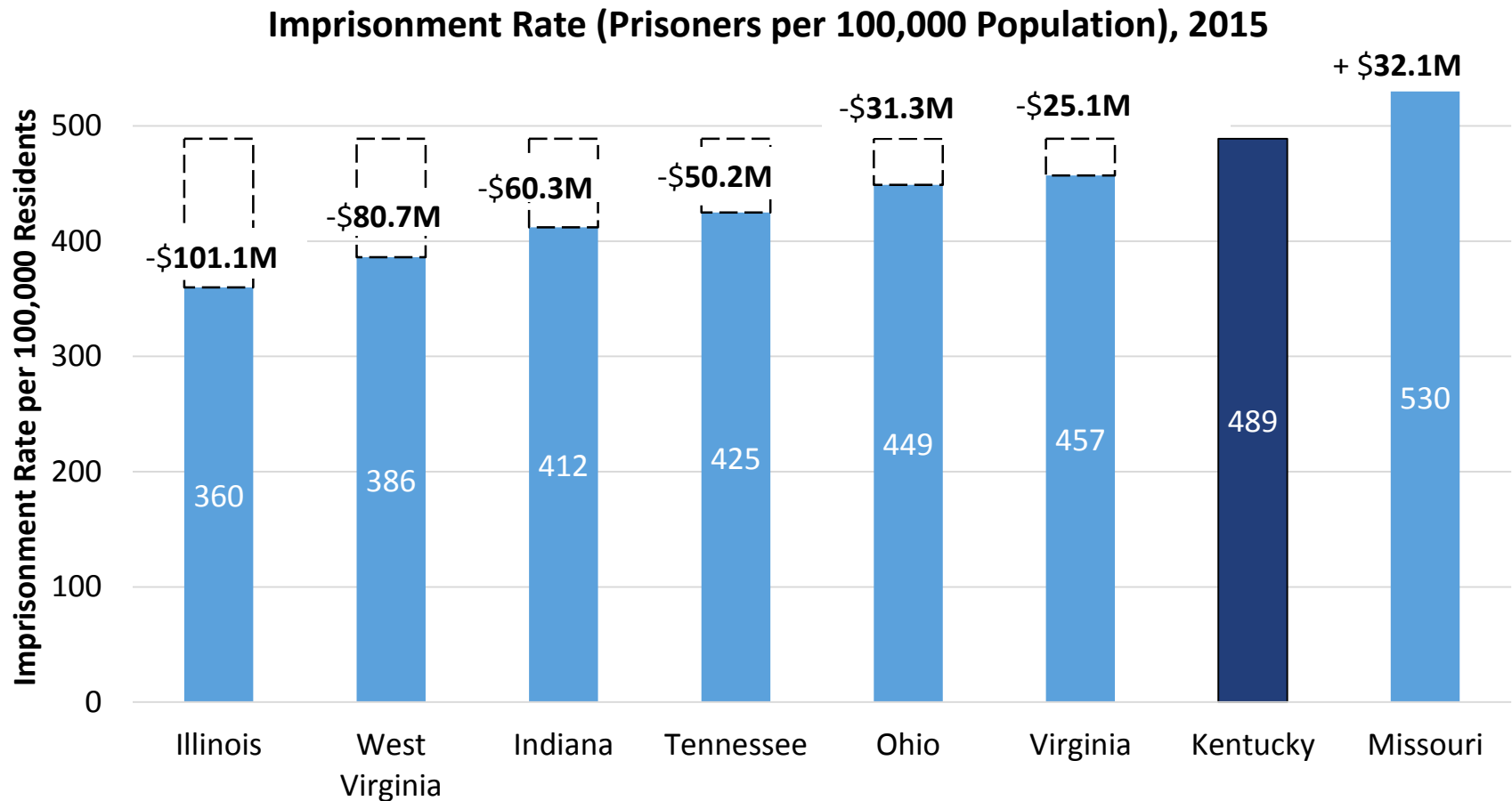


Kentucky Prison Drivers

Kentucky Justice Reinvestment Work Group
September 20, 2017

Estimated Savings if Kentucky's Imprisonment Rate Matched Neighboring States



Iron Law of Prison Population Growth

Admissions + Time Served
= DOC Population

Data Used

- Department of Corrections Data 2012-2016
 - All admissions to DOC custody by Calendar Year
 - All releases from DOC custody by Calendar Year
 - Population snapshots each December 31, 2012-2016
- Offense data is for the most serious offense related to the current admission, defined based on class and sentence length
- Unless stated otherwise, all data presented was analyzed by CJI in consultation with DOC
- Data presented here may not match DOC reports due to different methodologies for analysis

Felony Class System

Felony Class	Offense Examples	Sentence Range	Place of Imprisonment
Capital	Murder, Kidnapping	Death, Life Without Parole, Life	Prison
Class A	Murder, Rape 1 st , Sodomy 1 st	20—50 Years, Life	Prison
Class B	Robbery 1 st , Manufacturing Meth, Burglary 1 st , Assault 1 st , Rape 1 st , Sodomy 1 st	10—20 Years	Prison
Class C	Burglary 2 nd , Trafficking 1 st , Robbery 2 nd , Assault 2 nd , Possession of Handgun by Convicted Felon	5—10 Years	Jail if Community Custody classification. Excludes sex offenses sentenced to >2 years.
Class D	Possession of Controlled Substance 1 st , Burglary 3 rd , Theft, Criminal Possession of Forged Instrument 2 nd , Wanton Endangerment 1 st	1—5 Years	Jail if sentence is <5 years, or >5 years but less than 5 years left to serve. Excludes sex offenses sentenced to >2 years.

Admissions

Who is Entering Prison?

- Admissions over time
 - Crime rates
- Admission type
 - New court commitments
 - Parole revocations
- Offense type
- Geographic patterns
- Sentence length

Mandatory Reentry Supervision Revocation

Offender who was returned to prison from Mandatory Reentry Supervision



Other

Interstate compact transfers, returned escapees



Newly Sentenced Prisoner

Offender receiving a new prison sentence from the court



New Court Commitment

Combines newly sentenced prisoners and probation revocations



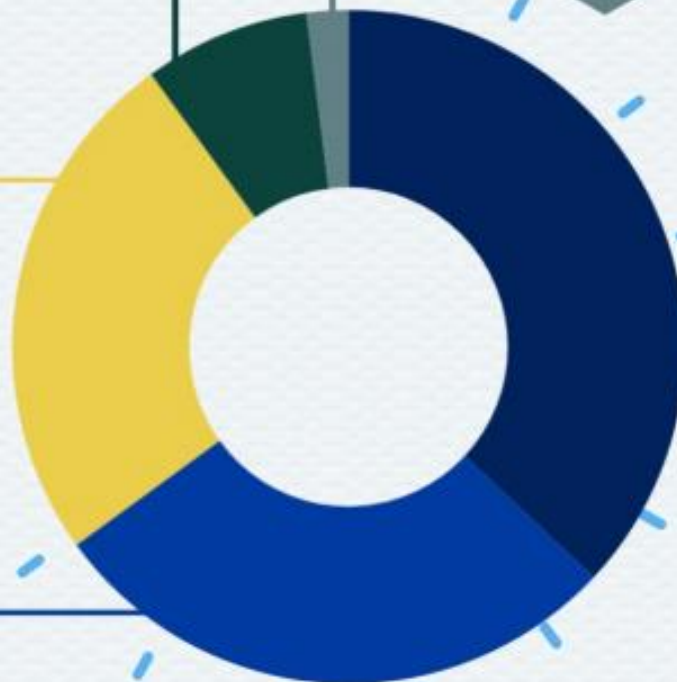
Probation Revocation

Offender who was revoked by the court from probation

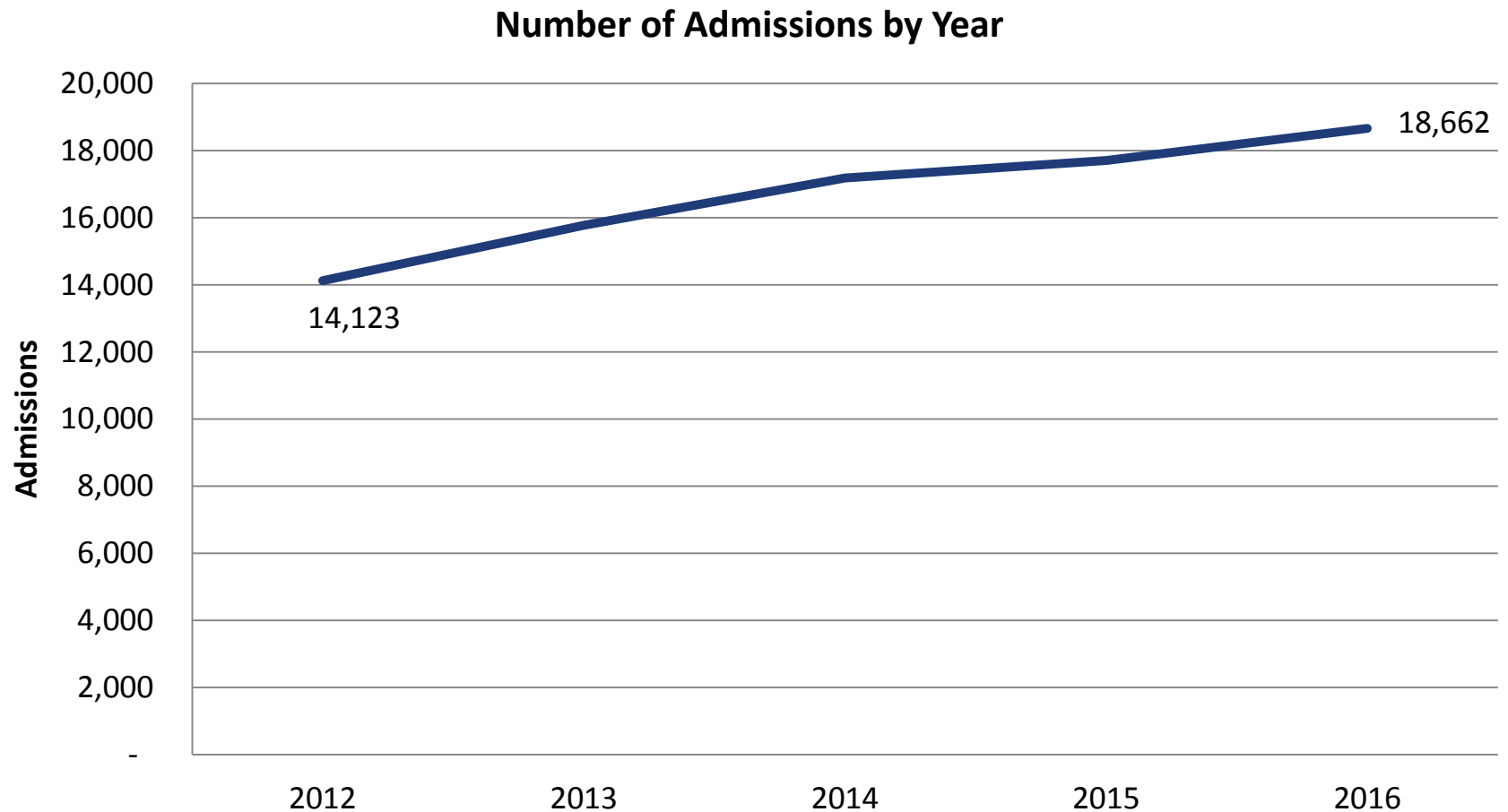


Parole Revocation

Offender who was returned to prison from parole supervision

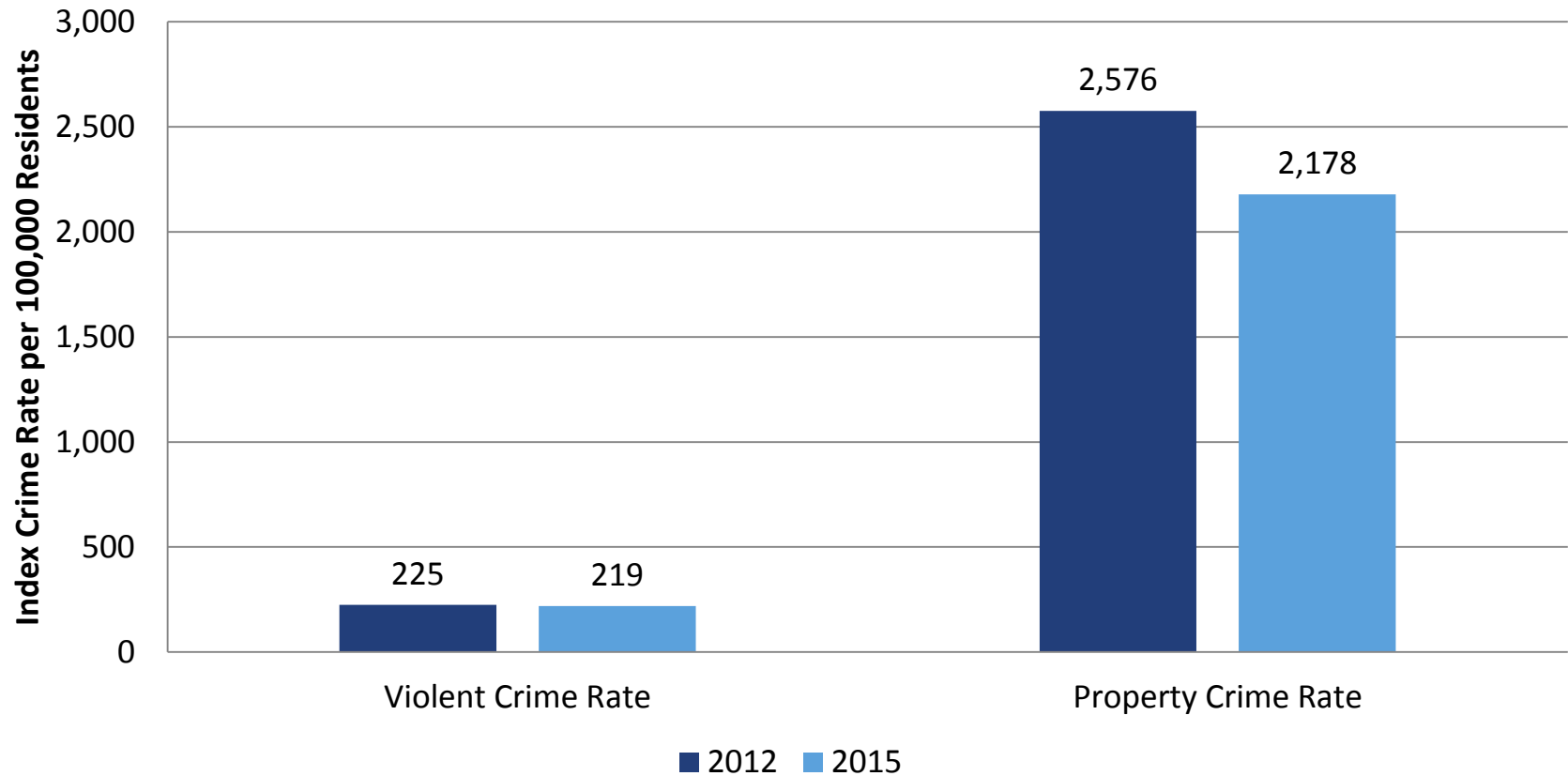


32% Growth in Admissions Over Five Years

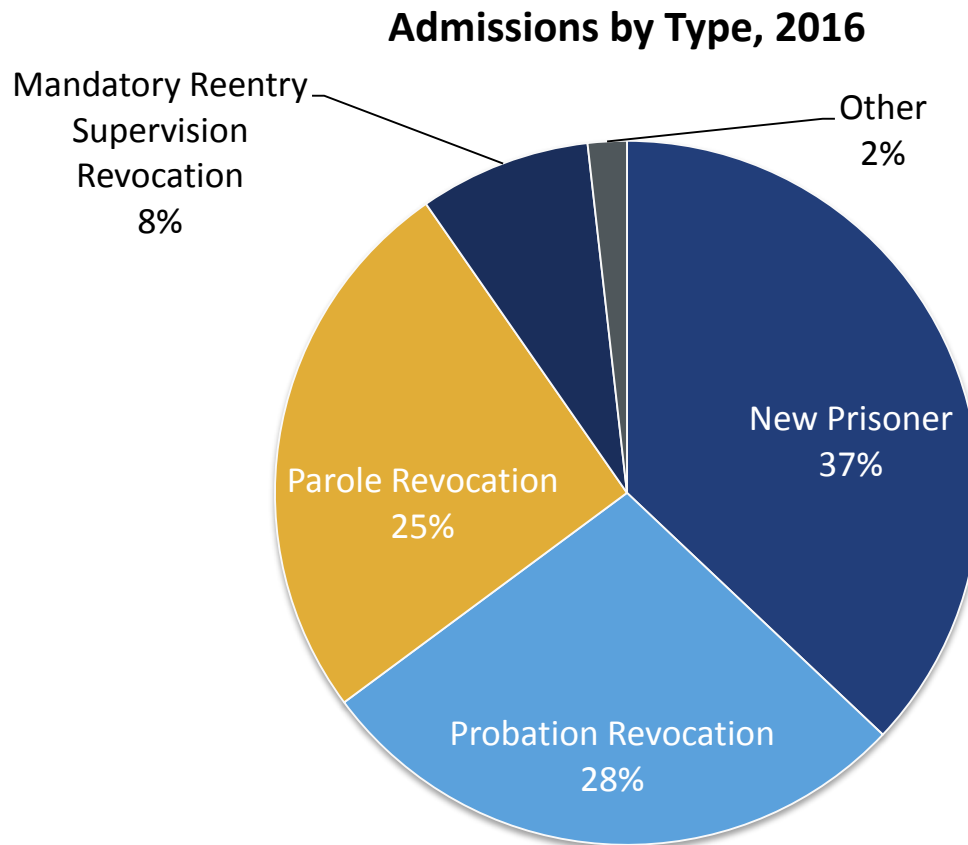


Property Crime Rate Declined 15%, Violent Crime Rate 3% Since 2012

Kentucky Reported Crime Rates, 2012 vs 2015

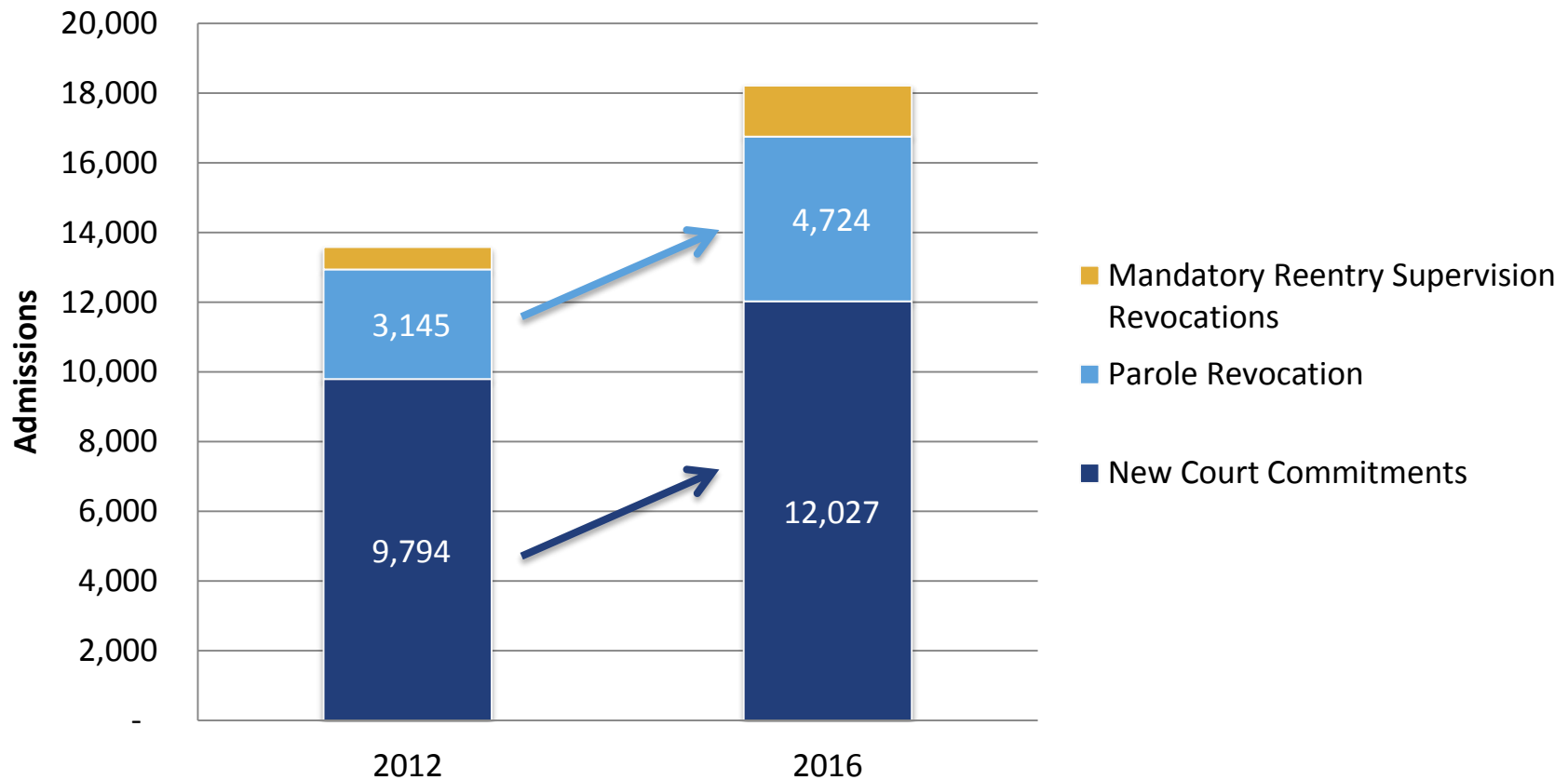


61% of Admissions Previously on Community Supervision

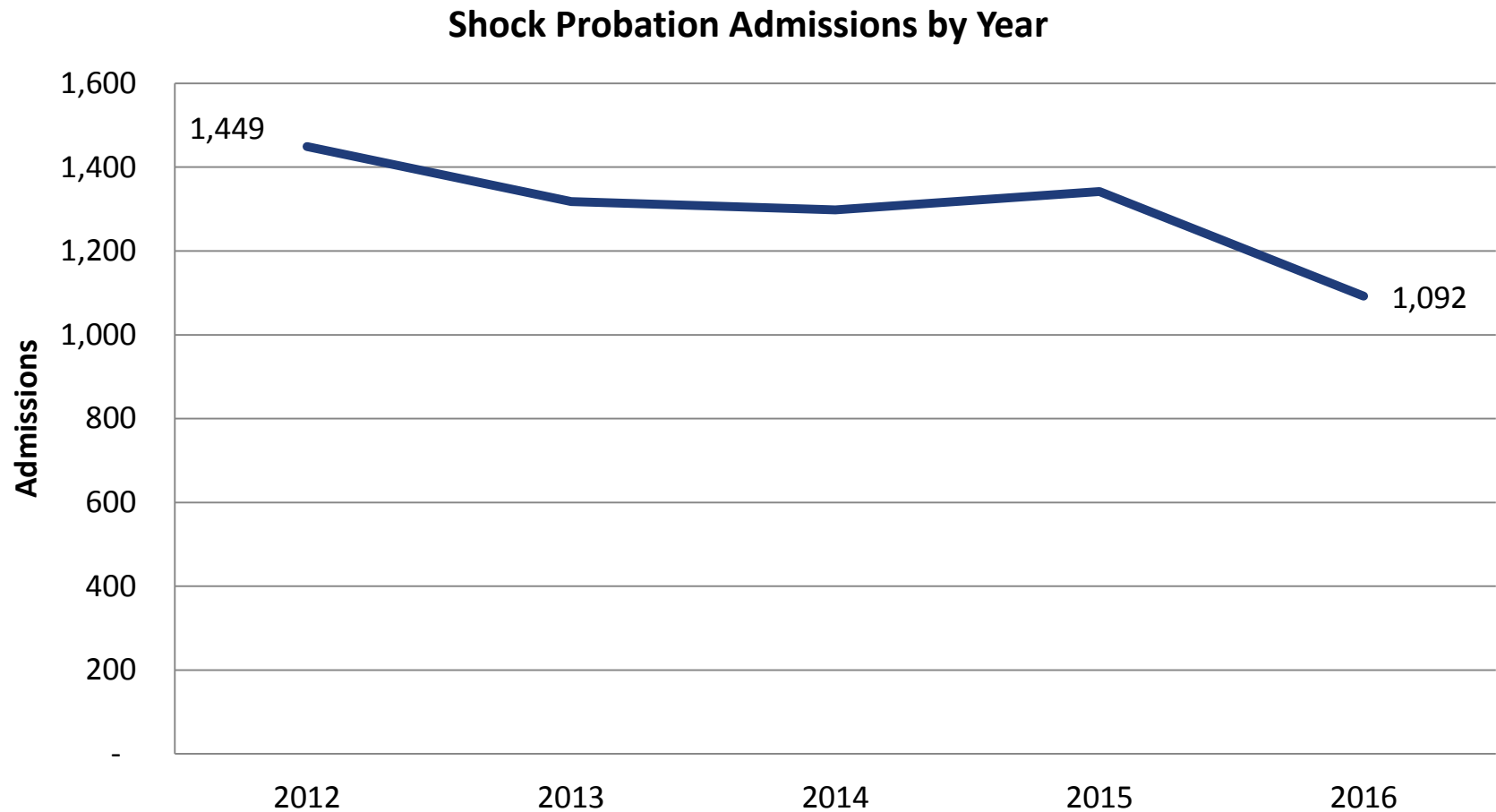


Parole Revocations Increased by 50%, New Court Commitments by 23%

Admissions by Type, 2012 vs 2016

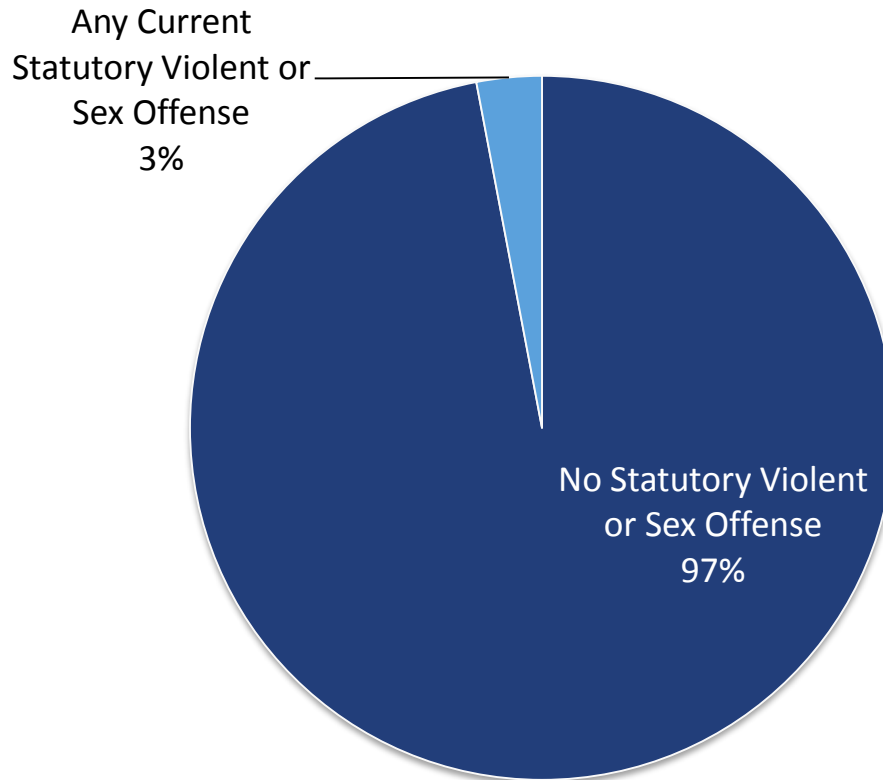


Shock Probation Use Declining



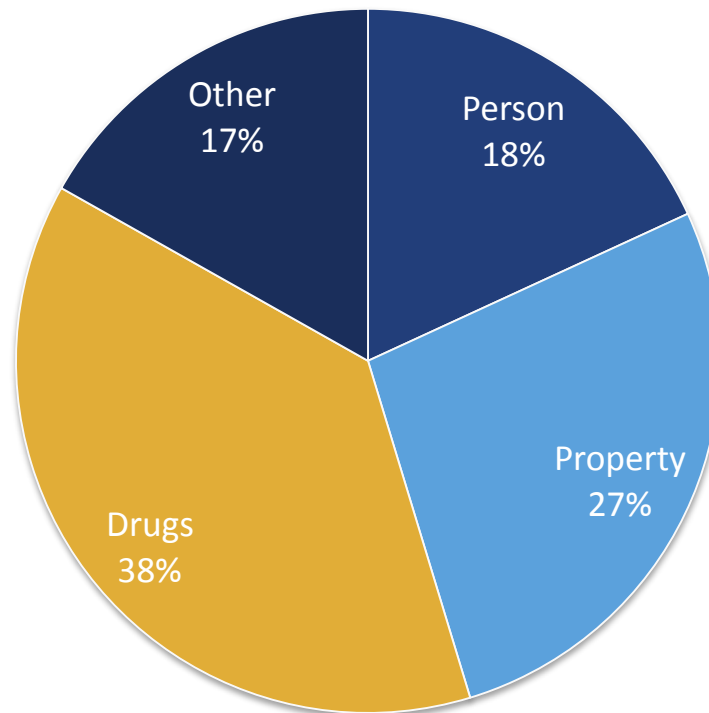
3% of Admissions for Statutory Violent or Sex Offenses

