FINAL REPORT OF THE SPECIAL JAIL STUDY COMMITTEE

Research Report No. 215

LEGISLATIVE RESEARCH COMMISSION
Frankfort, Kentucky

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FINAL REPORT OF THE SPECIAL JAIL STUDY COMMITTEE

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Prentice Harvey
Kathy Campbell

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Legislative Research Commission
Frankfort, Kentucky
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FOREWORD

The 1982 General Assembly initiated jail reform efforts in Kentucky with the enactment of House Bills 440 and 441. These bills substantially changed many aspects of local corrections in the Commonwealth. Jail funding, regulation, training of local jail officials and jail construction were all influenced by the 1982 legislation.

The 1982 Session also saw the passage of House Resolution 46. This resolution created the Special Jail Study Committee and directed that group to investigate certain areas, collect data on county jails and develop legislative proposals, and to report to the Legislative Research Commission.

This report is the result of the Jail Study Committee's activities during the last two years. Mr. Curtiss Pulitzer, a consultant with the Ehrenkrantz Group of New York, New York, advised the committee and its staff during much of this period. The text of this report was prepared by Prentice Harvey and Kathy Campbell. Karen Talley assisted in the preparation of the manuscript.

Vic Hellard, Jr.
Director

The Capitol
Frankfort, Kentucky
September, 1984

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INTRODUCTION

The past decade has been a time of rapid change in the area of local corrections. Jails, long ignored and neglected by the public and its elected officials, became a focal point of attention as law suits were filed over conditions of confinement and treatment of prisoners and judges and juries became more willing to intervene in jail operations or to find public officials liable. It was in the context of this national trend that Kentucky began its efforts to improve its system of county jails.

The Commonwealth has made significant progress during the last several years in the area of jail reform by the passage of HB 440 (1982 legislative session) which abolished the fee system, placed the jailer on a salary, established training programs, and required the development of minimum standards for county jails. Minimum standards have been promulgated as administrative regulations for full service jails, as well as holdover jails.

The Special Jail Study Committee was created by HJR 46 during the 1982 session to study ways of assisting counties with jail financing, methods of reducing local jail population, and to work on a state jail plan to guide the overall improvement of Kentucky's jail system. The committee's work was greatly facilitated by a grant received from the National Institute of Corrections. The committee and the Commonwealth are also indebted to the National Institute of Corrections for this and other support received in the past several years.

The findings and recommendations of the Special Jail Study Committee which follow in this report have been filed with the Legislative Research Commission.

REPORT OF THE SPECIAL JAIL STUDY COMMITTEE

By House Resolution 46, the 1982 General Assembly created a special committee to study the Commonwealth's system of county jails.

This resolution acknowledged that many Kentucky jails fail to meet certain requirements mandated by federal and state law. HR 46 directed the committee to oversee the collection of data on jails and to consider and develop legislative proposals in a number of specific areas. The committee's membership is set by resolution and includes legislators, representatives of state and county government and other parties interested in local corrections.

Subcommittee Activity

Between September, 1982, and March, 1983, the Subcommittee on Community Corrections met six times. At these meetings the subcommittee heard extensive testimony on the Commonwealth's criminal justice system, alternatives to incarceration, probation and parole, pretrial diversion programs and the community corrections acts of Minnesota, Oregon and Kansas. The subcommittee also devoted time to the study of problems associated with juvenile incarceration. Representatives of the Kentucky Juvenile Justice Commission, the Gateway Juvenile Diversion Project and Kentucky Youth Advocates testified concerning alternatives to the incarceration of juveniles.

The Subcommittee on Jail Funding met three times. This group monitored the collection and analysis of data on county jail revenues and studied expenditures for jail operations. It investigated various funding formulas and methods that might be used to distribute state operational funds for jails and discussed how these different methods might influence the nature of local corrections in the Commonwealth. Funding formulas used in Oregon and Kansas were applied to data on Kentucky's counties and, through computer analysis, figures showing how the funding formulas would affect the amounts of state funds for jails now received by the each county were presented.

Committee Activity

Aside from an organizational meeting, there have been nine meetings of the Jail Study Committee. On March 17 and 18, 1983, the Jail Study Committee held a two-day meeting at General Butler State Park. During the first day of the meeting, the committee's discussion focused on the role and function of jails and prisons in the criminal justice system; methods of controlling growth in jail and prison populations; state-to-county and county-to-county relationships for the provision of jail services; and the roles of various government entities in the criminal justice system. The second day of the meeting was devoted to the development of two general proposals for a state jail system.

One proposal, which was termed Scenario or Plan B, was based on ideas put forth by the representatives of the Kentucky Corrections Cabinet. Plan B called for a system of

county-operated regional jails, single-county full-service jails and short-term holding facilities. Under this plan, certain counties would contract for all or a part of needed jail services, and selected state prisoners, who now serve short terms in the state prison system, would serve their sentences in county jails.

The second plan, Scenario C, involved several state-financed and operated minimum security facilities which would hold state prisoners serving terms of less than two years and certain county prisoners—long-term misdemeanants and special needs prisoners. Under Scenario C, with state financial support, counties would operate short-term holding facilities and jails which could hold prisoners up to thirty days (Appendix 3).

In addition to the discussion of issues and initial outlining of proposals for a state jail system, a work plan was developed at the General Butler meeting calling for data collection and analysis of information on jail populations and finances.

The committee met for the third time on April 29, 1983, in Owensboro. At that time, committee members were presented with data on operating costs of jails and certain state prison facilities. They also received information on current and projected jail and prison populations.

According to a snapshot survey conducted on March 29, 1983, by pretrial release officers of the Administrative Office of the Courts, the statewide average daily population of county jails was about 3,900 inmates. Of this total, approximately forty-five percent were adults, awaiting trial and thirty-three percent were adult sentenced misdemeanants. Most inmates appeared to spend a short time in jail: about seventy-three percent of all prisoners were released within forty-eight hours of booking. The majority of the inmates serving terms of more than ten days were convicted felons awaiting intake into the state prison system.

Data on the state prison system showed a total population of 4,554 inmates in a system with a capacity of only 4,350 beds. Prison population projections prepared by the Corrections Cabinet indicated a growth in the number of state inmates that will result in a need for a capacity for an additional 1,000 prisoners by July, 1986.

Information on operating costs of jails and prisons was also presented. Based on amounts budgeted for jail operations for fiscal year 1983 and average daily populations, an average per diem cost for holding a prisoner was calculated for each county jail. Similar figures were presented for each state correctional facility. Additional analysis focused on the per diem costs of selected county facilities that approached compliance with state jail standards (Appendix 4).

Information on a population "entrance and exit" survey of four jails, representative of large and small and urban and rural facilities (Appendix 5), an inventory of the condition of each county jail, and characteristics of the short-term state prison population were presented to the members of the Jail Study Committee at a meeting on June 16, 1983. At that time, the committee was given staff calculations of estimated operating and capital

construction costs of a continuation of the current jail system. Costs of maintaining the status quo were estimated to be $32.4 million dollars for jail operations and $73.4 million dollars for needed capital construction.

The Jail Study Committee met again on July 22, 1983, The criteria used for the development of maps, as well as actual maps proposing Scenario B and C jail systems were presented to and discussed by the committee. A discussion of implementation issues for each plan followed.

Scenario B involved a jail system administered and operated by the counties. Substantial financial assistance for both operating expenses and capital construction costs were to be provided by the state. The state would regulate the jail system through enforcement of jail standards, jail inspections and monitoring of contracts for jail services between counties.

Depending on the county's average daily prisoner population, the condition of the existing jail facility and the distance to other county jails, each county would have fallen into one of five categories under Plan B. These categories were as follows:

Contract County—No jail, all prisoners to be transported to the jail facility (holdover or regional) of another county;

Twelve Hour Holdover—To hold prisoners until pretrial release could be arranged or until enough prisoners had accumulated to make transportation economical. Prisoners facing pretrial detention of more than twelve hours, special needs prisoners and sentenced prisoners would be moved to a ninety-six hour holdover facility or a multi-county regional facility;

Ninety-six Hour Holdover—To hold prisoners until pretrial release could be arranged or until enough prisoners had accumulated to make transportation economical. Prisoners facing pretrial detention of more than ninety-six hours, special needs prisoners and most sentenced prisoners would be moved to a multi-county regional facility;

Full-service Jail—To hold pretrial detainees, special needs prisoners, and sentenced misdemeanants for periods of up to one year. Primarily, serves only one county but could hold state prisoners serving terms of a year or less; and

Multi-county Regional Facility—Would hold the same population as a full-service jail but would serve more than one county. It also could hold state prisoners serving terms of one year of less.

Scenario C proposed a number of state-owned and operated regional facilities and county-owned and operated holdovers and jails. The state regional facilities would have held state prisoners who actually serve terms of up to two years and certain county prisoners—long-term misdemeanants and special needs prisoners. With state financial support for operational and capital costs, county facilities (holdovers and jails) were to handle the remainder of the jail population.

Plan C entailed seven state regional facilities with a capacity of about 250 inmates each, although state facilities serving metropolitan areas would have been somewhat larger. These state facilities were to be distributed across the state, so that no county would have more than fifty miles driving distance to the nearest state facility. Under the state plan, as discussed, counties were to be classified according to their average daily prisoner population and distance to other correctional facilities. Scenario C specified the following types of counties:

Contract—No jail, most of the jail population to be transported to county holdovers or jails. Special needs or long-term misdemeanants to go to a state facility;

Ninety-six Hour Holdover—To hold pretrial detainees until pretrial release could be arranged. Prisoners facing pretrial detention of more than ninety-six hours, sentenced misdemeanants and special needs prisoners to be transported to a partial service jail or to a state regional facility, as appropriate; and

Partial Service Jails—To hold pretrial detainees and sentenced misdemeanants for periods of up to thirty days. Prisoners requiring longer periods of incarceration and special needs prisoners to be transported to a state regional facility.

