SUPPORTING STATEMENT (PART A)
National Pretrial Reporting Program (NPRP)

The Bureau of Justice Statistics (BJS) proposes a new data collection from large jurisdictions, the National Pretrial Reporting Program (NPRP). The NPRP project will collect felony data to, at a minimum, replicate the *Felony Defendants in Large Urban Counties* report series based on data collected from the State Court Processing Statistics program (SCPS; OMB control number 1121-0306, expired 7/31/2013), formerly known as the National Pretrial Reporting Program series. BJS conducted the NPRP biennially from 1988 to 1994 and continued with SCPS from 1996 to 2006 with a final collection in 2009. Recognizing that most courts were implementing computerized case management systems, BJS solicited a redesign of the data collection methodology for State Court Processing Statistics (SCPS; OMB control number 1121-0306, expired 7/31/2013) from 2009 to 2011, to determine the feasibility of collecting the data via computer extracts requested directly from state courts.

Historically, the NPRP and SCPS collections were a sample of felony filings from general jurisdiction courts in 40 jurisdictions representative of the 75 largest counties.[1] SCPS followed felony case filings for 24 months (homicides) or 12 months (all other offenses) allowing inclusion of data from cases ending in all manners of disposition and cases that were filed as felonies but disposed as misdemeanors. SCPS also collected contextual case information, including past criminal history, pretrial release and misconduct. SCPS had authorization to collect these records from courts and other state agencies (such as pretrial services agencies and state sentencing commissions) as needed. BJS discontinued SCPS in 2009 to investigate whether a nationally representative data collection could be funded and supported under the same solicitation. Upon conclusion of this investigation, BJS determined there was no cost-effective way to modernize the SCPS data collection at the time.

SCPS relied on a stratified sample of counties based on population, arrests, and felony filings designed by the Census Bureau. The new NPRP deviates from the SCPS design in that 125 of the largest 200 counties, as determined only by population, will be included. The 75 most populous counties will be sampled with certainty, representing felony pretrial practices in 37% of the U.S. The additional 50 counties sampled from the next 125 most populous counties allows-results from the data collection effort to represent felony pretrial practices in the 200 largest counties in the U.S., covering 67% of the population. Furthermore, the NPRP will solicit data extracts from jails, pretrial services agencies, and courts and link cases by defendant identifiers provided by data providers. Once the data has been linked and data elements standardized across jurisdictions, datafiles will be connected to criminal history records allowing for a comprehensive overview of pretrial conditions in large counties.

---

[1] The final SCPS data collection occurred in 2009, and also attempted to collect data via data system extracts. When extracts were not possible, SCPS data collection agents collected the data in the field.

Since 2011, many state courts have increased their ability to generate annual reports about some aspect of their caseloads, indicating that state courts have increased their capacity to extract at least some aggregated data from those systems. BJS tested its ability to utilize that capacity with a smaller data collection regarding juveniles charged as adults in the Survey of Juveniles Charged in Adult Criminal Courts (SJCACC, OMB control number 1121-0349, expired 11/30/2017). Data were collected in 2015-2016 with a reference year of 2014. Twenty-five states and the District of Columbia provided complete data extracts. BJS also collected partial data from four other states and sampled jurisdictions in an additional eight states. Overall, 37 states and the District of Columbia were able to provide full or partial extracts in 2016.

Criminal Cases in State Courts (CCSC) collects felony and serious misdemeanor cases from states with centralized and de-centralized court data. About 41 states indicated capacity to provide full statewide coverage. Although NPRP will request data at the county level, CCSC indicates that data extracts from courts are widely available. In the instance of centralized court data, full state record extracts could be easily winnowed down to include only jurisdictions of interest either by the data provider or the data collection agent.

Although CCSC collected 2019 felony and misdemeanor filings from courts, there are important distinctions between CCSC and NPRP. BJS's intent with CCSC is to generate national estimates pertaining specifically to case outcomes and sentences. In contrast, NPRP will focus on collecting data elements on the pretrial process to generate estimates representative of the 200 largest jurisdictions rather than the entire United States. Given the broader estimation intent of CCSC, the project only collected data from courts. Conversely, NPRP will also request data from jails and pretrial services agencies, in addition to courts, to provide a comprehensive representation of pretrial outcomes in large counties.

This request for clearance includes a detailed description of BJS's plan to collect data from courts, jails, and pretrial services agencies.

A. Justification

1. <u>Necessity of Information Collection</u>

Under 34 USC § 10132 (**Attachment 1**), BJS is directed to collect and analyze statistical information concerning the operation of the criminal justice system at the federal, state, and local levels. Courts, pretrial services agencies, and jails are essential components of the criminal justice system. Furthermore, accompanying BJS's FY2020 appropriation bill written by congressional subcommittees, a directive for a data collection effort focusing on individuals detained pretrial was included. NPRP will help BJS fulfill that directive.

Since BJS discontinued the SCPS program, there have only been state specific or local level collection efforts reflective of pretrial practices but no representative measures of a substantive segment of the U.S. population.. BJS has no current basic data such as how many defendants are detained pretrial, the dispersion of duration for the pretrial period, what proportion of defendants

are offered but unable to meet financial obligations to obtain pretrial release, and what proportion of defendants are rearrested during pretrial release. As a result, states cannot assess whether their pretrial release policies accurately determine defendants' risks posed to their communities or unfairly target those accused of crimes.

Replicating the unique rich contextual information provided by SCPS on pretrial release, NPRP will capture the full pretrial lifecycle of felony filings. NPRP will track defendants charged with a felony offense through various stages of the court system. Defendants will be followed from the time they make an initial appearance in a general jurisdiction court through pretrial release, adjudication, and sentencing. The capacity to track felony defendants through state court processing represents a unique feature of the NPRP data collection program.

Mirroring the comprehensive case-processing elements captured by SCPS, data collected in NPRP will include defendant demographics; charges at all points between arrest and sentencing; pretrial detention length; pretrial release decisions, conditions and violations; disposition charges; sentencing; and criminal history. The adjudication outcomes encompassing the dismissal, diversion, guilty plea, and trial conviction rates for felony defendants will also be collected. BJS will examine the frequency of financial conditions attached to pretrial release as well as the frequency of unmet financial obligations. BJS will also carefully consider links between the severity of the offense, criminal history, and pretrial release conditions.

Additionally, BJS expects to report on the distribution of most serious offenses charged throughout the life of a case including arrest, arraignment, and adjudication. In response to the congressional mandate on pretrial detention, the dataset will allow BJS to report key metrics such as the number of individuals who were detained pretrial, the number of individuals offered financial release, and the number of individuals offered financial release but who remained in custody because they could not meet the financial stipulations for release. NPRP will also allow BJS to report on the length of time of key stages of criminal case processing, such as the duration of pretrial detention, from case filing to case disposition, and from case disposition to sentencing. BJS also expects to report on how often cases are terminated by jury trial, bench trial, pleas, dismissals, and other adjudication outcomes. Demographic patterns will also be analyzed at various points in the pretrial process. The NPRP data collection will provide much-anticipated data on the use of bail in 125 of the 200 largest jurisdictions.

No other organizations are collecting and standardizing case-level data from pretrial services agencies, courts, and jails in a representative manner. The last data collection illustrative of pretrial in large urban counties was BJS's SCPS in 2009, more than a decade ago. The flow of cases through pretrial affects trends in the correctional systems and is a wide gap in national crime data. While the SCPS collection was of critical importance to academics and other research entities, the collection was laborious and expensive due to the paper-based and decentralized nature of court records in 2009 and thus, less robust than the anticipated NPRP. In contrast to SCPS, NPRP will be able to leverage digitized case-management systems.

The sweeping modernization of case-management systems will allow NPRP to vastly expand the timeframe query boundaries in comparison to its SCPS predecessor. On account of the time-intensive nature characteristic of SCPS-era data collection efforts, only felonies filed on a range of 5 to 20 business days (determined by number of filings per county) were collected from jurisdictions. In stark contrast, NPRP will collect felony filings from the entire year of 2019. Therefore, although effort levels expended to retrieve the data will remain on par with SCPS, the amount of data yielded from the NPRP efforts will far exceed that of earlier collections. SCPS tracked approximately 15,000 felony defendants while the NPRP will include data on more than 1,000,000 felony defendants.

As previously mentioned, NPRP will sample the largest 75 counties with certainty and an additional 50 from the remaining 125 largest counties. This wider collection effort increases the number of jurisdictions sampled by 85 from the 2009 SCPS collection that sampled 40 jurisdictions, making pretrial estimates derived from NPRP more reliable. Data elements collected in NPRP will closely replicate those collected in SCPS. As this is the first data collection effort entirely reliant on electronic files, NPRP will focus on large jurisdictions to leverage those jurisdictions most likely to have fully electronic record management systems and the staff able to respond to BJS inquiries about the data. Agencies housed in larger counties are often better equipped with robust IT infrastructure and staff capable of responding to the sizeable request for data.

BJS intends to request all felonies filed in 2019 from the general jurisdiction courts in the selected 125 counties. Deviating from the structure of SCPS which followed non-homicide felony filings for an entire year and homicide filings for a maximum of two years, NPRP will follow all felony filings for a minimum of two years. The uptick in elapsed time for non-homicide felony cases from filing to adjudication accommodates the upheaval imposed on the criminal justice system by COVID-19. Despite the selection of 2019 as the reference year, the effects of the pandemic may still emerge as case outcomes are tracked into 2020.

The data collection agents, RTI International (RTI) and the National Center for State Courts (NCSC), will provide BJS with a minimum of three data files: an analysis file with all reported data, an analysis file with any weights and imputation adjustments and an archive-ready file, stripped of personally identifiable information (PII). Similar to SCPS, BJS will link criminal histories to defendants offering a comprehensive, nationally representative dataset of pretrial conditions in large jurisdictions.

Data generated from NPRP will be able to address research questions pertaining to pretrial in large jurisdictions such as –
- How many individuals are detained pretrial?
- How many individuals detained pretrial were offered financial release?
- How many individuals detained pretrial were not able to pay the financial amount associated with their release?
- What is the median duration of pretrial detention?

- What is the prevalence and nature of pretrial misconduct?

Universe of Cases

Courts of general jurisdiction typically hear more serious criminal cases, such as felonies. Courts of general jurisdiction often act as intermediate appellate courts, hearing appeals from decisions made in limited jurisdiction courts. Courts of general jurisdiction generally have better data reporting capabilities than courts of limited jurisdiction, and courts of limited jurisdiction usually have better data reporting capabilities than municipal courts. In the past, BJS only included courts of general jurisdiction in data collection efforts, because the cases were more serious and the data were more precise.

NPRP will rely exclusively on felonies filed in general jurisdiction courts as the source of defendants charged with felonies in 2019. Felonies filed in courts will then be traced through the criminal justice system and matched with records from the jail and pretrial services agencies. Defendants listed in jail or pretrial services agency records without matching court filings will be excluded in the analysis.

Data Elements Requested

The core data of interest (**Attachment 2**) covered by NPRP include defendant identifiers, demographic information, charge information through the life of the case, pretrial outcomes, violations and release conditions, disposition of charges, sentencing, and criminal history. The information will allow BJS to produce a description of pretrial practices in large jurisdictions. BJS will seek data on:
- *Defendant identifiers.* Defendant information requested includes any identifiers that will facilitate linking data extracts from the courts, jails, and pretrial services. These include defendants' full names and dates of birth, state identifiers, FBI numbers, and other identifiers such as Social Security Numbers or driver's license numbers.
- *Defendant Demographics.* In addition to full names, defendant age, sex, race, and ethnicity will also be collected.
- *Charge information.* The information requested includes date of offense, date of arrest, charges, and level (at least one charge must be a felony for inclusion in NPRP) at arrest, filing, and disposition. For all charges filed dates, statutes, level, degree of severity, and any modifiers associated with charges will be requested. BJS expects agencies will be able to provide statute number, description, whether the charge was a felony or misdemeanor, and degree of severity (e.g., felony 1 and misdemeanor a). The request for data will seek charge disposition, specifically conviction, transfer to another court, acquittal, mistrial, entry into problem-solving court, diversion to program other than problem-solving court, continued without a finding, dismissed, prosecution abandoned (*nolle prosequi*), or other outcome. The date of offense or arrest will be used to measure the time between offense or arrest and several key points during the pretrial process. The

dates of disposition and sentencing will be used to measure the time between filing and disposition, and between disposition and sentencing. The charge data will be used by BJS to report on the types and seriousness of the offenses. These will be compared with conviction information when applicable.

- *Pretrial Decisions.* Pretrial release and detention decisions and associated dates will be requested. Pretrial risk assessment scores will also be requested. Financial bond amounts, means used to post bond (surety/bail bonds company, cash bond, property bond) and dates of bonds posted will help BJS determine the number of individuals offered financial release. Types of detention ordered will allow BJS to assess the proportion of those arraigned who are granted release and identify the traits (demographics, charged offenses, criminal history) of those detained pretrial without the offering of financial release conditions. Conversely, BJS will be able to identify individuals offered financial release but detained throughout the entirety of the pretrial period by identifying records with specified bond amounts but where no bond is posted. Length of time for detained and non-detained individuals between pretrial release decision and date of sentencing can be compared, looking specifically at those offered financial release but who were unable to post bond.

- *Pretrial Outcomes.* Among the list of requested data elements, agencies will be asked to provide detailed data on conditions of release such as level of supervision ordered by the court. Additionally, outcomes of pretrial release will be collected such that violations of pretrial arrangements including failures to appear, other technical violations and new arrests while out on pretrial release.

- *Sentencing Information.* The type of sentence ordered for convicted defendants includes type of sentence imposed (e.g., death penalty, life in prison, state prison sentence, jail sentence, lifetime supervision, extended supervision, split sentence, probation, house arrest, fine, restitution, community service, time served, post-sentence diversion program, or other sentence) and length of the sentence. Sentencing information will be reported using type of convicted offenses. BJS also requests any conditions of the sentence (e.g., sex offender registration, firearm restrictions, and motor vehicle consequences), whether the sentence is concurrent with or consecutive to other charges or cases, any credit for time served the defendant earned during incarceration pre-conviction, and the amounts ordered for any fines, court costs, or restitutions.

2. Needs and Uses

BJS will use the data to produce estimates of pretrial detention of defendants charged in criminal court with a felony. With these data, BJS will report on demographics of the defendants, the offense types throughout the process, pretrial decisions and conditions of release, frequency of financial condition fulfillment, conduct during the pretrial phase, and case outcomes. BJS seeks this information to better understand the nature and flow of these cases through the justice

system. In addition, quantifying the volume and nature of criminal cases will help BJS to report overall variations and trends in justice system processing.

Many constituencies will use the data collected by NPRP. Among those who are expected to use the data are other Department of Justice agencies, pretrial services agencies, state courts, federal and state policymakers, corrections officials, and researchers:

- National Institute of Justice could use the data to design pretrial research programs.
- NCSC could use data collected by NPRP to better target training and technical assistance for specialty dockets, and criminal case processing times, or to assess outcomes of training and technical assistance (TTA).
- State policymakers and researchers can use the NPRP data to examine and predict the impact of adopting new policies, such as diversion programs or bail reform.
- Finally, the nature of the proposed data collection will support the comparison of similarly-sized jurisdictions' pretrial processes.

BJS plans to make the NPRP data set available to the public through restricted-use files located at the National Archive of Criminal Justice Data Archive (NACJD), currently housed at the University of Michigan, Ann Arbor, MI (https://www.icpsr.umich.edu/icpsrweb/content/NACJD/index.html). Researchers will be required to write a short justification describing their use of the data, provide a data security plan, and obtain approval or waiver from an official institutional review board (IRB).

3. Use of Information Technology

NPRP will consist of the collection of electronic data files from pretrial services agencies, jails, and courts. BJS obtained a generic clearance from OMB (OMB Control No.1121-0339) to interview courts, pretrial and jail personnel regarding the data elements available for extraction from their case management systems and data-sharing policies. BJS has concluded that the ability of jurisdictions to provide pretrial data extracts varies considerably –

- The data capacity interviews with agencies have revealed the significant variation in the nature by which data is shared among agencies. Many agencies indicated that although they could view certain data elements of interest, they can neither edit these elements nor disseminate them because the data belongs to a different agency. This level of systematic information sharing between agencies is a relatively new phenomenon. Despite the sharing of data among agencies, the ownership of those data remains spread across courts, pretrial services agencies, and jails.
- Most agencies indicated a need for a data use agreement before providing extracts.

BJS has planned a two-phase data collection approach. The first phase is a pilot test of 10 jurisdictions willing to provide sample data. BJS obtained a generic clearance (OMB Control No.1121-0339) that covers the pilot collection. The pilot test provides an opportunity for the data

collection agent to link defendants across agencies and standardize data elements to facilitate aggregating a meaningful dataset. Working with sample data allows BJS to identify discrepancies in data element definitions and best practices for mitigating the burden on data providers, and to uncover unanticipated hurdles to data linkage within jurisdictions. After the pilot test is completed and the data is linked, data collection will commence with the 75 largest U.S. counties sampled with certainty and a stratified random sample of 50 counties selected from the remaining 125 counties. To alleviate any additional burden on participating pilot agencies, data collected during the pilot will be used in the full collection foreclosing the need for additional extracts from those agencies.

If agencies are willing but not technically capable of providing data, RTI (the data collection agent) will provide the respondents with technical assistance as needed to minimize respondents' efforts in data collection and to improve data quality control. RTI can assist data providers by writing the programs to extract requested data. RTI will provide the respondents with a secure method for data transfer and assist agencies by helping to upload their data to a secure central data storage system. If the agency is unable to access the server, the data collection agent will provide access to their Secure File Transfer Protocol (SFTP) server or request access to the agency SFTP and retrieve the data. Respondents will have the option to provide a formatted or unformatted extract of only the relevant data or provide a larger data file that RTI will format into a file suitable for analysis. RTI will work with respondents to determine the data format and completeness of the data. BJS's experience with its other collections indicates that electronic data submission greatly reduces burden relative to other methods of collection. RTI will evaluate submitted data using logic checks to uncover high rates of missing and out-of-range values.

4. <u>Efforts to Identify Duplication</u>

NPRP is not duplicated by any other federal agency or program. BJS is the only government agency collecting nationally representative case-level data from local adult criminal courts, jails and pretrial services agencies. Criminal Justice Administrative Records System (CJARS) and Measures for Justice (MFJ) collect general jurisdiction court data. NCSC collects aggregate counts of cases filed by case type, but does not collect case-level information. MFJ collects case-level data from state courts, supplementing gaps with prosecutor, public defender, jail and law enforcement data but transforms the data into measures to allow comparison of the fairness of different justice systems.

Other organizations collect data from criminal justice agencies for various projects. In partnership with the U.S. Census Bureau, CJARS at the University of Michigan's Institute for Social Research has been collecting, harmonizing, and linking criminal justice records across agencies since 2016. Records in CJARS have been linked and tracked through all aspects of a criminal episode. Data is collected through data extracts processed with data user agreements, public records requests and web scraping or bulk downloads.[2] However, the coverage is limited

---

[2] Keith Finlay and Michael Mueller-Smith, "Criminal Justice Administrative Records System (CJARS)", March 22, 2021, 8, https://cjars.isr.umich.edu/wp-content/uploads/CJARS_data_docs_2021_03_22_14_41.pdf.

such that fewer than half of all states provide statewide court coverage, which would encompass pretrial services involvement.[3]

MFJ was founded in 2011 with the goal of developing a performance measurement system to assess local courts across different jurisdictions within and across states.[4] MFJ aims to create sets of indicators that allow courts to be compared in terms of public safety, fair process, and fiscal responsibility. Currently, MFJ has over 100 measures, of which a range of 10 to 35 are available from 20 states with varying levels of coverage. MFJ collects case-level data from state courts; if data are not available from state courts, MFJ supplements with data from other criminal justice agencies (e.g., prosecutors, public defenders, jails, and largest arresting agency).