Admissions by Statutory Violent or Sex Offenses, 2016



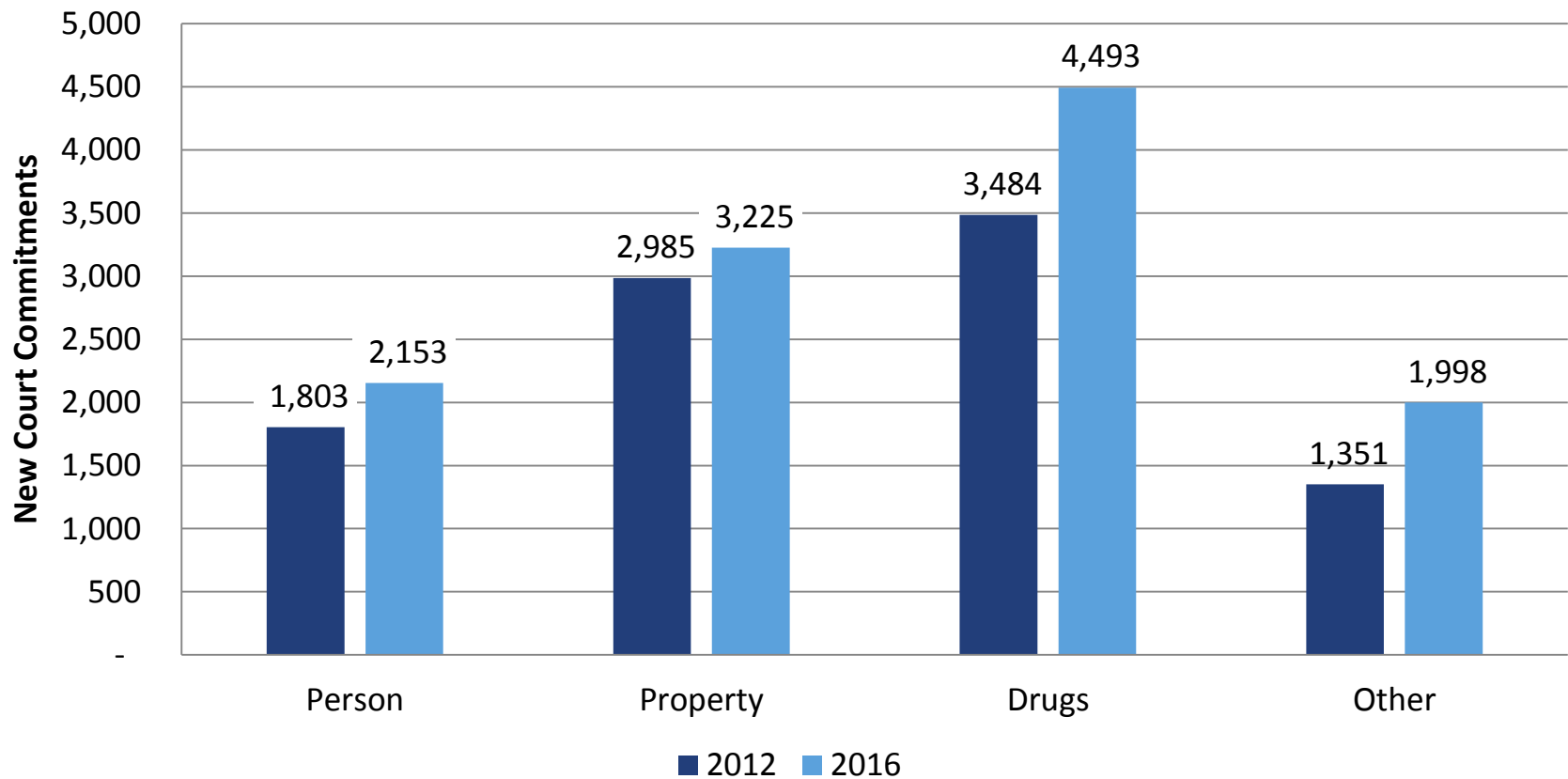
82% of Admissions Sentenced for Non-Person Offenses

New Court Commitments by Offense Type, 2016



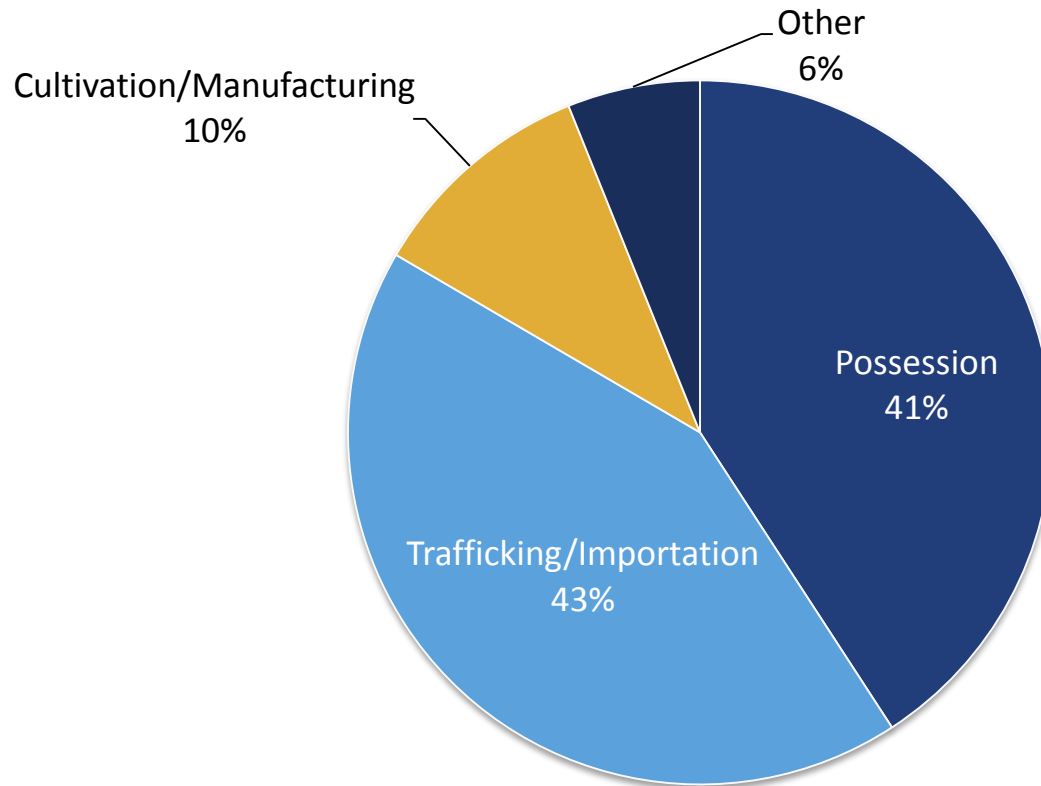
29% Growth in Drug New Court Commitments to DOC

New Court Commitments by Offense Type, 2012 vs 2016

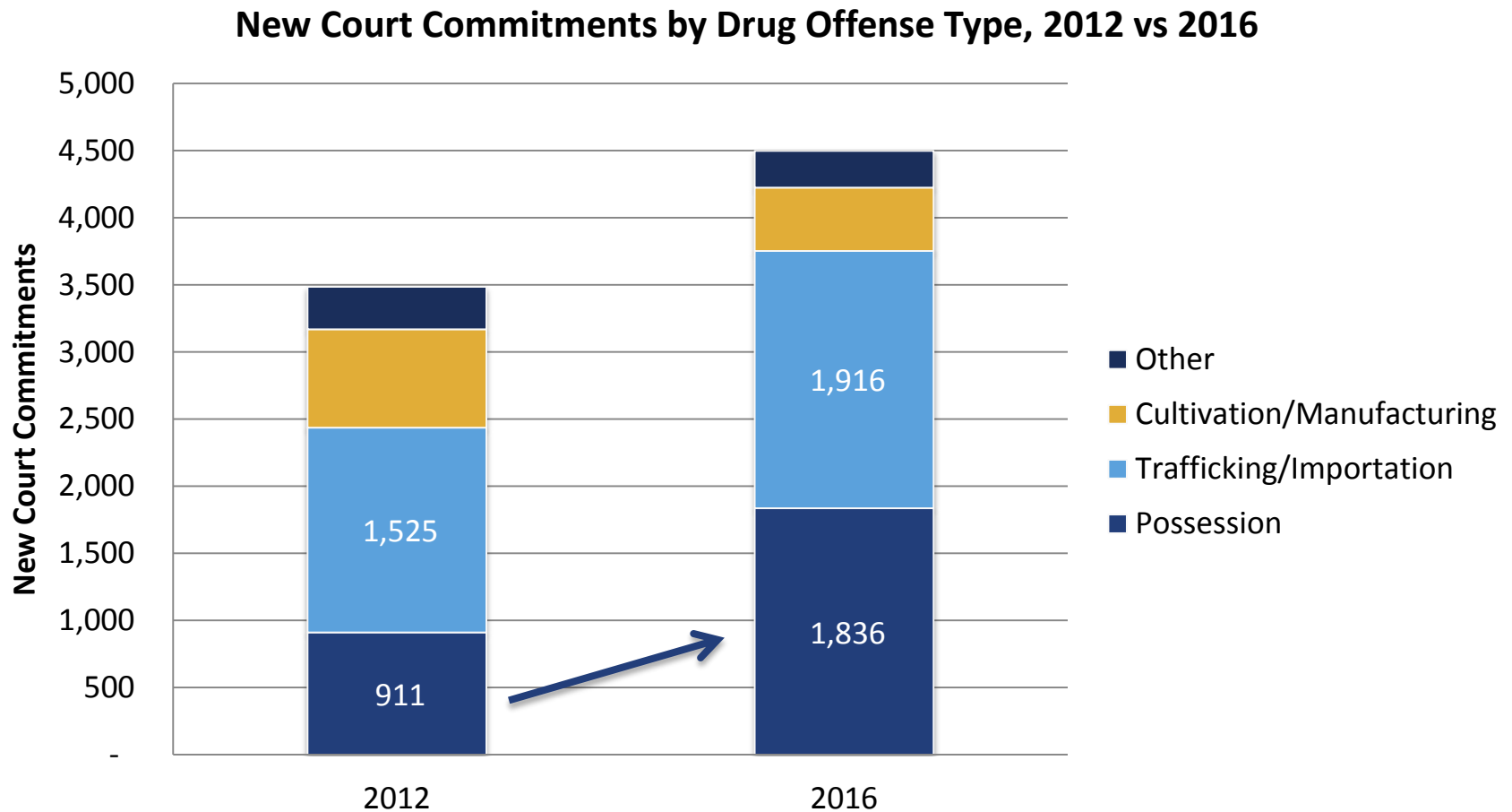


41% of Drug Admissions Sent for Simple Possession

Drug Offense Type, New Court Commitments, 2016

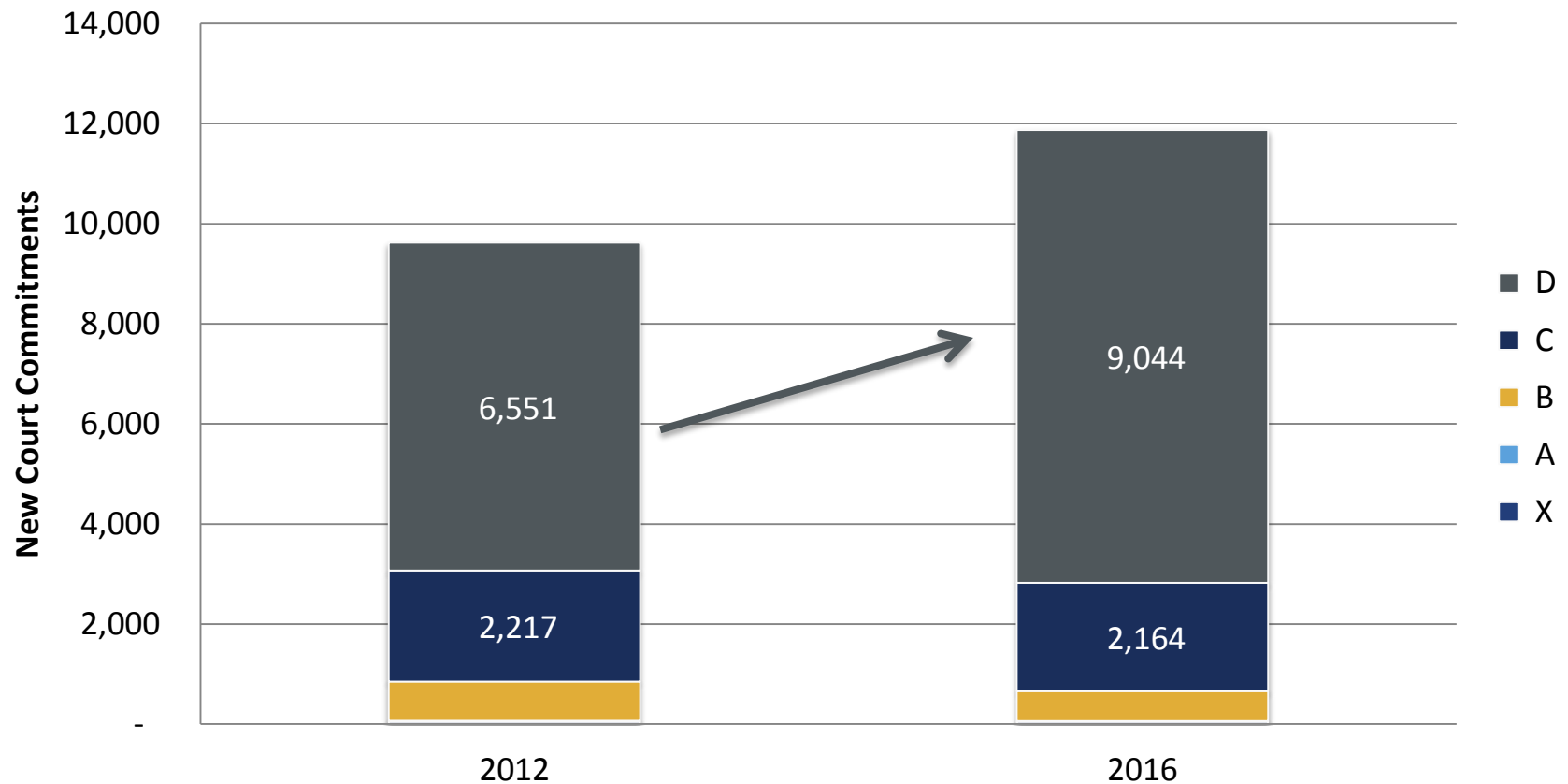


Number of People Sent to DOC for Possession Offenses Doubled in Five Years



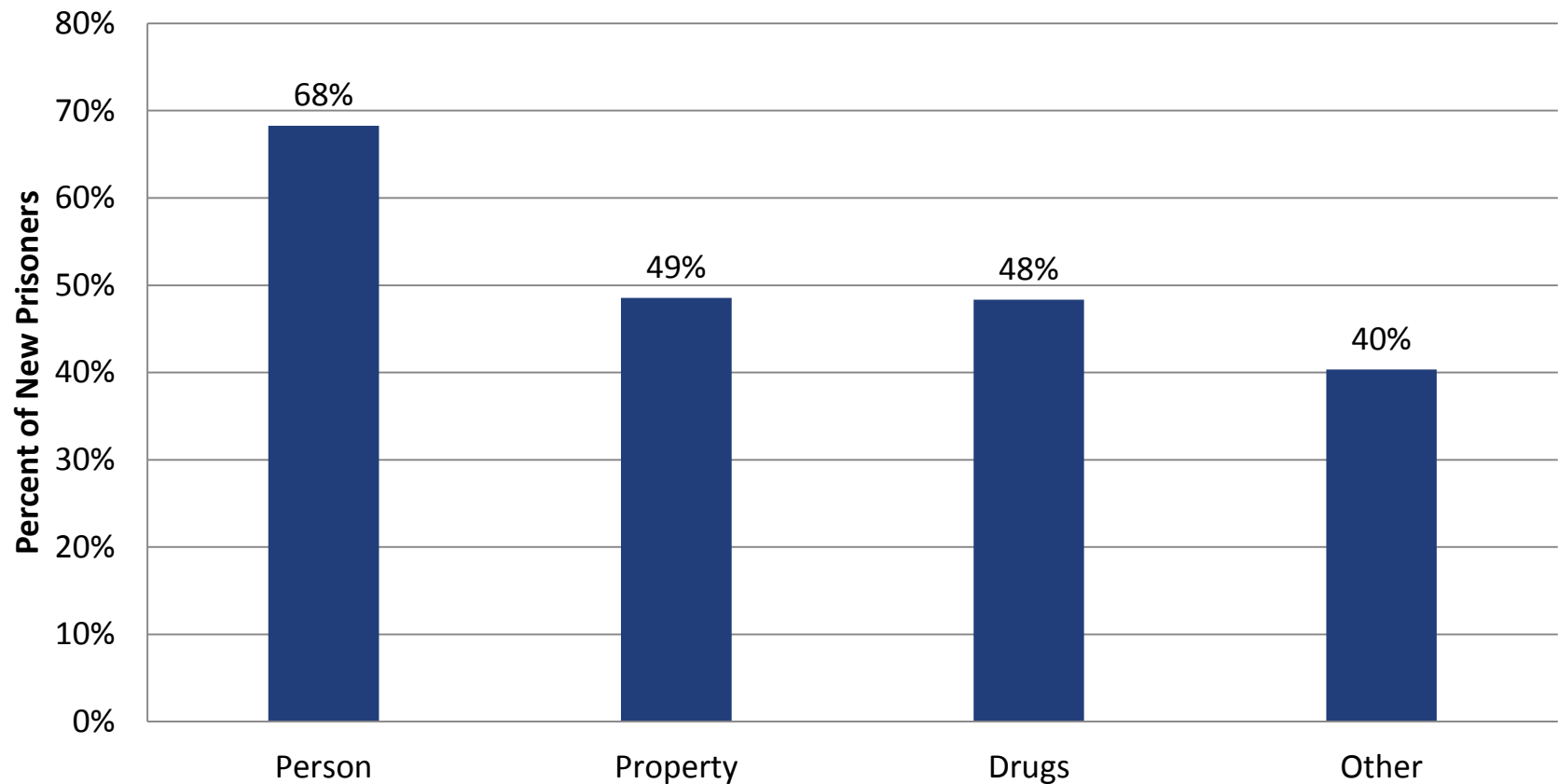
Class D Admissions Rose 38%, All Other Classes Declined

New Court Commitments by Felony Class, 2012 vs 2016



Close to Half of New Property and Drug Prisoners Have No Prior Felonies

Percentage of New Prisoners with No Prior Felony by Offense Type, 2016

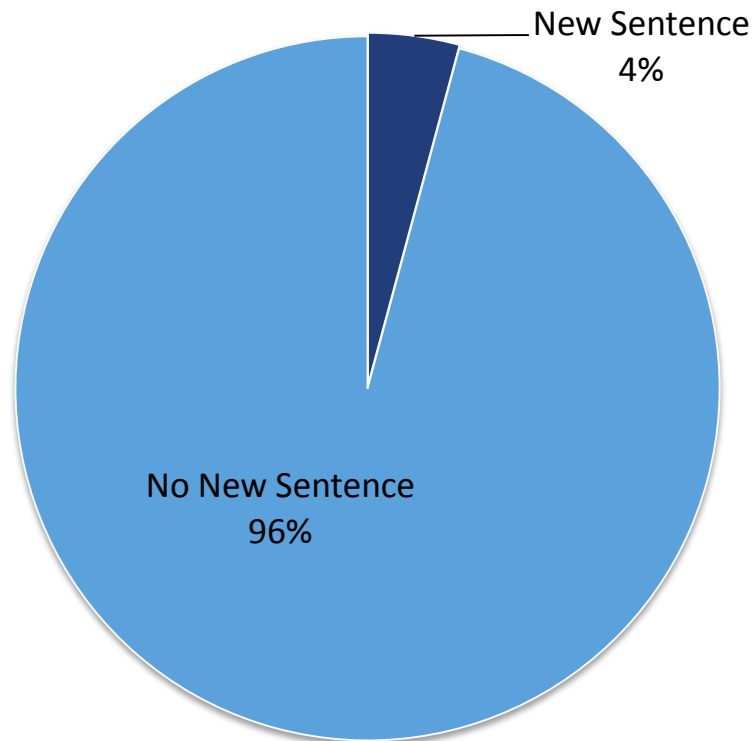


9 of Top 10 Offenses Non-Person

Offense	New Court Commitments, 2012	New Court Commitments, 2016	% Change
Possession of a Controlled Substance, Class D	881	1,821	107%
Trafficking/Importation of a Controlled Substance, Class D	724	1,215	68%
Trafficking/Importation of a Controlled Substance, Class C	753	638	-15%
Burglary, 3rd Degree	560	581	4%
Theft By Unlawful Taking Or Disposition >\$500 And <\$10,000	391	580	48%
Burglary, 2nd Degree	500	453	-9%
Receiving Stolen Property >\$500 And <\$10,000	302	448	48%
Wanton Endangerment-1st Degree	247	446	81%
Flagrant Non Support	396	428	8%
Criminal Possession Forged Instrument-2nd Degree-Identify	299	320	7%

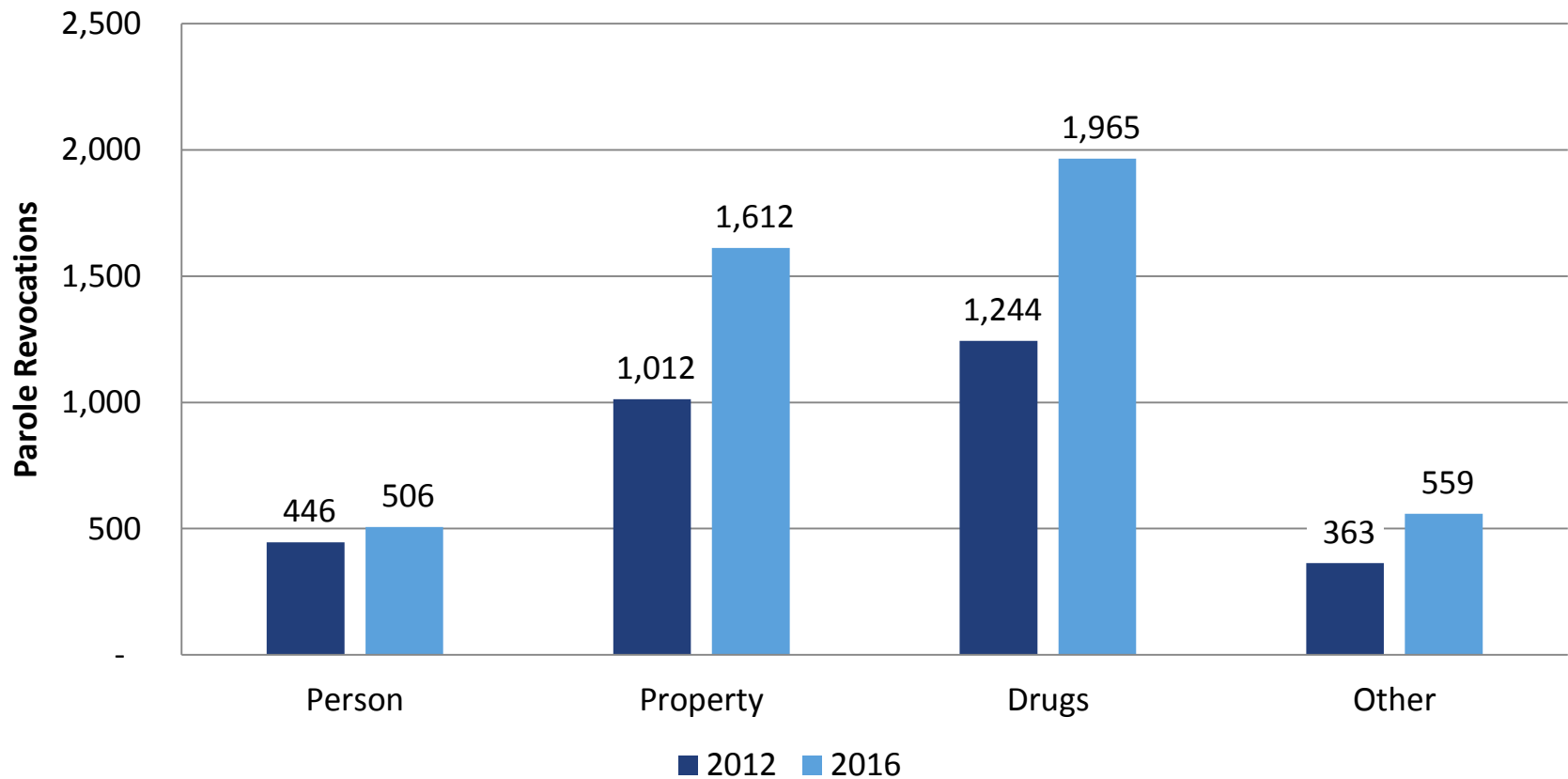
96% of Parole Revocations For Technical Violations

Parole Revocations by Violation Type, 2016



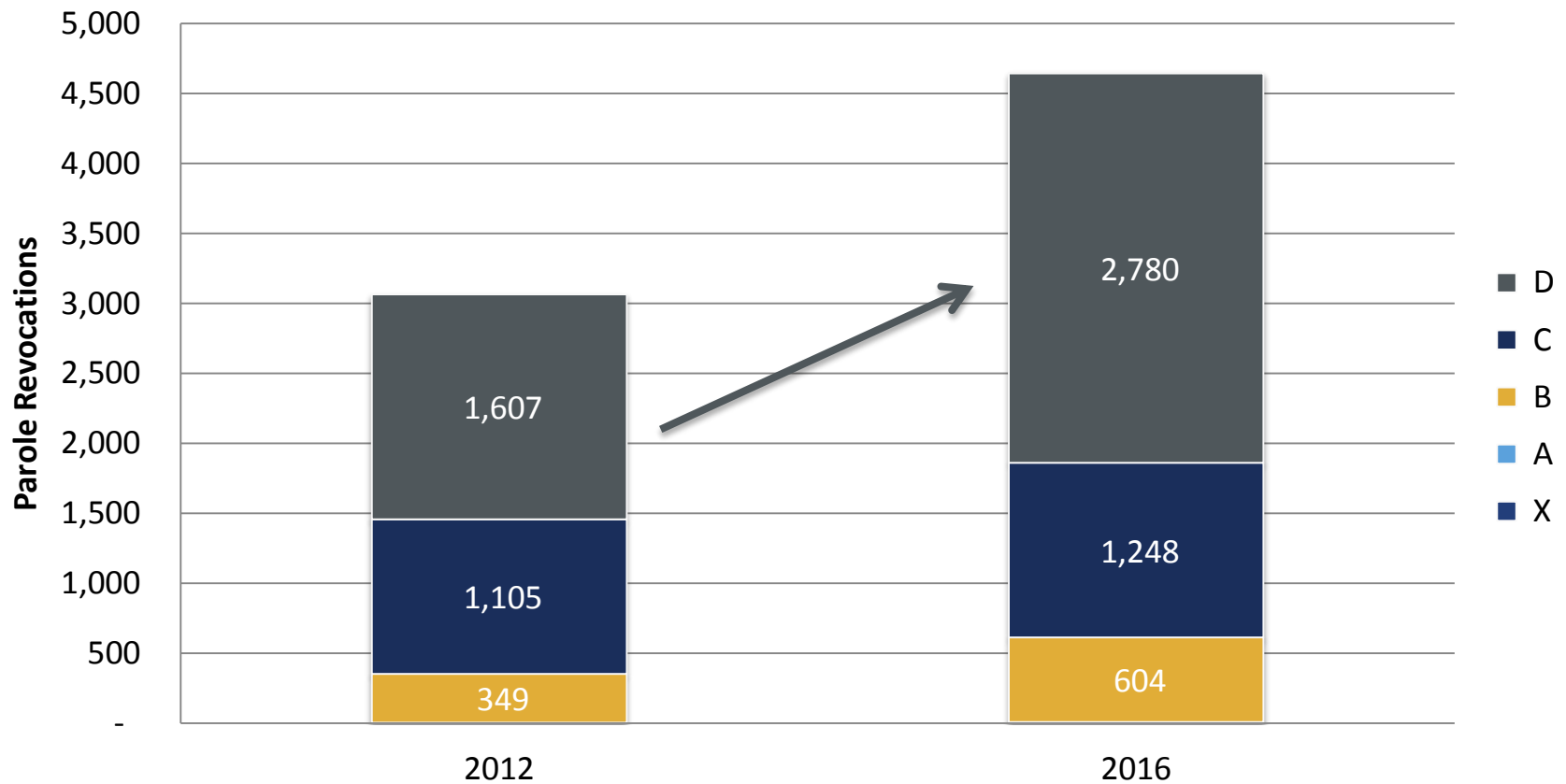
Parole Revocations Increased for Property and Drug Offenses

