

# THE PIONEER NEWS

## Jailer, fiscal court still at odds

By Thomas Barr

Monday, September 2, 2013 at 3:00 am (Updated: September 2, 10:11 am)

SHEPHERDSVILLE—The battle between Bullitt Fiscal Court and the Bullitt County jailer continues.

After failing to answer questions presented first through an open records request and then as a general order from fiscal court, Jailer Martha Knox will be asked to appear at the Sept. 3 meeting.

At that fiscal court meeting, Knox will be asked to provide answers to the questions asked originally last month, as well as an explanation as to why she didn't answer during the first two requests.

Those questions revolved around reporting on funds generated through the canteen account, as well as how and why she purchased two vehicles without approval of fiscal court.

A separate topic involving the operation of the home incarceration program also surfaced.

Bullitt Fiscal Court recently ordered the HIP system to be taken away from the jailer and moved to the sheriff's department.

However, an attorney assisting Knox in the issues with the county, delivered a letter from eight local lawyers asking the court to reverse its decision.

### Call to answer questions

Magistrate Robert Hunt requested an executive session on Tuesday to discuss personnel and possible litigation on the detention center.

Following an 80-minute closed session, magistrate Ruthie Ashbaugh made a motion to have Bullitt County Judge/Executive Melanie Roberts send a letter to Knox.

The letter would request Knox to attend the Sept. 3 fiscal court meeting and bring information sought on two occasions. Most of the questions involved the canteen account and the purchase of two vehicles with those funds.

The request would also seek information from Knox as to why she refused to answer those questions earlier.

As previously reported in The Pioneer News, attorney Eric Farris challenged the legality of the original request. He claimed that the open records request came following an improper executive session.

Farris has asked the state's attorney general to look into the matter.

He offered to have Knox sit down to discuss the concerns with the county officials and offered to include the media at the meeting.

In an interview in The Pioneer News in July when the purchase of the vehicles first surfaced, Knox said that the funds generated for the canteen account – which is money generated through the sale of items to inmates – could be used for things related to providing services for inmates.

The two vehicles would be used to transport inmates, including those in the Substance Abuse Program.

At the time, Knox said there was no problem with the generation of canteen funds. The only thing Knox said she failed to do was to provide the county treasurer with an annual report on the canteen funds.

### HIP transfer

Citing concerns with jail's oversight of the program, fiscal court passed a resolution to change the system to the sheriff's office.

In a letter delivered on Aug. 21, county judge Melanie Roberts was asked by attorneys John Cook, John Wooldridge, Lorie Rakes, Joe Mills, Brittany Ducker, Angelena Etherton, Mark Edison and Farris to have fiscal court reverse its decision.

In the letter, the attorneys said that the action was "in clear disregard for the statutes of this Commonwealth."

Citing Kentucky Revised Statute 532.210 (5), "home incarceration shall be under the supervision of the county jailer except in counties establishing misdemeanor supervision departments, wherein they shall be under the supervision of such departments. Home incarceration shall be subject to the decisions of such authorities during the period of supervision."

The letter stated that they were unaware of any supervision department being set up.

"We are not aware of any supervision department and as a result we no longer have HIP as an option for our clients," said the defense attorneys. "As you know, it is much cheaper for the county to hold people on HIP than in custody at the jail, which should be considered in these difficult economic conditions."

HIP must be recommended by the county attorney's prosecutors and then approved by the district judge. It is a form of supervision where the defendant is allowed to remain free under strict conditions, including the monitoring of their whereabouts.

The attorneys concluded that there was no reason given to move the HIP system from the jail to the sheriff's department.

#### Reaction

County attorney Monica Robinson said her concern with the HIP operation was that some participants were not being properly monitored.

Under KRS 532.210, there is a requirement for participants to be effectively monitored to ensure no violations occur.

She believes that other entities can be empowered to oversee the HIP alternative.

Robinson said she was aware of a situation where someone charged with rape who was on HIP had not been in the system for more than 30 days. She advised Knox and the commonwealth attorney's office of the situation but did not make it known publicly at the time.

She said there are other examples that will be discussed at the Sept. 3 fiscal court meeting.

No new participants have been recommended for HIP until Greenwell's office is ready to accept them. It would be improper for Robinson to discuss the matter with the district judges but she has contacted Scott Wantland, president of the Bullitt County Bar Association, about setting up a meeting to discuss new policies and procedures.

Another concern on the HIP alternative is how funds are collected. She said the jail was supposed to charge for those who participate but that may not be the case.

Robinson said that there was no political motive to any of her comments or suggestions. Instead, she said that her concern for public safety was a major factor in her comments.

The county attorney did note that she felt those who signed the letter were defense attorneys, several of whom do not live in the county, with their own interests at stake, not necessarily the primary concern being the safety of the public.

A discussion on the fee schedule for the program was on Tuesday's docket but was tabled until the Sept. 3 meeting.

The next meeting of Bullitt Fiscal Court will be on Tuesday, Sept. 3, at 6 p.m. at the courthouse. The public is invited to attend.