#### SUPPORTING STATEMENT

#### **State Court Processing Statistics, 2009**

The Bureau of Justice Statistics (BJS) proposes to conduct a survey of felony case processing in a sample of the nation's 75 most populous counties in 2009. The State Court Processing Statistics (SCPS) project is a recurring data collection that examines defendants charged with a felony offense in 40 counties chosen to be representative of the 75 most populous counties in the U.S. Approximately 15,000 felony defendants will be tracked for up to 1 year with data collected on the pretrial, adjudication and sentencing phases of the criminal court process. As part of ongoing SCPS redesign work to explore nationally representative sampling designs, the SCPS 2009 data collection will also obtain aggregate information on the data systems maintained in jurisdictions sampled to be representative of the nation's 900 most populous counties.

#### A. Justification

#### 1. Necessity of Information Collection

Under Title 42, United States Code, Section 3732 (see Attachment A), the Bureau of Justice Statistics (BJS) is directed to collect and analyze statistical information concerning the operation of the criminal justice system at the Federal, State and local levels. An essential component of the criminal justice system is the judicial system.

Since 1988, the Bureau of Justice Statistics (BJS) has sponsored a data collection<sup>1</sup> on the processing of felony defendants in the state courts of the nation's 75 most populous counties.<sup>2</sup> The State Court Processing Statistics or SCPS data collection series serves as the primary source for tracking defendants charged with a felony offense through various stages of the court system. Defendants are followed from the time they make an initial appearance in a limited jurisdiction court through pretrial release, adjudication, and sentencing. The capacity to track felony defendants as they are processed in state courts represents a unique feature of the SCPS data collection program.

The SCPS data collection program tracks approximately 15,000 felony defendants for up to 1 year with data collected on a variety of felony case processing characteristics. These include the types of arrest charges filed against felony defendants, conditions of pretrial release, and pretrial misconduct which includes the court appearance record, violations of release conditions, and rearrests committed while on pretrial release. The adjudication outcomes encompassing the dismissal, diversion, guilty plea, and trial conviction rates for felony defendants are also recorded. For those defendants convicted, sentencing data are collected. The SCPS project also obtains data on the defendant's demographic characteristics, criminal justice status at the time of arrest, and prior arrests and convictions.

<sup>&</sup>lt;sup>1</sup> From 1990 through 2006, the SCPS data collection occurred every two years. BJS postponed SCPS until 2009 in order to explore various options for enhancing the project's methodologies and sampling strategies. See control number 1121 – 0306 for OMB documentation for the previous SCPS data collection.

<sup>&</sup>lt;sup>2</sup> The 75 most populous counties account for about 37% of the U.S. population and, according to the FBI's Uniform Crime Reports, about half of all reported serious violent crimes in the United States.

The SCPS data have been used to generate several BJS reports on felony case processing in the nation's 75 most populous counties. These reports titled *Felony Defendants in Large Urban Counties* have been published every two years from 1990 through 2006. In addition, BJS has used the SCPS data to publish topically driven reports on pretrial release and the processing of violent felons in state courts.<sup>3</sup> The reports that utilize SCPS data to examine felony case processing and pretrial release can be accessed at the following internet link <a href="http://bjs.ojp.usdoj.gov/">http://bjs.ojp.usdoj.gov/</a>.

Findings from the various SCPS reports have generated a great deal of attention and interest among judges, bail bondsmen, pretrial officials, attorneys, scholars, policymakers, and the general public. The New York Times, for example, used SCPS statistics to show how state courts have increasingly relied on commercial bail bondsmen as the primary means for releasing felony defendants.<sup>4</sup> Data from SCPS have also been published in various academic journals and have been highlighted at several international conferences and forums.<sup>5</sup> The importance of SCPS has also been stressed in the Committee on National Statistics (CNSTAT) report on BJS programs. The CNSTAT report described SCPS as one of the core data collection programs for BJS' Prosecution and Adjudications unit.<sup>6</sup>

### 2. Needs and Uses

Felony cases represent a major component of state court workloads. Recent estimates by the National Center for State Courts show that felony filings increased 33 percent from 1997 to 2006. In 2006, about 2.2 million felony cases were filed in state courts of general jurisdiction.

SCPS provides detailed statistical information about felony case processing in the most populous jurisdictions in the U.S. SCPS collects information from court records, jail information systems, pre-trial agencies, and criminal history repository programs on individual defendants who are charged with a felony in 40 of the nation's 75 most populous counties.

