

**PILOT UNIFORM SCHEDULE OF BAIL REPORT  
FOURTH QUARTER OCTOBER 1, 2010 - DECEMBER 31, 2010**

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**Introduction**

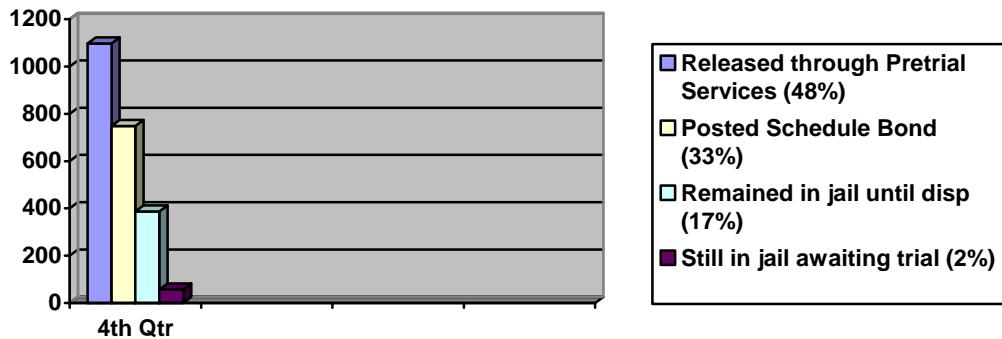
Pretrial Services was given the responsibility of implementing the Uniform Schedule of Bail Pilot Program, collecting data to measure the effectiveness of the program and reporting outcomes to the Supreme Court. The Uniform Schedule of Bail pilot program started on January 1, 2010 in nine counties; Bell, Boone, Boyd, Butler, Campbell, Edmonson, Kenton, Ohio and Pike. All jail and Pretrial Services staff underwent training prior to January 1<sup>st</sup>. By the end of the fourth quarter both jail and pretrial staff were more comfortable with the processes and reporting requirements. By working together at the local level to solve problems, the program is running much smoother than it did during the first two quarters. Each county was given the flexibility to vary their programs based on local factors. Boone County chose to maintain their previous schedule to incorporate some misdemeanor violent crimes under KRS chapter 508 and deviated from the mandatory eight hour hold on DUI cases. Kenton County also deviated from the eight hour hold on DUI cases and Campbell County Circuit judges chose not to include any felony charges. In some counties the judges requested that bail amounts be cumulative when defendants were arrested on multiple charges, whereas other counties chose to allow the highest bail amount be posted as a “blanket bond” for all charges.

**Data Analysis**

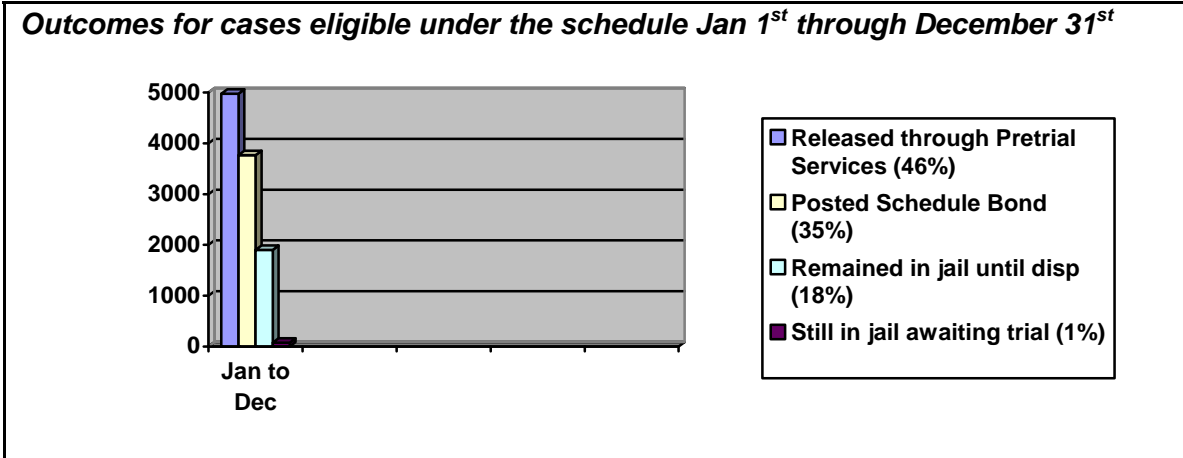
***Outcomes***

In the nine pilot counties from October 1, 2010, through December 31, 2010, there were a total of 8,659 arrests in which 5,080 defendants obtained some form of pretrial release (59 percent). There were 1,124 cases for non-payment of fines (13 percent) and **2,289** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (26 percent of all arrests). Of these, 748 people posted the schedule bond (33 percent), 1,097 obtained release through Pretrial Services (48 percent), 57 were still in jail awaiting trial as of December 31, 2010 (2 percent) and 387 defendants never obtained a pretrial release and were held in jail until their case was disposed (17 percent).

***Outcomes for cases eligible under the schedule Oct 1<sup>st</sup> – Dec 31<sup>st</sup>***



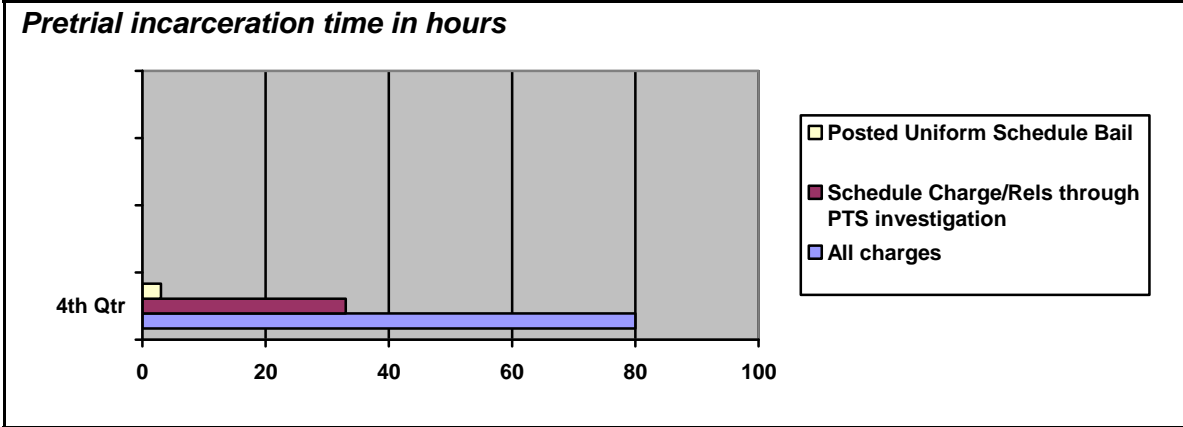
In the pilot counties from January 1, 2010, through December 31, 2010, there were a total of 37,573 arrests in which 22,560 defendants obtained some form of pretrial release (60 percent). There were 4,861 cases for non-payment of fines (13 percent) and **10,716** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (29 percent of all arrests). Of these, 3,767 people posted the schedule bond (35 percent), 4,977 obtained release through Pretrial Services (46 percent), 71 were still in jail awaiting trial as of December 31, 2010 (1 percent) and 1,901 defendants never obtained a pretrial release and were held in jail until their case was disposed (18 percent).



### ***Pretrial Incarceration Time***

The average time it took for a defendant to obtain a pretrial release in the nine pilot counties during the fourth quarter was 80 hours. For charges under the schedule, the average time was 33 hours. For defendants who posted a bond under the schedule the average time was 3 hours. One potential reason for the vast time variance may be due to defendants not having sufficient bail money and the judge does not release after the initial pretrial investigation. Often, the defendant remains incarcerated until his or her next court appearance. In some rural counties included in the pilot, arraignments are only held once or twice per week, resulting in some defendants being held in jail for up to seven days.

Another potential reason for the time variance may be attributed to judicial discretion in setting bail. A third potential reason may be attributed to the number of people who are arrested and, after a check for outstanding warrants; they are served with a show cause or custody warrant for non-payment of fines. These warrants require the fine to be paid in full or the defendant must serve a predetermined number of days in jail. Often times, defendants are granted pretrial release on the new charges but must pay the fine or serve jail days before they can be released on recognizance or other non-financial bond.



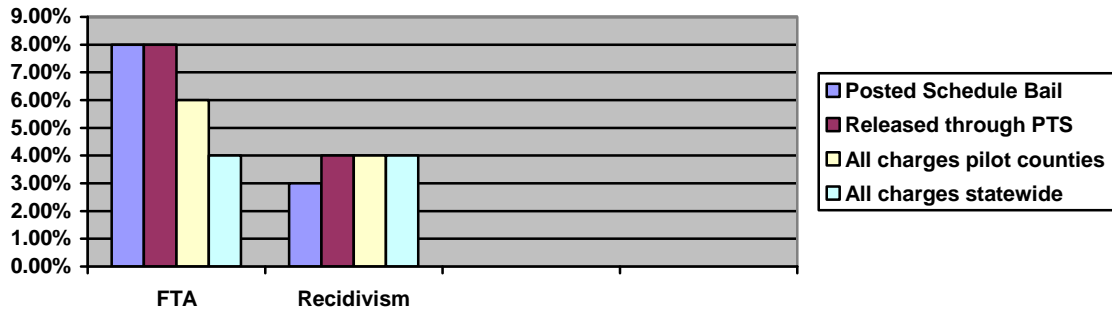
Between January 1, 2010, and December 31, 2010, the average time it took for a defendant to obtain a pretrial release in the nine pilot counties was 100 hours. For charges under the schedule, the average time was 35 hours. For defendants who posted a bond under the schedule the average time was four hours.

**Pretrial Failure Rates**

During the fourth quarter, the failure to appear rate (FTA) for all cases in the nine pilot counties was 6 percent and the pretrial recidivism rate was 4 percent. Pretrial recidivism is defined as a defendant having an open case in which he or she made bail and committed a new crime while on pretrial release. When discussing pretrial failure rates for the fourth quarter, it is important to understand that there are many cases in which the defendant was arrested between October 1<sup>st</sup> and December 31<sup>st</sup> and his or her case is still pending. Therefore, failure to appear and recidivism rates are likely to increase once enough time passes to allow for cases to reach final disposition. For example, when looking at cases from the three month period of July 1, 2009, to September 30, 2009, the statewide FTA rate was 10 percent and the recidivism rate was also 10 percent.

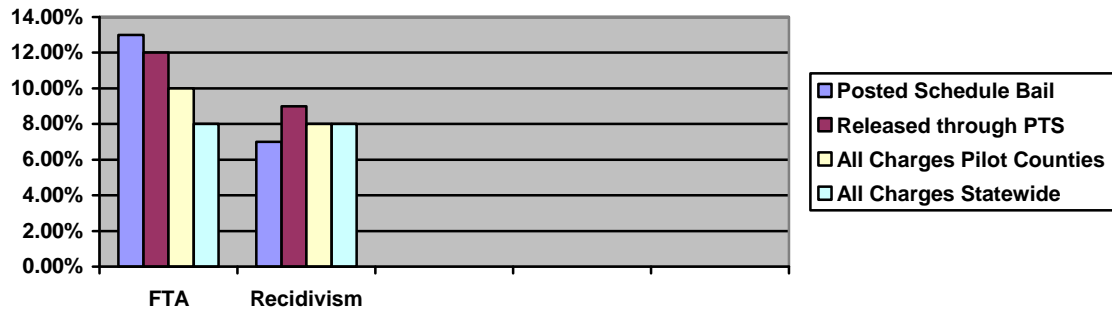
In the nine pilot counties the FTA rate for defendants who posted a uniform schedule of bail was 8 percent. The FTA rate for defendants who were charged with an offense on the uniform schedule but were released through Pretrial Services instead of posting the schedule bail was also 8 percent. The recidivism rate for those posting a schedule bail amount was 3 percent and for those released through pretrial services the recidivism rate was 4 percent. The statewide FTA rate for all charges during the same time period was 4 percent and the recidivism rate was 4 percent.

**Pretrial failure rates Oct 1<sup>st</sup> – Dec 31<sup>st</sup>**



In the pilot counties from January 1, 2010, through December 31, 2010, the FTA rate for defendants who posted a uniform schedule of bail was 13 percent (499 defendants failed to appear). The FTA rate for defendants who were charged with an offense on the uniform schedule but were released through Pretrial Services instead of posting the schedule bail was 12 percent. The recidivism rate for those posting a schedule bail amount was 7 percent and for those released through pretrial services the recidivism rate was 9 percent. The FTA rate for all charges in the pilot counties for the same period was 10 percent and the recidivism rate was 8 percent. The statewide FTA rate for the same period was 8 percent and the recidivism rate was also 8 percent.

**Pretrial failure rates January 1<sup>st</sup> through December 31<sup>st</sup>**



**Pretrial Services Investigation Data**

When a defendant posts a uniform schedule of bail, pretrial services does not interview him or her nor is an investigation or risk assessment conducted. The risk levels of the 4,977 defendants who were eligible to post the uniform schedule but were interviewed by and obtained a release through pretrial services instead, since January 1<sup>st</sup> are as follows:

**PRETRIAL SERVICES INVESTIGATION DATA**

<b>Risk Level</b>	<b>Number of Defendants Released</b>
Low Risk	2211
Moderate Risk	1020
No Risk Determined (Def. Not Verified)	933
No Risk Determined (Def. Ineligible*)	613
High Risk	200

\*Ineligible: Defendant refused to be interviewed by pretrial or defendant is homeless

In some cases, once the defendant was presented to a Judge, the bond amount was raised based on the defendant’s risk level and criminal history. Of the 4,977 defendants eligible under the schedule that were interviewed by Pretrial Services, 1,187 defendants had their bond raised (24 percent). There were 3,035 defendants released on recognizance, unsecured or a surety bond (61 percent) and 755 defendants who were released on a financial bond that was equal to or lower than the schedule amount (15 percent). As shown in the above table, there were 1,746 defendants interviewed that were either ineligible for release, not verified or assessed as high risk. These numbers appear to be consistent with the number of defendants in which the schedule bail amount was raised after judicial review. Likewise, there were 3,231 defendants assessed as low or moderate risk which is also consistent with the number of defendants released on non-financial conditions.

***Type of release for defendants after Pretrial Services investigation***



***Cost Savings to the Counties***

When estimating cost savings to the local jails it is beneficial to look at the average time it takes for a defendant to obtain a pretrial release multiply this by the daily housing cost. For estimation purposes the average rate of \$30 per day will be used. In the fourth quarter a total of 748 defendants posted a scheduled bail amount. For those defendants who could afford to and did post bail under the schedule, the average release time was three hours. For those defendants who were qualified for bond under the schedule, but could not afford it, the average release time was 33 hours. The average for all arrests however, was 80 hours. Thus, absent the schedule, it appears the average release time for “all arrests” more appropriately represents the potential savings time by which to assess the actual savings of the pilot counties. At \$30 per day this equals \$1.25 per hour. The cost savings to the local counties for the fourth quarter were **\$74,800**. Since

the pilot program began on January 1, 2010, 3,757 defendants posted a scheduled bail; therefore, the cost savings to the local jails can be estimated at **\$417,307**.

<b>County</b>	<b># Defendants Posting Scheduled Bail</b>	<b>Average Hours until release</b>	<b>Estimated Cost Savings</b>
Bell	74	118	\$10,915
Boone	828	61	\$63,135
Boyd	649	98	\$79,503
Butler	24	208	\$6,240
Campbell	436	78	\$42,510
Edmonson	34	345	\$14,663
Kenton	1350	76	\$128,250
Ohio	61	196	\$14,945
Pike	311	147	\$57,146

When attempting to estimate cost savings on a statewide level, it is difficult to estimate how many defendants would have the money to post the schedule bail and how many would be released through Pretrial Services. One way to attempt estimation is to calculate release rates based on the percentage data from the pilot counties. The data in the pilot counties has shown that 29 percent of all arrests were considered eligible under the schedule. Of these, 35 percent posted a schedule bail amount. In calendar year 2010, there were 264,450 arrests statewide with 64 percent of defendants obtaining pretrial release. Jefferson County is the only pretrial program in the state that operates 24/7 and the staff contacts the judges and trial commissioners for pretrial release decisions every two to four hours. With the volume of arrests in Jefferson County it often takes anywhere from four to eight hours for a defendant to be released from the jail after bail has been posted or release on recognizance has been authorized by the judge. Therefore, very few defendants post pre-set bail amounts. During calendar year 2010, there were 51,335 arrests in Jefferson County (19 percent of all arrests statewide) with 70 percent of defendants obtaining pretrial release. Of these only 250 defendants posted a pre-set bail amount (Less than 1 percent). For these reasons, Jefferson County will be excluded from the statewide cost savings estimate.

When applying the pilot percentages to the statewide arrest caseload it can be estimated that approximately 61,000 cases would be eligible under the schedule and 21,000 possibly posting a scheduled bail. Therefore a rough estimate of total jail costs savings if the Uniform Schedule was utilized statewide can be calculated at approximately \$2,000,000. If Jefferson County is included the savings can be estimated at \$3.3 million.

### **County Information**

#### **Bell County**

##### ***Demographics***

Bell County is a rural area with a population of 28,972. The poverty rate is 31 percent, the unemployment rate is 15 percent and 77 percent of children are eligible for a free or reduced lunch in schools. The average pretrial defendant in Bell County is a white non-Hispanic male, between the ages of 21 to 29, who did not finish high school or obtain a

GED. Based on information obtained through the pretrial investigation 70 percent were screened as having problems with substance abuse or had mental health issues.

### ***Jail Population***

As of December 31<sup>st</sup>, the jail population was 83 inmates and the pretrial population was 55, therefore the pretrial population accounts for 66 percent of all inmates. At the end of the third quarter the pretrial population in Bell County was 58 percent, therefore we have seen an increase in the past three months. The pretrial population at the end of the second quarter was 56 percent and 42 percent at the end of the first quarter. Therefore we have seen a significant increase in the past twelve months. Population data before the start of the pilot was not reported.

