

Approved: 1-26-93  
Date

## MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Jerry Moran at 10:05 a.m. on January 21, 1993 in Room 514-S of the Capitol.

All members were present except: All present.

Committee staff present: Michael Heim, Legislative Research Department  
Jerry Ann Donaldson, Legislative Research Department  
Sue Krische, Committee Secretary

Conferees appearing before the committee:

Rise Haneberg, Kansas Association of Court Services Officers and Consolidation Task Force Member  
Ted Heim, President, Kansas Community Corrections Association  
Steve Crossland, Court Services Officer in Johnson County  
Bruce Rider, Johnson County Community Corrections and Consolidation Task Force Member  
Ken Hales, Sedgwick County Community Corrections  
Paul Morrison, Johnson County District Attorney

Others attending: See attached list

The Committee continued the public hearing on the issue of consolidation of probation, parole and community corrections officers.

Rise Haneberg, Kansas Association of Court Services Officers and a member of the consolidation task force, testified that court services officers (CSO's) support the enforcement of the first task force's recommendations and are against the consolidation of the field services under the Department of Corrections (Attachment 1).

Ted Heim, President, Kansas Community Corrections Association and a professor at Washburn University, provided the committee a document summarizing the 1990 Temple University study of community corrections in Kansas (Attachment 2). He testified that the study found that the community corrections program was reaching the penitentiary-bound offenders, it was having a positive effect on public safety and it was cost-effective. Therefore, he concluded that any effort to consolidate ought to insure the retention of the central features of the Kansas Community Corrections Act, including the state-local partnership. Professor Heim emphasized that even under a consolidated agency, the assignment of the responsibility to a county or a collection of counties to develop a plan should remain.

Steve Crossland, Court Services Officer, Johnson County, testified that he opposes consolidation under the DOC and stressed the importance of CSO's remaining closely aligned with the criminal courts (Attachment 3).

Bruce Rider, Johnson County Community Corrections and a task force member, urged the Committee to focus on the recommendations of the first task force designed to improve the current system (Attachment 4).

Ken Hale, Sedgwick County Community Corrections, stated his advisory board is unwilling to support consolidation legislation unless they feel assured that the interests in their community are protected.

Paul Morrison, Johnson County DA, appeared in opposition to the consolidation of field services under the DOC emphasizing that the focus of the DOC is running the prison system, not supervising offenders in the community (Attachment 5).

The Chairman announced that Senate Judiciary will not have a joint committee meeting with House Judiciary this afternoon. The meeting was adjourned at 11:00 a.m.. The next meeting is scheduled for Friday, January 22.

# GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 1-21-93

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
JAMES CLARK	Topeka	KCDAA
Paul Morrison	Mo. Co. District Atty	Mo. Co. Dist. Atty
JERRY HATHAWAY	Topeka	KPOA
Nelson Stephens		KPMT
Tom Wales	Wichita	Community Corrections
Steve Cusick	Mo. Co. District	Court Services
Karen Dunlap	Concordia	Court Services
Mark Gleeson	Franklin County District Court	Offawa, KS
Carol Lounsbury	Topeka	KACSO
GARY BAYENS	Topeka	SHAWNEE COUNTY COMMUNITY CORR.
Joe Ruskowitz	Kansas City	Wyandotte County Dept. of Corrections
Michael Young	Topeka County	Community Corr.
Bruce Rider	Topeka	Community Corrections
Jeff Usher	Newton	Harvey F. Thompson Co. Community Corrections
TED HEIM	WASHBURN UNIVERSITY - TOPEKA	SHAWNEE COUNTY KSCA Community Center
RICK FISCHLI	SALINA	Paralel Services
Ernie Mulligan	Topeka	KDOC
Tom Johnson	Topeka	"
Jeff Buescher	Topeka	Division Personnel
Helan Pedigo	Topeka	Ks Sentencing Comm.
Ron Smith	"	Ks Bar Assoc.
BLANDE CARTER	Topeka	KSC
Karen [unclear]	Topeka	Light [unclear]
Jacqueline Coutright	Topeka	Ks Sentencing Comm.
Thomas S. Feliciano	Lamar	Leg. Office

## GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 1-21-93

[illegible]

## Testimony to Senate Judiciary Committee

Prepared by: Risë Haneberg  
KACSO Representative  
Consolidation Task Force

January 20, 1993

Court Services represents the largest number of employees and the largest number of clients supervised that will be affected by consolidation. It is crucial that the voice of this group be heard.

