

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

**Meeting Summary
Tuesday, January 20, 2020**

Members Present: Tom Wine, Co-Chair; Leo Smith, Co-Chair; Eric Troutman (designee for Dwayne Clark); Tara Boh Blair; Chief Judge Angela Bisig; Ingrid Geiser; Karen Faulkner; Daniel Johnson; David Musacchio; Ginny Lee (designee for David Nicholson); Judge Jennifer Wilcox (designee for Chief Judge Anne Haynie).

Staff Present: Faith Augustine and Jamie Allen.

Guests Present: Lauren Polston; Jeff Biehslich; May Porter; Brendon Bouts; Charles Byers; Angela Bilewicz; Ozzy Gibson; Steve Durham; and Dr. Brian Schaefer.

I. Welcome/Call to Order

Tom Wine called the meeting to order and welcomed those in attendance. Members and guests introduced themselves.

II. Approval of the November 19, 2019 Meeting Summary

The summary of the November 19, 2019 meeting was unanimously approved as submitted.

III. Judicial Directives Audit

May Porter, Office of Internal Audit

Tom Wine reminded members that due to questions raised at the November meeting, May Porter, Office of Internal Audit was invited to today's meeting to provide an overview on the Judicial Directives Audit. Ms. Porter began by advising members that the Office of Internal Audit contracted with CGL companies to conduct a comprehensive audit of the judicial directive (court order) system in Jefferson County. The system experienced issues with the timely implementation of orders, as well as their clarity and consistency. CGL was charged specifically with developing a database of court orders that could be analyzed to identify improvements that could be made to enhance system efficiency.

May noted that CGL's methodology included both a review of available documentation and the development and analysis of a court order database as well as interviews across the entirety of the criminal justice system. CGL interviewed stakeholders from the Jefferson County Courts, Office of the Circuit Court Clerk, and Metro Corrections. Prosecutors, defense bar and other Metro Government stakeholders were also interviewed. Due to issues with extracting court orders from LMDC, the sampling

methodology for the project was revised. LMDC provided court orders from nearly 700 inmate master files. As CGL began reviewing the court orders and entering them into its database, they quickly realized that some of the information required for the audit was routinely absent from many of the court orders. The missing information included: date and time of the court order initiation; judge's name; clerk's name; method of transmittal of the court order; receipt time of the court order in LMDC; and name of LMDC Records Office staff who reviewed the order. Additionally, some of the information was not consistently available or collected, including when the court order was initiated and when the court order was transmitted from the clerk. The gaps in the information needed to objectively audit the court order system led Metro Government stakeholders to determine that the project would be refocused from a data-driven audit of court orders, to a high-level analysis and recommendations for improvements to the court order process. As part of that effort, CGL would develop a limited database of information from 250 court orders to identify gaps in information in the court orders.

Data shows that there are nearly 550 court orders received every work day or a total of 142,000 per year. The audit showed that about 4.3% of the orders require clarification before they can be implemented (approximately 23 per day). It is labor intensive to get clarification or correction of the court orders, and the audit estimates that it cost \$84,000 and occupies 1.72 staff in Metro Corrections. A comparison of data to other counties, shows that Jefferson County's court filings are more than twice that of the next busiest court system (Fayette County). May explained that the existing court order system cannot be effectively audited for accuracy or timeliness. She noted that because the system is a paper system, it lacks automated tracking information such as when court orders are transmitted from the clerk, when court orders are reviewed by Metro Corrections, and when orders are implemented. Additionally, because of the paper system, there is no audit trail.

May reported that the paper system is subject to inconsistencies and inaccuracies, is labor intensive to operate and manage, and there is a higher likelihood of potential litigation resulting from these errors. Due to these system inefficiencies, the audit noted several recommendations including the development of an integrated criminal justice information system between the Courts, Office of the Circuit Court Clerk (OCCC), and Corrections. May noted that the system could be a single integrated system, or multiple interfaces between existing systems that would provide communication with each other in real time. The system would automatically create an audit trail, improve efficiency and reduce staff workload. A single integrated system is expensive and could cost up to \$15 million depending on what it replaces. It could cost \$350,000 at a minimum to develop an interface between existing systems.

The audit suggested establishing a working Solutions Group between the Courts, Clerk's Office, and Corrections to meet on a regular basis to resolve court order concerns and develop ways to improve the accuracy speed and efficiency of the communication system between the three organizations. It was also suggested to develop a "liaison" position within both Metro Corrections and the Courts to resolve immediate issues that arise regarding court orders. May noted that staff turnover is a significant issue with Metro

Corrections and the Courts, and the audit suggested increasing the salary level for the positions to retain employees. She also suggested that Metro Corrections should continue efforts to automate the court order processes into the existing information system and utilize SharePoint as a repository for court orders.