### ***Local Officials Perceptions***

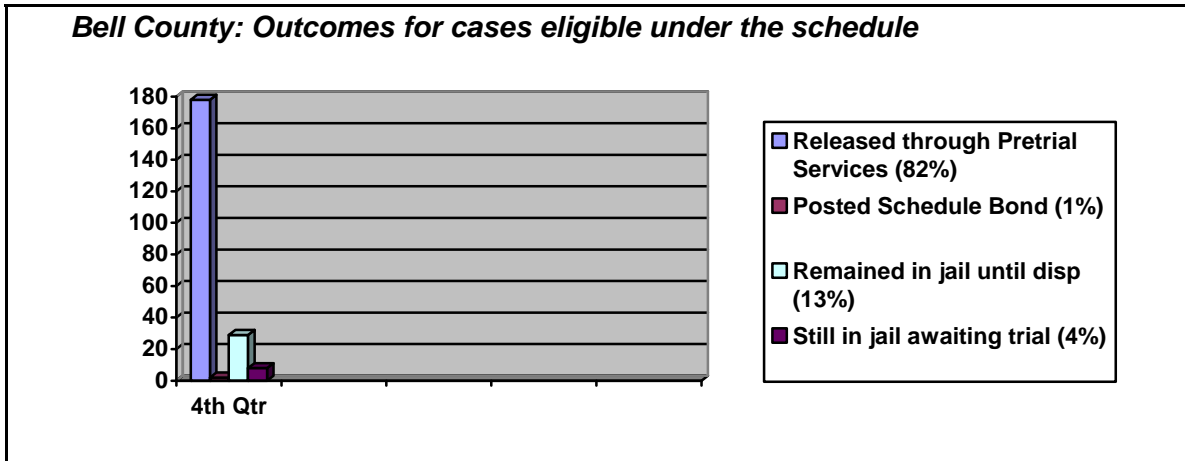
The local officials were asked their perceptions of how they feel the pilot program is working by Program Supervisor Garrett Bolin. Their responses are as follows:

- Circuit Judge Robert Costanzo: “stated that the Schedule Bail does not affect him as much now that he is Circuit Judge but he still thinks it helps defendants that can afford to use it.”
- Jailer Rex Miller: “stated that Pretrial usually sees the defendant and has them a bond before the defendant’s family even gets there with the bail money and they have a Surety or ROR before the family arrives. He stated that this is a poor community and making bond isn’t an option for many people here.”
- District Judge Robby Yoakum: “stated he thinks it needs more time to see if it is working and believes that some people benefit from it.” I do not see many people making Schedule Bail and have asked the jail before if the defendants are being notified and they stated they do tell them but most defendants say that they don’t have the money. I think it benefits a small amount of people that are arrested through the night and have the money but most of them rely on Pretrial for a Non-Financial Release.”
- Pretrial Program Supervisor Garrett Bolin: “I do not see many people making Schedule Bail and have asked the jail before if the defendants are being notified and they stated they do tell them but most defendants say that they don’t have the money. I think it benefits a small amount of people that are arrested through the night and have the money but most of them rely on Pretrial for a Non-Financial Release.”
- Circuit Clerk Colby Slusher was not available for comment.

### ***Outcomes***

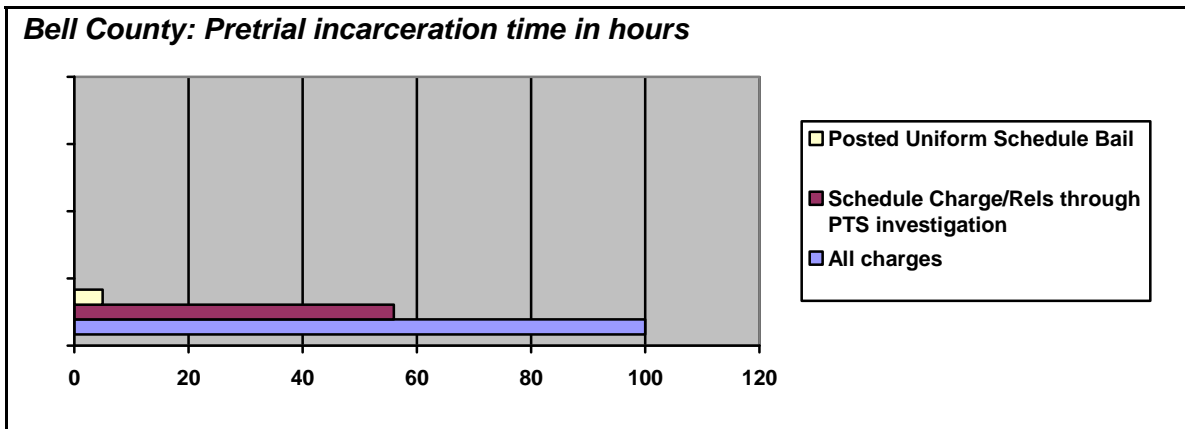
During the fourth quarter of the pilot program Bell County had a total of 797 arrests. Of these, 507 defendants obtained some form of pretrial release (64 percent). There were 198 cases for non-payment of fines and **217** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (27 percent of all arrests). Of these, only two

people posted a schedule bond (1 percent), 178 obtained release through Pretrial Services (82 percent), eight were still in jail awaiting trial as of December 31<sup>st</sup> (4 percent) and 29 defendants never obtained a pretrial release and were held in jail until their case was disposed (13 percent).



**Pretrial Incarceration Time**

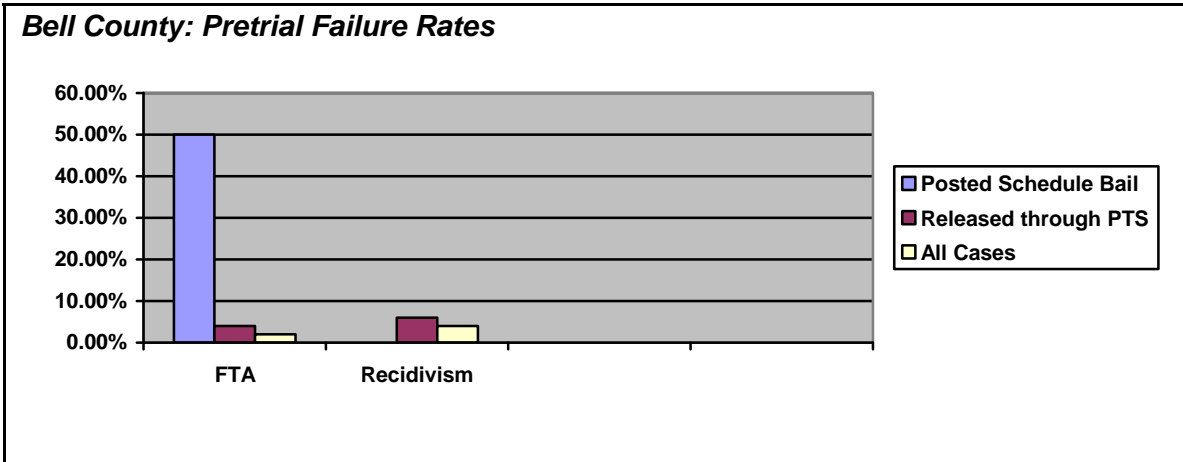
During the fourth quarter, the average time it took for a defendant to obtain a pretrial release in Bell County was 100 hours. For charges under the schedule, the average time was 56 hours. For defendants who posted a bond under the schedule the average time was five hours. District Court jail arraignments are conducted daily and Circuit Court is held once per month.



**Pretrial Failure Rates**

Bell County has a very low failure to appear rate in general. The FTA rate for all cases during the fourth quarter was 2 percent. Only nine defendants out of the 797 who were arrested failed to appear. For defendants released under the uniform schedule of bail the FTA rate was 50 percent (two were released and one failed to appear). For defendants released through Pretrial Services the FTA rate was 3 percent. Unlike the FTA rate, the pretrial recidivism rate in Bell County is consistent with the statewide average. For all

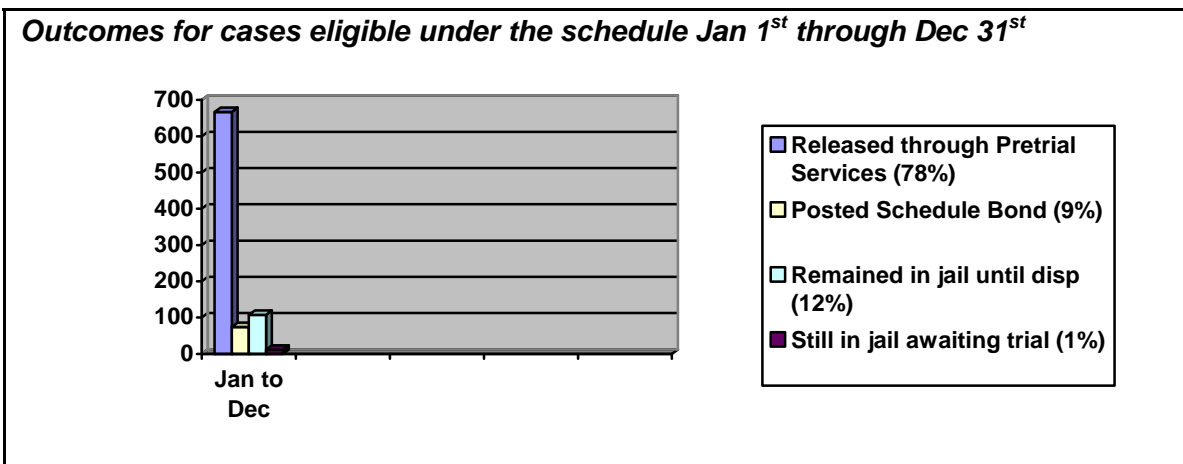
cases the recidivism rate was 4 percent. The recidivism rate for those posting a schedule bail amount was 0 percent and those released through PTS was 6 percent.



**Cumulative Totals**

**Outcomes**

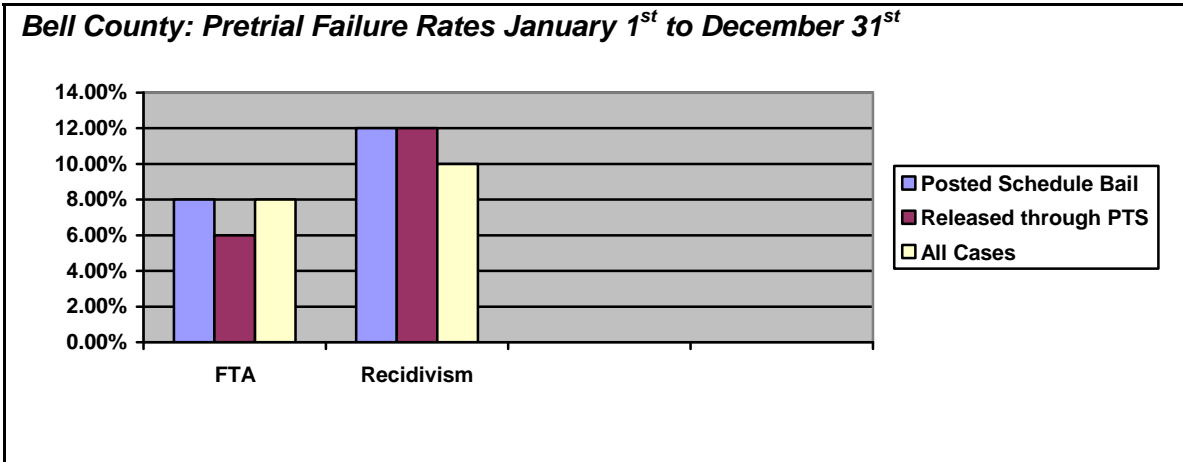
In Bell County from January 1, 2010, through December 31, 2010, there were a total of 2,945 arrests in which 73 percent of defendants obtained some form of pretrial release. There were 475 cases for non-payment of fines (16 percent) and **859** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (29 percent of all arrests). Of these, only 74 people posted the schedule bond (9 percent), 667 obtained release through Pretrial Services (78 percent), 11 were still in jail awaiting trial as of December 31, 2010 (1 percent) and 107 defendants never obtained a pretrial release and were held in jail until their case was disposed (12 percent).



**Pretrial Failure Rates**

The FTA rate for all cases from January 1<sup>st</sup> through December 31<sup>st</sup> was 5 percent. For defendants released under the uniform schedule of bail the FTA rate was 8 percent. For defendants released through Pretrial Services the FTA rate was 6 percent. The

recidivism rate for all cases was 10 percent. The recidivism rate for those posting a schedule bail amount was 12 percent and those released through PTS was also 12 percent.



**Pretrial Services Investigation Data**

In most cases, in Bell County, once the defendant was presented to a Judge, the bond amount was lowered based on the defendant’s risk level and criminal history. Of the 667 defendants eligible under the schedule that were interviewed by Pretrial Services and released, 463 defendants were released on recognizance, unsecured or a surety bond (69 percent), 120 defendants had their bond raised (18 percent) and 84 defendants were released on a financial bond that was equal to or lower than the schedule amount (13 percent).

**Type of release for defendants after Pretrial Services investigation**



**Pretrial Services Time Savings and Cost Savings to County**

We have not seen significant time savings for Pretrial Services in Bell County. Since only 74 people have posted a schedule bond without a Pretrial Services investigation, the time savings over the past year was only 15 hours; less than 2 hours per month.

## **Boone County**

### ***Demographics***

Boone County is a suburban area with a population of 118,576. The poverty rate is only 6 percent, the unemployment rate is 10 percent and 27 percent of children are eligible for a free or reduced lunch in schools. The average pretrial defendant in Boone County is a white non-Hispanic male, between the ages of 21 to 29, who has at least a high school diploma. Based on information obtained through the pretrial investigation 47 percent of defendants were screened as having problems with substance abuse or mental health issues.

### ***Jail Population***

The total jail population in Boone County on the first day of the pilot was 397 inmates, of which 98 were pretrial status, therefore pretrial defendants made up 25 percent of the total population. At the end of the first quarter the pretrial population was 22 percent. At the end of the second quarter, the jail population was 426, of which 118 were pretrial defendants, thus an increase to 28 percent. At the end of the third quarter the total jail population was 449 with a pretrial population of 104 or 23 percent. As of December 31<sup>st</sup> the total jail population was 473, of which 119 were pretrial defendants, thus a light increase from the last quarter but consistent with the population at the beginning of the pilot.

### ***Local Officials Perceptions***

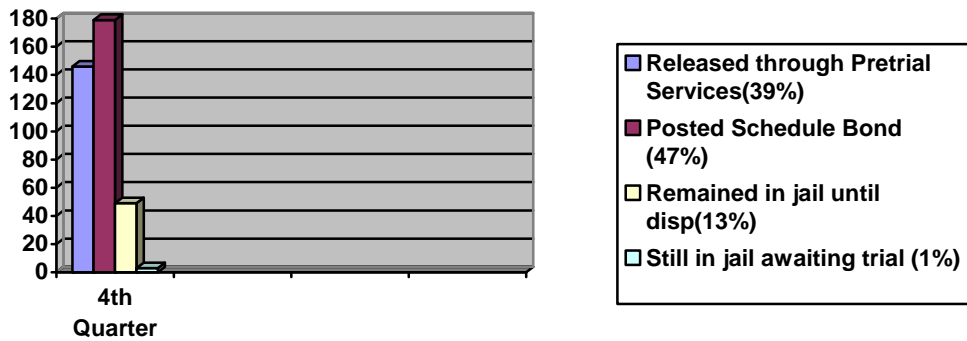
The local officials were asked their perceptions of how they feel the pilot program is working by Statewide Supervisor Amy Gamble. Their responses are as follows:

- District Judge Charles Moore: “stated that he felt everything went great and that he doesn’t have statistics, but he believes more people are getting out under the new schedule as opposed to the old because Pretrial seems to be presenting less people on the judge calls.”

### ***Outcomes***

In Boone County from October 1, 2010, to December 31, 2010, there were a total of 1,364 arrests in which 851 defendants obtained some form of pretrial release (62 percent). There were 124 cases for non-payment of fines (9 percent) and **377** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (28 percent of all arrests). Of these, 179 people posted the schedule bond (47percent), 146 obtained release through Pretrial Services (39 percent), 49 defendants never obtained a pretrial release and were held in jail until their case was disposed (13 percent) and three defendants were still in custody awaiting trial as of December 31, 2010 (1 percent).

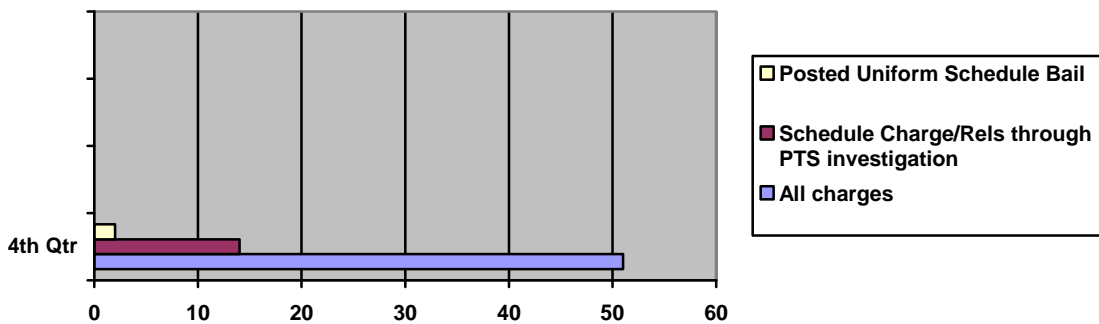
**Boone County: Outcomes for cases eligible under the schedule**



**Pretrial Incarceration Time**

During the fourth quarter, the average time it took for a defendant to obtain a pretrial release in Boone County was 51 hours. For charges under the schedule, the average time was 14 hours. For defendants who posted a bond under the schedule the average time was two hours. Unlike rural areas where Pretrial Officers only contact a judge twice per day, the caseload in Boone County requires officers to be present in the jail from 5am to 11pm daily and make multiple calls. Due to the availability of Pretrial Services the time it takes to obtain a pretrial release in Boone County for low level offenses is much quicker than in programs with limited pretrial staff. District Court arraignments for defendants in custody are held daily, Monday through Friday and Circuit Court is held two times per week.

