



Kentucky Criminal Justice Council:

An Interim Report

**Activities,
Findings and
Recommendations**

KENTUCKY CRIMINAL JUSTICE COUNCIL

Justice Robert F. Stephens, Chair
Secretary, Kentucky Justice Cabinet

Les Abramson, Professor
Louis D. Brandeis School of Law
University of Louisville

Commissioner John Bizzack
Department of Criminal Justice Training

Chief Richard Burkhardt
Kentucky Association of Chiefs of Police

Commissioner Ishmon Burks
Kentucky State Police

Pat Byron
Crime Victim

Commissioner Tom Campbell
Department of Corrections

Ben Chandler
Attorney General

Gary Corder, Dean
College of Justice and Safety
Eastern Kentucky University

Rep. Jesse Crenshaw
Kentucky General Assembly

Amy Dougherty
Justice Fellowship

Bill Fortune, Professor
University of Kentucky College of Law

Gary Gilkison
Kentucky Jailers Association

Judge William R. Harris
49th Judicial District

William E. Johnson
Kentucky Association
of Criminal Defense Lawyers

Carol Jordan, Executive Director
Governor's Office of Child Abuse and
Domestic Violence Services

Commissioner Ralph Kelly
Department of Juvenile Justice

Judge William L. Knopf
Kentucky Court of Appeals

Cicely Lambert, Director
Administrative Office of the Courts

Chief Justice Joseph Lambert
Kentucky Supreme Court

Ray Larson
Fayette Commonwealth's Attorney

Ernie Lewis
Public Advocate

Charles Maiden
Kentucky Sheriff's Association

Janice Marshall
Kentucky Association of Circuit Court Clerks

Debra Miller, Director
Kentucky Youth Advocates, Inc.

Sen. Gerald Neal
Kentucky General Assembly

Martin Scott, Jr.
Kentucky State Lodge FOP

Mark Stavsky, Professor
Chase College of Law
Northern Kentucky University

Judge Megan Lake Thornton
Fayette District Court

Aldona Valicenti
Chief Information Officer

Rep. Rob Wilkey
Kentucky General Assembly

President David Williams
Kentucky State Senate

TABLE OF CONTENTS

Foreword	i
Summary of Criminal Justice Council Accomplishments -- 1998-2001	ii-vi
Executive Summary	viii-ix
Council Organization and Process	1-6
Summary of Committee Process and Recommendations	7-38
Executive Committee _____	7-9
Capital Litigation _____	10-11
Corrections/Community-Based Sanctions _____	12-18
Drug Strategy _____	19
Juvenile Justice _____	20-24
Law Enforcement Issues _____	25-27
Penal Code/Sentencing _____	28
Unified Criminal Justice Information System _____	29-38
Appendices	39-63
A. Goals, Purpose, Objectives and Activities of Criminal Justice Planning	38
B. Summary of Criminal Justice Council Recommendations	39-44
C. Council Committee Membership Rosters	45-63

FOREWORD

Dear Policymaker:

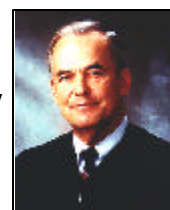
On behalf of the membership of the Kentucky Criminal Justice Council, it is my pleasure to present this interim report which highlights the activities of the Council and its committees over the past year. Most importantly, the report summarizes the key findings of the Council's eight standing committees and transmits recommendations approved by the full Council in preparation for the 2002 session of the Kentucky General Assembly. Since the recommendations remain conceptual at this point, the Council plans to work with the Office of the Governor and the Interim Joint Committee on Judiciary to refine these proposals over the coming months.

While the first interim report, which was published in July 1999, provided background information on the start-up of the Council, this report highlights the accomplishments of the Kentucky Criminal Justice Council as it nears completion of its first three years of operation. Over the course of this period, the Council has transitioned from its initial focus on basic organizational issues and responding to time-sensitive statutorily mandated studies, to undertaking major criminal justice reform issues such as revision of the Kentucky Penal Code and implementation of a statewide Unified Criminal Justice Information System. Both projects will undoubtedly have long-term impact on the operation of the state's criminal justice system and will require broad-based participation and input from all levels of government if we hope to be effective.

As the Council has begun to mature as an organization, I am pleased to note that the membership has continued to retain its excellent record of attendance and participation as well as its willingness to take on difficult and complex justice issues. The summary of accomplishments included in the next section provides clear evidence of the Council's ability to develop cohesion as a criminal justice coordinating council as well as its impact on policy development within the Commonwealth.

Since the work of the Council is collaborative in nature, I would like to take this opportunity to express my appreciation to Council members and to all of the individuals who serve on Council committees and who have provided invaluable assistance to staff in the development of this report. Our work is successful because participants are willing to come to the table with an open mind and to look beyond their individual interests to develop balanced and systemic solutions that promote the fair administration of justice within the Commonwealth.

**Justice Secretary
Robert F. Stephens
Chair
July 1, 2001**



SUMMARY OF ACCOMPLISHMENTS: 1998-2001

Foundation Established for Statewide Criminal Justice Planning/Coordination:

- Early presentations laid the foundation for the role of statewide criminal justice planning by emphasizing the need for balanced and systemic solutions to justice issues and the need for meaningful data to drive decision-making and rational policy development.
- The Council has met on a regular basis during its first three years of operation and to date, member attendance and participation has been excellent.
- An organizational framework was established through the adoption of a Mission Statement, Council Operating Procedure, and Standing Council Rules.
- Technical assistance was received from the Office of Justice Programs; the Texas Criminal Justice Policy Council (through funding provided by the Justice Research and Statistics Association); the VERA Institute of Justice State Sentencing and Corrections Program; and the Constitution Project to provide Council members with access to national expertise on critical justice issues.
- Through federal assistance awarded under the Local Law Enforcement Block Grant Program, the Council received an on-site visit and presentation by Professor Alfred Blumstein, a nationally recognized criminologist and former Chair of the Pennsylvania Council on Crime and Delinquency.
- The State Statistical Analysis Center (SAC), responsible for conducting policy research and serving as a statewide clearinghouse for criminal justice information, was relocated from the Office of the Attorney General to the Office of the Criminal Justice Council in March 2000. Legislation was passed during the 2000 session to codify the transfer of the SAC operation.

Council Committee Structure:

- The Council has a viable committee structure with eight working committees. These include standing committees on Capital Litigation; Corrections/Community-Based Sanctions; Drug Strategy; Juvenile Justice; Law Enforcement Issues; Penal Code/Sentencing; and the Unified Criminal Justice Information System. The Executive Committee, which includes the Chairs and Vice Chairs of the standing committees, provides direction for the efforts of the Council and assists in coordinating issues which cross committees.
- In addition to the participation of Council members, committees were expanded to include representatives from local communities and to incorporate non-Council members with specialized expertise. The Council has placed emphasis on receiving broad-based input as demonstrated by frequent surveys of criminal justice professionals and associations.
- A number of work groups have been established under the standing committees to examine specific issues in greater detail. Existing work groups include the Status Offender Work Group (Juvenile Justice Committee); the Court Costs Work Group and Penal Code Work Group (Penal Code/Sentencing Committee); and six issue-specific work groups created under the UCJIS Committee: Technology, Legal/Policy, Automated Warrant System, Public Relations, Funding, and Wireless Communications.

Criminal Justice Research Capacity:

- Following the relocation of the State Statistical Analysis Center (SAC) to the Office of the Council in March 2000, the Council applied for and received funding under the State Justice Statistics Program (Bureau of Justice Statistics) to fill a SAC research position. The SAC Research Coordinator is charged with conducting two primary projects during the grant period. These include planning for and implementing a biennial state crime victimization survey and compiling a biennial report on Violence Against Women in conjunction with the Governor's Council on Domestic Violence and Sexual Assault. The Research Coordinator will also be responsible for operation and maintenance of the SAC Clearinghouse within the Office of the Council.
- With administrative funds awarded under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, the Council has launched a new research initiative in conjunction with the University of Louisville. The Public University Research Consortium (PURC) is a collaborative effort between public universities and state government designed to enlist the assistance and expertise of criminal justice and related program faculty for applied research purposes. With the expertise of university faculty in conducting statewide and regional research as well as program and grant evaluations, the research capabilities of the Statistical Analysis Center and the Criminal Justice Council will be greatly enhanced.
- A Data Advisory Team was established during the first year of Council operation to assist staff in collecting data required for decision-making and policy development and to promote understanding and accurate interpretation of the data. Team members include the representatives from the Administrative Office of the Courts, the Kentucky State Police, the Department of Corrections, the Department of Juvenile Justice, the Department of Public Advocacy, the Office of the Attorney General, and the Kentucky State Data Center (University of Louisville).
- The Hate Crimes Statistics Work Group was established in May 1999 as a joint effort of the Criminal Justice Council and the Kentucky Commission on Human Rights. The mission of the group is to review and monitor hate crime and hate incidents in the Commonwealth and to develop a standardized format for collection of anecdotal information to provide a more detailed picture of the incidence of hate-motivated crime.

Criminal Justice Policy Impact/Legislation:

- [Council Legislation](#)—During the 2000 session of the Kentucky General Assembly, the Council was successful in the passage of legislation addressing three primary areas: criminal gangs, pre-payable fines, and establishing a new entity responsible for coordination of state level substance abuse policy. The criminal gang legislation further clarified the existing gang statute (KRS 506.140) by adding a definition of the term “criminal gang.” The pre-payable fines legislation addressed inconsistencies in existing statutory language related to pre-payable fines and established a uniform mechanism for assessment and collection of these fines across the Commonwealth. As a recommendation of the Drug Strategy Committee, a new entity, the Kentucky Agency for Substance Abuse Policy (KY-ASAP), was created in the Office of the Governor to promote the reduction of alcohol, tobacco and other drug use through comprehensive, research-based state and county strategies.
- [Restoration of Civil Rights for Eligible Ex-Offenders](#)—Prior to the 2000 session, the Council approved a recommendation that efforts should be undertaken to simplify and streamline the process by which a convicted felon's right to vote is restored. Although legislation was unsuccessful during the 2000 session, the Council was successful in the passage of legislation pertaining to restoration of civil rights for eligible ex-offenders during the 2001 session. As a result, the Department of Corrections is required to promulgate regulations to provide a streamlined process for eligible ex-offenders to apply for restoration of civil rights (which includes the right to vote, serve on a jury, and retain certain professional and vocational licenses). Through this process, the Department of Corrections will compile the necessary background information and forward cases to the Governor on a monthly basis for consideration for a partial pardon.

- [Hate Crime Legislation](#)—In July 1999, the Council approved recommendations to expand the existing hate crime statutes to address procedural issues (notice to the defendant) and to include a one-level penalty enhancement for crimes motivated by hate. Although legislative proposals were sponsored during the 2000 and 2001 sessions, these bills were unsuccessful amidst considerable debate regarding the future direction of hate crime legislation in the Commonwealth. As part of the Council’s efforts to address hate crime, the Executive Director served as a member of a state training team designated by the U.S. Attorneys of the Eastern and Western Districts. The team presented six regional law enforcement training sessions based on the national curriculum on hate crime developed by the Office of the U.S. Attorney General.
- [Racial Profiling](#)—In regard to implementation of the Governor’s Executive Order on Racial Profiling (2000-475, April 21, 2000), the Criminal Justice Council met on July 14, 2000 and was asked to review the policy and preliminary data collection plan prepared by the Kentucky State Police. While the Council had no concerns regarding the model policy, concerns were raised regarding the initial data collection plan. The Council took the position that limiting the collection of data to only those stops that resulted in issuance of a citation, arrest or vehicle search would not produce useful nor meaningful data. A new plan responsive to the deficiencies identified by the Council was subsequently developed and implemented, which includes data collection on all traffic stops. The Council’s Law Enforcement Issues Committee is currently monitoring the data collection efforts along with the Justice Cabinet’s plans for analyzing the data and reporting findings.
- [Statewide DUI Enforcement Study](#)—Based on a recommendation from the State’s Attorney General, the Council agreed to conduct a statewide study of DUI enforcement. The recommendation followed a series published by the *Lexington Herald-Leader*, which identified disparities in enforcement across the Commonwealth. As the first phase of the study, the UCJIS Committee “mapped” the process of DUI enforcement and identified available data, existing problem scenarios, and where discretion is exercised. The Law Enforcement Issues Committee is currently reviewing this information and determining what action will be taken in the second phase of the study. This may include community-based survey research and further data collection.
- [Juvenile Sex Offender Study](#)—In response to a recommendation from the Governor’s Task Force on Sexual Assault, the Juvenile Justice Committee conducted a comprehensive study of the current response to juvenile sex offenders in the Commonwealth. The committee reviewed extensive background information from both the state and national level and received testimony from a broad spectrum of constituency groups. Following completion of the study, a total of 18 recommendations were submitted to the Criminal Justice Council.
- [Status Offender Pilot Project](#)—Although legislation to establish a Status Offender Pilot Project was unsuccessful in the 2000 session, the Status Offender Work Group of the Council’s Juvenile Justice Committee is currently monitoring the implementation of a pilot project in Fayette County based on interagency collaboration and existing resources. The goal of the project is to establish a network of early intervention services to prevent status offender youth from progressing into the juvenile justice system.

Progress on Major Long Term Council Initiatives:

- [UCJIS Implementation](#)—With knowledge that UCJIS implementation represents a long-term project that will require a significant allocation of resources, the UCJIS Committee has made tremendous progress over recent years and enlisted the participation and collaboration of key stakeholders at the state and local level. Based on funding appropriated by the Kentucky General Assembly in 1998 and 2000, and in conjunction with federal grants and funding sources, the UCJIS Committee has accomplished the following:
 - ✓ UCJIS Strategic Plan
 - ✓ Vision validation completed
 - ✓ Developed agreement on a common state identification number linked to the Automated Fingerprint Identification System
 - ✓ Established the Kentucky UCJIS Standards and currently providing input into development of national standards

- ✓ Completed draft of architecture and reached agreement on data elements and data ownership for criminal history information
 - ✓ Developed Booking Process White Paper
 - ✓ Initiated an electronic citation demonstration project in Louisville/Jefferson County involving the installation of mobile data terminals in police cars and automatic transfer of citation information to jails and the courts
 - ✓ Initiated development of a Warrants Process Definition White Paper
 - ✓ Initiated efforts to match KSP arrest and offense data with AOC disposition information
 - ✓ Leveraged state general funds dollars to match federal funding sources for UCJIS implementation
 - ✓ Obtained agreement between KSP and AOC regarding data sharing on juveniles
 - ✓ Kentucky State Police have completed an information technology strategic plan
 - ✓ Department of Corrections is undergoing a business process reengineering study
 - ✓ Initiated discussions regarding the implementation of a common statewide jail management system
 - ✓ “Mapped” the statewide DUI enforcement process including the availability of data, frequently occurring problem scenarios, and points of discretion
 - ✓ Vendor selected for digital drivers’ licenses
 - ✓ Completed initial report of the Kentucky Wireless Project
- [Penal Code Reform](#)—In its efforts to date, the Criminal Justice Council has created a viable committee structure and six-step review process; established guiding principles; contracted with a national expert on American criminal codes to lead the process; distributed a statewide survey of criminal justice professionals to identify existing problems with the code along with recommendations for change; conducted extensive research and compiled background information to support the process; and briefed policymakers and elected officials. A draft of the general provisions and accompanying commentary has been compiled and is currently under review.
 - [Community-Based Sanctions](#)—In response to the statutory mandate, the Corrections/Community-Based Sanctions Committee conducted a 15-month study of alternative sentencing to evaluate the utilization of community-based sanctions across the state. Based on its comprehensive review and testimony, the committee issued 10 recommendations to provide the requisite resources and infrastructure to promote statewide access to a broad continuum of community-based sanctions for nonviolent offenders.
 - [Embedding Prevention in State Policy and Practice](#)—In the fall of 2000, Kentucky was selected as one of six states to participate in a new project sponsored by the National Crime Prevention Council, entitled, “Embedding Prevention in State Policy and Practice.” The goal of the project involves identifying and promoting successful strategies that establish and sustain state-level crime and violence prevention policy and practice and helping states make prevention policy and practice the preferred choice of local governments and communities. Council staff participated in the initial project meeting in Washington, D.C. and the Council is represented on the state project team.
 - [Capital Litigation](#)—The Capital Litigation Committee was formed to study and make recommendations on the state’s existing practices with regard to implementation of a capital sentence. Based upon its initial efforts, which incorporated data collection, presentations on the existing process, and considerable debate, the committee submitted two preliminary recommendations to the full Council with the intent of ensuring that the capital litigation process is fair, effective and efficient.

Council Publications:

- The Council studied and submitted recommendations on all issues mandated for review by the Kentucky General Assembly in KRS 15A.040 (including involuntary civil commitment of convicted sexually violent predators, Class E felonies for certain offenses, and hate crime) and published its first interim report, *Kentucky Criminal Justice Council: Activities, Finding and Recommendations*, on July 1, 1999. In compliance with the statutory mandate, the Interim Report was distributed to the Governor and the Kentucky General Assembly.

- In January 2000, six months following the publication of its interim report, the Criminal Justice Council issued a comprehensive list of 36 recommendations in preparation for the 2000 session of the Kentucky General Assembly.
- In January 2000, the Council published its first *Sourcebook of Criminal Justice Statistics in the Commonwealth* and distributed copies to the Governor and members of the Kentucky General Assembly. This report represents the first statewide compilation of criminal justice system data addressing demographic and other crime trends.
- In January 2000, the Council released the findings of the Kentucky Crime Victimization Survey, which was conducted during the summer of 1999 to provide information on victimization rates and the level of public fear of crime and confidence in the criminal justice system.
- The Council has contributed articles to numerous criminal justice and governmental newsletters including *The Advocate* (Department of Public Advocacy); *FYI-For Your Information* (Department of Criminal Justice Training); the *Commonwealth Communiqué*; and the *Kentucky Justice and Safety Bulletin* (Eastern Kentucky University College of Justice and Public Safety).
- The compilation of an extensive inventory of statewide criminal justice groups and organizations was undertaken by the Council to identify potential system resources and opportunities for collaboration. It is anticipated that the *Criminal Justice Resource Guide* will be published during the summer of 2001.

National Recognition:

- Over recent years, the Council's UCJIS Committee has been the recipient of growing interest and recognition for its progress in facilitating the implementation of a computerized Unified Criminal Justice Information System in Kentucky. As a result of recognition for its governance structure, emphasis on state-local partnerships, and implementation of a series of demonstration projects, the UCJIS project has been cited in national publications, received federal funding, and project representatives have been asked to participate in and make presentations at state and federal UCJIS conferences.
- In July 1999, the Council's Executive Director was asked to serve on a national panel dealing with criminal justice planning in major metropolitan areas and new opportunities for state-local collaboration during the annual membership meeting of the National Criminal Justice Association. The Executive Director was also asked to serve on a national panel, entitled "State-County Partnership Programs for Community Corrections and Sentencing Reform," at the National Association of Counties Annual Justice Symposium in January 2001.

“

American society is still far too violent...the violent crime rate in the United States remains among the highest in the industrialized world.”

--- **President George W. Bush, 2001**

“

An epidemic of violence has left Americans insecure on our streets, in our schools, even in our homes.”

--- **President William J. Clinton, 1993**

“

Crime is increasing. Confidence in rigid and speedy justice is decreasing.”

--- **President Herbert Hoover, 1929**

“

Violence is the No. 1 domestic problem, and ‘the increasing disregard for law that pervades the country’ is at fault.”

