

Presentation to Kansas 3R Legislative Committee

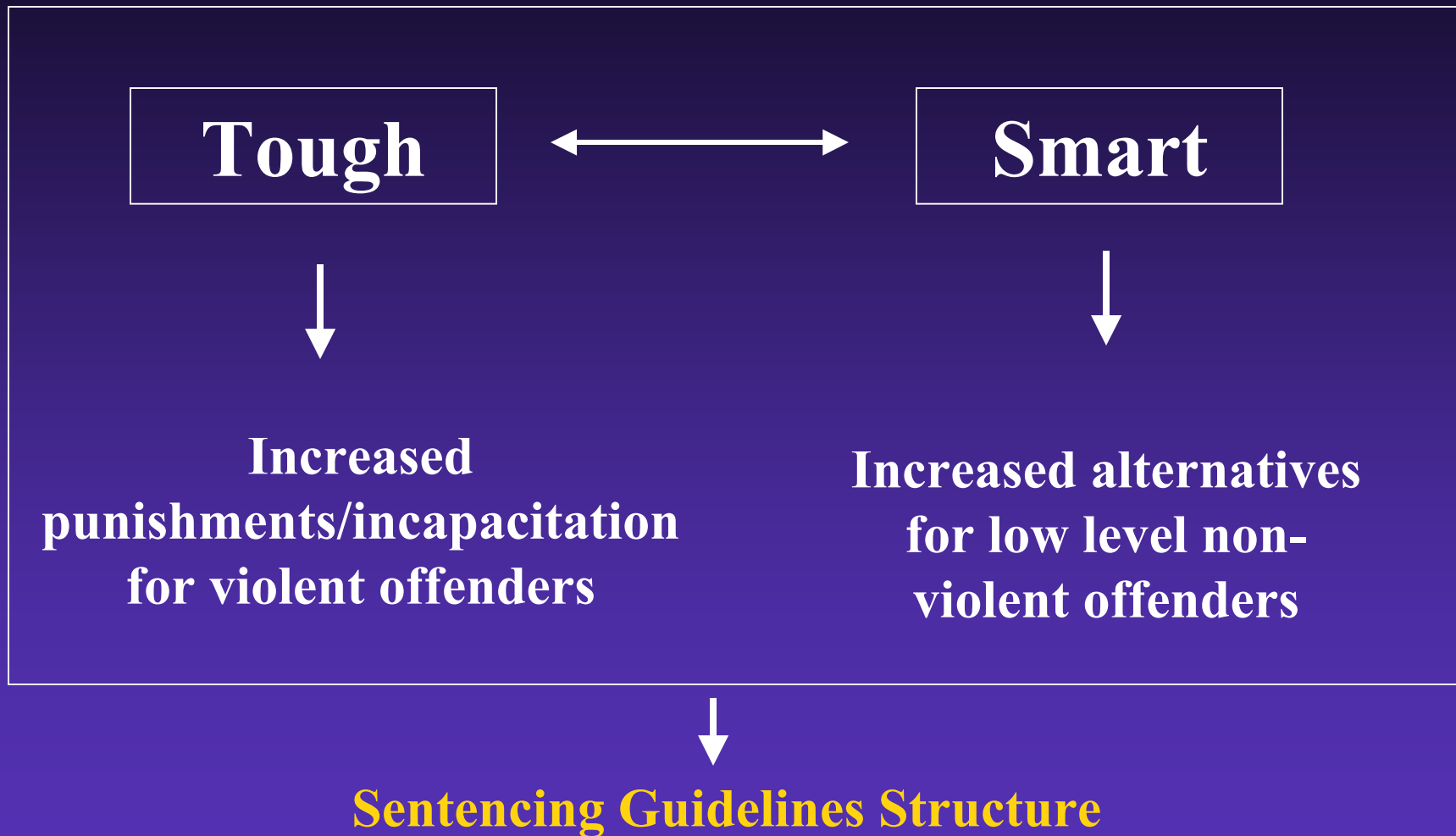
Site Visit Observations The Big Picture as Seen by An Outsider

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The JFA Institute

Overview

- **Framework of Tough and Smart Policies in Place**
- **Framework Under Pressure**
- **Opportunities to Strengthen Framework**

Framework



Strong Policies in Place

- **Sentencing guidelines structure**
 - ✓ Tougher sentences for serious offenders
 - ✓ Expanded use of probation for low level drug possession offenders
 - ✓ Extended probation for violators as “graduated sanction”
 - ✓ Low number of absconders
 - 2.5% of offenders under supervision