Estimated operating costs, prepared by staff, were $29 million for Scenario B and $30.3 million for Scenario C. Estimated capital construction costs were $81 million for Plan B and $68.1 million for Plan C. These estimates did not include additional monies that would have been required to house state prisoners in county jails.

The general concept of a county-run regional jail system was adopted by the committee at its September meeting. The committee considered but did not adopt a map designating jail regions and jail types, which was associated with this plan. Following staff work performed at the committee's direction, a map was revised and adopted at the committee's seventh meeting, on October 18, 1983.

The county-administered regional jail system endorsed by the Jail Study Committee calls for 33 regional jails, 15 full-service jails, 47 holdover jails and 25 counties without a jail who contract for jail services. Criteria used by the committee to designate facilities and to prepare the map which was adopted is noted:

Contract Counties—No jail, county must transport prisoners to a holdover county or regional jail. Factors used to designate contract counties were an average daily population (ADP) of the jail of 9.5 or less; a poor current facility condition (needing extensive renovation or new construction); the county's proximity to a regional facility; and the condition of the road system which would be used for the transportation of prisoners.

Holdover Counties—May hold prisoners up to ninety-six hours before needing to transport to a regional jail. Factors used to designate holdover counties were an ADP of 10 to 25; the condition of the facility; the county's proximity to a regional jail; and the condition of the road system.

Full-service Counties—Provide a wide range of jail services and programs for a single county. All types of prisoners may be housed and sentenced misdemeanants may be held for up to one year. Factors used to designate full-service counties were an average daily population of 25 or more or an ADP too large to permit economical transportation of prisoners; the current facility's condition; and the county's proximity to a regional jail.

Regional Counties—Provide all jail services found in a full-service county; however, a regional jail accepts prisoners from surrounding counties. The regional jail would hold sentenced misdemeanants for up to a year and could house selected state inmates. The factors used to designate regional counties were an average daily population equal to that of a full-service jail; central location in a designated jail services region; and the condition of the facility.

The Jail Study Committee voted to maintain a joint state-county relationship, including responsibility for funding the statewide jail system. Cost estimates based on revised methods of calculation were presented for the plan adopted. These estimates included full funding for compliance with state jail standards and called for thirty-six million operational dollars and eighty-two million capital construction dollars.

On November 16, 1983, the Jail Study Committee held a public hearing in conjunction with the annual meeting of the Kentucky Association of Counties. The committee received testimony from county judges/executive, jailers, magistrates and other interested groups regarding the state jail plan which had been adopted in October. Many of the concerns expressed at the public hearing related to how the state jail plan would be implemented. The Joint Legislative Committee of the County Judges/Executive, Magistrates/Commissioners and Jailers presented the Jail Study Committee with a packet of legislative issues they would like to see addressed by the 1984 General Assembly.

The committee directed staff to prepare legislation, to be presented at its final meeting on December 19, 1983, in response to the testimony received. The Special Jail Study Committee completed its work on December 19 and made a report on December 20, 1983, to the Interim Joint Committee on Counties and Special Districts.

APPENDIX 1

82 BR 1620

GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

REGULAR SESSION 1982

HOUSE RESOLUTION NO. 46

TUESDAY, MARCH 16, 1982

The following bill was reported to the Senate from the House and ordered to be printed.

A JOINT RESOLUTION directing the formation of a special jail study committee to study the Commonwealth's county jail system and to make recommendations for legislative action.

WHEREAS, many county jails in Kentucky fail to meet minimum requirements established by the federal courts; and

WHEREAS, many proposals for legislative reform of the county jail system have been made to the 1982 General Assembly; and

WHEREAS, there is a need for continued study of the county jail system and the collection of data;

NOW, THEREFORE,

Be it resolved by General Assembly of the Commonwealth of Kentucky:

1 Section 1. The Legislative Research Commission is
2 directed to appoint a special jail study committee to
3 study the Commonwealth's county jail system and to make
4 recommendations for future legislative action. The
5 committee shall consist of the executive directors of the
6 Kentucky Association of Counties, the Kentucky Jailers'
7 Association, the County Judges'/Executive Association,
8 the Kentucky Magistrates' and Commissioners' Association
9 and the Kentucky Municipal League; a representative of

1 the Kentucky Youth Advocates; the director of the Ken-
2 tucky Commission on Women or his designee; the Secretary
3 of Corrections or his designee; the Secretary of Finance
4 or his designee and the chairpersons of House and Senate
5 Committees on Counties and Special Districts. A
6 chairperson and vice-chairperson shall be appointed from
7 the membership by the Legislative Research Commission.
8 Section 2. The committee shall oversee the collec-
9 tion of data on jail prisoner population and character-
10 istics, jail financing and operational costs, jail ser-
11 vice areas, jail facility conditions and construction and
12 renovation and other matters related to the county jail
13 system. All state departments and agencies, all counties
14 and the officers and employes thereof shall cooperate
15 with and assist the jail study committee to effectuate
16 the purposes of this section and shall make all records
17 and data on jail population, financing, conditions and
18 other matters related to the county jail system acces-
19 sible to the jail study committee.
20 Section 3. The committee shall consider and, as
21 necessary, develop legislative proposals and recommenda-
22 tions for equitable funding formulas for jails, a juve-
23 nile pretrial release system, a community corrections
24 plan to better integrate jails with the Commonwealth's
25 correctional system in order to reduce prison overcrowd-
26 ing, necessary executive and administrative action on

1 jails; means of expanding programs for jail construction
2 and renovation and implementation of jail standards. The
3 committee shall report its findings and recommendations
4 to the Legislative Research Commission on or before
5 August 1, 1983.
6 Section 4. It is estimated that the operation and
7 cost of the committee and the provision of staff services
8 will cost approximately $20,000. Such sum is merely an
9 estimate pursuant to House Rule 63. Services and staff
10 support are to be provided by the Legislative Research
11 Commission from the regular Commission budget and are
12 subject to the limitation and other research responsibil-
13 ities of the Commission.

APPENDIX 2

Explanation of Release Statistics

County Average Daily Population (ADP):

The actual ADP from August 1982 until June 1983 was averaged to obtain the ADP listed next to the county name.

Released in 12 Hours:

An adjusted ADP was used to determine the number of persons released within 12 hours. The adjusted ADP is equal to the county's ADP multiplied by 50%.

Example: Boyd County has an ADP of 30
Adjusted ADP = 30 x .5 = 15

Released in 96 Hours:

In order to calculate the number of persons released within 96 hours, the adjusted ADP is multiplied by 30%.

Example: Boyd County's Adjusted ADP is 15
15 x .3 = 4.5

Not Released/Transport:

In order to calculate the number of persons incarcerated longer than 96 hours (this is the number that must be transported to a regional facility)—the number of persons released within 96 hours is subtracted from the county's adjusted ADP.

Example:

Boyd County's Adjusted ADP =	15
No. released within 96 hours (Boyd Co.) =	4.5
No. not released may need to be transported = (Depending on facility designation)	10.5

Regional Counties	Regional ADP
1) Adair—ADP 15.3 Cumberland (H) 3.78 Green (C) 6.1 Taylor (H) 5.28	Adair 30.46
2) Barren—ADP 41.4 Metcalfe (C) 3.8 Monroe (H) 3.57	Barren 48.77
3) Boone—ADP 42.4 Gallatin (C) 5.4 Grant (H) 3.99	Boone 51.79
4) Bourbon—ADP 43.1 Harrison (H) 4.06 Nicholas (C) 5.3 Scott (H) 7.21	Bourbon 59.67
5) Boyd—ADP 30 Carter (H) 4.8 Greenup (H) 4.7	Boyd 39.5
6) Boyle—ADP 57.6 Mercer (C) Unknown	Boyle 57.6 +
7) Marion—ADP 16.3 Washington (C) Unknown	Marion 16.3 +
8) Breathitt—ADP 13.5 Lee (H) 3.6 Wolfe (C) 6.4	Breathitt 23.5
9) Bullitt—ADP 33.3 Nelson (H) 4.97 Spencer (C) 1.2	Bullitt 39.47
10) Caldwell—ADP 10.9 Crittenden (H) 2.1 Lyon (C) 4.1	Caldwell 17.1
11) Campbell—ADP 58.3 Pendleton (H) 3.43	Campbell 61.73
12) Christian—ADP 69.6 Trigg (C) 3.8	Christian 73.4
13) Clay—ADP 33.4 Jackson (H) 4.27 Leslie (H) 3.22 Owsley (H) 2.31	Clay 43.2
14) Daviess—ADP 105.9 Hancock (C) 6.1 McLean (H) 2.59	Daviess 114.59
15) Fayette—ADP 435.8 Jessamine (H) 9.8	Fayette 445.6
16) Franklin—ADP 45.4 Anderson (C) 8 Woodford (H) 6.65	Franklin 60.05
17) Graves—ADP 22.9 Calloway (H) 5.95 Carlisle (C) 8.9 Hickman (C) 6.6 Marshall (H) 6.16	Graves 50.51

