

**LOUISVILLE METRO CRIMINAL JUSTICE COMMISSION
JAIL POLICY COMMITTEE**

**Meeting Summary
Tuesday, May 23, 2023**

Members Present: Leo Smith and Erwin Roberts, Co-Chairs; Chief Jerry Collins; Saulette Davis; Stephanie Reio (designee for Angela Darcy); Judge Jessica Moore; David Musacchio; David Nicholson; Kia Nishida (designee for Felicia Nu'Man); Jeff Derouen (designee for Mike O'Connell); and John Rees.

Staff Present: Faith Augustine and Jamie Allen.

Guests Present: Meagan Kilkelly; Koleen Slusher; Kevin Smalley; Ron Heady; David Cutt; Carrie Cole; Grace Kara; Erin White; Chris West; and Kaitlyn Allison.

I. Welcome/Call to Order

Leo Smith called the meeting to order and welcomed members and guests in attendance. He called for member introductions.

Leo announced the passing of Commonwealth Attorney and long-time Jail Policy Committee Co-Chair, Tom Wine. He stated that Tom passed away on Saturday, May 6th, 2023, surrounded by his family. He advised that since 2012, Tom held the elected position of Jefferson County Commonwealth's Attorney. He also served in the Commonwealth Attorney's Office (CAO) as an Assistant Commonwealth's Attorney before moving on to serve as a judge on the Jefferson Circuit Court and then the Court of Appeals. Tom served as Co-Chair of the Jail Policy Committee since 2012. He was a dedicated public servant, a mentor to many people, and he will be greatly missed. Erwin Roberts thanked committee members for all of the prayers and condolences to Tom's family and to the staff at the CAO. He stated that Tom's family appreciates all of the kind gestures. Leo called for a moment of silence in Tom's honor.

Leo announced that the Jail Population Management Dashboard launched on April 20, 2023 and is available to all stakeholders and members of the community. The dashboard is hosted on the Louisville Metro Department of Corrections (LMDC) website and includes an educational video and reference card for users to access. He thanked members of the committee for all of the hard work and effort they put into making the dashboard project a success.

II. Approval of the March 28, 2023 Meeting Summary

The summary of the March 28, 2023 meeting was unanimously approved as submitted.

III. Presentation: In-Custody Competency Evaluations

Koleen Slusher, Facility Director
Kentucky Correctional Psychiatric Center

Leo introduced Koleen R. Slusher, Facility Director, Kentucky Correctional Psychiatric Center (KCPC) and asked her to present an overview of KCPC and the populations they serve. Koleen thanked the committee for inviting her to present. She stated that KCPC is under the Kentucky Cabinet for Health and Family Services; specifically, the Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID). The mission of the department is to promote health and well-being of Kentuckians by facilitating recovery for people whose lives have been affected by mental illness and to support people with intellectual or other developmental disabilities.

Koleen reported that there are 14 Community Mental Health Centers across the state of Kentucky that serve counties by designated regions. These centers are contracted to provide community-based safety net services for individuals affected by behavioral health needs including mental illness, substance use, and developmental and intellectual disabilities. She reported that the centers provide crisis services for adults and children, as well as prevention services, treatment, therapy, medication, peer support, and response to community disasters. She explained that forensic services include civil commitments or the involuntary hospitalization of a person with mental illness under KRS 202A, 202C; assisted outpatient treatment, or Tim's Law, under KRS 202A; and involuntary admission of person with intellectual disability under KRS 202B. She added that KCPC provides competency evaluations; criminal responsibility evaluations; competency restoration and treatment; Atkins evaluations; and involuntary hospitalization under KRS 202C.

Koleen explained the various services of inpatient psychiatric hospitals. She stated that Eastern State Hospital, Western State Hospital, Central State Hospital, and Appalachian Regional Hospital are facilities that are locked, but are not forensically secure. These hospitals provide acute, inpatient psychiatric care for adults who are mentally ill and conduct competency evaluations for individuals charged with a misdemeanor. The hospitals are made up of multi-disciplinary treatment teams and provide recovery-oriented and person-centered interventions and discharge planning. She advised that KCPC is the only state-designated forensically secure facility where all patients are court ordered. The hospital, located within Luther Lockett Correctional Complex, provides competency evaluations and restoration for individuals charged with a felony, as well as inpatient treatment for individuals adjudicated incompetent to stand trial. In addition to security staff, the hospital is made up of an interdisciplinary treatment team that includes board-certified forensic psychiatrists. The current capacity is between 34-38 patients with a maximum capacity between 72 and 85 when the hospital is fully staffed.

