

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

**Meeting Summary
Tuesday, August 28, 2018**

Members Present: Dan Goyette, Co-Chair; Tom Wine, Co-Chair; Councilman Brent Ackerson; Mark Bolton; Tara Boh Blair; Jim Cabral; Saulette Davis; Tracy Dotson; Chief Judge Anne Haynie; Nicolai Jilek; Angela Bilewicz (designee for Chief Judge Brian Edwards); Julie Kaelin; Ingrid Geiser (designee for Mike O’Connell); Dan Fountain; David Musacchio; David Nicholson; and Jessie Halladay (designee for Chief Steve Conrad).

Staff Present: Kim Allen, Jamie Allen, and Faith Augustine.

Guests Present: Judge Sean Delahanty; Rebecca Hollenbach; Chris West; Steve Durham; Erwin Roberts; Leo Smith; Karen Collins; Eric Troutman; Matt Glowicki; Don Griffin; Dr. Brian Schaefer; Daro Mott; Martin Baker; and Katrina Helmer.

I. Welcome/Call to Order

Dan Goyette called the meeting to order and welcomed those in attendance. Members and guests introduced themselves.

II. Approval of the July 31, 2018 Meeting Summary

The summary of the July 31, 2018 meeting was unanimously approved as submitted.

III. Discussion of Committee Priorities for Action (July- December 2018)

Kim Allen called attention to a handout in the packet entitled “Priorities for Committee Action.” She reminded members that pursuant to an amendment (Part 1, B, 2.b.) included in Metro Council Ordinance No. 108 (Series 2018), the Criminal Justice Commission is required to convene a group of system stakeholders to develop recommendations, including a legislative agenda for the 2019 session, and identify metrics related to jail crowding. At the July 31st meeting, members reviewed and discussed the current list of jail population management initiatives and reached consensus on identifying five priority areas for implementation during the four-month period between July and November 2018. The identified priorities for action fall under five primary categories: (1) Transfer of State Inmates; (2) Bail Reform/Pretrial Detention; (3) Arraignment Court Initiatives; (4) Bench Warrants; and (5) Home Incarceration Program Pilot. In response to a question from Mark Bolton regarding a timeline for implementation of the action items, Kim noted that the identified items are currently in different stages of development and implementation with some in the early planning stages and some already in process. Legislative agenda items identified through the

process of implementing the action plan will be coordinated with the work of the Commission's Legislative Committee and reported to the Metro Council in late November 2018. Kim reported that the draft reflects a starting point and encouraged members to let staff know if they have any additions or revisions. Dan asked members if they had additional questions regarding the action plan. Hearing none, he asked members if there was a motion to approve the action plan. A motion was made by Julie Kaelin, seconded by David Nicholson, and unanimously approved by members.

IV. Committee Follow-up items

a. HIP Work Group – Steve Durham

Steve called attention to a handout in the meeting packet entitled "HIP Proposed Pilot Project". He reported that the goals of the pilot project are to implement a small pilot using the draft supervision and sanction grids developed and recommended by the Home Incarceration Work Group. The pilot will evaluate participant outcomes and the programmatic impact of utilizing the draft grids on the specified target population while also identifying the need for collection of additional data or information to enhance the process and support a broader transition to the new supervision/sanction models. The pilot project will target individuals that have been court-ordered to the Day Reporting Center (DRC) and are being monitored by HIP as a requirement of DRC participation. It is anticipated that the pilot project will begin in October and involve approximately 40 to 45 DRC/HIP participants. In response to a question from Mark Bolton, Steve reminded members that currently all HIP offenders are monitored with GPS units using a "one size fits all" supervision approach. The pilot participants will be assigned to a supervision level (low, moderate or high) based on the Risk Level Score(s) provided by Pretrial Services. Participants will receive supervision or sanctions for violations in accordance with the recommended levels in the draft grids.