Regional Counties	Regional ADP
18) Hardin—ADP 61 Breckinridge (H) 3.29 Grayson (H) 7.7 Hart (H) 3.78 Larue (H) 3.08 Meade (H) 5.18	Hardin 84.03
19) Henderson—ADP 54 Union (H) 7 Webster (H) 3.43	Henderson 64.43
20) Henry—ADP 15.2 Carroll (H) 3.36 Oldham (H) 4.9 Owen (C) 4.4 Trimble (C) 2.1	Henry 29.96
21) Johnson—ADP 17.5 Lawrence (H) 4.48 Magoffin (H) 5.32 Martin (H) 5.11	Johnson 32.41
22) Laurel—ADP 62.2 Knox (H) 10.08	Laurel 72.28
23) Lincoln—ADP 25.2 Casey (H) 3.29 Garrard (C) 8.7	Lincoln 37.19
24) Logan—ADP 21.8 Todd (H) Unknown	Logan 21.8 +
25) Madison—ADP 61 Estill (H) 4.9 Rockcastle (H) 4.87	Madison 70.77
26) Mason—ADP 26.2 Bracken (C) 4.6 Fleming (H) 3.22 Lewis (H) 2.66 Robertson (C) 0.6	Mason 37.28
27) McCracken—ADP 55.6 Ballard (C) 5.9 Livingston (H) 3.71	McCracken 65.21
28) Montgomery—ADP 25.2 Bath (C) 6.1 Menifee (C) 3.4 Powell (H) 4.06	Montgomery 38.76
29) Pike—ADP 45.7 Floyd (H) 9.17 Letcher (H) 11.83	Pike 66.7
30) Pulaski—ADP 55 McCreary (H) 5.53	Pulaski 60.53
31) Rowan—ADP 15.2 Elliott (C) 2.2 Morgan (C) 7.3	Rowan 24.7
32) Warren—ADP 104 Allen (H) 4.41 Butler (H) 3.78 Edmonson (C) 5.6 Simpson (H) 10.08	Warren 127.87
33) Wayne—ADP 18.2 Clinton (H) 3.01	Wayne 21.21

APPENDIX 3

Criteria Used To Generate Maps

SCENARIO B

1) Contract Counties:
   a) Reported Average Daily population (ADP) of 5 or less
   b) 30 minutes or less transportation time to nearest jail
   c) condition of existing facility requires no construction or only minor renovation

2) 12 Hour Holdovers:
   a) Adjusted ADP of 6 to 12 - adjusted ADP = 50% of reported ADP
   b) 30 minutes or less transportation time to nearest jail
   c) Condition of existing facility - minor renovation only

3) 96 Hour Holdovers:
   a) Adjusted ADP of 6 to 20 - adjusted ADP = 50% of reported ADP plus 30% of remaining amount
   b) If further than 30 minutes from the nearest jail, provide a 12 or 96 hour holdover
   c) Condition of existing facility - minor renovation only - if major renovation or new construction is needed, may want to consider becoming a 12 hour holdover. If minor renovation for a 12 hour holdover is not feasible, proceed with major renovation or new construction

SCENARIO C

1) Contract Counties:
   a) Reported Average Daily Population (ADP) of 6 or less
   b) 30 minutes or less transportation time to nearest jail

2) Not applicable to this plan

3) 96 Hour Holdovers:
   a) Adjusted ADP of 25 or less - adjusted ADP = 50% of reported ADP plus 30% of remaining amount
   b) 30 minutes or less transportation time to nearest jail

SCENARIO B

4) Full Service:
   a) Adjusted ADP of 21 or more
   b) 30 minutes transportation time to nearest jail
   c) Condition of existing facility - if adjusted ADP is 21 to 30 but major renovation or new construction is needed, convert to a 96 hour holdover/if adjusted ADP is 30 or more, provide a full service facility

5) Multi-County Regional Facilities:
   a) ADP of 50 or more inmates, including state prisoners
   b) Maximum of 50 miles driving distance to the regional facility
   c) The need for a new facility in the host county
   d) Distribution of 745 state inmates, and approximately 675 county inmates

SCENARIO C

4) Partial Service:
   a) Adjusted ADP of 26 or more
   b) 30 minutes transportation time to nearest jail
   c) If adjusted ADP is 30 or more, provide a partial service facility

5) Regional facilities:
   Provide for 1811 inmates at 250 inmates per facility (1400 state inmates/411 county inmates)

   Maximum of 50 miles driving distance to the regional facility

ISSUES RELATED TO THE IMPLEMENTATION OF SCENARIO B

I. Role of the jailer

A. In counties without a jail:

In these counties few traditional duties except transportation of prisoners would remain for the jailer. If transportation is assigned to a law enforcement agency (see II. on transportation) the role of the jailer is a problem.

1. Options

Consolidate office of sheriff and jailer in counties without a jail.

a) Pro - Logically there is no need for the office if no jail is in the county and transportation is carried out by a law enforcement agency.

b) Con - The Constitution permits consolidation of sheriff and jailer by the General Assembly but selective consolidation has never been tested in courts. The legal issue here involves Section 59 of the Constitution, which prohibits special legislation. A statute combining the offices of sheriff and jailer in counties without a jail may be attached on these grounds. What's more, consolidation based on the existence of a jail puts the decisive action (closing the jail) in the hands of a body (fiscal court) other than the General Assembly, raising questions of improper delegatión of legislative power (Constitution § 29).

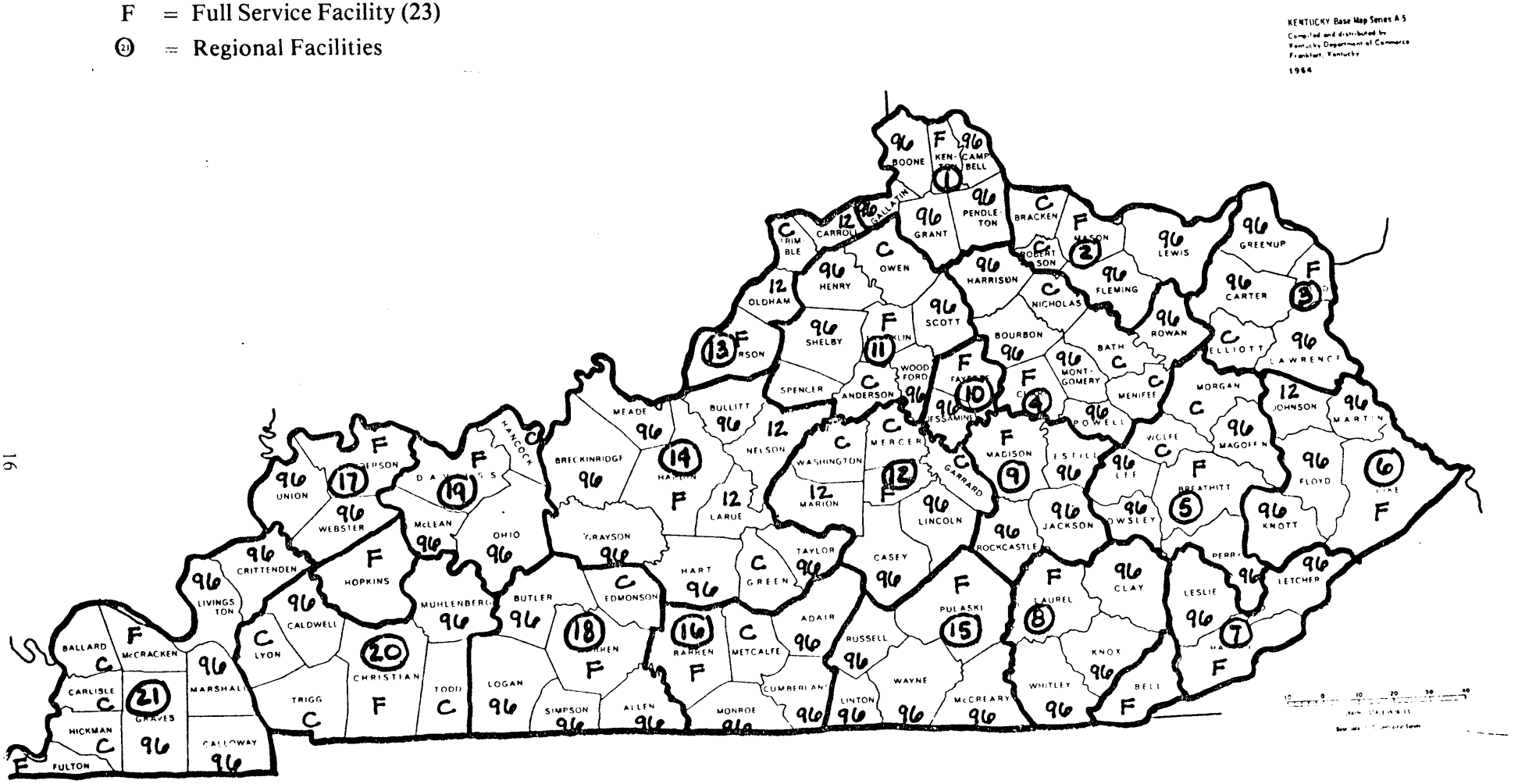
2. Retain the office of jailer and require that the jailer function (pull a shift) within a county transportation system.

a) Pro - Fits with overall scheme of transportation by law enforcement and leaves jailer with substantial duties.

b) Con - May subject jailer to authority of other elected constitutional officer or nonelected law enforcement officer. Possible legal and practical problems.