### General Comments:

1) CSO's feel that the original Task Force made good recommendations. Specifically, the recommendations for policy change, i.e. eliminating dual supervision and increasing coordination amongst field services agencies should have been put in place. These improvements could have been tried prior to any consolidation. It is not too late to act on these recommendations.

2) CSO's have been firm in their commitment to change. They do not want the "status quo" and see this as an opportunity for field corrections to grow and enhance services. CSO's do not feel that consolidation under DOC is in the best interest based on numerous points involving organizational concerns, client needs and personnel issues.

Organizational concerns revolve around the fear of being lost in an already huge bureaucracy based on a "central office" model. CSO's feel local autonomy to meet local needs is crucial. "Top-down management" does not allow for staff involvement. There are concerns that DOC will always first be driven by their institutional budget. Field services will get "the leftovers." The history of DOC clearly shows us that this has happened to parole and their lack of services and programming speaks for itself. It is also felt that multiple funding sources is needed to allow local offices to pursue grants and local supplements to meet local needs.

In any agency that CSO's would fall under, style of leadership is a key element. CSO's would desire more leadership and organizational direction than is currently provided. CSO's would like to see an agency with general structure at the state level coordinating with strong leadership at the local level.

SJ  
1-21-93  
Attachment 1

Client supervision needs are another area of concern. It is felt that a conflict of interest arises when field services and institutions are under the same umbrella. In particular it is already seen in parole and community corrections that the field officer does not always have the option to pursue the action they deem most appropriate. Particularly, this is seen when technical violations occur. CSO's do not want probation to become a joke. They want teeth behind the orders they are expected to enforce.

Court Services is concerned that consolidation is viewed as a "cost savings plan." The legislature needs to fully understand that if clients who used to be in prison are now going to be in the community, supervision levels need to be "beefed up" in accordance. More staff will be needed and more technology will be needed. This is cheaper than prison, but not free. CSO's envision caseloads growing dramatically with sentencing guidelines; not only as a result of the property felons but also a projected increase in misdemeanors as attorneys bargain to keep their clients off the grid.

When it comes to service delivery, CSO's are proud of the programs they've created. Because of no funding, CSO's have found ways to bring about electronic monitoring and UA testing without purchasing expensive equipment. We network within our community for services and in many situations, hold the client financially responsible. In addition, CSO's are highly successful in collecting court costs, supervision fees, and restitution. We don't want to lose the flexibility to do these things. Many times in big bureaucracies, red tape stifles creativity.

Personnel issues are also at the forefront of all the CSO's minds. Basically, there is a fear that if we go under DOC, DOC staff will always have an advantage when it comes to making key personnel decisions. The pay matrix will be very complex, given community corrections all have their own scales. There is also a concern that the surveys that have been done have not picked up on all the "incidental" costs that are currently covered by the counties.

Juvenile and Domestic Relations CSO's are currently not a part of the planning. It should be pointed out that while on one hand you are consolidating one group; you would be splitting up another. In smaller districts the same CSO provides all functions -- adult, juvenile and domestic services. In order for those left with OJA to function; they will still have to have managers, line staff and support staff to maintain juvenile and domestic services that were previously provided by a single CSO who also did adult caseload work. In particular, these CSO's do not want to be forgotten.

1-2

In closing, CSO's have maintained the following position:

- 1) Improved and expanded services needs to occur in field corrections services, especially in light of sentencing guidelines and the potential influx of new clients coming under supervision
- 2) CSO's are not satisfied with the status quo
- 3) CSO's support the enforcement of the first task force's recommendations
- 4) CSO's are against the consolidation of field services under DOC



**Summary: Temple Report on the Kansas Community Corrections Act**

(This document was prepared by Theodore Heim, Chairman, Shawnee County Community Corrections Advisory Board and Gary Bayens, Director, Shawnee County Community Corrections.)

