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PRETRIAL RELEASE OUTCOMES AND DEFENDANT RACE WITH PRETRIAL CUSTODY ENDING IN CY 2017-2021 STATEWIDE

May 16, 2022

Statistics Request Overall Description

On April 22, 2022, Research and Statistics received a request for a report of the racial proportionality of pretrial defendants according to whether or not they received pretrial release for pretrial interviews with custody ending from calendar year (CY) 2017 through 2021.

PRIM, the information system used by Pretrial Services, was queried for interview, case, and bond data for any interview in which a period of pretrial custody ended from 1/1/2017 to 12/31/2021.

A pretrial interview may apply to multiple cases simultaneously and may receive one or more release decisions over time. The most recent release decision and outcome for any related case is reported for each interview uniquely for each jurisdiction (Circuit and District Court). If a single interview has at least one Circuit case and at least one District case, release decisions, release outcomes, and time in custody will be reported separately for each jurisdiction. A defendant is not considered released unless they are indicated as released on ALL cases of that jurisdiction included in an interview. For instance, a defendant may receive a recognizance bond for a case with minor charges but remain in custody on cash bail on a separate case.

Statistical Report (19_PINS8020)

The report consists of four (4) pages, separated by Court Jurisdiction. Circuit Court is presented on pages 1 & 2, while District Court is presented on pages 3 & 4, as described below.

Page 1: Statewide Circuit Court Defendant Race Proportions by Release Outcome

Horizontal bar chart that depicts the percentage of defendant race for pretrial interviews, grouped by pretrial release outcome, and for all pretrial interviews together.

A table at the bottom of this page displays the same information in cross-tab format.

Page 2: Statewide Circuit Court Release Outcome Proportions by Defendant Race

A horizontal bar chart that depicts the percentage of each pretrial release outcome for each defendant race, grouped by race. Below this chart is a table that displays the same information, in a crosstab format.

Page 3: Statewide District Court Defendant Race Proportions by Release Outcome

Horizontal bar chart that depicts the percentage of defendant race for pretrial interviews, grouped by pretrial release outcome, and for all pretrial interviews together.

A table at the bottom of this page displays the same information, in cross-tab format.

PRETRIAL RELEASE OUTCOMES AND DEFENDANT RACE WITH PRETRIAL CUSTODY ENDING IN CY 2017 - 2021 STATEWIDE

Statistical Report (19_PINS8020)

Page 4: Statewide District Court Release Outcome Proportions by Defendant Race

A horizontal bar chart that depicts the percentage of each pretrial release outcome for each defendant race, grouped by race. Below this chart is a table that displays the same information, in a crosstab format.

*Kentucky State Population

The racial proportions of the Kentucky state population¹ is included as a referenced. The population of residents aged 15 and above is used as the data source partitions age into five-year chunks.

Statistical Analysis Considerations:

- These statistics represent a snapshot in time of the state of the data on the date the report was generated (5/16/2022).
- This report Excludes interviews in which custody ended as a result of escape, release in error, or transfer to another secure facility.
- This report includes those interviews not eligible for pretrial release due to Corrections or other custody “holder” factors. Release rate data from other states may exclude such ineligible interviews, and as such release rates reported here may not be comparable.
- A pretrial interview may include one or more cases from Circuit Court, District Court, or both. Each pretrial interview captures the time a given defendant spent in custody from the time of the earliest arrest and latest release for all related cases.
- Counts of cases do not necessarily represent counts of unique individuals, as the same individual may have multiple pretrial interviews in any given period of time.
- The end of pretrial custody for each case is determined by the earlier of either the disposition date of the case (recorded as the alternative release code Disposed Prior to Release) or release date from the most recent bond if the bond resulted in pretrial release. For each interview, the end of custody is determined as the latest date determined in this way for any case related to the interview. Some interviews may contain a combination of cases with pretrial release on a bond and cases that reached disposition without pretrial release. These might be, for instance, an interview with multiple cases held on cash bail that is originally not posted, but once one or more cases reach disposition, bail is posted for those that remain (this is considered pretrial release for the interview), or an interview containing multiple cases in which a less serious case is granted a release bond but a more serious case is not or for which the defendant does not post bail (this is considered not to be pretrial release at the interview level assuming the date the defendant leaves custody is the disposition of the last case). The interview is considered to have either been released or not depending on whether the latest release date for any case is either a pretrial release bond or the disposition of a case.

