

**Fellowship of Reconciliation presentation Sep. 21, 2023 at Hotel Louisville (edited 10-31-2023)**  
**Bio-Intro**

Thank you for inviting me to speak today. I have followed incarceration issues in Kentucky over 50 years. I came home “woke” from the Vietnam War in 1972 and became a Probation and Parole Officer in Louisville for the next 9 years. I had “slept through” the anti-war and civil rights movements and was determined to make up for lost time. I worked for Kentucky Department of Corrections for 16 years. From 1981 to 1988 I trained prison and jail personnel all over Kentucky. During that time, I researched and wrote about the state’s prison history. After resigning in 1988, I kept up with corrections issues. In 2017, KDOC went back to using private prisons and I started researching and writing in a more focused way to inform reporters, elected officials and community groups. I am part of a small group of retired KDOC employees who worked during the past 60 years. We remember when things were better and how things got worse. It is this support system –and this includes all of you here today—that enables all of us to persevere against forces that can be overwhelming. Here is a Rabbi story to illustrate this point.

A member of the congregation noticed that his Rabbi spent a lot of time and effort doing good works even though his chances for making significant changes in “the system” were slim. The member asked: “Rabbi why do you go to all this trouble? You know you aren’t going to change the system.” The Rabbi said. “You are right. I am not going to change the system. But I am going to make sure the system does not change me.”

**Today I am going to talk about:**

1. How 15 Metro jail deaths moved our jail from the shadows and onto newspaper front pages.
2. Differences between state prisons and county jails and how Metro jail fits into our 74 county jails and 14-Kentucky Department Of Corrections prisons.
3. What can we do now instead of building a new jail?
4. How we can focus our reform efforts to enable changes over the long term.

I will answer every question but not during my talk. Please write them down

I am going to use approximate numbers. These figures change every day. If you want a copy of my remarks today and more, check out the FOR website, or email me: [tkyleellison@gmail.com](mailto:tkyleellison@gmail.com)

## **1. The 15 deaths:**

Conditions that enabled high jail death rates at Metro jail, were occurring all over the U.S. during the pandemic. A Correctional Officer at Metro jail died of COVID. The pandemic combined with low staff pay led to a serious staff shortage. Correctional Officers often worked 16-hour shifts –resulting in \$4 million dollars of overtime pay. This all but guaranteed security lapses. The jail did not have strong leadership and was so shorthanded that needed terminations did not happen. Starting salaries were, and still are, so low that new recruits are hard to find. Fentanyl, the most deadly drug, became cheap and readily available. A short-handed staff could not keep it out of the jail. Payments for drugs, and people to bring them into the jail, could all take place outside the jail using a variety of on-line payment apps, lessening the chances of getting caught in a cash exchange.

The spectacular series of deaths created public demand for changes. Metro Council commissioned a \$30,000 -457-page investigation of the deaths by David Beyer, a retired law enforcement officer.

<https://louisvilleky.gov/metro-council-district-14/document/lmdc-report-2023>

The main conclusion of this report is that we need a new jail. Securing adequate staffing levels is also prominently featured. Recidivism rates of 70% are mentioned but rehabilitation and treatment programs don't get much attention. Not mentioned in the investigation is the 46 deaths of people on Home Incarceration (ankle bracelet) that occurred from 2017 to 2022. I will come back to this.

<https://kycir.org/2022/06/16/louisvillians-are-dying-under-house-arrest/>

2. Since I am going to talk about both state prisons and county jails, I am going to take a minute to describe differences between serving time in a jail versus serving in a state prison.

Jails are designed for short term confinement and living space is minimal. Jails have high numbers of incoming people and staff know nothing about their problems. People are in jail for many different reasons. Overcrowding is common. U of K Law Professor Robert Lawson noted that “Many jails give each person the “same amount of space that an animal shelter might give a large dog.” There is limited opportunity to separate people from each other: young from old, dangerous from passive, suicidal from detox or psychotic from normal. Meeting space for academic classes or treatment groups is limited. There is no space or equipment for vocational training. Recreation space may be taken up by prisoners sleeping on the floor. Prisoners may never get to go outside at all. Space for church services, libraries or family visitation may not exist. Most jail prisoners live in “pods” where everyone is subjected to the behavior of a single prisoner who acts out. These conditions can exacerbate mental illness and create PTSD. [https://uknowledge.uky.edu/law\\_facpub/137/](https://uknowledge.uky.edu/law_facpub/137/) Lawson wrote the Kentucky Penal Code in 1974.

People are released worse off than they were when they came in. On the other hand, state prisons are designed for long-term confinement and have space to eliminate these problems.

