



# **HB463 Annual Report 2019**

## **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 2019.

## 2019 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 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 promising practice 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.

The Department of Corrections' population for 2019 consisted of 19,641 admissions and 19,752 releases, with an average daily population of 23,929. In the Commonwealth, the 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 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.

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 in the state. This report will show the programs and practices offered in 2019 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** – 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 morale reasoning. Those who participate address 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 encouraged to apply, and utilizes journaling.

**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.

**STAR** – Residential treatment program offered at Kentucky State Reformatory in the CPTU unit 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.

**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.

<b>Braille Transcribing</b>	<b>Career Readiness</b>	<b>Carpentry</b>
<b>College Programs</b>	<b>Commercial Driver's Licenses</b>	<b>Electrical</b>
<b>Computer Literacy</b>	<b>Culinary Arts</b>	<b>Introduction to Computer Science</b>
<b>Basic Education</b>	<b>Recycling Materials Management</b>	<b>Computer Management</b>
<b>Welding</b>	<b>Carpentry</b>	<b>Computer Aided Design</b>
<b>Auto Technology/Small engine repair</b>	<b>Collision Repair</b>	<b>Construction Management</b>
<b>Electrical</b>	<b>Facility Maintenance</b>	<b>Heating and Air</b>
<b>National Career Readiness Certificate</b>	<b>Horticulture</b>	<b>Plumbing</b>
<b>Masonry</b>	<b>Water Treatment</b>	<b>Vocational Technology Fundamentals</b>
	<b>Microsoft Office &amp; IC3</b>	

**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.*

**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 entering back into 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 2019 Evidence-Based Programs, Promising Practices Programs and Life Skills Programs. This is inclusive of the entire Department of Corrections population (inmates in all housing statuses and on community supervision):

<b>Program</b>	<b>Completions</b>
Vocational/Academic	1,530
Substance Abuse/Mental Health	4,164
Sex Offender Treatment	162
Evidence Based	11,306
Life Skills	7,347
Promising Practices	89
<b>Total</b>	<b>24,598</b>

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 2019 was more costly as compared to the previous year for evidence-based programming due to programming expansions within the Department.

In Fiscal Year 2018, the Department used over \$24.0 million in funds to support evidence-based programming, while in Fiscal Year 2019 the Department used over \$27.3 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 2019. 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	\$ 14,636,941	\$ 319,842	\$ 2,383,680	\$ 11,966
Sex Offender Treatment Program	\$ 2,295,616.21	\$ 14,143		
Education	\$ 5,449,290			\$ 224,251
MRT	\$ 394,978			\$ 1,654,082
Pathfinders				\$ 9,204
PORTAL				
T4C				
24/7 Dads				
<b>Total</b>	<b>\$ 22,776,826</b>	<b>\$ 333,985</b>	<b>\$ 2,383,680</b>	<b>\$ 1,899,503</b>
				<b>\$27,393,994.27</b>

Although Fiscal Year 2019 shows the cost rising in the department to provide more programming, it should be noted the number of programming completions by the population have drastically increased in the past three years as you can see below. The creation of the Division of Reentry Services allowed the Department to expand programming in the communities and institutions with dedicated staff to facilitate programming. Each of the below noted program completions grants an offender 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
<b>Total Number of Program Completions of All Programs Offered in DOC for All Populations</b>	<b>6,845</b>	<b>17,615</b>	<b>24,598</b>

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

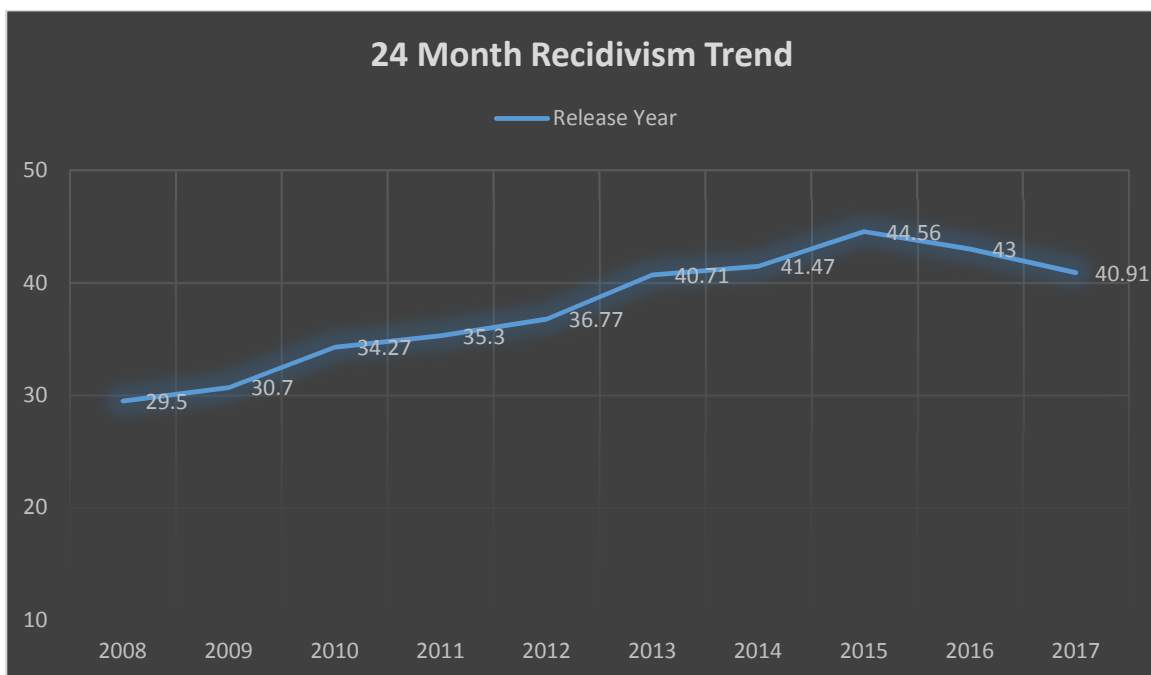
While not a criminogenic need, a static risk factor accounted for in the KyRAS assessment is criminal history. This is a factor used to predict risk to recidivate.

