

Kansas Justice Reinvestment Initiative

Background: In June 2012, Kansas state leaders launched the Justice Reinvestment (JR) Initiative. JR is a data-driven approach to increase public safety while containing costs for taxpayers.

Over the past six months, a bipartisan, inter-branch working group of Kansans partnered with the Council of State Governments Justice Center to conduct a comprehensive analysis of the state's criminal justice system. They examined millions of records unveiling arrest, prison, and probation data and solicited input from a wide range of stakeholders, including police chiefs, county and district attorneys, judges, and victim advocates.

Recommended Policies: Based on the analysis, the working group determined that the following policy changes should be put forth for consideration by the legislature.

1. Increase access to community-based programming for people sentenced to felony probation supervision who are at a higher risk of reoffending.

- These services shall include treatment for substance use and mental health disorders, as well as cognitive behavioral treatment.
- Increase funds appropriated to DOC for this purpose.

Rationale: Most probation failures involve higher-risk offenders who could not access quality treatment programs in the community.

2. Enable community corrections officers to apply swift and certain responses to people under felony supervision who commit minor violations.

- Create a set of meaningful responses (e.g. placement on electronic monitoring, requiring cognitive behavioral treatment, rapid assignment into substance use treatment, or a short 2- or 3-day jail stay) that community corrections probation officers can use for this purpose without having to go back to court.
- Require that this authority be established as a part of each sentence imposed, unless waived by the judge.
- Establish procedures to protect the due process rights of individuals on community corrections while imposing these sanctions.

Rationale: Delayed and inconsistent responses to violations fail to change behavior.

3. Establish a shorter sanction for technical violations to replace the existing costly and ineffective community corrections revocation process.

- Upon the first probation violation hearing, modify the community corrections term with 120 days of incarceration. The second violation hearing shall result in 180 days of incarceration. Thereafter, the offender may be revoked for the remainder of his or her sentence. This policy shall not apply to individuals convicted of a new crime.
- Probation condition violators facing return to prison as part of this sanction would be eligible to earn time credits on a 2-for-1 basis, resulting in stays of 60 and 90 days based on good behavior and compliance with expectations while incarcerated.
- Sanctions of incarceration (other than the 2- or 3-day sanction) should be served in prison.

Rationale: Despite being returned to prison for similar violations, probation violators are sanctioned for almost four times as long (~11 months) as post-release supervision (PRS) violators.

4. Allow community corrections officers to prioritize higher-risk cases and reduce the length of supervision time for successful, lower-risk offenders.

- Improve the incentive for community corrections probationers who are at low risk of reoffending to comply with probation conditions by offering to terminate their term of supervision after they can demonstrate compliance with conditions of supervision and full payment of restitution obligations.

Rationale: Probation officers spend as much time supervising low-risk as high-risk probationers.

5. Allow the Prisoner Review Board to focus resources on higher-risk cases and reduce the length of time on post-release supervision (PRS) that successful, lower-risk people serve.

- Encourage people assigned to PRS who are at low risk of reoffending to comply with supervision conditions by offering those who have complied with their conditions of release and met their restitution obligations to end their term of PRS.
- Amend the statute related to the way institution DOC time credits are calculated so that credits earned and retained are not added to the length of PRS, except for sex offenders. Such a change in law would not reduce the amount of time a person serves in prison.

Rationale: Successful, lower-risk offenders spend longer on PRS than higher-risk offenders, but longer periods of supervision do not increase success for lower-risk offenders.

6. Require that people who are reincarcerated for a probation revocation and subsequently released to the community be assigned to PRS.

- Ensure that after a person returns to the community following a prison stay due to probation revocation for violation of conditions of release, he or she receives a period of post-release supervision. The mandatory PRS term would be determined by the original crime of conviction on the sentencing grid and the corresponding supervision requirement.

Rationale: Supervision following prison is critical to removing the current loophole that allows probationers to “get off supervision” by being revoked for technical reasons.

7. Create a task force to study ways to make the crime victim restitution collection process more efficient and effective.

- Charge the Kansas Attorney General's Office with creating and overseeing a task force to develop a well-defined set of issues relating to victim restitution for study to be reported on for consideration by the 2014 legislative session.

Rationale: Increasing victim restitution collection will help ensure offender accountability and contribute toward restoration of financial losses of victims.

Bottom Line: By slowing growth in the state prison population between FY 2014 and FY 2018, this package of policies averts over \$53.1 million (approximately \$1.6 million in FY 2014; \$9.0 million in FY 2015; and \$12.6 million annually from FY 2016 through FY 2018) in additional spending that would otherwise be needed to accommodate prison population growth. These savings will position the state to invest \$2 million in FY 2014 and \$3 million in FY 2015 through FY 2018 in community-based substance abuse programming.