



HB463 Annual Report 2020

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 drives 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 supported strengthening Kentucky's criminal justice system by:

- Required 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;
- Established administrative caseloads for low-risk offenders;
- Authorized compliance credits for parolees and early termination for probationers who successfully comply with supervision conditions; and
- Authorized 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 2020.

2020 Annual Report

In March 2020, the World Health Organization declared a global pandemic caused by the coronavirus disease, labeled the COVID-19 Pandemic (COVID-19). In 2020, COVID-19 was the third leading cause of death in the U.S., behind heart disease and cancer. March 6, 2020 Kentucky State Governor, Andy Beshear, declared a state of emergency in the commonwealth. Throughout 2020, the Kentucky Department of Corrections saw the spread of the coronavirus through several prisons, jails and reentry service centers. During this time, adjustments in daily procedures were made to continue delivery of some programming and resources to the justice-involved population. There were several times in 2020, many daily operations halted due to the spread of COVID-19 in correctional facilities. Throughout this report, you will see how the global pandemic affected the Kentucky Department of Corrections in 2020.

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 that is integrated into the Kentucky offender management system and provides individualized case plans for the population.
- 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 and Reentry Service Center.
- Restructuring of program assignments to ensure individuals with moderate or high needs receive targeted treatment interventions.
- Integration of program tracking for all areas of the Department into the Kentucky offender management system.
- Development of a life skills program, Portal New Directions, for the offender population.
- Application of quality assurance for evidence-based programming.
- Application of quality assurance for the validated risk and need assessment tool.
- Utilization of graduated sanctions in lieu of incarceration for technical violations of community supervision.
- Creation of the Division of Reentry Services.
- Expansion of program offerings to a virtual platform.

- Application of HB284 to allow Probationers to receive Program Good Time Credit.
- Development of community program facilitator approval process.
- Development and implementation of evidence informed program screening tool.
- Review and formal evaluation of Departmental Program Offerings.

The Department of Corrections' had an average daily population of 20,697 in 2020. There were 12,538 admissions and 16,715 releases within the Commonwealth. Offenders committed to state custody are housed in state prisons, local jail facilities, reentry service centers and in the community on the home incarceration program.

HB463 provided direction for the Department to decrease the state's population, reduce incarceration costs, reduce crime and increase public safety. The legislation authorized savings from reduced prison costs be placed into drug treatment and evidence-based practices for offenders in need of assistance. HB463 provided the opportunity for funds to be allocated for program tracking in the Kentucky Offender Management System (KOMS). Being able to verify quality assurance and tracking of programs is key to ensuring best practices are occurring in the state. The Department of Corrections works diligently to ensure offenders in need are receiving treatment and/or programming.

The Department of Corrections has spent a portion of 2020 reviewing programs that are offered to inmates and individuals on probation or parole supervision as well as improving program tracking processes. This year a new law passed that allows individuals on court ordered supervision to receive time off their supervision term for completing programming. House Bill 284 went into effect July 15, 2020. This new law amended KRS 439.268 and allows the Department of Corrections to offer clients that are currently under supervision of Probation and Parole, Program Good Time Credit for programs completed on or after August 1, 2020.

During the implementation of HB284, the Division of Reentry Services and Division of Addiction Services developed a standard application process for providers interested in becoming formally approved to facilitate programs on behalf of the Kentucky Department of Corrections. Approved providers will receive referrals from the Department and have their program listed as an approved provider on the Department's website. In 2020, the combined divisions approved 35 applicants to be recognized as Kentucky Department of Corrections approved program providers.

The Kentucky Department of Corrections identified the need for expert help in determining how to evaluate programs to be considered for approval. Selecting the right programs can be arduous due to the large number of programs available. Kentucky Department of Corrections wants to select the right programs that could result in a

needed behavior change and meet the needs of their population. The Department of Corrections collaborated with University of Cincinnati's Corrections Institute (UCCI) to receive expert guidance in this area.

