

3RS
Kansas
Criminal Justice

Recodification, Rehabilitation
and Restoration
Project



2006 Committee Report
to the Kansas Legislature

January 20, 2006

Committee Membership

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Independence

Legislator, Appointed by the President of
the Senate

Senator David Haley,
Kansas City

Legislator, Appointed by the Minority
Leader of the Senate

Representative Lance Kinzer,
Olathe

Legislator, Appointed by the Speaker of the
House

Representative Jim Ward,
Wichita

Legislator, Appointed by the Minority
Leader of the House

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Judge, Kansas Court of Appeals

Member of the Judicial Branch, Appointed
by the Chief Justice

Chief of Police **Ed Klumpp (Ret.),**
City of Topeka

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Appointed by the Governor

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Representative of the Criminal Justice
Field, Appointed by the Secretary of
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Kansas Criminal Justice 3Rs Project Committee

2006 Report to the Kansas Legislature

At a time of budget crises in Kansas, and after more than two decades of increasing incarceration rates and adopting more punitive policies, the Kansas Legislature decided to study what was being done. That is, whether policies in place were in the best interest of public safety and promoting safe communities; what would be the return on the investment if we stayed the course, or pursued other alternatives? That came in the form of 2004 House Substitute for Senate Bill 45, and the creation of the Kansas Criminal Justice Recodification, Rehabilitation, and Restoration (3Rs) Project.

The 3Rs Project has as its statutory charge the responsibility to:

- (1) recodify the Kansas Criminal Code;
- (2) identify ways to rehabilitate offenders and work with offenders on community-based supervision, including programs to reduce prison population and recidivism, programs which modify criminogenic behavior, enhance education, and provide job training and substance abuse treatment, programs for mental health, drug abuse and alcohol abuse, to provide for collaboration and cooperation between governmental agencies, and services to such ends; and
- (3) identify ways to restore the offender into society as a productive member.

Provided as appendices to this 2006 Report are copies of the enabling legislation, now found in Kansas law at K.S.A. 2005 Supp. 22-5101, *et seq.*, (Appendix A), and the legislative findings discussing compelling issues recommending the adoption of House Substitute for Senate Bill 45 (Appendix B).

Since its organization the 3Rs Committee has been working the past 17 months on a comprehensive restructuring of the Kansas Criminal Code, and on correctional reforms directed at breaking the unacceptably high level of recidivism. In the latter category, the Committee early on recognized the need to address the extent of mental illness among those who come in contact with the criminal justice system, the degree of substance abuse and dependence, and the co-occurrence of those disorders.

The Committee emphasis has been on identification of smart correctional reforms that can promote safe communities and reduce incarceration without jeopardizing public safety, through more effective management of the risks posed by certain offenders, the better deployment of public safety resources, and the design of systems to measure accountability for results.

What follows in this 2006 Committee Report to the Legislature is a description of the challenges faced, what has been done to date, and what the Committee sees as yet needing to be done. We also provide Interim Reports and recommendations of the 3Rs Subcommittees – those on Recodification, Behavioral Health, and Reentry.

The legislative purpose in enacting this act shall be [the] establishment of a policy of treatment of persons convicted of felonies in this state by placing maximum emphasis on rehabilitation of each such person while in the custody of the state or under the jurisdiction of the courts of the state, consistent with the interests and safety of the public, so that a maximum of persons so convicted may be returned to private life in the communities of the state with improved work habits, education, mental and physical health and attitudes necessary to become and remain useful and self-reliant citizens.

It is the intent of the legislature that (these laws be construed and applied) liberally to rehabilitate, train, treat, educate and prepare persons convicted of felony in this state for entry or reentry into the social and economic system of the community upon leaving the custody [of the State].

K.S.A. 75-5201 (An Act Concerning Penal Reform, L.1973, ch. 339, §1.)

RECOGNIZING THE PROBLEM

At the time of the adoption of SB 45, the population of those incarcerated in Kansas had reached historically high levels. Since 1973 the stated Legislative intent has been to rehabilitate, train, treat, educate and prepare offenders for reentry into the community as useful and self-reliant citizens. Irregardless of the noted statute remaining unchanged, incapacitation and not rehabilitation became the legislative intent with the adoption of the Sentencing Guidelines Act in 1992. Whether the intent is to incapacitate or to rehabilitate, rates of incarceration and recidivism (including condition violators) are at or approaching historic levels. See Appendix C.

Over the past 25 years the number of persons incarcerated in Kansas prisons have increased 394%, from 2,333 in prison in 1980 to 9,181 in 2004. The most recent 10 year increase is 132%, up from 6,936 in 1995, with the increase occurring notwithstanding the new supervision and treatment initiatives enacted by Senate Bill 323 in 2000 and Senate Bill 123 in 2003. During the same 25-year period the Department of Corrections total budget increased 808%, from \$28.9 million in 1980 to \$233.5 million for 2004.

With more than 9,100 people presently housed in our state's prisons and another 25,300 on probation or parole (6,499 on parole with Department of Corrections, 4,527 on probation with Community Corrections, and 14,285 on probation with or under supervision of Court Services), significant and unabated demands are being made upon the resources of the state.

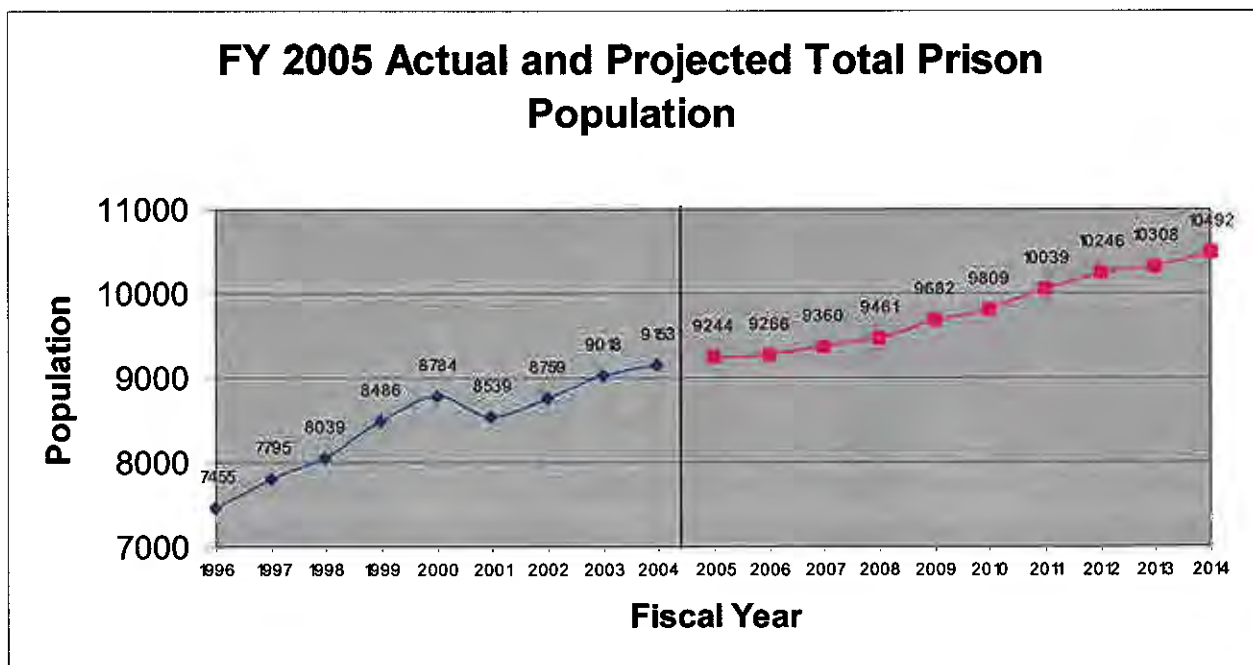
The above numbers translate to one in 118 adult males in Kansas being imprisoned at the end of 2004. Without considering those held in jails across the state, at the end of 2004, one in 81 adult men and women were under supervision by law enforcement.

What the 3Rs Committee has not yet secured and compared is the corresponding data for the similar period reflecting the crime rates in Kansas, or the costs of crime. That information is being gathered, and will be used to evaluate the effectiveness of longer sentences on crime reduction. There must be a commitment to maximize the value of existing funding. In the end, the goal is fewer crimes and fewer victims.

With the advent of determinant sentencing, the Kansas Sentencing Commission was established. Among other duties, which are numerous, the Sentencing Commission has as a primary responsibility the evaluation of criminal convictions and the projected growth of the Kansas prison population. This particular work is reported in the form of annual Inmate Population Projections, popularly known as bed projections, intended to advise policy makers on what the prison needs will be and what must be planned for over the next 10 years if current practices are continued.

In recent years, the ever tougher on crime policies have placed enormous pressure on the prison capacity of the state. As a part of the measure enacting the 3Rs Project, House Substitute for Senate Bill 45 also required the Kansas Department of Corrections to submit a Housing Expansions Options plan. That plan was completed and filed with the Legislature in January, 2005, and a copy is provided as Appendix D. The expansion options have been updated for 2006, to account for both inflation in construction and operating costs and options no longer available, and the revised Department of Corrections information is included in Appendix E.

For Fiscal Year 2005, the Sentencing Commission, working with a 2004 prison population of 9,153, projected that given then-current law, the Kansas inmate population would grow to 10,492 by 2014 – an increase of 1,339, or 14.6%.



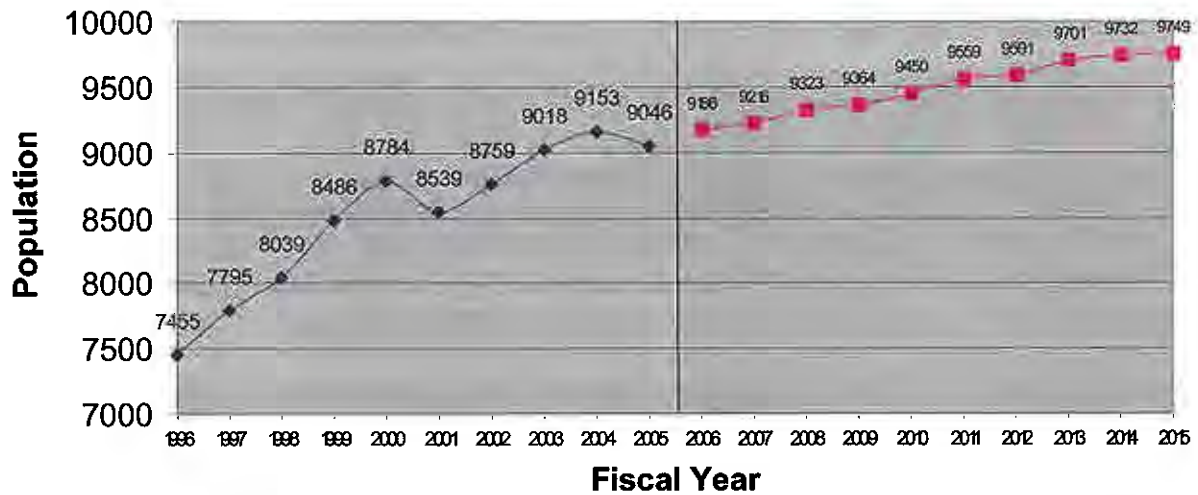
Considering a present bed capacity of 9,347 inmates, under the 2005 bed projection the states' ability to house offenders would be exceeded during FY 2009, and new prison facilities would need to be constructed and available to house offenders. Based upon the 2005 bed projections, the prison capacity and management obligations of Kansas going forward would be:

| Fiscal Year | Inmate Population | Inmate Housing & Management Costs | Expansion Costs (Construction & Equipment) | Total Costs |
|-------------|-------------------|-----------------------------------|--|---------------|
| 2005 | 9,068 | \$178,317,049 | -- | \$178,317,049 |
| 2006 | 9,266 | \$198,528,401 | -- | \$198,528,401 |
| 2007 | 9,360 | \$200,269,766 | \$24,535,300 | \$224,805,066 |
| 2008 | 9,461 | \$205,300,000 | \$3,103,000 | \$208,403,000 |
| 2009 | 9,682 | \$216,500,000 | \$53,504,700 | \$270,004,700 |
| 2010 | 9,809 | \$222,800,000 | -- | \$222,800,000 |
| 2011 | 10,039 | \$242,600,000 | -- | \$242,600,000 |
| 2012 | 10,246 | \$248,100,000 | -- | \$248,100,000 |
| 2013 | 10,308 | \$253,800,000 | -- | \$253,800,000 |
| 2014 | 10,492 | \$259,600,000 | -- | \$259,600,000 |

Based upon the FY 2005 Inmate Population Projections and considering expansion requirements for beds needed by 2014, the state will be faced with \$81,143,000 in construction and start-up costs, and an additional \$21,490,000 in annual operating costs, once all the projects have been brought on line. That is \$102.6 million more than the state presently spends to imprison offenders, 42% greater than the entire KDOC 2005 budget. See Appendix F.

At the end of its 2005 work, the 3Rs Committee received from the Sentencing Commission the FY 2006 Inmate Population Projections. The reader is directed to the Kansas Sentencing Commission for a discussion of the factors involved in or responsible for changes in the Commission's projected need for prison beds.
www.accesskansas.org/ksc/06proj-report.pdf

FY 2006 Actual and Projected Total Prison Population



With the change in the need for prison beds from FY 2005 to FY 2006, from 50 fewer during FY 2006 to 760 fewer by FY 2014, comes a change in both inmate housing and management costs and expansion requirements. The revised information is:

| Fiscal Year | Inmate Population | Inmate Housing & Management Costs | Expansion Costs (Construction & Equipment) | Total Costs |
|-------------|-------------------|-----------------------------------|--|---------------|
| 2006 | 9,166 | \$198,528,401 | -- | \$198,528,401 |
| 2007 | 9,216 | \$200,269,766 | -- | \$200,269,766 |
| 2008 | 9,323 | \$205,300,000 | \$3,976,400 | \$209,276,400 |
| 2009 | 9,364 | \$210,400,000 | \$12,160,000 | \$222,560,000 |
| 2010 | 9,450 | \$217,300,000 | -- | \$217,300,000 |
| 2011 | 9,559 | \$227,200,000 | \$3,103,000 | \$230,303,000 |
| 2012 | 9,591 | \$232,700,000 | -- | \$232,700,000 |
| 2013 | 9,701 | \$239,400,000 | -- | \$239,400,000 |
| 2014 | 9,732 | \$245,200,000 | -- | \$245,200,000 |
| 2015 | 9,749 | \$251,200,000 | -- | \$251,200,000 |

Under the 2006 bed projections, the state is faced with \$19,239,400 in construction and start-up costs, and an additional \$7,132,000 annual operating costs. See Appendix G.

Comparing the impact of the two inmate population projection reports, and based on that information alone, Kansas will save (or avoid spending, depending on your point of view) \$62 million in new prison construction and start-up costs over the next ten years, \$14.4 million in new prison annual operational costs, by virtue of the one year change in projected beds. \$76.4 million in cost savings or avoidance resulting from redefining missions is not insignificant, and providing a portion of the savings to secure safer communities makes sense.

WORK ACCOMPLISHED TO DATE

The 3Rs Committee has been diligent in its work. It has:

- Authorized and formed three subcommittees – Recodification Subcommittee, Behavioral Health Subcommittee, and Reentry Subcommittee, each of which conducted monthly meetings;
- Created a task force – the Kansas Reentry Policy Council;
- Conducted a statewide Policy Conference on Offender Reentry;
- Filed an Interim Report dated April 1, 2005, with the Secretary of the Senate, and the Clerk of the House, as well as with both the Kansas Legislative Research Department and the Office of the Revisor of Statutes, which is available for review, both in those identified locations and on the 3Rs website – <http://www.accesskansas.org/RRR>; and
- Held regular meetings (since the date of the April 1, 2005, Interim Report):

April 19, 2005
May 23, 2005
May 24, 2005
June 29, 2005
July 25, 2005
July 26, 2005
August 17, 2005
August 18, 2005
September 15, 2005
September 16, 2005
October 13, 2005
October 14, 2005

November 14, 2005
November 15, 2005
December 14, 2005
December 15, 2005
January 20, 2006

At a minimum, and not considering the research and preparation time of staff, Committee members, and Subcommittee members, the foregoing represents in excess of 227 hours of Committee and Subcommittee hearings and debate on the many issues considered or identified.

2005 Policy Conference on Offender Reentry

The most visible product of the 3Rs work and our collaborations with the Council of State Governments (CSG) to date was the April 18, 2005, Kansas Legislative Policy Conference on Offender Reentry, in Wichita, jointly provided with Wichita State University and CSG. At that conference, the results of initial CSG technical assistance were presented, in the form of community mapping and the recommendations for community-based intermediate sanction initiatives.

We provide for the reader's consideration certain of the information presented at the Policy Conference, in particular, the mapping data modeled. See Appendix H.

In part, as a result of the Policy Conference, the 2005 Legislature appropriated significant funding for the state's share of reentry initiatives: \$550,000 in Sedgwick County, and \$469,263 in Wyandotte County. (2005 Senate Substitute for House Bill 2482, Sec. 9.) The funding is provided on a basis of one-third local to two-thirds state match, which represents a significant local interest in these initiatives. Moreover, the community-based recommendations presented there are in the process of being implemented in the Wichita-Sedgwick County reentry program, and being developed for initiation in Wyandotte County.

Recodification Subcommittee Report

The 3Rs Committee, and the Recodification Subcommittee, in particular, has been fortunate to secure the services of Judge David S. Knudson as Recorder. Judge Knudson served many years as a District Judge in Saline County, and recently retired as a Judge of the Kansas Court of Appeals. He brings much experience and credibility to our work.

Even with the assistance of Judge Knudson, the financial limitations constricted the volume of recodification work that could be accomplished. It was the Recodification Subcommittee that first recognized that the 3Rs Committee could not be finished with its work by the convening of the 2006 Kansas Legislature. Nonetheless, the Subcommittee believes in the important task it has been assigned and is anxious to get on with its work,

as exemplified in its Subcommittee report, which is Appendix I to this report.

The report discusses the major shortcomings of the existing code, describes the work accomplished to date, and identifies the task remaining.

The Recodification Subcommittee, with the supplemental funding discussed elsewhere, expects to be able to complete its work as early as June 30, 2006. This would permit the product to be considered by the Kansas Judicial Council and also by the public in statewide meetings, prior to the end of this calendar year.

Behavioral Health Subcommittee Report

The Behavioral Health Subcommittee has met monthly since October 2004 to study the challenges, barriers, strengths, and existing resources for individuals with mental illness who come into contact with the criminal justice system within the State of Kansas. Although the continuum of criminal justice involvement spans from local, community-based prevention efforts to prison reentry, the focus of the Subcommittee's report is on community jails and local mental health systems.

The Subcommittee reports that the overall goal of successful intervention is to improve treatment, reduce criminal behavior, and thereby limit the number of individuals with mental illness involved in the criminal justice system. The report, set forth in Appendix J, identifies the points at which appropriate intervention and diversion may occur, discusses statewide initiatives currently under way, and provides a series of specific recommendations for consideration.

Reentry Subcommittee Report

The Reentry Subcommittee started late, not being authorized until last May, but finished strongly. The Subcommittee work was greatly aided by the Report of the Reentry Policy Council released in final form in December, 2004. The Reentry Subcommittee report is found at Appendix K.

Many—if not most—of the recommendations require further study, especially in the area of estimated costs and returns on investment. A fundamental concept that guided the Subcommittee in its work is that improvements in offender reentry success results also have a positive impact on public safety by reducing crime, and that reductions in the real costs to victims and our social infrastructure are far more important targets for investments in the criminal justice system than new prison beds for more inmates.

Without intending to detract from the detail of the report, the Subcommittee address issues of:

- A statewide release and reentry authority;

- Increasing the capacity to reduce risk;
- Addressing barriers to risk reduction, such as offender debt obligations, child support obligations, restitution information, identification document and credentials, driver licenses, and detainers;
- Impacts on families;
- Impacts on victims;
- Domestic violence;
- Offenders with disabilities;
- Transportation;
- Housing;
- Employment, job preparedness and job development;
- Sex offenders; and
- Other issues.

Notwithstanding that the issues of substance abuse and mental illness were the province of the Behavioral Health Subcommittee, those topics cannot be excluded from any discussion of offender reentry. Accordingly, matters considered by the Subcommittee and related to both topics are addressed in separate attachments to the Reentry Subcommittee's report.

The Kansas Reentry Policy Council

In 2005, the Legislature authorized significant funding for reentry initiatives in both Sedgwick and Wyandotte counties, as previously noted. Because there was a need to coordinate those authorized legislative initiatives with policy recommendations of the 3Rs Committee, among other considerations, the Kansas Reentry Policy Council (KRPC) has been created.

The charge and authority of KRPC have been detailed in the form of a resolution adopted by the 3Rs Committee, with a copy of the resolution presented as Appendix L.

Additionally, an inter-agency agreement has been executed by and among the 3Rs Committee, the Department of Corrections, Department of Social and Rehabilitation Services, Kansas Housing Resources Corporation, Department of Commerce, Department of Health and Environment, and the Kansas Parole Board. It takes, at the least, all of these agencies to insure reentry is done right. The Memorandum of Agreement is presented as a part of Appendix M.

RUNNING OUT OF TIME

House Substitute for Senate Bill 45 currently requires that the charge to the 3Rs Committee be completed, and a final report with recommendations be submitted to the 2006 Legislature, by January 9, 2006. We could not meet that deadline, but not because

our Committee members would not prefer it to be so. There are several fundamental reasons, all of which are about adequacies of time and resources. The reasons are the basis for 2006 House Bill 2555, extending the sunset of the 3Rs Project by one year, to June 30, 2007, which was recommended and pre-filed by the Joint Committee on Corrections and Juvenile Justice Oversight.

First – the unanticipated 2005 Special Session. Given the committee structure, and how we anticipated we would function, the Committee effectively lost the whole of the past summer during which to meet and bring issues into focus. By October, 3Rs was where it had hoped to be in early June.

Second – our Committee staffing. House Substitute for Senate Bill 45 authorized 3Rs to hire staff, but it also authorized members of the Legislative Research and Revisors Office to provide assistance. Athena Andaya is the lead staff member from the Kansas Legislative Research Department (KLRD), and is joined by Jerry Ann Donaldson and Becky Krahl. From the Revisors Office we are assisted by lead staff member Jill Wolters, Helen Pedigo, and Diana Lee. In addition, Jeremy Barclay, Special Assistant to the Secretary of the Department of Corrections Roger Werholtz, has assisted greatly. The 3Rs Committee was fortunate to secure the services of Cheryl Kingfisher as Project Coordinator, but sadly for 3Rs, this past August Cheryl accepted a position as a municipal judge for the City of Topeka. 3Rs has had no full-time assistance since that event.

Third – scheduling conflicts. Initially, the 3Rs Committee was said not to be a legislative committee, and as such, its meeting schedule was not noted or published by Legislative Services or KLRD. The result has been that meetings of other joint and interim committees were scheduled on top of the 3Rs Committee schedule of meetings that had been established in April, and not only were Committee members not able to attend certain of our meetings, but staff the Committee depended upon were unavailable. That caused much in the way of coordination of the 3Rs effort to be lost. We are pleased to report that this issue has been resolved.

Fourth – the sheer volume of information that needed to be gathered, but which the Committee discovered now exists, was identified, and was required to be appropriately and carefully analyzed and fitted to Kansas' needs.

Finally – adequacy of operational funding. In testimony before the Legislature in support of what was then House Bill 2941, proposing the creation of the 3Rs Project, it was stated:

We estimate the cost of the 18 to 24-month project to be \$250,000 on the low side, up to a maximum amount of \$500,000 on the high side. We intend to seek funding for this effort on the Federal level, and will carry the request to members of our Congressional delegation.

Because the 3Rs legislation came up late in the session, and because of the condition of the state's fiscal resources at the time, a deliberate decision was made not to request any state general funding, at least beyond the costs associated with the authorization for Kansas Legislative Research Department and Revisor of Statutes staff to be assigned to work with the Committee.

Frankly, in becoming acquainted with representatives of the CSG office, which in turn was working closely with members of the Kansas Congressional Delegation to secure the passage of and funding for what is referred to as the Second Chance Act, there was confidence that the resources for the 3Rs Project would be available in that fashion. That was naive, apparently, as the Second Chance Act is yet to be passed, much less funded, and 2005 fiscal demands on the federal government did not allow such an initiative during last year, either. However, the Second Chance Act is now moving forward in Congress, and the Committee continues to work to keep Kansas at the forefront of the reentry work being done.

This past fall we concluded the 3Rs work currently underway could likely be completed with an additional \$125,000 - \$150,000, not considering either the hiring of a Project Coordinator or the value of technical assistance provided by CSG. To complete the work the 3Rs Committee has expressed an interest in doing to date, such as statewide mapping by The Justice Mapping Center at Columbia University, and social marketing recommendations as presented by Dr. Dennis Embry and the PAXIS Institute, might more realistically require \$275,000. At that, such a sum would represent a final project cost well within the range of the original estimate. It is our hope that the Legislature will see the benefit of and fund the work yet to be done.

YET TO BE DONE

There is work yet to be done – policy issues on which the 3Rs Committee has conducted hearings and taken testimony, but not yet formulated recommendations. If we are to take seriously the legislative intent and directives expressed in the passage of House Substitute for Senate Bill 45, and we do, our Committee members want to make certain the job is done right, and that the Legislature does not receive half measure of our efforts.

The following are identified by the 3Rs Committee as issues on which it may be appropriate to make policy recommendations, if not legislative recommendations, but as to which additional information may be needed:

- ▶ Victims – ensuring support for, and permitting participation in release planning;
- ▶ Offender evaluation and risk assessment;
- ▶ Classification of inmates;

- ▶ Information database – assessing the strength of, and providing access to and sharing of data;
- ▶ Jails – standards, capacity, training (*i.e.*, mental illness, infectious disease);
- ▶ Mapping, statewide;
- ▶ Sex offenders – assessment, treatment, management, and registration;
- ▶ Kansas Criminal Justice System Resource Directory – compile and maintain;
- ▶ Services and treatment – education (minimum standards regarding level of attainment), job training, cognitive therapy, employment, cost and cost benefit;
- ▶ Educational attainment and skills/interest assessment of all offenders to identify needs;
- ▶ Work release centers – community corrections centers, intermediate sanction facilities, accredited halfway houses, and transitional living centers;
- ▶ Intermediate and/or graduated sanctions – residential treatment, community service, electronic monitors, curfew, counseling, increased drug testing, formal reprimand, etc.;
- ▶ Intermediate sanction centers – use of (see prior information regarding work release centers);
- ▶ Sentencing strategies – community sentencing options, and length of stay;
- ▶ Supervision of offenders – intensive, coordinated and/or specialized;
- ▶ Family Unification – breaking the cycle of crime; and
- ▶ Program Performance Accountability Systems – development of evaluation protocols as a program is designed and implemented that identify what data are to be collected, and what program and comparison groups need to be tracked, and staffing for the program.

This list is not intended to be exhaustive, but rather illustrative. Action may not be forthcoming on all, and as we learn more, other recommendations may make themselves known.

To do the 3Rs job right, adequate time is needed for thorough deliberation and thought and for formulation of recommendations supported by documented need and cost

analysis. Further, and equally as important, the 3Rs Committee needs the opportunity to take the issues to and receive the reaction and input of the public, as well as those associated with or impacted by the criminal justice system.

FUNDING NEEDS

In a prior section we have identified certain of the funding needs upon which the work of the 3Rs Committee is dependent.

However, and in the shorter term, the Committee has approved a supplemental budget request for action by the Legislature. This is identified as a reentry and justice reinvestment six month budget, applicable jointly to both the 3Rs Committee and to the Kansas Reentry Policy Council. The request totals \$260,340, itemized as follows.

**Kansas Reentry and Justice Reinvestment
Six Month Budget**

| ITEM | DESCRIPTION | EXPENSE |
|--|---------------------------------|---------------------------|
| 3Rs Committee Staff and Kansas Reentry Policy Council Support | | |
| Director Salary (\$72,000) | 1.0 FTE / 6 months | \$ 36,000 |
| Adm. Assistant Salary (\$35,000) | 1.0 FTE / 6 months | 17,500 |
| | | <i>Subtotal</i> \$ 53,500 |
| Benefits | 24 percent | 12,840 |
| <i>Subtotal</i> | | \$ 66,340 |
| Contracted Consultants | | \$ 18,000 |
| Recodification | \$100/hr x 800 hrs for reporter | 80,000 |
| Travel and Meeting Expenses | | 20,000 |
| <i>Subtotal</i> | | \$ 118,000 |
| Reinvestment Housing Project | | |
| Project Developer | .60 FTE / 6 months | \$ 21,000 |
| <i>Subtotal</i> | | \$ 21,000 |
| Communication Strategy | | |
| Public Education & Social Marketing | | \$ 40,000 |
| Promotional Materials | | 15,000 |
| <i>Subtotal</i> | | \$ 55,000 |
| TOTAL | | \$ 260,340 |

The Committee has worked with both the Kansas Department of Corrections and the CSG Criminal Justice office in the diligent pursuit of attracting private foundation support of the Kansas reentry initiatives.

We are honored that the JEHT Foundation, a national foundation headquartered in New York City, has taken an interest in Kansas. The details will be forthcoming, but the JEHT Foundation has agreed to provide \$75,000 of the above-identified funding request.

Additionally, the National Institute of Corrections has committed to provide in-kind services to the reentry and justice reinvestment budget of a value of \$25,000.

These actions, and the approval of the budget needs, will allow the employment of the staff needed to facilitate the proper implementation of the reentry initiatives currently being overseen by the Department of Corrections, the formulation of reentry and restoration recommendations for deliberation by the 3Rs Committee, and the completion of the recodification of the Kansas Criminal Code, at least in draft form, by the end of the current fiscal year, June 30, 2006.

CONCLUSION

The 3Rs Committee recognizes that smart correctional reforms are those that can reduce incarceration without jeopardizing public safety; those that more effectively manage the risk posed by certain offenders, provided that risk is properly assessed and evaluated; those that better deploy resources; and, those that provide systems to measure accountability for results.

We are working hard to understand how all this might be accomplished, in the interests of public safety and the promotion of safe communities, and how to formulate appropriate recommendations.

APPENDICES

- A. The Enabling Legislation for the Criminal Justice Recodification, Rehabilitation and Restoration Project
- B. Legislative Findings in 2004 House Substitute for Senate Bill 45
- C. Kansas Sentencing Commission Number of Return Admissions for Condition Violations by Month and Comparative Analysis on Admission Types - FY 2001 thru FY 2005
- D. 2005 Housing Expansion Options - Department of Corrections
- E. 2006 Housing Expansion Options - Department of Corrections
- F. DOC Budgets & Per Diem Costs - FY 1960 to FY 2014 (with footnotes)
- G. DOC Identification of Facilities Needs - based on 2006 Projections
- H. 2005 Policy Conference Recommendations and Mapping Information
- I. Recodification Subcommittee Report
- J. Behavioral Health Subcommittee Report
- K. Reentry Subcommittee Report
- L. 3Rs Resolution on the Kansas Reentry Policy Council
- M. Memorandum of Agreement

Appendix A

The Enabling Legislation for the Criminal Justice Recodification, Rehabilitation and Restoration Project

K.S.A. 22-5101. Criminal justice recodification, rehabilitation and restoration project; governance committee; duties; reports. (a) There is hereby created the Kansas criminal justice recodification, rehabilitation and restoration project.

(b) The project shall:

(1) Re-codify the Kansas criminal code by:

(A) Analyzing and reviewing all criminal statutes and criminal procedure, making recommendations for legislation that would ensure that the sentences are appropriate and proportionate to other sentences imposed for criminal offenses, with particular emphasis on the sentencing guidelines grid for drug crimes.

(B) Studying and making recommendations concerning the statutory definitions of crimes and criminal penalties and evaluate whether certain criminal conduct may be combined into one criminal statute, thus alleviating any potential problems of having two statutes prohibiting the same criminal conduct.

(C) Reviewing and making recommendations concerning proposed criminal law modifications and amendments.

(D) Reviewing and determining the severity of the Kansas sentencing policies in relation to other states and review possible adjustments which may relieve or eliminate prison capacity issues in Kansas.

(E) Reviewing the enactment of K.S.A. 2004 Supp. 21-4729, and amendments thereto, the nonprison sanction of certified drug abuse treatment programs for certain offenders, and review and recommend how best to enhance the sentence for an offender who is not subject to treatment.

(2) Identify ways to rehabilitate offenders and to work with offenders on community-based supervision by:

(A) For all offenders:

(i) Establishing an assessment and classification system whereby offenders are classified into those who can correct their criminal behavior and have a successful reentry upon release and those who are offenders who continue to be a threat to society and need to be incarcerated or incarcerated for longer periods of time.

(ii) Studying and reviewing programs which hold offenders responsible and accountable for such offender's actions and reduces recidivism.

(B) For reentry:

(i) Reviewing all correctional programs and study ways to more effectively utilize the monies being spent on such programs to reduce prison population and recidivism, particularly programs which target nonviolent offenders to earn early release by participating in rehabilitative programs while incarcerated then completing the transition by reintegration into the community and obtaining gainful employment and housing. Such rehabilitative programs may include programs which modify criminogenic behavior, enhance education, and provide job training and substance abuse treatment.

(ii) Reviewing and recommending treatment programs for mental health, drug abuse and alcohol abuse, and to provide any necessary and appropriate collaboration and cooperation among governmental agencies and services to such end.

(C) Reviewing all current research concerning criminal behavior, focusing on rehabilitating criminals in prison and upon reentry into the community and recommend a course of action.

(D) Reviewing and recommending reentry initiatives, for continuity between institutional programs and activities, offenders' reentry plans, and the supervision and services offenders receive once released, and necessary collaboration among corrections, law enforcement, and community service agencies for appropriate offender monitoring to assist in meeting the needs of the offender and the offender's family and ensure that safe communities are maintained.

(E) Make recommendations concerning reentry initiatives for serious, violent offenders based on current research and collaborative opportunities identified.

(F) Consider and harness the resources and experience of faith-based, volunteer, advocacy and community organizations to help returning offenders contribute to society.

(3) Identify ways to restore the offender into society as a productive member:

(A) Reviewing transitional programs such as mentoring, available treatment, supervised and transitional housing, basic job training and placement, and correctional industry and work release programs which assist offenders to reintegrate into the community.

(B) Establishing community networks which would support and assist the offender upon release. Such support may include assisting the offender to learn about parenting and the role of the family, and to have a productive relationship with such

offender's family, including being a positive and responsible parent and spouse, providing mentoring for children of prisoners, and plans for the whole family.