¹ 2019 Single-race Population Estimates for Ages 15 and Older Only, United States July 1st resident population by state, county, age (15 years and up), sex, single-race, and Hispanic origin, on CDC WONDER Online Database. Vintage 2017 estimates released by U.S. Census Bureau on June 25, 2020. Refer to the [data source information](#) and also [Population Estimates](#) at the Census Bureau web site. Retrieved from <https://wonder.cdc.gov/wonder/help/single-race.html#Source> on November 3, 2021.

**PRETRIAL RELEASE OUTCOMES AND DEFENDANT RACE
WITH PRETRIAL CUSTODY ENDING IN CY 2017 - 2021 STATEWIDE**

Data Variables Requested		
Database	Data Variable	Description
PRIM	Date Ending Pretrial Custody	<p>The date on which a defendant is released from pretrial custody tracked as a pretrial interview. All cases must receive bond release or some other factor ending pretrial release (see Release Outcome). The custody end date is the most recent custody end date for any case related to the interview. For a case, the custody end date is the earliest of any non-bond release or other release as indicated below.</p> <p>This report contains interviews with pretrial custody ending in CY 2017-2021.</p>
	Release Outcome	<p>An indication of the manner in which a defendant was released from pretrial custody:</p> <p>Detained Until Disposition: Without being given pretrial release, the defendant was released upon the disposition of all cases in this interview from a given jurisdiction.</p> <p>Indictment: Indicates that pretrial custody on one or more District cases ended with an indictment to Circuit Court while the defendant was in pretrial custody. Indictment outcomes reported outside of the District-Felony group typically result from expungement or charges amended up following the initial filing of the case.</p> <p>60-Day Rule: Released after 60 days of pretrial custody on a District Court case.</p> <p>Financial Release: Types of release in which money or property must be posted prior to release.</p> <ul style="list-style-type: none"> • 10% • Cash • Guaranteed Arrest Bond Certificate • Property • Partially Secured or Percent Bond • Stock and Bonds <p>Non-Financial Release: Types of release in which no money or property must be posted prior to release.</p> <ul style="list-style-type: none"> • Release on Recognizance • Surety

**PRETRIAL RELEASE OUTCOMES AND DEFENDANT RACE
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Data Variables Requested		
		<ul style="list-style-type: none"> Unsecured No Probable Cause 60-Day Rule <p>Administrative Release: Released with Administrative Release as described above. Defendants assessed as low or moderate risk; not charged with offenses identified as public safety concerns, contempt, probation violation, bail jumping, the violation of a protection order, and who have not previously violated a condition of pretrial release or failed to appear in court may be released on their own recognizance without a bond hearing. The use of this option was discretionary per judge as of 11/1/2015 and became mandatory statewide on 1/1/2017. The specific criteria for Administrative Release have changed several times since initial implementation, including many changes implemented in response to the COVID-19 pandemic.</p> <p>Indictment Summons: Indicates that a defendant already released on a District Felony case was not brought back into custody following an indictment, but that the same release conditions were maintained by the Circuit Court and the defendant was issued a summons. There is no time in custody for this outcome.</p> <p>Transfer: Indicates that pretrial custody for all cases of a given jurisdiction related to this interview had pretrial custody end when the defendant was transferred to another secure facility or to a substance use treatment facility.</p> <p>Escape/Error: Indicates that a defendant was released in error or escaped.</p>
	Defendant Race	<p>The race and ethnicity of the defendant of each pretrial interview, reported in the following categories:</p> <ul style="list-style-type: none"> Black: African American Non-Hispanic Hispanic: Any race with Hispanic ethnicity indicated White: Caucasian Non-Hispanic Other/Unknown: Non-Hispanic Asian, American Indian, or any race indicated as

