

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. Necessity of Information Collection

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. Efforts to Identify Duplication

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+
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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. Paying Respondents

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. Assurance of Confidentiality

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. Justification for Sensitive Questions

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

12. Estimate of Respondent Burden

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
BJJ	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
BJJ, 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
BJJ, 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
BJJ	Thank you email, once all data is cleaned and confirmed	Weeks 6-28 (month 7)	Email	11
BJJ (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 BJJ)	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 BJJ	Week 34 (month 8)		NA
RTI	Final reports and data delivered to BJJ	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