





# Court Talks Agenda

Welcome & Opening Remarks

*President Tori Murden McClure, Spalding University*  
*Chief Justice John D. Minton Jr., Supreme Court of Kentucky*  
*Chief Judge Denise G. Clayton, Kentucky Court of Appeals*

Remarks from Panelists

Questions from Audience

Information on Focus Groups

Conclusion

---

## Moderator

Jean West, Afternoon Host, 89.3 WFPL News

## Panelists

Tara Blair, Executive Officer, Department of Pretrial Services  
Rachel Bingham, Executive Officer, Department of Family & Juvenile Services  
Administrative Office of the Courts

Steve Durham, Assistant Director  
Louisville Metro Department of Corrections

Leo G. Smith, Deputy Chief Public Defender  
Louisville-Jefferson County Public Defender Corporation

Mike O'Connell, Jefferson County Attorney

Thomas B. Wine, Commonwealth's Attorney, 30th Judicial Circuit

Neva-Marie Polley Scott, Executive Director, Legal Aid Society

Kevin Smalley, Chief Deputy of Legal Affairs  
Office of Jefferson County Circuit Court Clerk

Anne Haynie, Chief Judge, Jefferson County District Court

Brian C. Edwards, Chief Judge, Jefferson County Circuit Court

Tara Hagerty, Chief Judge, Jefferson County Family Court

Randy White, Deputy Commissioner of Adult Institutions  
Kentucky Department of Corrections

Daniel Fountain, Northern Regional Manager  
Kentucky Division of Probation & Parole

Lee VanHoose, Chair, Kentucky Parole Board

## Working to improve justice in Jefferson County

*By Chief Justice of Kentucky John D. Minton Jr.  
and  
Chief Kentucky Court of Appeals Judge Denise G. Clayton,  
Chair of Jefferson County Racial Fairness Commission*



*John D. Minton Jr.  
Chief Justice of Kentucky*

In 2015, the National Center for State Courts conducted its annual “State of State Courts” poll to gauge public perception of the court system, with a focus on three main areas: customer service, inefficiency, and bias. The results of that survey indicated minorities have less confidence and trust in the court system, with only 32% of African Americans responding that they believe courts provide equal justice to all. Respondents also generally believed that African Americans and the poor receive worse treatment by the courts.



*Denise G. Clayton  
Chief Kentucky Court  
of Appeals Judge*

The survey prompted the NCSC to organize a series of town hall discussions between judges and members of their communities to address the issues that impact trust in the court system. The “Courting Justice” listening tour was held in Los Angeles, CA; Little Rock, AR; and Cleveland, OH; and was broadcast nationally on PBS stations as part of the “Tavis Smiley Show.”

By all accounts, the listening tour was a success, providing a forum for an important dialogue between judges and the communities they serve. But it lacked what so many public conversations are missing: an end result.

In 2001, the Chief Justice’s Racial Fairness Commission was formed in Jefferson County to address complaints of unfairness from Louisville’s African American community in matters of jury selection, setting of

bail, sentencing, and probation. The Commission, initially chaired by the late Justice William E. McAnulty, has been led by Judge Denise Clayton of the Kentucky Court of Appeals since 2005. Since its inception, the Commission has issued four reports: Sentencing, Bail, Jury Selection, and Courtroom Environment (Fairness and Access).

Surveys and focus groups conducted by the Commission indicate that the perception of the judicial system in Jefferson County is generally favorable. However, like the results of the NCSC poll, African Americans in Louisville have a less favorable impression of the courts. Remarks from the focus groups specifically highlight that African Americans believe both race and financial status impact how parties are treated.

After the release of the Courtroom Environment report, the Kentucky Court of Justice implemented some of the Commission's recommendations, including implicit bias and cultural competency trainings for judges, circuit court clerks and Court of Justice personnel across the Commonwealth. But there is still much work to be done to address the concerns of the community and make the courts more accessible to everyone.

Following the lead of the NCSC – and building upon the important and ongoing community conversations started by the Racial Fairness Commission – the decision was made to organize a public listening session in Jefferson County.

The purpose of this event is twofold: first, we want to educate the public regarding the different roles and responsibilities of participants in the court system; and second, we want to listen to community concerns and answer questions regarding experiences with and perceptions of the courts in Jefferson County.

The Court Talks listening session will feature a panel of speakers from the larger justice community including Pretrial Services; Court Designated Workers; Metro Corrections; the Louisville-Jefferson County Public Defender Corporation; the Jefferson County Attorney's office; the Commonwealth's Attorney's office; the Legal

Aid Society; the Office of Jefferson County Circuit Court Clerk; Jefferson County District, Circuit, and Family courts; the Department of Corrections; Probation & Parole; and the Parole Board.

