



The Department of Information and Technology Services  
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## INDIVIDUALS RELEASED PER EXECUTIVE COMMUTATION AND SUBSEQUENT CRIMINAL CASES

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August 10, 2021

By  
Daniel Sturtevant (*Data Officer*)

**Requestor:** Representative Jason Nemes  
**On Behalf of:**

**Organization:** Kentucky House of Representatives  
**Due Date:** August 20, 2021

### Statistics Overall Description

On June 8, 2021, Representative Jason Nemes provided a list of individuals released by commutation on August 24, 2020 due to the COVID-19 pandemic and requested that Research & Statistics provide a report indicating the number of criminal cases filed against these individuals after release.

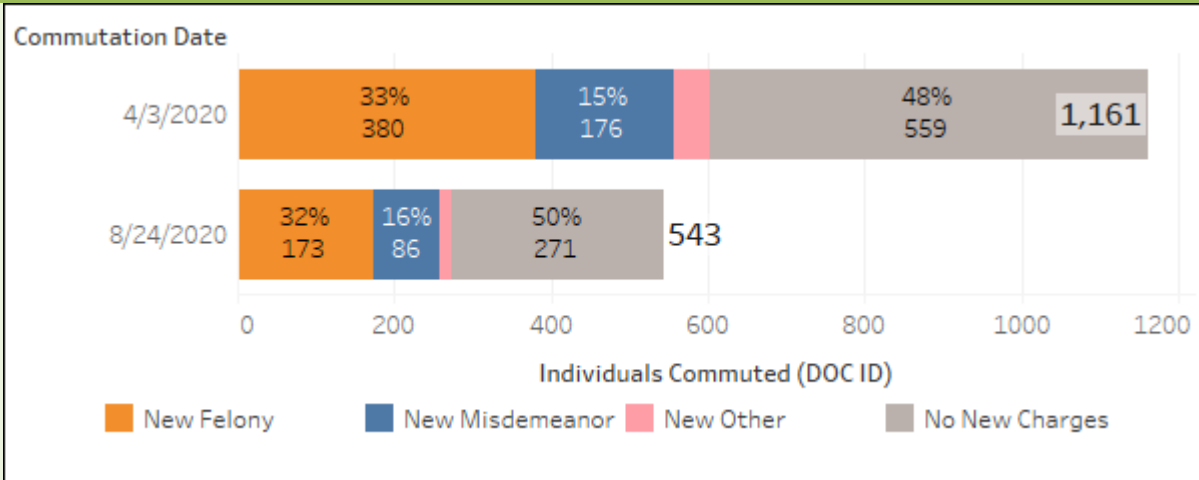
On July 30, 2021 the Kentucky Department of Corrections provided a dataset including individuals released by commutation on April 3, 2020 and August 24, 2020. The inclusion of original case numbers and dates of birth in this data set allowed for match between this dataset and the CourtNet database. This dataset included 544 individuals identified by DOC ID. These 544 DOC IDs all also appeared in the original dataset provided by Representative Nemes. This original dataset also included 102 additional DOC IDs not included in the dataset provided by the Department of Corrections. These additional DOC IDs are not included in this report or any subsequent computations described.

The CourtNet database was queried for Circuit Criminal cases in which the case number matched a case number from the Department of Corrections dataset and the defendant's date of birth. The Criminal History Key – an individual identifier used by the AOC Department of Records in the performance of background checks – was identified from the Circuit Criminal cases resulting from this join. False positive matches were eliminated. Criminal History keys were identified for all DOC IDs.

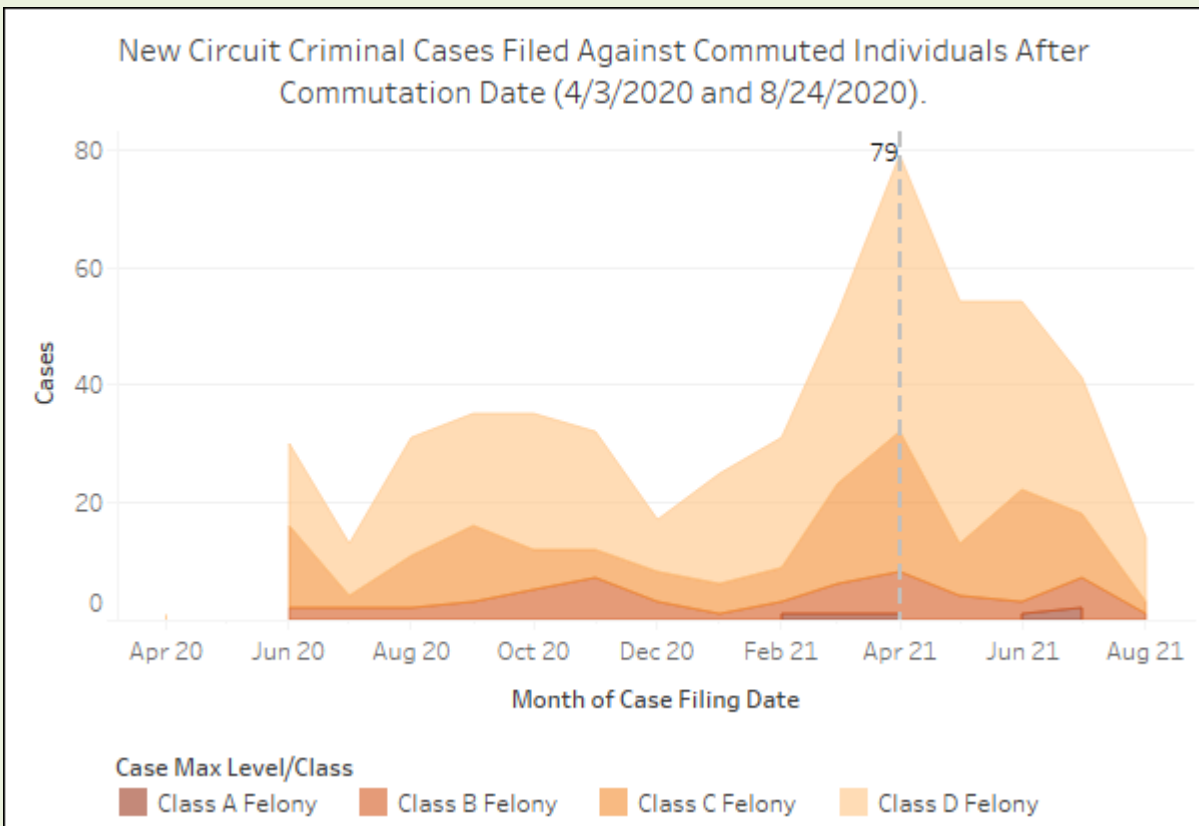
CourtNet was queried a second time for any criminal cases subsequently filed in District or Circuit Court in which the defendant's criminal history key matched a criminal history key identified as described above and in which the case filing date was later than the indicated commutation date (April 3, 2020 and August 24, 2020).

