



National Prosecutors' Consortium

Survey Highlights

Kentucky



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KENTUCKY REPORT

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BACKGROUND

The National Prosecutors' Consortium (NPC), a collaboration between Justice & Security Strategies (JSS) and the Prosecutors' Center for Excellence (PCE), is designed to collect information on innovative programs employed by prosecutors' offices, to assist prosecutors in developing and deploying new programs, and to expand the research capacities of prosecutors' offices. The team developed a survey that is being administered at the county level across the United States on a state-by-state basis. This survey seeks to accomplish two objectives to support prosecution needs: 1) collection of a thorough baseline of information on the operation of county prosecutors' offices across the country, and 2) identification of those offices that have adopted innovative programs.



METHODOLOGY

NPC conducted focus groups with prosecutors and prosecutor coordinating offices. As part of this effort, NPC identified the desired topic areas and reviewed survey questions. The survey was designed as an agency-based questionnaire intended to collect data on the characteristics and operations within each prosecutor's office. The survey was delivered through an online, secure, cloud-based service using the Qualtrics survey platform. States are being offered this survey on a rolling basis.

As part of the data quality assurance process, we identified a battery of 84 questions that provide the core information requested by the survey. To minimize the proportion of missing data, the weighted number of completed responses was compared to a threshold. Offices in counties where the responses did not pass this threshold will be contacted and additional responses will be requested. This report discusses responses from all partially complete surveys, but there may be changes in the number of valid cases for some questions as follow-ups with agencies continue.

THE CURRENT STATE - KENTUCKY

This report discusses preliminary results from the state of Kentucky. Out of the 57 prosecutors' offices operating in Kentucky, at the time of this report (September 23, 2019), 30 Judicial Circuits (53%) had completed the survey.



TYPES OF CASES

Figure 1 depicts the percentage of prosecutors' offices handling specific types of cases. All responding offices reported handling felonies, and the majority reported handling misdemeanors (N = 25). Eight offices reported handling infractions, and six offices reported handling juvenile cases. Just 7% of the responding offices (N = 2) reported handling civil matters.

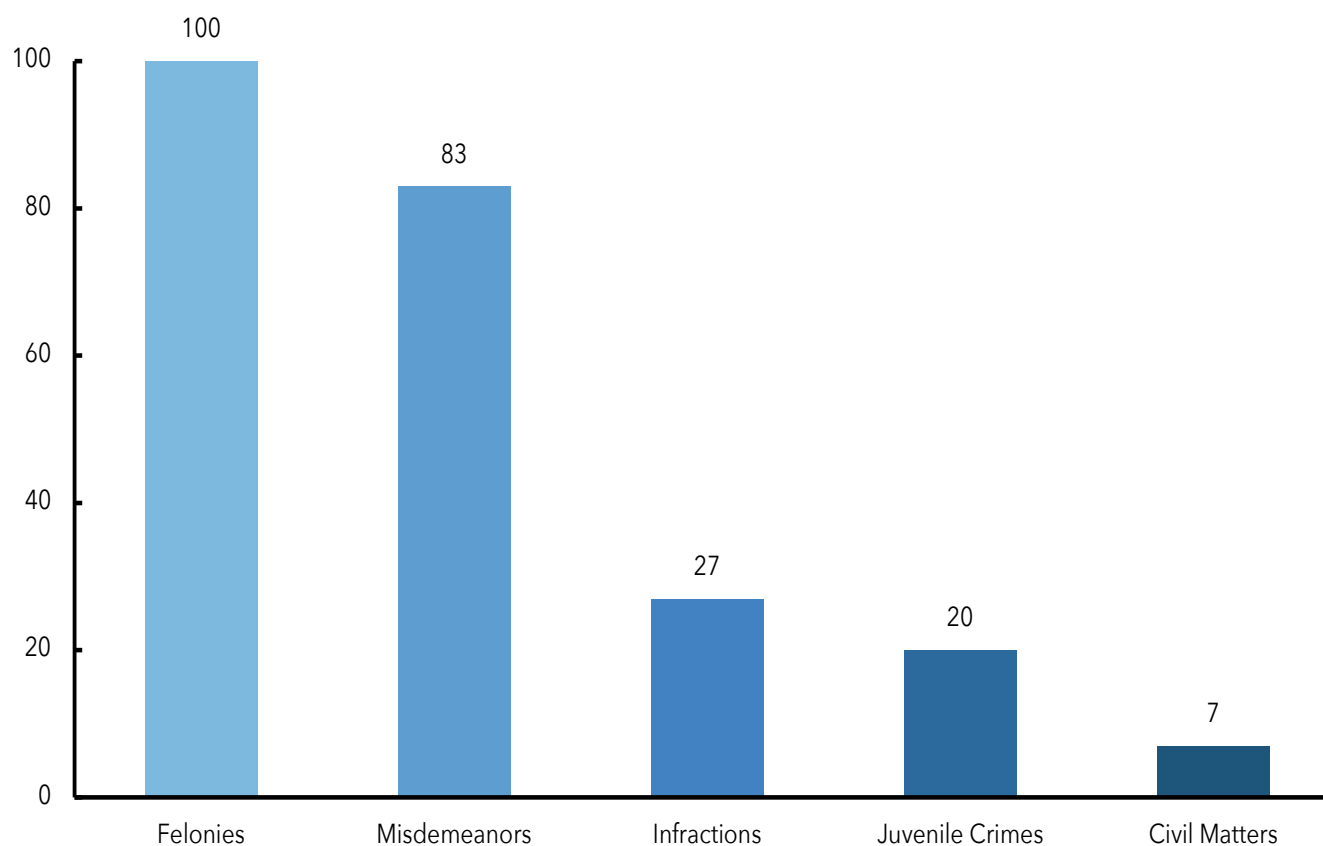


Figure 1. Percentage of Prosecutors' Offices with Jurisdiction over Cases by Type (N =30).

CHIEF PROSECUTOR

Of the 30 Judicial Circuits that responded to the survey, all indicated that their Chief Prosecutor was elected. On average, the Chief Prosecutors had been in office for about 8 years. The tenure of the Chief Prosecutor ranged from less than one year to 30 years. As seen in **Figure 2**, 27% of prosecutors had been in office for less than two years, 33% for 2-9 years, and 40% for 10 or more years.

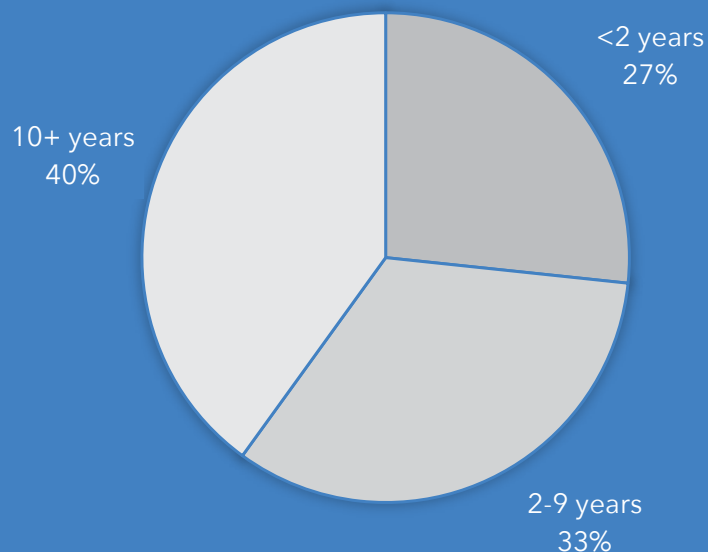


Figure 2. Chief Prosecutor Years in Office (N =30).

