



KENTUCKY COURT OF JUSTICE

SB 90: Behavioral Health Conditional Dismissal Program

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Content

- Brief Overview
- BHCDP Data
- Benefits to participants
- BHCDP's Strategic Plan
- Barriers
- Success stories



In memory of Judge Kevin Mullins

"Do not follow where the path may lead. Go instead where there is no path and leave a trail."

-Ralph Waldo Emerson



Behavioral Health Conditional Dismissal Program (BHCDP)

Overview

- This legislation provides an alternative to incarceration by allowing eligible defendants to receive treatment for substance use and/or mental health disorder.

Goal

- Divert eligible defendants with certain **non-violent, non-sexual misdemeanors** and **Class D felonies** away from jail and into treatment.

Wide Array of Services

- Outpatient or inpatient treatment, cognitive and behavioral therapies, education, vocational services, and housing assistance.

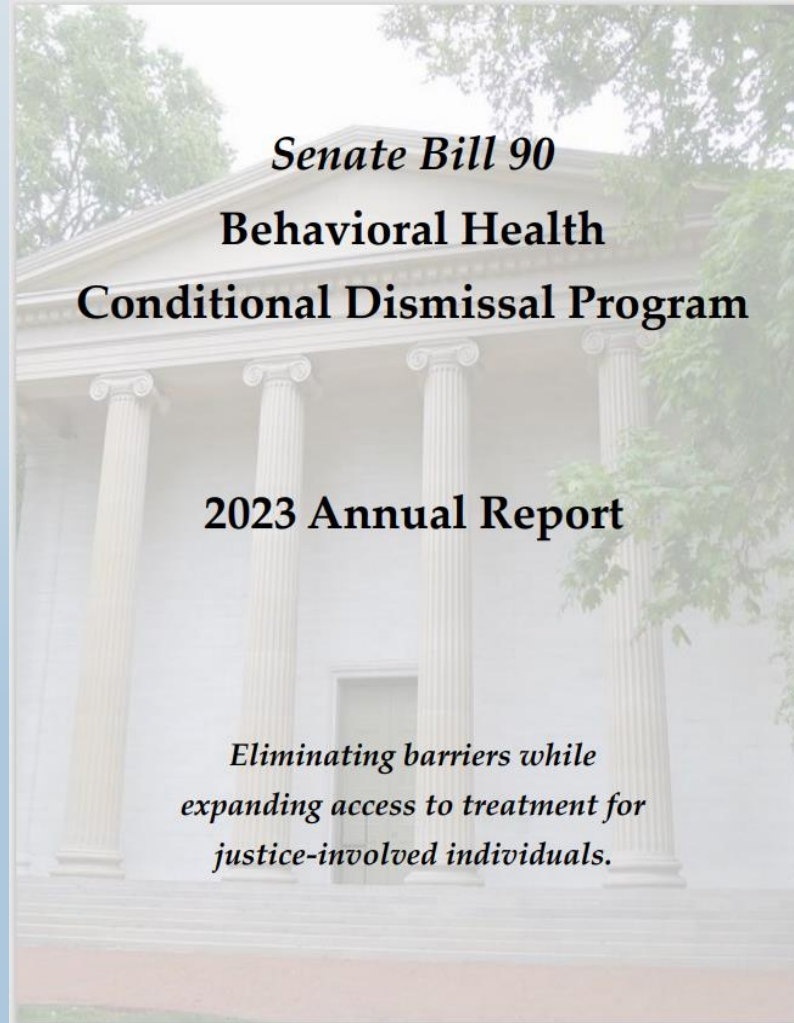


Eligibility Criteria

- Kentucky resident and at least 18 years of age
- Charged with a qualifying offense. (*Exclusions: violent offender, sex offense, DUI, domestic violence, or protective orders against victim*).
- Doesn't have a previous conviction for Class A, B, or C felony, or a Class D felony or misdemeanor that is not a qualifying offense; and
- Assessed by Pretrial Services as low-risk for failure to appear, low-risk for new criminal activity.
- Clinical assessment determines defendant has a substance use and/or mental health disorder. OR
- Prosecutor or defense attorney can override



2023 Annual Report



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SB 90 Pilot Sites

- Christian – Live 9/1/23
- Clark – Live 7/16/23
- Daviess – Live 2/1/24
- Greenup – Live 2/1/24
- Hopkins – Live 9/1/23
- Kenton* – Live 5/1/24
- Letcher – Live 1/1/23
- Madison – Live 7/16/23
- McCracken – Live 12/1/23
- Oldham – Live 10/1/23
- Pulaski – Live 9/1/23



SB 90 Pilot Site by County

Go Live Dates:

