

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

**Meeting Summary  
Tuesday, April 30, 2019**

**Members Present:** Tom Wine, Co-Chair; Mark Bolton; Kimberly Dowell (designee for Tara Boh Blair); Judge Jennifer Wilcox (designee for Chief Judge Anne Haynie); Daniel Johnson (designee for Tracy Dotson); Angela Bilewicz (designee for Chief Judge Brian Edwards); Ingrid Geiser (designee for Mike O’Connell); Karen Faulkner; David Musacchio; Michael Wilmes (designee for David Nicholson); John Rees; and Jessie Halladay (designee for Chief Steve Conrad).

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

**Guests Present:** Kim Toney; Eric Troutman; Steve Durham; Samantha Ravenscroft; Mane` Martirosyan; Kayla Brady; Martin Baker; Dr. Brian Schaefer; and Dr. Tad Hughes.

**I. Welcome/Call to Order**

Tom Wine called the meeting to order and welcomed those in attendance. Members and guests introduced themselves. Mr. Wine advised that Leo Smith, Co-Chair, was unable to attend.

**II. Approval of the February 26, 2019 Meeting Summary**

The summary of the February 26, 2019 meeting was unanimously approved as submitted.

**III. Review of Jail Population Status - Director Mark Bolton**

- a. LMDC Population Count
- b. State Inmate Population Update

Tom Wine introduced Eric Troutman and asked him to provide a brief update on the status of the jail population. Eric directed attention to a chart entitled “Admissions by Year” and reported that admissions in the first quarter of 2019 are slightly lower compared to 2018. He noted that 2019 is trending to be the lowest average daily population since 2015. Director Bolton said the decline in the jail population is mainly due to the great work of the District Court Judges in Arraignment Court, the Kentucky Department of Corrections (KDOC) expediting the transfer of state inmates, and the implementation of the Bail Project. He explained that Eric communicates with KDOC on a regular basis, and that LMDC is on the top of the transfer list. Eric reported that the Home Incarceration Program population is also experiencing a decline and the ADP in 2019 is 566 inmates.

Eric directed members attention to a chart entitled “Average Total State Inmate Population 2013 – 2019.” He reported that the average number of state inmates in the jail awaiting transfer in 2017 was 346 and in the first quarter of 2019 the number had decreased to 249. So far in 2019, the average daily population of controlled intake inmates is 159 and 89 for Probation and Parole state inmates.

Eric reported that the number of state inmates transferred to the Kentucky Department of Corrections has remained stable in 2019, but there is an overrepresentation of female state inmates in jail due to the Kentucky Correctional Institute for Women being at capacity. Mark noted that as a result of LMDC tracking state transfers so closely, KDOC moves state inmates quicker. In response to a question from Ingrid Geiser related to medically fragile state inmates, Eric reported that all state inmates are screened at Roederer Correctional Complex first and then placed at a state facility.

c. Bench Warrants and Out of County Detainees

Tom Wine introduced Steve Durham for a report on Bench Warrants and Out of County Detainees. Steve began by explaining that LMDC reviews all inmates booked on a bench warrant every Monday. He reminded members that the cost to book an individual in the jail is about \$300. He gave an overview of 12 individuals booked into LMDC on a bench warrant and explained the originating charges and the reason the bench warrant was issued. He noted that the information can be used to improve bench warrant policies and practices. Members discussed each of the 12 individuals booked on a bench warrant and asked questions. Director Bolton asked of the status of the bench warrant purge/amnesty event. Faith reminded members that in the fall of 2018 there were 2,202 traffic warrants purged and another round of purging is in the planning stage. In response to a question from Councilman Ackerson, Ingrid advised that the 2,202 traffic warrants that were purged were five years or older and another list of UOR codes was sent to the Clerk’s Office last week for the next purge. She explained that “no insurance” charges are not on the list to be purged because some of them may owe restitution to a victim. Judge Wilcox advised that the Court is discussing holding an Amnesty Day for Bench Warrants. Steve Durham suggested convening a group of stakeholders to review warrants and give defendants the opportunity to re-docket the case. He noted that a public announcement could be made to encourage defendants to attend court. Judge Wilcox noted that Amnesty events have been successful in other jurisdictions and have been held in locations more easily accessible to the public such as libraries, but recognized security could be a local concern. She said she would be happy to be part of a planning effort locally.

