



**OFFICE OF THE MAYOR
LOUISVILLE, KENTUCKY**

GREG FISCHER
MAYOR

February 8, 2022

Members of the Public Safety Committee
LOUISVILLE METRO COUNCIL
601 West Jefferson Street
Louisville, Kentucky 40202

RE: Resolution Concerning Confidence in Dwayne Clark

Councilmembers,

I have worked with many of you over my career, and I know you are thoughtful and deliberate. You vote your conscience and I respect you for this. This is why, in considering the upcoming no confidence resolution against Dwayne Clark, I ask only that you consider the following facts about Dwayne, and his team, in making your informed decision. Please know that we are addressing this situation with the utmost concern and sense of urgency.

The Facts

Dwayne Clark is a 42-year corrections professional who spent half of his career with us at LMDC. He was hired to lead corrections in August 2019. Since the beginning of Dwayne's tenure in August 2019:

- Inmate populations are down nearly 20%.
- Corrections officers' starting salaries are up nearly 27%.
- Vacancies, while increased 7%, are not as dramatic as one may believe.

Keep in mind, Dwayne had these results while a COVID pandemic raged, unprecedented civil unrest erupted in the community and our nation, protests occurred directly outside the jail's door, and the greatest job resignation in US History continues.

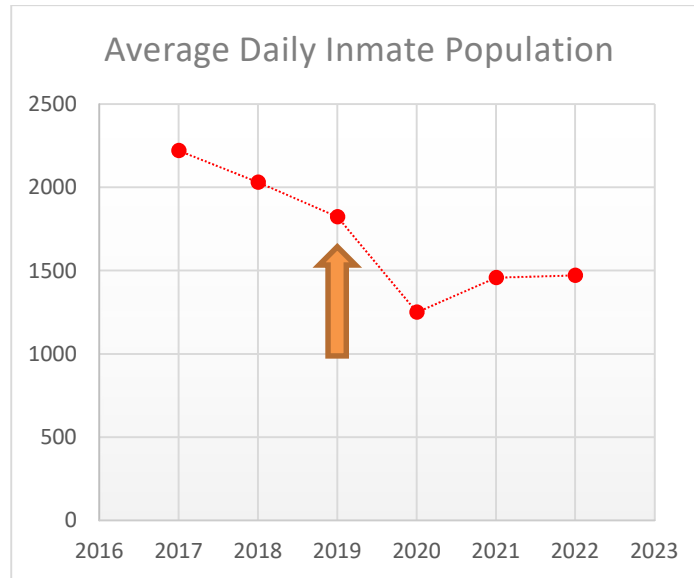
To me, this makes Dwayne's efforts even more extraordinary. I want to delve into those facts with you:

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1. INMATE POPULATION

On August 1, 2019¹, Dwayne Clark took office with 1824 inmates. Last Friday, the inmate population was 1472; a **nearly 20% decline** in 2 ½ years.

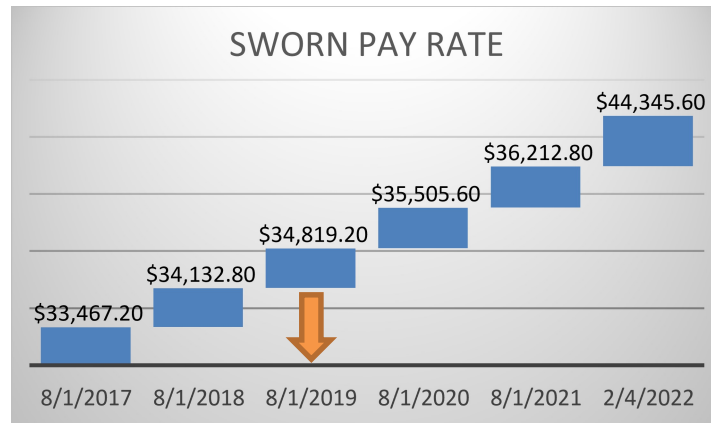


Dwayne, along with Judges, Justice Partners, the Mayor’s Office, the Jefferson County Attorney, the Commonwealth Attorney, and the community worked to address the myriad of holds that keep people in our custody. Those efforts will continue.

