



**Justice Center**  
THE COUNCIL OF STATE GOVERNMENTS

# Justice Reinvestment in Kansas

Update to the Proportionality/Guidelines Subcommittee  
September 9, 2020

# Presentation Overview

**1** Justice Reinvestment in  
Kansas

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# Justice Center

THE COUNCIL OF STATE GOVERNMENTS

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

## How We Work

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

## Our Goals

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



# What is Justice Reinvestment?

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

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

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

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

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

- Prioritize prison for people who pose a threat to public safety 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.**

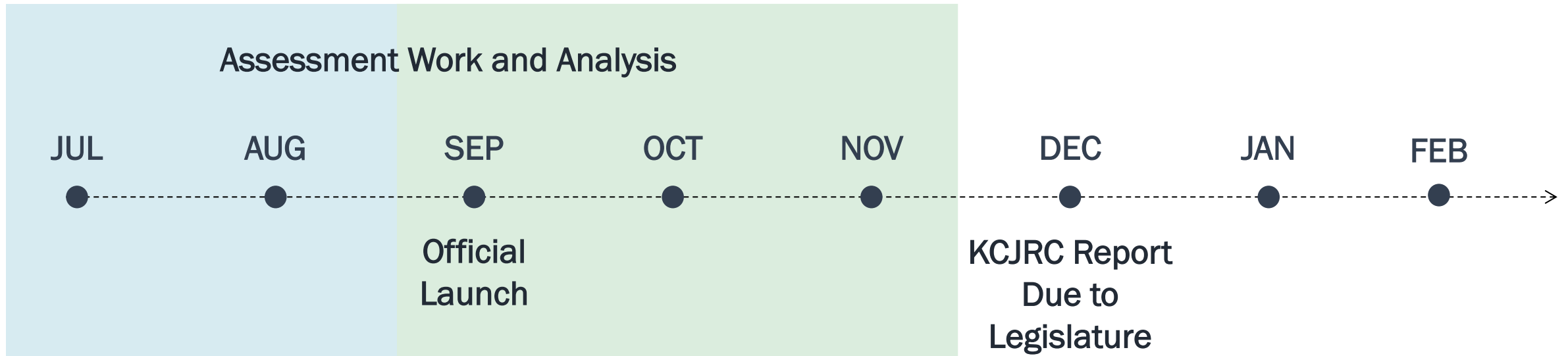


# The KCJRC has guided the CSG Justice Center analysis.

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 Justice Reinvestment assessment of violent crime, victims services, and sentencing seeks to examine systems, policies, and practices driving challenges in Kansas.



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



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# The CSG Justice Center's violent crime, victim's services and sentencing assessment team in Kansas



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# The CSG Justice Center's violent crime, victim's services and sentencing assessment team in Kansas



**Laura van der Lugt**, Project Manager

Former director of research and innovation for the Suffolk County Sheriff's Department (MA)

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Formerly director of the Texas Office of Court Administration

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# Presentation Goals

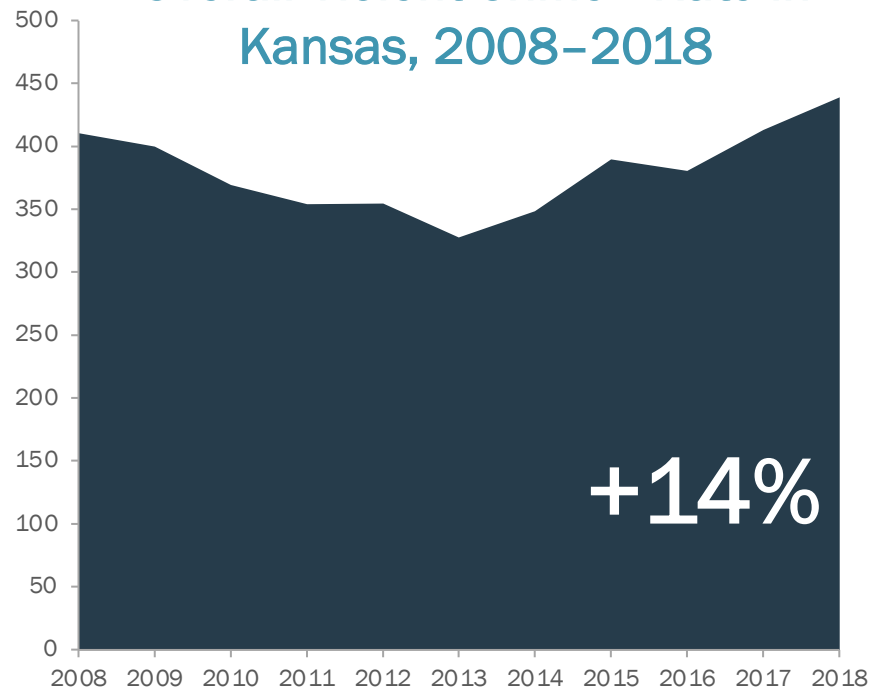
## Violent Crime

1. Review statewide patterns and trends in violent crime for the past decade.
2. Examine current challenges associated with increases in reported violent crime, strategies to address the needs of people who commit violent crime, and strategies to address the needs of survivors.
3. Review and discuss the CSG Justice Center staff's violent crime assessment activities.

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

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

### Overall Violent Crime\* Rate in Kansas, 2008–2018



**+14%**

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

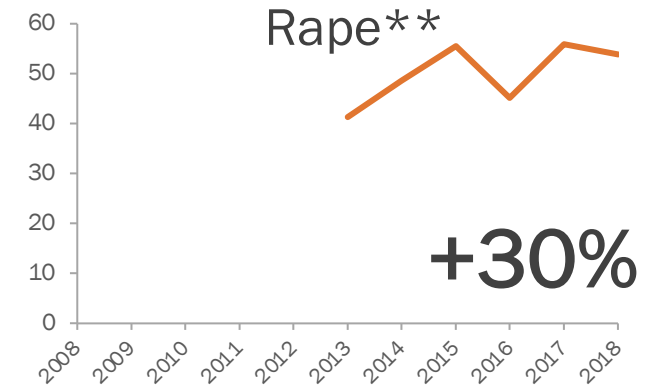
\*\* In 2013, the FBI revised its definition of rape. Therefore, the timeframe used for rape is 2013–2018.