While both NPRP and MFJ projects could collect defendant demographic information, NPRP will report defendant race, while MFJ may create a ratio indicator of defendant race to the overall county race. MFJ could then report what percentage of the county's total white population is involved in the criminal justice system, and compare that percentage to other counties in the state or across states.

A search of the National Criminal Justice Reference Service repository and other internet search engines did not reveal any other similar projects on a national level. CCSC is the only other BJS-sponsored state court data collection with an emphasis on producing national estimates on case outcomes for felonies and serious misdemeanors.

5. Efforts to Minimize Burden

To minimize respondents' burden, the NPRP offers multiple methods by which they can submit data. If feasible, they can provide electronic data extracts. States can submit their extract in any format to ease respondent burden (**Attachment 2**).[5] BJS also expects that some agencies may prefer to provide a "data dump" of their case management system, where the agency provides all of the data elements captured in their database. If the agency is not able to provide a data extract, RTI will offer to assist in writing the technical programs needed to extract the data. RTI will process formatted files, unformatted files, and data dumps to obtain the BJS data elements, as needed.

BJS and RTI developed a data extraction protocol based on preliminary research done in this project, which is being tested with 7 jurisdictions listed in **table 1** below:

Table 1. Pilot Agencies

Pilot Test Site No	County	State	Agency	Population 18+

---

[3] Finlay and Mueller-Smith, "CJARS", 15 -17.
[4] Measures for Justice, https://measuresforjustice.org/portal, accessed on April 1, 2022.
[5] BJS will map state offense codes to BJS offense codes using a series of crosswalks developed in the National Corrections Reporting Program (NCRP). NCRP completed extensive mapping of state codes over the past 37 years of data collection.

1	Allegheny County	PA	Court, Jail and Pretrial	989,647
2	King County	WA	Jail, Pretrial	1,801,166
3	El Paso County	TX	Jail, Pretrial	614,939
4	Middlesex County	MA	Jail	1,296,600
5	Bexar County	TX	Jail	1,497,113
6	Orange County	FL	Jail	1,087,438
7	New York Criminal Justice Agency	NY	Pretrial	6,621,740

6.   Consequences of Less Frequent Collection

BJS has not collected pretrial data on felony filings using data extracts from courts, jails and pretrial services agencies as the primary method of collection. BJS conducted the last subnational collection in 2009 with SCPS. BJS also conducted the Survey of Juveniles Charged in Adult Criminal Courts in 2014 using statewide data extracts from available states, and from counties apportioned into Primary Sampling Units to represent the remaining states. BJS has no plans to collect the NPRP data periodically but doing so would allow measurement of impacts from changes in pretrial practices, sentencing, and other trends in court processing.

7.   Special Circumstances

No special circumstances have been identified.

8.   Adherence to 5 CFR 1320.8(d) and Outside Consultations

In the early phases of NPRP project, BJS and RTI consulted with substantive experts such as NCSC and the National Association of Pretrial Service Agencies (NAPSA). Between September 2021 and January 2022, NCSC contacted the state court administrators in 25 states. Of these, the project team held data information calls with 7 state court administrators and 6 jurisdictions. These discussions resulted in suggestions for the coordination necessary to request the data, the estimated costs necessary to extract the requested data and the extractability of targeted data elements.

The research under this clearance is consistent with the guidelines in 5 CFR 1320.6. The first 60-day notice for public commentary was published in the Federal Register, Volume 87, Number 31, pages 8,607-8,608 on February 15, 2022 (**Attachment 3**). BJS received three public comments on the NPRP data collection. The first, provided by Tyler Technologies (Attachment 13), suggests that BJS use existing Office of Justice Programs (OJP) technology to ingest, clean, analyze, and share the data. While BJS appreciates the suggestion, it selected RTI International in a competitive bidding process to perform those functions. BJS will seek to leverage the existing OJP technology platforms as appropriate. The second, provided by the Legal Rights Center (Attachment 14), suggests BJS add those charged with misdemeanor and gross misdemeanor offenses to the data collection. BJS agrees that this would be ideal but will focus on those charged with felony offenses to make this first iteration of NPRP manageable and consider expanding the scope in subsequent iterations. The third comment, by the Minnesota

Freedom Fund (Attachment 15), suggests a focus on electronic home detention as a condition of pretrial release. BJS plans to request data on the number of people who are subject to electronic monitoring as a condition of pretrial release, so no change is needed to accommodate this recommendation.

The 30-day notice for public comment was published in the Federal Register, Volume 87, Number 80, pages 24589-24590, on April 26, 2022 (**Attachment 4**).

9. <u>Paying Respondents</u>

Jurisdictions routinely charge money for data extracts to cover the cost of writing new code to access requested data elements and the time burden on IT and data staff. BJS will reimburse jurisdictions when requested amounts are reasonable.

10. <u>Assurance of Confidentiality</u>

According to 34 U.S.C. 10134, the information gathered in this data collection shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes. The data collected through NPRP represent individuals charged publicly in general jurisdiction courts. Expunged, sealed, and otherwise restricted cases will not be included.

BJS's confidentiality statute (34 U.S.C. 10231) is being invoked for this collection as defendant identifiers are an essential element of data extracts to facilitate file linking within jurisdictions at the defendant level. Defendant identifiers are also necessary for obtaining and linking defendant criminal history. Once RTI has linked the data files, anonymized identifiers will be assigned and personally identifiable information will be removed. A crosswalk for the anonymized identifiers to defendants will be maintained in a separate file and remain with the data collection agent. BJS will not release any personally identifiable information in any public dataset.

11. <u>Justification for Sensitive Questions</u>

No questions or data elements of a sensitive nature are included in the data extraction guide.

12. <u>Estimate of Respondent Burden</u>

The NPRP data collection will employ various methods to obtain data from jurisdictions. To determine the burden imposed on respondents, estimates were obtained from *Criminal Cases in State Courts* (CCSC), a similar project gathering court data on serious misdemeanors and felony charges. The median number of hours CCSC respondents indicated for data extraction was 16 hours with 10 additional hours per agency to work through identified data inconsistencies.

The entire burden estimated for all 375 agencies (125 counties) is estimated at 9,750 hours. This includes 6,000 hours for respondents to prepare and submit the extracts, and 3,750 hours of follow-up contacts to validate the data submitted.

13. Estimate of Respondent's Cost Burden

Respondents will incur costs for their time to respond. BJS expects that one information technology professional would be responsible for preparing and validating the extract, with pay approximately equivalent to the GS-15/01 level ($148,484). Based on this assumption, the office cost of employee time would be approximately $71.15 per hour. For each agency, the total respondent cost burden is estimated at $1,849.90 for the 26 burden hours, including time to discuss the data extraction guide, prepare the extract, and time to confirm and validate the extract. Fringe benefits are estimated to average 28% of the base cost, or $517.97, resulting in total salary and benefits of $2,367.87. Indirect costs are estimated to average 15% of the salary and benefits total, or $355.18, for an overall total respondent burden of $2,723.05 per respondent. For 375 respondents, the total burden is estimated at $1,021,143.75.

14. Costs to Federal Government

The total expected cost to the federal government for this data collection is estimated to be up to $951,463. This work consists of planning, developing the questionnaires, preparation of materials, collecting the data, evaluating the results, and generating the reports. A BJS GS-level 13 statistician will be responsible for overseeing the project.

Table 2. Estimated Costs for the National Pretrial Reporting Program Project

BJS costs (for a 1-year period)			
	Staff salaries		Year 1
		GS-13 Statistician (25%)	$26,706
		GS-11 Statistician (10%)	$7,495
		GS-15 Supervisory Statistician (10%)	$14,848
		GS-13 Editor (10%)	$10,682
		Senior BJS review of report	$5,000
		Total BJS Salaries	$64,731
	Fringe benefits (28% of salaries)		$18,125
	Subtotal salaries and fringe		$82,856
	Other administrative costs of salary and fringe (15%)		$12,428
	Subtotal BJS costs		$95,284
Data Collection Agent (RTI/NCSC)			
	Direct salaries		$186,377
	Subawards		$484,298
	Indirect costs		$166,816
	Reimbursement to states and localities for data extract preparation		$17,000

Computing and supplies	$1,688
Subtotal: Data collection Agents	$856,179
Total estimated costs	$951,463

15. Reason for Change in Burden

Not applicable to this project. New data collection.

16. Project Schedule and Publication Plan

Pending OMB approval, NPRP data collection is slated to begin in Summer 2022 and end approximately one year later. Once all data are collected, they must be standardized to match the BJS data elements. The data can then be merged and assessed for patterns of nonresponse. State statutes will be mapped to BJS criminal offense definitions while the data collection is underway. During this time, RTI or NCSC may contact the states to resolve any data quality issues.

After the data are cleaned and merged, the data will be analyzed and reported in a BJS report titled *Felony Defendants in Large Urban Counties, 2019* (Spring 2024). Since this is BJS's first time collecting case-level criminal pretrial data since 2009, there will be a technical report titled *Standardizing Pretrial Data* (Fall 2023).

Based on the Survey of Juveniles Charged in Adult Criminal Courts (SJCACC), BJS expects that agencies will indicate early on whether they plan to participate in the project. Data user agreement negotiations will drive the tempo of data collection efforts within jurisdictions requiring documented data protections. The data collection is estimated to take approximately 12 months. Data standardization will occur during the entirety of the project, and is expected to finish in 24 months.

The proposed data collection schedule is outlined below:

Table 3. Data collection schedule

Agency	Contact	Largest 75 and sample of 50 counties	Method of contact	Attachment
BJS	Introduction letter to state or county court, jail, and pretrial services agencies. Will include project description, FAQs, and data extraction guide.	Week 1	Mail or email	5, 5a, 16
RTI/NCSC	NCSC or RTI contact data provider. Will include project information sheet, data extraction guide, and letter of support.	Week 2	Email, phone, or mail	6a, 6b, 16
RTI/NCSC	Initial follow-up (e.g., data use agreements, progress on data extraction, data transfer procedures)	Week 5	Email or phone	7
BJS, RTI, NCSC, & NAPSA	Additional follow-up (e.g., data use agreement, data extraction progress, data transfer protocol)	Week 10, Week 14, Week 16, Week 18, Week 20	Email and phone	8
RTI	Data transfer protocols arranged	Weeks 6- 23 (month 6)	Email	6c
BJS, RTI NCSC, & NAPSA	Assess refusals and non-responders; conduct appropriate outreach	Weeks 10 - 20	Email, phone, or mail	9
RTI/NCSC	Begin data cleaning; confirm all data questions with agency/site	Weeks 6-28 (month 7)	Email or phone	NA
BJS	Thank you email, once all data is cleaned and confirmed	Weeks 6-28 (month 7)	Email	11
BJS (or RTI)	Notify nonrespondents data collection is closing soon	Week 21 (start of month 6), again on week 23	Mail or email	12a
RTI/NCSC	Data mapping and standardization; confirm with sites that data are mapped properly	Weeks 6-24 (month 6)	Email or phone, as needed	NA
RTI (or BJS)	Notify all that NPRP data collection is closed	Week 24 (month 6)	Email	12b
RTI	Data merging	Weeks 6-28 (month 7)	Email or phone, as needed	NA
RTI	Data analyses	Weeks 20-30		NA
RTI	Data documentation and file delivery to BJS	Week 34 (month 8)		NA
RTI	Final reports and data delivered to BJS	Week 36 (month 9)		NA

As part of the verification of the data, preliminary analyses will begin as soon as each data submission is received. This will allow for callbacks with the respondents to clarify the data.

17. Display of Expiration Date

The expiration date will be shown on the data extraction guides and on any mailed or emailed correspondence.

18. Exception to the Certificate Statement

Not applicable to this project. New data collection.

Attachments
1. 34 USC § 10132
2. Data extraction guide(s)
3. 60-day notice
4. 30-day notice
5. BJS introduction letter
5a. FAQs
6. Request for data
7. Initial follow-up script
8. Second follow-up
9. BJS final follow-up
10. Confirm data script
11. Thank you email
12. Collection closing script
13. Tyler Technologies Comments
14. Legal Rights Center Comments
15. Minnesota Freedom Fund Comments
16. NPRP Factsheet
17. Letter of Support

SUPPORTING STATEMENT (PART B)
National Pretrial Reporting Program (NPRP)

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

1. **Universe and Respondent Selection**

The purpose of the NPRP is to understand the pretrial release or detention ordered for defendants with at least one felony charge filed in state courts in the largest 200 counties in the United States. Describing pretrial release and detention may require information from courts (for the initial bond decision, any changes in release or detention status during the case, disposition, and sentencing), jails (for any period the defendant is incarcerated or re-incarcerated during the pendency of the case), and pretrial services agencies (for any supervision during periods of pretrial release).

The target population for the NPRP is all criminal cases filed with at least one felony charge in state courts in the largest 200 counties in calendar year 2019.[1] We will ask the courts to provide case-level data for all cases filed with at least one felony charge in calendar year 2019 through disposition (and, if possible, sentencing). We will ask jails to provide information for all bookings, and all cases opened by pretrial release agencies for calendar year 2019. We will match case-level data across the jail, court, and pretrial services agency files, knowing that some records may not be able to be matched (e.g., cases filed in January 2019 may have been booked in December 2018, and cases filed in December 2019 may not be released to a pretrial services agency until 2020).

The NPRP is based on an earlier data collection series of the same name, later amended to be called the State Court Processing Statistics (SCPS) series. Beginning in 1988, that program used a sample of 40 of the largest 75 counties based on county population size, with a certainty stratum based on the relative number of case filings in previous SCPS collections. The SCPS data collection paused in 2009 to examine different sampling strategies and data collection methods; as a result, BJS does not have an estimate of the number of felony criminal cases filed in the largest counties. However, population size is highly correlated with case filings, and with this NPRP, BJS is selecting the largest 75 counties with certainty and drawing a sample of 50 counties from the next largest 125 counties, to be representative of the largest 200 counties.

NPRP will include felony case filings in state courts of general jurisdiction. Although some felonies may resolve in limited jurisdiction courts, most will be transferred to the court of general jurisdiction for resolution. BJS is not targeting limited jurisdiction courts in the NPRP effort;

---

[1] This definition excludes misdemeanors (other than those charged in addition to a felony charge), violations of probation and all civil cases, including traffic offenses (if charged civilly instead of criminally), municipal ordinance violations, infractions, fish and game commission charges, and habeas corpus petitions.

however, if statewide or centralized data providers are able to provide data from limited jurisdiction courts for cases, then BJS will accept it. BJS is excluding municipal courts since their involvement in felony case processing is highly unlikely.

Overall Study and Sample Design

The overall NPRP sample design will combine a census of the 75 largest counties with a sample-based data collection from 50 of the next largest 125 counties to estimate the pretrial characteristics for the largest 200 counties. Counties 76-200 will be stratified by population size, and the sample of 50 will be drawn proportionate to size. If counties in the sample decline to provide data, BJS will draw a replacement county from the same stratum.

BJS will minimize the number of states, counties, and agencies asked to report data to NPRP. Table 1 shows the sources that BJS anticipates engaging in the NPRP collection. NPRP is county-based, and some counties have centralized reporting repositories for court, jail, and pretrial services data, where most or all agencies report their data to a single source, such as the county court. In those counties, BJS will request data from that single source. For some counties, all counties in a state report data to a central repository, such as a state administrative office of the courts. In these instances, BJS will request the data for the specific counties from the centralized repository and combine the state-reported county data with the data requested from the remaining agencies within the counties.

Regardless of the data sources, BJS will merge the data at the case level to follow an individual's path from case filing to pretrial release or detention, and to case outcome and sentencing. BJS will request that courts, jails, and pretrial services agencies provide common identifiers between the three agencies, such as a unique defendant identifier or a series of case-linking identifiers. If no common identifier exists, BJS will match individuals based on demographic factors, such as name, date of birth, race, and sex.

The data collection is a census of the 75 largest counties and a sample of 50 of the next largest 125 counties, based on the size of the population aged 18 and over in 2019. The rationale for using 2019 is to avoid most of the disruption of "typical" pretrial release and detention practice that occurred because of the COVID-19 pandemic.

Table 2 details the largest 75 counties. Table 3 lists the remaining counties, 76-200, from which the sample will be drawn.

Table 2. Largest 75 counties by population, 2019

County Size Rank	County	State	2019 Population 18+
1	Los Angeles County	California	7,894,558
2	Cook County	Illinois	4,037,516
3	Harris County	Texas	3,467,885
4	Maricopa County	Arizona	3,432,975
5	San Diego County	California	2,623,532
6	Orange County	California	2,486,016
7	Miami-Dade County	Florida	2,167,261
8	Dallas County	Texas	1,955,358
9	Kings County	New York	1,979,773
10	Riverside County	California	1,856,391
11	Queens County	New York	1,802,531
12	King County	Washington	1,801,166
13	Clark County	Nevada	1,745,918
14	San Bernardino County	California	1,610,447
15	Tarrant County	Texas	1,555,282
16	Bexar County	Texas	1,497,113
17	Santa Clara County	California	1,511,935
18	Broward County	Florida	1,542,840
19	Wayne County	Michigan	1,336,953
20	Alameda County	California	1,331,231
21	New York County	New York	1,396,835
22	Middlesex County	Massachusetts	1,296,600
23	Philadelphia County	Pennsylvania	1,241,810
24	Sacramento County	California	1,188,937
25	Suffolk County	New York	1,167,701
26	Palm Beach County	Florida	1,212,898
27	Bronx County	New York	1,070,144
28	Hillsborough County	Florida	1,146,545
29	Nassau County	New York	1,065,969
30	Orange County	Florida	1,087,438
31	Franklin County	Ohio	1,011,351
32	Oakland County	Michigan	997,704
33	Cuyahoga County	Ohio	980,916
34	Hennepin County	Minnesota	989,821
35	Travis County	Texas	1,004,012
36	Allegheny County	Pennsylvania	989,647
37	Fairfax County	Virginia	880,601

38	Contra Costa County	California	894,142
39	Salt Lake County	Utah	851,291
40	Mecklenburg County	North Carolina	852,208
41	Wake County	North Carolina	849,055
42	Montgomery County	Maryland	808,651
43	Fulton County	Georgia	836,143
44	Pima County	Arizona	831,673
45	St. Louis County	Missouri	776,516
46	Honolulu County	Hawaii	769,689
47	Fresno County	California	717,718
48	Collin County	Texas	769,439
49	Westchester County	New York	757,148
50	Pinellas County	Florida	819,558
51	Marion County	Indiana	727,973
52	Milwaukee County	Wisconsin	720,305
53	Fairfield County	Connecticut	733,670
54	Shelby County	Tennessee	704,794
55	Duval County	Florida	742,210
56	Bergen County	New Jersey	735,892
57	DuPage County	Illinois	715,343
58	Erie County	New York	733,429
59	Gwinnett County	Georgia	686,917
60	Prince George's County	Maryland	707,865
61	Hartford County	Connecticut	705,385
62	Kern County	California	641,082
63	Pierce County	Washington	694,525
64	San Francisco County	California	763,303
65	Macomb County	Michigan	692,117
66	New Haven County	Connecticut	684,132
67	Hidalgo County	Texas	590,120
68	Ventura County	California	655,715
69	El Paso County	Texas	614,939
70	Denton County	Texas	671,750
71	Baltimore County	Maryland	648,363
72	Middlesex County	New Jersey	646,614
73	Worcester County	Massachusetts	657,270
74	Montgomery County	Pennsylvania	652,573
75	Hamilton County	Ohio	630,440