--- **Abraham Lincoln on the campaign trail, 1838**

EXECUTIVE SUMMARY

Following nearly an eight-year decline in the nation's overall crime rate, recent reports from the Federal Bureau of Investigation indicate that the number of crimes reported to police have begun to level off. During this same time period, Kentucky's crime statistics have generally mirrored national trends. Despite reductions in the crime rate, however, crime remains a primary concern of the citizens of the Commonwealth and especially so for individuals who have been personally victimized. These concerns are reflected in Kentuckians' fear of crime and their level of confidence in the criminal justice system. The ability of the criminal justice system to effectively address these concerns is of paramount importance and one that is greatly enhanced by having a central planning and coordinating mechanism for the state's criminal justice system.

Since its creation in 1998, the Kentucky Criminal Justice Council has established a neutral forum for discussion of systemic issues by a diverse group of state and local criminal justice professionals. As a statewide criminal justice coordinating body, the Council is working to develop a better understanding of the nature of crime across the different regions of the state; to develop clearer goals and system priorities; to promote coordination among the components of the justice system; and to promote effective utilization of limited resources.

With knowledge that the size of the criminal justice workload is directly related to policy being implemented at key decision points, it is imperative that agencies work together to develop balanced and efficient solutions. In light of current budgetary restrictions and growing concerns regarded "unfunded mandates," it is evident that Kentucky can no longer allow components of the system to exacerbate existing problems by ignoring the impact of their independent actions on the operation of the overall system.

Over the past year, each of the Council's eight standing committees have focused on a number of critical criminal justice topics and developed a series of recommendations which are highlighted in this interim report. Some of the recommendations address issues that were statutorily mandated for study, while others reflect issues that were identified by Council members or raised in committee discussion. These recommendations address diverse issues ranging from capital litigation and community-based sanctions to hate crime and the system response to juvenile sex offenders.

Although the interim report is primarily focused on transmitting the Council's recommendations, the report provides a summary of Council accomplishments over its first three years of operation and includes a progress report on major initiatives undertaken by the Council such as penal code reform and implementation of a statewide Unified Criminal Justice Information System. The interim report also includes information on the Council's efforts to collaborate with the H.B. 843 Commission and to serve in a resource capacity to the

EXECUTIVE SUMMARY (CONT.)

Commission's Criminal Justice/Behavioral Health Interface Work Group. This work group, comprised of criminal justice and treatment professionals, has developed a series of recommendations to address the special needs of offenders who suffer from mental illness, substance abuse, and dual diagnoses.

It should be noted that while most of the recommendations included in this report were unanimously approved by the full Council, the recorded vote on each recommendation is included for the information of the reader along with written minority reports prepared at the committee level. Based on new policy recommended by the Executive Committee and approved by the full Council during 2001, Council members were given 30 days to review and consider each recommendation prior to voting. It is understood, however, that each Council and committee member reserves the right to disagree with the substance or content of any recommendation included in this report.

Although the Council's recommendations are presented in conceptual form at this time, it is anticipated that the Council will continue to refine these proposals over the coming months and work cooperatively with the Office of the Governor and the Interim Joint Committee on Judiciary to draft specific language in preparation for the 2002 session of the Kentucky General Assembly. Since the standing Council committees meet on an ongoing basis, it is also possible that additional recommendations will be forthcoming.

COUNCIL ORGANIZATION AND PROCESS

Council Charge:

KRS 15A.040, which was enacted in 1998, established the Kentucky Criminal Justice Council and its membership and delineated its mission and duties. First and foremost, the Council is charged with long-range planning and making recommendations to the Governor and the General Assembly on criminal justice policy involving all elements of the criminal justice system including, but not limited to, the following subjects:

- Administration of the criminal justice system;
- Rights of crime victims;
- Sentencing issues;
- Capital litigation;
- A comprehensive strategy to address gangs and gang problems; and the
- Penal Code.

The Council is further charged with developing model criminal justice programs; disseminating information on criminal justice issues and crime trends; providing technical assistance to all criminal justice agencies; reviewing and evaluating proposed legislation affecting criminal justice; and assisting local communities in mobilizing community resources to address problems related to gangs.

When the Council was organized, the membership approved the following mission statement to provide direction for its work:

“

To provide the Governor and the Kentucky General Assembly with recommendations to guide decision-making and policy development on issues involving law enforcement, the courts and corrections and through research, planning and evaluation, to reduce crime and improve the fair administration of justice in the Commonwealth of Kentucky. ”

Council Membership:

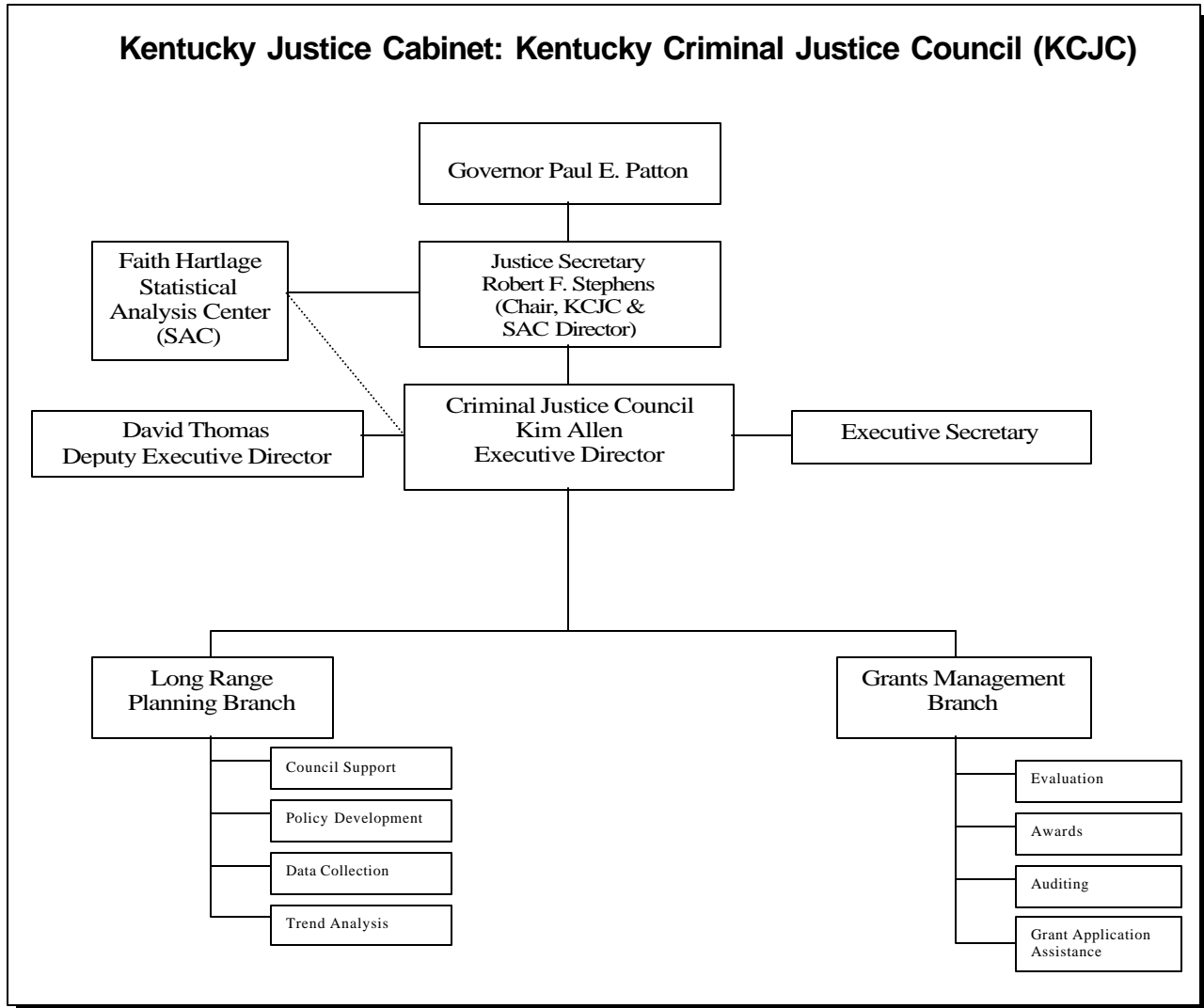
Although there has been some transition in Council membership resulting from leadership changes within the organizations represented, the majority of Council members have remained stable over the first three years of operation. This continuity has served to promote cohesion among the Council as a planning and coordinating body as well as consistency in approach.

By virtue of the enabling legislation, the Council includes broad representation from law enforcement, the courts, corrections, prosecution, the legislature, professional associations, the defense bar, a crime victim, victim advocates, and faculty members from state universities. In addition to the 28 members originally designated in KRS 15A.040, four additional members have been added by statute (Chief Information Officer for the Commonwealth; Commissioner of the Department of Corrections; Commissioner of the Department of Juvenile Justice; and Commissioner of the Department of Criminal Justice Training) bringing the total to 32 members.

Office of the Criminal Justice Council:

When the Office of the Criminal Justice Council was created within the Justice Cabinet in the summer of 1998, it was established with two branches: a Long Range Planning Branch to support the work of the Council and the Grants Management Branch (formerly the Division of Grants Management). The Council staff and grants management personnel were combined to ensure that allocation of grant resources is tied to the strategic priorities established by the Governor, the General Assembly, and the Council. In this manner, the Council also has access to data and information gained through the grants administration process.

From its inception, the Council has been supported by three primary staff: Executive Director; Principal Assistant (recently reclassified as Deputy Executive Director); and Executive Secretary. Following the relocation of the State Statistical Analysis Center (SAC) from the Office of the Attorney General to the Office of the Council in March 2000, a grant was submitted and awarded under the State Justice Statistics Program (Bureau of Justice Statistics) to fund a SAC Research Coordinator within the Office of the Council. In addition to maintaining a Criminal Justice Clearinghouse within the Office of the Council, the SAC Research Coordinator is charged with planning and implementing a biennial crime victimization survey and compiling a biennial Violence Against Women Report in conjunction with the Governor's Office on Child Abuse and Domestic Violence Services.





The Grants Management Branch consists of seven financial and program staff under the direction of the Grants Management Branch Manager. The Grants Management Branch is responsible for administering an average of 11-13 federal and state criminal justice funding programs totaling approximately \$17 million dollars annually. The current list of grant programs includes the following:

- Bulletproof Vest Partnership Program (BPV)
- Edward Byrne Memorial State and Local Law Enforcement Assistance Program
- Grants to Encourage Arrest Policies (Domestic Violence)
- Justice Statistics Program (Statistical Analysis Center)
- Law Enforcement Service Fee Fund (LESF)
- Local Law Enforcement Block Grant (LLEBG)
- National Criminal History Record Improvement Program (NCHIP)
- Residential Substance Abuse Treatment Program (RSAT)
- Rural Domestic Violence and Crime Victimization Enforcement Grant Program
- Victims of Crime Act (VOCA)
- Violence Against Women Act (VAWA)
- Violent Offender Incarceration and Trust in Sentencing Act (VOITIS)

Over the past year, the Grants Management Branch has undertaken a number of new initiatives to improve the efficiency of grants administration and to streamline the application process for state and local agencies seeking program funds. Among these initiatives, the Grants Management Branch is developing a website to provide electronic access to information on grant programs and forms; issuing a Request for Proposal to obtain additional assistance in financial and program monitoring; revising and updating its policy manual; streamlining the application process in accordance with adopted service goals; mapping the distribution of grant awards across the Commonwealth; and integrating the strategic priorities established by the Criminal Justice Council into the grants allocation process.

Council Process:

Marking an early milestone in its tenure as a state planning body, the Kentucky Criminal Justice Council will soon have completed its first three years of operation. It is therefore important at this juncture to review the Council's accomplishments and overall contributions toward improving the efficiency of the criminal justice system; improving the quality of justice; and raising the level of public confidence in the justice system. The Council's accomplishments are highlighted in a previous section.

Over the last three years, the Council has met on a regular basis with both the attendance and participation of members remaining exceptional. The Council has established a viable and working committee structure consisting of eight standing committees. These include the following:

Executive Committee
Secretary Robert F. Stephens, Chair

Capital Litigation Committee
Rep. Rob Wilkey, Chair
Judge William Knopf, Vice Chair

Corrections/Community-Based Sanctions Committee
Ernie Lewis, Chair
Pat Byron, Vice Chair

Drug Strategy Committee
President David Williams, Chair
Commissioner Ishmon Burks, Vice Chair

Juvenile Justice Committee
Sen. Gerald Neal, Chair
Judge Megan Lake Thornton, Vice Chair

Law Enforcement Issues Committee
Dr. Gary Cordner, Chair

Penal Code/Sentencing Committee
Professor Bill Fortune, Chair
Carol Jordan, Vice Chair

Unified Criminal Justice Information System Committee
Aldona Valicenti, Chair
Chief Rick Burkhardt, Vice Chair

Since KRS 15A.040 authorized the Criminal Justice Council to establish committees and to appoint additional persons who may not be members of the Council as necessary to accomplish its purposes, the membership of the various committees has been expanded to ensure broad representation; to include members with specialized expertise; and to enlist input from the local level.

The Executive Committee, consisting of the Chairs and Vice Chairs of the remaining seven Council committees, serves as the leadership body for the Council. The Executive Committee is charged with developing agendas for Council meetings; identifying issues and making policy recommendations; providing direction for the efforts of the Council; serving as a gatekeeper and setting priorities on requests received from outside bodies; assigning issues to committees; and promoting coordination across the committees. As an example of its efforts to address key policy issues, the Executive Committee is currently considering adoption of a policy pertaining to the rights of crime victims and implications for Council action.

In addition, as you will note in Appendix C, a number of work groups have been established under the standing committees to examine specific issues in greater detail. Existing work groups include the Status Offender Work Group (Juvenile Justice Committee); the Court Costs Work Group (in process of being formed) and the Penal Code Work Group (Penal Code/Sentencing Committee); and six issue-specific work groups created under the UCJIS Committee: Technology, Legal Policy, Automated Warrant System, Public Relations, Funding, and Wireless Communications. Two ad hoc works groups—the Data Advisory Team and the Hate Crime Statistics Work Group—have continued as part of the Council’s committee structure and meet on an as-needed basis.

Major Council Initiatives:

Over the course of the last three years, the Council has transitioned from its early focus on basic organization and completion of the time-sensitive studies mandated by KRS 15A.040, to undertaking a number of major criminal justice reform initiatives. The initiatives highlighted below will be discussed in greater detail under each committee section, but clearly represent projects that will have a significant impact on criminal justice policy and the operation of the criminal justice system across the Commonwealth. By their very nature, these projects require intensive planning and coordination, broad-based input and support from all levels of government, and sufficient resources (including funding, staff, and other resources).

Penal Code Reform:

As one of its statutory mandates, the Council is charged with studying and making recommendations on the Penal Code. At the present, a comprehensive penal code revision project is underway. Using available grant funds, the Office of the Council contracted with Professor Paul Robinson, Northwestern University College of Law, to spearhead this effort. Professor Robinson has conducted extensive research on criminal codes, both nationally and internationally, and is serving as Reporter for the Illinois Criminal Code Rewrite and Reform Commission. The Council has established a review process similar to the one utilized when Kentucky's original code was enacted in 1975 and initiated efforts to enlist broad-based input from across the state on this important project.

UCJIS Implementation:

As mandated in KRS 17.131, the Council is charged with planning and implementing a statewide Unified Criminal Justice Information System in the Commonwealth. Since these efforts were transitioned under the auspices of the Council in 1998, significant progress has been made in laying a solid foundation for phasing in components of the system over the coming years. Efforts currently underway include establishing a common state identification number that is linked to the Automated Fingerprint Identification System; matching arrest and offense data from the Kentucky State Police to disposition information maintained by the Administrative Office of the Courts; developing statewide standards for UCJIS implementation; and launching UCJIS-related demonstration projects at the local level. With the assistance of a private vendor, a strategic plan has been developed which will guide the implementation process.

Establishing a Continuum of Community-Based Sanctions:

Over the past year, the Corrections/Community-Based Sanctions Committee has conducted a comprehensive study of alternative sentencing and community-based sanctions across the Commonwealth. Based on testimony and extensive review of information, the committee has submitted 10 recommendations to the full Criminal Justice Council to provide the necessary resources and infrastructure for effective statewide utilization of community-based sanctions. As part of its review process, the committee received on-site technical assistance from the VERA Institute of Justice State Sentencing and Corrections Program and the Virginia Sentencing Commission.

Ensuring a Fair, Efficient and Effective Capital Litigation Process:

In response to the Council's mandate to study capital litigation, a committee was formed to study and make recommendations to ensure that the process is fair, efficient and effective. To date, the committee has conducted limited research, reviewed state-specific data, and received a presentation from a Co-Chair of the national Constitution Project's Death Penalty Initiative. Two preliminary recommendations were submitted to the full Council for approval.

Embedding Prevention in State Policy and Practice:

Kentucky is one of six states chosen to participate in a new initiative of the National Crime Prevention Council entitled, "Embedding Prevention in State Policy and Practice." The goal of the project is to encourage states to place emphasis on crime prevention as a preferred policy rather than an afterthought and to have this emphasis reflected in policy, legislation, and budgetary appropriations. The Criminal Justice Council is participating as part of the state's project team on this initiative.

Future Council Directions:

In addition to its focus on the major initiatives described above, the Council has identified a series of new issues to be addressed in the coming months. While some of these issues reflect projects to be undertaken by the Council, others reflect projects on which staff will serve or participate to lend the support of the full Council.

- [Information Sharing within the Juvenile Justice System](#)—As its next major undertaking, the Juvenile Justice Committee will be launching a study of information sharing within the juvenile justice system. Over the course of the committee’s work to date, lack of clarity regarding state policy and conflicting statutory mandates on information sharing have been a recurring theme. At the present, existing statutes and policies are being compiled to provide a starting point for the future work of the committee.
- [Consolidation of Court Costs, Fines and Add-on Fees](#)—The Criminal Justice Council is in process of establishing a Court Costs Work Group under the Penal Code/Sentencing Committee to enlist the input of key stakeholders in conducting a comprehensive review of current procedures related to the assessment of court costs and fees. Prior the 2000 session, the Council conducted research on how other states have managed the issue of court costs and recommended that a uniform statewide collection process be established that would consolidate the collection of court costs and establish a priority system for application of funds paid by defendants.
- [H.B. 843 Commission—Criminal Justice/Behavioral Health Interface Work Group](#)—In light of the overlap between the mental health and criminal justice systems in responding to offenders with mental illness and substance abuse problems, the Council is working collaboratively with Criminal Justice/Behavioral Health Interface Work Group established by the H.B. 843 Commission. It is anticipated that the Commission’s recommendations will be presented to the Criminal Justice Council for possible endorsement and joint legislative advocacy.
- [Kentucky Criminal Justice Summit](#)—As a future Council initiative, the Executive Committee has recommended that an annual criminal justice planning summit be hosted to highlight contemporary and emerging justice issues and the role of state level criminal justice planning. It is anticipated that the first summit will be held in the fall of 2001 and will feature presentations by national experts.
- [NCMEC Computer Crime Training](#)—The Criminal Justice Council, in conjunction with the Kentucky Commonwealth’s Attorneys Association, is coordinating a statewide training session for law enforcement and prosecutors on computer crime as it relates to exploitation of children. The training will be provided by the Legal Resource Division of the National Center for Missing and Exploited Children and is anticipated to be scheduled in the fall of 2001.
- [Kentucky Public Safety Training Center Planning Committee](#)—Criminal Justice Council staff is participating as a member of the Kentucky Public Safety Training Center Planning Committee. This committee is charged with studying a proposal for establishing a consolidated training complex on the Eastern Kentucky University campus to address the training needs of a broad range of criminal justice and public safety agencies.
- [Department of Corrections Re-Entry Pilot Project](#)—Criminal Justice Council staff is currently serving as a member of a state team organized by the Department of Corrections that is participating in the Re-entry Project Initiative sponsored by the Department of Justice. Through this project, the Department of Justice is working with a number of communities to develop programs that promote strategic coordination of efforts and resources across institutional and community corrections, law enforcement, court services, faith-based organizations, and community service agencies to increase the likelihood that ex-offenders will become crime-free and contributing members of their communities.

