

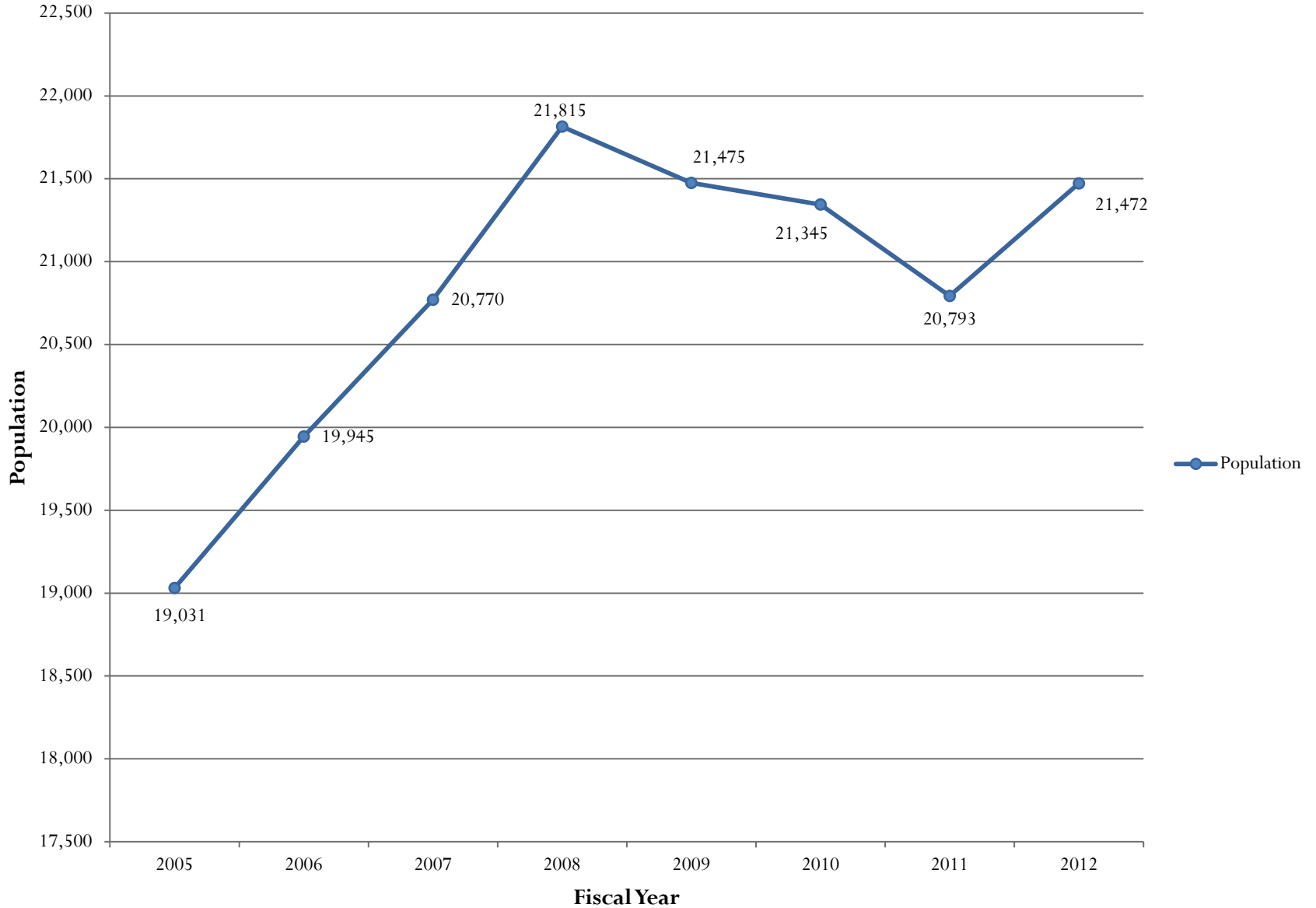
Commonwealth of Kentucky

PUBLIC SAFETY AND OFFENDER ACCOUNTABILITY ACT OF 2011

HOUSE BILL 463

REDUCE RECIDIVISM, REDUCE PRISON POPULATION, INCREASE PUBLIC SAFETY

KY Department of Corrections Prison Population



Background Events

- 2004-2005 Volume of Kentucky Law Journal publishes “Difficult Time in Kentucky Corrections – Aftershocks of a Tough on Crime Philosophy” by Robert G. Lawson
- Prison population in 1970: 2,838
- Prison population in 2003: 17,330
- State population grew 25% -- Prison population grew 440%
- Press, legislators took notice

