RESOLUTION - ACTION REQUESTED 2020-78

MEETING: February 18, 2020
TO: The Board of Supervisors
FROM: Walter Wall, District Attorney
RE: Approve Data Sharing Agreement with Measures for Justice - Authorize the District Attorney to Sign

RECOMMENDATION AND JUSTIFICATION:

Approve a Data Sharing Agreement by and Between the Mariposa County District Attorney's Office and Measures for Justice to Provide a Data Portal for Certain Criminal Justice System Related Measures; and Authorize the District Attorney to Sign the Agreement.

The District Attorney’s Office is desirous of being on the forefront of public transparency and accountability with respect to criminal justice system data. Measures for Justice is a nonprofit organization designed to gather data from every county in the USA on the criminal justice system and to run that data through a series of standardized performance metrics.

Using exciting, new techniques for data compilation and accounting based on digital technological advancements, the District Attorney's office proposes to share and make public data related to the operation and effectiveness of the local criminal justice system. In a partnership between Measures for Justice and in cooperation with the District Attorney's case management software company, Prosecutor by Karpel, and, at no cost to the County, users will be able to access the criminal justice system data through a web browser from any location with internet access. Before being placed in the public domain, all data will be reviewed and sanitized so that sensitive, confidential case and victim information is secure and not compromised. Prosecutor by Karpel has the ability to, and has volunteered to, pull data out of the case management system on the "back-end" and share it with Measures for Justice.

The District Attorney’s Office will work with Anthony Rios, the Director of the County’s Information Technology during the entire process and has obtained his support for the implementation of this data sharing venture.

If the Board approves this agreement the new Measures for Justice data portal will be up and running by March or April of 2020 and public will have access to the criminal justice metrics, which will bring greater transparency and accountability to our local criminal justice system.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Resolution - Action Requested 2020-78

This data sharing agreement builds on the data obtained from the implementation of the Prosecutor-by- Karpel case management system which approved by the Board in 2015.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Continue to provide metrics on a very limited, case-by-case basis with less efficiency and less accountability and transparency.

FINANCIAL IMPACT:
No fiscal impact.

ATTACHMENTS:
MFJ - MCDA DSA (word) (002) (DOCX)
MFJ Proposal to CDAA - Revised June 2019 PDF (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Marshall Long, District III Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
DATA USE AGREEMENT
BETWEEN
MARIPosa COUNTY District ATTORNEY
AND MEASURES FOR JUSTICE

This Data Use Agreement ("Agreement") is entered into by and between the Mariposa County District Attorney ("MCDA") and Measures for Justice ("MFJ") (collectively the "Parties," and each a "Party") to govern the sharing of criminal justice information.

WHEREAS, MFJ is a not-for-profit organization that conducts research and develops data-driven performance measures to assess and compare the criminal justice process from arrest to post-conviction on a case-by-case basis, and collects and analyzes data related to the United States criminal justice system for the purpose of evaluating criminal justice system performance nationwide in the three broad categories of fiscal responsibility, fair process, and public safety; and

WHEREAS, MFJ provides a web-based platform that convenes all its data and analyses and provides population-level statistics free to the public; is searchable and can be configured to break down performance data across multiple factors including race/ethnicity, sex, indigent status, age, and offense type; and allows for county-to-county comparison of data within and across states; and

WHEREAS, MCDA, by and through its’ elected District Attorney, is a key stakeholder in the Mariposa County criminal justice system, and owns certain data documentation and/or policies; shares the goals of improving transparency and promoting fairness, equity, public safety, and fiscal responsibility in Mariposa County’s local criminal justice system; and

WHEREAS, MFJ and MCDA desire to work together to affect MFJ’s access to and review of MCDA data documentation and/or policies, while preserving the stringent confidentiality rules applicable to criminal justice data and protecting the constitutional and statutory privacy interests of all individuals involved in the criminal justice system to facilitate research by MFJ;

NOW, THEREFORE, MFJ and the MCDA agree as follows:

I. TERM OF AGREEMENT

The Agreement shall be effective upon execution by all parties and shall continue until June 30, 2024 unless earlier terminated by one of the Parties under Section VIII.B.

II. PURPOSE AND BACKGROUND

A. Project Description: MFJ has developed a set of comparative performance measures to research and analyze local criminal justice system performance from arrest to post-conviction (the “Measures”) and intends to implement the Measures
and display the findings in a public, web-based, searchable data portal (the “Project”).

B. **Data Availability:** MCDA will make available to MFJ for use in the Project under the terms of this Agreement, certain data documentation and policies used by or available to MCDA through MCDA’s Karpel case management system.

C. **Data Access:** The Parties shall collaboratively review MCDA’s case- or individual-level data elements and shall mutually determine which data elements MCDA will provide to MFJ for use in connection with the Project, hereinafter termed “MCDA Data.” MCDA Data may include, among other things, Charge-Level data, Case-Level data, and County-Level Data. De-Identified Charge-Level, Case-Level, or County-Level Data that has gone through the cleaning and coding process is the work product of MFJ.

D. **Intent of the Parties:** It is the intent of the Parties that this Agreement carry out the purposes and scope of the Measures for Justice Proposal to the California District Attorneys’ Association, dated June 2019, the primary goal of which “Proposal” is “to close the criminal justice data gap so that policy- and decision-makers have rigorous information about the state of local criminal justice. This data will enable practitioners to identify the areas where the system is performing well and those that may be in need of improvements.” The Proposal is attached hereto and incorporated as Appendix A.

E. **Law and Regulations:** It is the intent of the parties that all terms herein related to data confidentiality, disclosure, destruction, transmission and/or storage comply with state and federal laws and regulations. As such, no term or obligation in this Agreement should be construed to allow or result in actions regarding data that violate such laws or regulations including, but not limited to, the laws and regulations described in the Department of Justice California Justice Information Services Division Conditions for Release of Criminal Offender Record Information, to the extent applicable, attached hereto as Appendix D.

III. **Confidentiality of Data & Authority to Disclose to MFJ**

A. **Data Requested:** Upon execution of this Agreement, MCDA will provide MFJ’s Authorized Staff (as defined below and in Appendix C) with access to MCDA Data for the years 2014-2020. MFJ may use the MCDA Data only for the purposes set forth in this Agreement, and shall not re-disclose the MCDA data to any person or entity not specifically authorized by this Agreement to receive it.

B. **CORI Data:** The Parties acknowledge that California Penal Code §13102 defines criminal offender record information (“CORI”) as “records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration,
rehabilitation, and release.” CORI does not, however, include “statistical records and reports in which individuals are not identified and from which their identities are not ascertainable.”