UCCI helped develop an evidence informed screening tool that will be used in the program selection process. The tool identifies key areas to consider such as: is research available to show it reduced recidivism and/or improved other key outcomes; adherence to risk, need, responsivity principles; and outcome measures. The tool also reviews other key factors an agency should consider when implementing a new program, such as cost and training requirements. The collaboratively developed tool also helps the Kentucky Department of Corrections identify the amount of completion credit that an approved program should receive.

During 2020, Kentucky Department of Corrections also established a Program Review Committee with members from across various Department Divisions and Institutions to provide a wide viewpoint in reviewing programs. The Committee set about reviewing all of the Department's current programs with the intent to publish a new course catalog. To select programs which best utilize department resources and are identified to be the most effective, staff worked with KPMG International, a contracted auditing company, to identify areas for analysis. Each program was scored on effectiveness/outcomes, return on investment, strength of curriculum, and capacity/efficiency. Reviews included: whether a program was evidence based, its impact on recidivism and behavior change, number of criminogenic needs addressed, cost of delivery, cost savings, applicability for the population, and scalability.

The Committee reviewed over one hundred programs, seeking to select only programs that were found to be effective. A focus was placed on evidence-based programs, which can be utilized across the Department's several locations. Specifically, the Department conducted an intense assessment of the current Restrictive Housing Transition programs and made changes to them in 2020. The Department's new course catalogue which will be released in 2021, will help focus the Department's resources and provide the most effective programming for the justice involved population.

To address the needs of the offender population, numerous programs are offered throughout the institutions, jails, reentry service centers and in the communities. The Department of Corrections offers Evidence-Based Programs and Practices as well as Promising Practices Programs and Life Skills programs.

This report will show the programs and practices offered in 2020 to the offender population.

Evidence-Based Programs

Evidence-Based means practices, 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 Modality Programs – 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.

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.

Con Game – Addresses the criminal thinking patterns associated with the lowest level of moral reasoning. This program addresses criminal thinking errors of entitlement, insecurity, manipulation, selfishness, lying, cutting corners, superiority and dominance.

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

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

Getting Started – Serves a very specialized population: inmates who have a substance abuse history and require training and treatment of pre-contemplation in order to trigger the drive and motivation to enroll and complete the Substance Abuse program.

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

Willow – A co-occurring program designed to address both mental health and substance abuse treatment simultaneously for women of incarceration.

Prison Fellowship – Focuses on criminogenic needs, life controlling issues, life literacy, relationships and spiritual formation. This program contains Christian content but is not a religious program, all are encouraged to apply, and utilizes journaling.

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

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.

STAR – Residential treatment program offered at Kentucky State Reformatory in the Corrections Psychiatric Treatment Unit (CPTU) for men identified needing intensive mental health services. Inmates in the program have exhibited impairment in different areas of functioning resulting in their inability to complete other programs offered in institutions.

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.

Emergency Medical Technician – Offered at Kentucky State Reformatory. Minimum security inmates are trained by KSR’s certified EMS Director and are licensed by the National Registry of Emergency Medical Technicians.

Threshold – Offered in a residential setting to promote an atmosphere of peer accountability and sharing at Lee Adjustment Center. Focuses on life controlling issues, life literacy, relationships and spiritual formation.

RHU Short Term Behavioral Modification - This restrictive housing program is designed to help offenders identify thinking patterns that will assist them in the assessment of emotional and cognitive reasoning.

RHU Transitional Behavioral Modification - This step down program from restrictive housing to general population utilizes a blend of the perfect dosage, frequency, and diversity in exercises for offenders who pose the highest risk while incarcerated.

RHU Administrative Behavioral Modification - This step down program from restrictive housing to general population designed specifically for women.

RHU Extended Behavioral Modification - This step-down program from restrictive housing to general population is used to treat even the most treatment-resistant offender including Substance Abuse offenders.

Healthy Lifestyles-CBT - This program targets male clients between the ages of 18 – 24 who meet the criteria for anti-social personality disorder and are high risk.

