

**DATA BULLETIN:**

**AN EXAMINATION OF CERTAIN DATA OF THE COUNTY  
ATTORNEY TRAFFIC SAFETY PROGRAMS**



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To the People of Kentucky:

The Auditor of Public Accounts (APA) has examined public data regarding County Attorney Traffic Safety (CATS) Programs as a matter of public interest to taxpayers. My motto has been to “Follow the Data,” so to help with that we intend to highlight data from time to time that is of public interest.

The purpose of this data bulletin is to inform the public about this program’s operations based on publicly available data reported by County Attorneys across the Commonwealth. The information provided is from agencies or officials other than the APA, unless indicated otherwise. Therefore, the data being made available has not been audited by APA.

This examination is intended to generate further discussion and public interest in the programs examined. If you have information or concerns related to this program or other uses of public funds, please contact our office at 1-800-KY-ALERT.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Harmon".

Mike Harmon  
Auditor of Public Accounts

## CATS Program Overview

The County Attorney Traffic Safety (CATS) Program was established in 2012 by the Kentucky General Assembly in KRS 186.574 to provide those cited with minor traffic offenses the opportunity to attend a driver training program prior to adjudication. Programs under this statute began operating in fiscal year 2013 and may have different names in different counties. County Attorneys may move for dismissal of traffic violations on the condition that the alleged traffic offender complete the CATS program. Traffic offense violators are normally subject to fines, court fees, and incurring “points” on their license. After accumulating 12 points within two years, drivers are faced with a suspension of driving privileges. Participants in the CATS program pay fees to the County Attorney’s office instead of accumulating these “points.” Since a 2015 amendment to the statute, the fee due to the County Attorney is expressly “in lieu of court costs.” Fees due to County Attorneys are to be “used for payment of county attorney office operating expenses.”

KRS 15.720 requires the Prosecutors Advisory Council (PAC) to compile information from all County Attorneys about fees charged, numbers of participants, and the vendors used each year in the CATS program. According to the annual report compiled by PAC, in 2017 the total participant fee varied by county from \$55 to \$200.

This total fee includes three different components discussed further below. From the beginning of the program through June 30, 2017, the PAC recorded 149,698 successful completions of the program.

Most counties use one or more third-party vendors to conduct online video training courses where participants are required to correctly answer questions in order to pass the course. There are currently only two vendors used in the state: Advent and DriveSafe. In 2017, 24 participating counties did not indicate that they used a third-party vendor to conduct the training. Counties that did not use a third-party vendor delivered the training materials in person and averaged 55 fewer participants per county.

Across all counties with a program, the participation rate of the general population averaged 1.0238% in 2016 and .8603% in 2017. On average, the counties collect \$1.11 in fees for every resident of the county. Only 58 of the 34,155 participants in 2017 had committed a violation of traffic law other than a moving violation. On average, each county with a program had 399 participants in FY 2016 and 371 in FY 2017.

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In Fiscal Year 2017, approximately 1% of the population of the counties with a CATS program participated in it.

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The Kentucky Transportation Cabinet is also charged with conducting a state traffic school for new drivers as well as for traffic offenders. District Courts are permitted to sentence offenders to state traffic school in lieu of assessing penalties,

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There have been nearly 150,000 County Attorney Traffic Safety Program completions since 2012 when it was established.

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including license points. The Transportation Cabinet is responsible for supervising, operating, and administering the state traffic school and has promulgated governing regulations in 601 KAR 13:110. Participants are not permitted to attend state traffic school more than once in any one year period, except in order to comply with new driver education requirements (KRS 186.410). The state traffic school regulations do not apply to the CATS program.

### Program Participation

Out of 120 counties, 92 County Attorneys have a participating program in their county (see Appendix A). Twenty-eight counties have reported that no program has been established. Of the 92 participating county programs, two outside vendors provide the instruction. Advent is the exclusive vendor for 35 counties and DriveSafe is the exclusive vendor for 30 counties. Four counties use both and 23 do not specify which vendor, if any, they use to deliver the training.

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Over three-fourths of County Attorneys operate a traffic safety program.

