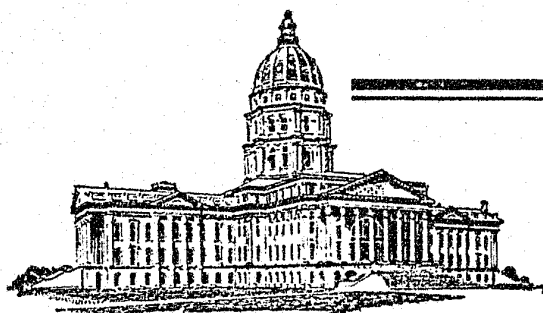


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PERFORMANCE AUDIT REPORT

Examining Potential Duplication Between Community Corrections and District Court Probation Services

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

September 1984

Legislative Post Audit Committee

Legislative Division of Post Audit

THE LEGISLATIVE POST Audit Committee and its audit agency, the Legislative Division of Post Audit, are the audit arm of Kansas government. The programs and activities of State government now cost about \$3 billion a year. As legislators and administrators try increasingly to allocate tax dollars effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by Legislative Post Audit helps provide that information.

As a guide to all their work, the auditors use the audit standards set forth by the U.S. General Accounting Office and endorsed by the American Institute of Certified Public Accountants. These standards were also adopted by the Legislative Post Audit Committee.

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PERFORMANCE AUDIT REPORT

Examining Potential Duplication Between Community Corrections Programs and District Court Probation Services

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U.S. Department of Justice
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ACQUISITIONS

OBTAINING AUDIT INFORMATION

This audit was conducted by three members of the Division's staff: Trudy Racine, senior auditor, and Tom Vittitow and Rick Riggs, auditors. Ms. Racine was the project leader. If you need any additional information about the audit's findings, please contact Ms. Racine at the Division's offices.

TABLE OF CONTENTS

SUMMARY OF AUDIT FINDINGS

EXAMINING POTENTIAL DUPLICATION BETWEEN COMMUNITY CORRECTIONS PROGRAMS AND DISTRICT COURT PROBATION SERVICES

What Are the Characteristics of the Services Provided Through Community Corrections Programs and Those Provided By District Court Probation Services?	1-2
Services Provided by Community Corrections and District Court Services	3-4
Community Corrections Programs Have Smaller Caseloads Than District Court Services	5-6
There are Significant Differences in Funding	6-9
To What Extent Do Court Services Programs and Community Corrections Programs Overlap or Duplicate Each Other?.	9-13
Although No Duplicate Programs Were Found, There Were a Few Instances of Services Overlapping or Supplementing Each Other	13-17
Factors to Consider in Improving Community Corrections Programs	17-18

APPENDIXES:

Determining Community Corrections Grant Amounts	19
Community Corrections Services By Type of Program	21
Additional Factors to Consider in Improving Community Corrections Programs	23
Agency Response: Department of Corrections	26
Agency Response: Judicial Administrator	27

**EXAMINING POTENTIAL DUPLICATION
BETWEEN COMMUNITY CORRECTIONS PROGRAMS
AND DISTRICT COURT PROBATION SERVICES**

Summary of Legislative Post Audit's Findings

What are the characteristics of the services provided through community corrections programs and those provided by district court probation services? The auditors found that the two types of programs differ substantially in several ways. First, they serve different target populations. Community corrections resources are concentrated on serving certain types of adult class D and E felons and juvenile offenders, while district court probation services are provided to a broader range of offenders. Second, they provide different levels of service. Community corrections caseloads are smaller, allowing for more individualized treatment. Third, the two types of programs are funded differently.

To what extent do community corrections programs and court services programs overlap or duplicate each other? The auditors did not find significant evidence of program duplication between community corrections programs and district court services. Department of Corrections' regulations contain several provisions for minimizing duplication of services.

Although the auditors found a few instances of community corrections and district court services staff providing overlapping services to the same person, they did not find evidence to suggest that a significant number of individuals in community corrections would otherwise have been placed on regular probation, as some have feared. Counties appear to be using community corrections funds primarily to provide or enhance correctional programs for D and E felons who otherwise would be sent to prison.

Community corrections programs are relatively new in Kansas, and many counties' programs are still in a formative stage. It is too early to determine whether the programs will be successful or effective in the long run. However, it appears that the existing community corrections programs are most successful when they are well coordinated with other local correctional services.

EXAMINING POTENTIAL DUPLICATION BETWEEN COMMUNITY CORRECTIONS PROGRAMS AND DISTRICT COURT PROBATION SERVICES

At its meeting on April 26th, 1984, the Legislative Post Audit Committee authorized the Legislative Division of Post Audit to conduct a performance audit examining whether programs provided under the Community Corrections Act are duplicating services provided by the district courts. The audit addressed two main questions:

- What are the characteristics of the services provided through community corrections programs and those provided by district court probation services?
- To what extent do community corrections programs and court services programs duplicate or overlap each other?

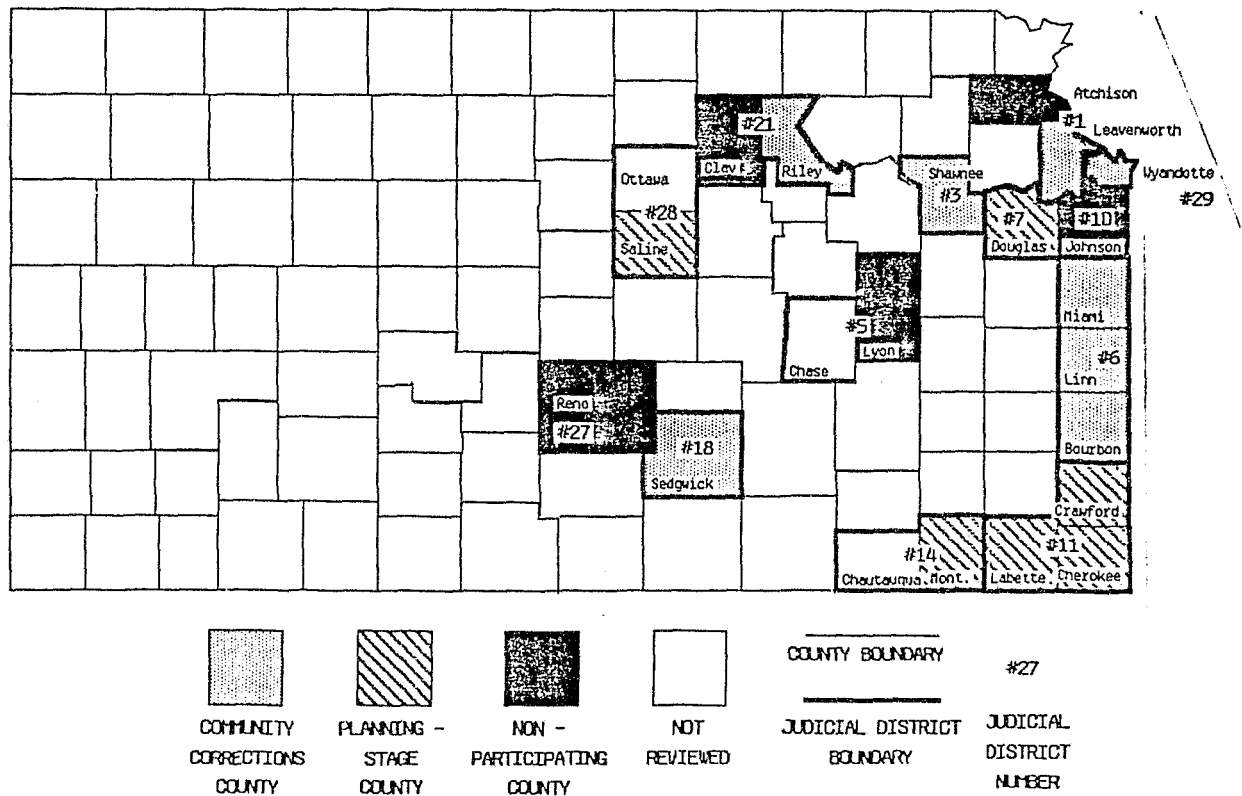
To answer these questions, the auditors reviewed the correctional plans, budgets, and programs for each county participating in community corrections. Through their interviews and reviews of records, the auditors obtained information about community corrections programs and district court probation services in a total of 19 counties. That number included all eight counties currently participating in community corrections, six counties that the Department of Corrections identified as planning to initiate community corrections programs, and five counties that are not participating in community corrections. The auditors' findings are presented in the sections that follow.

