



# Kansas

## ***CASE STUDY***

Updated February 2007

Criminal justice policy in Kansas has long been regarded as tough and smart: tough because serious and violent offenders are held in prison for long terms; smart because policy makers have made research-driven decisions about which offenders can be safely and effectively supervised in community corrections programs. The combination has allowed Kansas to slow spending on prison construction while ensuring space is available to keep violent offenders behind bars.

Today, however, sentencing and corrections policy in Kansas is at a crossroads. New policies enacted in 2006, along with other developments, are putting the state's balanced criminal justice policy framework under significant pressure. Facing a projected 26-percent increase in the state's prison population by 2016, policy makers must decide whether to appropriate nearly \$500 million to build nearly 2,000 additional prison cells. Many lawmakers in the state, from both sides of the aisle, have endorsed another path: a justice reinvestment strategy that would reduce recidivism, avert the cost of building and operating additional prisons, and improve conditions in the neighborhoods to which people in prison will likely return. This neighborhood-based approach is aimed at helping ex-offenders become law-abiding, taxpaying citizens.

Early results from this strategy are promising: the number of people failing on parole and returning to prison each month has dropped by 50 percent since 2004. Locking in these gains and curbing the growing numbers of probation revocations could reduce the number of prison admissions further, save the state millions of dollars in operating costs, and avert the construction of hundreds of prison beds.

### **The Challenge**

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*"I want to see recidivism cut in half in the next five years,  
and I want it to start in Kansas."*

*—U.S. Senator Sam Brownback (R-KS)*

#### **High rates of failure among people on parole and probation contributed to growth in the prison population and increasing corrections expenditures.**

- An analysis of the prison population revealed that parole and probation violators accounted for 68 percent of admissions between July 2003 and December 2004.<sup>1</sup>
- Over the past 20 years, corrections expenditures in Kansas increased four-fold, from \$60 million in 1985 to \$243 million in 2005.

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<sup>1</sup> Kansas Sentencing Commission, *Fiscal Year 2005 Adult Inmate Prison Population Projections*, September 2004.

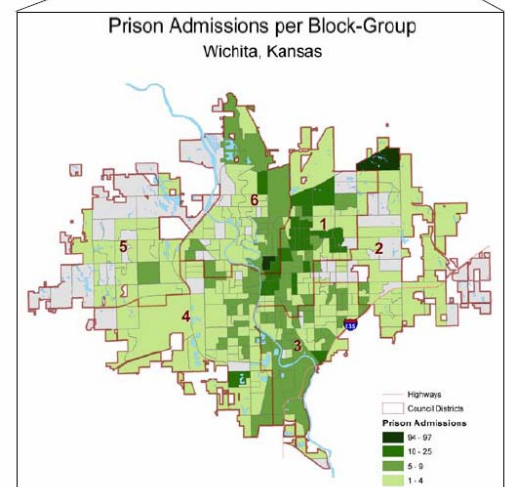
## A disproportionate number of those released from prison return to a handful of neighborhoods.

- Geographic analyses found that 40 percent of admissions to prison came from just two counties.
- In a single year, Kansas taxpayers spent \$11.4 million on prison admissions from a single city council district in Wichita. Of that, \$5.5 million was spent on parole and probation violators.
- Further analysis of the same district revealed that in 2004, \$8.7 million in additional taxpayer dollars was spent on food stamps, unemployment insurance and Temporary Assistance to Families.<sup>2</sup>

## The Approach

Officials established a committee and convened a statewide policy forum to explore strategies for reducing high rates of recidivism and averting anticipated growth of the prison system.

- In 2004, the state legislature created the Kansas Criminal Justice Recodification, Rehabilitation and Restoration Committee (the “3Rs Committee”) to develop a comprehensive strategy for reducing the state’s high rate of recidivism.<sup>3</sup>
- On behalf of the committee, its chair, Representative Ward Loyd (R-Garden City), sought assistance from the Council of State Governments (CSG).<sup>4</sup> CSG in turn brought in Dr. Tony Fabelo, a national criminal justice expert, to conduct rigorous analyses of the prison and community supervision populations.
- In April 2005, Governor Kathleen Sebelius (D) and U.S. Senator Sam Brownback (R-KS) spoke at a policy forum coordinated by the 3Rs Committee and the Kansas Department of Corrections (DOC), addressing the need to reduce high rates of recidivism in the state.



**A detailed analysis of parole revocations showed that substance abuse and mental illness among parolees and probationers—and the absence of accessible, effective treatment—contributed to the state’s high failure rates for people released from prison.**

<sup>2</sup> Eric Cadora and Tony Fabelo, “Building Community Capacity to Reduce Crime and Save Prison Space,” Presentation to 3-Rs Committee, April 18, 2005.

