



## Public Safety Committee

January 21<sup>st</sup>, 2013

### Summary and Motions

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#### 1. Approval of Summary - summary was approved

This meeting started at 1:30 pm due to the State of the Merged Government Address. There were two presentations from the Department of Public Safety.

#### 2. Community Corrections: Staffing Level & Inmate/Officer Ratio

Stinnett announced before the presentations began that the Town Branch FOP Lodge 83 was in attendance and requested to present on the staffing level and inmate to officer ratio. This presentation was not part of the agenda. Lodge 83's presentation took place following Director Rodney Ballard's presentation.

Motion by Ellinger to allow the union's presentation to take place during this committee meeting. Seconded by Scutchfield. Motion passed without dissent.

Ballard started the first presentation and explained how the work load of the jail never changes. Their daily routine does not stop and there is no slow time. He compared staffing numbers from 2009 when there were 298 officers to 2014 with 263 officers. The work load has not changed since then so the officers are working harder to get the job done. Based on these numbers, that leaves Community Corrections about 35 officers short. Ballard said they are considering increasing the number of officers in preparation for the FY15 budget. He said the supervisor staffing level is as good as it has been in years, the shortfall is at the entry level. Currently, there is a 23% turnover rate. About 24% of all the people who have left Community Corrections since Ballard has been the director were terminated. Overtime would lessen or be eliminated if the jail was fully staffed, which some officers rely on. Ballard suggests a two-pronged approach to increase the amount of officers and change the level of the entry level officer position therefore increasing the starting wage. He said that if you hire all 35 positions, many officers would leave because they would not get the overtime they rely on.

Ballard explained there is no Federal law, Kentucky law, Kentucky Administrative Regulation, nor national or stat standards in this industry that sets an inmate to officer ratio. He compares the jail to a hospital in comparison to nurse and patient ratio. The number of nurses in the ICU ward is higher than a general floor of the hospital because those patients are in most serious condition. The jail is the same way, inmates who are the most dangerous and worst behaved need more officers monitoring them. Staffing is determined by the number of inmates, type of inmate classification and the housing design. They recently added a second officer to housing unit: GG to increase safety because these inmates were only one step down from maximum security and they were having some problems there. The Division plans to do the in same change in FY15 to housing units: HH, II and EE, which is strictly based on inmates' behavior. Ballard explained every housing unit does not require the same staffing needs and that number of officers is based on incident mapping. Incident mapping is a system that tracks the incidents that occur and determines the staffing level based on those numbers.

Mossotti asked about the safety concerns mentioned in Lodge 83's meeting not long ago, particularly for the officers transporting inmates. Ballard explained the two types of vests they have looked at and that he plans to make a request for vests in the FY15 budget.

Clarke asked how full that jail was currently, in terms of occupancy. Ballard said they have about 1,266 beds that are full, 175 of those are paying customers, which increases revenue. If the population maintained a significant number over 1,300, he would request permission from the Commissioner to reduce the number of paying customers. Clarke asked how much Corrections is spending on overtime. Ballard said overtime is about 30% remaining. Overall it's not doing very well and that it's still an issue. The budget was cut about \$140,000 from last year. It is still an issue.

Scutchfield asked how many posts are there with only one officer. Ballard said 16.

Akers asked for clarification regarding the recommended staffing increase and entry level changes. Ballard explained when you increase the staff level, that amount of overtime will decrease, which will cause some officers to leave because they relied on the compensation from overtime. He said it will take a combination of increasing the staffing level as well as increasing the level of the entry level officer positions. Akers asked what the current hourly rate is. Ballard said \$14.34 per hour. Akers asked what Ballard would like to see it at. Ballard said this is an issue in all the urban environments because you have to compete with the community for jobs. Ballard reminded the Council this is a very demanding job. Akers asked if he has considered other cities as an example. Ballard explained that is fairly complicated because a town like West Liberty, Kentucky has very low turnover as that is a very good paying job, being in a small town where jobs are more limited. The Louisville area and surrounding counties have much higher competition. Akers was stunned by the lack of industry standards or laws to regulate the ratio. Ballard said the classification of inmates is much more important than the ratio itself. Ballard said we have about 75 federal prisoners and about 100 Class D inmates.

Motion by Mossotti to use the remaining surplus from the general fund to purchase ten (10) safety vests at a cost between \$4,200 – \$4,500 for officers that do transport duty. Seconded by Myers. Motion passed without dissent.

Ballard explained they are considering using a shared vest that goes overtop of your clothes instead fitted vests that go under your uniform, which are more expensive. The shared vests have more flexibility for the officer. He said they surveyed the auxiliary service team, who transfers inmates every day, with the parameters that if vests were purchased, they would be required to wear them everyday and the offices chose not to have vests.

Stinnett asked what the authorized budget strength is. Ballard said 267 sworn officers. They are requesting 10 new positions in the upcoming budget cycle. Stinnett asked why he wasn't asking for more. Ballard feels this is a significant amount of people and hours to work with.

