



LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT DEPARTMENT OF CORRECTIONS JUDICIAL DIRECTIVES AUDIT

FINAL REPORT — FEBRUARY 4, 2019

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LOUISVILLE JEFFERSON COUNTY
METRO GOVERNMENT
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Background/Objectives

The Louisville Jefferson County Metro Government contracted with CGL Companies to conduct a comprehensive audit of the judicial directive (court order) system in the county. The system had experienced issues with the timely implementation of court orders, as well as their clarity and consistency. CGL was charged specifically with developing a database of court orders that could be analyzed to answer the following questions:

- Is there a standardized method for communicating court orders?
- Are court orders processed quickly and accurately?
- Do a significant number of court orders lack clarity and require extra clarification?
- Does the system have errors that negatively impact individuals in the criminal justice system?
- Are there specific issues in the court order system that, if corrected, would improve system efficiency?

Methodology

CGL's methodology in this project included both a review of available documentation and the development and analysis of a court order database, as well as interviews across the entirety of the criminal justice system. Our goal was to understand the court order processes from initiation to implementation, and this resulted in CGL interviewing stakeholders from the Jefferson County Courts (Courts), Jefferson County Office of the Circuit Court Clerk (Clerk's Office), and Louisville Metro Department of Corrections (LMDC), as well as individuals in the Metro Government, defense bar, and prosecution. A list of individuals interviewed is provided in Appendix A. Additionally, CGL requested and reviewed specific information from LMDC and other stakeholders that would inform the process and help identify issues and concerns.

Court orders provided by LMDC were for the time frame January 2016 through January 2017. We also received additional data regarding the following information:

- LMDC Records Office staff tenure – 2016 through 2018 year to date
- LMDC Records Office allocated positions as of May 2018



- Release Errors – 2016, 2017, 2018 (through September)
- Tallying of court orders by LMDC for two time periods (March 26, 2018 through April 9, 2018 and September 4 through 14, 2018)

Data Issues

Initially, the project met with delays due to data issues. LMDC was responsible for providing CGL over 200 court orders per month according to a sampling methodology that was developed by the Louisville Metro Government and by CGL. Specifically, the original Request for Proposal (RFP) and CGL's contract identified that the first 100 court orders issued in a month would be extracted for each of the 14 months of the study. Additionally, the contract required CGL develop a sampling methodology for the second 100 court orders per month. CGL identified that every seventh court order received in LMDC (after the first 100 received) should be added to the database until a total of 200 were available per month.

In review of the initial submission of court orders extracted by LMDC, it was found that the orders had not been pulled according to this sampling methodology. Additionally, CGL informed the contract manager that the orders appeared to lack needed information that CGL would need to conduct its objective analysis. LMDC identified that extracting the first 100 court orders received per month and then every seventh thereafter would be a very labor-intensive process because the court orders were not stored in chronological order.

After discussion with Metro Council members, Metro Government officials, and LMDC, it was determined that a change would be made to the sampling methodology. The revised methodology would have LMDC provide a listing to CGL of every inmate booked in the facility for each of the 14 months. CGL would then randomly sample 50 inmates from each month, and LMDC would subsequently scan all court order-related information from each of these inmates' master files.

On July 20, 2018, LMDC provided CGL with the requested court orders from nearly 700 inmate master files. As CGL began reviewing these court orders and entering them into its database, we quickly realized that the information had significant gaps that would affect our ability to conduct a reliable audit as required by contract. At issue was the fact that needed information for the audit was routinely absent from many of the court orders. Information that was missing included:

- Date and time of the court order initiation



- Initiating judge's name
- Initiating clerk's name
- Method of transmittal of the court order
- Receipt time of the court order in LMDC
- Name of LMDC Records Office staff who reviewed the order

Additionally, some of the information needed was just not consistently available or collected, including:

- When the court order was implemented
- When the court order was actually transmitted from the clerk

The gaps in the information needed to objectively audit the court order system led Metro Government stakeholders to determine that the project would be refocused from a data-driven audit of court orders, to a high-level analysis and recommendations for improvements to the court order process. As part of that effort, CGL would develop a limited database of information from the 250 court orders. This limited database would be used to quantify the gaps in information in the court orders.



Analysis

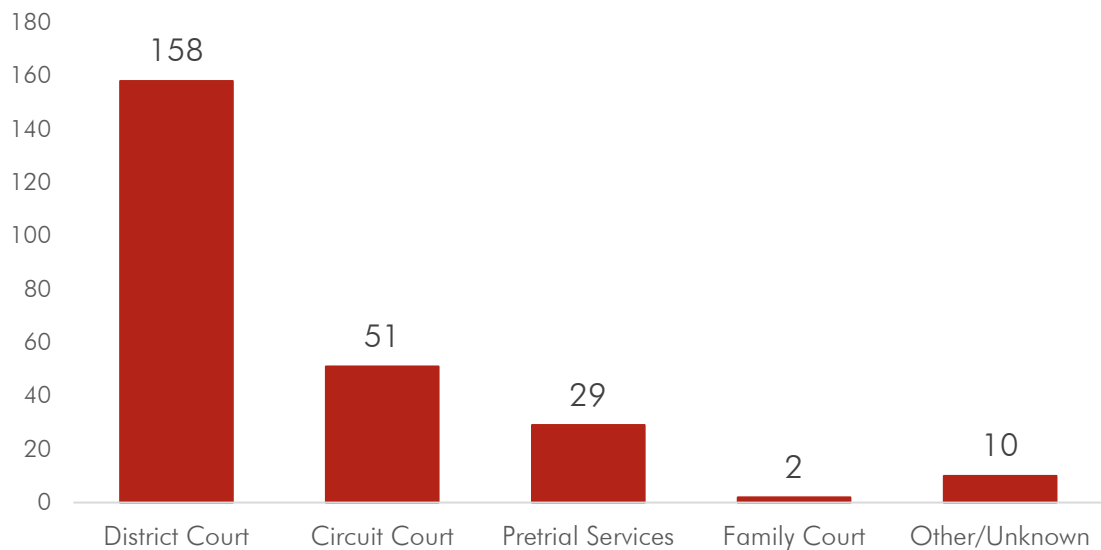
What are Court Orders?

In simplest terms, a court order is a direction issued by a court or a judge requiring a person and/or organization to do or not do something. Court orders need to be obeyed by those to whom they are directed. They are vital to our justice system as they provide, in writing, a court or judge's decisions or instructions on what to do next in a specific case. Court orders can be as basic as setting the date for the next hearing or trial, or can be as substantial as ordering an inmate's release from jail or issuing the final disposition of a case.

Interaction with courts and court orders are extremely important for those individuals incarcerated and awaiting trial. Among other things, the courts determine their guilt or innocence, length of stay in jail, and access to needed programming. Detention systems are responsible for reviewing and implementing court orders in a timely manner. Therefore, the speed and accuracy of court order transmission and implementation has a direct impact on an individual's access to justice. Any problems that exist in the court order system can seriously hinder this access.

Court orders are issued by a variety of courts in the Jefferson County court system. Our review of a limited number of randomly selected court orders (250) found the majority were issued by the Jefferson County District Court (District Court). The distribution of these 250 court orders by initiating court is shown in Figure 1.