What Are the Characteristics of the Services Provided Through Community Corrections Programs and Those Provided By District Court Probation Services?

To assess the characteristics of the existing community corrections programs, the auditors reviewed the correctional plans, budgets, and programs for each of the eight counties participating in community corrections. These are Leavenworth, Wyandotte, Shawnee, Riley, Sedgwick, Bourbon, Linn, and Miami Counties. Bourbon, Linn, and Miami Counties operate a joint program, headquartered in Mound City. The auditors also visited each participating county and interviewed the director of the community corrections program.

To assess the characteristics of district court probation services, the auditors interviewed the chief court services officers and other officials from the counties with community corrections programs and from 11 counties without community corrections programs. Douglas, Montgomery, Saline, Cherokee, Crawford, and Labette Counties are in the planning stages for community corrections programs. The other five counties reviewed were Atchison, Clay, Lyon, Reno, and Johnson counties. Atchison and Clay counties were selected because they are in two-county judicial districts with community corrections

counties. Lyon and Reno counties were chosen as the two most urban counties in the State that are not participating in or planning for community corrections. Johnson County had a community correction program, but it was suspended in December, 1983 because the number of chargeback-eligible offenders who were sent to prison went up after the program began, and the program was in danger of going bankrupt. When its community corrections operation was suspended, all grant-funded corrections activities were terminated. Johnson County plans to resume its community corrections program in mid-1985. For each county, the auditors also obtained budget and caseload information from the Judicial Administrator's Office. The map below shows the counties which were reviewed and the judicial districts in which they are located.



In comparing the characteristics of the services provided under these two programs, the auditors determined that the primary difference lay in the type of offender served. Judges determine whether convicted offenders will go to prison or be placed on probation. Community corrections programs give judges an alternative to prison for many of the non-violent D and E felony offenders who would otherwise be incarcerated. In counties with a community corrections program, judges can place offenders in a community corrections program as a condition of their probation. District court probation services are primarily aimed at offenders who are normally placed on probation and are not "at risk" of going to prison. Other major differences between the two types of programs can be found in the staffing and caseload levels and the way services are financed.

Community Corrections Services Are More Diverse and Numerous Than Those Provided By the District Courts

The Community Corrections Act, passed by the Legislature in 1978, empowers the Department of Corrections to give grants to counties to fund corrections-related programs. The intent of the Act is to reduce the number of non-violent offenders committed to State prisons. To participate in community corrections, a county or group of counties must establish a Community Corrections Advisory Board. This board is required by statute to be representative of local corrections, law enforcement, the judiciary, prosecution, education, and other community interests. Each Community Corrections Advisory Board is responsible for evaluating local correctional needs and developing an annual plan to meet those needs.

Community corrections grant funds can be used to support existing programs in a county or to create new ones, but those grant funds cannot be used to replace current county spending. Since counties have varying services and needs, the plans developed in each county will generally reflect those differences. Initial plans and annual revisions must be approved by the county commission of each participating county and by the Department of Corrections before community corrections grant funds are awarded. Approved programs are locally administered by the Community Corrections Advisory Board. The Department of Corrections' responsibilities include grant administration, State-wide program consultation, and technical assistance.

Community corrections programs that have been developed in the eight participating counties provide four basic categories of services: alternative to prison programs, alternative to youth center programs, victim/witness/crime prevention programs, and other programs for non-prison-bound offenders. These services cover a broad range, but most concentrate on the needs of adult felons and juvenile offenders who otherwise would be incarcerated.

The primary service provided by community corrections staff is usually intensive supervision (weekly or even daily). It may also involve residential treatment, treatment for drug or alcohol abuse, and work release, education, and employment assistance programs. Other services are provided to offenders either by community corrections staff, by purchase-of-service arrangements with existing treatment centers, halfway houses, or the like, or through referral to such agencies or facilities. Those services are described in the box at the top of the following page.

Because the Community Corrections Act allows counties to determine whether and how they will participate in community corrections, the county programs have developed differently from one another. Counties do not necessarily provide all four categories of services. For instance, Sedgwick County will be providing alternative to youth center programs for the first time during fiscal year 1985. The services provided by each community corrections program are listed on pages 10 and 11 of this report.

Court Services Programs Provide Fewer Services, And Vary Less Between Counties

Kansas statutes (K.S.A. 21-4609 et seq.) provide judges with considerable discretion in establishing the requirements for offenders who are placed on

COMMUNITY CORRECTIONS PROGRAMS

Services provided by community corrections programs in the participating counties include:

Intensive supervision (daily to weekly contact, usually in combination with employment or counseling services often with special emphasis on payment of restitution)

Education services (usually General Equivalency Diploma (GED) courses, or vocational training)

Employment services (assistance with finding work, "job banks," and training in job-search skills)

Psychological evaluation services (usually part of the pre-sentence investigation process)

Residential treatment (this includes group homes for juveniles, halfway houses for adults, foster care, and similar supervised daily living facilities)

Mental health/substance abuse treatment (these activities cover inpatient and outpatient therapy for mental disturbances, drug abuse, alcoholism and family problems)

Supervised community services (usually work performed by probationers, as part of their sentence, for a specified number of hours in a local non-profit agency)

Work release (these programs may be run out of a special work release facility, a county jail, or a contract facility such as a halfway house)

Payment assistance (some programs provide funds to buy special service for clients; such services may include drug screening, special training, or counseling unavailable through other activities)

Supervision of persons who are not felony probationers (includes supervision of diversion cases and supervision of misdemeanants)

Shoplifter and checkwriter programs (informational sessions on the consequences of continued violations, and advice on how to handle personal finances)

Prevention activities (includes "Operation Identification," neighborhood watch projects, partial funding of a Big Brother/Sister program, and various other prevention-oriented juvenile programs)

Victim services (includes assistance to victims of crimes, payment for counseling for victims of violent crimes, a rape crisis program, and victim/witness support during the adjudication process)

probation. As a result, district court service officers provide a variety of services for probationers. Some of those services are provided by district court probation officers themselves, and others are obtained by the probation officers through referral to other community resources or agencies.