In response to a question from Tom Wine related to the stakeholder group, May indicated that the group should include other stakeholders, as needed, including prosecutors. Ginny Lee noted that the Office of the Circuit Court Clerk (OCCC) was involved in the audit and reviewed the findings. She indicated that the Office of the Circuit Court Clerk has worked with LMDC to transition to email distribution of all court orders since the time of the selected audit sample, but before the time the audit commenced. Further, the OCCC has continued to strive to improve the order distribution system between the clerks and LMDC by working to develop an electronic document sharing platform for court orders. Additionally, the OCCC office implemented use of uniform forms for the order types most commonly distributed to LMDC in District, Circuit, and Family Court. She also clarified that the Office of the Circuit Court Clerk does not have a 40% turnover rate as indicated in the audit report. The current turnover rate varies between 21 and 25% depending on monthly staffing changes.

Steve Durham advised that LMDC shares the responsibility, and processes 142,000 court orders a year. He noted that due to a paper process that human error is going to occur, and LMDC is always looking for ways to improve processes. Ginny added that she believes that the number of correctives in the Audit Report is low, and that the Clerks are often in the middle trying to interpret the court order. Karen Faulkner advised that she spends a lot of time trying to get court orders processed, often checking in with LMDC and the Clerk's Office. She noted that there are often interpretation and staffing turnover issues which impacts the process. She advised that she is interested and willing to assist in the improvement process. David Musacchio advised that he and John Rees assisted CGL with the audit. He expressed appreciation to the Jail Policy Committee for bringing stakeholders to the table to discuss issues and concerns and ultimately to create strategies to improve the system.

IV. MAT Planning Initiative – Steve Durham

Tom called on Steve Durham to provide an update on the MAT Planning Initiative. Steve reminded members that Louisville was selected by the Bureau of Justice Assistance, Comprehensive Opioid Abuse Program to participate in 9-month technical assistance initiative "Building Bridges Project" that aims to expand the current continuum of care model for individuals in jail with Opioid Use Disorder. He stated that requirements to participate in the project included initiating at least two of the three FDA approved forms of MAT (methadone, buprenorphine, naltrexone) in jail and building out a seamless continuity of care for those individuals being released back into the community. The local team assigned to the project was paired up with a national expert, Dr. Margarita Pereyda from Los Angeles County Jail, to help guide the work and assist in the development of an action plan to move the work forward.

In December, Louisville submitted a letter of interest to apply for \$93,500 in startup funding through BJA and the Centers for Disease Control for our local project. In January our team was invited to apply for the money and will be submitting a proposal to BJA on January 31st to hire an additional Substance Abuse Coordinator and part-time Peer Support Specialist to coordinate OUD treatment services for individuals during incarceration and coordinate continued community care for individuals upon release from jail. The team thought it was important to share a video on Addiction 101 hosted by Dr. Corey Waller who is a nationally recognized addiction expert and an actively practicing addiction, pain, and emergency medicine specialist. The video provides an overview and in-depth look at the brain and the disease of addiction. Steve introduced the video and advised that the link would be emailed to members so they could share with their staff and others that may be interested.

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

- a. LMDC Population Count
- b. State Inmate Population Update
- c. Pew Study/Data Collaborative for Justice

Tom introduced Eric Troutman and asked him to provide a brief 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. 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. In 2019, the average daily population of controlled intake inmates was 184 and 96 for Probation and Parole state inmates. Eric advised that the State DOC releases about 300 to 400 inmates at the end of each month. He also noted that the vacancy rate at DOC is about 40% and 50% of the state inmate population is housed in a county jail. The Kentucky Correctional Institute for Women continues to be at capacity.

Dr. Brian Schaefer noted that the Pew Charitable Trusts Public Safety Performance Project will partner with the Data Collaborative for Justice at John Jay College (DCJ) to work in three jurisdictions (Louisville, Kentucky; St. Louis, Missouri; and Durham, North Carolina) to collect, clean and analyze data on jail populations, with a particular focus on the characteristics of individuals with longer lengths of stay. Representatives from PEW and the DCJ will be on-site on March 23rd and 24th to attend the Jail Policy Committee meeting, tour the local jail, and meet with local stakeholders to discuss the study. CJC staff will be contacting stakeholders to schedule the meetings.

V. Action Plan Updates/Follow-up Items

- a. 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. Leo reported that from May 2018 through November 2019, 1,600 cash bail bonds were posted. The return to court

rate has averaged between 89% - 92%. He noted that over \$5 million has been posted and \$1.5 million has been refunded and recycled as cases have been resolved.

b. PARTS/Felony MCR Pilot – Tara Boh Blair

Tara reported that PARTS program referrals will use the regular MCR process. She reminded members that the caseload was small, and the community resources are providing the case management. Tara introduced Lauren Polston, the new Pretrial Services Supervisor in the Jefferson County office.

c. Arraignment Court Update – Ingrid Geiser

Ingrid Geiser reported that as of January 24, 2020 there have been 4,179 cases resolved in Arraignment Court involving 2,703 defendants. She estimated that 3,893 jail bed days were saved which is a conservative estimate (1 day each or 2 days if ROR on weekend or holiday).

VI. Adjourn/Next Meeting

Tom thanked members for attending. The next meeting is scheduled for Tuesday, March 24, 2020 from 12:00 – 1:00 p.m. With no further business to discuss, the meeting was adjourned.