

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:44 a.m. on Thursday, February 10, 2005, in Room 231-N of the Capitol.

All members were present except:
Senator James Barnett (E)

Committee staff present:
Athena Andaya, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Dee Woodson, Committee Secretary

Conferees appearing before the committee:
Margie Phelps, Director of Offender Reentry and Release Planning, Kansas Department of Corrections
Senator John Vratil
Glenn O. Thompson, Stand Up for Kansas

Others attending:
See attached list.

Chairman Brungardt reviewed next week's schedule for hearings and presentations. He also called the Committee's attention to copies of Fiscal Notes distributed covering **SB 110**, **SB 109**, and **SB 153**. (Attachment 1)

Chairman Brungardt welcomed Margie Phelps, Kansas Department of Corrections (KDOC), to give a presentation on statewide offender reentry initiatives.

Ms. Phelps talked to the Committee about a critical public and community safety issue in Kansas which are offenders who complete their time in prison and then return to Kansas communities, the manner in which that transition occurs and how it is handled. She explained that approximately 630,000 individuals leave prison each year in the United States and return to local communities. In Kansas last year, approximately 5,800 left our state prisons. She said 20-25 % are without supervision and don't report to a parole officer, at least 33% are homeless or lack housing, at least 50% do not have the skills or lack solid job history to have gainful employment and keep the jobs, at least 20% have mental health needs with half being severe or persistent, at least two-thirds have substance addiction and/or use history, and at least 33% lack pro-social or have health positive support systems when they return to their communities. (Attachment 2)

Ms. Phelps' detailed handouts contained statistics, charts, and information on where the released offenders go to live, including sex offenders. She stated that 65% of the released offenders that are supervised go to Sedgwick, Shawnee, Wyandotte and Johnson Counties, 25% will release to other in-state counties, 20% are released with a full discharge, and 10% will be released to other states. Her handouts included separate sections on the top four counties and their respective re-entry programs. (Attachment 3)

Ms. Phelps described what the released offenders looked like, i.e. 93% are male, 7% are female, 65% are white, 30% are black, and 5% are other, two-thirds of the females have children; and about half the males have children. The criminal offense profiles are 28% non-sex-person crimes (homicide, battery), 25% property crimes (theft, burglary), 22% drug crimes (possession, sale), 20% sex crimes (rape, indecent liberties, and 5% other (escape from custody, false writing). She spoke on Community Offender Re-entry Pathways (COR-Pathways) for Transitional Planning for Offenders with Mental Illness implemented in June of 2002 as a result of a partnership between the KDOC and the Department of Social and Rehabilitative Services (SRS). She explained that this programs is for special needs offenders that are those with severe and persistent mental illnesses, developmental disabilities, and physical disabilities, and those over age 60 with age-related needs. (Attachment 4) Ms. Phelps also furnished handouts on KDOC's Offender Job Preparedness Initiatives. (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:44 a.m. on Thursday, February 10, 2005, in Room 231-N of the Capitol.

Hearings and discussion on:

SB 109 - Gaming compacts; relating to the procedure for the approval thereof

SB 153 - State-tribal gaming compacts; procedure for approval when legislature not in session

Chairman Brungardt announced that the two bills set for hearing in today's meetings would be open for discussion and explanation since the bills were each offered by two members of the Committee and dealt with the same subject matter. He related this concerned tribal compacts that are to be addressed when the Legislature is not in session or during the interim time frame. Chairman Brungardt explained that one member basically suggested that the compacts could only be addressed by Tribal Relations and then approved by LCC in the Legislature's absence. The other member's bill suggested that an emergency would have to be declared, and a special session called for anything to be handled during the interim. The Chairman suggested the Committee have discussion or statement of feelings in order to develop a consensus on how the Committee wanted to handle the subject. He asked the authors of the two bills to make short statements, explain their thinking, and give reasons why the Committee should proceed accordingly with their respective bills.

Senator Vratil explained that he asked for **SB 109** be drafted and introduced because of the situation that occurred this past fall of 2004. It was sometime in the early fall the Governor announced that she had reached an agreement with some of the tribes on a gaming compact. The Governor said she intended to use the existing provisions of Kansas statutory law to submit the compact first to the Joint Committee on State Tribal Relations and then to the Legislative Coordinating Council (LCC). He explained that current law allows those two bodies to consider and approve an Indian Gaming Compact if the Legislature is not in session. He expressed his concern about that approach because it was his understanding when the Legislature passed those statutes authorizing that procedure, the Legislature intended it to be invoked only in the event of an emergency. He stated he had heard from a number of Legislators who were in the Legislature when those statutes were adopted, and they all seem to agree it was for emergency situations.

Senator Vratil explained that he wrote a letter to the Governor asking for her response and to identify the emergency. The Governor wrote back and correctly pointed out that existing law does not require an emergency to exist; therefore, she was just exercising her rights under the law. When it became apparent to him that there was no requirement in the statute that an emergency exist in order for the LCC to take action on the Indian Gaming Compact, he decided to draft this bill. **SB 109** defines an emergency, and it defines it as "an emergency exists when unforeseeable circumstances exist which compel action be taken on the proposed compact before the legislature next convenes in regular session." Senator Vratil explained that **SB 109** would require the Joint Committee on State Tribal Relations to determine that an emergency exists in order to move the proposed compact forward, and also require the LCC to determine that an emergency exists in order to move the proposed compact forward. He reiterated that the language states, not just implies, that there must be unforeseen and compelling circumstances which require approval of the compact before the Legislature comes back into session.

Senator Brownlee explained that her bill, **SB 153**, would eliminate the concerns expressed last fall on the LCC approving Indian compacts for casinos. She said that **SB 153** would require the full Legislature, rather than the LCC, to approve compacts. Senator Brownlee added that in the unlikely event a need arises for the Legislature to approve a compact when the Legislature is not in session, the bill authorizes the Governor the authority to call the Legislature into a special session to consider the compact. She stated she was concerned about trying to define an emergency as stipulated in **SB 109**.

Chairman Brungardt offered that the intent was the same by giving a little less flexibility to the Executive Branch and to the LCC. He said no one had good concrete examples of what kind of situations might come up so it was difficult to say if one was too restrictive or not.

Senator Vratil said his concern with doing this only during a special session of the Legislature was that when a special session is called, the subjects or the bills the Legislature considers in the special session cannot be restricted during that session. A special session could not be called to just consider a compact, because anybody in the Legislature could bring up any other topic or any other bill they wanted to bring up during that session. He added that historically, that was why there has been reluctance to call special sessions.

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:44 a.m. on Thursday, February 10, 2005, in Room 231-N of the Capitol.

Committee discussion centered around the two years that Senate Rules, House Rules and Joint Rules are in effect. Senator Hensley shared that in 1989, then Governor Hayden called a special session to discuss the highway decision, and that there were attempts to bring up other issues. The Constitution does not limit the subject matter brought up during a special session.

Senator O'Connor asked for clarification of the wording, "unforeseeable event". Senator Vratil said he thought it would be relatively rare that an emergency could exist. He said hypothetically, it would be where an Indian tribe and the Governor negotiated a gaming compact, and the intent was to locate it on a certain 80 acre tract of land in Wyandotte County, Kansas. The tribe thought they had the right to purchase that land and get well down the road, and the owner of that land tells the tribe if they don't commit to purchase the land within 30 days he would sell it to someone else. He explained that would be an unforeseeable circumstance that could compel action to call the full Legislature to come back into session. So it is left up to the Joint Committee and the LCC to determine whether that actually was an emergency to have some flexibility within the law.

Chairman Brungardt stated that it really comes down to those two groups ending up making policy or having to bring the whole legislative body back in for a special session to make the same policy or not make it. He said he wanted the Committee to have time to study both bills and their similarity, then decide what to do on the subject matter choosing which bill to work as they are redundant.

Senator Hensley commented that in the most recent example of this situation, it was the members of the LCC that decided that they should not take action since it was so close to a legislative session, and that the LCC should wait for the full body to meet and decide.

Glenn Thompson, Executive Director, on behalf of Stand Up for Kansas, appeared in support of **SB 153**. He said the purpose of this bill was to establish a process for the Legislature, rather than the LCC, to consider proposed Indian gaming compacts when the Legislature is not in session. He shared with the Committee a brief summary of background information that led to enactment of K.S.A. 46-2302, which provides the LCC the authority to ratify an Indian gaming compact when the legislature is not in session.

Mr. Thompson related that in October 1988, Congress enacted the Indian Gaming Act (IGRA) which provides that if Class III gaming is conducted in a state and if an Indian tribe desires to operate a Class III casino on Indian land acquired prior to the enactment of IGRA in the state, the act requires the tribe to negotiate a compact with the state for operation of the casino. The act states that if the state fails to conduct negotiations with 180 days, the tribe may initiate a cause of action against the state. With the U.S. Supreme Courts March 27, 1996, ruling that a tribe cannot sue a state for cause of action under IGRA without the state's consent voids the 180 days required for states to take action.

Mr. Thompson stated the need for the bill was because it is a major policy decision affecting citizens and business through the state. Also, he said there is no longer an existing need for the LCC to serve as a backup ratification body for compacts with the four Kansas tribes, and assigning the LCC authority to ratify Indian gaming compacts may not be constitutional and probably would not withstand a court challenge. He concluded that the statute which specifies for the Legislature to ratify Indian gaming compacts contains a serious deficiency, and that **SB 153** would correct the deficiency. (Attachment 6)

Chairman Brungardt expressed the Committee's appreciation to Mr. Thompson and the information he provided.

The meeting was adjourned at 11:15 a.m. The next meeting is scheduled for February 15, 2005, at 10:30 a.m.

February 9, 2005

Harrison 2/9

The Honorable Pete Brungardt, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 143-N
Topeka, Kansas 66612

Dear Senator Brungardt:

SUBJECT: Fiscal Note for SB 110 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 110 is respectfully submitted to your committee.

SB 110 would establish guidelines and procedures for the creation and funding of memorials for Kansas veterans. These memorials would be considered capital improvement projects, and initiation of such a project would require approval by the Secretary of Administration and the Joint Committee on State Building Construction. The Commission on Veterans Affairs would be responsible for appointing an advisory committee and developing guidelines and procedures for development and execution of these projects. The Kansas Veterans Memorials Fund would be established in order to receive private donations, gifts, grants, and bequests for memorials.

Estimated State Fiscal Effect				
	FY 2005 SGF	FY 2005 All Funds	FY 2006 SGF	FY 2006 All Funds
Revenue	--	--	--	\$100,000
Expenditure	--	--	--	--
FTE Pos.	--	--	--	--

Senate Federal & State Affairs
Committee

2-10-05

Attachment 1

The Honorable Pete Brungardt, Chairperson
February 9, 2005
Page 2—110

According to the Commission on Veterans Affairs, approximately \$100,000 would be available for immediate deposit in the new private gifts fund, and that the agency estimates \$10,000 to \$20,000 per year would be contributed. It is not known whether any expenditures would be made in the first year. Any fiscal effect resulting from enactment of SB 110 is not included in *The FY 2006 Governor's Budget Report*.

Sincerely,

A handwritten signature in cursive script that reads "Duane A. Goossen".

Duane A. Goossen
Director of the Budget

cc: Jim Frederick, Veterans Affairs

February 9, 2005

The Honorable Pete Brungardt, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 143-N
Topeka, Kansas 66612

Dear Senator Brungardt:

SUBJECT: Fiscal Note for SB 109 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 109 is respectfully submitted to your committee.

Currently, the Governor submits proposed gaming compacts to the Joint Committee on State-Tribal Relations for approval or rejection or the committee may choose not to make a recommendation. If the Legislature is in session at the time of the Committee's action, the Committee must introduce a resolution that provides for the approval of the compact. However, the resolution is accompanied by a report from the Joint Committee describing its action on the compact. If the Legislature votes to adopt the resolution, the compact would be considered approved, allowing the Governor to execute the compact on behalf of the state. If the Legislature is not in session, the Committee must notify the Legislative Coordinating Council of the Committee's action. If the Council votes to approve the proposed compact, the compact would be considered approved and the Governor would be authorized to execute the compact on behalf of the state. Under SB 109, if the Legislature is not in session, instead of notifying the LCC, the Joint Committee would wait and introduce the resolution approving the compact at the commencement of the next Legislative Session following the Committee's action. The Legislature would then vote on the resolution as if it had been in session at the time of the Joint Committee's action.


However, under SB 109, if the Legislature is not in session and the Joint Committee determines an emergency exists, the Legislative Coordinating Council would be notified. If the Council determines that an emergency exists and by a vote of five members of the seven-

The Honorable Pete Brungardt, Chairperson
February 9, 2005
Page 2—109

member Council votes to approve the compact, the compact would be considered approved and the Governor would be authorized to execute the compact on behalf of the state. An "emergency" would be defined as an unforeseeable circumstance which compels action be taken on the proposed compact before the Legislature next convenes in regular session. If the Council fails to take action, the Governor would be authorized to introduce the compact to the Legislature for approval during the next Legislative Session.

Legislative Administrative Services indicates that SB 109 would not have a fiscal effect on state operations.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Sharon Schwartz, Legislative Services

February 10, 2005

The Honorable Pete Brungardt, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 143-N
Topeka, Kansas 66612

Dear Senator Brungardt:

SUBJECT: Fiscal Note for SB 153 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 153 is respectfully submitted to your committee.

Currently, the Governor submits proposed gaming compacts to the Joint Committee on State-Tribal Affairs so that the Committee may approve, disapprove, or not make a recommendation. If the Legislature is not in session during the time of the Committee's action on the compact, the Legislative Coordinating Council is notified of the Committee's action. The Council will then vote to approve or disapprove the compact. Under SB 153, if the Legislature is not in session, a special session of the Legislature would be called to approve or disapprove the proposed compact.

