

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

**Meeting Summary
Tuesday, June 19, 2018**

Members Present: Dan Goyette, Co-Chair; Tom Wine, Co-Chair; Mark Bolton; Tara Boh Blair; Jim Cabral; Chief Judge Anne Haynie; Chief Judge Brian Edwards; Mike O’Connell; Robert Taylor (designee for Dan Fountain); Julie Kaelin; David Nicholson; and Col. Mike Sullivan (designee for Chief Steve Conrad).

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

Guests Present: Judge Sean Delahanty; Chris West; Steve Durham; Susan Ely; Ingrid Geiser; Karen Collins; Mane` Martirosyan; Kayla Brady; Martin Baker; Don Griffin; Dr. Brian Schaefer; Rev. Roosevelt Lightsey, Jr.; and Katrina Helmer (WDRB News).

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 March 7, 2018 Meeting Summary

The summary of the March 7, 2018 meeting was unanimously approved as submitted.

III. Review of Jail Population Status

- a. LMDC Population Count – Director Mark Bolton
- b. State Inmate Population Update – Director Mark Bolton

Dan Goyette introduced Director Mark Bolton and asked him to provide a brief update on the status of the jail population. Director Bolton 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 2,069, a 7% decrease compared to 2017. Director Bolton explained that the reduction in the ADP in 2018 is due to the Kentucky Department of Corrections (KDOC) transferring state inmates, although he indicated that over the last six weeks the movement of state inmates has slowed. He noted that the Average Length of Stay (ALOS) in 2017 was 25 days and the ALOS in 2018 thus far is 23 days. The Home Incarceration Program ADP in 2018 thus far is 717, although since June 1, 2018 the HIP population has decreased from 670 inmates to 630.

Mr. 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 287. He noted that in November 2016, there were roughly 200 state inmates held in jail longer than 45 days, and in May 2018

there were 63 inmates, but there were an additional 247 state inmates held in jail less than 45 days. He noted that a total of 921 state inmates have been transferred in 2018, and the average number of inmates transferred each month is 184.

In response to a question from Mike O'Connell, Director Bolton concluded that the biggest contributor to jail crowding remains the number of state inmates awaiting transfer. In response to a follow-up question from Mr. O'Connell, Mark reported that there are 150 to 200 inmates currently in custody with a bond of \$1,000 or less. Mr. O'Connell reported that his office reviewed 25 inmates with bonds of \$500 or less. Many of the inmates had multiple bench warrants for failure to appear, significant criminal histories, and extensive arrest reports. Judge Delahanty agreed that inmates with bonds of \$500 or less often have multiple failure to appear warrants.

Director Bolton reported that the Kentucky Department of Corrections inmate population is higher than ever at 25,000 inmates. He added that the local jail population would be higher if multiple jail population management strategies were not in place. In response to a question from Judge Delahanty, Julie Kaelin noted that there used to be Felony Mediation program. Dan Goyette suggested that if bail credit was being ordered, there would be fewer inmates in custody with low bonds. Mark acknowledged that there has been a reduction in ordering bail credit since June 1st. In response to a question from Karen Collins, Tara Blair reported that there are currently 325 individuals on the Pretrial Monitored Conditional Release (MCR) Program. Mark reported that the state prison capacity is at 100%, and the local jail capacity across the state is at 135%.

- IV. AOC/Pretrial Services Updates – Tara Boh Blair**
- a. Jefferson County Administrative Release Protocol**
 - b. Bench Warrant Administrative Release Pilot**
 - c. Automated Court Notification System**

Dan Goyette introduced Tara Blair to provide updates on several items related to Pretrial Services. Tara reported that since January 1, 2017, there have been 4,300 individuals released on the Administrative Release Protocol. She reminded members that Bench Warrants were added to the protocol which was implemented in Jefferson County on August 1, 2017. She noted that 40% of all administrative releases in Jefferson County are for bench warrants and there has only been a one percent increase in the failure to appear rate. Tara reported that the Court Notification System was recently rolled out and is working well. The automated message includes language for defendants to contact their attorney if they have questions. Tara reported that from April to May 2018, 47% to 53% of defendants were being released in Jefferson County. In response to a question from Mike O'Connell, Tara noted that she thinks that a number of individuals are being held pretrial longer than they should. At the present, she indicated that money bond or release are the primary options. Steve Durham noted the disparity related to pretrial release practices across the Commonwealth.

