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COMPARISON OF IMPACT OF JEFFERSON COUNTY DOMESTIC VIOLENCE CHARGES ON PRETRIAL CUSTODY OUTCOMES BY RACE/ETHNICITY

INTERVIEWS INCLUDING CASES FILED IN JEFFERSON COUNTY WITH MOST RECENT BOND FY 2022

October 17, 2022

Statistics Request Overall Description

On September 2, 2022, Research & Statistics received a request for a report comparing pretrial custody outcomes of defendants by race and ethnicity as affected by the presence of specified domestic violence (DV)-related offenses in criminal cases related to that custody.

PRIM, the information system used by Pretrial Services, was queried for interview, case, bond, and charge data for any case in which the most recent bond was set during Fiscal Year (FY) 2022. Those offenses identified as domestic violence-related are those included on the attached list, which also includes the DV Offense Category into which each applicable offense was classified.

Statistical Report 22_PINS8015

The report consists of 20 pages. These pages are organized into the following related sections:

Pages 1-2: Race/Ethnicity Proportionality

Pages 3-8: Release Decisions

Pages 9-20: Time in Custody

The beginning section compares the race/ethnicity proportionality of defendants with different categories of DV offenses, compares the proportionality between defendants with and without DV offenses within each jurisdiction and by penalty level, and compares all of this to the proportionality of race/ethnicity within the adult population of Jefferson County. The second section compares the proportion of financial release decisions among these cases particularly highlighting any differences between defendants of color and white defendants. The final section presents information comparing time in custody among the different categories, comparing median days in custody and visualized as a box and whisker chart. Once more, differences between defendants of color and white defendants are highlighted.

Pages 1-2

The chart at the top of the first page presents the race/ethnicity proportion for cases including each of the specified DV Offense Categories in Circuit and District Court. The chart in the middle of the page presents the race/ethnicity proportion comparing cases with and without DV-related charges. These comparisons are grouped by Jurisdiction. The District Court cases are additionally grouped by the most serious penalty level of charges in each case. The chart at the bottom of the page includes

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the race/ethnicity proportion of the adult population of Jefferson County¹. The second page presents the same information in crosstabulations showing the percentage of defendant race/ethnicity as well as the distinct number of Pretrial Interviews or residents.

Pages 3-8

The chart on page 3 displays the proportion by Release Decision among those cases including DV-related charges. It is grouped by Jurisdiction, DV Offense Category and compares defendants of color to white defendants. The charts on page 4 display compare Release Decision proportionality in the same manner for all cases. The chart at the top of the page is grouped by Jurisdiction/Max Level the presence/absence of DV charges and the chart on the bottom of the page is grouped only by Jurisdiction/Max Level. Pages 5-8 present the same information in cross-tabulations including percentages of cases receiving each Release Decision as well as the number of distinct pretrial interviews.

Page 5: Circuit Court cases with DV-related charges grouped by DV Offense Category

Page 6: District Court cases with DV-related charges grouped by DV Offense Category

Page 7: All cases grouped by Jurisdiction/Max Level and the presence/absence of DV-related charges.

Page 8: All cases grouped by Jurisdiction/Max Level alone.

Pages 9-20

This series begins on page 9 with a table presenting the median number of days in custody for defendants of Circuit Court cases including DV-related charges grouped by DV Offense Category comparing defendants of color and white defendants. The table on page 10 presents the same information for District Court cases. The tables on pages 11 and 12 presents median days in custody for all cases comparing defendants of color to white defendants. The table on page 11 is grouped by Jurisdiction/Max Level and the presence/absence of DV-related charges while the table on page 12 is grouped only by Jurisdiction/Max Level. On all four of these pages, cells with higher numbers of median days in custody are highlighted blue.

Pages 13-20 present the time in custody in box-and-whisker charts comparing the same categories used for comparison on previous pages.