(C) Recommending release planning processes that ensure each offender has an individual goal-driven release plan that targets such offender's risks and needs, and which assures the safety of our Kansas communities.

(c) The project shall be governed by a committee made up of the following members:

- (1) One legislator shall be appointed by the president of the senate;
- (2) one legislator shall be appointed by the minority leader of the senate;
- (3) one legislator shall be appointed by the speaker of the house of representatives;
- (4) one legislator shall be appointed by the minority leader of the house of representatives;
- (5) one member of the judicial branch appointed by the chief justice of the supreme court;
- (6) one member of the law enforcement community appointed by the attorney general;
- (7) one defense attorney or public defender appointed by the governor;
- (8) one county attorney or district attorney appointed by the Kansas county and district attorney association;
- (9) a professor of law from the university of Kansas school of law and a professor from Washburn university school of law appointed by the deans of such schools;
- (10) a drug and alcohol addiction treatment provider appointed by the governor;
- (11) one district court judge appointed by the Kansas district judges association;
- (12) one member representative of the faith-based community appointed by the governor;
- (13) one member representative of the criminal justice field appointed by the secretary of corrections; and
- (14) the attorney general, the secretary of corrections, the secretary of social and rehabilitation services and the commissioner of juvenile justice, or such persons' designees, shall serve as ex officio, nonvoting members of the committee.

(d) The members of the committee shall elect officers from among its members necessary to discharge its duties. The committee shall receive testimony from interested parties at public hearings to be conducted in the various geographic areas of the state.

(e) Each member of the committee shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto, except that the public members of the committee shall receive compensation in the amount provided for legislators pursuant to K.S.A. 75-3212, and amendments thereto, for each day or part thereof actually spent on committee activities. No per diem compensation shall be paid under this subsection to salaried state, county or city officers or employees, except that the legislative members shall receive compensation as provided in K.S.A. 75-3212, and amendments thereto.

(f) The committee shall have the authority to:

(1) Organize and appoint such task forces or subcommittees as may be deemed necessary to discharge such committee's duties;

(2) accept grants, gifts and other appropriation of funds;

(3) hire and employ staff persons; and

(4) contract for the services of organizations and agencies in any evaluation or report necessary for the discharge of the committee's duties.

(g) The committee shall work with the Kansas judicial council, the department of corrections, the department of social and rehabilitation services, the juvenile justice authority and the Kansas sentencing commission and review studies and findings of the Kansas sentencing commission concerning proportionality of sentencing.

(h) The committee shall prepare and submit its interim report to the legislature on or before February 1, 2005. A final report and recommendations shall be submitted to the legislature on or before January 9, 2006.

(i) The staff of the office of the revisor of statutes and legislative research department shall provide such assistance as may be requested by the committee and to the extent authorized by the legislative coordinating council.

(j) The provisions of this section shall expire on July 1, 2006.

History: L. 2004, ch. 92, § 1; Apr. 22.

Appendix B

Legislative Findings in 2004 House Substitute for Senate Bill 45

- ❖ Since the Kansas criminal code was codified in 1993 and through 2003, 50 new felonies have been enacted; 10 felony offenses have increased severity levels; 14 misdemeanor offenses were increased to felony offenses; four crimes were moved to nongrid status; four nonperson crimes were moved to person crime status; the present sentence for nondrug severity level 1 with criminal history A is 219% greater than it was 10 years ago (194 months to 620 months) and for criminal history I, it is 60% greater (97 months to 155 months); the present sentence for nondrug severity level 2 with criminal history A is 219% greater than it was 10 years ago (146 months to 467 months) and for criminal history I, it is 60% greater (73 months to 117 months); and countless new misdemeanors have been enacted and codified throughout the Kansas statutory code, increasing the margin for error in prosecutors appropriately identifying and charging for certain criminal acts.
- ❖ In recent years there have been numerous appellate court decisions, both federal and state, which have impacted determinant sentencing, most especially with regard to departures from the sentencing guidelines, and the enforceability and sentencing severity of enacted criminal legislation.
- ❖ Numerous societal changes have occurred as a result of advances in technology, the advent of terrorism and the need for homeland security, which must be appropriately addressed.
- ❖ The Legislature further finds and declares that a comprehensive review of these new and enhanced offenses should be conducted to determine if the sentences for these offenses are appropriate and proportionate to other sentences imposed under the code.
- ❖ Crime rates have been falling since 1994, with violent and property crime rates nationally being at their lowest level in 30 years. Recidivism as reported in the Corrections Yearbook is rising, and Bureau of Justice Statistics Special Report on Recidivism data indicates that within three years of release 67.5% of released prisoners were re-arrested, 46.9% were reconvicted for new crimes, 35.4% were re-sentenced for new crimes, and 51.8% returned to prison.
- ❖ The inmate population in Kansas grew at a rate of 45.7% over the past 10 years, now exceeds 9,100 people, and is currently projected to increase to a population of 10,131 in 2013, an additional 11% increase.
- ❖ Many of these increased admissions are nonviolent offenders and technical parole violators who have committed no crime or not been reconvicted but have violated

a condition of their parole. In Kansas, 53.2% of re-admittees over a three-year period were in this category.

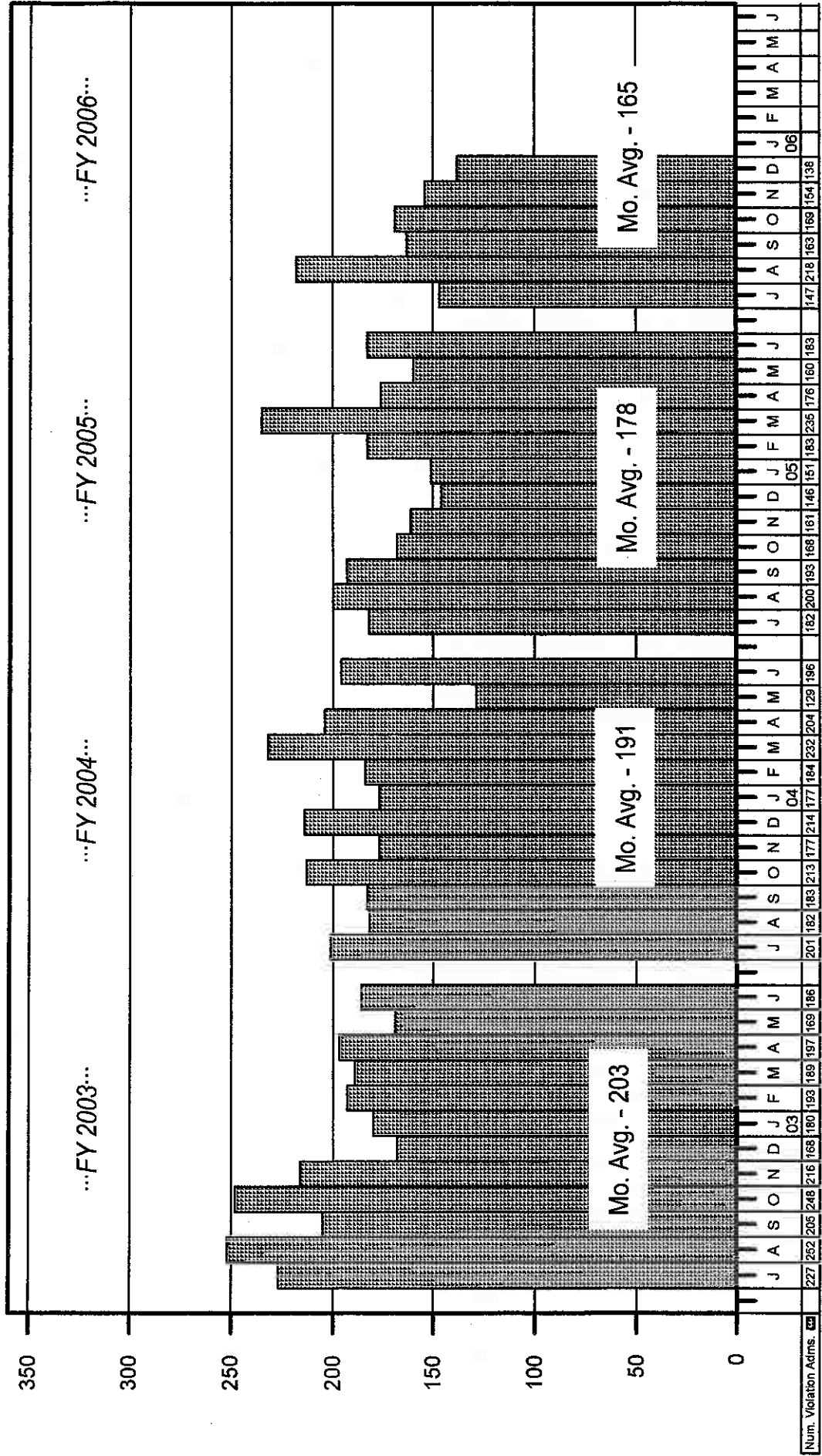
- ❖ There have been new and apparently effective reentry strategies for offenders developed that show much promise for improved public safety and successful reintegration of offenders into communities as productive citizens.
- ❖ The rate of mental illnesses in state prisons and local jails is three times the rate in the general population, constituting more than 21% of inmates, with approximately 75% of these individuals having a co-occurring substance abuse disorder.
- ❖ In most areas of Kansas, the mental health, substance abuse and criminal justice systems offer an uncoordinated system of care or no effective response for individuals with a serious mental illness or co-occurring substance abuse disorder.
- ❖ The use of newer psychotropic medications has resulted in improved response to treatment for individuals with a serious mental illness, and access to these new medications has resulted in restored health and enhanced public safety.
- ❖ Criminal justice, mental health and substance abuse systems that do not provide a coordinated response to individuals with serious mental illness often end up using expensive public safety and emergency services to respond to certain of those individuals.
- ❖ System integration between the mental health, substance abuse and criminal justice system at the county, regional and state levels can provide prompt, appropriate treatment and interventions to break the cycles of decompensation and incarceration to successfully reduce the number of individuals with serious mental illnesses entering into, residing in and reentering the criminal justice system.
- ❖ The system of criminal justice and incarceration in Kansas presently offers substantially diminished opportunities for inmate literacy or marketable skills, or other programs and services that could ameliorate factors which place inmates at higher risk of recidivism after release.
- ❖ The economic burden of recidivism is threefold, being the cost of unemployment in lost income taxes or contributions to the economy, the cost of the crime event itself compounded by police, prosecution and court expenses, and the cost of incarceration.
- ❖ 93% of prisoners in the prison systems of the states are men; 55% have minor children; the average age of these children is eight, and in all, approximately 2% of all children have a parent in prison; one in seven children in our nation, before reaching age 18, will have an incarcerated father; having a father in prison is a powerful predictor of antisocial behavior in general and of criminality in particular,

making a child five to six times more likely to end up in prison.

- ❖ The state must learn to spend money more wisely, in order to bring crime down more effectively than to simply imprison, and thereby save moneys to spend on other priorities.

Appendix C

**Number of Return Admissions for Condition Violations by Month:
FY 2003 - FY 2006 to Date***



*Total number of admissions for violation of the conditions of release (no new sentence).

**COMPARATIVE ANALYSIS ON ADMISSION TYPE
FY 2001 THROUGH FY 2005**

| Admission Type | FY2001 | | FY2002 | | FY 2003 | | FY2004 | | FY2005 | |
|---|-------------|--------------|-------------|--------------|-------------|--------------|-------------|--------------|-------------|--------------|
| | N | % | N | % | N | % | N | % | N | % |
| New Court Commitment | 1601 | 26.7 | 1702 | 28.4 | 1649 | 27.4 | 1512 | 25.9 | 1489 | 25.9 |
| Probation Condition Violator | 1330 | 22.2 | 1454 | 24.2 | 1497 | 24.9 | 1709 | 29.3 | 1783 | 31.1 |
| Probation Violator With New Sentence | 203 | 3.4 | 221 | 3.7 | 205 | 3.4 | 148 | 2.5 | 126 | 2.2 |
| Inmate Received on Interstate Compact | 8 | 0.1 | 9 | 0.2 | 28 | 0.5 | 1 | 0.0 | 6 | 0.1 |
| Parole/Post-release Condition Violator | 2552 | 42.6 | 2396 | 39.9 | 2406 | 40.0 | 2253 | 38.5 | 2109 | 36.7 |
| Parole/Post-release Violator With New Sentence | 145 | 2.4 | 136 | 2.3 | 144 | 2.4 | 146 | 2.5 | 163 | 2.8 |
| Paroled to Detainer Returned With New Sentence | 30 | 0.5 | 19 | 0.3 | 28 | 0.5 | 30 | 0.5 | 33 | 0.6 |
| Conditional Release Violator | 109 | 1.8 | 57 | 1.0 | 51 | 0.8 | 39 | 0.7 | 29 | 0.5 |
| Conditional Release Violator With New Sentence | 10 | 0.2 | 3 | 0.1 | 4 | 0.1 | 3 | 0.1 | 3 | 0.1 |
| Offender Returned to Prison in Lieu of Revocation | 1 | 0.0 | 2 | 0.0 | 1 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Other | 0 | 0.0 | 0 | 0.0 | 1 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Total | 5989 | 100.0 | 5999 | 100.0 | 6014 | 100.0 | 5841 | 100.0 | 5741 | 100.0 |

Source: DOC admission file.

Note: Federal female admissions are excluded.

Appendix D

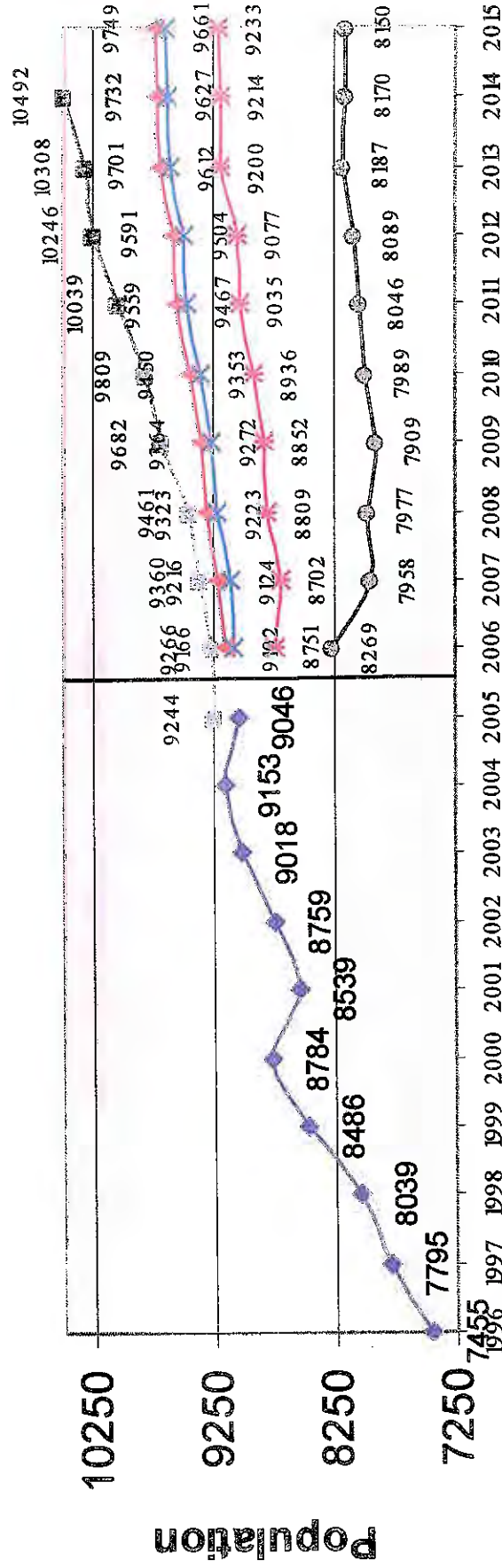
Housing Expansions Options - 2005

| | Estimated Construction Cost | Estimated Const. Cost Per Bed | Estimated Operating Cost | Estimated Cost Per Inmate/Yr | Estimated Cost Per Inmate/Day | Estimated One Time Start up Cost |
|---|-----------------------------|-------------------------------|--------------------------|------------------------------|-------------------------------|----------------------------------|
| <u>General Population – Maximum Security</u> | | | | | | |
| EDCF – 2 Housing Units 256 Max Beds | \$16,232,800 | \$63,409 | \$5,930,000 | \$23,164 | \$63.46 | \$829,000 |
| <u>General Population – Medium Security</u> | | | | | | |
| EDCF -2 Housing Units 512 Med. Beds | 16,232,800 | 31,705 | 7,645,000 | 14,932 | 40.91 | 910,000 |
| EDCF-1 Housing Unit 256 Med Beds | 9,117,000 | 35,613 | 3,841,000 | 15,004 | 41.11 | 507,000 |
| EDCF-Yates Center Unit 500 Med Beds | 47,580,100 | 95,160* | 10,092,000 | 20,184 | 55.30 | 2,498,000 |
| NCF-Stockton Unit 500 Med Beds | 48,410,000 | 96,820* | 10,209,000 | 20,418 | 55.94 | 2,498,000 |
| <u>General Population – Minimum Security</u> | | | | | | |
| EDCF- Housing Unit 100 Bed | 3,003,800 | 30,038 | 1,410,000 | 14,100 | 38.63 | 319,000 |
| ECF- Housing Unit 100 Bed | 3,194,800 | 31,948 | 1,540,000 | 15,400 | 42.19 | 311,000 |
| NCF-Stockton Unit Expansion 72 Beds | 3,325,900 | 46,193 | 797,000 | 11,069 | 30.33 | 330,000 |
| EDCF-Toronto Expansion 75 Beds | 2,541,400 | 33,885 | 975,000 | 13,000 | 35.62 | 325,000 |
| <u>Special Needs – Mental Health</u> | | | | | | |
| LCMHF-Housing Unit 256 Med Beds | 13,922,600 | 54,385 | 3,476,000** | 13,578 | 37.20 | 500,000 |
| <u>Special Needs – Medical</u> | | | | | | |
| HCF-East Unit 258 Med Beds | 5,736,400 | 22,234 | 3,068,000 | 11,891 | 32.58 | 400,000 |
| ECF-Century Building 178 Med & 112 Min Beds | 6,217,300 | 21,439 | 3,937,000 | 13,576 | 37.19 | 719,000 |
| TCF-Housing Unit 200 Med and 40 Work Release Beds | 12,300,500 | 51,252 | 4,802,000 | 20,008 | 54.82 | 550,000 |

* Land survey not completed, estimated cost may vary once land survey and subsoil investigation is completed. Project estimated with no work being performed by inmate crews.

**These figures do not include any costs for Larned State Hospital to provide food service, laundry and some utility services.

FY 2005 & 2006 Actual and Projected Total Prison Population



Fiscal Year

- ◆ Actuals
- ◆ FY05 proj
- ◆ FY06 proj
- ◆ Scen1
- ◆ Scen2
- ◆ Scen3

Current capacity: 9,357 (includes 100 contract beds out of state)

Anticipated in state capacity 4/1/06: 9,347
(does not include any contract beds)

Projected beds needed by 2014: 1,145
Based upon FY 2005 Bed Projections

Most likely construction options:

512 medium male beds EDCF

100 minimum male beds ECF

(yields 50-60 medium beds)

75 minimum male beds EDCF-E (Toronto)

500 medium beds EDCF (new unit at Yates Center)

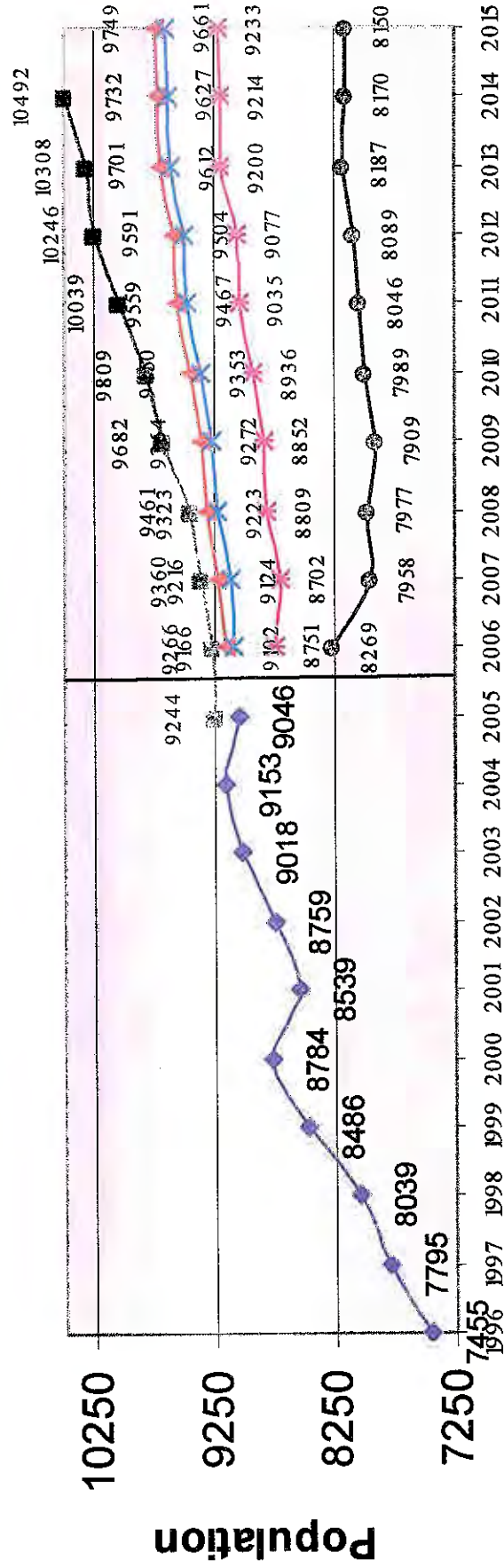
\$81,143,000 – construction and start up costs

\$21,490,000 – annual operating costs

SOURCE: Kansas Department of Corrections

Appendix E

FY 2005 & 2006 Actual and Projected Total Prison Population



Fiscal Year

Actuals — FY05 proj — FY06 proj — Scen1 — Scen2 — Scen3

Current capacity: 9,357 (includes 100 contract beds out of state)

Anticipated in state capacity 4/1/06: 9,347
(does not include any contract beds)

Projected beds needed by 2015: 402
Based upon FY 2006 Bed Projections

Most likely construction options:

256 medium male beds EDCF

100 minimum male beds ECF

(yields 50-60 medium beds)

75 minimum male beds EDCF-E (Toronto)

\$19,239,400 – construction and start up costs

\$ 7,132,000 – annual operating costs

SOURCE: Kansas Department of Corrections

Appendix F

DOC BUDGETS AND PER DIEM COSTS - FISCAL YEARS 1960-2014

| Fiscal Year | June 30 Population | Total DOC Budget (Expenditures in Millions) | Cost Per Inmate Per day | Inmate Related Expenditures | Percentage of Total Budget |
|-------------|--------------------|---|-------------------------|-----------------------------|----------------------------|
| 1960 | 2287 | 3.5 | 3.57 | 2,947,949 | 84.23% |
| 1965 | 2791 | 6.3 | 4.61 | 4,736,149 | 75.18% |
| 1970 | 1998 | 9.5 | 9.92 | 7,435,435 | 78.27% |
| 1975 | 1628 | 15.7 | 21.73 | 11,971,859 | 76.25% |
| 1980 | 2333 | 28.9 | 28.10 | 22,881,817 | 79.18% |
| 1985 | 4538 | 59.6 | 27.96 | 39,571,272 | 66.39% |
| 1986 | 4991 | 67.4 | 28.10 | 44,149,965 | 65.50% |
| 1987 | 5654 | 71.8 | 26.72 | 47,751,285 | 66.51% |
| 1988 | 6013 | 84.8 | 27.75 | 51,501,456 | 60.73% |
| 1989 | 6172 | 130.9 | 41.15 | 89,041,793 | 68.02% |
| 1990 | 5677 | 131.9 | 49.94 | 101,844,968 | 77.21% |
| 1991 | 5619 | 150.3 | 51.55 | 105,649,391 | 70.29% |
| 1992 | 6193 | 162.6 | 56.50 | 118,191,964 | 72.69% |
| 1993 | 6240 | 167.7 | 56.65 | 124,398,475 | 74.18% |
| 1994 | 6091 | 178.5 | 59.38 | 126,849,907 | 71.06% |
| 1995 | 6926 | 180.2 | 55.08 | 127,948,286 | 71.00% |
| 1996 | 7455 | 185.9 | 50.77 | 131,455,498 | 70.71% |
| 1997 | 7795 | 194.8 | 50.02 | 138,324,727 | 71.01% |
| 1998 | 8039 | 208.4 | 52.08 | 148,716,892 | 71.36% |
| 1999 | 8486 | 214.6 | 51.94 | 153,683,243 | 71.61% |
| 2000 | 8784 | 221.7 | 51.48 | 160,411,377 | 72.36% |
| 2001 | 8540 | 234.4 | 53.38 | 164,355,023 | 70.12% |
| 2002 | 8773 | 237.2 | 54.87 | 169,929,789 | 71.64% |
| 2003 | 9046 | 235.0 | 52.64 | 170,788,355 | 72.68% |
| 2004 | 9181 | 233.5 | 52.16 | 172,111,901 | 73.71% |
| 2005 | 9068 | 243.1 | 54.38 | 178,317,049 | 73.35% |
| 2006 | 9266 | 263.8 | 60.12 | 198,528,401 | 75.26% |
| 2007 | 9360 | 267.0 | 60.20 | 200,269,766 | 75.01% |
| 2008 | 9461 | 273.7 | 59.77 | 205,300,000 | 75.01% |
| 2009 | 9682 | 286.6 | 61.98 | 216,500,000 | 75.54% |
| 2010 | 9809 | 294.6 | 62.64 | 222,800,000 | 75.63% |
| 2011 | 10039 | 316.2 | 66.97 | 242,600,000 | 76.72% |
| 2012 | 10246 | 323.6 | 67.03 | 248,100,000 | 76.67% |
| 2013 | 10308 | 331.2 | 67.64 | 253,800,000 | 76.63% |
| 2014 | 10492 | 338.9 | 68.39 | 259,600,000 | 76.60% |

FOOTNOTES

FY 2006 and FY 2007 expenditures reflect Governor's budget recommendations.

Cost per inmate per day figures prior to FY 1989 are based upon budget amounts and facility average daily populations for which information was available.

Costs per inmate day were computed by dividing inmate related expenditures by the product of the actual or estimated system-wide **average daily population** housed in DOC facilities multiplied by 365 days.

For fiscal years 2008-2014, total DOC budget and inmate related expenditures were increased by 2.5 percent annually and then further increased by the estimated operating costs (FY 2007 dollars) associated with the following expansion projects to address capacity deficits ranging from 13 beds at the end of FY 2007 to 1,145 beds at the end of FY 2014, based upon the current in-state capacity of 9,347 beds and the FY 2005 inmate population projections.

| <u>Project</u> | <u>Operating Costs/ First Year of Operations</u> | <u>Construction/ Equipment Costs</u> |
|---|--|--|
| EDCF – 2 Units – 256 beds (Double cell one unit) | \$4,537,000 / FY 2009 | \$20,558,900 |
| ECF – 100 Bed Unit | 1,592,000 / FY 2009 | 3,976,400 |
| EDCF – Toronto Expansion – 75 Beds | 1,003,000 / FY 2010 | 3,103,000 |
| EDCF – 256 Beds (Double cell two units) | 3,939,000 / FY 2011 | --- |
| New 500 Bed Facility (Yates Center) | 10,419,000 / FY 2011 | 53,504,700 |

Appendix G

DOC BUDGETS AND PER DIEM COSTS - FISCAL YEARS 1960-2015

| Fiscal Year | June 30 | | Total DOC Budget (Expenditures in Millions) | Cost Per Inmate | | Inmate Related Expenditures | Percentage of Total Budget |
|-------------|------------|-------|--|-----------------|-------------|--------------------------------|-------------------------------|
| | Population | | | Per day | | | |
| 1960 | 2287 | 3.5 | | 3.57 | 2,947,949 | 84.23% | |
| 1965 | 2791 | 6.3 | | 4.61 | 4,736,149 | 75.18% | |
| 1970 | 1998 | 9.5 | | 9.92 | 7,435,435 | 78.27% | |
| 1975 | 1628 | 15.7 | | 21.73 | 11,971,859 | 76.25% | |
| 1980 | 2333 | 28.9 | | 28.10 | 22,881,817 | 79.18% | |
| 1985 | 4538 | 59.6 | | 27.96 | 39,571,272 | 66.39% | |
| 1986 | 4991 | 67.4 | | 28.10 | 44,149,965 | 65.50% | |
| 1987 | 5654 | 71.8 | | 26.72 | 47,751,285 | 66.51% | |
| 1988 | 6013 | 84.8 | | 27.75 | 51,501,456 | 60.73% | |
| 1989 | 6172 | 130.9 | | 41.15 | 89,041,793 | 68.02% | |
| 1990 | 5677 | 131.9 | | 49.94 | 101,844,968 | 77.21% | |
| 1991 | 5619 | 150.3 | | 51.55 | 105,649,391 | 70.29% | |
| 1992 | 6193 | 162.6 | | 56.50 | 118,191,964 | 72.69% | |
| 1993 | 6240 | 167.7 | | 56.65 | 124,398,475 | 74.18% | |
| 1994 | 6091 | 178.5 | | 59.38 | 126,849,907 | 71.06% | |
| 1995 | 6926 | 180.2 | | 55.08 | 127,948,286 | 71.00% | |
| 1996 | 7455 | 185.9 | | 50.77 | 131,455,498 | 70.71% | |
| 1997 | 7795 | 194.8 | | 50.02 | 138,324,727 | 71.01% | |
| 1998 | 8039 | 208.4 | | 52.08 | 148,716,892 | 71.36% | |
| 1999 | 8486 | 214.6 | | 51.94 | 153,683,243 | 71.61% | |
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| 2001 | 8540 | 234.4 | | 53.38 | 164,355,023 | 70.12% | |
| 2002 | 8773 | 237.2 | | 54.87 | 169,929,789 | 71.64% | |
| 2003 | 9046 | 235.0 | | 52.64 | 170,788,355 | 72.68% | |
| 2004 | 9181 | 233.5 | | 52.16 | 172,111,901 | 73.71% | |
| 2005 | 9068 | 243.1 | | 54.38 | 178,317,049 | 73.35% | |
| 2006 | 9166 | 263.8 | | 60.12 | 198,528,401 | 75.26% | |
| 2007 | 9216 | 267.0 | | 60.20 | 200,269,766 | 75.01% | |
| 2008 | 9323 | 273.7 | | 60.68 | 205,300,000 | 75.01% | |
| 2009 | 9364 | 280.5 | | 61.68 | 210,400,000 | 75.01% | |
| 2010 | 9450 | 289.1 | | 63.27 | 217,300,000 | 75.16% | |
| 2011 | 9559 | 300.8 | | 65.49 | 227,200,000 | 75.53% | |
| 2012 | 9591 | 308.2 | | 66.58 | 232,700,000 | 75.50% | |
| 2013 | 9701 | 316.8 | | 68.00 | 239,400,000 | 75.57% | |
| 2014 | 9732 | 324.5 | | 69.15 | 245,200,000 | 75.56% | |
| 2015 | 9749 | 332.4 | | 70.66 | 251,200,000 | 75.57% | |

FOOTNOTES

FY 2006 and FY 2007 expenditures reflect Governor's budget recommendations.

Cost per inmate per day figures prior to FY 1989 are based upon budget amounts and facility average daily populations for which information was available.

Costs per inmate day were computed by dividing inmate related expenditures by the product of the actual or estimated system-wide **average daily population** housed in DOC facilities multiplied by 365 days.

For fiscal years 2008-2015, total DOC budget and inmate related expenditures were increased by 2.5 percent annually and then further increased by the estimated operating costs (FY 2007 dollars) associated with the following expansion projects to address capacity deficits ranging from 103 beds at the end of FY 2010 to 402 beds at the end of FY 2015, based upon the current in-state capacity of 9,347 beds and the FY 2006 inmate population projections.

| <u>Project</u> | <u>Operating Costs/ First Year of Operations</u> | <u>Construction/ Equipment Costs</u> |
|---|--|--|
| ECF – 100 Bed Unit | \$1,592,000 / FY 2010 | \$ 3,976,400 |
| EDCF – 256 beds (Double cell one unit) | 4,537,000 / FY 2011 | 12,160,000 |
| EDCF – Toronto Expansion – 75 Beds | 1,003,000 / FY 2013 | 3,103,000 |

Appendix H

2005 Policy Conference Recommendations and Mapping Information

Prison Admissions and Overlapping Investments in Kansas

Geographical Analyses from the Justice Mapping Center & Council of State Governments

In a context of declining state revenues, policymakers across the country are facing the challenge of addressing rising prison populations. Total spending on prisons and jails has soared from \$9 billion to \$60 billion in the past 20 years. Despite this increased expenditure, however, rates of recidivism remain unchanged, a problem that is of particular concern given the unprecedented numbers of people now re-entering the community: nearly 650,000 are released from prison each year. As prison populations continue to swell and budgets tighten in Kansas and other states, policymakers are looking for ways to manage their state's prison population and increase public safety by reducing recidivism.

The Council of State Governments (CSG) is providing technical assistance to state policymakers in Kansas to lower recidivism and increase public safety. In order to focus the state's efforts, CSG asked the Justice Mapping Center to analyze the state's prison population. The following geographical analyses identify concentrations of prison admissions and overlapping investments in Kansas.

The majority of prison admissions were people who violate their probation or parole.

More than two-thirds of admissions were for violating the conditions of probation or parole – such as failure of a drug test or failure to report. The majority of these people were on probation or parole for a “non-person felony.” Once incarcerated, the individuals typically spend less than 6 months in prison.¹ This policy is neither addressing the behavior that causes people to violate the conditions of their release, nor is it providing effective accountability.

Probation and parole violators come from and return to communities that are particularly ill-equipped to help them succeed.

- Sedgwick and Wyandotte counties account for 40 percent of the state's prison admissions;
- In just one year, Kansas taxpayers spent \$5.5 million to incarcerate parole and probation violators from the 1st Council District in Wichita; and
- That district also has the largest number of families receiving temporary assistance (TAF) in the city.

¹ Eric Cadora and Tony Fabelo, “Building Community Capacity to Reduce Crime and Save Prison Space,” Presentation to 3-R's Committee, April 18, 2005.

