



Justice Center
THE COUNCIL OF STATE GOVERNMENTS

Justice Reinvestment in Kansas

Update to the Diversion/Supervision/Specialty Courts/Specialty Prisons Subcommittee

September 9, 2020

Presentation Overview

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Justice Center

THE COUNCIL OF STATE GOVERNMENTS

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

How We Work

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

Our Goals

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



What is Justice Reinvestment?

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

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

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

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

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

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

The KCJRC has guided the CSG Justice Center analysis.

KCJRC subcommittees will be able to use the analyses and insights we gather to guide their work as they attempt to

- Understand the scale and nuance of problems;
- Identify recommendations to move closer to desired outcomes;
- Build support and pass policy recommendations; and
- Create implementation plans that include data monitoring for accountability.

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



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The CSG Justice Center's community supervision assessment team in Kansas



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In 2007, Senate Bill 14 required the implementation of evidence-based practices for community supervision. Recent efforts have sought to recommend improvements and build on prior reforms to community supervision.

Kansas Criminal Justice Reform Commission

Report to the 2020 Kansas Legislature – Community Supervision Related Recommendations

- Conduct a comprehensive assessment on the current state of data sharing across Kansas agencies.
- Inventory all major initiatives developed and funded at local and state levels to improve outcomes for people in the criminal justice system with mental illnesses and/or substance use disorders.
- Amend KSA8-264, adding court services and community corrections agencies as authorized entities to provide a Certification of ID to people under supervision.

Criminal Justice Support for New Administrations

Final Report to Kansas – Community Supervision Related Recommendations

- Create a data dashboard to monitor revocations and recidivism across the state.
- Reinvest cost savings gained through any statutory changes in a new recidivism-reduction grant program to provide competitive funding for proposals that will help local agencies.
- Improve and expand services to women by using a women-specific risk and needs assessment tool, expanded use of gender-responsive and trauma-informed curricula, and tailored supervision practices.

Community Corrections Advisory Committee

FY2020 Advisory Committee Annual Report – Recommendations to Kansas Department of Corrections

- Reinvest unexpended community corrections funds back into community corrections agencies.
- Invest in training for improved use of core correctional practices.
 - Increase use of video technology for training.
 - Reconvene statewide conferences for community supervision.
- Implement fidelity and coaching exercises to ensure accuracy of risk and need assessments.

Community supervision in Kansas is managed by three distinct, yet interrelated agencies.

	Court Services	Community Corrections	Kansas Department of Corrections (KDOC)
Oversight	<ul style="list-style-type: none"> Office of Judicial Administration – policy and procedure guidance Judicial District Chief Judge 	<ul style="list-style-type: none"> County Commissioner or Corrections Advisory Board Kansas Department of Corrections 	<ul style="list-style-type: none"> Governor
Funding	<ul style="list-style-type: none"> State County Court fines and fees 	<ul style="list-style-type: none"> KDOC grants County Client reimbursements 	<ul style="list-style-type: none"> State
Jurisdictions	<ul style="list-style-type: none"> 31 judicial districts 	<ul style="list-style-type: none"> 29 community corrections agencies with jurisdictions varying between judicial district, region, and county 	<ul style="list-style-type: none"> 19 parole districts divided into two regions (North and South)
Populations	<ul style="list-style-type: none"> Pretrial (where county funded) Misdemeanor probation – all risk levels Felony probation – low and moderate risk levels Specialty Court 	<ul style="list-style-type: none"> Pretrial (where county funded) Misdemeanor probation – as sanction Felony probation – moderate-high, high, and very high-risk levels Specialty courts 	<ul style="list-style-type: none"> Parole Post-release supervision

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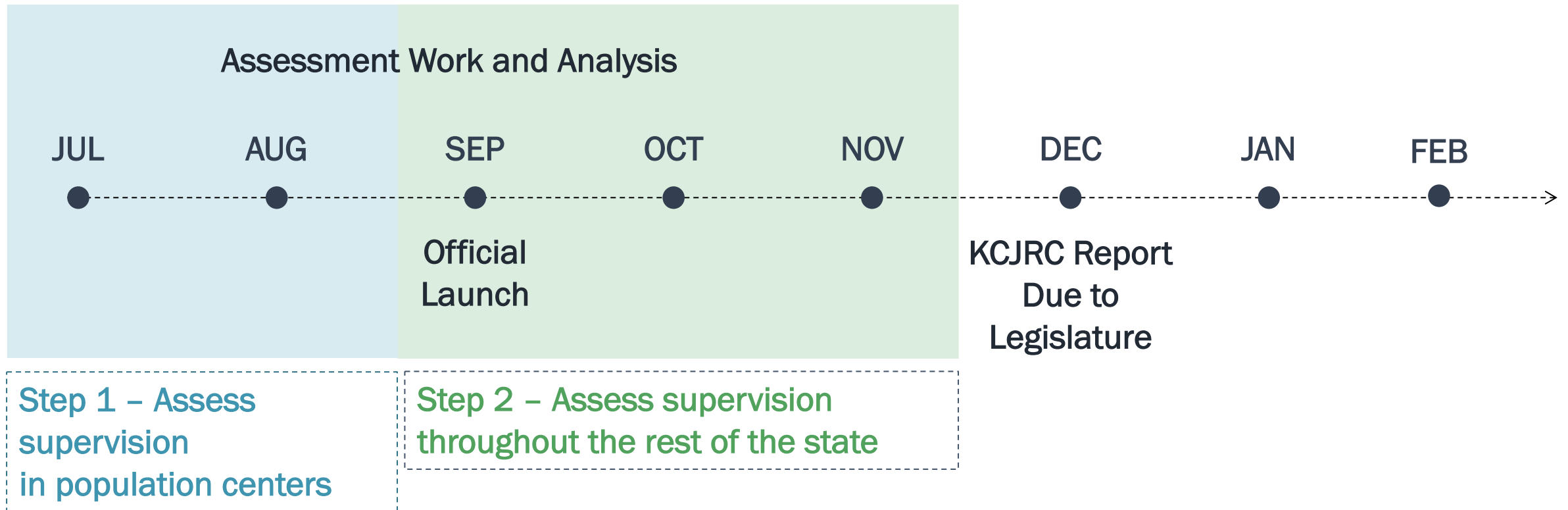
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The Justice Reinvestment assessment of community supervision seeks to examine systems, policies, and practices driving challenges in Kansas.

