

Public defenders interested in social program

By TOM BERRY
February 5, 2008

Too many people are going to jail in Calloway County as well as across the state when they probably shouldn't and it's costing taxpayers a lot of money.

That's the opinion of Kentucky's Department of Public Advocacy and many other government and justice department officials who are considering a plan to minimize the situation and cut costs by putting social workers in public defender's offices. There, they would work with DPA public defenders to help non-violent defendants get job training, find drug and mental health treatment and other services that would help them turn their lives around and become productive citizens instead of repeatedly winding up behind bars.

DPA officials released results of the agency's Social Worker Pilot Program last week that reportedly found the project not only paid for itself but saved the state an additional \$300,000 in incarceration costs for a total of \$700,000. The study was conducted by the University of Louisville at DPA offices in Bowling Green, Covington, Morehead and Owensboro. The project was funded by the 2006 Kentucky General Assembly at a cost of \$400,000.

The social workers were tasked with determining ways to decrease the number of defendants incarcerated for non-violent crimes by helping them access substance abuse, mental health treatment and other programs in a cost-effective way. The program covered 17 counties and served 229 adults and juveniles from October 2006 to October 2007.

DPA officials say many of those serving time for non-violent crimes should not be in jail and that opinion is shared by former Gov. Ernie Fletcher (who helped kick off the program), current Gov. Steve Beshear, officials of the state Department of Corrections and Chief Justice Joseph Lambert among others.

Robin Irwin, an attorney with the Department of Public Advocacy's office in Murray, said that a similar program is badly needed here. He sees many defendants that could be kept out of prison if programs were available to help them.

"It's my opinion that if their lifestyles are not radically changed they will continue to offend, but I think it will take a serious effort on their part and a serious effort on the part of the state to get that accomplished," Irwin said.

According to Irwin, Murray-Calloway County's major problem concerning incarceration is drug-related. "And we see a large percentage of repeat offenders," he said. "Some of them go into jail and then come out just to go right back in again. Some of them go through a short - maybe a 30-day - treatment program. There isn't a large percentage that go through a long-term program."

Irwin said part of the problem is that there are few if any programs in Kentucky designed to deal with the drug abuse and its related causes and consequences. "The ones we do have, typically, have long waiting periods," he said. "We have to send them out of the state, sometimes to places in Missouri."

Irwin said about 50 percent of the cases he has had to deal with as a public defender in Calloway County

involved non-violent drug prosecutions, but there have been many cases of theft and other non-violent crimes. One case cited by DPA officials during a meeting in Murray last year involved an indigent, mentally-ill woman who was given 90 days in jail for stealing a bra.

In apparent support for the study's purpose and result, Beshear kicked off formation of a task force last week to look into reforming the penal code. The move is an attempt to reduce prison overcrowding by finding alternative ways to deal with non-violent offenders.

The penal code is targeted because changes in penal policy, not an increase in the crime rate, is leading to higher incarceration numbers; particularly mandatory minimum sentences for those serving time for non-violent drug offenses.

Beshear's move is bolstered by support from Justice Lambert, according to an Associated Press report Thursday. "A whole host of things could be done that would keep them from being incarcerated, but would still keep society's thumb on them," Lambert said.

According to DPA officials, a majority of those involved in the social worker study had substance-abuse problems, low IQs or other mental health issues or a combination of both. Most were indigent.

Of those defendants who participated in the study, about 180 were tracked for statistical purposes before and after the social worker intervention. All the defendants showed signs of drug or alcohol addiction and 159 were referred to substance abuse treatment. Seventy two percent of adults who received substance abuse treatment stayed or completed treatment programs and 93 percent reported further substance-abuse abstinence afterward. DPA officials say less than 20 percent of Kentucky jail inmates who need substance abuse treatment receive it.

About 170 of the participants showed signs of mental illness and 165 were referred to mental health treatment. Of those, 150 were diagnosed with both mental and substance-abuse problems. Sixty seven percent of adult defendants who received mental health treatment stayed or completed treatment. Eighty percent referred to job training completed it. Only eight defendants were rearrested during the study on new charges or for violating conditions for a recidivism rate of 18 percent versus 34 percent for the Department of Corrections.

DPA officials point to incarceration rates versus recidivism rates in Kentucky to argue for the change in treatment offenders receive. The state's recidivism rate - the rate at which prisoners are returned to prison because they committed another crime following release - rose from 27.5 percent in 2000 to 34 percent last year.

