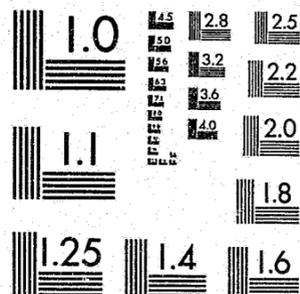


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CREATING A NATIONAL PRETRIAL DATA BASE:

A FEASIBILITY STUDY

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CHAPTER 1

Introduction

On November 1, 1983, the Bureau of Justice Statistics (BJS) and the Pretrial Services Resource Center entered into a cooperative agreement to determine the feasibility of creating a national pretrial data base; specifically, to determine whether accurate and comprehensive data on the pretrial process could be collected locally, transferred to the state and federal levels, and aggregated. The Resource Center agreed to identify the kinds of information to be collected, including specific data on pretrial release decisions and outcomes, failure to appear, and pretrial rearrest; to survey existing criminal justice data collection processes and formulate procedures for the collection of study data; to test those procedures in three selected sites; and to investigate methods for the transfer of the data to the state and federal levels.

An advisory board was established by BJS to assist the Center in this work. The panel was chaired by Ordway Burden, founder of the Law Enforcement Assistance Foundation and member of the Advisory Board of the Bureau of Justice Statistics. Rosemary Hart, special assistant to the Associate Attorney General, U. S. Department of Justice, and Gerald Monks, president of the Professional Bondsmen of the United States, also agreed to participate as board members. The advisory board was assisted by Herb Koppel, BJS project monitor.

The impetus for this study was a commitment by the Bureau of Justice Statistics to examine if it was possible to bridge the informational gap which exists between the data currently gathered on the "front end" of the system [i.e., crimes committed (National Crime Survey) and crimes reported (Uniform Crime Reports)] and the data which is gathered on convicted defendants who are placed on probation (National Probation Reports), or who are incarcerated and eventually released on parole supervision (National Corrections Reporting Program).

In recent years the U. S. Department of Justice through the Bureau of Justice Statistics or its predecessors has sponsored several initiatives aimed at developing or expanding national data bases on specific segments of the criminal

justice system. These projects have provided important information on the nature of crime and criminal justice practices and procedures in the United States. The Uniform Crime Reports, maintained by the Federal Bureau of Investigation, for example, were expanded in 1978 to provide a national accounting of the commission of eight major crimes as reported to local police departments. Five years earlier, the National Crime Survey was initiated by the Department of Justice to measure the incidence of certain crimes (both reported and not reported to the police) based on survey interviews of 60,000 American households. In 1983 the Bureau of Justice Statistics, with the cooperation of the U. S. Bureau of the Census, introduced the National Corrections Reporting Program, a synthesis of two previously established national data bases covering prison population movement (National Prisoner Statistics) and parole statistics (Uniform Parole Reports).

However, a major gap continued to exist in the availability of national data on the criminal justice process. The pretrial stage, defined as that period following arrest up to and including adjudication, represents a critical period in the criminal justice system, and yet no existing data mechanism provides accurate measures of defendant activity during this period. The decisions made during this stage strongly influence the balance of the legal process and the results have significant implications for criminal justice policies and resources. For example, a key decision made during this period is whether to prosecute an arrestee. Information on the percentage of cases which are declined for prosecution, the length of time between arrest and the decision to prosecute, and the status of arrestees (released or detained) pending this decision can be significant when considering whether practices and policies can be modified to improve processing. An examination of data might indicate a need

to accelerate prosecutorial decision-making, modify arrest procedures, or implement early pretrial release mechanisms. Each of these contingencies has implications on allocation of resources and manpower, as well as policy decisions. Other decisions involving bail, rearrest and fugitivity have similar importance.

Clearly, the creation of a national pretrial data reporting system is of vital importance to effective criminal justice planning. For example, it is estimated that on June 30, 1982, there were 210,000 persons confined in local jails throughout the United States, 60 percent of whom were awaiting trial. ^{1/} In contrast, in 1978 the pretrial population represented only 42 percent of the nation's jail inmates, a marked increase in the four-year period. ^{2/} While increased levels of pretrial detention places greater burdens on already limited criminal justice budgets and jail space, concern over dwindling resources and equal justice must be balanced with legitimate public concern over persons released pending trial who commit violent crimes and/or disrupt the integrity of the court process by failing to appear for court hearings. But the lack of data which presently exists in this area hampers the development of rational approaches to pretrial decision-making which could protect the safety of the community and assure that defendants return to court as required.

This need for accurate information on the pretrial process was underscored by Dr. Steven R. Schlesinger, director of the Bureau of Justice Statistics, in

his September 22, 1983, address at the National Conference of Pretrial Services. In his speech, Dr. Schlesinger raised a number of critical questions for which there are only partial, and often unreliable, answers including:

- How many defendants are rearrested while on pretrial release?
- How soon after pretrial release does rearrest occur?
- How many defendants on pretrial release are rearrested more than once?
- What actions are taken to prevent multiple rearrests of defendants released pending trial?
- Is there a relationship between the original offense charged and the rearrest charge?
- For what kinds of offenses are defendants most frequently rearrested? ^{3/}

Not only is reliable information lacking at the national level, a great many local jurisdictions do not maintain information on critical aspects of the pretrial process, including whether individual defendants were released pretrial, failed to appear for court proceedings, or were rearrested while on pretrial release. ^{4/}

In the same speech, Dr. Schlesinger announced the intention of BJS to find out if the existing gap in the availability of national data on the pretrial process could be filled. BJS and the Pretrial Services Resource Center subsequently entered into a cooperative agreement to undertake a feasibility study to determine whether the formation of a such a data base is possible and, if so, to devise and test an approach for its initial implementation.

This report is divided into five chapters. Following this introduction, Chapter 2 focuses on the identification of the information to be gathered and how a method for gathering that information developed. Chapter 3 reports on the surveys of state court administrators and state statistical analysis centers that were a key part of the project. The pretest design, site selection and testing mechanisms are presented in Chapter 4, and Chapter 5 discusses the recommendations for future work in this area.

CHAPTER 2

The Development of the Data

The importance of having accurate data on the pretrial process cannot be overstated. Policy decisions made without adequate knowledge about how many and what types of defendants are released pending trial, fail to appear for their court dates, and/or are rearrested while out on pretrial release can have serious negative consequences.

Given the projected uses of the pretrial data to be collected, a crucial consideration was to develop a tracking system which would focus on individuals as well as on cases. The data developed as part of this tracking system would have to have the potential for comparing defendants on certain key variables as well as providing information on the time it takes for defendants to move from point to point in the pretrial stage of the criminal justice system.

The traditional focus of the courts on cases rather than individuals presented one of the obstacles to gathering data on the processing of individuals through the system. For example, it is standard in many jurisdictions for a defendant to have two different cases moving toward disposition in two different

courtrooms in the same system during the same period, with the judges assigned to each case not knowing another case exists.

The difficulty with courts identifying all cases involving a particular defendant results in part from the lack of a defendant-based identification number. In most jurisdictions, when a defendant is arrested, a police officer or a prosecutor brings the charges to the court's attention, a case file is created by the clerk or court administrator's office, and the file is assigned a case number. Further information recorded by the court is focused on the case rather than the defendant. Thus, it is difficult to determine if other cases are currently in the system involving the same defendant. Any pretrial data reporting system developed would have to institute procedures to overcome this problem.