Educational and/or Career and Technical Classes – Offered in various adult institutions and Reentry Service Centers for inmates to earn work credit and/or certificates to transfer into the communities for work experience upon release. Various educational and vocational programs listed in the below chart.

Braille Transcribing	Auto Technology	Carpentry
College Programs	Commercial Driver's Licenses	Electrical
Collision Repair	Culinary Arts	Introduction to Computer Science
Adult Basic Education	Recycling Materials Management	Computer Management
Welding	Small Engine Repair	Heating and Air
National Career Readiness Certificate	Horticulture	Microsoft Office & IC3
Masonry	Water Treatment	Vocational Technology Fundamentals

Evidence Based Staff Practices

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

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

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. Promising Practices have a clear focus and include processes of accountability and evaluation.

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

Safety Specialist – Progressive and advantageous approach to maintaining safety of a complex facility operation and includes the certification in a field for realistic employment opportunities for inmates returning to society. Program provides OSHA certifications, Emergency Care and Safety Institute CPR/AED/First Aid Provider and Hazmat Awareness provided by State Fire and Rescue Training.

THRIVE – A residential treatment program offered at Kentucky State Reformatory in the CPTU unit focused on current mental health needs of the inmate population. Participants learn and practice pro-social behaviors via five levels.

Life Skills Programs

Programs and strategies that have minimal research or data showing positive outcomes, delivered to the justice-involved population in hopes of guiding them when developing a pro-social daily lifestyle.

PORTAL New Direction (PND) – Addresses non-criminogenic needs to reentry for community offenders as well as those returning to the community in the near future. Gives every day guidance to barriers the justice-involved population faces.

In2Work – Provides hands-on training consisting of kitchen basics, retail basics, and ServeSafe certification, which is highly regarded in the food service industry.

Soft Skills Boot Camp – Addresses non-criminogenic reentry needs focused on soft skills for employment.

The following table represents program completions for Fiscal Year 2020 Evidence-Based Programs, Promising Practices Programs and Life Skills Programs. A slight decline in programming completions occurred in 2020 due to the spread of COVID-19 inside the state correctional facilities. This is inclusive of the entire Department of Corrections population (inmates in all housing statuses and on community supervision):

2020 Program Completions	
Program	Completions
Academic - Vocational	1,045
Substance Abuse/Mental Health	2,657
Sex Offender Treatment	159
Evidence Based	9,755
Life Skills	6,434
Promising Practices	171
Total	20,221

The Department of Corrections has worked diligently since HB463 implementation to effectively deliver evidence-based practices to our population while being fiscally responsible. In Fiscal Year 2019, the Department used over \$27.3 million in funds to support evidence-based programming, while in Fiscal Year 2020 the Department used over \$28 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 2020. Details of the expenditures for evidence-based programming are listed in the below table. It should be noted, KCIC/Canteen funds are funds from inmate purchases that are in turn put back into programming for the population.

Program	General Fund	Federal Fund	SB192 Fund	KCIC/Canteen
Substance Abuse	\$ 14,660,348	\$ 187,537	\$ 3,098,312	\$ 9,198
Sex Offender Treatment Program	\$ 2,161,900.97			
Education	\$ 5,749,162	\$ 22,719		\$ 138,294
MRT	\$ 344,080			\$ 1,636,961
Pathfinders				
PORTAL				
T4C				\$ 10
24/7 Dads				
Total	\$ 22,915,490	\$ 210,255	\$ 3,098,312	\$ 1,784,464
				\$ 28,008,521.94

As you will see in the chart below, programming completions by the population have drastically increased in the past several years. The creation of the Division of Reentry Services allowed the Department to expand programming in the communities and institutions with dedicated staff to facilitate programs. In 2020, due to the COVID-19 pandemic, there was a slight decrease in the total number of program completions. During the pandemic, the Department evaluated current program offering practices to ensure some programming could continue for the population even amongst unprecedented times. The Division of Reentry Services began to offer virtual programming options to the community population early summer of 2020.

Each of the below noted program completions grants an offender 30-90 days off of their sentence, which in turn saves the state funds for not incarcerating at lengthier sentences or supervising for longer periods in the communities.