**PRETRIAL RELEASE OUTCOMES AND DEFENDANT RACE
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Data Variables Requested		
		"Other" or "Unknown"; or any missing entries.
	Interviews	The number of distinct pretrial interviews. The pretrial interview is the central data unit used in PRIM, capturing any data related to a discrete period of pretrial custody for a single defendant, which may apply to one or more cases. A single defendant may have multiple pretrial interviews during any given period of time. Release outcomes and measurements of time in custody are captured separately for each jurisdiction (Circuit and District Court) for any interview including at least one case from each jurisdiction.
	Jurisdiction	The jurisdiction in which a criminal case was filed (Circuit or District Court). Interviews related to cases in both jurisdictions have custody reported separately for each jurisdiction.

Disclaimer Associated with KCOJ/AOC Database(s) and Element(s)

RESEARCH AND STATISTICS DISCLAIMER for PRETRIAL SERVICES REQUESTS

The data from this report is provided from the Pretrial Services program. Information received from the Pretrial Services program's electronic case management system (PRIM) is subject to change(s), reprogramming, modification(s) of format and availability at the direction of the Administrative Office of the Courts (AOC), and may not at any particular moment reflect the true status of court cases due to ordinary limitation(s), delay(s) or error(s) in the system's operation.



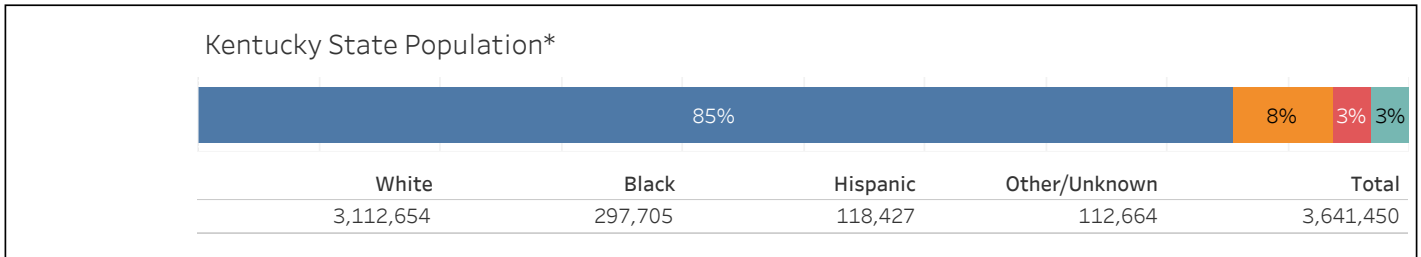
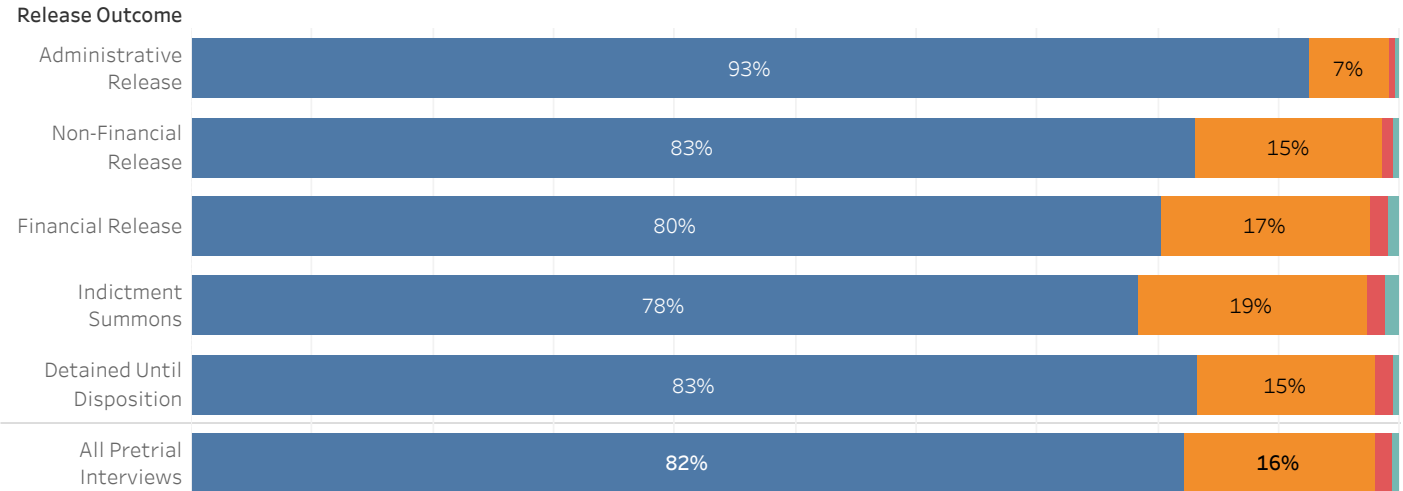
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Circuit Court Pretrial Interviews with Custody Ending
CY 2017-2021 STATEWIDE