In response to a question from Dan Goyette, Steve reported that the HIP Work Group included representatives from Metro Corrections (HIP Program), LMPD, Public Defender's Office, County Attorney's Office, and Commonwealth Attorney's Office, along with a District Court Judge and Circuit Court Judge. Dan Fountain noted that Probation and Parole uses a similar evidence-based approach to supervision and use of graduated sanctions.

b. Office of Performance Improvement Home Incarceration Program Study – Rebecca Hollenbach

Dan Goyette introduced Rebecca Hollenbach from the Metro Office of Performance Improvement to provide a presentation on the HIP Study. Rebecca began by noting that HIP is a cost-effective alternative to incarceration since HIP costs \$11.98 per day while jail costs \$70.74 per day. The Home Incarceration Program is regulated by KRS 532.220. Ms. Hollenbach briefly explained the process by which a participant is placed on HIP on a pretrial and post-trial basis. Data reviewed in the study indicated that in 2017 there were 7,090 HIP Court Orders resulting in 6,147 HIP placements.

There were 943 individuals that were not placed on HIP due to lack of an acceptable residence. She reported that there are typically 600 to 800 individuals participating in the program. Rebecca reported that an analysis of outcome data from 2017 found that of the 6,172 placements on HIP, 31.5% or 1,936 resulted in a technical violation, 8.2% or 504 had added charges, and 1.95% or 120 lost their residence while on the program. Outcome data also found that there were 36 placements returned to jail for violent crime charges including, 27 for weapons charges, and one for a murder charge. Rebecca noted that of the 504 placements that were returned to jail for added charges, the top five charge categories included substance-related offenses, warrants, eluding/escape offenses, traffic violations, and violent crime offenses. Of the 504 added charges, 146 involved substance-related charges, while only 36 were for a violent crime offense. Of the 36 offenses, the majority were Class A Misdemeanors. In response to a question from Jessie Halladay, Rebecca reported that risk level data was not included in the study, but would be a valuable addition moving forward.

Rebecca offered a few recommendations and possible next steps as it relates to HIP including moving forward with the implementation of the risk-based proposed pilot project. She also suggested examining a system of potential supports for individuals placed on HIP since not having a residence is the primary reason for lack of placement and substance-related charges account for the highest number of added charges. In response to a question from Dan Fountain regarding the substance abuse-related charges, Steve Durham referenced existing community supports such as the Living Room, Healing Place expansion, medicated-assisted treatment at Centerstone, and the Law Enforcement Assisted Diversion (LEAD) pilot. In response to a question about LEAD, Jamie Allen reported that the pilot will launch on October 1st. In response to a question from Councilman Brent Ackerson related to program costs, Mark Bolton noted that participants qualify for substance abuse-related services based on access to private insurance or eligibility for Medicaid services. Mark Bolton expressed appreciation to Daro Mott and Rebecca Hollenbach for the informative HIP study.

c. Pretrial/Sentenced Jail Population Breakdown – Jamie Allen

Jamie reminded members of the challenges in categorizing jail inmates into specific “buckets”, such as misdemeanor versus felony, or District versus Circuit Court, because many inmates have multiple cases and charges. She also reminded members that she previously analyzed a snapshot of the jail population on October 18, 2017, and separated the jail population into four “buckets”—Circuit Court Only, District Court Only, Family Court Only and Multiple Courts. As requested at the July meeting, a follow-up snapshot conducted on July 27, 2018 was included in the meeting packet.

Jamie advised that on July 27, 2018, there were 1,999 inmates in custody including the Main Jail Complex, Hall of Justice, and the Community Corrections Center. She examined all non-dispositioned cases, which included those assigned to inmates in custody that contained open charges, sentence dispositions or active holds. Of the 1,999 inmates, 724 or 36% were in custody for a Circuit Court Only case. Of the 724 Circuit Court Only inmates, 564 were being held Pretrial, 20 inmates were sentenced to

jail time, and 30 inmates were being held pretrial and had cases sentenced to jail time. A total of 18 “state ready” inmates were awaiting transport to the Kentucky Department of Corrections.