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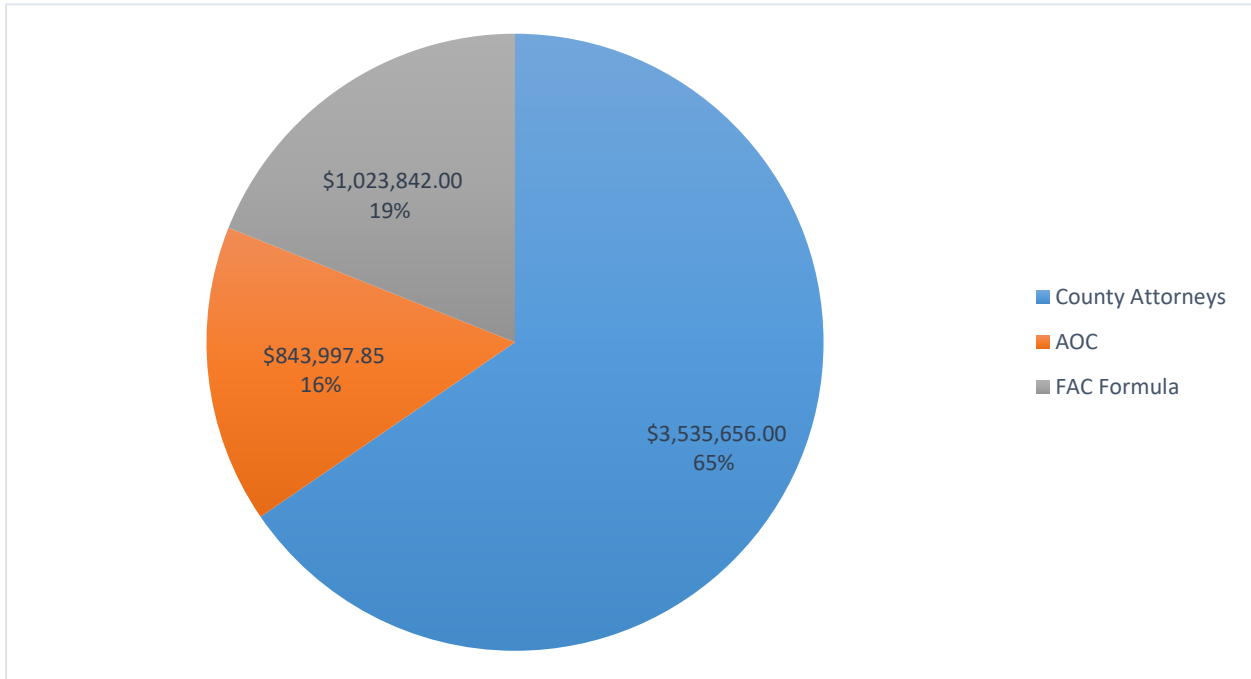
### Where the Fees Go

Fees are collected and distributed among a number of agencies for a variety of purposes described below. KRS 186.574(6) identifies three types of fees, as follows:

- “[A] reasonable fee. . .[for] county attorney office operating expenses[.]” This fee is set by each County Attorney and is to be used for official expenses of that office. This fee ranges from \$0 to \$137.
- \$25 to the Administrative Office of the Courts (AOC). This fee “is to be used by the circuit clerks to hire additional deputy clerks and to enhance deputy clerk salaries.”
- Beginning in FY 2016, \$30 to the Finance and Administration Cabinet (FAC). FAC uses a formula to distribute this fee to various funds, which is discussed further below.

In FY 2017, the annual PAC report states that 34,155 participants completed the CATS program, down from 35,936 in FY 2016. In 2017, the APA estimates that the County Attorneys received a minimum of \$3,535,656 based on the number of participants and the lowest fee in the county (see Appendix B for county data) because total receipts are not reported. AOC received \$843,997.85 and FAC received and distributed \$1,023,842. The highest County Attorney fee (\$137) is charged in Trigg County. The lowest County Attorney fee (\$0) is charged in Barren County, however, Barren County lists its fees as a range, with \$0 being the low end of the range. The average fee across all participating counties is \$95.12. Participating County Attorneys averaged \$38,853.36 in collected fees.

Figure 2: CATS Fee Receipts, Fiscal Year 2017



Source: AOC, FAC. APA projected the County Attorney fees shown above based on number of participants multiplied by the lowest fee that the County Attorneys reported to PAC for FY 2017.

