

Justice Reinvestment Initiative in Kansas

Presentation to the Kansas Sentencing Commission
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Justice Center
THE COUNCIL OF STATE GOVERNMENTS

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Initiatives

The Council of State Governments

Founded in 1933, The Council of State Governments (CSG) is our nation's only organization serving all three branches of state government. CSG is a region-based forum that fosters the exchange of insights and ideas to help state officials shape public policy. This offers unparalleled regional, national and international opportunities to network, develop leaders, collaborate and create problem-solving partnerships.



**The Council
of State
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Justice Center

THE COUNCIL OF STATE GOVERNMENTS

We are a national nonprofit, nonpartisan organization that combines the power of a membership association, serving state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.

How We Work

- We bring people together.
- We drive the criminal justice field forward with original research.
- We build momentum for policy change.
- We provide expert assistance.

Our Goals

- Break the cycle of incarceration.
- Advance health, opportunity, and equity.
- Use data to improve safety and justice.

Equity and Inclusion Statement



**Justice
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- The Council of State Governments Justice Center is committed to advancing racial equity internally and through our work with states, local communities, and Tribal Nations.
- We support efforts to dismantle racial inequities within the criminal and juvenile justice systems by providing rigorous and high-quality research and analysis to decision-makers and helping stakeholders navigate the critical, and at times uncomfortable, issues the data reveal. Beyond empirical data, we rely on stakeholder engagement and other measures to advance equity, provide guidance and technical assistance, and improve outcomes across all touchpoints in the justice, behavioral health, crisis response, and reentry systems.

What is the Justice Reinvestment Initiative?



A data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism.

The Justice Reinvestment Initiative (JRI) is funded principally by the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** with additional funding from **The Pew Charitable Trusts**.

Technical assistance for states participating in the Justice Reinvestment Initiative is provided by the **CSG Justice Center** and **Community Resources for Justice's Crime and Justice Institute**.

The CSG Justice Center has partnered with Kansas on a wide range of projects.



Justice Reinvestment is a data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism. Justice Reinvestment focuses on adults in the criminal justice system.



Stepping Up is a national initiative calling on counties across the country to reduce the prevalence of people with mental illnesses and co-occurring substance addictions being held in county jails.



JPLI aims to stimulate, support, and enhance efforts by judges and psychiatrists to improve judicial, community, and systemic responses to people with behavioral health needs involved in the justice system.



Smart Supervision is a competitive grant from the Bureau of Justice Assistance designed to reduce the prison population, save money, and create safer communities.



**Justice
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Initiative**
Kansas

Overview

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**Kansas Justice
Reinvestment Overview**

