



KENTUCKY COURT OF JUSTICE

# Kentucky Court of Justice: Pretrial Services Overview

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Kentucky Administrative Office of the Courts





## Statewide Services

- Unified court system
- No bail bondsmen
- Department of Pretrial Services statewide





- ### Number of Interviews done by Pretrial Services
- 
- | Year | Number of Interviews |
|------|----------------------|
| 2019 | 167,705              |
| 2020 | 127,652              |
| 2021 | 136,414              |
| 2022 | 46,950               |

167,705  
127,652  
136,414  
46,950

2019 2020 2021 2022

up to April



# KENTUCKY COURT OF JUSTICE

The Kentucky Pretrial Services system was established in 1976 as part of the Bail Bond Reform Act when commercial bail bonding for profit was abolished.

## Pretrial Mission Statement

*To assist the court in making informed pretrial release decisions, to effectively supervise defendants in order to support safe communities and to ensure that defendants meet court obligations while maintaining the constitutional presumption of innocence and the right to reasonable bail.*

## The six essential principles of pretrial justice

- Presumption of Innocence
- Right to counsel
- Right against self-incrimination
- Right to due process of law
- Right to equal protection under the Law
- Right to bail that is not excessive







## MAIN STATUTORY FRAMEWORK

KRS 431.066 Pretrial release and bail options of verified and eligible defendant; assessment of flight risk, likelihood of appearing at trial, and risk of danger; credit toward bail for time in jail

- (1) For purposes of this section, “verified and eligible defendant” means a defendant who pretrial services is able to interview and assess, and whose identity pretrial services is able to confirm through investigation.
- (2) When a court considers pretrial release and bail for an arrested defendant, the court shall consider whether the defendant constitutes a flight risk, is unlikely to appear for trial, or is likely to be a danger to the public if released. In making this determination, the court shall consider the pretrial risk assessment for a verified and eligible defendant along with the factors set forth in KRS 431.525.
- (3) If a verified and eligible defendant poses low risk of flight, 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.
- (4) If a verified and eligible defendant poses a moderate risk of flight, has a moderate risk of not appearing for trial, or poses a moderate risk of danger to others, the court shall release the defendant under the same conditions as in subsection (3) of this section but shall consider ordering the defendant to participate in global positioning system monitoring, controlled substance testing, increased supervision, or such other conditions as the court may order.



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5) (a) Except as provided in paragraph (b) of this subsection, regardless of the amount of the bail set, the court shall permit the defendant a credit of one hundred dollars (\$100) per day as a payment toward the amount of the bail set for each day or portion of a day that the defendant remains in jail prior to trial. Upon the service of sufficient days in jail to have sufficient credit to satisfy the bail, the defendant shall be released from jail on the conditions specified in this section or in this chapter.

(b) The provisions of paragraph (a) of this subsection shall not apply to:

1. Any person 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

2. A defendant who is found by the court to present a flight risk or to be a danger to others.

(c) For purposes of this subsection, "a day or portion of a day" means any time spent in a detention facility following booking.

(d) A defendant shall not earn credit pursuant to paragraph (a) of this subsection while also earning credit pursuant to KRS 534.070.

(6) If a court determines that a defendant shall not be released pursuant to subsection (5) of this section, the court shall document the reasons for denying the release in a written order.

(7) The jailer shall be responsible for tracking the credit earned by a defendant pursuant to subsection (5) of this section.



## MAIN STATUTORY FRAMEWORK CONT'D

431.525 Conditions for establishing amount of bail; pilot projects for controlled substance or alcohol abuse testing

(1) The amount of the bail shall be:

(a) Sufficient to insure compliance with the conditions of release set by the court;

(b) Not oppressive;

(c) Commensurate with the nature of the offense charged;

(d) Considerate of the past criminal acts and the reasonably anticipated conduct of the defendant if released; and

(e) Considerate of the financial ability of the defendant.

(2) When a person is charged with an offense punishable by fine only, the amount of the bail bond set shall not exceed the amount of the maximum penalty and costs.

(3) When a person has been convicted of an offense and only a fine has been imposed, the amount of the bail shall not exceed the amount of the fine.

(4) When a person has been charged with one (1) or more misdemeanors, the amount of the bail for all charges shall be encompassed by a single amount of bail that shall not exceed the amount of the fine and court costs for the one (1) highest misdemeanor charged. This subsection shall apply only to misdemeanor offenses not involving physical injury or sexual contact.

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## KENTUCKY COURT OF JUSTICE

5) When a person has been convicted of a misdemeanor offense and a sentence of jail, probation, conditional discharge, or sentence other than a fine only has been imposed, the amount of bail for release on appeal shall not exceed double the amount of the maximum fine that could have been imposed for the one (1) highest misdemeanor offense for which the person was convicted. This subsection shall apply only to misdemeanors not involving physical injury or sexual contact.

(6) The provisions of this section shall not apply to a defendant who is found by the court to present a flight risk or to be a danger to others.

(7) If a court determines that a defendant shall not be released pursuant to subsection (6) of this section, the court shall document the reasons for denying the release in a written order.

(8) The Administrative Office of the Courts shall establish pilot projects to implement controlled substance or alcohol abuse testing as specified under this subsection. If the person's record indicates a history of controlled substance or alcohol abuse, the court may order the person to submit to periodic testing for use of controlled substances or alcohol and to pay a reasonable fee, not to exceed the actual cost of the test and analysis, as determined by the court, with the fee to be collected by the circuit clerk, held in an agency account, and disbursed, on court order, solely to the agency or agencies responsible for testing and analysis as compensation for the cost of the testing and analysis performed under this subsection. If the person is declared indigent, the testing fee may be waived by the court. If the court finds the conditions of release have not been complied with, the court may change the conditions imposed or forfeit the bail bond or any portion thereof and enter a judgment for the Commonwealth against the person and his surety or sureties for the amount of the bail bond or any portion thereof and the cost of the proceedings.





## MAIN STATUTORY FRAMEWORK CONT'D

431.520 Release on personal recognizance or unsecured bail bond; conditions of releaseAny person charged with an offense shall be ordered released by a court of competent jurisdiction pending trial on his personal recognizance or upon the execution of an unsecured bail bond in an amount set by the court or as fixed by the Supreme Court as provided by KRS 431.540, unless the court determines in the exercise of its discretion that such a release will not reasonably assure the appearance of the person as required, or the court determines the person is a flight risk or a danger to others. When such a determination is made, the court shall, either in lieu of or in addition to the above methods of release, impose any of the following conditions of release:

- (1) Place the person in the custody of a designated person or organization agreeing to supervise him;
- (2) Place restrictions on the travel, association, or place of abode of the person during the period of release;
- (3) Require the execution of a bail bond:
  - (a) With sufficient personal surety or sureties acceptable to the court; in determining the sufficiency of such surety or sureties, the court shall consider his character, his place of residence, his relationship with the defendant, and his financial and employment circumstances; or
  - (b) With the ten percent (10%) deposit as provided in KRS 431.530; provided that if the defendant is permitted to earn credit toward bail pursuant to KRS 431.066, that credit shall be applied to the ten percent (10%) deposit; or
  - (c) With the deposit of cash equal to the amount of the bond or in lieu thereof acceptable security as provided in KRS 431.535;
- (4) If the person's record indicates a history of controlled substance or alcohol abuse:
  - (a) Order the person to submit to periodic testing for use of controlled substances or alcohol and pay a reasonable fee, not to exceed the actual cost of the test and analysis, as determined by the court with the fee to be collected by the circuit clerk, held in an agency account, and disbursed, on court order, solely to the agency or agencies responsible for testing and analysis as compensation for the cost of the testing and analysis performed under this subsection. If the person is declared indigent, the testing fee may be waived by the court. The Administrative Office of the Courts shall establish pilot projects to implement the provisions of this subsection; or
  - (b) Order the person to use an alcohol monitoring device, as defined in KRS 431.068. All costs associated with the device, including administrative and operating costs, shall be paid by the defendant. If the court determines that the defendant is indigent, and a person, county, or other organization has not agreed to pay the costs for the defendant in an attempt to reduce incarceration expenses and increase public safety, the court shall consider other conditions of release provided for in this section;



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5) (a) During all or part of a person's period of release pursuant to this section, order the person to participate in a global positioning monitoring system program operated by a county pursuant to KRS 67.372 and 67.374 under the same terms and conditions provided under KRS 431.517.