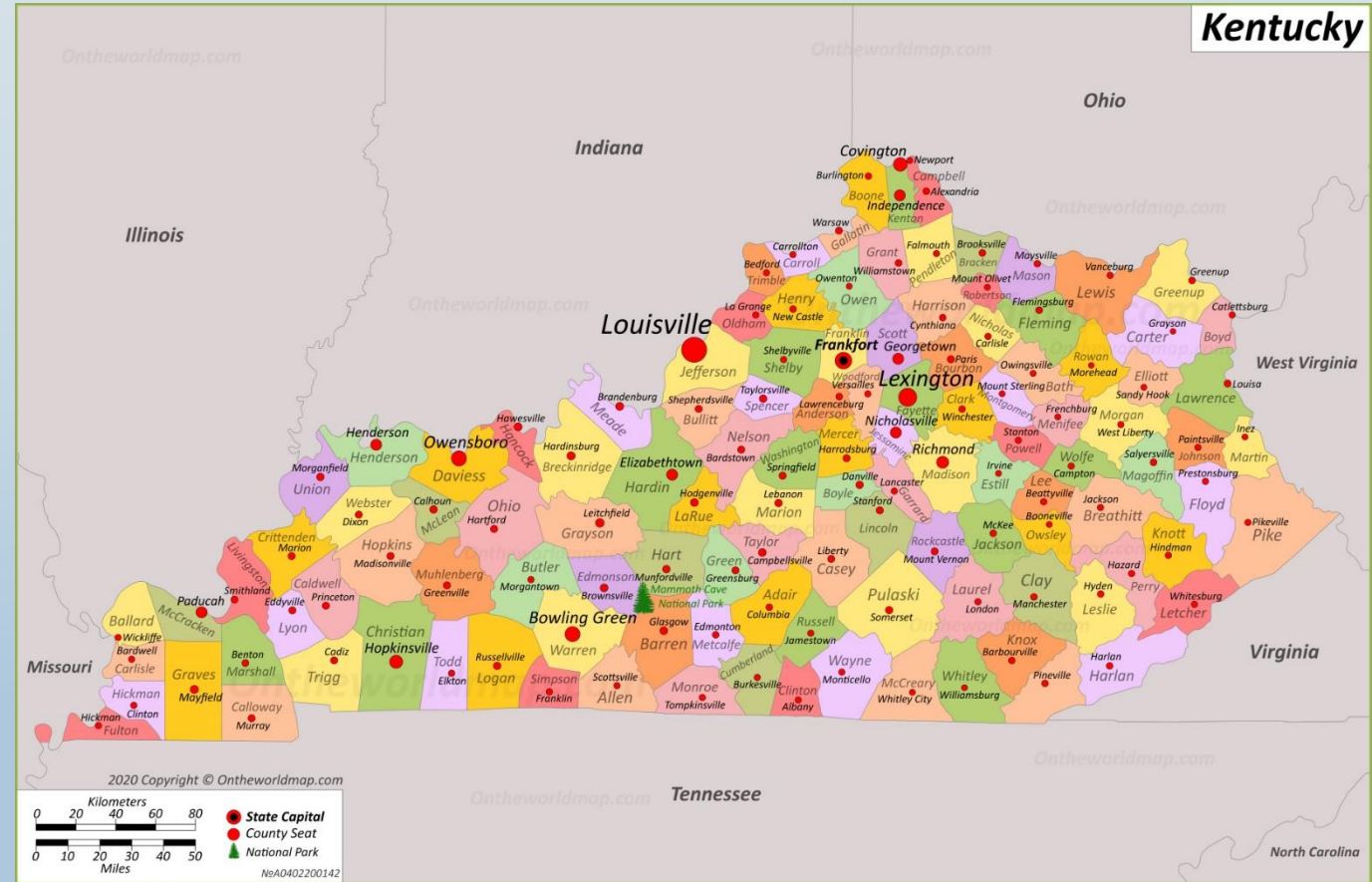
- Letcher – 1/1/23
- Clark – 7/16/23
- Madison – 7/16/23
- Christian – 9/1/23
- Hopkins – 9/1/23
- Pulaski – 9/1/23
- Oldham – 10/1/23
- McCracken – 12/1/23
- Daviess – 2/1/24
- Greenup – 2/1/24
- Kenton – 5/1/24



SB 90 Pilot Sites Expansion

Go Live Date

- Henry - 8/5/24
- Lewis - 8/16/24
- Wayne - 9/16/24
- Warren - 10/15/24
- Johnson - 10/15/24
- Russell - 10/28/24
- Pike - TBD



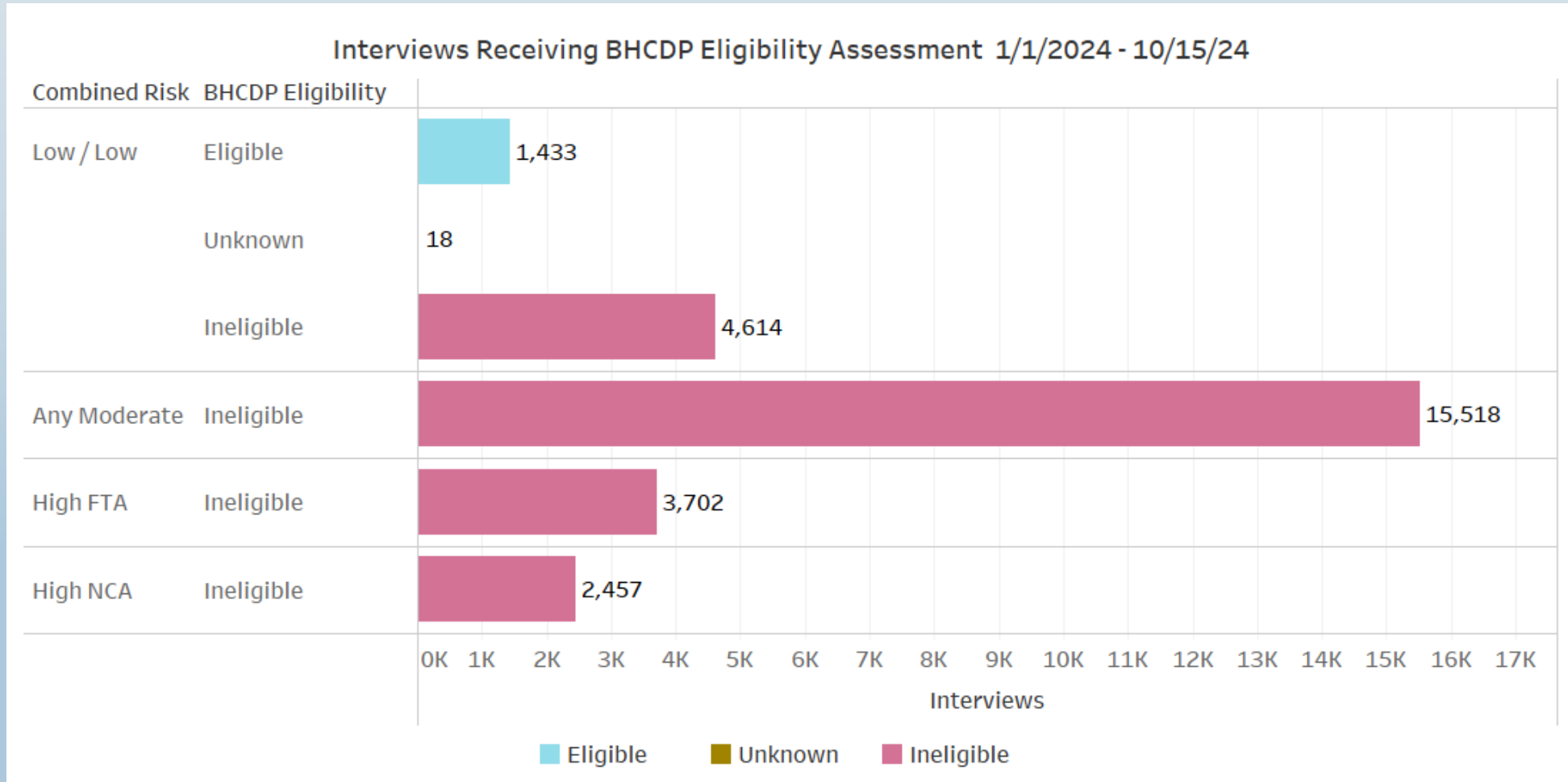


BHCDP Data Collection

- SB 90 requires treatment providers and County or Commonwealth Attorneys to collect data regarding the defendant's participation in the program and report the data to AOC.
- Data will be collected via a 14-day, 42-day, quarterly, and final reports.
- Examples of data collected: # of participants eligible; # of clinical assessments; # of participants; # discharged for noncompliance or successful completion; # of victims that agreed or disagreed with program; etc.

