

Reentry Programs for Felons Should Be Improved and Outcome Measures Should Be Developed

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Program Review and Investigations Committee

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Summary

In November 2007, the Program Review and Investigations Committee directed that staff study the process of reintegrating incarcerated felons into Kentucky communities after their release from prison and the problems these persons encounter during the reentry process.

Much of the information in this report was provided by the Department of Corrections (department) from its Kentucky Offender Management System (KOMS) and its previous database systems. KOMS has been operational since May 2007. KOMS is designed to store information on an individual, focusing on public safety and security. The system has potential for routine reporting of information on a systemwide basis, such as that included in this report. With additional resources to develop the required programming, and with increased emphasis to staff to fill out all relevant database fields, the department could provide useful and timely information to policy makers on the characteristics of the inmate population, the crimes for which they were convicted, the efficacy of in-prison programming, and recidivism rates of subpopulations, such as sexual offenders and persons convicted of violating controlled substances statutes.

This report recommends several ways in which the department could better use KOMS to provide information on persons admitted to and released from prison. In its 2008-2010 capital budget request, the department asked for \$6 million for the KOMS project. The request was not approved. The requested funds would have allowed the department to transfer all functions that remain in the previous databases, to change some manual functions into electronic functions, and to collect electronic data from local jails that house state prisoners.

In FY 2008, Kentucky had more than 21,000 convicted felons under incarceration, approximately 14,000 in prisons and 7,000 in county jails. The proportion of state inmates in county jails increased from about one-fourth in FY 1998 to one-third in FY 2008. Where an inmate is incarcerated determines the programs and services that potentially are available.

Felons Admitted to Correctional Institutions, Fiscal Year 1998 to Fiscal Year 2008

Annual admissions to the department's custody increased 86 percent to more than 15,000 felons. Over this period, admissions for Class C and D felonies doubled. Of the total admissions, 71 percent had committed new felonies, and 27 percent violated conditions of probation or parole.

The number of Caucasians being incarcerated each year more than doubled; the number of African Americans increased at a much lower rate. Nearly half of the persons incarcerated were single, and approximately 70 percent were 21 to 40 years old.

Of total admissions over the past 11 years, 19 percent were high school graduates and 41 percent were not high school graduates. The educational status was unknown for one-third of the felons.

Programs and Services

Qualifying inmates receive credit on their sentences for good conduct, completing educational programs, and work or program participation. The Parole Board considers an inmate's good conduct and participation in programs and services in considering whether to grant parole. However, the department's lack of resources results in waiting lists and some people not having access to programs and services.

Within the prisons, inmates are encouraged to participate in work activities and/or other types of program assignments, such as academic and vocational education. Opportunities for work and education are sometimes available for state inmates in local jails. Program Review staff asked for the number of state inmates in prisons and jails who had job and program assignments to get an idea of the proportion of inmates who were working or attending classes. The department was unable to provide the information because it is not routinely entered in KOMS.

Recommendation 3.1

The Department of Corrections should enter each inmate's job and program assignment in the Kentucky Offender Management System and update the information when an inmate's work or program status changes. This information will enable the department to report and analyze systemwide successes in job and program activities and identify improvements that should be made.

A vocational-technical postsecondary education program is offered in the 13 state-operated prisons. These programs are provided by the Kentucky Community and Technical College System (KCTCS). Inmates may earn certificates of completion and diplomas. In the three private prisons, programs are provided by the National Center for Construction Education and Research, and inmates earn certificates only. The department learns from KCTCS and the National Center for Construction Education and Research the number of certificates and diplomas awarded. However, the department was not able to identify the number of inmates who had earned the certificates and diplomas because the information is not routinely entered in KOMS.

Recommendation 3.2

The Department of Corrections should enter each inmate's educational achievements in the Kentucky Offender Management System and update the information when an inmate's educational status changes. This information will enable the department to report and analyze systemwide successes in its educational programs and identify improvements that should be made.

The Substance Abuse Treatment Program is offered in six prisons to inmates who have been determined to have an addiction to drugs and/or alcohol. To participate in the six-month program, inmates must demonstrate a willingness and ability to change their behavior and to actively participate in assignments. The department was unable to identify the number of inmates who had completed the Substance Abuse Program because the information is not routinely entered in KOMS. Instead, the department relies on the University of Kentucky's Center on Drug and Alcohol Research to measure the number of completions when it conducts its annual

Criminal Justice Kentucky Treatment Outcome Study. That study encompasses all the prisons but only a sample of the jails.

Recommendation 3.3

The Department of Corrections should enter each inmate's acceptance into the Substance Abuse Program in the Kentucky Offender Management System and update the information when the inmate completes or exits the program, including the reason for exiting the program. This information will enable the department to report and analyze systemwide successes in the Substance Abuse Program and identify improvements that should be made.

All persons convicted of sex crimes are required to be incarcerated in prisons rather than jails. KRS 197.400 requires the department to provide a specialized Sexual Offender Treatment Program. It is provided in four men's prisons, one women's prison, and in the community. Although the department was able to provide the number of persons who had completed the Sexual Offender Treatment Program, the information was provided by staff of the Mental Health Division because it is not routinely entered in KOMS. The department was unable to provide the recidivism rate for sexual offenders, as required by KRS 197.420(6).

Recommendation 3.4

The Department of Corrections should enter each inmate's acceptance into the Sexual Offender Treatment Program in the Kentucky Offender Management System and update the information when the inmate completes or exits the program, including the reason for exiting the program. This information will enable the department to report and analyze systemwide successes in the Sexual Offender Treatment Program, identify improvements that should be made, and calculate the recidivism rate required by KRS 197.420(6).

Between 30 and 180 days of potential release from prison, an inmate will have an opportunity to attend a pre-release program, commonly referred to as "Prison to the Streets." The components of the program vary widely among prisons, and the program is not available to state inmates in local jails. Typical topics could include preparing for job interviews, how to fill out employment applications, resume writing, housing options, where to find medical care, budgeting, and utilizing community resources. The time spent on the program varies from 16 to 20 hours in some prisons to only 1 to 5 hours in others. Some persons have been incarcerated for years and could use help in developing their community skills. Persons without such skills can be particularly challenging to the probation and parole officers who supervise them.

Recommendation 3.5

The Department of Corrections should require the use of a standardized reentry program that focuses on a person's community knowledge and skills to enable released felons to reenter society as smoothly as possible. The program should be of sufficient duration to ensure adequate coverage of required topics and should be offered in all prisons and jails that house state inmates.

Felons Released From Correctional Institutions

From FY 1998 to FY 2008, almost 116,000 felons were released from incarceration. The number released per year increased 146 percent over the period. Most had been convicted of Class C and D felonies. The nearly 17,000 felons released in FY 2008 had been convicted of 39,000 felonies. Nearly one-third of the convictions were for violations of Kentucky's controlled substances statute. About one-fourth were for theft and burglary.

From FY 1998 to FY 2008, 54 percent of persons released were placed under parole or probation supervision, 41 percent were discharged without supervision, and 5 percent were released to home incarceration and for other reasons. In a one-year period, from FY 2007 to FY 2008, releases increased by 21 percent. On an average day in FY 2008, 46 felons were released and 42 were admitted. Seventy percent of all persons exiting the system are 21 to 40 years old.

Most felons become eligible for parole consideration after serving a specified portion of their sentences, depending on the class and type of felony. In FY 2007, the Parole Board conducted more than 13,000 hearings and file reviews. Forty-nine percent of inmates were released to parole, 32 percent had their parole deferred, and 19 percent were ordered to serve out their sentences.

The Division of Probation and Parole supervises adult offenders released to community supervision. Offenders are assessed and supervised according to the type of crime they committed and their probability of committing additional crimes. "Regular" officers supervise most persons released to community supervision. In FY 2008, the average caseload of an officer was 94 persons.

"Sex offender" officers supervise only convicted sex offenders released to probation and parole supervision. Each registered sex offender is required to periodically verify the offender's address with the Kentucky State Police to be considered compliant. Offenders who do not comply with the address verification procedure are subject to reincarceration.

In FY 2008, 1,093 offenders were released to home incarceration. These persons remain in the custody of the department but are monitored by private companies through the use of monitoring devices.

Challenges of Reentry

Persons being released from incarceration face a number of challenges, such as finding a job and paying for basic living expenses. Convicted felons often face additional challenges related to the availability of community substance abuse and mental health treatment, finding a place to live, and paying child support arrearages and court-ordered restitution, fees, and fines.

The reentry process itself may be difficult for persons who have been incarcerated for a number of years and may be estranged from their families and friends. Some challenges relate specifically to the type of felony conviction. Compounding the problems, the department has no statewide system for easing the transition from prison to the community. A probation and parole

officer may help individuals, but with an average caseload of 94 persons, the amount and quality of that help varies.

A person may not be able to obtain substance abuse and mental health treatment in the community. The community mental health system's capacity to expand services or serve larger populations is questionable.

A person who has been convicted of any federal or state law involving the possession or sale of a controlled substance is ineligible for federal higher education aid until a certain period of time has passed since the conviction or the person completes drug treatment.

An ex-felon who has enough money to rent an apartment may not find a landlord willing or able to rent. Many restrictions are imposed on assisted housing, particularly for persons convicted of drug-related activity and sex crimes. In Kentucky, registered sex offenders cannot reside within 1,000 feet of a school, publicly owned playground, or licensed daycare facility.

Employers often exclude convicted felons from consideration. A few statutes preclude convicted felons from holding occupational licenses or certificates. Several statutes permit but do not require revocation or suspension of licenses and certificates. Other statutes address situations in which convicted felons may lose or be denied employment.

Transportation can be difficult for convicted felons. Obtaining an operator's license after incarceration can be difficult without adequate personal documentation, which some released felons may not have. Some problems with operators' licenses relate to the felony conviction itself. Statutes require revocation or suspension of licenses for various reasons, such as being convicted of manslaughter while operating a motor vehicle, multiple convictions for driving under the influence, and child support arrearages.

One of the biggest challenges facing some released felons is potential revocation of their parole. From FY 1998 to FY 2008, 27 percent of prison admissions were for violating the technical conditions of parole or probation. In the 2,820 parole revocation hearings in FY 2007, 1,789 persons had their parole deferred, meaning that they had to serve more time, and 859 persons were ordered to serve out their sentences.

A convicted felon is not eligible to vote until civil rights are restored by the governor.

Some challenges could be lessened. For example, some incarcerated felons would benefit from individualized pre-release assistance, including help making appointments with providers of needed services. Incarcerated felons also would benefit from more and better-coordinated academic, vocational, and technical programs geared to the workplace and from employers who have expressed a willingness to hire them when they are released.

Recommendation 4.1

The Department of Corrections should dedicate staff at each prison and staff to work with local jails to provide individualized assistance to persons with significant pre-release and post-release needs. The assistance should include interaction with community providers to ensure that the necessary services are available to released felons.

Recommendation 4.2

The Department of Corrections should dedicate staff to contact potential employers across the state, assess the vocational and technical skills their employees must have, and encourage employers to hire released felons with these skills. The department should provide appropriate training to inmates, encourage inmates to participate in it, and inform inmates of employers who have expressed a willingness to hire them.

Offender Reentry Programs and Practices

A 2006 review examined nearly 300 evaluations of evidence-based programs for adult offenders. Only studies that included a matched comparison group that did not receive the treatment under study were included. Based on the evaluations, some types of adult offender reentry programs resulted in less crime but others did not. Six types of treatment each reduced recidivism by more than 10 percent: 1) cognitive-behavioral treatment in the community for low-risk sex offenders on probation, 2) intensive community supervision with a focus on treatment, 3) cognitive-behavioral treatment in prison for sex offenders, 4) vocational education in prison, 5) drug treatment in the community, and 6) adult drug courts.

Other states have created offender reentry programs in recent years. For example, four Pre-Release Centers in Georgia help family members of offenders be aware of ways they can assist with the offender's reentry into society. The governor of Illinois created a statewide working group to initiate work on a statewide offender reentry plan. By executive order, all Rhode Island state agencies are to collaborate on prisoner reentry, and there are local councils and a statewide committee.

At the request of Program Review staff, the Department of Corrections updated its responses to a survey on pre-release programming. The department also obtained updated results from 10 other states. Five of the 11 states, including Kentucky, do not offer pre-release programs for state inmates in local jails. Ten states provide pre-release programming for inmates in state prisons. In eight of those states, including Kentucky, inmate attendance is voluntary. Nine states use one or more forms of transitional detention. The percentage of the felon population in a state in transitional detention ranged from 2 percent to 35 percent. In Kentucky, an estimated 4 percent of felons are in transitional detention.

Chapter 1

Overview and Background

On November 8, 2007, the Program Review and Investigations Committee directed staff to study the process of reintegrating incarcerated felons into Kentucky communities after their release from prison release and the problems they encounter during the reentry process.

Objectives and Overview of the Report

The objectives of this report are to describe the Kentucky probation and parole system and the current process for returning and reintegrating incarcerated felons into local communities, and to evaluate the effectiveness of the current process.

The study had two major objectives:

1. Describe the Kentucky probation and parole system and the current process for returning and reintegrating incarcerated felons into local communities, including pre-release and post-release strategies.
2. Evaluate the effectiveness of the current process for returning and reintegrating incarcerated felons into local communities.

The Department of Corrections is responsible for incarcerating persons convicted of felony offenses and for supervising those released on probation and parole. The department operates 13 state prisons and contracts with Corrections Corporation of America to operate three additional prisons. The department also contracts with 75 local jails to house certain minimum custody inmates. The Parole Board is an independent board attached to the Justice and Public Safety Cabinet for administrative purposes.

Kentucky's Division of Probation and Parole is part of the Department of Corrections, which is part of the Justice and Public Safety Cabinet. The department is responsible for incarcerating persons convicted of felony offenses and for supervising those released on probation and parole. The department operates 13 state prisons and contracts with Corrections Corporation of America to operate 3 additional prisons. All 16 prisons and the Division of Probation and Parole are accredited by the American Correctional Association. The department also contracts with 75 local jails to house certain minimum custody inmates. The Parole Board is an independent board attached to the Justice and Public Safety Cabinet for administrative purposes.

Focus of This Report

This report focuses on persons convicted of felony offenses who are incarcerated, those who are released, and the problems they face upon their reentry into society. Almost everyone who is admitted to prison will be released. Program Review staff use the term "convicted" or "conviction" to mean that a person was convicted by a court of law or has entered a guilty plea, an Alford plea, or a plea of no contest to a felony offense.

This report focuses on persons convicted of felony offenses who are incarcerated, those who are released, and the problems they face upon their reentry into society. This report does not consider the appropriateness of the type or length of sentence given to a convicted felon. These issues are being addressed by the Interim Joint Committee on Judiciary and the Kentucky Criminal Justice Council.

This report does not consider the appropriateness of the type or length of sentence given to a convicted felon. These issues are being addressed by the Interim Joint Committee on Judiciary and the Kentucky Criminal Justice Council. This report provides trend information that may be helpful to these groups.

Senate Joint Resolution 80 of the 2008 Regular Session of the General Assembly directed the co-chairs of the Interim Joint Committee on Judiciary to appoint a Penal Code Subcommittee to 1) conduct a thorough review of the present Kentucky Penal Code; 2) identify and enact a philosophy for a modernization of the Kentucky Penal Code; 3) identify what other states have done in recent years in modernizing their penal codes; 4) reconstruct the crimes contained in the Kentucky Penal Code to match the philosophy identified for the code; 5) reconstruct and possibly expand the classifications of felonies, misdemeanors, and violations to provide a greater flexibility for the code; 6) study the advisability of adjusting the current penalties for violent offenses, offenses resulting in death and serious physical injury, and offenses in which a weapon was used; 7) study the advisability of adjusting the current penalties for nonviolent offenses, property crimes, and related offenses; 8) restore an equal scheme of penalties for crimes of equal nature and seriousness; 9) determine whether penalties for controlled substances offenses should be readjusted; and 10) make such other recommendations as it may deem appropriate. The final report is due by December 1, 2008.

The Kentucky Criminal Justice Council has established five committees to study similar issues. The Sentencing Committee is reviewing Kentucky's sentencing practices, including but not limited to KRS Chapter 439 on probation and parole, sentencing enhancements and disparities, persistent felony offender statutes, and various published sentencing reports. The Penal Code Committee is performing a general review of Kentucky's Penal code for statutory changes. The KRS 218A Committee is reviewing controlled substances statutes for uniformity, proposed changes, and the advisability of control substances statutes becoming part of the Penal Code. The Corrections, Probation, and Parole Committee is reviewing the current inmate population, including aging and infirm prisoners; possible alternatives to incarceration; statutes and practices relating to probation and parole, including but not limited to KRS Chapter 439; Kentucky's violation and recidivism rates; and disparities within the system. The Pre-trial Release Committee is reviewing criminal rules regarding bail, actions of pre-trial officers and judges, and policies to accomplish release after arrest in a timely and efficient manner.

Recommendations for statutory changes are due to be reported to the Governor by December 1, 2008, for consideration by the 2009 General Assembly.

Recent Federal Initiatives on Reentry

Two federal laws enacted in 2008 are designed to help convicted felons as they return to communities. Because the laws are so new, it is unknown how they will be implemented and how effective they may be.

The Second Chance Act of 2007 was signed into law in April 2008. The act will, among other things, assist states and local governments, in partnership with nonprofit organizations, to establish prisoner reentry demonstration projects. According to a White House press release, “Demonstration projects include education, vocational training, and job placement services; coordinated supervision for offenders upon release, including housing and mental and physical health care; and programs that encourage offenders to develop safe, health, and reasonable family and parent-child relationships” (United States).

On August 14, 2008, the Higher Education Amendments Act of 2007 was signed into law. The act includes a grant program to fund state correctional agencies to help eligible incarcerated persons acquire educational and job skills. The grant program would help eligible incarcerated people acquire educational and job skills through a) coursework to prepare students to take college-level courses, b) the pursuit of a postsecondary education certificate or degree by an accredited body while in prison, and c) employment counseling and other related services that start during incarceration and end no later than one year after release (*Chronicle*).

The Kentucky Offender Management System

Much of the information included in this report was provided by the department from its Kentucky Offender Management System (KOMS) and its previous information system. According to department staff, the objectives of KOMS are to

- maintain information that applies to all offenders regardless of whether they are in custody, on supervision, or unsupervised;
- maintain the information in a database shared and updated by users;
- provide access to the database through a Web browser;
- make the update simple, reliable, and secure;

- provide non-updatable views to the information for everyday use by anyone granted access by the department; and
- produce reports utilized by the department (Commonwealth. Cabinet for Justice. Department. Internal).

The department started using KOMS in May 2007. Some of the information from the previous system did not transfer to KOMS as planned. To provide information for this report, department staff had to write programs to pull data from the old system.

KOMS is designed to store information on an individual, emphasizing public safety and security. The system has potential for routine reporting of information on a systemwide basis, such as that included in this report. With additional resources to develop the required programming, and with increased emphasis to staff to fill out all relevant database fields, the department could provide useful and timely information to policy makers on the characteristics of the inmate population, the crimes for which they were convicted, the efficacy of in-prison programming, and recidivism rates of subpopulations, such as sexual offenders and persons convicted of violating the controlled substances statutes.

This report recommends several ways in which the department could better use KOMS to provide information on persons admitted to and released from prison. An impediment to implementing those recommendations is that local jail staff can read information in KOMS but cannot add to or change it when an inmate's status changes (Thatcher). Without a way to update the records of state inmates housed in county jails, the department cannot know some current information, such whether the person completed an educational program while incarcerated in jail.

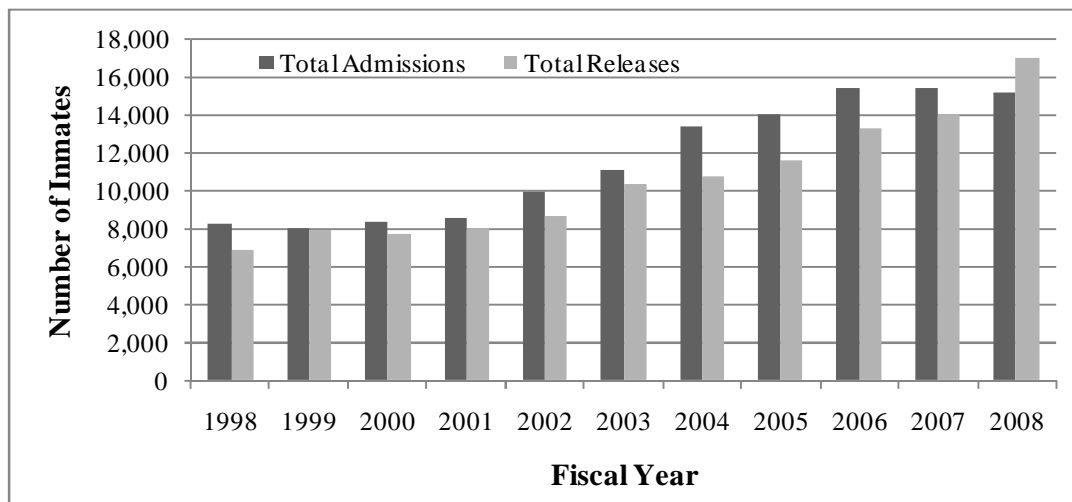
Persons Admitted to and Released From Incarceration

In fiscal year 2008, Kentucky had more than 21,000 felons in its custody. About 14,000 were housed in state prisons and about 7,000 in county jails. Annual admissions to the department's custody have increased 86 percent over the last 11 years; releases have increased 146 percent. On an average day in FY 2008, 42 felons were admitted and 46 were released.

In fiscal year 2008, Kentucky had more than 21,000 felons in its custody. About 14,000 were housed in state prisons and about 7,000 in county jails.

From FY 1998 to FY 2008, the department admitted 127,221 offenders and released 115,904. As shown in Figure 1.A, annual admissions to the department's custody have increased 86 percent over the last 11 years; releases have increased 146 percent. On an average day in FY 2008, 46 felons were released and 42 were admitted.

Figure 1.A
Admissions and Releases
Fiscal Year 1998 to Fiscal Year 2008



Source: Prepared by Program Review staff from information provided by the Department of Corrections.

In FY 2008, the 16,915 felons who were released had been convicted of committing 38,599 felonies. Nearly one-third of the convictions were for violations of KRS Chapter 218A, Kentucky’s controlled substances statute.

In FY 2008, 64 percent of admitted felons and 67 percent of released felons had been convicted of Class D felonies. The vast majority of persons convicted of Class D felonies are required by statute to be housed in jails.

The Parole Board reviews the cases of some offenders and releases them to parole supervision. A sentencing judge may release an offender to probation without the offender serving any time under incarceration or may release an offender at any time while the offender is incarcerated. Both groups of people are under the supervision of the Division of Probation and Parole. Except for certain sexual offenders, persons who serve out their sentences are not under the division’s supervision.

Most felons become eligible for parole consideration after serving a specified portion of their sentences, depending on the class and type of felony. From FY 1998 to FY 2008, 54 percent of persons released were placed under parole or probation supervision, 41 percent were discharged without supervision, and 5 percent were released to home incarceration and for other reasons. In FY 2008, probation and parole officers had an average caseload of 94 persons. In FY 2007, the Parole Board conducted 13,279

hearings and file reviews. Forty-nine percent of inmates were released to parole, 32 percent had their parole deferred, and 19 percent were ordered to serve out their sentences.