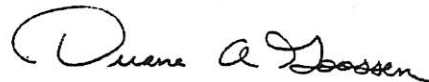
Estimated State Fiscal Effect				
	FY 2005 SGF	FY 2005 All Funds	FY 2006 SGF	FY 2006 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$32,000	\$32,000
FTE Pos.	--	--	--	--

Legislative Administrative Services indicates that SB 153 would cost an additional \$32,000. The agency's estimate is the cost of a one-day special session of the Legislature. The

The Honorable Pete Brungardt, Chairperson
February 10, 2005
Page 2—153

estimate includes \$27,000 for salaries and expenses of the legislators, assuming that not all 165 members would be able to attend the session, \$3,000 for support staff salaries, and \$2,000 for administrative costs including, copies and phone calls. Any fiscal effect resulting from enactment of SB 153 is not accounted for in *The FY 2006 Governor's Budget Report*.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Cheryl Dolejsi, Racing & Gaming
John McElroy, Racing & Gaming
Sharon Schwartz, Legislative Services

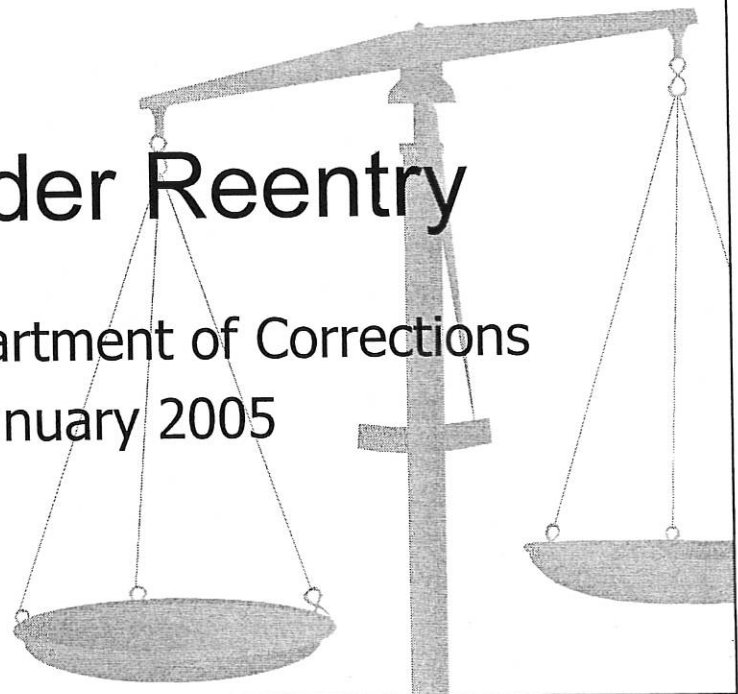
Margie Phelps

***OVERVIEW OF
OFFENDER REENTRY
Kansas Department of
Corrections***

Senate Federal & State Affairs
Committee
2-10-05
Attachment 2

Offender Reentry

Kansas Department of Corrections
January 2005



Reentry Data

630,000+ leaving prison each year
5800 left Kansas prisons last year

20-25% without supervision

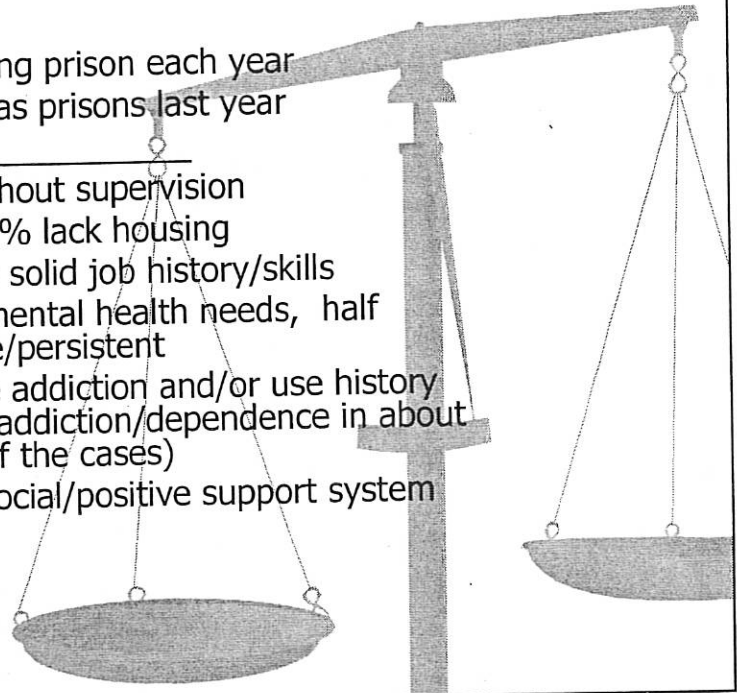
At least 33% lack housing

At least 50% lack solid job history/skills

At least 20% have mental health needs, half
severe/persistent

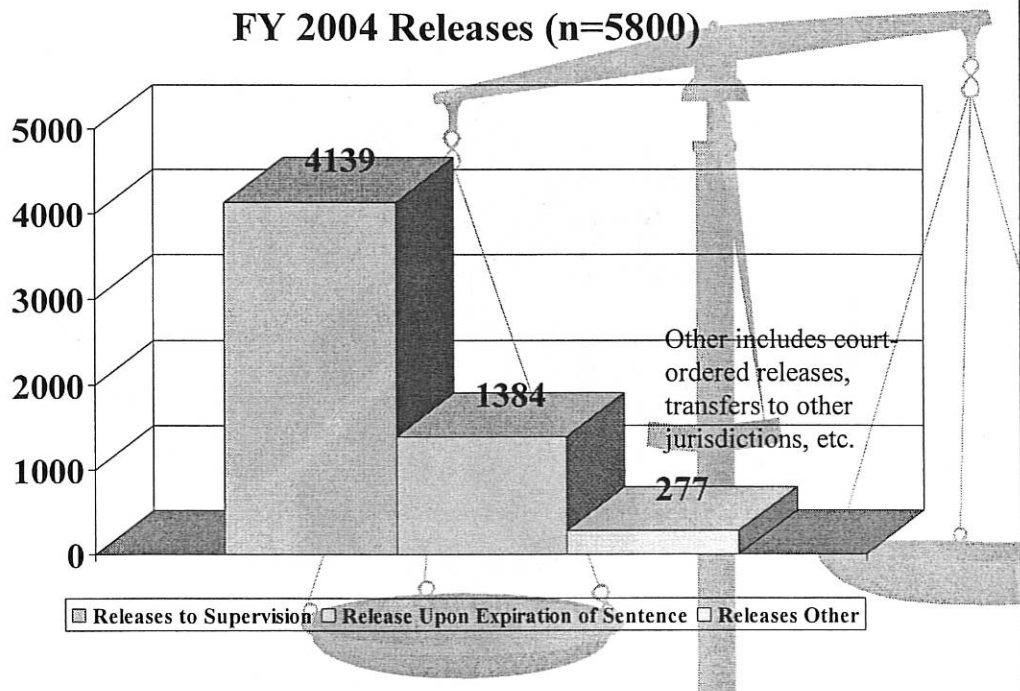
60-70% have substance addiction and/or use history
(*provisional* diagnoses of addiction/dependence in about
25% of the cases)

At least 33% lack pro-social/positive support system

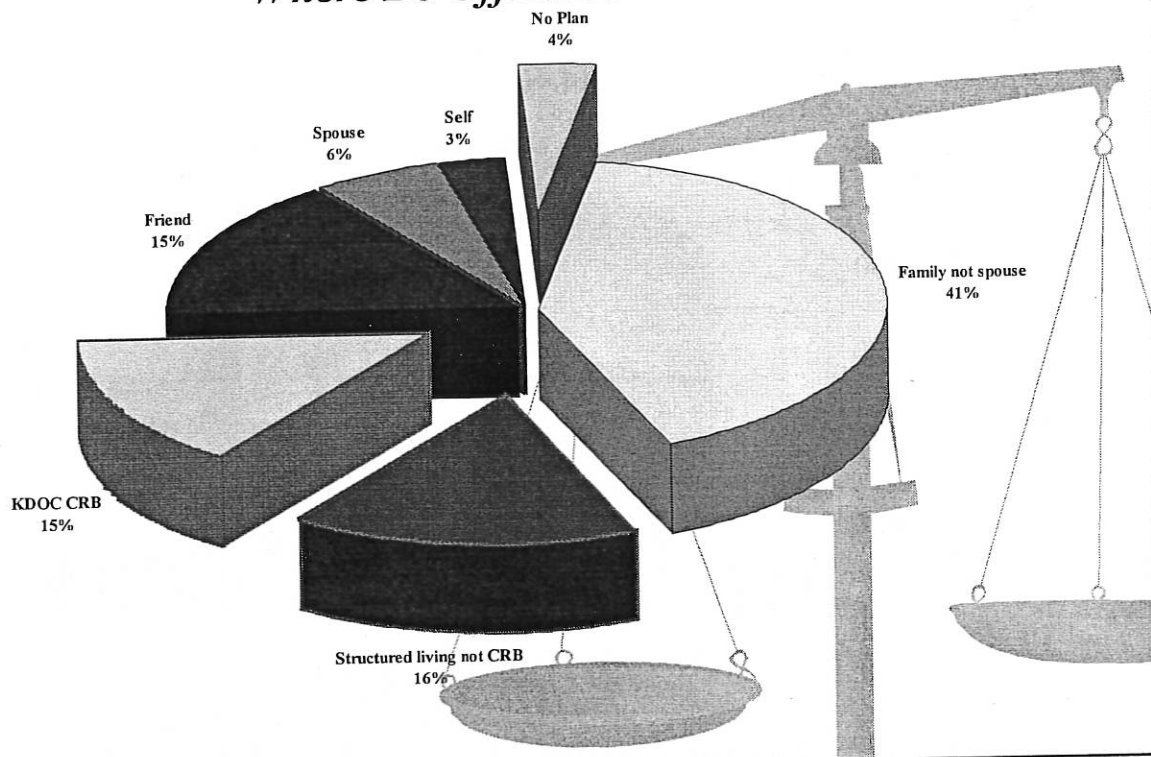


*Release planners worked with 5427 – or 94%
-- of the offenders being released in FY 2004,
including many offenders whose sentences
expired, or offenders released by court order.*

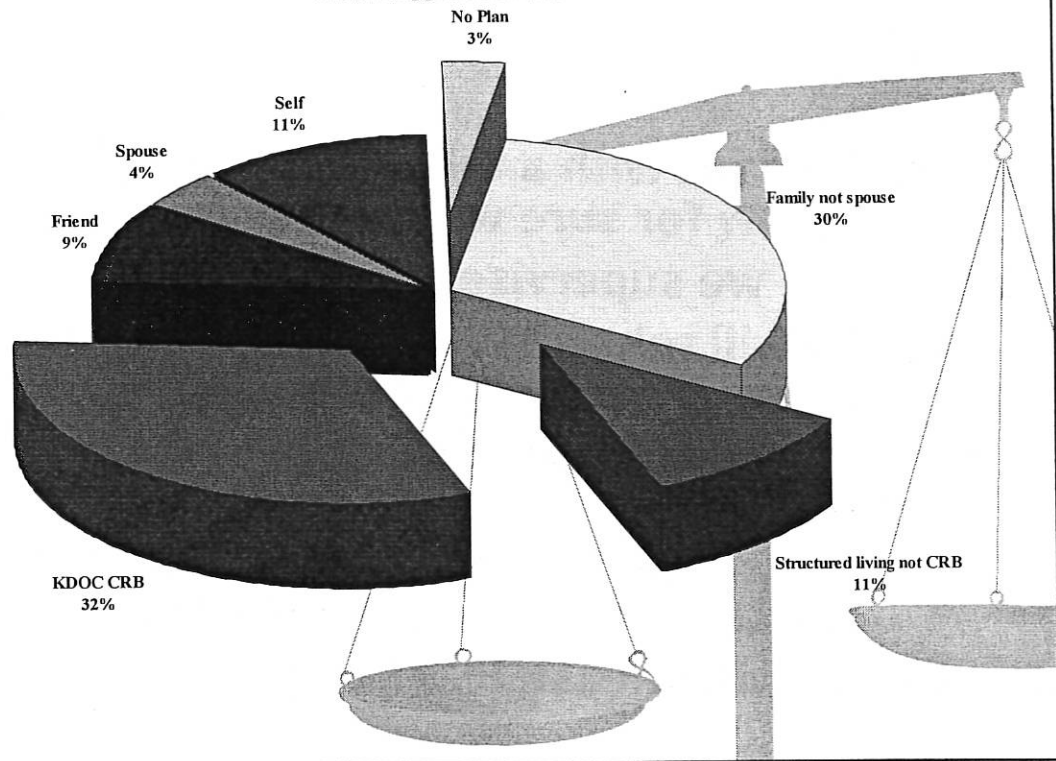
FY 2004 Releases (n=5800)



Where Do Offenders Go to Live?



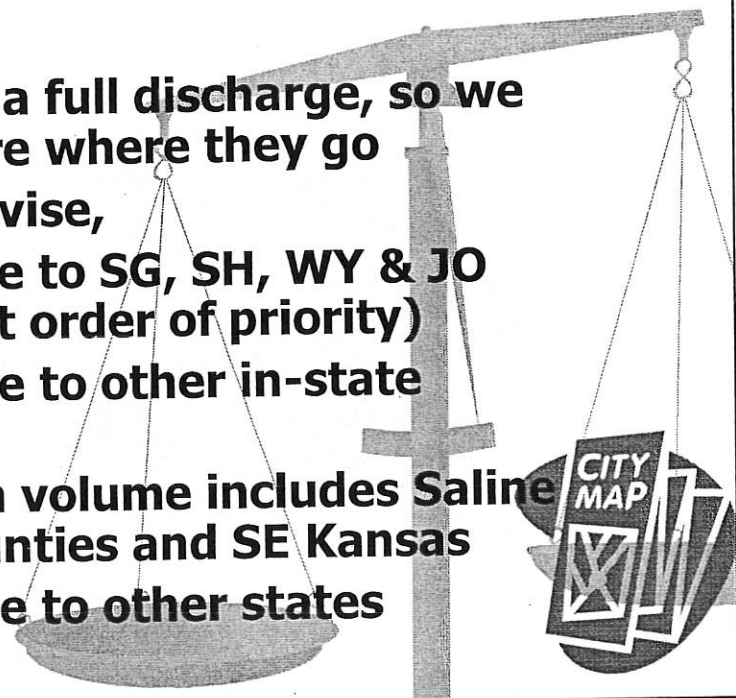
Where Do Sex Offenders Go to Live?






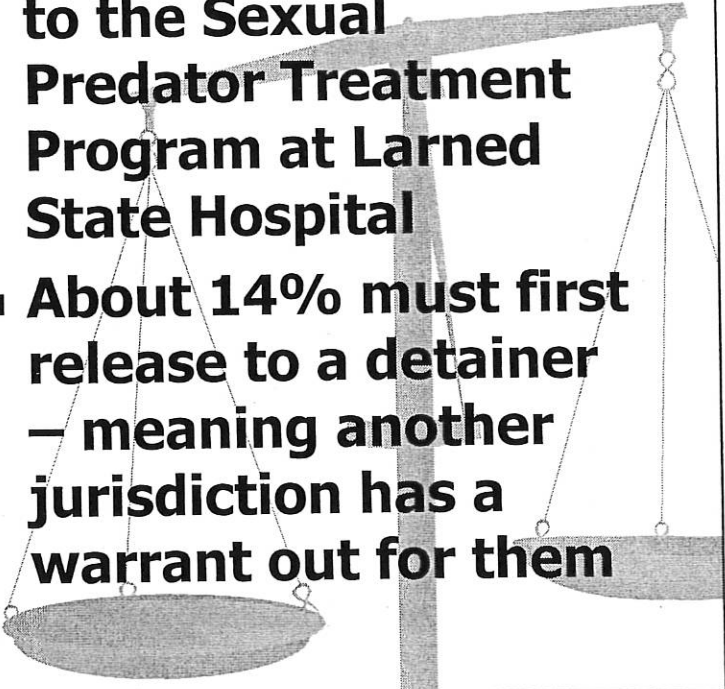
Where they release to ...

