



Pretrial Services Overview

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Judge Julie Reinhardt Ward, Circuit Judge, Campbell County, 17th Judicial Circuit

Judge Stephanie Pearce Burke, District Judge, 30th Judicial District

INTRODUCTION

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

Pretrial Services provides defendants access to pretrial justice by providing the courts with information for release decisions while presuming innocence and advocating for equitable release practices.

- Unified Court System
- National Standard for Pretrial Services
- One of 5 States with Statewide Pretrial

INTRODUCTION

The two main laws for pretrial release are KRS 431.066 and KRS 431.525.

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.

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.

INTRODUCTION

- There are 275 employees who provide 24/7 support to
- 14 Regions, encompassing 120 Counties and 70 jails throughout the state.
- Kentucky's population is approximately 4.6 million.



PRETRIAL ROLES

PRETRIAL SERVICES SPECIALIST (PSS)

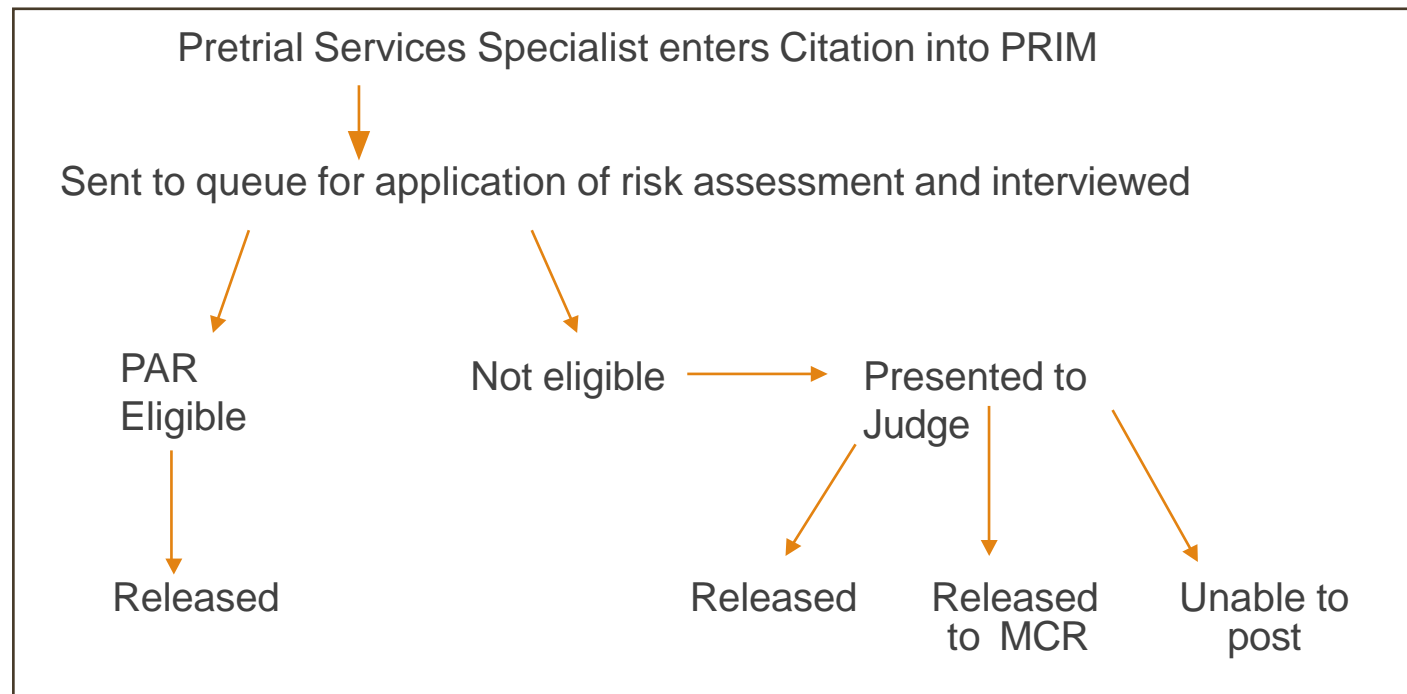
- Pretrial Services Specialists are the first point of contact for individuals arrested on bailable offenses.
- Enter information from the uniform citation once booked and conduct interviews.
- This information is used to evaluate eligibility for pretrial release.
- If the individual does not qualify for immediate release through the Pre-Arrest Release Protocol (PAR), the specialist presents the findings to a judge, who makes the final decision on pretrial release.
- Attend court proceedings

RISK ASSESSMENT SPECIALIST (RAS)

- Risk Assessment Specialists focus on evaluating the likelihood that a defendant will fail to appear in court or commit a new offense if released before trial.
- Perform the Public Safety Assessment (PSA).
- Their work ensures that decisions regarding pretrial release are informed by empirical evidence, aiming to balance public safety with the rights of the defendant.

