



Overview of jail overcrowding issues in Kentucky

Ashley Spalding | 1-27-23 | Kentucky Center for Economic Policy

INCARCERATION RATES

COMPARING KENTUCKY
AND FOUNDING NATO COUNTRIES



Incarceration rates per 100,000 population

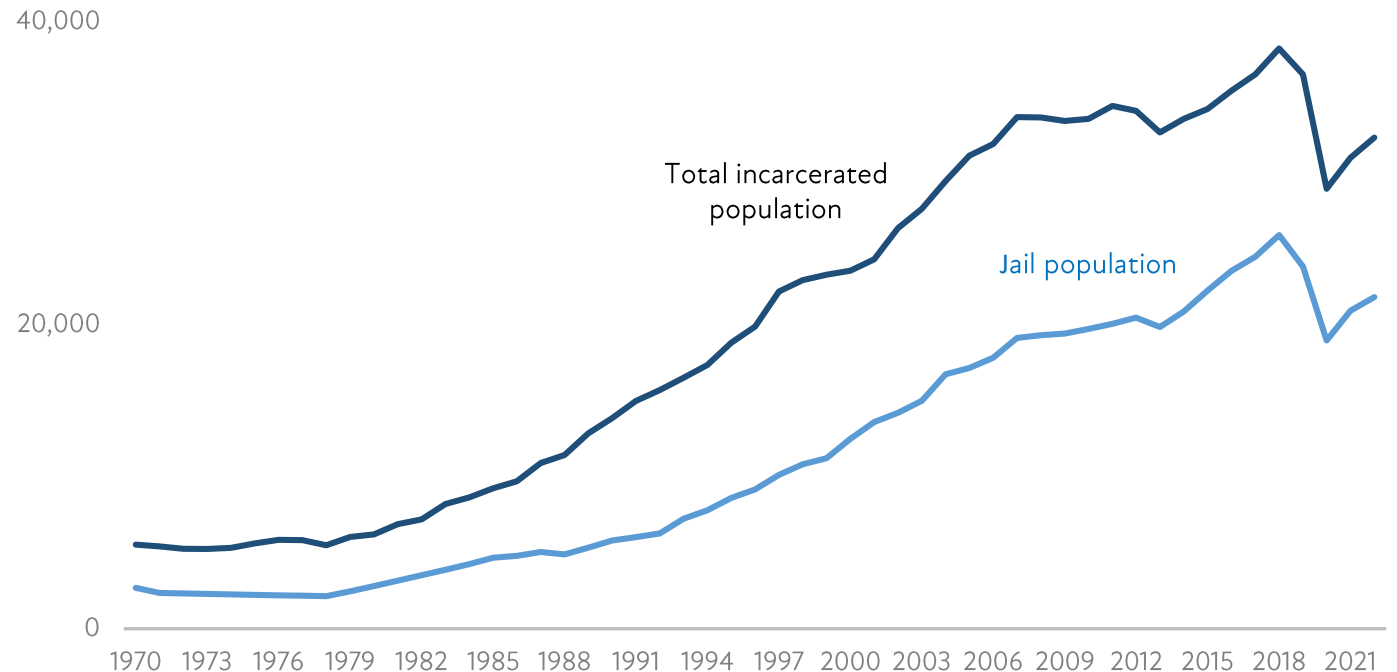
Source: <https://www.prisonpolicy.org/global/2021.html>

Timeline

- **1970s & 1980s:** “Tough on crime” policies enacted in them including harsher penalties as part of the “War on Drugs”
- **Early 1980s:** a class action lawsuit was filed by incarcerated people for abuse & poor conditions they suffered in overcrowded prison
 - Federal court order restricted the number of people that could be incarcerated in several of the state prisons
 - DOC created “controlled intake process” where people waited for prison bed in county jails (counties not paid for this)
- **1987:** lawsuit by counties & incarcerated people for state to reimburse counties and quicker transfer to prisons
 - Court required state to pay counties
 - Counties then sought to hold individuals in state custody
- **1992:** Legislation passed requiring Class D sentences of 5 years or less be served in county jails
- **2000:** Legislation passed enabling jails to house individuals serving Class C & longer Class D sentences as well

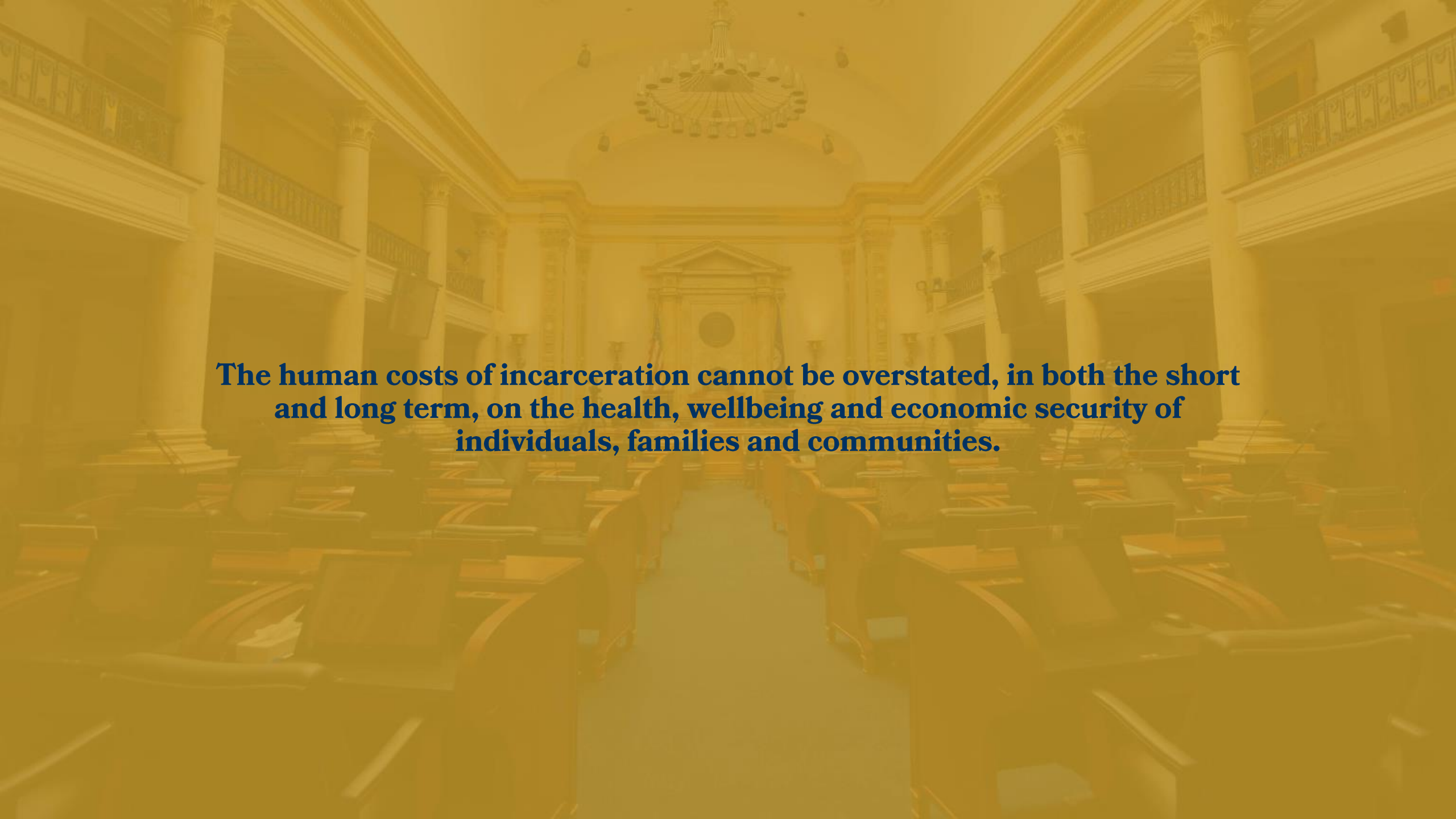
Kentucky's Jail Population Increased 711% 1970-2022