OFFICE BUDGET

The average 2018 budget for prosecutors' offices was approximately \$504,666. **Figure 3** depicts that 33% of the offices had a budget under \$200,000, 33% had budgets between \$200,000 and about \$499,999, and 33% had budgets over \$500,000.

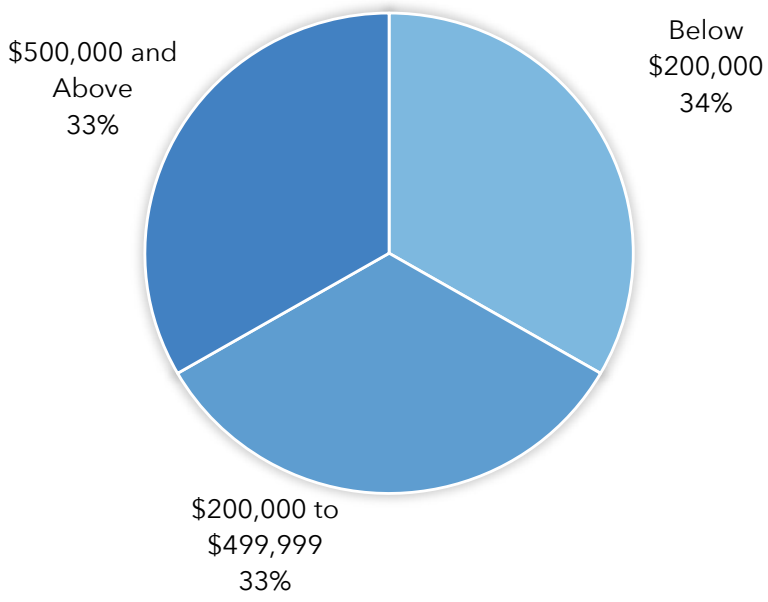


Figure 3. Ranges of 2018 Total Budgets (N = 27).

The average 2018 personnel budget for Kentucky prosecutors' offices was \$457,535. Approximately 27% of the offices had a personnel budget under \$200,000, 52% had budgets between \$200,000 and about \$499,999, and 21% had budgets over \$500,000.

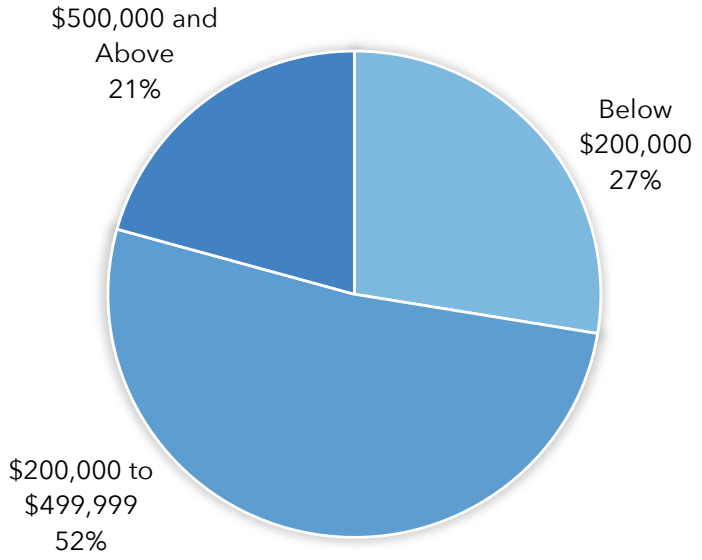


Figure 4. Ranges of 2018 Personnel Budgets (N = 29).

STARTING SALARIES

The 2018 starting salaries of recently graduated law students hired as prosecutors in Kentucky ranged from a minimum of \$25,000 to a maximum of \$74,000. The average of the 22 responding offices was \$43,562.

CASE PROCESSING

In 2018, the offices surveyed reviewed on average 888 felony cases, resulting in 711 felony cases charged, 624 felony cases with at least one conviction, and 164 felony cases diverted. The Kentucky Department of Juvenile Justice has jurisdiction over the majority of juvenile matters. Juveniles may be transferred to adult court through two mechanisms: (1) Discretionary transfer and (2) Mandatory waiver. Because very few respondents reported handling juvenile matters, juvenile caseload was excluded from analysis. In addition, the majority of Judicial Circuits reported that misdemeanor cases are processed through County offices. Misdemeanor caseloads were therefore excluded from the present analysis.

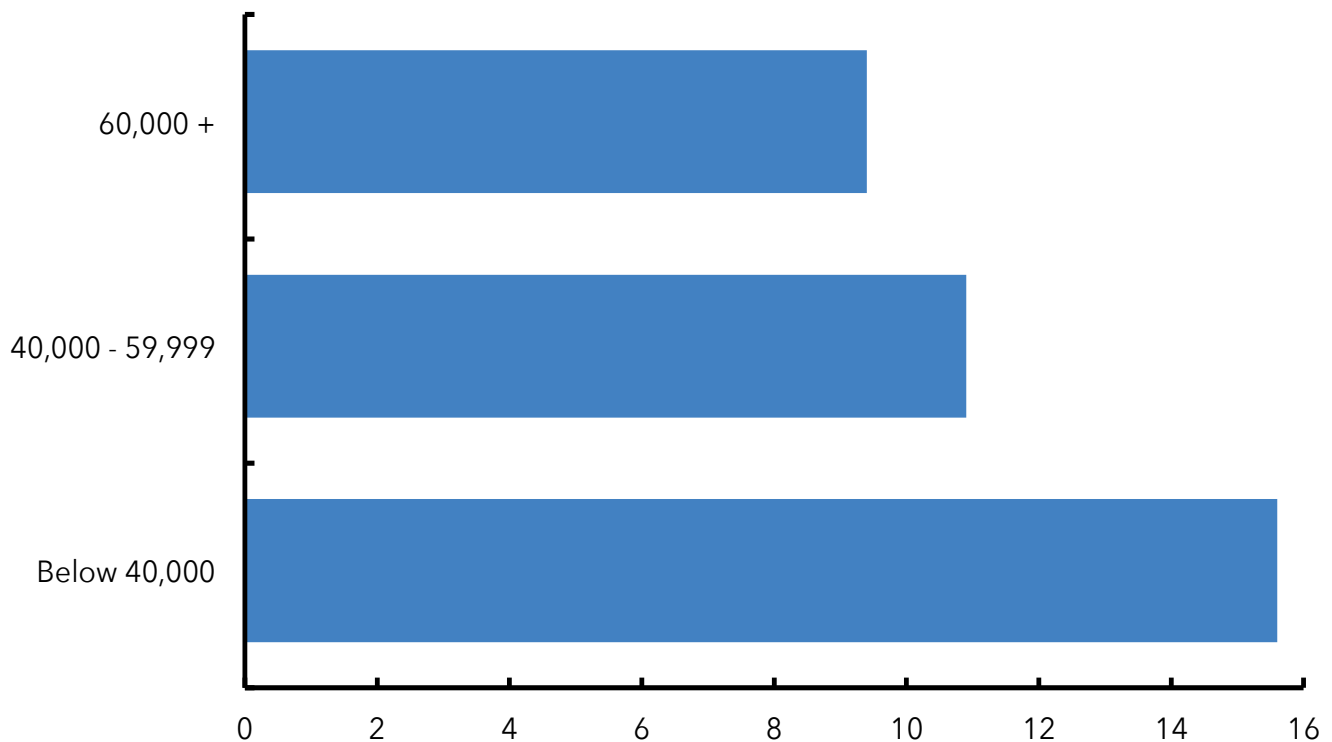


Figure 5. Felony Cases Charged per 10,000 Population by Population Category (N = 29).