2

Implementation Progress

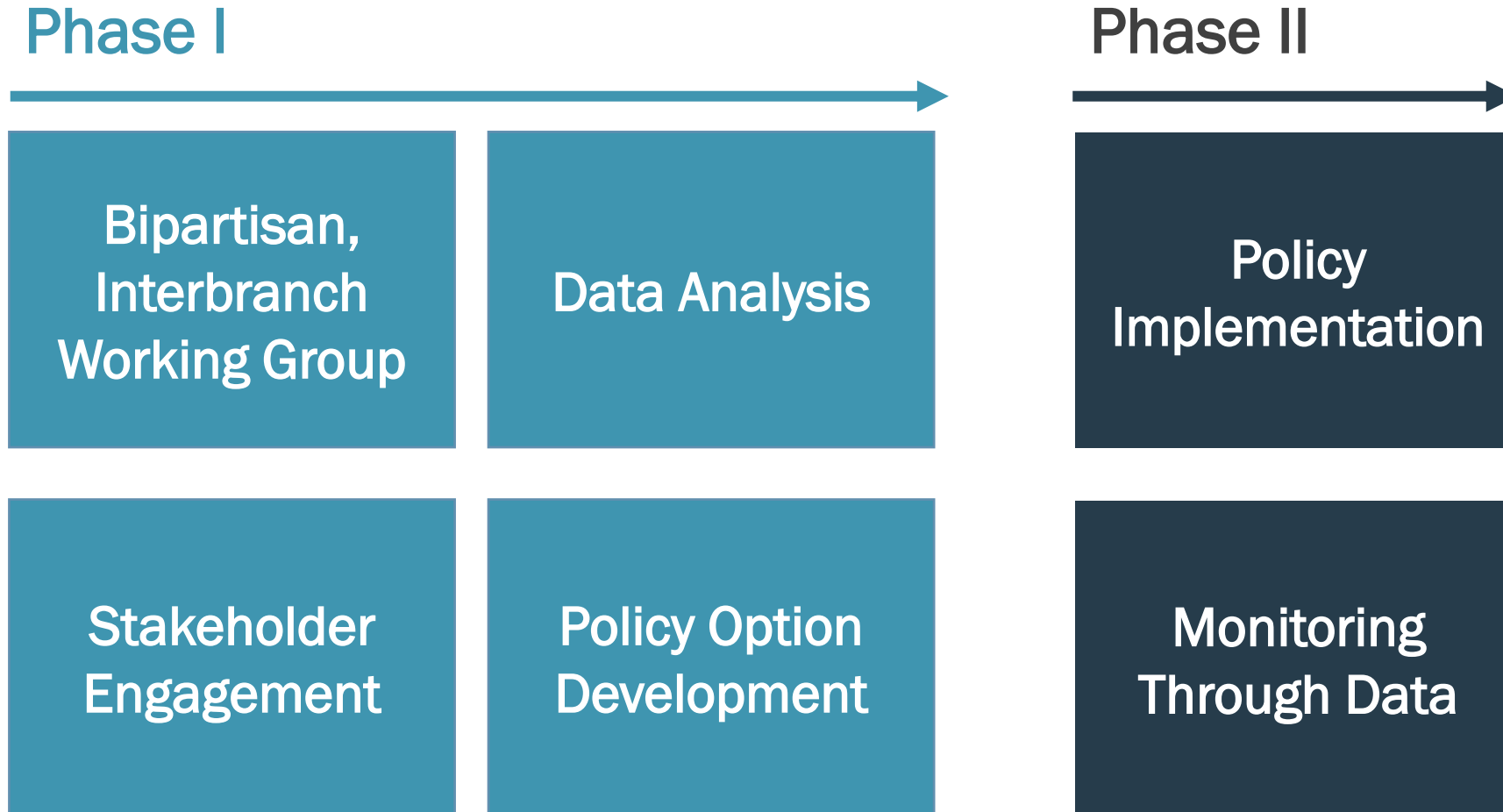
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Data Monitoring

4

Sustainability and Next Steps

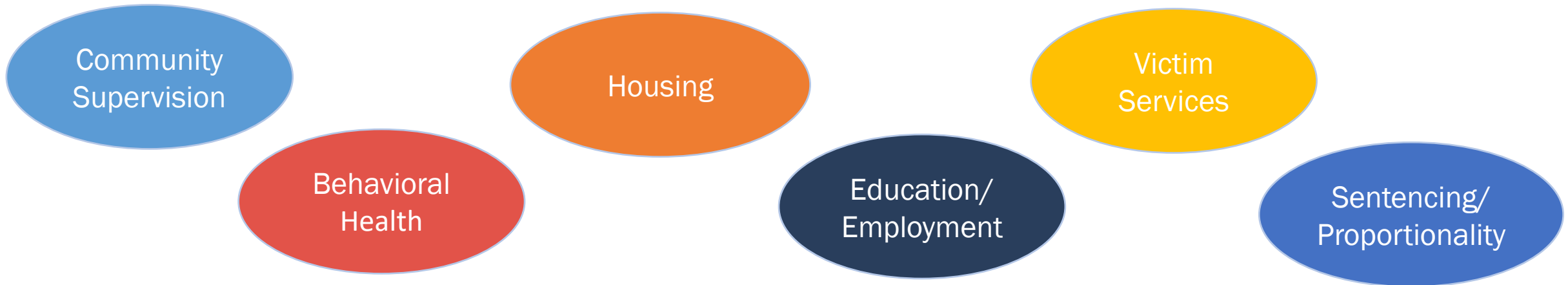
Justice Reinvestment is a process that includes analysis, policy development, implementation, and sustainability.