Non Drug More Severe Admissions Up

**Table 37: Comparison of Nondrug Prison Admissions by Severity Level
FY 1999 through FY 2003**

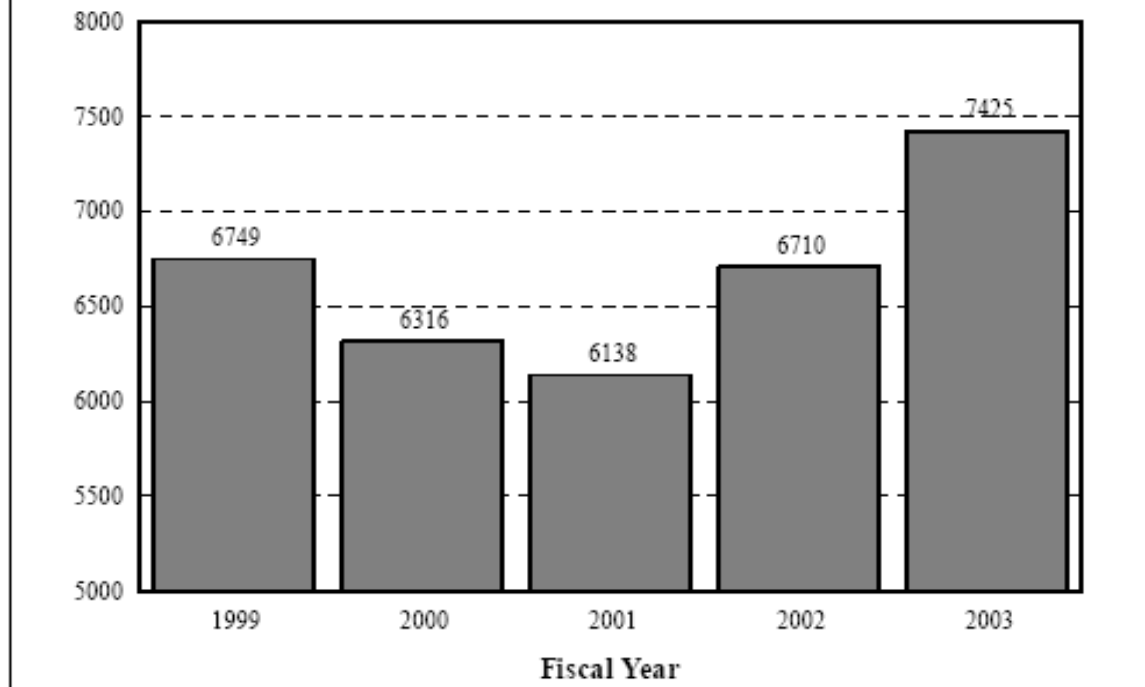
| Severity Level | FY 1999 | FY 2000 | FY 2001 | FY 2002 | FY 2003 | FY 2003-2002 % Difference | FY 2003-1999 % Difference |
|----------------|--------------|--------------|--------------|--------------|--------------|------------------------------|------------------------------|
| N1 | 63 | 67 | 99 | 92 | 113 | 22.8% | 79.4% |
| N2 | 78 | 109 | 138 | 121 | 121 | 0.0% | 55.1% |
| N3 | 444 | 529 | 612 | 645 | 604 | -6.4% | 36.0% |
| N4 | 126 | 135 | 145 | 162 | 155 | -4.3% | 23.0% |
| N5 | 520 | 626 | 751 | 671 | 718 | 7.0% | 38.1% |
| N6 | 173 | 196 | 207 | 195 | 208 | 6.7% | 20.2% |
| N7 | 871 | 1,031 | 889 | 890 | 864 | -2.9% | -0.8% |
| N8 | 531 | 630 | 454 | 449 | 424 | -5.6% | -20.2% |
| N9 | 1,116 | 1,160 | 789 | 773 | 703 | -9.1% | -37.0% |
| N10 | 267 | 284 | 194 | 227 | 206 | -9.3% | -22.8% |
| Off-grid | 56 | 45 | 36 | 38 | 49 | 28.9% | -12.5% |
| Other* | 132 | 65 | 34 | 19 | 25 | 31.6% | -81.1% |
| Total | 4,377 | 4,877 | 4,348 | 4,282 | 4,190 | -2.1% | -4.3% |

* Other includes nongrid and unknown.

*Kansas Sentencing Commission, Annual Report, 2003, page 62

Probation Sentences Up

Figure 43: Probation Sentences
FY 1999 Through FY 2003



*Kansas Sentencing Commission, Annual Report, 2003, page 63

Higher # of Lower Severity Drug Probation Sentences

**Table 38: Comparison of Probation Drug Sentences by Severity Level
FY 1999 through FY 2003**

| Severity Level | FY 1999* | FY 2000 | FY 2001 | FY 2002 | FY2003 | FY 2003-2002 % Difference | FY 2003-1999 % Difference |
|----------------|--------------|--------------|--------------|--------------|--------------|------------------------------|------------------------------|
| D1 | 0 | 2 | 17 | 49 | 44 | -10.2% | -- |
| D2 | 42 | 34 | 41 | 44 | 71 | 61.4% | 69.0% |
| D3 | 380 | 395 | 507 | 555 | 566 | 2.0% | 48.9% |
| D4 | 1,067 | 1,186 | 1,313 | 1,498 | 1,767 | 18.0% | 65.6% |
| Total | 1,490 | 1,617 | 1,878 | 2,146 | 2,448 | 14.1% | 64.3% |

*FY 1999 total number includes one unknown.