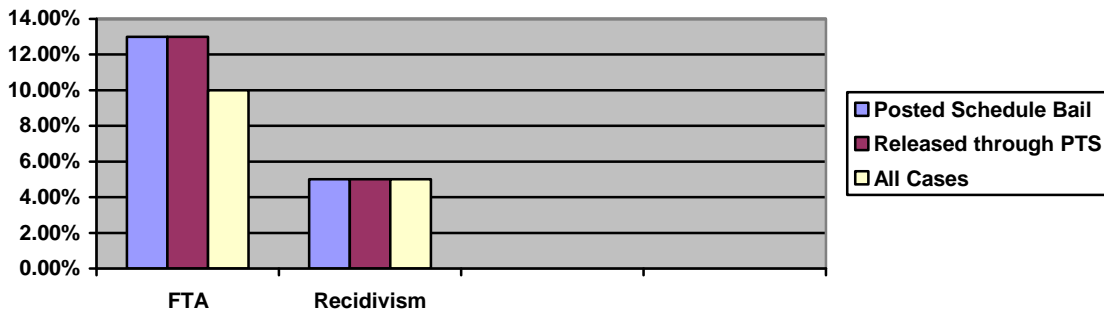
**Boone County: Pretrial Incarceration time in hours**



**Pretrial Failure Rates**

In Boone County the FTA rate for all cases during the fourth quarter was 10 percent. The FTA rate for defendants who posted a uniform schedule of bail was 13 percent. The FTA rate for defendants who were charged with an offense on the uniform schedule but were released through Pretrial Services instead of posting the schedule bail was also 13 percent. The recidivism rate for all cases during the third quarter was 5 percent. For those posting a schedule bail amount the rate was 5 percent and for those released through PTS the rate was also 5 percent.

**Boone County: Pretrial failure rates**

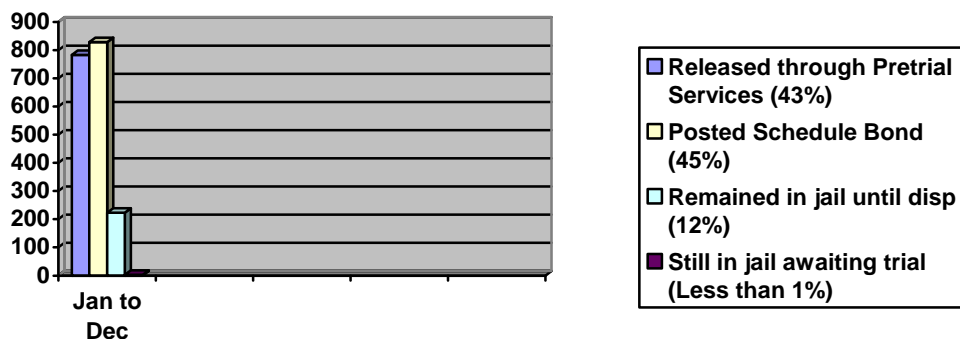


**Cumulative Totals**

**Outcomes**

In Boone County from January 1, 2010, through December 31, 2010, there were a total of 5,908 arrests in which 66 percent of defendants obtained some form of pretrial release. There were 571 cases for non-payment of fines (10 percent) and **1,837** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (31 percent of all arrests). Of these, 828 people posted the schedule bond (45 percent), 783 obtained release through Pretrial Services (43 percent), 223 defendants never obtained a pretrial release and were held in jail until their case was disposed (12 percent) and three defendants were still in custody awaiting trial as of December 31, 2010 (less than 1 percent).

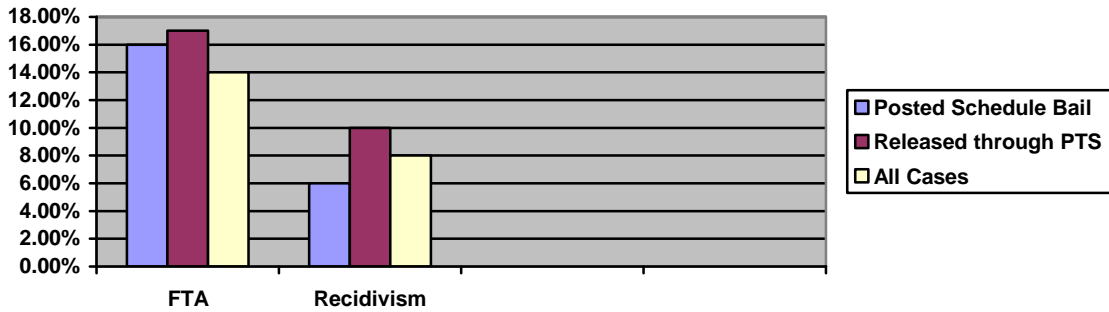
**Outcomes for cases eligible under the schedule Jan 1<sup>st</sup> through December 31<sup>st</sup>**



**Pretrial Failure Rates**

The FTA rate for all cases from January 1<sup>st</sup> through December 31<sup>st</sup> was 14 percent. For defendants released under the uniform schedule of bail the FTA rate was 16 percent. For defendants released through Pretrial Services the FTA rate was 17 percent. The recidivism rate for all cases was 8 percent. The recidivism rate for those posting a schedule bail amount was 6 percent and those released through PTS was 10 percent.

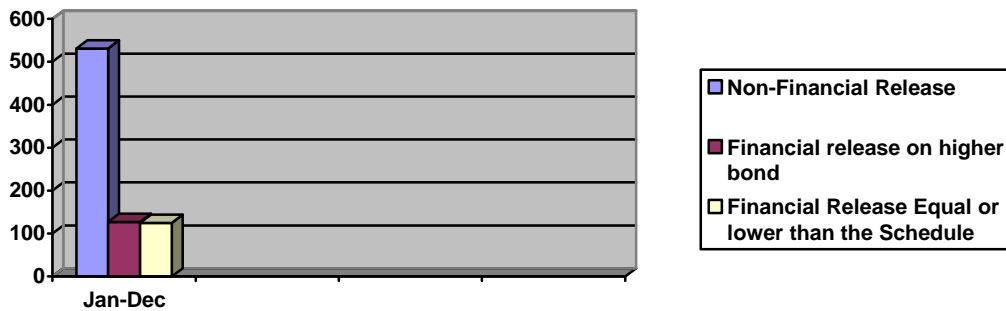
**Boone County: Pretrial Failure Rates January 1<sup>st</sup> to December 31<sup>st</sup>**



**Pretrial Services Investigation Data**

In most cases, once the defendant was presented to a Judge, the bond amount was lowered based on the defendant’s risk level and criminal history. Of the 783 defendants eligible under the schedule that were interviewed by Pretrial Services and released, 531 were released on recognizance, unsecured or a surety bond (68 percent). There were 127 defendants who had their bond raised (16 percent) and 125 defendants who were released on a financial bond that was equal to or lower than the schedule amount (16 percent).

**Type of release for defendants after Pretrial Services investigation**



**Local Schedule for Misdemeanor 508 Cases**

In addition to the pilot Uniform Schedule of Bail, Boone County utilizes a local schedule for certain misdemeanor charges in KRS Chapter 508, such as Assault 4<sup>th</sup>, Terroristic Threatening, Menacing and Stalking 2<sup>nd</sup>. Since January 1, 2010, there have been 175 cases eligible under the local schedule. There were 150 defendants who obtained some form of pretrial release (86 percent), with only 20 posting the local schedule bail (13 percent). The majority of these defendants were released on recognizance, surety or an unsecured bond (71 percent). Twenty-four defendants were released on a higher bail than the schedule (16 percent). The FTA rate for these cases was 8 percent and the recidivism rate was 13 percent.

### ***Pretrial Services Time Savings***

We have seen some time savings for Pretrial Services in Boone County. With 828 people posting a schedule bond without a Pretrial Services investigation, the time savings over the past year was 166 hours; about 14 hours per month. With a high supervision caseload in the Misdemeanor Diversion and Monitored Conditional Release programs, the time savings have allowed staff to spend more time working with the defendants who need direct supervision.

## **Boyd County**

### ***Demographics***

Boyd County is a suburban area with a population of 48,527. The poverty rate is 18 percent, the unemployment rate is 9 percent and 54 percent of children are eligible for a free or reduced lunch in schools. The average defendant in Boyd County is a white non-Hispanic male, between the ages of 21 to 29, who has at least a high school diploma. Based on information obtained through the pretrial investigation 56 percent of defendants were screened as having problems with substance abuse or mental health issues.

### ***Jail Population***

The total jail population in Boyd County on the first day of the pilot was 220. The pretrial population in the jail was 157, thus 71 percent of the total population was pretrial status. At the end of the first quarter the pretrial population was 71 percent. At the end of the second quarter the pretrial population remained at 71 percent with a total jail population of 244 and a pretrial population 173. At the end of the third quarter the total jail population in Boyd County was 212 and the pretrial population was 105, a decrease to 50 percent. As of December 31<sup>st</sup> the total population was 224 with 120 inmates in pretrial status, an increase from last quarter to 54 percent. Overall, the jail population in Boyd County has decreased by 17 percent during the past year.

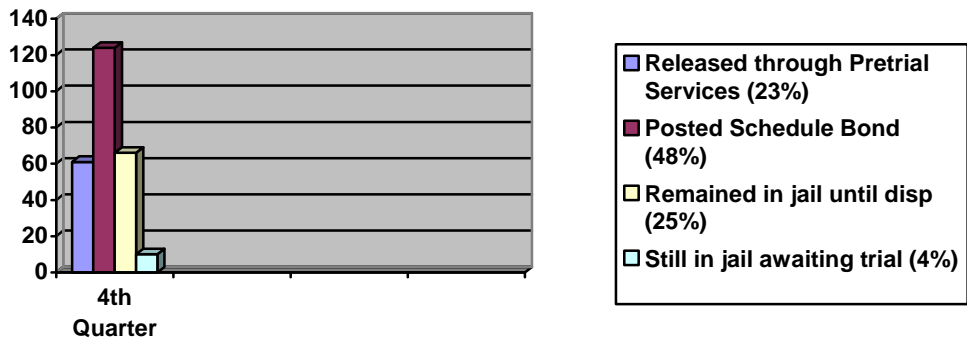
### ***Local Officials Perceptions***

The local officials were asked their perceptions of how they feel the pilot program is working by Program Supervisor Barb Oney. Barb reports that all parties are pleased that the pilot program has been extended into 2011.

### ***Outcomes***

In Boyd County from October 1, 2010, through December 31, 2010, there were a total of 804 arrests in which 388 defendants obtained some form of pretrial release (48 percent). There were 96 cases for non-payment of fines (12 percent) and **261** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (32 percent of all arrests). Of these, 124 people posted the schedule bond (48percent), 61 obtained release through Pretrial Services (23 percent), 10 were still in jail awaiting trial as of December 31<sup>st</sup> (4 percent) and 66 defendants never obtained a pretrial release and were held in jail until their case was disposed (25 percent).

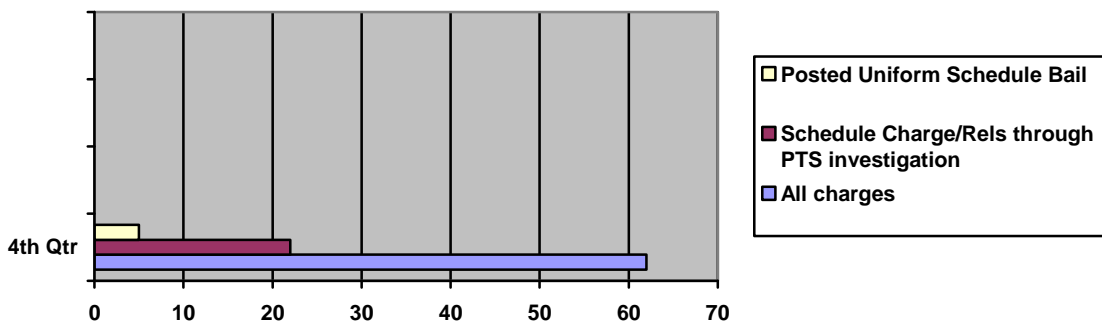
**Boyd County: Outcomes for cases eligible under the schedule**



**Pretrial Incarceration Time**

During the fourth quarter, the average time it took for a defendant to obtain a pretrial release in Boyd County was 62 hours. For charges under the schedule, the average time was 25 hours. For defendants who posted a bond under the schedule the average time was five hours. District Court arraignments for defendants in custody are held three times per week and Circuit Court is held two times per week.

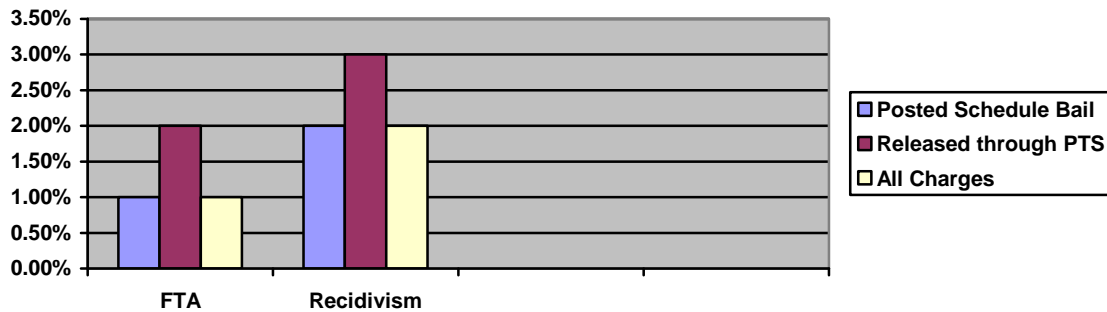
**Boyd County: Pretrial incarceration time in hours**



**Pretrial Failure Rates**

In Boyd County the FTA rate for all cases during the fourth quarter was 1 percent. The FTA rate for defendants who posted a uniform schedule of bail was 1 percent. The FTA rate for defendants who were charged with an offense on the uniform schedule but were released through Pretrial Services instead of posting the schedule bail was 2 percent. The recidivism rate for all cases during the fourth quarter was 2 percent. For those posting a schedule bail the rate was 2 percent and for those released through PTS the rate was 3 percent.

**Boyd County: Pretrial failure rates**

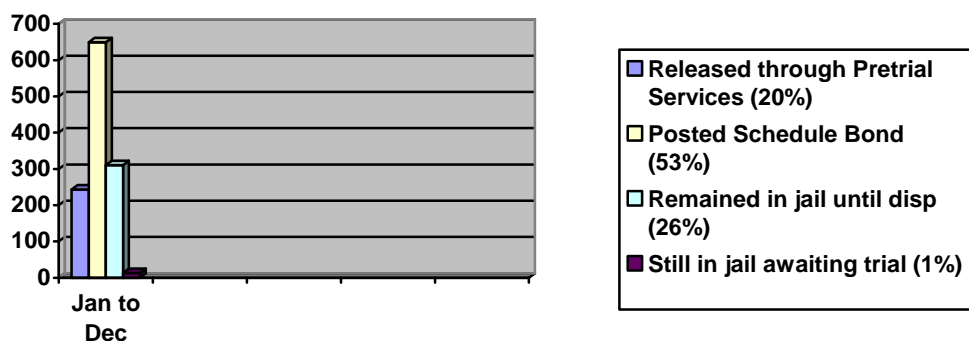


**Cumulative Totals**

**Outcomes**

In Boyd County from January 1, 2010, through December 31, 2010, there were a total of 3,624 arrests in which 47 percent of defendants obtained some form of pretrial release. There were 502 cases for non-payment of fines (14 percent) and **1,215** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (34 percent of all arrests). Of these, 649 people posted the schedule bond (53percent), 243 obtained release through Pretrial Services (20 percent), 13 were still in jail awaiting trial as of December 31, 2010 (1 percent) and 310 defendants never obtained a pretrial release and were held in jail until their case was disposed (26 percent).

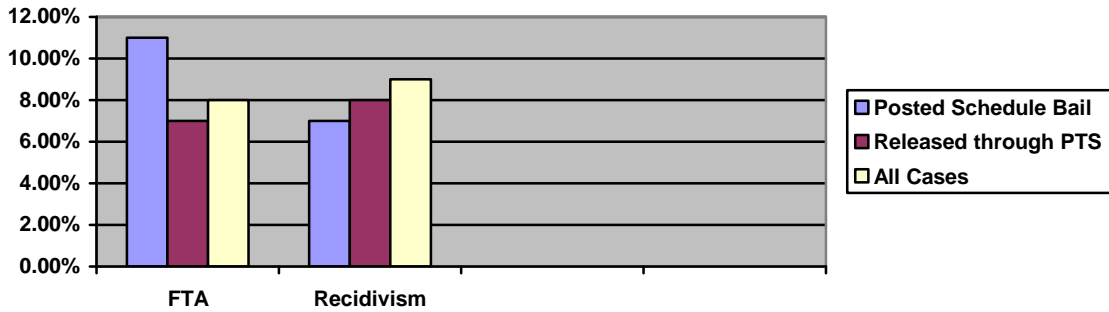
**Outcomes for cases eligible under the schedule Jan 1<sup>st</sup> through December 31<sup>st</sup>**



**Pretrial Failure Rates**

The FTA rate for all cases from January 1<sup>st</sup> through December 31<sup>st</sup> was 8 percent. For defendants released under the uniform schedule of bail the FTA rate was 11 percent. For defendants released through Pretrial Services the FTA rate was 7 percent. The recidivism rate for all cases was 9 percent. The recidivism rate for those posting a schedule bail amount was 7 percent and those released through PTS was 8 percent.

**Boyd County: Pretrial Failure Rates January 1<sup>st</sup> to December 31<sup>st</sup>**



**Pretrial Services Investigation Data**

In most cases, once the defendant was presented to a Judge, the bond amount was raised based on the defendant’s risk level and criminal history. Of the 243 defendants eligible under the schedule that were interviewed by Pretrial Services and released, 123 defendants had their bond raised (51 percent). There were 98 defendants released on recognizance, unsecured or a surety bond (40 percent) and 22 defendants who were released on a financial bond that was equal to or lower than the schedule amount (9 percent).

**Type of release for defendants after Pretrial Services investigation**



**Pretrial Services Time Savings**

We have seen some time savings for Pretrial Services in Boyd County. With 649 people posting a schedule bond without a Pretrial Services investigation, the time savings over the past year was 130 hours, almost 11 hours per month. The time savings have allowed staff to spend more time supervising high risk defendants in the Monitored Conditional Release program.

