

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

**Meeting Summary  
Tuesday, February 26, 2019**

**Members Present:** Leo Smith, Co-Chair; Erwin Roberts (designee for Tom Wine, Co-Chair); Mark Bolton; Tara Boh Blair; Chief Judge Anne Haynie; Daniel Johnson (designee for Tracy Dotson); Chief Judge Brian Edwards; Carla Kreitman; Ingrid Geiser (designee for Mike O'Connell); Karen Faulkner; Dan Fountain; 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:** Kathy Clark; Angela Bilewicz; Eric Troutman; Doug Hamilton; Samantha Ravenscroft; Steve Durham; Beth McMahon; Kimberly Dowell; Chris West; Mane` Martirosyan; Kayla Brady; Martin Baker; Don Griffin; Dr. Brian Schaefer; Dr. Tad Hughes; and Lucinda Kiper.

**I. Welcome/Call to Order**

Leo Smith called the meeting to order and welcomed those in attendance. Members and guests introduced themselves. Mr. Smith advised that Tom Wine, Co-Chair, was unable to attend due to another commitment and Erwin Roberts is serving as his designee.

**II. Approval of the January 29, 2019 Meeting Summary**

The summary of the January 29, 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

Leo Smith 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 there were 14,000 fewer admissions in 2018 compared to 2009. There was a steady decline in the Average Daily Population (ADP) from 2012 through 2016. The increase in the ADP in 2017 was due to the increase in the number of state inmates being held in jail. Director Bolton explained that the reduction in the ADP in 2018 was due to the Kentucky Department of Corrections (KDOC) transferring state inmates quicker. He noted that the Average Length of Stay (ALOS) in 2017 was 25 days and decreased to 23 days in 2018. He noted that the reduction of the ALOS is due to the implementation of The Bail Project and the

movement of state inmates. The Home Incarceration Program ADP in 2018 was 647 and is trending down in 2019 to 569.

Director Bolton called on Eric Troutman to provide a brief update on the State Inmate Population. Eric directed members attention to a chart entitled "Average Total State Inmate Population 2013 – 2019." Eric reported that the average number of state inmates in the jail awaiting transfer in 2017 was 346 and in 2018 it decreased to 300 – thus far in 2019, the total is 261. So far in 2019, the average daily population of controlled intake inmates is 171 and 90 for Probation and Parole state inmates. In response to a question from a member, Dan Fountain noted that Probation and Parole is utilizing graduated responses to technical violations and the recidivism rate has decreased significantly to only 10% as a result.

Eric reported that in February 2017, there were over 200 state inmates held in jail longer than 45 days, and as of yesterday that has decreased by 74%. In 2018, there were 2,053 state inmates transferred to the Kentucky Department of Corrections and 177 inmates were transferred in January 2019. In response to a question from Leo Smith, Director Bolton indicated that there is an overrepresentation of female state inmates in jail due to the Kentucky Correctional Institute for Women being at capacity. Dan asked if there was a relationship between the crime rate and the decrease in the jail population, and Jessie noted that there is most likely some value in the crime rate reductions and its impact on the jail population. Mark agreed and suggested that Dr. Schaefer and Dr. Hughes may be interested in exploring that research area in the future.

- 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**

Leo introduced Tara Blair and asked her to provide updates on several items related to Pretrial Services. Tara began by reminding members that the Pretrial Services risk assessment labels were revised effective February 25<sup>th</sup>. Tara brought attention to a handout in the meeting packet entitled "Cases Booked CY 2014-2018 Jefferson County." She explained that the data was obtained on February 20, 2019 from the Pretrial Information Management System and includes the release decision percentage by calendar year of case booking. She noted that there were 4,359 defendants administratively released in 2018, which is almost double from 2017. The increase is due to the implementation of the Bench Warrant Administrative Release protocol.

