

JRSA
**Community Corrections and
Alternatives to Incarceration**

**A Heartland Response to Crime
Kansas 2003 Senate Bill 123
Thursday, October 16, 2008**

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AGENDA

- **What is SB 123?**
 - **Who does it affect?**
 - **What results?**
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Goal

- **To provide community punishment and the opportunity for treatment to nonviolent offenders with drug abuse problems in order to address more effectively the revolving door of drug addicts through the state prisons, which should be reserved for serious, violent offenders.**

Desired Impact

- **Cycle of addiction → cycle of incarceration**
 - Break the cycle of addiction
 - Break the cycle of incarceration
- **Possession increased in severity with subsequent possession convictions (Drug 4, Drug 2, Drug 1)**
 - Retain drug possession convictions on drug level 4 – not escalating in severity for subsequent offenses

SENTENCING RANGE - DRUG OFFENSES

Category --	A	B	C	D	E	F	G	H	I
Severity Level ↓	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misd.	1 Misd. No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
III	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	26 24 23	23 22 20	19 18 17	16 15 14
IV	42 40 37	36 34 32	32 30 28	26 24 23	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

Probation Terms are:

36 months recommended for felonies classified in Severity Levels 1-2
 18 months (up to) for felonies classified in Severity Level 3
 12 months (up to) for felonies classified in Severity Level 4

Postrelease Supervision Terms are:

36 months for felonies classified in Severity Levels 1-2
 24 months for felonies classified in Severity Level 3
 12 months for felonies classified in Severity Level 4 except for some K.S.A. 65-4160 and 65-4162 offenses on and after 11/01/03.

Postrelease for felonies committed before 4/20/95 are:

24 months for felonies classified in Severity Levels 1-3
 12 months for felonies classified in Severity Level 4

Target Population

- **Drug Possession K.S.A. 65-4160 or K.S.A. 65-4162; severity level 4 drug.**
- **Criminal History Score: E - I (nonperson criminal history)**
and
No prior convictions of Manufacturing or Sale.

Target Population

- **Drug Possession K.S.A. 65-4160 or K.S.A. 65-4162.**
- **Criminal History: A - D (Person or combination criminal history) if priors were Nondrug Severity 8, 9, 10, or nongrid**
and
No prior convictions of Manufacturing or Sale
and
Court finding - public safety not jeopardized.

What is it?

- **Mandatory Drug Treatment of up to 18 months in duration with treatment provider(s)**
- **Intensive supervised probation by Community Corrections**
- **Case management is a team function between treatment provider and Community Corrections officer**

Collaborating SB123 Agencies

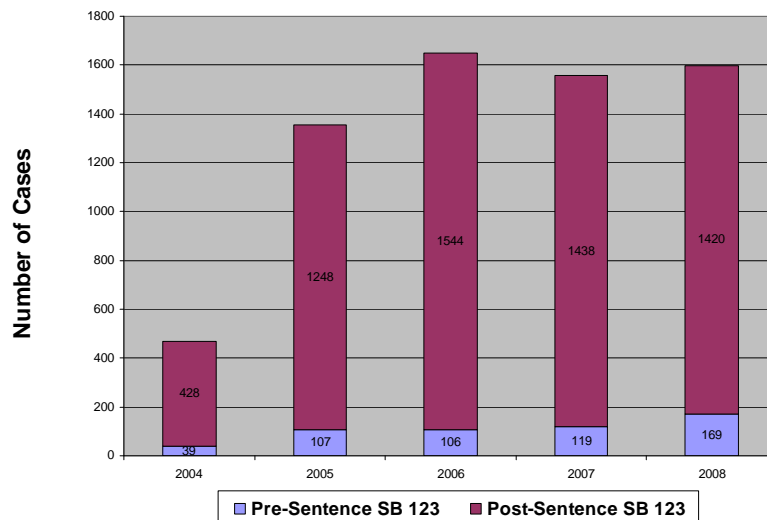
Kansas Sentencing Commission

Kansas Department of Corrections

124 Treatment Providers

31 Community Corrections Agencies

**SB 123 Cases by Pre/Post Sentencing Date by Fiscal Year
Inception through June 30, 2008**



SB 123- Related Sentences Inception through June 30, 2008

Of the 8,163 Cases:

Continuing with Supervision	3,200	39.2%
Successful	2,648	32.4%
Not Sentenced to CC	590	7.2%
Revoked: Condition Violation	1,119	13.7%
Revoked: New Felony	193	2.4%
Revoked: New Misd.	61	0.8%
<i>Revoked: Subtotal</i>	<i>1373</i>	<i>16.8%</i>
Death	46	0.6%
Unsuccessful Close	305	3.7%
Unsuccessful-Remand to Jail	1	.0%
TOTAL CASES	8,163	100.0%

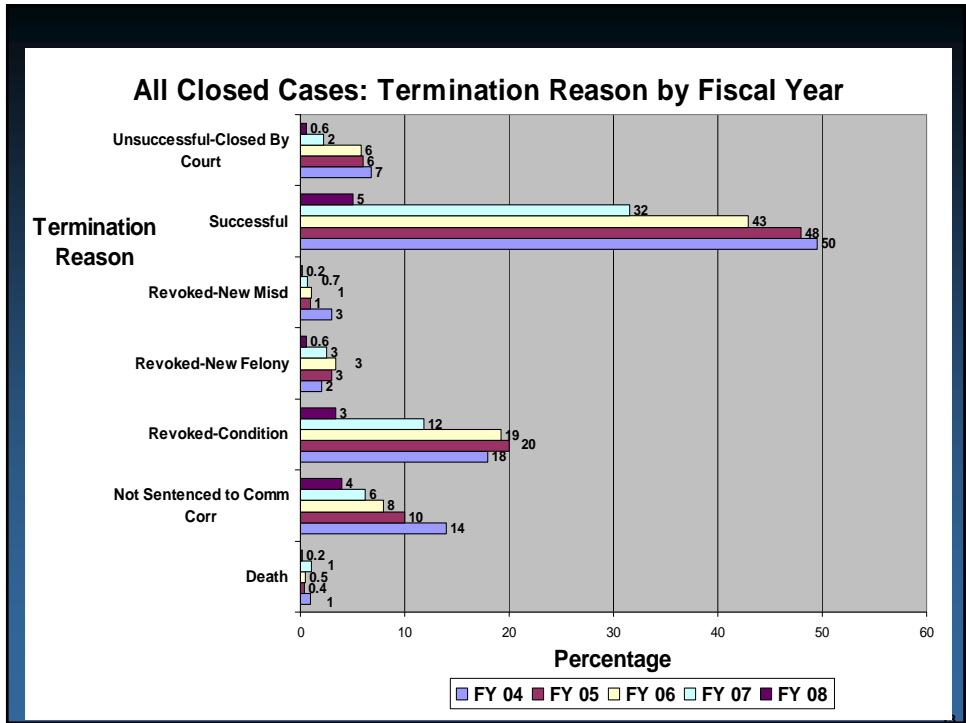
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Cases Sentenced to SB 123 Supervised by Community Corrections