## INDIVIDUALS RELEASED PER EXECUTIVE COMMUTATION AND SUBSEQUENT CRIMINAL CASES

### Statistical Report 21\_RS8014



The image above presents the total number of individuals released on each commutation date and includes the number and percentage of the most serious new criminal case filed against each individual, if there is any such case. 47% of individuals identified by DOC ID in each release cohort have had at least one criminal case including at least a misdemeanor charge filed against them since release.



The image above shows the number of new Circuit Criminal cases filed against the specified individuals following their commutation date. It presents the trend of cases filed each month with an indication of the class of the most serious felony charge in each case. The dotted reference line indicates April 2021, which is noted for having the most new Circuit Criminal case filings in one month among any with

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## INDIVIDUALS RELEASED PER EXECUTIVE COMMUTATION AND SUBSEQUENT CRIMINAL CASES

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### Statistical Report 21\_RS8014

reportable data. There were 5,267 Circuit Criminal cases filed in April 2021, an increase of 51% relative to the previous month's 2,585 new cases. The previous pre-pandemic high was 3,857 filed in June 2019<sup>1</sup>. The 79 cases filed in April 2021 against the individuals included in this report account for 1.5% of the 5,267 Circuit Criminal cases filed in April 2021 and as such do not represent a significant factor in this single month's increased filing rate.

Five additional pages of reporting are attached below. This content is all limited to the newly filed criminal cases and does not count those DOC IDs associated with individuals against whom no new cases were filed.

The first page presents the number of individuals (counting DOC ID) and presents the most serious offense according to the criminal categories defined by the Court Statistics Project (CSP) of the National Center for State Courts. The most serious offense per DOC ID in either jurisdiction is indicated. Color indicates the level and class of the offense with the most serious penalty filed against each individual. The two sets of individuals associated with each commutation date are reported separately.

The second and third pages present the number of distinct new criminal cases filed against the specified individuals. The second page reports those commuted on April 3, 2020 and the third page reports those commuted on August 24, 2020. Each page includes two charts. The top chart groups new criminal cases by jurisdiction (Circuit or District Court) and the level and class of the offense with the highest penalty. The bottom chart groups cases by jurisdiction and by the CSP category of the most serious charge in each case. Color indicates the level and class of the charge with the most serious penalty.

The fourth and fifth pages present the number of distinct charges, distinct criminal cases, and individuals in a cross-tabulation. Counts are grouped by Jurisdiction, the level and class of each charge, and the CSP Category of each charge. The fourth page reports those individuals commuted April 3, 2020 and the fifth page reports those commuted August 24, 2020.

#### Statistical Analysis Considerations:

- These statistics represent a snapshot in time, as of August 9, 2021.
- The felony offense "FUGITIVE FROM ANOTHER STATE – WARRANT REQUIRED" is not considered reportable in the Court Statistics Project framework. Cases or individuals with this offense charged and no other felony offenses are indicated as having a highest penalty level of felony but a CSP category indicating a level lower than felony.

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<sup>1</sup> Caseload: Monthly by Category <https://kycourts.gov/AOC/Information-and-Technology/Analytics/Pages/Caseload-Monthly-by-Category.aspx> retrieved 8/10/2021.

