MODEL LEGISLATION

In 2017, Florida passed ground-breaking legislation to standardize the way the state collects and shares data. The bill proceeded from recommendations MFJ made to the Florida judiciary about the state of its data. Based on that bill and on our extensive experience with data collection, management, and release, we have developed Model Legislation that can serve as a guide to any state legislature invested in improving data and, by extension, its criminal justice system. While MFJ recommends tailoring this Model Legislation to the existing statutory framework and data infrastructure in each state, at minimum, all states need clear mandates regarding the following:

- Data collection: all state and local criminal justice agencies should be required to collect a core set of data elements necessary for tracking how people and cases move through the criminal process.
- Data centralization and standardization: all data should be standardized and housed in a single, centralized data repository
- Data access: data should be available, with varying levels of anonymization, to policymakers, practitioners, researchers, journalists, and the general public.

THE CRIMINAL JUSTICE DATA COLLECTION AND TRANSPARENCY ACT

Whereas, complete, accurate, and timely criminal justice data are necessary for implementation and assessment of criminal process;

Whereas, data standards ensure data are consistent, reliable, and comparable;

Whereas, government should provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government.

Therefore, the following should be enacted:

SEC. 1. DEFINITIONS:

SEC. 2. DATA COLLECTION:

It shall be the duty of the state Department of Justice to collect all data described below from all state and local criminal justice agencies and from any other appropriate source. This includes the following data elements, which shall be collected electronically on a weekly basis from the following persons and agencies:

1. Each local, county, and state law enforcement agency shall report the following information:
    1. For each arrest or citation/notice to appear summons in criminal cases:
        i. Arrest or citation number.
        ii. Originating Agency Identifier
        iii. Unique Identifier
        iv. Incident date.
        v. Action taken: custodial arrest, non-custodial citation/summons/promise to appear, none, other
        vi. Arrest or citation date.
        vii. Arrest or citation charge statute number
        viii. Arrest or citation charge severity.
        ix. Whether charges were referred to the prosecutor and the date, if applicable.
    2. For each individual taken into custody or issued a citation:
        i. Full name and known aliases
        ii. Year of birth.
        iii. Zip code of primary residence.
        iv. Race and ethnicity.
        v. Gender.
2. Each clerk of court or other appropriate office shall collect the following data for each criminal case:
    1. Case number.
    2. Unique identifier as described by Section 2(a)(1)(iii).
    3. Offense date.
    4. County in which the offense was committed.
    5. Arrest date.
    6. Filing date.
    7. Arraignment date or initial appearance.
    8. Attorney assignment date.
    9. Attorney withdrawal date.
    10. Case status.
    11. Disposition date.
    12. For each defendant:
        i. Full name and known aliases
        ii. Year of birth.
        iii. Age at arrest
        iv. Zip code of primary residence.
        v. Primary language.
        vi. Race and ethnicity.
        vii. Gender
        viii. Citizenship
        ix. Immigration status,

x. Indigency status.

xi. Any habitual offender, sexual offender, and/or domestic violence designation.

13. The following information on a formal charge filed against the defendant. Charge information shall include both filing and conviction charges where relevant.

    i. Charge number.

    ii. Charge description.

    iii. Charge statute.

    iv. Charge type.

    v. Charge class severity.

    vi. Charge disposition.

    vii. The method of disposition (i.e. pretrial diversion, plea negotiation, or trial)

    viii. Charge disposition date.

    ix. Drug type for charge, if known.

14. Plea date.

    i. The following information on bail or bond pretrial release:

    ii. Pretrial release decision.

    iii. Nonmonetary conditions of release

    iv. Cash bail or bond amount.

    v. Booking date and reason.

    vi. Date defendant is released on bail, bond, or pretrial release.

    vii. Bail or bond revocation due to a new offense, a failure to appear, or violation of the terms of bail or bond.