Phase I of JRI in Kansas was a collaboration among several key stakeholders.

JRI with the CSG Justice Center began in January 2020. The work has involved Kansas policy groups including

- KCJRC (2020 & 2021) and its subcommittees,
- KSSC, and
- Legislative Joint Committee on Corrections and Juvenile Justice Oversight.



The Justice Reinvestment process led to identifying three key challenges in Kansas.



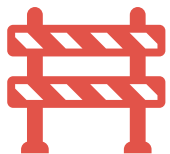
Increases in sentences to prison for drug offenses

Admissions to prison for drug offenses saw the largest increase from FY10 to FY19.



Use of prison to sanction people who violate supervision conditions

In FY19, 58% of prison admissions were for condition violations and sanctions which is a 31% increase from FY10.



Barriers to work and limited behavioral health and reentry supports

Access to any occupational license in Kansas can be restricted by a felony conviction; access to community-based MI and SUD treatment is challenging, especially in rural and frontier areas; 20% of people leaving KDOC facilities each year have no stable housing.

The KCJRC made numerous administrative and legislative recommendations in 2020 and 2021 on a broad range of topics.

KCJRC Specific Topic Areas	2020	2021
Pretrial, Diversion, and Specialty Courts	9	1
Indigent Defense, Sentencing, and Proportionality	15	5
Gang Definitions and Drug Registry	N/A	5
Community Supervision	8	5
Compassionate Release, Reentry, Employment, and Housing	17	1
Behavioral Health and Crisis Response	15	3
Data Collection and Race Equity	6	N/A

JRI recommendations can be summarized in 4 general categories.

Diversion and Specialty Courts

GOAL: To create pre-conviction and post conviction diversion opportunities, especially for people who have MI and SUD needs, and expand expungement opportunities.

Community Supervision

GOAL: To promote best practices and improve system effectiveness by reducing redundancies and inefficiencies and improving coordination and collaboration between supervision agencies.

Behavioral Health

GOAL: Increase access to mental health and substance use disorder treatment and continuums of care which include expanded services, crisis response, and reentry coordination.

Reentry

GOAL: Expand access to housing resources, increase education and employment opportunities, and leverage collaborations between agencies to improve coordinated care.

Seven JRI policies resulted in legislation, and one Supreme Court Rule was adopted.

Policy Options	Enacted Bills	Year Enacted
1. Build on the SB 123 infrastructure to encourage more prosecutor diversions.	HB 2026	2021
2. Establish a definition of absconder status.	HB 2121	2021
3. Formalize KDOC's approach to parole supervision violations.	HB 2121	2021
4. Extend the KCJRC until December 2021.	HB 2077	2021
5. Ensure that people on supervision are supervised by only one entity.	SB 408	2022
6. Create a mechanism for some people to be removed from the public online drug registry.	SB 366	2022
7. Establish a funding advisory committee for specialty courts and allow expungement after completion.	HB 2361	2022
8. Create specialty court committee for the development and administration of specialty courts.	Rule 191	2021

Phase II implementation assistance will continue through 2022 and includes a \$500,000 funding opportunity.

Technical assistance provided at no cost to Kansas:

Lasts approximately 12–24 months, with the greatest intensity of support offered during the first year of implementation. Intensive CSG Justice Center support will end in **December 2022**, with limited technical assistance ending in March 2023.

Kansas must continue reporting agreed-upon data metrics to the CSG Justice Center for **two years** after Phase II implementation ends.

One-time subaward funding:

A non-competitive grant funding opportunity of up to **\$500,000** to remove barriers to implementation and improve Kansas's capacity to monitor progress and outcomes.

Kansas agencies worked with CSG Justice Center staff to develop and support the submission of two comprehensive subaward applications.