- 20% release with a full discharge, so we don't know for sure where they go
- Of those we supervise,
 - 65% will release to SG, SH, WY & JO counties (in that order of priority)
 - 25% will release to other in-state counties
 - Second tier in volume includes Saline and Reno counties and SE Kansas
 - 10% will release to other states

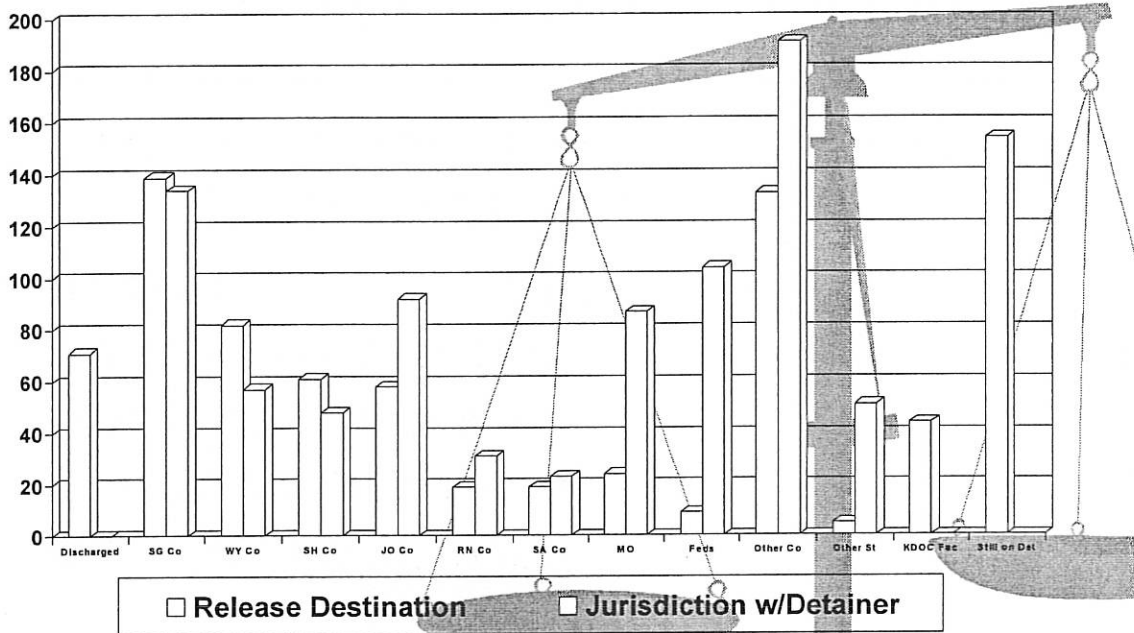




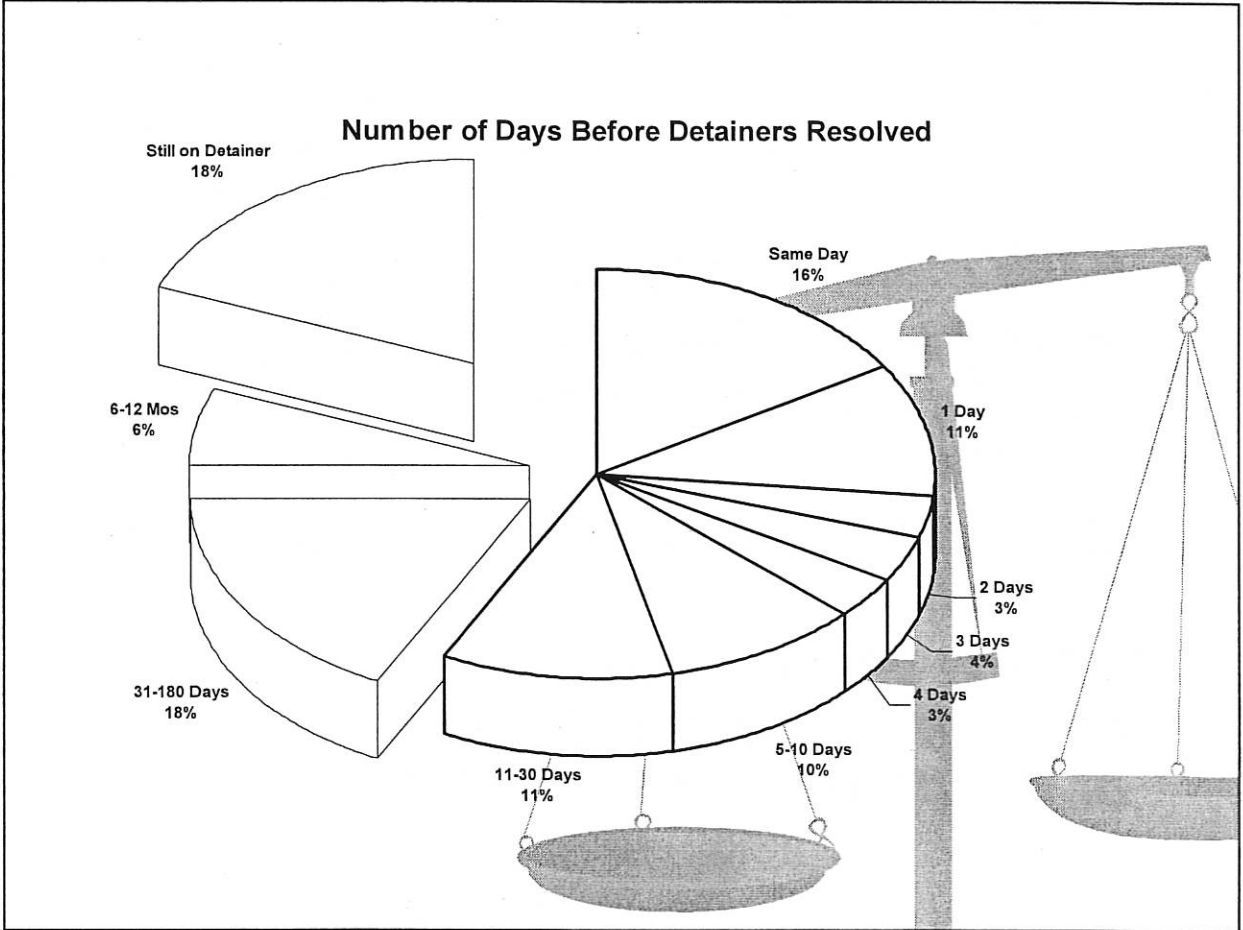
*Two more
points about
where they
release to ...*

- 
- **Less than 1% release to the Sexual Predator Treatment Program at Larned State Hospital**
 - **About 14% must first release to a detainer – meaning another jurisdiction has a warrant out for them**

Detainers on Released Offenders - FY 2004

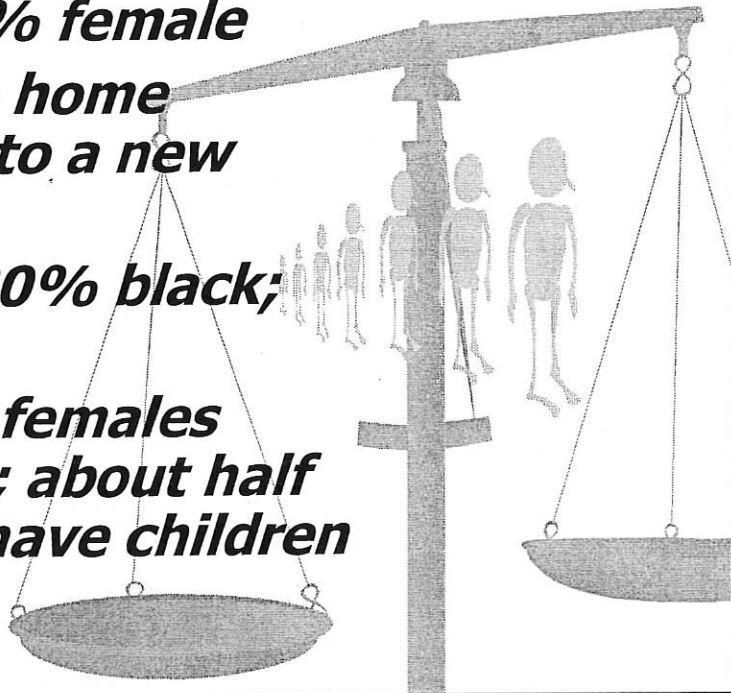


Number of Days Before Detainers Resolved



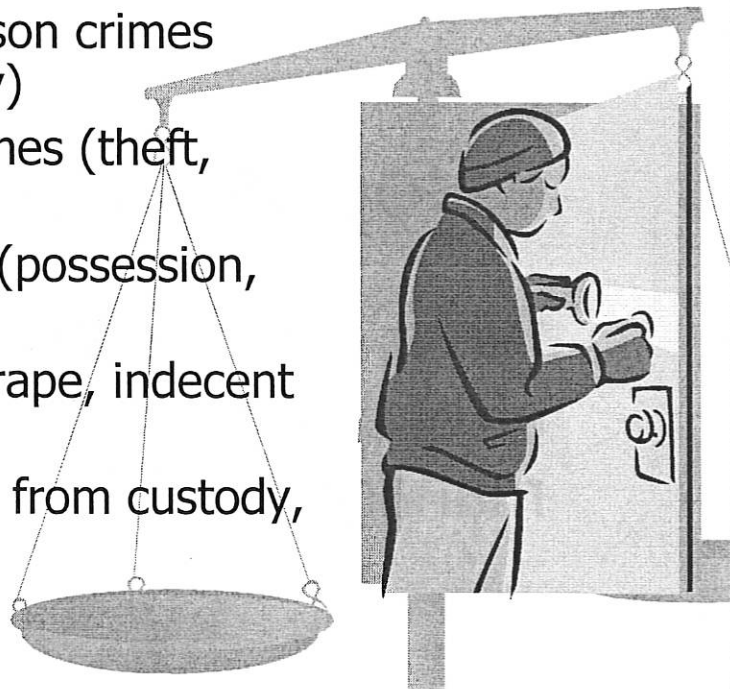
What do they look like?

- ❑ ***93% male; 7% female***
- ❑ ***75% going to home county; 25% to a new county***
- ❑ ***65% white; 30% black; 5% other***
- ❑ ***2/3rds of the females have children; about half of the males have children***



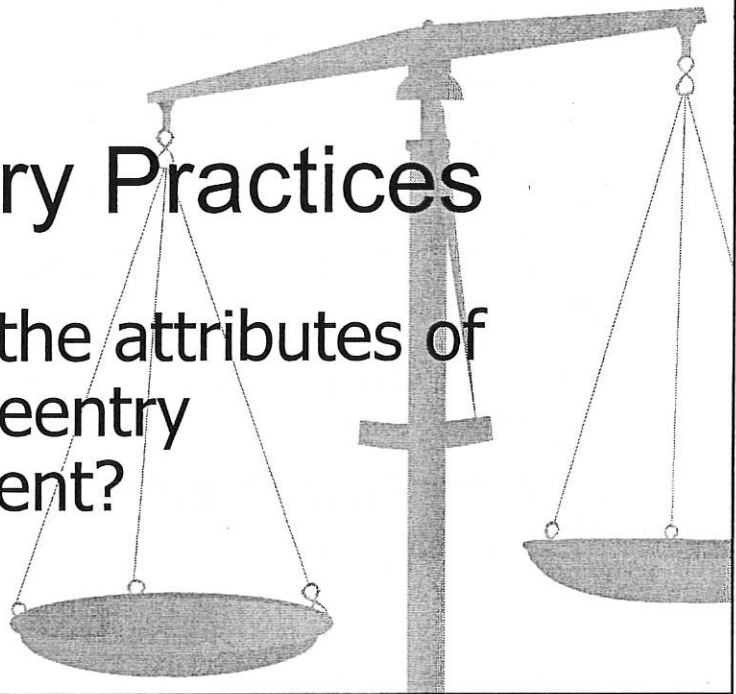
Criminal offense profile

- 28% non-sex-person crimes (homicide, battery)
- 25% property crimes (theft, burglary)
- 22% drug crimes (possession, sale)
- 20% sex crimes (rape, indecent liberties)
- 5% other (escape from custody, false writing)



Reentry Practices

What are the attributes of effective reentry management?

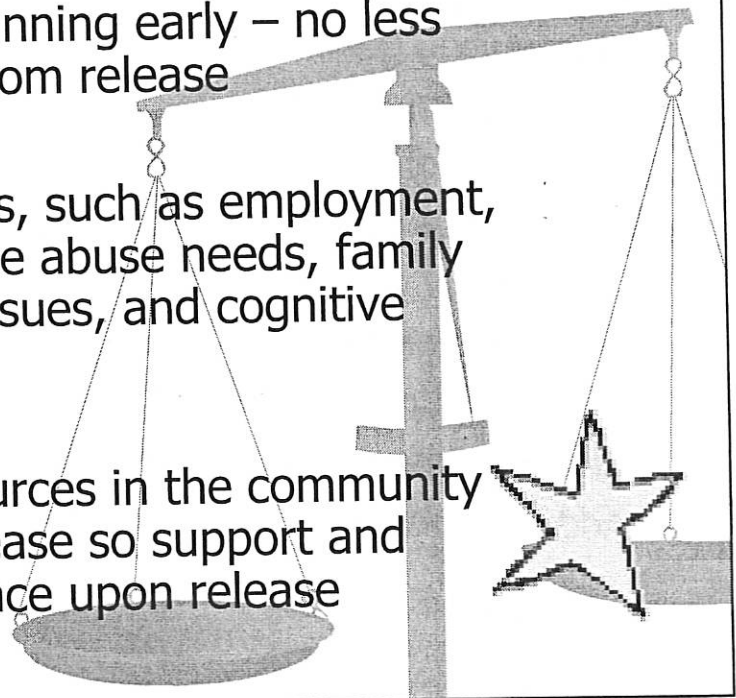


Reentry Practices

*Begin release planning early – no less than 12 months from release

*Assess risk/needs, such as employment, housing, substance abuse needs, family issues, financial issues, and cognitive readiness

*Connect to resources in the community in advance of release so support and services are in place upon release