Steve noted that there are defendants brought to jail on a bench warrant for not having a Driver’s License but when they are booked, they produce a Driver’s License. He wondered if it would be helpful if law enforcement had discretion to cite in lieu of arrest in these types of situations or if there was a pre-booking center available for law enforcement. In response to a question from Councilman Ackerson, Steve noted that a legislative change would be necessary. Faith reminded members as part of the Action

Plan the Jail Policy Committee recommended legislation to provide for police officer discretion to cite in lieu of arrest for bench warrants on low-level cases. The Criminal Justice Commission's Legislative Committee approved the proposal and forwarded to all Jefferson County Legislators and Judiciary Chairs. Tom Wine asked Faith to ensure that it is on the legislative agenda again in 2020, and John Rees noted that Representative Jason Nemes may be interested in sponsoring a bill proposal. Mark also suggested that the committee look at similar efforts in Mecklenburg County, Philadelphia and New York.

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

##### **a. The Bail Project – Leo Smith**

Since Leo Smith was unable to attend the meeting, the Bail Project report was deferred to the next meeting.

##### **b. PARTS/Felony MCR Pilot – Samantha Ravenscroft**

Samantha Ravenscroft provided an update on the Pretrial Assessment Reentry Treatment Services (PARTS) Program. Sam reminded members that Pretrial Services implemented an enhanced Monitored Conditional Release program for felony offenders that are held pretrial in jail on a Circuit Court case. A needs assessment is conducted for each defendant and Sam makes referrals to services in the community to ensure they return to court as scheduled. Pretrial felony defendants are placed in the pilot program by agreement between the prosecutor and public defender. She reported that there are 26 defendants in the program and 17 active participants. Sam noted that nine participants have active bench warrants. She noted that there are five pending referrals, and two participants that graduated the 12-step program. Tom noted that Samantha met with him and Leo prior to implementing the pilot and thanked her for all the hard work with implementing the program.

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

Prior to the Arraignment Court Update, Ingrid advised that the County Attorney's Office has filed 10 bond forfeitures in 2019 due to defendants failing to appear in court, and only one of the bonds was posted by The Bail Project. Ingrid Geiser reported that from August 1, 2017 through April 26, 2019 there have been 2,961 cases resolved in Arraignment Court involving 1,937 defendants. She estimated that 2,791 jail bed days were saved which is a conservative estimate.

Councilman Ackerson questioned why the committee hears positive information about the Bail Project but then hears reports that bonds are revoked due to defendants failing to appear for court. Ingrid explained that when a surety posts bond, they are responsible for ensuring that the defendant appears in court. Tom Wine reported that his office filed 12 bond revocations in the last quarter of 2018, and four of them were originally posted by the Bail Project. He noted that no program is perfect, and some

defendants will fail regardless. He explained that the Bail Project provides services to defendants after release including transportation, employment assistance, etc. Tom noted that 90% of all defendants released pretrial return to court so the Bail Project stats are comparable. Tom also reminded members that if a bond is revoked, the money goes to Frankfort. He said that the Bail Project is a successful program but that nothing is 100% and that you can't predict human behavior. The Bail Project has worked in other jurisdictions very well. In response to a question from Councilman Ackerson, Tom noted that the Bail Project posts bond for defendants who can't afford to post themselves. He explained that the Bail Project is a band-aid solution until bail reform is passed in Kentucky. Tom noted that New Jersey passed criminal justice reform several years ago and has begun to remove inequities created by the heavy reliance on monetary bail. Faith Augustine advised that a copy of the news release related to the success in New Jersey is available in the meeting packet.

**d. HIP Pilot – 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 the pilot was implemented in November 2018 with the Day Reporting Center participants and may be scaled out further once a new contract is finalized with the vendor.

**V. Adjourn/Next Meeting**

Tom Wine thanked members for attending. The next meeting is scheduled for Tuesday, May 28, 2019 from 12:00 – 1:00 p.m. With no further business to discuss, the meeting was adjourned.