

**LOUISVILLE METRO CRIMINAL JUSTICE COMMISSION
MEETING SUMMARY**

Thursday, February 28, 2008

Members Present: Judge Kathleen Voor Montano, Chair; Sheriff John Aubrey; Richard Badaracco; Judge Judith Bartholomew; Tom Campbell; Dan Fountain (designee for Patricia Combs); Walker "Critt" Cunningham; Judge Joan Byer (designee for Judge Patricia Walker Fitzgerald); Bishop Walter Jones, Jr.; David Nicholson; Tim Vize; Lt. Col. Tim Emington (Designee for Chief White).

Excused Members: Sheriall Cunningham; Tom Dyke; Rev. Charles Duncan; Richard Lewis; Dave Stengel; and Paul Vido.

Guests Present: Judge Denise Clayton; Tina Messer (Jefferson County Drug Court); Marty Meyer (Congressman Yarmuth's Office); Richard O'Malley (JCAO); and Maurice Risner (Jefferson County Public Schools).

Staff Present: Kim Allen; Faith Augustine; Bruce McMichael; Tracey Neathery and Stephanie Stidham.

I. WELCOME/CALL TO ORDER

Judge Montano called the meeting to order, welcomed all in attendance, introduced guests, and called for introductions.

II. APPROVAL OF MEETING SUMMARY OF OCTOBER 18, 2007 MEETING

The meeting summary of the October 18, 2007 meeting was unanimously approved as submitted.

III. CHAIR'S REPORT

Judge Montano recognized the upcoming transfer of Tracy Reinhold, Special Agent In Charge, FBI who will be leaving Louisville. She noted that he had participated as a member of the board and will forward a Certificate of Appreciation to the local FBI office.

Additionally, Judge Montano welcomed new members Chief District Court Judge Judith Bartholomew and Judge Joan Byer (designee for Chief Family Court Judge Patricia Walker Fitzgerald) to the Commission. Lapel pins were presented to each.

Chief Judge Jim Shake is also returning to the board but was unable to attend the meeting.

Future Meeting Agendas:

- March: Tracey Corey, Chief Medical Examiner
- April: Clinical Panel on Adolescent Brain and Criminal Behavior; 40th Anniversary Criminal Justice Commission Celebration (video presentation & brief reception)

Noted Changes in Upcoming Schedule:

- June: Date changed to June 26th due to Kentucky Bar Training
- Sept: Date changed to September 25th due to "Ryder Cup."

IV. SPECIAL PRESENTATIONS

A. Judge Denise Clayton, Chair, Jefferson County Commission on Racial Fairness – Judge Clayton reported that the third report issued by the Commission finds that African Americans are underrepresented in Jefferson County’s jury pool. Potential juror names are obtained from Driver Licensing records; Voter Registration and Department of Revenue records. Commission analysis indicated that an invalid address was the most significant cause of a diminished jury pool. While Department of Revenue records have the most accurate address information, they not routinely checked.

Judge Clayton added that as potential jurors are pulled from the pool for jury selection, the number of African American available for other trials is further diminished.

Judge Clayton distributed copies of the Commission’s report and recommendations regarding the jury process. (See attached)

The next report by the Commission will focus on the “courtroom environment.” Judge Clayton reported that the group will look at why individuals come into the system and how they are treated. A review of the overrepresentation of minority youth in foster care and court will be included along with the school system.

B. Tina Messer, Regional Manager, Kentucky Drug Court – Ms. Messer reported that the Jefferson County Drug Court is thriving. There are now 12 staff members. A Clinical Supervisor is in place as well as a contract with JADAC to provide residential services.

Having outgrown its original 5,000 sq. feet of space on the second floor of 717 W. Main Street, the program has expanded into part of the first floor of the building and is in discussion with the building owner regarding rental of the entire downstairs space.

There are currently 143 participants in the program with an additional 15 expected in the next few weeks. Probation revocation accounts for 87% of the participants with the remaining 13% from final sentencing. Participants are required to be in the program a minimum of 18 months, but program completion can take as long as 20-22 months. Although the program is currently staffed for 200 participants, the long-term goal is to expand the capacity to 300.

V. COMMITTEE REPORTS

A. Warrant Process Committee

Bruce McMichael reported that the Warrant Process Committee was reconvened in October, 2007 at the recommendation of Mr. Richard O'Malley, Jefferson County Attorney's Office, due to the upcoming testing and implementation of the E-Warrant program in Jefferson County. The committee has met three times since October 2007 to add protocols and processes prior to implementation. Bruce reported that Phase 1 of implementation process was focused on protocols and training. Phase 2 will involve the input of bench warrants, but has been temporarily put on hold. Within six months the bench warrants will be added as well as 50-60,000 outstanding warrants which will be reviewed prior to input. Non-support, bad checks and juvenile warrants will not be included at present.

As of January 31, 2008, the system became operational and the only way to issue new warrants or complaints is electronically. Implementation is causing the re-thinking of procedures and the Warrant Process Committee will provide an additional forum for working through issues and developing a common understanding of the process flow.

There is great interest in the information this program will place at judge's fingertips, on the bench and after-hours at home when on call. After Jefferson County is complete, implementation will move to surrounding counties. It is anticipated that statewide implementation will be completed in 18-24 months.

B. Legislative Committee

Stephanie Stidham reported that to date, 861 bills have been filed. Of that total, approximately 25%, or 215 bills) are criminal justice-related. Recurring issues addressed in the bills include: sexual offenses & offenders; domestic violence; DUI; and identity theft. The Criminal Justice Commission recommended eight bills that have been filed. Two of those are moving: HB 211 which changes age limits in sexual abuse charges; and HB402 which allows time off from work for crime victims to testify in court.

VI. UNFINISHED BUSINESS

Metro Corrections: Vision 20/20, Tom Campbell, Director, Louisville Metro Department of Corrections – Mr. Campbell reported that the new jail commission, Metro Corrections: Vision 20/20, was formed in October to review the operations of LMDC and address jail population issues. The group has met on three occasions to date. The Commission is chaired by Justice Martin Johnstone and Judge Pete Karem. Although the group's work was originally scheduled for completion in 90 days, the timeline has been extended to the end of April. The next meeting will be March 13th and the guest speaker will be Mr. John Dantis, Director of the Bernalillo County Detention Center in Albuquerque, New Mexico. Mr. Dantis is the author of *"Judges on the Payroll: A Radical Approach to Population Management"* which involves using a judge pro-tem to review cases. Following discussion, a range of options will be developed and presented to the Mayor for consideration.

Kim Allen noted that a new report, issued today by the PEW Center on the States found that more than one in every 100 adults are in jail or prison and that Kentucky has the dubious distinction of having the greatest increase in percentage (12%) of population growth over the past year.

VII. NEW BUSINESS

A. Substance Abuse Treatment Program at Louisville Metro Department of Corrections – Bishop Jones requested that an update be given at the end of the fiscal year regarding the effectiveness of this program. Tom Campbell agreed to schedule the presentation.

B. Shock Probation – Bishop Jones requested that the Commission review information recently published in the Courier Journal regarding repeat offenders of violent crimes being released on shock probation. It was noted that a bill has been filed in the legislature on this issue. Kim Allen suggested that staff obtain a copy of the article in question and the related Kentucky Revised Statutes and bring this back to a future board meeting for discussion.

VIII. ADJOURN/NEXT MEETING

With no further business before the Board, the meeting was adjourned. The next scheduled meeting is Thursday, March 20, 2008 at 2:00 p.m. in the Crown Room of the Judicial Center.