



1

Presentation Overview

- 1** Project overview
- 2** Reentry
- 3** Education and employment
- 4** Housing
- 5** Review of support for policy options

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2



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

We are a national nonprofit, nonpartisan organization that combines the power of a membership association, serving state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.

How We Work

- We bring people together
- We drive the criminal justice field forward with original research
- We build momentum for policy change
- We provide expert assistance

Our Goals

- Break the cycle of incarceration
- Advance health, opportunity, and equity
- Use data to improve safety and justice

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3

What is Justice Reinvestment?



A data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism.

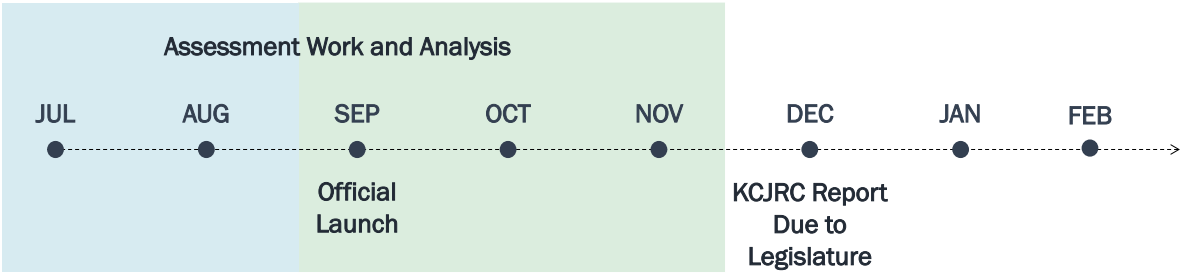
The Justice Reinvestment Initiative is funded principally by the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** with additional funding from **The Pew Charitable Trusts**.

Technical assistance for states participating in the Justice Reinvestment Initiative is provided by the **CSG Justice Center** and **Community Resources for Justice's Crime and Justice Institute**.

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4

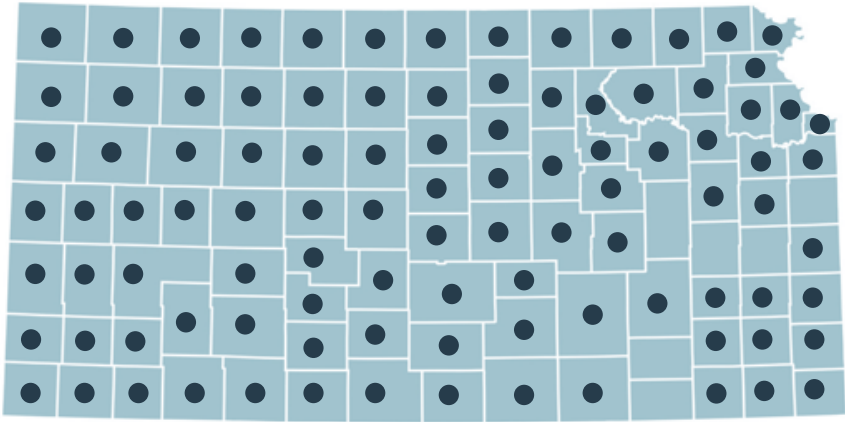
The Justice Reinvestment assessment of housing, education, and employment seeks to examine systems, policies, and practices driving challenges in Kansas.



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5

Team members have connected with stakeholders from 99 of Kansas's 105 counties and spoken with more than 180 people.



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6

Since July 2020, CSG Justice Center staff have connected with 41 Kansas stakeholders across 22 organizations to discuss **education and employment needs and challenges.**

- Reentry Subcommittee of the Kansas Criminal Justice Reform Commission
- Kansas Governor's Office
- Kansas Department of Corrections (KDOC) Education, Reentry and Programming Departments
- Kansas Department for Children and Families (DCF)
- Kansas Board of Cosmetology
- Kansas Board of Regents (KBOR)
- Kansas Department of Commerce
- Kansas Consortium on Correctional Higher Education (KCCHE)
- All 5 Local Workforce Boards
- Butler Community College
- Barton Community College
- Wichita State University Tech
- Donnelly College
- Hutchinson Community College
- Goodwill Industries of Kansas
- Zephyr Products Inc.
- JR Customs Metal Products
- NexStep Alliance & Goodwill Industries

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7

Since July 2020, CSG Justice Center staff have connected with 37 Kansas stakeholders across 17 organizations to discuss **housing needs and challenges.**