Closed Cases:	4,963
Less: Not Sentenced to CC	<u>590</u>
	4,373
Less: Cases closed due to death	<u>46</u>
Subtotal:	
Cases sentenced under SB 123 and Closed in some way	4,327
Revoked: Subtotal	1,373 (31.7%)
Completed – Closed without Revocation (Successful Case Close By Court & Unsuccessful Close By Court *)	2,953 (68.3%)

* Unsuccessful Close may be due to items remaining incomplete in Supervision Plan – such as Restitution Payments. Judge did not find such incomplete items sufficient to justify revocation but did not complete/terminate the sentence with the offender "in good standing."

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ASSESSMENTS

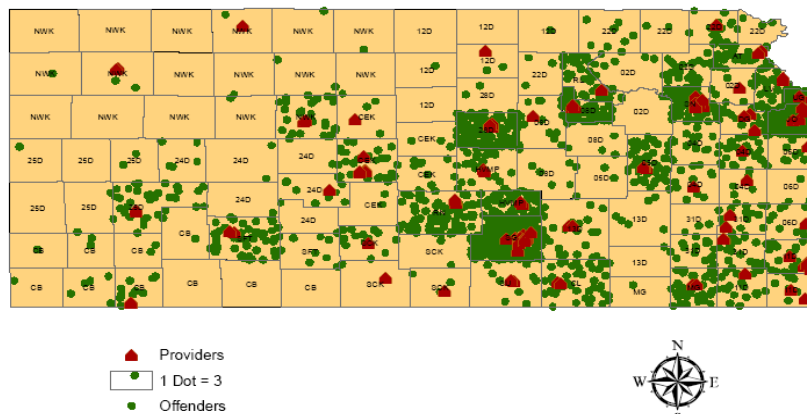
- **Assessments required by SB 123**
 - **Level of Services Inventory – Revised Pre-sentence**
 - Re-assessment
 - Discharge
 - **SB 123 Assessment**
 - Pre-Sentence
 - **ASI**
 - 1st ASI within 30 days start of treatment
 - 2nd ASI at treatment discharge
 - 3rd ASI at least 6 months after discharge

SB 123 Assessment Reports

- **As of June 30, 2008, KSC received SB 123 assessment reports of 5,590 offenders, among which,**
 - 1,422 were from FY 2005 and
 - 1,305 were from FY 2008.
- **Of the total 5,590 offenders,**
 - 5,495 (98.3%) had SB123 Assessment,
 - 2,853 (51%) had the initial ASI,
 - 1,070 (19.1%) had the second ASI and
 - 266 (4.8%) had the third ASI.

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**SB 123 Offenders Received Assessments and Treatment Providers by Community Correction
As of June 30, 2008**



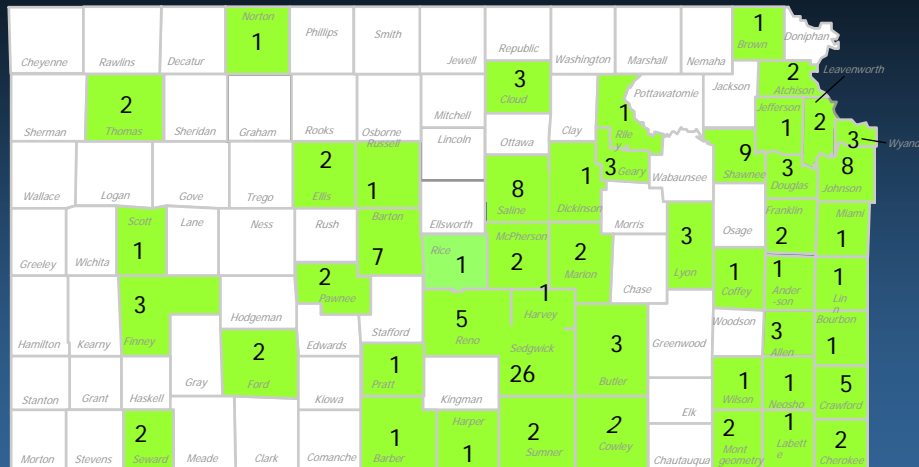
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**Number of SB 123 Certified Treatment Providers
 By County As of August 4, 2005**



108 agencies are certified to deliver some form of SB 123 Treatment Services.

**Number of SB 123 Certified Treatment Providers
 by county as of Sept 9, 2008**



140 agencies (physical locations) are certified to deliver some form of SB 123 Treatment Services

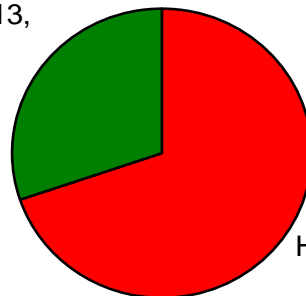
Substance Abuse Subtle Screening Inventory (SASSI)

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SASSI III: Probability of Having a Substance Dependence Disorder – Inception- June 30, 2008

SASSI III Probability

Low , 1613,
30.4%

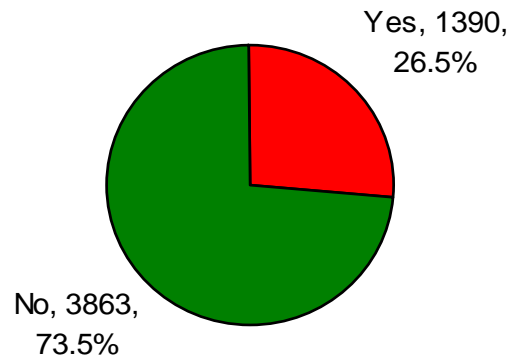


High, 3694,
69.6%

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Mental Health Screen Referral Inception- June 30, 2008

Mental Health Screen Referral



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Addiction Severity Index 5th Edition (ASI) Information

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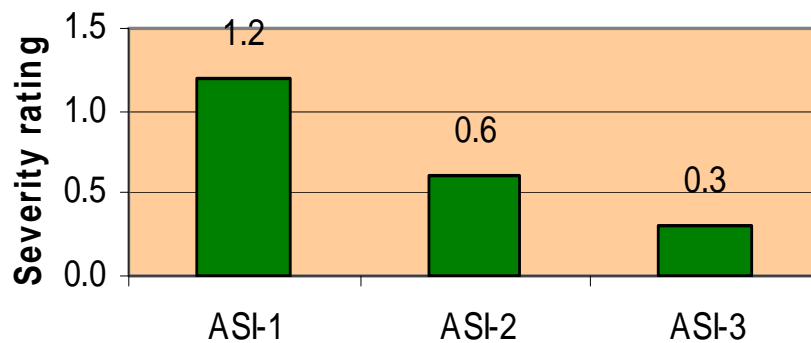
Comparison of the Average Severity Ratings of Three ASIs by Problem

- Paired Samples T test is applied to test the average severity rating differences in each problem area.
- The tests indicate that most of the differences are statistically significant at the significance value less than 0.05.
- These results statistically support the purpose of SB 123 treatment programs.

