



## **Report on Impact of House Bill 463:**

### **Outcomes, Challenges and Recommendations**



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# Background

During the 2011 General Assembly, the Kentucky legislature passed House Bill 463, the first major overhaul to the Commonwealth's criminal laws and penal codes in more than 30 years. The bill was intended to reduce the ever-increasing financial burden of housing Kentucky's inmates while continuing to ensure public safety. Sponsored by House Judiciary Committee Chair John Tilley, D-Hopkinsville, and Senator Tom Jensen, R-London, the bill was long researched by the Task Force on the Penal Code and Controlled Substances Act, and had the support of Governor Steve Beshear. The Task Force was also aided by the Pew Research Center, which had previously contended that Kentucky had the nation's fastest growing prison population; this was costing Kentucky taxpayers nearly \$440 million annually. The measure was passed by the House in a majority vote, 97–2, was subsequently passed unanimously by the Senate, and the majority of the bill went into effect on June 8, 2011.

Among the sweeping changes that impacted all areas of the Commonwealth's criminal justice system, law enforcement, the judiciary and corrections, were several key provisions affecting pretrial release. Key highlights of those changes:

- Formally defined the "Pretrial Risk Assessment" as an objective, research based, validated assessment tool that measures a defendant's risk of flight and anticipated criminal conduct while on pretrial release pending adjudication;
- Requires that state-funded supervision and intervention programs of pretrial defendants gradually implement evidence-based practices (EBP), and beginning July 1, 2016, at least 75% of all such programs use EBP;
- Requires a defendant who, per the Pretrial risk assessment, is determined to be at a *low risk* level of failure to appear for court or being re-arrested during their pretrial phase be released on their recognizance (ROR) or with an unsecured bond (USB), unless the judge finds in his or her discretion that the defendant is a flight risk or danger to others;
- Requires a defendant who, per the Pretrial risk assessment, is a *moderate risk* level to be released either ROR or USB with the court to consider additional supervision, such as referral to Pretrial Services' Monitored Conditional Release (MCR) program, GPS tracking, etc. unless the judge finds the defendant is a flight risk and/or a danger to others;
- In cases in which the release decision is not ROR/Unsecured bond, sets maximum bail amounts for defendants who are charged only with misdemeanors at the maximum fine plus court costs for the single highest charged misdemeanor;
- Regardless of bail amount, permits the court to credit a defendant \$100 per day toward payment of bail for each day that the defendant serves in jail prior to trial up to and including the full amount of their bail, thus releasing the defendant from jail;
- Besides exceptions previously noted regarding judicial discretion, if the defendant has been previously convicted of certain sex crimes or is a violent offender, these bail rules may not be applicable;
- Allows for defendants charged with certain felony drug possession crimes to be eligible for deferred prosecution and, if not eligible for acceptance into drug court, to be supervised by Pretrial's MCR program during the deferred prosecution phase.

This report examines in detail the data collected from the effective date of HB 463, June 8, 2011 through June 8, 2012, most closely comparing it to the same time frame of the previous year. It pays particular attention to pre- and post-outcome measures and hopes that policymakers and criminal justice practitioners and stakeholders, both within the Commonwealth and outside, may find it useful in their duties to enhance public safety while remaining conscientious of not only the costs associated with housing pretrial defendants, but also preserving their constitutional right to reasonable bail.





# Pretrial's Three Major Outcomes

Kentucky's Pretrial Services performs several vital tasks in the successful administration of criminal justice. First, pretrial officers complete a thorough background investigation on newly incarcerated defendants. They then apply a validated risk assessment and determine if the defendant is of low risk, moderate risk or high risk of pretrial misconduct, which occurs when a defendant fails to appear for a scheduled court appearance or commits a new criminal offense while on pretrial release. Pretrial officers present their findings and recommendations to a judge, who determines the release/bond decision. Finally, in some cases Pretrial Services provides supervision of defendants on pretrial release through either their Misdemeanor Diversion, Deferred Prosecution, or Monitored Conditional Release (MCR) programs. As such, there are three measured hallmarks of Kentucky's Pretrial Services program:

- The Appearance Rate, the percentage of pretrial released defendants who make all scheduled court appearances;
- The Public Safety Rate, the percentage of defendants who have not been charged with a new crime while on pretrial release; and
- Supervision Compliance Rate, the percentage of defendants supervised by Pretrial Services who are not charged with a violation of the conditions of release, including making all scheduled court appearances and who have not been charged with a new crime.

It is worth noting the above processes in a bit more detail. The background investigation includes verifying defendants' addresses, employment status, and checking their criminal history through both state and national databases - all within 12 hours of the defendants being booked into jail. An objective risk assessment is completed next (see sidebar, The Pretrial Risk Assessment) and defendants are classified as low, moderate or high risk.

Defendants whose personal information cannot be verified or who decline the pretrial interview are ineligible for risk appraisal. Per HB 463, low risk defendants, those most likely to return to court and not commit a new offense, are recommended for release either on their recognizance or an unsecured bond. A *Risk Reduction Plan* is formulated for moderate and high risk defendants, with the former being recommended for release on their recognizance or an unsecured bond along with supervision, such as MCR. Judicial discretion is exercised for high risk defendants. As previously mentioned, pretrial officers then present their findings and recommendations to a judicial officer, in most cases the district or circuit

## The Pretrial Risk Assessment

Pretrial Services employs an objective risk assessment designed to gauge flight risk (aka failure to appear or FTA) and anticipated criminal conduct. The risk assessment tool was validated in 2010 by researchers at the JFA Institute, who found "[Kentucky's]... instrument is producing a strong association between the risk levels of low, moderate and high and FTA and pretrial arrest rates."<sup>1</sup> Today's pretrial officers closely examine multiple factors in determining risk, including a defendant's local community ties, employment status, criminal history, prior instances of FTA, and history of substance abuse, among other factors. Officers also screen for mental health issues and conduct a domestic violence assessment when applicable. When asking the important questions, should a defendant be remanded or released into the community, and if the latter, should conditions be put in place to mitigate risk, Kentucky's judges, in contrast with most of their colleagues in other states, do not have to rely on gut feeling, or even solely on their professional experience; rather, they have scientifically researched solutions and today's best evidence-based practices at their disposal.

court judge who will initially preside over the case. The judge makes the release/bond decision including any special conditions to be followed. Those conditions may or not be supervised by Pretrial Services. Also of note, when defendants are ordered to MCR many judges defer to Pretrial Services to set the

<sup>1</sup>Austin, J., and R. Ocker, *Kentucky Pretrial Risk Assessment Validation*, Washington, DC: JFA Institute, 2010



specific release conditions. By statute, defendants who do not post bail within 24 hours are automatically represented by Pretrial Services for a bond review, and most judges routinely review bonds of jailed defendants at their initial court hearing as well. See Appendix A for the Official Judicial Guidelines for Pretrial Release and Monitored Conditional Release and Appendix B for a paper copy of the Pretrial Interview and Needs Assessment.

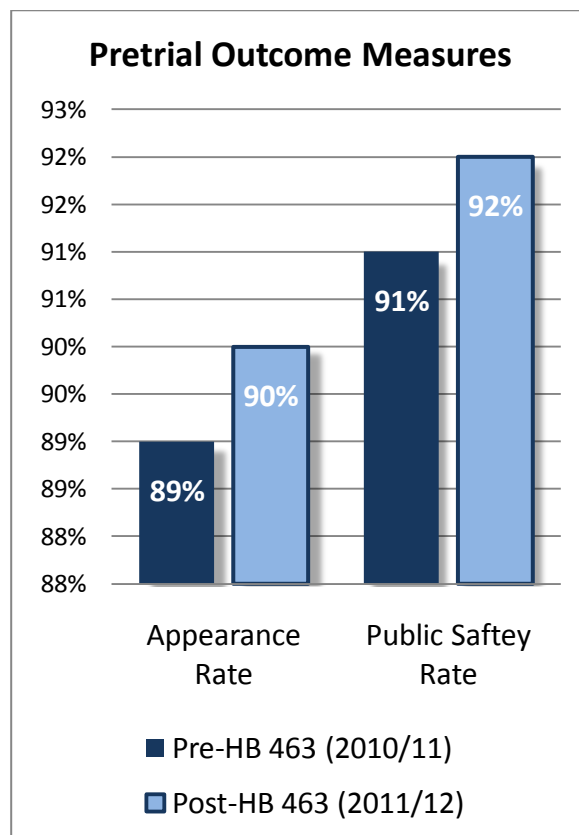
In essence, HB 463 applies the ‘risk principal’ to pretrial standards of release. The risk principal has long been used in correctional settings for determining the risk associated with *sentenced* offenders for purposes of early release, probation or parole. The risk principal asserts that higher-risk offenders should be given more intensive supervision services than lower-risk offenders. The research also found giving low risk individuals the supervision services normally reserved for higher-risk individuals could actually increase their risk level.<sup>2</sup> Additionally, the most effective use of limited resources and good fiscal management call for the court to reserve the use of supervision strategies to the corresponding risk level.