Summary of Committee Process and Recommendations:

EXECUTIVE COMMITTEE

Committee Charge:

The Executive Committee, consisting of the Chairs and Vice Chairs of the seven standing Council Committees, serves as the leadership body for the Council. The Executive Committee is charged with developing agendas for Council meetings; identifying issues and assigning issues to committees; developing recommended policies; providing direction for the efforts of the Council; serving as a gatekeeper and setting priorities for requests received from outside bodies; and promoting coordination across the committees.

Committee Process:

The Executive Committee generally meets three to four times yearly or on an as-needed basis to respond to requests for Council action or assistance and to discuss issues requiring coordination across committees. The Executive Committee also submits recommendations to the full Council on issues or topics that pertain to the work of the Council as a whole.

Committee Findings and Recommendations:

(1) Addition of Parole Board Representative to the Council Membership

Rationale: The Executive Committee reviewed and discussed a request received from the Kentucky Parole Board to add a member to the Council membership as designated in KRS 15A.040(2) to represent the Board. The request was unanimously approved by a quorum of the Executive Committee and the recommendation was forwarded to the full Council for a vote.

Vote: 24 - Yes/ 0 - No

(2) Capital Litigation Recommendation Regarding Public Education

Rationale: In its preliminary draft of recommendations, the Capital Litigation Committee included the following recommendation:

“The Committee unanimously recommends increased and improved public education about the criminal justice system, particularly at the elementary and secondary education levels.”

This recommendation arose from a committee discussion in which members raised concerns regarding the limited information received by citizens on the overall operation of the criminal justice system and their reliance on the media and television programs as their primary source of information.

Upon subsequent discussion by committee members, it was determined that this recommendation exceeded the scope of the Capital Litigation Committee and represented a more general suggestion that would be relevant to the work of every Council committee. It was therefore the consensus of the Capital Litigation Committee to refer the recommendation back to the Executive Committee for possible submission to the full Council for approval. Based on unanimous support by the members of the Executive Committee, the recommendation was submitted to the full Council for approval.

Vote: 24 - Yes/ 0 - No

(3) Council Consideration of the Criminal Justice/Behavioral Health Recommendations of the H.B. 843 Commission

Rationale: H.B. 843, which was enacted during the 2000 session of the Kentucky General Assembly, created the Kentucky Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses. Based on input from Regional Planning Councils (established under the regional community mental health-mental retardation boards), the Commission is charged with developing a comprehensive state plan pertaining to individuals with mental illness, alcohol and other drug abuse disorders, and dual diagnoses. This plan includes conducting a statewide needs assessment, identifying funding needs, and making recommendations for comprehensive and integrated programs and services. The plan is to be submitted to the Governor and the Kentucky General Assembly in preparation for the 2002 legislative session.

As part of the overall charge, the 14 Regional Planning Councils were asked to recommend strategies to reduce instances of criminalization of individuals with mental illness, alcohol and other drug abuse disorders, and dual diagnoses and to collect and evaluate data regarding the involvement of this population with law enforcement, courts and the judicial system. With knowledge of the H.B. 843 Commission and in recognition that issues pertaining to offenders with mental illness had been identified by virtually every Council committee, the Council's Executive Director initiated a meeting with staff from the Department of Mental Health and Mental Retardation Services to discuss the possibility of a collaborative approach.

As an outgrowth of that discussion, the H.B. 843 Commission established a Criminal Justice/Behavioral Health Interface Work Group, which targeted adults and juveniles with mental illness, alcohol and other drug abuse disorders and dual diagnoses who come into contact with the criminal justice system. Four subgroups were formed to address issues pertaining to diversion, treatment in jails, reintegration into the community, and juvenile justice issues. The work group incorporated excellent cross-system representation and ultimately set the following three goals to guide the consolidation of recommendations found in the Regional Planning Council reports:

- To divert appropriate individuals with mental illness, alcohol and other drug abuse disorders, and dual diagnoses from the criminal justice system;
- To provide appropriate mental health and substance abuse services to individuals incarcerated in local jails; and
- To provide the array of services necessary to reintegrate mentally ill or addicted individuals released from prison or jail back into the community.

Based on intensive deliberation and review of the Regional Planning Council reports, the Criminal Justice/Behavioral Health Interface Work Group compiled a final report and issued the following recommendations:

- (1) The Work Group recommends a continued emphasis on regional criminal justice/behavioral health planning and resource development under the direction of the Regional Planning Councils.
- (2) The Work Group recommends that the Regional Planning Councils and their criminal justice/behavioral health work groups, if they choose to establish them, become the vehicle for facilitating and formalizing cross-system education and training.
- (3) The Work Group recommends the expansion of Drug Courts throughout the Commonwealth where Drug Courts have been recommended at the regional level.
- (4) The Work Group recommends that funds be made available to support the pilot implementation of two Mental Health Courts—one in an urban setting and one in a more rural environment in regions that recommended a mental health court.

- (5) The Work Group recommends the allocation of funding to allow each Regional Planning Council to increase the number of staff devoted to criminal justice/behavioral health services, particularly specialized intensive case management and resource coordination. Additional funding must be made available to provide “wraparound” services for individuals who received specialized intensive case management.
- (6) The Work Group recommends the allocation of resources to be accessed by the regions to support the development and operation of a mobile crisis team or other crisis stabilization services identified by the Regional Planning Council as needed.
- (7) The Work Group recommends that resources be made available for Regional Planning Councils to develop an array of housing options designed to meet the special needs of the target population in their region.
- (8) The Work Group recommends that adequate resources be made available for the development of specialized behavioral health jail units in regions where the Regional Planning Council deems such action appropriate. These specialized jails, or portions of jails, would provide residential substance abuse treatment, medication management, specialized mental health assessment and treatment, and a sheltered, protective environment with supportive behavioral health treatment interventions to support and sustain this fragile and needy population.

The above recommendations of the Criminal Justice/Behavioral Health Interface Work Group were approved by the membership of the H.B. 843 Commission on June 12, 2001. It is anticipated that the recommendations will be submitted to the Kentucky Criminal Justice Council for possible endorsement in light of the Council’s collaborative role and provision of resource support to the work group.

CAPITAL LITIGATION COMMITTEE

Committee Charge:

The Capital Litigation Committee was formed in response to the statutory mandate in KRS 15A.040 requiring that the Council review and make recommendations on capital litigation. The Committee was given an initial charge of reviewing the post-conviction capital litigation process to ensure that the current system is fair, effective and efficient. Given that Kentucky currently has established policy and statutes pertaining to the death penalty, it was specifically stated that the committee would not focus on policy issues related to capital punishment, but rather limit its discussions to the capital litigation process.

Committee Process:

The Capital Litigation Committee held its first meeting in July 2000 and has met on a total of six occasions. During the early meetings, members spent considerable time discussing the scope of the committee's activities and gathering pertinent background information. At the first meeting, members received presentations on the roles and perspectives of both the prosecution and defense in the post-conviction phase of capital litigation, including an overview of the stages of the capital litigation process.

As part of amassing pertinent background information, committee members received information on the state criminal and civil rules pertaining to the death penalty; the federal statutes; and information on capital litigation from the states of Illinois, Florida and Texas. The committee also requested that data be collected and analyzed to provide a capital case processing time study and list of factors that impact the timeline.

In addition to compiling a timeline on the 43 cases currently in the appellate process, data was requested from the Kentucky State Police on all homicides in Kentucky during calendar year 1998. Homicide cases with an accompanying citation number were then matched to disposition information maintained by the Administrative Office of the Courts to identify cases in which a conviction was received on a capital-eligible offense.

In response to a request from the committee, data on reversals of capital cases was also compiled to provide an historical listing of case reversals as well as a categorization of the predominant reasons for reversal. The committee also received a presentation on cost information from the Kentucky Department of Corrections.

To provide background and context for consideration of any future studies, members received a presentation on the general methodological issues involved in death penalty research and discussed the importance of having agreed upon parameters and a balanced approach and design. Members discussed the possibility of utilizing a research team that would be balanced with regard to prosecution and defense as well as any underlying philosophical beliefs about capital punishment. Information was also reviewed on the intensive case study approach taken by other states in reviewing the capital litigation process. As an example, the Illinois Commission conducted comprehensive case studies of all 300 capital cases since the reinstatement of the death penalty in Illinois.

At the April 10, 2001 meeting of the Capital Litigation Committee, members received a presentation from Judge Charlie Baird, Co-Chair of the Constitution Project's Death Penalty Initiative. Judge Baird served as a Judge in the Texas Court of Criminal Appeals from 1990-1998 in Austin, Texas. He is currently a visiting justice in the Fourteenth Court of Appeals in Houston and an adjunct professor in the South Texas College of Law. The Death Penalty Initiative includes supporters and opponents of the death penalty, conservatives and liberals, Republicans and Democrats, judges, prosecutors, and other public officials along with journalists, scholars and other concerned Americans. The diverse group is united in the concern that procedural safeguards and other assurances of fundamental fairness in the administration of capital punishment have been significantly diminished in a number of jurisdictions across the country.

Committee Findings and Recommendations:

In the spirit of Judge Baird's challenge to the committee to come to the table with an open mind, avoid extreme positions, and work to identify the middle ground, members focused on possible recommendations during subsequent meetings. Based on committee discussion and deliberation, two areas of consensus developed. First, members were able to reach agreement on a list of elements to be considered in any future study of capital litigation in Kentucky. The elements included issues found to be problematic in national research findings and studies conducted in other jurisdictions across the country. Second, members were in agreement regarding the importance of access to DNA evidence in capital cases.

As a result, the following recommendations were drafted and submitted to the full Criminal Justice Council for consideration:

(1) The Committee unanimously recommends that a comprehensive statewide study be undertaken to address the following list of issues:

- Delay in implementing the penalty imposed and consideration of reforms in the review process to make it more timely (revision of RCr 11.42 and possible recommendation to Kentucky Supreme Court regarding stay practice);
- Incorporate balanced and systemic input, including prosecution and defense and victims' families, into any study;
- Effective assistance of counsel (minimum standards, certification) and training for trial judges;
- Access to DNA evidence;
- Evidentiary issues, e.g. jailhouse informant testimony identified as a problem in other jurisdictions; uncorroborated eye witness testimony; unrecorded confessions;
- Resources for prosecution and defense (establishment of special teams, representation/investigation experts);
- Prosecutor discretion in seeking death penalty; adaptation of federal guidelines or procedures in other states; independent review team to ensure statewide consistency in considering factors of race, geography, gender, economic status, age, cognitive abilities, and aggravating circumstances/level of culpability; and
- Jury selection and jury instruction in death penalty cases; educating potential jurors on trial process and overall operation of criminal justice system; and criminal background checks of jurors in death penalty cases.

Vote: 24 - Yes/ 0 - No

(2) The Committee recommends legislation to adequately fund and support the collection, testing and preservation of DNA evidence to ensure its availability to prosecution and defense in a timely manner in capital cases. It is further recommended that this legislation comply with federal guidelines for incentive funding.

Vote: 24 - Yes/ 0 - No

Pending Issues:

- Possible committee oversight role in any future study of the capital litigation process

CORRECTIONS/COMMUNITY-BASED SANCTIONS COMMITTEE

Committee Charge:

Upon completion of its original assignment, which focused on studying the fiscal and public safety effects of involuntary civil commitment for convicted sexual predators as mandated by statute, the Committee shifted focus to its primary charge of conducting a comprehensive study of the current sentencing policy in the Commonwealth as it pertains to the use of alternative sanctions. This assignment is based on the Council's mandate to study and make recommendations on "sentencing issues" under KRS 15A.040(1). The Corrections/Community-Based Sanctions Committee has also been asked to review issues related to parole decision-making, institutional and jail facilities, and prison population forecasting.

Committee Process:

The committee, which incorporates broad-based criminal justice system and community representation, launched its study of alternative sentencing and utilization of community-based sanctions in January 2000 by adopting the following mission statement:

“**It is the mission of the Corrections/Community-Based Sanctions Committee to make recommendations to the Governor and the General Assembly to ensure that Kentucky's policy and practice regarding sentencing of convicted felons and misdemeanants contributes to the safety of Kentucky while at the same time being cost-effective.**”

As context for the study, the committee recognized that Kentucky does not have a unified criminal justice policy when it comes to sentencing. Kentucky's current sentencing policy can best be characterized as a modified indeterminate approach accompanied by a range of varying sentencing provisions. These provisions include the ability to divert eligible Class D felons; the jury fixes the penalty; the judge sentences based upon a jury verdict or a plea recommendation; the Parole Board can release; the Circuit Court can grant probation, conditional discharge, probation to an alternative sentencing plan, and prerelease probation; there are statutory restrictions on probation and parole; and limited restorative justice features (restitution, Victim's Bill of Rights, Megan's Law, and victim's impact evidence at sentencing).

The committee began by conducting a brainstorming exercise to identify all of the key stakeholders and groups to be invited to present testimony. Over the course of its 15-month study of alternative sentencing and community-based sanctions, the committee gathered extensive information on the operation of model programs and sentencing provisions and heard testimony from a wide range of individuals and constituency groups. The committee received presentations from prosecutors, the defense bar, treatment professionals, staff of the Kentucky Department of Corrections, restorative justice advocates, victims' advocacy groups, the faith-based community, the judiciary, drug court program staff, and mental health professionals.

As part of its review process, the Committee also applied for and received technical assistance from the VERA Institute of Justice's State Sentencing and Corrections Program which included an on-site diagnostic visit, presentations to the committee by VERA national consultants, and compilation of a summary report and recommendations by the VERA agency and consulting staff. Committee members were also invited to participate in a multi-state team meeting hosted by VERA in New York City in May 2001 to discuss common issues and strategies in the statewide implementation of community corrections programs.

To provide a foundation for the work of the committee, an initial presentation was made by Betsy Fulton Matthews, Assistant Professor of Corrections and Juvenile Justice, Eastern Kentucky University. Ms. Matthews presented information on research findings related to intermediate sanctions along with key factors to be considered in developing an effective continuum of alternative sanctions. The Committee also heard from Rick Kerns, Director of the Virginia Criminal Sentencing Commission, who described his state's research-based efforts to effectively manage correctional resources by abolishing parole, mandating offender risk assessment, establishing alternative programs, utilizing voluntary sentencing guidelines, and educating the public.

Upon completion of scheduled testimony, committee members were invited to submit possible recommendations for consideration. Additionally, based upon a summary of presentation highlights compiled by staff, a list was compiled to identify possible items for committee recommendations. The committee then held a day-long session, coordinated by a trained facilitator, Dr. Bruce Wolford, Training Resource Center, Eastern Kentucky University, and came to near consensus on 11 recommendations. Following the facilitated session, members met again to review and further refine the draft recommendations. As a result, the committee trimmed its preliminary list to eight recommendations for presentation to the full Council.

The committee subsequently met to consider four remaining issues for possible recommendations. These included restorative justice approaches, statewide process for collection of restitution, establishing a caseworker for community-based sanctions, and expanding the AOC mediation program. Following discussion, the committee drafted two additional recommendations focusing on the collection of restitution and a pilot project to explore the use of caseworkers to assist the judiciary in developing and coordinating alternative sentencing plans. It is envisioned that the caseworkers would also assist in promoting the development of community-based sanctions as well as educating system representatives and the public regarding their operation.

It should also be noted that many of the committee's recommendations parallel the work of the H.B. 843 Commission and the Criminal Justice/Behavioral Health Interface Work Group as it relates to programs and services for offenders with mental illness, substance abuse, and dual diagnoses. It is therefore anticipated that the committee will be reviewing pertinent recommendations of the H.B. 843 Commission once they have been forwarded to the full Council for possible endorsement.

Committee Findings and Recommendations:

Over the course of its study, the committee identified broad support throughout the criminal justice system for community-based sanctions for nonviolent offenders. While it is critical that the primary goal of any community-based sanction focus on protection of the public, research and program experience across the country indicates that nonviolent offenders can be safely supervised and held accountable in the community while receiving treatment and participating in other needed programs and services.

As a point of departure, the Committee reviewed the two-pronged sentencing policy set forth in the Governor's 1998 Crime Bill (H.B. 455)—that violent offenders would serve 85% of their time in prison and that nonviolent offenders would be presumed to be sentenced to community-based sanctions. The Committee learned, however, that community corrections programs are not available in all areas of Commonwealth and are virtually nonexistent in some rural areas.

The Committee learned that Kentucky's prison population now exceeds 15,000 and that over 20,000 probationers, parolees and misdemeanants are under community supervision across the state. The Committee also learned that incarceration costs \$16,822/year as compared to \$1,179/year for parole supervision. It was noted that substance abuse treatment adds an additional \$1,000/year to the total cost per offender. The breakdown by type of offense for which offenders have been incarcerated in Kentucky's prisons indicates that 40% have been convicted of violent offenses, 22% for property crimes, 21% for drug offenses, 12% for sex offenses, and the remaining 5% committed other types of crimes.

Of note, the Committee became aware of the large number of Class D, and to a more limited extent, Class C felons who are being housed in local jails. Approximately 4,000 of the 15,600 incarcerated felony offenders are

serving sentences in local jails. While these offenders have typically been convicted on nonviolent drug and property offenses, they do not have access to even basic program services, much less specialized substance abuse, mental health or sex offender treatment.

The Committee learned that a number of states have utilized a variety of sentencing policies to gain control over the increasing rate of incarceration and to manage their correctional resources in an effective and cost-efficient manner while maintaining public safety as the number one priority. However, the Committee did not look at changing the basic sentencing structure in the Commonwealth and therefore did not undertake a study of sentencing guidelines, structured sentencing or revisions to the existing statutory restrictions on probation and parole during this process.

Based on its comprehensive review of alternative sentencing and community-based sanctions, the Corrections/Community-Based Sanctions Committee submitted the following recommendations to the full membership of the Criminal Justice Council:

- (1) The Committee recommends that community-based sanctions be defined as local criminal justice options from the point of arrest through the conclusion of the re-entry process.**

Vote: 24 - Yes/ 0 - No

Rationale: The Committee chose to take a more expansive approach to community-based sanctions rather than focusing solely on alternatives to incarceration in either jail or prison. Since the Governor's Crime Bill (H.B. 455) established a broad menu of sentencing options, the committee chose to continue that approach by broadening the continuum of community-based sanctions from arrest through re-entry.

- (2) The Committee recommends that the Kentucky State Corrections Commission (KRS 196.081) be reorganized by:**

- (a) Appropriating full-time staff
- (b) Examining and/or broadening membership
- (c) Appropriating a sufficient level of funds
- (d) Redefining the role of the Commission to include, but not be limited to:
 - (1) Developing a statewide strategic plan to foster and encourage the establishment of community-based sanctions as defined
 - (2) Providing oversight to local community corrections boards
 - (3) Holding community corrections boards accountable through research, evaluation and quality assurance
 - (4) Allocating funding to community corrections boards
 - (5) Providing for the education of the public and criminal justice and other service system personnel concerning community-based sanctions

Vote: 24 - Yes/ 2 - No

Rationale: The Committee recognized the need for a strategic plan to promote a uniform approach in the statewide implementation of community-based sanctions. The Committee also recognized the need for an infrastructure that could support the implementation of the strategic plan and provide staff support, direction, and research capacity. Based on discussion, the Kentucky State Corrections Commission was identified as an existing structure that could be revitalized or retooled to serve this function.