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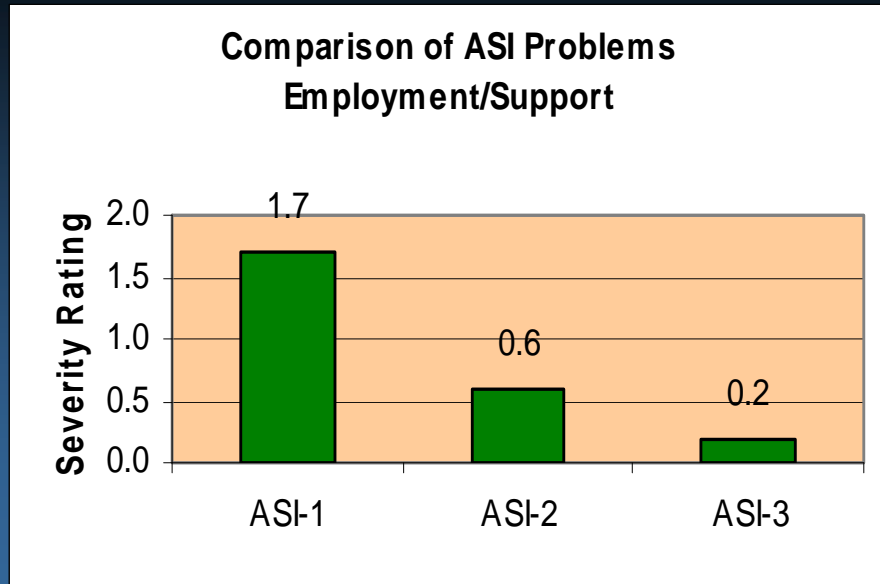
Inception- June 30, 2008

Comparison of ASI Problems Medical



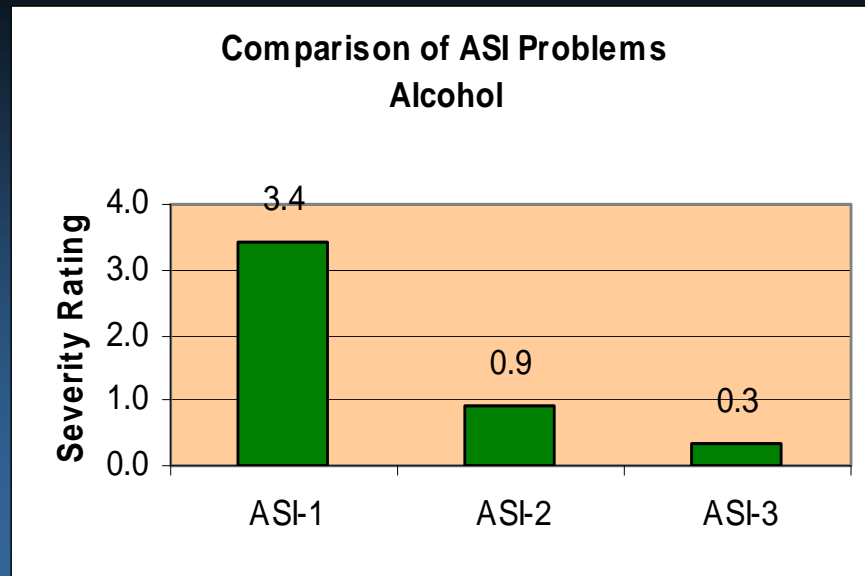
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Inception- June 30, 2008

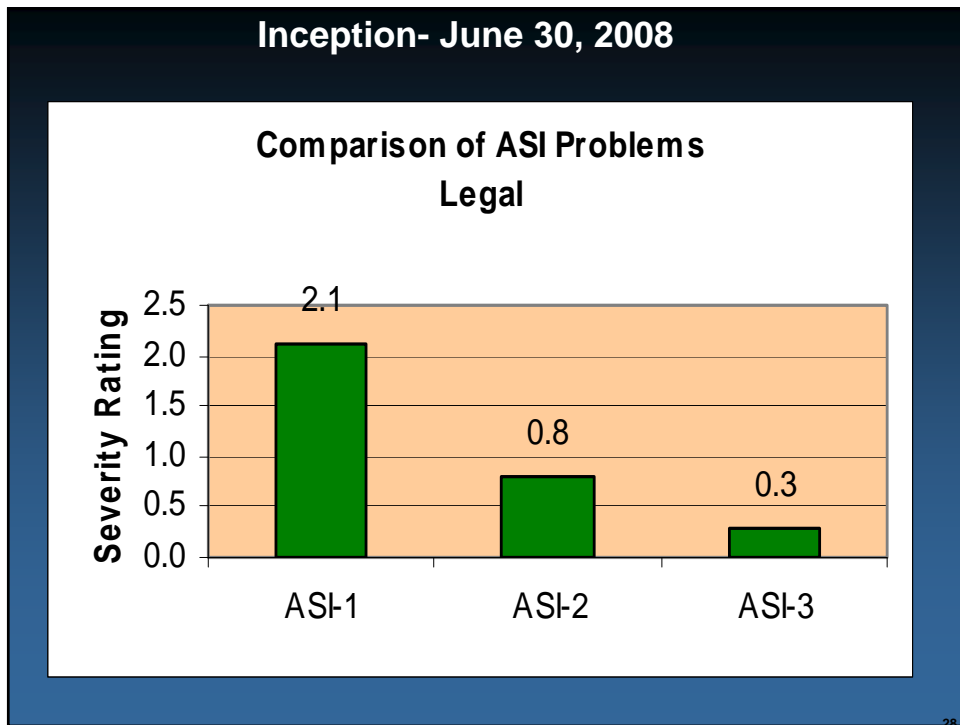
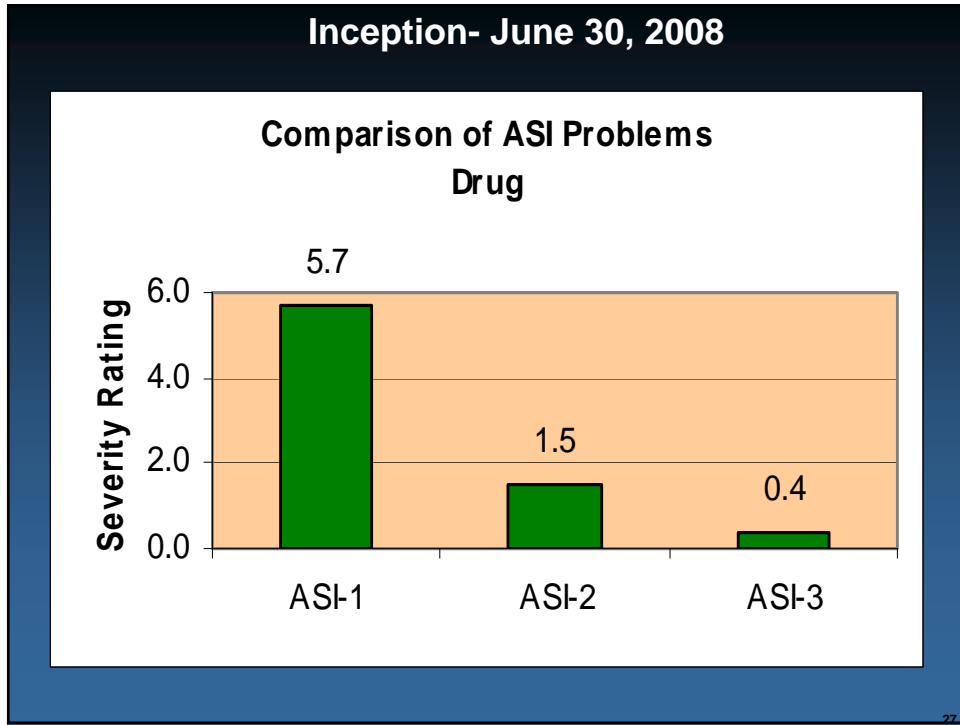


