

Kentucky Department of Corrections  
House Bill 463 Implementation  
Evidence-based Practices and Programs  
March 14, 2014

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## Executive Summary

The Kentucky Department of Corrections has worked diligently to implement evidence-based practices and provide additional services and support to returning offenders. Since House Bill 463 was enacted, the Department of Corrections can cite the following accomplishments:

- Full implementation of a validated risk and need assessment tool across the corrections system (trained over 1,000 staff since July, 2010 in the effective administration of the assessment tool).
- Full implementation of a Kentucky specific case management plan that is integrated with our offender management system (trained over 500 staff since April, 2012 in implementation of the case management plan).
- Implementation of a comprehensive “Overcoming Reentry Barriers” program for returning offenders available in prisons and in the community.
- New Probation and Parole Officers and Classification and Treatment Officers are trained in Motivational Interviewing techniques, cognitive behavioral programming, validated risk and needs assessment and case management planning as part of their basic academy.
- Pilot programs implemented in probation and parole districts to support evidence-based practices.
- Implementation of an array of evidence-based programs in prisons throughout the state.
- Change to program assignment process to ensure the offenders with medium and high risks receive targeted interventions.

While significant changes are underway within the Department of Corrections, we must continue to develop strategies to address offender reentry, increase public safety and reduce recidivism. These strategies for FY 2014 include:

- Continue evidence-based program options for offenders in the prisons and increase the options for jails, halfway houses, and community.
- Continue to monitor and improve tracking of offender participation and completion of all programs.
- Ensure programs are delivered with fidelity to the model through quality assurance.
- Establishment of a committee to explore the risk and needs assessment tool and programs with validation against a Kentucky specific population.
- Continue to monitor recidivism rates in light of program participation to see if changes are necessary.
- Develop a plan to address programming needs for the segregation population.

## Background

In 2010, the Kentucky legislature established the bipartisan, inter-branch Task Force on the Penal Code and Controlled Substances Act. With assistance from the Pew Center on the States, the Crime and Justice Institute, and the JFA Institute, the task force began an analysis of Kentucky's sentencing and corrections data, specifically looking at prison admissions data and analyzing state policies.

The analysis identified four key drivers for prison growth:

- An increase in arrests and court cases from 2001 to 2009 served as a contributing factor, with an increase in adult arrest rates by 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 12 years.
- An increased incarceration rate of drug offenders contributed to the increased prison population.

In March 2011, the Kentucky General Assembly approved sweeping criminal justice legislation designed to control corrections costs while increasing public safety. The task force's findings led to a set of reforms that were codified in the Public Safety and Offender Accountability Act of 2011 (HB 463). The legislation was the first major reform of criminal justice policy in Kentucky since the enactment of the Model Penal Code over 30 years ago. This law was the product of a "justice reinvestment" approach taken by the state based on a data driven analysis of its criminal justice system with the goals of reducing the number of repeat criminal offenders, controlling corrections costs, and reinvesting the savings in treatment programs and supervision practices while maintaining public safety.

Passed unanimously in the Senate and with just one dissenting vote in the House, the law

concentrates expensive prison beds on serious offenders, strengthens pretrial services for defendants, reduces recidivism by strengthening probation and parole, and establishes mechanisms for measuring government progress over time.

HB 463 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 suitability.
- Establishing administrative caseloads for low-risk offenders.
- Authorizing compliance credits for parolees and early termination for probationers who successfully comply with supervision conditions.
- Authorizing imposition of administrative, graduated sanctions for parole and probation violators.

## **Organizational Values, Mission and Vision**

As the economy struggles for stability, and community based organizations face greater demands for services, the Department of Corrections is faced with handling one of the largest offender populations in the state's history. In fiscal year 2013, the Department had 17, 815 admissions, and 18,977 releases, with an average daily population of 21,782. This growth comes at a time of extraordinary fiscal crisis for our Commonwealth as Kentucky struggles to deal with the decline in state revenues. These two factors have shaped the Departments course of action in the current biennium and will shape its plans for the future as well.

The Department's strategic plan sets several goals related to the level of reentry services in prisons, jails and community services, with timelines to measure progress. These goals not only address the offender population growth, but the safety of the general public and our employees, as well as the welfare of inmates.

One of the Department's key goals is to reduce the recidivism rate by 5% within 5 years.

The recidivism rate is 34.26% for state offenders measured by 2010 releasees that returned to state custody within two years of release. The recidivism rate for 2011 releasees is 35.27%.