15. Any court dates and dates of motions and appearances.

16. Defense attorney type (public defender, private counsel or contract attorney).

17. The following information related to sentencing:

    i. Sentence date

    ii. Charge sentenced to, charge number, charge description, statute, type, and charge class severity.

    iii. Sentence type.

    iv. Sentence length

    v. Sentence condition.

    vi. Any time served credit and length

    vii. Court fees amount.

    viii. Court fees payment to date.

    ix. Fine amount

    x. Fine amount balance or payment to date.

    xi. Restitution amount ordered, amount collected, and amount paid to victim.

3. Each district attorney shall collect the following data, if known:

  1. For each case screened:

    i. Case number

    ii. Name

    iii. Date of birth

iv.   Charge referral date

v.   Charge screening decision date

vi.   Charge screening decision (i.e. declined for prosecution/no information filed, filed, pretrial diversion/deferred prosecution)

vii.   For each case sent to pretrial diversion or deferred prosecution:
1. Pretrial diversion or deferred prosecution agreement date
2. The outcome of a pretrial diversion or deferred prosecution agreement.

viii.   For each case filed:
1. Charge number
2. Charge description
3. Charge statute
4. Charge type
5. Charge class severity
6. Date of plea offer and description of the plea offer.
7. Date of adjudication if taken to trial.

ix.   Action that initiated the case referral (i.e. arrest, warrant issued, sworn complaint, citation/summons/promise to appear, other)

2. For a human victim of a crime of violence:For a human victim of a crime of violence:
i.   Race and ethnicity.
ii.   Gender.
iii.   Age.
iv.   Relationship to defendant

3. Number of full-time prosecutors
4. Number of part-time prosecutors
5. Annual felony caseload
6. Annual misdemeanor caseload

4. Each public defender, contract attorney or administrator, or overseer of any court appointment program shall collect the following data
1. for each criminal case:
i.   Case number
ii.   Name
iii.   Date of birth
iv.   Charge description, type, and severity
v.   Attorney assignment date
vi.   Attorney withdrawal date
vii.   Reason for withdrawal
viii.   Dates for all meetings with client
ix.   Method of all meetings with client (i.e. in person, phone call, video conference, other)
x.   Place of all meetings with client (i.e. detention facility, public defender's office, client's home, courthouse, other)

        xi.   Case outcome, including sentence imposed.

        xii.   Date of plea offer and description of the plea offer

2. Number of full-time public defenders, as well as contract attorneys representing indigent defendants
3. Number of part-time public defenders, as well as contract attorneys representing indigent defendants
4. Annual felony caseload
5. Annual misdemeanor caseload.

5. The administrator of each county detention facility shall collect the following data:

   1. Jail capacity.

   2. Weekly admissions to jail for probation/parole revocation.

   3. Daily and year-end jail population.

   4. Daily and year-end jail pretrial population.

   5. Daily and year-end jail presentence population.

   6. Daily and year-end postsentence population.

   7. Daily and year-end federal and state inmates held in jail population.

   8. Daily cost of a jail bed.

   9. Daily number of correctional officers.

   10. Annual jail budget.

   11. For each inmate:

        i.   Booking number

        ii.   Booking date

        iii.   Booking reason

        iv.   Monetary bond amount, if applicable

        v.   Name and any known aliases

        vi.   Date of birth

        vii.   Release date

        viii.   Release type (e.g., ROR, released on monetary bond, released after completed sentence, transferred to prison, transferred to jail in another jurisdiction, transferred to ICE or other federal agencies, etc.)

        ix.   Time served credit length

        x.   Any domestic violence, habitual offender, or sexual offender designations.

6. The probation chief in each county shall collect the following data:

   1. For each probationer or supervisee:

        i.   Full name and known aliases

        ii.   Year of birth.

        iii.   Race and ethnicity.

        iv.   Sex.

        v.   Department assigned case number.

        vi.   Length of probation sentence imposed

        vii.   Length of probation sentence served.

        viii.   Probation release date or projected release date.

        ix.   Probation revocation due to technical violation or new offense.

