

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

**Meeting Summary
Tuesday, July 31, 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; Chief Judge Brian Edwards; Julie Kaelin; Carla Kreitman; Mike O'Connell; Dan Fountain; David Musacchio; David Nicholson; John Rees; Jessie Halladay (designee for Chief Steve Conrad); and Mark Zoeller.

Staff Present: Kim Allen and Faith Augustine.

Guests Present: Judge Sean Delahanty; Chris West; Steve Durham; Erwin Roberts; Ingrid Geiser; Karen Collins; Eric Troutman; Vincent James; Matt Golden; Matt Glowicki; Don Griffin; Dr. Brian Schaefer; Doug Hamilton; Daro Mott; and Ginny Lee.

I. Welcome/Call to Order

Tom Wine called the meeting to order and welcomed those in attendance. Members and guests introduced themselves. He welcomed new members Councilman Brent Ackerson, Tracy Dotson, Saulette Davis, Mark Zoeller, and Nicolai Jilek. Mr. Wine explained that the FY 2018 - 2019 Operating Budget Ordinance included an amendment that impacts the Jail Policy Committee process and noted that Kim Allen will provide an overview of the amendment and discuss the specific requirements and reporting schedule.

II. Approval of the June 19, 2018 Meeting Summary

The summary of the June 19, 2018 meeting was unanimously approved as submitted.

III. Overview of Metro Council Budget Ordinance Amendment

Kim M. Allen, Executive Director
Louisville Metro Criminal Justice Commission

Mr. Wine introduced Kim Allen to explain the budget ordinance amendment and discuss the specific requirements. Ms. Allen explained that based on an amendment included in the FY 2018-2019 Operating Budget Ordinance (Ordinance No. 108, Series 2018), the Commission is required to convene a group of stakeholders to develop recommendations, including a legislative agenda for the 2019 session, and identify metrics related to jail crowding. She noted that the ordinance required the committee to be convened by August 6, 2018, hold meetings at least once a month, and share meeting minutes with the Metro Council Budget Committee. Rather than creating a separate committee, the new committee will be merged into the work of the existing Jail

Policy Committee. At the request of President James, Councilman Ackerson, the Presidents of FOP Lodge 77 and FOP Lodge 614 and the AFSCME representative for Metro Corrections had already been added to the membership of the Jail Policy Committee. A Metro Facilities Representative was also added as required by the amendment. The Committee is required to provide a status report to the Budget and Public Safety Committees on or prior to the last Budget Committee meeting in 2018 (December 6, 2018), and a status report to Budget and Public Safety Committees on or before the conclusion of the 2019 Kentucky General Assembly. Kim called attention to a handout in the meeting packet which provides background information on the work of the Jail Policy Committee and noted that the document was sent to all Metro Council members. She noted that a separate document entitled "Priority Jail Population Management Initiatives" was included in the packet for the committee to review and consider in determining committee action priorities for the next three to four months.

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

Kim explained that the list of priorities includes strategies that fall under categories related to Pre-Arrest Diversion, Arraignment Court, Bail Reform/Pretrial Detention, Bench Warrants, Home Incarceration Pilot, Court-Ordered Competency Evaluations, Felony Case Processing, and Transfer of State Inmates. She added that Dr. Brian Schaefer, through the Research Network on Misdemeanor Justice, has offered to provide research and data support to track progress for reporting purposes. Tom Wine asked members for input on rank-ordering the list of priorities specifically focusing on items that members believe could significantly impact the jail population and enable closure of the LMPD Headquarters unit. Mike O'Connell suggested including the transfer of state inmates, pretrial detention, and Arraignment Court initiatives. Mark Bolton reminded members that although there are 25,000+ inmates in the custody of the Kentucky Department of Corrections (KDOC) and the local jails across the state are at 123% capacity, the KDOC has made progress with transferring state inmates from LMDC. He reported there are 88 inmates in custody today that have been in custody over 45 days and are awaiting transfer to KDOC. Mr. O'Connell advised the new members that the committee spends the majority of its efforts focusing on jail population management strategies. Kim suggested the it may be helpful to proceed with the committee updates before discussing priorities for the committee's action agenda.

