

Governor's Commission on Racial Equity and Justice

*Improving Racial Equity in Kansas: Examining CREJ Legislative
Recommendations*

January 6, 2022

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Agenda

- Introductions
- History and Background
- Process and Timeline
- Recommendations
- Questions

History and Background

About the Commission

- The Governor signed Executive Order 20-48 on June 24, 2020, forming the Governor's Commission on Racial Equity and Justice.
- She asked the Commission to study issues of racial equity and justice across systems in Kansas, focusing first on policing and law enforcement.
- The Commission includes perspectives from the criminal justice system, education, healthcare, and advocacy organizations.
- This is **not** a commission on criminal justice reform – it is focused on broad issues of racial equity in Kansas, which includes some elements of the criminal justice system but is not tasked with a comprehensive study of that system.
- In 2021, the Commission is focusing on studying racial equity within economic systems, education, and healthcare.

2020 Report

- The Commission submitted its first report to the Governor on law enforcement and policing on December 1, 2020.
- The report included over 60 recommendations to state agencies, the legislature, and local governments on how to improve racial equity in Kansas around policing.

2021 Report

- In studying the initial topic, the Commission heard repeatedly about overlapping and connecting issues in communities of color across the state.
- These issues all connected to the Social Determinants of Health, which has become the Commission's focus this year.
- Specifically, the Commission broke out into three subcommittees, studying and making recommendations on racial equity and justice in Kansas in:
 - *Economic Systems*
 - *Education*
 - *Healthcare*

Process and Timeline

The Commission's Work

- The Commission met every other week from July 2020 through December 2021, hearing from state and national experts, local leaders, and community members about topics important to Kansans.
- Meetings included learning sessions, presentations, and discussion.
- The Commission took information from these meetings and developed recommendations on improving racial equity for state agencies, the legislature, and local governments.
- The Commission also solicited feedback from Kansans via social media.

The Governor's
Commission on
Racial Equity and
Justice wants to
hear from

YOU!

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The Commission's first report includes over 60 recommendations for state agencies, the legislature, and local governments. The recommendations focus on:

- Law Enforcement Training
- Officer Certification and Standards
- Recruitment, Retention, and Promotion
- Accountability
- Data Collection
- Public Defense
- Justice System
- School Resource Officers
- Tribal Jurisdiction
- Immigration and Law Enforcement
- Behavioral Health
- Law Enforcement Funding

The Commission's 2021 report on the Social Determinants of Health includes 90 recommendations focused on the subcommittee subject areas of Education, Economic Systems, and Healthcare:

- Early Childhood and Child Care
- Maximizing Federal Funding
- Tax Policy
- Teacher Diversity
- Post-Secondary Education
- School Resource Officers
- School Mascots
- Maternal and Child Health
- Vaccine Equity
- Universal Equity Policies
- Housing and Homelessness
- Broadband
- Wages and Lending Practices
- Workforce
- Access to Healthcare
- Family Planning
- Behavioral Health
- ACEs and Interfamily Violence
- Juvenile Justice System

2020

Recommendations

Initial Report: Legislative Recommendations

Prohibit fired officers from being hired at different law enforcement agencies.

Require that an officer fired in one law enforcement agency for egregious offenses (as provided in K.S.A. 74-5616) cannot be hired in a different law enforcement agency. A law enforcement agency may choose to hire an officer fired from another law enforcement agency for offenses not included in the statute, as deemed appropriate and at the discretion of the hiring entity.

Mandate review of records during the hiring process.

Recommend law enforcement agencies be required to check an officer's record with CPOST before making a hiring decision. Additionally, if and when a national database is created, law enforcement agencies should also be required to check that national database.

Initial Report: Legislative Recommendations

Require psychological testing of officers, performed by a licensed professional, before certification.

Current CPOST standards require psychological tests before certification, but not by an independent, licensed professional. Require licensed professional psychologists to perform testing on officers before certification.

Require that officers have completed KLETC training before they are issued a firearm for use in the line of duty.

A law enforcement agency should not be allowed to issue a firearm to a provisionally certified law enforcement officer for use in the line of duty or allow the officer to carry a firearm in the line of duty, until the officer has qualified on the Kansas Commission on Peace Officers' Standards and Training course of fire and received use of force training.

The four items above are all included in SB 247, which was introduced in 2021 in Senate Judiciary.

Increase diversity on the Commission on Peace Officer Standards and Training

Current requirements in statute define CPOST membership narrowly. They should be updated to allow for more diversity (race, gender, and geographical) in appointments to the Commission. This may include adding qualified professionals in related fields outside of law enforcement and expanding law enforcement members to include Deputy Chiefs and Undersheriffs.

