

# PROSECUTORS ADVISORY COUNCIL CRIMINAL ROCKET DOCKETS IN KENTUCKY

Final Report to the Attorney General and Justice and Public Safety Cabinet  
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## **SUMMARY OF THE REPORT**

In fiscal year 2019, the Prosecutors Advisory Council (hereafter “the Council” or “PAC”) received \$2.25 million in funding from the Justice Cabinet of Kentucky to continue the Rocket Docket which originally began as part of 2015 SB192. Additionally, during the 2018 Legislative session, funding was included in the Executive Budget, HB300, for the Unified Prosecutorial System to further ensure the Rocket Docket programs could continue. Due to the near doubling of the Kentucky Employee Retirement System employer contribution, the funding required to maintain the programs in place increased to approximately \$3 million. Even with the additional cost of personnel, which is the only use of Rocket Docket funds, the savings of these programs continues to grow exponentially in comparison to the cost to operate the programs.

Rocket Dockets are a collaborative effort between the County and Commonwealth’s Attorneys to process the appropriate cases more swiftly through the judicial system, which creates cost savings and more quickly identifies defendants for the appropriate drug treatment. In the beginning of fiscal year 2019, the Council voted to fund thirty-two (32) existing programs from FY2018 and add funding for three (3) new programs in FY2019 across the Commonwealth for a total of thirty-five (35) Rocket Docket programs funded effective July 1, 2018. After the election cycle for Commonwealth’s and County Attorneys in 2018 was complete, the Council opened a second grant application cycle in January 2019 to allow the newly elected County and Commonwealth’s Attorneys to apply for funding in their circuits. After the second application cycle, the Council voted to continuing funding to thirty-four (34) of the thirty-five (35) Rocket Docket programs at the same level and add six (6) new programs for the period of February 1, 2019 to June 30, 2019<sup>1</sup>. This final report will contain data from the forty-one (41) participating circuits in FY2019 as well as historical data that includes all past recipients. The data for this report is through May 31, 2019.

Data is now collected in a web-based system developed and hosted by the Commonwealth Office for Technology (COT). Participating Rocket Docket circuits are encouraged to input data on a daily basis but are required to update their statistics on a quarterly basis to measure the success of the programs.

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<sup>1</sup> One program, the 51<sup>st</sup> Judicial Circuit, did not submit an application to continue their program during the second grant application cycle for FY2019. The program ended in that circuit on January 31, 2019.

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The Rocket Docket Initiative has saved approximately **\$97.8 million in local jail costs from July 16, 2015 to May 31, 2019<sup>2</sup>**;

- **Since inception of the grants in 2015, 21,950 cases have been completed** and approximately 2,012 more were pending as of May 31, 2019 saving time and resources for stakeholders in the criminal justice system including courts, prosecutors, grand juries, public defenders, Kentucky State Police Lab and clerks;
- **Defendants have been referred to drug treatment more than 13,300 times** through PAC funded Rocket Dockets. If successful, this will reduce recidivism, saving more time and resources for the criminal justice system.

### **GENERAL GOALS OF THE ROCKET DOCKET INITIATIVE**

Prior to the beginning of this initiative in 2015, Rocket Docket programs were utilized for a number of years in only a handful of counties and judicial circuits throughout the Commonwealth. These programs are either a formal or informal collaboration between the Commonwealth's Attorney, the County Attorney, and the local judiciary to expedite lower level/non-violent felony offenses through the judicial system. Rocket dockets have shown to provide significant benefits to the administration of the judicial system including:

- Significant savings in the county inmate costs for County Fiscal Court/Local Governments and;
- Expeditious movement of offenders from pre-trial jail beds to necessary substance abuse treatment; and
- Reduction in resources expended by the Commonwealth's Attorney, the County Attorney, the Public Advocate, the Administrative Office of the Courts, and law enforcement agencies on lower level offenses ripe for early resolution; and
- Enabling those entities to focus the saved resources on the more serious criminal offenses.

Through this initiative, the Council's goals were consistent with the historical benefits of Rocket Dockets. The goals stated in the Proposal were:

- Expedited review of low level drug and drug related offenses;
- Shepherding defendants with substance abuse issues into appropriate drug treatment programs or facilities;
- Reducing unnecessary incarceration time for low level drug and drug related offenders.

