



PERFORMANCE AUDIT REPORT

Adult Correctional Agencies: Determining Whether Functions Could Be Combined To Gain Cost Efficiencies

**A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
October 2009**

Legislative Post Audit Committee

Legislative Division of Post Audit

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We conduct our audit work in accordance with applicable government auditing standards set forth by the U.S. Government Accountability Office. These standards pertain to the auditor's professional qualifications, the quality of the audit work, and the characteristics of professional and meaningful reports. The standards also have been endorsed by the American Institute of Certified Public Accountants and adopted by the Legislative Post Audit Committee.

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October 7, 2009

To: Members, Legislative Post Audit Committee

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This report contains the findings, conclusions, and recommendations from our completed performance audit, *Adult Correctional Agencies: Determining Whether Functions Could Be Combined To Gain Cost Efficiencies*.

The report also contains appendices showing the number of cases heard by the Parole Board over time and the severity of those cases, as well as the detailed results of our interviews with agency staff from all 50 states regarding placement of common sentencing commission functions.

The report includes several recommendations for the Legislature related to merging Sentencing Commission staff into the Department of Corrections, clarifying powers and duties of the Sentencing Commission members in relation to this new arrangement, and placing statutory authority for juvenile populations with the Juvenile Justice Authority instead of the Sentencing Commission.

The report also contains recommendations that both the Sentencing Commission and the Department of Corrections should incorporate electronic journal entries (if made available) into their current processes to eliminate manual data entry, and that the Sentencing Commission should renegotiate its lease to conform to Department of Administration space standards. We would be happy to discuss these recommendations or any other items in the report with any legislative committees, individual legislators, or other State officials.

Barbara J. Hinton
Legislative Post Auditor

READER'S GUIDE

<i>The Big Picture</i>		<i>The Details</i>	
Audit Highlights	The highlights sheet, inserted in each report, provides an overview of the audit's key findings	"At-a-Glance Box"	Used to describe key aspects of the audited agency; generally appears in the first few pages of the main report
Conclusions and Recommendations	Located at the end of the audit questions, or at the end of the report	Side Headings	Point out key issues and findings
Agency Response	Included as the last Appendix in the report	Charts, Tables, and Graphs	Visually help tell the story of what we found
Table of Contents, and lists of figures and appendices	Lets the reader quickly locate key parts of the report	Narrative Text Boxes	Highlight interesting information or provide detailed examples

This audit was conducted by Justin Stowe and Nathan Ensz. Chris Clarke was the audit manager. If you need any additional information about the audit's findings, please contact Justin Stowe at the Division's offices.

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Table of Contents

Question: Could the Department of Corrections, Sentencing Commission, and Parole Board be operated as a single agency to achieve operating efficiencies and reduce costs?

Findings Related to The Parole Board

- In 2008, an International Parole Association Reported That Only 6 of 47 Responding States Had Their Parole Functions Within Their Correctional Agencies* page 9
- Merging the Parole Board Into the Department of Corrections Likely Wouldn't Achieve Any Additional Operating Efficiencies.* page 10
- Parole Board Members Raised a Number of Concerns About Merging The Board's Function Into the Department of Corrections.* page 12

Findings Related to The Sentencing Commission

- It's Common for Correctional Agencies To Perform the Functions Currently Performed By Kansas Sentencing Commission Staff* page 13
- Kansas Could Save About \$152,000 a Year By Merging Commission Staff Functions Into The Department of Corrections.*..... page 13
- About \$117,000 of The Estimated Savings Would Come from Eliminating or Restructuring Staff Positions* page 16
- Almost \$35,000 of the Savings Would Come From Other Operating Cost Reductions* page 18
- Although Agency Officials Expressed Concerns About Restructuring, We Concluded Those Issues Could Be Overcome* page 19

Findings With Other Operational Cost Implications

- We Identified a Number Of Cost Savings That Can Be Achieved Regardless Of Whether The Two Agencies Are Fully Merged* page 21
- Conclusion.** page 22
- Recommendations for legislative action** page 23
- Recommendations for executive action** page 24

List of Figures

Figure OV-1: Agency Missions, Programs, Board and Commission Membership, and 2010 Budgeted Expenditures by Fund	page 3
Figure OV-2: Agency Actual Expenditures, FTE Staff, and Revised Budget Estimates Fiscal Years 2005-2010	page 5
Figure 1-1: Association of Paroling Authorities International 2008 Survey of Where States Place Their Parole Authority.....	page 10
Figure 1-2: Parole Board Organizational Chart August 2009	page 11
Figure 1-3: Summary of Prison Population Projections and Legislative Impact Research Performed by Agencies in all 50 States	page 14
Figure 1-4: Estimated Cost Savings That Could Be Achieved Through Merging The Sentencing Commission's Staff into the Department of Corrections (in 2009 dollars)	page 15
Figure 1-5: Organization Chart of the Sentencing Commission's <u>Staff</u> , and Examples of How This Function Could Be Restructured Within the Department of Corrections	page 17
Figure 1-6: Summary of Restructuring Issues Raised By the Sentencing Commission And LPA's Response	page 19

List of Appendices

Appendix A: Scope Statement	page 25
Appendix B: Parole Board Workload Data	page 26
Appendix C: Placement of States' Sentencing Commission Functions	page 29
Appendix D: Agency Responses.....	page 31

Adult Correctional Agencies: Determining Whether Functions Could Be Combined To Gain Cost Efficiencies

Kansas currently has three agencies involved with various aspects of the adult criminal justice system—the Department of Corrections, the Sentencing Commission and its staff, and the Parole Board.

The Department of Corrections operates multiple correctional facilities to provide safe and secure institutional care for male and female felons committed to the custody of the Secretary of Corrections. It also conducts programs to rehabilitate offenders, supervises individuals on post-release supervision, and administers the Community Corrections Grant Program, which assists communities in alternative correctional services.

A 17-member Sentencing Commission was created to develop uniform sentencing guidelines for offenses committed in Kansas. Since the guidelines were established in 1993, its primary responsibility has been to monitor the implementation of the guidelines. Commission staff also forecast populations for adult correctional facilities in the State, conduct criminal research studies, and administer payments for a non-prison certified drug-abuse-treatment program for certain non-violent drug offenders sentenced on or after November 1, 2003.

The smallest of the three agencies is the Kansas Parole Board. It consists of three members appointed to 4-year terms by the Governor. The Board holds hearings to decide whether parole should be granted, denied, or revoked.

Legislators would like to know whether significant efficiencies or cost savings might be achieved by merging the functions of the Sentencing Commission and the Parole Board into the Department of Corrections.

This performance audit answers the following question:

Could the Department of Corrections, Sentencing Commission, and Parole Board be operated as a single agency to achieve operating efficiencies and reduce costs?

To answer this question, we gathered expenditure and staffing information for all three agencies over the past five years, and reviewed agency mission statements and statutory responsibilities. To identify the major functions of each agency, we reviewed budget documents and agency reports and interviewed agency staff. We

contacted national associations and interviewed agency officials in all 50 states to determine which agencies in those states perform parole board and sentencing commission functions.

We collected and reviewed all work activities performed by Sentencing Commission's staff, and worked with Department of Corrections officials to identify those activities the Department could absorb with existing resources. We also reviewed reports Commission staff produced to determine if they are statutorily required, and whether they still would be needed if their functions were merged into the Department of Corrections.

Finally, we collected prison population data from the Department of Corrections and the number of annual parole suitability and revocation hearings from the Parole Board to determine whether the Parole Board's workload is increasing, decreasing, or remaining constant.

A copy of the scope statement for this audit approved by the Legislative Post Audit Committee is included in *Appendix A*.

Generally accepted government auditing standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We conducted this performance audit in accordance with those standards with one exception.

Specifically, because of time constraints, we didn't test the Department of Corrections' prison population data or the Parole Board's data on total annual parole hearings. The Department regularly compiles and externally reports the prison population data, and the Parole Board compiles and uses its hearing data mostly for internal workload evaluation purposes. As a result, the reader should view these data as general indicators and not as absolute fact. Except for this single limitation, we think the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Our findings begin on page 9, following a brief overview.

Overview of Kansas' Adult Correctional Agencies

In Kansas, Three Agencies Primarily Are Responsible for Overseeing Adult Correctional-Related Activities

The Department of Corrections, Sentencing Commission and its staff, and Parole Board all are involved in some aspect of adult corrections. The main function of each agency is shown in *Figure OV-1*. More detailed information is summarized below.

- **The Department of Corrections (the Department)** is headed by a Secretary who is appointed by the Governor and confirmed by the Senate. The Department had 366 full-time-equivalent (FTE) staff in fiscal year 2009. It is responsible for contributing to public safety by exercising safe containment and supervision of inmates, by managing offenders in the community, and assisting offenders to become law-abiding citizens. The Department provides administrative support for the State's correctional facilities, and provides a variety of services through agency divisions such as community corrections, parole services, and re-entry and release planning.

Figure OV-1			
Agency Missions, Programs, Board and Commission Membership, and 2010 Budgeted Expenditures by Fund			
	Department of Corrections	Parole Board	Sentencing Commission
General Agency Information			
Statutory Authority	KSA 75-5201 et seq.	KSA 22-3701 et seq.	KSA 74-9101 et seq.
Current Mission: Contributes to public safety by.....	...exercising reasonable, safe, secure, and humane control of offenders while encouraging and assisting them to become law-abiding citizens.	...determining the conditions under which offenders may be released from prison in order to maximize their potential to become law-abiding citizens, and determining when to revoke an offender's parole due to violations.	...developing procedures and reporting methods to evaluate the guideline sentencing system; developing mechanisms to link sentencing practices with correctional resources and policies; and determining the impact of guidelines on the State's prison population.
Relevant Divisions & Programs	<ul style="list-style-type: none"> ● Central Office Operations ● Facility Management ● Community Supervision (Parole Services) 	<ul style="list-style-type: none"> ● Parole Suitability and Revocation Hearings and Decisions 	<ul style="list-style-type: none"> ● Sentencing Guidelines ● Prison Population Projections ● Legislative Impact Research ● SB 123 (Drug Treatment) Administration
Board/Commission Information			
Total Members:		3 full-time members (a)	17 part-time members
Term Length:		4 years	2 years
Appointed by:	N/A	Governor	Governor, Chief Justice, and legislative leadership
FY 2010 Revised Agency Budget Estimates			
State General Funds:	\$105.2 Million (87%)	\$503,158 (100%)	\$9.3 Million (99%)
Fee Funds:	\$4.0 Million (3%)	--	\$87,273 (1%)
Federal Funds:	\$12.4 Million (10%)	--	\$28,620 (0%)
Total:	\$121.6 million	\$503,158	\$9.4 million
<small>(a) The Parole Board's three full-time members are administratively supported by three full-time Department of Corrections' staff. Source: LPA review of agency budget narratives, Kansas statutes, and agency revised budget estimates for fiscal year 2011.</small>			

- **The Parole Board (the Board)** has three full-time members who are appointed by the Governor and confirmed by the Senate to serve four-year terms. One member serves as Board Chair. Their primary function is to determine the conditions under which offenders may be released from prison, and to determine whether parolees who violate their parole conditions should be returned to prison. To make these determinations, the Board collects and reviews inmate information, holds public comment sessions, and conducts hearings.

The Board's administrative functions and staff were transferred to the Department of Corrections in 1996, and the three Board members are physically housed in the same space as the Department of Corrections. However, the three-member Board remains a separate State agency. Three full-time Department of Corrections staff provide administrative support to the Board by responding to public and inmate letters, reviewing clemency applications, scheduling hearings, opening mail, and answering the phone. Other Department staff provide additional administrative support in such areas as processing payroll and expense vouchers and submitting the Board's budget.