A survey was conducted by the Department of Sociology at the University of Louisville prior to the listening session to elicit feedback from the community.

The session will be followed by a series of focus groups to allow for more intensive discussion and feedback. The focus groups will take place in May and June, and the schedule is listed below.

The information we receive from the survey, the listening session and the focus groups will provide us with the tools we need to make measurable changes within the court system to address concerns regarding fairness and access.

We want the court system to be a place where everyone receives, and believes they receive, equal justice.

As one of the previous focus group participants told us, “We are doing better, but we have a long way to go.” We appreciate those who responded to the survey and who have taken time to come to the listening session tonight. Your input will help us get to where we need to be.

---

## 2019 Focus Group Schedule

The Community Engagement Planning Committee will host focus groups at the Louisville Urban League, 1535 W. Broadway, Louisville, on the following dates in 2019:

Thursday, May 23  
Thursday, June 6  
Wednesday, June 12  
Thursday, June 20  
Saturday, June 22

## About Court Talks

The Kentucky Judicial Branch and the Jefferson County Racial Fairness Commission are pleased to host Court Talks, a community engagement listening session in Jefferson County to educate the public about the different departments and agencies that play a role in the legal and judicial systems.

The Court Talk panelists include representatives from the Department of Pretrial Services and the Court Designated Worker Program at the Administrative Office of the Courts; the Louisville Metro Department of Corrections; the Louisville-Jefferson County Public Defender Corporation; the Office of Jefferson County Attorney; the Office of the Commonwealth's Attorney; the Legal Aid Society; the Office of Jefferson County Circuit Court Clerk; Jefferson District, Circuit and Family courts; the Kentucky Department of Corrections; the Kentucky Division of Probation & Parole; and the Kentucky Parole Board.

We also want to give the public the chance to provide feedback about their interactions with and feelings about these agencies. After presentations from each of these entities at the Court Talks event, those in attendance will be able to ask questions.

Following this evening's listening session, researchers from the University of Louisville will hold a series of focus groups to better understand the needs and concerns of the community (see dates on page 3).

Chief Court of Appeals Judge Denise G. Clayton chairs the Community Engagement Planning Committee. The committee is composed of representatives from the court system's community partners, including the Mayor's Office, the Urban League, the Louisville Metro Police Department, Metro Corrections, Restorative Justice Louisville, the Louisville Day Reporting Center, the Louisville Metro Department of Public Health & Wellness and the University of Louisville Department of Sociology.

# About the Jefferson County Justice System

The following departments and agencies provided a brief description of the role they play in the Jefferson County justice system.

---

## **Department of Pretrial Services, Administrative Office of the Courts**

Kentucky Pretrial Services was formed in 1976 in response to legislation passed to abolish for-profit commercial bail in Kentucky. The Department of Pretrial Services is responsible for providing defendants equal access to justice while giving the court information to make release decisions about defendants.

Pretrial officers conduct interviews with defendants within 24 hours of being lodged in a detention facility. In the meantime, a risk assessment specialist applies a research-based, three-times validated tool to the defendant's criminal history so that pretrial officers can inform the court of the defendant's likelihood to appear in court and remain arrest-free while his or her case is pending.

The court, in its discretion, then considers the defendant's risk of flight and danger to community and makes a bond determination. Some defendants are ordered by the court to pretrial supervision and pretrial officers monitor defendants until disposition of the case.

## **Court Designated Worker Program, Department of Family & Juvenile Services, Administrative Office of the Courts**

The Court Designated Worker Program began in 1986 when the Kentucky General Assembly established a statewide pre-court program. The program addresses complaints filed against juveniles prior to any action taken in formal court.

The overall mission of CDWs is to reduce delinquency among Kentucky's youth through a collaboration of statewide pre-court services and prosocial interventions that promote education and accountability.

The CDW Program operates under the direction of the Department of Family & Juvenile Services of the Administrative Office of the Courts. Every Kentucky county has the services of a CDW who is available 24 hours a day, seven days a week.

The CDW Program ensures due process for juveniles by involving them in a review of the complaint and explaining their rights under the law. They are also informed of the options for handling their case, whether informally through a diversion agreement or formally through the court system.

When appropriate, juveniles are diverted from the formal court system. Those who are eligible for diversion will not have a formal court record if they successfully complete the supervised educational and treatment-based program agreed upon in a pre-court contract, called a diversion agreement.

