



State Inmates Housed In County Jails In Kentucky

Research Report No. 430

Program Review And Investigations Committee

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Program Review and Investigations Committee

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Abstract

Kentucky jails housed more than 11,000 state inmates of the more than 24,000 total inmates in the Department of Corrections system as of September 1, 2016. Overall, the 76 jails housing state inmates were at 120 percent of authorized capacity. The number of inmates without security classifications has doubled since August 2011. Inmates must be classified before they are eligible for programs or work assignments that provide sentence credits. The number of jails offering evidence-based programming has increased since 2012, but programming is not commonly offered in most jails. Inmates transfer between jails frequently. Transfers may disrupt completion of programs, which may affect service credits and recidivism. The cost of housing state inmates in local jails has increased 33 percent since FY 2011. In 2015 and 2016, more than 25 percent of jails violated jail standards inspection requirements for living space for low-security inmates, day room areas, and confinement areas. Overcrowding of inmate spaces was commonly cited on inspection reports. The report has three recommendations related to programs offered, jail inspections, and regional jails.

Foreword

The Legislative Research Commission was established in 1948 to provide the staffing essential to the smooth and efficient operation of the Kentucky General Assembly. Over the course of the last 70 years, this organization has evolved into today's LRC: a multifaceted organization filling the many needs of a modern state legislature. As Kentuckians, we are fortunate to have hundreds of knowledgeable and dedicated professionals who provide high levels of analysis, legislative support, and customer service.

The staff of the Program Review and Investigations Committee perform the important work of monitoring and evaluating governmental programs throughout the commonwealth. At the direction of the committee, they undertake a number of research reports every year, focusing on specific, well-defined questions of public policy.

Such work is done in collaboration with the community and within LRC. The authors of this report thank officials and staff of the Department of Corrections for their cooperation. Rodney Ballard, James Sweatt, Donna Miller, and Beth Moore provided valuable information. Staff also wish to acknowledge the assistance of the Justice and Public Safety Cabinet and Office of Drug Control Policy.

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Robert G. Lawson, professor emeritus at the University of Kentucky College of Law, provided expertise and historical information.

Thank you for your interest in this publication, and thank you to everyone who made this report possible.



David A. Byerman
Director

Legislative Research Commission
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Summary

Kentucky jails housed more than 11,000 state inmates as of September 1, 2016. Jails are permitted to house Class D and Class C inmates, with the exception of sex offenders. Class A and Class B inmates are ineligible to be housed in local jails. The maximum sentence time for a state inmate in local jails is 5 years.

The Department of Corrections (DOC) further classifies inmates into custody levels that determine the level of supervision. Classification levels also dictate the programs that inmates may participate in and their eligibility for work assignments that may count as sentence or service credit. Class D inmates classified as community, minimum, restricted, medium, and close custody can be housed at local jails. Class C inmates classified as community or minimum custody may be housed at local jails. Most state inmates housed in local jails are community or minimum custody, which is often referred to collectively as “community custody.”

All inmates are classified through a process called controlled intake. Inmates are considered to be in controlled intake when they have been sentenced but have not been classified. From August 2011 to September 2016, the number of controlled intake inmates doubled, from approximately 1,500 inmates to 3,000, which has strained local jail resources. DOC reports that inmates are classified as beds become available in state prisons.

Counties have the option to house inmates in their local jails. Kentucky had 82 county jails in operation as of September 1, 2016; 76 counties housed state inmates.

Local jails segregate their populations based on several factors. Jails that offer substance abuse programming must separate inmates enrolled in the program from the general population. Male and female inmates are housed separately. Inmates who are involved in work programs outside the facility are typically housed in separate areas of jails. Jail segregation requirements negatively affect space for inmate programming. For example, some jails do not offer programming to female inmates because there are relatively few female state inmates in those jails. This practice may violate the Equal Protection Clause of the US Constitution.

Recommendation 1

It should be a priority that female inmates housed in local jails have the same access to training and work programs as men. In the meantime, women in jails that offer training and work programs to men but not to women should be allowed to transfer to a jail that offers training and programs to women.

Kentucky has four jails that are designated regional jails: Big Sandy Regional Jail, Bourbon County Regional Jail, Kentucky River Regional Jail, and Three Forks Regional Jail. DOC staff reported that these jails are designated full-service jails and that, in practice, state inmates are housed for more than 1 year in these facilities, despite a 1-year limit in statute.

Recommendation 2**The General Assembly may wish to consider removing the 1-year limit on housing inmates in regional jails.**

The number of state inmates in local jails increased by 42 percent from August 2011 to September 2016. Overall, the 76 county jails housing state inmates are at 120 percent of authorized capacity. Only seven county jails are not over 100 percent capacity. State inmates account for 48 percent of the inmates in jails housing state inmates. In 23 counties, more than 60 percent of inmates are state inmates. Program Review staff observed several instances of inmates sleeping on mattresses placed directly on the floor and some placed on temporary “stack-a-bunk” risers.

Inmates are regularly transferred between jails. Transfers can be because of space issues, an inmate’s preference to be near a local area, or interest in a jail program. In January 2011, 1,228 state inmates were transferred between jails. By December 2015, state inmate transfers had increased 53.2 percent to 1,881 (out of 9,272 state inmates). Frequent transfers can prevent inmates from completing programs that reduce sentences or lower recidivism.

Recidivism among state inmates differs by class and institution. The overall rate of recidivism is nearly 40 percent. Class C inmates housed in county jails had a consistently higher rate of recidivism from 2008 to 2012, approximately 44 percent. Class D inmates in jails were less likely to recidivate than Class C inmates, with a rate of approximately 39 percent. Class C inmates in jails were more likely to recidivate than Class C inmates in minimum- and medium-security prisons.

From 2011 to 2015, Class C inmates in prisons were more likely in most years to receive parole than Class D and C inmates in jails. By 2013, the difference between parole rates had decreased and Class D and Class C inmates at all levels were more likely to be granted parole.

Some jails offer evidence-based programs to state inmates. Jails must report program participation to DOC for state inmates to receive service credit. The most commonly reported program in county jails is the substance abuse program (SAP). In 2016, less than 25 percent of jails reported offering SAP. Other reported programs in county jails include Portal New Direction, Inside Out Dads, Thinking for Good, and the National Career Readiness Certificate. From 2012 to 2016, most jails reported offering at least one program.

County jails receive \$31.34 per day for inmate housing and medical costs. Jails that offer SAP receive an extra \$9.00 per day. DOC estimated that the average daily cost to incarcerate inmates in state facilities was \$66.82. The per diem for state inmates housed in county jails has not increased from FY 2011 to FY 2016. Over the same period, the cost to house state inmates increased by 33 percent, so the increased cost was caused by an increase in the state inmate population.

DOC requires jails to be inspected twice per year: once scheduled and once unscheduled. In 2015 and 2016, most jails violated one to three requirements, although some jails violated up to nine. From 2015 to 2016, the number of facilities with no violations declined from 24 to 3. However,

for most categories, inspectors found that the majority of jails were meeting requirements. Overcrowding violations were common for living space for low-security inmates, day room area and contents, and day room and cell requirements.

Jail inspectors can indicate they investigated items through oral questioning, written record inspections, visual inspections, or a combination of the methods. Oral questioning is a less thorough investigation and more difficult to verify because it relies on accurate statements by jail staff. Its use should be minimal or in combination with other methods only.

Recommendation 3

The Department of Corrections should ensure that jail inspection reports clearly indicate the inspection method used and whether the jail was compliant with the requirement. The department should require oral inspections to be used in conjunction with other methods or for oral inspections to clearly document the person interviewed, the questions asked, and the responses given.

Program Review staff conducted observations in four jails:

- Scott County Detention Center (Category I, 1 to 100 beds)
- Marion County Detention Center (Category II, 201 to 250 beds)
- Henderson County Detention Center (Category III, 251 to 500 beds)
- Kenton County Detention Center (Category IV, 501 to 999 beds)

Scott County Detention Center was 55 percent over authorized capacity. The pod housing female inmates appeared overcrowded with several inmates occupying mattresses placed on the floor. Jail staff asserted that space issues limit the number of programs that can be offered to state inmates. Since programs such as SAP require that participants be physically separated from the general inmate population, Scott County is unable to provide those types of programs. Scott County currently offers the GED and is in the process of introducing Moral Reconciliation Therapy, which is intended to increase moral reasoning.

Marion County Detention Center was 2 percent below authorized capacity. The facility has space to maintain separate populations of inmates and is able to provide SAP. According to jail staff, the GED program at Marion County has the highest percentage of completion among Kentucky jails. Reentry programming is also offered, including Moral Reconciliation Therapy and a program to help inmates find and apply for jobs and set up health insurance. Inmates have daily access to two outside recreation areas.

Henderson County Detention Center was 23 percent over authorized capacity, but it was 15 percent below capacity in its Restrictive Custody Center, which houses community custody inmates who are eligible to work outside the facility. The detention center's SAP is the largest in the state, with 110 enrolled female inmates. One reentry program is New Directions, which teaches life skills such as parenting and money management and specific skills such as preparing for job interviews and cultivating a work ethic. Another reentry program, Successful Transition Employment Education, was developed as a partnership between the jailer and the county to bring subject matter experts to inmates.

Kenton County Detention Center is a “direct supervision” jail facility and was 15 percent over authorized capacity. Direct supervision refers to an open dormitory style of supervision and security. Corrections officers are placed inside the dorms with the inmates to provide a level of control. There are 20 designated SAP beds that are in high demand. New Direction and the GED are also available to state inmates.

State Inmates Housed In County Jails In Kentucky

Kentucky jails housed more than 11,000 state inmates as of September 1, 2016.

Kentucky jails housed more than 11,000 state inmates out of more than 24,000 total inmates in the Department of Corrections (DOC) system as of September 1, 2016. According to the Bureau of Justice Statistics, Kentucky ranked second highest for imprisonment of state and federal inmates in local facilities in 2014. There were more than 200 such prisoners per 100,000 residents in Kentucky, the national rate was 26. Kentucky is ranked 14th highest for the number of inmates under state or federal jurisdiction.¹

This report has seven major conclusions.