Mike O'Connell reminded members that upon a motion of the court or defendant, a bond can be reviewed 24 hours after arraignment; however Dan Goyette noted that

90% of the defendants are still held. Judge Delahanty asked if Pretrial had data available related to the number of defendants released upon presentation to the on-call judge and the number released at arraignment. Tara Blair reported that from January 1, 2018 to June 18, 2018, 53.41% of all defendants were released at some point, which includes ROR, unsecured released, and Signature/Third-Party Surety Bonds. She noted that in 2016, only 46% of defendants were released. Susan Ely explained that the County Attorney's Office is taking a closer look at defendants held on bonds of \$500 or less and found that many of them had four or five bench warrants. She reported that she recently met with Mane` Martirosyan, LMDC, and is trying to determine if some defendants can be RORed to the Living Room. Susan noted that the total number of felony arrests has increased and believes this to be a significant factor. Tara Blair added that pretrial data shows that there were 4,300 defendants charged with a class D felony in 2017. Mark reminded members that some inmates are being held on a low bond awaiting a competency evaluation. Dan Goyette raised concern that releases from Arraignment Court have declined over the last two weeks. In response to a question from Jim Cabral, Dan reported there is also a decrease in the number of inmates being given bail credit.

Julie Kaelin questioned the need for a meeting with the District Court Term to share information related to jail population management strategies. Judge Delahanty advised that setting bonds is the most dangerous role of a judge. Director Bolton reported that LMDC meets with judges on a regular basis to share information. Steve Durham responded substance abuse issues in the community and suggested that the best policy decision is to prevent those addicted to substances from being taken to jail.

V. Committee Follow-up items

a. Jail Policy Committee Progress/Priorities – Tom Wine/Dan Goyette

Dan called attention to a handout in the packet entitled "Review of Progress/Committee Priorities" and noted that the document includes a high-level review of committee activities and progress over the past year. Kim Allen noted that the committee worked on multiple strategies including trying to expedite resolution of cases in Arraignment Court; reviewing the Home Incarceration Program to develop levels of supervision and graduated sanctions based on risk; and pre-arrest diversion initiatives. The full list of strategies is included on the handout in the meeting packet.

Dan advised that based on discussion at the March meeting about focusing attention on felony cases and case processing times in Circuit Court, a small work group was convened to begin gathering and reviewing data. Rather than developing solutions based solely on high-level data on case closure times, the work group is going to attempt to conduct a system "self-diagnosis" in an attempt to better understand what factors are influencing felony case processing trends. The work group has met once and identified the need for additional data and hopes to report back at the August meeting. Tom Wine added that he asked Tara Blair to pull data on inmates in jail with a cash bond for a Class D Felony, and noted that the Rocket Docket attempts to get

people out of jail prior to sentencing. He also reported that his office was previously on board and interested in participating in Felony Mediation and identified 10 cases, but there was no funding to pay mediators. He reminded members that 98% of all cases are settled prior to trial. In response to a question from Judge Delahanty regarding a breakdown of the jail population by District Court and Circuit Court, Kim recalled that Jamie Allen presented a “bucket analysis” which attempted to break down cases by court. Staff will email the previous analysis to members and Jamie will update the snapshot information for the August meeting.

b. Bench Warrant Data – Jamie Allen

Dan Goyette called on Jamie Allen, Criminal Justice Commission, to provide a brief overview of bench warrant data. Jamie called attention to a handout in the meeting packet entitled “Jail Population Data June 2018.” She reported that the data includes a comparison of several variables to include 2006, 2011, 2016, and 2017. She advised that jail data is extremely complex and involves multiple layers and the data for the snapshot was pulled at the individual and charge level. Based on the data, there were 40,536 bookings in 2006; 42,844 in 2011; 32,732 in 2016; and 33,724 in 2017. Booking data includes admissions into LMDC as a result of an arrest and individuals that directly report to the Home Incarceration Program (HIP). Of those bookings, data indicates that there were 27,852 unique individuals in 2006; 29,633 in 2011; 22,764 in 2016; and 23,448 in 2017. Jamie explained that based on the work of the Dual Diagnosis Cross-Functional Team (DDCFT), “Familiar Faces” were defined as those with more than eight jail admissions in the previous year. Data indicates that there were 78 “familiar faces” in 2006; 93 in 2011; 53 in 2016; and 45 in 2017.