(b) If the person is charged with a sex crime as defined in KRS 17.500, consider requiring that he or she be monitored electronically, and shall consider requiring the person be subject to home incarceration;

(6) Impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours;

(7) A court authorizing the release of a person pursuant to this section shall cause the issuance of an appropriate order containing a statement of the conditions imposed, if any, shall cause such person to be informed of the penalties applicable to violations of the conditions of his release, and shall cause him to be informed that a warrant for his arrest will be issued immediately upon any such violation;

(8) A person for whom conditions of release are imposed and who after twenty-four (24) hours from the time of the imposition of said conditions continues to be detained as a result of his inability to meet the conditions of release shall, upon written application or upon the court's own motion, be entitled to have the conditions reviewed by the court which imposed them. A person who is ordered released on a condition which requires that he return to custody after specified hours shall, upon written application or upon the court's own motion, be entitled to a review by the court which imposed the condition; or

(9) If at any time following release of a defendant and before he is required to appear for trial, the court is advised of a material change in the defendant's circumstances or that he has not complied with all conditions imposed upon his release, the court having jurisdiction may:

(a) Order the arrest of the defendant;

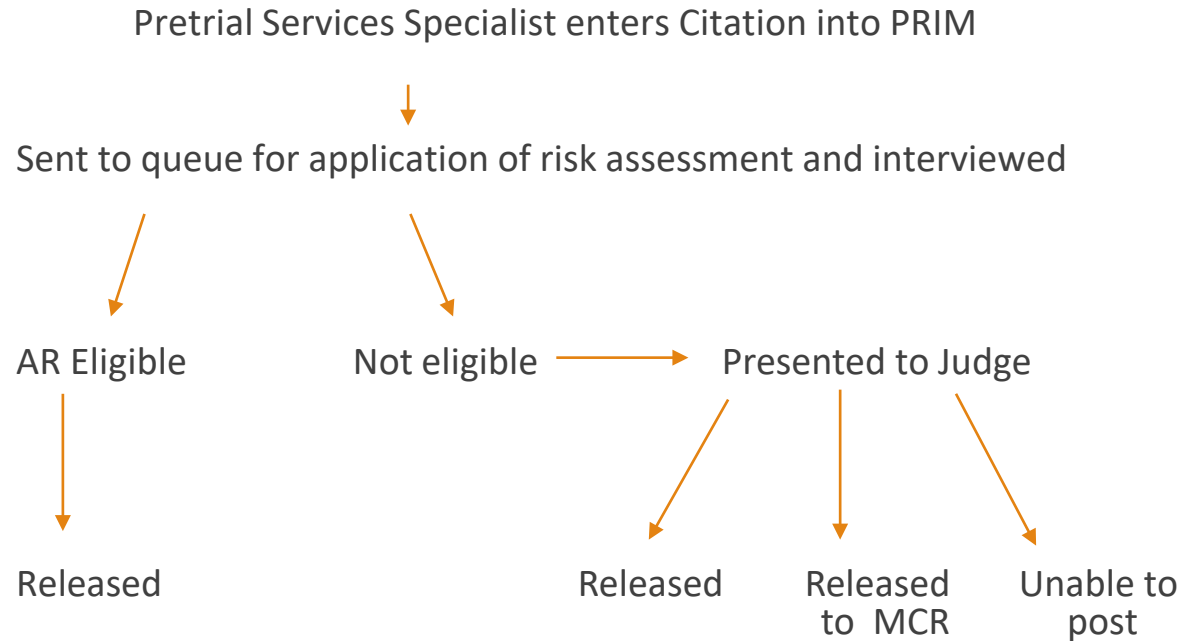
(b) Enter an order requiring the defendant, his surety or sureties to appear and show cause why the bail bond should not be forfeited or the conditions of his release be changed; or

(c) Both.

A copy of said order shall be served upon the defendant, his surety or sureties. If the defendant fails to appear before the court as ordered or if, after hearing, the court finds the conditions of release have not been complied with, the court may change the conditions imposed or forfeit the bail bond or any portion thereof and enter a judgment for the Commonwealth against the defendant and his surety or sureties for the amount of the bail bond or any portion thereof and cost of the proceedings.



# Within 24 hours of booking ...



Pretrial Specialist evaluate defendants using a combination of Orders set forth by the KY Supreme Court and actuarial based Risk Assessment to determine if they are eligible for Administrative Release or need to be presented to a Judge for a bond review.



# Within 24 hours of booking ...

Pretrial Services Specialist enters Citation into PRIM

Sent to queue for application of risk assessment and interviewed

AR Eligible

Released

Not eligible

Presented to Judge

Released

Released  
to MCR

Unable to  
post



# KENTUCKY COURT OF JUSTICE

## Citation and Criminal History

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### COMMONWEALTH OF KENTUCKY UNIFORM CITATION

OFFENDER / VIOLATOR	AGENCY	POLICE DEPARTMENT		ONE	0300100				
	NAME LAST, FIRST, MI, FILIAL			HOME PHONE					
	ALIAS NAME LAST, FIRST, MI, FILIAL			EMERGENCY PHONE					
	ADDRESS (NUMBER, NAME, SUFFIX)			KENTUCKY RESIDENT STATUS					
	CITY	STATE	ZIP CODE/EXTENSION	MARITAL STATUS	VICTIMS RELATIONSHIP TO OFFENDER				
	ID TYPE	ID ST	ID NUMBER	S. S. NUMBER	HEIGHT	WEIGHT	HAIR COLOR	EYE COLOR	
	OPERATOR'S LICENSE	KY		ETHNIC ORIGIN	ALCOHOL/DRUG INVOLVEMENT				
	DATE OF BIRTH	SEX	RACE	S.A. RESULTS	ALCOHOL				
	PLACE OF EMPLOYMENT / OCCUPATION	CITY		STATE	BREATH	BLOOD			
	VEHICLE MAKE	VEHICLE MODEL	VEH. YEAR	VEHICLE COLOR	URINE				
DATE / TIME	VIOLATION DATE	VIOLATION TIME	EXACT LOCATION OF VIOLATION		MILES	DIRECTION	CITY		
	05	18	2022	9:25 AM	OWENSBORO DAVIESS COUNTY KENTUCKY		DAVIESS	SECTOR BRAVO	
	ARREST DATE	TIME OF ARREST	EXACT LOCATION OF ARREST		MILES	DIRECTION	CITY		
	05	18	2022	9:25 AM			DAVIESS	SECTOR ALPHA	
	NUMBER	VIOLATION CODE	ASCF	STATUTE/COD.	CHARGE(S)	STARTING CASE	ENDING CASE	DRUG TYPE	
	1	of 1	42365	0	218A.1412	1	21-85055	METHAMPHETAMINE	
	of								
	of								
	of								
	CHARGES AND POST-ARREST COMPLAINT	POST-ARREST COMPLAINT							
Charge 1: TRAFF IN CONT SUB, 1ST DEGREE, 1ST OFF - P- OR = 2 GMS METHAMPHETAMINE)									
SCU Detectives along with an undercover agent working for [REDACTED] conducted a control buy of methamphetamine from above within the last 8 months in [REDACTED] Kentucky. The buy was monitored and recorded by Detectives. Suspected methamphetamine was sent off to the KSP lab for testing; results are positive for methamphetamine.									
COURT DATE		COURT TIME	PAYABLE	COURT LOCATION					
ARRESTED			COURT						
COURT CASE NUMBER		TOTAL PREPAYABLE AMOUNT		NOT PREPAYABLE					
WITNESS 1 NAME LAST, FIRST, MI, FILIAL		STATE		ZIP CODE					
WITNESS 1 ADDRESS (NUMBER, STREET, SUFFIX)		CITY							
WITNESS 2 NAME LAST, FIRST, MI, FILIAL		STATE		ZIP CODE					
WITNESS 2 ADDRESS (NUMBER, STREET, SUFFIX)		CITY							
CASE	SERVING WARRANT FOR		SPECIFY:						
	OTHER AGENCY	BAC/SEI NUMBER		ASSIGNMENT					
	OFFICER SIGNATURE	SCU		VIDEO	FINGERPRINTS	PHOTOS	EVIDENCE HELD		
								22	
								2	

### KENTUCKY COURT OF JUSTICE Disposition Report:

Prepared By: [REDACTED]  
5/18/2022 11:43:22 AM  
1 Pending Cases, Bonds:

