

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

**Meeting Summary  
Tuesday, March 23, 2021**

**Members Present:** Leo Smith, Co-Chair; Tom Wine, Co-Chair; Eric Troutman (designee for Dwayne Clark); David Nicholson; Tara Boh Blair; Chief Judge Angela Bisig; Ann Schiavone Dyke (designee for Mike O'Connell); David Musacchio; Daniel Johnson; Chief Judge Annette Karem; John Rees; Dan Fountain; Carla Kreitman; Saulette Davis; Ryan Nichols; and Lt. Col. Andy McClinton (designee for Col. Josh Judah).

**Staff Present:** Faith Augustine, Jamie Allen, and Tyler Dennison.

**Guests Present:** Chief Amy Hess; Steve Durham; Mane Martirosyan; Chris West; Lauren Polston; Angela Bilewicz; Dr. Brian Schaefer; and Dr. Thomas Hughes.

**I. Welcome/Call to Order**

Tom Wine, Co-Chair, called the meeting to order and welcomed those in attendance to the virtual meeting. He advised that there is a full agenda and 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 January 26, 2021 Meeting Summary**

The summary of the January 26, 2021 meeting was unanimously approved as submitted.

**III. Action Plan Updates/Follow-up items**

- a. MAT Planning Initiative – Steve Durham
- b. The Bail Project – Leo Smith
- c. Arraignment Court Update – Ann Schiavone Dyke
- d. CCC Work Group Report

Mr. Wine called on Steve Durham to provide an update on COVID-19 in the jail and the MAT expansion initiative. Steve reported that Metro Corrections has administered 6,747 tests of individuals in custody. Of those, 408 were positive resulting in a 6% positivity rate. He reported that individuals in custody have started to receive the Johnson & Johnson vaccine from Louisville Metro Public Health and Wellness and the contract medical provider, Wellpath. He reported that 20 vaccines were administered last week, and the goal is to administer another 60 this week. As it relates to MAT expansion, he stated that Metro Corrections is increasing and expanding access to FDA approved medications for opiate use. In January, the jail partnered with the MORE Center to begin

phase one of the project and is now providing methadone maintenance to individuals who were already connected to a provider in the community prior to arrest. There have been 11 patients that have entered the program and the overall goal is to continue the medication while in custody and get them reconnected upon release. He reported that the funding for phase one is supported by the Institute of Intergovernmental Research (IIR) and Metro Corrections has been able to hire a full-time Substance Abuse Program Coordinator and part-time peer support specialist. He added that by third quarter 2021, phase two of the project will launch and will provide expansion to buprenorphine maintenance and induction. These efforts have been secured through a grant received by the Criminal Justice Commission and will fund 1.2 million in MAT expansion.

Leo Smith provided an update on the Bail Project. He reminded members that the Bail Project grew nationally out of an organization in Bronx, New York in 2007, and as the project expanded, offices began opening across the country. The first office was opened in Louisville, KY in 2018 and as of March 16<sup>th</sup> has posted approximately nine million dollars (3,000 cases) in bail over the last three years. He added that the Clerk's Office is holding \$3,758,000 that belongs to the Bail Project that has been posted for cases that are currently pending, and that approximately \$5 million dollars has been returned to the Bail Project for the revolving bail fund. Data provided by the Bail Project indicates that 95% of referrals are from the Public Defender's Office and most of the bonds being posted are \$5,000 or less. He stated that there is a review process by supervisors if the bond is higher. While the return rate varies from month to month, it averages 90% for those that return to court after a bond is posted and the current forfeitures total around \$170,000. In response to a question related to individuals who reoffend, Leo stated that he has spoken with the Bail Project about the best indicator to track for re-offense whether it be 30 days, six-months or one year. He further stated that while it would be a massive undertaking to pull the data, it would be worthwhile to look at. In addition to overall reoffense rate, Tom stated and Judge Bisig agreed that it would be helpful to look at those individuals who are still out on bail and reoffend during the timeframe between posting of the bail to the ultimate resolution of the case.

Ann Dyke reported that she did not have any updated data to report on the Arraignment Court Pilot. Due to COVID-19, prosecutors have not been able to interact with the inmates in arraignment court, and most of the lower level offenders that the pilot served are being released.