Table 3. Largest 76-200 counties by population, 2019

County size rank	County	State	2019 Population 18+
76	Multnomah County	Oregon	663,188
77	Snohomish County	Washington	637,832
78	Suffolk County	Massachusetts	672,740
79	Essex County	New Jersey	609,597
80	Oklahoma County	Oklahoma	594,839
81	Essex County	Massachusetts	622,724
82	San Mateo County	California	611,781
83	Jefferson County	Kentucky	598,203
84	Fort Bend County	Texas	589,946
85	Cobb County	Georgia	583,597
86	DeKalb County	Georgia	585,187
87	Monroe County	New York	588,820
88	San Joaquin County	California	558,389
89	Lee County	Florida	636,679
90	Denver County	Colorado	588,587
91	Lake County	Illinois	530,410
92	Norfolk County	Massachusetts	559,627
93	El Paso County	Colorado	549,134
94	Jackson County	Missouri	538,783
95	District of Columbia	District of Columbia	577,848
96	Will County	Illinois	521,914
97	Davidson County	Tennessee	551,090
98	Polk County	Florida	565,638
99	Bernalillo County	New Mexico	534,056
100	Hudson County	New Jersey	535,864
101	Jefferson County	Alabama	509,191
102	Kent County	Michigan	499,889
103	Tulsa County	Oklahoma	487,873
104	Arapahoe County	Colorado	504,162
105	Providence County	Rhode Island	507,922
106	Bucks County	Pennsylvania	501,425
107	Monmouth County	New Jersey	489,192
108	Baltimore city	Maryland	473,923

109	Utah County	Utah	426,950
110	Ocean County	New Jersey	460,496
111	Johnson County	Kansas	457,474
112	Washington County	Oregon	466,438
113	Brevard County	Florida	492,569
114	Jefferson County	Colorado	469,684
115	Montgomery County	Texas	448,951
116	Anne Arundel County	Maryland	450,650
117	Delaware County	Pennsylvania	442,201
118	Bristol County	Massachusetts	449,495
119	Douglas County	Nebraska	425,639
120	New Castle County	Delaware	439,396
121	Union County	New Jersey	426,292
122	Williamson County	Texas	440,981
123	Ramsey County	Minnesota	422,367
124	Stanislaus County	California	402,887
125	Summit County	Ohio	428,863
126	Lancaster County	Pennsylvania	417,852
127	Volusia County	Florida	456,552
128	Dane County	Wisconsin	436,428
129	Montgomery County	Ohio	415,349
130	Kane County	Illinois	399,424
131	Guilford County	North Carolina	418,280
132	Pasco County	Florida	441,991
133	Chester County	Pennsylvania	407,023
134	Plymouth County	Massachusetts	410,783
135	Sedgwick County	Kansas	384,757
136	Greenville County	South Carolina	403,474
137	Camden County	New Jersey	392,466
138	Spokane County	Washington	407,948
139	Adams County	Colorado	382,294
140	Passaic County	New Jersey	382,808
141	Sonoma County	California	398,859
142	Morris County	New Jersey	389,366
143	Lake County	Indiana	373,045
144	Polk County	Iowa	369,064
145	Richmond County	New York	372,457

146	Clark County	Washington	373,556
147	Hampden County	Massachusetts	366,727
148	Onondaga County	New York	363,435
149	Tulare County	California	323,943
150	Prince William County	Virginia	344,025
151	Seminole County	Florida	372,855
152	Knox County	Tennessee	371,876
153	Washoe County	Nevada	370,990
154	Ada County	Idaho	369,859
155	Virginia Beach city	Virginia	350,926
156	Burlington County	New Jersey	353,190
157	York County	Pennsylvania	350,419
158	Santa Barbara County	California	348,215
159	East Baton Rouge Parish	Louisiana	339,986
160	Solano County	California	348,758
161	Jefferson Parish	Louisiana	337,196
162	Monterey County	California	320,870
163	Pinal County	Arizona	360,216
164	Lucas County	Ohio	330,356
165	Cameron County	Texas	296,542
166	Dakota County	Minnesota	325,107
167	Sarasota County	Florida	372,984
168	Berks County	Pennsylvania	327,545
169	Mobile County	Alabama	316,868
170	Hillsborough County	New Hampshire	332,756
171	Richland County	South Carolina	326,666
172	Clackamas County	Oregon	329,826
173	Genesee County	Michigan	315,245
174	Charleston County	South Carolina	330,609
175	Waukesha County	Wisconsin	318,146
176	Loudoun County	Virginia	298,272
177	St. Charles County	Missouri	309,611
178	Pulaski County	Arkansas	301,662
179	Orleans Parish	Louisiana	313,010
180	Placer County	California	310,171
181	Manatee County	Florida	330,933

182	Orange County	New York	287,134
183	Butler County	Ohio	293,990
184	Forsyth County	North Carolina	295,459
185	Lane County	Oregon	312,496
186	Allen County	Indiana	282,488
187	Stark County	Ohio	291,678
188	Collier County	Florida	319,864
189	Mercer County	New Jersey	289,368
190	Washtenaw County	Michigan	300,102
191	Lehigh County	Pennsylvania	286,118
192	Madison County	Alabama	292,193
193	Nueces County	Texas	274,352
194	Hamilton County	Tennessee	291,381
195	Brazoria County	Texas	276,764
196	Marion County	Florida	298,327
197	Westmoreland County	Pennsylvania	285,145
198	Osceola County	Florida	285,152
199	Anoka County	Minnesota	272,162
200	Bell County	Texas	263,178
Source: U.S. Census Bureau, Population Division. Table 1. Annual Estimates of the Resident Population for the United States, States, Counties and Puerto Rico Commonwealth and Municipios: April 1, 2010 to July 1, 2019			

For the purposes of the overall design, BJS has assumed the following:

Class 1 – Collection from the largest 75 counties

During work under BJS's generic clearance (OMB Control No.1121-0339), BJS contacted court data leaders, jails, and pretrial service agencies in the largest 75 counties to determine whether their electronic case-level records systems are capable of extracting data elements necessary to support the NPRP. Overall, the data systems vary in terms of geographic coverage (e.g., statewide data system, centralized county with all jail, court, and pretrial records, and county agency-specific data systems). The data systems are used largely for case management and include data elements related to general case information, defendants/inmates/clients, charges, filing/booking/intake, and disposition/release/termination of supervision. Sentencing data are sometimes maintained by the court or jail data systems, and sometimes by both. Some of these data are in free text fields or contained in scanned or paper documents, such as orders of release or orders of supervision.

Any agency or centralized data repository (e.g., centralized data for all agencies within the county or state) will be asked for an electronic file containing all criminal cases filed as felonies in calendar year 2019. Courts will be asked for cases filed with at least one felony charge, jails will be asked for bookings with at least one felony charge, and pretrial services agencies will be asked for cases opened with at least one felony charge. We will ask the agencies to include all information about each case until it is disposed. "Disposed" for courts is defined as a final finding by a judicial officer (typically a judge), and includes dismissal, *nolle prosequi*, placement on an inactive docket (stay of prosecution), placement in a diversion program, guilty, not guilty, acquittal, or other finding. "Disposed" for jails means that the person is released from custody as a release without a return prior to disposition (i.e., there is no rearrest for pretrial misconduct), sentenced by the courts to the jail or held pending transfer to another incarceration facility, or otherwise unable to be located before the end of the study (e.g., released pretrial, a bench warrant issued for some reason, but had not been rearrested). Often, jails assign unique booking identifiers each time a person is taken into jail, so BJS may need to provide an end date for the jail data extract. BJS will use March 15, 2020 for this purpose. For pretrial services agencies, "disposed" means that the pretrial agency is no longer responsible for monitoring the individual's release, either because the release was revoked for misconduct or because the person completed pretrial release and was sentenced by the courts.

Courts, jails, and pretrial services agencies may provide data on all such cases in any format. BJS expects most will provide an unformatted data extract, where the data are extracted from the system "as-is" and BJS will work with the state to clean and standardize the data. Rarely, agencies may choose to provide a full system extract ("data dump") of the entire case records system. In that case, BJS will extract the relevant cases.

Some courts, jails, or pretrial services agencies, or even entire counties in Class 1 may decline to provide data. These counties cannot be replaced, and BJS cannot substitute agency information from other counties (i.e., BJS cannot use data from a responding county as a substitute for a nonresponding county). BJS will use as much of the responding agencies' data as possible and mark any elements not reported as missing. If the entire county fails to respond, BJS will either (a) have to adjust the coverage of the data; for example, to represent 73 counties rather than 75, or (b) use the participating largest 75 counties to represent those who do not participate. Once the nonparticipating counties are known (i.e., at the end of data collection), a determination will be made about how to proceed..

Class 2 - Sampling of Non-Certainty Counties

The goal of Class 2 of the NPRP is to develop representative estimates related to the pretrial release or detention ordered for defendants with at least one felony charge filed in state courts within one of the largest 200 counties not included in Class 1, or the largest 75 U.S. counties. As

such, the Class 2 inferential population consists of the 76th to 200th largest counties in the country based on the 2019 American Community Survey 5-year population estimates (Table 3).

Sample Design. A stratified random sample will be drawn such that the counties in which information is collected can be used to make inferences about all 125 counties. The sample size of Class 2 will be 50 counties in which all criminal cases filed with at least one felony charge will be collected.

Sample Stratification. While not much is known about the type and quantity of criminal cases filed with at least one felony charge in state courts in advance of data collection, a correlation with county population is assumed. Because county population size ranges from approximately 800,000 to 350,000 (Table 1), the sample will stratify the 125 counties by population size. BJS does not have an estimate of the criminal cases filed in every state. However, based on the Urban Institute's preparation for the full clearance for Criminal Cases in State Courts (CCSC), population is highly correlated with case filings. Using annual reports for 2017 on criminal cases filed in each county for 6 states (Maryland, Maine, Pennsylvania, Colorado, Wisconsin and Montana),[2] and Census estimates of the population from these counties in 2017, the Urban Institute examined the correlation between the total population size and the number of case filings and confirmed that it exceeded 0.90. For that reason, for sampling purposes BJS plans to use the size of the population aged 18 and over as a proxy for the number of cases likely to be charged in criminal courts.[3]

Five strata will be created consisting of 25 counties each based on the rank ordering of the counties. In other words, the first stratum will consist of the 76th to 100th largest counties and the fifth stratum will consist of the 176th to 200th largest counties. These strata are designated strata 2 – 6 (Table 4) as stratum 1 is the Class 1 counties. Five strata were selected for two reasons. First, it kept the size differential between the largest and smallest county in a stratum relatively small. Second, five strata allow for an equal number of counties to be in each stratum (i.e., quintiles).

Table 4. Sample stratification

Stratum	Smallest County Population	Largest County Population
2	535,864	663,188
3	428,863	509,191

---

[2] The volume of court filings at the county level is often not available. The six states were selected on the basis of data availability and geographic representation.

[3] Five states had a lower age of majority at the end of 2018 (Adult is 16 - Georgia, Michigan, Missouri, Texas, and Wisconsin). Missouri raised the age of majority to 17 in 2018, but the law will not go into effect until 2021. (Juvenile Age of Jurisdiction and Transfer to Adult Court Laws, 1/11/2019, National Conference of State Legislatures, retrieved May 7, 2019 from http://www.ncsl.org/research/civil-and-criminal-justice/juvenile-age-of-jurisdiction-and-transfer-to-adult-court-laws.aspx)

4	344,025	417,852
5	318,146	372,855
6	263,178	298,272

Sample Allocation. The sample will be allocated in a balanced fashion. This means an equal number of counties (i.e., 10) will be selected from each stratum. A balanced allocation is recommended to ensure there is representation from the smaller counties which may be different in terms of the outcomes of interest or characteristics of the pretrial population. Additionally, because the strata are of equal size, a balanced allocation of the sample produces an equal probability of selection for each sampled county.

Sample Selection. Within each stratum, a replicate/replacement design will be used for selected counties. Under a replicate design, the 25 counties within each stratum will be randomly assigned to a replicate. To form the replicates the 25 counties will be assigned a random number and ordered in descending fashion based on their random number. The initial replicate will consist of the first 10 randomly ordered counties. The remaining 15 counties will be assigned to a replicate of size one and used to replace one of the initial 10 counties if there is nonresponse (see next section).

Under this design, within each stratum, counties will be treated equally regardless of their population size. As such the probability of selection for each county in a stratum (h) will be

$$\pi_h = \frac{n_h}{N_h} = \frac{10}{25} = 0.4$$

In other words, each county within a stratum will have an equal probability of selection.

An alternative to this design is a more traditional approach where a nonresponse rate is assumed and a larger than needed sample is selected. However, because the nonresponse rate is unknown and both a larger and smaller than desired sample size within each stratum is not desirable, this approach has too much uncertainty to be a viable option.

Accounting for Nonresponse. Nonresponse is likely to occur in both cycles of the study. Because the selection methods are different for each cycle, the method for addressing nonresponse will be tailored to the specific cycle.

Class 1. In Class 1, the largest 75 counties are treated as self-representing. That is, each county is selected with certainty and only represents itself. However, it is likely that some of these counties will not participate. This leaves two options: BJS will either (a) have to adjust the coverage of the data; for example, to represent 73 counties rather than 75, or (b) use the participating largest 75 counties to represent those who do not participate. Once the

nonparticipating counties are known (i.e., at the end of data collection), a determination will be made about each nonparticipating county as to whether any of the participating 75 can be used to represent it.

For those with similarities to the participating counties, weighting classes (i.e., counties grouped together for the purpose of creating a weight adjustment) will be formed consisting of participating and nonparticipating counties. The weighting classes will be defined based on similar county-level characteristics such as population size, county demographic profile, and expected similarities in the types of felonies which occur. Within each weighting class, a ratio adjustment will be formed and applied to the sum of the base weights of each participating county (the base weight for each county is 1 since they are self-representing). In other words,

$$w_{SR-ADJ} = \frac{\sum w_{SR-C}}{\sum w_{SR-C} \times I_R} \times w_{SR-C}$$

Where w_{SR-C} is the base weight for a responding county in weight class c and I_R is an indicator of response for a given county.

Class 2. While it is anticipated that a high percentage of counties will participate, some counties – or a high number of agencies within the county – may not be able or willing to provide the requested information. Because a final sample of 50 counties is desired, a plan will be put in place to replace counties who cannot participate using the replicate design. The plan for accounting for nonresponse will be tied to the sample selection process. Specifically, because each county within a stratum has the same probability of selection and are considered similar to the nonparticipating county in population size, the replicate counties in each stratum (i.e., counties 11 – 25 under the random ordering) will replace each nonparticipating county. The replacement counties will be selected in their random order (i.e., randomly ordered county 11 will be used first, county 12 second, etc.). Once 10 participating counties are identified, no further counties will be selected.

To adjust for nonresponse, a ratio adjustment of the participating counties over the total counties in the stratum (i.e., 25) will be applied. However, because each county has an equal probability of selection this adjustment will yield the same equal weights within each stratum.

2. Procedures for Collecting Information

In work done under BJS's generic clearance (OMB Control No. 1121-0339), BJS interviewed county court, jail, and pretrial services agency leaders, many of whom reported that they would be able to provide most information in the form of data extracts from case management systems. A data extraction guide will be provided to all respondents (see **Attachment 2**).

At the start of the collection, BJS will email the state court, jail, and pretrial leaders in states with centralized statewide data. The letter will describe the purpose and importance of the collection, introduce the data collection agents (RTI International (RTI) and the National Center for State Courts (NCSC)), and invite the court, jail, and pretrial services agency to participate in the collection (**Attachment 5**). The following week, the same letter will be sent to county court, jail, and pretrial leaders in the counties without centralized court data systems. The same letters will be sent in staggered mailings to state and county leaders where some of the data are centralized at the state level and some of the data are maintained at the county level (e.g., the court data is held by a state agency, but pretrial and jail data are kept at the county agency level).

Once permission to collect data is obtained from the relevant contacts, RTI and NCSC will work with staff who manage the agency's information system to obtain data files **(Attachment 6)**. All data files will be submitted to RTI via a secure AWS GovCloud drive, RTI's secure FTP, the agency's secure FTP, or BJS's secure BOX account. BJS is providing multiple options for submission to avoid difficulties in agency firewall or security issues. RTI will process the jail and pretrial services agency files, and NCSC will process the court data files on RTI's secure AWS GovCloud drive, working with the respondent to evaluate data quality and completeness. NCSC is conducting the initial file processing because its analysts are more familiar with state court data from other NCSC projects, such as the Court Statistics Project. All identifiable files will be maintained on the AWS GovCloud drive during the data processing and merging. After NCSC conducts the preliminary processing of the court data, RTI will combine the court files with the pretrial and jail files.

After the files are processed, RTI will link the court, jail, and pretrial services agency data files using the personal identifiers provided. Once the files are linked, RTI will create a crosswalk of unique identifiers to replace any personally identifiable information (PII). The de-identified files will remain on the AWS GovCloud drive for further analysis, while the crosswalk will be moved to RTI's secure project network. The de-identified file and crosswalk will not be stored in the same location unless it is necessary to update the de-identified file. In that event, a copy of the crosswalk will be moved to the AWS GovCloud, the data updated, and the crosswalk moved back to the RTI secure project drive.

As the data collection progresses, some courts, jails, and pretrial services agencies may decide not to participate. If this occurs, NCSC and RTI will continue the request from the remaining agencies in the county and will use as much of the data as possible to describe pretrial release from that county. The completeness of the data collection depends on how many agencies refuse in each county.

3. Methods to Maximize Response Rates

Every attempt will be made to collect complete information on felony criminal cases filed in state and county courts in 2019, to collect detention data from jails, and to collect pretrial release

information from pretrial services agencies. BJS developed a project factsheet that has been circulated among court, jail, and pretrial services agencies in the largest 75 counties (**Attachment 15**). BJS also hosted a webinar, and provided links to the recorded webinar, available at RTI's website (https://youtu.be/c1QFRxJldnA) and NCSC's website (https://vimeo.com/604855587).

RTI and NCSC have already spoken with many of the data providers as part of the work done under BJS's generic clearance. RTI and NCSC asked court, jail, and pretrial services agency leaders about their data systems and the policies that affect how they record the data. During these interviews, RTI and NCSC were able to explain the importance of the NPRP collection, and describe the products that may be published from the data collection.

The data extraction guides clearly articulate the data elements requested in the collection and the various acceptable data formats. RTI also maintains two main submission methods: AWS GovCloud and secure FTP. If agencies cannot access either, RTI can use the agency's own FTP and move the data to the secure drive for processing. A final option is to allow the agency to submit data using BJS's BOX account.

It is assumed that BJS will enter into data use agreements with some or all the state and county courts, jails, and pretrial services agencies. During the interviews, most of the agencies indicated that they would require both a data use agreement and some method of secure file transfer to participate in NPRP. Further, many agencies indicated that several personnel would need to review the data use agreements prior to agreeing to participate in the project and noted that time to review the agreement and data extract requests is important when considering participation in research projects.

A team of RTI and NCSC staff members will be assigned to act as the point of contact for each respondent. The data extraction guides for courts and for pretrial services agencies and jails include direct phone and email contact information for respondents. Additionally, RTI maintains a project email (nprp@rti.org) monitored by the project director and data manager to respond to any technical questions.

4. Testing of Procedures

During the data interviews conducted under an earlier generic clearance, we asked whether the agency would be willing to provide a sample of their extracted data. Eight jurisdictions agreed, but BJS and RTI decided to follow up with seven.[4] The sites varied in terms of the agencies that were requested to provide data and the size of the population covered.

---

[4] Harris County, Texas offered to be a pilot jurisdiction, but noted that pretrial data extracts would require court review and approval. BJS and RTI determined it would be burdensome to ask the court to review a data request for a pilot study and decided not to request data from Harris County until the final data collection.

Table 8. Pilot test sites

Pilot Test Site No	County	Data systems	State	Region	Population
1	Allegheny County	Court, Jail, Pretrial Services	Pennsylvania	Northeast	989,647
2	El Paso County	Jail, Pretrial	Texas	South	614,939
3	King County	Jail, Pretrial	Washington	West	1,801,166
4	Middlesex County	Jail	Massachusetts	Northeast	1,296,600
5	Bexar County	Jail	Texas	South	1,497,113
6	New York City Criminal Justice Agency (multiple counties – Bronx, Queens, Kings, New York)	Pretrial	New York	Northeast	6,621,740
7	Orange County	Jail	Florida	South	1,087,438

RTI sent a follow-up email to the seven sites that reminded them of their voluntary participation in the pilot, the purpose of the NPRP and the pilot project, the BJS template data use agreement, and the draft data extraction guide that contained the data elements discussed in the data capacity interviews in November 2021. RTI followed up with reminder emails rather than following a more aggressive plan, in case the counties failed to respond and RTI would have to reach out again for the data after completing the OMB review process. Two jurisdictions (Allegheny and King) requested phone conversations to discuss the DUA requirements and the data extraction guides.