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<sup>2</sup> Savings are estimated conservatively. Due to limitations of the data collection tool, cost per jail day is the amount reported at inception date of each of the programs on the Rocket Docket grant. Jail costs tend to rise therefore the savings are estimated at a lower rate than current housing costs.

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## MEASURING THE SUCCESS OF THE ROCKET DOCKET INITIATIVE

All data related to PAC Rocket Docket programs is collected via a Commonwealth Office of Technology developed, web-based program. Data is required to be updated on at least a quarterly basis but most offices are now inputting data on a more regular basis allowing for a more real-time analysis of the program.

As in past reports, the data included the number of and type of cases administered through the Rocket Docket, the number of days each defendant stayed in jail prior to disposition of the case, the number of defendants referred to drug treatment through the Rocket Docket, and the average jail cost per day in the local jurisdiction.

Additional data, that began being collected as of July 1, 2018 includes the following three (3) questions for each case that is reported as being “completed” through the circuit’s Rocket Docket.

1. Was this a “heroin” case? This question is asked to determine how many cases are related to heroin as opposed to other forms of illegal/controlled substances.
2. Was the KSP lab used for testing in the case? This question is asked to determine how many cases are resolved without using the resources of the KSP lab (and therefore saving additional resources/tax dollars)
3. Did the defendant receive a sentence of probation, diversion, conditional discharge, or deferred prosecution as a result of the Rocket Docket program? This question is asked to determine if a defendant was sentenced to anything other than jail or prison time to serve.

Results of these data points will be discussed in later sections of this report.

As expected, after review of the most recent data through May 31, 2019, PAC’s Rocket Docket initiative continues to excel in meeting the original goals and has surpassed projections at every milestone.

***Rocket Dockets continue to expedite the appropriate cases, which have proven savings in time and resources of the criminal justice system.***

Collectively, since July, 2015, over 21,950 cases were reported as completed through the Rocket Docket programs through May 31, 2018. In **Jefferson County**, the state’s most populous county, nearly 7,000 cases were reported administered through its PAC funded Rocket Docket. As of the last reporting period, approximately 738 cases are listed as pending.

In the four years since formal inception of the PAC Rocket Docket Initiative, nearly **24,000** cases have been removed from the regular criminal docket due to this program<sup>3</sup>. This program has a proven record of saving time and resources of judges, clerks, prosecutors, public defenders, and others working in the criminal justice system. Additionally, it permits prosecutors to focus limited resources on violent crimes and more serious crimes.

***Rocket Dockets savings have now reached nearly \$100 Million in local jail costs since the implementation of the initial programs in the beginning of FY2016 (July 2015).***

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<sup>3</sup> This number includes completed cases and pending cases combined as of the May 31, 2019 reporting period.

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In an effort to estimate the cost savings for local jail costs, PAC collected data including the total number of cases completed through Rocket Dockets, the average local jail cost per day to house an inmate (this differs from jail to jail), and the number of days each individual defendant spent in jail awaiting disposition of his/her case. At the beginning of the project, PAC also collected information from and conferred with the Department of Corrections to determine the average jail time credit for comparison purposes.

As discussed previously, data is now being collected for all Rocket Docket cases completed as of the end of fiscal year 2019 regarding sentences that do not result in jail time. More than half of the cases resulted in sentences that provided an alternative to jail time including but not limited to probation, diversion, conditional discharge or deferred prosecution. The data does not reflect final sentence jail time so it is impossible to calculate the savings related to the alternative to jail time sentences but it would be safe to assume it is significant.

### ***Rocket Dockets save Kentucky State Police Laboratory resources and costs.***

As discussed previously, data is now being collected for all Rocket Docket cases completed as of fiscal year 2019 regarding use of the Kentucky State Police (KSP) lab. For the fiscal year 2019, of the total 9,300 Rocket Docket cases completed only about 25% of the total (2,138), involved KSP lab testing. While it is impossible to know if every completed case would have resulted in lab testing if not for the Rocket Docket program, with the cost of drug screening as high as \$70 per test, the savings in lab costs and resources for the Commonwealth could be estimated at over \$500,000 for the year.

