



HB463 Annual Report 2017

Kentucky Department of Corrections

Mission Statement:

To protect the citizens of the Commonwealth and to provide a safe, secure and humane environment for staff and offenders in carrying out the mandates of the legislative and judicial processes; and, to provide opportunities for offenders to acquire skills which facilitate non-criminal behavior.

Introduction

In 2010, the Kentucky legislature established the bipartisan, inter-branch task force on the Penal Code and Controlled Substances Act. The task force began an analysis of Kentucky's sentencing and corrections data with assistance from the Pew Center on the states, the Crime and Justice Institute and the JFA Institute. The analysis identified four key drivers for prison growth in the state:

- An increase in arrests and court cases from 2001 to 2009 served as a contributing factor, with an increase in adult arrest rates by thirty-two (32) percent during this time period.
- Kentucky sentenced offenders to prison as opposed to probation or other alternative sanctions at a much higher rate than most other states.
- Parolees sent back to prison for a violation of the terms of their release who did not have a new felony conviction nearly doubled as a percentage of prison admissions over the previous twelve (12) years.
- An increased incarceration rate of drug offenders contributed to the increased prison population.

Findings of the task force led to a set of reforms that were codified in the Public Safety and Offender Accountability Act of 2011, KY House Bill 463 (HB463). The legislation was the first major criminal justice reform policy in the state in over thirty (30) years. HB463 supports strengthening Kentucky's criminal justice system as a whole by:

- Requiring a risk/needs assessment in all phases of the system to determine program needs in prison, supervision levels on probation and parole and parole stability;
- Establishing administrative caseloads for low-risk offenders;
- Authorizing compliance credits for parolees and early termination for probationers who successfully comply with supervision conditions; and
- Authorizing imposition of administrative, graduated sanctions for parole and probation violations.

This report will highlight the most recent efforts made by the Kentucky Department of Corrections in implementing evidence-based practices with hopes of reducing recidivism in the Commonwealth throughout 2017.

2017 Annual Report

It is the mission of Kentucky Department of Corrections to provide opportunities for offenders to acquire skills, which facilitate non-criminal behavior. The Department has worked diligently to implement evidence-based practices and to provide additional services and support to the justice-involved population. Since HB463 was enacted, the Department of Corrections can cite the following accomplishments:

- Implementation of a validated risk and need assessment tool across the Department.
- Analysis of initial risk and needs assessment tool and adoption of a risk and needs assessment tool which is integrated into the Kentucky offender management system.
- Implementation of offender individualized case plans integrated into the Kentucky offender management system.
- Training of Corrections staff in Motivational Interviewing techniques, cognitive behavioral programming, risk and needs assessment and case planning.
- Implementation of evidence-based programs in all Adult Institutions as well as every Probation and Parole District.
- Restructuring of program assignments to ensure individuals with moderate or high needs receive targeted treatment interventions.
- Integration of program tracking for Adult Institutions into the Kentucky offender management system.
- Development of a promising practice life skills program, Portal New Directions, for the offender population.
- Application of quality assurance for evidence-based programming.
- Utilization of graduated sanctions in lieu of incarceration for technical violations of community supervision.

The Department of Corrections' population for 2017 consisted of 20,862 admissions and 21,247 releases, with an average daily population of 23,878. In the Commonwealth, the offenders committed to state custody are housed in state prisons, local jail facilities, halfway houses and in the community on the home incarceration program. HB463 is designed to decrease the state's population, reduce incarceration costs, reduce crime and increase public safety.

HB463 allows savings from reduced prison costs be placed into drug treatment and evidence-based practices for offenders in need of assistance. The Department of Corrections works diligently to ensure offenders in need are receiving treatment and/or programming. Being able to verify quality assurance and tracking of programs is key to ensuring best practices are occurring in the state. HB463 provided the opportunity for

funds to be allocated for program tracking in Kentucky Offender Management System (KOMS).

To address the needs of the offender population, numerous programs are offered throughout the institutions, jails, halfway houses and in the communities. The Department of Corrections offers Evidence-Based Programs and Practices as well as Promising Practices Programs in the state. This report will show the programs and practices offered in 2017 to the offender population.

