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Attachment A: National Judicial Reporting Program Sentencing Commission Study Survey

RETURN TO	Cynthia Helba RB4164 Westat 1650 Research Boulevard Rockville, MD 20850	**National Judicial Reporting Program:** **Sentencing Commission Survey**	U.S. DEPARTMENT OF JUSTICE BUREAU OF JUSTICE STATISTICS AND ACTING AS COLLECTION AGENT WESTAT

DATA SUPPLIED BY

NAME			Title		
ADDRESS	Number and street or P.O. box/Route		City	State	Zip Code
TELEPHONE	Area Code	Number	**FAX NUMBER**	Area Code	Number
E-MAIL ADDRESS					

This information will only be used if questions arise about the responses provided; it will not be made public.

GENERAL INFORMATION

- If you have any questions about completing this survey, please contact **Cynthia Helba** of Westat at **1-301-294-4454** or BJS Statistician, **Tracey Kyckelhahn** at **(202) 353-7381.**
- Please mail your completed survey to **Westat** before **April 30, 2015** or FAX (all) pages to **301-294-3928**.
- Please retain a copy of the completed survey for your records.

INTRODUCTION

- BJS is undertaking research to learn about existing state felony court record systems as part of an effort to redesign one of BJS's longstanding statistical collections, the National Judicial Reporting Program (NJRP). The NJRP collected information on felony sentencing in state courts from 1986 to 2006 from a nationally representative sample of 300 counties. The data collected included demographic information of the offender, conviction offense, and sentencing information. The data were standardized across all counties. The NJRP is being expanded to collect statewide data, when available, and to collect information on all dispositions (both convictions and non-convictions).

- In addition to surveying state sentencing commissions about their data systems, BJS plans to survey other possible suppliers of court data, such as administrative offices of state courts. BJS believes that state sentencing commissions' data systems may contain data elements included in state court administrative office systems, as well as data elements pertaining to prior criminal history and guideline-based sentences. To the extent that these elements are reliably recorded across state sentencing commissions, BJS believes that they will contribute important information for understanding felony court sentencing outcomes.

The purpose of this survey is to gather information about the data system maintained by the sentencing commission in [NAME OF STATE]. The questions ask about the following topics:

1. Scope of cases, such as felony, misdemeanor, and guideline vs. non-guideline cases;
2. Geographic coverage;
3. Case and defendant characteristics; and
4. How to request and access the data, should BJS be interested in obtaining an extract of data.

Burden statement

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 37 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531.

National Judicial Reporting Program
Sentencing Commission Survey

Overview

1. Does your agency maintain electronic data on court proceedings for felony cases?

   ☐ Yes
   ☐ No

   - "Maintain" in this context means collecting and storing electronic data on court proceedings on a regular basis rather than collect data for special one-time studies or reports.

   - "Court proceedings" means information about cases processed by the trial courts in your state, such as offenses charged, dispositions, and sentences.

   IF NO: Did your agency do this in the past?

   ☐ Yes
   ☐ No

   IF NO: Thank you, the survey is complete.

Scope of Coverage

2. As you know, cases in state courts can begin as a felony cases and through charge modification be disposed as misdemeanor cases. In addition, cases can begin as misdemeanor cases and become felony cases by the time of disposition. For the National Judicial Reporting Program (NJRP), BJS wants to be able to describe the universes of felony cases disposed, including:

   - Cases disposed that included a felony charge at filing; and

   - Cases disposed that were originally filed as a misdemeanor case but through charge modification involved a felony charge at disposition.

      a. Does your agency's electronic data file include information on all disposed cases that were originally filed with at least one felony charge in a state court, regardless of the charges that were present at disposition?

         ☐ Yes
         ☐ No

      b. Does your agency's electronic data file include information on all cases that included a felony charge at disposition?

         ☐ Yes
         ☐ No

3. Which of the following types of cases are stored in your agency's electronic database?

      a. Guideline cases?

         ☐ Yes
         ☐ No

      b. Non-guideline cases?

         ☐ Yes
         ☐ No

4. The dispositions of which of the following types of felony cases are stored in your agency's electronic database?

		Yes	No
a.	Felony cases filed?	☐	☐
b.	Felony cases that are dismissed prior to adjudication?...........................	☐	☐
c.	Felony cases that are adjudicated not guilty?	☐	☐
d.	Felony cases in which the defendant was convicted?.............................	☐	☐
e.	Does your agency's electronic data file include dispositional information for cases that are filed as a felony but disposed of as a misdemeanor?..	☐	☐

5. Which of the following types of misdemeanor cases are stored in your agency's electronic database?

	Yes	No
Misdemeanor cases filed?	☐	☐
Misdemeanor cases that are dismissed prior to adjudication?	☐	☐
Misdemeanor cases that are adjudicated not guilty?..	☐	☐
Misdemeanor cases in which the defendant was convicted?	☐	☐

Unit of Count

BJS has defined the unit of count for NJRP as a *person case disposed*. A *person case disposed* involves a unique individual adjudicated for one or more offenses that were referred to court intake on a single day and disposed. To clarify:

- **Case:** A case is a the set of all charges filed against a unique individual and referred to court intake on a single day;

- **Cases with Multiple Charges:** If a single individual is charged in one case with two counts of robbery and one count of aggravated assault, that would be counted as one person case because a person case may involve more than one offense;

- **Multiple Cases:** If a unique individual appeared in three cases within a year (e.g., one filed in May, one in June, and one in August), that would count as three person cases;

- **Multiple Defendants:** If a single filing involves multiple defendants, the number of person cases resulting from this filing would equal the number of defendants;

- **Disposition:** A case is disposed when 1) the petition to adjudicate the individual is withdrawn or 2) when the matter is adjudicated by a judicial officer and the individual is either acquitted or convicted and sentenced.

