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Mandatory Reentry Supervision

Evaluating the Kentucky Experience

Overview

In 2011, the Kentucky Legislature passed the Public Safety and Offender Accountability Act (House Bill 463), which sought to earn a greater public safety return on the state's corrections spending. The measure included a mandatory reentry supervision policy that required every inmate to undergo a period of post-release supervision so that no inmates would be released from prison to communities without monitoring or support.

This brief summarizes recent state corrections data and an independent evaluation of the policy commissioned by The Pew Charitable Trusts, which found that mandatory reentry supervision:

- Improved public safety by helping reduce new offense rates by 30 percent.
- Resulted in a net savings of approximately 872 prison beds per year.
- Saved more than \$29 million in the 27 months after the policy took effect.

Background

From 1999 to 2009, Kentucky's prison population increased by 45 percent, a growth rate that outpaced nearly every other state.¹ Corrections spending also rose steeply, increasing more than 200 percent from fiscal year 1990 to fiscal 2010.²

These trends prompted Kentucky leaders in 2010 to appoint a Task Force on the Penal Code and Controlled Substances Act. After analyzing state sentencing and corrections data, the task force produced recommendations that became the basis for the Public Safety and Offender Accountability Act the following year.³ Passed unanimously in the Senate and with one dissenting vote in the House, the law changed multiple sentencing and release policies to prioritize expensive prison beds for serious offenders.⁴ A portion of the resulting financial savings was reinvested in programs and practices proved to reduce reoffending rates.

Between 1990 and 2012, the proportion of Kentucky inmates who served their entire sentence behind bars, known as the max-out rate, had varied from 30 to 50 percent.⁵ These offenders received no supervision to

help guide their reentry into society. The mandatory reentry supervision provision of the 2011 law was based on data showing that the period immediately following an offender’s release from prison is critically important for reducing recidivism. It also reflected research and a growing consensus among corrections policymakers that many lower risk inmates could serve shorter prison terms without undermining public safety, and that reinvestment of prison savings into evidence-based community supervision practices and programs can cut reoffending rates.⁶

Kentucky’s mandatory reentry supervision took effect Jan. 1, 2012, requiring that all inmates be supervised after release from prison. Under this policy, inmates not granted parole are either released to supervision six months before the end of their sentences or are ordered to serve an additional year of supervision after the end of their prison terms, depending on their crime and their classification in the correctional system (see Figure 1). The Legislature made mandatory supervision retroactive for offenders getting six months of supervision, applying it to current and future inmates.

Figure 1

Kentucky Requires Supervision of All Inmates Upon Release

Law created two mandatory reentry supervision groups based on offense, security level

Six-month mandatory reentry supervision carved out of sentence for inmates who are:	One year post-incarceration supervision added to end of sentence for inmates who are:
Not convicted of a Class A felony or capital offense	Not eligible for parole
Not classified as maximum or close security	Convicted of a Class A felony or capital offense
Not granted discretionary parole 6 months prior to expiration of sentence	Classified as maximum or close security

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With a growing population under supervision, Kentucky significantly expanded its Division of Parole and Probation. More than 150 staff members have been added since July 2011, including 105 probation and parole officers, 24 probation and parole investigators, 11 assistant supervisors, and 12 support staff.⁷ The 2011 law also required that offenders be supervised using proven practices for reducing recidivism such as evidence-based substance abuse and mental health programs. By 2016, 75 percent of state expenditures on supervision and intervention programs for pretrial defendants, inmates, and those on probation and parole must be spent on programs that research demonstrates are effective at reducing recidivism.⁸

Evaluation

The Pew-commissioned evaluation explored the public safety and cost-saving components of mandatory reentry supervision during the policy’s first year. The study, conducted by Avinash Bhati of the analytical consulting firm Maxarth, LLC, compared the outcomes of offenders released under the new policy with a control group of similar inmates released before the policy took effect.

The initial cohort consisted of 1,905 offenders—all those released to mandatory reentry supervision between Jan. 1 and May 31, 2012. This group was chosen because available follow-up data allowed for progress to be tracked

for one year. Because the policy was applied retroactively, the sample included inmates with less than six months remaining on their sentences. The sample did not include the more serious inmates subject to a year of post-incarceration supervision, since there are not yet significant numbers of these offenders.

The pre-policy group included two types of offenders released between Jan. 1, 2009, and Dec. 31, 2011—parolees and “discharges,” or offenders released with no supervision upon the completion of their sentence. This group totaled 8,806—779 parolees and 8,027 discharged inmates. The parolees had six months or less remaining on their sentences at the time of release.

