

HOUSE ARREST REINTEGRATION PROGRAM FOR LOW RISK OFFENDERS

For the purpose of better allocation of resources and more effective interventions to reintegrate offenders into the community, I am proposing that the KDOC implement a house arrest reintegration program for low-risk offenders. A number of states have already implemented alternative to incarceration programs with great success. In May of 2011, the Association of State Correctional Administrators (ASCA) conducted a survey to gather information regarding Alternative Custody Programs. Of the 38 jurisdictions that responded, 24 reported having state laws that allow convicted felons to serve prison terms in the community prior to parole or discharge. Of these, 20 reported utilizing one or more alternative custody programs. Of the 14 jurisdictions that reported not having such laws, four reported that their state is considering implementation of alternative custody programs. These programs have been implemented as re-entry initiatives, drug transition programs, felony diversion programs, electronic monitoring/house arrest programs, etc.

The intent of the Kansas Legislature in 1993, when sentencing guidelines were implemented, among other things, was to provide a mechanism to incarcerate violent offenders and divert non-person, low-risk offenders to community sanctions. I contend that implementation of a transitional program with low-risk offenders serves the dual purpose of appropriately managing offenders according to the risk they pose to the public and providing a creative and low cost population management solution. The house arrest reintegration program also supports the KDOC re-entry initiative.

Benefits of Program Participation:

- Offenders can gain employment and start earning an income
- Return directly to their community rather than be confined by the geographic limitations of work release
- Apply for SSI, Medicaid or veteran's benefits if eligible
- Begin to address financial responsibilities such as child support obligations, paying restitution and court costs, and resolving past due debts
- Attend community substance abuse treatment (which is largely unavailable while incarcerated)
- Begin family reintegration when appropriate

- Resolve driver's license issues
- Work on transportation issues, such as gaining information on bus routes or working towards getting a used car
- Receive medical and/or mental health care in the community
- Engage in appropriate pro-social leisure time activity such as going to church or meeting with a mentor (if approved in the house arrest plan)

The KDOC contacted Iowa, Nebraska, and Oklahoma to ascertain their experience with alternative custody programs. All three states reported that while there are occasionally minor infractions that result in the offenders being returned to a secure setting, they have not experienced any serious or violent crimes committed by offenders in their program. They also report that recidivism rates for these programs are very low.

The Kansas Secretary of Corrections currently has the statutory authority to place offenders on house arrest status in the community. While the law (K.S.A. 21-6609) has been in effect since 1988, this authority has not been exercised to date. Senate Bill 55 of 2011 served to lessen the statutory restrictions regarding the eligibility of offenders who the Secretary may place under house arrest, making this a viable alternative to incarceration. Strict parameters are being proposed for selection, participation, and program monitoring.

Program Participation Criteria:

- Must be minimum custody
- Cannot have been denied parole in the last 6 months
- Must have a Level of Services - Revised (LSI-R) Assessment score of 20 or less
- No sex offenders or person crimes
- No disciplinary reports for violence or actions likely to lead to violence
- Must be within 90 days of prison release date
- Must have an approved home plan and community support
- Offenders who are able to pay a \$6.00 per day fee for the Electronic Surveillance Equipment would be required to do so.

On August 24, 2011 there were approximately 300 inmates who met the criteria of being minimum custody with LSI-R scores of less than 20 and who had been convicted of non-person crimes. Approximately one-half of these have prison release dates between October 1, 2011 and October 31, 2012. While we cannot assume that each of these 150 inmates will meet all of the eligibility criteria, it is anticipated that many of them would and they could potentially serve the last 90 days of their prison sentence in the community.

Program Guidelines:

- KDOC must provide written notification to city and county law enforcement and the prosecuting attorney at the time of placement
- KDOC must inform the offender and anyone living with the inmate of the nature and extent of the house arrest monitoring and obtain the written agreement of the offender to comply
- The offender must remain within the property boundaries of the residence at all times except as provided in the house arrest agreement (for example, the offender may be allowed to go to his/her place of employment)
- The offender must allow any law enforcement officer, community corrections officer, court services officer, or agent of KDOC to enter the residence at any time to verify the offender's compliance with the conditions of the house arrest
- KDOC Victim Services staff would be required to notify the victims and review the house arrest plan/agreement

A house arrest program is not entirely without risk. The KDOC cannot stop offenders from making poor choices. We can however, mitigate the risks through stringent eligibility criteria and careful supervision. A house arrest reintegration program would be no more risky than placing an offender in one of the KDOC work release programs. Currently the KDOC has offenders assigned to work release settings in Wichita, Topeka, Hutchinson, and Johnson County. These offenders travel to and from work in the community and return to a correctional facility during non-working hours. While these offenders are carefully screened, the eligibility criteria for work release placements are not as stringent as criteria proposed for the house arrest reintegration program. For example, some of the offenders currently assigned to work release have been convicted of violent crimes and some are treated sex offenders. The KDOC has not experienced a serious incident as a result of a work release placement in more than twenty years.

On another note, most any offender paroled by the Prisoner Review Board would present a greater risk than house arrest participants due to the nature and severity of the crimes for which they are serving time.

Each offender placed on the house arrest reintegration program would be monitored via electronic monitoring equipment. This technology allows the KDOC to monitor offenders 24 hours a day, and generally more closely than offenders being supervised in a work release setting or low-risk offenders on parole status.

The house arrest reintegration program will serve the same purpose and have the same goals of a work release program with greater security and geographical application. The program will provide an effective transition from the incarcerated setting to the community and reserve prison beds for more violent offenders. Some of these offenders are probation violators who will not have a post-release supervision requirement and house arrest would be their only option for supervised reintegration. It should also be noted that due to these offenders being assessed as low risk, housing them with higher risk offenders in their current living unit assignment, could cause their risk to increase. Finally, this initiative will help offenders reestablish housing, employment, and stable relationships which is consistent with evidenced-based practices. It is estimated that twenty five plus minimum custody beds will be gained through the house arrest reintegration program.