Scenario B

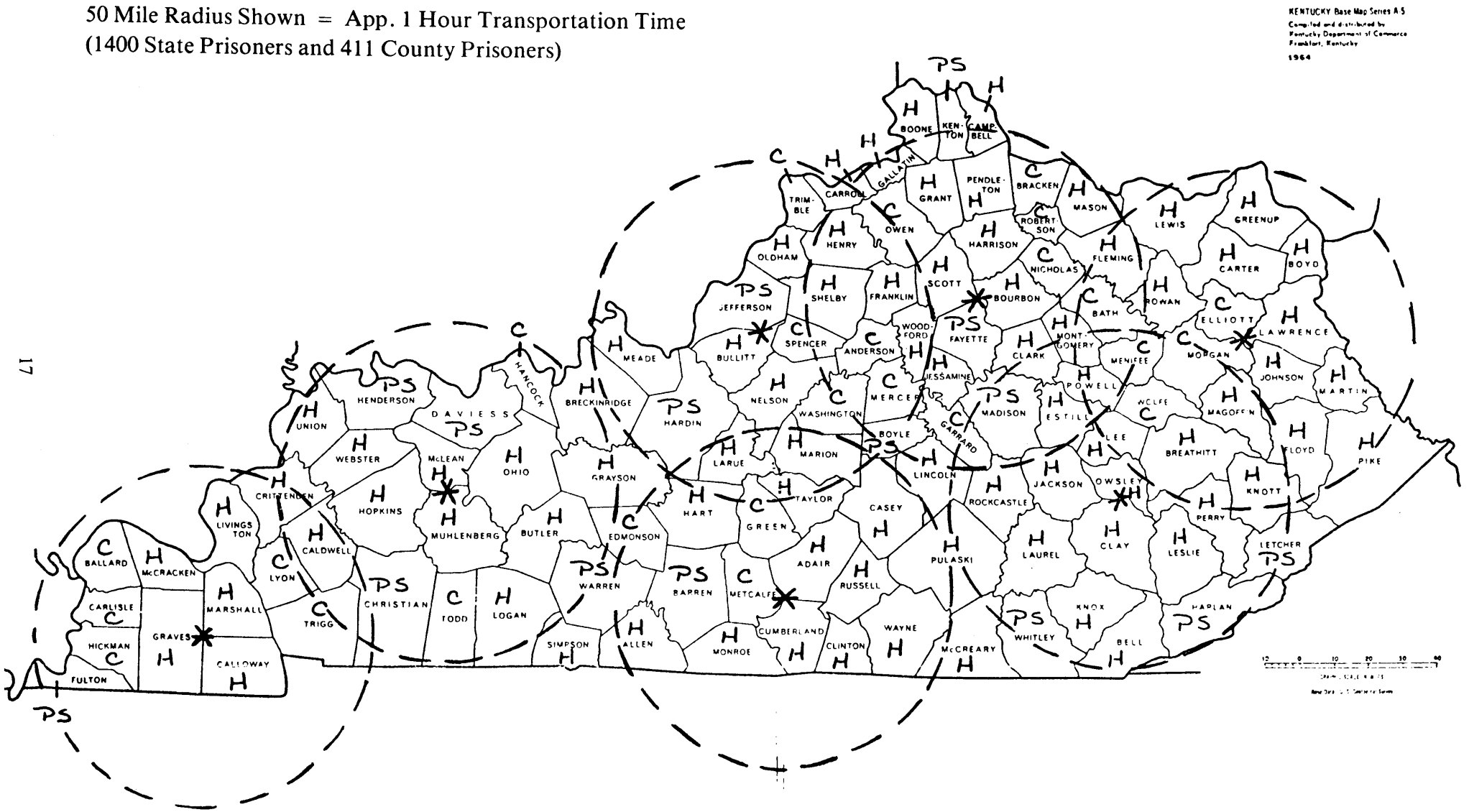
C = Contract County (23)
12 = 12 Hour Holdover (7)
96 = 96 Hour Holdover (67)
F = Full Service Facility (23)
(21) = Regional Facilities



Scenario C

C = Contract County (25)
H = 96 Hour Holdover (80)
PS = Partial Service Jail (15)
* = 250 Bed/State Regional Jail (7):

50 Mile Radius Shown = App. 1 Hour Transportation Time
(1400 State Prisoners and 411 County Prisoners)



APPENDIX 4

OPERATING COSTS COMPARISON

1. The following analysis compares the costs of operation on a per diem basis between state-run prisons and county-operated jails. The per diem costs for county facilities represent an average cost for selected full-service jails that presently meet corrections cabinet operating standards. Holdovers are assumed to have far fewer staff, with the jailer providing primary custodial supervision. Therefore, the per diem cost for holdovers represents the total average cost for 33 jails identified as potential holdover facilities.

State Facilities (81-82)	Per Diem Cost	Average
Max Sec. - Kentucky State Penitentiary	31.96	31.96
Med Sec. - Kentucky State Reformatory	25.15	
Luther Luckett	34.28	29.72
Min Sec. - Blackburn	20.98	
Bell County Forestry Camp	15.21	
Western Kentucky Farm Center	20.23	
Roederer Farm Center	16.76	
Frankfort Career Development Center	24.34	19.50

County Facilities (82-83)	Average Per Diem for Counties Operating jails that could meet state standards
Holdovers (ADP of 1-25.9)	$16.06
Full-service Jails (ADP of 11-25.9)	20.14
Full-service Jails (ADP of 26-75.9)	13.11
Full-service Jails (ADP of 75+)	18.74

2. For purposes of cost comparison, it is assumed that a state-operated minimum security facility would cost the same to operate as a full-service jail with an ADP greater than 75. Therefore, the difference in average operating costs would be:

19.50 per day	-	18.74 per day	=	0.76 per day
(State Facility)		(County Facility)		(Differential)

3. Assuming that 1000 inmates currently housed at state institutions could be housed at county-operated regional facilities, the state would thereby save approximately $277,000 per year in operating expenses (0.76 per day x 1000 inmates x 365 days = $277,400).

4. Assuming that the current per diem for community services of $14.67 per day is compared against the average cost of incarceration at a state-run minimum security facility of $19.50 per day, the differential would be 4.83 per day. Applying this to the example above would yield an annual expenditure savings of $1,763,000. This would represent a 3% savings on the present corrections cabinet budget of $56.1 million.

JAILS

OPERATING COSTS PER PRISONER

ADP	Number of Counties	Total Operating Costs	Mean Cost Per Prisoner	Median Cost Per Prisoner
0	2	113,400	0	0
0-10.9	34	1,594,900	26.40	22.63
11-25.9	51	4,761,100	15.39	14.67
26-50.9	19	3,744,200	14.26	13.31
51-75.9	9	2,239,000	11.14	11.78
76+	5	11,184,900	12.27	9.14

SAS=CSD#JL3
"OPERATING COSTS" / "PERSON DAYS"
AND
"OPERATING COSTS" / "TOTAL MAN DAYS"
VERSION II

---------- ADP2=NO/VALUE ----------

OBS	COUNTY	OP_COSTS	COST	COST_PRS	ADP
1	MERCER	75,000.00	0	0.00	.
2	WASHINGTON	38,400.00	0	0.00	.

N=2

---------- ADP2=0-10.9 ----------

OBS	COUNTY	OP_COSTS	COST	COST_PRS	ADP
3	ANDERSON	57,600.00	23.91	23.98	6.60
4	BALLARD	52,500.00	29.97	30.05	4.80
5	BRACKEN	24,600.00	17.74	17.78	3.80
6	CALDWELL	51,600.00	19.63	19.69	7.20
7	CARROLL	43,300.00	11.63	11.66	10.20
8	CASEY	60,200.00	16.33	16.37	10.10
9	CLINTON	41,900.00	11.37	11.40	10.10
10	CRITTENDEN	48,600.00	14.63	14.67	9.10
11	EDMONSON	48,000.00	31.31	31.40	4.20
12	ELLIOTT	26,900.00	29.48	29.56	2.50
13	GALLATIN	46,200.00	23.01	23.08	5.50
14	GARRARD	42,500.00	18.48	18.53	6.30
15	GREEN	37,500.00	12.84	12.88	8.00
16	HANCOCK	41,100.00	22.98	23.04	4.90
17	HARRISON	54,500.00	14.50	14.54	10.30
18	HICKMAN	36,500.00	20.41	20.46	4.90
19	LARUE	33,100.00	12.42	12.46	7.30
20	LEWIS	52,700.00	18.05	18.10	8.00
21	LYON	45,500.00	25.44	25.51	4.90
22	MCLEAN	78,900.00	22.28	22.35	9.70
23	MENIFEE	50,100.00	31.20	31.28	4.40
24	METCALFE	28,200.00	28.61	28.69	2.70
25	MONROE	64,200.00	23.77	23.83	7.40
26	MORGAN	24,800.00	10.62	10.65	6.40
27	NICHOLAS	40,100.00	20.73	20.79	5.30
28	OLDHAM	158,600.00	41.78	41.90	10.40
29	OWEN	39,100.00	29.76	29.84	3.60
30	OWSLEY	37,200.00	14.77	14.81	6.90
31	ROBERTSON	35,800.00	42.64	42.76	2.30
32	SPENCER	23,700.00	46.38	46.51	1.40
33	TODD	27,000.00	67.25	67.43	1.10
34	TRIGG	58,600.00	69.80	70.00	2.30
35	TRIMBLE	33,800.00	54.47	54.62	1.70
36	WOLFE	50,000.00	19.57	19.62	7.00

