

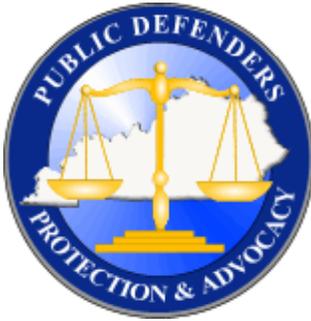
SFY 2015 EVALUATION REPORT

KENTUCKY DEPARTMENT OF PUBLIC ADVOCACY
ALTERNATIVE SENTENCING
WORKER PROGRAM

SEPTEMBER 2017

Cara Lane Cape, M.S.W.
Kentucky Department of Public Advocacy

Robert Walker, M.S.W., L.C.S.W.
University of Kentucky Center on Drug and Alcohol Research



COMMONWEALTH OF KENTUCKY

DEPARTMENT OF PUBLIC ADVOCACY

5 Mill Creek Park • FRANKFORT, KENTUCKY 40601 • 502-564-8006 • FAX: 502-695-6766

September 15, 2017

John Tilley
Secretary, Kentucky Justice & Public Safety Cabinet
Office of the Secretary
125 Holmes Street
Frankfort, KY 40601-2108

Dear Secretary Tilley,

This independent Report documents the second year of our Alternative Sentencing Worker Program (ASW). From the first pilot efforts, we have sought to demonstrate the outcomes of the program and this year adds more weight to the idea that the program has achieved important goals. The Report summarizes Findings from the evaluation of the program regarding clients served during State Fiscal Year 2015. We examined program effects 12 months after the courts had accepted the ASW plans.

The ASW Program is grounded in HB 463 and is designed to reduce incarceration costs safely and in a humanitarian manner. The ASW program has worked to maximize the use of community-based services in lieu of incarceration. We have sought ways to navigate clients into community services in order to meet their needs while at the same time achieving the state's goals for reduced incarceration cost.

We served 369 clients in SFY 2015 and achieved a return on investment of \$3.76 for every \$1.00 of program cost.

This evaluation was done under the supervision and guidance of the University of Kentucky Center on Drug and Alcohol Research using data collected by our ASW staff and administrators. All analyses and conclusions have been guided by Robert Walker, M.S.W., L.C.S.W. at the University of Kentucky.

Although DPA represents but a small part of the Cabinet's budget, the ASW program has demonstrated an important role in not only meeting a mandate to provide quality legal representation to our clients suffering from substance use or a mental illness but also to help meet key Cabinet goals regarding safely reducing the cost of incarceration.

Should you have any questions about this program or this Report, please feel free to contact me.

Sincerely,

Edward C. Monahan
Public Advocate



Kentucky Cabinet for Justice and Public Safety

Cabinet Leadership



John Tilley
Cabinet Secretary



Jonathan Grate
Deputy Secretary



Van Ingram
Executive Director
Office of Drug Control Policy

Kentucky Department of Public Advocacy

Agency Leadership

Edward C. Monahan
Public Advocate

Damon Preston
Deputy Public Advocate

Samuel Cox
Law Operations Division Director

Tim Arnold
Post-Trial Division Director

B. Scott West
General Counsel

Glenda Edwards
Trial Division Director

Jeff Sherr
Education and Strategic Planning Branch Manager

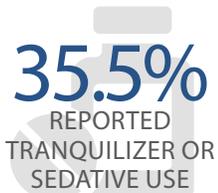
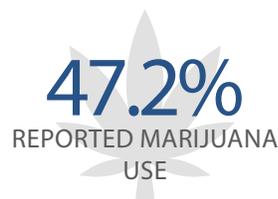
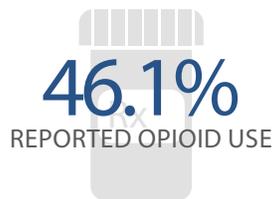
Alternative Sentencing Worker Program Leadership

Sarah G. Johnson, M.S.W, C.S.W.
Defender Services Branch Manager
5 Mill Creek Park
Frankfort, Kentucky 40601
SarahG.Johnson@ky.gov

Cara Lane Cape, M.S.W.
Alternative Sentencing Program Supervisor
5 Mill Creek Park
Frankfort, Kentucky 40601
CaraL.Cape@ky.gov

Executive Summary

In SFY 2015, The Department of Public Advocacy Alternative Sentencing Worker (ASW) Program served 369 clients charged with felonies and misdemeanors statewide.



SERVICES PROVIDED TO

AVERAGE
34.3
YEARS OLD

55.6%
MALE

ASWs were located in 23 offices around the state, providing services in 70 of the 120 Kentucky counties.

- » **85.1%** had been unemployed at the time of their arrest on current charges.
- » **23%** reported having had a brain injury.
- » Almost half (**42.8%**) had been diagnosed with a Depression Disorder.
- » **36.9%** had been diagnosed with an Anxiety Disorder.
- » **20.3%** had been diagnosed with Bipolar Disorder.
- » The clients had a lifetime average of **8.8** previous incarceration episodes.
- » **88.9%** of the clients were referred to substance abuse treatment.
- » **28.2%** were referred for mental health treatment.

Clients only ended up serving 21,243 days incarcerated out of the 105,143 days they would have served in the 12 months of the project follow-up – a reduction of 80%.

80%
REDUCTION IN DAYS INCARCERATED

\$3.76
RETURN ON INVESTMENT

For every dollar spent on the ASW Program, there was a \$3.76 return on investment from incarceration costs that were avoided due to interventions.

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Kentucky Department of Public
 Advocacy
 Alternative Sentencing Worker
 Program

SFY 2015 Evaluation Report
 September 2017

Submitted by:

Edward C. Monahan, Public Advocate
 Kentucky Department of Public Advocacy
 5 Mill Creek Park
 Frankfort, Kentucky 40601

Report prepared by:

Cara Lane Cape, M.S.W.
 Kentucky Department of Public Advocacy
 5 Mill Creek Park
 Frankfort, Kentucky 40601

Robert Walker, M.S.W., L.C.S.W.
 University of Kentucky Center on Drug
 and Alcohol Research
 333 Waller Avenue, Suite 480
 Lexington, Kentucky 40504

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Introduction

The Kentucky Department of Public Advocacy continues to provide a wide range of defense services for individuals in the Kentucky Criminal Justice System. Since the Alternative Sentencing Worker Program began as a small pilot project, the DPA has placed continuing emphasis on the importance of a version of holistic defense that brings a multidisciplinary team into the defense idea with the task of providing alternatives to traditional incarceration sentences. In Kentucky, the passage of legislation designed to reduce excessive incarceration dovetails with defense interests in preserving individuals' liberty wherever possible. The singular value of the Alternative Sentencing Worker Program is that it achieves client buy-in to engage in rehabilitation, treatment, and other services in lieu of incarceration. The engagement with these services also aims at reducing longer-term problems such as substance use that often lead to arrest.

The Context of the Alternative Sentencing Worker Program

Alternative Sentencing was developed in the context of rising rates of incarceration and increased use of plea bargaining in the criminal justice system. "Plea bargaining is a defining, if not the defining, feature of the federal criminal justice system" (Brown and Bunnell, 2006:1063) and it has likewise become a defining characteristic of the state systems as well. Among the concerns with plea bargaining is the degree to which the process is top-down with prosecutors using potentially long sentences to leverage rapid case clearing. Pretrial detention can have a strong effect on defendant decision to accept pleas – even those that might be overly strict. Defendants who are taken into custody are more likely to accept a plea and thus are less likely to have their charges dropped even though at trial they might have been found not guilty (Kellough and Wortley, 2002).

During the period for this study, the statewide pretrial release rate was 75% (Administrative Office of the Court, as reported by DPA's General Counsel). Thus, a high number of individuals remain in custody and vulnerable to the conditions surrounding plea bargaining. More generally, legal characteristics such as a history of repeated offenses, increase the likelihood of accepting a plea, although such a history might narrow plea outcomes. An estimated 90% - 95% of all federal cases, and likely more state cases are resolved through plea bargaining (Devers, 2011).

Devers (2011) reviews literature suggesting great need for reforming how plea bargaining is carried out in the United States. Greater participation of judges and defense counsel early in the process might result in greater balance of power among the key players in plea bargaining (Bibas, 2004). In addition, a focus on certain nonviolent crimes might be a wise area for more productive use of plea bargaining. One likely target for a relaxing of plea bargaining positions is in the area of substance use-related crimes. It is in this context that the Alternative Sentencing Worker Program assumes an important role. The goal of the Alternative Sentencing Worker Program is to maximize clients' liberty interest while attaining client engagement in constructive use of probation or diversion sentences in lieu of incarceration. This project offers a different way to defend clients while joining with state government objectives in reducing unnecessary incarceration.

The Alternative Sentencing Worker Program

What the Workers Do

For several decades court systems have made use of community alternatives to incarceration for drug offenders. The prevailing models of court-mandated treatment make use of the heavy hand of the law to direct individuals into treatment. One common vehicle for using alternatives to incarceration has been through Drug Courts, which, while being voluntary in the sense of individuals agreeing to participate, still carry a quality of mandates that originate with court action. While these forms of treatment have shown effectiveness, they have traditionally been under the purview of prosecution and have been used with an interest in maintaining control over offender behavior (Farabee & Leukefeld, 2001).

By contrast, the process by which Alternative Sentencing Workers develop alternative sentencing plans is different. It originates with defense initiatives. And, as part of the defense, clients play an active role in determining their degree of interest in seeking help through community services. Thus, the alternative sentencing plans include thinking of community-based services as part of the client's defense—but in a unique way. Defense teams are typically tasked with advocating on behalf of clients' liberty interests. What is different about this approach is that it takes a longer view of client liberty interests. That is, the attorney wants to work to help keep clients from incarceration, but also to be less likely to be re-arrested or fall back into state custody. The solution involves alternative sentencing plans built around careful assessment of needs for rehabilitating the individuals who are facing incarceration.

The fact that these alternative sentencing plans are developed as part of defense rather than being just a response to prosecution ideas means that client participation is typically much more robust. Instead of simply being directed to a program, the client and Alternative Sentencing Worker first work out what the person needs, then locate a program, then present a plan to the court.

After plans are accepted by the courts, Alternative Sentencing Workers assist in getting clients into the proposed programs. In addition, ASW Program staff complete follow-ups on clients 12 months after the court acceptance of the plan for a status of their progress.

