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MEMORANDUM

TO: Robert Stivers, President of the Senate
David Osborne, Speaker of the House
Members of the Legislative Research Commission

FROM: Senator Whitney Westerfield, Co-chair
Representative Michael Meredith, Co-chair
Jail and Corrections Reform Task Force

SUBJECT: Jail and Corrections Reform Task Force

Date: November 18, 2020

In a memorandum dated June 5, 2020, the Legislative Research Commission established the Jail and Corrections Reform Task Force. The task force was established to study 1) existing jail and correctional facilities; 2) possible realignment and closure of jail and correctional facilities; 3) adequacy of existing jail and correctional facilities; 4) management of Kentucky’s incarcerated population; 5) personnel and other costs associated with jail and correctional facilities; 6) pretrial and post-conviction incarceration data from the Administrative Office of the Courts, the Department of Corrections, and jails; 7) pretrial defendants, including a breakdown by jurisdiction of the financial conditions of release and charged offenses for those defendants; and 8) the number of supervised individuals incarcerated on new charges versus those incarcerated due to revocation.

The eleven-member task force began meeting in July 2020 and convened five times during the 2020 interim. The task force heard testimony from more than 30 individuals, state agencies, and advocacy groups on the following topics:

- **COVID-19 - Fiscal and Policy Implications for Jails.** Representatives of the Vera Institute of Justice highlighted the decrease in jail costs due to COVID-19, compared the top expenses for counties with and without jails, reviewed jail revenue streams, and made suggestions on how to redirect the savings.

- **Fiscal Impact of Jails on Counties.** The Judge/Executives of Cumberland County and Harlan County explained the need for increased funding due to housing more inmates, the increase in costs, no increase in the per diem for state inmates, and the drop in prisoner payments due to COVID-19.
- **Halfway Houses and Private Prisons.** The Deputy Commissioner of the Department of Corrections testified that Kentucky currently has one private prison and twenty-two reentry service centers. The centers are multi-use facilities that provide housing for community custody inmates, transitional housing for parolees, and treatment. In addition, she highlighted the impact of COVID-19 on the correctional system.
- **Jail Phone Services.** The Grayson County Jailer provided an overview of jail phone services, the commission received by jails for those services, and the benefits of video visitation. Representatives from Securus Technologies, Inc. and Combined Public Communications (CPC) reviewed the costs for and services provided by their companies. Both explained the process for ensuring that attorney calls are not recorded. CPC's Chief Executive Officer explained the bidding process, including the process for determining the cost to inmates and the commission for jails.
- **Jail Ratings Systems.** A representative from the National Conference of State Legislatures provided an overview of states that house state inmates in local jails, states with correctional oversight bodies, and states with unified correction systems. In addition, she highlighted Ohio's process for evaluating state prisons.
- **Judicial Discretion:** The Department of Public Advocacy's Deputy Public Advocate and Public Advocate provided an overview of judicial discretion, including examples of, limitations on, and standards of review for such discretion.
- **Kentucky Local Correctional Facilities Construction Authority.** The Division Director of Local Facilities highlighted legislative changes made in 2011 to require the Kentucky Local Correctional Facilities Construction Authority to approve construction of a new jail or expansion of an existing jail. She also provided a status update of projects approved by the authority since 2011.
- **Life Learning Center.** A representative of the Life Learning Center explained the 12-week education and care continuum program that her center offers to individuals who are unable to earn a living wage, and provided statistics on success rates, demographics, and funding.
- **Mental Health and Incarceration.** The Executive Director of the Kentucky Association of Regional Programs highlighted Community Mental Health Centers, crisis intervention training, jail triage, heroin expedited addiction recovery treatment, and pre-release programs. He suggested offering severe mental illness waivers and gave data on the percentage of the jail and prison population with mental illnesses or substance use

disorders. In addition, he noted the difficulty of transporting individuals who are being involuntarily committed.

The Commissioner and the Medical Director of Behavioral Health, Developmental and Intellectual Disabilities provided an overview of Kentucky's public behavioral health facilities and highlighted the differences between acute care psychiatric inpatient services for those involuntarily hospitalized and forensic psychiatric services for those found to be incompetent to stand trial.

The Staff Attorney for the Department of Public Advocacy's Division of Protection and Advocacy reviewed the policies to protect and promote the rights of individuals with mental disabilities who are incarcerated and to eliminate their being placed in solitary confinement.

- **Performance-Based Funding for Jails.** The Marion County Jailer provided an overview of evidence-based programs offered at the Marion County Jail and the need for additional funding. The Division Director of Local Facilities reviewed the cost benefits of evidence-based programming and also emphasized the need for funding.
- **Reentry Services.** Representatives for Dismas Charities, Volunteers of America, and Opportunity for Work and Learning (OWL) provided an overview of services to help inmates transition back into their communities and the effects of COVID-19. Dismas Charities offers the Fresh Start System and a Biometric Resident Accountability Module. Volunteers of America oversees the Halfway Back Men's Program and the Freedom House Program. OWL established the Lexington Manufacturing Center, offering the Advancing Capabilities Enhancing Skills program, and collaborates with the Office of Vocational Rehabilitation, Workforce Reentry, and Supplemental Nutrition Assistance Program Employment Training.
- **Transportation and Mental Holds for Prisoners.** Representatives of the Kenton County Sheriff's Office and the Boone County Sheriff's Office highlighted the challenges of transporting prisoners from one county jail to another, including the expense, the drastic drop due to COVID-19, and the liability of transporting inmates with mental illness.

This memorandum serves as the final work product of the task force.

c: Becky Harilson
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