Amend statute that requires citizenship for law enforcement officers. Align requirements with U.S. military standards for service.

Kansas law (KSA 74-5605(b)(1)) prohibits law enforcement agencies from hiring non-citizens with legal status as law enforcement officers. This policy prevents agencies from taking advantage of legal permanent residents (green card holders), DACA recipients, and other potential community members who may make high-quality and committed law enforcement officers. Kansas should align with the requirements to serve in the military.

Initial Report: Legislative Recommendations

Expand Medicaid to provide mental health and other health care coverage to populations currently not covered.

Law enforcement, community members, and leaders agree access to behavioral health care is a criminal justice issue. Many law enforcement encounters are the result of substance use or mental health issues. Increasing access to early intervention options by expanding Medicaid in Kansas would result in improved policing outcomes. Expanding Medicaid would also reduce state general fund spending on law enforcement and behavioral health.

Support and finance the use of mobile crisis response models, including co-responder and virtual co-responder models to assist law enforcement in responding to behavioral health calls and stops.

Mental health professionals who ride with and work alongside law enforcement officers can contribute to positive outcomes and promote treatment over incarceration for individuals experiencing mental health crisis. Kansas communities should implement appropriate co-responder programs where possible.

Initial Report: Legislative Recommendations

Review racial and bias-based policing policies and the complaints process for law enforcement on a state level.

The Legislature should review the racial and bias-based policing policies that were updated in statute in 2011 and determine if they are serving the intended purpose. Specifically, the Legislature should address:

- The process for filing a complaint of racial or bias-based policing, or other complaints related to law enforcement such as use of force complaints, to ensure that the process is clear and accessible to Kansans;
- What entity is most appropriate to manage the process of filing those complaints, conducting an independent and thorough investigation, and ensuring accountability measures as appropriate; and
- The availability of data related to such complaints and responsive action taken.

Initial Report: Legislative Recommendations

Create a law enforcement supervisor training program.

KLETC should create a supervisor training program or academy. All law enforcement officers promoted to a supervisory position should be required to attend the college within 6 months of promotion. The supervisors' academy should require 40 hours of continued education yearly, which may take the place of the standard ongoing training requirements and should be specific to leadership level. The supervisor training should focus on front line supervisors and mid-level supervisors and include topics of public administration, law and society, management, leadership, and ethics.

2021

Recommendations

Universal Equity Policies

Encourage government policies and enact legislation that requires bias and equity analysis of policy decisions and legislation at all levels.

Similar to the process of reviewing fiscal notes that inform policymakers about the financial impact of proposed legislation, or requesting economic impact statements on relevant bills, the legislature should adopt a procedure for developing and considering equity analysis and impacts of any policy change.

Family Planning

Increase eligibility for family planning services under Medicaid to 171% of the Federal Poverty Level.

Federal law allows expansion of Medicaid, specific to family planning services, up to 171% of the Federal Poverty Level. In Kansas, pregnant women are covered by Medicaid up to this level; family planning services should match.

Teacher Diversity

Provide flexibility to student teaching programs for non-traditional students who must work and student teach.

Student teaching requires that candidates spend full days in schools for several months. This model was developed many years ago when most college students were “traditional.” Many of today’s students, including “Grow Your Own” candidates, are non-traditional. They attend college part-time because they are adult heads of households, have one or more jobs, and often have to care for children of their own. Remedies could include different models for student teaching experiences, with more flexibility in scheduling and credit acquisition. The state should create grant programs that districts can access to assist these individuals, and the state and districts should allow student teachers to receive work-study support.

Juvenile Justice System

The legislature should gain a better understanding of problems facing juveniles by setting regular meetings with school counselors.

School counselors are the front-line workers with juveniles in Kansas on behavioral health and disciplinary issues. The legislature should set regular annual or bi-annual meetings with school counselors in order to hear about issues that juveniles are facing and potential policy or funding improvements.

Early Childhood and Child Care

Improve the Kansas Child Day Care Assistance Credit.

The Child Day Care Assistance credit is an existing tax credit, administered by the Kansas Department of Revenue and intended to encourage businesses to help their employees find childcare, either by providing childcare services directly or providing assistance in locating services as needed. Kansas can improve the program and expand utilization with a few policy changes:

- Expand the types of businesses eligible for the credit
- Eliminate the reduction of benefits that occurs after the first year when covering the cost of on-site childcare
- Expand the types of eligible qualifications and activities.

Post-Secondary Education

Support scholarships for tuition assistance through programs such as the Kansas Promise Scholarship Act.