All of the pre-policy group members met the requirements for mandatory reentry supervision. The two groups were compared on individual attributes such as demographics, education level, felony class, offense type, risk classification, and gang affiliation.

Key findings

The evaluation results add to a growing body of evidence showing that post-release supervision can cut crime and corrections costs.

Mandatory reentry supervision releases had lower recidivism rates than pre-policy releases

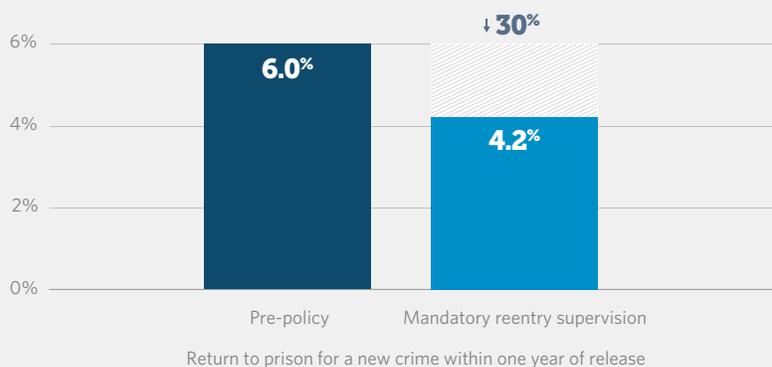
Inmates released to mandatory reentry supervision were 30 percent less likely than the pre-policy group to return to prison for a new crime within one year of release. While 4.2 percent of the mandatory reentry supervision releases were returned to prison for a new crime during that period, the figure was 6 percent in the pre-policy group.

The mandatory reentry supervision group also had 11 percent fewer technical violations, such as failing drug tests or missing appointments with their parole officers, than the small portion of the pre-policy group that was released to parole—34.8 percent and 39.3 percent, respectively.

Figure 2

Mandatory Reentry Supervision Policy Lowers Reoffending Rate

Supervised offenders less likely to return to prison for a new crime within one year of release



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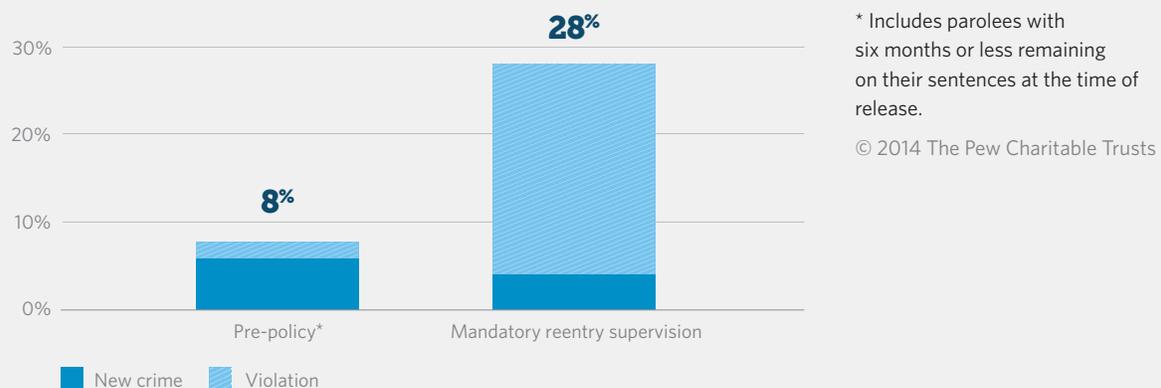
Revocations of mandatory reentry supervision releases were driven by technical violations

Looking more closely at post-release misconduct, mandatory reentry supervision offenders were more likely than the pre-policy group to return to prison, with 28 percent returning compared to 8 percent of the pre-policy offenders. However, 85 percent of the mandatory reentry supervision offenders were reincarcerated for technical violations; only 15 percent were returned to prison for a new crime. The opposite pattern applies to the pre-policy offenders, with 77 percent returned for committing new crimes and 23 percent for rule violations. Since this group of released inmates either had short supervision periods or avoided supervision altogether, it is not surprising that they had dramatically lower rates of return to prison for technical violations.

Figure 3

Technical Violations Driving Returns to Prison Within a Year of Release

Violations account for 85 percent of mandatory reentry supervision returns to prison



Mandatory reentry supervision releases spent less time in prison than the pre-policy releases

Even with the higher rate of return for technical violations, inmates released to mandatory reentry supervision spent an average of 3.5 fewer months in prison than those released before the policy took effect. For both groups, the total length of recorded time included the average time in prison prior to release along with any additional time served after release because of revocation.