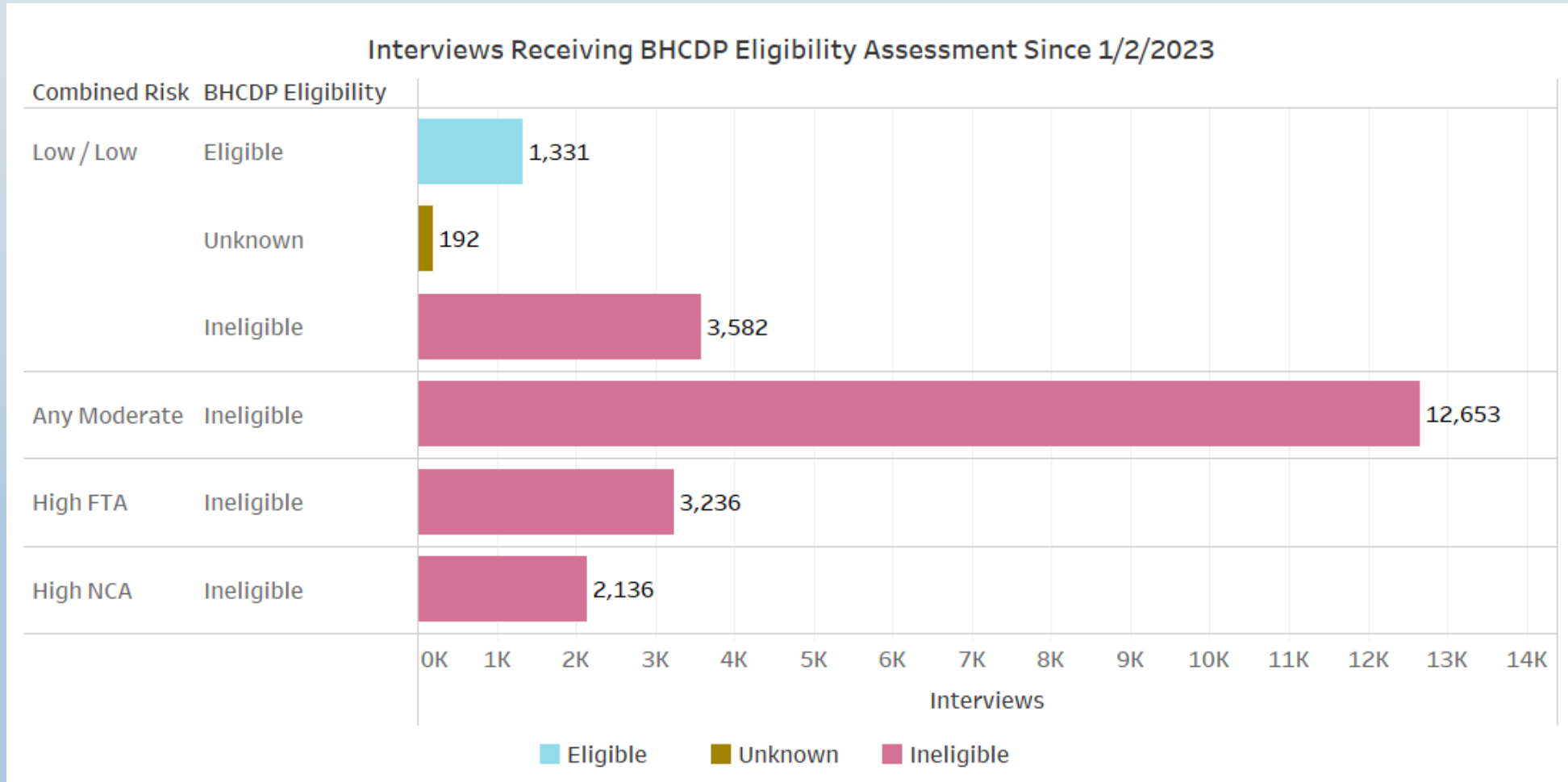


2024 BHCDP Eligibility





2023 BHCDP Eligibility





2024 Eligibility Factors

Interviews Assessed PSA Low/Low Receiving BHCDP Eligibility Assessment 1/1/2024 - 10/15/24

1	Kentucky Resident	14.4%	85.2%
2	A/B/C Felony	14.6%	85.4%
3	Violent Offense	4.1%	95.9%
4	DUI	34.3%	65.7%
5	DV/IPV	15.0%	84.9%
6 a	Sexual Offense	1.7%	98.3%
b	Attempt Sexual Offense	0.3%	99.7%
7	Conviction A/B/C Fel.	0.7%	99.0%
8	Conviction - Violent	0.1%	99.8%
9	Conviction - DUI	17.4%	82.4%
10	Conviction - DV/IPV	3.7%	96.1%
11 a	Conviction - Sex Offense	0.1%	99.8%
b	Conviction - Att. Sex Off.		99.9%
c	Convict. - Fed/OoS/Mil Sex Off.	0.0%	99.9%