The current Commission, which was established legislatively in 1992, has a broad-based membership, serves in an oversight capacity, and has an established planning function. It was originally intended that

the work of the Commission would grow and be expanded over the years, however, its funding has remained stable at \$600,000 per year since its inception. Although some successful programs have been funded through local community corrections boards, the work of the Commission has essentially been limited to awarding grant funding and has provided little direction for the state in promoting the development of community-based sanctions or evaluating their effectiveness.

It is proposed that the revitalized Commission be operated under the programmatic authority of the Department of Corrections and that the existing statute be amended to incorporate strategic planning, local oversight, research and evaluation, public and system education, and offender risk assessment.

- (3) The Committee recommends that funding should be significantly increased for community-based sanctions. The Committee recommends that funding should be significantly increased to raise salaries for probation and parole officers, permit lower caseloads through hiring of new personnel, and encourage expansion of specialized treatment options.**

Vote: 24 - Yes/ 3 - No/ 1 Pass

Rationale: While the Committee affirmed that additional funding would be needed to support the full menu of community-based sanctions and supervision options, it specifically identified the need to increase salaries of probation and parole officers to attract highly qualified officers who can provide specialized treatment services. These treatment services include substance abuse and sex offender treatment along with treatment for mentally ill offenders.

The Committee further recognized the need to lower caseloads by hiring additional officers. While caseloads now average 80 per officer, the goal is to reduce caseloads to 50-60 per officer.

- (4) The Committee recommends that Kentucky develop a community-based graduated continuum of treatment services consisting of education, short-term counseling, intensive outpatient services, and residential treatment programs to serve:**

- (a) Class C/D felons in jails during the period of their incarceration
- (b) Persons diverted on felony offenses
- (c) Persons serving an alternative sentence in the community
- (d) Persons released to the community by probation or parole (including offenders on conditional discharge)
- (e) Persons who have served out

Vote: 25 - Yes/ 1 - No -- (e) only

Rationale: In recognition of the broad-based need for treatment services, this recommendation represents a guiding principle for the proposed Kentucky State Corrections Commission, local community corrections boards, the Department of Corrections and other policymakers. It recognizes that Class C and Class D felons need treatment while incarcerated; that persons who are diverted or serving alternative sentences need treatment; and that treatment should be available to offenders who have served out and are returning to the community without supervision.

It is envisioned that a graduated and flexible continuum of treatment services would allow offenders who are compliant and achieving success in more restrictive or structured programs to “step down” to less restrictive programs. Likewise, offenders who are noncompliant in less restrictive settings could be moved up the continuum to more restrictive and structured programs.

The Committee also recognizes that access to treatment resources varies across the state and that access is particularly limited in rural Kentucky. Testimony presented by the Department of Corrections and members of the judiciary emphasized the need for funding to make treatment options available

across the Commonwealth.

- (5) **Drug Courts have proven to be a successful option for treating drug offenders. The Committee recommends that the Commonwealth should fund Drug Courts comprehensively through the General Fund.**

Vote: 26 - Yes/ 0 - No

Rationale: The Committee received testimony on Drug Courts from a number of different system professionals and constituency groups, including members of the judiciary from every region of the state, members of the Kenton County Drug Court team, and Drug Court program staff from the Administrative Office of the Courts. Across the various presentations, there was virtual consensus on the conclusion that Drug Courts work; that Drug Courts should be statewide; and that the General Fund should pick up funding for statewide Drug Courts. These programs are currently supported by federal and state grant programs with no guarantee of future funding.

At the present, there are 10 adult Drug Courts, five juvenile Drug Courts, and one Family Court program operating in the Commonwealth. An additional 21 adult Drug Courts and 11 juvenile Drug Courts are in the planning stages. Kentucky treatment outcome studies (based on twelve-month outcomes for 460 clients) indicate that \$8 is saved for every \$1 spent on treatment. Findings reflect dramatic reductions in cocaine and crack use; significant reductions in criminal behavior; increases in full-time employment; reduction in unemployment; and an increase in the average monthly family income of participants. Of note, 90% of Drug Court participants test clean for drugs, which is three times better than the rate for other treatment programs. Drug Court costs \$2,641 per client per year.

- (6) **The Committee recommends that a provision should be made in so far as practicable and as appropriate for transitional housing/half-way housing for offenders returning to the community prior to final discharge and for transportation for persons receiving treatment as a condition of a community-based sanction.**

Vote: 22 - Yes/ 3 - No

Rationale: The Committee repeatedly heard that two issues present major obstacles to success—housing and transportation. The Committee learned that while finding access to housing and transportation can present challenges for offenders in urban communities, obtaining housing and transportation can be extremely difficult in rural areas. Examples were given of regions in the state in which offenders are required to travel across two counties to a treatment program and there are no halfway house or residential facilities for inmates transitioning back to the community.

- (7) **The Committee recommends that both faith-based and victims' organizations should be invited to participate with the criminal justice system in recommending policy regarding community-based sanctions and providing treatment and other services.**

Vote: 26 - Yes/ 0 - No

Rationale: The Committee learned that there are promising programs that have been initiated by faith-based organizations and the possibility of new federal funding to support the operation of these initiatives. The Committee also believes that victims must be included in the development of policy regarding community-based sanctions and should be represented on local community corrections boards.

- (8) **The Committee recommends that the Kentucky State Corrections Commission and all agencies responsible for training criminal justice and other service systems personnel incorporate educational programming regarding community-based sanctions into existing programs.**

Vote: 26 - Yes/ 0 - No

Rationale: The Committee recognizes the importance of educating both the public and criminal justice professionals on the role and operation of community-based sanctions. It is therefore recommended that the Kentucky State Corrections Commission be given the primary responsibility for the education component.

- (9) **Restitution to victims is an important component of community-based sanctions and restorative justice. Payment to victims should be the highest priority of any system of collection and distribution. The Committee recommends that steps be taken to streamline and standardize statewide procedures for effective assessment, collection and distribution.**

Vote: 24 - Yes/ 0 - No

Rationale: Through testimony and discussion, the Committee learned that there is no standardized procedure for collection of restitution and that practices vary widely by county. Although offenders may be required to pay restitution along with other court costs and add-on fees, there is currently no priority system for application of payments. The Committee believes that a priority system should be developed and that payment of restitution should be given the highest priority.

- (10) **Effective community-based alternatives for offenders require proper assessment of their needs and allocation of community resources to address those needs. The Committee recommends implementing an AOC pilot program utilizing caseworkers for community-based sanctions to develop a plan that addresses the concerns of the court and the community as well as the needs of the offender.**

Vote: 12 - Yes/ 11 - No/ 1 pass

Rationale: In keeping with the Committee's recognition of the need for infrastructure to support effective implementation and oversight of community-based sanctions across the state, it also recognizes that there is currently no designated individual or position at the local level to serve as liaison to the judiciary in coordinating offender sentencing plans; promoting the development of local programs; and educating the public and local system personnel regarding community-based sanctions.

Under KRS 532.050, relating to the presentence investigation report, the probation/parole officer is required to "identify the counseling treatment, educational, and rehabilitation needs of the defendant and identify community-based and correctional-institutional-based programs and resources available to meet those needs or shall identify the lack of programs and resources to meet those needs." It is beyond the scope of the officer, however, to assume the full range of tasks associated with developing offender-specific and community-specific alternative sentencing plans and to promote the successful operation of local community-based sanctions.

The Committee also recognizes that in light of limited funding, it would not be feasible to establish the requisite number of caseworker positions across the state. The Committee is therefore recommending implementation of a pilot project to provide an opportunity for full evaluation before any future decisions are made regarding statewide implementation.

Minority Report

The undersigned members of the committee file this minority report. Despite the disagreement with the majority on several issues, it should be noted that there are areas on which consensus of the group was obtained, such as increased resources for supervision provided by the Department of Corrections, Division of Probation and Parole and in general the increased funding for Drug Courts.

In 1998, the Kentucky General Assembly, through HB 455, expressed a Legislative intent to increase the number of offenders released into communities by the use of alternative sentences. Our report is based

on the assumption that the Community-Based Sanctions Committee proceeded under this 1998 legislative intent. We are also mindful of the reality of dwindling resources within the budget for the coming biennial period. That funding reality is relevant to this minority report.

Under the mandate of HB 455, there were significant increases in the number of offenders released into our communities under “alternative sentences.” The VERA Institute, a consulting resource from New York, assisted the committee. During interviews with individuals from all areas of the Criminal Justice System, the VERA personnel gathered information about the correctional system as it currently operates in Kentucky. Representatives of VERA were asked if there was any recognized evaluative tool used to determine if the Courts of the Commonwealth were meeting the expectations of HB 455 under current practice. The VERA staff reported that they were unaware of any objective measure being used to make such analysis.

The minority feels that in a time of scarce resources, it is unwise to venture forward into a number of costly new programs until there is an analysis of the present strategy of releasing offenders into communities. We believe that any additional funds would be better spent increasing the supervision of the offenders who have been released from incarceration.

The minority also has great concerns that many of the recommendations of the majority make far more resources available to convicted felons than to citizens who have chosen to live a crime-free lifestyle. This philosophy appears to discourage obeying the law.

The minority would also note that the recommendations in their current form focus almost exclusively on the development of significant new or expanded programs for those who have offended. There are no substantive proposals to enhance or improve the status or treatment of victims of the criminal conduct. For example, most of the members of the committee came to recognize that victims do not have an effective, efficient or successful mechanism for collecting restitution. Any discussion purporting to seek a goal of reentry into the community by offenders must be based on first making the victims’ whole for their financial losses and doing all we can to guarantee the safety of the public.

There will always be conflicts when a group of individuals from divergent interest groups seek to address issues of this magnitude. A point of reference must be defined. Clearly, it is in the interest of everyone in the Commonwealth to make the most efficient and productive use of the resources allocated to the correctional system. Every citizen should hope for a crime-free future from every convicted felon. However, it is the position of the minority that all such efforts begin and end with establishment of a system of punishments, rewards, and rehabilitation that have as their first priority, the protection and service of those citizens who have not offended and look to the government to do all that it can to guarantee the safety of their communities.

-- Ray Larson, Martin Scott, Jr. and George Moore

Pending Committee Issues:

- Parole decision-making
- Prison population forecasting
- Restorative justice approaches
- AOC Mediation Program

DRUG STRATEGY COMMITTEE

Committee Charge:

The Drug Strategy Committee was originally charged with conducting a review of existing efforts in enforcement, treatment and prevention/education in the Commonwealth and developing a statewide drug strategy. As part of its strategy, the Committee was charged with developing a drug-specific action plan.

In preparation for the 2000 session of the Kentucky General Assembly, the Drug Strategy Committee met over a six-month period and developed a series of recommendations. Among its recommendations, the committee identified the need for a central office of Drug Control Policy attached to the Governor's Office. It was recommended that this office be charged with planning and developing policy recommendations relating to drug abuse and drug crime; coordinating and assisting local planning boards in conducting a needs assessment; evaluating existing programs and strategies; raising public awareness; and serving as the single point of contact for information and data on substance abuse policy and programs.

Based on this recommendation, legislation was enacted and funded in the 2000 session establishing a new entity, the Kentucky Agency for Substance Abuse Policy (KY-ASAP). By statute, KY-ASAP is charged with promoting the reduction of alcohol, tobacco and other drug use through comprehensive, research-based state and county strategies. The legislation also established a KY-ASAP Board which is charged with developing a statewide strategic plan; providing oversight for KY-ASAP activities; and recommending the most efficient means for using public funds to coordinate, supplement and support high quality and ongoing programs relating to smoking cessation and prevention and alcohol and substance abuse prevention and treatment.

Although the Drug Strategy Committee has not met over the past year, the Criminal Justice Council has monitored the start-up of KY-ASAP and received a presentation from its Executive Director in January 2001.

Proposed Committee Reorganization:

In light of the statutory role of KY-ASAP in the planning and coordination of substance abuse treatment and prevention for the Commonwealth, the Criminal Justice Council has revisited and revised the Drug Strategy's charge to create a forum for discussion of statewide drug enforcement efforts and strategies. The KY-ASAP Director will serve as a member of the Drug Strategy Committee to serve as a direct liaison between the two groups and to promote continuity in approach across the substance abuse domains of prevention/education, treatment and enforcement. The efforts of the Drug Strategy Committee will also be closely coordinated with the Council's Law Enforcement Issues Committee.

It is envisioned that the Drug Strategy Committee will be reconvened in during the summer of 2001. As part of its new focus, the membership of the original Drug Strategy Committee will be reviewed and new members will be added to ensure broad-based representation from the state and local level along with member expertise in drug enforcement. Although the committee membership will determine the future direction of the committee, possible activities include the following:

- Identify the top five drug or substance abuse problems facing law enforcement in the Commonwealth and collect data on the scope of each statewide
- Enlist input and recommendations from Regional Drug Task Forces
- Identify existing law enforcement strategies and resources
- Develop recommendations and drug-specific action plans for issues that have not been addressed in other statewide forums
- Monitor trends and evaluate the impact of statewide strategies including cost/benefit analyses and outcome measures
- Consider submitting a state application for federal funding to implement the Arrestee Drug Abuse Monitoring Program (ADAM)
- Publish an annual Drug Strategy Status Report detailing statewide law enforcement activities in addressing drug-related crime

JUVENILE JUSTICE COMMITTEE

Committee Charge:

Following completion of its initial assignments, which included studying the concept of decriminalizing status offenders and considering whether the terminology used in the Juvenile Code should be changed to be more consistent with the adult system, the Juvenile Justice Committee shifted its primary focus to conducting a comprehensive study of juvenile sex offenders. This assignment resulted from a recommendation of the Governor's Sexual Assault Task Force, which requested that the committee "study Kentucky's current system regarding punishment and treatment of juvenile sex offenders, with the goal of ensuring that juvenile sex offenders be managed in the most efficacious manner possible."

As part of its early work, the Juvenile Justice Committee also reviewed information on disproportionate minority confinement and statewide prevention initiatives. As a result, the Committee issued recommendations prior to the 2000 session calling for sufficient funding to conduct a statewide baseline study on disproportionate minority confinement and increased funding to expand the focus and number of Juvenile Delinquency Prevention Councils in operation across the state.

Additionally, the Status Offender Task Force, which was formed to specifically study legislative issues pertaining to status offenders, completed its initial work with the submission of its legislative recommendations. Prior to the 2000 session, the Task Force recommended redefining status offenders as "children in need of services" along with implementing a pilot intervention project for status offenders. Although both proposals received considerable debate, neither passed out of committee. In recognition of the need to move forward on the pilot project and continue to discuss legislative reform issues, it was the consensus of the Juvenile Justice Committee that the Status Offender Task Force should remain intact and continue to meet.

Committee Process:

In August 2000, the Status Offender Task Force was renamed the Status Offender Work Group and established as a standing body under the Juvenile Justice Committee. Membership of the Work Group was expanded to include additional representatives from rural areas, including members of the judiciary and the legislature. Since that time, members have focused on collecting statewide data pertaining to status offenders; hearing presentations from model programs across the state; and moving forward with implementation of a pilot status offender project in Fayette County.

The status offender pilot project incorporates a network of collaborative and intensive early intervention programs and services based on a Florida model. Following referrals from schools, Court Designated Workers, family members, Department of Juvenile Justice staff, and/or law enforcement, an array of intensive early intervention services is provided under contract with private agencies to prevent status offender youth from progressing into the juvenile justice system. The typical array of services includes crisis stabilization, short-term casework, residential options including shelter and foster care, "school escort services," parent training programs, and truancy mediation. At the present, efforts to coordinate a status offender pilot project have begun in Fayette County using existing agency personnel and resources.

In August 2000, the Committee also initiated its comprehensive study of juvenile sex offenders by scheduling testimony from a broad range of constituency groups. Over the course of its nine-month study, the committee received presentations from representatives of the Department of Juvenile Justice; the Cabinet for Families and Children; the Foster Care Review Board; the Department of Public Advocacy; the Department for Mental Health and Mental Retardation Services; the IMPACT and IMPACT Plus Programs; the Kentucky Association of Sexual Assault Programs; the Family Place (juvenile sex offender treatment provider); and the Office of the Jefferson Commonwealth's Attorney (including prosecutors working at the District and Circuit Court level and a victim advocate).

As part of its study, the Committee received a comprehensive overview of current Kentucky statutes pertaining to juvenile sex offenders and reviewed extensive resource materials on model approaches and responses to juvenile sex offenders. Resource materials included publications from the national Center for Sex Offender Management, the *Utah Report on Juvenile Sex Offenders* (1989), the revised report from the National Task Force on Juvenile Sex Offending (1993), and emerging literature on victim-centered approaches.

Committee Recommendations:

Based on testimony and its comprehensive study of the current response to juvenile sex offenders in Kentucky, the Juvenile Justice Committee submitted the following list of recommendations to the full Criminal Justice Council:

Education/Prevention:

- (1) The Committee believes that juvenile sex offender prevention is primary sexual abuse prevention, since a significant number of juvenile sex offenders have also been victims of sexual abuse themselves. A majority of juvenile sex offenders can be treated and their future behavior managed through appropriate early treatment and intervention. The Committee therefore recommends that statewide efforts in prevention, early intervention and treatment for child victims of sexual abuse should continue to be a priority for the Commonwealth.
- (2) The Committee believes that effective sexual abuse prevention requires full public and professional awareness of the importance of identifying and treating juvenile sex offenders. The Committee therefore recommends the following:
 - (a) Public education on child/adolescent sexual development, healthy sexuality and sexual relationships, and the seriousness of juvenile sexual offenses.
 - (b) Education of judges, prosecutors, defense attorneys, guardian ad litem, and other criminal justice and mental health professionals on the typologies of juvenile sexual offenders, the dynamics of child sexual abuse, and treatment/intervention strategies.
 - (c) Specialized training for law enforcement and child protective service workers in the identification, investigation, interviewing and coordination of cases involving juvenile sex offenders.

Court Process:

- (3) The Committee recognizes that while resources for juvenile sex offenders remain limited within the Commonwealth, treatment is most effective when clinical intervention and consequences are introduced at the earliest possible stage. With public safety and victim protection as the ultimate goal, the Committee recommends that juvenile sex offender treatment be provided in conjunction with accountability and consequences.
- (4)
 - (a) The Committee has identified that Kentucky has an insufficient number of qualified, knowledgeable and trained juvenile sex offender assessment and treatment providers. The Committee recommends that the state consider contributing additional resources to develop additional qualified and trained individuals to conduct juvenile sex offender assessments and to provide juvenile sex offender treatment both in the community and in residential settings.
 - (b) The Committee is also concerned that there is no certification process for juvenile sex offender providers similar to the adult process. This is especially problematic when youthful offenders are waived to the adult court and must meet the statutory requirement for treatment provided by a certified provider. With knowledge that the Governor's Council on Domestic Violence and Sexual Assault is proposing to combine the state level certification bodies for both providers of court-ordered treatment in domestic

violence cases and providers of adult sex offender treatment, the Committee recommends that a certification process for juvenile sex offender assessment and treatment providers be established and incorporated into the proposal for a unified state level certification board.