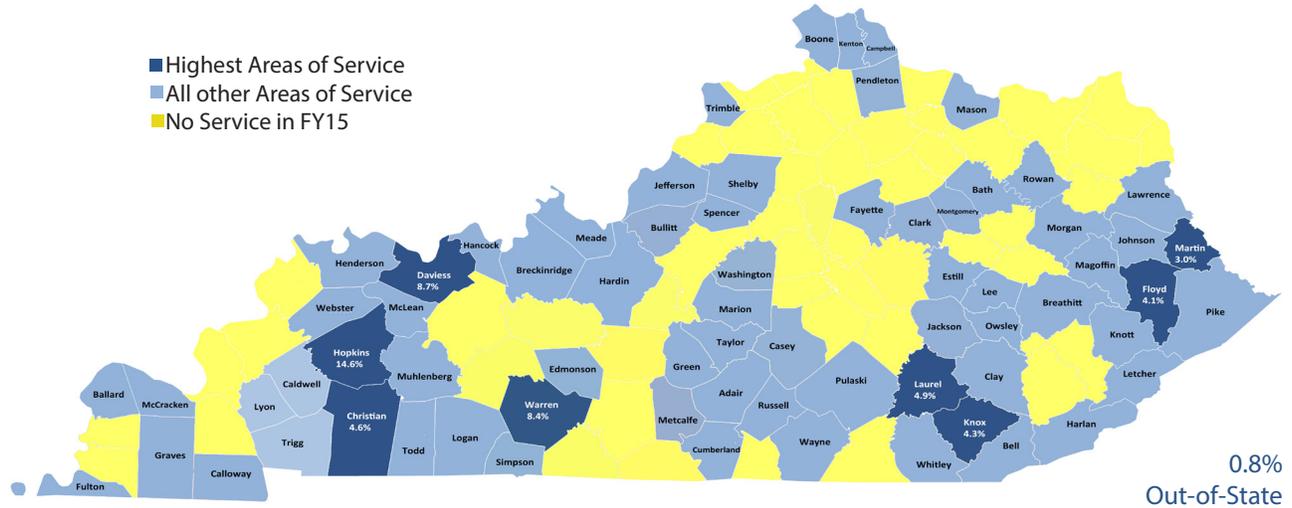
Alternative Sentencing Workers also spend time with community programs developing closer working relationships and referral procedures to enhance cooperation among service providers and the court system.

Districts with DPA ASW Program Staff in SFY 2015

There were 23 DPA field offices with Alternative Sentencing Workers assigned to the defense teams during SFY 2015. Of the 23 DPA field offices, only six had an Alternative Sentencing Worker for the full SFY 2015. The field offices staffed with a Alternative Sentencing Worker for the entire fiscal year were Owensboro, London, Prestonsburg, Madisonville, Hopkinsville, and Bowling Green. The ASW Program had three ASWs leave during the SFY 2015, two positions were filled before the end of the fiscal year and one position remained vacant until the following fiscal year.

As shown in Figure 1, in SFY 2015, the 23 offices with Alternative Sentencing Workers served 369 clients who lived in 70 Kentucky counties and three other states at the time of their arrests. The county with the most residents was Hopkins County, where 14.6% of all ASW clients resided in SFY 2015. Daviess and Warren were close behind, with 8.7% and 8.4% respectively.

FIGURE 1. COUNTY OF CLIENT RESIDENCE AT TIME OF ARREST (N=369)



The Specific Functions of the Worker

All cases for the DPA ASWs are referred by the client’s defense attorney. Essentially, the attorney believes that the client is in need of rehabilitation or a social service and needs a specialist to work up a plan for those services. ASW Program staff do not provide clinical services – a function left to the many organizations to which they refer clients. However, the ASWs assess service needs in order to make appropriate referrals to treatment and rehabilitation providers. ASW clients complete service needs assessments and service plans for presentation to the court by the DPA attorney. In these cases, the ASW interviews clients, assesses needs based on social history, and consults with community providers to assess suitability for referral, when indicated. At the time of initial interviews, 82.7% of the clients were incarcerated and 1.1% were on home incarceration. All others were released on a variety of conditions - some on their own recognizance and others on financial bail.

Alternative Sentencing Worker Approaches

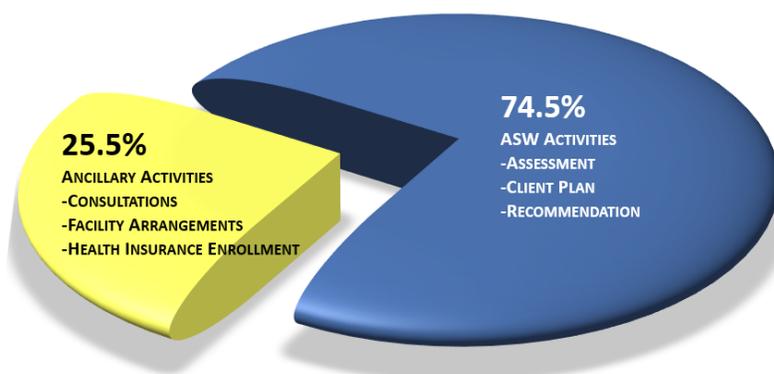
Evidence-based practices (EBPs) for substance use disorders (SUDs) are now required in most substance abuse treatment settings such as outpatient, intensive outpatient, short and long-term residential, inpatient, and corrections-based approaches (Torrey, Lynde, & Gorman, 2005; Riekmann, Kovas, Cassidy, & McCarty, 2011). However, government programs have an increasing interest in the use of EBPs in all phases of intervention with substance users. The Alternative Sentencing Worker Program has incorporated evidence-based practices. All of the DPA ASWs have been trained in the most relevant evidence-based practice for this kind of service – Motivational Interviewing (Carroll et al., 2006; Miller & Rollnick, 1991; 2002; Vader, Walters, Prabhu, Houck, & Field, 2010). The association of Motivational Interviewing with change-talk and open-endedness has been well established and it is an approach best conceived as a communication style, not a specific treatment protocol or fixed set of topics (Miller & Rollnick, 2009; Morgenstern, et al., 2012). This approach allows for a gentle eliciting of client desire for services and change rather than direct confrontation. It is very consistent in style with the entire philosophy of defense work as it hinges directly on client commitment to change processes and a willingness to participate in services. The technique facilitates, rather than directs, change processes. Of the 25 ASWs employed during SFY 2015, 20 held master’s degrees in social work and two held bachelor’s degrees in social work. The remaining three held master’s degrees in corrections, criminal justice, or psychology.

Cost for the Alternative Sentencing Worker Program

The Kentucky Department of Public Advocacy’s annual budget made up but 3.47% of the total criminal justice system expenditures in SFY 2015. The Alternative Sentencing Worker Program represented 2.3% of the overall DPA budget for SFY 2015. While the principal mission of the ASWs is to develop alternative sentencing plans for the defense attorneys to present to the court, they are often pulled into a variety of social service functions on behalf of DPA clients. For example, among the 1,295 clients served by the ASWs, 369 had formal alternative sentencing plans granted. Among the 926 other clients, some plans were denied by or not filed with the court, many needed arrangements with facilities (i.e. substance use treatment, mental health treatment, etc.), assistance with health insurance enrollment, and consultation with the courts, defense team members, and service providers in the region. To more accurately report the direct returns on investment of the ASW program, this analysis focused on the costs associated with the ASW staff in securing approved plans by the court. Thus, the activities that involved general social services and that involved plan work-ups not accepted by the court were backed out of the cost of the program. Thus, the costs shown reflect the desired product of the state funding – namely to effect reduced sentences among a group of individuals who would likely cost a substantial amount of state funding. To better estimate the staffing costs associated with the core ASW services, ten senior ASW staff members were surveyed about the percent of their time that was spent on core assessment and alternative plan development and implementation. The results suggest that 74.5%¹ of all ASW time is directed toward these core areas. Thus, 74.5% of their costs were applied to the 369 cases that found approval of alternative sentencing plans by the court.

The FY 2015 costs of the total ASW program was \$1,109,072, but 74.5% of that yields a cost of \$826,259 for the core ASW services. Thus, as shown in Figure 2, the \$826,259 cost was divided by the 369 clients, giving an average per client cost of \$2,239.

FIGURE 2. DISTRIBUTION OF ASW WORKING TIME



¹Survey results ranged from 50% - 90%, resulting in a 74.5% average.

Method

This evaluation study uses data collected by the Kentucky Department of Public Advocacy and is a secondary data analysis study.

Materials - Data Sources for This Report

All Department of Public Advocacy client-level data are entered into JustWare Defender, a case management data system. DPA attorneys and ASW professionals enter information into the system to reflect charges, defense actions, and baseline data for ASW clients. The client-level data presented in this evaluation are derived from completed records and 12-month follow-ups that were entered into JustWare by the ASWs between 1 July 2014 and 30 June 2015. The data comes principally from client self-reports with the key exception of the data on their charges, actual sentences, and actual nights served which are from attorney, ASW, and administrative staff entries in JustWare or from external sources.

The information on time spent in jails and prisons was taken from court records and other data available to the DPA attorneys and administrative staff. State external data sources were used to confirm incarceration data for each of the follow-up clients for the 12-month period following ASW plan acceptance by the courts. The follow-up data on nights spent in jail were taken from independent state data sources, including the Kentucky Administrative Offices of the Courts informational system (CourtNet 2.0), the Kentucky Offender Management System (KOMS), and local jail data.

Participants

The participants for the evaluation study were individuals who received assessments, plan recommendations to the court, and referrals to community programs as part of their alternative sentencing services. A final number of 369 clients with plans approved by the court resulted after elimination of juvenile clients, clients with incomplete information, 202A (mental inquest) clients, and duplicates that arose when clients were in more than one court. The detail on eliminated cases is shown in Addendum C.

Human Subjects Protections

All data for this report collected by DPA were retained and stored in DPA on secure servers. While this secondary data analysis evaluation study received approval from the University of Kentucky Medical Institutional Review Board, the client level data are entirely retained by DPA and only analytical results are shared with the University of Kentucky.

Findings

ASW Client Characteristics During Assessment of Needs by ASW Program Staff

MARITAL STATUS

The average age of ASW clients in SFY 2015 was 34.3 years with a range of age 18 to age 66 and 55.6% (n=205) were male. As shown in Figure 3, very few of the clients were married (16.3%), almost half (46.9%) have never been married, while 24.4% were divorced, and 10.6% were separated.

FIGURE 3. MARITAL STATUS (N=369)



RACE/ETHNICITY

Table 1, below, shows that the overwhelming number (n=327, or 88.6%) of ASW clients reported their race/ethnicity as White or Caucasian. Almost ten percent (n=36) reported being Black or African-American and the remaining six clients were Asian/Pacific Islander (n=1), Hispanic/Latino (n=2), Middle Eastern (n=1), or Multi-racial (n=2).