*Kansas Sentencing Commission, Annual Report, 2003, page 64

Incarceration Rate Low

| State Incarceration Rates: December 31, 2002 | | | | | |
|--|----------------|------|----|----------------|---------------|
| Rank | | Rank | | Rank | |
| 1 | Louisiana | 794 | 18 | Tennessee | 430 |
| 2 | Mississippi | 743 | 19 | Maryland | 425 |
| 3 | Texas | 692 | 20 | Colorado | 415 |
| 4 | Oklahoma | 667 | 21 | Connecticut | 405 |
| 5 | Alabama | 612 | 22 | Ohio | 398 |
| 6 | South Carolina | 555 | 23 | Alaska | 396 |
| 7 | Georgia | 552 | 24 | Wisconsin | 391 |
| 8 | Missouri | 529 | 25 | Kentucky | 380 |
| 9 | Arizona | 513 | 26 | South Dakota | 378 |
| 10 | Michigan | 501 | 27 | Montana | 361 |
| 11 | Nevada | 483 | 28 | Indiana | 348 |
| 12 | Arkansas | 479 | 29 | Wyoming | 348 |
| 13 | Idaho | 461 | 30 | New York | 346 |
| 14 | Virginia | 460 | 31 | North Carolina | 345 |
| 15 | Delaware | 453 | 32 | Oregon | 342 |
| 16 | California | 452 | 33 | Illinois | 336 |
| 17 | Florida | 450 | 34 | Kansas | 327 |
| | | | | | |
| | | | | 35 | Pennsylvania |
| | | | | 36 | New Jersey |
| | | | | 37 | New Mexico |
| | | | | 38 | Hawaii |
| | | | | 39 | Iowa |
| | | | | 40 | Washington |
| | | | | 41 | West Virginia |
| | | | | 42 | Massachusetts |
| | | | | 43 | Utah |
| | | | | 44 | Nebraska |
| | | | | 45 | Vermont |
| | | | | 46 | New Hampshire |
| | | | | 47 | Rhode Island |
| | | | | 48 | North Dakota |
| | | | | 49 | Maine |
| | | | | 50 | Minnesota |
| | | | | | |
| <i>Average for all states: 427</i> | | | | | |

*2004 Corrections Briefing Report, Kansas DOC, page 37

Prison Capacity Planning in Place

- **Projection model and consensus process in place for long-term planning**
 - ✓ **Prison capacity expanded at low cost**
 - **2,635 net capacity increase FY 95-04 mainly using renovations at total cost of \$28.9 million**
- **DOC strategic planning in place**
 - ✓ **LSI-R Assessment implementation**
 - **Level of service inventory at intake and supervision that considers risk**
 - **Level of Service Inventory-Revised Assessment**

Some Evaluation Capacity in Place

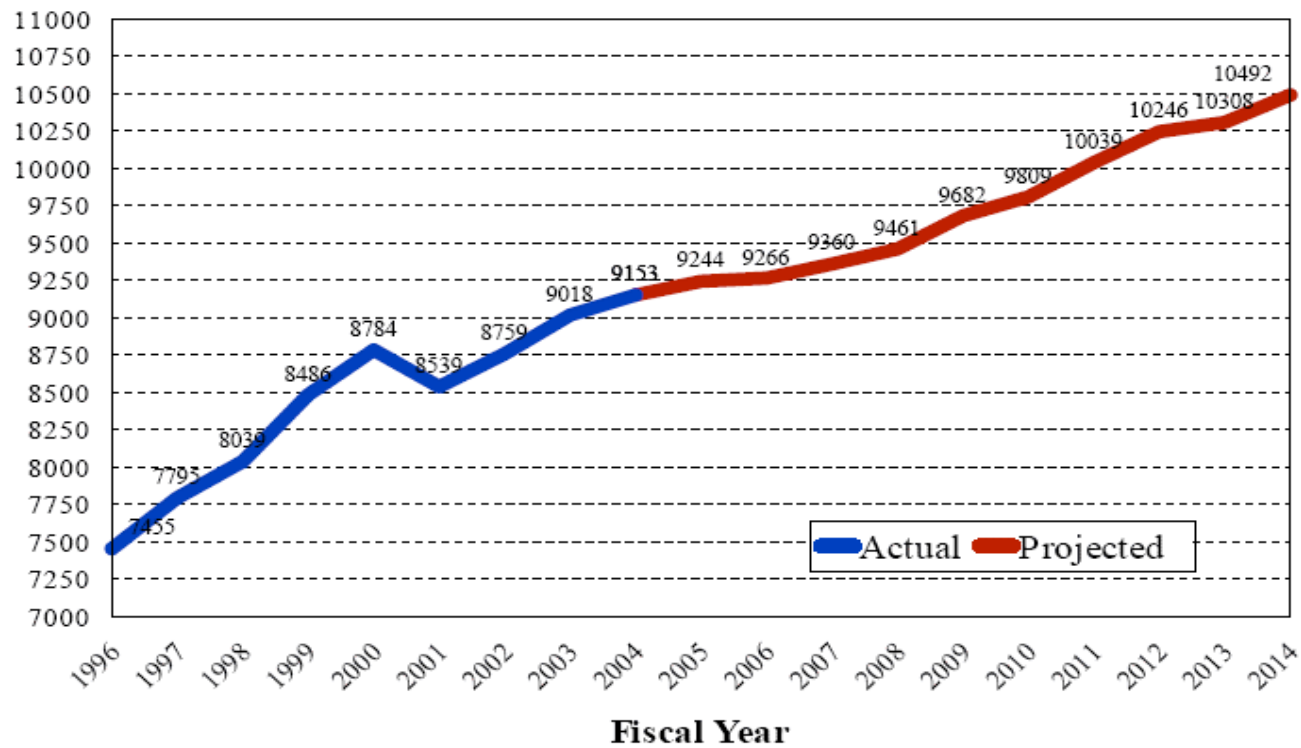
- **Computerized data**
 - ✓ Available for potential analysis in different systems but some improvements needed
- **Sentencing Commission**
 - ✓ Conducts impact analysis
 - ✓ Tracks impact of SB 123
- **DOC**
 - ✓ Improving recidivism measures by using uniform tracking times for evaluation groups

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- **Opportunities to Strengthen Framework**