Kentucky jail population and total incarcerated population over time



Source: Vera Institute analysis.

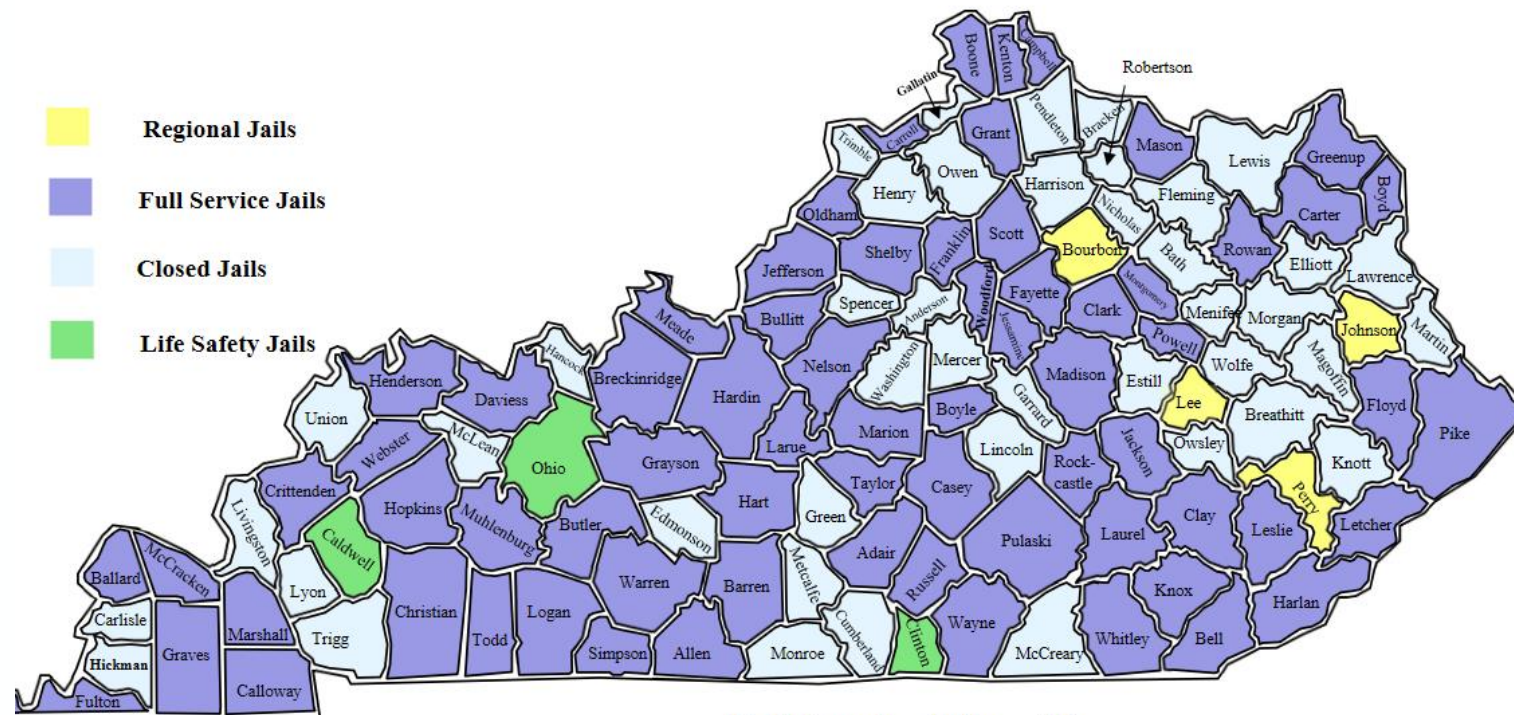
Kentucky Center for Economic Policy | kypolicy.org

The background image is a photograph of a grand, empty legislative chamber, likely the U.S. House of Representatives. The room features high ceilings, large columns, and a prominent chandelier. The seating is arranged in a semi-circle, and the overall atmosphere is formal and majestic. The text is overlaid on this image.

The human costs of incarceration cannot be overstated, in both the short and long term, on the health, wellbeing and economic security of individuals, families and communities.