The Parties further acknowledge that any individually identifiable CORI compiled by MCDA constitutes “local summary criminal history information” as defined under California Penal Code §13300; that the constitutional right to privacy under Article 1, Section 1 of the California Constitution extends to such information; that under the statutory scheme regulating the disclosure of criminal history, nondisclosure is the general rule; and that this rule of non-disclosure applies not only to members of the public, but also to non-criminal-justice agencies and other government officials. Furnishing a criminal history record or information obtained from that record to a person not authorized by law to receive it is a crime under California law. (See California Penal Code §§13302-13304.)

The Parties further acknowledge that MFJ is a “bona fide research body immediately concerned with the prevention or control of crime, the quality of criminal justice, or the custody or correction of offenders,” and therefore is authorized to receive the data that will be provided by MCDA “as is required for the performance of its duties” for research purposes under California Penal Code §13202. MFJ acknowledges and agrees that, under California Penal Code §13202, its use of MCDA Data must be limited to research and statistical purposes, and that any reports or publications derived from its research must not identify or allow for the identification of any specific individuals whose information may be included in MCDA Data.

C. Re-Identification Prohibited: MFJ shall remove key personal identifiers from the data provided by MCDA and replace them with an anonymized unique identifier for each individual defendant. This anonymized identifier shall be construed in such a way that the information cannot be traced back to the individual. With the exception of linking to criminal history data derived from CORI by the California Department (DOJ) as specifically allowed by DOJ (for example, the permission given in the Approval Letter of Project 17-015 and described in the Application attached hereto as Appendix E), MFJ shall not attempt to link or match the MCDA Data or other datasets provided pursuant to this Agreement with any other data or information connected with the Project or available to MFJ, or by pursuing additional information regarding these individuals through any discovery process, public records access law, or other means. This limitation survives any termination of this Agreement. This limitation does not, however, prevent MFJ from matching or linking the aggregate data published on its data portal with other data connected with the Project, as long as it is not done for the purpose of, or with the effect of, re-identification.

If MFJ becomes aware of the identity of any individual whose information is contained in the MCDA Data, it will inform MCDA immediately, and in no event
more than 24 hours after it becomes aware of the identification. MFJ will not contact any identified individual.

IV. Access To Data By Authorized Staff

A. Authorized Staff: MFJ will provide MCDA with a list of the names and job titles of all staff members who have access to MCDA Data (hereinafter “Authorized Staff”), and shall limit—as much as possible without impeding MFJ’s work and process—the number of staff required to access MCDA Data to accomplish the Project. Each member of the Authorized Staff will be assigned a unique user name and password, which must be entered in order to access MCDA Data. To the extent required by MCDA, Authorized Staff will submit to a background check. MFJ will also inform MCDA, to the individual designated for notice under Section VIII.D of this Agreement, within 2 business days after a staff member ceases working on the Project, with a written assurance that the staff member’s access to all MCDA Data has been removed.

B. MFJ will ensure that all staff involved in the Project adhere to the requirements for confidentiality, disclosure, transmission, destruction, storage of, and access to MCDA Data described in this agreement.

C. MFJ will instruct Authorized Staff about the requirements for handling MCDA Data and about the potential sanctions for unauthorized disclosure or use of MCDA Data. MFJ will ensure that the Authorized Staff have been informed of the procedures they must follow to maintain the confidentiality of MCDA Data and that unauthorized dissemination or use thereof could lead to civil and criminal penalties. MFJ will report to MCDA any unauthorized use or disclosure of MCDA Data of which it becomes aware immediately, and in no event more than 24 hours after it becomes aware of the unauthorized use or disclosure.

V. Secure Transmission, Storage, and Analysis of Data

A. Sharing Data: MFJ will coordinate with the vendor Karpel to extract the necessary data from the Karpel case management system. MCDA will not be responsible for extracting or directly sharing any case-level data from Karpel. MCDA will work with MFJ staff to extract and provide data housed in successor system(s).

B. Transmission: All MCDA Data will be shared via secure data transfers. MFJ will not have direct access, remote or otherwise, to any MCDA data systems.

C. Storage of MCDA Data by MFJ: MCDA Data shall be received, stored, and analyzed in accordance with MFJ’s Data Security Plan, attached to this Agreement as Appendix B.
D. Audits, Inspection, and Enforcement: Within ten days of a written request from MCDA, MFJ shall allow MCDA to conduct a reasonable inspection of the facilities, systems, books, records, agreements, policies, and/or procedures relating to the use or disclosure of MCDA Data pursuant to this Agreement for the purpose of determining whether MFJ complies with this Agreement’s terms. MCDA shall protect the confidentiality of any confidential and proprietary MFJ information to which it has access during the inspection, and shall execute a nondisclosure agreement, upon terms mutually agreed upon by the Parties, if requested by MFJ.

The fact that MCDA inspects, or fails to inspect, or has the right to inspect, MFJ’s facilities systems, books, records, agreements, policies, and/or procedures does not relieve MFJ of its responsibility to comply with this Agreement, nor does MCDA’s (i) failure to detect, or (ii) detection, but failure to notify MFJ or require MFJ’s remediation of any unsatisfactory practices, constitute acceptance of such practice or a waiver of MCDA’s rights under the Agreement.

E. Security Incidents: MFJ must report in writing any security incident involving MCDA Data (including unauthorized physical access, unauthorized technological access, and/or access by an MFJ employee exceeding the scope permitted under this Agreement) to MCDA immediately after discovery. MCDA has the right to investigate any report of unauthorized use. MFJ shall comply with all MCDA investigations. MCDA has the right to suspend or terminate MFJ’s use of MCDA Data for any security incident, and to reinstate access only after satisfactory assurances have been provided to MCDA.

The security incident notice must contain: (1) a brief description of the incident, including the date of the incident and the date of which MFJ became aware of the incident; (2) the location of the security incident; (3) a description of the type of MCDA that were involved in the security incident; (4) safeguards in place prior to the security incident; (5) actions taken in response to the security incident; and (6) a brief description of what MFJ is doing to investigate the security incident to mitigate harm to individuals, and to protect against further security incidents.

VI. Ownership Of Data & Publication

A. MCDA Data: MCDA retains ownership of the MCDA Data and hereby grants MFJ a worldwide, royalty-free, perpetual, non-transferable, non-exclusive license to use MCDA Data solely for the purposes, and during the term, outlined in this Agreement. MFJ does not claim any right, title, or ownership of MCDA Data, or a license to use MCDA Data for any other purpose.