### **Louisville Metro Department of Corrections**

Louisville Metro Department of Corrections is a large jail with a fixed bed inventory of 1,793. Each person who is arrested by a law enforcement agency in Louisville/Jefferson County is brought to jail and booked into Metro Corrections.

Over 150,000 bookings have occurred at Metro Corrections since 2014. In 2018 the average daily populations was 2,032. In general a jail is a pre-trial detention facility that houses persons accused of a crime who are awaiting trial.

Metro Corrections enhances public safety by controlling and managing offenders in a safe, humane, and cost-efficient manner consistent with sound correctional principles and constitutional standards. Metro Corrections is committed to excellence, emphasizing accountability, diversity, integrity and professionalism. We assess an offender's needs and provide services that assist the offender in the transition and reintegration back into the community.

### **Louisville-Jefferson County Public Defender Corporation**

The Louisville-Jefferson County Public Defender Corporation is a non-profit organization rendering legal services pursuant to KRS Chapter 31 in the largest jurisdiction in the Commonwealth of Kentucky to indigent adults and juveniles accused of crimes and status offenses, and to those who are subjected to involuntary hospitalization due to mental illness.

The office functions as a full-service law firm providing defense representation in all state courts at every level, as well as appellate and post-conviction advocacy in both the state and federal courts.

## **Jefferson County Attorney**

The office of the Jefferson County Attorney serves as the prosecutor in Jefferson District Court, representing the interests of the Commonwealth in cases with criminal penalties of up to 365 days in jail. It also represents the Commonwealth in matters involving juvenile cases, guardianship and mental inquest, and in cases that involve dependency, neglect and abuse in Jefferson Family Court.

In addition to the office's criminal responsibilities, the Jefferson County Attorney serves as the legal representative for all of Louisville Metro Government and manages Child Support services in Jefferson County, collecting more than \$60 million annually in support for children and families in Louisville.

## **Commonwealth's Attorney, 30th Judicial Circuit**

Commonwealth's Attorney is the title given to the elected prosecutor of felony crimes in Kentucky. It is synonymous with the better-known terms of District Attorney and State's Attorney.

It is the responsibility of the Office of Commonwealth's Attorney to seek justice on behalf of the people of the Commonwealth in an efficient and professional manner. Our main priority is the safety and security of the citizens of Jefferson County and to seek justice for all. While we do not investigate crimes, we work with and assist local, state, and federal law enforcement agencies, which are charged with enforcing the laws of the Commonwealth, and prosecute felony offenses.

Although the office vigorously prosecutes violent and habitual offenders, it is also committed to crime prevention by implementing innovative programs to break the cycle of crime for first-time offenders, mentally ill offenders, and drug-addicted offenders.

The Office of the Commonwealth's Attorney is staffed with attorneys and support personnel who work diligently to serve the residents of this community and the Commonwealth as a whole.

## **Legal Aid Society**

The Legal Aid Society was founded in 1921 in Louisville, Ky., and serves the 15 counties of Breckinridge, Bullitt, Grayson, Hardin, Henry, Jefferson, LaRue, Marion, Meade, Nelson, Oldham, Shelby, Spencer, Trimble and Washington.

LAS handles over 4,000 cases each year for clients who have civil legal matters critical to their safety, stability and health. Clients are screened for financial and legal matter eligibility prior to receiving services. LAS focuses the resources of its 26 attorneys to ensure that critical needs are addressed while also ensuring that everyone who contacts us is empowered to address their legal matter.

LAS does not handle criminal cases, but does assist individuals with expungements. Some of the other matters in which LAS provides assistance are eviction, unlawful landlord lock-outs, foreclosure, divorce, custody, debt collections defense, tax problems, wills, powers of attorney, health care surrogate powers of attorney, bankruptcy, non-profit entity assistance for those serving people of limited financial resources, homelessness prevention, domestic violence, government benefits and Title IX hearings.

The scope of services provided to individuals range from the provision of information, referral to social service providers, referral to the Kentucky Lawyer Referral Service, advice, document drafting, in-court litigation (including appeals when necessary to protect a client's interests), and negotiations out of court. Anyone can apply for services by calling Legal Aid at 502-584-1254 or by appearing in person to complete a paper application at 416 W. Muhammad Ali Blvd., Suite 300, Louisville. Applications may also be made online at [www.laslou.org](http://www.laslou.org).