- Kansas Sentencing Commission requested **\$276,000** to support upgrades to the e-filing system. It will help revolutionize how presentencing, journal entry, and probation revocation data for felonies are captured and processed in the state.

- The Prisoner Review Board requested **\$37,280** to fund equipment needs. Up-to-date equipment will ensure the quality of communication needed to make informed decisions.

- Kansas Department of Corrections requested **\$90,000** to improve the effectiveness of their new Athena data system. Funding will be used to conduct a “sprint,” or group of computer programming tasks, to enhance functionality to track and report on JRI-related policy changes.

- The Office of Judicial Administration requested **\$91,875** to make upgrades to its case management software system. It will improve the state’s ability to understand sentencing outcomes and criminal histories to promote better data collection and analysis.

Total Subaward Amount: \$495,155



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Overview

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- 2 **Implementation Progress**
- 3 Data Monitoring
- 4 Sustainability and Next Steps

Implementation technical assistance and monitoring is occurring across four broad areas in Kansas.

- 1. Diversion and Specialty Courts**
- 2. Community Supervision**
- 3. Behavioral Health**
- 4. Reentry**

Implementation progress for diversion and specialty courts

CSG Justice Center Technical Assistance

- Provided national resources on specialty courts to members of the judiciary who are leading the work on specialty courts
- Connected Kansas judge with peers in Missouri who have already completed similar work

Kansas Progress

- ✓ Supreme Court Rule for the administration and oversight of specialty courts
- ✓ Committee on specialty court funding appointed
- ✓ Creation of the Recovery from Addiction Funded Treatment (RAFT) program
- ✓ Education conducted for courts and stakeholders on the RAFT program

Implementation progress for community supervision

CSG Justice Center Technical Assistance

- Organized and assisted an interagency supervision work group
- Partnered with CEPP to facilitate the interagency supervision work group and provide additional training and technical assistance as needed
- Conducted stakeholder engagement with members of the Judiciary and court staff to incorporate input

Kansas Progress

- ✓ Representatives from OJA, Court Services, Community Corrections, KDOC, and the PRB collectively working to implement supervision-related recommendations
- ✓ Draft MOU to ensure a person on supervision does not have more than one primary supervision officer is being finalized with execution of MOU scheduled for October 2022
- ✓ Consensus to administratively adopt and/or pilot administrative recommendations on standardized conditions of supervision, consistent behavior management system, coordinated trainings, and collaborative quality assurance processes

Implementation progress for behavioral health

CSG Justice Center Technical Assistance

- Partnership with PRA to provide a regional SIM Summit using JRI technical assistance funding
- Coordination with KDADS and the Kansas Statewide Stepping Up Coordinator on the implementation of administrative policy recommendations

Kansas Progress

- ✓ Western region SIM Summit completed and plans for KDADS to fund two additional regional SIM Summits
- ✓ Cross-system collaboration to expand behavioral health in rural and frontier communities
- ✓ Implementation of jail liaison positions
- ✓ Expansion of mobile crisis and co-responder programs

Implementation progress for reentry

CSG Justice Center Technical Assistance

- Ongoing coordination with KDOC to monitor the implementation of administrative reentry recommendations
- Partnered with CEPP to provide targeted training to the PRB in October 2022

Kansas Progress

- ✓ Use of ARP funding to expand rapid re-housing opportunities for people leaving jails and prison
- ✓ KDOC and KDADS collaboration during the reentry process to prioritize people leaving prison, without stable housing and with a serious mental illness, on appointments at CMHCs
- ✓ KDOC sought out and signed contracts with 10 new education providers
- ✓ KDOC and the Governor's Council on Education Talent Pipeline subcommittee are collaborating to address collateral consequences of conviction