6. With this background, can the data in your agency's electronic database be manipulated to provide information with the following units of count? [NOTE: If a defendant is convicted in two cases filed at different times but the two are combined into one sentencing event, then we may need to be able to create two case records from this sentencing to have comparability with the NJRP counts from other jurisdictions.]

		Yes	No
a.	Does your agency use a hierarchy rule to select the most serious charge(s)?	☐	☐
b.	Person-cases adjudicated but not convicted?	☐	☐
c.	Person cases withdrawn before adjudication?	☐	☐
d.	If a defendant has two person cases filed (e.g., one in May and one in June) that are then combined for disposition (e.g., at a hearing in August) with one sentencing event, can the two filed cases with their dispositions be reported separately?	☐	☐

Charge and Disposition Information

7.   This section asks how charge/offense information is maintained in your electronic system and at what unit of analysis in your agency's electronic database.

    a.   If a person is convicted on multiple charges, does your agency's electronic database retain information on all charges?

        ☐ Yes
        ☐ No

If NO:

    1.   How many charges per individual are recorded in your agency's electronic database?
        _____

    2.   How does your agency's electronic database select the charge(s) to retain?
        _____
        _____
        _____

    b.   Does your agency use a hierarchy rule to select the most serious charge(s)?

	Yes	No
1. Does offense information include the state statute?	☐	☐
2. Does offense information include a text description?	☐	☐
3. Are dispositions recorded for each charge in a case?	☐	☐
4. If a person has a single sentencing event that is based on more than one person case filed, is it possible to associate the charges with each filed person case?	☐	☐

8.   The following asks for information about the type of information that is maintained in your agency's electronic database about dispositions and the unit of analysis.

    a.   Are dispositions associated with cases?

        ☐ Yes
        ☐ No

    b.   Are dispositions associated with charges?

        ☐ Yes
        ☐ No

If YES:

    1.   If dispositions are associated with charges and there are different dispositions across charges, by what method is the most severe case disposition assigned? Please describe.
        _____
        _____
        _____
        _____

9.   What are the earliest and the most recent years for which administrative data on felony cases disposed (including archived data) are available in your agency's electronic database?

    Earliest year   _____

    Most recent year   _____

Data Elements

10. Does your agency's electronic database include the following data elements? Does your electronic data include the following items on each case?

Data Element	Question 1			Question 2	
	Is this data element in your information system?			Can this element be reported at the person-case level?	
	Yes	No	Don't know	Yes	No
Case Identifiers					
Docket/Case number	☐	☐	☐	☐	☐
Defendant Identifiers					
Defendant Unique Identifier	☐	☐	☐	☐	☐
Fingerprint-based ID#	☐	☐	☐	☐	☐
Offense Information					
Arrest Date	☐	☐	☐	☐	☐
Arrest Charges	☐	☐	☐	☐	☐
Level of Arrest Charges (Felony/Misdemeanor)	☐	☐	☐	☐	☐
Filing Date	☐	☐	☐	☐	☐
Charges Filed	☐	☐	☐	☐	☐
Level of Charges Filed (Felony/Misdemeanor)	☐	☐	☐	☐	☐
Method of transfer (for juvenile cases)	☐	☐	☐	☐	☐
Representation (Public Defender/Private/Self)	☐	☐	☐	☐	☐
Pretrial Information					
Was the defendant released pretrial?	☐	☐	☐	☐	☐
Type of pretrial release (bond, release on own recognizance, etc.)	☐	☐	☐	☐	☐
Was the defendant charged with failure to appear or a new offense while on pre-trial release	☐	☐	☐	☐	☐
Disposition Information					
Disposition Date	☐	☐	☐	☐	☐
Manner of Disposition (Petition Withdrawn, Plea, Jury Trial, Bench Trial)	☐	☐	☐	☐	☐
Result of Disposition (Dismissed, Acquitted, Convicted, Not Guilty, etc.)	☐	☐	☐	☐	☐
Sentence Information					
Sentencing Date	☐	☐	☐	☐	☐
Type of sentence	☐	☐	☐	☐	☐
Length of sentence for dispositions to incarceration	☐	☐	☐	☐	☐
Length of sentence for dispositions to community supervision	☐	☐	☐	☐	☐
Restitution amount	☐	☐	☐	☐	☐
Amount of Fines	☐	☐	☐	☐	☐
Prior Criminal History					
Prior felony convictions	☐	☐	☐	☐	☐
Prior misdemeanor convictions	☐	☐	☐	☐	☐
Number of prior incarceration sentences	☐	☐	☐	☐	☐
Defendant Characteristics					
Race	☐	☐	☐	☐	☐
Ethnicity	☐	☐	☐	☐	☐
Gender	☐	☐	☐	☐	☐
Date of Birth	☐	☐	☐	☐	☐