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- As of September 1, 2016, the 76 county jails housing state inmates were at 120 percent of authorized capacity. Sixty-seven county jails were at more than 100 percent of capacity, including six at more than 160 percent of capacity.
- As of September 1, 2016, state inmates were 48 percent of the inmates in county jails housing state inmates.
- The number of controlled intake inmates (inmates without security classifications) has doubled since August 2011. The Department of Corrections classifies inmates as space becomes available, but this backlog affects inmates' possibility of participating in programs or work assignments and the ability to acquire sentence credits. Some jail staff have stated that controlled intake inmates' occupying secure beds has contributed to overcrowding.
- Although the number of jails offering evidence-based programming has increased since 2012, programming is still not commonly offered. The most common program was offered by fewer than 20 jails in a typical month in 2016. Some jails do not offer programming to female inmates because there are relatively few female state inmates in those jails.
- There were more than 1,800 transfers of inmates between jails in December 2015, an increase of 53 percent from January 2011. Transfers may disrupt completion of programs, which may affect service credits and recidivism.
- The Department of Corrections spent \$128 million to house state inmates in county jails in fiscal year (FY) 2016. The state per diem per state inmate, \$31.34, has not changed since 2008. The cost of housing state inmates in local jails has increased

33 percent since FY 2011 because the number of inmates increased.

- Jails housing state inmates are inspected twice per year. In 2015 and 2016, more than 25 percent of jails violated requirements for living space for low-security inmates, day room areas, and confinement areas. Overcrowding was commonly cited.

Inmate Classifications

In 1992, the General Assembly began requiring that Class D felons be housed in local jails. Most Class D and Class C felons are eligible to serve their sentences in local jails.

Until recent decades, convicted felons typically served their sentences in prisons. In the early 1980s, federally imposed caps on prison populations began the trend of some felons remaining in jails for extended periods.² In 1992, the General Assembly began requiring that Class D felons be housed in local jails.³ Under current Kentucky law, with some exceptions, most Class D and Class C felons are eligible to serve their sentences in local jails.

Class D felonies are those with maximum terms of 1 to 5 years. Examples of Class D felonies are theft of property valued from \$500 to \$10,000, theft of a firearm, and a first offense of trafficking in marijuana of 8 ounces to 5 pounds. Maximum terms for Class C felonies are 5 to 10 years. Examples of Class C felonies are theft of property valued from \$10,000 to \$1,000,000, second-degree robbery, and a second or subsequent offense of trafficking in marijuana of 8 ounces to 5 pounds (KRS Chapters 514, 515, and 218A).

Since 2000, the following felony classes now serve their sentences in local jails (KRS 532.100(4))

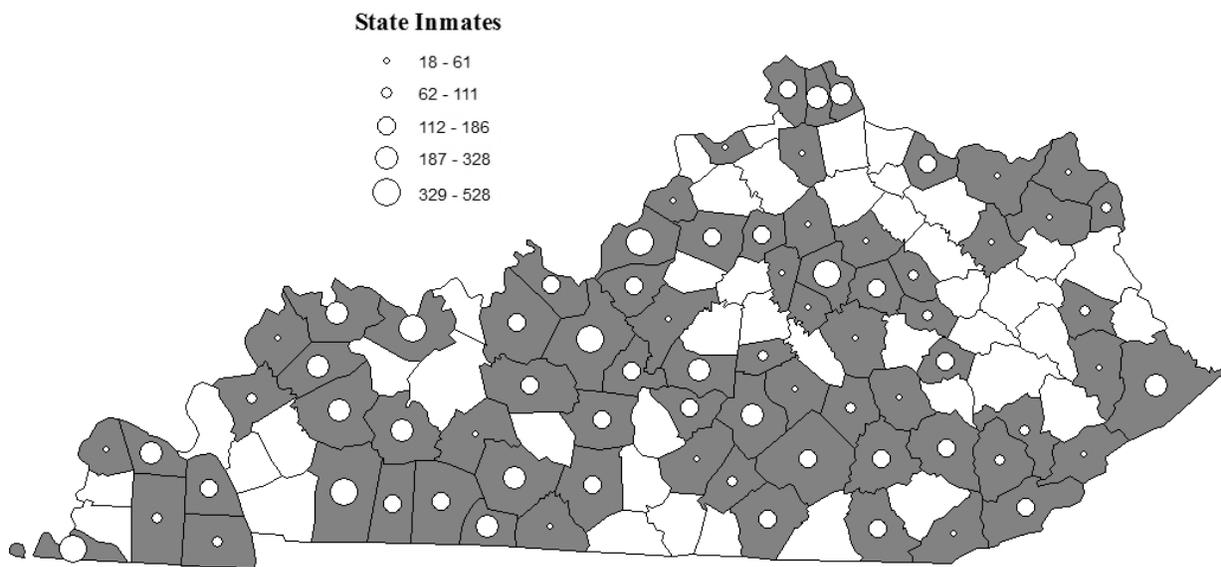
- Class D felons sentenced to an indeterminate term of 5 years or less, excepting those indeterminately sentenced to 2 years or more and convicted of a sexual offense;
- Class D felons sentenced to 5 years or more, excepting sexual and violent offenses, who have less than 5 years remaining to serve; and
- Class D or Class C felons sentenced to more than 5 years and classified community custody by the Department of Corrections, excepting those indeterminately sentenced to 2 years or more and convicted of a sexual offense. The last category is further qualified by whether beds are available in the county jail, state facilities are at capacity, and halfway house beds are being used at the contract level as of July 15, 2000.

Class B felons, sentenced to 10 to 20 years, and Class A felons, sentenced to 20 to 50 years, are ineligible to serve their sentences in local jails (KRS 532.020). Some Class C felons may be sentenced to up to 10 years, but the maximum sentence an inmate will serve in local jails is 5 years.⁴

Seventy-six counties in Kentucky house state inmates. Statute gives counties the option of whether to house state inmates in their local jails.

Statute gives counties the option of whether to house state inmates in their local jails. Counties that do not wish to participate are granted a waiver by the DOC commissioner (KRS 532.100(4)(c)(3)). Figure A shows the counties that currently house state inmates and their state inmate populations. Seventy-six counties in Kentucky house state inmates. Five counties have designated “life safety” jails and do not meet required standards to house state inmates.^a Thirty-nine counties have no jails in operation.

Figure A
Counties Housing State Inmates And Numbers Of State Inmates



Source: Produced by Program Review staff from data compiled from the Kentucky Department of Corrections, “Weekly Jail Population Report. 9/1/2016.”

^a The five counties are Caldwell, Clinton, Estill, Knox, and Ohio. Regulation defines a “life-safety” jail as “a jail in a county that elects not to hold state prisoners ..., and for which standards are limited to health and life safety” (109 KAR 2:020 (1)(5)).

Custody Levels

The Department of Corrections (DOC) classifies felons into custody levels, which indicate the level of staff supervision needed. Custody levels dictate the programs that inmates may participate in and their eligibility for work assignments.

Beyond felony class designation, inmates are classified by DOC into custody levels, which are defined classifications used to manage inmate populations. An inmate's custody level relates to the level of staff supervision needed. A DOC classification committee uses risk assessments to assign inmates to one of six custody levels (501 KAR 2:020).⁵ Maximum custody inmates are housed only in state prisons. Class D inmates classified as community, minimum, restricted, medium, and close custody may be housed in local jails. Class C inmates classified as community or minimum custody may be housed at local jails:

- Community custody (Level 1)—inmate may qualify for participation in the Community Center Program.^b If housed in a community center (jails or halfway houses that house state inmates and parolees), the inmate may participate in community-based programs. The inmate must be within 24 months of parole eligibility or minimum expiration date.
- Minimum custody (Level 2)—inmate may qualify for participation in programs and work assignments inside and outside the institutional perimeter. The inmate must be within 48 months of parole eligibility or minimum expiration date.
- Restricted custody (Level 2A)—inmate must be housed inside the barrier fence of an institution but may be eligible for outside work assignments under direct supervision. The inmate must be within 48 months of parole eligibility or minimum expiration date.
- Medium custody (Level 3)—inmate may be eligible for a program or work assignment inside the institution perimeter. Movement within the institutional perimeter is subject to the institution's policies and procedures.
- Close custody (Level 4)—inmate may participate in selected programs and work assignments inside the perimeter of the institution.

Table 1 summarizes allowable activities for state inmates housed in local jails by custody level.

^b This is referred to in DOC Policies and Procedures 25.6 as the community center diversion program, which uses halfway houses for parolees needing a more structured environment.

Table 1
Allowed Activities For Class D And Class C Inmates Housed In Local Jails

| Classification | Community-Based Programs | Programs In Jail | Work Outside Jail | Work Inside Jail |
|-----------------------|---------------------------------|-------------------------|--------------------------|-------------------------|
| 1. Community | √ | √ | √ | √ |
| 2. Minimum | √ | √ | √ | √ |
| 2A. Restricted | | √ | √* | √ |
| 3. Medium | | √ | | √ |
| 4. Close | | √** | | √** |

*Inmate must be under corrections staff supervision.

**Inmate may participate in selected programs and work assignments.

Source: Staff compilation of Kentucky Department of Corrections' policies and procedures.

Backlog Of Classifications

The classification process is conducted at state prison classification and assessment centers.⁶ Classification levels dictate the programs that inmates may participate in and their eligibility for work assignments that may count as sentence (or service) credit (KRS 441.127). This classification system incentivizes participation in work programs and work assignments among inmates. Inmates should be classified as quickly as possible to afford opportunities for service credit.

Inmate classifications occur during controlled intake (CI). This policy controls and prioritizes the intake of convicted felons so that inmate housing capacity at DOC institutions is not exceeded.

All inmate classifications, including for those housed in local jail facilities, occur during the process of controlled intake (CI). Policy establishing CI procedures is designed to control and prioritize the intake of convicted felons into DOC institutions so that inmate housing capacity at correctional institutions is not exceeded.⁷ Under KRS 532.100(7), state inmates, excluding Class D and Class C felons qualifying to serve sentences in county jails, must be transferred to the state institution within 45 days of final sentencing.

Some jailers reported that DOC has suspended CI for approximately 2 years because of prison overcrowding. DOC staff stated that inmate classification has not been suspended but has slowed because bed availability is limited in state prisons.

Some jailers reported that DOC has suspended CI for approximately 2 years because of prison overcrowding and that current levels of CI inmates in county jails are double the normal number—approximately 3,000 inmates versus 1,500. DOC staff stated that inmate classification has not been suspended but has slowed because bed availability is limited in state prisons.⁸ Inmates in state prisons serve longer sentences, and turnover is less

⁶ Kentucky DOC 2015 Annual Report indicates classification assessments are conducted at Roederer Correctional Complex and Western Kentucky Correctional Complex for men and Kentucky Correctional Institution for Women and Ross-Cash Center for Women.

frequent than in county jails. DOC classifies inmates as space becomes available.

This backlog affects inmates' possibility of participating in programs or work assignments and the ability to acquire sentence credits, and the number of program beds available for jails' classified state inmates.

Separation Of Inmates At Local Jails

Jails segregate inmates based on sex, health, and other characteristics. Programs may require inmate segregation. Segregation requirements limit programming because of space and program restrictions. Some jails do not offer programming to women because there are few female state inmates in those jails.