Figure 1. Orders by Specific Court



Magnitude of the Court Order System

CGL first sought to gain insight into the magnitude of the court order system by approximating the annual number of court orders processed by LMDC. To estimate this information, we asked LMDC to tally the number of court orders received during two separate two-week periods. We also requested that during the same time periods, LMDC record the number of court orders that required some form of clarification or correction before they could be implemented. These clarifications are identified as “correctives” by LMDC staff and can include court orders that are not clear, court orders that may counter other standing issues, or court orders that may be inconsistent with policy.

Table 1. Magnitude of Court Orders Processed by LMDC

	Time Frame		
	March 26 through April 9, 2018	September 4 through 14, 2018	Annualized for Entire Year
Total Orders	5,189	5,737	142,038
Orders Requiring Clarification/Correction	326	141	6,071
Percent Requiring Clarification	6.3%	2.5%	4.3%

Based on the information collected, it is estimated that LMDC processes over 142,000 court orders per year. This amount represents nearly 550 court orders per work day. Of those court orders, 4.3 percent, or 23 per day, require some form of clarification or correction. We



note that this clarification/correction can be labor intensive, as LMDC Records Office staff must make efforts to contact the appropriate clerk or court representative to seek clarification or correction to the court order.

CGL was not able to collect the number of court orders submitted to correctional systems in other Kentucky counties; however, there likely is a strong correlation between the number of court orders issued and the overall number of district and circuit court cases filed. As a result, CGL compared the number of cases filed in the state’s largest counties as a proxy for the number of court orders. Table 2 provides this comparison:

Table 2. Court Filings by County – 2017

Rank (by number of filings)	County	2017 District and Circuit Court Filings	% of Top 5 Ranked
1	Jefferson	132,643	53%
2	Fayette	53,355	21%
3	Kenton	25,923	10%
4	Warren	21,859	9%
5	Boone	18,531	7%
15	Pulaski	10,835	

Source: AOC website: District and Circuit Court Caseload Rankings

Finding: Jefferson County’s court caseloads are much larger than any other county in the state. Jefferson County has more than twice the number of case filings than the next largest county (Fayette) and five times more filings than any subsequent county. When ranking the counties by the number of case filings, the number of filings in Jefferson County is more than one-half (53 percent) of the total filings in the top five counties. It is therefore expected that the number of court orders in Jefferson County would be proportionally greater than other counties in the state.

Table 2 also provides the number of case filings in Pulaski County, Kentucky, as a point of comparison. Pulaski County is significantly smaller than Jefferson County, having a resident population of 63,063¹ compared to 741,096¹ in Jefferson County. The number of case filings in Pulaski County represents less than one-tenth of the total that Jefferson County processed in 2017. However, deputy clerks in Kentucky are paid at the same salary levels

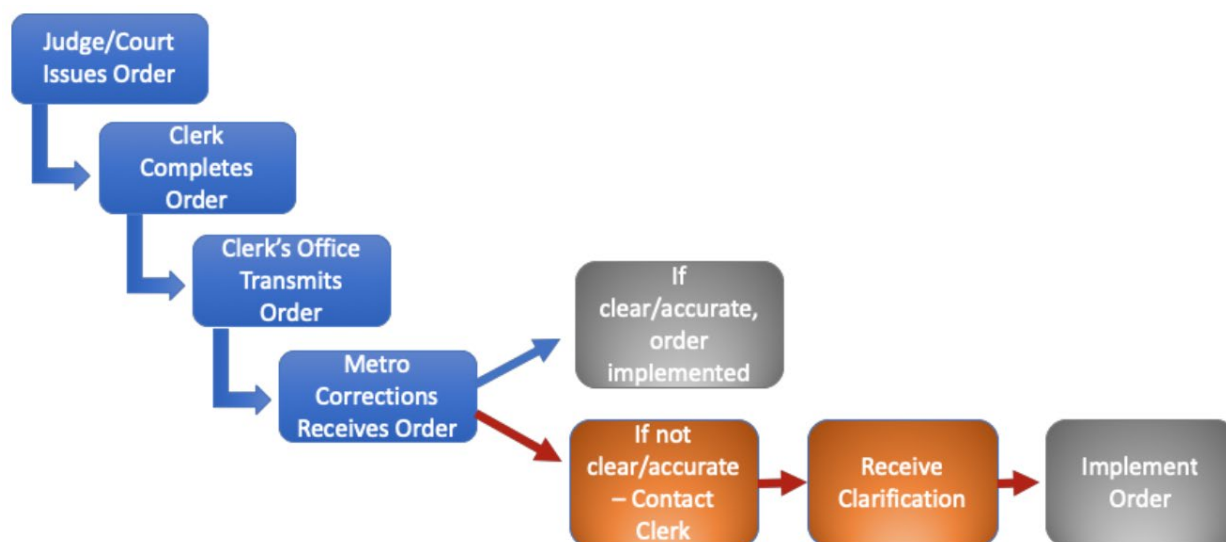
¹ US Census Bureau, 2017 county populations

whether they process 10,000 or 132,000 cases per year. The lack of variations in pay scales by county can have a negative impact for Jefferson County’s ability to recruit and retain qualified, experienced staff. This set salary scale across counties also fails to take into account the local cost of living. In Pulaski County, the most recent data finds the median home cost to be \$107,800. In Jefferson County, the median cost of a home was 46 percent higher at a cost of \$156,900.

Court Order Process

Court order processing in Jefferson County for those inmates incarcerated in the jail follows the basic steps below:

Figure 2. Court Order Process for Individuals Incarcerated in LMDC



Court orders are issued by judges in the specific court. Typically, a deputy clerk from the Jefferson County Office of the Circuit Court Clerk (Clerk’s Office) is assigned to the court and records the order for the judge². The judge approves the order and the deputy clerk transmits the order via email to a specific email address specified by the LMDC. LMDC Records Office staff open the order and review it. If the order is clear and accurate and does not conflict with other orders, then the order is processed for implementation.

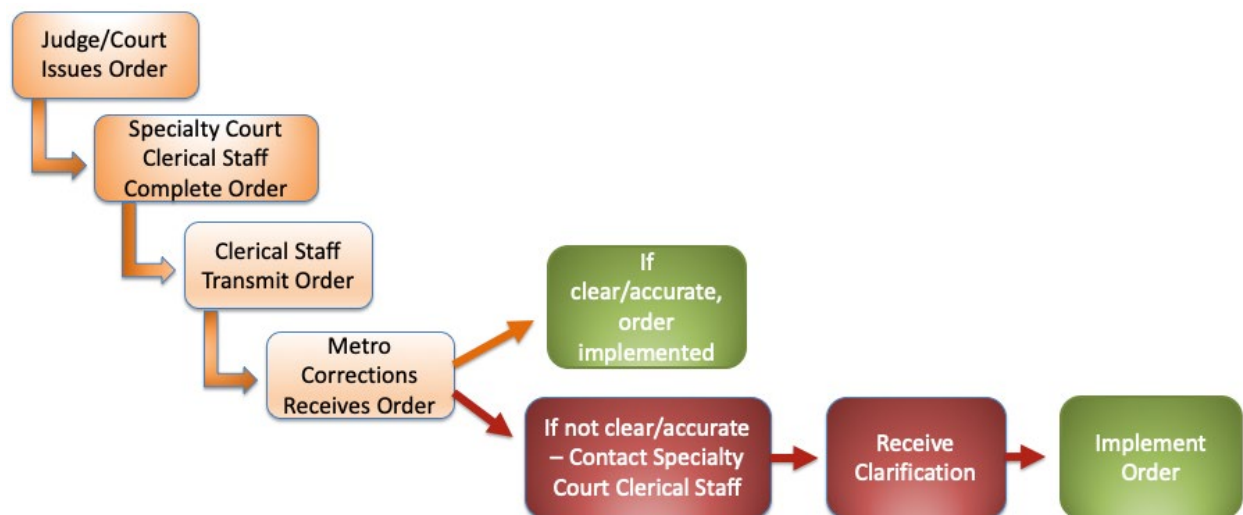
However, if the court order is unclear or inaccurate, then further work must be completed

² Specialty Courts in Jefferson County are not the responsibility of the Circuit Court Clerk’s Office and as a result, deputy clerks are not present in Specialty courtrooms.

before the order can be implemented. This involves LMDC Records Office staff contacting either a deputy clerk or staff from the Courts to get clarification or to request the order be corrected. We note that this can be a labor-intensive process and can potentially delay order implementation.