As of the end of February, RTI adjusted the nonresponse contact to every two weeks, and then in March to every week. As summarized in Table 9 below, our approach to information gathering yielded varying outcomes.

Table 9: Summary of Pilot Results

Jurisdiction	No Response	Held Call	Reviewed Data Request	Completed DUA	Closed Reason
Allegheny County, PA		X	X		Still negotiating DUA
El Paso County, TX			X		Still negotiating DUA

King County, WA		X	X		Experiencing backups due to Covid and IT emergencies (1/28/22)
Middlesex County, MA				X	Has login, has not submitted data
Bexar County, TX					Data received 4/1/2022
New York City Criminal Justice Agency (multiple counties – Bronx, Queens, Kings, New York), NY				X	Data received 3/10/2022
Orange County, FL			X		Still negotiating DUA.

As of April 4, 2022, New York City Criminal Justice Agency and Bexar County, TX submitted data. Middlesex County, MA completed the data use agreement with BJS and has the login information to submit data, but has not been responsive to email requests for a status update. Orange County, FL, Allegheny County, PA, and El Paso County, TX are still negotiating the data use agreement with BJS, but have agreed to submit data. King County, WA remains non-responsive to follow-up emails.

5. Contact for Statistical Aspects and Data Collection

The prosecution and judicial statistics unit staff at BJS are responsible for the overall design and management of the NPRP data collection, including the development of the data extraction guide and the analysis and publication of the data.

Erica Grasmick, Statistician
Judicial Statistics Unit
Bureau of Justice Statistics
810 7th Street, NW
Washington, D.C. 20531
(202) 307-1402

Attachments (from CCSC to be updated to NPRP by BJS)
1. 34 USC § 10132
2. Data extraction guide
3. 60-day notice

4. 30-day notice
5. BJS introduction letter
5a. FAQs
6. Request for data
7. Initial follow-up script
8. Second follow-up
9. BJS final follow-up
10. Confirm data script
11. Thank you email
12. Collection closing script
13. Tyler Technologies Comments
14. Legal Rights Center Comments
15. Minnesota Freedom Fund Comments
16. NPRP Factsheet
17. Letter of Support

Contents

Attachment 1 - 34 USC 10132

---

34 USC 10132: Bureau of Justice Statistics
Text contains those laws in effect on August 13, 2018

From Title 34-CRIME CONTROL AND LAW ENFORCEMENT
    Subtitle I-Comprehensive Acts
    CHAPTER 101-JUSTICE SYSTEM IMPROVEMENT
    SUBCHAPTER III-BUREAU OF JUSTICE STATISTICS
Jump To:
    Source Credit
    References In Text
    Codification
    Prior Provisions
    Amendments
    Effective Date
    Miscellaneous

---

§10132. Bureau of Justice Statistics

(a) Establishment

There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this subchapter as "Bureau").

(b) Appointment of Director; experience; authority; restrictions

The Bureau shall be headed by a Director appointed by the President. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

(c) Duties and functions of Bureau

The Bureau is authorized to-

    (1)   make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this subchapter; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

    (2)   collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

    (3)   collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of national, State, tribal, and local justice policy and decisionmaking;

    (4)   collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, tribal, and local levels;

    (5)   collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, tribal, and local levels;

    (6)   analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, tribal, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and

at the Federal, State, tribal, and local levels;

    (7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States and in Indian country;

    (8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this chapter;

    (9) maintain liaison with the judicial branches of the Federal Government and State and tribal governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

    (10) provide information to the President, the Congress, the judiciary, State, tribal, and local governments, and the general public on justice statistics;

    (11) establish or assist in the establishment of a system to provide State, tribal, and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

(12) conduct or support research relating to methods of gathering or analyzing justice statistics;

    (13) provide for the development of justice information systems programs and assistance to the States, Indian tribes, and units of local government relating to collection, analysis, or dissemination of justice statistics;

    (14) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

    (15) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide technical assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data;

    (16) provide for the collection, compilation, analysis, publication and dissemination of information and statistics about the prevalence, incidence, rates, extent, distribution and attributes of drug offenses, drug related offenses and drug dependent offenders and further provide for the establishment of a national clearinghouse to maintain and update a comprehensive and timely data base on all criminal justice aspects of the drug crisis and to disseminate such information;

    (17) provide for the collection, analysis, dissemination and publication of statistics on the condition and progress of drug control activities at the Federal, State, tribal, and local levels with particular attention to programs and intervention efforts demonstrated to be of value in the overall national anti-drug strategy and to provide for the establishment of a national clearinghouse for the gathering of data generated by Federal, State, tribal, and local criminal justice agencies on their drug enforcement activities;

    (18) provide for the development and enhancement of State, tribal, and local criminal justice information systems, and the standardization of data reporting relating to the collection, analysis or dissemination of data and statistics about drug offenses, drug related offenses, or drug dependent offenders;

    (19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State and tribal criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State and tribal participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;

    (20) maintain liaison with State, tribal, and local governments and governments of other nations concerning justice statistics;

    (21) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

    (22) ensure conformance with security and privacy requirement of section 10231 of this title and identify, analyze, and participate in the development and implementation of privacy, security and information policies which impact on Federal, tribal, and State criminal justice operations and related statistical activities; and

(23) exercise the powers and functions set out in subchapter VII.

(d) Justice statistical collection, analysis, and dissemination

(1) In general

To ensure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to-

(A) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor, and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis;

(B) confer and cooperate with State, municipal, and other local agencies;

(C) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this chapter;

(D) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records;

(E) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data; and

(F) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this subchapter, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.

(2) Consultation with Indian tribes

The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Office of Justice Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.

(e) Furnishing of information, data, or reports by Federal agencies

Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(1)(C) shall provide such information to the Bureau as is required to carry out the purposes of this section.

(f) Consultation with representatives of State, tribal, and local government and judiciary

In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State, tribal, and local government, including, where appropriate, representatives of the judiciary.

(g) Reports

Not later than 1 year after July 29, 2010, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.

(Pub. L. 90–351, title I, §302, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1176 ; amended Pub. L. 98–473, title II, §605(b), Oct. 12, 1984, 98 Stat. 2079 ; Pub. L. 100–690, title VI, §6092(a), Nov. 18, 1988, 102 Stat. 4339 ; Pub. L. 103–322, title XXXIII, §330001(h)(2), Sept. 13, 1994, 108 Stat. 2139 ; Pub. L. 109–162, title XI, §1115(a), Jan. 5, 2006, 119 Stat. 3103 ; Pub. L. 111–211, title II, §251(b), July 29, 2010, 124 Stat. 2297 ; Pub. L. 112–166, §2(h)(1), Aug. 10, 2012, 126 Stat. 1285 .)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b) and (c)(11), is Pub. L. 90–351, June 19, 1968, 82 Stat. 197 , known as the Omnibus Crime Control and Safe Streets Act of 1968. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 3732 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

A prior section 302 of Pub. L. 90–351, title I, June 19, 1968, 82 Stat. 200 ; Pub. L. 93–83, §2, Aug. 6, 1973,
87 Stat. 201 ; Pub. L. 94–503, title I, §110, Oct. 15, 1976, 90 Stat. 2412 , related to establishment of State planning agencies to develop comprehensive State plans for grants for law enforcement and criminal justice purposes, prior to the general amendment of this chapter by Pub. L. 96–157.

AMENDMENTS

2012-Subsec. (b). Pub. L. 112–166 struck out ", by and with the advice and consent of the Senate" before period at end of first sentence.

2010-Subsec. (c)(3) to (6). Pub. L. 111–211, §251(b)(1)(A), inserted "tribal," after "State," wherever appearing.
Subsec. (c)(7). Pub. L. 111–211, §251(b)(1)(B), inserted "and in Indian country" after "States".
Subsec. (c)(9). Pub. L. 111–211, §251(b)(1)(C), substituted "Federal Government and State and tribal governments" for "Federal and State Governments".
Subsec. (c)(10), (11). Pub. L. 111–211, §251(b)(1)(D), inserted ", tribal," after
"State". Subsec. (c)(13). Pub. L. 111–211, §251(b)(1)(E), inserted ", Indian tribes,"
after "States".
Subsec. (c)(17). Pub. L. 111–211, §251(b)(1)(F), substituted "activities at the Federal, State, tribal, and local" for "activities at the Federal, State and local" and "generated by Federal, State, tribal, and local" for "generated by Federal, State, and local".
Subsec. (c)(18). Pub. L. 111–211, §251(b)(1)(G), substituted "State, tribal, and local" for "State and local".
Subsec. (c)(19). Pub. L. 111–211, §251(b)(1)(H), inserted "and tribal" after "State" in two places. Subsec. (c)(20). Pub. L. 111–211, §251(b)(1)(I), inserted ", tribal," after "State".
Subsec. (c)(22). Pub. L. 111–211, §251(b)(1)(J), inserted ", tribal," after "Federal".
Subsec. (d). Pub. L. 111–211, §251(b)(2), designated existing provisions as par. (1), inserted par. (1) heading, substituted "To ensure" for "To insure", redesignated former pars. (1) to (6) as subpars. (A) to (F), respectively, of par. (1), realigned margins, and added par. (2).
Subsec. (e). Pub. L. 111–211, §251(b)(3), substituted "subsection (d)(1)(C)" for "subsection (d)(3)".
Subsec. (f). Pub. L. 111–211, §251(b)(4)(B), inserted ", tribal," after "State".
Pub. L. 111–211, §251(b)(4)(A), which directed insertion of ", tribal," after "State" in heading, was executed editorially but could not be executed in original because heading had been editorially supplied.
Subsec. (g). Pub. L. 111–211, §251(b)(5), added subsec. (g).
2006-Subsec. (b). Pub. L. 109–162, §1115(a)(1), inserted after third sentence "The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure."
Subsec. (c)(19). Pub. L. 109–162, §1115(a)(2), amended par. (19) generally. Prior to amendment, par.
(19) read as follows: "provide for research and improvements in the accuracy, completeness, and inclusiveness of criminal history record information, information systems, arrest warrant, and stolen
vehicle record information and information systems and support research concerning the accuracy, completeness, and inclusiveness of other criminal justice record information;".
Subsec. (d)(6). Pub. L. 109–162, §1115(a)(3), added par. (6).
1994-Subsec. (c)(19). Pub. L. 103–322 substituted a semicolon for period at end.
1988-Subsec. (c)(16) to (23). Pub. L. 100–690 added pars. (16) to (19) and redesignated former pars.
(16) to (19) as (20) to (23), respectively.
1984-Subsec. (b). Pub. L. 98–473, §605(b)(1), inserted provision requiring Director to report to Attorney General through Assistant Attorney General.

Subsec. (c)(13). Pub. L. 98–473, §605(b)(2)(A), (C), added par. (13) and struck out former par. (13) relating to provision of financial and technical assistance to States and units of local government relating to collection, analysis, or dissemination of justice statistics.
Subsec. (c)(14), (15). Pub. L. 98–473, §605(b)(2)(C), added pars. (14) and (15). Former pars. (14) and
(15) redesignated (16) and (17), respectively.
Subsec. (c)(16). Pub. L. 98–473, §605(b)(2)(A), (B), redesignated par. (14) as (16) and struck out former par. (16) relating to insuring conformance with security and privacy regulations issued under section 10231 of this title.
Subsec. (c)(17). Pub. L. 98–473, §605(b)(2)(B), redesignated par. (15) as (17). Former par. (17) redesignated (19).
Subsec. (c)(18). Pub. L. 98–473, §605(b)(2)(D), added par. (18).
Subsec. (c)(19). Pub. L. 98–473, §605(b)(2)(B), redesignated former par. (17) as (19).
Subsec. (d)(1). Pub. L. 98–473, §605(b)(3)(A), inserted ", and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis".
Subsec. (d)(5). Pub. L. 98–473, §605(b)(3)(B)–(D), added par. (5).

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112–166, set out as a note under section 113 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–473 effective Oct. 12, 1984, see section 609AA(a) of Pub. L. 98–473, set out as an Effective Date note under section 10101 of this title.

CONSTRUCTION OF 2010 AMENDMENT

Pub. L. 111–211, title II, §251(c), July 29, 2010, 124 Stat. 2298 , provided that: "Nothing in this section [amending this section and section 41507 of this title] or any amendment made by this section-
    "(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or
    "(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program."
    [For definition of "Indian tribe" as used in section 251(c) of Pub. L. 111–211, set out above, see section 203(a) of Pub. L. 111–211, set out as a note under section 2801 of Title 25, Indians.]

INCLUSION OF HONOR VIOLENCE IN NATIONAL CRIME VICTIMIZATION SURVEY

Pub. L. 113–235, div. B, title II, Dec. 16, 2014, 128 Stat. 2191 , provided in part: "That beginning not later than 2 years after the date of enactment of this Act [div. B of Pub. L. 113–235, Dec. 16, 2014], as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to honor violence".

STUDY OF CRIMES AGAINST SENIORS

Pub. L. 106–534, §5, Nov. 22, 2000, 114 Stat. 2557 , provided that:
    "(a) IN GENERAL.-The Attorney General shall conduct a study relating to crimes against seniors, in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.
"(b) ISSUES ADDRESSED.-The study conducted under this section shall include an analysis
    of- "(1) the nature and type of crimes perpetrated against seniors, with special focus on-
    "(A) the most common types of crimes that affect seniors;

7

"(B) the nature and extent of telemarketing, sweepstakes, and repair fraud against seniors; and

"(C) the nature and extent of financial and material fraud targeted at seniors;

"(2) the risk factors associated with seniors who have been victimized;

"(3) the manner in which the Federal and State criminal justice systems respond to crimes against seniors;

"(4) the feasibility of States establishing and maintaining a centralized computer database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;

"(5) the effectiveness of damage awards in court actions and other means by which seniors receive reimbursement and other damages after fraud has been established; and

"(6) other effective ways to prevent or reduce the occurrence of crimes against seniors."

INCLUSION OF SENIORS IN NATIONAL CRIME VICTIMIZATION SURVEY

Pub. L. 106–534, §6, Nov. 22, 2000, 114 Stat. 2557 , provided that: "Beginning not later than 2 years after the date of enactment of this Act [Nov. 22, 2000], as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to-

"(1) crimes targeting or disproportionately affecting seniors;

"(2) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur; and

"(3) specific characteristics of the victims of crimes who are seniors, including age, gender, race or ethnicity, and socioeconomic status."

CRIME VICTIMS WITH DISABILITIES AWARENESS

Pub. L. 105–301, Oct. 27, 1998, 112 Stat. 2838 , as amended by Pub. L. 106–402, title IV, §401(b)(10), Oct.
30, 2000, 114 Stat. 1739 , provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Crime Victims With Disabilities Awareness Act'.

"SEC. 2. FINDINGS; PURPOSES.

"(a) FINDINGS.-Congress finds that-

"(1) although research conducted abroad demonstrates that individuals with developmental disabilities are at a 4 to 10 times higher risk of becoming crime victims than those without disabilities, there have been no significant studies on this subject conducted in the United States;

"(2) in fact, the National Crime Victim's Survey, conducted annually by the Bureau of Justice Statistics of the Department of Justice, does not specifically collect data relating to crimes against individuals with developmental disabilities;

"(3) studies in Canada, Australia, and Great Britain consistently show that victims with developmental disabilities suffer repeated victimization because so few of the crimes against them are reported, and even when they are, there is sometimes a reluctance by police, prosecutors, and judges to rely on the testimony of a disabled individual, making individuals with developmental disabilities a target for criminal predators;

"(4) research in the United States needs to be done to-

"(A) understand the nature and extent of crimes against individuals with developmental disabilities;

"(B) describe the manner in which the justice system responds to crimes against individuals with developmental disabilities; and

"(C) identify programs, policies, or laws that hold promises for making the justice system more responsive to crimes against individuals with developmental disabilities; and

"(5) the National Academy of Science Committee on Law and Justice of the National Research Council is a premier research institution with unique experience in developing seminal,

multidisciplinary studies to establish a strong research base from which to make public policy.

"(b) PURPOSES.-The purposes of this Act are-

"(1) to increase public awareness of the plight of victims of crime who are individuals with developmental disabilities;

"(2) to collect data to measure the extent of the problem of crimes against individuals with developmental disabilities; and

"(3) to develop a basis to find new strategies to address the safety and justice needs of victims of crime who are individuals with developmental disabilities.

"SEC. 3. DEFINITION OF DEVELOPMENTAL DISABILITY.

"In this Act, the term 'developmental disability' has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C. 15002].

"SEC. 4. STUDY.

"(a) IN GENERAL.-The Attorney General shall conduct a study to increase knowledge and information about crimes against individuals with developmental disabilities that will be useful in developing new strategies to reduce the incidence of crimes against those individuals.

"(b) ISSUES ADDRESSED.-The study conducted under this section shall address such issues as- "(1) the nature and extent of crimes against individuals with developmental disabilities;

"(2) the risk factors associated with victimization of individuals with developmental disabilities; "(3) the manner in which the justice system responds to crimes against individuals with developmental disabilities; and

"(4) the means by which States may establish and maintain a centralized computer database on the incidence of crimes against individuals with disabilities within a State.

"(c) NATIONAL ACADEMY OF SCIENCES.-In carrying out this section, the Attorney General shall consider contracting with the Committee on Law and Justice of the National Research Council of the National Academy of Sciences to provide research for the study conducted under this section.

"(d) REPORT.-Not later than 18 months after the date of enactment of this Act [Oct. 27, 1998], the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report describing the results of the study conducted under this section.

"SEC. 5. NATIONAL CRIME VICTIM'S SURVEY.

"Not later than 2 years after the date of enactment of this Act, as part of each National Crime Victim's Survey, the Attorney General shall include statistics relating to-
"(1) the nature of crimes against individuals with developmental disabilities;
and "(2) the specific characteristics of the victims of those crimes."

National Pretrial Reporting Program

Electronic Data Extract Guide
Courts

Prepared by

Cynthia G. Lee
National Center for State Courts
300 Newport Ave
Williamsburg, VA 23185

OMB Control Number: #### Expiration Date:####

Contents

Section	Page

1. National Pretrial Reporting Program Overview

The goal of the Bureau of Justice Statistics' (BJS) National Pretrial Reporting Program (NPRP) is to collect information on persons charged with felony cases in state courts, and to collect contextual data on those persons from case filing to case disposition and sentencing. The NPRP will collect case-level information on pretrial release and detention, financial and other conditions associated with pretrial release, and any failures to appear, technical violations, or new arrests that occur during pretrial release.

The project will be completed in several phases by RTI International, with support from project partners the National Center for State Courts (NCSC), the National Association of Pretrial Services Agencies (NAPSA), Applied Research Services (ARS), and Pragmatica, Inc. The first phase collected information from states and counties about the systems that may collect and store these data. Such systems included courts, local jails, and pretrial services agencies. Data capacity surveys were conducted with each agency in the largest 200 counties in the U.S. The surveys allowed RTI and BJS to identify the data providers, understand their systems capabilities, and identify variables that potentially could be used to link the data across agencies.

The remaining phases involve a staged data collection from the 75 largest counties, and a sample of 50 of the remaining 125 counties. RTI and BJS have developed a sampling plan to maximize responsiveness and data representativeness and minimize respondent burden and project costs.

2. Data Preparation Instructions

This section outlines how to prepare and submit your NPRP data extract submission.

2.1 Identifying Eligible Cases

Courts. Your submission should define a case as all charges involved in a single incident filed into your system in calendar year 2019. At least one of the charges must be a felony offense. If a case may include multiple defendants involved in a single incident, please note this in your documentation and contact the NPRP staff listed in Section 3.5. If your case management system defines a case in some other way, please contact the NPRP personnel listed in Section 3.5.