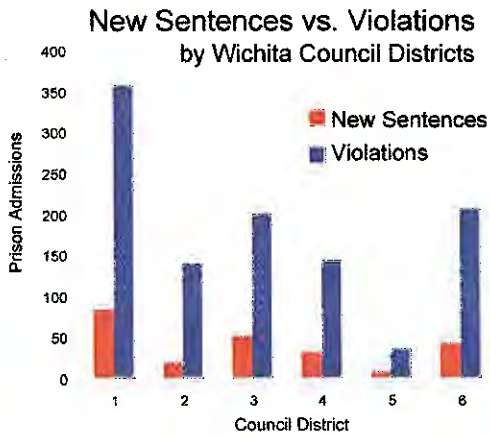
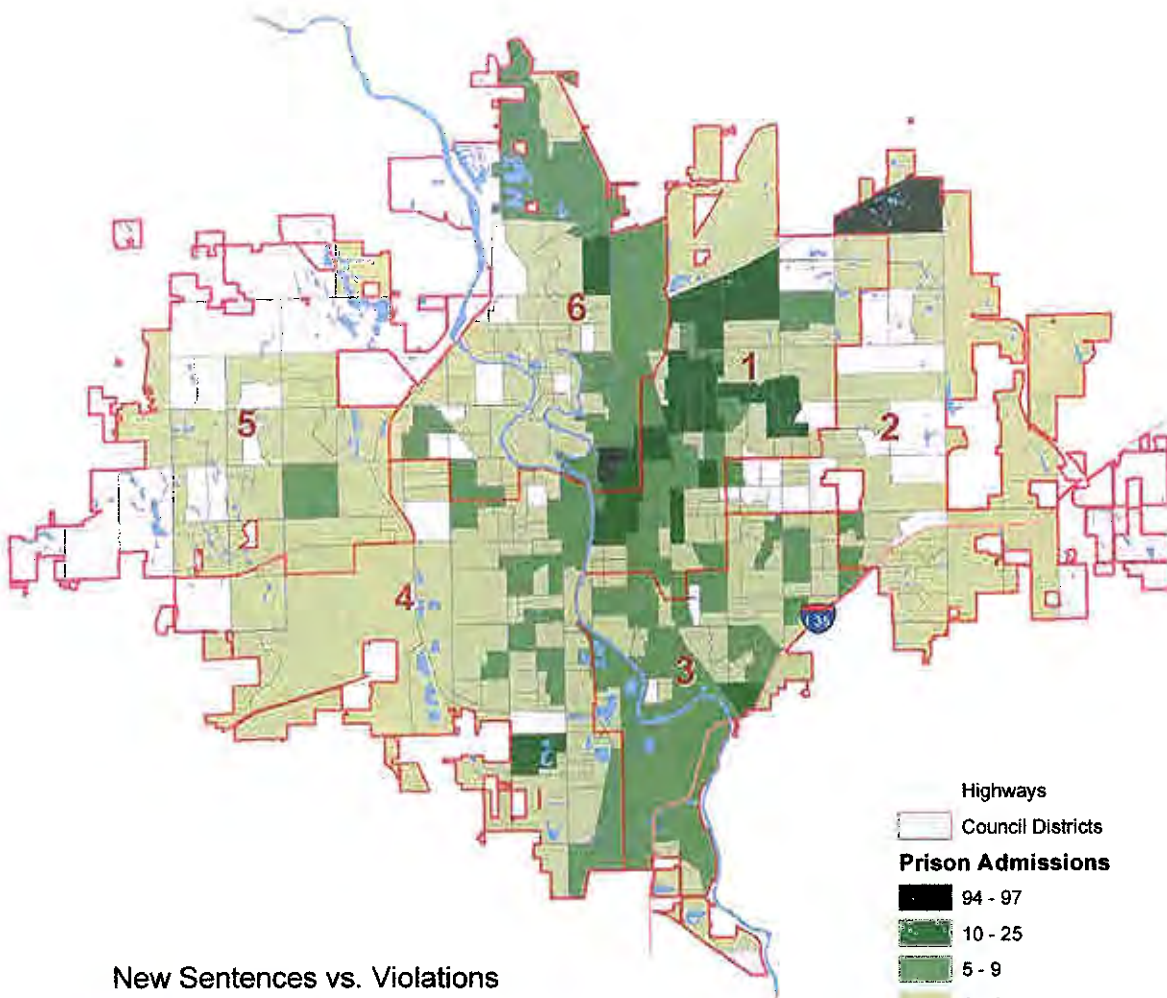
Neighborhoods accounting for large numbers of probation and parole violators also receive significant investments from other government-funded initiatives, in the form of food stamps, temporary assistance and unemployment benefits. Despite their geographical overlap, these resources and programs remain uncoordinated, which means policymakers and community leaders miss opportunities to maximize their collective impact.

Technical Assistance from the Council of State Governments

The Council of State Governments is providing technical assistance to a limited number of states that demonstrate a bipartisan interest in "justice reinvestment." Justice reinvestment is a strategy designed to help states set policies that improve the accountability and integration of distinct investments concentrated in particular communities, manage the growth of the corrections system, and reinvest some of the savings generated from these efforts to make communities receiving the majority of people released from prison safer, stronger, and healthier.

Prepared by the Council of State Governments, a national, nonprofit, nonpartisan membership association serving all elected and appointed state government officials. For more information, please contact Marshall Clement, t. 212-482-2320 or mclement@csg.org

Prison Admissions per Block-Group Wichita, Kansas



| Council District | Total Adm | % of City Total | Total per 1000 | Total Bed Years | Total Expend |
|------------------|--------------|-----------------|----------------|-----------------|---------------------|
| 1 | 441 | 33.6% | 7.7 | 598 | \$11,389,702 |
| 2 | 157 | 12.0% | 2.6 | 106 | \$2,026,126 |
| 3 | 252 | 19.2% | 4.3 | 259 | \$4,933,039 |
| 4 | 172 | 13.1% | 2.9 | 218 | \$4,157,792 |
| 5 | 42 | 16.9% | 0.7 | 72 | \$1,379,792 |
| 6 | 248 | 18.9% | 4.2 | 265 | \$5,038,944 |
| Total | 1,312 | 100.0% | 3.7 | 1,519 | \$28,925,395 |

Map Produced by the the Justice Mapping Center with The JFA Institute and the Spatial Information Design Lab, OSAPP, Columbia University
 Data Source: Kansas Department of Corrections, Prison Admissions 01/01/04 - 12/30/04

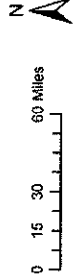
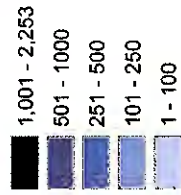


Count of Prison Admissions by Kansas Counties



| County | New Commitment | Probation Revocation | Parole Revocation | Total Adm | Adm per 1000 |
|-----------|----------------|----------------------|-------------------|-----------|--------------|
| Sedgwick | 391 | 717 | 1,130 | 2,253 | 5.0 |
| Wyandotte | 229 | 331 | 603 | 1,167 | 7.4 |
| Shawnee | 131 | 154 | 374 | 660 | 3.9 |
| Johnson | 117 | 180 | 160 | 455 | 1.0 |
| Saline | 45 | 108 | 148 | 301 | 5.6 |
| Reno | 79 | 94 | 112 | 288 | 4.4 |

Prison Admissions



Map Produced by The JPA Institute with the the Justice Mapping Center
 Data Source: Kansas Department of Corrections, Prison Admissions 7/1/03 - 12/30/04

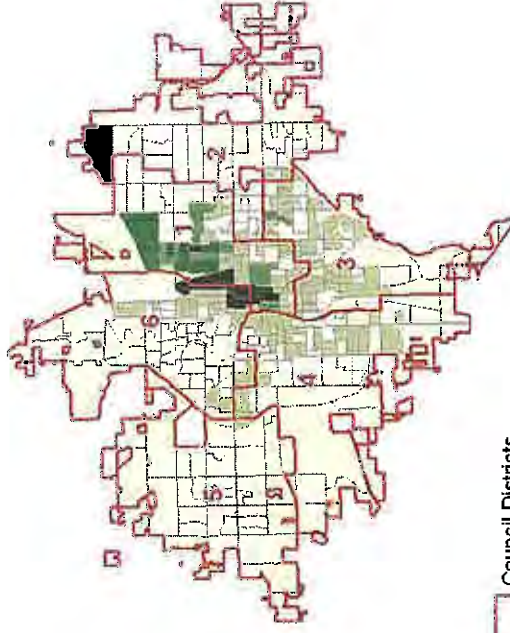
TANF Recipients and Prison Admissions Expressed as Standard Deviations from the Mean Value

TANF Recipients per 1000 SD
by Census Block Group, Wichita



Council Districts
TANF per 1000 SD
 3.01 - 4.76
 2.01 - 3.00
 1.01 - 2.00
 0.01 - 1.00
 -1.12 - 0.00

Prison Admissions per 1000 SD
by Census Block Group, Wichita



Council Districts
Prison Adm per 1000 SD
 3.01 - 7.92
 2.01 - 3.00
 1.01 - 2.00
 0.01 - 1.00
 -0.73 - 0.00



Appendix I

Kansas Criminal Justice 3Rs Committee Recodification Subcommittee Report and Recommendations

Members of the 3R's Recodification Subcommittee

Senator Derek Schmidt
Senator David Haley
Judge Christel Marquardt, Kansas Court of Appeals
Ed Klumpp, Chief of the Topeka Police Department (Ret.)
Mike Jennings, Assistant Sedgwick County District Attorney
Ed Collister, Attorney at Law
Judge Richard Smith, Chief Judge, Sixth Judicial District
Kevin Graham, Assistant Attorney General
Tom Stacy, Professor, University of Kansas School of Law

Introduction

The Kansas legislature has commissioned the 3Rs committee to: (1) re-codify the Kansas Criminal Code, (2) identify practical and cost-effective methods for the rehabilitation of offenders and (3) identify offenders who must be incarcerated to protect the citizenry. (K.S.A. 22-5101). The re-codification subcommittee submits the following summary of its work and requests for additional time and adequate funding to meet the legislative mandate.

The Mandate

The Kansas Criminal Code was comprehensively codified in 1969. Since then, it has grown haphazardly without adequate attention regarding (1) organization, (2) coherency of its parts and, (3) proportionality of sentences. These problems have resulted in protracted criminal proceedings to ascertain legislative intent regarding definitions, overlapping offenses, and punishment. The Legislature wisely concluded these and other shortcomings require recodification to accomplish the following:

1. Clarify the definitions of culpability and the elements of criminal offenses;
2. Eliminate duplicative statutes prohibiting the same criminal conduct;
3. Simplify the code and make it more coherent; and
4. Provide for criminal sentences appropriate for each crime and proportionate to sentences for other crimes.

Implementation

The first task of the Subcommittee was to extensively study the Kansas Criminal Code, the Model Penal Code, and the codes of other jurisdictions to identify issues and possible solutions. This painstaking task has required many hours of research followed by thoughtful and deliberative discussion within the Subcommittee. The Subcommittee's work in progress has then been shared with other interest groups. Thereafter, further refinements have been made and will be made to recodification drafts.

Major Shortcomings of the Existing Code

The Subcommittee has identified numerous problems with the existing code that should be addressed through recodification. Those problems include:

1. Drug convictions account for approximately 25% of our prison population, but drug offenses are not in the Criminal Code. This is more a problem of substance than form. One only need to look at the definitions in K.S.A. 65-4101 to realize plain and simple terms understandable to prosecutors, defense attorney, judges, and jurors, have been abandoned in favor of terminology familiar only to pharmacists and chemists. There is no reason conduct considered criminal must comport with highly technical definitions understood by chemists and pharmacists. Moving the drug offenses to the criminal code and providing traditional and readily understandable definitions of criminal conduct would go a long way toward modernizing our drug laws;

2. The Criminal Code lacks standardized, consistent, culpability concepts. This failure is confusing and often requires the courts to divine legislative intent. As examples, consider: K.S.A. 21-3436 ("intentional, malicious, and repeated"); K.S.A. 21-3608 ("intentionally and unreasonably"); K.S.A. 21-3608a (intentionally and recklessly"); K.S.A. 21-3737 ("willfully and maliciously"); K.S.A. 21-3761 ("maliciously or wantonly"); K.S.A. 21-3832(a) (knowingly and maliciously"); K.S.A. 21-3848 ("negligently failing"); K.S.A. 21-3902 ("maliciously cause harm"); K.S.A. 21-4005 ("maliciously circulating"); K.S.A. 21-4005 ("for the purpose of"); K.S.A. 21-4006 ("maliciously exposing"); K.S.A. 21-4102 ("for the purpose of"); K.S.A. 21-4219 ("malicious, intentional, and unauthorized"). Many of these terms lack meaningful definition and the specific crimes compound confusion by conjoining undefined terms. It is no wonder the courts are increasingly required to search for legislative intent and jurors are given incoherent definitions to consider in deliberations;

3. The Criminal Code is poorly organized and incomplete. Forty-two years of *ad hoc* legislation has led to increasing problems in determining which statute or penalty is to be applied (general law versus specific law; two or more laws proscribing the same conduct or overlapping application). Once again, this has required the Kansas Supreme Court to search for legislative intent or order the imposition of the lesser of two potential penalties. This result is partly because of result oriented legislation over a long period of time that fails to consider the broad view and issues such as proportionality and coherence within the Code. Similarly, words or phrases have been given judicial construction that

may or may not be consistent with legislative intent. This problem could be rectified by appropriate legislative action rather than defaulting to the courts for a necessary solution;

4. Many offenses have been added to the Code that criminalizes both a completed offense and an *attempt to commit the offense* despite the Code's general attempt provision, K.S.A. 21-3301. See, for examples, K.S.A. 21-3428 (blackmail), K.S.A. 21-3815 (attempting to influence a judicial officer); and K.S.A. 21-4403 (deceptive commercial practices). Such redundancies, but with differing penalties, unduly complicate the Code and invite judicial construction to determine legislative intent;

5. Over the past forty-two years, crimes have been added to the Code that are separate offenses but clearly subsets of the general crime. Examples are fraud offenses (welfare fraud, workers compensation fraud, securities fraud); battery offenses (battery against a law enforcement officer, domestic battery, battery against firefighter, battery against a school official); and a multitude of endangerment laws. This has resulted in a patchwork of disparate sentencing provisions that challenges the goal of a crimes code to be coherent in the punishments provided for various offenses; and

6. Within the Code are numerous outdated and unused criminal statutes that should be considered for repeal.

The Work Accomplished

The Subcommittee has met monthly since being formed. Our reporter is David S. Knudson, a retired judge of the Kansas Court of Appeals. Tom Stacy, a professor of law at the University of Kansas School of Law, chairs the Subcommittee. For a list of the distinguished members of the subcommittee, please see the beginning of this report. These individuals have devoted countless hours of time to this project. In addition, the Subcommittee has had the unfailing support of staff members from the offices of the Revisor and Legislative Research. Finally, through the efforts of Professor Stacy and the University of Kansas School of Law, the Subcommittee has had the invaluable assistance of research and memorandums from seven law students enrolled in a "Criminal Recodification Workshop."

On December 2, 2005, the Kansas Judicial Council (KJC) authorized its Criminal Law Advisory Committee to participate in the work of the Recodification Subcommittee. As a result, Stephen L. Opat of Junction City and Debra Wilson of Topeka will begin participating in the recodification project. Ed Collister, a member of both the 3Rs Committee and the KJC's Criminal Law Advisory Committee, has participated in the Subcommittee's work from the beginning.

The Subcommittee has studied the majority of the Criminal Code and has identified numerous reasons to support recodification. We have already produced and extensively discussed memoranda addressing the Code's general provisions, homicide offenses, person offenses, sex offenses, family offenses, property offenses, government function

offenses, and animal offenses. In each of these areas, we have tentatively agreed upon specific proposals for improving the Code's clarity, accessibility, coherence, and proportionality. Preliminary drafts of these various articles that incorporate these specific proposals are being prepared. In each of the articles we have addressed, our proposals:

1. Standardize terms of culpability;
2. Eliminate duplicative or redundant laws;
3. Consolidate laws wherever practicable; and
4. Make penalty provisions more proportionate and coherent.

In addition to recommending that drug offenses be placed in Chapter 21 rather than Chapter 65 (and that the nomenclature be revised), the Subcommittee also is persuaded:

1. The overlap between the definition of drug distribution and drug manufacture must be eliminated;
2. The penalty for drug distribution should be increased from severity level III to severity level II;
3. The penalties for manufacturing, distribution, or use of narcotics or stimulants should carry more severe penalties than similar crimes regarding marijuana; and
4. Guidelines for severity level I offenses should be reviewed as there is an 80% departure rate from the presumptive sentence provided in the drug grid. This is an unusual anomaly not repeated in any categories.

The Remaining Task

The 1969 codification of the Code was more than four years in the making. Understandably, the present effort to recodify the Code will take considerably more time than presently proposed by the Legislature. The Subcommittee has not completed a preliminary review of the entire Code. Drafts of discrete articles of the Code are in an early stage of development. The subcommittee has before it the complex and contentious issue of recommending proposals to mitigate prison overcrowding and real world alternatives to provide for nonviolent offenders and the reentry of inmates into our communities. The Subcommittee is committed to finishing the task given to it by the Legislature, but needs both time and funds to complete the mission.

Every member of the Subcommittee volunteers his or her expertise and time. Professor Stacy and the student researchers from the University of Kansas Law School provide invaluable assistance at no cost to the endeavor. However, all of the countless hours of dedicated volunteers will not permit completion of this most worthy task. The 3R's present funding from private grants will probably be exhausted by December 31, 2005.

Representative Ward Loyd, Chairperson of the 3R's committee, summed up the need for additional financial resources in his written testimony to the Committee on Corrections and Juvenile Justice Oversight on October 14, 2005. Chairman Loyd

concluded, "the 3Rs work current underway could likely be completed with an additional \$125,000 to \$150,000."

Included in Chairman Ward's estimate is the cost of the Reporter for the recodification effort. The Reporter charges a rather modest rate of \$100 per hour plus expenses. The Subcommittee is at a juncture where its proposals need to be placed in a working draft of a recodification document. This is an effort that will require intense and immediate efforts by the Reporter. Thus there is an urgency in the committee's request for appropriate funding. Without funding, the work of the Subcommittee cannot be completed.

A comparison with the costs of recodification efforts in other States support the Subcommittee's belief that its request for necessary funding is clearly cost-effective. For example, Illinois has had a recodification effort that began in 2001 and lasted for almost three years. The Illinois' Reporter was paid \$100,000 with three full-time attorneys and a secretary, all of whom were paid. In Kentucky, a two-year effort to recodify its Code required the hiring of a Reporter, an attorney, and a part-time consultant.

Conclusion

The time is now for recodification of the Kansas Criminal Code. The Legislature recognizes the need. The Subcommittee in place has the expertise and dedicated members needed to complete the task, but it will not happen without adequate funding and a reasonable extension of time given by the Legislature. This opportunity to recodify the Code should not be squandered nor the work of the Subcommittee wasted. The pieces are in place to complete this project. All that is missing is the infusion of necessary funding allowing the work to go forward to a successful conclusion. The Subcommittee would request that this report be brought to the attention of Governor Sebelius and the Legislature in order that recodification may be completed.

Appendix J

Kansas Criminal Justice 3Rs Committee Behavioral Health Subcommittee Recommendations

Members of the 3R's subcommittee for the Behavioral Health Subcommittee are:

William Rich, Washburn Law School (Subcommittee Chair)
John Badger, Chief Legal Counsel, State of Kansas SRS
Marilyn Cook, Executive Director, COMCARE of Sedgwick County
Jennifer Foster, Director of Court Services, Harvey and McPherson Counties
Don Jordan, Acting Commissioner, Juvenile Justice Authority
Lance Kinzer, State Representative
Jim Ward, State Representative
Roger Werholtz, Secretary, Kansas Department of Corrections
Major Dwayne Wright, Director, Butler County Corrections

Assisted by:

Charles Bartlett, Project and Policy Coordinator, Addiction and Prevention Services, State of Kansas SRS
Leslie Huss, Forensic Consultant/Aging Coordinator, State of Kansas SRS
Chris Mechler, Court Services Specialist, Office of Judicial Administration

Background and Introduction:

The Behavioral Health Subcommittee has met monthly since October 2004 to study the challenges, barriers, strengths, and existing resources for individuals with mental illness who come into contact with the criminal justice system within the State of Kansas. Although the continuum of criminal justice involvement spans from local, community based prevention efforts to prison re-entry, the focus of this report will be on community jails and local mental health systems. The "3Rs" Re-entry Subcommittee will present a summary and recommendations for prison re-entry issues. Appropriate and adequate intervention for individuals with mental illness at any point on this criminal justice continuum is crucial. It is also important to note that the Behavioral Health Subcommittee focused on mental health and substance abuse issues in its deliberations. The subcommittee also recognizes the importance of providing services to individuals with co-occurring disorders (mental health and substance abuse diagnoses) with both disorders being primary concurrently.

The overall goal of successful intervention is to improve treatment, reduce criminal behavior, and thereby limit the number of individuals with mental illness involved in the criminal justice system. With timely and successful intervention, individuals would be appropriately diverted from arrest. Those who entered the criminal justice system would receive needed mental health treatment and services in a timely manner both while incarcerated in jail and upon re-entry into the community. In Senate Bill 45, the Kansas Legislature reported that "system integration between the mental health, substance abuse, and criminal justice at the county, regional and state levels can provide prompt, appropriate treatment and interventions to break the cycles of decompensation and incarceration to

successfully reduce the number of individuals with serious mental illnesses entering into, residing in and reentering the criminal justice system...”.

Intervention and diversion can occur at various phases of involvement in the criminal justice system. For the purpose of this report, the Behavioral Health Subcommittee has identified four components to this continuum. Each component yields opportunity for potential diversion and potential for reducing recidivism. The chart below illustrates such:

| COMPONENT | DESCRIPTION |
|------------------------------|--|
| 1. Pre-booking | Efforts made by law enforcement to have individuals who are known to be mentally ill or who are exhibiting unusual behaviors to be taken for an assessment before legal charges are made. |
| 2. Post-Booking | Individuals are assessed as soon as possible in the jail after booking to determine if there is a mental illness and to release these individuals as soon as possible after linking them with appropriate community mental health services. |
| 3. Post-Sentencing | Also known as mental health or problem-solving courts. These specialty courts are designed to keep close tabs on individuals and to better ensure that they remain engaged in mental health or substance abuse services or both. Many of these individuals may be connected with case managers or placed on supervision. |
| 4. Re-Entry from Jail | Mentally ill individuals are connected with appropriate community behavioral health services and helped with the transition back into the community after a moderate or long time in the local county jail. |

Purpose of Report:

The purpose of this report is to:

- Identify barriers and gaps that currently exist that allow for individuals with mental illness to penetrate the criminal justice system and languish in the system for long periods of time at high cost and without effective treatment;

- Provide an overview of current initiatives in Kansas; and
- Provide recommendations to the Kansas Legislature on how to further address the barriers and gaps.

Nationally, it is clear that jails are seeing a larger number of inmates with mental illness entering their facilities each year. Kansas is no different. In testimony that we received, we learned that currently approximately twenty percent of jail inmates suffer from severe mental illness, and for women the figure may be almost double that number. Nearly three-quarters of those with mental illness also have a history of substance abuse. Both the length and cost of confinement for these offenders are likely to exceed that of others with comparable criminal records. For a significant number of these offenders, mental illness may be unrelated to their criminal conduct, and jail or imprisonment may be the most appropriate response to their behavior. For some, however, treatment of underlying mental illness and addiction may help to break the cycle of criminal behavior and incarceration. Public officials face the difficult task of recognizing those instances in which treatment alternative should be adopted.

In meeting with stakeholders from around the state of Kansas, the Behavioral Health Subcommittee has heard of many barriers to effective diagnosis and treatment that increase the risk of mentally ill individuals becoming involved in the criminal justice system. Some of those barriers and gaps are:

- Lack of training of law enforcement, probation, jail employees on issues such as mental illness
- Lack of services, especially in rural and frontier areas of Kansas (i.e., housing, transportation, medication, substance abuse treatment);
- Lack of trained, certified staff in mental health around the state and in particular in rural and frontier Kansas;
- Reduction of local and state psychiatric beds;
- Lack of early screening and identification of at-risk youth and families;
- Lack of focus on prevention;
- Large number of individuals with co-occurring disorders (substance abuse and mental illness);
- Lack of coordination, collaboration, and communication amongst state and local agencies and governments;
- Separation of funding for mental health and substance abuse treatment which fails to meet the needs of large numbers of individuals with co-occurring disorders;
- Lack of funding for services;
- Some Community Mental Health Centers unwilling to serve individuals with a criminal history;
- Increased difficulty in acquiring court-ordered inpatient treatment within local and state hospitals; and
- Community's obligation to treat individuals with mental illness, but also a concurrent obligation to help protect civil and consumer rights.

In the absence of careful study, this list of existing barriers may actually increase in the near future as changes are made in funding priorities. For example, the Subcommittee heard testimony about possible changes in Medicaid policy, which could result in reduced funding for case management services despite evidence of the effectiveness of such services. Furthermore, proposed changes in the funding for Addiction and Prevention Services could result in the elimination of participation in treatment programs for a significant number of offenders who may, as a result, serve longer terms in jail at increased cost to local communities. All of these barriers and threats warrant continued study and assessment.

State-wide Initiatives:

Despite the many barriers identified by the Subcommittee, there are some positive initiatives going on around the state. These initiatives are primarily limited to their own county or catchment area and are not statewide. Some current initiatives shared with the Subcommittee included:

- Three communities in Kansas have adopted the Crisis Intervention Team model out of Memphis;
- At least one county has adopted a jail diversion program for mentally ill inmates resulting in improved treatment and reduced recidivism;
- Cross trainings are being developed and implemented across the state for mental health and law enforcement and jail staff;
- At least two counties have developed “drug courts” providing diversion and treatment for substance abuse offenders; and
- Formal arrangements/contracts between county jails and Community Mental Health Centers to provide consistent, on-going mental health treatment for inmates.

The common ingredient in all of these initiatives is improved coordination of mental health and addiction treatment services with the criminal justice system.

RECOMMENDATIONS:

After careful review of the testimony and recommendations from representatives of the Council on State Government as well as input from a multitude of stakeholders from around the state, the Behavioral Health Subcommittee offers the following recommendations to be considered by the Legislature and other government officials. Regardless of what Kansas decides to ultimately implement, the Behavioral Health Subcommittee strongly recommends that treatment providers identify and implement evidenced based practices

whenever possible as these practices have demonstrated effectiveness in producing desired outcomes.

Our recommendations, described in more detail below, can be summarized as follows: 1) Implementation and expansion of case management services for offenders with mental illness who are being released from prison; 2) A study of current initiatives which could lead to increased funding for coordinated community diversion and treatment programs; 3) Establishment of a statewide leadership team to oversee that study and subsequent coordination of mental health and criminal justice issues; and 4) Establishment of a director level position within the Department of Social and Rehabilitation Services to support the leadership team and to guide implementation of mental health initiatives that intersect with the criminal justice system.

RECOMMENDATION #1. Assess the strengths and weaknesses of the COR-Pathways program and use the findings to improve the existing pilot project and to replicate the program in other counties, beginning in Wyandotte County.

A major initiative is currently underway to provide increased coordination of case management service for offenders with mentally illness who are being released from prison. The COR-Pathways program, which was developed by the Kansas Department of Corrections with support from the Council on State Governments, is jointly funded by SRS, and KDOC recognizes the need to integrate parole planning and supervision with existing community services. The COR-Pathways program in the El Dorado Correctional Facility serves those offenders with mental illnesses who are returning to Sedgwick County. The program was recently expanded into the Lansing Correctional Facility. Efforts are currently underway with KDOC to implement a re-entry program in Wyandotte County. Although similar in their goals, COR-pathways and the project in Wyandotte County are different efforts. Regardless of the model utilized, improving continuity of care and improving the flow of information of offenders with mental illness released from prison served by both KDOC and SRS will ensure that those offenders eligible for Medicaid or SSI are enrolled in the program the day they are released from prison.

The additional Subcommittee recommendations described below provide a complimentary approach to offenders at their earliest encounters with the criminal justice system. Diversion and treatment for those offenders may eliminate the need for subsequent confinement in state prisons.

RECOMMENDATION #2. We recommend conducting an inventory of all major initiatives developed and funded at the local level to improve outcomes with offenders with mental illness within the criminal justice system. We recommend that a study be carried out focusing on the costs, risks and benefits of jail diversion strategies and other alternative programs in place in Kansas for those offenders with mental illness. The purpose of the study will be to identify effective strategies for coordinating community mental health and substance abuse treatment services with the criminal justice system. This study should precede commitment of substantial new funds for initiatives of such programs. The study should evaluate existing local programs such

as Crisis Intervention Teams (CIT), jail diversion, and integrated case management approaches to treatment of offenders with mental illness.

After the study is completed, appropriate recommendations should be made for increased funding streams that will allow for growth of alternative programs that have demonstrated outcomes such as jail diversion programming, cross-training, mental health services while in jail, and release planning for those leaving the jail and re-entering the community. We believe that public safety issues are local issues and that alternatives to incarceration may look different in communities throughout the state depending on their specific local needs and resources. The study should look at both cost containment and efficiency to facilitate the ultimate goal of lowering overall costs. A combination of state and county funding options will facilitate development of programs with demonstrated outcomes that are most appropriate for local communities.

Although alternative approaches may be developed after further study, we currently recommend that necessary funds be allocated to the Department of Social and Rehabilitation Services for distribution to local Community Mental Health Centers. This approach allows for comprehensive coverage without the creation of additional entities or agencies. It must be clear that these are new initiatives for both the criminal justice and mental health systems and that they will require additional and adequate funding. Funding of such initiatives could be included in the Participating Mental Health Center contracts that are annually negotiated between SRS and the Community Mental Health Centers. A new focus should be placed on local collaborations between law enforcement and local treatment providers. It is also desirable to have blended funding whenever possible among city, county and state resources. Some examples of programming could include:

Pre-booking Intervention:

- Cross training of law enforcement, probation, jail, and mental health staff;
- Short-term community based crisis resolution and stabilization services (24-48 hours);
- Crisis mental health workers who go on mental health calls with law enforcement; and
- Crisis Intervention Team approach.

Post Booking, Post-sentencing, and Jail Re-entry:

- Collaboration and formal service arrangements between the local Community Mental Health Center and jail. Some potential services include:
 - Mental health screening at time of book-in to identify mental health needs;

- Access to psychotropic medications in a timely manner;
- Monitoring of psychiatric medication;
- Crisis intervention, such as suicide assessment;
- Coordination of assessment for substance abuse treatment;
- Discharge planning for immediate access to mental health services, safe housing, medication, and public assistance;
- “Mental Health Court” type diversion model; and Targeted training on mental illness for probation staff.

RECOMMENDATION #3. Appoint a statewide leadership team consisting of mental health providers, court staff, consumers, family members, probation, law enforcement, judges, attorneys, substance abuse treatment providers, and community volunteers that will work together to oversee implementation of recommendations #1 and #2.

We are recommending that this leadership team be comprised of an expanded membership of the existing Forensic Subcommittee of the Governor’s Mental Health Planning Council. The leadership team would adhere to the principles and goals outlined in the 2003 President’s New Freedom Commission on Mental Health Report that establishes goals for transforming the mental health care system in America. This entity could also be the structure that would allow for the state to apply for and monitor the use of future federal funding, including funding that may be available through the Transformation grants. The role of this leadership also may include:

- Making recommendations to the Governor’s Mental Health Planning Council (GMHPC) about funding jail diversion and post-booking/adjudication programming;
- Provide recommendations to the GMHPC and provide information to the legislature on policy issues;
- Provide recommendations to communities seeking to develop local diversion efforts;
- Provide recommendations on education, technical assistance, and access to evidence-based and best practices to communities expressing an interest in developing such programs;
- Review outcomes of initiatives from around the state; and
- Advise SRS on how new (or targeted) funds should be distributed.

In addition, this leadership committee should review and prioritize possible interventions for the topics described below. These are topics that the Behavioral Health Subcommittee heard testimony on and that should be addressed as part of a long-term strategy to eliminate barriers to effective treatment experienced by offenders with mental illness or offenders with an addiction within the criminal justice system.

| TOPIC | RECOMMENDED ACTION |
|---|---|
| Medicaid | Collaboration needs to occur among the agencies involved to work out solutions to more rapid access to a Medical card once inmates are released. |
| SSI Enrollment | Leadership Team should meet with district or regional representatives to expedite enrollment for offenders with mental illness. |
| Assessments & Evaluations | Leadership should investigate and help alleviate barriers (including financial barriers) to obtaining mental health assessments. The team should also look at a mechanism to standardize competency evaluations being performed throughout the state. |
| Information Sharing | Leadership needs to focus additional efforts on mechanisms that might be developed to increase the sharing of clinical information and data base information between systems that would lead to better coordination of care. |
| Cross Training | Leadership should look for ways to expand cross training between the criminal justice and treatment systems |
| Suicide Prevention | Information should be provided to jails throughout the state with a focus on training on the signs and symptoms of potential suicide as well as the need for every jail to have a policy on how to manage potentially suicidal inmates. |
| Community Mental Health Centers (CMHC) | Efforts should be made to engage all CMHCs in collaborative efforts throughout the state |

| TOPIC | RECOMMENDED ACTION |
|----------------------------|---|
| Addiction Treatment | Evidence-based practices should be taught and encouraged throughout Kansas. The Leadership Team could arrange for this research to be shared with providers and facilitate providers already using these treatments to share their successes with others. |
| Homelessness | The leadership team should hear additional testimony on homelessness and it's impact on the mentally ill and their involvement in the criminal justice system. |

RECOMMENDATION #4. Establish funding for a full-time position to be held within SRS that will report to the Deputy Secretary of Health Care Policy.

Additional leadership needs to be given to development and implementation of coordinated mental health policy. As recorded by the Council of State Governments, nearly every state has a state mental health coordinator.

Duties may include:

- Oversight of the state funds that will go through SRS and be delivered to local Community Mental Health Centers;
- Help communities conduct local feasibility studies of options for treating the mentally ill and addicted offenders in their community as well as being familiar with general offender issues;
- Provide accountability for those funds to the statewide leadership team;
- Provide staff support for the statewide leadership team (i.e., coordinate meetings, advise the Legislature of activities, need for appointment of new members);

Provide technical assistance to communities (Community Mental Health Centers, probation, jails, court services, law enforcement, county commissioners, consumer and family run organizations etc.) who are interested in developing a diversion or post-booking/adjudication program;

- Coordinate cross-trainings around the state;
- Apply for grant funding opportunities; and

- Collect outcomes from initiatives to reduce recidivism and report them to the statewide leadership team.