**TABLE 1 – KY RECDIVISIM RATES BY SEX OF OFFENDER**

Year	Male			Female			Sex Total		
	Released	Recidivated	Percentage of Recidivated	Released	Recidivated	Percentage of Recidivated	Released	Recidivated	Percentage of Recidivated
<b>2007</b>	11111	3693	33.23%	2329	633	27.17%	13442	4326	32.18%
<b>2008</b>	12314	3777	30.67%	2701	664	24.58%	15015	4441	29.57%
<b>2009</b>	11873	3787	31.89%	2545	645	25.34%	14418	4432	30.73%
<b>2010</b>	12846	4499	35.02%	2793	860	30.79%	15639	5359	34.26%
<b>2011</b>	11940	4351	36.44%	2441	722	29.57%	14381	5073	35.27%

**TABLE 2A - KY RECIDIVISIM RATES BY CATEGORY OF OFFENSE**

Year	Drug Crime			Other Crime		
	Released	Recidivated	Percentage of Recidivated	Released	Recidivated	Percentage of Recidivated
2007	4431	1268	28.61%	737	245	33.24%
2008	5169	1378	26.65%	461	158	34.27%
2009	4744	1298	27.36%	402	127	31.59%
2010	5419	1568	28.93%	313	102	32.58%
2011	4863	1506	30.96%	171	56	32.74%

**TABLE 2B - RECIDIVISIM RATES BY CATEGORY OF OFFENSE (CONTINUED)**

Year	Other Public Crime			Other Violent Crime		
	Released	Recidivated	Percentage of Recidivated	Released	Recidivated	Percentage of Recidivated
2007	1509	416	27.56%	1066	309	28.98%
2008	1818	452	24.86%	1034	267	25.82%
2009	1697	419	24.69%	1002	273	27.24%
2010	1652	493	29.84%	1069	332	31.05%
2011	1541	499	32.38%	1070	313	29.25%

**TABLE 2C - RECIDIVISM RATES BY CATEGORY OF OFFENSE (CONTINUED)**

Year	Property Crime			Sex Crime			Violent Crime		
	Released	Recidivated	Percentage of Recidivated	Released	Recidivated	Percentage of Recidivated	Released	Recidivated	Percentage of Recidivated
2007	4057	1557	38.37%	413	109	26.39%	1229	422	34.33%
2008	4771	1696	35.54%	413	112	27.11%	1349	378	28.02%
2009	4617	1728	37.42%	459	120	26.14%	1497	467	31.19%
2010	5090	2163	42.49%	462	148	32.03%	1634	553	33.84%
2011	4765	2012	42.22%	501	174	34.73%	1470	513	34.89%

**TABLE 3 - RECIDIVISM RATES BY AGE OF OFFENDER**

Year	Under 21			Adult		
	Released	Recidivated	Percentage of Recidivated	Released	Recidivated	Percentage of Recidivated
2007	294	154	52.38%	13148	4172	31.73%
2008	274	137	50.00%	14741	4304	29.20%
2009	277	136	49.09%	14141	4296	30.38%
2010	256	147	57.42%	15383	5212	33.88%
2011	229	127	55.45%	14152	4946	34.95%

Meeting the goal would require a recidivism rate of less than 25% by June, 2017. While this may appear to be a noble goal, it is attainable if appropriate programs and services are provided to the offender in both the institution and community. Recidivism, or the “revolving door” cycle of criminal behavior/institutionalization, must be addressed in an attempt to curb the Corrections population growth.

### *Mission*

The Kentucky Department of Corrections’ mission, “to protect the public and to provide a safe and humane environment for staff and offenders while carrying out the legislative and judicial mandates,” and “to provide opportunities for offenders to acquire skills which facilitate non-criminal behavior,” becomes increasingly difficult in times of revenue shortfalls.

In keeping with the Department of Corrections mission, the HB 463 implementation efforts focus on increasing successful reintegration by developing and implementing a holistic and seamless plan of services and supervision for targeted offenders delivered through state and local collaboration. This plan will facilitate their incarceration, transition, reintegration and aftercare.

### *Vision*

The vision of the Department’s reentry efforts is to prepare offenders for release through targeted interventions and programs at critical time periods. The offender shall be prepared upon release and with community supports be able to pursue success in the navigation of services and partnerships needed to significantly reduce recidivism and become productive members of society.

### *Current Reentry Efforts*

The Kentucky Department of Corrections is fully committed to establishing effective programming designed to increase public safety and offender accountability. Because of the nature of Kentucky's corrections system, it will be necessary to implement policies and procedures related to both the institutional setting and community supervision.

### *Existing Strengths and Challenges*

Currently, the Kentucky Department of Corrections houses offenders in a variety of locations, including state operated prisons, a private prison, local jail facilities, halfway houses and the home incarceration program. Each facility offers a different level of programming, making it challenging for offenders to seek rehabilitation programs while incarcerated. This variance among contract facilities and local jail facilities can be discouraging for offenders and corrections staff.

The Department of Corrections is fully aware of the strengths of reentry services and the gaps in the delivery system. The Department of Corrections has conducted several gap analyses as part of reentry planning with local and state agencies. The most commonly cited areas of concern in the community are housing, employment and treatment services.

### **House Bill 463 Implementation Efforts**

On March 3, 2011, Governor Steve Beshear signed a landmark justice reform bill designed to decrease the state's prison population, reduce incarceration costs, reduce crime and

increase public safety. The bill modernizes Kentucky drug laws by reducing prison time for low-risk, non-violent drug offenders who possess small amounts of illegal drugs. HB 463 reinvests the savings from reduced prison costs into drug treatment opportunities for offenders who need help. It mandates that the Department of Corrections utilize a validated risk and needs assessment tool, develop a case management plan and provide evidence-based programs. HB 463 is the product of recommendations from an unprecedented bipartisan, inter-branch task force that included legislators, the Chief Justice, officials from the Justice Cabinet, prosecutors and local officials. The Department hosts regular meetings to discuss the progress of HB 463 implementation throughout the corrections system.