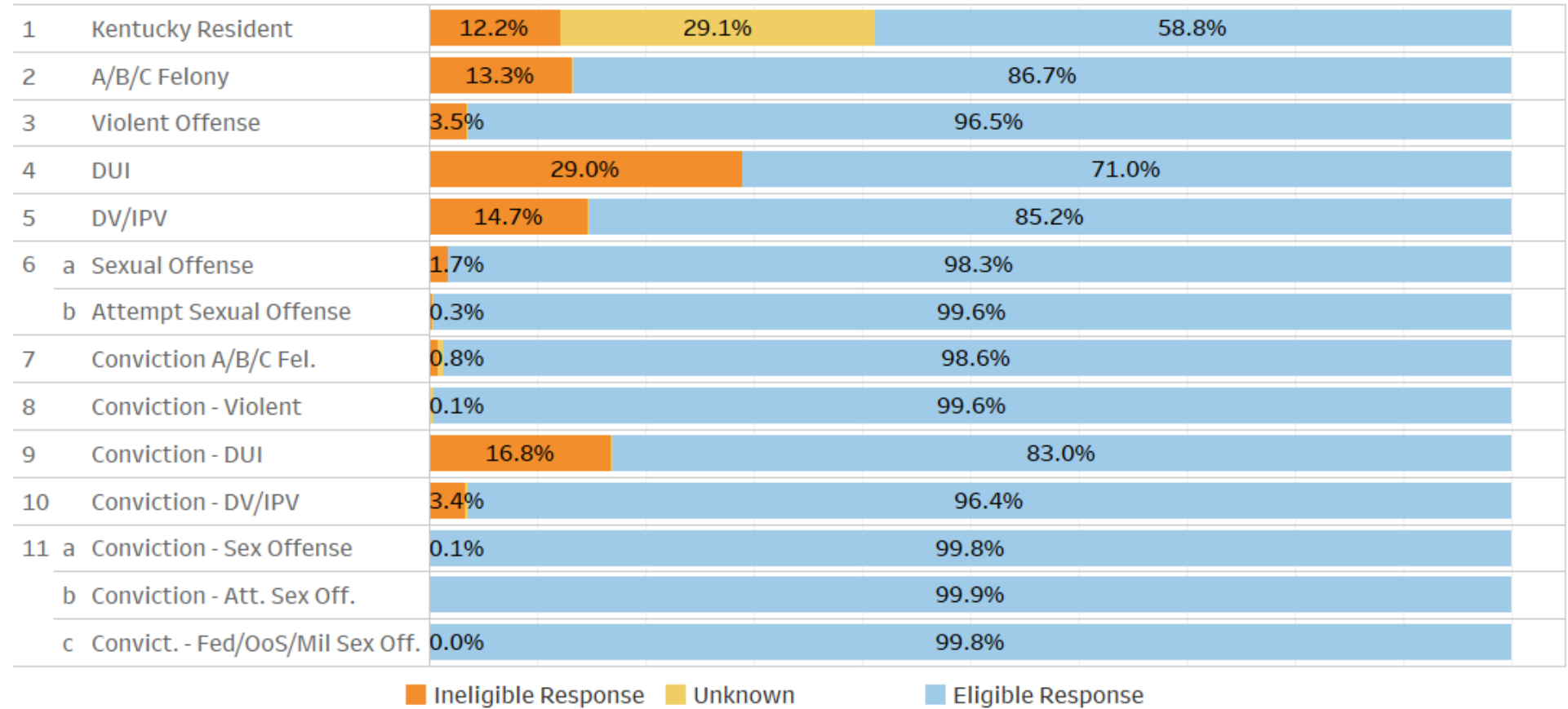
■ Ineligible Response ■ Unknown

■ Eligible Response



2023 Eligibility Factors

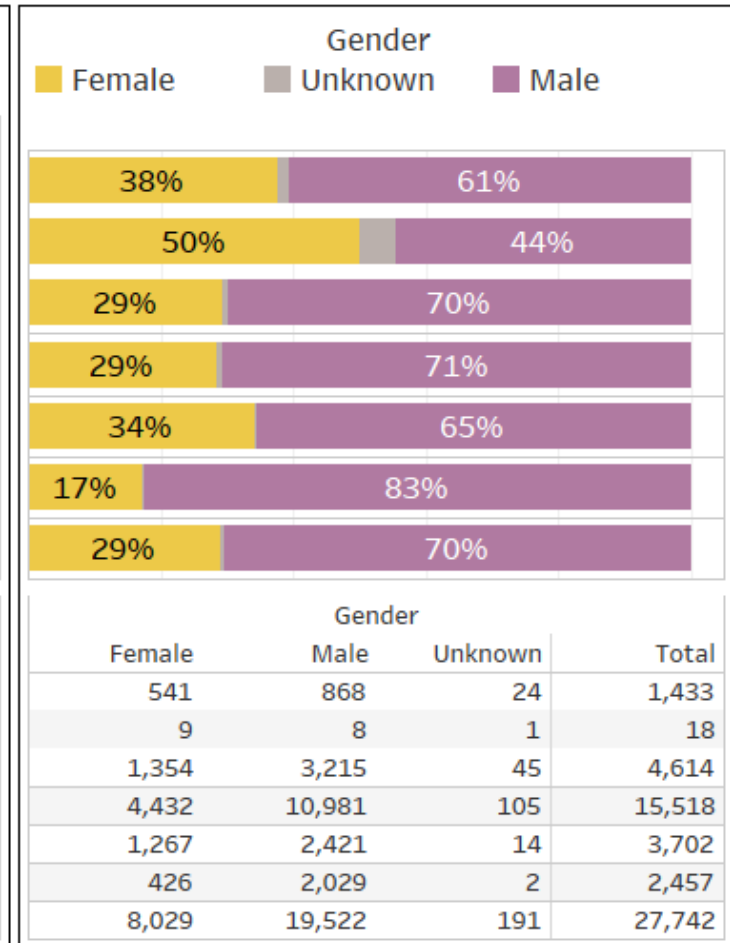
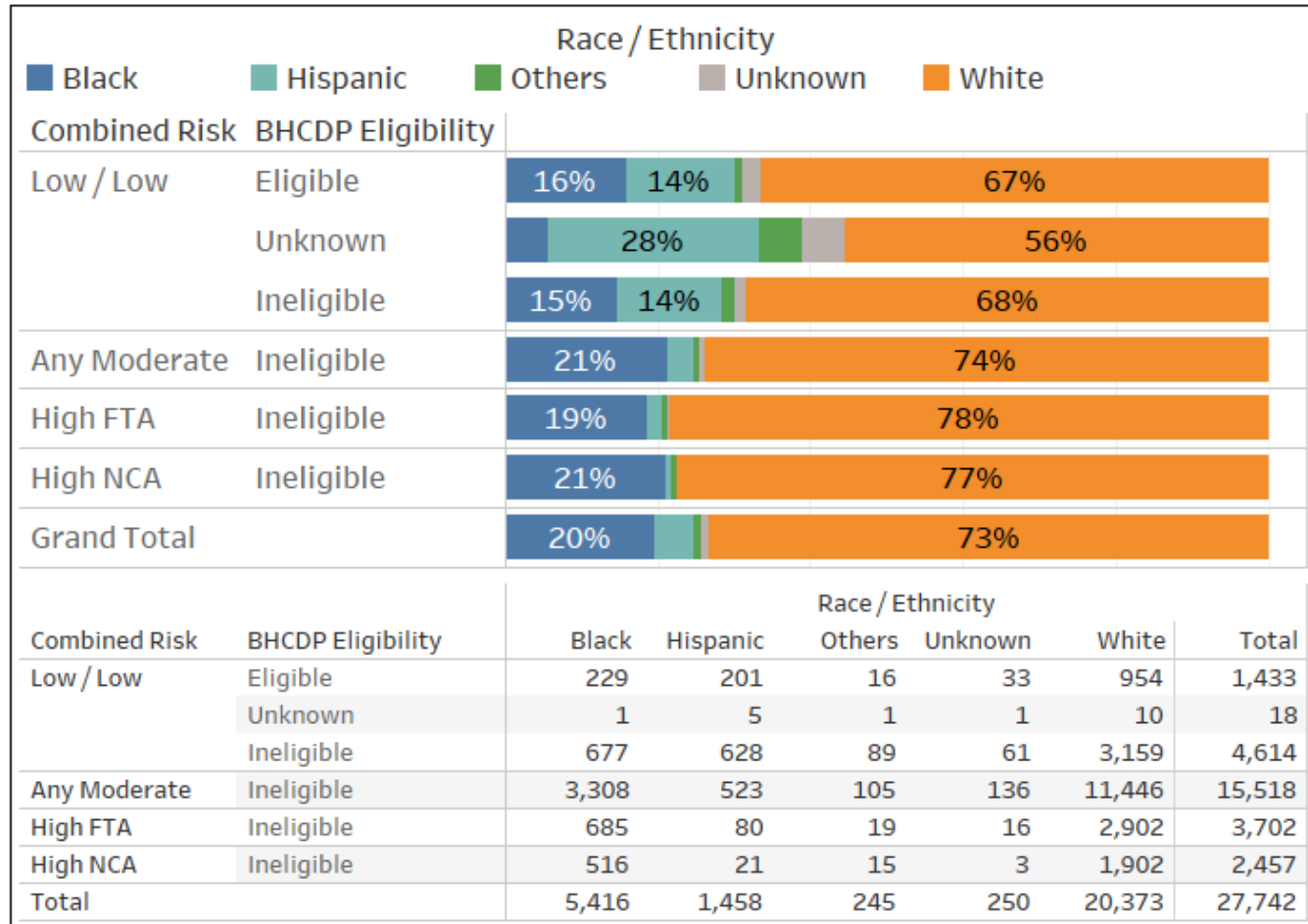
Interviews Assessed PSA Low/Low Receiving BHCDP Eligibility Assessment Since 1/2/2023