## INDIVIDUALS RELEASED PER EXECUTIVE COMMUTATION AND SUBSEQUENT CRIMINAL CASES

Data Variables		
Database	Data Variable	Description
<b>DOC Dataset</b>	Commutation Date	The date indicated for the commutation of sentence. The report includes commutations from April 3, 2020 and August 24, 2020.
	Individuals Commuted (DOC ID)	The number of unique individuals is counted using this Department of Corrections serial ID. The field is called "DOC" in the original dataset.
<b>CourtNet</b>	Report Category	As used in the first image: <ul style="list-style-type: none"> <li>• <b>New Felony:</b> A criminal case including at least one felony charge has been filed in Circuit or District Court against this individual.</li> <li>• <b>New Misdemeanor:</b> A criminal case including at least one misdemeanor charge but no felony charges has been filed in District Court against this individual.</li> <li>• <b>New Other:</b> A criminal case including no felony nor misdemeanor charges has been filed in District Court against this individual. This case includes violation-level offenses and/or offenses without an associated penalty level (e.g. Contempt).</li> </ul>
	Case Filing Date	The date on which a case was filed.
	Jurisdiction	The jurisdiction in which a case was filed (Circuit or District Court).
	Charge Level	Categorizes the charge(s)/offense(s) according to severity for the purposes of sentencing. The charge level is determined by the UOR's ASCF code. Charge levels are reported as the following: <ul style="list-style-type: none"> <li>• Felony – Felonies are the most serious types of crimes, punishable by prison sentences of greater than one year.</li> <li>• Misdemeanor – Misdemeanors are more serious than violations, punishable by up to a year in jail time.</li> <li>• Violation – Violations are the least serious type of crime, usually involving a citation with a penalty of a fine. However, possible other potential penalties may be involved.</li> <li>• Local Ordinance – Violation level offenses defined by county or city ordinance rather than statewide statute.</li> <li>• Other – offenses created for administrative purposes are listed as Other.</li> </ul> <p>The penalty level and class are reported for individual charges, for the most serious charge in a distinct case, or for the most serious charge filed against an individual identified by DOC ID in any case.</p>
	Charge Class	Classifications are based on the severity of the penalty, with A, B, C & D. Class A is the most severe and Class D is the least. <p>Felonies are classified, for the purpose of sentencing, into four categories: (1) Class A felonies; (2) Class B felonies; (3) Class C felonies; and (4) Class D felonies.</p>

## INDIVIDUALS RELEASED PER EXECUTIVE COMMUTATION AND SUBSEQUENT CRIMINAL CASES

Data Variables		
		<p>Misdemeanors are classified, for the purpose of sentencing, into two categories: (1) Class A misdemeanors; (2) Class B misdemeanors.</p> <p>The penalty level and class are reported for individual charges, for the most serious charge in a distinct case, or for the most serious charge filed against an individual identified by DOC ID in any case.</p>
	CSP Category	<p>Categories defined by the Court Statistics Project of the National Center for State Courts. Criminal cases are defined by the most serious type of included offense according to a categorical hierarchy. Definitions and more information are available at <a href="https://www.courtstatistics.org/_data/assets/pdf_file/0026/23984/state-court-guide-to-statistical-reporting.pdf">https://www.courtstatistics.org/_data/assets/pdf_file/0026/23984/state-court-guide-to-statistical-reporting.pdf</a></p>
	Cases	<p>The number of distinct cases. A criminal case may have one or more charges and an individual may be a defendant in multiple criminal cases during a given period of time.</p>
	Charges	<p>The number of charges included in the reported criminal cases.</p>

### Disclaimer Associated with KCOJ/AOC Database(s) and Element(s)

#### **RESEARCH AND STATISTICS DISCLAIMER**

Information received from KYCourts/CourtNet is subject to change(s), reprogramming, modification(s) of format and availability at the direction of the Administrative Office of the Courts (AOC), and may not at any particular moment reflect the true status of court cases due to ordinary limitation(s), delay(s) or error(s) in the system's operation. The KYCourts/CourtNet database is not a real-time system. All datasets are a snapshot of case data at the time a query is run. Case counts are not counts of individuals as some persons may have multiple cases.