In late 1985, officials of the Kansas Department of Corrections (DOC) were successful in gaining funds from the Edna McConnell Clark Foundation of New York City to support a comprehensive evaluation of the effectiveness of the Kansas Community Corrections Act (CCA) to be conducted by the Department of Criminal Justice at Temple University. The Director for the evaluation project, M. Kay Harris, spent considerable time in Kansas in the process of the study. The Temple study used a variety of research activities including interviews with participants in Kansas community corrections programs from both state and county levels, a review of historical materials, collection and analysis of data regarding commitments to community corrections programs and other alternatives in Kansas, follow-up studies of reoffending records of individuals in community corrections and prison, and collection and analysis of data relating to costs of alternative correctional programs.

The results of the Temple study were presented in a 148-page report dated September, 1990 and entitled: The Kansas Community Corrections Act: An Assessment of a Public Policy Initiative. The main body of the report is presented in five chapters that deal with an overview of the evaluation, development of community corrections in Kansas, major evaluation questions and the financial scheme of the Act. Additionally, six appendices are utilized to present a chronology of the development of community corrections in Kansas, summaries of county comprehensive plans developed under the Act, comments on methodology and supplemental tables and figures.

The purpose of this report is to summarize the major findings of the comprehensive study conducted by Temple University. The principal audience for this summary is considered to be members of correctional advisory boards and community corrections staff who may not have access to the full report. Since the Temple study only utilized data through 1987, in some cases the authors of this summary have provided more recent figures regarding caseloads and programs to update this information.

Each of the five chapters in the Temple report will be summarized:

**Chapter I: Introduction and Overview of the Evaluation**

This Chapter credits the officials of the Kansas Department of Corrections with development of a proposal for evaluation of a program begun in 1978 that was admitting approximately 500 clients annually to eight community correctional programs operated throughout the State.

Three major issues to be addressed in the study were identified as:

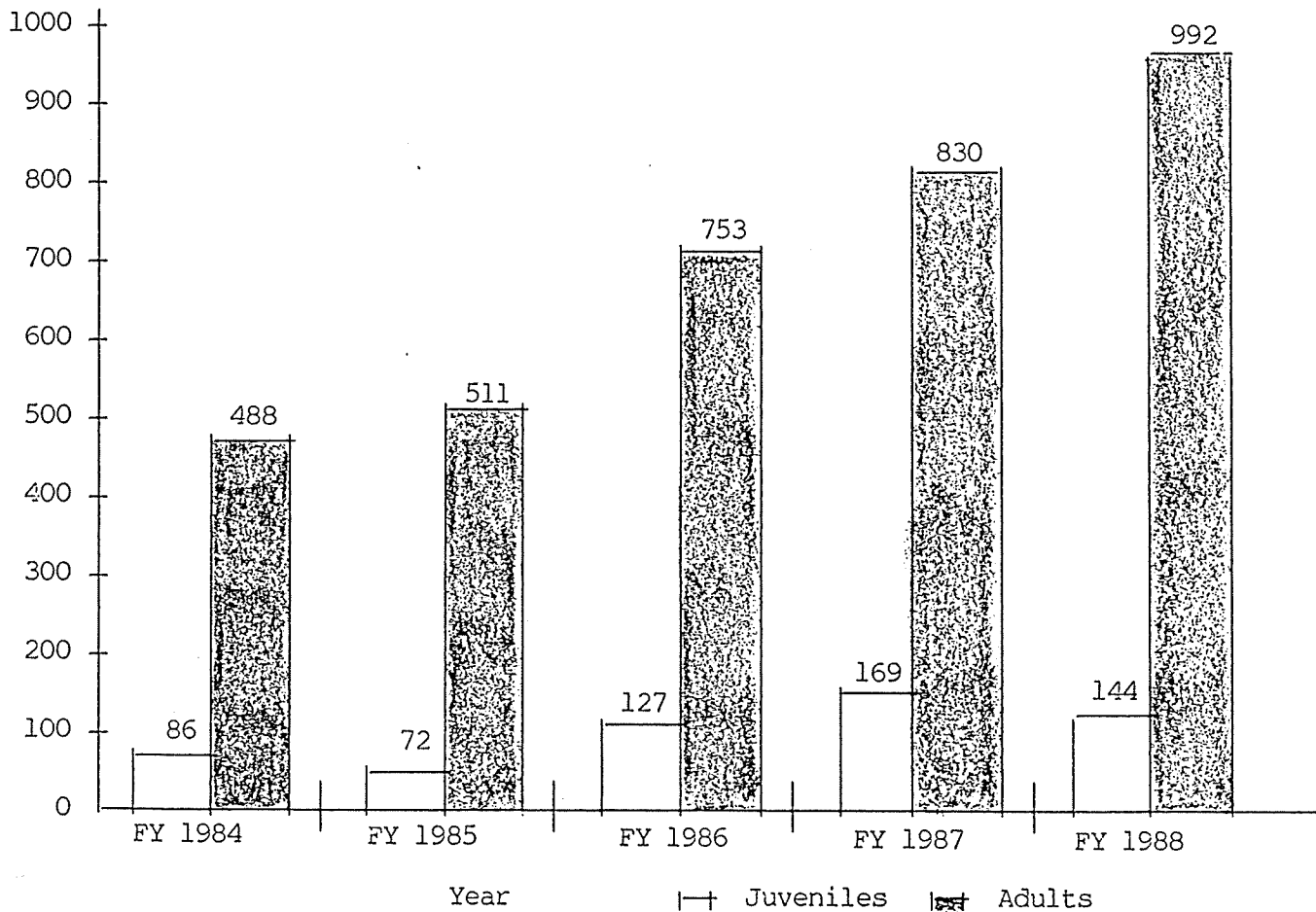
1. To what extent did the Community Corrections program achieve the goal of reaching targeted offenders thereby reducing the number of commitments to state prisons?
2. What were the effects of Community Corrections programs on public safety, as measured by the reoffending rates of offenders assigned to community corrections, probation and prison obtained through follow-up studies?

ST  
1-21-93  
Attachment 2

3. What were the costs of placing clients in Community Corrections programs as compared with those associated with placing offenders in State prisons?

One chart that appears on page six of the Temple report is included to indicate the increase in volume of total admissions to Community Corrections programs in Kansas that occurred from Fiscal Year 1984 through Fiscal Year 1988.

Total Community Corrections Program Admissions, State of Kansas,  
Fiscal years 1984 - 1988



\*The number of admissions to community corrections programs has steadily increased since the publication of this report. According to K.D.O.C. program reports, in June, 1991 there were 2,708 clients participating in community corrections programs in Kansas.

## Chapter II: Major Features of the Kansas Community Corrections Program

At the outset, this Chapter discusses both the formal goals of Community Corrections in Kansas and those perceived by participants in the development and implementation of the Act. From the viewpoint of participants, the Act was seen as having the

2-2



three major goals of alleviating prison overcrowding through reduced commitments, saving money--especially that associated with new prison construction and finding more effective dispositions for certain groups of offenders in the form of sanctions somewhere between probation and imprisonment.

The findings of the study regarding the question of whether community corrections programs are reaching the intended prison-bound population are then presented.

The report explains that profiles were constructed using the characteristics of targeted offenders placed in prison (196 persons) and community corrections (440 persons) and a random sample of 50% of those placed on probation during FY 1984. The study's comparison of offender characteristics leads to the very clear conclusion that offenders in community corrections programs more nearly resemble individuals in prison than those placed on probation and that "...community corrections programs appear to be reaching an appropriate set of clients." (Report, p. 18).