Figure 5 depicts the number of felony cases charged by Judicial Circuit population category. The smallest offices (below 40,000 residents) charged the most felony cases per capita, and the largest offices (60,000 or more residents) offices charged the least felony cases per capita.

Across reporting offices, there were an average of 367 reviewed felony cases per full-time attorney. While these data are limited, the estimated workloads can provide a useful benchmark for agencies.



NUMBER OF EMPLOYEES

On average, prosecutors' offices in Kentucky reported employing 3.1 full-time and 1.6 part-time attorneys. These offices also reported employing 3.7 full-time and 0.5 part-time non-attorneys.

Figure 6 presents the number of full-time employees per 10,000 population by population category. The largest (60,000+ residents) and mid-sized offices (40,000-59,999 residents) had nearly the same number of employees per 10,000 residents. Offices covering fewer than 40,000 residents had the highest number of full-time employees, full-time attorneys, and full-time non-attorneys per 10,000 residents.

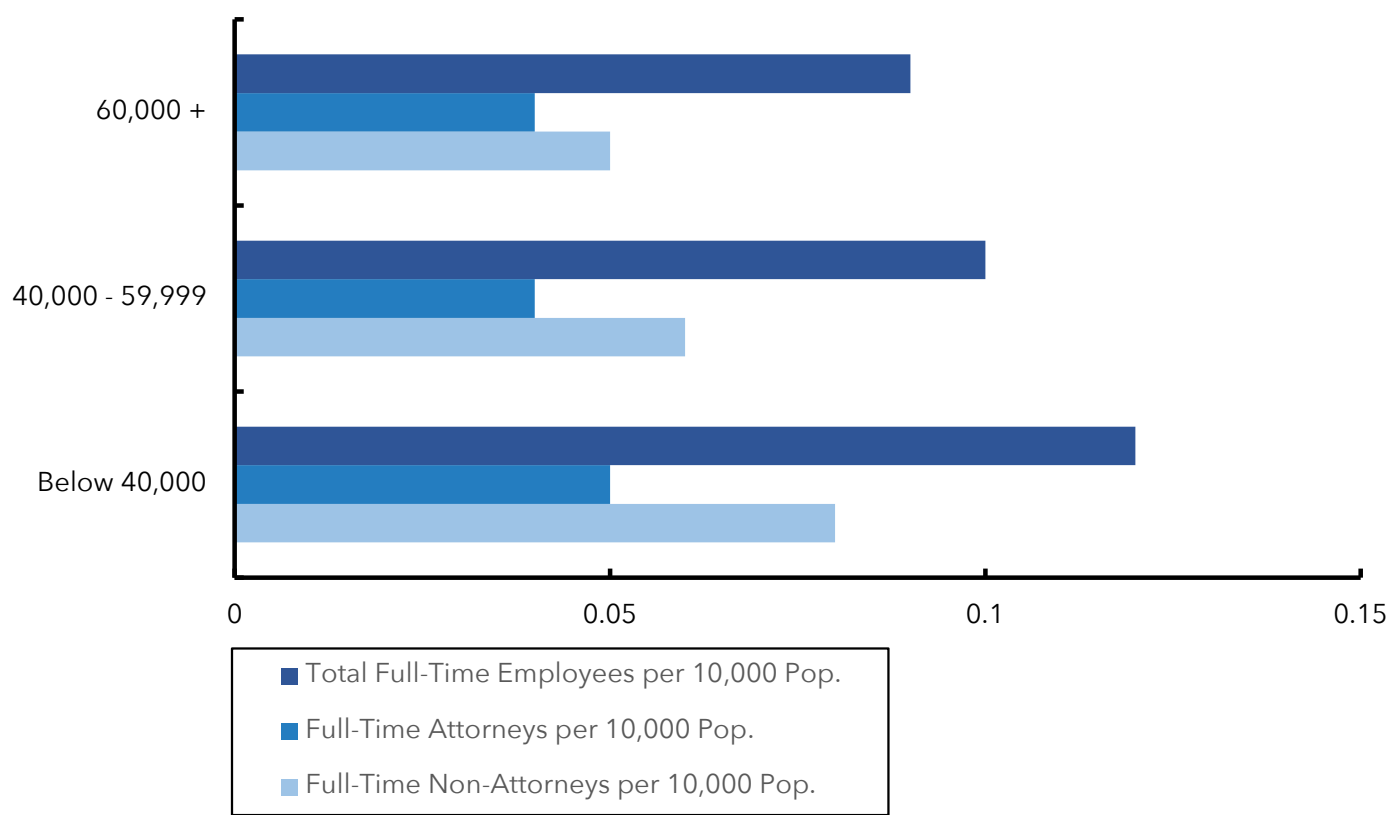


Figure 6. Full-Time Employees per 10,000 Population by Population Category (N = 30).

A different strategy for examining staffing information is to consider the ratio of staff to a measure of workload. **Figure 7** presents the average number of full-time employees per 1,000 felony cases reviewed. Judicial Circuits covering more than 60,000 residents had the most full-time employees, full-time attorneys, and full-time non-attorneys per 1,000 cases.