Parole Revocations by Offense Type, 2012 vs 2016



60% of Parole Revocations for Class D Felonies

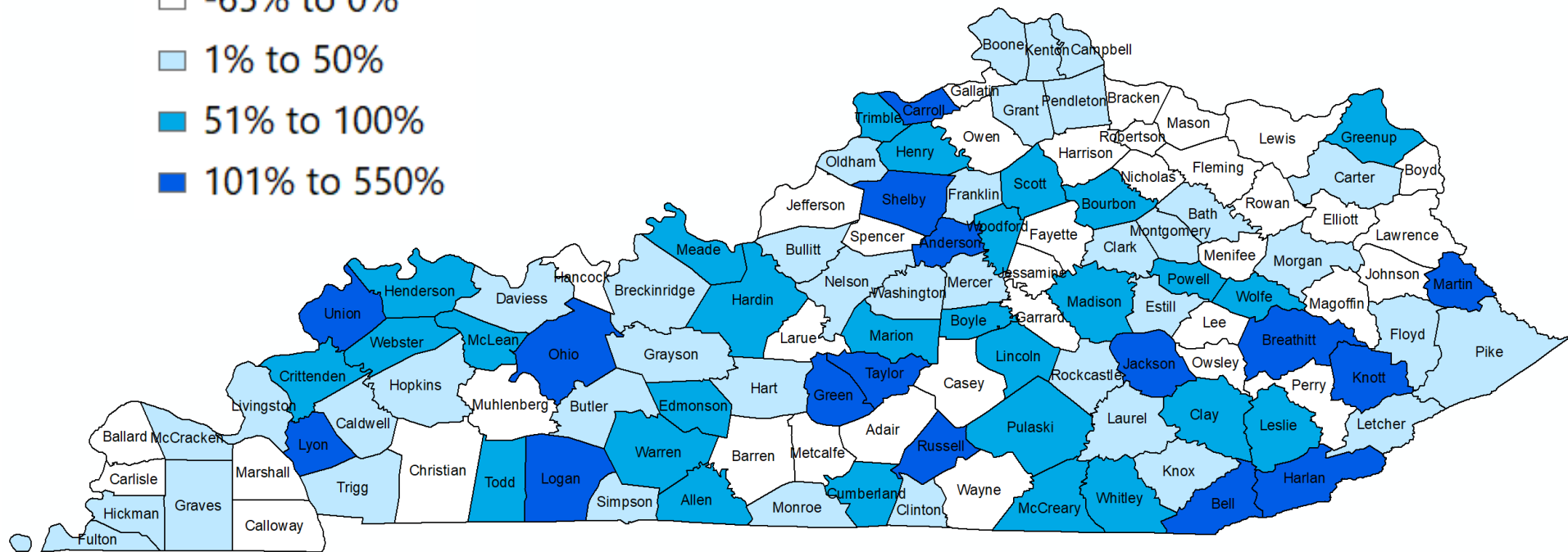
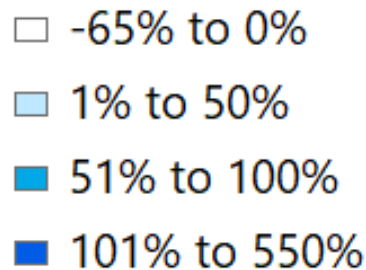
Parole Revocations by Felony Class, 2012 vs 2016



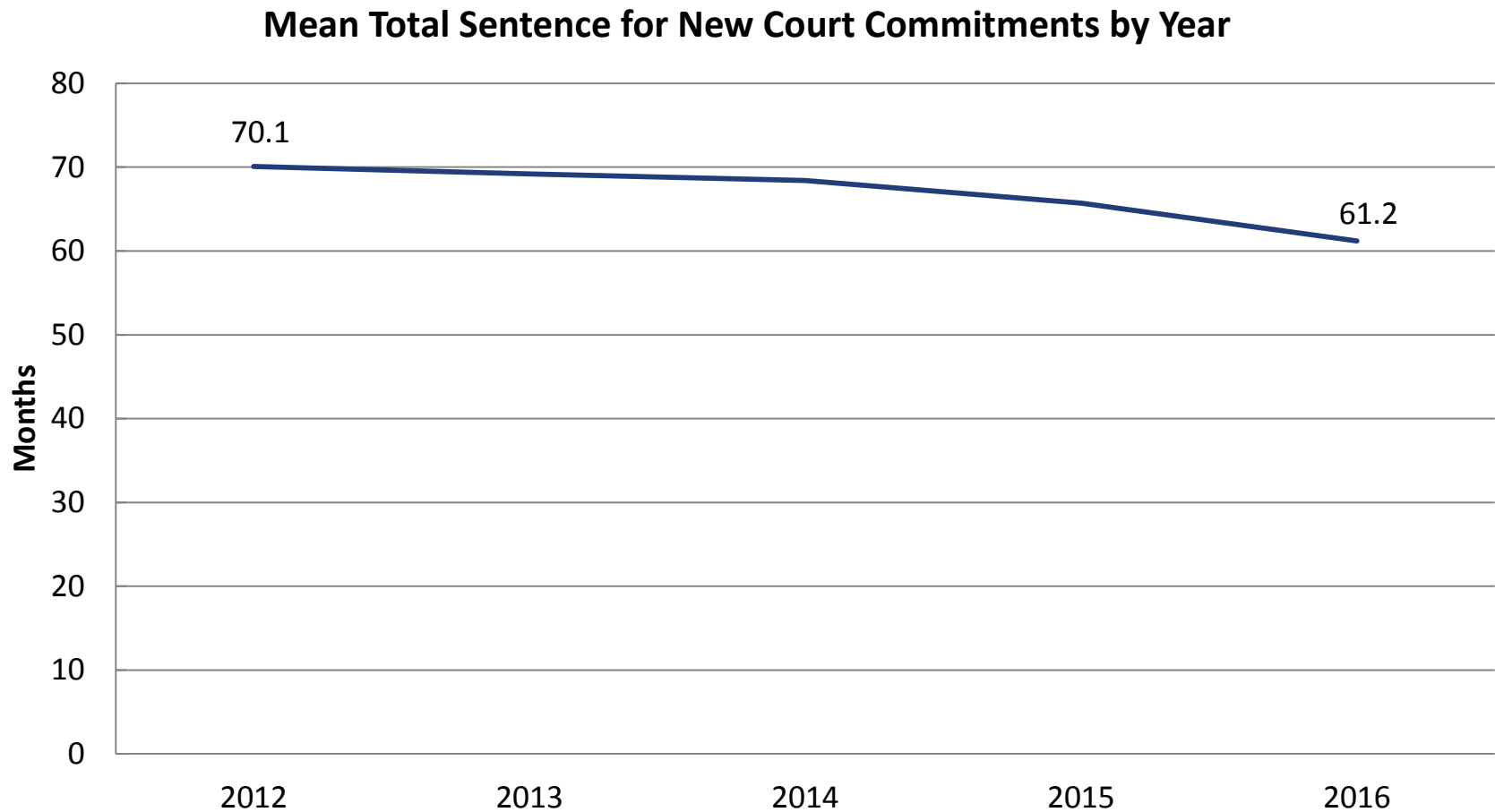
Rate of New Court Commitments per 10,000 Residents



Percent Change in New Court Commitments by County, 2012 – 2016

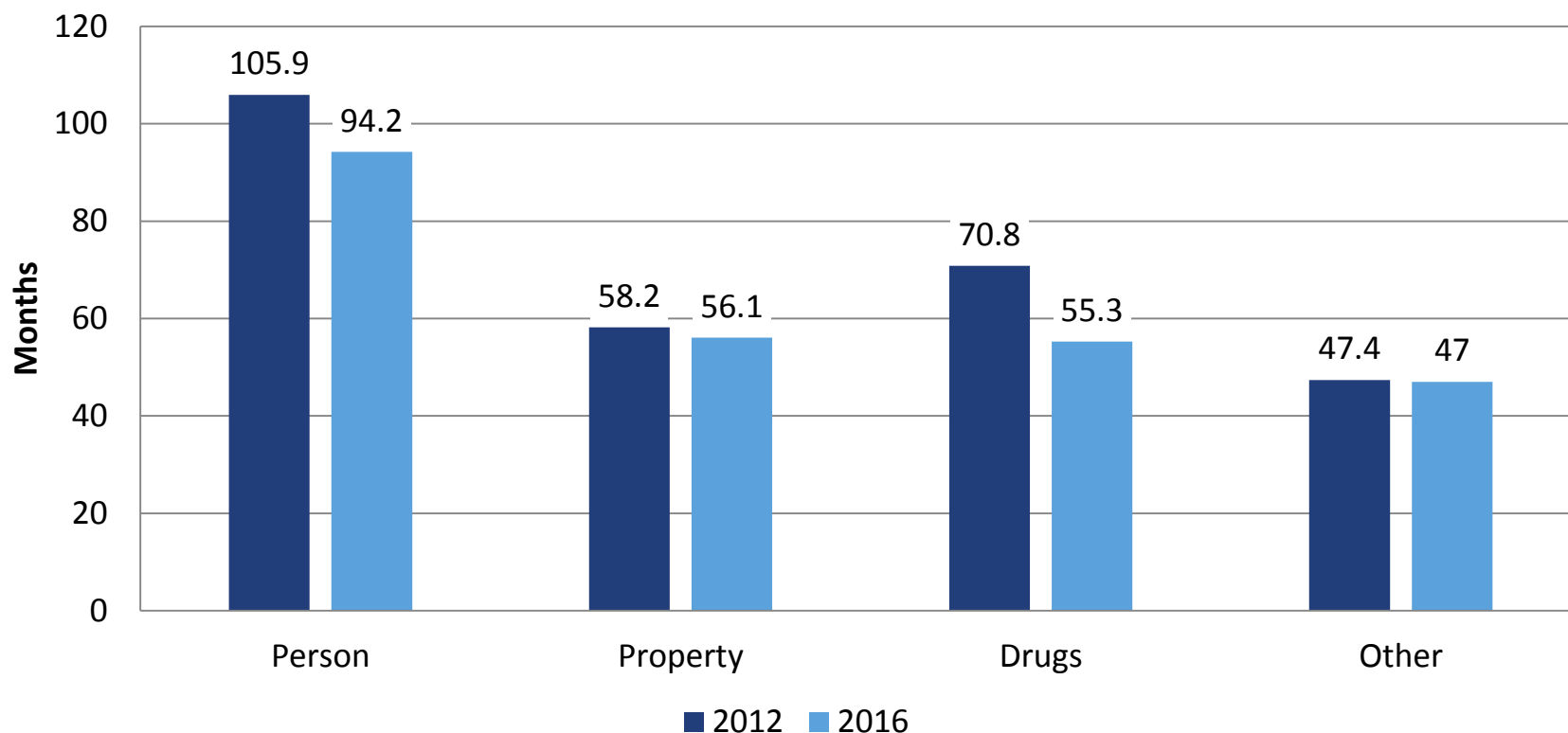


Average Sentence Length Declined 13% in Five Years



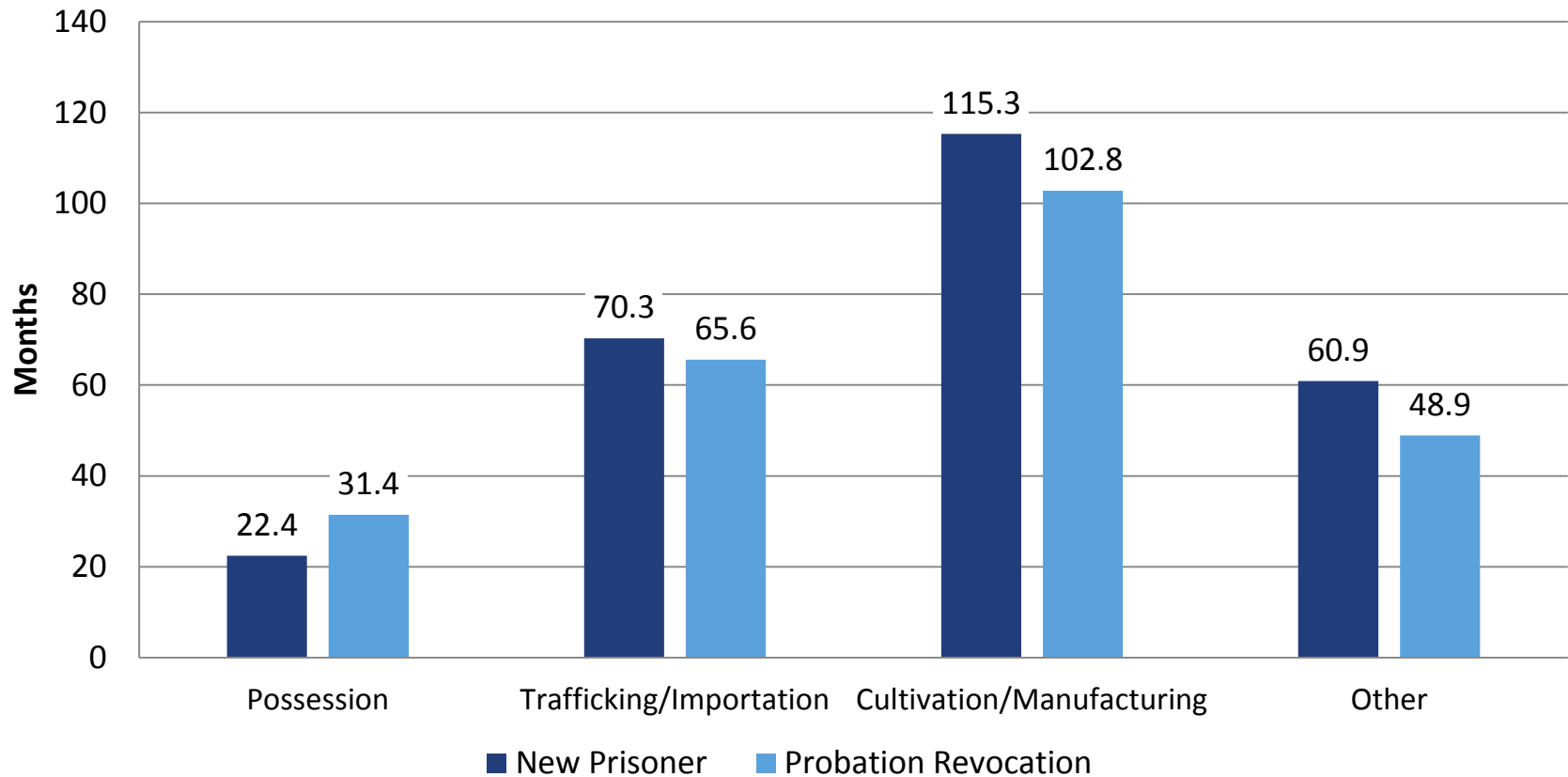
Biggest Decline for Drug Offenses

Mean Total Sentence for New Court Commitments by Offense Type,
2012 vs 2016



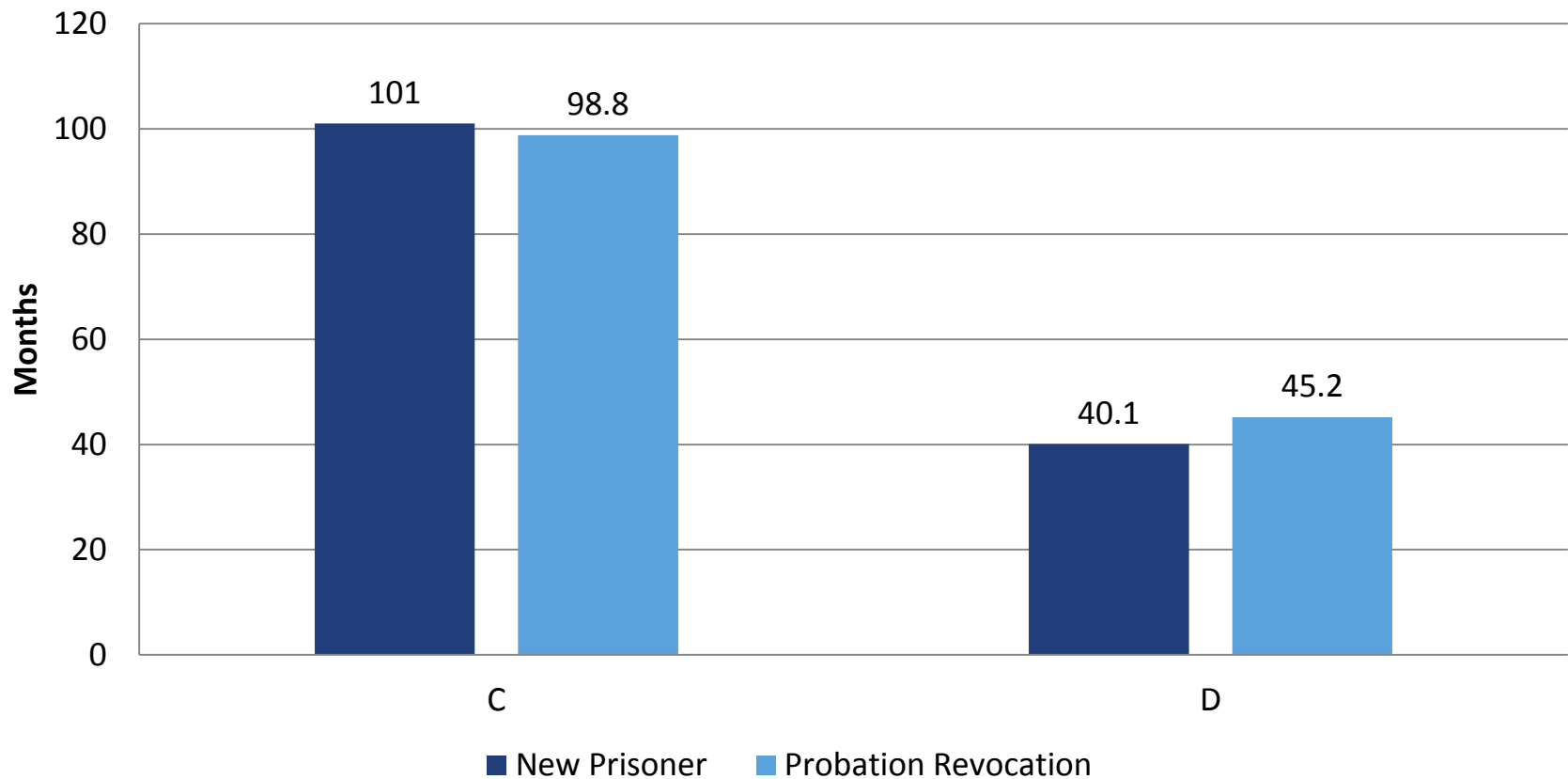
Probation Revocations for Possession Sentenced to Nine Months Longer Than Direct Incarceration Sentences

Mean Sentence by Admission Type by Drug Offense Type, 2016



Probation Revocations for Class D Offenses Receive Longer Sentences Than Those Sentenced Directly to Incarceration

Mean Sentence by Admission Type by Felony Class, 2016



Admission Takeaways

- Admissions to prison grew 32% in the last five years, driven by:
 - Drug possession and other Class D felonies
 - Parole technical violators with underlying property and drug crimes
- 82% of new court commitments sentenced for non-person offenses
 - 9 of top 10 most common crimes for which people sentenced to prison non-person
- 61% of DOC admissions previously on supervision
- Growth in admissions varies across state

Releases/Time Served

How Long Do Inmates Stay in DOC Custody?

- Release types
- Time served in prison
- Percentage of sentence served in prison

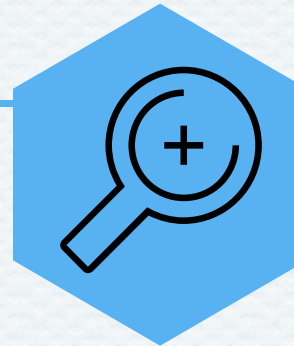
Home Incarceration

Early release option allows certain eligible offenders to serve last 9 months of sentence at home with electronic monitor



Post-Incarceration Supervision

Released at expiration of sentence with additional supervision to follow for certain high-level offenders who are ineligible for parole or Mandatory Reentry Supervision



Parole

Released by the Parole Board at 15%, 20%, 50% or 85% of sentence



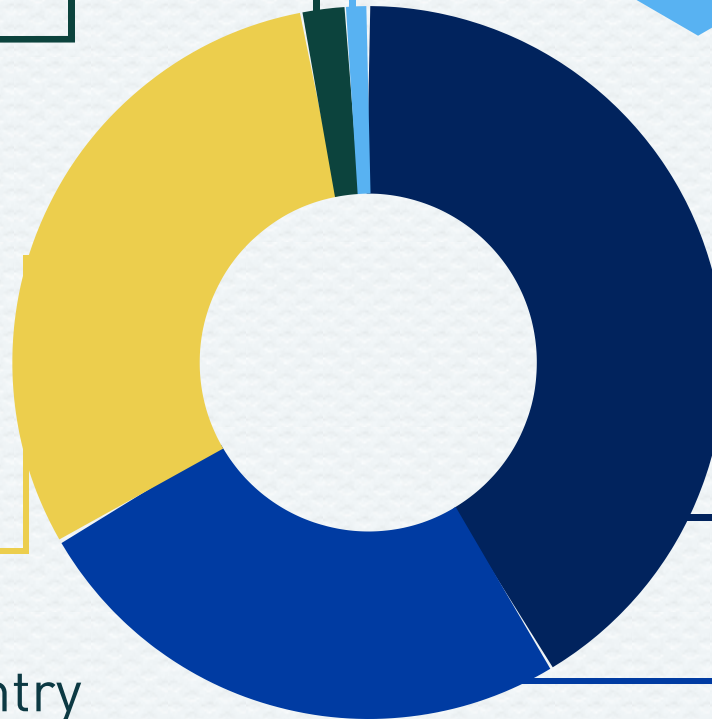
Expiration of Sentence

Released at completion of sentence without supervision to follow, primarily used for those with short sentence



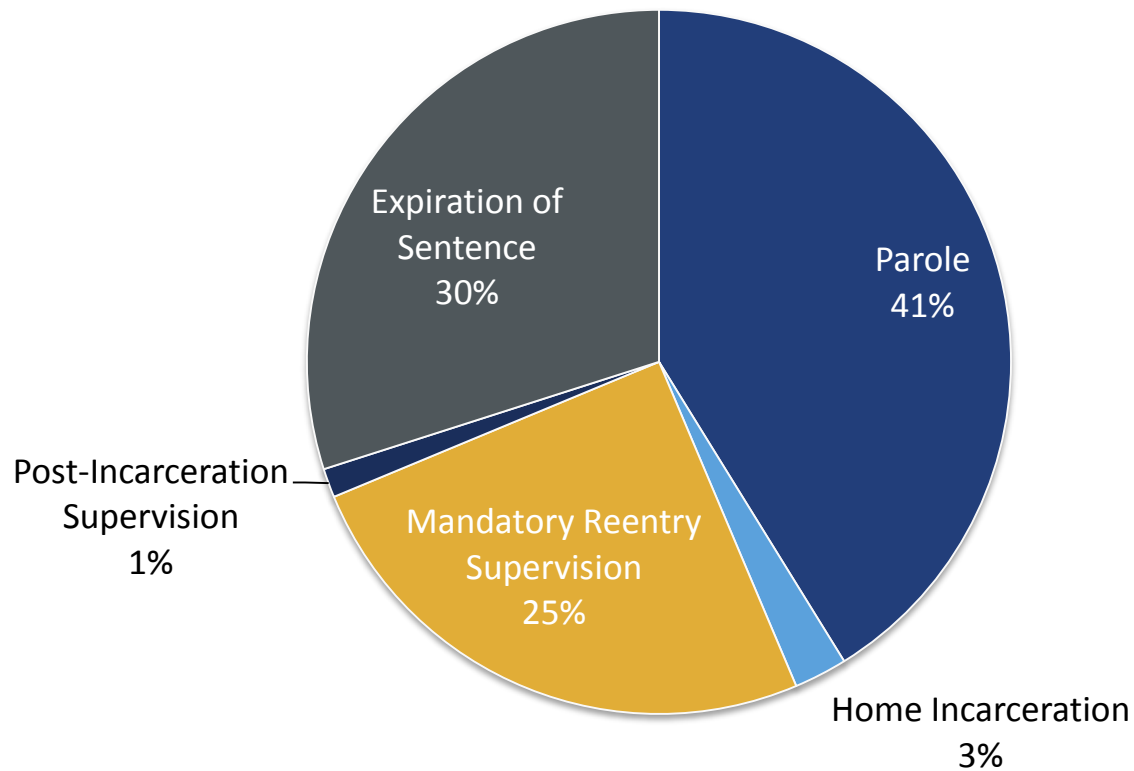
Mandatory Reentry Supervision

Automatic release for any eligible offender with a sentence longer than 2 years who is not released on parole at 6 months before sentence expiration



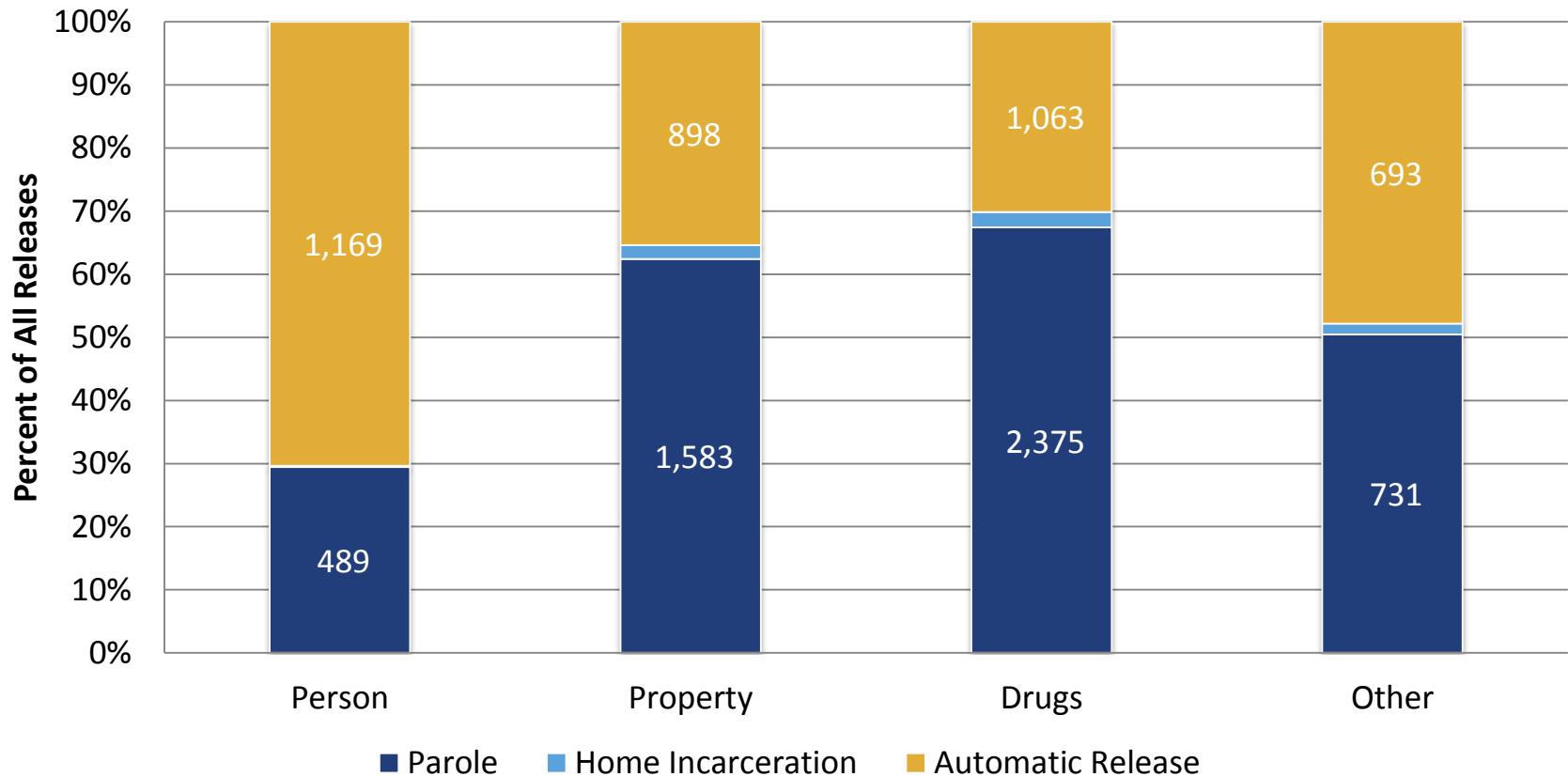
41% of Inmates Released to Parole

Releases by Release Type, 2016



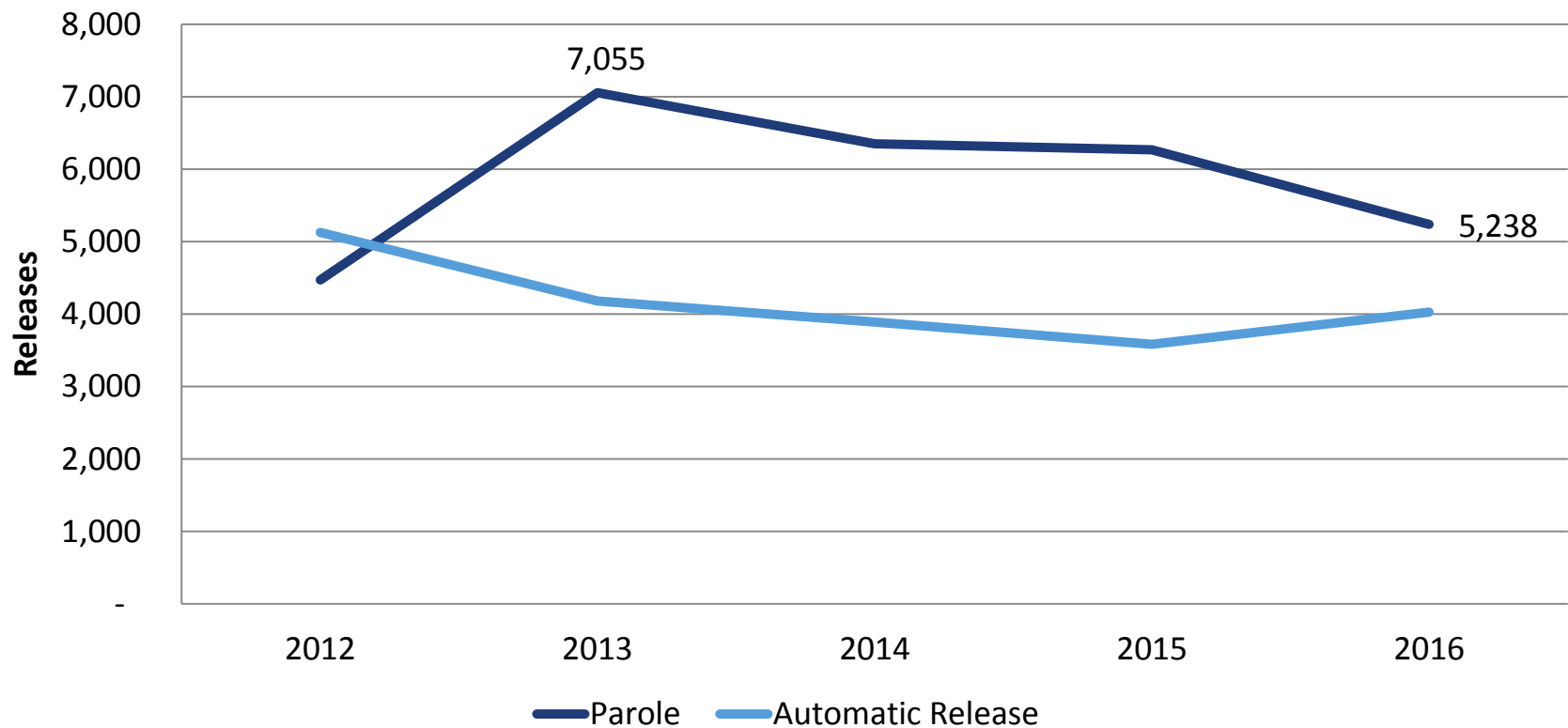
People in Custody for Drug Offenses Most Likely to be Released on Parole

