



KENTUCKY
DEPARTMENT of CORRECTIONS

**PUBLIC SAFETY AND
ACCOUNTABILITY ACT
PROBATION AND PAROLE**

THE DIVISION OF PROBATION AND PAROLE

● OVERVIEW PRIOR TO IMPLEMENTATION:

- STAFF – 630 TOTAL STAFF WITH 432 SWORN PROBATION/PAROLE OFFICERS
- ORGANIZATIONAL STRUCTURE
 - THREE BRANCHES (EAST, WEST, CENTRAL)
 - 19 SUPERVISORY DISTRICTS
 - 55 OFFICES
- OFFENDER POPULATION
 - 40,000 TOTAL –
 - 29,000 - PROBATION FROM COURT
 - 11,000 - PAROLE FROM PRISON
- AVERAGE CASELOAD – 93 PER OFFICER PLUS OTHER DUTIES
- BUDGET - \$30,000,000

REENTRY AND SUPERVISION PROGRAMMING

- REENTRY – “...the process of leaving prison or jail and returning to society”
- SUPERVISION PROGRAMMING – “activities and efforts to assist the offender to be successful during supervision including those institutional and community components which prepare the offender for life after incarceration”.

HOUSE BILL 463

- House Bill 463 (The Public Safety and Accountability Act) mandates significant changes to the Penal Code and operations within the Department of Corrections Division of Probation and Parole as well as other governmental bodies. The changes directly related to the Division of Probation and Parole's operations revolve around the following basic areas:
 - 1. Evidence-based practices;
 - 2. Outcome performance measures;
 - 3. Caseload increases;

EVIDENCE-BASED PRACTICES

- DEFINITION – “supervision policies, procedures, treatment and intervention programs, and practices that scientific research demonstrates reduce recidivism among inmates and individuals on probation, parole, or other types of post-release supervision when implemented competently”. **As defined in Section 50*

EVIDENCE-BASED PRACTICES

- Examples – Validated risk-needs assessment, cognitive and behavioral interventions, Motivational Interviewing
- How do you know if the programs is evidence-based?
 - External Research – It works in other places with similar populations.
 - Internal Research – it works with our population.

OUTCOME PERFORMANCE MEASURES

- **CONCEPT** – Evaluating the effectiveness of operational programming by identifying tangible impacts in resource expenditures over a period of time.
 - The Division will be tracking, reporting (both internally and externally) and analyzing outcomes related to every utilized intervention program to quantify a cost-effectiveness ratio.

SECTIONS WHICH REQUIRE EVIDENCED-BASED PRACTICES OR OUTCOME MEASURES

- SECTION 1 creates a new section of KRS 532 and sets the stage for all the sections which tie operations to these concepts.
 - Subsection #4-5 under Section #1 specifically requires that *“all...programs provided...shall utilize evidence-based practices...be evaluated at regular intervals...”*

SECTIONS WHICH REQUIRE EVIDENCED-BASED PRACTICES OR OUTCOME MEASURES

- Other sections which specifically mention these concepts are:
 - SECTION 23 (ALL) – Document cost savings to enhance evidenced-based practices (EBP);
 - SECTION 34 (#8) – Results of mandatory reentry supervision;
 - SECTION 50 (ALL) – Requires promulgation of regulations related to evidence-based practices; Requires funding be tied to the use and effectiveness of programs; Requires elimination of programs proven not to be effective;
 - SECTION 52 – Requires DOC to provide ongoing training to staff related to EBP;
 - SECTION 53 – (ALL) – Requires external reporting of EBP programs by DOC to general assembly and Chief Justice by 12/01/2012;
 - SECTION 65 – Requires external reporting by July 1 of each year regarding recidivism, interventions and outcomes;
 - SECTION 68 (ALL) – DOC shall measure and document costs savings and monitor reinvestment in expanded programming.

PRESUMPTIVE PROBATION

- SECTION 5 – Amends KRS to require the Courts to grant probation in certain low level drug related offenses unless “certain and compelling reasons” apply.