Growing Prison Population

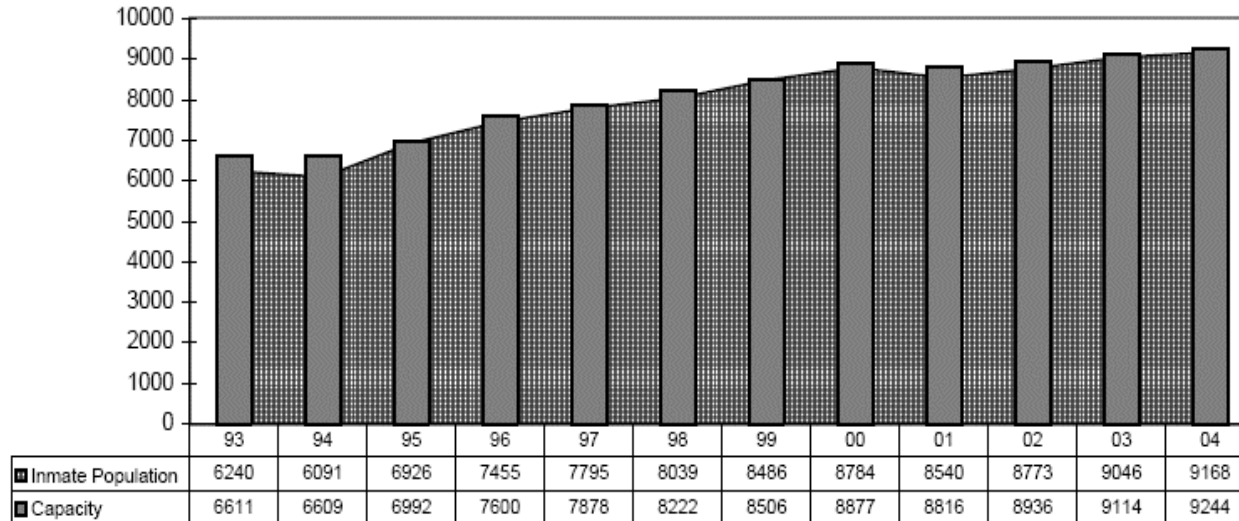
Actual and Projected Prison Population



*Kansas Sentencing Commission, Fiscal Year 2005 Adult Inmate Prison Population Projections, September 2004, page 21

Correctional System at Capacity

Capacity vs. Inmate Population FY 1993— FY 2004 (through December 31, 2003)

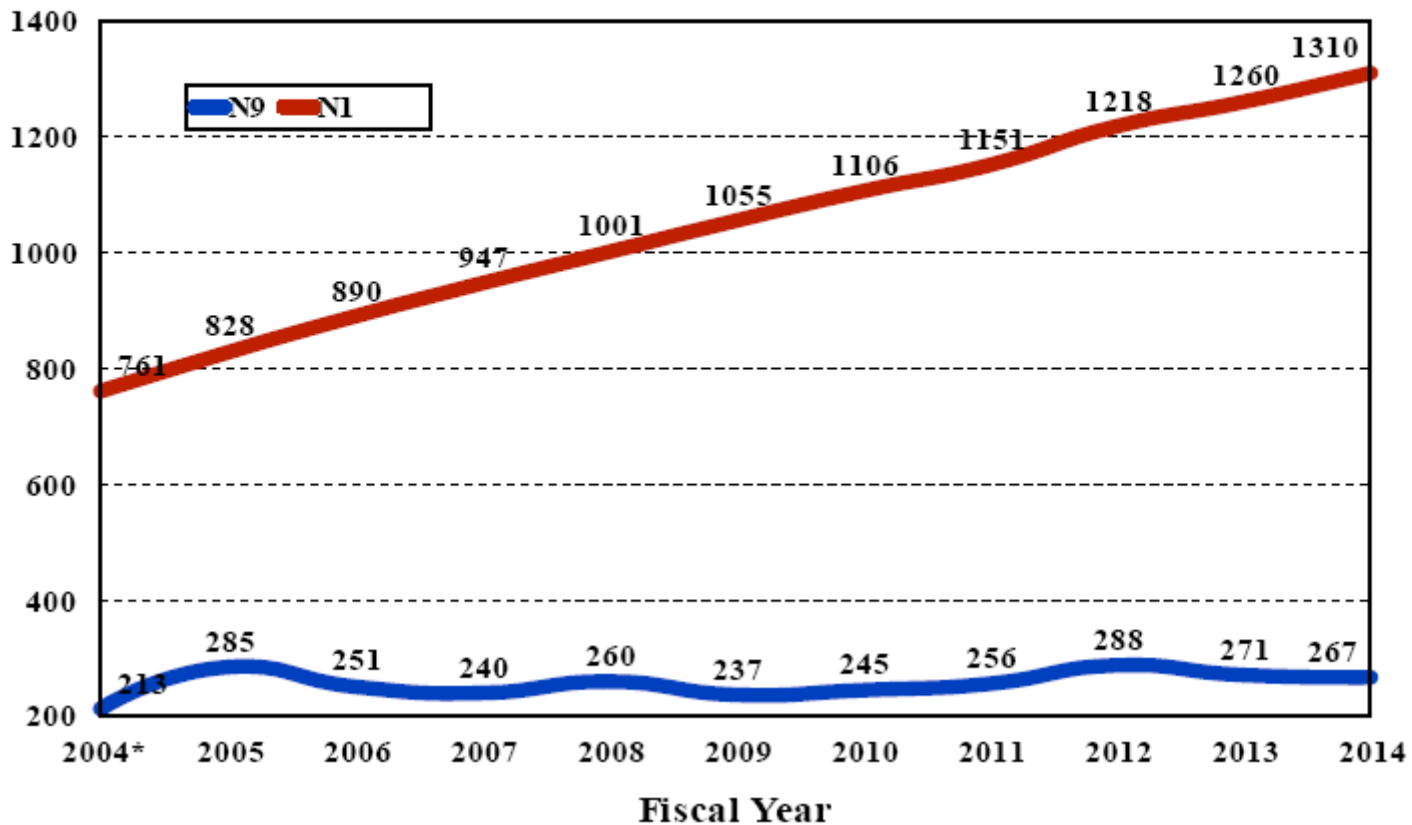


Capacity numbers are as of June 30th each year. The inmate population given for each year is the June 30 population, except for the December 31, 2003 population.

