

Kentucky Jailers Association

Alternatives to a Regional/State Corrections System

Correctional Changes

- **Jail Inspections:** The current inspection model is not clear cut on the condition of the facility and its capabilities. The KJA would propose that through statute an “office of the inspector” office be created. The changes to how local facilities are inspected would be on a grading scale. The grading scale would be 0-100. Anything with a 70 or below would be considered a failing grade. Those facilities would have 30 days to reply with a corrective action plan. Should the jail fail its subsequent inspection, it would lose its right to house state inmates, becoming only a county jail.
 - The inspection process would be identified in KAR (jail standards) to include the rubric used for grading. The legislator should establish the Jail Standards Committee participants via KRS. The Kentucky Jailers Association would propose a jailer from large, medium, small, and closed facility.
 - The rubric should be an objective rubric not a subjective rubric.
 - The Office of the Inspector must have an appeals process in place for any county who wishes to appeal the findings of the inspection.
- **County Based Contracts:** In Frankfort, we often here cities and counties refer to home rule as a basis for positions on legislative policy. In the spirit of home rule, the Kentucky Jailers Association would propose that you allow DOC to enter into contracts with each individual jails based on the needs of DOC and the county jails ability to meet those needs.
 - Not every jail is created equally. Some of our facilities are more equipped than others to provide programs, provide medical care, and access to different types of treatment programs.
 - This contracting function would not be unique to the state of Kentucky and can be mirrored much like that of federal inmate housing contracts. Federal contracts through a thorough review process access the actual costs to house an inmate. Based on that review, a contract is negotiated that is fair to both participants in the contract. Currently there are no contracts for the simple housing of state inmates. In some cases, there are contracts for program bed space. We ask that you allow the Department of Corrections enter individual contracts with local facilities based on their needs.
 - **Classification Reform:** As has been demonstrated throughout the meeting of the task force, classifying inmates continues to be a problem. Inmates who are not classified cannot attend much needed programming. Completion of

this programming is often tied to that inmate's release date. These no program days elongate the inmates stay in our jails and institutions becoming a financial burden to both the county and the state.

- Inmate Health Care & Mental Health: Through KAR we should strengthen the minimum healthcare standards to ensure healthcare is more uniformed across all local detention facilities. With the uniformity should become a standard of care that is mandatory for state intervention. To be more specific, the state should take control of the housing and healthcare needs of these inmates. In the event the state should not have the bed capacity to move those inmates, that state should reimburse the county for the actual cost of that inmate's medical needs. Ex (through KRS or KAR certain illnesses, diseases and hospital stays should be moved to the a state institution or state payor.)
 - Mental Health issues continue to rise in county jails. Prison and Jails do not have the capacity to treat the needs of mentally ill individuals, we encourage the state to pilot a statewide comprehensive approach to addressing the mental health needs of inmates.
- Credit for Time Served Reimbursement: Members of both the House and the Senate have recognized the need for reimbursement to counties when an inmate receives credit for days spent in the county institution, the state should reimburse the county for those days for the actual costs encumbered by the county for housing the inmate.

Judicial Suggestions

- Speedy Trial: Length of stay is one of the two factors that determine a jail's average daily population, so delays in resolving the cases of people who are held there can contribute to overcrowding. One way to address this problem is through the application of speedy trial laws. Kentucky does not have specific speedy trial timelines, unlike the 35 states that have established specific timelines by statute or through the courts.
- Expanding Diversion: Kentucky's current diversion statute is unique in that it prohibits entry into diversion for both people previously convicted of specific types of offenses *and* establishes a lookback period for any prior conviction. Only California and Delaware have equally as exclusionary laws. While Sen. Westerfield's SB 90 in the 2022 legislative session is a great first step towards expanding diversion opportunities as it is a pre-plea diversion we believe more changes can be made. Through a thoughtful process both pre and post diversion can be safely expanded to additional defendants who could benefit from the opportunity to change course in their life.