CASE: 1 of 5			
001	Chrg: 3/7/2022 Disp: 5/18/2022	POSS CONT SUB, 1ST DEGREE, 1ST OFFENSE - OPIATES **** DIVERSION	CHARGE 1 ORIGINAL
002	Chrg: 3/7/2022 Disp: 5/18/2022	POSS CONT SUB, 1ST DEGREE, 1ST OFFENSE - OPIATES **** DIVERSION	CHARGE 2 ORIGINAL
003	Chrg: 3/7/2022 Disp: 5/18/2022	DRUG PARAPHERNALIA - BUY/POSSESS **** DIVERSION	CHARGE 3 ORIGINAL
004	Chrg: 3/7/2022 Disp: 5/18/2022 Sent: 5/18/2022	DRUG PARAPHERNALIA - BUY/POSSESS **** GUILTY JAIL: 30 days (30 days Suspended) UNSUPERVISED PROBATION: 1 yrs CREDIT FOR TIME SERVED: 0 days COST: \$425.00	CHARGE 4 ORIGINAL
005	Chrg: 3/7/2022 Disp: 5/18/2022	FAILURE TO PRODUCE INSURANCE CARD **** DISMISSED	CHARGE 5 ORIGINAL
006	Chrg: 3/7/2022 Disp: 5/18/2022	NO/EXPIRED KENTUCKY REGISTRATION RECEIPT **** DISMISSED	CHARGE 6 ORIGINAL
UNSECURED Bond set at 1/18/2022 for \$500.00 SHOW CAUSE DEFEASANCE/INSTALLMENT PAYMENT SCHEDULE for 05/18/2022 09:30 AM ARRAIGNMENT scheduled for 05/18/2022 09:30 AM			
CASE: 2 of 5			
007	Chrg: 1/14/2022 Disp: 3/7/2022	DRUG PARAPHERNALIA - BUY/POSSESS (189A.010)(D) - 1ST **** OTHER	CHARGE 1 ORIGINAL
008	Chrg: 1/14/2022 Disp: 3/7/2022	FAILURE TO PRODUCE INSURANCE CARD **** OTHER	CHARGE 2 ORIGINAL
009	Chrg: 1/14/2022 Disp: 3/7/2022	NO/EXPIRED KENTUCKY REGISTRATION RECEIPT **** OTHER	CHARGE 3 ORIGINAL
010	Chrg: 1/14/2022 Disp: 3/7/2022	POSS CONT SUB, 1ST DEGREE, 1ST OFFENSE - OPIATES **** OTHER	CHARGE 4 ORIGINAL
011	Chrg: 1/14/2022 Disp: 3/7/2022	POSS CONT SUB, 1ST DEGREE, 1ST OFFENSE - OPIATES **** OTHER	CHARGE 5 ORIGINAL
012	Chrg: 1/14/2022 Disp: 3/7/2022	DRUG PARAPHERNALIA - BUY/POSSESS **** OTHER	CHARGE 6 ORIGINAL
UNSECURED Bond set at 1/14/2022 for \$500.00 CASH Bond set at 1/14/2022 for \$500.00			
CASE: 3 of 5			
013	Chrg: 1/12/2021 Disp: 12/21/2021 Sent: 12/21/2021	DISREGARDING TRAFFIC CONTROL DEVICE - TRAFFIC LIGHT **** PRE-PAYABLE CITATION - PAID FINE: \$20.00 COST: \$144.00	CHARGE 1 ORIGINAL
CASE: 4 of 5			
014	Chrg: 12/19/2019 Disp: 3/18/2020	POSS OF MARIJUANA **** DISMISSED	CHARGE 1 ORIGINAL
CASE: 5 of 5			
015	Chrg: 3/2/2019 Disp: 4/9/2019	SPEEDING 15MPH OVER LIMIT **** DISMISSED	CHARGE 1 ORIGINAL

5/18/2022

LisaCrumbley-Murphy@kycourts.net

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Citation

CourtNet/History





# Within 24 hours of booking ...

Pretrial Services Specialist enters Citation into PRIM



Sent to queue for application of risk assessment and interviewed



## Risk Assessment: PSA - Court

- Created by the Laura and John Arnold Foundation
- Instrument created with diverse and largest dataset of pretrial records – 1.5 million from 300 jurisdictions across the U.S.
- Identified 9 risk factors that predict whether a defendant will fail to appear for court, commit new criminal activity, or commit new violent criminal activity if released before trial.
- The PSA-court does not rely on factors such as ethnicity, race, or geography.

Source: [www.arnoldventures.org](http://www.arnoldventures.org)



## Risk Assessment

- Pretrial Services uses an actuarial, data-driven evidence-based risk assessment instrument.
- The risk assessment instrument is designed to measure the likelihood of the defendant to fail to appear for court or to be re-arrested while released on bail.
- Our goal is to standardize release recommendations, maximize release, maintain public safety, and maximize court appearance.
- Tools used by Kentucky;
  - VERA – static and dynamic factors
  - KPRA – static and dynamic factors
  - PSA and PSA Court – static factors





# Within 24 hours of booking ...

Pretrial Services Specialist enters Citation into PRIM



Sent to queue for application of risk assessment and interviewed



AR Eligible



Released



## Administrative Release

The Supreme Court grants the authority to Pretrial Services to administratively release defendants based on risk and charge. The purpose of Administrative Release is to expedite pretrial release of low and moderate risk defendants charged with non-sexual, non-violent misdemeanors and to increase efficiency by reserving resources for higher risk defendants ordered to pretrial supervision.

Administrative Release became mandatory on January 1, 2017. Pretrial Officers must determine defendant's eligibility for release. If ineligible for administrative release, then a Judge is contacted for the bail decision.







# Current Kentucky Supreme Court Order

## Supreme Court of Kentucky

2021-29

### AMENDED ORDER

**IN RE: KENTUCKY COURT OF JUSTICE RESPONSE TO COVID-19  
EMERGENCY: AMENDED EMERGENCY RELEASE SCHEDULE**

Under Section 116 of the Constitution and Supreme Court Rule 1.010, the Supreme Court hereby orders that Administrative Order 2020-77, *In re: Kentucky Court of Justice Response to COVID-19 Emergency: Amended Emergency Release Schedule for Pretrial Defendants and Pretrial Drug Testing Standards* is deleted in its entirety and the following measures shall be implemented until further Orders of this Court.



# KENTUCKY COURT OF JUSTICE

## Supreme Court of Kentucky

2021-29

### AMENDED ORDER

#### IN RE: KENTUCKY COURT OF JUSTICE RESPONSE TO COVID-19 EMERGENCY: AMENDED EMERGENCY RELEASE SCHEDULE

Under Section 116 of the Constitution and Supreme Court Rule 1.010, the Supreme Court hereby orders that Administrative Order 2020-77, *In re: Kentucky Court of Justice Response to COVID-19 Emergency: Amended Emergency Release Schedule for Pretrial Defendants and Pretrial Drug Testing Standards* is deleted in its entirety and the following measures shall be implemented until further Orders of this Court.

1. Except for the offenses included in the attached Appendix A and as set forth herein, the following emergency administrative release schedule shall be implemented to expedite the release of certain defendants:
  - a. Any defendant charged with a non-sexual/non-violent misdemeanor who has not been assessed as a high risk for new criminal activity or failure to appear will be eligible under this emergency schedule and shall be released on recognizance by Pretrial Services unless a defendant has been charged with the misdemeanor offense of KRS 222.202 (Offenses of Alcohol Intoxication or Drinking Alcoholic Beverages in a Public Place), KRS 525.100 (Public Intoxication), or KRS 189A.010 (Operating Motor Vehicle While Under the Influence 1<sup>st</sup> Offense, "DUI 1<sup>st</sup>") in which case he or she shall be released as follows:
    - i. To an adult who is willing to accept responsibility for the defendant either through a signature verification on a form prescribed by the Administrative Office of the Courts or by verbal affirmation and showing a government issued identification to the jailer; or
    - ii. At such time as the defendant is able to safely care for himself or herself but in no event shall the defendant be detained for more than eight (8) hours following his or her arrest.
  - b. Any defendant charged with a non-sexual/non-violent Class D felony who has not been assessed as a high risk for new criminal activity or failure to appear will be eligible under this schedule and shall be released on recognizance by Pretrial Services; however, any defendant arrested on an indictment warrant is not eligible under this schedule. Any defendant released under this paragraph must keep Pretrial Services updated with a current address and phone number for future court notifications.

- c. Any defendant charged with a Class D felony drug offense who has been assessed as a moderate or high risk for new criminal activity or failure to appear is not eligible under this schedule.
  - d. If a defendant is charged with a crime in which there is an alleged victim(s), the defendant shall not have any contact with the alleged victim(s).
  - e. Any defendant arrested for contempt of court is not eligible under this schedule.
  - f. Any defendant arrested for a violation of conditions of release is not eligible under this schedule.
  - g. Any defendant arrested on a probation violation or drug court violation is not eligible under this schedule.
  - h. Any defendant who is on pretrial release and has a new arrest for a new misdemeanor or felony charge is not eligible under this schedule.
  - i. Any defendant who was charged with a crime in the Commonwealth of Kentucky and who was extradited from another state is not eligible under this schedule.
  - j. Any defendant who declines the pretrial services interview is not eligible under this schedule.
  - k. No defendant shall be held in custody for failure to pay the \$25.00 bond filing fee required under KRS 64.005.
  - l. Any defendant not eligible for release under this schedule or under Supreme Court Order 2017-19, Non-Financial Uniform Schedule of Bail Administrative Release Program (Administrative Release Program), shall only be released upon judicial review and conditions of release ordered by the court. Pretrial Services must provide the circuit judge, district judge, or trial commissioner with the pretrial risk assessment and recommendations for release within 24 hours of the defendant's booking.
2. Any defendant who otherwise qualifies for release under the Administrative Release Program shall continue to be released under the provisions of that Order.