Pretrial Services was created in 1976 with the idea that the process described above would be beneficial to the entire criminal justice system, from the judges, to the defendants, to Kentucky’s taxpayers. House Bill 463 was drafted not only in recognition of Pretrial Services’ effectiveness, but also to encourage the judiciary to take full advantage of the many lessons learned and advancements implemented since its inception, such as the use of evidence-based practices. How has HB 463 affected Pretrial’s major outcome measures?

For the measured time frame pre-HB 463, which ranges from June 8, 2010 to June 8, 2011, the appearance rate was an excellent 89% statewide. Of note, the appearance rate for felony defendants nationwide is 82%<sup>1</sup> (there is no current national data collected on misdemeanor appearance rates). In the post-HB 463 time frame, June 8, 2011 – May 8, 2012, the appearance rate increased slightly to 90%. Though the change is minimal, the importance should not be

overlooked. As will be discussed later, there was a dramatic increase in the number of defendants released from jail pending trial. The fact that more defendants returned to court in the post-time period than the pre-time period when during the same time many more defendants were released is a solid indication that the evidence-based practices utilized by Pretrial’s risk assessment is working as designed. Pretrial Services’ own target goal for appearance rate was set at 90%.

Protecting public safety is imperative to every stakeholder, from the legislators who passed HB 463, to the judges who make release decisions, to the pretrial officers and managers who oversee the pretrial workload daily. It certainly matters to the public; so it is great news for all Kentuckians that even though more defendants were released, the public safety rate actually increased 1% in comparing pre- and post-rates, from 91% to 92%. This is a further confirmation that the risk assessment tool is functioning as intended.



<sup>2</sup>Lowencamp, C. and E. Latessa, *Understanding the Risk Principal: How and Why Correctional Interventions Can Harm Low-Risk Offenders*, Washinton DC: National Institute of Corrections, 2004

<sup>3</sup>Cohen, T., and B. Reaves, *Pretrial Release of Felony Defendants In State Courts*, Washington, DC: Bureau of Justice Statistics, 2007

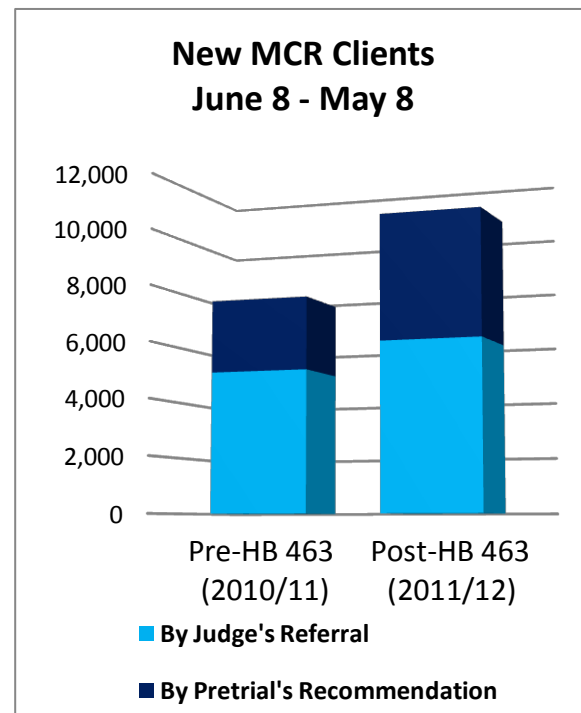
# Monitored Conditional Release

The last major outcome measure observed by Pretrial Services is the supervised defendants' compliance rate. Pretrial Services' Monitored Conditional Release (MCR) program is utilized in each of Kentucky's 120 counties. House Bill 463 did not contain provisions which would directly have influence on the *success* of defendants placed on MCR, so examining the statistics for compliance is not germane to this report (however, the MCR compliance rate remained virtually unchanged for the pre- and post- periods). It did, however, contain language which strongly encourages judges to further utilize supervised-release programs such as MCR in lieu of setting cash bail amounts for moderate risk defendants. And as previously noted, pretrial officers recommend supervision conditions for all moderate risk defendants.

## What is MCR?

Monitored Conditional Release (MCR) is a formal program to supervise defendants released from custody pending trial. Based upon the results of Pretrial's investigation, including the completed risk assessment and the Risk Reduction Plan that officers formulate, release conditions are individualized to fit a defendant's circumstances. Common conditions include regular meetings with a Pretrial Services officer, random drug testing, and curfew limitations or home incarceration/GPS monitoring. Depending on the crime alleged and the situation, other common conditions often include restrictions on driving, orders to obtain employment or a GED, stipulations to have no contact with the alleged victim(s), orders to not possess weapons, and/or referrals to a treatment or counseling program. In addition to supervision, pretrial officers then monitor the defendant's compliance with their court obligations and report violations to the court. In administering their supervision strategy, each pretrial office utilizes the resources available in their local area. This successful program allows the court to more safely release moderate risk defendants, saving Kentucky taxpayers the high cost of pretrial detention while affording the MCR clients the opportunity to better themselves while on bond and ensuring their constitutional rights of reasonable bail and presumption of innocence are honored.

As a result, Pretrial Services has seen a significant increase of defendants ordered to MCR for pretrial supervision. There were in excess of 2,500 more defendants ordered to MCR from June 8, 2011 to June 8, 2012 than the same time frame in 2010/2011. In fact, *recommendations to MCR by a pretrial officer* that resulted in a defendant being ordered to the program increased by an astonishing 73% (2,587 in 2010/2011 compared to 4,467 in 2011/2012) and *referrals to MCR by a judge* increased by 18% (5,043 to 5,949), together resulting in a 37% overall increase in new MCR clients (see chart below).



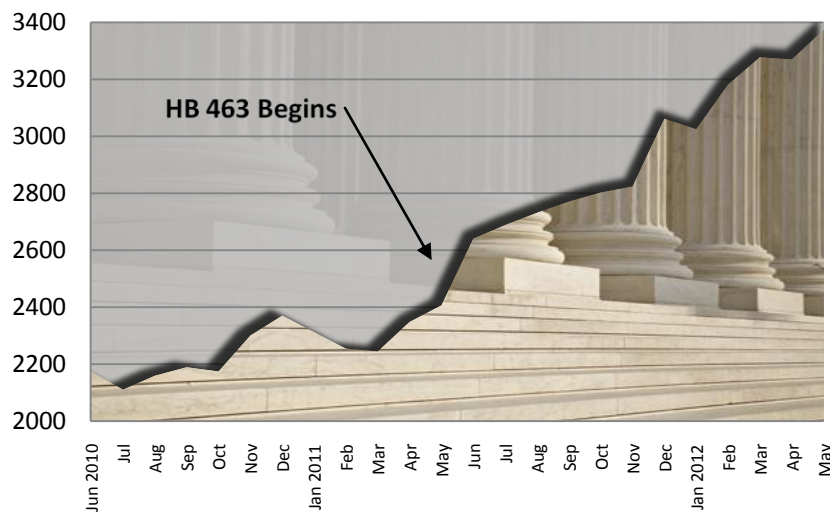
Since the effective date of HB 463 on June 8, 2011, the total number of clients on MCR has increased month over month, culminating in a 40% increase as of June 2012, and shows no signs of slowing in the immediate future. Even before HB 463, the MCR program was slowly growing, adding an average of 33 new MCR clients per month statewide during the pre-HB time interval. Since the introduction of the legislation, the growth rate has more than tripled, accelerating up to an average of over 80 new MCR clients added every month.