In 1970, there were 3,000 inmates in Kentucky prisons. That number spiked to 22,400 in 2006 costing the state \$371 million. Incarceration costs are expected to spike to \$417 million for 2007-2008 as the number of incarcerations continues to rise.

DPA officials are requesting \$2.3 million in 2009 and \$2.4 million in 2010 to expand the program and put a social worker in every DPA field office. The move could reportedly save taxpayers at least \$3 for every \$1 invested by reducing incarceration, restoring lives and decreasing recidivism.

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Pilot program helps people, saves money

Editorial

February 2, 2008

A pilot program that used social workers to find treatment options for some criminal defendants in Bowling Green saved the state a lot of money.

This is good news as our state battles a budget crisis.

The program involved the Kentucky Department of Public Advocacy placing a social worker in the judicial systems in Bowling Green, Covington, Morehead and Owensboro. The social workers were able to find less costly treatment options for many people who otherwise might have wound up in jail, in essence saving the state an estimated \$300,000.

It is estimated that if the program is expanded statewide, it could save the state more than \$3 million annually.

The program covered 17 counties, served 229 adults and juveniles and ran from October 2006 to October 2007.

Most of the people in the program had either substance-abuse problems or mental issues and the majority of them are indigent, so they don't have access to other kinds of assistance.

Warren County Circuit Judge Steve Wilson said he was initially a little hesitant about the program because he didn't know how he would utilize it, but that changed when he came across a case of a nonviolent offender who was acting out because of a mental illness.

"It didn't warrant him going to prison, but there was no way he could complete probation," Wilson said. Instead of going to prison, a facility was found that would treat the man's needs.

Wilson made a valid point when he said, "No judge wants to put a mentally ill person in prison."

Prison would probably be worse for someone suffering from mental illness since prisons are generally lacking in programs to treat the mentally ill and substance abusers.

This program has provided help to those who need it and has saved the state a lot of money.



Program fights recidivism, saves money

Editorial

February 1, 2008

Recidivism -- when convicted criminals recommit crimes and return to prison -- is a pox on Kentucky's judicial and correctional systems. It is one of the main reasons jails and prisons are full and the number of people behind bars in Kentucky (32,000) keeps rising, along with the costs to incarcerate them. Often, recidivism can be linked to drug use. Substance abuse lands thousands of people in jail every year. Too often, after they've been released, they fall back into abusing drugs and eventually wind up back in jail. Mental illness, which is prevalent among inmates, also contributes to recidivism when left untreated.

However, proper intervention by trained social workers can help break the chain of recidivism and put individuals on a course to leading successful lives. A program that was tested in Daviess County offers strong proof of that.

The Social Worker Pilot Project, a product of the 2006 Kentucky General Assembly, placed social workers in public defenders' offices in Owensboro and three other Kentucky cities for a year, beginning in October 2006. The goal was to see if defendants could be diverted from jail by addressing their addictions or mental illness within the framework of local treatment providers.

Rooting out the reasons individuals commit crimes and then addressing those reasons, whether connected to alcohol, drugs or mental illness, was the thrust of the project.

The results are very promising. In the 17 counties where the project was tried, between 67 percent and 72 percent of the 229 adults and juveniles adults who received substance-abuse and mental-health treatment completed the programs to which they were assigned. After six months, 80 percent of the people referred to job training were still in the programs or had completed them. The amount of money the state saved by not incarcerating the program participants was nearly \$300,000 a year, which translates into a savings of \$3.25 for every \$1 spent on the program.

The savings would approach \$3.1 million a year if the program were expanded statewide, according to one state official.

It is a simple fact of the criminal-justice system that a third of Kentucky inmates left untreated will re-offend. That is because 67 percent of them have an addiction and 56 percent are mentally ill, according to the University of Kentucky's Bureau of Justice.

Here we have a diversion program that uses social workers to help individuals with their specific problems, changes lives, cuts crime, saves money and reduces the jail population. All are good reasons to strongly consider expanding the program into all 120 Kentucky counties.



Social worker project's supporters praise benefits, call for expansion

1/26/2008

By Joanie Baker

A social worker pilot program conducted in part at the Daviess County Department of Public Advocacy saved the state money while reducing recidivism, a study says.

The University of Louisville this week released its findings that indicated the Social Worker Pilot Project, which was funded in 2006 by the General Assembly, not only paid for itself but saved Kentucky \$300,000.

The program placed social workers in public defenders' offices in Owensboro, Bowling Green, Morehead and Covington from October 2006 to October 2007. The goal was to determine if the workers could divert defendants from jail by addressing their addictive behaviors or mental illnesses with treatment providers in the community.