CSG Justice Center staff have a two-step process for understanding community supervision across Court Services, Community Corrections, and the Kansas Department of Corrections.



CSG Justice Center staff have had video calls with all individuals and groups identified as part of assessment Step 1. Assessment conversations focused on community supervision practices, resources, and challenges.

Court Services/Office of Judicial Administration

- Chief Justice Luckert
- Special Counsel to the Chief Justice
- Deputy Special Counsel to the Chief Justice
- Director, Trial Court Programs
- Court Services Specialist
- Chief Judge 23rd Judicial District
- 7 Chief Court Service Officers

Prisoner Review Board

- Chair

Community Corrections

- 6 Community Corrections Directors

Community Supervision Partners

- Supervision Working Group
- District Attorney, Sedgwick County
- Police Chief, Hesston, KS
- Sheriff, Graham County

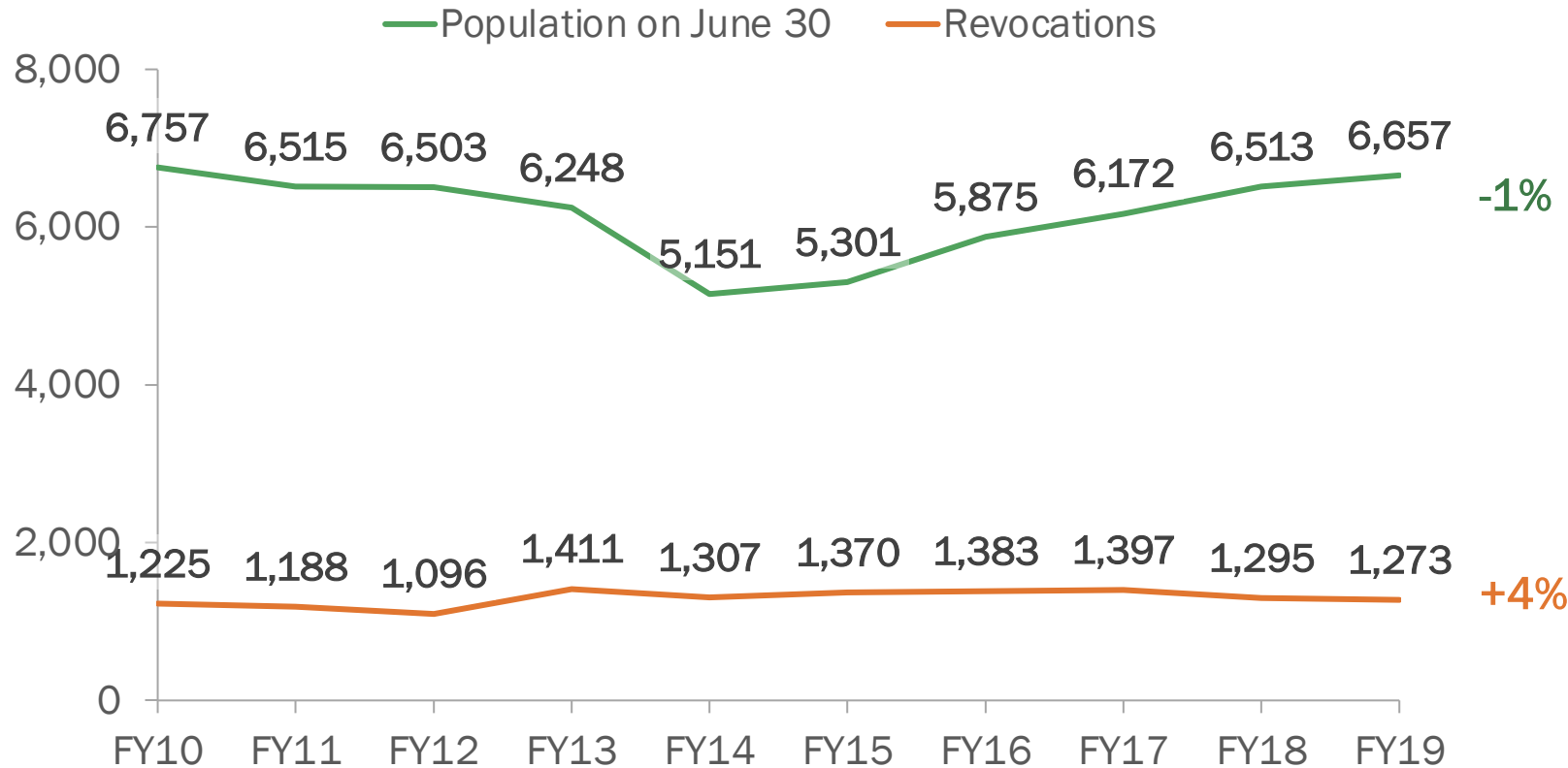
CSG Justice Center staff have had video calls with all individuals and groups identified as part of assessment Step 1. Assessment conversations focused on community supervision practices, resources, and challenges.

Kansas Department of Corrections

- Secretary
- Deputy Secretary
- Director, Research and Behavior Analytics
- Director, Victims Services
- Director, Education and Employment
- Director, Leadership and Supervisory Training
- Director, Reentry Services
- Director, Programs
- Policy and field staff, Parole services
- Director, Northern Parole Region
- Director, Southern Parole Region
- 6 Parole Supervisors

The total parole population decreased slightly between FY2010 and FY2019.

