

JAIL AND CORRECTIONS REFORM TASK FORCE

Minutes of the 4th Meeting of the 2020 Interim

October 16, 2020

Call to Order and Roll Call

The 4th meeting of the Jail and Corrections Reform Task Force was held on Friday, October 16, 2020, at 10:00 AM, in Room 171 of the Capitol Annex. Representative Michael Meredith, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Whitney Westerfield, Co-Chair; Representative Michael Meredith, Co-Chair; Senators Michael J. Nemes, John Schickel, and Robin L. Webb; Representatives Jason Petrie and Ashley Tackett Laferty; Brad Boyd, Cookie Crews, Mary C. Noble, and Steve Shannon.

Guests: Alecia Webb-Edgington, President of Life Learning Center; John Phelps, Cumberland County Judge/Executive; Dan Mosley, Harlan County Judge/Executive; Major James Beach, Boone County Sheriff's Office; and Colonel Pat Morgan, Kenton County Sheriff's Office.

LRC Staff: Katie Comstock and Yvonne Beghtol.

Approval of Minutes

Senator Schickel made a motion to approve the September 18, 2020 minutes, seconded by Senator Nemes, and passed by voice vote.

Life Learning Center

Alecia Webb-Edgington, President of Life Learning Center (LLC), stated that her non-profit organization works with at-risk individuals who are unable to earn a living wage. LLC offers a 12-week education and care continuum to address the physical, financial, spiritual, relational, and emotional domains of life. Participants must be at least 18 years of age, willing to commit to making a permanent transformational change, have stable housing, be drug-free (other than medically assisted treatment), and have a 7th grade reading level. LLC has a 68 percent graduation rate. The 12-week continuum includes an educational program taught by volunteers from the community. In addition, non-profit businesses provide LLC participants services such as eye glasses, legal aid, childcare, transportation assistance, and much more. All of this is to help the individual to get on the path to earning a living wage; paying taxes rather than living off of tax dollars.

Some of the biggest barriers for individuals are lack of transportation, criminal convictions, and substance use disorder. Ms. Webb-Edgington stated that Kenton County is currently experiencing 6.8 overdoses per day and believes the rise in numbers is due to the Covid-19 isolation. John Middleton, Kenton County Circuit Clerk, helps to provide Kentucky IDs and drivers licenses so the participants can complete the I-9 Employment Eligibility Verification form when applying for work. LLC enrolled 221 participants in 2020, with an average of 14 candidates per cohort. Ms. Webb-Edgington stated that judges in Kenton, Boone, and Campbell County direct individuals to LLC for alternative and diversionary programs.

The family demographics data of LLC participants indicates that 87 percent are single parents. Thirty-six percent have completely lost custody of their children. Ninety-one percent are Caucasian, which is reflective of the Northern Kentucky demographics. Sixty-two percent are male, with an average age of 34 years old.

The LLC facility is 66,000 square feet which allows space for residential partners to spend one day a week in the facility providing services to participants. The facility consists of a full-service cafeteria serving three meals a day, a fitness center, a five-star daycare, and will soon have a hair salon. LLC offers day and evening programs. The Director of Enrollment travels to detention centers to help individuals devise a plan of action prior to their release. LLC has formed a Multidisciplinary Recovery Reentry Team (MRRT) that is community driven and provides care interventions and resources in association with the judicial process, minimizing convictions with the goal of reducing recidivism. A LLC participant does not drop out of the program until they are stabilized and on their feet, and choose to leave. An average of 100 diverted inmates receiving services results in a detention cost savings of \$76,000 per month.

In response to Chairman Meredith, Ms. Webb-Edgington stated that LLC works with the Department of Corrections Division of Reentry Services, accepts Class D inmates being released, and would consider taking individuals who want to relocate to Northern Kentucky. There has been no public funding in the past, but LLC's Board has recently chosen to allow no more than 25 percent of public funding to be accepted. Ms. Webb-Edgington would like to offer transportation services for individuals from rural counties to areas where they can earn a living wage.