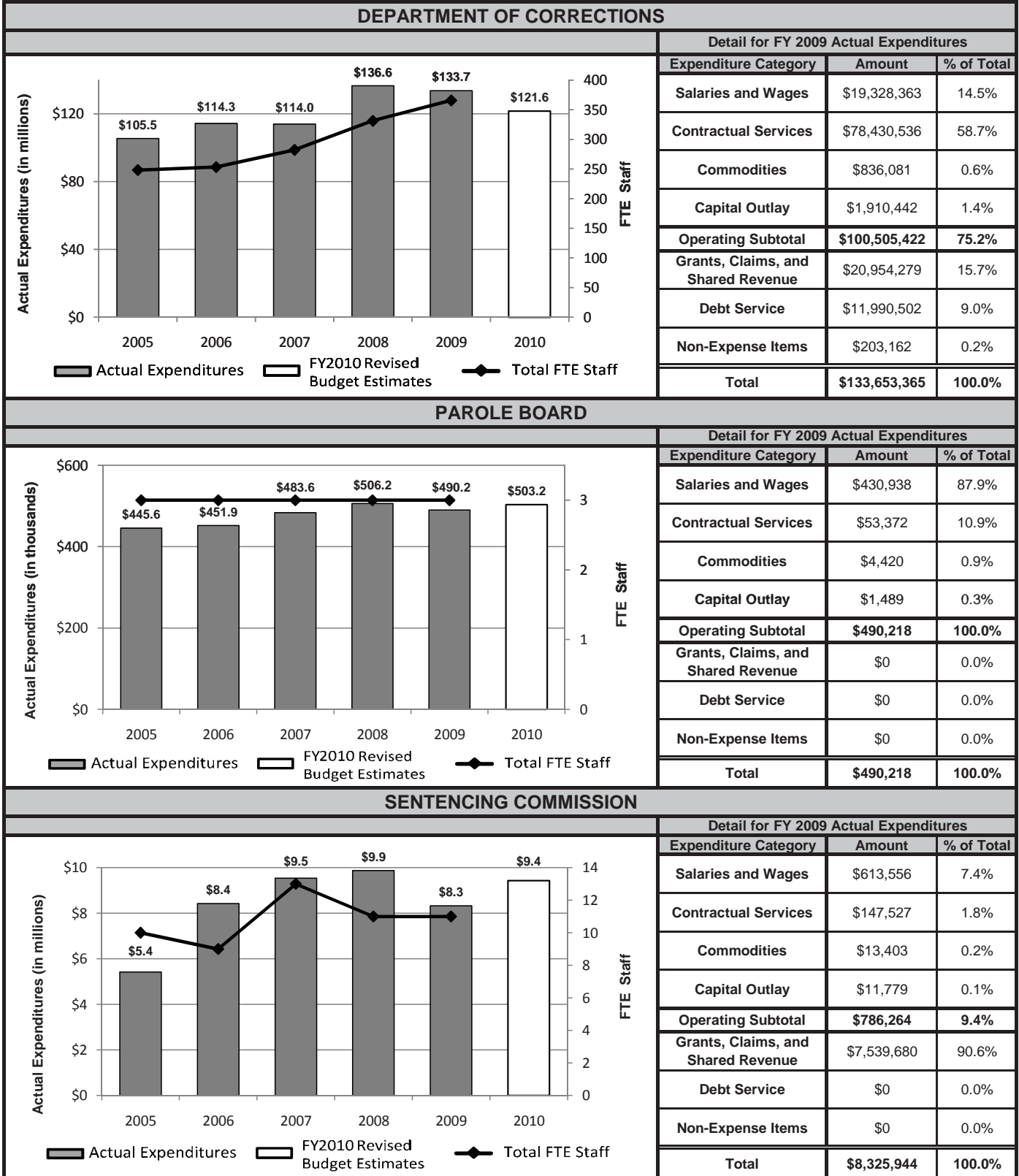
- **The Sentencing Commission (the Commission)** is an advisory body comprising 17 members who are appointed by the Governor, the Chief Justice of the Supreme Court, and legislative leadership to serve two-year terms. Its purpose is to create, implement, maintain, and monitor the State's sentencing guidelines—which specify the ranges of prison terms for all but the most serious crimes. Commission members are paid per-diem for travel and lodging and receive a small amount of compensation for their time. Their total expenses for fiscal year 2009 were about \$28,000, according to Commission staff estimates.

The Commission directs the work of the agency's full-time 11-member staff, which include an Executive Director, 5 research staff, 3 administrative/support positions, and 2 accounting positions. Commission staff develop annual prison population projections, perform legislative impact research, and provide administrative support for the agency and for the Commission members. The Commission uses the agency staff's work in developing policy recommendations to the Legislature regarding sentencing guidelines, and in advising executive-branch agencies and other stakeholders in the criminal justice system as necessary.

Commission staff also provide administrative support for a drug treatment program that was established in 2003 by Senate Bill 123. Under this program, unrelated to the agency's primary mission, local drug treatment centers can get reimbursed for the services they provide to drug offenders. Local community corrections staff determine whether these expenditures are authorized to be paid, and supervise the offenders. Commission staff verify that payments don't exceed certain limits, and process the paperwork needed to reimburse the centers for their expenditures. In fiscal year 2009, about \$7.5 million of the agency's \$8.3 million budget was paid out in reimbursements under this program. The remaining \$786,000 was for the agency's own operations.

During fiscal year 2009, the combined actual expenditures for all three agencies was more than \$142 million. *Figure OV-2* summarizes each agency's expenditures and staffing levels since fiscal year 2005.

Figure OV-2
Agency Actual Expenditures, FTE Staff, and Revised Budget Estimates
Fiscal Years 2005-2010



Note: Total FTE staff represent a snapshot of current employees as of January in each year.
 Source: STARS and SHaRP data for fiscal years 2005 through 2009, and fiscal year 2010 revised agency budget estimates.

As *Figure OV-2* shows:

- The Department of Corrections spent about \$133.7 million in fiscal year 2009; of which only 15% was for staff salaries and wages.
- The 3-member Parole Board spent almost \$500,000 in fiscal year 2009; 88% of which was for staff salaries and wages.
- The Sentencing Commission spent more than \$8 million in fiscal year 2009, but as noted above the majority of funds went to reimburse local drug treatment centers for the services they provided under what's called the 2003 Senate Bill 123 drug treatment program. Only \$786,000 of this amount was for the agency's own operating costs, or 9%.

The box below describes previous LPA report facts and findings relevant to this audit.

**Prior LPA Audits Have Examined the
Parole Board and Sentencing Commission**

Some relevant facts and findings from those reports include:

- Our 1994 audit suggested that Parole Board membership be reduced by one or two of the then five-member board, because lower-level staff could write post-release conditions instead of board members. Standard release conditions—applied to all offenders with a determinate sentence—are automatically added through the Department of Correction's database. Special conditions for release are still added by Parole Board members as necessary.
- Our 2003 audit reviewed the role and function of the Sentencing Commission. At that time, we acknowledged there could at least be the perception of a conflict of interest related to placing Sentencing Commission staff within the Department of Corrections. We address this issue in more detail on page 19 of this report.
- Our 2003 audit also mentions Senate Bill 218, proposed in the 2003 legislative session but not passed, which would have abolished the Kansas Sentencing Commission and created a Division of Sentencing within the Department of Corrections.

***Sentencing Guidelines
Represented a
Significant Change in
How Offenders Were
Sentenced For Their
Crimes***

Until July 1, 1993, all offenders in Kansas were sentenced under what was called an “indeterminate” sentencing system. It was called indeterminate because there was no fixed term of imprisonment for any given crime. Sentences for people convicted of crimes were established by the court based on minimum and maximum ranges specified in the law. For example, if two people committed the same crime, one might get a sentence of 5 years to life, and another might be sentenced to 10-20 years.

Not only could sentences differ, the length of time an inmate actually served on any sentence could differ—sometimes by substantial amounts—because of such things as good-time credits. Once an inmate was eligible for parole, he or she had a parole hearing before the Parole Board to determine whether they should be released or passed for a later time. The Board also held revocation hearings for those inmates who violated the provisions of their parole established by the Board.

By contrast, under sentencing guidelines a person's prison sentence is a preset number of months, also known as a "determinate" sentence. A person's sentence under sentencing guidelines is determined by the severity level of the crime and the person's criminal history, which is captured on a "grid" system. However, a few crimes are "off-grid"; that is, they aren't classified by severity level. These crimes previously were Class-A felonies and include first-degree murder and some serious adult sex offenses.

Once an inmate has served the time under the sentencing guidelines (the maximum sentence less any good time credits), he or she is released under supervision. The Parole Board establishes the supervision conditions, but the inmate doesn't have a hearing before the Parole Board. However, the Board still hears—and makes decisions for—offenders who are still in the system under an indeterminate sentence, for those who are charged with off-grid crimes, and for those who have violated parole.

Could the Department of Corrections, Sentencing Commission, and Parole Board Be Operated as a Single Agency To Achieve Operating Efficiencies and Reduce Costs?

Answer in Brief:

Few states place their parole function within correctional agencies, and officials raised concerns about having the Department of Corrections provide both preliminary and final parole hearings for inmates, and the potential for using the function to control prison populations. Merging the three-member Parole Board into the Department would not achieve any additional operating efficiencies because the Board's staff functions already are carried out by Department staff, and Board members already are co-located with the Department and share a conference room. The Board's function is quasi-judicial, and members' salaries are statutorily tied to those of district judges. Bringing them under the Department and having them perform the same function and duties would only save money if their salaries were reduced, as one fiscal note suggested.

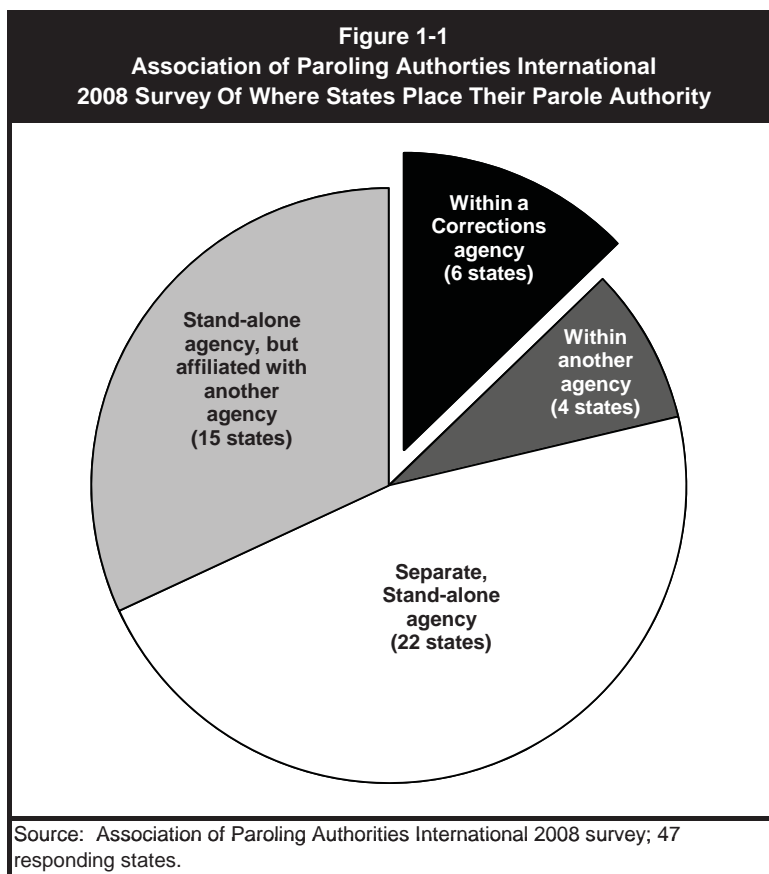
Merging the Sentencing Commission's staff function into the Department of Corrections would allow the State to achieve about \$152,000 a year in savings by eliminating duplicate administrative functions—including agency management, payroll, IT support, and the like—and the staff positions and other costs associated with them. This amount represents about 20% of the Commission's current annual operating costs. If only the administrative functions of the Commission's staff were merged into the Department, and not the research functions, the savings would be reduced to about \$48,000 a year. Kansas is 1 of only 6 states in which a sentencing commission, and not a correctional agency, performs prison population projections or related legislative impact estimates; most states provide one or both of those functions through their correctional agencies. Potential conflicts of interest related to merging this function into the Department could be overcome, and the 17-member Sentencing Commission could remain as an independent advisory body to the Department and the Legislature. These and related findings are discussed in more detail in the sections that follow.

FINDINGS RELATED TO THE PAROLE BOARD

In 2008, an International Parole Association Reported That Only 6 of 47 Responding States Had Their Parole Functions Within Their Correctional Agencies

We reviewed the literature to determine whether it's common for other states' parole functions and duties to be placed within their correctional agency. The parole function refers to the ability to hear and decide on parole suitability (whether an inmate should be released from prison) and on parole revocations (whether a parolee who has violated parole should be returned to prison).

A 2008 Association of Paroling Authorities International’s survey showed that it’s uncommon for states to place the parole function within their correctional agency. The Association’s membership comprises people and organizations from more than 38 countries, and its purpose is to promote the professional development of those involved in the parole process. The Association has surveyed its paroling authorities since 1997; its most recent survey results for U.S. states are shown in *Figure 1-1*.

