

Groups Support Kentucky Efforts to Improve Public Safety

February 19, 2015

Representative Brent Yonts
Vice Chair, House Judiciary
Chair, House State Government Committee
702 Capitol Ave, Annex Room 366A
Frankfort KY 40601

Dear Representative Yonts:

We, the undersigned organizations, a coalition of civil rights, social and criminal justice, and other legal and advocacy organizations, are writing in support of the proposed legislation to safely reduce county and state incarceration costs in 2015. The proposed measures are modest approaches that assist can lawmakers in addressing correctional growth while maintaining public safety. As organizations dedicated to improving sentencing policy and practice, we strongly support your leadership in this area of public policy.

Currently, more than 37,000 Kentuckians are incarcerated in state prisons and jails. There is a growing consensus that high rates of incarceration lead to poor outcomes for communities and that there are more cost effective ways to improve public safety. Policymakers and criminal justice stakeholders are increasingly exploring other policy options.

The proposed legislation offers a range of policy solutions that may impact the state's correctional population. The legislation includes:

- HB 305 - Reduces low level misdemeanors to violations with pre-payable fines, saving jail, prosecution, and defense expenses;
- HB 286 -Permits local jailers to grant limited service credits against an inmate's sentence for good behavior and educational achievement, saving jail costs and encouraging good behavior, and also mandates alternative sentencing for flagrant non-support instead of imprisonment, saving prison costs and better enabling delinquent parents to work to support their children;
- HB 285 - Requires parole after a fixed period for nonviolent offenders serving a Class D sentence and release for misdemeanants who have good behavior, saving county and state incarceration costs;
- HB 284 -Adopts a "clear and convincing" standard for pretrial release decisions and findings specific to the defendant, guaranteeing that defendants who are low-risk and eligible for release are not needlessly held in jail at county expense; and
- HB 304 - Modifies the persistent felony offender statute, saving prison costs and reinforcing public safety by facilitating proportionate sentences that align with the seriousness of the offense.

Kentucky's prison and jail population is a result of two key factors: admissions and length of stay. As either or both of these population drivers change, so too will the resulting correctional

population. While this is a straightforward formula, it is comprised of various factors and decisions made by policymakers and practitioners.

In recent years, other states have made modest changes in policy and practice, while maintaining public safety, to address the growth of their correctional population. More than half the states have scaled back their mandatory sentencing laws. Those changes include:

- Louisiana -- Lawmakers passed House Bill 1068, allowing persons convicted of offenses subject to mandatory minimums to be eligible for probation or parole if agreed to in a negotiated plea deal or as part of post-conviction agreement for persons convicted at trial. Misdemeanor and felony offenses are eligible for sentence relief under the new statute.
- Mississippi – Policymakers codified several changes into state law, under HB 585, including authorizing a 50% truth-in-sentencing threshold for persons with certain violent offenses. Previously, offenders convicted of violent offenses were required to serve 85% of their prison sentence.
- Tennessee -- Legislators authorized HB 1429 to allow jail time reductions for a second or third driving under the influence conviction for persons who complete alcohol abuse treatment.

In recent years, agreement to address growth in state correctional populations has grown. In many ways, Kentucky has provided leadership with its measured approach that has resulted changes to the state's prison population. Nationally, thought leaders like Newt Gingrich, the former Republican Speaker of the House, publicly supports efforts to reduce nation's incarceration rate by 50% by 2025. Other conservative leaders, like Senator Rand Paul, also reinforce support to address correctional policies and practices.

The current climate provides an opening to continue in the right direction and address Kentucky's approach to public safety. Reforming criminal justice policies and practices can result in a reduction in state correctional expenditures and offers an opportunity to leverage public resources towards services proven to reduce crime. Kentucky will benefit from a strategy that uses evidence-based practices to reduce costs and prioritizes savings towards interventions that make us all safer.

Sincerely,

Kentucky Department of Public Advocacy
Crossroad Bible Institute
Grassroots Leadership
In The Public Interest
International CURE
Pretrial Justice Institute
Prison Policy Initiative
Southern Center for Human Rights
The Ella Baker Center for Human Rights
The Sentencing Project