PRETRIAL PROCESS

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 the Pre-Arrestment Release Protocol (PAR) or need to be presented to a Judge for a bond review.

CITATION AND CRIMINAL HISTORY CONTINUED

Pretrial Services Specialists and Risk Assessment Specialists utilize the following systems to conduct intake interviews and verify criminal records:

- **CourtNet**
- **eWarrants**
- **JusticeXchange**
- **Out-of-State Websites**
- **National Crime Information Center (NCIC)-
Ran on all Individuals**
- **Kentucky Online Offender
Lookup (KOOL)**

RISK ASSESSMENT

- Pretrial Services uses the Public Safety Assessment as its evidence-based tool
- 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.
- Used as a tool to assist judges in making a determination on release. Judges still need to consider the factors contained in KRS 431.525
- Conducted by our Pretrial Risk Assessment Specialists

PRE-ARRAIGNMENT RELEASE PROTOCOL (PAR)

- The Supreme Court grants the authority to Pretrial Services to administratively release defendants based on risk and charge. The purpose of Pre-Arraignment Release Protocol 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.
- The Pre-Arraignment Release Protocol (PAR) became mandatory on January 1, 2017. Pretrial Specialists must determine defendants' eligibility for release. If ineligible for PAR , then a Judge is contacted for the bail decision.

WHEN PAR IS NOT AN OPTION

- If defendant does not meet one or more of the PAR 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** – 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.

RELEASES

 Conditions of Release and Judicial Decision													
County : WEBSTER Defendant's Name : [REDACTED] Next Court Date : 05/19/2022 09:00 AM Court Type : DISTRICT COURT Jail ID# : Charge County: WEBSTER	Judge : Released Pursuant to Supreme Court Order 2017-1 Interpreter Language : NONE ASL Needed : NO Courtroom : Interview Date/Time : 5/9/2022 9:25:45AM 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 06:50 AM - Pilot Release													
Conditions													
<ul style="list-style-type: none"> • 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 WEBSTER													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;">Citation #</th> <th style="width: 10%;">Class</th> <th style="width: 10%;">Level</th> <th style="width: 10%;">Counts</th> </tr> </thead> <tbody> <tr> <td>[REDACTED]</td> <td>B</td> <td>M</td> <td>L</td> </tr> <tr> <td>[REDACTED]</td> <td>A</td> <td>M</td> <td>L</td> </tr> </tbody> </table>		Citation #	Class	Level	Counts	[REDACTED]	B	M	L	[REDACTED]	A	M	L
Citation #	Class	Level	Counts										
[REDACTED]	B	M	L										
[REDACTED]	A	M	L										
Date: _____ Signature: _____													

Created On: 05/09/22 9:00 am by [REDACTED]

[illegible]

What Pretrial sends to the jail

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

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?