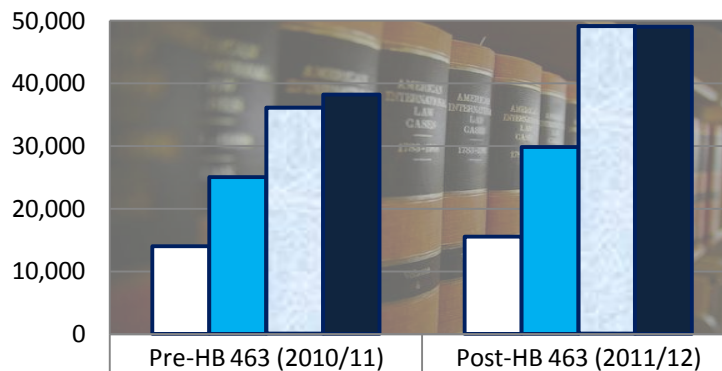
This growth and increase in referrals has substantially increased the workload of pretrial officers. Since HB 463 took effect through June 8, 2012, defendant drug tests have increased 19%, call-ins increased 28%, office visits increased 36%, and curfew calls saw a 12% increase (see bottom chart). Taken altogether, this represents over a 27% increase in MCR workload for pretrial officers. Given this considerable increase of MCR related duties, pretrial officers are finding it difficult to meet statutory requirements with current staffing levels. In addition to the greater

workload, pretrial officers have had to quickly learn and implement a host of systemic changes to their job functions and everyday tasks stemming from HB 463; the new policies, procedures and forms have added an extra tier of responsibility to Pretrial Services' already challenging routine. The fact that MCR supervision compliance rates have remained practically unchanged and not suffered a significant decrease in light of these extra job tasks is a testament to the quality and dedication of Kentucky's pretrial officers and managers.

### Total MCR Clients



### Pretrial MCR Workload



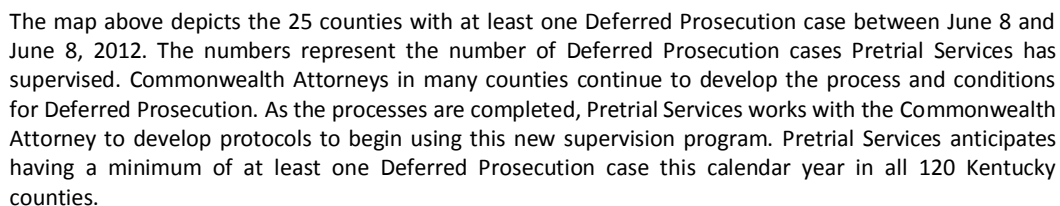
	Pre-HB 463 (2010/11)	Post-HB 463 (2011/12)
Curfew Calls	13,956	15,562
Drug Tests	25,025	29,779
Office Visits	36,046	49,064
Call-ins	38,143	49,013





Eligibility for Deferred Prosecution is narrow. These cases apply only to defendants charged with first or second offenses under KRS 218A.1415, Possession of a Controlled Substance 1<sup>st</sup> Degree, a class D felony. HB 463 states Deferred Prosecution is the preferred alternative for first offenses. If the defendant successfully completes the program, the defendant's charges are dismissed and all records are sealed. To receive Deferred Prosecution, the

In the year following HB 463's implementation, Pretrial Services received 148 Deferred Prosecution cases to supervise in 25 different counties.



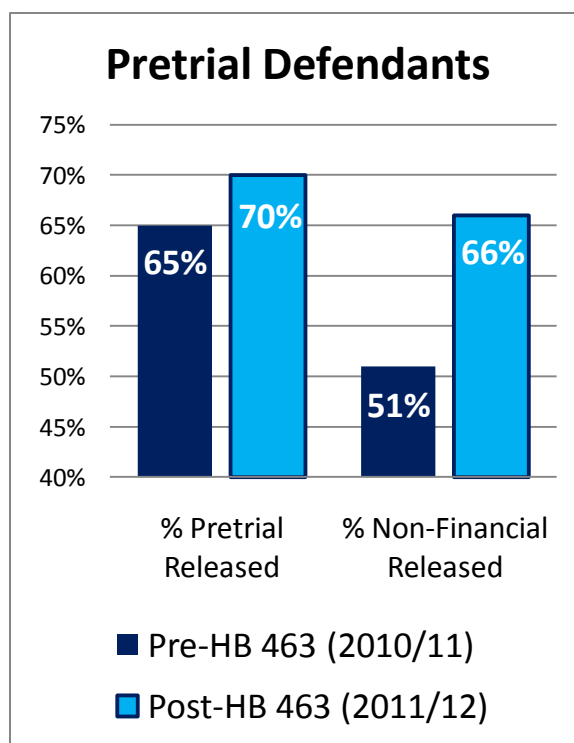
# Release Rates

House Bill 463 was designed to decrease the overall jail population, while maintaining public safety. As far as pretrial defendants are concerned, the measure is remarkably successful. The overall pretrial release rate has seen a 5% increase, representing a difference nearing 11,000 additional defendants released during the post-HB 463 time frame when compared to the same time frame pre-HB 463. This averages to just fewer than 1,100 defendants monthly who are being released due to this legislation.

One ingredient which has helped decrease jail populations is having more defendants obtain non-financial release. Non-financial release means the defendant is released on his or her recognizance (ROR), or was given an unsecured or surety bond. Per HB 463, a non-financial release is required for all defendants who are assessed as low risk, unless the judge makes a written finding that the defendant is a flight risk or a danger to others. As a result, non-financial releases rose from 51% to 66%, a sharp 15% difference. Another provision written into the house bill affected this difference: promoting the use of bail credit for defendants without the means to post bail. Those statutory changes along with new rules of the rest of HB 463 have contributed to this dramatic increase in non-financial releases. This has resulted in a significant decline in the number of defendants who are held in jail until the disposition of their case; just 26% of defendants now find themselves in this situation, representing a noteworthy 8% decrease when compared to pre-HB 463 data.

When presenting information on releasing additional defendants, it is important to note what extra risk, if any, this could present to public safety. As noted on page 9, the public safety rate – the percentage of defendants who did not commit a new crime while on pretrial release – has actually shown a palpable increase. In part, this is attributed to Pretrial Services' longstanding use of evidence-based practices, including the validated risk assessment instrument. When release rates are analyzed by risk level, it is evident that judges are overwhelmingly utilizing the

new legislation and Pretrial Services' recommendations when setting bonds. Among defendants assessed as low risk, 85% are released, a figure up 8% from the pre-HB 463 time period. The release rate of moderate risk defendants has risen to 67%, up 7% from the pre-HB rate. By comparison, the release rate of high risk defendants has risen just slightly to 51%, suggesting more high risk defendants are perhaps fittingly being detained.



# Challenges & Recommendations

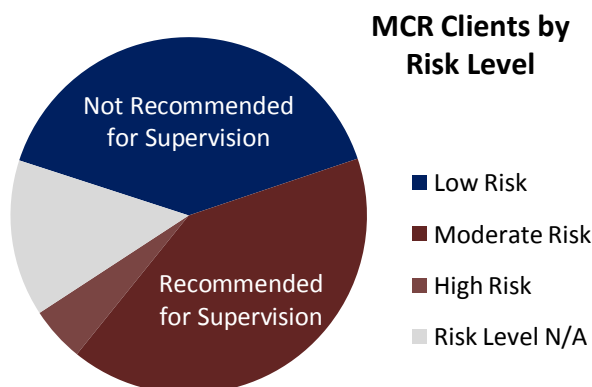
The clichéd “Scales of Justice” provide a good picture to represent the challenges facing Kentucky’s courts and pretrial officers. Pretrial Services is committed to balancing these scales with the defendants’ constitutional presumption of innocence and right to reasonable bail on one side, with the *equally* important role of keeping communities safe and ensuring released defendants also return to court on the other side. Tipping these scales to one side or the other stand several complicated issues. Skyrocketing jail costs in the midst of a nationwide economic downturn – which have taken a severe toll on county budgets and in turn, Kentucky taxpayers – have state and local governments struggling to find real, sustainable solutions. Yet, Kentucky citizens find themselves face to face with America’s “War on Drugs” as methamphetamine labs devastate Western and Central Kentucky and prescription medication abuse ravages through Eastern and Southern parts of the Commonwealth.

House Bill 463 is not a quick fix to any portion of this dilemma; it is, however, a well researched and diligently drafted piece of legislation that is a genuine step in the right direction and in time will positively affect the challenges facing Kentucky’s criminal justice system. For Pretrial Services role, as the data in this report has demonstrated, through the use of evidence-based tools, it is possible to lower the number of pretrial detainees while increasing public safety. Yet as with any systemic change, complete reforms take ample time and there are hurdles still to cross.

One hurdle revealed through analysis of the release data is attaining a wider use of the new changes in some jurisdictions. While the new law mandates pretrial release of defendants based on Pretrial Services’ risk assessment, it also allows for judicial discretion. Many judges have embraced the science behind the pretrial risk assessment and faithfully follow the recommended release guidelines. Conversely, several judges throughout the state apply their judicial discretion frequently and rather broadly; as a result, these areas have not seen a significant decrease in their jurisdiction’s release rates.