Tara reported that data indicates that in 2014, 50% of Jefferson County cases included a non-financial release. In 2015, 46% of cases included a non-financial release, 48% in 2016, 50% in 2017, and 53% in 2018. She noted that when money bond is set, only 26% of defendants post bond. She indicated that 99% of defendants are released when non-financial conditions are set. In response to a question from Mark related to the

average bond amount, Tara explained the limitation of the data since one person can have multiple bonds. Tara reported that the statewide in-custody snapshot brief should be released soon but the county specific analysis is still in process.

She reminded members that the Supreme Court approved the Bench Warrant Administrative Release Protocol and explained that defendants with an FTA warrant that meet the criteria are administratively released with court reminders the first time. If they FTA a second time, defendants are released on a third-party surety bond with court reminders. Following the third FTA, a judge is contacted to set bond. Eligible offenses include the same offenses included in the administrative release order and individuals must have a risk score of seven or less to qualify. In response to a question from Steve Durham related to the change in the risk assessment labels, Tara reported that after validating two years of data, it was determined that anyone that scores a six or seven on the Failure to Appear scale will be classified as high risk. Tara estimated that the change will affect approximately 10,000 individuals statewide.

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

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

The Bail Project began in Jefferson County as a partnership with the Public Defender's Office in May 2018. Leo reported that since that time, over 700 cash bail bonds have been posted. Approximately 95% of the referrals are from the Public Defender's Office. The return to court rate has varied from month to month but has averaged around 90% over time. Close to \$500,000, has been refunded in bail bonds as cases have been resolved. This money has been "recycled" and posted again by the Bail Project.

### **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 18 defendants in the program, 11 active participants, and two pending referrals. Sam noted that four participants have failed to appear, two were re-arrested, and one participant was cited and released. She noted that there are three interested that are waiting to be seen, and six additional that are waiting on attorney approval. Three active participants are on the Home Incarceration Program. In response to a question from Mark Bolton, Sam advised that the PARTS pilot program began on October 29, 2018 and the caseload will not exceed 25 participants.

Sam advised that program data will be reviewed and evaluated in about six months.

Tara noted that if successful in Jefferson County, the program will be piloted in another county and hopefully replicated across the state. In response to a question from Karen Faulkner related to the screening process, Sam advised that in-custody, non-violent/non-sexual felony defendants with a substance abuse issue are eligible.

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

Ingrid Geiser reported that from August 1, 2017 through February 25, 2019 there have been 2,637 cases resolved in Arraignment Court involving 1,734 defendants. She estimated that 2,526 jail bed days were saved which is a conservative estimate. She noted that staff continue to brainstorm ways to expand the program.

**d. HIP Pilot – Steve Durham**

Leo introduced Steve Durham and asked him to provide an update on the Home Incarceration Pilot. 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 all HIP offenders are monitored with GPS units using a “one size fits all” supervision approach. The HIP Work Group created a Supervision and Progressive Sanctions Grid which the Jail Policy Committee approved in July 2018. Steve noted that the HIP pilot is 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. The pilot was implemented in November 2018 with the Day Reporting Center participants. In response to a question from Ingrid Geiser, Steve reported that HIP participants with violent and sex offense charges are automatically supervised as “high risk.”

Steve reported that there are 23 participants in the HIP Pilot including five high risk, 10 moderate risk, and eight low risk. After applying the HIP Supervision Grid criteria there were 12 high risk participants, six moderate risk participants, and five low risk participants. He noted that in November there were three high risk and one moderate risk participant returned to jail for violations. There were three high risk and one moderate risk participant returned to jail in December, and two high risk and two low risk participants returned in January/February. Violations included unauthorized travel outside of the approved zone, marijuana paraphernalia, and AWOL. Steve noted that most participants are compliant with HIP regulations and the HIP officers are learning ways to help them succeed. In response to a question from Dan Fountain, Steve advised that he would send a copy of the Supervision and Progressive Sanctions Grid.

**VI. Adjourn/Next Meeting**

Leo Smith thanked members for attending. The next meeting is scheduled for Tuesday, March 26, 2019 from 12:00 – 1:00 p.m. With no further business to discuss, the meeting was adjourned.