Close collaboration between local communities and the state is vital for the success of jail diversion programming. As noted in Senate Bill Number 45, "criminal justice, mental health and substance abuse systems that do not provide a coordinated response to individuals with serious mental illness often end up using expensive public safety and emergency services". Systems are already in place to provide this coordinated response. Twenty-nine Community Mental Health Centers are in place around the state with the purpose of serving those with mental illness. Many of those centers also provide substance abuse treatment. SRS works closely with all Community Mental Health Centers, which includes oversight of Medicaid and state dollars for mental health services. With increased funding for programming and a coordinated statewide leadership team, achieving the goals of increasing public health and safety and reducing the number of individuals with mental illness in the criminal justice systems can be achieved.

Appendix A

Behavioral Health Subcommittee Report

Testimony and Information Provided to the Subcommittee

Assessments and Evaluations

Denise Everhart, former Commissioner, Kansas Juvenile Justice Authority
Roger Haden, Kansas Department of Corrections, Level of Services
Inventory - Revised
Chris Mechler, Office of Judicial Administration, Johnson County Pilot
Study - Use of the Level of Services Inventory - Revised

Community Mental Health Centers

Marilyn Cook, COMCARE, Community transition and treatment

Community Offender Reintegration - Pathways

Margie Phelps, Department of Corrections

Community Transition and Treatment

Roger Haden, Kansas Department of Corrections

Coordinated Jail Supervision

Leslie Huss, Department of Social and Rehabilitation Services

Drug Courts

Jared Hasin, Shawnee County drug court program

Governor's Mental Health Planning Council Forensics Subcommittee

Wes Cole, Planning Council Chairman, Governor's Mental Health
Planning Council

Brad Grinage, Forensics Subcommittee Chairman, Governor's Mental
Health Planning Council

History Status and Treatment of Mentally Ill Offender Population

Professor Margaret Severson, University of Kansas

Homelessness Among the Mentally Ill

Christy McMurphy, Department of Social and Rehabilitation Services

Information Sharing Between Juvenile and Adult Systems

Acting Commissioner Don Jordan, Kansas Juvenile Justice Authority
Mark Masterson, Sedgwick County Department of Corrections/Community
Corrections

Institutional Treatment

Denise Everhart, Commissioner, Kansas Juvenile Justice Authority
Roger Haden, Kansas Department of Corrections

Jail Survey

Leslie Huss, Department of Social and Rehabilitation Services

Johnson County Jail Mental Health Program

Paul Morrison, Johnson County District Attorney
Sandra Glazer, Johnson County District Attorney's Office
Rene Hickman, Johnson County District Attorney's Office
Bill Wilcox, Johnson County Sheriff's Office
Jeff Brownlee, Johnson County Sheriff's Office
Kim Martin, Johnson County Sheriff's Office
Lynn Store, Johnson County Sheriff's Office
Dwayne Wright, Johnson County Mental Health Center
David Wiebe, Johnson County Mental Health Center
Rohn McHish, Johnson County Mental Health Center
Tim DeWeese, Johnson County Mental Health Center

Medicaid Suspension Policies

Jeanine Schieferecke, Department of Social and Rehabilitation Services
Dennis Priest, Department of Social and Rehabilitation Services

Mental Illness Advocacy Groups

Karen Ford Manza, National Association on Mental Illness, Kansas;
Gary Parker, Statewide Consumer Advisory Council
Tim Voth, Disability Rights Center
Mike Donnelly, Disability Rights Center

Mental Health, Addiction and Criminal Justice Perspectives

Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence
Harold Casey, Kansas Association of Addiction Professionals
Bev Metcalf, Kansas Association of Addiction Professionals
Sheriff Vernon Chinn, Pratt County Sheriff, representing the Kansas
Sheriff's Association
Diana Colins, President, Kansas Association of Court Services Officers
Scott Jackson, Executive Director, Family Life Center, Inc., representing
the Association of Community Mental Health Centers
Julie DeJean, Kansas Hospital Association
Betsy Gillespie, Director, Shawnee County Department of Corrections,
representing the Kansas Jail Association
Dr. Roy Menninger, Kansas Mental Health Coalition
Judy Moler, Legislative Services Director/General Counsel, Kansas
Association of Counties

Mental Health, Addiction and Criminal Justice Perspectives con't

Hon Eric Rosen, Kansas District Judges Association
Ron Wurtz, Kansas Association of Criminal Defense Lawyers

Social Security and SSI Application

Ancel Neuberger, Social Security Regional Office
Tony Fabelo, Council of State Governments
Mike Thompson, Council of State Governments
Marshall Clement, Council of State Governments

Substance Addiction Treatment Programs

Charles Barlett, Department of Social and Rehabilitation Services,
Addiction and Prevention Services
Dave Chapman, Department of Social and Rehabilitation Services,
Addiction and Prevention Services
Donna Doolin, Department of Social and Rehabilitation Services, Alcohol
Abuse Prevention Services

Suicide Prevention

Leslie Huss, Department of Social and Rehabilitation Services

Three R's Project and Funding Options

Tony Fabelo, Council of State Governments
Mike Thompson, Council of State Governments
Marshall Clement, Council of State Governments

Training

Leslie Huss, Department of Social and Rehabilitation Services
Chris Mechler, Office of Judicial Administration

Treatment programs within DOC and community corrections

Roger Haden, Kansas Department of Corrections

Appendix K

KANSAS CRIMINAL JUSTICE "3Rs" COMMITTEE
Report of the Re-Entry Subcommittee ("RESC")
January 16, 2006

The Re-Entry Subcommittee Members

The Subcommittee was composed of the following persons:

Chris Hauck, Prison Ministries – Subcommittee Chair
Randy Allen, Kansas Association of Counties – Executive Director
Amy Apitz, Kansas Housing Resources Corp. – Emergency Shelter Grant Adm'r.
David Brennan, Heartland Works – Director of Operations
Dennis Casarona, Kansas Juvenile Justice Authority – Deputy Commissioner
Jeff Duncan, Kansas Juvenile Justice Authority – Re-Entry Program Consultant
Phil Griffin, KDHE - Bureau of Epidemiology and Disease Prevention
Rep. Ward Loyd, Criminal Justice 3Rs Project – Committee Chair
Scott McLean, InnerChange Freedom Initiative – Aftercare Manager
Shirley Miller, Gracious Promise Foundation – Executive Director
Don Moler, League of Municipalities – Executive Director
Dennis Priest, SRS – Program Administrator
Keven Pellant, KDOC – Deputy Secretary of Community & Field Services
Margie Phelps, KDOC – Director of Reentry & Release Planning
Robert Schmidt, Prison Fellowship – Kansas Director
Jeanette Stauffer, Kansas Attorney General - Victims' Rights Coordinator
Marilyn Scafe, Kansas Parole Board – Chair
John Trembley, Northwest Kansas Community Corrections – Director

Several of the members were represented or accompanied by others from their organizations during various committee meetings. A list of persons presenting information to the Subcommittee follows this Report as Attachment 1.

Introduction and Background

The Re-Entry Subcommittee used the "Report of the Re-Entry Policy Council"¹ as the starting point for its work. This voluminous and exhaustive document was developed with federal funding under the guidance of the Council of State Governments. It contains the latest thinking and research on re-entry policies, and represents an

¹ "The Re-Entry Policy Council is an unprecedented, bipartisan collection of nearly 100 leading elected officials, policymakers, and practitioners working in state and local government and community-based organizations who are committed to improving the likelihood that a person's transition from prison or jail to the community will be safe and successful. Together, the members of the Policy Council represent nearly every component of the criminal justice system, as well as those systems that make available education, job training, job placement, housing, health and mental health care, substance abuse treatment, and other forms of support and supervision. This report reflects the results of their work over the past two years: policy statements and recommendations that, if implemented, will ensure the safe and successful return of an individual to the community following his or her incarceration." *Re-Entry Policy Council Report* p. 2. Available for download at http://www.reentrypolicy.org/documents/rpc_report.pdf.

enormous investment of money and time in the study of the same areas that the Subcommittee has been charged to study.

As can be seen from the Subcommittee roster above, considerable re-entry expertise lay within the Subcommittee itself. Given the broad and comprehensive reach of the Policy Council's Report, it was determined that the best way to meet our mission to identify and recommend changes in laws and practices to improve the re-entry success rates for Kansas offenders, would be for each Subcommittee member study the portions of that Report in which s/he had an interest or expertise and report back to the Subcommittee on the portions that could be "localized" for use and/or study in Kansas. These analytical reports and other information shared by the conferees with the Subcommittee, together with the presentations of numerous outside experts, formed the basis for our report.

It will be obvious to the reader of our Subcommittee report that many—if not most—of our recommendations require further study, especially in the area of estimated costs and returns on investment. A fundamental concept that guided the Subcommittee in its work is that improvements in offender re-entry success results also have a positive impact on public safety by reducing crime, and that reductions in the real costs to victims and our social infrastructure are far more important targets for investments in the criminal justice system than new prison beds for more inmates.

The Kansas Department of Corrections (KDOC) releases approximately 5,800 offenders each year from prison to Kansas communities. There are approximately 5,100 offenders in Kansas communities on parole or under post-release supervision, and over 9,000 offenders in prison as of December 2005. In FY 2005 24 percent were released with full sentence discharges, meaning they were released without supervision in the community. Those offenders were mostly probation violators who have no post-release supervision time or parole violators who have completed their sentences after one or more returns to prison. The majority of the releases are to the four largest Kansas counties: Sedgwick, Shawnee, Wyandotte and Johnson, into which about 65 percent of offenders are released. Another 25 percent are released to various counties around the state, with many going to Reno, Saline and Douglas counties, and southeast Kansas. About ten percent go to other states to be supervised under agreements ("interstate compacts") between Kansas and those states.

The KDOC uses a risk-assessment instrument (the Level of Service Inventory-Revised[®], or LSI-R) to determine areas of risk and need, which is administered at three stages in the corrections system: in the KDOC's El Dorado Correctional Facility Reception and Diagnostic Unit (RDU) when prisoners first enter the KDOC system, at 14 months before release, and again within 30 days after release. A review of risk assessments for offenders who were released during the period from June through September 2005 found that offenders leaving prison demonstrate the following needs:

- Sixty percent are high risk in the area of education and employment. This means they have a history of sporadic employment, have limited education, and overall will have difficulty achieving sustained employment upon release.

- Fifty-two percent are high risk in the area of cognitive/decision-making/anti-social thinking. The cognitive issues impact the ability of offenders to maintain sobriety, employment, good family relationships, and to remain crime-free.
- Thirty-four percent are high risk for alcohol/drug use (35 percent of the offenders in prison in November 2005 had a primary diagnosis of substance abuse/dependence). In addition to those with addiction, a review of RDU intake reports shows that roughly two-thirds of those who come into the KDOC system have some substance use/abuse in their history.²
- Twenty percent require mental health care, half of them because they are “severely and persistently mentally ill” (SPMI) and need intense case management and medication management services.²
- Twenty-four percent are high risk for lack of proper accommodation/housing. One-third of all offenders released are not destined to their own housing, or to the home of a family member or friend, but instead go to structured living/halfway house placements; this number increases to 42 percent when considering sex offenders only.
- Twenty-three percent are high risk in the area of family or marital relationships. The issues surrounding family include anti-social relationships and influences; history of domestic violence; family problems related to finance and substance abuse; and problematic marital relationships.

In addition to these areas where offenders demonstrate high levels of risk as determined through the LSI-R, other issues faced at release are:

- Financial burdens, including lack of funds, child support arrearages, penalties and fines—especially for driving violations—and debt owed to landlords, utility providers, and other creditors, along with supervision and treatment fees.
- At least half the offenders lack adequate identification credentials when they leave prison, including driver license and social security cards.
- Transportation to work, parole officer meetings, treatment, and other necessities is often unavailable or only sporadically available.
- Fourteen percent of the offenders face pending detainers, meaning some legal matter is pending that requires them to appear in court because of an outstanding

² KDOC RDU records from calendar year 2005 show that 2,650 (72%) out of the total 3,962 intake reports include a history of substance use/abuse.

The Re-Entry Subcommittee was presented information concerning offender substance abuse issues. While study and reporting on that subject has been assigned to the Committee's Behavioral Health Subcommittee, that information and some tentative recommendations of the Re-Entry Subcommittee is summarized in Appendix A to this Report. Other information in the province of the Behavioral Health Subcommittee that was presented to the Re-Entry Subcommittee and some tentative recommendations on Mental Health Needs is summarized in Appendix B to this Report.

warrant, typically involving such problems as unresolved criminal charges, traffic cases, and child support arrearages.

In addition, returning offenders raise myriad issues and concerns in the communities, on the part of victims, neighborhoods, family members, law enforcement agencies, and the community at large. Besides the risk areas that impact the ability of the offender to be successful and remain crime-free and comply with terms and conditions of supervision, substantial stigmas attend a felony conviction. Many communities are uncomfortable with returning offenders, and neighborhoods often feel over-burdened and unable to absorb this population.

Most employers and property managers screen for felony convictions, and are often uncomfortable renting to or employing offenders. Some landlords categorically exclude everyone with a felony conviction as tenants. Public and non-profit community service systems are already burdened and lack expertise in working with the unique needs of offender population.

Not surprisingly, many offenders return to prison when their parole is revoked for failure to comply with the conditions of their parole supervision. Out of the 5,871 returns to prison in FY05, 2,138 returned for condition violations; 199 returned because they committed new crimes.³

In addition to a large number of admissions to prison for parole violations, offenders placed on probation in lieu of incarceration face similar difficulties, and also are "violated" by their supervising authorities, resulting in about two-thirds of the admissions to Kansas prisons being for violation of supervision requirements, rather than new criminal behavior. These return rates seriously impact the resources of the KDOC, including staff time and bed space. Since those who come to prison on probation and parole violations often serve only short periods of time,⁴ KDOC is unable to impact their behavior through programs or case management, making the time in prison unproductive beyond temporarily removing them from the community.

The Re-Entry Subcommittee received testimony from various sources and reviewed literature on best practices in the area of re-entry and the risk areas that impact whether offenders succeed and become law abiding upon release from prison. From this information the Subcommittee developed the recommendations contained in this report, which are designed to move the system toward effective re-entry practices.

The KDOC has established a formal comprehensive re-entry program: the Shawnee County Re-entry Program (SCRIP) that involves comprehensive case management targeted to risk areas beginning a year before release for high-risk offenders returning to Shawnee County. Through the development of individual case plans, concentrated

³ KDOC Statistical Profile FY05, p.29.

⁴ See Section 13.(a) of this Report and footnote thereto.

case management, and numerous partnerships with community providers and organizations, the risk and need areas of offenders are addressed, and comprehensive case plans developed. The program has been in place for over two years, and 29 offenders have returned to the community through the program. As of December 2005, SCRIP has experienced an exceptional recidivism rate of only 13.7% for high-risk offenders. This Subcommittee report incorporates the lessons learned through the development of that model in addition to other sources of information. The Program was recently named in *The Wall Street Journal* as "One of the [Nation's] most promising re-entry programs."⁵

The goal of the recommendations in this report is to support the work of leading policymakers in Kansas who seek to transform the way offenders are prepared for release from prison and returned to the community. Among other indicators, a shrinking prison population will reflect their success, as will the reinvestment of a portion of the funds once allocated to the Department of Corrections into those communities receiving large numbers of people released from prison or jail.

State officials envision a Department of Corrections whose role is to make neighborhoods healthier, stronger, and safer. To that end, the KDOC is "virtually integrated" with nonprofit organizations, including faith-based organizations, and other state and local agencies that provide services and support crucial to the successful reintegration of an offender from the prison system into to the community.

To realize the vision described above, state leaders, with the support of various experts and national organizations, have developed a plan that these recommendations are designed to support, which they hope will be funded through a combination of local, state, federal, and foundation dollars. The goal is for this plan to generate savings to the state, which will be retained and reinvested to improve existing, and to develop new, community resources. This process should enable officials to institutionalize and sustain the efforts described in this plan, limiting the need for further support from funding sources outside the state.

In addition, this document is proposed to become the basis for the development of a comprehensive, integrated model for meeting the problems and needs of offenders leaving prisons, with the ultimate goal of improving public safety by reducing the rate of return to prison by offenders by reason of the commission of a new offense, or for violating a supervisory condition. It is the belief of the Subcommittee that, taken as a whole, the model will prove to be cost-effective. Where possible, estimates of costs and outcomes have been made. However, the Subcommittee recommends that the following discrete actions be taken by the legislature and where relevant, by the various state agencies involved in such actions.

⁵ Gary Fields, "To Cut Prison Bill, States Tweak Laws, Try Early Releases, *The Wall Street Journal*, December 21, 2005, p. A1.

Continuing Re-Entry Policy Development and Administration

To continue to refine current re-entry strategies and to develop and integrate such of the recommendations as may be adopted, a standing statewide re-entry body (Body) should be created with appropriate funding and staff that will address re-entry on an ongoing basis. This Body should:

- a. Make recommendations to the legislature about funding re-entry programs;
- b. Make recommendations to the legislature about statutes impacting re-entry policy;
- c. Make recommendations to state agencies about their policies and practices that impact re-entry;
- d. Apply for and receive funding from federal and private sources;
- e. Have staff from key state agencies assigned to work with them in carrying out recommendations;
- f. Provide technical support and guidance to local communities that develop re-entry programs, and assist in obtaining funding for such programs;
- g. Take the lead on collecting and evaluating data to identify effective and ineffective programs;
- h. Sponsor public education efforts giving information about re-entry and risk reduction;
- i. Oversee mapping and resource coordination, including developing mapping capacity within the state for ongoing use of this tool and strategy;
- j. Establish and coordinate cross-dialogue and cross-training between necessary systems to support re-entry;
- k. Pursue funding and issue solicitations to community and faith based organizations, to assist organizations demonstrating capacity to engage in mentoring offenders based on specified re-entry outcomes;
- l. Establish benchmark outcomes for re-entry programs and seek funding to evaluate the programs; review evaluation results and make recommendations based on those results;
- m. Review re-entry data on "new law" and "old law" offenders to determine what—if any—changes may be appropriate to harmonize treatment and punishment for condition violations between those classes of offenders; and
- n. Join with the Parole Board in studying and formulating recommendations to change revocation rates for parolees, including changes in such incentive measures as increasing or reducing offenders' "good time," and to study possible changes in the Board's parole authority based on the increases in severity of sentences for certain crimes that have been adopted since the sentencing guidelines were implemented in 1993.

This proposed Body should be permanent, should involve representatives from key state agencies and other entities that have a significant role in establishing statewide re-entry policies and practices, and should be supported by all branches of the government. This Body could provide guidance for building community capacity for returning offenders throughout the state, and at the state and local level.

The Subcommittee also recommends that the Body be charged with the responsibility to follow up and generally oversee the agencies' coordinations and changes recommended by the Subcommittee in this Report that do not require legislative action. The Subcommittee also recommends that the Body be directed to conduct research and prepare testimony to support the recommendations of this report that will require affirmative legislative or executive actions. Following are the Subcommittee's specific observations and recommendations.

1. **Increasing Capacity to Reduce Risk.** A key component of good re-entry practices is risk reduction, a key public safety issue. In addition to addressing the risk factors of offenders in the period shortly before and after release, the KDOC is endeavoring to address risk throughout the prison stay. To support this ongoing effort, the Committee recommends the following:
 - a. *Case Management & Individual Risk Reduction Plans*
 - (1) Support the ongoing work by KDOC to move toward case management based on individual risk reduction case plans. Case management is provided to offenders in the facilities through corrections counselors, and on post-release supervision through parole officers, and in both arenas through specialized re-entry or transitional planning staff; building these strategies will enhance case management and result in a reduction of risk that the offenders will fail and re-offend upon release.
 - (2) Continue administering risk/needs assessments with offenders upon their entry into prison.
 - (3) Develop a single individual risk reduction case plan that will follow the offender through the system from intake to discharge from supervision. This will require programming within KDOC so the data systems can support this tool without repeated data entry.
 - (4) Implement and support intense case management on the basis of risk for high-risk offenders. This will require review of caseload sizes and configurations, and additional staffing to enable the amount of intense case management required for high-risk offenders. It will also require establishing specialized and risk reduction services which are addressed further in this report.
 - (5) Ensure that relevant and accurate information is collected at intake to address the re-entry needs of offenders and that this information is available to case managers during incarceration for incorporation into individual risk reduction plans.

- (6) Update risk assessments for release planning, including conducting additional assessments for substance abuse, mental health and sex offender treatment needs, as well as for special needs inmates.
 - (7) Address cognitive issues as part of case planning.
 - (8) Involve family members/mentors/support persons in release planning.
 - (9) Involve the Kansas Parole Board earlier in the release planning process, providing the Board with risk assessment information, to evaluate the need for tailored special conditions, with the Board having input into the release plan in this manner. This would ensure the Board had necessary information (including the ability to interview the offender when/as necessary) to tailor conditions to risk, rather than applying standard conditions to all offenders.
2. **Addressing Barriers to Risk Reduction.** As case management increases to carry out individual risk reduction plans, the system will need the resources and means to address the risk areas of the offenders. These recommendations are designed to support case management so that risk reduction can occur on a comprehensive basis, so offenders are prepared for return to the community. These recommendations are also designed to make available resources and policies and practices that will remove barriers to a safe and successful return to the community.

Since many offenders do not earn any income (or only negligible income) while in prison, debt burdens and child support payment arrearages often accrue to a very large payment obligation by the time of release. This can result in a significant financial barrier to successful re-entry. The fact that a substantial amount of each paycheck (frequently representing poverty level wages) may be garnished by creditors, including SRS, operates as a major disincentive for finding a legitimate, legal job and poses more barriers to family reintegration and ongoing employment with this population.

- a. *Offender Debt Obligations.* Many offenders face staggering debt loads when they are released from prison, including general indebtedness, civil judgments, court costs, fines, restitution and child support. While maintaining the essential standard of financial accountability, the Subcommittee recommends the following:
 - (1) Consider further study of uniform debt collection practices applicable to incarcerated offenders that take into account the reality of repayment disabilities of such persons, and reviewing garnishment laws to determine whether any change with respect to offender-debtors may be both desirable and equitable to other debtor-creditor relationships.⁶

⁶ One current KDOC inmate currently owes nearly \$791.01 resulting from a single \$26.04 bad check he wrote in 1989. His inmate account (less than \$2.00) was recently cleaned out by a garnishment since the "incentive payments" that an inmate can receive (usually \$1.05/day) are not considered a "wages" that (Footnote continues on next page).

- (2) Establish programs in KDOC facilities in which staff and volunteers can holistically deal with inmate debt problems and issues, including restitution, child support, and other debts and money judgments against them, with the goal that the offender accept accountability for such debts, and reasonably and responsibly discharge them to the extent possible.
 - (3) Establish money management services and classes in the prisons. While volunteers are currently providing these services in some facilities some modest funding would enhance this service considerably, either by contracting with non-profit agencies to deliver these programs and services, or funding volunteer coordinators to enhance the work done by volunteers. These classes should address budget-making, fiscal responsibility, and assist offenders in obtaining credit reports so they can begin addressing outstanding credit issues.
- b. *Child Support.* According to data contained in KDOC's Offender Management Information System (OMIS), approximately half of male offenders in Kansas have children. KDOC is currently working with SRS to identify the number of offenders who are in the system for child support collection, and they anticipate the number to be substantial. Re-entry work that has already occurred has found that many offenders leaving prison owe child support. The Report of the Re-Entry Policy Council cites data indicating that the average father in a U.S. prison will owe about \$20,000 in child support arrearages when he is released.⁷

Under current Kansas law, imprisonment is not a disability that can be a basis for eliminating the accrual of child support. The reasoning advanced for the current law is that behavior causing a parent to go to prison is not justification for depriving the child of needed support.⁸ The Subcommittee believes that child support collections can be increased and offenders can stabilize in the community and gradually meet their child support obligations by the following methods:

- (1) Encouraging exchange of data between child support enforcement (both SRS and Kansas Payment Center) and KDOC/JJA to identify offenders under KDOC supervision who owe child support, without penalizing the offender by virtue of information/data sharing.
- (2) Consider locating some of the child support enforcement staff into the prisons, including at the Reception and Diagnostic Unit, to work with offenders who owe child support.

can be partially made exempt from attachment. See K.S.A. 75-5211 and KDOC Internal Management Policy and Procedure 10-109.

⁷ *Re-Entry Policy Council Report* p. 129

⁸ See Attachment 2 for a memorandum analyzing Kansas law on the subject.

- (3) Report the difficulties that offenders encounter in meeting their obligations under Kansas child support orders to the Kansas Supreme Court's Advisory Committee on Child Support Guidelines,⁹ so that changes can be considered to address them. The study cited in footnote 8 to this Report surveys current Kansas law on this subject.
- c. *Restitution Information.* Often information about restitution is scattered and not given attention by the offender or case manager during incarceration. Accurate and timely information from the courts about restitution should be gathered to a central point within KDOC and provided to the offender and case manager. Case managers should be enabled to track restitution obligations and payments and to work with offenders to establish payment plans.

The case managers should also be enabled to communicate with victim services providers to identify strategies such as volunteerism or other alternatives that can serve as credit toward restitution payments and to otherwise address restitution systematically in all cases. This would result in restitution payment being part of the risk reduction case planning in the facilities, and this work could continue upon release with supervision agents in the community.

- d. *Identification Documents and Credentials.* It is critical that offenders obtain essential documents and credentials upon or immediately after release. These needs include birth certificates, Social Security cards and preparation for receiving a driver license. While progress is being made in forming partnerships with Vital Statistics, the Social Security Administration and the Department of Vehicles, significant barriers remain in the form of restrictions, suspensions or fines on the licenses of more than half of offenders upon their entry into prison.¹⁰

Addressing this issue on a statewide basis with offenders and case managers early in the incarceration period will reduce the fines, penalties and interest that accrue, will establish relationships with local courts to address these pending

⁹ See <http://www.kscourts.org/ctruls/csintro.htm>

¹⁰ Of the 1,321 male offenders coming through El Dorado Correctional Facility's RDU from January to June 2004, only 357 (25%) reported having a valid driver license. From July to December 2005, the staff at EDCF contacted the Division of Vehicles about the driver license status of 83 male inmates who were preparing for release. Of those 83, 57 (69%) had fines and suspensions and therefore could not get a driver license upon release.

From May through December 2005, staff at Topeka Correctional Facility contacted the Division of Vehicles about the driver license status of 202 female offenders who were preparing for release. Of these 202—

- 76 (38%) had suspended licenses because they owed fines
- 22 (11%) had revoked licenses
- 37 (18%) had expired licenses
- 40 (20%) had never had a Kansas license (no Department of Vehicles record)
- 27 (13%) had valid licenses.

matters during incarceration, and will establish sound information access and planning practices that ensure that all offenders have the means to mitigate this barrier prior to and upon release. The Subcommittee recommends consideration of the following actions:

- (1) Establish information exchanges with the Department of Vehicles and local courts to identify all pending charges, fines, suspensions or other matters that impact the driver license;
 - (2) Work with local courts to establish payment plans and otherwise resolve pending legal issues related to the driver license;
 - (3) Enable offenders to undergo written and driving tests in the event an inmate's driver license expires, so the license can remain valid or become valid for a limited time upon release;
 - (4) Work with case managers to ensure the identification needs of offenders are addressed pre-release;
 - (5) Establish information/education sessions to deliver to offenders in the prisons about being a responsible driver, including Kansas automobile licensing and driving laws and rules of the road, and the impact of behavior that results in lost/suspended licenses or fines, with a cognitive component; and,
 - (6) Modify the law to provide a centralized KDOC mailing address to which all official notifications by the Department of Vehicles to incarcerated offenders may be sent.
- e. *Restricted and Conditional Driver Licenses.* The Subcommittee recommends establishing a restricted driver license that would be issued to a driver with a license suspended solely for nonpayment of fines and penalties, upon the licensee's commitment to a payment schedule to completely pay the obligation, and which would be immediately revoked if any agreed payment is not met. The restricted license would permit the holder to drive to and from work, interviews, treatment, meetings that s/he is legally obligated to attend, and other essential activities.¹¹

¹¹ See sample statutory language from West Virginia and Tennessee in Attachment 3. The Subcommittee received testimony from the Department of Vehicles (DOV) about the viability of establishing a restricted driver license pending payment of fines and costs. For this to succeed, DOV would require some additional staffing to administer the license. Also it would be necessary to connect all local courts to DOV, preferably using the electronic mechanism already in place, so that DOV would have current/real-time information about payment plans, and so DOV could issue permanent, unrestricted licenses once payment plans were satisfied, and notify the courts this had been done; or notify the courts when payment plans are not followed for follow-up action. DOV staff advised that about 60,000 licenses are suspended in Kansas due to pending fines, so this issue is larger than the offender population, and this provision would likely benefit the state as a whole by increasing collection of fines and reducing the number of people driving on suspended licenses for inability to pay fines.

- f. *Detainers.* Fourteen percent of offenders release to detainers (outstanding warrants in jurisdictions other than the one to which the offender is scheduled to released), with two-thirds of the detainers being resolved within 30 days. If a release plan has been developed to County A, but County B requires the offender to appear to address a detainer at the time of release (usually coming to pick him/her up from the prison), this disrupts the release plan, causing the offender to lose a residential bed, a treatment slot, initial contact with his/her parole office, and other complications.

Frequently, these detainers are not lodged until the last few days before the offender's release. Even when they are lodged earlier, the authorities in the jurisdiction with the detainer are often unwilling to address the pending issue in an attempt to reach a resolution without the offender being physically present. The Subcommittee recommends addressing the impact of detainers (especially those entered into NCIC close to the offenders' release dates) by:

- (1) Mandating that law enforcement agencies enter pending warrants into KBI's data base upon issuance of the warrants;
- (2) Mandating that the KBI forward electronic data on pending warrants to KDOC on a weekly basis;
- (3) Providing information to prosecutors and law enforcement agencies about the impact of unreported detainers/warrants on release planning;
- (4) Exploring the possibility of making contact by video with courts having outstanding warrants before release, to resolve the legal issues pertaining to the warrant without requiring the offender to appear in person;
- (5) Requiring jails receiving offenders on their release from prison for purposes of answering local detainers, to make contact with the parole office where the offender is scheduled to be supervised prior to the offender's release from jail, in order to ensure that KDOC is aware of the offender's release from jail and to facilitate reconnection to KDOC and the offender's release and supervision plan;
- (6) Supporting the ongoing move by KDOC toward having case managers address pending legal matters that may result in detainers with offenders well ahead of his/her release date to identify outstanding issues; and when case managers learn of pending cases, whether by an NCIC check, through the offender or otherwise, having the case manager make contact with the local agency and attempt to resolve the outstanding warrant without the need for the offender to appear in person;
- (7) Adopting legislation requiring local authorities to work with the KDOC on detainer issues so that persons in their custody on detainers will not be released from local custody without KDOC having been given adequate prior notice in order to address possible public safety concerns; and,

- (8) Establishing a reporting mechanism to notify all law enforcement and prosecutorial agencies of a pending mandatory release of "guidelines" offenders with fixed release dates. Notification already occurs for discretionary releases by the Kansas Parole Board. This notification would encourage local agencies to give information about and participate in discussion to resolve pending detainees.
3. **Impacts on Families.** Families are impacted when loved ones go to prison, losing income, emotional support, and facing the burden of sustaining contact and a positive relationship with the family member who is in prison. Relationships are often strained, and family dynamics change. When the offender is preparing for release, family issues arise including the financial and emotional strain on the family unit as they prepare for the returning family member. Domestic violence impacts many families, as does the renewal of unhealthy or anti-social relationships. Families often play a key part in the success or failure of the returning offender, so it is important to address family issues as much as possible. National statistics¹² indicate that children of offenders are five times more likely to also go to prison, so for purposes of breaking this cycle and prevention, family issues should be addressed as part of re-entry.
- a. *The Subcommittee endorses the following current practices of KDOC:*
 - (1) Establishing family orientation/information classes for family members, both as the offender goes into prison, and when it is time to return. These sessions will provide information to family members about the prison system and about the requirements of parole.
 - (2) Establishing effective and safe family reintegration programs and services; and providing resources for this work as appropriate.
 - (3) Establishing family support groups in the community so families can interact with parole staff and each other to enhance their ability to support returning offenders.
 - b. *The Subcommittee recommends the following future actions and legislation:*
 - (1) Establish family specialist positions in the system to work as boundary spanners, service connectors and system integrators between the social services agencies and systems for families and corrections, to ensure that the needs of families that arise when offenders return home are addressed, and the work done by corrections case managers and social services case managers is consistent and cross-supported.
 - (2) Establish cognitive specialists who can work with family members to address pro-social values and influences to reinforce the work done with the offender.
 - (3) Collaborate with non-profit organizations to competitively bid on funding to increase services related to family, similar to those provided by Gracious

¹² Denise Johnston, *Children of Incarcerated Parents*, Lexington Books, New York, 1995, p. 75.

Promise in Kansas City, Kansas, and to provide mentoring to families and returning offenders. Community and faith based non-profit organizations have a history of doing this work with families and offenders effectively, so funding and policies and practices should enhance and encourage this work.

- (4) Support the ongoing work by SRS and the University of Kansas, as well as many non-profit organizations, to enhance the ability of child protective and family workers to establish, re-establish or sustain ties between family members when a loved one is in prison.
 - (5) Pass legislation that lifts the ban on access to Temporary Aid to Needy Families (TANF) funds and services provided that the offender has participated or is participating in substance abuse treatment. Provide information to the legislature about the existing ties between offenders and families receiving TANF funds; and the value of reuniting these families by incorporating the releasing offender into the services through TANF.
4. **Impacts on Victims.** The Subcommittee received only limited information on the impacts that re-entry can have on victims of crimes, but it is clear that this issue is very important and should be further studied. We believe that there are victim-oriented strategies and actions that can be taken before offender release that could improve public safety, including victim involvement in the process. The Subcommittee is not able to make recommendations in this area without further information and research.
 5. **Domestic Violence.** Address domestic violence (DV) by assessing offenders as they enter the system to identify DV issues; establishing batterer intervention programs (BIP) and services in the facilities; working through KDOC Victims Services with family members to address the needs of the victims of DV and prepare safety plans for when the offender returns; regulate visits in accordance with best practices related to BIP and DV programs; and provide training to case managers about effective strategies for addressing these problems among the offender population.