<sup>3</sup> Kansas General Assembly, Substitute House Bill 45, “An Act Creating the Kansas Criminal Justice Recodification, Rehabilitation and Restoration Project,” enacted 2004.

<sup>4</sup> CSG is a nonprofit, nonpartisan membership association serving elected and appointed officials in all three branches of state government. In conducting the analyses described in this case study, it relied heavily on the expertise of two expert consultants: Dr. Tony Fabelo of the JFA Institute and Eric Cadora of the Justice Mapping Institute.

- 32 percent of parole revocations in fiscal year 2005 were for alcohol or drug use. An additional 27 percent were revoked for failure to report to the parole officer.
- 30 percent of the revoked population has significant mental health needs—twice the rate of mental illness in the general prison population, and six times the rate of all American adults.<sup>5</sup>

### **Policy makers increased the oversight of parole revocation decisions.**

- In 2001, the Department of Corrections adopted the Behavior Response/Adjustment Guide (BRAG), which provides parole officers with a set of incentives and sanctions to use in responding to offender behavior. In 2003, the department began using the Level of Service Inventory-Revised (LSI-R) Risk/Needs Assessment to focus supervision resources on people who pose the greatest risk to public safety.
- The DOC provided additional training to parole and probation officers in motivational interviewing and risk reduction case management.
- In February 2006, the DOC modified its internal policies to require the two regional parole directors to review and approve every revocation decision.
- Parole directors standardized revocation decisions across officers and counties, and reinforced the instructions parole officers received in training.

### **Policy makers established an interagency council to implement a comprehensive, statewide plan for reducing recidivism.**

- The Kansas Reentry Policy Council (KRPC), which comprises cabinet secretaries and designees of legislative leaders, will ensure that state agencies work in collaboration to implement the state's plan for reducing recidivism.
- Instead of creating new government, KRPC will leverage and integrate existing state agency resources in the areas of employment, housing, substance abuse treatment, mental health services, family supports and victim services to improve outcomes for children and families.

### **Policy makers launched reentry pilot programs in two counties, targeting the highest risk offenders and augmenting parole supervision for this population after their release to the community.**

- Reentry programs in Shawnee and Sedgwick County, jointly funded by state and local government, provide intensive risk reduction and case management services to people at high risk of re-offending. These programs address housing, employment, substance abuse, family and official identification issues.

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<sup>5</sup> Tony Fabelo and Jason Bryl, "Kansas Revocation Study: Final Report: Analysis of Parole Data from 2003-2005," (Austin: JFA Institute), June 2006.

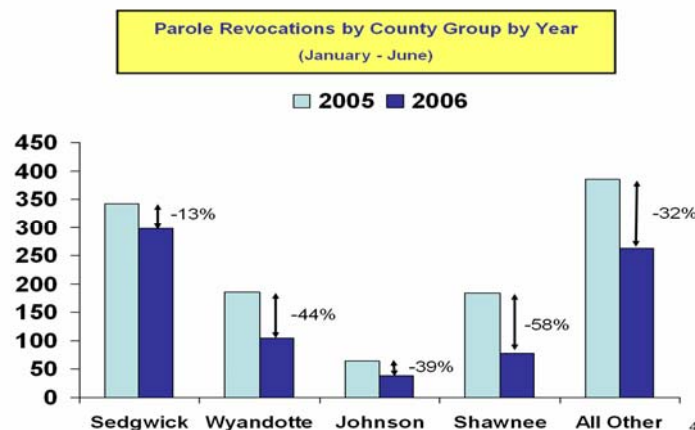
## The Results

**Between 2004 and 2006 the number of parole revocations per month dropped 50 percent.**

- Parole conditions revocations declined from 210 in January 2004 to fewer than 90 revocations per month in July 2006.
- The revocation rate (adjusted for the total size of the parole population) dropped from 47 per 1,000 on parole supervision in FY2004 to 30 per 1,000 in FY2006.
- An analysis comparing condition revocations in 2005 and 2006 found that the decline in revocations was largely due to fewer offenders being revoked for drug or alcohol use, for failing to report, or for basic conditions violations. New data systems are expected to help the state analyze the reasons for the declines.