B. Publications: Before MFJ releases any publications, presentations, press releases or other materials developed using or referencing any MCDA Data, MFJ shall send a draft to the MCDA and provide the MCDA with no less than 30 days to review. By the end of that 30-day period, the MCDA shall inform MFJ if it
requests any modifications to the materials prior to their release or publication. MFJ shall not publish any materials without the MCDA’s written agreement that the proposed materials do not violate the privacy rights of any individual. Should the MCDA request any other modifications, MFJ agrees to engage in good-faith discussions with the MCDA regarding the request prior to releasing the materials. If MCDA does not respond within 60 days from the date on which MFJ sends a draft for review, the MCDA waives the right to request modifications or object to publication.

VII. DESTRUCTION OF DATA

A. MFJ will retain MCDA Data until the aggregate data are derived from the MCDA Data is ready for publication in MFJ’s data portal. In no event will MFJ retain any MCDA Data for longer than three years following the termination of this Agreement, unless otherwise negotiated and agreed by the Parties in writing. This destruction requirement does not apply to the aggregate data published on MFJ’s data portal. Sections III, IV, V, VI, and VIII(E) and (G) of this Agreement shall survive termination of this Agreement and continue to apply until the date of destruction of the MCDA Data.

B. In the event of an early termination of this Agreement pursuant to Section VIII.B, or upon written request from MCDA, MFJ will destroy all MCDA Data in its possession as soon as commercially practicable.

C. MFJ shall use an approved method of confidential destruction meeting industry standards, including shredding, burning, or certified/witnessed destruction for physical materials and verified erasure of magnetic media using industry standard destruction software.

D. MFJ will provide the MCDA with a written Certificate of Destruction that identifies the methods of destruction within 14 days of when the destruction of MCDA Data occurs under Section VII.A or VII.B.

VIII. GENERAL PROVISIONS, TERMINATION, REMEDIES, AND GOVERNING LAW

A. Entire Agreement: This Agreement supersedes any prior oral or written understanding or communications between the Parties and constitutes the entire agreement of the Parties with respect to the subject matter hereto. This Agreement may not be amended or modified, nor any of its provisions waived, except in a written document signed by an authorized representative of both Parties.

B. Termination: Either Party may terminate this Agreement for any reason by providing the other Party with at least 30 days’ prior written notice of such termination. Upon termination of the Agreement, the MCDA shall have no further obligation to provide MCDA Data to MFJ pursuant to this Agreement; it being understood, however, that any termination of this Agreement shall not prohibit
MFJ from seeking access to MCDA Data or other information in the MCDA’s control pursuant to other processes prescribed by the laws, rules, regulations and procedures, applicable to the MCDA, and the MCDA shall provide such MCDA Data or other information to MFJ in accordance with such laws, rules, regulations, and procedures. Sections III, IV, VI, and VIII(E) and (G) shall survive termination of this Agreement.

C. Assignment of Rights: No Party may assign its rights under this Agreement without the express written permission of the other Party. Any assignment that does not comply with this provision will be deemed null and void.

D. Notice: Notice may be provided via electronic mail with confirmation of delivery or via certified mail to each Party through the following contact persons, which may be updated at any time by written notice to the other Party:

MCDA: Walter Wall, Mariposa County District Attorney
5085 Bullion Street
Post Office Box 730
Mariposa, CA 95338
wwall@mariposacounty.org

MFJ:

For security issues: Charles Teese
Senior Security Engineer / System Administrator
(585) 434-5516 ext. 329
teese@measuresforjustice.org

and

Lauren MCDAQueen Pearce
Assistant Director, Data Outreach
(785) 550-5382
pearce@measuresforjustice.org

For all other issues: Samantha Silver
Director of Operations
(914) 486-9040
silver@measuresforjustice.org

and

Lauren McQueen Pearce
Assistant Director, Data Outreach

7
E. **Indemnification:** MFJ shall indemnify, defend, and hold harmless the MCDA and the County of Mariposa, their officers, agents and employees from any claim, liability, loss, injury or damage arising out of, or in connection with, performance of this Agreement by MFJ and/or its agents, employees or sub-contractors, excepting only loss, injury or damage caused by the sole negligence or willful misconduct of personnel employed by the MCDA and the County of Mariposa. It is the intent of the Parties to this Agreement to provide the broadest possible coverage for the MCDA. MFJ shall reimburse MCDA and the County of Mariposa for all costs, attorneys’ fees, expenses and liabilities incurred with respect to any litigation in which MFJ contests its obligation to indemnify, defend and/or hold harmless the MCDA and the County of Mariposa under this Agreement and does not prevail in that contest.

F. **California Public Records Act:** The MCDA is a public agency subject to the disclosure requirements of the California Public Records Act (“CPRA”). If MFJ’s proprietary information is contained in documents or information submitted to the MCDA, and MFJ claims that such information falls within one or more CPRA exemptions, MFJ must clearly mark such information “CONFIDENTIAL AND PROPRIETARY,” and identify the specific lines containing the information. In the event of a request for such information, the MCDA will make best efforts to provide notice to MFJ prior to disclosure. If MFJ contends that any documents are exempt from the CPRA and wishes to prevent disclosure, it is required to obtain a protective order, injunctive relief or other appropriate remedy from a court of law in Mariposa Count before the MCDA is required to respond to the CPRA request. If MFJ fails to obtain such remedy within the time the MCDA is required to respond to the CPRA request, the MCDA may disclose the requested information. MFJ further agrees that it shall defend, indemnify, and hold the MCDA and the County of Mariposa harmless against any claim, action or litigation (including but not limited to all judgments, costs, fees, and attorney’s fees) that may result from denial by the MCDA of a CPRA request for information arising from any representation, or any action (or inaction), by MFJ.

G. **Governing Law:** This Agreement shall be construed, performed, and enforced in accordance with the laws of California, without giving effect to its principles or rules of conflict of laws to the extent such principles or rules would require or permit the application of the laws of another jurisdiction.

H. **Counterparts:** This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which, together, shall constitute one and the same instrument.
MARIPOSA COUNTY
DISTRICT ATTORNEY

Walter Wall 2/27/20
District Attorney, MCDA

MEASURES FOR JUSTICE

Amy Bach 3/5/20
Executive Director, MFJ

APPROVED AS TO FORM AND LEGALITY:

Steven Dahlem 2/27/20
County Counsel, Mariposa County
Appendix A

Measures for Justice Proposal to the California District Attorneys Association

June 2019
Table of Contents

I. Background 2

II. Proposal for Collaboration 2

III. The Measures 4

IV. Conclusion 10

Appendix B – Data Elements Required to Populate the Measures 15

Appendix C – Contextual Measures 22

Appendix D – Legal Context Questions 26
I. Background

Measures for Justice (MFJ) is an independent, nonprofit organization that aims to measure how local criminal justice systems are delivering basic services across the country. Nearly every public institution or resource in the United States—our schools, our hospitals, our water supply—is accountable to a system of performance measurement. But the criminal justice system has lagged behind. This results in policies, practices, and routine decision-making that lack the necessary information to ensure success.