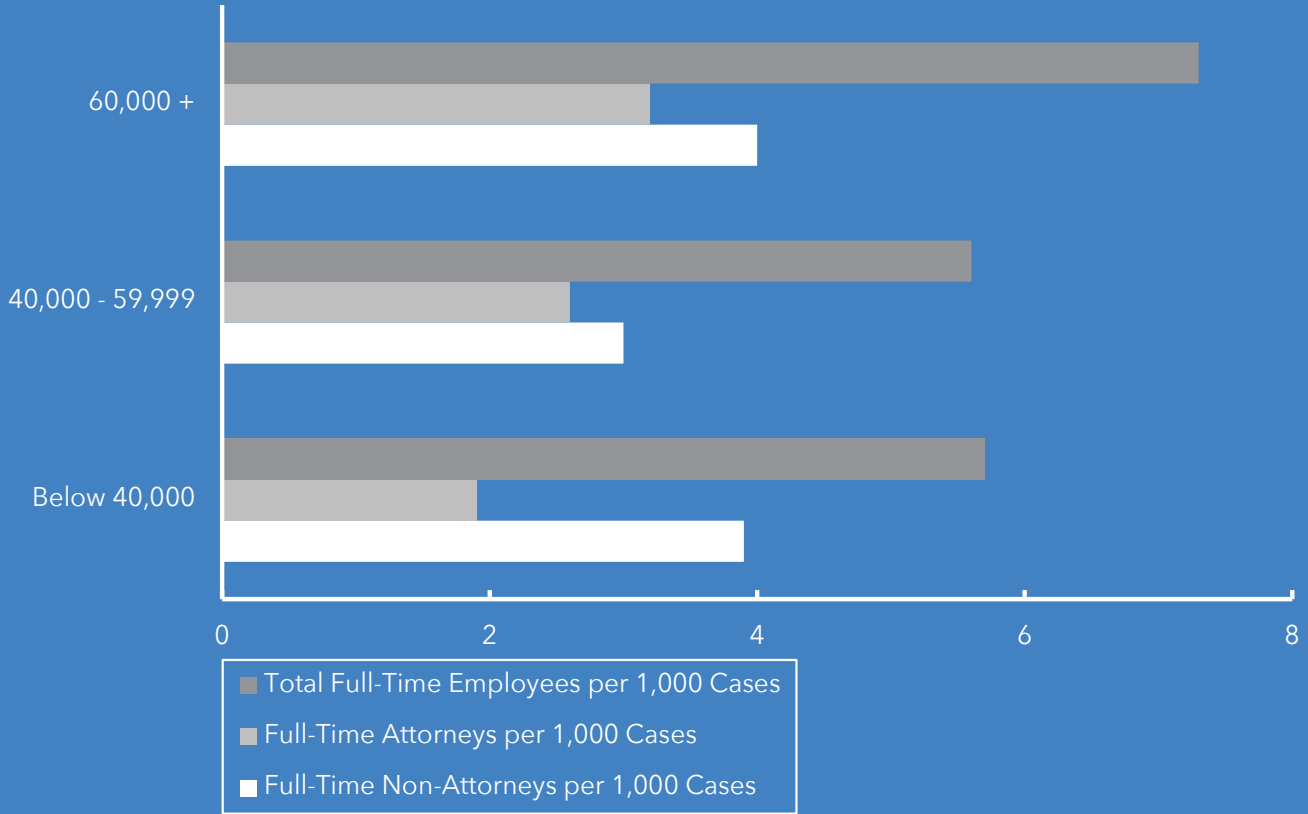


Figure 7. Average Number of Employees per 1,000 Felony Cases by Population Category (N = 26).



PROSECUTOR INITIATIVES

A total of 93% of responding offices reported engaging in problem solving courts or other programs that offered alternatives to incarceration in 2018. The majority of offices reported that offenders with low-level felonies (90%) and non-violent felonies (64%) were eligible for participation in these programs. Slightly fewer offices reported that misdemeanor offenders (44%) were eligible. Few offices reported that offenders with violent felonies (12%) were eligible for participation in these programs.

SPECIALTY COURTS

We asked respondents about nine different types of specialty courts: Drug courts, Veterans' courts, Mental Health courts, Human Trafficking courts, Homeless courts, Alcohol/Driving Sobriety courts, Domestic Violence courts, Community courts, and Re-entry courts. **Figure 8** provides the frequency of Judicial Circuits with each type of specialty court in 2018. While the majority of offices reported Drug courts (93%), fewer than half of respondents reported Veterans' courts (19%) and Mental Health courts (15%). No offices reported offering Alcohol/Driving Sobriety, Re-entry, Domestic Violence, Homeless, Community, or Human Trafficking courts.

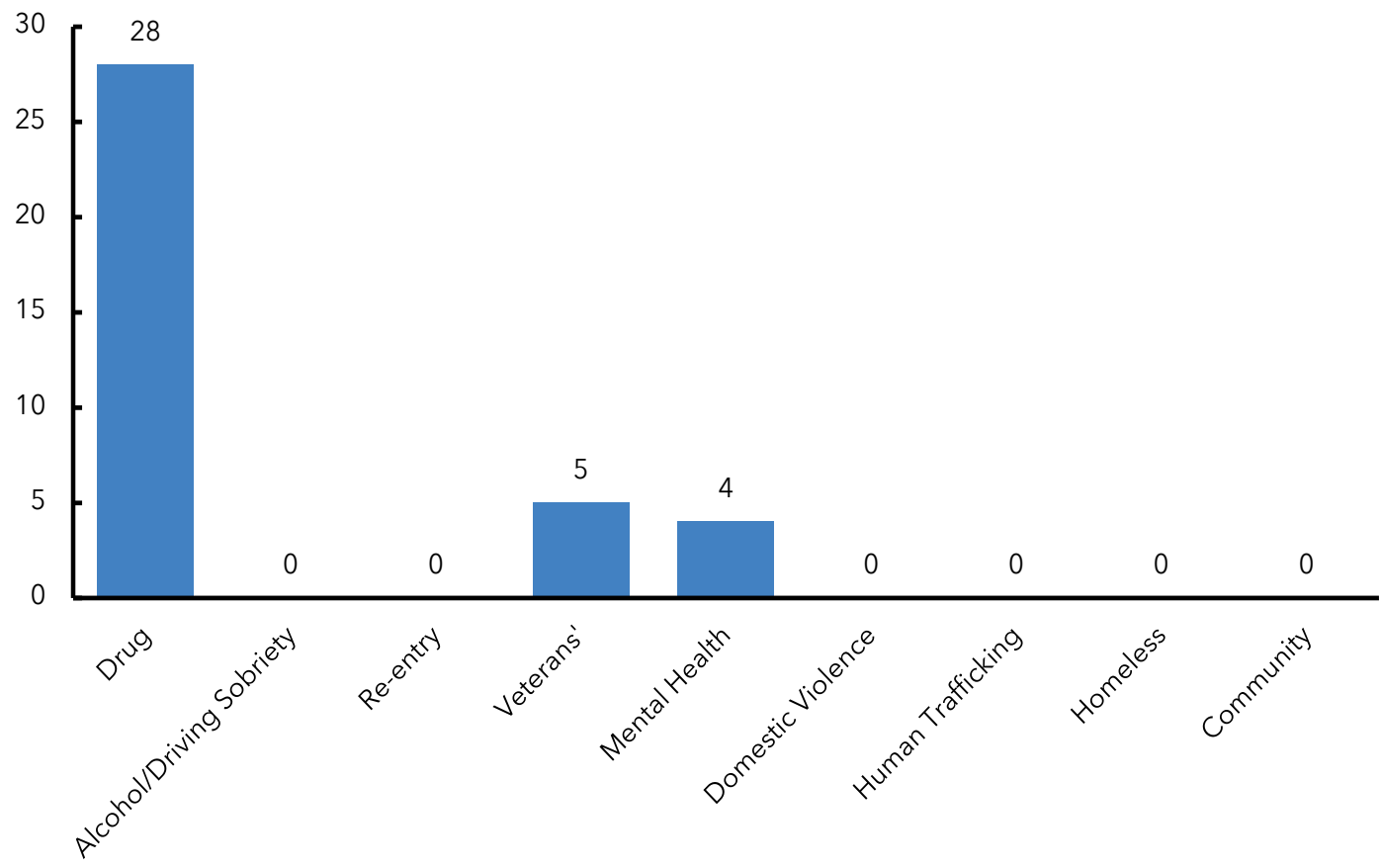
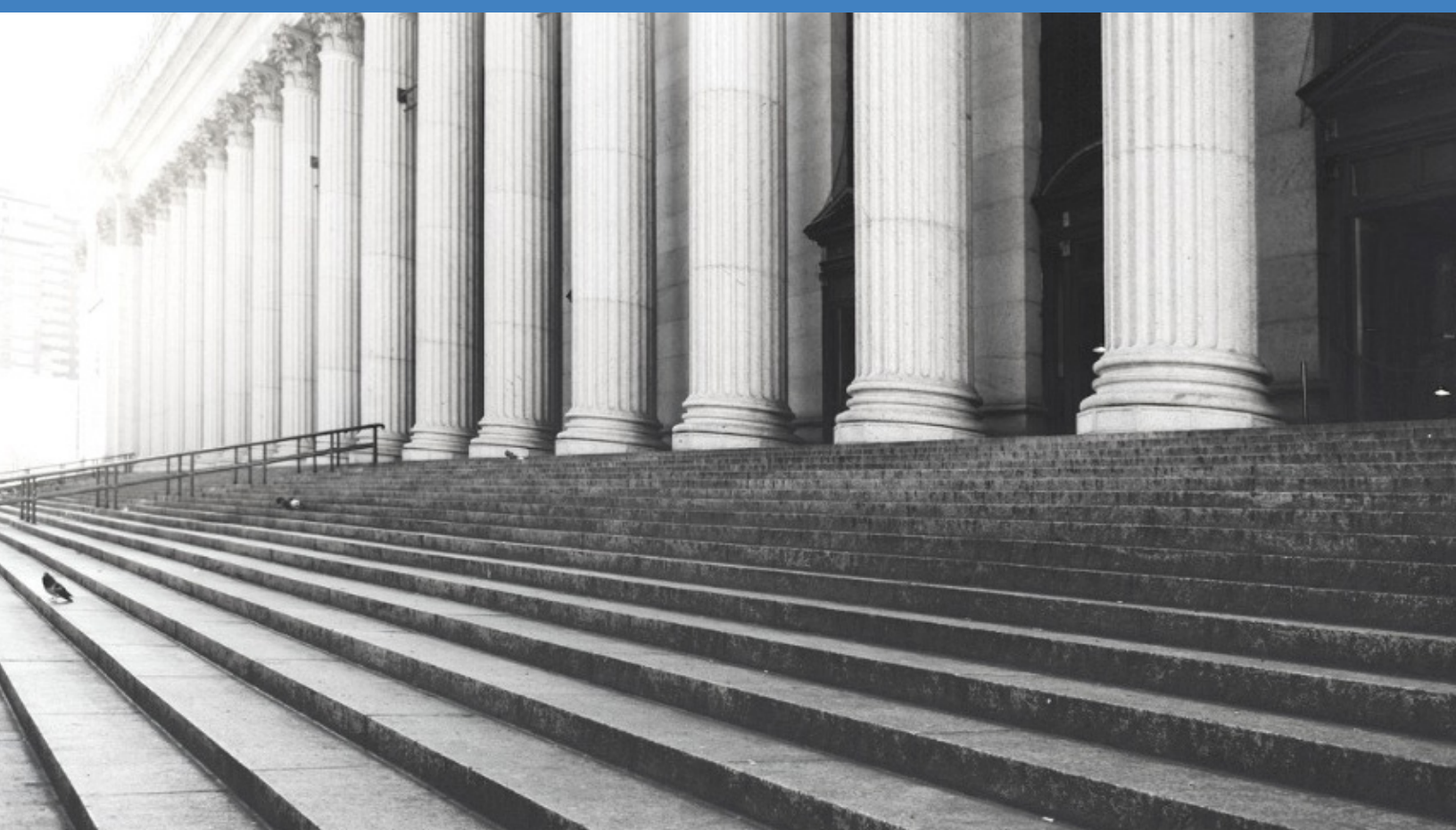