The Kansas Coalition Against Domestic Violence and Sexual Assault recently completed a safety and accountability audit for the parole services division of KDOC, and will soon be making definitive recommendations to support this work. Based upon the preliminary summary presentation of the audit to the 3Rs Committee on December 15, 2005, we support KDOC's review and implementation of those recommendations consistent with this section and the desired outcomes. As with the immediately preceding subject, this area clearly warrants further study and presently the Subcommittee is not in a position to make recommendations in this area without further information (including the Coalition's final audit report) and research.

6. **Offenders with Disabilities.** Inmates have disproportionately higher rates of HIV, sexually transmitted diseases (STD), and hepatitis than the general public. In addition,

an average of 3,427 Kansas inmates were diagnosed as chronically medically ill¹³ in FY05. Information received from KDOC and national statistics indicate that offenders have higher rates of health problems, and are less likely to address those issues upon return to the community.¹⁴ These health issues impact the community's health and also impact the offender's ability to reintegrate successfully. Other offenders have physical disabilities that may limit their chances for successful re-entry if not properly managed. The Subcommittee recommends the following to enhance transitional planning and re-entry services for these populations.

- a. *Offenders with Developmental Disabilities.* The rates of offenders with development disabilities (DD) in Kansas prisons is not known with exact certainty, though it is believed to be less than four percent. The systems in Kansas that serve persons with DD are burdened, and often have waiting lists for services of two years or longer. Even so, KDOC has had some success in establishing partnerships with local providers to address individual cases, where the offender is identified very early before release to be DD, and connections have been made to establish services upon release. To support this ongoing effort, the Subcommittee recommends the following:

¹³ "Infectious Disease" is a disease caused by or capable of being communicated by infectious microorganisms in body tissues. Infectious diseases are usually spread by (i) airborne pathogens, (ii) blood borne pathogens, or (iii) Ingestion of contaminated material.

"Chronically Medically Ill" is defined as an illness, handicap, or disease process that persists over a long period of time and, that requires routine and comprehensive evaluation and treatment. On the average, there are 3,427 "chronically medically ill inmates" incarcerated in Kansas Prisons. Since some inmates may have more than one chronic illness, the total of the values in the table below (4,876) is greater.

| Inmates Classified "Chronically Medically Ill" (FY 2005) | |
|--|---|
| Inmates | Illness Classification |
| 1,434 | Other Special Needs* (e.g. severe back injury, paralysis, amputations, Alzheimer's) |
| 1,094 | Cardiovascular Disease/Hypertension |
| 603 | Asthma |
| 565 | Hepatitis A/B/C and/or Liver Disease |
| 469 | Over the Age of 55 |
| 311 | Diabetes |
| 155 | Cancer Patients |
| 120 | Seizure Disorders |
| 74 | Chronic Obstructive Pulmonary Disease (COPD) |
| 44 | HIV/AIDS |
| 7 | Dialysis Patients |

From an analysis of the information above in FY 2005 257 inmates would meet the criteria for disability benefits if they were not incarcerated. There are another 3,308 inmates that require significant medical/mental health assistance in the community when they are not incarcerated.

¹⁴ See National Commission on Correctional Health Care, "Health status of soon-to-be-released inmates: a report to Congress". Vol 1. Washington DC: National Commission on Correctional Health Care, 2002; Report of the Re-Entry Policy Council, p. 471.

- (1) Review current assessment practices, and determine if they are sufficient to identify those offenders who would be considered DD by community providers.
 - (2) Establish strategies for identifying offenders who are DD as they enter prison; work with the offender to collect necessary records to determine whether they are eligible for services upon release; establish links with community DD providers well in advance of release (given the waiting lists with the community organizations) so post-release services are available.
 - (3) Establish specialists who will serve as boundary spanners between corrections and DD services, to train corrections staff in identifying offenders with DD and in connecting to services; and in addressing barriers to offenders accessing these services.
- b. *Offenders with Medical Needs.* Research indicates that offenders leaving prison have higher rates of medical needs than the general population, but are less inclined or able to address those needs than the general population. The Subcommittee recommends review of these possible strategies to improve the ability of offenders to be healthy, and to prevent health problems in the community due to returning offenders:
- (1) *HIV/AIDS/TB/infectious disease.* Support the ongoing partnership between KDOC and KDHE which addresses transitional planning for offenders with HIV/AIDS/TB/infectious disease, and addresses education and awareness within the prisons related to infectious disease.
 - (2) *Medication.* Piggyback on the work done by the Behavioral Health Subcommittee concerning review of possible strategies such as suspending (rather than terminating) disability/Medicaid/other benefits during incarceration, so that benefits can be established earlier, enabling offenders to afford medication upon their release, for general health issues.
 - (3) Establish health orientation classes in the facilities, to provide information to offenders about risk behaviors, available public health services, and the importance of addressing individual health issues.
 - (4) Ensure that there are enough discharge planners established in the facilities to work with offenders with mental health needs are also addressing medical health needs.
 - (5) Ensure that health issues that are significant and impact the offender's return to his or her family and community are addressed as part of the re-entry plan.
 - (6) Establish partnerships between public health agencies and corrections so that offenders are knowledgeable about health issues and available services; encourage health agencies to provide the trainers for classes in the facilities.
 - (7) Continue to do education with offenders in the facilities about health issues through contract medical providers.

- c. *Offenders with Physical Disabilities.* While the Subcommittee believes that there are significant re-entry issues for offenders in this classification, we had insufficient time to explore the subject in the depth necessary to develop any recommendations.
7. **Transportation.** Anecdotal evidence presented to the Subcommittee indicates that the transportation needs of offenders are significant and largely unmet. In areas of the state where public transportation is not readily available, adult and juvenile offenders encounter difficulty in meeting with their supervising case worker, getting to and from their employment and keeping other necessary appointments. This situation has been exacerbated by the curtailment of bus service to many Kansas cities and towns. The Subcommittee recommends the following to address transportation needs of returning offenders:
 - a. The expansion of public transportation services to enable both adult and juvenile offenders—especially in rural areas—to travel to parole offices and treatment facilities, and to commute to work. This includes communicating with public transportation providers about adjustments to route times and locations. The Subcommittee encourages the continuing efforts of the Kansas Department of Transportation to integrate the many local public transportation services and to develop new intercity service.
 - b. Review the possibility of pursuing grant funds through the state and/or federal department of transportation, to work with local volunteers or non-profit organizations to tailor transportation to offender needs (job search, employment, parole/probation officer meetings, treatment, etc.). This strategy should be considered for rural areas in particular where only limited bus and taxi options are available.
 - c. Consider authorization for bus and taxi vouchers in areas where these services exist, and/or for the cost of gas for organizations or individuals who provide transportation to offenders.
 - d. Review possible modifications to the Kansas Tort Claims Act and/or insurance regulations to address the liability and insurance issues of organizations or individuals who provide volunteer transportation for offenders.
 - e. Collaborate with existing transportation services, whether government-funded, non-profit or other, to determine whether a sharing of resources between those organizations and corrections agencies can increase available transportation for offenders.
8. **Housing.** Offenders across the country—especially those just emerging from prison—often encounter impossible housing challenges.¹⁵ Only about half the offenders released from prisons have access to a family residence, and very few can live on

¹⁵ See, e.g., Joint Center for Housing Studies, *The State of the Nation's Housing: 2003*; Sudhir Venkatesh, *The Robert Taylor Homes Relocation Study*, New York, NY: Columbia University, Center for Urban Research and Policy, 2002.

their own. As noted above, at least one out of three offenders leaving prison do not go to a residence, but instead are placed in structured living or halfway houses. Not surprisingly, sex offenders face an even more severe challenge, with 42 percent of them lacking a home.¹⁶ There is some research that indicates lack of stable, safe and affordable housing has a significant impact on the likelihood an offender will return to prison. The Subcommittee recommends that offender housing be addressed through these strategies:

- a. Establish a permanent position at the Kansas Housing Resource Corporation, to serve as a re-entry housing specialist, to establish and sustain a partnership between KDOC and housing, with this position (working with local housing specialist) working to implement the housing strategies identified here.
- b. Increase transitional housing beds by blending of funding and resources and use of offender labor when/as appropriate.
- c. Provide tenant training to offenders and certify them as having completed the course through the Kansas Housing Resources Corporation so this information can be provided to landlords.
- d. Implement the recommendations of the Council of State Governments and Corporation for Supportive Housing,¹⁷ who developed the recommendations after meeting with various housing providers in Kansas in August 2005. Make funds available for rent subsidy and stipends to close gaps in programs currently available in the communities for supported housing and rent subsidy.¹⁸
- e. Review administrative plans and leases to identify appropriate cases where offenders can live in public housing, particularly when the offender's family already lives in public housing, without penalty, and without jeopardizing the family's ability to remain in public housing. This should be done in a manner to ensure that public housing tenants are not put in jeopardy, and that ensures the property managers have adequate information and communication with parole officers and re-entry staff to ensure the placement is safe.

¹⁶ A recent newspaper report analyzed two legislative proposals that would exclude sex offenders from living in certain areas—

“Of Sedgwick County's 354 registered offenders whose victims were under the age of 16:

- 102 would have to move if the state adopts a 1,000 foot buffer [from schools and day care centers].
- Another 171 would have to move if the buffer were extended to 2,500 feet.
- 81 could remain in their homes even with a 2,500 foot buffer.”

—*The Wichita Eagle* December 4, 2005 p.A1.

¹⁷ Follows this Report as Attachment 4.

¹⁸ An example of such a program is a partnership between the Shawnee County Re-Entry Program (SCRIP) and the Topeka Neighborhood and Housing Development office to establish the SCRIP as a gatekeeper agency for access to HUD “Shelter+Care” rent subsidies for offenders with disabilities (including mental illness and addiction) that allows applications for subsidies to be accessed pre-release, and for this service to be put in place for the offender's return to the community.

- f. Identify and address local zoning and permitting barriers to group and other multiple-resident housing aftercare strategies.
9. **Employment, Job Preparedness and Job Development.** More than half the offenders who leave prison are assessed as high risk in the area of education and employment. Research indicates that sustained employment (not simply job placement) reduces risk, and positively impacts or buffers against other risk areas, including family, substance abuse and cognitive issues. A critical component of effective re-entry is employment, job preparedness and development.¹⁹ To support the ongoing work by KDOC to increase the employability of offenders, the Subcommittee recommends the following:
- (1) Establish a comprehensive job preparedness program that involves working with offenders from incarceration through release to prepare them to be good employees.
 - (2) Establish job development efforts with people already working with employers building partnerships to help develop a skilled workforce where there is not currently one available. This would involve:
 - (a) Building on Kansas First, a statewide initiative from the Department of Commerce designed to close gaps in the Kansas workforce development.
 - (b) Identifying employers who are willing to match federal and state dollars with some modest investment that would build their workforce at least in part through the preparation of offenders as a pool of labor. This could include training/apprentice work in the facility prior to release, screening/referrals for employment after release, and development of viable jobs—not currently being filled by a ready workforce—in the community.
 - (3) Increase work release and private industry opportunities for offenders during incarceration, to establish a work history, develop job skills, and provide the offenders with some financial stability in preparation for release. These employment opportunities are attended by responsibility of the offender to

¹⁹ Through partnerships with the National Institute of Corrections and Greenbush and multiple community and non-profit organizations, some of this work is already taking place; but the effort is only reaching about one out of twenty offenders. With at least 58 percent of the released offenders having education and employment as one of their top two areas of risk and having a score of 70 percent or higher in this risk area (according to aggregate LSI-R data), it is necessary to have this work occurring in all prisons and community supervision agencies. The most feasible approach would be to engage those who are already good at preparing a work force for employers, and preparing people for sustained employment, and have them compete for funding to bring their expertise to bear inside the facilities and in the communities, with established program elements and outcomes. Greenbush Southeast Kansas Education Services Center provides an array of services in Kansas, and also contracts with the KDOC to provide general education, literacy, special education and vocational training programs and services in Kansas prisons. Greenbush has worked with KDOC to obtain funding for life skills and job preparedness programs through federal grants as well. See <http://www.greenbush.org/>.

contribute to room and board, restitution, victim funds, child support, other family responsibility, and savings for preparation for re-entry.

- (4) Continue training staff, volunteers and community partners in a variety of skills and tools to assess skills and interest, conduct case planning, conduct mock interviews, and otherwise work with offenders to prepare them for sustained employment through the Offender Workforce Development Specialist training and certification.
- (5) Consider the establishment of job specialist positions in the system that will:
 - (a) Provide pre-and-post-release job preparedness classes, services and case planning, in keeping with the Offender Workforce Development Specialist initiative underway;
 - (b) Engage in job development in partnership with the Kansas Department of Commerce;
 - (c) Address expungement options with offenders; and
 - (d) Work with parole officers and employers to address strategies for offenders to report to parole officers and participate in treatment in ways that are least disruptive to the employer, and otherwise address employer concerns and needs.
- (6) Support the ongoing work between KDOC and Kansas Department of Commerce to pre-certify offenders for the Work Opportunity Tax Credit (WOTC), support offenders in using this tool in job searches in the communities, and market the WOTC to employers.
- (7) Many offenders are prohibited from obtaining certain licenses or from holding certain categories of employment. Such indirect types of punishments compound the impact of the judicial sentence received by an offender and is sometimes referred to as "collateral sanctions." In some cases, the spouse of an offender may be prohibited from a class of employment because of the offender's felony conviction. We recommend that a review of these restrictions be made with the goal of reducing legal restrictions on where offenders and their family members can be employed. We recommend the following:
 - (a) Analysis of the occupations prohibited, to determine (i) if they are unduly limiting an available workforce in an area of need; (ii) if they are closely correlated with public safety and narrowly drawn; and (iii) if an option to be licensed or to pursue an occupation upon a showing of rehabilitation is not already in the statute, consider whether it should be added.²⁰
 - (b) Review from a logical and policy perspective, categories of employment to which judicial expungement of a conviction is not applicable, with the

²⁰ A compilation of such restrictions in Kansas follows this report as Attachment 5

goal of opening job opportunities to ex-offenders that are presently closed.

- (c) Consider establishing the option for an offender to obtain a certificate of from the Kansas Parole Board. This certificate would satisfy the provision of some existing statutes that a showing of rehabilitation can overcome the bar to a license or pursuit of a profession. Such an option could be considered for inclusion in statutes that do not currently address rehabilitation to broaden the options for an offender with a certificate to pursue employment.²¹

10. **Sex Offenders.** The Subcommittee recommends support for the ongoing work by KDOC to meet the specific release planning and re-entry needs of sex offenders, consistent with the treatment and supervision model used by KDOC and research-based best practices, including:
 - a. Addressing the unique housing issues related to sex offenders by:
 - (1) Ongoing policy review to ensure KDOC policies are not unduly restrictive, are tailored to the offender's risk, but at the same time contribute to community safety;
 - (2) Ongoing dialogue, including community forums with neighborhoods and community representatives, to provide information about the treatment and supervision strategies used by KDOC which have a positive impact on the success and the risk reductions from sex offenders;
 - (3) Dialogue with property managers to share information and address their concerns about housing sex offenders;
 - (4) Ensuring information about risk for re-offending is available to parole staff upon release so the parole officer can ensure housing is safe and appropriate; and,
 - (5) Increasing housing options for non-sex-offenders so that community residential beds/structured living is available to sex offenders.
 - b. Support the ongoing review by KDOC and its treatment provider of family reintegration practices regarding sex offenders, both where a victim is a family member, and where the family does not include victims.
 - c. Consider establishing a statewide board to establish standards for treatment and supervision for sex offenders, including sex offenders in the community under probation and community corrections supervision.
 - d. Support the ongoing work by KDOC to use comprehensive risk assessment instruments and strategies, to ensure that the offender's risk levels, triggers and cycle are clearly established and known to the case manager, and are factored into the release, treatment and supervision plan in the community.

²¹ Legislation adopted by Illinois that establishes such a certificate follows this report as Attachment 6.

- e. Ensure sex offenders with mental illness also have their mental health needs addressed by
 - (1) Coordinating case management with mental health specialists.
 - (2) Establishing dialogue between sex offender parole officers and community mental health centers and their case managers, to ensure the supervision strategies are enlightened by mental health information, and the mental health treatment is not deterred by virtue of sex offender status.²².
 - f. Ensure that the substance abuse treatment needs of sex offenders are addressed in a manner consistent with the recommendations related to substance abuse in this Report. KDOC's current sex offender treatment programs include substance abuse treatment components as well, which is an effective way to address this issue.
 - g. Review treatment practices to ensure there is a continuum of treatment options available for offenders serving shorter sentences.
11. **Building Public Support.** The Subcommittee recognizes that for re-entry work to be successful it is important to have public support. Members of the public, including officials, victims, neighborhoods, and community members at large, have concerns about returning offenders which are compounded by misinformation or a lack of information regarding offender re-entry. The Subcommittee supports the need to raise public awareness about and infuse accurate and objective information into the public dialogue about returning offenders.

The Subcommittee also believes that the proposed standing Kansas re-entry policy Body can play a significant role in building ongoing support with the public and members of the legislature. The Subcommittee encourages sharing of information and planning with both the public and the legislature.

12. **Measuring Outcomes/Evaluation.** The Subcommittee recognizes that for re-entry work to be successful, and for its success to be demonstrated, it is important to have established outcomes; to have the capacity to collect and evaluate data to measure those outcomes; for feedback to be readily available to case managers, administrators, managers and policy and law makers to review the results of the work on an ongoing basis; and for comprehensive evaluations to be conducted regarding programs and practices. The Subcommittee makes the following recommendations to support ongoing and necessary programming, data tracking, research and evaluation to demonstrate that implemented practices are effective and best for the state:
- a. Modernize the data platform for the information systems used by the Kansas Department of Corrections and Kansas Sentencing Commission. This includes the Offender Management Information System (OMIS) used to track various demographics, data, movement and other information in the facilities and parole

²² Note that this issue is also addressed by the Behavioral Health Subcommittee with respect to access to mental health care by offenders, including sex offenders.

- offices, and the Total Offender Activity Documentation System (TOADS) electronic case management system used by parole and community corrections.
- b. Maintain the programming necessary to ensure all relevant data elements are recorded for tracking and evaluation.
 - c. Establish reporting that is "real time" for community corrections and parole to monitor the impact of case management, monitor revocations rates and demographics, and otherwise keep current on what the data is showing about outcomes.
 - d. Evaluate the impact of public education activities.
 - e. Evaluate the housing models and initiatives we propose.
 - f. Evaluate offender workforce development/preparedness work we propose.
 - g. Evaluate programs regarding offenders with special needs.
 - h. Evaluate alternatives regarding substance abuse treatment strategies.
 - i. Compile data regarding financial issues, identification and detainers.
 - j. Conduct a comprehensive economic impact study and evaluation of Wyandotte County pilot project for offenders who are SPMI, including a quantitative and qualitative study; this would be used to demonstrate to other communities the value of this work.
 - k. Evaluate the impact of strategies to reduce revocations, to isolate the impact of various strategies on reducing revocations, and thoroughly capture cost savings from the reduction in revocations.
 - l. Develop mapping capacity. The Adjutant General's office in Kansas has supplied KDOC with mapping software that will provide an infrastructure for developing mapping capacity within Kansas so ongoing mapping can be done related to sex offender housing/ placement, service sector overlap, concentration of offenders in certain zip codes and neighborhoods, and similar useful purposes.

Through collaborations among the KDOC, the proposed Kansas re-entry policy Body and the Kansas Sentencing Commission (KSC), necessary programming should be developed to capture the necessary data for research and evaluation of the projects proposed. By adding staff to Kansas Sentencing Commission and within the KDOC, necessary programming, data tracking and research can be done. In addition, the KDOC seeks funding to partner with organizations such as the Urban Institute, Research Triangle Institute, the University of Kansas, and other organizations with a track record of working with corrections agencies (including KDOC, the KPB and the KSC) on corrections issues, to conduct comprehensive evaluations and studies as necessary for each initiative.

Being able to demonstrate a broader impact than reduction in recidivism (such as quality of life, improved service access, improvement in service industries' ability to provide services, less use of emergency/crisis services, less lost staff time, perception

of safer community, sustained relationships, etc.) will be critical to demonstrating to lawmakers, policy makers and communities the effectiveness of these combined strategies, and the value of justice reinvestment. It will also be important to be able to establish integrity in the effectiveness of the programs and services implemented, for accountability and future planning.

13. **Other Issues.** In addition to the recommendations above, the Subcommittee recommends the following to support risk reduction and re-entry practices:
- a. Review the inflexible statutory period of 180 days to be served for “new law” condition violators²³ and give the Kansas Parole Board discretion to determine the return time needed for programming and penalty.
 - (1) Allow the Parole Board to use “good time” as an incentive for completion of necessary programs.
 - (2) Consider applying the inflexible sanction only after two revocations.
 - (3) Consider the impact of this change on the ability of the Kansas Sentencing Commission to project prison population.
 - (4) Ensure before this is done that programs needed to address the causes of revocation are established in the facilities.
 - (5) Ensure there are clearly established guidelines for the Board to follow in establishing the period of incarceration upon return to prison.
 - b. Review sentencing structure for sex offenders; tie length of incarceration and/or supervision to treatment outcomes. Consider the impact of this change on the ability of the Kansas Sentencing Commission to project prison population.
 - c. Provide the necessary support and resources to KDOC so that offenders can participate in a custody “step down” as they near release, including:
 - (1) Encourage the KDOC to be flexible in establishing custody classifications necessary for offenders to participate in pre-release programs and training, including—if voluntarily requested by an offender and necessary for that offender to participate in or complete a program—maintaining or setting a higher custody level for such individual offender than KDOC classification criteria would otherwise indicate.
 - (2) Require that members of the Kansas Parole Board remain current through training and literature review on best practices; establish minimum training requirements for Board members.

²³ See K.S.A. 75-5217(b).

Appendix A - Substance Abuse

At least two thirds of offenders in Kansas have substance abuse issues, either by virtue of addiction or cognitive issues that cause them to continue to engage in illegal drug use. Treatment in Kansas prisons is limited, including programs and services for dually diagnosed offenders. Historically offenders have been cut off from community-based treatment, because of the practice of establishing parallel treatment systems for offenders. When budgets are tight, these treatment resources are lost, and due to lack of systems integration, offenders are left without access to treatment.

Substance abuse is one of the most pernicious risk areas faced by offenders; it is likely the greatest contributor to revocations, and the relationship between substance abuse and other risk areas is substantial. KDOC has tracked data for several years about the particular conditions of supervision that appear in the violation reports, and substance use and abuse and failure or inability to successfully complete treatment appears consistently as the most common condition violated resulting in revocation. The second most common reason for revocation is a failure to report, which often involves an offender not reporting because he or she knows a drug test will be administered and the results will be positive, and/or the offender has not secured or has failed in treatment, which the offender supposes will lead to his or her revocation. For these reasons, treatment needs to be a priority; and it is critical to ensure that offenders are able to access treatment in the facilities, when returning on revocations, and in the community, alongside other necessary treatment and services, particularly mental health care.

The passage of measures giving treatment alternatives to imprisonment (SB 67 for fourth time DUI offenders and SB 123 for first time drug users) has resulted in some funding being available for treatment of some offenders. The result has been to further burden the community treatment service system, so that offenders not falling into these categories are even further removed from access to community treatment. To address this pressing issue with offenders, the Subcommittee recommends the following:

- d. Establish treatment units in the correctional facilities, through contracts with community providers, which are service-rich, include cognitive components, are grounded in evidence-based practices regarding substance abuse treatment with offenders, and include sufficient programming and services for the dually diagnosed. These programs should interface and work closely with mental health specialists, discharge planners, sex offender treatment providers, and case managers, so the work is holistic. These programs should be applied to both long-term offenders and those returning on revocations for substance abuse. These programs should include health components of family reintegration and release planning.
- e. Establish assessment/care coordination services so that offenders can connect to community services as they are leaving prison. These coordinators, who should be employed by the Regional Alcohol and Drug Assessment Centers (RADACs) can begin the assessment and care coordination process pre-release,

so that waiting lists and other barriers can be addressed in time to get offenders into treatment.

- f. Conduct system-wide cross training (using the Serious and Violent Offender Re-entry Initiative—SVORI—curriculum; six Kansans have completed this training of trainers recently), so the corrections and substance abuse systems that are knowledgeable about each others' practices are able to dialogue and communicate regularly, sharing information, and coordinating resources and case management efforts.
- g. Train unit team corrections counselors, transitional/discharge planners and release planners in principles of treatment and relapse prevention, so these principles can be incorporated into release planning.
- h. Interface with data systems related to community substance abuse treatment that have been established by the Kansas Department of Social and Rehabilitation Services (SRS).
- i. Ensure funding is available for accessing treatment upon release as needed.
- j. Establish consistent system wide multi-discipline case management team between corrections case managers, and substance abuse case managers in the community for optimum wraparound and consistency for offenders whose risk profile reflects an ongoing issue related to substance use and abuse.
- k. Interface substance abuse treatment and release planning with job preparedness work to ensure the work in both areas is holistic, and the connection between job preparedness and substance abuse is recognized and addressed.
- l. Conduct necessary evaluation of treatment programs and services to ensure they are producing the outcomes needed.
- m. Definitively track data showing the relationship between revocations and substance abuse.
- n. Establish assessments necessary to determine treatment-readiness and ensure offenders are placed on the treatment spectrum at the appropriate level; and that treatment readiness is addressed.

Appendix B – Mental Health Needs

One out of five offenders returning to the community has mental health needs, and at least half of those offenders (or ten percent of the total releasing population) is severely and persistently mentally ill (SPMI). KDOC is engaging in data review with the support of the Bureau of Justice Assistance to identify trends among offenders with mental illness, both in terms of criminal behavior, return rates, sentencing trends, and other issues. Preliminary data indicate that offenders with mental health issues fail at a higher rate when released to the community because of their inability to become and stay connected to necessary services and support in the community. The mental health services system is not well-versed in the needs and attributes of the offender population, though in testimony many indicated they recognize that they are working with this population.

The KDOC and its contractor for mental and medical health care, Correct Care Solutions (CCS), have partnered with the Kansas Department of Social and Rehabilitation Services (SRS) and Kansas Department of Health and Environment (KDHE), as well as numerous local community agencies, to enhance services, including discharge planning, for offenders with special needs, including offenders with mental illness, offenders with developmental disabilities, and offenders with HIV/AIDS, other infectious disease and other significant medical needs.

In addition, for the past two years the KDOC, in partnership with SRS, has enjoyed technical assistance from the Council of State Governments (CSG), through lessons learned by its Consensus Project. Kansas was selected as one of four sites for more intense work after a year of technical assistance, because of the systems support in Kansas, and the work already underway. Some of what has been accomplished to date:

- Discharge planners have been established in all Kansas prisons that provide some level of services to the SPMI and for offenders with significant medical needs. This includes making appointments for care upon release; providing a summary of relevant information for continuum of care to providers and parole; addressing housing when needed; and ensuring offenders have adequate medication and other medical items in their possession upon release.
- In addition to the discharge planners, through a partnership between KDOC and SRS, two specialized positions have been established at the largest prison and a special management prison, to engage in comprehensive transitional planning for offenders who are SPMI.²⁴ This program, called Community Offender Re-entry Pathways (COR-Pathways), is located at Lansing and El Dorado Correctional Facilities. After two years at EDCF the program was able to reduce returns by offenders with mental illness from

²⁴ Discussions continue between KDOC and SRS on the continued funding of these two positions because of limitations on the use of federal funding that may be encountered.

about 70 percent to less than 50 percent. Beyond traditional discharge planning services, these positions are able to go into nearby communities and develop resources and relationships, and to work with offenders earlier to develop comprehensive transitional plans.

- KDOC, CCS and KDHE have established a formal partnership to conduct education and awareness classes for staff and offenders in the prisons, and work with release planners to connect offenders to services, in cases of HIV/AIDS.
- With tutelage from the CSG, a pilot project has been established in Wyandotte County, with the community mental health center (and only community mental health provider), Wyandotte Center (WC), to have "in-reaching" from WC, as part of transitional planning for offenders who are SPMI and who are scheduled to return to Wyandotte County. WC has assigned staff to come into the prisons (Lansing for men, Topeka for women) to participate in multi-discipline teams to prepare a needs-based transitional plan for the offenders, bringing to bear an array of services from the WC for these offenders. These services will include housing, supported employment, family support, mental health care and medication management. Also, as part of this pilot, the agencies are working on some valuable cross training between the agencies. The in-reaching component will enrich transitional planning. Also, this process will provide a model for how all community mental health centers can interface meaningfully with corrections.
- Three specialized parole officers, with caseloads consisting only of offenders with mental illness, have been established in Sedgwick and Shawnee Counties. The results of the work done by these officers have led to reviewing the possibility of similar positions in Wyandotte and Johnson Counties. These specialty parole officers continue to learn the mental health systems; become adept in benefits access; and become well versed in effective strategies for working with offenders with mental illness.
- Through work with CSG, and with the support of the Bureau of Justice Assistance, these partners are gathering and reviewing data about the impact of the work done to date with offenders with mental illness; and an analysis of the demographics and areas of need of this population. This research will enlighten future planning, and has already demonstrated that offenders with mental illness return at higher rates than offenders without a diagnosed mental illness.
- The partners are working at establishing information sharing. Thus far, data sharing has commenced between KDOC and SRS from a statewide data system with data from community mental health centers showing the history of care, so offenders can be treated and release planning undertaken with knowledge of the history of care. This helps identify those offenders who are likely SPMI, and it also expedites benefits applications. Further information sharing is desirable.

- Some work has begun in terms of accessing benefits, suspending instead of terminating benefits, and identifying ways to ensure necessary benefits are in place upon release. Further assessment of federal policies and operational issues should be pursued.

These initiatives are working to address the needs of many offenders who are SPMI. The resources are not adequate to meet the demand at this point, given the rate of releases, the fact that offenders with mental illness return at higher rates and tend to have higher levels of need overall. They do not provide the array of services needed for the dually diagnosed; and they do not provide the means to address continuum of care needs for the severely mentally ill, or for offenders with Axis II diagnoses who are not in the target population of the community mental health centers. In addition, further cross training, cross-information and cross-dialogue between corrections and service systems, as well as assessments and tracking for offenders with developmental disabilities, special education needs, learning disabilities, and possible other disabilities, are needed.

To enhance and build on the foregoing, these items are needed:

- (1) A statewide coordinator/manager for transitional planning for offenders with mental illness/special needs.
- (2) Additional COR-Pathways positions at LCF, EDCF, Hutchinson Correctional Facility, Larned Correctional Mental Health Facility, Winfield and Wichita (which could also serve the Wichita Community Residential Bed Center), and one shared for Western Kansas facilities (Ellsworth and Norton).
- (3) A programmer to increase the ability of the systems to share information.
- (4) Substance abuse treatment in the facility that works with a dually diagnosed population, at least at Lansing, El Dorado, Hutchinson and Larned.
- (5) Behavior management teams to address the intense treatment and management needs of Axis II offenders.
- (6) Research dollars to thoroughly analyze the work done and its impact, and to undertake qualitative and quantitative evaluations of the impact of these initiatives.
- (7) Support the work being done through a pilot in Wyandotte County where the Wyandotte Center (the local community mental health center and sole provider of mental health services in Wyandotte County) is working with KDOC to do in-reaching to prepare for the return of offenders who are SPMI to Wyandotte County. Also support the effort by KDOC and the University of Kansas to secure funding to research and evaluate this pilot, so that information is available to demonstrate to other communities showing the benefits of in-reaching by mental health centers, to help them prepare for the return of offenders to the communities.

- (8) Support the ongoing move within KDOC toward establishing specialized caseloads in parole in the offices in larger urban areas to work with offenders with mental illness.
- (9) Support the ongoing work by KDOC and SRS to establish data sharing regarding between the agencies, through the data systems within SRS that track data regarding community mental health care, Medicaid, hospitalizations in psychiatric hospitals, and similar information. This will enable KDOC to have information about offenders' mental health history when they enter prison, to help diagnose and address mental health needs during incarceration. This will also enhance the exchange of information and establishing partnerships to share information and access services for offenders at the point of release.

Testimony and Information Provided to the Subcommittee

Community Corrections

John Trembley, Northwest Kansas Community Corrections

Community & Field Services

Keven Pellant, Department of Corrections, Deputy Secretary of Community & Field Services

Employment

Kris Kitchen, Heartland Works, Executive Director

Faith-Based Programs

Shirley Miller, Gracious Promise, Executive Director

General Criminal Justice Information

Michael Thompson, Council of State Governments, Director of Criminal Justice Programs

Homelessness & Housing

Amy Apitz, Kansas Housing Resources Corporation, Program Manager, Emergency Shelter Grant

Cathy Hausheer, Kansas Housing Resources Corporation, Compliance Specialist

David Brennan, Heartland Works, Director of Operations

Infectious Disease

Viola Riffin, Kansas Department of Corrections, Senior Contract Management Consultant

Juveniles

Dennis Casarona, Juvenile Justice Authority, Deputy Commissioner of Prevention and Community Programs

Jeff Duncan, Juvenile Justice Authority, Grant Director

Kansas Parole Board

Marilyn Scafe, Kansas Parole Board, Chair

Public Assistance

Dennis Priest, Kansas Department of Social & Rehabilitation Services, Program Administrator

Prison Ministries

L. Christian Hauck, Prison Fellowship

Robert Schmidt, Prison Fellowship

Scott McLean, InnerChange Freedom Initiative

Pat Nolan, Justice Fellowship President

Reentry

Margie Phelps, Kansas Department of Corrections, Director of Release Planning & Reentry

Substance Abuse Treatment Programs

Donna Doolin – SRS Addiction and Prevention Services, Director

Patti Biggs – Kansas Sentencing Commission, Executive Director

Roger Haden – Kansas Department of Corrections, Deputy Secretary for Programs & Staff Development

Transportation

John Rosacker, Kansas Department of Transportation, Assistant Bureau Chief of Transportation

Victims' Rights

Jeanette Stauffer, Kansas Victims' Rights Coordinator

Debi Holcomb, Kansas Department of Corrections

KANSAS CHILD SUPPORT OBLIGATIONS AND INCARCERATED PERSONS

Kansas has long recognized the duty of a parent to support a child. In the 1956 case of *Grimes v. Grimes*, a father tried to contract the obligation to support his children to the maternal grandparents. In *Grimes v. Grimes*, 179 Kan. 340, 343, 295 P.2d 646 (1956), the Kansas Supreme Court disallowed that contract and held:

It is beyond the power of a father to deprive the court by private agreement of its right to make provisions for the support of the minor children, as the children's welfare requires. The support of children, like their custody, is a matter of social concern. **It is an obligation the father owes to the state as well as to his children. He has no right to permit them to become a public charge.** (Separation Agreements and Ante-Nuptial Contracts, Part Two [Rev.Ed.], Lindey, page 257, § 15.)