### Fees Distribution for Deputy Circuit Clerk Salaries and Retention

The \$25 payments from participants received by AOC are intended to increase the salaries of Deputy Circuit Court Clerks and to promote the hiring of additional Deputy Circuit Court Clerks pursuant to KRS 186.574(6)d. As currently implemented, AOC collects this fee into a trust account throughout the year and distributes the contents annually. All full-time and part-time deputy circuit court clerks in all counties, even those that do not have a participating program, receive an additional wage payment on their June 15 paycheck each year. In FY 2016, 1,606 full time deputies received \$428.24 each, and 104 part time deputies received \$214.12 each, totaling \$710,021.92. Because the June 15 paycheck covers the work period of May 16-31, all deputies in the payroll system and receiving a paycheck for this period receive the payment. In FY 2017, 1,603 full time deputies received \$409.07 each, and 111 part time deputies received \$204.54 each, totaling \$678,443.15. AOC confirmed receiving \$886,382 in FY 2016, and \$843,997.85 in FY 2017. AOC reports that the remainder of these amounts were paid for the employer's share of Medicare tax, Social Security taxes, and contributions to retirement.

Figure 3: Deputy Circuit Court Clerks and Extra Payments by Fiscal Year

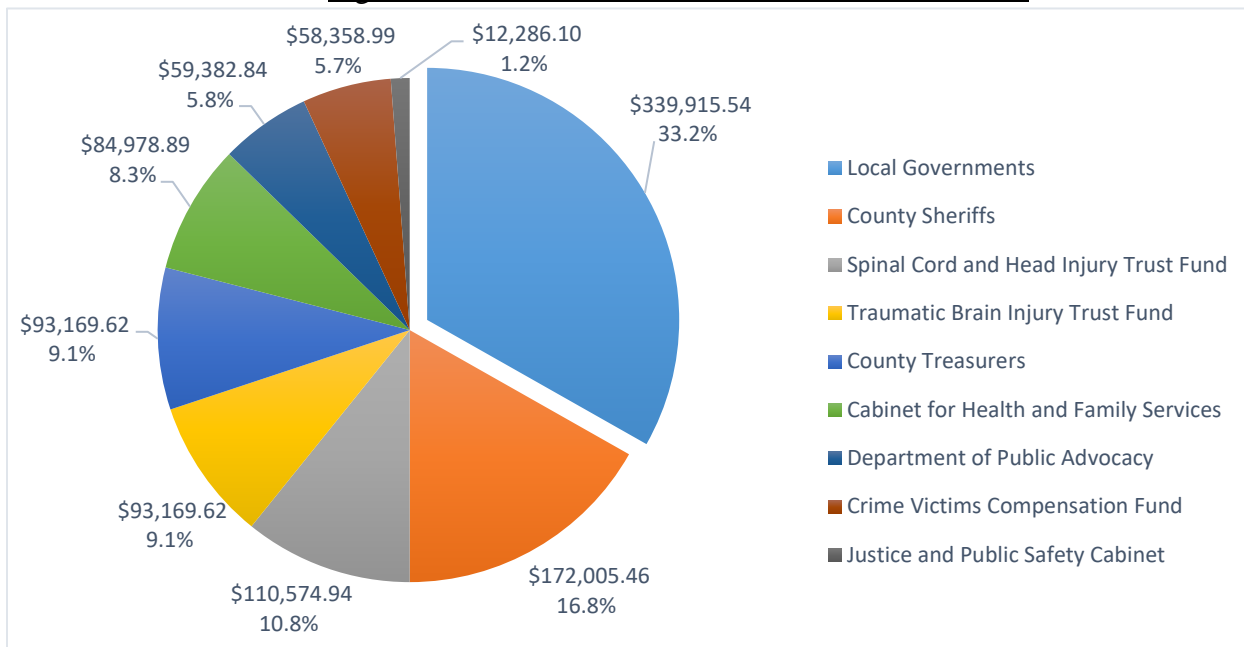
	FY 2016	FY 2017
<b>Full Time Deputies</b>	1,606	1603
<b>Full Time Payment</b>	\$ 428.24	\$ 409.07
<b>Part Time Deputies</b>	104	111
<b>Part Time Payment</b>	\$ 214.12	\$ 204.54

