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Authors: KiDeuk Kim, The Urban Institute  
Rob Santos, The Urban Institute  
Bill Adams, The Urban Institute  
Annie Gurvis, The Urban Institute  
Miriam Becker-Cohen, The Urban Institute  
Shebani Rao, The Urban Institute

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**Abstract:**

BJS funded the National Pretrial Reporting Program (NPRP) from 1988 to 1994 to collect data on the pretrial release of felony defendants. In 1994, the collection was extended to compile more criminal justice case processing information through the State Court Processing Statistics (SCPS) series. SCPS was halted in 2009 due to concerns about cost and representativeness. This report presents the findings of a feasibility study funded to collect aggregate-level pretrial data. The report addresses the significant challenges for collecting pretrial data, including multiple agencies handling pretrial defendants, the inability of case management systems to produce summary data, and the lack of data from some jurisdictions. Findings are based on data collected through the NPRP 2012.

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# **National Pretrial Reporting Program, Final Report**

KiDeuk Kim  
Rob Santos  
Bill Adams  
Annie Gurvis  
Miriam Becker-Cohen  
Shebani Rao

The Urban Institute  
2100 M Street, NW  
Washington, DC 20037

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## I. OVERVIEW

The Bureau of Justice Statistics (BJS) plans to implement a new data collection series to develop national statistics on the processing of pretrial defendants in the United States. This program, National Pretrial Reporting Program (NPRP), was conceptualized to supplement or replace the State Court Processing Statistics (SCPS) program, which was BJS's primary data collection series that focused on the pretrial release process in state courts. As part of the developmental work for the NPRP, BJS sought to assess the feasibility of collecting nationally representative data on pretrial populations and selected the Urban Institute (Urban) to field a prototype survey on the processing and management of pretrial defendants. Drawing on a comprehensive review of the current literature and practices, as well as focus groups with pretrial leaders around the country, Urban developed the prototype, the Jurisdictional Capacity Survey (JCS), in partnership with the Pretrial Justice Institute (PJI).

The results from the JCS revealed significant challenges that make it difficult for local jurisdictions to report aggregate-level data on pretrial case processing to BJS. The project team conducted a follow-up survey and a review of the existing sampling frame of SCPS to examine other ways the NPRP data can be collected.

## II. BACKGROUND

### *Pretrial Processing*

When the police make an arrest, the arrestee is scheduled to appear in court for hearings. Pretrial programs or agencies are responsible for screening, processing, or supervising these arrestees until the court determines guilt or innocence. Despite the increasing number of pretrial agencies, this pretrial function has traditionally been performed by sheriff's departments, probation departments, courts, jails, local governments, private contractors, or some combination of those agencies. As such, there is substantial variation across jurisdictions in the organizational structure, scale, and scope of pretrial operations.

The variation in how pretrial supervision programs operate across states and local municipalities has important implications for the development of national statistics on pretrial case processing. The variety of agencies handling pretrial defendants makes national-level data collection logistically difficult, and therefore costly. For example, one of the first steps in collecting such data is identifying which agency (or agencies) in each jurisdiction is responsible for processing pretrial defendants and maintaining case-level data on pretrial defendants. That information must be collected and verified for every jurisdiction sampled for national data collection. This can be complicated by ongoing national and local interest in pretrial reforms, because local practices for pretrial operations may change from year to year. Since 2012, 20 laws in 14 states have created or regulated the use of risk assessments during the pretrial process. A growing number of local

jurisdictions are considering the adoption of a data-driven decision-making for pretrial detention and supervision. Local practices for pretrial operations may change significantly from year to year. An ongoing data collection effort would require periodic updates to verify whether the way pretrial defendants are processed in a given jurisdiction is consistent over time.

In addition, the use of discretionary diversions from formal court proceedings is common at the pretrial stage, making it difficult to capture the entire population of pretrial defendants for a given jurisdiction.<sup>1</sup> Law enforcement officers in many jurisdictions exercise the discretion to issue a directive, similar to a traffic ticket, requiring the recipient to appear in court for minor offenses. Jurisdictions may also have a standardized amount of bail for certain offenses, and individuals charged with those offenses may not need to go to court. Defendants may be released to the community before they are booked into jail or have their first appearance in court. As a result, depending on how pretrial functions are carried out in each jurisdiction, there is a significant likelihood that case records of those defendants are not maintained in jail or court systems.

### ***Pretrial Risk Assessment***

One of the critical functions of pretrial programs or agencies is to assess the risk of pretrial defendants and present objective information to the court as to whether defendants pose any threat to the safety of any person or the community or if they are at risk of flight. Developing and validating objective risk assessment tools to assist in deciding how pretrial defendants should proceed through the justice system is increasingly popular in the field of criminal justice. This entails developing protocols and analytic capacities to collect information relevant to the risk of pretrial defendants in a short time frame following arrest. The increasing use of actuarial risk assessment tools has made it necessary for many jurisdictions to collect information on the characteristics and processing of pretrial populations. As described in a later section of this report, a number of jurisdictions that participated in the JCS reported that they were undergoing major system upgrades or enhancements to support risk-based decision-making.

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<sup>1</sup>The operational definition of the “pretrial population” varies across jurisdictions. It can be broad enough to include traffic cases or specific enough to refer to only those individuals detained while awaiting trial. After iterative conversations with pretrial leaders and practitioners, the project team and BJS’s project manager were convinced that it would be unrealistic to assume that all local agencies can tailor their reporting to a single definition provided by BJS. As further discussed in a later section of this report, the project team decided to allow local jurisdictions to provide their own definitions of the pretrial population for which case-level information is available for statistical reporting and examine the implications of such disparate practices.

### III. JURISDICTION CAPACITY SURVEY DEVELOPMENT AND ADMINISTRATION

#### *JCS Development*

##### *Initial Development Steps*

Urban's project team began developing the JCS with a literature review on recent research related to pretrial processing. The review included research on the factors that influence pretrial decisions and outcomes, as well as performance measures for pretrial agencies.

The review identified the types of pretrial data used in such research and the data limitations brought to light by existing research. A comprehensive search of journal articles, government reports, and independent publications identified 25 relevant studies. Through the coding process, the project team identified a set of pretrial decision and outcome metrics, as well as additional variables with which those key metrics were frequently cross-referenced in prior research (e.g., demographic and criminal history information). The results of this review helped guide the research team in determining the types of information that would be useful to include in the JCS.

The project team also held meetings with practitioners and policymakers in January 2013 to gather information from the field about key data elements for NPRP. The first meeting included an informal discussion with board members of the National Association of Pretrial Agencies (NAPSA) to identify data elements that should be included in NPRP. A focus group was then convened at a meeting of the National Institute of Corrections' (NIC) Pretrial Executive's Network (PEN). The meeting included participants from Urban and BJS, as well as Cherise Burdeen, Chief Operating Officer of PJI. Participants discussed the purpose of the NPRP approach, the data elements related to pretrial processing that should be covered by NPRP, the expected challenges of such data collection, and the survey's potential role in providing information about the pretrial population.

In February 2013, the project team developed main themes from the focus group meeting through content analysis, which ultimately informed the structure of the survey. In collaboration with BJS, the project team crafted an outline of the JCS, dividing it into three main parts: (1) the operational definition of the pretrial population (i.e., when does an agency collect or obtain access to case-level data on pretrial defendants?), (2) NPRP JCS data elements, and (3) the time and cost required to collect those elements. The first draft of the survey went through several rounds of revisions with BJS. The new survey features added during these edits, and included more detailed demographic information about the pretrial population and "estimate" boxes, which allowed jurisdictions to provide estimates in the absence of specific data. During April and May of 2013, project staff reached out to the NIC's PEN members to request feedback on the survey design.

Once suggestions from the PEN members were incorporated and the survey was finalized with BJS, the project team sought approval from the BJS Director and Office of Management and Budget (OMB) clearance to field the survey. The project team garnered endorsement letters from the National Association of Counties (NACo) and the NAPSA for inclusion in the invitation letter that was sent to sampled jurisdictions.

### *Survey Focus Areas*

The survey was broken into seven sections. (See Appendix A for the survey instrument.) Section A asked questions about the respondent's role and the type of organization he or she was representing, including whether it was a pretrial organization responsible for supervising or treating the pretrial population and whether it reported to another organization. If the respondent either did not supervise defendants or did not have access to case-level data, then he or she was instructed to stop taking the survey. This section screened out those who were not ideal JCS respondents within given jurisdictions.

The focus group with the NIC's PEN members raised a number of questions about identifying an appropriate organization that could provide information about pretrial defendants and how to define the pretrial defendant population. The focus group meeting indicated that comparisons across jurisdictions would not be possible. Moreover, several PEN members indicated that it may not be possible even for their members to tailor data extraction to a specific definition of pretrial populations provided by BJS. In the absence of a uniform, consistent way of defining the pretrial defendant population across jurisdictions, the project team and BJS decided to ask respondents to provide their own operational definitions of the pretrial defendant population in the survey. To avoid confusing survey participants with an incompatible definition of pretrial populations, the project team and BJS manager decided to ask survey participants to answer questions coherently throughout the survey based on the definition they provided.

To get a sense of the flow of pretrial defendants, Section B sought to identify the stages (i.e., arrest, booking, initial appearance, arraignment, and preliminary hearing) at which defendants were referred to the agency and the agencies that collected case-level data on the population. This section provided a working definition of the pretrial population for survey participants. Section C asked about the pretrial functions provided in the jurisdiction, including risk assessment, supervision and treatment options, and release mechanisms.

Sections D, E, and F asked jurisdictions to provide numerical data on their pretrial population in the past year. Each question about data in these sections asked for separate numbers for defendants charged with misdemeanors and felonies, as well as total numbers (misdemeanors and felonies combined). Section D focused on the numbers of defendants released and detained overall and by type of release. Section E asked about pretrial misconduct, including failure to appear (FTA) rates, arrest numbers, and violation numbers. Section F asked for demographic breakdowns (race, age, gender, offense charged, and release type) for different pretrial subpopulations: detained defendants, defendants who failed to appear in court, and defendants arrested for a new crime.



Each section was followed by a set of questions about the number of labor hours required to answer the questions in the survey and the types of challenges the respondent faced in providing the requested data (i.e., information is not collected, information is collected but not accessible due to legal or administrative complications, information is collected and accessible but not easily extracted, information is available for reporting but is too labor-intensive to provide, or other). A text box was provided to allow for further elaboration. The survey concluded with a comment box, where respondents were prompted to leave comments or suggestions about how to improve the ease of pretrial data collection and reporting and how researchers might be able to encourage other jurisdictions to participate in NPRP in the future.

### ***JCS Administration—Methodology and Protocols***

#### ***Initial Sampling***

In close consultation with BJS, the project team developed a sampling frame to capture a wide range of jurisdictions to be invited to participate in the JCS. This sampling frame was not to develop national estimates but to ensure that sufficient representatives of the jurisdictions were invited to the survey. These jurisdictions were drawn from a complete list of U.S. counties, and they varied in size, use of commercial bail, and availability of a dedicated pretrial program. The project team also examined other characteristics, such as crime rates and arrests, but these are highly correlated with the population size. The project team found no other population-level information specific to pretrial operations that could be used as a stratification or grouping variable.

The availability of pretrial programs was based on a list of known pretrial agencies and programs compiled by the PJI, but it served as an important sampling guide. The list was not comprehensive and was therefore biased from the statistical standpoint. However, it was the most comprehensive information available to date about whether or not jurisdictions had a pretrial program. Table 1 shows the breakdown of the initial sample by those characteristics.