Information collected on these defendants includes the types of felony charges (e.g., murder, rape, robbery, drug distribution, etc) that brought these defendants into the court system; the release or pre-trial detention of these felony defendants; the mechanism (e.g., commercial bail bonds, release on recognizance) in which these defendants are released pre-trial; and the rate that released defendants commit pre-trial misconduct including failing to make a court appearance, being re-arrested for additional criminal misconduct, or committing a technical violation. In addition, SCPS provides information on how many felony defendants are convicted, have their cases dismissed, or receive diversionary outcomes. Among those defendants convicted, the modality of conviction including whether the defendant was convicted through jury trial, bench

<sup>&</sup>lt;sup>3</sup> See Felony Defendants in Large Urban Counties, 1990 – 2006; Pretrial Release of Felony Defendants in State Courts, 1990 – 2006; Violent Felons in Large Urban Counties; and Pretrial Release of Felony Defendants, 1992: National Judicial Pretrial Reporting Program at <a href="http://www.ojp.usdoj.gov/bjs/pretrial.htm">http://www.ojp.usdoj.gov/bjs/pretrial.htm</a>

<sup>&</sup>lt;sup>4</sup> Adam Liptak, *World Spurns Bail for Profit, but It's a Pillar of U.S. Justice*, New York Times, January 29, 2008 at A1.

<sup>&</sup>lt;sup>5</sup> See Helland, Eric & Alexander Tabarrok (2004) "The Fugitive: Evidence on Public Versus Private Law Enforcement from Bail Jumping". *Journal of Law and Economics* 47: 93 – 122.

<sup>&</sup>lt;sup>6</sup> See Groves, Robert and Daniel Cork (Eds.) (2009). *Ensuring the Quality, Credibility, and Relevance of U.S. Justice Statistics*. National Research Council of the National Academies at <a href="http://www.nap.edu">http://www.nap.edu</a>.

trial, or guilty plea are collected. Information on the sentencing of felony defendants including the imposition of prison, jail, and probation sentences are also provided. Furthermore, SCPS obtains extensive criminal history information on these felony defendants including any relationship (e.g., probation, parole, pre-trial release status) these defendants might have with the criminal justice system at the time of arrest, the number and type of prior arrests and convictions, and prior incarcerations. Information about the defendant's demographic background is also collected through SCPS.

Recently, BJS administered a redesign of the SCPS program in order to take into account the increasing levels of automation in state courts and other enhanced collection mechanisms that have occurred since the late 1980s. The goals of the redesign included developing and testing alternative sampling strategies and data collection methods where different types of information are managed that allow for periodic modular enhancements of SCPS and the exploration of greater utilization of the automated case management systems. In light of the SCPS redesign efforts, BJS concluded that more information about the capacities of counties to provide electronic case processing, pretrial, and criminal history data are needed. The second component of the SCPS 2009 data collection, therefore, will collect aggregate information on the data systems and associated capacities of courts representative of the 900 most populous counties in the US. This information will measure the extent that the surveyed counties have digitized their court, pre-trial, and criminal history data and the overall accessibility of these data. Information obtained from this capacity survey will assist BJS in determining the extent these automated case management systems can be exploited for the purpose of further expanding subsequent SCPS surveys in a more cost efficient and expeditious manner, with the ultimate goal of developing a nationally representative SCPS data collection. A nationally representative SCPS data collection has been cost prohibitive due to the necessary reliance on paper data collection forms and manual data entry. Preliminary redesign work conducted by BJS indicates that we may be able to design a more representative, cost efficient and statistically precise sampling framework in the future if we have a better understanding of the data capabilities of local court systems.

There is no other authoritative or comprehensive source about felony defendants or felony case processing in the 75 most populous counties. The SCPS data are routinely used by pretrial practitioners, bail bondsmen, criminal justice policymakers, district attorneys, state courts, lawmakers, academics, journalists, and members of the public. This survey provides the only source of this essential information in the nation's most populous jurisdictions. If these data are not collected, a serious gap will exist in our knowledge of pretrial case processing, felony defendant characteristics, and the criminal justice system.