Received BHCDP Eligibility Assessment for 2024

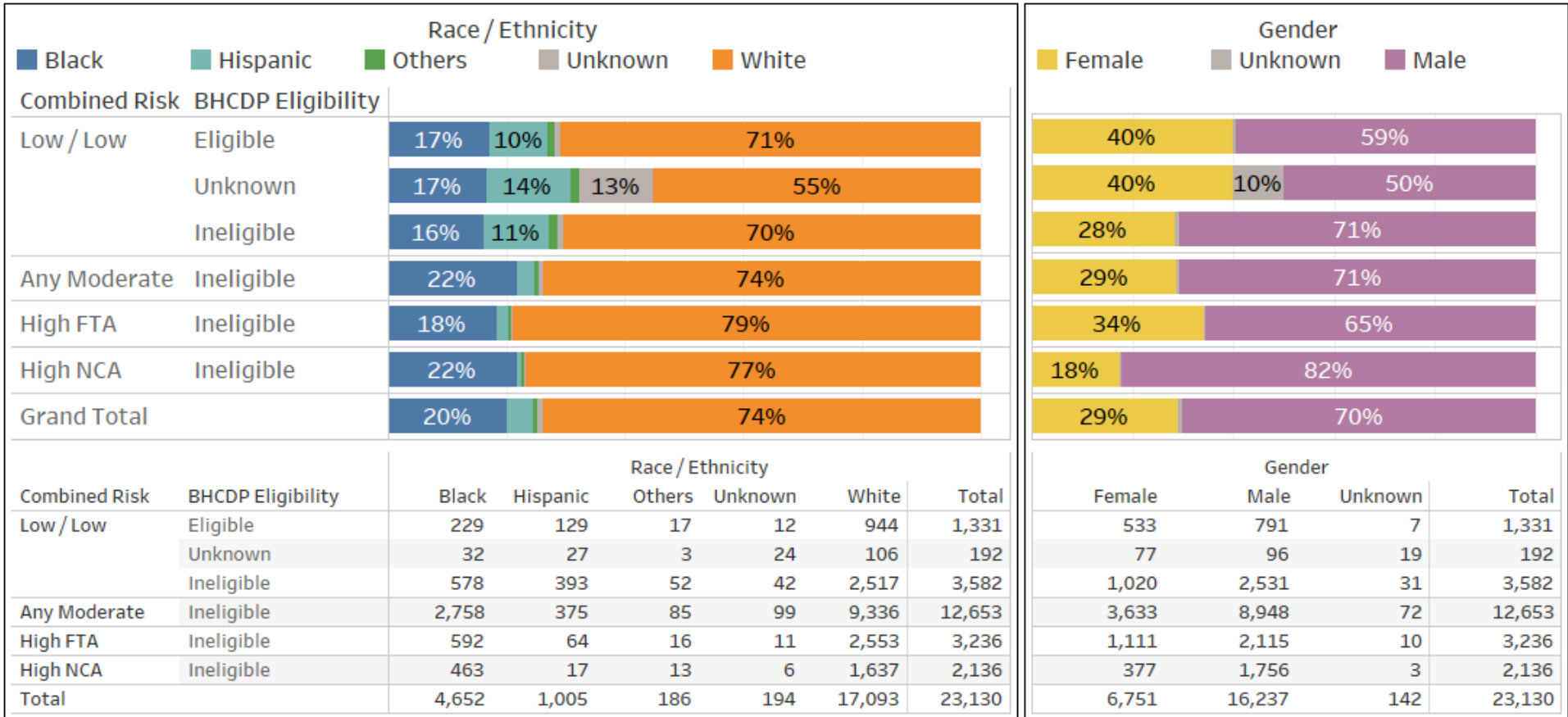
Interviews Receiving BHCDP Eligibility Assessment 1/1/2024 - 10/15/24