	2017	2018	2019	2020
Total Number of Program Completions of All Programs Offered in DOC for All Populations	6,845	17,615	24,598	20,221

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.

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 Kentucky Risk Assessment System (KyRAS) provides the same effectiveness as the previous assessment tool while providing a cost reduction for the Department. The KyRAS tool is less staff intensive to administer and has been placed into the Department's offender management system, which allows for additional staff productivity.

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 offenders' 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 Peers
- Anti-Social Personality
- Family
- Substance Abuse
- Education/Employment
- Prosocial Activities

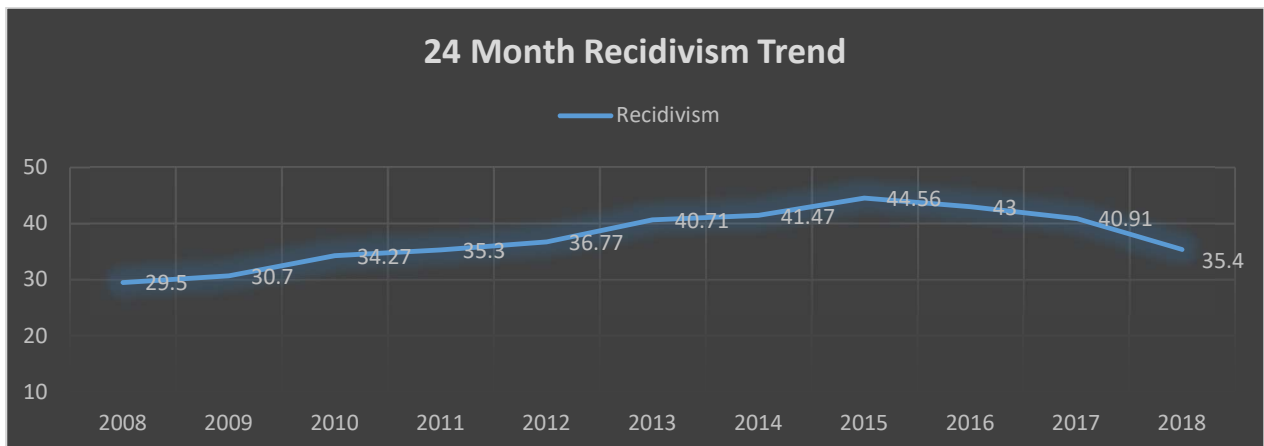
While not a criminogenic need, a static risk factor accounted for in the KyRAS assessment is criminal history. This is a factor used to predict risk to recidivate.

During Fiscal Year 2020, the Department completed 60,454 KyRAS assessments. Analysis of the assessments shows common themes. In local jails and reentry service centers, offenders have the following primary needs: education/employment, family and substance use. In prisons, offenders have these common primary needs: criminal attitudes & behavior patterns, substance use and criminal history. The offenders on community supervision show a primary common need of substance use and education/employment.

The following chart shows risk levels for the Department of Corrections population in 2020:

FINAL/OVERRIDE	Prison	Prison	Jail/RSC	Jail/RSC	Community Supervision	Community Supervision
Very Low	0	0.00%	1	0.01%	67	0.16%
Low	3794	38.96%	1168	13.14%	15581	37.25%
Low/Moderate	5	0.05%	459	5.16%	4365	10.44%
Moderate	3778	38.80%	4556	51.27%	19083	45.62%
High	2024	20.79%	2330	26.22%	2039	4.87%
Very High	124	1.27%	266	2.99%	114	0.27%
Not Assessed	12	0.12%	107	1.20%	581	1.39%
	9737	100.00%	8887	100.00%	41830	100.00%

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, as defined by Kentucky Department of Corrections (KYDOC), is a re-incarceration within 24 months of a release from custody. Re-Incarceration is categorized as either a new felony commitment or a result of a technical violation of supervision. The 2020 recidivism rate is comprised of offenders released from custody in 2018. Since 2010, recidivism has steadily increased each year. However, 2017 was the first year to see a decrease in the recidivism rate with a 1.56% drop from 44.56% to 43.00%. You will see in the chart below, a continued decrease in recidivism rates for 2020 down to 35.4%. This is the lowest recidivism has been since 2010.