- Reentry Subcommittee of the Kansas Criminal Justice Reform Commission
- Mental Health and Substance Abuse Subcommittee
- Kansas Department of Corrections' (KDOC) Reentry and Housing Specialists
- Kansas Department of Aging and Disability Services (KDADS)
- Kansas Housing Resources Corporation (KHRC)
- Kansas Statewide Homeless Coalition (KSHC)
- Topeka Housing Authority
- Stakeholders in Douglas, Ellis, and Sedgwick Counties
- United Way of the Plains
- Southeast Kansas Community Action Program
- Mid-Kansas Community Action Program
- Northeast Kansas Community Action Program
- Central Kansas Mental Health Center
- Horizons Mental Health Center
- Johnson County Mental Health Center
- Bert Nash Community Mental Health Center

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8

The CSG Justice Center's assessment team in Kansas



Joshua Gaines, Senior Policy Analyst
Former deputy director of the Collateral Consequences Resource Center
BA, North Carolina State University
JD, Washington College of Law at American University



Erica Nelson, Project Manager
Former work coordinator for the Montgomery County (Maryland) Department of Correction and Rehabilitation and the Baltimore County Department of Corrections
BS, Coppin State University
MA, University of Baltimore



Sarah Wurzburg, Program Director
Former Research Analyst at the National Association of State Alcohol and Drug Abuse Directors Inc.
BA, DePauw University
MA, University of Chicago

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9

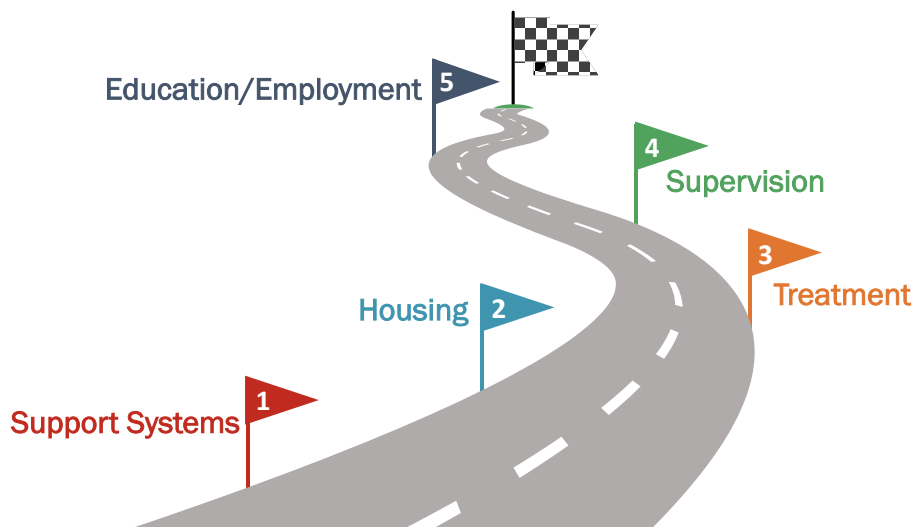
Presentation Overview

- 1** Project overview
- 2** **Reentry**
- 3** Education and employment
- 4** Housing
- 5** Review of support for policy options

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10

Connecting a person to the right combination of services and appropriate level of intensity during various points in reentry planning can reduce his or her chance of recidivating.



11

SNAP and TANF programs provide people with the essentials as they reenter the community.

- Research suggests that people who are **reentering the community are more likely to have food insecurity**, which contributes to high-risk behavior like drug use and other criminal activity.
- Public benefits, such as Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF), **support successful reentry and reduced recidivism** by providing the essentials that reentering individuals and their families need.
- **Reliance on SNAP and TANF benefits for stability is expected to rise** given the current economic climate.

Emily Wang, et al. "A pilot study examining food insecurity and HIV risk behaviors among individuals recently released from prison," *AIDS Education and Prevention* vol. 25, no. 2 (2013): 112–123; Marc Mauer and Virginia McCalmont, *A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits* (Washington, DC: The Sentencing Project, 2015), <https://sentencingproject.org/wp-content/uploads/2015/12/A-Lifetime-of-Punishment.pdf>; Crystal Yang, *Does Public Assistance Reduce Recidivism?* (Cambridge, MA: Harvard Law School, 2017), http://www.law.harvard.edu/programs/olin_center/papers/oll/Yang_920.pdf; Cody Tuttle, "Snapping Back: Food Stamp Bans and Criminal Recidivism," *American Economic Journal: Economic Policy* 11, no. 2 (2019): 301–327, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2845435.

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12

Kansas law strictly limits access to SNAP/TANF benefits for people with felony drug convictions.

Kansas has opted out in part, but still imposes strict limitations for felony drug convictions.