Parole Population and Revocations, FY2010–FY2019

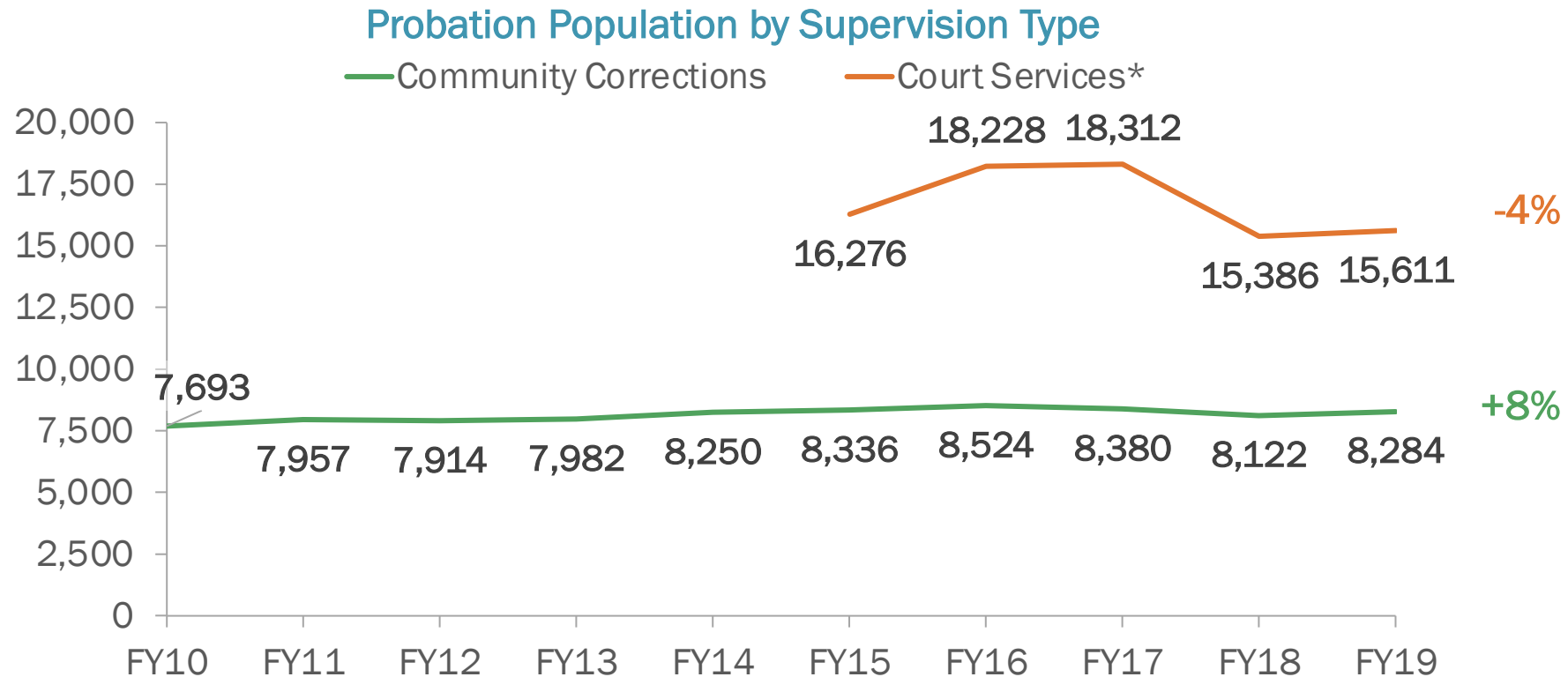


Additional takeaways:

- On average, about 6 percent of people on parole were paroled to another state.
- About a quarter of people on parole are on compact supervision from another state.
- The number of out-of-state people on parole has increased but is still low.
- The number of compact supervision cases has decreased, while people on parole for cases sentenced in Kansas has increased.

Parole population numbers are based on the population as of June 30 of each fiscal year. Parole revocation numbers are based on prison admissions for parole revocations.

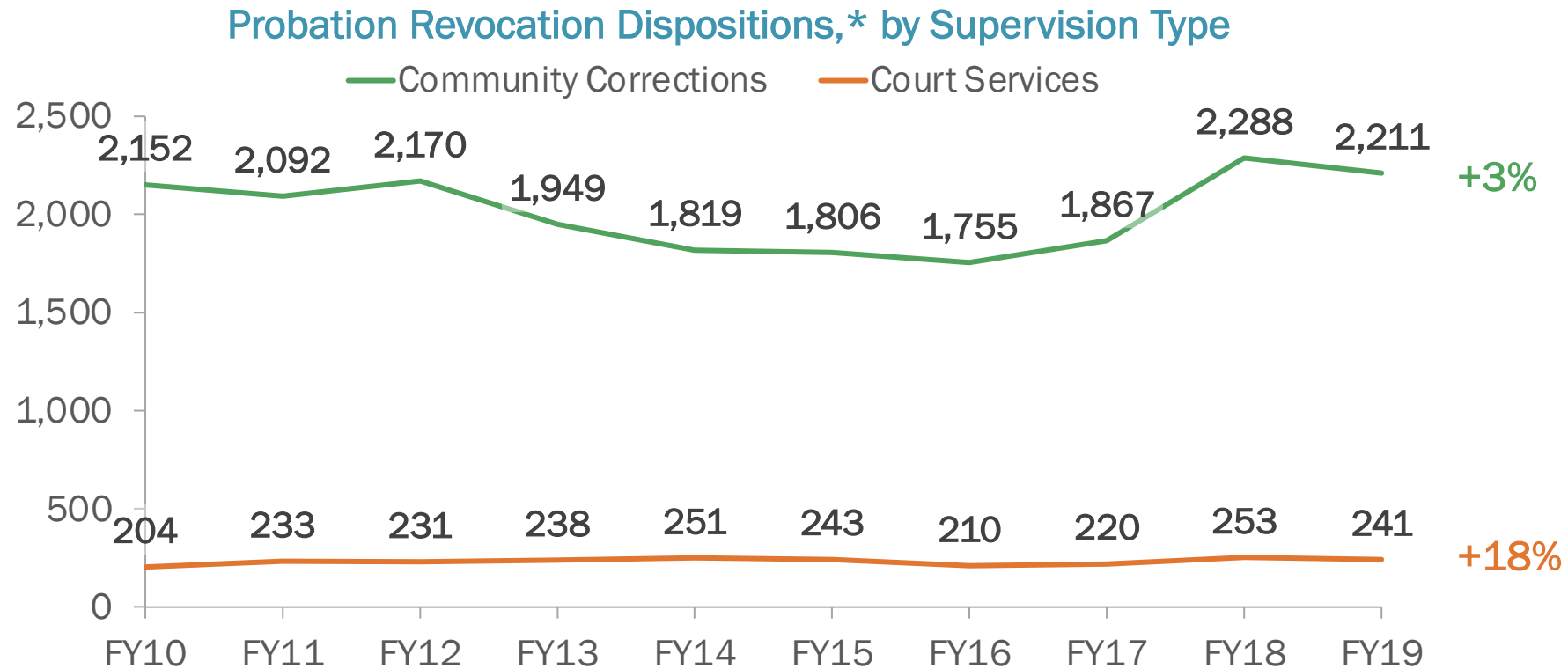
For both Community Corrections and Court Services, the number of people on probation is increasing at a lower rate than the increase in the number of probation revocation hearings that result in revocation.