MFJ has developed a rigorous process to collect data from local criminal justice agencies, assess their quality, standardize them so that comparisons across jurisdictions can be made, and use them to populate Measures of performance (see Appendix A – Summary of Methodology). These Measures are published on a free online platform accessible to anyone with an Internet connection. The main goal of our work is to close the criminal justice data gap so that policy- and decision-makers have rigorous information about the state of local criminal justice. These data will enable them to identify the areas where the system is performing well and those that may be in need of improvements.

II. Proposal for Collaboration

In the past few months, MFJ has been working with Jeff Karpel, the Karpel Foundation Board (KFB), and some members of the California District Attorneys Association (CDA) to agree on a set of Measures (see section III) that are meaningful to and actionable by prosecutors. We present this proposal to CDA with the hope that its members will consider collaborating with MFJ by extracting and providing data from their case management systems (CMS) to populate Measures related to public safety, fair process, and fiscal responsibility. These Measures will, in turn, help CDA members identify patterns and trends that can better inform their decision-making. Prosecutors can use information generated by the Measures to correct course or to show constituents that they are obtaining desired results. In addition, as more district attorneys participate, they will be able to identify and explore patterns in prosecutorial practices across the state. This work can create a unique opportunity for prosecutors to talk to their colleagues about similarities and differences across offices, to replicate practices from other offices that seem to produce desirable results, and to promote practices that will resonate with their local constituencies. More specifically, MFJ proposes that:

1. Based on the initial conversations MFJ had with California District Attorney’s, the Karpel Foundation Board, and Jeff Karpel, we will: (1) create the Measures listed in section III using prosecutor data; (2) not match the data extracted from the ProsecutorbyKarpel
(PbK) case management system to data from other agencies;\(^1\) (3) remove proxy Measures that did not directly get at what they intended to measure (e.g., Resisting Arrest Cases); (4) remove text that framed the interpretation of each Measure, and replace with links to resources (e.g., reports, articles, papers, websites) that provide more information about the stage of the process being measured; (5) create additional Performance Measures to focus on victim outcomes, and additional Contextual Measures looking at early-childhood outcomes in each county; and (6) redesign MFJ’s public Data Portal so that the Measures are presented by source.\(^2\)

2. Interested district attorneys will provide MFJ with a bulk extraction of the data elements required to populate the Measures (see Appendix B) for cases referred to the prosecutor’s office between January 1, 2009 and December 31, 2017. MFJ is willing and able to provide technical assistance for the data extractions.

3. Interested district attorneys and MFJ will set up an annual bulk data extraction of data elements for cases referred to the prosecutor’s office during the previous calendar year. To allow enough time for most cases to reach disposition, the data extractions will take place each December (e.g., bulk data extraction of cases referred in 2018 would take place in December 2019). MFJ is willing and able to provide technical assistance to establish annual data extractions.

4. MFJ will clean the data provided by participating district attorney’s offices. During the data-cleaning process, MFJ will consult with the offices to ensure that the data are understood properly, as needed. These consultations will be kept to a minimum to avoid overburdening staff at the office. If participating district attorneys are interested, MFJ will give the cleaned case-level datasets back to them.

5. MFJ will calculate the Measures with the clean data and make them available for review and quality control to the participating district attorneys prior to publication. If participating district attorneys are interested, MFJ can help them embed the Measures on their own websites.

6. MFJ will deliver to the participating district attorneys a County Criminal Justice Report with a detailed summary of all of the Measures available for their county.

7. MFJ will produce a report addressing the quality of the data provided and will deliver it to each participating district attorney.

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\(^1\) If participating district attorneys are interested, MFJ can further discuss the pros and cons of matching prosecutor data to that of other agencies.

\(^2\) The Measures produced using prosecutor data will be separate from Measures calculated using data from the courts or other agencies. MFJ will solicit feedback on the new Portal design from participating district attorneys.
8. MFJ is also willing and able to conduct more in-depth analyses with the data to help answer questions participating district attorneys may have about case processing and outcomes in their jurisdictions. MFJ is also willing and able to develop additional tools to explore the data, including analyses of trends and changes over time, as well as other data visualizations that may be useful to the district attorney.

The next section provides an overview of the Measures that have been discussed and agreed to, including new Measures proposed by some members of CDAA, the Karpel Foundation Board, and Jeff Karpel at the meeting with MFJ in Sacramento on January 15, 2019.

III. The Measures

MFJ has been developing meaningful, actionable, and accurate Measures since 2011. This work has involved the feedback of numerous experts in criminal justice from academia and the system itself. The work is by nature iterative. The more data and feedback we get, the better the Measures become. The process involves revising how Measures are conceptualized and calculated, as well as adding new Measures that reflect the concerns of criminal justice policy-and decision-makers, including prosecutors. We hope CDAA members will be interested in becoming part of this feedback and measure development loop.

Below we present an overview of MFJ’s Performance Measures. Most Performance Measures are paired with Related Measures (i.e., other Performance Measures closely related to the Measure of interest) and Companion Measures (i.e., other metrics that provide additional context to the Measure of interest) in the Data Portal. In addition, the platform provides several Contextual Measures aimed at encouraging responsible interpretation; these include demographic, poverty, and resource information for each county (see Appendix C). Finally, the Data Portal also offers information about the statutory laws that are related to the outcomes being measured (see Appendix D).

1. **Cases Not Prosecuted**: Measures the percentage of cases referred to the prosecutor’s office by law enforcement or by a complainant for which prosecution was declined.
   
   a. **Related Measures**: Cases Dismissed.
   
   b. **Companion Measures**: Cases Dismissed by the Prosecutor; Cases Dismissed by the Court; Cases Resulting in Conviction.

2. **Misdemeanor Offenses Referred to the Prosecutor Resulting in Diversion**: Measures the percentage of misdemeanor cases referred to the prosecutor’s office that resulted in diversion and that involved defendants with no convictions in the state in the prior three years. It excludes DUI, domestic violence, and violations of orders of protection (where they can be identified). A disclaimer will be added that the Measure does not control for
prior convictions in municipal court, as the prosecutor data is unlikely to contain municipal court information.

a. **Companion Measures:** Misdemeanor Diversion Completion; Felony Offenses Referred to the Prosecutor Resulting in Diversion; Problem-Solving Courts\(^3\) (number available to a county by type).