In *Doughty v. Engler*, 112 Kan. 583, 584, 211 P. 619, 30 A.L.R. 1065, we said: 'By the great weight of judicial opinion in this country parents are under a legal duty, regardless of any statute, to maintain their legitimate minor children (20 R.C.L. 622), the obligation being sometimes spoken of as one under the common law and sometimes as a matter of natural right and justice, and often accepted as a matter of course without the assignment of any reason. Chancellor Kent says: 'The wants and weaknesses of children render it necessary that some person maintain them, and the voice of nature has pointed out the parent as the most fit and proper person. The laws and customs of all nations have enforced this plain precept of universal law.' [2] Kent's Comm. Blackstone begins his discussion of the duties of parents to legitimate children thus:

The duty of parents to provide for the maintenance of their children is a principle of natural law; an obligation, says Puffendorf, laid on them not only by nature herself, but by their own proper act, in bringing them into the world; for they would be in the highest manner injurious to their issue, if they only gave their children life that they might afterwards see them perish. By begetting them, therefore, they have entered into a voluntary obligation, to endeavor, as far as in them lies, that the life which they have bestowed shall be supported and preserved. And thus the children will have a perfect right of receiving maintenance from their parents.' 1 Blackstone's Commentaries, 447.'

The right of the child to support from its father is a chose in action which belongs to the child. *Myers v. Anderson*, 145 Kan. 775, 67 P.2d 542. The trial court was in error in admitting in evidence the purported contract and agreement, and in considering it in determining the question of child support. (*Emphasis Added*)

The duty to support a child is one of natural law, common law and statutory law. A parent cannot contract that obligation to a third party. It follows that the state has a legitimate interest to ensure a parent provides the support needed for the child even while in state custody. A parent should not be allowed to pass that obligation to the state.

In *Thurmond*, The Kansas Supreme Court considered the issue of modification or abatement of an existing child support order when the obligor was incarcerated. The Court examined each of three legal rules regarding this issue: 1) No justification; 2) Complete justification; and 3) One factor to consider. The majority of our Court chose the "No justification" line of reasoning.

The no-justification rule has the advantages of being a bright line rule--easy to understand and apply without a court hearing. Results would be consistent. All inmates are treated equally. The specific language utilized in some of the cases supporting this rule to the effect that incarceration is similar to quitting a job to avoid paying child support and that in both situations, the inability to pay is "voluntary" stretches reality a bit. Most inmates would have difficulty accepting the concept that their incarceration is to be considered "voluntary." It is more accurate to say that a reduction of income from a cause beyond the obligor's control (such as illness, injury, lay-off, etc.) should be considered differently from those which arise from causes within his or her control. Criminal activity foreseeably can lead to incarceration and such activity is obviously within an individual's control. Public policy considerations heavily favor the no-justification rule.[3] [4] After careful consideration, we conclude that the answer to the question of law presented is "No." **The incarceration of a parent, standing alone, is not legal justification for the modification or suspension of that parent's child support obligation previously determined under the Kansas Child Support Guidelines.** Put another way, incarceration alone is not a change of circumstances which can justify suspension or modification of the child support obligation. As no ground for modification other than incarceration was asserted, the district court had no legal basis for suspending respondent's child support obligation herein. The district court's order of suspension must be reversed. The judgment of the district court is reversed. *Matter of Marriage of Thurmond*, 265 Kan. 715, 729, 962 P.2d 1064 Kan., 1998 (Emphasis added)

The strong dissent in *Thurmond* by Justice Allegrucci joined by Justice Six should be noted. Their position was that the "Complete justification rule" should be applied.

The "no justification rule" was extended to child support orders which arise from paternity actions in *Rupp v. Grubb*, 265 Kan. 711, 962 P.2d 1074 (1998). The Court used the same reasoning as in *Thurmond*.

In a subsequent unpublished decision, the Court of Appeals addressed the issue of a father's child support obligation established after his incarceration. In the *Cook* case, at the time of the divorce the father was incarcerated and the divorce decree set the child support obligation at "0" until further modification by the court.

During the father's incarceration he was granted work release. Based upon his ability to earn income the divorce decree's child support order was modified in accordance with the Kansas Child Support Guidelines to \$224.00 per month. The father then lost his work release privilege and moved the court to abate or reduce his child support obligation. The trial court refused his request and the Court of Appeals affirmed based upon reasoning of *Thurmond and Grubb*. See, *Cook v. Cook*, No. 90,949, May 28, 2004.

**RECODIFICATION, REHABILITATION AND RESTORATION PROJECT
COMMITTEE
REENTRY SUBCOMMITTEE
Sample Restricted Driver's License Provisions**

**West's Annotated Code of West Virginia
Chapter 8. Municipal Corporations
▣ Article 10. Powers and Duties of Certain Officers
▣ Part II. Municipal Court**

**→§ 8-10-2a. Payment of fines by credit cards or payment plan;
suspension of driver's license for failure to pay motor vehicle
violation fines or to appear in court**

(a) A municipal court may accept credit cards in payment of all costs, fines, forfeitures or penalties. A municipal court may collect a substantial portion of all costs, fines, forfeitures or penalties at the time such amount is imposed by the court so long as the court requires the balance to be paid within one hundred eighty days and in accordance with a payment plan which specifies: (1) The number of additional payments to be made; (2) the dates on which such payments and amounts shall be made; and (3) amounts due on such dates.

(b) If costs, fines, forfeitures or penalties imposed by the municipal court for motor vehicle violations as described in section three-a, article three, chapter seventeen-b of this code are not paid within one hundred eighty days, or if a person who committed any such violation defaults on a payment plan as described in subsection (a) of this section, or if a person fails to appear or otherwise respond in court when charged with a motor vehicle violation as defined in section three-a, article three, chapter seventeen-b of this code, the municipal court must notify the commissioner of the division of motor vehicles of such failure to pay or failure to appear.

West's Tennessee Code Annotated
Title 55. Motor and Other Vehicles
☞ **Chapter 12. Financial Responsibility of Owners or Operators**

→§ 55-12-129. Fees

(a) Whenever a license or registration is suspended or revoked and the filing of proof of financial responsibility is made a prerequisite to reinstatement of such license or registration, or both, or to the issuance of a new license or registration, or both, no such license or registration shall be reinstated or a new license or registration issued unless the licensee or registrant, in addition to complying with the other provisions of this chapter, pays to the commissioner a fee of fifty dollars (\$50.00). Only one (1) such fee shall be paid by any one (1) person, irrespective of the number of licenses and registration privileges to be then reinstated or issued to such person.

(b) A sixty-five dollar (\$65.00) restoration fee shall be paid, unless otherwise specified by law, for each and every offense committed that provides for the revocation/suspension of driving privileges.

(c) Any person suspended pursuant to § 55-50-502 for failure to satisfy timely a traffic citation shall pay a sixty-five dollar (\$65.00) restoration fee for each such offense; provided, that multiple suspensions arising from a single traffic incident occurring prior to or after July 1, 1998 shall result in one (1) restoration fee per incident when such person's driving privileges are restored.

(d) The restoration fee for non-moving violations, except driver license and registration offenses, shall be thirty-five dollars (\$35.00).

(e) Fees paid pursuant to this title shall be expendable receipts to be used only by the commissioner towards the cost of administering the provisions of this title.

(f) From each fee received in accordance with the provisions of § 55-10-306, the commissioner shall make a payment of ten dollars (\$10.00) for the furnishing of a completed report of each conviction resulting in a suspension or revocation, including forfeiture of bail not vacated, or payment of a fine or penalty, for one (1) or more of the offenses enumerated in § 55-12- 115(a).

(g)(1) Any person required to pay a reinstatement or restoration fee, in excess of an amount as the commissioner may by rule establish, may petition the department, on a form prescribed by the commissioner, to establish an installment payment plan.

(2) Upon successful application, such person may enter into a payment plan subject to the terms and conditions established by the department, including, but not limited to, minimum payment amounts and the duration of such plan.

(3) The department is hereby authorized to reinstate a person's driving privileges when such person enters into a payment plan with the department and has satisfied all other provisions of law relating to the issuance and restoration of a driver license.

(4)(A) The department, upon such person's failure to comply with the department's payment plan, shall issue, by regular mail to the person's last known address, a notice of intent to suspend the license of such person in thirty (30) days. For the purposes of this subdivision (g)(4)(A), "failure to comply" means failure to pay any installment payment on the date due.

(B) Upon request of such person within thirty (30) days of the date of such notification, the department shall provide the person an opportunity for a hearing to show that such person has, in fact, complied with the department's payment plan. Failure to make such request within thirty (30) days of the date of such notification shall, without exception, constitute a waiver of such right.

(C) Upon waiver of a hearing, or determination of default at the hearing, the department shall suspend the person's driver license pending full payment of all fees authorized by this section.

(D) The Uniform Administrative Procedures Act, compiled in title 4, chapter 5, applies to the extent it is consistent with proceedings under this subsection (g).

(5) A person who defaults on any installment payment plan authorized pursuant to the provisions of this subsection (g) shall not be eligible for any future payment plans.

(6) The commissioner shall establish reasonable criteria for participation in the installment payment plan authorized by this subsection (g). The commissioner has the authority to establish a fee for participation in the installment plan authorized by this subsection (g). The department shall promulgate rules and regulations pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to effectuate the provisions of this subsection (g).

**RECODIFICATION, REHABILITATION AND RESTORATION PROJECT COMMITTEE
REENTRY SUBCOMMITTEE
Housing Strategy Recommendations of the
Council of State Governments and the Corporation for Supportive Housing**

1. Disaggregate population by housing/service needs

To facilitate planning for a re-entry housing project or initiative, Kansas DOC can provide further information on the housing and service needs of the re-entry population returning to Wichita (n=460). A profile of the population should attempt to disaggregate need based upon a) employability and earning potential; b) serious health and behavioral health challenges, such as serious mental illness, substance abuse, HIV/AIDS; c) community supervision status (those with supervision vs. those discharging their sentences); and d) some assessment of inmate living skills, reintegration challenges, etc. Such an analysis, even if anecdotal, can assist housing officials with determining the types of housing options (affordable/supportive, congregate/scattered-site, rental/homeownership) that may be best suited to the population, as well as the scale of housing required by this population.

2. Select and focus on target population for public priorities and pilot initiative.

A basic profile of the overall Wichita re-entry population would help inform target populations for inclusion in Wichita/Sedgwick County housing priority settings. In addition, further narrowing and refining of a target population may help KDOC and Wichita/Sedgwick housing officials to plan for a pilot housing initiative focused on one or more subsets of the population. For example, such an initiative can include supportive housing for released offenders (parolees) with serious mental illness, and service-enriched housing for offenders with substance abuse issues.

3. Identify capable and willing housing developers/providers to undertake projects.

In order to target and expand housing options for members of the re-entry population, KDOC and Wichita housing officials must identify community-based housing developers and providers that have the capacity and willingness to address this need. Capable and eager provider/ developers will ultimately be the driving force behind the creation of "re-entry" housing, working to identifying potential development sites, obtaining financing, developing plans, and managing the development process. To assess the capacity of these developers, officials should consider:

- a. *Development track record* – How many projects/units of affordable housing has the developer completed? What is the quality and condition of these projects/units? Does the developer work with a capable team, including an experienced affordable housing architect, attorney, consultants, etc? For what income category (moderate, low, very low) has the developer created housing? Does the developer have experience with low-income housing tax credits?
- b. *Property management capacity* - Does the provider/developer manage the properties as well? Does this group have experience managing properties that house very low-income people and/or people with special needs, like serious mental ill-

ness? Do their housing developments have on-site security (i.e. front desk attendants) and maintenance staff?

- c. *Community standing and relationships* – Does the developer have strong ties and good standing within the communities/neighborhoods in which it develops affordable housing? Does the developer have a board of directors or advisory board comprised of local neighborhood leaders? Would the developer be able to “sell” a project that includes units targeted towards ex-offenders in its catchment area?
 - d. *Capacity to partner with social services providers* - Has the provider/developer ever developed any supportive housing or housing integrated with services? Has it ever partnered with other non-profit organizations in the development or management of housing? Is the provider/developer willing to partner with social service providers?
4. Work with housing developers/providers to identify and partner with social services partners and providers and develop social services/supervision plans.

Housing providers participating in a re-entry housing development effort will likely seek to ensure that effective social services and supervision are in place to mitigate any risks associated with housing ex-offenders. KDOC should therefore work to both orient their community supervision personnel around how to interface with housing providers (i.e. offer in-kind contribution through training and reassigned officers to assist with service provision and match), as well as assist housing developers with identifying and partnering with social services providers that can provide a comprehensive package of supports, including housing-based case management, mental health and substance abuse services, employment training and placement, counseling, etc. KDOC should engage state and local social service agencies in the health, mental health, and substance abuse treatment arenas to determine opportunities for leveraging social services funding that can be integrated with housing. KDOC should also identify community-based social services partners that are experienced with providing some residence-based services, preferably in permanent housing settings.¹

5. Review existing re-entry housing models, development strategies, financing, etc.

Once a group of willing and capable non-profit housing providers and social services providers has been identified and recruited to undertake a re-entry housing development effort, they, along with DOC and Wichita officials, should review existing re-entry housing projects and their financing models. If possible, conducting a site visit to an existing project may be useful. One possibility is St. Andrew’s Court, a re-entry sup-

¹ For more information on integrating social services and housing, see: CSH’s “Developing the Support in Supportive Housing” <http://www.csh.org/index.cfm?fuseaction=page.viewPage&pageID=3284>, for more information on integrating social services with housing,

See: “Not a Solo Act,” <http://www.csh.org/index.cfm?fuseaction=Page.viewPage&pageID=3266>, for more information on partnerships between housing providers and service providers).

portive housing project in Chicago, Illinois, developed by St. Leonard's Ministries and Lakefront SRO.²

6. Determine appropriate model(s) of re-entry housing in Wichita

Based upon the review of existing practice, DOC and Sedgwick/Wichita officials should determine what kinds of models may be most appropriate to the local context and need. Some potential parameters to consider are:

- a. Single-site (congregate) vs. scattered-site – Would the target population fare better in a congregate setting with on-site services, where they can benefit from peer support? Or would the target population prefer and succeed better in their own individual subsidized apartments leased on the private market or in larger affordable housing developments? Are there opportunities to site projects targeted towards this population (i.e. property, community support, etc.)? Are there opportunities to obtain set-asides of units within existing affordable housing development projects?
- b. If single-site, mixed vs. single-population tenancy – Should the proposed re-entry housing buildings allocate 100% of its units to re-entering offenders, or should the project integrate these with units targeted towards other low-income, disabled or homeless individuals?
- c. If scattered-site, tenant-based or sponsor-based assistance – If rental subsidies are available, should this assistance be provided directly to the tenants themselves, or be managed by a non-profit service provider? Is it possible to “sponsor-base” or “project-base” these subsidies, so that a non-profit can “master-lease” an apartment in its name and sub-lease to re-entering offenders?
- d. On-site vs. off-site/mobile services – Another parameter to consider is whether social services can be located on-site or delivered through mobile teams or off-site. Is funding available to cover social services personnel (e.g. case managers) in a housing setting, or are there existing services in the community that can be dedicated and oriented to service the housing settings.

Ultimately, the availability of resources may drive the determination of which model is most appropriate as much as tenant needs and preferences. One strategy is to pursue two or more approaches simultaneously, particularly to meet different needs. For example, a single-site, single-tenancy project for mentally ill ex-offenders with on-site supports can be developed, while set-aside units in larger affordable housing developments are established for ex-offenders who are in outpatient treatment for substance abuse.³

² A good case study of this project can be found at <http://www.fanniemaefoundation.org/grants/casebook12/slhl-profile.shtml>). Other models include the Fortune Society's Fortune Academy.

See <http://www.ojp.usdoj.gov/ccdo/pub/pdf/facasestudy.pdf>), and the Bridge's Iyana House (see attached profile), both in New York City.

³ See <http://www.csh.org/index.cfm?fuseaction=document.showDocumentList&parentID=53>, “Housing and Services as Keys to Successful Transition for Ex-Offenders.”

7. Develop financing plan in conjunction with state Kansas Housing Resource Corporation

After reviewing existing financing models, KDOC and Wichita/Sedgwick officials should work with the Kansas Housing Resource Corporation to design viable financing mechanisms for the particular re-entry housing model(s) selected. Such a mechanism would most likely combine low-interest or grant capital financing (e.g. HOME, State trust fund, bond proceeds) and low-income housing tax credits. In addition, both the City/County and State should examine what rental assistance or operating subsidy sources are available (Section 8 TBRA/PBRA, Shelter Plus Care, etc.) to further subsidize rents. Finally, officials should examine what contribution KDOC could make using its own resources, such as term-limited (i.e. 1-year) project-based rental assistance modeled after St. Andrew's Court project, and/or funding for on-site social services such as case managers, along with assigning dedicated community supervision staff to residents in the project. (See development profiles of St. Andrew's Court and the Fortune Academy, as referenced above.)

8. Review and adapt priorities and policies for housing development and production

DOC and Wichita housing officials should ensure that state and local priorities for housing development and financing are aligned with the goals of creating re-entry housing. Since the process for priority setting differs depending upon the particular resource, efforts should be made to ensure that all relevant resources allow for their use for re-entry housing, if not actually specifying re-entry housing as a priority use. Thus, DOC and housing officials should look work to:

- a. Include re-entry housing as a priority use of HOME, CDBG, as well as within other neighborhood redevelopment effort. These priorities are determined both through local policy as well as through in the five-year Consolidated Plan and annual Action Plans. The Wichita City Council has a policy-setting role that influences the use of these resources.
- b. Engage the Wichita Housing Authority around its screening process for Section 8 tenant-based rental assistance and around the possibility of project-basing unused Section 8s for projects targeted towards ex-offenders. DOC should work with Wichita Housing Authority to address concerns around public safety and risk, and develop conditions to mitigate risk, such as allowing individuals with criminal convictions to obtain Section 8 TBRA (or live in Section 8 PBRA projects) if they are participating in services, under parole supervision, or have demonstrated rehabilitation from drugs and alcohol.
- c. Include homeless and disabled ex-offenders as priority populations, and housing for ex-prisoners as a priority use of its McKinney-Vento funds (Shelter Plus Care, Supportive Housing Program, and Section 8 Moderate Rehabilitation) through the Wichita Continuum of Care process. The Continuum of Care, which is a local coalition of government agencies, non-profits and faith-based organizations responsible for applying to HUD for the locality's share of McKinney-Vento funds, sets its priorities and funding plan every year during the spring and early summer.

- d. Modify and amend the Low-Income Housing Tax Credit Qualified Allocation Plan. Working alongside the Kansas Housing Resource Corporation, officials should seek to facilitate access to tax credits for developers' interested in serving members of the re-entry population. KHRC sets its allocation priorities each year in a document called a 'Qualified Allocation Plan.' Allocation priorities are essentially set by modifying the scoring guidelines of applications. KHRC already provides points to projects that serve homeless tenants; homeless ex-offenders and parolees could be included in this category. In addition, the QAP can allow specific uses and underwriting of tax credit equity that can facilitate their use in supportive or re-entry housing projects, such as allowing for the capitalization of longer-term operating reserves and allowing for the capitalization of social service reserves. KHRC holds annual public hearings in developing its QAP.

Seek to include affordable and supportive housing for the re-entry population as priorities for KHRC's other financing streams, including CHDO (HOME) funds, and private activity bonds with 4% credits.⁴

9. Assess zoning conditions/restrictions and build community support

DOC and Wichita/Sedgwick housing officials should ensure that local zoning and ordinances that were originally intended to decrease criminal activity do not impede the development of re-entry housing, which can enhance public safety by addressing offenders' criminogenic risk factors. This may involve modifying local code and zoning to allow for the siting of supportive housing targeted towards formerly incarcerated individuals. Officials may wish to emphasize the distinctions between private or non-profit owned and managed supportive or affordable housing that serves ex-offenders among other low-income and special needs tenants and halfway houses or residential treatment programs. Officials should also consider alternative development strategies that mitigates or circumvents community opposition:

- a. Mixed tenancy models, where a development project includes units for low- and moderate-income community members, other special needs populations, as well as members of the re-entry population;
- b. Unit set-asides, in which DOC gains access to units through agreements or Memoranda of Understandings with developers;
- c. Scattered-site models, either where ex-offender tenants with rental assistance vouchers rent apartments on the private market, or where one or more social service providers hold "sponsor-based" rental assistance vouchers and master-lease apartments on behalf of ex-offender tenants; and/or

⁴ See <http://www.csh.org/index.cfm?fuseaction=Page.viewPage&pageId=330&nodeId=81>, CSH's "Supportive Housing Financing Guide;"

Also see, <http://www.csh.org/index.cfm?fuseaction=Page.viewPage&pageId=735>, "Financing Supportive Housing - Housing for Target Populations;"

Also see, <http://www.csh.org/index.cfm?fuseaction=Page.viewPage&pageId=3422&parentID=10>., "Toolkit for Ending Long-Term homelessness."

- d. Triple net leasing approaches, where a private developer serves as a “turn-key” for a project, and then net-leases the property and building on a long term basis (e.g. 15-20 years) to another organization.

(For more information on non-development approaches, see attached “Alternatives to Development” presentation.) In addition, officials should continue to engage local leaders and neighborhood representatives to develop awareness of the needs of the re-entry population, and the inherent public safety and public health risks associated with not providing housing and services to this population.

10. Plan and develop one or more re-entry housing models based on selected population, models, and financing plan

Working with selected non-profit and faith-based developers and service providers, KDOC and other agencies should begin planning for the development of one or more re-entry housing projects. Activities/steps towards housing development roughly include: assembling capable development teams, comprised of developers, architects, attorneys, and consultants; identification of sites and obtaining site control; developing preliminary architectural schematics; obtaining necessary community and zoning approvals; applying for and obtaining awards for capital funding, operating funding, and social services funding; developing and obtaining approval of design plans; closing on construction financing; overseeing and supervising construction; and marketing and lease-up. If possible, project sponsors (developers) should look to obtain predevelopment funding from an intermediary or other lender such as the Corporation for Supportive Housing, the Enterprise Foundation,⁵ or the Local Initiatives Support Corporation.⁶

⁵ <http://www.enterprisefoundation.org>

⁶ <http://www.liscnet.org>

| KSA | Profession | Restriction |
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| 8-2410 | Vehicle Sales and Manufacture | Has within five years immediately preceding the date of making application, been convicted of a felony or any crime involving moral turpitude, or has been adjudged guilty of the violations of any law of any state or the United States in connection with such person's operation as a dealer of salesperson. |
| 2-2449 | Pest Control License | Pest control license, registration, permit or certificate. Been convicted of or pleaded guilty to a felony under the laws of this state or of the United States, if the board determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust. |
| 12-2817 | Metropolitan Transit Authority | The mayor, with the approval of the governing body of the city, may remove any member of the board in case of incompetency, neglect of duty, or malfeasance in office. Conviction of crime, involving moral turpitude. |
| 2-3310 | Chemization Safety | Deny/suspend/revoke permit if been convicted of or pleaded guilty to a felony under the laws of this state or of the United States, if the board determines, after investigation, that such person has not been sufficiently rehabilitated to warrant public trust. |
| 12-3602 | Water Conditioning Contractor | Certificate shall not be issued if the contractor has been convicted of a felony or any crime involving moral turpitude or fraud, deception or misrepresentation. |
| 40-5004 | Viatical Settlement Provider or Broker | The license or any officer, partner, member or key management personnel has been found guilty of, or has pleaded guilty or <i>nolo contendere</i> to, any felony, or to a misdemeanor involving fraud or moral turpitude, regardless of whether a judgment of conviction has been entered by the court. |
| 1-302 | Certified Public Accountant (CPA) | Board may refuse to grant a certificate on the ground of failure to satisfy the good moral character requirement subject to notice and an opportunity for the person to be heard pursuant to the Kansas administrative procedures act. |
| 1-311 | Certified Public Accountant (CPA) | Board may deny application or revoke/suspend if conviction of any felony, or of any crime an element of which is dishonesty or fraud, under the laws of the United States, of Kansas or of any other state, if the acts involved would have constituted a crime under the laws of Kansas. |
| 1-312 | Certified Public Accountant (CPA) | Board may revoke/suspend partnership or corporation. Conviction of a firm of any felony, or of any crime an element of which is dishonesty or fraud, under the laws of the United States, of Kansas or of any other state, if the acts involved would have constituted a crime under the laws of Kansas. |
| 16-07-013 | Pawnbrokers & Precious Metal Dealers | Same as 16-708 |
| 16-1203 | Farm Equipment Dealer | Farm Equipment Dealer has pleaded guilty to or has been convicted of a felony affecting the relationship between the dealer and manufacturer. |
| 16-1306 | Outdoor Power Equipment Dealership | No supplier may terminate, cancel or fail to renew without good cause. Good cause shall exist whenever: except, the retailer has pleaded guilty to or has been convicted of a felony affecting the relationship between the retailer and supplier. |
| 16-1406 | Lawn and Garden Equipment Dealership | No supplier may terminate, cancel or fail to renew without good cause. Good cause shall exist whenever: except when the retailer has pleaded guilty to or has been convicted of a felony affecting the relationship between the retailer and supplier. |

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| 16-708 | Pawnbrokers & Precious Metal Dealers | Any person who has been convicted of or has pleaded guilty to a felony under the law of this state, or any other state, or of the United States, or shall have forfeited his bond to appear in court to answer charges for any such offense within the ten (10) years immediately prior to such person's application for a license. |
| 16a-2-303 | Consumer loans; supervised lenders | The administrator may deny, revoke or suspend the license of a supervised lender if the administrator finds that the applicant, licensee, members thereof if a co-partnership or association, or officers and directors thereof if a corporation have been convicted of any crime involving fraud or deceit. |
| 17-1768 | Solicitation for Charitable Purposes | Person engaged in the solicitation for charitable purposes has been convicted in this state or elsewhere of a felony or of a misdemeanor where such felony or misdemeanor involved the misappropriation, misapplication or misuse of money or property of another. |
| 17-2234 | Credit Unions | Each special assistant, deputy, examiner and other such employees as may be necessary for the purpose of administering and enforcing the provisions of this act shall submit to a security background check prior to being employed in such position. The security background check shall be limited to criminal history record information as provided by K.S.A. 22-4701 <i>et seq.</i> , and amendments thereto. If the criminal history record information reveals any conviction of crimes of dishonesty, such conviction may be used to disqualify a candidate. |
| 19-4408 | Law Enforcement Superintendent | Shall not have been convicted of felony under the laws of this state, or any other state, or of the US |
| 19-4431 | Law Enforcement Director | Shall not have been convicted of felony under the laws of this state, or any other state, or of the US. |
| 19-4475 | Law Enforcement - Director, appointment, qualifications, compensation, oath, bond, and duties. | Shall not have been convicted of a felony under the laws of this state, any other state or of the United States. |
| 19-801b | Sheriff | Has never been convicted of or pleaded guilty or entered a plea of <i>nolo contendere</i> to any felony charge, a misdemeanor crime of domestic violence as defined in K.S.A. 74-5602 and amendments thereto or to any violation of any federal or state laws or city ordinances relating to gambling, liquor or narcotics. |
| 21-2511 | K.B.I. - Powers and duties | Collection of specimens of fingerprints, blood and saliva from certain persons. Any person convicted as an adult or adjudicated as a juvenile offender because of the commission of any felony |
| 21-4615 | Ineligible to hold any Public Office | Rights of imprisoned persons; restoration. (1) A person who has been convicted in any state or federal court of a felony shall, by reason of such conviction, be ineligible to hold any public office under the laws of the state of Kansas, or to register as a voter or to vote in any election held under the laws of the state of Kansas or to serve as a juror in any civil or criminal case. |
| 22-2809a | Surety or agent of a surety | c. No person who, within the past 10 years, has been convicted, in this or any other jurisdiction, of a person felony, may act as a surety or as an agent of a surety (d) Violation of this section is a class A nonperson misdemeanor for the first conviction of a violation and a severity level 9, nonperson felony upon a second or subsequent conviction of a violation. |
| 25-43-002 K | Grounds of recall of elected officials | (a) Grounds for recall are conviction of a felony, misconduct in office or failure to perform duties prescribed by law. No recall submitted to the voters shall be held void because of the insufficiency of the grounds, application, or petition by which the submission was procured. |

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| 32-964 | Wildlife, Parks and Recreation Commercial Guide | The secretary, in accordance with the Kansas Administrative procedure act, may refuse to issue, refuse to renew, suspend or revoke a commerical guide permit or an associate guide permit if the secretary finds that the applicant has: been convicted of a violation of the fish, wildlife, boating or parks laws of another jurisdiction; been convicted of a felony involving the use of violence or the use of weapons; been convicted of any other felony within the previous five years. The secretary shall receive from the Kansas Bureau of Investigation such criminal history record information relating to arrests and criminal convictions as necessary for the purpose of determining initial and continuing qualifications of applicants for commercial guide permits and associate guide permits. |
| 39-931a | Adult Care Homes | Applicant for a license to operate an adult care home or who is the licensee of an adult care home and who has any direct or indirect ownership interest of 25% or more in an adult care home or who is the owner, may deny a license to any person and may suspend or revoke the license of any person who; has been convicted of a felony. |
| 39-970 | Adult Care Homes - Mentally Ill | No person shall knowingly operate an adult care home if, in the adult care home, there works any person who has been convicted of or has been adjudicated a juvenile offender because of having committed an act which if done by an adult would constitute the commission of capital murder, first degree murder, second degree murder, voluntary manslaughter, mistreatment if a dependent adult, rape, indecent liberties with a child, aggravated indecent liberties with a child, aggravated criminal sodomy, indecent solicitation of a child, aggravated indecent solicitation of a child, sexual exploitation of a child, sexual battery, aggravated sexual battery. A person operating an adult care home may employ an applicant who has been convicted of any of the following if five or more years have elapsed since the applicant satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; or if five or more years have elapsed since the applicant has been finally discharged from the custody of the commission of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer: A felony conviction for a crime (A) Article 34 of Chapter 21 of the Kansas Statutes Annotated and amendments thereto, except those crimes listed in subsection (a)(1);(B) articles 35 or 36 of Chapter 21 (C) an attempt to commit any of the crimes listed in this subsection (D) a conspiracy to commit any of the crimes listed in subsection; (E) criminal solicitation of any of the crimes listed in subsection (a)(2) pursuant to K.S.A. 21-3303, and amendments thereto; or (F) similar statutes of other states or the federal government. |
| 40-3304 | Insurance Holding Companies | Transactions affecting control of domestic insurer; approval of commissioner; statement files with commissioner, contents, filing fee; substitution of securities registration statement; disapproval of transaction, hearing; retainer of professionals and experts to assist review, exempt transactions; violations; jurisdiction of courts; service of process. No person other than the issuer shall make a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities or, seek to acquire, or acquire, in the open market or otherwise, any voting security of a domestic insurer until he has sent to such insurer, a statement containing the information required by this section and has filed a statement with the commissioner of insurance hereunder with the following information: If such person is an individual, such individual's principal occupation and all offices and positions held during the past five years and any conviction of crimes other than minor traffic violations during the past 10 years. |

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| 40-5012 | Viatical Settlement Provider or Broker | Same as 40-5004. Knowingly or intentionally permit any person, employed by a person in the business of viatical settlements, convicted of a felony involving dishonesty or breach of trust to participate in the business of viatical settlements. No person in the business of viatical settlements shall knowingly or intentionally permit any person convicted of a felony involving dishonesty or breach of trust to participate in the business of such settlements. |
| 41-204 | Director/Deputy Director of alcohol Beverage Control | No person shall be appointed directory or deputy director if such person has been convicted of a felony or of any violation of any federal or state law concerning the manufacture or sale of alcoholic liquor or cereal malt beverages, has paid a fine or penalty in settlement in any prosecution against such person in any violation of such laws or has forfeited bond to appear in court to answer charges for any such violation. |
| 41-2702 | Retailer's License (Alcohol) | Applicant has not within two years immediately preceding the date of making application been convicted of a felony, any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States. |
| 41-2703 | Intoxicating Liquors & B Cereal Malt Beverages Retailer's License <i>Same; qualifications; term of license; notice to distributors of nonrenewal</i> | No retailer's license shall be issued to: 1) a person who, within two years immediately preceding the date of application, has been convicted of a felony or any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States; 2) a person whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act; 3) a person who is not of good character and reputation in the community in which the person resides. |
| 41-308a | Farm Winery License Employees | Employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony. |
| 41-308b | Micro Brewery License Employees | Employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony. |
| 41-311 | Intoxicating Liquors & Beverages Qualifications for License <i>Qualifications for License.</i> | No license of any kind shall be issued pursuant to the liquor control act to a person: 1) has been convicted of a felony under the laws of this state, any other state of the United States; 2) who has had a license revoked for cause under the provisions of the liquor control act; 3) been convicted of being the keeper or is keeping a house of prostitution; 4) has been convicted of being a proprietor of a gambling house; 5) whose spouse would be ineligible to receive a license; 6) whose spouse has been convicted of a felony |
| 41-311b | Intoxicating Liquors, Licensing of nonresidents. | If an applicant for licensure is not a resident of the State of Kansas on the date of submission of such application or has not been a resident for at least one year immediately preceding the date of submission of such application, the director shall require the individual applicant, or if the applicant is a corporation, partnership or trust, each individual officer, director, stockholder, co partner or trustee to: (b) the directory shall submit the finger prints provided under subsection (a) to the Kansas Bureau of Investigation and to the federal bureau of investigation and receive a reply to enable the director to verify the identity of such applicant or such individuals specified in subsection (a) and whether such applicant or such individuals have been convicted of any crimes that would disqualify the applicant or such individuals from holding a license under the liquor control act. |

