

April, 2021

What Doesn't Get Measured Doesn't Get Done: A Roadmap for Data Collection and Reporting in the Era of Bail Reform

**Joanna Thomas, M.S.
Abdiaziz Ahmed, J.D.**

Table of Contents

Acknowledgements.....	3
Why Language Matters: Key Considerations in the use of Person-Centered Language	3
Executive Summary	5
Key Considerations for Pretrial Services Data Collection	7
Introduction	8
Bail Law Provision: Annual Reports.....	9
How Data Collection and Annual Reporting Helps to Fulfill Pretrial Agency Mission	11
Planning for Proper Data Collection	11
Sources of Data	16
Data Security and Data Sharing	17
Steps for implementing data security practices.....	17
What Information Should Pretrial Service Agencies Collect?.....	18
How to Collect the Data: Entering Data in OCA’s Pretrial Spreadsheet.....	21
Client Entry Screen	26
Non-monetary Release Conditions	30
Measuring Outcomes and Success	34
Presenting the Data	35
Conclusion.....	36
References	37

Acknowledgements

This brief was generated with the invaluable support of Arnold Ventures. The authors would also like to recognize the substantial contributions of Elizabeth Saba, Associate Director of Planning at CJA, as well as Tiffany Bergin, Deputy Director of Research at CJA. We are also thankful for the support and guidance of additional key CJA staff, including Aubrey Fox, Executive Director; Richard Peterson, Director of Research; Angela Tolosa, Director of Operations; Joann De Jesus, Director of Special Projects; and Wendy Marriott, Information Technology (IT) Director. The authors are deeply appreciative of the hard work of CJA’s Communications Associate, Nathan Nisenson, who was vital in the implementation of this report.

This brief was also made possible thanks to staff at the New York State Office of Court Administration (OCA), New York City Mayor’s Office of Criminal Justice (MOCJ), New York State Division of Criminal Justice Services (DCJS), and the New York Association of Pretrial Service Agencies (NYAPSA).

Why Language Matters: Key Considerations in the Use of Person-Centered Language

Person-centered language refers to language that focuses on the individual as a whole person first, rather than their situation, condition, or diagnosis. Person-centered language has been slower to come in the criminal legal realm but has recently gained increasing traction. Person-centered language helps to avoid the conscious or unconscious marginalization and dehumanization of people and groups of people. Reliance on non-person-centered labels for people involved in the legal system can produce and reinforce certain stigmas. This has been shown to result in exclusion from certain social and economic resources and services that may affect their health and wellbeing (Winnick & Bodkin, 2008). Words such as “criminal”, “defendant”, and “arrestee” restrict people to groups that do not acknowledge their human identity and reinforce existing stereotypes about people with histories in the legal system. It is always important to listen and respect a person’s self-identified terminology.

The following table lists a sample of frequently used terminology when referring to people involved in the criminal legal system. Please note that this list is not intended to be exhaustive nor finite, as language is continually changing and developing.

Terminology to Avoid	Reasoning	Preferred Wording
Abuse; Addict; Misuse	Judgmental; negates substance use disorders as a medical condition	Substance Use Disorder; (heavy) substance use; (Diagnostic and Statistical Manual of Mental Disorders – DSM-5); dependence syndrome (International Classification of Diseases – ICD-10)
Criminal justice system	Fails to acknowledge the inherent injustice embedded into the legal system	Criminal legal system
Failure to Appear Rates ¹	Whenever possible, it is preferable to use the term “court-appearance rates” because it focuses on the positive and generally the greater proportion of people who actually appear for court, rather than the term “failure-to-appear-rates,” which focuses on the negative and less-frequent cases	Court Appearance Rates
Insane; crazy; mental; psycho; mentally ill; emotionally disturbed	Not person-centered; judgmental	Person living with a mental health condition; intellectual or behavioral health condition
High-risk groups	Implies risk is inherent within group membership; membership in group does not increase risk, but behaviors may; Can increase stigma and discrimination among group members	High-need behaviors; key populations; high priority populations
Illegal immigrant; illegal; unlawful non-citizen; undocumented alien	Not person-centered; judgmental	Person who lacks resident documentation
Female; male	Refers to a person’s biological makeup rather than their gender identity	Woman; trans woman; trans man; man; gender nonconforming; nonbinary; genderqueer ²
Minorities	Not person-centered; judgmental	Persons of Color; BIPOC (Black Indigenous Person of Color)
Prisoner; inmate; arrestee; felon; offender	Not person-centered; judgmental	Person involved in, or experiencing the criminal legal system; person who is incarcerated; person who experiences incarceration; person in detention/jail/prison; person living in detention/jail/prison
Violent communities; disadvantaged neighborhoods	Places the burden on the community without mentioning systemic factors that contribute to experiencing such violence	Communities that experience high rates of violence

¹ At times this brief may mention failure to appear rates, primarily in reference to OCA’s mandated measures. In the future, the pretrial services field should focus on the greater proportion of people that show up to court and use appropriate terminology.

² There are many labels that LGBTQ+ people utilize to describe themselves. For definitions and appropriate terminology surrounding sexuality and gender expression, please see this glossary from [The Safe Zone Project: LGBTQ+ vocabulary of terms](#).

An additional population to pay close attention to regarding language includes survivors and victims of crime. Since some people prefer to be called a “survivor”, while other people prefer the terminology “victim”, it is best to inquire about a person’s preferred label. For more information on survivor and victim language, please see this resource from the [Rape, Abuse & Incest National Network: Key Terms and Phrases](#) and this guide from Sexual Assault Kit Initiative: [Victim or Survivor](#).

Spend time openly discussing appropriate terminology with staff. Many people are tied to the language they use or may be nervous they will use the wrong term and offend someone. Language is often frequently changing and can be overwhelming for some people.

Key questions to assist agencies in developing conversations around appropriate language and terminology may include:

- What training is available for staff on appropriate terminology?
- How can utilizing appropriate terminology be incentivized among staff?
- What are the procedures for handling instances when people revert back to previous labels?
- How can data collection systems be changed to reflect appropriate terminology?
- How can data points be updated to accurately reflect all options?
 - For example, CJA recently updated the gender categories in the pretrial interview to better represent all categories of people. Previously, CJA’s pretrial interview provided the following categories, which are indicative of a person’s sex: male, female, or missing. The updated gender classifications include the following categories: man, woman, trans man, trans woman, missing, and “other”, which includes other gender identities, such as non-binary, gender nonconforming, genderqueer, or bigender.
 - Do not restrict categories to “male” and “female”. These labels refer to a person’s biological makeup, not their chosen gender expression.
- How can case files and other internal and public facing documents be changed to reflect current best practices in language?

For more information on person-centered language, please see this guide from [The Fortune Society: Words Matter](#).

Executive Summary

Historic criminal legal legislative reforms were enacted by the New York State Assembly in April 2019. These reforms include provisions to eliminate cash bail and pretrial detention for most misdemeanor offenses, establish swift timelines for discovery turnover, and institute an updated system of non-monetary conditions of pretrial release.

As part of the 2020 amendments, court administrators are now also required to collect and report on data regarding people charged with criminal offenses and what happens during the pretrial phase of each case. Pretrial service agencies must submit Annual Reports to the Office of Court

Administration (OCA), which will be posted on OCA's website. The new amendments require court administrators to collect and report on a number of different data points regarding the pretrial phase of each case. These data points include the number of people released pretrial and what conditions they are placed under, failure to appear and rearrest rates, how many people are committed to pretrial custody and pretrial incarceration and for what length of time, as well as case outcomes. The legislation enumerates a list of data elements that pretrial agencies must track for inclusion in the Annual Reports.

Pretrial agencies are only responsible for reporting on the outcomes of those under their supervision.

The OCA data collection tool provides the following data points to help pretrial agencies fulfill the mandate:

- Client Name
- Age at Release Under Supervision (RUS) (requires DOB to calculate)
- Race
- Ethnicity
- Gender
- Length of supervision (automatically calculated with Release Date and Case Close Out Date)
- Top Arraignment Charge and Severity
- Violent Felony (Yes/No)
- Case close out reason
- Supervision revocation, if applicable
- Non-monetary release condition(s)
- Modification of conditions, if applicable
- Sentencing Information

Reforms were modified in 2020 to expand upon the list of possible non-monetary conditions (e.g., placement in mandatory programming, maintain employment, or housing). OCA has provided a data collection tool in the form of an excel spreadsheet for agencies to use to input data elements.³ The courts and the Division of Criminal Justice Services (DCJS) are due to release their first reports twelve months and eighteen months from the statute's effective date (July 2020).

What is a unique identifier?

A unique identifier is an assortment of characters and/or numbers that is generated to mark a particular record as unique from all other records. Each individual must be uniquely identified across several inter-agency systems. When data is shared across organizations, parties must agree on a common identifier that will be used throughout the process.

³ OCA has provided a data collection tool in the form of an excel spreadsheet, which is available for download here: [OCA Data Collection Spreadsheet](#).