Consequently, since June 8, 2011, Kentucky’s Department of Public Advocacy, the state’s agency for public defenders, has filed a record number of writs of habeas corpus, a legal petition to a higher court for a defendant’s release from unlawful detention.

The data also reveals Kentucky can see additional cost savings with a stricter adherence to the risk principal, i.e., matching a defendants’ release type and conditions with that of the defendant’s risk assessment. In the pre-HB 463 time frame, nearly 50% of all MCR clients were assessed as low risk. In the measured post-HB period, the figure dropped significantly to 43%. While this is a move in the right direction, it implies that for every five (5) defendants Pretrial Services spends time and resources supervising, two (2) of those defendants have been determined to not need supervision services. Given the 67% release rate statewide for moderate risk defendants – those who Pretrial Services actually recommends to be released with supervision – it



means nearly one-third of moderate risk defendants are incarcerated. In other words, for sizable portion of defendants, Kentucky is paying for supervision services for low risk defendants without need instead of watching those who do need it but are remanded to even more costly detention.

As previously mentioned, the steep rise in the number of MCR cases is also presenting a challenge to



Kentucky's 240 pretrial officers. Faced with the aforementioned increase of new MCR cases to supervise, a number which is actively growing, staffing levels at local pretrial offices are also in need of expansion.

As reported, though total MCR clients increased 37% and overall MCR workload increased 27%, drug testing only increased 19%. Though there may be copious reasons why this number is not higher, one known factor that limits drug testing is the cost. The Commonwealth does not provide drug testing services; supervised defendants must pay a vendor for drug testing and a high percentage of defendants simply cannot afford the reoccurring expense of even a reasonably priced drug test.

Of course, simply drug testing a defendant and using the threat of jail if a violation occurs is often not enough of an incentive to overcome a substance abuse addiction. As a whole, Kentucky is in need of more treatment options to help stem the tide of drug dependence and drug-related crime.

Continued staff development is also a high priority for Pretrial Services. Executive leadership, statewide supervisors and local office managers have instigated rigorous quality assurance procedures to ensure the accuracy of the Pretrial Services Report shared with judges when making their release decisions. Data affecting Pretrial's outcomes and performance measures are also closely examined for correctness. The complexity of a pretrial officers duties have risen not only with the passage of HB 463, but also with other new internal protocols and changes in Pretrial Services' case management system.

While Pretrial Services continues to employ evidence-based practices, it also seeks to pioneer emerging and promising practices to further enhance the services it provides to the courts and remain a leader in the pretrial release field. Pretrial Services actively pursues opportunities to advance research efforts of its data and has recently obtained funding from the Laura and John Arnold Foundation for a research-related project to examine MCR conditions and outcomes. Pretrial Services has also recently

been awarded funding from the VERA Institute of Justice for Phase II funding and technical support from the Justice Reinvestment Initiative, which will provide resources to assist in policy implementation while measuring the fiscal and public safety impact of those policies.





# Appendix A

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# Supreme Court of Kentucky

2011-12

## **ORDER APPROVING JUDICIAL GUIDELINES FOR PRETRIAL RELEASE AND MONITORED CONDITIONAL RELEASE**

Under Section 116 of the Kentucky Constitution and KRS 27A.096, the Judicial Guidelines for Pretrial Release and Monitored Conditional Release are hereby approved as follows:

### **Section 1. Purpose**

KRS 27A.096 states:

- (a) The Supreme Court shall establish recommended guidelines for judges to use when ordering pretrial release and monitored conditional release for defendants whose pretrial risk assessments indicate that they are moderate or high risk and would otherwise be ordered to a local correctional facility while waiting for trial.
- (b) The Supreme Court shall establish recommended guidelines for judges to use to determine whether defendants whose pretrial risk assessments indicate that they are moderate to high risk and are eligible for pretrial supervision.
- (c) Judges shall consider the guidelines established by the Supreme Court pursuant to this section when setting terms of pretrial supervision.

### **Section 2. Definitions**

As used in these sections, unless the context otherwise requires:

- (a) "Conditions of release" has the same meaning as that set forth in RCr 4.00(c).
- (b) "High risk defendant" means a defendant who has been determined through the pretrial risk assessment to pose a high risk of flight and anticipated criminal conduct. Under KRS 431.066 and these guidelines, level of risk also includes a

determination by the court as to the defendant's likelihood of appearing for trial and risk of danger to others.

- (c) "Individual risk and needs" means behaviors and conditions identified by scientific evidence to contribute to an individual defendant's risk of flight and anticipated criminal conduct, as determined by the pretrial interview, investigation and risk assessment.
- (d) "Low risk defendant" means a defendant who has been determined through the pretrial risk assessment to pose a low risk of flight and anticipated criminal conduct. Under KRS 431.066 and these guidelines, level of risk also includes a determination by the court as to the defendant's likelihood of appearing for trial and risk of danger to others.
- (e) "Moderate risk defendant" means a defendant who has been determined through the pretrial risk assessment to pose a moderate risk of flight and anticipated criminal conduct. Under KRS 431.066 and these guidelines, level of risk also includes a determination by the court as to the defendant's likelihood of appearing for trial and risk of danger to others.
- (f) "Pretrial risk assessment" means an objective, research based, validated assessment tool that measures a defendant's risk of flight and risk of anticipated criminal conduct while on pretrial release pending adjudication.
- (g) "Risk level" means (1) the assessed predictability of a defendant's risk of flight and anticipated criminal conduct based upon the validated Kentucky pretrial risk assessment and (2) the assessed risk of a defendant appearing for trial and posing a danger to others based upon the court's determination.
- (h) "Risk reduction plan" means the conditions of release, as recommended to the court by a pretrial officer. The risk reduction plan will be based on the individual risk and needs of a defendant in order to mitigate risk of reoffending or failing to appear.
- (i) "Supervision strategy" means conditions, strategies and supervision levels that pretrial officers employ given both the risk level of the defendant and the ability of the defendant to manage his or her own behavior in the community. Because strategies may change during the course of pretrial supervision, periodic

modifications to the supervision risk reduction plan may be necessary.

### **Section 3. Pretrial interview, investigation and risk assessment**

- (a) Pretrial Services will assemble reliable and objective information relevant to the court's determination concerning pretrial release and supervision, drawing upon information obtained through the interview of the defendant, its investigation and the risk assessment. Pretrial Services will present to the court an assessment of risks posed by the defendant and will recommend ways of responding to the risks through use of appropriate conditions of release.
- (b) The interview, investigation and assessment may include, but are not limited to, information such as:
  - (1) the defendant's age, physical and mental condition, family ties, employment status and history, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings;
  - (2) whether, at the time of the current offense or arrest, the defendant was on probation, parole, or other release pending trial, sentencing, appeal, or completion of sentence for an offense;
  - (3) the availability of persons who could verify information and who agree to assist the defendant in attending court at the proper time;
  - (4) other information relevant to successful supervision in the community;
  - (5) facts justifying a concern that the defendant will violate the law if released without restrictions; and
  - (6) whether there are specific factors that may make the defendant an appropriate subject for conditional release and supervision options, including participation in available drug, mental health or other treatment.



- (c) The presentation of the Pretrial Service's information and the recommendations made to the court will link assessments of the risk of flight and of public safety to appropriate release options designed to respond to the specific risk and supervision needs identified. Suggested release options or conditions will be objectively and consistently applied and will constitute the least restrictive conditions necessary to assure the defendant's appearance for scheduled court events and protect the safety of the community and individual persons.

#### **Section 4. Initial presentation and re-examination of the release decision**

- (a) Information obtained by Pretrial Services through the interview of the defendant, its investigation and the risk assessment will be presented to the court within 12 hours of the defendant's incarceration. Failure by Pretrial Services to present this information to the court within 12 hours will not result in the automatic release of a defendant.
- (b) Pretrial Services must inform the court of those defendants in custody who are not released from jail 24 hours after the initial presentation by the pretrial officer. If a defendant continues to be detained 24 hours from the time of the imposition of conditions of release because of the inability to meet such conditions, the court that imposed the conditions must review the conditions on the defendant's written application or may do so on its own motion. If the court declines to modify the conditions, the judge will record in writing the reasons for that decision.
- (c) Pretrial Services will inform the court of those defendants in custody who have not appeared before the court and who are not released from jail after 48 hours. In addition to the information obtained through the interview, investigation and risk assessment, the pretrial officer will provide the court with the current charge and information from the arrest document for a probable cause determination.
- (d) Pretrial Services will provide the court with a weekly report that lists the name of the defendants, the status of the bail and the current charge for defendants who remain in custody pending adjudication.

