

# Supreme Court of Kentucky

2023-31

ORDER

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

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 revalidation of the Public Safety Assessment (PSA).

The PSA is an objective, research-based, validated assessment tool that measures a defendant's risk of flight and risk of anticipated criminal conduct while on pretrial release pending adjudication per KRS 446.010. Since risk assessment tools can change over time and differ across populations, it is recommended that the tool be reevaluated and recalibrated periodically for optimal performance. The AOC has contracted with CJI to revalidate the PSA to ensure that the risk assessment tool is still accurately predicting defendants' risk of flight or failure to appear and risk of anticipated criminal conduct or new criminal activity; or, to make recommendations on adjustments that are necessary for the tool to accurately predict the above

factors. It has been several years since Kentucky's Public Safety Assessment has been revalidated.

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 for the purposes of revalidation of the PSA, 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 release any data necessary to revalidate the PSA.

Entered this 19th day of September 2023.

All sitting; all concur.

  
CHIEF JUSTICE