Release Type by Offense Type, New Court Commitments, 2016



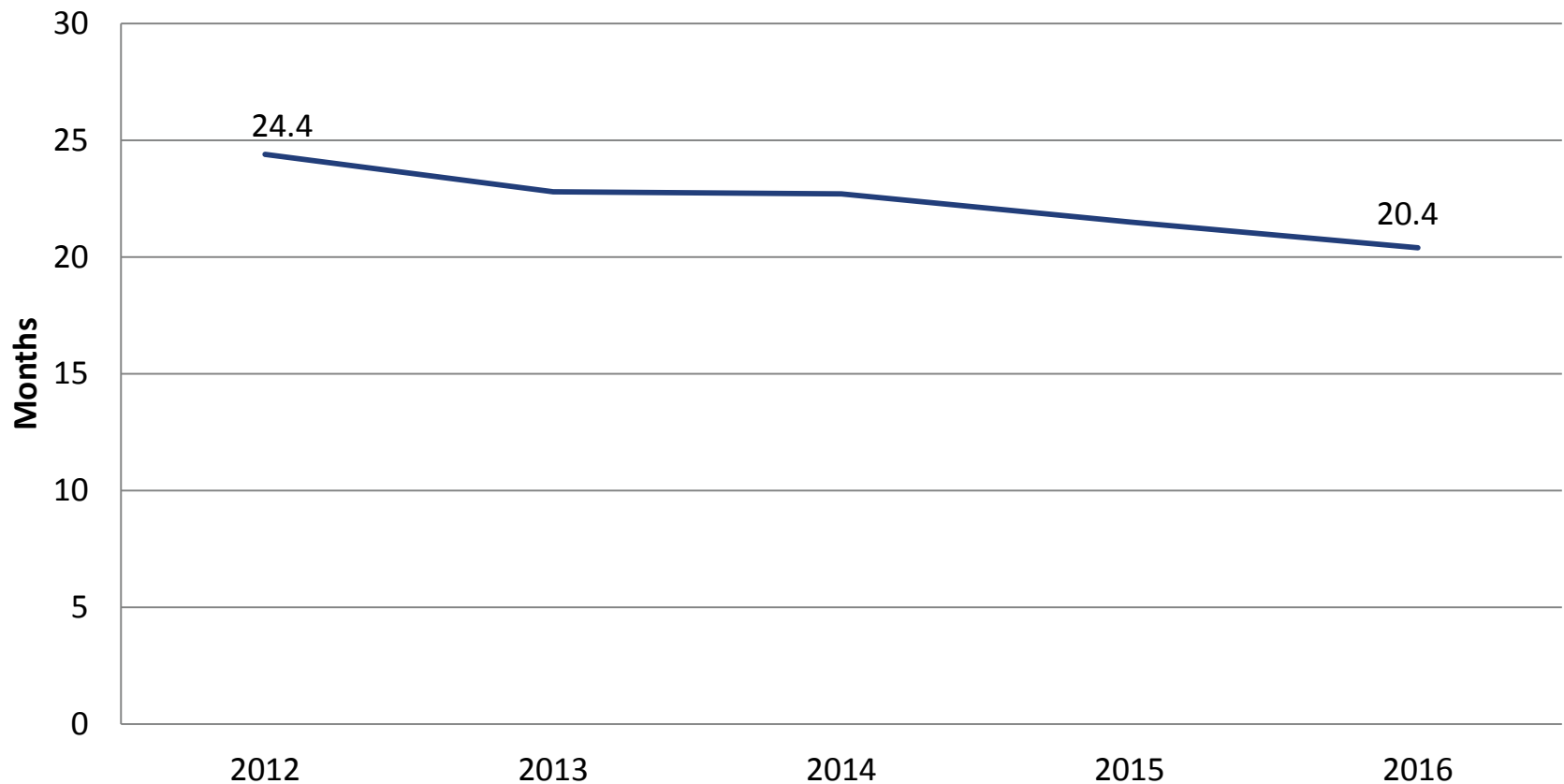
Parole Releases Dropping Since 2013

**Releases for New Court Commitments by Simplified Release Type,
2012-2016**

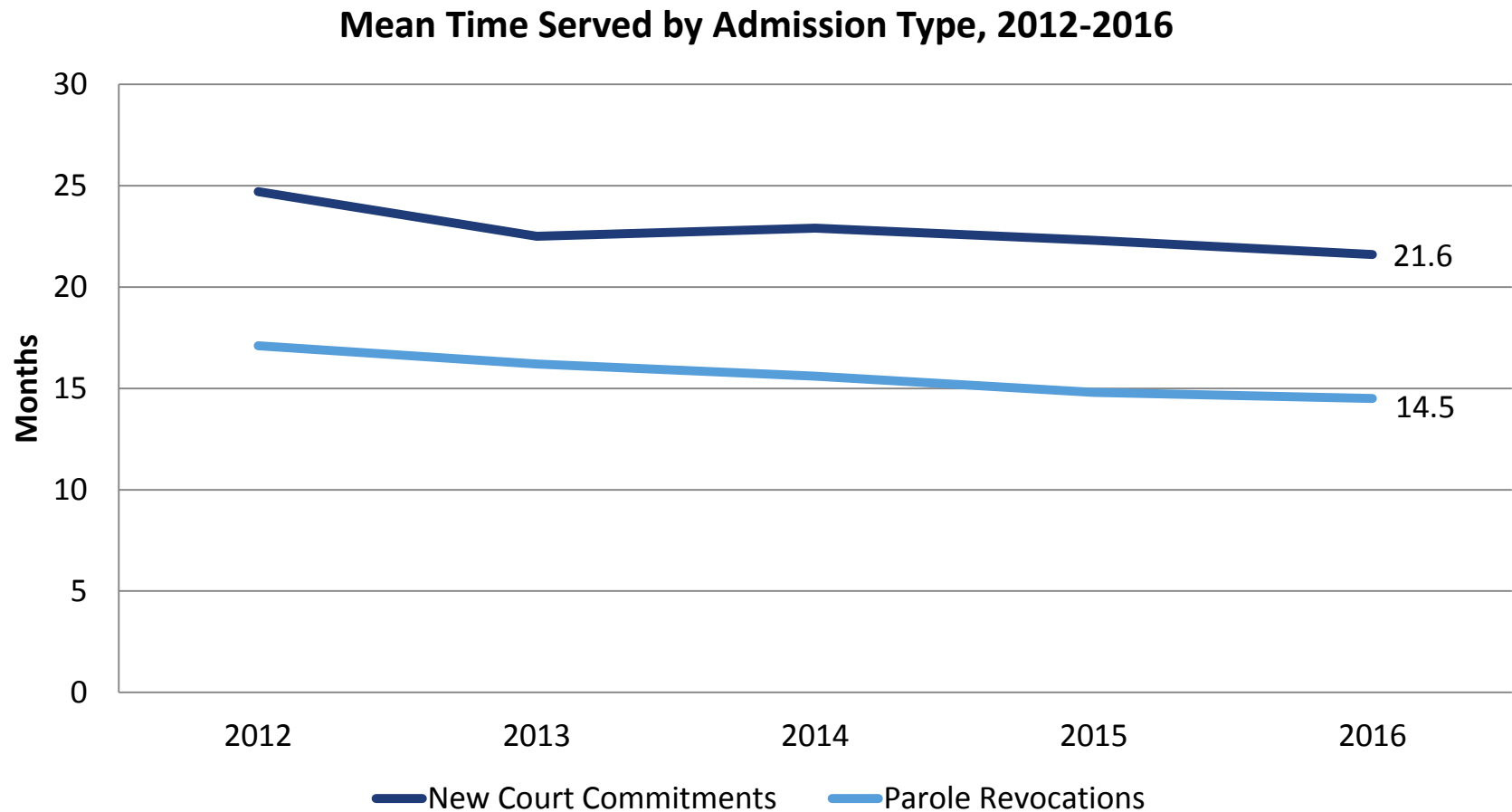


Average Time Served Down Four Months

Mean Time Served by Year, 2012-2016

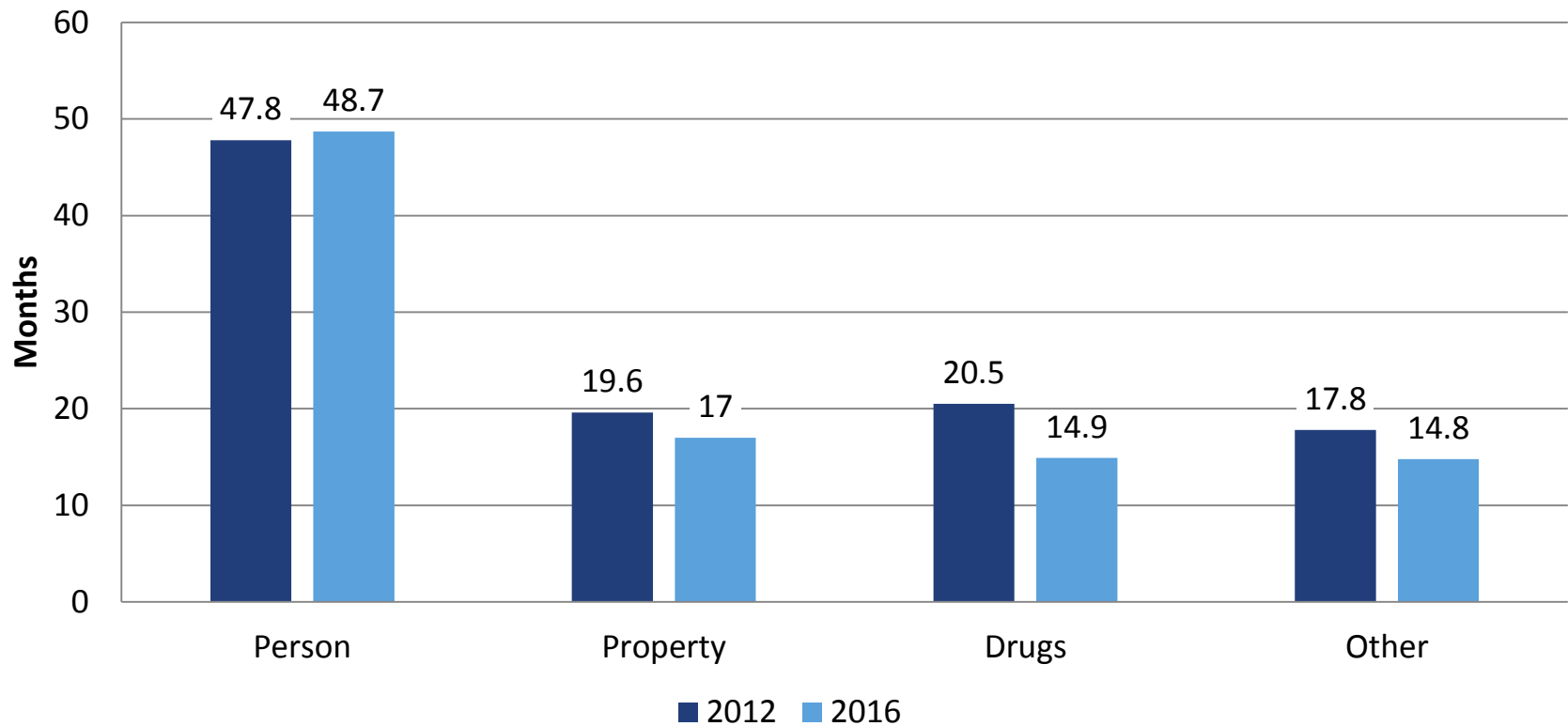


New Court Commitments Serve About 50% Longer on Average Than Parole Revocations



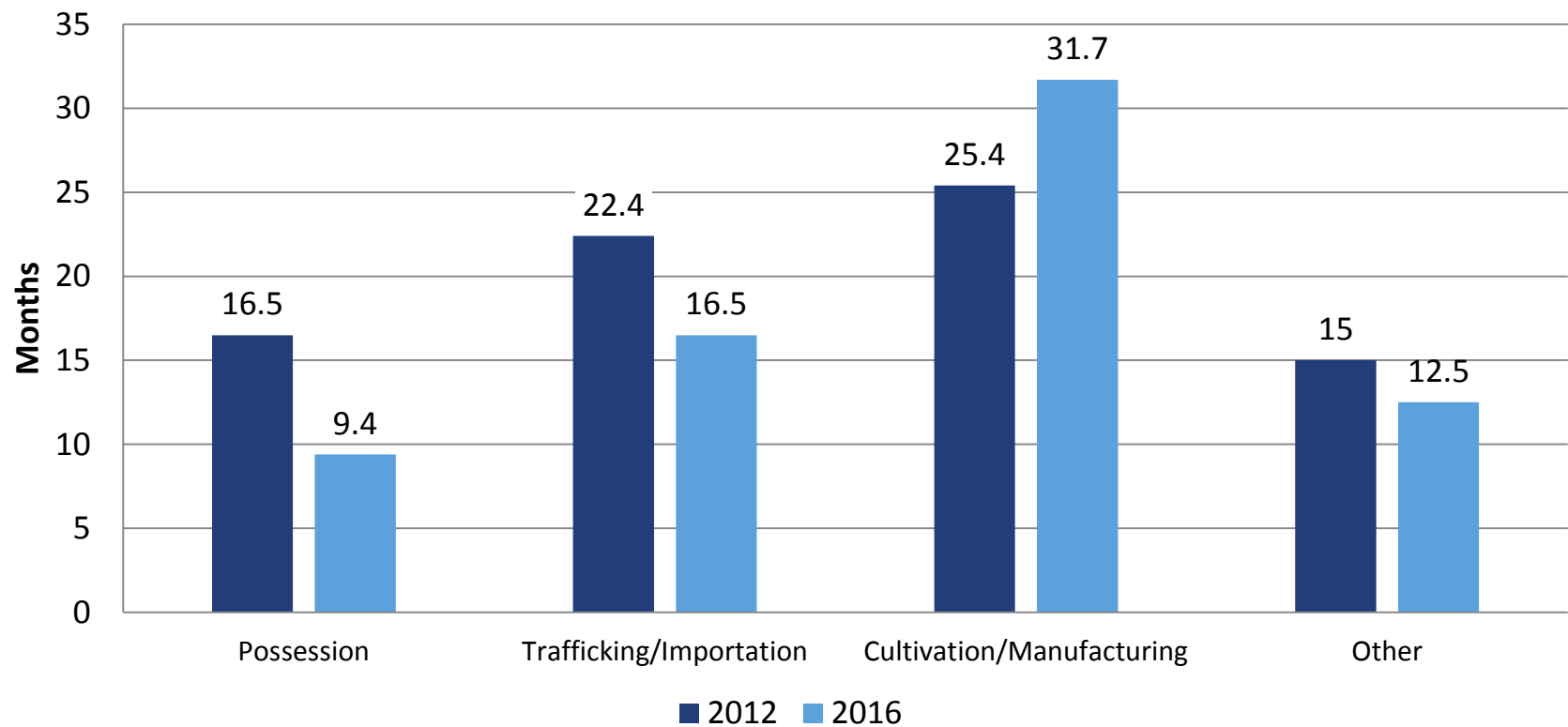
People in DOC Custody for Non-Person Offenses Serve Less Than 18 Months on Average

**Mean Time Served by New Court Commitments by Offense Type,
2012 vs 2016**



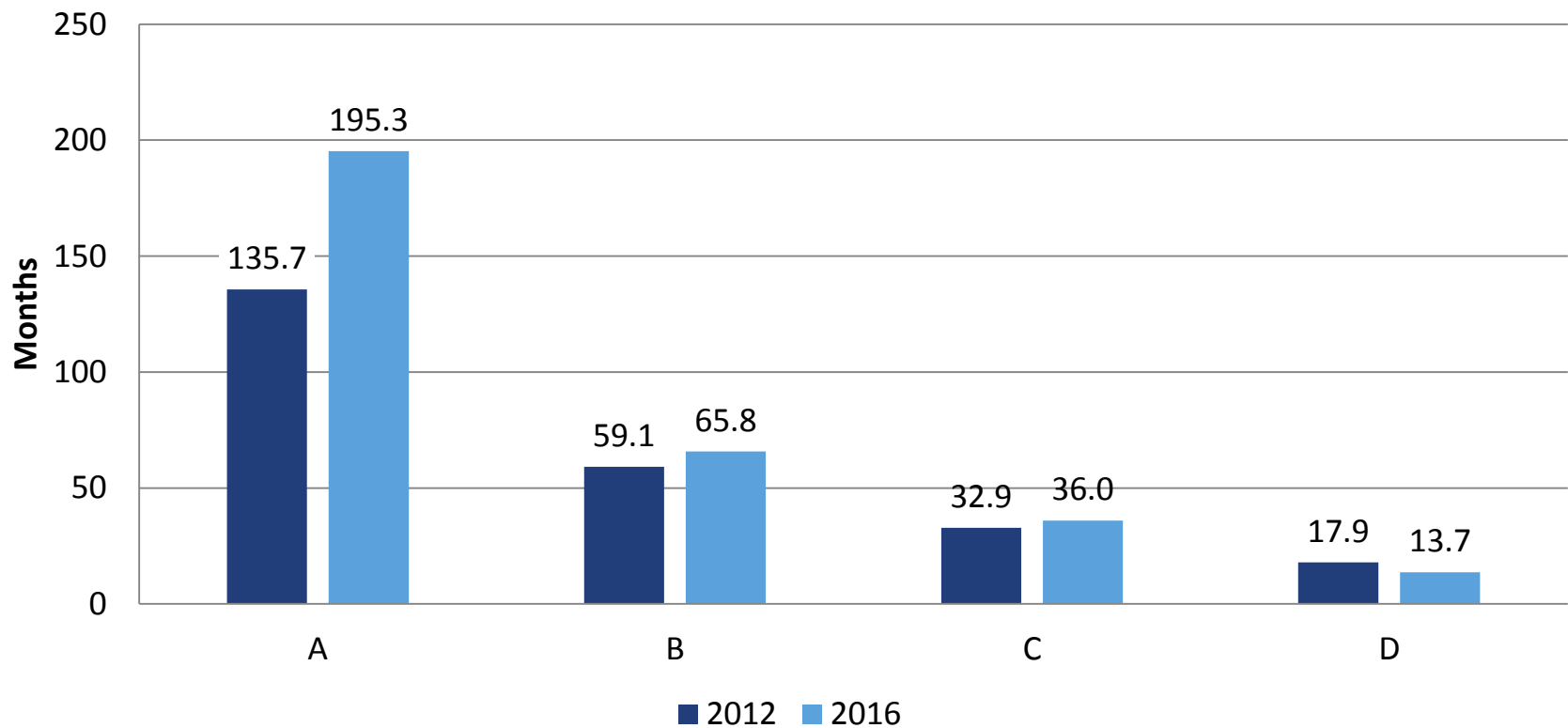
Time Served Declined for People Convicted of Possession and Trafficking Offenses

Mean Time Served by New Court Commitments and Drug Offense Type,
2012 vs 2016



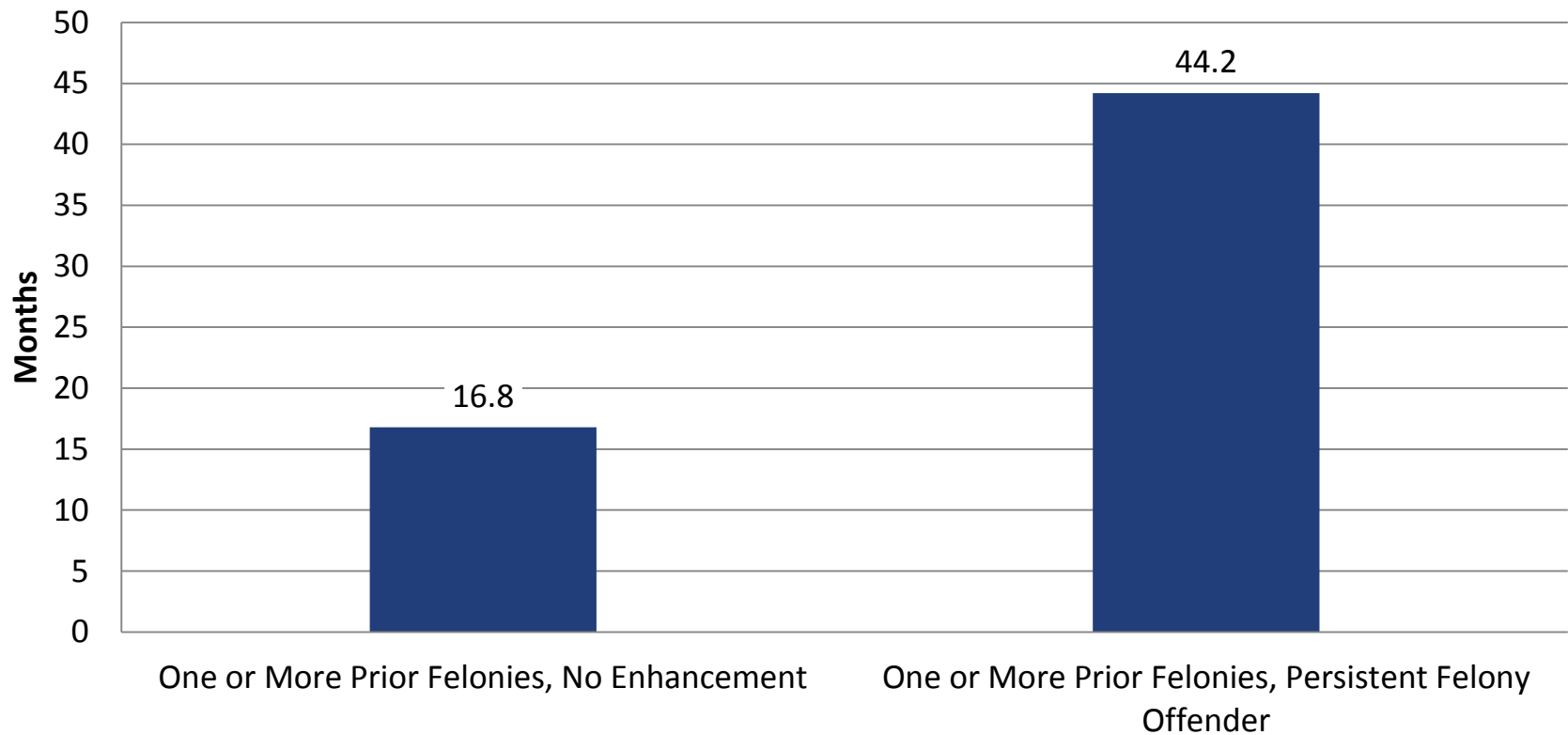
Time Served Has Risen for All Felony Classes Except Class D

Mean Time Served in Prison by Felony Class, New Court Commitments Released, 2012 vs 2016

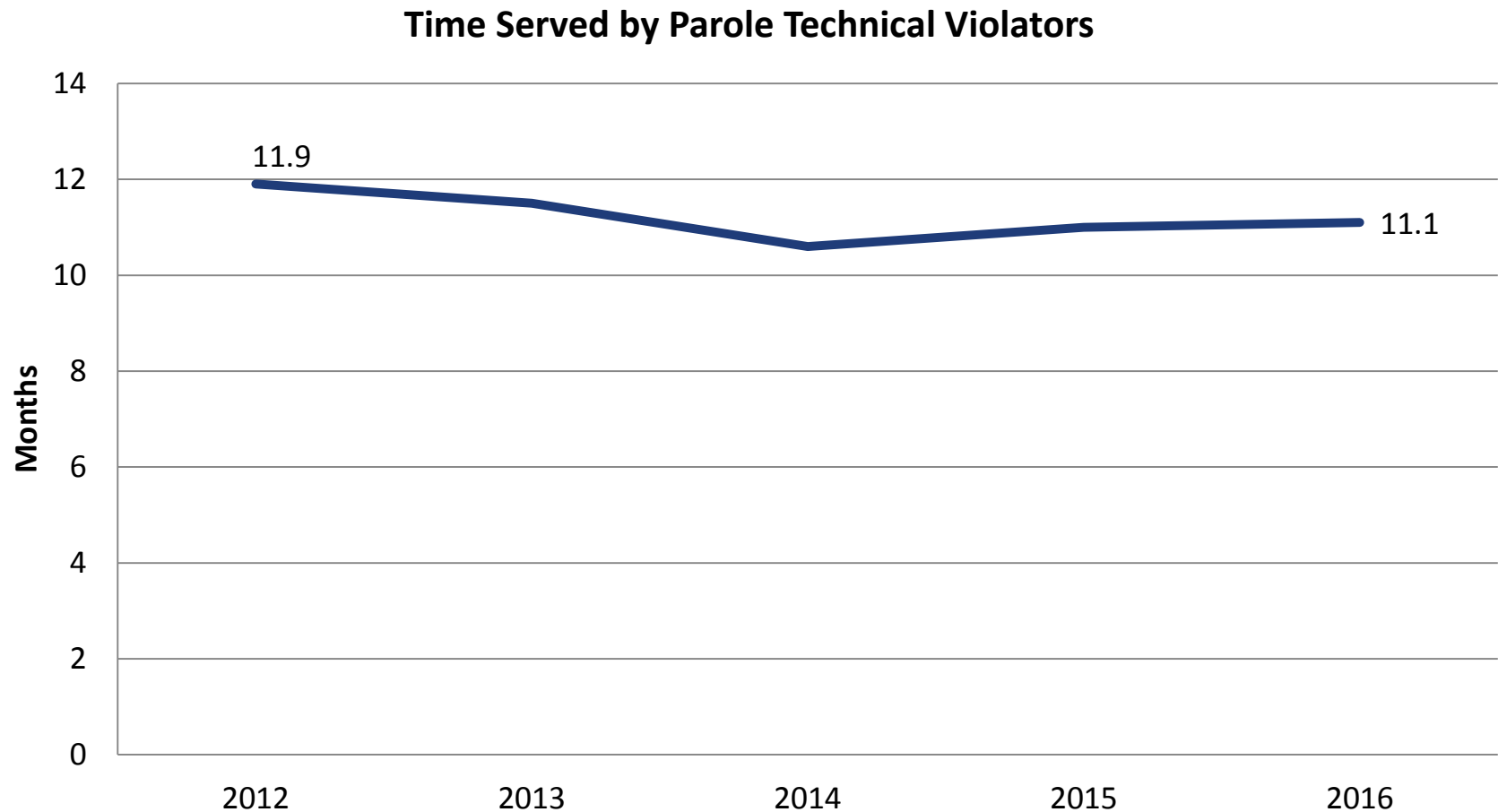


Persistent Felony Offenders Serve 163% Longer Than Non-PFOs with Prior Felonies

Mean Time Served by Persistent Felony Offender, New Court Commitment Releases, 2016