Metro jail holds only 6% of the 21,000 total county jail population in Kentucky’s 74 jails.

<https://corrections.ky.gov/About/researchandstats/Documents/Weekly%20Jail/2023/09-07-23.pdf>

Kentucky Department of Corrections (KDOC) has about 19,000 state prisoners. About 64 % of these are in a state prison but over 8,000 are held in a county jail instead of a state prison. Hundreds of these state-sentenced prisoners back up at our Metro jail.

Many states hold state prisoners in jails but Louisiana is the only state that has more state prisoners held in county jails than Kentucky. Kentucky is the only state with a state law mandating the use of jails for people serving 5 years or less.

<https://apps.legislature.ky.gov/law/kar/titles/501/002/060/>

These are younger people (with high recidivism rates) who could benefit the most from educational, vocational and treatment programs offered in state prisons.

Metro jail is short staffed but Kentucky's state prisons are also short staffed. Some of our prisons are 70% short staffed. Kentucky State Penitentiary at Eddyville is operating at half capacity. Metro jail holds almost 3 times as many people as the Penitentiary.

<https://corrections.ky.gov/About/researchandstats/Documents/Daily%20Population/2023/09/09-06-23.pdf>

Since 2004, Kentucky contracted an 850-bed, CoreCivic prison in Lee County, rented a 600-bed prison from CoreCivic in Floyd County, and is building an 800-bed expansion at a prison in Elliott County but has not built and opened a new state prison since 2004. Instead, it pays county jails a per diem to hold state prisoners. This rate is about \$33 per day. Current per diem costs for Metro jail are about four times higher. Earlier this month, jail count sheets showed 130 state prisoners held at Metro jail. For 2021, the average number of state prisoners at Metro jail was 283.

<https://louisvilleky.gov/criminal-justice-commission/document/jail-policy-committee-meeting-summary-12-7-2021> (page 2)

Metro jail has struggled for over 40 years to get Kentucky Department of Corrections to take all convicted state prisoners out of our jail. If we build a new jail, KDOC will force Metro jail to keep even more state prisoners. Each of them costs Louisville taxpayers about \$100 a day more than the state per diem.

As Hank Williams said in a song: "Move over little dog cause the big dog is movin' in."

Kentucky is the only state where jailers are elected. They are an influential part of county and state politics. Over 40 counties elect and pay jailers even though there is no jail in that county.

<https://www.lpm.org/investigate/2015-01-02/only-in-kentucky-jailers-without-jails>

The Kentucky County Jailers Association hires a legislative lobbyist to advocate for their interests. Jailers are currently suing KDOC to increase the state per diem rate. Metro jail is not

on their list of concerns. Large jails like Metro and Fayette County do not elect jailers. They appoint administrators.

Jails that overcrowd make more money from per diem payments. Last year, ten jails, all located in southeast Kentucky, operated at an average of 190% overcrowded. Pulaski County Jail is now over 200% of capacity. One third of people held in these jails are state or federal prisoners.

<https://corrections.ky.gov/About/researchandstats/Documents/Weekly%20Jail/2023/09-07-23.pdf>

A 2018 chart shows overcrowding in 18 Kentucky jails ranging from 151% to 265%.

<https://apps.legislature.ky.gov/CommitteeDocuments/8/11972/Jul%2012%202019%20Vera%20Ky%20Jail%20Expansion.pdf>

The county gets per diems for all of these. In 2006, the jailer there was quoted in the Courier Journal saying, “It does pay to overcrowd your jail”. KDOC has statutory authority to lower jail overcrowding but has no place to put the prisoners if it does. KDOC does have jail inspectors but they lack authority to make significant changes.

BOYD COUNTY (Ashland) JAIL STORY: In 2018, five jail staff participated in beating a prisoner who died. This month, they received prison sentences. This jail was 150% overcrowded in 2018 when this beating happened. It remains 149% overcrowded now.

[https://currently.att.yahoo.com/att/3-former-deputy-jailers-sentenced-201917253.html?guccounter=1&guce\\_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce\\_referrer\\_sig=AQAAAGCQqYBjd6kin-ekIPqNN1wpw\\_PqLoNE\\_vY4PdfzLfocZ\\_ojQmHIRs8PFyReoJ6rvfnplHwflWKwwsL5UzOO-MV1PM2B6CbEDXku2Ztt5mTeo3Wq\\_wxF\\_hNgx8eW1ycOwFzi-sH3cLqrdlbjjuDQnENyYFW89zgqmAI5w9z-M7n](https://currently.att.yahoo.com/att/3-former-deputy-jailers-sentenced-201917253.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAGCQqYBjd6kin-ekIPqNN1wpw_PqLoNE_vY4PdfzLfocZ_ojQmHIRs8PFyReoJ6rvfnplHwflWKwwsL5UzOO-MV1PM2B6CbEDXku2Ztt5mTeo3Wq_wxF_hNgx8eW1ycOwFzi-sH3cLqrdlbjjuDQnENyYFW89zgqmAI5w9z-M7n)