Ellinger mentioned how the Mayor said we are at 98% capacity today at the State of the Merged Government Address and asked how that is possible with 35 needed officers. Ballard said he believed that percentage came from the current level being 263, out of 267. He understands that in the years following 2009, budget cuts lowered the number of officer positions within Community Corrections.

Jim Capillo, president of Town Branch FOP Lodge 83 gave a continued presentation about Community Corrections staffing levels. He said Ordinance 25-2012 abolished 41 officer positions and 12 sergeant positions, all of which were vacant and unfunded in March of 2012 for housekeeping purposes. Through an open records request, Capillo learned that a position analysis had not been done so his presentation

provides that analysis. There are two types of officer positions, one that works a regular work week and one the 24/7 post officers. There are currently 16 transportation staff, there used to be 23, which is where the Lodge 83 would like the staffing level to be. Capillo explained there are now three additional intake officers to help during peak hours, bringing the work week staff level to 48. The 24/7 posts positions are made up of lobby master control staff, who operate the doors and deal with the public, intake staff, who accepts and releases inmates and custody staff, who work in the cells and housing units. Capillo's staffing analysis is based on the National Institute of Corrections. He determined they need 23 bodies to fully cover the lobby master control. Intake needs 42 employees to be fully staffed. Custody positions need 174 employees to be adequately staffed. Those three sections of 24/7 posts equal 239, plus the needed 48 employees for the regular work week totals 287, which is what the Lodge 83 believes to be a full staff for the jail. Capillo said there are currently 257 authorized officers. Stinnett requested clarification on the correct number of authorized personnel for Community Corrections because the number given by the Director was different than the number he just referenced.

Capillo said there is no law mandating the staffing to inmate ratio but based on the square footage, there is a regulation that says the maximum number of inmates allowed in one unit is 80. Based on the direct supervision model, his interpretation of the maximum is 70. He said 501 KAR 3:050 Section 10 limits ten inmates per one commode, one lavatory and one drinking fountain but also requires sufficient tables and benches to handle the number of prisoners. The jail was constructed when 501 KAR 3:050 Section 10 had the same requirements but for only eight inmates, which was upgraded to ten after construction was complete leaving two inmates to eat at their beds. Additional beds were added in July, which makes for 12 people sharing the one commode, lavatory and drinking fountain. Lodge 83 believes 96 inmates to one officer is a safety issue. 501 KAR 3:010 does state that a "direct supervision area" can house a maximum of 70 inmates or fewer. Currently our units house 80, up to 96 inmates. Capillo said our jail is not a true direct supervision facility, which allows for the interpretation.

Ellinger asked for clarification on the union's position regarding the number of inmates in one unit in relation to the number of officers. Capillo said they want two officers in the unit when there are 81 or more inmates in the unit. Our current staffing level does not allow for this to happen.

Stinnett said if the number of inmates was reduced to the eight per commode, lavatory and drinking fountain, then you don't need the second officer and if two officers staffed a unit, the inmate number is still a problem. He asked which is the better. Capillo explained when the state moved Class D inmates to the local jails to save money, the jails could not house the increase in inmates at a 64 to one ratio, they needed it to increased to 80 to 1, so 501 KAR 3:050 Section 10 was increased from eight inmates to ten per the afore mentioned requirements.

Akers asked how many inmates participate in the CAP program. Capillo said CAP has seven officers. Ballard said last year they did about 38,000 drug tests. The program consists of drug testing and electronic monitoring. The number of tests and how often varies based on the court order. Akers clarified that we do not have control of expanding this program and that is up to the courts. Ballard said the new contract, just approved last week, has enhanced electronic monitoring capabilities that they are demonstrating the new technology to the judges now to encourage them to use it more.

Ballard confirmed the correct authorized strength for Community Corrections is 263 and they probably have 262 positions full.

Mossotti asked what Capillo feels is the necessary staff needed to operate the jail. Capillo said 287, which is what Lodge 83 would like to see as the authorized staff. Mossotti does not find the current staffing level

acceptable. Ballard clarified that 96 inmates in one unit does not mean that they are all out of their cell at once. The officer has the ability to determine how many people are allowed out of their cell at one particular time. Mossotti asked how Ballard felt about the situation. Ballard said it is unrealistic to have two officers in a unit with “otis the town drunk” type inmates, he doesn’t believe the threat level is there. He does believe there are other units with high threat levels that should have two officers all the time, whether the unit has 35 inmates or 40 inmates or more. Mossotti asked, in those high threat level units, how many officers you would need to make the officers feel safe. Ballard said he would get that number for her.

Clarke asked how many new officers could we hire using overtime money that we normally spend on overtime. Ballard said the average employee uses 120 hours of sick hours per year, which is three weeks per year that is not vacation or holiday time. The budget for overtime was a little over \$800,000. Salary and benefits for an entry level officer is about \$44,000. Clarke asked how many hours a day are there with no inmates in the common area. Capillo said about 11pm to 7am.