Reentry Practices

*Prepare individual tailored release plans with specific risk-reducing goals

~Involve parole

~Involve support/family

*Community-based/involvement

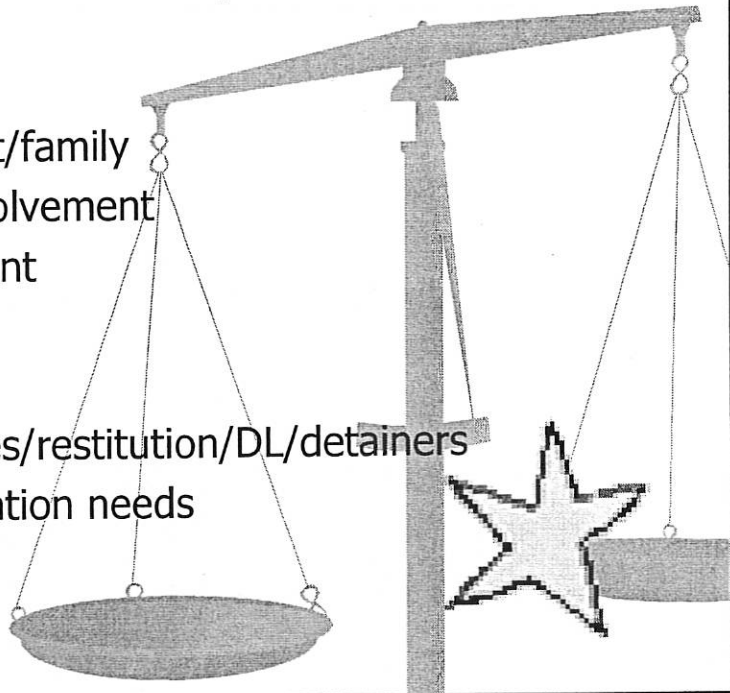
~Law enforcement

~Neighborhoods

~Victim issues

*Address financial issues/restitution/DL/detainers

*Address special population needs

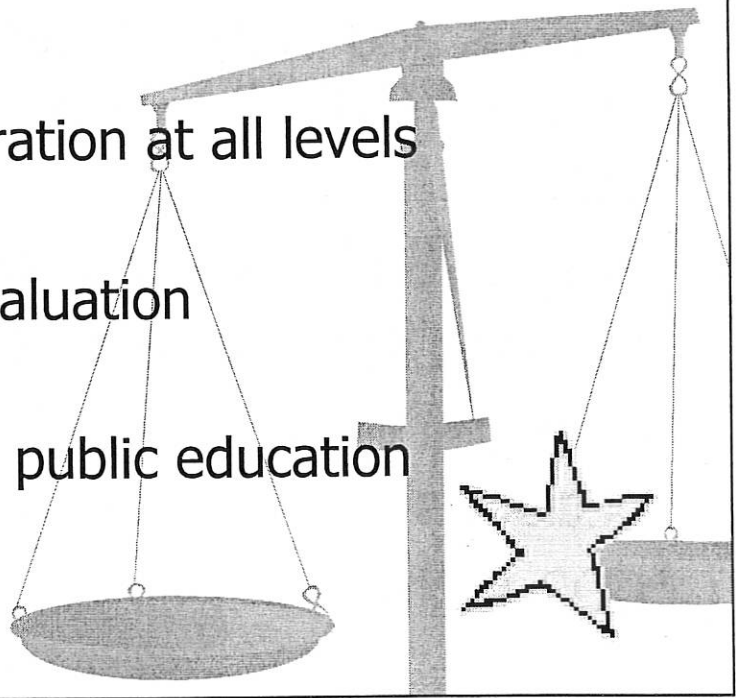


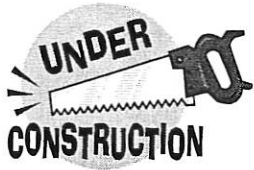
Reentry Practices

*Strong collaboration at all levels

*Research & evaluation

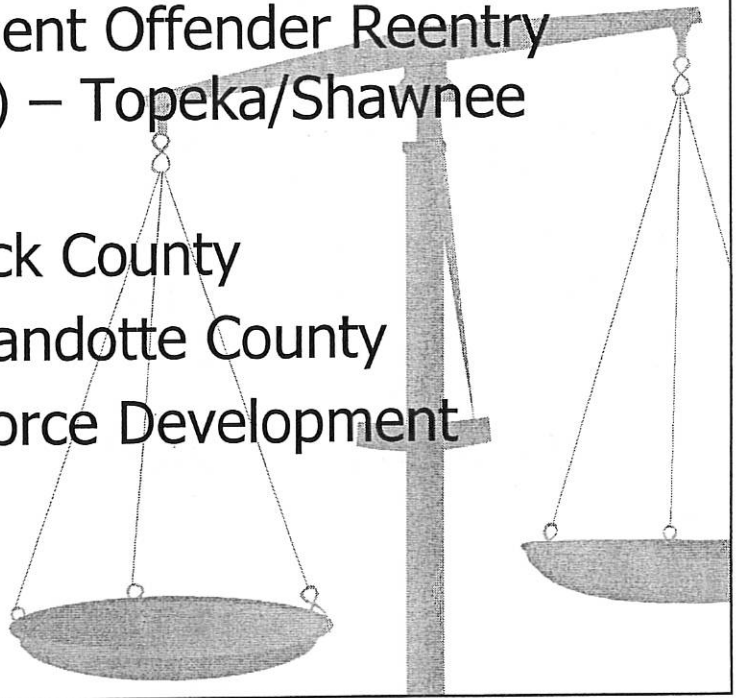
*Marketing and public education





Major Initiatives Underway

- *Serious and Violent Offender Reentry Initiative (SVORI) – Topeka/Shawnee County
- *Wichita/Sedgwick County
- *Kansas City/Wyandotte County
- *Offender Workforce Development Specialists
- *COR-Pathways



Ongoing Challenges

- *Substance abuse treatment
- *Housing
- *Detainers
- *Child support arrearages
- *Restitution
- *Needs of the families



***SHAWNEE COUNTY
REENTRY PROGRAM
Kansas Department of
Corrections***

Senate Federal & State Affairs
Committee
2-10-05
Attachment 3

Shawnee County Reentry Program
1430 SW Topeka Blvd., Topeka, Kansas 66612-1853
Phone: (785) 296-4183 Fax: (785) 296-3990

Why is This Program Necessary?

Each month an average of 490 adult offenders are released from Kansas prisons to return to Shawnee County. Upon release many have little or no money, no place to live, no job or ability to achieve sustained employment and no social support. In addition, many labor under the burden of lifelong patterns of anti-social influences and thinking. The result is that nearly half of them return to prison within six months, most often for failing to comply with conditions of community supervision, which puts them at higher risk for criminal behavior. Through the Shawnee County Reentry Program (SCRP), we now have the opportunity to help make the community safer by improving offenders' chances of a successful return home, by identifying and addressing crime-producing (criminogenic) attributes through early planning. In addition to serving offenders who participate, this program has provided an opportunity to develop all of the components of a successful reentry model to implement in communities across Kansas.

What is the SCRCP?

SCRCP is a 3-year federally funded program administered by the Kansas Department of Corrections. This program will implement comprehensive reentry planning to prepare offenders and assist them in transitioning back into the community. This program is part of a national initiative to establish research-based, effective reentry models and practices in communities all over the country, called the Serious and Violent Offender Reentry Initiative (SVORI), administered by the United States Department of Justice in partnership with other federal agencies, including the departments of Labor, Housing & Urban Development (HUD), Veterans' Affairs (VA) and Substance Abuse and Mental Health Services (SAMHSA)

This program is supported by multiple community partners, including law enforcement, employers, businesses, job service/training agencies, treatment providers, neighborhoods, political representatives, landlords, mental and medical health providers, other social services, victim services, ex-offenders, faith and community based organizations. Key state and local partners participated in a collaborative workshop in Washington DC in the summer of 2004 to develop a strategic plan to sustain the program in Shawnee County, and implement this model statewide in Kansas.

Through a partnership with the University of Kansas, data is being collected, so the program can be evaluated in all its components, to ensure that the practices employed are successful, and to identify what does and does not work. In addition, the Department of Justice is conducting a national evaluation, involving over a dozen of the 68 grantees. The Kansas programs, adult and juvenile, have been selected for inclusion in the national evaluation.

Who are the inmates participating in the SCRCP?

Because this is a federally funded program, participants must meet specific criteria. They must

- be between the ages of 18-34
- be scheduled for release to Shawnee County as the appropriate county of release
- have 12-18 months left of their sentence to complete
- have committed a serious or violent crime and/or be at high risk for re-offending

How does SCRP work?

Eligible participants are identified from throughout Kansas prisons. Risk/needs assessments are completed to identify high-risk offenders. Necessary transfers are made to house male participants at Lansing Correctional Facility; the females in Kansas are already housed at Topeka Correctional Facility.

With the guidance and assistance of a Case Manager Advocate (CMA) and a facility based Reentry Coordinator, individual, tailored release plans are prepared that address the criminogenic needs of the offender, such as housing, employment, transportation, identification documents, mental health care, substance abuse treatment, and family needs. Prior to release from prison, CMA's will identify resource needs and work closely with community partners to access services and supports necessary to address these needs. Working with faith and community-based organizations, businessmen and others in the community, mentors are prepared to work with offenders to provide pro-social modeling and influences, and in appropriate cases to provide mentoring related to employment and housing. Also, classes are established by SCRP and taught/facilitated by staff and volunteers. The classes include such topics as cognitive/thinking classes, money management, job preparedness, family transition workshops, reentry planning and health classes.

Prior to release, the transition team is joined by the offender's parole officer, a representative of the Topeka Police Department and family/support members in appropriate cases. Upon release, the offender meets with a community-run Accountability Panel, to discuss his or her plan, to review progress on goals, to celebrate successes, and to intervene when the offender relapses or fails to comply with conditions of release. The program works closely with the offender and his or her parole officer for six months, and if the offender has stabilized, at the time supervision is assumed exclusively by the parole officer. After successfully completing the program, offenders are able to return to the program in times of need, or to participate in alumni activities, including providing support to newly returning offenders.

Funding

This grant was funded by the Department of Justice as a \$1 million project to be completed over a three year time span. Kansas received an additional \$35,000 after the initial award for limited pre-release screening, assessment and intake services for offenders with substance abuse treatment and mental health needs upon return to the community. In September 2004 KDOC was awarded an additional \$300,000 to implement additional housing and cognitive components of the program. The housing funds will employ a housing specialist, and provide a modest fund for rent subsidy, property damage repair, transportation costs, substance abuse assessment costs, all necessary to establish a holistic approach to accessing local housing. Other funds will enable the SCRP to establish a more comprehensive pre-and-post-release cognitive program, to address the considerable anti-social thinking patterns of participants.

What does an Offender Participating in the Shawnee County Reentry Program in Kansas Experience?

3-4

- Work begins 12 months from release; Case Manager Advocate assigned.
- Offender is located near Shawnee County.
- Work begins in the facility with development of an Individual Release Plan (IRP) that is driven by the LSI-R score.
- Focus is on development of a stable plan, pro-social influences, cognitive training and employment preparedness.
- Screening for substance abuse and mental health needs.
- Ongoing advocacy to prepare offender to go out the door.
- Meet parole officer and law enforcement liaison pre-release.
- Offender meets accountability panel within 18 days: "Welcome back, we hope you succeed, we won't tolerate criminal behavior."
- Case Manager Advocate works alongside parole to stabilize the offender in the community.
- Average time is 6 months before offender completes program and "baton is passed" to parole.

Serious and Violent Offender Reentry Initiative (SVORI)
Kansas Department of Corrections & Partners

Background

Nearly 650,000 offenders are released from prisons across the United States each year. There are about 5800 offenders released in Kansas each year. The primary counties receiving offenders are Sedgwick, Shawnee, Wyandotte and Johnson.

Nationally, fewer than half the offenders released stay out of trouble for at least three years from the date of release. The reentry of serious, high-risk offenders into communities across the country has been a source of concern, more crime and victims, and strain on the community for years.

A growing body of research indicates that high risk offenders can be identified through assessments that capture criminogenic (crime-producing) attributes. The most predominant attributes are anti-social traits, including anti-social companions, anti-social attitudes and anti-social personality. Key criminogenic needs include employment, safe and affordable housing, substance abuse treatment, family reintegration and financial issues. This research also indicates that by targeting high risk offenders, and addressing criminogenic risk/needs, offenders commit fewer crimes and are more successful upon return to the community.

The United States Department of Justice established a partnership with several key federal partners to undertake an initiative designed to help jurisdictions develop effective reentry models, and to teach the entire system to collaborate and work together in addressing this critical community issue. The federal partners include the departments of Labor, Housing & Urban Development, Health & Human Services, Veterans' Affairs, Social Security Administration and Education. These partners have undertaken a joint initiative, called the Serious and Violent Offender Reentry Initiative (SVORI/Reentry Initiative), to assist jurisdictions in developing comprehensive and effective reentry practices.

The New Concept

This Reentry Initiative represents a new way of doing business for federal, state and local agencies. Instead of focusing the initiative on a competition for a limited amount of discretionary funds, the federal partners are coming together to help state and local agencies navigate the complex field of existing state formula and block grants, and to assist them in accessing, redeploying and leveraging those resources to support all components of a comprehensive reentry program. Communities selected to participate in the Reentry Initiative have the opportunity to develop state-of-the-art reentry strategies and to establish permanent partnerships and practices to sustain and broaden the effort system wide. The Reentry Initiative rests upon several key themes:

- Federal funds are provided to enable jurisdictions to develop and refine a model that has the capacity to become permanent and is effective in reducing recidivism in that jurisdiction.
- Federal, state and local funds and resources are abundant in many areas, but are not available to offenders because of various traditions, policies, practices, laws and regulations. The Reentry Initiative allows corrections and its key partners to identify gaps in available services, and barriers to offenders having access to necessary risk-reducing services, and develop solutions jointly.

- Corrections cannot accomplish reentry alone, and instead must partner with local and state partners who are gatekeepers of resources and policy makers in their jurisdiction.
- Other systems intersect with the offender population in various ways, providing services to them or their family members, and being impacted by how offenders prepare for and return to the community. Hence it is fitting for these systems to become partners to this effort, so they can contribute to establishing policies and practices and identifying barriers and finding solutions.
- By the federal government providing seed money for change-agent program staff, together with training and technical assistance, jurisdictions can develop effective models for the delivery of services, and help systems develop or redeploy existing resources to establish permanent, comprehensive and effective reentry practices statewide.
- Reentry is most effective if it targets the highest risk offenders; is grounded in principles of risk reduction; and if approached comprehensively beginning well before release, focusing intensely at the time just prior to release, and continuing into the community until the offender is stabilized.
- Data and research from models across the country will provide information on what is most effective in reentry.

The Model in Adult Corrections in Kansas

The geographic location of the model under development in Kansas for adult offenders is in Topeka, Shawnee County, Kansas, and is operating under the title of Shawnee County Reentry Program. This program includes a Director, a Program Specialist, two Case Manager Advocate, a Reentry Coordinator at Lansing Correctional Facility, a Police Officer Liaison with the Topeka Police Department, and an administrative assistant. In addition, funding from the Reentry Initiative supports the work of a principle investigator and Researcher/Boundary Spanner at the University of Kansas.

This program serves offenders between the ages of 18 and 34, who have committed serious or violent crimes and/or who are high risk based on a criminogenic assessment (using the Level of Services Inventory-Revised), who are scheduled for return to Shawnee County and have ties to the county (either having lived here or otherwise having a support system in the county). Male offenders who participate in this program are housed at Lansing Correctional Facility, and females at Topeka Correctional Facility. The program will serve approximately 180 offenders within three years, working with the offenders for about 18 months, 12 prior to release, and six after.

A Reentry Community Steering Committee, as well as community Accountability Panels support the program and development of the model. These community groups include representatives from the various service providers, neighborhoods, victims and victim services, former and successfully reintegrated offenders, law enforcement and families of offenders. The community groups provide input into policy development, assist in accessing necessary services, address risk/needs issues, and provide feedback and suggested interventions regarding the conduct, progress and behavior of the offenders. The Accountability Panels meet to greet returning offenders; review case plans and provide input about those plans; make recommendations about revocation or other sanctions or interventions when offenders violate rules, are noncompliant or relapse; and provide rewards and reinforcement

when offenders succeed. Approximately fifty active partner organizations are currently working with staff and offenders in some capacity to support this reentry effort.

Offenders identified as eligible for participation in program are assessed to determine areas of risk/needs, and based on those identified areas, Case Manager advocates work with the offender and his or her facility unit team counselor to develop case plans. This work begins one year prior to release. The case plan includes specific course work, provided through program volunteers and staff, to address cognitive issues, family reintegration, release planning, financial/budget management, life skills and job readiness. In addition, the case manager advocate works with the offender to begin developing a plan for transition, addressing housing, employment, treatment, mental or medical health care, and family issues. At six months the assigned parole officer, family members, and the Police Officer liaison join the transition effort. Planning is comprehensive, targeted to risk/need areas, and designed to prepare the offender in every way for a successful return to the community. In appropriate cases mentors are assigned to also work with the offender in preparing for release and in the transition process.