**This is a lot of numbers. I would like to change focus and tell a few stories about my experiences in corrections.**

For all of Kentucky's prisons, the mid 1960s and 1970's was the golden era for community treatment and rehabilitation programs. As a Probation and Parole Officer in the 1970s, I did my best to keep people out of prison. I had a caseload low enough to allow me to get to know my "clients". Jobs were available and many people coming out of prison had benefited from vocational and academic training. Sentences were much shorter back then and parole rates were higher. I was making a difference. My work mattered.

One day a man, in his mid 50's, walked into my office for his first visit. He had served about a year. It was immediately obvious that he could not hear very well and that he was very good at hiding that fact. I asked if he had any examination of his hearing at the reformatory and he answered "no". It took 6 weeks, but I got vocational rehabilitation to buy him a hearing aid. He had lived with only 10% hearing in one ear almost all his life. He thought maybe he lost his hearing as a result of a disease but it happened when he was too young to remember. I sat on the edge of my chair as he walked into my office for the first time with his new hearing aid. He now had 40% hearing in one ear. He said, "Mr. Ellison it is wonderful!—I can hear the commode flush now! Traffic is so loud that I have to turn it off." He never got into trouble again.

I remember making a home placement visit and realized there was nothing in print in the entire house. No one there could read. The more I saw, the more I came to wonder why more people, given the conditions they grew up and lived in, were not in prison. I still feel that way.

The first time a person on parole asked me to take him back to the reformatory I was dumbfounded. I explained that they really did not want him back. That night, he broke into a used car lot and called the police on himself....He got a year to serve. Two weeks before his release date, he walked away from a minimum-security prison and was picked up hitchhiking on Interstate-64 two hours later.

The next person who asked me to return him to the reformatory was on parole for a violent crime and had violated a no contact condition of his parole. He forced me to return him to prison where he served an additional 18 months and was paroled again. Then, he forced his new parole officer to return him to prison again. Many other clients “asked” to be returned to prison with self-defeating behaviors.

It is hard to work with someone who no longer cares—someone who finds life in prison is better or just has no other place to live.

Through the 1970s, parole and probation caseloads kept increasing. By 1981 they had doubled. Opportunities for my clients were fewer and I spent all my time on crisis intervention. I burned out. I was becoming someone unable to really care anymore about those I supervised. I transferred to a job as a staff training officer for KDOC and jail personnel. I could never do casework again.

In 1972 there were 6,000 Kentuckians on Probation or Parole. Today there are 60,000.

<https://www.google.com/search?q=probation+and+parole+population+report+kentucky&oq=probation+and+parole+population++report+kentucky&aqs=chrome..69i57j0i546l3.20064j0j7&sourceid=chrome&ie=UTF-8>

I often wonder what happens when police officers and jail personnel burn out but are trapped by the job or a retirement system. We would be wise to think more about that.

I have more stories best left for another time.

**I want to shift back to Metro jail again.**

We are now at a critical point for making decisions that will affect what happens at Metro jail for the next 60 years. It is good that the rush toward a new jail has slowed down for now. I am not counting on that to continue.

In spite of all the bad news, some of the numbers are better. In 2009, there were 47,000 admissions to Metro jail. In 2021, there were only 17,000 admissions.

<https://louisvilleky.gov/corrections/document/fact-sheet-2021>

<https://louisvilleky.gov/criminal-justice-commission/document/jail-policy-committee-meeting-packet-january-25-2022> (see chart on page 6)

<https://louisvilleky.gov/criminal-justice-commission/document/understanding-trends-jail-population-louisville-metro-0>

During the past 12 months, Metro jail's population has decreased 12%.

Since 2009, the number of arrests by Metro police has dropped about 50%. This lull gives us an opportunity to plan the future.

Earlier this month, Metro jail's new on-line "Dashboard" information link showed only 60 state sentenced prisoners backed up in Metro. (The KDOC jail count sheet for the same day showed double that number.) The May 2023 meeting of the Louisville Metro Criminal Justice Commission – Jail Policy Committee, noted the average number of state sentenced prisoners at Metro jail was 157.