3. **Cases Dismissed:** Measures the percentage of cases filed in court that were dismissed or nolle prossed.

   a. **Related Measures:** Cases Not Prosecuted.
   b. **Companion Measures:** Cases Dismissed by the Prosecutor; Cases Dismissed by the Court; Cases Resulting in Conviction.
   c. **Filters** - Whenever the data are available, we will add a filter for the reason for dismissal, including: for want of prosecution, in the interest of justice, speedy trial, dismissed with prejudice, dismissed without prejudice,\(^4\) mistrial, official misconduct, other (e.g., mental incompetence, consolidation with another case, extraordinary means (e.g., death of defendant)).

4. **Felony Cases Resolved with a Trial Verdict:** Measures the percentage of felony cases resolved with a verdict at jury or bench trial.

5. **Time to Disposition in Felony Cases:** Measures the median number of days from arraignment to disposition/sentencing in felony cases. It excludes homicides.

   a. **Companion Measures:** Felony Cases Resolved within One Year of Arraignment, Felony Cases Resolved within Six Months of Arraignment, Time to Disposition in Homicide Cases, Continuances in Felony Cases, Failures to Appear in Court in Felony Cases, Time from Filing to Disposition in Felony Cases, Felony Cases Resolved within One Year of Filing, Felony Cases Resolved within Six Months of Filing.

6. **Time to Disposition in Misdemeanor Cases:** Measures the median number of days from arraignment to disposition/sentencing in misdemeanor cases.

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\(^3\) MFJ has adopted the definition of problem-solving courts presented by the National Institute of Justice in their [Crime Solutions site](https://www.nij.gov): "Problem solving courts, such as drug courts, differ from traditional courts in that they are specially designed court calendars or dockets dedicated to addressing one type of offense or offender. These court-based interventions may focus on substance abuse, mental health, and other criminogenic issues. Typically, the judge plays a key supervisory role, and other criminal justice components (such as probation) and social services agencies (such as substance abuse treatment) collaborate on case management."

\(^4\) In order to treat cases that were dismissed and re-filed (or dismissed without prejudice) as a single prosecution, the data will need to specify that the case was originally dismissed without prejudice and later re-filed and include a way to link the two entries either through the same case number or any other field that allows to make the connection.
a. **Companion Measures:** Misdemeanor Cases Resolved within Six Months of Arraignment, Misdemeanor Cases Resolved within Three Months of Arraignment, Continuances in Misdemeanor Cases, Failures to Appear in Court in Misdemeanor Cases, Time from Filing to Disposition in Misdemeanor Cases, Misdemeanor Cases Resolved within Six Months of Filing, Misdemeanor Cases Resolved within Three Months of Filing.

7. **Nonviolent\(^5\) Felonies Sentenced to State Prison:** Measures the percentage of nonviolent felony convictions that resulted in a state prison sentence involving defendants with no concurrent violent case(s)\(^6\) and no convictions in the state in the prior three years. It excludes DUIs and non-probationable offenses. Disclaimers will be added indicating that (1) the Measure does not control for prior convictions in municipal court, as the prosecutor data is unlikely to contain municipal court information, and (2) prior convictions and concurrent cases may not include cases in other jurisdictions, if the information is not available in the prosecutor’s office data.

   a. **Related Measures:** Length of Imposed State Prison Sentence: Nonviolent Felonies, Nonviolent Misdemeanors Sentenced to Jail.
   b. **Companion Measures:** Nonviolent Felonies Sentenced to Local Prison, Length of Imposed Local Prison Sentence: Nonviolent Felonies.

8. **Length of Imposed State Prison Sentence: Nonviolent\(^7\) Felonies:** Measures the median state prison sentence length (in months) imposed in nonviolent felony cases involving defendants with no concurrent violent case(s) and no convictions in the state in the prior three years. It excludes DUIs and non-probationable offenses. Disclaimers will be added indicating that (1) the Measure does not control for prior convictions in municipal court, as the prosecutor data is unlikely to contain municipal court information, (2) prior convictions and concurrent cases may not include cases in other jurisdictions, if the information is not available in the prosecutor’s office data.


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\(^5\) We use the offense classification system devised by the Bureau of Justice Statistics for its National Corrections Reporting Program. Violent offenses include: murder, unspecified homicide, voluntary/non-negligent manslaughter, manslaughter – non-vehicular, kidnapping, rape – force, rape – statutory – no force, sexual assault – other, lewd act with children, armed robbery, unarmed robbery, forcible sodomy, aggravated assault, simple assault, assaulting public officer, blackmail/extortion/intimidation, hit and run driving, child abuse, and violent offense – other. Nonviolent offenses are defined as any other offenses not included in this list. The full BJS NCRP offense crosswalk is available on the NACJD website. Archived [here](https://example.com).

\(^6\) "Concurrent violent cases" are defined as those cases involving violent charges that were sentenced at the same time as the nonviolent case of interest OR before the nonviolent case of interest but while it was still open.

\(^7\) See footnote 5.
b. **Companion Measures:** Nonviolent Felonies Sentenced to Local Prison, Length of Imposed Local Prison Sentence: Nonviolent Felonies, Percentage of Imposed State Prison Sentence Actually Served (note: This Measure will require CDCR data).

9. **Nonviolent Misdemeanors Sentenced to Jail:** Measures the percentage of nonviolent misdemeanor convictions that resulted in a jail sentence involving defendants with no concurrent violent case(s) and no convictions in the state in the prior three years. It excludes DUls. Disclaimers will be added indicating that (1) the Measure does not control for prior convictions in municipal court, as the prosecutor data is unlikely to contain municipal court information, (2) prior convictions and concurrent cases may not include cases in other jurisdictions, if the information is not available in the prosecutor's office data.


b. **Companion Measures:** Nonviolent Felonies Sentenced to Local Prison, Length of Imposed Local Prison Sentence: Nonviolent Felonies.

10. **Length of Imposed Jail Sentence: Nonviolent Misdemeanors:** Measures the median jail sentence length (in days) imposed in nonviolent misdemeanor cases involving defendants with no concurrent violent case(s) and no convictions in the state in the prior three years. It excludes DUls. Disclaimers will be added indicating that (1) the Measure does not control for prior convictions in municipal court, as the prosecutor data is unlikely to contain municipal court information, (2) prior convictions and concurrent cases may not include cases in other jurisdictions, if the information is not available in the prosecutor's office data.


b. **Companion Measures:** Nonviolent Felonies Sentenced to Local Prison, Length of Imposed Local Prison Sentence: Nonviolent Felonies, Percentage of Imposed Jail Sentence Actually Served (note: This Measure will require jail data).