Upon release the Case Manager Advocate works closely with the offender, parole officer, mentor, and any treatment provider, to continue supporting successful reintegration. The parole officer retains supervision of the case for risk management purposes, while the Case Manager Advocate ensures that all areas of need are addresses, and resources are deployed to support the offender's effort. After six months if the offender is stabilized, the Case Manager Advocate withdraws, and the parole officer takes over full management of the case. The offender can return to the program for services as necessary after six months through an alumni program.

The Shawnee County Reentry Program is collecting a significant amount of data for research and evaluation, which is being conducted by the University of Kansas. In addition, the Reentry Initiative includes a national evaluation at approximately sixteen sites, including the Kansas adult and juvenile programs. Finally, the program development is supported by a Boundary Spanner, who works at the system level to identify gaps and barriers, bring the agencies together to work through the barriers, and otherwise provide cross communication and information to help the system develop strategies and resource deployment practices to support and sustain the program.

ONGOING REENTRY EFFORTS IN THE KDOC:

1. Shawnee County Reentry Program.
 - a. Funded for 3 years by federal dollars under SVORI
 - b. Cited in Shawnee County
 - c. Serving 18-35-year-old serious/violent/high risk offenders
 - d. Case planning starts at 12 months; focuses on high risk areas; uses class room and one-on-one work, plus intense transitional planning, to prepare offenders
 - e. Addresses areas such as cognitive issues, job preparedness, family reintegration, financial planning/money management, etc. Also addresses housing, employment, treatment, health care, financial needs and family situation upon release.
 - f. 50+ partners in the community, including stronger partnerships with workforce center, community mental health center, housing providers and Topeka Police Department.
 - g. 6 staff + TPD liaison + research/boundary spanner positions paid out of grant; grant also includes local evaluation through KU; and Kansas has been selected as one of 13/69 sites for national evaluation. Currently approximately 60 enrolled in the program. Except for CVer's only a few have released into the community. Started serving offenders June 2003.

2. Offender Reentry Task Force in Wichita
 - a. Members appointed by city council and county commission following Wichita Assembly on reentry.
 - b. Worked for a year on research/information gathering; developed detailed recommendations for comprehensive reentry in that community.
 - c. County has committed funding of \$275,000/year for program; City will make a decision soon; state will need to match one-third. Program has been designed, to serve 100+ per year of highest risk offenders returning to Wichita/Sg Co.

3. Kansas City Steering Committee
 - a. Following multiple community meetings, steering committee formed and have designed model for KC.
 - b. Proposed model will be presented to various community groups this fall.
 - c. Will be multi-site program serving 100+ per year of the highest risk offenders returning to KC/Wy Co.
 - d. Funding has not been resolved for this program yet.
 - e. Besides this effort, through partnership with Gracious Promise some reentry is occurring in the community.
 - f. Also through new partnership with KCMO faith-based reentry program (Connections to Success), pilot is being developed to work with small pilot of offenders releasing from LCF to the KCKS community.

4. Through partnership between KDOC and SRS established Community Offender Reentry Pathways (COR-Pathways) at EDCF.
 - a. 1-person program serving 30 disabled offenders per year.
 - b. Providing transitional planning focusing on needs related to disability, most commonly mental illness.
 - c. Services include
 - i. establishing housing,
 - ii. medication management,
 - iii. through MOA with Wichita Community Mental Health Center (COMCARE), establish case manager, appointments, etc. prior to release;
 - iv. establish benefits (SSI, Medicaid, General Assistance) by processing applications prior to release;
 - v. for Wichita offenders, offender meets PO prior to release; follow up with parole to ensure plan is followed; data tracking.
 - d. Return rate for offenders with mental illness reduced from 75% returning within 6 months to 52% under this program.
 - e. Similar program being established at LCF through federal funds (matching contracted discharge planning + new coordinator position).
 - f. This effort is being supported by a current technical assistance grant from the Council of State Governments to interface mental health and corrections systems, with an on site visit scheduled for October 14-15, 2004.
5. Establish statewide policy team at Cabinet level + BEST team to address statewide practices related to reentry. This team will meet from 9/04-2/05 to address marketing/education, gap identification and solutions, and other statewide issues to implement effective reentry model throughout the state.
6. Through grant from Corrections Education and partnership with National Institute of Corrections, established team of Offender Workforce Development Specialists who are training at least 30 additional OWDS's in the state (in and out of corrections/state and local) to provide job preparedness services to offenders pre-and-post-release. A parole supervisor was redeployed to be the project manager full time, and he is also doing job development.
7. Pilot at LCF with VA.

8. Participating in statewide initiatives regarding employment/education and housing to ensure offenders' needs upon release are addressed. The employment/education initiative is PATHWAYS; the housing initiative is the Kansas Interagency Council on Homelessness flowing from the Policy Academy in which Kansas participated. KDOC is an active participant in both and there are specific strategies included related to offenders.

These program development efforts are being supported by ongoing,

- Risk reduction efforts
- Policy review to ensure more reentry-friendly
- Data collection/report practices to ensure more reentry-friendly
- Review of contracted services for offenders with disabilities to ensure services include adequate discharge planning and aftercare

***WICHITA/
SEDGWICK COUNTY
REENTRY INITIATIVE
Kansas Department of
Corrections***

PILOT PROJECT: SEDGWICK COUNTY REENTRY PROGRAM

Overview of the Model

The proposed Sedgwick County Reentry Program will serve 150 offenders in a pilot project, working with the highest risk offenders who are scheduled for release to Sedgwick County. Between 1200-1300 offenders are released from Kansas prisons to parole supervision in Sedgwick County each year. One out of four lack housing; half lack the job skills and experience for job retention and career development; two-thirds have a substance abuse history; and one in five require mental health care upon return. By assessing and targeting risk and need attributes of offenders, and preparing comprehensive release plans to address these issues, this model will enhance community safety by reducing the risk of these returning offenders.

The proposed model is based on research and best practices, and the experience of Ft. Wayne, Indiana and Topeka/Shawnee County, Kansas in developing a model for returning offenders. The Shawnee County Reentry Program is one of the 68 sites for the Serious and Violent Offender Reentry Initiative, which involves a federal grant initiative designed to enable jurisdictions to develop comprehensive, effective models for community-based reentry programs. The Ft. Wayne, Indiana program was one of eight sites in the country used to design this federal initiative. Research indicates that targeting risk factors of returning offenders, and providing services, support and accountability to reduce risk, enhances community safety by reducing the likelihood the offenders will engage in further criminal behavior.

This reentry model incorporates the recommendations of the City/County Offender Reentry Task Force. Through this program, a core of staff located in

Wichita/Sedgwick County will work with facility and parole staff of the Kansas Department of Corrections, and various community partners (including law enforcement, neighborhood representatives, victims, service providers, offender families, and employers) to identify high risk offenders, assess their criminogenic (crime-producing) risk and needs, and develop comprehensive, tailored, risk-targeted release plans. After release reentry program staff will continue to work with offenders to stabilize them in the community. This reentry model will have several features:

- 1) Reentry planning will begin at 12 months prior to release.
- 2) High-risk offenders scheduled for release to Sedgwick County will be identified and housed at El Dorado Correctional Facility to participate in the program.
- 3) Through the use of the Level of Services Inventory – Revised¹, the criminogenic risk and need factors of the offenders will be identified and targeted during release planning.
- 4) Tailored transitional plans will be developed through a joint effort by the offender, reentry case manager and facility unit team counselor; this plan will outline specific goals and steps for the offender to prepare for release.
- 5) Offenders who manifest the need for substance abuse and/or mental health screening will be screened in advance; the case plan will address mental health care and/or treatment needs of the offender after release into the community.

¹ The Level of Services Inventory – Revised (LSI-R) is an assessment instrument that measures the risk level of offenders across ten domains. A total risk score between 0-54 is calculated, as well as sub-scores on the ten domains. A score of 34 or higher is considered high risk for offenders under community supervision. In addition to a total score, the LSI-R provides a risk profile from the domains, which enables the case manager to identify and target risk areas (e.g., anti-social companions, anti-social attitudes, substance abuse, employment and education, housing).

- 6) At 6 months prior to release the offender's assigned parole officer, as well as the police officer liaison, will become part of the transition team; they will review the proposed plan and address any community or parole issues which are impacted by or will impact the plan; case planning will continue with this full team up to the time of release.
- 7) As part of this case planning from 12 months housing, employment, family reintegration and treatment needs will be addressed; thus, when the offender is released a comprehensive plan will be in place for the offender's return to the community.

Reentry staff will establish relationships with providers, neighborhoods, employers, law enforcement, victim services and other necessary partners, developing protocols and procedures for sharing information and connecting offenders to necessary services and support for release. A Reentry Steering Committee (RSC) will provide oversight to the program, providing input, guidance and support to the Director. This RSC will be comprised of representatives from key partners. In addition, an Accountability Panel (AP) will be established to work with the reentry program Director and staff, to provide community involvement and oversight of returning offenders. The AP will greet returning offenders and review their case plans; help offenders access necessary resources to support the plan; and participate in responding to behavior of offenders, including by interventions, sanctions and recognition of accomplishments, as appropriate, and have input into the decision whether to retain the offender in the community in the event of relapse or noncompliance. Through these mechanisms the community will be actively involved in the program, and participate in reentry policy-

setting and practices; the community will also have a voice in addressing risk, and a hand in providing support to offenders who desire to be successful.

Reentry staff will recruit, screen, select, train and monitor volunteers from the community who will work with the program, delivering classes, providing mentoring to appropriate offenders before and after release, and otherwise providing services within the program.

Evaluation and data collection will be established, through Wichita State University, to establish base line data and track and evaluate data on the participants, related to the goals and objectives listed below. In addition, data will be tracked reflecting the rate of jail days used, for comparison to offenders who do not participate, in anticipation of reduced usage of jail days.

Partnerships established in the implementation of this reentry model will provide the foundation for sustaining the program. Evaluation of the program is expected to demonstrate that through strong partnerships, shared deployment of resources to apply to offender risk factors, and comprehensive transitional planning and reintegration strategies, provide the means of reducing risk to the community. Demonstration of the success of these strategies is expected to result in partner agencies participating in funding these services for the future.

Goals and Objectives

Goal I: The Sedgwick County Reentry Program will identify the criminogenic risk and needs of high-risk offenders, and address them through a comprehensive release plan.

Objective A: One hundred percent of the offenders participating will receive an LSI-R assessment.

Objective B: One hundred percent of the offenders participating will develop a comprehensive release plan addressing risk/need issues.

Goal II: The Sedgwick County Reentry Program will promote pro-social cognitive processes with program participants.

Objective A: At least 75 percent of the participants assessed as being high risk in anti-social attributes will participate in cognitive programming and services prior to release.

Objective B: At least 90 percent of the participants assessed as being high risk in the anti-social attributes, as high risk in the area of accommodation, and/or as high risk in the area of education and employment, will be assigned a mentor.

Goal III: The Sedgwick County Reentry Program will improve opportunities for permanent and stable housing for program participants.

Objective A: At least 95 percent of participants will have a housing plan at time of release.

Objective B: At least 80 percent of the offenders in the program will have access to affordable and safe housing in the community, without resort to alternative correctional housing.

Goal IV: The Sedgwick County Reentry Program will improve opportunities for pre-release treatment and mental health assessment, and post-release access to services.

Objective A: At least 75 percent of the offenders identified as having substance abuse histories will receive a pre-release assessment for treatment needs.

Objective B: At least 75 percent of the offenders identified as having substance abuse histories who are assessed with post-release treatment needs will gain access to treatment in the community within two weeks of release.

Objective C: At least 90 percent of the offenders with severe and persistent mental illness will receive an assessment for treatment prior to release.

Objective D: At least 90 percent of the offenders with severe and persistent mental illness will have access to mental health care within 24 hours of release.

Goal V: The Sedgwick County Reentry Program will improve the rate of employment and job retention among the participants.

Objective A: At least 75 percent of the offenders identified with employment preparedness needs will participate in a job preparedness class prior to release.

Objective B: At least 90 percent of the offenders participating will have necessary documents to obtain a driver's license at the point of release, and will obtain a driver's license or Kansas identification within one week of release.

Objective C: At least 75 percent of the offenders participating will be employed within 30 days of release.

Objective D: At least 50 percent of the offenders participating will retain employment for six months from the date of release with the same employer. (Job retention is defined as maintaining the same position with the same employer, or changing positions to improve employment status, e.g., higher pay.)

Goal VI: The Sedgwick County Reentry Program will reduce the rate at which offenders return to prison.

Objective A: At least 60 percent of the offenders in the program will complete the program of six months without returning to prison, for a condition violation or new criminal behavior.

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Wichita/Sedgwick County Reentry Pilot Proposed Budget	Cost
Director	48,000
Program Specialist	37,000
Administrative Assistant	30,000
Case Manager	36,000
Case Manager	36,000
Case Manager	36,000
Reentry Police Officer	45,000
Facility Reentry Coordinator (EDCF)	36,000
Treatment Coordinator/Assessor	40,000
Cognitive Specialist	40,000
Offender Job Specialist (2)	76,000
<i>Subtotal</i>	460,000
Benefits	
Director	12000
Program Specialist	9250
Administrative Assistant	7500
Case Manager	9000
Case Manager	9000
Case Manager	9000
Reentry Police Officer	11250
Facility Reentry Coordinator (EDCF)	9000
Treatment Coordinator/Assessor	16587
Cognitive Specialist	10000
Offender Job Specialist	19000
<i>Subtotal</i>	121587
Equipment & Supplies	
10 laptops	25000
1 copier/printer	6000
10 work stations	25000
1 fax machine	1300
5 vehicles	60000
Misc Supplies	7800
<i>Subtotal</i>	125100

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Wichita/Sedgwick County Reentry Pilot Proposed Budget	Cost
Reentry Site + 7 staff + meeting space	17000
Office Space for Treatment Coordinator/Assessor	In Kind
Office Space for Reentry Police Officer	In Kind
Office Space for Cognitive Specialist	In Kind
Office Space for Facility Reentry Coordinator (EDCF)	In Kind
<i>Subtotal</i>	17000
Community Resources	
Funds for rent, deposit and utilities to assist offenders	22500
Treatment Emergency Funds	21000
Funds for bus and taxi vouchers to assist offenders in transportation to job interviews and work	7800
<i>Subtotal</i>	51300
Research	
Research contract	50000
<i>Subtotal</i>	50000
TOTAL	824,987

274996

***KANSAS CITY/
WYANDOTTE COUNTY
REENTRY INITIATIVE
Kansas Department of
Corrections***

WYANDOTTE COUNTY REENTRY PROGRAM

Background

Each year, about 500 adult felons return to Wyandotte County after completing prison sentences in Kansas prisons. Wyandotte County is the third largest county in the state in terms of number of returning offenders (after Sedgwick and Shawnee counties). About three fourths of the returning offenders went to prison from Wyandotte County, which was their home and/or county of conviction. Over half of the returning offenders are 29 years or younger, over a third have children in the community, and half of them went to prison last for violation of conditions of community supervision. Nearly half have committed person crimes, another 18 percent have committed sex crimes, 21 percent have committed drug crimes and 11 percent property crimes.