<https://louisvilleky.gov/criminal-justice-commission/document/jail-policy-committee-meeting-summary-may-2023>

This is better than 2016 when the average number of state prisoners backed up at Metro was 260. So, there is some improvement, but it is important to remember that conditions remain in place to cause the number of state prisoners held at Metro jail to rise again.

### **3. What can we do now instead of spending hundreds of millions for a new jail?**

We have a 457-page investigation of jail deaths. We should demand a similar report about treatment and rehabilitation programs. This would include treatment for drug detox, mental health, pre-release casework and post release support and housing. A 70% recidivism rate begs for more study. There are no reports on how much of the jail's budget is spent on treatment



programs. One story in the Beyer report is about a prisoner with mental illness, who came into the jail about once a month for 16 years.

<https://louisvilleky.gov/metro-council-district-14/document/lmdc-report-2023> (page 375)

Today's (Sep 21, 2023) Courier-Journal reports that two-thirds of the Metro jail's population have drug abuse and /or mental health problems. Jails make these people worse.

[https://louisvillecourierjournal-ky.newsmemory.com/?token=5cf7ff25e632783d6c73fb759a0486f1&cnum=5e5d4f78-5885-e811-b4b0-90b11c341ce0&fod=1111111STD-0&selDate=20230921&licenseType=paid\\_shared\\_subscriber&](https://louisvillecourierjournal-ky.newsmemory.com/?token=5cf7ff25e632783d6c73fb759a0486f1&cnum=5e5d4f78-5885-e811-b4b0-90b11c341ce0&fod=1111111STD-0&selDate=20230921&licenseType=paid_shared_subscriber&)

A substantial number of jail and home incarceration deaths come from untreated medical issues. Like my client with the hearing aid, many people at Metro never see a doctor any other place.

Metro jail does protect us from some dangerous people but it is being used as a human disposal all for a myriad of problems. Detox and mental health treatment services need to be provided in the community to help people avoid going to jail. It is not just treatment in the jail that should be studied. We need to know how these services are and are not provided in all of Metro Louisville.

At Metro jail we are struggling to recruit enough staff to fill basic security needs. Salary levels have been raised and will need to be raised again. KDOC has raised starting pay for a Correctional Officer to \$50,000 per year. This is higher than Metro jail pays.

[https://www.wdrb.com/news/5-metro-corrections-recruits-sworn-in-jail-still-facing-major-staff-shortage/article\\_6b02899c-bf86-11ed-9fc4-2f7c972b2259.html](https://www.wdrb.com/news/5-metro-corrections-recruits-sworn-in-jail-still-facing-major-staff-shortage/article_6b02899c-bf86-11ed-9fc4-2f7c972b2259.html)

[https://www.wave3.com/2021/11/02/lmdc-staffing-crisis-causes-near-lockdown-fop-says/?utm\\_source=twitter&utm\\_medium=social&utm\\_campaign=snd&utm\\_content=wave](https://www.wave3.com/2021/11/02/lmdc-staffing-crisis-causes-near-lockdown-fop-says/?utm_source=twitter&utm_medium=social&utm_campaign=snd&utm_content=wave)

In Reno Nevada, jail staff start at \$75,000 per year. This is as much, or more, than State Police and other law enforcement agencies pay. Police officers transfer to work at the jail. Making police and corrections jobs interchangeable would go a long way toward preventing burnout.

<https://louisvilleky.gov/metro-council-district-14/document/lmdc-report-2023> (page 334)

Since the onset of COVID, the 445-bed Community Corrections Center has remained closed due to lack of staff. The CCC is on East Chestnut St near hospitals and could be used for mental health and detox treatment. The Beyer investigation and many Correctional Officers recommended re-opening the Community Corrections Center. <https://louisvilleky.gov/metro-council-district-14/document/lmdc-report-2023> (page 371-376)

<https://louisvilleky.gov/management-budget/document/2022-2023-louisville-metro-approved> (page 141)

In 2021, there were 17 deaths of people on Metro jail's Home Incarceration Program and almost 1100 people on this program went back to jail because they had no place to live.

<https://louisvilleky.gov/criminal-justice-commission/document/jail-policy-committee-meeting-summary-12-7-2021> (page 3)

Some of these people might have been housed in the Community Corrections Center (CCC) but it closed with the onset of COVID and remains closed.

At a League of Women Voters forum 3 days ago, Deputy Mayor David James said that a decision had been made to not reopen Community Corrections Center but to tear it down instead. He said that with fentanyl there is no way to have a facility where people often go in and out\_and that there is not enough staff to reopen.

Note: After this presentation, I learned that demolition of CCC has been planned for over a year. It is to be replaced by a green space park for the hospital district.