11. **Drug Possession Convictions Sentenced to State Prison:** Measures the percentage of drug possession cases resulting in conviction that received a state prison sentence,

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8 Ibid.
9 Ibid.
10 Excludes Health and Safety Code § 11370.1 (drug possession with a loaded gun) charges. It also excludes non-probationable offenses.
involving defendants who had no concurrent violent case(s)\textsuperscript{11} and no convictions in the state in the prior three years. Disclaimers will be added indicating that (1) the Measure does not control for prior convictions in municipal court, as the prosecutor data is unlikely to contain municipal court information, (2) prior convictions and concurrent cases may not include cases in other jurisdictions, if the information is not available in the prosecutor's office data.

a. \textbf{Related Measures:} Drug Possession Convictions Sentenced to Jail.


12. \textbf{Drug Possession Convictions Sentenced to Jail:} Measures the percentage of drug possession cases resulting in conviction that received a jail sentence, involving defendants who had no concurrent violent case(s) and no convictions in the state in the prior three years. Disclaimers will be added indicating that (1) the Measure does not control for prior convictions in municipal court, as the prosecutor data is unlikely to contain municipal court information, (2) prior convictions and concurrent cases may not include cases in other jurisdictions, if the information is not available in the prosecutor's office data.

a. \textbf{Related Measures:} Drug Possession Convictions Sentenced to State Prison.


13. \textbf{Reconviction Rate: Probation:} Measures the percentage of cases in which individuals who were sentenced to probation\textsuperscript{12} had a new conviction in the state within three years. Disclaimers will be added indicating that (1) the Measure does not control for reconvictions in municipal court, as the prosecutor data is unlikely to contain municipal court information, (2) reconvictions may not include cases in other jurisdictions, if the information is not available in the prosecutor's office data.

a. \textbf{Companion Measures:} Re-arrest within Three Years of Release from Probation (note: this Measure may require data from Adult Probation Departments).

\textsuperscript{11} See footnote 6.

\textsuperscript{12} This includes straight probation sentences only and excludes split sentences.
14. Racial Disparity in Violent\textsuperscript{13} Victimization in Cases Referred to the Prosecutor: Measures the relative disparity between the percentage of violent cases referred to the prosecutor's office involving white victims and those involving victims of color.

Alternatively:

**Violent Cases Referred to the Prosecutor:** Measures the percentage of cases referred to the prosecutor's office that involved violent charges. Like all other Measures, this can be filtered by a breakdown of suspect and victim race/ethnicity, sex, and age, and victim-suspect relationship. Relative disparities between white people and people of color, and males and females will also be calculated.

15. **Number of Victims in Violent Cases Referred to the Prosecutor:** Measures the median number of victims in violent cases that were referred to the prosecutor's office.

16. **Time from Offense to Charging:** Measures the median number of days between the occurrence of a crime and when a suspect is charged in court.\textsuperscript{14}

17. **Time from Offense to Sentencing:** Measures the median number of days between the occurrence of a crime and when a defendant is sentenced.\textsuperscript{15}

18. **Convictions with Restitution as Part of the Sentence:** Measures the percentage of cases resulting in conviction that had restitution imposed as part of the sentence (note: this Measure will likely require court data).

19. **Restitution Amount:** Measures the median restitution dollar amount in cases resulting in a restitution sentence (note: this Measure will likely require court data).

20. **Assault Cases with Orders of Protection:** Measures the percentage of assault cases in which the victim received an order of protection or restraining order against the defendant (note: this Measure will likely require court data).

21. **Assault Cases with No Contact Orders:** Measures the percentage of assault cases in which the court issued a “no contact” order to the defendant in the current case (note: this Measure will likely require court data).

Finally, we will add a new set of filters for all Measures to allow the user to explore the outcomes by victim characteristics, i.e., gender, race, age group, and victim-defendant relationship, where available.

\textsuperscript{13} See footnote 5.
\textsuperscript{14} All Measures can be filtered by offense type.
\textsuperscript{15} Ibid.
IV. Conclusion

MFJ hopes to continue an open dialogue with CDAA and is more than willing to address any remaining concerns. Our objective is to create a performance measurement system that is as accurate as possible and that aids the work of prosecutors and other criminal justice actors. We are grateful to Jeff Karpel and the Karpel Foundation Board for facilitating this dialogue and to you for your consideration.
Appendix A – Summary of Methodology

**SOURCE DATA:** Measures for Justice (MFJ) works with data extracted from administrative case management systems (CMS). These data are originally collected by the source agencies for the purpose of tracking the processing of individual cases and usually involve manual data entry into the CMS. As such, they may be subject to errors at any stage of the collection and recording process. MFJ excludes unreliable values (e.g., a filing date that is in the future—04/30/2025) and data elements (e.g., the initial appearance date is missing in 80% of cases) from all analyses.

**STANDARDIZING DATA ACROSS JURISDICTIONS:** Statutory laws, agency practices, terminology, and case management systems vary across and within states. MFJ has developed a Standard Operating Procedure (SOP) to match all data to a uniform coding schema that allows for apples-to-apples comparisons. This includes, but is not limited to:

- **Case** is defined as all charges associated with the same individual defendant that were filed in court (or referred for prosecution, in the case of declinations) on the same date. MFJ assumes that when a prosecutor files multiple charges together, even when they stem from separate incidents, they intend to resolve these charges simultaneously. This may differ from how each agency defines case.

- **Case Seriousness** is defined by the most serious charge, according to the state’s offense severity classification, that was present at each stage of charging: referral, filing, and conviction.

- **Charge Descriptions** are standardized using a crosswalk that ensures that statutory definitions across states match a uniform code.

- **Pretrial Release Decision** represents the court’s initial ruling regarding whether to release the defendant pending case disposition, and whether the release should be subject to monetary or nonmonetary conditions.

- **Case Disposition** indicates the type of action that removed the case from the prosecutor’s or the court’s docket, excluding any actions stemming from appeals or violations of probation. Case disposition categories are defined as follows:
  
  - *Prosecution declined:* The prosecutor declined to file all the referred charges.
  - *No or unknown disposition:* The case was still pending at the time of data extraction or, if it had already been closed, no disposition was recorded in the raw data.
  - *Dismissed:* All charges that were filed in court were dismissed or withdrawn.
  - *Deferred or diverted:* The defendant entered a pretrial diversion or deferred prosecution program for at least one of the charges.
• **Not guilty at trial:** The defendant was found not guilty of all charges in a jury or bench trial.

• **Guilty at trial:** The defendant was found guilty of at least one charge in a jury or bench trial.

• **Guilty plea:** The defendant pleaded guilty to at least one charge.

• **Guilty - unknown method:** The defendant was guilty of at least one charge but the raw data did not indicate by which method (i.e. trial vs. plea).

• **Transferred:** The case was transferred to another jurisdiction. This includes extraditions and changes of venue.

• **Other:** Includes other dispositions such as bond estreature and bond forfeiture.