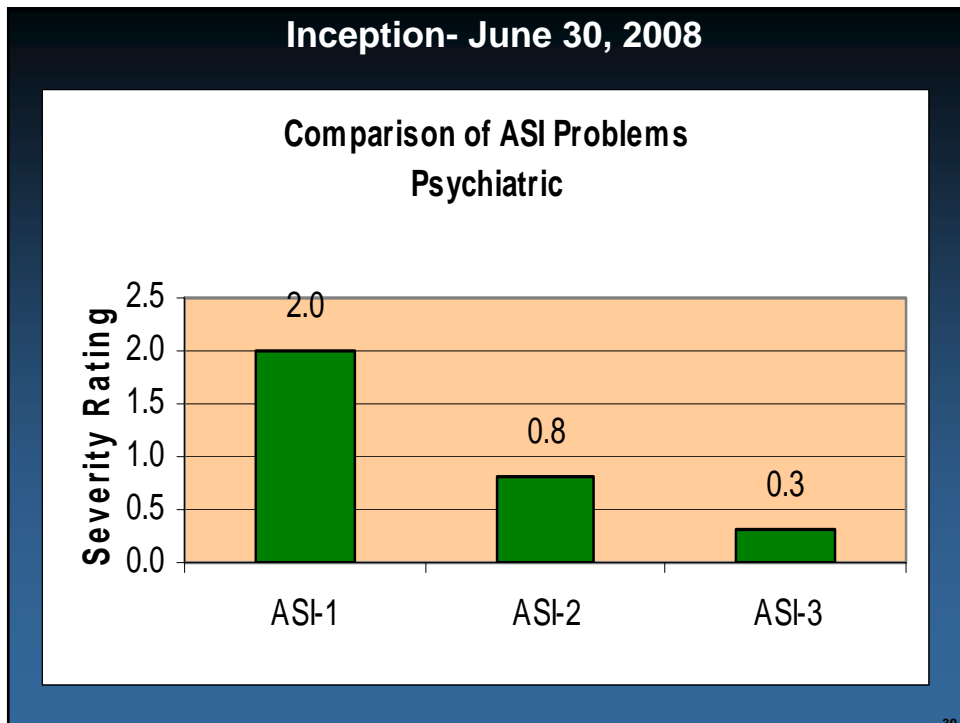
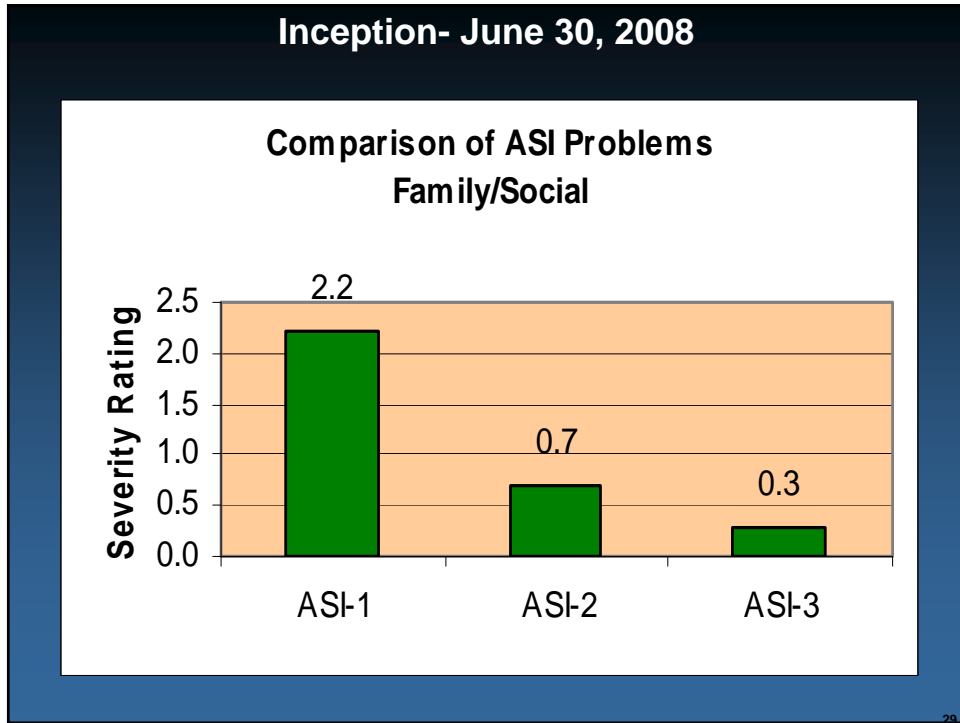
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Inception- June 30, 2008



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Level of Service Inventory - Revised (LSI-R©)
Assessments Through June 30, 2008

