

PROSECUTORS ADVISORY COUNCIL CRIMINAL ROCKET DOCKETS IN KENTUCKY

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

In fiscal year 2019, the Prosecutors Advisory Council (hereafter “the Council” or “PAC”) received \$2.25 million in funding from the Justice Cabinet of Kentucky to continue the Rocket Docket which originally began as part of 2015 SB192. Additionally, during the 2018 Legislative session, funding was included in the Executive Budget, HB300, for the Unified Prosecutorial System to further ensure the Rocket Docket programs could continue. Due to the near doubling of the Kentucky Employee Retirement System employer contribution, the funding required to maintain the programs in place increased to nearly \$3 million. Even with the additional cost of personnel, which is the only use of Rocket Docket funds, the savings of these programs continues to grow exponentially in comparison to the cost to operate the programs.

Rocket Dockets are a collaborative effort between the County and Commonwealth’s Attorneys to process the appropriate cases more swiftly through the judicial system, which creates cost savings and more quickly identifies defendants for the appropriate drug treatment. For fiscal year 2019, the Council voted to fund thirty-two (32) existing programs from FY2018 and add funding for three (3) new programs in FY2019 across the Commonwealth for a total of thirty-five (35) Rocket Docket programs funded effective July 1, 2018. The Council also voted to allow for a second grant application cycle again in February 2019 to allow the newly elected County and Commonwealth’s Attorneys to apply for funding in their circuits. This interim report will contain data from the thirty-five participating circuits as well as historical data that includes past recipients.

Data is typically collected on a quarterly basis to measure the success of the programs. As stated in the prior three annual reports, this initiative continues to be successful at each of its stated goals.

- The Rocket Docket Initiative has saved approximately **\$82.3 million in local jail costs from July 16, 2015 to November 30, 2018¹**;
- **Since inception of the grants in 2015, 18,308 cases have been completed** and approximately 1,989 more were pending as of November 30, 2018 saving time and resources for stakeholders in

¹ Estimated savings is likely much higher. Due to limitations of the data collection tool, cost per jail day is the amount reported at inception date of each of the programs on the Rocket Docket grant.

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the criminal justice system including courts, prosecutors, grand juries, public defenders, and clerks;

- **Approximately 11,000** defendants in the more than 18,000 cases have been referred to drug treatment through PAC funded Rocket Dockets. If successful, this will reduce recidivism, saving more time and resources for the criminal justice system.

For more information on the Prosecutors Advisory Council's Rocket Docket Initiative including the grant application process, see Prosecutors Advisory Council Criminal Rocket Dockets in Kentucky, Interim Report, December 7, 2017

GENERAL GOALS OF THE ROCKET DOCKET INITIATIVE

Prior to the beginning of this initiative in 2015, Rocket Docket programs were utilized for a number of years in only a handful of counties and judicial circuits throughout the Commonwealth. These programs are either a formal or informal collaboration between the Commonwealth's Attorney, the County Attorney, and the local judiciary to expedite lower level/non-violent felony offenses through the judicial system. Rocket dockets have shown to provide significant benefits to the administration of the judicial system including:

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

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

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

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MEASURING THE SUCCESS OF THE ROCKET DOCKET INITIATIVE

As a result of the success of the program, the Prosecutors Advisory Council voted to fund the upgrade of the data collection system from manual spreadsheet data entry to a web-based application that would not only help the local offices enter the data more quickly and accurately but also allow for the collection of additional information that could be helpful in understanding additional successes/challenges to the program. The web-based data collection went “live” in September and all historical data was imported into the new system. Now data collection is virtually “real time” but reporting is still done on a periodic basis to allow time for offices that aren’t able to do the data entry daily to get their information in before a report period closes. As a result of the new data tool and the change in the way offices are able to enter and report in a timelier manner, more cases have been entered and a jump in the number of cases being reported was realized during this reporting period.

As in past reports, the data included the number of and type of cases administered through the Rocket Docket, the number of days each defendant stayed in jail prior to disposition of the case, the number of defendants referred to drug treatment through the Rocket Docket, and the average jail cost per day in the local jurisdiction.

A review of the most recent data through November 30, 2018 indicates that PAC’s Rocket Docket initiative continues to excel in meeting the original goals.

Rocket Dockets continue to expedite the appropriate cases, which have proven savings in time and resources of the criminal justice system.

Collectively, since July, 2015, over 18,300 cases were reported as completed through the Rocket Docket programs through November 30, 2018. In **Jefferson County**, the state’s most populous county, reporting has become less cumbersome and nearly 6,000 cases were reported administered through its PAC funded Rocket Docket. As of the last reporting period, approximately 887 cases are listed as pending.