Local jails housing state inmates must abide by standards in 501 KAR, which cover areas such as physical space requirements, inmate programs and rights, food and medical services, and inmate classifications. In addition to DOC classification requirements, jails classify inmates according to the following categories:

- male and female inmates (except in diversion or holding cells);
- mentally ill or mental inquest inmates;
- chemically incapacitated inmates;
- inmates who may harm others, are vulnerable to others, or require administrative separation; and
- inmates with communicable diseases (501 KAR 3:010).

Jails may further segregate inmates on the basis of an inmate's current offense, institutional behavioral and criminal history, and special needs. Other considerations for segregation include protecting the public and institutional safety, health care services, and potential for inmate conflicts or escape attempts (501 KAR 3:010).

Complexity of segregation plans at jails is also affected by program requirements. For example, the state substance abuse program requires that inmates in the program be segregated from other inmates for the 6 months of the program. Jails typically segregate inmates who work outside the facility from inmates restricted to the facility to prevent contraband entering the jail. In practice, jails typically segregate inmates into male and female areas, formal program participants, inmates who work outside the facility, inmates in isolation because of medical or behavioral issues, and general population.

Segregation requirements at jails further limit programming at jails because of space and specific programming restrictions. Some jails do not offer programming to women because there are few female state inmates in those jails. However, statewide there were 2,207 female state inmates in jails on September 1, 2016.⁹ There may be an equal protection issue with regard to fewer or no

program offerings for women at some jails. The 14th Amendment to the US Constitution affords all citizens equal protection under the laws. This means states must treat individuals in similar situations and circumstances in a similar manner.

Recommendation 1

Recommendation 1

It should be a priority that female inmates housed in local jails have the same access to training and work programs as men. In the meantime, women in jails that offer training and work programs to men but not to women should be allowed to transfer to a jail that does offers training and programs to women.

Regional Jails

As defined in KRS 441.005(7), regional jails are those that may house prisoners for up to 1 year and

- are owned and operated by one county and, on a regular basis, hold prisoners for another county or for the state; or
- are owned and operated by two or more counties through a regional jail authority as provided in KRS 441.800.

Kentucky has four regional jails: Big Sandy, Bourbon County, Kentucky River, and Three Forks.

Kentucky has four designated regional jails: Big Sandy, Bourbon County, Kentucky River, and Three Forks. DOC staff reported that these jails are designated full-service jails and that, in practice, state inmates are housed for more than 1 year in these facilities.

Recommendation 2

Recommendation 2

The General Assembly may wish to consider removing the 1-year limit on housing inmates in regional jails.

Instead of a jailer, regional jails have a jail administrator appointed by a regional jail authority with members appointed by the county judges/executive of the participating counties and the jailer of the county where the facility is located (KRS 441.810(1)).

Jails contracted to hold prisoners from other regions are referred to as regional jails but may not be regional jail authorities.

Counties without jails contract with other counties for inmate housing. Jails contracted to hold prisoners from other regions are referred to as regional jails but may not be regional jail authorities as defined in KRS 441.800 unless they meet statutory requirements and have an appointed jail administrator (501 KAR 3:010, Section 1 (14)).¹⁰

Bourbon, Johnson, Lee, and Perry Counties all have regional jails with administrators, but they also elect jailers. Jailers in these counties receive salaries, but their responsibilities are unclear.

Although many counties do not have a jail, the position of jailer is an elected office under Kentucky Constitution Section 99. Most county jailers are not supportive of the regional jail concept and the Kentucky Jailers Association indicated that regional jail staffs do not normally attend association events.¹¹ Expansion of the regional jail authority system seems unlikely because of the redundancy of having a jail administrator and an elected jailer in the same county. Bourbon, Johnson, Lee, and Perry Counties have regional jails with administrators but also elect jailers. Jailers in these counties receive salaries, but their responsibilities are unclear.^{d, 12}

As of 2010, regional jails accounted for less than 3 percent of US jail facilities. The small number of regional jails and Kentucky's status as the only state to elect jailers to a constitutional office limit useful comparison with other states.

DOC indicated that the success of multiple regional jails would require a regional court system and that the jails would need capacities of at least 1,000 beds with expansion capability.¹³ Currently, the largest regional jail in Kentucky has 182 beds. Many jailers in counties without jails do not want to transport inmates over long distances.¹⁴

According to a 2010 study, there were 76 regional jails in 21 states, 16 regional jails under construction in 10 states, and 10 abandoned regional jail projects in 8 states.¹⁵ Less than 3 percent of jail facilities in the United States were regional jails.¹⁶ The small number of regional jails and Kentucky's status as the only state to elect jailers to a constitutional office limit useful comparison with other states.

The Number Of State Inmates In County Jails

The state inmate population was measured over 62 months by compiling the first population report of each month from August 2011 to September 2016.

Jails provide DOC with weekly population estimates. For this report, the state inmate population was measured over 62 months by compiling the first report of each month from August 2011 to September 2016. State inmates in local jails were Class D inmates, Class C inmates, controlled intake inmates, parole violators, and alternative sentence inmates.^e

^d In counties without jails, the fiscal court or appropriate county legislative body may require the jailer, serving as a transportation officer, to be responsible for transporting prisoners as necessary (KRS 441.510(4)(a)).

^e Parole violators and alternative sentence inmates may have the option to serve out sentences in halfway houses or home incarceration.

Controlled Intake

CI inmates have been adjudicated but have yet to receive classification from DOC. CI inmates may be housed with other jail inmates but must be assigned to a secure bed area.

The CI process is a persistent problem at most local jails housing state inmates. The CI designation is given to inmates who have been adjudicated but have yet to receive classification from the Department of Corrections. Inmates awaiting classification can be housed with classified inmates but must be assigned to a secure bed area. Local jails receive per diem payments for CI inmates.

Jails may have reduced programming and work possibilities because of an increase in the CI population. Local jails use Class D and Class C “community custody” inmates to perform a variety of jobs for the county. CI inmates have limited work permissions, are not allowed to work outside the jail, and cannot participate in programs. In effect, delaying the classification of inmates decreases the potential number of inmates eligible for programming and work release. According to some jail staff, placement of CI inmates in secure beds is contributing to overcrowding.

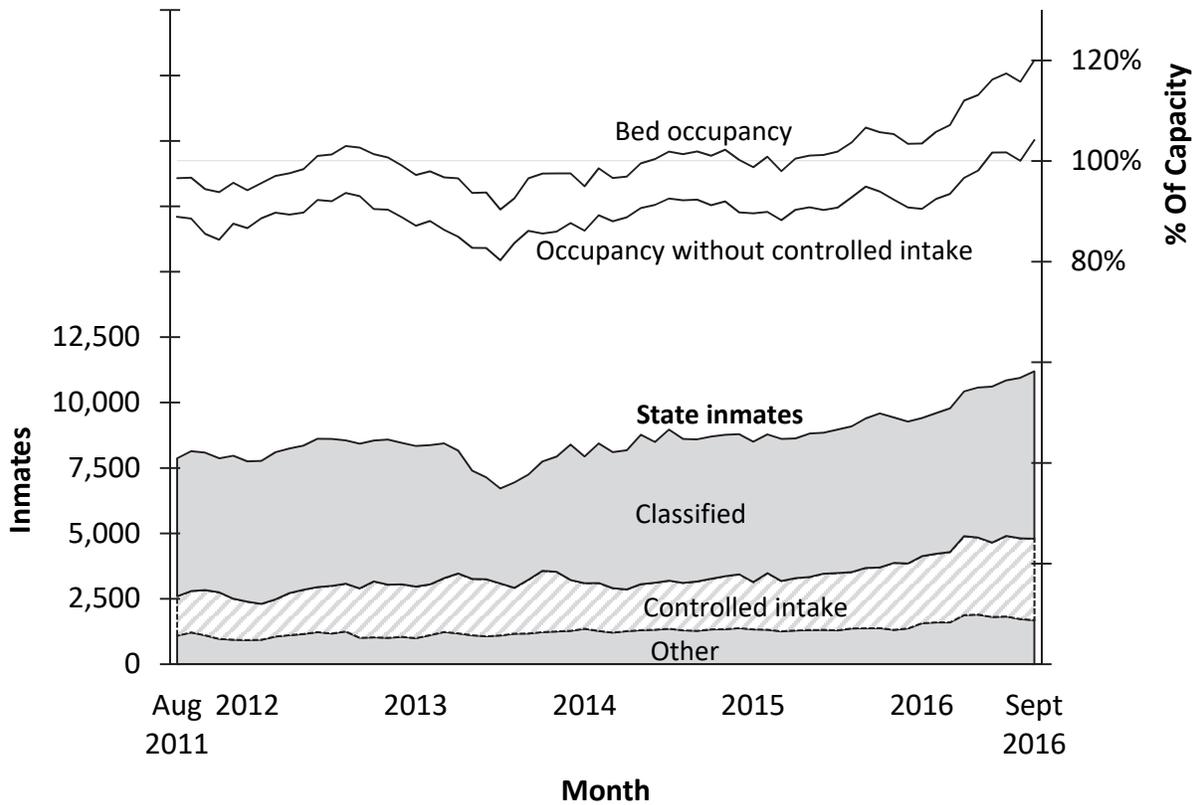
Jail Capacity

The number of state inmates in local jails increased by 42 percent from August 2011. The CI population increased by more than 100 percent.

Figure B displays state inmates in local jails from August 2011 to September 2016. The number of state inmates in local jails has increased overall, with 40 months of increases and 21 months of decreases. In August 2011, the state inmate population was 7,869. By September 2016, the population had increased to 11,196, a 42 percent increase. This number includes Class D inmates, Class C inmates, CI inmates, parole violators, and alternative sentence inmates. Depending on the month, state inmates accounted for 38 percent to 48 percent of the jail population.

Over this period, CI inmates increased by more than 100 percent. In August 2011, the CI population was 1,504. By September 2016, the CI population was 3,115.

Figure B
State Inmates In Local Jails And Jail Bed Occupancy By Month
August 2011 To October 2016



Note: State inmates were considered to be Class D inmates, Class C inmates, controlled intake inmates, parole violators, and alternative sentence inmates. The Other category is parole violators and alternative sentence inmates.

Source: Weekly Jail Population Report, 8/4/011 to 9/1/2016.

The percentages in Figure B show jail bed occupancy by all inmates in jails and bed occupancy if CI inmates were excluded. This represents an optimal situation in which inmates can be moved between jails with open beds. In reality, inmate placement is restricted because placement is based on security classification. If a jail population is primarily medium-security inmates, the jail may face overcrowding of secure beds and underuse of low-security beds. The number of secure beds in jails is consistently above capacity. In many jails, when capacity is above 100 percent, inmates sleep on mattresses placed on the floor. Program Review staff observed several instances of inmates sleeping on mattresses placed directly on the floor and some placed on temporary Stack-A-Bunk risers.