- **Risk/Need Assessment Instrument**
- **Identifies;**
 - Risk for Re-offending
 - Criminogenic Needs (targets for reducing risk)
- **Instrument frequency;**
 - Prior to conviction
 - 6 mo. (or a Significant Event)
 - Discharge

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LSI-R© Assessment

Of the Total Number:

- **5,813 (44.0%) at Pre-Sent. /Initial**
- **5,342 (40.5%) at Reassessment**
- **2,050 (15.5%) at Discharge**

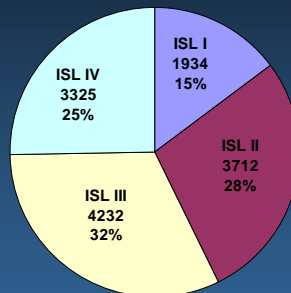
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LSI-R© Assessment

- **13,205 LSI-R's completed on SB 123 offenders since program inception through June 30, 2008**
 - **Level of Risk → Level of Supervision**
 - **1,934 (14.6%) at ISL I** (*highest*)
 - **3,712 (28.1%) at ISL II**
 - **4,232 (32.0%) at ISL III**
 - **3,325 (25.2%) at ISL IV** (*lowest*)
- (2 unscored were removed from this analysis)**

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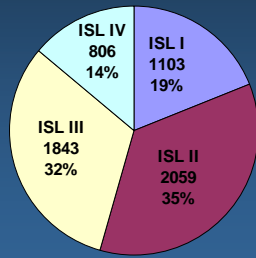
LSI-R: Level Of Supervision-Overall
(through June 30, 2008)



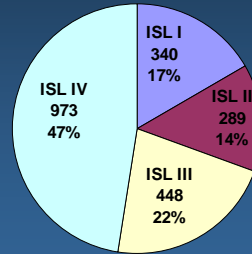
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Comparison of LSI-R Assessment Types (through June 30, 2008)

Pre-Sentence



Discharge



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Payments

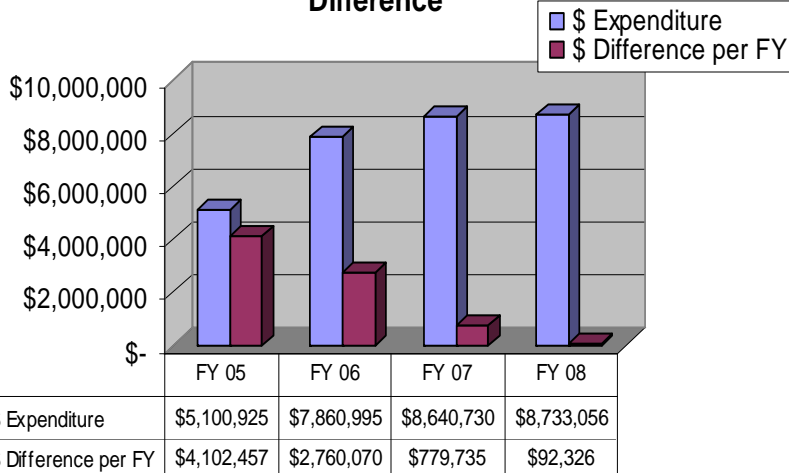
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Summary Of Expenditure Data
 (Payment Database, TPPS)
November 2003 through June 30, 2008

•Total Offenders (assessment & treatment)	•=5,926
•Offenders with treatment expenditures	•=4,908
•Avg cost per offender for assessment & treatment	•=\$6,327
•Avg cost per offender for treatment only	•=\$6,140
•Expenditure for assessment & treatment <i>Without encumbrance</i>	•=\$31,193,952
•Expenditure for treatment only	•=\$30,135,347
•Total number of invoices paid	•=48,740

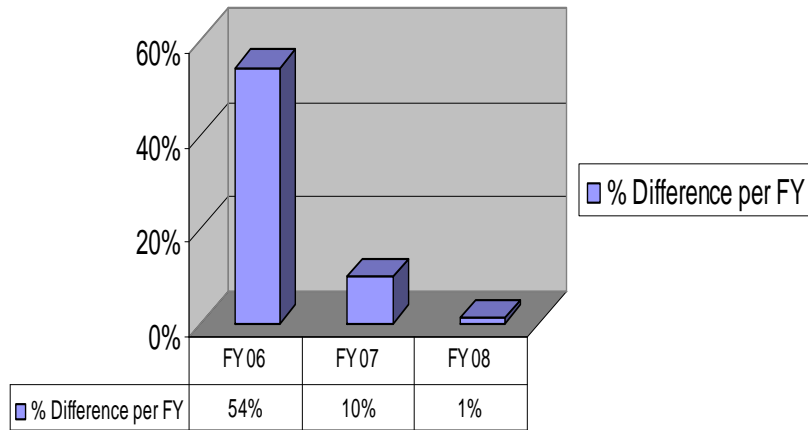
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SB 123 Expenditures per Fiscal Year And \$ Dollar Difference



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SB 123 % Difference Per Fiscal Year
For last three years = \$25,234,781



SB 123 Year To Date Assessments & Inpatient Services
 All Years

Interventions	Amount Paid	Units Paid	Avg Units	Invoices	Offenders	Avg Cost/Unit	Cost/Offender
Assessment	\$1,058,605	5,668	1.02	5,674	5532	\$187	\$191
Post Discharge Assessment	<u>\$26,300</u>	263 days	0.99 days	269	265	\$100	\$99
Subtotal	1,084,905						
<u>Inpatient Modalities</u>							
Social Detox	\$185,620	1,024 days	4.61 days	264	222	\$181	\$836
Therapeutic Community	\$941,850	6,279 days	118.47 days	265	53	\$150	\$17,771
Intermediate/Residential	\$12,697,247	79,863 days	40.33 days	4,836	1980	\$159	\$6,413
Re-Integration	<u>\$2,488,316</u>	67,594 days	79.80 days	3,249	847	\$37	\$2,938
Subtotal	16,313,033						

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SB 123 Year To Date Outpatient Services & Totals							
All Years							
Interventions	Amount Paid	Units Paid	Avg Units/Offender	Invoices	Offenders	Avg Cost/Unit	Avg Cost/Offender
Outpatient Modalities							
Day Treatment	\$51,415	791 days	37.67 days	47	21	\$65	\$2,448
Intensive Outpatient	\$6,921,119	153,558 hours	90.92 units	6,944	1,689	\$45	\$4,098
Outpatient - Individual	\$2,290,981	30,865 hours	9.25 hours	15,176	3,337	\$74	\$686
Outpatient - Group	\$3,809,992	155,030 hours	45.68 hours	17,091	3,394	\$25	\$1,123
Outpatient - Family	\$31,465	446 hours	3.23 hours	196	138	\$70	\$228
Continuing Care	\$691,041	27,967 sessions	12.45 sessions	9,888	2,246	\$25	\$308
Subtotal	13,796,013						
Total Amount Paid	\$31,193,952						
Encumbered remaining	140,223						
Adjusted total	\$31,334,175						
Treatment Excluding Assessments	\$30,135,347						
Cost Per Offender In Treatment	\$6,140						
Plus Assessment \$186.82 Per Unit	\$6,327			Total Invoices Paid	48,740		

