



# COUNTY ATTORNEY TRAFFIC SAFETY PROGRAMS

Programs & Review Virtual  
Presentation

August 20, 2021

# ABOUT THE KCAA

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- Promote cooperation among Kentucky's county attorneys;
- Ensure strong & effective prosecution in Kentucky's justice system;
- Help county attorneys provide sound advice and counsel to all county agencies and organizations they serve;
- Ensure that the mutual interests of county attorneys, their communities, and the state of Kentucky are promoted in all matters.





Executive Director, Marc Robbins

# ABOUT THE KCAA

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- All duly elected county attorneys in good standing are eligible for membership in the association. Assistant County Attorneys may be associate members.
- Frequently work with other affiliate agencies (i.e. KACo, Commonwealth Attorney's Association, Jailer's Association, Sheriff's Association, etc.) on legislation impacting criminal justice and county government.
- Employ an Executive Director to assist with membership needs
- Engage a contract lobbyist to help with legislation

# Prosecutorial Duties

NDAAs Prosecutorial Standard Commentary

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*“A prosecutor is the **only one** in a criminal action who is responsible for the presentation of the **truth.**”*

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*“As a **representative of society as a whole**, a prosecutor should take an **active role** in the legislative process when proposals dealing with the criminal justice system are being considered.”*

A dark gray arrow-shaped graphic pointing to the right, containing the text "KCAA BOARD OF DIRECTORS" in white, uppercase, sans-serif font.

KCAA BOARD  
OF  
DIRECTORS

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Stacy Tapke, President, *Kenton County*

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Jenny Oldham, President-Elect, *Hardin County*

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Martin Hatfield, Immediate Past-President, *Pulaski County*

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Jennie Haymond, Secretary, *Madison County*

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Alan George, Treasurer, *Woodford County*

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Michael O'Connell, Director, *Jefferson County*

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Joe Ross, Director, *Logan County*

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Jeremy Logsdon, Director, *Grayson County*

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Kevin Cockrell, NDAA Representative, *Montgomery County*

# Overview of County Attorney Duties



## Prosecution (PAC)

- **State funding is 99% salary** for prosecution staff only
- \$3,000 per year for expenses - no additional funding allocated for rent, computers & IT services, office expenses

## Child Support Contract with CHFS-DIS

- Pays expenses & salaries solely for child support collection.
- Reimbursement only system, administered by CHFS/DGA.
- Individual county budgets set annually by CHFS.

## Bad Check Collection Programs (KRS 514.040)

- \$50 gross per check collected
- Operating expenses only; sharply declining
- Many offices receive < **\$2,000 a year**

## Traffic Safety Diversion Programs (KRS 186.574)

- \$25 clerk fee for deputy clerk; \$30 fee paid finance cabinet for TBI fund, DPA, sheriff, etc.
- Funds office expenses such as IT, computer, etc. that exceed the \$3000 annual stipend; can also help fund personnel, i.e. victim advocate, assistant county attorney, etc.

## Delinquent Tax Collection (KRS 134.504)

- CA receives a portion of penalty paid by taxpayer
- Used for operation of County Attorney office
- Declining

## Local Governments

- Not statutorily required
- Some direct budget appropriations
- Many are in-kind only (courthouse office space, etc.)

## Follow the *Funk V. Milliken* Standard

What are  
“operating  
expenses”

- 1. Necessary;**
- 2. Reasonable;**
- 3. Beneficial to the Public;  
and**
- 4. Not predominately  
personal in nature**





## Operating Expenses

Actual & necessary incident to the TOTAL duties of the County Attorney Office

Can include both CIVIL & CRIMINAL duties

# Allowable Operating Expenses

**Salaries, Benefits and Retirement** costs – both CIVIL and CRIMINAL  
(i.e. victim advocate, assistants)

Office supplies & equipment

Office Space

Janitorial Services

Postage

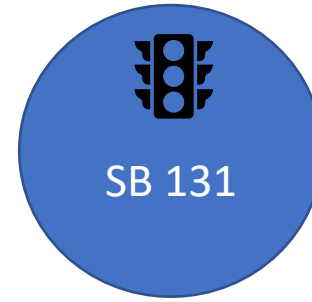
Computers  
&  
IT

Telephones

Copy & Fax  
Machines



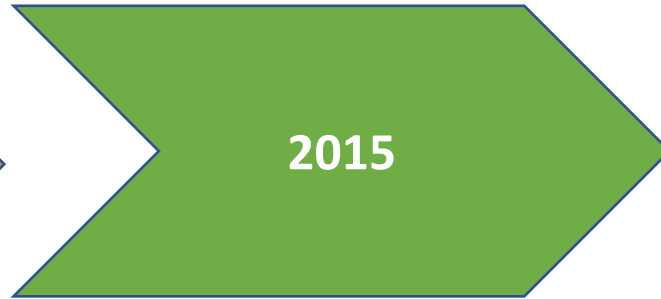
House Passed 93-2  
Senate Passed 36-1



Adds \$30 fee for  
other offices and  
agencies.

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House Passed 89-1  
Senate Passed 36-1

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Establishes the County  
Attorney Traffic Safety  
“CATS” program.