Source: AOC

**Fee Distribution through the Finance and Administration Cabinet to Various Uses**

The \$30 fees from participants received by FAC are distributed according to a formula set in KRS 186.574(6)(e). In Fiscal Year 2017, local governments received 33.2% of these funds (\$339,915.54) according to another formula set in statute, discussed below. County Sheriffs received 16.8% (\$172,005.46) and County Treasurers received 9.1% (\$93,169.62). These funds also support two trusts in their research related to injuries frequently sustained during traffic accidents. The Spinal Cord and Head Injury Trust Fund and the Traumatic Brain Injury Trust Fund received 10.8% (\$110,574.94) and 9.1% (\$93,169.62) respectively. State agencies also received a portion of the funds collected. The Cabinet for Health and Family Services (CHFS), the Department of Public Advocacy, the Crime Victims Compensation Fund, and the Justice and Public Safety Cabinet received 8.3% (\$84,978.89), 5.8% (\$59,382.84), 5.7% (\$58,358.99), and 1.2% (\$12,286.10) respectively.

Figure 4: FAC Formula Distribution, Fiscal Year 2017

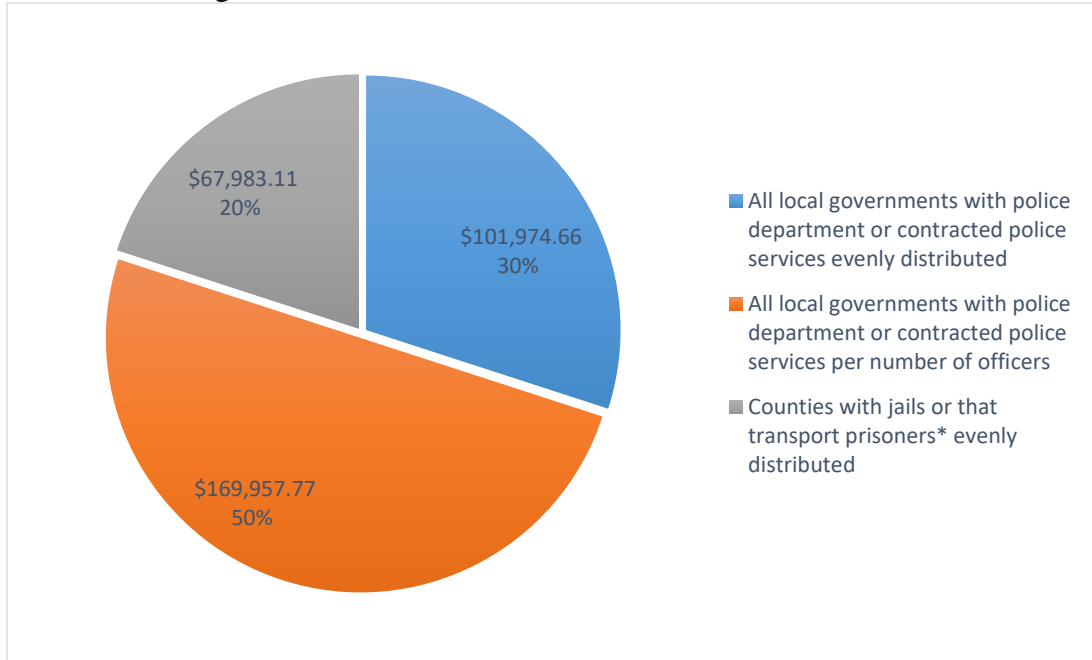


Source: APA based on data from PAC and FAC and a distribution formula set in KRS 186.574.

The portion of the FAC fees that is distributed to “Local Governments” shown above (\$339,915.54) is also determined by a formula set by KRS 24A.176(5). Local governments with a

police department or that contract for police services share 30% (\$101,974.66) equally and share 50% (\$169,957.77) proportionately based on the number of officers employed by or contracted with each local unit of government. The remaining 20% (\$67,983.11) is distributed evenly between all counties with jails or that transported prisoners.

**Figure 5: Local Governments Formula, Fiscal Year 2017**



Source: APA based on data from FAC.

\* FAC noted that no counties were excluded by this definition.