Evidence-Based Practices & Programs

Evidence-Based Practices means policies, procedures, programs and applications proven by scientific research to reliably produce reductions in recidivism when implemented competently.

Moral Reconciliation Therapy (MRT) – Cognitive based program, which examines the psychological component of offender’s behavior. This program targets criminal thinking and behavior modification.

MRT Specialized Programs – These are cognitive based programs based on the MRT model with a focus in specific areas. Examples of these program areas include Anger Management, Trauma, Veterans, Parenting, Relapse Prevention and Mentors.

Pathfinders – A cognitive based program that involves team building, problem solving, life management, communication and stress management.

Substance Abuse Treatment Program – Designed to address substance abuse and behavior modification issues to teach alternative ways to effectively combat addiction.

Sex Offender Treatment Program – Individual and group counseling geared to provide tools for controlling sexually assaultive behaviors.

Inside/Out Dads – Cognitive and attitudinal change program while in custody, helping men to become involved, responsible and committed fathers.

24/7 Dads – Community component to Inside/Out Dads, encouraging men to become involved, responsible and committed fathers.

Thinking for a Change – A program offered in both community and institutional settings helping offenders examine their attitudes, beliefs and thinking patterns.

Emergency Medical Technician – Training program at Kentucky State Reformatory for those interested in medical services taught by Certified EMT instructors.

Seeking Safety – Trauma informed care group of individuals who have experienced trauma and lack coping skills to effectively manage feelings and behaviors.

Motivational Interviewing – Cognitive based interviewing technique taught to all DOC staff that enhances offender engagement in supervision and retention.

SMART (Supervision, Motivation, Accountability, Responsibility and Treatment) – High-intensity supervision program offered in Probation and Parole, modeled after the HOPE Probation (Hawaii’s Opportunity Probation with Enforcement) which provides immediate sanctions for violations.

Carey Guides – Brief intervention tools to help DOC staff effectively address skill deficits in short, structured interventions. Tools utilized by Probation and Parole.

Core Correctional Practices – Supervision strategy that teaches DOC staff to apply principles of effective interventions with offenders.

Educational and/or Vocational Programs – Offered in various adult institutions for inmates to earn work credit and/or certificates to transfer into the communities for work experience upon release.

Braille Transcribing	Career Readiness
College Programs	Commercial Driver’s Licenses
Computer Literacy	Culinary Arts
Basic Education	Recycling Materials Management
Xerox	Audio/Video
Business Studies	Cabling/Networking
Carpentry	Computer Aided Design
Collision Repair	Construction Management
Electrical	Entrepreneurship
Facility Maintenance	Heating and Air
Horticulture	Industrial Coating
Insulating	Masonry
National Career Readiness Certificate	Plumbing
Tutor Certification	Upholstery
Vocational Technology Fundamentals	Water Treatment
Welding	Auto Technology/Small Engine Repair

Promising Practices Programs

Programs and strategies that have some research or data showing positive outcomes, but do not have enough evidence yet to meet the standard of an evidence based program.

PORTAL New Direction – Addresses non-criminogenic needs to reentry for community offenders as well as those entering back into the community in the near future.

Phoenix Program – Residential dual-diagnosis treatment program offered at Kentucky State Reformatory for men with mental illness and substance abuse disorder, facilitated by mental health staff.

Challenges – Addresses pro-social thinking and lifestyles for inmates with mental illness, facilitated at Kentucky State Reformatory by mental health staff.

The following table represents all program participation and completion for 2017 Evidence-Based Programs and Promising Practices Programs:

Program	Completions
General Education Development//Basic Education	287
Vocational Tech	574
College/Associate of Arts Degrees	4
Pathfinders – Pathfinders Mentor	557
Inside Out Dads	439
Substance Abuse Program (SAP)/SAP Mentor	836
Sex Offender Treatment	165
Emergency Medical Treatment	4
Thinking for a Change	101
Moral Reconciliation Therapy	1,284
Moral Reconciliation Therapy Specialized Programs	1,991
Challenge Journaling	23
Portal New Directions	555
24/7 Dads	25
Total	6,845

The Department of Corrections has worked diligently since HB463 implementation to effectively deliver evidence-based practices to our population while being fiscally responsible. Fiscal Year 2017 was more costly as compared to the previous year for evidence-based programming. Many factors attribute to the rise in cost; growing prison population and expansion of programming to better serve the population are top contributing factors.