The primary service provided by district court probation officers is supervision of probationers. This supervision generally involves requiring probationers to report to a probation officer on a regular basis, such as monthly. The auditors interviewed the chief court services officer in each of the counties reviewed to determine the other types of community resources and sentencing alternatives they used for probationers who were not prison bound. Chief court services officers indicated they generally provided or used one or more of the following kinds of community resources and treatment options:

--Alcoholics Anonymous

--Counseling at area mental health centers

--Inpatient treatment at State mental hospitals

- Drug/alcohol treatment at contract facilities
- State Alcohol Safety Projects
- Community Service Work
- Restitution programs (usually run by Court Services personnel)
- Diversion Programs (usually run by the County Attorney's Office, often with supervision by Court Services personnel)
- Job Service Centers or other vocational or educational training programs

These services are listed by county on pages 10 and 11 of this report.

In counties with community corrections programs, the district court services officers can also refer probationers to services or activities funded by community corrections. Thus, the total services available in these counties are expanded considerably by the presence of community corrections-funded services.

In the more populous counties without community corrections programs, a fairly broad spectrum of services is available to meet the needs of probationers. These include mental health clinics, group homes for youth, alcoholics anonymous, and so forth. Several counties also have additional resources that are designed to meet the needs of specific types of offenders. For instance, Labette County has a work release program, and Montgomery County has a victim assistance program. Douglas County has a volunteer foster care program for juveniles, and Lyon County has both community service and diversion programs. Even in these counties, however, officials indicated there were unmet needs in such areas as work release facilities, inpatient drug treatment, juvenile mental health services, and special employment assistance. Each of these programs is provided in one or more of the participating counties. The auditors also noted that far fewer services are available in the less populous counties without community corrections programs.

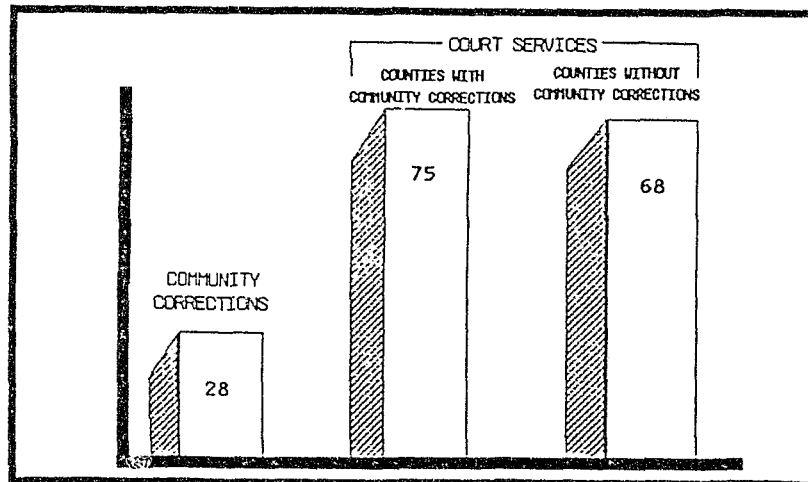
Community Corrections Programs Have Smaller Caseloads Than District Court Services

The auditors' review of staffing and caseload size showed that community corrections programs have far fewer caseload-carrying positions than district court probation services. Community corrections caseloads also tend to be much smaller than those of district court probation officers.

Currently, the six community corrections programs in the State have a total of 99.5 positions. This does not include the Department of Corrections' administrative staff of three professionals and one secretary. These positions include clerks and typists, intensive supervision officers, case managers, and administrators. They also include staff who work directly with offenders in work release centers, community service projects, and similar capacities. Of the 99.5 positions, 19.5 positions are intensive supervision officers or case managers who carry caseloads of a nature comparable to district court probation officers' caseloads. Community corrections personnel estimated for the auditors that in July 1984, these 19.5 caseload-carrying positions were serving a total caseload of 544 individuals. Their average caseload was 28.

District court probation officers have much larger caseloads than community corrections staff. The judicial districts that include counties with community corrections programs have a total of 131 district court services probation officers. (These figures include Clay and Atchison Counties, which do not have community corrections programs. The staffing figures in the judicial districts are not separated by county.) These numbers do not include support personnel and judicial administrators, because those personnel generally have responsibilities for other district court services in addition to probation.

AVERAGE CASELOAD OF COURT SERVICE OFFICERS AND COMMUNITY CORRECTIONS CASEWORKERS



As of May 30, 1984, the 131 caseload-carrying district court probation officers in these six judicial districts were serving a total caseload of 9,785 individuals. Their average caseload was 75 probationers each. For that same time period, the average caseload for the 60.5 probation officers in the judicial districts without community corrections programs was 68.

The major differences in caseload sizes between community corrections staff and district court probation officers help explain the difference in the intensity of services that can be provided through each type of program. Because their caseloads are smaller, community corrections staff can provide more frequent services to their clients—including daily supervision, if necessary. The auditors found some cases in which district court services personnel provided frequent and intensive services to certain probationers, but the larger caseloads in the district courts generally seemed to limit the amount of intensive supervision they could provide.

There Are Significant Differences in the Ways Community Corrections Programs And District Court Services Are Funded

Since fiscal year 1981, approximately \$7.5 million has been spent on aid to local community corrections programs. As the following table shows, aid to local units has increased each year, from about \$637,000 in fiscal year 1981 to

over \$3 million in fiscal year 1984. These totals include funds for both planning and the operation of approved programs. They do not include chargeback costs.

Community Corrections Aid to Local Units

<u>Fiscal Year</u>	<u>Amount</u>
1981	\$ 636,997
1982	1,348,843
1983	2,494,168
1984	<u>3,022,259</u>
Total	<u>\$7,502,267</u>

Aid to local units has increased for two reasons: first, because additional counties have begun participating in community corrections, and second, because counties receive only a portion of their entitlement during the initial years of planning and participation. (See Appendix 1 for a further explanation of the grant funds and chargeback provisions.)

In the area of financial operations, community corrections programs differ from court services in two ways. First, not all funds budgeted for community corrections are available to be spent on local services. Second, community corrections programs make greater use of purchased services.

A large share of community corrections grant funds is not available to spend on local community corrections programs. Funding for the six community corrections programs generally comes from State grants. There are exceptions: the Shawnee County Work Release Center has part of its costs paid by Shawnee County, while community corrections grant funds pay the Center's personnel costs. Also, in some counties community corrections-funded staff are housed in the courthouses or other facilities owned by the counties.