Koleen shared information on inpatient demographics. She reported that there are 302 patients on the waitlist statewide, of which 172 who need an evaluation are opined incompetent but restorable. She reported that 92% of the patients at KCPC are male;

73% are first-time admissions, the average age is 36; the average length of stay is 32 days, and that 80% to 90% of inpatient evaluations are opined competent. She reported that KCPC receives 20-25 new court orders each week and the wait time for outpatient modalities is two to four weeks upon receipt of court order. For inflexible orders that require inpatient evaluation, she stated that the wait time is 10 to 12 months. She noted that KCPC completes 60 evaluations each month via videoconference and jail-based modalities and of those, between 63% and 67% are opined competent.

Koleen explained that DBHDID has been exploring community-based models for service delivery and continuum of care. KCPC created and distributed a model template for flexible court orders in 2022 and has trained judges across the state. The training on court orders has streamlined and expedited the admission process and allows for flexibility, fosters consistency and clarity, reduces errors, and aligns with national best practices. She added that KCPC has developed partnerships with 114 correctional facilities across the state for implementation of videoconference and in-person evaluations, which will increase capacity and close service gaps.

Ron Heady asked Koleen if there was a variance in patients who are evaluated in an inpatient setting versus an outpatient setting. She reported that there is a 63%-67% competency rate outpatient and an 80%-90% competency rate inpatient. She explained that the inpatient rate is always higher because they are more acute patients and receive treatment.

John Rees asked what efforts and steps are currently in process to address staffing levels. Koleen explained that when she took over as Director there were only 23 officers out of a total of 81 positions. Today, there a total of 36 officers which is a result of raising the salary of officers, staffing contracts, and a faster onboarding process. She added that KCPC began to shift their thinking around security staffing and has added additional job classifications including behavioral health technicians.

Erin White asked Koleen to explain how an individual with an inflexible order is placed on the waiting list if they are not cooperative. Koleen explained that when an order is received, KCPC triages all patients. For individuals who do not cooperate, the nurses at KCPC stay in frequent contact with LMDC medical staff and will reevaluate when their presentation changes or they become cooperative. She added that once an individual is placed on the waiting list, they do not lose their place in line.

David Nicholson asked how we compare nationally with a 12-month wait time, and Koleen stated that some jurisdictions have a shorter wait time, and some are longer. She added that she is engaged with other hospitals across the country to learn about their successful efforts to reduce the time it takes for an evaluation. John asked Koleen if KCPC is concerned about a consent decree, and she stated that they are committed to expand efforts to create a more streamlined infrastructure and that they have no intentions of going back to an inpatient-only evaluation process. Chief Collins emphasized that the outpatient model that was developed at LMDC has been working well and he is hopeful that with more judicial training it will reduce the number of inflexible orders awaiting

evaluation.

Jeff Derouen asked Koleen to explain the difference between an inflexible and flexible order. She stated that a flexible order allows a patient to be evaluated in the jail setting if appropriate and an inflexible order requires transportation to KCPC for evaluation. She emphasized that the acuity level of some patients do not rise to the level of an inpatient evaluation and that flexible orders give KCPC the ability to screen patients to determine the appropriate setting for an evaluation. She stated that the evaluation is completed in the same manner whether in a jail setting or a psychiatric hospital setting. The only difference is a psychologist completes the outpatient evaluation while a psychiatrist conducts those evaluations that are inpatient. She added that KCPC will continue to advocate for all orders to be flexible and will continue to build out an outpatient process for the 63% of patients who do not need an inpatient level of care.

