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CRIMINAL ROCKET DOCKETS IN KENTUCKY

**Interim Report to the Justice and Public Safety Cabinet
December 1, 2015**

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INTRODUCTION AND SUMMARY OF THE REPORT

In 2015, the Prosecutors Advisory Council (hereafter “the Council” or “PAC”) received funding to implement, expand, or enhance Rocket Docket 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. The Council funded twenty-eight (28) programs across the Commonwealth and collected data to measure their success. This initiative has proven successful at each of its stated goals.

- The Rocket Docket Initiative has saved an estimated **\$2.8 million in local jail costs in just three months**. (from August 1, 2015 to October 31, 2015). This is over twice the amount of funding the initiative received for the entire fiscal year. **The projected estimated savings is \$11 million this fiscal year;**
- 1,472 cases were completed or were pending in PAC funded Rocket Dockets, saving time and resources for stakeholders in the criminal justice system, including courts, prosecutors, grand juries, public defenders, and clerks;
- 361 defendants have been placed in drug treatment through PAC funded Rocket Dockets. If successful, this will reduce recidivism, saving more time and resources for the criminal justice system.

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THE PROSECUTORS ADVISORY COUNCIL'S ROCKET DOCKET INITIATIVE

In 2015, the General Assembly passed and Governor Beshear signed Senate Bill 192, known as “the Heroin Bill,” into law. Section 24 of the bill authorizes the Secretary of the Justice and Public Safety Cabinet to allocate \$10 million to various entities including to the “Prosecutors Advisory Council to enhance the use of rocket docket prosecutions in controlled substance cases...” On May 14, 2015, the Prosecutors Advisory Council (hereafter “the Council” or “PAC”) requested Secretary J. Michael Brown allocate funds to it for that purpose and provided a written Proposal.¹ Shortly thereafter, Secretary Brown allocated \$1.2 Million to the Council for its Rocket Docket initiative.

Pursuant to and consistent with its written proposal, the Council allocated this money to various Commonwealth’s and County Attorney Offices throughout the Commonwealth to implement, expand, or enhance Rocket Dockets. To accomplish this, the Council approved an application process and to permit PAC staff, a member county attorney, and a member Commonwealth’s Attorney to review the applications and make recommendations to the full Council. PAC permitted all elected Commonwealth’s and County Attorneys to apply, but due to the nature of Rocket Dockets, Commonwealth’s Attorneys and County Attorneys in the same judicial circuit were required to apply jointly. Among other items, the applicants were required to ask for a funding amount, describe their existing or proposed Rocket Dockets, and to indicate the affect the Rocket Docket will have on their judicial circuit. All applications received by the deadline, July 3, 2015, were considered.

The applications were reviewed based on merit and need. Given that the money for these grants originated from “The Heroin Bill”, consideration was given to jurisdictions which have especially been affected by the heroin and opioid epidemic. Numerous additional factors and circumstances were considered in this rigorous review. On July 10, 2015, the recommendations were submitted to the full Council for review. The full Council unanimously approved the recommendations, initially funding eighteen (18) programs. Due to PAC’s conservative estimates of fringe benefits for new employees, the Council was able to fund an additional ten (10) programs, bringing the total number of programs funded to twenty-eight (28).

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

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

¹ For a general background and history of Rocket Dockets in the Commonwealth, please see *Prosecutors Advisory Council’s Proposal to the Justice and Public Safety Cabinet for Use of Money Appropriated by Senate Bill 192*, May 14, 2015. (hereafter “Proposal”)(Attached at the end of this report).

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prosecutors agree, which is evidenced by the wide geographic, bipartisan support, and administration of these programs.

Rocket Docket Funding

Circuit	County(ies)	Project Start Date	Recommended (w/out Fringe)	Projected cost with Fringe Included - after appointments
1	Ballard, Carlisle, Fulton, Hickman	8/1	\$ 25,000	\$ 31,679
3	Christian	7/16	\$ 40,000	\$ 55,940
5	Crittenden/Union/Webster	9/1	\$ 15,000	\$ 15,000
6	Daviess	8/1	\$ 45,000	\$ 66,884
8	Warren	7/16	\$ 43,000	\$ 67,951
9	Hardin	8/1	\$ 25,000	\$ 33,431
12	Henry/Oldham/Trimble	9/1	\$ 15,000	\$ 15,000
13	Jessamine	7/16	\$ 20,000	\$ 27,972
14	Bourbon/Woodford/Scott	9/1	\$ 15,000	\$ 15,000
16	Kenton	8/1	\$ 60,000	\$ 89,214
17	Campbell	8/1	\$ 60,000	\$ 90,964
18	Harrison/Nicholas/Pendleton/Robertson	9/1	\$ 15,000	\$ 15,000
19	Bracken, Fleming, Mason	8/1	\$ 25,000	\$ 35,294
20	Greenup	9/1	\$ 15,000	\$ 15,000
21	Bath/Menifee/Montgomery/Rowan	9/1	\$ 15,000	\$ 15,000
25	Madison	8/1	\$ 38,000	\$ 52,989
27	Laurel	7/16	\$ 25,000	\$ 34,967
28	Pulaski	7/16	\$ 45,000	\$ 62,847
30	Jefferson	8/1	\$ 108,000	\$ 159,157
34	McCreary/Whitley	9/1	\$ 15,000	\$ 15,000
39	Breathitt	7/16	\$ 25,000	\$ 34,898
43	Barren/	9/1	\$ 15,000	\$ 15,000
45	Muhlenberg	9/1	\$ 15,000	\$ 15,000
46	Grayson/Meade	9/1	\$ 15,000	\$ 15,000
47	Letcher	7/16	\$ 20,000	\$ 35,199
53	Anderson/Shelby/Spencer	7/16	\$ 19,000	\$ 26,100
54	Boone and Gallatin	8/1	\$ 60,000	\$ 89,287
55	Bullitt	8/1	\$ 25,000	\$ 41,358
PAC Staff person	n/a	7/16	\$ 11,800	\$ 12,173
			\$ 869,800	\$ 1,198,304