Kentucky Has 77 County Jails

2022 Jail Classifications

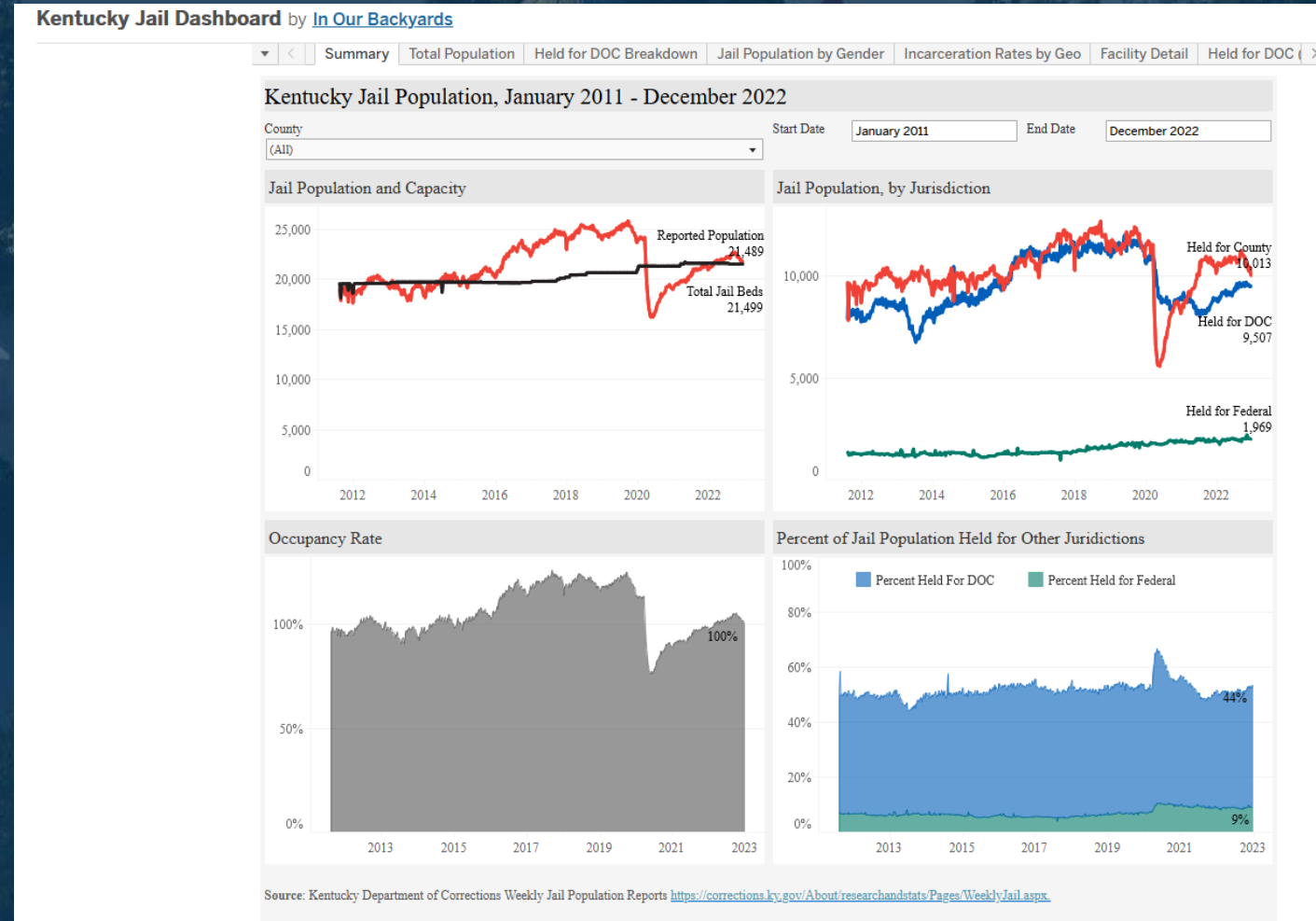


Full Service Jails	70
Regional Jails	4
Life Safety Jails	3
Closed Jails	43

Rev. 05/2021



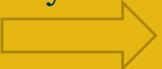
Kentucky Jail Overview

- Dec. 15, 2022 there were more than 21,360 people incarcerated in county jails in Kentucky
 - 44% in state custody (DOC)
 - 9% in federal custody
 - 46% in county custody
- Individuals in state custody in county jails make up **nearly half** of all individuals serving felony incarceration sentences in Kentucky (the other half are in state prisons)
- More than 75% of jails are over capacity — and several are over 200% capacity (as of Jan. 19, 2023)




Who is in our county jails?


County Custody

- People held pretrial for jail's county
 \$Jail county pays\$
- People serving misdemeanor sentences for jail's county
 \$Jail county pays\$
- People held pretrial or serving misdemeanor sentences for another county
 \$Jail county receives payment from other county\$

State (DOC) Custody

- People serving state felony sentences (Class D (lowest level) & Class C felonies)
- People who have been sentenced to a state prison on a felony charge higher than a Class D, who are waiting for transfer to a state facility ("controlled intake")
 \$State pays the county jail\$

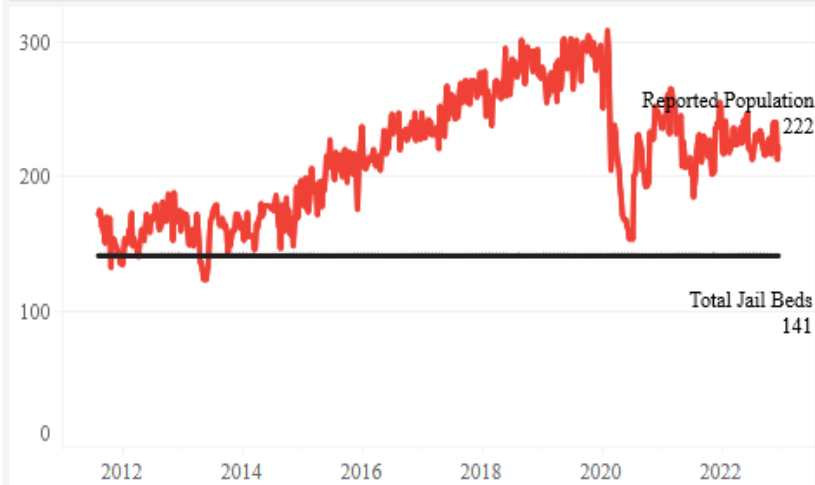
Federal Custody

- Some jails enter into an agreement with the U.S. Marshals or ICE to hold people in federal custody
 \$Federal government pays\$

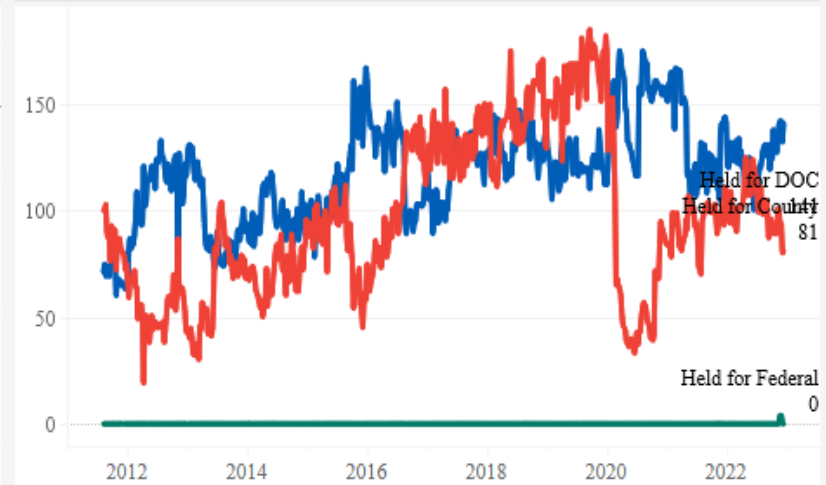
Kentucky Jail Population, January 2011 - December 2022