The Kentucky Department of Corrections has worked diligently to implement evidence-based practices and provide additional services and supports to returning offenders. Since House Bill 463 was enacted, the Department of Corrections can cite the following accomplishments:

- Full implementation of a validated risk and need assessment tool across the corrections system (trained over 1,000 staff since July, 2010 in the effective administration of the assessment tool).
- Full implementation of a Kentucky specific case management plan that is integrated with our offender management system (trained over 500 since April, 2012 staff in implementation of the case management plan).
- Implementation of a comprehensive reentry barriers program for returning offenders available in prisons and in the community.
- New Probation and Parole Officers and Classification and Treatment Officers are trained in Motivational Interviewing techniques, cognitive behavioral programming, validated risk and needs assessment and case management planning as part of their basic academy.
- Pilot programs implemented in probation and parole districts to support evidence-based practices.
- Implementation of an array of evidence-based programs in prisons throughout the state.
- Change to program assignment process to ensure the offenders with medium and high risks receive targeted interventions.
- Since implementation of a validated risk and need assessment tool across the corrections system, all current Probation and Parole and Classification and Treatments officers are trained.

House Bill 463 defines the “evidence-based practices” as supervision policies, procedures, treatment and intervention programs, and practices that scientific research demonstrates reduce recidivism among inmates and individuals on probation, parole or other form of post-release supervision when implemented competently. For purposes of this report, the Department of Corrections is adhering to this definition and considering supervision practices like the use of Motivational Interviewing as an evidence-based practice as well as offender participation in programs like Thinking for a Change as an evidence-based practice. Evidence-based programs and evidence-based practices may be used interchangeably throughout the report.

## **Validated Risk and Needs Assessment and Case Planning**

The foundation of the reentry process is the implementation of a validated risk and needs assessment tool. Prior to July 2010, offenders were often assigned to programs at their request. Programs were not designated as evidence-based or considered a promising practice. In many cases, the offenders that actively participated in programs were low risk.

The implementation of the Level of Service / Case Management Inventory was a significant investment in both our staff and offenders. Staff are required to participate in a four-day training and pass two exams. One exam focuses on the practical aspect of interviewing the offender, analyzing information and determining an overall risk level. One exam focuses on the theory and content of the assessment. The risk and needs assessment is conducted prior to the offender’s release from prison on parole, home incarceration, mandatory reentry supervision or completion of sentence. The tool is used to identify the offender’s criminogenic needs, and determine their risk of recidivism based on those needs. The results enable corrections staff to create opportunities to address the needs and reduce the risk.

The criminogenic needs identified by the assessment tool are:

- Anti-social attitude - history of poor attitude / beliefs about the law and fails to accept responsibility for their criminal behavior
- Anti-social companions – lacks stable relationships with non-criminal friends
- Anti-social personality or temperament – lacks the ability to experience guilt or empathy, may often have anger management issues
- Family and/or marital issues – history of family issues, including pro-criminal family members
- Substance Abuse – history of substance use and abuse
- Employment / Education – lack of a basic education and/or stable work history
- Leisure and/or recreation – lack participation in pro-social activities (for example: church, organized sports leagues, volunteer efforts)
- Criminal History- history of antisocial behavior and ongoing involvement with the criminal justice system

During FY 2013 the Department of Corrections completed 41,266 assessments. The analysis of these assessments shows common themes. In local jails and halfway house assessments, offenders have the following criminogenic needs: leisure / recreation, anti-social companions, employment/ education and criminal history. In prisons, offenders have the following common needs: leisure/recreation, anti-social companions and criminal history. In the community, offenders on probation or parole have an issue with leisure/recreation. It is clear that criminal behavior becomes a factor when individuals lack appropriate, structured time. Additionally, offenders that have strong relationships with other individuals involved in the criminal justice will factor into ongoing criminal behavior.

Overall risk levels for assessments conducted in prisons for FY 2013

- 12% of the population score very low or low
- 43% of the population score medium
- 36% of the population score high
- 9% of the population score very high

Overall risk levels for assessments conducted in local jails or halfway houses for FY 2013

- 7% of the population score very low or low

- 36% of the population score medium
- 45% of the population score high
- 12% of the population score very high

Overall risk levels for assessments conducted in the community for offenders on probation or parole for FY 2013

- 21% of the population score very low or low
- 48% of the population score medium
- 27% of the population score high
- 4% of the population score very high

These outcomes are appropriate when considering that the assessments have been normed on a similar population. Additionally, offenders in the community are more likely to be probationers with a shorter criminal history than those offenders housed in jails, halfway houses or prisons.

While the assessment process is the foundation of the reentry process, the next step is the development of a case management plan. The case management plan is developed with the offender based on the results of the assessment. The offender is given the opportunity to self-identify strengths, which may be as simple as I am motivated to attend vocational school. The offender and case manager (either a Probation and Parole Officer or Classification and Treatment Officer) then work together to determine the first criminogenic need to address. For example, the offender may have a high need in the Leisure/Recreation area and the case manager and offender may develop a goal to become involved in pro-social activities. The team then develops tasks that will assist the offender in achieving the goal. The tasks are specific, measurable, achievable, reasonable and time-limited. The offender also identifies individuals or agencies in the community that are supportive of their reentry. This may include a sponsor or mentor, or a case manager from a community-based agency.