### Homicide



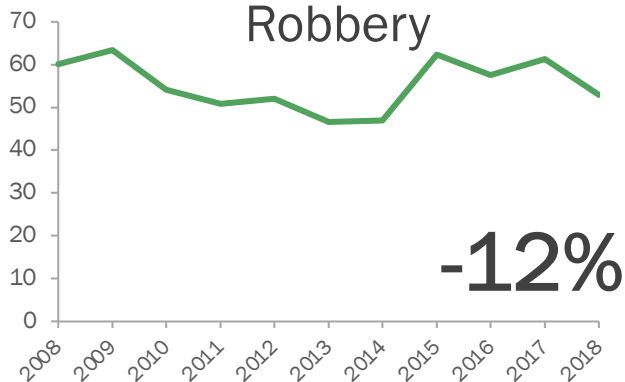
**-3%**

### Rape\*\*



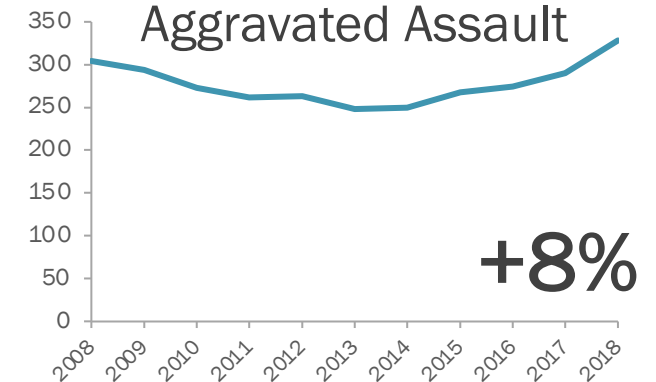
**+30%**

### Robbery



**-12%**

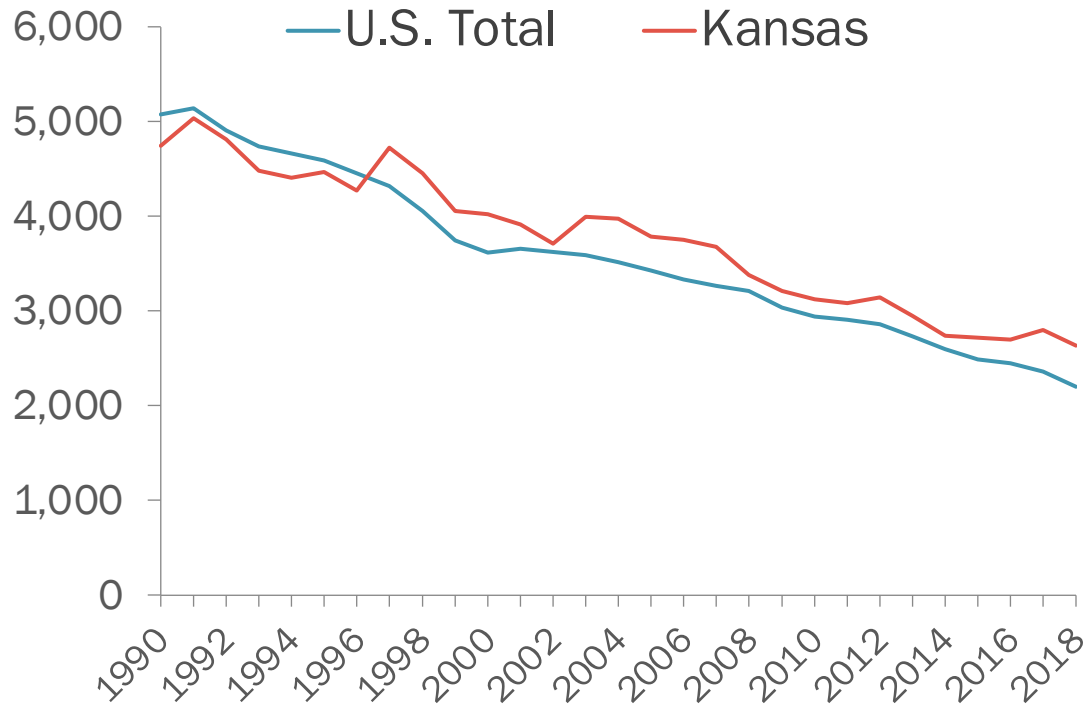
### Aggravated Assault



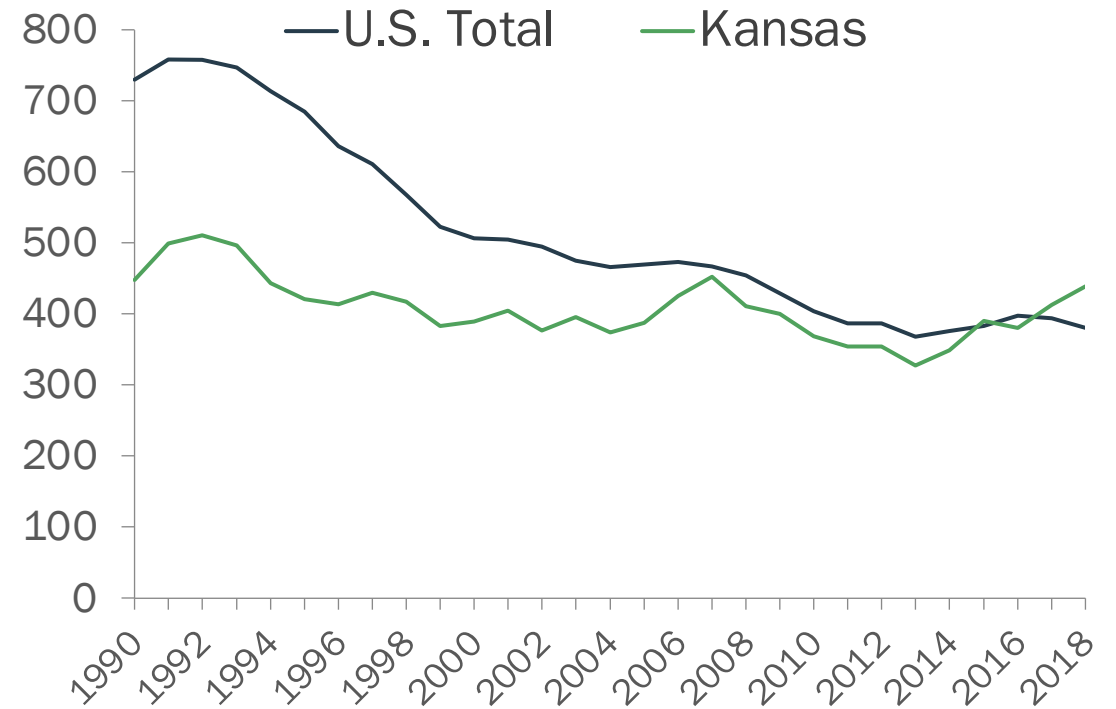
**+8%**

# While the Kansas property crime rate has been higher than the U.S rate for decades, it wasn't until 2015 that the violent crime rate in Kansas rose above the national rate.

Property Crime Rates, 1990–2018  
(Incidents per 100,000 Residents)



Violent Crime Rates, 1990–2018  
(Incidents per 100,000 Residents)



Property crimes are burglary, theft, and motor vehicle theft. Violent crimes are homicide, rape, robbery, and aggravated assault.



# Between 2010 and 2018, Kansas had the seventh-highest violent crime rate increase in the nation.

## TRENDS DRIVING THE INCREASE IN 2018

### 19%

In 2018, the **aggravated assault** rate was 19.2 percent above the 10-year average aggravated assault rate for Kansas, driving the overall violent crime rate to 16.3 percent above the 10-year average.

### 30%

The number of reported violent crimes increased 30 percent in **metropolitan areas**.

### 25%

In 2018, 25.3 percent of murders were **domestic violence related** homicides.

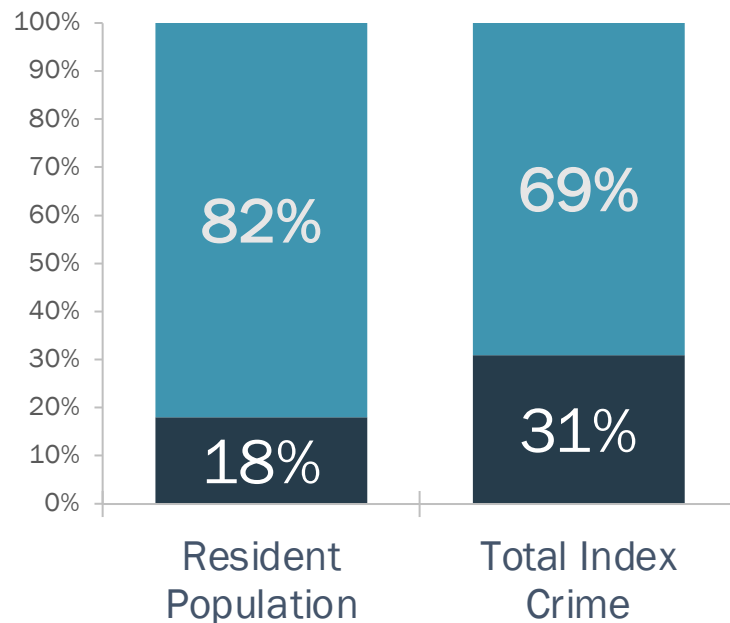
**In 2019, the violent crime rate  
continued to grow.**

The violent crime rate was **17.3 percent** over the 10-year average, at **4.3 offenses per 1,000** Kansans.

# Rates of domestic violence are high across the state, with urban centers, like Wichita, seeing the biggest increases.

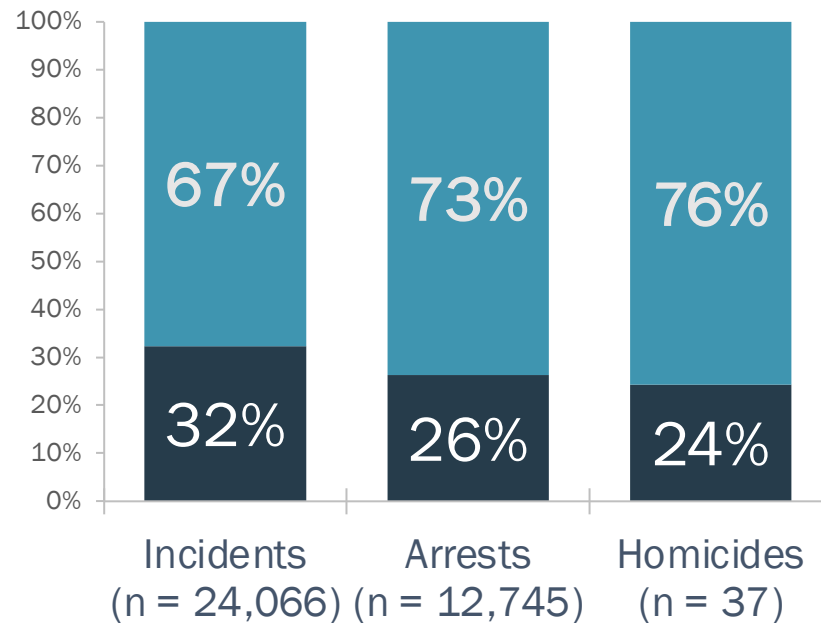
## Sedgwick County Share of Kansas Population and Crime, 2019

■ All other counties ■ Sedgwick County

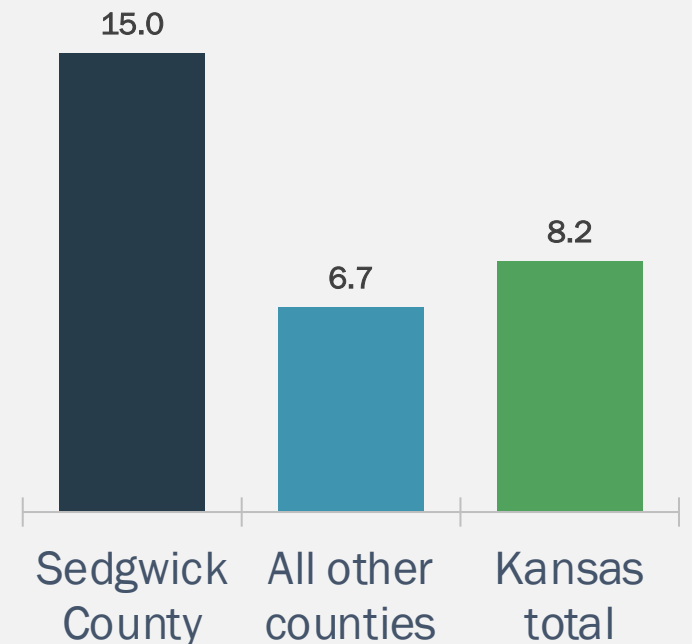


## Reported Domestic Violence Activity, 2018

■ All other counties ■ Sedgwick County



## Domestic Violence Incident Rate per 1,000 Residents, 2018



“QuickFacts Kansas; Sedgwick County, Kansas,” United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/sedgwickcountykansas,KS/PST045219>, accessed July 2, 2020.; Kansas Bureau of Investigation Incident Based Reporting Unit, *Kansas Crime Index 2019* (Topeka, KS: Kansas Bureau of Investigation, 2020); Kansas Bureau of Investigation, *Domestic Violence, Stalking, and Sexual Assault In Kansas 2018* (Topeka, KS: Kansas Bureau of Investigation, 2019).

# **Addressing violent crime at a statewide level requires historical and contemporary analyses.**

In addition to examining historical data on crime patterns and trends, the Justice Reinvestment assessment process will also work to understand current challenges and best practices for addressing violent crime across the entire criminal justice system continuum.

# Justice Reinvestment Violent Crime Assessment Goals

1. Understand statewide crime patterns and trends.
2. Learn about existing promising practices for addressing violent crime.
3. Examine available resources for survivors and for people who commit violent crime.
4. Determine the scope and prevalence of domestic and sexual violence, as well as other violent crimes at the community level.

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

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

## INCREASED CALLS FOR SERVICE

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

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

## DOUBLE TO TRIPLE THE CALLS FOR REPORTS OF DOMESTIC VIOLENCE

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

## LIMITED CUSTODIAL OPTIONS IN PANDEMIC

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



In addition to analyzing data, CSG Justice Center staff are meeting with Kansas stakeholders to understand challenges associated with addressing violent crime state- and systems-wide.