• **Time to Disposition** is calculated in two ways: (1) the number of days between arraignment and case disposition/sentencing, and (2) the number of days between filing and case disposition/sentencing. For declinations, it is calculated as the number of days between case referral and the prosecutor’s decision not to file. For diversions, it is calculated as the number of days between both case filing and arraignment in court and the defendant entering into a pretrial diversion agreement.

• **Attorney Type** reports the last attorney of record and includes the following categories: self-represented, private attorney, public defender, court-appointed private attorney, and other.

• **Top Sentence** identifies the type of punishment imposed by the court that was the most restrictive of personal liberties according to the following hierarchy:

  - Death penalty
  - Life in prison
  - State prison (includes local prison in CA)
  - Jail or county detention facility
  - Lifetime supervision
  - Extended supervision/split sentence with confinement portion in prison
  - Extended supervision/split sentence with confinement portion in jail
  - Extended supervision/split sentence with confinement type unknown
  - Other confinement (e.g., mental health institution, home confinement)
  - Probation
  - Fine
  - Restitution
  - Other (e.g., community service)
  - Time served sentence with no additional confinement time, supervision, or fines.

**DATA QUALITY CONTROL:** MFJ goes to great lengths to ensure that the data published are as accurate as possible and that the data management process does not become a source of error.
MFJ's data quality control process involves five general stages: (1) assessing the quality and completeness of the raw data delivered by the sources; (2) cleaning the data to remove invalid values and unreliable data elements; (3) conducting several rounds of internal audits of the cleaned case-level data; (4) sending the county-level data out to an independent external auditor to assess the data for face validity; and (5) validating the county-level data with state and local stakeholders.

**MEASURE CALCULATION:** All Measures are calculated at the county level because that is where charging, disposition, and sentencing decisions are made. They are estimated using multiple years of data (five years for most Measures, and two years for those that require controlling for prior convictions) to: (1) increase the number of cases included in the analysis and avoid suppressing smaller jurisdictions that may have few criminal cases on an annual basis; (2) protect the privacy of defendants in small jurisdictions; and (3) reduce the potential effect of temporal instability. The operational definitions, case exclusions, calculations, and sources are provided in all publications of the data.

**DATA PUBLICATION AND SUPPRESSION RULES:** MFJ publishes county-level results on a performance measure only when they conform to the following rules:

- **State Averages:** The counties with available data must represent 50 percent or more of the state's population for the state averages to be published.

- **Number of Cases:** At least 30 cases are needed to generate any performance measure. Performance measures for counties with fewer than 30 cases in the denominator or in the pool to calculate the median are suppressed from publication. Once measures have been filtered by groups (e.g., across race categories), the results are suppressed if the cell contains fewer than 5 cases.

- **Missingness:** The maximum permissible percentage of cases with missing values for any given measure is 10 percent. Performance measures for counties with more than 10 percent of cases missing values in the numerator or in the pool to calculate the median are suppressed from publication. In addition, performance measures for counties with more than 5 percent and up to 10 percent of cases with missing values display a "high missing rate" warning.

- **Missingness Bias:** MFJ uses statistical simulations to estimate the amount of bias that may result from missing data. The bias depends both on the percentage of missing data and the actual value of the measure being estimated. For example, in a county where the pretrial diversion rate is low (e.g., 3%) and there is a considerable proportion of cases missing data (e.g., 7%), the estimate of the pretrial diversion rate could be inaccurate. Bias is estimated as a function of the sample mean and the percentage of missing data.
Whenever the sample mean and the percentage of missing data suggest a level of bias greater than 5 percent, MFJ suppresses the data from publication.

**DISPARITIES:** MFJ uses a Relative Rate Index (RRI) to assess disparities in case processing outcomes between whites and nonwhites, males and females, and indigent and non-indigent defendants. The RRI compares how two groups fare on the same outcome by dividing the results of one group by those of the other. An RRI equals to 1 indicates that there is no disparity in outcomes between the two groups. Disparities are not calculated when there are fewer than four cases in the denominator of the rate for either group. We also test the statistical and substantive significance of disparities. Disparities that are neither statistically nor substantively significant are suppressed from publication.

- **Statistical Significance:** MFJ estimates confidence intervals to test whether the disparity in outcomes for the two groups is beyond what could be expected by random chance. In this sense, statistical significance provides information about the precision and certainty of the measurement. Statistically significant disparities are noted with an asterisk (*).

- **Substantive Significance:** Because statistical significance is affected by sample size, MFJ also evaluates whether the size of the disparity merits attention irrespective of statistical significance. Disparities equal to or greater than 1.05 are considered substantively significant and attempts should be made to understand and address them.
Appendix B - Data Elements Required to Populate the Measures

MFJ collects data at the charge level, that is all charges referred to the prosecutor's office for every case. We have developed a rigorous Standard Operating Procedure (SOP) to match all data to a uniform coding schema that allows for apples-to-apples comparisons.

The table below lists and defines the data elements that are required to populate the Measures described in Section III.