Returning offenders face enormous needs which impact their risk of further criminal behavior, including homelessness (about one-third), lack of job skills for sustained employment (about half), mental health needs (15-20 percent), substance abuse treatment needs (at least a third), and lack of positive, pro-social support systems. Upon return to the community, offenders face barriers to accessing necessary resources and services, including affordable housing, employment, and positive support systems. Service systems are often not available to offenders because of limited contact between the prisons systems and the communities, and the inability of offenders to access services and support.

The Kansas Department of Corrections, in partnership with the Kansas City Kansas Community College, United Way of Wyandotte County, Kansas, Kansas City

Kansas Area Chamber of Commerce, and Connect the Dottes, conducted community meetings in Wyandotte County on offender reentry, in January and March of 2004. From these meetings a Steering Committee was formed, from community members, to review offender reentry. This Steering Committee met in May, June July and November, to develop a reentry model for Wyandotte County, that would take into consideration the unique needs and resources of the community. The proposed model is summarized below.

Key Principles for the Model

The Wyandotte County Offender Reentry Steering Committee has developed this model for returning offenders to Wyandotte County, with some key principles in mind:

- There are many services and resources in Wyandotte County; the goal of this model is to establish a bridge to span between correctional facilities/offenders and these services, rather than reinventing or establishing duplicate services.
- Returning offenders impact the community, and are part of the overall picture of offenders in the community. Any reentry planning should involve the community, and should take into consideration issues surrounding offenders who remain in the community, offenders in the jail, and the impact on the entire community. Practices should be identified and implemented that ensure an active voice of the community, and that ensures through a joint effort by the state and local governments that resources for offenders are deployed effectively and efficiently.

- The committee strongly recommends a shared and joint effort by the Wyandotte County Unified Government and State of Kansas in implementing and carrying out this model, in the context of and as part of the overall management of offenders in the Wyandotte County community. Thus, work underway in the community regarding jail expansion and work with offenders who remain in the community should dovetail with work done to implement this model. Services should be shared, resources should be combined, and all agencies working with offenders in the community in any capacity should work together. The committee does not necessarily envision a shared physical space for the jail and reentry, but does strongly recommend that the two governments work together and see offenders in the community as a shared community issue.

Overview of the Model

The proposed Wyandotte County Reentry Program will serve 150 moderate-to-high-risk offenders scheduled for release to Wyandotte County. General referral and information services will be available to all returning offenders. However, the higher risk offenders will be on the caseloads of the reentry case managers who will work with them closely to prepare for release and as they return to the community.

These areas of needs by offenders cause them to be at greater risk for returning to criminal behavior, harming someone in the community, and returning to prison. By assessing and targeting risk and need attributes of offenders, and preparing comprehensive release plans to address these issues, in close partnership with the

community, this model will enhance community safety by reducing the risk of these returning offenders.

The proposed model is based on research and best practices, and the experience of Ft. Wayne, Indiana and Topeka/Shawnee County, Kansas in developing a model for returning offenders. The Shawnee County Reentry Program is one of the 68 sites for the Serious and Violent Offender Reentry Initiative, which involves a federal grant initiative designed to enable jurisdictions to develop comprehensive, effective models for community-based reentry programs. The Ft. Wayne, Indiana program was one of eight sites in the country used to design this federal initiative. Research indicates that targeting risk factors of returning offenders, and providing services, support and accountability to reduce risk, enhances community safety by reducing the likelihood the offenders will engage in further criminal behavior.

Components of the Model

Through this program, a core of staff located in Wyandotte County, who will work with reentry staff in Lansing and Topeka Correctional Facilities, and parole staff in Kansas City, along with various community partners (including law enforcement, neighborhood representatives, victims, service providers, offender families, and employers) to identify high risk offenders, assess their criminogenic (crime-producing) risk and needs, and develop comprehensive, tailored, risk-targeted release plans. Reentry staff would be strategically located in the community to ensure maximum contact with offenders, families, providers, neighborhoods, and other constituents in the community.

After release reentry program staff will continue to work with offenders to stabilize them in the community. This reentry model will have several features:

- 1) Reentry planning will begin at 12 months prior to release.
- 2) High-risk offenders scheduled for release to Wyandotte County will be identified and housed at Lansing Correctional Facility (men) or Topeka Correctional Facility (women) to participate in the program. The proposed return to Wyandotte County will be reviewed to ensure that there is an adequate support system in the county through family or other supports, so that a return to Wyandotte County is appropriate.
- 3) Through a detailed interview with the offender, and the use of the Level of Services Inventory – Revised¹, the criminogenic risk and need factors of the offenders will be identified and targeted during release planning.
- 4) Tailored transitional plans will be developed through a joint effort by the offender, reentry case manager, facility unit team counselor and/or volunteers from Wyandotte County. This plan will outline specific goals and steps for the offender to prepare for release.
- 5) Offenders who manifest the need for substance abuse and/or mental health screening will be screened in advance; the case plan will address mental health care and/or treatment needs of the offender after release into the community.

¹ The Level of Services Inventory – Revised (LSI-R) is an assessment instrument that measures the risk level of offenders across ten domains. A total risk score between 0-54 is calculated, as well as sub-scores on the ten domains. A score of 34 or higher is considered high risk for offenders under community supervision. In addition to a total score, the LSI-R provides a risk profile from the domains, which enables the case manager to identify and target risk areas (e.g., anti-social companions, anti-social attitudes, substance abuse, employment and education, housing).

- 6) At 6 months prior to release the offender's assigned parole officer, family members or mentors when appropriate and available, as well as the Reentry Police Officer, will become part of the transition team. The team will review the proposed plan and address any community or parole issues that are impacted by or will impact the plan; case planning will continue with this full team up to the time of release.
- 7) As part of this case planning starting at 12 months, the offender's housing, employment, family reintegration and treatment needs will be addressed; thus, when the offender is released a comprehensive plan will be in place for the offender's return to the community.
- 8) A key part of the release planning process will be the offender's participation in class and one-on-one work (with volunteers, unit team and reentry staff) to address cognitive development and services, life skills as necessary (such as financial planning/management, health issues, parenting, landlord/tenant relations, etc.), and transitional planning and preparation.
- 9) Also as part of the release planning process, the offender's obligations in terms of pending detainers/warrants, child support, restitution, outstanding fines from traffic violations, and other financial issues will be addressed. Working closely with volunteers and community representatives (including law enforcement, victim services, housing/credit counselors, family/parenting programs, child support enforcement agency, etc.), reentry case managers will help offenders develop and negotiate agreed-upon plans to address these issues as the offender prepares for release and returns to the community.

10) Identification for use in the community will be addressed, to ensure the offenders have birth certificates, social security cards, and whenever possible a Kansas identification card or driver's license, by the time of release.

11) Mentors (including cognitive and job) will be recruited and trained to work with offenders (some paid, some volunteer). These mentors will be provided with training in risk reduction principles, and work with the offender to address cognitive issues, job preparedness and coaching, and other key issues that pertain to the offender's attitude of and ability for success upon return to the community.

Systems Support of the Model

The Wyandotte County Reentry Program will be supported by the following:

- System development/support will be available through the statewide Cabinet level policy team on offender reentry.
- Reentry staff will work with victim services to develop a component addressing victim issues/needs, including a) support groups for victims; b) safety plans when/as needed, c) restitution collection, d) victim impact groups; e) other victim issues related to offender reentry. Ongoing dialogue will occur between reentry and victim services to ensure all relevant victim issues are addressed.
- A strong faith community in Wyandotte County will provide volunteer support in all areas; the faith partners will work together to identify funding streams for grassroots-based community and faith organizations to support building volunteer efforts related to offender reentry.

- The reentry team will provide feedback to the systems, including corrections, treatment, service, housing, neighborhood, and other community sources, about recommended policy/practice changes that will support the safe and successful return of offenders. The best forum for this to occur will be in regular meetings of the standing Reentry Steering Committee.
- Local businesses and employers will be provided information about the program and returning offenders, and responses to their questions/concerns through a concerted effort to engage these groups, and build credibility and trust between reentry/corrections and employers, on an ongoing basis. Successful partnerships between corrections and employers throughout the state will provide guidance for building and sustaining this effort.
- Staff within KDOC and the community with expertise and services for offenders with disabilities, including most notably mental illness, will network, cross-train and engage in ongoing dialogue to ensure the needs of these offenders are met upon return to the community.
- Local landlords and homebuilders will be provided information about the program, referrals by the program, and a forum to address questions/concerns related to offender housing.
- A comprehensive education, vocational and job preparedness effort, through a partnership of corrections, local workforce, job development, vocational training, community college and other appropriate providers, will help better prepare offenders pre-and-post-release to be employed, contributing members of the

community, with market-relevant skills to help provide a ready workforce in the community.

Community Involvement in the Model

Reentry staff will establish relationships with providers, neighborhoods, employers, law enforcement, victim services and other necessary partners, developing protocols and procedures for sharing information and connecting offenders to necessary services and support for release. As part of this process, reentry staff will work with community providers to establish an “Orientation Greeting Center” for offenders, which will be a

- *Central repository for service/community information; sometime one-stop*
- *Location for support events/aftercare services*
- *Site for community service coordination*
- *Site for public comment*
- *Site for alumni events*

A standing Reentry Steering Committee (RSC) will provide oversight to the program, providing input, guidance and support to the Director. This RSC will be comprised of representatives from key partners.

In addition, an Accountability Panel (AP) will be established to work with the reentry program Director and staff, to provide community involvement and oversight of returning offenders. The AP will greet returning offenders and review their case plans; help offenders access necessary resources to support the plan; and participate in

responding to behavior of offenders, including by interventions, sanctions and recognition of accomplishments, as appropriate, and have input into the decision whether to retain the offender in the community in the event of relapse or noncompliance.

Through these (and other community-developed-and-sanctioned) mechanisms the community will be actively involved in the program, and participate in reentry policy-setting and practices; the community will also have a voice in addressing risk, and a hand in providing support to offenders who desire to be successful.

Evaluation/Performance Outcomes of the Model

Evaluation and data collection will be established, through a university partner, to track and evaluate data on the participants, related to the goals and objectives listed below.

Partnerships established in the implementation of this reentry model will provide the foundation for sustaining the program. Evaluation of the program is expected to demonstrate that strong partnerships, shared deployment of resources to apply to offender risk factors, and comprehensive transitional planning and reintegration strategies, provide the means of reducing risk to the community. Demonstration of the success of these strategies is expected to result in partner agencies participating in funding these services for the future.

Goals and Objectives

Goal I: The Wyandotte County Reentry Program will identify the criminogenic risk and needs of high-risk offenders, and address them through a comprehensive release plan.

Objective A: One hundred percent of the offenders participating will participate in a release-planning interview no later than 12 months prior to release, to gather information and begin the conversation about reentry.

Objective B: One hundred percent of the offenders participating will receive an LSI-R assessment.

Objective C: One hundred percent of the offenders participating will develop a comprehensive release plan addressing risk/need issues.

Goal II: The Wyandotte County Reentry Program will promote pro-social cognitive processes, behaviors and activities with program participants.

Objective A: At least 75 percent of the participants assessed as being high risk in anti-social attributes will participate in cognitive programming and services prior to release.

Objective B: At least 75 percent of the participants assessed as being high risk in the anti-social attributes, as high risk in the area of accommodation, and/or as high risk in the area of education and employment, will be assigned a mentor.

Objective C: At least 75 percent of the participants assessed as being high risk in the anti-social attributes will have a plan for addressing cognitive issues, and positive support systems, as part of his/her release plan.

Goal III: The Wyandotte County Reentry Program will improve opportunities for permanent, safe, affordable and stable housing for program participants.

Objective A: At least 95 percent of participants will have a housing plan at time of release.

Objective B: At least 70 percent of the offenders in the program will have access to affordable and safe housing in the community, without resort to alternative correctional housing.

Goal IV: The Wyandotte County Reentry Program will improve opportunities for pre-release treatment and mental health assessment, and post-release access to services.

Objective A: At least 75 percent of the offenders identified as having substance abuse care needs will receive pre-release assessment and care coordination services.

Objective B: At least 75 percent of the offenders identified as having substance abuse histories, which are assessed with post-release treatment needs, will gain access to treatment in the community within two weeks of release at the level of assessed need.

Objective C: 100 percent of offenders with severe and persistent mental illness will receive discharge planning services prior to release.

Objective D: 100 percent of the offenders with severe and persistent mental illness will have access to mental health care within 24 hours of release at the level of assessed need.

Goal V: The Wyandotte County Reentry Program will improve the rate of employment and job retention among the participants.

Objective A: At least 75 percent of the offenders identified with employment preparedness needs will participate in a job preparedness class prior to release.

Objective B: At least 90 percent of the offenders participating will have necessary documents to obtain a driver's license at the point of release, and will obtain a driver's license or Kansas identification within one week of release.

Objective C: At least 75 percent of the offenders participating will be employed within 30 days of release.

Objective D: At least 50 percent of the offenders participating will retain employment for six months from the date of release with the same employer. (Job retention is defined as maintaining the same position with the same employer, or changing positions to improve employment status, e.g., higher pay.)

Goal VI: The Wyandotte County Reentry Program will work with offenders to address and resolve pending criminal or legal matters with offenders as part of release planning.

Objective A: At least 60 percent of the pending detainers on offenders returning to Wyandotte County will be addressed and resolved prior to release.

Objective B: At least 50 percent of the offenders with outstanding child support obligations will have an agreed-upon (by child support enforcement and/or custodial parent, as applicable) child support payment plan in place upon release.

Objective C: At least 70 percent of the offenders identified with financial planning needs will participate in a class to address this need prior to release, and receive aftercare services upon release.

Objective D: At least 90 percent of the offenders identified with financial planning needs will have a financial plan section to their release plan prior to release.

Goal VII: The Wyandotte County Reentry Program will reduce the rate at which offenders have contact with law enforcement, have jail days, or return to prison.

Objective A: There will be at least a 25 percent reduction in law enforcement contacts and arrests of participants in this program, compared to baseline data and/or a comparison group.

Objective B: There will be at least a 25 percent reduction in jail days in the Wyandotte County jail, compared to baseline data and/or a comparison group.

Objective C: At least 60 percent of the offenders in the program will complete the program of six months without returning to prison, for a condition violation or new criminal behavior.

Objective D: There will be at least a 20 percent reduction in return rates of participants in this program at one year, 15 percent reduction at two years, and 10 percent reduction at three years, compared to baseline data and/or a comparison group.

In addition to the above performance objectives, as part of the research and evaluation of this program,

1. baseline data will be established where possible, and/or a comparison group will be identified to track to compare to the outcomes of the group participating in the Wyandotte County Reentry Program
2. Data will be collected regarding the success of collaboration, partnerships, service access events, success of services so that offenders are able to wean off use of the services, system/practice changes, etc.
3. Updates will be made to community groups about the progress of the program, including identifying points of success, barriers, ongoing gap analysis, etc.