Box and Whisker Chart: The following information is visualized within the box and whisker charts in this report:

- **Median:** The division between the two halves of the box represents the median. Values between the median and upper quartile are indicated in a lighter blue while values between the median and the lower quartile are indicated with a darker blue. Half of the interviews in

¹ 2019 Single-race Population Estimates for Ages 15 and Older Only, United States July 1st resident population by state, county, age (15 years and up), sex, single-race, and Hispanic origin, on CDC WONDER Online Database. Vintage 2017 estimates released by U.S. Census Bureau on June 25, 2020. Refer to the [data source information](#) and also [Population Estimates](#) at the Census Bureau web site. Retrieved from <https://wonder.cdc.gov/wonder/help/single-race.html#Source> on November 3, 2021.

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the indicated category had a time in custody longer than this value and half had a time in custody shorter than this value.

- **Upper Quartile:** The upper bound (hinge) of the box is the upper or third quartile. 25% of interviews in the indicated category had a time in custody longer than this value and 75% had a lesser time in custody.
- **Lower Quartile:** The lower bound (hinge) of the box is the lower or first quartile. 75% of interviews in the indicated category had a time in custody longer than this value and 25% had a lesser time in custody.
- **1.5 x IQR Above Median:** The upper whisker represents 1.5 times the interquartile range – the range from the lower quartile to the upper quartile – above the median.
- **1.5 x IQR Below Median:** The lower whisker represents 1.5 times the interquartile range – the range from the lower quartile to the upper quartile – below the median (though this value is generally the minimum number of days per category instead – typically zero).

A dot indicates the time in custody of each reported pretrial interview. Larger dots indicate numbers of days for which greater numbers of interviews were in custody.

As with other presentations in this report, the box and whisker charts are presented to allow the comparison between defendants of color and white defendants. The additional elements included on each page are as follows:

Page 13: Circuit Court cases with DV-related charges grouped by DV Offense Category

Page 14: District Court cases with DV-related charges grouped by DV Offense Category

Page 15-18: All cases grouped by Jurisdiction/Max Level, the presence/absence of DV-related charges, and Release Decision.

Page 15: Circuit Court

Page 16: District Felony

Page 17: District Misdemeanor

Page 18: District Violation, Local Ordinance, and Other

Page 19: All cases grouped by Jurisdiction and Release Decision

Page 20: All cases grouped by Jurisdiction/Max Level and the presence/absence of DV-related charges.

Statistical Analysis Considerations:

- These statistics represent a snapshot in time of the state of the data on the date the report was generated (10/18/2022).
- A pretrial interview may include one or more cases from Circuit Court, District Court, or both. Each pretrial interview captures the time a given defendant spent in custody from the time of the earliest arrest and latest release for all related cases.
- Counts of cases do not necessarily represent counts of unique individuals, as the same individual may have multiple pretrial interviews in any given period of time.
- The category comparing defendants of color to white defendants hides the small number of cases with defendants of unknown race/ethnicity on pages 3-4.

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- Interviews with time in custody greater than 365 days are not shown in the visualizations on pages 13-20 but are included in calculations of median, quartile, etc.

Data Variables Requested

Database	Data Variable	Description
PRIM	Charge County	The county in which a case was filed. A single pretrial interview may have cases from one or more counties. This report is limited to cases filed in Jefferson County.
	Bond Date	The date on which the most recent bond was set for a case. A single bond may apply to multiple cases within the same interview.
	Jurisdiction	The jurisdiction in which a criminal case was filed (Circuit or District Court). Interviews related to cases in both jurisdictions have custody reported separately for each jurisdiction.
	Race/Ethnicity	The race and ethnicity of the defendant of each pretrial interview, reported in the following categories: <ul style="list-style-type: none"> • Black: African American Non-Hispanic • Hispanic: Any race with Hispanic ethnicity indicated • White: Caucasian Non-Hispanic • Other: Non-Hispanic Asian, American Indian, or any race indicated as Other. • Unknown: Race missing or identified as Unknown or missing with missing, Non-Hispanic, or Ethnicity identified as Unknown.
	POC	A binary comparison between defendants of color and white defendants grouping the categories above. <ul style="list-style-type: none"> • POC: Black, Hispanic, or Other as defined above. • White: White as defined above. • Unknown: Unknown as defined above.
	Max Level	The penalty level of the most serious charge in a District Court case.

