

PROSECUTORS ADVISORY COUNCIL CRIMINAL ROCKET DOCKETS IN KENTUCKY

Interim Report to the Attorney General and the
Justice and Public Safety Cabinet
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SUMMARY OF THE REPORT

In 2016, the Prosecutors Advisory Council (hereafter “the Council” or “PAC”) received funding to continue the Rocket Docket programs funded through 2015 SB192 funds from FY 2016. Rocket Dockets are a collaborative effort between the County and Commonwealth’s Attorneys to process the appropriate cases more swiftly through the judicial system, which creates cost savings and more quickly identifies defendants for the appropriate drug treatment. The Council voted to fund the twenty-eight (28) existing programs from FY2016 and add funding for 2 new programs in FY2017 across the Commonwealth. Data is collected on a quarterly basis to measure the success of the programs. This initiative has proven successful at each of its stated goals.

- The Rocket Docket Initiative has saved approximately **\$18.7 million in local jail costs from July 16, 2015 to October 31, 2016;**
- **Since inception of the grants in 2015, 4,081 cases have been completed** and approximately 1,500 were pending as of October 31, 2016, saving time and resources for stakeholders in the criminal justice system, including courts, prosecutors, grand juries, public defenders, and clerks;
- **2,378** defendants have been referred to drug treatment through PAC funded Rocket Dockets. If successful, this will reduce recidivism, saving more time and resources for the criminal justice system.

THE PROSECUTORS ADVISORY COUNCIL’S ROCKET DOCKET INITIATIVE

In 2016 the General Assembly upon request from Attorney General Beshear, appropriated \$1 Million from Risperdal Settlement funds in each year of the 2016-2018 biennium to the Prosecutors Advisory Council “to expand and continue the Rocket Docket Program.”¹ In 2015, the General Assembly passed and Governor Beshear signed Senate Bill 192, known as “the Heroin Bill,” into law. Section 24 of the bill authorizes the Secretary of the Justice and Public Safety Cabinet to allocate \$10 Million to various entities including to the “Prosecutors Advisory Council to enhance the use of rocket docket prosecutions in controlled substance cases...” In 2016, Justice Secretary Tilley allocated \$1.2 Million to the Prosecutors Advisory Council to continue the Rocket Docket initiative which began in FY2016 when

¹ This funding is outlined in House Bill 303 “Executive Branch Budget Bill” 2016 General Session under section 19. Attorney General.

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then Justice Cabinet Secretary Brown began the program by allocating \$1.2 Million for the Rocket Docket Initiative.²

Pursuant to and consistent with its written proposal from 2015, the Council allocated the funds from the Attorney General's Risperdal Settlement to continue the various Commonwealth's and County Attorney Rocket Docket programs throughout the Commonwealth. Funding from the Justice Cabinet was received in time to fund eleven (11) existing programs at a continuation level, and beginning September 1, 2016 implement two (2) new programs and expand or enhance seventeen (17) existing PAC Rocket Docket programs. The total number of active Rocket Docket programs for FY2017 is now thirty (30).

In order to fairly distribute the funding, the Council approved an application process and to permit PAC staff, two (2) county attorneys, and two (2) Commonwealth's Attorneys to review the applications and make recommendations to the full Council. PAC permitted all elected Commonwealth's and County Attorneys to apply, but due to the nature of Rocket Dockets, Commonwealth's Attorneys and County Attorneys in the same judicial circuit were required to apply jointly. Among other items, the applicants were required to ask for a funding amount, describe their existing or proposed Rocket Dockets, and to indicate the affect the Rocket Docket has or will have on their judicial circuit. All applications received by the deadline, June 9, 2016, were considered.

The applications were reviewed based on merit and need. Given that the original funds for these grants originated from "The Heroin Bill" of 2015 (SB192), consideration was given to jurisdictions which have especially been affected by the heroin and opioid epidemic. Numerous additional factors and circumstances were considered in this rigorous review.

Because County and Commonwealth's Attorneys are independently elected constitutional officers and each must operate within the local court rules, each circuit was permitted to administer its Rocket Docket pursuant to local rules and local agreements. On the following page is a breakdown of the funding by judicial circuit and the start dates for each Rocket Docket program.

It is also important to note that the locally elected prosecutors maintain discretion over plea bargains in these cases. The individual success of these programs depends upon the work of those prosecutors and nearly all of the individual programs have shown success at reaching this and the other goals. Throughout this process, PAC stressed that Rocket Dockets are designed for only certain, non-violent cases. If administered correctly, there will be no detrimental effect on public safety. It is clear that most prosecutors agree, which is evidenced by the wide geographic, bipartisan support, and administration of these programs.