- (5) As part of the above recommendation, the Committee recommends that the certification for juvenile sex offender assessment and treatment providers incorporate state-of-the-art and science-based assessment instruments and that once certified, a list of the approved juvenile sex offender providers be made available on a state website to provide a central point of access to resource information.
- (6)
 - (a) The Committee learned that although youth alleged to be juvenile sex offenders are referred for a juvenile sex offender/mental health assessment (KRS 635.510[3]) prior to disposition, the assessment is generally not done until the post-disposition phase. With knowledge that evaluation and assessment are critical elements in determining the risk of relapse into sexually abusive behavior, the need for clinical intervention, and the required level of supervision, the Committee recommends that the assessments for a juvenile sex offender be conducted prior to disposition in cases in which the judge has discretion in designating a youth as a juvenile sex offender (i.e. misdemeanor and pre-teens).
 - (b) The Committee recommends that the term “Juvenile Sex Offender Assessment” be defined in the statutes so that the elements of a sex offender assessment are differentiated from a “mental health assessment.” The statutes should also identify the qualifications required for an individual performing juvenile sex offender assessments.
- (7) The Committee recommends that the Penal Code/Sentencing Committee work with the Juvenile Justice Committee to amend the penal code or the Juvenile Code to consider the age difference between a victim and a perpetrator in determining whether a sexual offense should be a felony when no force is involved. Under current statutes, juveniles often end up with felony charges because of the age of the victim, without regard to the age of the perpetrator. The Committee also recommends consideration of establishing a minimum age under which a juvenile perpetrator cannot be charged with a Class A felony.
- (8)
 - (a) The Committee notes that there is a large gap in our existing system regarding juvenile sex offenders who are determined to be incompetent to be adjudicated as sex offenders, but who have real treatment needs and issues. The current system does not provide any resources or support for these types of juveniles. The Committee recommends that this issue be given further study to determine why these resources are not available and how these needs should be addressed.
 - (b) The Committee heard testimony indicating that in some instances, there is a lack of communication between delinquency, dependency, family and felony courts which has resulted in contradictory court orders and fragmented responses. The Committee recommends that the Administrative Office of the Courts establish a data system that will enable Family Courts along with District and Circuit Courts to track files across systems so that judges in all courts can be aware of orders and issues affecting children before them in those other courts.
- (9) Under current law, certain juvenile sex offenders prosecuted as Youthful Offenders are not eligible for probation. The Committee recommends that the Penal Code/Sentencing Committee consider whether juvenile sex offenders who are prosecuted as youthful offenders should be eligible for probation (see KRS 640.040).

Services/Resources:

- (10) The Committee consistently heard testimony regarding the lack of juvenile sex offender treatment resources across the state, particularly on an outpatient basis. This is especially troubling in light of experience which suggests that the majority of juvenile sex offenders can safely be treated in the community and that treatment of juveniles who engage in sexually abusive behaviors has the potential to significantly reduce further victimization by these individuals. The Committee learned that Kentucky has limited resources for inpatient treatment of juvenile sex offenders. The Committee also learned that involvement of the juvenile sex offender's family in treatment represents a critical element.

The Committee therefore recommends the development of statewide "best practice" models for services to juvenile sex offenders. This should include juvenile sex offender specific intervention and supervision in the following settings: outpatient, day treatment, group home, therapeutic foster homes, inpatient, residential and secure confinement. The Committee further recommends that aftercare and transitional programming be incorporated into the continuum along with opportunities for the offender to make monetary and other appropriate restitution to victims. In addition to specific intervention and supervision, "best practice" models should also address early identification, assessment, investigation, prosecution, adjudication, education, training, research and program evaluation.

- (11) The Committee recommends that specialized juvenile sex offender treatment programs be developed for the following populations:
- (a) Mentally ill/emotionally disturbed youth
 - (b) Developmentally disabled youth
 - (c) Youth with culturally specific needs
 - (d) Sexually reactive youth (younger children with sexual behavior problems)
 - (e) Female juvenile sex offenders
 - (f) Non-admitters
 - (g) Youth with substance abuse issues
- (12) With knowledge that sexual abuse is a behavior which can be extremely traumatic for the victim, regardless of the age of the offender who commits the offense, the Committee recommends that a comprehensive continuum of services be available to the victims of juvenile sex offenders. The Committee further recommends that the Commonwealth adopt a victim-centered approach to sex offender management by involving victim service professionals in sex offender supervision and policy development to ensure that the concerns and needs of victims are addressed.
- (13) The Committee recommends conducting a study to explore the possibility of providing automated notification information to victims of juvenile sex offenders.
- (14) The Committee recognizes the need for a truly collaborative approach to managing child and adolescent sex offenders. In order to monitor victim safety and to facilitate successful reintegration of the offender into the community, information sharing and close coordination of treatment efforts with child protective services, the school system, juvenile probation workers, and law enforcement agencies is required. The Committee recommends that the Juvenile Justice Committee address this in its study of information sharing in the juvenile justice system.

Additional Statutory Recommendations:

- (15) The Committee supports legislation sponsored by the Department of Juvenile Justice to extend DJJ jurisdiction beyond age 18 for Youthful Offenders that are responding to treatment. The Committee recommends that the Criminal Justice Council endorses and actively supports passage of this proposal during the 2002 session of the Kentucky General Assembly.
- (16) The Committee is aware that there is no statutory definition of mental retardation as it pertains to juvenile offenders, and in particular juvenile sex offenders, other than the definition included in KRS 532.130[2] relating to imposition of the death penalty. The Committee recommends that the Juvenile Code be amended to include such a definition.
- (17) The Committee heard testimony pertaining to unintended consequences resulting from the application of adult laws to juveniles. As an example, the Committee learned that Megan's Law (KRS 17.495-17.991) includes a requirement that a sex offender not live within 1000 feet of a school or daycare, yet Youthful Offenders who are probated and deemed to be low risk may in fact be living at home with their parents and attending school. The Committee recommends that the Commonwealth proceed cautiously in any future considerations of applying adult laws to juveniles.
- (18) The Committee supports legislation proposed by the Department of Juvenile Justice that seeks to provide a privilege for information revealed by a juvenile during sex offender treatment (this privilege exists for adults under KRS 197.440, but not for juveniles under current law).

In considering the recommendations of the Juvenile Justice Committee, the Council voted on the 18 recommendations as a single unit rather than individually.

Vote: 23- Yes/ 1 - No

Pending Issues:

- Publication of a report detailing the findings and recommendations from comprehensive study of juvenile sex offenders
- Study of information-sharing within the juvenile justice system
- Prevention measures
- School safety
- Disproportionate minority confinement
- Improved coordination among state agencies and groups dealing with issues related to juvenile justice
- Legal representation of youth in the juvenile justice system
- Status offender data collection, pilot project implementation, and review of definitions of terms in the status offender statutes

LAW ENFORCEMENT ISSUES COMMITTEE

Committee Charge:

The Law Enforcement Committee has been charged with addressing the Council's legislative mandates on both hate crime and gangs. It has also been charged with analyzing rural crime, developing prevention programs, and developing a statewide community policing philosophy.

Prior the 2000 session, the Law Enforcement Committee issued recommendations to expand the existing hate crime statutes to address procedural issues (notice to the defendant) and include a one-level penalty enhancement provision for crimes motivated by hate. Although these recommendations were incorporated into legislative proposals sponsored during the 2000 and 2001 sessions, neither was successful amidst considerable debate regarding the appropriate state response to bias-motivated crime.

The Law Enforcement Committee also issued recommendations to revise and clarify the language in the existing criminal gang statute (KRS 506.140). Specifically the committee recommended adding a definition of the term "criminal gang," making necessary statutory revisions, and repealing KRS 506.130 relating to furtherance of criminal gang activity. These recommendations were incorporated into a legislative proposal that passed during the 2000 session.

Following the 2000 session of the Kentucky General Assembly, the Law Enforcement Issues Committee conducted a survey of its membership to determine priority issues for future study. Based on responses, the Committee identified the following list of topics for study:

- Police officer training/certification
- Law enforcement response to juveniles
- Law enforcement response to mentally ill individuals
- Computer crime
- Primary enforcement of seatbelt laws
- Statewide community policing philosophy

Committee Process:

Computer Crime:

Over the past year the Law Enforcement Issues Committee has devoted time to studying and scheduling presentations on many of the topics identified as priorities by members. In regard to computer crime, the Committee received presentations from the Electronic Crime Section of the Kentucky State Police and the Regional Electronic Computer Crime Intelligence Unit (RECI) in the Hamilton County, Ohio, Sheriff's Office. Based on recognition of the rapidly increasing threat posed by computer crime and the limited statewide expertise and investigative capacity, the Committee is attempting to identify the best approach for ensuring that law enforcement agencies across the state have ready access to investigative resources in cases involving computer and hi-tech crime.

Law Enforcement Response to Juveniles:

In regard to the law enforcement response to juveniles, the Committee surveyed 210 law enforcement agencies across the state (97 responded) and identified two primary problems encountered by law enforcement upon taking youth into custody: 1) access to the Court Designated Worker/coordination of efforts and 2) finding appropriate housing, placement or disposition to free the officer for other duties. The Committee subsequently received a presentation on the Court Designated Work Program operated by the Administrative Office of the Courts.

Law Enforcement Response to Mentally Ill Individuals:

The Committee received presentations from the Department of Mental Health and Mental Retardation Services along with a representative of the Kentucky Chapter of the National Alliance for the Mentally Ill (NAMI) as it pertains to the law enforcement response to mentally ill individuals. The Law Enforcement Issues Committee received information on the current training provided for law enforcement on this topic through the Department of Criminal Justice Training and reviewed national models, such as the Crisis Intervention Team (CIT) in Memphis.

Although many promising approaches were discussed, the Committee wants to ensure that any new initiatives include viable approaches for law enforcement agencies in rural as well as urban communities across the state. With awareness that the Criminal Justice/Behavioral Health Interface Work Group of the H.B. 843 Commission is currently reviewing issues relating to the law enforcement response to the mentally ill, the Committee anticipates reviewing the Commission's recommendations for possible endorsement.

Statewide DUI Enforcement Study:

In response to the request from Attorney General Ben Chandler in the fall of 2000 that the Criminal Justice Council undertake a statewide study of DUI enforcement, the Council's Executive Committee asked the UCJIS Committee to initiate the study by "mapping" the current DUI enforcement process. As part of this process, the UCJIS Committee was asked to identify points in the process at which criminal history data is available to key players as well as describing what information is available and how it is maintained. The UCJIS Committee was also asked to identify points in the process at which discretion may be exercised by law enforcement, prosecution or the judiciary.

Upon completion of the first phase of the statewide DUI enforcement study, information compiled by the UCJIS Committee was transmitted to the Law Enforcement Issues Committee for further review and action. The Law Enforcement Issues Committee is currently in process of reviewing the information and identifying a plan of action for collecting systemic data on DUI enforcement and possibly conducting survey research at the community level in pilot sites across the Commonwealth.

Lastly, the Committee received a presentation on issues relating to police training and certification by the Department of Criminal Justice Training. It is anticipated that this topic will remain a priority for future committee action and possible legislative endorsement. The Committee also devoted time to reviewing and making recommendations on the model policy and data collection plan developed by the Justice Cabinet in response to the Governor's Executive Order on Racial Profiling (2000-475, April 21, 2000). Over the coming months, the Committee will continue to monitor the implementation of data collection process along with the Justice Cabinet's plans for analysis and reporting of the data.

Committee Findings and Recommendations:

While it is likely that the Law Enforcement Issues Committee will develop programmatic recommendations in the coming months to address some of the topics listed above, including computer crime and the law enforcement response to juveniles and the mentally ill, these remain under deliberation at the present time.

Hate Crime:

In preparation for the 2002 session of the Kentucky General Assembly, the Law Enforcement Issues Committee specifically revisited its previous recommendations pertaining to hate crime. In its original study, the Committee identified that while hate crime statutes vary from state to state, common elements can be identified. A significant number of states attach a specific penalty to the offense and allow for civil action against hate crime offenders. While crime victims in Kentucky may, in general, take civil action against offenders, the hate crime statute does not specifically allow civil litigation against hate crime offenders.

The Committee also reviewed the possible implications of the U.S. Supreme Court ruling in *Apprendi vs. New Jersey*, which examined New Jersey's hate crime statute. The Court found that New Jersey's statute was unconstitutional and overturned the defendant's sentence that had been enhanced under the law. Although Kentucky's current statute does not include an enhancement provision, it does place the decision-making process

regarding whether or not the crime committed was motivated by hate with the sentencing judge, rather than a jury. In the *Apprendi* ruling, the Court stated that a criminal defendant is entitled to a jury determination that he is guilty of every element of a crime and that the standard must be beyond a reasonable doubt.

Based on its most recent review, the Committee remains concerned as to whether the existing statute sends a clear and strong message that hate crime is unacceptable in our communities since it does not attach a significant criminal penalty to hate crime offenses. With knowledge that hate crime victims are targeted as a result of their race, religion, ethnicity or sexual orientation, the Committee believes that these crimes tear at the very fabric of our society and engender widespread fear among potential victims and across entire communities.

Additionally, the Committee remains concerned regarding the lack of any mechanism for provision of notice to the defendant in the current statute (KRS 532.031) and procedural issues involving both the trial procedure and sentencing phase. Although previous legislation has been drafted and sponsored, the Committee chose not to endorse any previous drafts and is offering its recommendations in conceptual form with the hope that efforts can be initiated to meet with the Interim Joint Committee on Judiciary to discuss the viability of hate crime legislation and the preferred statutory approach.

Based on its most recent review, the Law Enforcement Issues Committee submitted the following recommendations to the full Criminal Justice Council:

(1) The Committee recommends revision of Kentucky's hate crime statute (KRS 532.031) to clarify the following procedural issues:

- (a) Adequate notice to the defendant
- (b) Trial process
- (c) Sentencing process

Vote: 24 - Yes/ 0 - No

(2) The Committee recommends revision of Kentucky's hate crime statute (KRS 532.031) to include a penalty enhancement provision.

Vote: 20 - Yes/ 4 - No

Pending Committee Issues:

- Statewide DUI enforcement study
- Law enforcement response to juveniles
- Law enforcement response to mentally ill individuals and consideration of H.B. 843 Commission recommendations pertaining to law enforcement
- Computer crime
- Racial profiling data analysis/reporting
- Development of comprehensive community gang prevention strategies
- Rural crime and crime prevention
- Statewide community policing philosophy

PENAL CODE/SENTENCING COMMITTEE

Committee Charge:

In preparation for the 2000 session of the Kentucky General Assembly, the Penal Code/Sentencing Committee focused its primary attention on studying and making a recommendation in response to the time-sensitive statutory mandate it was assigned. This included studying the costs and benefits to the corrections system and to public safety by the creation of a Class E felony for certain crimes against property. The Committee also identified and reviewed a number of inconsistencies in current sentencing provisions and discussed a range of issues related to the collection of court costs, fines and add-on fees.

Based on the recommendations of a Pre-Payable Fines Work Group, established to study and make recommendations to improve the consistency and clarity of statutory language governing pre-payable fines, legislation was enacted during the 2000 General Assembly. The legislative proposal established a uniform mechanism for assessment and collection of these fines across the Commonwealth. Legislation was also proposed to establish a statewide process for the collection of court costs, fines and add-on fees. Although unsuccessful, the proposal included provisions to consolidate court costs and to incorporate a priority system for application of funds paid by a defendant. Finally, the Council has also recommended that alternative sources of funding be explored for programs supported by fees that are not directly related to the operation of the criminal justice system.

Committee Process:

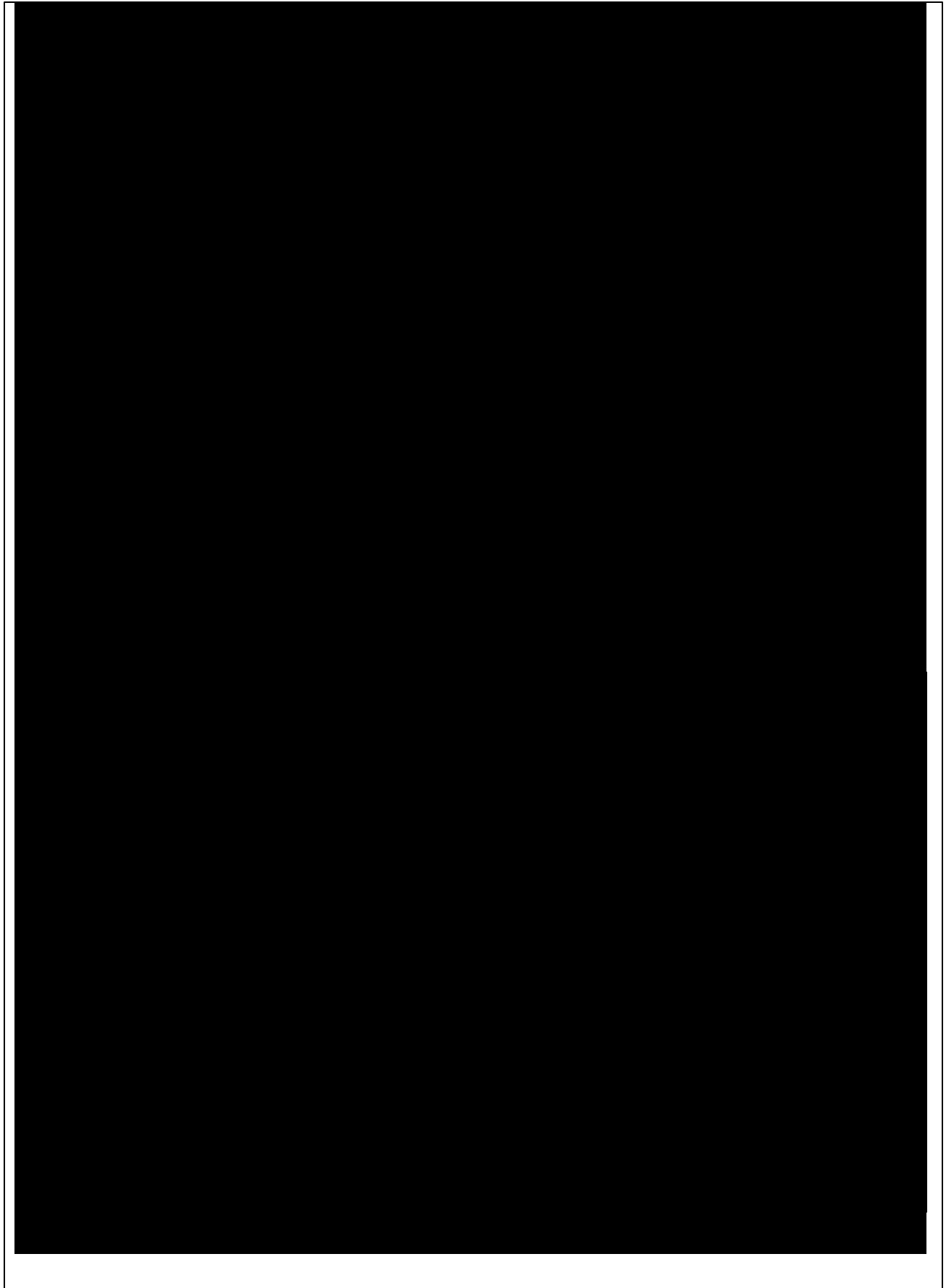
Following the 2000 session, the Penal Code/Sentencing Committee shifted its focus to its primary assignment and statutory mandate under KRS 15A.040—studying and making recommendations on the penal code. As a point of departure, the Committee gathered historical information on the development of the existing code, which was enacted by the Kentucky General Assembly in 1975. The Committee also received a presentation from Professor Robert G. Lawson, an integral figure in the development of Kentucky’s model penal code and member of the original drafting staff. Based on this information, the Committee established a committee structure and penal code reform process similar to the 1968 process.