Rachel Pate, a forensic social worker at the Daviess County office, said the system uses a "holistic approach" by allowing the professionals to visit with the individuals and their families to get to the root of the problem that causes them to commit crimes. A plan is then created to address the problem using alcohol, drug or mental-health treatment rather than just incarceration.

During the pilot program, which covered 17 counties, 229 adults and juveniles were assisted. In Daviess County, Pate worked with 40 adults and 27 juveniles. The study said 72 percent of adults who received substance-abuse treatment stayed in or completed treatment programs, as did 67 percent who received mental-health treatment.

The study boasts that after six months, 80 percent of those who were referred to job training were still in their assigned programs or had completed them.

Rod Barber, who co-authored the report, said the financial savings of the program are documented and said the potential savings should not be overlooked.

"The pilot saved approximately 30,000 days, or 82 years, of incarceration at a savings of nearly \$300,000" in one year, Barber said. "Kentucky saved \$3.25 of incarceration costs for (every) \$1 invested. If the state expanded the program statewide by adding another 28 social workers, it would have the potential to save at least \$3.1 million annually."

That request has been given to Gov. Steve Beshear by the Department of Public Advocacy during planning for the 2009-2010 budget. Pilot co-chair Dawn Jenkins said the group expects to learn Tuesday if it is approved.

The success of the program is already being echoed throughout Daviess County. Henry "Mac" Griffin, a former Daviess Circuit Court judge, said he recently saw Pate's work firsthand during a case in which a

defendant needed treatment. "It is likely that the treatment program implemented in the case will reduce the risk of the (defendant) from re-offending in the future," Griffin said.

Pate said she has seen positive results that started with her first client. "My very first client is living his dream," she said. "He had a long history of substance abuse and had even had trouble as a teen. It all boiled down to severe drug use. ... He's now a successful father, has a career and he is reaching out to those in need now."

The social worker said she was "pleasantly surprised" by how quickly the community embraced the idea and local treatment providers worked with her as she found assistance for the defendants' needs. She said that while she can address roadblocks in people's lives, it's up to them to improve.

"The bottom line is, it's up to the client," she said. "I tell them, it's like a basketball team and (they're) the point guard and shot guy -- I'll give you the ball, but you've got to roll with it."

As incarceration and its costs continue to rise, Jenkins said it is critical that Kentucky adopt this program.

About 32,000 people are serving time in Kentucky jails and prisons, with costs climbing from \$371.5 million in 2006 to almost \$417.6 million today, she said. And those left untreated are more likely to re-offend, the study said.

The Department of Corrections says 34 percent of people released from jail re-offend. The Bureau of Justice at the University of Kentucky reported that 67 percent of those incarcerated have an addiction, and 56 percent are mentally ill.

"I think this is an opportunity that has to be capitalized on," Jenkins said. "It's a no-brainer. We're incarcerating too many who are not getting treatment in Kentucky jails."

Pate said she was surprised how many of her clients had never been diagnosed or received treatment for their problems. She said some of them simply needed assistance furthering their education so they could receive jobs to better their lives.

Jerry Johnson, directing public advocate for the Daviess County office, said he was impressed to see how quickly clients opened up to working with social workers. Johnson said he was happy to see the amount of money the program saved the state but was not surprised by its success.

"This will save Kentucky money and help defendants receive treatment," Johnson said. "It serves to help them from re-offending and helps decrease the number of persons incarcerated."



Study: Program to keep some out of prison could reap big savings for state

Social workers finding other avenues of rehab for those with drug, mental issues

By BURTON SPEAKMAN,
January 27, 2008

A pilot program that used social workers to find treatment options for some criminal defendants in Bowling Green and three other cities paid for itself, and saved the state an additional \$300,000, according to a study by the University of Louisville.

The program involved the Kentucky Department of Public Advocacy placing a social worker in the judicial systems in Bowling Green, Covington, Morehead and Owensboro. The social workers were able to find less-costly treatment options for many individuals who otherwise might have wound up in jail.

The program covered 17 counties, served 229 adults and juveniles, and ran from October 2006 to October 2007.

Rod Barber, a professor at Louisville and a co-author of the report, said the program was successful and should be expanded.

"The social workers filled many gaps in each stage of the defendant's case, from pretrial, sentencing and facilitating treatment, through re-entering the community," he said. "The majority of defendants received prescribed treatment, which is what they needed to stay out of the criminal justice system."

