

The criminal justice system in Kansas is broken. We can fix it, making our communities safer and stronger.

Our state's criminal justice and prison system costs too much, needlessly incarcerates too many, works against those trying to make a fresh start, and is permeated by racial disparity.

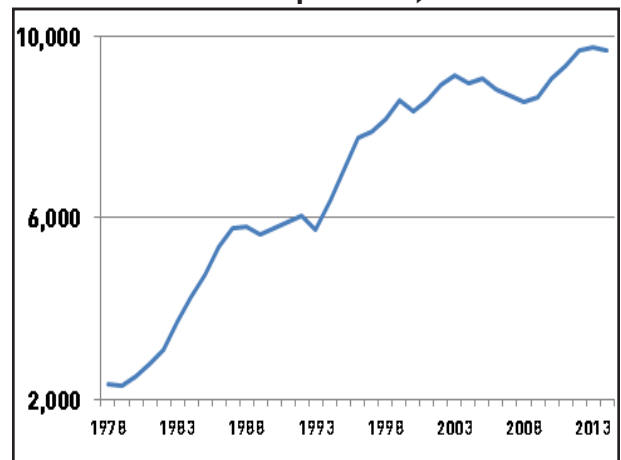
The failures of the system are reflected in the number of incarcerated Americans. With more than 2 million incarcerated people, the United States has the unenviable designation of being the world's largest jailer. Maintaining a prison system of this size carries enormous costs—financial, moral, and for the safety and vitality of our communities.

Kansas has a history of bipartisan, smart justice reform, the most recent championed by Gov. Sam Brownback. Still, the trend of rising incarceration has not been stopped or reversed. The state's crime rate has fallen consistently, but the Kansas prison population has quadrupled from 2,300 in 1978 to 9,700 in 2014. The number of incarcerated people is expected to keep growing, outstripping the capacity of already over-crowded correctional facilities.

Keeping 9,700 Kansans, many of them non-violent drug offenders or individuals with mental illnesses, in prison cost taxpayers \$236 million in 2014. Local governments spend millions more on local correctional facilities. With smarter justice policies, some of those resources could be used to invest in education, healthcare, infrastructure, or crime prevention.

Racial disparity is a serious problem in Kansas prisons. In 2010, blacks and Hispanics made up 17% of the state's population, but half of the prison population. Across the country, blacks and Hispanics are incarcerated at higher rates than whites—but the level of racial disparity in Kansas is twice as high as in the nation as a whole.

Kansas Prison Population, 1978-2014



Reforming our broken criminal justice system is not a partisan, ideological, or political issue. It is an issue that impacts all of us.

That's why a diverse coalition of civil rights, community improvement, social service, and faith-based organizations has come together as *Kansans for Smart Justice*.

This unprecedented coalition will bring people from across the political and ideological spectrum together to create a criminal justice system that reduces the number of incarcerated people, uses taxpayer dollars wisely, invests in safe and strong communities, and respects the rights of all who come into contact with it.

KANSAS SMART JUSTICE AGENDA

1 Expand the use of diversion

Local prosecutors have broad discretion in their use of diversion, a tool that allows individuals to avoid criminal charges if they follow a prescribed program. Diversion is appropriate for those with minimal criminal records, who would be charged with non-violent drug offenses, or who have mitigating circumstances like mental illness. In those cases, public safety, community interests, and cost containment are best served through diversion. Kansas prosecutors should be encouraged to use diversion more widely, and to routinely consider it as a viable option for meeting community safety and criminal justice priorities. Diversion fees should be reduced as much as possible. Prosecutors should be highly encouraged to use diversion when the offender has a mental illness; in those cases, a treatment program is preferred to incarceration.

The Kansas Legislature should pass HB 2681, which begins to standardize the diversion process, makes individuals better aware of their ability to request a diversion, collects data on diversion requests and denials, and encourages prosecutors to seriously consider diversion as a viable option. If adopted, HB 2681 will result in the expanded use of diversion, a reduced prison population, and reduced costs for taxpayers.

2 Reduce sentences for non-violent drug possession

Drug offenses are far and away the biggest contributor to admissions in Kansas prisons. Kansas adopted a forward-thinking drug policy in 2003, requiring mandatory treatment rather than prison for first-time drug offenders. Recent changes to the state sentencing guidelines mean that subsequent offenses carry outrageously high prison sentences. For many of these crimes, the Kansas sentencing guidelines are harsher than those in the federal system, where sentences are already unnecessarily harsh. Sentencing Kansans to lengthy prison time for simple possession does not make communities strong or control costs. The Legislature should reduce sentences by de-felonizing some drug possession offenses, a step already taken by fifteen other states including South Carolina, Utah, and Wyoming,

3 Improve reentry services

Although the recidivism rate in Kansas is much better than the national average (33% compared to 68% nationally), thousands of Kansans return to prison because of a lack of services to assist them in reentering communities. Kansas lacks adequate services, inside and outside of correctional facilities, to assist individuals in reentering the community

after completing their sentences. Many effective programs already exist in Kansas and have significantly contributed to the state's relatively low recidivism rate. Even more progress could be made if the state increased funding and support to these proven programs. State government should also follow the lead set by Topeka, Wichita, and Wyandotte County in "banning the box" - striking questions about criminal history from initial state employment applications.

4 Reform civil asset forfeiture laws

Kansas law currently allows law enforcement agencies to permanently seize citizens' property based solely on a suspicion that it was involved in criminal activity. A citizen need not be convicted of a crime to have his/her assets seized. Such suspicion is often ill-founded, can be the product of government over-reach, and results in innocent citizens having their property unfairly stripped from them. To better protect the rights of Americans, Kansas law should be amended to require a conviction on a relevant criminal charge before assets are forfeited.

COALITION SUPPORTERS

Ad Hoc Group Against Crime
American Civil Liberties Union of Kansas
Brown Foundation
Communities Creating Opportunity
Jobs and Education - Not Incarceration
Kansas Appleseed
Kansas Association of Criminal Defense Lawyers
Kansas Black Leadership Council
MainStream Coalition
Manhattan Alliance for Peace and Justice
NAACP - Kansas State Conference
National Alliance on Mental Illness (NAMI) Kansas
Reaching Out From Within
Sunflower Community Action
United Church of Christ - Kansas-Oklahoma Conference
Urban League of Greater Kansas City