

# Supreme Court of Kentucky

2019-05

**IN RE: Authorization for Release of Information Pursuant to RCR 4.08(f)**

## **ORDER**

The Massachusetts Institute of Technology (MIT) has requested that the Kentucky Supreme Court authorize the Administrative Office of the Courts (AOC) to release data regarding information supplied to representatives of Kentucky Pretrial Services during defendants' initial interviews or subsequent contacts. MIT's data request is for the sole purpose of evaluating the impact of various supervised conditions of release on rates of failure-to-appear and re-arrest.

RCr 4.08 provides that information supplied by a defendant to a representative of Kentucky Pretrial Services during the defendant's initial interview or subsequent contacts, or information obtained by Kentucky Pretrial Services as a result of the interview or subsequent contacts, shall be deemed confidential and shall not be subject to disclosure. Subsection (f) of the rule provides that "any person conducting an evaluation of the pre-trial release program may have access to all completed interview forms upon order of the Supreme Court."

Upon consideration of MIT's request to review and evaluate Kentucky's pretrial data, and based on the authority under RCr 4.08(f), the Supreme Court hereby authorizes the AOC, subject to an executed Memorandum of Understanding setting forth requirements concerning confidentiality and redisclosure, to release the following data regarding information supplied to representatives of Kentucky Pretrial Services by defendants:

- Marital Status;
- Housing status;
- Employment status;
- Number of dependents;
- Transportation status;
- Living arrangements;
- Needs assessment questions;
- Mental health questions from 2009 to 2013; and
- Substance abuse related assessment questions from 2009 to 2013.

Entered this 7th day of March 2019.

All sitting; all concur.

  
CHIEF JUSTICE