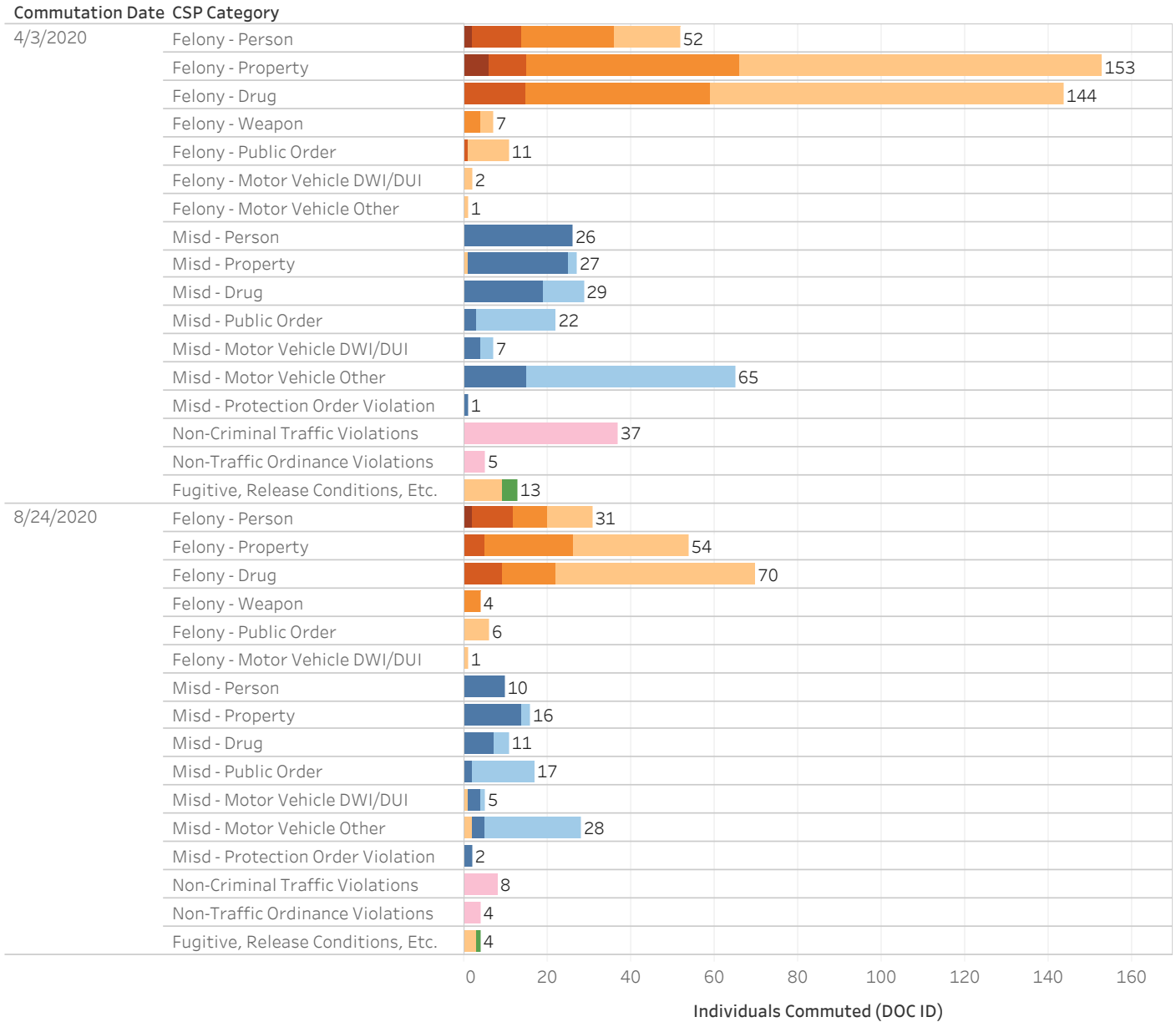
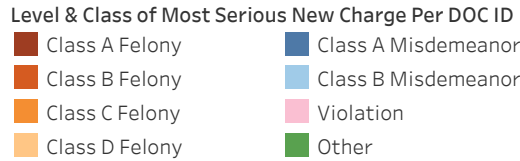
The AOC disclaims any warranties as to the validity of the information obtained from KYCourts/CourtNet. The recipient is solely responsible for verifying information received from KYCourts/CourtNet through the cross-referencing of official court records. The AOC shall not be liable to the recipient, or to any third party using the system or information obtained therefrom, for any damages whatsoever arising out of the use of KYCourts/CourtNet.



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**Individuals Released per Executive Commutation And Subsequent Criminal Cases**  
**Most Serious Offense Charged In New Criminal Case Filed After Commutation Date by CSP Category**



**Statistical Analysis Considerations**

- \* Data provided from the CourtNet Database.
- \* The single most serious offense by CSP category in any Circuit or District Criminal case per DOC ID is reported here.
- \* Defendants commuted without newly filed criminal cases are not reported here.
- \* Felony-Level cases with Misdemeanor CSP Categories include the Class D Felony offense "FUGITIVE FROM ANOTHER STATE - WARRANT REQUIRED", which is not considered reportable by the Court Statistics Project.