White Black Hispanic Other/Unknown

Defendant Race Proportions by Release Outcome



Defendant Race Proportions by Release Outcome

		White	Black	Hispanic	Other/Unknown	Grand Total
Administrative Release	Interviews	2,043	145	13	7	2,208
	% of Interviews	93%	7%	1%	0%	100%
Non-Financial Release	Interviews	41,252	7,636	476	257	49,621
	% of Interviews	83%	15%	1%	1%	100%
Financial Release	Interviews	22,812	4,908	427	251	28,398
	% of Interviews	80%	17%	2%	1%	100%
Indictment Summons	Interviews	21,887	5,276	441	323	27,927
	% of Interviews	78%	19%	2%	1%	100%
Detained Until Disposition	Interviews	56,106	9,957	993	318	67,374
	% of Interviews	83%	15%	1%	0%	100%
All Pretrial Interviews	Interviews	144,100	27,922	2,350	1,156	175,528
	% of Interviews	82%	16%	1%	1%	100%

* Data is provided from the Pretrial Information Management System

* Counts and percentages are of pretrial interviews.

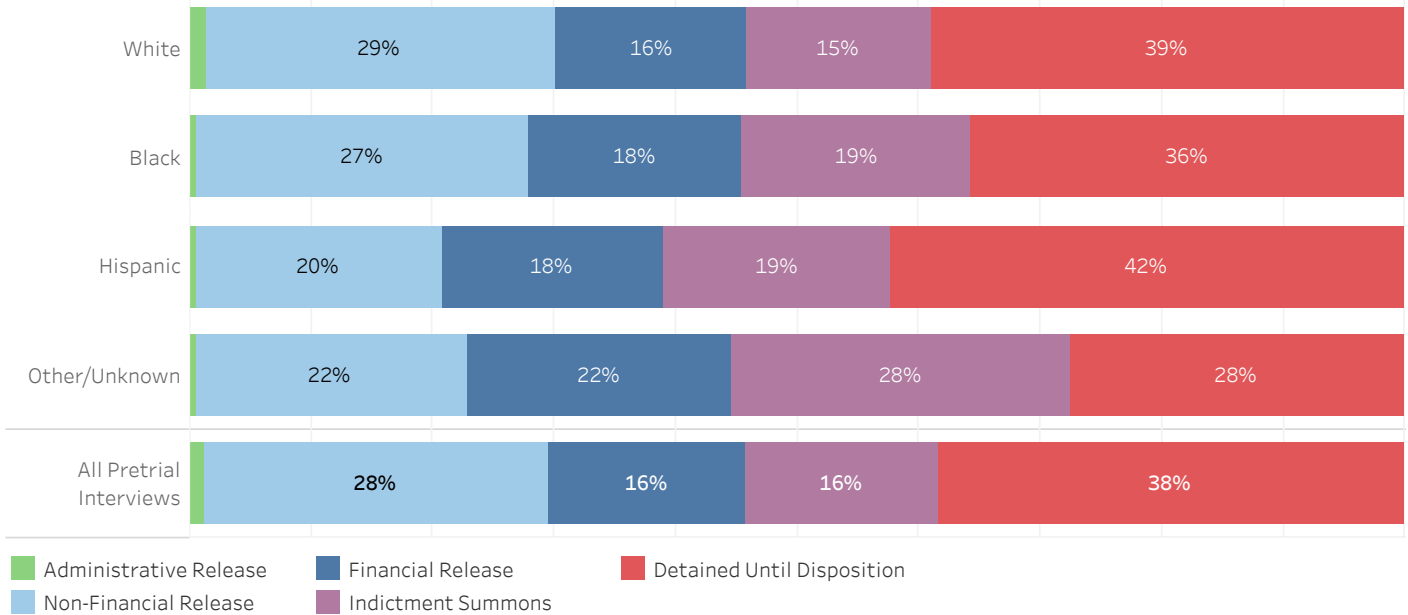
* A single individual may have one or more pretrial interviews during the reported timeframe.