## **Section 5. Factors to consider**

- (a) Utilizing the pretrial interview, investigation and risk assessment, the pretrial officer will determine whether a defendant poses a low, moderate or high risk of flight or anticipated criminal conduct and will recommend an appropriate risk reduction plan to the court.
- (b) In determining whether there is a substantial risk of nonappearance or threat to the community, any person, or the integrity of the judicial process if the defendant is released, the court should consider the pretrial risk assessment and the pretrial recommendation regarding appropriate conditions of release.
- (c) Factors utilized in the pretrial risk assessment and in making the pretrial recommendation include, but are not limited to, the factors set forth in Section 3.

## **Section 6. Low-risk defendants**

Pursuant to KRS 431.066(2), if, based upon the pretrial risk assessment, the court determines that a defendant poses a low risk of flight and of anticipated criminal conduct, and the court determines that the defendant is likely to appear for trial and is not likely to be a danger to others, the court shall order the defendant released on unsecured bond or on the defendant's own recognizance subject to such other conditions as the court may order.

If the court in its discretion determines that the nature and circumstances of the offense necessitate conditions to ensure public safety and future court appearances, the court should consider, and may place on low-risk defendants, the least restrictive conditions of release.

## **Section 7. Moderate risk defendants**

Pursuant to KRS 431.066(3), if, based upon the pretrial risk assessment, the court determines that a defendant poses a moderate risk of flight and of anticipated criminal conduct, and the court determines that the defendant has a moderate risk of not appearing for trial and poses a moderate risk of danger to others, the court shall release the defendant on unsecured bond or on the defendant's own recognizance, but the court shall consider global positioning system (GPS) monitoring, controlled substance testing, increased supervision, or such other conditions as the court may order.

For a moderate risk defendant, the court may place conditions of release that are related to the defendant's individual risk factors. Through the pretrial interview, investigation and risk assessment, the pretrial officer will identify the defendant's individual risk factors and will recommend to the court an appropriate risk reduction plan and supervision strategy.

### **Section 8. High risk defendants**

If, based upon the pretrial risk assessment, a defendant is determined to pose a high risk of flight or a high risk of anticipated criminal conduct, or the court determines that the defendant has a high risk of not appearing for trial or poses a high risk of danger to others, the pretrial officer will develop and recommend to the court a risk reduction plan and a supervision strategy. The risk reduction plan will take into consideration the defendant's individual risk factors and the conditions of release set forth in Section 9.

### **Section 9. Conditions of release**

- (a) If the court sets conditions of release, the court shall consider imposing the least restrictive release conditions reasonably necessary to ensure the defendant's appearance in court, to protect the safety of the community or any person, to prevent intimidation of witnesses or interference with the orderly administration of justice and to safeguard the integrity of the judicial process. In addition, the court should, in every case, (1) require that the defendant attend all court proceedings as ordered and (2) prohibit the commission of any criminal offense.
- (b) The court will have (1) a wide array of programs or options available to promote pretrial release on conditions that ensure appearance and protect the safety of the community, victims and witnesses pending trial and (2) the capacity to develop release options appropriate to the risks and special needs posed by defendants released to the community. When no conditions of release are sufficient to accomplish the aims of pretrial release, defendants must be detained.
- (c) (c) In setting conditions of release, the court should consider the pretrial officer's recommended risk reduction plan. The conditions of release should be reasonably related to the defendant's risks of nonappearance and danger to public safety that have been identified by the court.

- (d) When conditions of release are imposed, the court may direct the pretrial officer to (1) monitor the defendant's compliance with the nonfinancial conditions and (2) make reports to the court concerning the defendant's compliance with the conditions.
- (e) If a court determines, in the exercise of its discretion, that release on personal recognizance or the execution of an unsecured bail bond will not reasonably assure the appearance of the defendant, KRS 431.520 requires the court to impose any of the conditions of release listed in KRS 431.520(1) through (5) or any other condition deemed reasonably necessary to assure the defendant's appearance as required by the court. Conditions of release may include, but are not limited to:
  - (1) reporting to the pretrial officer;
  - (2) prohibition against consuming alcohol or illegal drugs;
  - (3) prohibition against possession of weapons;
  - (4) prohibition against driving;
  - (5) alcohol/drug abuse assessment/evaluation;
  - (6) alcohol/drug treatment;
  - (7) random drug testing;
  - (8) electronic and global positioning system monitoring;
  - (9) restriction of association;
  - (10) restricting place of abode;
  - (11) restricting travel by structuring inclusion and exclusion zones that prohibit travel to specific locations;
  - (12) no contact orders;
  - (13) telephone or other curfews;
  - (14) home incarceration or GPS monitoring;
  - (15) educational and/or employment requirements; and



- (16) payment of court-ordered obligations.
- (f) The defendant shall be notified of upcoming court dates.
- (g) Pretrial officers shall inform the court if a defendant fails to appear in court or is charged with a new crime while on pretrial release.

#### **Section 10. Release decision order provisions**

In the release decision order, the court should

- (a) include all the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the defendant's conduct.
- (b) advise the defendant of:
  - (1) the consequences of violating a condition of release, including the immediate issuance of a warrant for the defendant's arrest and possible criminal penalties;
  - (2) the prohibitions against threats, force, or intimidation of witnesses, jurors and officers of the court, obstruction of criminal investigations and retaliation against a witness, victim or informant; and
  - (3) the prohibition against any criminal conduct during pretrial release.
- (d) document the reasons for:
  - (1) setting a bail amount that exceeds the maximum amount set forth in KRS 431.525(2) through (5) because the defendant presents a flight risk or is a danger to others;
  - (2) denying a defendant release via bail credit under KRS 431.066 because:
    - (A) the defendant is convicted of, pleading guilty to, or entering an Alford plea to a felony offense under KRS Chapter 510, KRS 529.100 involving commercial sexual activity, KRS 530.020, 530.064(1)(a), 531.310, or 531.320, or who is a violent offender as defined in KRS 439.3401; or

- (B) the defendant is found by the court to present a flight risk or to be a danger to others; and
- (3) denying a defendant release pursuant to presumptive probation under KRS 218A.135 because the defendant presents a flight risk or is a danger to himself or herself or a danger to others.

### **Section 11. Court's discretion**

Nothing in these Guidelines shall be construed to limit the court's discretion as to whether or not to grant pretrial release to a defendant. The court may determine whether to release a defendant on personal recognizance or unsecured appearance bond, release a defendant on one or more conditions, or detain a defendant.

### **Section 12: Uniform Bail Schedule**

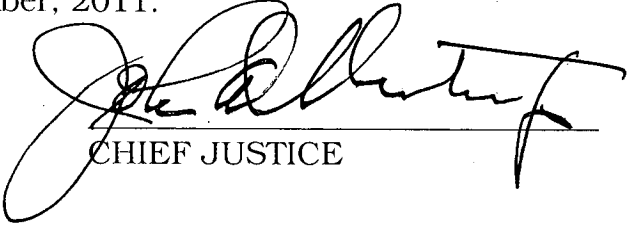
The Uniform Bail Schedule, which was implemented as a pilot program in several jurisdictions, shall continue to apply for purposes of allowing a release on a minimal bond prior to a pretrial investigation and presentation of the defendant's case to a judicial officer.

### **Section 13: Constitutionality of Underlying Statutes**

The adoption of these guidelines does not, either expressly or impliedly, reflect on the ultimate constitutionality of the statutes involved.

All sitting; all concur.

Entered this 15<sup>th</sup> day of December, 2011.