Kay asked if it was fair to say that if the staffing level is not where Capillo suggests it is, that gap is what is covered by the overtime. Capillo confirmed that was accurate. He asked if there has been a detailed analysis done to compare staffing up to continuing to pay overtime. Ballard said not in any depth. He said there are two key components, first he agrees the jail is short staffed and second is the work force coming to work. They have a lucrative sick policy and officers are taking 120 hours of sick time in one year. Officers also have required training. Both of these require employees to work overtime to cover these hours. Ballard does not believe the overtime budget could be used to hire all the employees he needed to cover all the shifts and hours and therefore not need overtime. Kay understands there is not an analysis of staffing up versus overtime and he believes that would be useful. He asked if there was mandated overtime because of the shortfall. Capillo said Corrections employees negotiated that certain days an employee would be available for overtime and certain days they would not be. Kay asked if it was fair to say mandated overtime is not positive for morale. Cappilo said some employees rely on overtime but overall he would agree with Kay’s statement.

Akers asked about the hours referenced for the position analysis. Capillo said the actual uses are the blue numbers; the other numbers are what the contract allows for. She asked if the ten vests would be enough for all officers that transport inmates. Ballard said no, the vests we discussed earlier are mainly for officers that transport inmates to and from the hospital. Hospitals are public places with a lot less security where as the courts are much more secured. Akers asked if Ballard will request the balance in his budget to cover every officer. Ballard said he could but the poll of the workers, with the caveat that if we purchased the vests, they had to where them, showed officers did not want them. Akers asked about the liability if an incident occurred and they were not wearing the vests. Capillo said the only liability there would be if you did not allow the officers to wear a vest, which is not the case. Workers Compensation covers most everything else.

Mossotti motioned to keep this item in committee. Seconded by Scutchfield. Motion passed without dissent. Mossotti clarified asking Corrections to come back with the correct authorized strength number and the number to cover the high risk areas with two officers as well as the data analysis of officers versus overtime and the staffing for high risk situations.

### **3. E911 Structural Imbalance**

Commissioner Clay Mason said this presentation is to place some forecasting on where the 911 fund is headed in the next few years due to the structure of revenue from land line phones verse wireless phones. The methodology used for the spreadsheet in the packet looked at the trends from 2009 to 2013 and

projected revenues for 2014 through 2019. The landline fees have decreased about 10% per year. The wireless fees are growing about 1.5% per year. The expenditures seem to increase about 2% and connectivity is increasing at about 5% per year. Mason pointed out this is a state regulated environment. The generally assembly controls how the fees are set up. This is the number two priority for Kentucky League of Cities (KLC) because every locality is facing this same situation. The KLC plans to propose a bill to increase the wireless fee from \$0.70 to \$1.00 and that is basically a catch up on consumer price index since the fee has not increased since 1998. There will be an attempt to end the disparity between pre-paid and post-paid mobile wireless subscribers, which requires the pre-paid people to pay the equivalent to CRMS that the others pay.

Mason explained he was in Frankfort last week speaking about Smart 911 because there is effort to make this program statewide. He got the impression legislators understood the 911 deficit in funds and he hopes the generally assembly will address the issue this session.

Myers asked what the advantages are for Smart 911 becoming a state wide program and is there a cost savings. Mason said we are currently paying \$75,000 per year. If they are successful, there would be a statewide roll out of about \$1.5 million and we would anticipate recouping the \$75,000 because the state would pick up that bill. It would decrease our expenses annually.

Stinnett asked who tracks the wireless fees and do we get that money from the state or do we collect it locally. He also asked why have the 911 fees gone down in terms of revenue when the number of people that have cell phones have increased 34% nationwide from 2009 to 2013. David Lucas, who is contracted with LFUCG, said the wireless fees are collected by the state. Every carrier is required to submit it to the state on a quarterly basis, then that money goes through a formula that is set by KRS and then we get our portion, which is the third largest portion in the state. The fee is split between every 911 center in the state so when the number of centers went from 90 to 112, the piece of the pie gets a little smaller. The formula share is called a "house and senate" formula so everyone gets an equal share on one side and the other is based on number of subscribers in the county. Stinnett asked about the capital expenditure in 2016 and what that was for, which seems to almost puts us in the red. Lucas said that is for the plan to replace the current computerized dispatch and the mapping systems, knowing the life of the system is coming to an end. They anticipate using the fund balance for that.

#### **4. Items in Committee**

Motion by Akers to remove Project Life Saver from the list of Items in Committee. Seconded by Farmer. Motion passed without dissent.

Motion by Farmer to remove Smart 911 from the list of Items in Committee. Seconded by Akers. Motion passed without dissent.

Motion by Akers to remove DEM Emergency Preparedness from the list of Items in Committee e. Seconded by Farmer. Motion passed without dissent.

Motion by Clarke to remove E911 Structural Imbalance from the list of Items in Committee. Seconded by Ellinger. Motion passed without dissent.

Motion by Akers to adjourn. Seconded by Farmer. Motion passed without dissent.  
Meeting adjourned at 2:45 pm.

*Submitted by Hilary Angelucci, Legislative Aide.*