**Table 1: Sampling Plan**

Table 1. Sampling Plan			
Jurisdiction Size by Population	Dedicated Pretrial Program	Commercial Bail Use	Number of Jurisdictions
Small ( $<25,000$ )	Available	Allowed	3
		Allowed but Rarely Used	3
	Unavailable/Unknown	Allowed	3
		Not Allowed	3
		Allowed but Rarely Used	4
		Unavailable/Unknown	4
(25,000-100,000)	Available	Allowed	4
		Allowed but Rarely Used	4
	Unavailable/Unknown	Not Allowed	4
		Allowed	5
		Allowed but Rarely Used	5
		Not Allowed	5
Large ( $>100,000$ )	Available	Allowed	5
		Allowed but Rarely Used	5
	Unavailable/Unknown	Not Allowed	5
		Allowed	5
		Allowed but Rarely Used	5
		Not Allowed	5
Total			72

In addition to the 72 jurisdictions, Kentucky, the District of Columbia, and New York City were added to the sample because they were unique and would contribute a considerable amount of information to national statistics. Those three jurisdictions operated a centralized pretrial program with an enterprise data management system. Again, the purpose of this sampling was not to ensure national representativeness but to capture a sufficient variation to inform our thinking around how to collect pretrial data from various jurisdictions. The project team considered other stratification factors, such as region and urbanity, but the sampling frame became overly complicated.

The sampling frame shown above and data collection protocols detailed below were finalized with BJS and submitted to OMB for implementation.

### *Jurisdictional Research*

To identify contact information for each jurisdiction, the project team engaged in a broad review of available information, including government directories and agency websites. This included an online search for each jurisdiction, using terms such as “pretrial services,” “pretrial program,” and “corrections process.” The PJI also provided contact information for several jurisdictions.

Although the project team began with a pretrial representative in numerous jurisdictions, the data collection effort extended beyond the pretrial agency or program. It was helpful to establish a single point of contact within each jurisdiction to coordinate data collection efforts, which often involved multiple agencies in a given county.

For jurisdictions without a dedicated pretrial program, it was often difficult to determine the

necessary pretrial processing information using the above search terms. The project team reviewed the county sheriff's office webpage, the corrections or local jail page (if available), and the local court pages to determine through which agency pretrial processing *primarily* occurs, even if the jurisdiction does not offer specific or extensive pretrial services.

Usually, this effort began with scanning each agency's webpage for information on pretrial processes and then making an educated guess about which agency or unit within the agency would be best able to provide the information we needed for the survey. We then recorded the name of the pretrial agency or department housing pretrial processes, general contact number for the department, website, head of pretrial agency or department, potential contact person, and phone number and email address for the contact person for initial reach-out. For jurisdictions in which it was still unclear which agency managed their pretrial processes, we listed information for multiple contact persons (e.g., the sheriff's office and the county court clerk).

### *Outreach to Jurisdictions*

Once the Urban team compiled contact information for the 75 sampled jurisdictions, we began reaching out to the identified contact person in each jurisdiction. Every contact attempt and outcome was recorded in the tracking spreadsheet, which was organized by jurisdiction. For every jurisdiction with a contact person's email address, the project team sent a formal invitation email with details about the survey and its purpose, the official BJS invitation letter, and a PDF copy of the JCS itself. After waiting 1 week for a response, the project team followed up with a phone call to each of these jurisdictions. For jurisdictions without a contact person, the project team reached out to potential contacts via phone call. Both the emails and phone calls had the goal of ascertaining whether we had reached the proper person to participate in the survey—someone who was both involved in the pretrial process and had access to pretrial data in that jurisdiction. The project team identified additional sources of data on pretrial case processing when applicable, and the primary contact helped identify additional contacts within a jurisdiction and reduce redundancy in managing data requests.

After concluding that the appropriate person had been identified, the project team asked the person to participate. The project team emailed those who agreed to participate a unique link to the online survey instrument.. When there were multiple agencies maintaining case-level data on pretrial defendants, the project team assessed the feasibility of consolidating or linking data. In these cases, one agency might keep records for the detained pretrial population while a second agency monitored conditional releases, and a third agency monitored those released on financial conditions. In these multi-agency systems, one defendant could potentially appear in multiple systems (e.g., a defendant released on financial bond with additional conditions). It was usually the case that agencies kept records on different segments of the pretrial population based on their administrative responsibility for them, such as detained pretrial defendants and pretrial defendants released on certain conditions, and that some pretrial defendants would appear in multiple data systems while others would not be captured in any data system. When applicable, participants were encouraged to reach out to other agency employees who might help complete the survey and notified them that they could save and exit the survey at any time. The project team advised participants to enter “-99” for any numeric response that could not be answered, emphasizing that

selecting a reason why an answer could not be provided was as important to our research as the answer itself.

When the project team determined an unsuitable person had been identified (i.e., the person did not handle pretrial defendants or have knowledge of the pretrial data system), we asked for a referral to the appropriate person or agency within the jurisdiction. The project team then initiated the same process with the new contact person.

### *Follow-up Procedures*

On average, Urban staff members contacted each jurisdiction six times, via email and phone, during the initial stage of identifying the proper jurisdiction contact person to participate in the survey. Urban then contacted each jurisdiction an average of six more times, via email and phone, to complete the survey to the extent possible without undue delay or hardship on the participating jurisdiction. The project team checked the status of survey completion daily during the JCS implementation period to track the progress of respondents and identify which jurisdictions had completed the survey. Once a jurisdiction completed the survey, we immediately emailed or called the contact person to schedule a follow-up phone call to discuss any difficulties that the person faced completing the survey and to gain a more nuanced understanding of how the pretrial process functions in said jurisdiction.

### *Expanded Sampling and Outreach*

Given the low response rate during the initial data collection, the Urban team incrementally selected and contacted more jurisdictions beyond the 75 initially contacted. Using the original roster of all counties, the project team identified a goal of at least one complete survey from each of the 16 strata outlined in Table 1. Because response rates were low in small jurisdictions without dedicated pretrial programs or agencies, the project team began by contacting more jurisdictions from those categories. However, some strata had fewer jurisdictions (e.g., commercial bail allowed but rarely used). As the data collection continued and response rates stagnated, the project team focused on larger jurisdictions and jurisdictions with dedicated pretrial programs. It should be emphasized that the goal of the sampling was to ensure that data on jurisdictions of various sizes with different levels of resources were captured and that documenting this process would inform the planning of the NPRP. By the end of the NPRP JCS implementation phase, we had reached out to a total of 311 jurisdictions to request their participation in the JCS and received survey submissions from 69 jurisdictions across 27 states, including 7 small, 19 medium, and 43 large jurisdictions. (See Appendix B for the list of participating jurisdictions.)

## IV. JURISDICTION CAPACITY SURVEY RESULTS

### *Quality of Survey Responses*

For the purpose of the NPRP, the quality of survey responses are prioritized over the summary statistics on pretrial case processing. Numerous jurisdictions could not provide a valid response to a large number of survey items in the JCS, limiting the utility of analyzing the numeric data regarding the processing of pretrial cases.

Table 2 shows the number of jurisdictions across different stages of survey participation. The number of sampled jurisdictions, which began with 75, incrementally reached 311. For every sampled jurisdiction, we established an initial contact. Approximately 1 in 3 jurisdictions we contacted agreed to participate in the survey. A considerable portion of the jurisdictions (2 in 3) we contacted refused to participate. All of the jurisdictions that agreed to participate in the survey started a survey response, but not all completed and submitted it. Of the total number of jurisdictions the project team conducted background research on and established contact with, only 22 percent submitted their survey response (=69/311).

**Table 2: Number of Jurisdictions by Survey Participation Stages**

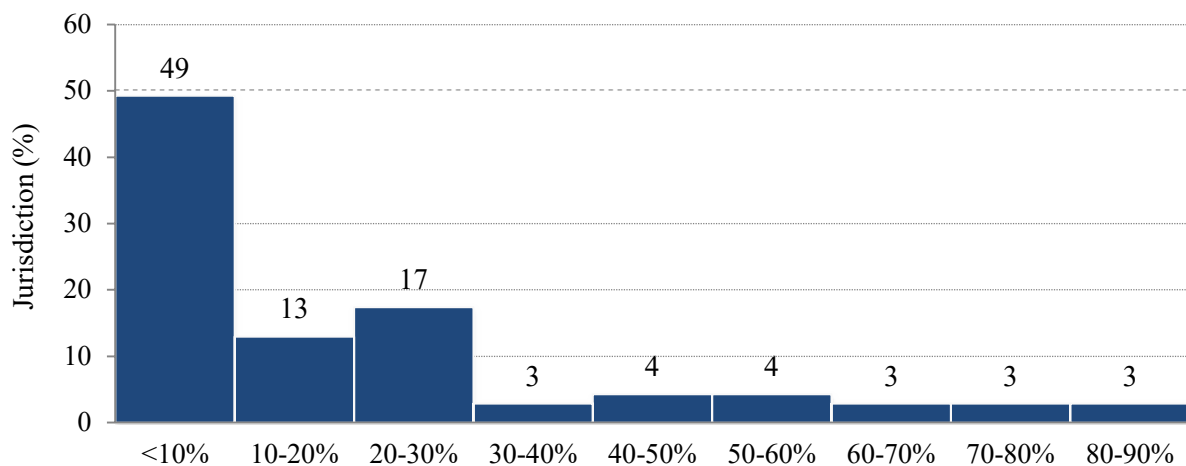
Survey Participation Stages	N
1. Number of jurisdictions with which the project team established initial contact	311
2. Number of jurisdictions that agreed to participate in the JCS	116
3. Number of jurisdictions that submitted the survey to the project team	69
4. Number of jurisdictions with which the project team conducted debriefing	44

The first three sections of the JCS (A, B, and C) refer to the background information about participating jurisdictions. Survey responses in those sections showed no sign of critical data issues. However, Sections D, E, and F, in which participating jurisdictions were asked to provide numerical data on their pretrial populations, suffered from high missing rates in survey responses. Table 3 shows the item missing rates for those data domains. For Section D, approximately 17 percent of the jurisdictions were missing all of the items and all were missing at least one of the nine items. The extent of missing jurisdictions was more severe in Sections E and F. Nearly 50 percent of jurisdictions that submitted a response did not provide a valid response to all of the items in those sections.

**Table 3: Survey Structure and Response Rates (N=69)**

Section	Domain	N of Items	Description	Percent Missing All	Percent Missing at Least 1 Item
<b>B</b>	Pretrial Population	4	Background information about pretrial population	--	--
<b>D</b>	Pretrial Release Decisions	9	Data on detention and release, including information on type of release and detention mechanisms used	17.4%	100.0%
<b>F</b>	Pretrial Subpopulation Breakdown	7	Data on detention and misconduct by demographics, criminal history, and types of release	52.2	92.8

Figure 1 shows the percentage of data questions in the JCS that each respondent completed. The majority of jurisdictions provided a valid response to no more than 30 percent of all data questions in the JCS. Only 6 percent of the jurisdictions (n=4) provided a valid answer to more than 70 percent of the data questions in the JCS.

**Figure 1: Data Questions Answered by Respondent**

What Percent of Data Questions in Sections D, E, and F are Answered?

### ***Survey Participation by Jurisdiction Characteristics***

The level of survey participation varied systematically across jurisdictions. Certain jurisdictions were more likely to agree to participate in the JCS and complete the survey.

Table 4 shows the level of survey participation by the size of jurisdictions. There is a clear pattern that the smaller a jurisdiction, the less likely it was for the project team to be able to establish contact, collect a survey response, and conduct a debriefing call. Collecting pretrial data will be more difficult and expensive for smaller jurisdictions in the full NPRP.

**Table 4: Survey Participation by Size of Jurisdiction (n=311)**

	Small	Medium	Large	Total
1. Jurisdictions with initial reach-out	22%	33%	45%	100%
2. Jurisdictions that agreed to participate in the JCS	18	29	53	100%
3. Jurisdictions that submitted the survey	10	28	61	100%
4. Jurisdictions that completed a debriefing call	7	30	63	100%

Similarly, jurisdictions with a pretrial agency or program were more likely to participate and complete the survey than other jurisdictions. Of the 69 jurisdictions that submitted the survey response, approximately 60 percent operated a pretrial program.