Since 2015, nearly **20,300** cases have been removed from the regular criminal docket due to this program². This program has a proven record of saving time and resources of judges, clerks, prosecutors, public defenders, and others working in the criminal justice system. Additionally, it permits prosecutors to focus limited resources on violent crimes and more serious crimes.

Rocket Dockets have now saved approximately \$82.3 million in local jail costs since the implementation of the initial programs in the beginning of FY2016 (July 2015).

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

² This number includes completed cases and pending cases combined as of the November 30, 2018 reporting period.

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Additional data, that began being collected as of July 1, 2018 includes the following three (3) questions for each case that is reported as being “completed” through the circuit’s Rocket Docket.

1. Was this a “heroin” case? This question is asked to determine how many cases are related to heroin as opposed to other forms of illegal/controlled substances.
2. Was the KSP lab used for testing in the case? This question is asked to determine how many cases are resolved without using the resources of the KSP lab (and therefore saving additional resources/tax dollars)
3. Did the defendant receive a sentence of probation, diversion, conditional discharge, or deferred prosecution as a result of the Rocket Docket program? This question is asked to determine if a defendant was sentenced to anything other than jail or prison time to serve.

Due to the limited number of months in which this data has been collected on new cases, it is difficult to make predictions but based on this data it is apparent that the Rocket Docket programs are having an impact on more than just heroin cases and saving the Commonwealth money in resolving cases without using the resources of the KSP lab. As of the November 30, 2018 report, of the approximately 6,100 completed cases since the May 31, 2018 report date nearly 4,000 were reported as “heroin” cases while only 750 of those cases resulted in KSP lab testing and more than 2,600 of those cases were sentenced to some alternative to incarceration.

Rocket Dockets pay for themselves in return on investment.

The total investment for the Rocket Docket programs in Fiscal Year 2019 is projected at just under \$3 million. The combined total investment since inception in Fiscal Year 2016 is just approximately \$8.9 million. In the three-year period, AFTER the investment is factored in, the PAC Rocket Docket programs have saved well over \$70 million. Each year the savings to investment ratio increases as the programs continue to evolve and streamline the process.

Rocket Dockets continue to reduce average jail days as the programs continue to come online and enhance their processes.

Rocket Dockets continue to process these drug related cases much faster than regular dockets. At the inception of the program, the Department of Corrections (DOC) was consulted in 2015 to provide the average time an inmate charged with a felony drug crime received jail time credit prior to sentencing. The DOC reported 115 days for offenders with felony drug crimes. As of the November 30, 2018 reporting period the total average number of days a Rocket Docket defendant spends in jail is just under 21 days. This is a difference, on average, of 94 days per case when a defendant will not be in the local jail at a cost to the local county or metro government³.

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

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Based on the data presented to PAC, had the 18,308 cases which were completed through Rocket Dockets gone through the normal procedures and each defendant spent the average of 115 days in jail, the cost would have been approximately \$98.9 Million. However, since these cases continue to be expedited, the total cost through November 30, 2018 is estimated to be approximately \$16.6 Million. This is a projected savings of over \$83 Million to local governments since inception of the project in July 2015. Additionally, this estimate does not include the estimated cost savings for agencies administering the criminal justice system such as judges, clerks, prosecutors, and public defenders. It is anticipated that as the additional funds allow these programs to focus more resources on the Rocket Dockets, more savings will be realized, and even more defendants will be placed into an appropriate drug treatment program. Due to the fact that three (3) circuits are newly established and with limited data to date, we anticipate savings in proportion to previous growth.

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

Of the 18,308 cases completed through the programs, 10,787 defendants were identified to send to drug treatment. That equates to approximately 60% of defendants being referred to some form of drug treatment. Moreover, the treatment referrals appear to be tailored to the individual defendant. This is important because substance abuse experts indicate that individual assessments of treatment needs is important to the success of the treatment. Of the defendants referred to treatment since inception in FY2016, nearly 3,000 were referred to outpatient treatment, more than 1,100 were referred to intensive outpatient treatment, just over 800 were referred to residential treatment, 8 were referred to medically assisted treatment, over 800 were referred to drug court, over 3,700 were referred to Probation and Parole Assessment and nearly 13,50 were referred to other forms of treatment.

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

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

CONCLUSION

PAC's Rocket Docket initiative has proven successful at achieving its stated goals thus far:

- 1) Rocket Dockets continue to expedite the appropriate cases, which save valuable time and resources of the criminal justice system;
- 2) Rocket Dockets have saved more than \$30 Million in Fiscal Year 2019 to date with the programs continuing to expand and enhance as each reporting period has proven.
- 3) Rocket Dockets are identifying the appropriate defendants to place into drug treatment.⁴

⁴ The administration of the PAC Rocket Docket grant program was overseen by Bobby Stokes, Executive Director of the Prosecutors Advisory Council. Carol Ray of the PAC staff collected the data for this report from the implementing jurisdictions through November 30, 2018.