2.2 File Structure

BJS is interested in a person-case and following that person-case from arrest and booking into jail, through pretrial processing to court case outcomes. This is an individual- and case-level data collection. You can provide data in any format that is convenient for you, but we ask that you please provide supporting documentation, if available.

2.3 File Format

There is no required format for the data you submit; use whatever is most convenient for you. All file formats will be accepted. Some common file formats include:

- Text files (fixed width, delimited)

- Excel or .csv files

- Access database extracts

- SQL server database

- Data analysis software files (e.g., SAS, STATA, SPSS, or R data files)

The suggested coding classifications and value labels were developed to be as consistent as possible with the National Open Court Data Standards (NODS) and are provided in **Appendix**

A. You are not asked to recode or manipulate your data prior to submission. If you have questions about any of the data elements requested, please contact the persons listed on the cover of this guide. We recognize that systems vary in terms of the ability to store, extract, and share data, and we are prepared to assist you.

Data from your jurisdiction will ultimately be combined with data from up to 75 other counties to gain a robust perspective on pretrial case processing in the U.S. During the data standardization process, RTI and NCSC may be in contact with jurisdiction personnel to request clarification on data fields and meanings to ensure that all submitted data are processed correctly.

2.4 Supporting Documentation

If possible, we ask that you provide supporting documentation with your submission. Specifically, we request:

- Date range of the data (e.g., 01/01/2019 through 12/31/2019)

- Date that the data extract was pulled

- Data point of contact (POC) (i.e., name, organization, address, telephone, and email address)

- File format of the data extract

- Known data limitations or quality issues

   o Missing data:

      ▪ System-missing (requested data element is not available in the system)

Unit-missing (requested data element is available, but mostly blank or missing)
   o Other common data issues include

      ▪ Misspellings

      ▪ Redundancy or duplication (e.g., two date fields for one event)

- Data formatting information

   o Data dictionaries, including variable/column names, variable description, expected variable values

   o Any known discrepancies in the names of data elements in **Appendix A** and how your system labels the data elements

3. Data Submission Instructions

RTI will create a private, password-protected user account for each Data Point of Contact (Data POC) to upload data to Amazon Web Services (AWS) Simple Storage Service (S3). This AWS S3 storage location will only be accessible from designated network subnets. The Data POC will need to provide their subnet range or specific IP address from which they will be accessing AWS S3 from so the access control rules may be updated to grant access to the Data POC from their network. A free and easy way to discover your IP address is to go to https://www.iplocation.net/ Once data access has been set up, the Data POC will log into their private account to transfer the requested data to a secure central data storage system on AWS S3.

Data security note: All data are encrypted in transit to AWS and at rest within AWS (SSL in transit and AES 256-encryption at rest), complying with the FIPS 140-2 standard. The secure

AWS S3 repository will hold all raw data files received from the courts, jails, and pretrial services agencies until they are processed, linked, de-identified, and subsequently deleted by RTI data analysts. RTI controls access to the data storage system; all access to data resources will be logged, and the entire infrastructure will be reviewed and regularly scanned for vulnerabilities. The data storage system will be configured to deny public access by default, and we will use Amazon's Macie service to regularly scan and evaluate the security status of the storage. All RTI and NCSC staff granted access to data files (identified and deidentified files) will be required to sign a Staff Data Security Agreement. This pledge outlines staff responsibilities for protecting the confidentiality of all information identifiable to a private person that is collected during the project. The RTI Principal Investigator is responsible for maintaining up-to-date record of signed pledges.

3.1 Will the data be secure and kept confidential?

Consistent with its statutory obligations (34 U.S.C. § 10134), BJS only uses information collected under its authority for statistical or research purposes. Further, BJS is required by law to protect the confidentiality of all personally identifiable information (PII) it collects or acquires in conjunction with BJS-funded projects (34 U.S.C. § 10231), and must maintain the appropriate administrative, physical, and technical safeguards to protect the identifiable information against improper use or unauthorized disclosure. BJS will not use or reveal data identifiable to a private person, except as authorized under 28 CFR § 22.21 and § 22.22. The BJS Data Protection Guidelines summarize the federal laws, regulations, and other authorities that govern information acquired under BJS's authority, and are published on the BJS website: https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf. RTI and NCSC are required to adhere to these same requirements as a condition of funding.

3.1.1 Data Transmission

RTI and NCSC project staff will receive data sets in a secure manner via an encrypted AWS GovCloud S3 server, appropriate for files with PII. RTI will create a private, password-protected user account that relies on an email address and IP address for each agency to upload data to the AWS S3 storage location. This AWS S3 storage location will only be accessible for the email and IP address granted access to the server. Any data set(s) electronically transmitted to BJS will be over the DOJ's Office of Justice Programs (OJP) secure transfer site.

3.1.2 Data Storage and Access

The secure AWS S3 repository will hold all raw data files received from the agencies until they are processed, linked, and subsequently deleted by RTI. Once received and linked with other available records, raw data files will be stripped of PII and replaced with an anonymous identifier. RTI will retain a PII-anonymous identifier crosswalk in case a revised file is submitted later. This fille will be encrypted, password protected, and stored on a secure RTI server in the event the AWS S3 storage location is breached. Access to the S3 instance will be restricted to individuals with an identified business need. RTI controls access to the data storage system; all access to data resources will be logged, and the entire infrastructure will be reviewed and regularly scanned for vulnerabilities. PII is encrypted while in transit, and access to the data will be limited to those employees who have a need for such data and have signed a confidentiality pledge. The pledge includes an agreement to comply with all data security and human subjects' protection requirements.

3.1.1 Data Publication

BJS only publishes de-identified data at the aggregate level in its project findings, reports, data files, and other statistical products. BJS archives its published data and related data documentation (e.g., user guides) at the National Archive of Criminal Justice Data (NACJD),

located at the University of Michigan. To the extent practical, BJS removes, masks, or collapses direct and indirect identifiers prior to sending data to NACJD to protect confidentiality. NACJD takes additional precautions to protect confidentiality, including conducting a comprehensive disclosure risk review to determine the appropriate level of security that should be applied to the data. For more information on data requiring additional security protections, please see: https://www.icpsr.umich.edu/icpsrweb/content/NACJD/restricted.html.

We understand that your agency may have preexisting policies in place around data sharing, and we will work with your agency to meet any data transfer or agreement requirements you may have. While each of the identified data elements was selected to help fully understand the processing of case data, we recognize that not all data elements may be collected or readily available electronically for public use. Please notify us if you limit the amount or type of data you can release.

3.2 When is the submission due?

We ask that all participating agencies provide their data by ##/##/####. However, please reach out to the staff identified in Section 3.5 if you need additional time to submit your data.

3.3 What if I am unable to provide all the requested data?

We do not expect that any one organization has all of the data elements requested in Appendix A. Please provide those data elements that are available. If your agency does not collect any of the information in Appendix A, or if it would be too burdensome to provide the data, please contact the staff in section 3.5.

3.4 What happens after we submit the data?

RTI or NCSC will review the contents of the data files and conduct a series of checks to the data elements requested in the **Appendix A**. This should be completed within 2-4 weeks of submission. RTI or NCSC will then contact the Data POC to review and confirm the findings from the review. We may also have questions about variable values or labels, and will take all steps to understand your data submission.

3.5 Whom do I contact if I have questions?

Please reach out to Cynthia Lee (NCSC) at clee@ncsc.org or 757-259-1583 for questions or support in submitting your data to the AWS S3 server.

Appendix A:
Requested Data Elements, Definitions, and Standard Formats

The following series of tables includes the data elements for the NPRP. The name of the variable and the description provided should help you to locate a similar data element in your data management systems. We are also including a standard format, which is how we expect to standardize the data you submit.

Please contact any of the NCSC personnel listed in 3.5 if you have any questions about the following data elements.

Table 1. Case-level data

Name	Definition	Standard Formats
Court case number	Unique identifier for case	
Associated case number	Unique identifier for this case at another court level. Used for purposes of linking limited jurisdiction and general jurisdiction cases.	
First name	The defendant's first name	Text, character, string
Middle name (if available)	The defendant's middle name	Text, character, string
Last name	The defendant's last name	Text, character, string
State ID number	The defendant's unique, fingerprint-supported state identification number	
FBI Number	The unique identification number given by the Federal Bureau of Investigation's Interstate Identification Index to each offender (if available)	
Other personal identifiers if SID and FBI number are not available	If SID and FBI number are not available, please provide any other unique identifier assigned to a person, such as a Social Security Number or Driver's License Number. Please describe in data documentation	

Name	Definition	Standard Formats
Other system identifiers assigned to a person	Include any other unique identifiers that specify the individual in your data system. For example, booking ID, inmate ID, or client ID. Please describe in data documentation.	
Date of birth or age	The defendant's date of birth. If not available, defendant's age (and please include age at what reference period in the documentation. For example, age at arrest, age at booking, age at filing)	mm/dd/yyyy
Sex	The defendant's biological sex/sex assigned at birth	Male, Female, Other, Unknown
Race	The defendant's race	(OMB race categories if available) White, Black or African American, Asian, Native Hawaiian or Other Pacific Islander, American Indian or Alaska Native, Other, Unknown.
Ethnicity	The defendant's ethnicity	Hispanic or Latino; Not Hispanic or Latino; Unknown. If race and ethnicity are stored in the same field, please contact one of the persons listed in Section 3.5
Date of offense	Date the alleged offense occurred	mm/dd/yyyy
Date of arrest	Date the individual was arrested for the offense	mm/dd/yyyy
Date court case filed	Date the case was filed in court	mm/dd/yyyy
Date of initial appearance	Date the defendant first appeared before a judicial officer after arrest. Typically, this initial appearance determines whether the defendant will be detained or released. Please include in data documentation what occurs at the first appearance after arrest	mm/dd/yyyy

Name	Definition	Standard Formats
Attorney type at initial appearance	Type of attorney representing the defendant at initial appearance, if any	Public defender, assigned/appointed counsel, private counsel, attorney of unknown type, no attorney
Date of arraignment	Date the defendant was arraigned. Arraignment typically includes advising defendant of charges against them, advising them of rights, and requesting the defendant to enter a preliminary plea. Please include in data documentation what occurs at the arraignment	mm/dd/yyyy
Number of FTAs	Number of times defendant failed to appear in this case	Integer
Any FTA	Did defendant ever fail to appear in this case?	Y/N
Disposition date	Final disposition date for the case as a whole	mm/dd/yyyy
Attorney type at disposition	Type of attorney representing the defendant at disposition, if any	Public defender, assigned/appointed counsel, private counsel, attorney of unknown type, no attorney
Attorney type at sentencing	Type of attorney representing the defendant at sentencing, if any	Public defender, assigned/appointed counsel, private counsel, attorney of unknown type, no attorney

Table 2. Charges—one record per charge, multiple records permitted per case

Name	Definition	Standard Formats
Court case number	Unique identifier for case	
Charge number	Identifier for charge within case (e.g., sequence number)	
Charge filing date	Date on which the charge was filed with the court	mm/dd/yyyy
Filing Charge Statute/Ordinance Number	The statute/ordinance number that defines the alleged behavior as an offense	Numeric
Filing NCIC Code	The NCIC code associated with the charge at filing	Text/Numeric
Filing Charge Description	Description of the offense at filing	Text
Filing Charge Degree	Charge class severity/degree at filing. For inclusion in the NPRP, at least one of the filed charges must be a felony	Felony, gross misdemeanor, misdemeanor, violation
Filing Charge Degree Detailed	The specific class severity or degree provided by statute for each charge against the defendant	Text
Filing Charge Modifiers	The specific type of mitigator or enhancer associated the filed charge	Attempt Conspiracy Solicitation Domestic Violence Use of a weapon Other
Disposition Charge Statute/Ordinance Number	The state statute/ordinance number that defines the alleged behavior as a criminal offense for each disposed charge	Statute or ordinance number
Disposition NCIC Code	The NCIC code associated with the charge at disposition	NCIC code
Disposition Charge Description	Description of the offense at disposition	Text
Disposition Charge Degree	Charge class severity/degree at disposition	Felony Gross misdemeanor Misdemeanor

Name	Definition	Standard Formats
		Violation
Disposition Charge Degree Detailed	The specific class severity or degree provided by statutory laws for each disposed charge	Text
Disposition Charge Modifiers	The specific type of mitigator or enhancer associated the disposed charge	Attempt Conspiracy Solicitation Domestic Violence Use of a weapon Other
Charge Disposition Date	Date when the charge received a judgment or disposition	Date
Charge Manner of Disposition	The manner in which the charge was disposed	Jury Trial Bench Trial Non-Trial
Charge Disposition	The judgment or disposition entered by the court for the charge	Bindover/Transfer Conviction at trial Guilty plea Acquittal Entry into a problem-solving court docket Diversion (not to a problem-solving court docket) Continued without a finding Dismissed/Nolle Prosequi Other
Charge Sentencing Date	Date when the charge received a sentence	Date

Table 3. Pretrial risk assessment—one record per assessment, multiple records permitted per case

Name	Definition	Standard Formats
Court case number	Unique identifier for case	
Date of pretrial risk assessment	Date the pretrial risk assessment was ordered or conducted	mm/dd/yyyy
Pretrial risk assessment instrument	Type of pretrial risk assessment administered.	
Risk assessment score	The risk assessment category assigned to the defendant. Include description of scores in the data documentation	

Table 4. Pretrial release determinations—one record per event, multiple records permitted per case

Name	Definition	Standard Formats
Court case number	Unique identifier for case	
Pretrial release determination type	Type of event	e.g., Initial appearance, Bail review, Revocation hearing
Date of pretrial release determination	Date of event	mm/dd/yyyy
Type of bond set	If bond was set, what type of bond was ordered	Cash bail, other financial bail, property bond
Bond amount information	If court set a financial bond, the amount ordered	Number
Bond posted	Was bond posted?	Y/N
Date bond posted	Date bond posted	mm/dd/yyyy
Type of detention ordered	Reason the court detained the defendant	No bond, preventive detention, other
Type of release ordered	Type of bond or release ordered, if applicable. Please detail in data documentation the types of release available in your jurisdiction	Personal recognizance/ROR, percentage/secured bond, unsecured bond, cash bond, property bond, other

Name	Definition	Standard Formats
Conditions of release	Conditions the defendant must follow when released pretrial	Release to supervising agency, electronic monitoring/house arrest, drug/alcohol testing, no contact order, program compliance, Ignition interlock, other
Attorney type at pretrial release determination	Type of attorney representing the defendant at this event, if any	Public defender, assigned/appointed counsel, private counsel, attorney of unknown type, no attorney
Bond modifications or revocations	If the defendant incurs a new arrest or violation of pretrial supervision and receives a revocation or modification of bond	
Date of bond modification or revocation	The date the bond is modified or revoked	mm/dd/yyyy

Table 5. Sentencing—one record per sentence type per case or charge; multiple records permitted per case/charge; indicate whether provided at case or charge level

Name	Definition	Standard Formats
Court case number	Unique identifier for case	
Charge number	Identifier for charge within case (e.g., sequence number), if sentence recorded at charge level	
Sentence Type	Type of sentence the defendant was mandated to serve.	death penalty life in prison state prison jail lifetime supervision extended supervision/split sentence probation fine/monetary penalty restitution community service time served other
Sentence Length	Length of sentence imposed by the court, by term. Indicate units (years, months, days, etc.) in data documentation.	Numeric
Sentence Conditions	Additional conditions imposed at sentencing.	Text
Concurrent/ Consecutive Sentence Flag	Flag to indicate the sentence is to be served concurrently or consecutively.	Yes/No
Time Served Credit Length	Length of time (specify units) spent in pretrial detention that was credited toward the sentence the defendant was mandated to serve.	Numeric

Name	Definition	Standard Formats
Monetary Penalty Type	A type or category of obligation, e.g., fee, fine, damages, court costs, special funds, liquidated damages.	Fees Fines Damages Court costs Special Funds
Monetary Penalty Amount	Total dollar amount for each monetary penalty type	Currency
Restitution Amount	Dollar amount of restitution ordered	Currency
Alternative Fine Indicator	Was there a sanction or alternative to fine, such as community service	Yes/No

Electronic Data Extract Guide

Jails and Pretrial Services Agencies

Prepared by

Matthew DeMichele
Suzanne Strong
Milton Cahoon
RTI International
3040 E. Cornwallis Road
Research Triangle Park, NC 27709

Contents

1. National Pretrial Reporting Program Overview

The goal of the Bureau of Justice Statistics' (BJS) National Pretrial Reporting Program (NPRP) is to collect information on persons charged with felony cases in state courts, and to collect contextual data on those persons from case filing to case disposition and sentencing. The NPRP will collect case-level information on pretrial release and detention, financial and other conditions associated with pretrial release, and any failures to appear, technical violations, or new arrests that occur during pretrial release.

The project will be completed in several phases by RTI International, with support from project partners National Center for State Courts (NCSC), National Association of Pretrial Services Agencies (NAPSA), Applied Research Services (ARS), and Pragmatica, Inc. The first phase collected information from states and counties about the systems that may collect and store these data. Such systems included courts, local jails, and pretrial services agencies. Data capacity surveys were conducted with each agency in the largest 200 counties in the U.S. The surveys allowed RTI and BJS to identify the data providers, understand their systems capabilities, and identify variables that potentially could be used to link the data across agencies.

The remaining phases involve a staged data collection from the 75 largest counties, and a sample of 50 of the remaining 125 counties. RTI and BJS have developed a sampling plan to maximize responsiveness and data representativeness and minimize respondent burden and project costs.

2. Data Preparation Instructions

This section outlines how to prepare and submit your NPRP data extract submission.

2.1 Identifying Eligible Cases

Jails. Please include one record for each admission of an offender arrested for and booked into the jail for at least one felony charge in calendar year 2019. If the offender appears in a later admission with a felony charge, please include that as a separate admission. If your jail management system organizes bookings in some other way, please contact the NPRP staff listed in Section 3.5.

Pretrial services agencies. Please include one record for each defendant with at least one new felony charge filed in your system as a new case in calendar year 2019, even if that person was already a client. If you are unable to determine whether the charges included a felony at the opening of the case, please contact the NPRP staff listed in Section 3.5.

2.2 File Structure

BJS is interested in a person-case and following that person-case from arrest and booking into jail, through pretrial processing to court case outcomes. This is an individual- and case-level data collection. You can provide data in any format that is convenient for you, but we ask that you please provide supporting documentation, if available.

2.3 File Format

There is no required format for the data you submit; use whatever is most convenient for you. All file formats will be accepted. Some common file formats include:

- Text files (fixed width, delimited)
- Excel or .csv files
- Access database extracts
- SQL server database
- Data analysis software files (e.g., SAS, STATA, SPSS, or R data files)

The suggested coding classifications and value labels are provided in **Appendix A**. You are not asked to recode or manipulate your data prior to submission. If you have questions about any of the data elements requested, please contact the persons listed in Section 3.5. We recognize that systems vary in terms of the ability to store, extract, and share data, and we are prepared to assist you.

Appendix A is a guide as to how we expect to recode and standardize the data you submit so that jail, pretrial services, and court data all have similar formats. Additionally, data from your jurisdiction will be combined with data from up to 75 other counties to get a robust perspective of pretrial case processing in the U.S. During the data standardization process, RTI and NCSC may be in contact with jurisdiction personnel to request clarification on data fields and meanings to ensure that all submitted data are processed correctly.

2.4 Supporting Documentation

If possible, we ask that you provide supporting documentation with your submission. Specifically, we request:

- Date range of the data (e.g., 01/01/2019 through 12/31/2019)
- Date that the data extract was pulled
- Data point of contact (POC) (i.e., name, organization, address, telephone, and email address)

- File format of the data extract
- Known data limitations or quality issues
    - Missing data:
        - System-missing (requested data element is not available in the system)
        - Unit-missing (requested data element is available, but mostly blank or missing)
    - Other common data issues include
        - Misspellings
        - Redundancy or duplication (e.g., two date fields for one event)
- Data formatting information
    - Data dictionaries, including variable/column names, variable description, expected variable values
    - Any known discrepancies in the names of data elements in **Appendix A** and how your system labels the data elements

3. Data Submission Instructions

RTI will create a private, password-protected user account for each Data POC to upload data to Amazon Web Services (AWS) Simple Storage Service (S3). This AWS S3 storage location will only be accessible from designated network subnets. The Data POC will need to provide their subnet range or specific IP address from which they will be accessing AWS S3 from so the access control rules may be updated to grant access to the Data POC from their network. A free and easy way to discover your IP address is to go to https://www.iplocation.net/ Once data access has been set up, the Data POC will log into their private account to transfer the requested data to a secure central data storage system on AWS S3.