V. Research Network on Misdemeanor Justice

Dr. Brian Schaefer, Indiana State University

Tom introduced Dr. Brian Schaefer to discuss the Research Network on Misdemeanor Justice (RNMJ). Dr. Schaefer reminded members that the Research Network is an expansion of the Misdemeanor Justice Project in New York City and includes an alliance of seven jurisdictions seeking to better understand trends in the enforcement of low-level offenses such as misdemeanors, summonses/citations, and police stops. The RNMJ works with criminal justice practitioners to obtain accurate data, provide objective analyses, and disseminate findings to key stakeholders in the community, scholars, and policy-makers to better inform policy recommendations.

Brian reminded members that the first report, "Tracking Enforcement Rates" was presented and released in April 2018, and the next two reports will focus on jail admissions and trends in the in-custody population. Since both reports will be based on LMDC data, the Research Team welcomes feedback from the committee to guide the reports and to identify ways that the report can be used to document progress on jail population management initiatives.

VI. Committee Follow-up items

a. HIP Work Group – Steve Durham

Steve reminded members that the HIP Work Group was charged with developing a risk-based approach to supervision under the Home Incarceration Program and a sanctions grid to determine how to manage program violations. He reminded members that currently all HIP offenders are monitored with GPS units using a "one size fits all" supervision approach. He noted that at the last HIP Work Group meeting, members agreed to forward the draft HIP Supervision Grid and Progressive Sanctions Grid to the Jail Policy Committee for consideration and would like to move forward with a pilot to implement the Work Group recommendations. In response to a question, Steve suggested beginning the pilot with the Day Reporting Center participants. Tom Wine asked if the Public Safety Assessment risk score would be updated, and Steve noted that the risk score from the initial booking would be used. In response to a question from Karen Collins regarding existing HIP participants with program violations, Steve noted that the scope and specifics of the pilot design will need to be developed.

Dan Fountain discussed the programming and graduated sanctions used by Probation and Parole, and reminded members that there is strong research to support limiting the amount of supervision for low level participants. In response to a question from Ingrid Geiser, Steve reported that HIP participants with domestic violence charges would automatically be supervised as "high risk." Steve noted that the Court would be notified of all violations, however progressive sanctions as outlined on the grid would be used in response to minor violations. Tara Blair noted that the proposed progressive sanctions grid suggests that any HIP participant charged with a new offense would be returned to jail. She suggested that there are certain low-level charges that may not necessitate a return to jail such as traffic offenses. Kim Allen summarized that the HIP pilot would provide an opportunity to implement evidence-based approaches such as using a risk assessment instrument to determine the supervision level, and to divert resources from low risk participants to high risk participants.

Dan Fountain suggested exploring voice recognition technology for cell phones for the low risk population. Judge Delahanty asked Steve if LMDC keeps data to show the number of HIP participants that are evicted from their home placement while on the program and the number of individuals that are ordered to HIP but have no place to live while on the program. Director Bolton reported that the Metro Office of Performance Improvement completed an analysis of HIP and asked staff to add the presentation to the next meeting agenda. Steve noted that a pilot project design and implementation plan can be provided at the August meeting as well. Tom Wine asked members if they

had additional issues and/or questions regarding the HIP Pilot Project. Hearing none, he asked members if there was a recommendation for LMDC to move forward with the HIP Pilot Project. A motion was made, seconded and unanimously approved by members.

b. Weekend Admission Review – Mark Bolton

Director Bolton provided a brief update on the status of the jail population. He directed attention to a chart entitled “Admissions by Year” and reported that the total admissions for 2017 were 32,500. The Average Daily Population (ADP) for 2017 was 2,221, the highest on record since 2004. The ADP for 2018 thus far is 2,078. He noted that the Average Length of Stay (ALOS) in 2017 was 25 days and the ALOS in 2018 thus far is 23 days. Director Bolton explained that the reductions are due to the Kentucky Department of Corrections (KDOC) transferring state inmates. The Home Incarceration Program ADP in 2018 thus far is 706; since June 1, 2018 there has been a decrease in HIP placements, but an increase in the number of releases from Arraignment Court.