## **Butler County**

### ***Demographics***

Butler County is a rural area with a population of 13,329. The poverty rate is 17 percent, the unemployment rate is 13 percent and 56 percent of children are eligible for a free or reduced lunch in schools. The average defendant in Butler County is a white non-Hispanic male, between the ages of 21 to 29, who did not finish high school or obtain a GED. Based on information obtained through the pretrial investigation 58 percent of defendants were screened as having problems with substance abuse or mental health issues.

### ***Jail Population***

At the end of the first quarter the pretrial population in Butler County was 61 percent. At the end of the second quarter, the jail population in Butler County was 44 and the pretrial population was 28, thus an increase to 64 percent of inmates in pretrial status. At the end of the third quarter the jail population was 32 with 24 inmates in pretrial status, an increase 75 percent. As of December 31<sup>st</sup> the jail population was 30 with 22 inmates in pretrial status a slight decrease from the previous quarter to 73 percent. Overall the pretrial jail population in Butler County has increase over the past year.

### ***Local Officials Perceptions***

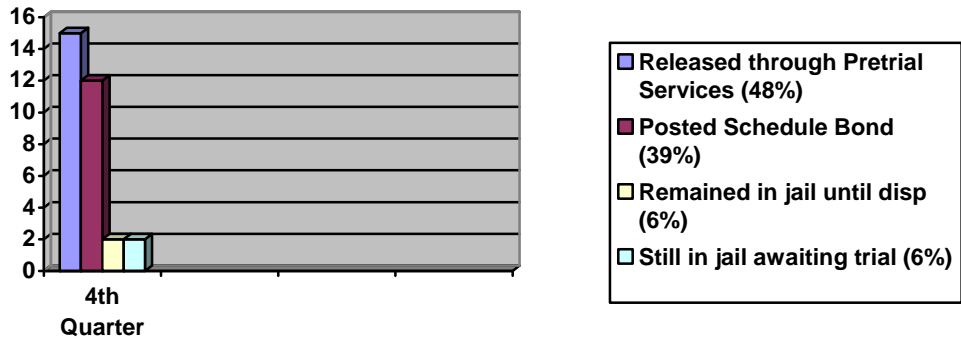
The local officials were asked their perceptions of how they feel the pilot program is working by Program Supervisor, Christie Tomes. Their responses are as follows:

- I spoke with the judges in my area and they seemed to have the same opinion toward the pilot program. Judge McCarty stated that he does not feel that the program has shown any drastic changes.
- In conclusion, it is still proven that most all defendants that are arrested are still interviewed by pretrial. So that being said I do not feel that the program has proven to be beneficial to my area. I do feel that with some review of the program and some changes in the amount of bonds that the program could prove to be beneficial.”

### ***Outcomes***

In Butler County from October 1, 2010, through December 31, 2010, there were a total of 132 arrests in which 85 defendants obtained some form of pretrial release (64percent). There were nine cases for non-payment of fines (7 percent) and **31** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (23 percent of all arrests). Of these, 12 defendants posted the schedule bond (39 percent), 15 obtained release through Pretrial Services (48 percent), two defendants were still in custody awaiting trial as of December 31<sup>st</sup> (6 percent) and two defendants never obtained a pretrial release and were held in jail until their case was disposed (6 percent).

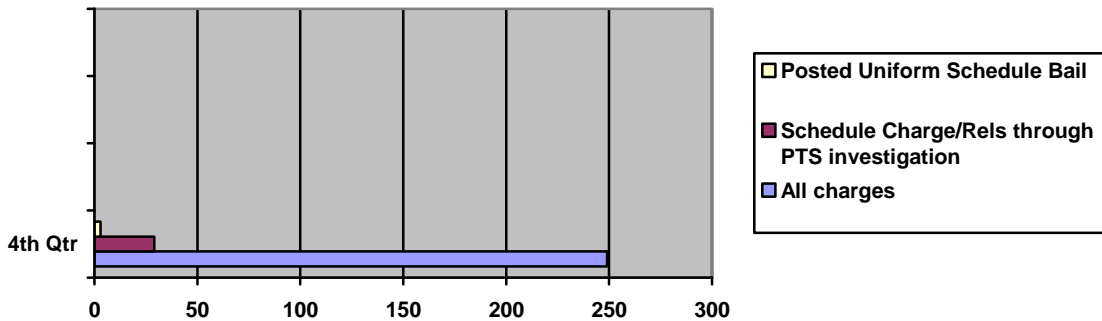
**Butler County: Outcomes for cases eligible under the schedule**



**Pretrial Incarceration Time**

During the fourth quarter, the average time it took for a defendant to obtain a pretrial release in Butler County was 249 hours. For charges under the schedule, the average time was 29 hours. For those that posted a schedule bail the average time was three hours. District Court arraignments are only held once a week, therefore, if a defendant does not have the means to post a financial bail, and the Judge does not reduce the bail prior to arraignment, the defendant could potentially be held in jail for up to seven days. Circuit court is only held once a month.

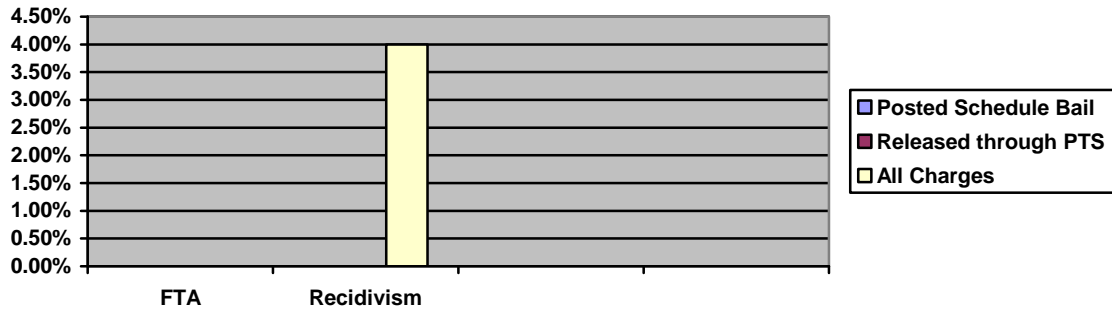
**Butler County: Pretrial incarceration time in hours**



**Pretrial Failure Rates**

In Butler County the FTA rate for all cases during the fourth quarter was 0 percent. For defendants released under the uniform schedule of bail the FTA rate was 0 percent. For defendants released through Pretrial Services the FTA rate was also 0 percent. The recidivism rate for all cases was 4 percent. The recidivism rate for those posting a schedule bail amount was 0 percent and those released through PTS was also 0 percent.

**Butler County: Pretrial failure rate**

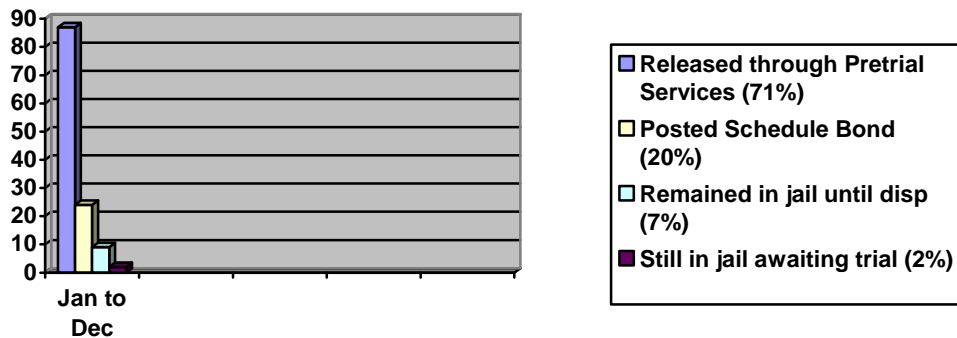


**Cumulative Totals**

**Outcomes**

In Butler County from January 1, 2010, through December 31, 2010, there were a total of 546 arrests in which 72 percent of defendants obtained some form of pretrial release. There were 46 cases for non-payment of fines (8 percent) and **122** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (22 percent of all arrests). Of these, only 24 people posted the schedule bond (20 percent), 87 obtained release through Pretrial Services (71 percent), two defendants were still in jail awaiting trial as of December 31<sup>st</sup> (2 percent) and nine defendants never obtained a pretrial release and were held in jail until their case was disposed (7 percent).

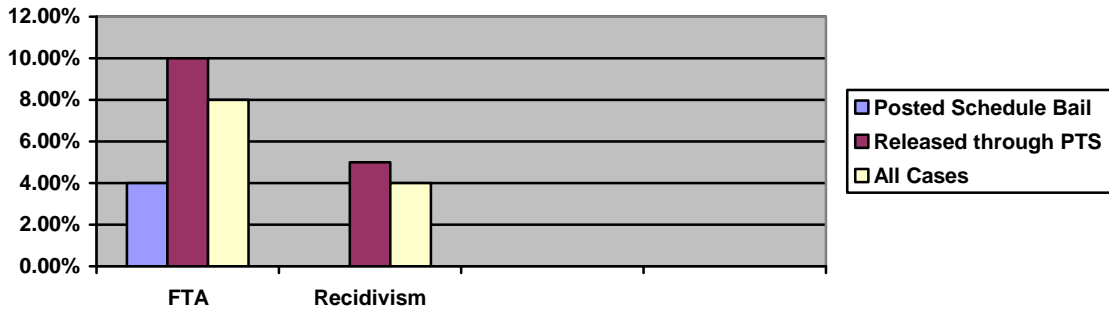
**Outcomes for cases eligible under the schedule Jan 1<sup>st</sup> through December 31<sup>st</sup>**



**Pretrial Failure Rates**

The FTA rate for all cases from January 1<sup>st</sup> through December 31<sup>st</sup> was 8 percent. For defendants released under the uniform schedule of bail the FTA rate was 4 percent. For defendants released through Pretrial Services the FTA rate was 10 percent. The recidivism rate for all cases was 4 percent. The recidivism rate for those posting a schedule bail amount was 0 percent and those released through PTS was 5 percent.

**Butler County: Pretrial Failure Rates January 1<sup>st</sup> to December 31<sup>st</sup>**



**Pretrial Investigation Data**

In most cases, once the defendant was presented to a Judge, the bond amount was raised based on the defendant's risk level and criminal history. Of the 87 defendants eligible under the schedule that were interviewed by Pretrial Services and released, 42 defendants had their bond raised (48 percent). There were 38 defendants released on recognizance, unsecured or a surety bond (44 percent) and seven defendants who were released on a financial bond that was equal to or lower than the schedule amount (8 percent).

**Type of release for defendants after Pretrial Services investigation**



**Pretrial Services Time Savings**

We have not seen significant time savings for Pretrial Services in Butler County. Since only 24 people have posted a schedule bond without a Pretrial Services investigation, the time savings over the past year was only four and a half hours.

**Campbell County**

**Demographics**

Campbell County is an urban area with a population of 88,423. The poverty rate is 12 percent, the unemployment rate is 11 percent and 46 percent of children are eligible for

a free or reduced lunch in schools. The average defendant in Campbell County is a white non-Hispanic male, between the ages of 21 to 29, who has at least a high school diploma or GED. Based on information obtained through the pretrial investigation 56 percent of defendants were screened as having problems with substance abuse or mental health issues.

### ***Jail Population***

The total jail population in Campbell County on the first day of the pilot was 505. The pretrial population in the jail was 122; therefore 24 percent of all inmates were pretrial status. At the end of the first quarter the pretrial population was 27 percent. At the end of the second quarter the jail population was 496 and the pretrial population was 148, an increase to 30 percent. At the end of the third quarter the jail population was 582 with only 159 in pretrial status, a decrease from the second quarter to 27 percent. As of December 31<sup>st</sup>, the jail population was 488 with 124 defendants in pretrial status, or 25 percent. Besides some slight variations, the pretrial population in Campbell County has remained consistent throughout the pilot year.

### ***Local Official Perceptions***

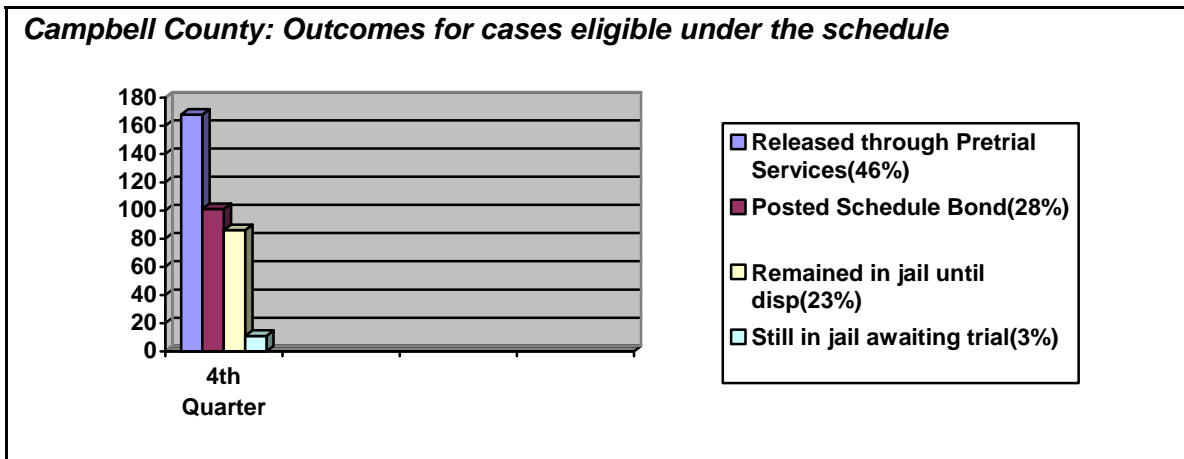
The local officials were asked their perceptions of how they feel the pilot program is working by Program Supervisor Kim Toney. Their responses are as follows:

- Greg Buckler, Campbell County Jailer: “stated he thinks it is a good program and beneficial to those who took advantage of the preset bonds. He also stated that he wished more people had used the program.”
- Judge Gregory Popovich, District Court: “stated that the program worked effectively by increasing the release rate without increasing the rate of failure to appear. However, the efficiency of the program is greatly reduced in Campbell County because Class D felonies are not included in the program. He stated it was absurd that the Circuit Judges should have veto power on the decision to eliminate felonies since they refuse to assist in any way in the bond setting process.”
- Kim Toney, Program Supervisor: “I think the Program is a useful program, it allows people to smoothly navigate the system by knowing what is going to happen and in what order it will take place. Once someone is told they can be released by paying a minimal fee, they can concentrate on their release instead of concentrating on their incarceration. If the detention centers are working the program correctly the individual should know within five minutes of their arrival to jail how much it is going to cost to get them out. In Campbell County, for the most part, defendants were notified immediately what they needed to do for release. Of course there were times when the detention center was extremely busy and the defendants were not notified. In my opinion, the detention center did a good job of getting the information out to the arrestees. Throughout the process there were some discrepancies in UOR Codes between the Campbell bond schedule and the detention centers Eagle System causing the detention center some pause about who they would release. One of those charges was DUI 1<sup>st</sup> offense. We were able to just recently rectify that situation, which means even more people have the opportunity to post the preset bond and be released in a much

timelier manner. Documentation of conditions on bond sheets was poorly lacking. Everyone involved could have done a better job making sure the conditions were added to the release sheets and documented in PRIM. Overall, a great program and I wish more people had taken advantage of the preset bonds. However, each month an improvement in the number of people using the preset grew which is evidence that the program was working and continues to work. I hope it continues and spreads to more jurisdictions.”

**Outcomes**

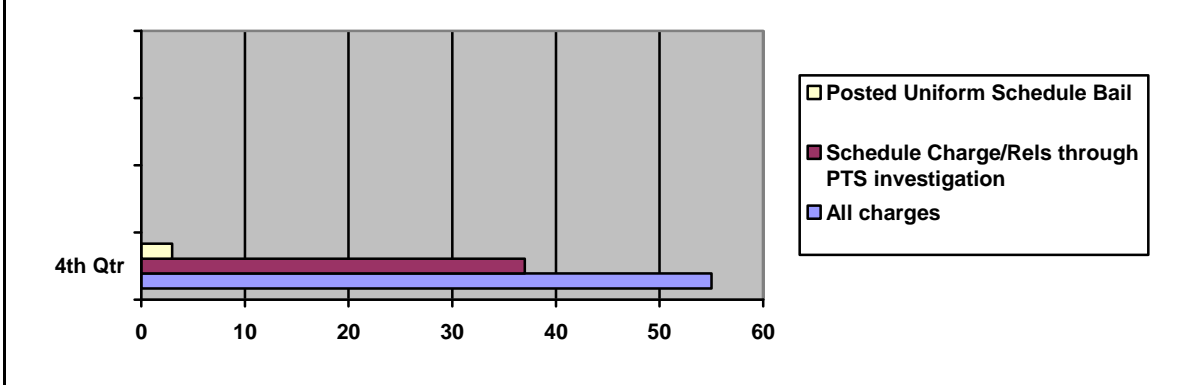
In Campbell County from October 1, 2010, through December 31, 2010, there were a total of 1,567 arrests in which 746 defendants obtained some form of pretrial release (48 percent). There were 205 cases for non-payment of fines (13 percent) and **366** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (23 percent of all arrests). Of these, 101 people posted the schedule bond (28percent), 168 obtained release through Pretrial Services (46 percent), 11 were still in jail awaiting trial as of December 31<sup>st</sup> (3 percent) and 86 defendants never obtained a pretrial release and were held in jail until their case was disposed (23 percent).



**Pretrial Incarceration Time**

During the fourth quarter, the average time it took for a defendant to obtain a pretrial release in Campbell County was 55 hours. For charges under the schedule, the average time was 37 hours. For defendants who posted a bond under the schedule the average time was three. Like Boone County, pretrial officers are present for most of the day and make multiple calls to the judges. District Court arraignments for defendants in custody are held four times per week and Circuit Court is held two times per week.