The court order process map is different for Specialty Courts, as a result of the fact that the Clerk’s Office does not have staff present in these hearings. The process flow for Specialty Courts is as follows:

Figure 3. Court Order Process for Specialty Courts



The Specialty Courts rely on clerical staff to complete the court order and transmit it to LMDC. Court orders generated by Specialty Courts are unique and different than orders from other courts because they often have specific treatment requirements. Because of this uniqueness, their court orders often can be more complicated to interpret.

Release Errors

CGL team members had access to LMDC release errors from 2016, 2017, and 2018 (through September). Calendar year 2016 release errors were reviewed in person at LMDC, while incident reports were emailed to CGL for calendar year 2017 and 2018 release errors. In total, LMDC provided information on 16 release errors during 2016, 4 during 2017, and 17 during 2018. A detailed review of 2017 and 2018 found that a portion of these errors could be attributed to obvious mistakes by LMDC Records Office staff, while others reflected the complicated nature of interpreting multiple court orders that can be conflicting. It was also



clear from our review that high turnover rates in the LMDC Records Office, resulting in inexperienced staff, likely contributed to a number of release errors.

The nature of the release errors information provided made us unable to provide exact length of delay-of-release errors, as in many cases the verified release dates were not established in the incident reports. We note that for those dates that could be verified, we found an inmate that was released as early as 127 days before their actual release date; however in most cases, the release errors were discovered within days of the actual release. The discovery of the release error was either the result of LMDC staff finding the errors during normal review processes or, in some cases, the inmates reporting the error after release. For example, in several cases inmates knew they were supposed to have been transferred to Home Incarceration Program (HIP) custody, but actually had been released entirely. These inmates reported this error to LMDC staff shortly after their release.

Corrective Staff Cost Analysis

The Metro Government amended CGL's contract to include additional analysis to quantify the cost associated with clarifying 23 judicial orders per day. LMDC indicated that the initial effort to review the order, and email or call the Clerk's Office or court supervisors can typically occupy up to 30 minutes of staff time. If clarification is not received within 24 hours, this process is repeated. Therefore, assuming a conservative estimate of 30 minutes of LMDC Records Office staff time per clarification, CGL identified the annual cost to LMDC.

Assumptions:

- Average LMDC time per clarification = 30 minutes
- Annual staff available work hours subtracting out leave/training time = 1,786 hours/year
- Annual fully loaded cost of senior corrections technician with benefits = \$48,672

Calculation:

- 6,071 clarifications per year x 30 minutes = **3,035 hours LMDC staff work on correctives**
- If average staff work 1,768 hours per year, then **requires 1.72 full-time equivalents (FTEs) in LMDC to research and complete correctives**



- 1.72 x annual fully loaded salary of \$48,672 = **\$83,565 in staff costs associated with correctives**

Finding: The labor cost associated with clarifying 23 court orders per work day equates to nearly **\$84,000 per year for LMDC**. This is equal to nearly 1.75 senior corrections technician positions being dedicated to this task. We note that LMDC is not the only agency incurring staff costs associated with correctives. Both courts and the Clerk's Office must expend effort to research and provide clarification to the court order. As a result, the total annual cost to the system resulting from the need to clarify court orders is likely much greater than the \$83,565 noted above.

The following are examples of court orders:

Figure 4. Court Order Samples

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Page 1 of 1 Ver. 1.01

Commonwealth of Kentucky
Court of Justice www.kycourts.net
COMMONWEALTH OF KENTUCKY

Case No. 07-CI-503167
Court FC03 ED FOR FC01
County Jefferson

COMMITMENT ORDER

PLAINTIFF
V.
DEFENDANT

Sex	Race	Date of Birth	Height	Weight	Operator License Number	State	Bond Amount	Type
M	W		0	0				

To the Jailer/Department of Corrections of JEFFERSON COUNTY, Kentucky:
You are hereby commanded to receive the above-named Defendant who has been found guilty of the following:
CONTEMPT

180 DAYS TO SERVE REFER TO TIA

Next Court Date: 02/07/2016 at 1:00 PM FC01 RM#401

Date: 1/25/16
Signature of Judge or Clerk

Distribution: Transporting Officer Jail/Corrections Court File

ENTERED IN COURT
DAVID L. NICHOLSON, CLERK
JAN 25 2016
BY: DEPUTY CLERK

7-20-16

AOC-425.1 Doc. Code: OCOM
Rev. 11-10
Page 1 of 1

Commonwealth of Kentucky
Court of Justice www.kycourts.net
KRS 439.179

Case No. 15-F-005478
Court District
Dive
County Jefferson

COMMITMENT ORDER
JUDGMENT AND ORDER
RELEASING

COMMONWEALTH OF KENTUCKY PLAINTIFF
V.
DEFENDANT

Alias:
Jail ID:

Sex	Race	Date of Birth	Height	Weight	Operator License Number	State	Bond Amount	Type
M	W		510	205		OKLY		

To the Jailer/Department of Corrections of Jefferson, Kentucky:
You are hereby commanded to receive the above-named Defendant who has been found guilty of the following:
CHG.1 GIVING OFFICER FALSE NAME OR ADDRESS DISMISS
ROCKET DOCKET 2/29/16
CHG.3 CONVICTED FELON IN POSSESSION OF A FIREARM
CHG.3 CRIMINAL POSSESSION FORGED INSTRUMENT-2ND DEGREE DISMISS
CHG.4 POSSESSION OF BURGLARY TOOLS DISMISS

Next Court Date:
JUDGMENT AND ORDER RELEASING MISDEMEANANTS FROM JAIL.
It is the judgment of this Court that the Defendant be sentenced to serve See sentence details above On Motion of the Defendant and the Court being sufficiently advised, IT IS HEREBY ORDERED, pursuant to KRS 439.179, that the Defendant is granted the privilege of leaving the jail during the hours of am/pm to am/pm through for one or more of the following purposes:
☐ 1. Working at his/her employment. ☐ 2. Seeking employment.
☐ 3. Attendance at an educational institution. ☐ 4. Medical treatment.
☐ 5. Other

Every prisoner gainfully employed and released herein is hereby ordered to pay a reasonable amount not to exceed forty dollars (\$40.00) per day KRS 439.179 (4) for the cost of his/her board. If he/she defaults, the privilege hereby granted may be forfeited by the Court.

The Court further directs that the Jailer/Department of Corrections of perform the functions under KRS 439.179 (3) and (5).

02/10/2016 at 11:03:35 AM
Date
Signature of Judge
Div

Electronically signed by HON. TODD HOLLENBACH
Signature of Judge
Div

Clerk
Distribution: Transporting Officer
Jail/Corrections
Court File

Entered
D.C.