### ***Challenges of JCS Data Collection***

During the course of JCS administration, the project team encountered significant challenges that impeded the ability to collect comprehensive data. Many of these challenges revolved around the limited capacities of jurisdictions to prepare necessary data for the JCS, but others were challenges common for any data collection effort involving government agencies: difficulties identifying the proper contact person in each jurisdiction, collecting survey data without an incentive, and navigating bureaucratic systems across several agencies or units within the same agency.

For the purpose of organizing these challenges into categories that inform guidelines for NPRP administration, the survey participants' accounts of the types of challenges that prevented them from completing the JCS and then conducted a qualitative assessment of the various challenges that the project team experienced.

### ***Challenges Identified by Survey Participants***

Table 5 summarizes challenges respondents reported in providing the requested information for each data section (Sections D, E, and F). Survey participants answered these questions to the best of their ability, but the responses should be interpreted with caution. A number of respondents had difficulty completing the JCS because of their busy routines and

may have found it simpler to report that the requested information was not available than to compile that information or admit their unwillingness to assist with the JCS.

**Table 5: Challenges Experienced by Jurisdictions, by JCS Data Sections (n=69)**

	Section D: Release Decisions	Section E: Pretrial Misconduct	Section F: Pretrial Sub- populations
Information is not collected	42	36	43
Information is collected and accessible but not easily extracted	35	8	8

Note: due to missing data, the percentages do not add up to 100%.

A substantial proportion of jurisdictions reported that the requested information was not collected. Jurisdictions reported they were unable to provide information by subcategories (e.g., felony, misdemeanor). The table is somewhat misleading. For example, 42 percent of the jurisdictions reported the information on pretrial release is not collected, but some of those reported that it is not collected in the way the question was asked.

Data extraction was a more serious challenge for information related to pretrial release than information related to pretrial misconduct and pretrial subpopulations. If the jurisdiction did not have a dedicated pretrial agency or program responsible for the processing and management of pretrial defendants, pretrial data were more likely to be collected and stored by more than one agency or unit within the agency, as well as within different data platforms, potentially making the data difficult to track, extract, and compile. Consequently, defendants released without supervision conditions were not likely to be tracked by any data system.

### *Qualitative Assessment on Challenges in JCS Data Collection*

This section provides systematic observations and insights into various challenges involved in collecting pretrial data from local jurisdictions. To thematically detail all the challenges encountered, the challenges were: (1) logistical outreach challenges; (2) limited jurisdictional capacity to extract data; and (3) organizational challenges of pretrial operations managed by multiple entities within the same jurisdiction. These categories are fluid and overlap with one another. However, they allow us to isolate unique difficulties as they pertain to the researcher and the survey participant.

**Logistical Outreach Challenges:** Chronologically, the first challenge to arise in our data collection process was identifying the proper agency for JCS participation. Multiple jurisdictions, especially smaller ones without dedicated pretrial agencies, did not explicitly indicate online



which entity handled pretrial processing and had access to pretrial data in their jurisdictions. Further complicating the problem was the predominance of outdated websites among county-level agencies. Multiple jurisdictions had sheriff's department webpages that had not been updated since the late 1990s, making it nearly impossible for researchers to find an accurate contact number or email address. For cases in which the agency that handled pretrial processes was unidentifiable from the county website, the project team made phone calls to other related agencies in the same jurisdiction in the hope that they would be knowledgeable and cooperative enough to lead us to the proper agency. Challenges involved in cases where pretrial data had to be compiled from multiple agencies are discussed in a later section of this chapter.

Even when the research team had determined the proper agency or agencies participate in the JCS, identifying the proper person to complete the survey within that agency remained a challenge. This varied widely across jurisdictions. In certain jurisdictions, after speaking with representatives from the pretrial entity, we determined that it would be most useful to give the survey to the agency's director, who oversees a broader portion of the pretrial process. In other primarily larger jurisdictions, it made more sense to give the JCS to a mid-level manager or administrative employee who had direct interaction with pretrial defendants and pretrial data. This often meant contacting those who entered the data into the pretrial data system. Even after identifying the proper person, sometimes the person declined to participate, or we learned later on in the process that we should have reached out to someone else. This challenge will be minimized after the first round of the NPRP and is not particularly unique to this program. However, this challenge seems more pronounced with agencies serving pretrial defendants than others (e.g., arrestees, inmates, probationers) and could add to start-up costs.

Beyond the challenge of identifying the proper contact agency and contact person within each jurisdiction, we also faced a number of logistical challenges inherent in the extensive follow-up process we conducted with nearly every jurisdiction that eventually completed the JCS. We found that many jurisdictions, especially smaller ones without dedicated pretrial agencies, were overburdened and simply did not have enough time to participate in the JCS. Making repeated requests for participants to complete the survey was a labor-intensive process with diminishing returns over time. Because the survey took a long time to complete, participants often got distracted. A shorter survey would have ameliorated this burden. On a number of occasions, employees who began our survey left their jobs before completing it. On average, we followed up with jurisdictions a total of six times to ensure completion, but even after six follow-ups, some jurisdictions became nonresponsive and never completed the survey. In certain unique situations, we communicated with a jurisdiction's contact person more than 10 times.

A common response from jurisdictions hesitant to complete the survey was that gathering the data would require a time commitment of several hours, which was a considerable challenge for jurisdictions with limited resources. The project team explained to participants that the goal of the survey was not only to gain numeric responses but to learn whether certain items could be completed, and the time needed to compile the information. Despite this explanation, multiple

respondents failed to complete the JCS.

**Limited Jurisdictional IT Capacity:** Another significant challenge during the JCS administration was the limited capacity of certain jurisdictions to extract data for the survey or even to participate in the survey through the online platform. In light of some jurisdictions' limited ability to extract and compile data, some potential participants balked at the JCS altogether and did not answer questions that they had the capacity to respond to.

A number of jurisdictions that we sampled for the JCS, especially those from smaller, more rural counties, had limited technological capabilities. Some had old data systems that were difficult to pull aggregate data or complete crosstabs from. Others did not have data systems and kept most pretrial data in paper files or Excel workbooks. Finally, a significant number of jurisdictions were in the process of transitioning to new data systems when we contacted them and were unable to extract data from either their old system or new system (or not all of the old data had been transferred). It was difficult to acquire much useful information from jurisdictions in this transitional stage. Given the national attention to pretrial reforms, it is reasonable to expect that the quality and availability of pretrial data will significantly improve in the near future. However, these system transitions, occurring in numerous jurisdictions around the country, can be an additional challenge to data collection.

Identifying the proper person to extract data was difficult even in jurisdictions with sophisticated data systems. In many jurisdictions, there was no dedicated IT person or specific individual familiar enough with the data system to report counts on pretrial defendants in the format requested. In other cases, jurisdictions had a single data specialist who worked for multiple government agencies beyond pretrial. People in this position tended to be too overburdened to participate in the survey or too difficult to access. Their contact information was rarely available publicly, despite the fact that they are the gatekeepers of pretrial data in many jurisdictions.

A surprisingly large number of jurisdictions were unable to complete the survey in its web format. These jurisdictions either had difficulty navigating the web format, had limited internet access, or did not complete the survey online for an unspecified reason. A number of these jurisdictions did not participate in the JCS. Others printed the survey, filled it out by hand, and returned it by mail. The project team presented the web version as the primary participation mode but also provided a paper survey. The project team highly recommends that various modes of data collection be included for the NPRP.

**Organizational Challenges of Spread Pretrial Operations:** The most significant challenge encountered during JCS administration stemmed from the fact that pretrial defendants are generally handled by multiple separate agencies within the same jurisdiction. These agencies tend to use separate data systems that do not communicate with one another. County-level agencies that processed pretrial defendants typically included the sheriff's department, the corrections department/local jail (sometimes a subsidiary of the sheriff's department), the county court

system, and the pretrial services agency, if one existed. Sheriff's departments tended to primarily possess arrest data, which is especially useful for minor misdemeanors for which only fines were issued and defendants were never processed by the jail or court. The extent to which minor cases are disposed at the discretion of law enforcement officers varies across jurisdictions. Individuals arrested for the same offense could be issued a citation in one jurisdiction or a pretrial arraignment case in another. In some jurisdictions, law enforcement agencies used a pretrial risk assessment tool to inform their station adjustment/citation practices.

For this reason, the project team attempted to identify the first stage of criminal case processing at which jurisdictions can report case-level data on all pretrial defendants, felonies, and misdemeanors. Pretrial services agencies usually had data predominantly for defendants on pretrial release, while local jails/corrections departments generally had data on detained defendants. The courts typically held the most detailed demographic information and legal processing data on defendants. Having pretrial data spread among different agencies makes it difficult for researchers to aggregate and merge data without double counting cases or overlooking some defendants who appear in multiple sources of data. Additionally, there is the difficulty involved in securing data access across the agencies and piecing together various formats of data, often without unique identifiers.

The breadth of data fields available across different data sources (including some basic information about pretrial defendants, such as demographics) also varies widely. A simple task like calculating crosstabs by race may be nearly impossible for many jurisdictions. For example, a pretrial services agency may have all the data on release mechanisms and supervision types except for demographic information, which is available in court data. However, there may not be an easy way to match data from the two systems to calculate a demographic breakdown of the supervision types.

During follow-up phone calls with jurisdictions completing the JCS, most expressed frustration with the lack of communication and data sharing between agencies within a single jurisdiction. Some jurisdictions were moving toward more collaboration, but they generally had a long way to go.

## V. DISCUSSION: JURISDICTION TYPOLOGY

The SCPS, the most comprehensive source of existing data on pretrial case processing, is BJS's biennial data collection series that examines felony cases processed in a sample of 40 of the 75 most populous counties in the United States. At the national or regional level, little is known about the processing of pretrial defendants for misdemeanor cases or any cases occurring outside those counties. **The main purpose of the JCS is to assess the feasibility of developing national statistics on pretrial case processing.** This report summarizes the development of the JCS and lessons learned from the JCS data.

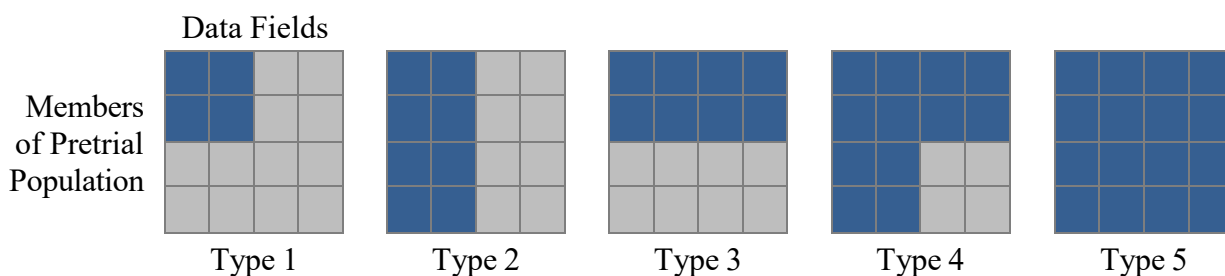
One of the most important lessons, which may reinforce the SCPS's limitation of coverage, is that there exists a considerable variation across jurisdictions in terms of how pretrial defendants are processed and managed, as well as how such information on pretrial case processing is collected and maintained. Policy decisions for release or detention of defendants awaiting trial and the best methods for releasing defendants are dependent on local contexts, including government structure and responsibilities, resources, and capabilities. The jurisdiction's capacity to compile aggregate statistics on pretrial case processing also varies significantly depending on those local contexts, which can substantially increase the cost of data collection. A site visit and a careful review of local contexts would be necessary to develop a fuller understanding of how pretrial defendants are processed and managed.