Kansas's Partial Drug Felony Ban

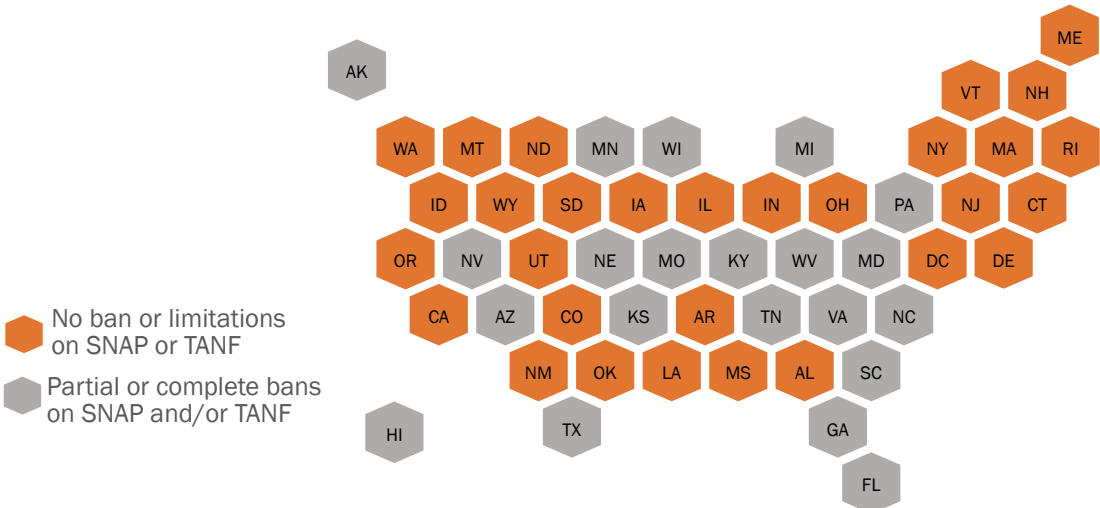
	SNAP	TANF
First offense	Ineligible unless person participates in state-approved drug treatment program and passes drug tests in accordance with plan	Ineligible for 5 years
Second or subsequent offense	Lifetime ban	Lifetime ban

21 U.S.C. § 862a; K.S.A. § 39-709(b)(13), (l)(5)

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13

30 states have opted out of the felony drug ban on SNAP and TANF programs.



50 state analysis of SNAP and TANF statutes in the U.S. conducted by The Council of State Governments Justice Center, February 2020.

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14

Initial conversations show significant administrative support for increasing access to SNAP/TANF benefits.

- Expanding access to SNAP benefits allows people with drug felonies to **access federally funded workforce training programs**.
- Fully opting out of the felony drug ban will **reduce the administrative burden** on Kansas agencies.
- SNAP benefits are **funded entirely by federal dollars**. Federal TANF funding is dependent upon state spending levels, which are unlikely to increase significantly.

Emily Wang, et al. "A pilot study examining food insecurity and HIV risk behaviors among individuals recently released from prison," *AIDS Education and Prevention* vol. 25, no. 2 (2013): 112–123; Marc Mauer and Virginia McCalmont, *A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits* (Washington, DC: The Sentencing Project, 2015), <https://sentencingproject.org/wp-content/uploads/2015/12/A-Lifetime-of-Punishment.pdf>; Crystal Yang, *Does Public Assistance Reduce Recidivism?* (Cambridge, MA: Harvard Law School, 2017), http://www.law.harvard.edu/programs/olin_center/papers/pdf/Yang_920.pdf; Cody Tuttle, "Snapping Back: Food Stamp Bans and Criminal Recidivism," *American Economic Journal: Economic Policy* 11, no. 2 (2019): 301–327, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2845435

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15

Support Successful Reentry

Immediate Action

- **Statutory:** Fully opt out of the federal ban on SNAP, TANF, or both, by **repealing existing restrictions in Kansas law** that prohibit benefit eligibility based on felony drug convictions.

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16

Presentation Overview

- 1** Project overview
- 2** Reentry
- 3** Education and employment
- 4** Housing
- 5** Review of support for policy options

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17

During the September presentation, the following key points were discussed:

- Nearly **3,500 people** in Kansas prisons **do not have** a high school diploma or GED. KDOC is able to provide education services to about **700 people each year**.
- In 2019, nearly **80 percent of high-demand jobs** in Kansas required a **high school diploma or a higher level of education**.
- **Employment** is an important factor in a person's **successful reentry**.
- An estimated **46 percent of people on parole in 2019 were unemployed**, in contrast to a statewide unemployment rate of 3.2 percent at the time.

Jeff Zmuda, "Kansas Department of Corrections Presentation to the Criminal Justice Reform Commission" (PowerPoint presentation, Kansas Criminal Justice Reform Commission, Topeka, KS, October, 28, 2019). "2019 High Demand occupations by Education Level (Kansas Only)." Kansas Department of Labor. Email correspondence between CSG Justice Center and Kansas Department of Corrections, February 24, 2020. Of the 5,080 people on parole at that time, 2,416 were employed. 485 of the 5,080 were identified as not employable, so the percentage is calculated as $2,416 \div 4,595$. "States and Selected Areas: Employment Status of the Civilian Noninstitutional Population, January 1976 to Date, Seasonally Adjusted," Bureau of Labor Statistics, accessed February 12, 2020.