The primary goal of the data development stage was to identify those significant data elements (e.g., arrest date, date of pretrial release, type of release conditions set, date of pretrial rearrest, date of disposition, etc.) that, when taken together, would lead to a representative national statistical picture of the pretrial stage of the criminal justice system. It was important to include all the key data elements necessary to answer the crucial pretrial questions while being aware that a data instrument that was too lengthy would be overly burdensome for the local data collectors.

In order to have the ability to track defendants as they moved through the court system and to make comparisons of defendants, a number of different variables were necessary. They included identifying characteristics of the defendant (identification number, date of birth), arrest information [date of incident,

arrest charge(s), status at time of arrest, etc.], prior record information (number of felony and misdemeanor convictions, number of prior violent felony convictions), pretrial release information (whether and/or when a defendant was released pretrial, type of release conditions set, amount of money bail set, charge level at time of release), pretrial rearrest information [whether and/or when a defendant was rearrested, the rearrest charge(s), whether the defendant was re-released and/or rearrested a second time, etc.], court appearance information (whether and/or when a defendant missed a court appearance, whether the defendant remained a fugitive, when the defendant was returned to court), and disposition and sentencing information.

The Pretrial Services Resource Center staff compiled an initial list of the data elements thought necessary for this project. While the Resource Center has worked with many court and pretrial practitioners in designing research and statistical gathering systems which provide data on the pretrial process, one of the unique tasks of this project was to design data elements which could be used universally by court officials throughout the country. Standard definitions had to be developed and state-specific terms eliminated. The list of data elements had to be as brief as possible without losing the ability to track defendants through the system.

Once the first draft of the data elements list was completed, it was circulated to a number of criminal justice professionals for feedback on its applicability in different jurisdictions. Some revisions were then made, and a second draft

was developed and sent to five professional researchers with extensive experience in the criminal justice field. Many useful comments concerning definitional changes and format changes were received and subsequently incorporated into the list.

Following this procedure, a third draft of the data elements was tested by the Resource Center staff on a small sample of defendants in the District of Columbia court system. This pretest uncovered a number of potential definitional problems with some of the items and demonstrated a need to develop an instruction sheet for local participants to use as they gathered the data.

Once the data had been developed and a data collection form containing the appropriate data elements devised, the focus switched to determining the best approach for gathering the pretrial data. This approach is discussed in the next section.

The Development of a Data Gathering Procedure

As a national pretrial reporting program was envisioned, data would be collected by local agencies, which would transmit it to a central state agency, which would, in turn, transmit the data to the Bureau of Justice Statistics (or other appropriate federal agency) for aggregation and analysis. This formulation raised two key questions: (1) which local criminal justice agency would be the most appropriate to gather the data; and (2) which state agency would logically receive the data from the local agency and transmit it to the federal level.

All local level criminal justice agencies were reviewed to determine if the necessary data were available to them and whether they would be in a position to collect the data on a regular basis. The characteristics of the reporting procedures of some agencies lead to their removal from consideration. For example, the police generally know about all arrests in a jurisdiction but often do not have information on pretrial release or disposition. Local corrections agencies might have information on the arrest charge, when the defendant was released, and possibly the disposition of the case, but not every defendant is admitted to jail after arrest in every jurisdiction. Pretrial release agencies often collect the data of interest, but their data collection is usually limited to defendants released through the program's efforts and many defendants are excluded by the program from consideration for release. In addition, pretrial release programs are not a part of every court system in every jurisdiction. A prosecutor's file may contain the amount of bail set for a defendant, but the information on whether or not the defendant secured release is not usually available.

Courts, however, do have all of the data of interest since every criminal case on every defendant must be filed with the clerk of the court or the court administrator. Thus, the identification of the courts as the criminal justice agency which had access to pretrial information on all defendants and the court administrators and/or clerks of court as the individuals responsible for the administration of this information led to a decision to investigate the possibility of using the court information as the basis for the pretrial data base program. But even though the pretrial data elements for the feasibility

study were available, courts have not traditionally gathered these data and thus an important part of the project would be to develop procedures for the courts to use in collecting this information.

In conjunction with the review of local agencies, a review of state level agencies was conducted. Three state agencies were investigated for their ability to oversee the local data gathering and act as the repository of the information from the local jurisdictions: state attorneys general; state statistical analysis centers; and state court administrators. Given the decision to work with local clerks and court administrators, the logical choice appeared to be the state court administrator's office in each state. However, it also seemed that a complementary role would be appropriate for the state statistical analysis centers. As envisioned, statistical analysis centers might provide the data analysis component while the state court administrator's office monitored the data gathering performed by the local clerks of court or court administrators and acted as the central repository for the local information as well as the transmitter of that information to the federal level.

It was apparent that the court's assistance in developing this project would have to be obtained. This was a formidable task as the courts have traditionally not been involved in providing data other than case-based information concerning the workload of the courts, such as the number of cases filed, pending and disposed. It was decided that a survey of state court administrators would be essential to determine not only if the local court agencies possessed the necessary pretrial data to create a national pretrial data base, but whether state and local court administrators would be willing to allocate the resources to undertake and supervise the data gathering process.

One important question which faced the project staff concerned the incentive or "carrot" which could be offered — avoiding federal subsidies which were deemed an unlikely prospect — to the state court administrators to garner their cooperation on this project. An examination of other national criminal justice data collection efforts revealed few, if any, such enticements. A realization emerged that the information, and the knowledge gained from its analysis, was a most powerful inducement, and one which was sufficiently persuasive.

CHAPTER 3

Survey of State Court Administrators

A survey of 20 state court administrators was conducted in January 1984. Twenty states were selected to provide a general picture of how courts are administered across the country (see Appendix C for information on each state's response). The administrative structure varied in the surveyed states from one where the state court administrator was in complete control of the reporting functions of the courts to states where the office was little more than a repository of caseload information. The nature of administrative control was important to determine if a statewide reporting system was to be developed and administered by the state court office.

In telephone interviews, the administrators were asked to discuss the types of pretrial data collected locally and the extent to which information is transferred to the state level. Each administrator was specifically questioned about the availability of statewide and/or local data on: the date of arrest and arrest charges; date charges filed with the court; prior record; if and when a defendant was released pretrial; conditions of pretrial release; pretrial rearrest and failure to appear; disposition; and sentence. Information on the degree of automation of local and state court records systems was also

requested. Finally, each state court administrator was asked to rate the feasibility of participating in the study and to suggest local jurisdictions that might participate in the pretest.

In general, statewide data on the date of arrest and arrest charges, date of filing, and disposition and sentence were found to be maintained in the majority of the states surveyed. However, some states only collected this information on certain categories (e.g., felons only) of defendants. Somewhat less information was found to be available concerning prior record and pretrial release.

A large gap was found in the availability of statewide data on failure to appear (FTA) and pretrial rearrest. Only the State Court Administrator's offices in Kentucky and New Jersey receive information on both FTA and rearrest on all defendants, and only New Jersey systematically tracks the information on all defendants who are processed through the court system. More than half of the administrators reported that no information is available at the state level on FTA and rearrest, but 75 percent indicated that this information is maintained on at least some defendants by the local jurisdictions in the state.