*2004 Corrections Briefing Report, Kansas DOC, page 35

Stacking Effect One Driver of Growth

**PROJECTED BEDSPACE
FOR NONDRUG LEVEL 1 AND NONDRUG LEVEL 9 OFFENDERS**



*Kansas Sentencing Commission, Fiscal Year 2005 Adult Inmate Prison Population Projections, September 2004, page 24

Violations Another Driver of Growth



29.3% of admissions in 2004 compared to 22.1% in 2000

*Kansas Sentencing Commission, Fiscal Year 2005 Adult Inmate Prison Population Projections, September 2004, page 41

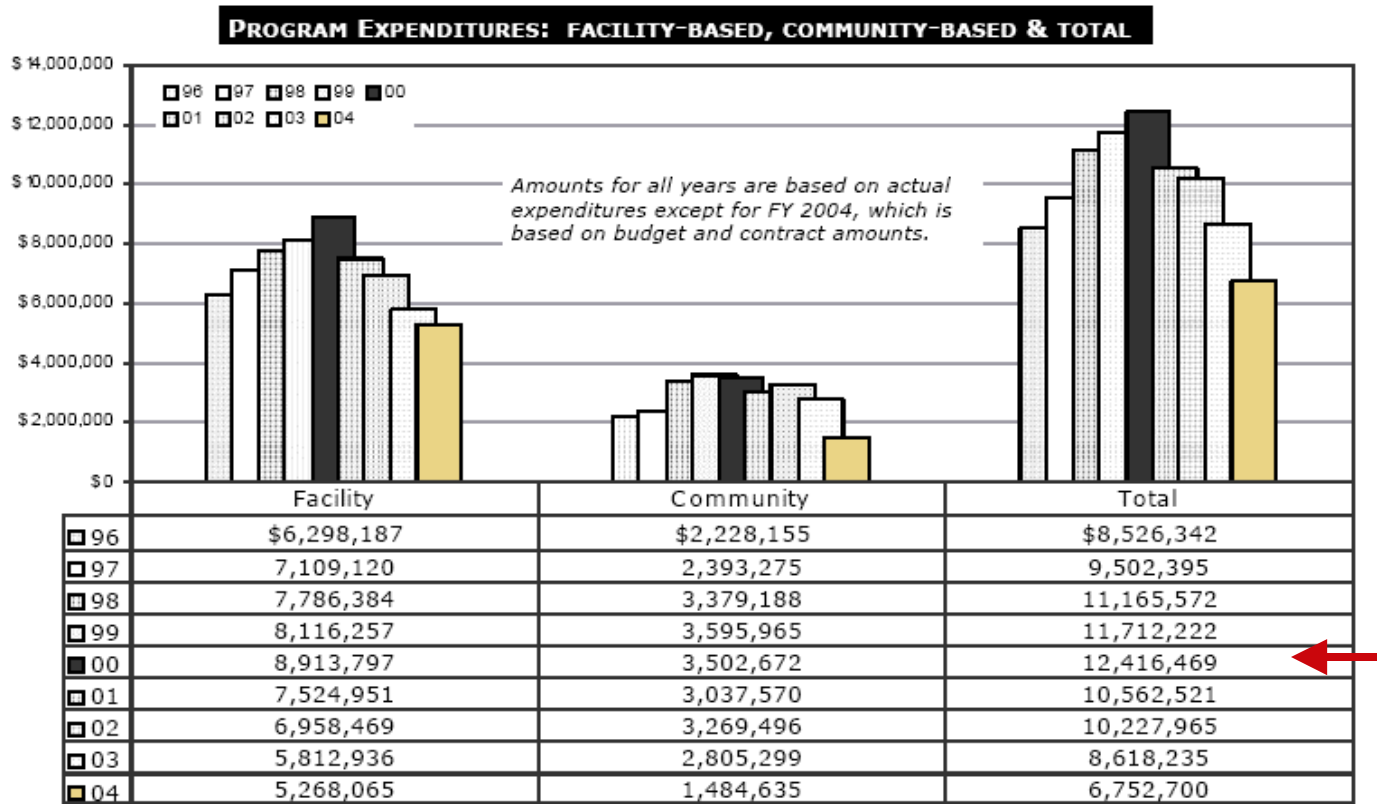
Parole Condition Revocations Rate Up

| Year | Condition Violators | Post-Supervision Population | Ratio Violations to Supervision |
|-------------|----------------------------|------------------------------------|--|
| 1996 | 1,891 | 5,425 | 1 to 4.3 |
| 1997 | 1,703 | 5,546 | 1 to 3.6 |
| 1998 | 1,952 | 5,773 | 1 to 3.1 |
| 1999 | 2,347 | 5,643 | 1 to 2.6 |
| 2000 | 3,178 | 5,385 | 1 to 1.9 |
| 2001 | 2,654 | 3,896 | 1 to 1.5 |
| 2002 | 2,441 | 3,927 | 1 to 1.6 |