Jamie reported that the data also indicates that warrant arrests represent a significant portion of the total bookings. Warrant arrests accounted for 49% of total bookings in 2016 and 2017. She explained that of the 33,724 bookings in 2017, 16,526 involved a warrant arrest; 11,602 involved a District Court Bench Warrant; and 6,195 involved a District Court Bench Warrant only. Data was also provided illustrating a breakout of length of stay by days for 2006, 2011, 2016, and 2017. She noted that the length of stay for 2017 only includes data from 32,504 booking records due to the fact that 1,220 individuals were still in custody on May 9, 2017. Data indicates that in 2010, 70% of inmates were classified as pretrial and 20% as sentenced. In 2013, 64% were pretrial, 30% sentenced, and 6% holds. In 2016, she noted that the pretrial population grew to approximately 77%, while the sentenced population decreased to 23%. In 2017, data shows that 76% of inmates were classified as pretrial, 9% sentenced, and 15% are both pretrial and sentenced due to multiple cases.

Judge Haynie updated members on the Matterhorn project and explained that the program incorporates an installment plan that allows the defendant to set the payment schedule and the amount to be paid. Since the program was implemented, there has been a 100% success rate for defendants paying the installment payments. Judge Delahanty noted that he issues 30 to 50 bench warrants daily from one court. Judge Haynie advised that in some cases in Courtrooms 301 and 302, judges have been

issuing court notices in lieu of a bench warrant.

c. CSH/KCPC Competency Evaluations Work Group – Dan Goyette

Dan reminded members that at the March meeting the committee reviewed data that indicated that individuals were being held in jail for longer periods awaiting outcomes of competency evaluations conducted at either Central State Hospital or the Kentucky Correctional Psychiatric Center. As a result of that discussion, a small work group was convened to discuss issues related to delays and the use of video technology by physicians in reporting evaluation findings. He advised that his office met with Susan Ely and Ingrid Geiser and work group members agreed that the current practice is working fine by agreement between the prosecution and defense. Kim recalled the prior presentation by Paul Culbertson, AOC, who suggested that additional technology may be needed to facilitate off-site physician reporting. Staff will follow-up on this to determine if technology is in place as well as protocols for video testimony.

d. The Bail Project – Dan Goyette

Dan reminded members that Louisville was selected as a site of The Bail Project. He reported that a soft launch is underway, and The Bail Project staff will be housed in the Hall of Justice and the Public Defender's Office. He reminded members that The Bail Project will post bail for individuals that have a cash bail under \$5,000, and will provide supportive services to ensure they return to court as scheduled. Support services include transportation to court, text message reminders, etc. The Bail Project will also facilitate referrals to housing and treatment.

e. 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.

f. Arraignment Court Update – Judge Sean Delahanty/Susan Ely

Susan Ely reported that the Arraignment Court Project has been very successful, and they are looking to expand the scope. She reminded members that the Metro Council provided additional funding in the FY 18 budget to add a part-time prosecutor and public defender at Arraignment Court to expedite resolution of low level cases.

VI. Adjourn/Next Meeting

Prior to adjourning, David Nicholson reported that there were 44,239 bench warrants issued by District Criminal Court in 2017. Chris West brought attention to the handout in the meeting packet related to the Day Reporting Center and noted that 71% of participants are employed.

Dan Goyette thanked members for attending. The next meeting is scheduled for Tuesday, August 28, 2018 from 11:30 a.m. – 1:00 p.m. With no further business to discuss, the meeting was adjourned.