Figure 8. Number of Judicial Circuits Reporting Specialized Courts by Type (N = 30).



Figure 9. Average Number of Specialty Court Types by Population Category (N =30).

Figure 9 shows the number of specialty court types compared to the population category of the Judicial Circuit. Judicial Circuits with more than 60,000 residents had on average 1.7 specialty court types compared to about one type for the other population categories.





ALTERNATIVES TO INCARCERATION

We also asked whether the offices in each Judicial Circuit offered alternatives to incarceration in 2018, as shown in **Figure 10**. Drug treatment (79%), community service (38%), anger management (38%), and mental health services (38%) were the most common offerings. Slightly less common were training/education programs (28%). Deflection (7%) and restorative justice (3%) were the least commonly offered alternatives to incarceration.

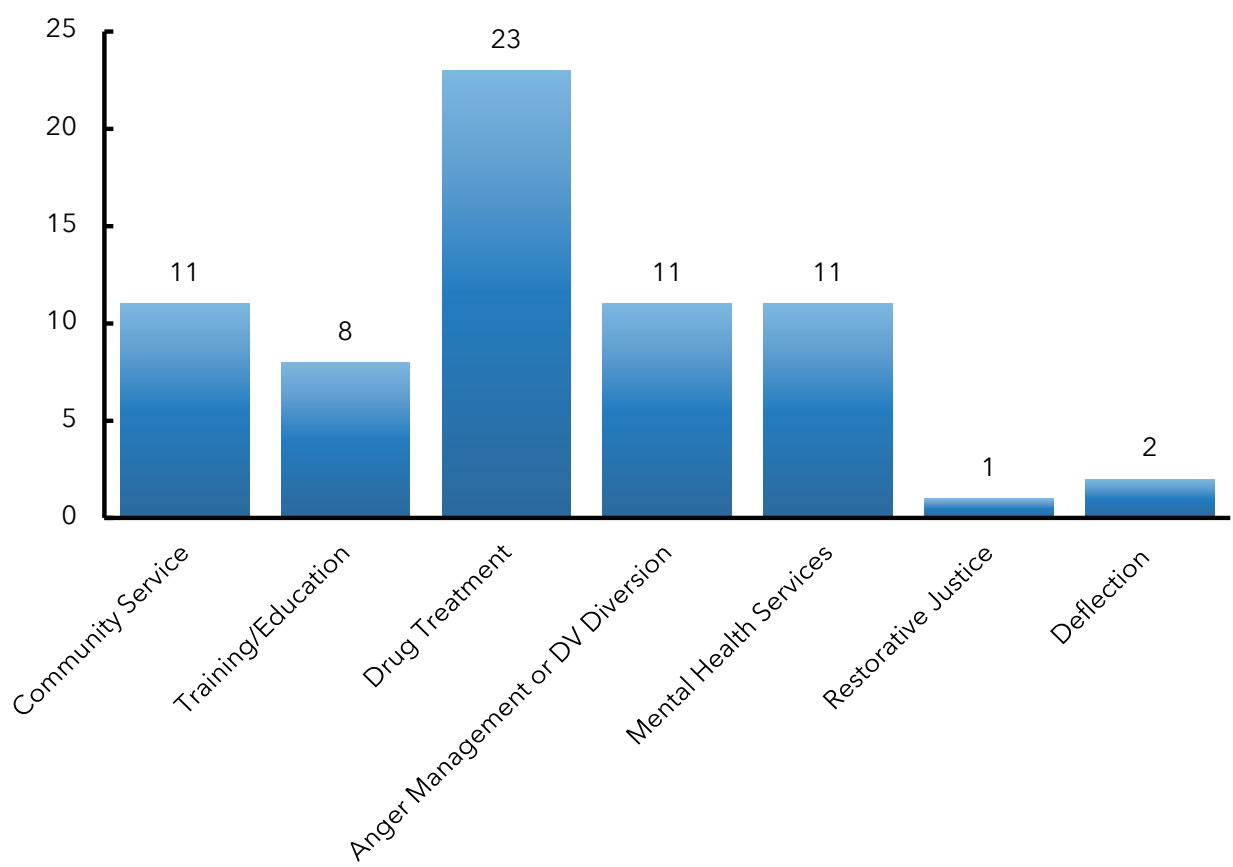


Figure 10. Number of Judicial Circuits Reporting Alternatives to Incarceration by Type (N = 29).