The case management plan also has a component to address non-criminogenic needs. Non-criminogenic needs do not directly factor into criminal behavior, but given other issues may play a role in the successful reentry of the offender. For example, an offender may be required to pay child support, in addition to other fines and fees. Ensuring the offender maintains all financial requirements may be a goal for a non-criminogenic need, with associated tasks related to budgeting and securing a second job.

## Evidence-based programs

- ***Moral Reconation Therapy***
  - This program is a cognitive-behavioral treatment approach that leads to lower recidivism, improved personality variables and enhanced treatment compliance. MRT is offered at each prison and is facilitated by contract staff. The Marion County Detention Center, Boyd County Detention Center, and Barren County Detention Center are providing MRT to state offenders housed at the local jail. MRT is offered in the following probation and parole districts:
    - District 3-Bowling Green
      - Initial pilot began February 2014 ( Warren County Regional Jail)
    - District 16- Louisville
      - Initial pilot at Dismas Portland September 2013
    - District 7- Newport
      - Initial pilot January 2013
      - Second group expected Fall 2014
    - District 10- Harlan and Bell County
      - Initial pilot January 2014
      - Pilot to begin in Barbourville Spring 2014
- ***Pathfinders***
  - A cognitive-skills program that involves team building, problem solving, life management, communication and stress management. Pathfinders is offered at each prison and may be facilitated by institutional or contract staff. Marion County Detention Center is providing Pathfinders to state offenders housed at the local jail.
- ***Substance Abuse Treatment Program***
  - A program designed to address substance abuse and behavior modification issues to teach offenders to effectively combat their addiction. The program is offered in

prisons, local jail facilities and halfway houses. It may be facilitated by institutional or contract staff based on location.

- ***Sex Offender Treatment Program***
  - Individual and group counseling geared to provide tools that offenders can use for controlling their sexually assaultive behavior. The program is offered at some prisons and in the community and is facilitated by mental health staff.
  
- ***Inside/Out Dads***
  - This program focuses on cognitive and attitudinal change, helping men on the path to becoming involved, responsible and committed fathers. The program is offered at all male prisons and is facilitated by institutional staff. The Marion County Detention Center and Boyd County Detention Center provides this program at their local jail.
  
- ***24/7 Dads***
  - This is the community component to the Inside/Out Dads institutional program. 24/7 Dads is offered on a pilot program basis in the community and is facilitated by Probation and Parole staff. Programs have begun in the following districts:
  - District 2- Hopkinsville
    - Initially piloted March 2013
    - Second group began August 2013
    - Third group began January 2014
  - District 6- Campbellsville (The Healing Place)
    - Initially piloted September 2012
    - Second group began April 2013
  - Bardstown
    - Initially piloted April 2013
    - Second group began August 2013
  - District 7- Newport
    - Initially piloted April 2013
    - Second group began January 2014
    - Facilitated by Catholic Charities
  - District 9 and 14- Lexington and Lancaster
    - Expected to pilot in Lexington at the Fayette County Courthouse in Spring 2014
  - District 14- Lancaster
    - Initially piloted March 2013
  - District 16- Louisville (CTS Russell)
    - Initially piloted April 2013
    - Second group began August 2013
  - District 20- Monticello
    - Expected to be piloted in Spring 2014

- ***Thinking for a Change***
  - This program helps offenders examine their attitudes, beliefs and thinking patterns. This program is endorsed by the National Institute of Corrections and is offered at several prisons and is facilitated by institutional staff. The following districts are utilizing or have scheduled pilot programs:
    - District 4- Dismas Portland
      - Initial pilot began January 2014
    - District 5- Elizabethtown
      - Initial pilot expected to begin Summer 2014
    - District 7- Newport
      - Initial pilot will begin March 2014 (District Office)
      - Initial pilot will begin May 2014 (Transitions-York Street)
    - District 9- Lexington
      - Initially pilot at the Hope Center September 2013
      - Initial pilot for district will begin April 2014 (Fayette County Courthouse)
    - District 13- Dismas Owensboro
      - Initial pilot began September 2013
      - Second group began January 2014
    - District 16- Dismas Portland
      - Initial pilot December 2012
      - Second group began July 2013
      - Third group began January 2014
    - District 17- Dismas Portland
      - Initial pilot January 2013
      - Second group began January 2014 at The Diersen Center
      - Initial group for second group of facilitators will began April 2014 (The Diersen Center)
    - District 18- District Office (Louisville)
      - Initial pilot expected Summer 2014
    - District 19- VOA
      - Initial pilot expected April 2014
- ***Relapse Prevention Therapy***
  - This is a cognitive behavioral treatment program designed to support offenders struggling with substance abuse issues to develop a plan for high risk situations and address ways to prevent relapse behavior. A pilot is planned for community offenders and will be facilitated by Probation and Parole staff.
- ***Emergency Medical Technician***
  - This program is a training program for individuals interested in medical services offered at Kentucky State Reformatory for minimum security inmates. The program is facilitated by certified EMT instructors.