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| 41-334 | Supplies Sales Person of Alcohol | No person shall be issued a salesperson's permit if such person does not meet the qualifications of subsections (a)(4) and (5) of K.S.A. 41-311 and amendments thereto or if such person has a beneficial interest in any licensed retailer of alcoholic liquor or cereal malt beverage or any licensed club, drinking establishment or caterer. The director may deny a permit to any person who has been convicted of a felony or a violation of the Kansas liquor control act or cereal malt beverage laws of this state. |
| 41-339 | Intoxicating Liquors & Beverages | If the holder of salesperson's permit is convicted of a felony or violates the provisions of the Kansas liquor control act or the cereal malt beverage laws of this state, or any rules and regulations adopted thereunder, the director may suspend or revoke any and all permits issued to such salesperson. |
| 42-204 | Division of Alcoholic Beverage Control; Director and employees; qualifications | Any person appointed as director and all employees of the division shall be citizens of the United States and residents of the State of Kansas. No person shall be appointed director or deputy director if such person has been convicted of a felony or of any violation of any federal or state law concerning the manufacture or sale of alcoholic liquor or cereal malt beverage. |
| 44-1520 | Athlete Agents | Registration as athlete agent; form; requirements. An applicant for registration shall submit an application for registration to the secretary of state in a form prescribed by the secretary of state. The application must be in the name of an individual and, except as otherwise provided in subsection (b), signed or otherwise authenticated by the applicant under penalty of perjury and state or contain: (1) The name of the applicant and the address of the applicant's principal place of business. (7) the names and addresses of all persons who are: (A) With respect to the athlete agent's business if it is not a corporation, the partners, members officers, managers, associates or profit-sharers of the business; and (8) whether the applicant or any person named pursuant to subsection (a) (7) has been convicted of a crime that, if committed in this state, would be a crime involving moral turpitude or a felony, and identify the crime. |
| 44-1521 | Athlete Agents | Certificate of registration; issuance or denial; renewal. The secretary of state may refuse to issue a certificate of registration if the secretary of state determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to act as an athlete convicted of a crime that, if committed in this state, would be a crime involving moral turpitude or a felony. |
| 47-829 | Veterinarians | Licenses; expiration; renewal; continuing education requirements. The application shall contain a statement to the effect that the applicant has not been convicted of a felony, has not been the subject of professional disciplinary action taken by any public agency in Kansas or any other state. |
| 47-830 | Veterinarians | Grounds for revocation or suspension of license or other restrictions. The board in accordance with the provisions of the Kansas Administrative procedure act, may revoke or suspend for a time certain the license of, or, otherwise limit, condition, reprimand, restrict, deny a license or assess a fine, not to exceed \$2,000, to any licensed veterinarian for any of the following reasons: (e) conviction of a felony. |
| 48-102 | Exemption from military duty. | Persons convicted of infamous crimes. |
| 50-704 | Fair Credit Reporting | Obsolete information. Except as authorized under subsection (b) of this section, no consumer reporting agency may make any consumer report containing any of the following items of information: (5) records of arrest, indictment, or conviction of crime which, from date of disposition, release or parole antedate the report by more than seven (7) years; and |
| 53-118 | Notary Public | Conviction of a felony or of a lesser offense involving moral turpitude or of a nature incompatible with the duties of a notary public. A conviction after a plea of <i>nolo contendere</i> is deemed to be a conviction within the meaning of this subsection. |

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| 58-3050 | Real Estate Brokers and Sales | Licensee has been convicted of (A) Forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any other similar offense; (B) a crime involving moral turpitude; or (C) any felony charge licensee has been found guilty of violating of the federal fair housing act. |
| 58-3307 | Uniform Land Sales Practice Act | Inquiry and examination. Upon receipt of an application for registration in proper form, the commissioner shall forthwith initiate an examination to determine that: (4) the subdivider has not, or if a corporation, its officers, directors, and principals have not, been convicted of a crime involving land dispositions of any aspect of the land sales business in this state, the United States, or any other state or foreign country within the past ten (10) years. |
| 58-4113 | Real Estate Appraiser | See 58-4113 |
| 58-4211 | Personal and Real Property Manufactured Housing | |
| 65-1120 | Nursing Registered Nurse or LPN | To have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust |
| 65-1120 | Nursing | Grounds for disciplinary actions. The board may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found after hearing: (2) to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120 no license, certificate of qualification or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto; |
| 65-1436 | Dentist or Dental Hygienist | Been convicted of a felony or a misdemeanor involving moral turpitude in any jurisdiction and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust. |
| 65-1505 | Optometrists | Who is of good moral character; and in determining the moral character of any such person, the board may take into consideration any felony conviction of such person, but such conviction shall not automatically operate as a bar to licensure. |
| 65-1517 | Optometrists | Revocation, suspension or limitation of license; censure; grounds. A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured, upon a finding of the existence of any of the following grounds: (c) The licensee has been convicted of a felony, whether or not related to the practice of optometry. |
| 65-1627 | Pharmacist | The licensee has been convicted of a felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust. |
| 65-1631 | Pharmacists | Licensure required of pharmacists; qualification of applicants (b) The board shall take into consideration any felony conviction of such person, but such conviction shall not automatically operate as a bar to licensure. |
| 65-1655 | Distributor at wholesale any drugs | Any felony convictions of the applicant under federal or state laws. |
| 65-1663 | Pharmacy Technicians | The board shall take into consideration any felony conviction of an applicant, but such conviction shall not automatically operate as a bar to registration. |

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| 65-1663 | Regulation of Pharmacists | Registration of pharmacy technicians; applications; registration fee; qualifications for registration; expiration and renewal of registration; grounds for denial of application or registration; temporary suspension or limitation of registration; responsibilities of pharmacists and pharmacies; rules and regulations. (c) The board shall take into consideration any felony conviction of an applicant, but such conviction shall not automatically operate as a bar to registration. |
| 65-1717 | Embalmers and Funeral Directors | To have been convicted of a felony, and the licensee or applicant for a license is unable to demonstrate to the board's satisfaction that such person has been sufficiently rehabilitated to warrant the public trust, or has been convicted of any offense involving moral turpitude. |
| 65-1751 | Embalmers and Funeral Directors | Same as 65-1717 |
| 65-1755 | Crematory Operator | Has been convicted of a felony or an offense of moral turpitude, and has not demonstrated to the board's satisfaction that such crematory operator in charge has been sufficiently rehabilitated to warrant the public trust. |
| 65-1908 | Cosmetology | The state board of cosmetology may revoke any license provided for by this act, may censure, limit or condition any license or may refuse to issue, renew or suspend any license or assess a fine, not to exceed \$1,000 per violation, for any of the following reasons: (4) conviction of a felony unless the applicant or licensee is able to demonstrate to the board's satisfaction that such person has been sufficiently rehabilitated to warrant the public trust. |
| 65-2006 | Podiatrists Suspension, revocation or limitation of licenses and permits | 1) Have committed fraud in securing license or permit; 2) have been convicted of a felony if the board determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust; 3) addicted to or have distributed intoxicating liquors or drugs for any other than lawful purposes. |
| 65-2836 | Physician | The licensee has been convicted of a felony or class A misdemeanor, whether or not related to the practice of the healing arts. The board shall revoke a licensee's license following conviction of a felony occurring after July 1, 2000, unless a 2/3 majority of the board members present and voting determine by clear and convincing evidence that such licensee will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust. In the case of a person who has been convicted of a felony and who applies for an original license or to reinstate a canceled license, the application for a license shall be denied unless a 2/3 majority of the board members present and voting on such application determine by clear and convincing evidence that such person will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust. |
| 65-28a05 | Physician Assistants | The licensee has been convicted of a felony. |
| 65-2912 | Physical Therapy | Conviction of a felony if the board determines, after investigation, that the physical therapist or physical therapist assistance has not been sufficiently rehabilitated to warrant the public trust. |
| 65-3508 | Adult Care Home Administrators | The license of an adult care home administrator or the temporary license of an adult care home administrator may be denied, revoked or suspended or the adult care home administrator or a person holding a temporary license as an adult care home administrator may be reprimanded, censured or otherwise disciplined by the board, after notice if the adult care home administrator has (d) been convicted of a crime found to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of an adult care home administrator; |
| 65-4118 | Registration to manufacture, distribute or dispense a controlled substance. | Has been convicted of a felony under any state or federal law relating to any controlled substance. |

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| 65-4209 | Mental Health Technician | <p>1) Guilty of fraud or deceit in procuring or attempting to procure a license to practice mental health technology;</p> <p>2) Unable to practice with reasonable skill and safety due to current abuse of drugs or alcohol;</p> <p>3) has been convicted of a felony or has been convicted of a misdemeanor involving an illegal drug offense, unless the applicant or licensee establishes sufficient rehabilitation to warrant the warrant public trust</p> |
| 65-5117 | Home Health Agency Employee | <p>A person operating a home health agency may employ an applicant who has been convicted of any of the following if five or more years have elapsed since the applicant satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence. A felony conviction for a crime which is described in: (A) Article 34 or Chapter 21 of the Kansas Statutes Annotated and amendments thereto, except those crimes listed in subsection (a)(1);(B) articles 35 or 36 of chapter 21 of the Kansas Statutes Annotated and amendments thereto, except those crimes listed in subsection (a)(1) and K.S.A. 21-3605 and amendments thereto; (C) an attempt to commit any of the crimes listed in this subsection (a)(2) pursuant to K.S.A.</p> |
| 65-516 | Child Care Facility or Family Day Care Home | <p>(a) No person shall knowingly maintain a child care facility or maintain a family day care home if, in the child care facility or family day care home, there resides, works or regularly volunteers any person who:</p> <p>(1) (A) Has a felony conviction for a crime against persons, (B) has a felony conviction under the uniform controlled substances act, (C) has a conviction of any act which is described in articles 34, 35 or 36 of Chapter 21 of the Kansas Statutes Annotated, and amendments thereto or a conviction of an attempt under K.S.A. 21-3301 and amendments thereto to commit any such act, or (D) has been convicted of any act which is described in K.S.A.21-4301 or 21-4301a and statements thereto or similar statutes of other states or the federal government; (2) has been adjudicated a juvenile offender because of having committed an act which if done by an adult would constitute the commission of a felony and which is a crime against persons, is any act described in articles 34, 35 or 36 of Chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or is any act described in K.S.A. 21-4301 or 21-4301a and amendments thereto or similar statutes of other states or the federal government; (6) has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 38-1635 and amendments thereto involving a charge of child abuse or sexual offense; or</p> |
| 65-54-010 K | Occupational Therapist or Occupational Therapy Assistant | <p>Being convicted of a felony if the acts for which such person was convicted are found by the board to have direct bearing on whether such person should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant.</p> |
| 65-5410 | Occupational Therapy Denial, revocation or suspension of license or refusal to renew license; unprofessional conduct; procedure; reinstatement | <p>Being convicted of a felony if the acts for which such person was convicted are found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant.</p> |
| 65-55-010 K | Respiratory Therapist | <p>Same as 65-5506. Being convicted of a felony if the acts for which such person was convicted are found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of a respiratory therapist.</p> |
| 65-5506 | Respiratory Therapy Denial, revocation or suspension of license or refusal to renew license | <p>Being convicted of a felony if the acts for which such person was convicted are found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of respiratory therapist.</p> |
| 65-5804 | Professional Counselors | <p>Has satisfied the board that the applicant is a person who merits the public trust</p> |

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| 65-5809 | Professional Counselors | Board may refuse to issue license for any of the following reasons: 1) Use of drugs or alcohol, or both, to an extent that impairs the individual's ability to engage in the practice of professional counseling; 2) Individual has been convicted of a felony and, after investigation, the board finds that the individual has not been sufficiently rehabilitated to merit the public trust; 3) Individual is mentally ill or physically disabled to an extent that impairs the individual's ability to engage in the practice of professional counseling |
| 65-6129 B | Instructor - Coordinator's Certificate for Emergency Medical Services (EMS) | Has been convicted of any state or federal crime that is related substantially to the qualifications, functions and duties of an instructor-coordinator or any crime punishable as a felony under the state or federal statute, and the board determines that such individual has not been sufficiently rehabilitated to warrant the public trust. |
| 65-6129 C | Training Officer for EMS | Has been convicted of any state or federal crime that is related substantially to the qualifications, functions and duties of a training officer or any crime punishable as a felony under any state or federal statute and the board determines that such individual has not been sufficiently rehabilitated to warrant public trust. |
| 65-6133 | Emergency Medical Services | An attendant's or instructor-coordinator's certificate may be denied, revoked, limited, modified or suspended by the board or the board may refuse to renew such certificate upon proof that such individual: (5) has been convicted of a felony and, after investigation by the board, it is determined that such person has not been sufficiently rehabilitated to warrant the public trust. |
| 65-6306 | Social Worker Qualification for Licensure | Has satisfied the board that the applicant is a person who merits the public trust |
| 65-6311 | Social Worker - Grounds for suspension, limitation, revocation or refusal to issue or renew license | Has been convicted of a felony and, after investigation, the board finds that the licensee has not been sufficiently rehabilitated to merit the public trust; 2) has been found guilty of fraud or deceit in connection with services rendered as a social worker or in establishing rehabilitated to merit the public trust. |
| 65-6404 | Marriage and Family Therapists <i>Application for licensure; requirements; fees; practice of licensed clinical marriage and family therapist.</i> | Has satisfied the board that the applicant is a person who merits the public trust |
| 65-6408 | Marriage and Family Therapists <i>Refusal to grant, suspension, condition limitation, qualification, restriction or revocation of license; grounds</i> | Convicted by a court of competent jurisdiction of a crime that the board determines is of a nature to render the convicted person unfit to practice marriage and family therapy. |
| 65-6508 | Speech - Language Pathologists and Audiologists | Having been convicted of a crime found by the secretary to have a direct bearing on whether one should be entrusted to serve the public in the capacity of a speech-language pathologist or audiologist. |
| 65-6604 | Alcohol and other Drug Abuse Counselors <i>Refusal to issue or renew, suspension, limitation or revocation of registration;</i> | Has been convicted of a crime found by the board to have a direct bearing on whether the registrant or applicant can be entrusted to serve the public in the position of alcohol and other drug abuse counselor. |
| 65-6911 | Athletic Trainers | The board may deny, suspend, limit, refuse to renew, place on probation, reprimand or revoke any license granted under the athletic trainers licensure act or take other disciplinary action as the board may deem proper for any of the following reasons: (2) the individual has been convicted of a felony and, after investigation, the board finds that the individual has not been sufficiently rehabilitated to merit the public trust. |

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| 65-6a36 | Meat and Poultry Processing | Refusal to provide or withdraw inspection services for applicant or recipient convicted of certain offenses; hearing. Has been convicted, in any federal or state court, or (1) any felony based upon the acquiring, handling, transporting or distributing or unwholesome, adulterated, mislabeled or deceptively packaged food or upon fraud in connection with transactions in food, or (2) more than one violation of any law, other than a felony based upon the acquiring, handling transporting or distributing of unwholesome, adulterated, mislabeled or deceptively packaged food or upon fraud in connection with transactions in food. |
| 65-7208 | Naturopathic Doctors | The board may deny, refuse to renew, suspend, revoke or limit a registration or the registrant may be publicly or privately censured where the registrant or applicant for registration has been guilty of un-professional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes: (3) being convicted of a felony if the acts for which such person was convicted are found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of a naturopathic doctor. |
| 65-7313 | Radiologic Technologists | The license of a radiologic technologist may be limited, suspended or revoked, or the licensee may be censured, reprimanded, fined pursuant to K.S.A. 65-2863a, and amendments thereto, or otherwise sanctioned by the board or an applicant for licensure may be denied if it is found that the licensee or applicant: (2) has been convicted of a felony in a court of competent jurisdiction, either within or outside of this state, unless the conviction has been reversed and the holder of the license discharged or acquitted or if the holder has been pardoned with full restoration of civil rights in which case the license shall be restored. |
| 72-1397 | Teacher's Certificate | Has been convicted of a felony under the uniform controlled substances act; (2) has been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated or an act described in K.S.A. 21-3412 or K.S.A. 2002 Supp. 21-3412a, and amendments thereto, if the victim is a minor or student; (3) has been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (c) of K.S.A. 21-4619 and amendments thereto, or has been convicted of an act described in K.S.A. 21-3517 and amendments thereto, if the victim is a minor student; (4) has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (c) of K.S.A. 21-4619 and amendments thereto; (5) has been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated; (6) has been convicted of an attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection; (7) has been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301c, and amendments thereto; (8) has been convicted in another state or by the federal government of an act similar to any act described in this sub-section; or (9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection. |
| 74-1404 | Kansas Dental Board Member | No person shall be eligible for appointment to the board who has been convicted of a violation of any of the provisions of this or any other prior dental practice act or who has been convicted of a felony. |
| 74-2113 | Kansas Highway Patrol; Superintendent, officers and troopers | Has not been convicted by any state or the federal government of a crime which is a felony or its equivalent under the uniform code of military justice. |
| 74-50, 184 | Boxing Commissioner | The boxing commissioner shall have no felony convictions under the laws of any state or of the United States prior to appointment or during such commissioner's employment with the commission. |
| 74-5324 | Psychologists Grounds for suspension | Has been convicted of felony involving moral turpitude; or 2) has been guilty of fraud or deceit in connection with services rendered as a psychologist or in establishing qualifications under this act. |

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| 74-5363 | Psychologists Application for Licensure | Has satisfied the board that the applicant is a person who merits the public trust |
| 74-5369 | Psychologists Grounds for denial, suspension limitation, revocation or non-renewal of license. | Has been convicted of a felony involving moral turpitude; 2) has been found guilty of fraud or deceit in connection with the rendering of professional services or in establishing such person's qualifications under this act. |
| 74-5605 | Law Enforcement Person cannot attend law enforcement training center which is needed to be a law enforcement officer. | Person cannot attend law enforcement training center which is needed to be a law enforcement officer (3) has not been convicted, does not have an expunged conviction and on and after July 1, 1995, has not been placed on diversion by any state or the federal government for a crime which is a felony or its equivalent under the uniform code of military justice. |
| 74-5616 | Revoke Law Enforcement Certification | The commission shall immediately institute proceedings to revoke the certification of any police officer or law enforcement officer convicted of, or on or after July 1, 1995, diverted for a felony under the laws of this state, another state or the United States or of its equivalent under the uniform code of military justice or convicted of or diverted for a misdemeanor crime of domestic violence under the laws of this state, another state or the United States or of its equivalent under the uniform code of military justice, when such misdemeanor crime of domestic violence was committed on or after the effective date of this act. |
| 74-5617 | Law Enforcement Agency personnel | No law enforcement agency head or other appointing authority shall knowingly permit any auxiliary personnel who have been convicted of a felony offense under the laws of Kansas or any other jurisdiction access to law enforcement records or communication systems that are restricted under state or federal law or appoint as a reserve officer any person who does not meet the requirements of K.S.A. 74-5605 and amendments hereto. |
| 74-7026 | Technical Profession License Land Surveyor, Architect, Landscape Architect and geologist | Conviction of a felon as set forth in the criminal statutes of the state of Kansas, of any other state or of the United States. |
| 74-8708 | Lottery Retailers | Has been convicted of a felony in this or any other jurisdiction, unless at least 10 years have passed since satisfactory completion of the sentence or probation imposed by the court for each such felony. |
| 74-8803 | Parimutuel Racing | The members of the commission shall meet the following qualifications: (3) no member shall have been convicted of a felony under the laws of any state or of the United States at any time prior to appointment or during such member's term of office with the commission. |
| 74-8805 | Executive Director of Parimutuel Racing | Executive Director cannot have been convicted of a felony under the laws of any state or of the United States prior to or during employment by the commission. |
| 74-8813 | Organization License to Conduct Races | No director, officer, employee or agent of the applicant shall have been convicted of any of the following in any court of any state or of the United States or shall have been adjudicated in the last five years in any such court of committing as a juvenile an act which, if committed by an adult, would constitute any of the following: (A) Fixing of horse or greyhound races; (B) illegal gambling activity; (C) illegal sale or possession of any controlled substance; (D) operator of any illegal business; (E) repeated acts of violence; (F) any felony. |
| 74-8815 | Facility Owner License Facility Manager License Parimutuel racing | has been convicted by a court of any state or of the United States of any felony involving dishonesty, fraud, theft, counterfeiting, alcohol violations or embezzlement. |
| 74-8816 | Occupation licenses Parimutuel racing | Has been convicted of a felony by a court of any state or of the United States or has been adjudicated in the last five years in any such court of committing as a juvenile an act which, if committed by an adult, would constitute a felony. |

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| 74-8817 | Pari-mutuel Racing Concessionaire Licenses | Has been convicted of a felony in a court of any state or of the United States or has been adjudicated in the last five years in such court of committing as a juvenile an act which, if committed by an adult would constitute a felony; 2) has been convicted of a violation of any law of any state or of the United States involving gambling or controlled substances or has been adjudicated in the last five years in any such court of committing as a juvenile an act which, if committed by an adult, would constitute such a violation; 3) has failed to meet any monetary or tax obligation to the federal government or to any state or local government. |
| 74-8818 | Parimutuel Racing Stewards and Racing Judges | The commission may examine any person who: (1) has not been convicted of a crime involving moral turpitude or a felony; |
| 74-8837 | Pari-mutuel Racing or wagering equipment or service licenses | Has been convicted of a felony in a court of any state or of the United States or has been adjudicated in the last five years, in any such court of committing as a juvenile an act which, if committed by an adult, would constitute a felony; 2) has been convicted of a violation of any law of any state or of the United States involving gambling or controlled substances or has been adjudicated in the last five years in any such court of committing as a juvenile an act which, if committed by an adult, would constitute such a violation. |
| 74-9804 | Executive Director and Employee of tribal gaming agency | has not been convicted of a felony under the laws of any state or of the United States prior to or during employment |
| 75-7055 | Juvenile Corrections Officers | Shall possess no felony convictions. |
| 75-711 | KBI Director and Employees | No person shall be appointed to a positing within the Kansas Bureau of Investigation if the person has been convicted of a felony. |
| 75-7604 | Private Detective License | been convicted of a felony or, within 10 years immediately prior to the date of application, been convicted of any crime involving moral turpitude, dishonesty, vehicular homicide, assault, battery, assault of a law enforcement officer, misdemeanor battery against a law enforcement officer, criminal restraint, sexual battery, endangering a child, intimidation of a witness or victim or illegally using, carrying, or possessing a dangerous weapon. |
| 75-7621 | Trainer for Private Detective in Handling Firearms | not have been convicted of a felony or, within 10 years immediately prior to the date of application, been convicted of a misdemeanor. |
| 76-1908 | Kansas Veterans' Institutions <i>Eligibility for admission</i> | No person shall be admitted to or retained in the soldiers' home who has been convicted of a felony, unless the commission finds that such person has been adequately rehabilitated and is not dangerous to oneself or to the person or property of others. |
| 76-7b13 | Private Investigative or Security Operations | Been convicted of a felony, vehicular homicide, assault, battery, assault of a law enforcement officer, misdemeanor battery against a law enforcement officer, criminal restraint, sexual battery, endangering a child intimidation of a witness or any crime involving moral turpitude or illegally using, caring, or possessing a dangerous weapon subsequent to the issuance of the license; 2) committed assault, battery or kidnapping or used force or violence on any person without proper justification. |
| 79-3304 | Cigarettes and Tobacco Products License and Permit Fees | An application for any license required under the provisions of this act may be refused to 1) a person who is not of good character and reputation in the community in which such person resides; or 2) a person who has been convicted of a felony or of any crime involving moral turpitude or of the violation of any law of any state or the US pertaining to cigarettes or tobacco products and who has not completed the sentence, parole, probation or assignment to a community correctional program imposed for any such conviction within 2 years immediately preceding the date of making application for any of such licenses.. |
| 79-3464b | Refund of Motor Fuel Tax <i>Denial or revocation of licenses under motor-fuel tax law, when; applications.</i> | Licenses under this act may be denied or revoked to any person: (4) who has been convicted of a felony involving theft within five years immediately preceding the date of making application in this or any other jurisdiction; (5) who has been convicted of a felony involving fraud or tax evasion in this or any other jurisdiction. |

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| 79-4703 | Bingo License | Has been convicted of or pleaded guilty or <i>nolo contendere</i> to any felony or illegal gambling activity or purchased a tax stamp for wagering or gambling activity. |
| 79-4712a | Distributors of disposable bingo cards and instant bingo tickets | The administrator shall refuse to register a distributor if any owner, manager or employee thereof, within five years prior to registration, has been convicted of or pleaded guilty or <i>nolo contendere</i> to any felony or illegal gambling violation in this or any other jurisdiction. |
| 8-02-142 | Commercial Motor Vehicle | Disqualified from driving a commercial motor vehicle. Person is convicted of a felony |
| 9-1717 | Banking; Trust Companies | Except with the written consent of the commissioner, no person shall serve as a director, officer or employee of a bank who has been convicted, or who is hereafter convicted, of any felony or any crime involving dishonesty or a breach of trust. |

**RECODIFICATION, REHABILITATION AND RESTORATION PROJECT
COMMITTEE**

REENTRY SUBCOMMITTEE

**Sample Certificate of Relief from Disabilities or
Certificate of Good Conduct Language**

West's Smith-hurd Illinois Compiled Statutes Annotated
Chapter 730. Corrections
Act 5. Unified Code of Corrections
 Chapter V. Sentencing
→ Article 5.5. Discretionary Relief from Forfeitures and Disabilities
 Automatically Imposed by Law

5/5-5.5-5. Definitions and rules of construction

§ 5-5.5-5. Definitions and rules of construction. In this Article:

"Eligible offender" means a person who has been convicted of a crime or of an offense that is not a crime of violence as defined in Section 2 of the Crime Victims Compensation Act, [FN1] a Class X or a nonprobationable offense, or a violation of Article 11 or Article 12 of the Criminal Code of 1961, [FN2] but who has not been convicted more than once of a felony.

"Felony" means a conviction of a felony in this State, or of an offense in any other jurisdiction for which a sentence to a term of imprisonment in excess of one year, was authorized.

For the purposes of this Article the following rules of construction apply:

- (i) two or more convictions of felonies charged in separate counts of one indictment or information shall be deemed to be one conviction;
- (ii) two or more convictions of felonies charged in 2 or more indictments or informations, filed in the same court prior to entry of judgment under any of them, shall be deemed to be one conviction; and
- (iii) a plea or a verdict of guilty upon which a sentence of probation, conditional discharge, or supervision has been imposed shall be deemed to be a conviction.

[FN1] 740 ILCS 45/2

[FN2] 720 ILCS 5/11-1 et seq. or 5/12-1 et seq.

5/5-5.5-10. Certificate of relief from disabilities

§ 5-5.5-10. Certificate of relief from disabilities.

(a) A certificate of relief from disabilities does not, however, in any way prevent any judicial proceeding, administrative, licensing, or other body, board, or authority from relying upon the conviction specified in the certificate as the basis for the exercise of its discretionary power to suspend, revoke, or refuse to issue or refuse to renew any license, permit, or other authority or privilege.

(b) A certificate of relief from disabilities shall not limit or prevent the introduction of evidence of a prior conviction for purposes of impeachment of a witness in a judicial or other proceeding where otherwise authorized by the applicable rules of evidence.

5/5-5.5-15. Certificates of relief from disabilities issued by courts

§ 5-5.5-15. Certificates of relief from disabilities issued by courts.

(a) Any circuit court of this State may, in its discretion, issue a certificate of relief from disabilities to an eligible offender for a conviction that occurred in that court if the court imposed a sentence other than one executed by commitment to an institution under the Department of Corrections. The certificate may be issued (i) at the time sentence is pronounced, in which case it may grant relief from disabilities, or (ii) at any time thereafter, in which case it shall apply only to disabilities.

(b) The certificate may not be issued by the court unless the court is satisfied that:

(1) the person to whom it is to be granted is an eligible offender, as defined in Section 5-5.5-5;

(2) the relief to be granted by the certificate is consistent with the rehabilitation of the eligible offender; and

(3) the relief to be granted by the certificate is consistent with the public interest.

(c) If a certificate of relief from disabilities is not issued at the time sentence is pronounced it shall only be issued thereafter upon verified application to the court. The court may, for the purpose of determining whether the certificate shall be issued, request the probation or court services department to conduct an investigation of the applicant. Any probation officer requested to make an investigation under this Section shall prepare and submit to the court a written report in accordance with the request.

(d) Any court that has issued a certificate of relief from disabilities may at any time issue a new certificate to enlarge the relief previously granted provided that the provisions of clauses (1) through (3) of subsection (b) of this Section apply to the issuance of any such new certificate.

(e) Any written report submitted to the court under this Section is confidential and may not be made available to any person or public or private agency except if specifically required or permitted by statute or upon specific authorization of the court. However, it shall be made available by the court for examination by the applicant's attorney, or the applicant himself or herself, if he or she has no attorney. In its discretion, the court may except from disclosure a part or parts of the report that are not relevant to the granting of a certificate, or sources of information which have been obtained on a promise of confidentiality, or any other portion of the report, disclosure of which would not be in the interest of justice. The action of the court excepting information from disclosure shall be subject to appellate review. The court, in its discretion, may hold a conference in open court or in chambers to afford an applicant an opportunity to controvert or to comment upon any portions of the report. The court may also conduct a summary hearing at the conference on any matter relevant to the granting of the application and may take testimony under oath.

5/5-5.5-20. Certificates of relief from disabilities issued by the Prisoner Review Board

§ 5-5.5-20. Certificates of relief from disabilities issued by the Prisoner Review Board.

(a) The Prisoner Review Board shall have the power to issue a certificate of relief from disabilities to:

(1) any eligible offender who has been committed to an institution under the jurisdiction of the Department of Corrections. The certificate may be issued by the Board at the time the offender is released from the institution under the conditions of parole or mandatory supervised release or at any time thereafter; or

(2) any eligible offender who resides within this State and whose judgment of conviction was rendered by a court in any other jurisdiction.

(b) If the Prisoner Review Board has issued a certificate of relief from disabilities, the Board may at any time issue a new certificate enlarging the relief previously granted.

(c) The Prisoner Review Board may not issue any certificate of relief from

disabilities under subsections (a) or (b), unless the Board is satisfied that:

(1) the person to whom it is to be granted is an eligible offender, as defined in Section 5-5.5-5;

(2) the relief to be granted by the certificate is consistent with the rehabilitation of the eligible offender; and

(3) the relief to be granted by the certificate is consistent with the public interest.

(d) Any certificate of relief from disabilities issued by the Prisoner Review Board to an eligible offender, who at time of the issuance of the certificate is under the conditions of parole or mandatory supervised release established by the Board, shall be deemed to be a temporary certificate until such time as the eligible offender is discharged from parole or mandatory supervised release, and, while temporary, the certificate may be revoked by the Board for violation of the conditions of parole or mandatory supervised release. Revocation shall be upon notice to the parolee or releasee, who shall be accorded an opportunity to explain the violation prior to a decision on the revocation of the certificate. If the certificate is not so revoked, it shall become a permanent certificate upon expiration or termination of the offender's parole or mandatory supervised release term.

(e) In granting or revoking a certificate of relief from disabilities, the action of the Prisoner Review Board shall be by unanimous vote of the members authorized to grant or revoke parole or mandatory supervised release.

(f) The certificate may be limited to one or more enumerated disabilities or bars, or may relieve the individual of all disabilities and bars.

5/5-5.5-25. Certificate of good conduct

§ 5-5.5-25. Certificate of good conduct.

(a) A certificate of good conduct may be granted as provided in this Section to an eligible offender as defined in Section 5-5.5-5 of this Code who has demonstrated that he or she has been a law-abiding citizen and is fully rehabilitated.

(b)(i) A certificate of good conduct may not, however, in any way prevent any judicial proceeding, administrative, licensing, or other body, board, or authority from considering the conviction specified in the certificate.

(ii) A certificate of good conduct shall not limit or prevent the introduction of

evidence of a prior conviction for purposes of impeachment of a witness in a judicial or other proceeding where otherwise authorized by the applicable rules of evidence.

5/5-5.5-30. Issuance of certificate of good conduct

§ 5-5.5-30. Issuance of certificate of good conduct.

(a) The Prisoner Review Board, or any 3 members of the Board by unanimous vote, shall have the power to issue a certificate of good conduct to any eligible offender previously convicted of a crime in this State, when the Board is satisfied that:

(1) the applicant has conducted himself or herself in a manner warranting the issuance for a minimum period in accordance with the provisions of subsection (c) of this Section;

(2) the relief to be granted by the certificate is consistent with the rehabilitation of the applicant; and

(3) the relief to be granted is consistent with the public interest.

(b) The Prisoner Review Board, or any 3 members of the Board by unanimous vote, shall have the power to issue a certificate of good conduct to any person previously convicted of a crime in any other jurisdiction, when the Board is satisfied that the provisions of paragraphs (1), (2), and (3) of subsection (a) of this Section have been met.

(c) The minimum period of good conduct by the individual referred to in paragraph (1) of subsection (a) of this Section, shall be as follows: if the most serious crime of which the individual was convicted is a misdemeanor, the minimum period of good conduct shall be one year; if the most serious crime of which the individual was convicted is a Class 1, 2, 3, or 4 felony, the minimum period of good conduct shall be 3 years. Criminal acts committed outside the State shall be classified as acts committed within the State based on the maximum sentence that could have been imposed based upon the conviction under the laws of the foreign jurisdiction. The minimum period of good conduct by the individual shall be measured either from the date of the payment of any fine imposed upon him or her, or from the date of his or her release from custody by parole, mandatory supervised release or commutation or termination of his or her sentence. The Board shall have power and it shall be its duty to investigate all persons when the application is made and to grant or deny the same within a reasonable time after the making of the application.

(d) If the Prisoner Review Board has issued a certificate of good conduct, the Board may at any time issue a new certificate enlarging the relief previously granted.

(e) Any certificate of good conduct by the Prisoner Review Board to an individual who at the time of the issuance of the certificate is under the conditions of parole or mandatory supervised release imposed by the Board shall be deemed to be a temporary certificate until the time as the individual is discharged from the terms of parole or mandatory supervised release, and, while temporary, the certificate may be revoked by the Board for violation of the conditions of parole or mandatory supervised release. Revocation shall be upon notice to the parolee or releasee, who shall be accorded an opportunity to explain the violation prior to a decision on the revocation. If the certificate is not so revoked, it shall become a permanent certificate upon expiration or termination of the offender's parole or mandatory supervised release term.

5/5-5.5-35. Effect of revocation; use of revoked certificate

§ 5-5.5-35. Effect of revocation; use of revoked certificate.

(a) If a certificate of relief from disabilities is deemed to be temporary and the certificate is revoked, disabilities and forfeitures thereby relieved shall be reinstated as of the date upon which the person to whom the certificate was issued receives written notice of the revocation. Any such person shall upon receipt of the notice surrender the certificate to the issuing court or Board.