SPECIALIZED PROGRAMS

Figure 11 presents the number of prosecutors' offices that reported operating specialized programs. The most common types of programs were Victim Assistance (90%) and Restitution (77%). Slightly less common were Witness Assistance (43%) and Victim Services without Arrest (37%) programs. Community Prosecutors programs were offered in 23% of Judicial Circuits, and Community Affairs Units existed in 20% of districts. Prosecutors' offices rarely reported operating Conviction Review Units (10%), Crime Strategies Units (7%), or Victim/Witness Relocation (3%) programs.

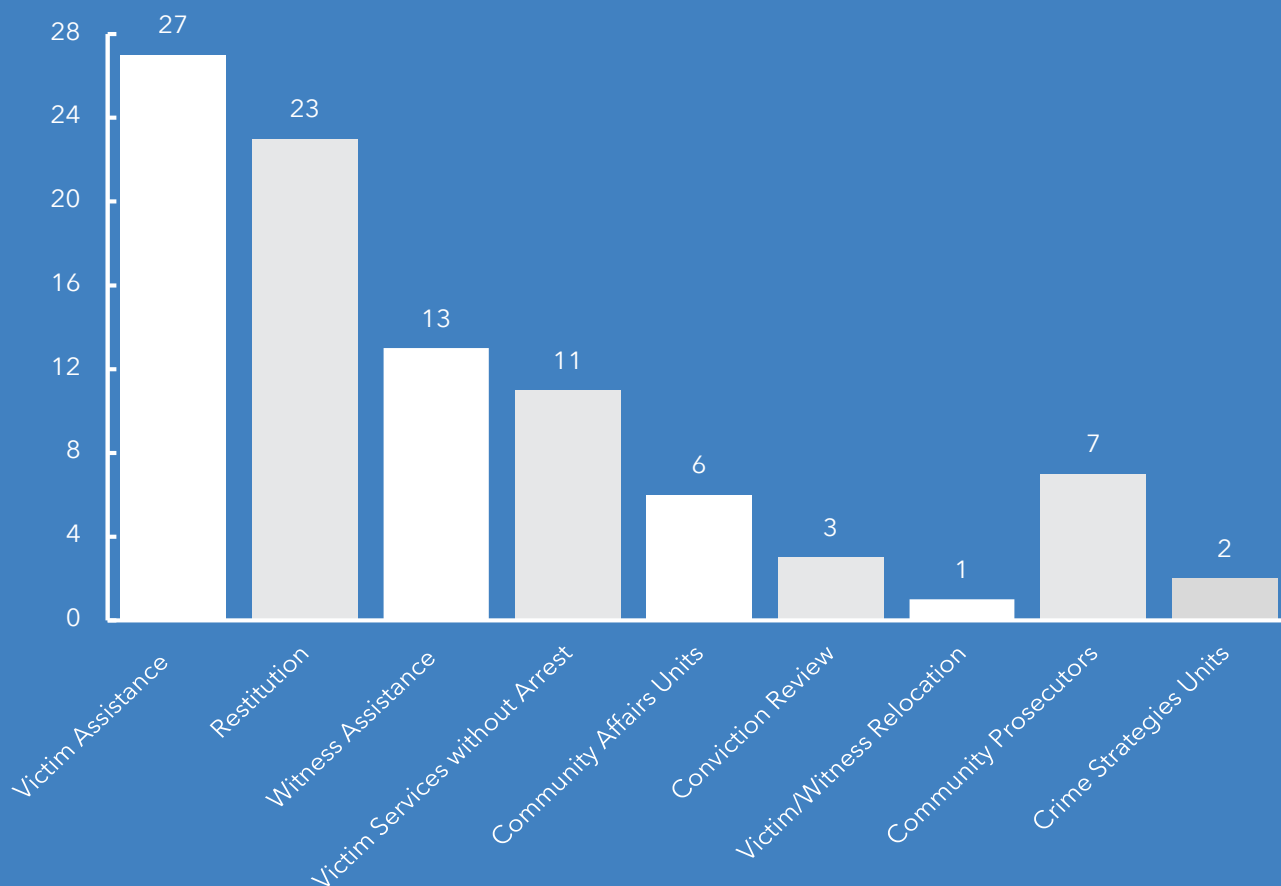


Figure 11. Judicial Circuits Reporting Specialized Programs by Type (N = 30).



COMMUNITY PROGRAMS

Finally, we asked whether Kentucky prosecutors' offices ran or participated in several different community programs. These results are presented in Figure 12. The majority of offices reported participating in Co-located Child Abuse programs (63%), Youth Education programs (53%), and Community Engagement programs (50%). Slightly less common were Adult Education (43%) and Violence Reduction (30%) programs. Considerably fewer offices reported participating in Co-located Domestic Violence (23%), Neighborhood Clean-up (20%), and Sports (13%) programs. Re-entry programs, Neighborhood Courts, and Children of Inmates programs were offered in 7% of Judicial Circuits. No offices reported running Truancy programs.