Recidivism is beginning to decline in the state due to reentry efforts from the Department of Corrections and measures put into place like HB463 which provide

services and additional opportunities to the justice-involved population. The Division of Reentry Services having dedicated staff towards reentry efforts plays a large role in the reduction of recidivism.

After a review of various interdepartmental policies and procedures, a few amendments were made in 2020 to increase staff effectiveness and provide better success for our population.

- Memo Effective 8-31-20, re: Offender Program Enrollment detailed program entrance guidelines for the population.
- Memo Effective 11-5-20, re: Addendum – Offender Program Enrollment detailed exceptions from program entrance guidelines for the population.
- CPP 20.1 revised to prioritize prison educational enrollment based on earliest release date.
- CPP's 30.6, 30.7 and 30.8 were updated from the Division of Addiction Services to provide the most current information and practices.
- Division of Addiction Services added 116 SOAR beds and 235 substance abuse treatment beds for the population.
- Division of Probation and Parole improved technology and electronic communications to assist both staff and the population with reliable, secure communication methods and reduce response time to immediate issues.
- Creation of mental health specific caseloads with dedicated mental health training for staff.
- Implementation of Project Friendship pilot in various sites in the prison and community to provide clothing to the population in need.
- Initiation of MRT Pilot Program as a cost savings measure for the state to have Department staff facilitate programming versus contracting with a vendor.
- Expansion of program platform offerings for the community population to utilize virtual options during the pandemic.
- Implementation of Transportation Voucher program to assist the community population in transportation needed for treatment, job interviews and other identified barriers.
- Targeted focus on young adults with newly created Young Adults Process.
- Expansion of telehealth services for Veterans in the prison.
- Addition of Employment Program Administrator position to provide statewide employment services to the community population.

All of these amendments and Departmental efforts have aided in the reduction of recidivism in 2020.

In order to provide successful reentry for offenders, the Department has been diligent in implementation and maintaining standards as set by HB463. In 2018, the Division of Reentry Services was established. Within the Division, there are staff dedicated to focus on all reentry needs when an inmate is being released from custody and also the needs of the individuals on community supervision. Evidence based programming is provided by members of the Division of Reentry staff within the communities.

The Division of Reentry Services also hosts numerous events to service the justice-involved population. During the COVID-19 Pandemic, and the state of emergency, the Division was not able to host the number of events as they have in prior years. In-person services like these events halted. The following chart shows numbers for the events held within the Division of Reentry Services in 2020.

Number of Events Hosted by Reentry Services	2018	2019	2020
Expungement Sessions	24	52	13
Reentry Simulations	26	34	12
Job & Resource Fairs	27	20	1
Employment Assessments/Referrals	1,477	1,998	2,723

As noted in the chart above, the Division of Reentry Services Employment Program Administrators conducted 2,723 total assessments in 2020. The Employment Program Administrators shifted to virtual assessments during the COVID-19 pandemic to ensure employment services to the population continued, despite the state of emergency.

The Department collaborates with various state agencies to promote the success of the offender population. In 2020, The Division of Reentry Services worked with local communities across the state to maintain 12 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 2020. 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
- South Central Kentucky Reentry Council

2021 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 2021 include:

- Guided focus on programming for the Department to ensure necessary changes are implemented and consistency across all areas for program delivery.
- Expand services virtually throughout the Department where applicable.
- Expand reentry services to the jail state inmate population.
- Facilitate resources such as identification for the population to remove barriers as they occur.
- Expand and enhance 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.
- Collaborate with various state agencies to enhance procedures for offenders.
- 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.

It is the hope of the Department of Corrections to implement changes and increase effectiveness to better serve the justice-involved population in 2021 and promote successful reentry within the Commonwealth.