

# Supreme Court of Kentucky

**2022-31**

**ORDER**

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

In Order 2021-11, the National Center for State Courts (NCSC) requested and the Kentucky Supreme Court authorized 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 was for the sole purpose of evaluating the impact of various types of court date notifications on rates of failure-to-appear.

To further evaluate the court date notification process on rates of failure-to-appear, NCSC has requested that the AOC conduct a study in three pilot counties with a specific focus on text notifications. AOC has agreed that this information may be useful in determining the efficacy of the text notification system.

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

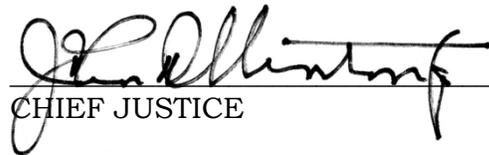
hereby authorizes the AOC, subject to an executed Memorandum of Understanding setting forth requirements concerning confidentiality and redisclosure, to:

1. Conduct a study in Pike, Christian and Fayette counties where the defendants will be asked specific questions regarding court notification and reappearances; and
2. Design specific texts related to the defendant's responses in that study and release any data to NCSC related to the court notification system and process in relation to that study, including any statewide court notification data and all data referenced in Order 2021-11.

This Order shall be effective upon entry and until further Order of this Court.

Entered this 7th day of June 2022.

All sitting; all concur.

  
CHIEF JUSTICE