### Chapter III: The Background and Context of the Kansas Community Corrections Program

This Chapter attempts to place the development and implementation of the community corrections program in Kansas in historical perspective. Taken with Appendix B to the report which provides a legislative history of the Act from 1977 through 1987, this chapter provides an insightful and comprehensive account of how Kansas reached the decision to pattern its community corrections approach after the State and local partnership developed in Minnesota. Additionally, problems encountered in the administration of the partnership in Kansas such as insufficient financial inducements to counties to participate, excessive initial chargebacks for juvenile offenders, and the negative effect of chargebacks generally on local programs are identified and discussed.

Clearly, from the discussion of the events leading up to the adoption of the Act in 1978, Kansas policy makers considered the adoption of the State and local partnership in community corrections as an alternative to the more expensive option of building a new medium security prison as proposed by then Governor Bennett.

The comprehensive historical treatment would enable the reader to perform an accurate force field analysis of the passage of the Community Corrections Act in which the forces working for and against the adoption of the Act were identified.

Recognizing that the community corrections programs "were not introduced in a vacuum or a static situation," the authors of the report provide charts that highlight trends in regard to volume of crime, district court dispositions and prison population for the period of 1977 to 1987. The reader will find Figure III.I (p. 42) which shows reported Index crimes increasing to a level of 128,370 in 1981 but declining consistently to a figure of 100,002 in 1985 both interesting and challenging. One challenge results when it is noted that during this period of decline in reported crime, the prison population increased dramatically--from 2,666 in 1981 to 4,538 in 1985. (See Figure III.6, p. 48) Similarly, the report also reflects an increase in the volume of "felony guilty findings" in Kansas district courts--from a bit above 5,000 in 1979 to over 7,000 cases in 1987, a period in which reported crimes in the State were declining. (See Figure III.4, p. 45)

To consider explanations for an increase in prison population while the number of reported crimes declined, the authors of the report identify a number of legislative changes that may have influenced community corrections and prison populations. The

report concluded that changes reflecting a legislative policy of "getting tougher" on offenders such as increasing minimum sentences in 1982 and the adoption of enhanced and mandatory sentences for habitual offenders had significant effect on both prison population and community corrections programs.

#### Chapter IV: Major Evaluation Questions

##### Issue 1:

#### THE EFFECTS OF THE COMMUNITY CORRECTIONS ACT ON STATE PRISON POPULATIONS

One of the major evaluation questions of the Temple study concern the extent to which the Community Corrections Act has helped to reduce demand on state prisons by keeping certain types of nonviolent felony offenders in local programs. A central aim of most comprehensive state Community Corrections Acts (CCAs) is to divert prison-bound offenders into community based programs.

Whether community corrections programs are reaching offenders who otherwise would be prison-bound was addressed in two ways. An extended time series analysis of monthly prison admissions from participating CCA counties was conducted for each of the counties where that was possible. In addition, a comparative analysis of offender profiles in each of the three dispositional groups (probation, community corrections, and prison) was performed.

The idea underlying the time series analysis is that if the CCA is diverting prison-bound offenders into community corrections, the number of targeted prison admissions from involved counties should decline significantly after the initiation of the program.

The second approach involved a comparison of salient characteristics of groups of offenders sentenced variously to prison, probation, and community corrections. The idea was that if CCA programs are drawing their clients from the prison-bound population, CCA clients should resemble prisoners rather more closely than those on probation.

The Temple report notes that there were mixed findings from the time series analysis of the effects of the CCA on prison admissions. In Sedgwick County there was clear evidence of a significant and substantial CCA impact on monthly prison admissions. Also, the impact was statistically significant in Wyandotte County. In Johnson and Shawnee Counties the results were described as inconclusive, indicating no significant diversion.

The results of the comparison analysis showed that CCA programs do appear to draw the majority of clients from a prison-bound population.

As a whole, the findings on the question of whether or not the community corrections act has helped reduce the demand on state prisons, suggest that present prison crowding problems faced by Kansas would have been far worse without the CCA.

##### Issue 2:

#### THE EFFECTS OF THE COMMUNITY CORRECTIONS ACT ON PUBLIC SAFETY

The Temple study responded that targeted offenders are found to reoffend at similar rates regardless of whether they are placed in prison or community-based programs.