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Data Variables Requested		
		<ul style="list-style-type: none"> • Felony: A serious criminal offense punished by at least one year of prison incarceration or death. • Misdemeanor: A criminal offense less serious than a felony punished by less than one year of confinement in a county jail. • Violation: A criminal offense punished only by a fine or penalty other than those specified above. • Local Ordinance: A criminal offense defined by a city or local ordinance, the specific penalty level of which is typically not indicated by our data. • Other: A UOR code used for administrative purposes or that does not indicate a typical criminal offense.
	DV Offense Category	Similar domestic violence-related offenses are grouped into categories for the purpose of this report. The specific offenses in each category are included in the attached offense list.
	Release Decision	<p>Using the most recent bond set for this case, similar bond types are grouped for reporting using the following categories. Cases within each jurisdiction and the same interview are classified with a single release decision using the following logic:</p> <ul style="list-style-type: none"> • If the most recent bond for any case was a Release Decision of <i>Release Not Offered</i>, the Interview/Jurisdiction Release Decision is classified <i>Release Not Offered</i>. • If the most recent bond for any case was <i>Financial</i> and none were <i>Release Not Offered</i>, the Interview/Jurisdiction Release Decision is classified <i>Financial</i>. • All others are classified as <i>Non-Financial / No Presentation</i>. <p>Non-Financial / No Presentation</p> <ul style="list-style-type: none"> • Administrative Release: The Defendant was given Administrative Release prior to any judicial hearing (see Administrative Release section above). Such bonds are identified

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Data Variables Requested

		<p>when the bond is flagged as Administrative Release and/or the judge code 000001 is used.</p> <ul style="list-style-type: none">• Non-Financial Bond: Types of release in which no money or property must be posted prior to release.<ul style="list-style-type: none">• Release on Recognizance: The release requires only that the defendant recognize their obligation to make all court appearances, obey all laws, and comply with any other release conditions. All Administrative Releases are Releases on Recognizance.• Unsecured: Without the collection of money in advance, the bond requires that the defendant pay the indicated Bond Amount if they do not comply with all release conditions. AKA “Self-Surety”.• Surety: Without the collection of money in advance, a third party must guarantee that the Bond Amount indicated will be paid if the defendant does not comply with all release conditions.• No Probable Cause: A judge found that there was not probable cause for arrest and detention for the related case(s) and the defendant is eligible for release on recognizance for the related case(s).• 60-Day Rule: The defendant became eligible for release on recognizance for the related case(s) after 60 days of pretrial custody for charges in District Court. The bond prior to the 60-Day Rule bond is typically used to determine Release Decision and for other reporting purposes for District Court cases and the prior bond may have been financial, but the 60-Day Rule release itself is considered non-financial. Circuit Court cases for which no new bond is set may retain release on 60-Day Rule from District Court cases.
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Data Variables Requested