Grant entitlements to the eight participating counties for the latest plan year total \$5,018,000. (Grant entitlements include aid to local units and chargeback costs.) (Plan years do not all coincide with the State's fiscal year.) When carryover and other funds are included, the six programs have total budgets approaching \$5.3 million. Department of Corrections' administrative costs of approximately \$120,000 are budgeted separately from community corrections grant funds.

Community Corrections Budgets By County

<u>County Program</u>	<u>Total Entitlement</u>	<u>Total Budget</u>
Wyandotte	\$1,434,340	\$1,526,290
Sedgwick	1,485,681	1,485,681
Shawnee	1,112,276	1,112,276
Leavenworth	358,972	404,891
Riley	399,232	399,232
Bourbon/Linn/Miami	<u>227,499</u>	<u>331,999</u>
Total	<u>\$5,018,000</u>	<u>\$5,260,369</u>

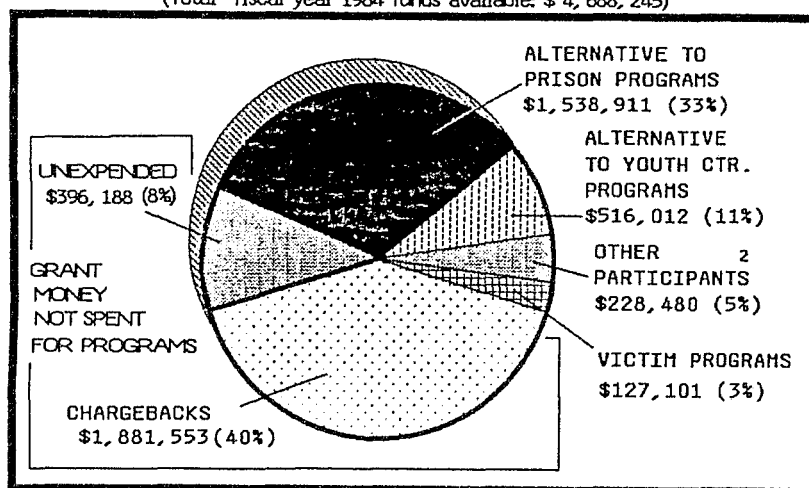
Not all of the grant entitlement is available for local community corrections programs, however. As Appendix 1 explains, the amount of aid each

county receives is reduced by \$30 a day for every offender sent to prison who was in the target group for probation to community corrections. These offenders are called "chargeback-eligible" offenders, because their prison costs are "charged back" against the grant funds. (Local programs budget for their chargeback costs, but they do not receive those funds.)

As the accompanying pie chart illustrates, about 48 percent of the total grant entitlement funds available in fiscal year 1984 was not spent on local community corrections programs. Approximately 40 percent of the total funds available, or \$1.9 million, went to support the incarceration of chargeback-eligible offenders, and 8 percent of the total was held in reserve to provide a cushion for unexpected changes in the number of chargeback-eligible offenders. The unexpended funds are frequently budgeted as carryover balances to fund the next year's programs.

USE OF GRANT FUNDS — FISCAL YEAR 1984

(Total fiscal year 1984 funds available: \$ 4, 688, 245)¹



¹ does not include funds for the suspended Johnson County program

² includes all offenders not at direct risk of incarceration

District court services do not have chargeback provisions for the probationers they serve, so their funds are fully available for local use. Court services staffs are funded by the State, but their offices, telephones, and other operating costs are paid by the counties. The auditors could not obtain budget information for district court probation services that would be comparable to budget figures for community corrections programs. In many of the smaller counties, there were no separate budgets for the various court support staff. Another reason was that most judicial districts include several counties. Nonetheless, the auditors noted that district court services are not subject to the same type of chargeback provisions that community corrections programs are. As a result, all of the funding for district court probation services is available for local use. In addition, other local funding can substantially increase the amounts available for district court probation services. For example, Shawnee County has \$155,000 in local funds available for operating

expenses in calendar year 1984, and Wyandotte County has funded such items as telephones, car allowances, support staff and office space for its 32 court service officers at a cost of about \$297,000 in its current operating year.

Many community corrections-funded services are provided through purchase-of-service contracts, but district court services generally are not. Many of the community corrections activities are provided through purchase-of-service contracts with existing treatment centers, halfway houses, and other facilities. In addition, when offenders need specific services, such as a psychological evaluation or alcoholism treatment, the treatment or service is frequently paid for with grant funds.

District court services, on the other hand, rely heavily on their own staff members to provide direct services to probationers. Funding is not generally available to purchase services for them. As a result, services for probationers who are referred to other community resources by court services personnel must be funded by other sources, such as the Department of Social and Rehabilitation Services, or the probationers must pay for the services themselves. In other words, the availability of grant funds to pay for needed services appears to provide community corrections with an important advantage in the treatment of offenders.

To What Extent Do the Court Services Programs and Community Corrections Programs Overlap or Duplicate Each Other?

By reviewing records and by interviewing the community corrections and court services personnel in the counties which have both types of programs, the auditors attempted to determine whether the community corrections programs were duplicating or overlapping the services provided by the courts. To make this determination, they compared the programs provided by community corrections with those provided by district court services. A listing of these programs and services is presented on the following two pages. In no case did the auditors find that parallel programs had been developed by community corrections and district court services to address the same need for the same group of individuals. They also found that community corrections regulations contain several built-in safeguards to help prevent program duplication.

In General, Services Provided by Community Corrections and District Court Services Do Not Duplicate Each Other

The Community Corrections Act specifies that grant funds may be used for the development, implementation, operation, and improvement of community corrections services. Among these services are restitution and victim services, preventative or diversionary programs, and correctional detention facilities. The statutes do not exclude any kinds of correctional programming. Within these broad outlines, the Department of Corrections' regulations governing the Act contain three provisions for minimizing duplication of services:

- The county's comprehensive plan must include a survey of local correctional and related resources currently available, the extent of use, and the potential for increased use. A county planning to participate in the community corrections program must submit a comprehensive plan, and this plan must be approved by the Department before the county can receive grant funds.