Some state court administrators reported that, while data on FTA and pretrial rearrest are not monitored at the state level, it may be possible to secure this information by matching their records with the records of other statewide criminal justice agencies (e.g., an agency that collects criminal history information) or by adjusting the reporting format used by local courts to send

information to the state. In addition, a few state court administrators noted that information on FTA is kept but that rearrest information is maintained only in certain circumstances or not at all. For example:

- Missouri - The date of a warrant issued for a missed appearance and the date the defendant was returned to court are recorded at the state level, but no data on pretrial rearrest are maintained.
- Vermont - Information on FTA is kept by the state if a warrant is issued, but the state records only indicate the occurrence of a rearrest if the defendant is found guilty of the original charge and the rearrest is taken into consideration in sentencing.
- Pennsylvania - The State Court Administrator's Office receives information on fugitivity if the FTA occurs at the initial appearance, preliminary hearing, or sentencing. No statewide data on pretrial rearrest are maintained, however.

The majority of the administrators surveyed stated that their court reporting systems are automated at the state level. On the other hand, only 25 percent of the administrators indicated that all or the majority of local jurisdictions in the state have computerized court records systems; 40 percent stated that a few local jurisdictions have automated court records, but many of these administrators noted that efforts are underway to automate court records on a statewide basis.

It should be noted, however, that the State Court Administrator's Office was not always found to be the central repository of criminal justice data. For example:

- Illinois - The State Court Administrator's Office receives information on the date and nature of the charges filed and disposition and sentence. However, local clerks' offices send the state Department of Law Enforcement a more comprehensive report—including the date of arrest, bond date and type, date of trial, verdict, and sentence—on each defendant found guilty and sentenced.

- New Jersey - The Department of Law and Public Safety maintains an automated State Criminal Justice History System that includes data on all the individual elements cited in the survey.
- Vermont - A docket disposition form is created for every defendant arraigned in the state. It includes the date of arraignment, date and nature of charges, date and type of pretrial release, FTA, rearrest (under the circumstances noted above), and disposition and sentence. A microfiche copy of this form is maintained by the State Court Administrator's Office, but the Criminal Justice Information Office under the Department of Public Safety is the central repository of criminal justice data for record-keeping purposes.

Despite the current gap in the availability of information about the pretrial stage of the criminal justice system, the majority of state court administrators surveyed believe that it is possible to gather pretrial data on a statewide basis, and nearly half of those surveyed rated the feasibility of doing so in their states as "good" and expressed an interest in participating in such a study and allocating the resources necessary at the local level to carry out the pretest. The majority of other administrators rated the feasibility of instituting procedures to maintain statewide pretrial data as "fair." It is significant to note that many of the court administrators who categorized the feasibility as "fair," nonetheless indicated an interest in participating in such an effort at a future date. Of the administrators who responded that the feasibility of establishing a pretrial data base was "poor," half saw no need to collect such data through their offices and half indicated that there were no mechanisms which currently existed to get the data from the local court administrators.

In general, then, the survey revealed that a good deal of information is maintained at the state level on arrest date and charges, filing date and charges, and disposition and sentence. Somewhat less data are available

concerning defendants' prior records and pretrial release, and it would seem that only a few states maintain any information on failure to appear and pretrial rearrest from the local jurisdictions. However, these data are being collected locally in a number of jurisdictions and, with assistance, procedures could be developed to transmit this data to the state level. During the course of the survey, it was also discovered that four state statistical analysis centers submitted funding proposals to the Bureau of Justice Statistics on pretrial data-gathering.

Survey of State Statistical Analysis Centers

In addition to state court administrators, eight Statistical Analysis Center (SAC) directors were surveyed to question them about the availability of pretrial data in their state, their interest in participating in a national reporting system and to determine an appropriate role, if any, that they could play in such a system.

The eight SACs surveyed included those in Colorado, Illinois, New Mexico, New York, Oregon, Pennsylvania, Virginia and Wisconsin.

The results of the survey indicated that all of the SAC directors had begun to think about developing plans for gathering pretrial data but only four (Colorado, Illinois, Pennsylvania and Virginia) were far enough along with those plans to provide feedback on how such a reporting system would operate in their state. All of the SAC directors surveyed indicated a desire to work with a national pretrial data reporting system and felt that the most appropriate role

might be for them to act as the data analysis component for their state courts. This would involve receiving the data from the state court administrator's office, refining it and undertaking the analysis, and providing the analyzed results to the state courts.

CHAPTER 4

Pretest Site Selection

Based on the results of the survey of state court administrators and the pretest requirements of data availability and resource allocation capability, a tentative list of possible sites to participate in the data collection pretest was established. The selection was limited to jurisdictions where the state court administrator had rated the feasibility of collecting pretrial data as "good" and there was interest in the local jurisdictions in participating. Further investigation of the local clerks of court and court administrators was then undertaken to verify that, in fact, pretrial data was available in their records and that they were willing to allocate the necessary resources to participate in the pretest. The local court administrator survey revealed that problems, primarily involving the time in which the pretest had to be completed, precluded some local jurisdictions from participating in the pretest. On the other hand, many of the local court administrators and clerks of court were more than willing for their jurisdictions to be included as possible sites for the pretest. However, these administrators noted that, although available, the data might not be collected in a systematic fashion.

The final sites of Fayette County (Lexington), Kentucky, Rock County (Janesville/Beloit), Wisconsin, and Multnomah County (Portland), Oregon, were selected after the results of the state court administrator survey and the local court administrator investigation were reviewed by the project's Advisory Board.

The Design of the Pretest

The pretest was designed as a tool to allow local courts to gather the specified data elements and to elicit their feedback on conducting and implementing such a data collection effort. The participating court administrators were asked: which data elements were available in their office records; which data elements were not available but perhaps were accessible to them; the difficulties encountered in obtaining this information; the length of time to complete a data instrument; and their reactions to and observations of the feasibility study. 5/

In the initial design of the pretest, the court administrators were to use the data collection forms for two months and record the information pertaining to each defendant as it became available. However, the project time period was too short to allow the local courts to complete the information on defendants as they proceeded through the court system. A two-month on-going data collection period would be insufficient to generate enough information on pretrial rearrests, failures-to-appear, or disposition and sentencing to provide a true statistical picture of defendant behavior on pretrial release or on court outcomes. Therefore, a decision was made to limit the pretest to information on 100 defendants -- 40 felony defendants and 60 misdemeanor defendants. The breakdown of felony and misdemeanor defendants was included to insure that

different types of defendants would be included in the sample. The number of defendants was selected based upon estimates of the length of time necessary for gathering the information, and the amount of time allocated for this phase of the project. Since a random sample was not required, the defendants could be selected as their cases closed and the data collected as expeditiously as possible.

An important component of the pretest was to design a reporting system which was simultaneously concise but comprehensive. In other words, the reporting system had to have enough data elements to provide an overview of how defendants moved through the system, but did not require data collectors to be running around the courthouse tracking down information on defendants. It was decided that the information collection process should be limited to the data that were available in the court records office. This included information from the defendant case files as well as any other repository of information, such as a centralized defendant file, that was used in the normal course of work by the court record keeping staff. In this way, a determination could be made if sufficient information was consistently available from the clerk's offices to develop the national pretrial reporting program through these agencies or if another method should be considered.