Modalities by Offender for All Fiscal Years by Year						
Modality	# Offenders	FY 04	FY 05	FY 06	FY 07	FY 08
Assessment	5,532	487	1,166	1,381	1,346	1,266
Post Discharge Assessment - 3rd ASI	265		9	76	95	87
Social Detox	222	3	41	40	77	69
Therapeutic Community	53		1	26	16	20
Intermediate/Residential	1,980	88	408	636	619	562
Re-Integration	847	21	157	297	286	283
Day Treatment	21		15	7		
Intensive Outpatient	1,689	63	345	540	648	595
Outpatient - Individual	3,337	182	869	1,212	1,182	1,259
Outpatient - Group	3,394	171	797	1,075	1,216	1,324
Outpatient - Family	138	1	37	60	30	19
Relapse Prevention/Continuing Care	2,246	21	338	776	892	885

Dollars spent per Modality from Inception to June 30, 2008

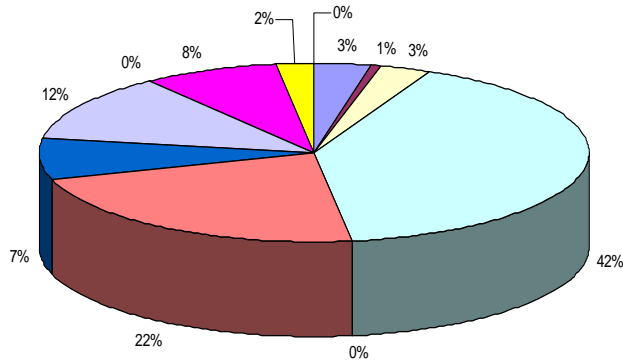
Modality	Total Paymts	% of cost per Modality
Assessment	\$ 1,058,605	3%
Social Detox	\$ 185,620	1%
Therapeutic Community	\$ 941,850	3%
Intermediate/Residential	\$ 12,697,247	41%
Day Treatment	\$ 51,415	0.16%
Intensive Outpatient	\$ 6,921,119	22%
Outpatient - Individual	\$ 2,290,981	7%
Outpatient - Group	\$ 3,809,992	12%
Outpatient - Family	\$ 31,465	0.10%
Re-Integration	\$ 2,488,316	8%
Relapse Prevention/Continuing Care	\$ 691,041	2%
Post Discharge Assessment - 3rd ASI	\$ 26,300	0.08%
Total without Encumbrance	31,193,951	100%

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All Years Expenditures by Interventions

Total Payments % by Modality
 Nov 2003-June 2008-Percentage of Dollars Spent

- Assessment
- Social Detox
- Therapeutic Community
- Intermediate/Residential
- Day Treatment
- Intensive Outpatient
- Outpatient - Individual
- Outpatient - Group
- Outpatient - Family
- Re-Integration
- Relapse Prevention/Continuing Care
- Post Discharge Assessment - 3rd ASI



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Distribution of Offenders for each Modality

Offender Distribution of Modalities-Inception through June 30, 2008

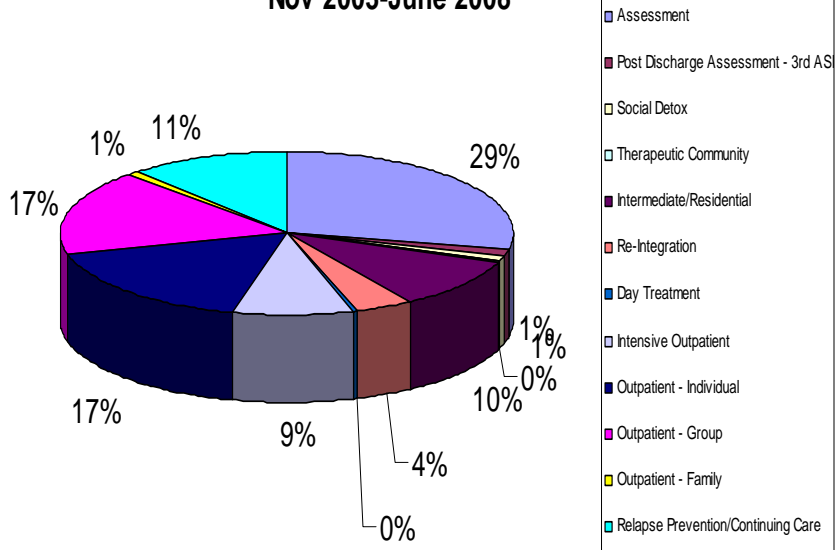
Modality	# Offender	%
Assessment	5,254	89%
Social Detox	207	3%
Therapeutic Community	50	32%
Intermediate/Residential	1,884	32%
Day Treatment	21	0.35%
Intensive Outpatient	1,596	27%
Outpatient - Individual	3,124	53%
Outpatient - Group	3,164	53%
Outpatient - Family	137	2%
Re-Integration	809	14%
Relapse Prevention/Continuing Care	2,067	35%
Post Discharge Assessment - 3rd ASI	237	4%

Total number of Offender **5,926**
 This is the unique number of offenders

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Percentage of Offenders for each Modality

Nov 2003-June 2008



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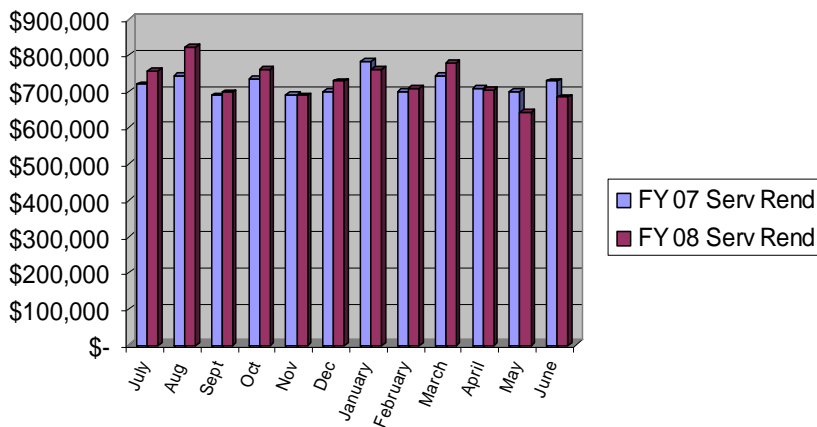
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**FY 2008 Treatment Service Payments
 Kansas Sentencing Commission
 FY 2008**

