



## Effective Criminal Case Management (ECCM) Project Data Request General Jurisdiction Courts in Two-Tiered Systems

The National Center for State Courts (NCSC), with support from the Arnold Foundation, proposes to build a comprehensive profile of criminal case processing in 50 selected state trial courts. We invite your court to participate. For each participating court, NCSC seeks to collect case data on all types of disposed felony and/or misdemeanor cases (depending on the court) from the most recent 12-month period available.

This document describes the data elements requested of **general jurisdiction courts in two-tiered systems**. For purposes of this project, a two-tiered court system is defined as a system in which criminal cases may be processed in a court of limited jurisdiction and/or a court of general jurisdiction. In a two-tiered court system, the court of limited jurisdiction typically hears all misdemeanor cases as well as the initial phases of most felony cases, which are then bound over to the court of general jurisdiction for disposition.

The data elements requested fall into six general categories: case identifiers, key procedural event dates, seriousness of charge, type of disposition, defendant legal status, and number of hearings.

The data set should include all felony and misdemeanor criminal cases disposed during the most recent 12-month period for which complete data are available (e.g., most recent fiscal year, most recent calendar year). This data set should only include cases in which the original final disposition took place in the court of general jurisdiction; please do not include appeals or de novo reviews of cases originally adjudicated in the court of limited jurisdiction. "Disposition date" refers to the date of the *final disposition of the original criminal case*, not to the date of disposition for post-judgment events such as probation violations.

For purposes of this project, a case is defined as a single defendant and all charges arising from a single incident. For each participating court, NCSC's ultimate goal is to produce a data set that includes a single record for each case/defendant. For cases involving multiple charges against a single defendant, the data will be "flattened" or condensed to produce a single record containing the most serious charge at filing and the most serious charge at disposition. The flattening process may be performed by the participating court or by NCSC.

NCSC suggests two options for providing the data:

*Option 1: Data set condensed by the participating court*

Under this option, please provide a single data set that contains a single record for each case. For defendants with multiple charges, the case record will be condensed to report the most serious charge at filing and the most serious charge at disposition, with the final case disposition occurring during the most recent 12-month period. Definitions of the most serious charge at filing/disposition are provided below.

*Option 2: Data set to be condensed by NCSC*

Alternatively, the participating court may provide a data set that contains a separate record for each charge filed against each defendant. NCSC staff will then identify the most serious charge at filing and the most serious charge at disposition and condense the data set to produce a single record for each case. Under this option, a unique identifier for each case that is consistent across all charges in the case (e.g., case number) must be provided.

Please look over this data request; it is divided into two sections. The first section presents a list of 32 desired *data elements*. The second section provides a set of basic definitions for the data elements.

To facilitate your participation, NCSC project staff will work closely with you to address any questions or concerns you might have about the data request.

## ***I. Data Elements***

### **A. Case Identifiers (3 variables)**

1. Jurisdiction, if data set includes multiple jurisdictions (e.g., county name, district number, circuit number)
2. Case number
3. Summons/citation case indicator

### **B. Key Procedural Event Dates (10 variables)**

4. Arrest date and/or summons/citation date, if not taken into custody
5. Filing date
6. Court appointment of counsel date, if applicable
7. Pretrial release decision date
8. Exchange of discovery date
9. Arraignment date
10. Final pretrial conference date
11. Number of days in inactive status (e.g., for failure to appear/issuance of bench warrant)
12. Disposition date
13. Sentencing date

### **C. Seriousness of Charge (7 variables)**

14. Degree of most serious charge at filing
15. Type of most serious charge at filing (see the Dataset Specifications below for hierarchy)
16. Degree of most serious charge at disposition
17. Type of most serious charge at disposition (see the Dataset Specifications below for hierarchy)
18. Charge reduction
19. Total number of felony charges at filing
20. Total number of misdemeanor charges at filing

### **D. Type of Disposition (2 variables)**

21. Manner of disposition (e.g., jury trial, bench trial, guilty plea, diverted, etc.)
22. Result of disposition (e.g., conviction, acquittal, diverted to problem-solving court, etc.)