More specifically, as the status of pretrial defendants (e.g., arraigned, detained, released, revoked) can change during criminal case processing, different agencies may be required to track them and compile certain information at different points in time. Initially detained defendants can be released at a later time, and initially released defendants can be brought back into custody. It is not unusual that some pretrial defendants appear in multiple data systems. In numerous jurisdictions, aggregating case-level data is therefore not a simple matter of subtraction and addition with fragmented pieces of information about pretrial defendants. There may be overlapping defendant cases across incompatible data systems and neglected cases (e.g., defendants released without any supervision) that are not captured in any data system. It was beyond the scope of this project to conduct site visits to the sampled jurisdictions and establish an interagency agreement, formal or informal, to address existing data compatibility issues. However, it should be emphasized that understanding the local contexts of each sampled jurisdiction is critical and may entail a careful review of existing policies and practices in criminal case processing, as well as in-person meetings and interviews with local stakeholders to negotiate the consolidation and sharing of data at the jurisdiction level.

To that effect, we summarize below some of our insights developed from data collection experiences and qualitative assessment via follow-up calls with local jurisdictions. Although not intended to be statistically valid or reliable, these observations may be informative to the planning

of the NPRP, with particular respect to how to better understand jurisdictional capacities. Depending on (1) whether or not a jurisdiction could capture its entire pretrial population and (2) whether or not the jurisdiction could provide all data fields in the JCS (even if not for the entire pretrial population), we developed the following typology of jurisdictions to better understand challenges involved in data collection.

**Figure 2. Jurisdiction Typology on Pretrial Data**



**Type 1:** Jurisdictions that would be unable to provide data on the entire pretrial population OR answer all the data fields, even for a portion of the pretrial population.

**Type 2:** Jurisdictions that would be able to provide some data on the entire pretrial population.

**Type 3:** Jurisdictions that would be able to answer all data fields for a portion of their pretrial population.

**Type 4:** Jurisdictions that would be able to provide some information for the entire pretrial population and answer all the data fields for at least a subset of the pretrial population.

**Type 5:** Jurisdictions that would be able to provide all data fields for the entire pretrial population.

The project team attempted to contact all relevant agencies when multiple agencies were responsible for pretrial cases, and to coordinate data extraction from those agencies. However, as discussed earlier, consolidating various data points across different agencies was not feasible within the budget and time allotted for this project. During follow-up, numerous agencies that could not provide all requested information in the survey suggested that other agencies in their jurisdiction may have additional information on pretrial cases that could potentially be linked. We found that this group (Type 2) was the most common type of jurisdiction. About half of the jurisdictions fell into this category.

In our experience, a unique ID was not available in numerous jurisdictions to track pretrial defendants or cases across multiple sources of information within the same jurisdiction. It remains to be seen how many of those Type 2 jurisdictions will be able to compile the requested information if provided with administrative support and resources.

Similarly, several jurisdictions indicated the possibility of compiling some data on the entire pretrial population and answering all the survey questions for at least a segment of their population through collaboration with other agencies in their jurisdiction (Type 4). The project team encountered instances where the survey respondent successfully compiled information from multiple agencies on its own to answer some survey items.

A few jurisdictions (Type 1) indicated that such interagency coordination would not suffice to compile information on the case processing of the entire pretrial population in their jurisdiction or to answer all of the data fields, even for a segment of the pretrial population. Very few jurisdictions indicated that they would be able to answer all of the data fields for at least a portion of their pretrial defendants (Type 3). Jurisdictions that could readily answer all data fields for the entire pretrial population (Type 5) were rare. The District of Columbia and the state of Kentucky were two such examples.

These observations provide useful insights and context for interpreting the survey responses reported earlier. Although many jurisdictions were only able to fill out a limited portion of the survey, our follow-up calls with sites demonstrated that these gaps were not necessarily due to lack of data on the pretrial population. In many jurisdictions, far more pretrial data seemed potentially available than the survey responses indicate but were not reported due to the fact that the responding agency did not have time and resources to explore the full potential of compiling such information through interagency coordination. However, tracking the processing of pretrial defendants or cases through multiple sources of data may require case-level information regardless of whether the NPRP only requests aggregate-level information. Depending on local contexts, a data request for aggregate-level information may or may not reduce the burden on reporting jurisdictions.

## VI. ADDITIONAL SURVEY FOLLOW-UP

Given the challenges facing local agencies, Urban embarked on a second phase of data collection to assess the feasibility of obtaining a more limited set of metrics concerning pretrial practices. The primary goal was to assess whether the complexity and length of the original JCS was an impediment in getting jurisdictions to respond comprehensively and if a scaled-down version of the survey consisting of only a few basic measures would prove more successful at collecting the pretrial data.

The follow-up survey was an opportunity to assess whether logistical challenges—such as reaching the proper contact person(s) in each jurisdiction, navigating across different agencies within a jurisdiction to obtain the desired information, or the lack of an incentive for jurisdictions to invest time and resources to provide the requested data—contributed more to the mixed response rates and low data quality than the length or complexity of the survey.

Because many survey respondents seemed overwhelmed by the depth and coverage of the original JCS, the project team and BJS decided to examine the implications of reducing the scope and complexity of the NPRP JCS. The project team reached out to the survey participants to assess the feasibility of obtaining the following five data elements from jurisdictions:

- (1) The total number of pretrial defendants
- (2) The total number of pretrial defendants detained
- (3) The total number of pretrial defendants released
- (4) The total number of pretrial defendants on financial releases
- (5) The total number of pretrial defendants on nonfinancial releases.

### ***Data Collection Process***

#### ***Sampling***

For the first phase of data collection, we developed a stratified sample of county-level jurisdictions nationwide to participate in the JCS. These jurisdictions were selected from all counties in the country and varied in their size, use of commercial bail, and availability of a dedicated pretrial program. In this second phase of data collection, we followed the same sampling approach to identify a new group of 70 jurisdictions of different sizes and with varying pretrial characteristics. The project team initially reached out to the jurisdictions that had participated in the JCS, but it was difficult to engage those agencies in further discussion after the numerous phone calls and email conversations the project team already had with them.

### *Jurisdictional Research*

Following the same approach that we employed for the JCS to identify contact information, for each county in our Phase 2 sample, project staff reviewed various materials to identify the appropriate agencies and contact persons who could answer our questions. For each jurisdiction's contact person, we identified the state, county, name of the pretrial agency or department housing pretrial processes, general contact number for the department, website, head of the pretrial agency or department, potential contact person, and phone and email address for that contact person. We also included a "notes" field in our tracking spreadsheet to record any major difficulties in the research process, outstanding questions, or alternative contact information (i.e., for another department or a different person in the same department identified through referral).

### *Outreach to Jurisdictions*

Once we had compiled contact information for the sampled jurisdictions (N=70), we began reaching out to the potential contact person in each jurisdiction. Every contact attempt and outcome was recorded in the tracking spreadsheet and organized by jurisdiction.

### *Data Collection*

Without undue delay or hardship on the participating jurisdiction, we contacted each jurisdiction seven times on average, via email and phone, to ask about the five key data elements and any challenges they might have providing summary statistics on those five measures. If jurisdictions were willing to participate initially but ultimately unable to answer our questions, we asked them to explain why their jurisdictions could not complete the survey (e.g., they were not legally allowed to release information, they could not easily aggregate the data).

### *Findings*

The results of this Phase 2 survey data collection effort are summarized in Table 6. Of the 70 counties included in our sample, only 30 jurisdictions (43%) provided data responses to our survey items, with 23% (N=16) completing all items and 20% (N=14) providing responses to some but not all items on the survey.

For 28 counties (39% of the sample), the project team established the appropriate contact agency and person, but the jurisdiction was unable to or did not provide the data. Jurisdictions provided the following reasons: the information was available but too labor-intensive to provide (17%); the information was collected and accessible but not easily extracted from data systems (6%); the information was collected but not accessible because of legal or administrative complications (4%); the jurisdiction failed to provide a response within the designated timeframe (6%); and the jurisdiction refused to participate in our survey (6% of all counties). In another 8 counties (11%), we were never able to establish the appropriate contact within the jurisdiction. In 5 counties (7% of the jurisdictions), the requested information was not maintained.



**Table 6: Phase 2 Survey Data Collection: Participation and Challenges**

	N	Percent
1 All survey items completed	16	23%
2 Some survey items completed, but not all items	14	20
3 Information available but too labor-intensive to provide	12	17
4 Information collected and accessible but not easily extracted	4	6
5 Information collected but not accessible due to legal or admin constraints	3	4
6 Information not collected	5	7
7 No contact established	8	11
8 Contact established but no response to survey provided w/in timeframe	4	6
9 Agency refused to participate in the survey	4	6
<b>Total</b>	<b>70</b>	<b>100%</b>

Although there was an increase in the percentage of jurisdictions able to provide data responses to the scaled-down Phase 2 survey, many of the challenges from the original JCS effort remained, including the limited capacity of jurisdictions to assemble or aggregate the data required, frequently due to inadequate technological capabilities or data systems (particularly true for smaller, more rural jurisdictions).

Logistical problems—including navigating bureaucratic systems across several agencies within a jurisdiction and the lack of incentives for agencies with limited resources to invest the time and manpower required to assemble the data requested—also presented obstacles in obtaining responses. Difficulties identifying the appropriate contact person(s) in each jurisdiction remained a logistical challenge for the Phase 2 outreach effort, though to a lesser extent than for the JCS. A few jurisdictions felt overburdened and reported that they simply did not have enough time to participate in even the scaled-down version of the survey. Here are some responses from a few jurisdictions that reflect these challenges:

*“Our practice management system only tracks date opened, level of offense and some other fields, not the information you are looking for...we do not keep statistics on pretrial defendants on financial or non-financial releases.” (Jurisdiction A)*

*“I have confirmed that our clerk’s computer system is not capable of running a report that would give us the information you have requested. Each file would need to be reviewed in order to obtain this information.” (Jurisdiction B)*

*“I could certainly provide the number of interviews we conducted in order to make bond recommendations and the number of both misdemeanor and felony clients supervised. However, I do not have access to any software that would provide the statistics for the number released on financial or non-financial bond.” (Jurisdiction C)*

We also examined the quality of survey participation across agency types. (See Appendix C.) A couple of caveats may be warranted in interpreting these findings. The project team identified a primary agency for survey participation that maintained most case-level information on pretrial cases. However, that does not mean that the project team only worked with that agency. The primary agency could have also worked with other agencies to compile information for the survey, which may or may not have been shared with the project team. Among agency types, sheriff's departments performed particularly well: 15 in 16 sheriff's departments (94%) provided at least some data, with 10 in 15 providing complete responses for all survey items. In jurisdictions where the district court (or court services) was the proper agency, 7 in 15 jurisdictions provided data (and 4 in 7 provided partial data) and in jurisdictions where the jail was the appropriate agency, 6 in 10 counties provided at least some data, yet only 2 in 6 were able to provide full data for all survey items requested. We experienced the greatest challenges in obtaining data from district attorneys' offices. Only 5 percent (1 in 19) of jurisdictions for which district attorneys' offices were the proper agency actually provided us with full data responses to our survey.

The primary goal of this scaled-down Phase 2 survey was to determine whether jurisdictions might be better positioned and more willing to respond to an abridged, pared down survey request. However, despite some modest improvements in response rates, several of the same challenges remained—including logistical challenges in establishing or reaching the appropriate contact(s) in jurisdictions, difficulties in extracting the necessary data from across multiple data systems, and the lack of an incentive for overburdened agencies that still found it too labor-intensive to respond to our request.

## VII. ALTERNATIVE DESIGN AND SIMULATION

Lessons from the JCS and additional follow-up with local agencies indicated that even if data collection is possible in smaller jurisdictions, it would be cost-prohibitive to ensure that jurisdictions of all sizes with all levels of resources be represented in the NPRP. Because some jurisdictions, especially small and medium-sized jurisdictions, have limited capacity to compile aggregate information on pretrial case processing, BJS should consider an alternative design for sampling and data collection to improve the breadth and representativeness of existing data on pretrial case processing.