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GENERAL GOALS OF THE ROCKET DOCKET INITIATIVE

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

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

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

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

MEASURING THE SUCCESS OF THE ROCKET DOCKET INITIATIVE

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

Rocket Dockets are expediting the appropriate cases, which save valuable time and resources of the criminal justice system

The implementing jurisdictions all appear to have tailored their Rocket Dockets toward identifying and expediting lower level drug and drug related offenses as envisioned by the language of SB192. Collectively, 627 cases were completed through the Rocket Docket programs. In Jefferson County, the state's most populous county, 193 cases were administered through its PAC funded Rocket Docket. In addition, as of October 31, 2015, there were collectively 845 cases pending in Rocket Docket Programs.

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The overall effect on the criminal justice system is difficult to measure without a broader analysis, but there is no doubt that these cases have saved time and resources at all levels. The regular dockets were reduced by 1,472 cases from August 1, 2015 to October 31, 2015. This saves the resources of judges, clerks, prosecutors, public defenders, and others working in the criminal justice system. It permits prosecutors to focus limited resources on violent crimes and more serious crimes.

Rocket Dockets saved an estimated \$2.8 million in local jail costs in just three months with an estimated \$11 million in savings in fiscal year 2016²

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. PAC also collected information from and conferred with the Department of Corrections to determine the average jail time credit for comparison purposes.

Rocket Dockets are processing drug cases much faster than regular dockets. According to the Department of Corrections, the average time an inmate charged with a felony drug crime received jail time credit prior to sentencing was 115 days. The data received by PAC shows the average number of days a Rocket Docket defendant spends in jail is 20 days. This is a difference, on average, of 95 days per case when a defendant will not be in the local jail at a cost to the local county or metro government.³

Based on the data presented to PAC, had the 627 cases which were completed through Rocket Dockets gone through the normal procedures and each defendant spent the average of 115 days in jail, there would have been a cost of \$3,311,644. However, since these cases were expedited, the total cost was only \$514,404. This is a savings of \$2,797,239 to local governments over only a three-month period.

If the number of cases expedited through the programs continues at these rates, **the estimated savings for fiscal year 2016 is \$11 million dollars**. Compared to the \$1.2 million cost of the programs, this initiative will save an estimated \$9.8 million public dollars. Additionally, the number of cases is expected to grow as local officials and the defense bar become more familiar with the process. 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.

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

Of the 627 cases completed through the programs, 361 identified defendants to send to drug treatment. That equates to 57% 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

² These estimates are based on the information PAC received from the individual programs. PAC utilized this data to estimate the cost savings. This estimate is not intended to be an official fiscal note regarding the cost of these programs.

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

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treatment. Of the defendants referred to treatment, 120 were referred to outpatient treatment, 80 were referred to intensive outpatient treatment, 25 were referred to residential treatment, 12 were referred to drug court, 1 person was referred to medication assisted treatment, and 125 were referred to other forms of treatment.

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

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

CONCLUSION

PAC's Rocket Docket initiative has proven successful at achieving its stated goals thus far. (1) Rocket Dockets are expediting the appropriate cases, which save valuable time and resources of the criminal justice system; (2) Rocket Dockets saved an estimated \$2.8 Million in local jail costs in just three months with an estimated \$11 Million in savings in fiscal year 2016; (3) Rocket Dockets are identifying the appropriate defendants to place into drug treatment.⁴

⁴ The implementation of the PAC Rocket Docket initiative was overseen by Mitchel T. Denham, Assistant Deputy Attorney General and Gina Carey, Executive Director of the Prosecutors Advisory Council. Nyla Small of the PAC staff collected the data for this report from the implementing jurisdictions and was instrumental in this process.