### **E. Defendant Legal Status (5 variables)**

23. Type of counsel at disposition (e.g., private, public defender, appointed, self-represented)
24. Pretrial custody status (e.g., release on bail/bond, held without bail/bond)
25. Bond/Bail amount
26. Number of days held in pretrial detention prior to disposition
27. Multiple defendants involved (y/n)

**F. Number of Court Hearings (5 variables)**

- 28. Number of court hearings scheduled
- 29. Number of court hearings held<sup>1</sup>
- 30. Number of pretrial conferences held
- 31. Number of trial dates scheduled
- 32. Number of failures to appear

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<sup>1</sup> If number of hearings scheduled and/or number of hearings held are not available, the number of continuances may be substituted.

## **II. Dataset Specifications**

The final data set should comprise every felony and/or misdemeanor case *disposed* during the most recent 12-month period available. The data set should ideally consist of a single “flat” file that includes the variables described below, with one record per case/defendant (Option 1) or one record per charge (Option 2). Our preferred file formats include Excel and SPSS, but a properly set-up ASCII/text file is also acceptable. NCSC staff will be happy to work with you on alternatives if you are unable to provide the data in exactly the desired format.

Please note that, with the exception of arrest date, all variables refer only to activity that occurs while the case is under the jurisdiction of the court of general jurisdiction.

### **Date element definitions:**

#### **A. Case Identifiers:**

##### **1. Jurisdiction**

The jurisdiction (e.g., circuit, district, or county) in which the case was filed.

##### **2. Case Number**

A unique identifier (e.g., case number, docket number) that can be used to match individual felony cases across limited jurisdiction and general jurisdiction data sets. For data sets containing multiple records per case, this number will also be used to match charges within cases.

##### **3. Summons/Citation Case Indicator**

In a summons/citation case, the defendant is not taken into custody but is instead issued a summons, citation, notice, or ticket (e.g., desk appearance ticket) directing the defendant to appear in court on a specified date. These cases are typically minor misdemeanors (e.g., traffic offenses, possession of marijuana).

0. Defendant taken into custody (not a summons or citation case)

1. Summons or citation case

#### **B. Key Procedural Event Dates:**

##### **4. Arrest Date and/or Summons/Citation Date, if not taken into custody**

The date when the police arrest the defendant and/or issue a summons, citation, notice, or ticket, if not taken into custody.

##### **5. Filing Date**

The date that the criminal complaint is filed with the general jurisdiction court.

**6. Court Appointment of Counsel Date**

The date of appointment of state-paid counsel if the defendant is determined to be indigent, if appointment of counsel occurs while the case is under the jurisdiction of the general jurisdiction court.

**7. Pretrial Release Decision Date**

The earliest date on which a judicial officer decides whether to release the defendant on bail/bond while the case is under the jurisdiction of the general jurisdiction court. This may be the date of the first bail review by the general jurisdiction court following bindover.

**8. Exchange of Discovery Date**

The date, following the formal request for discovery by the defendant’s attorney, that the prosecutor’s office provides the attorney with the materials in its possession that relate to the defendant’s case (e.g., police reports, transcripts of statements made by the defendant or other witnesses during the initial investigation, and any videos or recordings that were obtained at the time of arrest).

**9. Arraignment Date**

The *arraignment* is typically the defendant’s first appearance in the court of general jurisdiction following bindover, often initiated when the prosecutor files a document (commonly called an “information”) that signals the start of further court proceedings. At the arraignment, the defendant typically receives a formal notice of charges, enters a plea, and has the next court date set. Also called *arraignment on the information*.