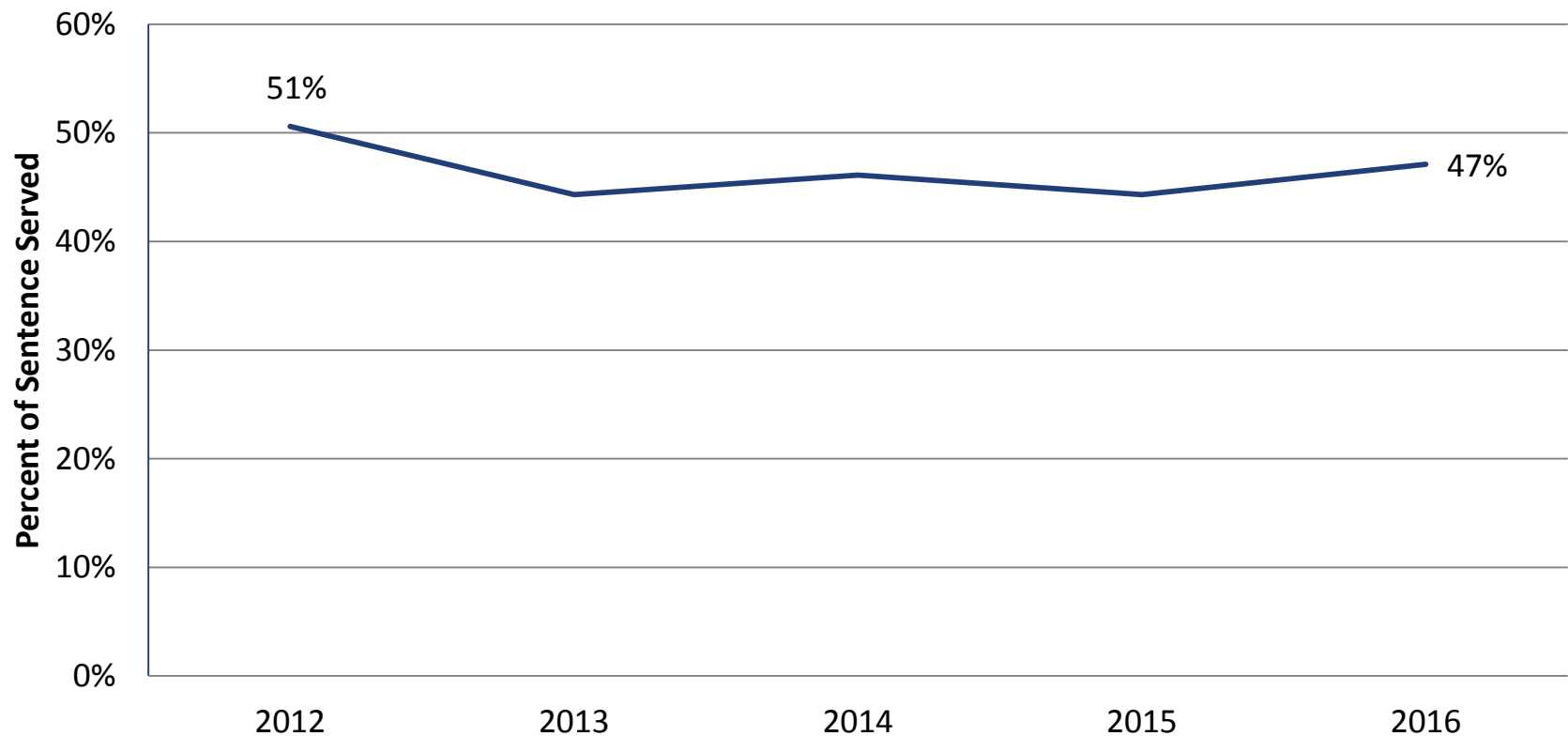


Parole Technical Violators Serve 11 Months in DOC Custody on Average



On Average, New Court Commitments Serve 47% of Sentence in Prison

Mean % of Sentence Served in Prison by New Court Commitment Releases, 2016



Release Takeaways

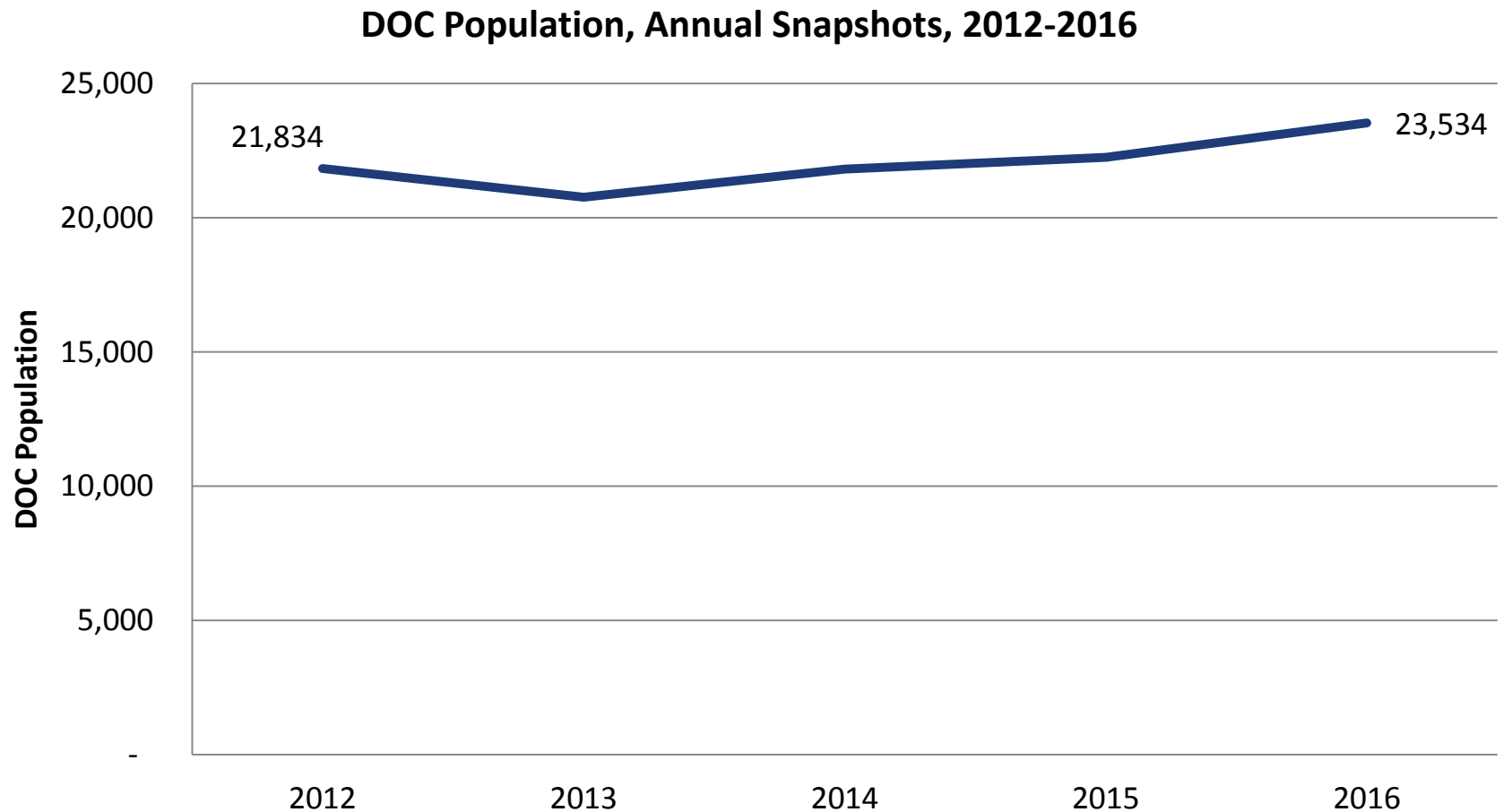
- Average time served is down since 2012
 - Driven down by large growth in number of Class D felonies and parole technical violators in the population
- Length of stay in prison growing for higher-level felonies
- Only 41% of inmates released on parole, despite broad eligibility

DOC Population Snapshot

Who is in the KY DOC Population?

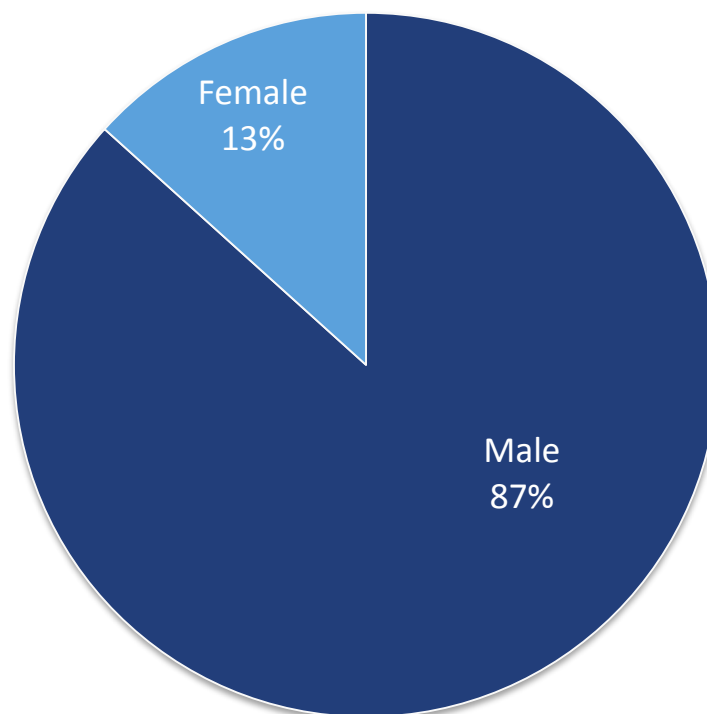
- Change over time
- Demographics
- Admission type
- Facility type
- Offense type
- Geographic variation

DOC Population Grew 8% Since 2012



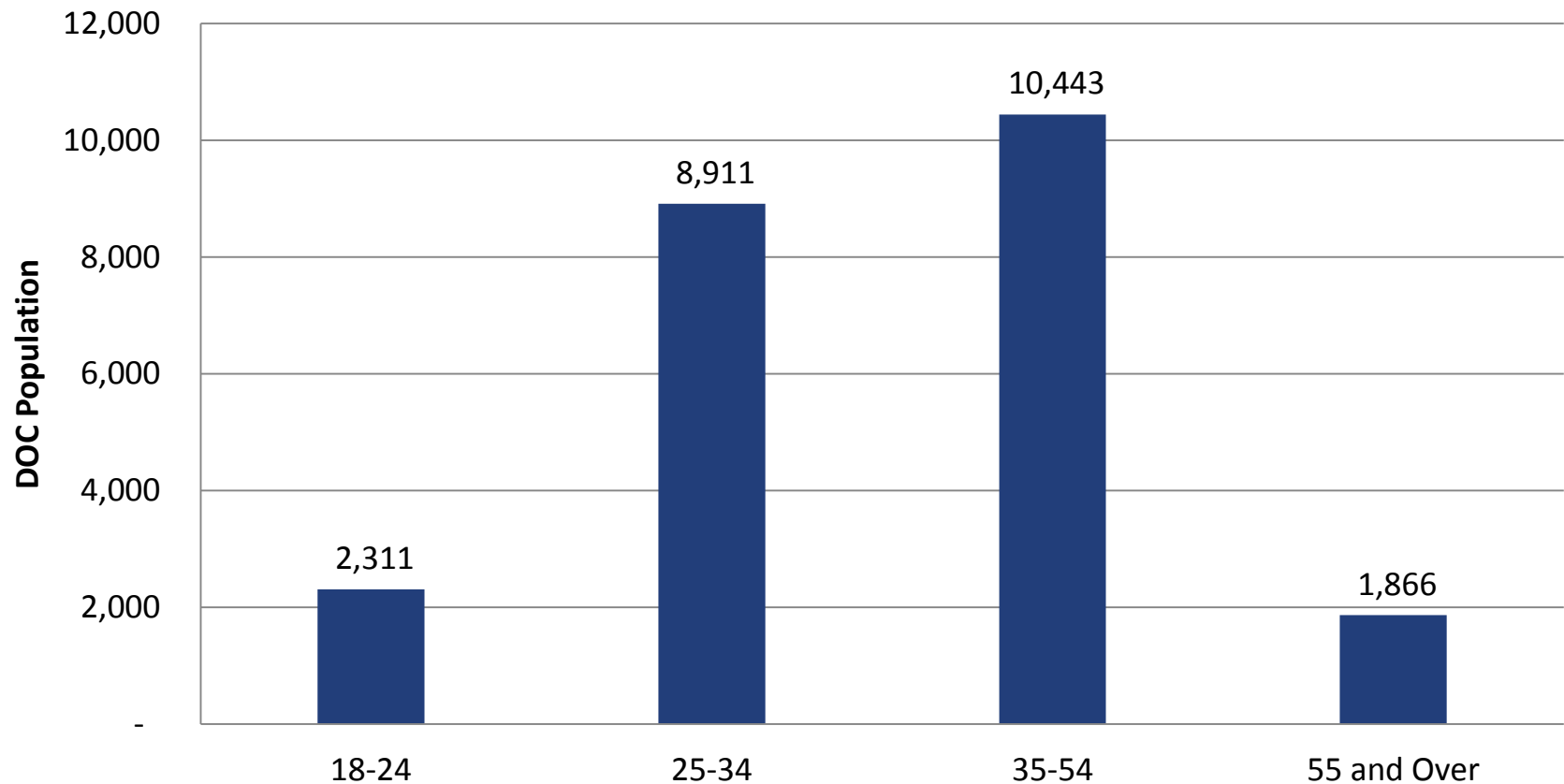
DOC Population is 87% Male

DOC Population by Gender, December 2016

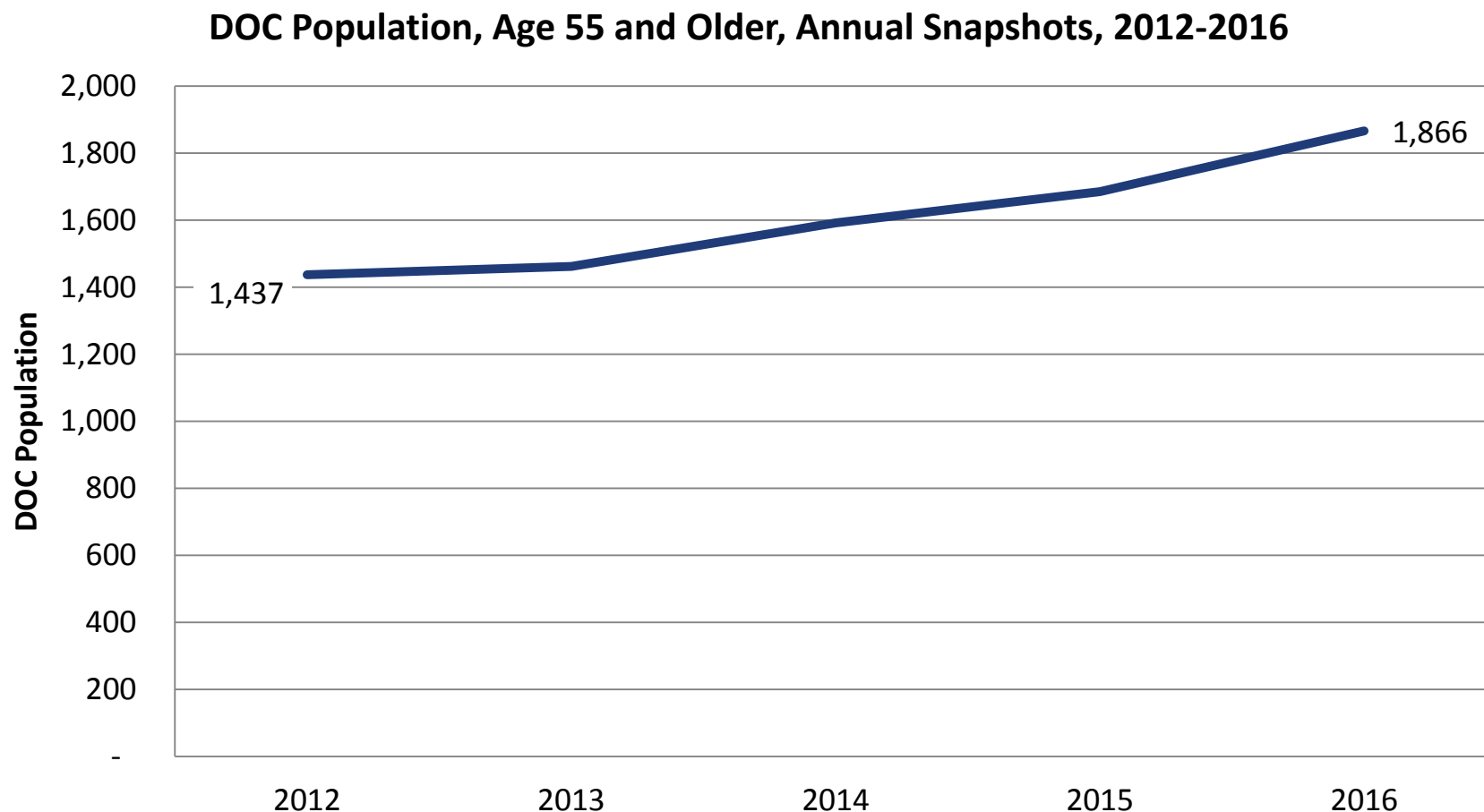


Largest Age Group 35-54

DOC Population by Age Category, December 2016

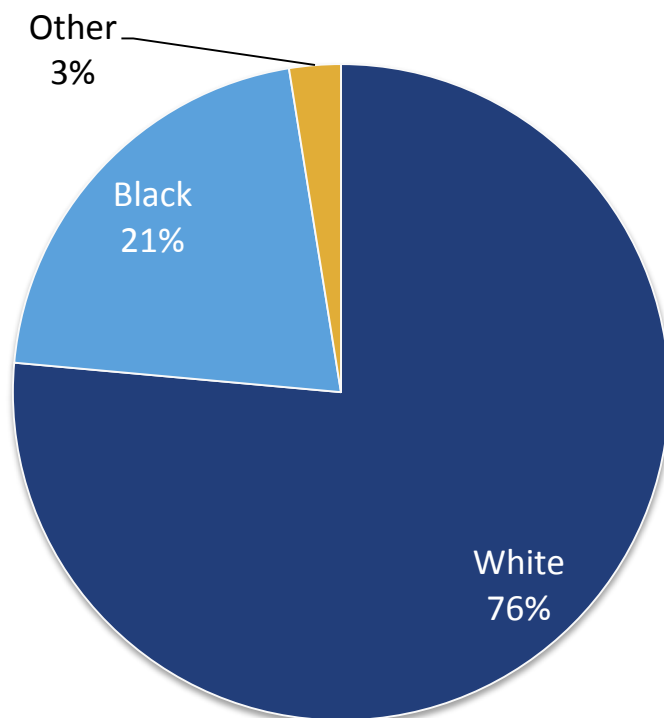


55 and Older Cohort Increased by 30%

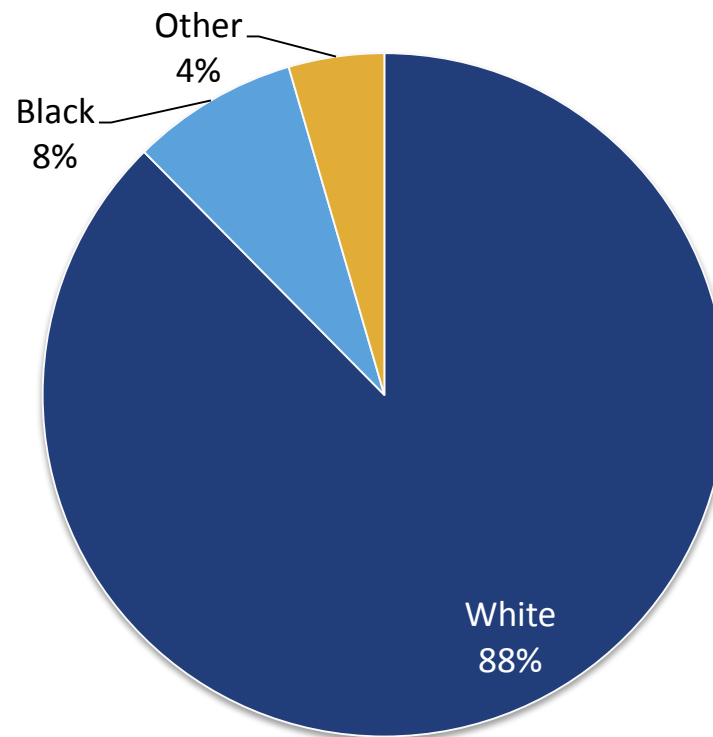


Blacks Overrepresented in DOC Custody

DOC Population by Race, Annual Snapshot, 2016

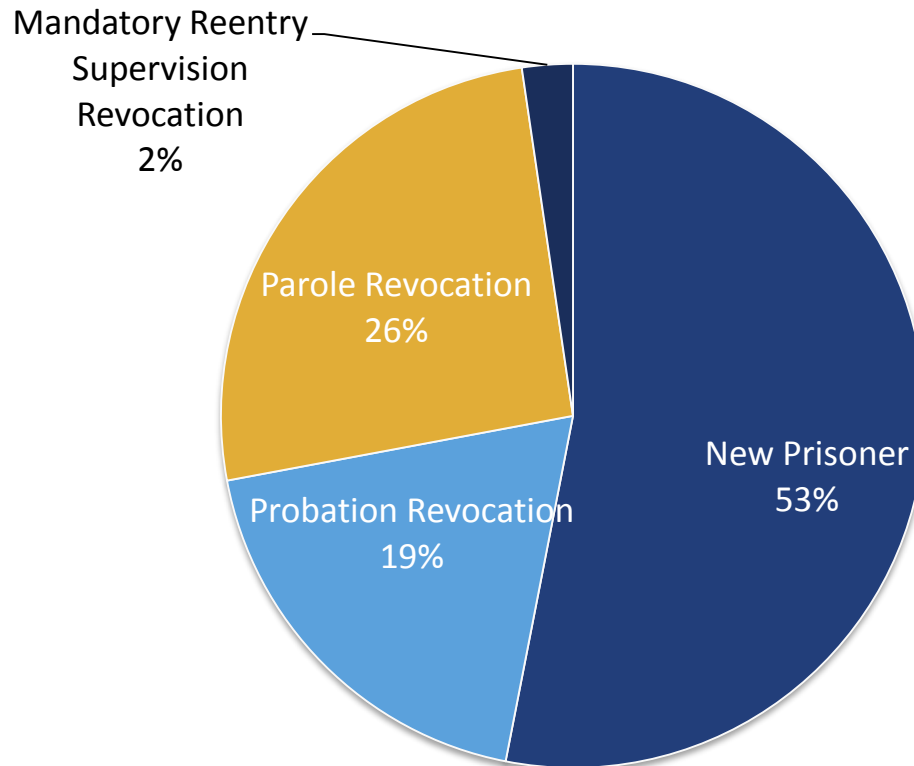


Kentucky Population by Race, 2015



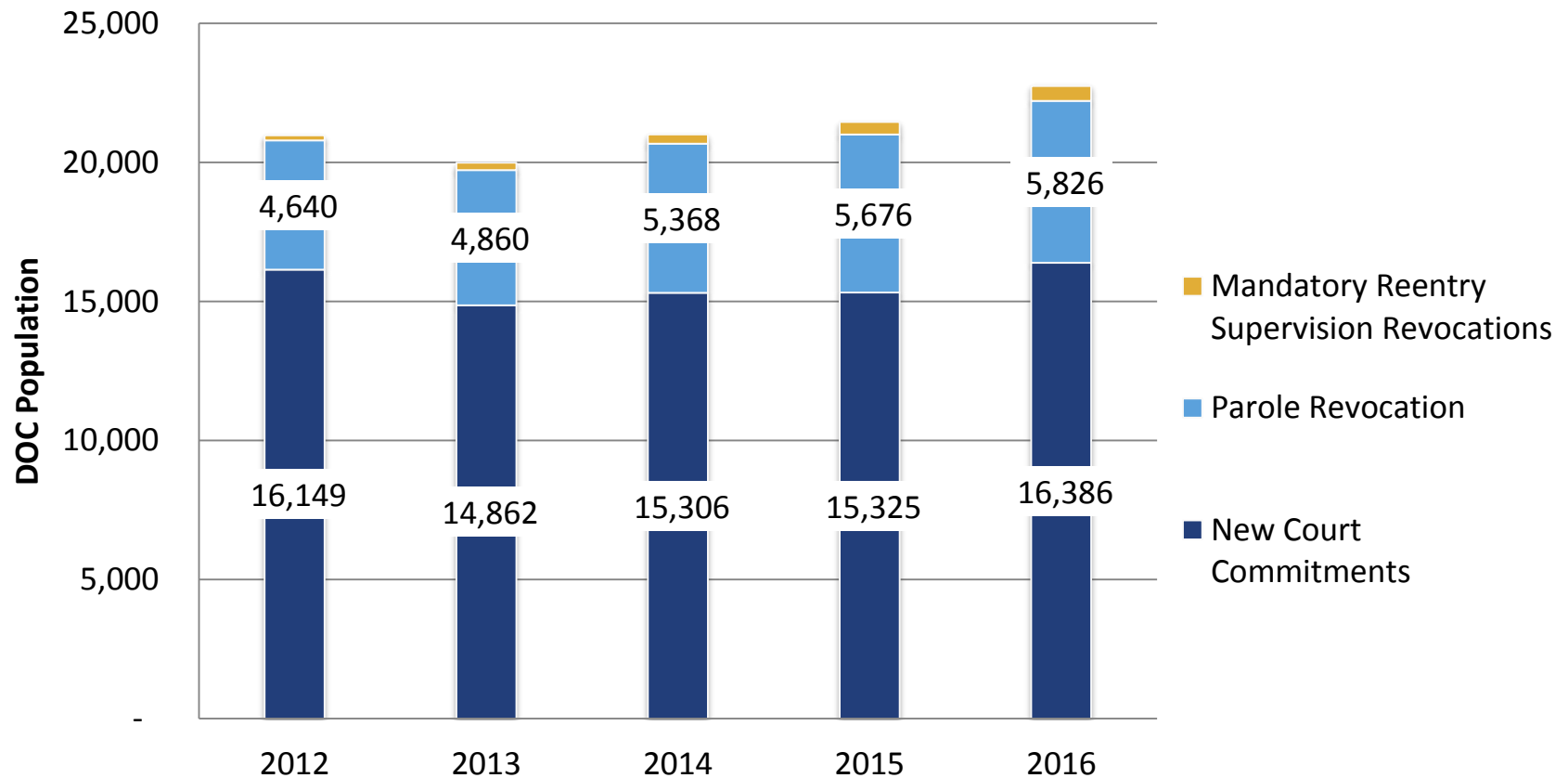
New Prisoners Make Up Just Over Half of Prison Population

DOC Population by Admission Type, December 2016



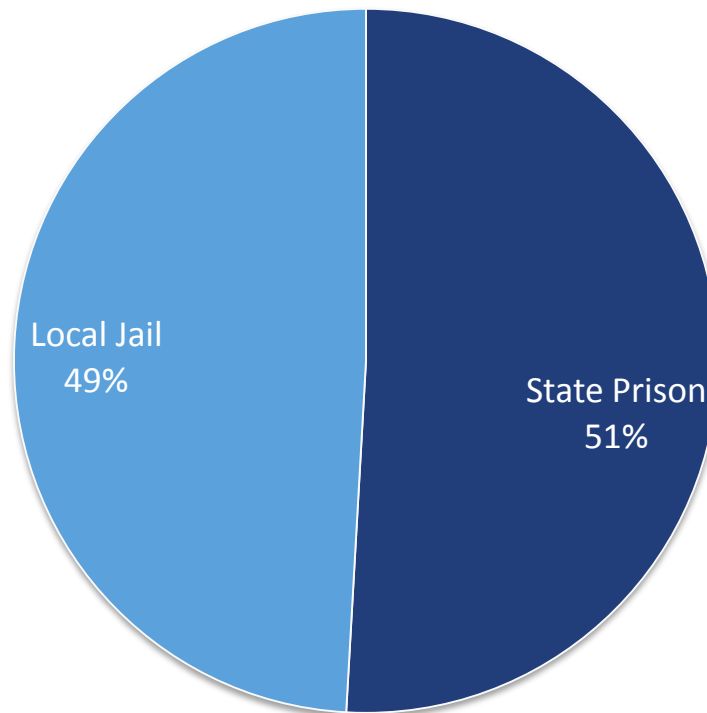
Parole Revocations in DOC Custody Grew 26%