2-4

The significant findings were that almost all of the new criminal behavior identified was comparable in seriousness to the original offenses and therefore offenders who are candidates for incarceration can be placed in the community without worsening their odds of reoffending.

Had it not been for community corrections programs, the total state prison admission would have increased by more than fifteen percent.

Issue 3:

#### COST ANALYSIS

For purposes of estimating averted prison costs, it was assumed that three-fourths of the FY 1984 admissions to CCA programs would have received prison sentences if the CCA had not been in effect. This amounted to 330 offenders.

The most serious conviction offense of the offenders placed in community corrections in FY 1984 was a Class "D" felony or above ("B" or "C") in just over 70 percent of the cases. For the balance of cases it was an "E" felony, an unclassified felony, or a misdemeanor.

If 330 offenders had been sent to state prison and stayed until they had served the average length of stay for offenders in their felony class, these additional offenders would have required 328,004 prison days of incarceration or almost 900 beds.

The average cost for a community corrections disposition in FY 1984 was about \$2,500 per stay, with client reimbursements whether in ISP or a residential option. The estimates of FY 1984 costs developed for this study were that a one-year prison term cost between \$11,000 and \$14,000, depending on the means of adding prison space to the institutions. Due to the state's minimum-maximum sentencing structure and other factors, there is every reason to believe that these same offenders would have remained in confinement longer had they been sent to prison than had they actually stayed in community corrections programs. An eighteen-month term (served by many Class D and some Class E felons) cost about \$18,000 on average. Thus, the decision to send a community corrections eligible offender to prison when capacity levels have been reached can easily represent as much as a six- or seven-fold difference in case costs (e.g., \$18,000 vs. \$2,500).

Almost every way in which costs were analyzed suggests that community corrections programs are successful in keeping felony offenders away from prisons, thus saving state money.

Payments such as restitution, taxes, etc. are made far more frequently by community corrections clients than prisoners and such contributions from offenders reduce the costs of corrections and crime to taxpayers and victims even more.

#### Chapter V: The Financial Scheme of the Community Corrections Act

In some ways, this chapter which deals with the complicated formulas by which funds were distributed to counties participating in the CCA and chargebacks assessed to programs sending targeted offenders to prison may be considered only of historical significance. Both the formula designed to provide funds intended to be incentives to counties to participate in the Act and the one developed to provide disincentives

2-5

for sending targeted offenders to prison through a chargeback system subsequently were abandoned by the Kansas Legislature as revisions were made in the Community Corrections Act.

The report was critical of the relevance of the complicated formula, based on the Minnesota model, for assessing the need of counties for community corrections funds and suggested that a more appropriate means for allocating funds to local programs could be adopted based on performance and number of targeted clients served. The chargeback scheme for assessing charges to counties for each targeted offender sent to prison that were deducted from the total allocation made to the county was seen as extremely complicated. In practice, it was concluded that the chargeback provision made it difficult for CCA directors and boards to plan programs and budgets in a realistic manner.

Alternative funding mechanisms were considered in the report which concluded with a suggestion that any significant change in the State's use of confinement for targeted offenders may well be achieved only through "...an explicit change in the underlying sentencing philosophy or approach being used in the state." (Report p. 146). It is interesting to note that in the consideration of alternative funding approaches for community correctional programs, the report did not identify or discuss the State assuming direct responsibility for the implementation of these programs as an option.

Testimony of Steven Crossland  
Consolidation of Field Services

I have served as a Court Services Officer I for the State of Kansas since December, 1983. Between December, 1983 and January, 1991, I served in the 1st Judicial District, which comprises Atchison and Leavenworth Counties. Since January, 1991, I have been employed with the 10th Judicial District, comprising Johnson County. I have had considerable experience with supervision of adult, misdemeanor and juvenile cases. Time does not permit me to list all my specific day to day responsibilities, but my primary duties, at present, are related to supervision and management of a caseload of approximately 150 adult felony and misdemeanor offenders.

