



# KENTUCKY SMART on crime

## WORKING TOGETHER TO REFORM OUR JUSTICE SYSTEM



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*Kentucky Smart on Crime is a broad-based coalition working for common sense justice reforms that proactively address individual and systemic racial disparities and inequities, improve public health, enhance public safety, strengthen communities, and promote cost-effective sentencing alternatives.*

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### ASSESS SENTENCE ENHANCEMENTS & NEW CRIMES IN THE CONTEXT OF EXPONENTIAL GROWTH:

- According to KyPolicy, the General Assembly has passed 6x the number of bills to increase felony criminal punishment as it has measures to reduce prison populations.
- There are 30,000 people incarcerated in Kentucky's jails and state prisons and that number was only temporarily reduced by commutations and policy changes related to COVID-19.
- DOC enacted budget from the General Fund for 2022 is \$626 million — a 72% increase from 2010 in actual terms. Over the same period of time, total General Fund expenditures are up 45%.

## Individuals in County Custody — for Misdemeanors or Awaiting Trial — Increasing Rapidly After Initial Decline Due to COVID-19

Weekly number of Kentuckians held for local, Kentucky Department of Corrections (DOC) and federal jurisdictions since 2015



Source: Weekly Jail Population Reports from the Kentucky Department of Corrections.

Kentucky Center for Economic Policy | [kypolicy.org](http://kypolicy.org)

**SMART REENTRY:** The Commonwealth has made substantial strides at reducing its sky-high recidivism rate in the last five years, moving from an abysmal 44.5% to an improving, but still problematic 35.4%. Lingering impediments can be addressed through informed policymaking.



**KEES BILL:** Broadening educational opportunities to those seeking a 2nd chance by Removing barriers to educational attainment via KEES scholarships for Kentuckians who have a felony conviction and are seeking a new path.

- Research demonstrates education and vocational training are the most effective avenues for successful reintegration into communities.
- Would improve the percentage of Kentuckians with degrees from two-year and four-year institutions, an area where we currently lag the rest of the nation.
- Has strong backing of the business community.



**ID BILL:** A lingering impediment to successful reintegration into society for Kentuckians leaving incarceration is the lack of access to a state-issued photo ID. Smart on Crime supports a \$250,000 annual investment to bring a highly successful pilot in 8 state prisons and one county jail to the Kentucky's entire correctional system.

- Follows in the footsteps of the 2018 First Step Act, which required the Federal Bureau of Prison to assist inmates in applying for ID and was passed by a bipartisan coalition in Congress and signed by President Trump.
- Premised on the idea that IDs are essential for obtaining employment, housing, food, and other necessities.

**EXPUNGEMENT ELIGIBILITY:** Moves window from 5 years to 3 years.

- Allows for 2nd chance employment opportunities to reduce recidivism
- Helps address racial disparity in hiring because for Black Kentuckians, the adverse effect of a criminal record is 40 percent greater than for whites with similar criminal histories

**RECLASSIFICATION OF SIMPLE POSSESSION:** Adjusts the offense class for possession from a Class D felony to a Class A misdemeanor for the 1st and 2nd conviction who have not been convicted of other serious crimes.

- Long-discussed reform recommended by numerous state task forces
- Brings KY better in line with states like TN & SC
- Stresses rehabilitative diversion and treatment for substance use disorder and mental health over “warehousing” in jails and prisons (where programming is usually scarce)
- Front-loads appropriate treatment and sharpens supervision



### RESOURCES FOR RECOVERY:

- KY is in the grips of a new surge in the opioid crisis with overdose deaths up 50% in 2020
- Substance use disorder is a driver of criminal activity, but is often left unaddressed in the system
- With smarter sentencing and penal code reforms, KY can emulate other states who have used the savings to invest in recovery services
- Investing in recovery leads to public safety

### FAST FACTS:



Black Kentuckians make up only 8% of our state population but 21% of Kentuckians in prison and 22% of Kentuckians in jail.



Kentucky has the country's 6th-highest incarceration rate.



Kentucky's female imprisonment rate is more than two times the national average and 3rd-highest in America.