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18

Research shows that addressing common barriers to employment will help improve the job readiness of people in the justice system.

Family, Logistical, and Legal Challenges	Education and Skills Gaps	Needs Related to Responsiveness of Interventions
Responsible for childcare	Low education level	Mental illness
High-conflict family situation*	Lack of occupation skills	Substance use disorder*
Transportation problems	Limited work experience	Learning disability
Lack of stable housing	Lack of “soft” job skills*	Lack of motivation
Legal barriers to employment	Gaps in work experience	Negative attitudes about work*
Lack of proper documentation		Poor physical health

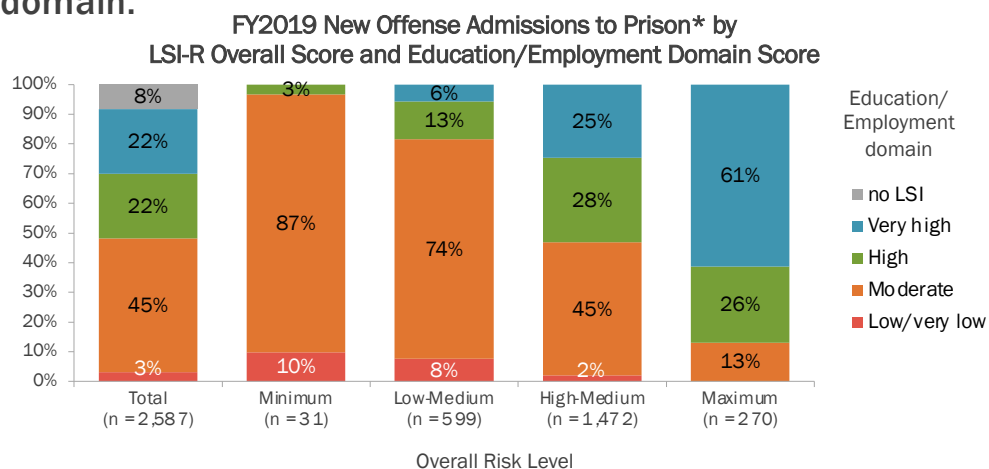
***Areas highlighted are also factors associated with committing future crime**

Le’Ann Duran, Martha Plotkin, Phoebe Potter and Henry Rosen, *Integrated Reentry and Employment Strategies: Reducing Recidivism and Promoting Job Readiness* (New York: The Council of State Governments Justice Center, 2013).

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19

In FY2019, the majority of new offense prison admissions were for people that were assessed as medium-high risk to reoffend with a moderate – very high need in the education/employment domain.

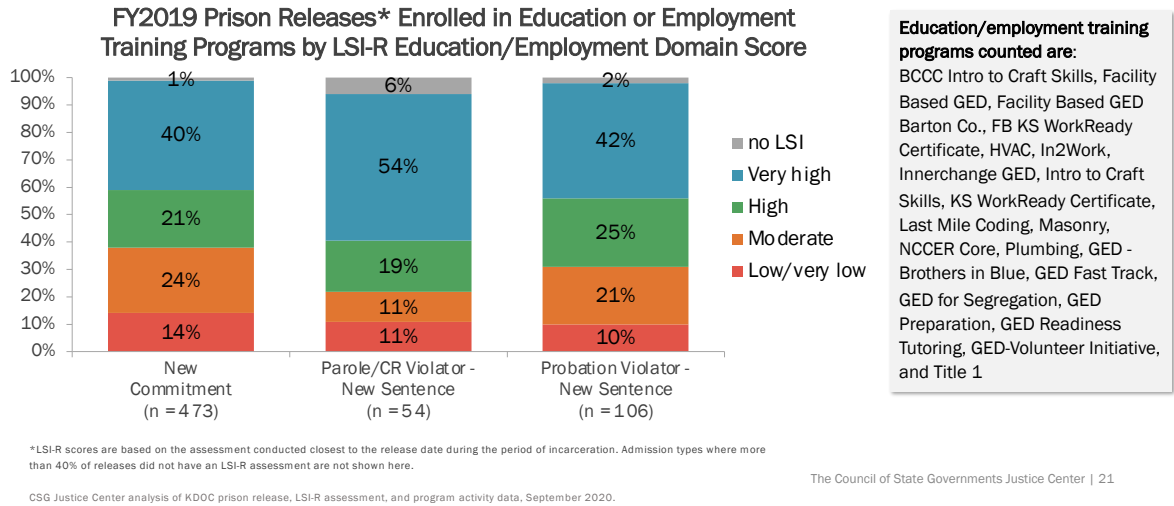


* New offense admission types are: New Commitment, Parole/CR Violator - New Sentence, and Probation Violator - New Sentence. Based on the LSI-R assessment closest to the admission date. Assessments conducted more than 30 days after admission were excluded from analysis. CSG Justice Center analysis of KDOC prison admission and LSI-R data, August 2020.