An additional question concerned the possible impact of permanently establishing this type of reporting system in the courts. To be able to evaluate this effectively would have required that the information be collected as it became available, or at certain court processing points (e.g., when the case was filed,

when the defendant was released pretrial, when the defendant was sentenced, etc.). Unfortunately, as noted above, this type of design was not possible within the project time frame. The alternative method chosen was to have individuals collect the pretrial information on defendants as cases "closed," (i.e., defendants were acquitted, dismissed, sentenced, etc.). This procedure allowed a determination to be made of how much of the information was available to the data collectors as they were recording the "closing" information on defendants.

Results of the Site Testing

The findings from the pretest of collecting pretrial information on defendants in three jurisdictions are both promising and encouraging. Pretrial data are available, court administrators and/or clerks of courts can gather the data, and mechanisms exist for getting the data to the state court administrator's office who, in turn, indicate a willingness to transfer it to the federal level for aggregation and analysis.

The results of the test can be classified into four major areas: (1) the availability of pretrial data in the court records; (2) the impact that collecting that data has on the resources of the local and state court administrative offices; (3) available mechanisms for transferring the information from the local offices to the state court administrator's office and from the state level to the federal level; and (4) general information on the problems encountered during the course of the study.

(1) The Availability of Pretrial Data

The results from the testing of a data collection process in the three sites demonstrate that the pretrial data are available. The basic information necessary to track defendants as they proceed through the pretrial stage of the criminal justice system exists in the records of the court. Notwithstanding some of the difficulties that arose in transferring the information to data collection forms, the information is available.

The data collection form used by the local jurisdictions to collect pretrial information is attached to this report as Appendix A. The information is classified into six areas: arrest information; prior record information; pretrial release information; rearrest information; failure to appear information; and disposition and sentencing information. Each of these areas is described in terms of the availability of data from the three sites below. The specific results from each site are discussed in Appendix B.

(a) Arrest information

Detailed information was available concerning the arrest of a defendant. Data was available from every jurisdiction concerning the date of the offense, the arrest date, the specific arrest charges (up to three), number of charges and counts, and whether the defendant was on probation, parole, pretrial release or was otherwise monitored by the criminal justice system at the time of the offense.

Defendant identifying information was less precise. The pretrial information recorders in all sites used a case number for the local identification number but the only local jurisdiction able to record the defendant's FBI number was Fayette County, Kentucky. The date of birth, however (an important item used to match defendants with aliases and other pending cases), was available for every defendant in every jurisdiction.

(b) Prior Record information

Information concerning the defendant's number of prior convictions was usually contained on the data collection forms. When the information concerning the number of prior convictions was known, the data recorders surprisingly had no problems determining the number of prior violent felony convictions. Many times, however, where the specific information concerning the number of convictions was not known to the data recorders there was an indication that a particular defendant "had a prior record," "had an extensive prior record," "had a juvenile record," etc.

(c) Pretrial Release information

The information concerning whether a defendant was released pretrial and on what date, was generally available in all sites. Misdemeanor arrestees who were released before being booked into jail or before their charges were filed with the court posed some problems for the data recorders determining the exact date, but most substituted the date of arrest which would be an appropriate proxy for

date of release. The question concerning "type of release conditions set" confused some local data collectors. For example, the precoded response "nonfinancial conditions set" would have included such nonfinancial forms of release as police citation release, release on recognizance, and the many forms of conditional release (including third party custody). However, a few local data collectors recorded "other" if a specific nonfinancial release condition was not specified. This discrepancy in coding indicates not so much a problem with the availability of data, but more with the form and/or the training of those responsible for gathering the data in the local courts. Financial release conditions and the specific amount in question were always available. The wording of the item "If released on financial bail, indicate dollar amount," apparently confused some of the data collectors who did not record the amount of financial bail set if the defendant did not secure release.

One item specifically aimed at felony defendants was whether the level of the charge changed between the time of arrest and the time of release. This information was generally available in all sites.

(d) Rearrest information

Information concerning whether the defendant was rearrested between his or her release on the current charges and the disposition of those charges was limited to rearrests which occurred within the local jurisdiction. When a defendant was rearrested while out on pretrial release, however, information was available

concerning when the defendant was rearrested, for what specific charges (up to two), the number of rearrest charges, whether the defendant had release conditions changed and was re-released or detained, and the disposition of the rearrest charges.

The data collection form also included questions concerning whether a defendant was rearrested a second time, having been re-released on the charges stemming from the first rearrest. However, none of the data forms completed in the local jurisdictions indicated that defendants were rearrested more than once although the data collectors at the local sites did indicate that this information would be available to them.

(e) Failure to Appear information

Information concerning defendant's appearances in court is easily accessible to clerks and court administrators. The date a defendant failed to appear in court as well as the date the defendant was returned to court were available for every defendant who failed to appear. However, because of the way in which the defendants were selected for inclusion in this study (i.e., as cases "closed"), the question concerning fugitivity was not tested because all of the defendants included in the sample had obviously been returned to court.

(f) Disposition and Sentencing information

Disposition and sentencing information is another area where information is readily accessible to the courts. Data collectors in all sites were able to record the date of disposition, the charge level at disposition, the date of sentencing, the most serious sentence received, and, if the sentence involved incarceration, the length of that incarceration.

(2) The Impact on Court Resources

The impact that collecting pretrial data on 100 defendants had on the resources of the local court administrator's office was, in part, determined by the design of the feasibility project. As noted above, data collectors in the three local jurisdictions were asked to complete data collection forms on defendants as their cases "closed," and work backwards to re-create the decision processes which occurred pretrial. This design was used because of the limited amount of time allotted for completion of this study. Thus, it was necessary for all of the available resources (e.g., case files, centralized alphabetic defendant files, computer files, etc.) in the court administrator's office to be reviewed for the full completion of the data forms. This was often a time-consuming task, most notably when a defendant had a long history of criminal activity.

Estimates from the local jurisdictions concerning the length of time necessary to complete one data collection form varied from five to thirty minutes. The average time was generally around 12-15 minutes for felony defendants and 8-10 minutes for misdemeanor defendants.

Each jurisdiction was given one month to complete the 100 data forms and return them to the Pretrial Services Resource Center. Of the three jurisdictions which agreed to undertake the data collection process, only Fayette County, Kentucky, was able to complete the forms within the prescribed time frame and return them to the Resource Center by the designated deadline. Multnomah County, Oregon, completed their forms within a one-month period but did not begin the data collection process as scheduled because of a delay in assigning the task on the part of the local court administrator. Rock County, Wisconsin, has not finished completing the 100 forms to date because of the initiation of two murder cases during the project data collection period. The Rock County clerk of court has agreed to finish the project, but at this time, only 36% of the forms have been received.

Feedback from the evaluation questionnaires completed by the site participants indicated that working backwards and re-creating the pretrial process from closed case files was feasible for a short-term project but if an institutionalized, permanent system was established, the information should be gathered on an ongoing basis (i.e., as information becomes available while the defendant proceeds through the court process). In addition, the Kentucky Administrative Office of the Courts indicated that should only a sample of cases be followed through the court process, rural districts might produce a significant amount of error in the type of cases selected for inclusion in the study.