*Population numbers for Court Services probation were not available for FY2010-2013.

Community Corrections population numbers are based on the 12-month average daily population for each fiscal year. Court Services population numbers are based on the population as of June 30 of each fiscal year.

For both Community Corrections and Court Services, the number of people on probation is increasing at a lower rate than the increase in the number of probation revocation hearings that result in revocation.



*Based on probation revocation hearings where the disposition was "revoked."

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



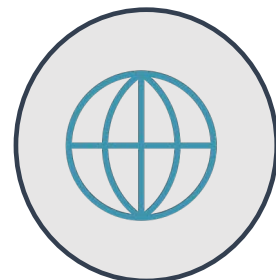
Conditions of Supervision

Variations in number and content across the state and agencies



Dual Supervision

Individuals may be on active supervision with Community Corrections, Court Services, and/or the Kansas Department of Corrections



Resources/Programming

Variations in access and cost of programming between agencies

The supervision subcommittee submitted a total of 66 conditions of supervision to CSG Justice Center staff for review spanning all three supervision agencies. Only KDOC had a statewide set of conditions.

Generally, conditions within jurisdictions and agencies are inconsistent. In addition, there is variation in the following ways:

1. Numbers and types of conditions
2. Length and complexity of conditions
3. Format
4. Language used and readability

Conditions of supervision in Kansas do not meet best-practice guidelines and cause inconsistencies in how agencies approach supervision.

To promote success, conditions of supervision should encompass three broad considerations:

1. Is it realistic?

Realistic conditions allow someone on probation or parole to meet the condition thus avoiding unnecessary technical violations.

2. Is it relevant?

Conditions should be tailored to a person's criminal behavior and identified criminogenic risk and needs.

3. Is it research-supported?

Conditions should help maintain protective factors and disrupt criminal patterns. Programs and services the person is provided should be evidence-based programs.

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

Dual Supervision in Kansas

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



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



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

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

The combination of varying conditions of supervision and dual supervision presents additional challenges for people on supervision.

Dual Supervision Example: Client 1

Agency	Supervision Type	LSI-R Risk Level	Supervision Term	Office Visits Per Month	Field Visits Per Month	Supervision Fee	Drug and Alcohol Testing Per Month	Treatment Requirement	Employment Required	# of General Conditions	# of Special Conditions
Community Corrections	Probation - Theft by Deception	30 - Moderate Risk	12-18 Months	3	1	One time \$100	4	Assessment at own expense follow recommendations	Yes	13	7
KDOC	Parole - Theft by Deception	24 - Moderate Risk	Until February 2022	1	Only 1 st month of supervision	\$30 per month	1 st 30 days of supervision then as needed	Assessment required	No, unless on case plan	16	0

Note: The majority of supervision conditions are the same, but all are worded differently between agencies making it difficult to determine which overlap between the two agencies. Additionally, some conditions conflict. For instance, Community Corrections requires reporting law enforcement contact within 24 hours and KDOC requires reporting within 36 hours.

The combination of varying conditions of supervision and dual supervision presents additional challenges for people on supervision.