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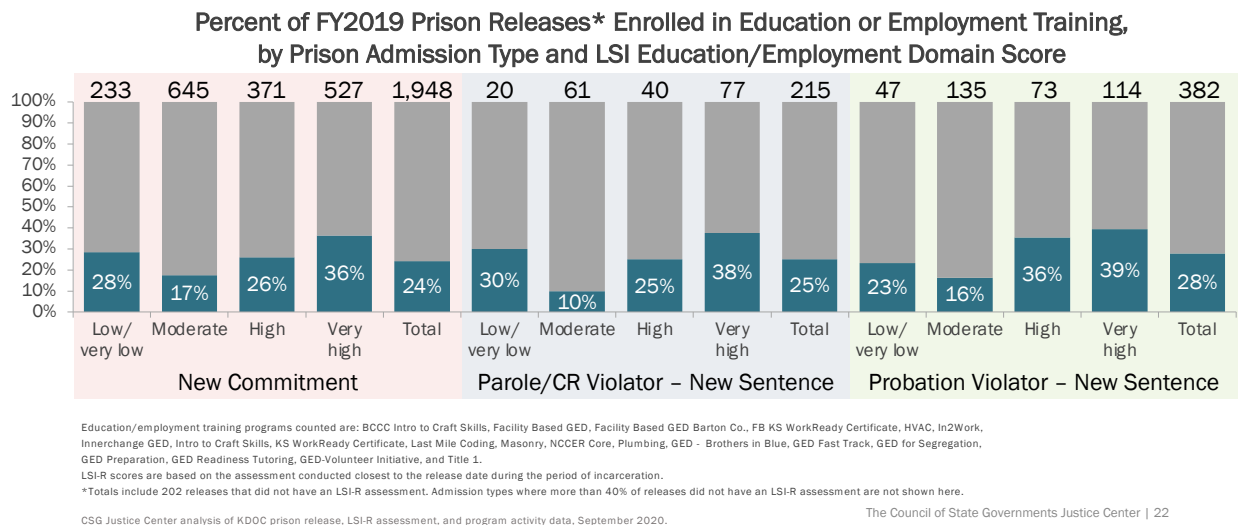
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In FY2019, 633 people were enrolled in education or employment programming prior to their release from KDOC prisons.



21

For the most part, KDOC is prioritizing educational and employment programming for people who have an indicated need; however, the agency is unable to meet the demand.



22

KDOC offers educational and employment programming, but there are barriers to ensuring that everyone with an indicated need receives it.

- There isn't a streamlined process to use assessment results for assigning people to a facility based on **programming needs, availability, interest, anticipated release date, and security risk**.
- If a person has a short sentence, they **may not be eligible** to participate in programming.
- Operating procedures may inhibit the amount of programming that can be offered each day.
 - Programs are **not available** each day of the week to maximize participation.
 - People who are in work release, segregation, or other restrictive housing may be **unable to participate** in programming.
- Prior to the Second Chance Pell Pilot Programs, participation in post-secondary education was **funded via self-pay and tribal grants**.
- There is a **lack of funding** to increase programming and repurpose facility space in order to maximize participation in programming.

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23

Maximizing Program Participation at KDOC

Immediate Actions

- **Administrative:** Develop a sustainability plan for the Second Chance Pell Pilot Programs to continue educational and vocational programming.
 - Develop partnerships with local colleges to leverage college funds for the creation of full-time instructors at KDOC facilities.
- **Administrative:** Develop a streamlined process during intake to KDOC facilities for using assessment results and other information gathered during intake to assign people to a facility based on programming needs, availability, interest, anticipated release date, as well as security risk.

Long-Term Opportunities

- **Administrative:** Develop additional partnerships with community-based agencies to provide more programming, such as Adult Basic Education (ABE) and General Educational Development (GED) courses each day of the week.
- **Administrative:** Increase funding for education and employment programming and space within KDOC facilities.

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24

Not everyone reentering needs the same type of employment services.