- ***Seeking Safety***
  - This is a trauma-informed care group that supports individuals that have experienced trauma in their lives and lack the coping skills to effectively manage their feelings. It is offered at the Kentucky Correctional Institution for Women and is facilitated by contract staff.
  
- ***Educational /Vocational***
  - These programs are offered throughout the prison system, including prisons, halfway houses and local jails. The programs may be taught by institutional or contract staff.
    - Braille Transcribing Program
    - Career Readiness Program
    - College Program
    - Commercial Driver's License Program
    - Computer Literacy / Microsoft Office
    - Culinary Arts Program
    - Basic education classes (GED, literacy, etc.)
    - Recycling / Materials Management Program
    - Xerox Program
    - Audio / Video Program
    - Auto Technology / Small Engine Repair
    - Business Studies
    - Cabling / Networking
    - Carpentry
    - Computer Aided Design
    - Collision Repair
    - Construction Management
    - Electrical
    - Entrepreneurship
    - Facility Maintenance
    - Heating and Air
    - Horticulture
    - Industrial Coating
    - Insulating
    - Masonry
    - Plumbing
    - Tutor Certification Program
    - Upholstery
    - Vocational Technology Fundamentals
    - Water Treatment
    - Welding

## Evidence-based Practices

- **Motivational Interviewing**
  - A cognitive behavioral interviewing technique that enhances offender engagement in supervision and retention. All Probation and Parole Officers and Supervisors have been trained in Motivational Interviewing techniques. Additionally, Classification and Treatment Officers have been trained in Motivational Interviewing techniques. New staff are trained as part of their basic academy curriculum.
  
- **SMART** (Supervision, Motivation, Accountability, Responsibility, and Treatment)
  - A high-intensity supervision program, modeled after the HOPE Probation (Hawaii's Opportunity Probation with Enforcement). Offenders in the SMART program receive swift, certain and immediate sanctions for each violation. The program is provided in: Allen/Simpson, Jefferson, Lincoln/Pulaski/Rockcastle, Shelby/Spencer/Anderson, Pike, and Kenton counties. The program is expected to expand to Fayette and Adair counties as well.
  
- **Carey Guides**
  - These brief intervention tools are short, situational, versatile, user-friendly tools designed to help corrections professionals to effectively address key skill deficits in short, structured interventions. These tools will be used by Probation and Parole Officers. The Carey Guides are utilized in: District 1 (Paducah), District 2 (Hopkinsville), District 10 (London, Harlan, and Barbourville), District 11 (Pikeville), District 15 (Maysville and Catlettsburg), and District 20 (Monticello).
  
- **EPICS** (Effective Practices in Community Supervision)
  - A supervision model that structures the staff offender interaction into meaningful components, check-in, review, intervention and homework. 26 Re-Entry Liaisons attended and completed training through the University of Cincinnati Criminal Justice Research Center May 2013.

## Promising Practices

Promising practices are programs that show promise for reducing recidivism but need formal research to confirm their impact.

- ***PORTAL New Direction***

- Programs designed to address non-criminogenic barriers to reentry for community offenders. The program is facilitated in both Probation and Parole Offices and Adult Institutions. All 19 supervision districts and all 12 institutions have implemented PORTAL New Direction. PORTAL New Direction was initially piloted in District 16 and 19 at The New Legacy Center in Louisville.
- District 1-
  - Expected to begin Spring 2104
- District 2-
  - Currently facilitated
- District 3- Bowling and Glasgow
  - Expected to begin May 2014
- District 5- Shepherdsville
  - Expected to begin April 2014
- District 6- Bardstown, Campbellsville, and Danville
  - Currently facilitate PORTAL & New Direction
- District 7- Newport
  - Expected to begin Fall 2014
- District 8-
  - Expected to begin Spring 2014
- District 9- Lexington
  - Currently facilitated
- District 10-
  - Currently facilitated in London, Barboursville, and Harlan
- District 11-
  - Currently facilitated in Pikeville
- District 12-
  - Currently facilitated in Shelbyville and Frankfort
- District 13-
  - Expected to begin Spring 2014
- District 14-
  - Currently facilitated in Lancaster and Versailles
- District 15-
  - Currently facilitated in Catlettsburg and Maysville
- District 16- Louisville
  - Currently facilitated at Dismas Portland
- District 17-
  - Currently facilitated
- District 18-
  - Currently facilitated
- District 19-
  - Currently facilitated

- **Phoenix Program**
  - Phoenix is a residential, integrated, dual-diagnosis treatment program for men with mental illness and addiction located in Unit C at KSR. Components of the integrated program include a therapeutic community, motivational enhancement therapy, cognitive behavioral therapy, medication management, and twelve-step involvement. The program is facilitated by mental health staff.
  
- **Challenges**
  - This is a program for inmates with mental illness. It is intended to help them lead a more pro-social lifestyle by thinking more realistically and exhibiting healthier behaviors. This program is offered at the Kentucky State Reformatory. It is facilitated by mental health staff.

