

Court rules in favor of county jails, Dept. of Corrections in noncompliance with state law

Marion County jailer Brady among 4 jailers that brought forth suit against DOC

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The Kentucky Department of Corrections (DOC) has failed to meet its statutory obligations for the transfer of state inmates out of county jails and does not adequately cover the costs of medical care for those inmates. That's the ruling filed this week by Franklin Circuit Judge Thomas Wingate in response to a complaint brought by four counties, their jailers, and the Kentucky Jailers Association.

Campbell County Jailer James Daley, Kenton County Jailer Marc Fields, Boyd County Jailer Bill Hensley, Marion County Jailer J. Barry Brady, and the Kentucky Jailers Association sued the DOC in January 2023. They alleged that state inmates are routinely kept in county jails longer than what is allowed by state law, which leads to overcrowding in local facilities.

According to KRS 532.100(8), state

prisoners (except for Class D and some Class C felons) must be transferred from a county jail to a state-run facility within 45 days of final sentencing. In 2022 the Kentucky General Assembly passed House Bill 1, which extended this deadline to 90 days, as long as the county jail does not object. Inmates who are awaiting transfer to a state institution are referred to as "controlled intake" inmates.

In the court order, Wingate said the DOC admitted that state prisoners in controlled intake are continuing to be housed in county jails beyond the 45- or 90-day period. "This failure shifts the costs of housing and care of state inmates to the counties," Wingate wrote.

Wingate also ruled in favor of the plaintiffs regarding medical care for state inmates. The jailers had argued that the DOC has not complied with KRS 441.045, which requires the state to pay the costs of "necessary medical, dental or psychological care, beyond routine care and diagnostic services" for state inmates.

The court noted that while "necessary care" is defined in statute, "routine care" is not. The DOC interpret-

ed routine care to mean procedures and care that do not require hospitalization or general anesthesia, which the court found to be "arbitrary and contrary to legislative intent."

"The court's ruling is significant for counties. The court held that the DOC's restrictive parameters for payment of medical expenses for treatment of state inmates housed in county jails was arbitrary," said Jeff Mando, attorney for the plaintiffs. "The ruling will hopefully prompt DOC to comply with Kentucky law and pay the necessary medical expenses incurred for treatment of state inmates at county jails instead of forcing that responsibility on local county taxpayers as it has been doing for years."

Although the court found the DOC was in violation of KRS 441.045, state law only permits but does not require contracts between counties and the DOC. Thus, Wingate wrote that the court cannot enter an injunction forcing county jails and the DOC to enter into contract negotiations.

The court order is a partial summary judgment. Other claims alleged by the jailers against the DOC are still pending.