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MAKE CHANGES

JAIL & CORRECTIONS REFORM TASK FORCE

Minutes of the 3rd Meeting of the 2023 Interim

August 28, 2023

Call to Order and Roll Call

The 3rd meeting of the Jail & Corrections Reform Task Force was held on Monday, August 28, 2023, at 10:00 AM, in Room 171 of the Capitol Annex. Representative Josh Bray, Chair, called the meeting to order, and the secretary called the roll.

Members: Representative Josh Bray, Co-Chair; Representatives Keturah Herron, Jason Petrie, and Wade Williams.

Guests: Reagan Taylor, Madison County Judge Executive; Joe Pat Covington, Scott County Judge Executive; Adam O’Nan, Union County Judge Executive; Rick Stiltner, Menifee County Judge Executive; Mark Mckenzie, Johnson County Judge Executive; and Harry Clark, Rowan County Judge Executive.

LRC Staff: Roberta Kiser, Randall Roof, Joshua Shelepak, and Jennifer Smith.

Fiscal Impact of Jails on the Counties

Reagan Taylor, Madison County Judge Executive, addressed the fiscal impact of jails on the county. In 2015, he realized there was a jail problem and put together a jail task force with 14 individuals from the community. This task force quickly discovered it was not a jail problem, it was a drug problem. They proposed building a rehabilitation center, which was opposed by the community, as well as raising taxes to build a new jail,

which also met resistance. Madison County currently has a 180-bed facility, which cannot accommodate the 474 individuals being held by Madison County courts including 62 state inmates. Last year the county spent nearly 1 million dollars housing inmates with other counties. The budget estimate for this year is \$800,000 for inmate housing with an additional \$3.6 million from the county budget for jail expenses. Judge Taylor asked for direction from the legislators on what to do and how to address the situation.

Joe Pat Covington, Scott County Judge Executive, addressed the fiscal impact of jails in Scott County. They have an 86-bed facility for inmates built in 1992. They have 121 inmates in the facility, with an additional 10-15 inmates being held in other counties through contract. He agreed with Judge Regan that this is not a jail problem; this is a drug problem. The jail is a significant expenditure on their budget and their community. Judge Covington asked for direction as well from the legislative body. Building a new jail would be a significant expense for their community and that money could be used elsewhere.

Judge Taylor added that their facility was built in 1990. In 2015, Scott County still owed a little over \$3 million dollars for its construction. Judge Covington said they have no debt for their facility, and they contract with rehabilitation centers such as the Isaiah House to help inmates with drug addictions.

In response to a question from Representative Petrie, Judge Taylor said he would rather not have a jail in their county because the county cannot afford it. Judge Covington said there needs to be a joint approach to address the issues on a state and local level. Judge Taylor said it would be good for Kentucky if all county jails had uniform programming.

Responding to additional questions from Representative Petrie, Judge Covington said the goal would be developing programs to reduce recidivism by having every county

offer the same drug and rehabilitation programs. Judge Taylor said there will always be state inmates, but the time they are incarcerated in county jails depends on when they are classified and relocated by the Department of Corrections. Judge Covington said the county's revenue went from \$270,000 in 2021-2022 to \$460,000 in the current fiscal year.

Adam O'Nan, Union County Judge Executive, addressed the fiscal impact of jails on the county. Union County has a 47-bed facility built in 1974. The maintenance cost are incredibly high including HVAC and roofing issues that will cost millions to repair. Just like other counties, Union County is experiencing a jail crisis driven by the drug crisis. He said they have three paths the county could take: continue as things are, build a new jail, or close the jail. He has reached out to many people about how to proceed, including speaking with the Kentucky Association of Counties (KACo). Eventually, he determined that the county could not continue the path they were on. They also do not have the money to build a jail. Therefore, the county will be closing their jail. He has extended bids to have other counties house their inmates and currently Webster County has been housing Union County inmates. Transporting prisoners to Webster County is a considerable cost savings compared to what they were spending on housing inmates locally. If the state does take over the jails, he asked members to ensure that counties do not find themselves in a worse financial situation than they are currently experiencing. He expressed concern that the state is not being proactive at creating programs to keep inmates from coming back to the jails.