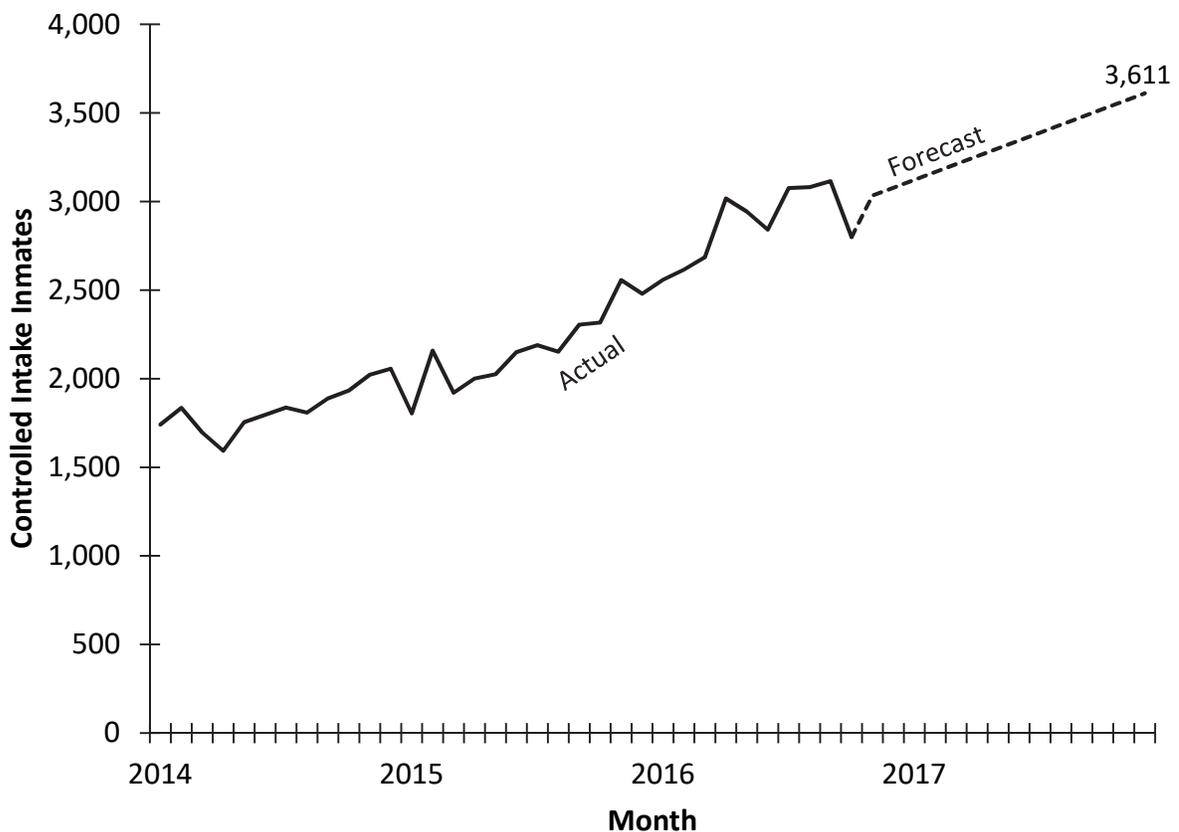
The total jail population exceeded the total number of jail beds in 32 of 62 months. Even without CI inmates, the population would have exceeded capacity in 4 months in 2016.

The total jail population exceeded the total number of jail beds in 32 of the 62 months shown in Figure B. Excess populations were more frequent in 2015 and 2016. Bed occupancy percentage was also calculated without CI inmates because some CI inmates could have been sent to a state-operated facility if classified. Even without CI inmates, the inmate population would have exceeded capacity in 4 months, all of which were in 2016.

The CI population is forecast to reach more than 3,600 by December 2017.

Figure C shows a forecast of the CI population. The forecast uses CI populations from January 2014 to October 2016 to account for a slower rate of inmate classification by DOC. This forecast estimates the population will reach more than 3,600 by December 2017.

Figure C
Actual And Forecast Controlled Intake Inmates
January 2014 To December 2017



Note: The forecast is based on monthly controlled intake populations from January 2014 to October 2016. Source: Calculations based on Kentucky Department of Corrections. "Weekly Jail Population Reports 8/4/011 to 9/1/2016."

State Inmates By County

The state population in county jails comprises Class D or Class C inmates, CI inmates, parole violators, and alternative sentence inmates. Table 2 shows these types by county.

Five of the six counties with more than 200 Class D and Class C inmates are in Western Kentucky. Eighteen counties have 100 to 199 such inmates; 28 counties have fewer than 50.

Five of the six counties with more than 200 Class D and Class C inmates are in western Kentucky: Christian, Daviess, Fulton, Hardin, and Henderson. Eighteen counties have 100 to 199 such inmates; 28 counties have fewer than 50. Fewer state inmates are housed in eastern Kentucky because there are more closed jails in that region.

There are fewer CI inmates than Class D and Class C inmates, but their distribution is similar. Six of the eight counties with more than 100 CI inmates are in western Kentucky. Jefferson and Bell Counties have the only jails that house CI inmates but not Class D and Class C inmates.

Overall, the 76 county jails housing state inmates are at 120 percent of authorized capacity. Sixty-nine of the jails are at greater than 100 percent of capacity.

Overall, the 76 county jails holding state inmates are at 120 percent of authorized capacity. Of these, 69 are at greater than 100 percent of capacity. This includes seven county jails that are at more than 170 percent of capacity: Lincoln (232 percent), Bell (207 percent), Rockcastle (196 percent), Carroll (188 percent), Madison (174 percent), Pulaski (173 percent), and Montgomery (172 percent).

State inmates are 47.6 percent of the inmates in county jails housing state inmates. In 23 counties, more than 60 percent of inmates are state inmates.

Overall, state inmates are 47.6 percent of the inmates in county jails housing state inmates. In 23 counties, more than 60 percent of inmates are state inmates. This includes five counties in which state inmates are 85 percent or more of inmates (Fulton, LaRue, Simpson, Todd, and Union) and six counties in which state inmates are 75 to 84 percent of the jail population (Breckinridge, Casey, Crittenden, Meade, Muhlenberg, and Webster).

Table 2
County Jail Populations, September 1, 2016

| County | State Inmates | | | | Total Inmates | Total Capacity | % Of Capacity |
|-----------|---------------|-----|-------|-------|---------------|----------------|---------------|
| | Classified | CI | Other | Total | | | |
| Fayette | 207 | 167 | 154 | 528 | 1,365 | 1,266 | 108% |
| Daviess | 291 | 135 | 95 | 521 | 774 | 699 | 111 |
| Christian | 286 | 150 | 28 | 464 | 736 | 652 | 113 |
| Jefferson | 0 | 190 | 251 | 441 | 2,130 | 1,774 | 120 |
| Fulton | 302 | 119 | 15 | 436 | 459 | 361 | 127 |
| Hardin | 273 | 79 | 30 | 382 | 664 | 646 | 103 |

| County | State Inmates | | | | Total Inmates | Capacity | % Of Capacity |
|--------------|---------------|-----|-------|-------|---------------|----------|---------------|
| | Classified | CI | Other | Total | | | |
| Warren | 146 | 112 | 70 | 328 | 646 | 562 | 115 |
| Campbell | 148 | 85 | 72 | 305 | 607 | 548 | 111 |
| McCracken | 151 | 108 | 37 | 296 | 520 | 471 | 110 |
| Henderson | 223 | 64 | 8 | 295 | 640 | 551 | 116 |
| Simpson | 158 | 102 | 22 | 282 | 316 | 231 | 137 |
| Hopkins | 199 | 52 | 18 | 269 | 419 | 416 | 101 |
| Pike | 168 | 49 | 25 | 242 | 361 | 342 | 106 |
| Casey | 166 | 51 | 18 | 235 | 309 | 271 | 114 |
| Webster | 134 | 72 | 24 | 230 | 292 | 266 | 110 |
| Kenton | 58 | 89 | 64 | 211 | 692 | 602 | 115 |
| Muhlenberg | 128 | 63 | 15 | 206 | 265 | 281 | 94 |
| Marion | 191 | 8 | 6 | 205 | 292 | 297 | 98 |
| Boone | 73 | 59 | 54 | 186 | 592 | 500 | 118 |
| Pulaski | 80 | 65 | 33 | 178 | 373 | 216 | 173 |
| Clay | 83 | 74 | 18 | 175 | 321 | 234 | 137 |
| Harlan | 114 | 46 | 15 | 175 | 273 | 227 | 120 |
| Meade | 115 | 47 | 10 | 172 | 218 | 173 | 126 |
| Taylor | 82 | 59 | 28 | 169 | 296 | 204 | 145 |
| Franklin | 104 | 38 | 20 | 162 | 289 | 324 | 89 |
| Laurel | 66 | 64 | 28 | 158 | 437 | 300 | 146 |
| Mason | 104 | 36 | 18 | 158 | 216 | 131 | 165 |
| Breckinridge | 113 | 14 | 19 | 146 | 194 | 191 | 102 |
| Grayson | 134 | 5 | 7 | 146 | 626 | 518 | 121 |
| Hart | 118 | 16 | 8 | 142 | 205 | 162 | 127 |
| Marshall | 96 | 36 | 9 | 141 | 212 | 204 | 104 |
| Logan | 111 | 15 | 8 | 134 | 225 | 162 | 139 |
| Barren | 63 | 38 | 32 | 133 | 246 | 178 | 138 |
| Clark | 81 | 38 | 14 | 133 | 259 | 186 | 139 |
| LaRue | 76 | 45 | 12 | 133 | 155 | 152 | 102 |
| Shelby | 87 | 32 | 12 | 131 | 381 | 316 | 121 |
| Bullitt | 80 | 30 | 18 | 128 | 330 | 305 | 108 |
| Lee | 79 | 34 | 14 | 127 | 269 | 182 | 148 |
| Wayne | 87 | 27 | 11 | 125 | 213 | 180 | 118 |
| Whitley | 63 | 39 | 18 | 120 | 266 | 184 | 145 |
| Todd | 66 | 39 | 14 | 119 | 135 | 137 | 99 |
| Boyd | 64 | 27 | 20 | 111 | 238 | 206 | 116 |
| Crittenden | 81 | 24 | 6 | 111 | 145 | 133 | 109 |
| Leslie | 61 | 35 | 7 | 103 | 227 | 141 | 161 |
| Powell | 84 | 11 | 4 | 99 | 153 | 103 | 149 |