This Order only applies to new arrests and shall be effective until further Order of this Court.





# KENTUCKY COURT OF JUSTICE

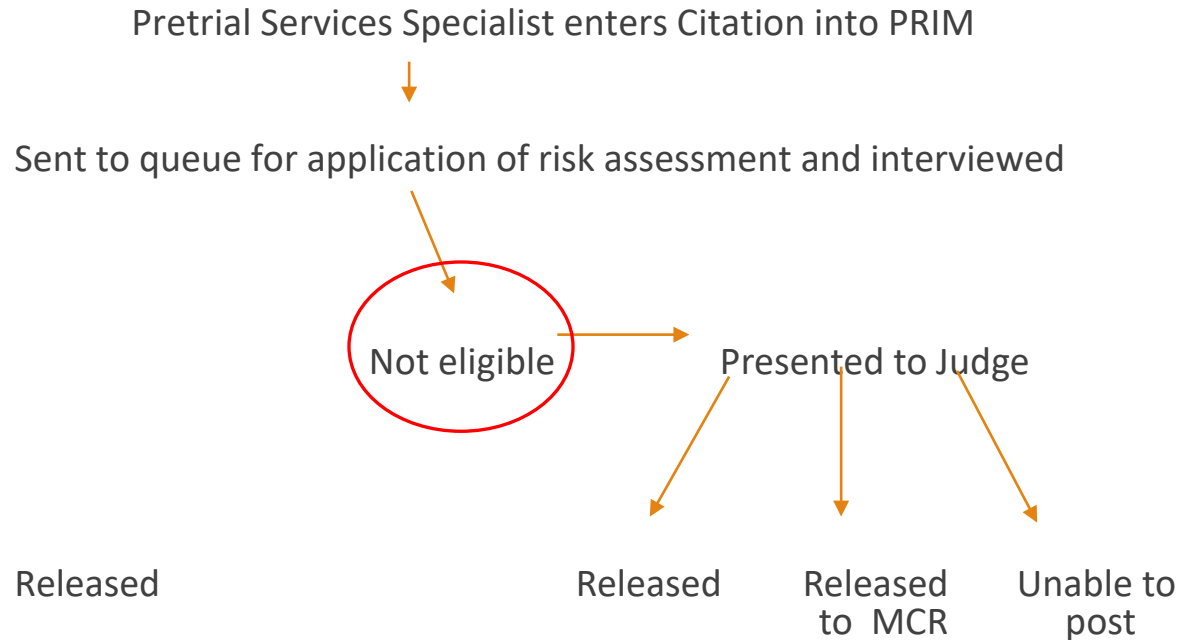
## Sample of excluded charges from the AR order

CLASS D FELONY AND MISDEMEANOR CHARGES NOT ELIGIBLE FOR THE COVID-19 EMERGENCY RELEASE ORDER Revised 9/15/20				
Code	KRS Chap.	Description	Level	Class
02602	525.12	ABUSE OF CORPSE	M	A
02603	525.12	ABUSE OF CORPSE (SEXUAL INTERCOURSE)	F	D
01723	531.36	ADVERTISING MATTER PORTRAY SEX PERFORM BY MINOR, 1ST OFF	F	D
01716	531.05	ADVERTISING OBSCENE MATERIAL	M	B
20005	513.04	ARSON, 3RD DEGREE	F	D
13117	518.09	ASSAULT 3RD DEGREE - SPORTS OFFICIAL (5 OR MORE), 1ST OFF	F	D
13118	518.09	ASSAULT 3RD DEGREE - SPORTS OFFICIAL, 2ND OR > OFFENSE	F	D
13115	508.025	ASSAULT 3RD-DEPT. SOCIAL SERVICES WORKER	F	D
13214	525.205	ASSAULT ON SERVICE ANIMAL, 1ST DEGREE	F	D
13213	525.205	ASSAULT ON SERVICE ANIMAL, 2ND DEGREE	M	B
13250	508.04	ASSAULT UNDER EXTREME EMOTIONAL DISTURBANCE	F	D
13259	508.04	ASSAULT UNDER EXTREME EMOTIONAL DISTURBANCE	M	B

02606	509.03	UNLAWFUL IMPRISONMENT-2ND DEGREE	M	A
52204	527.070	UNLAWFUL POSSESSION OF WEAPON ON SCHOOL PROPERTY	F	D
52203	527.110	UNLAWFULLY PROV/PERMIT MINOR TO POSSESS HANDGUN	F	D
52211	237.040	USE BOOBY TRAP TO AVOID THEFT OF CONTROLLED SUB		
37260	531.37	USE MINOR TO DIST MAT PORT SEX PER MINOR 1ST OFF	F	D
37210	531.04	USE MINOR TO DISTRIB OBSCENE MATTER W/PAST CONVICT	F	D
37202	531.04	USING MINOR TO DISTRIBUTE OBSCENE MATTER 1ST OFF	M	A
01740	531.1	VIDEO VOYEURISM	F	D
02762	403.763	VIOLATION OF FOREIGN EPO / DVO	M	A
27630	403.763	VIOLATION OF KENTUCKY EPO / DVO	M	A
02770	456.180	VIOLATION OF IPO	M	A
02774	456.120	VIOLATION OF FOREIGN IPO	M	A
02764	508.155	VIOLATION OF STALKING RESTRAINING ORDER	M	A
01730	531.09	VOYEURISM	M	A
02032	209.990	WANTON ABUSE/NEGLECT OF ADULT BY PERSON	F	D
13201	508.06	WANTON ENDANGERMENT-1ST DEGREE	F	D
13221	508.06	WANTON ENDANGERMENT-1ST DEGREE-POLICE OFFICER	F	D
00441	508.07	WANTON ENDANGERMENT-2ND DEGREE	M	A
00444	508.07	WANTON ENDANGERMENT-2ND DEGREE-POLICE OFFICER	M	A
02035	209.990	WANTON/ RECKLESS EXPLOIT ADULT BY PERSON O/\$300	F	D



# Within 24 hours of booking ...





# Within 24 hours of booking ...

Pretrial Services Specialist enters Citation into PRIM



Sent to queue for application of risk assessment and interviewed



Not eligible



Presented to Judge



Released





## What to do when AR is not an option


- If defendant does not meet one or more of the AR criteria, a Judge must be called to review the charges and set a bond.
  - Call must be within 24 hours of the time of being booked into the jail.
  - Judge is provided with the following items
    - Citation – so they can review charges narrative and any testing listed.
    - Pretrial Report – so they can see their Risk Assessment scores as well as recommendation.
    - History – from CourtNet to see if they have any pending cases or previous similar charges.
    - NCIC (if applicable) – to see if they have any out of state records/similar charges.
  - Pretrial Specialist then take the decisions and put them into our system.
  - Paperwork is mailed to the jails and clerks.
- 
- If Judge is unable to be contacted within the 24-hour time frame.
  - Attempt times are placed in the memo area of the file.
  - File is flagged as “call schedule”
  - Attempt is made again at the next available time.





# KENTUCKY COURT OF JUSTICE

## Releases



**Conditions of Release and Judicial Decision**

County : WEBSTER Judge : Released Pursuant to Supreme Court Order 2017-1  
 Defendant's Name : [REDACTED] Interpreter Language : NONE  
 Next Court Date : 05/10/2022 09:00 AM ASL Needed : NO  
 Court Type : DISTRICT COURT Courtroom :  
 Jail ID# : Interview Date/Time : 5/9/2022 9:25:45AM  
 Charge County: WEBSTER Holding County: WEBSTER

---

**Bail Credit**

Bail Credit Amount: \$0.00  
 Bail Credit: Reason Ineligible: N/A

---

**Release Decision**

Bond Amount: \$0.00 - RELEASE ON RECOGNIZANCE on 05/09/2022 08:50 AM - Pilot Release

---

**Conditions**

- NOT TO VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS
- NOT TO CONSUME ANY ALCOHOL OR ILLEGAL DRUGS
- NO ILLEGAL USE OF ALCOHOL OR CONTROLLED SUBSTANCES
- MAKE ALL SCHEDULED COURT APPEARANCES

---

**Case(s)**

Booking Date: 05/08/22 10:24 PM  
 [REDACTED] WEBSTER

Citation #	Class	Level	Counts
[REDACTED]	B	M	1
[REDACTED]	A	M	1

---

Date: \_\_\_\_\_ Judge's / Pretrial Officer's Signature: \_\_\_\_\_

Created On: 05/09/22 9:50 am by [REDACTED]

What Pretrial sends to the jail

AOC-365.1 Rev. 8-17

Defendant's Name: [REDACTED] DISTRICT Court Rel Date / Time: 5/9/2022 5:20 AM  
 Defendant's Address: [REDACTED] HARDIN County Case No: [REDACTED]  
 Defendant's Occupation: [REDACTED] Defendant's Date of Birth: [REDACTED] Citation No: [REDACTED]  
 Defendant's Telephone Number: [REDACTED] Defendant's Drivers License #: [REDACTED] Charge: [REDACTED]

**YOU ARE HEREBY RELEASED FROM CUSTODY ON THE CONDITIONS INDICATED BELOW:**

PERSONAL PROMISE: ☐ PERSONAL RECOGNIZANCE: ☒ ADMINISTRATIVE RELEASE PROGRAM ☐ JUDICIAL RELEASE

TOTAL BOND OF \$0.00

☐ Bail Credit in the amount of \$0.00 applied to bond.