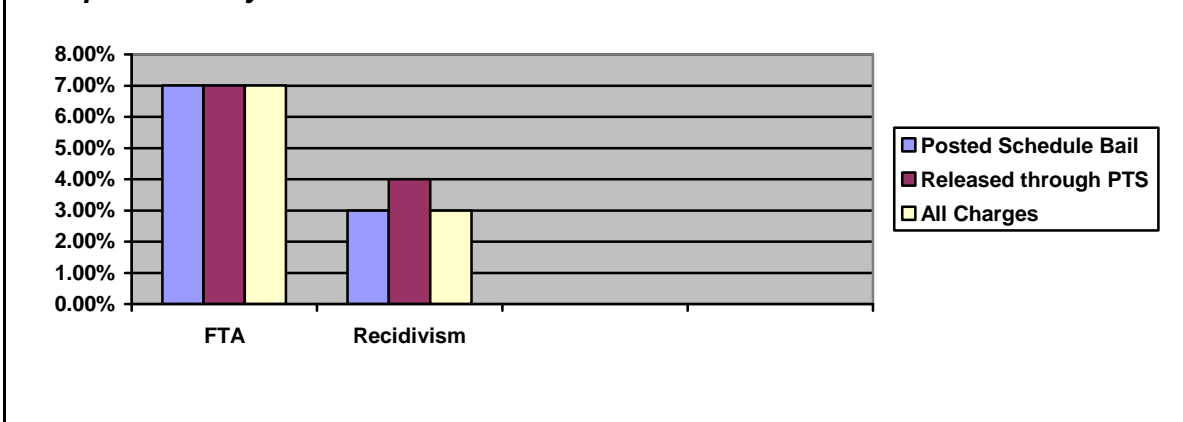
**Campbell County: Pretrial incarceration time in hours**



**Pretrial Failure Rates**

In Campbell County the FTA rate for all cases during the fourth quarter was 7 percent. The FTA rate for defendants who posted a uniform schedule of bail was 8 percent. The FTA rate for defendants who were charged with an offense on the uniform schedule but were released through Pretrial Services instead of posting the schedule bail was also 7 percent. The recidivism rate for all cases during the third quarter was 3 percent. For those posting a schedule bail amount the rate was 3 percent and for those released through PTS the rate was 4 percent.

**Campbell County: Pretrial failure rates**

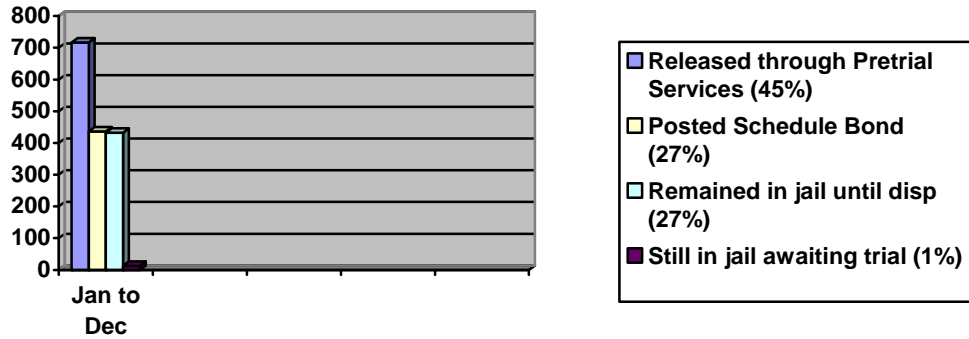


**Cumulative Totals**

**Outcomes**

In Campbell County from January 1, 2010, through December 31, 2010, there were a total of 6,614 arrests in which 47 percent of defendants obtained some form of pretrial release. There were 914 cases for non-payment of fines (14 percent) and **1,598** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (24 percent of all arrests). Of these, 436 people posted the schedule bond (27percent), 717 obtained release through Pretrial Services (45 percent), 13 were still in jail awaiting trial as of December 31, 2010 (1 percent) and 432 defendants never obtained a pretrial release and were held in jail until their case was disposed (27 percent).

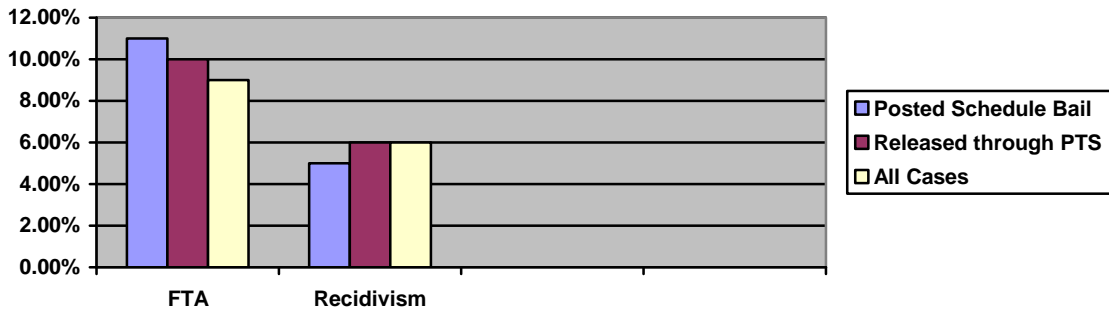
**Outcomes for cases eligible under the schedule Jan 1<sup>st</sup> through December 31<sup>st</sup>**



**Pretrial Failure Rates**

The FTA rate for all cases from January 1<sup>st</sup> through December 31<sup>st</sup> was 9 percent. For defendants released under the uniform schedule of bail the FTA rate was 11 percent. For defendants released through Pretrial Services the FTA rate was 10 percent. The recidivism rate for all cases was 6 percent. The recidivism rate for those posting a schedule bail amount was 5 percent and those released through PTS was 6 percent.

**Campbell County: Pretrial Failure Rates January 1<sup>st</sup> to December 31<sup>st</sup>**



**Pretrial Services Investigation Data**

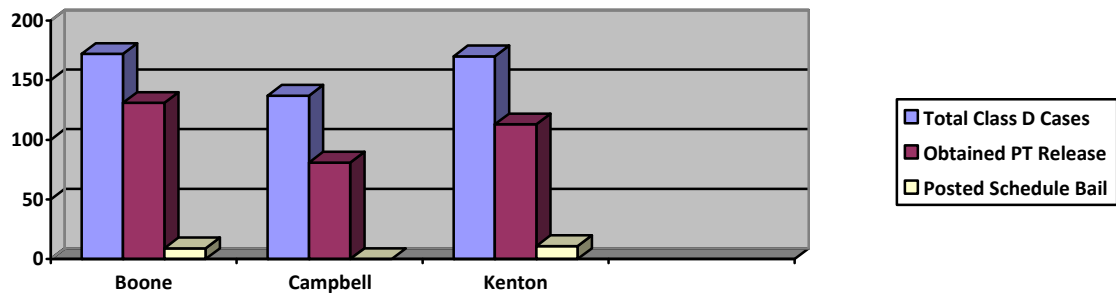
In most cases, once the defendant was presented to a Judge, the bond amount was lowered based on the defendant's risk level and criminal history. Of the 717 defendants eligible under the schedule that were interviewed by Pretrial Services and released, 457 defendants were released on recognizance, unsecured or a surety bond (64 percent), 160 defendants had their bond raised (22 percent) and 100 defendants were released on a financial bond that was equal to or lower than the schedule amount (14 percent).

**Type of release for defendants after Pretrial Services investigation**



**Class D Felony Charges**

In Campbell County the Circuit Judges requested that Class D felony charges be exempt from schedule eligibility. Since January 1, 2010, in all pilot counties except for Campbell County there were 729 Class D felony cases, of which 500 obtained some form of pretrial release (69 percent). However, only 60 defendants posted the schedule bail (12 percent). Campbell County had 137 Class D cases of which 81 obtained pretrial release (59 percent). In comparison, Boone County had 172 Class D felony cases with 131 pretrial releases (76 percent). However, only nine defendants posted the schedule bail (7 percent) in Boone County. Kenton County had 170 Class D felony cases with 113 obtaining pretrial release (66 percent) and 11 defendants posting the schedule bail (10 percent). Since very few defendants are posting the scheduled bail in the pilot counties it is difficult to determine what impact, if any, excluding these charges has on the release rates in Campbell County.



**Pretrial Services Time Savings**

We have seen some time savings for Pretrial Services in Campbell County. With 436 people posting a schedule bond without a Pretrial Services investigation, the time savings over the past year was 87 hours, a little over seven hours per month. The time savings have assisted the staff with supervising the high risk felony defendants in the Monitored Conditional Release program.

## Edmonson County

### **Demographics**

Edmonson County is a rural area with a population of 11,926. The poverty rate is 21 percent, the unemployment rate is 18 percent and 56 percent of children are eligible for a free or reduced lunch in schools. The average defendant in Edmonson County is a white non-Hispanic male, between the ages of 21 to 29, who has less than a high school diploma. Based on information obtained through the pretrial investigation 60 percent of defendants were screened as having problems with substance abuse or mental health issues.

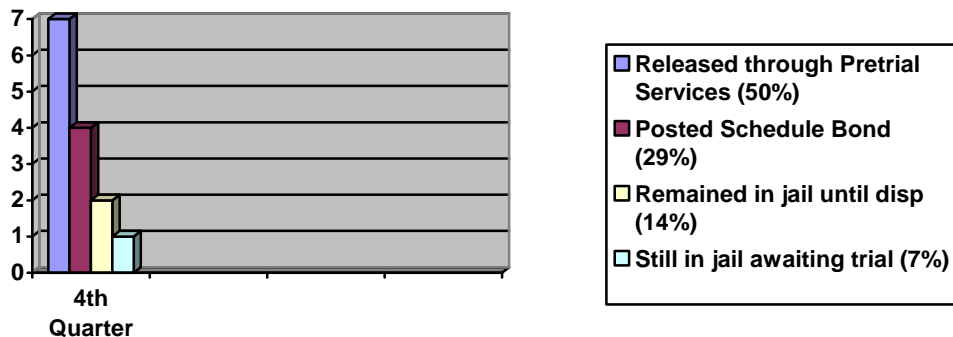
### **Jail Population**

Edmonson County does not have a jail and houses defendants in other facilities; therefore jail population data is not available.

### **Outcomes**

In Edmonson County from October 1, 2010, through December 31, 2010 there were a total of 96 arrests in which 53 defendants obtained some form of pretrial release (55 percent). There were six cases for non-payment of fines (6 percent) and **14** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (15 percent of all arrests). Of these, four people posted the schedule bond (29percent), seven obtained release through Pretrial Services (50 percent), one defendant was still in jail awaiting trial as of December 31<sup>st</sup> (7 percent) and two defendants never obtained a pretrial release and were held in jail until his or her case was disposed (14 percent).

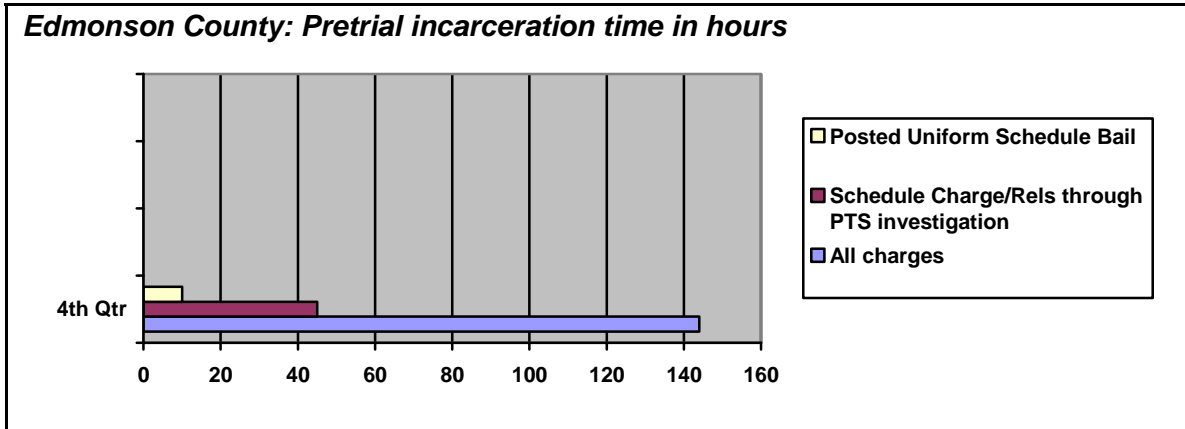
#### **Edmonson County: Outcomes for cases eligible under the schedule**



### **Pretrial Incarceration Time**

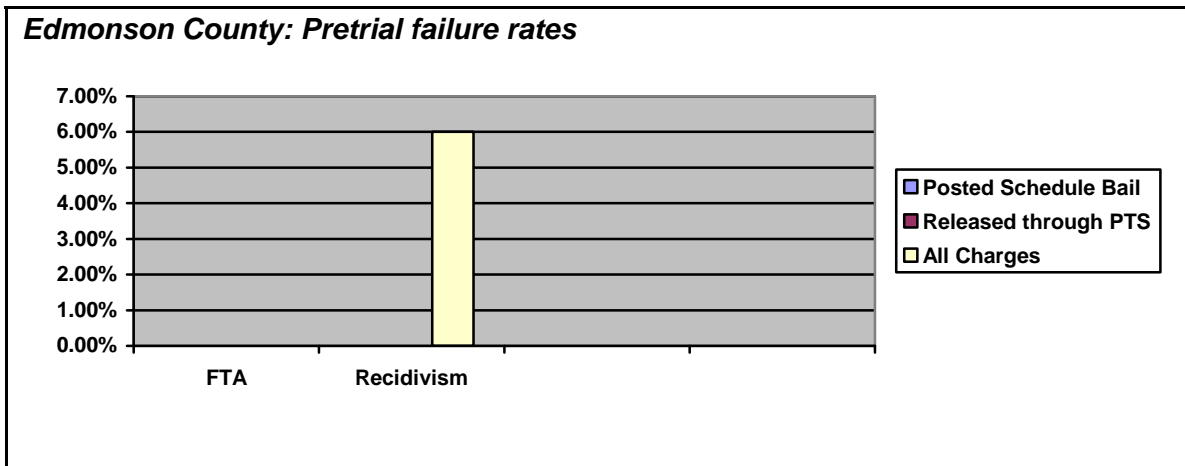
During the fourth quarter, the average time it took for a defendant to obtain a pretrial release in Edmonson County was 144 hours. For charges under the schedule, the average time was 45 hours. For defendants who posted a bond under the schedule the average time was 10 hours. District Court arraignments for defendants in custody are held once per week and Circuit Court is held once per month. If a defendant does not

have the means to post a financial bail, and the Judge does not reduce the bail prior to arraignment, the defendant could potentially be held in jail for up to seven days.



**Pretrial Failure Rates**

In Edmonson County the FTA rate for all cases during the fourth quarter was 0 percent. The recidivism rate for all cases during the fourth quarter was 6 percent. For those defendants charged with an offense under the schedule, not one defendant failed to appear or committed a new crime while on pretrial release.

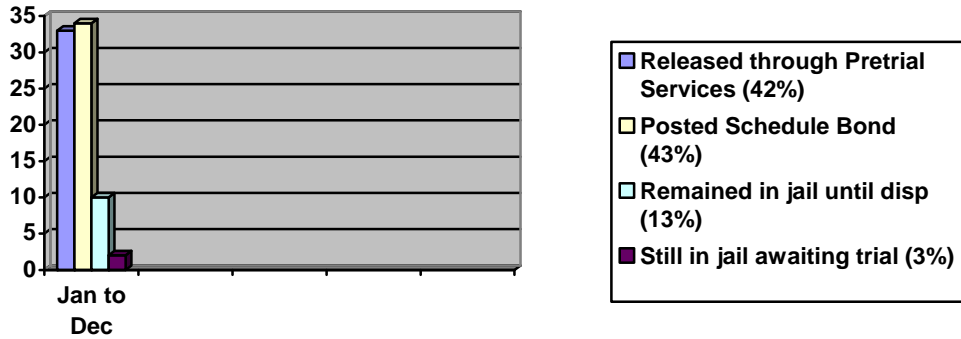


**Cumulative Totals**

**Outcomes**

In Edmonson County from January 1, 2010, through December 31, 2010, there were a total of 399 arrests in which 71 percent of defendants obtained some form of pretrial release. There were 21 cases for non-payment of fines (5 percent) and 79 cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (20 percent of all arrests). Of these, 34 people posted the schedule bond (43percent), 33 obtained releases through Pretrial Services (42percent) two were still in jail awaiting trial as of December 31<sup>st</sup> (3 percent) and ten defendants never obtained a pretrial release and were held in jail until their case was disposed (13 percent).

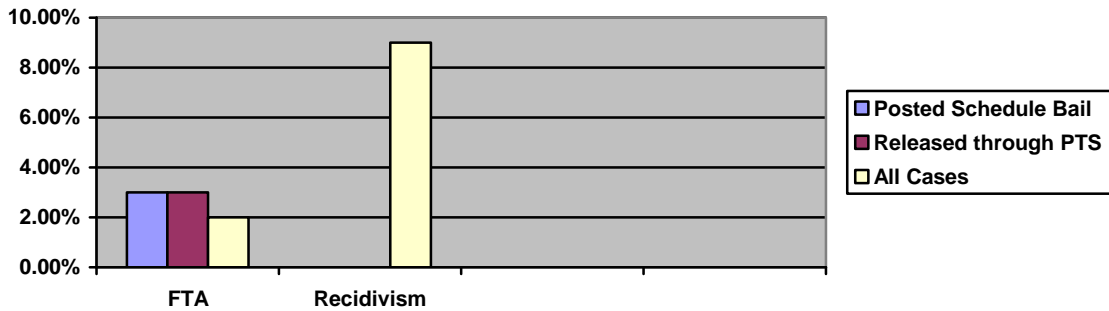
**Outcomes for cases eligible under the schedule Jan 1<sup>st</sup> through December 31<sup>st</sup>**



**Pretrial Failure Rates**

The FTA rate for all cases from January 1<sup>st</sup> through December 31<sup>st</sup> was 2 percent. For defendants released under the uniform schedule of bail the FTA rate was 3 percent. For defendants released through Pretrial Services the FTA rate was also 3 percent. The recidivism rate for all cases was 9percent. The recidivism rate for those posting a schedule bail amount was 0percent and those released through PTS was also 0 percent.