**Law enforcement agencies and associations:**

- KBI, Chiefs of Police, Sheriffs' Association, Peace Officers



**Domestic Violence and Sexual Violence Advocacy Organizations:**

- Victims services (KDOC, OAG); Victim Compensation Board, local and statewide advocacy organizations



**Legal Community:**

- Attorney general, district attorneys, State Board of Indigents' Defense Services, Kansas ACLU



**Community Supervision:**

- Parole, community corrections, court services; people on supervision



**Communities disproportionately impacted by violent crime:**

- Legislators, community representatives, community members

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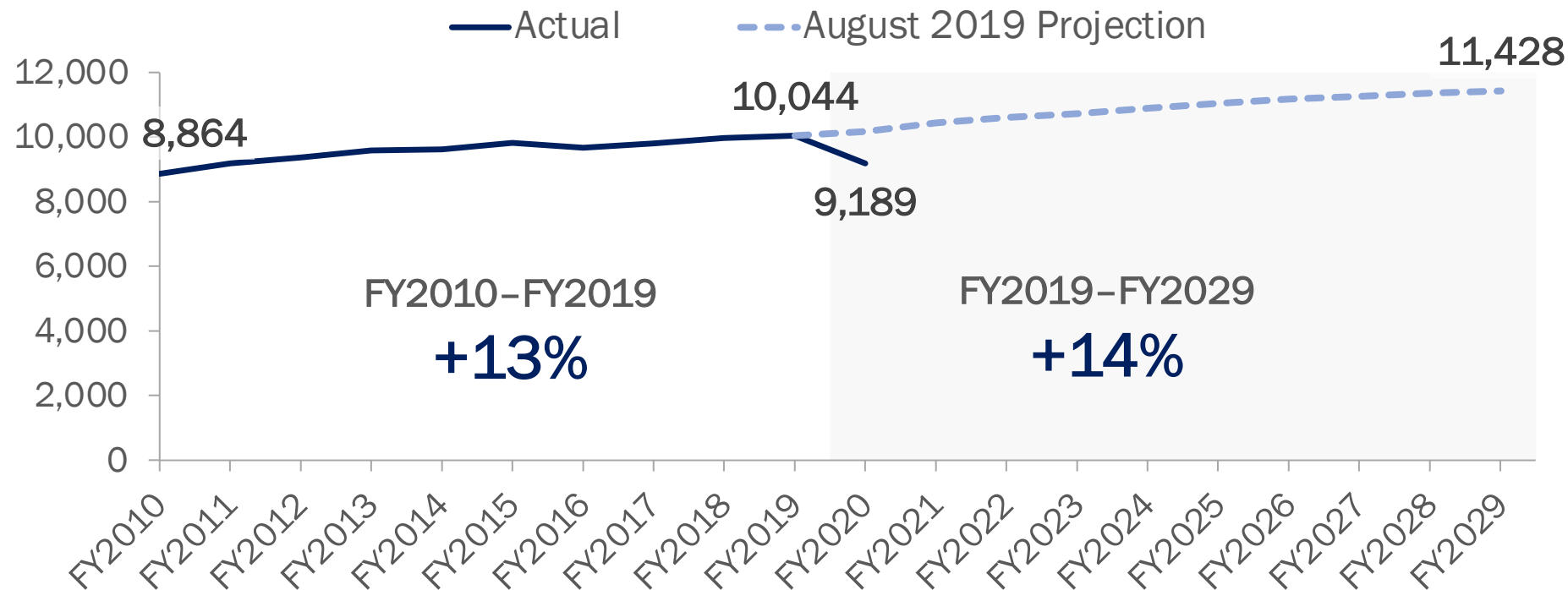
# Presentation Goals

## Sentencing

1. Review prison population and admission trend data, including information from recent months.
2. Begin examining the impact of drug offenses and supervision violations on the prison system, including the impact on women.
3. Discuss opportunities to further explore prison and sentencing data.

# In June of 2020, the population in KDOC facilities was at 82 percent of capacity.

Kansas Actual and Projected End-of-Year Prison Population, FY2010-FY2029

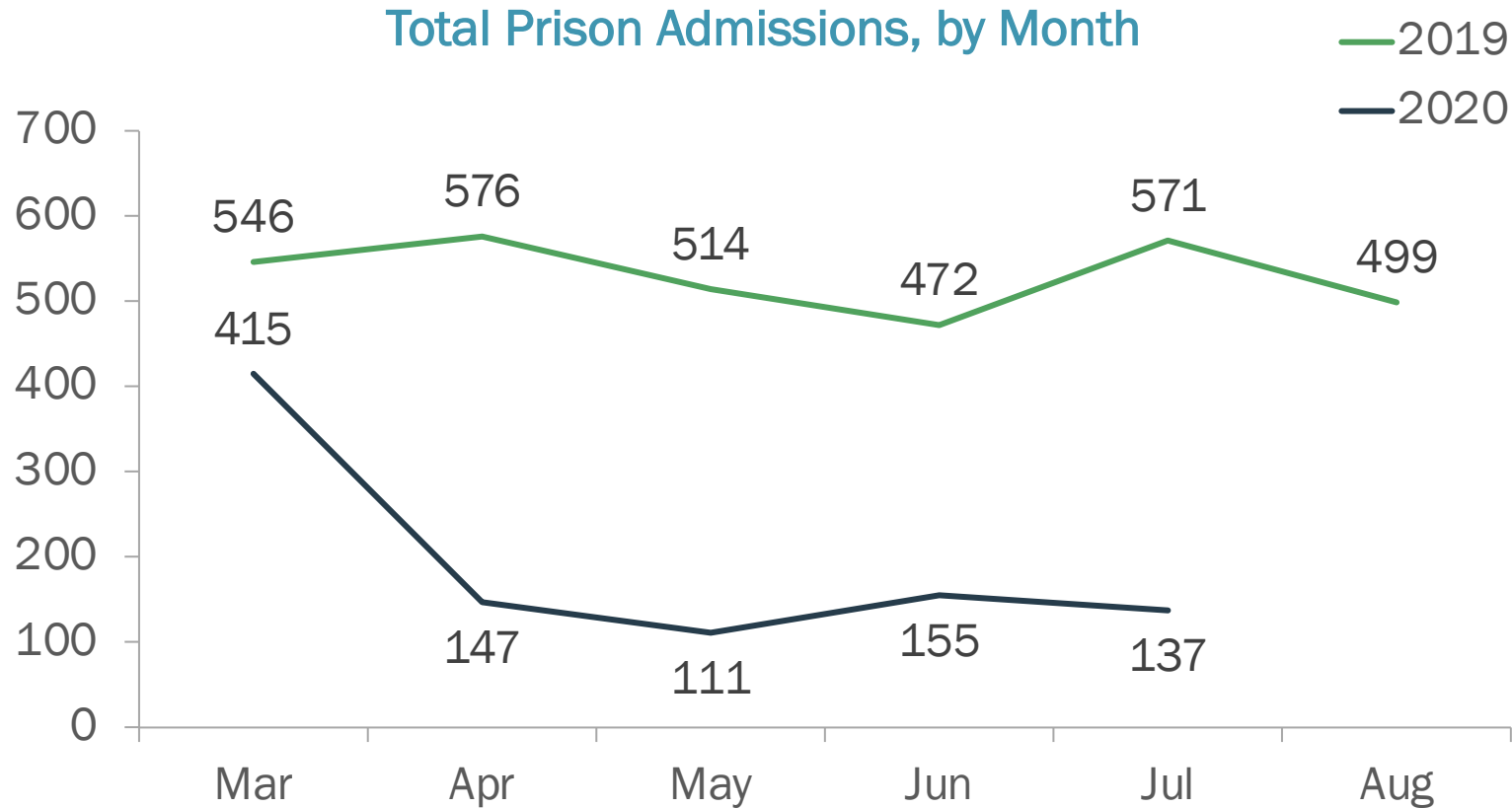


Maintaining the population at current levels would cost the state an estimated \$241 million annually, as opposed to the \$263 million estimated annual cost for the FY2019 prison population.

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

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

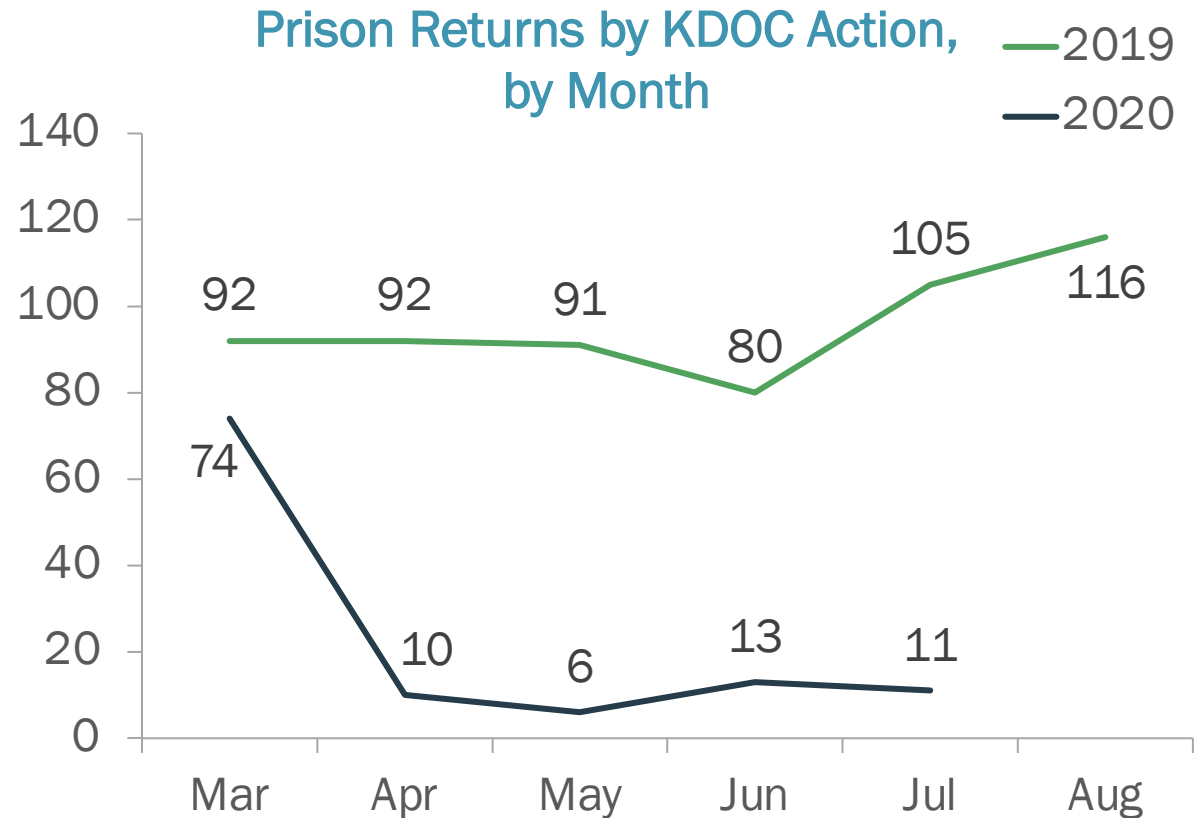
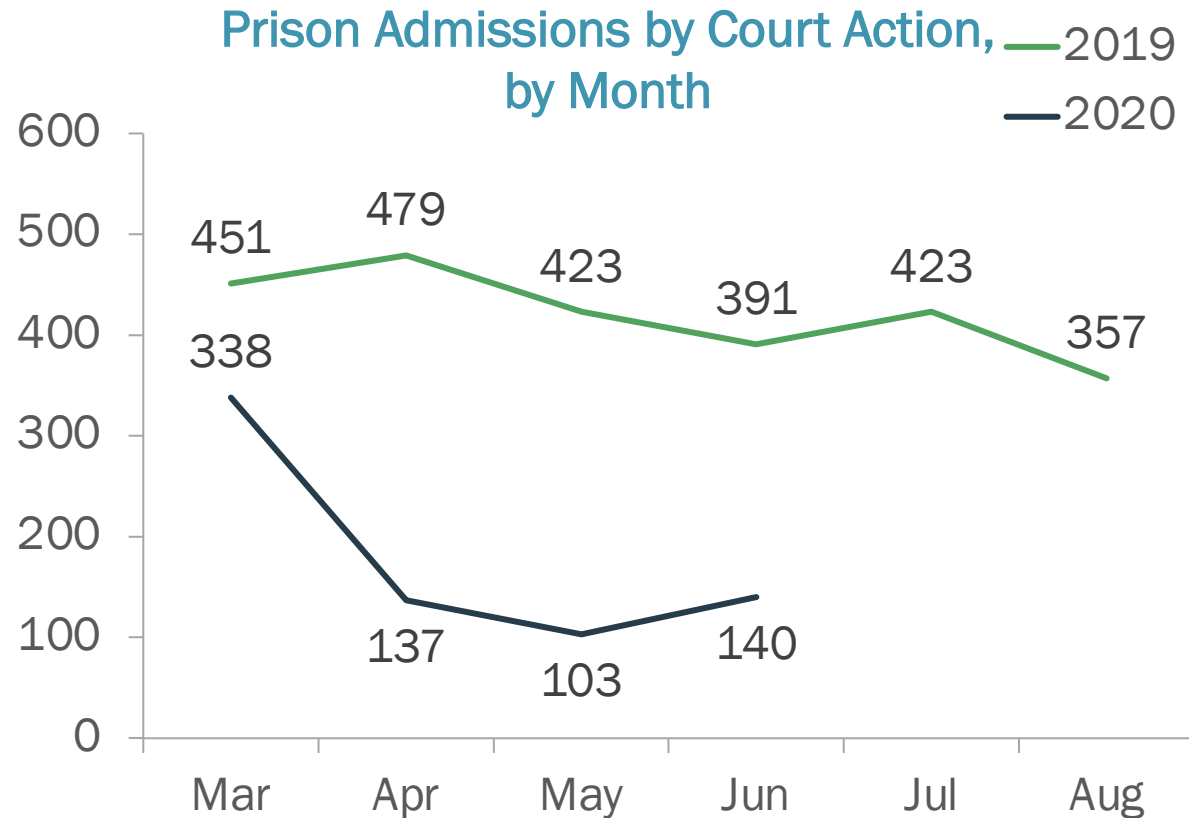
# Admissions to prisons in Kansas from March to July of FY2020 were lower than admissions to prison during the same months in FY2019.