DOC Population by Admission Type, 2012-2016

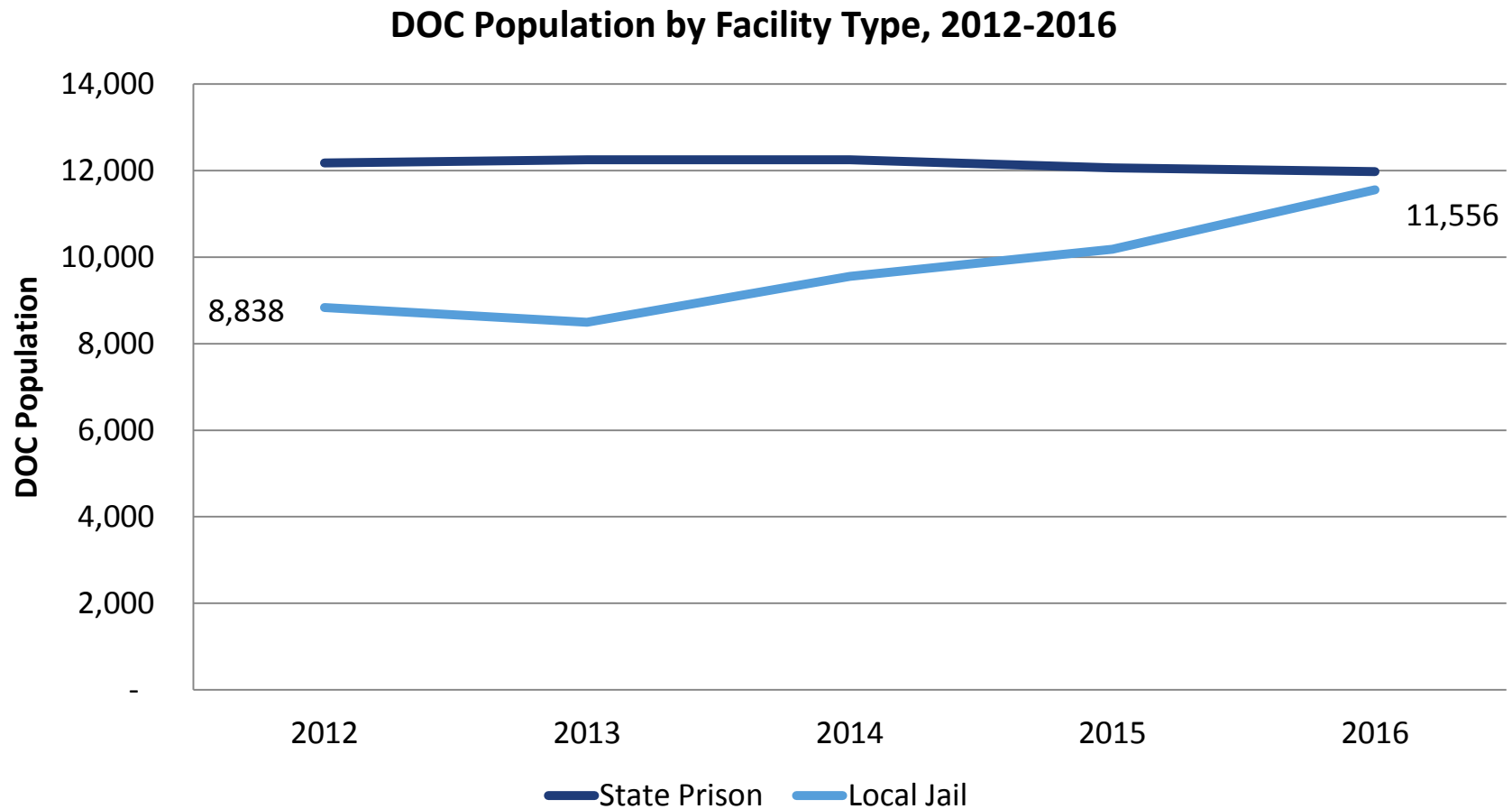


Almost Half of DOC Population in County Jails

DOC Population by Facility Type, 2016

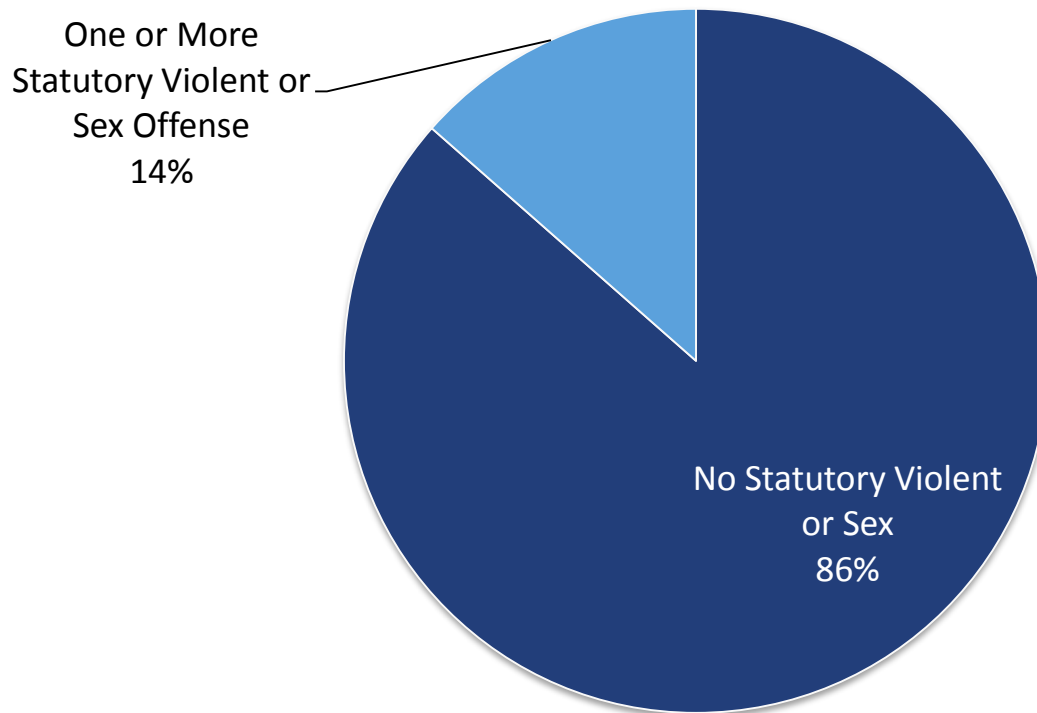


31% Growth in DOC Inmates Housed in Jails



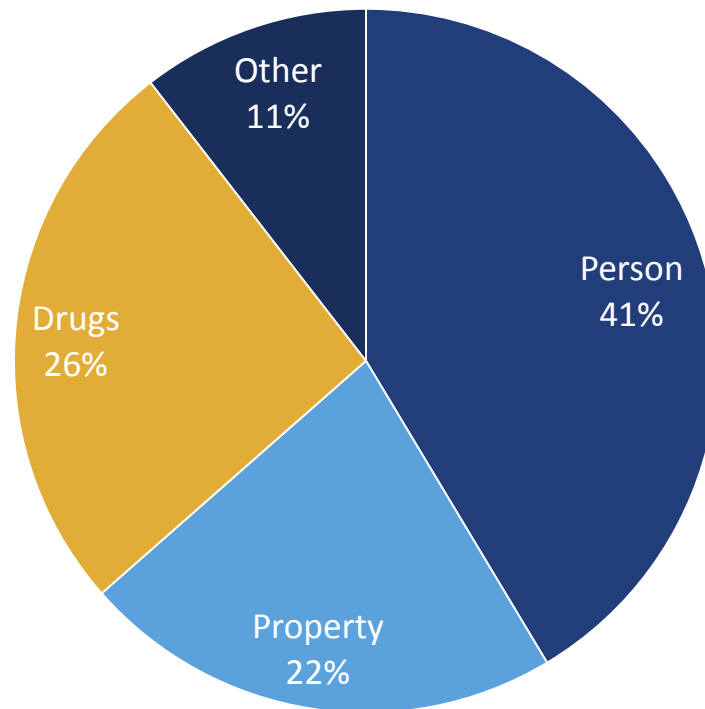
14% of DOC Population Has Statutory Violent or Sex Offense

DOC Population by Statutory Violent or Sex Offense, 2016



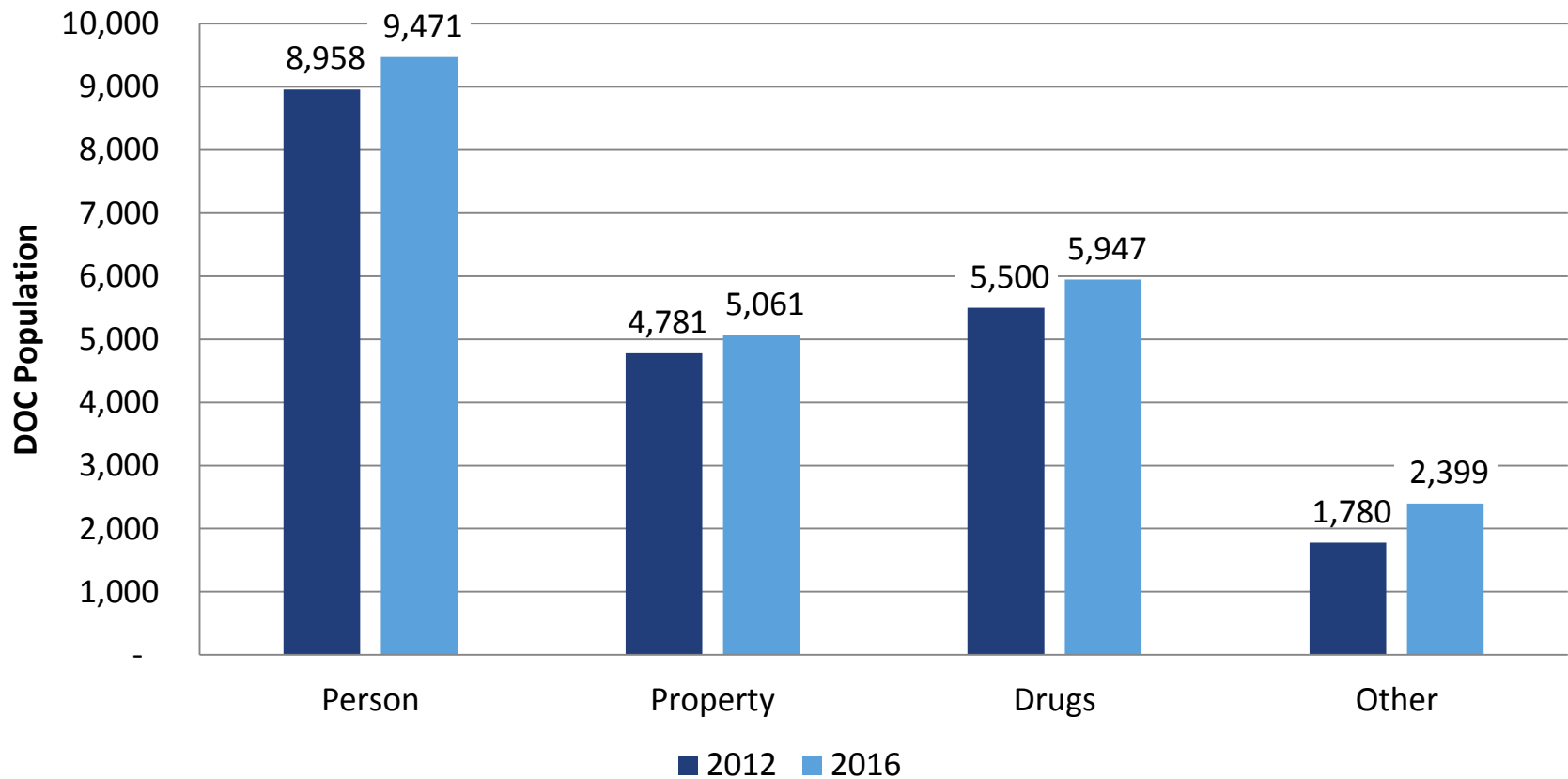
59% of DOC Population Sentenced for Non-Person Crimes

DOC Population by Offense Type, December 2016



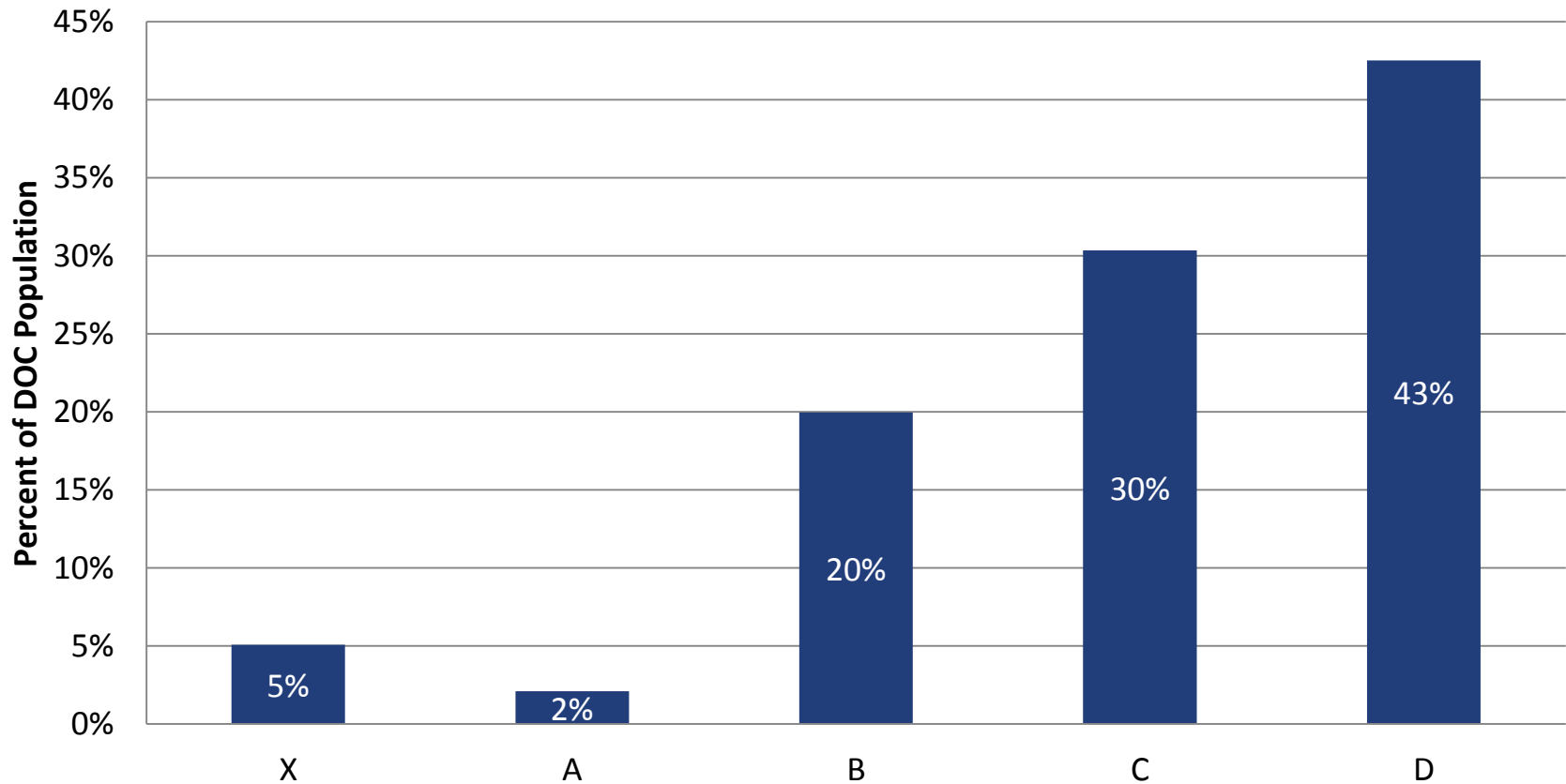
Growth in All Offense Types

DOC Population by Offense Type, December 2012 vs 2016



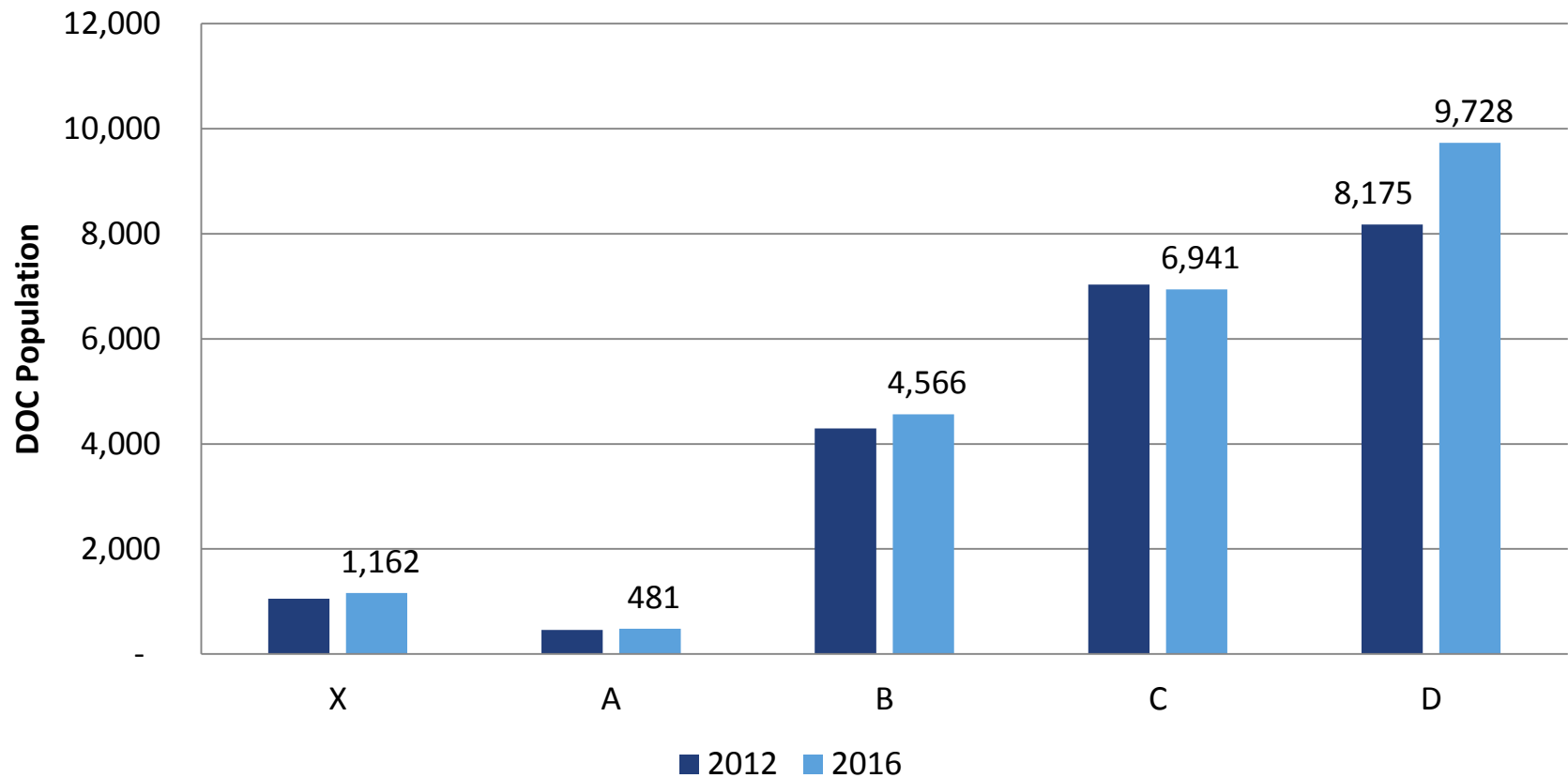
73% of the DOC Population Sentenced for Class C or D Felonies

DOC Population by Felony Class, December 2016



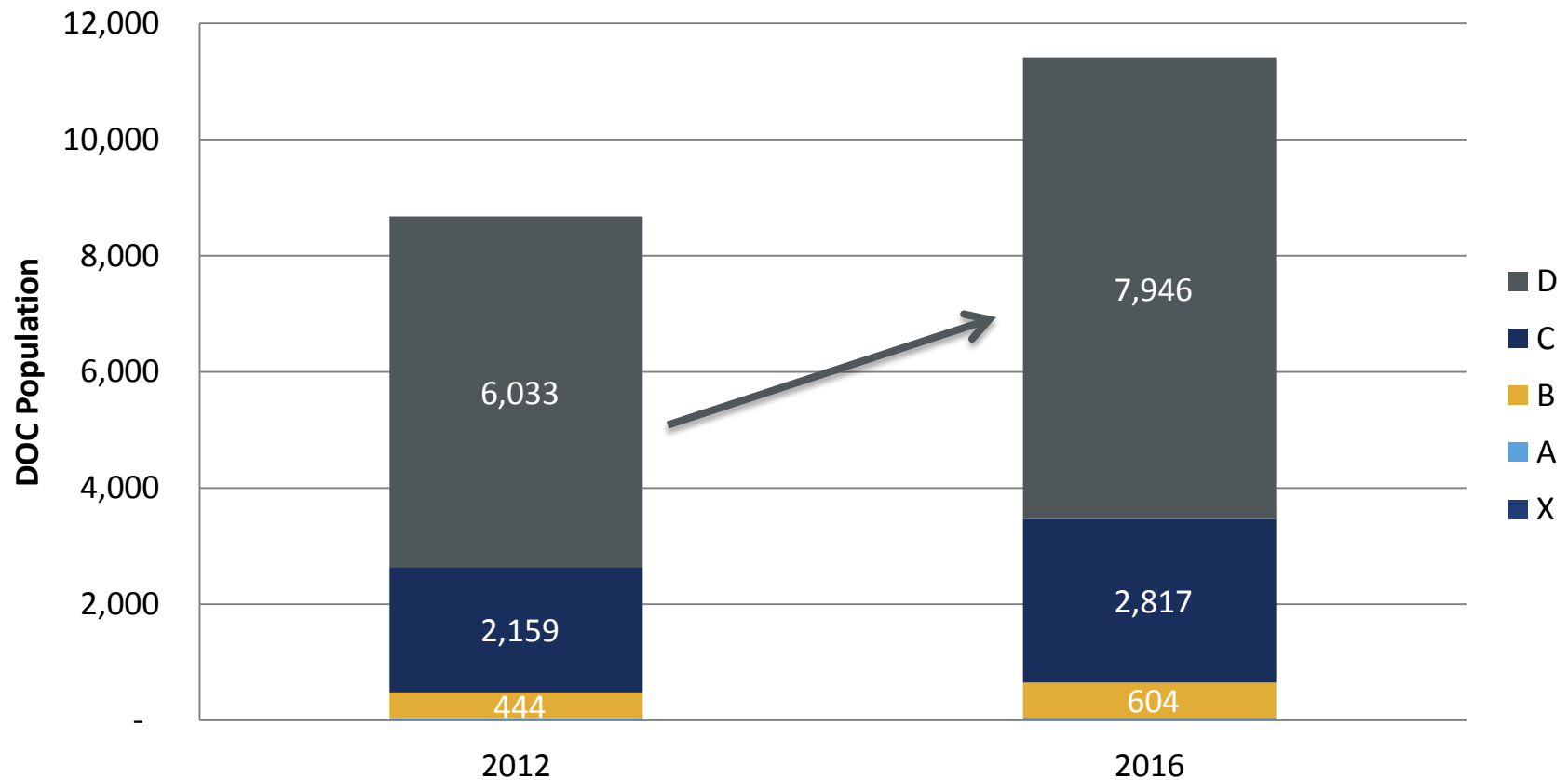
19% Growth in Class D Felonies in DOC Custody

DOC Population by Felony Class, 2012 vs 2016



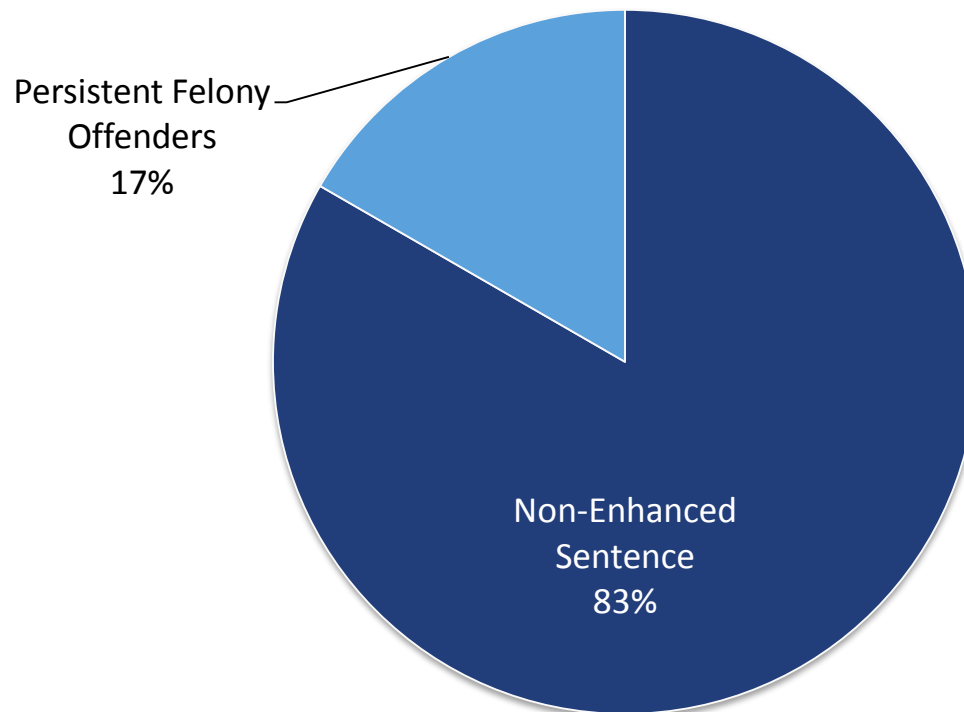
Growth in DOC Jail Population Driven by Class D Felonies

DOC Population in Local Jail by Felony Class, 2012 vs 2016



17% of DOC Population Has Persistent Felony Offender Status

DOC Population by PFO Status, 2016

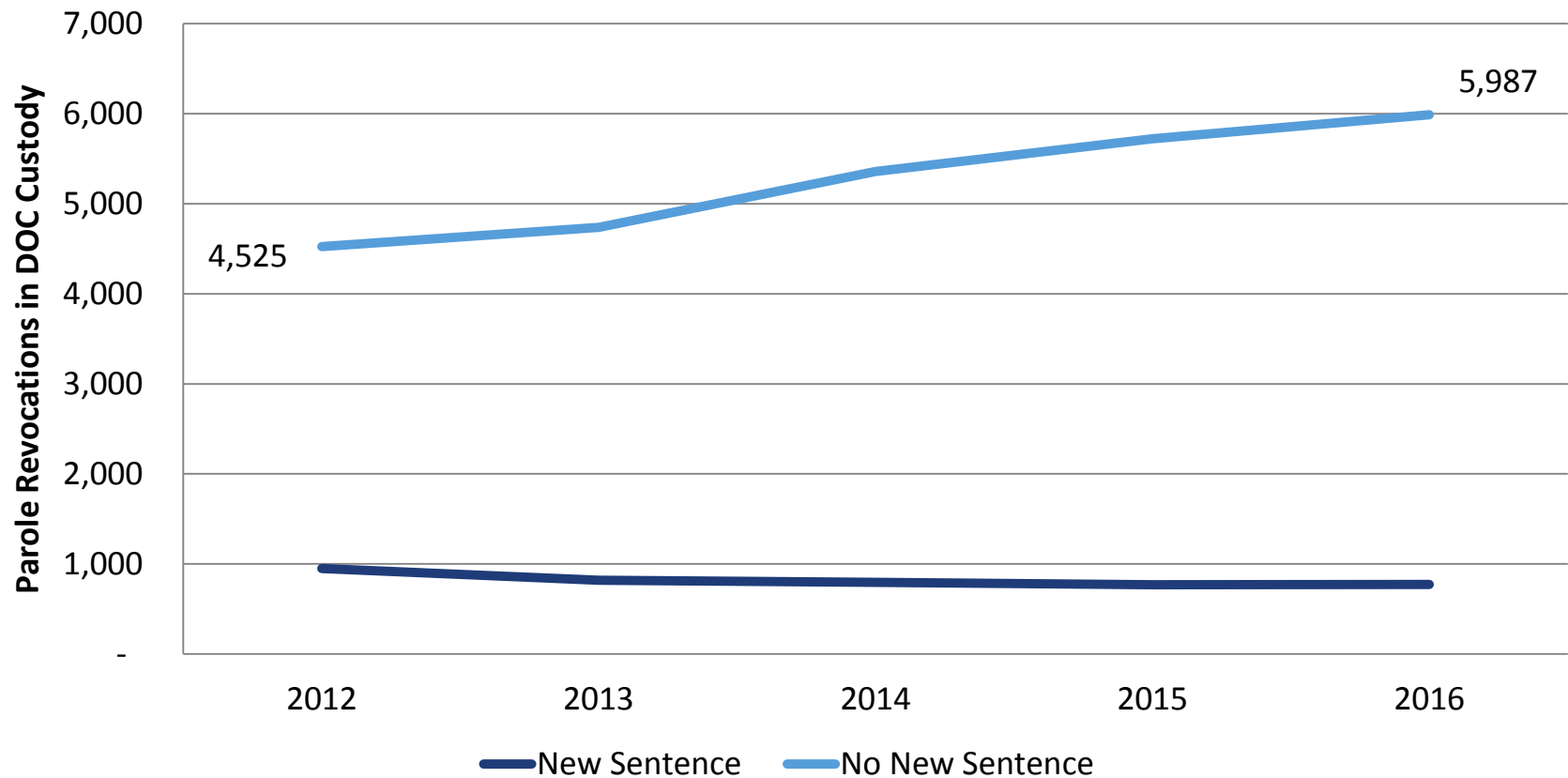


7 of the Top 10 Offenses in DOC Population Are Drug or Property Crimes

DOC Population by Offense	2012	2016	% Change
Trafficking/Importation of a Controlled Substance, Class C	1,984	1,594	-20%
Burglary, 2nd Degree	1,470	1,494	2%
Murder	1,271	1,354	7%
Trafficking/Importation of a Controlled Substance, Class D	626	1,155	85%
Robbery, 2nd Degree	1,038	1,137	10%
Possession of a Controlled Substance, Class D	885	1,135	28%
Robbery, 1st Degree	1,098	1,100	0%
Manufacturing of a Controlled Substance, Class B	860	1,030	20%
Burglary, 3rd Degree	831	836	1%
Theft By Unlawful Taking Or Disposition >\$500 And <\$10,000	408	639	57%