County ▼ Start Date End Date
Leslie County January 2011 December 2022

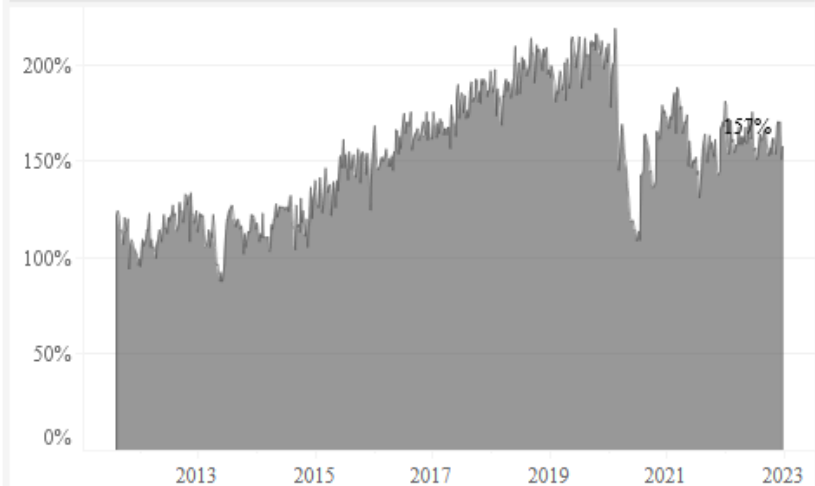
Jail Population and Capacity



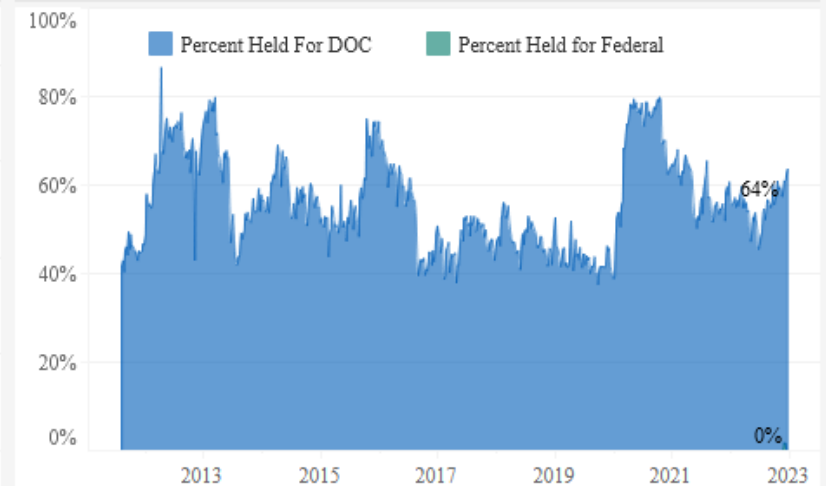
Jail Population, by Jurisdiction



Occupancy Rate



Percent of Jail Population Held for Other Jurisdictions



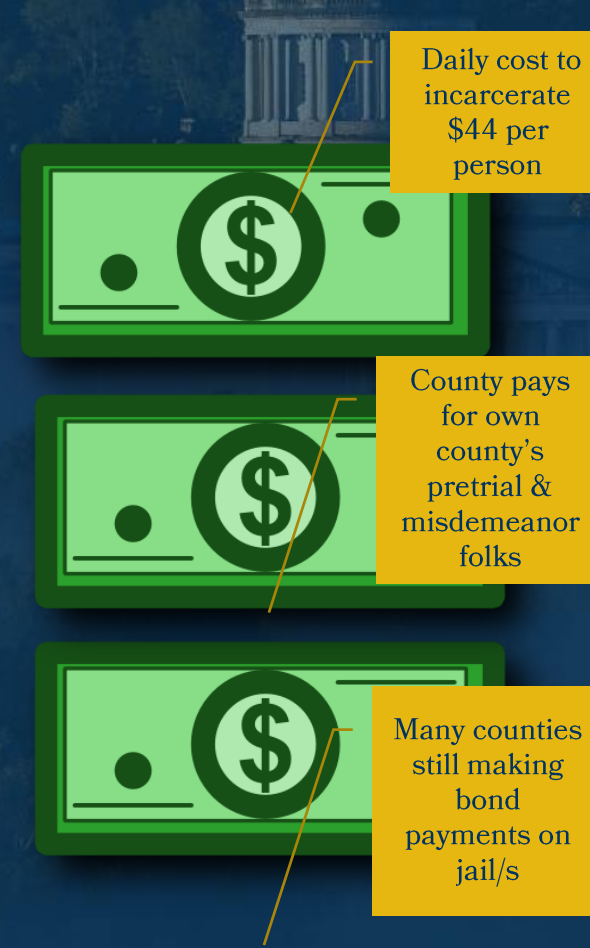


**The perverse
financial
incentives...**

Financial Situation Kentucky Counties Are In

- Most counties are struggling financially, especially in rural KY
- Incarceration is expensive
- Those responsible for the county budget (i.e. County Judge Executive) can't control who comes into the jail and who leaves the jail
 - Law enforcement makes arrest & charging decisions
 - Judges decide if an individual has to pay money bail to be released pretrial, and how much the bail amount is, etc.
 - Prosecutors influence judges' decisions
- Investing in a much bigger jail can seem like a "solution" to some Kentucky counties trying to make ends meet