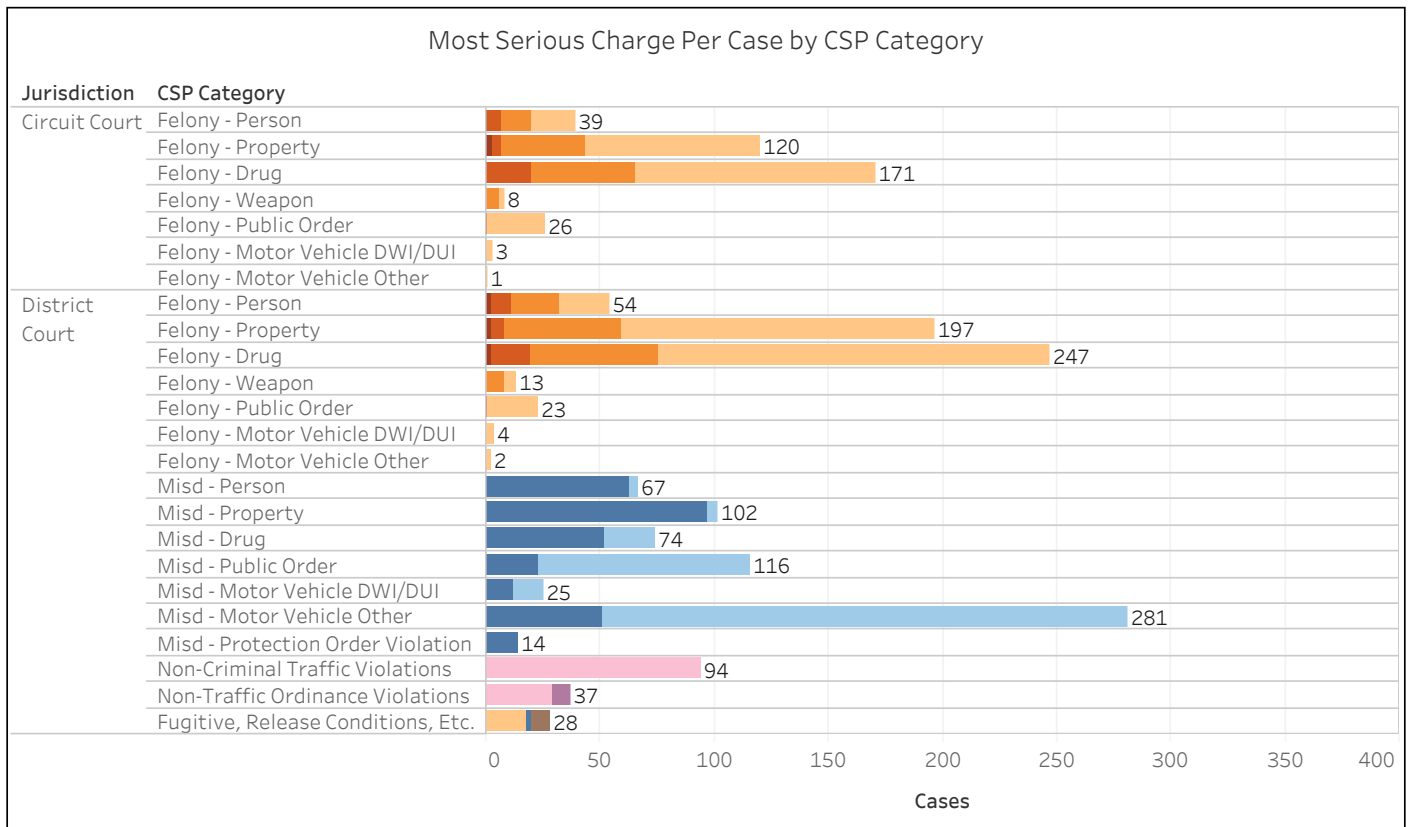
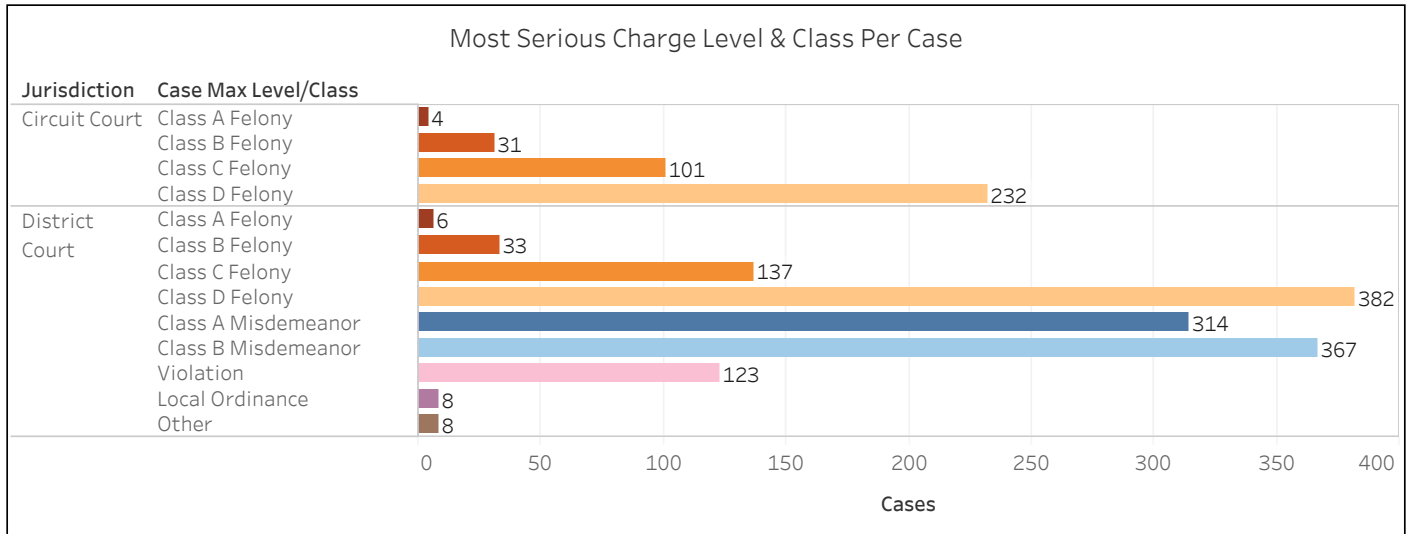
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**Individuals Released per Executive Commutation And Subsequent Criminal Cases**  
**Most Serious Offense Charged In New Criminal Case Filed After Commutation Date by CSP Category**  
**Criminal Cases Filed After 4/3/2020 Against Defendants Commuted 4/3/2020**

**Most Serious Charge Level & Class Per Case**

<span style="color: #800000;">■</span> Class A Felony	<span style="color: #FF8C00;">■</span> Class C Felony	<span style="color: #0056B3;">■</span> Class A Misdemeanor	<span style="color: #FFB6C1;">■</span> Violation	<span style="color: #8B4513;">■</span> Other
<span style="color: #FF4500;">■</span> Class B Felony	<span style="color: #FFD700;">■</span> Class D Felony	<span style="color: #6495ED;">■</span> Class B Misdemeanor	<span style="color: #800080;">■</span> Local Ordinance	



**Statistical Analysis Considerations**

\* Data provided from the CourtNet Database.

\* This page includes all newly filed criminal cases against the specified defendants reported separately. If a single incident resulted in both a District and Circuit criminal case, each is reported here separately.