**Edmonson County: Pretrial Failure Rates January 1<sup>st</sup> to December 31<sup>st</sup>**



**Pretrial Services Investigation Data**

In most cases, once the defendant was presented to a Judge, the bond amount was raised based on the defendant's risk level and criminal history. Of the 33 defendants eligible under the schedule that were interviewed by Pretrial Services and released, 13 defendants had their bond raised (39 percent). There were 11 defendants released on recognizance, unsecured or a surety bond (33 percent) and nine defendants who were released on a financial bond that was equal to or lower than the schedule amount (27 percent).

**Type of release for defendants after Pretrial Services investigation**



**Pretrial Services Time Savings**

We have not seen significant time savings for Pretrial Services in Edmonson County. Since only 34 people have posted a schedule bond without a Pretrial Services investigation, the time savings over the past year was only 7 hours, less than 1 hour per month.

**Kenton County**

**Demographics**

Kenton County is an urban area with a population of 158,729. The poverty rate is 11 percent, the unemployment rate is 11 percent and 44 percent of children are eligible for a free or reduced lunch in schools. The average defendant in Kenton County is a white non-Hispanic male, between the ages of 21 to 29, who has at least a high school diploma or GED. Based on information obtained through the pretrial investigation 48percent of defendants were screened as having problems with substance abuse or mental health issues.

**Jail Population**

The total jail population in Kenton County on the first day of the pilot was 434. The pretrial population in the jail was 256, thus 59 percent of the total population. At the end of the first quarter the pretrial population was 60 percent. At the end of the second quarter, the jail population was 463 and the pretrial population was 273, a slight decrease to 59 percent. At the end of the third quarter the total population was 528 with 294 inmates in pretrial status, a decrease to 56 percent. As of December 31<sup>st</sup> the total jail population was 472 with 288 inmates in pretrial status, an increase to 61 percent. The data has shown that the jail population has remained consistent throughout the pilot year.

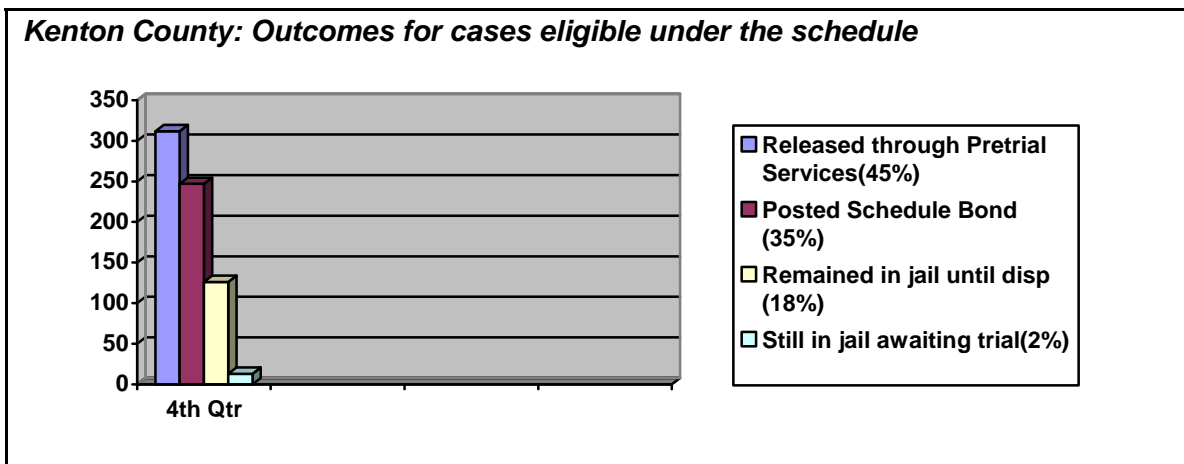
**Local Officials Perceptions**

The local officials were asked their perceptions of how they feel the pilot program is working by Statewide Supervisor Amy Gamble. Their responses are as follows:

- District Judge Easterling: "I do not use the schedule. It doesn't take into consideration recidivism."

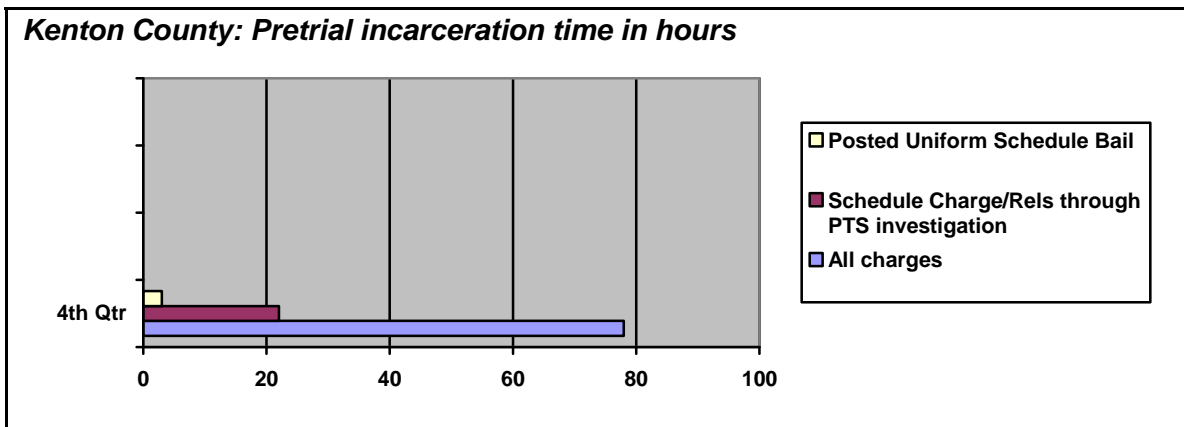
**Outcomes**

In Kenton County from October 1, 2010, through December 31, 2010, there were a total of 2,720 arrests in which 1,571 defendants obtained some form of pretrial release (58percent). There were 295 cases for non-payment of fines (11 percent) and **698** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (26 percent of all arrests). Of these, 247 people posted the schedule bond (35 percent), 312 obtained release through Pretrial Services (45 percent), 13 were still in jail awaiting trial as of December 31<sup>st</sup> (2 percent) and 126 defendants never obtained a pretrial release and were held in jail until their case was disposed (18 percent).



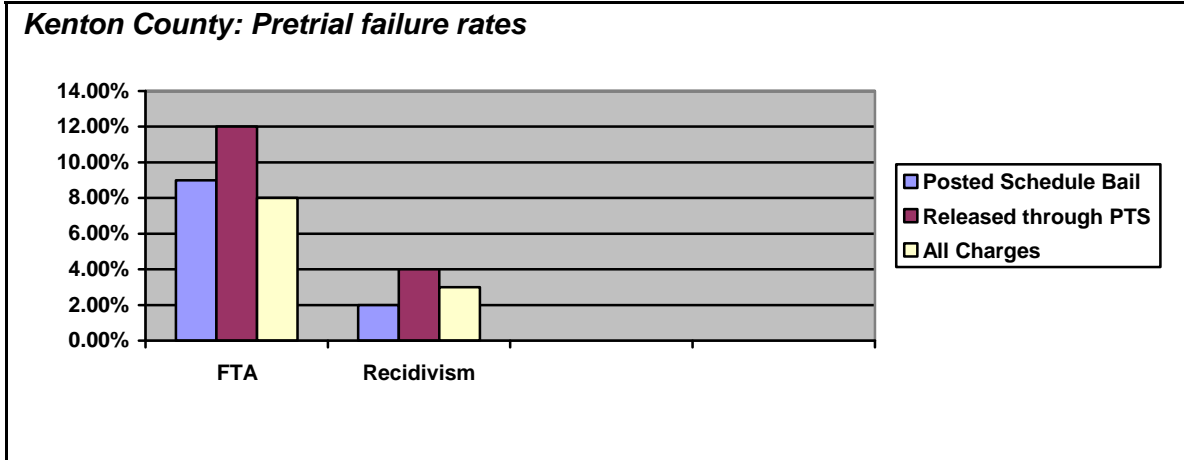
**Pretrial Incarceration Time**

During the fourth quarter, the average time it took for a defendant to obtain a pretrial release in Kenton County was 78 hours. For charges under the schedule, the average time was 22 hours. For defendants who posted a bond under the schedule the average time was three hours. District Court arraignments for defendants in custody are held daily, Monday through Friday and Circuit Court is held two times per week.



### **Pretrial Failure Rates**

In Kenton County the FTA rate for all cases during the fourth quarter was 8 percent. The FTA rate for defendants who posted a uniform schedule of bail was 9 percent. The FTA rate for defendants who were charged with an offense on the uniform schedule but were released through Pretrial Services instead of posting the schedule bail was 12 percent. The pretrial recidivism rate for all cases during the fourth quarter was 3 percent. For those posting a schedule bail amount the rate was 2 percent and for those released through PTS the rate was 4 percent.

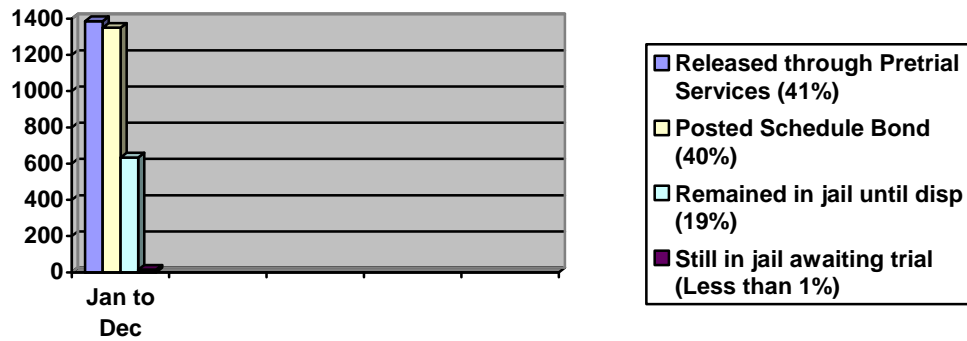


### **Cumulative Totals**

#### **Outcomes**

In Kenton County from January 1, 2010, through December 31, 2010, there were a total of 11,704 arrests in which 58 percent of defendants obtained some form of pretrial release. There were 1,265 cases for non-payment of fines (11 percent) and **3,385** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (29 percent of all arrests). Of these, 1,350 people posted the schedule bond (40percent), 1,386 obtained release through Pretrial Services (41 percent), 15 were still in jail awaiting trial as of December 31, 2010 (less than 1 percent) and 634 defendants never obtained a pretrial release and were held in jail until their case was disposed (19 percent).

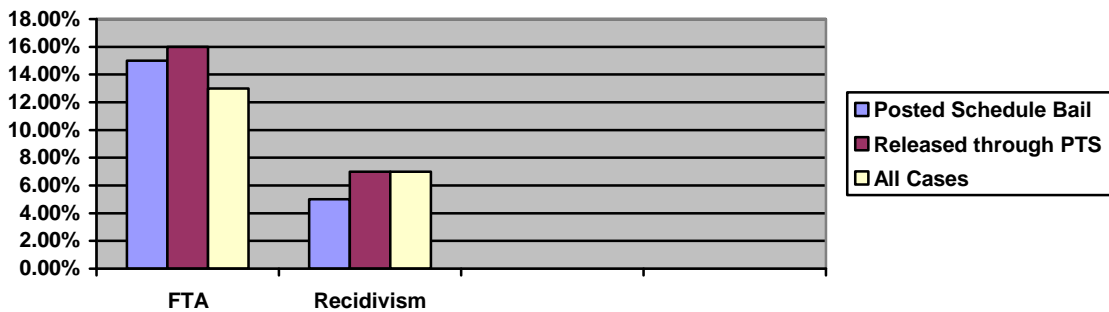
**Outcomes for cases eligible under the schedule Jan 1<sup>st</sup> through December 31<sup>st</sup>**



**Pretrial Failure Rates**

The FTA rate for all cases from January 1<sup>st</sup> through December 31<sup>st</sup> was 13 percent. For defendants released under the uniform schedule of bail the FTA rate was 15 percent. For defendants released through Pretrial Services the FTA rate was 16 percent. The recidivism rate for all cases was 7 percent. The recidivism rate for those posting a schedule bail amount was 5 percent and those released through PTS was 7 percent.

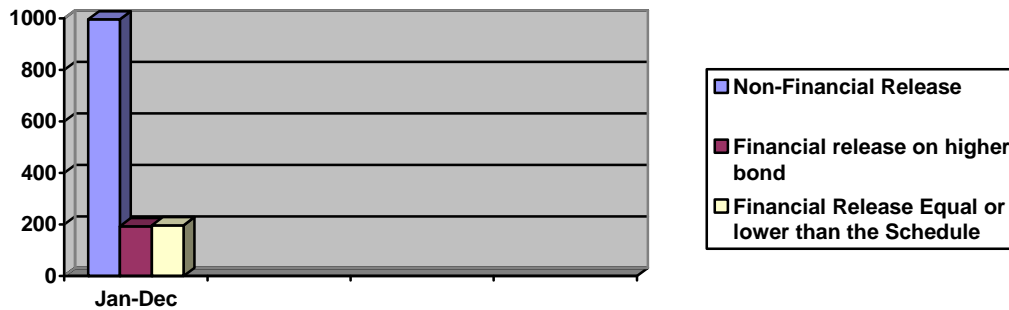
**Kenton County: Pretrial Failure Rates January 1<sup>st</sup> to December 31<sup>st</sup>**



**Pretrial Services Investigation Data**

In most cases, once the defendant was presented to a Judge, the bond amount was lowered based on the defendant's risk level and criminal history. Of the 1,386 defendants eligible under the schedule that were interviewed by Pretrial Services and released, 996 defendants were released on recognizance, unsecured or a surety bond (72 percent), 193 defendants had their bond raised (14 percent) and 197 defendants were released on a financial bond that was equal to or lower than the schedule amount (14 percent).

### **Type of release for defendants after Pretrial Services investigation**



### **Pretrial Services Time Savings**

We have seen significant time savings for Pretrial Services in Kenton County. With 1,350 people posting a schedule bond without a Pretrial Services investigation, the time savings over the past year was 270 hours, about 22 hours per month. These time savings have allowed staff to spend more time supervising clients in the Misdemeanor Diversion program and high risk defendants in the Monitored Conditional Release program.

## **Ohio County**

### **Demographics**

Ohio County is a rural area with a population of 23,534. The poverty rate is 19 percent, the unemployment rate is 11 percent and 70 percent of children are eligible for a free or reduced lunch. The average defendant in Ohio County is a white non-Hispanic male, between the ages of 21 to 29, who did not finish high school or obtain a GED. Based on information obtained through the pretrial investigation 61 percent of defendants were screened as having problems with substance abuse or mental health issues.

### **Jail Population**

The total jail population in Ohio County on the first day of the pilot was 57. The pretrial population was not reported. At the end of the first quarter the pretrial population was 99 percent. At the end of the second quarter the total jail population was 45 inmates and the pretrial population was 13, thus 29 percent of the total population. At the end of the third quarter the total jail population was 43 with 3 inmates in pretrial status for a slight increase to 30 percent. As of December 31<sup>st</sup> the total jail population was 45 with 15 inmates in pretrial status, a slight increase to 33 percent.

### **Local Officials Perceptions**

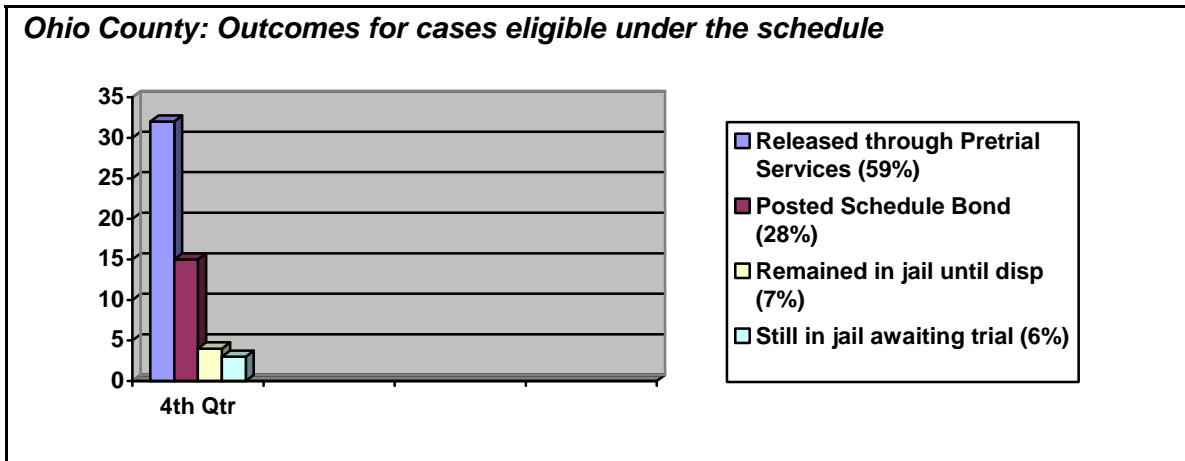
The local officials were asked their perceptions of how they feel the pilot program is working by Program Supervisor Christie Tomes. Their responses are as follows:

- I spoke with the Ohio County Circuit Clerks office and they do not feel that the program has made a big impact on them.

- Secondly, I spoke to Rip Wright, Ohio County Jailer. He stated that he believes that the program has showed some improvement as far as the amount of people who have been released. He also stated that if the bonds were lowered for the charges on the list he feels a lot more people may be able to get out.”
- I spoke with the judges in my area and they seemed to have the same opinion toward the pilot program. Judge McCarty stated that he does not feel that the program has shown any drastic changes.
- In conclusion, it is still proven that most all defendants that are arrested are still interviewed by pretrial. So that being said I do not feel that the program has proven to be beneficial to my area. I do feel that with some review of the program and some changes in the amount of bonds that the program could prove to be beneficial.”