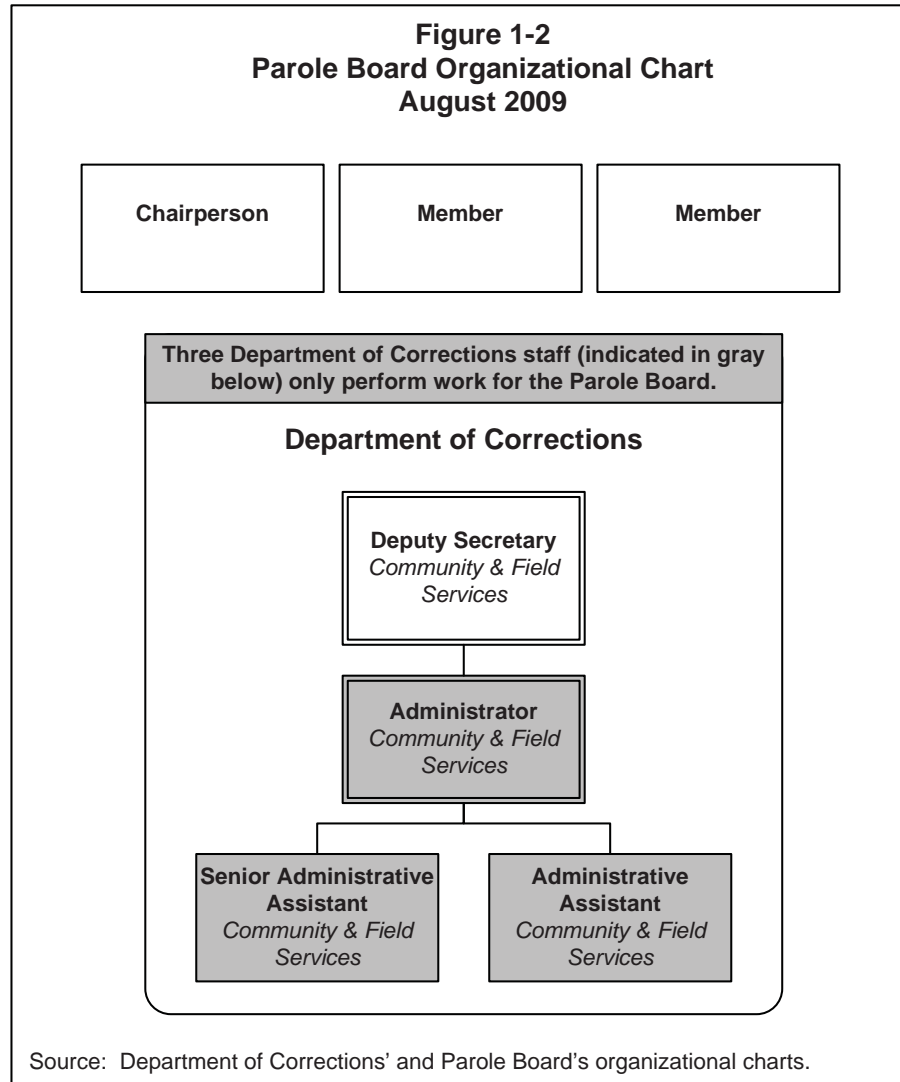


As the figure shows, only 6 of 47 responding states (13%) have their parole function within a Department of Corrections. The parole function in 4 other states (8%) is located within other agencies, and 37 states (79%) have an independent parole function that is either stand-alone or affiliated with another agency. Kansas’ Parole Board falls into the latter category; as described earlier, it’s independent but affiliated with a correctional agency.

Merging the Parole Board Into the Department of Corrections Likely Wouldn’t Achieve Any Additional Operating Efficiencies

As discussed in the Overview, the Parole Board (the Board) was administratively combined with the Department of Corrections (the Department) in 1996. The three Board members are physically housed in offices on the same floor as the Department’s staff in the Landon State Office Building and share a conference room with them, but functionally operate as a stand-alone agency.

The Board's administrative support is provided by three Department staff who perform such tasks as scheduling Board hearings, processing payroll, and answering the phone. Before 1996, these administrative tasks were performed by Parole Board staff. The current organizational structure is shown in *Figure 1-2*.



When agencies are merged, the savings that can be achieved often relate to combining duplicative administrative positions and functions. In this case, the opportunities for making the Board's operations more efficient already have been achieved. The only staff who remain separate are the three Board members themselves.

In response to House Bill 2340, the Secretary of Corrections estimated that moving the three Board members into the Department could save almost \$160,000 a year in salary costs. The Board's function is quasi-judicial, and State law (K.S.A. 22-3708) sets the Board Chair's salary to be commensurate with a State district chief judge. The two other members receive about \$2,500 less.

House Bill 2340, which was introduced but not passed during the 2009 legislative session, would have moved the parole function under the Department of Corrections. The fiscal note prepared for that bill estimated a cost savings of \$158,000 by lowering Board members' compensation to be commensurate with other Department staff who had a generally equal level of responsibility and knowledge.

According to the Secretary, the role and duties of the Board members would not have changed, only their compensation amounts. Although this action would reduce the cost of the Board, it would be achieved as the result of a policy decision, not through improved efficiency.

***Parole Board Members
Raised a Number of
Concerns About Merging
The Board's Function
Into the Department of
Corrections***

We asked Parole Board members and others to identify any issues or concerns about moving the Board into the Department of Corrections. They cited the following concerns:

- **The merger might alter the current role of the Board.** Currently, the Board acts as a quasi-judicial body conducting hearings and making final decisions concerning an inmate's release or re-admittance into prison. If the Board were merged with the Department, it potentially could be used as a means to help control prison populations, which could adversely affect its judicial role.
- **Having the Department perform both preliminary parole hearings and final parole hearings could be perceived as denying an inmate a neutral hearing.** Parole Board members in both Kansas and Indiana mentioned this to us as a risk area. In Kansas, the Department currently conducts preliminary parole hearings for inmates, and the Board conducts final parole hearings. The concern is that having the Department do both could violate an inmate's right to due process.

Because the Parole Board in Michigan is placed within that state's Department of Corrections, we talked to Michigan Board officials about any problems they've had with that organizational structure. They acknowledged that the Board sometimes is used as a means of reducing prison populations. In addition, they said at one time the Michigan Parole Board performed both the preliminary and final hearing through Department of Correction staff, and that arrangement didn't create any problems.

Both of the issues identified above likely could be addressed through other safeguards, if necessary. For example, Board members could still be appointed by the Governor or outside hearing officers could be used to make final decisions when necessary. However, because we didn't identify the potential for achieving additional efficiency-related cost savings, and because other states typically don't structure their parole board functions and duties this way, we didn't pursue this area further.

Because of legislative interest in the workload of the Board, we obtained information to show how it has changed over time. That information is summarized in *Appendix B*.

FINDINGS RELATED TO THE SENTENCING COMMISSION

It's Common for Correctional Agencies To Perform the Functions Currently Performed By Kansas Sentencing Commission Staff

As described in the Overview, two primary functions of the Sentencing Commission (the Commission) staff include creating prison population projections and conducting legislative impact research, which estimates how changes in State law would impact prison bed counts and costs.

Beginning in 2003, the Legislature also placed administrative responsibility for the Senate Bill 123 drug treatment program within the Commission. This program—which involves processing invoices for services provided by local drug treatment centers—isn't related to the Commission's primary mission or function. In fiscal year 2009, payments for services provided through this program accounted for \$7.5 million, or more than 90% of the Commission's total expenditures. The Commission's operating expenditures that year totaled about \$790,000.

We talked to agency officials in all 50 states to determine whether it's common for prison population projections and related legislative impact research to be performed by a correctional agency. According to their responses, it's very common. Our results are shown in *Figure I-3* on page 14.

As *Figure I-3* shows:

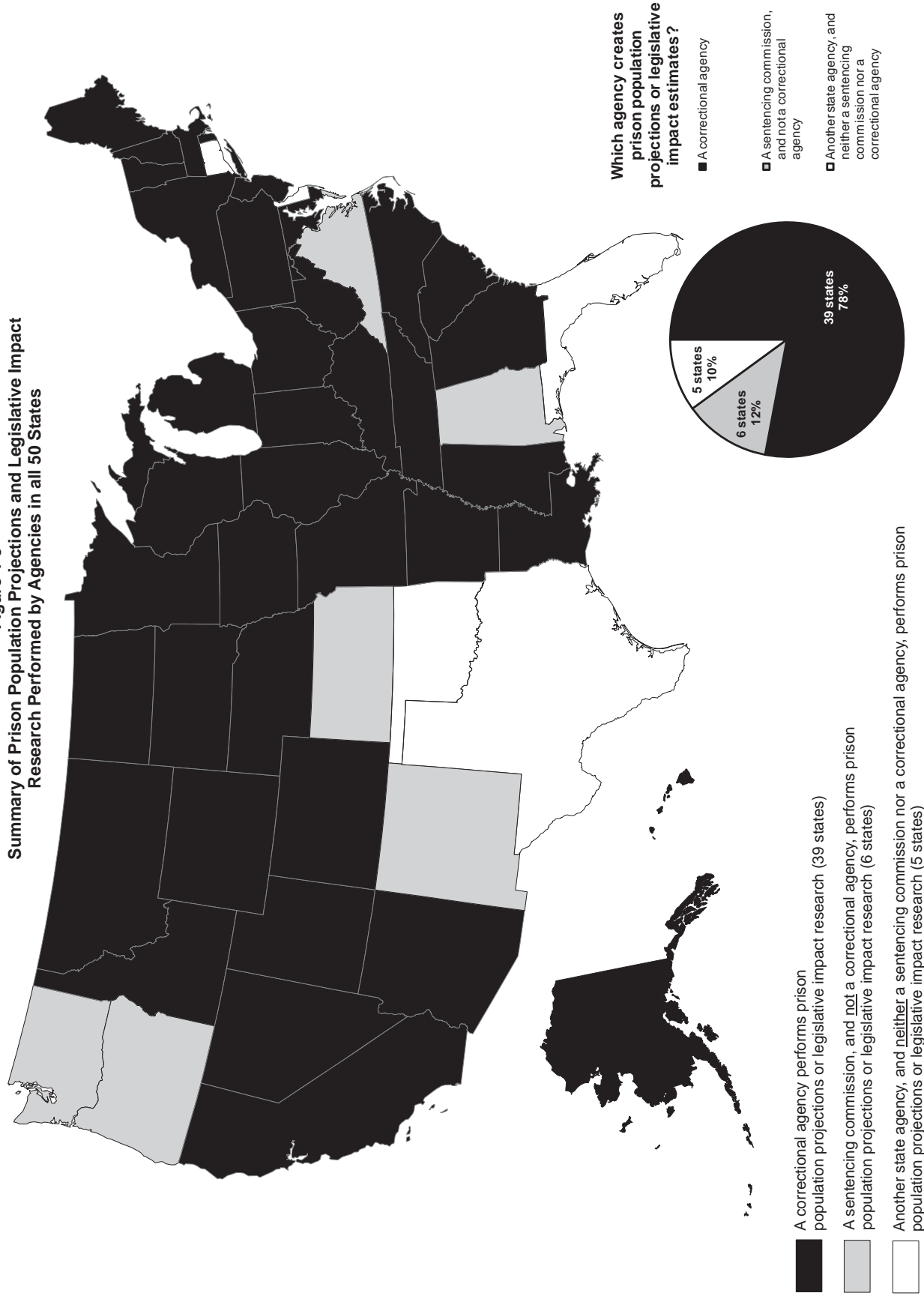
- In 39 states (78%), a correctional agency performs prison population projections, legislative impact research, or both. (In 9 of these 39 states, a sentencing commission also performs one or both of these functions.)
- In 6 states (12%), including Kansas, a sentencing commission and not a correctional agency, performs these functions.
- In the remaining 5 states (10%), another entity performs these functions (e.g., the criminal justice estimating conference in Florida).

Appendix C lists the detailed results of our interviews with officials from all 50 states.

Kansas Could Save About \$152,000 a Year By Merging Commission Staff Functions Into the Department of Corrections

To identify the potential efficiencies and cost savings related to merging the Commission's staff functions into the Department of Corrections, we reviewed current organization charts and responsibilities and collected detailed descriptions of the work activities performed by each Sentencing Commission staff member. We asked Department officials to identify those tasks

Figure 1-3
Summary of Prison Population Projections and Legislative Impact
Research Performed by Agencies in all 50 States



Source: LPA interviews with correctional agencies, sentencing commissions, or other relevant agency staff in all 50 states.

they thought they could absorb within their existing staff resources, and then developed a reasonable approach for how the remaining staff positions, tasks, and functions could be organized within the Department.

Based on our work, we estimated that combining and restructuring these two agencies could save the State about \$152,000 per year, or almost 20% of the Sentencing Commission's current operating budget. The savings would add up to \$760,000 over five years.

Figure 1-4 shows the estimated cost savings we identified.

Figure 1-4				
Estimated Cost Savings That Could Be Achieved Through Merging				
The Sentencing Commission's Staff Into the Department of Corrections				
(in 2009 dollars)				
Actions That Could Produce Savings	Salaries & Benefits	Rent	Other Savings	Total
Eliminate the 1.0 FTE Executive Director position	\$102,200	--	--	\$102,200
Create a 0.5 FTE legal position to handle remaining duties of Executive Director	(\$28,400)	--	--	(\$28,400)
Eliminate 0.5 FTE office assistant position	\$18,500	--	--	\$18,500
Eliminate 0.5 FTE accounting position	\$24,900	--	--	\$24,900
Rent Reduction: moving 9.5 FTE Sentencing Commission staff into the Dept. of Corrections - Landon Building	--	\$23,300	--	\$23,300
IT work currently contracted through DISC that could be absorbed by Dept. of Corrections' IT staff (e.g. e-mail, etc.)	--	--	\$6,300	\$6,300
Equipment and other savings achieved through restructuring (e.g. photocopier elimination, postage, phone usage, etc.)	--	--	\$5,100	\$5,100
Total Estimated Cost Savings	\$117,200	\$23,300	\$11,400	\$151,900
Total Additional Staff Time Freed-Up	16 weeks			
Source: LPA analysis of STARS and SHaRP data, and review of Sentencing Commission staff work activities.				