Jamie reported that of the total of 1,999 inmates on July 27, 2018, 684 or 34% were being held for a District Court Only case. Of the 684 District Court Only inmates, 481 were being held Pretrial, 93 inmates were sentenced to jail time, and 110 inmates were being held pretrial and had cases sentenced to jail time. She noted that of the 481 pretrial inmates, 248 had felony charges. Of the 1,999 inmates on July 27th, data indicated that 591 or 30% had a combination of Circuit and District or “Multiple Court” cases. Of the 591 Multiple Court inmates, 333 were being held Pretrial, 17 inmates were sentenced to jail time, and 241 inmates were being held pretrial and had cases sentenced to jail time. There were also 73 “state ready” inmates awaiting transport to the Kentucky Department of Corrections.

In response to a question from Councilman Brent Ackerson related to the increase in the number of District Court cases, Jamie explained that the data represents a snapshot of the in-custody population on two separate days. Councilman Ackerson asked what conclusions can be drawn from snapshots, and Kim Allen noted that the “bucket analysis” was originally requested by members in the fall of 2017 in order to identify where the majority of cases were being handled. Dr. Brian Schaefer noted that snapshots are helpful for operational purposes, and through the Research Network of Misdemeanor Justice reports, the research team can analyze trend data much like the “bucket analysis” in order to identify long term patterns. Kim reminded members that historically a majority of the jail population management strategies have been focused at the District Court level. Judge Delahanty noted that the reduction in Circuit Court cases from the October 2017 snapshot to the July 2018 snapshot, and suggested that this may represent a positive trend at the Circuit level.

d. Felony Case Processing Work Group

Tara Blair reported that the Felony Case Processing Work Group met on August 7th to review Class C and Class D felony case data provided by AOC. Members of the Work Group include Judge Brian Edwards, Dan Goyette, Tom Wine, Tara Blair, and the Criminal Justice Commission staff. Members discussed a proposal to pilot an enhanced Monitored Conditional Release program for felony offenders that are held pretrial in jail on a Circuit Court case. Tara advised that she has created a Pretrial Services position to act as a case manager for medium or high risk offenders. The case manager would be responsible for conducting a full needs assessment, linking the participant to services and ensuring they return to court. The case manager would have a caseload of 40 to 45 participants. Tara noted that the case manager will spend the month of September building relationships with stakeholders and service providers, and accessing available community services. She anticipates having the program ready for launch in October. Tara asked staff to schedule a Case Processing Work Group meeting in order to begin moving forward with developing the proposed program.

e. Booking Cost Center – Mark Bolton/Eric Troutman

Mark Bolton reminded members that at the July meeting he reported that LMDC was in process of calculating the cost to book an inmate into the jail. Eric explained that the average time it takes to book an inmate into the jail is about 39 minutes. The average time was calculated by tracking the amount of time spent at each of the stages of the booking process. The average time assumes there are no issues that arise during the process. Eric described the staffing costs associated with booking an inmate and noted that there are about 13 LMDC personnel that are involved with an inmate during the booking process. The staffing cost for an average 39-minute booking is \$253.11. He noted that there are operational costs involved with each booking at a cost of \$46.30, therefore the total LMDC cost for an average 39-minute inmate booking into the jail is \$299.41. In response to a question from Judge Haynie, Eric Troutman reported that the LMDC booking cost is comparable to other jurisdictions. David Nicholson requested that this item be placed on the next meeting agenda for further discussion by the committee. He reminded members that Davidson County, Tennessee uses a passive booking process for misdemeanor citations that is very successful. Tom Wine advised that many jurisdictions do not book individuals charged with misdemeanors into the local jail. Dan Goyette agreed to place the item on the agenda for the next meeting, and in the interest of time, will defer the Bail Project update to the September meeting.

V. Adjourn/Next Meeting

Dan thanked members for attending. The next meeting is scheduled for Tuesday, September 25, 2018 from 12:00 p.m. – 1:00 p.m. With no further business to discuss, the meeting was adjourned.