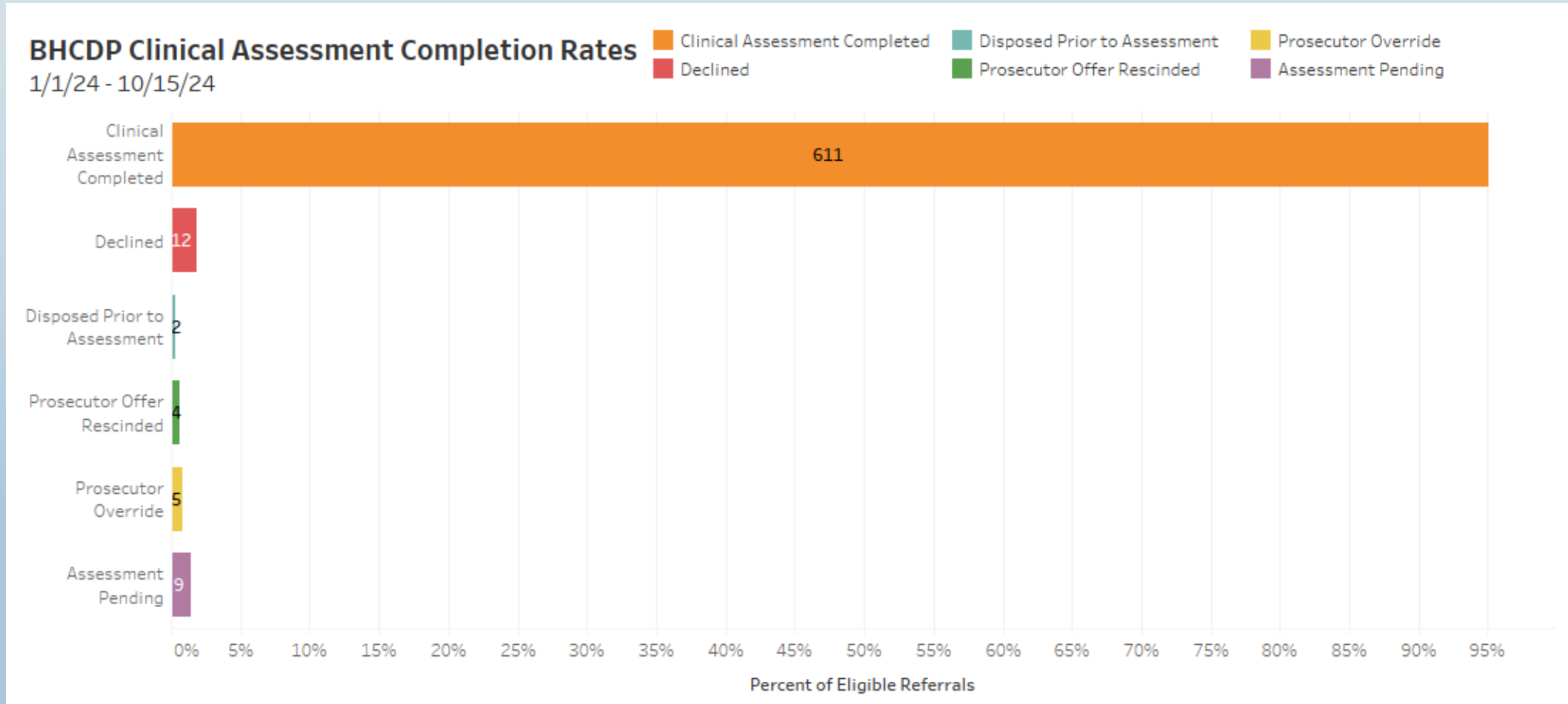
Received BHCDP Eligibility Assessment for 2023

Interviews Receiving BHCDP Eligibility Assessment Since 1/2/2023





2024 Clinical Assessment Completion

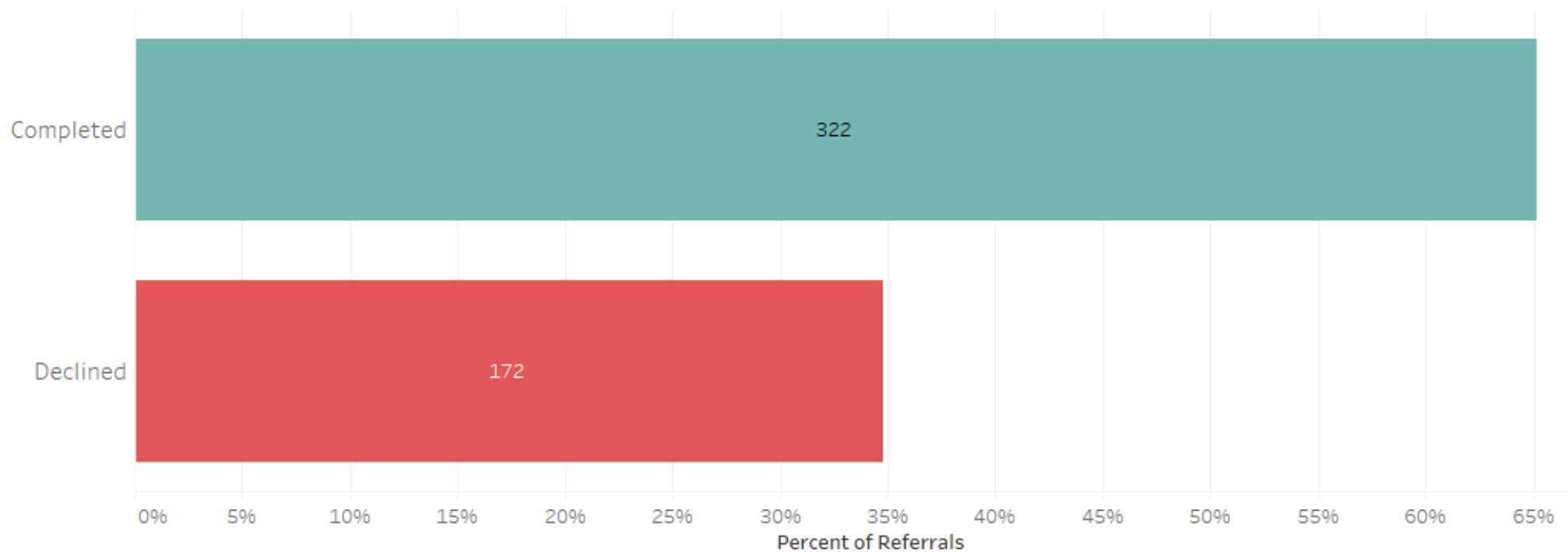




2023 Clinical Assessment Completion

Clinical Assessment Completion Rates

BHCDP Referrals 1/1/23 -1/6/24



*** Excludes participants eligible prior to launch in their counties who have not completed or declined to complete the clinical assessment, and/or whose case was disposed prior to assessment.***