² For a general background and history of Rocket Dockets in the Commonwealth, please see *Prosecutors Advisory Council's Proposal to the Justice and Public Safety Cabinet for Use of Money Appropriated by Senate Bill 192*, May 14, 2015. (hereafter "Proposal")(Attached at the end of this report).

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Rocket Docket Funding

Circuit	County(ies)	Project Start Date	Awarded (salary only)	Notes
1	Ballard, Carlisle, Fulton, Hickman	8/1/15	\$ 25,000	Continuation
3	Christian	7/16/15	\$ 50,000	Continuation & Expansion
4	Hopkins	9/1/16	\$ 25,000	New Program
5	Crittenden/Union/Webster	9/1/15	\$ 31,967	Continuation & Expansion
6	Daviess	8/1/15	\$ 57,500	Continuation & Expansion
8	Warren	7/16/15	\$ 53,000	Continuation & Expansion
9	Hardin	8/1/15	\$ 53,000	Continuation & Expansion
10	Nelson/Hart	9/1/16	\$ 10,000	New Program
12	Henry/Oldham/Trimble	9/1/15	\$ 13,700	Continuation
13	Jessamine	7/16/15	\$ 20,000	Continuation
14	Bourbon/Woodford/Scott	9/1/15	\$ 23,700	Continuation & Expansion
16	Kenton	8/1/15	\$ 114,000	Continuation & Expansion
17	Campbell	8/1/15	\$ 114,000	Continuation & Expansion
18	Harrison/Nicholas/Pendleton/Robertson	9/1/15	\$ 28,700	Continuation & Expansion
19	Bracken, Fleming, Mason	8/1/15	\$ 25,000	Continuation
20	Greenup	9/1/15	\$ 18,600	Continuation
21	Bath/Menifee/Montgomery/Rowan	9/1/15	\$ 28,700	Continuation & Expansion
25	Madison	8/1/15	\$ 38,000	Continuation
27	Laurel	7/16/15	\$ 50,000	Continuation & Expansion
28	Pulaski	7/16/15	\$ 75,000	Continuation & Expansion
30	Jefferson	8/1/15	\$ 197,000	Continuation & Expansion
34	McCreary/Whitley	9/1/15	\$ 18,600	Continuation
39	Breathitt	7/16/15	\$ 25,000	Continuation
43	Barren	9/1/15	\$ 13,700	Continuation
45	Muhlenberg	9/1/15	\$ 28,700	Continuation & Expansion
46	Grayson/Meade	9/1/15	\$ 13,700	Continuation
47	Letcher	7/16/15	\$ 20,000	Continuation
53	Anderson/Shelby/Spencer	7/16/15	\$ 24,000	Continuation & Expansion
54	Boone and Gallatin	8/1/15	\$ 114,000	Continuation & Expansion
55	Bullitt	8/1/15	\$ 35,000	Continuation & Expansion
PAC Data Collector	n/a	9/1/16	\$ 11,500	

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GENERAL GOALS OF THE ROCKET DOCKET INITIATIVE

Prior to this initiative, Rocket Docket programs were utilized for a number of years in only a handful of counties and judicial circuits throughout the Commonwealth. These programs are either a formal or informal collaboration between the Commonwealth's Attorney, the County Attorney, and the local judiciary to expedite lower level/non-violent felony offenses through the judicial system. Rocket dockets have shown to provide significant benefits to the administration of the judicial system including:

- Significant savings in the county inmate costs for County Fiscal Court/Local Governments and;
- Expeditious movement of offenders from pre-trial jail beds to necessary substance abuse treatment; and
- Reduction in resources expended by the Commonwealth's Attorney, the County Attorney, the Public Advocate, the Administrative Office of the Courts, and law enforcement agencies on lower level offenses ripe for early resolution; and
- Enabling those entities to focus the saved resources on the more serious criminal offenses.

Through this initiative, the Council's goals were consistent with the historical benefits of Rocket Dockets. The goals stated in the Proposal were:

- Expedited review of low level drug and drug related offenses;
- Shepherding defendants with substance abuse issues into appropriate drug treatment programs or facilities;
- Reducing unnecessary incarceration time for low level drug and drug related offenders.

MEASURING THE SUCCESS OF THE ROCKET DOCKET INITIATIVE

To measure the success of these goals, PAC collected data on a quarterly basis from each of the grantee jurisdictions. The data included the number of and type of cases administered through the rocket docket, the number of days each defendant stayed in jail prior to disposition of the case, the number of defendants referred to drug treatment through the Rocket Docket, and the average jail cost per day in the local jurisdiction. A review of the most recent data through October 31, 2016 indicates that PAC's Rocket Docket initiative continues to achieve all of its stated goals.