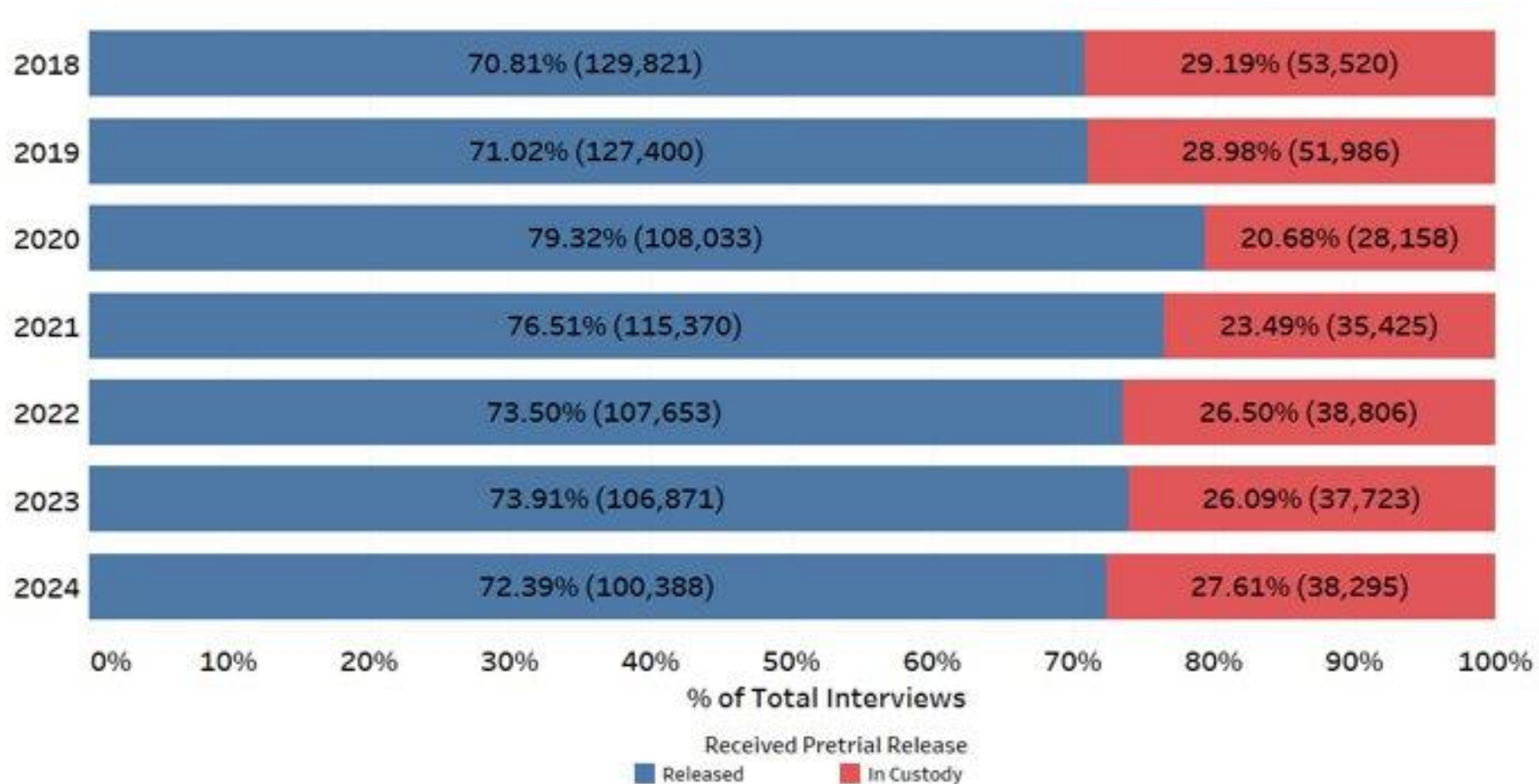
Spreadsheet

- 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.

