



KACDL'S ROLE IN YOUR CONSIDERATION OF
GOOD LEGISLATIVE POLICY

Protection of the Bill of Rights
Demands

a Well Informed Legislature,
Guided by Sound Information

Duty of KY Legislature

Secure all the facts, consider all the perspectives. Respect the Rule of Law and the Roles of ALL Branches of Government and the Voices of the Community.

Some KEY Areas of Concern

- Protect Against Misidentification Leading to Wrongful Convictions
- Protect Against Mistakes in Statements to Police by Witnesses and Accused
- Ensure You as Decision/Law Makers have Access to Accurate Data by Requiring the Right Data to be collected about cases in the Criminal Justice System
- Restore Proper Role of Our System of Corrections and Rehabilitation
- Remove Unnecessary and Harmful Collateral Consequences

Eyewitness Misidentification

Mistaken Eyewitness
Identification – Leading
Factor in
Wrongful Convictions

Face Recognition Software NOT a Panacea



Significant but Simple Reforms Necessary

- The “Double-blind” Procedure/Use of a Blind Administrator
- Instructions
- Composing the Lineup
- Confidence Statements
- The Lineup Procedure Should Be Documented

Electronic Recording of Interrogations: A Boon to Both Law Enforcement and the Innocent

Mandated electronic recording of the entire interrogation process protects the innocent, ensures the admissibility of legitimate confessions, and helps law enforcement defend against allegations of coercion.

Pay attention to What the Data Tells Us

- Justice System Remains Racially Imbalanced
- A Person of Color does not have a Fair Chance

Pay Attention to the Voices of People in Vulnerable Communities

Includes Leadership in our
African American and Hispanic
Communities as well as Victims,
Women and Children.

We Cannot Be Afraid to Collect and Examine Kentucky Data on the Demographic of Race

- ❑ 42 percent of all school referrals to law enforcement are for black students, as opposed to 25 percent white and 29 percent Hispanic.
- ❑ Black juveniles are more than four times as likely as their white peers to be committed to detention facilities.
- ❑ Black drivers are two-and-a-half times more likely to have their cars searched during a traffic stop than white drivers.
- ❑ People of color represent two-thirds of the life-sentenced population.
- ❑ Despite using and selling drugs at rates similar to those of their white counterparts, African Americans and Latinos comprise 62 percent of those in state prisons for drug offenses.
- ❑ the reincarceration rate for African Americans is three times higher than that of whites.

Make Sure You Rely on the Real Numbers

An old adage:

“Then you will know the truth and the truth will set you free.”

John 8:32

Criminal Justice Policy Assessment Council - FACTS

According to the Governor's Work Group, prison admissions have grown by 32% over the last five years with a count of 570.5 million prisoners held by DOC in 2017 and an anticipated 600 million to be held in 2019. Class D felonies have increased by 38% over the last five years with 56% of those charged as Class D felons being convicted of the Class D Felonies (not based on a plea bargain from a higher offense). 82% of those convicted of a Class D Felony have no more serious offense and are being housed in county jails without services.

Create Programs Targeted at the Young Adult Population

- Greatest Opportunity for Rehabilitation
- Greatest Need for Intervention
- Need to Build an Economic Future
- Focus on this Population will Yield Greatest Return for Public Safety
- Cannot help only those Young People WE Readily Identify as People of Promise
- Must Expand our Capacity to See the Promise in Young Adults Regardless of how their background differs from ours.

Drug Treatment is Crucial for People with Addiction

- ✓ In Prison
- ✓ In Jails
- ✓ In the Community

Improve Prison and Jail Conditions

- Job Training while under supervision whether in prison or out
- Access to education while in prison or out
- Connection with family and building a support network whether in prison or out
- Adequate health care to prevent a return to a life of crime
- Open doors to employment to prevent a return to a life of crime to survive

End Unnecessary Collateral Consequences

- KY has abandoned the notion, “I did my time.” Punishment lasts a lifetime regardless of the offense.
- Punish with sentence imposed.
- Not with myriad of collateral consequences.
- Only permit collateral consequences where particular facts would support those consequences.

LEGISLATURE SETS THE BAR

- What is the problem the bill is trying to address?
- Will this bill address those problems?
- What will be the unintended consequences?
- What is the cost of the intended consequences?
- What will be the cost of the unintended consequences?
- What are the other ways to solve the problem that the bill is trying to address?
- What is the cost/benefit analysis of choosing this legislative strategy versus another legislative strategy or another solution?