In this section, we explore one such approach that expands beyond the SCPS program. The current SCPS design is based on a random sample of 40 of the 75 most populous counties in the United States. Collectively, these 75 counties account for slightly more than 40 percent of the U.S. population. In what follows, we present an alternative design for data collection that leverages existing resources to compile more nationally representative data on pretrial case processing while avoiding the excessive cost of data collection. We also provide a discussion of our simulation analyses and results based on the proposed design. Without knowing the budgetary constraints under which BJS considers collecting pretrial data, the proposed design is only conceptual, but the thought process involved in this design can be informative and valuable to BJS.

### *Simulating a More Expansive Design for NPRP*

When brainstorming alternative designs for the NPRP, three considerations were given significant thought. First, we wanted to address BJS interest in expanding the inferential scope of the NPRP beyond the 75 most populous counties in the nation. Second, we wanted to acknowledge and incorporate the reality that, among the smaller counties in the country, the limited capacity to provide data and perceived burden are likely to inhibit NPRP participation in any given year. Capacity and perceived burden issues were paramount in the findings of the JCS, as reported earlier in this report. That means that a large sample of counties (larger than the 40 currently used in SCPS, for example) would not be advisable because of resource and timing constraints. Third, we wanted to leverage the temporal, substantive findings of the SCPS. The SCPS series shows historically that 2-year changes for many indicators are relatively minor. Even when substantive changes occur, they accrue gradually over several years.

### *What Level of Coverage?*

To address the first issue (coverage/population of inference), we assembled Uniform Crime Reporting (UCR) and Census data at the county level to explore how to effectively increase coverage (ideally to the nation). Table 7 presents the cumulative distribution of the number of counties by population threshold and cumulative percentage distributions for violent and property crimes—two summary NPRP proxy measures. A more complete table appears in the appendix

showing eight other detailed crimes.

The population coverage of the current SCPS frame is only 34 percent and it captures under half of violent crimes (45%) and just more than a third of property crimes (35%). It is notable the most populous 900 counties account for roughly 90 percent of population, violent crime, and property crime. *For the sake of this exploratory exercise, we adopted an NPRP sampling frame composed of the largest 900 counties in the United States.*

**Table 7: Cumulative Counts and Percentages among Two SCPS Proxy Measures According to Several Total Population Rankings**

785,853	75	34%	45%	35%
441,445	150	47	60	49
56,033	900	87	90	88
22,660	1,700	95	97	97

Note: “Violent Crime” includes the UCR crimes of murder/non-negligent manslaughter, rape, robbery, and aggravated assault and “Property Crime” includes the UCR crimes of burglary, larceny, motor vehicle theft, and arson.

Data Sources:

*American Community Survey.* “B01003: Total Population.” Universe: Total Population, All Counties. 2009-2013. American Community Survey 5-Year Estimates.

*Inter-university Consortium for Political and Social Research.* (2012). “Uniform Crime Reporting Program Data: County-Level Detailed Arrest and Offense data, 2012 (ICPSR 35019).” United States Department of Justice. FBI. <http://www.icpsr.umich.edu/icpsrweb/DSDR/studies/35019>

### ***Periodicity***

The project team wanted to find a new way to collect and use data to allow the current analysis of the 75 largest counties and to extend inference to the largest 900 counties. Given that the current SCPS is biennial and involves 40 counties (sampled from the largest 75 in the United States), we attempted to maintain both the periodicity and scale of the current SCPS data collection.

Recognizing that trends over time are relatively slow to emerge for the most part, we developed a strategy that could still provide current reporting of statistics from the largest counties but additionally expand statistical reporting to the 900 most populous counties. The implementation of this plan involves *collapsing data across three consecutive iterations of a biennial NPRP data collection, spanning 6 years.*

## *A Proposed Design*

We propose a design strategy that retains the current level of data collection at 40 counties every 2 years. Instead of sampling 40 of the largest 75 counties each time, the sampling would be revised to the following:

- Partition the 75 most populous counties into three sets of 25, which are as similar as possible in terms of region, size population, and pretrial characteristics. Randomly take a different set each year for three iterations of NPRP biennial data collection so that all 75 are sampled across a 6-year period. Under this plan,  $n=25$  “large” counties are sampled every 2 years.
- Develop a stratified sample of 15 counties from the next largest  $(900-75) = 825$  counties in the United States. Every 2 years in a 6-year/three-iteration cycle a different set of  $n=40$  counties would be selected and used in NPRP data collection.
- Note that after the second NPRP iteration under this design (i.e., in year 4, after completing data collections in years 1 and 3) a total of  $n=50$  of the largest 75 counties will have been selected, and after 3 iterations (i.e., in year 6, after completing data collections of years 1, 3, and 5) *all 75 of the most populous counties* in the United States will have undergone NPRP data collection.

The **advantages** of this design are as follows:

- Starting with the second iteration (i.e., after 4 years) and every 2 years thereafter, samples of  $n=50$  of the largest 75 counties would be available for statistical reporting by collapsing 2 consecutive iterations of NPRP data collection. This is better than the current SCPS, which relies on 40 counties sampled from the largest 75 counties.
- After three iterations of the NPRP data collection (i.e., after 6 years), BJS will have data from a national sample of 120 counties, essentially a census of the 75 largest counties without sampling error plus a sample of 45 of the 825 next largest counties in the United States. By collapsing three consecutive iterations of NPRP data collection, BJS can achieve high levels of national representativeness in the NPRP data. This is tantamount to national reporting because 90 percent of U.S. population coverage can be achieved under this design. Support for this general approach exists in the federal statistical system (e.g., American Community Survey). Once the third data collection iteration has occurred, national estimates could be generated biennially by simply collapsing data from the current and two previous NPRP iterations.
- BJS would achieve the goal of expanding to (essentially) national coverage without considerably altering its budget or timeline. Plus, it would continue to be able to report on the largest 75 counties (as it currently does).

The **disadvantages** of this strategy are as follows:

- This strategy relies on the premise that changes in pretrial activity arise and are noticeable over the course of 6 or more years. Sudden changes (such as a dramatic change in national policy) could not be captured without a supplemental sample (with associated resources) in a given NPRP iteration.
- There is the issue of potential “history effects” confounding interpretation of estimates developed from the multi-year collapsed data. Given the national pretrial reform efforts, some of the metrics, like current practices in the use of risk-based pretrial decision-making, can be subject to this issue. However, an examination of successive SCPS data reports, focusing on traditional court outcomes, does not show much evidence of sudden changes between surveys. And policymakers have become acclimated to interpreting estimates based on multi-year American Community Survey (ACS) data, even after the “great recession” of 2007, which had significant impact on some ACS measures (e.g., housing tenure).
- BJS would be required to commit to a data collection period of at least 6 years to realize the advantages of the new design. Sudden changes in funding or direction could derail the design’s effectiveness, and the ability of BJS to respond nimbly and flexibly to new design opportunities would diminish.
- BJS could adopt a collapsing strategy for its current SCPS, but this would limit inferential coverage to the largest 75 counties in the United States. Moreover, a number of counties would be included in each iteration because the largest of the large counties would be self-representing. The net result would not realize the advantage of achieving a census over three iterations, but collapsing could still be done to some advantage, of course.

### ***Results from Simulation Analyses***

The proposed design will yield a sample of 120 counties after three iterations of data collection as follows:

- a census of the  $(25+25+25) = 75$  of the most populous counties is achieved, and
- a sample of  $(15+15+15) = 45$  of the next 825 smaller counties is obtained.

To examine the potential for this design, we analyzed county-level data from UCR and the U.S. Census. The primary motivation for these analyses is to understand the implications of the proposed design. We used the population means and standard deviations to calculate relative biases and coefficients of variation, comparing the current SCPS and the proposed NPRP design.

The proposed NPRP design is intended to improve upon existing data collections on pretrial case processing through feasible and sustainable innovations. Depending on the level of resource commitment, BJS can expand or adapt the proposed NPRP design below as needed. The project team first examined the following question: If BJS is to make inferences to the 90 percent of the U.S. population based on the current SCPS design, how much bias would be produced? In other words, how superior is the proposed design to the current SCPS design in terms of representativeness?

Table 8 presents findings to address this question. We tabulated relative biases of various mean crimes to reflect the systematic error (bias) associated with using means of the 75 largest counties to reflect the means of the largest 900 counties. To standardize the systematic error, the bias was expressed as a percentage of the true mean value:  $\text{RelBias \%} = (100 \times \text{Bias} / \text{True\_Mean})$ . The ideal relative bias is zero, but 5 percent or below is acceptable. Relative biases reflect systematic error irrespective of sampling variation. For this reason, one seeks the smallest possible value for the bias.

**Table 8: Comparison of Relative Bias using the Current SCPS Frame and the Proposed NPRP Frame of Counties When Making National Inference (to Largest 900 Counties)**

Relative Bias for National Inference (the Largest 900 Counties)		
Frame Strategy	When Using the Current SCPS Frame of 75 Largest Counties	When Using the Proposed NPRP Frame of 900 Largest Counties
UCR Proxy Measure	% relative bias	% relative bias*
<b>Violent crime</b>	492%	0%
Murder	445	0
Rape	412	0
Robbery	568	0
Aggravated assault	473	0
<b>Property crime</b>	370	0
Burglary	433	0
Larceny	348	0
Motor vehicle theft	515	0
Arson	408	0

\*“National” is used loosely to reflect 90 percent of the U.S. population. By construction, the relative bias for the proposed design is therefore zero.

As expected, statistics from the 75 largest counties in the United States are not appropriate for making national inference (more precisely, to the largest 900 counties that account for 90 percent of the U.S. population). The relative biases are huge, all in the 350 to 570 percent range for proxy NPRP measures. By definition, if inference is being made to the largest 900 counties, then a probability sample from those counties should yield unbiased mean and percentage estimates, which is why the second (rightmost) column of Table 8 shows all zeroes.

For inference to the largest 75 counties in the United States, both the current SCPS and proposed NPRP designs should yield unbiased estimates. The advantage of the new NPRP design is that collapsing three consecutive iterations of data collection produces a census, so there will be no sampling error associated with estimates. The advantage of the SCPS is that all data for inference would be collected contemporaneously in a single data collection year.

We also examined the performance of the proposed NPRP design for national estimates. Table 9 presents the results. The relative coefficients of variation (CV) are expressed in percentages for mean estimates. The CVs from the NPRP are estimated using UCR proxy measures and distributions at the county level. The data table used to generate the CVs appears in Appendix E. We see reasonable CVs in the 10-17 percent range for estimating means associated with the proxy measures. This confirms that the multi-year collapsing strategy shows promise for the NPRP if it adopts a principal goal of generating national estimates.

**Table 9: Coefficients of Variation and Root Mean Square Errors for the Current SCPS and the Proposed NPRP**

NPRP Coefficients of Variation for National Estimates*	
<b>Violent crime</b>	11%
Murder	15
Rape	11
Robbery	11
Aggravated assault	12
<b>Property crime</b>	9
Burglary	10
Larceny	10
Motor vehicle theft	11
Arson	17

\*National estimates based on 900 most populous counties

\*\*Based on collapsing 3 iterations of NPRP with n=120 counties

Finally, the proposed NPRP design can produce estimates of the largest 75 counties of the United States, *and can do so with essentially no sampling error when three consecutive iterations of the proposed NPRP are combined*. In this sense, the proposed NPRP can outperform the SCPS both nationally and for the largest urban counties (i.e., the current scope of geographic inference under the SCPS).



## ***Limitations***

The simulated performance of a new NPRP used available county-level data to get a sense of biases and statistical precision associated with a new, creative design. As might be expected, there are clear advantages to achieving larger sample sizes (as well as a census of the 75 largest counties) for producing reasonably representative estimates. These promising features of the proposed design should be balanced by a few limitations and uncertainties inherent in the way we conducted the analyses.

First, our main concern that smaller counties tend to have limited capacity to provide reliable, comprehensive information on pretrial case processing would remain in the proposed design. A few of the new 45 jurisdictions beyond the original SCPS counties could be those jurisdictions with limited capacity. Although the proposed design splits that burden over several iterations of data collection, making data collection more manageable, it is a real concern that should not be overlooked. Those jurisdictions will have to invest time and resources to initiate a collaborative process among local stakeholders to reconcile any data issues and compile reliable data on pretrial case processing.