Interventions	Amount Paid	Units Paid	Avg Units/Offender	Invoices	Offenders	Avg Cost/Unit	Avg Cost/Offender
Assessment	\$237,475	1,266 assessments	1 1266	1,266	\$188	\$188	
Social Detox	\$57,930	321 days	5 days	82	69	\$180	\$840
Therapeutic Community	\$388,350	2,589 days	129 days	96	20	\$150	\$19,418
Intermediate/Residential	\$3,119,720	19,370 days	34 days	1,169	562	\$161	\$5,551
Day Treatment		days	days	0			
Intensive Outpatient	\$2,065,470	53,409 days	90 days	2,007	595	\$39	\$3,471
Outpatient - Individual	\$674,448	9,010 hours	7 hours	4,400	1,259	\$75	\$536
Outpatient - Group	\$1,142,826	46,095 hours	35 hours	5,024	1,324	\$25	\$863
Outpatient - Family	\$4,135	57 hours	3 hours	28	19	\$73	\$218
Re-Integration	\$690,190	18,676 days	66 days	899	283	\$37	\$2,439
Continuing Care	\$203,590	8,264 sessions	9 sessions	2,951	885	\$25	\$230
Post Discharge - 3rd ASI	\$8,700	87 days	1 days	87	87	\$100	\$100
Total Amount Paid	\$8,592,834						
Remaining Encumbrance	\$ 140,223						
Adjusted Total	\$8,733,057						
Treatment Excl Assessments	\$8,355,359						
Cost Per Offender In Treatment	\$3,636						
Plus Assessment \$187.58 Per Unit	\$3,824						
				Total Invoices Paid	13,616		
Total Offenders	2,647			Total Offenders With Treatments	2,298		

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**Comparison of FY 07 vs FY 08-Services
 Rendered**



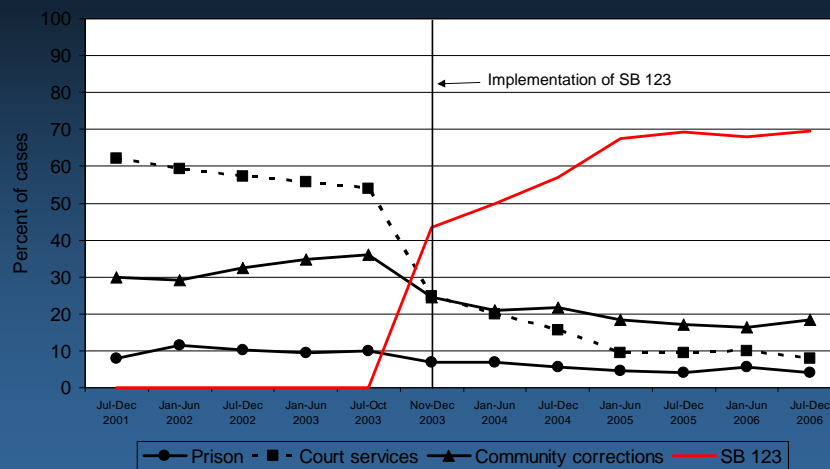
Note:

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Sentencing Practices and Recidivism Rates

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Sentences for SB 123-eligible cases, pre- and post implementation



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Overall recidivism rates

Group	N	6 months	12 months	18 months
SB 123	1,494	7.1%	14.3%	21.0%
Court Services	2,097	5.0%	11.2%	16.3%
Community Corrections	1,426	11.4%	23.1%	31.6%
Prison	192	9.9%	19.3%	24.5%

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18-Month recidivism rates by recidivism type

Sentence Type	N	Any failure	Revocation	Reconviction
SB 123	1,494	21.0%	15.6%	5.4%
Court Services	2,097	16.3%	9.3%	7.0%
Community Corrections	1,426	31.6%	22.3%	9.3%
Prison	192	24.5%	17.2%	7.3%

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EVALUATION: Prison Beds

- **As one “motivator” of this legislation**
- **Anticipated prison bed “savings” of 500+ beds in 10 years**
- **Capacity:
9317 (8553 Male and 764 Female)**

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EVALUATION: Indicators Is program worth the money?