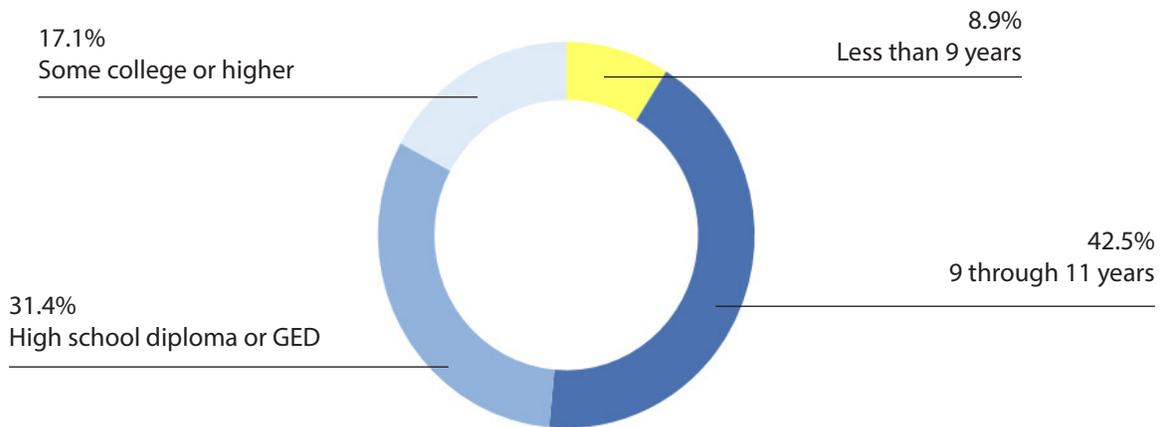
TABLE 1. SELF-REPORTED RACE/ETHNICITY (N=369)

Race or Ethnicity	Number
White/Caucasian	327
Black/African American	36
Hispanic	2
Multi-racial	2
Asian/Pacific Islander	1
Middle Eastern	1

EDUCATION

Figure 4 (page 7) shows the distribution of educational attainment as measured by the number of years of schooling completed. Almost one-third (31.4%) had a high school diploma and 17.1% had some college education. Importantly, almost 52% had less than a high school diploma or a GED and 8.9% had even less than nine years education, suggesting limited employment potential.

FIGURE 4. EDUCATIONAL ATTAINMENT (N=369)



EMPLOYMENT

Tables 2A and 2B, below, show two different aspects to the ASW clients’ employment status. Table 2A shows their employment status at the time of the ASW assessment of needs. At the time of assessment, 85.1% were unemployed, thus suggesting recent lost of employment may be due to either substance use or incarceration. In addition, the denotation of unemployment here also included clients who were on disability and other situations that imply unemployment. However, the extent of unemployment also suggests a high level of social service need for this group of clients.

TABLE 2A. CURRENT EMPLOYMENT AND EMPLOYMENT IN THE PAST 12 MONTHS BEFORE ASSESSMENT (N=369)

Current employment	
Unemployed	85.1%
Employed Full-Time	8.7%
Employed Part-Time	4.9%
Employed Irregularly, seasonally	1.4%

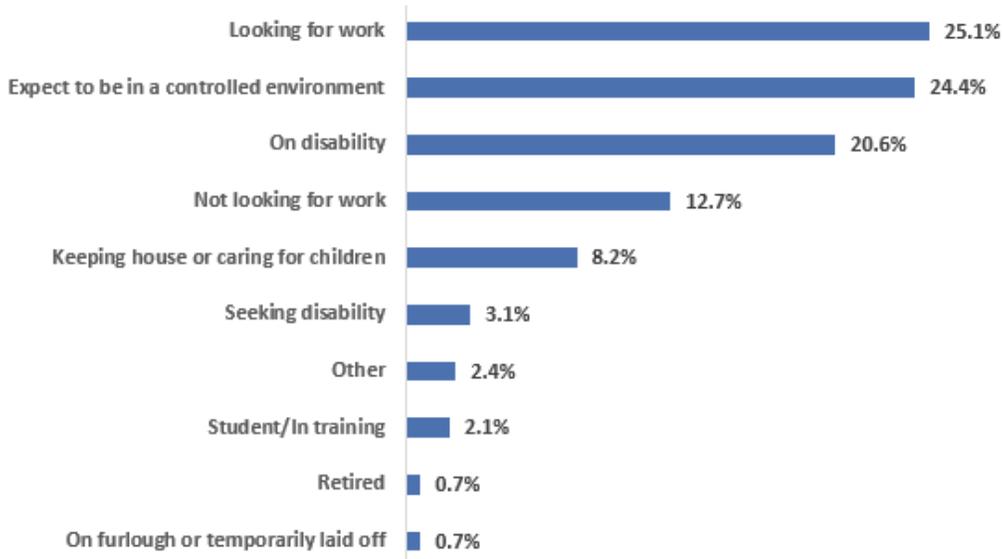
Table 2B shows the more sustained employment pattern for the 369 clients in this study. Thus, in examining clients’ typical employment over the past 12 months, 37.7% were employed either full or part-time (26.6% were employed full-time). Sixteen percent of the 369 were on disability for most of the past 12 months, while only 4.3% were homemakers and 2.7% were students.

TABLE 2B. CURRENT EMPLOYMENT AND EMPLOYMENT IN THE PAST 12 MONTHS BEFORE ASSESSMENT (N=369)

Usual employment in past 12 months	
Unemployed	29.8%
Employed Full-Time	26.6%
On Disability	16.0%
Employed Part-Time	11.1%
Employed Irregularly, seasonally	6.8%
Homemaker or Caregiver	4.3%
Student	2.7%
In a controlled environment	2.4%
Retired	0.3%

Figure 5, below, shows that among the ASW clients who were unemployed for most of the past 12 months, 25.1% were seeking employment at the time and only 12.7% were in situations where they were available to work and yet were not seeking employment. Also, among those not in a position to seek employment were the 20.6% who were on disability, the 3.1% who were seeking disability, and the 24.4% of clients who were in some form of controlled environment.

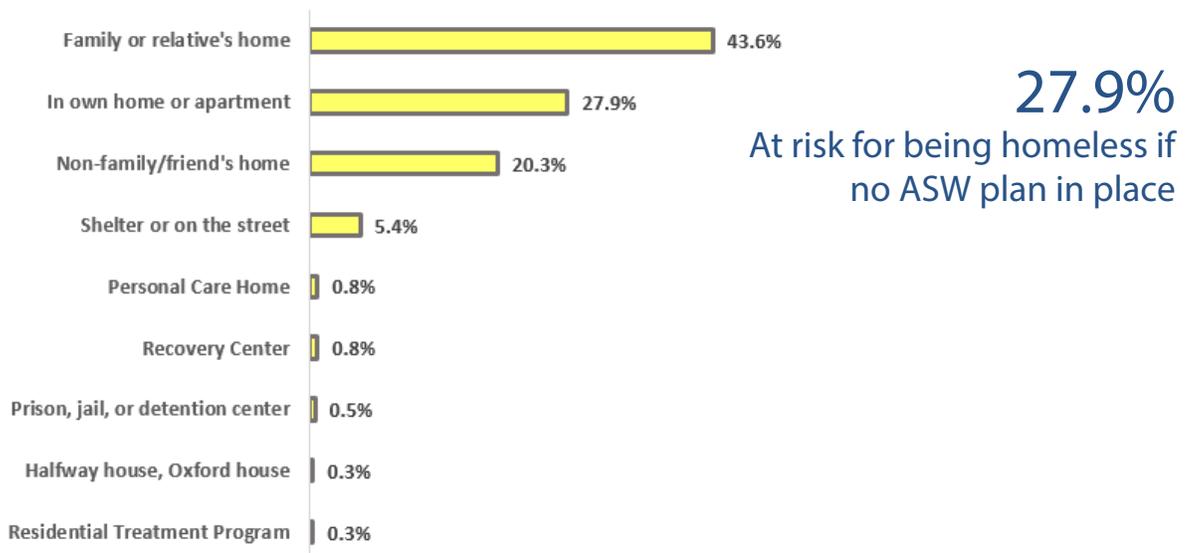
FIGURE 5. CURRENT EMPLOYMENT EXPECTATIONS AMONG THOSE WHO WERE NOT EMPLOYED AT THE TIME OF THE ASW ASSESSMENT (N=369)



LIVING ARRANGEMENTS

Figure 6, below, shows that in the 12 months before their latest incarceration 43.6% of ASW clients lived in family or relatives' homes while 27.9% lived in their own homes or apartments. Looking forward, 27.9% of clients also reported that they would likely be homeless once released from jail unless they had an alternative sentencing plan in place.

FIGURE 6. LIVING SITUATION IN THE 12 MONTHS PRIOR TO THIS INCARCERATION (N = 369)



PHYSICAL AND BEHAVIORAL HEALTH

Figure 7, below, shows the self-reported physical health problems of ASW clients at the time of the assessment of service needs. The high percentage of clients reporting a history of head injury is noteworthy, as a possible contributing factor to employment problems and other behaviors that can affect criminal involvement. Over one-third (37.1%) also reported a chronic health problem and 23.3% reported having chronic non-malignant pain.

FIGURE 7. SELF-REPORTED PHYSICAL HEALTH PROBLEMS AT ASSESSMENT (N=369)

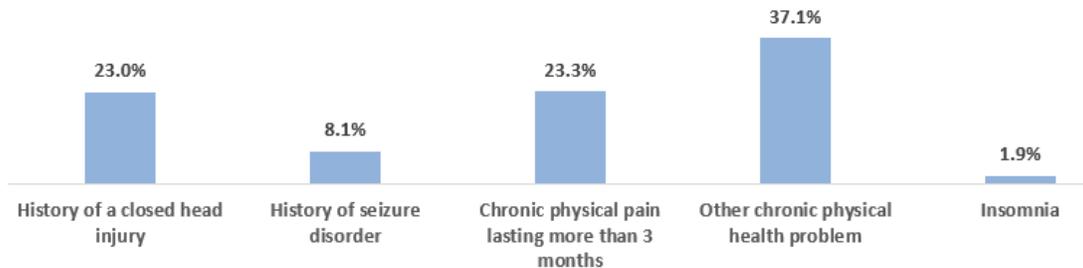
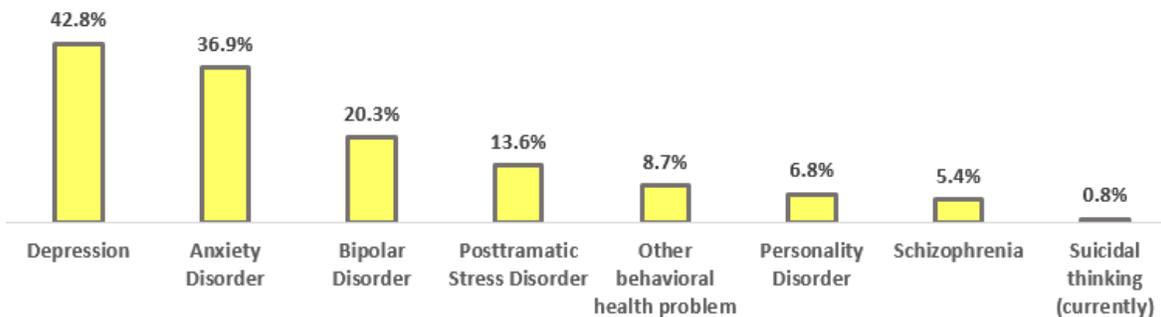


Figure 8, below, shows that more than two-fifths (42.8%) of the clients reported having been told by a professional that they have depression and nearly the same percent reported having an Anxiety Disorder (36.9%). Almost one-fourth (20.3%) also reported having Bipolar Disorder – a diagnosis that is over-applied in many clinical settings. Only 5.4% reported having Schizophrenia and a few more than this had been told they have a Personality Disorder (6.8%). Over ten percent (13.6%) reported having been told they had Posttraumatic Stress Disorder (PTSD) and 8.7% reported having some other behavioral health problem. Less than one percent reported having suicidal thoughts at the time of the assessment.