Sources of Data

11. What are the sources of the data in your agency's electronic database other than courts?

    a.   Courts

        ☐ Law enforcement agencies
        ☐ Prosecutor offices
        ☐ Jails
        ☐ Local probation departments
        ☐ State department of corrections
        ☐ State criminal history repositories
        ☐ Other, please describe _____

_____

_____

    b.   What levels of courts are included in the data? (Check all that apply)

        ☐ No courts supply data
        ☐ Municipal courts
        ☐ Trial courts
        ☐ District courts
        ☐ Circuit courts
        ☐ Superior courts
        ☐ Appellate courts
        ☐ Supreme courts
        ☐ Other, please describe _____

_____

_____

    c.   Which courts in your state that dispose of felony cases do not report to your agency? Please list.

_____

_____

_____

Data Completeness

12. How often do the reporting agencies submit data to you?

        ☐ Daily
        ☐ Monthly
        ☐ Annually
        ☐ Other, please describe _____

_____

13. Is information reported to your agency at various points in case processing?

	Yes	No
Is case information reported to your agency at filing?	☐	☐
Is case information reported to your agency at adjudication?	☐	☐
Is case information reported to your agency at sentencing?	☐	☐

14. Do agencies submit data to your agency in electronic format?

       ☐ Yes
       ☐ No

15. Does a data dictionary exist for the elements in your agency's electronic database?

       ☐ Yes
       ☐ No

Data Requests and Access

16. Does your agency provide extracts of your administrative data to outside researchers?

       ☐ Yes
       ☐ No

      If NO: Skip to Question 20

17. **If data can be requested-** What steps would be needed for BJS to receive these electronic data (e.g., request form, review process, fees if applicable)?

	Yes	No
Is a standardized request form/process available?	☐	☐
Is there an internal review process involved upon requesting the data?	☐	☐
Are there any fees associated with requesting the data?	☐	☐
Other	☐	☐

Please specify _____

_____

_____

18. Are the legal, regulatory or administrative restrictions on access to the data extract?

       ☐ Yes
       ☐ No

19. How soon after a reference period ends can a file extract be prepared and provided?

_____

20. Does your agency report findings regarding sentencing patterns and/or other aspects of case processing?

       ☐ Yes
       ☐ No

    a. **If YES:** How could BJS obtain copies of these reports?

_____

_____

_____

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Attachment B: Follow-up Phone Call/Email

Appendix B: Follow-Up Phone Call/Email

Phone Call Script:

Hi, this is ____ calling again from Westat. We appreciate the time you previously spent answering questions on our survey. I have a couple follow-up questions. My questions should be brief. Would it be ok if I asked these questions now? *[If now is not a good time]* When would be a better time for you to schedule a follow-up call?

Email Template:

[Agency contact],

Thank you again for completing the survey about your agency's electronic data related to felony case processing. We appreciate your time and assistance, and hope that you would be willing to answer just a couple follow-up questions. Would you be available for a phone call to clarify these? My questions should be brief. Please let me know if you would be available sometime this week, and we will schedule a call at a time that is convenient for you.

Best regards,

[Westat contact]

Attachment C: Thank You Email

Appendix C: Thank You Email

[Agency contact],

Thank you for taking the time to complete the survey about your agency's court processing data. The Bureau of Justice Statistics and Westat appreciate your assistance in explaining what data your agency has available and how it could be requested for a national study such as the National Judicial Reporting Program (NJRP). You may hear from us again in the future as this study progresses. Please feel free to contact me any time if you have questions about the project or follow-up thoughts from the survey.

Sincerely,

[Westat contact]

Attachment D: Participant Letter

January 12, 2015

Name
Title
Address
Address
Address

Dear ?:

Currently the Bureau of Justice Statistics is redesigning one of its longstanding courts collections, the National Judicial Reporting Program (NJRP). Part of this redesign will test the feasibility of obtaining automated extracts of case records from state and local information systems that contain court data. Information we hope to obtain from automated information systems will include demographic characteristics of the alleged offender, court referral date, offenses charged, adjudication date, and sentence length and type. These data will provide high quality information that will benefit criminal justice policymakers, planners, and funders.

As part of this process, we are contacting state sentencing commissions to assess the availability of data for future inclusion in the NJRP. To achieve the project's goals, BJS is requesting your participation. We have included a survey asking for information about any data available from your sentencing commission.

BJS has retained Westat to oversee this new project. Project staff will be available to discuss any questions you may have about the questionnaire or the NJRP, and will conduct a follow-up interview if needed.

Your cooperation to help us fill this national information gap will enable policymakers and planners identify important trends in the processing of felony cases.

Sincerely,

William J. Sabol
Acting Director
Bureau of Justice Statistics