It has been my privilege, throughout my career, to serve with many outstanding men and women, within the Judiciary and Court Services, who are dedicated to preserving the integrity of the Kansas Criminal Courts and to rigorous enforcement of those Court's probation orders. It is the philosophy of Court Services that offenders placed on probation, be held fully accountable for their actions, so as to engender respect for the law and encourage personal responsibility within our community. We view the sentence of probation as punishment, but also as an opportunity for an offender to reorient his/her life style toward more appropriate personal behavior.

It is with this philosophy in mind that I and many of my CSO I colleagues oppose the consolidation bill presently under consideration.

We have serious concerns about any consolidation proposal which would require Court Services Officers to answer to an agency of the executive branch, in particular the Department of Corrections, rather than the Judiciary. We are concerned that transfer of CSO's to the supervision of the DOC will create a situation in which the criminal courts cannot set policies for enforcement of its orders of probation.

In many of the judicial districts, Court Services officers are consulted by the Criminal Courts for advice on sentencing of offenders and on probation revocation matters. The judges adopt our recommendations in many of these cases, not because they are required to do so, but because they trust the CSO's judgement and have confidence in our ability to enforce the Court's orders of probation. Court Services Officers are not bound by the politics of the executive branch. Our independence allows us to carry out our responsibilities to the Courts and to the community, unfettered by political considerations.

SJ  
1-21-93  
Attachment 3



There is a perception among many of my colleagues, that present DOC policies regarding parole supervision, so tie the hands of the parole officers that parole violators will not be held accountable for their actions unless a felony offense or similar serious crime is committed. The perception is that many "technical" violations committed by parolees, such as a failure to pay court costs or restitution, are not taken as seriously and will not result in a significant penalty assessed to the offender. Court Services officers do not wish to be placed in a position where we must pick and choose which probation violations we will report and which we will ignore.

The criminal court judges, prosecutors, crime victims, and the community in general, are entitled to expect that all probation conditions imposed by the Courts will be given our undivided attention. To do otherwise could impair judicial and public confidence in our ability to get the job done.

We do not deny there are problems with the present system. We are not opposed to new ideas. However, we believe the issues which fostered the idea of consolidation of field services can be easily addressed without resorting to the shifting of over 150 employees from OJA to DOC at a projected cost of \$1.7 million, without any evidence that such action will actually improve the quality of field services. Court Services Officers feel the legislature can find better uses for that money than to appropriate it for consolidation of field services. We are not satisfied with the status quo, and will consider any consolidation proposal which allow Court Services to remain as the primary enforcement arm of the Criminal Courts. We support the recommendations of the consolidation task force and recommend the legislature incorporate them into any related subsequent legislation.

**KANSAS COMMUNITY CORRECTIONS ASSOCIATION  
TESTIMONY TO THE  
SENATE JUDICIARY COMMITTEE  
JANUARY 21, 1993**

The Judiciary Committee has heard testimony regarding many concerns of persons associated with the issue of consolidation. They are important issues that deserve the attention that you carefully give to them through this process. On behalf of the Kansas Community Corrections Association, I would like to thank you for your efforts.

At the heart of all this is the question, "Why are we going through this process?" As I understand the issue, the concerns were largely centered around the duplication of services which exist from place to place. Obviously associated with the duplication are the fiscal issues.

The Task Force on Field Services Consolidation Report to the Legislature, dated January 31, 1992, offered several key suggestions titled, "Current System Recommendations" which highlight areas which could be addressed to improve the current system. Examples of these are:

1. Need for Mandated Policy Favoring Single Supervision
2. Creation of a State Field Services Training Program
3. Adoption of a Standard Risk and Needs Assessment Form
4. Standardized Terms of Probation

These are examples of how the current system could be improved. However, it is important to note that in some jurisdictions, many of the recommendations have already been implemented and are practiced. Certainly these practices impact duplication, thus having a fiscal impact as well.

