

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

**Meeting Summary
Tuesday, August 25, 2020**

Members Present: Leo Smith, Co-Chair; Tom Wine, Co-Chair; Eric Troutman (designee for Dwayne Clark); Tara Boh Blair; Chief Judge Angela Bisig; Mike O’Connell; David Musacchio; David Nicholson; Daniel Johnson; Chief Judge Anne Haynie, Dan Fountain, Carla Kreitman; Saulette Davis, Mark Zoeller, and John Rees.

Staff Present: Faith Augustine, Jamie Allen, Stacey Ayers and Miranda Deaton.

Guests Present: Ingrid Geiser; Lauren Polston; Amy Hess; Chris West; Ben Goldman; Rebecca Hollenbach; and Dr. Thomas Hughes.

I. Welcome/Call to Order

Tom Wine called the meeting to order and welcomed those in attendance to the virtual meeting. He advised that due to the virtual format, formal introductions will not be announced but noted that CJC staff will mark members and guests as present for the record. He reminded attendees to stay on mute throughout the meeting unless presenting or speaking and advised that the audio/video controls are located at the bottom of the screen.

II. Approval of the June 23, 2020 Meeting Summary

The summary of the June 23, 2020 meeting was unanimously approved as submitted.

III. Pretrial Updates/Data

Tara Boh Blair, Pretrial Services

- a. COVID-19 Pretrial Release Numbers
- b. Pretrial Outcomes by Race/Ethnicity

Tom introduced Tara Blair and asked her to provide an update on Pretrial Services. Tara called attention to the packet that was sent out electronically to members noting several handouts illustrating the Court of Justice response to COVID and pretrial data for Jefferson County specific to race and ethnicity. She stated that to help protect the health and safety of criminal justice partners and defendants housed in county jails, the Supreme Court issued an emergency release schedule on April 14, 2020 (Administrative Order 2020-25) which temporarily expanded the current Administrative Release Program to expedite the release of certain defendants. These defendants include those served with a warrant for nonpayment of fines; individuals charged with or arrested for failure to appear; and anyone arrested for a nonviolent/nonsexual Class D felony who are not high

risk for new criminal activity. She reported that since the expanded order went into effect, the rates of administrative release have doubled. Last year during the months of April through August, Pretrial Services released 882 defendants on administrative release. During the same period this year almost 1,600 defendants have been released. She stated that these defendants are individuals the Judge would already consider for release; however, the expanded administrative release expedites the process.

She called attention to the pie charts in the packet and stated that the Court of Justice is working with Pastor Edward Palmer, who developed the Red Initiative Agency Model and that some of the data through this initiative will be presented throughout the meeting discussion. From 7/1/13 – 8/2/20 a total of 209,406 individuals were arrested in Jefferson County. The racial makeup of those arrests includes 59% white defendants, 40% black and 1% other. The data was further broken down by Administrative Release by Pretrial Services. Of 10,794 defendants, 57% were white defendants, 41% black, and 2% other that were released on administrative release. In looking at pretrial release by Judge, out of 124,567 defendants, 58% of white defendants, 41% black and 1% other were Released on Recognizance during the judges call. For those 74,045 defendants detained and not released, 62% were white, 37% black and 1% other.

Based on analysis of the data reported, Tara stated that the percentage of blacks being arrested is higher on the front end of the system, but after arrest there are no disparities or disproportionality and that blacks are more likely to be released than whites. She used the example of the administrative release data. In response to a question from Tom Wine, Tara noted that while blacks are overrepresented during arrest (40%) they make up more of the administrative release population at 41%. Tom asked Tara a question related to the detention rate of the pretrial population in Jefferson County by race and ethnicity, and Tara indicated that for the next meeting she could pull a snapshot of the in-custody population by race and ethnicity. Eric noted that he could also provide jail population data by race for the next meeting.