In developing these estimates, we had to make a number of assumptions. We assumed the Secretary of Corrections would continue to require the staff devoted to this function to provide the same level of services and the same amount of work that Sentencing Commission staff currently perform. We also assumed that staff could only be reduced in 0.5 FTE increments. As a result, we identified some staff work that could be eliminated, but wouldn't result in any cost savings because it didn't add up to at least a 0.5 FTE staff. Instead, this freed-up time could be used to provide additional services, program support, or other related tasks. And we tried to be conservative when estimating the amount of potential savings.

Finally, it should be noted that we didn't estimate any one-time moving or transition costs that would exist, but we think the annual cost savings would quickly offset those one-time costs.

About \$117,000 of The Estimated Savings Would Come from Eliminating or Restructuring Staff Positions

As shown in *Figure 1-4*, most of the cost savings we identified would come from a reduction in salary expenditures. Those savings would be achieved by eliminating certain positions that no longer would be needed if the Commission's staff functions were merged into the Department of Corrections.

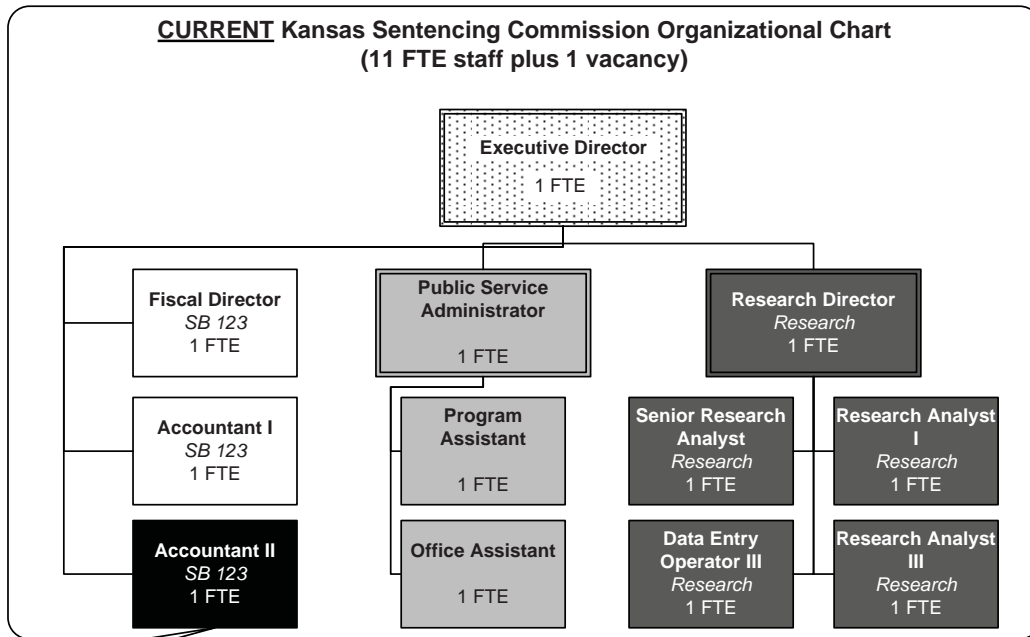
Currently, the Sentencing Commission has a total of 12 funded staff positions. One of those positions is vacant, and Commission staff have indicated this position is no longer needed, given improvements they've made in processing invoices for the Senate Bill 123 drug treatment program. They said they haven't asked for funding for this position for fiscal year 2011.

That means the Commission currently operates with 11 staff positions. If the Commission's functions were merged into the Department of Corrections, only 9.5 of those positions would be needed. Organizational charts showing how the Commission currently is structured, and how those functions could be structured within the Department of Corrections, are shown in *Figure 1-5* on page 17.

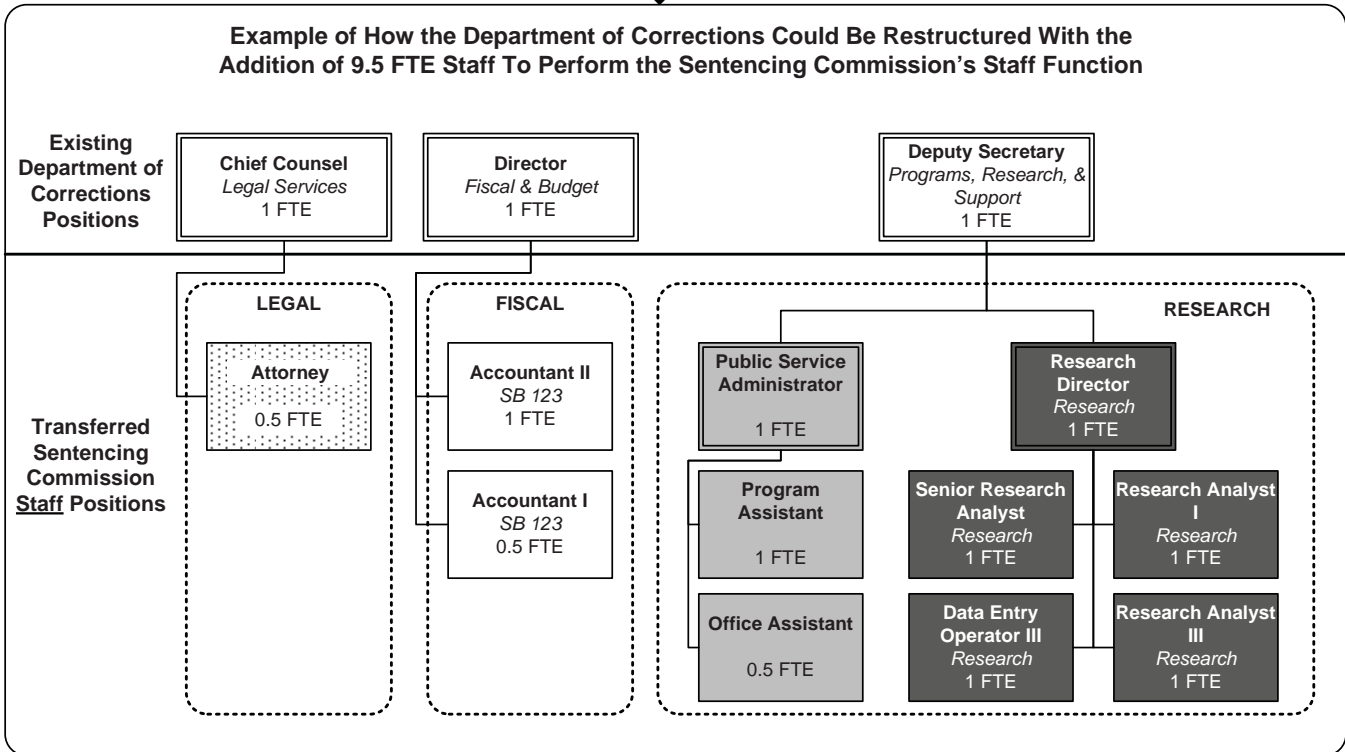
These changes and the related cost savings are summarized below:

- **Eliminating the Commission's Executive Director position and creating a half-time legal position to handle certain legal, and other duties the Executive Director performs, would save about \$73,800 in salaries and benefits.** About half the Executive Director's current responsibilities could be absorbed by existing management staff within the Department of Corrections. The remaining work could be done by a new half-time attorney position. The Commission had a full-time attorney position until fiscal year 2008, but the current executive director, who's a lawyer, took over those responsibilities when the attorney left the agency. Department officials indicated their existing legal staff could not absorb this additional work. The net effect of this change would be a reduction of a 0.5 FTE staff position.
- **Eliminating 0.5 FTE of an accounting position and 0.5 FTE of a program support position would save about \$43,400 in salaries and benefits.** According to Department officials, many of the tasks performed by these staff positions—such as payroll, budgeting, and some clerical tasks—could be absorbed by current Department staff. That's because such administrative activities are common to both agencies, and the staff who perform them in the Department of Corrections would be able to absorb the additional workload for the 9.5 remaining staff.

Figure 1-5
Organization Chart of the Sentencing Commission's Staff, and Example of How This Function Could Be Restructured Within the Department of Corrections



This position is no longer needed, and isn't included in the agency's 2011 budget request.



Source: Sentencing Commission organization chart, LPA review of staff work activities.

In summary, the net reduction of 1.5 FTE positions would yield salary and benefit savings of approximately \$117,200 in annual cost savings to the State.

In addition, because the Department estimated its staff could absorb a few of the other duties currently performed by some of the 9.5 Commission staff positions that would remain, we estimated an additional 16 weeks of staff time could be freed-up. This time could be used to provide more services or program support for the merged Sentencing Commission functions or for the Department of Corrections.

The organizational structure we've presented in this report is one of several possible approaches. By law, the Secretary of Corrections generally would be given the final say on how the merged functions actually would be structured.

Almost \$35,000 of the Savings Would Come From Other Operating Cost Reductions

After taking into account the staff reductions mentioned above, we calculated how much office rental savings and other operating cost savings could be achieved. Those savings also are shown in *Figure I-4*, and are summarized in the sections that follow.

- **Reducing the total amount of office space the State would need to lease could save the State about \$23,300 per year.** Department officials told us they had some existing office space available as a result of some permanent staff reductions and because some of their staff currently telecommute and can share office space. However, they indicated that accommodating 9.5 additional staff members would require leasing 1,495 additional square feet of space on the 5th floor of their current building. We reviewed the Department's floor plan, talked to the Department's architect, and had Department officials review their current space needs and availability to assess the reasonableness of this estimate. Even with this additional space, the Department would average just 180 square feet per person—which is 30 square feet less on average than the Department of Administration's lower space standards for square foot per person.
- **An estimated \$6,300 could be saved by having the Department's existing IT Division provide some of the same services to the Sentencing Commission function that the Division of Information Systems and Communications (DISC) currently provides.** These services include managing staff e-mail accounts, and processing payroll.
- **An estimated \$5,100 could be saved by eliminating duplicative or unnecessary equipment and other costs.** Most of those costs are tied directly to the positions eliminated, such as phone usage and postage costs, or are related to eliminating the Commission's current photocopier lease—which would no longer be needed if the two agency's staff were merged.

Although Agency Officials Expressed Concerns About Restructuring, We Concluded Those Issues Could Be Overcome

Sentencing Commission staff shared a number of concerns related to merging staff functions within the Department of Corrections. **Figure 1-6** summarizes their concerns and some possible solutions.

Sentencing Commission staff primarily were concerned that merging the two agencies would compromise the independence and objectivity of prison population projections and legislative impact research estimates. In a 2003 audit of the Commission, we had said that the Commission’s staff should not be under the control of an agency that could have a vested interest in the outcome of the staff’s reports, and that locating the Commission’s staff within the Department of Corrections could create at least the perception the Department could influence the Commissions reports.

**Figure 1-6
Summary of Restructuring Issues Raised By the Sentencing Commission and LPA's Response**

Issue	LPA Response
The Sentencing Commission was created to be an independent, multi-branch policy-advising body. This independence would be lost if the Sentencing Commission were placed within the Department of Corrections, and the prison population and legislative impact research may suffer because of the potential loss of objectivity or breadth of scope. Furthermore, the Secretary of Corrections could influence research results to meet budgetary, political, or other needs.	Many other states perform population projections and legislative impact research within their Department of Corrections (or equivalent agency). Moreover, many other Kansas executive agencies are responsible for creating population or caseload projections, such as Juvenile Justice Authority, SRS, and Kansas Health Policy Authority. The Commission itself still could remain as an independent advisory body; only Commission <u>staff</u> would be merged with the Department of Corrections. Moreover, there are ways to address objectivity such as creating consensus estimating groups, hiring temporary independent statisticians to check estimates, and the like.
The Sentencing Commission currently has statutory responsibility to monitor guidelines, perform prison population projections and legislative research impact, and to administer SB 123.	The Legislature could change statutory obligations and transfer this responsibility to the Department of Corrections.
The drug treatment program and the necessary research may not get the attention they deserve because the Department of Corrections' main function is confinement and supervision of offenders.	The Department of Corrections thinks no conflict of interest exists for the drug treatment program. To better ensure no conflict, the Legislature could attach a proviso to the appropriations bill to ensure that funds were directly appropriated for the drug treatment program operations.
An LPA report released in December 2003 stated that the Sentencing Commission's staff shouldn't be under the control of an agency that could have a vested interest in the outcome of the Commission staff's reports.	Our report mentioned that placing some of the functions of the Sentencing Commission with the Department of Corrections could create at least a perceived conflict of interest. We acknowledge that this is possible, but think there are reasonable ways to overcome any perceived conflict of interest, as described above.
The Sentencing Commission is a small agency able to quickly respond to programmatic issues and the needs of treatment providers, and the Department of Corrections, being a larger agency, would be less responsive.	The Department of Corrections has more staff available to deal with any large influx of work faster. Also, treatment providers actually could have more points of contact, making it easier for the Department to respond to issues. Finally, we didn't reduce the Commission staff's level or number of <u>services</u> provided or the work they performed in any of our analysis related to merging Commission staff into the Department of Corrections.

Source: Interviews with Sentencing Commission staff, other Kansas agency officials, and officials in other states.