IV. Review of Jail Population Status – Jerry Collins, Chief

- a. LMDC Population – Meagan Kilkelly
- b. State Inmate Population – Meagan Kilkelly
- c. CSH/KCPC Competency Evaluations Update- Chief Collins

Leo called on Meagan Kilkelly from LMDC to provide an update and review of the jail population. Meagan reported that as of May 23rd there were 5,516 admissions with a projected 16,548 admissions for 2023. She reported that the average in-bed population was 1,310 and the average length of stay is 19 days. She reported that the average state inmate population is 157, the average controlled intake population is 105, and the average number of individuals being held by Probation and Parole is 52. Data through the end of May shows that the average number of state inmates over 45-days is 29 and under 45-days is 118. She added that 569 individuals have been transferred to the Kentucky Department of Corrections so far this year.

Meagan called attention to the Jail Population Management Dashboard and reported out on the current jail population. She reported that the current in-bed population was 1,274 and of that total, 11% of the population was state inmates and 78% are being housed pretrial.

Leo called on Chief Collins to provide an update on Central State Hospital and KCPC evaluations. Chief Collins reported that there are 44 individuals at LMDC awaiting an evaluation of which 10 have an inflexible order and are on the waiting list to be transferred to KCPC. Of those that need an inpatient evaluation, he stated that 21 individuals need psychiatric treatment and are mentally ill.

V. Pretrial Services Report Angela Darcy, Executive Officer, Pretrial Services

Leo called on Stephanie Reio, designee for Angela Darcy, to provide an update on Pretrial Services. Stephanie reported that as a follow-up to the last meeting it was requested that data be presented to the committee on judges' use of bail credit in

Jefferson County. She reported that the Research and Statistics Department was able to get the data requested but the numbers are abnormally low on how often bail credit is being used not only in Jefferson County, but across the state. She stated that once the new Pretrial system is in place, Pretrial will be able to give a complete report on the use of bail credit, the number of defendants that are eligible for bail credit, and how often the credit is being applied. Leo asked if there are any efforts in place to talk to the judges about the utilization of bail credit and she stated that Pretrial is always looking at ways to provide education during the regular term meetings.

Stephanie reminded members that Pretrial continues to work with the Crime and Justice Institute to improve pretrial outcomes for defendants who fail to appear in court. She stated that Pretrial continues to administer the voluntary 10-15-minute survey for individuals with a Failure to Appear (FTA), but reported that defendants are not eager to participate in the study.

VI. Follow-up Items/Updates

- a. Out of County Inmates/Proposal to Amend RCr 3.02 – Leo Smith
- b. The Bail Project – Leo Smith
- c. Day Reporting Center – Chris West

Leo stated that there has been no further action on the proposal to amend RCr 3.02 to allow local judges more authority to hear out-of-county cases. He recalled that he and Tom Wine sent a proposal to amend subsection 1 of RCr 3.02 to Justice Keller, Kentucky Supreme Court, and they were informed that the proposal would be considered by the Criminal Rules Committee. David Nicholson asked if a Supreme Court Justice was assigned to review the proposal and stated that he would look into it and report back.

Leo provided an update on The Bail Project. He reported that the Clerk's office is holding approximately \$4 million belonging to The Bail Project, and since the beginning of the project, approximately \$10 million dollars in bail has been posted. He reported that The Bail Project is considering their work in Kentucky and are in process of determining whether to move on to another site. He stated that The Bail Project has done a lot of great work locally, but since Kentucky has not enacted Bail Reform at a statewide level, they may end their work here.

Chris West reported that there are 40 individuals participating on the Day Reporting Program and that the mission of the program is to reduce recidivism. He stated that each participant ordered to the program is assessed through the Level of Service Inventory and provided a behavior change plan to help them engage in better decision making. He advised that each participant engages in mandatory Moral Reconciliation Therapy groups and attends bi-weekly case management sessions. Each participant is placed on the Home Incarceration Program with automatic work release. He reported that length of stay in the program is 8-12 months. In response to a question from Judge Moore regarding the DRC capacity, Chris reported that the program can oversee 75 participants at any given time.

VII. Adjourn/Next Meeting

With no further business to discuss, the meeting was adjourned in honor of Tom Wine. The next meeting of the committee is scheduled for Tuesday, July 25, 2023, at noon in the Crown Room.