COUNTY EXPENSES



COUNTY REVENUE



GC JAILER JASON WOOSLEY DONATES A QUARTER-MILLION DOLLARS FROM JAIL FUND TO COUNTY GOVERNMENT

MARCH 20, 2018 LOCAL NEWS

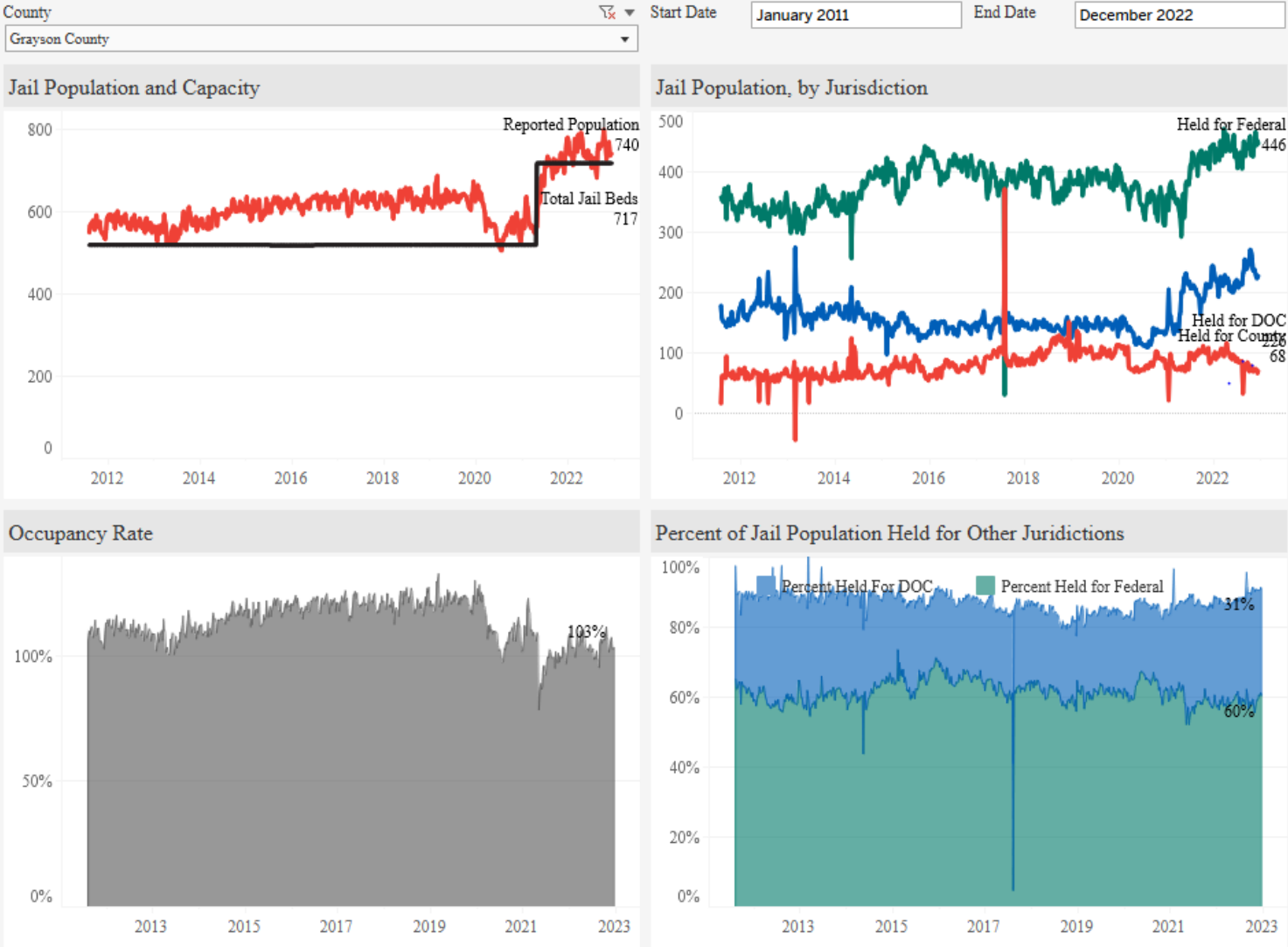


At Tuesday afternoon's Grayson County Fiscal Court meeting, Jailer Jason Woosley announced the Grayson County Detention Center is donating \$250,000 to county government.

The Grayson County Detention Center, the only financially self-sufficient jail in Kentucky, is no stranger to lending a helping hand in the community. Whether it be Woosley donating inmate labor to help at the Leitchfield Animal Shelter, or assisting with expenses at the E911 Call Center, or donating vehicles and equipment to the sheriff's office, county Road Department and county fire departments, he has always proved to be eager to help where he and his staff are able.

And not to be overlooked is the jail, at its expense, also paying for and building the new Grayson County Coroner's Office (formerly barely larger than a walk-in closet). The jail is also currently providing labor as the sheriff's office undergoes much-needed remodeling.

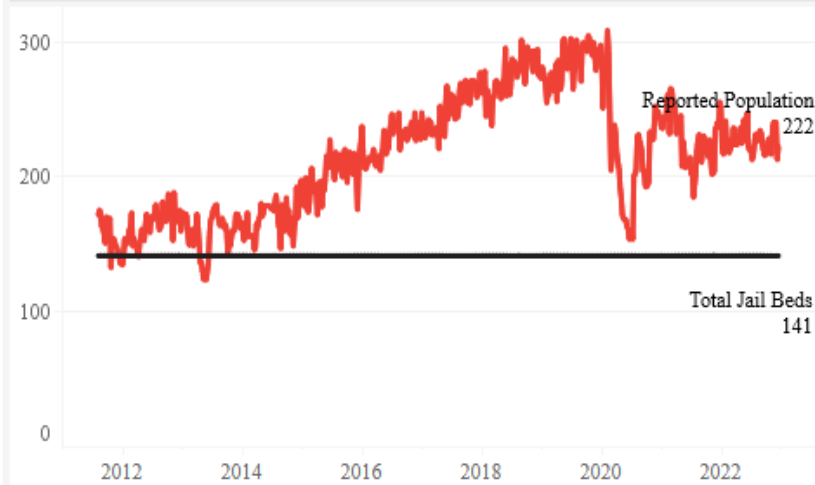
Kentucky Jail Population, January 2011 - December 2022



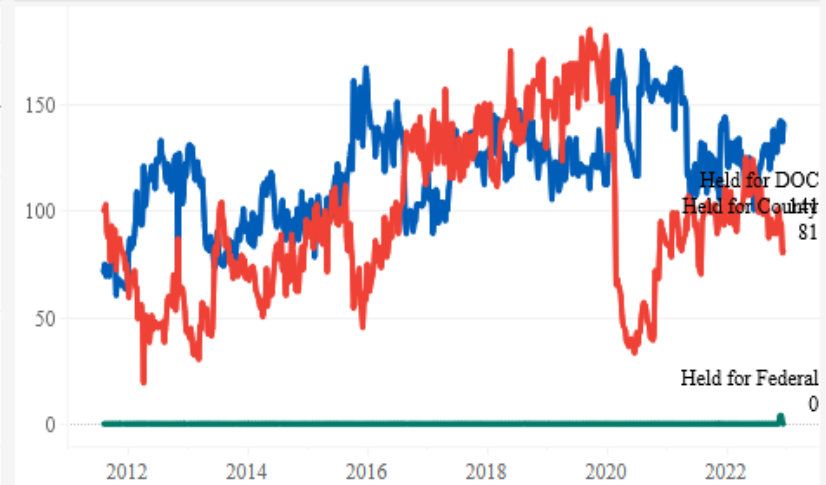
Kentucky Jail Population, January 2011 - December 2022