Given how common we’ve found it is in other states for their Departments of Corrections to prepare prison population projections and legislative impact estimates, it’s apparent that any potential conflicts can be and are being managed. Further, several other agencies in Kansas also create projections and estimates similar to those created by the Sentencing Commission. For example:

- **Although the Commission is statutorily responsible for performing juvenile prison population projections as well, the Juvenile Justice Authority took over those projections in fiscal year 2008 as a cost-savings measure.** The Commission had charged the Authority \$50,000 in both fiscal year 2006 and 2007 to create these projections. Authority staff told us that doing these projections themselves cost an estimated \$5,000 a year, a savings of about \$45,000 annually. This situation apparently hasn't been perceived as creating an independence problem.
- **The Kansas Health Policy Authority prepares estimates of Medicaid beneficiaries, and the Department of Social and Rehabilitation Services helps prepare estimates of caseloads.** An SRS official told us that using a consensus group comprised of SRS, Division of Budget, and Legislative Research Department staff to determine an acceptable method of calculating those caseloads resolved some early questions regarding the accuracy or reliability of those projections.

We also contacted officials in two states that perform Sentencing Commission staff functions through their Departments of Corrections—Arizona and South Carolina. They told us the following:

- Performing these functions through their Departments of Corrections generally isn't viewed as a conflict of interest. South Carolina staff told us their prison population projections historically have been performed by their Department, and the arrangement is simply perceived as standard practice.
- Other options exist to ensure the independence and accuracy of prison population projections and legislative impact estimates. In Arizona, both the Governor's Budget Office and the Legislative Budget Offices have access to all information the Department of Corrections uses to create its estimates. These agencies often ask the Department to justify particular cost estimates to ensure they are sound. In South Carolina, the Sentencing Commission occasionally hires an independent statistician to verify the general accuracy of the Department's estimates.

Keeping the 17-member Sentencing Commission as an advisory body also could help counter any perceived conflicts of interest.

The 17-member Commission currently acts as an advisory body to the Legislature, the Department of Corrections, and other stakeholders in the correctional system. It uses the information provided by the Commission's staff in developing its policy recommendations.

If the two agencies were merged, Sentencing Commission staff would be brought under the Department of Corrections, but we have assumed that the Commission itself would remain as a separate advisory body. Commission members still would review and report on prison population projections and legislative impact estimates, using information prepared by staff who perform that work.

They also could act as a check-and-balance on the accuracy and independence of the staff's projections and estimates, questioning any information provided and requesting that additional work be performed, if needed.

FINDINGS WITH OTHER OPERATIONAL COST IMPLICATIONS

We Identified a Number Of Cost Savings That Can Be Achieved Regardless Of Whether The Two Agencies Are Fully Merged

These savings are explained in the following sections.

Merging only the administrative support functions of the Sentencing Commission and administration of the Senate Bill 123 drug treatment program into the Department of Corrections could save at least \$48,000 a year. We worked with Department officials to identify what savings might be achieved if only the Commission's administrative functions (including administration of the drug treatment program) were merged into the Department—similar to the way the Parole Board is currently setup.

Under this scenario, we assumed that the Executive Director position and the five research positions currently performing prison population projections and legislative impact research would remain as a separate, stand-alone agency. Remaining agency staff—those providing agency support services such as budget preparation and human resource services, and those processing Senate Bill 123 invoices—would become Department staff.

Merging only these administrative functions would drop our estimated annual cost savings to about \$48,000, as follows:

- The administrative and accounting tasks the Department could absorb with its existing staff under this scenario equate to a 0.5 FTE staff position, for estimated annual savings in salary and benefits of about \$25,000.
- Assuming that those staff members who became Department staff were moved into available space, and that the remaining stand-alone Sentencing Commission staff were moved into the 5th floor, the two agencies still would save about \$23,300 in rent.

Additional savings may be possible if the two agencies were able to share resources like photocopier equipment and printers. Such savings would depend on where Commission staff physically were located within the Department's office space, and the types of agreements the agency heads could reach.

If the courts' journal entries become electronic, rather than paper-based, the Commission and the Department could achieve additional operating efficiencies. Automating court journal entries is a long-standing Kansas Criminal Justice Information

Systems project; it's been going on for several years. The project was grant-funded, and converted 2006 and 2007 journal entries into electronic form for some counties. Department officials told us that funding currently isn't available to make more recent journal entries electronic. If funding could be secured, the time spent by Commission and Department staff manually entering information from the court's paper-based journal entries into their own databases could be eliminated. Based on discussions with agency officials, we think this is an area where cost savings likely could be achieved. However, because of project uncertainty, we weren't able to reach a conclusive cost savings estimate.

Sentencing Commission plans to reduce its current annual rent costs by about \$7,600, which also would bring it into conformance with the Department of Administration's space standards. The Commission currently rents 3,350 square feet of space, or 305 square feet per person. That's about 55 square feet per person more than the upper space standard set by the Department of Administration of 250 total square feet per person (this figure includes conference rooms, break rooms, bathrooms, hallways, and the like)

Commission officials told us they've had a number of vacancies since the agency first negotiated its lease several years ago. They said they currently are in the process of renegotiating their lease, and hope to rent 600 fewer square feet. Doing so would reduce their lease costs by about \$7,600 a year and bring them into compliance with the State's space standards.

Conclusion:

For the reasons outlined in this report, we concluded from an efficiency standpoint there was no benefit to merging the remaining parole function (the 3-member Parole Board) into the Department of Corrections. However, merging the Sentencing Commission staff functions into the Department would allow the State to achieve the economies of scale associated with larger agencies, and to eliminate duplicative activities and staff. We estimate the savings from the merger would be about \$152,000 a year, almost 20% of the Commission's current annual operating costs. Our estimate assumes the Secretary of Corrections would require the staff devoted to this function to provide at least the same level of services and the same amount of work that Sentencing Commission staff currently perform. However, we think it's likely the efficiencies that could be realized from restructuring likely would allow them to provide an even higher level of service.

This restructuring would bring Kansas more in-line with the majority of other states that have their correctional agencies make prison population projections and related legislative impact estimates. The

concern Commission officials expressed about the restructuring potentially compromising the independence and objectivity of these projections and estimates would have to be examined and addressed, but most other states and other agencies in Kansas have found ways to manage or eliminate any real or perceived problems in this area. We found no clear reason not to combine the two agencies.

***Recommendations for
Legislative Action:***

1. To help achieve the goals of reducing State operating costs and increasing administrative efficiencies while still accomplishing the same purposes, the Legislature should do the following:
 - a. amend K.S.A. 74-9101 et seq. to merge the Sentencing Commission staff function into the Department of Corrections.
 - b. amend K.S.A. 74-9101 et seq. to maintain the 17-member Sentencing Commission as an advisory body to the Department, the Legislature, and other stakeholders in the State's correctional system. The Legislature will need to clarify the powers and duties of the Commission in regards to the Sentencing Guidelines.
 - c. amend K.S.A. 74-9101(b)(20) to transfer the statutory responsibility for making juvenile prison population projections from the Sentencing Commission to the Juvenile Justice Authority. This amendment would reflect the current practice, and would ensure that these projections are made in a cost-effective manner.

The Joint Corrections and Juvenile Justice Oversight Committee or another legislative committee should introduce this legislation.

2. If the Legislature does not act to merge all Sentencing Commission staff functions into the Department of Corrections, it should at a minimum merge the administrative functions of the Commission's staff—including the administration of the Senate Bill 123 drug treatment program—into the Department. Merging only these functions, and leaving the prison population projections and legislative impact research staff functions independent, would still allow the State to save at least \$48,000 a year in salary and rent costs, and potentially more as the two agencies work together to find additional efficiencies.

The Joint Corrections and Juvenile Justice Oversight Committee or another legislative committee should introduce this legislation.

Recommendations for Executive Action:

3. To ensure that it is not paying for excess or unneeded space, the Sentencing Commission should follow its plan to renegotiate its current lease contract to conform to the Department of Administration's current space standards.
4. To eliminate duplicative and inefficient manual data-entry processes, if court journal entries become available in electronic form, the Sentencing Commission and the Department of Corrections should revise processes and procedures accordingly.

APPENDIX A Scope Statement

This appendix contains the scope statement approved by the Legislative Post Audit Committee for this audit on July 1, 2009. The audit was requested by the Legislative Post Audit Committee.

Adult Correctional Agencies: Determining Whether Functions Could Be Combined To Gain Cost Efficiencies

Kansas currently has three agencies involved with various aspects of the adult criminal justice system – The Department of Corrections, the Sentencing Commission, and the Parole Board.

The Department of Corrections operates several correctional facilities to provide safe and secure institutional care for male and female felons committed to the custody of the Secretary of Corrections. It also conducts programs to rehabilitate offenders, supervises individuals on post-release supervision, and administers the Community Corrections Grant Program which assists communities in alternative correctional services. The Governor's budget report shows 422.7 employees for the agency, and a 2010 budget of about \$139 million.

The Sentencing Commission was created to develop uniform sentencing guidelines for offenses committed in Kansas. Since the guidelines were established in 1993, its primary responsibility has been to monitor the implementation of the guidelines. Commission staff also forecast populations for both adult and juvenile facilities in the State, conduct criminal research studies, and administer payments for a non-prison certified drug abuse treatment program for certain non-violent drug offenders sentenced on or after November 1, 2003. In addition, since 2006, the agency has conducted statistical studies related to sex offenders. For fiscal year 2010, the Governor's budget shows 14 employees for the Commission and a budget of about \$10 million for that year.

The smallest of the three agencies is the Kansas Parole Board. It consists of three members appointed to 4-year terms by the Governor. The Board makes parole decisions for inmates who have reached parole eligibility, conduct public comment sessions and parole revocation hearings. In addition, it issues final discharge from parole supervision and reviews applications for executive clemency and pardons. The Parole Board's budget is about \$500,000. Administrative functions for the Board are provided by the Department of Corrections.

Legislators would like to know whether significant savings might be achieved by merging the functions of the Sentencing Commission and the Parole Board with the Department of Corrections.

A performance audit of this topic would answer the following question.

- 1. Could the Department of Corrections, Sentencing Commission, and Parole Board be operated as a single agency to achieve operating efficiencies and reduce costs?** To answer this question, we would gather information about the basic programs and functions administered by the Kansas Sentencing Commission and Parole Board. We would identify other states that have similar types of programs and functions and we would determine whether those functions typically are performed by the same agency that operates correctional institutions or by a separate agency. If we find that they typically are performed by a separate agency we would determine the reasons why. We would look at the management and staffing structures of the agencies to look for areas where functions possibly could be performed with fewer staff. Also, we would look at the potential for reducing administrative costs such as rent, utilities, copier and computer costs, and the like. Finally, we would estimate the overall cost savings that might be able to be achieved from combining the agencies. We would conduct additional work in this area as needed.

Estimated time to complete: 6-8 weeks

APPENDIX B

Parole Board Workload Data

This appendix contains Parole Board workload information we collected. This information shows that the number of inmates the Parole Board evaluates for parole has declined significantly since implementation of the Sentencing Guidelines in 1993. However, Kansas still has a number of prisoners with indeterminate and determinate “off-grid” sentences, as well as inmates who have violated their parole conditions who still require Board hearings.

Indeterminate sentences are those set by the court before sentencing guidelines were implemented in 1993. After 1993, they are synonymous with determinate “off-grid” sentences, which are those that fall outside of the sentencing guideline grid because they are unusually severe—capital murder charges and so on. Parole Board members generally hear indeterminate and determinate “off-grid” cases, not determinate-only cases. Inmates with determinate sentences (the majority of the prison population) generally don’t appear before the Parole Board.