  
CHIEF JUSTICE

# Appendix B

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## Manual Pretrial Interview, Investigation and Risk Assessment

County: \_\_\_\_\_ DV: Yes/No Name: \_\_\_\_\_  
Date/Time: \_\_\_\_\_ Alias: \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_ Ethnicity \_\_\_\_\_  
DOB: \_\_\_\_\_ SSN: \_\_\_\_\_ Marital Status: \_\_\_\_\_  
Highest Level Education: \_\_\_\_\_ Number of Dependents: \_\_\_\_\_  
Email: \_\_\_\_\_ DLN: \_\_\_\_\_ ASL: \_\_\_\_\_ Int Lang: \_\_\_\_\_

Present Address: \_\_\_\_\_ How Long \_\_\_\_\_  
Lives with: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_  
Prior/Alternate Address: \_\_\_\_\_ How long \_\_\_\_\_  
Lives with: \_\_\_\_\_  
Verified: Yes, by whom: \_\_\_\_\_ No

Present Source of Income: \_\_\_\_\_ How Long \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_  
Prior/Other Source of Income: \_\_\_\_\_ How long \_\_\_\_\_  
Address: \_\_\_\_\_  
Verified: Yes, by whom: \_\_\_\_\_ No

Are you on probation? \_\_\_\_\_ If yes, is it supervised probation? \_\_\_\_\_  
Are you a veteran? Y or N Have you been in combat? Y or N  
If yes would you like services? \_\_\_\_\_

Have you ever felt you should **Cut** down on your drinking or drug use? Yes No  
Have people **Annoyed** you by criticizing your drinking or drug use? Yes No  
Have you ever felt **Guilty** about your drinking or drug use? Yes No  
Have you had an **Eye-opener** first thing in the morning to steady nerves or get rid of a hangover?  
(or) Do you ever use drugs to change the effects of another drug you have taken? Yes or No

**Are you willing to participate in a residential in-patient treatment program? Yes or No**

### K6 Scale core items

The following questions ask about how you have been feeling during the past 30 days. For each question, please circle the number that best describes how often you had this feeling.					
Q1. During the past 30 days, about how often did you feel...	None of the time	A little of the time	Some of the time	Most of the time	All of the time
a. ...nervous?	0	1	2	3	4
b. ...hopeless?	0	1	2	3	4
c. ...restless or fidgety?	0	1	2	3	4
d. ...so depressed that nothing could cheer you up?	0	1	2	3	4
e. ...that everything was an effort?	0	1	2	3	4
f. ...worthless?	0	1	2	3	4

### Comments



Has a medical doctor ever prescribed you medication for an emotional problem, such as depression or nervousness?	Yes	No	No Response
Have you ever been hospitalized for an emotional or behavioral problem?	Yes	No	No Response
Did you receive special education services in school for an emotional or behavioral problem?	Yes	No	No Response
Have you ever spoken to a counselor or psychologist about a personal problem?	Yes	No	No Response
Have you ever received treatment for an alcohol or drug problem?	Yes	No	No Response

**Domestic Violence Questions: (if applicable)**

Have you ever had prior domestic violence treatment?	Yes	No
Have you separated from the alleged victim within the last 6 months?	Yes	No

**Contacts/Verification**

In Court or Surety	Name	Relation	Address	Phone	Phone
1					
2					
3					
4					
5					

**Pretrial Services Risk Assessment**

- Does the defendant have a verified local address and has the defendant lived in the area for the past twelve months? Y (0) N (2)
- Does the defendant have verified sufficient means of support? Y (0) N (1)
- Is the defendant's current charge a Class A, B, or C Felony? Y (1) N (0)
- Is the defendant charged with a new offense while there is a pending case? Y (7) N (0)
- Does the defendant have an active warrant(s) for Failure to Appear prior disposition? If no, does the defendant have a prior FTA on his or her record for a misdemeanor or felony charge? Y (2) N (0)
- Does the defendant have a prior FTA on his or her record for a criminal or traffic violation? Y (1) N (0)
- Does the defendant have prior misdemeanor convictions? Y (2) N (0)
- Does the defendant have prior felony convictions? Y (1) N (0)
- Does the defendant have prior violent crime convictions? Y (1) N (0)
- Does the defendant have a history of drug/alcohol abuse? Y (2) N (0)
- Does the defendant have a prior conviction for felony escape? Y (3) N (0)
- Is the defendant currently on probation/parole from a felony conviction? Y (1) N (0)

**Has the defendant violated conditions of supervised pretrial release in the past 12 months?** Yes No  
**If yes, was the bond revoked?** Yes No NA

**Did the defendant receive special education services in school for an emotional or behavioral problem?    Yes    No**

**Has the defendant ever spoken to a counselor or psychologist about a personal problem?**  
**Yes    No**

### Risk Categories:

0 to 5 (Low)

### 6 to 13 (Moderate)

### 14 and up (High)

**Release per statute**

**Release per statute with Supervision (NFC)**

## Judicial Discretion

**DV Questions from the record (if applicable)**

Any history of domestic violence related restraining orders?	Yes	No

Any history of violation(s) of domestic violence restraining orders?	Yes	No

Any evidence of object used as weapon in commission of crime?	Yes	No
---	-----	----

Were children present during the domestic violence incident?	Yes	No

Did the alleged victim have an active EPO/DVO against the defendant at the time of arrest?

Is the defendant currently under any sort of community supervision?	Yes	No
---	-----	----

### Total Risk Assessment Score

**Risk Level**\_\_\_\_\_

### Judicial Decision:

**Judge:**

Date/Time:

**AOI Completed:** Yes No

**Probable Cause Review:** Yes      No**Probable Cause Found: Yes    No**

**24-Hour Review Completed:** Yes No

### Judicial Decision:

**Judge:**

**Date/Time:**

**MEMO:**

## Pretrial Services Needs Assessment

### Education, Employment and Financial Information

1. Do you feel you could use your time better?
  - Yes (1)
  - No (0)
2. Are you happy with your current financial situation?
  - Yes (0)
  - No (1)
3. Were you ever expelled or suspended from school?
  - Yes (1)
  - No (0)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Total Score in Education, Employment, Financial**

### Family and Social Support

1. Do you have close family with criminal records?
  - Yes (1)
  - No (0)
2. Are you satisfied with your current marital or relationship status?
  - Yes (0)
  - No (1)
3. Do you have family members or friends that offer support or listen when you have problems?
  - Yes (0)
  - No (1)
4. Are you satisfied with the level of support that you get from your family or friends in times of need?
  - Yes (0)
  - No (1)
5. Do you have steady living arrangements?
  - Yes (0)
  - No (1)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Total Score on Family and Social Support**

### Neighborhood

1. Are there areas in your neighborhood that are prone to criminal activity or have a strong police presence?
  - Yes (1)
  - No (0)
2. Can illegal drugs be found easily in your neighborhood?
  - Yes (1)
  - No (0)

\_\_\_\_\_

\_\_\_\_\_

**Total Score in Neighborhood problems**

### Substance Use

1. How old were you when you first began drinking alcohol on a regular basis?
  - 17 or older (0) \_\_\_\_\_
  - 17 or younger (1) \_\_\_\_\_
2. Have you ever used illegal drugs?
  - Yes (1) \_\_\_\_\_
  - No (0) \_\_\_\_\_
3. What is the longest period that you went without using alcohol or illegal drugs?
  - Six months or longer (0) \_\_\_\_\_
  - Less than six months (1) \_\_\_\_\_
4. Have you ever taken prescription drugs in a manner that was not prescribed?
  - Yes (1) \_\_\_\_\_
  - No (0) \_\_\_\_\_
5. Has your drug use prevented you from keeping a steady job?
  - Yes (1) \_\_\_\_\_
  - No (0) \_\_\_\_\_

**Total Score for Substance Abuse**

### Peer Association

1. Do you spend a great deal of time with friends that have a criminal record?
  - Yes (1) \_\_\_\_\_
  - No (0) \_\_\_\_\_
2. How often do you associate with someone who has a criminal record?
  - None (0) \_\_\_\_\_
  - Rarely (1) \_\_\_\_\_
  - Sometimes (2) \_\_\_\_\_
  - Most of the time (3) \_\_\_\_\_
3. Have you ever been a member of a gang?
  - Yes (1) \_\_\_\_\_
  - No (0) \_\_\_\_\_
4. What type of organizations are you a part of?
  - Pro-social (0) \_\_\_\_\_
  - Mixture of both pro-social and anti-social (1) \_\_\_\_\_
  - Anti-social (2) \_\_\_\_\_

**Total Score for Peers**

### Total Score

Needs Categories	
<b>Scores</b>	<b>Rating</b>
<b>0-5</b>	<b>Low Needs</b>
<b>6-11</b>	<b>Moderate Needs</b>
<b>12-17</b>	<b>High Needs</b>
<b>18+</b>	<b>Very High Needs</b>

# Appendix C

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## Pretrial Release and FTA Rate Measurement