Persons being released often face challenges in finding a job, paying basic living expenses, finding substance abuse and mental health treatment, finding a place to live, and paying child support arrearages and court-ordered restitution, fees, and fines. Some of these barriers to reentry are specified in federal or state statutes and regulations.

One of the biggest challenges facing some released felons is potential revocation of their parole. From FY 1998 to FY 2008, 27 percent of prison admissions were persons who had violated the technical conditions of their parole or probation. In the 2,820 parole revocation hearings in FY 2007, 64 percent of persons had their parole deferred, 30 percent were ordered to serve out their sentences, and 6 percent were released back to parole supervision.

Recidivism Rates

In calendar year 2005, Kentucky's recidivism rate was 34 percent, which means that one-third of convicted felons returned to prison within 2 years.

In calendar year 2005, Kentucky's recidivism rate was 34 percent, which means that one-third of convicted felons returned to prison within 2 years. Table 1.1 shows recidivism rates for calendar years 1998 to 2005, the latest year for which a rate could be calculated.

Table 1.1
Recidivism Rates
Calendar Year 1998 to Calendar Year 2005

| Year | Percent |
|-------------|----------------|
| 1998 | 30% |
| 1999 | 31% |
| 2000 | 29% |
| 2001 | 30% |
| 2002 | 32% |
| 2003 | 35% |
| 2004 | 33% |
| 2005 | 34% |

Source: Kentucky Department of Corrections.

The recidivism rate, which is calculated using a method recommended by the Association of State Correctional Administrators, is calculated by calendar year for a 24-month period. For example, the recidivism rate for 2005 was calculated by taking the number of inmates that returned to prison by a new

conviction or a technical violation of the conditions of probation or parole in 2005, 2006, and 2007, but within 24 months of release, and dividing by the number of inmates released in 2005. The recidivism rate for calendar year 2006 cannot be calculated until December 2008.

How This Study Was Conducted

Program Review staff interviewed and obtained information from officials of the Department of Corrections; the Department for Mental Health, Developmental Disabilities, and Addiction Services in the Cabinet for Health and Family Services; members and staff of the Kentucky Parole Board; the Kentucky Association of Regional Mental Health and Mental Retardation Programs; and the Kentucky Jailers Association.

Staff interviewed incarcerated felons at all 16 prisons and at 3 county jails and released felons living in the community.

Staff obtained information from officials in the Department for Community Based Services in the Cabinet for Health and Family Services, the Kentucky Housing Corporation, the Kentucky State Police, and the University of Kentucky's Center for Drug and Alcohol Research.

To learn about the pre-release programming provided in Kentucky and other states, staff conducted surveys of the pre-release coordinators at Kentucky's prisons and members of the Institutional Corrections Research Network in the National Institute of Justice, of which Kentucky is a member.

Staff observed regular parole hearings, parole revocation hearings, victim impact hearings, and interactions between parole officers and parolees in local probation and parole offices.

Staff attended training sessions for probation and parole officers, meetings of the Louisville Metro Reentry Council, and the Association of Paroling Authorities International annual meeting. Staff attended meetings of the Kentucky Criminal Justice Council.

Staff reviewed federal and state laws and regulations, the department's policy and procedure manual, and reports on best practices and promising practices in other states.

Organization of the Report

This report consists of five chapters. Chapter 1 provides an overview of the report and describes the study's research methods and major conclusions. Chapter 2 describes persons who are incarcerated upon being convicted of felony offenses. With few exceptions, the persons who are incarcerated will eventually be released. Chapter 3 describes programs and services for incarcerated felons. This information was considered important to understand the programs and services that convicted felons have available to them and that they avail themselves of while incarcerated. Chapter 4 describes convicted felons who are released from incarceration and the challenges they face when reentering Kentucky's communities. Chapter 5 describes research and practices in felon reentry. Appendix A is a brief overview of interviews conducted with felony inmates and released felons.

Major Conclusions

The report has two major conclusions.

The report has two major conclusions:

1. The department's reentry programming should be strengthened. The formal reentry program is not offered consistently among prisons and is not available in jails. Department staff who present the program have additional job responsibilities. The department should dedicate additional staff to work only on reentry programming and to provide individual assistance to persons who need it. Staff also should be dedicated to work with employers, housing owners and providers, and other providers of services to identify specifically where a released felon may be able to get a job, find a place to live, and/or obtain substance abuse or mental health treatment. These efforts will smooth people's transition from prison to the community.
2. The only outcome measure the department currently reports is the recidivism rate. The department should measure and report outcomes of the programs and services provided to convicted felons. The department provides work programs; academic, vocational, and technical education; sex offender treatment; and substance abuse programs. Information on inmates who use these programs and services is not entered in the Kentucky Offender Management System. Thus, the department is unable to measure and report systemwide outcomes of its programs.

Chapter 2

Persons Incarcerated for Felony Offenses

Persons incarcerated for felony convictions are classified in the Kentucky Offender Management System (KOMS) in various ways. KOMS has data on the type of felony for which a person was convicted, whether the person was incarcerated for committing a new felony offense or violating the conditions of parole or probation, and demographic information. Some data are incomplete. This chapter summarizes available information to describe the population of adults in the care and under the supervision of the Department of Corrections.

Types of Felonies

Felonies are classified as capital offenses and Class A, B, C, and D felonies. The felony class affects the time a person will be incarcerated.

For sentencing purposes, felonies are classified as capital offenses and Class A, B, C, and D felonies. The felony class affects the time a person will be incarcerated.

Length of Sentence

A sentence of imprisonment for most felonies is indeterminate and is a range of years. The sentencing judge sets the maximum time for which a person is to be incarcerated before being released. For persons eligible for parole, the Parole Board determines how much of the sentence must be served before release.

A sentence of imprisonment for most felonies is an indeterminate sentence that consists of a range of years. The sentencing judge sets the maximum time for which a person is to be incarcerated before being released. For persons eligible for parole, the Parole Board determines how much of the sentence must be served before release.

For some capital offenses, a sentence of death or life imprisonment without benefit of probation or parole may be imposed. For other capital offenses, an indeterminate sentence is imposed. The generally authorized terms of imprisonment for felonies with indeterminate sentences are as follows:

- For a capital offense, imprisonment for life without benefit of probation or parole until a minimum of 25 years has been served, or imprisonment of not less than 20 years nor more than 50 years, or life imprisonment, for which a person may later be released;
- For a Class A felony, not less than 20 years nor more than 50 years;
- For a Class B felony, not less than 10 years nor more than 20 years;

- For a Class C felony, not less than 5 years nor more than 10 years; and
- For a Class D felony, not less than 1 year nor more than 5 years.

Examples of Class A, B, C, and D Felonies

Examples are provided of Class A, B, C, and D felonies.

Examples of Class A felonies are

- controlled substance endangerment to a child in the first degree, for example, when a child is present where methamphetamine is being manufactured and the child dies;
- a second or subsequent offense of manufacture of methamphetamine;
- rape in the first degree of a child under 12 years old or any person who receives a serious physical injury;
- arson in the first degree, for example, when a person starts a fire in an occupied building;
- a second or subsequent offense of theft by unlawful taking of anhydrous ammonia, when it is proven that the person intended to manufacture methamphetamine;
- a second or subsequent offense of receiving stolen anhydrous ammonia, when it is proven that the person intended to manufacture methamphetamine; and
- use of a minor in a sexual performance if the minor incurs physical injury.

Many felonies have graduated sentences, depending on the number of times a person is convicted of the offense. For example, in the list above, a second offense of manufacture of methamphetamine is a Class A felony, whereas a first offense is a Class B felony.

Examples of Class B felonies are

- a second or subsequent offense of selling controlled substances to a minor;
- a second or subsequent offense of trafficking in a controlled substance that is a narcotic drug;
- a second or subsequent offense of trafficking in marijuana of five or more pounds;
- engaging in organized crime, for example, organizing a criminal syndicate or any of its activities;
- manslaughter in the first degree, for example, when a person with an intent to commit serious physical injury causes death;
- burglary in the first degree, for example, when a person enters a building with the intent to commit a crime and is armed with a deadly weapon; and

- robbery in the first degree, for example, when a person threatens the use of physical force and is armed with a deadly weapon.

Examples of Class C felonies are

- theft of a controlled substance with a value greater than \$300;
- a second or subsequent offense of criminal possession of a forged prescription;
- a second or subsequent offense of obtaining a prescription for a controlled substance by knowingly misrepresenting to a practitioner;
- sexual abuse in the first degree when the victim is less than 12 years old;
- trafficking in stolen identities;
- forgery in the first degree, such as altering a check;
- criminal possession of a forged instrument in the first degree; and
- possession of a handgun by a convicted felon.

Examples of Class D felonies are

- a fourth or subsequent offense of driving under the influence within a five-year period;
- a first offense of trafficking in a controlled substance within 1,000 yards of a school;
- a first offense of cultivation of five or more marijuana plants;
- a first offense of criminal falsification of a medical record;
- making a false statement of material fact about financial condition for procuring the issuance of a credit card;
- fraudulently using a credit card when the value obtained exceeds \$100 in a six-month period;
- reckless homicide;
- criminal mischief in the first degree, for example, intentionally damaging property causing a loss of \$1,000 or more;
- theft by deception when the value is \$300 or more;
- theft of identity;
- bribing a witness;
- flagrant nonsupport; and
- a first offense of distributing matter portraying a sexual performance by a minor.

Presentence Investigation

Someone convicted of a noncapital felony offense is usually not sentenced until the judge reviews a presentence investigation report prepared by a probation and parole officer. The report helps identify the treatment, educational, and rehabilitation needs of the convicted felon. The report also helps identify programs and resources that are available to meet those needs or the lack of such programs and resources.

In most cases, a person convicted of a felony other than a capital offense is not sentenced until the judge reviews a presentence investigation report prepared by a probation and parole officer. KRS 532.050(5) states that the report should identify the treatment, educational, and rehabilitation needs of the convicted felon. The report also helps identify programs and resources in the community and in correctional institutions that are available to meet those needs or the lack of such programs and resources.

Admissions by Type of Felony

From FY 1998 to FY 2008, annual admissions for felony offenses increased approximately 86 percent, from approximately 8,000 to approximately 15,000.

In the last 11 years, 127,221 people have been admitted to adult correctional institutions or county jails that house state inmates in Kentucky. Table 2.1 shows the number of admissions by type of felony per fiscal year. The number of admissions includes duplicates because some people have been incarcerated for a felony conviction more than once, and some people have been incarcerated for a felony conviction, released on parole, and returned to prison for a parole violation.¹ The number of admissions also includes persons from out of state who were admitted.

Table 2.1
Admissions by Type of Felony
Fiscal Year 1998 to Fiscal Year 2008

| Felony Type | Fiscal Year | | | | | | | | | | |
|-------------|-------------|-------|-------|-------|-------|--------|--------|--------|--------|--------|--------|
| | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
| Capital | 89 | 89 | 68 | 78 | 64 | 84 | 72 | 84 | 76 | 63 | 71 |
| Class A | 47 | 52 | 54 | 41 | 56 | 63 | 63 | 59 | 72 | 57 | 35 |
| Class B | 697 | 745 | 770 | 775 | 938 | 922 | 1,025 | 1,045 | 1,107 | 1,049 | 1,031 |
| Class C | 2,059 | 1,975 | 2,160 | 2,333 | 2,607 | 2,890 | 3,353 | 3,640 | 4,135 | 4,071 | 4,216 |
| Class D | 4,857 | 4,733 | 4,970 | 5,030 | 5,914 | 6,538 | 8,154 | 8,588 | 9,455 | 9,610 | 9,740 |
| Other | 415 | 355 | 322 | 257 | 311 | 593 | 649 | 584 | 554 | 556 | 56 |
| Total | 8,164 | 7,949 | 8,344 | 8,514 | 9,890 | 11,090 | 13,316 | 14,000 | 15,399 | 15,406 | 15,149 |

Source: Prepared by Program Review staff from information provided by the Department of Corrections.

¹ Program Review staff asked the department for the number of admissions rather than the number of people to more accurately gauge the associated workload. The admissions shown in Table 2.1 are compiled on the basis of the highest level of felony for which a person was convicted. Thus, a person convicted of Class C and D felonies simultaneously appears in Table 2.1 only in the Class C category.

From FY 1998 to FY 2008, annual admissions for felony offenses increased approximately 86 percent, from approximately 8,000 to approximately 15,000. Relatively few persons are newly imprisoned for capital or Class A felonies each year, but the numbers for each were lower in FY 2008 than in FY 1998. Annual admissions for Class B felonies increased 48 percent, increased 105 percent for Class C felonies, and increased 100 percent for Class D felonies. Many persons were convicted of multiple felonies at one time.

Admissions by Category

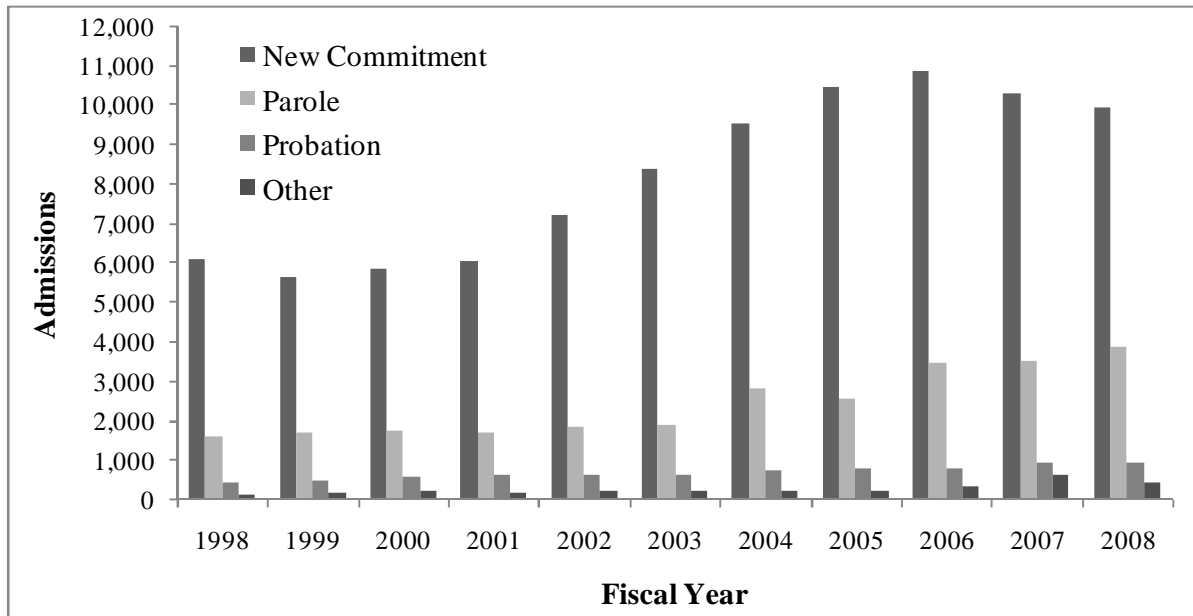
KOMS uses admission codes, which are defined below, to identify the reason a person is incarcerated.

- “New commitment” indicates that a person has been convicted of a new felony offense. This category is used to record the admission of a person for being convicted of one or more felony types. A person who is convicted of a new felony offense while on parole or probation is admitted under this code.
- “Parole” indicates that a person has been admitted for violating the conditions of release while on parole, other than committing another felony.
- “Probation” indicates that a person has been admitted for violating the conditions of release while on probation, other than committing another felony.
- “Other” category includes admissions for persons who have been returned to prison from home incarceration, from escape, from revocation of conditional discharge for sex offenders, and by court order, as well as commitments from out of state.

Over the past 11-year period, 71 percent of admissions were for those convicted of a new felony offense. Twenty-seven percent of admissions were for violations of parole or probation.

Figure 2.A shows admissions for FY 1998 to FY 2008 using these categories. New commitments accounted for 71 percent of admissions in this period. Admissions of returned parolees were 21 percent, returned probationers were 6 percent, and admissions for other reasons were 2 percent.

Figure 2.A
Felony Admissions by Category
Fiscal Year 1998 to Fiscal Year 2008



Source: Prepared by Program Review staff from information provided by the Department of Corrections.

Felony Admissions by Gender, Race, Age, Marital Status, and Educational Status

Gender

In FY 2008, 83 percent of newly admitted felony prisoners were male and 17 percent were female. These percentages are consistent in other years for which data were available.

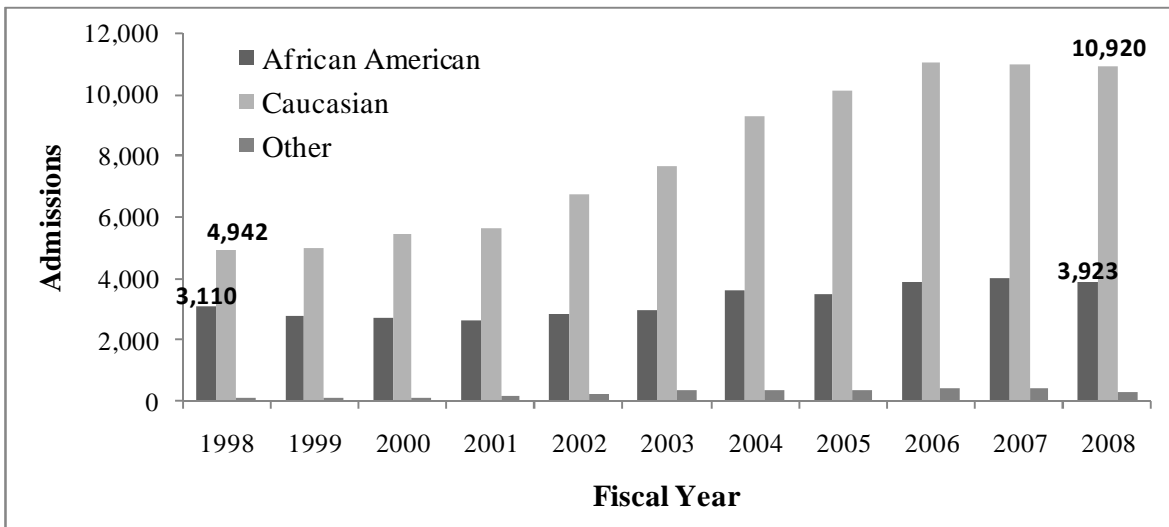
In FY 2008, 83 percent of those admitted to prison for felonies were male and 17 percent were female. These percentages were consistent across the 11-year period.

Race

Seventy-two percent of those newly incarcerated for felonies in FY 2008 were Caucasian and 26 percent were African American. The number of African Americans newly incarcerated for felonies increased 26 percent from FY 1998 to FY 2008. The number of admissions of Caucasians increased 121 percent over this period.

Figure 2.B shows felony admissions by race over 11 years. Seventy-two percent of those newly incarcerated for felonies in FY 2008 were Caucasian and 26 percent were African American. The number of African Americans newly incarcerated for felonies increased 26 percent from approximately 3,100 in FY 1998 to more than 3,900 in FY 2008. The number of admissions of Caucasians increased 121 percent from approximately 5,000 in FY 1998 to nearly 11,000 in FY 2008.

**Figure 2.B
 Felony Admissions by Race
 Fiscal Years 1998 to 2008**



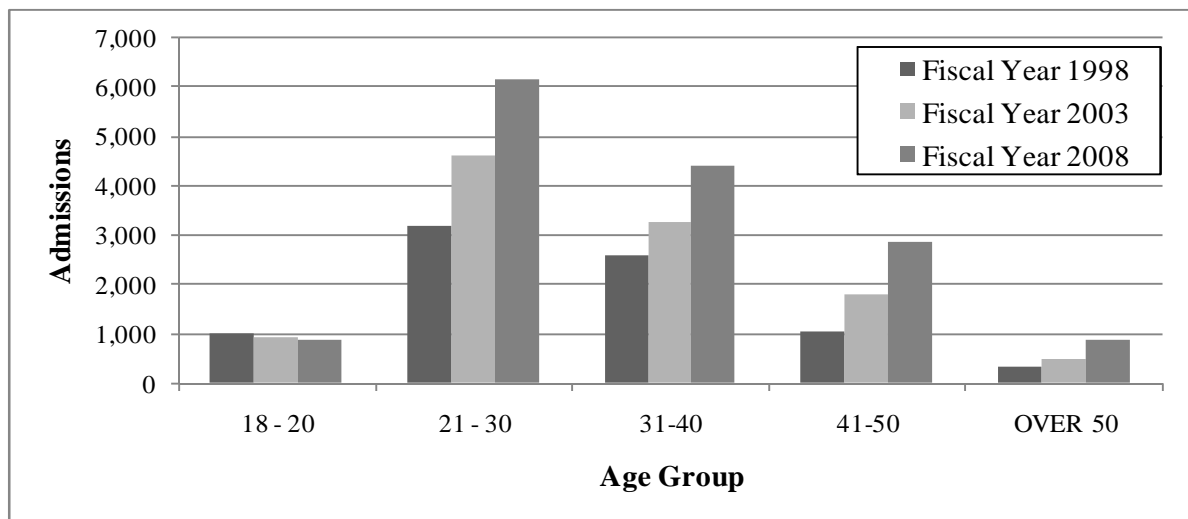
Note: "Other," which represents 2 percent of the population being admitted, includes American Indian/Alaskan Natives, Asian/Pacific Islanders, Hispanics/Latinos, biracial persons, and persons whose race is not known.
 Source: Prepared by Program Review staff from information provided by the Department of Corrections.

Age

Nearly 70 percent of all admissions into the prison system are persons 21 to 40 years old. Persons 21 to 30 years old represented 40 percent of all admissions in FY 2008.

Figure 2.C shows the number of prison admissions by age group in FY 1998, FY 2003, and FY 2008. More than 40 percent of those entering the prison system were 21 to 30 years old. Thirty percent of admissions were persons 31 to 40 years. Nearly 70 percent of all admissions into the prison system are persons 21 to 40 years old.

Figure 2.C
Felony Admissions by Age Group
Fiscal Years 1998, 2003, and 2008



Source: Prepared by Program Review Staff with information provided by the Department of Corrections.

From FY 1998 to FY 2008, the number of annual admissions increased for each age group except 18 to 20 year olds. In terms of numbers, the largest increase by far was for those aged 21 to 30, from fewer than 3,200 in FY 1998 to more than 6,000 in FY 2008.

From FY 1998 to FY 2008, the number of annual admissions increased for each age group except 18 to 20 year olds. In percentage terms, the largest increases were for persons older than 50 (164 percent), followed by 21-30 year olds (94 percent). In terms of numbers, the largest increase by far was for those aged 21 to 30, from fewer than 3,200 in FY 1998 to more than 6,000 in FY 2008.

Marital Status

In FY 2008, nearly half the persons newly incarcerated for felonies were single. Seventeen percent were married. Twenty-five percent were divorced or separated.

Table 2.2 shows that in FY 2008 nearly half the persons admitted to incarceration were single. Seventeen percent were married, 25 percent were divorced or separated, and the marital status of 9 percent was unknown.

Table 2.2
Felony Admissions by Marital Status
Fiscal Year 2008

| Status | Number | Percentage |
|-----------|--------|------------|
| Single | 7,090 | 46.8% |
| Married | 2,550 | 16.8% |
| Divorced | 2,910 | 19.2% |
| Separated | 922 | 6.1% |
| Widowed | 165 | 1.1% |
| Other | 130 | 0.9% |
| Unknown | 1,382 | 9.1% |
| Total | 15,149 | 100% |

Note: "Other" includes co-habited and common law.