FIGURE 8. SELF-REPORTS OF DIAGNOSED BEHAVIORAL HEALTH DISORDERS (N=369)



Individuals were screened for self-reported disabilities and, as shown in Figure 9, below, only 5.1% of the SFY 2015 clients reported having physical disabilities, although 19.8% reported various types of learning disabilities. A little over 6% reported having intellectual disabilities.

FIGURE 9. TYPES OF DISABILITIES (N=369)



VICTIMIZATION EXPERIENCES

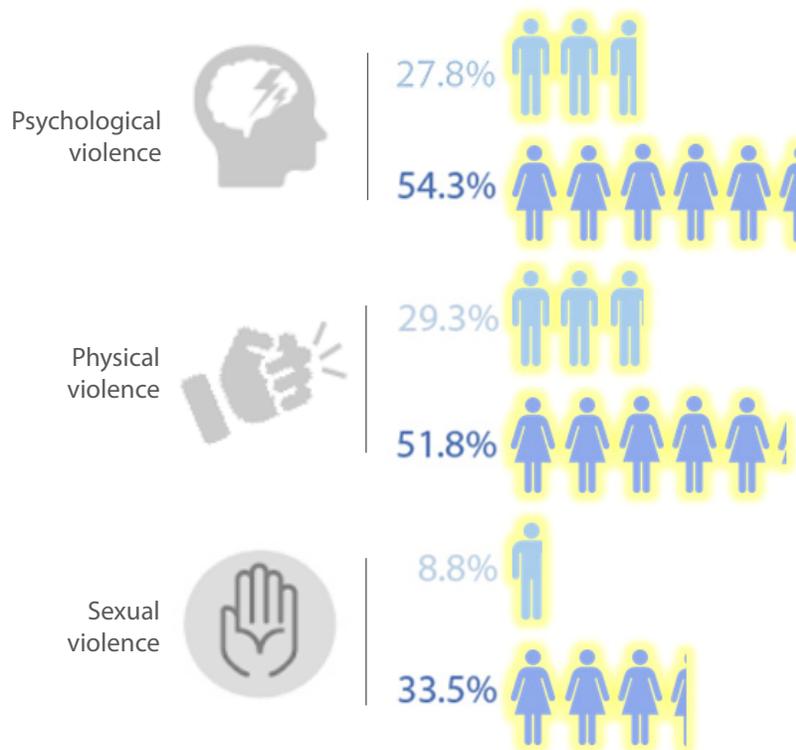
Figure 10, below, shows the percent of clients reporting some form of victimization. A high percent (39.3%) reported having been the victim of physical violence in the past, 19.8% reported having been subjected to sexual violence, and 39.6% reported having been psychologically abused.

FIGURE 10. PERCENT OF CLIENTS WITH SELF-REPORTED VICTIMIZATION EXPERIENCES (N=369)



When victimization experiences are examined by gender, important differences emerge. Figure 11, below, shows the difference is most evident with sexual violence victimization where 33.5% of women, but only 8.8% of men, reported having been victims of sexual violence. However, consistent with other research findings, women clients report more victimization experiences across all types.

FIGURE 11. SELF-REPORTED VICTIMIZATION BY GENDER (N=369)



SUBSTANCE USE

One of the key targets for the Alternative Sentencing Worker Program is substance use. Table 3 (page 11) shows that substance use by clients was prevalent. Clients were interviewed about their use of substances during the 30 days prior to their last incarceration. While 41.5% reported using alcohol in that 30-day period, only 29.3% used alcohol to the point of intoxication. Consistent with other substance use research in Kentucky, almost the same percent of clients (46.1%) reported using opioids in the 30-day period as reported marijuana use (47.2%). While heroin use has been reported

as increasing in certain areas of the state, in SFY 2015, the percent of clients who reported heroin use was only 17.1%. Also, consistent with other research on drug use in Kentucky, very few clients reported using hallucinogens (4.6%), inhalants (2.7%), barbiturates (2.2%), or designer drugs (such as bath salts) (4.9%).

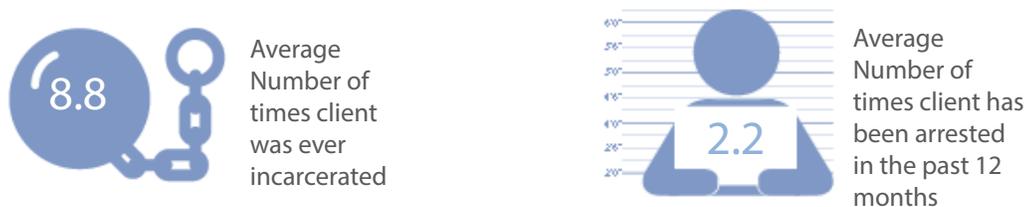
TABLE 3. SELF-REPORTED SUBSTANCE USE IN THE LAST 30 DAYS ON THE STREET (N=369)

Type of substance use	Percent
Marijuana	47.2%
Opioid (prescription analgesics)	46.1%
Stimulants (including methamphetamine and amphetamine)	43.4%
Alcohol	41.5%
Sedatives, Hypnotics, Tranquilizers	35.5%
Alcohol to the level of Intoxication	29.3%
Methadone	25.2%
Cocaine/crack	24.7%
Heroin	17.1%
Designer Drugs (bath salts)	4.9%
Hallucinogens/Psychedelics	4.6%
Inhalants	2.7%
Barbiturates	2.2%

INVOLVEMENT WITH THE CRIMINAL JUSTICE SYSTEM

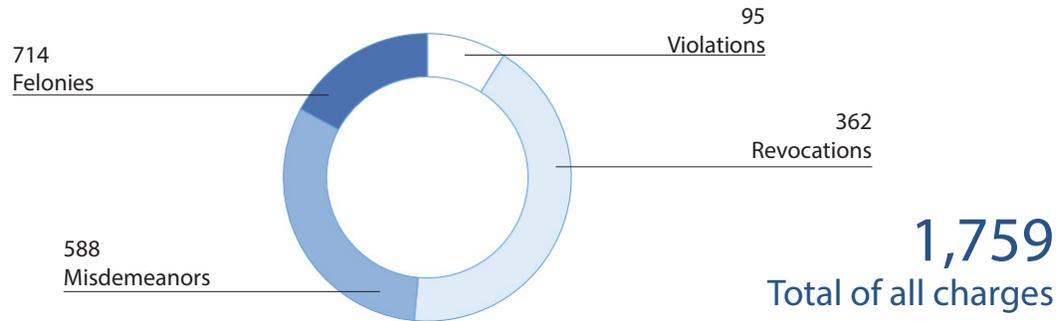
One of the other targets as shown in Figure 12, of the Alternative Sentencing Worker Program, is frequency of involvement in the criminal justice system. Clients self-reported an average of 8.8 lifetime incarcerations (N=358), suggesting a very high rate of recidivism. In addition, they reported an average of 2.2 incarceration episodes in the past 12 months (N=366). Not shown in Figure 12 is the additional finding that only 1.9% had any history of sex offenses.

FIGURE 12. NUMBER OF TIMES CLIENTS HAVE BEEN INCARCERATED (LIFETIME N=358 / LAST 12 MONTHS N=366)



For the follow-up, we found that the 369 individuals with accepted alternative sentencing plans were before the court on a total of 1,759 charges. Figure 13 (page 12) shows that the individuals were charged with 714 felony offenses, 588 misdemeanors, 95 violations (to determine if fine should be imposed), and 362 revocation charges in felony and/or misdemeanor cases (to determine if suspended time should be imposed).

FIGURE 13. SUMMARY OF CHARGES BEFORE THE COURT AT THE TIME OF ASSESSMENT (N=369)



Addendum B should be consulted to examine the complete list of charges for the clients in the SFY 2015 follow-up.

Service Recommendations to the Courts

Table 4, below, shows the distribution of the most pressing service needs for the 369 ASW clients at the time of plan submission to the courts. To arrive at an estimate of client needs for services to include in the recommendations to the court, the needs assessment process identified a primary target for most immediate attention and then secondary targets for further attention once the problems in the primary area have been addressed. A primary program target is one recommended to the court as a pressing need that would be the focus of the first array of services for clients following court approval of alternative sentencing plans. The secondary suggestions were ones that would follow after the first service needs had been addressed. Consistent with the problems that were self-reported by the clients, substance use treatment was the overwhelmingly most identified primary service need with 88.9% of cases getting this recommendation. In addition, substance use treatment was also identified as a secondary service need for another 10.6% of clients. The second most cited primary service need was mental health care with 28.2% of clients needing that service as a primary concern given the likelihood of co-occurring mental health and substance use disorders.

TABLE 4. PRIMARY AND SECONDARY SERVICE NEEDS (N=369)

Target needs	Primary	Secondary
Education	4.9%	23.3%
Employment assistance (vocational rehab)	4.9%	37.9%
Housing assistance	9.2%	22.5%
Mental health treatment	28.2%	34.4%
Substance use treatment	88.9%	10.6%
SNAP (food stamps)	3.0%	4.9%
Sex offender treatment	0.8%	0.0%
Intellectual disabilities and developmental disabilities services	1.1%	0.5%
Disability	2.2%	6.5%
Social services (nutritionist)	0.3%	0.3%
Social services (i.e. Community Action, Housing Authority, etc.)	5.4%	13.3%
Medical treatment including VA Hospital	2.2%	4.9%
Committed to Cabinet - Protection and Permanency (guardianship)	1.1%	0.8%
Transportation/community support system	0.5%	1.4%

Program Costs and Cost Offsets

Return on Investment Method

The evaluation of cost/benefit remains central to the overall evaluation of the effects of public policies. Central to the ASW Program's success is its return to the public in the form of cost savings. At least since 2011, Kentucky policymakers have been examining ways to reduce the costs of unessential incarceration of individuals whose crimes were mostly a result of substance use or mental illness. A variety of steps have been taken to lower the number of persons in state and local facilities, and the ASW Program plays a role in achieving this state objective. The ASW Program arose during policy debates around incarceration costs and it responds to the perceived need for diverting individuals into community services rather than merely warehousing them in correctional facilities – particularly when their primary problems are substance use and mental illness. Not only does the ASW Program get people the services they need, it also results in reduced incarceration costs.