* 2019 Single-Race Population Estimates for Ages 15 and Older Only on CDC WONDER Online Database. Retrieved from <https://wonder.cdc.gov/wonder/help/single-race.html#Source> on November 3, 2021.



Circuit Court Pretrial Interviews with Custody Ending
CY 2017-2021 STATEWIDE

Release Outcome Proportions by Defendant Race



Release Outcome Proportions by Defendant Race

		Administrative Release	Non-Financial Release	Financial Release	Indictment Summons	Detained Until Disposition	All Pretrial Interviews
White	Interviews	2,043	41,252	22,812	21,887	56,106	144,100
	% of Interviews	1%	29%	16%	15%	39%	100%
Black	Interviews	145	7,636	4,908	5,276	9,957	27,922
	% of Interviews	1%	27%	18%	19%	36%	100%
Hispanic	Interviews	13	476	427	441	993	2,350
	% of Interviews	1%	20%	18%	19%	42%	100%
Other/Unknown	Interviews	7	257	251	323	318	1,156
	% of Interviews	1%	22%	22%	28%	28%	100%
All Pretrial Interviews	Interviews	2,208	49,621	28,398	27,927	67,374	175,528
	% of Interviews	1%	28%	16%	16%	38%	100%

* Data is provided from the Pretrial Information Management System

* Counts and percentages are of pretrial interviews.

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* 2019 Single-Race Population Estimates for Ages 15 and Older Only on CDC WONDER Online Database. Retrieved from <https://wonder.cdc.gov/wonder/help/single-race.html#Source> on November 3, 2021.