## 3. <u>Use of Information Technology</u>

Respondents will be encouraged to complete online data collection forms for this survey. If internet access is not available, respondents will have the option of completing the data collection forms on a laptop or desktop computer and sending these files back to the collection agent in a diskette. In addition, previous SCPS iterations have shown that some counties are capable of electronically transferring data from their case management systems or providing this information on the internet. These courts will be encouraged to provide either online access or electronic transfers of their case processing data. It is anticipated, however, that some courts will

not have access to the software or hardware needed to transmit data electronically or place their data online. In these jurisdictions, the SCPS information will be transcribed on a paper data collection instrument and will be mailed to the data collection agent for further processing.

In addition to exploring electronic data collection opportunities, publications from SCPS will be generated in both printed *and* electronic formats. The electronic publications from SCPS will be available on the BJS webpage. Moreover, the data from SCPS will be available for public use at the University of Michigan Inter-University Consortium for Political and Social Research.

## 4. Efforts to Identify Duplication

A search of the National Criminal Justice Reference Service repository and other internet search engines did not reveal any duplication. The information sought is not attainable from any other internal data source. BJS, moreover, will work closely with other agencies at the Office of Justice Programs such as the National Institute of Justice to ensure that duplication does not occur.

#### 5. Efforts to Minimize Burden

In an effort to minimize respondents' burden, the data collection plan allows for the respondent to submit data either by the use of an automated or manual form. The SCPS collects data that are readily available from the current reporting and record-keeping practices of its respondents. BJS and its contractors will also take advantage of information available on in the internet to further minimize respondent burden, by pre-populating the data capacity survey fields that are available through the court's website. We will request that the respondent verify all pre-populated fields and expect that this preliminary work will minimize respondent burden.

#### 6. Consequences of Less Frequent Collection

Less frequent data collection would lead to a significant gap in the information available on the changing profile of felony case processing in the nation's 75 most populous counties. In particular, the SCPS data collection program provides a substantial amount of information on the extent that felony defendants are released pretrial, how they are released, and whether they committed any pretrial misconduct. In addition, SCPS is the only data collection program that provides information on conviction rates of felony defendants in the nation's most populous counties. These data are crucial to various groups engaged criminal litigation and pretrial release services in state courts including trial court judges, prosecutors, public defenders, bail bondsmen, pretrial service agencies, academics, and the general public. These data also inform key debates about the efficacy of commercial bail bondsmen in state courts including the ability of bail bondsmen to retrieve defendants who failed to make court appearances and became fugitives from justice.

#### 7. Special Circumstances

No special circumstances have been identified.

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

BJS has consulted with policymakers, survey practitioners, research specialists, and practitioners who specialize in criminal case processing and pretrial release issues. These consultations occurred through the SCPS redesign efforts. Some of the specialists consulted include staff from the U.S. Census Bureau, the Urban Institute, and the Pretrial Justice Institute who specialize in sample design, survey research, and various stages of criminal case processing including the pretrial release process. These discussions led to modifications of the elements being collected including the extent that defendants released through a bail bondsman are being monitored by pretrial officials and the utilization of immigration hold as means of keeping defendants incarcerated. The discussion also led BJS to consider developing a more systematic understanding of county data automation capacities for the purpose of sample expansion and efficient data collection.

BJS published the 60 day and 30 day notices in the Federal register to inform and seek comment from the public.

## 9. Paying Respondents

The data collection effort for this project is usually completed by pretrial management officers, probation officers, local county jail staff, court clerks, or support staff in the courts of the sampled jurisdictions. These data coders will be compensated for their work with this survey. It is anticipated that the burden will correspond to the size and capacity of each court system. Compensation will be paid to individual respondents to transfer data from court case files into data collection forms. Respondents will be compensated according to the number of hours spent completing the data collection forms for this project.

The Regional Justice Information Service (REJIS), which is the data collection agent for this project, contracts directly with individual employees of local courts or pretrial agencies to collect the SCPS data. In the contract, there is language explicitly stating that the data collection agent will not be compensated for work performed during regular business hours. The exact language prohibiting compensation for work performed during regular business hours states "REJIS will not pay COLLECTOR for any work that is performed during time for which COLLECTOR is eligible to be paid by another entity."

If an individual employee of a local court or pretrial agency participates in the data collection, that individual is compensated \$11 per case coded. In the supporting statement, we estimate that the time to complete each data collection form was about one hour; hence, the coders are being compensated about \$11 an hour to complete data collection for the SCPS project. In counties where an organization or entity provides us with all the data electronically, the payment amount is \$5 per submitted case.