**TABLE 4 – PROBATION AND PAROLE PROGRAMMING SUMMARY**

<i>(*) Good Time Credit</i>	<b>24/7 Dads*</b>	<b>Moral Reconciliation Therapy*</b>	<b>PORTAL New Direction*</b>	<b>The Carey Guides</b>	<b>Thinking for a Change*</b>	<b>Relapse Prevention Therapy *</b>
District 1			X	X		
District 2	X		X	X		
District 3		X	X		X	
District 4	N/A	N/A	N/A	N/A	N/A	N/A
District 5			X		X	
District 6	X		X			
District 7	X	X	X		X	
District 8			X			
District 9	X		X		X	
District 10		X	X	X		
District 11			X	X		
District 12			X			
District 13			X		X	
District 14	X		X			
District 15			X	X		
District 16	X		X		X	
District 17			X		X	
District 18			X		X	
District 19			X		X	
District 20	X		X	X		

<b>Totals:</b>
19 Districts with PORTAL New Direction
6 Districts with The Carey Guides
7 Districts with 24/7 Dads
9 Districts with Thinking for a Change
3 Districts with Moral Reconciliation Therapy
0 Districts with Relapse Prevention Therapy

## Program participation and Completion

The Department of Corrections tracks program participation and completion in the Kentucky Offender Management System (KOMS). During the first half of 2012, these numbers were not tracked for 100% of the offender population. KY DOC expects the numbers for program participation and completion to continue to rise in FY 14. We expect the information in FY 14 to look significantly different because staff are now tracking program participation for each identified program (evidence-based and non-evidence-based) as well as program completion for all types of offenders.

For institutional and community programming, the following information represents program participation and completion for FY 13 within Evidence Based Programs:

**TABLE 5 – INSTITUTIONAL PROGRAMMING SUMMARY**

<b>Program Type</b>	<b># Participated</b>	<b># Completed</b>
GED/ABE	3143	1174
Vocational Tech	1419	492
Pathfinders	548	428
Inside Out Dads	501	287
SAP	5233	1327
SOTP	629	256
SOTP Community	539	16
Thinking for a Change	122	96
MRT	792	508
<b>Totals:</b>	<b>12926</b>	<b>4584</b>

Many times, where the offender is located determines what types of programs they may access. For example, in FY 13 Halfway Houses offered 34 programs and 59% of these were Evidence Based. Local Jails have had significant difficulty in providing programs due to staffing and lack of program space. In FY 13, local jails offered 71 programs and 61% of these were evidence based. The state prison facilities had 92<sup>1</sup> different programs across the state. These 92 programs were offered in 640 classes at the facilities. For these program classes, 337 or 53% were Evidence Based.

## **Funding the Effort**

The Kentucky Department of Corrections has worked diligently to ensure that evidence-based projects are cost effective. With this endeavor, the Department has secured nearly \$3,000,000 in federal funds to support implementation of the validated risk and needs assessment

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<sup>1</sup> In the FY12 report, these numbers were substantially higher. KY DOC has consolidated programs of the same or similar type during the past year, deleted obsolete programs, and has validated programs to confirm their Evidence Based status.

tool, train staff in evidence-based practices and programs, and provide materials for evidence-based programs.

In Fiscal Year 2012, the Department used over \$13.9 million in funds to support evidence-based programs, including education and vocational programs, substance abuse treatment and sex offender treatment programs. In Fiscal Year 2013, the Department used over \$19.4 million in funds to support evidence based programs.

**TABLE 6 – FY13 EBP EXPENDITURES**

<b>FY13 Evidence Based Program Expenditures</b>			
<b>Program</b>	<b>General Fund</b>	<b>Federal Fund</b>	<b>Canteen</b>
Substance Abuse	\$ 9,833,127.60	\$681,408.00	
Sex Offender Treatment Program	\$ 2,570,018.00		
Education	\$ 5,851,996.40	\$246,742.95	\$234,612.96
<b>Total</b>	<b>\$ 18,255,142.00</b>	<b>\$928,150.95</b>	<b>\$ 234,612.96</b>

The Department also utilized Kentucky Centralized Inmate Commissary, Inc. (KCICI) funds to support expanded educational programs and Pathfinders in FY 13. Funding allowed inmates to participate in college courses, complete GED testing, utilize additional academic supplies, and engage in the developmental math program. Additionally, incentives for passing the GED were funded through KCICI. It provided \$234,612.96 in funds to support continued implementation of these programs during FY 13.

### **Policy Changes**

Since HB 463 was enacted, the Department has created eight (8) additional Corrections Policy and Procedures, revised eighteen (18) CPPs, and deleted three (3) CPPs. Additionally one

new Kentucky Administrative Regulation was also established. These policy changes are synopsized below.

### *Institutional Policy Changes*

CPP 5.3 – Program Evaluation and measurement - was created to provide specific direction and guidelines for evaluating evidenced based programs and promising practices within the department. This new policy is a result of HB 463.

501 KAR 6:280 – Risk and Needs Assessment - was created to provide guidance and support for offender assessments for program recommendations as outlined in CPP 12.1. This new regulation is a product required by HB 463.

CPP 12.1 – Risk and Needs Assessment - was created to provide specific guidance on offender assessments for program recommendations. This new policy is a result of HB 463.

