

INTERIM JOINT COMMITTEE ON JUDICIARY

Minutes of the 2nd Meeting of the 2021 Interim

July 8, 2021

Call to Order and Roll Call

The 2nd meeting of the Interim Joint Committee on Judiciary was held on Thursday, July 8, 2021, at 11:00 AM, in Room 149 of the Capitol Annex. Senator Whitney Westerfield, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Whitney Westerfield, Co-Chair; Senators Karen Berg, Danny Carroll, Alice Forgy Kerr, Gerald A. Neal, Wil Schroder, Johnnie Turner, and Phillip Wheeler; Representatives Kim Banta, John Blanton, Kevin D. Bratcher, McKenzie Cantrell, Jennifer Decker, Daniel Elliott, Joseph M. Fischer, Samara Heavrin, Nima Kulkarni, Derek Lewis, Savannah Maddox, Chad McCoy, Patti Minter, Kimberly Poore Moser, Jason Nemes, Jason Petrie, Attica Scott, and Pamela Stevenson.

Guests: Jasmine Heiss, Beatrice Halbach-Singh, Chris Mai, Josh Crawford, Nevada and Krista Gwynn, Christopher 2X, and Russell Coleman.

LRC Staff: Roberta Kiser, Michelle Spears, Matt Trebelhorn, Maria Macaluso, Randall Roof, and Yvonne Beghtol.

Approval of the June 03, 2021 Minutes

Senator Carrol made a motion to approve the July 03, 2021, minutes, seconded by Senator Berg, and passed by voice vote.

The Cost of Jails in Kentucky

Jasmine Heiss, Project Director of the Vera Institute of Justice, stated that the rise of incarcerations has increased the cost of jails. Ms. Heiss also reviewed the negative effects of housing people in jails for even a short period of time.

Beatrice Halbach-Singh, Research Associate of the Vera Institute of Justice, stated that the increase in jail population from 2007 to 2019 increased jail expenditures by 25 percent, with costs rising most significantly in suburban counties and rural communities. In 2019, rural counties spent a greater share of their budgets, and more per capita, on jail costs than any other type of community, due to rural counties having the highest incarceration rates. The average county spent \$3,353,060, or 15 percent of its total budget on jail expenses. In 2019, counties across the Commonwealth spent a total of \$402,367,159

on jails. A variance from 3 percent to 72 percent of county budgets was spent on jails. Ms. Halbach-Singh explained that the variance reflects the different ways jails are used across the state: 70 out of the 120 counties in Kentucky house inmates for the Department of Corrections (DOC); 41 counties house inmates for other counties; and 22 counties house inmates for federal authorities. Counties without a full-service jail spend significantly less per capita and a lesser percent of their total budget to house inmates. Personnel expenditures make up an average of 59 percent of jail costs and contracted services are estimated at 20 percent. A decline in jail population would result in a reduction in budget for expenses such as food, contracted health care, uniforms, and administrative and maintenance costs. Ms. Halbach-Singh gave examples of the cost savings for three different counties if they were to experience a 35 percent reduction in local jail population. Kentucky had a 28 percent reduction in jail population in 2020, which estimates indicate could result in a potential cost savings of over \$30 million annually if maintained. However, jail spending increased by \$6,166,078 in FY2020, due mostly to personnel and debt service expenses.

Ms. Halbach-Singh stated that the majority of jail revenues comes from state revenue, surplus, borrowing, and transfers. Most of the state revenue comes from Class D felon payments and housing people for the DOC. Intergovernmental revenues from the DOC decreased by \$6.6 million and increased from the Federal government by \$4.5 million between 2019 and 2020. Telephone commissions represent the largest source of revenue drawn from those incarcerated.

Chris Mai, Senior Research Associate of the Vera Institute of Justice, indicated that while fines and fees may only provide less than half a percent of the state's revenue, it is costly for the individuals who have to pay them. The current total of \$91 million in unpaid court fees is not expected to be received due to the individuals being indigent or incarcerated. Chairman Westerfield commented that these fees are to hold offenders accountable to pay restitution, and to pay fees and fines to the courts. Ms. Mai stated that collecting fines and fees can cost up to 40 cents per dollar and recommended reducing or eliminating fines and fees. Ms. Halbach-Singh added that reducing the number of bookings into jails and the length of jail time would allow savings that could be redirected to other community needs. Ms. Heiss concluded with policy and procedure recommendations to help lower the number of incarcerations which would reduce the cost of jails.

Chairman Westerfield acknowledged his concern with jail phone commissions and noted that the auditor's office has compiled a data bulletin on jail communication contracts showing that most jails do not offer open bidding.