Total cash received: \$0.00

☐ Not eligible for bail credit.

UNSECURED BAIL BOND OR SURETY BOND. An unsecured appearance bond from you or your surety.

GUARANTEED ARREST BOND CERTIFICATE.

PARTIALLY SECURED BOND. Cash bail secured by cash deposit of \$0.00. If the amount deposited is equal to 10% of the total bond, 10% of the deposit (but not less than \$5) will be retained if you are found guilty and the court determines you have performed the conditions of your release.

CASH BAIL BOND. Full amount of bail paid into the court. ☐ Currency ☐ Credit Card (Jailer's Only)

STOCKS AND BONDS, PROPERTY BOND. Property is offered to secure the bail bond. If bond is forfeited, the property used as security.

RELEASED PURSUANT TO KRS 222.204

☒ REPORT TO YOU LOCAL PRETRIAL SERVICES OFFICE LOCATED AT 120 East Olive Avenue Elizabethtown, KY 42703

☐ No further violations of law ☐ No contact with alleged victim ☒ No illegal use of alcohol or controlled substances.

☐ No illegal use / possession of firearms or other deadly weapons ☐ No other conditions of release

☒ Other: MAKE ALL SCHEDULED COURT DATE

Violation of Conditions and / or Failure to Appear:

If you willfully fail to appear, fail to comply with the conditions of your release, or otherwise fail to render yourself amenable to the orders and processes of the courts, the court may issue a warrant for your arrest and may order forfeiture of the bond, and you shall be subject to prosecution for bail jumping per KRS 439.070 and KRS 520.080. You may also be subject to contempt of court per KRS 402.280.

**BAIL BOND**

I, the undersigned, do hereby certify that the defendant has been admitted to bail in the sum of \$0.00.

Signature of Defendant: \_\_\_\_\_ Social Security Number of Surety (ies): \_\_\_\_\_

Printed Name of Surety (ies): \_\_\_\_\_ Date of Birth and Occupation of Surety (ies): \_\_\_\_\_

Signature of Surety (ies): \_\_\_\_\_ Drivers License Number of Surety (ies): \_\_\_\_\_

Phone Number of Surety (ies): \_\_\_\_\_ Address of Surety (ies): \_\_\_\_\_

BAIL BOND TAKEN BY: [REDACTED] FROM: [REDACTED]

☐ Defendant ☐ Surety (ies)

Subscribed and sworn to before me by: [REDACTED] this 9-May-2022

Notary Public for the State of Kentucky

Signature of Notary Public: \_\_\_\_\_

Signature of Defendant: [REDACTED] Signature of Surety: [REDACTED]

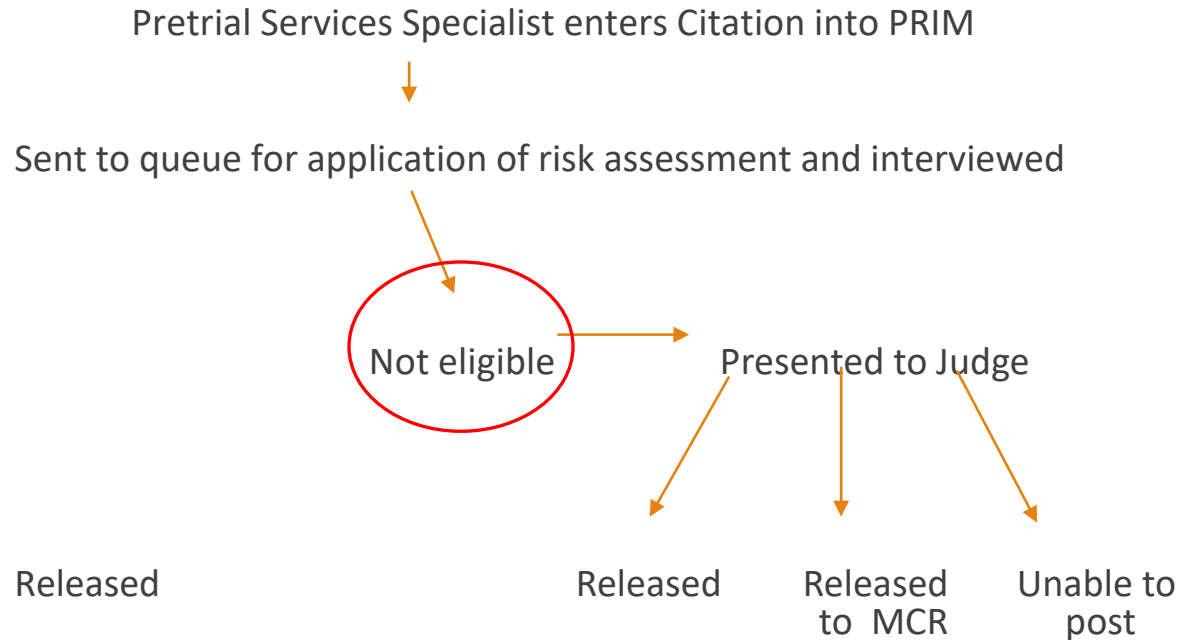
NAME OF JUDGE / PTO: \_\_\_\_\_ NAME AND LOCATION OF COURT: 120 East Olive Avenue Elizabethtown, KY 42703 (775) 754-0289

BOND FEE: ☐ PAID ☐ NOT PAID

What the Jail sends back to Pretrial as confirmation (pink sheets)



# Within 24 hours of booking ...





## Monitored Conditional Release - continued

- Monitored Conditional Release (MCR) is a condition the Judge gives the defendant where Pretrial Services needs to monitor some aspect of the release
- Examples of MCR
  - Drug Testing
    - Actual testing is done by a state approved 3<sup>rd</sup> party/facility
    - Pretrial signs up defendants, logs results and files violations (if applicable)
  - Call Ins
    - Defendant must call or visit Pretrial Services on a set day to "Check In." Pretrial confirms contact information is correct and gets any updates on how everything is going.
  - Curfew Monitoring
  - Provide Proof
    - Defendant provides Pretrial Services with required proof of compliance set forth in a condition from the Judge. – work schedule, counseling attendance sheets/notes, etc.





## Monitored Conditional Release - continued

- Sign up
  - Defendant will call or visit the local Pretrial office to fill out paperwork. In person Sign Up is highly encouraged.
  - Paperwork to fill out
    - PT-60 – Monitored Conditional Release Form
      - Used for ALL types of MCR
      - General form listing conditions of release. Defendants signature says they will abide by conditions of monitoring
    - PT-99 – Drug Testing Provider Acknowledgment Form
      - Only for Drug Testing
      - Defendant will sign to show they agree with drug testing conditions stated on agreement.
    - Fee Determination Form
      - Only for Drug Testing
      - Lists how much they will pay for testing, when/where to call to see if they test, location of. Amount to pay is set forth in approved AOC documents available on SharePoint.
  - Paperwork is sent to Provider (if applicable)







## Monitored Conditional Release (MCR)

### Rule

#### **RCr 4.12 Release on nonfinancial conditions**

If a defendant's promise to appear or his or her execution of an unsecured bail bond alone is not deemed sufficient to insure his or her appearance when required, the court shall impose the least onerous conditions reasonably likely to insure the defendant's appearance as required. **Such conditions of release may include but are not limited to placing the defendant in the custody of a designated person or organization agreeing to supervise the defendant or to placing restrictions on the defendant's travel, association or place of abode during the period of release.**

Commensurate with the risk of nonappearance the court may impose any other condition including a condition requiring the defendant to return to custody after specified hours.



