



Johnson County Department of Corrections

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DATE: March 14, 2013

TO: Honorable Chairman King and Members
Senate Judiciary Committee

FROM: Elizabeth Gillespie, Director *Elizabeth Gillespie*
Johnson County Department of Corrections

SUBJECT: **House Bill No. 2170**

On behalf of **Johnson County Government** and as a member of the Kansas Sentencing Commission, I am testifying today in **support of HB 2170** as amended by the House on March 1, 2013. We are in support of all of the provisions of this bill because the provisions are **SMART**, not soft on crime. The ones that I specifically want to emphasize with you today as very positive steps in preserving state prison beds for the more dangerous offenders, protecting public safety, and helping offenders become productive law-abiding citizens are:

- Immediate (swift and certain) intermediate offender sanctions by community probation officers for 2 to 3 day jail stays, up to 6 days per month, not to exceed 18 days total;
- A step up system of revocation sanctions (120 days, 180 days, then remainder of sentence) to state prison for non-compliance with conditions of probation (technical violators);
- Adding Community Corrections supervision of probation offenders when they are released from the 120-day and 180-day sanctions in state prison;
- Increased funding for community based programming for higher risk offenders while on community corrections supervision; and
- Allowing Community Corrections to focus on higher risk offenders by early termination of probation for low risk offenders who are compliant with conditions of probation and have paid restitution in full.

Short term jail stays will provide very swift and sure sanctions for probation officers to use as a tool in managing their offenders while they are in the community. Some Kansas jurisdictions (such as Johnson County) already use these sanctions, and they are very successful in “shocking” the offenders back into compliance.

The 120-day and 180-day state prison revocation sanctions will provide non-compliant offenders with very serious sanctions in state prisons. When they are released from prison, they will return to the community under intensive supervision probation. This will enhance public safety. The current practice of sending these revoked offenders to prison for the remainder of their sentences at an average length of stay of 11 months has served no real purpose for offenders that have not committed any new crimes. This provision is very important and will result in the reduced need for prison beds. It requires judges to utilize this system with exceptions only for public safety or the welfare of the offender. If the judges are not required to use this sequence of revocation sanctions, then the reduction in need for prison beds will be much less than projected through this bill.

The research and evidence tells us that offenders that have mental health and substance abuse needs will be much more successful if those needs are met while they are in the community. We also know the value of offenders participating in cognitive behavioral programming that teaches them to “think” differently. Community corrections funding has decreased significantly over the past few years causing many probation offenders to go without programming. This type of funding is certainly much cheaper than the cost of prison beds when the offenders fail due to lack of programming.

The evidence also tells us that corrections staff need to focus their attention on the higher risk offenders. Allowing early termination from supervision periods for lower risk offenders once all conditions have been met and restitution paid is clearly being smart. Probation officers can use their resources most effectively with the higher risk offenders.

Finally, there are some people who continue to want to manage offenders with their own opinions or “gut” feelings, ignoring the evidence about what really works in changing the behavior of offenders. HB 2170 is the result of extensive study and application of evidence-based practices. I urge you to consider the bill favorably and not be detracted by those who are ignoring the evidence.

Thank you for your time and consideration.