

# Sentencing Reform

Strengthens Communities and Reduces Spending on Prisons

## The criminal justice system in Kansas is broken. We can fix it.

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 state's crime rate has fallen consistently, but the Kansas prison population has quadrupled from 2,300 in 1978 to 9,700 in 2014.

Keeping 9,700 Kansans, many of them non-violent drug offenders or individuals with mental illnesses, in prison cost taxpayers \$236 million in 2014. The total rises by millions more when local government spending on correctional facilities is included.

This broken system can be fixed. But to do that, Kansas needs smarter justice policies—ones that will strengthen communities, reduce the number of incarcerated people, and reduce costs. With smarter justice policies, taxpayer money now spent on prisons could instead be used to invest in education, healthcare, and crime prevention.

## Incarcerating people for drug offenses is the major cause of the growing population.

A major cause of the exploding size of the nation's prison population is ever-harsher punishment for drug offenses, including simple, non-violent possession. Between 1993 and 2009, drug offenses were the *main* driver of new admissions into state and federal prisons—drug offenses accounted for nearly a third of prison admissions during that period, while violent crimes accounted for just one quarter of admissions.

Kansas has followed this national trend. Drug offenses are far and away the biggest contributor to admissions into Kansas prisons, consistently making up 30 percent of admissions. The second most common offense resulting in incarceration, typically theft or burglary, rarely accounts for more than 10 percent of admissions.

The sheer number of drug-related prison admissions means that any effective response to the growing prison population will require drug sentencing reform.

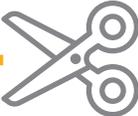
## Current Kansas sentences for drug offenses harm our communities.

Sentences for drug offenses in Kansas are unduly harsh. The state adopted a forward-thinking drug policy in 2003, requiring mandatory drug treatment rather than prison time for first-time drug offenders. More recent

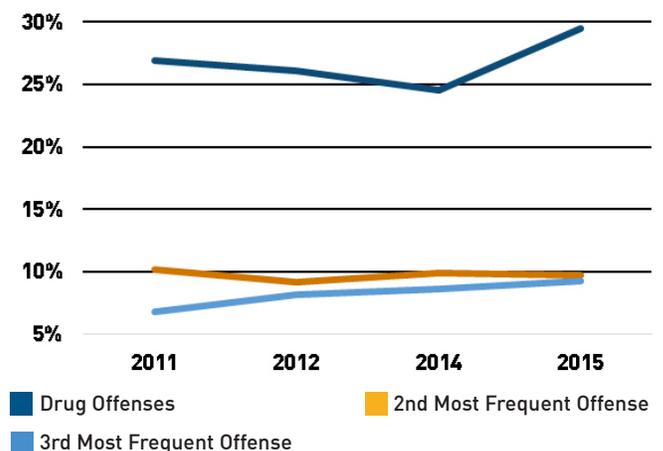
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## SENTENCING REFORM CAN


**REDUCE**  
**prison admissions**  
 by **6%**


**CUT** government spending by  
**\$2.7 million**

Percentage of Kansas Prison Admissions



(Continued from front)

changes to state sentencing guidelines mean that subsequent offenses carry outrageously long prison sentences. As a result, Kansas sentencing guidelines are now more severe than those in the federal system.

Many of those who go to prison for drug offenses are in desperate need of treatment for substance abuse disorders or in need of mental healthcare. Locking these individuals behind bars does nothing to make Kansas communities safer or stronger.

In other cases, the harsh sentences imposed for non-violent drug offenses undermine family stability. Parents who are incarcerated are unable to care for their children, struggle to do so even when they return, and the children involved suffer long-term harms. One in sixteen Kansas children have endured the traumatic experience of having a parent incarcerated.

Drug offenses that result in prison time are felonies. Felony convictions have long-term consequences. Long after a prison sentence is completed, the conviction can result in a lifetime of exclusion from employment, housing, services, or even getting a drivers' license. These conditions make it difficult for individuals to resume a normal life. When supports do not exist for these individuals, entire communities suffer.

Harsh sentences for simple, non-violent drug possession harm everyone. They carry enormous financial costs, but do nothing to make communities safer—those going to prison are non-violent and pose little threat to others.

### Reforming sentences for drug offenses is a common-sense solution.

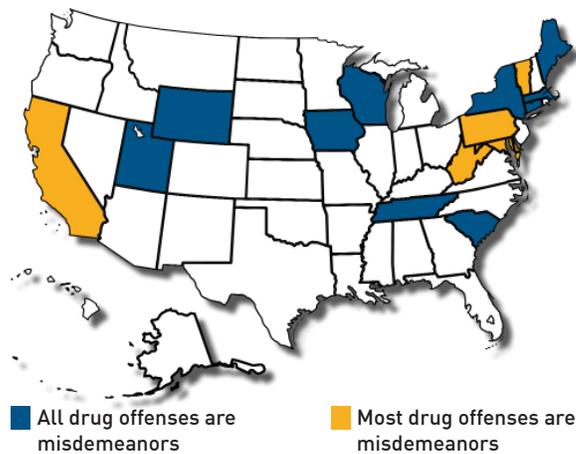
Sixteen jurisdictions—including South Carolina, Utah, and Wyoming—have defelonized all or most drug offenses. Kansas should follow suit and reduce sentences for simple, non-violent drug possession, by defelonizing those offenses. By converting these drug offenses into misdemeanors, hundreds of Kansans will be able to receive needed treatment and healthcare instead of prison—while still being held accountable for the crime.

Defelonization is a common-sense solution to the unacceptable growth in the prison population.

Kansas has defelonized first and second time marijuana possession, but lags behind other states in embracing reform.

### Sentencing reform will result in lower costs for taxpayers and stronger communities.

Defelonization would have immediate, significant benefits for Kansas. This simple reform could **result in a 6 percent decrease in prison admissions during**



## Sixteen states have defelonized some or all drug offenses



Ten states defelonized all drug offenses



Six states defelonized most drug offenses

**the first year, which would cut government spending on prisons by \$2.7 million.** In future years, the drop in prison admissions and prison spending would be larger, because people are sentenced to much longer and harsher prison terms if they have prior felony convictions.

Communities would be strengthened, because Kansans would receive treatment and services rather than prison time. Families would be able to remain together. Individuals would be spared the life-time barriers to success carried by a felony conviction. ■

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