

Supreme Court of Kentucky

2019-07

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

ORDER

Indiana State University 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. The data will be used to examine the effects of extra-legal factors (marriage status, employment status, education, dependents, etc.), risk assessments, and legal factors in pretrial release decisions, release outcomes, failure to appear, and new criminal activity.

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 without the written consent of the defendant or an order of the Supreme Court, unless another exception applies.

The Court having considered the request of the Indiana State University and being otherwise sufficiently advised, pursuant to the Court's authority per RCr 4.08(f), the 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:

- Date/Time;
- Sex;
- Race;
- Ethnicity;
- DOB or age at time of interview;
- Marital status;
- Education;
- # of Dependents;
- Address;
- Probation status;
- Military status/Veteran/Combat;
- Substance Abuse problem;
- DV question; and
- Supervision Questionnaire.

Entered this 19th day of August 2019.

All sitting; all concur.


CHIEF JUSTICE