Interviews from 06/08/2011 to 06/08/2012

### Release Rates

	Charge County	Total Cases	Total Cases Released	
1	OHIO	949	823	86.72%
2	CLINTON	438	368	84.02%
3	MARTIN	587	488	83.13%
4	JOHNSON	1343	1112	82.80%
5	RUSSELL	901	741	82.24%
6	LAWRENCE	510	417	81.76%
7	WASHINGTON	305	247	80.98%
8	BARREN	1803	1441	79.92%
9	BUTLER	425	338	79.53%
10	FLEMING	685	542	79.12%
11	OLDHAM	1402	1108	79.03%
12	CUMBERLAND	218	172	78.90%
13	METCALFE	269	212	78.81%
14	ADAIR	781	614	78.62%
15	MARION	1213	945	77.91%
16	EDMONSON	319	247	77.43%
17	BELL	2681	2072	77.28%
18	NICHOLAS	492	375	76.22%
19	WEBSTER	511	387	75.73%
20	GRAVES	2809	2118	75.40%
21	MAGOFFIN	647	486	75.12%
22	ROCKCASTLE	1362	1022	75.04%
23	PENDLETON	537	402	74.86%
24	MONROE	400	299	74.75%
25	HENRY	894	665	74.38%
26	TAYLOR	1148	851	74.13%
27	GREEN	358	265	74.02%
28	HARRISON	831	615	74.01%
29	TRIMBLE	379	280	73.88%
30	BULLITT	3217	2352	73.11%
31	MCCREARY	845	617	73.02%
32	UNION	768	560	72.92%
33	CASEY	613	444	72.43%
34	MARSHALL	998	722	72.34%
35	WHITLEY	2323	1675	72.11%



36	HARLAN	2348	1687	71.85%
37	SPENCER	620	444	71.61%
38	MEADE	1118	800	71.56%
39	BOONE	6824	4805	70.41%
40	JACKSON	803	562	69.99%
41	JEFFERSON	47234	32993	69.85%
42	LETCHER	1507	1052	69.81%
43	PULASKI	3838	2678	69.78%
44	MASON	1549	1078	69.59%
45	BRACKEN	243	169	69.55%
46	HARDIN	4302	2960	68.81%
47	GALLATIN	687	472	68.70%
48	GRAYSON	1032	709	68.70%
49	CARTER	1567	1074	68.54%
50	ALLEN	1222	837	68.49%
51	HOPKINS	2990	2044	68.36%
52	TRIGG	645	439	68.06%
53	HART	1149	782	68.06%
54	LARUE	585	397	67.86%
55	SCOTT	1866	1264	67.74%
56	MCLEAN	262	177	67.56%
57	HANCOCK	234	158	67.52%
58	MUHLENBERG	1055	712	67.49%
59	FRANKLIN	2621	1761	67.19%
60	PERRY	3016	2023	67.08%
61	MORGAN	664	445	67.02%
62	NELSON	1878	1258	66.99%
63	BRECKINRIDGE	623	416	66.77%
64	CLAY	2056	1372	66.73%
65	KNOX	2457	1627	66.22%
66	LYON	325	215	66.15%
67	ELLIOTT	300	198	66.00%
68	ROWAN	1821	1199	65.84%
69	WOODFORD	749	492	65.69%
70	SIMPSON	1482	968	65.32%
71	OWEN	482	314	65.15%
72	LESLIE	625	406	64.96%
73	OWSLEY	539	347	64.38%
74	MADISON	4383	2815	64.23%
75	HENDERSON	4159	2670	64.20%

76	BATH	589	377	64.01%
77	ANDERSON	1131	720	63.66%
78	WAYNE	829	525	63.33%
79	MENIFEE	259	164	63.32%
80	BALLARD	436	275	63.07%
81	LIVINGSTON	351	221	62.96%
82	CALLOWAY	1208	759	62.83%
83	CARROLL	1200	753	62.75%
84	ROBERTSON	75	47	62.67%
85	MERCER	935	579	61.93%
86	WARREN	5251	3240	61.70%
87	KENTON	9237	5692	61.62%
88	PIKE	5004	3072	61.39%
89	DAVIESS	6227	3818	61.31%
90	BREATHITT	1022	626	61.25%
91	SHELBY	2273	1387	61.02%
92	CALDWELL	582	355	61.00%
93	BOURBON	1021	622	60.92%
94	LAUREL	3575	2176	60.87%
95	LEWIS	441	267	60.54%
96	KNOTT	649	391	60.25%
97	CLARK	2209	1317	59.62%
98	LOGAN	1203	717	59.60%
99	LEE	829	493	59.47%
100	ESTILL	1207	715	59.24%
101	MONTGOMERY	1964	1158	58.96%
102	GRANT	1330	773	58.12%
103	BOYLE	2049	1186	57.88%
104	CRITTENDEN	261	151	57.85%
105	CHRISTIAN	4605	2621	56.92%
106	FLOYD	2563	1441	56.22%
107	HICKMAN	136	76	55.88%
108	WOLFE	612	342	55.88%
109	GARRARD	620	343	55.32%
110	LINCOLN	1442	788	54.65%
111	GREENUP	1263	687	54.39%
112	POWELL	1522	822	54.01%
113	FULTON	634	340	53.63%
114	BOYD	3089	1629	52.74%
115	JESSAMINE	3196	1663	52.03%

116	TODD	409	210	51.34%
117	CAMPBELL	5711	2917	51.08%
118	FAYETTE	15320	7413	48.39%
119	MCCRACKEN	4660	2205	47.32%
120	CARLISLE	141	59	41.84%

## FTA Rates

	Charge County	Total Cases	Total Cases Released	FTA	
1	MCLEAN	262	177	2	1.13%
2	CARLISLE	141	59	1	1.69%
3	CALLOWAY	1208	759	19	2.50%
4	OWEN	482	314	11	3.50%
5	BRACKEN	243	169	6	3.55%
6	SPENCER	620	444	17	3.83%
7	MUHLENBERG	1055	712	30	4.21%
8	TODD	409	210	9	4.29%
9	HANCOCK	234	158	7	4.43%
10	WASHINGTON	305	247	11	4.45%
11	MARSHALL	998	722	34	4.71%
12	UNION	768	560	27	4.82%
13	FLEMING	685	542	28	5.17%
14	TAYLOR	1148	851	47	5.52%
15	ANDERSON	1131	720	40	5.56%
16	MONROE	400	299	17	5.69%
17	TRIGG	645	439	25	5.69%
18	PENDLETON	537	402	23	5.72%
19	BALLARD	436	275	16	5.82%
20	FULTON	634	340	20	5.88%
21	GREENUP	1263	687	41	5.97%
22	MCCREARY	845	617	37	6.00%
23	MENIFEE	259	164	10	6.10%
24	WOODFORD	749	492	30	6.10%
25	GRANT	1330	773	48	6.21%
26	LIVINGSTON	351	221	14	6.33%
27	HARRISON	831	615	39	6.34%
28	LEWIS	441	267	17	6.37%
29	GRAVES	2809	2118	136	6.42%
30	BOYLE	2049	1186	77	6.49%
31	CARROLL	1200	753	49	6.51%
32	HART	1149	782	52	6.65%
33	GALLATIN	687	472	32	6.78%
34	NELSON	1878	1258	86	6.84%
35	LYON	325	215	16	7.44%
36	METCALFE	269	212	16	7.55%
37	CLINTON	438	368	28	7.61%
38	MERCER	935	579	45	7.77%

39	BOURBON	1021	622	49	7.88%
40	WEBSTER	511	387	31	8.01%
41	MCCRACKEN	4660	2205	177	8.03%
42	GRAYSON	1032	709	58	8.18%
43	CLARK	2209	1317	108	8.20%
44	MORGAN	664	445	37	8.31%
45	JACKSON	803	562	48	8.54%
46	LOGAN	1203	717	62	8.65%
47	WHITLEY	2323	1675	145	8.66%
48	JESSAMINE	3196	1663	145	8.72%
49	SHELBY	2273	1387	122	8.80%
50	NICHOLAS	492	375	33	8.80%
51	OHIO	949	823	75	9.11%
52	MEADE	1118	800	73	9.13%
53	LETCHER	1507	1052	96	9.13%
54	LINCOLN	1442	788	72	9.14%
55	HOPKINS	2990	2044	188	9.20%
56	TRIMBLE	379	280	26	9.29%
57	CALDWELL	582	355	33	9.30%
58	MADISON	4383	2815	267	9.48%
59	BARREN	1803	1441	140	9.72%
60	DAVIESS	6227	3818	372	9.74%
61	LAUREL	3575	2176	216	9.93%
62	HENDERSON	4159	2670	269	10.07%
63	HARDIN	4302	2960	305	10.30%
64	BATH	589	377	39	10.34%
65	MARION	1213	945	98	10.37%
66	GARRARD	620	343	36	10.50%
67	HICKMAN	136	76	8	10.53%
68	ROCKCASTLE	1362	1022	110	10.76%
69	ESTILL	1207	715	78	10.91%
70	ADAIR	781	614	67	10.91%
71	MASON	1549	1078	119	11.04%
72	PERRY	3016	2023	225	11.12%
73	CRITTENDEN	261	151	17	11.26%
74	EDMONSON	319	247	28	11.34%
75	CLAY	2056	1372	158	11.52%
76	FLOYD	2563	1441	166	11.52%
77	OLDHAM	1402	1108	128	11.55%
78	CHRISTIAN	4605	2621	306	11.67%