IV. Review of Jail Population Status – Eric Troutman, Chief of Staff

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

Tom Wine introduced Eric Troutman and asked him to provide an update on the status of the jail population. Eric reported that there were 27,762 admissions in 2019 with an average daily population of 1,824 and an average length of stay of 24 days. Data for 2020 shows there have been 10,683 admissions with an average daily population of 1,498 and an average length of stay of 17 days. He noted a significant decrease in the average length of stay from when he last reported it to be 28 days at the June meeting.

He reported that the average number of state inmates in the jail awaiting transfer in 2017 was 346, in 2018 decreased to 300 and in 2019 decreased to 280. Data for 2020 shows the average number of state inmates is 293. He noted that in recent conversations with the new Commissioner of the Department of Corrections, Cookie Crews, she indicated

that DOC would begin transferring state inmates. Tom Wine asked if DOC would be amenable of the Courts ordering state inmates a date to report to DOC to begin serving their sentence, instead of sitting in LMDC waiting to be transferred. Eric responded that he thinks that Commissioner Crews would be amenable to the suggestion, and Leo Smith noted that the Circuit Court Term would have to approve. Judge Bisig advised that she will raise the suggestion at the Circuit Court Term meeting on Thursday and report back at the next meeting.

V. Strategies to Slow the Spread of COVID-19 in the Jail

- a. Background/Summary of efforts implemented – Steve Durham
- b. Challenges/Next Steps – Ben Goldman and Rebecca Hollenbach, Louisville Metro Public Health and Wellness

Eric reported that the jail has taken preventive measures to delay the onset and reduce the spread of COVID-19 through increased cleaning and sanitation, PPE requirements and surveillance testing. He stated that jail operations have slowed down and that volunteers are no longer allowed in the jail. Every inmate is provided a mask at booking and are given two additional masks if they are housed in the population.

In response to a question from Leo regarding the number of inmates the jail can successfully hold while providing social distancing requirements, Eric stated around 950 inmates. He stated that currently the jail classification system is hindering the ability to house inmates across the jail, and that administrative staff are reviewing the number of classification assignments so that inmates can be housed together safely and efficiently. He stated that Metro Corrections plans to clear out the entire third floor to provide a 14-day quarantine for all inmates who are not released and who are assigned housing in the general population. The goal is to quarantine those inmates for 14 days to reduce the spread of the virus. When asked about opening CCC back up, Judge Bisig stated that she participated on a call with Judge Haynie and Dr. Sarah Moyer to discuss using this space to increase social distancing measures. Dr. Moyer advised that there was CARES funding available to provide a funding source to open the space. Eric reported that even with additional funding to open CCC, Metro Corrections is facing staffing challenges and there is not enough personnel to staff it currently.

Eric introduced Rebecca Hollenbach, Executive Administrator at the Center for Health Equity, to discuss challenges and next steps to slow the spread of COVID-19. Rebecca thanked members for allowing her to present and stated that Louisville Metro Public Health and Wellness (LMPHW) continues to follow the important steps that the CDC recommends for protecting staff and inmates in correctional facilities. She commended Metro Corrections for their hard work, stating that some of the worst COVID-19 outbreaks have resided in correctional facilities across the country due the close quarters and difficulty with social distancing. Due to the limited space there are concerns that anyone who comes into the facility has the potential risk of bringing in an infection that could be spread to others. She reported that they will continue to work with Metro Corrections on brainstorming ideas for quarantine and preventing the spread of the virus. She

emphasized that while 7 days of quarantine is a great start, quarantining up to 14 days is even better since exposure to the virus can manifest in that timeframe.

Rebecca introduced Ben Goldman from LMPHW who stated he is working with Metro Corrections on strategies to increase space both for appropriate physical distancing as well as clearing up enough dorm space for a 14-day quarantine. He reminded members that at the beginning of the pandemic there were many successful efforts from all the criminal justice partners coming together and identifying as many people in jail as possible for release. Individuals were reviewed based on pre-existing conditions, age and likelihood to be infected with COVID-19 while weighing concerns against public safety. Parameters were identified on who would be appropriate for an early release and the numbers of individuals identified from that early effort have dropped dramatically. Ben suggested that the same group of partners come together develop a similar process to proactively identify those in-custody who would be good candidates for early release based on their high risk of being infected with the virus.