Appendix A:
Rocket Docket Funding FY2019
July 1, 2018 – January 31, 2019

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Circuit	Counties	Recommended (w/out Fringe)	Projected Cost with Fringe Included	Notes
1/Stacy	Ballard/Carlisle/Fulton/Hickman	\$ -	\$ -	Not Funded
3/Pryor	Christian	\$ 55,000	\$ 105,094.00	continuation
4/Senter	Hopkins	\$ 25,000	\$ 47,770.00	continuation
5/Greenwell	Crittenden, Union, Webster	\$ 31,967	\$ 46,065.00	continuation
6/Kuegel	Daviess	\$ 62,500	\$ 127,467.00	continuation
7/Guiling/Crocker	Logan, Todd	\$ 25,000	\$ 49,992.00	continuation
8/Cohron	Warren	\$ 67,000	\$ 128,023.00	continuation
9/Young	Hardin	\$ 67,238	\$ 128,478.00	continuation
10/Geoghegan	Hart, Nelson	\$ 10,000	\$ 10,765.00	continuation
11/Miller	Marion, Taylor	\$ 25,000	\$ 47,770.00	New Program
12/Baxter	Oldham, Henry, Trimble	\$ 27,938	\$ 53,383.00	continuation
13/Lockridge	Jessamine	\$ 20,000	\$ 38,216.00	continuation
14/Shaw	Bourbon, Scott	\$ 28,700	\$ 54,839.00	continuation
15/Crawford	Carroll, Grant, Owen	\$ 15,000	\$ 28,662.00	continuation
16/Sanders	Kenton	\$ 128,238	\$ 257,531.00	continuation
17/Snodgrass	Campbell	\$ 128,238	\$ 274,917.00	continuation
18/Miller	Harrison, Nicholas, Pendleton, Robertson	\$ 28,700	\$ 54,840.00	continuation
19/Clarke	Fleming, Bracken, Mason	\$ 25,000	\$ 49,992.00	continuation
20/Leonhart	Greenup	\$ 18,600	\$ 20,023.00	continuation
21/Goldy	Bath, Menifee, Montgomery, Rowan	\$ 28,700	\$ 54,840.00	continuation
23/Combs	Estill	\$ 25,000	\$ 47,770.00	continuation
24/Melvin	Martin	\$ 12,000	\$ 22,930.00	continuation
25/Smith	Madison	\$ 38,000	\$ 82,954.00	continuation
26/Boggs	Harlan	\$ 30,000	\$ -	Not Funded
27/Steele	Knox, Laurel	\$ 50,000	\$ 95,540.00	continuation
28/Montgomery	Pulaski	\$ 90,600	\$ 181,818.00	continuation
29/Wright	Adair/Casey	\$ 20,000	\$ 38,216.00	continuation
30/Wine	Jefferson	\$ 211,238	\$ 420,434.00	continuation
34/Trimble	McCreary, Whitley	\$ -	\$ -	Not Funded
39/Herald	Breathitt, Wolfe	\$ 25,000	\$ 56,670.00	continuation
43/Gardner	Barren	\$ 13,700	\$ 26,178.00	continuation
44/Blondell	Bell	\$ 25,000	\$ 47,770.00	New Program
45/Vick	Muhlenberg	\$ 28,700	\$ 54,840.00	continuation
46/Williams	Grayson/Meade	\$ -	\$ -	Not Funded
47/Banks	Letcher	\$ 20,000	\$ 38,216.00	continuation
50/Bottoms	Boyle	\$ -	\$ -	Not Funded
51st/Markwell	Henderson	\$ 25,000	\$ 47,770.00	New Program

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Circuit	Counties	Recommended (w/out Fringe)	Projected Cost with Fringe Included	Notes
53/Witt	Anderson, Shelby	\$ 24,000	\$ 45,859.00	continuation
54/Smith	Boone, Gallatin	\$ -	\$ -	Not Funded
55/Alvey	Bullitt	\$ 49,238	\$ 102,984.00	continuation
56/Ovey-Wiggins	Caldwell/Livingston/Lyon/Trigg	\$ 25,000	\$ 45,341.00	continuation
PAC	Data Collector/RD Administrator	\$ 11,500	\$ 12,380.00	continuation
Total		\$ 1,541,795	\$ 2,946,341	