Key Considerations for Pretrial Services Data Collection

Community-University Partnership Considerations

Community-University partnerships can be a vital component in bridging the gap between research and practice. If resources are not available, your agency may want to partner with universities and colleges in your local area. Universities and colleges have a vested interest in building strong relationships with the communities in which they reside. It is additionally important for academia to be knowledgeable about real world practices. Campus-community partnerships can also potentially expand the pool of financial resources and funding, as well as assist with possible grant opportunities. Several questions that may be helpful before reaching out to local universities and colleges include:

- What would a community-university partnership look like for your jurisdiction/county?
- What higher education partner best matches the values and vision of your program?
- Would the partnership be project-based or general assistance? Good partnerships are built and sustained over time.
- What specific type of expertise would the program benefit the most from?
- What responsibilities should be shared?
- What responsibilities should be outsourced?
- What will collaboration look like? How often will groups convene?
- What data security protections and data infrastructure would need to be developed for this particular partnership?

Cross collaboration and communication between partners and systems increases trust and transparency.

- **Ensuring data security and the ethical use of data should be a foremost priority for pretrial agencies.** Agencies should create, document, and train staff on safe procedures for holding data, as well as on the relevant federal, state, and local laws regarding use and collection of data. Data security training should happen on a regular basis to ensure all

- **Proper data collection and reporting is essential to improve the breadth and quality of information concerning individuals going through the pretrial process.** Data collection and information gathering helps to clarify the pretrial release/detention practices in a jurisdiction and the outcomes of different categories of people released on nonfinancial conditions. This also helps to highlight whether the pretrial system is treating people fairly across various demographic populations. This information can be used to help reduce racial and other systemic disparities and ensure programs and practices are continually improved upon. Data should always be presented in a format that encourages interactive dialogue and can be easily understood and digested.

- **Devote time to relationship development early on.** Cultivating existing and new relationships can help to alleviate many challenges and prevent mistakes that result in duplicative efforts, wasted or inefficient use of resources, or inaccurate reports. Relationship development encourages knowledge, technology, and the sharing of resources between systems, and even counties, for common needs.

staff are knowledgeable about changes that may affect them and are exercising best data security practices.

- **The funding, resources, and infrastructure of pretrial services vary significantly by county.** Some counties are in the preliminary stages of developing any type of pretrial services. What is feasible for one jurisdiction to accurately identify, measure, and collect may be difficult for another jurisdiction. Even when resources are limited, however, there may still be ways to advance your agency's data collection and reporting process by using Excel or other widely available tools. Community-University partnerships can also serve as a helpful mechanism when research and additional expertise are needed.

Introduction

Many pretrial service agencies aim to eliminate unnecessary pretrial detention, as pretrial detention results in a multitude of negative consequences for people and communities. Research shows that individuals who are held in pretrial detention, even for short stays, have worse outcomes, such as a higher risk of unemployment (Schönteich, 2010; Dobbie, Goldin, & Yang, 2018), greater likelihood of pleading guilty (Dobbie et al., 2018), greater sentencing disparities (Leipold, 2005), greater likelihood of rearrest (Lowenkamp, VanNostrand, & Holsinger, 2013), and greater likelihood of receiving a jail or prison sentence (Bergin et al., 2020). In addition, there also exists the possible loss of housing and child custody as a direct result of pretrial incarceration.

Pretrial service agencies are also responsible for upholding individual liberty and maintaining public safety⁴, while maximizing court appearances. The administration of pretrial services serves to safeguard the constitutional presumption of innocence, promote the equitable treatment of all people going through the pretrial process, assist in the fair provision of justice, and provide protections to the community.

The American Bar Association (ABA) has set forth a list of the primary roles of pretrial services agencies ([ABA Standard 10-1.10](#)). These include but are not limited to:

- Accurately collecting and presenting the necessary information for pretrial release decisions
- Developing release recommendations (consistent with court policy) that respond to the risk of pretrial failure
- Cultivating and delivering appropriate and effective services to all people released pretrial and assigned to a supervision program as a condition of release, and

⁴ There are many ways to measure community safety. Community safety is commonly quantified by incidents of violent crimes. However, community safety measures should also reflect the specific variables that make people feel safe in their own community. If community safety rates are utilizing violent crime rates, given considerations regarding language, these rates should represent percentages of people not arrested on a violent crime, rather than the smaller percentage of people in the community that will be arrested on a violent crime.

- Monitoring the compliance of people released pretrial with their conditions of release

Other main functions outlined by the ABA include developing and operating “an accurate information management system to support prompt identification, information collection and presentation, risk assessment, release conditions selection, compliance monitoring and detention review functions essential to an effective pretrial services agency” (ABA Standard 10-1.10(i)), as well as “review the status of detained defendants on an ongoing basis for any changes in eligibility for release options and facilitate their release as soon as feasible and appropriate” (ABA Standard 10-1.10(h)) and “remind persons released before trial of their court dates and assist them in attending court” (ABA Standard 10-1.10(k)).

Across jurisdictions, responsibility for administering and operating pretrial services varies significantly. Pretrial services may be under the jurisdiction of the court, the jail, or the probation department. In some jurisdictions, pretrial services are administered by an independent agency or a nonprofit organization. Given the vast differences in structure, funding, client volume, and politics among jurisdictions, agencies at the beginning stages of building a robust data collection infrastructure should focus on relationship development with key partners. What lessons can be learned from each of the stakeholders with whom your agency works? What are the major gaps in your data collection process? How can information be more easily shared among parties?

The primary purpose of pretrial data collection and reporting is to improve the quality, fairness, and efficiency of the criminal legal system, specifically at the pretrial stage, by promoting evidence-based strategies that improve court appearance rates, reduce recidivism, provide appropriate and effective services, and enhance community safety.

Bail Law Provision: Annual Reports

In April 2019, the New York State Assembly enacted significant legislative reforms to modify the criminal legal system. Included in the 2020 amendments are important new data-tracking and reporting requirements. The statute mandates [the Division of Criminal Justice Services](#) (DCJS) and the chief administrator of the courts to record and publish a series of data points annually. Pretrial service agencies must submit Annual Reports to The Office of Court Administration (OCA), which will be posted on [OCA's website](#) for the public. The initial legislation outlined the following data points as necessary to collect by pretrial agencies to report to OCA, which refer to people released to an official pretrial supervised release program or those “supervised by the agency” ([§ 510.45, section 5](#)):

- a) *The number of defendants supervised by the agency;*
- b) *The length of time (in months) each such person was supervised by the agency prior to acquittal, dismissal, release on recognizance, revocation of release on conditions, and sentencing;*
- c) *The race, ethnicity, age and sex of each person supervised;*
- d) *The crimes with which each person supervised was charged;*
- e) *The number of persons supervised for whom release conditions were modified by the court, describing generally for each person or group of persons the type and nature of the condition or conditions added or removed;*

- f) *The number of persons supervised for whom release under conditions was revoked by the court, and the basis for such revocations; and*
- g) *The court disposition in each supervised case, including sentencing information.*

The 2019 legislation introduced non-monetary conditions as a new option for pretrial release. In 2020, the New York State Legislature modified the reform after four months. The amended legislation expands upon the non-monetary release conditions to include several additional options, such as orders of protection, mandated programming in psychological, substance use, or other services, and restrictions on travel. No other parts of the amended law apply to pretrial service agencies. The list is not intended to be exhaustive, as judges may implement other types of non-monetary conditions of release deemed necessary in a case. Judges may also order more than one condition at a time. The legislation outlines the following possible non-monetary conditions ([Section 500.10\(3-a\):](#))

- a) *that the principal⁵ be in contact with a pretrial services agency serving principals in that county;*
- b) *that the principal abide by reasonable, specified restrictions on travel that are reasonably related to an actual risk of flight from the jurisdiction, or that the principal surrender his or her passport;*
- c) *that the principal refrain from possessing a firearm, destructive device or other dangerous weapon;*
- d) *that, when it is shown pursuant to subdivision four of section 510.45 of this title that no other realistic non-monetary condition or set of non-monetary conditions will suffice to reasonably assure the person's return to court, the person be placed in reasonable pretrial supervision with a pretrial services agency serving principals in that county;*
- e) *that the principal refrain from associating with certain persons who are connected with the instant charge, including, when appropriate, specified victims, witnesses, or co-defendants;*
- f) *that the principal be referred to a pretrial services agency for placement in mandatory programming, including counseling, treatment, and intimate partner violence intervention programs. Where applicable, the court may direct the principal be removed to a hospital pursuant to section 9.43 of the mental hygiene law;*
- g) *that the principal make diligent efforts to maintain employment, housing, or enrollment in school or educational programming;*
- h) *that the principal obey an order of protection issued by the court, including an order issued pursuant to section 530.11 of this title;*
- i) *that the principal obey conditions set by the court addressed to the safety of a victim of a family offense as defined in section 530.11 of this title including conditions that may be requested by or on behalf of the victim; and*
- j) *that, when it is shown pursuant to paragraph (a) of subdivision four of section 510.40 of this title that no other realistic non-monetary condition or set of non-monetary conditions will suffice to reasonably assure the principal's return to court, the principal's location be*

⁵ The principal refers to the person appearing before the court.

monitored with an approved electronic monitoring device, in accordance with such subdivision four of section 510.40 of this title.