Director Bolton reported that the average number of state inmates in the jail awaiting transfer in 2017 was 346 – thus far in 2018, the total is 294. He noted that a total of 1,102 state inmates have been transferred in 2018, and the average number of inmates transferred each month is 184. Director Bolton described a Weekend Admission Review process that LMDC conducts every Monday morning. He noted that staff review all admissions from 7:00 a.m. Friday to 11:00 p.m. Sunday along with the arrest charges and how long the inmates are held in jail. He noted a large number of weekend admissions were for individuals with an outstanding bench warrant. He highlighted an example involving a defendant booked on a bench warrant for expired tags from a Bullitt County case. In response to a question from a member regarding how long the defendant remained in custody, Mr. Bolton noted that he is working on compiling the cost of a booking and hopes to share it with members at the August meeting. Mr. Wine noted that there are jurisdictions that give discretion to police officers to issue a citation in lieu of making an arrest on an old warrant.

c. Bench Warrant Data/Amnesty Initiative – David Nicholson

Mr. Nicholson reported that Judge Haynie convened a small work group to discuss the possibility of a Bench Warrant Amnesty/Purge Initiative. He reminded members that at the last Jail Policy Committee meeting, he reported that there were 46,000 bench warrants issued in 2017 by District Criminal Courts. After the June Jail Policy Committee meeting, the small work group met to start the conversation and explore options. The work group is hoping to have an initiative ready for launch by the Spring of 2019. David reported that prior to 2013, there were approximately 33,000 cases with active warrants. He called attention to a handout in the meeting packet illustrating the number of bench warrants and court notices issued by District Criminal Court from 2014 – 2018. Mr. Bolton noted that the number of bench warrants issued in June 2018 (2,904) was the lowest since February 2015 (2,881). Judge Delahanty noted

that he has requested a “Bail Credit Eligible” checkbox to be added to Bench Pro, and Ginny Lee reported that the coding for the checkbox is in process and should be rolled out with the next software update. Judge Delahanty noted that it would be helpful if the County Attorney’s Office would reduce the bond on bench warrants for “failure to maintain insurance” from \$500 to \$100 with Bail Credit, and Mr. O’Connell agreed to speak with staff about the suggestion. Tom Wine reported that his office is currently reviewing 320 felony warrants to see if any of them can be purged. David reminded members that in 2012, legislation almost passed requiring review of outstanding warrants prior to renewing driver’s license or professional certifications. He agreed that legislation to provide for police officer discretion to cite versus arrest for bench warrants on low-level cases should be considered. David agreed to report back to the committee as the planning for the warrant amnesty or purge moves forward.

d. Arraignment Court Update – Ingrid Geiser

Ingrid Geiser reported that the Arraignment Court Project is seeking to expand the scope to include additional cases. Judge Delahanty noted that the release rate has increased since Judge Wilcox and Judge Wolfe were assigned to Arraignment Court.

e. The Bail Project – Dan Goyette

Dan reported that The Bail Project is fully operational. To date there have been 141 defendants interviewed, and 102 bailed out of jail by The Bail Project. Data shows a 93% return rate for defendants released from jail. To date, 15 cases have been completed, \$200,000 has been spent on posting bail, and \$25,000 was returned to The Bail Project. Of the defendants released, he noted that six were homeless and returned to court as scheduled, seven defendants were released to drug treatment, six defendants were released to HIP, and two defendants were released to the hospital. He added that ABC NightLine is working on a story on bail reform, and Louisville will be featured in the coverage. He will advise members of the air date once it is confirmed.

VII. Adjourn/Next Meeting

Prior to adjournment, members discussed and reached consensus on the categories to be included in the priority action plan for the next three to four months. Priorities included: 1) Transfer of State Inmates, 2) Bail Reform/Pretrial Detention, 3) Arraignment Court Initiatives, 4) Bench Warrants, and 5) Home Incarceration Pilot Project Implementation. Kim agreed to draft a preliminary action plan for the committee to review and consider at the August meeting.

Tom thanked members for attending. The next meeting is scheduled for Tuesday, August 28, 2018 from 12:00 p.m. – 1:00 p.m. With no further business to discuss, the meeting was adjourned.