In Fiscal Year 2016, the Department used over \$21.3 million in funds to support evidence-based programming, while in Fiscal Year 2017 the Department used over \$23.1 million in funds. The Department utilized General, Federal, Senate Bill 192

Substance Abuse Treatment funding and Kentucky Centralized Inmate Commissary, Inc. (KCIC) funds, to support many evidence-based programs in fiscal year 2017. Details of the expenditures for evidence-based programming are listed in the below table.

FY17 EVIDENCE BASED PROGRAM EXPENDITURES				
Program	General Fund	Federal Fund	SB192 Fund	KCIC/Canteen
Substance Abuse	\$11,822,852.00	\$116,432.00	\$1,841,400.00	
Sex Offender Treatment	\$2,341,737.00			
Education	\$5,092,483.00	\$67,469.00		\$409,730.00
Moral Reconciliation Therapy	\$225,544.00			\$1,006,311.00
Pathfinders	\$86,064.00			\$100,958.00
PORTAL New Direction				
Thinking For A Change				\$31,197.00
24/7 Dads				
Individual Fund Totals	\$19,568,860.00	\$183,901.00	\$1,841,400.00	\$1,548,195.00
Total FY17 Expenditure				\$23,142,356.00

The foundation of the offender reentry process is having a validated risk and needs assessment tool that provides individual information on an offender's potential to recidivate as well as outlines the needs of the offender for the Department to address. The criminogenic needs can then be addressed in various ways to include evidence-based programming. Prior to HB463, offenders were primarily placed into programming at their request. HB463 required the Department to administer a validated risk and needs assessment to assess the criminal risk factors of all inmates who are eligible. In 2011, the Department of Corrections fully implemented the Level of Service/Case Management Inventory (LSCMI) tool to complete risk and needs assessments.

The risk and needs assessment is completed prior to the offender's release from prison to supervision within the Department of Corrections and also completed for those on Court ordered supervision within the Department. The tool is used to identify offender's criminogenic needs and determine their risk of recidivism based on those identified needs. Criminogenic needs are identified in these areas:

- Anti-Social Attitude
- Anti-Social Companions
- Anti-Social Personality or Temperament
- Family and/or Marital Issues
- Substance Abuse
- Employment/Education
- Leisure and/or Recreation
- Criminal History

During Fiscal Year 2017, the Department completed 53,573 LSCMI assessments. Analysis of the assessments shows common themes. In local jails and halfway houses, offenders have the following primary needs: leisure/recreation, anti-social companions, employment/education and criminal history. In prisons, offenders have these common primary needs: leisure/recreation, anti-social companions and criminal history. The offenders on community supervision show a primary common need of leisure/recreation. It is clear that criminal behavior becomes a factor when individuals lack appropriate, structured time. The below chart shows risk levels for the Department of Corrections population in 2017:

Risk Level		Prison	Jails/Halfway House	Community Supervision
	Very Low/Low		17%	9%
Medium		41%	44%	49%
High		35%	41%	25%
Very High		7%	6%	3%

During 2017, after extensive analysis and review, the Department elected to switch to a new risk and needs assessment tool starting in Fiscal Year 2018. The Ohio Risk Assessment System (ORAS) provides the same amount of effectiveness as the previous assessment tool while providing a cost reduction for the Department. The ORAS tool is less staff intensive to administer and has been placed into the Department's offender management system, which allows for additional staff productivity.

HB463 suggests the use of a validated risk and needs assessment tool, case planning, proper program referrals to evidence-based programming, reentry initiatives and departmental collaboration to ensure the success of the justice-involved population to ultimately reduce recidivism rates. Recidivism rates have continued to rise in the Commonwealth as shown in the below chart. In 2017, the Department of Corrections faced it's largest population to date, which presents challenges in reducing the recidivism rate. This year, Kentucky was significantly affected by the opioid crisis, which was a large contributing factor to the increasing offender population. Technical parole violations also led to a large increase in the prison population in 2017.