| County | State Inmates | | | Total | Total Inmates | Capacity | % Of Capacity |
|------------|---------------|-------|-------|--------|---------------|----------|---------------|
| | Classified | CI | Other | | | | |
| Calloway | 60 | 27 | 8 | 95 | 180 | 163 | 110 |
| Boyle | 67 | 10 | 7 | 84 | 327 | 220 | 149 |
| Johnson | 37 | 25 | 11 | 73 | 227 | 150 | 151 |
| Russell | 35 | 24 | 13 | 72 | 135 | 82 | 165 |
| Rockcastle | 46 | 11 | 13 | 70 | 143 | 73 | 196 |
| Montgomery | 22 | 26 | 18 | 66 | 231 | 134 | 172 |
| Graves | 53 | 7 | 4 | 64 | 125 | 129 | 97 |
| Perry | 25 | 28 | 11 | 64 | 203 | 135 | 150 |
| Greenup | 25 | 26 | 10 | 61 | 138 | 98 | 141 |
| Allen | 31 | 16 | 10 | 57 | 100 | 72 | 139 |
| Jackson | 30 | 22 | 5 | 57 | 130 | 79 | 165 |
| Lewis | 39 | 8 | 8 | 55 | 76 | 72 | 106 |
| Jessamine | 35 | 2 | 13 | 50 | 186 | 137 | 136 |
| Union | 31 | 14 | 4 | 49 | 54 | 45 | 120 |
| Woodford | 28 | 8 | 11 | 47 | 99 | 95 | 104 |
| Grant | 19 | 12 | 14 | 45 | 123 | 348 | 35 |
| Adair | 29 | 3 | 8 | 40 | 115 | 82 | 140 |
| Ballard | 24 | 11 | 2 | 37 | 60 | 78 | 77 |
| Nelson | 16 | 10 | 11 | 37 | 129 | 102 | 126 |
| Scott | 15 | 16 | 5 | 36 | 133 | 86 | 155 |
| Carroll | 3 | 17 | 15 | 35 | 165 | 88 | 188 |
| Carter | 13 | 12 | 10 | 35 | 180 | 144 | 125 |
| Lincoln | 19 | 11 | 5 | 35 | 167 | 72 | 232 |
| Oldham | 21 | 6 | 8 | 35 | 144 | 115 | 125 |
| Bourbon | 16 | 12 | 6 | 34 | 142 | 86 | 165 |
| Madison | 8 | 7 | 19 | 34 | 321 | 184 | 174 |
| Floyd | 14 | 12 | 6 | 32 | 146 | 112 | 130 |
| Letcher | 14 | 7 | 10 | 31 | 91 | 54 | 169 |
| Butler | 10 | 14 | 6 | 30 | 51 | 36 | 142 |
| Rowan | 17 | 5 | 5 | 27 | 114 | 78 | 146 |
| Bell | 0 | 18 | 0 | 18 | 124 | 60 | 207 |
| Total | 6,396 | 3,115 | 1,685 | 11,196 | 23,540 | 19,594 | 120% |

Note: CI = controlled intake. Other = parole violators and alternative sentence inmates. Counties are ordered by the highest to lowest numbers of state inmates.

Source: Kentucky Department of Corrections, "Weekly Jail Population Report. 9/1/2016."

Transfers Between Jails

Inmates are regularly transferred between jails. By December 2015, transfers had increased to 1,881 per month.

Inmates are regularly transferred between jails for reasons that include space issues, an inmate’s preference to be near a specific area, or interest in a jail program. In January 2011, 1,228 state inmates were transferred between jails. By December 2015, state inmate transfers had increased 53.2 percent to 1,881 transfers per month (out of 9,272 state inmates).¹⁷ On average and depending on the month, each transferred inmate moved 1.2 or 1.3 times per month. Some inmates transferred as many as seven times in 1 month.¹⁸ Frequent transfers may prevent inmates from completing programs that reduce sentences or lower recidivism.

State Inmate Recidivism

DOC collects yearly recidivism data, with *recidivism* defined as any return to state custody after leaving custody, including parole or technical violations.¹⁹

The overall rate of 3-year recidivism for Class D and Class C inmates released from 2008 to 2012 is nearly 40 percent.

Table 3 shows the total number of inmates who recidivated within 3 years of release from 2008 to 2012. For example, a 2012 recidivist is someone who returned to jail on a new charge or a sentence violation by 2015. Class C inmates in maximum-security prisons were excluded because there were so few of them. The overall rate of recidivism is nearly 40 percent. For Class C inmates, those in jails were more likely to recidivate than those in minimum- and medium-security prisons. Class D inmates in jails were less likely to recidivate than Class C inmates.

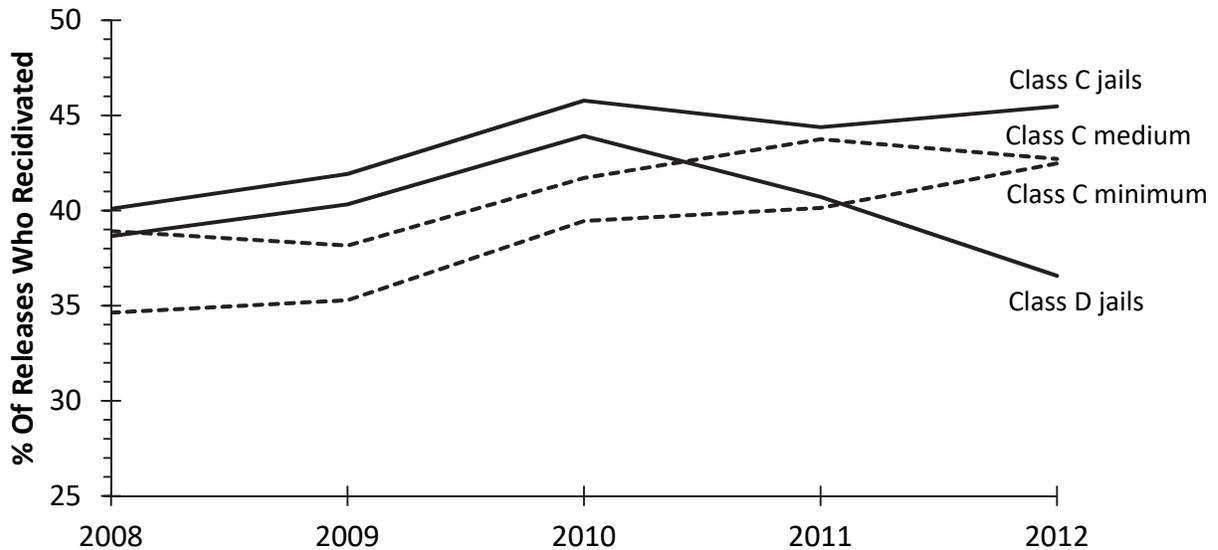
Table 3
3-Year Recidivism Of Class D And Class C Inmates
2008 To 2012

| | Class And Facility | Inmates | % Of Releases |
|---------|---------------------------|----------------|----------------------|
| Jails | Class D | 14,858 | 38.6% |
| | Class C | 3,130 | 43.6 |
| Prisons | Class C minimum security | 743 | 40.2 |
| | Class C medium security | 1,902 | 41.4 |
| Total | | 20,633 | 39.6% |

Source: Heddleston, Cyndi. “Class C C1&2 Prison Recidivism,” “Class C Jail Recidivism,” and “Class D Recidivism.” Messages to Joel Thomas. Oct. 13, 2016. Email.

Figure D shows 3-year recidivism rates by year. Class C inmates in jails had higher recidivism rates each year. Except for 2012, Class D inmates in jails were the least likely to return.

Figure D
Class D And Class C Inmate 3-Year Recidivism Rates, 2008 To 2012



Source: Heddleston, Cyndi. “Class C C1&2 Prison Recidivism,” “Class C Jail Recidivism,” and “Class D Recidivism.” Messages to Joel Thomas. Oct. 13, 2016. Email.

Parole For Class D And Class C Offenders

Class D nonviolent offenders are eligible for parole hearings after serving 15 percent of their sentence. Class C nonviolent offenders are eligible after serving 20 percent of their sentence (KRS 439.340(3)(a) and 501 KAR 1:030). Table 4 shows the percentage of Class D and Class C inmates granted parole from 2011 to 2015.

Class C inmates in prisons were more likely in most years to receive parole than Class D and Class C inmates in jails.

Level 1 and 2 inmates in jails are a mix of Class D and Class C inmates. Level 1 and 2 inmates in prisons are Class C inmates only. Levels 2A, 3, and 4 inmates are Class D only. Class C inmates in prisons were more likely in most years to receive parole than Class D and Class C inmates in jails. By 2013, the difference between parole rates had decreased and Class D and Class C inmates at all levels were more likely to be granted parole.

Table 4
Percentage of Class D And Class C Inmates Granted Parole
2011 To 2015

| May Work | Custody Level And Location | 2011 | 2012 | 2013 | 2014 | 2015 |
|--------------------------|---------------------------------------|-------------|----------------|-------------|-------------|-------------|
| | | Outside | Level 1 - Jail | 55.7% | 58.0% | 81.0% |
| Level 1 - Prison | 63.2 | | 69.2 | 83.2 | 64.7 | 70.6 |
| Level 2 - Jail | 34.8 | | 30.6 | 63.6 | 49.4 | 51.3 |
| Level 2 - Prison | 49.3 | | 40.1 | 61.0 | 55.3 | 51.8 |
| Outside with supervision | Level 2A - Jail | 36.2 | 27.1 | 51.3 | 39.8 | 51.2 |
| Inside | Level 3 - Jail | 27.4 | 23.3 | 44.8 | 37.5 | 37.7 |
| | Level 4 - Jail | 23.8 | 25.5 | 45.8 | 34.5 | 41.7 |

Note: Levels 1 to 4 Class D inmates are typically not housed in prisons. Levels 1 and 2 Class C inmates may be housed in jails or prisons.

Source: Heddleston, Cyndi. "Parole Hearing past 5 years." Message to Joel Thomas. Oct. 13, 2016. Email.

State Inmate Program Participation

Some jails offer evidence-based programs to state inmates. The number of jails reporting to DOC that they offer programs has increased since 2012. The number of programs reported as offered is still low, however.

Some jails offer evidence-based programs to state inmates. Jails must report program participation to DOC for state inmates to receive service credit. Evidence-based programs are supervision policies, procedures, treatment and intervention programs, and practices that scientific research demonstrates reduces recidivism when implemented competently.²⁰ Table 5 provides the average number of jails per month providing evidence-based programs. For example, in 2015, approximately 18 jails offered substance abuse programs (SAP) each month on average. The number of jails offering programs has increased since 2012, but the number of programs offered is still low. In 2016, the year with the most offerings, the most common program offered, SAP, was typically offered in only 19 jails. Only three other programs were offered in at least 10 jails.