### **Office of Jefferson County Circuit Court Clerk**

The Office of Circuit Court Clerk serves as the custodian of all court records, as well as the repository of fees, fines and court costs in Jefferson County. In addition to these primary responsibilities to the Court, our office also processes Kentucky driver's licenses and identification cards in partnership with the Kentucky Transportation Cabinet and Kentucky State Police.

The OCCC employs 327 deputy clerks to carry out the daily responsibilities of our office. With 40 elected trial court judges, our office serves the largest jurisdiction in Kentucky's unified court system and is the state's only true urban court system.

Deputy clerks are sworn officers of the court and work in four major divisions: District Court, Circuit Court, Family Court and Driver's License. These divisions are located in the Hall of Justice, Judicial Center and Old Jail Building, along with six driver's license branches throughout Jefferson County.

## **Jefferson County District Court**

District Court is the court of limited jurisdiction and handles juvenile matters, city and county ordinances, misdemeanors, violations, traffic offenses, probate of wills, arraignments, felony probable cause hearings, small claims involving \$2,500 or less, civil cases involving \$5,000 or less, voluntary and involuntary mental commitments, cases involving dating violence, sexual assault and stalking (IPOs - interpersonal protective orders), and guardianship for disabled adults.

## **Jefferson County Circuit Court**

Circuit Court is the court of general jurisdiction that hears civil matters involving more than \$5,000, capital offenses and felonies, land title dispute cases and contested probate cases. Circuit Court has the power to issue injunctions, writs of prohibition and writs of mandamus, and to hear appeals from District Court and administrative agencies.

## **Jefferson County Family Court**

Family Court provides one judge to hear all of a family's issues relating to divorce, child custody, adoption, termination of parental rights, domestic violence, child abuse and neglect. Because Family Court is devoted exclusively to cases involving families and children, these cases do not compete with criminal and other civil cases for court time.

## **Kentucky Department of Corrections**

The mission of the Kentucky Department of Corrections is to protect the citizens of the Commonwealth; to provide a safe, secure and humane environment for staff and offenders in carrying out the mandates of the legislative and judicial processes; and to provide opportunities for offenders to acquire skills that facilitate non-criminal behavior.

The Division of Adult Institutions operates 12 state correctional facilities that house about half of Kentucky's state offender population while the Division of Local Facilities works with county jails across the Commonwealth to house the other half of Kentucky's state offender population as mandated by state law.

The department also contracts with community partners to provide transitional housing to individuals on community supervision. The newly reorganized Division of Re-entry Services and Division of Substance Abuse Services provide evidence-based programming designed to address the

criminogenic needs of offenders and work with the Division of Probation & Parole to remove re-entry barriers for returning citizens.

### **Kentucky Division of Probation & Parole**

The Division of Probation & Parole is statutorily charged with providing community supervision services to releasing authorities such as judges and the Kentucky Parole Board. As of December 2018, the Division of Probation & Parole's 716 sworn officers supervised 50,066 offenders. In 2018, the Division completed over 30,000 pre-sentence investigations. The Division also provides services that include Class D programs and community custody residential centers to over 11,244 jail-based inmates.

Also, at the end of 2018, the Division provided supervision services to approximately 1,747 offenders in 23 Re-entry Service Centers. In addition to the supervision of probationers and parolees, Probation & Parole staff provide investigative services to the courts and Parole Board, rehabilitation services to offenders, and assistance in employment and home placement. Various duties include court appearances and testimony, reports to the releasing authorities, home visits, drug and alcohol testing, transporting offenders, referring offenders to appropriate resources, and monitoring payment of fees, restitution and community service work.

The Division of Probation & Parole is also responsible for administering the Interstate Compact that transfers cases between states and the placement office that assists incarcerated offenders with proper home placements. It also processes Civil Rights Restoration requests submitted by ex-offenders.

### **Kentucky Parole Board**

The Kentucky Parole Board is the primary releasing authority for all convicted felons and youthful offenders sentenced to custody in a detention facility in the Commonwealth.

The Board's responsibilities include determining if and when to authorize the release of an offender prior to the expiration of the court-imposed sentence, setting conditions to govern the parolee's conduct and re-entry efforts in the community, as well as conducting revocation hearings for those who violate conditions of release.

The Board's decisions are based on applicable laws, public safety, victims' interests and the recognized principles of offender behavioral change.







Kentucky Administrative Office of the Courts  
1001 Vandalay Drive  
Frankfort, Kentucky 40601  
Phone 502-573-2350 or 800-928-2350  
[www.courts.ky.gov](http://www.courts.ky.gov)

P-149, Printed With State Funds, May 2019