The method used for estimating the cost savings evaluates the effects of the ASW Program on incarceration time for the individuals who were clients in the ASW Program. The target for the ASW Program was two-fold: (1) to reduce the cost of unessential incarceration (i.e., not incarcerating nonviolent offenders with drug or related charges); and (2) to engage individuals in community-based services that might reduce their likelihood for future incarceration.

The basic method for this evaluation of return on investment was to examine the likely incarceration costs of sentences in the absence of the ASW Program and then to examine the actual days the ASW clients were incarcerated during the program year.

Sentencing and Incarceration in the 12 Months Following Alternative Sentencing Plan Acceptance

Of the 369 clients, 177 were sentenced to prison terms, 122 faced jail terms, and 23 clients faced both prison and jail terms due to having cases in district and circuit court at the time of service, which runs concurrent per statute. Of the remaining 47 clients, 22 had their sentence diverted, seven had their sentence diverted and those cases have since been dismissed, 13 of the clients' cases were dismissed entirely, and five cases² are still pending sentencing. The AOC Courtnet data indicate that 12 of the 47 avoided incarceration specifically due to the ASW assessment and recommendations. It is unclear whether the other 35 had cases dismissed or diverted due to the program effort. However, the growing awareness of the ASW program and its involvement with individuals needing therapeutic jurisprudence instead of incarceration has likely affected the court outlook. For this analysis of return on investment, all 369 clients were included, even though only 322 actually received sentences involving incarceration for all or part of the 12 months post adjudication.³

Figure 14 (page 14) shows the actual sentences handed down by the courts for the ASW clients during SFY 2015. These sentences reflect the likely time ASW clients would serve in jail or prison in the absence of an alternative sentencing plan.

²On a later date, a prison sentence of five years was applied to one of the pending cases.

³In providing the potential cost of sentences, this estimate uses the full sentence to be served as ordered by the court in accordance with statutory limits. However, individuals may vary in the amount of time actually served to satisfy their sentence based on time credits given for meritorious good time and statutory time credits earned for work and evidence based program completion. This also does not take into account individuals being released on parole or mandatory release supervision (MRS) prior to completion of their sentence. While global costs of incarceration are projected based on sentenced time, individual variations in sentencing completion suggest that these terms may be less than projected.

The sentences included prison terms either expressed in years or months or jail terms but, for analysis, all sentences were converted to incarceration days. Combined, sentencing for the 369 ASW clients added up to a total of 363,306 days in jail or prison for a per client average of 985 days or 2.7 years.

To estimate the cost of incarceration, a conservative per diem amount was used based on a recommendation by the Governor’s Office of the State Budget Director. Since most individuals sentenced to prison for low-level felonies serve their time in local jails (See 501 KAR 2:040, 501 KAR 2:060, and KRS 532.100), the standard jail per diem rates were used instead of the state institution rate. An average jail per diem rate of \$37.01 was developed from the average of two county jail CTI per diem rates (\$32.51 for jails without a Substance Abuse Program (SAP) and \$41.51 for jails with a SAP) for SFY 2015 (Department of Corrections, Cost to Incarcerate – FY15). This lower-end rate was considerably less than the average state institution rate of over \$61.

Figure 14, below, reflects the likely cost of incarceration for full terms (an average of 2.7 years) had the clients not been granted alternative sentencing plans. Thus, if the 369 clients in this follow-up had served the terms to which they were sentenced, the total cost over time would be \$13,445,955 or an average of \$36,439 for each client.

FIGURE 14. SENTENCING AMOUNTS AND COST OF INCARCERATION BY TYPE OF INCARCERATION (N=369)



Since this project examines ASW clients for a one-year follow-up period to estimate the near-term savings reductions for the state and county governments, all costs were adjusted to the 12-month period following plan acceptance by the courts. Thus, the examination of incarceration costs must be focused on the amount of time that could be served during the 12 months from the date of the alternative sentencing plan being accepted by the courts.

Figure 15, below, summarizes the costs of incarceration within the 12 months of follow-up from the date of alternative sentencing plan acceptance. Under this analysis, the 369 clients would have cost the state or county governments \$3,891,342 for the year, or \$10,546 per person, had an alternative sentencing plan not been approved. These are costs over the 12-month period that the state and local governments would have incurred in the absence of the Alternative Sentencing Worker Program.

FIGURE 15. SENTENCING AMOUNTS AND COST OF LIKELY INCARCERATION BY TYPE OF INCARCERATION ADJUSTED TO THE 12 MONTHS POST ALTERNATIVE SENTENCING PLAN ACCEPTANCE BY THE COURTS (N=369)



Figure 16, below, shows the number of days the clients were actually incarcerated during the 12-months following plan acceptance. The total cost of incarceration 12 months after the alternative sentencing plan acceptance was \$786,203. The average per-client cost of actual incarceration for the 369 clients during the 12 months following plan acceptance by the courts was \$2,131.

FIGURE 16. NUMBER OF DAYS ACTUALLY INCARCERATED IN THE 12 MONTHS SINCE PLAN ACCEPTANCE BY THE COURTS (N=369)



Return on Investment

The public policy driving the development of the Alternative Sentencing Worker Program is embedded in the spirit of 2011's HB 463 and its call for reduced incarceration costs. This project accepted that call and incorporated it into public defender actions on behalf of individuals charged with crimes that can be best addressed by community services instead of incarceration. This report examines all the costs of the program in relation to the likely costs to state and local governments in the absence of the program.

Figure 17, below, shows in the absence of an alternative sentencing plan, the average state and local governments cost per client would have been \$10,546. The actual average cost of incarceration per client over the 12-month period was only \$2,131. This means that the courts' approval of the alternative sentencing plans resulted in an average savings of \$8,415 per client in SFY 2015. In relation to the cost savings from reduced incarceration time, the result can be expressed as a 1 to 3.76 ratio. In other words, there is a return on investment of \$3.76 for each \$1.00 invested on the ASW Program, as shown in Figure 16 below.

FIGURE 17. AVERAGE INCARCERATION COST PER CLIENT AND RATIO OF PROGRAM INVESTMENT TO INCARCERATION COST (N=369)



Other Costs

The ASW Program is grounded in 2011's HB 463 which set forth a mandate to reduce the costs of incarceration. Therefore, the entire mission of the ASW Program is aimed at using community-based services in lieu of correctional facilities. This evaluation shows that the program does in fact reduce incarceration costs. Some may be concerned that the program involves other costs due to the use of those community-based services. The kinds of costs for community-based services are typically supported by the state's Substance Abuse Prevention and Treatment (SAPT) Block Grant from the Federal Substance Abuse and Mental Health Services Administration (SAMHSA). In addition, under the Affordable Care Act and companion changes in Federal Medicaid Guidelines, many of the community treatment services are now covered by Medicaid at a 90% Federal cost-share basis. Thus, to the extent that some costs are shifted from incarceration to community services, the burden for those costs shifts mostly from state to federal sources. The burden on Kentucky taxpayers is greatly reduced.

Conclusion

Overall Effectiveness

This SFY 2015 report on the Alternative Sentencing Worker Program shows continued development and continued returns on investment in the services. SFY 2015 saw considerable change in the focus and staffing of the program and the completion of 369 client plans for alternative sentences that were accepted by the courts. Since accepted plans represent the target for funding of the program, the ASW programs costs were assessed based upon staffing effort to achieve those client outcomes. HB 463 established a clear public policy which this program addresses. Its direct target is reduced incarceration costs and the efforts of this program in SFY 2015 resulted in a diversion of \$3.1 million in likely incarceration costs, which, in relation to the cost of ASW services, means a \$3.76 savings return for every dollar of program investment. This financial outcome demonstrates the value of the program within the Justice and Public Safety Cabinet.

Of equal importance to the cost-saving side, the program also provides a more humanitarian way for society to address substance use disorders and associated mental health problems. The rising problem with opioid use was reflected in the 369 clients served by the ASW program in SFY 2015. While the program has the core function of producing alternative sentencing plans that are accepted by the courts, it also does more than that. The ASW staff reach out to community programs, enlist their help in meeting client needs, and engage them in coordinated effort in many communities. The ASWs also engage in collaboration with other criminal justice agencies and they familiarize the courts with the value and utility of using alternative sentencing plans, thus adding to a growing practice among the courts.

Limitations

This report on the outcomes of the Alternative Sentencing Worker Program was developed from data collected by the Kentucky Department of Public Advocacy ASW staff using interview data from clients and data from the Kentucky Department of Corrections and the Administrative Office of the Courts. Client self-reports may be biased, although previous research suggests bias is least evident when information is revealed in confidential relationships like those characterized by the ASW relationships which are governed by the attorney-client privilege. In addition, this report is dependent on the accuracy of official incarceration data from the Kentucky Department of Corrections and data from local jails. However, both client self-reports and official incarceration data have been widely used in studies that analyze criminal justice policy outcomes. All criminal justice studies of client-level data suffer from idiosyncratic data entry at local levels, individual variations in sentencing completions, terminology in some cases, and incompleteness. This study made use of the best that could be attained without doing individual case investigations beyond what could be found in the public sector databases. However, all the findings may be affected by errors and omissions in the datasets.

Recommendations

This study suggests three key recommendations for the future of the ASW program. The continued funding of the ASW program is supported by its economic outcomes alone. Each year of continued practice bring more judicial districts into the idea of using alternative sentence plans that are grounded in assessed needs and carefully considered client referrals for services. Typically, the ASW program has been funded year by year from special allocations. Thus, the first recommendation is that the ASW program should be considered for inclusion among other state general fund allocations, thus making it a recognized and permanent component of public defense. Current concerns about the rising cost of incarceration means the state has a continuing interest in reserving incarceration only for those who pose great threat to public safety, while those whose problems are largely self-destructive can benefit from community services. The second recommendation concerns funding for community treatment services. Sustaining Medi-caid reimbursement of the costs of substance abuse treatment is a way to shift public burden for care away from the state and toward more favorable Federal sources. Third, Kentucky would do well to highlight the effects of this program nationally as a way to demon-strate leadership in how to both curb the cost of incarceration and increases the state emphasis on treatment as a necessary approach to dealing with rising drug problems.

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Addendum A

Client Vignettes

"LUTHER"

Between March and August of 2015, Luther was arrested twice and charged with Possession of a Controlled Substance 1st Offense, Driving under the Influence 1st Offense (DUI), and Persistent Felony Offender 1st Degree. Since both arrests were related to Luther's heroin addiction, DPA Attorney Steve Goble referred him to Alternative Sentencing Worker (ASW) Heather Stapleton for assistance. ASW Stapleton met with Luther and assessed his treatment needs. Once his needs were identified, Mr. Goble submitted Ms. Stapleton's Alternative Sentencing Plan for Luther to the court. They recommended Luther attend long-term substance use treatment at Stepping Stones in Augusta, Georgia; which was paid for with a Operation UNITE Treatment Voucher. The court agreed to this recommendation and Luther began treatment. In January 2016, Luther successfully completed the treatment program, at which time the commonwealth dismissed his DUI and amended the rest of his charges for which he is on probation. Luther is now employed at Stepping Stones as a Peer Mentor for the other participants.

