

Section V: Pretrial Release Trends

Section V presents data on the types of pretrial release used in the Commonwealth, as provided by the Kentucky Administrative Office of the Courts' (AOC), Department of Pretrial Services. The information reported in this section was obtained from the Pretrial Release Information Management (PRIM) System. Appendix D provides detailed information on the limitations of the data included in this section.

- In 2011, AOC's Pretrial Services processed 184,691 individuals. 134,737 (73.0%) of the individuals were males, and 49,331 (26.7%) were females. The remaining 623 individuals (<1%) involved persons of unknown or unreported gender.
- In 2011, there were 139,977 cases in which the judge set a financial bail amount. In these cases, 76,842 (54.9%), defendants were able to obtain pretrial release and in the remaining 63,135 (45.1%) defendants were still in custody or unable to obtain pretrial release.
- There were 96,555 cases in which the judge allowed release on recognizance or set another type of non-financial bail such as a surety or unsecured bond. In these cases, 94,455 (97.8%) were able to obtain pretrial release.
- AOC's Pretrial Services conducts a thorough investigation and utilizes a risk assessment on all defendants interviewed. In 2011, 80,957 defendants were assessed as low-risk, 74,872 assessed as moderate risk, and 17,370 assessed as high-risk. The release rate for low-risk defendants was 81%, 65% for moderate risk, and 53% for high-risk.

Table 5.1: Bail Type and Release for Cases Processed by the Administrative Office of the Courts, Pretrial Services, 2010-2011

<i>Bail Type</i>	<i>TOTAL CASES</i>		<i>OBTAINED PRE-TRIAL RELEASE</i>		<i>CASES DISPOSED</i>		<i>STILL IN CUSTODY</i>	
	<i>2010</i>	<i>2011</i>	<i>2010</i>	<i>2011</i>	<i>2010</i>	<i>2011</i>	<i>2010</i>	<i>2011</i>
FINANCIAL RELEASE	170,593	139,977	88,041	76,842	82,363	63,042	189	93
10%	34,716	24,889	29,302	20,803	5,406	4,083	8	3
Partially Secured	1,222	829	970	667	252	162	0	0
Cash Bond	133,003	113,063	56,294	54,286	76,528	58,687	181	90
Property	1,652	1,196	1,475	1,086	177	110	0	0
NON-FINANCIAL RELEASE	86,079	96,555	84,949	94,445	1,126	2,110	4	0
Recognizance	44,625	47,168	44,461	46,696	163	472	1	0
Surety	24,467	24,467	23,643	24,001	822	1,173	2	0
Unsecured	16,987	24,213	16,845	23,748	141	465	1	0
TECHNICALITY RELEASE	776	801	769	792	7	9	0	0
60 Day Rule	730	783	723	777	7	6	0	0
No Probable Cause	46	18	46	15	0	3	0	0
No Bail Set	9,508	9,455	0	328	9,492	9,116	16	11
Unknown	0	4,146	0	435	0	3,710	0	1

Source: Administrative Office of the Court, Pretrial Services

Table 5.2: Release Outcome by Level of Risk, 2010-2011

<i>Level of Risk</i>	<i>Total Cases</i>		<i>Obtained Release</i>		<i>Percent Release</i>		<i>Appearance Rate</i>	<i>Public Safety Rate</i>
	<i>2010</i>	<i>2011</i>	<i>2010</i>	<i>2011</i>	<i>2010</i>	<i>2011</i>	<i>2011</i>	<i>2011</i>
Low	89,070	80,957	68,305	65,883	77%	81%	91%	93%
Moderate	75,170	74,872	44,487	49,006	59%	65%	84%	88%
High	14,025	17,370	6,703	9,266	48%	53%	81%	83%
Ineligible	39,973	33,172	26,688	21,726	67%	65%	87%	93%
Not Verified	48,637	44,555	27,576	26,958	57%	61%	85%	91%
Incomplete	81	8	0	3	0%	38%	33%	100%

Source: Administrative Office of the Court, Pretrial Services

Table 5.3: Gender of Individuals Screened by Pretrial Services, 2011

Male	134,737	73.0%
Female	49,331	26.7%
Unknown	623	<1%
TOTAL NUMBER OF INDIVIDUALS SCREENED BY PRETRIAL SERVICES	184,691	

Source: Administrative Office of the Court, Pretrial Services

Table 5.4: Release Outcome by Charge Type, 2011

<i>Type of Charge</i>	<i>Total Cases</i>	<i>Obtained Release</i>	<i>Percent Release</i>	<i>Appearance Rate</i>	<i>Public Safety Rate</i>
	<i>2011</i>	<i>2011</i>	<i>2011</i>	<i>2011</i>	<i>2011</i>
Drug	28,527	21,875	77%	87%	87%
Sex	1,293	978	76%	93%	90%
Domestic Violence	2,979	1,909	64%	90%	85%
Violent Felony Class A or B	4,999	3,153	63%	94%	88%
Violent Crime (Non A/B Felony)	27,185	19,713	73%	91%	90%
Other	185,951	125,214	67%	87%	92%