- k) *Subdivision three-a of this section presents a non-exclusive list of conditions that may be considered and imposed by law, singularly or in combination, when reasonable under the circumstances of the defendant, the case, and the situation of the defendant. The court need not necessarily order one or more specific conditions first before ordering one or more or additional conditions.*

How Data Collection and Annual Reporting Helps to Fulfill Pretrial Agency Mission

Reporting on process and outcome measures to stakeholders is an often overlooked, yet vital, component of the primary responsibilities of pretrial service agencies. Pretrial service agencies and researchers can use the information collected to learn about pretrial release/detention practices in their jurisdiction, as well as about the performance and outcomes of different categories of people released on nonfinancial conditions. Collecting and analyzing pretrial data in a systematic way helps to improve practices by uncovering patterns related to clients' behaviors, in addition to the performance of different pretrial service agencies. This may then be used to guide feedback for program administrators and other legal system policymakers.

Pretrial data may also be used to identify the disproportionate representation of certain gender or racial/ethnic groups at various points across the pretrial continuum. It is important to ask what data is needed to evaluate whether changes in policy or practice are reducing such disparities and promoting fairness. Data collection and reporting enhances transparency and also helps to discover gaps in services that require more resources and funding.

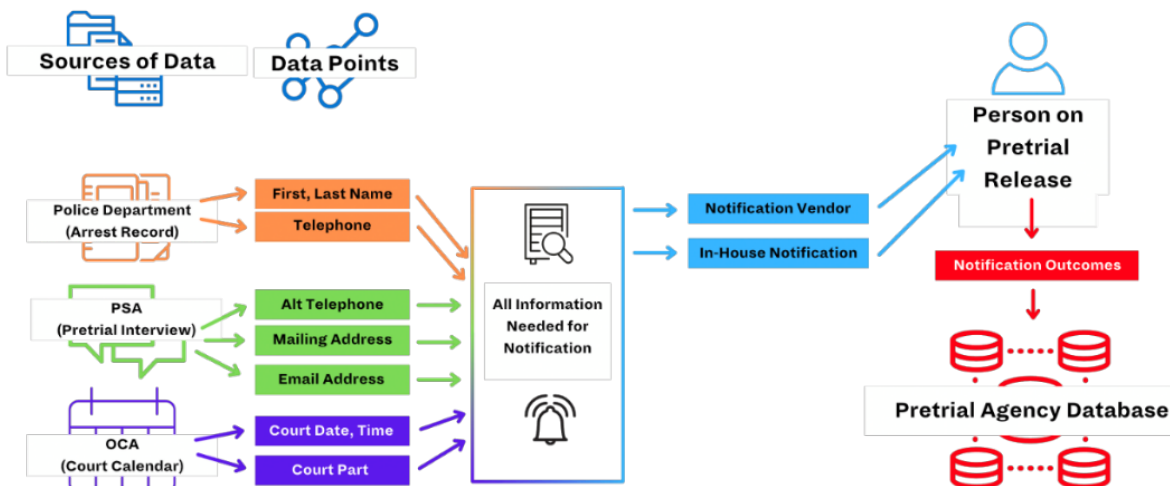
Finally, proper data collection and reporting is essential since pretrial service agencies intend to improve the extent and quality of information on people going through the pretrial process. Data used to improve pretrial service agencies are especially important to the enhancement of the overall criminal legal system, given that pretrial services occur during the early stages of the criminal process.

Planning for Proper Data Collection

1. **Take inventory of all current data points collected by your pretrial services agency.** What is easy for one jurisdiction to accurately identify, measure, and collect may be difficult for another jurisdiction.
 - Which data points from the new mandate does your agency *already* collect/possess?
 - Are certain data points easier for other partners to collect?
 - Are certain data points more reliable when collected by a legal partner? Or is it more reliable when collected directly from the client by agency staff?
 - What data points from the mandate will be *new* for your agency to collect?

- How can your agency build an infrastructure to collect the data points needed to fulfill the new legislation?
- Convene with key legal partners to determine which information can be shared to fulfill the legislation.
 - If for any mandated data point, your agency receives data from a partner, as well as collects that information directly from the client, which data point is most reliable?
- What are the sources of each data point? In other words, what agency is responsible for collecting each piece of information?
 - What information comes from other key stakeholders?
 - Review any data usage agreements or memorandums of understanding (MOUs).
 - What information does your agency collect directly from the client?
 - At what specific point in time during the pretrial process does your agency speak with the individual to gather this information?
 - Clearly outline the specifics surrounding any conversation had with the client in which data is collected and recorded.
- How are each of these data points collected?
 - For any piece of data collected outside your agency, determine how stakeholders collect, measure, and record this information.
 - Designate specific people at the agency to be accountable for data collection and reporting.
 - What skills and training are necessary for these positions?
 - For any data collected by your agency directly from the client, carefully delineate the language used to solicit the desired information. How can the prompt be changed to improve the quality of the information being collected?
 - How does your agency categorize and measure each piece of information it collects? How can categories be changed to more accurately present the information being collected?
- How can data quality assurance be prioritized?
 - Ensure each piece of data is entered accurately and consistently.
 - Devote time for training on proper data collection.
 - It may be helpful to outline all the different scenarios that determine which category to select for each variable.
 - Identify what staff are needed and will be responsible for quality assurance.
 - What skills and training are needed for this position?
 - Develop policies/procedures around quality assurance.
 - Include instructions for how to address any inaccuracies or inconsistencies that might emerge.

- 2. Dedicate time for relationship development with other key system partners.** Many issues surrounding accurate, timely, and consistent data reporting are compounded by a lack of funding and resources to upgrade outdated systems, which result in multiple fragmented and siloed databases that are unable to communicate with one another. However, dedicating time and energy to fostering existing and new relationships among key partners can help mitigate many errors and issues that result in duplicative and inefficient efforts, wasted resources, and incomplete or inaccurate reports.
- Which key legal partners are likely collecting *the same* information on the clients supervised pretrial (that your agency is already collecting)?
 - If your agency receives a piece of information from another legal partner and your agency also directly collects this information, which source will be used for data reporting? How can your agency determine which data point is more accurate?
 - Which key legal partners are likely collecting *unique* information on pretrial supervised clients (that your agency is not collecting)?
 - Is any of this information needed for reporting?
 - How could sharing new data points with your agency improve programs and practices?
 - How can the information technology capabilities of legal partners increase your agency leverage?
 - How can your agency enhance transparency among key stakeholders?
 - Cross collaboration assists in fostering a culture of transparency, which builds trust.
- 3. Document the business processes and data mapping of the workflow.** Such documentation will assist in pinpointing gaps and potential opportunities for improvement. Start with identifying the specific data elements you will collect and which parties are responsible for collecting them. Determine the collection point for each data point and the processes and tools used for collecting it. For instance, a pretrial officer might collect client characteristics directly from a client in custody using a case management system on a computer. Criminal history data points are typically collected via interfaces or direct access to other legal agencies' databases. See a sample data flow map below:



As a data map is developed, it is vital to spend time asking important questions regarding collected data. Some preliminary questions that agencies should ask include:

- How does your agency plan on using the pretrial data you collect and for what purposes?
- For how long will each data be collected?
- How long will each piece of data be stored? What data security protections will be put in place?
- How can data be used in the longer term? What items would be helpful for your office to track over time? How can this be used to improve program and practices?
- Are there any additional data you would like to collect, but currently are not collecting (or unable to collect)?
- What is easy to collect?
- What data is difficult to collect? Why is that piece of data difficult to collect?
 - Common challenges in accurately collecting data often emerge due to the sensitivity of certain pieces of information. Other challenges arise due to the way in which the question is asked, the environment in which the client is providing information, or the choices (or lack of choices) available for categorizing answers.
 - Invest in the development of more robust relationships and data sharing exchange agreements between key stakeholders.
- What sources or parties possess the data you plan on collecting?
- How could you enhance the accuracy, reliability, and consistency of the data you collect?
 - Convening with legal partners may help to identify duplication efforts.
 - What collection efforts can/should be outsourced?
 - What collection efforts can/should be shared?
 - When needed, can the data point measurement be simplified? How can complex data be reduced to smaller categories (Yes/No)?
 - When needed, can the measurement of the data point be expanded upon to more accurately describe the desired information? Are there any instances that arise when a person's response does not directly apply to any of the categories available that measure that data point? Do more answer choices for certain questions need to be added?
 - How can language and prompts be improved to elicit better responses?

Helpful hint

Jurisdictions that employ integrated information systems that automatically share data can be useful in eliminating duplicative information, helping to reduce associated operational costs, and quickly providing stakeholders with comprehensive information. If jurisdictions develop procedures to share data across systems, data sharing agreements that govern the use of data will need to be established.

Once the data points to be collected and the details surrounding operationalizing data collection procedures are finalized, create a data codebook or data dictionary that clearly defines each of your data points. ([See example of data codebook here](#)). Specifically outlining concepts and terminology helps to improve the trustworthiness, dependability, and reliability of your agency's data, as well as to reduce any discrepancies and redundancies.