Faith Augustine called attention to the CCC Workgroup Report included in the electronic packet. She reported that last fall the leadership team for Metro Government began looking at the utilization of CCC once the COVID-19 emergency restrictions were imposed and the population at Metro Corrections started to decline. Early in the pandemic a decision was made to temporarily close CCC as work release operations were suspended and the remaining low-risk individuals housed at CCC were moved back to the Main Jail Complex. The workgroup met on two occasions to assess the feasibility of either temporarily closing or permanently closing CCC. At the conclusion of the meetings, the MCJC pulled together the data, research and recommendations into a summary report which was provided to the workgroup, the Mayor and to the Metro leadership team. Amy

Hess added that given the current circumstances of the pandemic, most of the workgroup determined that it was premature to make a decision to permanently close CCC, but that future discussion should be a standing item for the Jail Policy Committee.

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

Tom introduced Eric Troutman and asked him to provide an update on the status of the jail population. Eric stated that the daily count is running in the mid-1300s and that the average daily population thus far in 2021 is running a bit higher than last year. He indicated while the count has plateaued since the beginning of the year, the average length of stay (ALOS) is trending upward. The ALOS is currently at 33 days which is an increase from 29 days reported at the end of 2020. One of the reasons for this is the jail is keeping more high-risk folks in custody that have longer lengths of stay. He reported that there are 287 individuals that have been sentenced to KYDOC, which has been the average. Of the 287 awaiting transport, 167 are controlled intake and 120 are Probation and Parole. He reported that there has been some movement, but it is not what KYDOC had originally proposed.

Steve Durham followed up with a comment and stated that there are approximately 150 individuals who have been in custody for over 18 months in which 30 have judgements. These are individuals with complex cases, capital crimes, and could be waiting for forensic evidence on their cases. He stated that Tom and Leo are paying attention to this group and that Metro Corrections will continue to send the list of names to the stakeholders to check the status of the cases.

Leo followed up with a question related to the 120 individuals waiting to go to KYDOC for Probation and Parole. Eric stated that the number includes a combination of individuals who are ready to be transported, and others who are awaiting a revocation hearing. Leo reminded members that a letter was sent to the KYDOC asking that the movement of state inmates be expedited, and since their response, there has been no real commitment to move state inmates out of Metro Corrections.

#### **V. Pretrial Updates/Data – Tara Boh Blair, Pretrial Services**

Tom called on Tara Blair and asked her to provide an update on Pretrial Services. Tara indicated that in an effort to look at the impact that COVID-19 had on public safety, release rate data was analyzed for 2018 – 2020. She noted that appearance rates for 2020 is not final due to the significant number of continuances, court notices and reschedules. Data related to administrative release was captured in chunks of time due to the many changes in 2020 with the Supreme Court order. The first order was issued on April 15, 2020 and the percentage of individuals released on administrative release jumped from 7% to 26%. During this time the administrative release order was amended by the Supreme Court and a large number of cases including any civil matters, family court cases, and restitution cases were included in the order. The administrative release order was revised on June 1, 2020 and stopped the release of individuals with active bench warrants for failure to appear; however, there is not a significant decrease for

Jefferson County because the county has been working under a deviation to the Supreme Court order since 2016 that permits pretrial services to release these individuals. During this time the percentage of cases released on administrative release decreased to 22%. On October 1, 2020 a change to the administrative release order was made to reflect that anyone who was previously released Pre-trial, that had an active case, were no longer eligible. The Jefferson County data reflects that 13% of individuals were released on administrative release, which is still double the number of administrative releases prior to the pandemic.

The next set of data that pre-trial looked at was the re-arrest rate on all releases. She reported that in 2020 only 10% of released cases had a new arrest by January 1, 2021 which is only up 3% from 2019. Faith Augustine asked if any decisions have been made to keep the current administrative release order in place that includes low level class D felonies. Tara stated that the Supreme Court Order is in place indefinitely; however, she is not sure if a final decision has been made.