Appendix B – Summary of FY 2017 PAC Data

<b>County</b>	<b>Fee Charged Per Participant, including FAC fee*</b>	<b>Program Completions Reported</b>	<b>Estimated County Attorney Revenue**</b>	<b>Total Revenue</b>
Adair	\$45	304	\$ 6,080	\$ 13,680
Allen	\$115	109	\$ 9,810	\$ 12,535
Anderson	\$140	325	\$ 37,375	\$ 45,500
Ballard	\$149	247	\$ 30,628	\$ 36,803
Barren	\$25-\$125	388	\$ -	\$ 9,700
Bath	\$140	58	\$ 6,670	\$ 8,120
Bell	n/a	n/a	n/a	n/a
Boone	\$140	1,458	\$ 167,670	\$ 204,120
Bourbon	\$149	158	\$ 19,592	\$ 23,542
Boyd	n/a	n/a	n/a	n/a
Boyle	\$140	49	\$ 5,635	\$ 6,860
Bracken	n/a	n/a	n/a	n/a
Breathitt	\$120	2	\$ 190	\$ 240
Breckinridge	n/a	n/a	n/a	n/a
Bullitt	\$140	313	\$ 35,995	\$ 43,820
Butler	\$139	42	\$ 4,788	\$ 5,838
Caldwell	n/a	n/a	n/a	n/a
Calloway	\$100	994	\$ 74,550	\$ 99,400
Campbell	\$140	1,796	\$ 206,540	\$ 251,440
Carlisle	\$149	78	\$ 9,672	\$ 11,622
Carroll	\$149	191	\$ 23,684	\$ 28,459
Carter	\$140	196	\$ 22,540	\$ 27,440
Casey	\$100	55	\$ 4,125	\$ 5,500
Christian	\$100	623	\$ 46,725	\$ 62,300
Clark	\$130	192	\$ 20,160	\$ 24,960
Clay	\$130	47	\$ 4,935	\$ 6,110
Clinton	n/a	n/a	n/a	n/a
Crittenden	\$95	167	\$ 11,690	\$ 15,865
Cumberland	\$75	148	\$ 7,400	\$ 11,100
Daviess	\$145	728	\$ 87,360	\$ 105,560
Edmonson	\$75-\$140	70	\$ 3,500	\$ 5,250
Elliott	n/a	n/a	n/a	n/a
Estill	\$115	15	\$ 1,350	\$ 1,725
Fayette	\$160	780	\$ 105,300	\$ 124,800
Fleming	n/a	n/a	n/a	n/a
Floyd	\$119-\$169	377	\$ 35,438	\$ 44,863
Franklin	\$125	465	\$ 46,500	\$ 58,125
Fulton	\$50	48	\$ 1,200	\$ 2,400
Gallatin	\$140	186	\$ 21,390	\$ 26,040
Garrard	\$125	163	\$ 16,300	\$ 20,375
Grant	\$140	238	\$ 27,370	\$ 33,320
Graves	\$75	760	\$ 38,000	\$ 57,000
Grayson	\$140	17	\$ 1,955	\$ 2,380