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

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

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

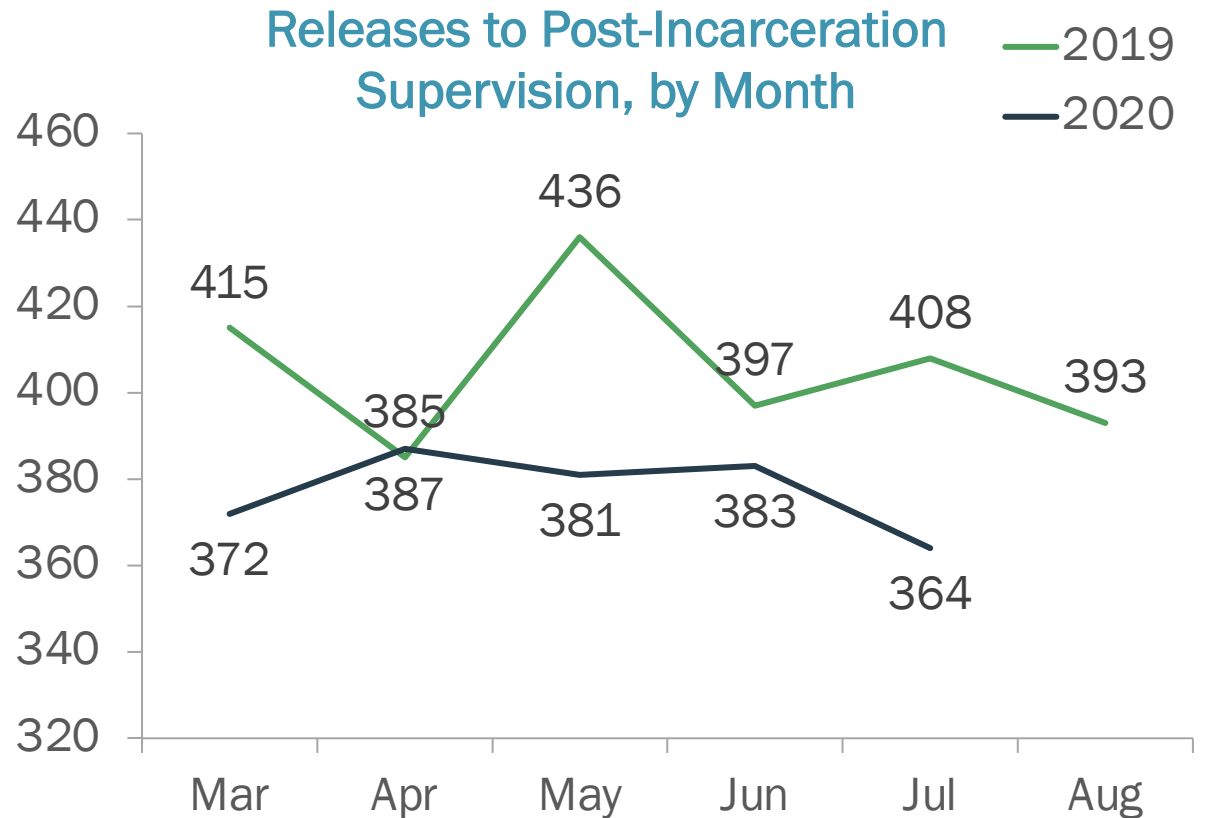


Admissions by court action include new commitments and probation revocations; Returns by KDOC action include parole revocations for condition violations.

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



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

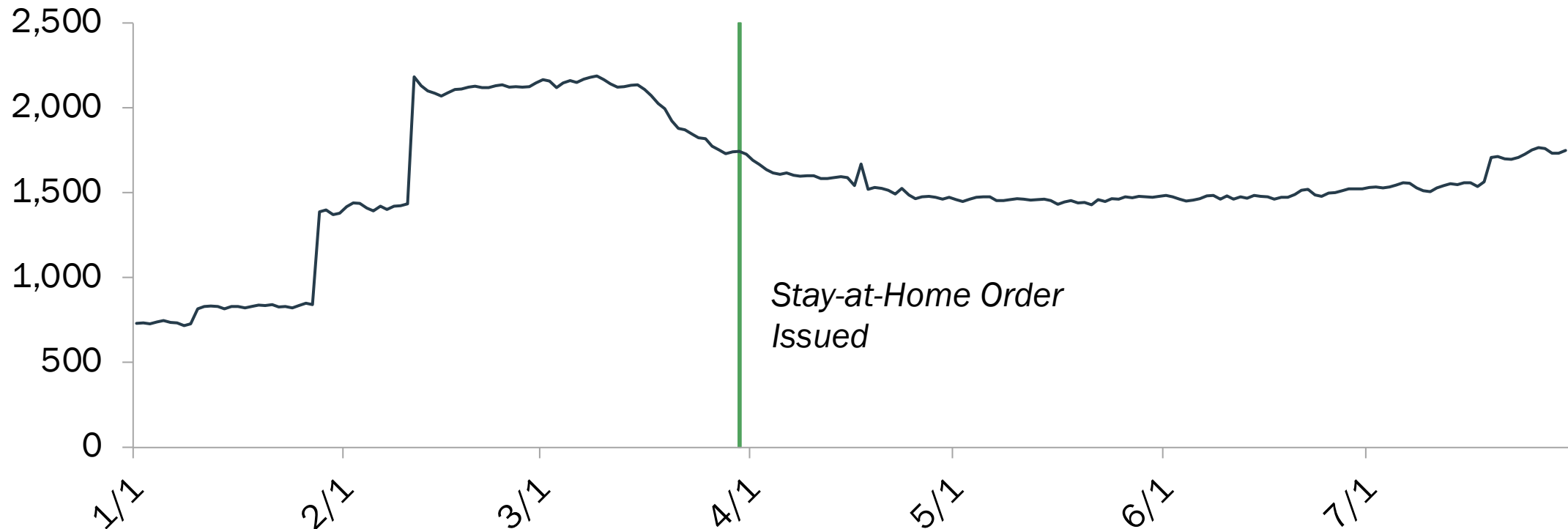


Returned from escape are included in the All Type Releases total but not its own personal category and Inter-Jurisdictional transfers are included in the All Types Releases total.

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

# The jail population in Kansas dipped in March and started climbing in late July of 2020.

Kansas Jail Population - 2020 Reported Numbers

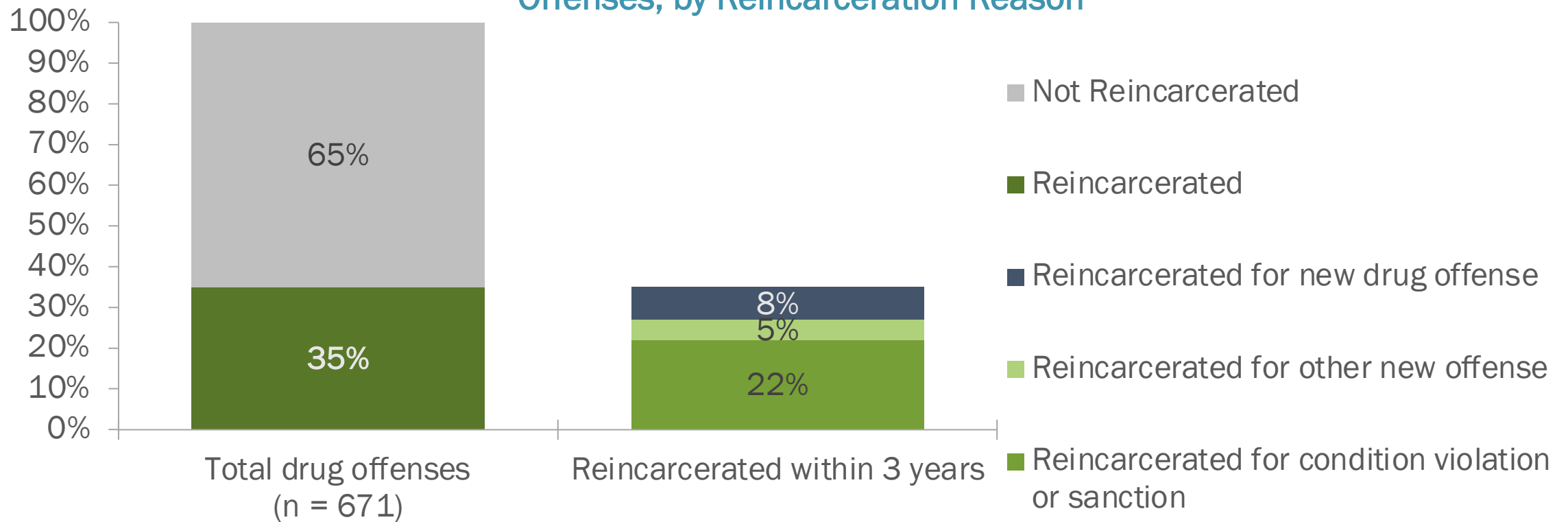


Note: 24 percent of Kansas counties provided data on their jail population. Not all counties presented reported data for the entire period shown.

