

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

**Meeting Summary  
Tuesday, October 30, 2018**

**Members Present:** Tom Wine, Co-Chair; Leo Smith (designee for Dan Goyette); Councilman Brent Ackerson; Mark Bolton; Jim Cabral; Kyle Feeney (designee for Cathy Duncan); Tara Boh Blair; Saulette Davis; Tracy Dotson; Skylar Graudick (designee for Nicolai Jilek); Chief Judge Anne Haynie; Julie Kaelin; Carla Kreitman; Mike O’Connell; Dan Fountain; David Musacchio; Ginny Lee (designee for David Nicholson); and Jessie Halladay (designee for Chief Steve Conrad).

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

**Guests Present:** Ingrid Geiser; Matt Golden; Samantha Ravenscroft; Judge Sean Delahanty; Chris West; Steve Durham; Karen Collins; Eric Troutman; Don Griffin; Dr. Brian Schaefer; Dr. Tad Hughes; Meredith Patten; Preeti Chauhan; Daniel Jude; Martin Baker; Mane` Martirosyan; Lucinda Kipper; and Katrina Helmer.

**I. Welcome/Call to Order**

Tom Wine called the meeting to order and welcomed those in attendance. Members and guests introduced themselves. Mr. Wine introduced Meredith Patten, Executive Director, Research Network for Misdemeanor Justice and Preeti Chauhan, Director, Misdemeanor Justice Project in attendance today.

**II. Approval of the September 25, 2018 Meeting Summary**

The summary of the September 25, 2018 meeting was unanimously approved as submitted. In response to a question from Councilman Ackerson, Kim noted that meeting summaries are marked “draft” until approved by the committee.

**III. Presentation:**

**Trends in Admission and Custody in Louisville Metro Corrections, 2008-2017  
Research Network for Misdemeanor Justice  
Dr. Brian Schaefer, Dr. Thomas Hughes, and Daniel Jude**

Tom Wine introduced Dr. Brian Schaefer to present “Trends in Admission and Custody in Louisville Metro Corrections, 2008 – 2017.” Dr. Schaefer noted that the preliminary data included in the presentation involves metrics related to state inmates, bench warrants, and bonds. He began by noting that the annual number of admissions to the Louisville Metro Department of Corrections (LMDC) has consistently declined from 45,000 in 2009 to 32,500 in 2017. He reported that the number of annual admissions by charge level indicates a decline in the number of misdemeanor offenses from 2009 to 2017, while felony charges have increased by 10,000 during the same period. He noted that Class D felonies represented the number one offense category in

2017. Director Bolton asked if that was due to case processing times, and Steve Durham added that there also could be a mental health condition associated with the Class D felony charge. Dr. Schaefer explained that those questions could not be answered by the LMDC dataset, but there is a pending request for data from the Administrative Office of the Courts.

Dr. Schaefer presented data related to length of stay for pretrial inmates, state inmates, jail sentenced inmates, and probation/parole. He noted the increase in the mean and median length of stay for state inmates from 2008 to 2016. Dr. Schaefer reported that data indicates that from 2008 to 2017, the pretrial population in jail for zero to 10 days decreased from 80% to 73%. In response to a question from Dr. Schaefer, Tom Wine noted that he would like to see the data disaggregated by race. Director Bolton added that he would like to see data related to bail credit at arraignment.

Dr. Schaefer presented data for the number of bench warrant admissions to LMDC and advised that the data is extremely complex. He explained that the data includes the highest charge associated with a bench warrant; the mean length of stay increased from 16 days in 2008 to 34 days in 2016. Data indicates that the mean length of stay for individuals with a bench warrant and a violation offense increased from 1.74 days in 2008 to 17 days in 2017. In response to a question from Judge Delahanty regarding the violation data, Dr. Schaefer agreed to revisit the data to determine if there is an outlier in the dataset associated with the increase. Tara Blair reminded Dr. Schaefer that violation offenses do not impose jail time as a penalty. Ginny Lee wondered if the increase could be associated with warrants for failure to pay fines and fees. Steve Durham explained that violation offenses could be criminal trespassing III or alcohol intoxication offenses. In response to a question from Matt Golden, Dr. Schaefer noted that he needs to compare the fresh charge from the bench warrant data to determine if the bench warrant is for any other charge with a new violation. Judge Delahanty noted that inmates do not stay in jail for 25 days based on a violation charge. Mr. Golden encouraged Dr. Schaefer to drill down into the data to better understand the bench warrant categories. Tara reported that the Pretrial Services data system collects this data as well and she should be able to cross-check the bench warrant data.

Dr. Schaefer presented length of stay data for individuals booked on a bench warrant where the highest original charge was a misdemeanor and felony. Data indicates that the length of stay for individuals booked on a bench warrant where the highest charge was a misdemeanor was 20 days in 2017. Data for individuals booked on a bench warrant for a felony offense indicates that the length of stay in 2017 was 52 days. Data was also presented related to bench warrants and bail and included individuals booked in jail on a bench warrant and the release decision was bail. Tara asked if the bond data includes the bond on the warrant or the bond decision by the judge. She explained that there may be a \$500 bench warrant, but the judge RORs the individual. Steve added that out-of-county warrants are not reviewed locally and suggested that Dr. Schaefer separate them in the analysis.