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County	Fee Charged Per Participant, including FAC fee*	Program Completions Reported	Estimated County Attorney Revenue**	Total Revenue
Green	\$50	82	\$ 2,050	\$ 4,100
Greenup	\$30	172	\$ 860	\$ 5,160
Hancock	\$109	84	\$ 7,056	\$ 9,156
Hardin	\$140	933	\$ 107,295	\$ 130,620
Harlan	n/a	n/a	n/a	n/a
Harrison	\$129	145	\$ 15,080	\$ 18,705
Hart	\$40-\$90	267	\$ 4,005	\$ 10,680
Henderson	\$95-\$120	700	\$ 49,000	\$ 66,500
Henry	\$125	503	\$ 50,300	\$ 62,875
Hickman	\$120	55	\$ 5,225	\$ 6,600
Hopkins	\$140	616	\$ 70,840	\$ 86,240
Jackson	n/a	n/a	n/a	n/a
Jefferson	\$149	5,465	\$ 677,660	\$ 814,285
Jessamine	\$141	291	\$ 33,756	\$ 41,031
Johnson	n/a	n/a	n/a	n/a
Kenton	\$140	834	\$ 95,910	\$ 116,760
Knott	\$75	13	\$ 650	\$ 975
Knox	\$140	256	\$ 29,440	\$ 35,840
Larue	\$140	316	\$ 36,340	\$ 44,240
Laurel	\$150	1,397	\$ 174,625	\$ 209,550
Lawrence	n/a	n/a	n/a	n/a
Lee	n/a	n/a	n/a	n/a
Leslie	n/a	n/a	n/a	n/a
Letcher	\$119	1	\$ 94	\$ 119
Lewis	\$115	115	\$ 10,350	\$ 13,225
Lincoln	\$125	148	\$ 14,800	\$ 18,500
Livingston	\$120	137	\$ 13,015	\$ 16,440
Logan	\$120-\$155	267	\$ 25,365	\$ 32,040
Lyon	\$140	174	\$ 20,010	\$ 24,360
Madison	\$120	647	\$ 61,465	\$ 77,640
Magoffin	n/a	n/a	n/a	n/a
Marion	n/a	n/a	n/a	n/a
Marshall	\$120	71	\$ 6,745	\$ 8,520
Martin	n/a	n/a	n/a	n/a
Mason	n/a	n/a	n/a	n/a
McCracken	\$130	908	\$ 95,340	\$ 118,040
McCreary	\$130	166	\$ 17,430	\$ 21,580
McLean	\$140	77	\$ 8,855	\$ 10,780
Meade	\$130	249	\$ 26,145	\$ 32,370
Menifee	n/a	n/a	n/a	n/a
Mercer	\$130	107	\$ 11,235	\$ 13,910
Metcalfe	n/a	n/a	n/a	n/a
Monroe	\$95	84	\$ 5,880	\$ 7,980

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County	Fee Charged Per Participant, including FAC fee*	Program Completions Reported	Estimated County Attorney Revenue**	Total Revenue
Montgomery	n/a	n/a	n/a	n/a
Morgan	\$130	53	\$ 5,565	\$ 6,890
Muhlenberg	n/a	n/a	n/a	n/a
Nelson	\$125	346	\$ 34,600	\$ 43,250
Nicholas	\$139	70	\$ 7,980	\$ 9,730
Ohio	\$105	252	\$ 20,160	\$ 26,460
Oldham	\$130	1,711	\$ 179,655	\$ 222,430
Owen	n/a	n/a	n/a	n/a
Owsley	n/a	n/a	n/a	n/a
Pendleton	\$140	98	\$ 11,270	\$ 13,720
Perry	n/a	n/a	n/a	n/a
Pike	\$110	180	\$ 15,300	\$ 19,800
Powell	\$140	32	\$ 3,680	\$ 4,480
Pulaski	\$120	836	\$ 79,420	\$ 100,320
Robertson	n/a	n/a	n/a	n/a
Rockcastle	\$140	167	\$ 19,205	\$ 23,380
Rowan	n/a	n/a	n/a	n/a
Russell	\$149	58	\$ 7,192	\$ 8,642
Scott	\$149	597	\$ 74,028	\$ 88,953
Shelby	\$139	289	\$ 32,946	\$ 40,171
Simpson	\$115	196	\$ 17,640	\$ 22,540
Spencer	\$95	393	\$ 27,510	\$ 37,335
Taylor	\$50	146	\$ 3,650	\$ 7,300
Todd	\$139	106	\$ 12,084	\$ 14,734
Trigg	\$162	162	\$ 22,194	\$ 26,244
Trimble	\$100	155	\$ 11,625	\$ 15,500
Union	\$95	75	\$ 5,250	\$ 7,125
Warren	\$140-\$170	515	\$ 59,225	\$ 72,100
Washington	\$130	110	\$ 11,550	\$ 14,300
Wayne	\$130	25	\$ 2,625	\$ 3,250
Webster	\$95	160	\$ 11,200	\$ 15,200
Whitley	n/a	n/a	n/a	n/a
Wolfe	\$129	149	\$ 15,496	\$ 19,221
Woodford	\$149	207	\$ 25,668	\$ 30,843
<b>Total</b>		<b>34,155</b>	<b>\$ 3,535,656</b>	<b>\$ 4,389,531</b>

Source: APA based on data from the PAC FY 2017 Annual Report.

\*Fee includes FAC and County Attorney share of fees, but not the AOC share of \$30 per participant.

\*\*County Attorney Revenue is calculated by multiplying the number of program completions by the lowest reported fee in each county less the \$25 FAC fee.