

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

**Meeting Summary
Tuesday, November 15, 2022**

Members Present: Leo Smith, Co-Chair; Chief Jerry Collins; Karen Faulkner; Amy Hess; Chief Judge Annette Karem; Daniel Johnson; Saulette Davis; David Musacchio; Kungu Njuguna; Angela McCoy (designee for David Nicholson); Jeff Derouen (designee for Mike O'Connell); Angela Bilewicz (designee for Chief Judge Mitch Perry); Kelsey Doren; John Rees; Rev. David Snardon; Grace Kara (designee for Angela Darcy); and Felicia Nu'Man.

Staff Present: Faith Augustine and Jamie Allen.

Guests Present: Mane Martirosyan; Ann Dyke; Ron Heady; Chris Seidt; David Heacock; Dudley Cotton; David Cutt; Chris West; Andrea Huckleby; and Edward Graham.

I. Welcome/Call to Order

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

II. Approval of the September 27, 2022 Meeting Summary

The summary of the September 27, 2022 meeting was unanimously approved as submitted.

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

- a. LMDC Population – Mane Martirosyan
- b. State Inmate Population – Mane Martirosyan
- c. CSH/KCPC Competency Evaluations Update
- d. COVID-19

Leo called on Mane Martirosyan from Metro Corrections to provide an update and review of the jail population. Prior to her report-out, Mane indicated that she recognized a discrepancy in the state inmate under 45-days data that had been presented in past meetings but has since been corrected. She reported that through November 15th there have been 14,762 admissions and projections stand at 17,714 admissions through the end of the year which is an increase from last year. The average in-bed population is currently 1,411 and the average length of stay is 23 days. She reported that the average state inmate population is 168, the average controlled intake population is 124, and the average number of individuals being held by Probation and Parole is 58 which has increased. Data through mid-November shows that the average number of state inmates over 45-days is 36 and under 45-days is 152. She added that 150 individuals were transferred to the Kentucky Department of Corrections in October and a total of 1,342

have been moved in 2022. In response to a question about the increase in state inmates, Chief Collins stated that the increase is due to the number of individuals being held by Probation and Parole.

Chief Collins advised that Metro Corrections continues to track Central State Hospital (CSH) and Kentucky Central Psychiatric Center (KCPC) evaluations. He reported that four providers are coming onsite on Tuesdays and Thursdays for in-house evaluations to speed up the process. In response to a question about the wait time for a bed at KCPC, Chief Collins stated the average wait is six to eight months. He added that they will be hosting another training for the judges to explain that in-house evaluations are available and how the order should read if the court is amenable to such a request. In response to a question about the Public Defender's Office stance on telemedicine, Leo stated that his office has raised concerns over the quality of the interview and if there is an objection, the interview is done in-person at the jail. He added that the Public Defender's Office does support having a standard court order for how evaluations are handled, and Judge Karem stated that the Administrative Office of the Courts is working on it. Chief Collins provided an update on COVID-19 in the jail and reported that there is one positive case in custody, but several staff are out due to exposure over the last several weeks.

IV. Pretrial Services Report **Angela Darcy, Executive Officer, Pretrial Services**

Leo called on Grace Kara, designee for Angela Darcy, to provide an update on Pretrial Services. Grace reported that as of September 1st, Pretrial Services is back in-person at the jail for pretrial interviews. Since the return in-person, they have seen an increase in the number of individuals qualifying for administrative release. She reported that in July of this year Pretrial began a pilot program to offer services to individuals who are arrested and have Substance Use Disorder. Since the inception of the program she stated that over 400 individuals in Jefferson County have accepted services, but there is no outcome data to report at this time.

Grace reported that on November 1st, Pretrial began working with the Crime and Justice Institute along with two other jurisdictions on a project to improve pretrial outcomes for defendants who fail to appear in court. She stated that the Crime and Justice Institute developed a 10-15-minute survey for individuals with a Failure to Appear (FTA) and the survey is administered by Pretrial Services staff during the booking process. She emphasized that the survey is voluntary and that individuals can decline to participate. In response to a question about whether or not the surveys are given to individuals who redocket their case with the court case manager, Grace stated that the surveys are only conducted to those individuals who are arrested. Kungu Njuguna noted that the position from the ACLU is the potential for bias as the survey is administered by Pretrial staff.

V. Follow-up Items/Updates

- a. Legislative Proposal – Leo Smith
- b. Jail Population Management Dashboard – Amy Hess/Jamie Allen
- c. Out of County Inmates/Proposal to Amend RCr 3.02 – Leo Smith
- d. The Bail Project – Leo Smith
- e. Day Reporting Center – Chris West

Leo recalled that the legislative proposal to permit peace officer discretion to cite versus arrest for bench warrants on low-level charges excluding those who repeatedly fail to appear for court dates was approved at the September 27th Jail Policy Committee meeting. The proposal was presented to the Criminal Justice Commission's Legislative Committee on October 10th and unanimously approved. The proposal was also approved by the Criminal Justice Commission on October 20th and will be forwarded to the Jefferson County Legislative Delegation and the House and Senate Judiciary Chairs for consideration.

Leo called on Amy Hess and Jamie Allen to provide an update on the jail population management dashboard. Jamie reminded members that in October 2021, at the request of the Jail Policy Committee Co-Chairs, a comprehensive set of data was presented to the committee. The metrics included a review of the state sentenced and pretrial population and a review of bond information. The data snapshot was used to begin development of an innovative Jail Population Management Dashboard in partnership with the Louisville Metro Civic Innovation and Technology using the Power BI platform.