The Regional Justice Information Service (REJIS) contracts directly with individual employees of local agencies to collect the SCPS data. The contractual language provides information on the SCPS project background, scope of work, specific tasks of the data collector, materials and support provided by REJIS, periods of performance, compensation for performance, and

relationship between the data collector and REJIS. The contract also contains language pertaining to best efforts by the data collector to ensure that the work product submitted meets certain quality and timeliness standards. In addition, the contract states that the data collector will complete all work within 5 months after contract ratification and that extensions must be approved in writing by REJIS. In addition, the contract contains language related to terms of modification and to any potential breach of contractual goods and services. For specific information pertaining to the contract between REJIS and the data collector, please see attached contract (attachment 1).

### 10. Assurance of Confidentiality

All information has the potential to identify individuals (e.g., felon's name) will be held confidential according to Title 42, United States Code, Section 3789g. A letter from the SCPS project manager will notify respondents that the data will be held confidential and that participation is voluntary.

BJS provides information on the county where the defendant's case was filed and disposed. For example, the BJS reports utilizing SCPS data provide information on the types of felony charges, pretrial release and misconduct, and adjudication and sentencing outcomes for the 40 counties participating in the SCPS project. A copy of the SCPS report titled "Felony Defendants in Large Urban Counties, 2006" is provided for further reference. Please see appendix tables 15 through 22 for further information on the types of county level information being provided in the SCPS report (see attachment 3).

The confidentiality statute is being applied to individual defendants tracked in SCPS and to the legal professionals (e.g., judges, prosecutors, and defense attorneys) presiding over the case. The identities of the defendants, judges, prosecutors, and defense attorneys are kept confidential by removing any information related to defendant, attorney, or judicial names, case numbers, social security identifiers, or FBI fingerprint numbers. The only individual level information provided in SCPS relates to the defendant's gender, age, and race/ethnicity, information which is largely available to the public through various online accessible court systems.

The confidentiality statute is not being applied to the courts participating in the SCPS survey. Although individual courts are not identified, the county where the felony case was filed and disposed is identified in the SCPS dataset. Since most counties in SCPS have one courthouse with jurisdiction over felony cases, it will be possible to identify the courthouse where the case was filed and adjudicated. The SCPS courts, however, are very large and contain multiple judges, defense attorneys and prosecutors. For example, Baltimore County, which is one of the smaller counties in the SCPS dataset, has 17 full time judges and 6 full time masters with authority to hear and dispose of felony cases. Given the volume and number of persons serving in the surveyed courts, it's highly unlikely that a particular judge, defense attorney, or prosecutor will be identified through the SCPS project.

BJS, through collaboration with REJIS, will take all precautions to ensure that no outside parties will be able to access the SCPS data with identifiable information. First, REJIS has several safeguards in place to maintain confidentiality of the defendants and legal professionals involved

in the surveyed felony cases. These include the utilization of firewalls, virus protection software, and security login checks to safeguard the confidential data collected for this project. REJIS will also store any paper data collection forms submitted in a locked file. Before submitting the final dataset to BJS, REJIS will remove any information that could be used to identify individual defendants or legal professionals involved in the SCPS case. When REJIS submits the SCPS data file to BJS, the data will be submitted through encrypted software.

Although the SCPS data analyzed at BJS and archived at ICPSR will not contain identifiable information, it's always possible that a university researcher or professor could petition BJS/ICPSR to obtain the dataset with information that could be used to identify individuals. BJS/ICPSR has put into place an extensive set of protocols for any applicant requesting this level of information. The researcher would have to justify their need for this information, submit evidence that their proposal has gone through an Internal Review Board approval process, and provide guarantees that the data received would be stored in a protected and safeguarded manner. The process of reviewing requests to obtain confidential SCPS information is very stringent and, as of this date, BJS has never released a SCPS data file with identifiable information.

Before the SCPS data file is submitted to ICPSR, BJS engages in several procedures to further ensure the confidentiality of individual defendants and legal professionals. These include removing the exact dates of key case events such as the arrest, filing, pretrial release, adjudication, and sentencing dates. The defendant's date of birth is also removed from the data file before submission to ICPSR. Rather than provide exact dates, BJS calculates various time variables including number of days from arrest through adjudication or the defendant's age - in years - at the time of arrest.

ICPSR also has in place several safeguards to ensure confidentiality. ICPSR conducts a disclosure risk review of every dataset to determine whether any data items could be used to identify individual respondents. ICPSR ensures respondent confidentiality by removing, masking, or collapsing variables within public-use versions of the datasets.