AOC-425.1 Doc. Code: OCOM
Rev. 11-10
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Commonwealth of Kentucky
Court of Justice www.kycourts.net
KRS 439.179

Case No. 16-M-003917
Court District
Dive
County Jefferson

COMMITMENT ORDER/
JUDGMENT AND ORDER
RELEASING

COMMONWEALTH OF KENTUCKY PLAINTIFF
V.
DEFENDANT

Alias:
Jail ID:

Sex	Race	Date of Birth	Height	Weight	Operator License Number	State	Bond Amount	Type
F	W		505	180			25,000.00	CA

To the Jailer/Department of Corrections of Jefferson, Kentucky:
You are hereby commanded to receive the above-named Defendant who has been found guilty of the following:

Next Court Date: 01/03/2017 09:00 AM (CRIMINAL COURTROOM 203)
JUDGMENT AND ORDER RELEASING MISDEMEANANTS FROM JAIL.
It is the judgment of this Court that the Defendant be sentenced to serve See sentence details above On Motion of the Defendant and the Court being sufficiently advised, IT IS HEREBY ORDERED, pursuant to KRS 439.179, that the Defendant is granted the privilege of leaving the jail during the hours of am/pm to am/pm through for one or more of the following purposes:
☐ 1. Working at his/her employment. ☐ 2. Seeking employment.
☐ 3. Attendance at an educational institution. ☐ 4. Medical treatment.
☐ 5. Other
Bail Bonds: (flight risk and danger, all rcr 4.16 factors considered, a/c

Every prisoner gainfully employed and released herein is hereby ordered to pay a reasonable amount not to exceed forty dollars (\$40.00) per day KRS 439.179 (4) for the cost of his/her board. If he/she defaults, the privilege hereby granted may be forfeited by the Court.

The Court further directs that the Jailer/Department of Corrections of perform the functions under KRS 439.179 (3) and (5).

12/21/2016 at 10:06:50 AM
Date
Signature of Judge
Div

Electronically signed by HON. AMBER B. WOLF
Signature of Judge
Div

Clerk
Distribution: Transporting Officer
Jail/Corrections
Court File

Entered
D.C.

JEFF-056-16
Rev. 07-08
Page 1 of 1

Commonwealth of Kentucky
Court of Justice www.kycourts.net

Case No. 15-1-2449
Court District
Dive
County Jefferson

RELEASE FROM CUSTODY

BY ORDER OF
Jefferson Circuit Court Division 4
TO
Jefferson County Department of Corrections / Jailer of Jefferson

You are hereby commanded to release
Defendant [redacted] in your custody

Alias: 16-1-2449
Case No. 15-1-2449
Charges: All charges

Witness my hand as Clerk of said Court this 12 day of October 2016
Circuit Court Clerk
Jefferson Circuit / District Court

By: [Signature] D.C.
[Signature] All charges only

THE UNAUTHORIZED REPRODUCTION OF THIS FORM WILL RESULT IN PROSECUTION TO THE MAXIMUM EXTENT OF THE LAW



In our review we found that there are limited court order forms in use. The Office of Internal Audit noted this same issue in their January 2018 Independent Release and In Custody Classification Movement Audit. CGL also found that court orders often bear no relation to the type of form on which they are submitted. For example, we found multiple forms labeled “Commitment.” Some of these were used for actual commitment to jail custody, while others set release terms, HIP placement, or identified other court directives.

Recommendation: Every effort should be made to expedite the standardization of additional court order forms. In a system that has high staff turnover rates, the lack of standardized forms adds confusion and complication to an already difficult process.

To complete the project according to the original RFP and contract, CGL expected that the majority of data needed would be present on the court orders. However, we found that a significant amount of the data expected to be collected from each court order was either missing or illegible. For example, we consistently found there was no documentation of the method of court order transmittal, and on more than a quarter of the cases, the time the order was initiated was not recorded. Finally, a significant portion of the initiating clerks and LMDC Records Office staff signatures or initials were not legible. This lack of needed information, coupled with the illegibility of participants’ names/initials, resulted in the inability to extract any substantial amount of useful information from the database. As a result, a comprehensive audit could not be conducted on the court order system. Figure 5 provides a snapshot of the actual database of 250 court orders.