Kita Clement, the social worker in the Bowling Green office, said she took referrals from attorneys and then looked for programs or other things to help their clients.

Most of the people in the program have either substance-abuse problems or mental issues, she said, and because they're usually indigent, they have no access to other forms of assistance.

"It's rewarding because we're doing something to help people who otherwise might not be getting help," she said.

Warren Circuit Judge Steve Wilson said he initially questioned the program, because he did not know how he could utilize it. Then, about three or four months ago, he came across a case of a nonviolent offender who was acting out because of this mental illness.

"It didn't warrant him going to prison, but there was no way that he could complete probation," he said.

Clement was able to find a facility that could provide treatment for the man, Wilson said.

"What she found was beyond mine or a lawyer's expertise," he said.

Since then, Wilson said he has been asking Clement for treatment options in some cases, he said, and she's been effective in coming up with several good options.

"No judge wants to just put mentally ill people in prison," Wilson said.

People who need special medical help generally won't receive that help in prison, he said. But the new program is good for society, since the type of people helped by it typically won't commit the crimes again.

The program has allowed clients to be served who otherwise would have just been warehoused in a penitentiary, said Renee Tuck, who heads the Bowling Green public advocacy office.

The main people assisted are those with drug and alcohol problems, she said, as well as individuals with very low IQs or mental illness.

If the program was expanded statewide, it would have the potential to save \$3.1 million per year, Barber said, since it saves \$3.25 in correctional costs for every \$1 invested.

Rhode Island has had a social worker program in Providence County since 2003, said Providence Chief Public Defender John Hardeman. The program now covers three counties, and in 2006, the program saved the state more than \$6.4 million.

"Initially some judges and police departments were against it," he said. "But now it has become part of the process."

Kentucky's program has the opportunity to save the state a lot of money, Hardeman said - the commonwealth currently pays more than \$415 million per year to incarcerate people, according to public advocacy.

A BETTER STRATEGY

A one-year pilot program allowing state social workers to work with public defenders while serving indigent clients resulted in these findings:

- The recidivism rate of clients who worked with social workers was 18 percent compared to 34 percent overall in Kentucky.
- 93 percent of the adults who received drug or alcohol treatment abstained from those substances.
- 80 percent of the clients referred to job training stayed in the training or completed it.
- 10,000 days of incarceration were saved by each social worker, equal to 27 years at \$20,000 a year.
- After accounting for the cost of the social workers and the services used by the clients, the program saved \$3.25 for every dollar invested.

Source: Kentucky Department of Public Advocacy, University of Louisville's school of social work

Break state's incarceration habit Bills offer more frugal ways to deal with non-violent drug offenders

Editorial
January 27, 2008

People who suffer from substance abuse or addiction, research tells us, do equally well in treatment whether they enter voluntarily or because it's the only alternative to serving a prison sentence.

With state and many county budgets consumed by the costs of prisons and jails, policy-makers are considering treatment as an alternative to prison because they have no choice.

More humanitarian motives would be preferable, but the benefits will be the same if lawmakers overcome a self-defeating addiction to incarceration and see the real-world benefits of treatment.

Gov. Steve Beshear and the General Assembly should move quickly to enact and fund measures aimed at creating alternatives for non-violent drug offenders that will keep them out of prison and help them become productive citizens.

Some facts first.

The number of inmates in Kentucky prisons has risen from 2,838 in 1970 to more than 22,000 last year; while the prison budget climbed from \$7 million to \$417 million.

Estimates are that 80 percent of the crimes that lead to prison are related to drug abuse, and the fastest-growing segment of the prison population is non-violent drug offenders.

Most people who are addicted to drugs will use again and commit new crimes if they serve a short term in jail, spend a few weeks in a treatment program or are released on bail while awaiting trial.

About 80 percent of people who undergo six to 12 months of treatment and remain under supervision stay drug-free and out of jail. Often people arrested for drug crimes suffer from other conditions and deficiencies, including illiteracy, lack of job skills, poverty and mental illness, that complicate their lives and, if not addressed, make it more likely they will return to prison.

"We have to address these issues at the core," Justice Secretary J. Michael Brown told the Senate Judiciary Committee on Thursday.

To get to that core, two programs are under consideration in Frankfort this year: One increases the budget of the public-defender program to expand a pilot program that places social workers in the offices of public defenders. The other, Senate Bill 72, would fund 200 beds in a minimum-security prison setting for intensive treatment before trial for addicts who are charged with non-violent felonies.