- 4. Garner qualitative feedback from those with lived experience in the criminal legal system.** Receiving feedback from the community and from those involved in the pretrial process is critical to evaluating the breadth and accuracy of the information being collected. Pretrial agencies require insight from people going through the pretrial process themselves to best understand the needs of the clients, what information is most pertinent to address any barriers to returning to court, and how to best elicit that information. Community engagement increases transparency, which may increase trust in court actors and foster beliefs in the fairness of the system.
- a. Who are the key legal and pretrial partners in your jurisdiction?
 - b. How often does your agency engage in community meetings, townhalls, roundtable dialogues or other similar events?
 - c. Is your agency part of any community coalitions, councils, or boards? Does this body represent a diverse group of individuals including:
 - i. People with lived experience in the criminal legal system,
 - ii. People with disabilities,
 - iii. People of different ages, gender identities, races, cultures, those from different neighborhoods, and professions?
 - d. How are these voices being integrated into your agency's planning, feedback, and evaluations?
- 5. Recognize that each jurisdiction is operating with vastly different populations, needs, funding, resources, and politics.** While data collection and reporting are a primary function of pretrial service agencies, available funding and resources vary considerably across and within states. Consequently, many jurisdictions struggle with developing a basic data collection infrastructure and system, as well as with having the capacity to provide relevant training for staff. However, even when resources are limited, there are still ways to improve your agency's data collection and reporting processes by using Excel or other widely available tools. Community-University partnerships are also a frequently vital component of research and practice. If resources aren't available, your agency may want to partner with universities and colleges in your local area. Many academic institutions have PhD students looking to assist organizations with projects to enhance scholarship and teaching. Such partnerships can serve as a valuable resource when additional research oversight, theoretical knowledge, and skills are needed (see more information on Community-University partnerships above).
- 6. Learning from experts and partner organizations is another great way to share knowledge and resources.** There are helpful data-driven reports and guidelines already available from the [National Associated of Pretrial Services Agencies \(NASPA\)](#), the [National Institute of Corrections \(NIC\)](#), [The Center for Effective Public Policy](#), and other experienced pretrial service agencies nationwide. These sites contain key resources and information for the field as well as opportunities to connect with pretrial leadership and other pretrial practitioners to learn more about the 2020 bail reform legislation and pretrial service best practices. Furthermore, The New York Association of Pretrial Service Agencies (NYAPSA) recently announced the launch of its new [website](#), which contains a regularly [updated database](#) of pretrial research material from a variety of sources, including research institutions,

government agencies, and non-profits. It also features a [news page](#) that assembles stories at the local, state, and national level pertaining to developments in the field of pretrial justice, which provides a centralized and easily searchable collection of research and news.

Agencies should also begin by focusing on best practices for general data collection, including the development of clear and consistent data definitions and measurements, as well as formal policies and procedures for how data is collected and stored. ([See here for CJA Data Collection Principles](#)).

Sources of Data

Data used for pretrial services comes from multiple sources including charging documents, local, state, and federal criminal history databases, as well as directly from the client. Data from charging documents and prior criminal history may be automated or directly accessed via an interface, while collecting demographic, contact, and community ties information may be most reliable when elicited directly from the client. This information is typically obtained at booking or as part of the pretrial risk assessment process. Information may also be collected via brief phone or video-enabled internet interviews if pretrial staff is not present in every jail.

Receiving information directly from the client can reduce errors that occur in the data transfer or transcription process. Accurate contact information, including cellular telephone numbers, is extremely important for court date notification as reminding people of upcoming court dates is shown to increase court appearance rates (Ferri, 2020; Podkopacz, 2019; Cooke et al., 2018; Howat et al., 2014; Bornstein, Tompkins, Neeley, Herian, & Hamm 2013; White, 2006; Nice, 2005). To learn more about the court date notification research literature and the implementation of effective court date reminder programs, see CJA's research brief here: [Court Date Notifications: A Summary of the Research and Best Practices for Building Effective Reminder Systems](#).

Pretrial service agencies may find that different sources (the jail or arrest record) contain divergent information (e.g. a different spelling of the client's name or a different DOB.) Often, these discrepancies are due to different ways of measuring or categorizing the same data point across different agencies and systems.

[For instance, one system may define substance use history based on previous enrollment in a drug treatment program, whereas another system may rely on self-report, while your pretrial service agency may verify that information through a formal validated needs assessment.](#)

How each data point is defined and measured needs to be carefully developed, outlined, and documented. Then staff must be properly trained on how to appropriately select the correct outcome for a variety of different situations. When different outcomes for the same data point from multiple sources are available, spend time investigating the reliability of each data source. Data are not reliable if the same item is entered in different ways. Pretrial service agencies should ensure that each variable is consistently derived from the same data source.

Data Security and Data Sharing

Information about a person's employment, living situation, substance use history, physical and mental health issues, and prior criminal history is personal and of a highly sensitive nature. Furthermore, much of the information is initially collected in a punitive environment, from clients who are emotionally distraught, and typically have had no contact with a defense lawyer prior to the interview. While the information obtained through the interview and from other sources is valuable for making the release/detention decision and for setting conditions of release, the pretrial services agency and other legal system policymakers must ensure that the information is obtained ethically and not misused. Therefore, pretrial service agencies, and any partnering agencies, should develop policies to ensure that the information is safeguarded. Agencies should create, document, and train staff on safe procedures for holding data, as well as all appropriate federal, state, and local laws for data. Stakeholders should also consider local, state or federal agency requirements for accessing data that may require a data-sharing agreement or memorandum of understanding (MOU)⁶. Exercising proper data security practices is the responsibility of everyone who works at your agency. Even seemingly harmless behaviors or small mistakes can have damaging results.

Steps for implementing data security practices

- 1. Develop policies and procedures for safeguarding data.** Clearly outline the details surrounding how each piece of data is collected, stored, and shared. This allows for the detection of any potential vulnerabilities in your data protection and sharing plan and helps to address what is needed in terms of providing adequate data security. Examples of important data security topics include:
 - a) Encryption.** Data encryption is the process through which data is scrambled into an unreadable format so that it remains inaccessible to unauthorized users.
 - b) Passwords.** How are passcodes utilized to safeguard your agency's data from misuse? If you input client information into a case management system, how often are users' passwords required to be updated?
 - c) Physical Access.** What physical assets are used to collect and store information (desktops, laptops, servers, mobile devices, tablets, flashdrives, etc.)? Do all staff at your agency have access to the same information? Control the number of people that have access to personal data whenever possible.
 - d) Portable devices and remote access.** What protections are set up for viewing information on portable devices? Do staff have remote access to shared servers while operating on a secure network?
 - e) Data disposal.** How long will the agency retain each piece of data? Do any physical copies (written notes) of confidential personal information exist? And if so, how is it properly disposed of?

⁶ For an example MOU, see this sample between University of CT and the Judicial Branch, from the National Center for State Courts:

<https://nationalcenterforstatecourts.app.box.com/s/zdhtpxpscqkctfvn3u37vsufes6xh0f>

f) **Data breach.** What are the procedures for reporting and addressing a data breach?

Helpful hint

- It is particularly important to safeguard any personal identifiers.
- Keep your security software up to date. It can help protect your devices against cyberattacks.
- Update your operating system and other software. This can patch security vulnerabilities.
- Report any emails impersonating your employer immediately.
- Treat unsolicited emails with caution and always verify unknown senders.
- Be wary of any email attachment that advises you to enable macros to view its content.

2. Establish data security training. Who delivers the data security trainings? What topics do they cover? A data security training happen for each new project? Does your agency currently have a data security awareness training vendor to deliver trainings? If your agency does not currently have a data security foundation in place, what other stakeholders have information technology (IT) departments that can assist your agency? Think about developing confidentiality agreements for staff to ensure that they are aware of their responsibilities and that they cannot access any data for personal use.

3. Ensure training occurs on a regular basis. Training should happen continuously to ensure staff are up to date on the best practices and aware of any potential changes that may affect them. This helps to ensure all staff are in compliance with agency policies, reduces risks and incidents, and helps the agency protect their clients' information, as well as the organization and themselves.

What Information Should Pretrial Service Agencies Collect?

The information system of a pretrial service agency should be capable of capturing the following data.

Data points in **bold** and labeled "**MANDATED**" are now required under NYS law for pretrial service agencies' annual reporting duties. Data points that are labeled "OPTIONAL" are *not* required to be reported by NYS law but are data that agencies may want to begin planning on tracking. While not all data points are required, agencies should – at a minimum – be capable of regularly reporting on the fundamental aspects of their program that speak to its mission and goals. Many of the optional data points are still critical to evaluating the impact of pretrial supervision. Agencies are strongly encouraged to begin to develop plans for each of the data points, even if they are not currently mandated.