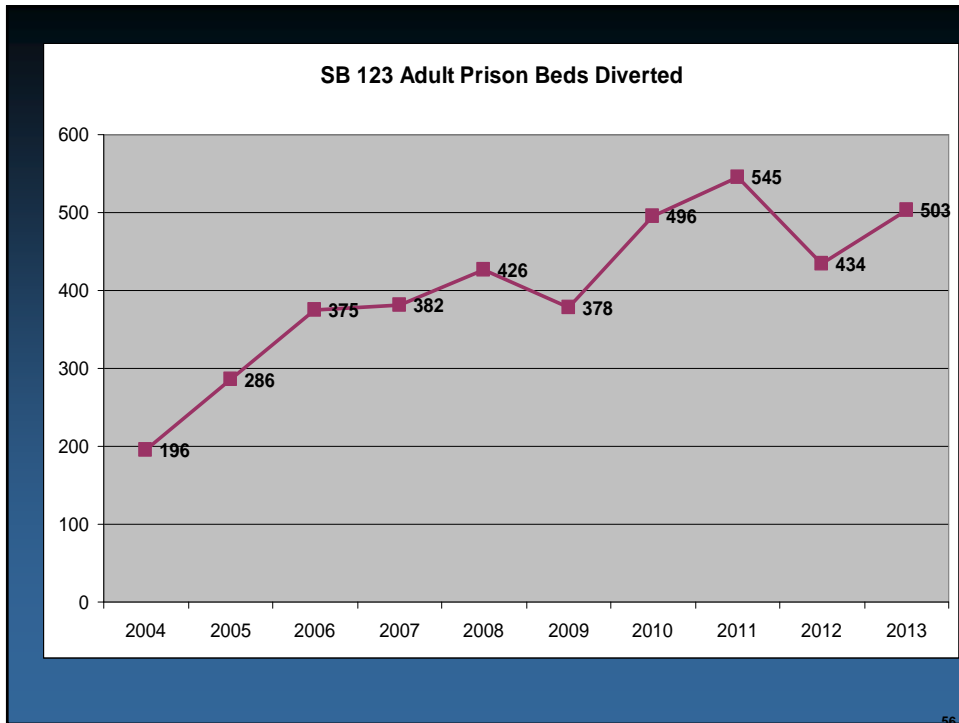
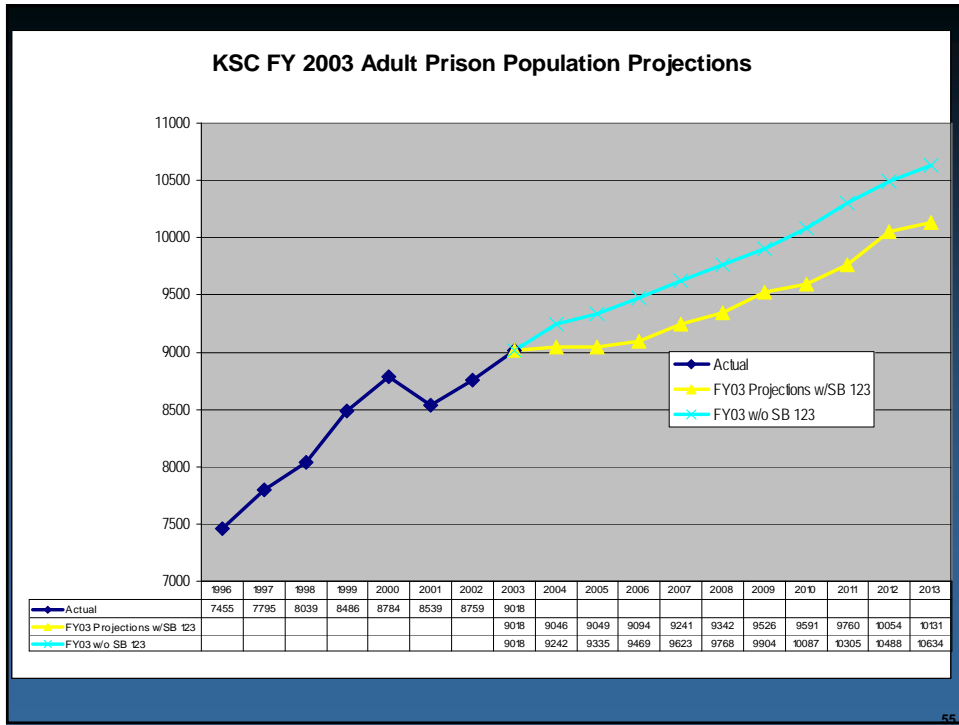
Kansas cost of incarceration: ~ = \$24,000

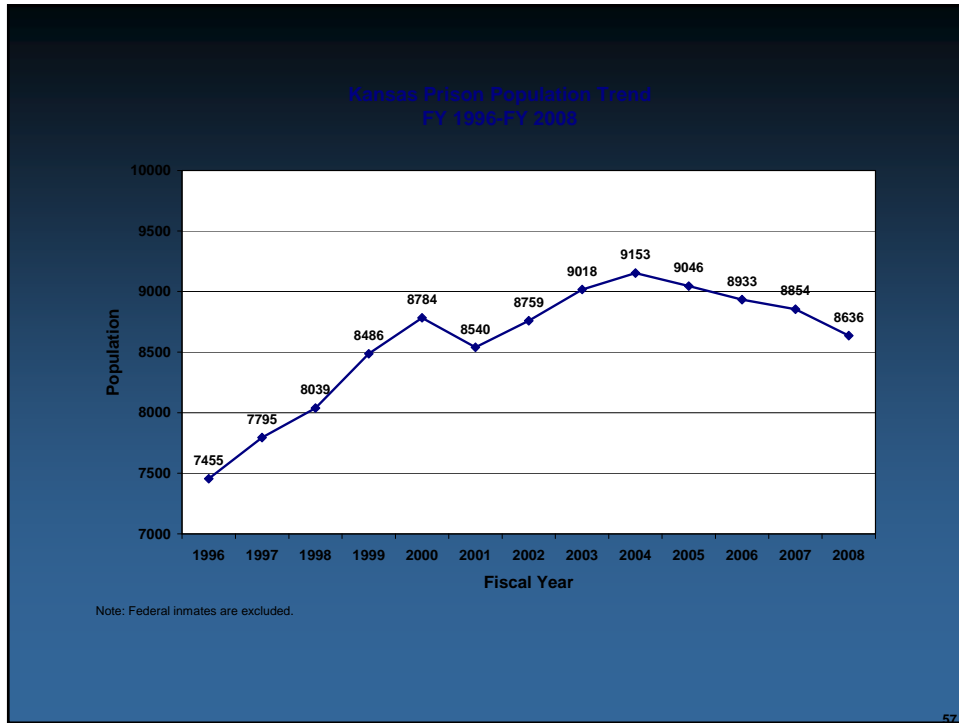
Drug Possession offenders LOS before Alternative Sentencing Policy:

- **1st possession: Drug 4**
 - 20 months underlying prison (presumptive probation)
 - Prior Funding Availability for Community Treatment - virtually none
 - Revocation Rate: nearing 50%
- **2nd possession: Drug 2**
 - 59 months presumptive prison (\$98,333 incar.)
- **3rd + possession: Drug 1**
 - 162 months presumptive prison (\$270,000 incar.)

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Issues

- **Legislative turnover = need for constant education**
- **Tight budgets = competition with other legislative priorities & risk of losing program**
- **Prevention of reoffense is difficult to identify**
- **Less populated areas = fewer resources**
 - Residential services
 - Transportation
 - Child care
 - Job issues

Issues

- **Prisons about 500 under capacity (8,700 of 9,200 beds) - opportunity for policy makers to think of more uses for empty beds**
- **Created competition between corrections and social services agencies for treatment providers**

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Issues

- **Some offenders choose to violate conditions because 18 months of this program is more difficult than serving the underlying prison sentence; but very few treatment slots exist in prison**
- **Case-management data base**
 - Always changing
 - Entered by officers
 - Doesn't always match with journal entry data base

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Issues

- **Offenders in urban areas are revoked more often**
- **Team concept is important to the program - case loads, relationships affect program success**

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Success!

- **Successful offenders remain in the community, working, providing stability for their families (resulting in fewer social service needs), and paying taxes at a cost per year of \$4,000 vs. \$24,000 per year per prison bed**
- **Reduced probation revocations**
- **Fewer reconvictions**

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SB 123 Staff

Kansas Sentencing Commission

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Jennifer Dalton, Accountant
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Kansas Department of Corrections

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Terrell Brooks, Staff Development Specialist
Kasham Laine, Staff Development Specialist
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Lisa Copeland, Skill Developer
Marie McNeal, Administrative Specialist

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- **Don Stemen** Assistant Professor, **Loyola University Chicago**
- **Andres Rengifo** Assistant Professor, **University of Missouri, Saint Louis**

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Thank You!

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