

Kansas

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In April 2012, Kansas's prisons were at 100 percent capacity with a projected 23 percent increase over the next 10 years. In order to control this growth—estimated to cost more than \$125 million—Kansas formed a working group to examine corrections population and cost drivers. Justice Reinvestment Initiative (JRI) provisions, developed through the working group's analysis, included basing supervision intensity and treatment on offenders' risk levels; increasing funding for and availability of community-based treatment; using swift, certain, and graduated sanctions for probation violators; and requiring postrelease supervision for individuals reincarcerated for probation revocations. These reforms are projected to save Kansas an estimated \$125 million in averted construction costs and \$56 million in averted operating costs over five years by slowing prison growth from 9 percent to 4 percent between 2013 and 2018. Upfront investment is under way in Kansas; the state plans to invest \$2 million in 2014 for behavioral health treatment for high-risk individuals.

Impetus for Justice Reinvestment

By the spring of 2012, Kansas's prisons were at capacity, with a projected 23 percent increase over the next 10 years. This unsustainable projected growth, estimated to cost more than \$125 million,¹ prompted Kansas leaders to request technical assistance to employ the justice reinvestment model.

Kansas was already familiar with the justice reinvestment approach, having worked with the Council of State Governments Justice Center (CSG Justice Center) in 2006 to analyze its criminal justice system drivers and identify policies to maintain or increase public safety while reducing spending. Legislation was passed in 2007, focusing largely on reducing technical violations for offenders on community supervision. Policies established a performance incentive grant program to reward community corrections agencies for reducing revocation rates, as well as credits for incarcerated offenders who successfully completed programming. The state estimated that prison population reductions from this legislation saved \$80 million in averted costs, but subsequent developments, including funding reductions and penalty enhancements, reversed these trends and increased prison commitments.²

HIGHLIGHTS

- By spring of 2012, Kansas's prisons were at capacity with a projected 23 percent increase over the next 10 years estimated to cost more than \$125 million.
- Kansas's JRI legislation bases supervision intensity and treatment on offenders' risk levels; increases funding for and availability of community-based treatment; uses swift, certain, and graduated sanctions for probation violators; and requires post-release supervision for individuals reincarcerated for probation revocations.
- JRI reforms are projected to save Kansas an estimated \$125 million in averted construction costs and \$56 million over five years by slowing the prison growth rate from 9 percent to 4 percent between 2013 and 2018.
- Kansas plans to invest \$2 million in 2014 in community-based behavioral health programming.

In April 2012, the governor, legislative leaders, the chief justice, and the attorney general submitted a request to receive justice reinvestment technical assistance. Through JRI, the state hoped to explore the causes of new court commitments, treatment resources available for mentally ill offenders, community corrections revocations, and crime reduction.

Establish Interbranch Bipartisan Working Group

Kansas's technical assistance provider, the CSG Justice Center, held a kick-off meeting in June 2012 with the JRI working group. This group, established by House Bill 2684, was composed of 17 members, including representatives from both branches of the legislature, corrections, local law enforcement, the Kansas Bureau of Investigation (KBI), local service providers, and a prosecutor. The group was tasked with studying policies and practices to increase public safety and reduce recidivism; it met four times between June 2012 and December 2012.

Engage Stakeholders

To garner systemwide input, the CSG Justice Center conducted focus groups and meetings with stakeholders outside the working group, including frontline staff from corrections, probation, and treatment providers as well as prosecutors, victim advocates, judges, and local law enforcement.³

Analyze Data and Identify Drivers

The working group meetings held in September and October of 2012 focused on data analysis to identify prison population drivers. Data presentations focused on crime and arrest trends, sentencing trends, probation trends, and reentry and victim issues.

Data analysis identified key challenges to Kansas's criminal justice system, which included strained and inefficiently allocated probation and reentry resources as well as increased crime rates in half of Kansas counties.⁴

Develop Policy Options

At the working group's final meeting, in December 2012, the CSG Justice Center presented a series of policy options to address prison population drivers. The policy framework—developed through data analysis and stakeholder feedback—comprised a series of strategies to strengthen probation supervision, encourage successful prison reentry, and make communities safer. These policies included

basing supervision intensity and treatment on offenders' risk level; increasing funding for and availability of community-based treatment; using swift, certain, and graduated sanctions for probation violators; requiring post-release supervision for individuals reincarcerated for probation revocations; establishing grant funding for law local enforcement agencies; and supporting a new forensic facility for the KBI.⁵

Codify and Document Changes

House Bill (HB) 2170, crafted by the Kansas Department of Corrections (KDOC) and the Kansas Sentencing Commission, was introduced to the legislature in January 2013. It contained all the strategies outlined in the policy framework, with the exception of funding requests for local law enforcement and KBI, which require appropriations. HB 2170 passed in April 2013 and is projected to save Kansas an estimated \$125 million in averted construction costs and \$56 million over five years⁶ by slowing prison growth from 9 percent to 4 percent between 2013 and 2018 (see figure 1).⁷