"MIRANDA"

Miranda was 35 weeks pregnant, facing eviction from her apartment, and in need of treatment for a heroin addiction. Following a Circuit Court diversion violation for Possession of a Controlled Substance 1st Offense Heroin and Drug Paraphernalia, Miranda's DPA Attorney Ray Ibarra referred her to Alternative Sentencing Worker Hannah Powers, to assist her in developing an individualized alternative sentencing plan. Miranda received a two-year sentence in court, but was placed on supervised probation for three years and granted the opportunity to attend treatment. With Miranda's buy-in, Ms. Powers assisted in getting Miranda into treatment at WRAP, a comprehensive, wrap-around treatment center where she could have her baby and not face being separated from the newborn. Thanks to grant funding, Miranda's stay at WRAP did not cost the state any money. Following her time at WRAP, Ms. Powers found Miranda a place at the Healthy Newborn Home through Transitions, which is a supportive sober-living environment for mothers and children. Miranda is continuing in her recovery and looks forward to a fresh start with her child.

"CODY"

In January of 2014, Alternative Sentencing Worker Rena Richardson of the Madisonville Trial Office received a referral for Cody, a 28-year old man, facing nine counts of Trafficking in a Controlled Substance <4 grams Cocaine, through two separate felony indictments. At the time of the referral, Cody was using alcohol, marijuana, cocaine, and benzodiazepines on a daily basis. For around nine months, ASW Richardson worked closely with Cody's DPA attorney, Kenneth Root, to negotiate with the Commonwealth Attorney to get Cody appropriate treatment to address his substance use disorder. The Commonwealth Attorney did not want Cody to go to any type of treatment. He felt Cody was considered one of the biggest drug dealers in the county and did not deserve a chance at treatment. Ms. Richardson was persistent and continued to zealously advocate for Cody to have an opportunity at treatment. Since Cody wanted to enroll in college, it was determined Drug Court was his best option. With continued resistance from the Commonwealth Attorney following a drafted Alternative Sentencing Plan, Ms. Richardson began to get letters from people in the community who knew Cody; a former police chief, a pastor who was also a bailiff at the time, and one of the clerks who worked in the courthouse. Ms. Richardson arranged for Cody to be evaluated by the Drug Court staff, who found that Cody was appropriate for treatment and they prepared a letter for the judge. Ms. Richardson and DPA Attorney Root presented the letters to the judge. Finally, over the objection of the Commonwealth Attorney, Cody was approved to attend Drug Court with a 20-year sentence probated for five years conditional upon completion of the Drug Court Program. Cody had a few bumps along the way, but he graduated from Drug Court. While in the program, he enrolled in a community college and obtained his Associate's Degree in 2017, graduating with honors. While in college, he was on the Dean's list and was very involved in academic life. In addition to being awarded the honor of 'Student of the Month' in November 2015, Cody was a Member of Phi Beta Lambda, President of the Student Advisory Board, Co-President of the Phi Theta Kappa Honor Society Chi Eta Chapter, and President of the Student Government Association. Cody is now enrolled in Murray State University with plans to obtain a degree in Business Administration and Management. Following the completion of his associate's degree, Cody gained employment as the Epic Implementation Specialist at Baptist Health in Madisonville. The Commonwealth's Attorney later apologized for saying Cody was the biggest drug dealer in the county, going on to say he was wrong and that he was very proud of Cody's accomplishments. In April of 2017, after meeting all conditions and requirements of the court, Cody was released from the supervision of Probation and Parole.

Addendum B

All Charges for the Follow-up (n=369)

Charge	Felony	Misdemeanor	Revocation	Violation
100 - SPEEDING 10MPH OVER LIMIT				1 (1.1%)
1080 - FAILURE TO OR IMPROPER SIGNAL				1 (1.1%)
1110 - DISREGARDING STOP SIGN				3 (3.2%)
1150 - RECKLESS DRIVING				4 (4.2%)
1310 - FAILURE TO ILLUMINATE HEAD LAMPS				1 (1.1%)
1360 - CARELESS DRIVING				5 (5.3%)
1960 - FLEEING OR EVADING POLICE, 1ST DEGREE (MV)	3 (0.4%)			
1980 - FLEEING OR EVADING POLICE, 2ND DEGREE (MOTOR VEHICLE)		1 (0.2%)		
1990 - FLEEING OR EVADING POLICE, 2ND DEGREE (ON FOOT)		6 (1.0%)		
2060 - IMPROPER EQUIPMENT				2 (2.1%)
2070 - REAR LICENSE NOT ILLUMINATED				2 (2.1%)
2600 - IMPROPERLY TURNING/DRIVING LANE, OR ENTERING LIMITED ACCESS		1 (0.2%)		
2720 - FOLLOWING ANOTHER VEHICLE TOO CLOSELY				1 (1.1%)
3800 - NO OPERATORS/MOPED LICENSE		1 (0.2%)		
3980 - OPERATING VEHICLE WITH EXPIRED OPERATORS LICENSE		2 (0.3%)		
3981 - ATT OPERATING VEHICLE WITH EXPIRED OPERATORS LICENSE		1 (0.2%)		
4030 - OPERATING ON SUSPENDED/REVOKED OPERATORS LICENSE		15 (2.6%)		
4070 - NO/EXPIRED KENTUCKY REGISTRATION RECEIPT				13 (13.7%)
4170 - DISPLAY/POSSESSION OF CANCELLED/FICTITIOUS OPERATO		1 (0.2%)		
4240 - NO/EXPIRED REGISTRATION PLATES				19 (20.0%)
4350 - LICENSE TO BE IN POSSESSION		7 (1.2%)		
4360 - FAILURE TO NOTIFY ADDRESS CHANGE TO DEPT OF TRANSP		3 (0.5%)		
4410 - WANTON ENDANGERMENT-2ND DEGREE		3 (0.5%)		
4550 - OWNER TO NOTIFY CLERK OF RESIDENCE/NAME CHANGE		1 (0.2%)		
4700 - POSSESS OPEN ALCOHOL BEVERAGE CONTAINER IN A MOTOR VEHICLE				3 (3.2%)
4800 - FAILURE OF OWNER TO MAINTAIN REQUIRED INSURANCE/SECURITY 1ST		11 (1.9%)		
4810 - FAILURE OF OWNER TO MAINTAIN REQUIRED INSURANCE/SEC 2ND OR >		2 (0.3%)		
4820 - FAILURE OF NON-OWNER OPERATOR TO MAINTAIN REQ INSURANCE, 1ST		6 (1.0%)		
4990 - FAILURE TO WEAR SEAT BELTS				10 (10.5%)
5020 - FAILURE TO REPORT TRAFFIC ACCIDENT				2 (2.1%)
5190 - FAILURE TO PRODUCE INSURANCE CARD				12 (12.6%)
5690 - LEAVING SCENE OF ACCIDENT/FAILURE TO RENDER AID OR ASSISTANC		5 (0.9%)		
5800 - IMPROPER PARKING VIOLATIONS				1 (1.1%)
7950 - ASSAULT 4TH DEGREE NO VISIBLE INJURY		4 (0.7%)		
7960 - ASSAULT 4TH DEGREE MINOR INJURY		3 (0.5%)		

Charge	Felony	Misdemeanor	Revocation	Violation
7970 - ASSAULT 4TH DEGREE DOMESTIC VIOLENCE NO VISIBLE INJURY		6 (1.0%)		
7980 - ASSAULT 4TH DEGREE DOMESTIC VIOLENCE MINOR INJURY		6 (1.0%)		
8030 - MENACING		5 (0.9%)		
8200 - TERRORISTIC THREATENING, 1ST DEGREE	1 (0.1%)			
8220 - TERRORISTIC THREATENING, 3RD DEGREE		12 (2.0%)		
11500 - FAILURE TO APPEAR, CITATION FOR MISDEMEANOR			1 (0.3%)	
14010 - CRIMINAL MISCHIEF, 1ST DEGREE	14 (2.0%)			
14015 - COMP CRIMINAL MISCHIEF, 1ST DEGREE	1 (0.1%)			
14020 - CRIMINAL MISCHIEF-2ND DEGREE		8 (1.4%)		
14030 - CRIMINAL MISCHIEF-3RD DEGREE		12 (2.0%)		
15010 - CARRYING A CONCEALED DEADLY WEAPON (M)		4 (0.7%)		
15020 - DEFACING A FIREARM		1 (0.2%)		
16800 - FAILURE TO COMPLY W/SEX OFFENDER REGISTRATION (1ST OFF)	1 (0.1%)			
16810 - FAILURE TO COMPLY W/SEX OFFENDER REGISTRATION (2ND OR > OFF)	2 (0.3%)			
17500 - INDECENT EXPOSURE, 1ST DEGREE, 1ST OFFENSE		1 (0.2%)		
20000 - NON SUPPORT		2 (0.3%)		
20020 - ENDANGERING THE WELFARE OF A MINOR		6 (1.0%)		
20340 - KNOWINGLY EXPLOIT ADULT BY PERSON O/\$300	5 (0.7%)			
21080 - OP MV UNDER/INFLUENCE OF ALCOHOL/DRUGS, ETC. .08 1ST OFF		15 (2.6%)		
21090 - OPERATE MV U/INFLU OF ALC/DRUGS W/.08, AGGRAVATOR, 1ST OFF		11 (1.9%)		
21100 - OPERATE MV U/INFLUENCE ALC/DRUGS, .08 2ND OFFENSE		6 (1.0%)		
21110 - OPERATE MV UNDER/INFLU ALC/DRUGS, .08, AGGRAVATOR, 2ND OFF		4 (0.7%)		
21120 - OPERATE MV UNDER/INFLUENCE ALCOHOL/DRUGS, .08, 3RD OFFENSE		1 (0.2%)		
21130 - OPERATE MV UNDER/INFLUENCE ALC/DRUGS, .08, AGGRAVATOR, 3RD		3 (0.5%)		
21140 - OPERATE MV UNDER/INFLUENCE ALC/DRUGS, .08, 4TH OR SUB OFF	1 (0.1%)			
21150 - OPERATE MV UNDER/INFL ALC/DRUGS, .08, AGGRAVATOR, 4TH OFF	3 (0.4%)			
23010 - ALCOHOL INTOX IN PUBLIC PLACE-3RD OR > OFF W/12 MO		4 (0.7%)		
23020 - DRINKING ALCOHOL IN PUBLIC PLACE-3RD OR > OFF W/12		1 (0.2%)		
23030 - PUBLIC INTOXICATION CONTROLLED SUBS (EXCLUDES ALC		38 (6.5%)		
23040 - ALCOHOL INTOXICATION IN A PUBLIC PLACE-1ST & 2ND O				10 (10.5%)
23700 - DISORDERLY CONDUCT, 1ST DEGREE		1 (0.2%)		
23710 - DISORDERLY CONDUCT, 2ND DEGREE		24 (4.1%)		
24000 - *OBS* DISORDERLY CONDUCT		2 (0.3%)		
24020 - HARASSING COMMUNICATIONS		2 (0.3%)		
24040 - RESISTING ARREST		20 (3.4%)		
26090 - SHOCK PROBATION IN FELONY CONVICTIONS			16 (4.4%)	
26100 - SHOCK PROBATION IN MISDEMEANOR CONVICTIONS			4 (1.1%)	
26160 - CRIMINAL TRESPASS-1ST DEGREE		1 (0.2%)		
26170 - CRIMINAL TRESPASSING-3RD DEGREE				4 (4.2%)