- | | |
|--|--|
| <ul style="list-style-type: none"> • Non-transitional, subsidized employment opportunities with training and supports • Ongoing job coaching and job search guidance • Work with local employers to identify job openings • Job placement services • Participant and employer-facing retention and advancement services • Financial work incentives to encourage job retention and advancement | <ul style="list-style-type: none"> • Education that leads to credentialing • Training programs that focus on employment sector needs • Soft skill interventions that utilize cognitive behavioral, social learning approaches • Transitional job placements that provide coaching and teach workplace behavior • Supportive services to address non-skill-related barriers (e.g., transportation, housing, childcare) to employment |
|--|--|

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25

People who are at a higher risk to reoffend should receive employment services in a way that impacts recidivism.

Employment Service Delivery Principles	More Intensive Application for People Assessed as Being at a Higher Risk to Reoffend
Engagement	Address antisocial thinking and behavior through positive, high-impact staff-participant interactions (e.g., mentoring relationships or cognitive behavioral interventions).
Timing	Connect to services before release or immediately upon release.
Incentives	Increase motivation for positive change and improve job performance with measures such as stipends for maintaining employment and peer-supported recognition for program completion.
Coordination	Collaborate with corrections, workforce development, and reentry professionals as well as other service providers to ensure that interventions are provided in a way that supports recidivism-reduction and employment goals.
Structured Time	Organize person's time around prosocial activities.

Le'Ann Duran, Martha Plotkin, Phoebe Potter and Henry Rosen, *Integrated Reentry and Employment Strategies: Reducing Recidivism and Promoting Job Readiness* (New York: The Council of State Governments Justice Center, 2013).

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26

Multiple agencies in Kansas provide employment services, yet few provide the intensive services necessary for people who score high in the education and employment domain.

The Community Supervision Working Group of the KCJRC conducted a survey on the availability and quality of employment programming across all three supervision entities.

Of the 45 community supervision agencies that completed the survey

- **71 percent** responded that transitional job placement programming is not available in the communities they serve.
- **29 percent** responded that their community offered high-quality and effective transitional job placement programming.

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27

End Dependence Kansas is an example of a program that provides intensive workforce development services through partnerships and has shown promising outcomes.

Partnership between **Kansas WorkforceONE**, **DCF's Vocational Rehabilitation Department**, and **KDOC**

- End Dependence Kansas provides job-readiness services, cognitive behavioral interventions, pre- and post-release intensive case management, employment training, job placement, temporary work experiences, and supportive services for people with a documented disability and assessed as being at a moderate to high risk of reoffending according to the LSI-R risk-need assessment tool.
- In FY2019, about **180 people were served** with an average LSI-R score of **30.81**.
- The successful closure rate (able to sustain job and no longer need support) is said to be **higher than** any other vocational rehabilitation provider. The recidivism rate amongst this group is **24 percent**.
- End Dependence Kansas is scheduled to end on September 30, 2020.

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28

NexStep Unlocked is another example of a program that provides intensive workforce development services through partnerships, but funding for the program is vulnerable.

Partnership between [Goodwill Industries of Kansas](#) and [Wichita State University Campus of Applied Sciences and Technology \(WSU Tech\)](#)

- NexStep Unlocked is an adult education program for people on parole or probation supervision in Wichita who score [17–24](#) on the LSI-R.
- The program offers an opportunity to [study a technical career](#) that is in high demand [while earning a high school diploma](#) upon completion.
- Participants have an opportunity to [earn an income while participating](#) in part-time [employment training opportunities](#) with local employers.
- The program has only received 37 viable referrals for its first cohort.
- First cohort of 11 participants are scheduled to graduate in December 2020.
- The program has funding to operate a second cohort, but [funding after the second cohort is to be determined](#).

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29

Through integration, coordination, and systems change, Kansas can sustain the intensive workforce development services needed for people who are reentering.

Immediate Actions

- [Administrative](#): Develop formal partnerships between KDOC, KCCHE, businesses, and all local Workforce Boards to leverage state, federal, and private funding and resources to bring intensive workforce development models to scale within the state.
- [Administrative](#): Develop formal partnerships and information-sharing agreements between KDOC and DCF's Vocational Rehabilitation department to screen people for services prior to release from KDOC and/or at the start of community supervision.
- [Administrative](#): Develop a plan for marketing KDOC Vocational/Career and Technical Education (CTE) to businesses and legislators to show that KDOC's untapped skilled population has what it takes to meet the needs of businesses and that Kansas stakeholders should continue to invest in programming.
- [Administrative](#): Standardize KDOC's roles and responsibilities for employment specialists to include job development or invest in job development specialists to form relationships with businesses in the community to promote hiring people who are reentering the community.

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30

Through integration, coordination, and systems change, Kansas can sustain the intensive workforce development services needed for people who are reentering (cont.).