Ben suggested formalizing a task force or weekly meeting that would review candidates for early release who could be better served in a non-incarceration setting to minimize the number of inmates taking up space and free up that space for physical distancing. Tom stated that Amy Hannah from the Public Defender's Office and Ebert Heagle from his office had been reviewing individuals on a regular basis in March and April, therefore this process could be replicated with agreement from all the court partners. Leo agreed and suggested that Metro Corrections put together a list for stakeholders to review. Ingrid Geiser stated that the Jefferson County Attorney's Office has not received any lists for review in quite some time but that their office was working with Amy and Ebert on hundreds of agreed orders and that Judge Wilcox was very helpful in processing the orders when partners agreed on someone that could be safely released. She stated that arraignment court is averaging between 25-35 a day and that not many individuals are being held overnight. Those that are staying in jail are the more serious cases, but she stated that the JCAO would be happy to look at any list that is available. Following discussion, Eric reported that he would get with jail medical and IT staff to work on preparing a reoccurring list for stakeholders to review. Faith offered up staff support from the Criminal Justice Commission.

VI. Action Plan Updates/Follow-up items

- a. MAT Planning Initiative – Jamie Allen
 - b. The Bail Project – Leo Smith
 - c. Arraignment Court Update – Ingrid Geiser
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- a. MAT Planning Initiative – Steve Durham

Jamie Allen reminded members that in 2019 Louisville Metro participated in a Building Bridges technical assistance project to establish a local comprehensive continuum of care model to treat individuals with OUD that starts in jail and extends to treatment providers in the community. An action plan was developed to include both maintaining and initiating individuals on medications for OUD. She reported that the

Criminal Justice Commission was awarded start-up funding from the Institute for Intergovernmental Research for Metro Corrections to hire a full-time Substance Abuse Coordinator to coordinate the work and build out the action plan that was developed during the technical assistance phase of the project. She reported that the initial goal for the project, in partnership with Wellpath and the MORE Center, is to maintain individuals on medications for opioid use disorder who are already connected to a provider in the community as they enter the jail, and then provide linkage back to care upon release. The team is working with the State Opioid Narcotic Authority (SOTA) for final approval to move forward with the project. Due to the strict requirements for methadone and storage in the jail, Wellpath and the MORE Center are in process of finalizing chain of custody documents for SOTA's review. In addition to the MAT Expansion project she stated that Metro Corrections is working with the MORE Center on the Kentucky Opioid Response Effort Grant. As part of this work LMDC will offer individuals with an identified OUD, a naloxone kit, upon discharge.

b. The Bail Project – Leo Smith

Leo reminded members that The Bail Project began in Jefferson County as a partnership with the Public Defender's Office in May 2018. He reported that from May 2018 through June 17, 2020, over 2,380 cash bail bonds have been posted which averages around 92 a month. He reminded members that The Bail Project is a revolving bail fund and reported that over \$7 million has been posted and \$3 million has been refunded and recycled as cases have been resolved. The return rate to court has fluctuated between 89%-92%. He reported that there are 25 sites across the country where The Bail Project is operating and because Kentucky is considered a high incarceration state the project has made a conscious effort to put quite a bit of funding locally to support their work.

c. Arraignment Court Update – Ingrid Geiser

Ingrid Geiser reported that data for arraignment court has not changed since the last report-out in June. Due to COVID-19 restrictions, she stated that there has not been a prosecutor or a public defender present during in-custody jail arraignment. She further stated that low-level offenders are not being held overnight and making it to arraignment court which is the population that they focused on.

VII. Adjourn/Next Meeting

Tom thanked members for attending. The next meeting is scheduled for Tuesday, October 27, 2020 from 12:00 – 1:00 p.m. With no further business to discuss, the meeting was adjourned.