The impact of collecting pretrial data at the local level on the resources of the state court administrator was more difficult to measure given the scope of this project. In general, it was felt by the court administrators questioned that the impact would depend on the difficulty which was involved in collecting the data compared to the perceived benefits. However, the desire for this information was clearly evident. As the Oregon state court administrator noted in the evaluation questionnaire:

"[Pretrial data] would allow the State Court system to make better management decisions relating to pretrial issues. One of our greatest problems is the lack of information in this area which results in decision making which is educated guesswork at best. Good information on pretrial matters would also be of great assistance to the state legislature in their decision making in this area and could also be used to validate or debunk many of the popular myths in this area."

(3) The Extent of Mechanisms to Transfer the Data

The decision to work through the court administrators provided the additional benefit of working with an agency structure which had an already established communication and data transfer system. Local court administrators are in general very responsive to requests for information from the state court administrator's office and have regular mechanisms for transferring statistics to the state court office. Both local and state court administrators indicated that there are no foreseeable problems with transferring pretrial information from the local to the state level, and the state court administrators questioned noted that they would be willing and able to send the information to the federal level.

One interesting aspect of the data gathering and analysis system presented to the state court administrators involved the data analysis component. Asked whether it would be more feasible to perform the data analysis component or delegate the function to another state agency (such as a statistical analysis center), state court administrators clearly noted that at the present time they did not have the capabilities to undertake the analysis. Some believed that, given the controversial nature of some statistics, the conclusions generated from such analysis, when performed by a state statistical analysis center, would be seen as more credible. However, in the long term, most state court administrators felt that the analysis function was something their office should perform.

(4) Problems Encountered During the Project

Although for the most part encouraging, the results of the on-site data collection process were not problem free. For example, training the participants consisted of a one-day meeting with the state court administrator and the local court administrators (or clerks of court) where the design of the test was discussed, the data collection forms were reviewed, and questions concerning the project were answered. In addition, the participants were told to call collect to the Resource Center if any questions arose during the completion of the forms.

The local court administrators generally delegated the responsibility for gathering the pretrial data to someone in their office who had not been present at the general meeting. Thus, many of the questions which had been resolved in

the original meeting with the court administrators were not effectively communicated to the individuals actually assigned to complete the data collection forms. For example, in the Multnomah County District Court (misdemeanor court) the data collector was told to confine the investigation to the case files. Thus, by restricting the investigation to case files only, no information was noted on the data forms concerning pending cases -- pretrial rearrests or other pending cases. When these forms were returned to the Resource Center for review, this misunderstanding was discovered, the forms were returned to the District Court, and the necessary information was obtained by using the court's computer system.

Other problems encountered during the course of this project were attributed to the data collection form itself. These problems generally involved questions that were not worded clearly enough or precoded responses that were too restrictive and did not allow for more general information to be provided if the specific information requested was unavailable. Consequently, changes in the data elements on the collection form will be made as well as new data elements added and other data elements eliminated (where there appeared to be no information available) if further testing takes place.

CHAPTER 5

Recommendations for the Future

The results of this feasibility study can and should be cause for cautious optimism. It is clear that there is a need for the data and the results of this study clearly substantiate that the data are available (in at least three jurisdictions) and that there is an instrument for retrieving the data that works reasonably well. But what is the appropriate next step? Should BJS begin full-scale implementation of a national system for gathering pretrial data on a regular basis, following the methodology employed in this study? We think not. While many research efforts are challenged, and rightfully so, for simply recommending that more research is needed prior to action being taken, we suggest that further efforts in this area proceed cautiously and build towards full implementation.

Three distinct recommendations or goals are concomitant with describing an appropriate next step for this project. They are:

- to enhance the reliability of the feasibility study findings;
- to test implementation procedures for the data gathering process; and
- to generate sufficient representative data to allow for some limited analysis.

(1) Feasibility Enhancement

The limitations of the findings of this study are directly related to the size of the samples drawn and the number of jurisdictions examined. Thus, to increase the confidence in the findings, the number of jurisdictions and cases examined should be enlarged. We recommend that BJS expand the test to include:

- Testing in more sites. Fifteen to 20 sites should be chosen in a representative manner, to enhance the generalizability of the results. The sites chosen should include one statewide system if possible.
- A longer time period for testing. This would naturally increase the number of cases examined in the test, again helping to increase the reliability of the findings.
- Choosing sites with differing "environmental" settings. There are a host of factors that will affect whether such data can be gathered and reported on a systematic basis. These include legislation relevant to data availability and transfer and the existence of a unified court structure, to name but two. These factors should be identified and considered in the site selection to obtain a more accurate test of the procedures for gathering the data.
- Selecting sites with differing levels of technological development. It is clear that the methods available, for gathering and analyzing data at the state and local levels, vary substantially. More importantly, that variance may increase as automation of court records progresses at different rates in local jurisdictions.

(2) Implementation Testing

It is important to remember that this initial test was aimed at determining if the required pretrial data existed and, if so, whether an agency could be identified which had access to these data and established retrieval mechanisms. As a result, all three tested jurisdictions examined a sample of closed cases. While this may be acceptable method of testing the feasibility of retrieving the information, it may not be as effective in testing the adoption of an ongoing process. In fact, two of the jurisdictions noted in their evaluative comments their belief that, if the data gathering was to become institutionalized on an ongoing process, it would probably be easier for them to gather the data as the case progressed, rather than when the case was closed. Examining this implementation issue would be an appropriate task to include in a next step.

Also important is the question of the costs of gathering the information and transferring it to the federal level. The jurisdictions that participated in the initial feasibility study were not asked to determine how much it would cost them to gather the required data on a regular basis. But the level of resource investment -- principally local court staff time -- needed to maintain a pretrial data reporting program is a significant element which any further efforts in this area must examine. Although the potential benefits that a national pretrial data base could provide are clear, these benefits must be weighed against the potential costs of acquiring the data.

(3) Data Analysis

If the feasibility enhancement described above occurs, sufficient representative data can be gathered to allow for some limited analysis. This data will be more complete and responsive than any which have existed to date. Data that reflects how cases are processed in 15 to 20 jurisdictions and what happens to the defendants involved would provide the base for responding to the following questions:

- How many persons are rearrested during the pretrial stage? What are their charges?
- What happens to the violent offender? Is he more often than not released? If so, under what conditions? And does he get rearrested?
- Are there certain defendant characteristics that appear to be associated with multiple incidents of rearrest?
- How long are people generally out on bail? For those detained, how long do they await disposition of their case while in jail?
- What pretrial rearrest and FTA rates are associated with various bail options?
- What is the rate of pretrial appearance (and non-appearance) for trial in this country?

In short, the data gathered as part of this recommended second phase will allow BJS to present, for the first time, an accurate national picture of pretrial crime and fugitivity, as well as increase the base of knowledge available concerning questions of court delay, bail setting practices and their outcomes and sentencing practices.

Although the results of this second phase would be representative, all the states would not be included and implementation issues would thus be only partially resolved. A final phase would involve full state-by-state implementation and monitoring, in design, a system that would parallel the Uniform Crime Reports and the National Corrections Reporting Program efforts.

This system would finally generate, on a regular basis, information to answer the questions on pretrial criminal activity that have so far frustrated policymakers at both the state and local levels. The Resource Center believes that, with careful and cautious implementation of the recommendations presented above, this level of frustration may finally be removed.