CPP 12.2 – Case Planning - was created to provide specific guidance on offender case planning upon completion of a Risk and Needs Assessment. This new policy is a result of HB 463.

CPP 12.3 – Risk and Needs Assessment Administration, Training, and Quality Assurance was created to establish procedures to govern the administration of, training for, and quality assurance for the Risk and Needs Assessment. This new policy is a result of HB 463.

CPP 14.6 Inmate Grievance Procedure - was revised to add the Risk and Needs Assessment as non-grievable. This policy revision is a result of HB 463.

CPP 25.12 – Home Incarceration Program - was revised to add language for transfer procedures and eligibility requirements. This revision also clarifies the responsibilities for Central Office and Probation and Parole during business hours and after hours. The Home Incarceration Program was expanded to 9 months as a result of HB 463.

CPP 15.4 – Program Credit - was revised to add additional language regarding Evidenced Based Programs. This revision also provides guidelines for documentation and tracking of data for reporting purposes. This policy revision is a result of HB 463.

*Probation and Parole*

CPP 27-10-02 - Mandatory Re-Entry Supervision. This new policy is a result of HB 463.

CPP 27-10-03 - Post incarceration Supervision. This new policy is a result of HB 463.

CPP 27-12-07 - Administrative Caseloads. This new policy is a result of HB 463.

CPP 27-15-03 - Graduated Sanctions and Discretionary Detention. This new policy is a result of HB 463.

CPP 27-12-01 - Supervision Case Classification - “Risk assessment” was changed to “risk and needs assessment” to match statute. Supervision of drug court cases is not required per HB 463. This policy revision is a result of HB 463.

CPP 27-12-03 – Initial Interview -The timing of the initial interview was changed to 14 days to align with risk and needs assessment. Documents to be completed at initial intake, including risk and needs assessment and case plan were updated. This policy revision is a result of HB 463.

CPP 27-12-04 – Conditions of Supervision and Request for Modification -The timeline of adding conditions was modified. This policy revision is a result of HB 463.

CPP 27-12-06 – Grievance Procedures for Offenders - Dispute of calculation of jail custody credit and application of parole compliance credit were added to grievable matters. This policy revision is a result of HB 463.

CPP 27-12-11 – Guidelines for Monitoring Financial Obligations - Procedures for violations of non-payment of fees were modified. This policy revision is a result of HB 463.

CPP 27-13-01 – Drug and Alcohol Testing of Offenders - Process for responding to positive drug tests and referring to drug or alcohol treatment was aligned with other policies. This policy revision is a result of HB 463.

CPP 27-15-01 – Supervision Reporting Documents, Violations and Unusual Incidents – Procedures for submission of violations reports were updated. The list of major and minor violations was deleted as they were moved to another policy. This policy revision is a result of HB 463.

CPP 27-20-03 – Prisoner Status Change - Parole compliance credit was defined. This policy revision is a result of HB 463.

CPP 27-24-01 – Releasing Offenders from Active Supervision - A section on early termination of parole was added. This policy revision is a result of HB 463.

CPP 27-30-02 – Conditional Discharge of sex Offenders - Risk and needs assessment and sex offender post incarceration supervision was added. This policy revision is a result of HB 463.

CPP 27-12-02 – Risk Scale Assessment. Deleted as a result of HB 463.

CPP 27-12-08 – Supervision Planning. Deleted as a result of HB 463.

CPP 27-20-02 – Prisoner Intake Notification. Deleted as a result of HB 463.

CPP 28-01-01 – Probation and Parole Investigation Reports, Introduction, Definitions, Confidentiality, Timing and General Comments - Added definition for custody time credit form and. Information about conducting a risk and needs assessment was added. This policy revision is a result of HB 463.

CPP 28-01-03 – Presentence, Post sentence, Supplemental, and Partial Investigations - Instructions for including risk and needs assessment information to the pre-sentence investigation was added. Calculation of custody time credit was added. This policy revision is a result of HB 463.

CPP 28-01-08 – Calculation of Custody Time Credit – Added language regarding the calculation of jail custody credit. This policy revision is a result of HB 463.

CPP 28-03-01 – Parole Planning, Investigative Requests, Halfway Houses, and Parole Offices to monitor Employment Search and Sponsorship - Definitions for parole plan investigations and sponsorship were modified. Parole plan process in the offender management system was updated. This policy revision is a result of HB 463.

CPP 28-03-02 – Expedient Release Parole Planning Investigation Requests - Sections for control agency, qualifications for expedient release, and investigation of expedient release plan were removed. Processes for submitting parole plans were updated through the offender management system. Release procedures were added, stepping an officer through paperwork required to release an offender to parole. This policy revision is a result of HB 463.

## **Collaboration at Every Level**

The simple fact is that the Department of Corrections cannot solve the challenges of offender reentry alone. The Department must work with key stakeholders at the local, state and federal levels to address the barriers to reentry that offenders face. The Department has been successful in addressing several needs through collaboration with other agencies. For example, while every effort has been made to enable offenders to secure photo identification upon release from prison, few counties had been willing to recognize Department of Corrections or Parole Board paperwork as an identification document for the offender. As part of 2009 legislation, offenders with birth certificates and specific Department of Corrections' paperwork can secure their driver's license or state identification card at any county circuit court clerk's office.

