

Supreme Court of Kentucky

2021-11

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

ORDER

The National Center for State Courts (NCSC) 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. NCSC's data request is for the sole purpose of evaluating the impact of various types of court date notifications on rates of failure-to-appear.

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 NCSC'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:

- Needs assessment questions;
- Individual identifiers (Original Person ID, Interview Person ID, name, social security number, CourtNet Criminal History Key, driver's license number);
- Date of birth;
- Marital status;
- Education level;
- Interpreter language;
- Veteran and combat veteran status;
- Probation or parole supervision status;
- Number of dependents;
- Indicator of whether defendant provided an e-mail address during the interview;
- Address;
- Homelessness status;
- Time at current address;
- Type of other person, if any, with whom the defendant lives; and
- Income.

Entered this 20th day of April 2021.


CHIEF JUSTICE

All sitting; all concur.