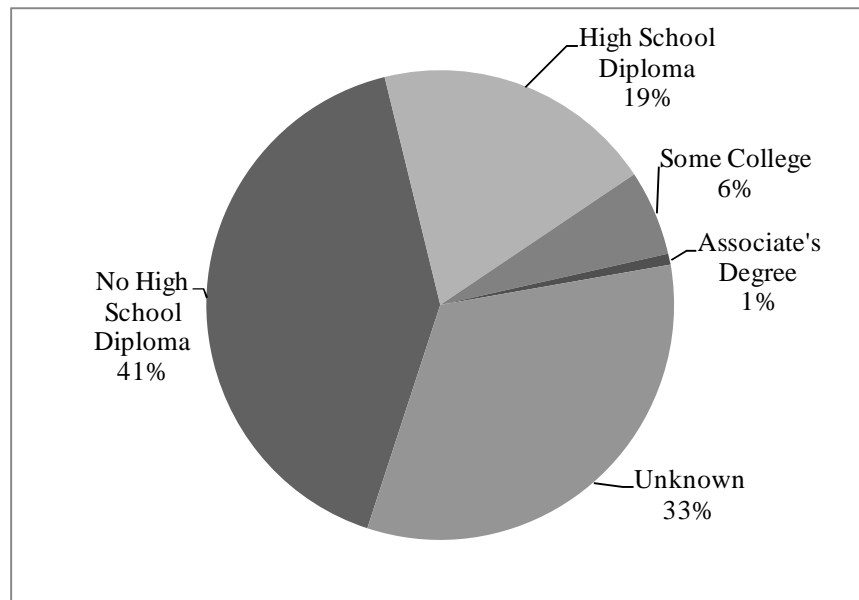
Source: Prepared by Program Review staff from information provided by the Department of Corrections.

Educational Status

In FY 2008, 41 percent of admissions had not graduated from high school and 19 percent had high school diplomas. The educational status of 33 percent of admissions was unknown.

Figure 2.D shows the educational levels attained at the time of admission for FY 2008. Nineteen percent had graduated from high school and 41 percent had not graduated from high school. The educational status of 33 percent of admissions was unknown.

Figure 2.D
Felony Admissions by Educational Level
Fiscal Year 2008



Source: Prepared by Program Review Staff from information provided by the Department of Corrections.

A person's case file provides paper documentation on educational level, but the information is not always entered in the Kentucky Offender Management System. This limits the Department of Corrections' ability to evaluate its education efforts on a systemwide basis.

A person's case file provides documentation on educational level, often from the presentence investigation report, but the information is not always entered in KOMS. The lack of information in KOMS limits the department's ability to evaluate its education efforts on a systemwide basis.

Chapter 3

Programs and Services for Incarcerated Felons

When the court imposes an indeterminate term of imprisonment, the convicted felon is committed to the custody of the department for the term of the sentence and until released in accordance with the law, for example, through parole supervision, probation, or expiration of sentence. This chapter provides an overview of the programs and services offered by the department to felons while they are incarcerated.

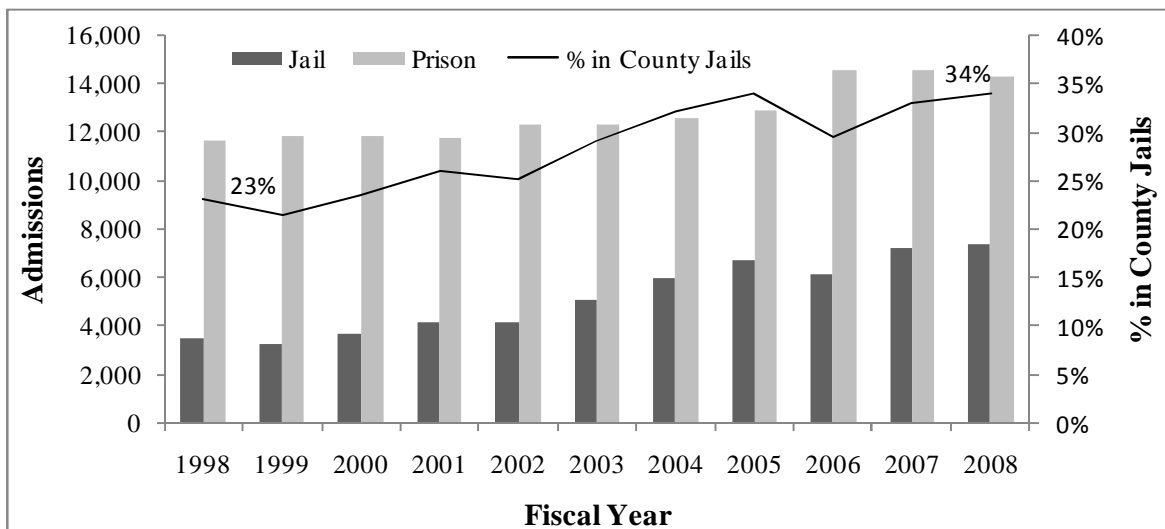
Where State Felons Are Incarcerated

Where the convicted felon is incarcerated depends on the felony class and the type of crime, for example, violent or sexual offense, as well as the custody level. Custody levels include maximum, medium, minimum, and community.

Where the convicted felon is incarcerated depends on the felony class and type of crime and the custody level. The place of incarceration and custody level determine the programs and services that are potentially available. A greater number and variety of programs and services are available to inmates in prison than those in county jails.

The place of incarceration and custody level, in turn, determine the programs and services that are potentially available to the person. A greater number and variety of programs and services, including educational opportunities and substance abuse treatment, are available to state inmates in prison compared to those in county jails. Figure 3.A shows the number of state inmates in prisons and jails, as well as the percentage of state inmates in jails, from FY 1998 to FY 2008. In FY 2008, Kentucky had 21,610 inmates, of whom 14,263 were housed in prisons and 7,347 were housed in county jails.

Figure 3.A
State Inmates Housed in Prisons and Jails
Fiscal Year 1998 to Fiscal Year 2008



Source: Prepared by Program Review staff from information provided by the Department of Corrections.

From FY 1998 to FY 2008, the number of state inmates housed in county jails more than doubled to 7,347. Over this period, the proportion of state inmates in county jails increased from 23 percent to 34 percent.

The number of state inmates housed in county jails more than doubled from 3,482 in FY 1998 to 7,347 in FY 2008. The proportion of state inmates in county jails increased from 23 percent in FY 1998 to 34 percent in FY 2008.

Inmates who are released to home incarceration are discussed in Chapter 4. These persons remain in the custody of the department until they are discharged from supervision but are monitored by private companies.

Credit on Sentence for Conduct While Incarcerated

Qualifying inmates may receive a credit on their sentences for good conduct, educational achievement, and work or program participation.

Persons incarcerated for committing felony offenses are offered incentives to abide by institutional rules, participate in programs and activities, and thus reduce the amount of the sentence that must be served. For example, qualifying inmates may receive a credit on their sentences for good conduct, educational achievement, and work or program participation. The credits may be forfeited if the inmate commits an offense or violates the rules of the institution.

KRS 197.045 states that inmates may receive up to 10 days credit for good conduct for each month served. This good conduct credit is also known as statutory good time and is awarded to inmates for not violating institutional rules.

The statute allows the department to provide an educational good time credit of 60 days to any inmate who receives a graduate equivalency diploma (GED) or a high school diploma, a two-year or four-year college degree, a two-year or four-year certification in applied sciences, or a technical education diploma. However, HB 406 of the 2008 regular session of the General Assembly suspends this educational good time provision from April 18, 2008, through June 30, 2010, to require the department to award 90 days of credit. Inmates earn additional credit for each program completed.

The statute allows the department to deduct up to five days a month from an inmate's sentence for performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations and programs. HB 406 suspends this provision and allows the commissioner to deduct up to seven days a month for meritorious behavior.

KRS 197.047 allows the department to provide a time credit, as well as compensation, for qualifying work activities. For every eight hours of work, one sentence credit is earned. For every five sentence credits earned, one day of the sentence is deducted from the maximum expiration date of the sentence.

Thus, regardless of the sentences imposed on felons, they have opportunities to reduce the amount of time they will be incarcerated. For inmates eligible for parole, the Parole Board considers the felons' activities while incarcerated. However, the types of programs available to convicted felons vary among prisons and between prisons and jails.

Felons Incarcerated in Prisons

Persons who are incarcerated in prison facilities are assigned to one of 13 state-owned institutions or one of three contract facilities. Fourteen of the facilities house men; 2 house women.

With some exceptions, persons convicted of felony offenses are evaluated and classified by departmental staff to determine their needs, including security, education, and treatment.

Persons who are incarcerated in prison facilities are assigned to one of 13 state-owned institutions or one of the three facilities contracted by the Commonwealth through Corrections Corporation of America. Two facilities house women and 14 house men.

With some exceptions, persons convicted of felony offenses are evaluated and classified by departmental staff to determine their needs, including security, education, and treatment. The main assessment center is located at the Roederer Correctional Complex in LaGrange and processes male inmates. A branch is located at the Kentucky Correctional Institution for Women in Pewee Valley and processes female inmates.

The center is responsible for the initial evaluation of inmates, including parole violators, shock probation violators, and returned escapees. At any given time, Roederer Correctional Complex houses numerous male inmates awaiting transfer to an appropriate institution, unless they are to remain at Roederer.

Inmates sentenced to death are admitted directly to specialized facilities. Inmates with special medical, psychological, or security requirements are admitted to any appropriate facility with available beds.

Inmates in state prisons are encouraged to participate in work activities and/or to further their education. Those who qualify are encouraged to participate in the substance abuse program, the sexual offender treatment program, and other available programs and activities. Those likely to be released in the near future also are encouraged to attend pre-release programming. All these work and educational programs and services are voluntary, and there are waiting lists for them. Some inmates who qualify for programs and services never receive them because the department has insufficient resources to satisfy all requests.

Within the state prisons, inmates are encouraged to participate in work activities and/or to further their education. Those who qualify are encouraged to participate in the Substance Abuse Program, the Sexual Offender Treatment Program, and other available programs and activities. Sexual offenders are ineligible for parole unless they complete the Sexual Offender Treatment Program. Inmates who are likely to be released in the near future also are encouraged to attend pre-release programming. All these work and educational programs and services are voluntary, and there are waiting lists for them. Some inmates who qualify for programs and services never receive them because the department does not have sufficient resources to meet all the requests.

Work Programs

The department provides work programs of various types. Inmates have work opportunities within the prison complex, for example, making furniture for Kentucky Correctional Industries and working in landscaping, the laundry, sanitation services, or farm operations. The department has no work programs for released inmates.

Inmates have work opportunities within the prison complex. Inmates who qualify can work outside the confines of the prison in the governmental services program.

Inmates who qualify can work outside the confines of the prison in the governmental services program. This program provides state departments and agencies, as well as counties, cities, and other political subdivisions, with a supplemental work force. The purpose of the program is to provide the inmate with the opportunity to learn job skills and obtain real-world experience. Inmates assigned to a job program, whether inside or outside the institution, work a schedule that approximates the work day in the community. However, for many inmates, the job assignment is participation as an academic student or participation in other program assignments, such as the Substance Abuse Program.

To be eligible to participate in the governmental services program, an inmate must 1) have a minimum custody level, 2) not have any current loss of statutory good time, and 3) not have any felony detainers, that would mean being charged with an offense in another jurisdiction.

Each prison establishes a total number of inmate job assignments within prescribed categories, such as four-hour and eight-hour jobs and academic programs. An inmate is not classified to a job assignment unless a vacancy exists. Persons entering the institution are provided information on the jobs that are available. If the inmate expresses an interest in the job and is chosen, the inmate is then classified into that job (Thompson).

Inmates receive pay according to the type of assignment. For example, for an eight-hour job, an inmate may qualify for \$1.30 a day, but inmates eligible for work time credits receive one-half the pay rate. The inmate working an eight-hour day may receive \$0.65 a day in pay and eight hours of time credit. Inmates serving a life sentence are not eligible for work time credits.

Academic students and participants in other nonwork programs receive \$0.80 a day but are not eligible for work time credits. However, they may earn educational good time, as described later in this chapter.

Program Review staff asked for the number of state inmates in prisons and local jails that had job and program assignment. The department was unable to provide this information.

Program Review staff asked the department for the number of state inmates in prisons and local jails who had job and program assignments to get an idea of the proportion of inmates who were working or attending classes. The department was unable to provide this information for three reasons: 1) all the job and program assignments are not posted to KOMS, 2) the information was not converted from the previous information system into KOMS, and 3) jails do not log this information (Morgan).

Recommendation 3.1

Recommendation 3.1 is that the department should enter each inmate's job and program assignment into the Kentucky Offender Management System and update the information when an inmate's work or program status changes.

The Department of Corrections should enter each inmate's job and program assignment in the Kentucky Offender Management System and update the information when an inmate's work or program status changes.

This information will enable the department to report and analyze systemwide successes in job and program activities and identify improvements that should be made.

Academic and Vocational Programs

Adult education programs are available in all prisons to any inmate who does not have a high school diploma or GED. From January 2003 to June 2008, more than 3,600 inmates received GEDs.

The department provides academic and vocational education programs for inmates. The department does not provide educational programs for released felons.

In all prisons, adult education programs are available to any inmate who does not have a high school diploma or GED. From January 2003 to June 2008, more than 3,600 inmates received a GED within Kentucky state prison institutions.

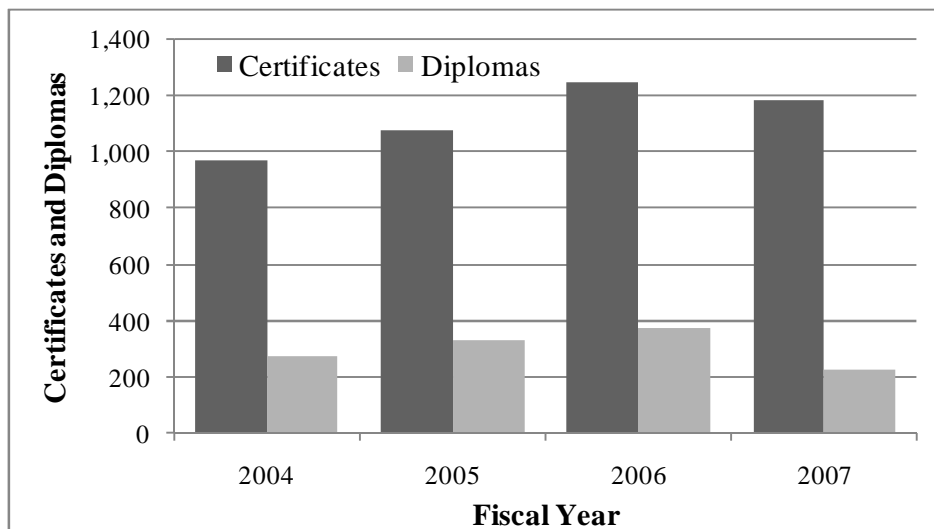
The Kentucky Community and Technical College System provides vocational-technical postsecondary education programs in the state-operated prisons. The privately owned prisons contract with the National Center for Construction Education and Research for the teaching of specific vocational and/or technical programs.

A vocational-technical postsecondary education program is offered in the state-operated prisons. These programs are provided by the Kentucky Community and Technical College System (KCTCS). Inmates may earn certificates of completion and diplomas by participating in these programs. The privately owned prisons contract with the National Center for Construction Education and Research. These programs teach specific vocational and/or technical programs and provide certificates only (Slemp, Department. "LRC request").

An inmate must already hold either a high school diploma or GED to enroll in any course provided through KCTCS or the National Center for Construction Education Research.

To earn an associate's degree from KCTCS, an inmate must complete 12 credit hours of qualifying studies in addition to completing the vocational or technical diploma. Information is not available on the number of inmates who have received their associate's degrees through KCTCS. Figure 3.B below shows the number of certificates and diplomas earned by state prison inmates from FY 2004 to FY 2007. The department learns of the number of certificates and diplomas awarded from KCTCS and the National Center for Construction Education Research.

Figure 3.B
Vocational and Technical Certificates and Diplomas Earned
Fiscal Year 2004 to Fiscal Year 2007



Source: Prepared by Program Review staff from information provided by the Department of Corrections.

From FY 2004 to FY 2007, inmates earned nearly 4,500 certificates and more than 1,200 diplomas. Some inmates earned multiple certificates leading up to one diploma. The department was unable to determine how many persons were involved in these academic programs.

During the 4-year period, inmates earned 4,487 certificates and 1,209 diplomas. However, the data do not indicate the number of inmates who earned the certificates and diplomas, because some inmates earn multiple certificates leading up to one diploma. The department was unable to determine how many persons were involved in these programs, because the information is not routinely entered in KOMS and is not maintained independently by the department.

Recommendation 3.2

Recommendation 3.2 is that the department should enter each inmate's educational achievements in the Kentucky Offender Management System and update the information when an inmate's educational status changes.

The Department of Corrections should enter each inmate's educational achievements in the Kentucky Offender Management System and update the information when an inmate's educational status changes.

This information will enable the department to report and analyze systemwide successes in its educational programs and identify improvements that should be made.

The availability of vocational and technical programs varies among institutions. Three prisons offer no programs. Inmates can request a transfer to participate in and qualify for a program that is offered at another institution, but not all transfer requests can be honored because of a lack of bed space.

The availability of vocational and technical programs varies among institutions. Three prisons offer no programs. The manager of the Educational and Vocational Branch identified a lack of funding as the reason (Slomp, Department, "LRC question"). Inmates can request a transfer if they want to participate in and qualify for a program that is offered at another institution. However, not all

transfer requests can be honored because of a lack of bed space. Among convicted felons interviewed by Program Review staff, most inmates and the vast majority of ex-inmates stated that they did not learn a job or trade skill while in prison or jail.

Table 3.1 shows each adult correctional institution, whether programs are offered, and the types of programs available at each institution that offers them as of September 2008.

Table 3.1
Availability of Vocational and Technical Education by Institution
as of September 2008

| Institution | Programs Offered |
|---|--|
| Bell County Forestry Camp | None offered |
| Frankfort Career Development Center | None offered |
| Little Sandy Correctional Complex | None offered |
| Blackburn Correctional Complex | Carpentry, Horticulture, Masonry |
| Eastern Kentucky Correctional Complex | Carpentry, HVAC, Masonry, Small Engine Repair |
| Kentucky State Penitentiary | Auto Body Repair, Carpentry |
| Green River Correctional Complex | Carpentry, Masonry |
| Roederer Correctional Complex | Horticulture |
| Kentucky State Reformatory | Auto Body Repair, Small Engine Repair, Upholstery, Welding |
| Luther Luckett Correctional Complex | Auto Technology, Carpentry |
| Northpoint Training Center | Carpentry, Electrical |
| Kentucky Correctional Institution for Women | Business, Carpentry, Horticulture |
| Western Kentucky Correctional Complex | Horticulture |
| Lee Adjustment Center | Business Class, Carpentry, Culinary Arts, Horticulture, Masonry, Microsoft Office Specialist |
| Marion Adjustment Center | Construction Technology, Horticulture, Microsoft Office Specialist |
| Otter Creek Correctional Center | Business Management Skills, Carpentry, Horticulture, Microsoft Office Skills |

Source: Prepared by Program Review staff from information provided by the Department of Corrections.

Substance Abuse Program

The department provides a Narcotics Anonymous/Alcoholics Anonymous program to inmates who choose to participate.

The department provides a Narcotics Anonymous/Alcoholics Anonymous (NA/AA) program in all prisons to inmates who choose to participate. These programs follow the traditional twelve-step model and may be led by inmates who have been trained. Some of the former inmates interviewed by Program

Review staff said the programs were helpful, but others said they were a waste of time.

The department offers a formal Substance Abuse Program to inmates who have been determined to have an addiction to drugs and/or alcohol. Not every inmate so identified is able to participate in the Substance Abuse Program because the number of inmates who qualify exceeds the department's resources.

The department also offers a formal Substance Abuse Program to inmates who have been determined to have an addiction to drugs and/or alcohol. The department does not offer the program to released felons.

To participate, inmates must demonstrate a willingness and ability to change their behavior. The program is offered to an inmate approximately six months before the anticipated release date or the date scheduled for a Parole Board hearing. However, not every inmate who is identified as having an addiction is able to participate in the Substance Abuse Program because the number of inmates who qualify exceeds the department's resources.

The program uses a "therapeutic community" model, which is a participative approach to overcoming addiction that includes interaction among treatment staff and group members and individual homework assignments to help addicted inmates change their behavior. The program consists of three phases, all of which require active participation. The participant must successfully complete each phase before proceeding to the next one.

The first phase is a six-week orientation in which the participant is introduced to the therapeutic community model. Participants are tested at the end of this phase to determine whether they are sufficiently involved to continue in the program.

In the second phase, participants attend classes and complete homework assignments related to setting goals and changing their behavior. They also have work assignments and attend NA/AA meetings. Participants are evaluated to determine their readiness for treatment and willingness to make changes during the treatment phase.

The third phase, treatment, consists of four modules.

- The "alcohol and other drugs of abuse" module helps participants understand the physiological and psychological implications of drug and alcohol dependency. Participants learn how continued substance use can affect their health and freedom.
- The "anger management" module helps participants recognize their angry feelings, learn the causes, and deal with their attitudes more responsibly.

- The “criminal thinking” module helps participants understand and alter the thinking patterns that characterize offender populations. Participants learn that they must accept responsibility for their decisions and how those decisions affect the people around them, including, when applicable, the victims of their crimes.
- The “relapse prevention” module offers education and skills on how to avoid a return to self-destructive patterns of substance use or criminal behavior. Participants are required to complete a relapse prevention plan.

After their release from incarceration, participants are required to complete a six-month aftercare component. They work with a substance abuse coordinator at a probation and parole office who helps them identify community resources for continued treatment. They are required to pay for their treatment, and treatment resources may be limited in availability in certain areas of the state.

The Substance Abuse Program is offered in 6 of Kentucky's 14 adult institutions.

The Substance Abuse Program is offered in 6 of Kentucky's 14 adult institutions. All but one of the 27 inmates interviewed by Program Review staff who participated in the Substance Abuse Program stated that the program was helpful. Table 3.2 summarizes the institutions with the program.

Table 3.2
Institutions Offering the Substance Abuse Program as of August 2008

| Institution | Population | |
|---|------------|------|
| | Served | Beds |
| Roederer Correctional Complex | Men | 200 |
| Luther Lockett Correctional Complex | Men | 192 |
| Green River Correctional Complex | Men | 124 |
| Marion Adjustment Center | Men | 252 |
| Kentucky Correctional Institution for Women | Women | 48 |
| Otter Creek Correctional Center | Women | 65 |

Source: Prepared by Program Review staff from information provided by the Department of Corrections.

The department was unable to provide the number of persons who had completed the Substance Abuse Program.

The department was unable to provide the number of persons who had completed the Substance Abuse Program. The information is not routinely entered in KOMS. Instead, the department relies on the University of Kentucky's Center on Drug and Alcohol Research to measure the number of completions when it conducts its annual Criminal Justice Kentucky Treatment Outcome Study. That study encompasses all the prisons but only a sample of the jails.