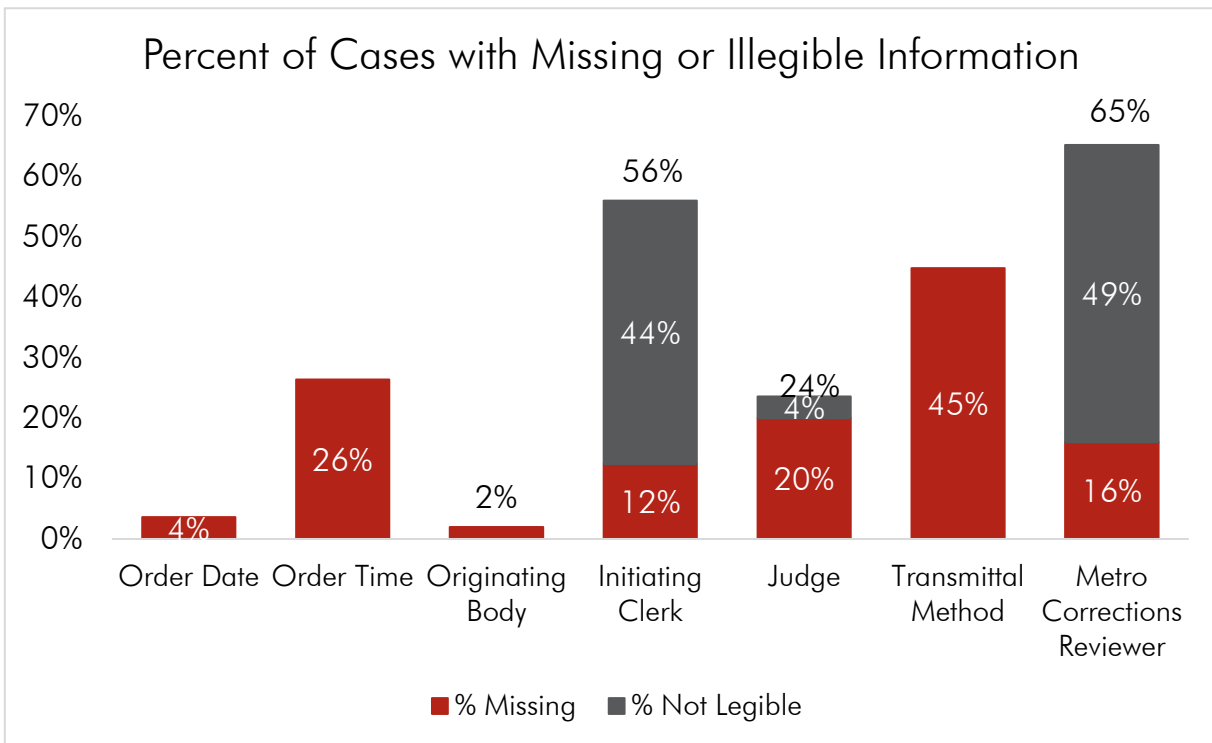


Figure 5. Snapshot of CGL Court Order Database

Order Initiation and Transmittal						Metro Corrections Receipt/Implementation				
Date of Order	Time of Order	Originating Body	Initiating Clerk Name	Transmittal Method	Order Signature - Judge	Metro Corrections Receipt Date	Metro Corrections Receipt Time	Received by Email - Date Printed	Received by Email - Time Printed	Receiving/Reviewing Staff Name
1/25/16	2:50 PM	District Court	Not Legible		Katie King					
2/19/16	11:28 AM	District Court	Not Legible	Email	Katie King			2/19/16	4:14 PM	Not Legible
2/19/16	11:28 AM	District Court	Not Legible		Katie King					
2/1/16	9:00 AM	District Court	Not Legible		Katie King					
1/22/16	9:30 AM	District Court	Not Legible		David Bowles					
2/19/16	11:29 AM	District Court	Not Legible	Email	Katie King			2/29/16	4:14 PM	Not Legible
2/1/16	1:59 PM	District Court	Not Legible		Katie King					Not Legible
1/22/16	9:30 AM	District Court	Not Legible		David Bowles					Not Legible
4/15/16	None Noted	Circuit Court	Not Legible		J. Macdonald					Not Legible
2/26/16	None Noted	Circuit Court	Not Legible	Email				2/26/16	11:57 AM	Not Legible
2/3/16	2:13 PM	District Court	Not Legible		Katie King					"AW"
2/2/16	1:16 PM	District Court								Not Legible
1/29/16	11:01 AM	District Court	"NH"	Hand Delivered	David Holton	1/28/16	11:19 AM			Not Legible
2/3/16	2:14 PM	District Court	Not Legible		Katie King					Not Legible
2/2/16	1:07 PM	District Court								Not Legible
1/29/16	11:02 AM	District Court	"NH"	Hand Delivered	David Holton	1/29/16	11:19 AM			Not Legible
		Pretrial		Email	Sean Delahanty			1/29/16	7:23 AM	M. Mitchell
2/3/16	2:14 PM	District Court		Hand Delivered	Katie King	2/3/16	2:47 PM			Not Legible
2/2/16	1:16 PM	District Court		Email				2/2/16	13:25	Not Legible
1/29/16	11:02 AM	District Court	"NH"	Hand Delivered	David Holton	1/29/16	11:19 AM			Not Legible
1/8/16	12:22 PM	District Court			Eric Haner					
1/8/16	12:23 PM	District Court			Eric Haner					Not Legible
1/8/16	12:21 PM	District Court			Eric Haner					
1/29/16	9:13 AM	Pretrial	Brian Donnelly	Email	Rebecca Ward			1/29/16	9:51 AM	M. Mitchell
3/11/16	4:22 PM	District Court	A. Krocer	Email	Jennifer Wilcox			3/11/16	5:32 PM	Not Legible
3/4/16	3:04 PM	District Court		Hand Delivered	Jennifer Wilcox	3/4/16	4:14 PM			"DH"
3/2/16	6:29 PM	District Court	Mark Smith							Anna Wheeler

Those cells highlighted in green represent needed information that was absent from the court order, while those highlighted in yellow reflect names or initials that were not legible. Figure 6 provides a more detailed understanding of rates at which missing and illegible information were found in court orders reviewed.

Figure 6. Rates of Missing/Illegible Information in Court Orders



Finding: The existing court order system cannot be effectively audited due to missing or illegible information in the orders. The Metro Government’s desire to audit the system and objectively determine how quickly and accurately orders are processed, and to determine where systemic issues may exist, cannot be realized due to the significant amount of missing and illegible information found in court orders.

We note that subsequent to completing our entry of court orders into our developed database, and after our presentation to the budget committee of the Metro Government, we sent the completed database to the Jefferson County Circuit Court Clerk’s Office (Clerk’s Office) to allow them to attempt to find and fill in some of the missing information. The Clerk’s Office undertook considerable effort to research and enter information that was not on the court order or that was illegible. They were able to fill in the full name of nearly every illegible or missing initiating clerk in the database. Additionally, in many cases, they were able to use other source documents to identify the name of the presiding judge relative to the court order. The Clerk’s Office also provided some clarification as to standing agreements and practices that exclude the requirement for judges’ signatures on specific types of court orders. While this reduced the amount of missing or illegible information, it again underscored the limitations of the current system and the complications the current system creates concerning



its ability to be audited.

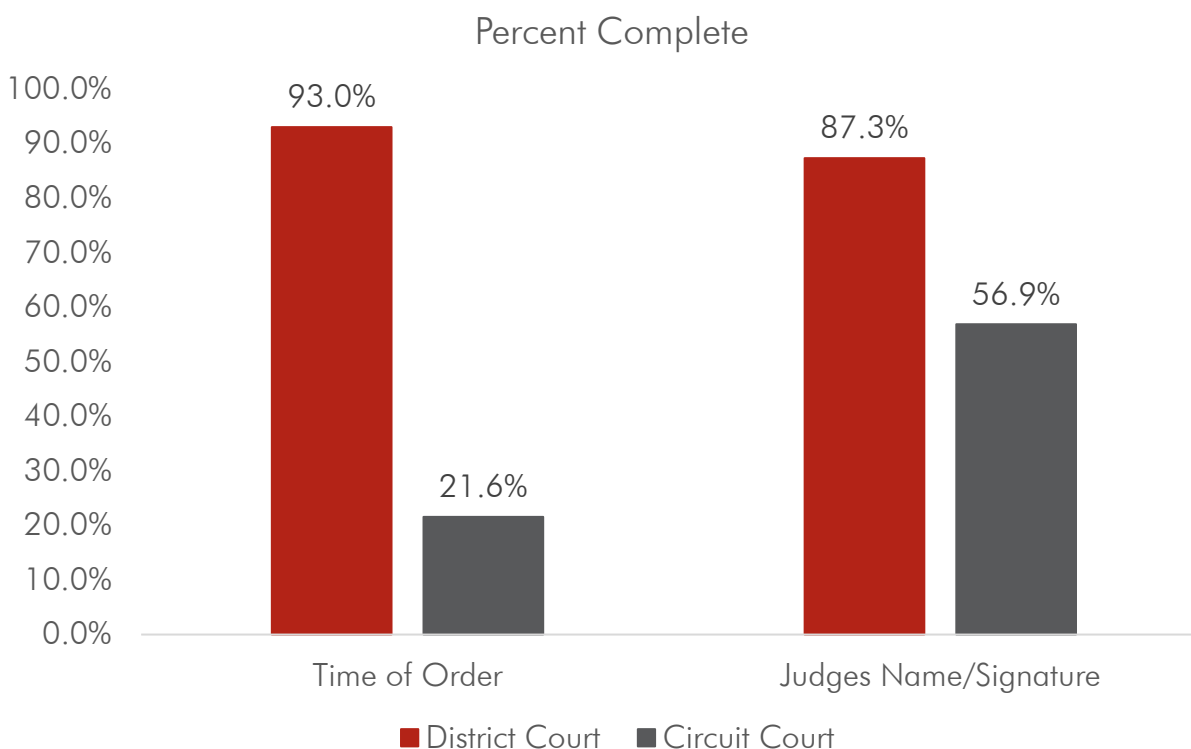
The underlying issue with the court order process is that it effectively is a manual workflow system. A court order is generated and manually transmitted to LMDC, who manually opens the document, prints it out, and processes it. There is a minor level of automation that does occur in the system. For example, District Courts use a self-developed software, KYCourts/Benchpro, to automate the docket as well as help complete fields on the court order form. Specifically, the software is used to automate the creation of the court order, insert the case number and charges, and attach the date and time of order initiation, as well as electronically sign the presiding judge's name. This system is not in use in the Jefferson County Circuit Courts (Circuit Courts) or Specialty Courts.