In preparation for initiating a comprehensive penal code revision project, the Committee obtained appointments to a Penal Code Work Group and charged the group with the following three objectives:

- Review of penal code research and resource materials from a broad range of legal perspectives
- Identify issues to be addressed and options for consideration
- Organize/package issues and options for presentation to the Penal Code/Sentencing Committee

The Committee then drafted a set of guiding principles for penal code reform to address issues such as placement of criminal offenses within the code and standardization of mental states and penalty scales. As part of the process, broad-based research was initiated to collect information on state model codes; establish a database on all changes enacted in the code by legislative session; and distribute a questionnaire to constituency groups across the state to enlist input on problematic, ambiguous or inconsistent provisions within the current code. Questionnaires were mailed to the Prosecutor’s Advisory Council; Commonwealth’s Attorneys Association; County Attorneys Association; Criminal Appellate Division (Office of the Attorney General); Department of Public Advocacy; Kentucky Association of Criminal Defense Lawyers; Circuit Court Judges Association; District Court Judges Association; and victim advocates and related associations.

In light of this significant undertaking, Council staff made presentations to the District and Circuit Judicial Colleges on the proposed penal code reform project and key policymakers and legislative leaders were briefed. In October 2000, a joint meeting of the Penal Code/Sentencing Committee and the Interim Joint Committee on Judiciary was scheduled to receive a presentation by Professor Paul Robinson, Northwestern University College of Law. Professor Robinson co-authored a national study on American criminal codes and currently serves as Reporter for the Illinois Criminal Code Rewrite and Reform Commission.



In his presentation, Professor Robinson noted that the goal of the penal code reform process should be to develop a fully integrated code that sets forth offenses and punishments in a simple and straightforward manner. With knowledge that 25 years have passed since the enactment of Kentucky's original code, it was noted that there have been numerous amendments to the criminal statutes, many of which are not in the penal code and many of which can only be fully understood through case law. As a result, the penal code has become internally inconsistent.

Professor Robinson encouraged the committee to draft a comprehensive revision of the Kentucky code that will be good for the next 25 years, taking into account the system experience and appellate opinions over the past quarter of a century. As part of his presentation, Professor Robinson described a six-step criminal code revision process that is currently being utilized in Illinois.

As an outcome of the October 2000 meeting, the Penal Code/Sentencing Committee pursued grant funds to support a contract with Professor Robinson to serve as reporter for Kentucky's efforts in penal code reform. A contract was established in January 2000 and staff began to assemble background information and insert it into computer files for each of the 35 statute categories identified for the rewrite process. The Penal Code/Sentencing Committee also worked with Professor Robinson to adapt his six-step process for penal code revision for use by Kentucky as follows:

- (1) Staff will produce a background document for each chapter/subchapter (i.e. theft, burglary) which includes:
 - (a) All current Kentucky statutes
 - (b) All relevant statutes from the 1975 penal code
 - (c) All relevant statutes from the model penal code
 - (d) All relevant statutes from the National Commission Report (1972-73) which incorporates 10 years of experience with the model penal code
 - (e) All relevant provisions from model states
 - (f) All relevant Kentucky case law citations
- (2) Following study, Professor Robinson, with assistance from staff, will prepare the first draft of the subchapter.
- (3) The first draft will be given to the three law professors who serve on the Criminal Justice Council and the Penal Code Work Group to review. Reviewers will be asked to prepare written comments outlining any objections. These written responses will frequently be sent by e-mail and serve to build a record of the issues on the table, a fully developed summary of the pros and cons of each position, and how the issue is resolved.

Upon completion of its review, the Penal Code Work Group will present its draft to the Penal Code/Sentencing Committee. The Penal Code/Sentencing Committee will review and discuss the draft, make necessary changes, and vote on the revised draft.

- (4) The revised draft will be presented to the full membership of the Kentucky Criminal Justice Council and written comments will be requested.
- (5) The revised draft will be annotated with a series of footnotes, which outline the points of continuing disagreement. These disagreements typically reflect value judgments, which should be decided by policymakers and not the drafting staff.

The draft will be used as an agenda for a meeting of the Criminal Justice Council to work through the footnotes and determine how to resolve the points of disagreement.

- (6) A revised chapter will then be drafted based on the decisions of the Criminal Justice Council. Once all drafts have been completed, the final product will be forwarded to the Governor and the Kentucky General Assembly.

At the present, based on information contained within the background files for the general provisions of the code (KRS 501-508), Professor Robinson has developed a preliminary draft which is being reviewed and refined by the Council's three law professors. A draft of the accompanying official commentary has been compiled and both drafts have been distributed to the Penal Code Work Group in keeping with the six-step revision process.

Although the working stage of the process is currently underway, it is anticipated that penal code reform will require a long-term process and will require broad-based input from across the state. Upon completion of the draft of the general provisions and approval by the Criminal Justice Council, it is envisioned that the draft will be presented to the Interim Joint Committee on Judiciary for review and consideration. Since it has been recommended by key legislators that legislation amending the code would need to pass as an entire package, the Penal Code/Sentencing Committee is hoping to have the entire draft completed prior the 2003 session of the Kentucky General Assembly and to coordinate its efforts with the membership of the House and Senate Judiciary Committees in the interim.

Finally, in order to facilitate the maximal availability of information regarding the status of the reform project to all varied interest groups, a statewide newsletter will be compiled by staff on a monthly basis to keep interested individuals and organizations apprised of the status of the penal code revision project.

Committee Findings and Recommendations:

Although the Penal Code/Sentencing Committee has not developed any legislative or programmatic recommendations at this time, recommendations pertaining to the collection of court costs, fines and add-on fees are likely in the coming months. To address this issue, the Penal Code/Sentencing Committee is establishing a Court Costs Work Group to bring the key constituency groups to the table and to draft legislation creating a streamlined process for collection of court costs and fees and a priority system for application of funds paid by defendants.

Pending Committee Items:

- Development of a legislative proposal for consolidation of court costs, fines and add-on fees
- Penal Code reform
- Study of recommendation to allow for oral presentation of victim impact statements
- Structured sentencing and judge sentencing

UNIFIED CRIMINAL JUSTICE INFORMATION SYSTEM COMMITTEE

Committee Charge:

Based on the statutory mandate in KRS 17.131, the UCJIS Committee is charged with designing, implementing and maintaining a Unified Criminal Justice Information System. Design and implementation of this system represents an extremely complex task—a task that not only requires the creative application of significant hardware and software solutions, but equally important, one that requires the ability to develop a common language among the databases of the various criminal justice agencies. It is a task analogous to building a house in that a solid foundation must be laid before erecting the framework.

Committee Process:

Since the passage of the Governor's Crime Bill (H.B. 455) in 1998, considerable progress has been made in the effort to integrate criminal justice systems throughout the Commonwealth. Although this is a complex, long-term effort, the Unified Criminal Justice Information System project (UCJIS) has initiated local demonstration projects that are already transferring data from in-car computers to jails and courts using state-of-the-art wireless technology.

The legislative mandate that launched the UCJIS program is a key enabler in the complex effort to integrate systems and share information across organizational and jurisdictional boundaries. While nearly every state has an initiative similar to the UCJIS project, Kentucky has been at the forefront and received national recognition for the work of its UCJIS Committee. Through its accomplishments and participation in a number of national UCJIS forums, Kentucky has raised its profile and is currently well positioned to receive future federal funding for UCJIS implementation. Additionally, the financial support and technical assistance received from nationally-funded projects has enabled the UCJIS Committee to extend its project capabilities, shorten implementation timeframes, and gain access to cutting-edge criminal justice technologies.

With knowledge that a strategic plan is essential to provide a UCJIS map for the future, the Commonwealth contracted with a team from Science Applications International Corporation (SAIC), PriceWaterhouse Coopers, and Intelligent Document Management Solutions (IDMS) in October 2000 to accomplish the following four key items:

- (1) Confirm that the vision from the 1998 joint task force is still valid
- (2) Develop a strategic plan
- (3) Using the strategic plan as a basis, write a corresponding implementation plan that includes short, intermediate and long term goals
- (4) Develop a project plan for a new criminal history system

In addition to guiding UCJIS implementation, the Strategic Plan reflects broad-based input and investment on the part of key state and local constituency groups in the future direction of the project—elements that will determine the ultimate success of the project. As an outgrowth of the strategic plan, several immediate and critical projects were identified which will significantly impact the overall system design. These include the following:

- Development of a Booking Process White paper
- Development of a Warrants Process White paper
- Movement toward a Unified Jail Management System

In 1999, five issue-specific work groups were established under the UCJIS Committee to deal with issues related to technology, legal policy, training and public relations, funding, and automated warrants functions. The work groups have continued to meet on a regular basis and present monthly progress reports to the full UCJIS Committee.

In the last year, a Communications Work Group was added to address wireless communications and provide a forum for discussion of issues related to cost, vendors, and scalability.

Along with the development of a strategic plan, maintenance of a viable committee structure, and initiation of local demonstration projects, Kentucky UCJIS standards have been developed. As the first step to an integrated system, these standards represent the agreement of individual agencies and branches of government to adhere to basic structural requirements in implementation of a statewide UCJIS system. Perhaps the most significant accomplishment related to standards is that the state UCJIS standards have been adopted by a number of local agencies. Since local agency information is the basis for the data that must be integrated into the various agency systems, their participation is not simply valuable, it is essential. To date, standards have been developed to address a number of applications including:

- Electronic or e-citation
- Commonwealth National Incident Based Reporting System or NIBRS standard
- Commonwealth data definition
- Standardized XML Interstate Rap sheet
- LegalXML group's XML court filing standard
- American Association of Motor Vehicle Administrators (AAMVA) driver's license standard
- Agreement regarding no proprietary databases without justification
- Any applicable federal standards

Based on these efforts, Kentucky has been able to influence the development of standards at the national level, which will facilitate the ability of our state systems to be integrated into the federal architecture and vice versa.

In addition to the UCJIS milestones described in the preceding sections, a brief summary of ongoing projects is highlighted in the following chart, which includes both accomplishments to date and future action:

<i>Project Name</i>	<i>Accomplishments</i>	<i>Next Steps</i>
UCJIS Project	<ul style="list-style-type: none"> • Vision Validation • Booking Process White Paper • Strategic Plan • Criminal History Discovery • UCJIS Architecture 	<ul style="list-style-type: none"> • UCJIS Implementation Plan • Warrants process recommendation • Implement new Criminal History System
Criminal History	<ul style="list-style-type: none"> • UCJIS architecture diagramed (see Figure 1, below) • Agreement reached on data and ownership 	<ul style="list-style-type: none"> • Complete detailed project plan
Booking Process White Paper	<ul style="list-style-type: none"> • Federal grants funds utilized • New process recommended, accepted by Jailers and KSP (see Figure 2, below) 	<ul style="list-style-type: none"> • Finalize Printrak resources • Detailed Implementation plan • Resolve who will do the fingerprinting
Demonstration Project (Louisville/Jefferson County)	<ul style="list-style-type: none"> • Records Management System vendor selected • 120+ in-car computers implemented • Average of 45,000 license queries per month without dispatcher involvement • Citation information flowing to jail and courts 	<ul style="list-style-type: none"> • Demonstrate e-citation • Continue work on flow of information

<p>KY Vehicle Enforcement (KVE) Wireless Project</p> <p>Wireless Strategic Plan</p> <p>KSP Strategic Plan</p> <p>DOC Business Process Reengineering</p> <p>National Integrated Justice Practitioners Group</p>	<ul style="list-style-type: none"> • Maps the current wireless data footprint in the Commonwealth, suggests short and long term solutions • Initial Report Sign-off • Consolidates all wireless options into one strategic plan, leveraging needs from multiple agencies • Vendor selected, questionnaire in process • Initial High Level Draft • Excellent Recommendations • Buy-in from all participants (San Diego County, Maryland, Virginia, D.C., Feds) • Proposed standards process to GLOBAL • Formal buy-in from GLOBAL received 	<ul style="list-style-type: none"> • Identify potential model sites • Consolidate and analyze information • Write RFP • Ensure Synergy with UCJIS Strategic Plan • Specific recommendations for DOC • Leverage experience to perform BPR's within other agencies • Obtain buy-in and approval from other national organizations such as NASIRE and NGA • 22 other standards initiatives have been identified. Figure out how to involve them in the same process.
<p>DUI Process</p> <p>Digital Drivers' License</p>	<ul style="list-style-type: none"> • Mapped the data points and process flow for DUI enforcement within the Commonwealth • Vendor selected • Most technology and data ownership issues identified and resolved 	<ul style="list-style-type: none"> • Be available to answer questions. • Identify hardware vendors for bar code readers • Secure on-going funding
<p>Juveniles</p>	<ul style="list-style-type: none"> • KSP and AOC agreement re: data sharing 	<ul style="list-style-type: none"> • Test agreement
<p>Warrants</p>	<ul style="list-style-type: none"> • Warrants process definition white paper in process 	<ul style="list-style-type: none"> • Complete white paper • Assess impact • Potential legislative changes

Figure 1—Diagram of Proposed UCJIS Architecture

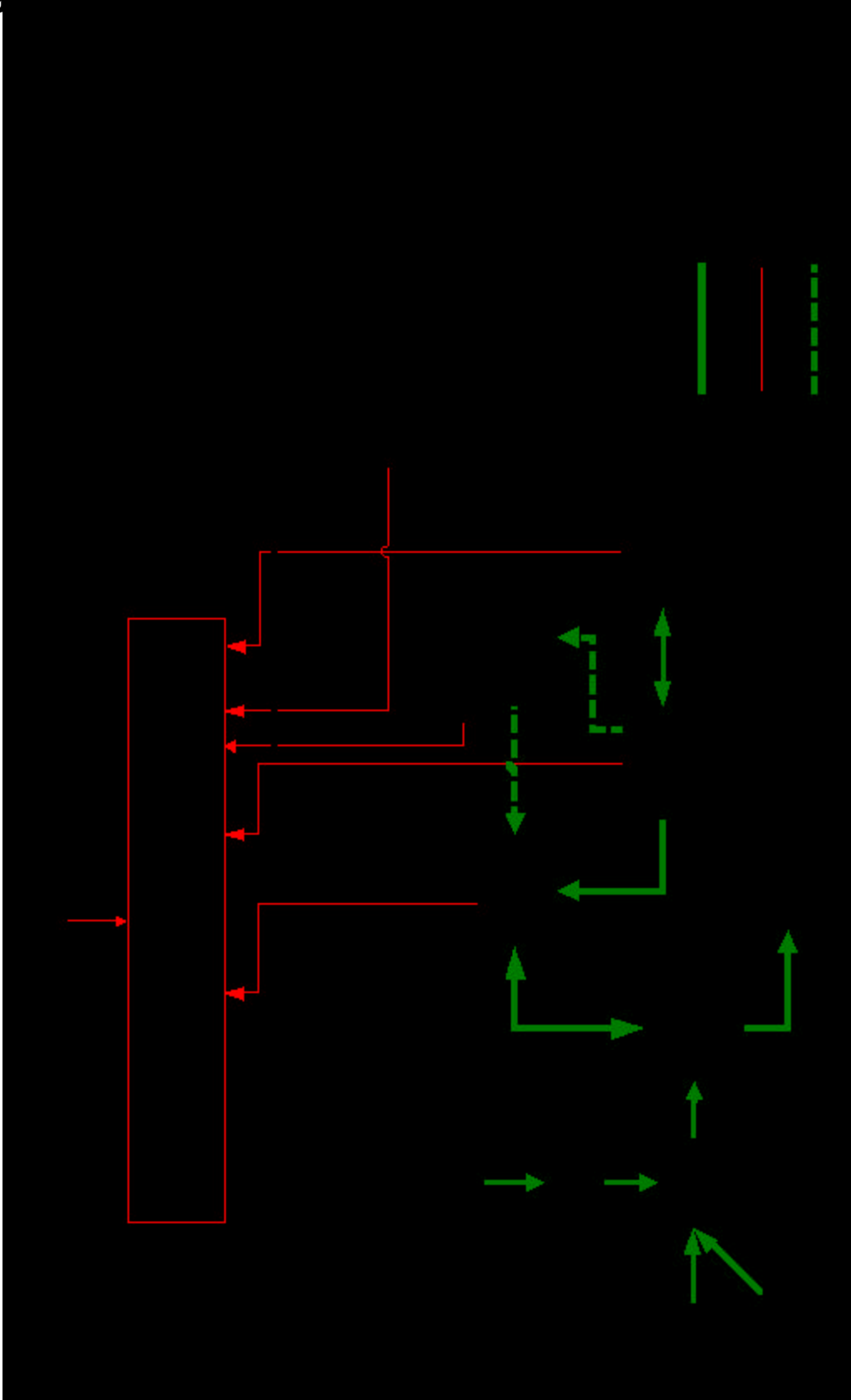
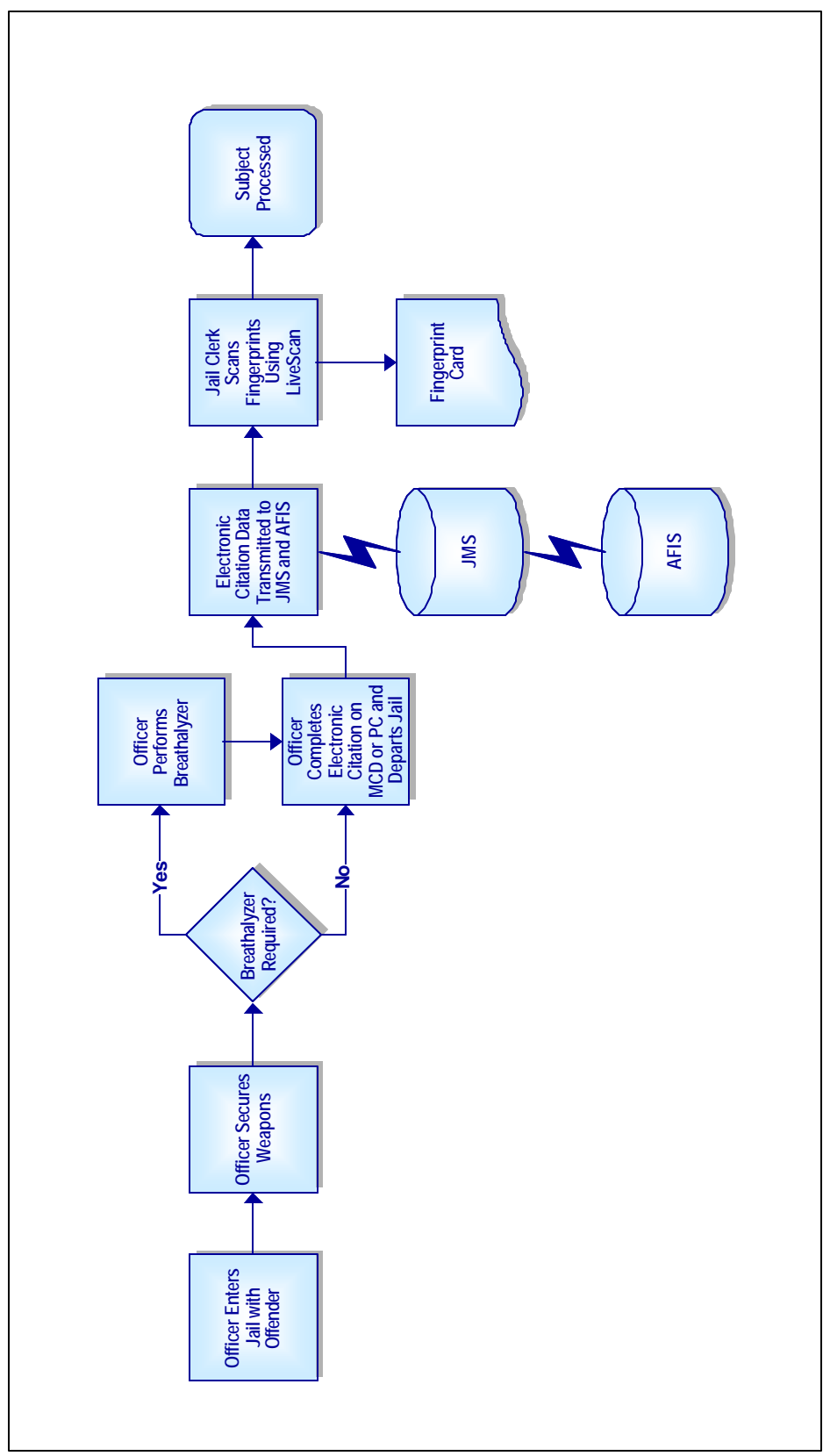


Figure 2—Diagram of Proposed Booking Process



UCJIS 2002 – 2004 Budget Considerations

The following items were unanimously endorsed by the Criminal Justice Council for inclusion in the 2002 - 2004 biennial budget. The numbers are the best estimates and will become more refined as the UCJIS Strategic Plan and the UCJIS implementation Plan become final. When those plans are available there may be some additional projects. We will seek federal funds to leverage the monies made available.