Background Events

- Spring 2007, Pew Center on the States publishes “Public Safety, Public Spending”
- Forecast: Kentucky’s prison population of 19,215 in 2006 would grow to 26,209 in 2011

Background Events

- 2008 Session of the Kentucky General Assembly
- Included provisions in the budget bill to reduce/decrease prison growth
- Population for FY 2008 was state's highest at 21,815
- Population for FY 2009 decreased to 21,551

Background Events

- 2010 Session of the Kentucky General Assembly
- Provisions again included in the budget bill to reduce prison growth
- Population for FY 2010 decreased to 21,345 and for FY 2011 to 20,973
- Task Force on the Penal Code and Controlled Substances Act formed by Concurrent Resolution
- Seven person group directed to propose changes based on the principles of "Justice Reinvestment"

Background Events

- 2010 was a very busy year for the Task Force
- Pew Center on the States was brought in to assist
- Numerous public meetings were held
- All stakeholders were given ample opportunity to provide input
- Final report completed in December with support from all major stakeholder groups

Provisions of the Act

Modify the Controlled Substances Act

- Provide treatment and effective alternatives to prison for non-violent drug offenders
- Increase the use of probation and deferred prosecution for first time offenders
- Distinguish and alter sentencing for “dealing” and “peddling”
- Limit sentence enhancing measures
- Require savings to be reinvested for new substance abuse treatment programs

Provisions of the Act

Strengthen the system for Probation and Parole to reduce recidivism

- Require use of risk and needs assessments when making decisions about offenders
- Use supervision practices proven to reduce recidivism
- Require six months of community supervision for persons who will “serve out” their sentences
- Allow Probation and Parole officers to impose immediate administrative sanctions

Provisions of the Act

Improve government performance

- Allow police to issue citations for many misdemeanor offenses
- Require guidelines for judges to use for pretrial release and setting bail
- Ensure that bail amounts do not exceed the fines and fees imposed for the offense
- Require Parole Board to hear cases at least 60 days prior to eligibility date
- Establish means to measure and report the results of the new law

Provisions of the Act

Provide funding needed to increase treatment and reduce recidivism

- Increase probation and parole services
- Increase pretrial and drug court services
- Distribute 25% of the savings to local jails

Budgetary Impact

- State Budget Director estimates inmate reduction of 3,000 and savings of \$422 million over ten years
- DOC estimates \$6.8 million in FY 2013 and \$11.5 million in FY 2014 in savings from Controlled Substances changes
- DOC estimates \$14.7 million in FY 2013 and \$23.1 million in FY 2014 in savings from all other changes
- About one-half of the savings will be realized to the General Fund after additional costs are deducted
- Judicial Branch estimated need for \$2 million in additional costs
- Potential to reduce costs for social welfare programs

Results -- Pretrial

- From FY 2011 to FY 2012:
 - 12,249 fewer defendants
 - 22,130 fewer cases
 - 12,263 fewer arrests for marijuana possession
 - 5% increase in pretrial releases
 - 1% increase in appearance rate and public safety rate
 - 40% increase in monitored conditional release program

Results – Mandatory Conditional Reentry

- 2,398 offenders have been placed in the program
- 1,094 currently under supervision
- 803 successfully completed
- 367 revoked
- 114 absconder status

Results – Staffing and Treatment

- 118 additional staff with Probation and Parole
- Funds provided for 25 additional pretrial release officers
- Increase of 629 in-patient beds for substance abuse in last year

Prison Population

- During FY 2012:
 - Prison admissions were less than forecasted amount
 - Length of stay was slightly above forecasted number of months
 - Length of sentences were less than in FY 2010 or FY 2011
 - Number of persons released on mandatory supervision was greater than expected

Prison Population

- Forecasted number of inmates by July 2012: 20,524
- Actual number of inmates in July 2012: 21,794 (1,270 more)
- Average number of inmates for FY 2012: 21,472
(increase of 679)
- First increase since 2008

Prison Population

- Why an increase?
 - Parole Board granted parole at 46.1%
 - Recent historical rate and forecasted rate was 51.6%
 - 1,326 fewer inmates were paroled in FY 2012 than were paroled in FY 2011
 - Still lower than FY 2008 population
 - Much lower than 2007 Pew forecast
 - Population on Aug. 15, 2012: 22,168