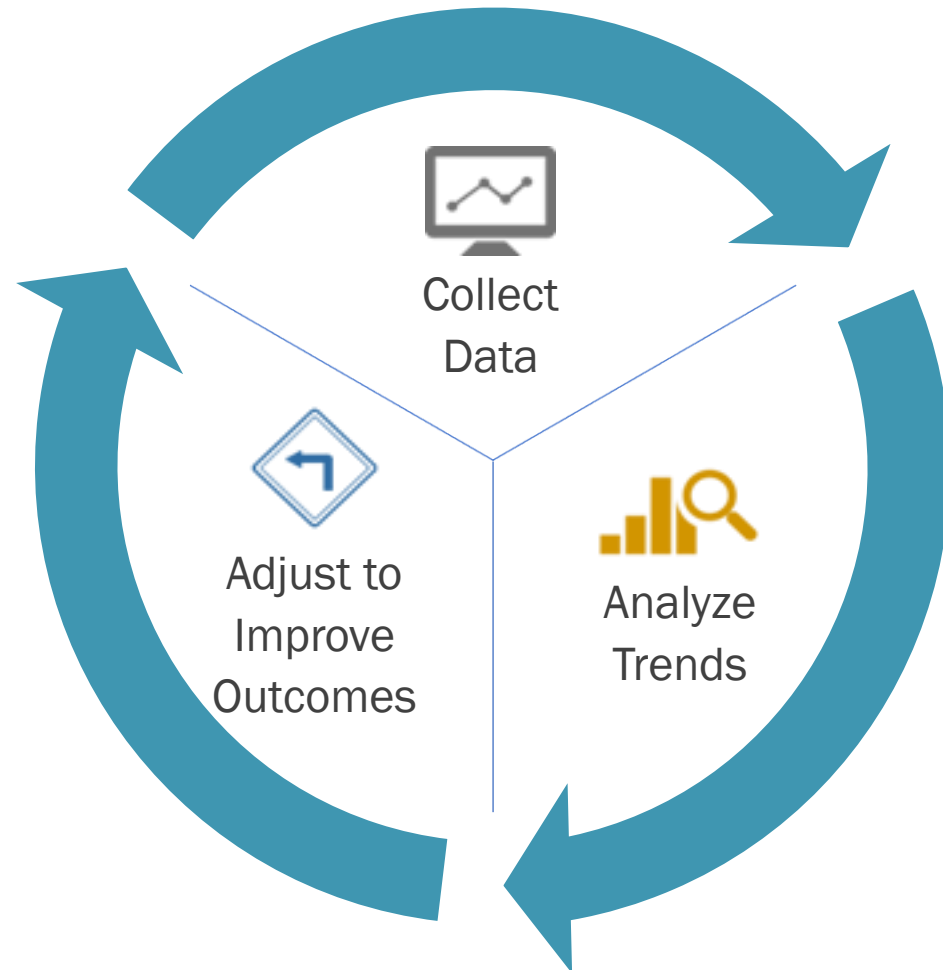


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CSG Justice Center staff will work with Kansas stakeholders to identify key metrics and establish benchmarks for monitoring progress.



State monitoring is the process of collecting, monitoring, analyzing, and using data about a state's criminal justice system to improve outcomes and inform technical assistance.

The implementation of new data systems in Kansas limits the ability to monitor progress with data in the short term.

Kansas Department of Corrections

Recently implemented **ATHENA**, which replaces the client management system for KDOC and Community Corrections agencies. KDOC is using subaward funding to implement additional functionality.

Office of Judicial Administration

Tyler Supervision, a statewide client management system, is in the process of a staggered rollout scheduled through 2023.

Odyssey, a judicial case management system, is in the process of a staggered rollout scheduled through 2023.

Additional data challenges exist in Kansas even after new data systems are fully implemented and operational.

Diversion Programs

There is not a systematic way to track the prosecutor-led diversion program, especially if implemented as a pre-filing diversion program, as there is no court record generated.

RAFT program participants are only tracked if state-funded treatment is utilized, and there is no way to track individuals who use insurance to pay for treatment.

Specialty Courts

Specialty courts operate at the local level and use Court Services or Community Corrections agencies to administer supervision. Data are not collected at the state level to monitor the amounts, types, and effectiveness of specialty courts in Kansas.

Additional data challenges exist in Kansas even after new data systems are fully implemented and operational.