Charge	Felony	Misdemeanor	Revocation	Violation
26190 - DRIVING DUI SUSPENDED LICENSE - 1ST OFFENSE, AGGRAVATOR		2 (0.3%)		
26200 - DRIVE DUI SUSPENDED LICENSE, 2ND OFF IN 5 YRS, AGGRAVATOR	2 (0.3%)			
26240 - CRIMINAL TRESPASS-2ND DEGREE		1 (0.2%)		
26250 - CRUELTY TO ANIMALS-2ND DEGREE		10 (1.7%)		
26280 - DRIVING ON DUI SUSPENDED LICENSE-1ST OFFENSE		4 (0.7%)		
26290 - DRIVING DUI SUSPENDED LICENSE-2ND OFFENSE		2 (0.3%)		
26320 - IMPERSONATING A PEACE OFFICER	1 (0.1%)			
26340 - ESCAPE-3RD DEGREE		2 (0.3%)		
26380 - FALSE REPRESENTATION OF EMERGENCY-USE OF PARTY LIN		1 (0.2%)		
26440 - HINDERING PROSECUTION OR APPREHENSION-2ND DEGREE		2 (0.3%)		
26480 - CONTEMPT OF COURT (Other than fines or pretrial release violations)			9 (2.5%)	
26600 - NON-PAYMENT OF FINES		1 (0.2%)		
26620 - POSSESSION OF BURGLARY TOOLS		2 (0.3%)		
26640 - POSS/USE OF RADIO THAT SENDS/RECEIVES POLICE MESSA		1 (0.2%)		
26680 - PROBATION VIOLATION (FOR FELONY OFFENSE)			153 (42.3%)	
26800 - PROBATION VIOLATION (FOR MISDEMEANOR OFFENSE)			30 (8.3%)	
26910 - PROBATION VIOLATION (FOR TECHNICAL VIOLATION)			105 (29.0%)	
26911 - CONDITIONAL DISCHARGE VIOLATION			6 (1.7%)	
26912 - PRETRIAL DIVERSION VIOLATION			37 (10.2%)	
26950 - GIVING OFFICER FALSE NAME OR ADDRESS		3 (0.5%)		
27630 - VIOLATION OF KENTUCKY E.P.O./D.V.O.		5 (0.9%)		
39990 - SERVING PROBATION/PAROLE VIOLATION WARRANT			1 (0.3%)	
90940 - POSSESSING LICENSE WHEN PRIVILEGES ARE REVOKED/SUS		1 (0.2%)		
100600 - KIDNAPPING-ADULT	1 (0.1%)			
102010 - UNLAWFUL IMPRISONMENT-1ST DEGREE	4 (0.6%)			
102100 - CUSTODIAL INTERFERENCE	1 (0.1%)			
111620 - RAPE-2ND DEGREE-NO FORCE	3 (0.4%)			
111650 - RAPE, 3RD DEGREE	1 (0.1%)			
112020 - SODOMY-2ND DEGREE	3 (0.4%)			
112050 - SODOMY, 3RD DEGREE	2 (0.3%)			
112200 - SEXUAL ABUSE, 1ST DEGREE	5 (0.7%)			
112210 - SEXUAL ABUSE, 1ST DEGREE, VICTIM U/12 YEARS OF AGE	5 (0.7%)			
120020 - ROBBERY, 1ST DEGREE	4 (0.6%)			
120025 - COMP ROBBERY, 1ST DEGREE	1 (0.1%)			
120035 - COMP ROBBERY, 2ND DEGREE	1 (0.1%)			
131130 - ASSAULT-3RD DEGREE-POLICE/PROBATION OFFICER-IDENTI	20 (2.8%)			
131140 - ASSAULT-3RD DEGREE-INMATE ASSAULT ON CORRECTIONS E	4 (0.6%)			
131230 - ASSAULT 3RD DEGREE	1 (0.1%)			
131510 - ASSAULT, 1ST DEGREE - DOMESTIC VIOLENCE	1 (0.1%)			

Charge	Felony	Misdemeanor	Revocation	Violation
131600 - ASSAULT, 2ND DEGREE	5 (0.7%)			
131610 - ASSAULT, 2ND DEGREE - DOMESTIC VIOLENCE	3 (0.4%)			
132010 - WANTON ENDANGERMENT-1ST DEGREE	43 (6.0%)			
132310 - CRIMINAL ABUSE-1ST DEGREE-CHILD 12 OR UNDER	1 (0.1%)			
132410 - CRIMINAL ABUSE-2ND DEGREE-CHILD 12 OR UNDER	3 (0.4%)			
132430 - STALKING-2ND DEGREE		4 (0.7%)		
200030 - ARSON, 1ST DEGREE	2 (0.3%)			
200040 - ARSON, 2ND DEGREE	1 (0.1%)			
215130 - RECEIVE GOODS, ETC BY FRAUD U/\$10,000 W/6 MONTH PERIOD	1 (0.1%)			
220600 - BURGLARY, 1ST DEGREE	13 (1.8%)			
220605 - COMP BURGLARY, 1ST DEGREE	2 (0.3%)			
220610 - BURGLARY, 2ND DEGREE	28 (3.9%)			
220620 - BURGLARY, 3RD DEGREE	17 (2.4%)			
220621 - ATT BURGLARY, 3RD DEGREE		1 (0.2%)		
220625 - COMP BURGLARY, 3RD DEGREE	4 (0.6%)			
230005 - *OBS* COMP THEFT BY UNLAWFUL TAKING /OVER \$300	1 (0.1%)			
230300 - THEFT BY UNLAWFUL TAKING/DISP-SHOPLIFTING	2 (0.3%)			
230390 - THEFT BY UNLAWFUL TAKING/DISP-SHOPLIFTING		1 (0.2%)		
231000 - THEFT BY UNLAWFUL TAKING/DISP-FIREARM	3 (0.4%)			
232100 - THEFT OF PROPERTY LOST/MISLAID/DELIVER BY MISTAKE	1 (0.1%)			
232300 - THEFT BY FAILURE TO MAKE REQ DISPOSITION OF PPTY	1 (0.1%)			
232600 - THEFT BY UNLAWFUL TAKING/DISP-BICYCLES	1 (0.1%)			
232650 - THEFT OF MAIL MATTER	1 (0.1%)			
232900 - THEFT BY UNLAWFUL TAKING/DISP-ALL OTHERS	8 (1.1%)			
232905 - COMP THEFT BY UNLAWFUL TAKING/DISP-ALL OTHERS	1 (0.1%)			
232950 - TBUT- ALL OTHERS \$10,000 OR MORE	1 (0.1%)			
233000 - THEFT BY DECEPTION-INCLUDE COLD CHECKS U/\$500		4 (0.7%)		
233005 - COMP THEFT BY DECEPTION-INCLUDE COLD CHECKS U/\$500		3 (0.5%)		
233010 - THEFT BY DECEPTION-INCLUDE COLD CHECKS U/\$10,000	4 (0.6%)			
233100 - THEFT OF IDENTITY OF ANOTHER WITHOUT CONSENT	2 (0.3%)			
239130 - TBUT OR DISP CONTROLLED SUBSTANCE U/\$10,000	7 (1.0%)			
239150 - TBUT OR DISP ALL OTHERS U/\$500		5 (0.9%)		
239170 - TBUT ALL OTHERS \$500 OR MORE BUT U/\$10,000	16 (2.2%)			
239310 - TBUT OR DISP SHOPLIFTING \$500 OR MORE BUT U/\$10,000	2 (0.3%)			
239350 - TBUT OR DISP SHOPLIFTING U/\$500		17 (2.9%)		
239550 - TBUT OR DISP FROM BUILDING \$500 OR MORE BUT U/\$10,000	3 (0.4%)			
239770 - TBUT OR DISP FARM EQUIP \$500 OR MORE BUT U/\$10,000	1 (0.1%)			
240400 - THEFT BY UNLAWFUL TAKING/DISP-AUTO	2 (0.3%)			
240420 - TBUT OR DISP AUTO - \$500 OR MORE BUT U/\$10,000	4 (0.6%)			