		<ul style="list-style-type: none"> • No Judicial Presentation: No bond hearing occurred for this Interview in this Jurisdiction. (There was no matched bond entry). This typically happens in District Court cases disposed very quickly, or Circuit Court cases for which a previous bond already exists for one or more related District Court cases and is retained without modification and the defendant brought to court again by summons rather than arrest. <p>Financial Bond: Types of release in which money or property must be posted prior to release.</p> <ul style="list-style-type: none"> • Cash: The defendant must post bail of the full Bond Amount prior to release and will forfeit this amount if they violate any release conditions. • 10%: The defendant must post 10% of the indicated Bond Amount prior to release and will forfeit the full amount if they violate any release conditions. • Partially Secured or Percent Bond: The defendant must a specified percentage of the indicated Bond Amount prior to release and will forfeit the full amount if they violate any release conditions. The percentage is not recorded in PRIM apart from possibly in memos. Pretrial Services suggest that a normal amount appropriate for use in reporting purposes can be assumed to be 20%. • Property: The defendant must post property of value double that of the Bond Amount and will forfeit the property if they violate any release conditions. • Stock and Bonds: The defendant must post stock or bond (in this context, e.g. US Treasury Bonds) holdings of value equal to the Bond Amount and will forfeit these holdings if they violate any release conditions.
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Data Variables Requested		
		<ul style="list-style-type: none"> • Guaranteed Arrest Bond Certificate: As defined in KRS 431.021², this certificate is accepted as surety for bail of \$200 or less. The certificate is issued by an organization to its members, and the bail amount is deposited by this organization on the defendant’s behalf. <p>Release Not Offered: Indicates that the defendant had a bond hearing and was not offered any pretrial release. (A bond type of “No Bond,” was entered).</p>
	Release Outcome	<p>An indication of the manner in which a defendant was released from pretrial custody. In this report, the release outcome is evaluated separately for each jurisdiction (Circuit or District Court) such that a single interview may have one or two Release Outcomes.</p> <p>Detained Until Disposition: Without being given pretrial release, the defendant was released upon the disposition of all cases in this interview from a given jurisdiction.</p> <p>Indictment: Indicates that pretrial custody on one or more District cases ended with an indictment to Circuit Court while the defendant was in pretrial custody. Indictment outcomes reported outside of the District-Felony group typically result from expungement or charges amended up following the initial filing of the case.</p> <p>60-Day Rule: Released after 60 days of pretrial custody on a District Court case.</p> <p>Financial Release: Types of release in which money or property must be posted prior to release.</p> <ul style="list-style-type: none"> • 10% • Cash • Guaranteed Arrest Bond Certificate • Property

² Kentucky Revised Statutes 431.021 <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=18569> Retrieved April 13, 2021

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Data Variables Requested

		<ul style="list-style-type: none"> • Partially Secured or Percent Bond • Stock and Bonds <p>Non-Financial Release: Types of release in which no money or property must be posted prior to release.</p> <ul style="list-style-type: none"> • Release on Recognizance • Surety • Unsecured • No Probable Cause • 60-Day Rule <p>Administrative Release: Released with Administrative Release as described above. Defendants assessed as low or moderate risk; not charged with offenses identified as public safety concerns, contempt, probation violation, bail jumping, the violation of a protection order, and who have not previously violated a condition of pretrial release or failed to appear in court may be released on their own recognizance without a bond hearing. The use of this option was discretionary per judge as of 11/1/2015 and became mandatory statewide on 1/1/2017. The specific criteria for Administrative Release have changed several times since initial implementation, including many changes implemented in response to the COVID-19 pandemic.</p> <p>Indictment Summons: Indicates that a defendant already released on a District Felony case was not brought back into custody following an indictment, but that the same release conditions were maintained by the Circuit Court and the defendant was issued a summons. There is no time in custody for this outcome.</p> <p>Transfer: Indicates that pretrial custody for all cases of a given jurisdiction related to this interview had pretrial custody end when the defendant was transferred to another secure facility or to a substance use treatment facility.</p> <p>Escape/Error: Indicates that a defendant was</p>
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Data Variables Requested		
		released in error or escaped.
	Time in Pretrial Custody (days)	For the cases from a single pretrial interview, the number of days from the earliest booking date (the date the defendant was booked into jail) and the date the defendant was released from jail or the present day. This number is calculated separately for each Jurisdiction such that a separate number of days in custody are calculated for Circuit and District Court within each interview. Presentations of time and custody in this report always present Circuit and District Court separately.
	Most Serious Charge Category	The category of the most serious offense within a case according to the hierarchy defined by the Court Statistics Project. ³
	AOC Offense Category	Displayed in the report as “Offense Categories” – classifies criminal offenses into categories for reporting purposes. As opposed to the Court Statistics Project category described above, the AOC Offense Category is non-hierarchical – offenses within one category are not necessarily more or less serious than those in any other category.
	Failure to Appear	Indicates that the defendant from the indicated pretrial interview failed to appear for at least one court appearance while on pretrial release on at least one related case. This is indicated in PRIM by the presence of a court appearance with a status of either <i>FTA/Financial</i> or <i>FTA/Non-Financial</i> . Recalled failures to appear or failures to appear that occurred while a defendant was in custody are not counted as Failure to Appear for the purpose of this report.
	Interviews	The number of distinct pretrial interviews. The pretrial interview is the central data unit used in PRIM, capturing any data related to a discrete period of pretrial custody for a single defendant, which may apply to one or more cases. A single defendant may have multiple pretrial interviews during any given period of time. Release outcomes