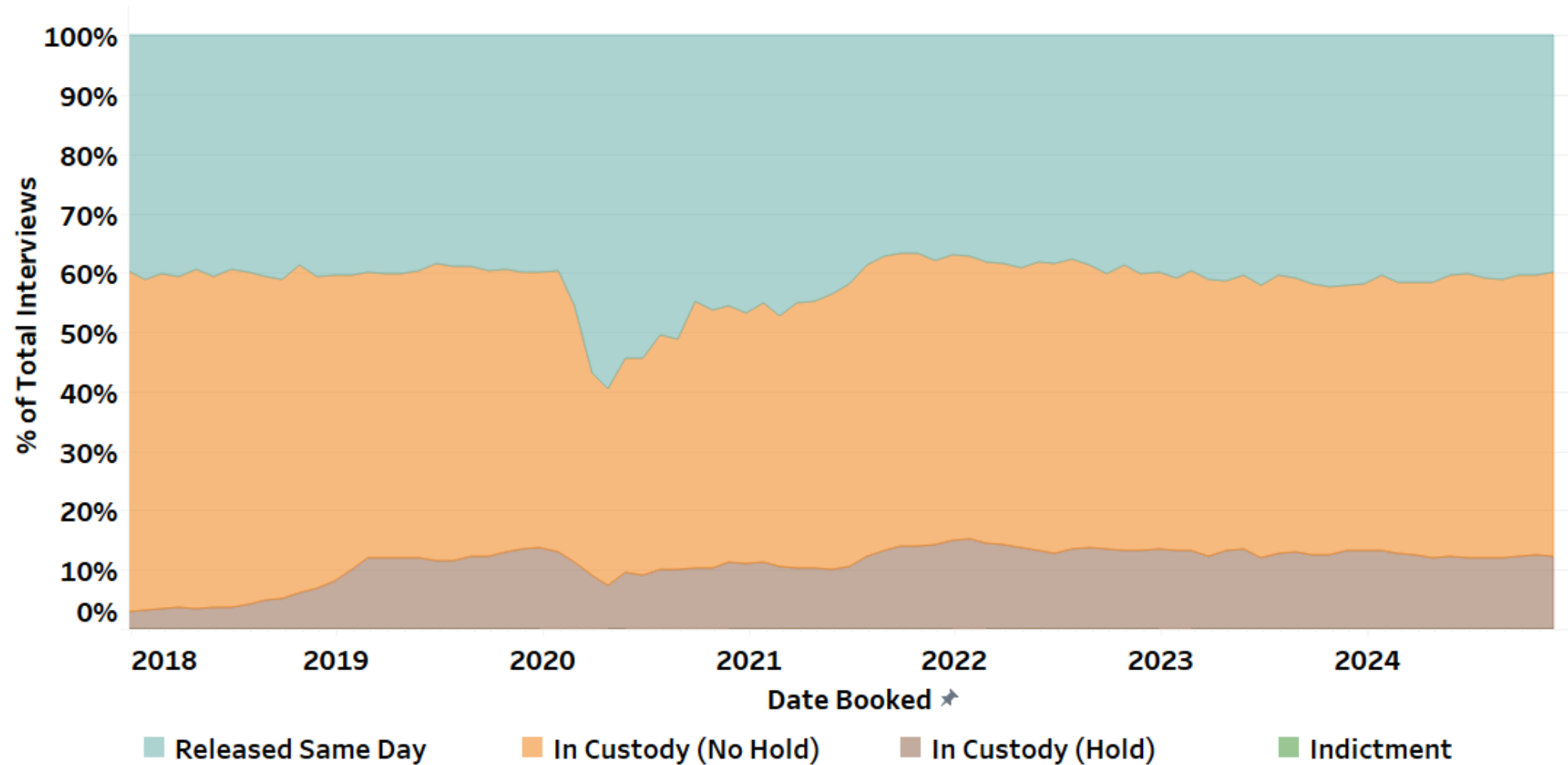


NAME	Event	Case Number	FTA	NCA	BOND	HOLDING COUNTY	Booking Date	HOLDS	NOTES
Doe, John	Sentencing	22MXXX	6 High	5 Mod	\$500.00	Muhlenberg	3/2/2022	20JXXX (no extra information)	
Doe, Jane	FTA Review	22MXXX	6 High	7 Mod	\$500 (on warrant)	Muhlenberg	3/16/2022	Ohio 21CRXXX (PV no bond)	
Doe, Jane	Arraignment	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)	

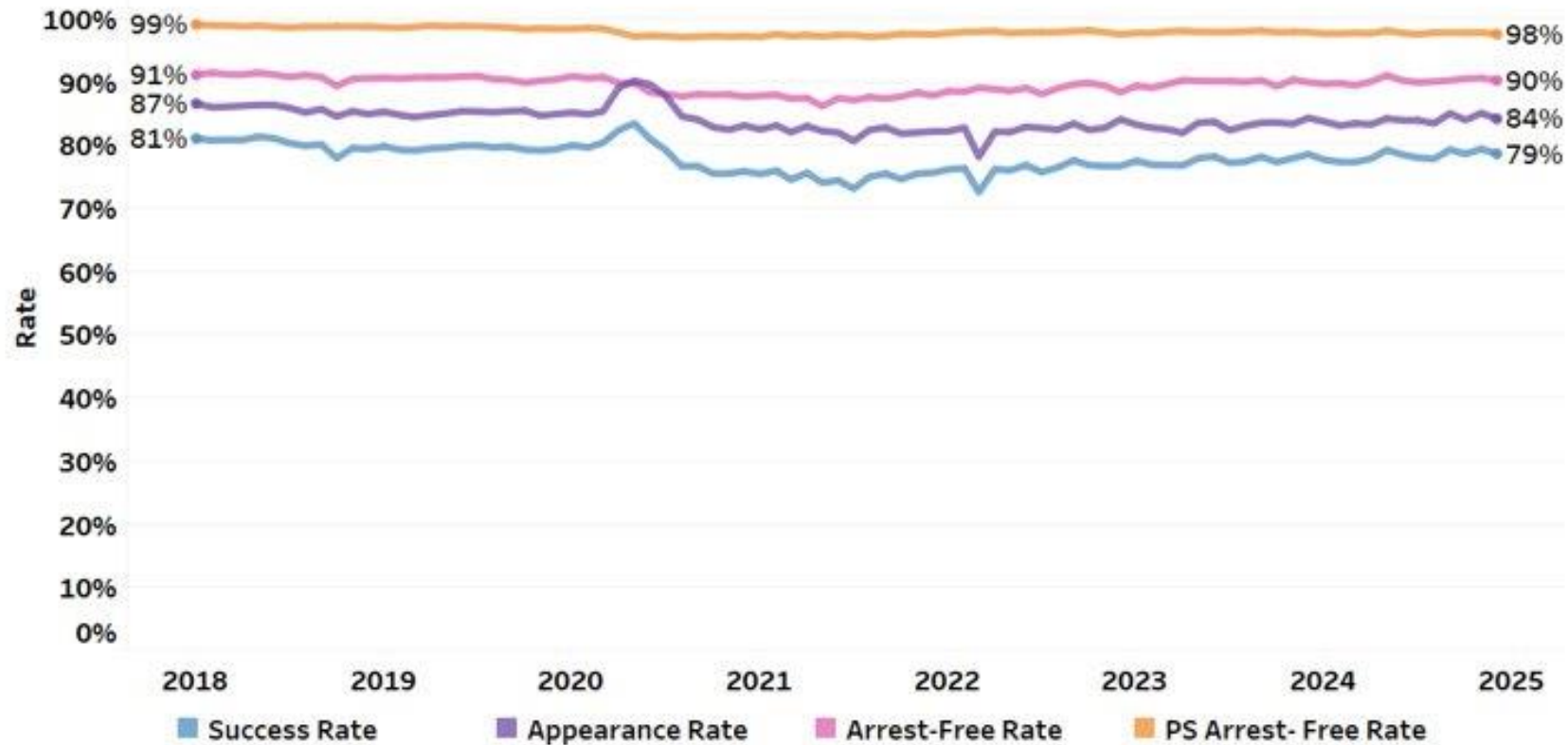
RELEASE RATES FOR PRETRIAL INTERVIEWS- BOOKING DATE CY 2018-2024