Data Points		
Client Characteristics	Case number	Optional
	DOB/Age	Mandated
	Gender	Mandated
	Race	Mandated
	Ethnicity	Mandated
	Marital status	Optional
	Telephone number	Optional
	Current residence information	Optional
	Length of current residence	Optional
	Length of residence in county	Optional
	Current and/or past employment information	Optional
	Length of current employment	Optional
	Financial status	Optional
	Current and/or past education information	Optional
	Current and/or past substance use	Optional
	Current and/or past mental health problems	Optional
	Current medical status and history	Optional
	Currently enrolled in training program	Optional
Victim relationship to client	Optional	
Veteran status	Optional	
Other community activity	Optional	
Criminal History Information	Number of previous arrests	Optional
	Number of prior convictions by charge type	Optional
	Number of felonies and misdemeanors	Optional
	Number of previous failures to appear	Optional
	Number of prior probation/parole revocations	Optional
	Number of previous pretrial release revocations	Optional
	Number of previous jail and prison admissions	Optional
Client Case Information	Arrest date	Optional
	Arraignment charge(s)	Mandated
	Initial appearance date	Optional
	Pretrial release date	Mandated
	Type of pretrial release	Optional
	Conditions of release modifications by court, if applicable	Mandated
	Date(s) when client failed to appear, if applicable	Optional
	Date client returned to court after failure to appear, if applicable	Optional
	Represented by counsel at every court appearance	Optional
	Revocation due to non-compliance with release conditions, if applicable	Mandated
	Pretrial release closeout date	Mandated
	Case close out date	Mandated
Date of adjudication	Mandated	

	Type of adjudication	Mandated
	Sentencing date	Mandated
	Sentence	Mandated
Notification Information	Whether the client was notified	Optional
	Type of Notification (mailing, live phone, text, e-mail)	Optional
	Notification outcomes (call outcomes and letters returned)	Optional
Aggregate Program Information	Number of persons interviewed	Optional
	Number of persons recommended for pretrial release, by type of conditions	Optional
	The percentage of time the recommendation is in agreement with the release decision	Optional
	Reasons for not recommending release	Optional
	Number of persons released to the supervision of the program	Mandated
	Number of persons released to the supervision of the program by age, sex, gender, race?	Mandated
	Number of persons currently under the supervision of the program	Optional
	Number of persons released to the supervision of the program by charge severity	Mandated
	"The caseload ratio" or the number of persons supervised divided by the number of case managers	Optional
	Time from nonfinancial release order to start of pretrial supervision	Optional
	Number of persons released on own recognizance	Optional
	Number of persons currently released on own recognizance	Optional
	Number of persons released to the supervision of the program by supervision close out reason	Mandated
	Number of persons released on nonmonetary conditions, including the conditions imposed	Mandated
	Number of persons currently released on nonmonetary conditions	Optional
	Number of persons remanded	Optional
	Number of persons currently remanded	Optional
	Number of revocations due to non-compliance with release conditions by revocation type	Mandated
	Time from start of pretrial supervision to close out	Mandated
	Number of persons that failed to appear	Optional
	Number of persons that were rearrested on a new offense	Optional
	Number of persons released to the supervision of the program by modifications to release conditions	Mandated
Number of persons released to the supervision of the program by sentence type	Mandated	

How to Collect the Data: Entering Data in OCA's Pretrial Spreadsheet

1. **Download the excel data collection tool.** OCA has provided a data collection tool in the form of an excel spreadsheet, which is available for download here: [OCA Data Collection Spreadsheet](#)

SEARCH NYCourts.gov

NYCOURTS.GOV NEW YORK STATE UNIFIED COURT SYSTEM

Division of Technology & Court Research

Home

Limited English Proficiency Report

OCA-STAT Act

Pretrial Services Information ▶

Pretrial Services Information - Data Collection

Data Collection Tool & Training Video

The video below gives step by step instruction on how to use the Pretrial Services Data Collection Training spreadsheet in excel.

[Video](#) | [Transcript](#)

Pretrial Services Data Collection Tool

[2021 Data Collection Tool - Excel](#)

[Adobe PDF](#)

2. **Watch the training video.** OCA has provided a helpful video for how to enter the data, which may be accessed here: [OCA Data Collection Training Video](#).
3. **Familiarize yourself with the different spreadsheets in the file.** Once you download the Excel data collection tool, you will see it contains four spreadsheets in the file, including:
 - a) **Instructions:** The first tab contains the instructions and data definitions that you may refer to when entering data.


Overview

As of January 1, 2020, each pretrial services agency must submit an Annual Report to the Office of Court Administration (OCA)[1]. This report must include a host of relevant information, including the number of defendants supervised with a breakdown by race/ethnicity and charge, average length of time on pretrial supervision, number and reasons for supervision revocation and final case dispositions.

[1] See 51045, subdivision 5-a-g of the bail law. See https://ssu.com/csdesignworks/docs/ar_2017/final_062019g for New York City's 2017 Annual Report.

This spreadsheet is intended to assist New York State Pretrial Services Agencies in collecting data to meet the above statutory requirements for annual reporting. This spreadsheet includes four tabs. The first tab "**Instructions**" will provide general instructions on how to fill out this spreadsheet. The second tab "**Client Entry Screen**" allows you to enter individual level case data for each client. The client entry screen tab is a combination of text fields and dropdown fields, the dropdown options can be selected by clicking on the down arrow shown in each cell. The third tab "**Automated Aggregate**" automatically aggregates the individual level data on the client entry screen that can be used to post the official statistics for annual reporting. This tab is calculated automatically and does not require any additional data entry. The last tab "**Violent Felony Reference table**" provides a list of violent felony offenses in New York State that can be used as a reference to look up charges while filling out the "client entry screen".

Field	Description
Case Number	This field will be primarily used for your reference. You can enter the option that is easiest for your agency to refer to. Type in client case number Text
Client Name	This field will be primarily used for your reference. You can enter the option that is easiest for your agency to refer to. Type in client name Text
Gender	Select client's gender by selecting one of the options listed on the dropdown menu Options: Male, Female, Other, Unknown
Race	Select client's race by selecting one of the options in the dropdown menu Options: White, Black, Asian, Indian, Other, Unknown
Ethnicity	Select client's ethnicity by selecting one of the options in the dropdown menu Options: Hispanic, Non-Hispanic, Unknown



The screenshot shows a spreadsheet interface with four tabs: "Instructions", "Client Entry Screen", "Automated Aggregate", and "Violent Felony Reference Table". A red arrow points from the "Instructions" tab to the "Ethnicity" field in the table above.

The instructions page serves as a readily available data codebook. Each required data point contains a description of what each column is recording and whether it is direct text entry or a drop-down menu with a selection of pre-populated answer choices.

- b) **Client Entry Screen:** The second tab, the "Client Entry Screen", is where all data collection will occur. This spreadsheet allows for individual-level data for each client. The spreadsheet is a combination of direct entry and pre-filled drop-down options.

Case Number	Client Name	Gender	Race	Ethnicity	DOB MM/DD/YYYY	Date of RUS MM/DD/YYYY	Client Age at RUS Entry	Top Charge	Top Arraignm Severity
	John Doe	Male							

DIRECT TEXT ENTRY (arrow pointing to Client Name)
 DROP-DOWN MENU (arrow pointing to Gender dropdown)

The data point "Client Age at RUS Entry" (Column H) automatically calculates after "DOB" (Column F) and "Date of RUS" (Column G) has been filled in.

Case Number	Client Name	Gender	Race	Ethnicity	DOB MM/DD/YYYY	Date of RUS MM/DD/YYYY	Client Age at RUS Entry	Top Charge	Top Arraignm Severity
	John Doe	Male	White	Non-Hispanic	3/9/90	2/9/21	30		

DIRECT TEXT ENTRY (arrow pointing to Date of RUS)
 AUTOMATICALLY CALCULATES "DO NOT ENTER DATA" (arrow pointing to Client Age at RUS Entry)

The data point “Days in RUS” (Column O) will automatically calculate after “Date of RUS” (Column G) and “Close Out Date” (Column L) have been filled in.

The screenshot shows an Excel spreadsheet with the following data in row 3:

Case Number	Conviction	Violent Felony	Close Out Date	Close Out Reason	Reason for RUS Revocation	Days in RUS	Regular Check In	Travel Restriction
		Yes	3/20/21			39		

Red arrows point from the text "DIRECT TEXT ENTRY" to the "Close Out Date" cell (L3) and from "AUTOMATICALLY CALCULATES 'DO NOT ENTER DATA'" to the "Days in RUS" cell (O3). The spreadsheet tabs at the bottom are "Instructions", "Client Entry Screen", "Automated Aggregate", and "Violent Felony Reference Table".

- c) **Automated Aggregate:** The third tab is labeled “Automated Aggregate”. This spreadsheet is used to pull the official results for annual reporting. This spreadsheet **automatically calculates** the aggregated data points from the information entered in the “Client Entry Screen”. This screen does not require any additional data entry, as it is locked and will not allow data entry. **Do not enter data on this spreadsheet.**

B68 X ✓ fx =COUNTIF('Client Entry Screen'!M:M,"Acquittal")

New York State Unified Court System Office of Court Administration Pretrial Services Data Collection For Annual Reporting January 2021 to Date	
County	
Pretrial Service Agency	
Total Number of Clients Supervised	Count
By Race	
White	1
Black	5
Asian	1
Indian	0
Other	1
Unknown	0
Total	8
By Gender	
Male	6
Female	2
Other	0
Unknown	0

AUTOMATICALLY CALCULATES
DO NOT ENTER DATA

Ready Instructions Client Entry Screen Automated Aggregate Violent Felony Reference Table

- d) **Violent Felony Reference Table:** The final tab is the “Violent Felony Reference Table”. This table is used to look up relevant charges when filing out the client entry screen.