<https://louisvillemedicaleducationdistrict.com/>  
[https://louisvillemedicaleducationdistrict.com/wp-content/uploads/2022/09/LOUMED\\_ExecutiveSummary\\_V4\\_spreads.pdf](https://louisvillemedicaleducationdistrict.com/wp-content/uploads/2022/09/LOUMED_ExecutiveSummary_V4_spreads.pdf)

#### **4. How can we focus our reform efforts?**

Stop depending on crisis driven accountability! Lasting change will not happen just because the media prints stories of dramatic events at the jail. We all need to keep up with what is happening every day. We must demand that our jail have more transparent reporting.

The new jail “Dashboard” is a step in the right direction and credit should be given. This on-line resource provides basic information about Metro jail population on a daily basis.

<https://louisvilleky.gov/government/corrections/jail-population-dashboard>

The Dashboard needs to be improved to make it a user-friendly public research tool. It should include information about current staffing levels, recidivism rates and deaths on Home Incarceration.

#### **Annual Metro jail reports need a lot more attention.**

These reports are one-page summaries called “Fact Sheets” that cover the entire year. We are managing a \$72 million per year jail and the public has access to a one-page report! These annual reports go back ten years but the reports for 2014 and 2022 are missing.

The daily Dashboard information only goes back about 15 months and does not include the summaries available on the Fact Sheet annual reports.

<https://louisvilleky.gov/government/corrections/fact-sheet>

There is almost nothing in annual Fact Sheets to inform the public how \$10 million is used by private contractors at the jail. Medical care, food service, communication-telephone service and commissary services are all contracted out.

Even basic budget numbers are presented in a way that confuses the public. A Metro jail budget listed at \$62 million per year is actually \$10 million higher. The additional money comes from the Public Health and Wellness budget for prisoner medical care.

Metro jail is the only jail in Kentucky that has a publicly available annual report!

This willful and long term failure to inform the public is a viscous circle that keeps jails “out of mind” as well as “out of sight”.

**We need to demand an independent oversight authority for Metro jail.**

The Beyer report suggests that oversight would be done by internal jail administration but the jail has proven unable to police itself. Independent civilian oversight would certainly create aggravations for Metro jail but it would be cheaper than waiting for deaths, lawsuits and federal court orders and paying to patch over one crisis after another.

But Who Oversees the Overseers? The Status of Prison and Jail Oversight in the United States. By Michele Deitch. University of Texas Law School. American Journal of Criminal Law. Vol 47:2 Pages 207-272. March 2020.

<https://law.utexas.edu/faculty/publications/2020-but-who-oversees-the-overseers--the-status-of-prison-and-jail-oversight-in-the-united-stat/download>

[https://www.americanbar.org/content/dam/aba/publications/criminal\\_justice\\_standards/treatment\\_of\\_prisoners.pdf](https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/treatment_of_prisoners.pdf)

**To summarize:**

1. We have heard how the 15 jail deaths focused public attention on the jail and resulted in a huge investigation and calls for a new jail. At the same time, 46 deaths on Metro jail’s Home Incarceration Program have fallen through the cracks. It seems we only care about those prisoners who die inside the jail.

<https://www.lpm.org/investigate/2022-06-16/louisvillians-are-dying-under-house-arrest>

2. Staff shortage caused closure of Community Corrections Center and Metro jail’s staffing levels remain a concern.

3. Without any public discussion, it has been decided to tear down Community Corrections Center. This curtails a variety of treatment and work-release options.

4. The insignificance of Metro jail in the statewide context of 74 jails and 14 state prisons and the reasons we are not able to control the backup of state prisoners at our jail.

5. The difference between living conditions in jails versus prisons
6. The lack of publicly available reports about what is going on in our jail.
7. The necessity for independent oversight authority.
8. How jail deaths are a failure of community resources instead of just a “jail problem” that can be solved with patchwork crisis intervention or a new jail.

### **What can we do to focus our efforts on change?**

I want to debunk the idea that the media is going to cause things to change just by printing the truth. The media is vitally important but limited in influence. Stories about jail reform come and go like the weather, but crime is in the news every day and especially election days.

### **A personal story about the media:**

In October last year, I wrote an opinion piece about Metro jail that appeared on the front page of the Forum section of the Courier Journal.

<https://www.courier-journal.com/story/opinion/2022/10/06/louisville-a-big-new-jail-will-not-prevent-pre-trial-deaths-opinion/69541220007/>

My personal email was unexpectedly printed at the end of the article. I got only 4 or 5 emails from people I did not already know and about 30 emails from people I knew. I came to the conclusion that people do not want to read or think about incarceration issues.