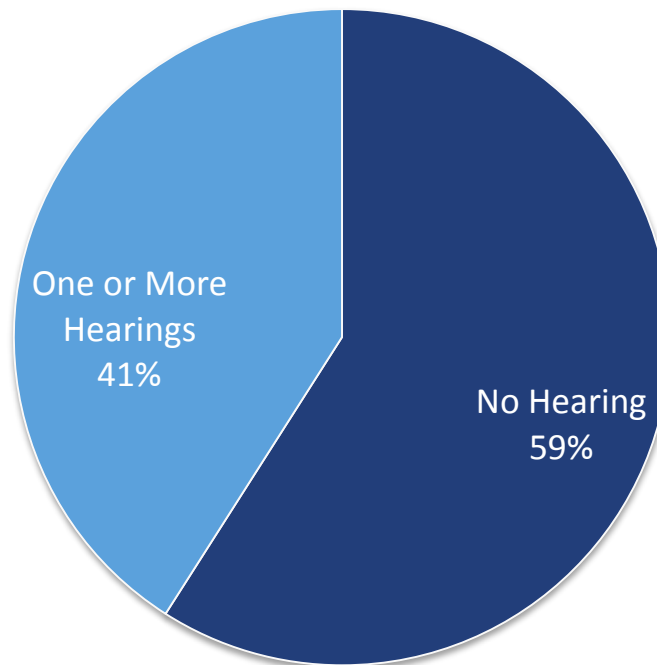
Almost 6,000 Current State Prisoners for Technical Violations of Parole

Parole Revocations in DOC Custody by Type of Violation, 2012-2016



41% of New Court Commitments in DOC Custody Have Had One or More Parole Release Hearings

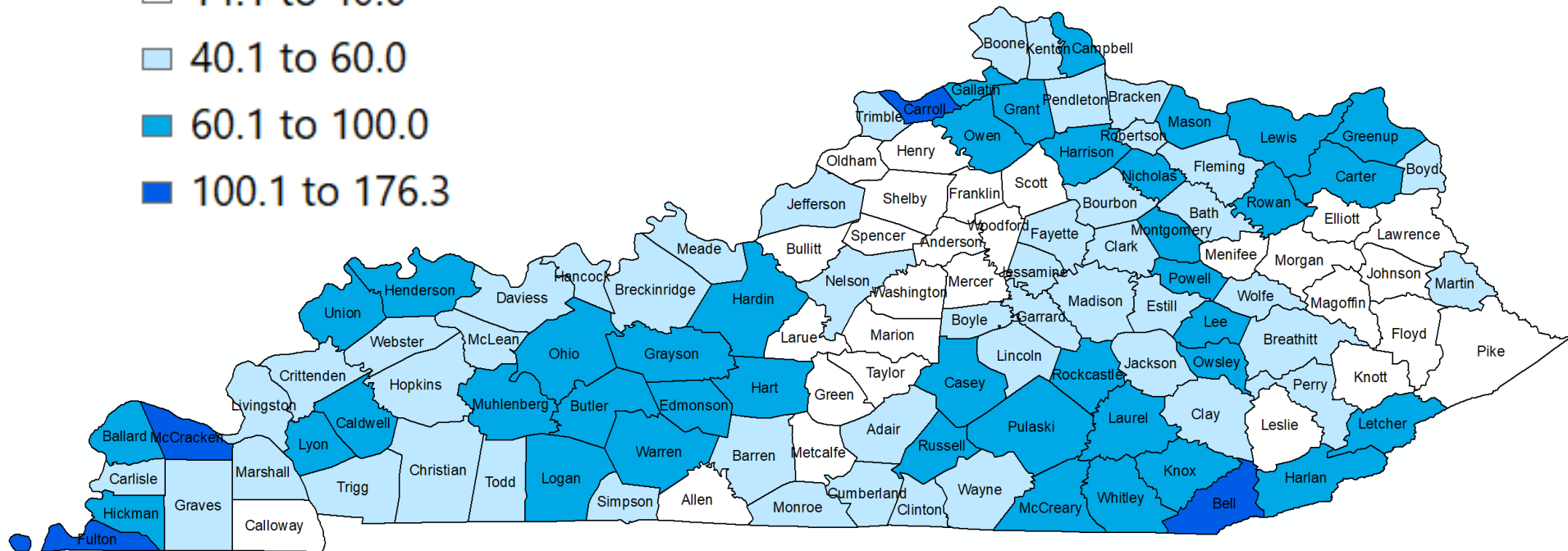
New Court Commitments in DOC Population by Parole Hearing History, 2016



Wide Variation in DOC Use Rates

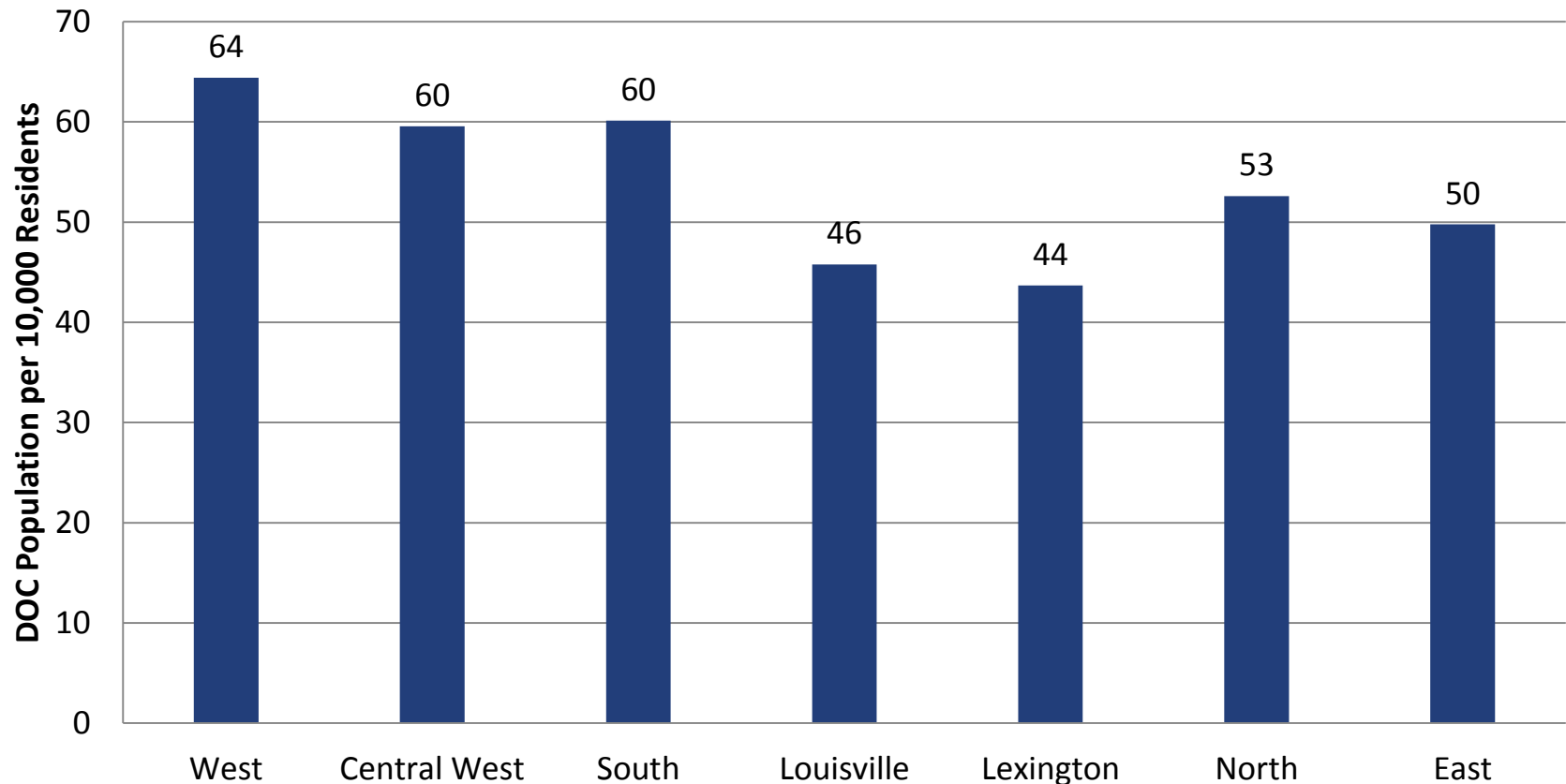
County Imprisonment Rate per 10,000 Residents, 2016

- 14.1 to 40.0
- 40.1 to 60.0
- 60.1 to 100.0
- 100.1 to 176.3

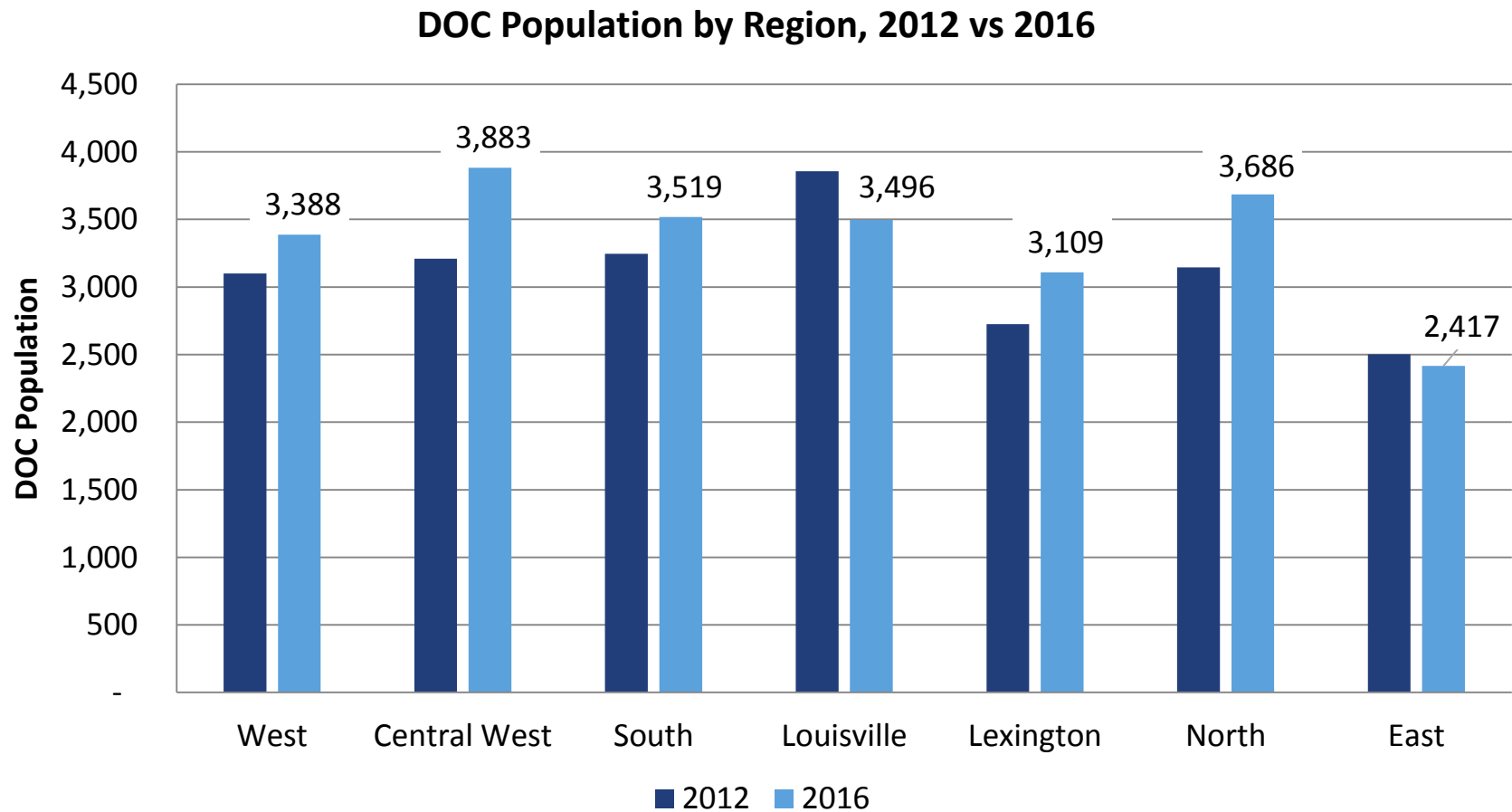


Non-Metro Regions Incarcerate at Higher Rates Than Urban Centers

DOC Population by Region per 10,000 Residents, 2016



Louisville DOC Population Dropped by 9%, East Region 3%; All Others Rising



DOC Population Takeaways

- DOC population grew 8% in the past five years
- Almost half of the DOC population (49%) housed in county jails
 - The DOC jail population grew 31% since 2012, driven by growth in Class D felons
- Major growth (26%) in prison bed use for parole revocations with underlying drug and property crimes
 - Almost 6,000 current prisoners in for technical violations of parole

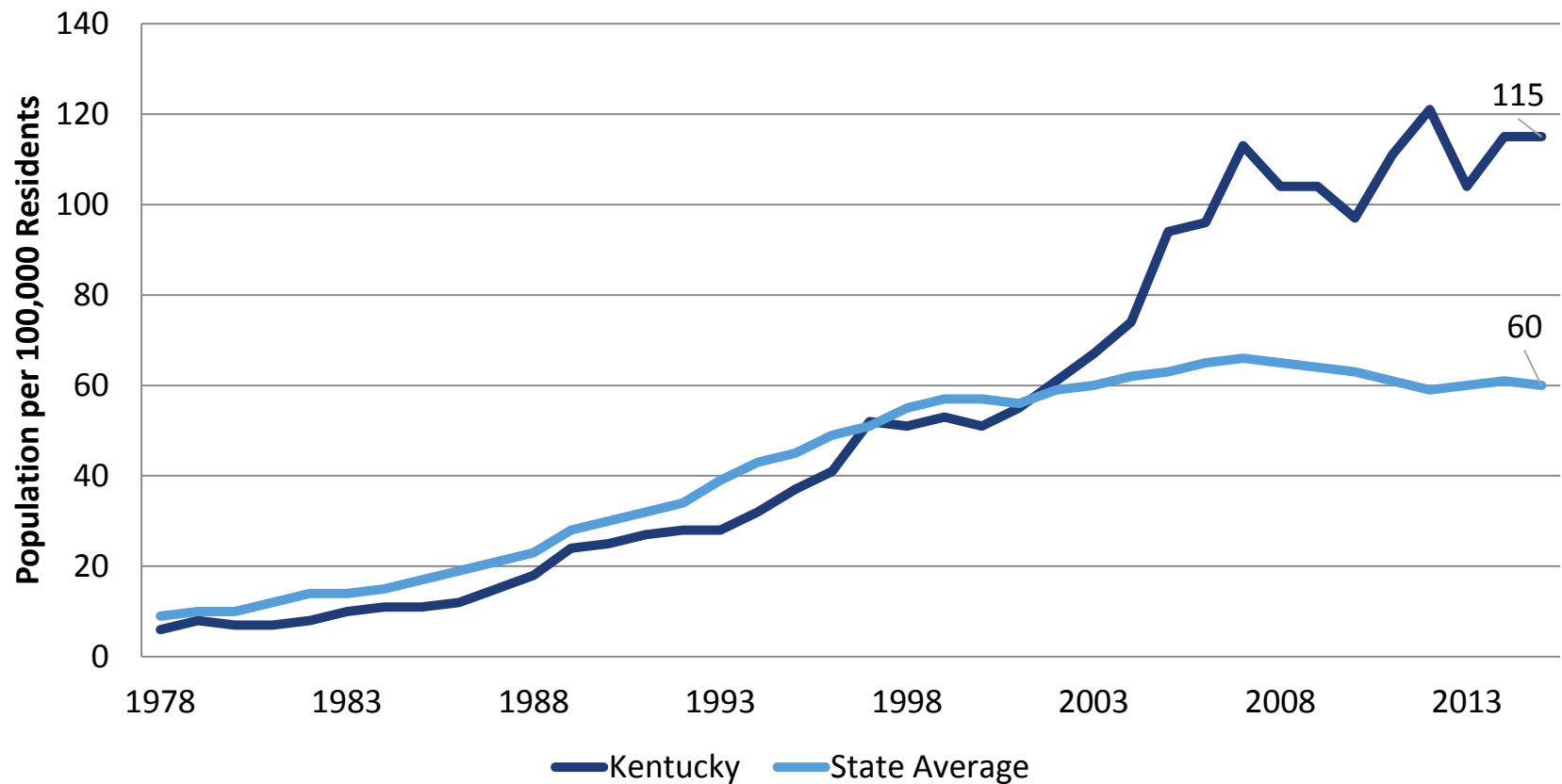
DOC Population Takeaways

- 59% of DOC population in for non-person crimes
 - Drug and property crimes make up seven of the ten most common crimes for people in DOC custody
- Non-metro regions imprison at a higher rate than urban centers (Louisville/Lexington)

Female Population

Kentucky Has Fifth Highest Female Imprisonment Rate, Almost Twice National Average

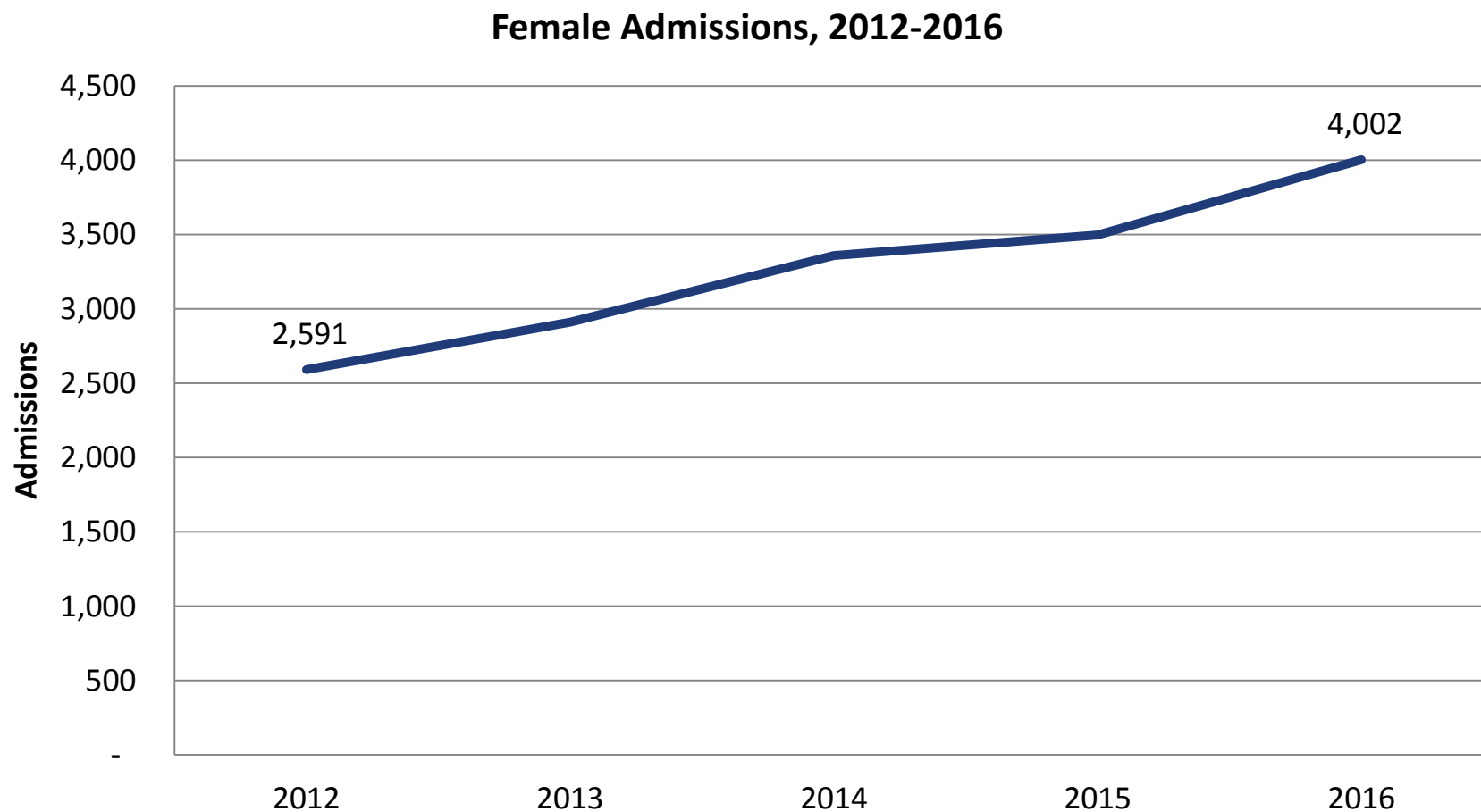
Female Imprisonment Rates (Prison Population per 100,000), 1978-2015



What is Happening With the Female Prison Population?

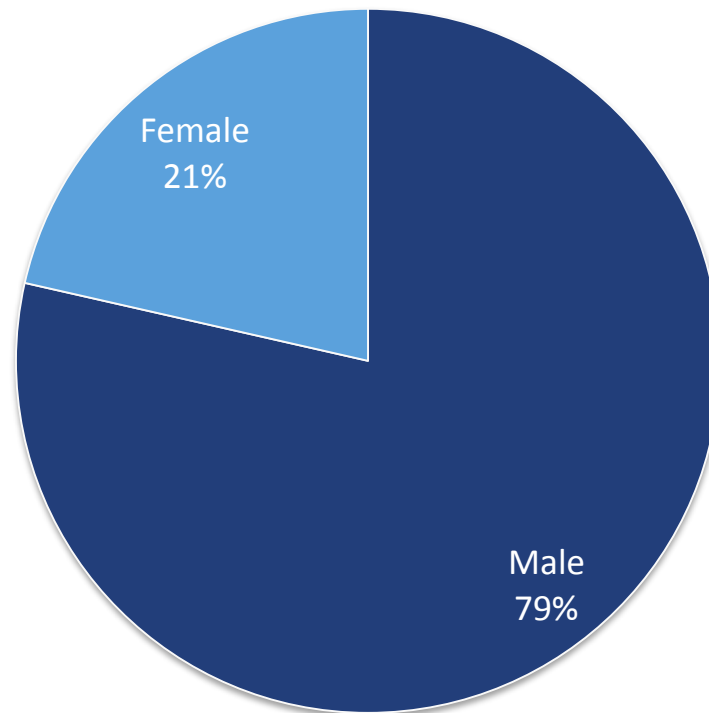
- Admissions
- Time served
- Prison population