K3 X ✓ fx Yes

Case Number	Client Age at RUS Entry	Top Charge	Top Arraignment Severity	Violent Felony Y/N	Close Out Date MM/DD/YYYY	Close Out
	30	Rape	B-Felony	Yes	3/20/21	
	35					
	44					
	23					
	31					
	25					
	20					
	35					

Yes/No Options

Refer to Violent Felony Reference Table

Ready Instructions Client Entry Screen Automated Aggregate Violent Felony Reference Table

A1 LISTING OF NYS LAWS

Full Law Description	Mini Law Description	NYS Law Category	VF Indicator	Class	Expanded Law Literal
2015 Assault -2nd Degree	ASSAULT-2ND	F	V	D	Assault -2nd Degree
2016 Assault 2nd Degree: With Intent To Cause Serious Physical Injury	ASSAULT2ND	F	V	D	Assault 2nd Degree: With Intent To Cause Serious Physical Injury
2017 Assault 2nd Deg:Intent To Cause Physical Injury with Weapon/Instrument	ASSAULT 2ND	F	V	D	Assault 2nd Deg:Intent To Cause Physical Injury with Weapon/Instrum
2018 Assault 2: With Intent To Cause Physical Injury To Officer/Fireman/EMT	ASSAULT 2	F	V	D	Assault 2: With Intent To Cause Physical Injury To Officer/Fireman/EM
2019 Assault 2nd:Recklessly Cause Serious Physical Injury-Weapon/Instrument	ASSAULT 2ND	F	V	D	Assault 2nd:Recklessly Cause Serious Physical Injury-Weapon/Instrum
2020 Assault 2nd Degree: Impair or Injure Person with Drug or Substance	ASSAULT 2ND	F	V	D	Assault 2nd Degree: Impair or Injure Person with Drug or Substance
2021 Assault 2: Cause Injury to Non-Participant During Commission of Felony	ASSAULT 2	F	V	D	Assault 2: Cause Injury to Non-Participant During Commission of Feloi
2022 Assault-1st Degree	ASSAULT-1	F	V	C	Assault-1st Degree
2023 Assault With Intent To Cause Serious Injury With Weapon	ASSAULT 1	F	V	C	Assault With Intent To Cause Serious Injury With Weapon
2024 Assault With Intent To Cause Disfigurement Or Dismemberment	ASSAULT 1	F	V	C	Assault With Intent To Cause Disfigurement Or Dismemberment
2025 Assault-1:Cause Serious Physical Injury Thru Risk Of Death	ASSAULT 1	F	V	C	Assault-1:Cause Serious Physical Injury Thru Risk Of Death
2026 Assault With Intent To Cause Injury During Felony	ASSAULT 1	F	V	C	Assault With Intent To Cause Injury During Felony
2037 Manslaughter -1st Degree	MANSLAUGHTER-1	F	V	B	Manslaughter -1st Degree
2038 Manslaughter 1st: With Intent To Cause Serious Physical Injury	MANSLAUGHTER 1	F	V	B	Manslaughter 1st: With Intent To Cause Serious Physical Injury
2039 Manslaughter:Under Emotional Disturbance	MANSLAUGHTER 1	F	V	B	Manslaughter:Under Emotional Disturbance
2040 Manslaughter 1st:Abortional Act on Female More Than 24 Weeks Pregnant	MANSLAUGHTER 1	F	V	B	Manslaughter 1st:Abortional Act on Female More Than 24 Weeks Preg
2063 Rape-1st Degree	RAPE-1	F	V	B	Rape-1st Degree
2064 Rape-1st:Forcible Compulsion	RAPE 1	F	V	B	Rape-1st:Forcible Compulsion
2065 Rape:Intercourse Female Physically Helpless	RAPE 1	F	V	B	Rape:Intercourse Female Physically Helpless
2066 Rape 1st: Intercourse With Person Less Than 11 Years Old	RAPE 1	F	V	B	Rape 1st: Intercourse With Person Less Than 11 Years Old
2072 Sodomy-1st Degree	SODOMY-1	F	V	B	Sodomy-1st Degree
2073 Sodomy:Intercourse Forcible Compulsion	SODOMY 1	F	V	B	Sodomy:Intercourse Forcible Compulsion
2074 Sodomy:Intercourse Physically Helpless Victim	SODOMY 1	F	V	B	Sodomy:Intercourse Physically Helpless Victim
2075 Sodomy:Deviate Intercourse With Other Person Less Than 11	SODOMY 1	F	V	B	Sodomy:Deviate Intercourse With Other Person Less Than 11
2080 Sexual Abuse-1st Degree	SEXUAL ABUSE-1	F	V	D	Sexual Abuse-1st Degree

Instructions Client Entry Screen Automated Aggregate Violent Felony Reference Table

4. Review each of the data points and outcome categories. Below is a list of each of the data points OCA has developed to collect in the official spreadsheet, under the “Client Entry Screen” tab.

Client Entry Screen

Variable Name	Column	Direct Entry or Dropdown	Values	Description
Case number	A	DIRECT ENTRY	DIRECT ENTRY	This field is primarily used for YOUR reference. You may enter the option easiest for your agency to refer to. Each individual must have a unique case number to uniquely identify the person and protect their identity. This is a direct entry field.
Client name	B	DIRECT ENTRY	DIRECT ENTRY	Enter the full first AND last name into this field.

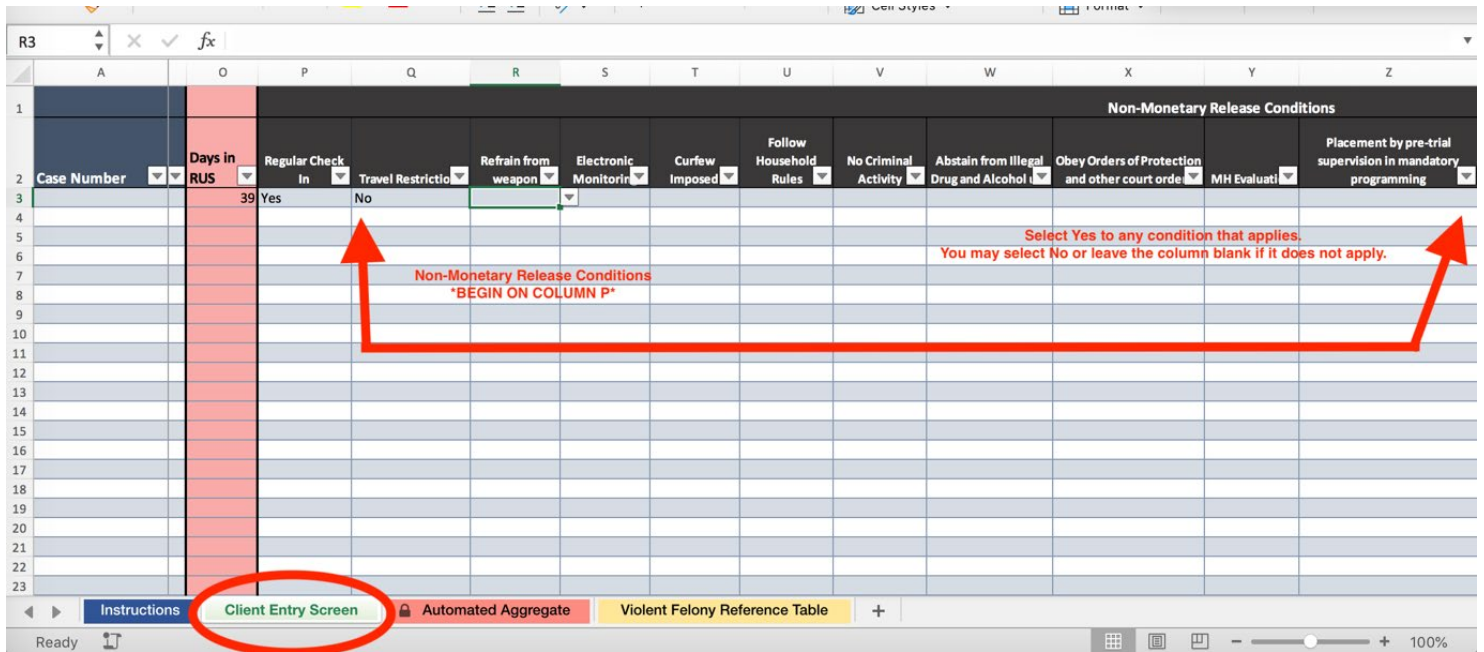
Gender	C	DROP-DOWN MENU	Male, Female, Other, or Unknown	Select from one of the drop-down options: Male, Female, Other, or Unknown.
Race	D	DROP-DOWN MENU	white, Black, Asian, Indian, Other, or Unknown	Select from one of the options in drop-down menu: white, Black, Asian, Indian, Other, or Unknown.
Ethnicity	E	DROP-DOWN MENU	Hispanic, Non-Hispanic, Unknown	Select from one of the drop-down options: Hispanic, Non-Hispanic, Unknown.
DOB	F	DIRECT ENTRY	MM/DD/YYYY	Please enter client's date of birth in MM/DD/YYYY format (Please note only date format will be acceptable in this column).
Date of RUS	G	DIRECT ENTRY	MM/DD/YYYY	Please enter the date the client was released under your agency's supervision as MM/DD/YYYY format (Please note only date format will be acceptable in this column).
Client age at RUS	H	AUTOMATICALLY CALCULATES	DO NOT ENTER DATA	This column is automatically calculated once the DOB is entered and date of RUS is entered. This field is locked. DO NOT ENTER DATA.
Top Charge	I	DROP-DOWN MENU	Robbery, Burglary, Grand larceny, Petty larceny, Misd assault, Sex crimes,	Please select the top charge at arraignment from the options in drop down: Robbery, Burglary, Grand larceny, Petty