**10. Final Pretrial Conference Date**

The *final pretrial conference date* is the latest date prior to the disposition date on which a pretrial conference (often an informal meeting at which opposing attorneys confer, usually with the judge) to assess the case’s readiness for trial.

**11. Number of days in inactive status**

*Number of days in inactive status* is the total number of days the case spent in inactive status between the filing date and disposition date in the general jurisdiction court, including multiple spells of inactivity. A criminal case is typically placed on *inactive status* after a bench warrant is issued because the defendant failed to appear at a scheduled court appearance and is considered a fugitive. When the defendant is taken into custody, the case will be removed from inactive status and placed back on active status.

**12. Disposition Date**

*Disposition date* is defined as the date of the legal disposition of the case in the general jurisdiction court (e.g., trial verdict, guilty plea, bindover, dismissal, etc.) OR entry into diversion or drug court or other problem-solving court program, whichever comes first. It refers to the date of the *final disposition of the original criminal case*, not to the date of disposition for post-judgment events such as probation violations.

In those instances where a case has multiple charges with multiple disposition dates, this date is defined as the ‘first final disposition’ date. That is, the date when **all** the charges are initially disposed (not the first disposition date when, say, one of the charges is dismissed but others are still pending disposition). In addition, as noted above, for purposes of this study the disposition date is the date of **entry** into diversion or a problem-solving court program, not the date when there may be a subsequent disposition such as ‘dismissal’ (if conditions of diversion are met) or ‘conviction’ (if conditions are not met).

### **13. Sentencing Date**

The date when judgment is entered and sentence imposed.

## **C. Seriousness of Charge:**

For purposes of this study, there are two main tasks associated with Seriousness of Charge. For each defendant:

- Determine the *most serious charge at filing* and the *most serious charge at disposition* in the general jurisdiction court
- Determine the *total number of charges*, both felony and misdemeanor, facing the defendant at time of filing in the general jurisdiction court

The *most serious charge* is the charge of the most serious degree according to the state’s classification system. The *most serious charge at filing* is defined as the most serious charge ever filed in the case, regardless of the date on which the charge was filed. The *most serious charge at disposition* is the most serious charge that is not dismissed.

### **14. Degree of most serious charge at filing**

Many criminal cases include multiple charges against a single defendant. This data element identifies the most serious charge filed against the defendant. This data element should identify whether the most serious charge filed is a felony or a misdemeanor. This data element should also specify the degree or class of the most serious charge filed, based on the state’s classification system (e.g., first-degree felony, class A misdemeanor).

- Felony—in most states, an offense punishable by incarceration for one year or more.
- Misdemeanor—in most states, an offense punishable by incarceration for less than one year and/or fines.

### **15. Type of most serious charge at filing**

This data element should identify the type of offense for the most serious charge filed against the defendant. The most serious charge is to be identified first by degree (see above). If there are two or more charges tied for the most serious degree, use the following hierarchy of offense types to determine which charge is most serious.

1. Criminal homicide (e.g., murder, negligent manslaughter, vehicular homicide)

2. Domestic violence (a person offense committed against another person with whom the defendant had a domestic relationship)
3. Person offense (e.g., attempted murder, rape, assault, robbery, kidnapping, sex offenses, incest, menacing, child abuse, etc.)
4. Property offense (e.g., burglary, larceny, theft, tampering, auto theft, arson, forgery, fraud, bribery, trespass, cruelty to animals, etc.)
5. Drugs (e.g., manufacture, distribution, sale, use of controlled substance)
6. Weapons (e.g., violation of regulations/statutes regarding carrying, using, possessing, etc.)
7. DUI/DWI
8. Other motor vehicle (e.g., reckless driving, other non-DUI charges, driving on a suspended license, habitual traffic)
9. Violations of the legal process (e.g., perjury, impersonation, obstruction of public justice, bail violation, protection order violation, escape, fugitive from justice, etc.)
10. Public order (e.g., violations of liquor laws, disorderly conduct, vagrancy, prostitution, criminal mischief, gambling, public peace and order, curfew, fare evasion, wildlife or natural resources offenses, etc.)
11. Other felony or other misdemeanor (e.g., felony or misdemeanor charges that do not fit into one of the categories defined above, including abuse of public office, habitual criminal, etc.)