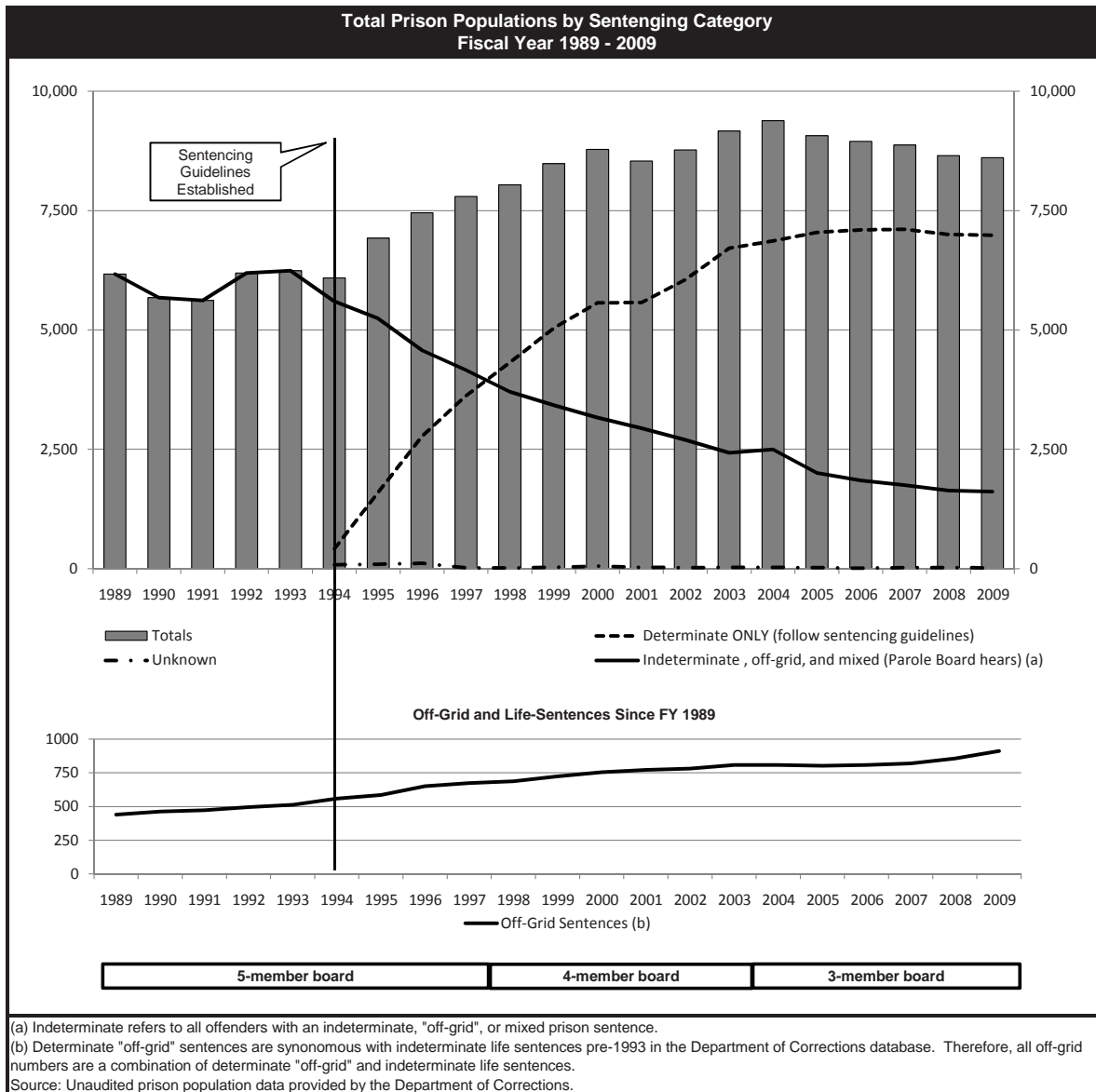
Parole Board members told us that, although the number of hearings they conduct has dropped significantly, the remaining cases they hear involve only the worst and hardest cases. Consequently, members say their actual workload has remained relatively unchanged over time.

The figures on the following pages show changes in total prison populations, the number and type of parole hearings conducted, and severity level of cases heard by the Parole Board over the past 10-years or so. Due to time constraints, we didn’t test these data for accuracy or reliability. Consequently, these trends should be viewed as general indicators and not as absolute fact

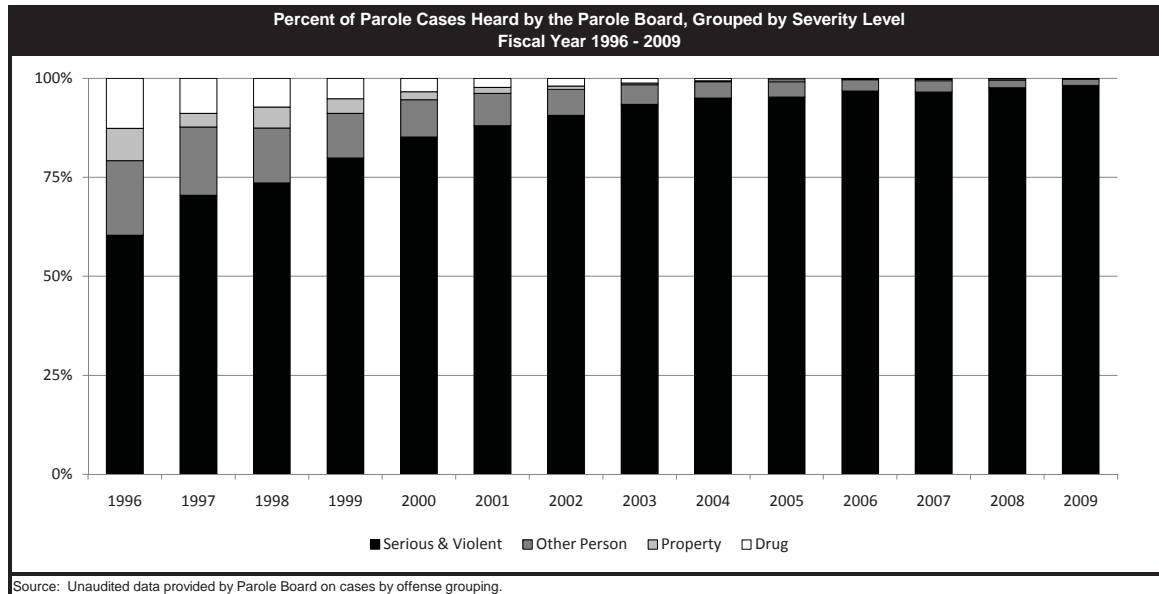
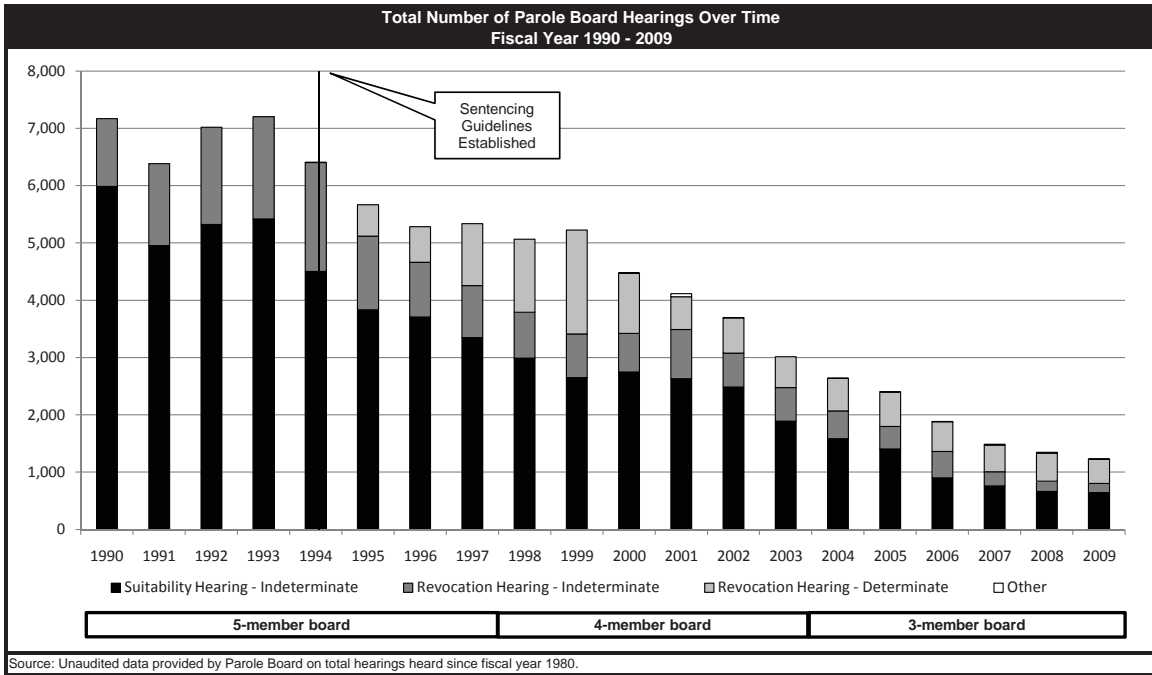
PRISON POPULATION DATA

As the figure shows:

- The total number of inmates with indeterminate, “off-grid,” and mixed sentences (inmates with an indeterminate or “off-grid” sentence and a determinate sentence) has dropped significantly since the Sentencing Guidelines were established in fiscal year 1994—from 6,240 in fiscal year 1993 to 1,614 in fiscal year 2009. This is shown on the solid black line on the chart.
- Although the total has gone down, during that same time the number of inmates with determinate “off-grid” sentences (including pre-guideline life sentences) has steadily increased, from 558 in fiscal year 1994 to 911 in fiscal year 2009. Because this group of inmates is increasing in number, the number of inmates the Parole Board evaluates won’t ever reach zero.
- Although not shown, the Sentencing Commission projects that the total number of determinate “off-grid” inmates will rise to 1,722 by the end of fiscal year 2018.
- In sum, the number of inmates the Parole Board evaluates for parole has declined significantly over time, but won’t disappear entirely.



NUMBER OF BOARD HEARINGS AND SEVERITY LEVEL OF CASES HEARD



As the two figures show:

- **The number of hearings held by the Parole Board has dropped substantially since Sentencing Guidelines were implemented in fiscal year 1994.** Since that time, the number of hearings held dropped from more than 7,000 hearings in fiscal year 1993 to slightly more than 1,000 hearings in fiscal year 2009.
- **Severe and violent cases comprise most of the cases Parole Board members currently hear.** Since fiscal year 1996, the portion of cases the Parole Board hears that are violent cases has risen from about 60% to about 98%.

APPENDIX C

Placement of States' Sentencing Commission Functions

This appendix contains the detailed results of our interviews with agency staff from all 50 states regarding the placement of functions currently performed by Kansas Sentencing Commission staff. Those functions include prison population projections and legislative impact research, which estimates how changes in State law would impact prison bed counts and costs.

As shown in the appendix, 20 states have a sentencing commission; 13 of which are a stand-alone agency. Prison population projections and legislative impact research are performed by sentencing commissions in 15 states, and by correctional agencies in 39 states. Finally, some states have more than one agency performing these functions.

Placement of States' Sentencing Commission Functions				
State	Does the state have a sentencing commission?	Is the sentencing commission a stand-alone agency?	Does the agency create prison population projections or legislative impact research?	
			Sentencing Commission	Correctional Agency
A correctional agency performs prison population projections, legislative impact research, or both (39 states)				
Arkansas	Yes	Yes	Yes	Yes
Louisiana	Yes	No	Yes	Yes
Maryland	Yes	Yes	Yes	Yes
Massachusetts	Yes	Yes	Yes	Yes
Minnesota	Yes	Yes	Yes	Yes
Missouri	Yes	No	Yes	Yes
North Carolina	Yes	Yes	Yes	Yes
Ohio	Yes	Yes	Yes	Yes
Pennsylvania	Yes	Yes	Yes	Yes
Alaska	No	N/A	No	Yes
Arizona	No	N/A	No	Yes
California	No	N/A	No	Yes
Colorado	Yes	No	No	Yes
Georgia	No	N/A	No	Yes
Hawaii	No	N/A	No	Yes
Idaho	No	N/A	No	Yes
Illinois	No	N/A	No	Yes
Indiana	No	N/A	No	Yes
Iowa	No	N/A	No	Yes
Kentucky	No	N/A	No	Yes
Maine	No	N/A	No	Yes
Michigan	No	N/A	No	Yes
Mississippi	No	N/A	No	Yes
Montana	No	N/A	No	Yes
Nebraska	No	N/A	No	Yes
Nevada	No	N/A	No	Yes
New Hampshire	No	N/A	No	Yes
New Jersey	No	N/A	No	Yes
New York	No	N/A	No	Yes
North Dakota	No	N/A	No	Yes
Rhode Island	No	N/A	No	Yes
South Carolina	Yes	No	No	Yes
South Dakota	No	N/A	No	Yes
Tennessee	No	N/A	No	Yes
Utah	Yes	No	No	Yes
Vermont	No	N/A	No	Yes
West Virginia	No	N/A	No	Yes
Wisconsin	No	N/A	No	Yes
Wyoming	No	N/A	No	Yes
A sentencing commission, and <u>not</u> a correctional agency performs prison population projections, legislative impact research, or both (6 states)				
Alabama	Yes	No	Yes	No
Kansas	Yes	Yes	Yes	No
New Mexico	Yes	Yes	Yes	No
Oregon	Yes	Yes	Yes	No
Virginia	Yes	No	Yes	No
Washington	Yes	Yes	Yes	No
Another entity, and neither a sentencing commission nor a correctional agency performs prison population projections, legislative impact research, or both (5 states)				
Connecticut	Yes	Yes	No	No
Delaware	Yes	Yes	No	No
Florida	No	N/A	No	No
Oklahoma	No	N/A	No	No
Texas	No	N/A	No	No
Total	20 states (40%)	13 states (26%)	15 states (30%)	39 states (78%)
Source: Interviews with agency staff in all 50 states.				

APPENDIX D

Agency Responses

On September 28, we provided copies of the draft audit report to the Department of Corrections, the Parole Board, and the Sentencing Commission. Those agency's responses are included as this Appendix.

The Parole Board generally concurred with the report's findings, conclusions, and recommendations. In its response, the Department of Corrections disagreed with our recommendation that the Sentencing Commission be merged into the Department, but indicated it was prepared to implement any recommendations the Legislature adopts. Based on additional information the Department provided regarding the court's effort to make certain court documents available electronically, we revised the information presented in the final report regarding that issue, and made a corresponding change to the report recommendation.

In its response, the Sentencing Commission strongly disagreed with the report's recommendation that it be merged into the Department of Corrections. We carefully reviewed the Commission's response, but made no corrections or clarifications to the report. However, we need to clarify one concern the Commission raised by the Commission in the first and last pages of its response—that our audit findings are based on “indicators” and not on facts.