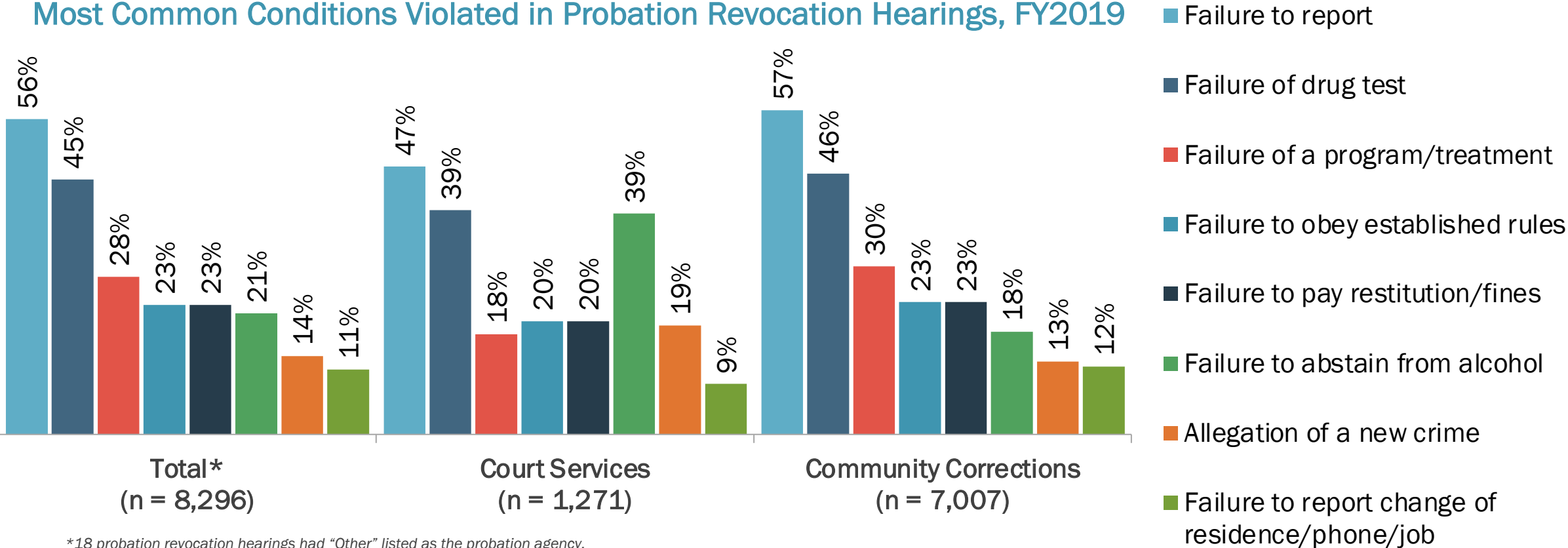
Dual Supervision Example: Client 2

Agency	Supervision Type	LSI-R Risk Level	Supervision Term	Office Visits Per Month	Field Visits Per Month	Supervision Fee	Drug and Alcohol Testing Per Month	Treatment Requirement	Employment Required	# of General Conditions	# of Special Conditions
Community Corrections	Probation - Possession of Heroin	35 - High Risk	12 Month - Extended until Feb 2021	4	1	One time \$100	4	Assessment and follow recommendations	Yes - Full Time	15	7
KDOC	Parole - Perjury	33 - High Risk	12 Months - Until Feb 2021	3	Unknown	\$30 per month	Unknown	Substance use and mental health treatment	No, unless on case plan	16	1

Note: The majority of supervision conditions are the same, but all are worded differently between agencies making it difficult to determine which overlap between the two agencies. Additionally, some conditions conflict. For instance, Community Corrections requires reporting law enforcement contact within 24 hours and KDOC requires reporting within 36 hours.

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

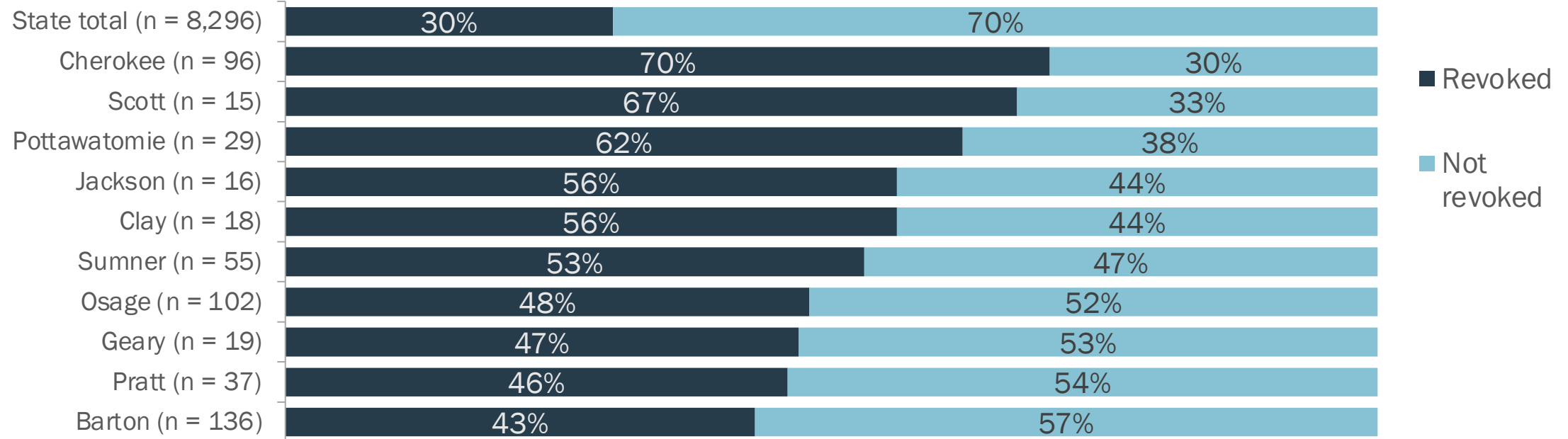
Most Common Conditions Violated in Probation Revocation Hearings, FY2019



*18 probation revocation hearings had “Other” listed as the probation agency. Conditions violated in fewer than 10% of revocation hearings are not shown. The number of violations is more than the number of hearings because each hearing can involve multiple violations. New offense revocations can also have violations alleged.

More assessment work is needed in the less populated Kansas counties to understand why revocation rates are higher. These jurisdictions may need targeted resources, services, and technical assistance to help reduce recidivism.

FY2019 Probation Revocation Hearings,* Proportion Revoked by County



**Of counties with at least 10 revocation hearings for any hearing reason, the counties with the 10 highest revocation rates are shown. Includes revocation hearings for Community Corrections, Court Services, and other agencies. Probation revocation hearing reasons and dispositions are based on Sentencing Commission annual report categorizations. "Other" reasons for revocation hearings are "surrender," "review hearing," "unamenable to treatment," "SB123 intentional noncompliance-KSA 21-4729," "committed new crime," and "absconder."*

Programming resources are insufficient throughout the state but are even scarcer for the western part of Kansas and for Court Services.