CourtNet Data Queried:

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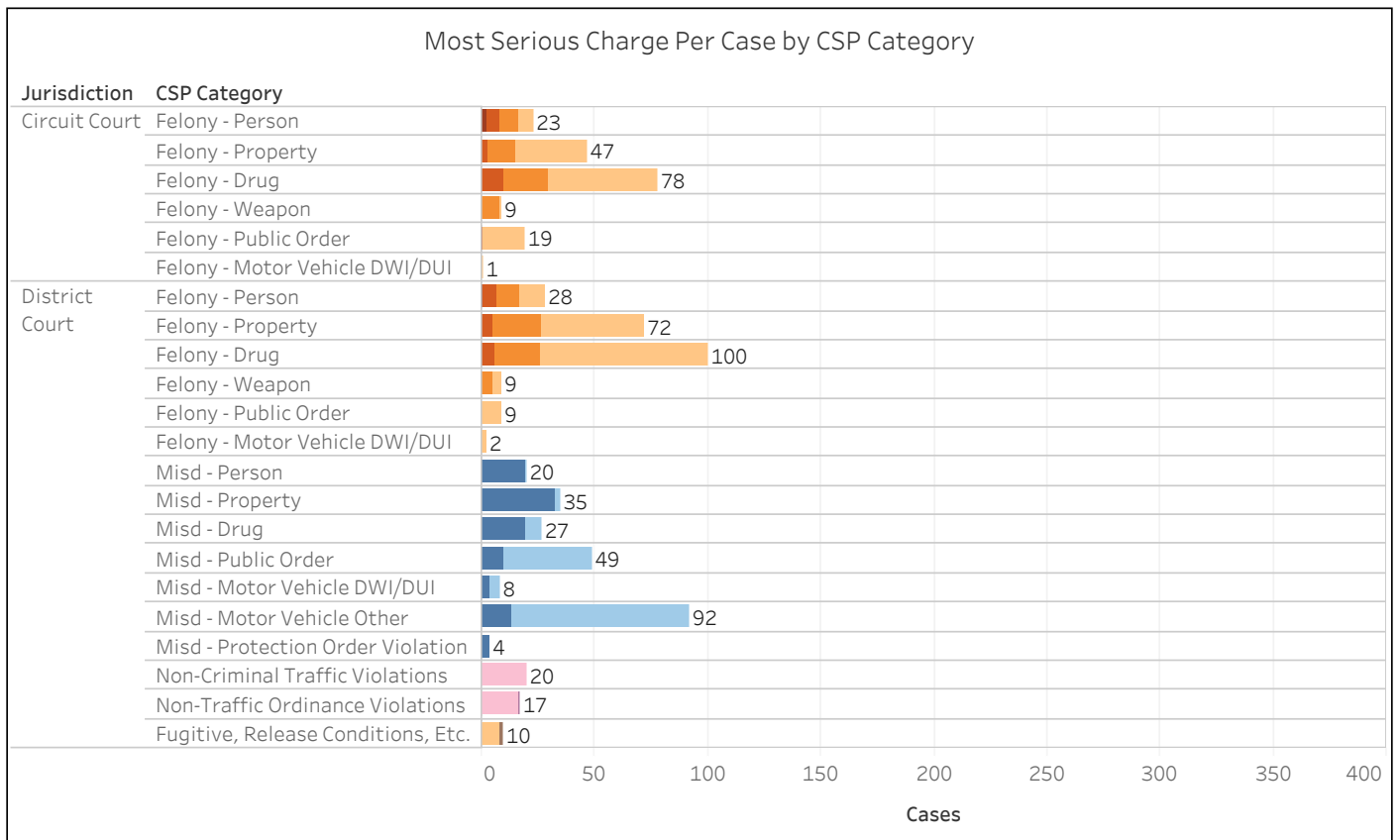
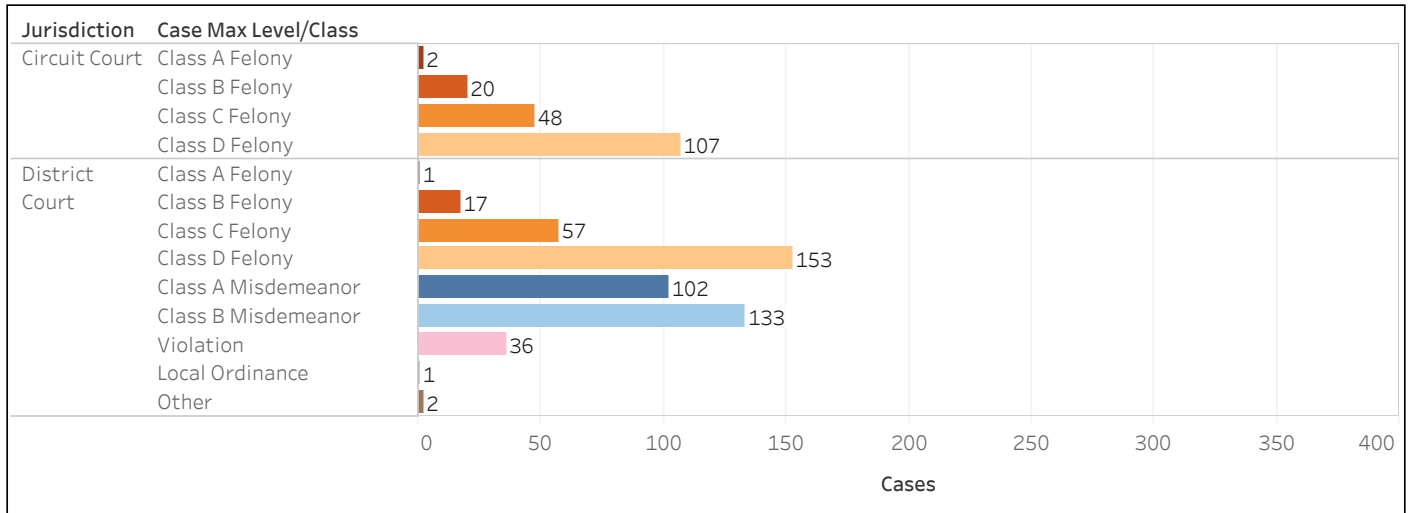
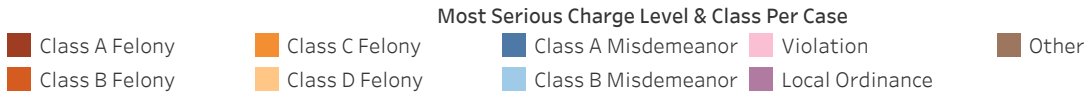
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**Individuals Released per Executive Commutation And Subsequent Criminal Cases**  
**Most Serious Offense Charged In New Criminal Case Filed After Commutation Date by CSP Category**  
**Criminal Cases Filed After 8/24/2020 Against Defendants Commuted 8/24/2020**