Total Interviews and Same-Day Custody Status by Month and Year of Booking Date CY 2018-2024



PRETRIAL SUCCESS RATES FOR CASES WITH EITHER A FINAL OR FTA DISPOSITION WITHIN CY 2018 – 2024



PRETRIAL SUPERVISION PROGRAMS



Supervision Programs

- Monitored Conditional Release (MCR) is a condition the Judge gives the defendant where Pretrial Services needs to monitor some aspect of the release
- Diversion is an agreement with the County Attorney and defendant that will result in a dismissal if the defendant complies with the terms of the agreement. Can supervise up to two years.
- Deferred Prosecution is offered for 1st and 2nd degree Possession of Controlled Substance. Defendant and Commonwealth Attorney agree on terms and conditions. Can monitor up to two years.

BEHAVIORAL HEALTH CONDITIONAL DISMISSAL PROGRAM (SENATE BILL 90)



BEHAVIORAL HEALTH CONDITIONAL DISMISSAL PROGRAM (SENATE BILL 90)

The Behavioral Health Conditional Dismissal Program (BHCDP) is a 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.
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- 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 17 counties. Soon to be 18.
- 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.
- Case Navigators within Pretrial Services

SENATE BILL 90 PILOT SITES

The following eleven counties were selected as pilot sites for SB 90.

- Christian
- Clark
- Daviess
- Greenup
- Hopkins
- Kenton
- Letcher
- Madison
- McCracken
- Oldham
- Pulaski

Since implementation in the first eleven counties, the following counties have been selected for participation:

- Henry
- Lewis
- Johnson
- Warren
- Russell
- Wayne
- Pike
(Coming Soon)

SENATE BILL 90 RECIDIVISM RATES

6 MONTHS AFTER COMPLETION



12 MONTHS AFTER COMPLETION



SENATE BILL 90: THE NUMBERS

Week of 6/5/25	Total	Active	Completed	Discharged-NC	Discharged-VW	+/-
Statewide	1298	725	366	172	35	11
Christian	122	49	44	29	0	0
Clark	66	24	32	7	3	1
Daviess	63	45	5	13	0	0
Greenup	65	14	23	16	12	0
Henry	21	17	2	1	1	0
Hopkins	53	31	15	4	3	2
Johnson	26	23	0	2	1	1
Kenton	63	48	14	0	1	2
Letcher	335	123	142	68	2	1
Lewis	24	19	0	5	0	0
Madison	41	12	28	1	0	1
McCracken	279	216	46	9	8	1
Oldham	36	30	3	1	2	1
Pulaski	39	13	11	13	2	0
Russell	9	9	0	0	0	0
Warren	28	26	1	1	0	0
Wayne	28	26	0	2	0	1

Pretrial Services: Circuit Court Process

- Pretrial reports for indictments
- Judge call presentations- information provided by Pretrial
- Affidavits of Indigency
- Considerations made by judge for release
- Attend court or provide spreadsheets and pretrial history reports

Pretrial Services: District Court Process

- Judge call presentations-information provided to judges
- Arraignments
- Considerations made by judge for release
- Attend court or provide spreadsheets and pretrial history report



QUESTIONS?



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