"COVID-19 Criminal Justice Responses to the Coronavirus Pandemic," Vera Institute of Justice, accessed August 6, 2020, <https://www.vera.org/projects/covid-19-criminal-justice-responses/covid-19-data>

# People in prison for drug offenses have lower reincarceration rates than people in prison for other nonviolent offenses or supervision condition violations.

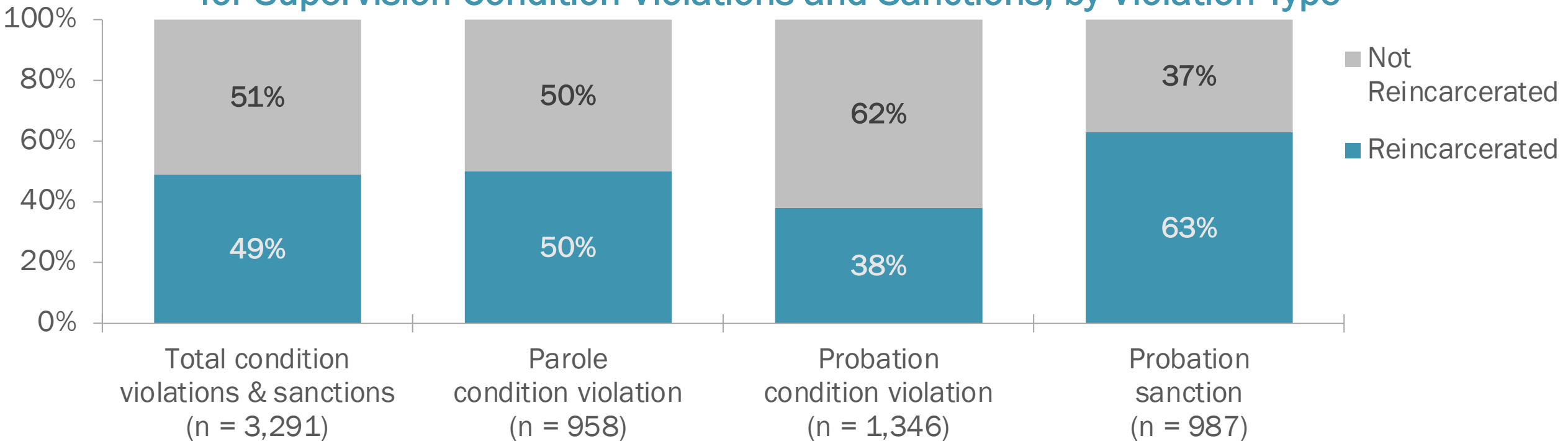
Three-Year Reincarceration Rates\* for People Released from Prison for Drug Offenses, by Reincarceration Reason



\*For people released from prison during FY2016. Reincarceration is calculated as any admission to prison within three years of a release from prison. Reincarceration rate is based on unique people released from prison during each fiscal year; if a person was released from prison twice in one year, any admission after the first release was counted as reincarceration. Reincarceration type is based on the first reincarceration within three years of the release date.

# The reincarceration rate for people who violate probation conditions is much lower than the rate for people who violate parole conditions.

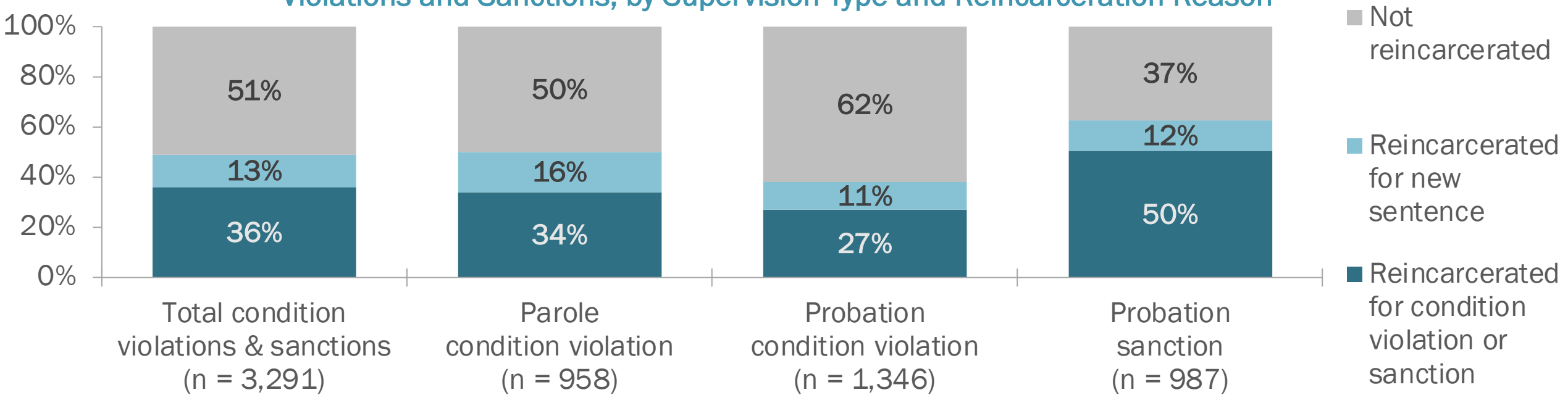
## Three-Year Reincarceration Rates\* for People Released from Prison for Supervision Condition Violations and Sanctions, by Violation Type



\*For people released from prison during FY2016. Reincarceration is calculated as any admission to prison within three years of a release from prison. Reincarceration rate is based on unique people released from prison during each fiscal year; if a person was released from prison twice in one year, any admission after the first release was counted as reincarceration.

# About one-third of people who are sent to prison for a supervision condition violation or sanction return to prison for another supervision condition violation within three years.

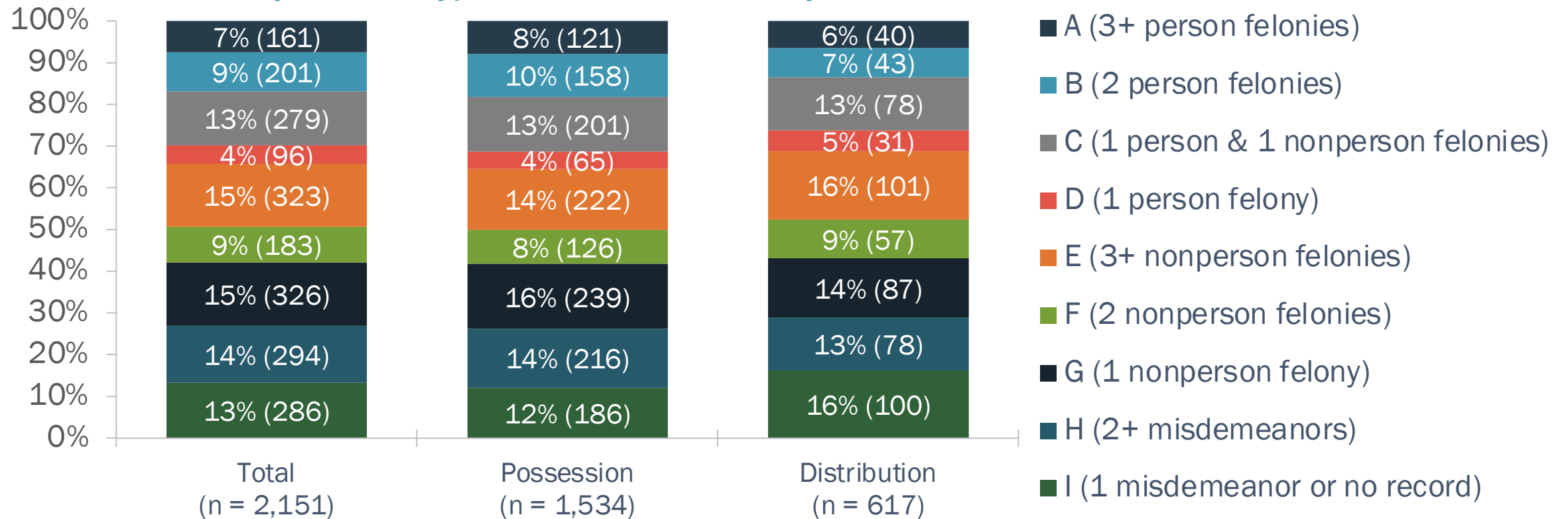
Three-Year Reincarceration Rates\* for People Released from Prison for Supervision Condition Violations and Sanctions, by Supervision Type and Reincarceration Reason



*\*For people released from prison during FY2016. Reincarceration is calculated as any admission to prison within three years of a release from prison. Reincarceration rate is based on unique people released from prison during each fiscal year; if a person was released from prison twice in one year, any admission after the first release was counted as reincarceration. Reincarceration type is based on the first reincarceration within three years of the release date. Percentages may not add to 100 due to rounding.*