* DOC, Statistical Profile, 2002 From Figure 2, page 3 and Figure 7, page 8

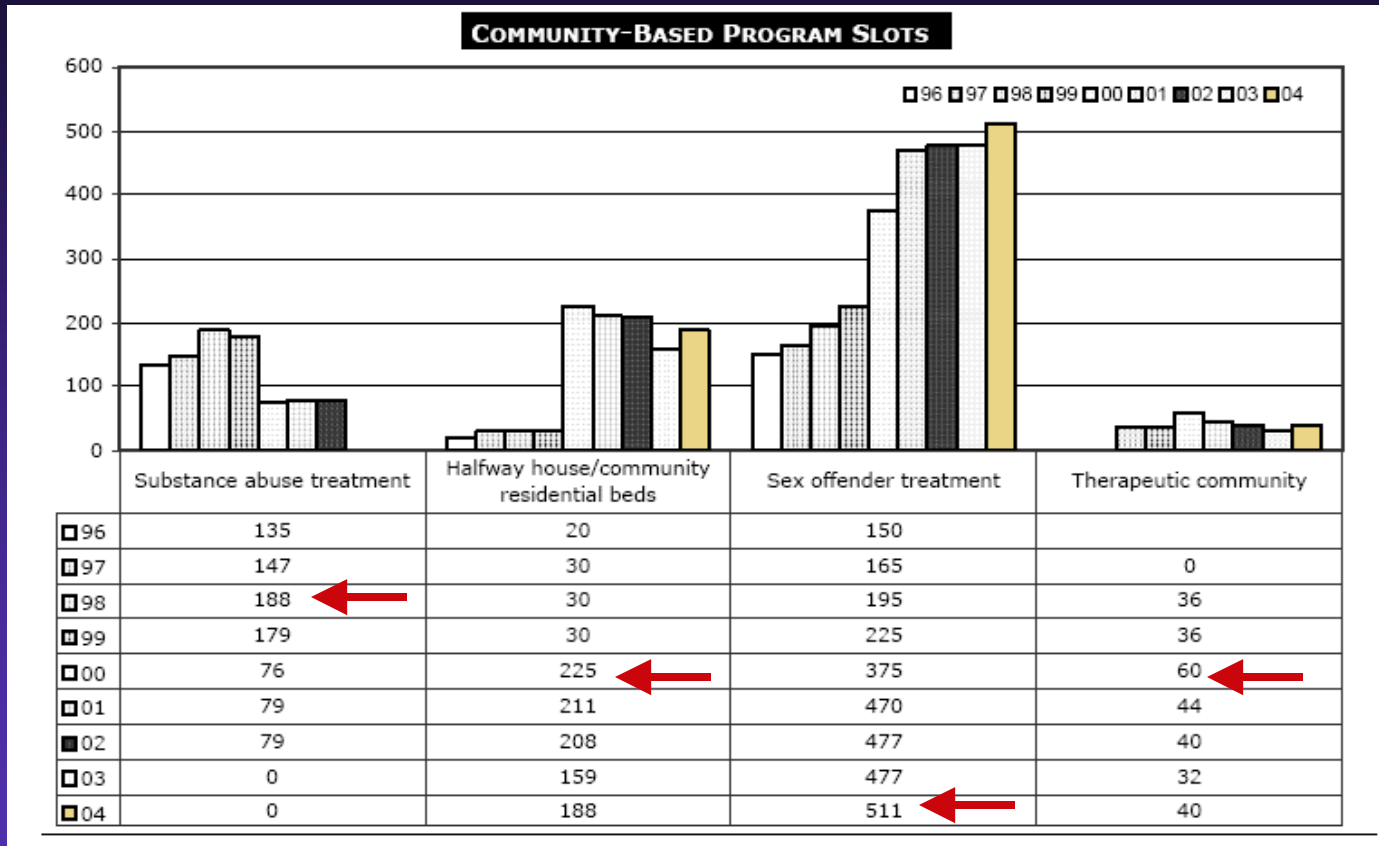
Program Funding Down

Program Expenditures FY 1996—FY 2004



*2004 Corrections Briefing Report, Kansas DOC, page 88

Community Program Capacity Down

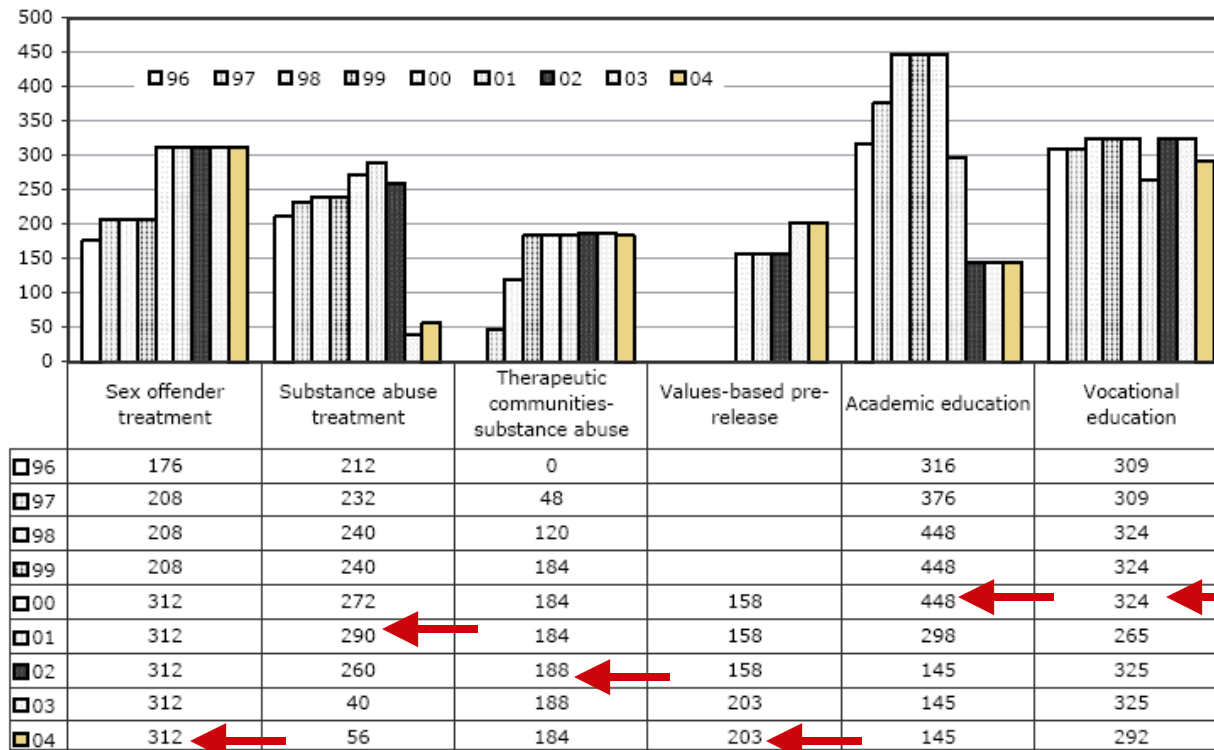


*2004 Corrections Briefing Report, Kansas DOC, page 87

Prison Program Capacity Mainly Down

KDOC Program Capacity: FY 1996—FY 2004
(reflects mid-year adjustments in FY 04)

FACILITY-BASED PROGRAM SLOTS



*2004 Corrections Briefing Report, Kansas DOC, page 86

Overview

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- **Framework Under Pressure**
- **Opportunities to Strengthen Framework**

Goal and Strategies

**Goal: Maintain Sufficient
Prison Capacity to Lock-
up Violent Offenders**

**Reduce
Time in
Prison/
Stacking**