Rocket Dockets continue to expedite the appropriate cases, which save valuable time and resources of the criminal justice system

Collectively, since July 16, 2015, 4,801 cases were reported as completed through the Rocket Docket programs through October 31, 2016. In Jefferson County, the state's most populous county, 1,420 cases were administered through its PAC funded Rocket Docket. As of the last reporting period, approximately 1,500 cases are listed as pending.

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The regular dockets were reduced by more than 6,000 cases in the last fifteen months. This saves the resources of judges, clerks, prosecutors, public defenders, and others working in the criminal justice system. It permits prosecutors to focus limited resources on violent crimes and more serious crimes.

Rocket Dockets have now saved approximately \$18.7 Million in local jail costs since the implementation of the initial programs in the beginning of FY2016.

In an effort to estimate the cost savings for local jail costs, PAC collected data including the total number of cases completed through Rocket Dockets, the average local jail cost per day to house an inmate (this differs from jail to jail), and the number of days each individual defendant spent in jail awaiting disposition of his/her case. At the beginning of the project, PAC also collected information from and conferred with the Department of Corrections to determine the average jail time credit for comparison purposes.

Rocket Dockets continue to reduce average jail days as the programs increase momentum.

Rocket Dockets are processing drug cases much faster than regular dockets. According to the Department of Corrections in 2015, the average time an inmate charged with a felony drug crime received jail time credit prior to sentencing was 115 days. The data received by PAC for fiscal year 2016 shows the average number of days a Rocket Docket defendant spends in jail was 20 days. As of the October 31, 2016 reporting period the average number of days has been reduced to 18 days statewide. This is a difference, on average, of 97 days per case when a defendant will not be in the local jail at a cost to the local county or metro government.³

Based on the data presented to PAC, had the 4,081 cases which were completed through Rocket Dockets gone through the normal procedures and each defendant spent the average of 115 days in jail, the cost would have been approximately \$22 Million. However, since these cases continue to be expedited, the total cost through October 31, 2016 is estimated to be approximately \$3.2 Million. This is a savings of almost \$19 Million to local governments since inception of the project in July 2015. Additionally, this estimate does not include the estimated cost savings for agencies administering the criminal justice system such as judges, clerks, prosecutors, and public defenders. It is anticipated that as the additional funds allow these programs to focus more resources on the Rocket Dockets, more savings will be realized and even more defendants will be placed into an appropriate drug treatment program.

Rocket Dockets are identifying the appropriate defendants to place into drug treatment

Of the 4,081 cases completed through the programs, 2,378 identified defendants to send to drug treatment. That equates to 58% of defendants being referred to some form of drug treatment which is up from 53% as of the final report on Rocket Dockets for FY2016. Moreover, the treatment referrals appear to be tailored to the individual defendant. This is important because substance abuse experts indicate that individual assessments of treatment needs is important to the success of the treatment. Of the defendants

³ These numbers do not include any time spent in the Department of Corrections after a defendant may be revoked. Those numbers are not available to the local prosecuting jurisdictions at this time. Regardless, the rate of revocation is not believed to be greater from Rocket Docket cases, thus there is likely to be no additional costs associated with revocation merely because the case proceeded through the Rocket Docket.

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referred to treatment, at least 845 were referred to outpatient treatment, 337 were referred to intensive outpatient treatment, 201 were referred to residential treatment, 6 were referred to medically assisted treatment, 209 were referred to drug court, 312 were referred to Probation and Parole Assessment and 461 were referred to other forms of treatment.

On average, these individuals were referred to treatment much faster than the average drug defendant. Not only does this save jails money by not having to house these defendants, the defendants are receiving the faster access to the appropriate drug treatment.

The Council will continue to collect data in an effort to review these goals and measure the continued effectiveness of Rocket Dockets.

CONCLUSION

PAC's Rocket Docket initiative has proven successful at achieving its stated goals thus far. (1) Rocket Dockets are expediting the appropriate cases, which save valuable time and resources of the criminal justice system; (2) Rocket Dockets have saved more than \$6 Million in fiscal year 2017 on top of the \$12 Million estimated savings in fiscal year 2016; (3) Rocket Dockets are identifying the appropriate defendants to place into drug treatment.⁴

As we move into fiscal year 2017 with funding from both the Justice Cabinet and the Attorney General, existing Rocket Docket programs will continue with many expanding and new programs will be started. It is anticipated that savings from the Prosecutors Advisory Council Rocket Docket Programs will continue to grow and many more defendants will be referred to drug treatment programs much more quickly than prior to the implementation of the program.

⁴ The implementation of the PAC Rocket Docket initiative was overseen by Gina Carey, Executive Director of the Prosecutors Advisory Council. Carol Ray of the PAC staff collected the data for this report from the implementing jurisdictions through October 31, 2016.