Recommendation 3.3

Recommendation 3.3 is that the department should enter each inmate's acceptance into the Substance Abuse Program into the Kentucky Offender Management System and update the information when the inmate completes or exits the program, including the reason for exiting the program.

The Department of Corrections should enter each inmate's acceptance into the Substance Abuse Program in the Kentucky Offender Management System and update the information when the inmate completes or exits the program, including the reason for exiting the program.

This information will enable the department to report and analyze systemwide successes in the Substance Abuse Program and identify improvements that should be made.

Sexual Offender Treatment Program

The department offers a Sexual Offender Treatment Program to inmates who have been convicted of sex crimes. Sex crimes are defined in KRS Chapter 510 and include rape, sodomy, sexual abuse, sexual misconduct, indecent exposure, and unlawful use of electronic means to induce a minor to engage in sexual activity.

The department is required by statute to provide a specialized treatment program for sexual offenders. The program is offered to an inmate within 48 months of the earliest possible parole release date in four men's prisons.

KRS 197.400 requires the department to provide a specialized treatment program for sexual offenders. The program is offered to an inmate within 48 months of earliest possible parole release date in four men's prisons: Kentucky State Reformatory, Luther Luckett Correctional Complex, the Kentucky State Penitentiary, and Western Kentucky Correctional Complex, and one women's prison, the Kentucky Correctional Institution for Women. Sexual offender treatment is not offered in county jails because persons convicted of sex crimes are required to be incarcerated in prisons.

KRS 197.410 specifies eligibility for participation in the Sexual Offender Treatment Program. Sexual offenders are eligible to participate if they a) have demonstrated evidence of a mental, emotional, or behavioral disorder, but not active psychosis or mental retardation, and b) are likely to benefit from the program. The department has determined that an offender is not likely to benefit from the program if the offender will not admit to committing the offense. Table 3.3 shows the number of persons who completed the Sexual Offender Treatment Program in prison and in the community from FY 2004 to FY 2008.

KRS 532.045(4) requires sexual offenders on probation or conditional discharge to complete and pay for a community-based Sexual Offender Treatment Program. Under conditional discharge, an offender is subject to the supervision of the Division of Probation and Parole for a five-year period after release, in

accordance with KRS 532.043. Failure to successfully complete the program constitutes grounds for revocation of probation or conditional discharge.

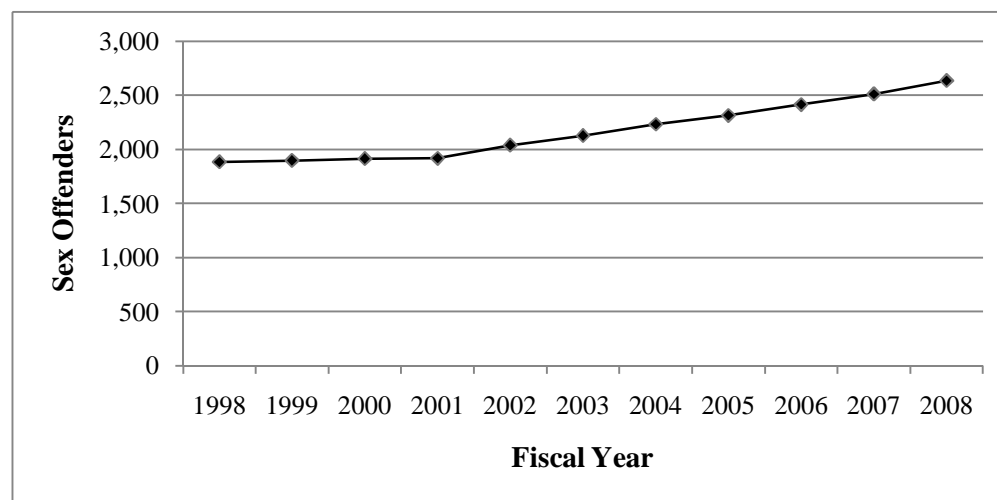
Table 3.3
Number of Persons Who Completed the Sexual Offender Treatment Program
Fiscal Year 2004 to Fiscal Year 2008

| Fiscal Year | Institution | Community | Total |
|--------------------|--------------------|------------------|--------------|
| 2004 | 139 | 82 | 221 |
| 2005 | 126 | 88 | 214 |
| 2006 | 139 | 90 | 229 |
| 2007 | 193 | 98 | 291 |
| 2008 | 148 | 68 | 216 |
| Total | 745 | 426 | 1,171 |

Source: Prepared by Program Review staff from information provided by the Department of Corrections.

The number of program completions is low compared to the number of persons incarcerated for sexual offenses. Figure 3.C shows the number of persons convicted of a sex crime who resided in prison as of June 30 in each of 11 years.

Figure 3.C
Sex Offenders Incarcerated as of June 30 of Each Year
Fiscal Year 1998 to Fiscal Year 2008



Source: Prepared by Program Review staff from information provided by the Department of Corrections.

From 1998 to 2008, the number of sex offenders in Kentucky state institutions increased 40 percent to more than 2,600.

The number of sexual offenders in Kentucky state institutions increased 40 percent from 1,884 in FY 1998 to 2,636 in FY 2008. Since FY 2001, the number of sexual offenders has increased on average 5 percent per year.

Table 3.4 shows sex crimes committed by type. The number of offenses exceeds the number of offenders because some offenders were convicted of more than one sex crime. In FY 1998, persons were incarcerated for more than 4,300 offenses. In FY 2008, the number of offenses had increased more than 17 percent to more than 5,000.

Table 3.4
Sex Crimes by Type
Fiscal Year 1998 to Fiscal Year 2008

| Offense | Fiscal Year | | | | | | | | | | |
|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
| Incest | 180 | 177 | 133 | 140 | 143 | 135 | 147 | 158 | 170 | 201 | 209 |
| Rape | 1,328 | 1,334 | 1,277 | 1,271 | 1,308 | 1,362 | 1,413 | 1,453 | 1,518 | 1,539 | 1,593 |
| Sexual Abuse | 1,503 | 1,470 | 1,467 | 1,403 | 1,442 | 1,400 | 1,412 | 1,411 | 1,414 | 1,466 | 1,530 |
| Sodomy | 1,207 | 1,179 | 1,150 | 1,143 | 1,203 | 1,241 | 1,297 | 1,328 | 1,357 | 1,427 | 1,502 |
| Other | 99 | 109 | 112 | 127 | 141 | 146 | 156 | 185 | 200 | 215 | 249 |
| Total | 4,317 | 4,269 | 4,139 | 4,084 | 4,237 | 4,284 | 4,425 | 4,535 | 4,659 | 4,848 | 5,083 |

Source: Prepared by Program Review staff from information provided by the Department of Corrections.

Over the 11-year period, 33 percent of convictions were for sexual abuse in the first degree, 31 percent were for rape, and 29 percent were for sodomy.

Program Review staff asked the department for the rate of recidivism for sex offenders. The department was unable to provide the information. KRS 197.420(6) requires the department to study participating sexual offenders and their offenses and to measure the impact of the Sexual Offender Treatment Program on recidivism.

Recommendation 3.4

Recommendation 3.4 is that the department should enter each inmate's acceptance into the Sexual Offender Treatment Program in the Kentucky Offender Management System and update the information when the inmate completes or exits the program, including the reason for exiting the program.

The Department of Corrections should enter each inmate's acceptance into the Sexual Offender Treatment Program in the Kentucky Offender Management System and update the information when the inmate completes or exits the program, including the reason for exiting the program.

This information will enable the department to report and analyze systemwide successes in the Sexual Offender Treatment Program, identify improvements that should be made, and calculate the recidivism rate required by KRS 197.420(6).

Program Review staff conducted interviews with eight sexual offenders awaiting their parole hearings or nearing the end of their

sentences. Only two of the eight stated that they had participated in the Sexual Offender Treatment Program. Of the six who did not participate, two indicated it was because they did not have enough time to complete the program, one indicated he was denied access because of his past criminal history but did not elaborate, one stated that he was not required to participate because he denied committing the offense, and two did not state why they did not participate. The two offenders who participated in the treatment program thought it was helpful. Five of the eight were released to conditional discharge when their sentences expired. Two were discharged at the completion of their sentences, and one was ordered by the Parole Board to serve out his sentence until 2011. Of the seven who were released, one is currently incarcerated for violating the conditions of his conditional discharge.

Information on sexual offender supervision in the community and the requirements for sexual offenders to register with the Kentucky Sex Offender Registry are discussed in Chapter 4.

Psychiatric Programs

The department provides treatment for inmates with mental illness in the Correctional Psychiatric Treatment Unit in the Kentucky State Reformatory.

The department provides treatment for inmates with mental illness in the Correctional Psychiatric Treatment Unit in the Kentucky State Reformatory. Inmates are received from within the reformatory, other prisons, and county jails. In FY 2007, 480 inmates were admitted to the unit (McKune).

One 50-bed wing at the unit is designated for inmates who are being evaluated or whose behavior has become unpredictable. Such behavior may range from symptoms of psychosis or acute depression to self-abusive behavior related to personality disorders. When necessary, inmates are placed in one of 10 cells that have video cameras to allow inmates to be monitored from a central control center. Inmates in the unit also are monitored at five or fifteen-minute intervals by specially trained correctional officers.

Two other wings in the unit are treatment-oriented structured living areas. The majority of inmates in these wings have diagnoses such as depression, bipolar disorder, schizophrenia, or schizoaffective disorder. Many have reduced intellectual functioning and/or personality disorders.

Each inmate participates in daily group therapy. In addition to daily recreational activities, many inmates hold jobs within the unit. The treatment program stresses participation in therapeutic activities and compliance with taking prescribed psychotropic

medications. The inmates who graduate from the programs should be able to move gradually to a less-restrictive environment.

Pre-release Programs

Between 30 and 180 days of an inmate's potential release from prison, either through serving out the sentence or at the discretion of the parole board, the inmate will have an opportunity to attend a pre-release program. The components of the program vary considerably among institutions.

Between 30 and 180 days of an inmate's potential release from prison, an inmate will have an opportunity to attend a type of pre-release program. The most commonly used title for such a program is "Prison to the Streets." The components of the program vary considerably among institutions. Table 3.5 shows, by prison, how often the program is offered, the hours it is intended to encompass, the actual hours provided in the program, how soon to the potential release date it is offered, whether a refresher is offered regularly or only at the request of the inmates, and whether the program is available at all times or whether there is a waiting list.

Examples of topics included in the pre-release program are preparing for job interviews, parenting skills, anger management, housing options, and utilizing community resources.

The "Prison to the Streets" program includes topics such as

- preparing for job interviews,
- how to fill out employment applications,
- resume writing,
- parenting skills,
- stress management,
- conflict resolution,
- anger management,
- housing options,
- where to find medical care,
- preparing for the Parole Board,
- utilizing community resources, and
- budgeting.

Table 3.5
Pre-release Programs in Kentucky Prisons
Fiscal Year 2008

| Prison | Offered | Intended Program Hours (Actual Hours- If Less Than Intended) | Days Before Release Program Is Offered | Refresher Offered? | Availability |
|---|----------------|---|---|---------------------------|---------------------|
| Bell County Forestry Camp | Other | 6-10 | 60 | Yes | Available |
| Blackburn Correctional Complex | Other | 16-20 | 60 | Yes | Available |
| Eastern Kentucky Correctional Complex | Monthly | 16-20 | 180 | Yes | Waiting list |
| Frankfort Career Development Center | Other | 1-5 | 60 | Only by inmate request | Available |
| Green River Correctional Complex | Monthly | Over 21 | 180 | Only by inmate request | Available |
| Kentucky Correctional Institution for Women | Monthly | 1-5 | 180 | Yes | Waiting list |
| Kentucky State Penitentiary | Daily | 16-20 | 90 | Yes | Available |
| Kentucky State Reformatory | Monthly | 16-20 | 90 | Yes | Available |
| Lee Adjustment Center | Weekly | 16-20 | 180 | Yes | Available |
| Little Sandy Correctional Complex | Other | Over 21 (11-15) | 180 | Yes | Waiting list |
| Luther Lockett Correctional Complex | Monthly | 6-10 (1-5) | Over 180 | Yes | Waiting list |
| Marion Adjustment Center | Weekly | 1-5 | 60 | Only by inmate request | Available |
| Northpoint Training Center | Monthly | 16-20 | 30 | Only by inmate request | Available |
| Otter Creek Correctional Center | Weekly | 1-5 | No answer | No | Available |
| Roederer Correctional Complex | Other | 6-10 | 90 | No | Available |
| Western Kentucky Correctional Complex | Daily | 16-20 | 60 | Yes | Available |

Note: "Days Before Release Program Is Offered" is the days before the earliest possible release that the program is offered.

Source: Prepared by Program Review staff from information provided by the Department of Corrections.

Some prisons spend 16-20 hours on the topics relating to reentry; others prisons spend only 1 to 5 hours.

The time dedicated to reentry programming varies. Some prisons spend 16 to 20 hours on the topics relating to reentry, but others spend only 1 to 5 hours. The programming is not provided in jails. State inmates and ex-inmates interviewed by Program Review staff had mixed opinions on the value of this program but offered little

in the way of constructive comments on what the department could do to increase its value.

Probation and parole officers have a copy of a community resource manual for released persons to review, and the manual is available on the department's Web site. The manual provides information on resources available in the area, such as medical and mental health care and employment services.

Some persons have been incarcerated for years and could use help in developing their community skills. All persons should be released to the community with a basic set of skills to help them find employment, housing, and other necessities as quickly as possible and contribute to society. Persons without such skills can be particularly challenging to probation and parole officers who are responsible for supervising them.

Recommendation 3.5

Recommendation 3.5 is that the department should require the use of a standardized reentry program that focuses on a person's community knowledge and skills to enable released felons to reenter society as smoothly as possible.

The Department of Corrections should require the use of a standardized reentry program that focuses on a person's community knowledge and skills to enable released felons to reenter society as smoothly as possible. The program should be of sufficient duration to ensure adequate coverage of required topics and should be offered in all prisons and county jails.

State Felons Incarcerated in County Jails

KRS 532.100 requires some convicted felons, except those who commit sex crimes, to serve their sentences in county jails. Most persons convicted of a Class D felony and sentenced to an indeterminate term of imprisonment for five years or less generally will serve that term in one of 75 county jails.

Persons convicted of Class C and D felonies with a sentence of 5 or more years who are classified by the department as community custody generally serve their terms in county jails. A person convicted of a sex crime and sentenced to an indeterminate term of two years or more will serve that sentence in a state institution.

Jails that house state inmates are required to offer programs recommended by the Jail Standards Commission. The programs and services available in local jails are not as comprehensive as those offered in prisons.

Jails that house state inmates are required to offer programs recommended by Kentucky's Jail Standards Commission. However, the programs and services available in local jails are not as comprehensive as those offered in prisons. The jails provide the

services that are funded by the department. Jail programming could improve if more funds were made available.

Regulations on programs and services for state inmates housed in local jails are provided in 501 KAR 3:130. Each jail that houses state felons must have written policies and procedures for prisoner programs and services, including social services, religious services, recreation and leisure time activities, and library services.

A state inmate must be provided the opportunity to attend an adult basic education program or pursue a GED. Strained resources can limit the availability of these programs in practice. The availability of other educational programs is at the discretion of the county.

State inmates must be provided the opportunity to participate in self-help substance abuse programs offered within the jail. However, most of the 75 jails that house state prisoners do not offer the program. Table 3.6 shows the 14 jails that offer a self-help substance abuse program, when the program started, and the number of available beds as of September 2008.

Table 3.6
Jails Offering Substance Abuse Programs to State Inmates
as of September 2008

| Jail | Date Started | Number of Beds |
|--|---------------------|-----------------------|
| Breckinridge County Detention Center | 6/2006 | 10 |
| Christian County Detention Center | 6/1997 | 50 |
| Clark County Detention Center | 9/2006 | 10 |
| Daviess County Detention Center | 7/2005 | 56 |
| Floyd County Detention Center | 9/2006 | 12 |
| Grayson County Detention Center | 11/2005 | 14 |
| Hardin County Detention Center (men) | 7/1997 | 45 |
| Hardin County Detention Center (women) | 3/2006 | 56 |
| Hopkins County Jail | 1/2006 | 20 |
| Kenton County Detention Center | 1/2006 | 10 |
| Three Forks Regional Jail (Lee County) | 2/2006 | 20 |
| Marion County Detention Center | 10/2005 | 40 |
| Mason County Detention Center | 12/2005 | 20 |
| Pike County Detention Center | 4/2006 | 36 |
| Powell County Detention Center | 5/2006 | 20 |

Source: Prepared by Program Review staff from information provided by the Department of Corrections.

Hardin County has the only substance abuse program for female state inmates in local jails. Most of the programs are relatively

new. Information on actual participation rates is not available, but a department official states that the beds stay full (Holder).

State prisoners may be provided the opportunity to participate in community-service work programs. Pre-release programming typically is not offered in jails.

The Cost of Housing State Prisoners

The annual cost of inmates in adult correctional institutions increased from just under \$200 million in FY 2000 to more than \$281 million in FY 2008, an increase of 41 percent. Over the 9-year period, the total cost of correctional institutions was \$2.07 billion.

The cost of housing state prisoners has increased significantly since FY 2000, the earliest year for which detailed financial information was available from the statewide accounting system. Expenditures include the costs of incarceration and related security; medical and mental health costs; and costs of work, educational, substance abuse, and sexual offender treatment programs. Administrative costs, which extend across all departmental functions, are not included in this section. Also excluded from this section is debt service, which is a legitimate cost of building or maintaining a facility, but is not a recurring operational cost.

The annual cost of inmates in adult correctional institutions increased from just under \$200 million in FY 2000 to more than \$281 million in FY 2008, an increase of 41 percent. Over the 9-year period, the total cost of correctional institutions was \$2.07 billion, of which \$2.06 billion was paid from state general funds.

Annual expenditures for state inmates in local jails doubled to more than \$122 million from FY 2000 to FY 2008. Over the 9-year period, the department paid \$698 million to house state inmates in local jails.

The cost of state inmates in local jails includes incarceration; state inspection of jails; jailer training programs; and medical, educational, work, and other programming expenditures. These costs doubled in 9 years, from \$61.6 million in FY 2000 to \$122.8 million in FY 2008. Over the 9-year period, the department spent \$698 million to house state inmates in local jails, of which \$676 million was paid from state general funds.

Alternatives to Incarceration

Some persons with substance abuse problems and mental illness would be better served in the community than in prison or jail.

Some persons with substance abuse problems and mental illness would be better served in the community than in prison or in jail.

The 2007 Program Review and Investigations Committee report *Drug Courts* describes alternative courts for people whose substance abuse problems are the primary cause of the crimes for

which they are charged. Offenders who come through drug courts undergo a rigorous substance abuse treatment program under a judge's supervision. The Program Review report concluded that more systematic evaluations of outcomes should be done, but that existing evaluations indicated that participants in drug court are less likely to be charged and convicted of crimes after leaving the program than if they had not participated (Commonwealth. Legislative. *Drug*).

On September 18, 2008, the Department for Mental Health, Developmental Disabilities, and Addiction Services within the Cabinet for Health and Family Services announced that Kentucky had received a \$50,000 grant from the Health Foundation of Greater Cincinnati to work on a strategic plan to provide a continuum of services for people who have been incarcerated or are otherwise in the criminal justice system and have some form of mental illness. The culmination of the grant will be an action plan to provide guidance regarding program development designed to reduce the numbers of people with mental illness and substance abuse disorders who are incarcerated inappropriately in northern Kentucky. The department and NorthKey Community Care are among the partners in the effort (Commonwealth. Cabinet for Health).

Chapter 4

Felony Offenders Released From Incarceration

Persons released from incarceration are classified in KOMS in the same ways as persons who are admitted. For the person being released from incarceration, KOMS has data on the type of felony the person committed, the type of discharge the person received, and demographic information. This chapter summarizes that information to describe the population of inmates being released from incarceration. Although this study focuses on and provides additional information on felons released to parole supervision, this chapter provides information on all persons released to provide a clearer picture of where the department's responsibility for these persons ends.

Releases by Felony Type

In the past 11 years, nearly 116,000 convicted felons have been released from adult correctional institutions and county jails in Kentucky, some more than once. Over this period, annual releases of felony offenders increased 146 percent.

In the last 11 years, 115,904 convicted felons have been released from adult correctional institutions and county jails in Kentucky. The number of releases includes duplicates, because some people have been released from incarceration and returned to prison for another felony conviction, only to be released again. The number of releases also includes persons from out of state who had been incarcerated in Kentucky. Table 4.1 shows the number of releases by type of felony for which the person was convicted and fiscal year of release.

Table 4.1
Releases by Felony Type
Fiscal Year 1998 to Fiscal Year 2008

| Felony | Fiscal Year | | | | | | | | | | |
|--------------|--------------|--------------|--------------|--------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
| Capital | 27 | 24 | 22 | 37 | 41 | 32 | 26 | 27 | 39 | 31 | 46 |
| Class A | 54 | 44 | 53 | 43 | 57 | 63 | 51 | 59 | 69 | 35 | 44 |
| Class B | 511 | 576 | 603 | 702 | 772 | 917 | 966 | 861 | 940 | 950 | 964 |
| Class C | 1,558 | 1,911 | 1,908 | 2,141 | 2,355 | 2,688 | 2,826 | 2,976 | 3,527 | 3,600 | 3,982 |
| Class D | 4,273 | 4,915 | 4,715 | 4,795 | 5,087 | 6,312 | 6,693 | 7,460 | 8,581 | 9,051 | 11,277 |
| Other | 455 | 453 | 376 | 331 | 334 | 254 | 175 | 158 | 99 | 350 | 608 |
| Total | 6,878 | 7,923 | 7,677 | 8,049 | 8,646 | 10,266 | 10,737 | 11,541 | 13,255 | 14,017 | 16,915 |

Source: Prepared by Program Review staff from information provided by the Department of Corrections.

From FY 1998 to FY 2008, total releases for felony offenses increased 146 percent. Releases of persons convicted of Class B felonies increased almost 89 percent, Class C felonies increased almost 156 percent, and Class D felonies increased 164 percent. In FY 2008, the largest groups of releases by felony type were persons convicted of committing Class C felonies (24 percent) and D felonies (67 percent).

Releases by Offense Committed

In FY 2008, nearly 17,000 felons were released from incarceration. They had been convicted of committing more than 38,000 felonies. Nearly one-third of the convictions were for violations of KRS 218A, Kentucky's controlled substances statute.

In FY 2008, 16,915 felons were released from incarceration. They had been convicted of committing 38,599 felonies. The number of convictions exceeds the number of felons because many felons were convicted of more than one offense. Table 4.2 summarizes the number of convictions by KRS Chapter.

