

INTERIM JOINT COMMITTEE ON APPROPRIATIONS & REVENUE

Budget Review Subcommittee on Justice and Judiciary

Minutes of the 4th Meeting of the 2021 Interim

September 24, 2021

Call to Order and Roll Call

The 4th meeting of the Budget Review Subcommittee on Justice and Judiciary of the Interim Joint Committee on Appropriations & Revenue was held on Friday, September 24, 2021, at 8:30 AM, in Room 129 of the Capitol Annex. Senator Danny Carroll, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Danny Carroll, Co-Chair; Representative Joseph M. Fischer, Co-Chair; Senator John Schickel; Representatives McKenzie Cantrell, Angie Hatton, C. Ed Massey, and Jason Nemes.

Guests: Robyn Bender, General Counsel, Justice and Public Safety Cabinet; and Cookie Crews, Commissioner and Hilarye Dailey, Deputy Commissioner, Department of Corrections.

LRC Staff: Perry Papka, Zachary Ireland, and Katie Carney.

Approval of Minutes

A motion was made and seconded by multiple legislators to approve the minutes of the August 4, 2021, meeting of the subcommittee. The minutes were approved without objection.

Department of Corrections

Ms. Bender provided a presentation regarding the Department of Corrections (DOC) granting conditional commutations for offenders during the COVID-19 pandemic.

In response to a question from Chair Carroll regarding population levels, Ms. Dailey responded that as of September 23, DOC had approximately 10,000 inmates within state facilities and 8,500 in community facilities.

In response to a question from Representative Nemes regarding criteria for commuting sentences and the recidivism rate of commuted prisoners, Ms. Bender responded that criteria for commuting sentences included those who were medically vulnerable, over the

age of 65, or had less than five years left to serve. The standard recidivism rate is twenty percent over a one-year period.

Chair Carroll requested an updated list of inmates released through the COVID-19 commutations that did not meet the parameters for release, but may have been released due to good time credits or other factors.

In response to a question from Senator Schickel regarding the percentage decrease in overall population of state prisons and county jails, Ms. Dailey said that information would be provided at a later date.

In response to questions from Chair Carroll relating to the number of positive COVID-19 cases, Ms. Bender stated the data was not analyzed prior to the releases. There is specific data for COVID-19 cases at the state institutions, but not at local jails.

In response to questions from Chair Carroll relating to the number of cases, deaths, and vaccinations, Ms. Crews responded that there were 8,064 inmates that tested positive, and 48 inmates and seven staff members have died due to COVID-19. She added that 84.16 percent of the state inmate population is vaccinated, and approximately 1,500 are unvaccinated. The trend and number of cases within the inmate population is decreasing.

In response to questions from Representative Massey regarding notification to the court systems, Ms. Bender stated that there is no procedure in place to notify those entities; however, the one process that was utilized for any type of inmate release was the VINE service which notifies victims and interested parties that have requested notification of a specific inmate's release.

In response to a question from Representative Massey, Ms. Bender stated that inmates may voluntarily request to receive the vaccination.

In response to questions from Chair Carroll in regard to the DOC budget, Ms. Dailey stated that the inmate population projections are currently under development by the Office of the State Budget Director.

In response to questions from Chair Carroll in regard to the body mass index (BMI) of inmates, Ms. Bender said they were following CDC recommendations and no additional testing was done to expand the field of potential candidates to be released.

Chair Carroll expressed concern that the process to determine eligibility for release was flawed and prosecutors and victims should have been better notified. He added that decreasing the prison population can never be a priority over justice being served.

Representative Nemes requested a list of individuals that were released and have reoffended, as well as what they were charged with and convicted of since their release.

In response to a question from Representative Nemes regarding healthcare, Ms. Crews responded that the RFP fell under the procurement department and she did not have the information, but Amy Monroe could be consulted to respond.

Chair Carroll indicated that the Legislative Oversight and Investigations Committee would possibly discuss these topics at a future meeting. He thanked the presenters, expressing his appreciation for their efforts.

There being no further business before the subcommittee, the meeting was adjourned at 9:23 AM.