**Outcomes**

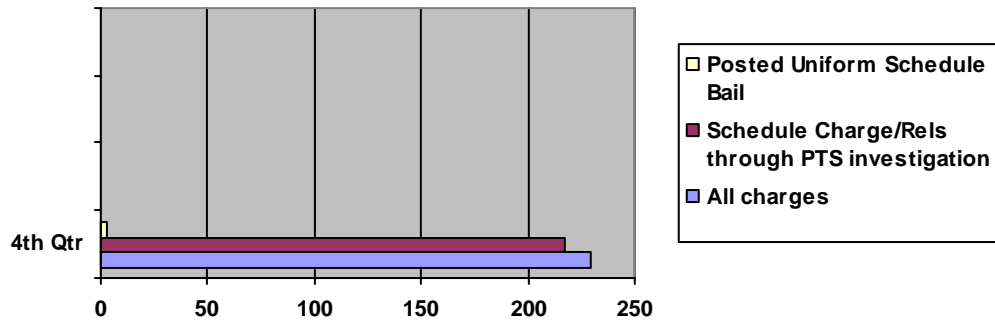
In Ohio County from October 1, 2010, through December 31, 2010, there were a total of 241 arrests in which 166 defendants obtained some form of pretrial release (69 percent). There were nine cases for non-payment of fines (4 percent) and **54** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (22 percent of all arrests). Of these, 15 people posted the schedule bond (28percent), 32 obtained release through Pretrial Services (59 percent), three defendants were still in jail awaiting trial as of December 31<sup>st</sup> (6 percent) and four defendants never obtained a pretrial release and were held in jail until their case was disposed (7 percent).



**Pretrial Incarceration Time**

During the fourth quarter, the average time it took for a defendant to obtain a pretrial release in Ohio County was 229 hours. For charges under the schedule, the average time was 217 hours. For defendants who posted a bond under the schedule the average time was three hours. District Court arraignments for defendants in custody are held twice per week and Circuit Court is held twice per month.

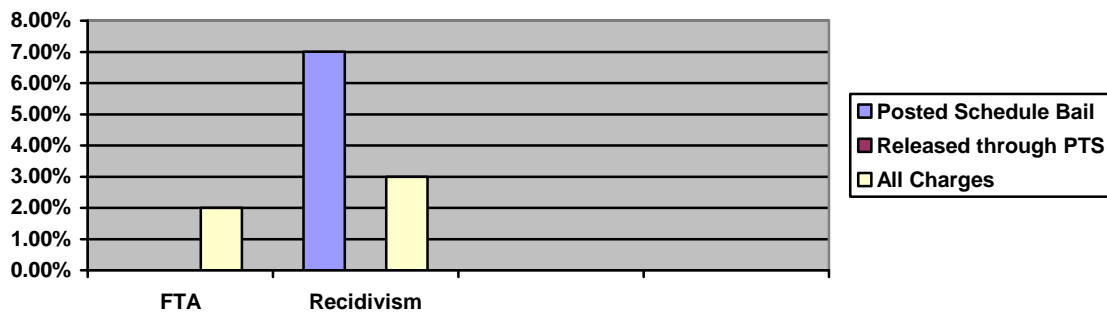
**Ohio County: Pretrial incarceration time in hours**



**Pretrial Failure Rates**

In Ohio County the FTA rate for all cases during the fourth quarter was 2 percent. For defendants released under the uniform schedule of bail the FTA rate was 0 percent. For defendants released through Pretrial Services the FTA rate was also 0 percent. The pretrial recidivism rate for all cases during the third quarter was 3 percent. The recidivism rate for those posting a schedule bail amount was 7 percent and those released through PTS was 0 percent.

**Ohio County: Pretrial failure rates**

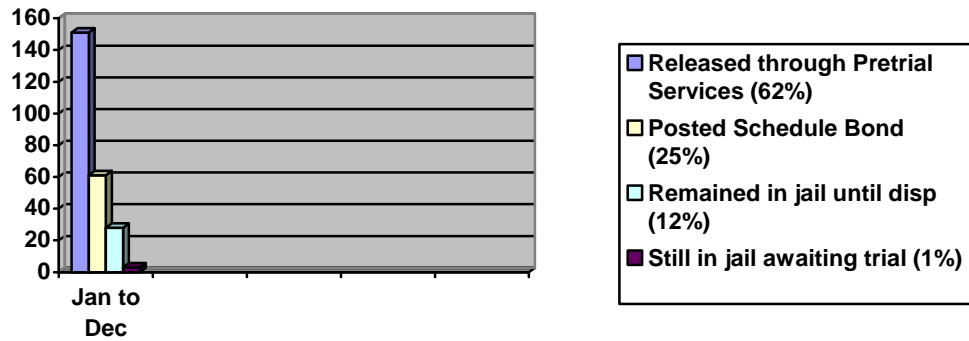


**Cumulative Totals**

**Outcomes**

In Ohio County from January 1, 2010, through December 31, 2010, there were a total of 1,048 arrests in which 70 percent of defendants obtained some form of pretrial release. There were 46 cases for non-payment of fines (4 percent) and **243** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (23 percent of all arrests). Of these, only 61 people posted the schedule bond (25percent), 151 obtained release through Pretrial Services (62 percent), three were still in jail awaiting trial as of December 31, 2010 (1 percent) and 28 defendants never obtained a pretrial release and were held in jail until their case was disposed (12 percent).

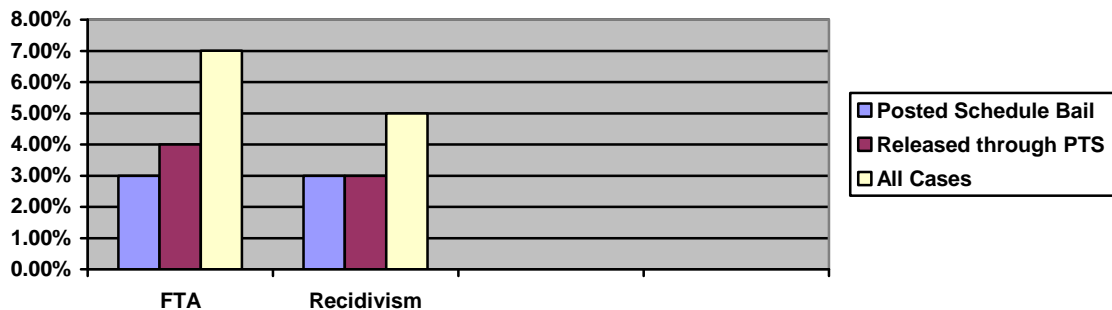
**Outcomes for cases eligible under the schedule Jan 1<sup>st</sup> through December 31<sup>st</sup>**



**Pretrial Failure Rates**

The FTA rate for all cases from January 1<sup>st</sup> through December 31<sup>st</sup> was 7 percent. For defendants released under the uniform schedule of bail the FTA rate was 3 percent. For defendants released through Pretrial Services the FTA rate was 4 percent. The recidivism rate for all cases was 5 percent. The recidivism rate for those posting a schedule bail amount was 3 percent and those released through PTS was also 3 percent.

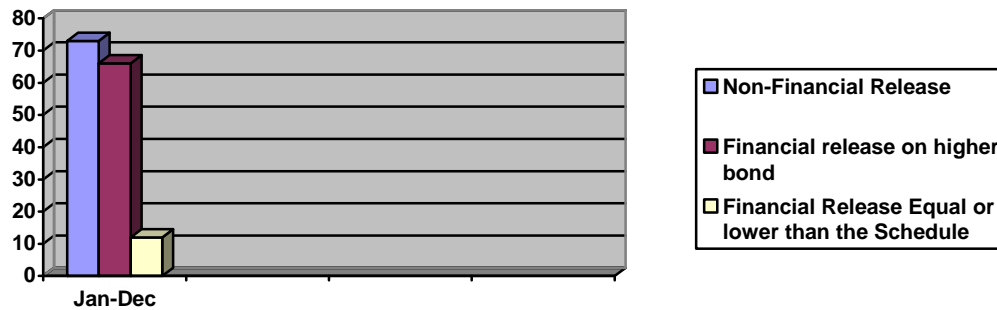
**Ohio County: Pretrial Failure Rates January 1<sup>st</sup> to December 31<sup>st</sup>**



**Pretrial Services Investigation Data**

In most cases, once the defendant was presented to a Judge, the bond amount was lowered based on the defendant's risk level and criminal history. Of the 151 defendants eligible under the schedule that were interviewed by Pretrial Services and released, 66 defendants had their bond raised (44 percent). There were 73 defendants released on recognizance, unsecured or a surety bond (48 percent) and 12 defendants who were released on a financial bond that was equal to or lower than the schedule amount (8 percent).

### **Type of release for defendants after Pretrial Services investigation**



### **Pretrial Services Time Savings**

We have not seen significant time savings for Pretrial Services in Ohio County. Since only 61 people have posted a schedule bond without a Pretrial Services investigation, the time savings over the past year was 12 hours, only one hour per month.

## **Pike County**

### **Demographics**

Pike County is a rural area with a population of 65,446. The poverty rate is 25 percent, the unemployment rate is 12 percent and 64 percent of children are eligible for a free or reduced lunch in schools. The average defendant in Pike County is a white non-Hispanic male, between the ages of 21 to 29, who did not finish high school or obtain a GED. Based on information obtained through the pretrial investigation 93 percent of defendants were screened as having problems with substance abuse or mental health issues.

### **Jail Population**

The total jail population in Pike County on the first day of the pilot was 310. The pretrial population in the jail was 84, therefore pretrial defendants made up 27 percent of the total jail population. At the end of the first quarter the pretrial population was 30 percent. At the end of the second quarter the jail population was 320 and the pretrial population was 116, thus an increase to 36 percent. At the end of the third quarter the total jail population was 395 with 135 inmates in pretrial status, a slight decrease from the previous quarter. As of December 31<sup>st</sup> the total jail population was 321 with 72 inmates in pretrial status, a significant decrease to 22 percent.

### **Local Officials Perceptions**

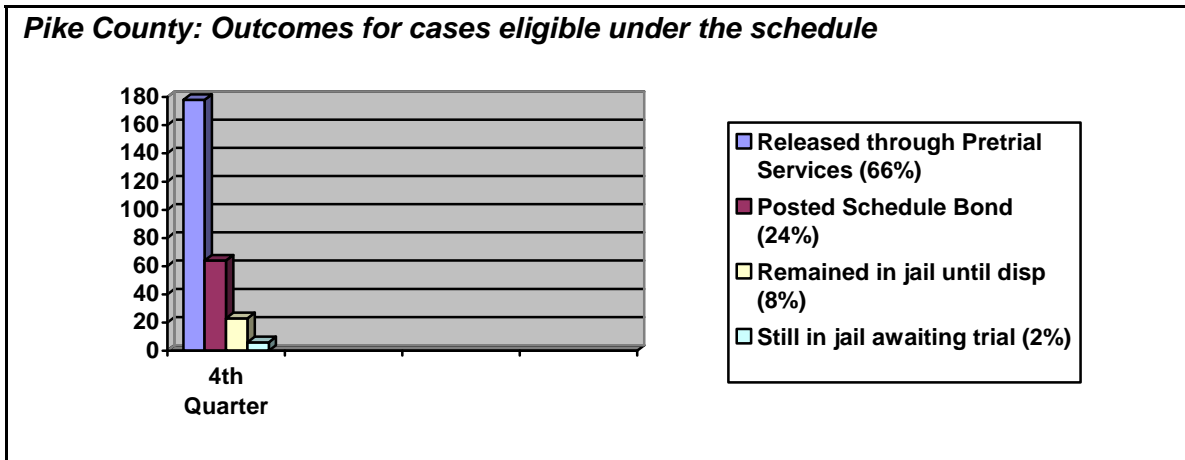
The local officials were asked their perceptions of how they feel the pilot program is working by Program Supervisor Devon Thacker. Their responses are as follows:

- Judge Steven Combs: "He does not use it."
- Judge Eddy Coleman: "It does not seem to have much impact on Circuit Court."

- Judge Darrel Mullins: “I feel it is working good and is helping keep the jail population down. I follow it for the most part. The only time I deviate from the bail schedule is when the circumstances call for it.”
- Judge Kelsey Friend: “I think it accomplishes everything it was designed to di. I really like it.”
- Jailer Rodney Scott: “I like it when we can use it.”
- Devon Thacker: “I feel the Uniform Schedule of Bail is a good program. It keeps the defendant from having to wait until pretrial comes in to post a bail and it is helping to keep down the jail population.”

**Outcomes**

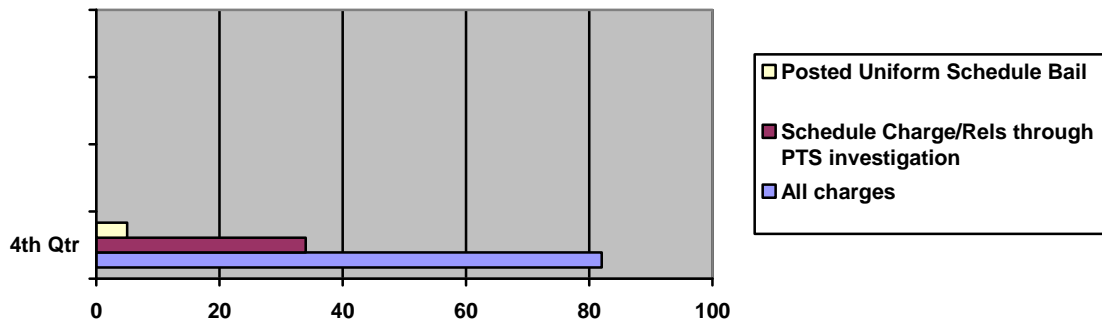
In Pike County from October 1, 2010, through December 31, 2010, there were a total of 938 arrests in which 713 defendants obtained some form of pretrial release (76 percent). There were 182 cases for non-payment of fines (19 percent) and **271** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (29 percent of all arrests). Of these, 64 people posted the schedule bond (24percent), 178 obtained release through Pretrial Services (66percent), six were still in jail awaiting trial as of December 31<sup>st</sup> (2 percent) and 23 defendants never obtained a pretrial release and were held in jail until their case was disposed (8 percent).



**Pretrial Incarceration Time**

During the fourth quarter, the average time it took for a defendant to obtain a pretrial release in Pike County was 82 hours. For charges under the schedule, the average time was 34 hours. For defendants who posted a bond under the schedule the average time was five hours. District Court arraignments for defendants in custody are held daily, Monday through Friday and Circuit Court is held two times per week.

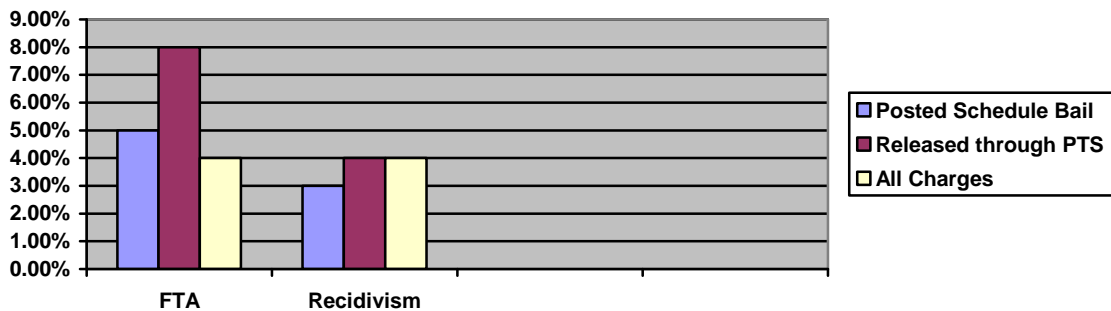
**Pike County: Pretrial incarceration time in hours**



**Pretrial Failure Rates**

In Pike County the FTA rate for all cases during the fourth quarter was 4 percent. The FTA rate for defendants who posted a uniform schedule of bail was 5 percent. The FTA rate for defendants who were charged with an offense on the uniform schedule but were released through Pretrial Services instead of posting the schedule bail was 8 percent. The pretrial recidivism rate for all cases during the third quarter was 4 percent. For those posting a schedule bail amount the rate was 3 percent and for those released through PTS the rate was 4 percent.

**Pike County: Pretrial failure rates**



**Cumulative Totals**

**Outcomes**

In Pike County from January 1, 2010, through December 31, 2010, there were a total of 4,785 arrests in which 73 percent of defendants obtained some form of pretrial release. There were 1,021 cases for non-payment of fines (21 percent) and **1,378** cases in which the defendant was eligible to post a pilot uniform schedule of bail amount (29 percent of all arrests). Of these, 311 people posted the schedule bond (23percent), 910 obtained release through Pretrial Services (66 percent), nine were still in jail awaiting trial as of December 31, 2010 (1 percent) and 148 defendants never obtained a pretrial release and were held in jail until their case was disposed (11 percent).

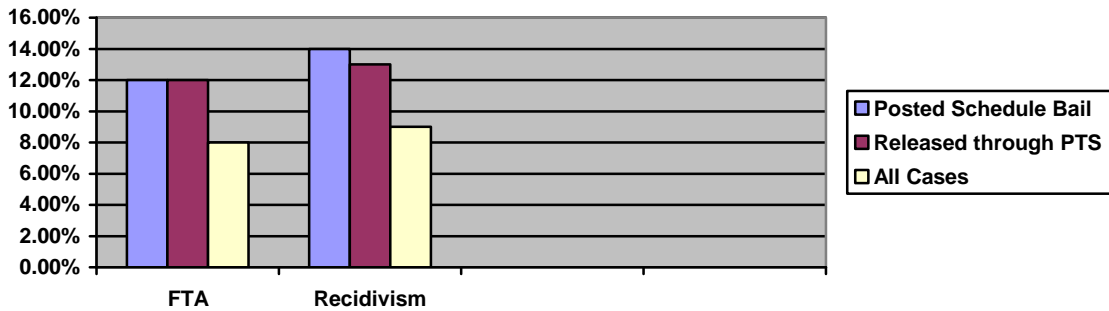
**Outcomes for cases eligible under the schedule Jan 1<sup>st</sup> through December 31<sup>st</sup>**



**Pretrial Failure Rates**

The FTA rate for all cases from January 1<sup>st</sup> through December 31<sup>st</sup> was 8 percent. For defendants released under the uniform schedule of bail the FTA rate was 12 percent. For defendants released through Pretrial Services the FTA rate was also 12 percent. The recidivism rate for all cases was 9 percent. The recidivism rate for those posting a schedule bail amount was 14 percent and those released through PTS was 13 percent.