Community Supervision

Even when ATHENA and Tyler Supervision are fully operational, the systems are not linked in a way to easily track people on supervision with multiple agencies simultaneously.

Comprehensive Adult Criminal Justice System Data

The KSSC scope of work is at the felony level. There is not an entity in Kansas that looks comprehensively at the entire adult criminal justice system including arrests, charging decisions, pretrial decision-making, misdemeanor and felony sentencing, supervision across all agencies and populations, and institutional placements.

Data discussion



1. Do these data challenges seem accurate?
2. What additional data needs are there in Kansas?
3. How can the CSG Justice Center help elevate and address data challenges?



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CSG Justice Center's technical assistance has several objectives through March 2023.

- Continue **monitoring implementation** of JRI policies.
- **Assist supervision agencies** with implementation tasks.
- Solidify **data monitoring** metrics.
- **Monitor subaward** projects and funding distribution.
- **Engage stakeholders** on implementation progress and needs.
- **Present to the Joint Committee on Corrections and Juvenile Justice Oversight** on JRI implementation and sustainability in November 2022.

Implementation next steps for Kansas

Dual Supervision – MOU executed in October 2022 between supervision entities to ensure a person on supervision does not have more than one supervision officer providing active supervision.

- Draft MOU vetted with stakeholders in September and October 2022
- Train supervision staff and stakeholders on process changes
- Identify a way to track how frequently dual supervision occurs, agencies involved, and which agency has primary supervision.

Conditions of Supervision – Pilot standardized general conditions of supervision and develop special conditions.

Behavior Management System – Develop a behavior management system that uses positive and negative reinforcement and is applied and tracked consistently across supervision entities.

Implementation next steps for Kansas

Quality Assurance (QA) and Continuous Quality Improvement (CQI) – Create consistent QA and CQI processes and tracking assessments, programming, and supervision practices.

Coordinated Intra-agency Trainings – Identify overlapping trainings across supervision agencies and leverage internal expertise to provide trainings statewide.

Data Metrics – Finalize data metrics which will be accessible in the short term and long term to monitor JRI policies.

While Kansas has achieved a lot through JRI, there is still a lot of policy work to be done.

HB 2215 - Remove barriers to accessing food assistance.

Passed HCJJ in 2022; no action

HB 2350 - Amend non-drug grid to expand opportunities for probation.

In HCJJ; no action

HB 2370 - Remove occupational licensing barriers.

In House Commerce; no action

HB 2658 - Standardize conditions of supervision.

Passed HCJJ in 2022; no action

Policy work continued...

HB 2030 - Extending terminal medical release to inmates in the custody of the department of corrections with a condition likely to cause death at 120 days instead of 30 days.

Passed House (96-29); referred to Senate Judiciary

HB 2084 - Create earned compliance credits and allow early discharge from probation.

In House Corrections and Juvenile Justice (HCJJ) Committee

HB 2146 - Amend drug grid to expand presumptive probation.

Passed HCJJ in 2021; had new HCJJ hearing in 2022—no action

States must employ and invest in several strategies to ensure the sustainability and impact of policy changes.

1. Create **data monitoring** structures that will exist even after JRI is complete.
2. Identify an **oversight body** that will monitor the JRI policies, analyze data, and make ongoing recommendations about the criminal justice system based on data.
3. Ensure that relevant **stakeholders are engaged**; conduct training and outreach as needed.
4. **Monitor** criminal justice related **legislative policies** for adherence to best practice standards and data impacts.
5. Continue **data system enhancements** to better analyze and monitor data within the state.
6. Incorporate **racial equity measures** into data analysis.

Sustainability and next steps discussion



1. Is there a role for the KSSC in the sustainability of JRI in Kansas?
2. What entity or group of people will continue to engage on monitoring and sustaining JRI and is there a role for KSSC to play in that work?
3. How can CSG Justice Center staff continue to update and engage the KSSC as we finish our technical assistance and recommend sustainability steps in Kansas?

Thank You!

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<https://csgjusticecenter.org/resources/newsletters/>

For more information, please contact Jennifer Kisela at jkisela@csg.org

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