During Fiscal Year 2019, the Department completed 66,977 KyRAS assessments. Analysis of the assessments shows common themes. In local jails and reentry service centers, offenders have the following primary needs: education/employment and substance use. In prisons, offenders have these common primary needs: criminal attitudes & behavior patterns and criminal history. The offenders on community supervision show a primary common need of substance use and education/employment. It is clear that criminal behavior becomes a factor when individuals lack appropriate, structured time, using substances and are undereducated.

The following chart shows risk levels for the Department of Corrections population in 2019:

RISK LEVEL	Prison	Prison	Jail/RSC	Jail/RSC	Community Supervision	Community Supervision
Very Low	0	0.00%	4	0.04%	133	0.31%
Low	3,035	24.76%	1,3719	12.38%	16,387	37.60%
Low/Moderate	4	0.03%	613	5.50%	4,433	10.17%
Moderate	5,287	43.14%	5,715	51.30%	19,170	43.99%
High	3,274	26.71%	2,866	25.73%	2,569	5.89%
Very High	634	5.17%	317	2.85%	134	0.31%
Not Assessed	22	0.18%	246	2.21%	755	1.73%
	12,256	100.00%	11,140	100.00%	43,581	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 2019 recidivism rate is comprised of offenders released from custody in 2017. Since 2010, recidivism has steadily increased each year. However, 2018 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 2019 to 40.91%.



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. After a review of various interdepartmental policies and procedures, a few amendments were made in 2019 to increase staff effectiveness and provide better success for our population.

- CPP 25.12, Home Incarceration Program, was amended if an inmate is eligible for the Home Incarceration Program a records check is to be completed to confirm program eligibility earlier in the procedure. Home placement forms shall be processed and entered in five (5) days instead of seven (7) days. For

conditions of the program, a procedure was added for supervising Home Incarceration Program participants.

- CPP 26.1, Citizen Involvement, Volunteer, and Reentry Mentor and Service Programs, was amended to include the specifications on the application process, orientation, training, review and termination of Reentry Mentors and Reentry Mentor Coordinators.
- CPP 13.8, Division of Addiction Services Substance Abuse Program (SAP), was amended to revise the admissions process for SAP. The Medication Assisted Treatment (MAT) was added to the policy.
- Supporting Others in Active Recovery (SOAR) Dorm was created at Northpoint Training Center. It focuses on aftercare upon completion of the Substance Abuse Program. Additional evidence based programming is required and offers the population a sense of continued care after completion of SAP.
- Reentry Mentor Initiative began to allow offenders being released to a community the opportunity to have a mentor to assist them in their success on supervision.
- Mental Health enrolled all inmates in state prisons into Medicaid for a smoother transition process into the community for Medicaid applicants eliminating a waiting period for their medical services upon release.
- MAT expansion within the Department utilizing the Hazelden Betty Ford COR-12 Model at three facilities in the Department.
- Additional 270 substance abuse treatment beds established for the population to utilize.
- In an effort to assist with enhancing the education of our population, the Department formed a partnership with the Department of Workforce and Education to increase GED referrals for the supervised population. In 2019 the Department of Corrections sent 3,921 referrals to the Department of Workforce and Education.
- Modified the offender management system to allow tracking of employment referral successes and offender obtaining employment or being placed into a job skills program.

All of these amendments and Departmental efforts have aided in the reduction of recidivism in 2019.

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 hosts numerous events to service the justice-involved population. The

following chart shows numbers for the events held within the Division of Reentry Services in 2019.

<b>Event</b>	<b>Number Conducted</b>	<b>Number of Participants</b>
Expungement Sessions	52	3,196
Reentry Simulations	34	1,629
Job & Resource Fairs	20	1,744
Employment Assessments/Referrals	1,998	N/A

As noted in the chart above, the Division of Reentry Services Employment Program Administrators conducted 1,998 total assessments in 2019. Starting May 1, 2019, the KOMS database was able to track referral success for those offenders who met with the Employment Program Administrators. Based on the data obtained there is a 49.6% success rate to employment for an offender after meeting with one of the Employment Program Administrators.

The Department collaborates with various state agencies to promote the success of the offender population. In 2019, The Division of Reentry Services worked with local communities across the state to maintain twelve (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 2019. A new reentry council was created in 2019 to expand services being offered in the state to a broader area. 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

## 2020 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 2020 include:

- Implement a new Violence Risk Scale assessment for RHU Transition Program participants.
- Provide continued improvement of tracking of offender program participation within the Department.
- 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.
- Implement 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.
- Develop ways to better address specific reentry barriers such as transportation in the state.

It is the hope of the Department of Corrections to implement changes and increase effectiveness to better serve the justice-involved population in 2020 and promote successful reentry within the Commonwealth.