

Supreme Court of Kentucky

2022-48

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

ORDER

The Criminal Justice Institute (CJI) 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. CJI's data request is for the sole purpose of attempting to understand the reasons why defendants fail to appear (FTA) for their court dates.

CJI has requested that the Jefferson County Pretrial staff administer a voluntary survey during each interview. CJI's objective is to analyze these results to determine the unique reasons why individuals fail to appear. AOC has agreed that this information has the potential to be very beneficial and could assist stakeholders and policy makers to develop effective methods of reducing FTAs for court and improve pretrial outcomes.


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 CJI’s request to evaluate Kentucky’s pretrial data, and based on the authority under RCr 4.08(f), the Supreme Court hereby authorizes the AOC and CJI, subject to an executed Memorandum of Understanding setting forth requirements concerning confidentiality and redisclosure, to conduct a study in Jefferson counties in which the defendants will be asked specific questions regarding failure to appear and release any data to CJI related to the FTA survey and process in relation to that study.

Entered this 11th day of October 2022.

All sitting; all concur.


CHIEF JUSTICE