N=34

SAS=CSD#JL3
'OPERATING COSTS' / 'PERSON DAYS'
AND
'OPERATING COSTS' / 'TOTAL MAN DAYS'
VERSION II

---------- ADP2=11-25.9 ----------

OBS	COUNTY	OP_COSTS	COST	COST_PRS	ADP
37	ADAIR	68,200.00	11.39	11.42	16.40
38	ALLEN	69,200.00	12.64	12.67	15.00
39	BATH	58,500.00	9.16	9.18	17.50
40	BOONE	293,100.00	31.74	31.83	25.30
41	BREATHITT	127,500.00	20.92	20.97	16.70
42	BRECKENRIDGE	77,300.00	16.42	16.46	12.90
43	BUTLER	52,400.00	11.96	12.00	12.00
44	CALLOWAY	107,400.00	16.91	16.96	17.40
45	CARLISLE	50,000.00	5.48	5.49	25.00
46	CARTER	91,900.00	22.23	22.34	11.30
47	CLAY	177,300.00	24.41	24.48	19.90
48	CUMBERLAND	44,800.00	8.41	8.43	14.60
49	ESTILL	63,700.00	15.44	15.49	11.30
50	FLEMING	60,900.00	7.80	7.82	21.40
51	FULTON	64,900.00	7.74	7.79	22.90
52	GRANT	80,700.00	13.91	13.94	15.90
53	GRAVES	111,000.00	12.26	12.30	24.80
54	GREENUP	133,600.00	22.05	22.11	16.60
55	HART	54,200.00	12.58	12.62	11.80
56	HENRY	76,100.00	10.12	10.15	20.60
57	JACKSON	81,200.00	18.69	18.75	11.90
58	JESSAMINE	124,400.00	13.21	13.25	25.80
59	JOHNSON	129,300.00	24.60	24.67	14.40
60	KNOTT	63,000.00	11.21	11.24	15.40
61	KNOX	94,000.00	14.97	15.01	17.20
62	LAWRENCE	91,200.00	21.17	21.23	11.80
63	LEE	54,400.00	13.43	13.46	11.10
64	LESLIE	77,800.00	17.47	17.52	12.20
65	LINCOLN	85,600.00	11.73	11.76	20.00
66	LIVINGSTON	46,600.00	11.20	11.23	11.40
67	LOGAN	116,700.00	16.40	16.44	19.50
68	MCCREARY	46,300.00	7.60	7.62	16.70
69	MARION	72,600.00	13.53	13.57	14.70
70	MARSHALL	81,800.00	10.10	10.12	22.20
71	MARTIN	92,300.00	15.71	15.75	16.10
72	MASON	148,600.00	20.88	20.94	19.50
73	MEADE	80,000.00	14.33	14.36	15.30
74	MONTGOMERY	144,900.00	19.46	19.51	20.40
75	NELSON	103,000.00	20.75	20.81	13.60
76	PENDLETON	33,300.00	7.93	7.96	11.50
77	POWELL	85,700.00	14.67	14.71	16.00
78	ROCKCASTLE	112,800.00	20.20	20.25	15.30
79	ROWAN	87,500.00	15.67	15.71	15.30
80	RUSSELL	79,300.00	15.52	15.56	14.00
81	SHELBY	93,400.00	13.48	13.52	20.20
82	STURGEON	101,500.00	11.73	11.77	23.70
83	TAYLOR	83,700.00	18.49	18.54	12.40
84	UNION	75,800.00	11.87	11.90	17.50
85	WAYNE	98,600.00	15.35	15.39	17.60
86	WHITLEY	161,000.00	19.60	19.66	22.50

SAS=CSD$JL3
"OPERATING COSTS" / "PERSON DAYS"
AND
"OPERATING COSTS" / "TOTAL MAN DAYS"
VERSION II

ADP2=11-25.9

OBS	COUNTY	OP_COSTS	COST	COST_PRS	ADP
87	WOODFORD	146,100.00	30.1	30.18	13.30

N=51

ADP2=26-50.9

OBS	COUNTY	OP_COSTS	COST	COST_PRS	ADP
88	BARREN	213,800.00	15.21	15.26	38.50
89	BELL	291,600.00	15.98	16.02	50.00
90	BOURBON	267,500.00	20.30	20.36	36.10
91	BOYD	207,600.00	18.29	18.34	31.10
92	BULLITT	260,600.00	25.50	25.57	28.00
93	CAMPBELL	416,300.00	22.81	22.87	50.00
94	FLOYD	110,000.00	11.33	11.36	26.60
95	FRANKLIN	223,800.00	18.64	18.69	32.90
96	GRAYSON	121,100.00	12.66	12.70	26.20
97	HOPKINS	177,100.00	10.30	10.33	47.10
98	LAUREL	314,400.00	17.44	17.48	49.40
99	LETCHER	144,600.00	9.90	9.93	40.00
100	MCCRACKEN	239,900.00	16.68	16.73	39.40
101	MAGOFFIN	96,200.00	6.07	6.09	43.40
102	MUHLENBURG	128,700.00	13.31	13.34	26.50
103	OHIO	96,600.00	9.16	9.18	28.90
104	PERRY	150,300.00	10.24	10.27	40.20
105	PULASKI	209,000.00	11.45	11.48	50.00
106	WEBSTER	75,100.00	5.72	5.73	36.00

N=19

ADP2=51-75.9

OBS	COUNTY	OP_COSTS	COST	COST_PRS	ADP
107	BOYLE	217,500.00	9.78	9.81	60.90
108	CHRISTIAN	267,000.00	11.78	11.81	62.10
109	CLARK	229,100.00	11.47	11.51	54.70
110	HARDIN	278,200.00	12.70	12.74	60.00
111	HARLAN	248,700.00	11.59	11.62	58.80
112	HENDERSON	278,300.00	12.30	12.33	62.00
113	MADISON	292,100.00	13.18	13.22	60.70
114	PIKE	284,300.00	14.40	14.44	54.10
115	SCOTT	143,800.00	6.64	6.66	59.30

N=9

SAS=CSD#JL3
"OPERATING COSTS" / "PERSON DAYS"
AND
"OPERATING COSTS" / "TOTAL MAN DAYS"
VERSION II

---------- ADP2=76+ABOVE ----------

OBS	COUNTY	OP_COSTS	COST	COST_PRS	ADP
116	DAVIESS	294,300.00	7.29	7.31	110.60
117	FAYETTE	2,528,300.00	15.99	16.03	433.30
118	JEFFERSON	7,482,900.00	21.48	21.54	954.30
119	KENTON	616,100.00	9.14	9.17	184.60
120	WARREN	263,300.00	7.47	7.49	96.60

N=5

Reported County Jail Revenue By Source

(1st 2 Quarters FY 83)

Source	Amount	% of Total Jail Revenue
County General Fund	$4,862,600	40.1
State Fee and Bed Allotment	$5,513,900	45.4
Court Costs	$843,600	6.9
Federal Contracts	$235,000	2.1
State Contracts (includes controlled intake)	$199,000	1.6
Other Contracts (county to county)	$216,320	1.8
Work Release	$129,480	1.1
General Prisoner	$48,030	.4
Miscellaneous	$73,830	.6
TOTAL	$12,140,470	100%

Source: Quarterly jail reports submitted to State Local Finance Office.

APPENDIX 5

Population Data: Prisons

1. Current prison population by security classification

	Male	%	Female	%
Minimum	1140	29%	79	54
Medium	2003	51%	67	45%
Maximum	764	20%	1	1%
Sub-total	3907	100%	147	100%

2. Total Prison Population

Male	3907	
Female	147	
Controlled Intake	500	(app.)
	4554	

3. Projected Prison Population (medium range) through 1989

   July 1983 - 4475

   July 1984 - 4733

   July 1985 - 4991

   July 1986 - 5298

   July 1987 - 5505

   July 1988 - 5762

   July 1989 - 6021

4. Systemwide bed capacity, including Danville = 4350 beds

5. To keep abreast of system growth the Legislature would need to appropriate funds in the next session for at least 1000 beds to be completed by late 1986 (see chart, next page). The estimated cost for the new facilities would range from $40 to $50 million.

6. Current number of felons with sentences of 1-5 years, who may become eligible for parole in 1 year or less, and who may accordingly serve 1 year or less time in prison.

Year Sentenced	Number	%
1	179	4.4
2	192	4.7
3	182	4.5
4	81	2.0
5	433	10.7
	1067	26.3%

7. A 1980 survey indicated the following percentage breakdown:

Year Served	% of Total Population
1 year or less	61.0%
2 years or less	82.4%
more than 2 years	17.8%

Population Data: Jails

1. The statewide average daily population is currently averaging at approximately 3900 inmates, broke down as follows: (based on snapshot survey by AOC)

Adults: Pretrial	45.2%
Adults: Sentenced to County (Misdemeanants)	32.6%
Juveniles/Awaiting Transfer	7.7%
Controlled Intake	11.1%
Community Service	1.8%
Federal Prisoners	1.6%

2. Average Length of Stay is broken down as follows:

# Days	All Jail Inmates*
0-1	43%
1-2	30%
2-3	7%
4-6	3%
7-9	2%
10+	11%

3. Sentenced misdemeanants, which comprise up to 32% of the jail population spend an average length of stay of less than 14 days in jail.

4. It appears from the data that those inmates spending more than 10 days in jail are primarily inmates who have been sentenced to corrections cabinet facilities.

