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Testimony Regarding HB 2654

Submitted by Jennifer Kisela, Deputy Program Director, State Division, The Council of State Governments (CSG) Justice Center

I would like to thank the chair and members of the committee for the opportunity to address HB 2654, a bill that provides guidance on how to handle cases where a person is on supervision with more than one supervision entity or agency simultaneously.

This bill was developed based on recommendations by the 2020 and 2021 Kansas Criminal Justice Reform Commission as part of its work to increase public safety and reduce spending by improving supervision and expanding second chance opportunities. CSG Justice Center staff worked with members of the Commission and numerous stakeholders since 2020 to provide support and guidance to ensure recommendations are in line with best practices in community supervision.

Community supervision in Kansas is composed of three supervision entities: court services, community corrections agencies, and the Kansas Department of Corrections (KDOC). The type of supervision and risk level of the person on supervision largely determines which entity supervises a case.

<i>Supervision Type</i>	Court Services	Community Corrections	KDOC
<i>Pretrial</i>	X	X	
<i>Misdemeanor Probation</i>	X	X (as a sanction)	
<i>Felony Probation</i>	X (low and moderate risk)	X (mod-high, high, very high risk)	
<i>Interstate Compact Probation</i>			X
<i>Specialty Courts</i>	X	X	
<i>Post-Release Supervision</i>		X	X
<i>Parole</i>			X

The trifurcated supervision system in Kansas creates a dynamic where a person with multiple court cases can be on supervision with one, two, or all three supervision entities simultaneously. There are multiple challenges with concurrent supervision:

- In Kansas, 5–15 percent of people on supervision have more than one supervision officer, which equates to 1,500–3,600 people.*
- A formalized process does not exist statewide to ensure coordination between supervision entities. This results in inconsistent communication, duplication of assessments, unnecessary drug and alcohol testing, conflicting conditions of supervision, duplicative sanctions for behaviors, multiple supervision agency fees, and duplicative case plans and supervision meetings.
- Focus groups with judges and supervision staff confirmed that when a case is not officially transferred through the court, process breakdowns happen that result in one court not being notified of successful discharge or revocation occurring within another court. This can lead to gaps in supervision, unnecessary warrants, and/or barriers to reentry if the person on supervision is incarcerated.
- Inefficient use of limited staff time, resources, and taxpayer dollars is an issue.

HB 2654 provides guidance on two scenarios where a person is on supervision with more than one supervision entity or agency:

1. **A court wants to transfer jurisdiction** – HB 2654 provides guidance to the court on which court case should have primary jurisdiction and supervision of a case. Guidance includes information on
 - a. Longest underlying sentence of imprisonment;
 - b. Highest level of supervision;
 - c. Residency of the person;
 - d. Proximity of supervision office to residence, employment, and school; and
 - e. Resource availability.
2. **Multiple courts want to retain jurisdictions** – HB 2654 provides direction for court services, community corrections agencies, and KDOC to create a memorandum of understanding (MOU) to ensure a person is supervised by only one entity or agency. The MOU shall include
 - a. Criteria for determining the appropriate supervision entity or agency;
 - b. How financial obligations will be managed;
 - c. Conditions of supervision;
 - d. Sanctions for violations of supervision;
 - e. Standards for seeking revocation;
 - f. Termination of supervision; and
 - g. Information sharing.

The goal of HB 2654 is to ensure that people on supervision are only supervised by one agency. Creating this statutory framework would promote success for people on supervision, eliminate

* Due to how data are collected in Kansas and the different data systems used by court services, an exact number is unable to be obtained. An estimate of 5 percent of the supervision population (1,200 people) on dual supervision is based on a review of KDOC supervision cases dually supervised with Northwest Community Corrections and agreed upon by all community supervision agencies at the supervision subcommittee meeting on September 19, 2020. CSG Justice Center staff conducted focus groups in 2021 with court services and community corrections staff who estimate, based on current caseloads, that concurrent supervision could be as high as 15 percent of people on supervision.

duplicative services, prioritize supervision staff time for people most at risk of failure, and ensure a fiscally responsible use of taxpayer resources.

Thank you for the opportunity to address this important issue. I hope the committee will favorably consider HB 2654 and its many benefits.

Sincerely,
Jennifer Kisela