Jamie reported that over the next year, CJC staff were responsible for query development, data validation, Power BI training, and overall development and design of the dashboard. She advised that many meetings and discussions were held regarding IT security issues, privacy issues, legal restrictions, and design modifications. She stated that the online dashboard provides a visual breakdown and daily snapshot analysis of the jail population in near real time and updates three times a day at 7:00am, 3:00pm, and 11:00pm. She reminded members that the dashboard will enhance awareness and decision making by the Jail Policy Committee, judges, other justice system stakeholders and the community. Using live data to understand the current population will identify trends associated with arrest, pretrial detention, bond decisions, sentencing practices, length of stay and overall capacity utilization.

Jamie reported that Metro Information Technology completed security testing in July and August. After the security testing was complete, the dashboard was uploaded to the Microsoft Power BI Service, and vetted with the Jefferson County Attorney's Office and internal Metro IT. It was pushed to an outside third party for permissions testing and on August 31st access was granted to a small internal team of Metro employees for testing and feedback. In September, CJC staff met with LMDC and JCAO representatives to answer questions and gather feedback. Jamie turned it over to Amy Hess to provide updates on dashboard roll-out since the last Jail Policy Committee meeting.

Amy introduced Chris Seidt, Director of Metro Information Technology, and reported that in late October the Metro IT team tested the functionality to grant access externally to users outside CityNet and reported that a license model was required for this functionality. She stated that it was ultimately determined that there are no legal, policy, or IT security restrictions in sharing the dashboard information; however, due to the complexity and nuances of the data, users should be well-informed and educated on the dashboard contents and how the underlying data is captured and presented. It was agreed the best approach would be to first give access to Jail Policy Committee members, solicit feedback, and to request assistance with an education campaign before granting widespread public access.

As for next steps, Amy reported that to access the dashboard members will sign a Non-Disclosure Agreement (NDA) and Metro IT user agreements, at which point the CJC/IT will provide members access to begin testing the Jail Population Management Dashboard. The test period will run from November 15th – December 31st. She reported that CJC staff will schedule technical assistance/training sessions with all Jail Policy Committee members during the test period to gather feedback and answer questions about the dashboard. She added that a training video/tutorial will be created to walk dashboard users through how to maneuver the dashboard and explain what the data means. She suggested that members read the “About the Data” landing page which is the first page that opens when the dashboard link is accessed.

Amy asked members for their assistance to help explain the dashboard for when it goes public, to educate users on what they are seeing, and while they test the dashboard to be able to help identify how the data could be misinterpreted. She noted that once the test period is complete, the Jail Population Management Dashboard may be made available to the general public and hosted on the Louisville Metro Department of Corrections website.

Following discussion, Amy opened up the meeting for questions related to the dashboard. John Rees asked if the dashboard could present information that is important to the committee as well as the community related to mental health holds, the number of individuals awaiting an evaluation, and out-of-county holds. Jamie stated that in the first build of the dashboard, hold data which included those individuals awaiting an evaluation and out-of-county holds was included; however, the data did not pass a validation test. To add this type of data to the dashboard would require a change in how individuals are booked and would be a heavy lift to add to the current build of the dashboard. Chief Collins stated that the jail is expected to begin transition to a new Jail Management System over the next year and the specs for the system requirements can include the ability to pull out data on individuals awaiting an evaluation and an out-of-county hold.

Leo shared the most recent update on the proposal to amend RCr 3.02 to allow local judges more authority to hear these 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. He stated the Criminal Rules Committee has not met; however, he is optimistic that they will reconvene now that the judicial elections are over. He reported since the issue is also a statewide concern, Chief Justice Minton created a Notification Improvement Process Work Group to address out-of-county inmates. He advised that on June 14th he and Tom submitted the proposal to the Work Group and the only update he has received is that they are working on drafts to amend RCr 3.02.

Leo provided an update on The Bail Project. He reported that there are currently over 1,000 active cases where bail was posted, and as of November 7th the Clerk's office is holding \$4,342,000 belonging to The Bail Project. Since the beginning of the project, there has been over 9 million dollars in bail posted and almost 3,000 cases resolved. He reported that the appearance rate is 91% and the forfeiture rate is 3%. He stated that The Bail Project remains committed to the community. The overall goal is for The Bail Project to put itself out of business and the legislature to pass bail reform.

Leo called on Chris West to provide an update on the Day Reporting Center. Chris called attention to the DRC handout in the packet and stated the goal of the program is to reduce recidivism through evidence-based and cognitive behavior programming. He reported that each individual that is referred to the DRC is assessed using the Level of Service Inventory-Revised (LSI-R) to identify participants risk and needs and the likelihood of recidivism. He reported that in 2021, the DRC reduced participants risk scores by 30%. He stated that the program holds the participants accountable and doesn't operate out of control or force but rather mentors and teaches participants how to apply themselves. He stated that he will be increasing his training and education of the program to the new judges coming in the new year to increase and generate new referrals. Karen Faulkner noted that she supports the DRC and has had several successful clients participate in the program.

In closing, Leo reminded members that the 2023 Jail Policy Committee meeting dates are included in the packet. He added that the Criminal Justice Commission will be hosting its annual Holiday Reception on Thursday, December 8th at the CJC Office.

VI. Adjourn/Next Meeting

With no further business to discuss, the meeting was adjourned. Leo advised that the next meeting of the Jail Policy Committee is scheduled for Tuesday, January 24, 2023 at noon in the Crown Room.