You may not have thought of this, but newspapers keep track of how many clicks each article gets to determine what to cover in the future. I learned this from John Cheves, a reporter at the Lexington Herald Leader, who writes more articles about jails and prisons in Kentucky than anyone. He said that his articles on incarceration get fewer clicks than any other articles in his newspaper.

Judging from our Courier-Journal, articles about “bourbon” gets a lot of clicks!

**I would like to emphasize the importance of not giving up hope.**

Prisons used to have signs on the door: “Abandon hope all ye who enter”. I have come to believe that those signs were meant for all of us who do not enter, not just for prisoners. It is time for all of us to stop believing the “Abandon Hope” sign! Here are my thoughts on how to do that

**Number 1. Support each other’s efforts.**

I would not be doing this work without encouraging feedback from groups like LSURG, League of Women Voters, FOR, reporters, academics, churches, former prison employees. I have reached out to Metro Council members and they are responsive to my concerns and appreciate my input. One Council Member did not know the Community Corrections Center even existed! I doubt many Council members knew about plans to tear it down.

**Number 2. There is power in numbers even if those numbers are small.**

We might think of ourselves as “body cameras” that record the actions of our officials and agencies. Administrators and office holders will behave differently if they think people are watching what they do. Even two or three people will find their efforts magnified by this effect.

**Number 3. Plan for the long haul**

Work for small changes that can have a big effect over a period of decades. It has taken 50 years to get into the mess we are in. Stop believing in quick fix-reform.

**Number 4. Take in the long-term view of history**

Kentucky corrections history tells us that in 1940, Kentucky’s prison population was 4,000 people. By 1970 there were less than 3,000 in our state prisons—a 25% drop. Since 1970, our prison population has increased about 700% to 21,000.

<https://www.ojp.gov/pdffiles1/Digitization/113548NCJRS.pdf>

The immediate reaction is to blame this huge increase on the drug problem but there are other things we might consider. In the mid 1950's, there were almost 8,000 people in mental hospitals in Kentucky. There are less than 400 today. Community treatment was supposed to take care of patients as they were released but funding fell through the cracks and jails have been used instead.

<https://apps.legislature.ky.gov/CommitteeDocuments/347/13541/DBHDID%20Presentation%20to%20SMI%20Task%20Force%20-%20SMI%20Population%20and%20Hospitalizations%209.22.21.pdf>

Between 1940 and 1970, there were 3 wars and the GI Bill. The wealth gap narrowed and the middle class grew. (especially if you were white). Since 1970, the wealth gap has grown exponentially. In the U.S. one person out of every 1000 people has as much wealth as the other 999 combined. The correlation of wealth disparity and prison population merits further study.

#### **Number 5. Keep our harsh sentencing laws in mind.**

Kentucky is 6<sup>th</sup> or 7<sup>th</sup> highest of all states for percentage of its citizens incarcerated.

<https://uknowledge.uky.edu/klj/vol97/iss1/2/>

[https://uknowledge.uky.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1143&context=law\\_facpub](https://uknowledge.uky.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1143&context=law_facpub)

<https://www.sentencingproject.org/app/uploads/2022/08/U.S.-Prison-Population-Trends.pdf>

<https://www.prisonpolicy.org/profiles/KY.html>

Today, the average prison sentence in Kentucky is 14 years----higher than ever before.

<https://corrections.ky.gov/About/researchandstats/Documents/Monthly%20Report/2022/Inmate%20Profile%20%2001-2023.pdf>

Rates of parole are lower than ever.

We are racing to the bottom with states like Louisiana, Mississippi and Texas. Fear of crime is used to win elections. Our current governor's race is an example.

It is worth noting here that the percentage of Metro Louisville citizens who are serving state prison time, is about one third lower than rural areas of Kentucky. Louisvillians are paying more than our fair share of \$715 million annual cost for state prisons.

<https://kypolicy.org/group-provides-insight-growth-kentuckys-inmate-population/>

<https://corrections.ky.gov/About/researchandstats/Documents/Monthly%20Report/2022/Inmate%20Profile%2007-2023.pdf> (page 5)

**Number 6. Work toward making public education happen for incarceration issues.**

Demand that Metro jail do the daily work of building an infrastructure of accountability. This means transparent and user-friendly reporting. The internet gives us an opportunity we never had before. Demand that our county jails and state prisons have an office dedicated to pro-active public information. We do this for anti-smoking, drunk driving, seat belts, gambling and the lottery. Waiting for a retired prison employee like me to put together the big picture is not a plan that will work over the long term. Waiting for the media to educate the public and elected officials about incarceration is not effective. Crime rates have fallen, but crime is in the news every day and articles about incarceration are seldom read.

