

**LOUISVILLE METRO CRIMINAL JUSTICE COMMISSION  
MEETING SUMMARY**

**Thursday, March 20, 2008**

**Members Present:** Judge Kathleen Voor Montano, Chair; Sheriff John Aubrey; Arnold Fitzgerald (designee for Richard Badaracco); Judge Judith Bartholomew; Tom Campbell; Elisa Freeman-Carr; Joe Miller (designee for Patricia Combs); Sheriall Cunningham; William DeNardi; Judge Joan Byer (designee for Judge Patricia Walker Fitzgerald); Leo G. Smith (designee for Dan Goyette); Roger Henderson; Bishop Walter Jones, Jr.; Richard Lewis; Richard O'Malley (designee for Irv Maze); Wanda Baker (designee for David Nicholson); Judge Jim Shake; Harry Rothgerber (designee for Dave Stengel); Tim Vize; Lt. Jenny Assef (Designee for Chief White); and Clarence Williams.

**Guests Present:** Dr. Tracey Corey (Chief Medical Examiner); Dr. Deborah Wilson Keeling (University of Louisville); Dr. Peggy Kidwell (Criminologist); Jerry Nichter (citizen); and Maurice Risner (Jefferson County Public Schools).

**Staff Present:** Kim Allen; Faith Augustine; Betsy Helm; 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 FEBRUARY 28, 2008 MEETING**

The meeting summary of the February 28, 2008 meeting was unanimously approved as submitted.

**III. CHAIR'S REPORT**

Judge Montano noted that plans for the 40<sup>th</sup> Anniversary Criminal Justice Commission Celebration have been changed due to the time required in video production. Interviews with former board members and staff are underway. This promises to be a great video presentation.

Judge Montano also made note of future meeting agendas. April's meeting will include a clinical panel discussing recent research on adolescent brain development and its relationship to youthful criminal behavior. The first part of May's meeting will include a presentation on statewide trends in drug crime by the new

Commissioner of the Kentucky State Police, Rodney Brewer, followed by the 40<sup>th</sup> Anniversary Criminal Justice Commission Celebration (video presentation, comments, and brief reception)

Reminder of Changes in Upcoming Schedule:

June: Date changed to June 26<sup>th</sup> due to LBA/KBA Training  
Sept: Date changed to September 25<sup>th</sup> due to "Ryder Cup."

#### **IV. SPECIAL PRESENTATIONS**

**A. Dr. Tracey Corey, Chief Medical Examiner, Kentucky**– Dr. Corey presented an overview and update, including a slide presentation, on the work of the Medical Examiner's Office. As Chief Medical Examiner for the Commonwealth of Kentucky, Dr. Corey serves all of Kentucky and part of southern Indiana. Dr. Corey noted that there are fewer than 400 certified Forensic Pathologists in the United States. Most physicians apply their medical knowledge to diagnose and treat patients, however, Forensic Pathologists, who are also physicians, apply their medical knowledge to legal situations. Through autopsies, crime scene investigations and witness reports, Forensic Pathologists determine the manner of death as opposed to guilt. Their customers include the living: families and friends of the deceased, police and the legal community.

According to Dr. Corey, currently the majority of deaths investigated in her office are drug-related, approximately one each day. Victims are generally middle-aged adults and the drug most often abused is Methadone.

**B. Dr. Deborah Wilson Keeling, Chair, Department of Justice Administration, University of Louisville** – Dr. Keeling reported that the University of Louisville is working with CJC staff to create a new partnership between Louisville Metro Government and local universities called the Metropolitan Research Institute If "MRI". Through MRI, criminal justice faculty will partner with metro agencies on research initiatives. Universities benefit by having access to local criminal justice and public safety data for research along with publication opportunities for staff. The availability of evaluators and researchers from the schools will assist local government in applying for new grant opportunities. When complete, copies of policies and procedures will be distributed to commission members. If you have an opportunity to make use of this partnership in research, please contact Kim Allen or Dr. Keeling.

## **V. COMMITTEE REPORTS**

### **A. Legislative Committee**

Stephanie Stidham reported that to date, 1,100 bills have been filed for consideration by the state legislature. Two of particular interest to members of the CJC that are on track to become law are: SB72, which will require the Dept of Corrections to develop a substance abuse treatment plan under specific circumstances; and HB91, which requires school districts to have plans, policies and procedures regarding student safety.

Judge Montano reported that the Administrative Office of the Courts would be significantly impacted by the House version of the budget. As presented, the budget will cut funding to AOC and could eliminate Drug Courts. In addition, proposed legislation does not provide funding for mandated raises in the Circuit Court Clerk Offices, which could result in mass layoffs. Judge Montano urged all members of the Commission who may be concerned to contact their legislators.

Judge Byer questioned whether there was a precedent for creating a resolution from the Commission to support continued funding for Drug Court. It was noted by staff that such resolutions had been developed in the past. Maurice Risner made the motion to create such a resolution and Tom Campbell seconded. The approval vote was unanimous. As the session will end before our next meeting, Kim Allen stated she and CJC staff would work with Judge Byer to draft the proposed resolution. Once drafted the resolution will be emailed to the entire CJC membership for review within a 24-hour period. The final resolution will be sent to House and Senate leadership and to the entire Jefferson County delegation.

## **VI. UNFINISHED BUSINESS**

**Panel Discussion on Shock Probation** – Member of the panel are: Chief Circuit Judge Jim Shake; Harry Rothgerber, Office of the Commonwealth Attorney; and Leo Smith, Public Defender’s Office.

Judge Shake reviewed the Courier Journal article in question and suggested that the term “judicial release” better reflects the purpose of shock probation. Shock probation offers a compromise for non-violent offenders and Judge Shake views it as a valuable tool.

Harry Rothgerber reported that initially shock probation was only for the first-time non-violent, felony offender. It allowed for a brief time in prison in which the offender was “shocked” into not re-offending. Although the original purpose has been lost over time, shock probation is a valuable alternative to incarceration. Mr. Rothgerber noted, however, that the judge must be the filter for appropriate use.

Leo Smith reported that since the program began the legislature has made a number of revisions to limit eligibility for shock probation, which have better defined its use. It is his belief that further restrictions by the legislature would not be likely to occur.

Panelists noted it is not unusual for shock probation to be used as a bargaining tool in plea agreements which results in "non-traditional" use of the program.

Following remarks of the panelists, Bishop Jones indicated that while he agrees that shock probation is useful, his concern is whether or not it is being used properly.

With limited time remaining in the meeting, Judge Montano suggested that the issue be revisited at a later meeting.

## **VII. NEW BUSINESS**

## **VIII. ADJOURN/NEXT MEETING**

With no further business before the Board, the meeting was adjourned. The next scheduled meeting is Thursday, April 17, 2008 at 2:00 p.m. in the Crown Room of the Judicial Center.