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

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

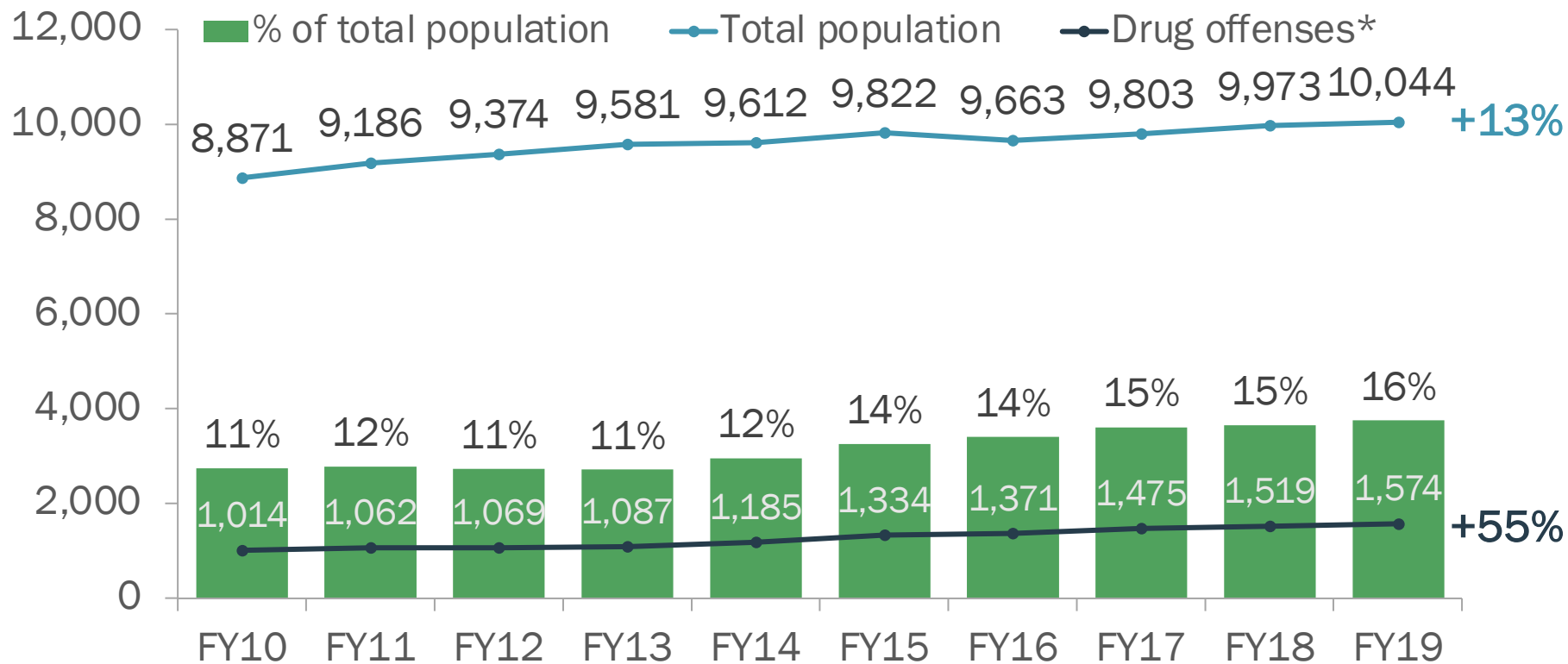


\*Offense type is based on offense description; distribution offenses include drug manufacturing or sale offenses. 2 admissions for drug offenses were missing criminal history classification information.



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

Prison Population by Type and Year



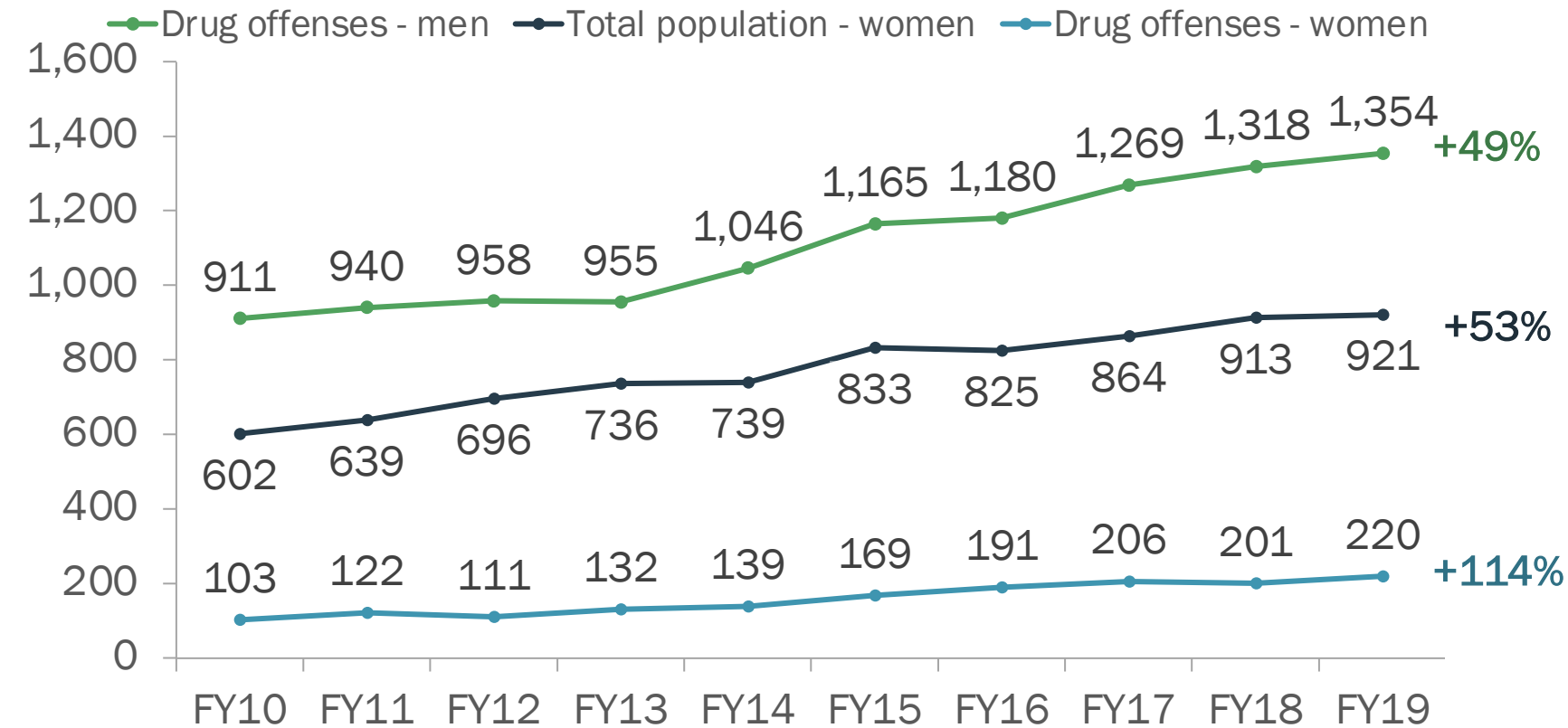
\*The prison population for drug offenses excludes people who were sent to prison for a supervision condition violation or probation sanction where the original offense was a drug offense. Less than 1 percent of the prison population each year was missing offense information.

## Additional takeaways:

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

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

Prison Population by Gender, Type, and Year



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

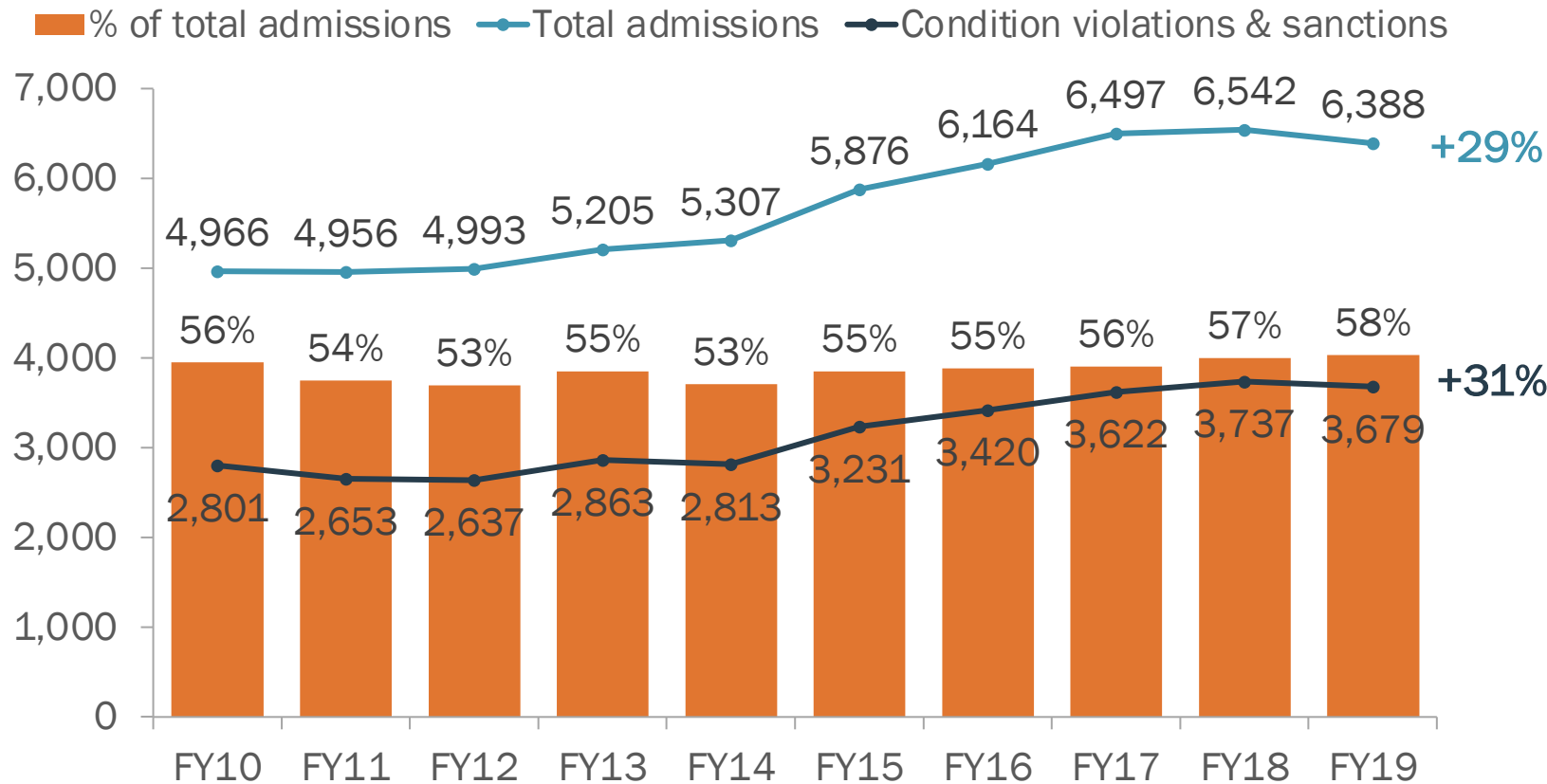
CSG Justice Center analysis of KDOC prison population data, May 2020.