Second, there is also the possibility that UCR measures are not good proxies for pretrial measures. For the sake of illustration, we examined how the proposed design and the SCPS design can capture the volume of reported crimes in the population. However, it is unknown how closely the reported findings can be replicated with pretrial data.

Finally, the policy value of 6-year averages should be balanced with contemporaneous estimates. Depending on BJS's priorities and vision, pretrial data to be collected through the proposed design may or may not be responsive enough.

## VIII. RECOMMENDATIONS

BJS's intention behind NPRP was to expand beyond SCPS's focus on the 75 largest counties and generate national estimates on pretrial release and misconduct in state courts. Urban's project team was charged with assessing the feasibility of developing such national statistics by collecting aggregate data on pretrial processing from sampled jurisdictions.

### *National Estimates*

#### Recommendation 1.1:

If developing national estimates on pretrial case processing is a priority for BJS, we recommend that BJS consider collecting case-level data from a nationally representative sample of jurisdictions. The responsibilities of processing and managing pretrial defendants are often shared among multiple agencies, and they may track a slightly different subset of the pretrial defendant population in a given jurisdiction. Therefore, preparing aggregate counts of pretrial information may require the linking and manipulation of case-level information on pretrial defendants from multiple sources. We do not find it feasible for numerous local jurisdictions to make dedicated efforts to prepare such data on pretrial case processing for submission to BJS.

#### Recommendation 1.2:

Given the current state of pretrial operations in the United States, there is no quick and easy way to collect case-level data on pretrial case processing from a nationally representative sample. We strongly recommend that BJS consider a long-term investment in the development of pretrial data, which may involve developing a partnership with local criminal justice agencies in sampled jurisdictions and collaborating with other organizations from both government (e.g., Bureau of Justice Assistance [BJA]) and non-government (e.g., the Laura and John Arnold Foundation and the Public Welfare Foundation) sectors that are interested in pretrial justice issues to forge such a partnership.

### *Subnational Estimates*

#### Recommendation 2.1:

Should BJS consider the case-level data collection from a total nationally representative sample to be cost-prohibitive or otherwise undesirable, we recommend that BJS consider developing subnational estimates on pretrial case processing that expand coverage beyond the current 75 largest counties to achieve a larger coverage of the United States (e.g., largest 900 counties, as in our illustration). Expanding the sampling frame of the SCPS program can be accomplished in a way to leverage existing resources and achieve more nationally representative data on pretrial case processing while avoiding the excessive cost of data collection associated with full coverage of the entire United States. Such

subnational estimates would be nearly as good as national estimates in terms of the population coverage but would be considerably less expensive to develop.

**Recommendation 2.2:**

The main cost driver in the development of national statistics on pretrial case processing is small and medium-sized jurisdictions with decentralized organizational structures and limited capacity to extract pretrial information. In terms of the volume of pretrial defendants, however, those jurisdictions contribute relatively little to the national statistics. We therefore recommend that BJS focus on the 900 largest jurisdictions in the United States and take a different set of 40 jurisdictions each time for three iterations of biennial data collection to develop subnational statistics on pretrial case processing. The 900 largest jurisdictions account for approximately 90 percent of the total population, 92 percent of violent crime and 91 percent of property crime in the United States. While the level of effort involved in data collection under this design would be reasonably comparable to that of SCPS, its data coverage will be much broader than that of SCPS.

**Recommendation 2.3:**

We recommend that the proposed NPRP design adopt the following sampling scheme over three iterations of data collection:

	Iteration 1	Iteration 2	Iteration 3	Total
A census of the 75 most populous counties	25	25	25	75
A random sample of 45 counties from the next 825 large counties	15	15	15	45
<b>Total</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>120</b>

This design will yield a combined sample of 120 counties that could produce highly representative estimates on pretrial case processing, covering approximately 90 percent of the population. Because there is still considerable variation among the 825 large counties in terms of the jurisdictional capacity to report pretrial data and jurisdictional characteristics, how to stratify the sample of 45 counties by population size may be further examined, depending on the cost and time constraints under which data collection is to be undertaken.

### ***Protocols for Coordinating Data Collection Efforts***

**Recommendation 3.1:**

It is not always a state court or jail that maintains the most information about pretrial defendants in a given jurisdiction. For each sampled jurisdiction, we recommend that local contexts be understood and the main point(s) of contact for pretrial data processing be identified. This effort may include conducting a site visit and in-person meetings with local

stakeholders to troubleshoot data issues and negotiate the sharing of data in the sampled jurisdictions. The level of time and resource commitment would be considerable to develop such a collegial working relationship with a large number of jurisdictions that are nationally representative. However, the burden of data collection will be considerably more manageable with existing SCPC jurisdictions and 45 additional larger jurisdictions.

#### Recommendation 3.2:

When establishing the first contact with local jurisdictions, connecting with multiple agencies in a given jurisdiction may increase the likelihood of locating the primary contact(s) more quickly. Because agencies often do not know who manages pretrial statistics in their county, it is reasonable to reach out to multiple agencies, including courts, pretrial programs, sheriff's offices, and local jails. We also find it more effective to communicate with jurisdictions over the phone than via email, especially when identifying the points of contact and building rapport with local agencies to encourage participation in data collection.

#### Recommendation 3.3:

We strongly recommend that BJS consider offering incentives, monetary or non-monetary, to local jurisdictions for participation in data collection. Monetary rewards can appeal to all levels of staff and all types of local agencies, and can be provided in the form other than direct compensation, such as an invitation to a DOJ-sponsored conference or a working group roundtable with other participating agencies.

#### Recommendation 3.4:

A considerable number of jurisdictions, usually small or medium-sized jurisdictions, do not have the technological capacity to provide information on pretrial case processing. We recommend that BJS consider, in partnership with BJA, developing an easy-to-use records management tool for local jurisdictions to track and manage their pretrial population. The records management tool can be developed in a way that allows data sharing among local agencies and easy reporting for data submission to BJS. Such a tool can be adopted by numerous jurisdictions along with the national movement toward the use of pretrial risk assessment. This approach has potential to save the cost of data collection substantially and make NPRP data more nationally representative, reliable, and current.

#### Recommendation 3.5:

Collecting data on pretrial defendants can be particularly time-consuming for many jurisdictions. However, frequent communication with jurisdictions helps increase the likelihood of reporting. Surveyors should plan for repeated contacts over a period of weeks and months.

## *The Breadth of the NPRP*

### Recommendation 4.1:

Because we do not recommend aggregate-level data collection, the breadth of NPRP needs not be constrained to the expected capacity of local agencies in manipulating case-level data on pretrial defendants. We recommend that the following table of pretrial metrics be used as a guide to map local data to the common format. **The goal should be to collect and prepare case-level NPRP data in a way that allows as many of these key metrics to be calculated as practicable across all sampled jurisdictions.**

Key Metrics	Mission Critical Data
Number of Defendants Released by Release Type and Condition	The number of defendants released by court-ordered release type, for example, personal recognizance, conditional supervision, or unsecured bond
Caseload Ratio	The number of supervised defendants divided by the number of case managers
Time from Nonfinancial Release Order to Start of Pretrial Supervision	Time between a court's order of release and the pretrial agency's assumption of supervision
Time on Pretrial Supervision	Time between the pretrial agency's assumption of supervision and the end of program supervision
Pretrial Detention Rate	Proportion of pretrial defendants who are detained throughout pretrial case processing
Key Metrics	Outcome Measures
Appearance Rate	The percentage of supervised defendants who make all scheduled court appearances
Safety Rate	The percentage of supervised defendants who are not charged with a new offense during the pretrial stage
Concurrence Rate	The ratio of defendants whose supervision level or detention status corresponds with their assessed risk of pretrial misconduct
Success Rate	The percentage of released defendants who (1) are not revoked for technical violations of the conditions of their

	release, (2) appear for all scheduled court appearances, and (3) are not charged with a new offense during pretrial supervision
Pretrial Detainee Length of Stay	The average length of stay in jail for pretrial detainees who are eligible by statute for pretrial release
<b>Key Metrics</b>	<b>Performance Measures</b>
Universal Screening	The percentage of defendants eligible for release by statute or local court rule that the program assesses for release eligibility
Recommendation Rate	The percentage of time the program follows its risk assessment criteria when recommending release or detention
Response to Defendant Conduct	The frequency of policy-approved responses to compliance and noncompliance with court-ordered release conditions
Pretrial Intervention Rate	The pretrial agency's effectiveness at resolving outstanding bench warrants, arrest warrants, and capiases

## Appendix A. Jurisdictional Capacity Survey Instrument





**National Pretrial Reporting Program  
Jurisdictional Capacity Survey**



On behalf of the Bureau of Justice Statistics – the statistical research arm of the U.S. Department of Justice – the Urban Institute (UI), a non-profit research organization located in Washington, D.C., and the Pretrial Justice Institute (PJI) are exploring the feasibility of collecting nationally representative statistics on pretrial outcomes and performance. This effort is known as the *National Pretrial Reporting Program* (NPRP). Generating nationally representative statistics on pretrial practice is crucial for understanding national trends in criminal case processing and identifying ways to improve system efficiency and defendant outcomes.

To develop the data collection methods for NPRP, UI and PJI are fielding a survey to understand both the variation in pretrial practices across jurisdictions and the information jurisdictions have available about their pretrial populations. Your jurisdiction is one of several jurisdictions selected across the country to participate in this Jurisdictional Capacity Survey (JCS). Enclosed is a letter from the National Association of Pretrial Services Agencies (NAPSA) and the National Association of Counties (NACo) endorsing this survey.

Although this survey is voluntary, we appreciate your cooperation to make the results comprehensive, accurate, and timely. Your feedback will be invaluable to our effort in identifying the types of pretrial data that should be collected at the national level as well as the feasibility of collecting such data elements. *All answers, including your contact information, will be kept strictly confidential. Under the BJS Use of Data Statute (34 U.S.C. § 10134): “Data collected by the Bureau 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 private person or public agency other than statistical or research purposes.”*

If you have questions about this survey or need assistance, please email UI at [NPRP@urban.org](mailto:NPRP@urban.org) or call UI at 1-855-709-0870. Also, please feel free to contact Tracey Kyckelhahn, the BJS Project Manager, at [Tracey.Kyckelhahn@ojp.usdoj.gov](mailto:Tracey.Kyckelhahn@ojp.usdoj.gov) should you have any questions about this project. Thank you for your cooperation in this important data collection effort.

Sincerely,

Bureau of Justice Statistics

William J. Sabol, Ph.D.

Acting Director

Bureau of Justice Statistics

## Instructions for Completing the Survey

1. The survey consists of 37 questions, some of which may require you to look up information or consult with another agency in your jurisdiction. We do not expect that your agency will be able to answer all or even the majority of the questions. This survey is simply intended to provide feedback about the types of data elements that jurisdictions like yours collect about their pretrial population and the effort required to compile such data. Therefore, any information you provide will be useful; we are equally interested in learning about which questions you cannot answer as we are in receiving completed responses. We also recognize that pulling together this data may be a time-consuming process. Please complete all the questions that you are able to and let us know how long each one took – the survey will prompt you to report this information. Again, all of this feedback will be invaluable to us as part of the NPRP process.
2. We acknowledge that technical definitions for common terms relating to pretrial case processing may vary widely across jurisdictions. Some of the legal and procedural terms used in this survey may not be entirely clear or applicable to your jurisdiction. Please answer all questions in a way that **most closely** reflects pretrial operations in your jurisdiction. Should you need to give an explanation for an answer or define any of the terms used as they specifically relate to your jurisdiction, please use the space provided at the end of the survey.
3. Please return the survey by Month-Day, 20XX.
4. If you need assistance to answer any question, please email [NPRP@urban.org](mailto:NPRP@urban.org) or call UI at 1-855-709-0870.