**In Closing, I want to say that--**the efforts made by those here today to let elected officials know our concerns might be the tipping point necessary to move toward lasting reform for Metro jail. Most citizens are ignoring this issue, so a small group can make a big impact. The alternative to lasting reform is a vicious circle --snowball effect-- where, little by little, things get worse until something big goes wrong. We do not want to end up with a \$400-million-dollar new jail and a larger version of the same problems we have right now.

Note: The opaque process surrounding plans to demolish the 445-bed Community Corrections Center weakens the level of trust in full disclosure of jail decisions. This would have been a place for detox and/or mental illness treatment (and work release programs). This was known about for a whole year and no plans have been made for housing these people in a treatment environment instead of the main jail.



**If time permits, tell this story:**

Our institutions will erase important information for political convenience. I call this “Critical Erase Theory” and it happened to me:

During my 7 years as a KDOC Staff Training Officer I wrote a 44-page chronology of Kentucky’s state prison history. Sometime after 2005 this was removed from KDOC website. It survived on a federal website.

<https://www.ojp.gov/pdffiles1/Digitization/113548NCJRS.pdf>

I also worked with Eastern Kentucky University and The Kentucky Historical Society to create a permanent historical photo exhibit with narrative. KDOC central office also got a copy.

Sometime after 2005 all three of these institutions “disappeared” this exhibit. I have the only remaining copy because the Kentucky History Center gave it to me.

Without public oversight, KDOC and Metro jail will continue to restrict information that might cast them in a bad light.

**ANSWER QUESTIONS****Things I might have included If I had more time:** (added after the presentation)

1. Metro jail is the only lock-up in Kentucky with a population over 50% Black

<https://louisvilleky.gov/government/corrections/jail-population-dashboard>

Click on Metro Corrections Jail Population Dashboard and then click on “Main Jail Complex” at the top of the page (in small print). This is better than previous reporting but should be more user friendly and provide tools for research.

2. Cash bail is a very significant driver of Metro jail population. Illinois stopped using cash bail.

The Bail Project has closed operations in Louisville. The Community Bail Program remains.

Inability to make bail is a primary driver of our Metro jail population. Here is a study provided to the Jefferson County Crime Commission Jail Policy Committee:

(See charts at the end of the minutes)

Average number of days in jail has doubled from 16 to 32 from 2013 to 2021

<https://louisvilleky.gov/criminal-justice-commission/document/jail-policy-1026-meeting-packet>

Here is a link to the full report:

<https://louisvilleky.gov/criminal-justice-commission/document/understanding-trends-jail-population-louisville-metro-0>

3. Six of every ten women serving state felony time are serving that time in a county jail.

Treatment and program opportunities for these women are less than those for men.

<https://apps.legislature.ky.gov/lrc/publications/ResearchReports/RR430.pdf>

4. About 3600 state prisoners in county jails, perform \$36 million dollars of “free” labor every year on public work projects (figured at minimum wage). Prisoners might receive 63 cents per hour. Jail fees are subtracted. This provides incentive to incarcerate and takes jobs from free labor. This is not done at Metro jail because CCC is closed, but felony-sentenced people from Jefferson County, serving time in county jails, are on work crews in those counties.

<https://apps.legislature.ky.gov/minutes/jail%20and%20corrections%20reform%20tf/230724OK.PDF>

5. The importance of having career corrections and social work professionals conduct evaluations of Metro jail—not just law enforcement- which is the case with the Beyer Investigation. We would not consider having a corrections professional like a jail administrator or prison warden conduct an evaluation of the police department.

6. Ways to get incarceration issues included in middle and high school civics classes

7. Despite the significant drop in Metro jail admissions, the population has stayed higher than expected because prisoners are staying longer.

<https://louisvilleky.gov/criminal-justice-commission/document/understanding-trends-jail-population-louisville-metro-0>

8. Cost of state prisons and county jails

This year, the total cost for Kentucky's 14 state prisons is \$715 million. In 1970, the state prison budget was \$7 million

[https://osbd.ky.gov/Publications/Documents/Budget%20Documents/2022-2024%20Executive%20Budget%20Recommendation/2022-2024%20Executive%20Budget%20Volume%20I%20\(Part%20C\).pdf](https://osbd.ky.gov/Publications/Documents/Budget%20Documents/2022-2024%20Executive%20Budget%20Recommendation/2022-2024%20Executive%20Budget%20Volume%20I%20(Part%20C).pdf) (page 238)

[https://uknowledge.uky.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1143&context=law\\_facpub](https://uknowledge.uky.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1143&context=law_facpub) (page 323)