Project Name	Description	2002 – 2004 Budget		2002 – 2008 6 Year Capital Plan
		Operating	Capital	
Criminal History	The current Criminal History System (CHRIS) is a legacy system running on a mainframe. Due to a lack of funds and focus this system has not kept current with technology, and more importantly, with many of the federal requirements surrounding criminal history systems. Sometime in June 2003 Kentucky's criminal history system must be Triple 'I' compliant. Should Kentucky fail to meet that deadline all federal law enforcement grants to the Commonwealth will be withheld. The various phases for the Criminal History Improvement plan are listed below.		\$ 1,078,750	\$ 1,078,750
	Phase 1 (began May of 2001) - Re-engineer current functionality to modern platform; improved UI; real-time background checks. Cost includes labor, software and hardware.			\$ 1,371,000
	Phase 2 - Triple 'I' compliant ; new functionality; tightly coupled to AOC and jail fingerprint stations.			\$ 1,487,000
	Phase 3 - Non-critical data conversion; enhanced court functionality; non-fingerprint supported arrests; statistical reporting.			\$ 172,000
	Phase 4 - NFF compliant (begin July 2004)			\$ 1,194,000
	Phase 5 - Integration with DOC; mugshots; XML rap sheet; disposition purging per <i>In Rey Farley</i> (begin August 2004).			
RMS/CAD Joint Project with Locals	Records Management and Computer Aided Dispatch are two very weak areas for Kentucky law enforcement. In order to take advantage of the data gathered at the various crimes, establish criminal patterns and more efficiently use staff both of these systems must be put into place. The monies will be leveraged by providing match to locals who are willing to share resources on a regional basis.		\$ 2,000,000	\$ 8,000,000
Joint Funding Opportunities	UCJIS has been quite successful in leveraging federal grant programs by providing the match for locals willing to adhere to UCJIS standards. Thus far we have committed to or provided \$2.8M in matching funds. By continuing this program we will promote and continue the building of systems that are able to share criminal justice data. The match required is between 10% and 25%, depending upon the grant source. It can be	\$ 2,000,000		
Project Name	Description	2002 – 2004 Budget		2002 – 2008 6 Year Capital Plan
		Operating	Capital	
Warrants	Implement standard business process for warrants across the Commonwealth. Requires tight systems and policy integration between AOC and law enforcement. Likely to require new legislation. Will be technology enabled (ability to do an electronic warrant). It is projected an additional \$2,000,000 will be needed for the 2004 – 2006 biennium to complete this project.		\$ 2,000,000	\$ 5,000,000
Jail Management System	Currently within the Commonwealth there are multiple Jail Management Systems (JMS). The use of these different systems, along with jails that have no system or in-house ad-hoc systems, makes the sharing of information among jails difficult. Standardization on one JMS would lead to increased coordination among jails and efficient sharing of information with Corrections and VINE. The introduction of a singular Commonwealth-wide JMS provides future efficiencies in data migration, systems support, and upgrades. These monies will be general fund monies. If federal grants exist for these systems those funds will be sought (begin July 2004).			\$ 4,000,000
Prosecutor Case Mgmt	In spite of a full workload, the lack of connectivity in many cases and the plethora of information obtained manually from a court case file and the importance of their job to the successful completion of the justice process the County and Commonwealth Attorneys have no unified prosecutorial Case Management System. Many resort to the development of in-house systems from Microsoft Access or, in the case of the less computer-savvy, to Microsoft Excel workbooks, Microsoft Word documents or just to "organized" legal pads. A Case management system will be identified in the current biennium to be used by all Prosecutors. This single system will have very strong ties to Criminal History (see above). Federal grant funding will be sought, but likely the Commonwealth will need to fund up to 50%.			\$ 900,000
Staff		\$ 500,000		
Travel		\$ 11,000		
Total		\$ 2,511,000	\$ 7,936,750	\$ 23,202,750

The following project is closely related to the UCJIS project, but the funding is being requested through other agencies.

Wireless Infrastructure	This project is essential to the achievement of the UCJIS effort. Using existing infrastructure and partnering with locals, build out the Commonwealth-wide wireless data network. Steady funding stream is critical to the success. These monies are included in the GOT budget request.
-------------------------	---

APPENDIX: A



Increase public confidence in justice system

Improve efficiency of criminal justice system and related programs

Improve quality of justice

Crime control and crime prevention

Protect integrity of the law

(To be achieved by)
improved criminal justice policy, program and operational decision-making

Improved analysis of criminal justice problems

Improved coordination and cooperation

Clearer goals, objectives and priorities

More effective allocation of resources

Improved criminal justice programs and services

Improved capacity and quality of personnel

APPENDIX: B

KENTUCKY CRIMINAL JUSTICE COUNCIL SUMMARY OF 2001 RECOMMENDATIONS

Executive Committee:

- (1) The Executive Committee recommends that the membership of the Criminal Justice Council, as set forth in KRS 15A.040, be amended to include representation from the Kentucky Parole Board.
- (2) The Executive Committee recommends increased and improved public education about the criminal justice system, particularly at the elementary and secondary education levels.

Capital Litigation Committee:

- (3) The Committee unanimously recommends that a comprehensive statewide study be undertaken to address the following list of issues:
 - Delay in implementing the penalty imposed and consideration of reforms in the review process to make it more timely (revision of RCr 11.42 and possible recommendation to Kentucky Supreme Court regarding stay practice);
 - Incorporate balanced and systemic input, including prosecution and defense and victims' families, into any study;
 - Effective assistance of counsel (minimum standards, certification) and training for trial judges;
 - Access to DNA evidence;
 - Evidentiary issues, e.g. jailhouse informant testimony identified as a problem in other jurisdictions; uncorroborated eye witness testimony; unrecorded confessions;
 - Resources for prosecution and defense (establishment of special teams, representation/investigation experts);
 - Prosecutor discretion in seeking death penalty; adaptation of federal guidelines or procedures in other states; independent review team to ensure statewide consistency in considering factors of race, geography, gender, economic status, age, cognitive abilities, and aggravating circumstances/level of culpability; and
 - Jury selection and jury instruction in death penalty cases; educating potential jurors on trial process and overall operation of criminal justice system; and criminal background checks of jurors in death penalty cases.
- (4) The Committee recommends legislation to adequately fund and support the collection, testing and preservation of DNA evidence to ensure its availability to prosecution and defense in a timely manner in capital cases. It is further recommended that this legislation comply with federal guidelines for incentive funding.

Corrections/Community-Based Sanctions Committee*:

- (5) The Committee recommends that community-based sanctions be defined as local criminal justice options from the point of arrest through the conclusion of the re-entry process.
- (6) The Committee recommends that the Kentucky State Corrections Commission (KRS 196.081) be reorganized by:
- (a) Appropriating full-time staff
 - (b) Examining and/or broadening membership
 - (c) Appropriating a sufficient level of funds
 - (d) Redefining the role of the Commission to include, but not be limited to:
 - (1) Developing a statewide strategic plan to foster and encourage the establishment of community-based sanctions as defined
 - (2) Providing oversight to local community corrections boards
 - (3) Holding community corrections boards accountable through research, evaluation and quality assurance
 - (4) Allocating funding to community corrections boards
 - (5) Providing for the education of the public and criminal justice and other service system personnel concerning community-based sanctions
- (7) The Committee recommends that funding should be significantly increased for community-based sanctions.
- The Committee recommends that funding should be significantly increased to raise salaries for probation and parole officers, permit lower caseloads through hiring of new personnel, and encourage expansion of specialized treatment options.
- (8) The Committee recommends that Kentucky develop a community-based graduated continuum of treatment services consisting of education, short-term counseling, intensive outpatient services, and residential treatment programs to serve:
- (a) Class C/D felons in jails during the period of their incarceration
 - (b) Persons diverted on felony offenses
 - (c) Persons serving an alternative sentence in the community
 - (d) Persons released to the community by probation or parole (including offenders on conditional discharge)
 - (e) Persons who have served out
- (9) Drug Courts have proven to be a successful option for treating drug offenders. The Committee recommends that the Commonwealth should fund Drug Courts comprehensively through the General Fund.
- (10) The Committee recommends that a provision should be made in so far as practicable and as appropriate for transitional housing/half-way housing for offenders returning to the community prior to final discharge and for transportation for persons receiving treatment as a condition of a community-based sanction.
- (11) The Committee recommends that both faith-based and victims' organizations should be invited to participate with the criminal justice system in recommending policy regarding community-based sanctions and providing treatment and other services.

- (12) The Committee recommends that the Kentucky State Corrections Commission and all agencies responsible for training criminal justice and other service systems personnel incorporate educational programming regarding community-based sanctions into existing programs.
- (13) Restitution to victims is an important component of community-based sanctions and restorative justice. Payment to victims should be the highest priority of any system of collection and distribution. The Committee recommends that steps be taken to streamline and standardize statewide procedures for effective assessment, collection and distribution.
- (14) Effective community-based alternatives for offenders require proper assessment of their needs and allocation of community resources to address those needs. The Committee recommends implementing an AOC pilot program utilizing caseworkers for community-based sanctions to develop a plan that addresses the concerns of the court and the community as well as the needs of the offender.

*Minority Report Filed

Juvenile Justice Committee:

Education/Prevention

- (15) The Committee believes that juvenile sex offender prevention is primary sexual abuse prevention, since a significant number of juvenile sex offenders have also been victims of sexual abuse themselves. A majority of juvenile sex offenders can be treated and their future behavior managed through appropriate early treatment and intervention. The Committee therefore recommends that statewide efforts in prevention, early intervention and treatment for child victims of sexual abuse should continue to be a priority for the Commonwealth.
- (16) The Committee believes that effective sexual abuse prevention requires full public and professional awareness of the importance of identifying and treating juvenile sex offenders. The Committee therefore recommends the following:
 - (a) Public education on child/adolescent sexual development, healthy sexuality and sexual relationships, and the seriousness of juvenile sexual offenses.
 - (b) Education of judges, prosecutors, defense attorneys, guardian ad litem, and other criminal justice and mental health professionals on the typologies of juvenile sexual offenders, the dynamics of child sexual abuse, and treatment/intervention strategies.
 - (c) Specialized training for law enforcement and child protective service workers in the identification, investigation, interviewing and coordination of cases involving juvenile sex offenders.

Court Process

- (17) The Committee recognizes that while resources for juvenile sex offenders remain limited within the Commonwealth, treatment is most effective when clinical intervention and consequences are introduced at the earliest possible stage. With public safety and victim protection as the ultimate goal, the Committee recommends that juvenile sex offender treatment be provided in conjunction with accountability and consequences.
- (18) (a) The Committee has identified that Kentucky has an insufficient number of qualified, knowledgeable and trained juvenile sex offender assessment and treatment providers. The Committee recommends that the state consider contributing additional resources to develop

additional qualified and trained individuals to conduct juvenile sex offender assessments and to provide juvenile sex offender treatment both in the community and in residential settings.

(b) The Committee is also concerned that there is no certification process for juvenile sex offender providers similar to the adult process. This is especially problematic when youthful offenders are waived to the adult court and must meet the statutory requirement for treatment provided by a certified provider.

With knowledge that the Governor's Council on Domestic Violence and Sexual Assault is proposing to combine the state level certification bodies for both providers of court-ordered treatment in domestic violence cases and providers of adult sex offender treatment, the Committee recommends that a certification process for juvenile sex offender assessment and treatment providers be established and incorporated into the proposal for a unified state level certification board.

- (19) As part of the above recommendation, the Committee recommends that the certification for juvenile sex offender assessment and treatment providers incorporate state-of-the-art and science-based assessment instruments and that once certified, a list of the approved juvenile sex offender providers be made available on a state website to provide a central point of access to resource information.
- (20) (a) The Committee learned that although youth alleged to be juvenile sex offenders are referred for a juvenile sex offender/mental health assessment (KRS 635.510[3]) prior to disposition, the assessment is generally not done until the post-disposition phase. With knowledge that evaluation and assessment are critical elements in determining the risk of relapse into sexually abusive behavior, the need for clinical intervention, and the required level of supervision, the Committee recommends that the assessments for a juvenile sex offender be conducted prior to disposition in cases in which the judge has discretion in designating a youth as a juvenile sex offender (i.e. misdemeanor and pre-teens).
- (b) The Committee recommends that the term "Juvenile Sex Offender Assessment" be defined in the statutes so that the elements of a sex offender assessment are differentiated from a "mental health assessment." The statutes should also identify the qualifications required for an individual performing juvenile sex offender assessments.
- (21) The Committee recommends that the Penal Code/Sentencing Committee work with the Juvenile Justice Committee to amend the penal code or the Juvenile Code to consider the age difference between a victim and a perpetrator in determining whether a sexual offense should be a felony when no force is involved. Under current statutes, juveniles often end up with felony charges because of the age of the victim, without regard to the age of the perpetrator. The Committee also recommends consideration of establishing a minimum age under which a juvenile perpetrator cannot be charged with a Class A felony.
- (22) (a) The Committee notes that there is a large gap in our existing system regarding juvenile sex offenders who are determined to be incompetent to be adjudicated as sex offenders, but who have real treatment needs and issues. The current system does not provide any resources or support for these types of juveniles. The Committee recommends that this issue be given further study to determine why these resources are not available and how these needs should be addressed.
- (b) The Committee heard testimony indicating that in some instances, there is a lack of communication between delinquency, dependency, family and felony courts which has resulted in contradictory court orders and fragmented responses. The Committee recommends that the Administrative Office of the Courts establish a data system that will enable Family Courts

along with District and Circuit Courts to track files across systems so that judges in all courts can be aware of orders and issues affecting children before them in those other courts.

- (23) Under current law, certain juvenile sex offenders prosecuted as youthful offenders are not eligible for probation. The Committee recommends that the Penal Code/Sentencing Committee consider whether juvenile sex offenders who are prosecuted as youthful offenders should be eligible for probation (see KRS 640.040).

Services/Resources

- (24) The Committee consistently heard testimony regarding the lack of juvenile sex offender treatment resources across the state, particularly on an outpatient basis. This is especially troubling in light of experience which suggests that the majority of juvenile sex offenders can safely be treated in the community and that treatment of juveniles who engage in sexually abusive behaviors has the potential to significantly reduce further victimization by these individuals. The Committee learned that Kentucky has limited resources for inpatient treatment of juvenile sex offenders. The Committee also learned that involvement of the juvenile sex offender's family in treatment represents a critical element.

The Committee therefore recommends the development of statewide "best practice" models for services to juvenile sex offenders. This should include juvenile sex offender specific intervention and supervision in the following settings: outpatient, day treatment, group home, therapeutic foster homes, inpatient, residential and secure confinement. The Committee further recommends that aftercare and transitional programming be incorporated into the continuum along with opportunities for the offender to make monetary and other appropriate restitution to victims. In addition to specific intervention and supervision, "best practice" models should also address early identification, assessment, investigation, prosecution, adjudication, education, training, research and program evaluation.

- (25) The Committee recommends that specialized juvenile sex offender treatment programs be developed for the following populations:
- (a) Mentally ill/emotionally disturbed youth
 - (b) Developmentally disabled youth
 - (c) Youth with culturally specific needs
 - (d) Sexually reactive youth (younger children with sexual behavior problems)
 - (e) Female juvenile sex offenders
 - (f) Non-admitters
 - (g) Youth with substance abuse issues
- (26) With knowledge that sexual abuse is a behavior which can be extremely traumatic for the victim, regardless of the age of the offender who commits the offense, the Committee recommends that a comprehensive continuum of services be available to the victims of juvenile sex offenders. The Committee further recommends that the Commonwealth adopt a victim-centered approach to sex offender management by involving victim service professionals in sex offender supervision and policy development to ensure that the concerns and needs of victims are addressed.
- (27) The Committee recommends conducting a study to explore the possibility of providing automated notification information to victims of juvenile sex offenders.
- (28) The Committee recognizes the need for a truly collaborative approach to managing child and adolescent sex offenders. In order to monitor victim safety and to facilitate successful

reintegration of the offender into the community, information sharing and close coordination of treatment efforts with child protective services, the school system, juvenile probation workers, and law enforcement agencies is required. The Committee recommends that the Juvenile Justice Committee address this in its study of information sharing in the juvenile justice system.

Additional Statutory Recommendations

- (29) The Committee supports legislation sponsored by the Department of Juvenile Justice to extend DJJ jurisdiction beyond age 18 for Youthful Offenders that are responding to treatment. The Committee recommends that the Criminal Justice Council endorse and actively supports passage of this proposal during the 2002 session of the Kentucky General Assembly.
- (30) The Committee is aware that there is no statutory definition of mental retardation as it pertains to juvenile offenders, and in particular juvenile sex offenders, other than the definition included in KRS 532.130[2] relating to imposition of the death penalty. The Committee recommends that the Juvenile Code be amended to include such a definition.
- (31) The Committee heard testimony pertaining to unintended consequences resulting from the application of adult laws to juveniles. As an example, the Committee learned that Megan's Law (KRS 17.495-17.991) includes a requirement that a sex offender not live within 1000 feet of a school or daycare, yet Youthful Offenders who are probated and deemed to be low risk may in fact be living at home with their parents and attending school. The Committee recommends that the Commonwealth proceed cautiously in any future considerations of applying adult laws to juveniles.
- (32) The Committee supports legislation proposed by the Department of Juvenile Justice that seeks to provide a privilege for information revealed by a juvenile during sex offender treatment (this privilege exists for adults under KRS 197.440, but not for juveniles under current law).

Law Enforcement Issues Committee:

- (33) The Committee recommends revision of Kentucky's hate crime statute (KRS 532.031) to clarify the following procedural issues:
 - (a) Adequate notice to the defendant
 - (b) Trial process
 - (c) Sentencing process
- (34) The Committee recommends revision of Kentucky's hate crime statute (KRS 532.031) to include a penalty enhancement provision.

Unified Criminal Justice Information System:

- (35) A preliminary budget request of \$10,447,750 for the UCJIS Project was submitted to the Criminal Justice Council and unanimously endorsed. The 2002-2004 estimated budget includes funding for staff and travel expenses as well as new general fund dollars to support implementation of the following projects: Criminal History; Records Management System/Computer-Aided Dispatch Joint Project with Locals; State Funding to Leverage Federal Dollars; Automated Warrants System; Jail Management System, and Prosecutor Management System.