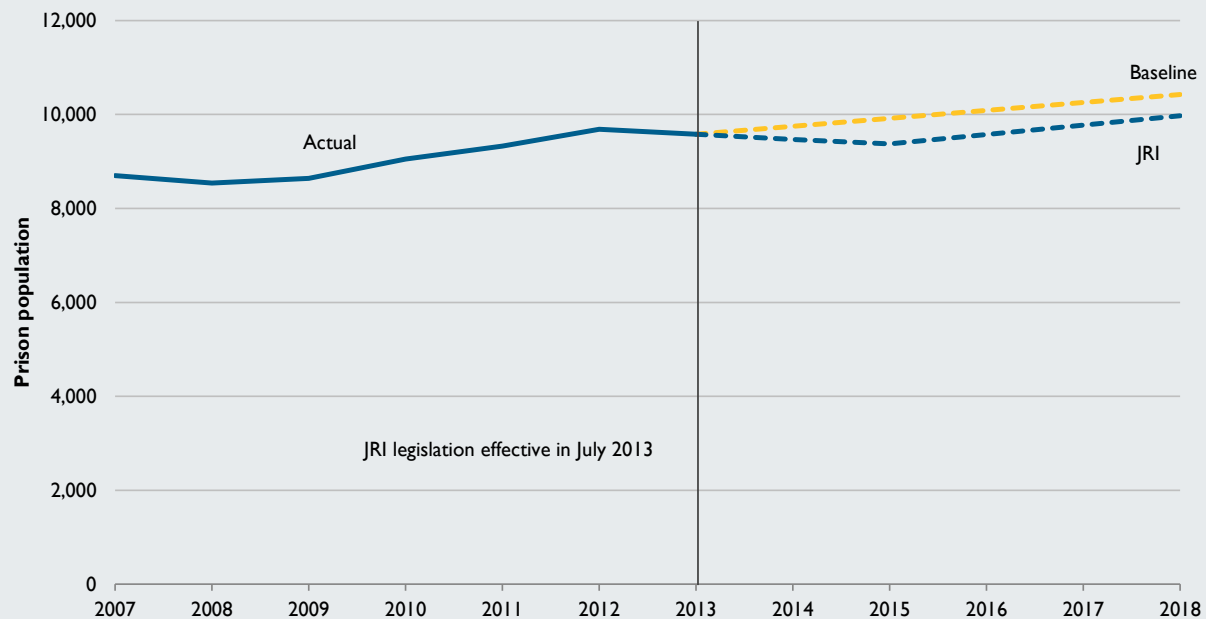
Implement Policy Changes

The CSG Justice Center will continue supporting Kansas as the state implements the provisions of HB 2170, which became effective on July 1, 2013.

A three-tiered governance structure focused on implementing the policy changes has been established; it includes five issue-specific work groups: Outcomes and Data, Admissions, Staff Training and Accountability, Stakeholder Education, and Community Behavioral Health. These groups are charged with streamlining admissions and diagnostic processes for offenders returned to prison to serve 120- or 180-day sanctions; developing workforce skills; and engaging stakeholders—including judges, prosecutors, and community corrections officers—in the changes under HB 2170. The state is developing plans for using a subaward, along with the continued technical assistance from the CSG Justice Center, to focus on improving the quality of risk and needs assessments, strengthening probation officers' skills in risk reduction, and increasing collaboration among community corrections and behavioral health treatment providers.⁸

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FIGURE I
Kansas Prison Population



Sources: JRI and baseline population projection values were extrapolated from available data in Kansas Sentencing Commission (2013). Actual population data are from Bureau of Justice Statistics' *Prisoners Series*.
Note: Dotted lines represent projections.

Reinvest Savings

Upfront investment is under way in Kansas; the state plans to invest \$2 million in 2014 for behavioral health treatment services to high-risk individuals who need treatment and who reside in the counties with the highest volume of probationers and rates of probation revocations. The CSG Justice Center will work with Kansas stakeholders to calculate savings and decide where to reinvest funds.⁹

Measure Outcomes

To monitor implementation progress and eventual outcomes of HB 2170, Kansas has developed a number of metrics that will be tracked on a monthly basis. The Kansas Sentencing Commission has modified sentencing documents to ensure proper categorization of sanctioned offenders, and the KDOC has enhanced data systems to allow for detailed collection and reporting.¹⁰

Notes

1. Barbee, Andy, Anne Bettesworth, and Adam Hall. 2012. "Justice Reinvestment in Kansas: Initial Working Group Meeting." Presentation to the Kansas Working Group, Council of State Governments Justice Center, Topeka, Kansas, June 13.
2. Brownback, Sam. "Phase I Letter of Interest," April 3, 2012.
3. Council of State Governments Justice Center. 2013. *Justice Reinvestment in Kansas: Analyses & Policy Options to Reduce Spending on Corrections and Reinvest in Strategies to Increase Public Safety*. New York: Council of State Governments Justice Center.
4. Barbee, Andy, and Anne Bettesworth. 2012. "Justice Reinvestment in Kansas: 3rd Working Group Meeting." Presentation to the Kansas Working Group, Council of State Governments Justice Center, Topeka, Kansas, October 29.
5. Barbee, Andy, and Anne Bettesworth. 2012. "Justice Reinvestment in Kansas: 4th Working Group Meeting." Presentation to the Kansas Working Group, Council of State Governments Justice Center, Topeka, Kansas, December 7.
6. Council of State Governments Justice Center. Email message. September 20, 2013.
7. Kansas Sentencing Commission. 2013. *Fiscal Year 2014 Adult Inmate Prison Population Projections*. Topeka, KS: Kansas Sentencing Commission.
8. Council of State Governments Justice Center. Email message. September 13, 2013.
9. Ibid.
10. Ibid.

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