5. The number of new arrestees is declining statewide, even though the populations in the jails and prisons are increasing at an alarming rate. This decrease is presented below:

Fiscal Year	Persons Arrested	%
1976-77	194,785	---
1977-78	197,518	+1.4%
1978-79	209,373	+6.0%
1979-80	218,238	+4.2%
1980-81	207,097	-5.4%
1981-82	195,885	-5.7%

6. Between July 1, 1980 and June 30, 1982, 81.2% of all arrests were released from custody prior to trial. Of the total number of arrestees 27.1% were released with the assistance of the Division of Pretrial Services. 54.1% were released without the assistance of the agency.

APPENDIX 6

SUMMARY OF POPULATION SURVEY

(June, 1983)

JAIL POPULATION (Based on exit survey of four counties: Boone, Fayette, Hardin, and Simpson)

Time Served	Avg. % of Admissions	% Increment
1-8 hours	41.3	41.3
1-12 hours	55.2	13.9
1-24 hours	65.5	10.3
1-96 hours (4 days)	84.5	19.0
5-10 days	5.8	5.8
11-30 days	1.0	1.0
30+ days	8.8	8.8

STATE PRISON POPULATION (survey of 1981 and 1982 releases)

Time Served	Avg. % of Population	% Increment
1 year or less	20.8	20.8
2 years or less	38	17.2

Summary of Survey Information: Jail Exit Survey for May 1983

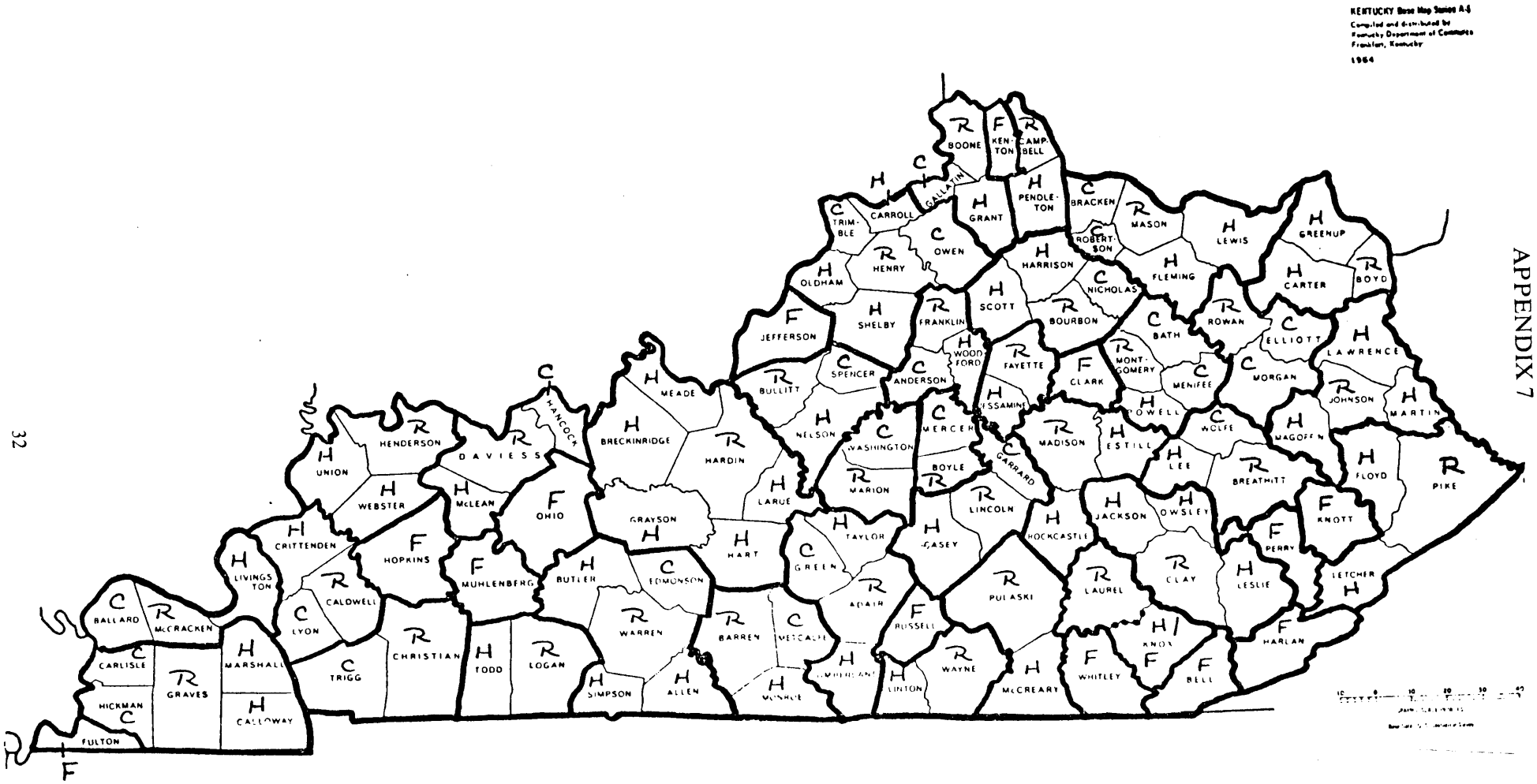
Time Served (% of Total)	Boone (278 admissions)	Fayette (1778 admissions)	Hardin (400 admissions)	Simpson (92 admissions)
1-8 hours	36.0%	39.5%	33.3%	56.5%
1-12 hours	46.0%	44.5%	57.4%	72.8%
1-24 hours	47.5%	57.0%	76.0%	81.5%
1-96 hours (4 days)	84.8%	75.8%	90.4%	86.9%
5-10 days	5.8%	4.8%	5.8%	6.5%
11-30 days	0.8%	3.0%	—	—
+ 30 days	8.6%	16.4%	3.8%	6.5%

Adjusted ADP

	Boone	Fayette	Hardin	Simpson
Average Daily Population (ADP) (August—December 1982)	28.9	423.6	59.9	20.1
New ADP excluding those staying less than 24 hours	15.2	*	14.4	3.8

*Missing Data

REVISED MAP--ADOPTED BY THE JAIL STUDY COMMITTEE OCTOBER 18, 1983



C = Contract County (25)
H = Holdover (47)
F = Full Service (15)
R = Regional (33)

APPENDIX 7

Criteria used to develop new map and designate facilities—exceptions are noted

Contract Counties:

*Average daily population (ADP) of the jail is 9.5 or less
*Current facility condition is poor and extensive renovation or new construction is needed
*Proximity to regional facility was a consideration
*The condition of the road system which would be used for transportation of prisoners was a factor

Holdover Counties:

*ADP of 10 to 25
*Facility condition
*Proximity to regional facility
*Condition of the road system

Full-service:

*ADP of 25 or more or an ADP too large to economically transport prisoners
*Facility condition
*Proximity to regional facility

Regional:

*ADP would justify designating facility as a full-service jail
*Facility is centrally located in designated region
*Facility condition

APPENDIX 8

AN ACT relating to jails.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 SECTION 1. A NEW SECTION OF KRS CHAPTER 441 IS
2 CREATED TO READ AS FOLLOWS:
3 (1) The fiscal court of each county shall provide
4 for the transportation of prisoners as necessary from the
5 jail budget. All vehicles used for the purpose of trans-
6 porting prisoners shall be equipped with security screens
7 and two-way radios.
8 (2) The fiscal court shall not be responsible for
9 providing transportation to prisoners on work release.
10 (3) The fiscal court shall not be responsible for
11 providing transportation to prisoners being held out of
12 the county at the time of their release.
13 SECTION 2. A NEW SECTION OF KRS CHAPTER 441 IS
14 CREATED TO READ AS FOLLOWS:
15 (1) The fiscal court of each county shall adopt a
16 transportation plan which establishes the party respon-
17 sible for transporting prisoners as necessary:
18 (a) The fiscal court may require the jailer to
19 serve as transportation officer to be responsible for
20 transporting prisoners as necessary; or
21 (b) The fiscal court may require the sheriff to

1 serve as transportation officer to be responsible for
2 transporting prisoners as necessary; or
3 (c) The fiscal court may require the jailer to work
4 a shift as a transportation officer through the sheriff's
5 office with the sheriff's office being responsible for
6 transporting prisoners as necessary; or
7 (d) The fiscal court may adopt any reasonable
8 transportation plan so long as the party responsible for
9 transporting prisoners is specified.
10 (2) In any county where there is no jail and the
11 jailer does not transport prisoners or serve as a trans-
12 portation officer through the sheriff's office, the
13 jailer shall serve as a bailiff to the circuit and dis-
14 trict courts of the county as provided for in KRS 71.050.
15 The fiscal court may also require the jailer to serve as
16 superintendent of county buildings and grounds as pro-
17 vided for in KRS 67.130.
18 Section 3. KRS 64.070 is amended to read as fol-
19 lows:
20 (1) (a) Except as provided in KRS 441.050, an offi-
21 cer conveying a prisoner to the penitentiary shall be
22 paid out of the state treasury the rate per mile paid
23 state employes for official travel in privately owned
24 vehicles, as established by regulation of the department
25 of finance, to be calculated by the nearest traveled
26 route, and shall be paid all actual necessary expenses

1 for feeding, lodging and transporting the prisoner.

2 (b) Upon the production of the receipt of the
3 superintendent of the penitentiary for the delivery of a
4 prisoner, and a complete verified account of all expenses
5 incurred, giving the names of the guards employed and
6 distance traveled, the department of finance shall audit
7 the account of the officer for conveying the prisoner and
8 if found correct draw a warrant for its payment.