The shorter length of stay by the mandatory reentry supervision group resulted in a net savings of approximately 872 prison beds per year for Kentucky. These calculations are based on the January-May cohort to allow for a one-year follow-up period. As such, the estimates should be considered a lower limit because the policy went into effect retroactively and the first few months included inmates who may have had less than six months left to serve. Moving forward, the estimated lengths of stay compared with the pre-policy cohort are expected to decrease further, resulting in increased bed space savings.

Figure 4

Mandatory Reentry Supervision Policy Saving Prison Beds

Supervised releases spent less time in prison than the pre-policy group



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The new policy has saved Kentucky more than \$1 million per month

The Kentucky Department of Corrections recently calculated the prison-bed savings into financial terms and estimated that between January 2012 and March 2014 the mandatory reentry supervision policy saved approximately \$29.3 million.⁹ These savings reflect both the need for fewer prison beds and the difference in cost between institutional and community corrections. In fiscal 2013, the average cost to incarcerate an offender in a Kentucky state facility was \$59.72 per day, nearly 20 times the \$3.04 per day to supervise an offender in the community.¹⁰

Policy implications

Research increasingly shows that the period immediately following an offender's release from prison can be pivotal in preventing recidivism. In addition, a growing body of evidence shows that many inmates can serve shorter prison terms without undermining public safety. This means that policies such as Kentucky's, which carve out supervision time from prison sentences, make good fiscal and correctional sense.

Pew's evaluation determined that mandatory reentry supervision is fulfilling its intended purpose. Inmates released to supervision under the policy had 30 percent fewer returns to prison for a new crime and 11 percent fewer violations of their supervision rules than the pre-policy group. There were significant savings for taxpayers as well, since the policy reduced the need for state prison beds, which in Kentucky cost nearly 20 times more than community supervision. Some of these savings have been reinvested in community corrections, strengthening supervision, evidence-based programs, and treatment.

“Mandatory reentry supervision is working in Kentucky. Inmates used to be released straight from prison to the street with no supervision, no accountability, no support. Under the reform, those interventions are happening. It has been a fiscal success, saving the commonwealth over \$1 million per month. But more importantly, it's been good for public safety by cutting recidivism.”

Rep. John Tilley

In addition to Kentucky, other states—including, Kansas, New Hampshire, Ohio, South Carolina and West Virginia—also have recently enacted policies requiring offenders to serve a period of supervision after release. Other states can closely examine their release policies and seek similar opportunities to reduce recidivism and costs to taxpayers.

Endnotes

- 1 The Pew Charitable Trusts, *2011 Kentucky Reforms Cut Recidivism, Costs* (July 2011), http://www.pewstates.org/uploadedFiles/PCS_Assets/2011/2011_Kentucky_Reforms_Cut_Recidivism.pdf.
- 2 Ibid.
- 3 Kentucky General Assembly, Public Safety and Offender Accountability Act of 2011 (H.B. 463) (2011), <http://www.lrc.ky.gov/statrev/acts2011rs/0002.pdf>.
- 4 The Pew Charitable Trusts, *2011 Kentucky Reforms Cut Recidivism, Costs*.
- 5 The Pew Charitable Trusts, *Max Out: The Rise in Prison Inmates Released Without Supervision* (June 2014), www.pewstates.org/uploadedFiles/PCS_Assets/2014/Pew_MaxOut_Report.pdf.
- 6 The Pew Charitable Trusts, *Time Served: The High Cost, Low Return of Longer Prison Terms* (June 2012), <http://www.pewstates.org/research/reports/time-served-85899394616>.
- 7 LaDonna Thompson, “An Evaluation of the Kentucky Mandatory Reentry Supervision (MRS) Policy” (presentation at the annual meeting of the American Society of Criminology, Atlanta, Nov. 20, 2013).
- 8 The Pew Charitable Trusts, *2011 Kentucky Reforms Cut Recidivism, Costs*.
- 9 Savings calculated by the Kentucky Department of Corrections. These calculations are based on the number of days released inmates are not incarcerated multiplied by the daily cost to incarcerate, less the additional daily supervision cost for each mandatory reentry supervision offender. They do not reflect other implementation costs associated with H.B. 463, including the costs hiring of additional probation and parole officers.
- 10 Kentucky Department of Corrections, “Cost to Incarcerate-FY13” (August 2013), <http://corrections.ky.gov/about/Documents/Research%20and%20Statistics/Annual%20Reports/Cost%20to%20Incarcerate%202013.pdf>. The per diem cost to incarcerate includes: medical, mental health, education, substance abuse, central office, training, and institutional costs (including personnel and operations). It does not include capital construction projects. Supervision includes probation and parole.

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