FOOTNOTES

1. Bureau of Justice Statistics, Jail Inmates 1982, Washington, D.C.
2. U. S. Bureau of the Census, Survey of Inmates of Local Jails, Washington, D.C., 1978.
3. Steven R. Schlesinger, Remarks at the 1983 Conference on Pretrial Services, Phoenix, AZ, September 22, 1983.
4. Donald Pryor, Program Practices Release, Washington, D.C., Pretrial Services Resource Center, 1982, pp. 52-55.
5. The pretest was not designed as a research project where data would be collected in local jurisdictions and findings generalized to a larger population.

APPENDIX A

PRETRIAL SERVICES RESOURCE CENTER
 (202) 638-3080
 1984 NATIONAL PRETRIAL REPORTING PROGRAM

ARREST INFORMATION

1. Local Identification Number 1.
2. FBI Identification Number 2.
3. Date of Birth 3.
4. Date of Incident/Offense 4.
5. Date Charges Filed with Court 5.
6. Current Arrest Charge #1 6.
7. Current Arrest Charge #2
(000 = No Arrest Charge #2) 7.
8. Current Arrest Charge #3
(000 = No Arrest Charge #3) 8.
9. Number of Current Arrest Charges
(Include counts as separate charges) 9.
10. Criminal Justice System Status at Time of Arrest
(1=None; 2=On Probation; 3=On Parole; 4=On Pretrial Release; 8=Other; 9=Missing) 10.
11. If Defendant on Pretrial Release when Arrested (see Question 9 above), Indicate the Most Serious Charge on which Release Secured
(000 = Defendant not on pretrial release when arrested) 11.
12. Were current Charges Dropped/Dismissed by Prosecutor by the First Court Appearance?
(1=No; 2=Yes, all charges dropped; 9=Missing) 12.
13. Number of Prior Felony Convictions
(99 = Missing) 13.

PRIOR RECORD INFORMATION

14. Number of Prior Misdemeanor Convictions
(99 = Missing) 14.
15. Total Number of Convictions
(99 = Missing) 15.
16. Total Number of Prior Violent Felony Convictions
(99 = Missing) 16.

PRETRIAL RELEASE INFORMATION

17. Date of Pretrial Release on Current Charge(s)
(000000=Not released pretrial; 888888=Released, date unknown; 999999=Missing) 17.
18. Type of Release Conditions Set
(0=No bail set; 1=Nonfinancial conditions set; 2=Unsecured appearance bail set; 3=Surety bail set; 4=Deposit bail set; 5=Full cash bail set; 8=Other; 9=Missing) 18.
19. If Released on Financial Bail, Indicate Dollar Amount
(000000=Not released; 888888=No financial conditions set; 999999=Missing) 19.
20. Charge Level at Time of Release
(0=Not released pretrial; 1=Most serious charge remained the same; 2=Most serious charge reduced; 3=Additional charges combined by time of release; 8=Other; 9=Missing) 20.

REARREST INFORMATION

21. Date of First Pretrial Rearrest
(000000=Not released pretrial; 888888=Defendant not rearrested pretrial; 999999=Missing) 21.
22. Rearrest Charge #1
(000=Not rearrested pretrial; 999=Missing) 22.
23. Rearrest Charge #2
(000=No rearrest charge #2; 999=Missing) 23.

24. Number of Rearrest Charges at First Rearrest
(00=Not rearrested pretrial)
88=Rearrested, number of charges unknown;
99=Missing)

24.

25. Release Action on First Rearrest
(0=Defendant not rearrested; 1=No change
in release conditions; 2=Change:
additional nonfinancial conditions;
3=Change: nonfinancial to financial,
defendant re-released; 4=Change:
nonfinancial to financial, defendant
detained; 5=Change: increased financial
conditions, defendant re-released;
6=Change: increased financial conditions,
defendant detained; 8=Other; 9=Missing)

25.

26. Disposition on First Rearrest Charge(s)
(0=Defendant not adjudicated; 1=Dismissed;
2=Aquitted; 3=Guilty; 8=Other; 9=Missing)

26.

27. Date of Second Pretrial Rearrest
(000000=Not released pretrial;
777777=Defendant not rearrested twice;
888888=Defendant not rearrested pretrial;
999999=Missing)

27.

28. Second Rearrest Charge #1
(000=Not rearrested twice; 999=Missing)

28.

29. Second Rearrest Charge #2
(000=No rearrest charge #2; 999=Missing)

29.

30. Number of Rearrest Charges at Second
Rearrest
(00=Not rearrested twice; 88=Rearrested,
number of charges unknown; 99=Missing)

30.

31. Release Action on Second Rearrest
(0=Defendant not rearrested twice; 1=No
change in release conditions; 2=Change:
additional nonfinancial conditions;
3=Change: nonfinancial to financial,
defendant re-released; 4=Change:
nonfinancial to financial, defendant
detained; 5=Change: increased financial
conditions, defendant re-released;
6=Change: increased financial conditions,
defendant detained; 8=Other; 9=Missing)

31.

32. Disposition on Second Rearrest Charge(s)
(0=Defendant not adjudicated; 1=Dismissed;
2=Aquitted; 3=Guilty; 8=Other; 9=Missing)

32.

FAILURE TO APPEAR INFORMATION

33. Date of First Failure to Appear in Court on
Current Charge(s)
(000000=Defendant attended all required
court hearings; 999999=Missing)

33.

34. Did the Defendant Remain a Fugitive?
(0=Defendant attended all required court
hearings; 1=No, defendant was returned to
court for current charges; 2=Yes;
9=Missing)

34.

35. Date the Defendant Was Returned to Court
(000000=Defendant did not FTA;
999999=Missing)

35.

DISPOSITION and SENTENCING INFORMATION

36. Date of Disposition
(000000=Defendant not adjudicated;
999999=Missing)

36.

37. Level of Most Serious Disposition on Current
Charge
(0=Defendant not adjudicated; 1=Dismissed;
2=Aquitted; 3=Guilty; 8=Other; 9=Missing)

37.

38. Date of Sentencing
(000000=Defendant not sentenced;
999999=Missing)

38.

39. Most Serious Charge at Sentencing
(000=Defendant not sentenced; 999=Missing)

39.

40. Level of Most Serious Sentence Received
(0=Defendant not sentenced; 1=Fine;
2=Restitution/Community Service;
3=Probation; 4=Jail Time; 5=Jail Time with
Probation to follow; 6=Prison Time;
8=Other; 9=Missing)

40.

41. If Sentenced Involved Incarceration, Length
of Incarceration (in months)
(000=defendant not incarcerated; 997=997
or more months; 998=Life sentence;
999=Death sentence)

41.

APPENDIX B

APPENDIX B

This appendix describes the availability of data in each of the three jurisdictions which participated in the data collection pretest. It is important to note that defendants were not selected for this study in any systematic or representative manner. The purpose of this study was to determine if the requested information was available in the records of the court, not to gain a statistical picture of the pretrial processing of defendants in any of the three jurisdictions. Thus, the data only reflect the activities of defendants selected for inclusion in this study and do not necessarily reflect how all defendants are processed in the three jurisdictions nor the general patterns of pretrial behavior found in these jurisdictions.