9 (2) [~~(a)--For-conveying-a-prisoner--charged--with--a~~
10 ~~felony--from--one-(1)-county-to-another,-an-officer-shall~~
11 ~~receive-the-same-mileage-and-expenses-allowed-for-convey-~~
12 ~~ing-a-prisoner-to-the-penitentiary,-to-be-paid-out-of-the~~
13 ~~state-treasury-except-as-provided-in-KRS-441.040.~~

14 ~~(b)--Upon-the--production--of--the--receipt--of--the~~
15 ~~jailer--of--the--county--to--which-the-prisoner-is-trans-~~
16 ~~ferred,-and-a-complete-verified-account-of--all--expenses~~
17 ~~incurred,-giving-the-names-of-the-guards-employed-and-the~~
18 ~~distance--traveled,-the-department-of-finance-shall-audit~~
19 ~~the-account-of-the-officer-for-conveying-the-prisoner-and~~
20 ~~if-found-correct-shall-draw-a-warrant-for-its-payment.~~

21 ~~(3)-(a)--For-arresting-a-person-charged-with-a--mis-~~
22 ~~demeanor--upon--a-warrant-issued-from-another-county,-and~~
23 ~~conveying-the-person-to-the-county--jail--of--the--county~~
24 ~~from--which--the-warrant-issued,-an-officer-shall-be-paid~~
25 ~~out-of-the-county-treasury-of-such-county-the-same--mile-~~
26 ~~age--and-expenses-allowed-for-conveying-a-prisoner-to-the~~

1 ~~penitentiary.~~

2 ~~(b)--The--officer--shall--present--to---the---county~~
3 ~~judge/executive--of--the--county--from--which-the-warrant~~
4 ~~issued-a-verified-and-itemized-statement-of--his--mileage~~
5 ~~and--expenses-and-the-county-judge/executive-shall-direct~~
6 ~~the-county-treasurer-to-pay-the-same-out--of--the--county~~
7 ~~treasury.~~

8 ~~(4)--For--conveying-a-prisoner-charged-with-a-felony~~
9 ~~to-the-jail-of-the-county-in-which--he--was--arrested--an~~
10 ~~officer--shall-be-paid-out-of-the-state-treasury-the-rate~~
11 ~~per-mile-paid-state-employes-for-official-travel-in--pri-~~
12 ~~vately--owned--vehicles,--as-established-by-regulation-of~~
13 ~~the-department-of-finance-for-each-mile-traveled-in-going~~
14 ~~and-returning.~~

15 ~~(5)~~] The number of guards employed in conveying
16 prisoners to the penitentiary [~~or-from-one-(1)-county-to~~
17 ~~another~~] shall not exceed one (1) for every two (2) pris-
18 oners. Where only one (1) prisoner is conveyed no guard
19 shall be employed, except that the circuit judge may
20 appoint one (1) guard for each prisoner to the nearest
21 railroad station.

22 Section 4. KRS 67.080 is amended to read as fol-
23 lows:

24 (1) The fiscal court may:

25 (a) Appropriate county funds according to the
26 provisions of KRS 68.210 through 68.360 for lawful pur-

1 poses;

2 (b) Sell and convey any real estate belonging to
3 the county, and buy land for the use of the county, when
4 necessary, for the purpose of erecting thereon public
5 buildings. The fiscal court may appoint one (1) or more
6 commissioners to sell or buy real estate under this sub-
7 section, subject to the approval of the fiscal court, and
8 convey it to the purchaser, under the direction of the
9 court, or have it conveyed to the court, by deed properly
10 executed and recorded;

11 (c) Regulate and control the fiscal affairs of the
12 county;

13 (d) Cause correct accounts and records to be kept
14 of all receipts and disbursements of the public funds of
15 the county, and have the accounts of all county officers
16 audited, when necessary; employ a competent person to
17 keep such accounts and records, and make such audits, and
18 pay such person a reasonable compensation for such ser-
19 vices;

20 (e) Exercise all the corporate powers of the county
21 unless otherwise provided by law;

22 (f) Establish all appointive offices, set the
23 duties of those offices, and approve all appointments to
24 those offices;

25 (g) Investigate all activities of the county
26 government.

1 (2) The fiscal court shall:
2 (a) Appropriate county funds, according to the
3 provisions of KRS 68.210 through 68.360, for purposes
4 required by law;
5 (b) As needed, cause the construction, operation
6 and maintenance of all county buildings and other struc-
7 tures, grounds, roads and other property;
8 (c) Adopt an administrative code for the county;
9 (d) Provide for the incarceration of prisoners
10 according to the provisions of KRS Chapter 441 [~~441.006~~].
11 (3) The fiscal court shall not exercise executive
12 authority except as specifically assigned by statute.
13 Section 5. KRS 71.050 is amended to read as fol-
14 lows:
15 The jailer is an officer of the circuit and district
16 courts for his county. In any county where there is no
17 jail and the jailer does not transport prisoners or serve
18 as a transportation officer through the sheriff's office,
19 the jailer shall serve as a bailiff to the circuit and
20 district courts of the county.
21 Section 6. KRS 441.006 is amended to read as fol-
22 lows:
23 (1) The fiscal court of each county shall provide
24 for the incarceration of prisoners arrested in the county
25 or sentenced or held by order of the courts in the
26 county.

1 (2) The fiscal court shall provide for the incar-
2 ceration of prisoners by:
3 (a) Providing and maintaining a jail in the county;
4 or
5 (b) Contracting with another county or a city for
6 the incarceration and care of its prisoners; and
7 (c) Providing for the transportation of prisoners,
8 as provided for in Sections 1 and 2 of this Act
9 [~~including---the---provision--of--vehicles,--drivers--and~~
10 ~~guards~~].
11 (3) Nothing in this section shall prohibit a county
12 from providing facilities for holding prisoners for
13 limited periods of time and contracting with another
14 county or a city for longer periods of incarceration.
15 (4) Any county may enter into an agreement pursuant
16 to KRS 65.210 to 65.300 to provide or to use jail facili-
17 ties.
18 Section 7. KRS 441.009 is amended to read as fol-
19 lows:
20 (1) The jailer shall receive a monthly salary from
21 the county jail operating budget.
22 (2) In recognition of the increased duties and
23 responsibilities of the office of jailer, jailers holding
24 office on July 1, 1982 shall be entitled to a level of
25 compensation in calendar year 1982 which shall be equal
26 to the compensation of jailer in calendar year 1981 as

1 adjusted for the change in the consumer price index
2 during calendar year 1981 or $12,000, whichever is
3 greater. The fiscal court may establish a higher level
4 of compensation for the jailer, provided, however, that
5 in no event shall the jailer's compensation exceed the
6 maximum compensation allowable for county officials under
7 KRS 64.527. In the event that a jail was closed during
8 calendar year 1981, the secretary of finance may, upon
9 proper documentation by the jailer, direct that a prior
10 calendar year's level of compensation be used as a basis
11 for setting the jailer's compensation pursuant to this
12 section.
13 (3) The jailer's monthly salary for the period
14 July, 1982 through December, 1982 shall be the jailer's
15 compensation for calendar year 1982 as provided in sub-
16 section (2) of this section less the jailer's earnings
17 for January through June, 1982 divided by six (6).
18 (4) The jailer's compensation for 1983 and subse-
19 quent years shall equal the prior year's compensation and
20 may be adjusted by the fiscal court for the change in the
21 prior year's consumer price index.
22 [~~(5)--If-a-county-jail-is-closed-for-any-reason,-the~~
23 ~~jailer--shall-serve-as-a-transportation-officer-and-shall~~
24 ~~be-responsible-for-transporting-prisoners,-as-provided-in~~
25 ~~KRS-441.500.~~]
26 Section 8. KRS 441.040 is amended to read as fol-

1 lows:

2 (1) Immediately upon the receipt of a copy of an
3 order made pursuant to KRS 441.030, the officer respon-
4 sible for transporting prisoners, as provided for in
5 Section 2 of this Act, [~~sheriff,--or--if--there--is--no~~
6 ~~sheriff,--the--coroner,~~] shall transfer the prisoners to
7 the jail of the county designated in the order. He shall
8 deliver the prisoners to the jailer of that county at the
9 jail, with a copy of the order, and take from him a
10 receipt for the prisoners, which he shall return to the
11 office of the circuit clerk of the county from which the
12 removal was made. The clerk shall file the receipt in his
13 office. The jailer shall receive the prisoners and safely
14 keep them until they are properly discharged. If the
15 jailer fails to accept and keep such prisoners, he and
16 his sureties shall be liable in the same manner and to
17 the same extent as if the prisoners had been regularly
18 committed by an order of the circuit court of his county.
19 The officer conveying the prisoners to the designated
20 jail, and such guards as the judge directs him to take,
21 not exceeding the number of guards allowed in taking con-
22 victs to the penitentiary, shall receive the compensation
23 and mileage allowed by KRS 64.070 for taking convicts to
24 the penitentiary. The compensation shall be allowed by
25 the circuit judge directing the transfer and paid out of
26 the State Treasury, unless there was no jail in the

1 county or it was rendered insecure by the failure of the
2 fiscal court to keep it in the requisite condition, in
3 which case it shall be paid by the fiscal court of the
4 county. The circuit judge, in making the allowance, shall
5 state in the order out of which fund it shall be paid.
6 The order of the judge directing the transfer shall be
7 conclusive evidence that the transfer was proper and to
8 the right jail, and shall be a justification to the
9 jailer for holding any such prisoner in any action
10 against him for false imprisonment.
11 (2) If a transfer of prisoners is necessary because
12 there is no jail in the county or because the jail was
13 rendered insecure by the failure of the fiscal court to
14 keep it in the requisite condition, the cost of lodging
15 the prisoners in the jail of the county to which they are
16 transferred shall be borne by the fiscal court of the
17 county from which the transfer was made at a rate set by
18 agreement between the two (2) fiscal courts involved. If
19 the fiscal courts are unable to reach an agreement, the
20 circuit judge who ordered the transfer shall establish
21 the rate based on prisoner and facility cost data pro-
22 vided by the receiving jailer. The order of transfer
23 shall state the reasons of the transfer.
24 Section 9. KRS 441.500, Transporting to and from
25 detention facility, is repealed.