#### **16. Degree of most serious charge at disposition**

This data element identifies the *most serious charge that is not dismissed*. This data element should identify whether this charge is a felony, a misdemeanor, or a violation/infraction. This data element should also specify the degree or class of the charge, based on the state's classification system (e.g., first-degree felony, class A misdemeanor).

- Felony—in most states, an offense punishable by incarceration for a year or more.
- Misdemeanor—in most states, an offense punishable by incarceration for less than one year and/or fines.
- Violation/infraction—a civil offense not punishable by incarceration

If all charges are dismissed, the most serious degree of offense at disposition should be coded as –8 (all charges dismissed).

#### **17. Type of most serious charge at disposition**

This data element should identify the type of offense for the *most serious charge that is not dismissed*. The most serious charge is to be identified first by degree (see above). If there are two or more charges tied for the most serious degree, use the hierarchy of offense types to determine which charge is most serious.

For example, take a case that includes two charges: a *property felony* charge (most serious charge at filing) and an *other felony* charge. If the property felony is dismissed and the defendant pleads guilty to the other felony, the other felony becomes the *most serious charge at disposition*.

If all charges are dismissed, the most serious charge at disposition should be coded as –8 (all charges dismissed).

**18. Charge reduced**

- 0. Most serious charge at disposition is equal to most serious charge at filing.
- 1. Most serious charge at disposition is lesser in degree and/or type of offense than most serious charge at filing.
- 8. All charges dismissed.

**19. Total number of felony charges at filing**

**20. Total number of misdemeanor charges at filing**

**D. Type of Disposition:**

**21. Manner of disposition for most serious charge at disposition (rank order)**

- 1. Transfer
- 2. Jury trial (including incomplete trials)
- 3. Bench/non-jury trial (including incomplete trials)
- 4. Guilty plea
- 5. Diversion (including entry to drug court or other problem-solving court)
- 6. Dismissal/nolle prosequi

*Manner of disposition* categories may not be mutually exclusive. For example, the disposition phase in a case could begin with a jury trial, but end in a guilty plea or dismissal. Likewise, a case disposition may begin as a jury trial and end as a bench trial. For purposes of this study, a case is defined as being disposed by jury trial (or bench trial) if a jury trial (or bench trial) begins regardless of how the case is ultimately disposed.

For cases involving multiple charges, *report the manner of disposition for the most serious charge that is not dismissed*. In the example of a case that includes a property felony charge that is dismissed and an other felony charge that results in a guilty plea, the manner of disposition should be reported as guilty plea.

If multiple charges *of the same degree and offense type* are not dismissed, use the rank order for manner of disposition (shown above) to determine the manner of disposition for the most serious charge. For example, if a case includes two Class 1 misdemeanor person offenses, one of which results in a guilty plea and one of which is disposed by bench trial, the two charges at disposition are equivalent in seriousness, so the rank order for manner of disposition must be used to determine the manner of disposition, which is bench trial.

**22. Result of case disposition for most serious charge at disposition (rank order)**

- 1. Transfer
- 2. Conviction
- 3. Acquittal

4. Mistrial
5. Entry into drug court or other problem-solving court
6. Diversion (not to a problem-solving court program)
7. Continued without a finding
8. Dismissal/Nolle Prosequi

When a case involves the disposition of multiple charges, the *result of disposition* category selected should correspond to the disposition of the *most serious charge at disposition* (see above). In the example of a case in which a property felony charge is dismissed and the defendant pleads guilty to an other felony charge, the result of disposition is conviction.