2. Daily cost per probationer.

7. The Department of Corrections shall collect the following information
    1. For each prisoner:
        i. Full name and known aliases
        ii. DOC number
        iii. Year of birth
        iv. Race and ethnicity.
        v. Number of children.
        vi. Education level.
        vii. Admission date
        viii. Admission type.
        ix. Whether the reason for admission is for a new conviction or parole violation.
            1. If for a parole violation, whether it was for a technical violation, based on a new offense, or other reason.
        x. institution and institution security level.
        xi. Any domestic violence, habitual offender, or sexual offender designations.
        xii. Committing county.
        xiii. Offense and statute of underlying criminal act.
        xiv. Whether the inmate is serving a concurrent or consecutive sentence.
        xv. Length of sentence.
        xvi. Projected discharge date
        xvii. Time served, in days.
        xviii. Good conduct time earned.
        xix. Any prior incarceration with the state.
        xx. Disciplinary violation and action.
        xxi. Participation in rehabilitative or educational correctional programs.
    2. For each correctional facility:
        i. Budget
        ii. Daily prison population.
        iii. Daily cost of a prison bed.
        iv. Daily number of correctional officers.
    3. The yearly inmate admissions by offense type.
    4. The overall recidivism rate of individuals released from prison.
        i. Recidivism shall be defined in the following manners within a three-year period following release:
            1. Reconviction
            2. Re-incarceration.
            3. Re-arrest.
    5. For each parolee under the Division of Parole:
        i. Full name and known aliases
        ii. Year of birth

     iii.   Race and ethnicity
     iv.   Sex

     v.   DOC number
     vi.   Length of parole term imposed and length of term served.
     vii.   Parole completion date or projected completion date.
     viii.   Parole revocation due to technical violation or new offense

6. Daily cost per parolee.
7. For each parolee receiving a parole release hearing
     i.   For all individuals granted release from indeterminate life sentences:
          1. Difference between minimum eligible release date and actual release date
          2. Difference between youth offender parole eligible date and actual release date.
          3. Institution from which individuals is being released.
     ii.   For all individuals denied release from determinate sentences:
          1. Length of denial.

SEC. 3. DATA TRANSPARENCY:

In order to facilitate the availability of comparable and uniform criminal justice data, the department shall:

1. Create an anonymized unique identifier for each criminal case which identifies the person who is the subject of the criminal case. The unique identifier must be the same for that person in any referral to prosecution or court case and used across local and state entities for all information related to that person. The number must be randomly selected.
2. Within 2 years, develop Application Programming Interface (API) for submitting data electronically.
3. Make all data received under Section 2 comparable, machine readable, transferable, and readily usable.
4. Make the database available to the public, with identifying information removed, without the necessity of a license or charge a fee.
5. Make the database available to eligible public agencies and research organizations without the necessity of a license or charge a fee.
6. Create by rule how entities subject to the requirements of Section 2 will submit data electronically.
7. Create by rule how the data is compiled, processed, structured, used, or shared.

DATA REPOSITORY BEST PRACTICES

MFJ recommends that all states identify a state agency to act as a criminal justice data aggregator and repository for data from local criminal justice agencies across the state. The specific agency serving in this function will vary based on state-specific dynamics and the organizational structure of the state criminal justice system. Below are a set of capabilities that a data aggregator and repository agency should have:

1. Uses open web standards. Little use of proprietary technology.
2. Uses security on the transport layer. Website is https (rather than http) even for non-login pages.
3. Uses modern scaling technologies (Tech that allows you to handle large spikes in traffic).
4. Has people on staff that are dedicated to web user-interface coding.
5. Has people on staff that are dedicated to web service ("server-side") coding.
6. Makes data available in machine-readable, open format files (i.e., you can get full datasets without scraping).
7. Makes data available and searchable via modern web APIs (access to data directly through programs, not just by humans going to web pages).
8. Has the capability to aggregate, stitch together and validate the data coming in.
9. Can handle, for example, duplicate, overlapping or missing data and has processes for the rejection and re-transmission of invalid data.
10. Uses standard best practices for data protection and redundancy (remote backups, logging, event detection).