

Kentucky Pretrial Release Program

Website: www.courts.ky.gov

Program Start Date: 1976 and 2005

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Criminal Justice Partners: District and Circuit Court Judges, Prosecutors, Public Defenders, private bar, jailers, and legislators

Information: Kentucky Pretrial Services was created in 1976 as part of the Bail Bond Reform Act. Pretrial Services is a statewide agency housed under Kentucky's Administrative Office of the Courts (AOC), the operations arm for Kentucky's judicial branch. Founded in United States and Kentucky law, the framework for the operation of pretrial justice is based upon six essential principles: Presumption of Innocence; Right to counsel; Right against self-incrimination; Right to due process of the law; Right to equal protection under the Law; and, Right to bail that is not excessive.

Pretrial Services has 294 employees divided into forty-nine (49) local program districts, including a Central Office, which includes the Chief Operating Officer, the Manager, eight (8) Regional Supervisors, a Project Specialist and two (2) support staff. Local programs consist of a Program Supervisor and frontline Pretrial Officers. Louisville, Lexington and the Northern Kentucky district also employ an Urban Supervisor. Many rural districts cover multiple counties, and thereby multiple courts, and sometimes, multiple jails. Pretrial Services operates in all 120 Kentucky counties and provides services seven days a week and 24 hours a day. Per court rule, pretrial officers are mandated to conduct an interview and investigation of all persons arrested on bailable offenses within 24 hours of his or her arrest, although many jurisdictions strive to provide their services within 12 hours of the defendant's initial incarceration.

The interviews and investigations are voluntary and confidential, and are conducted in person at the local, incarcerating jail. As a part of the interview and process, officers also screen defendants for alcohol, drug abuse, and mental health issues, conduct a thorough criminal history check and utilize a validated risk assessment that measures flight risk and anticipated criminal conduct. This information is used to make appropriate recommendations to the court regarding pretrial release. The risk assessment classifies defendants as low, moderate or high risk. Pretrial officers present the findings and make recommendations for release to their local district or circuit court judge.

Evaluation/Research: Since passage of House Bill 463 in 2011, Pretrial Services data has shown a 10% decrease in the number of defendants arrested and a 5% increase in the overall release rate. Pretrial jail populations have decreased by 279 people, while appearance and public safety rates have remained consistent.