



Testimony on HB2472

Submitted To

The House Corrections and Juvenile Justice Committee

By

Kansas Department of Corrections

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The Kansas Department of Corrections appreciates the opportunity to offer a perspective on the proposed changes in HB2472. We are neutral on the bill as proposed.

HB2472 proposes to establish a certified drug abuse treatment program for persons who enter into a diversion agreement with a county/district attorney in lieu of further criminal proceedings. The program would be limited to persons who are presumptive probation or a boarder box on the drug grid boxes 5-C, 5-D, 5-E, 5-F, 5-G, 5-H or 5-I. Diversion programs are a useful tool to fewer persons on probation and could have an positive impact by reducing crime and future prison admissions.

Consideration of this policy change is important because the current public policy in Kansas as it relates to crime and punishment confronts our citizens with a prison system, and more comprehensively a criminal justice system, which is stressed and over capacity.

Kansas' community corrections probation programs are working with the same financial resources as in fiscal year (FY) 2013. Our prisons house more persons than we have capacity, requiring the use of contract beds at county jails and out of state. Within our prisons we lack the resources to provide the programs and treatment needed to change inmate behavior, returning them to the community without the skills, education, and training needed to improve the safety of the public upon their release. Once an inmate releases, they are met by parole staff who serve 21% more offenders than in FY15, with the same level of resources. With these systemic challenges, it should not surprise anyone that the five-year average from FY2015-2019 shows that 64.5% of admissions to KDOC facilities are condition violators (persons unsuccessful on supervision in the community).

Increasing criminal justice system capacity through diversion would provide additional, and earlier, means for law enforcement, prosecutors and courts to intervene in criminal behavior. Intervention at an earlier stage of the criminal justice system has been demonstrated as effective in other criminal justice systems and present an opportunity for Kansas on at least these fronts.

- Addressing the behavior sooner, rather than later, contributes to less reoffending and fewer future crime victims.

- Providing an opportunity for diversion, and access to evidence-based treatment interventions, can contribute to reduced jail days for local units of government for persons who are rearrested on future offenses or sanctioned by the court for non-compliance.
- Intervening earlier increases the opportunity to serve persons in the community, where they retain their current employment, housing, and connections in the community, while being responsible for the violation of law.
- While the offenses proposed are for the most part ineligible for a prison sentence, some will suggest to you that these offenders escalate in their behavior. Those who do escalate often become eligible for prison on the later crimes, intervening earlier would reduce the frequency of those events.

If the will of the Committee is to advance this bill, here are some areas we recommend be considered.

- What impact might HB2472 have upon resources for supervision of divertees in the community? As proposed, no specific entity is defined as responsible for supervision of persons who enter into a diversion agreement. Diversion agreements, and the available treatment, may decrease need for community supervision resources by the number of persons who are successful and avoid a sentence to term of probation supervision. However, if more persons are given the diversion opportunity than the number currently being convicted and placed upon supervision, a greater number of persons could later, upon being determined to be unsuccessful, may increase future caseloads of agencies responsible for community supervision by placing them on probation for a case that in the past may not have been filed.
- What impact might HB2472 have upon treatment resources in the community? Will persons who enter into a diversion agreement have otherwise been sent to treatment on probation under SB123, resulting in the same number of persons receiving treatment, just at an earlier stage. Or might this new option increase the total number of persons in treatment. If an increased number of persons is projected, a commensurate increase in treatment funding is advisable.

In closing. We appreciate that the Committee, and the Legislature as a whole, are discussing the public policies of Kansas as they relate to the criminal justice system. We will strive to be a resource to you as you continue your policy work.

Thank you