The state should continue to support and expand on policies such as the Kansas Promise Scholarship Act, which provides scholarships for students attending eligible post-secondary institutions in Kansas for any two-year associate degree program, career and technical education certificate, or stand-alone program otherwise identified by the Kansas Board of Regents.

Tax Policy

Eliminate the sales tax on food.

Kansas is one of only seven states in the nation that fully taxes groceries, and the Kansas state sales tax rate of 6.5% on food is the second-highest in the country. The legislature should act to completely eliminate the sales tax on food.

Maximizing Federal Funding

Repeal restrictions that prevent families from accessing TANF and SNAP benefits and disproportionately impact families of color.

The policy changes that Kansas implemented in 2015 and 2016 created barriers to accessing TANF and SNAP benefits. Data shows that families of color were heavily impacted by these changes, which directly correlated to an increase in children being placed in foster care. Rolling these harmful policies back would have a number of positive effects in the state: improvements in racial equity, bringing additional federal SNAP and TANF dollars into the Kansas economy, and helping to keep families together and healthy even when facing poverty.

Wages and Lending Practices

Increase the state minimum wage and index it to adjust for inflation.

The Kansas minimum wage is currently \$7.25 per hour. It was last changed in 2009 and represents \$14,500 per year for Kansans working 40 hours per week and 50 weeks per year. Minimum wage workers in Kansas are disproportionately people of color. An increase in the minimum wage would particularly impact current labor shortages in the state in childcare workers, healthcare workers, and other critical sectors.

Establish limits on high-cost lending practices in Kansas.

2021 HB 2189 and 2021 SB 218 contain changes to the state's lending law that would cap open-end credit finance charges at 36%, limit fees on such loans, and add disclosure requirements to make the cost of loans more transparent. Additionally, legislators should consider model legislation from Colorado, where a 2010 bill limited maximum interest rates and enabled borrowers to repay loans in reasonable installments.

Maternal and Child Health

Extend Medicaid coverage for mothers to 12 months postpartum.

On average, each year over 9,000 mothers in Kansas are dropped from Medicaid enrollment/coverage 60 days after the end of pregnancy.

Ensuring Medicaid coverage for a continuous 12 months postpartum (extending an additional 10 months) can significantly improve health outcomes for mothers, children, and families across the state.

ACEs and Interfamily Violence

Improve coordination and partnerships to increase prevention services and guard against ACEs.

Promote and fund partnerships between early childhood sector, behavioral health professionals, private sector, and law enforcement to improve access to services, use of preventive services, and reduce interaction with justice and child welfare system. This should include payment policies and funding for care coordination services, pediatric care coordinators, community health workers (CHWs) and other culturally competent professionals to coordinate services for young children and their caretakers.

Access to Healthcare

Expand Medicaid.

Expanding Medicaid eligibility to 138% of the federal poverty is the single most impactful thing that the state of Kansas could do to increase access to care, as well as improve health equity and health outcomes. Expansion would positively impact many areas of study for the Commission, including healthcare, education, and economic systems. If Kansas were to expand its Medicaid program, approximately 82,700 uninsured nonelderly adults would become eligible for coverage, 38% of the state's uninsured nonelderly adult population.

Improve language access and interpretation services in the healthcare field.

Navigating healthcare services is even more difficult for individuals who are most comfortable using a language other than English. The state can improve access to healthcare for Kansans who use another language by implementing specific language access policies.

Behavioral Health

Expand telehealth access and codify regulations that expanded telehealth for mental health.

Kansas, like many states, expanded access to telehealth services in response to the COVID-19 pandemic. These policy changes, including payment parity, use of personal devices, and ability to initiate services at distant sites, make it easier for patients to access services and for providers to provide services, and should be made permanent.



GOVERNOR'S COMMISSION
ON
RACIAL EQUITY & JUSTICE

2021 REPORT

SOCIAL DETERMINANTS OF HEALTH -
FINAL REPORT

Both commission reports are
available online at

<https://governor.kansas.gov/governors-commission-on-racial-equity-and-justice/>

Along with recordings of
meetings and learning
sessions held by the
Commission, and documents
used in development of the
recommendations.

Questions?

To contact the Commission:

KansasCREJ@ks.gov

Upcoming Webinars

**Examining CREJ
Recommendations at
the Local Level**

Thursday, Feb. 10
Noon – 1 PM

**Examining CREJ
State/Agency
Recommendations**

Thursday, Mar. 10
Noon – 1 PM

Register at <https://healthfund.org/a/crej-recs-webinars/>