## Additional takeaways:

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

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

Prison Admissions by Type and Year

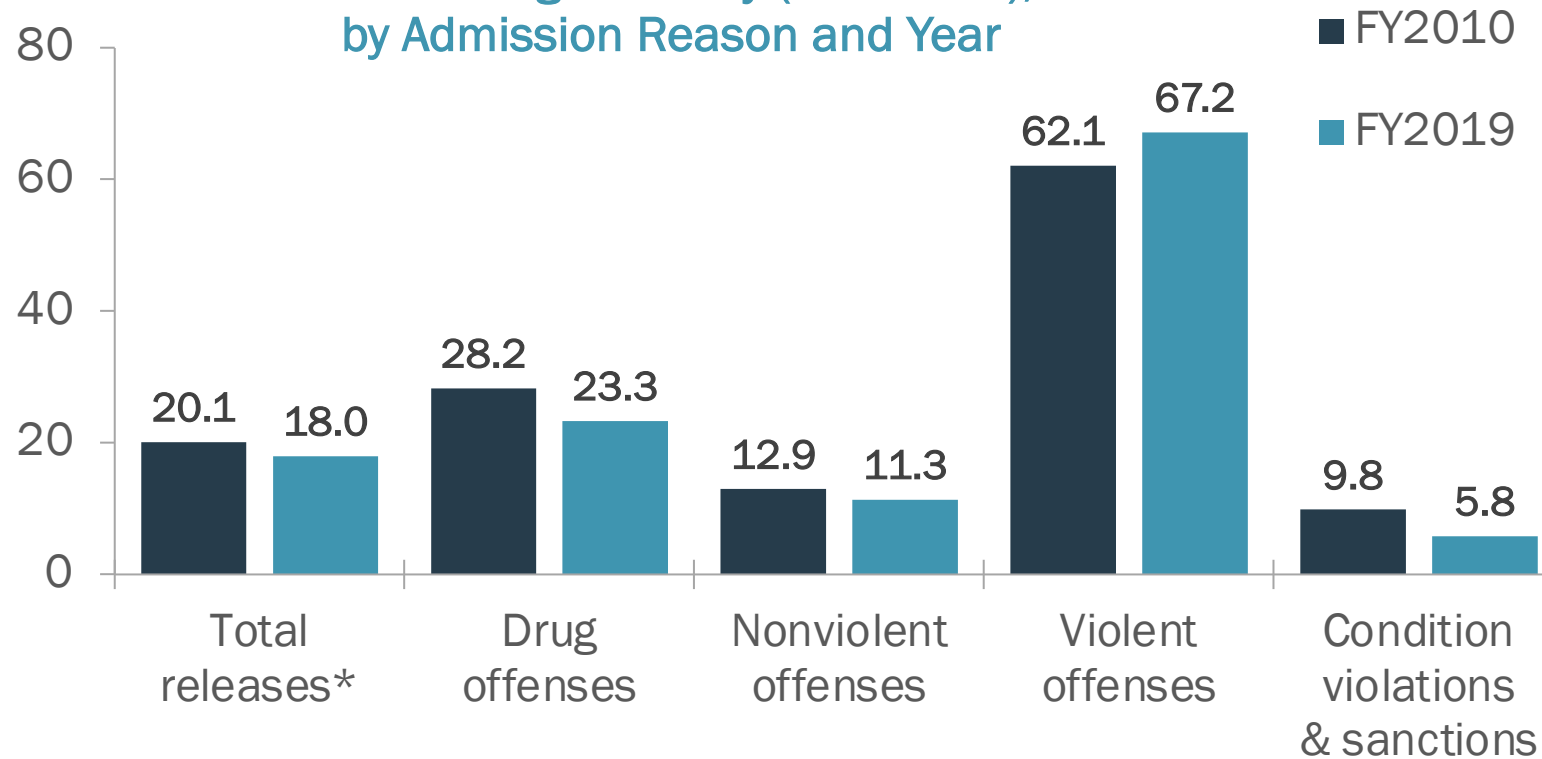


## Additional takeaways:

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

# People convicted of drug offenses spend an average of nearly two years in prison

Prison Length of Stay (in Months),  
by Admission Reason and Year

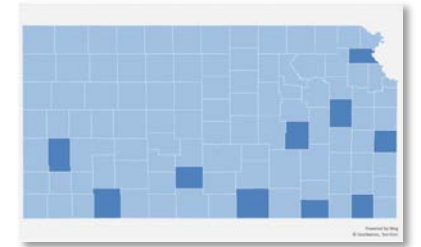
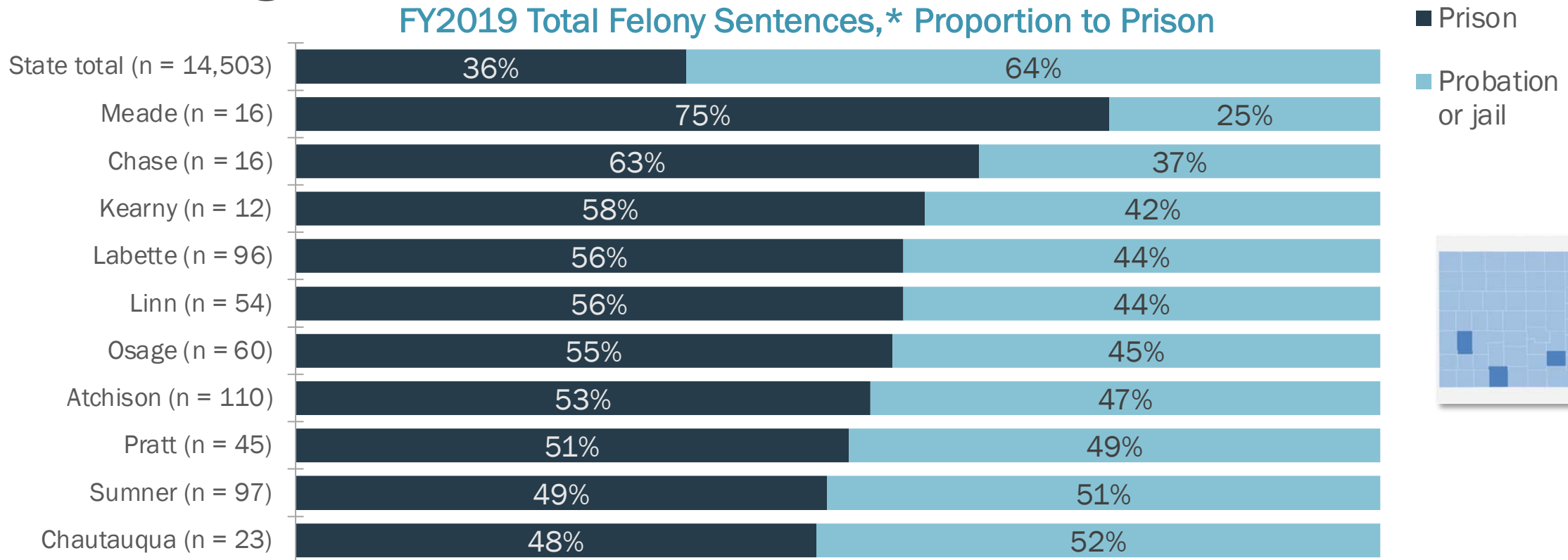


## Additional takeaways:

- People convicted of drug offenses stay in prison about twice as long as people convicted of nonviolent offenses.
- People convicted of violent offenses stay in prison the longest.
- The average length of stay decreased between FY10 and FY19 for people convicted of drug offenses and nonviolent offenses and people who committed supervision condition violations.
- The average length of stay increased between FY10 and FY19 for people convicted of violent offenses.

\*Less than 1 percent of releases each year were missing offense information or were in prison for the following admission types: Admit in lieu of revo of Parole/CR, Compact Inmate Received, Escapee Return, KS Inmate Released for Housing, KS Inmate Returned from Another Jurisdiction, Non Violator Return - New Sentence, Non Violator Return - No New Sentence, Par/CR/PRS/ Adm. Hold-Poss. Vio., or Paroled to Detainer - Returned with New Sentence. These are not shown in a separate category but are included in the total releases.

# Judges in certain counties sentence a higher proportion of people to prison versus probation or jail than the statewide average.



*Of counties with at least 10 sentences in FY2019, the counties with the 10 highest percent of sentences to prison are shown.*

*\*Includes prison admissions by court action only (new commitments, supervision violations for new sentence, probation condition violations, and probation sanctions).*

*Note: The Sentencing Commission uses KDOC prison admissions data to represent sentences to prison. CSG Justice Center analysis follows this methodology for consistency in figures.*

CSG Justice Center analysis of Kansas Sentencing Commission felony sentencing data, August 2020; CSG Justice Center analysis of KDOC prison admissions data, August 2020.

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# Presentation Goals

## Victims Services

1. Discuss current landscape of resources available to survivors of violent crime in Kansas.
2. Understand existing coordination between victim services and criminal justice agencies.
3. Discuss opportunities to expand statewide supports for victims and survivors in Kansas.

# CSG Justice Center staff have engaged with Kansas stakeholders and are continuing to do so.

## Stakeholders Engaged Since Project Launch



### Statewide Agencies

Kansas Governor's Grants Program; Attorney General's Office Victim Services Division; Kansas Department of Corrections



### Community-Based Victim Service Providers

Kansas Coalition Against Sexual and Domestic Violence; Stepstone Kansas; Wichita Family Crisis Center



### Law Enforcement & Criminal Justice

Wichita Police Department Domestic Violence Unit; Wichita Area Community Coordinated Response Team Offender Accountability Subcommittee



### Ongoing Engagement

Kansas Attorney General's Crime Victim Compensation Program

Wichita Area Sexual Assault Center

Friends of Yates Community Service Provider



# Kansas has three strategies to directly support victims of crime.



## Assistance to Crime Victims through Program Grants

The Kansas Governor's Grants Program administers state and federal grant funds to agencies providing services to victims of crimes such as domestic violence, child abuse, sexual assault, drunk driving, elder abuse, human trafficking, homicide, and other crimes against persons. The federal funding comes from sources such as the Victims of Crime Act, the S.T.O.P. Violence Against Women Act, the Sexual Assault Services Formula Grant Program, and the Family Violence Prevention and Services Act.



## Crime Victim Compensation

State and federal funding that provides reimbursement for eligible victims of violent crime. Expenses covered by the Crime Victim Compensation Board include medical and dental care, mental health counseling, and loss of income.



## Victim Restitution

Payments made by the defendant to the victim for the harm caused by the crime.

**The Kansas Governor Grants Program (KGGP) leverages over \$20 million in federal funding that helps support victim services programs statewide.**

The KGGP actively coordinates with the [Victim Services Division of the Kansas Attorney General's Office](#) and the [Kansas Coalition Against Sexual and Domestic Violence](#) to ensure that community-based programming and services are provided across the state for victims of crime.