Additionally, the LMDC Records Office has nearly eliminated the hand-delivery of court orders through the implementation of email in-boxes specifically created for court orders. While the email system is an improvement over hand-carrying, it still represents a process that requires individuals manually initiate, send, receive, and print the court orders.

As a result of these issues, it was determined that the lack of detailed information, along with the lack of legibility of much of the information, was an impediment to any audit of the system. With much of the information missing, any data-driven analysis would lack reliability or validity.

CGL did find that in the limited areas where automation existed in the court order system, it improved the clarity and consistency of court orders. For example, court orders generated in the District Courts using the Benchpro system were substantially more complete than the hand-written court orders initiated by the Circuit Courts. Figure 7 provides a view of the rate at which complete information was filled in court orders in the District and Circuit Courts.

Figure 7. Court Order Accuracy/Completion Percentages



The automated entry system used in the District Court appears to contribute to accuracy. Ninety-three percent of the court orders issued by the District Court had the time of the order noted, while only 21.6 percent of those issued by the Circuit Court had the time of order indicated. The judge's name or signature was present on 87.3 percent of District Court judicial orders, compared to Circuit Court having the name/signature in only 56.9 percent of the cases.

Finding: As long as this process remains a manual system, problems related to missing and illegible information will continue. Until the entire court order process can be converted to an automated workflow, the system will remain cumbersome, problematic, and inefficient.

A manual system also opens the potential for manipulation and security intrusions. The court order processing system needs to be closed and secure to ensure the appropriate delivery of justice to those involved in the system. A misplaced or intentionally removed court order can have a seriously negative impact on individuals, their families, and the local community who depend on the accuracy of the justice system. With the existing system, paper documents could easily go missing, be deleted from email inboxes, or even be taken by individuals with ill-intent who are involved or have access to the process.

Recommendation: The court order system should be entirely automated. The benefits of automating the court order workflow can include:

- **Improved accuracy.** Automated workflows in the court system could allow for pre-developed drop-down lists of court order options. This reduces the likelihood of input errors that can exacerbate order implementation and allows for standardization of court order terms and language that will improve clarity and reduce confusion.
- **Ensures order implementation.** Systems that automatically remind employees when they haven't processed the document in a timely manner help improve system performance. For example, an automated system could be created that automatically raises a red flag when a court order hasn't been acted upon or implemented within predetermined time frames.
- **Reduces risks.** Paper processes open the potential for error, manipulation, and security intrusions. Paper documents can easily go missing or even be taken by individuals involved or with access to the process, and e-mails could be deleted by those working in the system. Or, the process could be intentionally manipulated by participants with ill-intent. This can ultimately result in justice not being served for those involved in the court system. When combined with the low salary levels identified elsewhere in this report, the lack of security control over this paper workflow process creates an open environment where individuals working in the system could easily manipulate it for their own personal gain.
- **Improves visibility and accountability.** Automated workflows allow for performance to be easily monitored and allows for any system problems to be quickly analyzed and corrected.
- **Ensures audit trails.** Automated workflows self-create audit trails that identify what tasks have been completed, when they were completed, and who completed them.
- **Improves efficiency.** Eliminating the manual court order process would reduce workloads by improving court order accuracy and eliminating manual tracking systems. Additionally, it has the potential to reduce double entry of information into two separate systems (courts and LMDC).
- **Redirects supervisor focus to more important tasks.** Paper systems require significant oversight by supervisors and managers who often create monitoring systems to ensure the paper gets processed appropriately. An automated workflow removes this

workload and allows supervisors to focus on other important areas.

CGL notes that the existing system has been in place for decades. Our observations and interviews found that system leadership is well aware of the existing limitations of the court order process and have dedicated significant resources over the past several years to improve it. Recent changes include:

- **Standardization of court order forms.** The Clerk's Office has continued to develop standardized court order forms that are specific to their purpose. As noted earlier in this report, additional effort is needed in this area to improve clarity and reduce the confusion caused by the limited number of court order forms being used for unrelated purposes.
- **Development of consistent terms with shared meaning used in court orders.** Effort has been made to improve understanding of court orders by ensuring terminology used in court orders is clear and understood by all.
- **Development of email system to eliminate hand-delivery of court orders.**
- **Ongoing development of SharePoint site as court order repository.** The SharePoint site will be the single location for all court orders and should reduce the number of calls LMDC receives from criminal justice stakeholders regarding the nature of specific court orders. LMDC began testing this SharePoint site in October 2018, with a planned implementation of early 2019.

However, these efforts, while important, are not completely coordinated, only begin to address a portion of the issues with the current system, and fall short of the benefits of an entirely automated court order workflow process.

The Metro Council has dedicated substantial effort to evaluate problems in this system. In January 2018, the Office of Internal Audit issued a report regarding inmate release and custody classification in the LMDC. This report focused on court orders that directed inmate release.

The existing system has costs associated with its current practices. These costs include:

- **Inconsistencies and inaccuracies common to paper workflow systems.** Automated workflow systems often have checks and requirements that limit incorrect or mistyped information into documents. Also, those systems can be programmed to remind staff when orders have not been processed.

- **Financial costs.** A paper workflow requires more time and effort by staff to manage and monitor. Additionally, the errors that result from a paper workflow system can lead to potential costly litigation.
- **Inability to adequately audit or investigate system issues.** As found with this study, the paper workflow cannot effectively be audited and is therefore unable to provide Jefferson County leadership with measures of its effectiveness.

Recommendation: Develop an integrated criminal justice information system between the Jefferson County Courts, Clerk’s Office, and LMDC. The most effective means to eliminate the current system problems is to develop an information system workflow solution for the court order process. This solution would allow for the automation of the entire process. CGL notes there are two options for implementing a solution:

- **Option 1:** Purchase and install a single integrated criminal justice information system that automates the court order process across the Jefferson County Courts, Clerk’s Office, and LMDC.
- **Option 2:** Integrate existing systems through custom interfaces that can communicate in real time.

Option 1: Single Integrated System

Single integrated criminal justice management systems have the benefit of seamlessness for all components of the system. The Metro Government could purchase a single system that is used across the Courts, Clerk’s Office, and LMDC that would improve the sharing of information and accuracy of the court order process. However, impediments to this option include the fact that the Kentucky Administrative Office of the Courts (AOC) has developed their existing information management system and it is used by jurisdictions statewide. We were informed that they are in the initial process of developing an upgrade to this system. As a result, it is extremely unlikely that AOC would allow Jefferson County to install a solution different from what they provide statewide. Jefferson County, however, is the largest system in the state, and accordingly, should be able to use the leverage of its considerable size to ensure AOC makes changes that benefit their local criminal justice system.

Integrated System Examples. There is a significant cost to implementing an integrated solution. This cost is dependent upon a number of factors, including the extent of the integration (does it include just Courts, Clerk’s Office, and LMDC, or are other stakeholders such as law enforcement, probation, public defender’s office included?).