2. SWORN SALARIES

On August 1, 2019, when Dwayne’s tenure began, a starting corrections officer salary was \$34,819.20 a year. Today, starting salaries are \$44,345.60 a year. This represents a **more than 27% increase in sworn officer pay rates** since Dwayne took office. This pay increase **does not** include **\$2,000** retention incentives, **\$5,000** premium pay incentives, or the recently announced **\$8,000** hiring incentive to address vacancies. Dwayne has led this effort on behalf of the workforce in an attempt to retain and recruit staff to the jail.

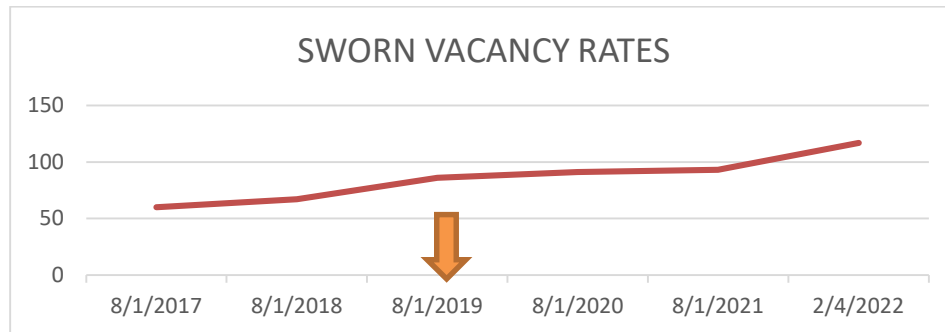
¹ On the charts that follow, Dwayne Clark’s start date is denoted by a yellow arrow.



The Sworn Officers’ pay under Dwayne’s leadership is now the **highest state or local starting pay for any corrections officer in Kentucky.**

3. SWORN VACANCIES

On Dwayne’s hire date, August 1, 2019, sworn vacancies were 86. They are now 117.



However, as can be seen by the chart above and the data below, Dwayne **inherited** high levels of vacancies. Yet, those vacancies remained relatively “flat” during the first two years of Dwayne’s tenure.

DATE	SWORN
8/1/2017	60
8/1/2018	67
8/1/2019	86
8/1/2020	91
8/1/2021	93
2/4/2022	117

Resignations and retirements have grown since August. This is true at Dwayne’s agency, Metro-wide, Statewide, Nationwide, and Globally. The New York Times indicated that November 2021 was the highest quit rate on record following prior records in August, September, and October. This is all part of what has been called the “Great Resignation” impacting our society.

Even with those factors, the sworn vacancy rate is presently only 26%. When Dwayne took the job, the vacancy rate was 19%. A 7-point decline is certainly an issue, but it is not a terribly dramatic trend considering that wave of resignations and job change. Moreover, the *ratio* of corrections officers to inmates is not appreciably different because the inmate population has dropped as described above. The ratio was 4.89 inmates to 1 correction officer in 2019, it is 4.62 to 1 presently, across three shifts seven days a week.

In comparison to the State, in a Herald Leader article from **today**, the State Justice Commissioner stated that the State Prison systems reported that they are **only 47% staffed**. In some prisons, the State Justice Commissioner has reported that there is **only 30% staffing**. I've included this for your review.

When one considers that CCC is presently closed and 50 fewer positions need to be utilized, the concept that there are huge vacancy rates just is not substantiated by the facts.

However, it must be stated that Dwayne has caused some vacancies. In recent months, Dwayne fired nearly a dozen people who do not rise to the level of being corrections officers. His decisions may be unpopular, but they are nonetheless the right thing to do in my opinion. These firings included:

- A man who had sex with a female co-worker inside the jail and sexually harassed other female co-workers on the job. His termination was upheld after arbitration.
- A woman who posted racially inflammatory messages including "Slavery was a choice" and that her Rebel Flag is a symbol of her proud heritage.
- A man who repeatedly struck an inmate who was lying on his back and holding up his hands up to protect against the blows. The inmate suffered a concussion and broken jaw and a criminal investigation is pending against the officer.
- A man who simply stopped coming to work who was also under investigation for not stopping a fight and preventing others from stopping the fight.
- A woman who set up a fake inmate telephone account to make dozens of calls to an inmate to maintain an intimate relationship with that inmate.