In response to Senator Nemes, Ms. Webb-Edgington stated that LLC works with the Workforce Investment Board to offer apprenticeship training. If an individual is administratively released, comes to LLC for a screening, is sent to a provider for an evaluation by a clinician to see if there is a substance use disorder, then they start the 12-week program. LLC is talking with the Department of Corrections to allow LLC programs to be an incentive for inmates to receive sentence credits. Northern Kentucky has over 178 employer partners that offer transformational employment.

In response to Mr. Shannon, Ms. Webb-Edgington stated that when an individual graduates from the program, they go from a candidate to a lifetime member, allowing them full access to the facility's programs. LLC also preserves contact through the individual's social media sources. One year of LLC data shows that recidivism has been lowered by 50 percent. Being a lifetime member helps the individual to create a new social network of people. Ms. Webb-Edgington mentioned that LLC is applying to be a Recovery Kentucky Center in Kenton County.

Fiscal Impact of Jails on Counties

Judge John Phelps, Cumberland County Judge/Executive, stated that the Cumberland County Jail closed in the mid-90s, requiring transportation of prisoners to the Adair County Regional Jail. The passing of HB 463 gave some relieve. However, while the Adair County housing cost was \$174,000 in 2017, the cost had risen to \$345,000 by 2018/2019, which is approximately 40 percent of the Cumberland County budget. Judge Phelps stated that some prisoners are in jail too long due to not being able to pay a small fine. He would like to have the inmates incorporated into the work community to help them be rehabilitated.

Per an email from Adair County Judge Gale Cowan, Judge Phelps stated that the per diem for state inmates has been \$31.34 per day for over a decade, when the current cost is approximately \$37.35 per day for incarceration. Currently housing 41 state inmates equals a loss of \$246 per day or \$89,939 per year. Judge Cowan's email mentioned that the state should be responsible for all medical costs, and cities should have to contribute to the cost.

Judge Dan Mosley, Harlan County Judge/Executive, stated that jail costs throughout the state are having an adverse impact on every fiscal court budget, to the point that some jail costs are bankrupting the county. Judge Mosley stated that Pat White, Whitley County Judge Executive, told him that Whitley County is facing a \$1.2 million short fall in their jail fund this fiscal year. Judge Mosley stated that the increased cost to house inmates with no increase in revenue complicates the situation.

County jails also need to invest in jail operation pay. The \$134,000 yearly allocation established in the 1980s was based on a 75 bed facility. It now houses 200 beds but the allocation has never increased.

Judge Mosley noted that in the past few years Harlan County has had to transfer \$700,000 to \$1,000,000 in general fund monies to the jail fund. The Covid-19 situation has added further complications. From May 2019-September 2019 the Harlan County Jail generated \$718,000 in state prisoner payments. In the same months for 2020, the Harlan County Jail generated only \$533,000. Eleven employees had to be laid off to help subsidize the loss in revenue.

One area of concern with the Judges Association is the amount of money paid to private prisons for inmates. If the state inmate payment was the same as the private prison payment, Harlan County would have received just over \$1,400,000 in 2019, and \$1,049,000 in 2020 during the same five month period, and the jail would be nearly self-sustaining. This would allow funding for rehabilitation programs as well as lowering staff turnover by increasing the pay. The reduction of inmates added to the jail financial crisis as well as decreasing the availability of inmates to participate in work programs. Changes for county budgets need to include more revenue to fund jails, partnering with the state, corrections, and treatment programs.

Senator Schickel reiterated the negative financial effects on counties of not having the jail work programs offered as well as inmates not obtaining the benefit of work experience. Senator Schickel added that county jail beds are the cheapest form of incarceration.

Secretary Noble stated that she has been in discussion with county judge/executives and leadership of the Jailers Association. She clarified that there are no private prisons that compete with jails, as those in private prisons cannot be legally housed in county jails. In addition, the Lee Adjustment Center is the only private prison in Kentucky and it cannot house class D or C felons.