Female Admissions Up 54% Since 2012

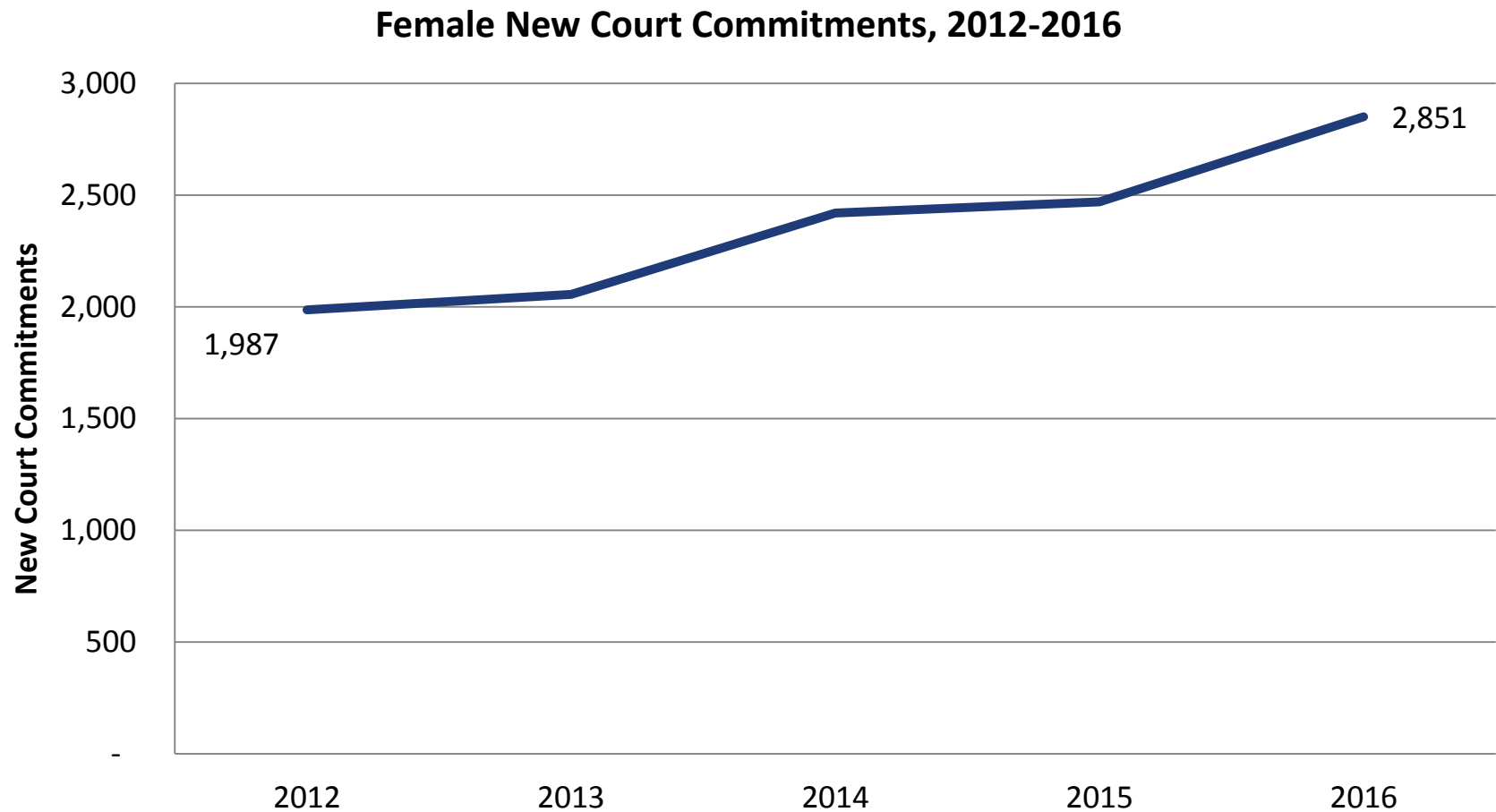


21% of Admissions Female, Compared to 12% Nationally

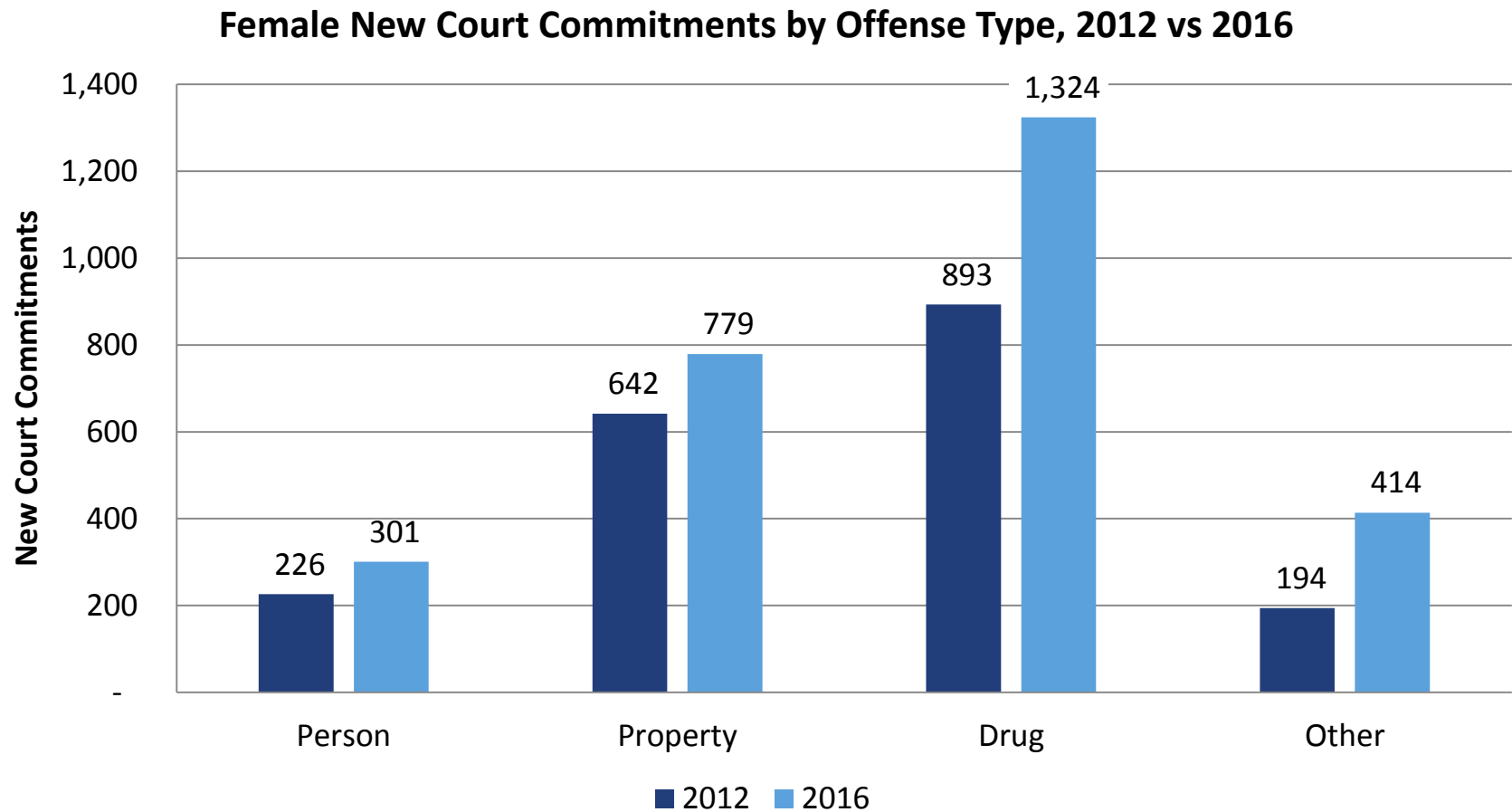
Admissions by Gender, 2016



Female New Court Commitments Increased 43%

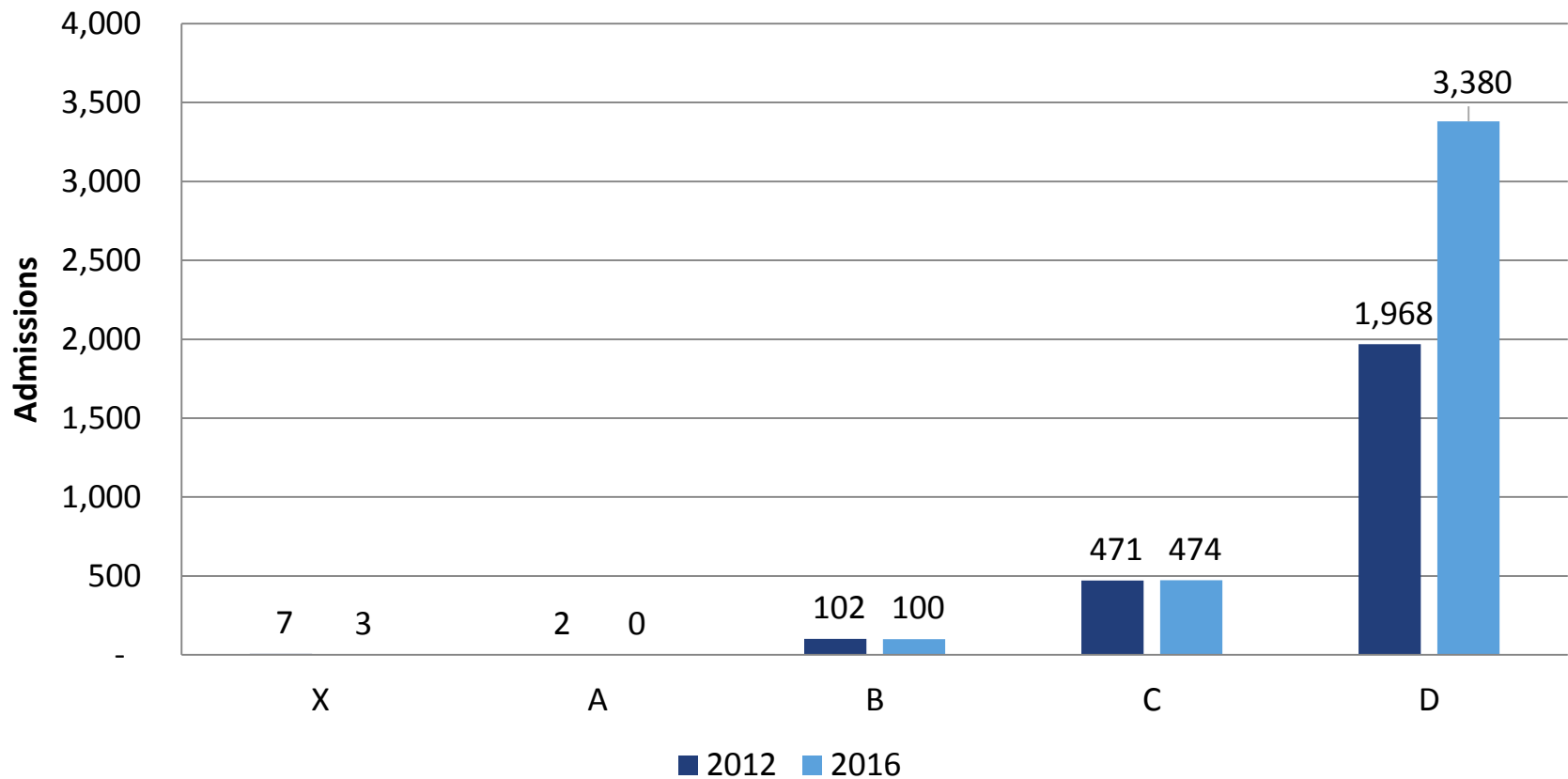


48% Increase in Females Sent to DOC for Drug Offenses



Class D Felonies Account For 85% of Female Admissions, Grew 72% Since 2012

Female Admissions by Felony Class, 2012 vs 2016

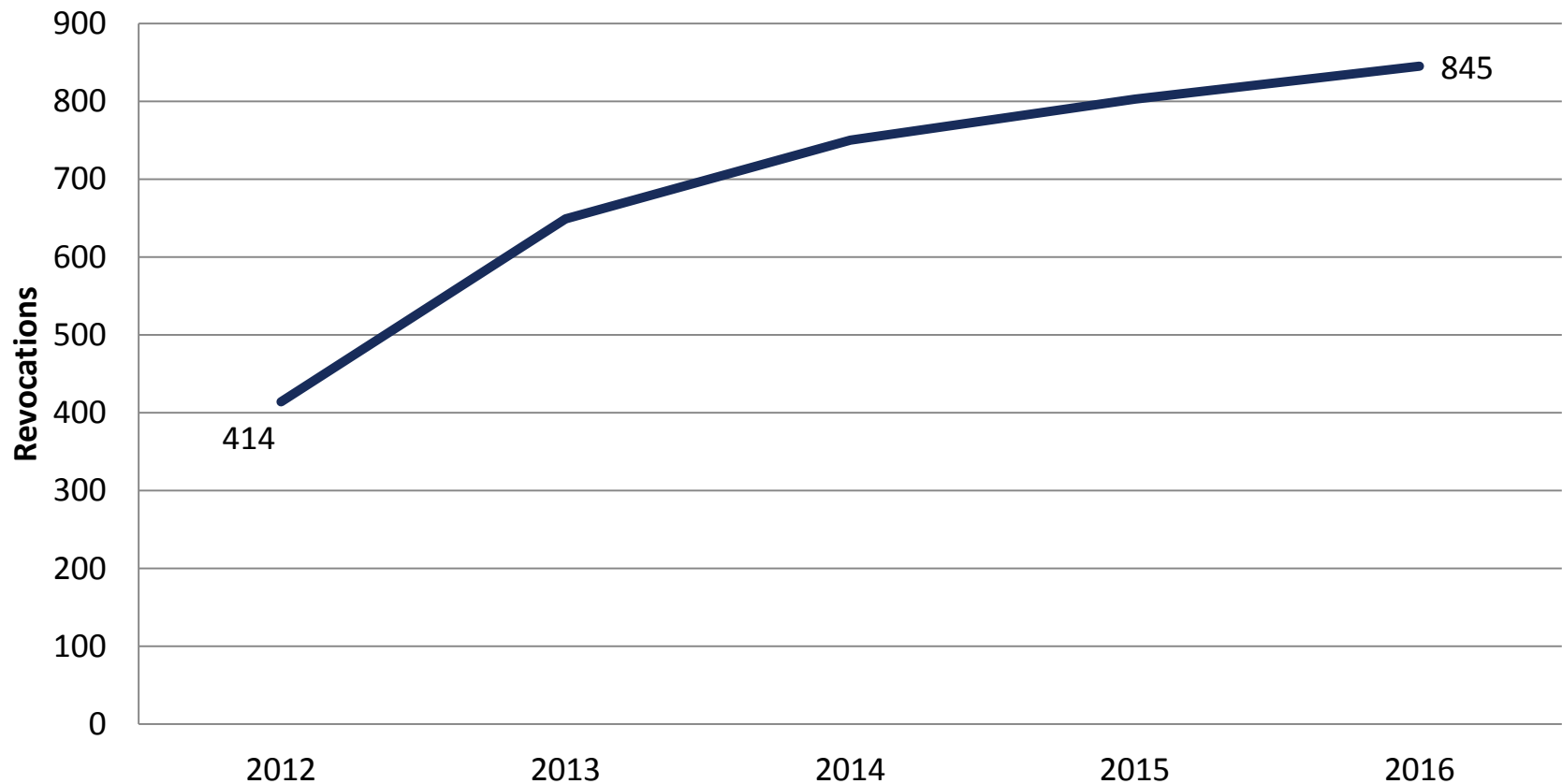


Number of Females Sent to DOC for Drug Possession Grew 140% in Five Years

Offense	New Court Commitments, 2012	New Court Commitments, 2016	% Change
Possession of a Controlled Substance, Class D	264	634	140%
Trafficking/Importation of a Controlled Substance, Class D	177	332	88%
Theft By Unlawful Taking Or Disposition >\$500 And <\$10,000	82	164	100%
Trafficking/Importation of a Controlled Substance, Class C	149	118	-21%
Criminal Possession Forged Instrument-2nd Degree-Identify	127	117	-8%
Wanton Endangerment-1st Degree	32	94	194%
Flagrant Non Support	51	92	80%
Cultivation/Manufacturing of a Controlled Substance, Class D	79	81	3%
Burglary, 3rd Degree	44	79	80%
Receiving Stolen Property > \$500 And < \$10,000	40	79	98%

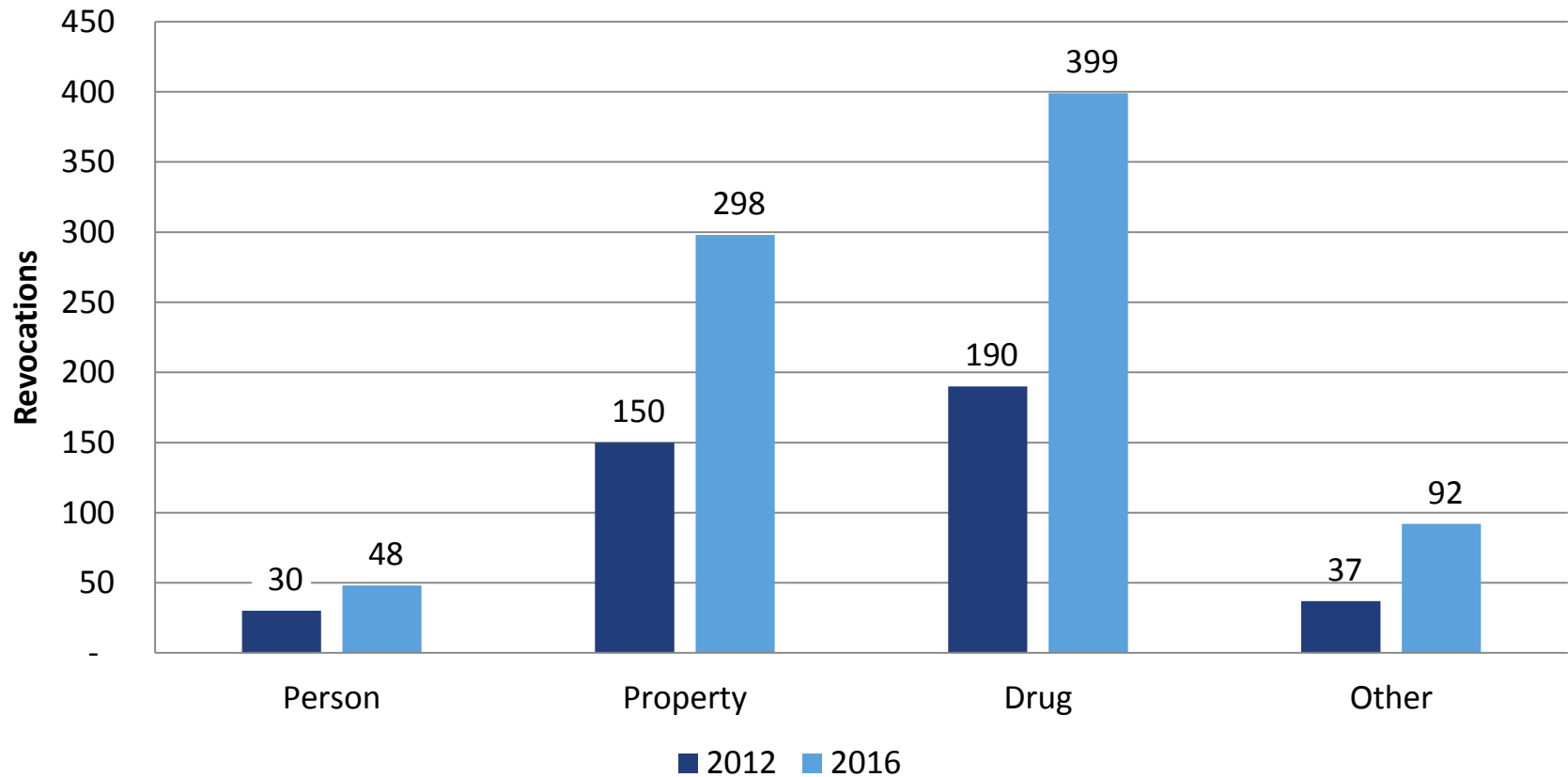
Female Parole Revocations Doubled Since 2012

Female Parole Revocations, 2012-2016

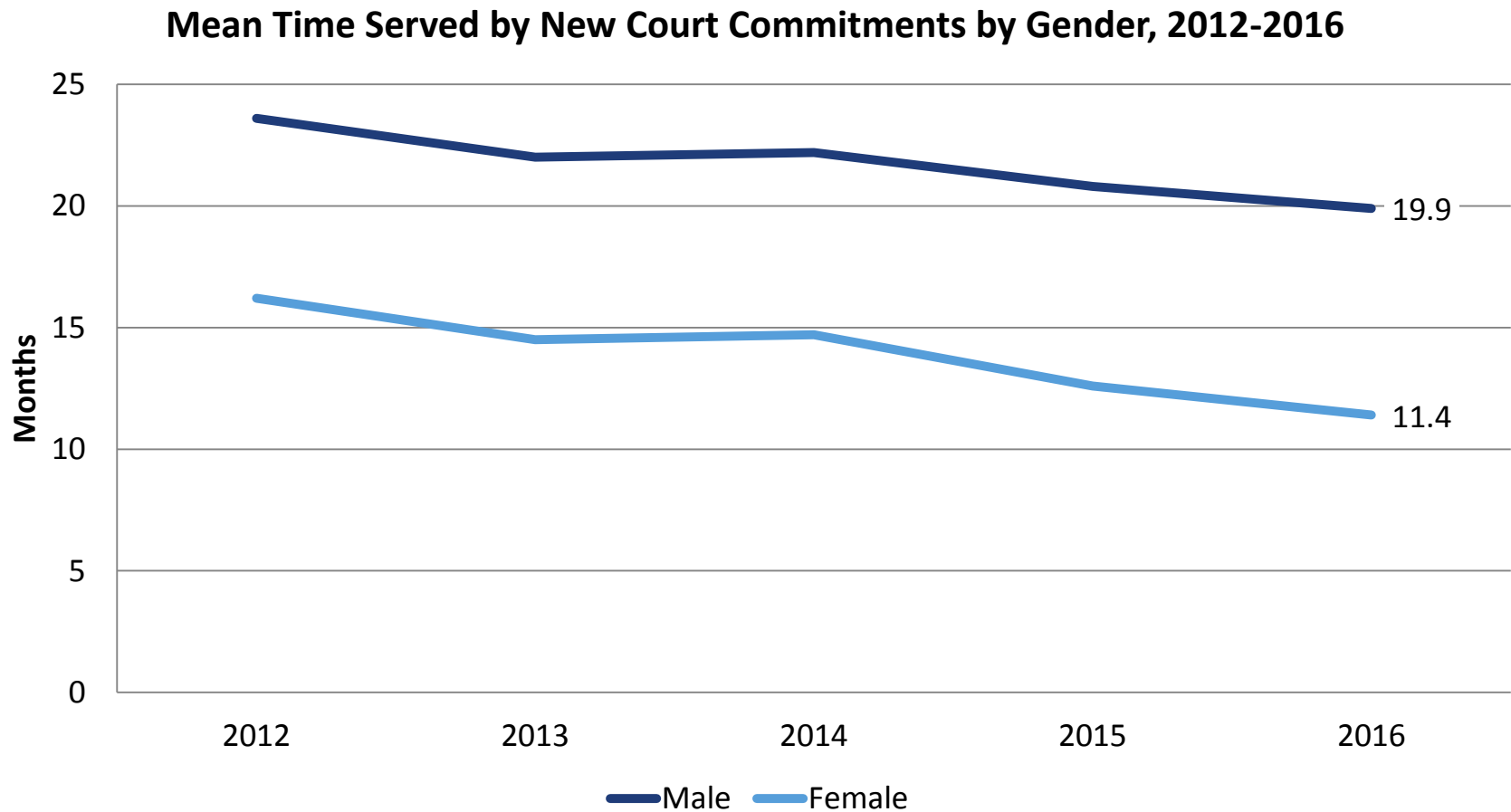


Revocations for Drug Offenses More Than Doubled

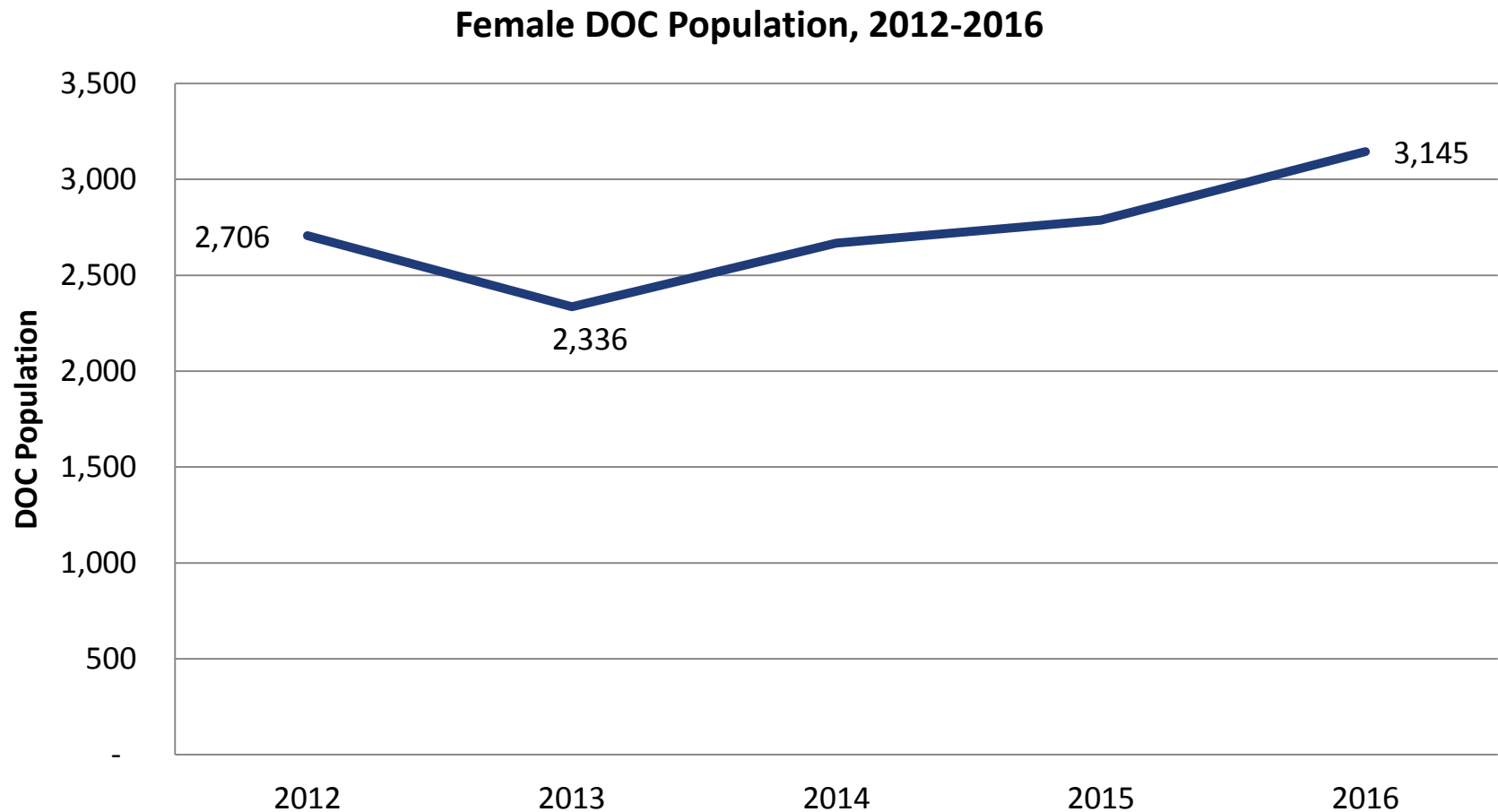
Female Parole Revocations by Offense Type, 2012 vs 2016



Female New Court Commitments Served Less Than 1 Year On Average

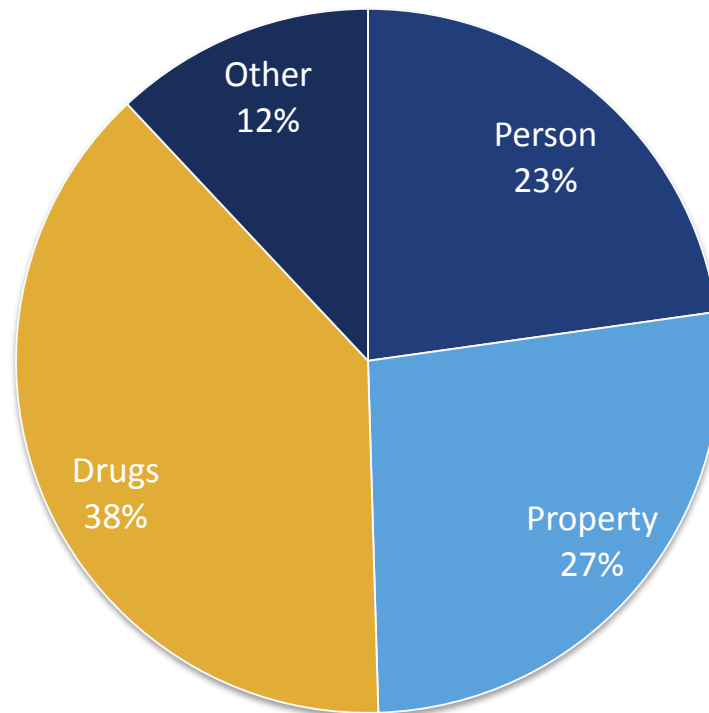


Female DOC Population Increased 16%, Twice as Fast as Overall DOC Population



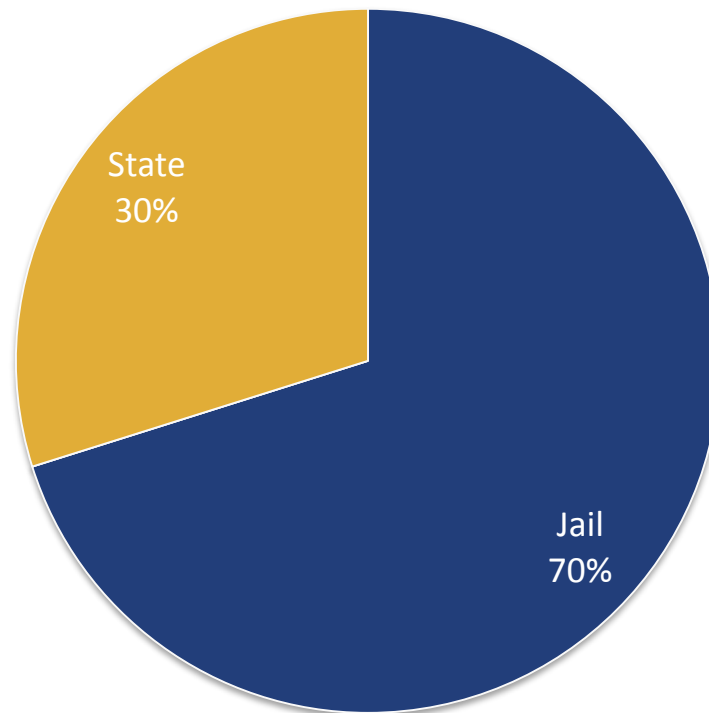
77% of Female DOC Population Incarcerated for Non-Person Offenses

Female DOC Population by Offense Type, 2016

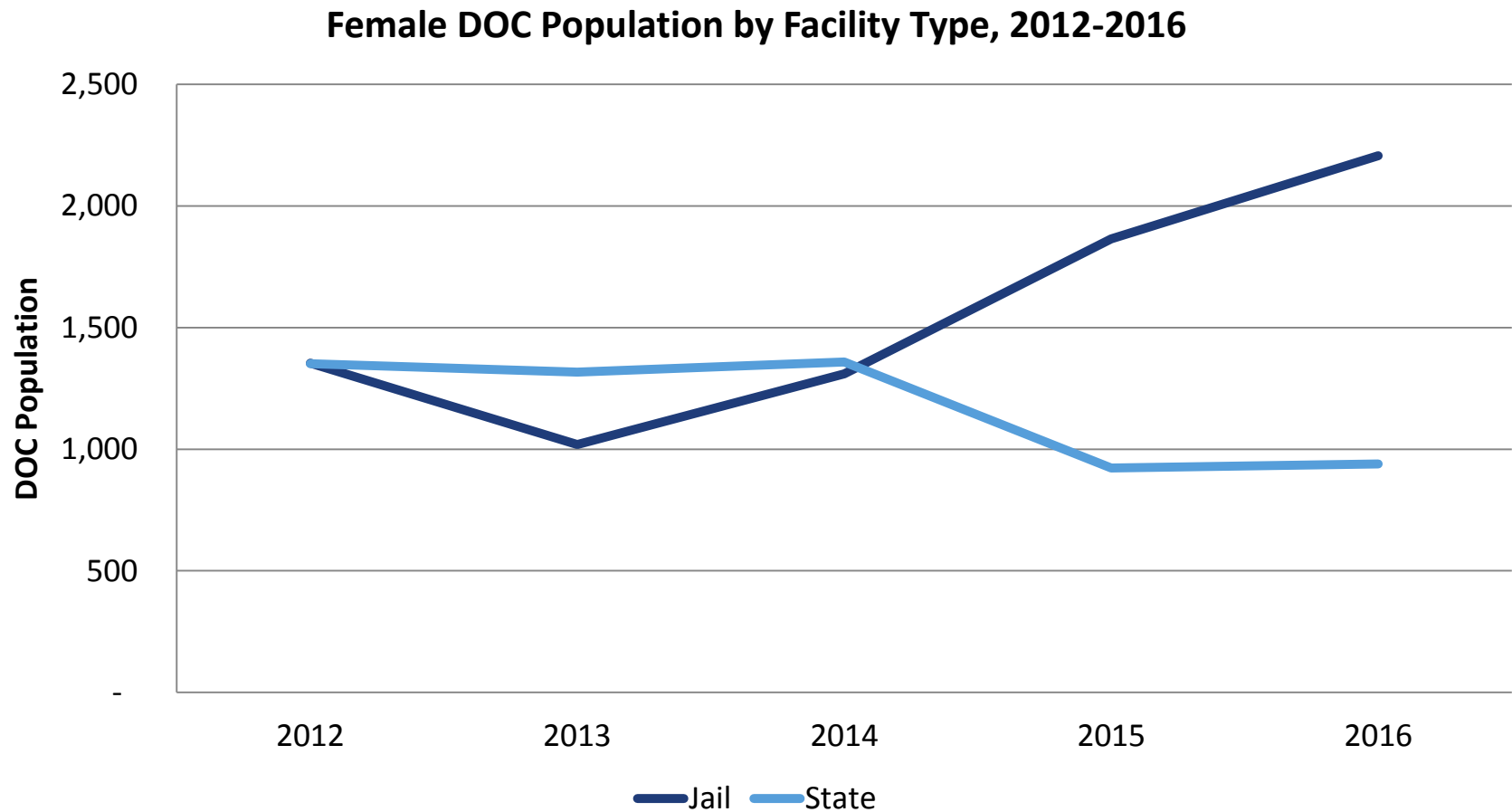


70% of Female Inmates Housed in Local Jails

Female DOC Population by Facility Type, 2016



The Use of Jails for Female Inmates Increased 63%



Takeaways

- Same patterns as in the total population, but stronger
- Female admissions up 54%
 - Driven by growth in drug offenses for both new court commitments and parole revocations
- This led to 16% growth in female DOC population, twice as fast as total population
- 70% of female DOC population housed in local jails, up from about 50% in 2012
- Females stay in DOC custody for less than a year on average

Summary and Next Steps

Research on Incarceration and Recidivism

Researchers have examined whether incarceration reduces recidivism more than non-custodial sanctions

Findings:

- In general, incarceration is not more effective than non-custodial sanctions at reducing recidivism
- For many people convicted of lower-level crimes, incarceration can actually increase recidivism

Research on Length of Stay and Recidivism

Researchers have also examined whether longer periods of incarceration reduce recidivism more than shorter periods

Findings:

- Longer prison stays do not reduce recidivism more than shorter stays

Summary

- Prison admissions up 32% in only five years
 - The number of people committed to DOC custody for drug possession doubled
 - Parole revocations up 50%
 - Growth in people convicted of lower-level offenses led to shortened average length of stay and growth in DOC population housed in jail
- 82% of admissions and 59% of the prison population sentenced for non-person crimes
- Major variation in prison admissions and use across the state

Summary

- 96% of parole revocations do not have a new sentence attached
 - Almost 6,000 parole technical violators currently in DOC custody
- Kentucky imprisons women at a disproportionate rate
 - 77% of women in DOC custody sentenced for non-person crimes
 - 54% growth in admissions in only five years, driven by huge growth in people convicted of drug offenses or committed for technical violations of parole

Next Meeting: October 11

- Follow-up questions
- New data on:
 - Sentencing
 - Pretrial
 - Post release community supervision
- Introduction to policy development

Questions?

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