After a review of various interdepartmental policies and procedures, a few amendments were made in 2017 to increase staff effectiveness and provide better success for our population. Corrections Policy and Procedures 29.1 and 29.2 were amended to change the period to complete an initial risk and needs assessment from fourteen (14) to thirty (30) working days. This allows the staff additional time to interview the offender and address case management plan options to ensure the offenders reentry success.

The Department of Corrections put a procedure in place in 2017 to allow offenders to participate in programming in other states if recommended by Kentucky. This amendment enhances the offender's opportunity for success by placing them in the community that will serve them best while still allowing the conditions of supervision to be enforced.

Corrections Policy and Procedures 27-15-03 and 27-20-03 were amended in 2017 to comply with legislative changes to Kentucky Revised Statutes 439.3108 and 439.250. These changes allow Probation and Parole Officers the discretion to use up to thirty (30) days consecutive discretionary detention for offenders on supervision, in lieu of revocation for a total of no more than sixty (60) days in a calendar year. This enhances the opportunity for Probation and Parole to utilize graduated sanctions in hopes of decreasing revocation rates. Utilizing graduated sanctions such as discretionary detention also allows more opportunities for evidence-based programming in the communities, which would benefit the offender more than taking the programming in custody. Additionally, these changes allow parolees the incentive of supervised compliance credit. Parolees that are eligible can earn thirty (30) days of supervised compliance credit a month for following the rules of supervision. With Kentucky's growing prison and supervised population, this allows offenders to complete their sentences at an accelerated rate, while providing an incentive for compliance with supervision.

In order to provide successful reentry for offenders, the Department has been diligent in implementation and maintaining standards as set by HB463. The Department collaborates with various state agencies to promote the success of the offender population. In 2017, the Reentry Branch worked with local communities across the state to maintain and establish eleven (11) reentry councils. These councils involve

stakeholders from multiple areas to include, courts, mental health agencies, public health services, education, veteran's affairs, housing, faith based organizations, employers, social services and average citizens wishing to help our population. The councils have assisted in hosting expungement workshops, resource and job fairs and family group sessions for the justice-involved population in 2017. The following reentry councils meet monthly, representing communities throughout the commonwealth:

- Northeast Kentucky Reentry Council
- Green River Reentry Council
- Western Kentucky Reentry Council
- Southeast Kentucky Reentry Taskforce
- Southern Kentucky Reentry Council
- Central Kentucky Reentry Council
- Greater Louisville Reentry Council
- Bluegrass Reentry Council
- Eastern Kentucky Reentry Council
- Northern Kentucky Reentry Team
- FIVCO Reentry Council

2018 Department of Corrections Recommendations

While significant changes are underway in the Department of Corrections, we must continue to develop strategies to address offender reentry, increase public safety and reduce recidivism.

Strategies for Fiscal Year 2018 include:

- Implement new evidence-based programs and a variety of programming to increase availability and to serve a larger percentage of our population.
- Improve tracking of offender program participation in the Department.
- Expand programming into Halfway Houses and Jails.
- Provide quality assurance of programming to ensure fidelity and effectiveness.
- Conduct pilot programs in Adult Institutions, Jails and communities to evaluate effectiveness and what will provide successful reentry for the offender population.
- Implement new risk and needs assessment tool and track effectiveness.
- Increase staffing in Reentry to provide better services, additional programming and opportunities for success to our population.
- Collaborate with various state agencies to enhance procedures for offenders.
- Expand substance abuse treatment options to address the progressing needs of offenders.

- Focus on employer engagement and expanding employment opportunities for those on supervision in the communities.
- Increase community expungements and resource fairs throughout the state.
- Research programming and resources to aid the aging and female prison population, as they are the two populations that continue to grow in the state.
- Expand community relationships to gather additional resources to enhance offender reentry.
- Utilize faith-based groups willing to assist the offender population in hopes of providing successful reentry into the communities.
- Explore alternative sanction options in lieu of incarceration in the Division of Probation and Parole.

It is the hope of the Department of Corrections to implement changes and increase effectiveness to better serve the justice-involved population in 2018 and promote successful reentry within the Commonwealth.