### ***Rocket Dockets pay for themselves in return on investment.***

The total investment for the Rocket Docket programs in Fiscal Year 2019 was just over \$2.8 million for the pay period ending May 31, 2019. The combined total investment since inception in Fiscal Year 2016 is approximately \$8.6 million. Since inception in July 2015, AFTER the investment is factored in, the PAC Rocket Docket programs have saved at least \$97.8 million. Each year the savings to investment ratio increases as the programs continue to evolve and streamline the process. With the addition of the second largest circuit in the state, 22<sup>nd</sup> Judicial Circuit/Fayette County, in February 2019 the savings ratio is anticipated to substantially outpace 2019.

### ***Rocket Dockets continue to reduce average jail days as the programs continue to come online and enhance their processes.***

Rocket Dockets continue to process these drug related cases much faster than regular dockets. At the inception of the program, the Department of Corrections (DOC) was consulted in 2015 to provide the average time an inmate charged with a felony drug crime received jail time credit prior to sentencing. The DOC reported 115 days for offenders with felony drug crimes. As of the May 31, 2019 reporting period the total average number of days a Rocket Docket defendant spends in jail is just under 21 days. This is a difference, on average, of 94 days per case when a defendant will not be in the local jail at a cost to the local county or metro government<sup>4</sup>.

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<sup>4</sup> These numbers do not include any time spent in the Department of Corrections after a defendant may be revoked. Those numbers are not available to the local prosecutor at this time. Regardless, the rate of revocation is not believed to be greater

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Based on the data presented to PAC, had the 21,950 cases which were completed through Rocket Dockets gone through the normal procedures and each defendant spent the average of 115 days in jail, the cost would have been approximately \$117.5 Million. However, since these cases continue to be expedited, the total cost through May 31, 2019 is estimated to be approximately \$19.7 Million. This is a projected savings of nearly \$100 Million to local governments since inception of the project in July 2015. Additionally, this estimate does not include the estimated cost savings for agencies administering the criminal justice system such as judges, clerks, prosecutors, and public defenders. It is anticipated that as the additional funds allow these programs to focus more resources on the Rocket Dockets, more savings will be realized, and even more defendants will be placed into an appropriate drug treatment program. Due to the fact that five (5) circuits are newly established and with limited data to date, we anticipate savings in proportion to previous growth.

### ***Rocket Dockets are identifying the appropriate defendants to place into drug treatment***

Of the nearly 22,000 cases completed through the programs, 13,349 cases resulted in defendants that were identified to send to drug treatment. That equates to approximately 60% of defendants being referred to some form of drug treatment. Moreover, the treatment referrals appear to be tailored to the individual defendant. This is important because substance abuse experts indicate that individual assessments of treatment needs is important to the success of the treatment. Of the defendants referred to treatment since inception in FY2016:

- Approximately 3,500 were referred to outpatient treatment;
- More than 1,400 were referred to intensive outpatient treatment;
- Over 1,000 were referred to residential treatment;
- 10 were referred to medically assisted treatment;
- Nearly 1,000 were referred to drug court;
- Over 4,800 were referred to Probation and Parole Assessment and;
- Just over 1,600 were referred to another form of treatment.

On average, these individuals were referred to treatment much faster than the average drug defendant. Not only does this save jails money by not having to house these defendants, the defendants are receiving the faster access to the appropriate drug treatment.

The Council will continue to collect and improve data collection in an effort to review these goals and measure the continued effectiveness of Rocket Dockets.

### **CONCLUSION**

PAC's Rocket Docket initiative has proven successful at achieving its stated goals thus far:

- 1) Rocket Dockets continue to expedite the appropriate cases, which save valuable time and resources of the criminal justice system;

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from Rocket Docket cases, thus there are likely to be no additional costs associated with the revocation merely because the case proceeded through the Rocket Docket.

