



COUNTY ATTORNEY TRAFFIC SAFETY PROGRAMS

Programs & Review Virtual
Presentation

August 20, 2021

ABOUT THE KCAA

- Promote cooperation among Kentucky's county attorneys;
- Ensure strong & effective prosecution in Kentucky's justice system;
- Help county attorneys provide sound advice and counsel to all county agencies and organizations they serve;
- Ensure that the mutual interests of county attorneys, their communities, and the state of Kentucky are promoted in all matters.





Executive Director, Marc Robbins

ABOUT THE KCAA

- All duly elected county attorneys in good standing are eligible for membership in the association. Assistant County Attorneys may be associate members.
- Frequently work with other affiliate agencies (i.e. KACo, Commonwealth Attorney's Association, Jailer's Association, Sheriff's Association, etc.) on legislation impacting criminal justice and county government.
- Employ an Executive Director to assist with membership needs
- Engage a contract lobbyist to help with legislation

Prosecutorial Duties

NDAAs Prosecutorial Standard Commentary

*“A prosecutor is the **only one** in a criminal action who is responsible for the presentation of the **truth.**”*

*“As a **representative of society as a whole**, a prosecutor should take an **active role** in the legislative process when proposals dealing with the criminal justice system are being considered.”*

A dark gray arrow-shaped graphic pointing to the right, containing the text "KCAA BOARD OF DIRECTORS" in white, uppercase letters.

KCAA BOARD
OF
DIRECTORS

Stacy Tapke, President, *Kenton County*

Jenny Oldham, President-Elect, *Hardin County*

Martin Hatfield, Immediate Past-President, *Pulaski County*

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Alan George, Treasurer, *Woodford County*

Michael O'Connell, Director, *Jefferson County*

Joe Ross, Director, *Logan County*

Jeremy Logsdon, Director, *Grayson County*

Kevin Cockrell, NDAA Representative, *Montgomery County*

Overview of County Attorney Duties



Prosecution (PAC)

- **State funding is 99% salary** for prosecution staff only
- \$3,000 per year for expenses - no additional funding allocated for rent, computers & IT services, office expenses

Child Support Contract with CHFS-DIS

- Pays expenses & salaries solely for child support collection.
- Reimbursement only system, administered by CHFS/DGA.
- Individual county budgets set annually by CHFS.

Bad Check Collection Programs (KRS 514.040)

- \$50 gross per check collected
- Operating expenses only; sharply declining
- Many offices receive < **\$2,000 a year**

Traffic Safety Diversion Programs (KRS 186.574)

- \$25 clerk fee for deputy clerk; \$30 fee paid finance cabinet for TBI fund, DPA, sheriff, etc.
- Funds office expenses such as IT, computer, etc. that exceed the \$3000 annual stipend; can also help fund personnel, i.e. victim advocate, assistant county attorney, etc.

Delinquent Tax Collection (KRS 134.504)

- CA receives a portion of penalty paid by taxpayer
- Used for operation of County Attorney office
- Declining

Local Governments

- Not statutorily required
- Some direct budget appropriations
- Many are in-kind only (courthouse office space, etc.)

Follow the *Funk V. Milliken* Standard

What are
“operating
expenses”

- 1. Necessary;**
- 2. Reasonable;**
- 3. Beneficial to the Public;
and**
- 4. Not predominately
personal in nature**



Operating Expenses

Actual & necessary incident
to the TOTAL duties of the
County Attorney Office

Can include both CIVIL &
CRIMINAL duties

Allowable Operating Expenses

Salaries, Benefits and Retirement costs – both CIVIL and CRIMINAL
(i.e. victim advocate, assistants)

Office supplies & equipment

Office Space

Janitorial Services

Postage

Computers
&
IT

Telephones

Copy & Fax
Machines



HB480

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2012

House Passed 89-1
Senate Passed 36-1

Establishes the County
Attorney Traffic Safety
“CATS” program.

House Passed 93-2
Senate Passed 36-1

Adds \$30 fee for
other offices and
agencies.