Table 4.2
Convictions of Released Felons by KRS Chapter
Fiscal Year 2008

| KRS Chapter | KRS Chapter Title | Convictions | Percent |
|--------------------|--|--------------------|----------------|
| 186 | Licensing of Motor Vehicles, Operators, and Trailers | 253 | 1% |
| 189A | Driving Under the Influence | 1,068 | 3% |
| 218A | Controlled Substances | 12,387 | 32% |
| 434 | Offenses Against Property by Fraud | 472 | 1% |
| 507 | Criminal Homicide | 232 | 1% |
| 508 | Assault and Related Offenses | 1,941 | 5% |
| 510 | Sexual Offenses | 639 | 2% |
| 511 | Burglary and Related Offenses | 3,656 | 9% |
| 512 | Criminal Damage to Property | 497 | 1% |
| 514 | Theft and Related Offenses | 6,657 | 17% |
| 515 | Robbery | 1,110 | 3% |
| 516 | Forgery and Related Offenses | 3,172 | 8% |
| 520 | Escape and Other Offenses Relating to Custody | 2,580 | 7% |
| 524 | Interference With Judicial Administration | 644 | 2% |
| 527 | Offenses Relating to Firearms and Weapons | 519 | 1% |
| 530 | Family Offenses | 1,865 | 5% |
| Other | Various KRS Chapters | 907 | 2% |
| Total | | 38,599 | 100% |

Source: Prepared by Program Review staff from information provided by the Department of Corrections.

Nearly one-third of the convictions were for violations of KRS Chapter 218A, Kentucky's controlled substances statute. Felons released from incarceration in FY 2008 had been convicted of 12,387 controlled substances violations. The next highest categories were convictions for theft and related offenses at 17 percent and burglary and related offenses at 9 percent.

These percentages are consistent with the previous two years. In FY 2007, violations of KRS Chapter 218A were 32 percent of the total, followed by theft and related offenses at 16 percent and burglary and related offenses at 10 percent. In FY 2006, 30 percent were violations of KRS Chapter 218A, theft and related offenses were 16 percent, and burglary and related offenses were 11 percent.

In the 1998 regular session of the General Assembly, KRS Chapter 218A was revised to include charges and penalties related to methamphetamine possession, trafficking, and manufacture.

In the 1998 regular session of the General Assembly, many sections of KRS Chapter 218A were revised to include charges and penalties related to methamphetamine possession, trafficking, and manufacture. The addition of methamphetamine to the controlled substances statute may have contributed to the increased proportion of felony convictions under KRS Chapter 218A. In FY 1998, 19 percent of total convictions were for controlled substances violations. In FY 2008, the proportion had risen to 32 percent.

Releases by Category

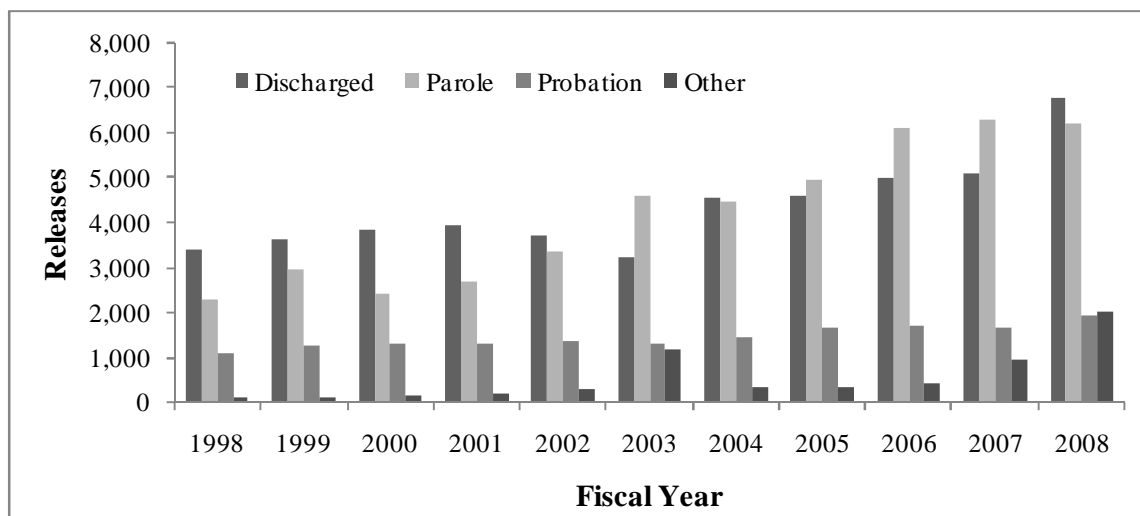
KOMS uses codes to identify the reason a person is released from an institution. Releases include persons who are discharged from custody, persons who are released to parole and probation supervision, and others, as described below.

- “Discharged” indicates that a person’s sentence has expired, the sentence was vacated, or the person was released because of a terminal illness.
- “Parole” indicates that the person was released to parole supervision.
- “Probation” indicates that the person was released on shock probation or some other form of probation ordered by the court.
- The “other” category includes releases for home incarceration, conditional discharges for sexual offenders, commutations of sentence, pardons, and returns to other states.

From FY 1998 to FY 2008, 41 percent of releases were offenders whose sentences had expired or been vacated or who were terminally ill. In the majority of these cases, the department has no further responsibility. During this period, 40 percent were released on parole, and 14 percent were released on probation.

Figure 4.A shows releases for FY 1998 to FY 2008 using these categories. Discharges accounted for 41 percent of releases in this period. In the majority of cases, the department has no further responsibility for discharged persons. Persons released on parole were 40 percent, releases on probation were 14 percent, and releases for other reasons were 5 percent.

Figure 4.A
Releases by Category
Fiscal Year 1998 to Fiscal Year 2008



Source: Prepared by Program Review Staff with information provided by the Department of Corrections.

The department's probation and parole officers are responsible for supervising persons released to the community on parole, probation, home incarceration, and sexual offenders released on probation or parole. The officers also verify home addresses of all registered sex offenders. The time and intensity of supervision varies. Community supervision is discussed in more detail later in this chapter.

On an average day in FY 2008, 46 felons were released into local communities and 42 were admitted to correctional institutions. The number of releases is likely to increase because of provisions in HB 406.

In just a one-year period, FY 2007 to FY 2008, releases increased by 21 percent. On an average day in FY 2008, 46 felons were released into local communities and 42 were admitted to correctional institutions.

The number of releases is likely to increase because of provisions in HB 406 that temporarily increase the availability of home incarceration for persons convicted of nonviolent and nonsexual Class C or D felonies, the granting of parole supervision credit toward an inmate's remaining unexpired sentence, a decrease in

the amount of time a nonviolent offender convicted of a Class D felony must serve before having the case reviewed by the Parole Board, increased time credit for program completion while incarcerated, and an increase in the amount of meritorious time credit an inmate may earn. The provisions of HB 406 are effective from April 18, 2008, through June 30, 2010. In addition, HB 683 of the 2008 regular session of the General Assembly added two full-time Parole Board members and allows the board to conduct file reviews of certain Class C felons eligible for parole without holding a formal hearing, in addition to the Class D felons already eligible for file reviews. As of September 11, 2008, 1,416 felons had been released in accordance with the temporary provisions of HB 406. Table 4.3 shows the locations from which the felons were released.

Table 4.3
Locations From Which Felons Were Released
in Accordance With the Provisions of HB 406
as of September 11, 2008

| Location | Releases |
|--|-----------------|
| Prison | 652 |
| Jail | 682 |
| Halfway house or other community setting | 82 |
| Total | 1,416 |

Source: Prepared by Program Review staff from information provided by the Department of Corrections.

Releases by Gender, Race, and Age

In FY 2008, 81 percent of prison releases were male and 19 percent were female. These percentages were consistent across the 11-year period for releases and admissions.

The number and percentages of releases by race were similar to the patterns for admissions described in Chapter 2. The number of Caucasians released increased significantly; the number of African Americans did not.

Table 4.4 shows the number of releases by age group for FY 2008.

Table 4.4
Releases by Age Group
Fiscal Year 2008

| Age Group | Number Released | Percent |
|------------------|------------------------|----------------|
| 18-20 | 559 | 3% |
| 21-30 | 6,615 | 39% |
| 31-40 | 5,230 | 31% |
| 41-50 | 3,342 | 20% |
| Over 50 | 1,169 | 7% |
| Total | 16,915 | 100% |

Source: Prepared by Program Review staff from information provided by the Department of Corrections.

In FY 2008, 39 percent of all releases were 21 to 30 years old. Seventy percent were 21 to 40 years old.

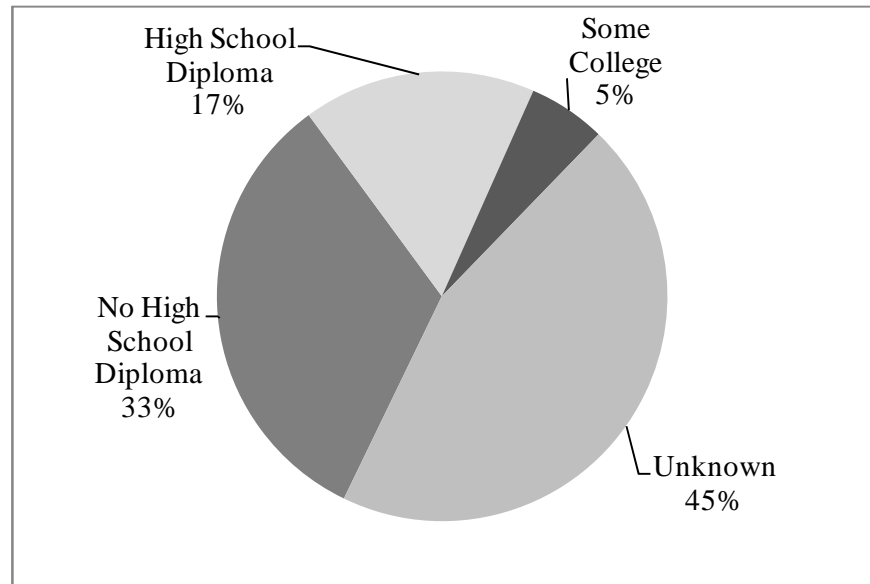
In FY 2008, 39 percent of all releases were 21 to 30 years old and 31 percent were 31 to 40. Seventy percent of all releases into local communities are persons aged 21 to 40. The ages of persons exiting the system are consistent with the ages of those being admitted.

Releases by Educational Level

At the time of release in FY 2008, 5 percent of felons had some college, 17 percent had a high school diploma, and 33 percent were being released into local communities without a high school diploma. However, the department's data system had no information on the educational level of 45 percent of persons released that year.

Figure 4.B shows the educational levels of felons at the time of release in FY 2008. According to KOMS, 5 percent had some college, 17 percent had a high school diploma, and 33 percent were being released into local communities without a high school diploma. However, the educational level of 45 percent of persons was unknown, making it impossible to determine the success of the department's educational programs. This information is not routinely entered in KOMS. Implementation of recommendation 3.2 should alleviate the lack of systemwide information on educational levels.

Figure 4.B
Educational Level of Felons at Time of Release
Fiscal Year 2008



Source: Prepared by Program Review staff from information provided by the Department of Corrections.

The Parole Process

HB 683 of the 2008 regular session of the General Assembly amended KRS 439.320 by adding two full-time members to the Parole Board, making a total of nine full-time and two part-time members to be appointed by the governor.

HB 683 of the 2008 regular session of the General Assembly amended KRS 439.320 by adding 2 full-time members to the Parole Board, making a total of 9 full-time and 2 part-time members to be appointed by the governor. To qualify, a board member may have had at least five years of actual experience in the field of penology, corrections work, law enforcement, sociology, law, education, social work, medicine, or a combination of those, or have served at least 5 years previously on the board.

Inmate Eligibility for Parole

Most persons sentenced to incarceration for a felony offense will become eligible for parole consideration after a specified time. However, some sexual offenders are not eligible based on time served.

Most persons sentenced to incarceration for a felony offense will become eligible for parole consideration after a specified time. However, some sexual offenders are not eligible based on time served. According to 501 KAR 1:030, sexual offenders convicted on or after July 15, 1998, are not eligible for parole consideration unless they have completed the department's Sexual Offender Treatment Program. Also, sexual offenders who are confined as a result of the revocation of their conditional discharge are not eligible. In addition, all inmates who are within 60 days of being released are not eligible for parole consideration.

The regulation also specifies the conditions for parole eligibility. Eligibility is based on the sentence being served, the time service required minus jail time before the inmate's first review, the date on which the person was convicted or the date of the crime, and the type of felony offense.

For felony convictions after December 3, 1980, the following provisions of 501 KAR 1:030 apply, except as noted in the following paragraph. When the sentence is less than 2 years, the time service required is 4 months. When the sentence is 2 years up to and including 39 years, the time service required is 20 percent of the sentence. These provisions were suspended by HB 406 for persons convicted of nonviolent Class D felonies with an aggregate sentence of 1 to 5 years. The board is required to conduct a case review after the person has served the longer of 15 percent of his sentence or 2 months. When the sentence is more than 39 years and up to and including life, the time service required is 8 years. For a person convicted of being a persistent felony offender in the first degree in conjunction with a Class A, B, or C felony, the time service required is 10 years.

Persons who committed felonies on or after July 15, 1998 that are a capital offense, Class A felony, Class B felony involving death or serious physical injury to the victim, or rape or sodomy in the first degree have different requirements for time served. For a sentence of a number of years, the required time service is 85 percent of the sentence received. For a sentence of life, the requirement is 20 years. These provisions were not suspended by HB 406.

Parole Hearings

In considering whether to recommend parole, the parole board considers the person's criminal record, conduct, employment, and attitude in prison, and the reports of physical and mental examinations.

In considering whether to recommend parole, the board reviews the person's criminal record; conduct, employment, and attitude in prison; and the reports of physical and mental examinations conducted. Persons who have been convicted of committing certain capital offenses, Class A and B felonies, and some Class C felonies will be granted an interview and hearing before the board. However, the board may conduct a case review of a prisoner convicted of a nonviolent or nonsexual Class C felony or any Class D felony. The Class C felons were added by HB 683.

In addition to or in conjunction with the parole hearing, the board conducts another hearing before granting parole to a person convicted of a Class A, Class B, or violent Class C felony to obtain input from victims, law enforcement, and any other interested parties.

The decision of whether to recommend or deny parole rests with the members of the Parole Board. The criteria for recommending or denying parole specified in 501 KAR 1:030 are

- current offense (seriousness, violence involved, firearm used, life taken or death occurred during commission);
- prior record (prior felony convictions, prior misdemeanor convictions, history of violence, prior contact with law enforcement or criminal courts where conviction did not occur);
- institutional adjustment and conduct (disciplinary records, loss of good time, and program involvement);
- attitude toward authority before and during incarceration;
- history of alcohol or drug involvement;
- history of prior probation, shock probation, or parole violations;
- education and job skills;
- employment history;
- emotional stability;
- mental status (capacity and stability);
- terminal illness;
- history of deviant behavior;
- official and community attitudes of accepting an inmate back into the county of conviction;
- victim impact statement and victim impact hearing;
- review of parole plan (housing, employment, need for community treatment and follow-up resources); and
- other factors involved that relate to public safety or the inmate's needs.

Parole and final parole revocation hearings are conducted by panels of the board, subject to the following requirements in KRS 439.320:

- When a two-member panel is used, both members must agree on the decision.
- When a three-member panel is used, two of the three members must agree on the decision.
- When a panel of four or more members is used, a majority of the panel must agree on a decision.

If these requirements cannot be satisfied, the matter is referred to the full board for consideration. Parole revocation hearings are discussed later in this chapter.

For increased efficiency, hearings are conducted via teleconference, when possible. Program Review staff observed

some of these hearings at the Parole Board office in Frankfort. The hearings were conducted by two-member panels. For parole hearings, one board member recited to the inmate the crimes for which he or she was convicted and any programs or services he or she had participated in while incarcerated. The inmate was asked to verify the information and state why he or she should be released on parole and to offer any other relevant testimony. The board members conferred in private to reach a decision and then informed the inmate of their decision. Program Review staff considered the board members' decisions to be reasonable based on the facts and circumstances.

Conditions of Parole

Regulation specifies the conditions that parolees must meet.

KRS 439.342 allows the Parole Board to retain a person granted parole for a period of at least one year. In addition, a number of conditions described in 501 KAR 1:030 must be adhered to. The parolee

- must report to the assigned parole officer immediately upon arrival at his or her destination and submit a report in writing once a month or more often if directed by the officer;
- permit the parole officer to visit the parolee's home and place of employment at any time;
- not indulge in the use of a nonprescribed controlled substance or alcohol;
- submit to random tests to determine the existence of any illegal substance in his or her system when directed to do so by the parole officer;
- work regularly and support legal dependents, and if unemployed, must report the fact to the parole officer and make every attempt to obtain employment;
- not associate with a convicted felon except for a legitimate purpose, including family, residential, occupational, or treatment;
- not visit with an inmate of a penal institution without permission of the parole officer;
- not leave the state, district, residence, or place of employment without written permission of the parole officer;
- not purchase, own, or possess a firearm or other weapon;
- not violate any law or city ordinance of Kentucky, any other state, or the United States;
- not falsify any report to the parole officer;
- not to register to vote or hold office;
- comply with instructions of the Parole Board and special instructions of the parole officer;
- pay a supervision fee unless expressly waived by the board;

- pay the balance of any restitution ordered; and
- pay the balance of any sum payable to the Crime Victims Compensation Fund.

If additional supervision or conditions are deemed necessary, the board may order a parolee to observe any condition it considers necessary for the safety of the public or rehabilitation of the parolee.

KRS 439.3405 allows the board to release a prisoner on parole when 1) the prisoner has been found by the department's medical staff to have a terminal medical condition likely to result in death within one year; severe chronic lung disease, end-state heart disease, or severe neuromuscular disease, such as multiple sclerosis; has limited mobility due to paralysis as a result of stroke or trauma; or dependency on external life support systems; and 2) the prisoner would not pose a threat to society if paroled.

Results of Parole Board Hearings

Based on results of more than 13,000 parole hearings and file reviews by the Parole Board in FY 2007, 49 percent of inmates were released to parole, 32 had to spend more time in prison, and 19 percent were ordered to serve out their sentences.

The results of the board's 13,279 parole hearings and file reviews in FY 2007 are as follows:

- 49 percent of inmates were released to parole;
- 32 percent of inmates had their parole deferred, meaning that they had to spend more time in prison; and
- 19 percent of inmates were ordered to serve out their sentences (Commonwealth. Parole).

Community Supervision

In this report, the term "community supervision" refers to the probation and parole program, the halfway house and community services programs, and the home incarceration program.

Probation and Parole Supervision Levels

The department's Division of Probation and Parole supervises adult offenders released to community supervision. Offenders are assessed at the point of entry into community supervision using a risk assessment scale. Requirements for parolees vary by level of risk.

The department's Division of Probation and Parole supervises adult offenders released to community supervision. Offenders are assessed at the point of entry into community supervision using a risk assessment scale. This scale is a classification tool designed to assess the offender's probability for additional criminal activity. Offenders are assessed and supervised according to the following supervision levels:

- **High Risk.** This supervision level requires two face-to-face contacts a month between the officer and the offender. One

monthly contact is required to be made at a location outside the office. One face-to-face contact must be held at the offender's residence at least once every three months. An address change must be verified by a home visit within 30 days of the change. A record check and employment verification must be conducted at least once a month. Any change in employment must be verified within 30 days by a personal visit, receipt of a paycheck stub, or other means.

- **Moderate Risk.** This level requires one face-to-face contact a month between the officer and the offender at an acceptable location. One face-to-face contact must be held at the offender's residence at least once every six months. An address change must be verified by a home visit, lease, or mail within 30 days of the change. A record check and employment verification must be conducted at least once a month. Any change in employment must be verified within 30 days by a personal visit, receipt of a paycheck stub, or other means.
- **Low Risk.** This level requires one face-to-face contact every three months between the officer and the offender at an acceptable location. The offender must mail in reports during the months he or she does not report in person. An address change must be verified by a home visit, lease, or mail within 30 days of the change. A record check and employment verification must be conducted at least once a month. Any change in employment must be verified within 30 days by a personal visit, receipt of a paycheck stub, or other means.
- **Administrative.** This level requires a record check once a month. The offender must provide documentation regarding financial obligations monthly to the officer. The offender must mail in reports quarterly with verification of employment and compliance with financial obligations.

Table 4.5 shows the monthly average of offender cases by level of supervision for FY 2008. Forty-six percent of cases are classified at the moderate risk level of supervision, 23 percent are low risk, and 13 percent are high risk. Eleven percent of cases receive administrative level of supervision and 5 percent of cases are considered to be absconded, meaning the offenders cannot be located. On average, 680 offenders entered the probation and parole system each month awaiting classification.

Table 4.5
Probation and Parole Cases by Supervision Level
Monthly Average for Fiscal Year 2008

| Level of Supervision | Number of Cases | Percent |
|-----------------------------|------------------------|----------------|
| High Risk | 5,006 | 13% |
| Moderate Risk | 17,452 | 46% |
| Low Risk | 9,179 | 23% |
| Administrative | 4,236 | 11% |
| Absconded | 2,193 | 5% |
| New | 680 | 2% |
| Total | 38,746 | 100% |

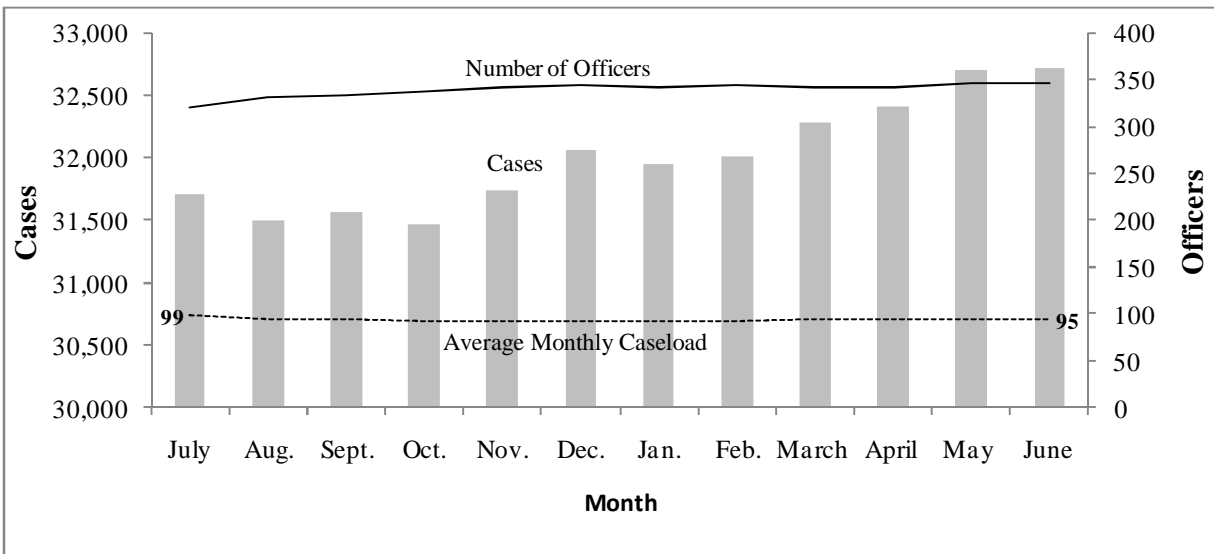
Source: Prepared by Program Review staff from information provided by the Department of Corrections.

Although offenders are classified into supervision levels, the probation and parole officers are responsible for individual cases. Administrative staff are responsible for the administrative cases. The division has two types of officers: sex offender officers and regular officers. Sex offender officers supervise only offenders convicted of sex crimes. Sex offender cases can include high, moderate, and/or low levels of supervision. Regular officers supervise all remaining offender cases, which can include high, moderate, and/or low levels of supervision. The monthly average of all cases for FY 2008 was 38,746. Regular cases are the most abundant, at 82.6 percent, followed by administrative cases at 13.8 percent, and sex offender cases at 3.5 percent.