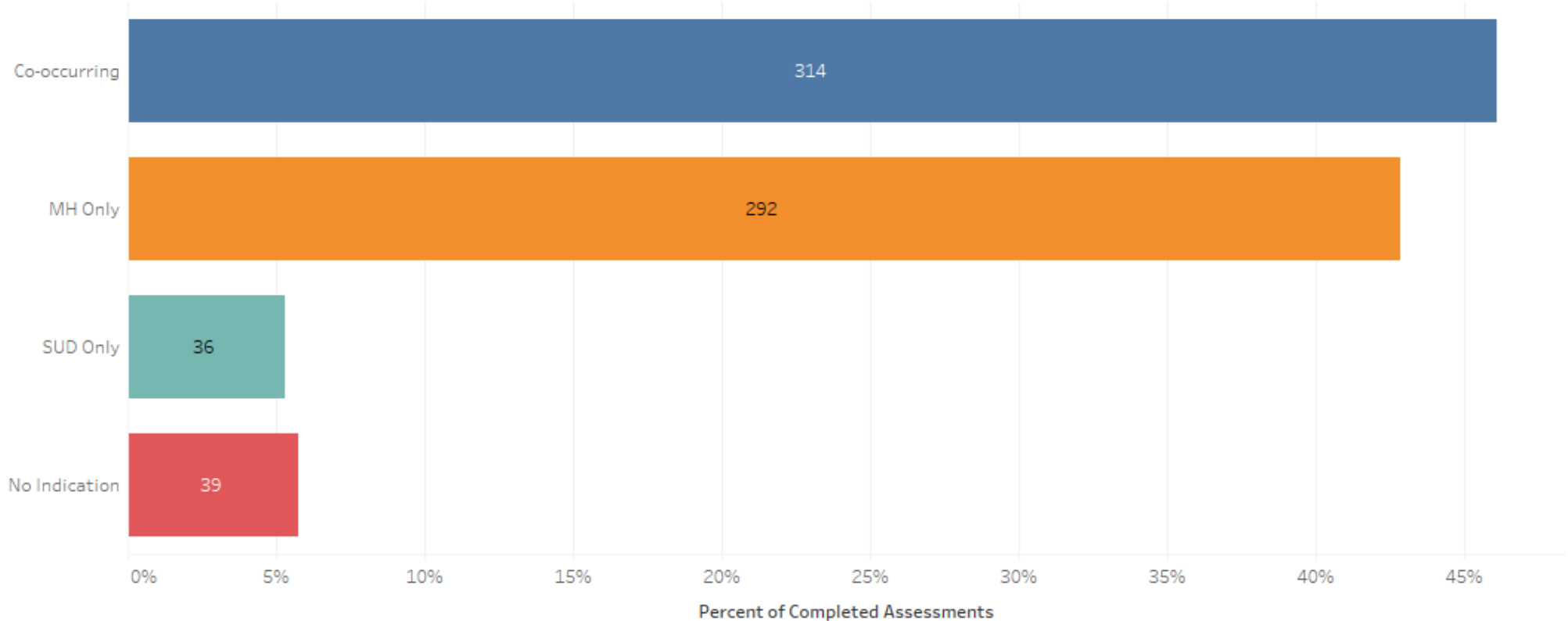


2024 Clinical Assessment Results

BHCDP Clinical Assessment Results

1/1/24 - 10/15/24

■ Co-occurring ■ MH Only ■ SUD Only ■ No Indication



Excludes those assessments which have been completed, but for which Pretrial has not yet received results.

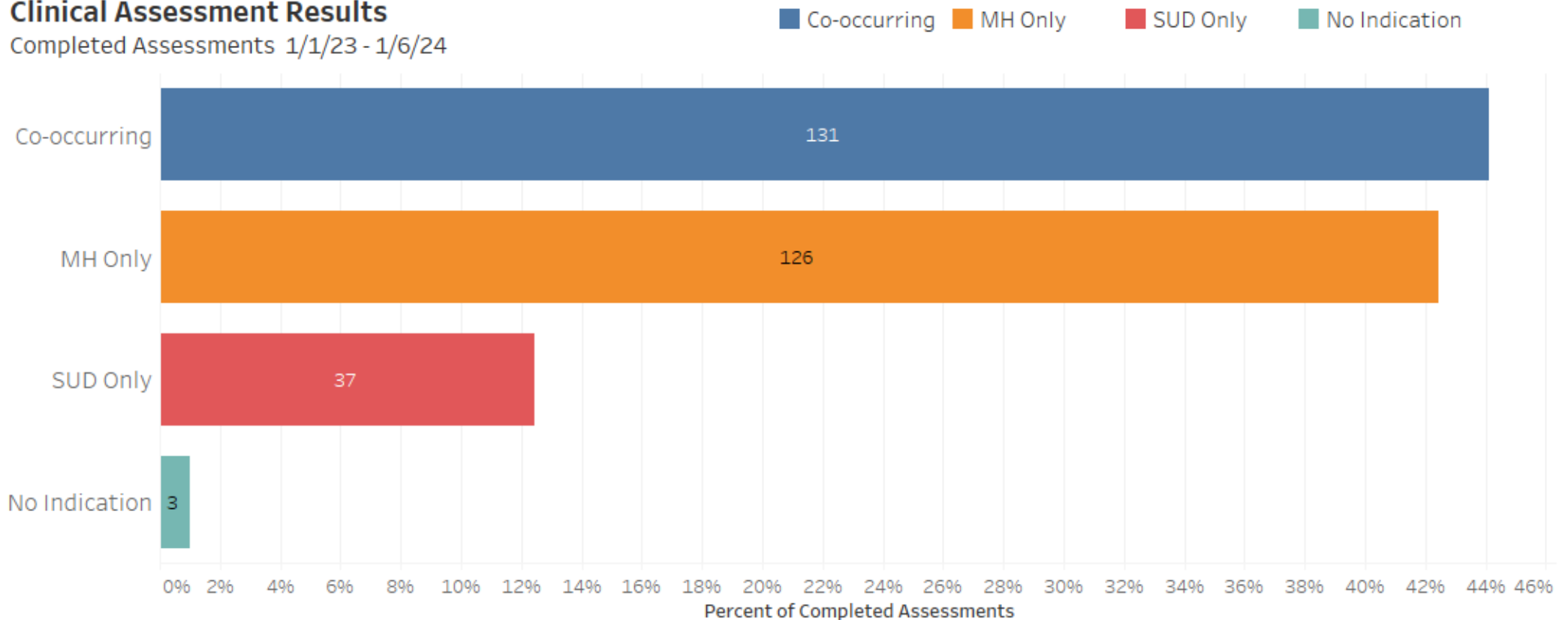
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2023 Clinical Assessment Results