Data security note: All data are encrypted in transit to AWS and at rest within AWS (SSL in transit and AES 256-encryption at rest), complying with the FIPS 140-2 standard. The secure AWS S3 repository will hold all raw data files received from the courts, jails, and pretrial services agencies until they are processed, linked, de-identified, and subsequently deleted by RTI data analysts. RTI controls access to the data storage system; all access to data resources will be logged, and the entire infrastructure will be reviewed and regularly scanned for vulnerabilities. The data storage system will be configured to deny public access by default, and we will use Amazon's Macie service to regularly scan and evaluate the security status of the storage. All RTI and NCSC staff granted access to data files (identified and deidentified files) will be required to sign a Staff Data Security Agreement. This pledge

outlines staff responsibilities for protecting the confidentiality of all information identifiable to a private person that is collected during the project. The RTI Principal Investigator is responsible for maintaining up-to-date record of signed pledges.

3.1 Will the data be secure and kept confidential?

Consistent with its statutory obligations (34 U.S.C. § 10134), BJS only uses information collected under its authority for statistical or research purposes. Further, BJS is required by law to protect the confidentiality of all personally identifiable information (PII) it collects or acquires in conjunction with BJS-funded projects (34 U.S.C. § 10231), and must maintain the appropriate administrative, physical, and technical safeguards to protect the identifiable information against improper use or unauthorized disclosure. BJS will not use or reveal data identifiable to a private person, except as authorized under 28 CFR § 22.21 and § 22.22. The BJS Data Protection Guidelines summarize the federal laws, regulations, and other authorities that govern information acquired under BJS's authority, and are published on the BJS website: https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf. RTI and NCSC are required to adhere to these same requirements as a condition of funding.

3.1.1 Data Transmission

RTI and NCSC project staff will receive data sets in a secure manner via an encrypted AWS GovCloud S3 server, appropriate for files with PII. RTI will create a private, password-protected user account that relies on an email address and IP address for each agency to upload data to the AWS S3 storage location. This AWS S3 storage location will only be accessible for the email and IP address granted access to the server. Any data set(s) electronically transmitted to BJS will be over the DOJ's Office of Justice Programs (OJP) secure transfer site.

3.1.2 Data Storage and Access

The secure AWS S3 repository will hold all raw data files received from the agencies until they are processed, linked, and subsequently deleted by RTI. Once received and linked with other available records, raw data files will be stripped of PII and replaced with an anonymous identifier. RTI will retain a PII-anonymous identifier crosswalk in case a revised file is submitted later. This file will be encrypted, password protected, and stored on a secure RTI server in the event the AWS S3 storage location is breached. Access to the S3 instance will be restricted to individuals with an identified business need. RTI controls access to the data storage system; all access to data resources will be logged, and the

entire infrastructure will be reviewed and regularly scanned for vulnerabilities. PII is encrypted while in transit, and access to the data will be limited to those employees who have a need for such data and have signed a confidentiality pledge. The pledge includes an agreement to comply with all data security and human subjects' protection requirements.

3.1.3 Data Publication

BJS only publishes de-identified data at the aggregate level in its project findings, reports, data files, and other statistical products. BJS archives its published data and related data documentation (e.g., user guides) at the National Archive of Criminal Justice Data (NACJD), located at the University of Michigan. To the extent practical, BJS removes, masks, or collapses direct and indirect identifiers prior to sending data to NACJD to protect confidentiality. NACJD takes additional precautions to protect confidentiality, including conducting a comprehensive disclosure risk review to determine the appropriate level of security that should be applied to the data. For more information on data requiring additional security protections, please see:

https://www.icpsr.umich.edu/icpsrweb/content/NACJD/restricted.html.

We understand that your agency may have preexisting policies in place around data sharing, and we will work with your agency to meet any data transfer or agreement requirements you may have. While each of the identified data elements was selected to help fully understand the processing of case data, we recognize that not all data elements may be collected or readily available electronically for public use. Please notify us if you limit the amount or type of data you can release.

3.2 When is the submission due?

We ask that all participating agencies provide their data by ##/##/####. However, please reach out to the staff identified in Section 3.5 if you need additional time to submit your data.

3.3 What if I am unable to provide all the requested data?

The data extract guide is intended for use by pretrial services agencies and jails. We do not expect that any one organization has all of the data elements requested in Appendix A. If your agency does not collect any of the information in Appendix A, or it would be too burdensome to provide the data, please contact the staff in section 3.5.

3.4 What happens after we submit the data?

RTI or NCSC will review the contents of the data files and conduct a series of checks to the data elements requested in the **Appendix** A. This should be completed within 2-4 weeks of submission. RTI or NCSC will then contact the Data POC to review and confirm the findings from the review. We may also have questions about variable values or labels and will take all steps to understand your data submission.

3.5 Who do I contact if I have questions?

You may reach out to any of the following RTI staff members for questions or support in submitting your data:

- Marianne Ayers – NPRP Data Acquisition Support
    - o Email: mayers@rti.org
    - o Phone: 1-800-334-8571 (ext 23841)
- Milton Cahoon – NPRP Data Acquisition Lead
    - o Email: mcahoon@rti.org
    - o Phone: 1-800-334-8571 (ext 27161)
- Suzanne Strong – NPRP Project Director
    - o Email: sstrong@rti.org
    - o Phone: 1-800-334-8571 (ext #####)

Appendix A:
Requested Data Elements, Definitions, and Standard Formats

The following series of tables includes the data elements for the NPRP. The name of the variable and the description provided should help you to locate a similar data element in your data management systems. We are also including a standard format, which is how we expect to standardize the data you submit.

Please contact anyone in section 3.5 if you have any questions about the following data elements.

Table 2. Individual Identifiers and Demographic Data

Name	Definition	Standard Formats
First name	The individual's first name	Text, character, string
Middle name (if available)	The individual's middle name	Text, character, string
Last name	The individual's last name	Text, character, string
State ID number	The individual's unique, fingerprint-supported state identification number	
FBI Number	The unique identification number given by the Federal Bureau of Investigation's Interstate Identification Index to each offender (if available)	
Other personal identifiers if SID and FBI number are not available	If SID and FBI number are not available, please provide any other unique identifier assigned to a person, such as a Social Security Number or Driver's License Number	
Other system identifiers assigned to a **person**	Include any other unique identifiers that specify the individual in your data system. For example, booking ID, inmate ID, or client ID	

Name	Definition	Standard Formats
Date of birth or age	The individual's date of birth. If not available, individual's age (and please include age at what reference period in the documentation. For example, age at arrest, age at booking, age at filing)	mm/dd/yyyy
Sex	The individual's biological sex/sex assigned at birth	Male, Female, Other, Unknown
Race	The individual's race(s)	(OMB race categories) White, Black or African American, Asian, Native Hawaiian or Other Pacific Islander, American Indian or Alaska Native, Other, Unknown.
Ethnicity	The individual's ethnicity	(OMB ethnicity categories) Hispanic or Latino; Not Hispanic or Latino; Unknown

Table 2. Jail/Detention Information

Name	Definition	Standard Formats
Date of offense	Date the alleged offense occurred	mm/dd/yyyy
Date of arrest	Date the individual was arrested for the offense	mm/dd/yyyy
Arrest charge(s)	Arrest charges or the charges for which the person is incarcerated pretrial	State statute number, text description
Arrest charge level	The level of charges. For inclusion in NPRP, the individual should have at least one felony charge	Felony, Felony A, Misdemeanor, Misdemeanor II
Date of booking into facility for arrest charges	Date individual was booked into the jail for the arrest for the current case or charge	mm/dd/yyyy
Date of pretrial risk assessment(s)	Date the pretrial risk assessment conducted. If multiple assessments are conducted for one individual, please include all, with dates. Include description in data documentation	mm/dd/yyyy
Risk assessment score	The risk assessment category assigned to the defendant. If multiple scores are available for one individual, please include all. Please include a description of the risk assessment score in the data documentation	
Date bond set by court or other official	The date the bond was set by court, law enforcement, or other justice official	mm/dd/yyyy

Name	Definition	Standard Formats
Type of bond set	The type of bond specified by the court, law enforcement, or other justice official. Please include in the data documentation the types of bonds available and how they are recorded in your system	Cash, percentage, surety, property, personal recognizance, unspecified
Type of detention ordered	Court ordered no bond or no release. We would like to know if person is held because court ordered no bond as compared to a person held because a bond is ordered but not posted	No bond
Amount of bond	If a financial bond is ordered, include the bond amount	Numeric
Conditions of bond	Any conditions ordered for the bond. Please include in the data documentation the available bond conditions that are tracked in your system	No contact with victim, drug and alcohol testing, drug and alcohol treatment, curfew, maintain employment, other, etc
Date bond posted	If possible, the date the bond was posted	mm/dd/yyyy
Type of bond posted	If possible, the type of bond posted	Surety/bail bonds company, cash bond, property bond, other
Date of pretrial release from facility	Date individual was released from facility (pretrial). Please note in documentation if this date can be determined, or if there is only one field for any type of release	mm/dd/yyyy

Name	Definition	Standard Formats
Pretrial release reason	If offender was released pretrial, how offender was released	Posted bond, released on recognizance, transferred to house arrest/electronic monitoring, released to pretrial supervision
Date of final release from jail, or date defendant changed from pretrial status to sentenced/convicted status	The date the jail released or changed the status of the defendant after a final verdict was entered in the court case (e.g., conviction, dismissal)	mm/dd/yyyy

Table 3. Pretrial Supervision, Failures to Appear, New Arrests, and Technical Violations

Name	Definition	Standard Formats
Date agency began supervising client	The date the agency began supervision of the defendant	mm/dd/yyyy
Charges	If available, the defendant's charges. Please include in the documentation the source of the charges (e.g., arrest charges, court filing)	State statute number, text description
Charge level	If available, the level of charge. For inclusion in NPRP, the defendant should have at least one felony charge	Felony, Felony A, Misdemeanor, Misdemeanor II
Date of pretrial risk assessment(s)	Date the pretrial risk assessment conducted. If multiple assessments are conducted for one defendant, please include all, with dates. Include description in data documentation	mm/dd/yyyy
Risk assessment score	The risk assessment category assigned to the defendant. Please include a description of the risk assessment score in the data documentation	
Level of pretrial supervision	The level of supervision determined by the court or the supervising agency. These vary greatly; please include in the data documentation the method used to determine how intensely you monitor clients	

Name	Definition	Standard Formats
Conditions of supervision	Include all conditions of supervision ordered by the court. If possible, please list additional conditions added by your agency separately from those ordered by the court	In-person reporting, telephone reporting, home visits, curfew, other
Violation(s) of supervision	How the defendant violated supervision, if applicable. There should be one type of violation entered per occurrence. If a defendant incurs multiple violations on the same date, list each violation separately. Include the violations tracked by your agency in the data documentation	Fail to report, fail to comply, fail drug test, fail to appear, new arrest, other
Date(s) of violation of supervision	The date(s) the client violated supervision. If the date is for a failure to appear, please indicate the type of hearing missed, if possible	mm/dd/yyyy
Date supervising agent filed a violation report	Date the supervising agent reported the violation to the court or other administrative agency. Please provide data documentation about when and how these reports are filed	mm/dd/yyyy
Outcome of violation of supervision	Outcome of the violation	Continued on supervision, bail revoked
Date of violation of supervision outcome	Date pretrial release was revoked	mm/dd/yyyy
Date pretrial supervision ended	The date the agency stopped supervising the defendant	mm/dd/yyyy

Name	Definition	Standard Formats
Final outcome of supervision	Outcome of the pretrial supervision	Successful case closed, unsuccessful case closed, other

Table 4. Potential linking identifiers

Name	Definition	Standard Formats
Court case number	The court case number for the defendant	
Jail person identifier	The inmate id number for the jail	
Pretrial agency case number	The number assigned to the person or to the case under supervision	

Table 5. Manner of Disposition and Outcomes

Name	Definition	Standard Formats
Manner of disposition	Type of hearing for the disposition	Plea, court trial, jury trial, other
Type of disposition	Type of disposition for the case or charge	Nolle prosequi, dismissal, acquittal, not guilty, probation before judgment, guilty, Alford plea, no contest plea, other

Table 6. Sentencing

Name	Definition	Standard Formats
Total sentence to incarceration – type of facility	Type of facility ordered for the sentence	Prison, jail, other
Total length of incarceration	Length of the sentence to a facility. Please specify the unit of time for the sentence in the data documentation	Number (specify)
Sentence suspended	Whether any time of the sentence ordered is suspended. Please include detail in the data documentation	Y/N
Length of sentence suspended	Portion of the sentence that is suspended	Number (specify)
Credit for time served	Whether the defendant received credit for time served incarcerated pretrial. Please include in the documentation whether electronic monitoring or house arrest counts towards credit time	Y/N
Length of credit for time served	Length of time the defendant received credit for time served. Please include in the data documentation the unit of time	Number (specify)
Total sentence to probation	Indicator whether the defendant was sentenced to probation	Y/N

Name	Definition	Standard Formats
Total length of sentence to probation	Total length of time the defendant was sentenced to probation. Please specify the unit of time for the sentence in the data documentation	Number (specify)
Conditions of probation	Conditions imposed as part of probation	Counseling, drug treatment, drug testing, domestic violence program, anger management, other
Other sentence imposed	Indicator whether another sentence was imposed. Please include details about available sentence types in your data documentation (e.g., community service may be a type of sentence or part of a probation order)	Y/N
Length of other sentence imposed	Length of the other sentence ordered. Please specify the unit of time for the sentence in the data documentation	Number (specify)
Monetary sentence ordered	Court ordered fines as part of sentence. Please include detail in the data documentation how monetary fines are tracked	
Amount of monetary sentence ordered	Amount of the monetary sentence ordered	Number
Restitution	Whether restitution was ordered.	Y/N

Name	Definition	Standard Formats
Restitution	If available, was restitution to the victim or the state. Please include detail in the data documentation.	Victim, State
Court costs	Whether court costs were ordered to be paid by the defendant	Y/N

Attachment 3 – NPRP 60 Day Notice

DEPARTMENT OF JUSTICE

[OMB Number 1121-NEW]

Agency Information Collection Activities; Proposed Collection Comments Requested;

New collection: National Pretrial Reporting Program (NPRP)

AGENCY: Bureau of Justice Statistics, Department of Justice

ACTION: 60-day Notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice

Statistics (BJS), will be submitting the following information collection request to the Office of

Management and Budget (OMB) for review and approval in accordance with the Paperwork

Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until [**INSERT DATE 60

DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER**].

FOR FURTHER INFORMATION CONTACT:

If you have additional comments especially on the estimated public burden or associated

response time, suggestions, or need a copy of the proposed information collection instrument

with instructions or additional information, please contact Erica Grasmick, Statistician,

Prosecution and Judicial Statistics Unit, Bureau of Justice Statistics, 810 Seventh Street NW,

Washington, DC 20531 (email: Erica.Grasmick@usdoj.gov; telephone: 202-307-1402).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and

affected agencies concerning the proposed collection of information are encouraged. Your

comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper

    performance of the functions of the Bureau of Justice Statistics, including whether

    the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed

    collection of information, including the validity of the methodology and assumptions

    used;

- Evaluate whether and if so how the quality, utility, and clarity of the information to be

    collected can be enhanced; and

- Minimize the burden of the collection of information on those who are to respond,

    including through the use of appropriate automated, electronic, mechanical, or other

    technological collection techniques or other forms of information technology, e.g.,

    permitting electronic submission of responses.

Overview of this information collection:

1) *Type of Information Collection:* New collection.

2) *The Title of the Form/Collection:* The National Pretrial Reporting Program (NPRP).

3) *The agency form number, if any, and the applicable component of the Department
    sponsoring the collection*: The Data Extraction Guide is NPRP-1. The applicable

component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will be local general jurisdiction courts, jails and pretrial services agencies or their information technology (IT) staff. Among other responsibilities, the Bureau of Justice Statistics is charged with collecting data regarding the prosecution of crimes by state and federal offices. The NPRP will focus on the pretrial phase of felony case processing in large counties. This effort will collect information from jails, pretrial services agencies and general jurisdiction courts by requesting data extracts associated with felony filings from case management systems. A total of 125 of the largest 200 counties in the U.S. will be sampled with the top 75 counties sampled with certainty.

BJS will request complete case-level records from the 125 sampled counties and connect data files within jurisdictions through defendant identifiers. The files will then be linked to defendant criminal histories for a comprehensive data file on pretrial release and detention. BJS is requesting that the extracts include all felony cases filed in 2019. BJS is also requesting that the extracts include arrest charges, defendant demographics, pretrial release decisions, pretrial misconduct, case disposition and sentencing. Local jails, pretrial services agencies and courts can provide the data extracts in any format.

5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* BJS will send a data extraction guide to a total of 375 agencies within 125 jurisdictions (one court, one jail, and one pretrial service agency for each county). The expected burden placed on each agency is about 16

hours per agency for data extraction and 10 hours to explain any data

inconsistencies or to answer questions of the data collection team.

6) *An estimate of the total public burden (in hours) associated with the collection:* **The**

   total respondent burden is approximately 9,750 burden hours for the 375

   agencies.

If additional information is required contact: Melody Braswell, Department Clearance Officer,

United States Department of Justice, Justice Management Division, Policy and Planning Staff,

Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated:

Melody Braswell,

Department Clearance Officer for PRA,

U.S. Department of Justice.

Billing Code: 4410-18

Attachment 4 – NPRP 30 Day

DEPARTMENT OF JUSTICE

[OMB Number 1121-NEW]

Agency Information Collection Activities; Proposed Collection Comments Requested;

New collection: National Pretrial Reporting Program (NPRP)

AGENCY: Bureau of Justice Statistics, Department of Justice

ACTION: 30-day Notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice

Statistics (BJS), will be submitting the following information collection request to the Office of

Management and Budget (OMB) for review and approval in accordance with the Paperwork

Reduction Act of 1995. The proposed information collection was previously published in the

Federal Register Volume 87, Number 31, page 8607, on Tuesday, February 15, 2022, allowing

a 60-day comment period. Following publication of the 60-day notice, BJS received three

comments. The first comment recommended use of a specific technology as a means to ease

the burden on data providers. The second comment recommended the inclusion of people

charged with misdemeanors. BJS did not make these changes; BJS has technology suitable to

this data collection and misdemeanors would expand the scope of this data collection beyond

what BJS feels can be achieved in this iteration. The third comment suggested a focus on

electronic monitoring as a condition of release, which BJS feels the current data collection

adequately addresses.

DATES: Comments are encouraged and will be accepted for 30 days until [**INSERT DATE 60

DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER**].

FOR FURTHER INFORMATION CONTACT:

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review - Open for Public Comments" or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

1) *Type of Information Collection:* New collection.

2) *The Title of the Form/Collection:* The National Pretrial Reporting Program (NPRP).

3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection*: The Data Extraction Guide is NPRP-1. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will be local general jurisdiction courts, jails and pretrial services agencies or their information technology (IT) staff. Among other responsibilities, the Bureau of Justice Statistics is charged with collecting data regarding the prosecution of crimes by state and federal offices. The NPRP will focus on the pretrial phase of felony case processing in large counties. This effort will collect information from jails, pretrial services agencies and general jurisdiction courts by requesting data extracts associated with felony filings from case management systems. A total of 125 of the largest 200 counties in the U.S. will be sampled with the top 75 counties sampled with certainty.

