develop a statewide coordinated effort to allow people supervised by one agency to receive programming facilitated by another agency.

- ✓ Re-Engagement Unit

Develop an interagency re-engagement unit that targets people who fail to report, are on absconder status, or at risk of revocation to become connected to resources and successfully re-engaged in supervision.

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25

Longer-term community supervision policy recommendations for future committee and commission work

1. Ensure robust sanctions and incentive options are available.

Ensure that sanctions are robust enough to provide options other than incarceration as an accountability measure. Systemically track the use of sanctions and incentives statewide.

2. Create a data dashboard that is actionable at the agency, judicial, and legislative levels.

Develop a strategy to merge siloed data into a centralized data dashboard.

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26

Longer-term community supervision policy recommendations for future committee and commission work (cont.)

3. Reduce lengthy PSI processes

Consider a statewide PSI unit so every area of the state has access to dedicated PSI staff. Create an automated system for determining sentencing grid placement.

4. Revisit mission and vision statements

Update mission and vision statements across agencies to ensure alignment with implemented best practices and the goals of supervision.

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27

Presentation Overview

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28

Does the subcommittee support the proposed policy options?

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29

Thank You!

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30