The monthly average of regular probation and parole cases in FY 2008 was 32,008. With 339 officers assigned to regular cases, the typical caseload per officer was 94.

The monthly average of regular cases in FY 2008 was 32,008. With an average of 339 officers assigned to regular cases, the typical caseload per officer was 94. The Division of Probation and Parole's 2007 Strategic Plan includes a caseload goal of 90 to 1 (Commonwealth. Cabinet for Justice. Department. Division). Figure 4.C shows that the number of regular cases increased during FY 2008, but the number of officers remained steady. The average monthly caseload varied across the year from 99 in July 2007, with a slight decrease in mid-year, to 95 in June 2008. The average caseload decreased because the department was able to increase its use of administrative staff to supervise persons on the administrative level of supervision.

Figure 4.C
Regular Cases and Number of Officers
Fiscal Year 2008

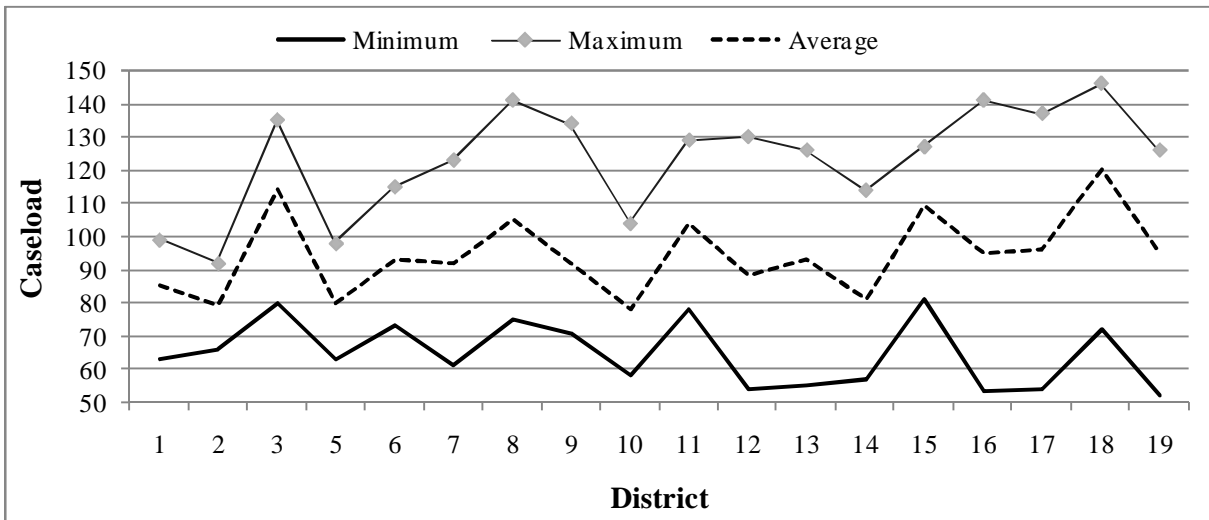


Source: Prepared by Program Review staff from information provided by the Department of Corrections.

The Division of Probation and Parole has 19 district offices in the state. Probation and parole officers supervise released felons in 18 districts, four of which are in Jefferson County. The officers in District 4 in Jefferson County only perform presentence investigations.

Figure 4.D displays the average regular caseload by supervision district for the month of August 2008. For each district, the figure shows the minimum caseload a regular officer had, the maximum caseload a regular officer had, and the average caseload. The lowest caseload any officer had was 52; the highest caseload was 146. The average ranged from 78 in District 10 to 120 in District 18.

Figure 4.D
Minimum, Maximum, and Average Regular Caseloads by District
August 2008



Source: Prepared by Program Review staff from information provided by the Department of Corrections.

Program Review staff requested a point-in-time count of persons only on parole supervision in each district. On August 28, 2008, the division had a supervision caseload of 10,343 parolees. Table 4.6 shows the number of parole cases by district. Parolees represent only about 26 percent of the supervised population.

Table 4.6
Parole Cases by Supervision District on August 28, 2008

| District | Cases | District | Cases | District | Cases | District | Cases |
|-------------------|-------|--------------------|-------|--------------------|-------|--------------------|--------|
| District 1 | | District 6 | | District 11 | | District 14 | |
| Ballard | 31 | Boyle | 68 | Clay | 56 | Bourbon | 21 |
| Caldwell | 26 | Green | 18 | Floyd | 65 | Garrard | 43 |
| Calloway | 71 | Larue | 28 | Harlan | 117 | Harrison | 39 |
| Carlisle | 7 | Marion | 30 | Jackson | 34 | Jessamine | 78 |
| Fulton | 55 | Mercer | 38 | Knott | 36 | Lincoln | 57 |
| Graves | 105 | Nelson | 110 | Leslie | 24 | Nicholas | 19 |
| Hickman | 11 | Pulaski | 192 | Letcher | 26 | Pendleton | 38 |
| Livingston | 0 | Rockcastle | 59 | Magoffin | 33 | Robertson | 1 |
| Lyon | 11 | Taylor | 61 | Perry | 111 | Scott | 41 |
| Marshall | 82 | Washington | 28 | Pike | 135 | Woodford | 25 |
| McCracken | 300 | Total | 632 | Total | 637 | Total | 362 |
| Trigg | 16 | District 7 | | District 12 | | District 15 | |
| Total | 715 | Boone | 158 | Anderson | 23 | Boyd | 86 |
| District 2 | | Campbell | 368 | Carroll | 49 | Bracken | 25 |
| Allen | 32 | Kenton | 139 | Franklin | 97 | Carter | 18 |
| Butler | 35 | Total | 665 | Gallatin | 22 | Elliot | 16 |
| Christian | 128 | District 8 | | Grant | 50 | Fleming | 11 |
| Edmonson | 33 | Bath | 25 | Henry | 19 | Greenup | 40 |
| Hopkins | 153 | Breathitt | 51 | Oldham | 36 | Johnson | 41 |
| Logan | 36 | Clark | 73 | Owen | 19 | Lawrence | 21 |
| Simpson | 28 | Estill | 45 | Shelby | 48 | Lewis | 17 |
| Todd | 40 | Lee | 29 | Spence | 12 | Martin | 17 |
| Total | 485 | Madison | 136 | Trimble | 7 | Mason | 38 |
| District 3 | | Menifee | 22 | Total | 382 | Morgan | 17 |
| Adair | 39 | Montgomery | 69 | District 13 | | Total | 347 |
| Barren | 44 | Owsley | 28 | Crittenden | 39 | District 16 | |
| Casey | 38 | Powell | 56 | Daviess | 294 | Louisville East | 396 |
| Cumberland | 19 | Rowan | 27 | Hancock | 18 | District 17 | |
| Metcalfe | 7 | Wolfe | 27 | Henderson | 230 | Louisville West | 363 |
| Monroe | 39 | Total | 588 | McLean | 77 | District 18 | |
| Warren | 314 | District 9 | | Muhlenburg | 94 | Louisville | |
| Total | 500 | Fayette | 956 | Ohio | 85 | Southwest | 423 |
| District 5 | | District 10 | | Union | 72 | District 19 | |
| Breckenridge | 68 | Bell | 141 | Webster | 64 | Louisville | |
| Bullitt | 100 | Clinton | 52 | Total | 973 | Southeast | 418 |
| Grayson | 102 | Knox | 133 | | | | |
| Hardin | 221 | Laurel | 270 | | | Grand Total | 10,343 |
| Hart | 44 | McCreary | 76 | | | | |
| Meade | 76 | Russell | 59 | | | | |
| Total | 611 | Wayne | 77 | | | | |
| | | Whitley | 82 | | | | |
| | | Total | 890 | | | | |

Source: Prepared by Program Review staff from information provided by the Department of Corrections.

Sexual Offender Community Supervision

Sexual Offender Treatment Programs in the community use the same curriculum that is used in the prisons. The programs are offered in the following probation and parole districts:

- District 1–Caldwell County,
- District 6–Pulaski County,
- District 7–Campbell County,
- District 8–Rowan County,
- District 9–Fayette County,
- District 11–Pike County,
- District 13–Daviess County, and
- Districts 16-19–Jefferson County.

Sexual offenders in other districts travel to one of the districts that offers the program or they use private providers. The number of sexual offender cases being supervised by probation and parole officers has remained relatively stable during FY 2008, with 1,436 being supervised on June 30, 2008.

Kentucky Sex Offender Registry

Persons convicted of felony sex crimes are required to register with the Kentucky Sex Offender Registry maintained by the Kentucky State Police when they are paroled or they serve out their sentences. Depending on the type of felony committed, a sexual offender will register as either a lifetime registrant or 20-year registrant.

Persons convicted of felony sex crimes are required to register with the Kentucky Sex Offender Registry maintained by the Kentucky State Police when they are paroled or they serve out their sentences. As registrants in Kentucky, they are automatically registered nationally.

The registration requirements are specified in KRS 17.510. Depending on the type of felony committed, a sexual offender will register as either a lifetime registrant or a 20-year registrant. In July 2006, the 10-year registrant option was abolished from statute; however, those who were registered before July 12, 2006, may remain under the 10-year registration period unless they are convicted of additional offenses that would require a different period. The lifetime and 20-year registration requirements are described below.

- Examples of felonies for which a person is subject to lifetime registration include the following: a person commits kidnapping or unlawful imprisonment when victim is under age 18 (except for parent); a person convicted of a sex crime has one or more prior felony convictions against a victim who is a minor or has one or more prior sex crime convictions; a person is convicted of two or more felony criminal offenses against a victim who is a minor; a person is convicted of rape in the first degree, sodomy in the first degree, or is a sexually violent

predator. This person must have his or her address verified by the probation and parole officer every 90 days.

- Persons convicted of other sex crimes are subject to the 20-year registration period. The person will have his or her address verified by the probation and parole officer every year.

A person who has committed a sex crime in Kentucky reports his or her address to the department before being released from prison or to the Division of Probation and Parole after release. The information is forwarded to the Kentucky State Police for inclusion on the registry. At the required intervals, the State Police mail a certified address verification letter to the offender's registered address. The offender is required to sign and return the letter within 10 days. An offender who fails to respond is considered noncompliant. The State Police send a letter of noncompliance to the probation and parole office, and an officer takes the letter to a local prosecutor. The offender is then subject to being charged with a Class D felony for the first offense and a Class C felony for subsequent offenses of not providing a current address.

In addition to the registration type, the state registry also maintains the status of the sexual offenders. A sexual offender's status will be one of the following:

- compliant,
- noncompliant,
- incarcerated-currently incarcerated in Kentucky,
- noncompliant/incarcerated-incarcerated in Kentucky for noncompliance or other charges,
- absconded noncompliant-offender moved and has not responded to a noncompliance letter,
- deceased,
- deported,
- nonresident-registered in Kentucky for school and/or work but address is in another state,
- out of state-registered in Kentucky but currently lives in another state,
- out of state/incarcerated-Kentucky offender is arrested in another state, or
- not applicable-missing information.

As of 2008, Kentucky had more than 7,000 sex offender registrants but this not mean there are that many convicted sex offenders in Kentucky. The registry includes persons who are registered in Kentucky but now live in other states, are incarcerated, are deceased, or have been deported. Recidivism rates for sex offenders are unknown.

Table 4.7 shows the number of sexual offenders by registration period and status. As of September 17, 2008, Kentucky had 7,157 registrants. However, this number does not mean that more than 7,000 sexual offenders are in Kentucky’s communities. The registry includes persons who are registered in Kentucky but now live in other states, are incarcerated, are deceased, or have been deported. When the Division of Probation and Parole knows that a sexual offender is deceased, deported, or living in another state, it notifies the State Police. However, the Sex Offender Registry does not always remove the offenders right away.

Among all registrants, 53 percent are lifetime registrants, 40 percent are 10-year registrants, and 7 percent are 20-year registrants.

Table 4.7
Sexual Offenders by Registration Period and Status
As of September 17, 2008

| Status | Registration Period | | | |
|---------------------------|---------------------|--------------|------------|--------------|
| | Lifetime | 10-year | 20-year | Total |
| Compliant | 2,417 | 1,803 | 324 | 4,544 |
| Noncompliant | 73 | 51 | 5 | 129 |
| Incarcerated | 327 | 306 | 65 | 698 |
| Noncompliant/Incarcerated | 83 | 69 | 5 | 157 |
| Absconded Noncompliant | 2 | 1 | 12 | 15 |
| Deceased | 40 | 18 | 1 | 59 |
| Deported | 10 | 12 | 4 | 26 |
| Nonresident | 69 | 6 | 1 | 76 |
| Out of State | 996 | 364 | 20 | 1,380 |
| Out of State/Incarcerated | 44 | 23 | 2 | 69 |
| Not Applicable | 2 | 2 | 0 | 4 |
| Total | 4,063 | 2,655 | 439 | 7,157 |

Source: Prepared by Program Review staff from information provided by the Kentucky State Police.

Home Incarceration

Some persons convicted of felony offenses serve part of their sentences on home incarceration. A person on home incarceration remains in the custody of the department but is under the supervision of the county jailer or other community supervision agency.

Some persons convicted of felony offenses serve part of their sentences on home incarceration. The sentencing court may grant home incarceration, and the department may release some felons in accordance with KRS 532.260 and HB 406. According to KOMS, 1,093 offenders were released to home incarceration in FY 2008.

A person on home incarceration remains in the custody of the department and is monitored by a private company. The person is required to maintain a telephone or other approved monitoring device in the home or on his or her person at all times. Fees are charged for supervision and equipment usage according to the person's ability to pay.

Conditions of Release

Statute specifies the conditions that must be met for releasing a Class C or D felon to home incarceration. Statute also specifies the requirements for those incarcerated at home.

KRS 532.260 states that the commissioner may release a Class C or D felon to serve the remainder of the sentence under the terms of home incarceration using a monitoring device if the felon

- 1) has not been convicted of a violent felony or a sex crime;
- 2) has 90 days or less to serve on the sentence—temporarily extended by HB 406 to 180 days;
- 3) has voluntarily participated in a discharge planning process with the department to address education, employment, technical, and vocational skills, and housing, medical, and mental health needs; and
- 4) has needs that may be adequately met in the community in which he or she will reside upon release.

Conditions of Home Incarceration

KRS 532.220 specifies the conditions of home incarceration. The person is required to adhere to a schedule prepared by an officer of the supervising authority that sets forth the times the person may be absent from the home and where the person may be during those times. The person must be confined to the home at all times except when

- working at approved employment or traveling directly to and from such employment;
- undergoing medical, psychiatric, or mental health treatment or approved counseling and aftercare programs;
- attending an approved educational institution or program;
- attending a regularly scheduled religious service at a place of worship; or
- participating in an approved community work service program.

A person who violates any of these conditions or commits another offense while on home incarceration may be prosecuted for escape under KRS 520.030.

At least every 30 days, the supervising authority is required by KRS 532.250 to provide all local and county law enforcement agencies a list of persons under home incarceration in their

jurisdictions. The list includes the person's place of home incarceration; the crime for which the person was convicted; the date that the sentence of home incarceration will be completed; and the name, address, and phone number of the person's supervising officer.

A person serving a sentence on home incarceration is responsible for food, clothing, and medical care expenses.

Community Service Centers

The halfway house and community center programs are transitional programs for felons who need a structured environment but have achieved a community custody level and are near their parole eligibility dates.

The halfway house and community center programs are referred to as community service centers and provide transitional programs for felons who need a structured environment but have achieved a community custody level and are near their parole eligibility dates. Halfway houses serve felons who need additional alcohol or drug addiction treatment before returning fully to the community, and they provide GED programs. Community centers serve felons who generally are seeking employment.

Cost of Community Supervision

The cost of community supervision includes the probation and parole program, the home incarceration program, and other miscellaneous costs. The cost has increased from \$22.4 million in FY 2000 to \$51.4 million in FY 2008, an increase of 130 percent.

The cost of community supervision includes the probation and parole program, the home incarceration program, and other miscellaneous costs. The cost has increased from \$22.4 million in FY 2000 to \$51.4 million in FY 2008, an increase of 130 percent.

The probation and parole program accounts for most of the cost of community supervision, increasing 60 percent during the 9-year period. Close to \$246 million was spent on probation and parole supervision during the period, with \$241.8 million paid from state general funds.

The cost of the halfway house program was just over \$8 million and remained relatively stable through FY 2006. In FY 2007, it increased to \$12.5 million, and to more than \$13.6 million in FY 2008, demonstrating an increased use of transitional programs in Kentucky. The cost of the program over the period was \$59.5 million, of which state general funds paid all but \$11,500.

The cost of the home incarceration program, also known as the electronic monitoring program, was just over \$1.5 million from FY 2006 to FY 2008. Almost \$1.4 million was paid from state general funds.

Challenges of Reentry

Persons being released from incarceration face a number of challenges, some of which are faced by much of the population, such as finding a good job and paying for basic living expenses. Convicted felons often face additional challenges related to the availability of community mental health and substance abuse treatment, finding a place to live, and paying child support arrearages and court-ordered restitution, fees, and fines.

The reentry process itself may be difficult for persons who have been incarcerated for a number of years and may be estranged from their families and friends. Some challenges relate specifically to the type of felony conviction. Compounding the problems, the department has no statewide system for easing the transition from prison to the community. A probation and parole officer may help individuals, but with an average caseload of 94 persons, the amount and quality of that help varies.

Inmates interviewed by Program Review staff anticipated having problems upon release with alcohol and/or drug use, financial issues, and finding a job. The interviewed ex-inmates reported problems with finding jobs, reconnecting with family, and financial issues.

Community Mental Health and Substance Abuse Services

Chapter 3 discussed programs and services available to persons incarcerated for felonies, including psychiatric and substance abuse treatment. Inmates in the Corrections Psychiatric Treatment Unit may need psychiatric help and/or medication throughout their lives.

Persons who are addicted to drugs or alcohol may still be addicted when released from incarceration because they were unable to graduate from the substance abuse program. If these persons are unable to obtain substance abuse services in the community, they may continue their pattern of abuse and be incarcerated for additional drug-related felonies.

Persons who are addicted to drugs or alcohol may still be addicted when released from incarceration because they were unable to graduate from the Substance Abuse Program. Felons released from incarceration in FY 2008 had been convicted of 12,387 controlled substances violations, which is 32 percent of total felony convictions. If these persons are unable to obtain substance abuse services in the community, they may continue their patterns of abuse and be incarcerated for additional drug-related felonies.

A person's ability to obtain mental health and substance abuse treatment in the community varies, depending on the availability of services and a person's ability to pay. Private providers are available in some areas but expect payment for services that some

released felons may not be able to afford. The ability of community mental health centers to provide services to released felons varies. The 2007 Program Review report *Kentucky's Community Mental Health System Is Expanding and Would Benefit From Better Planning and Reporting* noted the fiscal stress on the system. From FY 2001 to FY 2005, the number of persons served by the centers increased by almost 17 percent, and the number of services increased by almost 28 percent, while inflation-adjusted revenue increased less than 9 percent. The report noted that the system statewide appeared to be stable in terms of providing current services to current populations, but the system's capacity to expand services or serve larger populations was questionable, particularly in some regions of the state. The desired or required treatment for persons with mental illness and/or substance abuse problems may not be available (Commonwealth. Legislative. *Kentucky's*).

Many convicted felons have received services from community mental health centers in the past. A data match project between the Department for Mental Health, Developmental Disabilities, and Addiction Services revealed that, from FY 2002 to FY 2006, 30.6 percent of felons in the department's custody had at least one contact with a community mental health center (Barrett).

Higher Education Financial Aid

According to federal law, a person who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance is ineligible for federal educational aid until a certain period of time has passed since the conviction or the person completes drug treatment.

Persons with substance abuse convictions may be unable to obtain federal education grants, loans, or work assistance. The 1998 Amendments to the Higher Education Act of 1995 state that a person who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance is ineligible for the federal aid until a certain period of time has passed since the conviction or the person completes drug treatment.

For possession of a controlled substance, a first conviction results in one year of ineligibility; a second conviction results in two years of ineligibility; and a third conviction results in an indefinite period of ineligibility. For sale of a controlled substance, a first conviction results in two years of ineligibility; a second offense results in indefinite ineligibility.

The convicted felon may receive financial aid if an acceptable drug treatment program is completed. An acceptable program must include two random drug tests and satisfy one of the following criteria:

- be qualified to receive funds from federal, state, or local governments;
- be qualified to receive funds from a federal or state licensed insurance company;
- be administered or registered by a state, federal, or local government agency or court; or
- be administered or recognized by a federal or state licensed hospital, health clinic, or medical doctor.

Housing

Finding suitable housing is another potential barrier faced by persons who have been convicted of felony offenses. Even if the person has enough money to rent an apartment, the person may not find a landlord willing or able to rent. Many restrictions are imposed on assisted housing, in particular.

Many restrictions are imposed on assisted housing. For example, a person with a felony conviction may not be eligible for tenant-based rental assistance if evicted from federally assisted housing for drug-related criminal activity.

Tenant-based Rental Assistance. Sexual offenders who are subject to a lifetime registration requirement are never eligible for tenant-based rental assistance. Other sexual offenders are prohibited from participation during the time they are registered and for three years following the completion of the requirement to register. A person with a felony conviction may not be eligible for assistance when evicted from federally assisted housing for drug-related criminal activity. However, if the housing agency approves, the person could be admitted after proving completion of a supervised drug rehabilitation program. A person who was evicted for drug-related activity generally is prohibited from participation for three years from the date of the eviction. Anyone convicted of producing methamphetamine on the premises of federally assisted housing is subject to a lifetime prohibition. A person who successfully completes the Recovery Kentucky substance abuse recovery program without having any additional charges during a 12-month period is eligible to participate without waiting the customary three years (Beran).

Recovery Kentucky. Recovery Kentucky centers cannot provide assistance to anyone who is subject to a lifetime registration requirement under the state's Sex Offender Registry or anyone who has been convicted of drug-related criminal activity for methamphetamine production on the premises of federally assisted housing (Beran).

Safe Havens. The Safe Havens program for homeless families and individuals with severe and persistent mental illness cannot provide assistance to anyone who is subject to a lifetime

registration requirement under the state's Sex Offender Registry or anyone who has been convicted of drug-related criminal activity for methamphetamine production on the premises of federally assisted housing (Beran).

State law specifies that a person listed on the Sex Offender Registry cannot reside within 1,000 feet of a high school, middle school, elementary school, preschool, publicly owned playground, or licensed daycare facility.

Additional Housing Barriers for Sex Offenders. KRS 17.545 requires that a person listed on the Sex Offender Registry cannot reside within 1,000 feet of a high school, middle school, elementary school, preschool, publicly owned playground, or licensed daycare facility. The registrant is responsible for knowing whether the residence is within 1,000 feet of the properties and is presumed to know of any property opening within the 1,000-foot requirement. If a designated facility opens, the registrant is required to move immediately. The penalties for violating KRS 17.545 are conviction of a Class A misdemeanor for the first offense and a Class D felony for subsequent offenses.

Employment

Employers often conduct a criminal background check on applicants and may automatically exclude convicted felons from consideration.

Another obstacle facing a person convicted of a felony is employment. Employers often conduct a criminal background check on applicants and may automatically exclude convicted felons from consideration. Even though a convicted felon has learned a trade or job skill while incarcerated, there is no guarantee that the person will be able to find employment when released.