## Monitored Conditional Release (MCR)

### Statute

KRS 27A.096 Judicial guidelines for pretrial release of moderate-risk or high-risk defendants

- (1) 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.
- (2) The Supreme Court shall establish recommended guidelines for judges to use to determine whether defendants whose pretrial risk assessments indicate that they are moderate or high risk are eligible for pretrial supervision.
- (3) Judges shall consider the guidelines established by the Supreme Court pursuant to this section when setting terms of pretrial supervision.



## Monitored Conditional Release - Order

defendant attend all court proceedings as ordered and (2) prohibit the commission of any criminal offense.

- (b) 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.

### Section 9. 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.
- (c) 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 10. Court's discretion

Nothing in these Guidelines shall be construed to limit the court's discretion to grant or deny pretrial release to a defendant.

### Section 11. 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 6th day of December 2017.

  
CHIEF JUSTICE



# Monitored Conditional Release - Order

## Supreme Court of Kentucky

2017-20

### ORDER

**IN RE: 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 either (1) pose

a high risk of flight or failure to appear or (2) pose a high risk of anticipated criminal conduct or new criminal activity.

- (c) "Low risk defendant" means a defendant who has been determined through the pretrial risk assessment to either (1) pose a low risk of flight or failure to appear or (2) pose a low risk of anticipated criminal conduct or new criminal activity.
- (d) "Moderate risk defendant" means a defendant who has been determined through the pretrial risk assessment to either (1) pose a moderate risk of flight or failure to appear or (2) pose a moderate risk of anticipated criminal conduct or new criminal activity.
- (e) "Monitoring level" means strategies and frequency of contact with defendants 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.
- (f) "Risk Assessment" means an objective, research based, validated assessment tool that measures a defendant's risk of flight or failure to appear and risk of anticipated criminal conduct or new criminal activity while on pretrial release pending adjudication.
- (g) "Risk level" means (a scale from low to high of the risk a defendant poses of pretrial failure (e.g., failure to appear or presenting a danger to the community).

#### ion 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 monitoring, drawing upon information obtained through the interview of the defendant, its investigation, the risk assessment, and the seriousness of the offense charged. Pretrial Services will present to the court a recommendation for pretrial release and monitoring where appropriate.
- (b) The interview, investigation and assessment may include, but are not limited to, information such as:
  - (1) the defendant's age, financial resources, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings;





## Monitored Conditional Release - Order

- (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) whether there are specific circumstances that may make the defendant an appropriate subject for conditional release and monitoring options,

### 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 24 hours of the defendant's incarceration. Failure by Pretrial Services to present this information to the court within 24 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.

### Section 5. Low risk defendants

Pursuant to KRS 431.066(2), the court shall determine, based upon the pretrial risk assessment and the factors set forth in KRS 431.525, whether the defendant is a flight risk, is unlikely to appear for trial, or is likely to be a danger to the public if released.

If, based upon the pretrial risk assessment, the court determines that a defendant poses a low risk of (1) flight or failure to appear or (2)

anticipated criminal conduct or new criminal activity, 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 least restrictive conditions as the court may order.

### Section 6. Moderate risk defendants

Pursuant to KRS 431.066(2), the court shall determine, based upon the pretrial risk assessment and the factors set forth in KRS 431.525, whether the defendant is a flight risk, is unlikely to appear for trial, or is likely to be a danger to the public if released.

If, based upon the pretrial risk assessment, the court determines that a defendant poses a moderate risk of (1) flight or failure to appear or (2) anticipated criminal conduct or new criminal activity, 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 least restrictive conditions as the court may order.

### Section 7. High risk defendants

Pursuant to KRS 431.066(2), the court shall determine, based upon the pretrial risk assessment and the factors set forth in KRS 431.525, whether the defendant is a flight risk, is unlikely to appear for trial, or is likely to be a danger to the public if released.

If, based upon the pretrial risk assessment, a defendant is determined to pose a high risk of (1) flight or failure to appear or (2) anticipated criminal conduct or new criminal activity, 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 monitoring level sufficient to mitigate risk.

### Section 8. Conditions of release

- (a) If the court imposes conditions of release, the court shall consider imposing the least restrictive release conditions reasonably necessary to assure 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





## Monitored Conditional Release - continued

### ➤ Monitoring

- Log any calls or visits.
  - Event added to PRIM
  - Confirm any information provided
- If not compliant (did not call, visit or provide proof), contact Defendant to encourage compliance.
- If not complaint for however many days set forth in the County's Operations Manual and after attempts to contact, file a Violation.

### ➤ Violations

- Examples of Violation
  - Failed to sign up
  - Failed to show for testing on required day, OR failed to call in/provide compliance at required time.
  - Positive Result
- Paperwork is filled out and given to the Judge. Judge will then make determination to make any changes or revoke.
- May have to testify in Court about violation.





## Monitored Conditional Release - Forms

AOC-PT-60 Rev. 6-12 Page 1 of 1	 <b>PRETRIAL SERVICES SUPERVISED RELEASE ORDER</b>	County _____  Case Number _____
---------------------------------------	--	---------------------------------------

Commonwealth of Kentucky  
Court of Justice [www.courts.ky.gov](http://www.courts.ky.gov)

Defendant Name: \_\_\_\_\_

Charges: \_\_\_\_\_

Release Type: \_\_\_\_\_ DOB: \_\_\_\_\_

**Conditions of Release:**

<input type="checkbox"/> No further violations of law	<input type="checkbox"/> Random Drug Testing
<input type="checkbox"/> Not to consume any alcohol or illegal drugs	<input type="checkbox"/> Electronic Monitoring
<input type="checkbox"/> No contact with: _____	<input type="checkbox"/> Home Restriction
<input type="checkbox"/> Curfew: _____	<input type="checkbox"/> Seek/Maintain Employment
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Report to Pretrial Services Office: _____
<input type="checkbox"/> Call-in to Pretrial Services: _____	
<input type="checkbox"/> Other _____	

Details: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

By signing this contract, the defendant acknowledges and accepts the conditions of release and understands that violation of the terms of this contract will result in the revocation of the defendant's release/bail bond. Should electronic monitoring or home restriction be a condition of bail, failure to comply with the condition imposed by the court may result in additional charges related to escape. The terms and conditions of this contract will remain in effect until dismissal, conviction or acquittal of the criminal case against the defendant.

Defendant \_\_\_\_\_ Date \_\_\_\_\_

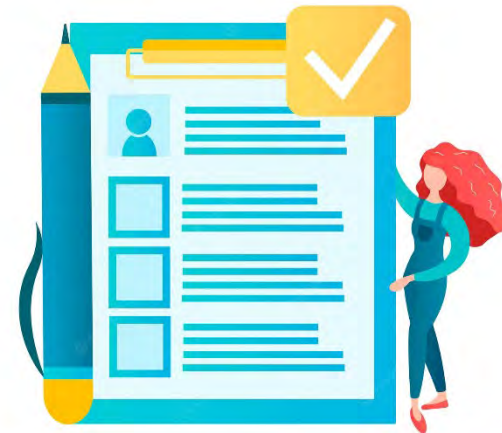
Pretrial Officer \_\_\_\_\_ Date \_\_\_\_\_

Court Dates: \_\_\_\_\_

Non-Compliance: \_\_\_\_\_

Action taken by court: \_\_\_\_\_

\_\_\_\_\_



- Other Forms possibly used
  - Affidavit of Indigency (AOI) – to help assist cost, if any, for testing
  - PT Approved Testing Providers – listing of approved providers, prices and contact information – found on SharePoint
  - Provider Drug Testing Color Info – listing of providers with Pretrial Specialist specific information (Colors, emails/phone numbers for sign up) – on SharePoint



# KENTUCKY COURT OF JUSTICE

## Monitored Conditional Release - Forms

AOC-PT-99  
Rev. 8-18  
Page 1 of 2

Commonwealth of Kentucky  
Court of Justice www.courts.ky.gov



### PRETRIAL SERVICES DRUG TESTING PROVIDER ACKNOWLEDGEMENT

Case No. \_\_\_\_\_  
Court \_\_\_\_\_  
County \_\_\_\_\_  
Division \_\_\_\_\_

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

DEFENDANT

DOB: \_\_\_\_\_

I, \_\_\_\_\_ have been provided with a list of drug testing service providers from Pretrial Services and I have chosen the following provider: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

Signature/Defendant

Date: \_\_\_\_\_, 20\_\_\_\_

Signature/Pretrial Officer

### Drug Testing Agreement

I, \_\_\_\_\_ agree to comply with all the terms and conditions of this agreement.