Dr. Schaefer presented data related to admissions by pretrial discharge type including bail, ROR, fine/citation, court order, administrative release, and "other". Data indicates that the median bail amount is higher than the mean. Tara Blair asked if the bail

amount reflects the initial bond or the most recent bond. Ginny Lee reminded members that there can be multiple bonds. Dr. Schaefer expressed appreciation to members for raising questions and providing feedback. He agreed to dig into the data further to answer the questions raised today, and from the meetings held yesterday with stakeholders.

Tom suggested tracking data related to non-financial conditions of release, and Dr. Schaefer responded that although he has not received the AOC data, he suspects that analysis would be possible. Tom said it would be interesting to see a comparison of individuals held on low bonds versus those released on a non-financial condition. He noted that 88% of all jail releases are for a non-financial condition. Director Bolton stressed the importance of reviewing data quarterly in order to effect substantial policy change and determine future directions. David Musacchio added that outcome comparisons would be possible with offender-based tracking.

Tracy Dotson reconfirmed that the Jail Policy Action Plan incorporates the strategies that the committee identified and approved as priority action items. He reminded members that data supports those actions to reduce the population in the jail and asked for an update on the status of the plan. Tom explained that there is not sufficient time today to provide a status update on each item, but reminded members that the committee is required to provide an update to the Metro Council Budget and Public Safety Committees on December 6<sup>th</sup>. In preparation for the presentation, Jail Policy Committee members will review the status of each action plan item at the next meeting on December 4<sup>th</sup>.

#### **IV. Committee Follow-up items**

##### **a. Case Processing Workgroup – Tara Blair**

Tara Blair reminded members that Pretrial Services will begin piloting an enhanced Monitored Conditional Release Program for felony offenders that are being held pretrial in jail on a Circuit Court case. The pilot program will be called Pretrial Assessment Reentry Treatment Services (PARTS). Samantha Ravenscroft, Case Manager, will be conducting a needs assessment on each defendant, and make referrals to services in the community to ensure they return to court as scheduled. A total of 25 defendants will be placed in the pilot program by agreement between the prosecutor and public defender. Tara emphasized that the pilot will not duplicate other program options, and if successful in Jefferson County, the program will be replicated across the state.

##### **b. Arraignment Court Update – Ingrid Geiser**

Ingrid Geiser reported that from August 1, 2017 through October 24, 2018 there have been 2,175 cases resolved in Arraignment Court involving 1,436 defendants. Of the 2,175 cases, 82% of them involved a bench warrant. She estimated that 2,015 jail bed days were saved which is a conservative estimate.

Ginny Lee noted that stakeholders have identified about 2,200 bench warrants for traffic

offenses to be purged. She noted that AOC is currently writing a computer program, so the Circuit Court Clerk's Office can easily access the list. Bench Warrants for violations will be purged in the next round. Judge Haynie thanked the Clerk's Office, County Attorney, Public Defender's Office, and other stakeholders for collaborating on the bench warrant purge. Judge Haynie shared that a Satellite Veteran's Treatment Court was recently held at the Salvation Army for veterans to resolve bench warrants. Ingrid reported that about 20 cases were resolved, and they hope to enhance advertising next year to increase the numbers.

In response to a question from Tracy Dotson, Kim noted that the legislative recommendations approved by the Criminal Justice Commission Board will be sent to the Jefferson County Legislative Delegation and House and Senate Judiciary Chairs. Kim advised that she would let Mr. Dotson know if any feedback is received on any of the legislative proposals. In response to a question from Mark Bolton, Tracy noted that the FOP supports bail reform. Julie Kaelin asked if the local judges are aware of the Committee's Action Plan, and Kim responded that the Chief Judges are members of the committee and relay and share information with their respective terms. She added that presentations have also been made at term meetings in the past. Members discussed inviting members of the judiciary to attend the December 6<sup>th</sup> presentation to the Budget and Public Safety Committees. Skylar Graudick voiced his concern about that a number of criminal justice bills filed in Frankfort are too broad and is particularly concerned about classifying some offenses as non-violent when they really are violent. Kim noted that the Criminal Justice Commission supported a resolution for a comprehensive and systemic review of the Kentucky Penal Code. Tom noted that there have been many crimes added to the Penal Code over the last 30+ years, and the problem is who is in jail, not how many are in jail. He understood the frustration of police when they make an arrest and then see the individual back on the street, but there must be a balanced approach to maintaining public safety.

Mark Bolton said it would cost \$400 million to build a new jail and stressed the importance of using data and evaluation outcomes to drive justice policy. He cited the need for an analytical independent research unit to provide data to guide the committee's work. Kim reminded members that the Jail Policy Committee has always utilized available data to drive policy. While additional research resources would be welcomed, she clarified that the committee has not operated in the absence of data.

## **V. Adjourn/Next Meeting**

Tom thanked members for attending. The next meeting is scheduled for Tuesday, December 4, 2018 from 12:00 p.m. – 1:00 p.m. With no further business to discuss, the meeting was adjourned.