(b) A person who knowingly uses or attempts to use a revoked certificate of relief from disabilities in order to obtain or to exercise any right or privilege that he or she would not be entitled to obtain or to exercise without a valid certificate is guilty of a Class A misdemeanor.

5/5-5.5-40. Forms and filing

§ 5-5.5-40. Forms and filing.

(a) All applications, certificates, and orders of revocation necessary for the purposes of this Article shall be upon forms prescribed under an agreement among the Director of Corrections and the Chairman of the Prisoner Review Board and the Chief Justice of the Supreme Court or his or her designee. The forms relating to certificates of relief from disabilities shall be distributed by the Director of the Division of Probation Services and forms relating to certificates of good conduct shall be distributed by the Chairman of the Prisoner Review Board.

(b) Any court or board issuing or revoking any certificate under this Article shall

immediately file a copy of the certificate or of the order of revocation with the Director of State Police.

5/5-5.5-45. Certificate not to be deemed to be a pardon

§ 5-5.5-45. Certificate not to be deemed to be a pardon. Nothing contained in this Article shall be deemed to alter or limit or affect the manner of applying for pardons to the Governor, and no certificate issued under this Article shall be deemed or construed to be a pardon.

5/5-5.5-50. Report

§ 5-5.5-50. Report. The Department of Professional Regulation shall report to the General Assembly by November 30 of each year, for each occupational licensure category, the number of licensure applicants with felony convictions, the number of applicants with certificates of relief from disabilities, the number of licenses awarded to applicants with felony convictions, the number of licenses awarded to applicants with certificates of relief from disabilities, the number of applicants with felony convictions denied licenses, and the number of applicants with certificates of relief from disabilities denied licenses.

ILLINOIS RULES AND REGULATIONS

**TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER IV: PRISONER REVIEW BOARD**

**PART 1620
CERTIFICATES OF RELIEF FROM
DISABILITY AND GOOD CONDUCT CERTIFICATES**

Section
1620.10 Issuance of Certificates of Relief from Disability and Good Conduct
Certificates

AUTHORITY: Implementing Sections 5-5.5-20 and 5-5.5-25, and authorized by Section 3-3-2(d) of, the Unified Code of Corrections [730 ILCS 5/5-5.5-20, 5-5.5-25 and 3-3-2(d)].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

Section 1620.10 Issuance of Certificates of Relief from Disability and Good Conduct Certificates

- a) Certificates of Relief from Disabilities (CRD). Article 5.5 of Chapter V of the Unified Code of Corrections [730 ILCS 5/Ch. V, Art. 5.5] (Code) authorizes the Prisoner Review Board (PRB) to issue a CRD to eligible persons who have been committed of no more than one of a specified group of felonies (see Section 5-5.5-5 of the Code). When a CRD is presented to a State licensing agency, the licensing agency cannot deny a license based on the felony conviction or based on a lack of good moral character, unless the agency makes a determination that there is a direct relationship between the offense and the license sought or that the issuance of the license involves unreasonable risk to property or the safety and welfare of specific individuals or the general public.
- 1) Application. All applications for CRDs shall be made by written petition.
 - 2) Intent to License. Whenever possible, before an inmate is released from the Illinois Department of Corrections (DOC), DOC counselors shall interview eligible inmates about whether the inmate wishes to receive one or more of the licenses enumerated in 730 ILCS 5/5-5-5(i). If the inmate wishes to receive such a license DOC shall include, in the supplemental program consideration report or any other written report, a statement that the inmate wishes to receive a CRD.
 - 3) DOC Reports. The supplemental program consideration report or any other report or application requesting that PRB issue a CRD shall contain information about the inmate's incarcerating offense and his or her institutional adjustment, current classification, escape risk classification, educational achievements while in DOC custody, family situation, current assessment by DOC, disciplinary tickets received in DOC, and release plans and recommendations from DOC regarding whether he or she should receive a CRD.
 - 4) PRB Hearing. Upon receipt from DOC of the supplemental program consideration report or a report or application requesting that the inmate receive a CRD, PRB shall look at the information supplied by DOC. The hearing conducted by PRB does not require the presence of the inmate.
 - 5) PRB Determination. PRB shall issue a CRD after reviewing the information if PRB is convinced that:

- A) the person to whom it is to be granted is an eligible offender. In making the determination as to whether the inmate should be issued a CRD, PRB will look at aggravating and mitigating factors.
 - i) Aggravating factors are the committing offense, including whether anyone was physically or emotionally harmed by the offense; whether the inmate committed any disciplinary tickets while incarcerated; whether the inmate committed any new offenses while incarcerated; drug or alcohol abuse; and the petitioner's history of violence.
 - ii) Mitigating factors are: whether the inmate has no aggravating factors; education received in DOC; certificates received in DOC; drug, alcohol or anger management programs completed while in DOC; voluntary participation in developmental activities that are consistent with rehabilitation of the petitioner; and whether DOC recommends a CRD.
 - B) the relief to be granted by the CRD is consistent with the rehabilitation of the eligible offender.
 - C) the relief to be granted by the certificate is consistent with the public interest.
- 6) Issuance of CRD. PRB shall issue a CRD to petitioners who have met the qualifications outlined in subsection (a)(5). Those petitioners shall be able to take the CRD to the appropriate licensing agency for licensure. PRB shall review the aggravating factors and mitigating factors outlined in subsection (a)(5)(A) and make a subjective decision as to whether the inmate shall receive a CRD based on the qualifications listed in subsection (a)(5). The Board shall approve the on the order for conditions of mandatory supervised release. The inmate shall present the conditions of mandatory supervised release to the issuing State agency as proof that PRB has approved a CRD. The issuing State agency shall consider the CRD when considering whether to issue the license.
- b) Certificate of Good Conduct (CGC). Section 5-5.5-25 of the Code authorizes PRB to issue CGCs to eligible persons convicted of

misdemeanors or felonies. CGCs shall be considered temporary during any period of parole or mandatory supervised release. Upon expiration or termination of parole or mandatory supervised release, the CGC becomes permanent unless revoked by PRB. A CGC may be presented to prospective employers for their consideration in making hiring decisions.

- 1) All applications for a CGC shall be made by written petition.
- 2) The application shall contain:
 - A) a brief history of the offense, including the date sentenced, the sentence imposed, the name of the sentencing judge, the case number, whether the conviction was a result of a verdict or plea, the date of discharge, the county where the sentence was issued and any appeals filed in the case and the result of those appeals.
 - B) the name of the petitioner, any aliases the petitioner may have used, the social security number of the petitioner, the petitioner's DOC number, the birthdate of the petitioner, a complete criminal history of the petitioner, and the place of the petitioner's birth.
- 3) The application may additionally contain:
 - A) optional information regarding schools attended, degrees received, certificates received, employment history, places of residence, marital status, children's names and ages, military service and type of discharge from the military, any property owned including cars and real estate, bank accounts, investments, insurance policies and other sources of income.
 - B) any debts owed by the petitioner.
 - C) petitioner's financial information, including, income for the last five years, proof of payment of taxes for the last three years, proof of payment of child support or an explanation as to why the petitioner did not make any payment of child support or taxes, and proof of payment of fines or restitution required by court.

- D) any letters or references on behalf of petitioner and organizations to which the petitioner belongs, if applicable.
 - E) jobs that have been denied because of the conviction,
- 4) The application shall state all previous applications for a CGC filed.
 - 5) The applications shall be signed and notarized.
 - 6) The petitioner shall sign a release that allows PRB or its designee, the Illinois State Police, or DOC to conduct a background check on all petitioners.
 - 7) The cost of filing the petition is to be determined by the courts and PRB. The PRB chairman can waive all or some of the costs of filing the petition based upon indigency or inability to pay the costs of filing the petition.
 - 8) Upon receipt of a CGC application, the petitioner shall ask for a public hearing or a non-public hearing. In the absence of a request, PRB shall place the petitions in non-public hearings. If the petitioner asks for a non-public hearing or does not make any request for a public hearing, PRB, through 3 member panels, shall review the information supplied by petitioner. The hearing conducted by PRB shall not require the presence of the petitioner. If the petitioner requests a public hearing, PRB may schedule the hearing at the same time as the executive clemency docket. Only a 3 member PRB panel is required to hear the petition.
 - 9) PRB shall issue a CGC if, after reviewing the information, PRB is convinced that:
 - A) the person to whom it is to be granted is an eligible offender. In making the determination as to whether the inmate should be issued a CGC, PRB will look at aggravating and mitigating factors.
 - i) Aggravating factors are the committing offense, including whether anyone was physically or emotionally harmed by the offense; whether the inmate has any other criminal arrests or convictions in the last 3 years; drug or alcohol abuse; and the petitioner's history of violence.

- ii) Mitigating factors are whether the inmate has no aggravating factors; education received in DOC or through private schools; certificates received; drug, alcohol or anger management programs completed; a consistent work history; payment of child support (or inability to make payments) and taxes; military service; other social work performed; and letters of support.
- B) the relief to be granted by the CGC is consistent with the rehabilitation of the eligible offender.
- C) the relief to be granted by the CGC is consistent with the public interest.
- c) The term "fully rehabilitated" means that the petitioner has met the requirements of filing the petition, has behaved in the community, has had no new violations, convictions or arrests, and has conducted himself or herself in a manner consistent with helping others and the betterment of the community.
- d) PRB shall review the aggravating factors and mitigating factors outlined in subsection (b)(9)(A) and make a subjective decision as to whether the inmate shall receive a CGC based upon the 3 qualifications listed in subsection (b)(9).

Appendix L

A 3Rs Task Force for Reentry Policy & Justice Reinvestment

This document sets forth the scope of work and organizational structure for a task force focused on reentry and justice reinvestment (“task force”), created and authorized to coordinate implementation of reentry recommendations of the Kansas Criminal Justice Recodification, Rehabilitation and Restoration Project Committee (“3Rs Committee”), and currently authorized reentry initiatives being implemented by the Kansas Department of Corrections (“DOC”), all of which are aimed at reducing recidivism and making Kansas citizens and neighborhoods safer, healthier, and stronger.

In particular, the mission of both 3Rs policy recommendations and DOC reentry initiatives is to improve the effectiveness of government and criminal justice investments in specific communities with high numbers of people admitted to, or released from, prison or jail by improving coordination among state agencies, facilitating neighborhood based strategies, and developing and monitoring adherence to performance measures to which programs are held accountable.

The task force shall be identified as the **Kansas Reentry Policy Council**, and shall exist pursuant to the authority of K.S.A. 2004 Supp. 22-5101(f).

I. Origins of the Task Force

A significant focus of the 3Rs Committee on the reentry issues of restoration of lives, families and neighborhoods has been how to increase the likelihood that people’s return to the community from prison is safe and successful.

The 3Rs Committee has enjoyed a collaboration with The Council of State Governments (“CSG”), which has provided significant technical assistance to date. As one component of the technical assistance, Dr. Tony Fabelo reviewed and analyzed data regarding Kansas prison population, parolees, and probationers.¹ “Safe and smart” was his preliminary assessment of the state’s approach to managing the size of the prison population.² In particular, Dr. Fabelo noted how recent “smart” changes to state law (such as 2004 S.B. 123 and 2000 S.B. 323) and DOC improvements to parole policies and practices and training of supervising personnel, have eased the pressure on the state’s prison population and ensured space is available to keep violent offenders locked up, and Kansas “safe.”

¹ Dr. Fabelo is the former director of the Texas Criminal Justice Policy Council and an expert consultant on prison population trends and management strategies. His technical assistance was provided through the Council of State Governments.

² These recommendations, with others, were presented at the first Kansas Policy Conference on Offender Reentry, co-hosted by the 3Rs Committee, Wichita State University and the Council of State Government (CSG), on April 18, 2005, in Wichita. .

At the same time, Dr. Fabelo noted that rates of recidivism remain high: two-thirds of prison admissions are offenders who violated a condition of their supervision. The majority are parole violators, who return to prison for an average of less than six months. This policy is neither "tough" (violators are shipped to prison for a relatively short period of time, which is not perceived as a real sanction by many offenders) nor "smart" (significant DOC manpower is consumed, and prison space is hundreds of miles from the community where the probationer or parolee needs the support and services to be sober and employed). Furthermore, unless this issue of high rates of probation and parole revocation for conditions violations is addressed, policymakers will have difficulty keeping prison space available for violent offenders without spending new dollars to expand the capacity of the prison system.

The 3Rs Committee's Reentry Subcommittee is completing the draft of a sweeping set of recommendations to stop this revolving door. The successful implementation of these recommendations hinges on (1) intergovernmental collaboration, between branches of government, both state and local, state agencies, and the private sector, (2) new neighborhood-based strategies, and (3) performance measures that hold government and service providers accountable for improved outcomes. Taking steps to reduce recidivism and revocations now will ensure prison space for violent offenders in the future, and insure the wise and responsible use of taxpayer dollars.

While the 3Rs Committee has been engaged in carrying out its charge, the Kansas Department of Corrections has been working to implement reentry strategies. The principal DOC work to date has been in a SVORI-grant funded initiative in Shawnee County. Through the use of a combination of state and local funds, coupled with federal assistance, a handful of pilot programs, such as Gracious Promise, have been established and although small in scope they have demonstrated the potential for reducing recidivism. Partially in response to these efforts, the 2005 Kansas Legislature considered and appropriated funding for two reentry pilot projects, \$550,000 for the Sedgwick County Reentry Model project, and \$469,263 for the Wyandotte County Reentry Model project.

Because of the success of the 3Rs/CSG collaboration to date, CSG has extended to 3Rs an offer of continued technical assistance on a number of reentry levels. The 3Rs Committee desires to maximize the utilization of the invaluable expert services to which CSG has access, and to create an opportunity for such technical and expert services to be applied in a very practical way on a local, neighborhood basis in conjunction with the reentry initiatives currently being implemented by DOC.

The 3Rs Committee, whose mandate was to provide the Legislature with recommendations, is neither organized nor equipped to direct or manage the re-engineering of government necessary for implementing reentry recommendations. Putting these reentry recommendations to the test, the committee also recognizes, must be accomplished without creating any new government. For that reason, the 3Rs Committee recommends the creation of an intergovernmental task force to permit inter-agency oversight, coordination of investment, implementation on a local level with a neighborhood-focus, and accountability through monitoring and evaluation.

II. Responsibilities

For each of the three primary areas of responsibility of the task force, the following subsections provide an explanation of the responsibility, a description of the corresponding scope of work, and a series of “next steps.” These “next steps” focus on the efforts underway in Sedgwick County to replicate the re-entry initiative piloted in Shawnee County.

A. Promoting Interagency Collaboration

1. Explanation

As the composition of the 3Rs Committee reflects, agencies outside of the Department of Corrections, such as Social and Rehabilitation Services, Housing Resources Corporation, Department of Commerce, Department of Health and Environment, and the Parole Board must work together in close partnership, not just with one another, but with local government as well, if the state is to reduce current rates of recidivism.

2. Scope of Work

- Create and maintain forums for project oversight, information sharing, communication and problem solving.
- Expand opportunities for intersystem and interdisciplinary education and training.
- Link information systems so data for criminal justice, health, commerce, labor, and social service populations can be effectively shared and analyzed, as appropriate.
- Assign appropriate persons to be responsible for “boundary spanning” among organizations serving people during—and following—their incarceration.
- Prepare contracts or memoranda of understanding defining the terms of the partnership, including how shared resources will be managed and how accountability will span agencies involved in the initiative.
- Develop and manage a communications strategy to educate the public about re-entry issues and the shared responsibility multiple agencies are assuming to address the issue.

3. Next Steps

For each of the above objectives, the task force will develop a work plan that describes the role of each participant agency. The task force work plan will identify those 3Rs Committee reentry recommendations on which it will focus, with a long-range goal of replicating successful re-entry efforts in other Kansas metropolitan and rural areas.

B. Investing in Neighborhood Based Strategies

1. Explanation

There will be meaningful reductions in recidivism only when communities have comprehensive systems in place to provide the personal relationships, substance abuse and mental health treatment, employment, and housing that people need to succeed after their release. There are many people and organizations, particularly among faith-based institutions, that have the “heart” and motivation to provide these services – with zeal, with an understanding of the community, and at a cost that government cannot match. At the same time, however, they lack the administrative experience and fiscal management skills to meet the requirements associated with the expenditure of public funds.

The success of the reentry work conducted by these small, community-based organizations depends on the extent to which they recognize issues unique to serving people in prison and the extent to which their efforts are coordinated with criminal justice agencies. Many of these organizations also have little history serving people while they are incarcerated or partnering with corrections, community corrections, and court systems.

2. Scope of Work

- Commission maps illustrating which Kansas neighborhoods are receiving disproportionately large numbers of people released from prison
- Solicit and review proposals from community-based organizations based in these neighborhoods to provide substance abuse treatment, housing, job-training, family counseling and mentoring services to people pre and post release.
- Develop training and tools to assist these providers in addressing any shortcomings of their proposals, to educate them about working with the criminal justice system and with people who have criminal records, and to increase their capacity to meet requirements associated with the expenditure of government funds.
- Educate staff in the criminal justice system about adjustments they will need to make as functions historically performed by criminal justice agencies are delegated to community-based providers

3. Next Steps

The task force will identify a group of community leaders and local officials to serve on a local advisory board. Using maps the 3R's Committee commissioned from the CSG, the local advisory board should identify neighborhoods receiving large numbers of people released from prison, one or more of which would be the focus of a "reinvestment initiative." This local advisory board should also assist the task force in identifying a local institution to serve as fiduciary agent for the local reinvestment initiative. The initiative should increase the neighborhood's capacity to receive people released from prison, but be small enough in scope to be manageable and to keep expectations reasonable.³

C. **Providing Accountability**

1. Explanation

Unless overarching policy goals and benchmarks spanning the various agencies involved are established, tracked and measured, it will be impossible for the task force to determine whether acceptable or sufficient progress is being made in implementing the recommendations of the 3Rs Committee.

2. Scope of Work

- Develop policy goals and benchmarks common to each of the agencies represented on the task force
- Assess progress periodically, determining when and why a particular goal may not be realized and recommending to policymakers corrective action.
- Determine the extent to which changes in policy have generated savings to the state, and ensure that some of those savings are reinvested in the neighborhood based activities described in the preceding subsection.

3. Next Steps

The task force should formalize its commitment to reducing by at least 300 the number of people whose parole is revoked.⁴ The task force should set

³ E.g., initial conversations have focused on the possibility of using inmate labor to rehabilitate in a target community houses that are currently uninhabitable.

⁴ Dr. Fabelo's analysis of the prison population found that, if, over the course of a year, the state could reduce by 300 the number of probation/parole revocations, it would need 100 less prison beds.

concrete performance measures to assess the extent to which the state is meeting this goal. The task force should also set mileposts for implementing the reentry recommendations of the 3Rs Committee. The task force should develop a timetable for measuring the extent to which these goals are met. Finally, the task force should estimate how much savings the state will realize through reducing revocations by 300 and advocate for the reinvestment of some fraction of those savings in the neighborhood-based activities.

III. Administration

A. Authority

Under the authority of 2004 H Sub for S.B. 45 (K.S.A. 2004 Supp. 22-5101) the 3Rs Committee has the authority to accept grants, gifts and other appropriation of funds, hire and employ staff persons, and contract for the services of organizations and agencies in any evaluation or report necessary for the discharge of the committee's duties. It has questionable authority to become directly involved with DOC in the implementation of legislatively authorized and appropriated reentry programs, as previously identified, or to insure coordination of technical assistance from CSG to DOC programs. Moreover, the authority of the 3Rs Committee sunsets June 1, 2006.

The 3Rs Committee recognizes that one policy recommendation under consideration is that of the need to establish a statewide release and reentry authority. As any final recommendation is currently premature, it is thought the outline of the authority for the task force herein would serve as a model, and yet provide a mechanism which might secure and preserve funding for pilot reentry initiatives which may extend beyond the life of the 3Rs Committee, thereby preserving the integrity of reentry initiatives undertaken.

In order to establish the independent authority of the task force, its responsibility, and its relationship to existing state agencies

- a request will be submitted to the Office of the Governor that the Kansas Department of Corrections be authorized to enter into a memorandum of understanding with the task force, or with the 3Rs Committee as appropriate, under the terms of which the Reentry & Justice Reinvestment programs as in this document identified might be implemented; and
- the Legislative Coordinating Council be apprised of the creation of this task force and its mission, and that a copy of this proposal, together with any authorized memorandum of understanding if so requested, be presented for consideration and such approval as may be deemed necessary.

B. Composition of Task Force

The task force shall be comprised the following membership:

- Chairman and Vice Chairman of the 3Rs Committee
- Secretary of Department of Corrections
- Secretary of Social and Rehabilitation Services
- President of the Housing Resources Corporation
- Secretary of Department of Commerce
- Secretary of Department of Health and Environment
- Chair of Kansas Parole Board

Once convened, the task force will select its chair and establish a meeting schedule and set the meeting agendas as appropriate.

C. Data and Evaluation

The task force, upon obtaining the means to do so, will contract with a neutral and independent body, and a credible source of data, analysis, and information about the criminal justice system, to gather existing data about the criminal justice system and from various agencies in order to determine the extent to which the work described in this concept paper is meeting the task force's expectations (i.e., reduction of revocations).

It is recommended that the data and evaluation contract be with the Kansas Sentencing Commission, although it is recognized that to support these additional tasks, the Commission will require 1-2 additional staff members.

D. Staff to the Task Force

By drawing on key officials from various agencies, the establishment of the task force does not translate into the creation of more government. Nevertheless, the task force will need some staff (a director and an administrative assistant, at a minimum) to implement its work plan. These positions could be housed with or assigned to the Kansas Department of Corrections, but report to the task force. DOC currently serves a similar function to the Parole Board.

E. Budget, Funding & Fiscal Services

The task force will develop a budget which includes the cost of implementing the identified next steps and for providing the necessary staff described. Funding to cover these costs will come from a combination of federal and foundation sources. Office space and support from DOC, plus the staff time contributed by the agencies on the task force, will represent significant in-kind contributions from the state. The task force will also work to prepare a basis by which to sustain the identified efforts upon achievement of the objectives.

DOC will serve as the group's fiscal agent by pooling the resources in an account tracked and budgeted for separate and apart from DOC funds. The memorandum of understanding to be prepared and entered into pursuant to the request to be made as provided in Subsection III.A should grant authority to the task force to control and direct the spending of the federal and foundation resources secure for the reentry and justice reinvestment initiatives identified herein.

To the extent legislative action is taken to create and authorize a statewide release and reentry authority, it is intended that the functions of this task force be assigned and transferred to any such entity in order that those projects and initiatives undertaken by the task force might be completed.

Approved and Adopted: September 16, 2005

Ward Loyd, Chairman

Appendix M

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (Agreement) is entered into by and between the Chairman and Vice Chairman of the Criminal Justice 3Rs Committee (3Rs Committee), the Kansas Department of Corrections (KDOC), the Kansas Department of Social and Rehabilitation Services (SRS), the Kansas Housing Resources Corporation (KHRC), the Kansas Department of Commerce (Commerce), the Kansas Department of Health and Environment (KDHE) and the Kansas Parole Board (KPB), for the purpose of establishing an independent authority to serve as a task force, to be called the Kansas Reentry Policy Council (KRPC), to focus on reentry and justice reinvestment, to coordinate implementation of reentry recommendations of the 3Rs Committee, and otherwise carry out the functions set forth herein.

WHEREAS the Kansas legislature established a criminal justice recodification, rehabilitation and restoration project and committee, see K.S.A. 22-5101, which resulted in the formation of the 3Rs Committee;

WHEREAS the 3Rs Committee established a Reentry Subcommittee, and Behavioral Health Subcommittee, to address the various issues related to the return of offenders to Kansas communities upon completion of prison sentences, including the risks and needs presented by those offenders, and the impact of returning offenders on the communities, families and offenders;

WHEREAS K.S.A. 22-5101(f)(1) authorizes the 3Rs Committee to organize and appoint such task forces as necessary to carry out the Committee's duties;

WHEREAS a significant focus of the 3Rs Committee on the issue of reentry has been how to increase the likelihood that the return of offenders to the community from prison is safe and successful;

WHEREAS the 3Rs Committee has enjoyed a collaborative relationship with the Council of State Governments (CSG) which has provided significant technical assistance; this technical

assistance has included analyzing data regarding the Kansas prison, parole and probation population; and analyzing the policy impact of changes in state law that have improved practices concerning supervision of offenders and eased the state's prison population to ensure space is available for incarcerating violent offenders;

WHEREAS review of data regarding recidivism by offenders indicates that the majority of offenders who return to prison do so for violation of conditions of supervision (not new crimes), and generally serve only three months upon return to prison; and, without addressing the return of offenders for condition violations it will be difficult for policymakers to keep prison beds available for violent offenders without spending substantial new dollars building prison beds; whereas taking steps now to reduce recidivism and revocations will enhance the ability to preserve prison beds for violent offenders and ensure wise and responsible use of tax dollars;

WHEREAS the 3Rs Committee's Reentry Subcommittee will submit comprehensive recommendations to address offender reentry and recidivism by condition violators; and the successful implementation of these recommendations hinges on (1) intergovernmental collaboration, between branches of government, state and local government and the private sector; (2) new neighborhood-based strategies; and (3) performance measures that hold government and service providers accountable for improved outcomes;

WHEREAS while the 3Rs Committee has been engaged in carrying out its charge, the KDOC has been working to implement reentry strategies; with a federal grant through the Serious and Violent Offender Reentry Initiative (SVORI), KDOC established a reentry program in Shawnee County; through the use of combined state, federal and community dollars, some pilot programs have been established, such as Gracious Promise in Wyandotte County; these programs have provided valuable information on effective reentry practices, but are too small to address the needs of all returning offenders. Partially in response to those efforts, the 2005

Kansas Legislature considered and appropriated funding for two reentry programs in Sedgwick and Wyandotte Counties, subject to a local match and support;

WHEREAS because of the success of the 3Rs/CSG collaboration to date, CSG has extended an offer of continued technical assistance to Kansas related to reentry initiatives; the 3Rs and KDOC desire to maximize the use of this technical assistance and create an opportunity for development of practical, local, neighborhood based reentry initiatives, in addition to those currently being implemented by and through the KDOC;

WHEREAS the 3Rs Committee, whose mandate was to provide the Legislature with recommendations, is neither organized nor equipped to direct or manage the re-engineering of government necessary for implementing reentry recommendations; and the 3Rs Committee recognizes that this work must be accomplished without creating any new government;

WHEREAS the 3Rs Committee has recommended the creation of an intergovernmental task force to permit inter agency oversight, coordination of investment, implementation on a local level with a neighborhood focus, and accountability through monitoring and evaluation;

NOW THEREFORE THE PARTIES HERETO AGREE TO THE FOLLOWING:

1. The parties to this agreement hereby agree to form themselves as a task force to be called the Kansas Reentry Policy Council (KRPC).
2. The responsibilities of the KRPC will be to,
 - a. *Promote interagency collaboration*, by each of the entities represented in this agreement working together in close partnership, with each other, and with local government, to work to reduce current rates of recidivism, including by
 - i. Creating and maintaining forums for project oversight, information sharing, communication and problem-solving;
 - ii. Expanding opportunities for intersystem and interdisciplinary education and training;

- iii. Linking information systems so data for criminal justice, health, commerce, labor and social service populations can be effectively shared and analyzed, as appropriate;
 - iv. Assigning appropriate persons to be responsible for boundary spanning among organizations serving people during and following incarceration;
 - v. Preparing contracts or memoranda of understanding defining the terms of the partnership, including how shared resources will be managed and how accountability will span agencies involved in the initiative;
 - vi. Developing and managing a communicating strategy to educate the public about reentry issues and the shared responsibility multiple agencies are assuming to address the issue
- b. *Invest in neighborhood based strategies*, to establish comprehensive systems to provide the treatment, employment, housing, and other needs to offenders after their release; working closely with community organizations, including faith, non-profit, service providers, businesses and neighborhood representatives; and by supporting the work of these entities as partners, including by
- i. Commissioning maps illustrating which Kansas neighborhoods are receiving disproportionately large numbers of people released from prison;
 - ii. Soliciting and reviewing proposals from community-based organizations based in these neighborhoods to provide substance abuse treatment, housing, job-training, family counseling, mentoring services and other needed services and support to offenders pre-and-post-release;
 - iii. Developing training and tools to assist these providers in addressing any shortcomings of their proposals, to educate them about working with the criminal justice system and with people who have criminal records, and to

increase their capacity to meet requirements associated with the expenditure of government funds;

iv. Educating staff in the criminal justice system about adjustments they will need to make as functions historically performed by criminal justice agencies are delegated to community-based providers and organizations.

c. *Provide accountability*, by establishing overarching policy goals and benchmarks spanning the various agencies involved, which are tracked and measured, to determine whether acceptable or sufficient progress is being made in implementing the recommendations of the 3R Committee and best practices related to reentry, including by,

- i. Developing policy goals and benchmarks common to each of the agencies represented on the task force;
- ii. Assessing progress periodically, determining when and why a particular goal may not be realized and recommending to policymakers corrective action;
- iii. Determining the extent to which changes in policy have generated savings to the state, and ensuring that some of those savings are reinvested in the neighborhood-based activities described at section b. above.

3. To carry out the responsibilities set out at paragraph 2 above, the parties to this agreement agree to:

- a. Work with CSG and KDOC to identify financing for and hire administrative staff for the KRPC;
- b. For each objective in this agreement, develop a work plan that describes the role of each agency to this agreement, identifying which particular recommendations of the 3R Committee Reentry Subcommittee will be the focus of the work, with a long-

range goal of and plan for replicating successful reentry efforts throughout Kansas in metropolitan and rural areas;

- c. Identify a group of community leaders and local officials to serve on a local advisory board, starting in Wichita/Sedgwick County; using the maps prepared through technical assistance from CSG, the local advisory board will retain a Project Developer to review potential sites for a neighborhood-based project, to recommend a site, and to prepare a plan, time line, budget and budget narrative for a neighborhood-based housing-focused justice reinvestment project; the local advisory board will assist the KRPC in identifying a local institution to serve as a fiduciary agent for the local reinvestment initiative; the initiative will be designed to increase the neighborhood's capacity to receive people released from prison, yet be small enough in scope to be manageable and keep expectations reasonable;
 - d. Formalize the commitment of the KRPC to reduce by at least 300 the number of people whose parole or probation is revoked in one county (Sedgwick); this will be done by gathering information (data and anecdotal) about the causes of revocation and demographics of the population being revoked; developing a specific plan to accomplish a reduction in revocations; and setting performance measures and mileposts for implementation of these strategies (which might include policy and practice changes, training, targeted resources such as substance abuse treatment, use of assessments for placement, etc.).
 - e. Establish a method for capturing savings to the state realized through reduced revocations and advocate for the reinvestment of some portion of these savings in neighborhood-based activities.
4. In order to carry out its goal of establishing performance measures and tracking outcomes, the KRPC will, upon obtaining the means to do so, contract with a neutral and

independent body and credible source of data analysis and information about the criminal justice system to gather existing data, establish additional data to be captured, do the necessary programming for data tracking, and capture, review and evaluate data against the performance measures established to determine progress of the work under this agreement. It is recommended by the 3R Committee that the data and evaluation contract be with the Kansas Sentencing Commission (KSC), and that the necessary additional staff and resources be made available to the KSC to do this work.

5. The KRPC will develop a budget which includes the cost of implementing the tasks identified in this agreement, and providing the necessary staff to carry out the functions of the KRPC. The KDOC will provide office space for KRPC staff, and the fiscal and administrative support necessary for these staff to carry out their duties. The other agencies to this agreement will make their staff available as necessary to support the work of the KRPC, in the form of an in-kind contribution, and will work closely with KRPC staff to carry out the tasks set out in this agreement.
6. The parties to this agreement all agree to work together to review policies, practices and procedures, laws and regulations, of or impacting each agency to identify those that need to be changed to facilitate and support effective reentry practices statewide; and to work together to implement the necessary strategies, and deploy the necessary resources, to implement effective reentry.
7. The KDOC will serve as the fiscal agent for the KRPC, tracking funds obtained for the work under this agreement separate from other KDOC funds.
8. The parties to this agreement expressly agree that the KRPC is authorized to control and direct the spending of funds received, whether through federal or state government, foundation or other private resources, or otherwise, which are secured by the KRPC, in

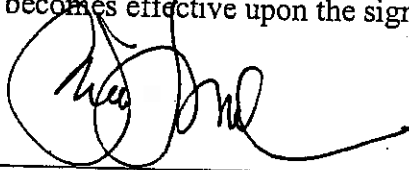
collaboration with the CSG, for the reentry and justice investment initiatives identified herein.

9. To the extent legislative action is taken to create and authorize a permanent statewide release and reentry authority, it is intended that the functions of the task force named the KRPC be assigned and transferred to any such entity in order that the projects and initiatives undertaken by the task force might be completed and sustained.
10. This agreement will be subject to review on an annual basis to determine if modifications are necessary, including modifications to the make up of the KRPC.
11. This agreement becomes effective upon the signing of it by all parties hereto, as indicated

below.

12.15.05

Date



Ward Loyd, Chairman, 3Rs Committee

12/15/2005

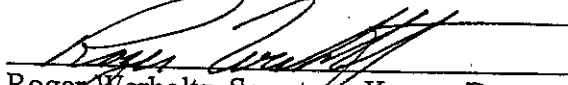
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Kevin Graham, Vice Chairman, 3Rs Committee

12/13/05

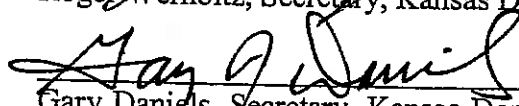
Date



Roger Werholtz, Secretary, Kansas Department of Corrections

12/19/05

Date



Gary Daniels, Secretary, Kansas Department of Social and Rehabilitation Services

12/29/05

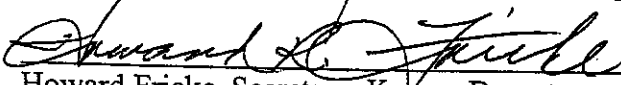
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Steve Weatherford, President, Kansas Housing Resources Corporation

1/14/06

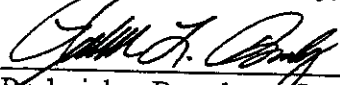
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Howard Fricke, Secretary, Kansas Department of Commerce

12.15.05

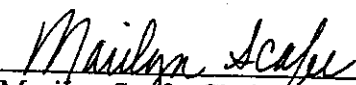
Date



Roderick Bremby, Secretary, Kansas Department of Health & Environment

12/14/05

Date



Marilyn Sciffe, Chair, Kansas Parole Board