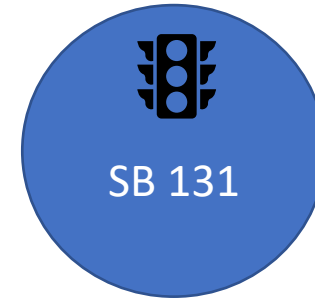


2015

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SB115



SB 131

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2021

Motorcycle Safety Bill

Adds requirement for
CATS programs to be
reviewed by P&R
committee

KRS 186.574 – Traffic Safety Statute



Authorizes a county attorney to operate a traffic safety program for traffic offenders



Prohibits Kentucky CDL license holders from participating



Authorizes the county attorney to charge a “reasonable fee”



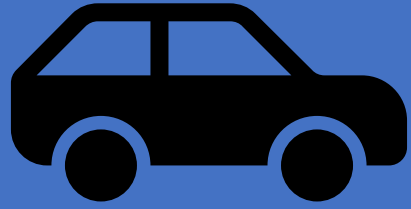
Restricts the fee to “operating expenses”



Requires an annual report to PAC by October 1



Requires a set fee of \$25 fee for clerks and \$30 fee for other agencies



TRAFFIC SAFETY PROGRAMS

* Boyle, Fleming, Russell

ADVENT	44
DRIVE SAFE	39
ADVENT & DRIVE SAFE*	3
COUNTY ATTORNEY OPERATED	22
NO CATS PROGRAM	17

**Citation Issued by
Law Enforcement Officer**

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graph TD; A[Citation Issued by Law Enforcement Officer] --> B[Option 1: Pay citation in full. Depending on the charge, points may apply against the driver's license.]; A --> C[Option 2: Attend Court and either plea, see if the prosecutor will dismiss or amend to a no points violation, or ask for a trial date.]; A --> D[Option 3: If eligible, enroll in state traffic school. Driver pleads guilty to the charge, but avoids points on his or her license.]; A --> E[Option 4: If eligible, enroll in County Attorney Traffic Safety program. Upon successful completion the citation is dismissed.];
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Option 1:

Pay citation in full.
Depending on the charge, points may apply against the driver's license.

Option 2:

Attend Court and either plea, see if the prosecutor will dismiss or amend to a no points violation, or ask for a trial date.

Option 3:

If eligible, enroll in state traffic school.
Driver pleads guilty to the charge, but avoids points on his or her license.

Option 4:

If eligible, enroll in County Attorney Traffic Safety program. Upon successful completion the citation is dismissed.

Who can participate?

Like with all prosecutions, the local prosecutor has discretion.

Typical charges referred to traffic safety programs:

Speeding

Disregarding stop sign

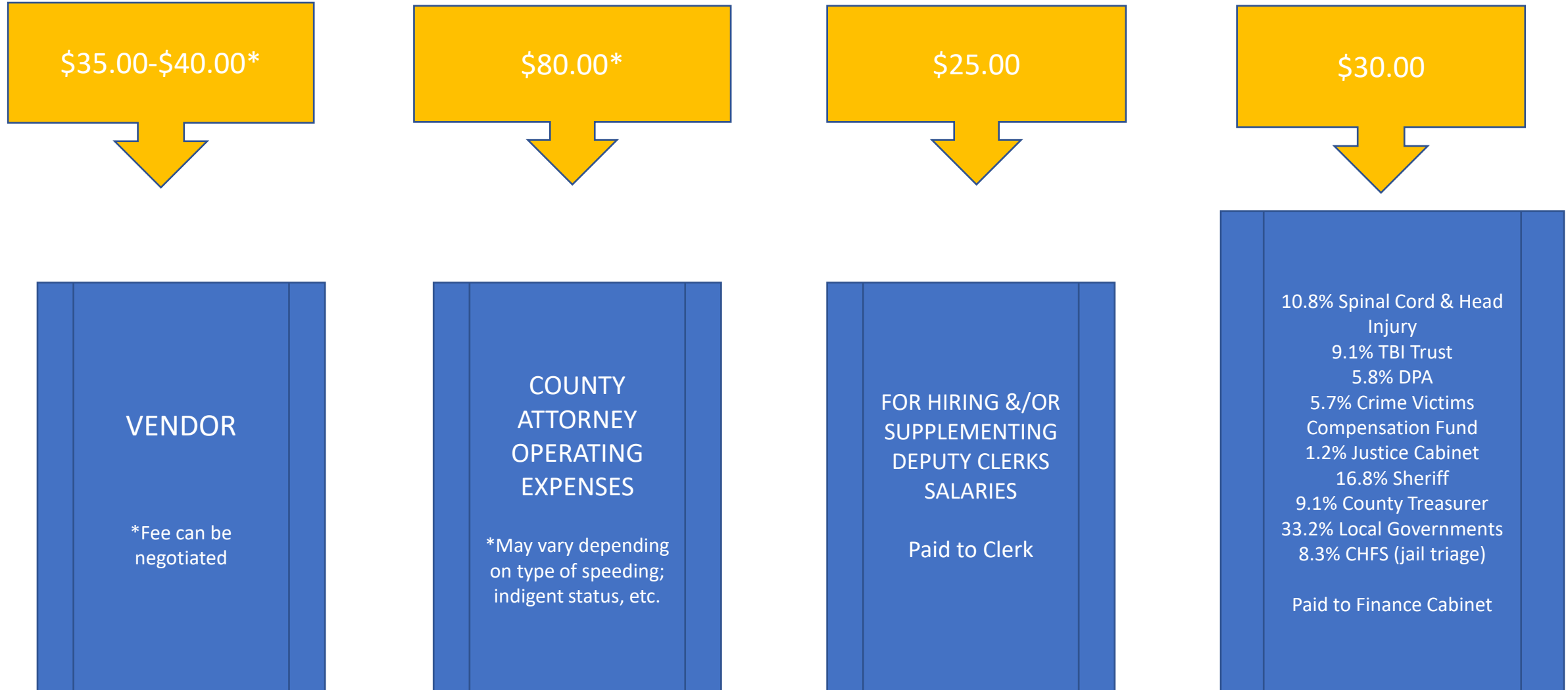
Disregarding traffic control device – traffic light