# The KGGP leverages over \$20 million in federal funding that helps support victim services programs statewide.

## Options Domestic & Sexual Violence Services

Emergency shelter, outreach services, and advocacy services for victims of domestic violence and sexual assault  
*Hays, KS*

## Wichita Family Crisis Center

Emergency shelter, outreach and advocacy services, and education and awareness on domestic violence

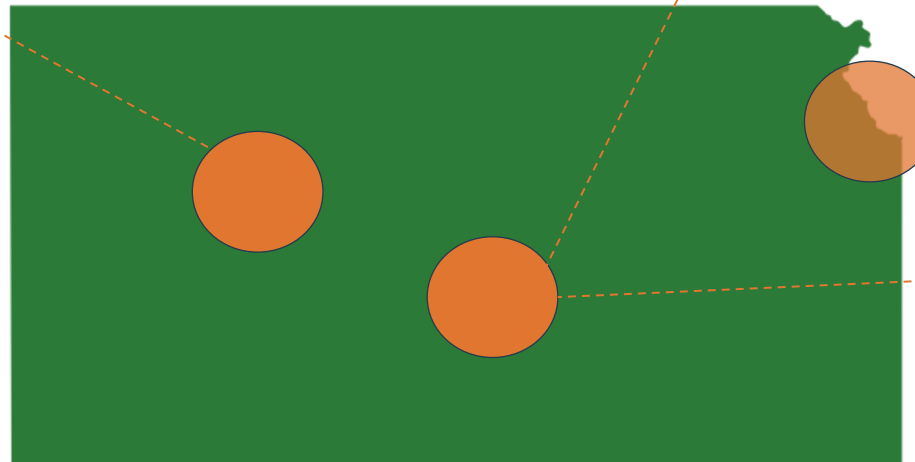
*Wichita, KS*

## Friends of Yates

Community-based victim service agency offering shelter, crisis counseling, economic advocacy, child advocacy, etc.  
*Kansas City, KS*

## StepStone

Transitional housing and supportive services for victims of domestic violence  
*Wichita, KS*



# **To reach all victims, state victims services funding should be leveraged to help victims from marginalized communities and support survivors of homicide victims and other violent crimes.**

- The Kansas Governor's Grants Program is working with a team of consultants and a diverse committee of service providers and stakeholders to complete a comprehensive assessment examining the service needs of crime victims.
- The assessment will also identify the service barriers and gaps experienced by crime victims. This needs assessment, along with other relevant data, will be used to develop a statewide implementation plan, which will guide the Kansas funding priorities for the following federal grant programs: Family Violence Prevention and Services Act, the S.T.O.P. Violence Against Women Act, the Sexual Assault Services Grant Program, and the Victims of Crime Act.
- The implementation plan will also incorporate the recommendations from the State Action Plan for Preventing Sexual and Domestic Violence in Kansas (coordinated by the Kansas Department of Health and Environment). This plan is expected to be released in December 2020.

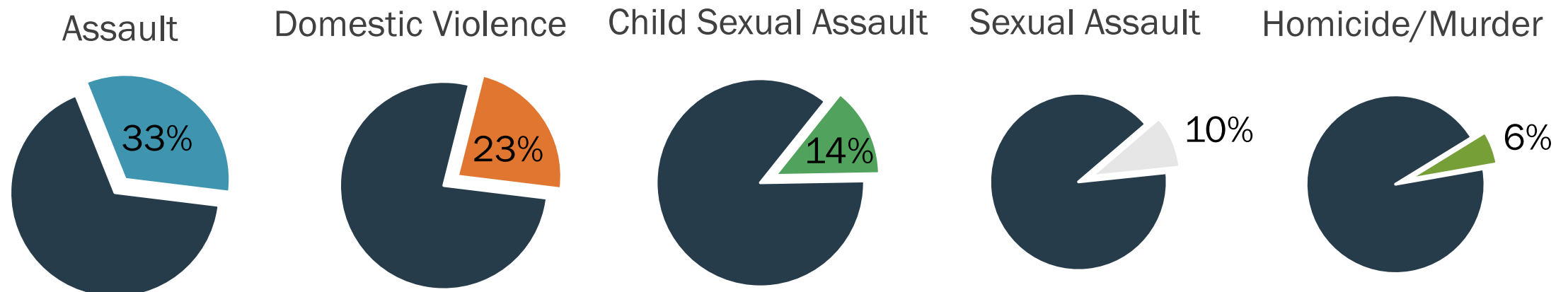
## **In 2015, the Kansas Victims of Crime Act Strategic Planning Committee identified and discussed the following underserved victim demographic groups.**

- Rural survivors
- Survivors with disabilities
- LGBTQ survivors
- Tribal survivors
- Child/youth survivors
- Immigrant/refugee survivors
- Survivors within communities of color
- Male survivors
- Incarcerated survivors
- Survivors on college campuses
- Veterans or spouses/children of combat veterans

# The Kansas Crime Victim Compensation Board is an essential support for victims of violent crime.

The Crime Victims Compensation Board (CVCB) was established by the Kansas Legislature in 1978 pursuant to K.S.A. 74-7301. The board assists victims by **reimbursing for medical expenses, lost wages, funeral expenses, counseling, and other crime-related expenses incurred as a result of a crime.**

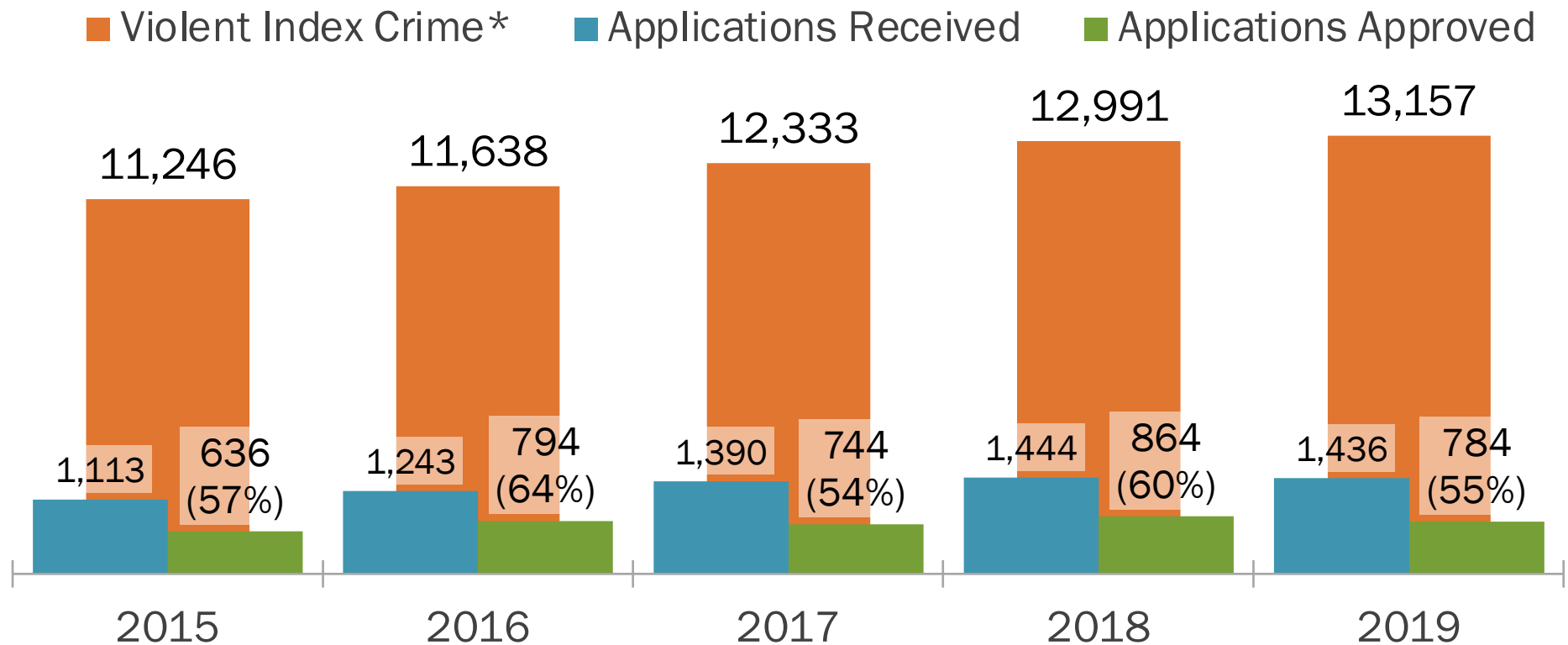
## Most Commonly Awarded Compensation Claims by Crime Type (July 1, 2018–June 30, 2019)



**In FY2019, the CVCB paid  
\$3,341,390.31 to victims of  
violent crime.**

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

## Violent Crime and Victim Compensation Applications, 2015–2019



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

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



# Kansas can increase applications to victim compensation by raising awareness about, strengthening referrals to, and expanding eligibility for the program.

**Missouri** increased applications to the crime victim compensation program by **expanding good-cause exceptions for reporting requirements.**



**Alaska** has sought to increase referrals to the violent crimes compensation board by providing training to **improve the quality and quantity of applications submitted to the program.**



## *Alaska Violent Crime Victim Compensation Training Goals*

**Increase** the number of applications that are submitted to the compensation program. **Decrease** the number of claims closed for administrative reasons by the compensation program.

*“Only a few months after a legislative overhaul of the program took effect, it is noticeably easier for victims to request [victims’ compensation].”*



**Victim service agencies, law enforcement, and criminal justice agencies providing assistance to victims have faced increased pressures since March.**

### Anecdotal Trends Reflected in Stakeholder Conversations



**Increases in the number of domestic violence incidents reported to law enforcement.**

The Wichita Police Department has seen an increase in the number of domestic violence-related calls received by their DV unit. Cases have also become more violent over time.

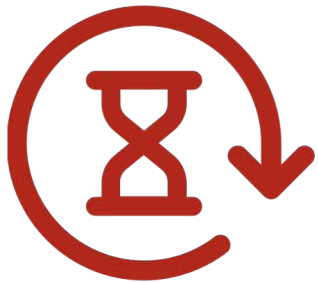


**Increases in the number of domestic violence victims in community-based shelters.**

Community-based crisis shelters are seeing an increase in the number of clients they serve. Many shelters are at or near capacity as they work to provide emergency housing to victims.

# Victim service agencies, law enforcement, and criminal justice agencies providing assistance to victims have faced increased pressures since March.

## Anecdotal Trends Reflected in Stakeholder Conversations



### Court backlogs for criminal justice-based victim protections.

Due to court closures earlier this year, many victim service agencies are reporting longer wait times for Protection From Abuse (PFA) hearings and adjudications by courts.

CSG Justice Center staff will continue to monitor additional trends and victim service pressures through the course of the project.

# Presentation Overview

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Justice Reinvestment in  
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Next Steps

# Violent crime, victims services, and sentencing assessment next steps

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

# Thank You!

Join our distribution list to receive updates and announcements:

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