			Rape, Murder, Felony assault, Drug, Other, or DUI	larceny, Misd assault, Sex crimes, Rape, Murder, Felony assault, Drug, Other, DUI.
Top Arraignment Severity	J	DROP-DOWN MENU	A misd, B misd, U misd, A felony, B felony, C felony, D felony, E felony, or Other	Select client's top arraignment severity by selecting one of the options in the dropdown menu: A misd, B misd, U misd, A felony, B felony, C felony, D felony, E felony, Other.
Violent Felony	K	DROP-DOWN MENU	Yes; No	You may use VFO reference table on tab 4 to fill out this field. In the VFO reference table, go to VF indicator, which will tell you which category results in a violent felony.
Close Out Date	L	DIRECT ENTRY	MM/DD/YYYY	Enter the date the client's supervision had ended with your agency as MM/DD/YYYY format (Please note only date format will be acceptable in this column).
Close Out Reason	M	DROP-DOWN MENU	ACD, Acquittal, Dism, Plead guilty, Released from supervision, Trial found guilty, Unknown Disposition, or Other.	Select the reason the client's supervision has ended with your agency by selecting one of the options in the dropdown menu: ACD, Acquittal, Dism, Plead guilty, Released from supervision, Trial found guilty, Unknown Disposition, Other.

Reason for Revocation (IF ANY)	N	DROP-DOWN MENU	Persistent and willful failure to appear, Violated order of protection, Victim/witness intimidation, New felony charges, or Unknown.	Please fill out ONLY IF these options apply and the client's supervision was revoked. Select from the drop-down menu: Persistent and willful failure to appear, Violated order of protection, Victim/witness intimidation, New felony charges, Unknown.
Days in RUS	0	AUTOMATICALLY CALCULATES	DO NOT ENTER DATA	This field is automatically calculated once date of RUS is entered and once close out date is entered. DO NOT ENTER DATA.

The next section of the spreadsheet covers non-monetary release conditions. Please select ANY condition imposed on your client in the dropdown menu. You may only select yes or no to each condition. You may select more than one option by selecting yes to multiple. **You do not need to enter no; you may just skip it and leave the field blank.** If there is a condition that applies, please select yes.

Non-monetary Release Conditions

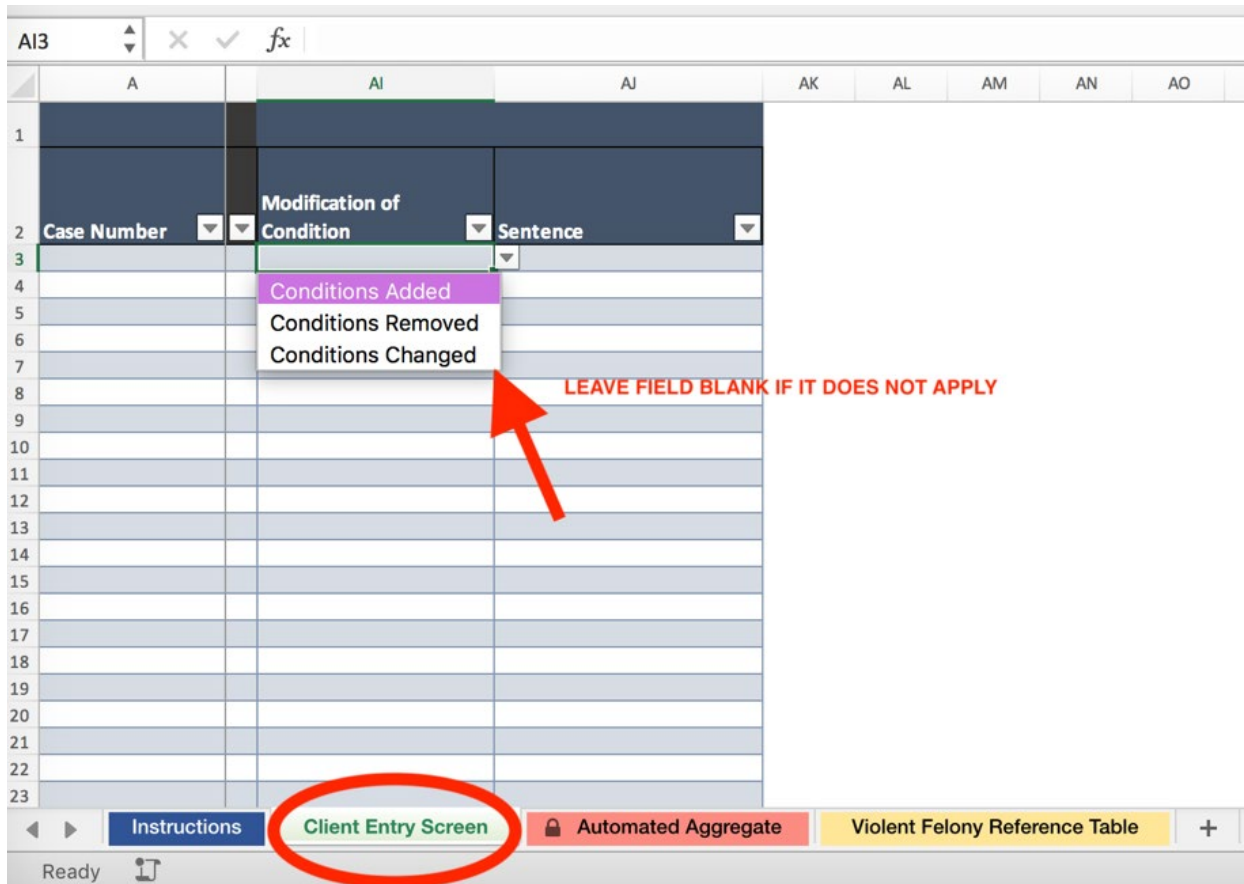


<u>Variable Name</u>	<u>Column</u>	<u>Direct Entry or Drop-down Menu</u>	<u>Values</u>
Regular check-in	P	DROP-DOWN MENU	Yes or No
Travel restrictions	Q	DROP-DOWN MENU	Yes or No
Refrain from weapons	R	DROP-DOWN MENU	Yes or No
Electronic monitoring	S	DROP-DOWN MENU	Yes or No
Curfew imposed	T	DROP-DOWN MENU	Yes or No
Follow household rules	U	DROP-DOWN MENU	Yes or No
No criminal activity	V	DROP-DOWN MENU	Yes or No

Abstain from illegal drug and alcohol use	W	DROP-DOWN MENU	Yes or No
Obey orders of protection and other court orders	X	DROP-DOWN MENU	Yes or No
MH evaluation	Y	DROP-DOWN MENU	Yes or No
Placement by pretrial supervision in mandatory programming	Z	DROP-DOWN MENU	Yes or No
Removal to a hospital pursuant to section 9.32 mental hygiene law	AA	DROP-DOWN MENU	Yes or No
Surrender passport	AB	DROP-DOWN MENU	Yes or No
Refrain from associating with persons connected to the case	AC	DROP-DOWN MENU	Yes or No
Maintain employment	AD	DROP-DOWN MENU	Yes or No
Maintain housing	AE	DROP-DOWN MENU	Yes or No
Maintain enrollment in school/educational programming	AF	DROP-DOWN MENU	Yes or No
Obey conditions set forth by court addressed to the safety of the of a victim of a family offense as defined in CPL §530.11	AG	DROP-DOWN MENU	Yes or No
Other	AH	DROP-DOWN MENU	Yes or No

The final two pieces of information that OCA has designed for collection in their spreadsheet include:

- **Modification of condition (Column AI):** Please select any of the fields if there was a modification in your client's release status from the drop-down menu: Conditions added, conditions removed, or conditions changed. You may leave this field blank if it does not apply to your client. The pretrial services agency may want to review the status of people detained on an ongoing basis to determine if there are any changes in eligibility for release options or other circumstances that might enable the conditional release of people.



- **Sentence:** If a sentence was imposed, please select from drop down. If more than one sentence was imposed, please select the first, most severe sentence: Imprisonment, Probation, Community Service, Fine, Conditional Discharge, Other, or Unknown.