Survey Completed By:

First Name	Last Name	Position Title
Organization Name		Organization Type (e.g., jail, sheriff's office, etc.)
Official Address		
Telephone		Email

## SECTION A: PRETRIAL ORGANIZATION

**A1.** Is your agency responsible for reporting to another entity or authority on matters related to the management of the pretrial population?

- ☐ Yes  
☐ No  
☐ Other \_\_\_\_\_

If **yes**, please list all the entities to which you report.

Entity Name	Point of Contact	Email and/or Telephone

**A2.** Is your agency responsible for the supervision and/or treatment of pretrial defendants (in other words, is your agency considered a pretrial agency)?

- ☐ Yes  
☐ No

**A3.** Does your agency have access to case-level data regarding the supervision and/or treatment of pretrial defendants?

- ☐ Yes (skip to Section B)  
☐ No (skip to A4)

**A4. If your agency is not responsible for the supervision and/or treatment of pretrial defendants or your agency does not have access to case-level data,** please provide the following information for the agency/agencies that is/are responsible for collecting and/or maintaining information on your jurisdiction's pretrial population and case-level data.

Entity Name	Point of Contact	Email and/or Telephone

[Thank you for your time. You are now done with the survey. We will contact the appropriate agency to complete the survey using the contact information you provided above.]

## SECTION B: PRETRIAL POPULATION

**B1.** Please indicate the stages at which pretrial defendants are referred, or otherwise made known, to your agency (check all that apply).

- ☐ Arrest
- ☐ Booking
- ☐ Initial appearance
- ☐ Arraignment
- ☐ Preliminary hearing
- ☐ Other \_\_\_\_\_



**B2.** Does the above figure closely reflect the general case flow of pretrial defendants in your jurisdiction?

- ☐ Yes
- ☐ No

**If no,** please explain.

**B3.** Indicate the stages at which your agency collects or obtains access to case-level data on pretrial defendants (check all that apply).

- ☐ Arrest
- ☐ Booking
- ☐ Initial appearance
- ☐ Arraignment
- ☐ Preliminary hearing

**The first stage you indicated above makes up your working definition of the pretrial population for the remainder of this survey.**

**B4.** In your jurisdiction, do the police issue a citation, or summons, to appear in court to an arrestee accused of committing the following (check all that apply):

- ☐ Traffic infractions
- ☐ Petty offenses
- ☐ Misdemeanors
- ☐ Felonies
- ☐ None of the above

## SECTION C: PRETRIAL FUNCTIONS

**C1.** Does your jurisdiction use an actuarial risk assessment tool to assess the risk of pretrial defendants?

☐ Yes

☐ No

**C1a.** If yes, what is the name of the actuarial risk assessment tool that your jurisdiction uses?

\_\_\_\_\_

**C1b.** How is information from the actuarial risk assessment tool maintained? (Check all that apply.)

☐ Electronically

☐ Paper files

☐ Other \_\_\_\_\_

**C2.** Please indicate the available supervision and treatment options for the pretrial population in your jurisdiction. (Check all that apply.)

☐ Curfews

☐ Electronic monitoring

☐ Supervision is not provided

☐ Other (please specify) \_\_\_\_\_

**C2a.** Please indicate the available treatment options for the pretrial population in your jurisdiction.

☐ Substance abuse treatment

☐ Mental health treatment

☐ Treatment is not provided

☐ Other (please specify) \_\_\_\_\_

**C3.** Please indicate the financial release mechanisms that your jurisdiction offers.

☐ Cash

☐ Deposit bond

☐ Surety bond

☐ Property bond

☐ Other (please specify) \_\_\_\_\_

**C3a.** Please indicate the non-financial release mechanisms that your jurisdiction offers.

- ☐ Citation
- ☐ Release on recognizance
- ☐ Unsecured bond
- ☐ Supervised release
- ☐ Other (please specify) \_\_\_\_\_

**C4.** Does your jurisdiction allow defendants to be released on financial bond while under pretrial supervision?

- ☐ Yes
- ☐ No



## SECTION D: PRETRIAL RELEASE DECISION

**D1.** What was the caseload of the pretrial population (as defined in **B3**) for 2012?

\_\_\_\_\_

### For questions D2 – D4

- Please report data for the total population only if it is not possible to distinguish between felony and misdemeanor charges.
- If exact numbers are not available, please provide best estimates. Indicate that you have provided an estimate by checking the “Est.” box.
- If you are not able to provide an estimate, please write “-99” in each box.

**D2.** While awaiting case adjudication, how many of the defendant population in 2012, as reported in **D1**, were:

	Felony (#) (Most serious charge)	Est.	Misdemeanor (#) (Most serious charge)	Est.	Total (#)	Est.
Released		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Detained		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

**D3.** While awaiting case adjudication, how many defendants reported in **D2** were released by the following mechanisms:

	Felony (#) (Most serious charge)	Est.	Misdemeanor (#) (Most serious charge)	Est.	Total (#)	Est.
Financial release (total)		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Cash		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Deposit		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Surety		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Property		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Non-financial release (total)		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Citation		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Release on recognizance		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Unsecured bond		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Supervised release		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

**D4.** While awaiting case adjudication, how many defendants reported in **D2** were

	<b>Felony (#)</b> (Most serious charge)	<b>Est.</b>	<b>Misdemeanor (#)</b> (Most serious charge)	<b>Est.</b>	<b>Total (#)</b>	<b>Est.</b>
...detained on financial bail?		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
...detained without bail?		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Now that you have answered questions D2-D4, the next couple of questions ask about the level of effort in completing these questions.

**D5.** What is the total number of labor hours for all persons involved in answering items **D2-D4**?

\_\_\_\_\_

**D6.** What challenges, if any, did you experience when completing items **D2-D4**?

- ☐ 1. All items were completed without challenges.
- ☐ 2. Information is not collected.
- ☐ 3. Information is collected, but not accessible due to legal or administrative complications. (please explain below)
- ☐ 4. Information is collected and accessible, but not easily extracted. (please explain below)
- ☐ 5. Information is available for reporting, but is too labor-intensive to provide.
- ☐ 6. Other (please explain below)

If you faced any challenges when completing these items, please explain further.

Now let's continue with questions about pretrial processes. After a set of substantive questions, we will repeat questions about the level of effort and challenges in completing those questions for the remainder of this survey.

**D7a.** What was the average bail amount (in dollars) for *released* pretrial defendants in 2012?

\_\_\_\_\_

**D7b.** What was the average bail amount (in dollars) for pretrial defendants in 2012 who were not released?

\_\_\_\_\_

**D8.** What is the total number of labor hours for all persons involved in answering items **D7a-b**?

\_\_\_\_\_

**D9.** What challenges, if any, did you experience when completing items **D7a-b**?

- ☐ 1. All items were completed without challenges.
- ☐ 2. Information is not collected.
- ☐ 3. Information is collected, but not accessible due to legal or administrative complications.(please explain below)
- ☐ 4. Information is collected and accessible, but not easily extracted. (please explain below)
- ☐ 5. Information is available for reporting, but is too labor-intensive to provide.
- ☐ 6. Other (please explain below)

If you faced any challenges when completing these items, please explain further.

## SECTION E: PRETRIAL MISCONDUCT SECTION

### For question E1

- If exact numbers are not available, please provide best estimates. Indicate that you have provided an estimate by checking the “Est.” box.
- If you are not able to provide an estimate, please write “-99” in each box.

**E1.** How many of the defendant population released while awaiting case adjudication in 2012 – as specified in item D2:

	Count (#)	Est.
...failed to appear (FTA) in court?		<input type="checkbox"/>
...were arrested?		<input type="checkbox"/>
...violated the terms of supervision?		<input type="checkbox"/>

**E2.** Through your data system, is it possible to track whether FTA cases are brought back into court?

- ☐ Yes  
☐ No

**E2.** Through your data system, is it possible to identify whether those arrested were arrested for a felony offense or a misdemeanor?

- ☐ Yes  
☐ No

**E4.** What is the total number of labor hours for all persons involved in answering question **E1**?

\_\_\_\_\_

**E5.** What challenges, if any, did you experience when completing question **E1**?

- ☐ 1. All items were completed without challenges.
- ☐ 2. Information is not collected.
- ☐ 3. Information is collected, but not accessible due to legal or administrative complications. (please explain below)
- ☐ 4. Information is collected and accessible, but not easily extracted. (please explain below)
- ☐ 5. Information is available for reporting, but is too labor-intensive to provide.
- ☐ 6. Other (please explain below)

If you faced any challenges when completing these items, please explain further.

## SECTION F: PRETRIAL SUBPOPULATION BREAKDOWN

### For question F1

- If exact numbers are not available, please provide best estimates. Indicate that you have provided an estimate by checking the “Est.” box.
- If you are not able to provide an estimate, please write “-99” in each box.

**F1.** Please provide the number of detained defendants for the following subpopulations:

		Count (#)	Est.
Race	Non-Hispanic, American Indian or Alaska Native		<input type="checkbox"/>
	Non-Hispanic, Asian		<input type="checkbox"/>
	Non-Hispanic, Black or African American		<input type="checkbox"/>
	Hispanic or Latino		<input type="checkbox"/>
	Non-Hispanic, Native Hawaiian or Other Pacific Islander		<input type="checkbox"/>
	Non-Hispanic, White		<input type="checkbox"/>
	More than one race		<input type="checkbox"/>
Age	17 or below		<input type="checkbox"/>
	18 - 24		<input type="checkbox"/>
	25 - 39		<input type="checkbox"/>
	40 - 54		<input type="checkbox"/>
	55 or above		<input type="checkbox"/>
Gender	Male		<input type="checkbox"/>
	Female		<input type="checkbox"/>
Offense Charged (most serious)	Violent Crime		<input type="checkbox"/>
	Property Crime		<input type="checkbox"/>
	Drug Crime		<input type="checkbox"/>
	Motor Vehicle/DUI		<input type="checkbox"/>
	Other		<input type="checkbox"/>

**F2.** What is the total number of labor hours for all persons involved in answering item **F1**?

\_\_\_\_\_

**F3.** What challenges did you experience when completing item **F1**?

- ☐ 1. All items were completed without challenges.
- ☐ 2. Information is not collected.
- ☐ 3. Information is collected, but not accessible due to legal or administrative complications.  
(please explain below)
- ☐ 4. Information is collected and accessible, but not easily extracted. (please explain below)
- ☐ 5. Information is available for reporting, but is too labor-intensive to provide.
- ☐ 6. Other (please explain below)

If you faced any challenges when completing these items, please explain further.

**For questions F4 – F5**

- If exact numbers are not available, please provide best estimates. Indicate that you have provided an estimate by checking the “Est.” box.
- If you are not able to provide an estimate, please write “-99” in each box.