Court Services

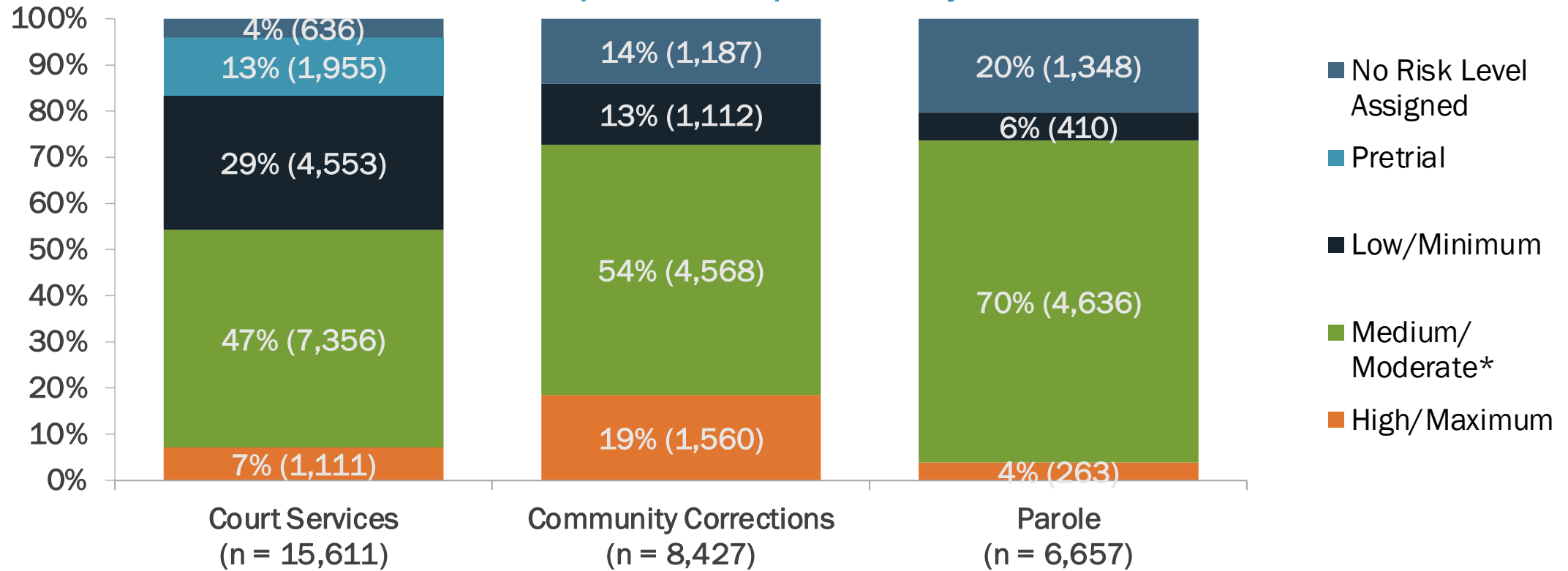
- Funding for programming comes through the counties, cities, and courts or through grants that local agencies receive from the state or federal agencies (e.g., for specialty courts). This causes wide variation in programming availability based on the jurisdiction of the sentencing court. A large portion of Court Services clients score as high risk on the risk and need assessment and require programming. However, these treatment services require the person to pay out of pocket. Without resources to attend programming, a person could be in violation of the conditions of supervision.

Community Corrections and KDOC

- Programming is more readily available for people on supervision under Community Corrections and KDOC. Additionally, vouchers are available for people to receive programming free of charge if they are unable to pay. KDOC's statewide system and technology improvements have allowed for continued programming via a virtual format, while other agencies have had to postpone programming.

The largest population of people on supervision across Court Services, Community Corrections, and the Kansas Department of Corrections are assessed as medium/moderate risk.

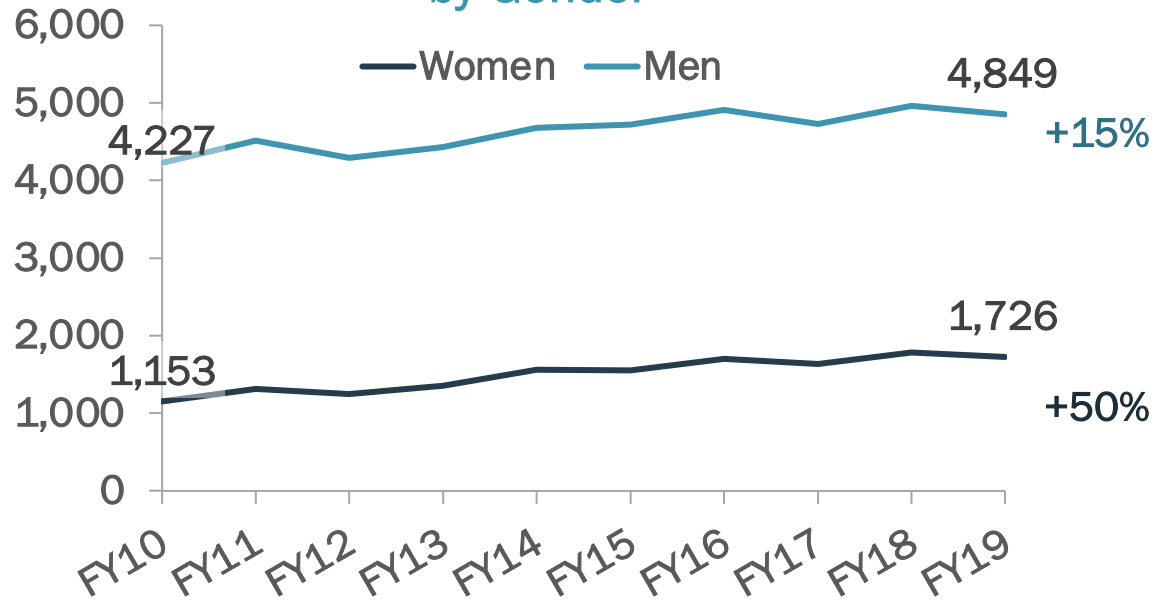
FY2019 Year-End Supervision Populations by Risk Level