**Statistical Analysis Considerations**

\* Data provided from the CourtNet Database.

\* This page includes all newly filed criminal cases against the specified defendants reported separately. If a single incident resulted in both a District and Circuit criminal case, each is reported here separately.

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**Individuals Released per Executive Commutation And Subsequent Criminal Cases**  
**All Charges in New Criminal Cases Filed After 4/3/2020 Against Defendants Commuted 4/3/2020**

Charge Level and Class	CSP Category	Circuit Court			District Court		
		Charges	Cases	DOC ID's	Charges	Cases	DOC ID's
Class A Felony	Felony - Person				1	1	1
	Felony - Property	2	2	2	1	1	1
	Felony - Drug	2	2	2	5	4	4
	<b>Total</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>7</b>	<b>6</b>	<b>6</b>
Class B Felony	Felony - Person	8	6	6	13	9	7
	Felony - Property	5	4	4	5	5	5
	Felony - Drug	24	21	16	23	20	19
	Felony - Public Order	1	1	1	1	1	1
	<b>Total</b>	<b>38</b>	<b>32</b>	<b>26</b>	<b>42</b>	<b>35</b>	<b>32</b>
Class C Felony	Felony - Person	12	12	12	20	16	16
	Felony - Property	32	26	24	51	47	42
	Felony - Drug	72	61	53	91	71	62
	Felony - Weapon	31	29	26	38	34	31
	<b>Total</b>	<b>147</b>	<b>114</b>	<b>97</b>	<b>200</b>	<b>154</b>	<b>129</b>
Class D Felony	Felony - Person	55	27	23	97	37	29
	Felony - Property	129	104	83	185	165	126
	Felony - Drug	193	159	124	275	239	185
	Felony - Weapon	11	10	10	18	16	15
	Felony - Public Order	73	65	56	79	70	64
	Felony - Motor Vehicle DWI/DUI	3	3	3	5	5	4
	Felony - Motor Vehicle Other	3	3	3	7	6	5
	Fugitive, Release Conditions, Etc.				20	18	18
	<b>Total</b>	<b>467</b>	<b>305</b>	<b>206</b>	<b>686</b>	<b>466</b>	<b>302</b>
Other Felony	Fugitive, Release Conditions, Etc.	131	126	103	5	5	5
	<b>Total</b>	<b>131</b>	<b>126</b>	<b>103</b>	<b>5</b>	<b>5</b>	<b>5</b>
Class A Misdemeanor	Misd - Person	20	13	13	96	78	67
	Misd - Property	20	18	18	172	158	116
	Misd - Drug	126	105	87	309	251	193
	Misd - Weapon	1	1	1	5	5	5
	Misd - Public Order	25	21	19	80	72	61
	Misd - Motor Vehicle DWI/DUI	8	8	8	26	24	22
	Misd - Motor Vehicle Other	6	6	6	1,080	75	67
	Misd - Protection Order Violation	2	2	2	22	22	16
	Misd - Other				1	1	1
	Fugitive, Release Conditions, Etc.				3	3	3
<b>Total</b>	<b>208</b>	<b>146</b>	<b>119</b>	<b>1,794</b>	<b>613</b>	<b>356</b>	
Class B Misdemeanor	Misd - Person	1	1	1	20	17	15
	Misd - Property	3	3	3	14	14	12
	Misd - Drug	38	36	32	102	95	79
	Misd - Public Order	33	27	21	200	180	119
	Misd - Motor Vehicle DWI/DUI	15	15	15	59	56	53
	Misd - Motor Vehicle Other	66	52	49	570	399	248
	<b>Total</b>	<b>156</b>	<b>110</b>	<b>89</b>	<b>965</b>	<b>672</b>	<b>366</b>
Violation	Non-Criminal Traffic Violations	93	43	39	868	435	281
	Traffic - Parking Violations				1	1	1
	Non-Traffic Ordinance Violations	5	5	5	63	62	51
	<b>Total</b>	<b>98</b>	<b>48</b>	<b>43</b>	<b>932</b>	<b>495</b>	<b>320</b>
Local Ordinance	Non-Traffic Ordinance Violations				10	10	7
	<b>Total</b>				<b>10</b>	<b>10</b>	<b>7</b>
Other	Non-Traffic Ordinance Violations	12	8	8	55	47	40
	Fugitive, Release Conditions, Etc.	18	16	13	54	38	29
	<b>Total</b>	<b>30</b>	<b>23</b>	<b>20</b>	<b>109</b>	<b>85</b>	<b>68</b>
<b>Grand Total</b>		<b>1,279</b>	<b>368</b>	<b>238</b>	<b>4,750</b>	<b>1,378</b>	<b>584</b>