Offenders are now strongly encouraged to secure their birth certificate as part of their transition from prison to the community to make the identification process smoother upon release.

The Governor signed an Executive Order on April 15, 2009 to establish the Governor's Reentry Task Force, a council of more than 50 key policymakers, lawmakers and stakeholders. The first organizational meeting was held during the November, 2009 during the reentry conference. The Executive Committee of this Task Force meets semi-annually to review the work of the Steering Committee that meets bi-monthly. The Reentry Task Force will guide the reentry process by ensuring that state and local agencies collaborate to serve the offender needs throughout the state. For the 2012 legislative session, the Steering Committee, with approval of the Executive Committee submitted specific legislative proposals to address housing, employment, treatment (medical, mental health and substance abuse) and other needs related to offender reentry. The Steering Committee will submit additional legislative proposals for the 2013 legislative session.

The Department has worked with local communities across the state to establish and support 11 reentry councils. These councils involve stakeholders from areas including: criminal courts, corrections, parole board, mental health agencies, public health services, veteran's affairs, housing agencies, employers and employment services, social service agencies, faith-based groups and average citizens. The work of these councils is amazing! For example, the Northern Kentucky Reentry Team is developing a plan to promote "Ban the Box" which will provide offenders with an opportunity to secure an interview prior to a criminal background check being completed. This "Ban the Box" will require employment applications to omit the question related to arrest and conviction.

The following reentry councils meet monthly and represent communities throughout the Commonwealth:

- Northeast Kentucky Reentry Council
- Green River Reentry Council
- Western Kentucky Reentry Council
- Southeast Kentucky Reentry Task Force
- Southern Kentucky Reentry Council
- Central Kentucky Reentry Council
- Louisville Metro Reentry Task Force
- Bluegrass Reentry Council
- Eastern Kentucky Reentry Council
- Northern Kentucky Reentry Team
- FIVCO Reentry Council

Individuals interested in participating may sign up through [www.kentuckyreentry.org](http://www.kentuckyreentry.org) for meeting notification information.

The Department has developed a reentry newsletter, The Tool Kit, designed to provide information to staff and stakeholders about reentry efforts in the state. Additionally, a newsletter was created to provide information to offenders called “Homeward Bound.” These newsletters are available on the reentry portion of the Department of Corrections website at [www.corrections.ky.gov](http://www.corrections.ky.gov).

## **2014 Expectations**

While significant changes are underway within the Department of Corrections, we must continue to develop strategies to address offender reentry, increase public safety and reduce recidivism. These strategies for FY 2014 include:

- Continue evidence-based program options for offenders in the prisons and increase the options for jails, halfway houses, and community.
- Continue to monitor and improve tracking of offender participation and completion of all programs.
- Ensure programs are delivered with fidelity to the model through quality assurance.

- Establishment of a committee to explore the risk and needs assessment tool and programs with validation against a Kentucky specific population.
- Continue to monitor recidivism rates in light of program participation to see if changes are necessary.
- Develop a plan to address programming needs for the segregation population.

## **Recommendations**

The Department of Corrections has been able to secure significant federal funding that supports evidence-based projects throughout the state. Federal funds have typically supported pilot programs with specific target populations, and federal funding will end. In order to expand these efforts, additional funding will be necessary. If additional funds are made available, the Department seeks to create specific staff positions in prisons and the community that would facilitate offender programming. Current staff to offender ratios do not allow for program implementation at all levels of the corrections system. This would enable the department to enhance program offerings through implementation of new evidence-based programs and expansion of current evidence-based programs. The Department would like to increase enrollment and program completion by 10% for community offenders. With current staffing patterns, the responsibility of programming falls primarily on Probation and Parole officers who supervise caseloads and perform a number of other duties. In order to be more effective and consistent, the Department would like to explore utilizing dedicated personnel to increase services to offenders in the community.

The Department will also explore with community agencies and local jail facilities to expand existing substance abuse treatment program slots. While offenders may not enter prison with a drug offense, oftentimes substance abuse is a factor in the criminal behavior. Expansion of substance abuse treatment slots will enable the Department to meet the treatment needs of our current offender population and provide affordable substance abuse treatment for probationers and parolees.

## Summary

The Department of Corrections has made every effort to implement evidence-based practices to impact the overall reentry process. From assessment to case planning to targeted interventions using proven supervision practices, the Department is confident that the Commonwealth will see a reduction in recidivism as evidence of their work.

In response to House Bill 463 and the four primary drivers of the population, realistically corrections can only impact the number of parolees returning to prison for technical violations and the services provided to offenders with substance abuse issues. The Department has implemented a violation matrix with graduated sanctions to address offenders that have technical violations. Graduated sanctions are an alternative to incarceration and may be used when deemed appropriate for public safety. Additionally, all Probation and Parole Officers and Supervisors have been trained in motivational interviewing techniques and supervision strategies that support more positive interactions with offenders. Additionally, training is planned in 2014 to support positive interactions with offenders, through implementation of Core Correctional Practices. As evidence of our support, we continue to participate in communities that have the

court-based SMART Project, an intervention that provides swift, certain interventions when the offender has failed to comply with program requirements.