³ State Court Guide to Statistical Reporting Version

2.2.1 https://www.courtstatistics.org/data/assets/pdf_file/0026/23984/state-court-guide-to-statistical-reporting.pdf Retrieved April 13, 2021

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Data Variables Requested

		and measurements of time in custody are captured separately for each jurisdiction (Circuit and District Court) for any interview including at least one case from each jurisdiction.
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Disclaimer Associated with KCOJ/AOC Database(s) and Element(s)

RESEARCH AND STATISTICS DISCLAIMER for PRETRIAL SERVICES REQUESTS

The data from this report is provided from the Pretrial Services program. Information received from the Pretrial Services program's electronic case management system (PRIM) is subject to change(s), reprogramming, modification(s) of format and availability at the direction of the Administrative Office of the Courts (AOC), and may not at any particular moment reflect the true status of court cases due to ordinary limitation(s), delay(s) or error(s) in the system's operation.



The UOR Codes listed below were classified into the following Domestic Violence Offense Categories in this report

DV Murder/Rape/Sodomy

KRS	UOR Code	UOR Description	CHARGE LEVEL AND CLASS
507.020	009010	*OBS* MURDER-FAMILY-GUN	Felony A
507.020	009020	*OBS* MURDER-FAMILY-IDENTIFY WEAPON	Felony A
507.020	009151	MURDER - DOMESTIC VIOLENCE	Felony A
510.040	010993	RAPE, 1ST DEGREE - DOMESTIC VIOLENCE W/SERIOUS PHYSICAL INJU	Felony A
510.040	011014	*OBS* RAPE-1ST DEGREE-SPOUSE-GUN-INJURY	Felony A
510.040	011024	*OBS* RAPE-1ST DEGREE-SPOUSE-IDENTIFY WEAPON-INJURY	Felony A
510.040	011034	*OBS* RAPE-1ST DEGREE-SPOUSE-STRONGARM-INJURY	Felony A
510.040	010992	RAPE, 1ST DEGREE - DOMESTIC VIOLENCE	Felony B
510.040	011012	*OBS* RAPE-1ST DEGREE-SPOUSE-GUN	Felony B
510.040	011022	*OBS* RAPE-1ST DEGREE-SPOUSE-IDENTIFY WEAPON	Felony B
510.040	011032	*OBS* RAPE-1ST DEGREE-SPOUSE-STRONGARM	Felony B
510.070	011172	*OBS* SODOMY-1ST DEGREE-SPOUSE-GUN-INJURY	Felony A
510.070	011174	*OBS* SODOMY-1ST DEGREE-SPOUSE-IDENTIFY WEAPON-INJURY	Felony A
510.070	011176	*OBS* SODOMY-1ST DEGREE-SPOUSE-STRONGARM-INJURY	Felony A
510.070	011177	*OBS* SODOMY-1ST DEGREE-SPOUSE-OTHER-NO WEAPON	Felony A
510.070	011178	*OBS* SODOMY-1ST DEGREE-SPOUSE-OTHER-NO WEAPON-INJURY	Felony A
510.070	011183	SODOMY, 1ST DEG-DOMESTIC VIOLENCE W/SERIOUS PHYSICAL INJURY	Felony A
510.070	011157	*OBS* SODOMY-1ST DEGREE-SPOUSE-GUN	Felony B
510.070	011158	*OBS* SODOMY-1ST DEGREE-SPOUSE-IDENTIFY WEAPON	Felony B
510.070	011159	*OBS* SODOMY-1ST DEGREE-SPOUSE-STRONGARM	Felony B
510.070	011182	SODOMY, 1ST DEGREE, DOMESTIC VIOLENCE	Felony B

Strangulation

KRS	UOR Code	UOR Description	CHARGE LEVEL AND CLASS
508.170	013225	STRANGULATION 1ST DEGREE	Felony C
508.175	013227	STRANGULATION 2ND DEGREE	Felony D