Careless Driving Offenses

Improper Lane Usage

Failure to or Improper Turn Signal

FEE BREAKDOWN (based on average \$170 fee)



ADVENT COUNTIES – 44

- Allen
- Anderson
- Barren
- Boone
- **Boyle**
- Bracken
- Breathitt
- Breckenridge
- Bullitt
- Caldwell
- Campbell
- Clark
- Clay
- Estill
- **Fleming**
- Franklin
- Gallatin
- Grant
- Hardin
- Hopkins
- Jackson
- Johnson
- Kenton
- Knott
- Knox
- Larue
- Laurel
- Lyon
- Madison
- Marion
- Marshall
- Mason
- McCracken
- Meade
- Mercer
- Muhlenberg
- Pendleton
- Rowan
- **Russell**
- Simpson
- Trigg
- Warren
- Washington
- Wayne

DRIVE SAFE COUNTIES – 39

- BALLARD
- BATH
- BOURBON
- **BOYLE**
- BUTLER
- CARLISLE
- CARROLL
- CARTER
- CHRISTIAN
- DAVIESS
- EDMONDSON
- **FLEMING**
- FLOYD
- GRAYSON
- HANCOCK
- HARRISON
- JEFFERSON
- JESSAMINE
- LETCHER
- LEWIS
- LIVINGSTON
- LOGAN
- MAGOFFIN
- MCCREARY
- MCLEAN
- MORGAN
- NICHOLAS
- OHIO
- PIKE
- POWELL
- PULASKI
- ROCKCASTLE
- **RUSSELL**
- SCOTT
- SHELBY
- TODD
- UNION
- WOLFE
- WOODFORD

NO VENDOR COUNTIES - 22

- Adair
- Calloway
- Casey
- Crittenden
- Cumberland
- Fayette
- Fulton
- Garrard
- Graves
- Greenup
- Hart
- Henderson
- Henry
- Hickman
- Lincoln
- Monroe
- Oldham
- Spencer
- Taylor
- Trimble
- Webster

NO PROGRAM – 17

Bell

Clinton

Elliott

Harlan

Jackson

Lawrence

Lee

Leslie

Martin

Meniffee

Metcalf

Montgomery

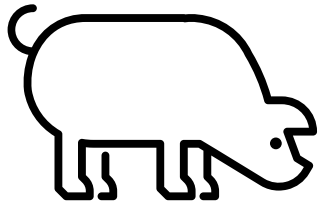
Owen

Owsley

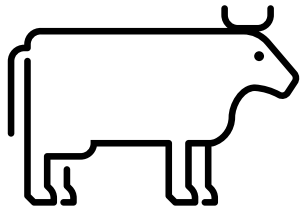
Perry

Robertson

Whitley



Choosing a Program



Considerations

Personal/staff preference

Cost

Flexibility

Customer Service

Pre-existing Traffic Safety program

Location/Community