

INTERIM JOINT COMMITTEE ON STATE GOVERNMENT

Minutes of the 6th Meeting of the 2022 Interim

November 15, 2022

Call to Order and Roll Call

The sixth meeting of the Interim Joint Committee on State Government was held on Tuesday, November 15, 2022, at 1:00 PM, in Room 149 of the Capitol Annex. Senator Robby Mills, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Robby Mills, Co-Chair; Representatives Jerry T. Miller, Co-Chair, and Kevin D. Bratcher, Co-Chair; Senators Ralph Alvarado, Denise Harper Angel, Christian McDaniel, Michael J. Nemes, Adrienne Southworth, Brandon J. Storm, Damon Thayer, and Phillip Wheeler; Representatives John Blanton, Adam Bowling, McKenzie Cantrell, Jennifer Decker, Jim Gooch Jr., Derrick Graham, Richard Heath, Samara Heavrin, Keturah Herron, Mary Beth Imes, Matthew Koch, Scott Lewis, Patti Minter, Kimberly Poore Moser, Jason Nemes, Tom Smith, James Tipton, Ken Upchurch, Russell Webber, and Buddy Wheatley.

Guests: Keith Jackson, Justice & Public Safety Cabinet; Nicolai Jilek and Kevin Rader, Department of Criminal Justice Training; Colonel Phillip Burnett, Jr., Kentucky State Police.

LRC Staff: Alisha Miller, Daniel Carter, Alaina Spence, and Peggy Sciantarelli.

Audience Recognition

Representative Wheatley recognized Dr. Doo Oak Kim, Director of the International Public Policy and Management Institute at the University of Kentucky, who was present with three participants of the institute.

Approval of Minutes

A motion by Representative Blanton to approve the minutes of the October 25 meeting was seconded and passed without objection by voice vote.

Kentucky State Police – Overview From the Department

Colonel Phillip Burnett, Jr., Commissioner of State Police, provided an overview of trends in trooper recruitment and retention, statewide crime rates, and fentanyl use. He stated that the pay increases granted to Kentucky State Police (KSP) in HB 259

(2022 RS) have placed KSP in the top five for starting pay for police officers in Kentucky. The legislature has also funded over \$107 million in capital projects for KSP.

Prior to enactment of HB 259, KSP ranked 74th in starting pay for police officers in Kentucky. The raises afforded by HB 259 helped offset retirement of troopers. In FY 2021, 21 retired, and 37 retired in FY 2022. There have been only two retirements in the current fiscal year. Four troopers have been reinstated after returning from the private sector or other police agencies. Through the Trooper “R” program, 65 retired KSP members have been reemployed, including 14 who returned since the first of the year. The number of sworn troopers has increased from 700 to 897, including the 65 from the Trooper “R” program and the 38 cadets who will graduate on Friday, November 18.

The recruitment staff has been increased to five personnel who focus only on recruiting. The focus of recruiting has been on areas with a high number of minorities and females. Applications have doubled within the past seven weeks. A new cadet class will start in February 2023, with the goal of enrolling 110 cadets—the most that can be accommodated in a cadet training class. There are approximately 350 applications, including 28 “elite” candidates who are already certified police officers in Kentucky. However, recruiting has been more difficult for the posts in Dry Ridge, Campbellsburg, Mayfield, Madisonville, Morehead, and Ashland.

Commissioner Burnett stated that crime rates in Kentucky have trended overall with the national model. It is difficult to track “urban versus rural” because some agencies do not report to KSP’s reporting system. Those include Jefferson County’s LMPD, the Nelson County Sheriff’s office, the Winchester Police Department, the Daviess County Sheriff’s Office, and the city of Owensboro. In 2017, there were 282,000 Part-A (the most serious) crimes. There were 275,000 in 2018; 264,000 in 2019; 243,000 in 2020; and 242,000 in 2021. Through the end of September 2022, the number reported is 176,000. Overall, reported crimes have decreased in Kentucky, due in part to the efforts of programs like the Victims Advocate service, the Angel Initiative, and KSP’s community outreach programs—e.g., Shop With the Troopers, Cram the Cruiser, and Trooper Island.

KSP works closely with the U.S. Drug Enforcement Agency and other partners in Kentucky to combat the fentanyl problem. The KSP lab takes submissions from every police department in Kentucky. In 2012, there were 15 requests that included fentanyl. There were 4,177 in 2020; 5,806 in 2021; and

through September 2022, there have been 3,900 submissions for fentanyl. In 2021, 1,562 of 2,250 drug overdose deaths can be attributed to fentanyl.

In response to a question from Senator McDaniel, Commissioner Burnett explained why KSP has not become more liberal in its guidelines regarding tattoo acceptance. He added that a work group has begun to look at the issue.

In response to Senator Nemes, Commissioner Burnett confirmed that the retirement-related benefits included in HB 259 will definitely be implemented for the current fiscal year.