Clinical Assessment Results

Completed Assessments 1/1/23 - 1/6/24



***Excludes those assessments which have been completed, but for which Pretrial has not yet received results. ***



BCHDP Current Statistics

Week of 10/16	Total Agreements	Active Agreements	Completed	Discharged-Non-Compliant	Discharged-Voluntary Withdraw
Statewide	712	457	125	77	12
Christian	78	46	8	15	0
Clark	40	18	14	5	0
Daviess	21	18	0	3	0
Greenup	35	20	7	3	4
Henry	4	4	0	0	0
Hopkins	20	16	3	0	1
Kenton (District Court Only)	14	11	2	0	0
Letcher	252	122	64	44	3
Lewis	6	6	0	0	0
Madison	30	11	14	0	0
McCracken	164	148	12	1	0
Oldham	18	15	1	0	2
Pulaski	29	21	0	6	2
Wayne	1	1	0	0	0



Recidivism Rates

PARTICIPANTS

- 125 participants have completed BHCDP
- **84% have received no new charges.**
- 21 individuals (16%) charged with new offenses.
 - 9 -traffic related offenses
 - 6- misdemeanor/violations
 - 6 -felony charges

DECLINED/DENIED ENTRY

Defendants declined to participate

- 478 defendants declined to participate
- 67.4% have received no new charges

Prosecutor declined entry

- 236 declined entry into BHCDP—
- 75% have received no new charges



Additional Benefits for Participants



- Emergency Barrier Relief
- Services by treatment providers
- Recovery Housing
- Adult Education



Barrier Relief Support Services

BHCDP Barrier Relief Supportive Services are meant to help program participants achieve [recovery](#) and develop recovery capital that support treatment engagement and retention.

[Recovery capital](#) is defined as resources and services that a person can draw upon to initiate and sustain recovery from behavioral health disorders. Access to barrier relief supportive services should be closely tied to the participant's clinical treatment and/or recovery management plan.

Participant involvement in recovery planning can help determine the type of recovery supports most needed.



Total Participants Served with Barrier Relief

Served through 10/29/24: 116

- | | | | |
|-------------|-----------------------|-----------|----------------------|
| • Letcher | 55 total participants | • Greenup | 4 total participants |
| • McCracken | 12 total participants | • Daviess | 4 total participants |
| • Kenton | 11 total participants | • Henry | 2 total participants |
| • Oldham | 10 total participants | • Pulaski | 2 total participants |
| • Clark | 6 total participant | • Madison | 2 total participants |
| • Christian | 5 total participants | • Hopkins | 2 total participants |
| | | • Lewis | 1 total participant |



KENTUCKY ADULT EDUCATION IN ACTION

Christian- 2 participants are currently attending Hopkinsville Community & Technical College one has graduated passed his CDL exam and is now driving for Pepsi, the other is on track to take his CDL test 11/1/24

Daviess-3 participants attending Owensboro Community & Technical College

Hopkins-1 participant attending Madisonville Community College

Letcher has 5 participants attending Southeast Kentucky Community & Technical College and Hazard Community Technical College and 1 participant utilizing Supportive Services Request for assistance with employment

Oldham has 1 participant attending Jefferson Community & Technical College

Pulaski has 1 participant attending On Point Barbering College scheduled to graduate February 2025





Success Stories From the Field

- *I received a text from one of my participants in **Greenup County**. He was excited to share that he has his own apartment now and that his case manager from this treatment provider helped him to furnish it. He said he was up for a promotion at work and planning his first vacation in probably 20 years. In the beginning of SB90, he was depressed and experiencing anxiety with constant worry. It was wonderful to hear him be so excited and looking forward to things.*
- *Today, we had our very first SB90 Circuit Court case dismissed in **Clark County**! I am incredibly proud of this participant. They completed a residential program, which was very challenging to them, but they persisted. To date, they have remained substance-free for over a year and have maintained sobriety throughout this time. In addition to this incredible accomplishment, they are enrolled in a bachelor's degree program and working towards their degree while also holding down a full-time job. I am beyond proud of them! In addition, several other participants have been utilizing barrier relief through EKCEP, and it has been a tremendous help. Some have had their rent fully paid, easing their financial burden, and allowing them to focus on treatment. Many have received assistance with utilities, food, gas, basic needs, and they are all deeply grateful for the support.*



Success Stories cont'd

- *Female participant, charges surrounding substance use found this participant lodged in the **Letcher County jail**. While incarcerated, she was one of three females that overdosed and through the administering of Narcan recovered. Shortly after she became a participant in this program was found to be 6 months pregnant. Recently she gave birth to a beautiful healthy little girl and has since regained custody of her 3 year-old-daughter. She currently is enrolled in educational classes, pursuing peer support specialist. Upon obtaining her certificate she will be employed with a local mental health provider working with other program participants.*
- *One of our first participants in **Christian County** completed the program successfully after signing a yearlong agreement. She did so good with the program! She plans to continue using KYAE services by attending HCC and studying business. Her boyfriend, EB, is set to complete the program this month as well and throughout his year of participating in SB90 he has attained his CDL license with the help of KYAE and has started driving with a company! They make a great team!*



Implementation Accomplishments

- Collaboration continues between Judicial, Legislative, and Executive Branch partners. Monthly meetings with DBHDID and Kentucky Adult Education
- Data platform launch of DDOR by Fletcher Group Inc for providers
- Emergency barrier relief funds are available to all participants, distributed by the Eastern Kentucky Concentrated Employment Program (EKCEP)
- Multiple success stories from across the pilot counties, including promising recidivism rates from participants who've completed BHCDP
- Strategic planning underway with all three partners



Barriers

- Continued hesitation from partners in some areas
- Further role clarification from partners and providers



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KENTUCKY COURT OF JUSTICE

Questions?



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