**F4.** Please provide the number of defendants who failed to appear in court while released pretrial by the following populations:

		Count (#)	Est.
<b>Race</b>	Non-Hispanic, American Indian or Alaska Native		<input type="checkbox"/>
	Non-Hispanic, Asian		<input type="checkbox"/>
	Non-Hispanic, Black or African American		<input type="checkbox"/>
	Hispanic or Latino		<input type="checkbox"/>
	Non-Hispanic, Native Hawaiian or Other Pacific Islander		<input type="checkbox"/>
	Non-Hispanic, White		<input type="checkbox"/>
	More than one race		<input type="checkbox"/>
<b>Age</b>	17 or below		<input type="checkbox"/>
	18 - 24		<input type="checkbox"/>
	25 - 39		<input type="checkbox"/>
	40 - 54		<input type="checkbox"/>
	55 or above		<input type="checkbox"/>
<b>Gender</b>	Male		<input type="checkbox"/>
	Female		<input type="checkbox"/>
<b>Offense Charged (most serious)</b>	Violent Crime		<input type="checkbox"/>
	Property Crime		<input type="checkbox"/>
	Drug Crime		<input type="checkbox"/>
	Motor Vehicle/DUI		<input type="checkbox"/>
	Other		<input type="checkbox"/>
<b>Release Type</b>	Financial (e.g., cash, surety bond)		<input type="checkbox"/>
	Non-financial (e.g., supervised release, release on recognizance)		<input type="checkbox"/>

**F5.** Please provide the number of defendants arrested for a new crime while released pretrial by the following populations:

		Count (#)	Est.
<b>Race</b>	Non-Hispanic, American Indian or Alaska Native		<input type="checkbox"/>
	Non-Hispanic, Asian		<input type="checkbox"/>
	Non-Hispanic, Black or African American		<input type="checkbox"/>
	Hispanic or Latino		<input type="checkbox"/>
	Non-Hispanic, Native Hawaiian or Other Pacific Islander		<input type="checkbox"/>
	Non-Hispanic, White		<input type="checkbox"/>
	More than one race		<input type="checkbox"/>
<b>Age</b>	17 or below		<input type="checkbox"/>
	18 - 24		<input type="checkbox"/>
	25 - 39		<input type="checkbox"/>
	40 - 54		<input type="checkbox"/>
	55 or above		<input type="checkbox"/>
<b>Gender</b>	Male		<input type="checkbox"/>
	Female		<input type="checkbox"/>
<b>Offense Charged</b> (most serious)	Violent Crime		<input type="checkbox"/>
	Property Crime		<input type="checkbox"/>
	Drug Crime		<input type="checkbox"/>
	Motor Vehicle/DUI		<input type="checkbox"/>
	Other		<input type="checkbox"/>
<b>Release Type</b>	Financial (e.g., cash, surety bond)		<input type="checkbox"/>
	Non-financial (e.g., supervised release, release on recognizance)		<input type="checkbox"/>

**F6.** What is the total number of labor hours for all persons involved in answering items **F4-F5**?

\_\_\_\_\_



**F7.** What challenges did you experience when completing items **F4-F5**?

- ☐ 1. All items were completed without challenges.
- ☐ 2. Information is not collected.
- ☐ 3. Information is collected, but not accessible due to legal or administrative complications (please explain below)
- ☐ 4. Information is collected and accessible, but not easily extracted. (please explain below)
- ☐ 5. Information is available for reporting, but is too labor-intensive to provide.
- ☐ 6. Other (please explain below)

If you faced any challenges when completing these items, please explain further.

## **SECTION G: GENERAL COMMENTS**

Please use the space below to add any comments or suggestions about how to make the gathering of pretrial information easier and how to encourage participation among jurisdictions when the National Pretrial Reporting Program (NPRP) is fielded in the future. Thank you for completing the survey!

## Appendix B. List of Participating Jurisdictions

<b>ID</b>	<b>State</b>	<b>County</b>	<b>Participating Agency</b>
<b>1</b>	Arizona	Maricopa	Maricopa County Probation - Pretrial Services Division
<b>2</b>	California	Los Angeles	Los Angeles County Probation Department - Pretrial Services Division
<b>3</b>	California	San Diego	Pretrial Services - SDSC
<b>4</b>	California	Santa Barbara	Santa Barbara Superior Court Pretrial Services Division
	Colorado	Arapahoe	Arapahoe County Judicial Services - Pretrial
<b>6</b>	Colorado	Boulder	Justice Center - Pre-Trial SVCS & Comm. SVCS
<b>7</b>	Colorado	Weld	Weld County Justice Services
<b>8</b>	District of Columbia		Pretrial Services Agency
<b>9</b>	Florida	Duval	Jacksonville Sheriff's Office
<b>10</b>	Florida	Orange	Orange County Corrections
<b>11</b>	Florida	Seminole	Seminole County Probation
<b>12</b>	Illinois	Coles	5th Probation District Court Services
<b>13</b>	Illinois	St. Clair	St. Clair County Probation Department
<b>14</b>	Illinois	Whiteside	Whiteside County Court Services
	Indiana	Fayette	Fayette County Government - Clerk's Office
<b>16</b>	Kansas	Hodgeman	Hodgeman County Sheriff's Office
<b>17</b>	Kansas	McPherson	District Court - Ninth Judicial District
<b>18</b>	Kentucky		Kentucky Court of Justice - Pretrial Services
<b>19</b>	Maine	Androscoggin	Maine Pretrial Services, Inc.
<b>20</b>	Maine	Cumberland	Maine Pretrial Services, Inc.
<b>21</b>	Maine	Penobscot	Volunteers of America (non-profit)
<b>22</b>	Maryland	Harford	Harford County Sheriff's Office
<b>23</b>	Michigan	Kent	Kent County Court Services
<b>24</b>	Michigan	Macomb	Community Corrections
	Michigan	Washtenaw	Sheriff's Office
<b>26</b>	Minnesota	Itasca	Itasca County Probation
<b>27</b>	Minnesota	Lyon	Lyon County Sheriff's Office
<b>28</b>	Nebraska	Douglas	Douglas County Pretrial Release
<b>29</b>	Nebraska	Dundy	Dundy County Court
<b>30</b>	Nebraska	Jefferson	Prosecutor's Office
<b>31</b>	Nebraska	Sarpy	Sarpy County Government
<b>32</b>	New Hampshire	Cheshire	Cheshire County Behavioral Health Court Programs
<b>33</b>	New York	Allegany	Allegany County Probation Department
<b>34</b>	New York	Clinton	Clinton County Probation Department
	New York	Lewis	Lewis County Probation Department
<b>36</b>	New York	Montgomery	Montgomery County Department of Youth, ATI & Veterans Services
<b>37</b>	New York	Oswego	Oswego County Probation Department
<b>38</b>	North Carolina	Buncombe	Buncombe County Pretrial Services

39	North Carolina	Guilford	Court Services
40	North Carolina	Haywood	Haywood County Sheriff's Office
41	North Carolina	Surry	Piedmont Triad Regional Council
42	North Carolina	Wake	ReEntry Inc. (nonprofit)
43	Ohio	Marion	Marion County Adult Probation
44	Oregon	Jefferson	Jefferson County Sheriff's Office
45	Oregon	Lane	Lane County Pretrial Services
46	Oregon	Marion	Marion County Sheriff's Office
47	Oregon	Multnomah	Multnomah County Department of Community Justice
48	Oregon	Union	Oregon Judicial Department - Tenth Judicial District
49	Oregon	Wheeler	Oregon Judicial Department - Seventh Judicial District
50	Pennsylvania	Dauphin	Dauphin County Pretrial Services
51	South Carolina	Kershaw	Kershaw County Detention Center
52	Tennessee	Davidson	Davidson County Sheriff's Office
53	Texas	Harris	Harris County Pretrial Services
54	Texas	Hill	Hill County Sheriff's Office
55	Texas	Hunt	Hunt County Adult Probation
56	Utah	Salt Lake	Criminal Justice Services
57	Virginia	Arlington	Arlington Sheriff's Office
58	Virginia	Hampton City	Hampton-Newport News Criminal Justice Agency - Pretrial and Local Pretrial
59	Virginia	Orange	OAR/Jefferson Area Community Corrections (non-profit)
60	Virginia	Spotsylvania	Rappahannock Regional Jails
61	Virginia	Staunton City	Blue Ridge Court Services (non-profit)
62	Washington	Snohomish	Snohomish County Pretrial Services
63	Washington	Spokane	Spokane County Pretrial Services
64	Wisconsin	Brown	Brown County Jail
65	Wisconsin	Kenosha	Kenosha County Sheriff's Department
66	Wisconsin	LaCrosse	LaCrosse County Chemical Health and Justice Sanctions
67	Wisconsin	Lincoln	Lincoln County - Clerk of Circuit Court
68	Wisconsin	Milwaukee	JusticePoint (non-profit)
69	Wisconsin	Walworth	Walworth County - Clerk of Courts

## Phase 2

1	Alaska	Dillingham	Dillingham Police Department
2	Alabama	Shelby	Shelby County Community Corrections
3	Arizona	Pinal	Pinal County Adult Probation
4	California	Merced	Merced County Sheriff's Department
5	Colorado	Adams	Adams County Sheriff's Office
6	Colorado	Cheyenne	District & County Court - Court Clerk
7	Florida	Lake	Lake County Jail
8	Georgia	Monroe	Monroe County District Attorney's Office
9	Illinois	Kendall	Kendall County Court Services
10	Iowa	Scott	Scott County Jail
11	Maryland	Anne Arundel	Anne Arundel Detention Center - Pretrial Supervisor

12	Massachusetts	Suffolk	Suffolk County Sheriff's Department
13	Massachusetts	Worcester	Worcester County Sheriff's Office
14	Missouri	Boone	13th Judicial Circuit of Missouri - Court Administrator
15	Montana	Madison	Madison County - Clerk of District Court
16	North Carolina	Durham	Durham County Pretrial Services
17	North Carolina	Wilkes	Wilkes County Sheriff's Office
18	Oregon	Clackamas	Clackamas County Jail
19	South Dakota	Bon Homme	Bon Homme County Sheriff
20	South Dakota	Brown	Brown County Jail - Jail Administrator
21	Utah	Juab	Juab County Sheriff's Office
22	Virginia	Alexandria City	Sheriff's Office Alexandria Criminal Justice Services
23	Virginia	Charlottesville City	OAR Jefferson Area Community Corrections
24	Virginia	Cumberland	Cumberland County Sheriff's Office
25	Virginia	Fauquier	Fauquier County Adult Court Services Director
26	Virginia	Page	Page County Sheriff's Office
27	Washington	Columbia	Columbia County Sheriff's Office
28	Washington	King	King County Department of Adult & Juvenile Detention
29	Wisconsin	Green	Green County Sheriff's Office
30	Wisconsin	Pepin	Pepin County Clerk of Court

### Appendix C. Phase 2 Survey Data Collection: Challenges by Type of Agency

Agency Type	All items were completed	Some items were completed	Information is available but is too labor-intensive to provide	Information is collected but not easily extracted	Information is collected but not accessible	Information is not collected	No contact established	Contact established, but no response within timeframe	Refused to participate	Total
District Attorney's Office	1		3		1	2	6	4	2	19
Sheriff's Department	7	3	2	2		1	1			16
District Court/Superior Court/Court Services	3	4	4	2	1				1	15
Jail/Detention Center	2	4	2		1				1	10
Corrections or Community Corrections	2					2	1			5
Pretrial Services	1		1							2
Adult Probation Department		1								1
Criminal Justice Services		1								1
Police Department		1								1
Total	16	14	12	4	3	5	8	4	4	70

## Appendix D. Cumulative Counts and Cumulative Percentage Distributions for a Variety of Population and UCR Measures

[illegible]

Appendix E. Unweighted Population Parameters (Mean, Standard Deviation) Used to Develop Performance Measures for a Proposed NPRP Design

	Population			Population without bottom 11% 900 most populous counties			SCPS base sample 75 most populous counties			Population of 825 counties (following the top 75)		
UCR Proxy Measure	N	Mean	Std. Dev	N	Mean	Std. Dev	N	Mean	Std. Dev	N	Mean	Std. Dev
<b>Violent crime</b>	3,124	167	799	900	533	1,437	75	3,153	3,773	825	278	404
Murder	3,124	3	16	900	11	28	75	60	71	825	6	11
Rape	3,124	6	20	900	17	35	75	87	85	825	11	13
Robbery	3,124	35	188	900	117	340	75	781	867	825	52	86
Aggravated assault	3,124	123	591	900	388	1,065	75	2,225	2,852	825	209	320
<b>Property crime</b>	3,124	522	1,648	900	1,629	2,801	75	7,662	6,180	825	1,042	1,025
Burglary	3,124	90	364	900	275	648	75	1,465	1,699	825	159	179
Larceny	3,124	405	1,228	900	1,270	2,064	75	5,693	4,416	825	840	842
Motor vehicle theft	3,124	23	117	900	72	212	75	443	573	825	36	54
Arson	3,124	4	18	900	12	33	75	61	87	825	7	14