MULTNOMAH COUNTY, OREGON

The data collection was completed in Multnomah County (Portland), Oregon, by the District Court Administrator's office for misdemeanor defendants and by the Circuit Court Administrator's office for felony defendants. The information was generally available except for FBI number, which was never available. Information on a defendant's prior record was, for the most part, available,

though in some instances only more general statements, such as "defendant has a prior record," "defendant has an extensive prior record," etc., were known to the data collectors.

Data collection in the Multnomah County District Court was hampered by miscommunication concerning the sources to be used to gather the data. These sources were initially limited to the information which was contained only within the case file(s) of the selected defendants. This miscommunication was not discovered until the forms were returned to the Resource Center and were reviewed by the staff. Once the error was discovered, the District Court Administrator agreed to review all the court record-keeping systems (files, computer systems, etc.), as originally requested, for 30 of the original 60 misdemeanor defendants. This subsequent investigation produced data forms which were very complete.

Nine misdemeanor defendants failed to appear for at least one court hearing (all were subsequently returned to court) and seven accused misdemeanants were rearrested during the pretrial period.

The Multnomah County Circuit Court data collection was also very thorough. Information was available for all of the items requested (except FBI number and some instances of prior record as noted above) for every felony defendant. Of the 40 felony defendants included in this study, two failed to appear for at least one court hearing and three were rearrested during the pretrial period.

FAYETTE COUNTY, KENTUCKY

The data collection in Fayette County (Lexington), Kentucky, was completed on both felony and misdemeanor defendants by the Pretrial Services Division of the Administrative Office of the Courts. All the requested information was available to the data gatherers on all of the defendants selected for inclusion in this study. The information was found either in the records of the pretrial division, the District Court records supplied to the pretrial division or the Circuit Court records to which the division has easy access.

Interestingly, none of the study defendants failed to appear or were rearrested during their period of pretrial release. Assurances were made that this was a function of the relatively small number of study defendants and the way in which defendants were selected for inclusion in the study (i.e., as their cases closed) and that failure-to-appear and pretrial rearrest information was available to the pretrial division through its access to the District Court computer records and the Fayette County jail logs.

ROCK COUNTY, WISCONSIN

The data collection was completed for both felony and misdemeanor defendants in Rock County (Janesville/Beloit), Wisconsin, by the office of the Clerk of Courts. The Rock County Clerk is supervised by the Fifth Judicial District Court Administrator who reports directly to the State Court Administrator. Data collection was limited to 36 defendants because of a special burden placed on

the clerk's office by the prosecution of two murder cases during the time of the project data collection period. However, the Rock County clerk has agreed to finish the data collection process as soon as resources become available.

The extent of data availability is difficult to ascertain since only 28 misdemeanor data forms and eight felony data forms were completed. However, using those forms as a benchmark, the following information was not generally available: FBI number, criminal justice system status at arrest and number of prior convictions. In addition, eight defendants failed to appear and none of the defendants were rearrested during the pretrial release period. However, assurance were made that information on failure to appear is always available and that court records could be checked for any pretrial rearrests. The other information requested was consistently available, though some items for some defendants were not recorded.

APPENDIX C

APPENDIX C

The following summaries represent the results of the survey of 20 state court administrators conducted as part of this project. The purpose of the survey was to determine the extent of pretrial data available at the state court level, as well as to investigate if the local courts would have the data and the degree of automation which existed throughout the state. In addition, the state court administrators were asked to evaluate and rate the feasibility of participating in a pretrial data feasibility study during the project time period.

Alabama

In ALABAMA information on the date and time of arrest, indictment, disposition, and sentence is compiled locally by Circuit Court clerks and sent to the state Administrative Office of the Courts (AOC) after sentencing occurs. The AOC, in turn, forwards the data to the Alabama Criminal Justice Information Center. No defendant background or pretrial release data is available at the state level, although it may be gathered locally. Court records systems are automated in 5 of 75 Alabama counties. The feasibility of implementing a statewide pretrial data-gathering system was rated as good, since local Circuit Court clerks have

access to most of the data and could forward it to the AOC by augmenting the existing information system. Huntsville and Montgomery could probably participate as sites for such a test, but budget constraints have forced some local courts to institute hiring freezes or eliminate personnel through attrition. Consequently, many local court officials may feel they lack sufficient resources to expand the existing data-collection system.

Connecticut

The Court Administrator's Office in CONNECTICUT houses the Office of the Chief Bail Commissioner, who directs a statewide system of local bail commissioners. This office maintains at least some of the information being sought and at least some of the local courts have ready access to data on arrest, prior record, pretrial release, and disposition. The local courts are in the process of automating their records systems; 6 of the 21 geographical area courts' records will be fully computerized by 1986 and will include the pretrial data being sought in this study. At this point, however, implementing statewide pretrial data collection was poorly rated.

Florida

The State Court Administrator's Office (SCA) in FLORIDA receives none of the data being sought in this study, but indicated that the Department of Law Enforcement and the Department of Corrections each receives portions of the data. Some of the trial courts in Florida have automated records systems,

implemented with local funding. The SCA said that it was not feasible to implement a statewide pretrial data gathering system at this time, but noted that this effort should be made a priority. In the interim, the 6th and 11th Circuit Courts have good automated records systems and were identified as possible future test sites.

Illinois

The State Court Administrator's Office in ILLINOIS receives data on the date and nature of the charges filed, disposition, and sentence from the local clerk of the court's offices for all defendants. In addition, for each defendant found guilty and sentenced, the local clerks file a report with the Department of Law Enforcement that includes the date of arrest, bond date and type, date of trial, verdict, and sentence. The Department may have information on prior record as well. FTA and rearrest statistics are available locally in the clerk's offices. Seven counties have automated court records systems linked with the state system. In rural areas, court records are not completely automated. The SCA rated the feasibility of implementing a pretrial data reporting system as fair but indicated that it may be more appropriately administered by the Department of Law Enforcement.

Iowa

Respondents in IOWA were uncertain as to exactly what data are gathered locally or available at the state level. The Department of Corrections and the Criminal

and Juvenile Justice Planning Agency may collect portions of the data being sought in this study, but local court clerks do not collect a significant degree of court record data. There is virtually no automation of court records systems in Iowa, and the feasibility of implementing a pretrial data base was characterized as very poor and an effort not likely to secure the involvement of the State Court Administrator's Office.

Kentucky

The KENTUCKY Administrative Office of the Courts (Pretrial Services division) receives all of the information being sought in this study. Data on rearrest and FTA is only compiled at the state level for defendants released through the local pretrial services agencies, but that information is received by the AOC for all defendants and could be compiled by modifying current procedures. The state's unified court system is not yet automated, but this is underway in Louisville and Lexington and will eventually be extended throughout the state. The feasibility of implementing a pretrial data base was rated as good in Kentucky, and possible test sites are Fayette (Lexington) and Jefferson (Louisville) Counties and Northern Kentucky (Covington-Newport).

Maryland

In MARYLAND the State Court Administrator indicated that only data on the total number of cases tried and other basic aggregate data are available at the state level. The feasibility was rated as poor, with Baltimore as probably the only local jurisdiction in the entire state to collect pretrial data, and the SCA recommended contacting the director of the Pretrial Services Agency there.