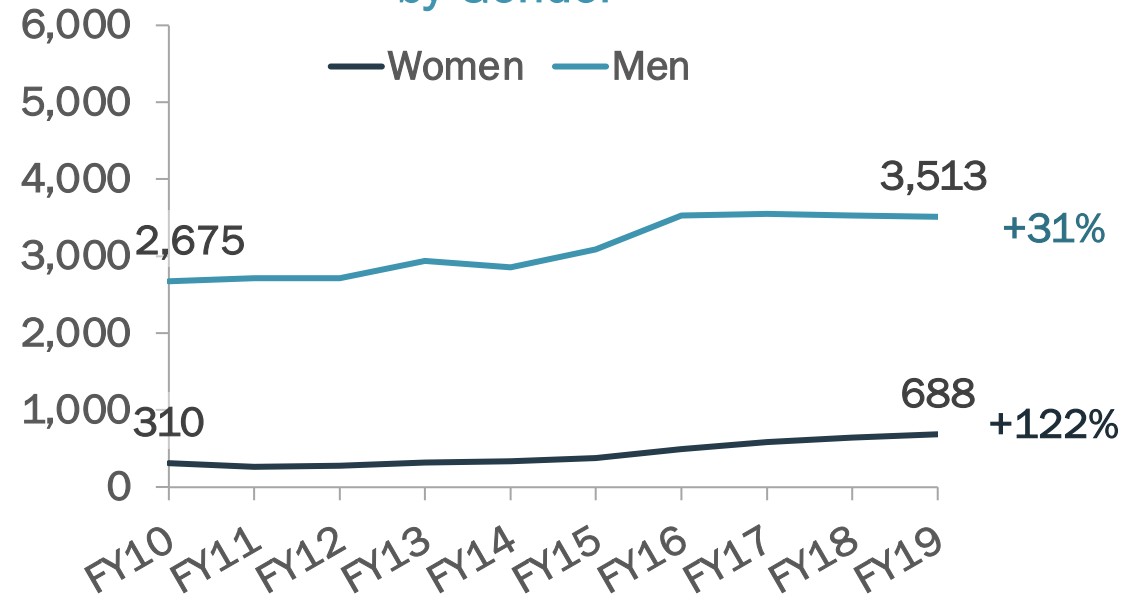
*Sum of ISL II (moderate risk) and III (low-moderate risk) for Community Corrections; Low-medium and high-medium risk levels for Parole.

The number of women on supervision by Community Corrections grew between FY2010 and FY2019. The number of women starting parole in state each year more than doubled during the same period.

Community Corrections Starts by Gender

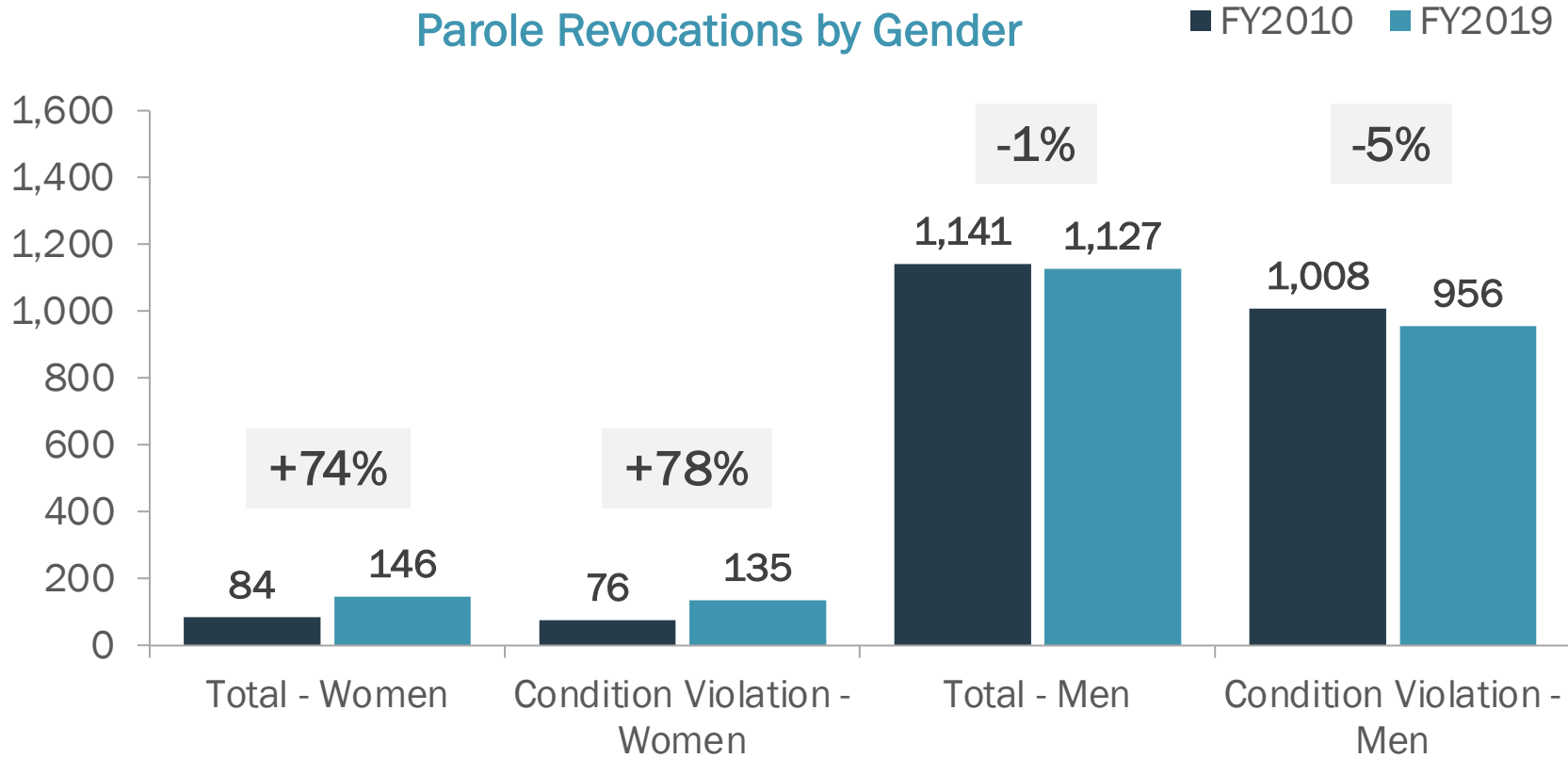


In-State Parole Starts by Gender



*Community Corrections 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.