Rick Stiltner, Menifee County Judge, addressed the impact of jails on his county. Menifee has a \$4 million dollar budget, and 42 percent of the county is owned by the federal government, limiting the county's ability to generate revenue. Menifee County does not have a jail, and has no intention of establishing one. They have been transporting all their inmates to either Rowan or Montgomery County, with whom the county contracts to house inmates. However, going forward, due to rising costs, Menifee County will begin

transporting inmates to Lee County. Judge Stiltner emphasized that delays in the court system are contributing to the rising jail cost and that the criminal justice system needs to better serve the counties. Judge Stiltner stated that every county is facing the same drug problems and requested statewide solutions to the problem to combat the rising cost to counties.

In response to questions from Co-Chair Bray, Judge O’Nan said there is a revolving door for many offenders and it does not take long for the same ‘frequent flyers’ to come back through the system. Judge Stiltner said there are cases where individuals, before they even get officially charged for one drug charge, are released, and picked up again on another drug charge before the first charge has been processed. Judge O’Nan added there is about a 35-minute drive between the counties for transporting inmates. County officials and law enforcement have both evaluated and agreed to the current transport plan. Judge Stiltner said it is about an hour drive to transport Meniffee County inmates to Lee County, inmates held on misdemeanor offenses will be transported to Powell County.

Responding to additional questions from Co-Chair Bray, Judge O’Nan said the state per diem for housing goes straight to Webster County in hopes of keeping costs stable. Judge Stiltner stated that the costs for housing is a significant component of seeking additional revenue.

Mark McKenzie, Johnson County Judge Executive, addressed the fiscal impact of jails on his county. Inmates are housed in a 150-bed regional jail utilized by 4 counties. Built in the late 1980s, each county pays their own rate for inmates. Johnson County contributes about 35 percent of the inmates. Primary jail costs consume about 80 percent of property tax collections, which greatly impacts the county budget. There is a decision-making board governing the regional jail including hiring and setting rates. The regional

jail structure operates much like a business. The county judges have input through recommendations to the board, and receive updates from the board to stay informed. Johnson County is the host county so other counties do have to budget transportation costs. Programs offered to inmates include GED classes and substance abuse programs. Currently, decision making board are discussing ways to offer other programs so that inmates can receive treatment on-site without needing to be transported or finding programs inmates can be directly transferred to after being held in a holding facility.

Harry Clark, Rowan County Judge Executive, addressed the fiscal impact of jails on the county. In 2016, following a decision that the old facility was incapable of meeting county needs, the county bonded for \$15 million to build a 279-bed facility. In 2017, there was an additional bond issue of \$4.8 million bringing the total cost to \$19.8 million. A tax increase was levied to help make bond payments for the jail, with the remainder going to emergency services and roads. The new facility opened in 2018 and bond payments are \$1.5 million a year. The bond does not mature until 2036. There are 335 inmates housed at the facility, 126 of whom are state inmates. Rowan County have an \$18 million budget and the jail accounts for approximately \$6 million. Rowan County also offers GED and counseling programs to inmates, as well as an inmate work program. As was expressed by all previous presenters, something has to be done with the jails in Kentucky as they are a financial drain on counties and are not adequately serving the needs of communities.

In response to a question from Co-Chair Bray, Judge McKenzie said the the regional jail system operates as a pretty good model. If you have a jail administrator who does not perform, then the board can fix that. The only negative is that other counties are still responsible for transportation costs, which can be a burden. Additional money received from state inmates housed at the facility is a significant support and allows the jail to function as well as it does. The jail is also a job creator, employing individuals from all the counties it houses inmates for.

Adjournment

With there being no further business, the meeting was adjourned at 11:07 AM.