**Pike County: Pretrial Failure Rates January 1<sup>st</sup> to December 31<sup>st</sup>**



**Pretrial Services Investigation Data**

In most cases, once the defendant was presented to a Judge, the bond amount was lowered based on the defendant's risk level and criminal history. Of the 910 defendants eligible under the schedule that were interviewed by Pretrial Services and released, 377 defendants were released on recognizance, unsecured or a surety bond (41 percent). There were 344 defendants that had their bond raised (38 percent) and 189 defendants were released on a financial bond that was equal to or lower than the schedule amount (21 percent).

### ***Type of release for defendants after Pretrial Services investigation***



### ***Pretrial Services Time Savings***

We have seen some time savings for Pretrial Services in Pike County. With 311 people posting a schedule bond without a Pretrial Services investigation, the time savings over the past year was 62 hours, about five hours per month. The time savings has allowed staff to spend more time supervising high risk defendants in the Monitored Conditional Release Program.

### **Conclusion**

Overall, the bail schedule has resulted in some time savings for Pretrial Services. Although pretrial officers do not conduct an interview when a defendant posts a bond under the schedule, we are still responsible for entering the information into our case management system, performing record checks for court, completing the AOI at the defendant's first court appearance and tracking failure to appear and recidivism rates. The interview part of the pretrial process takes on average 12 minutes per defendant. The total time "saved" during the past year was 753 hours in all nine counties combined. In Butler County only five hours were saved during the past year since only 24 defendants were able to post the schedule bail. On the other hand, we have seen significant time savings in Kenton County. With 1,350 defendants posting the schedule bail, 270 hours were saved last year (23 hours per month).

When looking at jail populations only, the pilot program has not made a difference by the end of the fourth quarter. One reason for this can be attributed to the types of offenses people are being arrested for. Only 29 percent of all defendants arrested are eligible to post a schedule bond. Since January 1, 2010, in the nine pilot counties, 26,857 people were arrested on charges that were not listed on the bond schedule. Of these, 70 **percent** were charged with a misdemeanor or less. Furthermore, an additional 4,861 arrests were for non-payment of fines.

**ARRESTS AND RATES FOR NON-PAYMENT OF FINES**

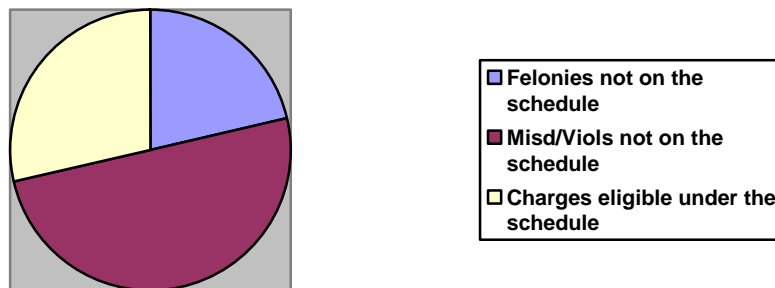
County	Pike	Bell	Campbell	Boyd	Kenton	Boone	Butler	Edmonson	Ohio
Arrests for Non-Pymt of Fines	1,021	475	914	502	1,265	571	46	21	46
Percent of Total Arrests	21%	16%	14%	14%	11%	10%	8%	5%	4%

A breakdown of the arrest numbers for charges not on the schedule versus charges on the schedule shows that the majority of arrests are for misdemeanor offenses or less. In fact, there were more misdemeanor and violation arrests in which the offense was not eligible under the schedule than arrests for charges on the schedule of bail (26,857 versus 10,716).

**ARRESTS IN PILOT COUNTIES FOR CHARGES NOT ON THE SCHEDULE**

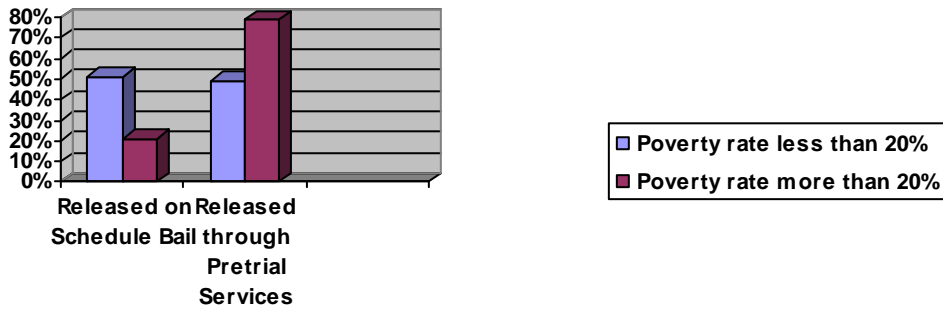
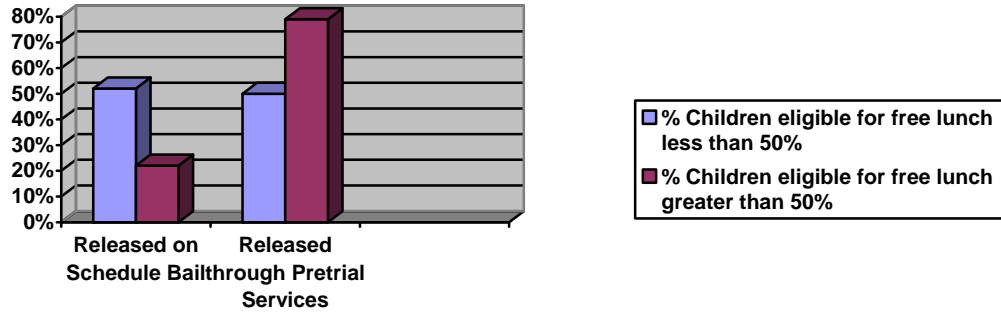
Class of Offense	Number of Arrests by Charge	Percentage of all arrests
Class A Felony	89	Less than 1percent
Class B Felony	748	2percent
Class C Felony	1757	5percent
Class D Felony	5468	15percent
Class A Misdemeanor	10739	29percent
Class B Misdemeanor	7167	19percent
Violation	889	2percent
Offenses Eligible Under the Pilot Uniform Schedule of Bail	10716	29percent

**Charge type: Eligible under schedule vs. Not eligible under schedule**



With the exception of Edmonson County (which only had 79 cases and 34 releases in 12 months), based on the low percentage of defendants posting the schedule bail in high poverty counties, there appears to be a connection between the poverty rates in a county and the extent that the bail schedule is used. Counties that have a low poverty rate have a higher rate of defendants able to post the schedule bail. The charts that follow confirm this assumption.

*Release Type and Poverty Rates*



**Release Rates for Defendants Charged With DUI**

Boone and Kenton counties operate under a deviation from the eight hour hold on DUI releases. As shown in the below table, release times during the pilot year were much quicker in these counties.

County	Total DUIs	Non-Residents	Pretrial Release	Rels Within 12 hours	Rels Within 8 hours	Rels Within 4 hours	Average Hours
Bell	254	59	229 (90%)	108 (47%)	56 (24%)	19 (8%)	58
Boone	346	50	315 (91%)	279 (89%)	229 (73%)	102 (32%)	9
Boyd	269	18	210 (78%)	163 (78%)	113 (54%)	21 (10%)	12
Butler	54	2	50 (93%)	32 (64%)	16 (32%)	5 (10%)	236
Campbell	222	42	181 (82%)	132 (73%)	68 (38%)	27 (15%)	13
Edmonson	12	1	10 (83%)	6 (60%)	6 (60%)	3 (30%)	12

Kenton	399	71	353 (88%)	290 (82%)	188 (53%)	74 (21%)	9
Ohio	90	3	79 (88%)	52 (66%)	26 (33%)	6 (8%)	16
Pike	331	37	284 (86%)	120 (42%)	47 (17%)	21 (7%)	82
All Pilot Counties	1,977	283	1,711 (87%)	1,182 (69%)	749 (44%)	278 (16%)	35

### Baseline Measurements

In the nine pilot counties during calendar year 2009 there were a total of 36,407 cases in which 64 percent obtained pretrial release. If the schedule would have been in place 13,852 defendants would have been eligible to post a scheduled bail. For those eligible, 73 percent obtained release through PTS, one defendant is still in custody awaiting trial and 27 percent of defendants were unable to make bail and held in custody until disposition of his or her case. The below chart shows the number of cases, eligibility status, release rates and failure rates for both 2009 and 2010:

County	Total Cases	Release Rate	FTA Rate	Recidivism Rate	Elig Cases	Release Rate	FTA Rate	Recidivism Rate
Bell 09	2075	76%	7%	10%	889	76%	5%	16%
Bell 10	2944	76%	5%	10%	859	86%	6%	12%
Boone 09	6285	70%	13%	7%	2582	80%	18%	6%
Boone 10	5880	69%	14%	8%	1837	86%	17%	8%
Boyd 09	3663	53%	6%	2%	1537	58%	5%	3%
Boyd 10	3594	50%	8%	9%	1215	72%	10%	8%
Butler 09	466	82%	10%	5%	127	86%	14%	0%
Butler 10	527	78%	8%	4%	122	91%	9%	4%
Campbell 09	5522	52%	9%	6%	1845	66%	10%	10%
Campbell 10	6520	50%	9%	6%	1598	71%	11%	6%
Edmonson 09	340	81%	7%	7%	101	81%	20%	40%
Edmonson 10	397	75%	2%	9%	79	85%	3%	0%
Kenton 09	11568	62%	9%	6%	4244	72%	13%	7%
Kenton 10	11555	61%	14%	7%	3385	80%	15%	6%
Ohio 09	995	76%	7%	5%	273	79%	0%	0%
Ohio 10	1034	75%	7%	5%	243	85%	4%	3%
Pike 09	5493	74%	9%	12%	2254	79%	19%	14%
Pike 10	4769	75%	8%	9%	1378	88%	12%	13%
All Pilots 09	36407	64%	9%	7%	13852	73%	13%	9%
All Pilots 10	37573	60%	13%	10%	10716	81%	13%	8%

## **Findings and Recommendations**

When discussing the concept of bail schedules in general, pretrial practitioners, judges and the public are split philosophically. Advocates for bail schedules cite the positive aspects such as time savings for pretrial staff, a faster release from jail and a higher percentage of releases overall. Those opposed to bail schedules cite the negative aspects such as risk to public safety due to the lack of a risk assessment being conducted, limited judicial discretion in bail decisions, a step away from the use of evidence based practices and unfairness to the poor.

The data has proven that the uniform bail schedule has raised release rates overall in Pike County. For the specific charges eligible under the schedule, release rates were increased substantially in all nine counties. Furthermore, defendants who had the funds to post the scheduled bail were released on average, within four hours of arrest. The quicker release time has a positive impact on jail staff and reduces the number of defendants Pretrial Services must investigate. Costs are saved to both the jail and Pretrial Services.

The data has also shown that in high poverty counties very few defendants are able to post the schedule bail amount; therefore the schedule has not had an impact in these counties. Furthermore, with the exception of Boyd County, jail pretrial populations have remained consistent throughout the year. The variances in release rates and types of releases across jurisdictions can be attributed mainly to judicial discretion in bail setting and the effectiveness of the Pretrial Services program.

In terms of pretrial justice overall, Kentucky has a more equitable system of pretrial release than most states; however, improvements can still be made. The statutes and rules pertaining to pretrial release require judges to release defendants on appropriate conditions to ensure appearance in court and lessen the risk of future criminal conduct. Following the trend of criminal justice agencies nationwide, Pretrial Services utilizes a researched based validated risk assessment tool that measures both a defendant's flight risk and risk of anticipated criminal conduct. The tool assists pretrial officers in making recommendations to the trial courts on those defendants who can be safely released into the community. The system falls short when faced with those defendants who are high risk and pose a threat to community safety. Kentucky does not have a preventive detention statute. Judges in Kentucky must set bail on all cases with the exception of capital cases. Both the American Bar Association Standards on Pretrial Release and the National Association of Pretrial Services Standards recommend that financial bail should not be used to prevent a defendant from being released. Detention hearings should be held to ensure a fair and just system. Although most defendants can be safely released into the community, there are some defendants who pose a threat so great that there is no condition or set of conditions that could mitigate that risk. Unfortunately, in Kentucky, Judges cannot hold high risk defendants without bail; therefore they must resort to high financial bail as a means of preventive detention.

## **Recommendations**

- The Uniform Schedule of Bail should be continued for those jurisdictions who want to adopt it and each jurisdiction should have the authority by local rule, approved by the Supreme Court, to define the terms of the schedule.

- RCr 4.20 should be reviewed and amended to reflect the proposed pilot Uniform Schedule of Bail.
- In order for a jurisdiction to utilize the schedule all stakeholders should be in agreement.

***The Uniform Schedule of Bail should be continued for those jurisdictions who want to adopt it and each jurisdiction should have the authority by local rule, approved by the Supreme Court, to define the terms of the schedule.***

Each jurisdiction should have the opportunity to utilize a bail schedule.<sup>1</sup> How the schedule is used, what charges are incorporated on the schedule and whether or not a risk assessment is conducted should be decided at the local level. That being said, local schedules should not significantly change the schedule, but merely allow for local variances. Bail amounts should not exceed those on the schedule. One of the major flaws of any bail schedule is the absence of a pretrial investigation and risk assessment. Some jurisdictions may consider using a bail schedule if this process is included. In order to provide for a fair and equitable system of release, some jurisdictions may choose to allow release on recognizance or an unsecured bail bond for defendants charged with offenses under the schedule that are investigated and assessed as low risk without judicial review. For defendants assessed as moderate to high risk, judicial review would be required. This approach would not create any time savings for Pretrial Services; however, the risk to the public would be substantially decreased since all defendants would undergo an investigation prior to release. We would, however, see

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<sup>1</sup> RCr 4.16(3) Amount of bail may also be set in accordance with the uniform schedule of bail prescribed for designated misdemeanors and violations in Appendix A--Uniform Schedule of Bail, of these rules.

RCr 4.20(1) The defendant may execute a bail bond in accordance with the uniform schedule of bail (Appendix A) for designated misdemeanors and violations without appearing before a judge. If a defendant chooses to execute a bail bond in accordance with the schedule without appearing before a judge and proceeds to do so, that defendant waives his or her statutory right to be considered for other authorized methods of pre-trial release. Before said waiver is effective, the defendant must be informed of his or her right to appear before a judge without unnecessary delay, in no event more than twelve hours, and to be considered for release on personal recognizance.

KRS 431.540. The Supreme Court may by rule or order prescribe a uniform schedule of amounts of bail in designated nonviolent Class D felonies, misdemeanors, and violations;

(1) Except as provided in subsection (2) of this section, when the amount of bail is fixed by such rule or order of the Supreme Court for a particular offense, the clerk of the court or other public officers so authorized by the court's order shall accept cash bail in the prescribed amount or the deposit authorized by [KRS 431.530](#) and release the defendant to appear in accordance with the conditions of the bail bond. A receipt shall be delivered to the defendant for the bail so taken and within a reasonable time such bail shall be deposited with the clerk of the court having jurisdiction of the offense.

(2) A court may, in the exercise of its reasonable discretion, refuse to set bail in the amount prescribed by such rule or order of the Supreme Court, but, in so doing, the court must set forth in writing its reasons for such refusal.

some cost savings for the local jails, especially in those areas where judicial bail setting practices tend to be financially based instead of risk based or in areas of high poverty.

When all officials agree to utilize a bail schedule and determine the charges and types of releases authorized, it should be required that judges refrain from raising the bail amounts without just cause. Judicial decisions to raise bail amounts for the purposes of preventing release should be based on a defendant's risk to public safety and likeliness for absconding. Furthermore, when a bail amount for a charge under the schedule is raised after judicial review, the reasons should be recorded.

The data has consistently shown that release rates are substantially lower under the schedule in counties where poverty rates are high. For some defendants, posting even a \$100 bail is out of his or her reach. When you add the jail processing fees, clerk's fee and bond fee the \$100 bail can be as high at \$169.<sup>2</sup> Defendant's who are disabled or unemployed simply cannot afford to post bail, therefore in order to create an equitable system when utilizing a bail schedule, local jurisdictions must have the flexibility to allow for non-financial release under the schedule. As stated earlier, some jurisdictions may choose to incorporate the pretrial risk assessment with the schedule to minimize risk to the public and ensure appearance in court.

***RCr 4.20 should be reviewed and amended to reflect the proposed pilot Uniform Schedule of Bail***

RCr 4.20 permits the use of the Uniform Schedule of Bail, however, the schedule referenced in the rule has not been amended to reflect the pilot eligible charges or bail amounts.<sup>3</sup>

***In order for a jurisdiction to utilize the schedule all stakeholders should be in agreement.***

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<sup>2</sup> KRS 441.265(2)(a) The jailer may adopt, with the approval of the county's governing body, a prisoner fee and expense reimbursement policy, which may include, but not be limited to, the following:

- 1, An administrative processing or booking fee.

KRS 64.0005(1) The clerks of the Supreme Court, the Court of Appeals, and the Circuit Courts shall collect a fee of twenty-five dollars (\$25) for taking or filing any bond or release on recognizance.

KRS 431.5305. With the approval of the fiscal court of the county in which the prisoner is incarcerated, the jailer may prepare or accept a bail bond pursuant to [KRS 30A.060\(3\)](#). In this case, he shall collect a fee of five dollars (\$5) from the defendant. The jailer shall furnish the defendant with a written receipt for the fee. By the tenth day of each month, the jailer shall:

- (1) Report the previous month's bonding fees to the county treasurer; and
- (2) Submit the previous month's bonding fees to the county treasurer for inclusion in the jail fund.

<sup>3</sup> RCr 4.20(1).

Current statutes allow for jailers to accept bail monies and receive a fee for processing the bail.<sup>4</sup>

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<sup>4</sup> KRS 30A.060(3) The clerk shall prepare bail bonds as required by subsection (1) of this section; however, additional public officials and their employees shall be authorized by rule or order of the Chief Circuit Judge to prepare and accept bail bonds to be taken by the clerk or for his court. Such bail bonds shall have the same validity as if prepared or taken by the clerk.

RCr 4.24. When the amount of bail has been fixed either by the court or by the uniform schedule of bail, it may be taken by the clerk of the court in which the defendant is held to appear. Another bonded public officer shall be authorized by the chief judge of the circuit court to take bail. The authorized bonded public officer shall take bail when the clerk of the court is unavailable. The individual with whom deposits are made shall ascertain that the amount deposited is no less than the amount fixed by the court.

KRS 431.5305.