

**Responses to: Questions for the Record**  
**“Oversight of the Bureau of Prisons & Cost-Effective Strategies for Reducing Recidivism”**  
**November 6, 2013**  
**Senator Sheldon Whitehouse**

**Representative John Tilley:**

- 1) The Committee heard testimony that permitting the early release of prisoners or reducing sentences always leads to more crime. Based on your experience reforming the criminal justice system in Kentucky, do you agree? What happened to crime rates in your state after you passed your package of reforms?

The crime rates in Kentucky do not support the theory that the early release of prisoners or the reduction of sentences necessarily creates an increase in crime rates. Since the enactment of the reforms in our state, with the exception of property crimes, all crime rates have ultimately decreased. We are experiencing positive results because our state implemented smart-on-crime policies to decrease recidivism.

One example of a successful reform that is helping to keep recidivism down is mandatory reentry supervision, or MRS. Studies show that the first 6 months after release from incarceration are the most critical in determining whether a person will successfully reenter society. In order to help offenders successfully transition into society, the legislation requires the Department of Corrections to implement MRS for eligible inmates who are not granted discretionary parole. These inmates are released six months prior to the completion of their sentences and are supervised by parole officers until their sentence expires. While on MRS, offenders are provided with resources to help find housing, employment, treatment and other programs. Without mandatory reentry supervision, these offenders would serve out their sentences within the corrections system and would be released into our communities without supervision and without transitional services. MRS provides an opportunity to address the problems faced by those trying to reenter society after incarceration and reduce their rate of reoffending. As of September 2013, 5,105 inmates have been released to MRS. The current recidivism rate for those on MRS is less than 20%, which is much lower than the recidivism rate for other offenders who do not receive this supervision.

Another reform enacted in our state is post-incarceration supervision, although it is still too new for us to confidently quantify its results. This provision requires certain serious offenders who are convicted after the effective date of the legislation to be subject to one year of additional supervision in the community upon the expiration of their sentences. Post-incarceration supervision will provide serious offenders the same reentry resources and supervision as MRS without jeopardizing public safety.

Mandatory reentry supervision and post incarceration supervision can only be successful if the appropriate tools are used to identify what each individual needs to successfully reenter society. First, our reforms require the use of risks and needs assessment tools within the criminal justice system. These tools are evidence-based and validated, and they allow officials to make better decisions regarding supervision levels and to address the specific risks and needs of each

individual within the system. Second, our legislation requires that state funding be used for programs and practices that are also evidence-based. The Department of Corrections is required to demonstrate that state-funded intervention programs provided by the department have been evaluated for effectiveness in reducing recidivism.

Reduction in sentences was not a major focus of our criminal justice reforms, but we did implement sentence reductions in our controlled substances statutes. The new provisions maintained possession in the first degree as a low-level felony but reduced the maximum sentence from 5 years to 3 years. A component of the controlled substances reforms requires the Department of Corrections to calculate the fiscal savings resulting from changes to the controlled substances laws, and we specified that the savings from those changes are to be used solely for expanding and enhancing evidence-based treatment programs.

The reforms passed in our state in 2011 have already shown progress. As the reforms continue, treatment options expand, and our responses become more specific to each individual's needs, it is our hope that positive results continue to become more apparent. These reforms show that public safety can be maintained through simple, common-sense revisions within the criminal justice system.

- 2) As you reformed your corrections system, did you try to reinvest the savings you achieved in other law enforcement priorities? Have those efforts been successful?

Our reforms emphasized substance abuse treatment as Kentucky has experienced a rise in drug abuse problems in the past decade that effect all aspects of our communities from schools to economic development as well as all aspects of the criminal justice system. We increased substance abuse treatment slots available to the Department of Corrections from 1,500 in 2007 to almost 6,000 today. Because a vast majority of crimes in Kentucky are rooted in addiction, this focus on drug treatment reduces and prevents recidivism. In fact, our reforms have reduced our prison population, which has allowed the Department of Corrections the flexibility it needed to implement innovative solutions to administrative problems encountered within our corrections system.

For several years prior to the passage of HB 463, the Kentucky State Police (KSP) had been assessing options for the relocation of their training academy, a facility used to process new cadet classes through basic training, as well as providing refresher training for current troopers and visiting personnel from other law enforcement agencies. The old academy faced severe constraints due to age, location, and physical space, and KSP's budget significantly limited their ability to acquire land for any new academy buildings. The passage of HB 463 gave Kentucky's Justice & Public Safety Cabinet confidence that it could rely future planning on a decrease in the state inmate population, allowing that agency to close a state prison and transfer its grounds and physical plant to the KSP for conversion into a new training academy.

The Department of Corrections and the Administrative Office of the Courts (AOC) are partnering together through a grant to implement "SMART," or "Supervision, Monitoring, Accountability, Responsibility and Treatment." The program is based on the HOPE Model. Currently six Kentucky jurisdictions are involved with the objectives of:

- Identifying probationers at high risk of violating their terms of supervision, specifically in relation to substance use;
- Responding swiftly and certainly to violations, using brief jail stays as primary sanctions;
- Targeting treatment resources to offenders who are unable to comply with their probation conditions after an initial sanction and who need treatment; and
- Reducing violation behavior and new crimes, thereby reducing revocations to prison.

FY13 total awards    \$946,524

FY14 total awards    \$947,364

Above are the amounts awarded for community corrections grants in the past two years. In FY13, this money was allocated to the 6 SMART pilot programs. The majority of the FY14 awards also went towards the continuation of the SMART programs. Because this program is in its infancy, we are still in the early phases of evaluating the success of the grant programs. We hope to be able to empower local governments to address individual needs, as well as share best practices from the use of these grant funds over time.

Our reforms have also increased the number of Probation and Parole officers. As a result of a \$3 million allocation from the 2010 General Assembly, 54 staff positions were added to the Division of Probation and Parole. In addition, the new legislation directly resulted in the creation of 36 new staff positions for the Division. Additional resources are expected to be allocated to the Division of Probation and Parole for personnel and infrastructure needs including expanding the Division's fleet inventory and offices statewide in preparation for these expanded services.