This statement was made in reference to a routine disclosure on page two of our report. That disclosure noted that, during this audit, we did not assess the reliability of the Department of Corrections' prison population data or the Parole Board's data on total annual parole hearings. We used these data in our report only for background and informational purposes, and not as part of any analyses relating to the potential efficiencies or cost savings that might be achieved through a merger of the Sentencing Commission staff function into the Department of Corrections.

Finally, we think it's important for the reader to understand that efficiency audits addressing the possibility of agency mergers are by their very nature prospective and not retrospective. These types of audits don't necessarily address how effective an agency is at accomplishing its function, but instead address how that same function could be performed if merged with another agency.



October 6, 2009

Barbara J. Hinton
Legislative Post Auditor
Legislative Division of Post Audit
800 SW Jackson Street, Suite 1200
Topeka, Kansas 66612-2212

Re: Adult Correctional Agencies: Determining Whether Functions Could Be Combined To Gain Cost Efficiencies

Dear Ms. Hinton:

I am in receipt of and have reviewed the draft audit report regarding whether adult correctional agency functions could be combined to gain cost efficiencies. Thank you for this opportunity to respond to the content of the report.

We continue to see value to a separate independent agency, the Kansas Sentencing Commission, having the statutory charge of preparing and presenting bed impact statements for individual legislative proposals. We believe this elevates credibility of the estimates, and removes the potential criticism of a KDOC bias that may arise during the legislative process that could otherwise cloud a fruitful and robust discussion of legislative policy proposals which affect sentencing statutes. We do not believe that the cost savings outlined are significant enough to disrupt the current system. Nevertheless, our agency is fully prepared to implement any recommendations from this audit that the legislature adopts.

Sincerely,



Roger Werholtz
Secretary of Corrections

KANSAS
PAROLE BOARD

Mark Parkinson, Governor

Robert Sanders, Chairperson
Patricia Biggs, Member
Tom Sawyer, Member

October 6, 2009

Barbara Hinton
Legislative Post Auditor
Legislative Division of Post Audit
800 SW Jackson St., Suite 1200
Topeka, KS 66612



Dear Ms. Hinton:

Thank you for the opportunity to comment on the draft performance audit report *Adult Correctional Agencies: Determining Whether Functions Could be Combined to Gain Cost Efficiencies*. We appreciate both the professionalism and the work of your staff as they conducted this audit.

The Kansas Parole Board recognizes and is sensitive to Kansas' financial challenges. In fact, one of our on-going agency strategies is to be an effective steward of state resources. We apply this strategy to all three categories of scarce resources -- people, time and, of course, money. The specifics of this performance audit, then, fit squarely within our agency operating philosophy.

We are pleased by the audit's findings that:

- the Kansas Parole Board operates at a level where additional operating efficiencies are not readily available;
- the Kansas Parole Board operates in a fashion consistent with other Parole Boards across this county; and
- the Board's autonomy from the Department of Corrections is critical in preserving the due process rights of offenders -- particularly those who face the potential of liberty withdrawal stemming from alleged violations while under Department of Corrections' community supervision.

As an integral component of the criminal justice system, the Parole Board looks forward to our on-going work with our partners to continue toward our vision of protecting the safety of citizens of the state of Kansas by the exercise of sound, rational decision making consistent with evidence-based principles.

Respectfully,

Patricia Biggs, Member

KANSAS PAROLE BOARD

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KANSAS SENTENCING COMMISSION

Honorable Ernest L. Johnson, Chairman
Helen Pedigo, Executive Director

MARK PARKINSON, GOVERNOR

October 6, 2009



Ms. Barbara Hinton
Legislative Post Auditor
Legislative Division of Post Audit
800 S. W. Jackson Street, Suite 1200
Topeka, KS 66612-2212

Dear Ms. Hinton:

Thank you for the opportunity to respond to your audit, *Adult Correctional Agencies: Determining Whether Functions Could Be Combined To Gain Cost Efficiencies*. We understand that with the time constraints, your office could not conduct a thorough evaluation of the Kansas Sentencing Commission. While there is always room for improvement in any agency, I believe the report falls short in identifying the value of the Kansas Sentencing Commission as a free-standing, independent policy body. I would sincerely request that the Legislative Post Audit Committee take no further action related to this audit, specifically because the hypothetical cost savings of combining functions of the Kansas Sentencing Commission with the Kansas Department of Corrections will not make up for the value lost if the work of the Kansas Sentencing Commission were no longer independent. Reasons for this statement follow:

1. It is in the best interest of sentencing and corrections stakeholders, and public safety at large, to maintain the independence of the Kansas Sentencing Commission.
2. The audit merely identifies costs, not value.
3. Recommended staffing reductions would result in negative outcomes.
4. Cost comparisons do not include a comparison of operating costs as a percentage of the total budget.
5. The 2003 Senate Bill 123 Program is related to the Commission's primary mission and function.
6. Assumptions made about lease, phone and copier cost savings are merely assumptions.
7. Providing multiple contacts to the public served is not an effective way to do business.
8. Automated journal entry and data entry is not imminent for planning purposes; and
9. An official report making recommendations in determining cost efficiencies within state government should be based on facts and not "indicators".

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It is in the best interest of sentencing and corrections stakeholders, and public safety at large, to maintain the independence of the Kansas Sentencing Commission. The Sentencing Commission's philosophy sets the Kansas Sentencing Commission apart from the Department of Corrections. The Commission's mission is sentencing system evaluation, linking resources with policy recommendations, impact evaluation and promotion of evidence-based practices and data-driven policies. The danger is that the independent nature of the Kansas Sentencing Commission would not survive a merger with agencies primarily concerned with institutional incapacitation and intensive supervised probation versus rational sentencing policy recommendations inclusive of institutional and community supervision of all types. Merging of functions of the Kansas Sentencing Commission with the Department of Corrections and the Parole Board would result in minimal hypothetical cost savings, but not when compared to the value of rational sentencing policy recommendations presently made by an independent Kansas Sentencing Commission.

Whether other states have a sentencing commission or another entity like Kansas should not determine whether one is needed in this state. Why would Kansas want to be like other states? Kansas is presently a leader in public safety policy and practice, because in Kansas, procedure follows policy. In other words, the proactive, independent Sentencing Commission helps Kansas plan its public safety future, rather than reacting to it, as in many states. Look at the states suffering from prison crowding and other public safety budget disasters. While Kansas has suffered, this state has not suffered nearly as much as if no planning had taken place. Until financial resource cuts last Legislative session, the Kansas prison system had a surplus of beds, unlike nearly every other state in the Union. The reason is that the Kansas Sentencing Commission has been proactive in recommending policy to rationally determine who goes into the prison system and how long they will stay, as well as recommending alternative sentences to help address public safety and rehabilitation needs. In Kansas, policy decisions made by the Legislature, with assistance of the Kansas Sentencing Commission, have directed the procedure followed by the Department of Corrections.

The audit report addresses the placement of sentencing commissions within state's hierarchy. The responsibilities of sentencing commissions vary and can be unique with each state. While many are located within the corrections department, that may be a situation driven by convenience, fewer mandates, or evolution of the corrections department and perceived as an appendage of the corrections functions. If further review and analysis were done, this may not be "best practice" or it may not be a fit for the particular functions of the Kansas Sentencing Commission.

While the report cites other states, no note of accuracy comparison is made. Kansas has a good national reputation. Other states have contacted and visited this agency to gain insight into the way Kansas projects the prison population, as it is a model that other states are interested in. The Research Director, assisted by the Commission prison population consensus group, is extremely accurate with regard to the annual projections. The Legislature relies on this agency to perform prison bed impact statements for each new piece of criminal legislation proposed. To combine this office just because other states do it is a very poor argument for combining it, as different states have different needs, different outcomes, and different levels of accuracy.

Rational, evidence-based, data driven policy is necessary to develop policy recommendations for the Legislature. The Kansas Sentencing Commission, as an independent agency, is the best way, with minimal cost, to achieve this purpose. In fact, a 2003 Legislative Post Audit of the Kansas Sentencing Commission concluded, "The stand-alone structure Kansas

has adopted is the most common model used by the states we reviewed that have an ongoing sentencing commission function. This structure has the advantage of being independent of agency officials that might wish to influence the outcome of any analyses.”

The audit merely identifies costs, not value. The charge of the audit was to review whether certain functions could be combined to gain cost efficiencies. While the accuracy of these hypothetical costs savings is questionable, the audit did that. However, the audit did not go far enough to compare the value of the functions and duties presently performed as an independent agency to those performed by an entity under the scope the direction of the Department of Corrections. The scope of the audit was simply to identify possible cost savings and not to determine whether merging functions would result in a more effective operation. The audit process largely ignored policy issues, historical considerations, and the different philosophies and functions of the various agencies audited. The audit also fails to attach a blue sky or good will value regarding the work of the agency in its present structure.

The report neither covers the range of duties and priorities of the Kansas Sentencing Commission nor how well these goals are met:

- To develop a set of guidelines that promote public safety by incarcerating violent offenders;
- To establish sentences that are proportional to the seriousness of the offense and the degree of injury to the victim;
- To establish a range of easy-to-understand presumptive sentences without racial or geographical bias;
- To provide the State and local correctional authorities with information to manage prison populations;
- To provide policy makers information on how changes to the law will impact prison populations;
- To oversee and serve as the 2003 SB 123 payment center; and
- To process journal entries for all felony convictions and develop appropriate data bases, to assist in analysis of sentencing trends and issues.

The Kansas Sentencing Commission is also charged with the following duties by the Kansas Legislature, which the audit did not address [K. S. A. 74-9101 (b)(11) and (12)]:

- Analyze problems in criminal justice, identify alternative solutions and make recommendations for improvements in criminal law, prosecution, community and correctional placement, programs, release procedures and related matters including study and recommendations concerning the statutory definition of crimes and criminal penalties and review of proposed criminal law changes; and
- Perform such other criminal justice studies or tasks as may be assigned by the governor or specifically requested by the legislature, department of corrections, the chief justice or the attorney general.

These duties are at the heart of the Kansas Sentencing Commission’s reason for existence as an independent entity. This is the duty that resulted in developing recommendations, resulting in prison bed construction savings, by reducing needs at a time when beds were filling up rapidly. For example, the \$150,000 savings implied by the audit translates to operation of approximately 6 prison beds per year. A policy change saving 6 prison beds from being unnecessarily filled saves the same \$150,000. A policy recommendation resulting in a savings of 100 prison beds is a savings to the Kansas taxpayer of approximately \$2.5 million annually. However, the value of

this type of function is not one that is generally identified in an audit. This function of the Commission must remain objective and unbiased in perception and reality. These duties will never be accomplished if the Kansas Sentencing Commission is merged under the Department of Corrections, as the first item relates to a system-wide analysis of areas in which the Department has a limited scope of authority. Further, the Department, as well as other entities, may request or assign tasks to the Sentencing Commission. In a merged system it would be feasible to perform studies as directed by the Governor and the Department. However, it would more difficult to respond to requests made by other entities which, in some cases may result in recommendations opposing the Department's position. The first point requires brainstorming of ideas and the day-to-day operation of a department as vast as the Department does not lend itself to performing those "think tank" type of functions. It is impossible to serve two masters, and placing the Sentencing Commission in that predicament would create an untenable situation.

Consisting of 17 sentencing and corrections stakeholders, the Kansas Sentencing Commission meets, evaluates data from past sentences, and from this, as well as their collective expertise, they recommend sentencing policy. The staffing is very lean, but allows for the agency to gather, enter and provide necessary data and analysis upon which these sentencing policy recommendations are made. Output includes prison population projections, prison bed impacts, prison classification projections, policy recommendations relating to proportionality, risk needs assessment, community supervision terms and substance, treatment program analysis, and death in custody reporting to the Federal Bureau of Justice Statistics. Additionally, staff and reference materials are available as a resource to criminal justice, corrections and legal professionals. Policy-makers rely on population projection and bed impact analysis information to project Kansas Department of Corrections future inmate population, resource needs resulting from the projected population, and future construction needs.

The substance abuse treatment program provides for supervision and treatment for the targeted population of felony drug possession offenders to be supervised safely in the community which reduces use of more costly prison beds, resulting in approximately 400 prison beds saved per year, from its inception. The program utilizes the administrative services of 1.5 staff to pay invoices and provide technical assistance to approximately 140 certified treatment providers and 31 community corrections agencies. This includes invoice payments, administrative and evaluation expenditures. Payment invoices are scrutinized to ensure that taxpayer's money is spent appropriately by following guidelines and auditing such invoices to determine whether payments should be authorized, to whom, and that the amounts and services are appropriate. Program administration costs are more than reasonable as they are less than 2% of total program expenditures. Research and evaluation is provided by research staff of the agency, as noted in the previous paragraph.