A few statutes for occupations and professions preclude convicted felons from having licenses and certificates. Other statutes address situations in which convicted felons may lose or be denied employment.

A few statutes for occupations and professions preclude convicted felons from having licenses and certificates. Several statutes allow but do not require the governing board to revoke or suspend licenses and certificates. For example,

- emergency medical services personnel or applicants for licensure or certification shall not be convicted of a felony (KRS 311A.050);
- licensed embalmers and funeral directors may be refused renewal of their licenses or may have their licenses revoked or suspended for being convicted of a felony (KRS 316.150);
- cosmetologists may be refused renewal of their licenses or may have their licenses revoked or suspended, and applicants may be refused issuance of a license for conviction of a felony (KRS 317A.140);
- optometrists may have their licenses limited or restricted, revoked, or suspended upon the conviction of a felony, and applicants may be refused a license upon conviction (KRS 320.310);
- landscape architects may have their licenses suspended or revoked upon conviction of a felony (KRS 323A.110);

- real estate appraisers may be refused renewal of a certificate or license or have their licenses revoked upon conviction of a felony (KRS 324A.050); and
- certified public accountants who are convicted of any felony may have their licenses revoked or suspended or may be refused issuance or renewal of their licenses (KRS 325.340).

Other statutes address situations in which convicted felons may lose or be denied employment. Following are some examples, followed by the KRS reference:

- A person who is a violent offender or has been convicted of a sex crime is precluded from employment in a child care center in a position that involves supervisory or disciplinary power over or direct contact with a minor (KRS 17.165).
- An applicant for state employment who has been convicted of a felony within the preceding five years and has not had civil rights restored or has not been pardoned by the governor may be disqualified from state employment; if such a person has already been appointed to a state position, he or she may be dismissed (KRS 18A.032).
- A person who is a violent offender or has been convicted of a sex crime may not be employed by a school district (KRS 160.380).
- A person who has been convicted of a felony offense of the following types is precluded from being employed by a long-term care facility owned, managed, or operated by the Department for Mental Health, Developmental Disabilities, and Addition Services unless the person has been pardoned or the record has been expunged: abuse, neglect, or exploitation of adults (KRS Chapter 209); prohibited acts related to controlled substances (KRS Chapter 218A); criminal homicide (KRS 507.020, 507.030, 507.040); kidnapping and related offenses (KRS Chapter 509); sexual offenses (KRS Chapter 510); burglary and related offenses (KRS Chapter 511); arson and related offenses (KRS Chapter 513); theft by unlawful taking or disposition (KRS 514.030); family offenses (KRS Chapter 530); pornography (KRS Chapter 531); and assault and related offenses (KRS 508.010, 508.020, 508.032).
- A person convicted of a felony offense related to theft; abuse or sale of illegal drugs; abuse, neglect, or exploitation of an adult; or the commission of a sex crime is precluded from employment in agencies providing services to senior citizens funded by the Department for Community Based Services or the Department for Aging and Independent Living (KRS 216.787).

- A person convicted of a felony offense related to theft; abuse or sale of illegal drugs; abuse, neglect, or exploitation of an adult; or a sexual crime is precluded from employment in a long-term care facility other than one owned, managed, or operated by the Department for Mental Health, Developmental Disabilities, and Addiction Services, nursing pool providing staff to a nursing facility, or assisted-living community (KRS 216.789).
- A person convicted of criminal abuse in the first, second, or third degree or who has had a report of abuse substantiated by the Cabinet for Health and Family Services is precluded from being registered to operate a boarding home (KRS 216B.305).

Transportation

Obtaining transportation to work, educational programs, the probation and parole office, and appointments for counseling and treatment can be difficult for some released felons to obtain. Upon release from incarceration, a person's operator's license may be expired. This issue can be significant, since an operator's license is almost universally used for identification purposes.

Obtaining transportation to work, educational programs, the probation and parole office, and appointments for counseling and treatment can be difficult. Upon release from incarceration, a person's operator's license may be expired. This can be significant because an operator's license is almost universally used for identification purposes. The department allows released inmates to keep their inmate identification cards. Each inmate is encouraged to take that card, a copy of the resident record card, the release letter, and the parole certificate or notice of discharge to the circuit clerk to verify identification. Some clerks are more receptive than others to issuing a driver's license or state identification card on the basis of these documents.

Some problems with operators' licenses relate to the person's felony conviction. KRS 186.440 requires the Transportation Cabinet to revoke the operator's license of any person convicted of murder or manslaughter resulting from the operation of a motor vehicle, any felony in the commission of which a motor vehicle is used, and theft of a motor vehicle or of any of its parts. If the convicted person does not hold a license, the cabinet is required to deny the person a license for the same period of time as though a license had been revoked. The revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle for a conviction of murder or manslaughter resulting from the operation of a motor vehicle is for a period of not less than five years. In all other cases, the period is six months, except when the person has had one previous conviction of any offense noted above. In that case, the period is one year. If the person has had more than one previous conviction of the offenses noted above, the period is for not less than two years.

The operator's license of a person who is behind in child support payments can be suspended. KRS 186.570 states that any person who has a child support arrearage that equals or exceeds the cumulative amount that would be owed after one year of nonpayment or failure to comply with a subpoena or warrant relating to paternity or child support proceedings must be denied an operator's license or the operator's license must be suspended. However, any child support arrearage existing prior to January 1, 1994, is not included in the calculation. The denial or suspension shall continue until the arrearage has been eliminated, payments on the arrearage are being made in accordance with a court or administrative order, or the person complies with the subpoena or warrant relating to paternity or child support.

KRS 189A.070 states that the operator's license must be revoked for 60 months for a person 18 years or older for a fourth or subsequent offense of driving under the influence. A person whose license has been revoked may move the court to reduce the applicable minimum period of revocation by one-half but in no case less than 12 months, if the following conditions are satisfied: a) the person shall not operate a motor vehicle or motorcycle without an ignition interlock device; b) the person shall not operate a motor vehicle or motorcycle at any other time and for any other purposes than those specified by the court; and c) the ignition interlock device shall be installed for a period of time not less than the applicable minimum period of revocation.

Leniency is allowed in certain circumstances. KRS 189A.410 states that, at any time following the expiration of the minimum license suspension periods, the court may grant the person hardship driving privileges for the balance of the suspension period imposed by the court, upon written petition of the defendant, if it finds reasonable cause to believe that revocation would hinder the person's ability to continue employment; continue attending school or an educational institution; obtain necessary medical care; attend driver improvement, alcohol, or substance abuse education programs; or attend court-ordered counseling or other programs. However, the court may not to issue a hardship license to a person who has refused to take an alcohol concentration or substance abuse test offered by a law enforcement officer.

Revocation of Parole or Probation

A significant challenge facing some released felons is potential revocation of release because of a technical violation of the conditions of release such as use of alcohol. Consuming alcohol is not committing a crime, but it is a technical condition of parole that must be adhered to. Chapter 2 reported that, from FY 1998 to FY 2008, 27 percent of prison admissions were persons who had violated the technical conditions of parole or probation.

Regulations for conducting preliminary parole revocation are in 501 KAR 1:040.

If a parole officer believes that a parolee has violated the terms of release, the parole officer investigates and submits a report of the alleged violations to the district supervisor. If the officer and supervisor decide to schedule a preliminary revocation hearing, the officer notifies the Parole Board and the parolee. An administrative law judge employed by the board conducts the hearing and determines if there is probable cause to believe that the parolee has committed the alleged violations.

If a parole officer believes that a parolee has violated the terms of release, the parole officer investigates and submits a report of the alleged violations to the district supervisor. If the officer and supervisor decide to schedule a preliminary revocation hearing, the officer notifies the Parole Board and the parolee.

An administrative law judge employed by the board conducts the hearing and determines if there is probable cause to believe that the parolee has committed the alleged violations. However, the judge may grant leniency if all parties agree and if the parolee agrees to any additional conditions of his parole set forth by the judge. The judge may also recommend that the parolee not be returned as a parole violator if there is a viable alternative to incarceration.

If the judge finds probable cause and leniency is not granted, the case is referred to the Parole Board, which issues a parole violation warrant. The parolee is reincarcerated. A final parole revocation hearing is conducted by a panel of Parole Board members, in the same way as parole hearings are conducted. The person may have the order of parole revoked or deferred or may be returned to the community at the panel's discretion.

The results of the board's 2,820 parole revocation hearings in FY 2007 are as follows:

- 172 persons were released back to parole,
- 1,789 persons had their parole deferred, and
- 859 persons were ordered to serve out their sentences (Commonwealth. Parole).

Voting

KRS 116.113 states that the name of a person who has been convicted of a felony offense will be removed from voter registration records. However, a person can petition the governor for restoration of civil rights and regain the right to vote.

KRS 116.113 states that the name of a person who has been convicted of a felony offense will be removed from voter registration records. However, a person can petition the governor for restoration of civil rights and regain the right to vote. The department has an application for restoration of civil rights on its Web site, and probation and parole officers have copies in their offices. A person applies for restoration through the Division of Probation and Parole. Division personnel review the application for completeness and investigate to determine if a person has pending charges or unpaid restitution, fines, or fees. An application will be rejected if it is incomplete or the person has unpaid obligations. Accepted applications are forwarded to the governor.

All inmates and ex-inmates interviewed by Program Review staff said that felons should have the right to vote once they have been discharged.

Table 4.8 shows the number of persons whose civil rights were restored in calendar year 2003 to October 6, 2008.

Table 4.8
Restoration of Civil Rights
Calendar Year 2003 to October 6, 2008

| Calendar Year | Restored |
|----------------------|-----------------|
| 2003 | 1,049 |
| 2004 | 318 |
| 2005 | 256 |
| 2006 | 169 |
| 2007 | 190 |
| 2008 | 1,464 |
| Total | 3,446 |

Source: Prepared by Program Review staff from information provided by the Department of Corrections.

During this period, 3,446 persons had their civil rights restored. Most had their rights restored in 2008.

Some Challenges Could Be Lessened

Incarcerated felons would benefit from individualized pre-release and post-release assistance, including help making appointments with specific providers of needed services. However, each prison conducts its own version of the department's reentry program, and felons housed in county jails receive little or no reentry programming.

Incarcerated felons would benefit from individualized pre-release and post-release assistance, including help making appointments with specific providers of needed services. However, each prison conducts its own version of the department's reentry program, and felons housed in county jails receive little or no reentry programming. Prison employees who present the reentry program have additional work responsibilities. They have little opportunity to work with individual inmates who have significant pre-release and post-release needs, such as substance abuse treatment, or to work with community substance abuse treatment providers to ensure the person will have continuity of care. This situation not only fails to meet certain inmates' needs, but it also increases pressure on probation and parole officers who have high caseloads and little time to provide individualized assistance. Dedicated staff at each prison and staff to work with local jails to provide individual help to persons with significant pre-release and post-release needs would help alleviate the reentry challenges of convicted felons.

Incarcerated felons would benefit from more and better-coordinated academic, vocational, and technical programs. Waiting lists for education and training prevent some inmates from participating.

Incarcerated felons would benefit from more and better-coordinated academic, vocational, and technical programs. Waiting lists for education and training prevent some inmates from participating. Even when inmates participate, they later find that many employers will not hire convicted felons. More education and training programs are needed. In addition, assigning staff to contact potential employers across the state, assess the vocational and technical skills their employees must have, and encourage them to hire released felons who have those skills would help alleviate challenges. By knowing the job skills needed in the marketplace, the department could provide appropriate training, encourage inmates to participate in it, and inform inmates of employers who have expressed a willingness to hire them when they are released.

These activities may require additional resources for a time. However, the department should later realize savings from reduced recidivism. With fewer persons entering prison, the department would have the resources to provide more pre-release and post-release programming. In addition, the probation and parole officer caseloads would become more manageable and allow time for persons who need individualized assistance. Chapter 6 provides examples of promising programs and practices in other states.

Recommendation 4.1

Recommendation 4.1 is that the Department of Corrections should dedicate staff at each prison and staff to work with local jails to provide individualized assistance to persons with significant pre-release and post-release needs. The assistance should include interaction with community providers to ensure that the necessary services are available to released felons.

The Department of Corrections should dedicate staff at each prison and staff to work with local jails to provide individualized assistance to persons with significant pre-release and post-release needs. The assistance should include interaction with community providers to ensure that the necessary services are available to released felons.

Recommendation 4.2

Recommendation 4.2 is that the Department of Corrections should dedicate staff to contact potential employers across the state, assess the vocational and technical skills their employees must have, and encourage them to hire released felons who have those skills. The department should provide appropriate training to inmates, encourage inmates to participate in it, and inform inmates of employers who have expressed a willingness to hire them.

The Department of Corrections should dedicate staff to contact potential employers across the state, assess the vocational and technical skills their employees must have, and encourage employers to hire released felons who have those skills. The department should provide appropriate training to inmates, encourage inmates to participate in it, and inform inmates of employers who have expressed a willingness to hire them.

Chapter 5

Offender Reentry Programs and Practices

Caution is warranted when claims are made about the effectiveness of particular offender reentry programs. Many are relatively new. Few established programs have been evaluated systematically.

Caution is warranted when claims are made about the effectiveness of particular felony reentry programs. Many of the programs are relatively new, so they may not have had time to achieve results that could be analyzed. Few programs with longer histories have had rigorous evaluations. Most evaluations have used recidivism as the sole outcome criterion (Petersilia).

Given that caveat, this chapter is a brief overview of offender reentry programs in states and localities. The first section summarizes research on reentry programs including a study of nearly 300 evaluations of programs for adult offenders. The second section has brief descriptions of a statewide programs in eight states. Next, examples are given of programs cited in the report of the Re-Entry Policy Council. The chapter concludes with a summary of responses to a survey on pre-release programs from Kentucky and 10 other states.

Promising Programs Based on Research

Washington State Institute for Public Policy

In 2006, the Washington State Institute for Public Policy published a systematic review of 291 evaluations of evidence-based programs for adult offenders conducted in the United States and in other English-speaking countries over the past 35 years. The authors only considered evaluation studies that included a matched comparison group that did not receive the treatment under study. They concluded that some types of adult corrections programs have a demonstrated ability to reduce crime but other types do not (Aos). Some of these programs are related to offender reentry efforts.

The authors of the study compared the estimated percentage changes in recidivism rates for adult corrections programs. For example, an analysis of five community drug treatment program evaluations indicated that community drug treatment programs achieved, on average, a statistically significant 12.4 percent reduction in the recidivism rates of program participants compared with a control group.

The results of the study indicate that some offender reentry initiatives may be effective based on the estimated percentage change in recidivism rates. Table 5.1 provides details for five categories of programs.

A 2006 review of nearly 300 evaluations indicated that six types of treatment each reduced recidivism by more than 10 percent: 1) cognitive-behavioral treatment in the community for low-risk sex offenders on probation, 2) Intensive community supervision with a focus on treatment, 3) cognitive-behavioral treatment in prison for sex offenders, 4) vocational education in prison, 5) drug treatment in the community, and 6) adult drug courts.

Based on the evaluations, six types of treatment each reduced recidivism by more than 10 percent:

- cognitive-behavioral treatment in the community for low-risk sex offenders on probation (31.2 percent reduction),
- intensive community supervision with a focus on treatment (21.9 percent reduction),
- cognitive-behavioral treatment in prison for sex offenders (14.9 percent reduction),
- vocational education in prison (12.6 percent reduction),
- drug treatment in the community for drug-involved offenders (12.4 percent reduction), and
- adult drug courts (10.7 percent reduction).

Table 5.1
Programs Shown To Reduce Recidivism Based on Multiple Evaluations

| | % Reduction in Recidivism | Number of Evaluations |
|--|--------------------------------------|----------------------------------|
| Programs for Drug-involved Offenders | | |
| Drug treatment in the community | 12.4% | 5 |
| Adult drug courts | 10.7% | 56 |
| Programs in prison or jail with separate units for drug offenders who are involved with organizing and operating the unit: | | |
| • with community-based aftercare | 6.9% | 6 |
| • without community aftercare | 5.3% | 7 |
| Cognitive-behavioral drug treatment in prison | 6.8% | 8 |
| Drug treatment in jail | 6.0% | 9 |
| Programs for the General Offender Population | | |
| General and specific cognitive-behavioral treatment programs | 8.2% | 25 |
| Programs for Sex Offenders | | |
| Cognitive-behavioral treatment in the community for low-risk offenders on probation | 31.2% | 6 |
| Cognitive-behavioral treatment in prison | 14.9% | 5 |
| Intermediate Sanctions | | |
| Intensive community supervision with a focus on treatment | 21.9% | 10 |
| Work and Education Programs | | |
| Vocational education in prison | 12.6% | 3 |
| Correctional industries programs in prison | 7.8% | 4 |
| Basic adult education programs in prison | 5.1% | 7 |
| Employment training and job assistance in the community | 4.8% | 16 |

Source: AOS 3, 4, 6.

According to the same study, the following programs have not resulted in reductions in recidivism based on the evaluations: jail diversion programs for adult offenders with mental illness and for those with co-occurring mental health substance abuse disorders, treatment programs for domestic violence offenders, psychotherapy and behavioral treatments for sex offenders, intensive community supervision with a focus on surveillance instead of treatment, adult boot camps, electronic monitoring, and restorative justice programs.

According to the same study, the following programs have not resulted in reductions in recidivism based on the evaluations:

- jail diversion programs for adult offenders with mental illness and for those with co-occurring mental health and substance abuse disorders;
- treatment programs for domestic violence offenders;
- psychotherapy for sex offenders;
- behavioral treatments for sex offenders focusing on reducing deviant arousal and increasing skills for interacting with age-appropriate people;
- intensive community supervision with a focus on surveillance instead of treatment;
- adult boot camps;
- electronic monitoring; and
- restorative justice programs focusing on mediation between the offender and the victim, family conferences, or restitution (Aos 3-7).

Note that the results are based only on the criterion of reducing recidivism and do not take into account the costs of programs. A program that is very effective may be very costly. A program that reduces recidivism by a small amount may be inexpensive. A program that is not found to reduce recidivism may have other benefits. For example, the research indicated that jail diversion for adult offenders with mental illness did not reduce recidivism, but it may result in lower costs because fewer offenders go to jail (Aos 5). Restorative justice programs may provide benefits for crime victims.

Goldsmith and Eimicke

Based on site visits and their review of research on existing programs, Goldsmith and Eimicke identified useful reentry programs. The need for such research is great because, in the authors' view,

most state penal and judicial officials are not working with or sponsoring effective reentry programs. Instead, they approach this looming public safety disaster without a clear mission, quantitative measures of success, or evidence-based decision making. In addition, officials generally do not direct public expenditures to where they might make the greatest difference. For example, offenders likely to succeed on release do not need intensive programs, yet they are enrolled in them; and offenders judged likely to commit a serious crime upon release—no matter the intervention—should not be released, yet they are (Goldsmith 2).

According to the authors of a 2008 review of research, four practices that should be strongly considered are enhanced supervision, adding employment to support and supervision, interventions that start before release from prison, and connections to community support and resources. Examples are cited of programs consistent with these practices.

Based on their research, they identified four practices “worthy of serious consideration”:

- enhanced supervision;
- adding employment to support and supervision;
- interventions that start before release; and
- connections to significant community support and resources, such as might be provided by faith-based organizations (Goldsmith 3).

These recommended practices are consistent with the findings of the study from the Washington State Institute for Public Policy.

Enhanced Supervision. The authors noted that parole officers’ typical caseloads precluded providing enhanced supervision, but that this practice can serve as an effective support system for offenders. A cited example is the Maryland Division of Parole and Probation’s Proactive Community Supervision program. Probation and parole officers assess each parolee, develop an individualized plan for supervision with goals for the parolee, and hold parolees accountable through incentives and sanctions. In four localities, parole officers working with high risk/high-need participants had their caseloads reduced from 100 to 55. The program uses community networks to help with preemployment training and contacts employers that are willing to hire participants. Parole officers are encouraged to meet with low-risk parolees in community settings. It is recommended that meetings with high-risk parolees be at the local police station to remind them that parole officers work with law enforcement (Goldsmith 4).

Adding Employment to Support and Supervision.

Unemployment rates for felons reentering society are high, but it is likely that “no support system makes as much difference as a job” (Goldsmith 5). The authors cite as a successful example New York’s Center for Employment Opportunities. In a typical year, the program is able to place two-thirds of participants who meet with a job developer into full-time employment. The program begins with preemployment workshops. Participants are then placed in transitional jobs performing tasks such as maintenance and repair for government agencies. A job coach assists participants in building work skills. Employment specialists work with participants to help them get regular jobs. The program continues to provide support to help the participant maintain regular employment (Goldsmith 5)

Starting Programs Before Release. According to research cited by the authors, recidivism rates are typically lower for inmates

who participate in education programs in prison. Programs that offer services in prison and after release are also promising. For example, the Reintegration of Offenders project in Texas is an employment program for released offenders, but contact begins when offenders enter prison. Project staff provide information on the program, begin recruiting, and bring prospective employers to prison (Goldsmith 7).

Encourage Community Support. Ex-offenders often return to neighborhoods with relatively high amounts of crime and offenders, so supportive communities are important. For example, the Operation of New Hope program in Jacksonville, Florida began as an employment program but now also includes mentoring by members of a local ministry. In a program in New York City, “family partnering case management” occurs with the participation of the parolee, family members, the parole officer, and someone from a family support center (Goldsmith 8).

Statewide Programs in Offender Reentry

Other states have created offender reentry programs in recent years. This chapter summarizes eight examples.

Other states have created offender reentry programs in recent years. Below are summaries of eight states’ offender reentry programs.

Arizona

In an Arizona program, prison life for inmates is restructured to mirror as closely as possible life on the outside. The program encourages inmates to make decisions for themselves and includes a system of graduated incentives and privileges to reward good behavior.

Arizona received an award from Harvard University’s Kennedy School of Government for its offender reentry program *Getting Ready: Keeping Communities Safe*. The program was developed and implemented without additional state funding. Correctional staff received additional training and rearranged their schedules for expanded services and hours.

Prison life for inmates is restructured to mirror as closely as possible life on the outside. During the first week of incarceration, each inmate undergoes a needs assessment and receives an individualized corrections plan (Moore). The program encourages inmates to make decisions for themselves and includes a system of graduated incentives and privileges to reward good behavior. Inmates are expected to work or further their education, achieve and maintain sobriety, and participate in victim-focused volunteer activities 7 days a week (Harvard. Kennedy).

It is unknown how many inmates started but did not finish the program. Of the 3,000 who did complete the entire program since 2004, only 2 percent have returned to prison according to an article

in *The Christian Science Monitor* (Moore). The program claims a \$1.6 million spending reduction as a direct result of its impact. According to the Kennedy School press release for the award, inmate-on-inmate violence is down by 37 percent, inmate-on-staff assaults are down by 51 percent, and inmate suicides are down by 33 percent. Seventy-five percent of the inmate population has earned a GED (Harvard. Kennedy).

Georgia

In Georgia, four pre-release Centers help family members of offenders be aware of ways they can assist with offenders' reentry into society.

In Georgia, Family Day Programs help family members of offenders be aware of ways they can assist with the offender's reentry into society. Four pre-release centers around the state aid in this process. The centers were created for minimum security inmates near the end of their incarceration periods; each center can house 200 inmates. Faith and Character programs are available to these inmates. The centers provide inmates with work experience. Staff assist inmates in locating housing and jobs ahead of their departures from prison. The centers provide cognitive-behavioral programming, substance abuse programming, and vocational classroom training (State of Georgia).