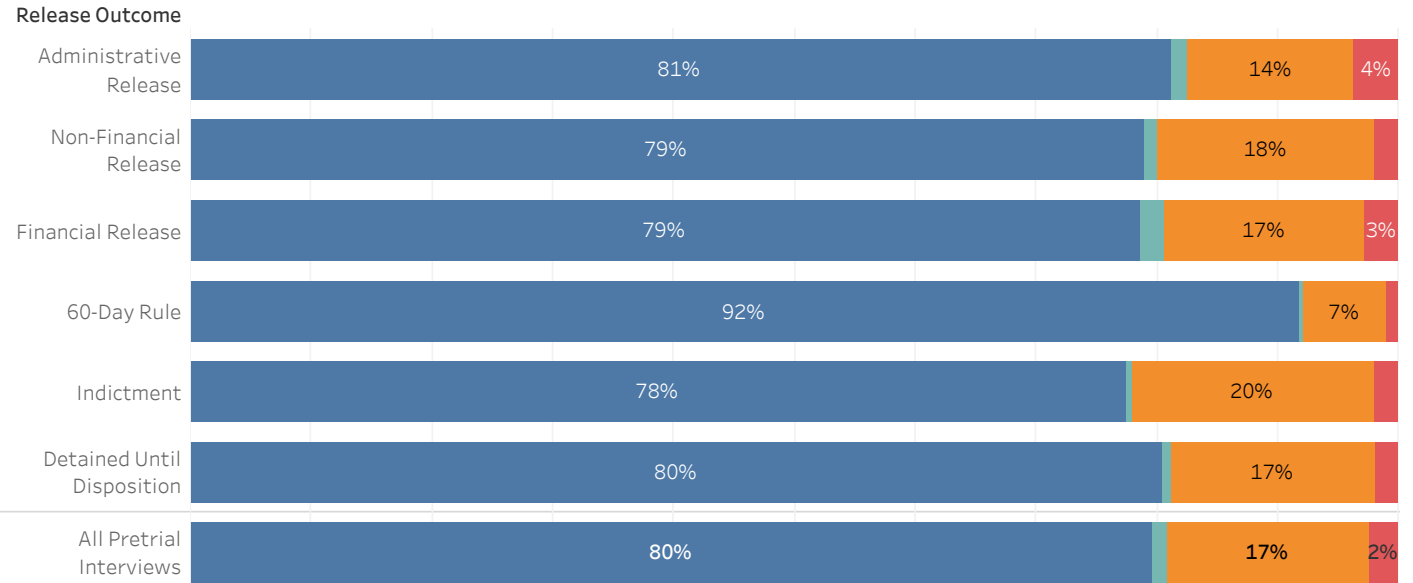
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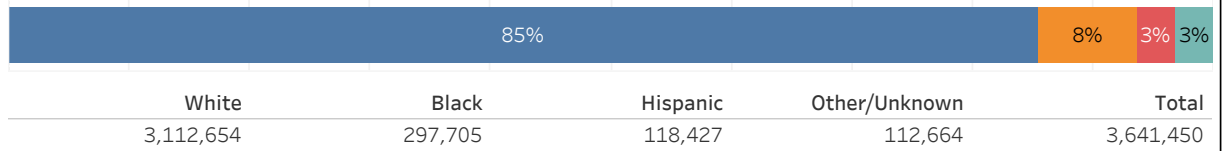
District Court Pretrial Interviews with Custody Ending
CY2017-2021 STATEWIDE

White Black Hispanic Other/Unknown

Defendant Race Proportions by Release Outcome



Kentucky State Population*



White	Black	Hispanic	Other/Unknown	Total
3,112,654	297,705	118,427	112,664	3,641,450

Defendant Race Proportions by Release Outcome

		White	Black	Hispanic	Other / Unknown	Grand Total
Administrative Release	Interviews	108,262	18,232	4,901	1,890	133,285
	% of Interviews	81%	14%	4%	1%	100%
Non-Financial Release	Interviews	176,448	40,056	4,405	2,500	223,409
	% of Interviews	79%	18%	2%	1%	100%
Financial Release	Interviews	122,346	25,746	4,330	3,136	155,558
	% of Interviews	79%	17%	3%	2%	100%
60-Day Rule	Interviews	3,467	259	37	15	3,778
	% of Interviews	92%	7%	1%	0%	100%
Indictment	Interviews	28,320	7,322	715	182	36,539
	% of Interviews	78%	20%	2%	0%	100%
Detained Until Disposition	Interviews	116,119	24,548	2,596	1,084	144,347
	% of Interviews	80%	17%	2%	1%	100%
All Pretrial Interviews	Interviews	554,962	116,163	16,984	8,807	696,916
	% of Interviews	80%	17%	2%	1%	100%

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* Counts and percentages are of pretrial interviews.

* A single individual may have one or more pretrial interviews during the reported timeframe.