Responding to Representative Bratcher, Commissioner Burnett stated that, based on current manpower, no troopers are dedicated to Fayette or Jefferson County at this time. However, KSP will conduct investigations and work in those counties if requested. The Elizabethtown post lends coverage to parts of Jefferson County.

Responding to questions from Representative Moser, Commissioner Burnett stated that KSP does some online training—but not a lot. KSP also utilizes online resources for cost-saving purposes and often interacts online with its partners at the Department of Criminal Justice Training. Regarding fentanyl, he said that KSP has little involvement with the use of fentanyl test strips, and he is not aware that they are viewed as drug paraphernalia. KSP supports the increased use of Narcan to counteract drug overdose. All troopers have it available to utilize if needed.

In response to Representative Herron, Commissioner Burnett explained that KSP views Owensboro, Jefferson County, Fayette County, and areas with a population over 50,000 as urban. The 40 officer-involved shootings covered by KSP this year may be a slight increase from previous years. KSP works with every law enforcement agency in Kentucky—and also with federal entities, except the FBI. When those investigations close they are adjudicated through the court system, and KSP's involvement would not necessarily continue.

In response to Representative Heavrin, Commissioner Burnett explained how the crime reporting system is organized in Kentucky and at the federal level.

Senator Harper Angel asked how many of the Part-A crimes mentioned in earlier testimony involved rape. Commissioner Burnett stated that he did not have those numbers with him but will get that information for her.

Responding to Senator Thayer, Commissioner Burnett stated that the level of pay is the main reason why some smaller posts like Dry Ridge in Grant County are having trouble recruiting new officers. Smaller departments that do not operate on the Commonwealth's two-year budget cycle have more leeway in setting their budgets. They are able to tailor

their pay to compete with KSP. The police department in Pikeville has given its officers a \$5/hour pay raise. Police departments in Berea and Richmond have also given pay raises. The Huntington, West Virginia, police department is offering a \$20,000 sign-on bonus.

Kentucky Department of Criminal justice Training – Overview From the Department.

Keith Jackson, Deputy Secretary of the Justice & Public Safety Cabinet, and Nicolai Jilek, Commissioner of the Department of Criminal Justice Training (DOCJT), presented an overview of the department. Kevin Rader, Assistant Director of DOCJT, accompanied them.

DOCJT serves more than 8,000 law enforcement officers across the Commonwealth at its Richmond facility. It offers basic and advanced training to law enforcement officers and telecommunicators. Critical training is also provided to security officers, coroners, and other state and federal law enforcement agencies. Training materials are overseen by the Kentucky Law Enforcement Council to meet professional standards as mandated by state statute. HB 565, enacted during the 2022 Regular Session, requires that 10 percent of basic training for police officers be given virtually and that 30 percent of annual in-service training be given virtually.

The 2022 state budget authorized more than \$28 million for a new multipurpose training facility to be built on the Richmond campus. The 2022 budget bill also included \$2.5 million for a site feasibility study for construction of an additional law enforcement western Kentucky training campus in Madisonville, and \$3,737,000 to raise the annual training stipend for law enforcement officers from \$4,000 to \$4,300.

The proposed program and facilities for the planned Madisonville campus are estimated to cost approximately \$150 million, not including an estimated \$7 million annually for operating cost. In July 2022, EOP Architects conducted a site study, at a cost of \$369,056. The Madisonville site was selected as the most suitable because it will accommodate all program requirements and allow for future growth of the campus. The current DOCJT Richmond campus is limited in growth opportunities.

Representative Nemes asked about a recent report of gang rapes and assaults at the Adair County juvenile facility, Mr. Jackson stated that the matter is under investigation and that the administration is doing its best to implement policies and procedures to protect the children. Representative Nemes emphasized that steps need to be taken immediately to ensure that boys and girls are housed separately in the juvenile detention facilities.

In response to Representative Moser's question concerning the status of the virtual training required by HB 565, Mr. Jilek stated that DOCJT is striving to offer the maximum number of virtual training options, with the goal to have full implementation by 2024. DOCJT's new instructional design section has a primary duty to develop online training.

Representative Moser spoke favorably about DOCJT's efforts to open an academy in western Kentucky. She also expressed hope that future training options will be available closer to the 1,000 law enforcement officers employed in the northern Kentucky area.

Representative Herron stated that in 2016, Gynnya McMillen, a young black juvenile, lost her life inside a Kentucky detention center. She believes that the reported Adair County incident is a reflection of the legislature's failure to act, and she looks forward to helping develop solutions to protect the young people who are in the state's care.

In response to Senator Mills, Mr. Jackson confirmed that DOCJT will be submitting a report on the western Kentucky site study to the General Assembly's leadership. He and Mr. Jilek discussed the anticipated training schedule and the types of training that will be offered at the new facility.

Senator Mills, Representative Graham, and Representative Nemes acknowledged the contributions of the 10 members of the committee who will leave the General Assembly in January: Senators McGarvey and Schroder; and Representatives Miller, Cantrell, DuPlessis, Fischer, Flood, Minter, Scott, and Wheatley.

With no further business, the meeting was adjourned at 2:25 p.m.