With reference to problem-solving court cases, for purposes of this study, the *result of case disposition* refers to the initial or original disposition of **entry** into diversion or a problem-solving court program, not the subsequent disposition such as ‘dismissal’ (if conditions of diversion are met) or ‘conviction’ (if conditions are not met).

“Continued without a finding” refers to a disposition where the court postpones or withholds judgment for a set period of time outside of a formal diversion program. The defendant may or may not admit facts sufficient for a finding of guilt and may or may not be subject to requirements and conditions. Examples include “continued without a finding” in Massachusetts, “adjournment in contemplation of dismissal” (ACD, ACOD) in New York, and “deferred disposition” in Virginia.

## E. Defendant Legal Status

### 23. Type of counsel at disposition

1. Private attorney
2. Public Defender
3. Appointed counsel
4. Self-represented/pro se/pro per

### 24. Pretrial custody status following initial determination: ideally, a numeric variable with the following values:

1. Not taken into custody (summons/citation case)
2. Release on own recognizance
3. Release on bail/bond
4. Held subject to bail/bond
5. Held without bail/bond
6. Held on another matter (e.g. another sentence or a probation violation from an earlier case)

If the only pretrial custody determination was made in the limited jurisdiction court, report the defendant’s pretrial custody status at the time of bindover.

**25. Bond/bail amount: a numeric value expressed as a dollar amount (e.g. \$12,345)**

*Bond/bail amount* should equal the amount of bond/bail set by the judicial officer at the earliest pretrial custody determination in the court in question (limited jurisdiction or general jurisdiction). Please indicate *Release on Own Recognizance* as -99.

**26. Number of days held in pretrial detention prior to disposition**

The *Number of days held in pretrial detention prior to disposition* shows the total number of days that unsentenced defendants are held in jail pending trial—known as pretrial detention. A key decision is the determination of whether the defendant will be detained in jail awaiting trial or will be released back into the community. In addition, many defendants are held for a number of days and then released at some point before trial. Some defendants may go in and out of pretrial detention multiple times. The purpose of this variable is to capture the total number of days the defendant is held in jail between the filing/bindover date in the general jurisdiction court and the case disposition. If the original pretrial release determination is made in the court of general jurisdiction, the counting of days should begin on the date of the original pretrial release determination and, therefore, exclude any time the defendant is incarcerated from arrest to the initial pretrial release determination. If the defendant is released following the initial appearance, is not taken back into custody, and serves no time in pretrial detention, please code as 0 days.

**27. Multiple defendants involved**

- 0. No
- 1. Yes

*Note:* This variable is only pertinent to data systems where a criminal incident involving multiple defendants is routinely incorporated and filed as a single case. This data element may be ignored if a court's practice is to file a separate case for each criminal defendant in a criminal incident involving multiple defendants.

**F. Number of Court Hearings**

**28. Number of court hearings scheduled:** numeric variable

A scheduled hearing is a court event at which an attorney or defendant is scheduled to appear before a judicial officer on or off the record. Types of hearings include, but are not limited to, initial appearances, bond hearings, preliminary hearings, motion hearings, pretrial conferences, and trials.

**29. Number of court hearings held:** numeric variable

A hearing is defined as being held when an attorney and/or defendant appears before a judicial officer on or off the record and the proceeding is not postponed or continued.

**30. Number of pretrial conferences held:** numeric variable

The *number of pretrial conferences* is the total number of conferences held prior to the disposition date for the purpose of establishing case timelines, narrowing the issues, assessing

trial readiness, etc. Such conferences may be called pretrial conferences, scheduling conferences, status conferences, or case management conferences.

**31. Number of trial dates scheduled:** numeric variable

The number of trial dates scheduled includes the first day of each scheduled trial, whether or not the trial occurs. If a multi-day trial is scheduled, count this as a single trial date.

**32. Number of failures to appear:** numeric variable

The number of scheduled hearings at which the defendant was required to appear but failed to appear.