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- 2) Rocket Dockets have saved more than \$46.5 Million in Fiscal Year 2019 with the Council committed to continuing to expand and enhance programs with available funding;
- 3) Rocket Dockets are identifying the appropriate defendants to place into drug treatment.<sup>5</sup>

# Appendix A:

## Rocket Docket Funding

### July 1, 2018 – May 31, 2019

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<sup>5</sup> The administration of the PAC Rocket Docket grant program was overseen by Bobby Stokes, Executive Director of the Prosecutors Advisory Council. Carol Ray of the PAC staff collected the data for this report from the implementing jurisdictions through May 31, 2019.



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Circuit	Counties	Project Start Date	Awarded Salary	Total Exp FY19*
2	McCracken	2/1/2019	\$ 25,000	\$ 14,331
3	Christian	7/16/2015	\$ 55,000	\$ 95,540
4	Hopkins	9/1/2016	\$ 25,000	\$ 43,789
5	Crittenden/Union/Webster	9/1/2015	\$ 31,970	\$ 34,744
6	Daviess	8/1/2015	\$ 62,500	\$ 116,803
7	Logan/Todd	7/16/2017	\$ 25,000	\$ 44,875
8	Warren	7/16/2015	\$ 67,000	\$ 125,182
9	Hardin	8/1/2015	\$ 67,238	\$ 115,505
10	Nelson/Hart	3/3/2018	\$ 10,000	\$ 9,868
11	Marion/Taylor	8/1/2018	\$ 25,000	\$ 43,789
12	Henry/Oldham/Trimble	9/1/2015	\$ 27,938	\$ 51,212
13	Jessamine	7/16/2015	\$ 20,000	\$ 35,031
14	Bourbon/Woodford/Scott	9/1/2015	\$ 28,700	\$ 50,270
15	Carroll/Grant/Owen	7/1/2017	\$ 15,000	\$ 26,274
16	Kenton	8/1/2015	\$ 128,238	\$ 208,763
17	Campbell	8/1/2015	\$ 128,238	\$ 246,645
18	Harrison/Nicholas/Pendleton/Robertson	9/1/2015	\$ 28,700	\$ 49,780
19	Bracken, Fleming, Mason	8/1/2015	\$ 25,000	\$ 47,257
20	Greenup	9/1/2015	\$ 18,600	\$ 18,354
21	Bath/Menifee/Montgomery/Rowan	9/1/2015	\$ 28,700	\$ 50,270
22	Fayette	2/1/2019	\$ 70,800	\$ 48,547
23	Estill	7/1/2017	\$ 25,000	\$ 40,268
24	Johnson/Martin	9/1/2017	\$ 12,000	\$ 21,019
25	Madison	8/1/2015	\$ 38,000	\$ 77,345
27	Laurel	7/16/2015	\$ 50,000	\$ 87,578
28	Pulaski	7/16/2015	\$ 90,600	\$ 166,619
29	Adair/Casey	7/1/2017	\$ 20,000	\$ 35,031
30	Jefferson	8/1/2015	\$ 211,238	\$ 402,032
32	Boyd	2/1/2019	\$ 25,000	\$ 8,971
33	Perry	2/1/2019	\$ 25,000	\$ 13,895
39	Breathitt	7/16/2015	\$ 25,000	\$ 50,522
43	Barren	9/1/2015	\$ 13,700	\$ 23,997
44	Bell	7/1/2018	\$ 25,000	\$ 51,743
45	Muhlenberg	9/1/2015	\$ 28,700	\$ 50,270
47	Letcher	7/16/2015	\$ 20,000	\$ 35,031
50	Boyle	2/1/2019	\$ 15,000	\$ 9,552
51	Henderson - <i>projected ended 1/31/19</i>	7/16/2018	\$ 25,000	\$ 25,875
53	Anderson/Shelby/Spencer	7/16/2015	\$ 24,000	\$ 32,763
54	Boone and Gallatin	8/1/2015	\$ 100,000	\$ 58,793
55	Bullitt	8/1/2015	\$ 49,238	\$ 90,434
56	Caldwell/Livingston/Lyon/Trigg	7/16/2017	\$ 25,000	\$ 44,355
PAC Data Collector	n/a	n/a	\$ 11,500	\$ 11,348
<b>*Total Expended through 5/31/19</b>				<b>\$ 2,814,271</b>