The Vera Institute. What Jails Cost. Kentucky 2019

<https://www.vera.org/publications/what-jails-cost-statewide/kentucky>

9. Kentucky's harsh sentencing. Proposed legislation will make it worse

<https://www.whas11.com/article/news/local/safe-kentucky-act-proposal-louisville-republicans-jared-bauman-violent-crime/417-53b8c681-b808-46e9-8981-cc0f27c27c7d>

In the Decade Since Major Criminal Justice Reform, the Kentucky General Assembly Has Passed Six Times as Many Laws Increasing Incarceration as Decreasing It. By Carmen Mitchell, Pam Thomas, Ashley Spalding and Dustin Pugel. Kentucky Center for Economic Policy. December 9, 2021

<https://kypolicy.org/kentucky-general-assembly-has-passed-six-times-as-many-laws-increasing-incarceration-as-decreasing-it-since-2011/>.

Progress and Promise: Kentucky's Unfinished Criminal Justice Reforms. John Tilley (who is the former Secretary of the Kentucky Justice and Public Safety Cabinet) Kentucky Bar Association Bench and Bar Magazine. January-February 2021 ( pages 8-13).

<https://lsc-pagepro.mydigitalpublication.com/publication/?i=691055>

10. In addition to 8,347 state prisoners, there are 1,890 federal prisoners held in our county jails. 70% of these are at just 5 jails:

Laurel-376; Grayson-469; Henderson-163; Oldham-188; and Warren-123. These pay per diem rates much higher than rates paid by KDOC. Metro jail has none. More than half of all county jail beds are "rented" out.

Oldham County Jail holds 328 people. (188 of these are federal and 55 are state prisoners). Three quarters of their population pays "rent" or per diems.

<https://corrections.ky.gov/About/researchandstats/Documents/Weekly%20Jail/2023/10-05-23.pdf>

11. Fighting against letting Rep Hal Rogers build a 4<sup>th</sup> federal penitentiary in his district—this time in Letcher County.

<https://secure.everyaction.com/dPYVg1AxIkeLbHSnhlfUBQ2>

<https://www.instagram.com/reel/CwFd6rJo5Ah/?igshid=MTc4MmM1YmI2Ng%3D%3D>

<https://insideclimatenews.org/news/03092023/kentucky-building-prisons-on-strip-mines/>

<https://www.lpm.org/news/2022-11-22/a-proposed-prison-in-letcher-county-reopens-old-divides>

Here is a response from Rep Morgan McGarvey to a petition against the new federal prison:



## **MORGAN McGARVEY**

Representing the 3rd District of Kentucky

Thank you for reaching out to me about the plans to build a prison in Letcher County.

Congress has considered building a high-security federal prison in Letcher County since 2006, when it first authorized a study for a potential facility. While a proposal for a site in Roxanna was approved in 2018, it was defeated after Kentucky residents filed a 2019 class action lawsuit for undue exposure to toxic chemicals from previous coal extraction in the region and resistance to increasing the local prison population. The Letcher County Prison would cost \$500 million and would be the fourth federal prison in southeastern Kentucky—which already has one of the highest concentrations of federal correctional facilities in the nation. In fact, if Kentucky was a country, it would have the seventh highest incarceration rate in the world. Moreover, Kentucky incarcerates 40% more people per capita than the national average, and the eastern federal judicial district of Kentucky already has more federal prisons than any of the other 93 districts in the nation.

Building additional prisons in Southeastern Kentucky will not stop residents from continuing to move away, nor will it bring economic stability to the region. In nearby Clay, Martin, and McCreary counties, employment and population have continued to fall, poverty rates remain among the highest in the country, and median household incomes have continued to decrease—even after opening federal prisons in each of the counties. When these prisons are built, many of the jobs they create come from outside of the community. Furthermore, there are significant criteria for BOP employees that many local residents would not meet, including age, drug testing, credit, and criminal record requirements, as well as education and experience preferences. In fact, according to the former Judge Executive of McCreary County, only 25 to 30 of the 300 people employed at the prison were from the local area five years after it opened. Moreover, prison building requires local revenue to construct infrastructure, including highways and roads, water and sewer systems, and electricity—increasing taxes and costs for local residents. This \$500 million investment would serve the community much more if it were used to provide housing and support for flood-impacted families, bolster reforestation efforts, and improve other public health needs like child care and drug treatment services. It is important that the concerns of the people of Letcher County are addressed in this matter so that the best course of action is taken, and I will keep your concerns in mind if the House considers the fiscal year 2023 Commerce, Justice, and Science Subcommittee appropriations bill.