**Statistical Analysis Considerations**

\* Data provided from the CourtNet Database.

\* This page includes all charges in all newly filed cases including the specified defendants.

CourtNet Data Queried:

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**Individuals Released per Executive Commutation And Subsequent Criminal Cases**  
**All Charges in New Criminal Cases Filed After 8/24/2020 Against Defendants Commuted 8/24/2020**

Charge Level and Class	CSP Category	Circuit Court			District Court		
		Charges	Cases	DOC ID's	Charges	Cases	DOC ID's
Class A Felony	Felony - Person	3	2	2	1	1	1
	<b>Total</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>
Class B Felony	Felony - Person	11	5	5	6	6	6
	Felony - Property	4	3	3	4	4	4
	Felony - Drug	12	10	10	11	8	7
	Felony - Public Order	3	3	3			
	<b>Total</b>	<b>30</b>	<b>20</b>	<b>19</b>	<b>21</b>	<b>17</b>	<b>16</b>
Class C Felony	Felony - Person	10	5	5	9	8	8
	Felony - Property	9	8	8	16	15	14
	Felony - Drug	33	26	23	27	25	22
	Felony - Weapon	19	19	19	27	22	20
	<b>Total</b>	<b>71</b>	<b>53</b>	<b>45</b>	<b>79</b>	<b>63</b>	<b>52</b>
Class D Felony	Felony - Person	37	15	14	45	17	17
	Felony - Property	63	45	34	67	60	46
	Felony - Drug	75	64	54	107	94	74
	Felony - Weapon	5	4	4	16	9	9
	Felony - Public Order	35	33	26	28	26	22
	Felony - Motor Vehicle DWI/DUI	2	2	2	2	2	2
	Fugitive, Release Conditions, Etc.				8	8	8
	<b>Total</b>	<b>217</b>	<b>137</b>	<b>90</b>	<b>273</b>	<b>190</b>	<b>125</b>
Other Felony	Felony - Other	1	1	1			
	Fugitive, Release Conditions, Etc.	71	61	43	4	4	3
	<b>Total</b>	<b>72</b>	<b>62</b>	<b>44</b>	<b>4</b>	<b>4</b>	<b>3</b>
Class A Misdemeanor	Misd - Person	9	8	8	36	31	26
	Misd - Property	9	6	5	54	50	40
	Misd - Drug	46	39	34	108	91	75
	Misd - Weapon				2	2	2
	Misd - Public Order	14	10	10	40	28	21
	Misd - Motor Vehicle DWI/DUI	2	2	2	13	13	13
	Misd - Motor Vehicle Other	4	4	4	35	32	28
	Misd - Protection Order Violation	2	2	2	7	7	7
	Fugitive, Release Conditions, Etc.				1	1	1
	<b>Total</b>	<b>86</b>	<b>63</b>	<b>53</b>	<b>296</b>	<b>216</b>	<b>144</b>
Class B Misdemeanor	Misd - Person				5	5	3
	Misd - Property	2	2	2	5	5	5
	Misd - Drug	11	11	10	32	32	30
	Misd - Public Order	11	9	8	84	73	56
	Misd - Motor Vehicle DWI/DUI	2	2	2	13	13	12
	Misd - Motor Vehicle Other	16	15	14	206	147	104
<b>Total</b>	<b>42</b>	<b>37</b>	<b>33</b>	<b>345</b>	<b>244</b>	<b>162</b>	
Violation	Non-Criminal Traffic Violations	40	13	13	314	144	105
	Traffic - Parking Violations				1	1	1
	Non-Traffic Ordinance Violations				33	27	19
	<b>Total</b>	<b>40</b>	<b>13</b>	<b>13</b>	<b>348</b>	<b>172</b>	<b>118</b>
Local Ordinance	Non-Traffic Ordinance Violations				1	1	1
	<b>Total</b>				<b>1</b>	<b>1</b>	<b>1</b>
Other	Non-Traffic Ordinance Violations	5	4	4	14	13	13
	Fugitive, Release Conditions, Etc.	8	8	7	4	4	4
	<b>Total</b>	<b>13</b>	<b>12</b>	<b>11</b>	<b>18</b>	<b>17</b>	<b>17</b>
<b>Grand Total</b>		<b>574</b>	<b>177</b>	<b>113</b>	<b>1,386</b>	<b>502</b>	<b>248</b>

**Statistical Analysis Considerations**

\* Data provided from the CourtNet Database.

\* This page includes all charges in all newly filed cases including the specified defendants.

CourtNet Data Queried:

8/9/2021

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