AJ3

	A	AI	AJ	AK	AL	AM	AN	AO
1								
2	Case Number	Modification of Condition	Sentence					
3			Imprisonment					
4			Probation					
5			Community Service					
6			Fine					
7			Conditional Discharge					
8			Other					
9			Unknown					
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								

Instructions Client Entry Screen Automated Aggregate Violent Felony Reference Table

Ready

If more than one sentence is imposed, select the most severe sentence

Once the client entry screen is filled out, the “Automated Aggregate” tab that automatically calculates certain data points will be used for the official statistics for annual reporting. OCA will provide agencies with a portal to submit the required information, which will look like the following:

New York State Unified Court System

Office of Court Administration
Pretrial Services Data Collection for Annual Reporting

← Back Exit Survey →

What is the total number of clients supervised by race?

White

Black

Asian

Indian

Other

Unknown

Total

What is the total number of clients supervised by gender?

Male

Female

Other

Unknown

Measuring Outcomes and Success

In 2011, The National Institute of Corrections' (NIC) Pretrial Executive Network, in collaboration with about a dozen pretrial service agencies across the country, convened to develop a list of key outcome, performance, and mission critical measures for pretrial services programs. These measures were published in "[Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field](#)". The report suggests producing measures that indicate overall legal system performance, such as:

- **Appearance Rate:** The percentage of people supervised who make all scheduled court appearances.
- **Safety Rate:** The percentage of people supervised who are not charged with a new offense during the pretrial stage.

The report also includes data that seeks to illustrate program performance, as well as mission critical data that seeks to support data in areas strategically linked to outcome and performance measures, such as:

- **Number of People Released by Release Type and Condition:** The number of release types ordered during a specified time frame.
- **Caseload Ratio:** The number of people supervised divided by the number of case managers.
- **Time on Pretrial Supervision:** Time between the pretrial agency's start of supervision and the end of program supervision.
- **Pretrial Detention Rate:** Proportion of people pretrial who are detained throughout pretrial case processing.

What is a Randomized Control Trial (RCT)?

An RCT, or experiment, can be used in social science research to test the effect of an intervention or program. An RCT randomly assigns a group of eligible people to either a control group (that does not receive the experiment's intervention) or to a treatment group (that does receive the intervention). An outcome of interest – such as court appearance or re-arrest – is selected and defined. The impact of the intervention is measured by comparing the results of the treatment group and control group on the outcome of interest. The differences in outcomes between the two groups can be attributed to the effects of the intervention, rather than other potential factors.

While RCTs can often provide the strongest causal evidence about a program's effectiveness, they are not always an appropriate choice. In many cases, it can be unfeasible or even unethical to deny treatment to individuals. Conducting an RCT often requires significant monetary resources, planning effort, and time. Many programs do not have the operational capacity for data collection or client volume. Most jurisdictions will not be able to conduct a thorough analysis of their program using an RCT research design without external support.

To evaluate any effects of a new pretrial service program, you must possess data from the time period right before the program started, to serve as a baseline. While this cannot tell you definitely whether the program was responsible for any changes in court appearance or rearrest rates, which would necessitate conducting a Randomized Control Trial (RCT), it can still provide insight into how new programs may impact these outcomes.

When analyzing the results, do not focus on only one or two of the data points to the exclusion of others. For instance, if pretrial release rates went down and detention rates went up, reduced rates of failure to appear and rearrest would not necessarily be indicative of the true impact of the pretrial program. Also, the assessment should include a review of qualitative feedback from people going through the pretrial process in addition to the quantitative data, as well as a discussion of the goals for pretrial services. It is also important to incorporate diverse viewpoints from across agencies and legal system stakeholders, as well as from the community.

Presenting the Data

Once data reporting requirements are met, prioritize presenting and sharing the results with stakeholders. Programs and practices cannot be improved upon unless information is shared. Present results in a format that can be easily understood and digested. It can be helpful to use several forms of communication for outcome dissemination, outside of standard reporting, including e-mails, reports posted on the [agency's website](#), presentations to town hall and community meetings, and press releases. Use the report to help answer key questions, such as:

- What is working?
- What is not working?
- What data elements can be improved upon?
- Are your data points measuring what is intended to be measured?
- Are there opportunities to implement quality assurance mechanisms, policies, and practices?

Conclusion

Under the new law, pretrial service agencies are now required to measure and report on key demographic and criminal legal data points for people under their supervision. Without consistent and accurate measuring and reporting, pretrial service agencies cannot adequately perform their necessary functions. Maintaining robust data collection procedures is crucial to ensure that pretrial service agencies can improve and critically assess areas of strength, weakness, and adherence to best practices and standards. In addition, the law now mandates that agencies collect certain data points and compile them into a report for the general public to access. Proper pretrial data collection, analysis, and reporting can help to build systems that meet local needs, save money, improve program practices, and decrease jail crowding. Pretrial service agencies are the most effective when measurement and reporting are ongoing. The primary purpose of pretrial data collection and reporting is to improve the quality, fairness, and efficiency of the criminal legal system, specifically at the pretrial stage, by promoting evidence-based strategies that improve court appearance rates, reduce recidivism, provide appropriate and effective services, and enhance community safety. Legal system stakeholders and the community increasingly require accurate and timely data to enhance public trust and confidence in the judiciary. While the new data reporting legislation may require time, planning, and continual system and process refinement, this guide provides various steps that agencies can take to lay the groundwork for developing a robust data collection and analysis infrastructure.

References

- ABA Criminal Justice Section (2007). *Standards for Criminal Justice: Pretrial Release*.
- Arnold, L. and Arnold, J. (2013). *Developing A National Model For Pretrial Risk Assessment, Research Summary*. Laura and John Arnold Foundation, November.
- Bergin, T., Koppel, S., Ropac, R., Randolph, I., & Joseph, H. (2020). *The pretrial detention penalty: How detention impacts case outcomes*. Working paper on SSRN. Retrieved from: <https://ssrn.com/abstract=3710879>
- Bornstein, B. H., Tomkins, A. J., Neeley, E. M., Herian, M. N., & Hamm, J. A. (2013). Reducing courts' failure-to-appear rate by written reminders. *Psychology, Public Policy, and Law*, 19(1), 70–80. Available at <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1601&context=psychfacpub>
- Cooke, B., Diop, B. Z., Fishbane, A., Hayes, J., Ouss, A., & Shah, A. (2018). *Using behavioral science to improve criminal justice outcomes: preventing failures to appear in court*. Available at <https://urbanlabsuchicago.edu/labs/crime-new-york>. Accessed September 21, 2020.
- Dobbie, W., Goldin, J., & Yang, C. S. (2018). [The effects of pretrial detention on conviction, future crime, and employment: Evidence from randomly assigned judges](#). *American Economic Review*, 108(2), 201-240.
- Ferri, R. (2020). The benefits of live court date reminder phone calls during pretrial case processing. *J Exp Criminol* (2020). <https://doi.org/10.1007/s11292-020-09423-0>
- Howat, H., Forsyth, C., Biggar, R., & Howat, S. (2016). Improving court-appearance rates through court date reminder phone-calls. *Criminal Justice Studies*, 29, 77-87. DOI: [10.1080/1478601X.2015.1121875](https://doi.org/10.1080/1478601X.2015.1121875)
- Leipold, A.D. (2005). "[How the pretrial process contributes to unfair convictions](#)." *The American Criminal Law Review*, 42(4): 1123-1165.
- Lowenkamp, C., VanNostrand, M., and Holsinger, A. (2013). *The Hidden Cost of Pretrial Detention*. Laura and John Arnold Foundation.
- Nice, M. (2006). *Court appearance notification system: Process and outcome evaluation*. Multnomah County: Multnomah County Budget Office. <https://multco.us/file/26885/download>.
- Podkopacz, M. (2019). *Using Reminders to Reduce Failure to Appear in Court*. Fourth Judicial District of Minnesota, Hennepin County. Retrieved 2020, from https://www.mncourts.gov/mncourtsgov/media/fourth_district/documents/Research/Hennepin-County-Court-eReminders-Project-September-2019.pdf

Rabuy, P. W. (2017, March 14). *Mass incarceration: the whole pie 2017*. Retrieved July 25, 2020, from <https://www.prisonpolicy.org/reports/pie2017.html>

Schnacke, T. R., Jones, M. R., & Wilderman, D. M. (2012). Increasing court-appearance rates and other benefits of live-caller telephone court-date reminders: the Jefferson County, Colorado, FTA pilot project and resulting court date reminder program. *Court Review*, 48, 86–95.
<https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1396&context=ajacourtreview>

Schönteich, M. (2010). *The Socioeconomic Impact of Pretrial Detention*. New York, NY: Open Society Foundations.

White, W. (2006, May). *Court hearing call notification project*. Unpublished report, Criminal Justice Coordinating Council & Flagstaff Justice Court, Coconino County Arizona. Retrieved from www.coconino-az.gov/uploadedFiles/Criminal_Justice_Coordinating_Council/ReportFTA.doc