79	BULLITT	3217	2352	275	11.69%
80	LEE	829	493	58	11.76%
81	WAYNE	829	525	62	11.81%
82	BRECKINRIDGE	623	416	50	12.02%
83	ALLEN	1222	837	101	12.07%
84	GREEN	358	265	32	12.08%
85	BUTLER	425	338	41	12.13%
86	MAGOFFIN	647	486	59	12.14%
87	FRANKLIN	2621	1761	214	12.15%
88	CUMBERLAND	218	172	21	12.21%
89	HARLAN	2348	1687	207	12.27%
90	WARREN	5251	3240	399	12.31%
91	SIMPSON	1482	968	121	12.50%
92	BREATHITT	1022	626	79	12.62%
93	ROWAN	1821	1199	153	12.76%
94	MARTIN	587	488	63	12.91%
95	BOYD	3089	1629	212	13.01%
96	KNOTT	649	391	51	13.04%
97	SCOTT	1866	1264	166	13.13%
98	MONTGOMERY	1964	1158	156	13.47%
99	ELLIOTT	300	198	27	13.64%
100	CASEY	613	444	61	13.74%
101	LARUE	585	397	55	13.85%
102	KNOX	2457	1627	226	13.89%
103	POWELL	1522	822	117	14.23%
104	RUSSELL	901	741	109	14.71%
105	KENTON	9237	5692	853	14.99%
106	CARTER	1567	1074	164	15.27%
107	LAWRENCE	510	417	64	15.35%
108	CAMPBELL	5711	2917	448	15.36%
109	BELL	2681	2072	322	15.54%
110	HENRY	894	665	105	15.79%
111	WOLFE	612	342	54	15.79%
112	OWSLEY	539	347	57	16.43%
113	BOONE	6824	4805	791	16.46%
114	FAYETTE	15320	7413	1246	16.81%
115	JOHNSON	1343	1112	196	17.63%
116	PULASKI	3838	2678	476	17.77%
117	PIKE	5004	3072	565	18.39%
118	ROBERTSON	75	47	9	19.15%

119	JEFFERSON	47234	32993	6873	20.83%
120	LESLIE	625	406	85	20.94%

## Re-arrest Rates

	Charge County	Total Cases	Total Cases Released	Re-arrest	
1	HANCOCK	234	158	1	0.63%
2	HICKMAN	136	76	1	1.32%
3	OWEN	482	314	7	2.23%
4	HENDERSON	4159	2670	69	2.58%
5	BRECKINRIDGE	623	416	11	2.64%
6	MEADE	1118	800	22	2.75%
7	GREENUP	1263	687	21	3.06%
8	GRAYSON	1032	709	23	3.24%
9	LYON	325	215	7	3.26%
10	TODD	409	210	7	3.33%
11	CARLISLE	141	59	2	3.39%
12	CALLOWAY	1208	759	27	3.56%
13	HARDIN	4302	2960	114	3.85%
14	CHRISTIAN	4605	2621	106	4.04%
15	LAWRENCE	510	417	17	4.08%
16	FLEMING	685	542	23	4.24%
17	BOYD	3089	1629	70	4.30%
18	BALLARD	436	275	12	4.36%
19	FULTON	634	340	16	4.71%
20	LOGAN	1203	717	34	4.74%
21	KNOTT	649	391	19	4.86%
22	MENIFEE	259	164	8	4.88%
23	CARROLL	1200	753	37	4.91%
24	GRANT	1330	773	38	4.92%
25	HENRY	894	665	33	4.96%
26	BOONE	6824	4805	240	4.99%
27	GALLATIN	687	472	24	5.08%
28	ALLEN	1222	837	44	5.26%
29	LARUE	585	397	21	5.29%
30	LIVINGSTON	351	221	12	5.43%
31	ELLIOTT	300	198	11	5.56%
32	MCCRACKEN	4660	2205	123	5.58%
33	HART	1149	782	44	5.63%
34	FRANKLIN	2621	1761	100	5.68%
35	SHELBY	2273	1387	79	5.70%
36	MUHLENBERG	1055	712	42	5.90%
37	CAMPBELL	5711	2917	175	6.00%
38	KENTON	9237	5692	343	6.03%

39	SIMPSON	1482	968	59	6.10%
40	TRIGG	645	439	27	6.15%
41	NELSON	1878	1258	79	6.28%
42	WOODFORD	749	492	31	6.30%
43	MERCER	935	579	37	6.39%
44	ESTILL	1207	715	46	6.43%
45	DAVIESS	6227	3818	246	6.44%
46	BRACKEN	243	169	11	6.51%
47	WARREN	5251	3240	212	6.54%
48	FLOYD	2563	1441	95	6.59%
49	LESLIE	625	406	27	6.65%
50	ROWAN	1821	1199	80	6.67%
51	BREATHITT	1022	626	42	6.71%
52	LAUREL	3575	2176	146	6.71%
53	LEWIS	441	267	18	6.74%
54	GRAVES	2809	2118	145	6.85%
55	ANDERSON	1131	720	50	6.94%
56	MARTIN	587	488	34	6.97%
57	CASEY	613	444	31	6.98%
58	MAGOFFIN	647	486	34	7.00%
59	BOYLE	2049	1186	83	7.00%
60	PERRY	3016	2023	142	7.02%
61	CALDWELL	582	355	25	7.04%
62	MASON	1549	1078	76	7.05%
63	SCOTT	1866	1264	91	7.20%
64	LETCHER	1507	1052	76	7.22%
65	EDMONSON	319	247	18	7.29%
66	PIKE	5004	3072	224	7.29%
67	MARION	1213	945	70	7.41%
68	OLDHAM	1402	1108	83	7.49%
69	FAYETTE	15320	7413	560	7.55%
70	GARRARD	620	343	26	7.58%
71	HOPKINS	2990	2044	155	7.58%
72	MCCREARY	845	617	47	7.62%
73	UNION	768	560	43	7.68%
74	BATH	589	377	29	7.69%
75	WASHINGTON	305	247	19	7.69%
76	MADISON	4383	2815	218	7.74%
77	POWELL	1522	822	64	7.79%
78	MARSHALL	998	722	57	7.89%

79	CRITTENDEN	261	151	12	7.95%
80	PENDLETON	537	402	32	7.96%
81	WEBSTER	511	387	31	8.01%
82	OWSLEY	539	347	28	8.07%
83	PULASKI	3838	2678	217	8.10%
84	KNOX	2457	1627	132	8.11%
85	TAYLOR	1148	851	70	8.23%
86	ADAIR	781	614	51	8.31%
87	SPENCER	620	444	37	8.33%
88	OHIO	949	823	69	8.38%
89	MCLEAN	262	177	15	8.47%
90	WHITLEY	2323	1675	143	8.54%
91	JESSAMINE	3196	1663	142	8.54%
92	MORGAN	664	445	38	8.54%
93	JOHNSON	1343	1112	95	8.54%
94	BUTLER	425	338	29	8.58%
95	BOURBON	1021	622	54	8.68%
96	CUMBERLAND	218	172	15	8.72%
97	LEE	829	493	43	8.72%
98	LINCOLN	1442	788	69	8.76%
99	HARLAN	2348	1687	149	8.83%
100	TRIMBLE	379	280	25	8.93%
101	JEFFERSON	47234	32993	2955	8.96%
102	HARRISON	831	615	56	9.11%
103	BULLITT	3217	2352	215	9.14%
104	WAYNE	829	525	48	9.14%
105	MONTGOMERY	1964	1158	106	9.15%
106	CARTER	1567	1074	99	9.22%
107	BELL	2681	2072	196	9.46%
108	RUSSELL	901	741	73	9.85%
109	CLARK	2209	1317	131	9.95%
110	JACKSON	803	562	57	10.14%
111	WOLFE	612	342	35	10.23%
112	BARREN	1803	1441	149	10.34%
113	CLINTON	438	368	41	11.14%
114	ROCKCASTLE	1362	1022	117	11.45%
115	ROBERTSON	75	47	6	12.77%
116	METCALFE	269	212	28	13.21%
117	CLAY	2056	1372	188	13.70%
118	GREEN	358	265	37	13.96%

119	MONROE	400	299	43	14.38%
120	NICHOLAS	492	375	56	14.93%