**Cut Down Probation and Parole
Revocations**

**Improve Community Capacity
to Receive and Supervise
Offenders**

Improve Performance Measures

**Construct
More
Prisons**

Why Probation Revocations Up?

1. What are the reasons for revocations and the population characteristics?

2. Is disparity among counties/districts an issue?

3. What is the risk profile?

4. Are intermediate sanctions/programs available and effective as option?

Why Parole Revocations Up?

1. What are the reasons for violations and the population characteristics?

2. Is disparity among districts offices an issue?

3. What is the risk profile?

4. How frequently is the same offender returned to prison for a violation?

5. Are intermediate sanctions/programs available and effective as option?

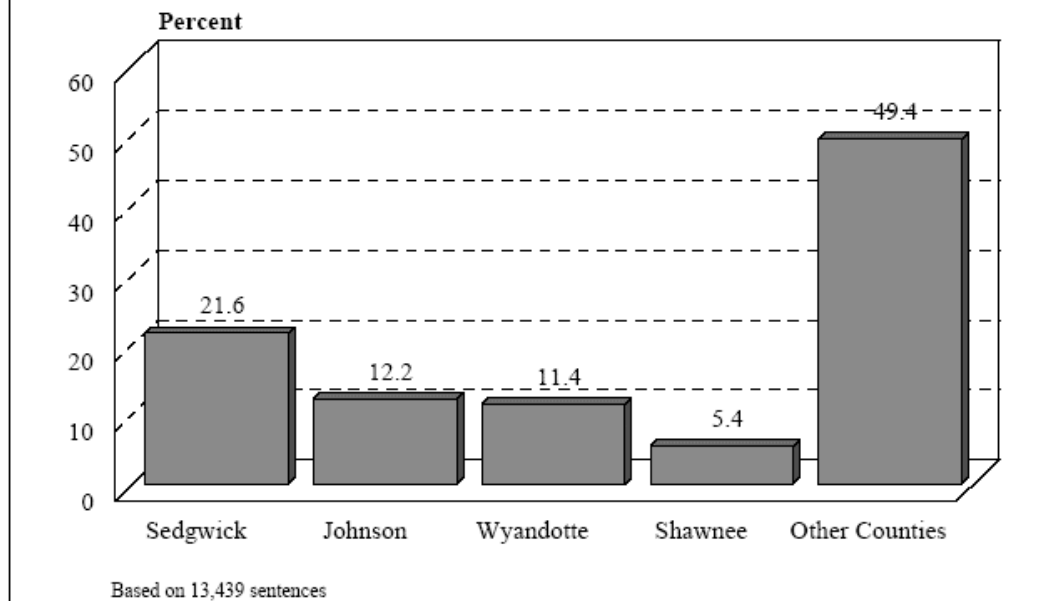
Better Program Outcomes An Issue?