- 1) I agree not to possess or use drugs as ordered. When medications are prescribed by a physician, I agree to notify the drug testing provider and provide documentation of the prescription.
- 2) I agree to take only the over the counter (OTC) medications listed on the attached approved sheet.
- 3) I agree to be present at the provider's designated testing time.
- 4) I agree that I must provide a valid picture ID as required by the provider, in order to be allowed to test.
- 5) I agree to present an acceptable form of payment prior to being allowed to test.
- 6) I agree that I will remove any unnecessary outer clothing prior to entering the testing area.
- 7) I agree to empty all contents from my pockets prior to entering the testing area.
- 8) I agree to thoroughly wash and dry my hands prior to testing.
- 9) I agree to submit to observed urine drug screens as directed, which includes direct observation of the collection process by a collector of the same sex.
- 10) I agree that I will raise or adjust clothing that obstructs direct observation in the testing process.
- 11) I agree and understand that if I am unable to provide a specimen that I may be considered non-compliant.
- 12) I understand that tampering with or adulterating drug screens is a criminal offense in Kentucky.

Date: \_\_\_\_\_, 20\_\_\_\_

Signature/Defendant

Date: \_\_\_\_\_, 20\_\_\_\_

Signature/Pretrial Officer

John D. Minton, Jr.  
Chief Justice of Kentucky



Laurie Dudgeon  
Director

### Fee Determination, Test Type and Notification Procedures

Defendant Name: \_\_\_\_\_ Date: \_\_\_\_\_ Type of Test: \_\_\_\_\_

You have chosen \_\_\_\_\_ as your drug testing provider. Based on the financial information you provided to Pretrial in your Affidavit of Indigence or proof of income, the drug testing provider you have chosen has agreed you should pay \$ \_\_\_\_\_ per drug test.

Location of Provider: \_\_\_\_\_

Daily number to call: \_\_\_\_\_ between hours of: \_\_\_\_\_

Identification Number: \_\_\_\_\_ Testing Color: \_\_\_\_\_ Testing time: \_\_\_\_\_

A copy of this document will be sent to your provider but please maintain a copy for your records.

Defendant Signature \_\_\_\_\_

Pretrial Officer Signature \_\_\_\_\_

FOLD BOTTOM OF FORM TO THIS LINE BEFORE MAKING COPY FOR DEFENDANT

### Pretrial Defendant Intake Sheet

Defendant DOB \_\_\_\_\_ County Where Testing \_\_\_\_\_ Call- start date: \_\_\_\_\_

Assigned color \_\_\_\_ 1/wk (blue/green) \_\_\_\_ 2/wk (red) \_\_\_\_ 1/mo (yellow) \_\_\_\_ 2/mo (orange/purple) \_\_\_\_ other \_\_\_\_\_

Payment: \_\_\_\_\_ Self pay \_\_\_\_\_ Indigent by court

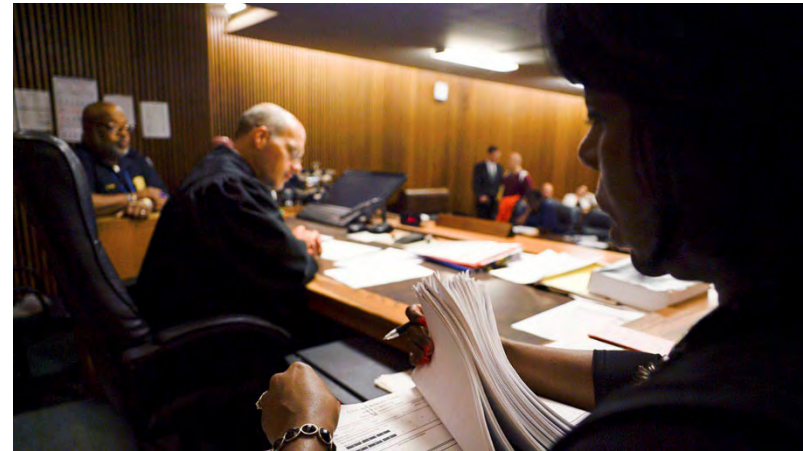
Pretrial Officer: \_\_\_\_\_  
Signature

Intake portion of the above form is for the Provider only.



## Court Coverage

- In Person/Virtual
  - Pretrial Specialist is physically in the courtroom and can answer any questions immediately.
  - Examples of questions
    - Any pending cases/holds
      - If state inmate – expected time to serve
    - Risk scores
    - Bond/Booking Day
    - Custody location – if not in local facility where are they
- Spreadsheet
  - After receiving the docket from the Clerks or pulling from CourtNet, the Pretrial Specialist fills in the pertinent information
  - Information provided is catered to what the Judge for that specific court prefers.
  - Example below – Names have been changed and case numbers partially redacted.



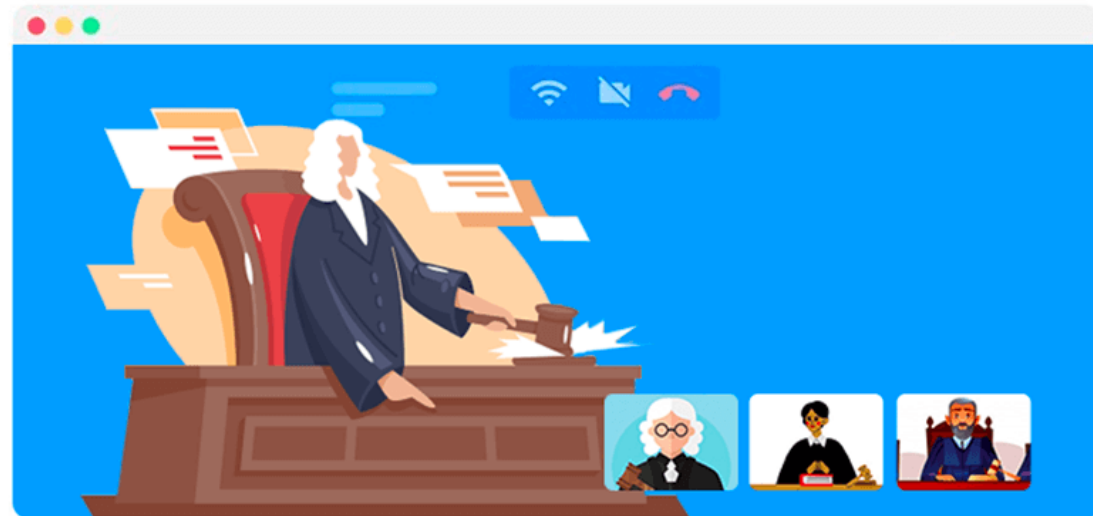
NAME	Event	Case Number	FTA	NCA	BOND	HOLDING COUNTY	Booking Date	HOLDS	NOTES
Doe, John	Sentencing	22MXXX	6 High	5 Mod	\$500.00	Muhlenberg	3/2/2022	20JXXX (no extra information)	
Doe, Jane	FTA Review	22MXXX	6 High	7 Mod	\$500 (on warrant)	Muhlenberg	3/16/2022	Ohio 21CRXXX (PV no bond)	
Doe, Jane	Arraignment	21MXXX	6 High	7 Mod	NEEDS BOND	Muhlenberg	3/16/2022	Ohio 21CRXXX (PV no bond)	
Smith, Sam	Show Cause Hearing	21TXXX	2 Mod	7 Mod	N/A	Muhlenberg	N/A	State Inmate - TTS 03/12/2023	not in on this case
Jones, Jerry	Pretrial Conference	22M108	1 Low	4 Mod	\$2,500.00	Muhlenberg	2/25/2022	Muhlenberg 20CRXXX (PV), Muhlenberg 19TXXX and 20TXXX (fines or restitution)	
Smith, Susan	FTA Review	22F28	4 Mod	6 Mod	NEEDS BOND	Hopkins	3/16/2022	Hopkins Co (new charges), Union 17CRXXX (PV)	