**RESOURCES AVAILABLE IN COUNTIES WITH
COMMUNITY CORRECTIONS PROGRAMS**

COMMUNITY CORRECTIONS FUNDED ACTIVITIES	OTHER SERVICES AND RESOURCES
1. Bourbon/Linn/Miami Counties (these three counties, making Judicial District #6, operate as a single community corrections program):	
--Work Release (3 facilities)	--District Court Probation Services (supervision, restitution, etc.)
--Crime Prevention	--Mental Health Counseling
--Intensive Supervision	--Alcoholics Anonymous
--Job Skills Program	--Osawatomie State Hospital
--Personal Finance Program	
--Victim Assistance	
2. Leavenworth County:	
--Big Brother/Sister	--District Court Probation Services
--Education/Employment	--Guidance Center
--Family Living Skills	--Community Addictive Treatment Center
--Forensic Psychology	--Work Release (from county jail)
--Intensive Supervision	
--Circle of Support	
--Rape Crisis Program	
--Second Mile	
--Special Project Office	
--Victim/Witness Assistance	
--Victim Services	
3. Riley County:	
--Youth Intensive Supervision	--District Court Probation Services
--Juvenile Work/Study	--Diversion Supervision
--Juvenile Employment	--Alcohol/Drug/Mental Health Counseling
--Adult Intensive Supervision	--Weekly Supervision
--Adult Intensive Supervision of High-Risk Misdemeanants	--Screening/Evaluation
--Adult Presentence Supervision	
--Personal Finance Workshop	
--Shoplifters School	
--Victim/Witness Program	
--Crime Prevention	
4. Sedgwick County:	
--Adult Program (includes work release, employment assistance, restitution, community service, drug/alcohol/mental health treatment, education, and supervision)	--District Court Probation Services
--Juvenile Program (includes job bank, community service work, and victim/offender program)	--Diversion Program
	--Victim/Witness Program
	--Restitution Program
	--Alcohol/Drug/Mental Health Counseling
5. Shawnee County:	
--Adult Diagnostic Program	--District Court Probation Services
--Intensive Supervision	--Topeka State Hospital
--Work Release Center	--Alcohol Safety Action Program
--Adult Contractual Program	--Community Addictive Treatment Center
--Juvenile Diagnostic Program	--Checkwriters Program
--Community Home Supervision	--Volunteer Work Program
--Comprehensive Youth Services	--Drug Group
--Victim Services	--Adult Diversion Program
--Juvenile Contractual Program	
6. Wyandotte County:	
--Adult Restitution and Intensive Supervision	--District Court Probation Services
--Adult Screening/Evaluation	--Osawatomie State Hospital
--Adult Employment	--Rainbow Mental Health Unit
--Adult Education	--Bethany Medical Center
--Adult Counseling	--Salvation Army
--Supervised Community Service	--Alcohol Safety Action Program
--Juvenile Restitution and Intensive Supervision	
--Juvenile Education	
--Juvenile Employment	
--Juvenile Counseling	
--Victim Counseling	

**RESOURCES AVAILABLE IN
COUNTIES PLANNING A
COMMUNITY CORRECTIONS PROGRAM**

1. Cherokee/Crawford/Labette Counties (these counties are planning to operate a single 3-county community corrections program):

- District Court Probation Services
- Mental Health Centers (one in each county)
- Regional Job Service Centers
- Vocational Rehabilitation (SRS)
- County Hospitals' Psychiatric Treatment
- Alcohol Safety Action Project
- Labette County Work Release (county jail)
- Juvenile Intensive Supervision
- GED Programs (at Crawford and Labette County Junior Colleges)

2. Douglas County:

- District Court Probation Services
- Volunteer Program
- Community Service Work
- Mental Health Center
- County Counseling/Resource Center
- Haskell Intervention Program
- Juvenile Shelter
- Volunteer Foster Care Program
- Victim/Witness Program
- Diversion Program

3. Montgomery County:

- District Court Probation Services
- Crime Assistance Program (victim)
- Drug/Mental Health Services
- Intensive Supervision
- Community Service Work
- Screening/Evaluation Services
- Victim/Offender Mediation
- Victim Restitution
- Victim/Witness Assistance
- Pretrial Release Supervision

4. Saline County:

- District Court Probation Services
- Checkwriters Program
- Juvenile Diversion
- Drug/Alcohol/Mental Health (several agencies)
- Employment/Education Services
- Community Service Work
- Restitution
- GED Training

**RESOURCES AVAILABLE IN
COUNTIES WITHOUT COMMUNITY
CORRECTIONS PROGRAMS**

1. Atchison County:

- District Court Probation Services
- Mental Health and Guidance Center
- Valley Hope Treatment Center
- Achievement Services
- Area Vocational Training School

2. Johnson County:

- District Court Probation Services
- Crossroads Program
- Mental Health Center

3. Lyon County:

- District Court Probation Services
- Community Service Work
- Diversion
- Intensive Supervision
- Counseling
- Evaluation
- Job Service Center
- GED Program

4. Reno County:

- District Court Probation Services
- Diversion
- Drug/Alcohol/Mental Health Counseling
- Victim Restitution

5. Clay County:

- District Court Probation Services
- Diversion
- Mental Health Center
- Intensive Supervision
- Community Service Work

- Regulations specify that local community corrections systems shall use established community agencies whenever possible for the delivery of medical and mental health care, education, employment services, and related social services. If a local community corrections system intends to duplicate existing available services, the plan must provide clear evidence that the existing service is inappropriate or unavailable for correctional use.
- Community corrections funds may not be used to supplant county correctional funding. The community corrections regulations require participating counties to maintain their "base-year level" of spending for correctional services in each subsequent grant year. Counties must provide documentation that that base level of spending is, in fact, being maintained. Also, counties are prohibited from using grant funds to replace available public or private funding of existing programs.

To determine whether program duplication was occurring, the auditors compared the programs provided through community corrections funding with those otherwise provided by or available to district court services. They reviewed district court services for counties both with and without community corrections programs.

In counties with community corrections programs, the auditors did not find duplicate community corrections and district court services being offered in the same counties. Each participating county must establish a local Community Corrections Advisory Board that looks at local correctional needs and develops an annual plan designed to meet those needs through coordination of local services and programs. If a needed program does not exist, community corrections grant funding may be used to develop one. If a program already exists, community corrections funding may be used to help fund or improve it so that it will also meet the needs of the offenders placed on probation to community corrections. This shared use of resources was not considered to be duplication in this audit because of the different ways in which those resources were used by the two programs. The services were generally used for different types of offenders, they were provided with different levels of intensity, and they were often provided under different funding arrangements.

In their review of programs and services, the auditors did find one case in which a community corrections program has assumed a responsibility previously carried out by district court services. In one county, community corrections staff has assumed responsibility for presentence investigations of all D and E felons, a duty that was previously carried out by district court probation officers. However, this change may have more positive effects than negative ones. It provides an early opportunity for community corrections staff to screen all potential referrals, thus avoiding the confusion that occurs in some other counties about who should be referred to community corrections. The most apparent disadvantage is that, because the time spent by district court probation officers on investigations represents a minor portion of total staff time, district court staffing has not been reduced because of the change.

In counties without community corrections, programs and services are available that are similar to those funded by community corrections in the participating counties. For example, Labette County has a work release

program, Douglas and Montgomery Counties have victim/witness programs, and Clay, Lyon, and Montgomery Counties offer intensive supervision. These types of programs and services are similar to those funded by community corrections in the eight counties with community corrections programs.

Several of these non-participating counties are planning to establish a community corrections program. By regulation, however, their comprehensive plans will have to include a survey of local correctional resources already available, and they will not be allowed to establish duplicate resources unless they can prove the existing services are inappropriate or unavailable for correctional use. In addition, the regulations also stipulate that community corrections funding cannot replace county funding. Thus, even where community corrections programs are established, counties must continue to provide the same funding levels as before.

The auditors were told by officials from the six counties planning for community corrections programs that those counties intended to use community corrections funding to provide services that are not currently available. For example, court services personnel in Lyon, Johnson, Crawford, and Douglas Counties all said they needed a work release facility in their counties. Other needs expressed by those officials were inpatient drug treatment, juvenile mental health services, and special employment assistance. No one expressed a desire to use community corrections funds to pay for an existing program.