| Program | Percent Returned as Condition Violator | | |
|-------------------------------|--|------------------------|--------------------|
| | Need/No Program | Need/Completed Program | No Need/No Program |
| Sex Offender Treatment | 41.8% | 39.9% | 30.3% |
| All Substance Abuse Treatment | 27.5% | 35.5% | 27.8% |
| Vocational Education | 34.5% | 34.1% | 27.0% |
| Pre-release Reintegration | 39.7% | 35.2% | 31.7% |
| Work Release Reintegration | 31.5% | 29.5% | 27.9% |

Measures need to improve and DOC working on this

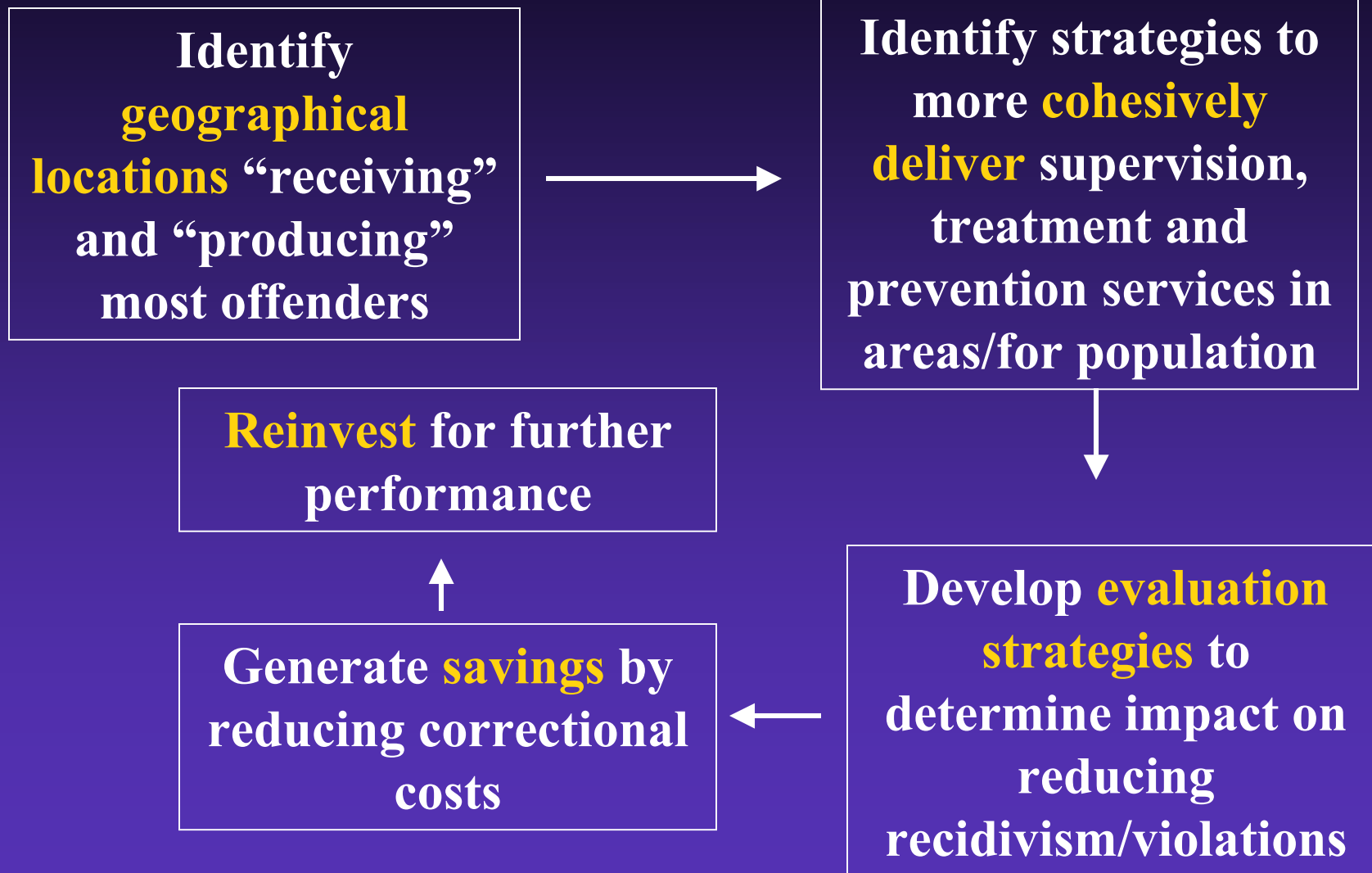
Key Locations

**Overall Sentences by the Top Four Counties
FY 2003**



*Kansas Sentencing Commission, Fiscal Year 2005 Adult Inmate Prison Population Projections, September 2004, page 75

Targeting Areas



One Possibility

**Court Services
Officers
(Probation)
Community
Corrections
Parole Supervision**

**Integrated
Use of LSI-R
Assessment**

**Develop
Uniform
Service
Inventory of:
Substance
Abuse
Job Training
Housing
Employment
Mental Health
Child Support**

Another Possibility

**Re-entry Transition
Work Release Program**



**Job Training/Assistance
for Supervision
Population**



**Day
Reporting
Center**



Information and Evaluations

Sentencing Commission

Examine expansion of role as “hub” for policy analysis and evaluations to enhance policy development

Examine integration of LRS-R data for analysis

Computerize SC Journal Entry Data

KCIJS

**Examine Data Exchange
Protocols**

DOC

**Examine computer platforms/integration
of data**

Examine staff research capacity

Spanning Beyond Justice Boundaries

**Develop social services, health and labor data exchange protocols and
measures to track needs and outcomes**

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Thank You