Examples of best practices regarding integrated solutions and their associated costs are as follows:

- Fulton County, Georgia, implemented a comprehensive unified case management system several years ago that replaced 14 outdated legacy systems used by the sheriff's office, jail, courts, district attorney, public defender, and other county justice agencies. The idea for this integrated system was the result of a Fulton County Criminal Justice Blue Ribbon Commission that deemed the various agencies' overlapping computer systems to be a major impediment to the ability to move cases and defendants through the process quickly and fairly. The total cost of this comprehensive system was nearly \$15 million. CGL considers this integrated system in Fulton County to be a best practice.
- Lubbock County, Texas, recently approved the appropriation of \$10 million to implement an integrated software solution across its entire criminal justice process. The solution provides for:
 - Integrated criminal justice system that offers a comprehensive case management across courts, jails, clerks, prosecutor, and pretrial services functions
 - Emergency response system
 - Automated citation process
 - Automated civil process
 - Administrative package automating and integrating county financial, human resources, revenue, and citizen services
- Kern County, California, has recently agreed to spend \$5 million to integrate its probation department, district attorney's office, public defender's office, and jail with its existing court software, all provided by a single vendor.

Standards have been developed for the sharing of information across criminal justice jurisdictions. These National Information Exchange Model (NIEM) standards provide clear requirements for the development of new information systems so that they can easily interface and share information in the future. Any new system developed by the Kentucky AOC or any other criminal justice partner should comply with NIEM standards.

Option 2: Interface Existing Systems

The jail has their own system (X-Jail), while the Courts have a separate system developed by the Kentucky AOC. A second option to integrating criminal justice information systems is to develop interfaces between existing systems so that information can be shared. This option is typically less costly than a single integrated system, however, our cost analysis limited the scope of work to only automating the court order process.

CGL identified an approximate cost of \$350,000 to automate the court order process between the Courts and LMDC. The associated work would include development of project requirements, as well as interface design, development, testing, and implementation for two information exchanges. This assumes the County already owns some servers and software that can run web services (generic .NET or Java environments). This cost also assumes the development of NIEM conformant exchanges. One secondary benefit of this approach is that it would develop the structure for which further joint communication between the Courts and LMDC could be developed. As a result, if these agencies wanted to exchange additional information in the future, then the interface structure would already be in place and limited additional work would be required.

Recommendation: Jefferson County should identify a team of County IT staff and criminal justice system staff to begin studying the capability to develop interfaces between the Courts and LMDC. One valuable resource for the County is the IJIS Institute. The IJIS Institute is a nonprofit alliance *“working to promote and enable technology in the public sector and expand the use of information to maximize safety, efficiency, and productivity”* and can provide company-neutral guidance and direction regarding criminal justice information technology solutions.

Interim Measures

While Jefferson County studies and evaluates an automated system, it will need to continue to support the existing manual court order workflow system, as it is in the best interest of the County for improvements to the system to continue. We note, these improvements don’t come without cost. Typically, working to “shore up” a paper process is done with increased labor from existing or added employees.

Interim improvements to the system cannot occur if the components of the system act in silos without regard for the needs or impact on other criminal justice system members. As a result, it is critical that for any improvement to be made, they must be accomplished through constant communication and interaction between all system components. LMDC and the



Clerk's Office are no strangers to working together; however, other stakeholders in the system also need to play a role.

Finding: Improving the court order system can only be accomplished with the involvement of all relevant criminal justice stakeholders (LMDC, Clerk's Office, and the Courts). It is important to underscore that while Metro Corrections is responsible for ensuring nearly 550 orders are correctly implemented on a daily basis, the fact is they do not initiate court orders, record court orders, or transmit the court orders. They are simply the ending recipient in the court order process and have no control over their quality, clarity, or appropriateness. For this reason, any effort to improve the court order process must ensure the commitment and cooperation of **all** stakeholders. Any effort that does not have the commitment and involvement of all system participants will not succeed.

Recommendation: Develop a Court Order Solutions Group. There is an urgent need to reduce the occurrences of court orders needing clarification. The Metro Government should establish a working group with representatives of the AOC, Circuit Clerk's Office, LMDC, pretrial services, public defender, prosecutor's office, and all courts, including the Specialty Courts. This solutions group will consist of mid-level managers in each area who have responsibility and involvement in the court order process. Their goal should be to meet monthly, and regularly attempt to resolve any court order concerns that have arisen. These could include apparent delayed implementation of a court order, transmittal issues, accuracy/clarity issues, etc. The goal of each meeting will be to develop processes and implement corrective measures that improve accuracy, speed, and efficiency of the court order system.

Additionally, we note that one of the most consistently identified issues in our review was the ability to reach a person who could answer a court order-related question. Whether it's the Courts or Circuit Clerk's Office calling LMDC Records Office, or LMDC Record's Office calling the Courts to seek clarity on a court order, finding someone who can provide an answer has become a significant, time-consuming issue. We note that there are reasons for these delays. LMDC, for example, has become the de facto information desk for all court order questions. Whether it is the public defender's office, defense bar, or other legal entities, they typically call LMDC to get information regarding court orders. This diverts Records Office staff away from other duties.

Our observation of the Fayette County court order process in Lexington, Kentucky, found that communication played a key role in ensuring the accuracy and timeliness of court order processing. When a question arises between the correctional agency and the Courts

regarding a court order, individuals have the ability to quickly connect with decision-makers who can clarify the issue. For example, it is not uncommon for their correctional staff to call judges or judges' staff directly to get clarification on court orders. Likewise, court staff have the ability to reach Fayette County corrections staff immediately when they have a concern with the implementation of a court order. We fully realize that Fayette County is much smaller in size and likely processes less than one-half of the number of court orders processed by Jefferson County. However, we consider this a best practice, and our observations in Fayette County underscored the need for the establishment of a direct and responsive communication conduit between LMDC and the Jefferson County Courts.

Recommendation: Establish courts/corrections liaison positions. The Courts and LMDC should each establish a liaison position to be the single point of contact between them to resolve issues or questions that arise with court orders. For example, when LMDC needs clarification on a court order, they would call the court "liaison," who would be responsible for contacting the judge's office to clarify the matter. Likewise, when court staff have concerns that a court order has not been implemented in a timely manner, they would contact the LMDC "liaison" to receive an explanation. Through this approach, staff from both agencies would spend less time tracking down individuals who can provide answers, and their implementation would be resolved swiftly and efficiently.

Per our analysis, an average of 23 court orders per day need some further clarification. It is expected that this would consume a significant portion of the liaisons' workdays. However, as the efforts of the solutions group begin to yield results through improved court order clarity and enhanced understanding of court order issues, then the workload on the liaisons would be expected to decrease.

Staff Turnover

Understanding and interpreting court documents is complex and requires an extensive understanding of the nuances of court practices, an understanding of legal language, and of state and local sentencing statutes. It is unreasonable to believe that anyone could learn the intricacies of this system by attending a few weeks of training. As a result, it is imperative that LMDC have experienced staff to review, understand, and implement judicial orders.

Our assessment found high levels of turnover in the LMDC Records Office. Two position titles in the office make up the bulk of their staff – Corrections Technicians and Senior Corrections Technicians. In 2017, the unit had five corrections technician positions and 36 senior corrections technician positions. Corrections technicians serve as the entry level position responsible for filing and data entry, while senior correctional technicians have enhanced

responsibilities which include processing court documents, relaying information to other agencies, and processing and verifying time served on court-ordered releases. It is the senior corrections technicians who are responsible for reviewing, clarifying, and processing the nearly 550 court orders received every workday.

Our evaluation found the very high annual turnover rates for each of these positions in 2017.

Table 3. Turnover Rates and Salary Levels – LMDC Records Staff

Position	# of Positions	Turnover Rate	Salary
Corrections Technicians	5	100%	Approx. \$12.00/hr.
Senior Corrections Technicians	36	44%	Approx. \$13.50/hr.