It is not Dwayne's job to be popular. It is Dwayne's job to make tough decisions for inappropriate conduct.

4. INMATE DEATHS

LMDC has been charting Inmate Deaths since 2008. Any inmate death is unacceptable, but jail deaths do occur. Nationally, according to the federal government's Bureau of Justice Administration (BJA) statistics, for every 100,000 inmates in American jails, 167 die. For the past two years, our jail has seen 16,500 inmate admissions per year. Statistically, if Louisville were holding to the national average, this would translate to about 27.5 deaths per year.

When Dwayne Clark was appointed, LMDC had been averaging a little over three deaths per year, below the national average. Before Dwayne's appointment in 2019, LMDC had

experienced one death. After his appointment in August, there were no deaths for 2019. In 2020 there were two deaths. In 2021 there were four deaths and three deaths in 2022. While it is still tragic, the deaths under Dwayne's watch have been below the 3.1 deaths per year average in Louisville in the 11 years prior to his tenure. 2021 was an outlier by one death.



The chart above has the number of Metro Corrections in-custody deaths per year, but there are additional important details.

- 2012 – three deaths occurred between February 3 – March 4; and four more deaths occurred between June 14 – August 25.
- 2014 – four deaths occurred between January 8 – February 23, including three in February on the 2, 12, and 23.
- Five suicides occurred from October 27, 2014 - November 28, 2015
- 2018 – there were four deaths, two in June, two more in October six days apart.

All recent deaths remain under investigation. However, preliminary reports indicate that three of these deaths were due to medical complications/natural causes. The other three were suicides.

On the latter subject, suicide is the leading cause of death in American jails. The BJA reports that of the 167 deaths per 100,000 inmates discussed above, 49 will be suicides. Jail suicides have risen over 33% in the last 20 years, and a person is three times more likely to commit suicide in jail than in the general population.

With the last two years' admissions of about 16,500 inmates per year, this translates to about 8 suicides expected under the national average model of the BJA. 2019 saw 0 suicides, 2020 saw 0 suicides, 2021 saw 1, and we have seen 2 in 2022.

As you know, Dwayne is making strides in increasing mental health resources for both inmates and staff. This is part of his overarching mission to improve general healthcare at the jail for all.

In Conclusion

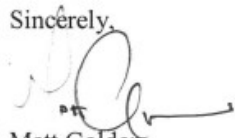
The Louisville Metro Corrections Department is more than any one person. It is the officers and staff, the Metro Council, the inmates, the Mayor, me and Dwayne Clark. It is Eric Troutman, Steve Durham and Martin Baker, and many others. I will often say that our jail—*yours and mine*—is a bellwether of our society; its condition is an indication of how much we care for those some want to shun. Jail operations are a challenge everywhere, including Metro Corrections, but any death is unacceptable. Rather than single out the removal of any one person who has honorably dedicated his life to corrections as an answer to a complex problem, we must use the data to help us improve on top of our national accreditation and continue to do more collectively.

I ask each of you, if you have had 42 years of a good track record of performance in your career then tragic misfortune occurred in the past ninety days, does that merit no confidence? Or would you get the facts together and seek partners to work with you for understanding and improvement?

For Dwayne and his team, they inherited a dated building not constructed for modern day corrections, high vacancy rates, low pay, high inmate population, high levels of violence and protests in the streets. Then a global pandemic that impacted the jail. Yet, pay is up, inmate populations are down and while we have seen vacancy rates change, they did so very little under Dwayne's tenure. His COVID response has been exemplary, with inmate COVID vaccinations driving inmate safety. Certainly, all of this shows Dwayne's commitment to his profession and his team.

Last, we have shared that we are building a leadership and improvement task force to focus on the jail, drive important change, and prepare for transitions. I would ask that you work with me on this path.

We know we have a problem and are clearly working on its multi-dimensions, but a no confidence vote in Dwayne will do nothing to change those challenges. My only ask is that you consider these facts before casting your vote.

Sincerely,

Matt Golden
Chief of Public Services

cc: Members of Metro Council
Mayor Greg Fischer
Deputy Mayor Ellen Hesen