The National Career Readiness Certificate is an assessment-based credential to indicate workplace skills.²¹ Moral Reconciliation Therapy programs are cognitive-behavioral treatment programs to lower recidivism and enhance treatment compliance. Portal New Direction addresses barriers to reentry such as money management, employment, and housing. Inside Out Dads is a parenting class focused on cognitive and attitudinal changes.²² Thinking for Good addresses criminal thinking and planning for transition from incarceration. Pathfinders is a class for cognitive therapy and

education.²³ Living in Balance is a substance abuse treatment program for inmates with no treatment experience.²⁴

Table 5
Average Number Of Evidence-Based Programs Offered By Jails Per Month
2012 To 2016

| Program | 2012 | 2013 | 2014 | 2015 | 2016 |
|---|-------------|-------------|-------------|-------------|-------------|
| Substance Abuse Program | 3.0 | 17.2 | 17.9 | 17.8 | 18.7 |
| National Career Readiness Certificate | 0.0 | 0.0 | 0.2 | 1.1 | 13.4 |
| Academic school | 0.0 | 3.4 | 7.4 | 9.4 | 10.8 |
| Moral Reconciliation Therapy | 0.8 | 1.4 | 3.8 | 5.9 | 9.6 |
| Substance abuse mentoring | 0.0 | 3.7 | 6.8 | 6.1 | 6.0 |
| Portal New Direction | 0.2 | 1.3 | 1.8 | 4.2 | 6.6 |
| Inside Out Dads | 0.2 | 1.0 | 1.8 | 1.8 | 1.7 |
| Moral Reconciliation Therapy mentoring | 0.0 | 0.0 | 0.3 | 0.9 | 0.9 |
| Parenting for men | 0.0 | 0.0 | 0.0 | 0.0 | 0.7 |
| Parenting for women | 0.0 | 0.0 | 0.0 | 0.0 | 0.7 |
| Thinking for Good | 0.0 | 0.0 | 0.0 | 0.0 | 0.3 |
| Moral Reconciliation Therapy relapse prevention | 0.0 | 0.0 | 0.0 | 0.0 | 0.3 |
| Pathfinders | 0.0 | 0.0 | 0.3 | 0.0 | 0.0 |
| Living in Balance | 0.1 | 0.7 | 0.0 | 0.0 | 0.0 |
| All programs | 4.3 | 28.7 | 40.3 | 47.3 | 69.9 |

Note: Some jails offered more than one program per month. The figure for 2016 is through September.
Source: Compiled from data from the Kentucky Department of Corrections.

From 2012 to 2016, 25 jails did not report inmate participation in any DOC certified programs. These jails may have offered alternative versions of these programs, but inmates would not have received service credits.

Cost Of Housing State Inmates In Local Jails

Statute requires the State Treasury to pay a per diem to counties housing state prisoners. Jails receive \$31.34 per day for inmate housing and medical costs. Jails receive an extra \$9.00 per day for inmates in a substance abuse program. From FY 2011 to FY 2016, the costs of housing inmates increased by 33.4 percent.

KRS 431.215 requires the State Treasury to pay a per diem to counties housing state inmates beginning on the day of final sentencing and ending on the day the prisoner is moved to a state facility. Class C and D felons and CI inmates held in local jails are considered state prisoners (KRS 532.100(6)).

DOC estimates that the average 2016 daily cost to incarcerate inmates in state facilities was \$66.82, with individual facility costs ranging from \$54.61 to \$91.32. The state pays county jails \$31.34 per day for inmate housing and medical costs. Jails receive an extra \$9.00 per day for each inmate housed in a substance abuse program for a total of \$40.34.²⁵ The per diem was increased from

\$30.94 in 2007.²⁶ As seen in Table 6, from FY 2011 to FY 2016, the costs of housing inmates increased by 33.4 percent, from \$84.6 million to \$112.9 million. The per diem did not change, so the increase was caused by increases in the state inmate population. Over the 6-year period, inmate housing payments accounted for more than 85 percent of funds spent on state inmates in local jails.

Table 6
Costs Of Housing State Inmates In County Jails (In Millions)
Fiscal Year 2011 To Fiscal Year 2016

| Expenditure | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
|-------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Inmate housing | \$84.6 | \$95.7 | \$98.6 | \$92.2 | \$103.7 | \$112.9 |
| Jail allotment | 12.6 | 12.6 | 12.0 | 12.0 | 11.1 | 11.1 |
| Medical | 3.8 | 4.6 | 5.5 | 4.0 | 2.7 | 3.4 |
| Division of Local Facilities* | 1.0 | 1.0 | 1.1 | 1.2 | 1.1 | 1.2 |
| Inmate pay | 0.5 | 0.7 | 0.7 | 0.6 | 0.6 | 0.6 |
| Total | \$101.5 | \$113.7 | \$116.8 | \$108.8 | \$118.0 | \$127.9 |

*The Department of Corrections' Division of Local Facilities is responsible for local jail inspections.

Source: Compilation of data provided by the Department of Corrections.

Jails also receive a contribution for the care and maintenance of prisoners. DOC pays the costs of necessary medical, dental, and psychological care of state inmates in jails. DOC pays inspectors to visit jails twice per year. Inmates may also be paid for a work program.

Jails receive additional financial assistance under multiple programs. Each county receives a contribution from the State Treasury for the care and maintenance of prisoners charged with or convicted of violations of state law, typically referred to as the local jail allotment. Counties that contract for the incarceration of prisoners still receive a contribution. Contributions are based on the amount the county received in the 1983-84 allotment, inverse median household income, and the proportion of each county's population aged 18 to 34. Counties must receive at least \$24,000 (KRS 441.206). Jail allotment payments decreased 11.7 percent from FY 2011 to FY 2016.

DOC is responsible for the costs of necessary medical, dental, and psychological care of state inmates held in jails (KRS 441.045(5)(a)). The department pays the contracted medical vendor instead of reimbursing counties. Medical costs were highest in FY 2013, at \$5.5 million, during a provider transition from the University of Kentucky to Correct Care Solutions. Medical costs decreased after the transition.

DOC's Division of Local Facilities inspects local jails to ensure that conditions are appropriate for state inmates. Inspectors visit each jail twice per year. Division operations cost approximately \$1 million per year from FY 2011 to FY 2016.

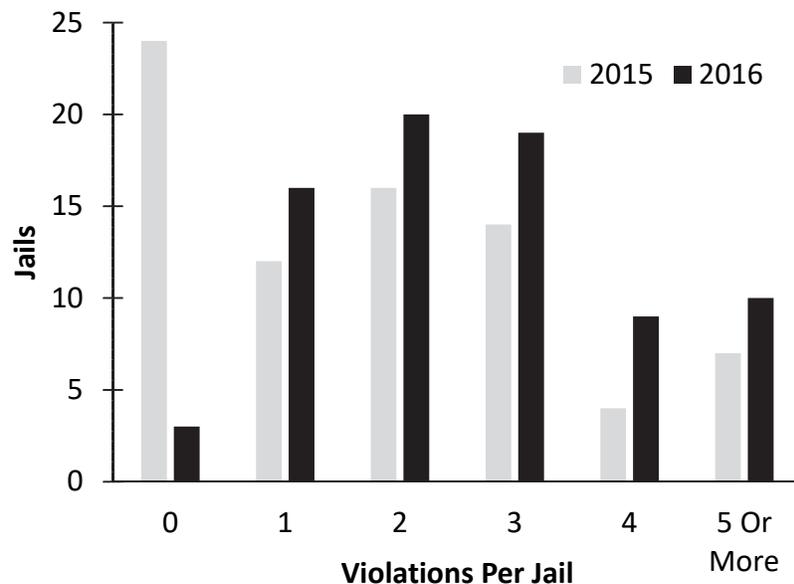
Some state inmates participate in the Class D/C Inmate Work Program. Inmate labor can be used by state agencies, local agencies, nonprofit organizations, charitable organizations, and service organizations. Inmates may work at recycling centers, road cleanup, garbage collection, and animal shelters.²⁷ Annual labor payments ranged from \$493,000 to \$699,000.

Jail Inspections

During scheduled inspections in 2015 and 2016, most jails violated one to three requirements. The number of jails with no violations declined from 24 to 3.

DOC requires jails to receive two inspections per year: one scheduled and one unscheduled. Results from the scheduled inspections in 2015 and 2016 are shown in Figure E.^f Each violation indicates a jail report in which the inspector found an issue with the requirement. Most jails violated one to three requirements, although some jails violated as many as nine. From 2015 to 2016, the number of facilities with no violations declined from 24 to 3.

Figure E
Scheduled Inspection Violations Per Jail, 2015 And 2016



Source: Kentucky. Department of Corrections. “Inspection Reports for Full Service Jails,” 2015 and 2016.

Three requirements in 2015 and four requirements in 2016 were violated by more than 25 percent of jails.

Table 7 provides jail violations by category, sorted by the most commonly violated categories in 2016. For most categories, inspectors found the majority of jails were meeting requirements. However, three requirements in 2015 and four requirements in

^f The five life-safety jails were excluded because they cannot hold state prisoners.

2016 were violated by more than 25 percent of jails. Overcrowding violations were common for living space for low-security inmates, day room area and contents, and day room and cell requirements. For the low-security living space, 67 of the 69 violations in 2016 mentioned overcrowding and placing inmates in incorrect locations.

Confinement area violations commonly cited inoperable lights and inappropriate lighting polices, such as leaving cell lights off until staff enter. Other issues included the use of nonstandard equipment or materials, blocked or missing drain covers, and shower panels in need of repair.

Table 7
Scheduled Jail Inspection Violations By Requirement, 2015 And 2016

| Requirement | 2015 | | 2016 | |
|---|-------------------|-------------------|-------------------|-------------------|
| | Violations | % Of Jails | Violations | % Of Jails |
| Living space for low security, work release | 43 | 55.8% | 69 | 89.6% |
| Day room area and contents | 33 | 42.9 | 45 | 58.4 |
| Confinement area | 25 | 32.5 | 22 | 28.6 |
| Day room and cell requirement | 8 | 10.4 | 20 | 26.0 |
| Cell content requirements | 8 | 10.4 | 12 | 15.6 |
| Detox area | 8 | 10.4 | 9 | 11.7 |
| Secure holding area | 5 | 6.5 | 6 | 7.8 |
| Nutritionist approval | 1 | 1.3 | 4 | 5.2 |
| All other requirements | 9 | 11.7 | 17 | 22.1 |
| Total | 140 | 68.8% | 204 | 96.1% |

Note: Seventy-seven jail records were reviewed for 2015 and 2016. There were one to three violations per year for GED, programs for state prisoners, direct supervision, bedding requirements, prisoner risk and need assessment, multipurpose area, inmate classification, inmate orientation, other inmate categories criteria, physical exercise, medical exam area, prisoner files, diversion holding area, and outdoor recreation. There were no violations for daily activity logs, population reports and outside activity reports, meal and nutritional requirements, religious diets, medical diets, prisoner program policies, leisure and recreation, and education programs.