Charge	Felony	Misdemeanor	Revocation	Violation
240450 - TBUT- AUTO \$10,000 OR MORE	1 (0.1%)			
250180 - FORGERY, 1ST DEGREE	1 (0.1%)			
250190 - FORGERY, 2ND DEGREE	24 (3.4%)			
250610 - CRIMINAL POSSESSION FORGED INSTRUMENT-1ST DEGREE-I	19 (2.7%)			
250620 - CRIMINAL POSSESSION FORGED INSTRUMENT-2ND DEGREE-I	19 (2.7%)			
280200 - RECEIVING STOLEN PROPERTY (FIREARM)	1 (0.1%)			
280300 - *OBS* RECEIVING STOLEN PROPERTY OVER \$300	1 (0.1%)			
280310 - RECEIVING STOLEN PROPERTY U/\$500		1 (0.2%)		
280315 - COMP RECEIVING STOLEN PROPERTY U/\$500		2 (0.3%)		
280320 - RECEIVING STOLEN PROPERTY U/\$10,000	13 (1.8%)			
280325 - COMP RECEIVING STOLEN PROPERTY U/\$10,000	2 (0.3%)			
281970 - THEFT OF CONTROLLED SUBSTANCE	1 (0.1%)			
380100 - FLAGRANT NON SUPPORT	3 (0.4%)			
381520 - UNLAWFUL TRANSACTION W/MINOR - 2ND DEGREE	5 (0.7%)			
382000 - ABANDONMENT OF MINOR	1 (0.1%)			
418060 - UNLAWFUL DISTRIBUTION OF A METH PRECURSOR 1ST	2 (0.3%)			
418200 - UNLAWFUL POSSESSION OF METH PRECURSOR, 1ST OFFENSE	5 (0.7%)			
419030 - CONTROLLED SUBSTANCE ENDANGERMENT TO CHILD, 4TH DEGREE	6 (0.8%)			
419960 - *OBS* ILLEGAL POSSESSION OF LEGEND DRUG, 1ST OFFENSE		1 (0.2%)		
420090 - ILLEGAL POSSESSION OF LEGEND DRUG		1 (0.2%)		
420150 - TRAFFICK IN CONTROLLED SUBSTANCE, 1ST OFFENSE	1 (0.1%)			
420220 - POSS A CONT SUB		6 (1.0%)		
420540 - ATTEMPT/OBTAIN CONT SUB BY FRAUD/FALSE STMT/FORGERY	5 (0.7%)			
420550 - CONTROLLED SUBSTANCE PRESCRIPTION NOT IN ORIG CONTAINER 1ST		21 (3.6%)		
420750 - *OBS* USE/POSSESS DRUG PARAPHERNALIA, 1ST OFFENSE		3 (0.5%)		
420810 - DRUG PARAPHERNALIA - BUY/POSSESS		104 (17.7%)		
420816 - ENH DRUG PARAPHERNALIA - BUY/POSSESS	1 (0.1%)			
420830 - DRUG PARAPHERNALIA - ADVERTISEMENT		1 (0.2%)		
421310 - *OBS* TICS, 2ND DEGREE, 1ST OFFENSE - DRUG UNSPECIFIED	1 (0.1%)			
421630 - TRAFFICKING IN SYNTHETIC CANNABINOID AGONISTS OR PIPERAZINES		1 (0.2%)		
421870 - POSS CONT SUB, 1ST DEGREE, 2ND OFFENSE (METHAMPHETAMINE)	3 (0.4%)			
421880 - POSS CONT SUB, 1ST DEGREE, 3RD OR > OFF (METHAMPHETAMINE)	1 (0.1%)			
421930 - POSS CONT SUB, 1ST DEGREE, 2ND OFFENSE - COCAINE	1 (0.1%)			
421950 - POSS CONT SUB, 1ST DEGREE, 2ND OFFENSE - HEROIN	2 (0.3%)			
422010 - POSS CONT SUB, 1ST DEGREE, 1ST OFFENSE - DRUG UNSPECIFIED	25 (3.5%)			
422030 - POSS CONT SUB, 1ST DEGREE, 1ST OFFENSE - COCAINE	13 (1.8%)			
422050 - POSS CONT SUB, 1ST DEGREE, 1ST OFFENSE HEROIN	12 (1.7%)			
422056 - ENH POSS CONT SUB, 1ST DEGREE, 1ST OFFENSE HEROIN	1 (0.1%)			
422070 - POSS CONT SUB, 1ST DEGREE, 1ST OFFENSE - LSD	1 (0.1%)			

Charge	Felony	Misdemeanor	Revocation	Violation
422090 - POSS CONT SUB, 1ST DEGREE, 1ST OFFENSE - OPIATES	1 (0.1%)			
422150 - POSS CONT SUB, 1ST DEGREE, 1ST OFF (METHAMPHETAMINE)	49 (6.9%)			
422156 - ENH POSS CONT SUB, 1ST DEGREE, 1ST OFF (METHAMPHETAMINE)	1 (0.1%)			
422440 - POSS CONT SUB, 2ND DEGREE - ANABOLIC STEROID		1 (0.2%)		
422450 - POSS CONT SUB, 2ND DEGREE - DRUG UNSPECIFIED		14 (2.4%)		
422500 - POSSESSION OF SYNTHETIC CANNABINOID AGONISTS OR PIPERAZINES		4 (0.7%)		
422610 - *OBS* POSS CONT SUB, 3RD DEGREE, 1ST OFF - DRUG UNSPECIFIED		3 (0.5%)		
422630 - POSS CONT SUB, 3RD DEGREE - DRUG UNSPECIFIED		34 (5.8%)		
422990 - MANUFACTURING METHAMPHETAMINE, 1ST OFFENSE	12 (1.7%)			
422996 - ENH MANUFACTURING METHAMPHETAMINE, 1ST OFFENSE	1 (0.1%)			
423010 - TRAFFIC IN MARIJUANA, LESS THAN 8 OZ - 1ST OFFENSE		1 (0.2%)		
423016 - ENH TRAFFIC IN MARIJUANA, LESS THAN 8 OZ - 1ST OFFENSE	1 (0.1%)			
423020 - TRAFFIC IN MARIJUANA - LESS THAN 8 OUNCE - 2ND OR > OFFENSE	1 (0.1%)			
423300 - POSS OF MARIJUANA		36 (6.1%)		
423301 - ATT POSS OF MARIJUANA		1 (0.2%)		
423306 - ENH POSS OF MARIJUANA		1 (0.2%)		
423310 - *OBS* POSSESSION OF MARIJUANA		1 (0.2%)		
423640 - TICS, 1ST DEGREE, 2ND OR > (>= 2 GMS METHAMPHETAMINE)	1 (0.1%)			
423650 - TICS, 1ST DEGREE, 1ST OFFENSE (>= 2 GMS METHAMPHETAMINE)	7 (1.0%)			
423660 - TICS, 1ST DEGREE, 1ST OFFENSE (< 2 GMS METHAMPHETAMINE)	23 (3.2%)			
423665 - COMP TICS, 1ST DEGREE, 1ST OFFENSE (< 2 GMS METHAMPHETAMINE)	2 (0.3%)			
423666 - ENH TICS, 1ST DEGREE, 1ST OFFENSE (< 2 GMS METHAMPHETAMINE)	1 (0.1%)			
423670 - TICS, 1ST DEGREE, 2ND OR > (< 2 GMS METHAMPHETAMINE)	1 (0.1%)			
423680 - TICS, 1ST DEGREE, 1ST OFFENSE (>=4 GMS COCAINE)	1 (0.1%)			
423700 - TICS, 1ST DEGREE, 1ST OFFENSE (< 4 GMS COCAINE)	7 (1.0%)			
423710 - TICS, 1ST DEGREE, 2ND OR > OFFENSE (< 4 GMS COCAINE)	1 (0.1%)			
423720 - TICS, 1ST DEGREE, 1ST OFFENSE (>=10 D.U. OPIATES)	2 (0.3%)			
423740 - TICS, 1ST DEGREE, 1ST OFFENSE (< 10 D.U. OPIATES)	1 (0.1%)			
423750 - TICS, 1ST DEGREE, 2ND OR > OFFENSE (< 10 D.U. OPIATES)	1 (0.1%)			
423780 - TICS, 1ST DEGREE, 1ST OFFENSE (<2 GMS HEROIN)	2 (0.3%)			
423810 - TICS, 1ST DEGREE, 1ST OFFENSE (>=10 D.U. DRUG UNSPECIFIED)	7 (1.0%)			
423820 - TICS, 1ST DEGREE, 1ST OFF (<10 D.U. DRUG UNSP SCHED 1& 2)	6 (0.8%)			
423860 - TRAFFICKING SYNTHETIC DRUGS 1ST OFFENSE - CLASS A MISD		1 (0.2%)		
423900 - POSSESSION OF SYNTHETIC DRUGS - CLASS B MISDEMEANOR		4 (0.7%)		
424450 - TICS, 2ND DEGREE, 1ST OFFENSE - (< 20 D.U. BARBITUATE)	1 (0.1%)			
424550 - TICS, 2ND DEGREE, 1ST OFF (>=20 D.U. DRUG UNSPECIFIED SCH 3)	2 (0.3%)			
424555 - COMP TICS, 2ND DEGREE, 1ST OFF (>=20 D.U. DRUG UNSPECIFIED SCH 3)	1 (0.1%)			
424570 - TICS, 2ND DEGREE, 1ST OFF (<20 D.U. DRUG UNSP SCHED 3)	1 (0.1%)			

Charge	Felony	Misdemeanor	Revocation	Violation
425700 - TICS, 3RD DEGREE, 1ST OFFENSE (>=20 D.U. DRUG UNSPECIFIED)		1 (0.2%)		
425720 - TICS, 3RD DEGREE, 1ST OFFENSE (< 20 D.U. DRUG UNSPECIFIED)		1 (0.2%)		
490090 - DRIVING DUI SUSPENDED LICENSE, 3RD OFF, AGGRAVATOR	1 (0.1%)			
490100 - DRIVING MV WHILE LICENSE SUSPENDED FOR DUI - 3RD OR >OFFENSE	2 (0.3%)			
490120 - ESCAPE-2ND DEGREE IDENTIFY FACILITY	6 (0.8%)			
490121 - ATT ESCAPE-2ND DEGREE IDENTIFY FACILITY		1 (0.2%)		
490310 - PROMOTING CONTRABAND - 1ST DEGREE	32 (4.5%)			
492010 - BAIL JUMPING - 1ST DEGREE	3 (0.4%)			
502300 - TAMPERING WITH PHYSICAL EVIDENCE	21 (2.9%)			
502301 - ATT TAMPERING WITH PHYSICAL EVIDENCE		1 (0.2%)		
512600 - UNLAWFUL ACCESS TO COMPUTER, 1ST DEGREE	1 (0.1%)			
521960 - CONVICTED FELON IN POSSESSION OF A FIREARM	5 (0.7%)			
521970 - CONVICTED FELON IN POSSESSION OF A HANDGUN	4 (0.6%)			
702400 - ENGAGING IN ORGANIZED CRIME-CRIMINAL SYNDICATE	3 (0.4%)			
711490 - FRAUDULENT USE OF CREDIT CARD U/\$500 W/6 MONTH PERIOD		1 (0.2%)		
711500 - FRAUDULENT USE OF CREDIT CARD U/\$10,000	3 (0.4%)			
731010 - PERSISTENT FELONY OFFENDER - FIRST DEGREE	32 (4.5%)			
731020 - PERSISTENT FELONY OFFENDER - 2ND DEGREE	21 (2.9%)			
9999990 - TBUT U/500				1 (1.1%)
TOTALS	714	588	362	95

Addendum C

Detail on Eliminated Cases

At the beginning of validation, 491 client records were identified for the outcome study based on the individuals having a Granted Alternative Sentencing Plan. Of the 491 records, 122 were eliminated from the study for the following reasons.

1. 21 individuals came through twice, which was due to more than one plan filed.
2. 24 individuals came through twice due to the case management system connecting their married names, bringing in two alternative records for the same subject.
3. 3 individuals came through twice due to two different ASWs working on the same case. The records with the oldest anchor date were used in the study.
4. 38 individuals had incomplete follow-ups to the study. These were primarily on cases where the worker left the agency and did not document the information necessary for follow-ups. This issue has been addressed for next year's study.
5. 19 individuals were juveniles and were eliminated based on the lack of comparative data between juveniles and adults.
6. 1 individual had an Involuntary Hospitalization case, again eliminated due to lack of comparative data.
7. 3 individuals had to be eliminated due to an inability to find the original file containing the assessment for the study.
8. 9 individuals had already been included in the FY14 Outcome Study.
9. 2 individuals had a plan granted by one court, but then denied by another court.
10. 2 individuals died since the plan was granted, making no follow-up possible.