Michigan

In MICHIGAN the State Court Administrator's Office receives caseload reports and certain aggregate data from an automated state court records system. The Department of Corrections keeps data on arrest, charges, defendant background, disposition, and sentence, but not on pretrial release, FTA, or rearrest. Also, local clerks of the courts collect court records information and transmit some of it to the Judicial Data Center. Some local court records are "on-line" with the state system. The feasibility of implementing a pretrial data collection system in Michigan was rated as fair but was thought to be potentially expensive. There is also some question as to the extent of local interest in such a project, although officials in the larger metropolitan courts, such as Oakland and Kalamazoo Counties, would probably be interested in participating.

Minnesota

MINNESOTA county court clerks provide the SCA with information on the basic movement of felony and gross misdemeanor cases and the issuance of capias in pretrial cases. The SCA compiles this data and provides case disposition information to the Department of Law Enforcement. No information is currently available on pretrial release or performance. The 10th Judicial District, which includes eight counties just north of the Twin Cities, is implementing an "operations-based" automated records system that should comprise the data being sought in this study. The feasibility of implementing a pretrial data-gathering system in Minnesota was rated fair, as it may be possible in the not-too-distant future. Hennepin, Olmstead, and Scott Counties are possible test sites.

Missouri

The State Court Administrator's Office in MISSOURI maintains data on the charges filed, date and type of release, disposition and sentencing, and FTA if a warrant is issued. The Department of Law Enforcement maintains information on date of arrest. No information is compiled at the state level on rearrests, although it may be collected locally by probation departments. The court records systems are automated in three metropolitan areas and are linked to the state court automated system. Some courts have computerized information systems that are not linked to the state. Some local courts provide the SCA with information on a monthly basis; others, weekly. Local courts collect information on data elements identified by the Supreme Court Judicial Records Committee. The feasibility of establishing a state pretrial data base at the present time was rated as fair, as certain policy issues would have to be addressed prior to participation in the study, and local participation would first have to be approved by the Judicial Records Committee.

New Jersey

In NEW JERSEY the feasibility of establishing a pretrial data base was rated as very good. The State Criminal Justice History System is maintained by the Department of Law and Public Safety, an automated system incorporating court disposition records, which includes all of the data being sought in this study on every defendant.

North Carolina

In NORTH CAROLINA the local clerks and deputy clerks of the court gather data in areas identified by the state AOC. The AOC receives information from local clerks on the date and nature of the charges, court filing date, disposition, and sentencing. The state police information system includes conviction data, but no statewide data exist on pretrial release. Currently, the ten most populous counties in the state have automated court records systems, accounting for 37 percent of the entire criminal caseload; the others use a manual reporting system. The AOC indicated that implementing a statewide pretrial data base would be feasible but that it must give its approval prior to local participation.

Pennsylvania

The PENNSYLVANIA SCA receives data on defendants' date of arrest, some information on the type of bail and the amount of bail set at the initial appearance, and fugitivity if the defendant fails to appear at the initial appearance, preliminary hearing, or sentencing. No information is maintained on prior record or rearrests. New arrests pending adjudication are not now matched with the original charges. Additional information may be available locally in jurisdictions with pretrial services agencies. In Pennsylvania there is a fully automated criminal history system; information on charges, bail, and sentence is recorded on tape, but 70 percent of the data is compiled manually.

The SCA rated the feasibility of implementing a statewide pretrial data base as poor, based upon the level of data available to the state court. However, the

director of the Statistical Analysis Center (SAC) said that the state has a very good system for tracking defendants and would rate the feasibility very high. The SAC receives data on charges, bail type, release status, disposition, and sentencing. Prior record can be obtained by matching records with the Bureau of Identification, but no data is compiled on FTA or rearrests. The SAC has submitted a proposal to BJS to fund the formation of a task force of major criminal justice actors in the state to develop a system for including this data on the docket transcript tracking form.

South Carolina

In SOUTH CAROLINA local clerks of the court forward information on the date of arrest, charges and filing date, disposition, and sentence to the state Office of Court Administration (OCA). The Law Enforcement Division's computer system also includes defendant background information, and rearrest data could be obtained by matching records. However, no information on pretrial release is available at the state level. Theoretically, the state court records system is fully automated, although the OCA actually handles data entry for many of the 320 rural magistrate courts in the state. It is very feasible to develop a statewide pretrial data base in the state, according to the OCA. However, the cooperation of the local solicitors would be instrumental to the success of the program. Greenville and Columbia Counties would be possible initial test sites.

Texas

The TEXAS State Court Administrator's Office does not receive any of the data being sought in this study. Aggregate statistics on the number of cases filed are received, but no individualized information is available. The Department of Public Safety has data on arrests in the state, but the SCA was not aware of any other state agency that might have any of the necessary data, although these data may be collected locally in some counties. Only two counties--Harris and Bexar--have automated court records systems. The feasibility of implementing a pretrial data gathering system in Texas was rated as poor.

Vermont

In VERMONT the Criminal Justice Information Office (CJI) of the Department of Public Safety is the central records repository for criminal justice information. Both the CJI and the SCA keep a copy of the docket disposition form, which is created for every defendant arraigned and includes the date of arraignment, date and type of charges filed, date and type of pretrial release, FTA (if a warrant is issued), rearrest (if the defendant is found guilty and the rearrest is taken into account in sentencing), disposition, and sentence. The CJI also maintains an index card for every offender's prior record. According to the SCA, court records in the 14 different local court systems in Vermont will be automated over the next several years, the first two occurring in 1984. Because the CJI records are not automated, the office rated the feasibility of implementing a pretrial data base in Vermont as poor, while the SCA said it was feasible because the data was readily available.

Virginia

In VIRGINIA charge information is collected by the local courts for felony defendants only and transmitted to the Central Criminal Records Exchange (CCRE). The courts also gather data on the type of release, broken down into felony and misdemeanor cases, except in summons cases. No data on rearrest are gathered, and FTA data can only be obtained if a case continuance notice is sent to the CCRE. The level of automation is low throughout the state, but the court is in the process of developing a "test bed" in Roanoke. Due to the incompatibility of data-gathering systems among counties, the feasibility of implementing a pretrial data collection system in Virginia was rated as fair, according to the Supreme Court Executive's Office, with Norfolk and Fairfax Counties identified as possible test sites.

Washington

In WASHINGTON the AOC records the date and type of charges in the automated Superior Court records system in 80-85 percent of the felony cases. The vast majority of District and Municipal Court records (where most of the misdemeanor charges are filed) are not computerized. These courts are in the process of conversion, however, and, when completed, will be linked with the state either directly or through tapes or disks. At this point, the local courts send a standard monthly report with aggregate but no individual data to the AOC. The State Patrol keeps data on the date of arrest for defendants charged with felonies and gross misdemeanors and will be instituting measures soon to link

offenders' state identification numbers with prior record. Currently, pretrial release, FTA, and rearrest data may be found in the state data base if a court document has been issued with regard to these events (e.g., a bench warrant), but is not in suitable form to be recalled. Feasibility was rated as fair.

Wisconsin

The director of the WISCONSIN State Courts indicated that at least some of the data being sought are probably available from some of the local counties. Milwaukee and Racine County court records are fully automated or very close to it; in Wakashau, Lacrosse and Eau Claire counties, county-financed automated court records systems exist. It is possible to set up a pretrial data base, but the overall feasibility would depend on the cooperation of district court administrators. Dane and Racine Counties were identified as possible test sites.

END