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



Additional takeaways:

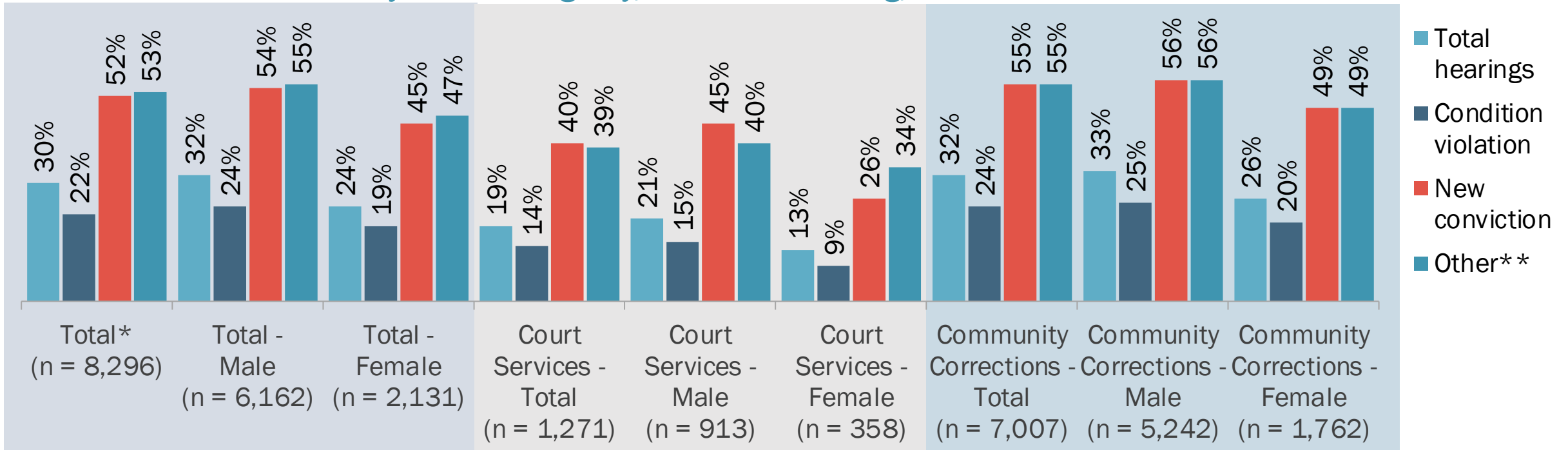
- In FY19, 92 percent of revocations for women were due to condition violations, compared to 85 percent for men.
- In FY10, women made up 7 percent of parole revocations, but 11 percent in FY19.

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

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

Men are revoked more frequently than women by both Court Services and Community Corrections.

FY2019 Probation Revocation Hearings,* Percent Revoked by Probation Agency, Reason for Hearing, and Gender



*Eighteen probation revocation hearings in FY2019 had "Other" listed as the probation agency. Three hearings for Community Corrections were missing gender information.
 **"Other" reasons for probation revocation hearings are surrender, review hearing, unamenable to treatment, SB123 intentional noncompliance-KSA 21-4729, committed new crime, and absconder.

Community supervision agencies across the state have been dealing with budget and staffing challenges; since March the issues have been exacerbated.

	Court Services	Community Corrections	Kansas Department of Corrections (KDOC)
Challenges prior to March 2020	<p>Staffing:</p> <ul style="list-style-type: none"> Understaffed Court Services officers based on workload report <p>Budget:</p> <ul style="list-style-type: none"> Lack of statewide funding for programming 	<p>Staffing:</p> <ul style="list-style-type: none"> Understaffed and reporting high caseloads for population <p>Budget:</p> <ul style="list-style-type: none"> Flat or reduced funding from KDOC for last 7 years Lowest paid community supervision staff in the state 	<p>Staffing:</p> <ul style="list-style-type: none"> Since 2008, the KDOC Community Corrections Division has gone from 11 positions to 6 positions <p>Budget:</p> <ul style="list-style-type: none"> Flat funding for Community Corrections
Additional Challenges After March	<p>Backlog of court cases:</p> <ul style="list-style-type: none"> Awaiting trial and sentencing Awaiting filing from prosecutor <p>Budget:</p> <ul style="list-style-type: none"> Budget reductions at the local level Variations in technology for continuing operations remotely 	<p>Technology:</p> <ul style="list-style-type: none"> Variations in availability of technology Various philosophies on use of technology for supervision <p>Budget:</p> <ul style="list-style-type: none"> Budget reductions at the local level 	<p>Technology</p> <ul style="list-style-type: none"> Staff adjustment to the use of technology for supervision <p>Budget:</p> <ul style="list-style-type: none"> Budget reductions at the state level

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Supervision Assessment Next Steps

CSG Justice Center staff may connect with the following stakeholders between now and the next presentation:

- Additional Community Supervision officers
- Clients under Community Supervision

Final administrative and legislative recommendations will be provided to respective subcommittees and the full Kansas Criminal Justice Reform Commission in **October 2020**.

Thank You!

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The presentation was developed by members of The Council of State Governments Justice Center staff. The statements made reflect the views of the authors, and should not be considered the official position of The Council of State Governments Justice Center, the members of The Council of State Governments, or the funding agency supporting the work.

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