Motorcycle Safety Bill

Adds requirement for  
CATS programs to be  
reviewed by P&R  
committee

# KRS 186.574 – Traffic Safety Statute



Authorizes a county attorney to operate a traffic safety program for traffic offenders



Prohibits Kentucky CDL license holders from participating



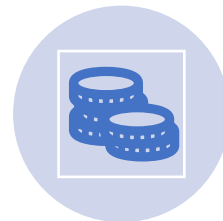
Authorizes the county attorney to charge a “reasonable fee”



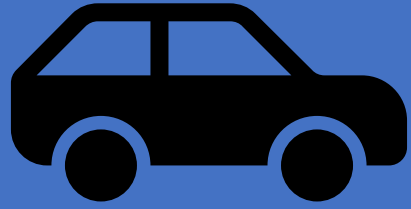
Restricts the fee to “operating expenses”



Requires an annual report to PAC by October 1



Requires a set fee of \$25 fee for clerks and \$30 fee for other agencies



# TRAFFIC SAFETY PROGRAMS

\* Boyle, Fleming, Russell

ADVENT	44
DRIVE SAFE	39
ADVENT & DRIVE SAFE*	3
COUNTY ATTORNEY OPERATED	22
NO CATS PROGRAM	17

**Citation Issued by  
Law Enforcement Officer**

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graph TD; A[Citation Issued by Law Enforcement Officer] --> B[Option 1: Pay citation in full. Depending on the charge, points may apply against the driver's license.]; A --> C[Option 2: Attend Court and either plea, see if the prosecutor will dismiss or amend to a no points violation, or ask for a trial date.]; A --> D[Option 3: If eligible, enroll in state traffic school. Driver pleads guilty to the charge, but avoids points on his or her license.]; A --> E[Option 4: If eligible, enroll in County Attorney Traffic Safety program. Upon successful completion the citation is dismissed.];
```

**Option 1:**

Pay citation in full.  
Depending on the charge, points may apply against the driver's license.

**Option 2:**

Attend Court and either plea, see if the prosecutor will dismiss or amend to a no points violation, or ask for a trial date.

**Option 3:**

If eligible, enroll in state traffic school.  
Driver pleads guilty to the charge, but avoids points on his or her license.

**Option 4:**

If eligible, enroll in County Attorney Traffic Safety program. Upon successful completion the citation is dismissed.

# Who can participate?

Like with all prosecutions, the local prosecutor has discretion.

Typical charges referred to traffic safety programs:

Speeding

Disregarding stop sign

Disregarding traffic control device – traffic light

Careless Driving Offenses

Improper Lane Usage

Failure to or Improper Turn Signal

# FEE BREAKDOWN (based on average \$170 fee)

\$35.00-\$40.00\*

\$80.00\*

\$25.00

\$30.00

VENDOR

\*Fee can be negotiated

COUNTY ATTORNEY OPERATING EXPENSES

\*May vary depending on type of speeding; indigent status, etc.

FOR HIRING &/OR SUPPLEMENTING DEPUTY CLERKS SALARIES

Paid to Clerk

10.8% Spinal Cord & Head Injury  
9.1% TBI Trust  
5.8% DPA  
5.7% Crime Victims Compensation Fund  
1.2% Justice Cabinet  
16.8% Sheriff  
9.1% County Treasurer  
33.2% Local Governments  
8.3% CHFS (jail triage)

Paid to Finance Cabinet



# ADVENT COUNTIES – 44

- Allen
- Anderson
- Barren
- Boone
- **Boyle**
- Bracken
- Breathitt
- Breckenridge
- Bullitt
- Caldwell
- Campbell
- Clark
- Clay
- Estill
- **Fleming**
- Franklin
- Gallatin
- Grant
- Hardin
- Hopkins
- Jackson
- Johnson
- Kenton
- Knott
- Knox
- Larue
- Laurel
- Lyon
- Madison
- Marion
- Marshall
- Mason
- McCracken
- Meade
- Mercer
- Muhlenberg
- Pendleton
- Rowan
- **Russell**
- Simpson
- Trigg
- Warren
- Washington
- Wayne

# DRIVE SAFE COUNTIES – 39

- BALLARD
- BATH
- BOURBON
- **BOYLE**
- BUTLER
- CARLISLE
- CARROLL
- CARTER
- CHRISTIAN
- DAVIESS
- EDMONDSON
- **FLEMING**
- FLOYD
- GRAYSON
- HANCOCK
- HARRISON
- JEFFERSON
- JESSAMINE
- LETCHER
- LEWIS
- LIVINGSTON
- LOGAN
- MAGOFFIN
- MCCREARY
- MCLEAN
- MORGAN
- NICHOLAS
- OHIO
- PIKE
- POWELL
- PULASKI
- ROCKCASTLE
- **RUSSELL**
- SCOTT
- SHELBY
- TODD
- UNION
- WOLFE
- WOODFORD

# NO VENDOR COUNTIES - 22

- Adair
- Calloway
- Casey
- Crittenden
- Cumberland
- Fayette
- Fulton
- Garrard
- Graves
- Greenup
- Hart
- Henderson
- Henry
- Hickman
- Lincoln
- Monroe
- Oldham
- Spencer
- Taylor
- Trimble
- Webster

# NO PROGRAM – 17

Bell

Clinton

Elliott

Harlan

Jackson

Lawrence

Lee

Leslie

Martin

Meniffee

Metcalf

Montgomery

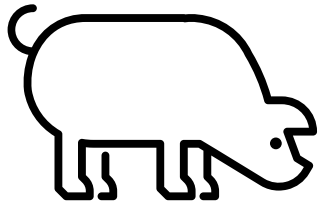
Owen

Owsley

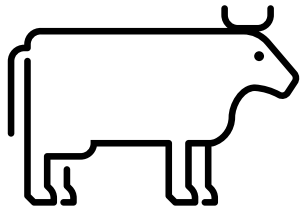
Perry

Robertson

Whitley



## Choosing a Program



### Considerations

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Personal/staff preference

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Cost

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Flexibility

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Customer Service

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Pre-existing Traffic Safety program

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Location/Community