Finding: Staff turnover is extremely high in LMDC’s Records Office, and this impacts the accurate and timely processing of court orders. The five Corrections Technicians positions turned over fully in 2017, while 44 percent of the Senior Corrections Technician Positions turned over in a year. These are extremely high turnover rates and can create significant issues for LMDC’s ability to quickly process and implement court orders. While some of this turnover is a result of internal promotions or lateral transfers within LMDC, these rates are indicators that there may be significant competition for workers in the region. For example, Amazon has several distribution centers in the area and recently announced they were going to implement a \$15.00/hour minimum wage. This will increase the pressure on LMDC turnover in these positions.

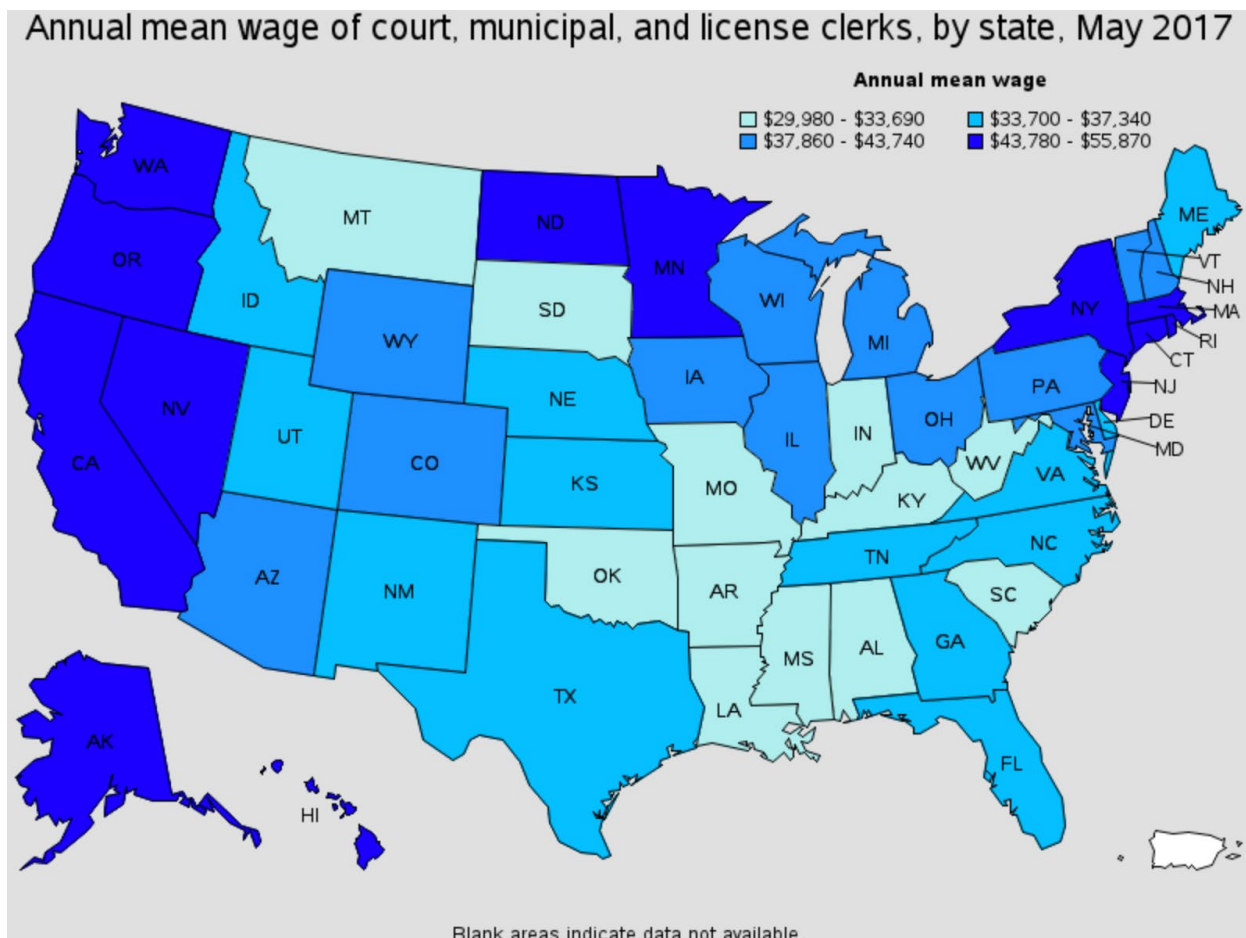
We also note that the Circuit Court Clerk’s Office suffers some of the same turnover issues, as they informed CGL that they have experienced turnover rates of 40 percent in their Deputy Clerk positions.

High turnover rates can have a serious negative impact on agency operations by reducing the number of veteran staff available to manage the most challenging assignments and instead forcing reliance on less experienced staff. A low number of staff with significant work experience will increase operational risk throughout a criminal justice system. In addition, high turnover increases administrative costs, as the system must continually recruit, hire, and train increasing numbers of staff to offset the large number leaving.

CGL sought to identify how the salary for clerk level staff in LMDC compared to other jurisdictions. The US Bureau of Labor Statistics identifies salary levels for a category of employees called “Court, Municipal and License Clerks.” The national average (mean)

salary level for these positions was \$19.11/hour in 2017,³ which equates to an annual salary of \$39,749. Figure 8 further provides a breakdown of the salary range for these positions by each state. Kentucky ranked in the lowest category of pay level, with an annual salary range between \$29,980 and \$33,690 per year. This is an hour salary range of \$14.41 - \$16.20. While this is consistent with what is found in Jefferson County, it likely is heavily influenced by Jefferson County's existing salary structure, since it is the largest county in the state.

Figure 8.



Recommendation: The County should evaluate increasing salary levels for these important positions.

³ US Bureau of Labor Statistics website, <https://www.bls.gov/oes/2017/may/oes434031.htm#st>



Appendix A List of Individuals Interviewed

Metro Dept. of Corrections

- Director Mark Bolton
- Chief of Staff Dwayne Clark
- Assistant Director Steve Durham
- Deputy Director Eric Troutman
- Records Coordinator Arnetta Al-Amin
- Records Supervisor Sandria Mackee
- Records Supervisor ShaRondra Simmons

Commonwealth Attorney's Office

- Erwin Roberts, First Assistant

County Attorney's Office

- County Attorney Mike O'Connell
- Matt Golden, Director, Civil Division, Jefferson County Attorney's Office
- Attorney Denis Ogburn

Circuit Court Clerk

- Circuit Court Clerk David Nicholson
- Chief of Court Clerks Jinny Lee
- IT Department

Louisville Metro Police Department

- Daniel Gillespie LMPD



District Court Judges

- Judge Anne Haynie
- Judge Stephanie Burke
- Judge Sean Delahanty
- District Court Administrator Julie Hayes

Circuit Court Judge

- Brian Edwards – Chief Circuit Court Judge

Metro Council

- Marianne Butler – Councilwoman, District 15

Public Defenders Office

- Daniel T. Goyette Executive Director/Chief Public Defender and staff

Kentucky Administrative Office of the Courts

- Carla Kreitman, Chief Court Administrator (Louisville Office)

Louisville Bar Association

- Larry D. Simon, Immediate Past President

Lexington Fayette Department Community Corrections (Jail)

- Director Steve Haney
- Chief Medical Officer
- Chief Classification Officer

Office of the Mayor

- Doug Hamilton, Chief of Public Services