County ▼ Start Date End Date
Leslie County January 2011 December 2022

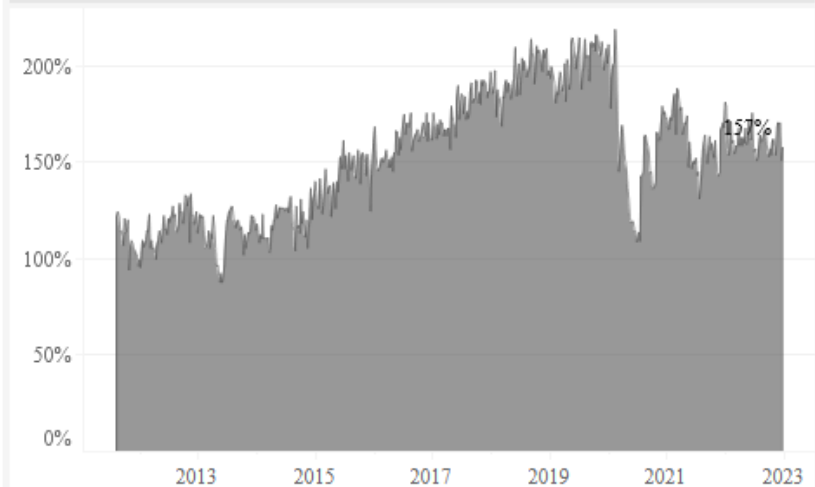
Jail Population and Capacity



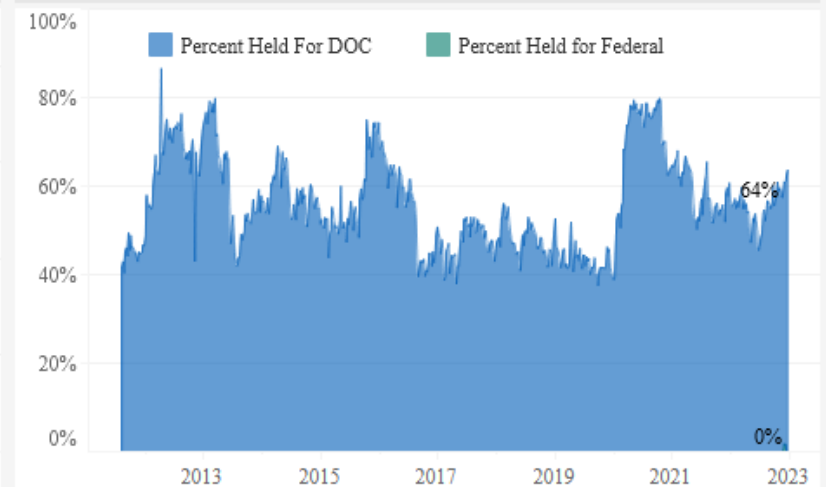
Jail Population, by Jurisdiction



Occupancy Rate



Percent of Jail Population Held for Other Jurisdictions



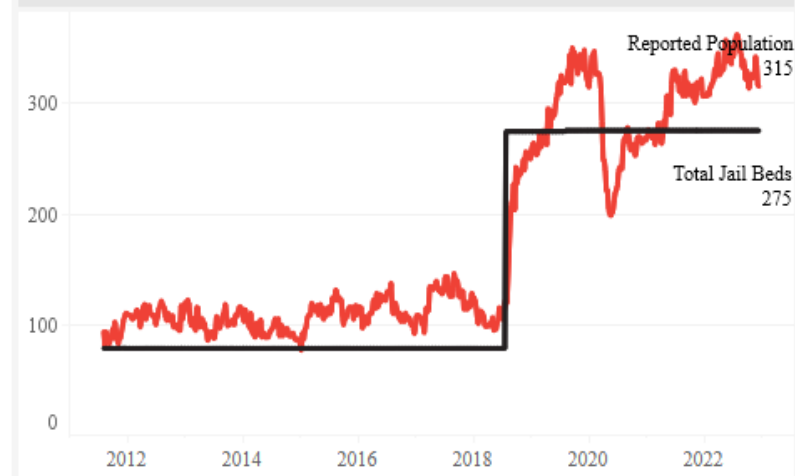
IF YOU BUILD IT

THEY WILL FILL IT

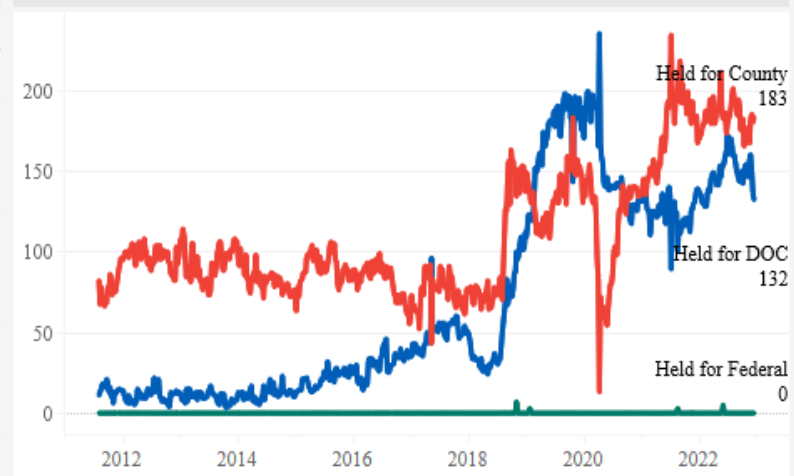
Kentucky Jail Population, January 2011 - December 2022

County: Start Date: End Date:

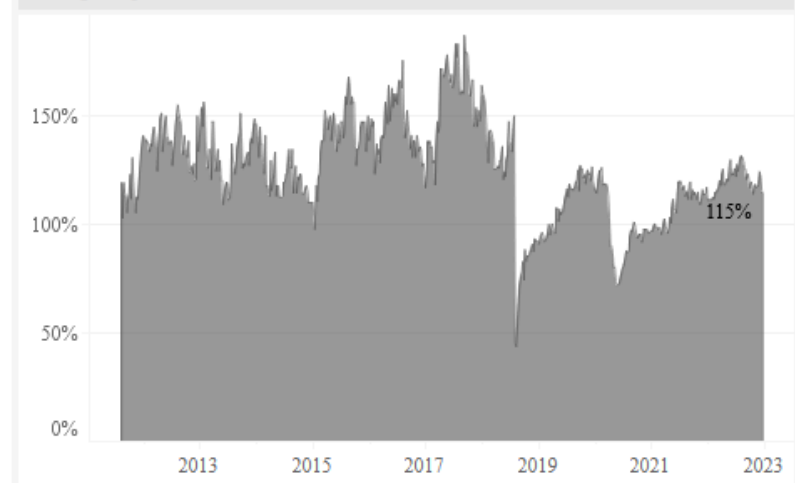
Jail Population and Capacity



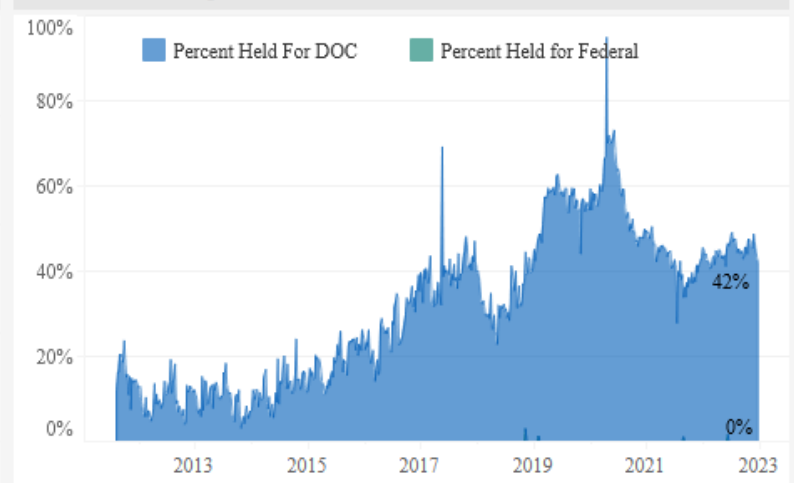
Jail Population, by Jurisdiction



Occupancy Rate



Percent of Jail Population Held for Other Jurisdictions

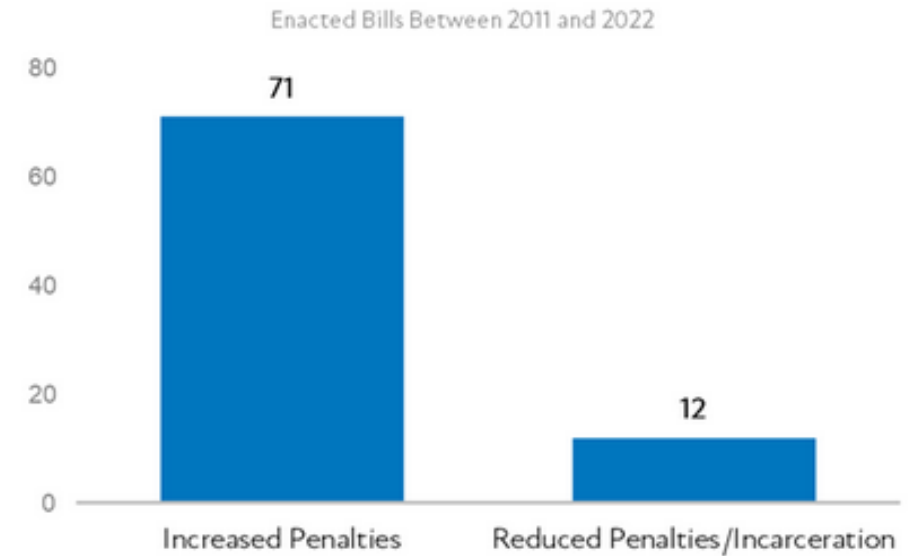


Drivers of Jail Overcrowding

- Perverse financial incentives in Kentucky's carceral system/s
- Pretrial incarceration
- Increased criminal penalties



Since Reform Bill the Kentucky General Assembly Has Passed Six Times as Many Laws to Increase Incarceration as to Reduce It



Source: KyPolicy analysis of enacted Kentucky legislation.

Note: Some enacted bills that both increased and decreased penalties, and those bills were included in both categories for purposes of this analysis.



Policy Solutions:

No new jails

Stop increasing criminal penalties

Address perverse financial incentives in system

Make needed pretrial policy changes

Make meaningful sentencing policy changes

Invest in communities

Kentucky Jail Population, January 2011 - December 2022

County

Floyd County



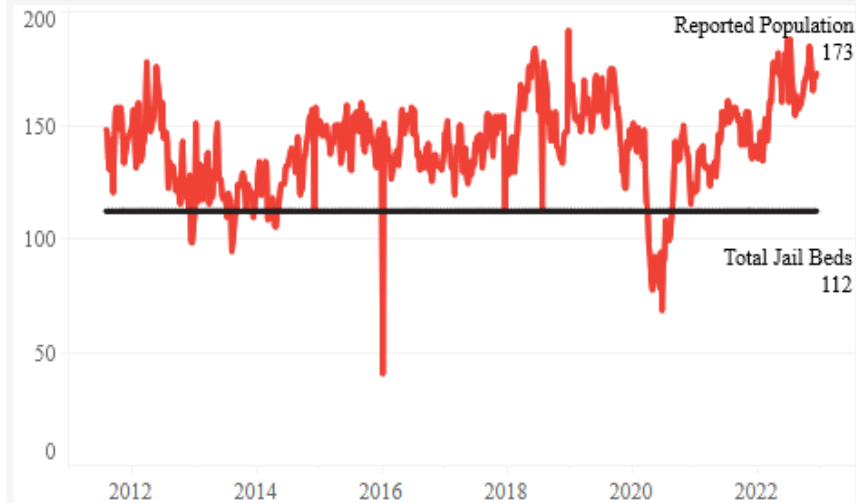
Start Date

January 2011

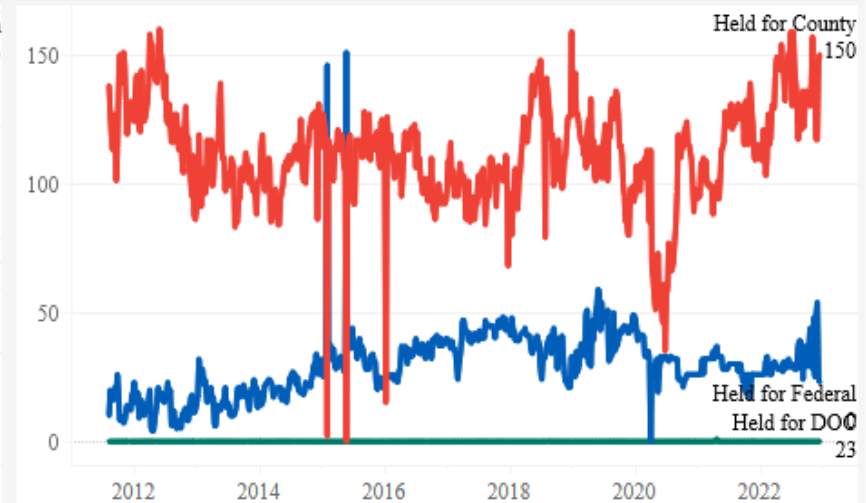
End Date

December 2022

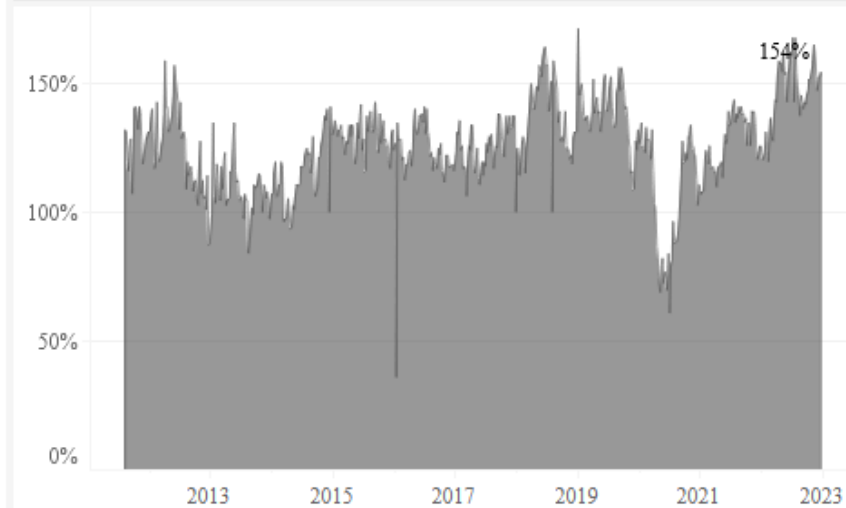
Jail Population and Capacity



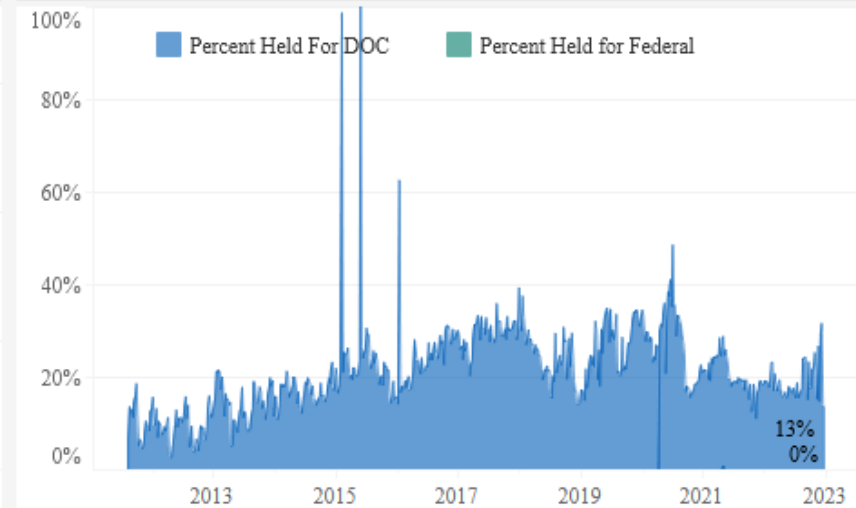
Jail Population, by Jurisdiction



Occupancy Rate



Percent of Jail Population Held for Other Jurisdictions



Kentucky Jail Population, January 2011 - December 2022

County

McCracken County



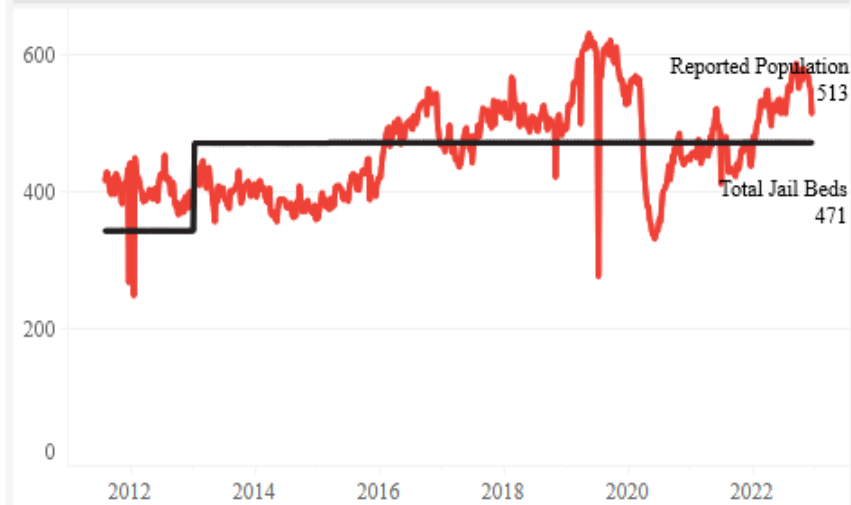
Start Date

January 2011

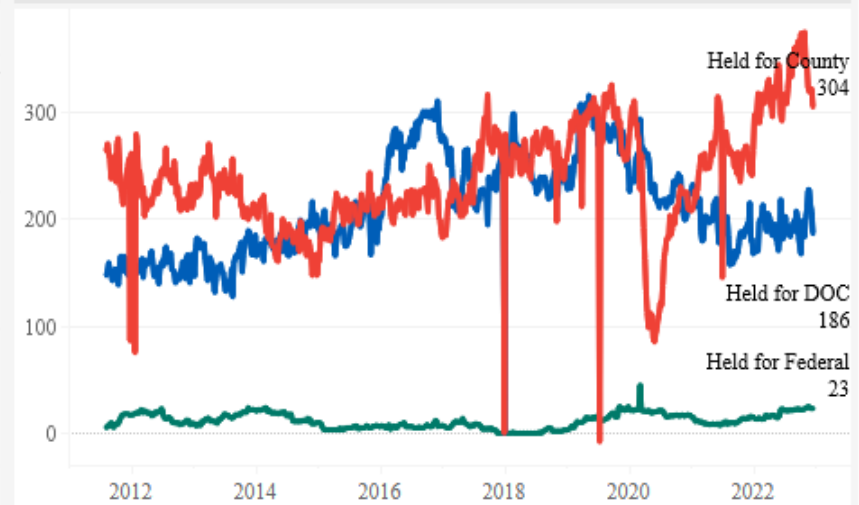
End Date

December 2022

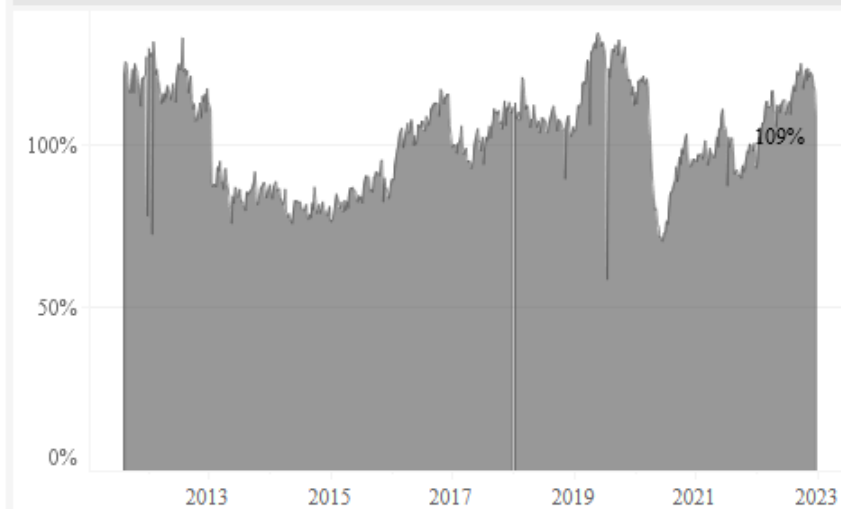
Jail Population and Capacity



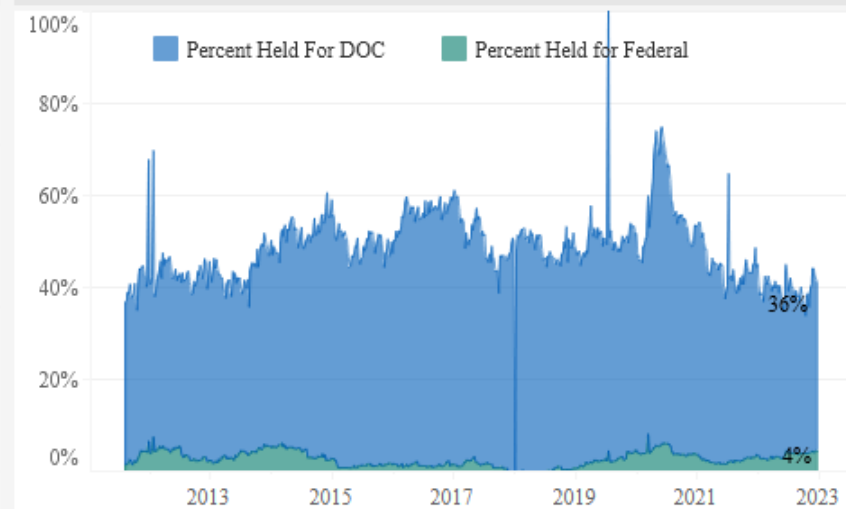
Jail Population, by Jurisdiction



Occupancy Rate



Percent of Jail Population Held for Other Jurisdictions



Questions?



Ashley Spalding, Research Director

aspalding@kypolicy.org | www.kypolicy.org