#### 11. Justification for Sensitive Questions

There are no questions of a sensitive nature.

## 12. Estimate of Respondent Burden

As described above, the SCPS 2009 data collection will include two components – the traditional SCPS case processing data collection and the data capacity survey that will be implemented in a larger sample of counties. The case processing survey will collect data for approximately 15,000 felons charged in the 40 responding counties. The felony defendants will be tracked from the May 2009 filing date until May 31<sup>st</sup>, 2010. Information about the processing of these felony defendants in state courts will be generated from case management systems, jails, pretrial diversion offices, prosecutor information systems, and state criminal history repository programs. In this study, one data collection instrument will be used to survey these 15,000 individual felony defendants. This instrument will combine data from the above-mentioned resources to provide a complete picture of felony case processing in the 40 surveyed counties

The data capacity collection instrument will be used to obtain information on the electronic data capacities of courts located in all the nation's 75 most populous counties as well as courts in a sample of approximately 125 of the nation's remaining 900 most populous counties. The data capacity survey will include several measures of the court's data storage systems and capacity to electronically transfer data. These data will be used to provide more precise estimates of respondent burden to support more nationally representative case processing data collections in the future. The information may be further used to draw samples with a lower design effect.

In terms of completing the 15,000 forms that track defendants charged with a felony in 40 of the nation's 75 most populous counties, the estimated burden hours will be contingent upon the counties electronic storage and transfer capabilities. Data collection will occur in a more timely and expeditious manner among counties with the capacities to transfer all their case processing, pretrial, and criminal history information to the data collection agent. Counties in which respondents must manually complete a data collection form for paper or online submission will involve more intensive burden hour demands.

Among counties with electronic storage and transfer facilities, the burden associated with collecting case processing data involves producing programs with the capacity to identify, merge, and transfer case processing, pretrial, and criminal history information into an analytically useable format for SCPS. Burden hour computations encompass program production for transferring an entire file of cases as opposed to completing survey forms for individual cases. It is estimated that about 10 of the 40 counties have the capacity to transfer entire files of SCPS cases and that it should take these counties about 15 hours to produce programs capable of merging and then transferring the SCPS data to the data collection agent. Therefore, the total burden time to complete the case processing data collection in these fully automated counties should be about 150 hours (10 counties with automated systems multiplied by 15 hours per county = 150 burden hours).

For the remaining 30 counties that lack the capacity to engage in electronic transfers, case processing data collection will involve manually coding the SCPS survey forms for an online or paper based submission. Assuming an average of 375 SCPS cases per county, an estimated 11,250 SCPS forms would need completion for the remaining 30 counties. In prior SCPS data collection efforts, coders spent approximately one hour on each case processing data collection form to manually code the requested data for online or paper based submission. Therefore, the total burden time to manually complete each of the 11,250 SCPS data collection forms should be about 11,250 hours. (11,250 data collection forms multiplied by one hour per coding sheet = 11,250 hours).

In conclusion, the total burden time to collect case processing information for the 15,000 felony defendants charged in the 40 counties should be about 11,400 hours. (150 hours for automated transfers + 11,250 hours to manually collect SCPS data = 11,400 hours).

<sup>&</sup>lt;sup>7</sup> These estimates are derived from a survey of electronic case management systems from the 2004 and 2006 SCPS data collections.

In addition to collecting case processing information, courts located in 200 jurisdictions will be asked to complete a data capacity spreadsheet to help BJS examine their general capacity to electronically transfer court processing and pretrial data. Pretests of the data capacity instrument indicate that the average trial court will spend 2 hours completing the data capacity spreadsheet. BJS therefore estimates 400 burden hours to complete the second component of the SCPS 2009 data collection (200 counties multiplied by 2 hours per coding spreadsheet = 400 hours).

The burden hours for both components of the SCPS 2009 data collection are summarized in the table below.

