

# COMMISSION ON RACE & ACCESS TO OPPORTUNITY

## Minutes of the 2nd Meeting of the 2021 Interim

August 18, 2021

### Call to Order and Roll Call

The 2nd meeting of the Commission on Race & Access to Opportunity was held on Wednesday, August 18, 2021, at 3:00 PM, in Room 171 of the Capitol Annex. Representative Samara Heavrin, Co-chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator David P. Givens, Co-Chair; Representative Samara Heavrin, Co-Chair; Senators Karen Berg and Whitney Westerfield; Representatives George Brown Jr., Nima Kulkarni, and Killian Timoney; Hannah Drake, Ricky Jones, and Erwin Roberts.

Guests: Laurie Dudgeon, Director, Administrative Office of the Courts; Rachel Bingham, Executive Officer, Administrative Office of the Courts; Patrick Carrington, Coordinator, Administrative Office of the Courts; Ladeidra Jones, Chair, Kentucky Parole Board; Aaron Thompson, President, Council on Postsecondary Education; Bill Payne, Vice President for Finance and Administration, Kentucky Council on Postsecondary Education; Travis Powell, Vice President and General Counsel, Council on Postsecondary Education; and Dawn Offutt, Diversity Director, Kentucky Council on Postsecondary Education.

LRC Staff: Alisha Miller and Elishea Schweickart.

### Parole in Kentucky

Ladeidra Jones, Chair of the Kentucky Parole Board, began the presentation by giving the members information on racial disparity in Kentucky's parole system.

In 2020 the total inmate population was 20,125. This total included:

- 16 Native Americans or Alaskan Native;
- 31 Asian or Pacific Islander;
- 249 Biracial;
- 4380 Black or African American;
- 293 Hispanic or Latino;
- 14 unknown; and
- 15,142 White.

In 2020 the parolee population was approximately 10,243. This included:

- 5 Native Americans;
- 27 Asian or Pacific Islander;
- 91 Biracial;
- 1886 Black or African American;
- 101 Hispanic or Latino;
- 1 unknown; and
- 8124 White.

Ms. Jones stated in 2020, 2,790 Black or African American inmates were released with 304 recidivated with a new commitment and 483 returned on a technical violation, while 14,356 White inmates were released with 1,669 recidivating with a new commitment and 3,659 returned on a technical violation.

Responding to a question from Representative Brown, Ms. Jones stated that Black/African American inmates make up about twenty percent of the inmate population and about eighteen percent of the parolee population.

Responding to a question from Senator Westerfield, Ms. Jones stated that she would get the commission members data on women incarcerated and on parole in Kentucky.

Responding to a question from Senator Givens, Ms. Jones said the 2020 inmate total was the total for the entire year.

Ms. Jones concluded by stating that they hope to increase trainings aimed at confronting implicit bias and correcting racial disparities in the system.

### **Minority Sentencing**

Laurie Dudgeon, Rachel Bingham, and Patrick Carrington, from the Administrative Office of the Courts (AOC), presented on minority sentencing in Kentucky. Ms. Bingham stated that since the 2014 Regular Session Senate Bill 200 that reformed juvenile justice, AOC has found that the reforms have been successful. Children in the system have had increase in opportunity and more diversion. Also, children with low level misdemeanor offenses have been able to be kept out of the system. Ms. Bingham also pointed out that while these reforms were particularly effective for white children, they were less effective for black children.

Ms. Dudgeon stated that once the data came out after the reforms in 2014, AOC began to meet regularly with the Juvenile Justice Oversight Committee. Also, in 2014 the Disproportionate Minority Contact in Kentucky: Statewide Assessment Report was released by the Department of Justice Administration Research Team at the University of Louisville. In 2017, Senator Westerfield made a request to all of Kentucky's child serving agencies to start voluntarily reporting data involving racial and ethnic disparities, and AOC

began to report information they had. This information included education, data collection and analysis, local action planning, and ongoing assessment and improvement.

Mr. Carrington spoke about the Diversity, Equity, and Inclusion Statement and Policy at AOC. This policy lets employees know that equal treatment and respect is important. Mr. Carrington also stated that AOC believes this policy puts them in the best position possible to properly serve the diverse populations in Kentucky. AOC is also currently working on a leadership program that will give students at Kentucky State University an internship at AOC.

In 2019 the Kentucky Court of Justice (KCOJ) partnered with the Jefferson County Racial and Fairness Commission to participate in a series of community engagement sessions called Court Talks. During these sessions, Representatives of KCOJ spoke with the public about their positions and gave the public an opportunity to voice any questions or concerns they may have about the judicial system.

In 2020, the KCOJ created the William E. McAnulty award, named after the first Supreme Court Justice in the state of Kentucky. This award recognizes African American leaders within the organization. The 2020 recipient has been with KCOJ for over 40 years.

Ms. Bingham stated that AOC tries to really study the data they receive and use it to improve racial disparity issues within the court system. Focus has been given to track recidivism and understand what may or may not influence offenders. Ms. Dudgeon stated that she believes AOC does a good job at tracking race data, and they do have some limited ability to capture economic data. There is also a current underutilization of Kentucky's specialty court programs, which include Drug Court, Mental Health Court, and Family Recovery Court. Race data from the specialty court programs show that 39 percent of the white population received referrals and 30 percent were non-white. Ms. Bingham stated that accessibility and appeal were large barriers for drug court, along with federal restrictions. National pretrial data from the Bureau of Justice Statics has not been available since 2002.