Source: Kentucky. Department of Corrections. "Inspection Reports for Full Service Jails," 2015 and 2016.

The second inspection for the year, which is unscheduled, determines whether the issues from the previous inspection have been resolved and covers physical conditions and procedures at the jail. Table 8 indicates the violations for 2015 that affected state inmates.

Table 8
Unscheduled Jail Inspection Violations By Requirement, 2015

| Requirement | Violations | % Of Jails |
|--------------------------------|-------------------|-------------------|
| Dorm overcrowding | 53 | 69.7% |
| First inspection follow-up | 37 | 48.7 |
| Dayroom overcrowding | 36 | 47.4 |
| Cell overcrowding | 23 | 30.3 |
| Detox overcrowding | 5 | 6.6 |
| Temporary holding overcrowding | 4 | 5.3 |
| Medication administration | 2 | 2.6 |
| Deputy jailer training | 1 | 1.3 |
| CPR training | 0 | 0.0 |
| First aid training | 0 | 0.0 |
| Menu approval | 0 | 0.0 |

Note: Seventy-seven jail records were reviewed.

Source: 2015 Jail Inspection Reports – Second Inspection.

During the 2015 unscheduled inspection, overcrowding remained an issue. Almost one-half of jails were unable to resolve issues from the previous inspection.

Overcrowding remained an issue in the second inspections, with most jail dorms being overcrowded. Almost one-half of jails were unable to resolve issues from the previous inspection. Of the 37 jails with unresolved issues, inspectors cited continued overcrowding in 29. Jails with no previous issues or resolved issues were found to be overcrowded. Other remaining issues included infrequent surveillance checks, needed repairs, and approvals of procedure manuals.

Jail inspectors can indicate they investigated items through oral questioning, written record inspections, or visual inspections. Nearly 20 percent of prisoner program policies were investigated only through oral questioning in 2016.

Jail inspectors can indicate they investigated items through oral questioning, written record inspections, visual inspections, or combination of the three methods. Oral questioning is a less thorough investigation and more difficult to verify because it relies on accurate statements by jail staff. Its use should be minimal or in combination with other methods. Table 9 shows the five categories for which oral-only inspections were most common in 2016. Almost 20 percent of prisoner program policies were investigated only through oral questioning. Oral questioning was sometimes used to examine dietary requirements in 2015 and 2016.

Table 9
Scheduled Inspection Items Reviewed Only By Oral Process, 2015 And 2016

| Requirement | 2015 | | 2016 | |
|------------------------------------|-------|---------|-------|---------|
| | Items | Percent | Items | Percent |
| Prisoner program policies | 3 | 3.9% | 14 | 18.2% |
| Religious diet | 10 | 13.0 | 13 | 16.9 |
| Medical diet | 8 | 10.4 | 10 | 13.0 |
| Other inmate categories | 2 | 2.6 | 10 | 13.0 |
| Prisoner risk and need assessment* | — | — | 8 | 10.4 |

Note: Seventy-seven jail records were reviewed for 2015 and 2016.

*This category was not listed on inspection forms in 2015.

Source: Inspection Reports for Full Service Jails 2015, 2016.

Some inspection entries did not indicate if the review was oral, written, or visual.

Some inspection entries did not indicate whether the review was oral, written, or visual. Seven inspection items in 2015 and 7 inspection items in 2016 did not indicate the inspection method; 13 of these entries were marked as compliant, with 1 entry not marked as compliant or noncompliant. Without records that describe the inspection, determining the thoroughness or appropriateness of an inspection can be difficult.

Recommendation 3

Recommendation 3

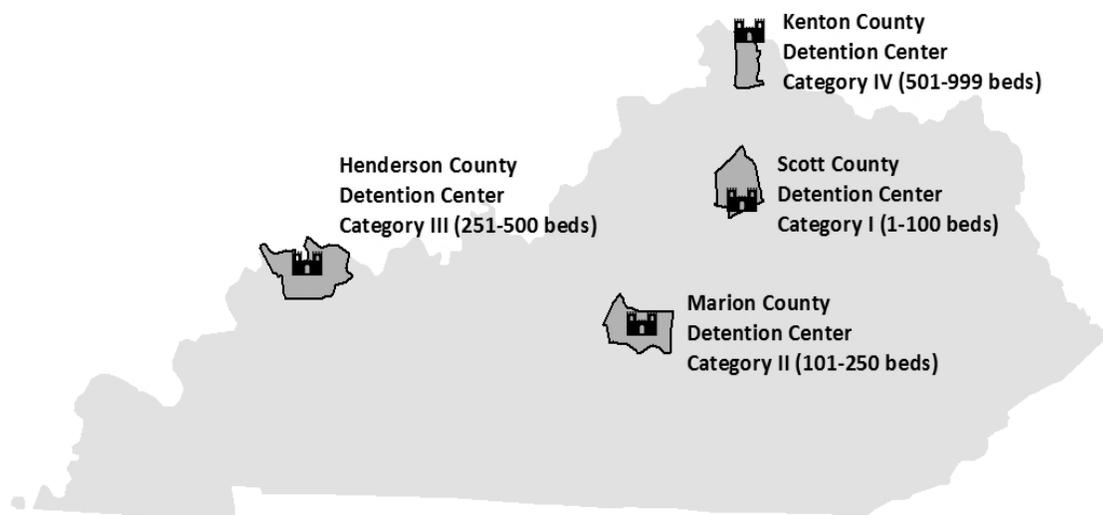
The Department of Corrections should ensure that jail inspection reports clearly indicate the inspection method used and whether the jail was compliant with the requirement. The department should require oral inspections to be used in conjunction with other methods or for oral inspections to clearly document the person interviewed, the questions asked, and the responses given.

Site Visits To Four Jails

Jails are classified into five categories based on capacity (501 KAR 3:170). As shown in Figure F, Program Review staff observed one jail each in categories I to IV. Jail observations were conducted at Scott County Detention Center, Marion County Detention Center, Henderson County Detention Center, and Kenton County Detention Center.[§] Fayette County and Jefferson County have the only jails classified as Category V (1,000 beds or more). Fayette County houses only Class D inmates. Jefferson County does not house classified state inmates.

[§] For Henderson County, inclusion of the Restrictive Custody Center adds 100 beds for a total of 551.

Figure F
Jails Visited By Program Review Staff



Community custody and minimum-security inmates are housed in areas called “Jail Restricted Custody” and “Restricted Custody Center.”

“Jail Restricted Custody” and “Restricted Custody Center” are separate areas from the general population of the jail. These designations are synonymous and refer to housing that is specifically for community custody and minimum-security inmates. Inmates housed in these restricted areas are able to participate in programs and can work outside the jail facility. Jail road work crews and jail sanitation crews are examples of the types of inmates housed there.

Scott County Detention Center

Space was an issue at the Scott County Detention Center. Several inmates were sleeping on mattresses placed on the floor. Programming space is limited to one multipurpose room. Scheduling programs and accommodating demand are difficult, and jail staff are forced to make compromises with what can be offered.

The Scott County Detention Center was completed in 1991. As of September 1, 2016, the total inmate population was 133. The classified state inmate population accounted for 10 percent of the total; controlled intake inmates accounted for 12 percent. The facility was 55 percent over authorized capacity.

Program Review staff noted that space was an issue at Scott County. The pod housing female inmates appeared overcrowded with several inmates occupying mattresses placed on the floor.

The pod housing male inmates are divided into high- and low-risk offenders. One inmate was sleeping on a mattress placed on the floor. Programming space is limited to one multipurpose room. Scheduling programs and accommodating demand are difficult, and jail staff are forced to make compromises with what can be offered.

Programming. Jail staff stated that they would like to provide more programs to state inmates but are limited by the physical space of the facility. For example, SAP requires that participants be physically separated from the general inmate population. Overcrowded and older facilities lacking the space requirements cannot offer SAP to inmates.

Scott County is beginning to offer Moral Reconciliation Therapy to reduce recidivism.

Scott County staff reported that they are beginning to offer Moral Reconciliation Therapy. This is offered at state prisons and other jails and seeks to reduce recidivism through a treatment program that “leads to enhanced moral reasoning, better decision making, and more appropriate behavior.”²⁸

The GED is offered at Scott County. There is usually a short waiting list.

Scott County offers the GED but typically has a short waiting list. A book cart and law library are available to inmates at designated times. Religious services, organized by religion, are scheduled throughout the week. Jail staff stated that they try to provide a variety of Christian services rather than having representatives from the same church every week.

Although Scott County has limited programming capacity, jail staff are motivated to try different methods to help inmates with reentry and recidivism. Staff have considered proposing a job transition program in which community custody inmates can arrange jobs with local manufacturers such as Toyota. These inmates would be released into the community to transitional housing, would possibly have a mentor, and would be able to draw paychecks.

Other potential initiatives and programs at Scott County include seeking grant funding to supplement county and canteen funds, and an expansion of the garden operation so that food costs can be reduced and inmates can work.

Marion County Detention Center

Marion County has 208 program beds, 68 corrections officers, and 12 counselors, making it the jail with the most programming in the state. The facility was built in 1997, before which Marion County went approximately 10 years without a jail. As of September 1, 2016, the total inmate population was 213. Classified state inmates accounted for 54 percent of the total; controlled intake inmates accounted for 4 percent. The facility was 2 percent below authorized capacity. The total inmate population in Jail Restricted Custody was 79, and state inmates accounted for 96 percent of the total, which was 1 percent below authorized capacity.

Marion County wants to focus on connecting inmates with outside support, including educating families about ways to avoid enabling behavior that results in recidivism. It offers a substance abuse program (SAP), which typically has a wait list of 200 to 250 inmates throughout the state.

Programming. Jail staff commented that all jail programs need more of a family component. It is typical for Class D inmates to continue returning to jail. According to jail staff, once inmates are released they usually do not have the same support they received while in jail. Marion County wants to focus on connecting inmates with outside support, including educating families about ways to avoid enabling behavior that results in recidivism.

Marion County offers SAP, and each counselor has a 20-inmate caseload. Each SAP counselor represents one phase of the 6-month program. As inmates move through each step, they work with a different counselor. According to jail staff, there is a waiting list of approximately 200 to 250 inmates throughout the state for SAP beds. Marion County has been offering SAP since 2000.

According to staff, the GED program at Marion County has the highest completion rate in the state.

According to staff, the GED program at Marion County has the highest completion rate among Kentucky jails. Graduates from the program train and interact with current participants. There is no designated study time for inmates working toward GED completion. Outside of designated study sessions and lessons, inmates are free to study at their leisure in their cells.