In response to Representative Heavrin, Ms. Halbach-Singh verified that the county funds represent fiscal court funds and she will get a breakdown of funds spent on jails in Grayson and Hardin County for Representative Heavrin.

In response to Representative Nemes, Ms. Heiss stated that there are several factors to look at in regard to jail releases during the COVID pandemic and the public safety outcome.

In response to Senator Wheeler, Ms. Heiss stated that some of the ways to reduce the cost of incarceration are through limiting the amount of time of incarceration, who can be subjected to pretrial detention, and considering noncustodial sanctions for people who are convicted of misdemeanor offenses.

Representative Blanton commented that, while there was an increase in releases and a reduction in bookings, the number of crimes recorded needs to be reviewed as well as the slowdown in law enforcement due to the COVID pandemic.

Group Violence Intervention

Josh Crawford, Pegasus Institute, stated that Louisville averaged just over 54 homicides a year between 1990 and 2015, but the number has increased and hit a record high of 173 in 2020, and is already at 104 for 2021. Mr. Crawford gave testimony to the case of Tyrese Garvin, a 20 year old who was shot and killed on June 23, 2019, shortly after visiting his newborn twins at the University of Louisville Hospital.

Nevada and Krista Gwynn gave testimony to the December 2019, random shooting death of their son Christian Gwynn while he was walking home from a restaurant. In June 2021, their daughter, Victoria Gwynn, was shot in the knee and her friend was shot and killed at a local park. Ms. Gwynn stated that the man who shot their son had an extensive criminal record and had been released early from prison just a couple of months prior to the incident.

Christopher 2X, Executive Director of Christopher 2X Game Changers, stated that between January 2020 and July 2021, Louisville had 277 homicides and 900 non-fatal gunfire wounds. The Christopher 2X Game Changers focus is on kids who deal with secondary trauma due to constant gunfire in their neighborhoods. The University of Louisville medical students and Christopher 2X Game Changers have created the Future Healers Program to help kids from Kindergarten through eighth grade navigate through the trauma of violence and inspire them to build a better future for themselves and their communities.

Former U.S. Attorney Russell Coleman stated that legislators, the U.S. Attorney's Office, and law enforcement are responsible to mitigate the number of violent shootings. There was a 70 percent increase to the types of gun crimes subject to federal prosecution in 2019. Despite these law enforcement efforts there was still an increase in violent crimes. Mr. Coleman is working with the Pegasus Institute and the John Jay College of Criminal Justice to obtain data as to what efforts have had success elsewhere. Group Violence Intervention (GVI) helped reduce homicide and gun violence in cities across America by

replacing enforcement with deterrence and fostering stronger relationships between law enforcement and the people they serve. Mr. Coleman encouraged the committee and the legislature to assert its oversight in Louisville and to ensure the American Rescue Plan Act (ARPA) funds have an impact on violent crimes.

Senator Berg commented as to the daily increased number of gunshot wounds treated at hospitals, and the fact that many are due to children shooting children, although it is illegal for minors to have these weapons.

Senator Carroll advocated that law enforcement officers must be supported if they are to enforce laws, and punishment for such crimes cannot continue to be reduced, regardless of the financial cost. Senator Carroll stated that society is victimizing criminals and not holding them accountable for their actions. The change in culture has to come from those in uniform at the Louisville Metro Police Department (LMPD) and the community needs to partner with them. Mr. Coleman encouraged contacting the new Chief of Police at the LMPD to work together and ensure that Louisville is treated the same as elsewhere in the Commonwealth.

Representative Blanton echoed that law enforcement officers need to be supported and criminals cannot be victimized if change is expected. In response to Mr. Coleman, Representative Blanton stated that Louisville tells officers to stay away from there and that they are not wanted.

Representative Stevenson questioned why the number of black people being incarcerated is higher than it should be, and communities are not given what they need to address their issues. Law enforcement officers need to engage with the Louisville community to have a better understanding of them, rather than forcing legislation on them. Mr. Crawford agreed that it is a small number of individuals who are responsible for the majority of the violence in Louisville. The GVI recognizes the needs of those individuals and provides a way to help bridge the gap between law enforcement and the community, which can reduce violence by 40 to 60 percent.

Chairman Westerfield stated that often times the legislature is criticized for interfering and not allowing Louisville to govern itself, but he appreciates the methods presented for consideration as to how this can be improved.

Law Enforcement Reciprocity Discussion

Due to time restraints, Senator Danny Carroll gave a brief synopsis of the need for changes to be made through the Kentucky Law Enforcement Council (KLEC) to permit officers to transfer from other states or the military to Kentucky Law Enforcement.

There being no further business the meeting adjourned at 12:55 PM.