Felony DV Assault

KRS	UOR Code	UOR Description	CHARGE LEVEL AND CLASS
508.010	013013	*OBS* ASSAULT 1ST SPOUSE ABUSE	Felony B
508.010	013015	*OBS* ASSAULT 1ST DEGREE DOMESTIC VIOLENCE	Felony B
508.010	013151	ASSAULT, 1ST DEGREE - DOMESTIC VIOLENCE	Felony B
508.020	013014	*OBS* ASSAULT 2ND SPOUSE ABUSE	Felony C
508.020	013016	*OBS* ASSAULT 2ND DEGREE DOMESTIC VIOLENCE	Felony C
508.020	013161	ASSAULT, 2ND DEGREE - DOMESTIC VIOLENCE	Felony C
508.032	000790	ASSAULT, 4TH DEGREE (DOMESTIC) 3RD OR > WITHIN 5 YRS	Felony D

Misdemeanor DV Assault

KRS	UOR Code	UOR Description	CHARGE LEVEL AND CLASS
508.025	000446	*OBS* ASSAULT 3RD DEGREE SPOUSE ABUSE	Misdemeanor A

Statistical Analysis Considerations:

* This charge list displays only base level offenses. Inchoate variants that may be applicable are not excluded, but are not displayed.

Misdemeanor DV Assault

KRS	UOR Code	UOR Description	CHARGE LEVEL AND CLASS
508.030	000433	*OBS* AGGRAVATED ASSAULT-4TH DEGREE-SPOUSE ABUSE	Misdemeanor A
508.030	000447	*OBS* AGGR ASSAULT 3RD DEG-SPOUSE ABUSE	Misdemeanor A
508.030	000786	ASSAULT, 4TH DEGREE DATING VIOLENCE (NO VISIBLE INJURY)	Misdemeanor A
508.030	000788	ASSAULT, 4TH DEGREE DATING VIOLENCE (MINOR INJURY)	Misdemeanor A
508.030	000797	ASSAULT 4TH DEGREE DOMESTIC VIOLENCE NO VISIBLE INJURY	Misdemeanor A
508.030	000798	ASSAULT 4TH DEGREE DOMESTIC VIOLENCE MINOR INJURY	Misdemeanor A
508.030	000806	*OBS* SIMPLE ASSAULT-SPOUSE ABUSE	Misdemeanor A

Protective Order Violation

KRS	UOR Code	UOR Description	CHARGE LEVEL AND CLASS
403.7529	002762	VIOLATION OF FOREIGN E.P.O./D.V.O.	Misdemeanor A
403.760	002760	*OBS* CONTEMPT OF COURT, VIOL OF EMERGENCY PROTECTVE ORDR	Misdemeanor A
403.761(11)	002757	FAIL TO WEAR/REMOVE/TAMPER WITH /DESTROY GPS MONITOR DEVICE	Felony D
403.763	002761	*OBS* VIOLATION OF EMERGENCY PROTECTIVE ORDER	Misdemeanor A
403.763	002763	VIOLATION OF KENTUCKY E.P.O./D.V.O.	Misdemeanor A
456.120	002774	VIOLATION OF FOREIGN IPO	Misdemeanor A
456.180	002770	VIOLATION OF IPO	Misdemeanor A
508.155	002764	VIOLATION OF STALKING RESTRAINING ORDER	Misdemeanor A
511.085	002759	CRIMINAL TRESPASS/DOMESTIC VIOLENCE SHELTER	Misdemeanor A
67.374(8)	002758	DIVULGING GPS MONITORING INFORMATION	Misdemeanor A

Stalking

KRS	UOR Code	UOR Description	CHARGE LEVEL AND CLASS
508.140	013242	STALKING-1ST DEGREE	Felony D
508.150	013243	STALKING-2ND DEGREE	Misdemeanor A

Sexual Misconduct - Spouse

KRS	UOR Code	UOR Description	CHARGE LEVEL AND CLASS
510.140	001712	SEXUAL MISCONDUCT-SPOUSE	Misdemeanor A

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