2-35

Item	Cost
Director	48,000
Program Specialist (Volunteer Coordinator/Community Education & Liaison)	37,000
Administrative Assistant	30,000
Community Reentry Case Manager	35,000
Community Reentry Case Manager	35,000
Community Reentry Case Manager	35,000
Facility Reentry Coordinator (LCF)	35,000
Facility Reentry Coordinator (TCF)	35,000
Cognitive Specialist	42,000
Reentry Police Officer	45,000
Housing Specialist	35,000
Reentry Assessor/Treatment Coordinator (SA & MH)	37,000
Job Specialist/Developer (2 positions)	70,000
<i>Subtotal</i>	519,000
Benefits	
Director	10,560
Program Specialist	8,140
Administrative Assistant	6,600
Community Reentry Case Manager	7,700
Community Reentry Case Manager	7,700
Community Reentry Case Manager	7,700
Facility Reentry Coordinator (LCF)	7,700
Facility Reentry Coordinator (TCF)	7,700
Cognitive Specialist	9,240
Reentry Police Officer	11,250
Housing Specialist	7,700
Reentry Assessor/Treatment Coordinator (SA & MH)	8,140
Job Specialist	15,400
<i>Subtotal</i>	115,530

2-36

	Cost
Equipment & Supplies	
10 laptops/PC's	35100
1 copier/printer	6000
13 work stations	39000
1 fax machine	1300
Phones	1560
Internet connections	4680
Misc Supplies	7800
<i>Subtotal</i>	95440
Travel	
In-state travel: Average of 4 trips per week 50 miles to Lansing + 2 trips per week of 120 miles to Topeka	9256
Conference/training travel, for approximately 26 trips total spread over all positions	26000
<i>Subtotal</i>	35256
Space	
Space for 12 staff + meeting/conf space + lobby area = appx 2500 sq ft x appx \$12.50 sq ft*	31250
<i>Subtotal</i>	
Community Resources	
Structured/transitional/emergency community beds; 12 beds within existing organizations; average stay of 90 days per offender	109500
Funds for rent, deposit and utilities to assist offenders	50000
Transportation funds, including monthly bus passes for a year for 40 offenders at \$36 per offenders + cab fare of \$10 per offender per month for a year for 20 offenders	3840
Property repair funds	10,000
Substance Abuse Treatment funds for 10 offenders at \$3000 each	30,000
Emergency funds for food, clothing or medication	10,000
<i>Subtotal</i>	173340
Research	
Develop research design and data tracking and conduct evaluation	50000
<i>Subtotal</i>	50000
TOTAL	953,310

*The model proposed would have staff at different locations as appropriate, e.g., co-located with local service providers, in neighborhoods, co-located with community police, etc. This means the cost for space may be less.

***COMMUNITY OFFENDER
REENTRY PATHWAYS
(COR-Pathways)
Transitional Planning
for Offenders with
Mental Illness
Kansas Department of
Corrections***

*ANNUAL REPORT FOR COR-PATHWAYS
FY2004*

The COR-Pathways program, a transitional planning program for special needs offenders was implemented in June of 2002 as the result of a partnership between the KDOC and the SRS. Special needs offenders are those with severe and persistent mental illnesses, developmental disabilities, and physical disabilities, and those over age 60 with age-related needs. Potentially eligible offenders are referred to unit team staff that screen them for eligibility. To be eligible for the program, offenders must be 12 months from release, and have a mental health classification level that indicates a serious mental disorder or a developmental disability; a medical classification level that indicates physical limitations or a terminal illness or be age 60 or older with age related health issues. Eligible offenders are given the opportunity to participate in the program; if they agree, a comprehensive transitional release plan is developed to meet the individual's needs for successful return to the community.

Cornerstones of the program include communication, cooperation, and collaboration with an array of community service providers. This is essential in building a support network of services that offenders may access. Currently the program works closely with the Social Security Administration, local area SRS offices, Community Mental Health Organizations, Community Developmental Disability Organizations, Substance Abuse Providers, and many other treatment and service providers.

The primary goal of the program is to reduce the return rates among special needs offenders. KDOC data indicate special needs offenders return to prison at the rate of 70 percent or higher within the first six months of release, due to inability to comply with parole supervision requirements. By completing individualized case plans and community referrals, the offender gains access to support and services necessary for safe-reintegration and for self-sufficiency.

Services Provided by COR-Pathways

- Support in completing applications for Social Security Benefits
- Support in completing applications for SRS benefits
- Scheduling mental health/medication appointments, to occur within one week of release, medication appointments
- Referrals for Veteran's benefits
- Scheduling medical appointments if needed, and referrals in obtaining medical equipment
- CARE Level Assessments from Department of Aging for nursing care facility placements
- Substance Abuse treatment referrals, including AA/NA contact information
- Sex Offender Treatment appointments upon release
- Workforce Development Center referrals
- Vocational Rehabilitation referrals from SRS

- Assessments for services and referrals to Community Developmental Disability Organizations
- Faith-based organization referrals
- Public Transportation information and/or transportation through faith based organizations
- Clothing outlet referrals, e.g., Salvation Army, Goodwill, etc.

Maintaining contact with parole officers after release is essential in continuing the services and support established pre-release. The parole officer supervising the offender is provided a copy of the release plan, with details about the offender's residence plan, emergency contact information, mental health, medication, and treatment appointments; status of SSI/SSD, SRS, and VA applications; contact information or appointments for Vocation Rehabilitation services through SRS; information on obtaining GED; and information on referrals for medical equipment, employment services, clothing, transportation, or services from faith based organizations. The offender's progress is tracked at periodic intervals after release of one month, six months, twelve months and twenty-four months.

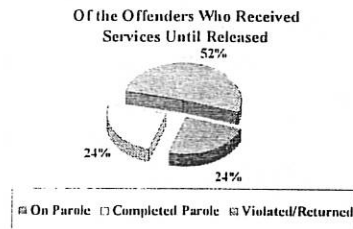
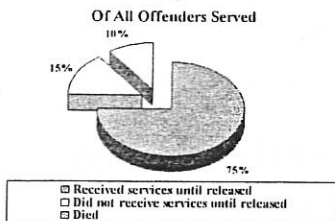
From July 1, 2003 to July 1, 2004, thirty-eight special needs offenders were referred to the program, of whom twenty-six received services from the COR-Pathways program in meeting special needs upon release. These twenty-six offenders received the following services:

- Twenty-two received assistance in applying for benefits or appealing decisions for Social Security benefits;
- Eleven received assistance in applying for benefits from the Kansas Department of Social and Rehabilitation Services;
- Nineteen were referred for Vocational Rehabilitation Services;
- Twenty received appointments for follow-up mental health appointments and or medication management;
- One received case management services through a Community Developmental Disability Organization;
- Four were referred to nursing care centers for housing placements.

Outcomes Since Implementation

Of the sixty offenders receiving services since implementation of the program:

- 22 have been successful after release; of these 22,
 - 11 completed their parole supervision without returning to prison
 - 11 are on parole supervision at this time, receiving ongoing services
- 23 violated conditions of parole by absconding or otherwise; of these 23
 - 5 expired their sentences while on abscond status
 - 4 are current absconders, whereabouts unknown
 - 10 returned to prison as condition violators and are receiving services again
 - 3 returned to EDCF as condition violators and were transferred to other facilities
 - 1 returned to EDCF as a condition violator, received more services, and is in the community on supervision receiving ongoing services
- 6 died,
 - 4 died while on parole supervision
 - 2 died while awaiting release
- 3 received services, and then transferred to other facilities; the information was forwarded to continue services
- 3 were denied release by the KPB and are still in prison, to receive future services as the possibility of release arises
- 3 declined services after a point
 - 2 served their sentence to conclusion and were released
 - 1 will serve his sentence to conclusion in the near future and be released



These charts illustrate that the return rates of offenders who have been released to supervision after receiving services is 52 percent, compared to over 70 percent prior to this program.

The Stories

Offender A is an example of how COR-Pathways *enhances community safety*. Offender A is a developmentally disabled sex offender who was incarcerated for 23 years prior to release, and, had no family members or other supports in the community. Through the program, contact was made with the organization that serves as the gatekeeper to services for persons with developmental disabilities. Through this organization, Offender A was assigned a payee representative to manage his finances; also a case manager was assigned to help him secure housing and employment services. Offender A is working in the community today, and through these services has been successful since his release.

Offender V is a case demonstrating *success*. Offender V is a 28-year-old drug user and drug dealer with a history of incarceration dating back to when he was a juvenile. He has a history of mental illness and behavioral disorders. He was also involved in gang activity over a long period of time and could never seem to break his connection with the gang lifestyle. His institutional behavior was characterized by an inability to follow institutional rules and procedures, with a lengthy history of disciplinary convictions. Offender V was unsuccessful in his last three post-release supervision efforts. In preparing for his latest release, arrangements were made for structured living and mental health treatment. After completing structured living, Offender V was able to secure approved housing, and he has been successful in the community.

Offender C is an illustration of *collaboration*. Offender C is 60 years old, and has been in prison for most of the last 31 years. He is terminally ill, has no family, no place to live, and no financial means. Through careful collaboration with a nursing facility, their reservations about an offender were addressed through information-sharing. The nursing facility agreed to place Offender C upon his release, and he has done quite well in the facility. He has adjusted without conflict or problems with the other residents or staff. Staff at the nursing center cited his eagerness to become part of their community by helping weed the resident's garden in back of the facility. This collaboration was so successful that this nursing facility is now open to considering placement of other offenders in the future.

Gap Analysis

Areas where there are gaps in the ability to serve offenders with disabilities have been identified in the course of this program, as follows:

- Special needs offenders are not always identified within the KDOC.
- There is a lack of affordable housing upon release for special needs offenders, particularly sex offenders.
- Many facility case managers and parole staff lack information about mental illness or how to access resources for special needs offenders.

- It is difficult to gain immediate financial assistance for housing, transportation, treatment needs and medication.
- Many special needs offender lack positive support systems in the community.
- Community Mental Health Centers are uncomfortable providing services to sex offenders
- Lack of affordable treatment for offenders with co-occurring disorders.
- Lack of programs similar to COR-Pathways in other correctional facilities housing special needs offenders for a continuum of care.
- Lack of specialty positions in other facilities for transfer of cases.

Building Bridges of Service, Support, and Supervision

The past two years, the program coordinator has addressed several barriers, including unit team/case management processes within the facilities, resistance by community providers to working with offenders, and reluctance by the offenders to participate. Community Mental Health providers are now providing appointments for offenders within a week of their release. Recently, a Memorandum of Agreement was negotiated with a regional Social Security office for offenders to obtain replacement Social Security cards for identification purposes upon release. Also, a Memorandum of Agreement has been completed with the Community Mental Health Center in Sedgwick County establishing protocols for offenders accessing services promptly upon release.

Although the program has only been in existence for two years, many community services providers and correctional agencies are recognizing the benefits in the COR-Pathways program for working together to provide assistance for special needs offenders. When offenders with special needs are released, the problems they encounter are no longer viewed as mutually exclusive of the correctional system or the community. Training with facility, parole office field staff and community service providers is ongoing to address the complex problems that special needs offenders face upon release. Another program similar to the COR-Pathways will soon be implemented in Lansing Correctional Facility.

A new model of risk reduction is currently being implemented within the Kansas Department of Corrections. This means increased focus on assessing needs and risks and providing services for offenders accordingly, and providing structures and support in the community upon release. It is hoped that as more information is shared between the numerous community service providers, facility and parole field staff, the COR-Pathways program will continue building more linkages between community providers and criminal justice agencies to increase services, support, and supervision for special needs offenders upon release.

OUTLINE OF RECOMMENDATIONS BY COUNCIL OF STATE GOVERNMENTS TO KANSAS DEPARTMENT OF
CORRECTIONS & KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES REGARDING
TRANSITIONAL/DISCHARGE PLANNING FOR MENTALLY ILL OFFENDERS

NOVEMBER 2003

1) Pilot Project ~ COR-Pathways

- a) Increase dedicated staff to system wide COR-Pathways programs.
- b) Institutionalize COR-Pathways program through agency policies and procedures, and interagency agreements and protocols, to sustain it for the future.
- c) Establish a shorter-time version of COR-Pathways tailored to and for condition violators.
 - i) In this program when working with offenders take into account what caused the violation, to ensure the offender doesn't return to the same circumstances.
 - ii) When possible, involve the parole officer and mental health case manager who were working with the offender in the community in the release plan following the revocation.
 - iii) Collect data to see what is going on with the condition violators to tailor this program to the needs reflected in data and findings.
 - iv) Be sure staffing patterns are adequate to address the increased number and faster-paced cases presented by condition violators.

2) Cross System Management

- a) Provide cross training to KDOC staff (facility and parole), contract staff, SRS staff and community providers, addressing benefits access, referral procedures and coordination of services.
- b) Clearly identify the roles and responsibilities of contract discharge planners, COR-Pathways staff and IPO's in the discharge planning process.
- c) Dialogue with key community mental health providers to determine how to better engage them
- d) Review confidentiality and information-sharing issues to ensure mental/medical health history, risk/need and discharge/transitional plan is shared with corrections and mental health.

3) Accessing Benefits

- a) Continue to suggest legislation similar to proposed HB 2727, which would allow Kansas to opt out of the federal ban that prohibits giving TANF funded cash assistance and food stamps to offenders with drug related felonies.
- b) Propose to the legislature to remove the prohibition against those with drug felonies from receiving cash assistance under the state funded GA program.
- c) Modify K.S.A. 12-736, to remove the absolute prohibition against offenders living in group homes.
 - i) Enlist the support of advocacy groups if possible.
 - ii) Establish safe and appropriate guidelines for referrals to group homes.
- d) Expand the General Assistance Reintegration (GARN) program to all correctional facilities.
- e) Develop policies and procedures to suspend rather than terminate Medicaid benefits to offenders enrolled in Medicaid.
- f) Develop a pre-release application procedure for SSI benefits, consistent with SSA regulations.

4) Connecting to Community Based Services

- a) Develop cross-training opportunities for community mental health providers, correctional mental health staff and field supervision agents regarding the transitional needs of inmates with mental illness.
- b) Expand specialized clinical and case management services for released inmates with mental illness.
- c) Expand in-reach by these specialized clinical services to assist inmates in navigating the transition from prison to the community.
- d) Expand training opportunities for field supervision agents regarding the special needs of parolees with mental illness.
- e) In more highly populated parts of the state, consider developing specialized caseloads to meet the needs of these parolees.

5) Housing

- a) Consider eliminating or modifying restrictions in accessing housing, including,
 - i) Modify KSA 12-736 (see 3.c. above).
 - ii) Confer with Public Housing Authorities to identify strategies for reducing restrictions to offenders accessing public housing subject to reasonable restrictions.
- b) Conduct an inventory of all the housing options that are currently available, and establish referral criteria for all housing options to ensure suitable placements.
- c) Work with local housing providers to support their efforts to expand services for offenders (e.g., Tanglewood project in Topeka).
- d) Develop links between KDOC and local housing groups to ensure needs of returning mentally ill offenders are identified in community continuum of care plans.
- e) Increase KDOC staff support at locations that house multiple offenders, e.g., increased field visits, work station in the housing complex, etc.

6) KDOC Policies

- a) Consider developing specialized caseloads to meet the needs of parolees with mental illness.
- b) Where specialization is impractical, ensure that all field supervision agents have adequate initial and in-service training in the management of the parolee with mental illness.
- c) Develop formal policy and procedure to ensure appropriate management of parolees with mental illness.