Immediate Action

- **Statutory:** Appointed a representative from KDOC to the KansasWorks state board to ensure the workforce development and supportive service needs of people with justice system involvement are taken into consideration when developing the state Workforce Innovation and Opportunity Act (WIOA) plan and other state-funded workforce development initiatives.

Long-Term Opportunities

- **Administrative:** Develop shared positions between KDOC, DCF, and all local Workforce Boards to ensure a smooth handoff as a person reenters the community.
- **Administrative:** Develop a Legislative Liaison position at KDOC to ensure that the statutory and administrative policy barriers experienced by people in the justice system are communicated to policymakers.
- **Statutory:** Utilize the governor's WIOA Reserve Obligation/set-aside to build on successful intensive workforce development models.

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31

During the September presentation, we discussed how the 2018 amendments to Kansas law started improving access to licensing opportunities for people in the justice system, but they have fallen short in the following ways:

- **No statutory guidance** on how bodies should determine which records/offenses are “directly related” to general welfare/duties and responsibilities.
- Potential for **overbroad criminal history exclusions**.
- **Individualized consideration** of applicants or their specific offenses is not required.
- Licensing bodies are **not required to evaluate applicants in a consistent way** that considers the full context of their specific experience and criminal act(s).
- Designed to allow prospective applicants to invest time and resources in the pursuit of licensure with risk that their criminal history will ultimately result in denial.
- **Non-binding nature of the decision undermines the purpose** by failing to provide certainty about the ultimate impact of a person's conviction.
- **11 licensing bodies are exempt** from most of the provisions of the current licensing law and **retain broad discretion to deny applicants with felonies**.

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32

The Kansas Board of Cosmetology is in alignment with best practices for mitigating barriers to occupational licensing.

- The Kansas Board of Cosmetology has developed policies and resources to support their staff when making decisions regarding occupational licensing.
- The board also provides clear guidance that is accessible online to people with criminal convictions who are applying for licensing.

“The Kansas Board of Cosmetology **has been providing this level of guidance** prior to the 2018 Occupational Licensing Laws and **developing these resources** for applicants and guidance for staff **did not increase the burden to our staff.**”

—*Laura Gloeckner*
Executive Director
Kansas Board of Cosmetology

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33

Kansas can adapt and adopt standards to further promote fair, consistent, and transparent application of occupational licensing barriers.

Immediate Actions

- *Statutory*: Require that disqualifying offenses be directly related to the specific duties and responsibilities of the licensed activity.
- *Statutory*: Require individualized consideration of applicants and their convictions guided by a consistent factor-based analysis that considers evidence of rehabilitation, time since conviction, the nature of the offense, and other relevant factors.
- *Statutory*: Provide applicants with written reasons for conviction-based denial that address all statutory factors that must be considered.

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34

Kansas can adapt and adopt standards to further promote fair, consistent, and transparent application of occupational licensing barriers (cont.).

Immediate Actions

- **Statutory:** Make pre-application determinations binding unless new criminal history information comes to light, either in the form of new charges or convictions or past convictions that were not previously disclosed.
- **Statutory:** Eliminate or narrowly tailor exemptions for specific licensing bodies and types of licenses.
- **Statutory:** Expand the law to cover all state-imposed conviction-based licensing barriers so that existing mandatory barriers are essentially converted into discretionary ones that allow individuals to be considered on their merits and in the full context of their history and experience.

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35

Presentation Overview

- 1** Project overview
- 2** Reentry
- 3** Education and employment
- 4** **Housing**
- 5** Review of support for policy options

The Council of State Governments Justice Center | 36

36

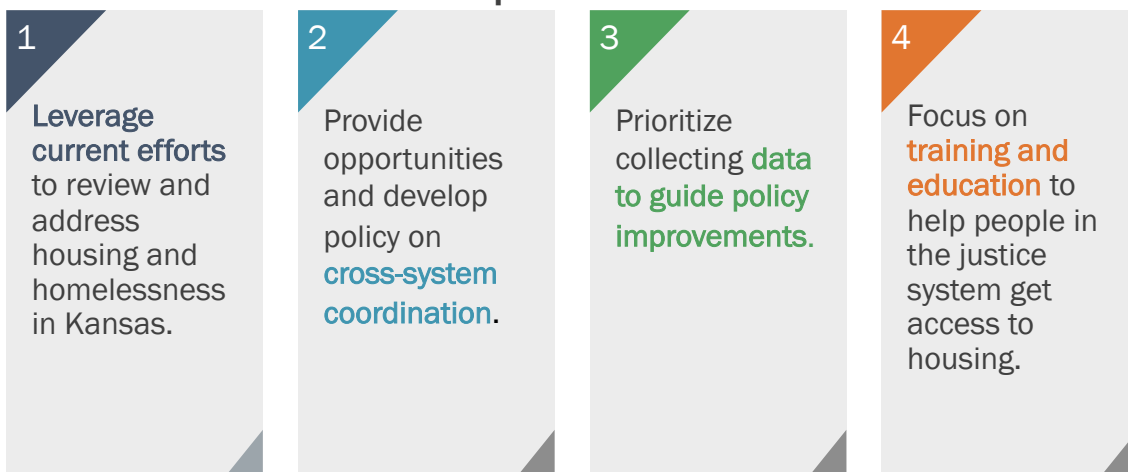
During the presentation in September, the following key points were discussed:

- There is a cyclical relationship between housing instability and criminal justice involvement.
- In Kansas there is low housing stock and a lack of housing options and funding.
- There is a lack of understanding of the true scope of the problem, collaborative strategies, and investment in effective intervention from the homeless and criminal justice systems.
- 20 percent of people leaving KDOC facilities each year have no stable housing.

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37

This presentation includes policy options to reduce housing barriers for people in the criminal justice system and can be broken down into four priorities.



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38

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There are local and statewide task forces currently working on reducing homelessness and increasing housing stability in Kansas.

Immediate Actions

- *Administrative:* Incorporate people in the criminal justice system into existing working groups and task forces with a priority on homelessness and housing.
 - In cooperation with the Lieutenant Governor's Office and the Kansas Housing Resources Corporation, work with the Rural Prosperity Task Force and the Housing and Homeless Subcommittee to include people in the criminal justice system.
 - Ensure that people in the criminal justice system are included in the upcoming housing study.
 - Discuss and evaluate barriers to accessing existing shelter services, permanent supportive housing, recovery housing, and other housing options for people in the criminal justice system.

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39

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It is difficult for people reentering the community from the justice system to find housing, and there is no clear way to find out about potential housing options in different areas of the state.

Immediate Action

- *Administrative:* Expand existing lists of housing opportunities available through KDOC, the Kansas Housing Resources Corporation (KHRC), and the Kansas Department for Aging and Disability Services (KDADS) to provide information on which programs in the state support access for people in the justice system.

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40

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Additional cross-system communication can help support people with insecure housing who are reentering the community.

Immediate Actions

- *Administrative:* Develop policies and procedures on coordination between KDOC and the regional Balance of State (BoS) Continuum of Care (CoC) coordinators, CoCs, CMHC housing specialists, recovery housing, and other housing services providers.
- *Administrative:* Have the regional BoS CoCs coordinators review information in the new Housing Management Information System (HMIS) to identify available properties and support people reentering the community from jails or prison.

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41

2

There are many agencies funding housing programs that can coordinate more effectively to support people reentering the community who need housing.

Immediate Actions

- *Administrative:* Develop policies requiring ongoing collaboration among state agencies—KDOC, KDADS, and KHRC—to address housing for people in the justice system.
- *Administrative:* Identify statutory or administrative restrictions on housing for people with criminal histories. Distill the barriers that are perceived vs. restrictions that are mandatory. Generate a list of restrictions that impact the most people in the criminal justice system.

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42

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There is a lack of available data and no standard way to identify people in jails and prisons who have housing instability or are at risk of homelessness.

Immediate Actions

- **Statutory:** Develop policy requiring a consistent method of screening to track people in jails and prisons who are experiencing housing instability or are at risk of homelessness.
 - **VI-SPDAT** (Vulnerability Index - Service Prioritization Decision Assistance Tool) is used by the BoS CoC as well as some of the other CoCs to identify people experiencing homelessness.
- **Administrative:** Leverage the data subcommittee to identify common data metrics that should be collected across the criminal justice, mental illness, substance use disorder, and housing systems. This group will develop recommended legislation regarding what metrics should be included in the data framework.

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43

4

There is a lack of education and training for community service providers on how to work with people in the justice system.

Immediate Actions

- **Administrative:** Utilize justice system partnerships to provide training for housing providers on working with people in the justice system, including information on criminogenic risk and needs and common misconceptions.
- **Administrative:** Offer outreach and training for CoCs, housing authorities, and landlords on the housing needs of people in the justice system and how to effectively coordinate with community supervision agencies, CMHCs, and substance use disorder treatment providers.
- **Administrative:** Provide training for community supervision officers on housing opportunities, the housing system, and strategies to better coordinate with CoCs, housing authorities, landlords, CMHCs, and housing support service providers.

The Council of State Governments Justice Center | 44

44

Presentation Overview

- 1** Project overview
- 2** Reentry
- 3** Education and employment
- 4** Housing
- 5** Review of support for policy options

The Council of State Governments Justice Center | 45

45

Does the
subcommittee
support the
proposed policy
options?

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46

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Justice Reinvestment Contact:

Patrick Armstrong parmstrong@csg.org

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