APPENDIX: C

KENTUCKY CRIMINAL JUSTICE COUNCIL CAPITAL LITIGATION COMMITTEE Membership List

The Honorable Rob Wilkey
22nd House District

The Honorable William Knopf
4th Appellate District
Kentucky Court of Appeals

The Honorable Russell Baldani
Kentucky Association of Criminal Defense Lawyers

The Honorable Joe Bouvier
Ass't. Fayette Commonwealth's Attorney

The Honorable Susan Stokley Clary
General Counsel
Kentucky Supreme Court

The Honorable Steven Durham
General Counsel
Department of Corrections

Commissioner Ray Franklin
Fraternal Order of Police

The Honorable Dan Goyette
Jefferson County Public Defender

The Honorable Ray Larson
Fayette Commonwealth's Attorney

The Honorable Kevin McNally
Attorney at Law

The Honorable Ed Monahan
Deputy Public Advocate
Department of Public Advocacy

The Honorable Gerald Neal
33rd Senatorial District

Taunya Northup
Victim Advocate
Jessamine County Sheriff's Office

JoAnn Phillips
Crime Victim

The Honorable David Sexton, Director
Criminal Appellate Division
Attorney General's Office

The Honorable Carol Ullerich
Chief Legal Counsel
Administrative Office of the Courts

**KENTUCKY CRIMINAL JUSTICE COUNCIL
CORRECTIONS/COMMUNITY-BASED SANCTIONS COMMITTEE
Membership List**

The Honorable Ernie Lewis, Chair
Public Advocate

Pat Byron, Vice Chair
Crime Victim

The Honorable Mark Bubenzer
Attorney at Law

Commissioner Tom Campbell
Department of Corrections

John C. Coy, Chair
Parole Board

Ed Crockett
Administrative Office of the Courts

Amy Dougherty
Justice Fellowship

Christie Floyd, Paralegal
Jefferson County Commonwealth's
Attorney's Office

Reverend Richard Gaines
Consolidated Baptist Church

Jailer Gary Gilkison
Kentucky Jailers Association

The Honorable Howard Keith Hall
Pike County Attorney
35th Judicial District



The Honorable Jim Lovell
Attorney at Law

The Honorable William Mains
21st Judicial Circuit

Debora McGill
Jefferson County
Probation and Parole

Betsy Fulton Matthews
Department of Correctional & Juvenile Justice Studies
Eastern Kentucky University

The Honorable George Moore
Commonwealth's Attorney
21st Judicial District

The Honorable Maria Ransdell
22nd Judicial District

Martin Scott, Jr.
Kentucky State Lodge
Fraternal Order of Police

The Honorable Kathy Stein
75th House District

The Honorable Jack Westwood
23rd Senatorial District

Dr. Deborah G. Wilson
Department of Justice Administration
University of Louisville

**KENTUCKY CRIMINAL JUSTICE COUNCIL
DRUG STRATEGY COMMITTEE
Membership List**

The Honorable David Williams, Chair
Senate President

Commissioner Ishmon Burks
Vice Chair
Kentucky State Police

Rick Badaracco
Drug Enforcement Administration

Denise Bentley
City of Louisville
Board of Aldermen

Larry Carrico, Executive Director
Kentucky Agency for Substance Abuse Policy

The Honorable Mike Caudill
Warren County Attorney
8th Judicial District

The Honorable Timothy Coleman
Butler County Attorney
38th Judicial District

The Honorable Jerry Cox
Kentucky Association of Criminal Defense Lawyers

The Honorable Rebecca DiLoreto
Post-Trial Division
Department of Public Advocacy

Wayne Hall, Acting Director
Department of Public Safety
University of Louisville

Commissioner Rick Johnstone
Alcoholic Beverage Control

The Honorable David Jorjani
Knox County Attorney
27th Judicial District

The Honorable Ray Larson
Fayette Commonwealth's Attorney
22nd Judicial District

Sarah McKinney
MADD Volunteer

Major Dave Motley
Louisville/Jefferson County
Metro Narcotics

The Honorable Mary C. Noble
22nd Judicial Circuit

Dr. Richard Purvis, Director
Division of Mental Health
Department of Corrections



Derrick Ramsey, Athletic Director
Kentucky State University

Vicki Reed, Director
Placement Services
Department of Juvenile Justice

Mike Townsend, Director
Division of Substance Abuse
Department of MH/MR Services

Robert Walker, Assistant Professor
Center on Drug and Alcohol Research
University of Kentucky

The Honorable Steve Wilson
Commonwealth's Attorney
8th Judicial District

**KENTUCKY CRIMINAL JUSTICE COUNCIL
JUVENILE JUSTICE COMMITTEE
Membership List**

The Honorable Gerald Neal, Chair
33rd Senatorial District

The Honorable Megan Thornton
Vice Chair
22nd Judicial District

Rashmi Adi Brown
Prevent Child Abuse Kentucky

Hasan Davis
Youth Empowerment Solutions

Amber Deitz
Victims' Advocacy Division
Attorney General's Office

The Honorable Rebecca DiLoreto
Post-Trial Division
Department of Public Advocacy

The Honorable Michael Foellger
17th Judicial District

The Honorable Michael B. Fox
Carter County Attorney
37th Judicial District

The Honorable Joni Jenkins
44th House District

Commissioner Ralph Kelly
Department of Juvenile Justice

Jailer James Kemper
Franklin County Detention Center

Debra Miller, Executive Director
Kentucky Youth Advocates, Inc.

The Honorable Sheila Redmond
Office of the General Counsel
Cabinet for Families and Children

The Honorable Gail Robinson, Manager
Juvenile Post-Disposition Branch
Department of Public Advocacy

The Honorable Pete Schuler
Chief Juvenile Defender
Jefferson Co. Public Defender's Office

Denis Spalding
Crimes Against Children Unit
Jefferson County Police Department

The Honorable David Stengel
Jefferson Co. Commonwealth's Attorney
30th Judicial District

Pam Thomas, Branch Manager
Program Development/Evaluation
Department of Juvenile Justice

Deborah Williamson, Manager
Youth, Families and Community Services
Administrative Office of the Courts

Associate Commissioner Tom Willis
Office of District Support Services
Kentucky Department of Education

The Honorable Kathryn G. Wood
Kentucky Association of Criminal
Defense Lawyers

**KENTUCKY CRIMINAL JUSTICE COUNCIL
JUVENILE JUSTICE COMMITTEE
Status Offender Work Group
Membership List**

Commissioner Ralph Kelly
Department of Juvenile Justice

The Honorable Megan Lake Thornton
22nd Judicial District

Kim Adams
Northern Kentucky Children's Law Center

Mike Armstrong, Director
Division of Exceptional Children
Department of Education

Sgt. Brenda Caudill-Barnes
Kentucky State Police

The Honorable Joan Byer
Jefferson County Family Court

The Honorable George Davis
32nd Judicial District

The Honorable Michael Foellger
17th Judicial District

Bonnie Hommrich
Division of Family Services
Department for Social Services
Cabinet for Families and Children

The Honorable Margaret Kannensohn
Fayette County Attorney
22nd Judicial District

The Honorable Ray Larson
Fayette Commonwealth's Attorney
22nd Judicial District

The Honorable Jean Logue
25th Judicial District

Debra Miller, Executive Director
Kentucky Youth Advocates, Inc.

The Honorable Sheila Redmond
Office of the General Counsel
Cabinet for Families and Children

Vicki Reed, Director
Placement Services
Department of Juvenile Justice

The Honorable Gail Robinson, Manager
Juvenile Post-Disposition Branch
Department of Public Advocacy

The Honorable Pete Schuler
Chief Juvenile Defender
Jefferson County Public
Defender's Office

Bruce Scott
Dept. for Mental Health/Mental Retardation
Cabinet for Health Services

Roger Von Strohe
Director, Pupil Personnel
Newport Independent School District

Pam Thomas, Branch Manager
Program Development/Evaluation
Department of Juvenile Justice

The Honorable Susan Westrom
22nd House District

Linda Wilhelms
Counselor/Court Liaison
Jefferson County Public Schools

Deb Williamson, Manager
Youth, Families and Community Services
Administrative Office of the Courts

**KENTUCKY CRIMINAL JUSTICE COUNCIL
LAW ENFORCEMENT ISSUES COMMITTEE
Membership List**

Dr. Gary Cordner, Chair
Dean, College of Justice and Safety
Eastern Kentucky University

Sheriff Charles Maiden, Jr.
Kentucky Sheriff's Association



Commissioner John Bizzack
Department of Criminal Justice Training

The Honorable Larry J. Crigler
Boone County Attorney
54th Judicial District

Ed Crockett
Administrative Office of the Courts

Bill DeNardi
Citizen Representative

The Honorable Joe Famularo
U.S. Attorney, Eastern District

Jailer Gary Gilkison
Kentucky Jailers' Association

The Honorable Joni Jenkins
44th House District

Commissioner Ralph Kelly
Department of Juvenile Justice

Chief Rebecca Langston
University of Kentucky Police Department

The Honorable Ray Larson
Fayette Commonwealth's Attorney

Edward L. Mercer
Director of Enforcement
Alcoholic Beverage Control

The Honorable Gary Payne
22nd Judicial Circuit

Lt. Colonel Don Pendleton
Kentucky State Police

Martin Scott, Jr.
Kentucky State Lodge
Fraternal Order of Police

The Honorable Ann O'Malley Shake
30th Judicial Circuit

The Honorable Kenton Smith
Commonwealth's Attorney
46th Judicial District

The Honorable George Sornberger, Director
Trial Division
Department of Public Advocacy

**KENTUCKY CRIMINAL JUSTICE COUNCIL
PENAL CODE/SENTENCING COMMITTEE
Membership List**

The Honorable Bill Fortune, Chair
Professor, College of Law
University of Kentucky

Carol Jordan, Executive Director
Governor's Office of Child Abuse and
Domestic Violence Services

The Honorable Les Abramson, Professor
Louis D. Brandeis School of Law
University of Louisville

Susan Blake, Director
Victims Advocacy Division
Attorney General's Office

The Honorable Mark Bubenzer
Attorney at Law

Pat Byron
Crime Victim

Commissioner Tom Campbell
Department of Corrections

The Honorable Ray DeBolt
General Counsel
Department of Juvenile Justice

Amy Dougherty
Justice Fellowship

The Honorable Dan Goyette
Jefferson County Public Defender

The Honorable William R. Harris
49th Judicial Circuit



Jailer James Kemper
Franklin Co. Regional Detention Center

The Honorable William Knopf
4th Appellate District
Kentucky Court of Appeals

The Honorable Cicely Lambert, Director
Administrative Office of the Courts

The Honorable Ernie Lewis
Public Advocate

The Honorable Tom Lockridge
Commonwealth's Attorney
13th Judicial District

Janice Marshall
Kentucky Association of
Circuit Court Clerks

Chief Ralph Miller
Shively Police Department

The Honorable David Sexton, Director
Criminal Appellate Division
Attorney General's Office

The Honorable Michael B. Stacy
Ballard County Attorney
1st Judicial District

The Honorable Mark Stavsky, Professor
Chase College of Law
Northern Kentucky University

Jim Wagner, Acting Supervisor
Jefferson County Office of Probation/Parole

The Honorable Rob Wilkey
22nd House District

**KENTUCKY CRIMINAL JUSTICE COUNCIL
PENAL CODE/SENTENCING COMMITTEE
Penal Code Work Group
Membership List**

The Honorable Bill Fortune, Chair
Professor, College of Law
University of Kentucky

Carol Jordan, Executive Director
Governor's Office of Child Abuse and
Domestic Violence Services

The Honorable Les Abramson, Professor
Louis D. Brandeis School of Law
University of Louisville

The Honorable Mark Stavsky, Professor
Chase College of Law
Northern Kentucky University

The Honorable Ernie Lewis
Public Advocate

The Honorable Mark Bubenzer
Kentucky Association of Criminal Defense Lawyers

The Honorable George Moore
Commonwealth's Attorney
21st Judicial District

The Honorable Fred Busroe
Harlan County Attorney
26th Judicial District

The Honorable Guy Hart, Jr.
48th Judicial District

The Honorable Rebecca Overstreet
22nd Judicial District

**KENTUCKY CRIMINAL JUSTICE COUNCIL
UCJIS COMMITTEE
Membership List**

Aldona Valicenti, Chair
Chief Information Officer
Commonwealth of Kentucky

Chief Richard Burkhardt
Kentucky Association of Chiefs of Police

Scott Blakely
Fraternal Order of Police

Gina Carey, Network Analyst
Prosecutor's Advisory Council

Jack Ellis, Branch Manager
Information and Technology Branch
Department of Corrections



Paul Embley, Project Manager
Unified Criminal Justice
Information System

Jailer Gary Gilkison
Kentucky Jailers Association

The Honorable Cicely Lambert, Director
Administrative Office of the Courts

The Honorable Ray Larson
Fayette Commonwealth's Attorney
22nd Judicial District

Janice Marshall
Kentucky Association of
Circuit Court Clerks

Bill May
Information Systems Manager
Department of Juvenile Justice

Major Rob Miller
Information Services
Kentucky State Police

Lieutenant John Moberly
Information Services
Kentucky State Police

The Honorable George Moore
Commonwealth's Attorney
21st Judicial District

Ramon Padilla, Jr.
Information Services Administrator
Jefferson Co. Information Services

Louis Smith
Chief Information Officer
Kentucky Justice Cabinet

Mitchell Smith
Project Manager
Law Enforcement Technology Grant

Stephanie Stidham
Louisville/Jefferson County
Crime Commission

Willie Tash, Systems Manager
Office of the Jefferson County Commonwealth's Attorney

The Honorable Bryan N. West
Assistant County Attorney
22nd Judicial District
The Honorable Virginia Whittinghill
30th Judicial District

**KENTUCKY CRIMINAL JUSTICE COUNCIL
UCJIS COMMITTEE
Automated Warrant System Work Group
Membership List**

Scott Blakely
Fraternal Order of Police

Steve Case
Information Services
Kentucky State Police

Ed Crockett
Administrative Office of the Courts

Paul Embley, Project Manager
Unified Criminal Justice
Information System

Lieutenant Paul Edwards
Louisville Division of Police

Janice Marshall
Kentucky Association of
Circuit Court Clerks

Bruce McMichael
Louisville/Jefferson County
Crime Commission

Major Rob Miller
Information Services
Kentucky State Police

Louis Smith
Chief Information Officer
Kentucky Justice Cabinet

The Honorable Bryan N. West
Assistant Fayette County Attorney
22nd Judicial District



**KENTUCKY CRIMINAL JUSTICE COUNCIL
UCJIS COMMITTEE
Funding Work Group
Membership List**

Gina Carey, Network Analyst
Prosecutor's Advisory Council

Mike Donnelly
Information Systems
Administrative Office of the Courts

Jack Ellis
Information and Technology Branch
Department of Corrections

Bill May
Information Systems Manager
Department of Juvenile Justice

Major Rob Miller
Information Services
Kentucky State Police

Lieutenant John Moberly
Information Services
Kentucky State Police

Louis Smith
Chief Information Officer
Kentucky Justice Cabinet

**KENTUCKY CRIMINAL JUSTICE COUNCIL
UCJIS COMMITTEE
Legal/Policy Work Group
Membership List**

Miranda Denney
Department of Juvenile Justice

Paul Embley
Project Manager
Unified Criminal Justice Information System

The Honorable Keith Horn
Department of Juvenile Justice

Bill May
Information Systems Manager
Department of Juvenile Justice

Lieutenant John Moberly
Information Services
Kentucky State Police

The Honorable Benham J. Sims III
Attorney at Law

Louis Smith
Chief Information Officer
Kentucky Justice Cabinet

The Honorable Carol Ullerich
Chief Legal Counsel
Administrative Office of the Courts

The Honorable Bryan N. West
Assistant Fayette County Attorney
22nd Judicial District

Marjorie Yuill
Information Systems
Department of Juvenile Justice

**KENTUCKY CRIMINAL JUSTICE COUNCIL
UCJIS COMMITTEE
Technical Work Group
Membership List**

Sergeant David Boggs
Lexington Division of Police

Gina Carey, Network Analyst
Prosecutor's Advisory Council

Ed Crockett
Administrative Office of the Courts

Mike Donnelly
Information Systems
Administrative Office of the Courts

Lieutenant Paul Edwards
Louisville Division of Police

Jack Ellis
Information and Technology Branch
Department of Corrections



Major Rob Miller
Information Services
Kentucky State Police

Lieutenant John Moberly
Information Services
Kentucky State Police

Ramon Padilla, Jr.
Jefferson County Information
Services Administrator

Jim Rollins, Supervisor
Records, Registration KLEFPF Section
Department of Criminal Justice Training

Louis Smith
Chief Information Officer
Kentucky Justice Cabinet

Mitchell Smith
Project Manager
Law Enforcement Technology Grant

Willie Tash
Systems Manager
Jefferson County Commonwealth's Attorney's Office

Marjorie Yuill
Information Systems
Department of Juvenile Justice

**KENTUCKY CRIMINAL JUSTICE COUNCIL
UCJIS COMMITTEE
Training/Public Relations Work Group
Membership List**

Aldona Valicenti
Chief Information Officer
Governor's Office for Technology

Stephanie Christenson
Department of Juvenile Justice

Jack Ellis
Information and Technology Branch
Department of Corrections

Scott Render
Governor's Office for Technology

**KENTUCKY CRIMINAL JUSTICE COUNCIL
UCJIS COMMITTEE
Wireless Communications Work Group
Membership List**

Mary Vaughn, Wireless Liaison
Governor's Office for Technology

Paul Embley, Project Manager
Unified Criminal Justice
Information System

Louis Smith
Chief Information Officer
Kentucky Justice Cabinet

Denisa Davidson
Information Services
Kentucky State Police

Brian O'Reel
Information Services
Kentucky State Police

Sergeant David Boggs
Lexington Division of Police

Lt. Colonel Rodney Milburn
Jefferson County Police Department

Mitchell Smith, Project Manager
Law Enforcement Technology Grant

**KENTUCKY CRIMINAL JUSTICE COUNCIL
DATA ADVISORY WORK GROUP
MEMBERSHIP LIST**

Ron Crouch, Director
Kentucky State Data Center
University of Louisville

Donna Bray
Information Services
Kentucky State Police

Tanya Dickinson
Department of Corrections

Mike Donnelly
Information Systems General Manager
Administrative Office of the Courts



Jack Ellis, Branch Manager
Information and Technology Branch
Department of Corrections

Paul Embley, Project Manager
Unified Criminal Justice Information System

Debra J. McGovern, Program Supervisor
Grants Management Branch
Kentucky Justice Cabinet

Lieutenant John Moberly
Information Services
Kentucky State Police

Louis Smith
Chief Information Officer
Kentucky Justice Cabinet

Marjorie Yuill
Information Systems
Department of Juvenile Justice

Malea Merideth Vincent
Internal Policy Analyst Chief
Office of Attorney General

**KENTUCKY CRIMINAL JUSTICE COUNCIL
KENTUCKY COMMISSION ON HUMAN RIGHTS
Hate Crimes Statistics Work Group
Membership List**

Beverly L. Watts, Chair
Kentucky Commission on Human Rights

Stan Beauchamp, Executive Director
Paducah Human Rights Commission

Sandra Noble Canon, Executive Director
National Conference for
Community and Justice

Janice Carter
NAACP

Rolland Davis, Member
Covington Commission
on Human Rights

Reverend J. Bennett Guess
Zion United Church of Christ

Hancy Jones III
First Assistant U.S. Attorney
Western District of Kentucky

Angelica M. Lee
Archdiocese of Louisville

Pat Maley
Federal Bureau of Investigation

Maria Price, Director
Kentucky Fairness Alliance

Bernard Standard, Executive Director
Human Relations Commission
Hopkinsville, Kentucky

The Honorable David Welch
Attorney at Law

Captain Jerry Wells
Section Commander
Bowling Green Police Department