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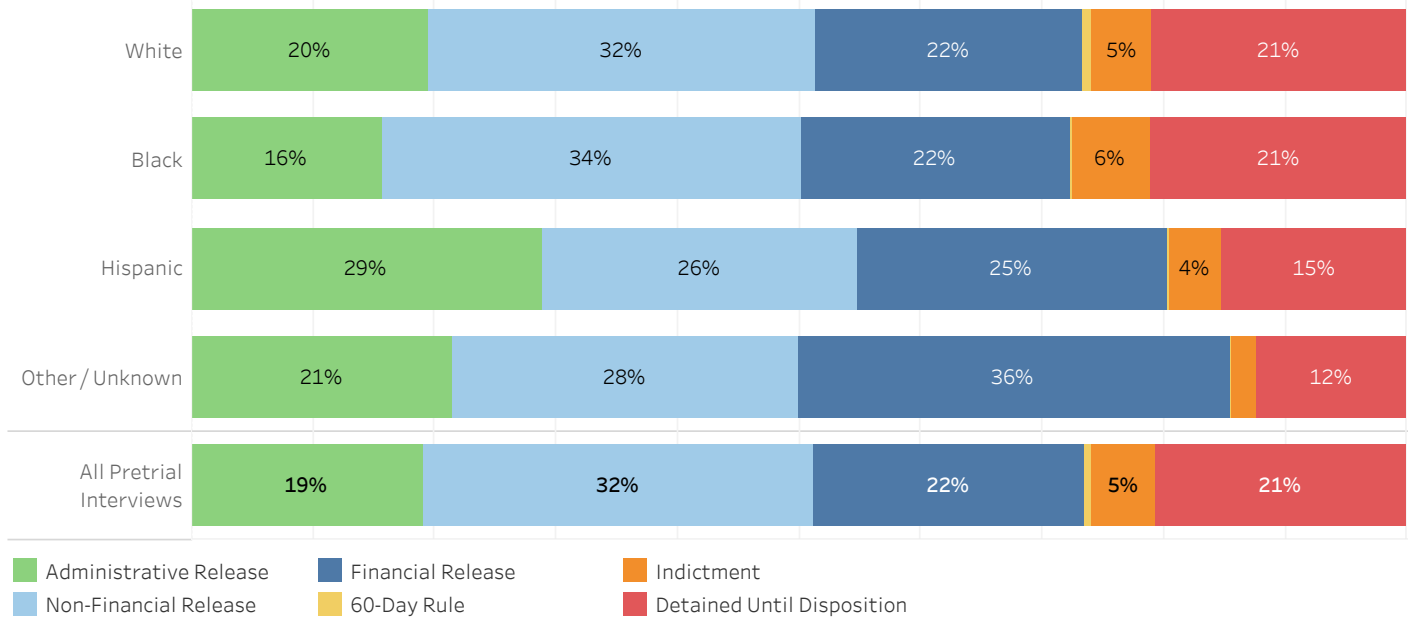


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District Court Pretrial Interviews with Custody Ending
CY2017-2021 STATEWIDE

Release Outcome Proportions by Defendant Race



Release Outcome Proportions by Defendant Race

		Administrative Release	Non-Financial Release	Financial Release	60-Day Rule	Indictment	Detained Until Disposition	All Pretrial Interviews
White	Interviews	108,262	176,448	122,346	3,467	28,320	116,119	554,962
	% of Interviews	20%	32%	22%	1%	5%	21%	100%
Black	Interviews	18,232	40,056	25,746	259	7,322	24,548	116,163
	% of Interviews	16%	34%	22%	0%	6%	21%	100%
Hispanic	Interviews	4,901	4,405	4,330	37	715	2,596	16,984
	% of Interviews	29%	26%	25%	0%	4%	15%	100%
Other/ Unknown	Interviews	1,890	2,500	3,136	15	182	1,084	8,807
	% of Interviews	21%	28%	36%	0%	2%	12%	100%
All Pretrial Interviews	Interviews	133,285	223,409	155,558	3,778	36,539	144,347	696,916
	% of Interviews	19%	32%	22%	1%	5%	21%	100%

* Data is provided from the Pretrial Information Management System

* Counts and percentages are of pretrial interviews.

* A single individual may have one or more pretrial interviews during the reported timeframe.

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