Data collection forms	Accessibility through automated case management systems	Estimated number of counties	Estimated number of data collection forms	Estimated burden hours
Case processing data collection for 15,000 felony	All SCPS information accessible and transferrable through automated case management systems.	10	3,750	150
defendants in 40 of the nation's 75 most populous counties	Information not accessible through automated case management systems. Data collection occurs manually; though, data forms can be submitted through online systems.	30	11,250	11,250
Sub-total	<del></del>	40 counties	15,000 forms	11,400 hours
Data capacity data collection to provide a descriptive overview of the courts' ability to automate and electronically transfer court processing and pretrial data	N/A	200 of the nation's 900 most populous counties	200	400
Totals		200 counties	15,200 forms	11,800 hours

## 13. Estimate of Respondent's Cost Burden

We do not expect respondents to incur any costs other than that of their time to respond. The information requested is of the type and scope normally carried in their records and no special hardware or accounting software or system is necessary to provide information for this data

collection. Respondents are not expected to incur any capital, start-up, or system maintenance costs in responding. Further, purchasing of outside accounting or information collection services, if performed by the respondent, is part of the usual and customary business practices and not specifically required for this information.

## 14. Costs to Federal Government

The total expected cost to the Federal Government for this data collection is estimated to be up to \$1,423,819 over a two year period all to be borne by the Bureau of Justice Statistics.

# Estimated costs for the State Court Processing Statistics (SCPS) project

BJS costs		
	Staff salaries	
	GS-12 Statistician (25%)	\$17,000
	GS-14 Senior Statistician (33%)	\$37,000
	GS-14 Supervisory Statistician (3%)	\$5,600
	GS-13 Editor (10%)	\$10,000
	Other Editorial Staff	\$5,000
	Front-Office Staff (GS-15 & Directors)	\$3,000
	Subtotal salaries	\$77,600
	Fringe benefits (28% of salaries)	\$21,728
	Subtotal: Salary & fringe	\$99,328
	Other administrative costs of salary & fringe (15%)	\$14,899
	Subtotal: BJS costs	\$114,227
	Data Collection Agent (REJIS/LMI)	
	Personnel	\$287,771
	Fringe Benefits	\$38,892
	Travel	\$5,574
	Supplies	\$10,956
	Consultant	\$685,791
	Total Indirect	\$141,008
	Subtotal Data Collection Agent (REJIS/LMI)	\$1,199,992
	Total estimated costs	\$1,423,819

This work consists of planning, developing the questionnaires, preparation of materials, collecting the data, evaluating the results, and generating the reports. A BJS GS-Level 14 senior statistician will be responsible for overseeing this project.

## 15. Reason for Change in Burden

Reinstatement, with change, of a previously approved collection for which OMB approval has expired. Also, the goals of the redesign included developing and testing alternative sampling strategies and data collection methods where different types of information are managed that allow for periodic modular enhancements of SCPS and the exploration of greater utilization of the automated case management systems. In light of the SCPS redesign efforts, BJS concluded that more information about the capacities of counties to provide electronic case processing, pretrial, and criminal history data are needed. The second component of the SCPS 2009 data collection, therefore, will collect aggregate information on the data systems and associated capacities of courts representative of the 900 most populous counties in the US.

## 16. Project Schedule

The project will be completed through the following schedule.

Planning and preparation

(Includes OMB review): November 2009 - April 2010
Data collection: April 2010 - March 2011
Data review and evaluation: May 2011 - July 2011

Publication: August 2011 – December 2011

In terms of our publication plans, the SCPS dataset should be submitted to BJS by March 2011. From March through July 2011, BJS will engage in a series of procedures to clean the data file and prepare it for analysis. After the data cleaning process is complete, data from the SCPS 2009 project will be used in the production of the next *Felony Defendants in Large Urban Counties* report. This report will examine the processing of felony defendants from arrest through adjudication and sentencing in state courts. Some of topics covered in this report will include the types of felony charges that brought these defendants into the court system; the release or pretrial detention of these felony defendants; the mechanism (e.g., commercial bail bonds, release on recognizance) in which these defendants are released pre-trial; and the rate that released defendants commit pre-trial misconduct including failing to make a court appearance, being rearrested for additional criminal misconduct, or committing a technical violation. The felony defendants report will be published sometime in late 2011 or early 2012 and a copy of the 2006 report is attached for additional reference.

In addition to the felony defendants report, BJS will consider using the SCPS 2009 data to publish several topically driven reports on felony case processing in state courts. These reports could include examinations of the pretrial release phase of criminal case processing in state courts or the role of defense counsel in state court felony cases.

Data obtained from the county profile part of the SCPS 2009 data collection will not be published in any official BJS reports. These data will be used for internal purposes related to sampling efficiency and the collection of more detail information on the pretrial release of criminal case processing.

## 17. Display of Expiration Date

The expiration date will be shown on the survey form.

# 18. Exception to the Certificate Statement

Reinstatement, with change, of a previously approved collection for which OMB approval has expired.