The reentry program at Marion County helps inmates fund and apply for jobs.

Marion County's reentry program is called REACH (Re-entering American Communities with Hope). It is a therapeutic 6-month program that helps inmates find and apply for jobs and set up health insurance. Jail staff actively seek out inmates for the program, particularly community custody or minimum-security inmates with useful skills.

Moral Reconciliation Therapy is offered to state inmates housed at Marion County. Jail staff stated that recent audits found that program participants had 1-year recidivism rates of 16 percent to 26 percent.

Recreation for inmates is available daily in two outdoor facilities.

Each dorm has bunk beds in sets of two and is capable of housing 10 inmates. Some of the general population dorms had inmates situated on Stack-A-Bunk risers on the floor. Recreation for inmates is available daily with two separate outdoor facilities. The smaller outdoor recreation area features weights and a bench. The roof is retractable during fair weather. The larger, open-air recreation area has a basketball court.

Inmates have access to videoconferencing kiosks that allow phone calls, video visits, and text messages.

Inmates have access to videoconferencing kiosks that allow remote video visits, phone calls, and text messages. There are limited-use tablets so that inmates can access a restricted number of Internet

sites, for example enrolling in health insurance or doing Internet-based classes.

Henderson County Detention Center

The Henderson County Detention Center was completed in 1996, received an expansion in 2004, and had a separate “Community Service Complex” built in 2008. As of September 1, 2016, the total inmate population was 555. The state inmate population accounted for 29 percent of the total; controlled intake inmates accounted for 12 percent. The facility was 23 percent over authorized capacity. The total population of the Restrictive Custody Center was 85. State inmates accounted for 52 percent of the total, which was 15 percent below authorized capacity.

The women-only SAP at Henderson County is the largest in the state, with 110 inmates.

Henderson County employs five full-time instructors for its SAP. Space for SAP inmates is in high demand. When an inmate graduates from the program, the vacancy is filled immediately.

Henderson County has a separate “Community Services Complex” that contains two direct supervision cells. Class D and Class C community custody inmates who have demonstrated good behavior are eligible to be housed here. These inmates work in the community and Henderson County Detention Center’s garden plots.

Programming. According to jail staff, Henderson County has the largest SAP in the state, with 110 female inmates. No male SAP inmates are housed at Henderson County.

The Restrictive Custody Center has two classrooms, each capable of holding 30 students. Participants in SAP are expected to complete 7 hours of daily class work, including participation in Alcoholics Anonymous and Narcotics Anonymous. Henderson County employs five instructors who teach full time. In order to be considered for parole, some inmates must complete SAP. SAP inmates live, work, and recreate together and are a separate population from the rest of the jail. Space for SAP inmates is in high demand. When an inmate graduates from the program, the vacancy is filled immediately. Housing in the Restrictive Custody Center was referred to as “direct supervision” by jail staff, but corrections officers were situated behind glass in a separate room from the inmates.

The Community Services Complex (CSC) is a separate building on the jail’s campus. It contains two direct supervision cells, with windows facing a central corridor that corrections officers can walk. Jail staff commented that the facility was modeled after an army barracks. The windows provide a clear line of sight, but the cells are also monitored by 18 cameras. Each cell contains a large television that is centrally located. According to jail staff, news must be provided to inmates. Newspapers are a fire risk, so television is safer.

Class D and Class C community custody inmates are eligible to be housed at the CSC if they demonstrate good behavior and a willingness to work. Jail staff reported that CSC inmates regularly

mow 120 acres of grass in the community and work on 19 acres of garden space to produce food for the jail. All vehicles and equipment are maintained by CSC inmates. Jail staff provide training on tractors, mowers, and other power equipment as necessary. Community events in the town of Henderson routinely use CSC inmates for setup and cleanup. A dog training program is also made available to CSC inmates to train dogs that are up for adoption.

Henderson County uses rain barrels to cut costs for its garden irrigation supply. Inmates position the barrels along the rooflines of the outbuildings to catch rain runoff. Fertilizer costs have also been cut by \$8,000 to \$10,000 per year by managing a worm farm on site. The worm farm is managed by jail staff with assistance from inmates. The idea for creating a worm farm to produce fertilizer came from the Eastern Kentucky University Department of Agriculture.

Henderson County offers programs for life skills training and reentry.

Henderson County offers two programs to help with life skills and reentry: New Directions and STEEP (Successful Transition Employment Education Program). STEEP was developed as a partnership between the jailer and the county to bring subject matter experts to inmates. The classes are focused on life skills and include human resources and banking. For example, some inmates received interview training from Marion County's human resources manager; others were taught how to balance a checkbook, make investments, and manage credit cards by the vice president of a local bank. The Henderson County human resources manager compiled a list of businesses in the community that were willing to hire former inmates.

Kenton County Detention Center

The Kenton County Detention Center is a direct supervision facility. Corrections officers are integrated with inmates in dorms or pods. The ratio of inmates to corrections officer is 70:1 at Kenton County. Jail staff noted that disciplinary issues have been less frequent since the move to direct supervision.

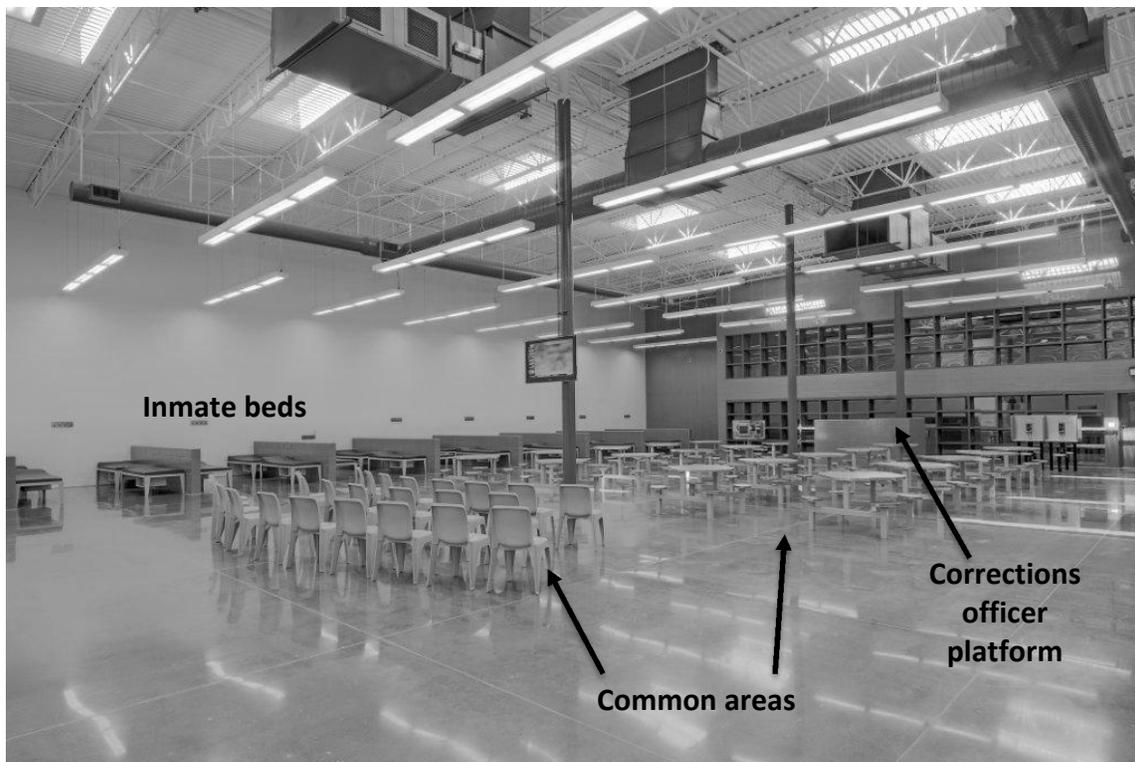
The Kenton County Detention Center, completed in 2010, is a direct supervision jail facility. As of September 1, 2016, the total inmate population was 692. The classified state inmate population accounted for 8 percent of the total; controlled intake inmates accounted for 13 percent. The facility was 15 percent over authorized capacity.

Direct Supervision. According to the National Institute of Corrections, direct supervision jails differ from traditional intermittent supervision jails in “the physical design of [the] jail and [the] inmate management strategy.”²⁹ In direct supervision jails, corrections officers are integrated with inmates in dorms or pods. The ratio of inmates to corrections officer is 70:1 at Kenton

County. Jail staff noted that disciplinary issues have been less frequent since the move to direct supervision.

The Kenton County inmate population is organized according to sex and age. Jail staff stated that age is usually a good indicator of behavior. Therefore, dormitories are broken down into age ranges. Within the age groups, each population is further evaluated by past behavior and criminal history. Dorms contain up to 70 inmates. Figure G shows the layout of a direct supervision dorm.

Figure G
Kenton County Detention Center Direct Supervision Dormitory



Source: Kenton County Detention Center.

Beds, common areas, and the corrections officer platform are all integrated at Kenton County. Each dorm has an attached outdoor recreation area to which inmates have access during designated times.

Program Review staff were permitted to enter a dormitory, escorted by jail staff. Beds are located along the side walls in arrangements of four. Inmates refer to each bed alcove as a “street.” The common areas are situated in the middle of the space and have access to television. The corrections officer responsible for overseeing the dorm is located at the end of the space on an elevated platform. Each dorm has an attached outdoor recreation area that inmates have access to during designated times.

Kenton County offers evidence-based programming, including SAP, a program to teach life skills, and the GED.

Programming. Kenton County offers evidence-based programming and other programs. Among the evidence-based programs, Kenton County dedicates 20 beds to SAP for state inmates and offers the New Direction life skills program.

State inmates have access to GED courses that are held in multipurpose rooms or private classrooms attached to the dorms. The multipurpose rooms contain audiovisual equipment, and the smaller classrooms have computers. Program Review staff observed a counseling session and a GED class for female inmates in the smaller classrooms.

Upon completion of SAP or New Direction, an inmate receives a 3-month sentence credit. The demand for SAP beds is greater than what Kenton County can accommodate. When a bed becomes available, it is filled the next day.

Inmates suffering from addiction to opioids are eligible to receive an opioid blocker, called Vivitrol, before they are released. Narcan overdose kits and associated training are also available.

Kenton County has several tools available to help inmates when they are released. Inmates who are recovering from addiction can elect to receive an opioid blocker called Vivitrol via injection. In addition, Narcan overdose kits and training are made available to all inmates when they are released.

Kenton County offers backpacks with supplies to inmates who may be homeless upon release.

Through community donations, Kenton County has a backpack program for inmates who may be homeless when they are released. The inmates are offered backpacks containing “survival kits” with space blankets, nonperishable food, and personal hygiene products.

Endnotes

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