The Kansas Sentencing Commission holds a favorable state and national reputation in that it assists policy-makers and criminal justice professionals in planning for the future, as well as guiding them in making rational data-driven decisions that target resources to areas of greatest risk and return. The 2003 Senate Bill 123 payment center is part of a collaboration of agencies that results in reduced risk of reoffense and increased public safety at a much lower cost than building and operating prison beds. While the Post Audit study indicates that conflict of interest concerns can be overcome if the Kansas Sentencing Commission were consolidated under the Department of Corrections, it is the opinion of the Commission and myself that these areas would not function nearly as well.

The description of the Department of Corrections purpose at the beginning of the report assumes that the Department weighs the function of confinement the same as conducting programs to rehabilitate offenders and to supervise offenders in the community. Past reductions for the Department indicated that programs are the first to be cut. These cuts are necessary, as the principle goal of the Department is safely confining offenders. Figure OV-1, a comparison of K. S. A. 75-5201 to K. S. A. 74-9101 et seq., shows that the Department's principle duty is control of offenders, while that of the Sentencing Commission is evaluation of guidelines, making recommendations when capacity will be exceeded within two years, and monitoring the sentencing guidelines in accordance with their purpose. A review of the next level of the table shows differing program objectives and operational structures between the two agencies.

Recommended staffing eliminations result in negative outcomes. The report states that there are currently 12 funded staff positions. However, there are only 11 funded positions for FY 2011 budget. Nine of those staff positions are FTE's funded with SGF. Two of those are classified as full-time temporary positions with benefits. One of those positions (SB 123 Accountant) is funded by fund transfer received from KDOC, so there would not be a salary savings for that position. This position performs the majority of the payment function, the collection and entry of the assessments, and other program functions associated with offender and insurance receipts. This position also provides technical support as assigned. The fiscal director/SB 123 position provides technical support, oversight, and is responsible for all the financial functions associated with this program.

While the audit recommends that accounting and program support functions of the Sentencing Commission be merged with the Department, it should be noted that these functions are not stand-alone within the Sentencing Commission. One of the truths regarding small agencies, is that multiple functions are required of each and every employee. No one has the luxury of saying "that's not my job" – they do what needs to be done. Employees holding the positions targeted for elimination of .5 FTE are the most flexible employees. These are the people who are able and willing to pitch in to assist as the situation dictates. These are our most valued, in terms of experience and knowledge in the business. These are also the people who facilitate the numerous meetings of the Commission, and its committees and subcommittees. They secure meeting locations, provide notices, copy, organize and disseminate information, take meeting minutes, and pay Commission members, as well as staff. This FTE provide for a more organized Commission meeting, allowing for a more efficient and effective Commission. If it is assumed that these functions will continue, then the elimination of these .5 FTE positions is unwarranted.

The audit recommends that the duties presently performed by the Kansas Sentencing Commission Executive Director position can be combined with duties within the Department of Corrections. This merging suggests that a proposed attorney position within the Department of Corrections be required to absorb the present duties and functions performed by the Kansas Sentencing Commission Executive Director position. It should be noted that this recommendation will add a large number of additional functions and hours of work in order to complete these duties. Such duties, as representing the agency by participating and being involved in various meetings and legislative committee hearings, preparing for testimony, local, state, and national presentations, and training, travel time required to reach the out-of-town locations, and presentation time, would likely be compromised, as training judges, prosecutors and court services personnel are not part of the Department's mission. In addition, it is doubtful that the Department would be welcomed to these groups as an independent entity, and in fact, would not be allowed to present all sides of an argument, as the Department may be a party in

litigation, a position in which the Sentencing Commission avoids, as a party not directly affected by a sentencing. The Department has a legal duty to zealously represent their client. That ethical requirement may result in less candor when discussing issues where the Department has a stake in the outcome, such as sentencing decisions that may result in more prison admissions. This position also has a great number of hours of correspondence ahead, as the Sentencing Commission must work with multiple stakeholders, and on many occasions, act as conciliator between agencies, government branches and individual parties.

The report also indicates, *"The Commission had a full time Attorney until fiscal year 2008, but the current executive director, who is a lawyer, took over those responsibilities when the attorney left the agency."* Further explanation is warranted. This move was not because the work did not exist, but because of financial cuts necessary to keep the rest of the office running, a cost savings for the State of Kansas. Further, this move has added significantly to the workload including hours of work put forth by the Executive Director, resulting in response times and deadline extensions that are less than desirable. Responses for legal consultations may not happen within the same day, and on occasion may not take place for more than 48 hours. Deadlines for publications have suffered because of this additional workload. Responses to system stakeholders have lagged because of this. While the Sentencing Commission has one of the top Research Directors, whose position would transfer to the Department under the audit recommendations, this person has not had the responsibility to go further by studying, recognizing and then making recommendations of sentencing trends, state policy and practices which drive the population up or down. Also, this person does not have the present responsibility of communicating with criminal justice and government entities to determine and recognized the state policy, sentencing practices and trends to be applied when considering data requests nor does this person report the analysis to public members. These duties currently performed by the Kansas Sentencing Commission Executive Director would undoubtedly add significantly to the duties of the Department's Deputy Secretary responsible for Program and Research.

Cost comparisons do not include a comparison of operating costs as a percentage of the total budget. A comparison of the agencies' operation and program budgets show the Sentencing Commission with 9.4% in operational costs compared to the Department's operational cost of 75.2% and Parole Board's operational costs of 100%. Further consideration if looking at the ratio of operations to program expenditure shows:

Agency	Operations	Programs
KSC	9.4%	90.6%
KDOC*	82.7%	17.3%

**For KDOC debt service nor non-expense items are included.*

The table below found on page five of the audit report compares the percentage of budget for payroll costs:

Agency	Salaries
KSC	7.4%
KDOC	14.5%

The Kansas Sentencing Commission operating subtotal makes up approximately 8/10 of 1% of the Department's operating subtotal. The \$152,000 annual savings anticipated by the audit recommendations amount to 1/1,000 of 1% of the Department's operating subtotal, and are minute in comparison. It is highly doubtful that merging the functions of these agencies will save anything for the taxpayers of Kansas, and ultimately may result in higher costs because of additional prison construction needs. The hypothetical savings are not great enough to warrant additional action by the Legislative Post Audit committee.

The 2003 Senate Bill 123 Program is related to the Commission's primary mission and function. The report states that *"The program—which involves processing invoices for services provided by local drug treatment centers—isn't related to the Commission's primary mission or function."* However, K.S.A. 74-9101 (b) (11) directs the Commission to analyze problems in criminal justice, identify alternative solutions and make recommendations for improvement in criminal law, prosecution, community and correctional placement, programs, release procedures and related matters ...et seq. Also, (b) (13) instructs, "...develop a program plan which includes involvement of business and industry in the public or other social or fraternal organizations for admitting back into the mainstream those offenders who demonstrate both the desire and ability to reconstruct their lives...". Both of these pieces of legislation appear to authorize the Commission's activity in this area. During the 2003 legislative session, the Senate Bill 123 substance abuse treatment alternative program plan was proposed by the Sentencing Commission and the legislation was approved by the legislature. The legislature further determined that there should be a centralized payment center and assigned that function to the Sentencing Commission under K.S.A. 75-52,144 (d).

Assumptions made about lease, phone, and copier cost savings are merely assumptions. The report states, *"However, they indicated that accommodating 9.5 additional staff members would require leasing 1,495 additional square feet of space on the 5th floor."* A savings of \$23,300 per year is only an assumption and is not accurate due to the future Kansas Sentencing Commission office lease negotiation that is not due to take place until December. Later, on page 23, the last paragraph, the report indicates, *"Commission officials told us they've had a number of vacancies since the agency first negotiated its lease several years ago. They said they currently are in the process of renegotiating the lease, and hope to rent 600 fewer square feet. Doing so would reduce their lease costs by about \$7,600 a year and bring them into compliance with the State's space standards."* Once again, this is an assumption made prior to the negotiation. Also, it has been overlooked again, that the vacancies listed earlier are a result of budget reductions, not because work no longer existed. The simple fact is that fewer people are doing more work, and there is very little if any room left to cut positions or even to cut a position in half.

The reports mentions, *"Most of those costs are tied directly to the position eliminated, such as phone usage, and postage cost or are related to eliminating the Commission's current photo-copier lease which would no longer be needed if the two agency's staff were merged."* It should be noted for the record that the number of staff members, does not determine the amount of postage used. The agency will likely have the same amount of mail and copying, as the bulk of copying and mail is attributable to the SB 123 payment system, and Commission, committee and subcommittee activity, legislative testimony, and training materials. Copier contracts are based on the number of copies made, not on the number of machines. The agency recently saved money on a new lease of a copier by paying for a year's estimated number of copies up front, so that there should be no overages and therefore no additional costs in some months where copy counts are higher than other months. Copier and postage costs should rightfully be removed from the estimated \$5,100 in savings. The \$12 monthly (\$144 per year) service fee per phone connection does not account for the long distance phone calls made for SB 123, Death in Custody reporting requests and legal consultation calls made regularly. If services will not suffer, than these costs will continue to be incurred and should not be listed as a savings attributable to merging agencies.

Providing multiple contacts to the public served is not an effective way to do business. Figure1-6, of the report states, *"The Department of Corrections has more staff available to deal with any large influx of work faster. Also, treatment providers actually could have more points of contact, making it easier for the Department to respond to issues."* From our experience, providers like having one main contact that they rely on, making it easier for them to contact the agency, resulting in an attitude of "the buck stops here", rather than multiple contacts which may result in "getting the run-around". If a field survey were conducted we believe, based on feedback we have received, that treatment providers, court service officers and intensive supervision officers would indicate a high level of satisfaction with the service provided by the Kansas Sentencing Commission.

Automated journal entry and data entry is not imminent for planning purposes. It will be years before this happens. The Sentencing Commission's first correspondence regarding the planning of this system was in February of 2007 with a statement that electronic journal entries would be available by July of that year. We still await the implementation of this project. When this project is implemented, this agency will work with stakeholders to determine needs and make a sound, rational judgment regarding the staffing required for the amended process. As noted in discussions with LPA, but not included in the report, the electronic journal entry system will not include edits that would result in less staffing requirements. It is our understanding that the type of work will switch from data entry to analysis of incoming information, follow-up phone calls to local courts to ascertain the correct information, waiting for an amended journal entry, and then editing of data to conform with the intent of the sentence. A number of courts will continue to send paper documents, requiring analysis and data entry, as is done presently. Quite frankly, little, if any, staff savings are anticipated from this effort, at least in the initial phase of implementation.

It should be noted that most journal entries require additional follow-up, analysis and editing. Staff will continue to be needed to do that follow-up. Garbage in/garbage out is an applicable mantra in this area. The Sentencing Commission's data is only as good as the accuracy of the sentencing documents that are received. That said, most require some type of follow-up and clarification. It is not anticipated that this requirement will dissipate. Every time changes are made to the journal entries (annually, because of amendments and new laws) the

electronic process must be reprogrammed. With anticipated glitches as in any new system, it will be some time before additional follow-up and editing will no longer be necessary.

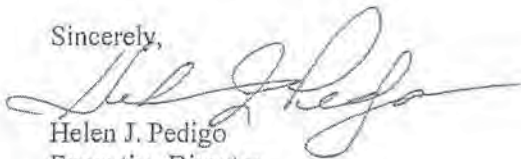
Some jurisdictions presently provide journal entries filled out by computer. Many of these are a completely incorrect, as the check does not land in the right box, etc. and document formatting changes. The user sometimes does not know how to manipulate the forms, as could be expected, because judges and lawyers may not have the computer training and the time it takes to fill them out correctly. If there are this many corrections to be made now, with just checking boxes, this workload will only increase, when the entire system goes electronic. Additionally, as we understand this system, the only edits that will be programmed, will be that a certain number of characters are needed within a field. The program will not do the analysis required to identify whether this is an attempt, rather than a completed crime, whether the right section and subsection numbers of statutes are included, whether departure criteria noted agree with the crime of conviction, etc. This follow-up work will continue to be necessary, and therefore, the reported recommendation regarding cost savings in this area is suspect.

An official report making recommendations in determining cost efficiencies within state government should be based on facts and not "indicators". Page 2 of the audit report concludes, *"Consequently, these trends should be viewed as general indicators and not as absolute fact."* Perhaps a request to extend the deadline would have been more appropriate than reporting educated guesses based on "general indicators". The numbers used are admittedly inaccurate. It seems highly unlikely this report is of any true benefit in assessing the value of the structure of the Sentencing Commission. Even if the savings identified are an actual picture of the savings in merging functions of the agencies, these savings seem rather insignificant when compared with the damage that would be done if structure of this Commission and its supporting agency were revamped. This public report has damaged the agency with regard to lower employee morale, as well as lower views in the eyes of the public. Given that much bigger dollars exist to cut in the state general fund, that the State has invested a great deal of money into this study already, and that there are relatively little savings to be gained, one would ask why this committee should take further action on this report.

We appreciate the conduct of this audit and want to express our thanks to Justin Stowe, Nathan Enz, and the entire audit team. Each of the members of this audit team exuded a professional demeanor and seemed genuinely interested in the functions of the Kansas Sentencing Commission.

Again, we sincerely request that the Legislative Post Audit Committee take no further action related to this audit. Thank you for the opportunity to respond to the findings of this audit and please contact this office if we can further assist you.

Sincerely,



Helen J. Pedigo
Executive Director