In response to Senator Nemes, Judge Mosley stated that their 227 bed facility requires at least 130 state inmates to stay on budget. They have had 90-95 state inmates in the last three months. Senator Nemes suggested the cost savings from the Sheriff's Department for not transporting inmates during the Covid-19 pandemic be transferred to the jails.

In response to Chairman Meredith, Judge Mosley stated that liability has increased due to Covid-19. Some staff and a few inmates have tested positive for Covid-19, but have recovered. The county covers the cost for any litigation or issues that occur with an inmate. The contract for routine medical is approximately \$260,000 per year, based on the average inmate population. Mr. Mosley is trying to negotiate a reduction due to the significant drop in inmates.

Transportation and Mental Holds for Prisoners

Colonel Pat Morgan, Kenton County Sheriff's Office, stated that KRS 70.130 and KRS 441.510 address the transportation of prisoners. The main reason for moving adjudicated prisoners is to adjust the overcrowding of jails. Prior to 2001, most inmates were held in the county detention center until all charges were adjudicated in that county. If an inmate was adjudicated, but had a detainer from another county, the sheriff of that county became the agent to transport to the receiving detention facility. As of June 2001, adjudicated inmates were being transported to counties with empty beds. This practice has drastically dropped due to Covid-19. When an inmate has been adjudicated of a Class D or

low-level Class C in a county, the inmate may be moved to another county detention center by the Department of Corrections or a county detention center with open beds would call other detention centers to see if they had any adjudicated Class D or C inmates to be moved to their center. The inmates being moved to the new facilities may still have pending charges in the originating county. When an inmate is moved to another detention center before being adjudicated of all charges, the sheriff's office typically has to make several trips to bring them back to that county. The movement of inmates with pending charges is a great drain on manpower and a cost to sheriffs. Inmates are being transported back to counties where they had been previously housed for a hearing that can last a couple of minutes to a couple of hours, or for a hearing that has been cancelled. For example, his deputies may travel four or five hours from Kenton County to Western Kentucky to bring an inmate back for a hearing that has been cancelled due to a lawyer not being able to attend the hearing. These round trips usually require two deputies. The sheriff charges the state for mileage for a rate of \$9 per hour per deputy.

Colonel Morgan recommends for inmates to stay in the county jails until all charges are adjudicated and only be moved to other counties if they have detainers lodged against them. He also suggests that county detention centers be tasked with moving inmates to court appearances and proceedings rather than the Sheriff's Department. Colonel Morgan stated that the Kentucky Sheriff's Association (KSA) is willing to work towards a solution to resolve issues facing all parties involved.

Colonel Morgan reported that the KSA and the Kentucky Association of Chiefs of Police (KACP) plan to meet and further discuss the issues of mental health, transport, and evaluation.

Major James Beach, Boone County Sheriff's Office, stated that the housing rate for federal prisoners is \$70 per day and the housing rate for state inmates is \$31.34 per day. Before the Covid-19 pandemic, facilities with open beds would pick-up prisoners who were not yet adjudicated in the originating county to house in their facility. This required the Sheriff's Department of the originating county to travel to the other facility to pick-up the inmate and bring them back for court appearances, then return them to the other facility. Since the state only pays \$9 per hour per deputy, and the average pay is \$24 to \$28 per hour, this results in a loss to the Sheriff's Department. Major Beach noted that during the Covid-19 pandemic judges have been relying on video arraignment and there has been a drop in the transporting of prisoners. However, some jails do not participate in video arraignment.

In response to Mr. Shannon, Colonel Morgan confirmed that inmates with mental health or medical conditions are transported in cruisers rather than ambulances. This increases liability for the Sheriff's Department. Major Beach added that, even when an inmate requires an ambulance for transport, the Sheriff's Department still has to follow the ambulance.

There being no further business, the meeting adjourned at 11:29 AM.