## Kentucky Courts have also implemented:

- Video Arraignments
- Diversion and Deferred Prosecution

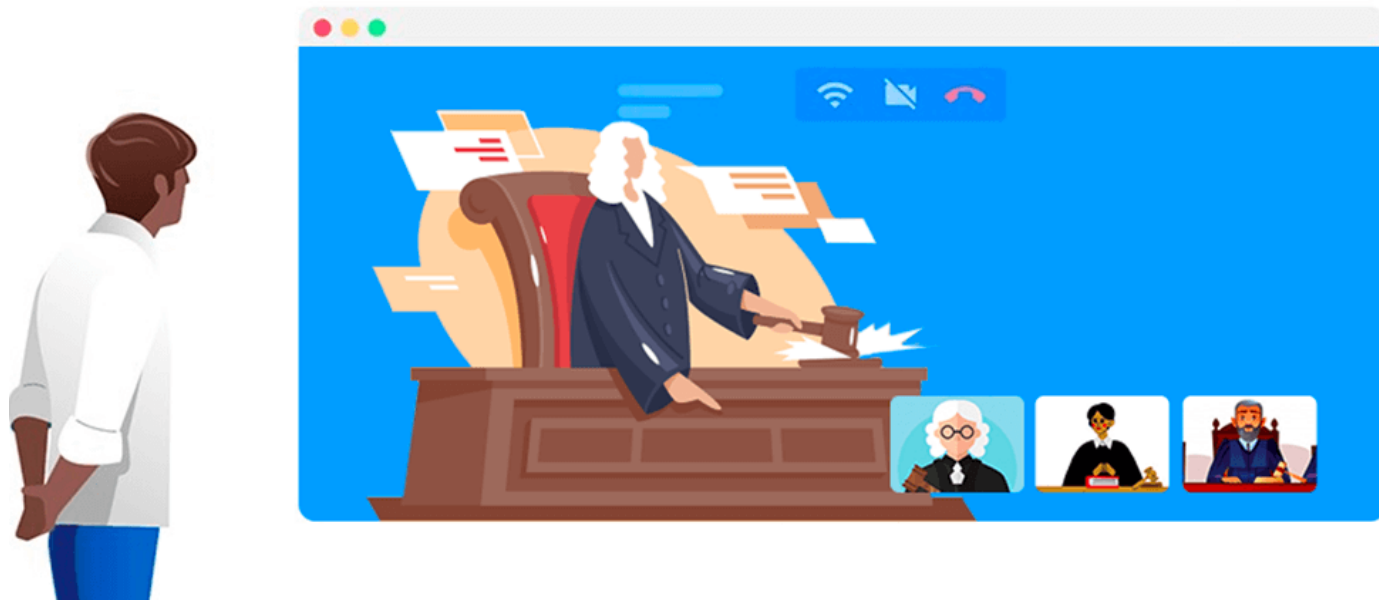






## Video Arraignments

- In response to the COVID-19 emergency, the Kentucky Court of Justice (KCOJ) implemented video arraignments statewide and conducted virtually all criminal proceedings remotely
- Also in 2021, the KCOJ was awarded ARPA funds to assist with implementation of statewide video arraignments.





## Diversion and Deferred Prosecution

- Diversion-Pretrial Services offers a diversion program in several counties
  - Defendant and CA agree to terms
  - Can supervise for up to 2 years
  - If defendant complies with the terms of the agreement, then charges are dismissed
- Deferred Prosecution
  - For 1<sup>st</sup> & 2<sup>nd</sup> drug related offenses under KRS 218A.1415.
  - Defendant and Commonwealth Attorney agree on terms and conditions.
  - Pretrial Services monitor for a maximum of two years





KENTUCKY COURT OF JUSTICE

# New Direction for Pretrial Services and the Kentucky Courts





# System of Care Definitions

## System of Care - Children's Mental Health

A spectrum of effective, community-based services and supports for children, youth, and young adults with or at risk for behavioral health or other challenges and their families, that is organized into a coordinated network of care, builds meaningful partnerships with families and youth, and is culturally and linguistically responsive in order to help them thrive at home, in school, in the community, and throughout life."

~Stroul, Blau, & Larson, 2021

## Recovery-Oriented Systems of Care

"Networks of organizations, agencies, and community members that coordinate a wide spectrum of services to prevent, intervene in, and treat substance use problems and disorders."

~Sheedy & Whitter, 2009



## What the System of Care is

- *Organizational framework* for system reform
- *Value base* for systems and services
- A *guide* to implement in a way that fits each state, tribe, territory, community
- *Flexibility* for innovation
- *Adapt* the approach based on context and environment (political, administrative, fiscal)
- Application to different *age groups*, different *levels of need* (serious conditions, at risk), different *populations*, different *agencies*, diverse *cultural groups*







# Five Framework Strategies to Operationalize a Recovery Oriented System of Care

1. **Policy and Partnership Changes:** Updating existing, or creating new, policies to institutionalize the ROSC approach across all involved agencies and establishing interagency agreements and partnerships for coordination; establishing/increasing connections to community-based organizations, policy makers, and administrators at the state and local levels
2. **Services and supports:** Identifying gaps and developing a broad array of services and supports in the community
3. **Financing:** Creating long-term financing mechanisms to support needed staffing and infrastructure changes/improvements, services and supports
4. **Training and Workforce:** Training and coaching for staff at all levels related to the ROSC model, evidence-informed approaches to recovery; and, developing strategies to prepare future workforce to integrate into the ROSC
5. **Communication:** Generating support and cultivating champions through strategic messaging including using outcomes and evidence of return on investment to promote ROSC acceptance of and momentum for initial implementation, expansion and sustainability



# KENTUCKY COURT OF JUSTICE





## What the System of Care is NOT

- Not an exact “model” to be replicated
- Not a single “program,” but a coordinated network of services across agencies
- Not a “treatment or clinical intervention” that directly improves outcomes without accompanying *changes at the practice level* to provide effective services and supports to achieve positive outcomes

**System Change + Practice Change = Improved Outcomes**



# Array of Services and Supports: Core Services

- Intensive care coordination
- Intensive in-home behavioral health treatment
- Mobile crisis response and stabilization
- Peer support services
- Respite
- Flex funds
- Trauma-informed interventions
- Specific evidence-based practices
- Telehealth





# STRATEGIC FRAMEWORK

Informed by study of effective strategies that led to framework with five core strategy areas:

- Implementing *Policy and Partnership* Changes
- Developing or Expanding *Services and Supports* Based on the SOC Philosophy and Approach
- Creating or Improving *Financing* Strategies
- Providing *Training and Workforce* Development
- Generating Support through *Strategic Communications*





# Expanded Services and Supports

## Developing a Broad Array of Services and Supports

- **Array** of home- and community-based treatment services and supports
- **Individualized practice** approach
- **Family- and youth-driven** services
- **Care coordination**
- **Care management entities**
- **Evidence-informed**, promising practices, and practice-based evidence
- **Provider network** with new providers and retooled residential providers
- **Cultural and linguistic competence** of services
- Reduce racial, ethnic, and geographic **disparities** in service delivery
- Use of **technology** (e.g., electronic medical records, telemedicine, videoconferencing, e-therapy)



# Financing Strategies

## Creating Long-Term Financing Mechanisms for SOC Infrastructure, Services, and Supports

- **Medicaid** and CHIP (Public Health Insurance)
- Mental Health **Block Grants**
- **Title IV-E** (e.g., Family First Prevention Services Act)
- **Redeploying** funds from higher-cost to lower-cost services across systems
- State **mental health and substance use** funds
- Funds from partner **child-serving systems**, blending and **braiding funds**
- Federal SOC **grants** (and other grants) as venture capital to leverage and create sustainable financing
- Case rates or other **risk-based** financing
- Use of federal **entitlements** other than Medicaid
- **New financing structures** and funding streams
- **Local** funds



# Training and Technical Assistance

## Implementing Workforce Development Mechanisms for Ongoing Training and TA

- Training, TA, and coaching on the *SOC approach*
- Ongoing *training and TA capacity*, training and TA institutes, centers, or other structures and processes
- Training, TA, and coaching on *evidence-informed* and promising practices and practice-based evidence approaches
- Strategies to prepare *future workforce* to work within SOC framework



# Senate Bill 90 – Behavioral Health Conditional Dismissal Program

New Pilot Program for defendants with substance abuse and/or mental health disorders.

## **Summary of Original Version**

Create new sections of KRS Chapter 533 to establish a behavioral health conditional dismissal pilot program beginning October 1, 2022, and continuing for four years to provide eligible individuals an alternative to receive treatment for a behavioral health disorder instead of incarceration, resulting in dismissal of the criminal charges upon successful completion of the program; identify the counties participating in the pilot program; define terms; establish program procedures, reporting requirements, and program requirements including access to medical treatment, counseling, education, and vocational counseling and training; create a council with designated membership to assist with the implementation of the pilot program; provide that the council shall end September 30, 2027; amend KRS 197.020 to provide for telehealth services in county jails; APPROPRIATION.

- 02/23/2022 – Introduced to Senate
- 04/14/2022 – Passed Senate and House
- 04/20/22 – Signed by Governor





## Senate Bill 90 – Key Points

- Services in at least 10 counties
- Requires extensive reporting to AOC by providers. AOC will compile data
- Eligible defendants who have a substance use disorder or mental health disorder can enter a treatment program. If the defendant completes the program, then charges are dismissed
  - Eligibility:
    - Qualifying offense-Class D felony or misdemeanor
    - No violent offenses or previous conviction for violent offense
    - Low risk for FTA and NCA
- Wrap around services are provided such as a case manager, potential housing, and vocational training.





# Questions ??