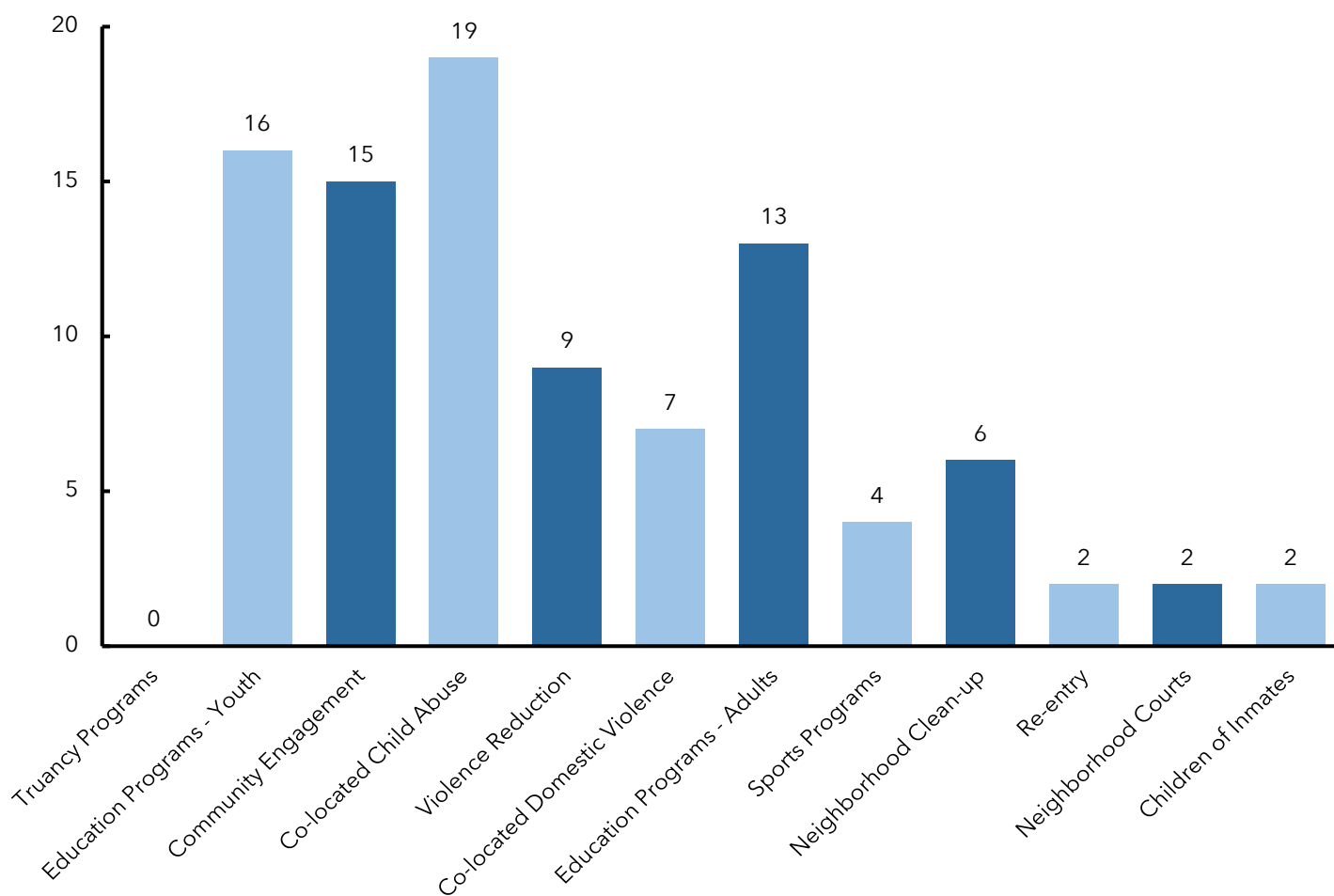


Figure 12. Participation in Community Programs by Type (N = 30).

TECHNOLOGY

In the following section, we asked respondents about the use of technology within their offices. Ten percent (10%) of the offices responded that they had a technology unit responsible for the computers, data, software, and hardware functioning within their offices. Fifty-three percent (53%) of offices reported that they were using an electronic case management system, and 67% of the offices used electronic discovery. All responding offices reported using technology in their courtrooms, and 53% reported having staff to support them with the use of this technology.

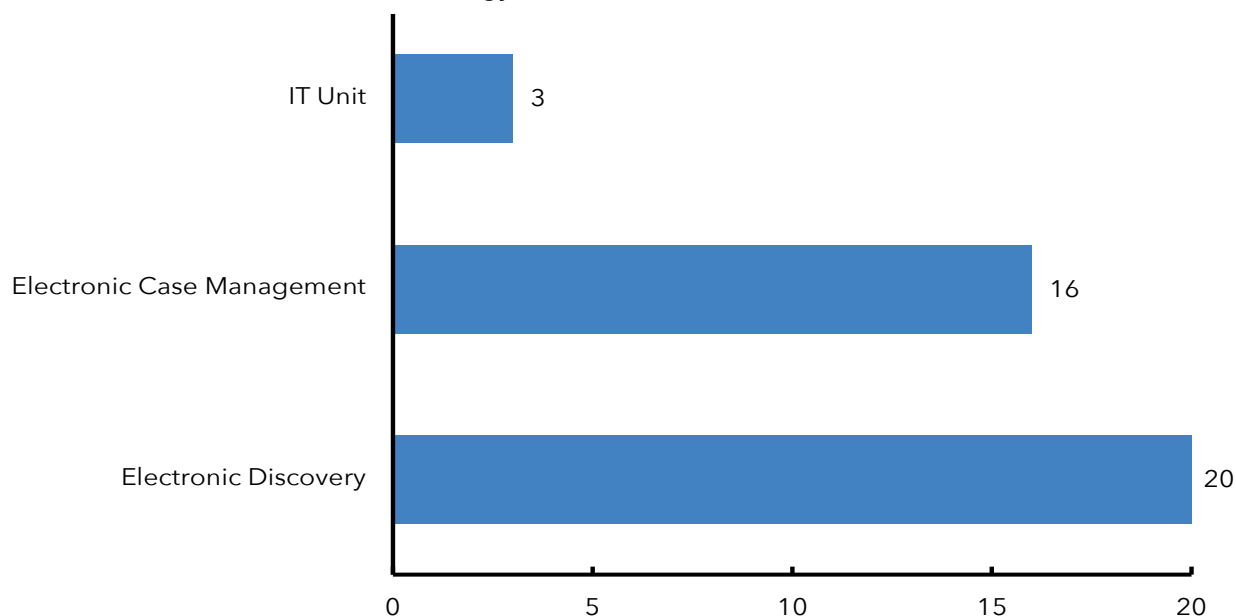


Figure 13. Technology Use within Prosecutors' Offices by Type (N = 30).



BODY-WORN CAMERAS

In addition, 87% of the respondents reported having at least one police agency within their jurisdiction that has implemented a body-worn camera (BWC) program. Figure 14 presents the method of delivery for BWC video. Of those receiving BWC video, 62% were solely using DVDs, 19% were using both cloud and DVD interfaces, and 4% were solely using cloud-based interfaces. Additionally, 62% of respondents reported needing additional staff to view and manage the evidence collected by BWCs.