**A decline in parole revocations in 2006 enabled the state to cancel (or at least postpone) plans to fund new prison beds.**

- In FY2005, the number of people in prison for parole revocations was 184 beds below what was projected. In FY2006, this number improved to 401 beds below the projection. As a result, the state avoided having to fund 100 additional prison beds, and averted as much as \$13.8 million in operating costs.<sup>6</sup>



## The Next Steps

**Unless the reduction in parole revocation is sustained and the number of probation revocations is reduced, the prison population will increase by 26 percent (approximately 2,300 people) between FY2007 and FY2016.**

- The 2006 enactment of "Jessica's Law,"<sup>7</sup> which increases the time served by sex offenders, accounts for a large share of the anticipated growth.<sup>8</sup>

<sup>6</sup> These averted costs are estimated using the average cost per offender, and do not represent savings visible in the Department of Corrections budget.

<sup>7</sup> Kansas General Assembly, Substitute House Bill 2576, "Sex Offenders, Mandatory Minimums, Jessica's Law."

<sup>8</sup> Kansas Sentencing Commission, *Fiscal Year 2007 Adult Inmate Prison Population Projections*, August 2006.

- Probation revocations, up about 40 percent between FY2002 and 2006,<sup>9</sup> are a primary driver of growth. In FY2006, probation violators filled nearly one of every five prison beds at an estimated annual cost of \$37.4 million. State and county government and judges share control and responsibility for funding, oversight and revocation policies of community corrections—limiting any one entity’s ability to change policy and improve the success rates of people under supervision.
- Building new beds for all of the predicted inmate growth would cost the state an additional \$500 million in operating and construction costs between 2006 and 2016.

**Innovative approaches and a comprehensive statewide plan for reducing recidivism attracted the support of a national private foundation.**

- In January 2007, the JEHT Foundation made a \$4.67 million multi-year grant to support the state’s reentry and risk reduction plan.

**Policy makers in Kansas are now reviewing policy options that, if enacted, could avert the projected growth in the prison population.**

- Policy makers are considering investing in effective, accessible, community-based substance abuse treatment to help create options for parole officers who, in responding to offenders’ violations of the conditions of their supervised release, typically must choose between having offenders wait months for an available treatment slot or revoking the offender and sending them back to prison.<sup>10</sup> These investments, concentrated in counties where revocation rates are especially high, could avoid the projected need for 223 prison beds.
- Funded largely by state dollars, but accountable to state, local and judicial officials, community corrections departments are operating without a consistent strategy for supervising offenders, reducing revocations or improving public safety. One incentive for improvement could be state funding to community corrections departments that develop evidence-based strategies for reducing revocations. If departments are able to achieve a 20-percent reduction in the number of offenders revoked and sent to prison, the state could avoid building 465 prison beds.
- Creating opportunities for drug treatment, job training and educational programs makes it more likely that people released from prison avoid crime and comply with conditions of release when they return to the community. To promote participation, the state could create a “Risk Reduction Program Credit” of several months for offenders who successfully complete these programs. Such steps could pre-empt plans to build 943 prison beds. The savings generated would more than offset the costs associated with the expansion of these programs.

The Public Safety Performance Project and the Council of State Governments (CSG) Justice Center are providing nonpartisan research, analysis and expertise to help state policy makers and corrections officials assess these and other options. The U.S. Department of Justice, the JEHT Foundation and others also are supporting Kansas’ reform efforts.

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<sup>9</sup> Tony Fabelo and Marshall Clement, “Tough and Smart: Opportunities for Kansas Policymakers to Reduce Crime and Spending,” Presentation, October 5, 2006.

<sup>10</sup> A review of evaluations of community supervision programs found that intensive supervision alone cannot reduce recidivism rates, but when matched with treatment, it has been shown to reduce recidivism by 22 percent. See Steve Aos, Marna Miller, and Elizabeth Drake. (2006). *Evidence-Based Adult Corrections Programs: What Works and What Does Not*. Olympia: Washington State Institute for Public Policy.

## **PUBLIC SAFETY PERFORMANCE PROJECT**

An operating project of The Pew Charitable Trusts, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable and control corrections costs.

The project helps states diagnose the factors driving prison growth and provides policy audits to identify options for reform, drawing on solid research, promising approaches and best practices in other states. The initiative also helps state officials, practitioners and others share state-of-the-art knowledge and ideas through policy forums, public opinion surveys, multi-state meetings, national, regional and state-level convenings, and online information about what works.

The project works with the Pew Center on the States and a number of highly respected external partners, including the Council of State Governments (CSG) Justice Center and the Vera Institute of Justice, to provide expert, nonpartisan information and assistance to states.

## **KANSAS PARTNERS**

The Public Safety Performance Project currently is working in Kansas with CSG, a national nonprofit organization that serves policy makers at the local, state and federal levels from all branches of government. CSG's Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.

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