## **VI. Report: The Impact of COVID-19 on Crime, Arrests, and Jail Population** Jamie Allen, Criminal Justice Commission

Tom reminded members that at the January meeting Jamie Allen presented data on the impact that COVID-19 had on crime, arrests and the jail population and called on her to present the report. Jamie noted that the data charts from the presentation as well as new data was included in the report. She reminded members that the timeframe of the data collected and analyzed was from January 2019 to November 2020. She stated that the goal of the analyses and of the overall report is to benchmark the early data on crime, arrests, and the composition of the jail population after emergency restrictions were imposed in March 2020. She recalled that the MCJC replicated the analysis after the JFA Institute who looked at six major cities working with the McArthur foundation within their criminal justice reform initiatives. In their preliminary report they raised two key questions; first, what were the major factors that reduced the jail population; and second, what is the impact on public safety?

Jamie stated that the data analysis presented in January identifies those major factors that reduced the jail population to slow the spread of COVID-19 which included all the mitigation efforts that were put in place. As it relates to the impact on crime, she stated that the data includes all Part I violent and property reported crimes. Aside from seeing the typical seasonality trends in late spring and through the summer, there was a slight reduction in property-related crimes and an increase in violent crime after emergency restrictions were put in place. She called attention to a chart on page eight of the report that looks at LMPD self-initiated activity in relation to Part I crime across different points in time. The chart shows that while there is some fluctuation in the numbers of LMPD self-initiated activity there was an acceleration of officer activity (excluding traffic stops) immediately after COVID-19 emergency orders were put in place, but was interrupted due to the widespread protests that began in late May.

Jamie reported that prior to the emergency restrictions, arrests were consistent. Once

restrictions were imposed and the widespread protest began there was a decline in both felony and misdemeanor arrests. From February to June 2020 there was a 52% decrease in total arrests. This in turn impacted the jail population which dropped by 34% during the time period. The length of stay for those in jail made a sharp increase from approximately 35 days to 63 days. She pointed out that the JFA Institute in their preliminary analysis concluded that the increase in LOS is likely tied to delays in court processing of pending criminal cases for those who are detained. The ability to maintain the current jail population will depend on the extent that the mitigation strategies remain in place and how quickly courts address the delays for those in jail. The JFA Institute concluded that otherwise, jail populations can and will approach their pre-COVID-19 levels as restrictions are eased and the courts begin to reopen.

Jamie recommended several next steps based on the analyses and suggested that the data remain on the forefront of Jail Policy Committee discussion. She stated that the MCJC will continue to monitor data trends and present the January to June 2021 findings mid-year. She stated that it will be important for the committee to have ongoing discussions about the state of the jail as the courts begin to reopen. She further stated the importance of monitoring the data to keep the pulse on what impact the reduction in the jail population had on public safety, and what mitigation efforts are worth advocating to continue.

Amy Hess emphasized that the report is very educational and recommended that members take the time to digest the findings. She stated that the data makes her question several trends that are seen throughout those months when emergency restrictions were imposed. Specifically, on page six of the report related to the chart about violent crime, she noted that all violent crime increases except for sex crimes. The question she has is could it be a reporting issue or is it a reality issue? She also noted that the chart on LMPD self-initiated activity is very powerful because as self-initiated activity begins to increase in 2021, how is that going to overlay with the jail bookings which brings questions about what the status of the jail population will be as the community begins to reopen. She added that as the MCJC continues to monitor the data it would be particularly helpful to compare the pretrial risk level population to what it was a year ago, if possible.

## **VII. Adjourn/Next Meeting**

Tom provided an opportunity for members to provide agency updates. Daniel Johnson stated that he had a concern from Metro Corrections FOP members that he wanted to report. He stated that with CCC being closed, the count at the Mail Jail Complex is starting to increase. He recalled that at the start of the pandemic that the average jail count was approximately 1,200 inmates and is now hovering close to 1,400. He stated that as the population continues to rise, at times there are over 400 inmates on a single floor. He urged LMDC administration to open CCC for low risk inmates due to safety concerns of crowding the Mail Jail Complex. He acknowledged that staffing is a problem at LMDC but stated that safety of staff and inmates is priority. With no other agency updates and no further business to discuss, the meeting was adjourned. The next meeting is scheduled for Tuesday, May 25, 2021 from 12:00 – 1:00 p.m.