APPENDIX 9

AN ACT relating to jails.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 71.060 is amended to read as fol-
2 lows:
3 (1) [~~Any--jailer--may-appoint-not-more-than-two-(2)~~
4 ~~deputies,-and,-with-the-approval-of-the-fiscal-court,-may~~
5 ~~appoint--additional--deputies--at--any--time--during--the~~
6 ~~jailer's--term--of-office.~~] The jailer shall be liable on
7 his official bond for the conduct of his deputies. The
8 deputies shall have all the powers and be subject to the
9 same penalties as the jailer. [~~They-may-be-removed-at-any~~
10 ~~time-by-the-jailer.~~]
11 (2) The jailer shall be responsible for the
12 appointment and removal of jail personnel. The fiscal
13 court may establish education and training requirements
14 and other qualifications reasonably related to an
15 individual's ability to fill the position of deputy
16 jailer. [~~Any--jailer--may-appoint-a-respectable-woman-to~~
17 ~~care-for-and-have-supervision-over-the--female--prisoners~~
18 ~~in--the--jail,--subject--to-the-orders-of-the-jailer.-The~~
19 ~~woman-so-appointed-shall-be-called-jail-matron-and--shall~~
20 ~~receive--a-salary-to-be-paid-in-the-same-manner-as-deputy~~
21 ~~county-jailers.--With-the-approval-of-the--fiscal--court,~~

1 ~~the--jailer--may--appoint--additional-matrons-at-any-time~~
2 ~~during-the-jailer's-term-of-office.~~]
3 SECTION 2. A NEW SECTION OF KRS CHAPTER 71 IS
4 CREATED TO READ AS FOLLOWS:
5 If in any county there is no jail, Section 1 of this
6 Act shall not be applicable and the jailer shall not be
7 entitled to nor shall he appoint any jail personnel.

APPENDIX 10

AN ACT relating to jails and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 SECTION 1. A NEW SECTION OF KRS CHAPTER 441 IS
2 CREATED TO READ AS FOLLOWS:
3 (1) Any person convicted and sentenced to a county
4 jail may receive a deduction of no more than ten (10)
5 days a month from his sentence, except as outlined in
6 subsection (4) of this section, to be determined by the
7 county judge/executive from the conduct of the prisoner.
8 The county judge/executive shall have the authority to
9 deny a prisoner the right to receive a deduction from his
10 sentence, if during the term of imprisonment the prisoner
11 commits any offense or violates the rules of the jail.
12 (2) The jailer and the fiscal court shall develop
13 criteria for the purpose of computing the amount of time
14 that may be deducted from a prisoner's sentence and any
15 prerequisite supporting documentation. The jailer shall
16 report monthly to the county judge/executive regarding a
17 prisoner's conduct in the jail for the purpose of the
18 prisoner being eligible to receive a deduction from his
19 sentence.
20 (3) A prisoner may, at the discretion of the county
21 judge/executive, be allowed a deduction from his sentence

1 not to exceed two (2) days per month for performing
2 exceptionally meritorious service or performing duties of
3 outstanding importance in connection with jail operations
4 and programs. Such a deduction in sentence shall be in
5 addition to any other deductions of sentence received
6 without regard to length of sentence.
7 Section 2. Whereas, good time reduction of sen-
8 tences is a strong incentive which can be used to achieve
9 desired behavior of incarcerated individuals and a tool
10 which can be used to help control overcrowding in county
11 jails, an emergency is declared to exist and this Act
12 shall become effective upon its passage and approval by
13 the governor.

APPENDIX 11

AN ACT relating to shock probation and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 439.265 is amended to read as fol-
2 lows:
3 (1) Subject to the provisions of KRS Chapter 439
4 and Chapters 500 to 534, any circuit court may, upon
5 motion of the defendant made not earlier than thirty (30)
6 days nor later than ninety (90) days after the defendant
7 has been [~~delivered-to-the-keeper-of-the--institution--to~~
8 ~~which--he-has-been~~] sentenced, suspend the further execu-
9 tion of the sentence and place the defendant on probation
10 upon such terms as the court determines.
11 (2) The court shall consider any motion filed in
12 accordance with subsection (1) of this section within
13 sixty (60) days of the filing date of that motion, and
14 shall enter its ruling within ten (10) days after consid-
15 ering the motion. The defendant may, in the discretion of
16 the trial court, have the right to a hearing on any
17 motion he may file, or have filed for him, that would
18 suspend further execution of sentence. Any court order
19 granting or denying a motion to suspend further execution
20 of sentence is not reviewable.

1 (3) The authority granted in this section shall be
2 exercised by the judge who imposed sentence on the
3 defendant, unless he is unable to act and it appears that
4 his inability to act should continue beyond the expira-
5 tion of the term of the court. In such case, the judge
6 who imposed sentence shall assign a judge to dispose of a
7 motion filed under this section, or as prescribed by the
8 rules and practices concerning the responsibility for
9 disposition of criminal matters.
10 (4) The provisions of this section shall not apply
11 where a sentence of death has been imposed.
12 Section 2. KRS 439.267 is amended to read as fol-
13 lows:
14 (1) Subject to the provisions of KRS Chapter 439
15 and Chapters 500 to 534, any district court, or any cir-
16 cuit court with respect to a defendant convicted in cir-
17 cuit court of a misdemeanor, may, upon motion of the
18 defendant made not earlier than thirty (30) days after
19 the defendant has been [~~delivered to the keeper of the~~
20 ~~institution to which he has been~~] sentenced, suspend the
21 further execution of the sentence and place the defendant
22 on probation upon such terms as the court determines.
23 (2) The court shall consider any motion filed in
24 accordance with subsection (1) of this section within
25 sixty (60) days of the filing date of that motion, and
26 shall enter its ruling within ten (10) days after consid-

1 ering the motion. The defendant may, in the discretion
2 of the trial court, have the right to a hearing on any
3 motion he may file, or have filed for him, that would
4 suspend further execution of sentence. Any court order
5 granting or denying a motion to suspend further execution
6 of sentence is not reviewable.
7 (3) The authority granted in this section shall be
8 exercised by the judge who imposed sentence on the
9 defendant, unless he is unable to act and it appears that
10 his inability to act should continue beyond the expira-
11 tion of the term of the court. In such case, the judge
12 who imposed sentence shall assign a judge to dispose of a
13 motion filed under this section, or as prescribed by the
14 rules and practices concerning the responsibility for
15 disposition of criminal matters.
16 Section 3. Whereas, shock probation is an essential
17 tool of the criminal justice system to help control
18 recidivism and is an alternative the judiciary can use to
19 help ease jail and prison overcrowding, an emergency is
20 declared to exist and this Act shall become effective
21 upon its passage and approval by the governor.

APPENDIX 12

A JOINT RESOLUTION directing the formation of a special committee to study the Commonwealth's juvenile detention and placement system and to make recommendations for legislative action.

WHEREAS, many counties in Kentucky have no other pre-adjudicative placement for juveniles; and

WHEREAS, many counties place juveniles in jails in proximity to adults creating the possibility of harm; and

WHEREAS, there is a need for continued study of the state's juvenile detention and placement system and the collection of data;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is directed to appoint a special juvenile detention and placement committee to study the current placement system being used and to make recommendations for future legislative action. The committee shall consist of representatives from the Kentucky Association of Counties, the Kentucky Jailers' Association, the County Judge/Executive's Association, the Kentucky Magistrates and Commissioners Association, Kentucky Youth Advocates, a Kentucky member of the National Juvenile Detention

Association, the Kentucky Juvenile Justice Commission, the Administrative Office of the Courts, the Kentucky District Judges Association, the Department of Education, the Cabinet for Human Resources, the Justice Cabinet, the Corrections Cabinet, the Finance Cabinet and the chairpersons of the House and Senate Committees of Judiciary-Criminal or their designees. A chairperson and vice-chairperson shall be appointed from the membership by the Legislative Research Commission.

Section 2. The committee shall oversee the collection of data on juvenile detention population and characteristics, detention financing and operational costs, service areas, detention facility conditions and other matters related to the detention of juveniles. All state departments and agencies, all counties and the officers and employees thereof shall cooperate with and assist the juvenile detention and placement study committee to effectuate the purposes of this section and shall make all records and data on jail population, financing, conditions and other matters related to juvenile detention accessible to the study committee.

Section 3. The committee shall consider and, as necessary, develop legislative proposals and recommendations for developing alternatives to detention, a juvenile pretrial release system, and a state subsidy program for local communities to support alternative programs.

The committee shall report its findings and recommendations to the Legislative Research Commission on or before August 1, 1985.

Section 4. It is estimated that the operation of the committee and the provision of staff services will cost approximately $20,000. In addition, $20,000 is available from the Department of Justice for contractual services or similar committee expenses. Nothing herein shall preclude the study committee from applying for such federal funding as may be available to support the committee's work. Such sum is merely an estimate pursuant to House Rule 63. Services and staff support are to be provided by the Legislative Research Commission from the regular Commission budget and are subject to the limitations and other research responsibilities of the Commission.