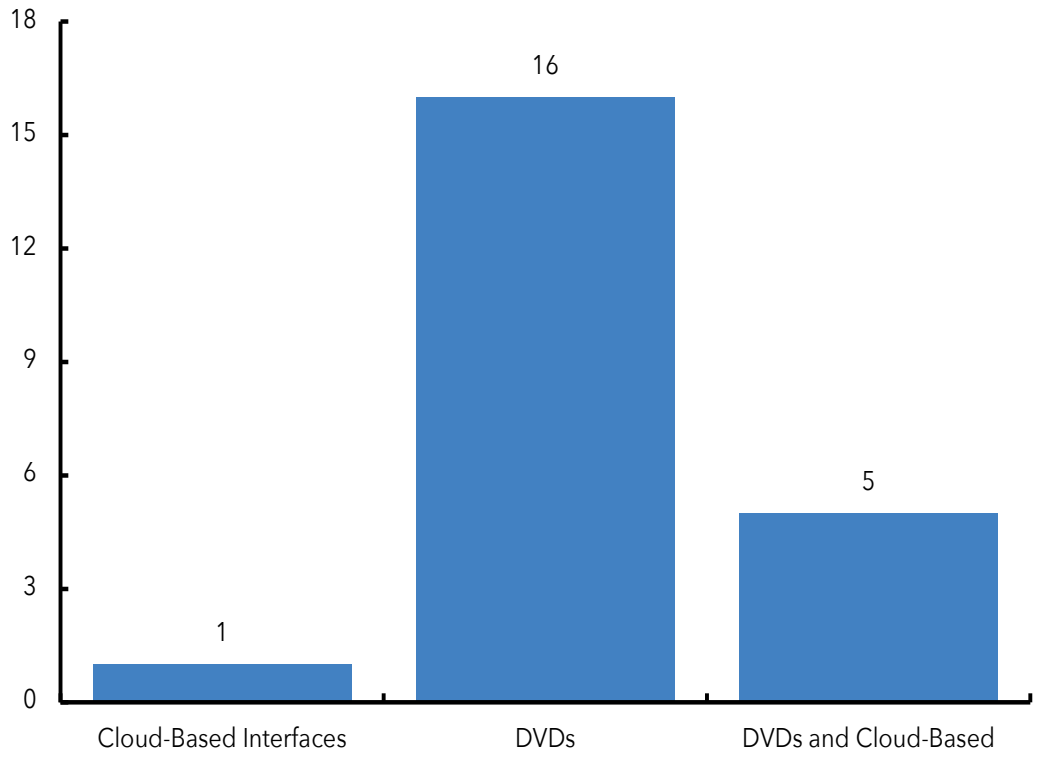


Figure 14. BWC Recordings Received by Prosecutors' Offices by Type (N = 26).

Figure 15 shows the percentage of offices by jurisdiction size that reported needing additional staff to view and manage BWC footage. Twenty-nine percent (29%) of offices with fewer than 40,000 residents stated that they needed additional staff to review BWC footage. Sixty-three percent (63%) of offices with 40,000 to 59,999 residents and 82% of offices with more than 60,000 residents stated that they needed additional staff for reviewing BWC footage.

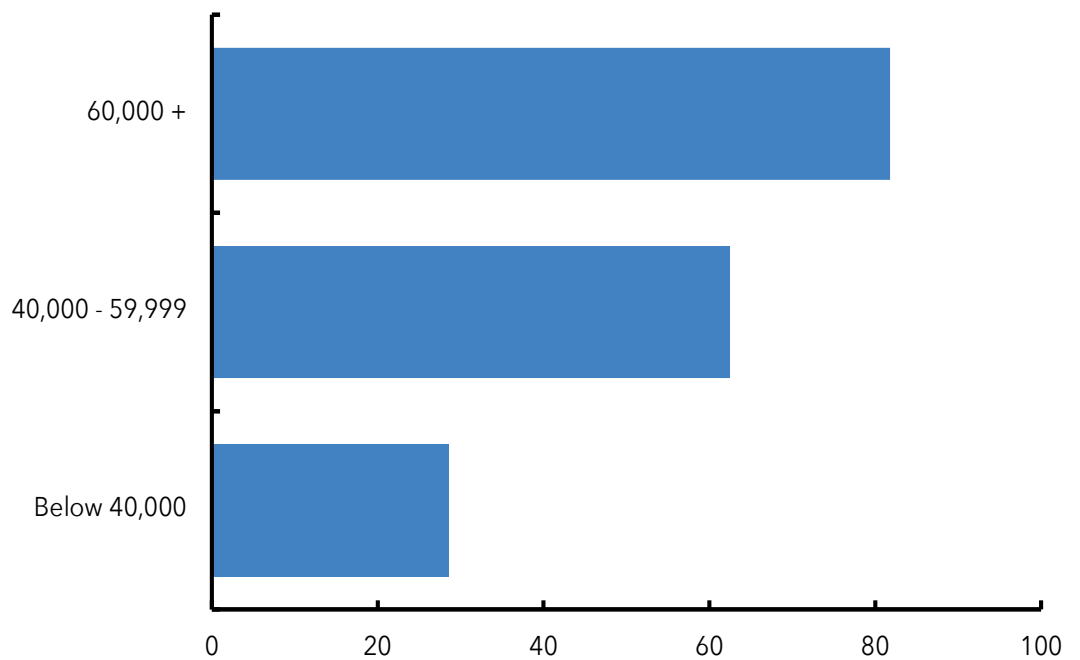


Figure 15. Need for Additional Staff to Review BWC Footage by Jurisdiction Size (N = 26).

WEBSITES

Asked what they share with the public online, 17% of survey respondents reported having office websites and 80% reported updating their websites routinely (monthly, quarterly, or annually).

RESEARCH

A minority of the responding offices reported engaging in research and analysis. Three percent (3%) of offices reported involvement in a research project in the last two years with a university, college, consultant, or independent research firm.

Thirty-seven percent (37%) of offices reported analyzing crime data, caseloads, or other types of information routinely on a monthly, quarterly, or annual basis. Thirteen percent (13%) of offices reported providing an annual report to the public on the work of the office.

Twenty-seven percent (27%) of the responding Judicial Circuits have participated in major U.S. Department of Justice grant-based programs. Of those offices, 50% reported participating in a Project Safe Neighborhoods program. Thirty-eight percent (38%) reported participating in Federal Victims of Crimes Act programs, and 25% participated in Violence Against Women Act programs. Finally, 13% of offices participated in a Smart Prosecution Initiative or a Violence Reduction Network program.



CONCLUSIONS

The statewide survey administered by JSS and PCE provides many insights into the day-to-day functioning of Kentucky prosecutors' offices. From the wide range of submissions from Kentucky Judicial Circuits thus far, a number of trends have emerged.

In the survey, the majority of responding Kentucky prosecutors' offices reported handling felonies and misdemeanors. About one-quarter of offices reported handling infractions and juvenile cases. Additionally, very few of Kentucky prosecutors' offices reported handling civil matters.

All of the responding prosecutors' offices reported elected Chief Prosecutors with an average tenure of 8 years. Ninety-three percent (93%) of the offices had budgets under \$1 million. The number of full-time employees per 10,000 population was highest for the smallest Judicial Circuits.

The per capita rates of felony and misdemeanor cases charged were highest for Judicial Circuits with fewer than 40,000 residents. Additionally, offices with 60,000 or more residents had the highest number of total full-time employees, non-attorneys, and attorneys per 1,000 cases.

It is apparent that nearly all offices offered specialty or problem solving courts and that some courts were significantly more common than others.

While a majority of offices reported offering Drug courts, fewer than half of offices reported offering Veterans' and Mental Health courts. Most offices reported running specialized programs. The most common specialized programs offered fell under the headings of Victim Assistance and Restitution programs. On the other hand, only a few offices offered Crime Strategies Units and Victim/Witness Relocation.

The majority of respondents reported providing specific community programs to the areas they serve. The most common offerings were Co-located Child Abuse programs and Youth Education programs.

This research has provided great insight into the basic needs of prosecutors' offices. Further research based on these findings should focus on prosecutors' caseloads. Specifically, researchers should continue to investigate ideal caseloads for prosecutors and evaluate proper resource management.

All in all, the Kentucky offices that completed the statewide prosecutor survey have provided vital data that have increased the knowledge base on the functioning of Kentucky prosecutors' offices as well as on the role of Kentucky prosecutors.