It appears, then, that community corrections funding has not fostered the establishment of duplicate programs. Instead, it seems to be an additional resource that counties are using to provide or enhance programs for D and E felony offenders who would otherwise be sent to prison. Some people the auditors interviewed said that district courts could enhance their own programs in similar ways if they had additional funds. However, providing those additional funds directly to district court services to enhance existing programs may not ensure that this targeted group of offenders will be served. A mechanism would still be needed to assure that funding is only provided for offenders who would otherwise be incarcerated.

Although No Duplicate Programs Were Found, There Were a Few Instances Of Services Overlapping or Supplanting Each Other

As part of their analyses, the auditors looked at two other specific types of duplication that might be occurring: cases where community corrections staff and district court services staff provide the same or overlapping services to the same individual, and cases where individuals were being served by community corrections who might otherwise have been served by district court probation services.

In a few instances, community corrections and district court services staff provide overlapping services to the same person. While no significant instance of programming duplication was found, the auditors did find instances of overlapping duties between community corrections and court services. In the two counties where this was mentioned, the subject was shared supervision of probationers.

Specifically, in the two counties where court personnel pointed out overlapping duties, the judges held court services probation officers responsible for court appearances, requests for revocation, and other communication about

offenders who were being served by community corrections staff. This was especially noticeable with juvenile caseloads. In one county, the auditors were told that the community corrections juvenile worker acted as the case manager, while the court services officer still carried the case on his or her caseload and retained overall jurisdiction.

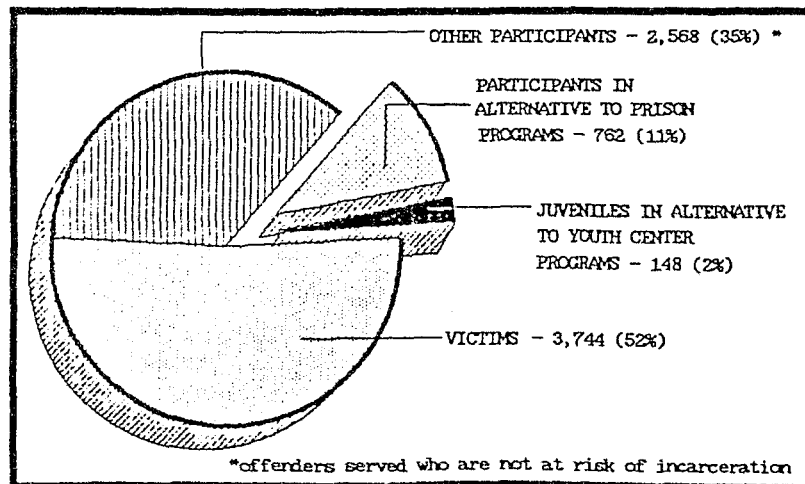
This dual supervision set the stage for conflicts between the two caseworkers in dealing with the parents, schools, and the court, as well as the juvenile offender. It also appeared to create an "us-versus-them" attitude. The official who related this story said some judges were concerned that community corrections staff members might not be as responsive to their wishes as the district court services staff would be. This did not appear to be a prevalent attitude, but it does exist. It seems to occur more frequently in situations where the responsibility and authority for community corrections and district court services are not clearly defined between the two staffs or are not accepted by the judges.

There was little evidence to suggest that a significant number of individuals in community corrections would otherwise have been placed on regular probation. Supplantation can occur when community corrections resources are used to serve individuals who might otherwise have been adequately served by district court probation officers. In two counties, court services officers indicated that offenders who otherwise would have been on the county's probation caseload were now being served by community corrections staff. Community corrections programs are intended to concentrate on offenders who would otherwise have been incarcerated, not placed on regular probation.

To help determine the extent to which community corrections resources are being used to serve individuals who otherwise would have been served by district court services personnel, the auditors reviewed preliminary data from the Department of Corrections. These data showed the number of persons served in the six community corrections counties in fiscal year 1984, by type of program.

As the accompanying graph shows, 7,222 persons were served in community corrections programs in fiscal year 1984. Of these, 13 percent participated

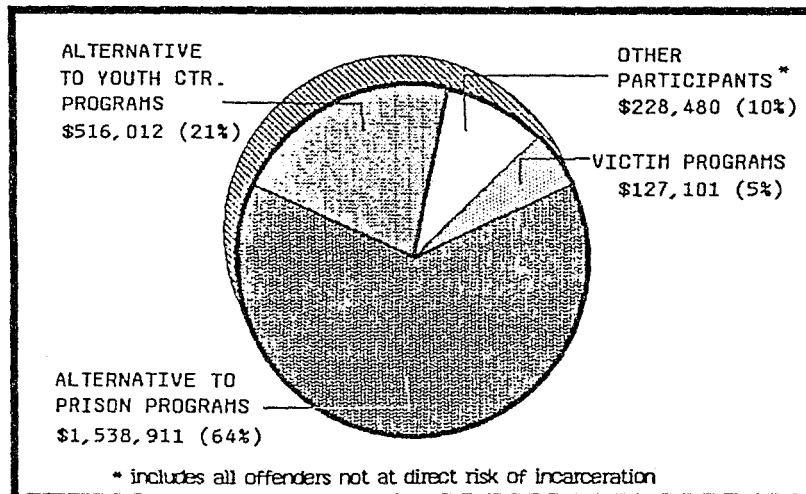
PERSONS SERVED IN COMMUNITY CORRECTIONS
PROGRAMS — FISCAL YEAR 1984



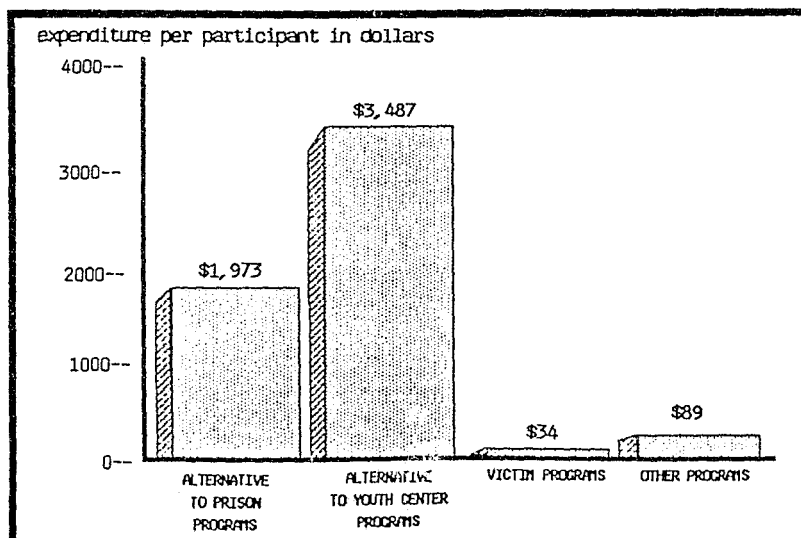
in alternative to prison or alternative to youth center programs, 35 percent participated in programs for offenders not at direct risk of incarceration, and 52 percent participated in victim/witness/crime prevention programs.