All of us are concerned about the issue of public safety in our communities. We have seen the growth of Community Corrections play a vital role toward the assurance that offenders in the community in need of close supervision are provided such. The range of services that Community Corrections has developed as a result of the ability to work on local issues has provided a means by which offenders that are high in risk and needs are provided services in harmony with public safety concerns.

In her State of the State address, Governor Finney stated:

"Acknowledging the growth of our prison population, we should increase the utilization of cost-effective alternatives to prison. For example, house arrest, residential work release, weekend incarceration, intensive probation supervision and offender restitution to victims are strategies that I am prepared to support for controlling the prison population."

SJ  
1-21-93  
Attachment 4

This position seems to be in harmony with the mission of community-based corrections. To dilute the current programming and force scaled-down strategies would not be in the best interest of the State of Kansas.

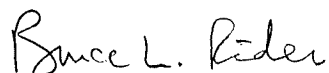
Local jurisdictions have worked hard at creating a working partnership with the State via the Community Corrections Act. The Act provides the opportunity for creative programming to exist in local communities which address needs that are high on the priority scale. There exists through this model an accountability process from the local advisory boards, Board of County Commissions, to the State Department of Corrections. This process is an effective way of managing field services.

With regard to the fiscal impact, information provided by the Sentencing Commission on consolidation under DOC would call into question whether or not any savings would be realized at all. We are at a crucial point with the implementation of Sentencing Guidelines just around the corner. To take the giant steps that are proposed seems to be an ill-timed and possibly wrong way to deal with the concerns at hand.

I would urge you to consider carefully the issue and recommend that more consideration be given to information presented in the previously mentioned report to the Legislature, particularly the recommendations as noted.

Thank you for your time and consideration.

Respectfully submitted,



Bruce L. Rider, Program Coordinator  
Johnson County Community Corrections

On behalf of  
Kansas Community Corrections Association  
and The Consolidation Task Force

BLR/jh  
File

4-2

COMMENTS OF PAUL MORRISON,  
JOHNSON COUNTY DISTRICT ATTORNEY,  
REGARDING SENATE BILL NO. 21

TO: MEMBERS OF THE SENATE JUDICIARY COMMITTEE

I am here today to express my opposition to the portion of Senate Bill 21 which consolidates probation, parole and community correction services under the Department of Corrections. I say this with an understanding that the field consolidation task force has recommended that the three departments be combined under the Department of Corrections.

During my thirteen years as a prosecutor, I have dealt extensively with all three agencies involved with consolidation. I have had the opportunity through prosecuting hundreds of cases to view the performance of each of these entities and how they both supervise and deal with enforcing conditions of release. My objections, simply put, are that the Department of Corrections is probably the least effective agency to head up consolidation. I say this for the following reasons:

1. The Department of Corrections has consistently shown the poorest record of being able to effectively supervise offenders. When revocations do occur, it is normally after the offender has committed a new crime. Supervision in many cases is almost non-existent. This is particularly troubling when one realizes that state parolees are normally the most dangerous of the three groups of offenders.
2. The Department of Corrections has no real history of commitment to supervising offenders in the community. As we all know, the primary role of the Department of Corrections is to run the State's prison system. It is not and has not been to supervise offenders in the community. Aside from the fact that there is no history of commitment to this objective, I'd seriously doubt if the expertise is there to match that of local probation or community corrections operations. The main concern for me is that these field services will continue to be underfunded under the Department of Corrections just as they have been in the past.

SJ

1-21-93

Attachment 5



3. I see this is another move towards the loss of local control to Topeka. Hasn't history shown us that consolidation of power in one large bureaucracy has not proven to be effective?

4. Lastly, with sentencing guidelines becoming effective July 1, 1993, I'm concerned about making too many changes too quickly. As I'm sure most of you know, the implementation of sentencing guidelines will be a major change in the criminal justice system. It will be difficult enough getting all parties acclimated to the new system.

In summary, I'm disturbed about the Department of Corrections becoming responsible for all field services. At a minimum, I would suggest that consolidation be given more serious study before the legislature decides. Thank you.

A handwritten signature in dark ink, appearing to be 'E. J. M.' or similar, with a long horizontal stroke extending to the right.