AOC has utilized the data they receive to improve their organization. These improvements include workforce development, local action plans to better serve Kentucky counties, multiple trainings, and web-based juvenile justice data for public viewing. Trainings include:

- Implicit Bias;
- Cultural Collisions;
- Racial Trauma Dialogues; and
- Antiracism.

AOC also created a Racial and Ethnic Disparities Tool Guide. This contains a four step model for employees to follow. These steps include: identify, construct, institutionalize, and reevaluate.

Responding to a question from Senator Westerfield, Ms. Dudgeon stated that they will get the commission information on the average age of Class A and Class B felony offenders. She also stated that not having a misdemeanor probation in Kentucky is a problem.

Responding to a question from Chair Givens, Ms. Dudgeon stated that AOC has data sharing commitments with multiple agencies in Kentucky, but data sharing needs to be improved.

Responding to a follow-up question from Chair Givens, Ms. Bingham stated that some trends they see have been centered on disproportionality and AOC is working with Kentucky counties to improve this issue.

Responding to a question from Senator Berg, Ms. Dudgeon said that AOC is working to make sure their diversion program is equally accessible to every child, despite their race. Also, many charges are mandatorily diverted by Kentucky statute.

Responding to a question from Representative Kulkarni, Ms. Dudgeon said AOC would get the commission data for sentencing by gender.

Representative Kulkarni also requested to receive available data from the Department of Corrections and information on the impact of decriminalization of marijuana in Jefferson County.

### **Minority Postsecondary Graduation Rates**

Aaron Thompson, President of the Council on Postsecondary Education (CPE), spoke to the commission on postsecondary education. President Thompson briefly commented on the previous AOC presentation, stating that many of the issues criminal offenders and the community face could be helped by higher education. Kentucky has set a goal of having 60 percent of the workforce with a postsecondary credential or higher by the year 2030. This percentage is connected with having a thriving workforce and economy. Kentucky continues to surpass the growth rate, by almost double, that is needed to reach the states 60 percent goal. In order to reach this goal CPE has set up framework, which includes: strategic agenda, which sets goals for all public campuses aligned to the overall state goal; diversity policy, which helps campuses set and meet goals specifically targeted to increase the success of underserved and underrepresented populations; and performance funding, which rewards campuses.

Dr. Payne spoke about the performance funding formula. In Kentucky, there is a university funding model and an identical funding model used for the Kentucky Community & Technical College System (KCTCS). The performance formula used is: 35 percent for student success, 35 percent for course completion, 10 percent for academic

support, 10 percent for institutional support, and 10 percent for maintenance/operations. Each institution's share of what they produce determines what its distribution will be from each funding pool. This formula also helps campuses focus on certain goals, which include:

- Increasing retention and timely completion;
- Undergraduate degrees and credentials;
- Increasing degrees earned by low income and underrepresented minorities; and
- More degrees and credentials in fields that garner higher wages upon completion.

President Thompson stated that CPE is also using the performance funding formula to close opportunity and achievement gaps, pushing institutions to help those who have been historically disenfranchised. Premiums included in the funding model for minority students, low income students, and STEM+H degrees can slightly change every year, but CPE feels they have developed one of the largest incentive premiums thus far.

Currently, Kentucky only has about 50 percent of high school graduates attending college, and many adult learners not engaging in higher education. There are also many areas within the state not completing degrees at the rates that they need to. When looking at the overview of enrollment, Kentucky is down almost 16 percent in overall enrollment population, but up 6.4 percent in underrepresented minorities. Graduation rates are also up, but another need is increasing low-income underrepresented minority graduation rates at both the universities and KCTCS. Currently, Kentucky is up 30.6 percent on overall degree attainment, and 60.1 percent on underrepresented minorities' degree attainment. Bachelor's Degrees awarded by public universities is up 18 percent overall and 59 percent for low-income and underrepresented minorities.

Ms. Offutt stated that, overall, Kentucky institutions are doing a lot to facilitate change and progress. Some of these changes include taking a more holistic look at student success, targeted recruiting practices aimed toward low-income and underrepresented minority students, increasing outreach via organizations and activities, focusing on the transition to postsecondary education through academic readiness and bridge programs, increased focus on advising, and faculty/staff training. CPE is also in the process of piloting their cultural competency certification initiative with campuses this coming fall.

Dr. Ricky Jones stated that he appreciated the work that has been done, but he cautioned against using a performance based funding. He stated that this is a model driven on credit hour production, which can be problematic on a number of levels. He also cautioned people on the focus on STEM because of the negative effect that is having on the humanities, arts, and sciences. Dr. Jones stated that the information from the presentation is good to hear, but he also encouraged people to look at value-added programs.

Responding to a question from Representative Kulkarni, President Thompson stated that international students are a part of the diversity policy. He also stated that there are

also several colleges in Kentucky that are working with refugee students to place them in programs and get them into the workforce.

Responding to a question from Senator Berg, President Thompson stated that both race and poverty contribute to educational gaps.

**Adjournment**

With there being no further business, the meeting was adjourned at 4:37 PM.