Taken by themselves, these numbers would seem to support the contention that community corrections programs are serving individuals who might otherwise have been served by district court staff. Counties are free to provide community corrections-funded services to groups other than prison-bound offenders, within the funds available. However, a look at expenditure levels by program for persons participating in community corrections tells a much different story. As the following graphs show, the participants in the alternative to prison and alternative to youth center programs account for 85 percent of the program expenditures. As a result, the cost per participant in community corrections programs for victims and others is far less.

EXPENDITURES BY PROGRAM



COST PER PROGRAM PARTICIPANT



Alternative to prison and alternative to youth center programs consume most of the community correction resources because the individuals in those programs generally require many more programs and services. An example of this would be an offender who receives a psychological evaluation and is placed on intensive supervision, is then referred for educational services and eventually placed in employment. In addition, at least 90 percent of the individuals served in these programs are chargeback-eligible, D and E felons, who require services over a period of time.

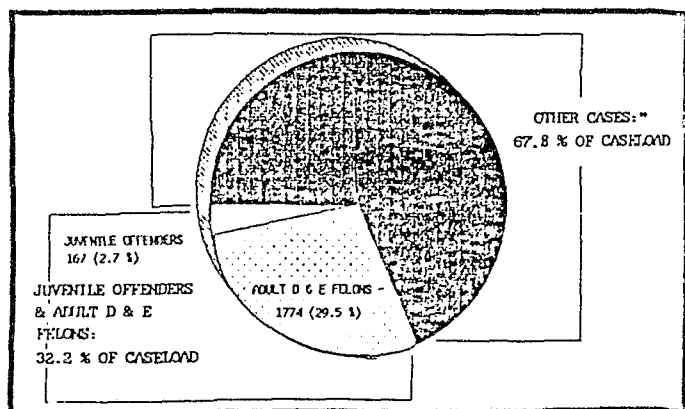
Services to victims and others are generally more limited and of shorter duration. Examples of these services would be crisis intervention for a victim, or a psychological evaluation during a presentence evaluation for an offender who is determined to be inappropriate for continued community corrections placement. These are generally services that would not be available in the community if they were not provided by the community corrections program. Services provided under each type of program are explained in Appendix 2.

Theoretically, the presence of community corrections in a county should have no effect on the composition of regular probation officers' caseloads. Most individuals being served in community corrections' alternative to youth center and alternative to prison programs would have been incarcerated otherwise, not placed on regular probation.

The auditors reviewed the composition of district court probation officers' caseloads in counties with and without community corrections looking for evidence that community corrections programs were taking offenders away from regular probation. Juvenile offenders and adult D and E felony offenders would be the primary individuals affected. If community corrections programs were taking cases away from probation officers, one would expect that probation officers in counties with community corrections programs would have a smaller percentage of juvenile offenders and adult D and E felons in their caseloads. In fact, the auditors found the reverse to be true.

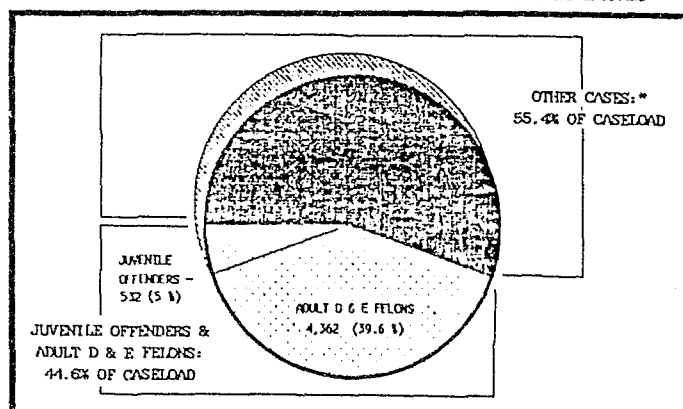
As the pie chart on the left shows, adult felons and juvenile offenders accounted for 32.2 percent of probation officers' overall caseloads in counties without community corrections. As the pie chart on the right shows, in counties with community corrections, these two groups accounted for 44.6

COURT SERVICES CASELOADS IN COUNTIES WITHOUT COMMUNITY CORRECTIONS PROGRAMS



*other cases include: other felony, traffic, misdemeanor, and children in need of care

COURT SERVICES CASELOADS IN COUNTIES WITH COMMUNITY CORRECTIONS PROGRAMS



*other cases include: other felony, traffic, misdemeanor, and children in need of care

percent of probation officers' caseloads, or 12.2 percent more. This difference is due to a very high concentration of juvenile offenders and adult D and E felons in probation caseloads in Sedgwick and Wyandotte counties, both of which have community corrections programs. There were some other differences on a county-by-county basis, but these differences generally balanced out. As a result, it appears that if community corrections is being used in lieu of probation, it is not occurring Statewide in large enough numbers to affect the composition of probation caseloads.

There is evidence, however, that people served by community corrections programs otherwise would have gone to prison. An analysis by Legislative Post Audit of information about prison inmates in February 1984 showed that counties with community corrections programs have a much lower percent of chargeback-eligible offenders in prison. This indicates that they are effective in maintaining the less serious D and E felons in the community. In addition, an analysis by the Department of Corrections showed that the counties with community corrections have reduced their admissions of chargeback-eligible D and E felons to prison by about 32 percent, compared with an increase of 13 percent for all non-participating counties.

Factors to Consider in Improving Community Corrections Programs

During the course of their fieldwork, the auditors found some community corrections programs which appeared to be operating smoothly in coordination with district court services, and others which appeared to be having problems. Generally, those counties which had been successful in coordinating the efforts of the two groups were also successful in avoiding duplicative or overlapping efforts. The primary difference between counties with apparent good coordination and counties with problems related to how well the responsibilities and operation of each program had been defined. In particular, in counties which seemed to have successfully coordinated the efforts of community corrections and district court services, there were:

- clear cut lines of authority
- well-defined programs
- clearly defined duties and responsibilities, particularly in regard to the screening and supervision of individual clients
- consistently applied procedures and guidelines
- clearly defined responsibility for supervision of staff
- an awareness of mutual benefits to be derived from ongoing cooperation and coordination.

Counties in which one or more of these factors were absent seemed more likely to experience such problems as distrust between staffs, "turf battles" and general difficulty in linking available services together.

Community corrections directors who were interviewed also expressed interest in other changes that they believed would improve the community corrections program. Three of the seven who were interviewed (including the director of the suspended Johnson County program) thought the chargeback system was unworkable and seriously flawed. Three of the remaining four expressed reservations about some other aspects of the Act. Chief court

services officers expressed several concerns as well. A full exploration of these issues was outside the scope of this audit. A brief summary of these issues is included as Appendix 3 to this report.

Conclusion

The auditors did not find significant evidence of program duplication between community corrections programs and district court services. The two types of programs differ substantially in several ways. They serve different target populations, they provide different levels of service, and they are funded differently. In addition, community corrections caseloads are smaller, allowing for more individualized treatment. Department of Corrections' regulations also contain several provisions for minimizing duplication of services.

