

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/this-is-what-happened-when-a-kentucky-county-closed-its-jail>

### Public Facing Advocacy Writing

On April 20, 2021, the Lewis County Fiscal Court, the county's governing body, met in Vanceburg, Kentucky, and voted unanimously to close the Lewis County Detention Center, the county jail. The jail now sits empty at the railroad tracks in the county seat of Vanceburg, a small and quiet town of 1,400 on the south bank of the Ohio River. I was in Kentucky in July and spoke with Lewis County Judge Executive Jimmy Lykins, the head of the county's executive branch, by phone about the cost of jails on rural counties. Everybody is hurting with jails, he said.

In Kentucky, people sentenced to Class D low-level felonies at the state level usually serve out their sentences in county jails, for which the Commonwealth pays a per diem money that to the county for each state-sentenced person incarcerated in the local jail. In other words, in Kentucky, as in a handful of other states like Indiana, Louisiana, and Tennessee, county jails can serve as de facto state prisons, but ones paid for and run by the counties. The revenue that goes to counties under this arrangement creates an incentive to build larger and larger jails. When I spoke with Lykins, he emphasized that the decision to close the Lewis County Detention Center was also based on wanting to no longer have the county's budget tied to the number of people serving time in the local jail who are sentenced by the state to Class D felonies.

The use of county jails in Kentucky as, in essence, state prisons can create a political and budgetary squeeze: counties that have gone into debt to build huge jails will now lose revenue if the number of state-sentenced people in local jails decreases, as they have due to much-needed sentencing reforms and public health measures such as the release of incarcerated people during the COVID-19 pandemic.

This reduction in the number of people serving felony sentences in county jails has changed the calculus for some counties. Lewis County, like Union County in the western part of the Commonwealth, has decided to plan for a different future, one in which the jail doesn't take up an increasing percentage of the county budget. And across Kentucky, several rural counties are deciding whether to continue to pin their economic well-being to the state of Kentucky locking up poor people in local jails.

We are a small rural county, Lykins said. The jail budget grew and was eating away at our budget overall. In the 1990s, the jail budget was 8 percent of our county budget, and a couple of years ago, it was 16 percent of our county budget. Had we not closed the jail, it would have grown to 20 percent of our overall county budget. Lykins continued: By closing the jail, we're going to go from a \$2.6 million to a \$640,000 jail budget.

People who are arrested and detained in Lewis County are now transported to the Mason County Jail in Maysfield, Kentucky, the seat of the closest neighboring county and a 35-minute drive from Vanceburg. Lewis County pays Mason County \$35 a day for every person they lock up on their behalf, which is both a resource-saving arrangement for Lewis County and a disincentive for the county to arrest and jail increasing numbers of poor people. Instead of the fixed jail budget, the county will now have to pay for each day and for every person it chooses to incarcerate.

Lykins, along with the rest of the fiscal court and judges in the county, saw closing the jail as the sensible thing to do given the future of reforms in the Commonwealth. But it also meant that the county would need to chart a new financial path, one not tethered to increasing incarceration because shorter sentences and fewer people locked up would mean less revenue from the state. Our county started suffering [financially] more and more when the Governor released [people] because of COVID, Lykins said. The idea of releasing people makes sense, but they didn't consider that the counties would have to make up lost revenue. We were losing \$30,000 to \$35,000 a month because of COVID.

So, Lewis County decided to step off of the jail expansion treadmill and decouple the county's future from incarceration, freeing up nearly \$2 million in the process to address other county priorities, such as maintaining roads and parks. Union County, in western Kentucky, closed its county jail in February 2021 for similar reasons, and multiple rural counties across the state are now considering how to close their jails and undo their dependence on jail incarceration as a source of revenue.

Meanwhile, in Vanceburg, life goes on and barges continue to float by on the Ohio River, visible from the beautiful and well-maintained Veterans Memorial Park on the north side of town. I will go to my death bed, Lykins said, knowing that I made the best decision about that jail.

SPECIAL REPORT (CHAPTERED)

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