MANDATORY REENTRY SUPERVISION - SECTION 34

● MANDATORY REENTRY SUPERVISION

- Effective 1/1/12;
- Automatic release six months prior to scheduled serve out to community supervision;
- Treated as parolee (in practice);
- Expires at minimum expiration of sentence;
- Ineligible if:
 - Not eligible for parole by statute;
 - Has max or close security classification;
 - Sentence of two years or less;
 - Has 6 months or less to serve after revocation;
 - Convicted of Class A or Capital Offense;
 - Is subject to Section 91 of this act;

SECTION 35

● POSTINCARCERATION SUPERVISION:

- Mandatory “post-sentence” supervision for the following classes of offenses:
 - Convicted of Class A or Capital Offense;
 - Has a Maximum or close security classification;
 - Is not eligible for parole by statute;
 - Only applies to offenses committed after the effective date of July 1, 2011.
 - Remains under Parole Board Authority;

SECTION 21-22

- AMENDS KRS 218A.275 – Treatment and Rehabilitation of the Offender
 - Allows court to request Probation and Parole to complete a Risk and Needs Assessment for people convicted of Possession of Controlled Substance and Possession of Marijuana (Section 22).
 - Assessor also makes a recommendation to the Court regarding treatment or incarceration and also what treatment involved.

OPERATIONAL CHANGES

● SECTION 37 - Amends KRS. 532.050 Presentence Procedure –

- Requires risk and needs assessment to become part of the presentence investigation information to be considered by the Court prior to the imposition of a felony commitment.
- Delayed effective date – July 1, 2013

● SECTION 41, 42, 43 - HOUSING OPTIONS FOR PAROLEES

- Increases and broadens the acceptable housing options for parolees;
- Authorizes conditional release to an alternative housing arrangement with a monitoring device.

OPERATIONAL CHANGES

● SECTION 54 - RISK-NEEDS ASSESSMENT

- Requires a new risk-needs assessment when an offender is placed on community supervision;
- Requires a reassessment on a regular basis;

● SECTION 55 - COMPLIANCE CREDITS – Parolees may receive a reduction in time to serve if -

- No compliance issues;
- Has no new arrests;
- Has (or is) paid restitution;

● SECTION 57 - EARLY TERMINATION FROM PROBATION

- Method for releasing compliant probationers early;
- DOC required to make regulations to establish procedures to recommend to the Court early termination of probation with offender compliance;

OPERATIONAL CHANGES

SECTION 56, 62, 63

- Graduated sanctions for Probationers.
- Concept – Graduated sanctions are intermediate responses to offender supervision issues and can include an increased level of supervision, a treatment referral, community service work or short-term confinement as well as other options.
 - Requires DOC to consult with AOC to establish graduated sanctions for responding to technical probation violations.
 - Only to apply with Court consent;

OPERATIONAL CHANGES

● SECTION 58 - REQUIRES ADMINISTRATIVE LEVEL CASELOADS

- Administrative Level caseloads are the lowest level available before releasing a person from supervision;
- This level of supervision is already in existence (5000 currently on this level);

● SECTION 67 – REQUIRES ONLINE SYSTEM

- Requires DOC to adopt an online system to provide courts, attorneys, officers and victims with objective information regarding sentencing including the amount of time likely to be served on a certain crime, an offender's risk assessment rating and the likelihood of the offender being re-incarcerated within two years.

OPERATIONAL CHANGES

- SECTIONS 87 – 96 – POST-
INCARCERATION SUPERVISION AS
SEX-OFFENDER CONDITIONAL
DISCHARGE
 - Changes wording and places this population
under the authority of the Parole Board.

DIVISION OF PROBATION AND PAROLE

● PROJECTED CASELOAD AND WORKLOAD IMPACTS

- 3000-4000 ADDITIONAL OFFENDERS – Bringing the totals to 45000-46000;
- Administration of thousands of lengthy assessments annually;
- Tracking and reporting on all referrals and programs utilized;

DIVISION OF PROBATION AND PAROLE

- STRATEGIC PLAN –
- Request for additional staff appropriations of up to 100 sworn officers and 20-30 ancillary staff in support, research, mid-management and administration roles.

THE DIVISION OF PROBATION AND PAROLE

● OVERVIEW - AFTER IMPLEMENTATION:

- STAFF – 700 TOTAL STAFF WITH 480 SWORN PROBATION/PAROLE OFFICERS
- ORGANIZATIONAL STRUCTURE
 - FOUR BRANCHES (EAST, WEST, CENTRAL, NORTH)
 - 20 SUPERVISORY DISTRICTS
 - 55 OFFICES
- OFFENDER POPULATION
 - 45,000 TOTAL –
 - 31,000 - PROBATION FROM COURT
 - 14,000 - PAROLE FROM PRISON
- AVERAGE CASELOAD – 93 PER OFFICER PLUS OTHER DUTIES
- BUDGET - \$36,000,000 - \$38,000,000

RECIDIVISM

- Recidivism – “return to incarceration within two years”* .
- Two year recidivism rate is at 29.5% - the first time since 2000 it has been under 30%* .
- What will the effect of this legislation be on recidivism?
- We are yet to see.

*Source – DOC records, 2011