Source: Administrative Office of the Court, Pretrial Services

Table 5.6: Special Populations Among Individuals Screened by Pretrial Services, 2011

Veterans	6,688	3.6%
Individuals on Probation	34,737	18.8%
Individuals with Substance Abuse and/or Mental Health Issues	97,607	52.8%
Total Number of Individuals Screened by Pretrial Services	184,691	

Source: Administrative Office of the Court, Pretrial Services

Table 5.5: Ethnicity of Individuals Screened by Pretrial Services, 2011

Hispanic	5,370	2.9%
Non-Hispanic	166,417	90.1%
Unknown	12,904	7.0%
TOTAL NUMBER OF INDIVIDUALS SCREENED BY PRETRIAL SERVICES	184,691	

Source: Administrative Office of the Court, Pretrial Services

Table 5.7: Race of Individuals Screened by Pretrial Services, 2011

African-American	32,611	17.7%
White	147,426	79.8%
Asian/Pacific Islander	294	<1%
American Indian/Alaska Native	102	<1%
Other	2,491	1.3%
Unknown	1,767	<1%
TOTAL NUMBER OF INDIVIDUALS SCREENED BY PRETRIAL SERVICES	184,691	

Source: Administrative Office of the Court, Pretrial Services

Table 5.8: Age of Individuals Screened by Pretrial Services, 2011

Under 18	12	<1%
18-20	2,382	1.3%
21-29	62,646	33.9%
30-39	58,605	31.7%
40-49	35,294	19.1%
50-59	19,677	10.7%
60-69	4,774	2.6%
70 or older	887	<1%
TOTAL NUMBER OF INDIVIDUALS SCREENED BY PRETRIAL SERVICES	184,691	

Source: Administrative Office of the Court, Pretrial Services

Table 5.9: Public Safety Rate by Classification Level, 2011

Individuals Not Charged with a New Crime while on Pretrial Release (Public Safety Rate)	90%
Public Safety Rate for Individuals Classified as Low Risk	93%
Public Safety Rate for Individuals Classified as Moderate Risk	88%
Public Safety Rate for Individuals Classified as High Risk	83%

Source: Administrative Office of the Court, Pretrial Services

Table 5.10: Highest Level of Education Completed by Individuals Screened by Pretrial Services, 2011

Less than High School Diploma	55,442	30.0%
General Equivalency Diploma (GED)	23,794	12.9%
High School Graduate	48,334	26.2%
Formal Vocational Training	2,191	1.2%
Some College	29,623	16.0%
Associate's Degree	3,660	2.0%
Bachelor's Degree	4,178	2.3%
Post Graduate	1,315	<1%
Unknown	16,154	8.7%
TOTAL NUMBER OF INDIVIDUALS SCREENED BY PRETRIAL SERVICES	184,691	

Source: Administrative Office of the Court, Pretrial Services

Table 5.11: Appearance Rate by Classification Level, 2011

Individuals Appearing at Subsequent Court Proceedings Upon Obtaining Pretrial Release (Appearance Rate)	87%
Appearance Rate for Individuals Classified as Low Risk	91%
Appearance Rate for Individuals Classified as Moderate Risk	84%
Appearance Rate for Individuals Classified as High Risk	81%

Source: Administrative Office of the Court, Pretrial Services

**Table 5.12: Pretrial Release
January 1-December 31, 2011**

Number of Cases	250,934
Number of Defendants	184,691
Average Length of Pretrial Release	108 days
Percentage of Individuals Still in Custody and Awaiting Trial as of 6/2012	<1%
Charged with a Misdemeanor or Less	179,033
Defense Screened for Mental Health or Substance Abuse Issue	97,607
Case was Disposed within 48 hours of Arrest	58,776
Investigation Rate	68.0%
Obtained Pretrial Release	172,840 (69%)
Percentage of Individuals Unable to Make Bail/Held in Jail Until Disposition of Case	31%
Non-Financial Releases including Release on Recognizance, Unsecured Bond, and Surety	55%

Source: Administrative Office of the Court, Pretrial Services

Table 5.13: Monitored Conditional Release, 2011

Individuals Referred to Monitored Conditional Release Program	9,195
Average Length of Monitored Conditional Release Term	116 Days
Active Monitored Conditional Release Caseload on 12-31-10	3,032
Monitored Conditional Release Compliance Rate	87%
Percentage of Monitored Conditional Release Participants Classified as Low Risk	41%
Monitored Conditional Release Follow-Up Including Office Visits, Call-In, Curfew, and Drug Screens	152,939

Source: Administrative Office of the Court, Pretrial Services