The bill targets the time between arrest and trial when people with substance-abuse problems who are out on bail often resume drug use and commit additional crimes.

Each program aims at changing the pattern of drug offenders endlessly recycled through the judicial and correctional systems, burdened with felony convictions that make it difficult for them to get work when they eventually rejoin society.

Both arise from the simple idea that we all gain when people overcome their dependencies and become law-abiding, productive people.

Neither is an all-purpose solution to the plague that drug-related crime is to Kentucky.

But we have to start somewhere.

Beshear faces a difficult budget and might be tempted to hold the line on new programs, even ones that cost as little as these. (The full social-worker program would run \$2.3 million next year, and the treatment program would cost about \$2 million to operate.)

But that would be very short-term thinking. The two combined represent only 1 percent of the corrections budget.

It's a small wager when the stakes are so high and the odds are so good.

2008 GENERAL ASSEMBLY

Treatment is sought for addicts

STATE BANKRUPTING ITSELF BY JAILING THEM, PANEL TOLD

By John Cheves
January 25, 2008

State officials are asking Gov. Steve Beshear and the legislature to consider steering criminal suspects with addiction problems into intensive treatment rather than a jail cell.

Kentucky is bankrupting itself by imprisoning drug addicts and alcoholics, lawmakers were told Thursday.

"We have too many people in jails, too many people in prisons," state Justice Secretary J. Michael Brown told the Senate Judiciary Committee. "Our capacity to care for them has been strained to the limit."

The state is poorly served by locking up street-level addicts, Brown added.

"I don't think we're getting the worst drug lords into the prisons. We're just getting the people who went out and got caught," he said. "It's the low-hanging fruit."

The state Corrections Department will spend \$417 million this year on prisons that are full, with state inmates overflowing into crowded county jails. Kentucky soon will imprison 23,000 state inmates on felonies, not counting the thousands of local inmates held on misdemeanors, Brown said.

More than 80 percent of the state's criminal suspects get into trouble because of substance abuse, Senate Majority Leader Dan Kelly, R-Springfield, told the committee.

Kelly and Senate Minority Leader Ed Worley, D-Richmond, are pushing Senate Bill 72, which would establish an intensive three-month to six-month addiction treatment program for people charged with felonies. The committee unanimously approved the bill Thursday and sent it to the full Senate.

"This is one of the most sensible solutions to dealing with this problem in the real world," said Sen. Gerald Neal, D-Louisville.

Records expunged

Under the bill, court officials would screen less-serious felony suspects within days of their arrests to determine who has a relevant addiction problem that could be resolved with treatment. Participants would agree to live in a secured 200-bed facility or, if it's considered safe, other residential drug-treatment programs identified by the state.

Successful participants later could have their records expunged and avoid a prison sentence, although follow-up treatment would be assigned. People who quit or are booted from the program would return to the justice system to stand trial.

Kentucky already has judge-supervised drug courts that offer treatment instead of prison. More than 2,000 people have graduated from drug courts since they opened in 1996. The Herald-Leader featured one participant in drug court, Dawn Nicole Smith, in a series of stories last year.

However, drug courts generally accept people after they plead guilty and are awaiting sentencing, so they may already have spent months in jail. And drug courts often don't have the funds to offer residential treatment, which is more intensive.

Kelly, the Senate's GOP floor leader, said the bill has the support of both political parties in his chamber, as well as the state's judiciary, prosecutors and public defenders. The cost should be negligible, he said, as the program mostly would use existing courts and prison resources.

More social workers?

The Senate passed two earlier versions of the bill in past years, but they died in the House because of unrelated political wrangling. This time, said Rep. Leslie Combs, D-Pikeville, she will push an identical measure in the House to guarantee its success.

Beshear, who will unveil his state budget proposal Tuesday, may be interested in a similar treatment proposal from the state's public defenders at the Department of Public Advocacy.

In its 2009 budget request to Beshear, the department asked for \$2.3 million for a statewide effort to place social workers in public defender offices. The social workers would counsel addicted and mentally ill criminal suspects shortly after their arrests and, if appropriate and approved by a judge, guide them to treatment or mental-health programs, said Public Advocate Ernie Lewis.

A one-year pilot program in the department's Covington, Morehead and Owensboro offices resulted in a much lower recidivism rate for participants than for the criminal population as a whole, according to a recent University of Louisville study. Kentucky saved \$3.25 on incarceration costs for every dollar spent on social workers, Lewis said.

Lewis said his department hasn't been told whether it will get the \$2.3 million.