7) Consumer Recommendations (Based on Focus Group with Ex-Prisoners Under Supervision)

- a) If at first you don't succeed, try, and try, and try, and try again. Be aware that it usually takes more than one, and sometimes many more than one, attempt at release before individuals with mental illness are successful in their reentry.
- b) Remember, offenders with mental illness (and indeed, all offenders) have choices. Until offenders are willing to consider this, it is unrealistic to expect a high degree of success. Be aware of the research on stages of change. Be aware that staff involved in release planning must recognize the limitations of what they can do to help an offender who is not ready to consider changing.
- c) Ask people what they want and need, and if feasible, provide it. Sometimes the offender is the one most aware of what will help him succeed or not.

***OFFENDER JOB
PREPAREDNESS
INITIATIVE
Kansas Department of
Corrections***

Offender Job Preparedness in Kansas

Why is offender job preparedness important?

- Education/employment is one of the top two criminogenic issues of high risk offenders in Kansas
- The relationship between employment and the “Big Four” criminogenic factors,
 - Anti-social history
 - Anti-social companions
 - Anti-social attitudes
 - Anti-social personality

Why is offender job preparedness important?

Employment *can* provide,

- An alternative to illegal activity
- Steady income
- A sense of accomplishment
- A pro-social environment & contacts
- A pro-social use of time
- A stabilizing influence
- A non-stigmatized position in society

Some of the Main Barriers to Offender Employment

- Employer attitudes
- Legal Barriers
- Lack of experience, education, training and skills
- Cognitive barriers
- The minority factor
- Substance abuse issues
- Mental health issues
- Lack of stable housing
- Lack of transportation

Positive Potential

- Employers who have hired offenders say they are less likely to leave the job and more consistent in attendance and performance
- Many employers want to have a role in reducing risk/crime
- Some industries are already receptive (manufacturing/construction)
- Employers become more receptive if the offender receives quality/trustworthy job training
- Employers are more interested in how the offender has prepared for the future than how he has behaved in the past

7 Key Ingredients for Success

- **Sustained employment** must be the goal; job retention *not just* job placement.
- You must **establish intermediaries** between offenders and employers.
- You must offer **something of value to employers.**
- Work must begin **prior to release.**
- **Assessments** must be a key part of the work.
- Job preparedness **must be holistic.**
- You must **market & develop jobs.**

Vision & Planning

- Establish Offender Job Specialists in the corrections system – prisons, parole offices, reentry
- Through partnership with Commerce identify unmet workforce needs in Kansas and help meet them
- Establish active partnerships with WIB's, 1-stops, VETS, voc rehab., etc.
- Start assessing early ~ use market relevant instruments
- Don't under estimate the role of the case manager
- Make use of existing education programs
- Make use of existing prison work
- Make use of private industry
- Connect to existing job preparedness services
- Be research-driven

A framework in Kansas

- Offender Job Specialists through Corrections Education grant
- Offender Workforce Development Training & Certification through the National Institute of Corrections
- Partnerships with Commerce and local WIB's/workforce centers
- Partnership with VETS

OFFENDER WORKFORCE DEVELOPMENT

The Kansas Department of Corrections (KDOC) has partnered with the National Institute of Corrections (NIC) to *develop Offender Workforce Development Specialist training for Kansas*. Twelve representatives from KDOC, Greenbush, Mirror, Inc., Community Solutions, Inc., Heartland Works and the Wichita Workforce Development Center of the Kansas Department of Labor have received three weeks of training, and become certified as Offender Workforce Development Specialists (OWDS). In May 2004 these twelve were trained and certified as instructors to train additional OWDS's in Kansas. The *core competencies* covered in the training, in which participants can be certified, are set out below.

This team of certified instructors has completed the first round of OWDS training in the fall of 2004 in Wichita, Kansas; additional sessions are being scheduled for the spring of 2005 in Topeka and summer of 2005 in Hutchinson. The OWDS team has recruited from among various organizations in Kansas, including workforce development, job training, mental health, non-profit and faith-based, and state and local corrections agencies, to solicit applications for this training. Over thirty applications were received for the Wichita training, and 15 participants were selected. Applications were screened based on several criteria, including whether the work performed by the applicant will enable the use of these skills in serving offenders, and the commitment of the organization employing the applicant works for implementation of the strategies learned. Applicants were also screened for workforce development experience, because those who successfully complete the training will be eligible to apply for certification as a Career Development Facilitator (CDF), through the National Career Development Association, Center for Credentialing and Education, Inc.

A similar recruitment and applicant-seeking process is taking place for the spring and summer sessions. Because the response has been so great, a waiting list is being developed for future training, for which KDOC will seek additional funding through NIC and other sources. Since NIC is providing funding, there is *no cost for the training itself*, though there is some travel, lodging and per diem required depending on the location of the trainees. (If a participant wants to receive NCDA association there is a modest cost involved of \$40 or \$100 depending on the period of certification.) *The cost of the training, training materials and equipment, and lunch for the participants, will be covered by funding from NIC.*

Research indicates that one of the most robust factors impacting reduction in recidivism is sustained employment. Offenders frequently lack job skills or cognitive ability to find and keep meaningful employment. Through strategies such as skills and interest assessments, addressing barriers to employment, and enhancing job search skills, coupled with comprehensive job development and employer relations, offenders can get and keep jobs, and become part of a productive and contributing workforce and community. This OWDS training is part of KDOC's overall effort to enhance job preparedness potential of offenders.

Also, as part of the OWDS project, data will be collected and reviewed to determine the rate at which offenders receive services from the OWDS's, and the impact of these services on the ability of offenders to get and keep jobs, and the impact on recidivism or return rates to prison. This evaluation component of the project will enable the KDOC to continue implementing effective job preparedness programs and services, in collaboration with key partners in the community.

For more information please contact Jim Chastain at 620.669.0175 or jimc@kdoc.dc.state.ks.us or Margie Phelps at 785.296.3128 or margiep@kdoc.dc.state.ks.us.

Core Competencies Addressed in OWDS Training

Career Development Theory and Application: Participants will receive thorough knowledge of four career theories that may be used to assist offenders with job choice, career planning, and transition.

Understanding and Using Facilitation Skills: Participants will learn a set of communication skills, such as attending, listening, reflecting, encouraging, and questioning, that can be used to create an environment in which an OWDS efficiently and effectively assists offenders with job placement and career planning.

Role of Assessment in Career Planning and Job Placement: Participants will be trained in a variety of assessment tools and techniques that can be used with offenders and skills to administer and interpret Level A instruments.

Instruction of Group Facilitation: Participants will learn skills for providing group instruction and facilitation of activities and interactive exercises.

Designing and Implementing Training and Work Development Services: Participants will learn the basic principles of program planning and implementation - including evaluation, promotion, and public relations- and the skills to apply this knowledge to the development and delivery of broad-based programs for offender populations and training of professionals in career facilitation skills.

Barriers to Employment: Participants will receive training identifying barriers characteristic of offenders upon transition to the community and skills to identify ways to remove and/or minimize these barriers.

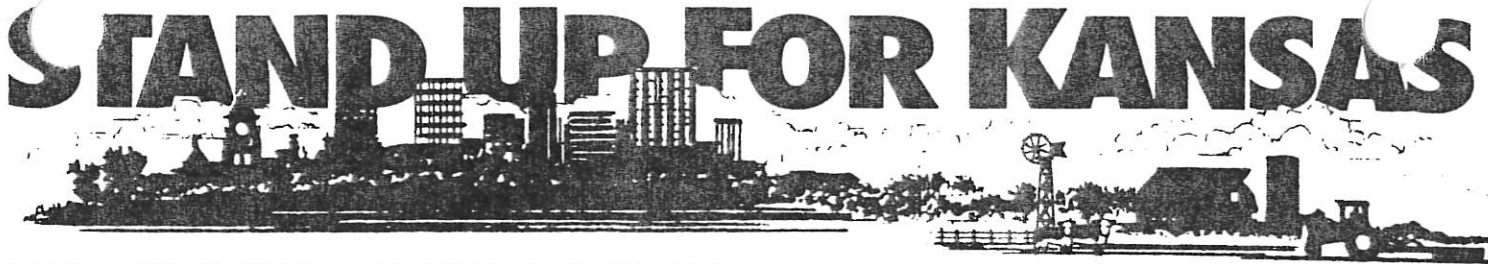
Ethics and Career Development Facilitator: Participants will know and commit to abide by the Global Career Development Facilitator (GCDF) Code of Ethics to include recognizing appropriate role boundaries related to training and scope of practice.

Transition Interventions for the Offender Population: Participants will be presented with the types of interventions that can be used with offenders as they make the transition to full or part time employment, including the development of goals and action plans.

Job Seeking and Employability Skills: Participants will learn how to access labor market information and obtain knowledge in pre-employment preparation, job search and job retention, and how to teach these skills to offenders.

Job Retention: Participants will understand the importance of job retention as a primary factor in reducing recidivism, obtain skills for identification of interventions with the potential to improve offender job retention, and teach these skills to offenders.

The Role of Information and Computers in Career Planning: Participants will be able to identify and locate the sources of occupational and educational information available in print and on the Internet, and apply the information to assist offenders with job placement and career planning.



P.O. Box 780127 • Wichita, KS 67278 • (316) 634-2674

**Testimony To Senate Federal and State Affairs Committee
on
Senate Bill 153**

Glenn O. Thompson
Executive Director, Stand Up For Kansas

February 10, 2005

Introduction

Good morning Chairman Brungardt and members of the committee. Thank you for this opportunity to speak at this public hearing. I am speaking on behalf of **Stand Up For Kansas**, a state-wide coalition of grassroots citizens who oppose the expansion of gambling in Kansas. **We urge you to support Senate Bill 153.**

KSA 46-2302 provides the Legislative Coordinating Committee the authority to ratify an Indian gaming compact when the legislature is not in session.

Nevertheless, when the Joint Committee on State-Tribal Relations forwarded a proposed compact to the LCC for consideration last year, many legislators were surprised that the LCC had this authority and questioned the prudence of assigning this authority to the LCC. In fact, the Speaker of the House, who was chairman of the LCC at that time, chose to not place the compact on the LCC agenda, stating, "the full legislature should decide gambling issues."¹

The purpose of this bill is to establish a process for the legislature, rather than the LCC, to consider proposed Indian gaming compacts when the legislature is not in session.

Now, before discussing the bill, I would like to briefly summarize the background that led to enactment of the statute, since this background is significant in understanding the bill.

Background

October 1988

Congress enacted the Indian Gaming Regulatory Act (IGRA). If Class III gaming is conducted in a state and if an Indian tribe desires to operate a Class III casino on Indian land acquired prior to the enactment of IGRA in the state, the act requires the tribe negotiate a compact with the state for operation of the casino. The act states that if the state fails to conduct such negotiations within 180 days, the tribe may initiate a cause of action against the state.

1991-1992

Gov. Finney negotiated compacts with the four Indian tribes in Kansas.

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July 1992	In a lawsuit initiated by the Ks. legislature, the Ks. Supreme Court ruled that the governor does not have the authority to approve an Indian gaming compact without ratification by the legislature.
March 1993:	Legislature passed and governor signed bill (H 2023) containing procedures for negotiating and entering into a gaming compact with an Indian tribe (KSA 46-2302)
April 1995:	Legislature ratified gaming compacts for two of the four Kansas tribes: Iowa (HR 6013 & SR 1864) and Prairie Band Potawatomie (HR 6014 & SR 1865)
After 1995 session	LCC ratified gaming compacts for the remaining two Kansas tribes: Kickapoo and Sac & Fox.
March 27, 1996	In <i>Seminole Tribe of Florida v. Florida</i> , the U.S. Supreme Court ruled that a tribe cannot sue a state for cause of action under IGRA without the state's consent. ²

Need for bill

- 1. Approval of an Indian gaming compact is a major policy decision, affecting citizens and businesses throughout the state.** For example, the compact negotiated with the Kickapoo and Sac & Fox tribes was 82 pages in length, containing numerous policy issues such as location of the casino, revenue sharing with state and local governments, constraints on other types of gaming, which if exceeded, would terminate revenue sharing, market protection, employee benefits, time limit on existing compacts and contributions to problem gambling fund.
- 2. The need no longer exists for the LCC to serve as a backup ratification body for compacts with the four Kansas tribes.**

The legislature assigned the LCC the authority to ratify Indian gaming compacts when the legislature was not in session in order to comply with the 180-day time constraint imposed by IGRA. Since compacts with the four Kansas tribes were ratified in 1995, this requirement is no longer applicable to these tribes.

Furthermore, as discussed previously, the U. S. Supreme Court ruled in 1996 that a tribe cannot sue a state for cause of action under IGRA without the state's consent. Therefore, the section in IGRA specifying the 180-day time constraint is not legally binding.

Nevertheless, the bill provides the governor the authority to call a special session for the legislature to consider ratifying a compact if an unforeseen, and probably unlikely, need arises.

- 3. Assigning the LCC authority to ratify Indian gaming compacts may not be constitutional**

Finally, our attorney, Robert Frey³, a former state legislator and chairman of the House and Senate Judicial committees, doubts that an Indian gaming compact ratified by the LCC could withstand a court challenge.

The following is Mr. Frey's opinion, for the record.

"While reading statutes in Chapter 46, Article 12, I noted that all of the authority that is given to the LCC is administrative in nature. There is no language that specifically speaks of authority to

actually enact legislation creating public policy. For instance, I do not believe that the LCC could ever call a meeting during the interim and enact legislation to repeal the death penalty. I believe they could only take action to administer the legislative branch of government but they have no specific authority to do anything else.

HOWEVER, KSA 46-1202 does say, 'The legislative coordinating council shall represent the legislature when the legislature is not in session.' I frankly do not know what that means for sure. I believe it means that the LCC can intervene in any litigation on behalf of the legislature but nothing more. If it is interpreted to mean that the LCC can introduce and pass legislation that changes established public policy or creates new public policy I would be surprised. If the legislature chooses to pass legislation that gives the LCC authority to ratify a compact but does not specify the criteria required to do so I would think that a court could rule that such legislation is an unconstitutional delegation of legislative authority. The authority for the legislature is located in the Kansas Constitutions in Article 2, Section 1. It simply states 'The legislative power of this state shall be vested in a house of representatives and senate..'

I do not believe that ratification of a compact can be delegated since it would require a majority vote of both the House and the Senate if it were done during a regular legislative session. It simply is not the same as giving the LCC authority to hire and fire legislative staff or appointing a new Revisor of Statutes. That is classic administrative authority, not legislative authority.

In summary, the adoption or rejection of an Indian gaming compact is a policy decision rather than an administrative act in my opinion. That being the premise, the delegation of confirmation authority by the legislature to the LCC is an unconstitutional delegation of legislative authority."

Conclusion

The statute that specifies the process for the legislature to ratify Indian gaming compacts contains a serious deficiency. Senate Bill 153 would correct this deficiency.

Endnotes

- 1 Steve Painter, "Legislative leader stalls KCK casino proposal," Wichita Eagle, Nov. 18, 2004
- 2 Seminole Tribe of Florida v. Florida, U. S. Supreme Court decision, March 27, 1996
- 3 Robert Frey served in the Kansas House of Representatives for ten years, from 1975 through 1984. During that time he served in various leadership positions, including House Majority leader, member of the LCC, chairman of the House Judiciary committee and member of the Judicial Council. Mr. Frey served in the Senate for four years, from 1985 through 1988. During that time he served as Chairman of the Senate Judiciary committee and a member of the Judicial Council.