Although the auditors found a few instances of community corrections and district court services staff providing overlapping services to the same person, they did not find evidence to suggest that a significant number of individuals in community corrections would otherwise have been placed on regular probation, as some have feared. Counties appear to be using community corrections funds primarily to provide or enhance correctional programs for D and E felons who otherwise would be sent to prison.

Community corrections programs are relatively new in Kansas, and many counties' programs are still in a formative stage. It is too early to determine whether the programs will be successful or effective in the long run. However, it appears that the existing community corrections programs are most successful when they are well coordinated with other local correctional services.

Recommendation

The Department of Corrections and the Judicial Administrator's Office should continue to monitor the correctional programs and services provided by individual counties, district court services, and community corrections programs to ensure they are coordinating available services and to prevent or correct any problems which may arise.

APPENDIX 1

Determining Community Correction Grant Amounts

In accordance with K.S.A. 1983 Supp. 75-52101, a county's community correction grant eligibility is calculated using the following four factors:

1. The county's per capita income divided into the State's 105-county average.
2. The county's per capita adjusted valuation divided into the State's 105-county average.
3. The county's number of crimes per 1,000 population divided by the State's 105-county average.
4. The county's percentage of county population aged 5 through 29 divided by the State's 105-county average.

These four factors for the county are totaled and divided by four to determine the computation factor.

The amount of the annual grant the county is eligible to receive under the Community Corrections Act is determined by multiplying the computation factor by the amount of the per capita appropriation (\$5 for fiscal year 1985) and multiplying that by the total county population.

Of the calculated grant amount, a participating county is entitled to receive 70 percent the first year, 90 percent the second year, and 100 percent each year thereafter. In addition to grant funds, 10 percent of one quarter of a year's entitlement may be made available to a county for developing the initial comprehensive plan.

County community correction grant payments are reduced \$30 per day for each chargeback-eligible offender in the custody of the Department of Corrections. An adult chargeback-eligible offender is any adult who is convicted of a class D or E felony, unless he or she:

- has more than one prior felony conviction
- was convicted of aggravated assault
- was convicted of a sex offense
- was convicted of an offense involving a firearm

Juvenile chargebacks are treated in much the same way. The juvenile chargeback-eligible offender is a youth center-bound individual who is adjudicated delinquent for behavior equivalent to a class D or E felony, unless the offense is aggravated assault or a felony-equivalent sex offense. In the case of juveniles, the chargeback to the county community corrections program is a flat \$3,000 during the county's first year of participation and \$6,000 for second and subsequent years.

APPENDIX 2

Community Corrections Services By Type of Program

Clients in each of these categories could receive any combination of the following services in at least one of the participating counties:

Alternative to Prison Programs

Intensive Supervision
Education Services
Employment Services
Psychological Evaluation Services
Residential Living Programs
Mental Health/Substance Abuse
Treatment
Supervised Community Services
Work Release
Payment Assistance for Special
Services
Shoplifter and Checkwriter Programs

Alternative to Youth Center Programs

Intensive Supervision
Education Services
Employment Services
Psychological Evaluation Services
Residential Living Programs
Mental Health/Substance Abuse
Treatment
Supervised Community Service
Payment Assistance for Special
Services
Shoplifter and Checkwriter Programs

Victim/Witness/Crime Prevention

Victim Counseling
Rape Crisis Programs
Victim/Witness Information Programs
Operation Identification Programs
Big Brother/Sister Program

Other Programs

Supervision of Persons Not Felony
Probationers
Education Services
Employment Services
Mental Health/Substance Abuse
Treatment
Supervised Community Service Work
Work Release
Payment Assistance for Special
Services
Shoplifter and Checkwriter Programs

APPENDIX 3

Additional Factors to Consider in Improving Community Corrections Programs

During their interviews with community corrections directors and chief court services officers, auditors heard a number of concerns expressed which were outside the scope of the audit. Those concerns are summarized below.

Concerns expressed by Community Corrections Directors:

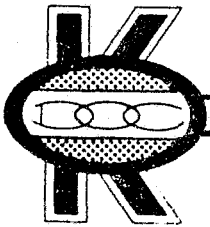
- The chargeback system makes it difficult for community corrections officials to plan, or to know at the beginning of a plan year, if they can meet their program expenses at the end of the year.
- When a parolee is returned to prison for a parole violation, the chargeback resumes. Community corrections officials maintain that this is inequitable since they have no control over the actions of the parole officer.
- When the conviction of an offender is plea bargained down from a more serious offense to a D or E felony conviction, the community corrections program becomes liable for the chargeback.
- Uncertainty about what constitutes a prior felony conviction sometimes results in differences of opinion about whether certain offenders should be considered chargeback-eligible. This uncertainty arises when the time periods between arrests and convictions for several offenses overlap.
- In two counties, officials expressed concern over providing services to transient or non-county residents who the officials believe are unlikely to ever become county residents.

Concerns expressed by Chief Court Services Officers:

- The community corrections program places undue emphasis on minimizing chargebacks at the expense of appropriate placement of the offenders.
- The program excludes some offenders most in need of the services available through community corrections, specifically multiple-conviction felons for whom neither probation nor prison has been effective in the past, and high-risk misdemeanants who some believed were likely to become chargeback-eligible offenders in the future.

APPENDIX 4

Agency Responses



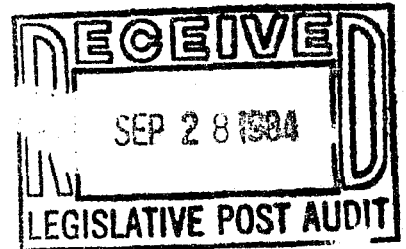
KANSAS DEPARTMENT OF CORRECTIONS

JOHN CARLIN — GOVERNOR

MICHAEL A. BARBARA — SECRETARY

JAYHAWK TOWERS • 700 JACKSON • TOPEKA, KANSAS • 66603
• 913-296-3317 •

September 28, 1984



Mr. Meredith Williams
Legislative Division of Post Audit
Mills Building
Topeka, Kansas 66612

Dear Meredith:

Thank you for the opportunity to review the community corrections audit. We agree with your staff's findings that community corrections programs differ from probation services in that they have a fundamentally different purpose, serve different types of offenders, and are not duplicative.

I appreciate the thorough and professional manner in which the audit was conducted.

Sincerely,

Michael A. Barbara
MICHAEL A. BARBARA
Secretary of Corrections

MAB:dja



Supreme Court of Kansas

Kansas Judicial Center

301 W. 10th

Topeka, Kansas 66612

September 27, 1984

(913) 296-4873

HOWARD SCHWARTZ
Judicial Administrator

Mr. Meredith Williams
Legislative Post Auditor
Legislative Division of
Post Audit
Mills Building
Topeka, Kansas 66612

Dear Mr. Williams:

Thank you for the opportunity to review in draft your study of community corrections and potential duplication of services between community corrections and court services.

I appreciate your careful examination of the question. I have no comments to add at this time.

Sincerely,

A handwritten signature in cursive script, reading "Howard Schwartz".

Howard Schwartz
Judicial Administrator

HS:dm