BJS will request complete case-level records from the 125 sampled counties and connect data files within jurisdictions through defendant identifiers. The files will then be linked to defendant criminal histories for a comprehensive data file on pretrial release and detention. BJS is requesting that the extracts include all felony cases filed in 2019. BJS is also requesting that the extracts include arrest charges, defendant demographics, pretrial release decisions, pretrial misconduct, case

disposition and sentencing. Local jails, pretrial services agencies and courts can provide the data extracts in any format.

5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* BJS will send a data extraction guide to a total of 375 agencies within 125 jurisdictions (one court, one jail, and one pretrial service agency for each county). The expected burden placed on each agency is about 16 hours per agency for data extraction and 10 hours to explain any data inconsistencies or to answer questions of the data collection team.

6) *An estimate of the total public burden (in hours) associated with the collection: **The total respondent burden is approximately 9,750 burden hours for the 375 agencies.***

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated:

Melody Braswell,

Department Clearance Officer for PRA,

U.S. Department of Justice.

Billing Code: 4410-18

Attachment 5 – Introduction Letter

U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

[Date]

(NAME), (TITLE)
(AGENCYNAME)
(ADDR)
(CITY), (STATE) (ZIP)

Dear (NAME),

I am writing to request your participation in the **National Pretrial Reporting Program (NPRP)** collection, sponsored by the U.S. Department of Justice's Bureau of Justice Statistics (BJS). BJS administers NPRP to collect case-level data about pretrial processes associated with felony filings in 125 of the largest 200 counties.

NPRP will report aggregate pretrial information on defendants charged with felony offenses in state criminal courts by collecting data on all aspects of case processing from filing through case disposition. To do so, BJS will request data on defendants and their cases, including contextual information about the defendants and their cases, such as their criminal histories, new arrests while on pretrial release, failures to appear in court, and any other violations committed while on release.

In approximately one week, you will receive an invitation to participate in this data collection from BJS's NPRP data collection agent, RTI International (RTI). This request will include a data extract guide. BJS will request data extracts for all felonies filed between January 1, 2019 and December 31, 2019 in courts of general jurisdiction, pretrial services agencies, and jails. There are several ways to provide data, including an extract that follows our formatting request, an unformatted extract, or a complete extract of your data system. The data collected from agencies will be linked with data from other agencies within your jurisdiction and combined with data from other jurisdictions to provide a national picture of the pretrial processes and conduct, types of cases, demographics of defendants, and outcomes of cases.

BJS is authorized to conduct this data collection under 34 U.S.C. § 10132. By law, BJS employees and its data collection agents may only use your agency's information for statistical or research purposes and must protect the confidentiality of information identifiable to a private person (34 U.S.C. § 10231). BJS is not permitted to publicly release your agency's responses in a way that could reasonably identify a specific person.

Answers to frequently asked questions are attached to this email. If you have technical questions regarding NPRP data collection or need assistance with the data extract, please contact the RTI project team at nprp@rti.org or (919) 541-6922. If you have general comments about BJS or NPRP, please contact Erica Grasmick, BJS project manager at Erica.Grasmick@usdoj.gov or (202) 307-1402.

BJS appreciates your generous cooperation and partnership in supporting this important effort.

Sincerely,

Doris J. James
Acting Director

Attachment 5A – FAQs

BJS Bureau of Justice Statistics

Frequently Asked Questions

National Pretrial Reporting Program

APRIL 2022

NPRP
National Pretrial Reporting Program

What is the National Pretrial Reporting Program (NPRP)?

The Bureau of Justice Statistics (BJS) administers the NPRP to collect and report information on the pretrial case processing of defendants charged with felony offenses in state criminal courts, from case filing through disposition. BJS will collect data on defendant demographics, arrest, offense, and sentencing characteristics, pretrial release and detention status, failures to appear and other violations, and nature of dispositions of cases.

Why should my agency participate?

The NPRP provides important information to policymakers, practitioners, researchers, and the American public about the criminal case processing system in the United States. Your agency's participation is critical to ensure BJS captures accurate information.

How was my agency selected for this project?

All agencies in the largest 75 counties in the United States are requested to participate to promote statistical precision in computed estimates. An additional 50 jurisdictions were chosen via a stratified random sample drawn from the remaining 125 of the largest 200 counties in the United States. As this is a scientific study, your agency's participation will represent your agency while supporting BJS's efforts to generate estimates representative of the nation's 200 most populous counties.

How will BJS protect my agency's data?

BJS will protect the privacy and confidentiality of the data your agency provides to the fullest extent under federal law (34 U.S.C. § 10231 and 28 C.F.R.

Part 22). Any person who violates these provisions may be punished by a fine of up to $10,000, plus other penalties. Per the Federal Cybersecurity Enhancement Act of 2015, your data are further protected from cybersecurity risks through screening of the systems that transmit BJS data. More information about the various authorities that govern BJS data is available in the BJS Data Protection Guidelines on the BJS website.

How will BJS use my agency's data?

By law, BJS may only use the data your agency provides for statistical or research purposes (34 U.S.C. § 10134). BJS is not permitted to publicly release your agency's responses in a way that could reasonably identify a specific private person. This collection provides key information on many topics related to criminal case processing and contextual information about defendants. BJS will publish aggregate-level NPRP data in statistical reports, tables, and charts. Examples of BJS statistical products are available at bjs.ojp.gov.

Consistent with its statistical mission, BJS will make NPRP data available for secondary analysis purposes, subject to strong confidentiality protections and applicable federal law. BJS archives its published data at its official criminal justice data archive, currently the National Archive of Criminal Justice Data (NACJD), to facilitate and encourage criminal justice research. BJS and its archive operate strict controls and apply robust safeguards to protect respondent confidentiality and mitigate potential privacy risks. More information about BJS's archive is available on the NACJD website at https://www.icpsr.umich.edu/web/pages/NACJD/index.html.

Does my agency have to participate?

Your agency's participation is completely voluntary. There is no penalty if you choose not to participate, or you may omit any data fields you do not wish to provide. This collection has been approved by the Office of Management and Budget (OMB #: 1121-XXXX; Exp. Date: XX/XX/20XX).

Who will collect my agency's data?

BJS is authorized by law to conduct this data collection (34 U.S.C. § 10132). BJS awarded funds to the RTI Research Triangle (RTI) to operate as BJS's data collection agent and administer the NPRP survey under BJS's direction. As a condition of funding, RTI is required to comply with all applicable federal laws related to data use, confidentiality, and security.

Whom can I contact with questions?

Erica Grasmick, NPRP Project Manager
Bureau of Justice Statistics
202-307-1402 | Erica.Grasmick@usdoj.gov

RTI project team
RTI International
919-541-6922 | nprp@rti.org

Matthew DeMichele, NPRP Principal Investigator
RTI International
919-541-6452 | mdemichele@rti.org

Cynthia Lee, NPRP Project Manager
National Center for State Courts
757-259-1583 | clee@ncsc.org

Jim Sawyer, NPRP Project Manager
National Association of Pretrial Service Agencies
202-957-4250 | Execdirector@napsa.org

56

Attachment 6 – Request for Data

6a. RTI/NCSC Data Contact Outreach – EMAIL or MAIL Request with prior indication in data capacity interview that they may participate.

Dear NAME,

Thank you for your interest in providing data for the National Pretrial Reporting Program (NPRP) from the U.S. Department of Justice, Bureau of Justice Statistics (BJS). BJS has partnered with RTI International (RTI), with support from the National Center for State Courts and National Association of Pretrial Services Agencies, for this case-level data collection for felony criminal cases from filing to disposition, focusing on pretrial release and detention.

We are reaching out to your [AGENCY/COUNTY/CENTRAL DATA AGENCY] to request your participation in this effort. We have attached a project information flyer and Data Extraction Guide to this email. Please respond to this email or call me to discuss your participation in NPRP by [DATE], and please do not hesitate to contact me with any questions or concerns.

Thank you for your time,

Milton Cahoon   **Cynthia Lee**
Research Survey Scientist   Principal Court Research Associate
RTI International   National Center for State Courts

6b. RTI/NCSC Data Contact Outreach – EMAIL or MAIL Request with no prior contact or refusal to participate in data capacity interview

Dear NAME,

About a week ago, the U.S. Department of Justice, Bureau of Justice Statistics (BJS) sent a [mailed or emailed] announcement to [Primary Court, Jail, or Pretrial Services Agency Contact] about the National Pretrial Reporting Program (NPRP). BJS has partnered with RTI International (RTI), with support from the National Center for State Courts and National Association of Pretrial Services Agencies, for this case-level data collection for felony criminal cases from filing to disposition, focusing on pretrial release and detention.

We are reaching out to your [AGENCY/COUNTY/CENTRAL DATA AGENCY] to request your participation in this effort. We have attached a project information flyer, the BJS Data Use Agreement (DUA), and Data Extraction Guide to this email. Please respond to this email or call me to discuss your participation in the NPRP by [DATE], and please do not hesitate to contact me with any questions or concerns.

Thank you for your time,

Milton Cahoon   **Cynthia Lee**
Research Survey Scientist   Principal Court Research Associate

6c. Data Transfer Protocol

<div align="center">

National Pretrial Reporting Program (NPRP):

Data Transfer Protocol

</div>

This data transfer protocol describes data transmission procedures to be followed by RTI International (RTI) Project Director, Suzanne Strong, and Data Manager, Milton Cahoon, for the U.S. Department of Justice, Bureau of Justice Statistics (BJS)'s National Pretrial Reporting Program (NPRP). The protocol also describes data storage and preparation procedures (e.g., deidentification) that RTI will follow. These procedures align with BJS's Data Protection Guidelines.

Research Data

The data to be obtained and analyzed are records related to individuals with cases filed in court with at least one felony charge at case filing:

- **For courts, please provide criminal cases filed with at least one felony charge between January 1, 2019 and December 31, 2019.** If possible, we would like to follow those cases through to the final disposition or outcome of the case**.**
- **For jails, please provide booking information for all persons booked into jail for an arrest with at least one felony charge between January 1, 2019 and December 31, 2019.** We can accept all bookings during that timeframe and select the cases that match our data definitions.
- **For pretrial services agencies, please provide referral information for all persons referred to your office for supervision with at least one felony charge between January 1, 2019 and December 31, 2019.** We can accept all referrals to your agency during that timeframe and select the cases that match our data definitions.

The data requested for jails, courts, and pretrial services agencies are outlined in a separate data extraction guide. **If you do not yet have a copy of the data extract guide, please email nprp@rti.org and we will send it to you.**

The RTI Data Management Team, led by NPRP Data Manager Milton Cahoon, will oversee the acquisition and processing of data provided by each county or state agency. These responsibilities include, but are not limited to, preparation needed to transfer data and merge/link, clean, and prepare analytic data files. The Data Management team will develop quality control procedures for updating data files as additional data are received from each site.

NCSC will manage the transfer of court data using the RTI Amazon Web Services (AWS) GovCloud, which is described further in the next sections. NCSC will have access to the AWS and will process the data before passing them to RTI to link to jail and pretrial services agencies in the same county (or state, in the cases where state repositories provide data on behalf of the counties).

Data Transmission Procedure

Once the BJS Data Protection Guidelines have been reviewed with the site's Data Point of Contact (POC), the POC may begin transmitting the requested data:

- The Data Management Team will create a private, password-protected user account for each Data POC to upload data to AWS GovCloud S3 storage or secure server. This AWS GovCloud storage location will only be accessible from designated network subnets.
- The Data POC will provide their subnet range or specific IP address from which they will be accessing AWS GovCloud so the access control rules may be updated to grant access to the Data POC from their network.

<div align="center">58</div>

- Once data access has been set up, the Data POC will log into their private account to transfer requested data to a secure central data storage system on AWS GovCloud.

Data security note: All data are encrypted in transit to AWS and at rest within AWS (SSL in transit and AES 256-encryption at rest), complying with the FIPS 140-2 standard. The secure AWS GovCloud S3 repository will hold all raw data files received from your county or agency until they are processed and subsequently deleted by the Data Management Team. The Data Management Team controls access to the data storage system; all access to data resources will be logged, and the entire infrastructure will be reviewed and regularly scanned for vulnerabilities by RTI's security team.

Process to Acquire Access to AWS

1. **Email Milton Cahoon or Suzanne Strong at nprp@rti.org with your preferred email address for the username and your IP address/subnet range.** The username for the account will be the email address you provided.
2. **RTI will then set up your private account link.**
   a. You must access the link from the IP address/subnet range that you provided to RTI.
   b. Use Chrome or Firefox to link to AWS. Avoid using Internet Explorer.
3. **RTI will set up a temporary password when we set up your private account link.** We will send the password in a separate email from the account link.
   a. At initial login, you will be prompted to change the initial password. AWS requires a strong password consisting of a minimum of 12 characters with at least one of each: special character, number, uppercase letter, lowercase letter (e.g., #NPRPisgood4me).
   b. If you forget your password or need to reset it for any reason, please contact Milton Cahoon or nprp@rti.org.
4. **The provided URL will automatically direct your web browser to the AWS GovCloud S3 landing page where data may be uploaded.** Click the Upload button and follow the instructions presented in the popup window.

If you encounter any difficulties with firewalls or data transfer, RTI will work with you to establish a secure file transfer protocol (SFTP), using either RTI's SFTP or your agency's SFTP.

Post-Transmission Procedures at RTI

AWS notifies the Data Management Team that a file is uploaded, and RTI will begin working on your data. The files will be stored on the secure AWS for data cleaning, processing, and linking. Please note that personal identifiers cannot be stripped from the file until the files are linked between courts, jails, and pretrial services agencies. Once that happens, the Data Management Team will create a crosswalk for the personal identifier to the unique study identifier and remove the personal identifiers. The crosswalk and de-identified file will not be stored on the same server at any time.

> **Data security note: Personal identifying information stripped from files will be stored in an encrypted workspace (AES 256-encryption and FIPS 140-2 validated) on RTI's private network. Access to the workspace is limited to the Project Director, Data Manager, Data Analyst, and the NCSC Data Analyst. The Principal Investigator may also choose to access the files to review for compliance with the study protocols.**

From the site-provided files, the Data Management Team will create deidentified analysis files that contain "raw" data elements (e.g., arrest dates, pretrial release dates, conviction dates), as well as summary variables (e.g., number and type of charges, length of pretrial detention).

Data security note: Since individuals are identified by a study ID in the de-identified files, the analysis files will not contain any personally identifiable information; individual cases will be identified only by a study ID.

RTI will conduct analyses using computational resources available through AWS. Like access to the secure data storage environment, the Data Management Team will manage access to the computing environments.

No information pertaining to a single individual will be released. BJS expects that findings include aggregate descriptive statistics, model coefficients, and results of statistical tests for accuracy and bias.

As required by BJS, RTI will produce a de-identified public use file to be archived with the National Archive of Criminal Justice Data (NACJD, https://www.icpsr.umich.edu/web/pages/NACJD/index.html). BJS expects that the data will be stored under some access restrictions, such that persons requesting the data will have to file an application with some description of their proposed research. Data will be de-identified such that no individual person can be identified in the archive file.

Do you have questions or comments?
Please contact NPRP Data Manager Milton Cahoon directly at mcahoon@rti.org,
or our project email nprp@rti.org

Attachment 7 – Initial Follow-up Script: Email, phone, and voicemail

Email

Dear (NAME),

I am reaching out on behalf of the Bureau of Justice Statistics, RTI International (RTI), and National Center for State Courts (NCSC) to follow up on a data request for the National Pretrial Reporting Program sent on [DATE]. We have not received a response and would like to know how to support you in the data extraction process. If you have any questions about the data extraction guide or data transfer protocols, please do not hesitate to contact me via any of the methods listed below. Thank you in advance for the work you do, and for your willingness to participate in this very important data collection.

Sincerely,

[NAME]

[RTI or NCSC signature]

[Phone & Email]

Phone Voicemail and Script

Hello (NAME). My name is (NAME) from [RTI International / the National Center for State Courts]. I'm calling on behalf of the U.S. Department of Justice, Bureau of Justice Statistics regarding the National Pretrial Reporting Program. We sent a data request on [DATE] and have not yet received a response.
[VOICEMAIL: Please call me back at your earliest convenience at PHONE or email me at EMAIL so I can answer any questions or provide support in your efforts. Thank you for your interest in the NPRP].

I am calling you today to confirm that you have everything you need to consider and process the data extract request.

Have you received:

Initial contact email?

Project Information Flyer?

Data Extraction Guide?

Is the data request still under review, or have any decisions been made?

    Record response

Is there anything we can do to support you with the data extraction or transfer?

    Record response

Do you have any questions about the NPRP or your participation?

      YES – Record questions and answers

      NO – Thank you for your participation, and we hope to hear from you soon.

Attachment 8 – Secondary Follow-up scripts

8a. Additional follow-up scripts – Email, phone, and voicemail

Script may be modified by NCSC, NAPSA, or BJS, depending on professional relationship with the organization.

Email

Dear (NAME),

I am reaching out on behalf of the [Bureau of Justice Statistics / RTI International / National Center for State Courts / National Association for Pretrial Services Agencies] for the National Pretrial Reporting Program (NPRP). We sent a data request on [DATE] and [EMAILED/CALLED] on [DATE]. We have not received a response and would like to know how to support you in the data extraction process.

BJS has not collected data on pretrial case processing since 2009 under the State Court Processing Statistics. NPRP expands this collection to include data from courts, jails, and pretrial services agencies. You can see the types of information NPRP will provide at https://bjs.ojp.gov/data-collection/state-court-processing-statistics-scps

Your participation is voluntary, and we thank you in advance for your contribution to this important study. By submitting data by [DATE], the study will be able to provide comprehensive and accurate data on pretrial case processing in county courts, jails, and pretrial services agencies.

If you have any questions about the data extraction guide or data transfer protocols, please do not hesitate to contact me via any of the methods listed below.

Sincerely,

[NAME]

[RTI or NCSC signature]

[Phone & Email]

Phone Voicemail and Script

Hello (NAME). My name is (NAME) from [RTI International / the National Center for State Courts]. I'm calling on behalf of the U.S. Department of Justice, Bureau of Justice Statistics regarding the National Pretrial Reporting Program. We sent a data request on [DATE], [EMAILED/CALLED] you on [DATE] and have not yet received a response.

[VOICEMAIL: Please call me back at your earliest convenience at PHONE or email me at EMAIL so I can answer any questions or provide support in your efforts. Thank you for your interest in the NPRP].

I am calling you today to confirm that you have everything you need to consider and process the data extract request.

Have you received:

Initial contact email?
Project Information Flyer?

Data Extraction Guide?

Is the data request still under review, or have any decisions been made?

    Record response

Is there anything we can do to support you with the data extraction or transfer?

    Record response

Do you have any questions about the NPRP or your participation?

    YES – Record questions and answers

    NO – Thank you for your participation, and we hope to hear from you soon.

8b. Assess refusals and nonresponders – Email, phone, and voicemail for consistent nonresponders.

Email

Dear (NAME),

I am reaching out on behalf of the Bureau of Justice Statistics, RTI International (RTI), and National Center for State Courts (NCSC) for the National Pretrial Reporting Program. We have attempted to contact you [X] times by phone and email and have not received a response.

We realize the demands on your time, but your participation in this important data collection is critical to providing the most complete picture of pretrial case processing by courts, jails, and pretrial services agencies. For your convenience, the data extraction guide is attached. You can submit the data in any format, and we can work with you to ensure a secure data transfer.

Thank you in advance for the work you do and for your willingness to participate in this very important data collection.

Sincerely,

[NAME]

[RTI or NCSC signature]

[Phone & Email]

Phone Voicemail and Script

Hello [NAME]. My name is [NAME] from [RTI International / the National Center for State Courts]. I'm calling on behalf of the U.S. Department of Justice, Bureau of Justice Statistics regarding the National Pretrial Reporting Program. We have emailed or called you [X] times and have not yet received a response.

[VOICEMAIL: Please call me back at your earliest convenience at PHONE or email me at EMAIL so I can answer any questions or provide support in your efforts. Thank you for your interest in NPRP].

I am calling you today to confirm that you have everything you need to consider and process the data extract request.