Illinois

In 2004, the governor of Illinois created a Statewide Community Safety and Reentry Working Group to initiate work on a statewide offender reentry plan. This has led to a program for offenders with substance abuse problems and a plan to double the number of parole officers.

In 2004, the governor created a Statewide Community Safety and Reentry Working Group to initiate work on a statewide offender reentry plan. The 33-member committee includes law enforcement officials, elected officials, public policy experts, faith-based leaders, corrections officials, human services providers, substance abuse providers, education leaders, job placement specialists, business leaders, housing activists, and ex-offenders (State of Illinois).

Two programs have been implemented as part of this statewide effort. The Sheridan National Model Drug Prison and Reentry Program focuses on inmates with substance abuse problems. It offers them intensive drug treatment, job preparation, vocational education, and cognitive skills development. Inmates participate in the program for the entirety of their incarceration. They are followed through their reentry into the community through an extensive case management program with intensified parole supervision. It is unknown how many participants started the program but did not graduate, but reported graduate recidivism rates were approximately 40 percent lower than for comparison groups in the first 2 years of the program (State of Illinois).

The Operation Spotlight Parole Reform Plan mandated doubling the number of parole officers in Illinois to 740 over a 4-year period, mitigating their caseloads, increasing mandatory minimum parolee contacts, and enhancing risk assessment and case management training (State of Illinois).

Indiana

Indiana's Pre-Release Reentry Program provides inmates with programming on self-improvement skills, job-seeking skills, and community and family values. The Sex Offender Management and Monitoring Program involves public and private sector collaboration. All inmates discharged from Methamphetamine Treatment Units receive individualized release recovery plans providing specific recommendations for follow-up services.

Indiana has several programs for offender reentry. Examples are below.

The Pre-Release Reentry Program provides inmates with programming on self-improvement skills, job-seeking skills, and community and family values. A staff person at each state prison serves as reentry coordinator to help facilitate the program (State of Indiana. Department. "Our").

The Sex Offender Management and Monitoring Program involves public and private sector collaboration. It provides treatment to increase offenders' self-awareness and to help offenders make cognitive and behavioral changes. It also monitors offenders' progress while in prison and after prison release. Seven to nine months prior to release, sex offenders are provided a reentry class educating them on the Indiana Sex Offender Registry and providing them with information about community supervision issues (State of Indiana. Department. "Our").

All inmates discharged from Methamphetamine Treatment Units receive individualized release recovery plans providing specific recommendations for follow-up services (State of Indiana. Department. "Inside").

Michigan

The Michigan Prisoner Reentry Initiative emphasizes state and local collaboration and a plan of services and supervision from prison entry through reentry, reintegration, and aftercare. The initiative has a state policy team led by the deputy legal counsel of the Governor's Office and executive cabinet representatives.

The Michigan Prisoner Reentry Initiative, begun in 2003, emphasizes state and local collaboration and a plan of services and supervision from prison entry through reentry, reintegration, and aftercare. A Transition Accountability Plan is used to assess inmates' risks, needs, and strengths. Offenders' strengths are built upon during incarceration through pre-release training. The initiative consists of institutional, reentry, and community phases (State of Michigan. Department. "MPRI Informational").

The Michigan Prisoner Reentry Initiative has a state policy team led by the deputy legal counsel of the Governor's Office and executive cabinet representatives. There is also an advisory council

and an executive management team involved in the governance of the program (State of Michigan. Department. “The MPRI Model”).

Ohio

A key feature of the Ohio Plan for Productive Offender Reentry and Recidivism Reduction is a commitment to securing family involvement in offender reentry. A Reentry Accountability Plan is used, which consists of a validated risk assessment, needs assessment, and programming that matches the needs of the offender.

A key feature of the Ohio Plan for Productive Offender Reentry and Recidivism Reduction, established in 2002, is a commitment to secure family involvement in offender reentry. A Reentry Accountability Plan is used, which consists of a validated risk assessment, needs assessment, and programming that matches the needs of the offender. An Office of Offender Reentry and Correctional Best Practices was created to oversee this initiative (State of Ohio).

The goals for the offender reentry initiative in Ohio are to develop a seamless and successful offender transition from prison to the streets, to ensure that offenders are prepared to return home and that they are better off at the completion of reentry than they were when first incarcerated, to mitigate recidivism, to equip offenders with long-term marketable skills, to assist offenders in being responsible parents after leaving prison, to provide offenders with effective life coping skills, and to increase offenders’ awareness of the impact of their crimes on victims and the community and provide them with opportunities to make amends for effects (State of Ohio).

Rhode Island

By executive order, all Rhode Island state agencies are to collaborate on prisoner reentry. A 15- member statewide committee began meeting in 2004. Local reentry councils were established in four cities with a long-term goal of developing them into regional reentry councils covering the entire state.

The governor signed an executive order in 2004 directing all state agencies to collaborate on prisoner reentry. A 15-member statewide committee began meeting that year. Local reentry councils were established in four cities with a long-term goal of developing them into regional reentry councils covering the entire state. The goal of the councils is to create seamless offender reentry into the community by mitigating barriers to offender reentry such as difficulty finding employment, health care, and affordable housing (State of Rhode Island).

The underlying philosophy is that offender reentry is a statewide issue, past correctional methods were costly and ineffective, multiple state agencies must become partners in the reentry process, communities and community-based agencies must be part of the reentry process, reentry models can cut across bureaucratic structures, changes in organizational culture and attitudes are necessary, data sharing and communication are essential, and offender reentry success can and should be measured (Wall).

Washington

In Washington, personalized plans for inmates are created on entry to prison or jail based on the results of medical, mental health, social, and risk assessments. The approach employs a “step down” process targeting the offender’s successful progression to increasingly lower security levels. Near the end of their prison sentences, inmates are sent to Reentry Centers for more intensive programs and activities.

Washington’s Reentry Initiative takes a long-term view of offender reentry from entry into prison through community supervision. Personalized plans are created on inmates’ entry to prison or jail based on the results of medical, mental health, social, and risk assessments. The approach employs a “step down” process targeting the offender’s successful progression to increasingly lower security levels. Near the end of their prison sentences, inmates are sent to Reentry Centers for more intensive programs and activities. Washington attempts to build stronger ties with inmates’ families. A 12-week Long Distance Dads Program teaches inmates with children how to be better parents. A work release program involves partial confinement of inmates with good institutional behavior who have less than 6 months left on their prison sentence. They are confined in community-based facilities for most of each day but are allowed to leave the facility for work, school, or treatment programs (State of Washington).

Examples From the Report of the Re-Entry Policy Council

The Re-Entry Policy Council was established by the Council of State Governments to assist policymakers and practitioners who wish to improve offender reentry. The council’s 2005 report included hundreds of examples of programs consistent with what the council considered consensus-based principles. This chapter includes some of those examples and principles.

The Re-Entry Policy Council was established by the Council of State Governments to assist policymakers and practitioners seeking to improve the likelihood that adults released from prison or jail will avoid crime and become productive, healthy members of families and communities (Re-Entry xix).

The 100-member council’s 2005 report included 35 policy statements that the council considered consensus-based principles that should be part of reentry initiatives. The report included hundreds of examples of programs consistent with these principles. Some of the examples are discussed below. For each example, the council’s relevant policy statement is included to provide context.

Physical Health Care

Policy Statement 10 is to [f]acilitate community-based health care providers’ access to prisons and jails and promote delivery of services consistent with community standards and the need to maintain public health (Re-Entry iv).

Example. The Ohio Department of Rehabilitation and Correction has been using videoconferencing technology since 1994 to facilitate the practice of telemedicine in all Ohio prisons.

Currently, approximately 5,000 medical consultations are conducted using telemedicine. The department estimates savings between \$200 and \$1,000 for each use of telemedicine (Re-Entry 556).

Mental Health Care

Policy Statement 11 is to

[f]acilitate community based mental health care providers' access to prisons and jails and promote delivery of services consistent with community standards and the need to maintain public mental health (Re-Entry iv).

Example. The Maryland Mental Hygiene Administration started the Trauma, Addiction, Mental Health, and Recovery Project in 1998. Targeted to women in local jails, the project provides integrated, trauma-oriented services for individuals with mental illness and co-occurring substance abuse disorders. The project was developed with a grant from the United States Substance Abuse Mental Health Services Administration. During federal fiscal year 2000, 103 women participated in this pilot project. The recidivism rate was reported to be less than 3 percent (Re-Entry 522).

Creation of Employment Opportunities

Policy Statement 21 is to

[p]romote, where appropriate, the employment of people released from prison and jail, and facilitate the creation of job opportunities for this population that will benefit communities (Re-Entry v).

Example. The Safer Foundation in Chicago oversees two minimum security male residential transition centers on behalf of the Illinois Department of Corrections that house 550 residents. Participants are required to be involved in outside employment, education, life skills, and/or community service activities for a minimum of 35 hours per week, as well as being responsible for daily in-house assignments. Residents receive case management services, cognitive therapies, mental health services, substance abuse treatment, and family support services. The program claims a recidivism rate of less than percent compared to an Illinois recidivism rate of more than 42 percent (Re-Entry 510).

Identification and Benefits

Policy Statement 24 is to

[e]nsure that individuals exit prison or jail with appropriate forms of identification and that those eligible for public benefits receive them immediately upon their release from prison or jail (Re-Entry 5).

Example. In 2002, Louisiana's Department of Corrections and Office of Motor Vehicles began a state identification card program for inmates who are within 6 to 8 months of their prison release date. Four times per year, staff from the Office of Motor Vehicles visit Louisiana prisons to administer the issuance of state identification cards to inmates. Qualifying inmates can also renew their driver's licenses. The Department of Corrections and the Office of Motor Vehicles collaborate to ensure that inmates have the proper documentation for card issuance. Inmates receive their identification cards at discharge from the correctional facility (Re-Entry 518).

Design of Supervision Strategy

Policy Statement 25 is to

[a]ssign terms and conditions of release that are in line with the supervision strategies selected, reflect the likelihood of the person re-offending, correspond to the resources available to the supervising agency, complement transition plans developed by community service providers, and engage incentives to encourage compliance with the conditions of release (Re-Entry v).

Example. Since 1994, the New York State Division of Parole, working with the Office of Mental Health, has initiated a specialized parole caseload in which parole officers receive extra training and reduced caseloads in order to better serve parolees with mental illness. Parole officers carry a reduced caseload of 25 cases and work closely with community mental health agencies to help parolees engage in treatment. No specialized funding is involved (Re-Entry 547).

Implementation of Supervision Strategy

Policy Statement 26 is to

[c]oncentrate community supervision resources on the period immediately following the person's release from prison or jail, and adjust supervision strategies as the needs of the person

released, the victim, the community, and the family change (Re-Entry v).

Example. The Day Reporting Center Re-entry Program, established in 1998, targets high-risk parolees returning to south Chicago neighborhoods by providing intense supervision, monitoring, treatment, and educational services in order to mitigate recidivism. The Illinois Department of Corrections claims that the recidivism rate for graduates of the program is 10 percent compared to 35 percent for a comparison group. They also estimate that the program saved \$3.6 million in correctional and court costs (Re-Entry 509).

Job Development and Supportive Employment

Policy Statement 28 is to “[r]ecognize and address the obstacles that make it difficult for an ex-offender to obtain and retain viable employment while under community supervision” (Re-Entry v)

Example. The Delancey Street Foundation, created in 1971 in San Francisco, functions as a residential education center assisting formerly homeless persons, former substance abusers, and formerly incarcerated individuals to acquire basic and employment-related skills and to achieve economic independence. Participants live in dorm style rooms and are required to stay in the program for 2 years. Participants learn from each other and hand down skills so that others can move into new work positions. More than 14,000 people have completed the program since its inception. More than 10,000 participants have completed their GEDs. One thousand participants have graduated from a state-accredited, three-year vocational program. Participants have built and remodeled more than 1,500 low-income housing units and trained over 800 individuals in the construction trade (Re-Entry 488).

Graduated Responses

Policy Statement 29 is to
[e]nsure that community corrections officers have a range of options available to them to reinforce positive behavior and to address, swiftly and certainly, failures to comply with conditions of release” (Re-Entry v).

Example 1. The Re-Entry Court Project was established in Allen County, Indiana in 2001. It is a 6-month early prison/jail release program in which a reentry judge oversees the development and implementation of a reintegration plan for each inmate already

involved in the Community Transition Program. Participants are under 24-hour supervision, including six months of electronic monitoring and random home and work visits. Weekly substance abuse testing and periodic needs assessment are employed. Participants are assigned to relevant programs based on the needs assessment. They appear before the judge every 2 to 6 weeks to review compliance with their reintegration plans (Re-Entry 513).

Example 2. The Missouri Department of Corrections developed the Violation Response Grid in 2004 to guide parole officers in selecting sanctions to respond to parole violations. Many parolees return to prison due to technical violations, so the instrument provides for measures short of revoking parole in order to correct parolees' behavior and keep them from returning to prison or jail. Some of the sanction options are community treatment, curfew, increased supervision contact, caution letter, verbal reprimand, travel restriction, and community service (Re-Entry 533).

Pre-release Programs in Kentucky and Other States

A survey conducted by the American Correctional Association in 2003 appeared in the association's book *Reentry Today: Programs, Problems, and Solutions*. Because pre-release programming was likely quite different in 2003 than in 2008, Program Review staff asked the department to update its responses to the survey questions.

At the request of Program Review staff, the Department of Corrections updated its responses to a survey on pre-release programming and obtained updated results from 10 other states.

Kentucky is one of 15 states that are members of the Institutional Corrections Research Network in the National Institute of Justice, and department staff have contact persons in the other states.¹ The department updated its responses and asked other network member states to update their responses to the survey questions as well. Results are shown in Table 5.2 and are summarized below.

¹ The 15 member states are Kentucky, Connecticut, Delaware, Iowa, Kansas, Massachusetts, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, and Virginia.

Table 5.2
Pre-release Programs in Kentucky and 10 Other States
(Response Category in Which Kentucky Is Included Is in Italics)

| Pre-release Program | Yes | No | Note |
|---|-----------------|-----------------|--|
| Programming for state felons in local jails | 2 | 5 | Four states do not house state prisoners in local jails. |
| Programming for state felons in prisons | <i>10</i> | 1 | |
| Mandatory for some or all felons | 2 | 8 | |
| Staff assigned exclusively to pre-release program | 2 | 8 | |
| Work with community agencies | <i>10</i> | 0 | |
| Use transitional detention | 9 | 1 | |
| | Earliest | Latest | |
| Time before release that programming begins | 16 months | 6 <i>months</i> | |
| | Least | Most | |
| Amount of time devoted to programming for state felons in prisons | 12 hours | 480 hours | Kentucky is designed to offer 20 hours; most of its prisons offer fewer hours. |

Source: Survey done by the Department of Corrections at the request of Program Review staff.

Pre-release Programming for State Felons in Local Jails

Five of the 11 states, including Kentucky, do not offer pre-release programs for state inmates in local jails.

Two states provide pre-release programs for state inmates in local jails, but they have a smaller scope and duration from that offered to inmates in prison. Five states, including Kentucky, do not offer pre-release programs for state inmates in local jails. Four states do not house state inmates in local jails.

Pre-release Programming for State Felons in Prisons

Ten states provide pre-release programming for inmates in state prisons. In eight of those states, including Kentucky, inmate attendance is voluntary.

Ten states provide pre-release programming for inmates in state prisons. In one state, all inmates are required to attend the pre-release program. In another state, all persons eligible for parole are required to attend, but the program is optional for inmates who are serving out their sentences. Inmate attendance is voluntary in Kentucky and the other seven states that provide the programming.

Pre-release programming in states begins from 6 to 16 months before an inmate's release. In Kentucky, most inmates are within 6 months of release when they are offered the program. The amount of time devoted to the program ranges from 12 to 480 hours. Kentucky's program is designed to cover 20 hours.

In 8 of the 10 states that offer pre-release programs in prisons, staff assigned to the programs also have other duties. All 10 states work with community agencies.

Nine states use one or more forms of transitional detention. The percentage of the felon population in a state in transitional detention ranged from 2 percent to 35 percent. In Kentucky, an estimated 4 percent of felons are in transitional detention.

If more resources were available, all states indicated that they would change their pre-release and post-release programming, and they made suggestions for doing so.

Timing of Pre-release Programming. The pre-release programming begins 6 to 16 months before an inmate's release. In Kentucky, most inmates are within 6 months of parole eligibility or their serve-out date when they are offered the program. The amount of time devoted to the program ranges from 12 to 480 hours. Although Kentucky's program is officially designed to cover 20 hours, Chapter 3 noted that most prisons provide less than that, and five prisons provide only 1 to 5 hours.

Staffing for Pre-release Programming. The 10 states that offer pre-release programs have staff assigned to provide the programming. In eight of the 10 states, including Kentucky, the program staff assigned to pre-release programming also have other job responsibilities, for example, working in the inmate classification system.

Working with Community Agencies. All 10 states work with community agencies to provide support in programming for released inmates. Agencies most frequently mentioned include providers of housing, employment, education, vocational education, substance abuse services, mental health services, and life skills. Governmental agencies include those that issue drivers' licenses, Social Security cards, and birth certificates. Kentucky listed the following: Social Security Administration, Veterans Administration, Vocational Rehabilitation, social service agencies, and substance abuse treatment specialists.

Transitional Detention. Nine states use one or more forms of transitional detention. Eight states, including Kentucky, use halfway houses. Five states have pre-release facilities, and three use separate housing within the prison. Four use a day-reporting center in the community. One contracts with local jails for transitional detention. Of the eight states that provided information on the estimated percentage of the felon population residing in transitional detention, responses ranged from 2 percent to 35 percent. Kentucky estimated that 4 percent of its felon population resides in transitional detention.

How Programming Could Be Improved

If more resources were available, all states indicated that they would change their pre-release and post-release programming. Potential improvements for pre-release programming included

- having a reentry specialist and separate housing at each prison for inmates in transition,

- having more programs to assist offenders in preparing for and returning to the community,
- increasing the prisons' involvement with community resources during the transition phase,
- increasing staff to provide treatment programs in each prison,
- implementing a work-release camp,
- including cognitive behavior classes,
- focusing on needs and providing funding for basic necessities when inmates are released, and
- using evidence-based practices for offender management.

Potential improvements for post-release programs included

- providing transitional housing for difficult-to-house populations,
- establishing programs for high-risk populations,
- increasing community education and support programs, and
- decreasing the caseloads of probation and parole officers.

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Appendix A

Interviews With Inmates and Ex-felons

Interviewees, Procedures, and Limitations of the Analysis

Program Review staff interviewed 76 incarcerated felons at all 16 Kentucky prisons and at three county jails: Louisville Metro Corrections, Shelby County Detention Center, and Hardin County Detention Center. Those interviewed were identified by prison wardens or county jailers as prisoners who were due to see the Kentucky Parole Board within one to two months or who were due to serve out their sentences within one to two months. Twelve of the 76 inmates were interviewed in groups of two to four; otherwise, each interview was conducted with one inmate at a time.

Program Review staff interviewed 40 formerly incarcerated felons. The interviewees were identified by parole office supervisors, prison pre-release coordinators, or transitional house executive directors as having served out their sentences or been paroled within the past two years. The interviews were conducted at Kentucky Probation and Parole offices in Lawrenceburg, Lexington, and Louisville; two transitional houses in Louisville; formerly incarcerated individuals' homes; or public venues.

All inmates were asked the same 34 questions. There were five additional questions asked of eight sex offenders. All ex-felons were asked the same 35 questions. The interviews lasted from 30 minutes to two and one half hours.

The responses of the interviewees should not be considered representative of inmates or ex-felons. The interviewees were not randomly selected and some of their characteristics are known to differ from those of populations of inmates and ex-felons. For example, more than one half of the ex-felons interviewed are female. For many questions, there is no way to verify whether the information provided by the inmates and ex-felons is accurate. Not every interviewee answered every question.

Responses

The perspective of inmates and ex-felons is most useful in helping to determine the problems they face and how programs could possibly help in addressing those problems. Overall, the most commonly mentioned problems were dealing with drug and/or alcohol abuse and getting jobs.

These two problems were the most cited by felony inmates who indicated that they had experienced problems on the outside after previously being released from prison. Thirty-two inmates said that drug and/or alcohol abuse was a problem. Thirteen noted that they had trouble finding jobs. Two of the three most common problems that inmates said they anticipated upon release were problems related to drugs and/or alcohol (18 responses) and finding a job (14 responses). Fourteen inmates said they anticipated financial problems. The difficulty of finding a job was the problem most often mentioned by ex-felons (12 responses).

Only 33 percent of inmates and less than 10 percent of ex-felons said they learned a job or trade skill in prison. Inmates' two most commonly mentioned suggestions for improving reentry programming were that the Department of Corrections should be more proactive in arranging for jobs for inmates (12 responses) and that vocational trade and educational classes should be added (9 responses). Among ex-felons, one of the most frequent suggestions was also that the department should be more proactive in lining up jobs (6 responses). The other most mentioned suggestions were that the department should provide money to prisoners at the time of their release (6 responses) and that the department should be more proactive in helping with housing (5 responses).

Responses to selected questions are summarized in the following table. Unless otherwise noted, the number of respondents ranged from 47 to 76 for inmates and from 32 to 40 for ex-felons.

| Demographics | Inmates | Ex-felons |
|--|----------------|------------------|
| Average age | 35 | 38 |
| % Male | 86% | 38% |
| Race: | | |
| % Caucasian | 70% | 60% |
| % African American | 26% | 38% |
| Average length of time incarcerated | 6 years | 4 years |
| Average length of time since release | --- | 8 months |
| | | |
| % Responding That | | |
| offender rehabilitation is emphasized by the Department of Corrections | 14% | 10% |
| offender reentry is emphasized by Department of Corrections | 20% | 7% |
| the Department of Corrections has a formal, systematic offender reentry process for Kentucky inmates exiting prison | 7% | 3% |
| they participated in prison programming | 57% | 80% |
| • % of program participants responding that prison programming was helpful (43 inmate participants, 32 ex-felon participants) | 67% | 75% |
| they participated in the Prison to the Streets pre-release program | 57% | 55% |
| • % of program participants responding that the program was helpful (43 inmate participants, 22 ex-felon participants) | 72% | 50% |
| more in-prison programming is needed | 77% | 64% |
| the quality of in-prison programming should be improved | 67% | 68% |
| there are enough community resources on the outside to help them be successful | 72% | 85% |
| they were housed at two or more correctional facilities | 79% | 88% |
| they have changed their thinking and behavior as a result of being incarcerated | 90% | 90% |
| prison or jail made them better people | 78% | 87% |
| family ties are important to an inmate doing time in prison or jail | 100% | 97% |
| they were prepared to leave prison or jail at the time of release | 88% | 97% |
| they were worried about being labeled or stigmatized by people on the outside | 30% | --- |
| they have been labeled or stigmatized by people on the outside | --- | 49% |
| their parole officers have been helpful | --- | 70% |
| they planned to get jobs after leaving prison or jail | 75% | --- |
| they were employed at the time of the interviews | | 70% |
| ex-felons should have the right to vote restored once they have served their time in prison or jail and paid their debt to society | 100% | 100% |