Have you received:

Initial contact email?

Project Information Flyer?

Data Extraction Guide?

Is the data request still under review, or have any decisions been made?

Record response

Is there anything we can do to support you with the data extraction or transfer?

Record response

Do you have any questions about the NPRP or your participation?

YES – Record questions and answers

NO – Thank you for your participation, and we hope to hear from you soon.

8c. Data questions that arise while cleaning – Email, phone, and voicemail

Email

Dear [NAME],

My name is [NAME] and I am your data contact from [RTI International/National Center for State Courts]. I am emailing to confirm receipt of your data for the Bureau of Justice Statistics' National Pretrial Reporting Program and to clarify a few questions about the [DATA/DATA FIELDS/ VALUES].

[LIST OF QUESTIONS].

If a phone conversation would be easier, please feel free to contact me and we can set up a time to meet.

[PROVIDE ESTIMATE OF AMOUNT OF TIME BASED ON NUMBER OF QUESTIONS]

Kind regards,

[NAME]

[RTI or NCSC signature]

[Phone & Email]

Phone Voicemail and Script

Hello [NAME]. My name is [NAME] from [RTI International / the National Center for State Courts]. I'm calling on behalf of the U.S. Department of Justice, Bureau of Justice Statistics regarding the National Pretrial Reporting Program. I would like to confirm successful receipt of your data and would like to ask a few questions about [DATA/DATA FIELDS/DATA VALUES].

[VOICEMAIL: Please call me back at your earliest convenience at PHONE or email me at EMAIL so we can resolve these issues. Thank you again for providing data for NPRP].

Is this a good time to discuss the data questions? [PROVIDE ESTIMATE OF AMOUNT OF TIME BASED ON NUMBER OF QUESTIONS]

No – set time to reschedule

Yes - proceed
[LIST OF QUESTIONS]

Thank you again. I may need to contact you again regarding data processing. Would you prefer me to email or phone?

Thank you for supporting NPRP.

Attachment 9 – BJS Final Follow-up Script
9a. BJS Final Follow-Up

Email

Dear _____,

As you may recall from prior contacts, the Bureau of Justice Statistics partnered with RTI International (RTI), and the National Center for State Courts (NCSC) to collect felony case-level data for the National Pretrial Reporting Program (NPRP). We submitted a data request on [DATE] and followed up with you on [DATE]. BJS, RTI and NCSC will handle, use, and protect your data in accordance with the authorities described in the BJS Data Protection Guidelines. If these guidelines do not cover your agency's specific data provision requirements, BJS is happy to talk with you to discuss next steps.

Should you have any questions, need additional information about NPRP project or data request, or need our support in any other way, please do not hesitate to contact me via any means listed below. We thank you in advance for your participation in this very important national study.

Sincerely,

Erica Grasmick
Project Manager, National Pretrial Reporting Program
[BJS Signature]

9b. Phone Script

Hello, my name is Erica Grasmick from the Bureau of Justice Statistics at the Department of Justice. Our partners at the [National Center for State Courts/RTI] reached out to you about participating in the National Pretrial Reporting Program project on [DATE] and followed up on [DATE]. I am calling to confirm that we have submitted everything necessary for you to review our data request.

- *Do you have everything you need from us?*
    - **Yes:** Are there any ways we can help your jurisdiction?
        - **Agree to participate:** Thank you very much for your time and participation. Is there a good time for us to reach back out to check in with you on this request?
        - **Refuse to participate:** Thank you very much for your time. We understand that your jurisdiction may not be able to fulfill our request at this time. As the NPRP data are expected to be nationally representative, it is very important that every invited jurisdiction participate in order to develop national statistics. If your jurisdiction is able to participate at a later date, please do not hesitate to reach out to us.
    - **No:** *Identify what needs are not yet met*
        - Thank you very much for your time. We will make sure that we get you those materials/that support by [DATE] (record what jurisdiction needs).

Attachment 10 – Confirm Data Script

RTI will map data (NCSC will do initial pass, RTI will take over, so no need for NCSC to send this email)

Email

Dear (NAME),

I am reaching out on behalf of the Bureau of Justice Statistics and RTI International (RTI) for the National Pretrial Reporting Program. We have finished mapping your data to our standardized set of definitions.

We would like to provide you with a copy of the mapped data for you to review and ensure that we mapped your data correctly. The data do not include any personally identifiable information, so we can transfer it via email or SFTP, whichever you prefer.

We will reach out to you in about two weeks to check on your progress. If you are finished earlier, please send us any comments and corrections.

Thank you again,

[NAME]

[RTI signature]

[Phone & Email]

Attachment 11 – Thank you

Email

Dear NAME,

On behalf of the Bureau of Justice Statistics (BJS), RTI International (RTI), the National Center for State Courts (NCSC) and the National Association of Pretrial Service Agencies (NAPSA), I would like to thank you for your participation in the **National Pretrial Reporting Program (NPRP)**. I truly appreciate your support, and the efforts of <<ANY ADDITIONAL PERSONS EXTRACTING DATA>> for providing the data extract, as it is vital to the success of this collection.

This letter confirms that we have processed the data you provided, and the data are ready for inclusion in our analysis file. We anticipate that the report, *Felony Defendants in Large Urban Counties, 2019* (working title), will be published in the fall of 2024. The report will be available on our website https://bjs.ojp.gov/ .

If you have questions or updates to the contact information for you or your agency, you may contact the RTI team at [(919) 541-6922] or by email at NPRP@rti.org. You may also contact me at (202) 307-1402 or Erica.Grasmick@usdoj.gov.

Sincerely,

Erica Grasmick
Project Manager, National Pretrial Reporting Program
[BJS Signature]

Attachment 12 – Closing Script
12a. Notification that Data Collection is Closing

Closing:

Email

Dear (NAME)

I am reaching out regarding the National Pretrial Reporting Program (NPRP). We are closing the data collection next month (ON DATE for second notification that will be sent the week prior), and we have not received a data file from you.

(FIRST EMAIL, MONTH PRIOR): For your convenience, the data extraction guide is attached to this email. Your response is vital to this important data collection about how courts, jails, and pretrial services agencies process pretrial defendants. Please call or email me to discuss any questions about the NPRP, the data request, or the secure file transfer options.

We would like to remind you that participation in the NPRP is voluntary, but your contribution to the collection is vital to provide a more accurate description of pretrial release and detention in large urban counties in the United States.

(SECOND EMAIL, WEEK PRIOR). If you have not yet already, please upload your data before [DATE]. If you need assistance with the file transfer or have any questions, please call or email me as soon as possible.

Sincerely,

Erica Grasmick
Project Manager, National Pretrial Reporting Program
[BJS signature]

12b. Notification that Data Collection is Closed

Closed:

Email

Dear (NAME),

I am reaching out on behalf of the Bureau of Justice Statistics and RTI International (RTI) for the National Pretrial Reporting Program. We are closing the data collection on [DATE].

We appreciate your consideration of the data request and hope to work with your agency on future data collections.

Kind regards,

[NAME]

[RTI signature]

[Phone & Email]

Attachment 13 – Tyler Technologies Comments

Executive Summary

Tyler Technologies, Inc. is pleased to provide comments in response to the US Department of Justice (DOJ) Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS) posting to the Federal Register (FR Doc. 2022-03149) regarding the data collection request to the Office of Management and Budget (OMB) for the National Pretrial Reporting Program (NPRP) (The Data Extraction Guide NPRP-1).

At Tyler Technologies (Tyler), our mission is to empower the public sector to create smarter, safer, and stronger communities. As a software provider focused exclusively on the public sector, Tyler builds transformative technologies that modernize and digitize government operations, promoting Open Data, transparency, evidence-based decisions, and citizen engagement. Tyler has many years of experience and familiarity with courts and criminal justice data at state and local levels. The Data and Insights Division (Tyler D&I) focuses on enabling governments to use data as a strategic asset in the design, management, and delivery of programs. We also enable automation, data quality, and information sharing standards for all customers and stakeholders. Our data solutions enable public sector leaders to connect not just systems, but stakeholders within and outside their organization, including across jurisdictions.

Tyler D&I already partners with BJS on an enterprise data platform solution, OJP calls the Data Management Reporting and Analytics (DMRA). The DMRA platform and tools support mission critical functions of managing data as a strategic asset within DOJ. The DMRA allows all OJP program offices increased data value by providing data sharing infrastructure including a data catalog of shared assets, scalable analysis, collaborative workspaces, visualization capabilities, and access to data ingress and data automation for internal and public-facing platforms. Using the tools and platform would extend the value of the DMRA and further allow BJS to provide consumable information for internal and external users.

Tyler D&I is incredibly proud of our strong partnership with DOJ and the excellent performance and results that we have achieved together. We deeply value our partnership and look forward to further supporting the ongoing expansion of DOJ BJS's data program.

We look forward to the opportunity to speak with you further about this effort within BJS.

Comments to Supplementary Information

Tyler Technologies, Inc. understands the purpose of this announcement is to comment on BJS's request of collecting and sampling pretrial information from courts, jails and pretrial service agencies data filed in 2019. Tyler provides the digital infrastructure that connect cities, counties, state, and federal government services to give agencies the ability to share data and insights across departments, jurisdictions, and geographic boundaries.

Individual Points from the Federal Register Posting

Practical Utility

BJS could use the information collected in a number of aggregate ways related to their mission of being

the primary statistical agency of the DOJ, collecting, analyzing, publishing, and disseminating information on crime and operations of the justice system. One example would be that the pretrial information collected could be used internally in establishing metrics and evaluations of grants. The data could then be analyzed and shared with the public, to provide further insights when coupled with other publicly available reference data sets, that Tyler has already supported and made available within the DMRA. The process outlined for use with NPRP could be further leveraged for other programs, establishing standard operating procedures for sharing data across jurisdictional boundaries.

Estimate of Burden and Validity of Methodology and Assumptions
BJS estimates an approximate total of 9,750 hours from 375 agencies, breaking this down further to about 16 hours for data extraction and 10 hours to explain inconsistencies or questions from each collection result. BJS is willing to accept data in any format provided by agencies.

Tyler suggests that this burden could be reduced in the following ways:
- Use the DMRA currently in place at OJP, as the data portal to share datasets and assets securely with data ingestion automation built into the platform;
- Use the DMRA tooling to help evaluate, clean and transform data received;
- Create and use metadata standards to organize and structure incoming data;
- Develop a standard for submission format working with partners like Tyler - who provides the software for the majority of court systems in the US at the state and local level; and who have experience with cross jurisdictional pre-trial data.

Quality, Utility, and Clarity of Information
Tyler has experience standardizing information collection and ultimately enhancing analysis, standardization and sharing data across federal, state, and local government agencies. In working with OJP, implementing the DMRA, Tyler has worked closely as a subject matter expert in building data sharing and aggregation programs. Tyler is vested in connecting communities and collaboration. There could be additional opportunities to evaluate existing open data sources of pretrial data to supplement or gain insights while developing this request. BJS could leverage lessons learned from current projects Tyler has underway to increase the quality, utility and clarity of the pretrial data being sought.

Minimize the Burden by Using Information Technology
As noted, using the DMRA in this data collection request would significantly support BJS and the NPRP. It could permit electronic submission of responses from the counties. It could leverage publicly available information and facilitate collaborative data analysis, dashboards, and visualization. Department and geographic information silos could be broken down and the overall process simplified using the information technology currently available.

Attachment 14 – Legal Rights Center Comments

Erica,

Below is my comment regarding the NPRP.

The proposed data collection has enormous value and practical utility. The program proposes to gather data that will help illuminate the relationship between various pretrial decisions and related outcomes. For example, the data collected can be used to establish relationships between risk assessment score and bail amounts or number of days in pretrial detention and case outcome. It can also illustrate the racial and ethnic disparities in pretrial decision-making and show how those disparities ripple through the remainder of the case. While the program would be enhanced by tracking data about misdemeanor and gross misdemeanor charges, a focus on felonies along will still produce valuable information for governments, courts, and advocates working for more equitable practices in pretrial decision-making.

Thank you!

Anna Hall (she/ella)
Attorney & Equal Justice Works Fellow
Sponsored by Thomson Reuters and an anonymous donor
Legal Rights Center
1611 Park Avenue South
Minneapolis, Minnesota 55404
(612) 337-0133

Attachment 15 – Minnesota Freedom Fund Comments

Hello,

I'm in full support of this proposed data collection effort! The proposed data collection would shine a light on a part of our society that is talked about often but rarely fully understood through comprehensive data. The focus on felony cases is very wise because many reforms has been created around misdemeanors and more and more cases are felony level. Minnesota Freedom Fund is part of the National Bail Fund Network and all the bail funds that are part of that network talk about the importance of data to show the realities of pre-trial detention. I'm also very curious about the rise in mass surveillance efforts and would be very interested in seeing tracking of the use of Electronic Home Monitoring as a condition of release. The program proposes to gather data that will help shine a light on the relationship between various pretrial decisions and related outcomes. For example, the data collected can be used to establish relationships between risk assessment score and bail amounts or number of days in pretrial detention and case outcome. I'm also very interested in seeing the rate at which people plead guilty/take a plea deal and how that relates to bail amount or number of days in jail etc. The data can show current realities and trends around racial and wealth disparities in pretrial decision-making and show how those disparities impact the outcomes of cases. This data will be so valuable to inform governments, courts, and advocates working for more equitable practices in pretrial decision-making. I think a focus on bail and number of days in jail is significant but also putting as much focus on electronic home monitoring as well will show the realities of pre-trial punishment before conviction as electronic home monitoring can be harm reduction but can also be harmful in the same ways and more as being held in custody.

Thank you!

-Ash
Ash Wirth (she/her)
Advocacy Coordinator
Minnesota Freedom Fund
ash@mnfreedomfund.org
952-353-6932 (call or text and on Signal)

National Pretrial Reporting Program

MARCH 2022

NPRP
National Pretrial Reporting Program

From 1988 through 2009, the Bureau of Justice Statistics (BJS) collected and reported on court processing data for felony cases in a sample of the 75 largest counties through the State Court Processing Statistics (SCPS) program. Thereafter, SCPS was discontinued due to staffing shortages and limited financial resources. The new National Pretrial Reporting Program (NPRP) seeks to collect national data on the pretrial process and to answer basic questions such as the number of, demographics of, and charges associated with defendants detained versus those released. BJS also hopes to close existing gaps in national data on pretrial misconduct. Through the NPRP, BJS seeks to expand the former SCPS data collection to cover a sample of the 200 largest counties, with a focus on pretrial release and detention. BJS has partnered with RTI International, the National Center for State Courts (NCSC), the National Association of Pretrial Service Agencies (NAPSA), Applied Research Services, Inc. (ARS), and Pragmatica, Inc. to collect complete case processing data on adults charged with felonies in the sampled counties, including pretrial services, court, and criminal history.

What information will be collected?

We are seeking information on seven primary domains of felony case-level data:

1. Current arrest charges (e.g., offense type, number of charges)

2. Defendant demographic characteristics (e.g., age, sex, race)

3. Prior criminal justice involvement (e.g., prior arrests, prior convictions)

4. Pretrial release decision (e.g., released on recognizance, released with financial conditions, detained)

5. Pretrial misconduct (e.g., failure to appear, arrest for new charges, technical violation of pretrial release)

6. Disposition (e.g., jury trial, court trial, guilty plea)

7. Sentencing (e.g., term of incarceration and/or probation, fines or fees, restitution).

How will the data be used?

Once received, BJS will use the data to publish reports similar to the Felony Defendants in Large Urban Counties series, available at bjs.ojp.gov. All reporting will be in the aggregate, and no personally identifiable information or individual case information will be published.

Example of pretrial release statistics from the SCPS program we plan to report on from the NPRP:

Type of pretrial release for felony defendants in the 75 largest counties, 2009
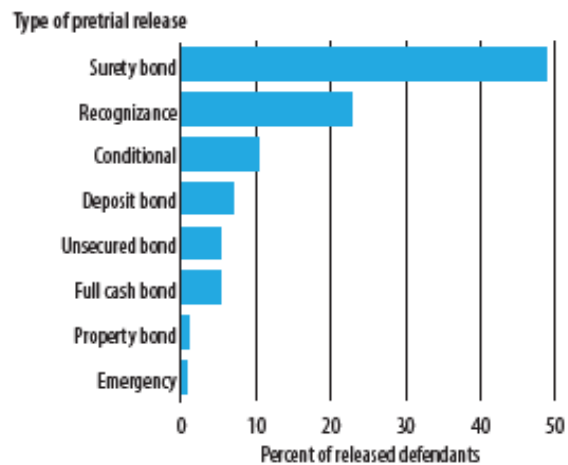
Source: Bureau of Justice Statistics, State Court Processing Statistics, 2009.

BJS anticipates that courts, pretrial services agencies, jails, and other stakeholders will find the NPRP data useful in assessing their own practices or comparing their agency to other similarly sized ones.

A value-add for the NPRP collection is that the data collection will include information from different systems, such as the local courts, jails, pretrial services agencies, and law enforcement. The linking of these data allows BJS to examine the movement of defendants and cases from filing through pretrial detention or release, potential misconduct during release, and adjudication and sentencing. NAPSA and NCSC will work with the local courts and pretrial services agencies to assist RTI in understanding the data.

What is the timeline for the NPRP?

Since these data were last collected in 2009, BJS first sought to determine the capacity of agencies to extract data from their systems and the policies that may be reflected in the data. To aid this effort, RTI and NCSC conducted a series of policy and data capacity interviews with courts, jails, and pretrial services agencies that monitor pretrial release. These interviews collected information from many of the largest 200 counties in the United States.

Case-level data collection will begin as the policy and data capacity interviews are completed. BJS expects that data collection will commence in late spring of 2022.

Why should you participate?

Collecting and analyzing case-level data regarding pretrial release fills a critical information gap faced by policymakers, court and jail staff, and other stakeholders. The NPRP collection will provide information about how many individuals are detained without a bond set and how many are detained with a bond set but are unable to post the bond. Additionally, these data will provide statistics on pretrial release and detention rates, as well as pretrial misconduct and safety rates. Further, our analyses will provide other important statistics about the use of bail schedules, pretrial risk assessments, and bail reviews to help provide a national picture of the use of these tools.

How can you find out more?

Erica Grasmick, NPRP Project Manager
Bureau of Justice Statistics
202-307-1402 | Erica.Grasmick@usdoj.gov

Matthew DeMichele, NPRP Principal Investigator
RTI International
919-541-6452 | mdemichele@rti.org

Cynthia Lee, NPRP Project Manager
National Center for State Courts
757-259-1583 | clee@ncsc.org

Jim Sawyer, NPRP Project Manager
National Association of Pretrial Service Agencies
202-957-4250 | Execdirector@napsa.org

Attachment 17 – Letter of Support

[LOGOS of supporting agencies NAPSA, NCSC, and the remaining TBD]

[DATE]

Dear [Title] [Name],

The U.S. Department of Justice, Bureau of Justice Statistics (BJS) is responding to a request from Congress to collect data about pretrial release in the U.S. Part of that response requires BJS to request data from courts, pretrial services agencies, and jails for the National Pretrial Reporting Program (NPRP).

NPRP will collect data about persons charged with at least one felony in calendar year 2019, the most recent year before the disruption of the COVID-19 pandemic. The information gathered during this collection will assist Federal, State, and local officials in their efforts to assess the use and variation of pretrial release across the country. As part of this project, your office completed either an interview or a survey about the ability to provide data, and now we are asking you to provide that information.

NPRP will help to answer questions about the mechanisms of pretrial release, the use of pretrial risk assessments, the amounts of bond set for felony charges, whether people released pretrial fail to appear for court hearings or commit new crimes, and how often people are detained for the entire pretrial period.

The National Association of Pretrial Service Agencies, the National Center for State Courts, and (other agencies) support this project, and encourage you to participate. Please reach out to our contacts below if you have any questions about the data collection, timeframe, or purposes of the study.

Thank you,
Jim Sawyer   Cynthia Lee
National Association of Pretrial Service Agencies   National Center for State Courts

TBD
TBD