<table>
<thead>
<tr>
<th>Data Element</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Case Information</strong></td>
<td></td>
</tr>
<tr>
<td>Prosecutor's office case number</td>
<td>Series of characters used by the prosecutor's office to identify the case. This identifier should be assigned to each charge within the same case.</td>
</tr>
<tr>
<td>Court case or docket number</td>
<td>Series of characters used by the court to identify the case. This identifier should be assigned to each charge within the case.</td>
</tr>
<tr>
<td>County of jurisdiction</td>
<td>County where the case was referred to the prosecutor's office for review.</td>
</tr>
<tr>
<td>Initiating instrument</td>
<td>The legal instrument that initiated the case, i.e. arrest warrant, a warrantless arrest, a sworn complaint or call for service, or a citation/ticket/notice to appear.</td>
</tr>
<tr>
<td>Case status</td>
<td>Indication of whether the case is pending/active, closed, inactive due to an open warrant, suspended due to competence inquiry, reopened due to violation of community supervision, reopened pursuant to a dismissal without prejudice, or on appeal.</td>
</tr>
<tr>
<td>Time case is inactive or suspended</td>
<td>Number of days the case is inactive due to an open warrant or suspended due to competence inquiry.</td>
</tr>
<tr>
<td>Domestic violence flag</td>
<td>Whether the case involved any charges related to a domestic violence incident as defined by CA Penal Code § 13700 (2018).</td>
</tr>
<tr>
<td><strong>Defendant Information</strong></td>
<td></td>
</tr>
<tr>
<td>Defendant's name</td>
<td>Defendant's first name, middle initial, last name, and suffix.</td>
</tr>
<tr>
<td>Defendant's aliases</td>
<td>All known aliases previously used by the defendant.</td>
</tr>
<tr>
<td>Data Element</td>
<td>Definition</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Defendant anonymized identifier (alternative to name and aliases)</td>
<td>Anonymized series of characters that identify the same individual across cases. <strong>Note:</strong> since there is no centralized criminal case database for California, providing only the anonymized identifier will limit the ability to flag cases involving defendants with prior convictions in the state. For this reason, it is preferred that name, aliases, and date of birth be provided.</td>
</tr>
<tr>
<td>Defendant's date of birth</td>
<td>Defendant's date of birth (month, day, year).</td>
</tr>
<tr>
<td>Defendant's race</td>
<td>Defendant's identification with a racial group.</td>
</tr>
<tr>
<td>Defendant's ethnicity</td>
<td>Defendant's ethnicity determines whether a person is of Hispanic origin or not.</td>
</tr>
<tr>
<td>Defendant's sex</td>
<td>Defendant's sex (male, female)</td>
</tr>
<tr>
<td>Defendant's gender</td>
<td>Defendant's gender identification (e.g., male, female, transgender male, transgender female, bigender, agender)</td>
</tr>
<tr>
<td>Defendant's last known zip code</td>
<td>Zip code of defendant's last known primary residence.</td>
</tr>
<tr>
<td><strong>Victim Information</strong></td>
<td></td>
</tr>
<tr>
<td>Number of victims</td>
<td>Total number of victims of the criminal incident associated with the charges.</td>
</tr>
<tr>
<td>Victim's age</td>
<td>Age of each victim at the time the criminal incident occurred.</td>
</tr>
<tr>
<td>Victim's race</td>
<td>Race of each victim of the criminal incident.</td>
</tr>
<tr>
<td>Victim's ethnicity</td>
<td>Hispanic ethnicity of each victim of the criminal incident.</td>
</tr>
<tr>
<td>Victim's sex</td>
<td>Sex of each victim of the criminal incident.</td>
</tr>
<tr>
<td>Defendant's gender</td>
<td>Gender identification of each victim of the criminal incident (e.g., male, female, transgender male, transgender female, agender)</td>
</tr>
<tr>
<td>Victim-relationship to offender</td>
<td>When applicable, the relationship between the offender and each victim of the criminal incident (e.g., intimate partner, family member, known non-family member, unknown).</td>
</tr>
<tr>
<td><strong>Event Dates</strong></td>
<td></td>
</tr>
<tr>
<td>Offense date</td>
<td>Date when the alleged incident leading to criminal charge(s) occurred.</td>
</tr>
<tr>
<td>Arrest date</td>
<td>Date the suspect was taken into physical custody by a law enforcement agency.</td>
</tr>
<tr>
<td>Data Element</td>
<td>Definition</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Summons/Citation/Notice to appear date</td>
<td>Date the suspect was issued a summons/citation/notice to appear by a law enforcement agency on a criminal charge.</td>
</tr>
<tr>
<td>Charge referral date</td>
<td>Date when each charge against the suspect was referred to the prosecutor’s office by law enforcement or a sworn complaint.</td>
</tr>
<tr>
<td>Prosecutorial charge screening decision date</td>
<td>Date when the prosecutor issued a screening decision (e.g., decline to prosecute, place defendant in a diversion or deferral program, file charge in court) for each charge against the suspect.</td>
</tr>
<tr>
<td>Deferred prosecution or pretrial diversion agreement date</td>
<td>Date when the defendant officially agreed to enroll in a deferred prosecution or pretrial diversion program.</td>
</tr>
<tr>
<td>Charge filing date</td>
<td>Date when the prosecutor filed each charge against the defendant in court.</td>
</tr>
<tr>
<td>Arraignment date</td>
<td>Date when the defendant appeared at an arraignment hearing to hear the charges against him/her and enter a plea.</td>
</tr>
<tr>
<td>Charge disposition date</td>
<td>Date when each charge filed in court against the defendant received a judgment or disposition.</td>
</tr>
<tr>
<td>Charge sentence date</td>
<td>Date when each charge of which the defendant was convicted received a sentence.</td>
</tr>
</tbody>
</table>

### Referral Charges

<table>
<thead>
<tr>
<th>Referral charge unique identifier</th>
<th>Sequence number uniquely identifying each referred charge within a case.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referral charge description</td>
<td>Statement of the conduct that is alleged to have been violated for each charge referred to the prosecutor against the suspect.</td>
</tr>
<tr>
<td>Referral charge statute number</td>
<td>State statute number (including chapter, section, and subsection) that defines the alleged behavior as a criminal offense for each charge referred to the prosecutor against the suspect.</td>
</tr>
<tr>
<td>Referral charge severity</td>
<td>Whether each charge referred to the prosecutor against the suspect is a felony or a misdemeanor.</td>
</tr>
<tr>
<td>Referral charge statutory penalty</td>
<td>The statutory penalty associated with the type and severity of each charge referred to the prosecutor against the suspect.</td>
</tr>
<tr>
<td>Data Element</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Referral charge modifiers</td>
<td>The specific type of modifiers or enhancers, when applicable, that could lead to more serious punishment for each charge referred to the prosecutor against the suspect. Examples of charge modifiers include domestic violence, using a weapon in the commission of a crime, crime against a child, crime against an elderly person, gang crime, hate crime, habitual offender.</td>
</tr>
<tr>
<td>Referral charge drug type and offense</td>
<td>The specific type and offense (e.g., cocaine possession, cocaine distribution, heroin possession, heroin distribution, etc.) associated with each drug charge against the suspect that was referred to the prosecutor.</td>
</tr>
</tbody>
</table>

**Filing Charges**

<table>
<thead>
<tr>
<th>Data Element</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filing charge unique identifier</td>
<td>Sequence number uniquely identifying each filed charge within a case.</td>
</tr>
<tr>
<td>Filing charge description</td>
<td>Statement of the conduct that is alleged to have been violated for each charge filed in court against the defendant.</td>
</tr>
<tr>
<td>Filing charge statute number</td>
<td>State statute number (including chapter, section, and subsection) that defines the alleged behavior as a criminal offense for each charge filed in court against the defendant.</td>
</tr>
<tr>
<td>Filing charge severity</td>
<td>Whether each charge filed in court against the defendant is a felony or a misdemeanor.</td>
</tr>
<tr>
<td>Filing charge statutory penalty</td>
<td>The statutory penalty associated with the type and severity of each charge filed in court against the defendant.</td>
</tr>
<tr>
<td>Filing charge modifiers</td>
<td>The specific type of modifiers or enhancers, when applicable, that could lead to more serious punishment for each charge filed in court against the defendant. Examples of charge modifiers include domestic violence, using a weapon in the commission of a crime, crime against a child, crime against an elderly person, gang crime, hate crime, habitual offender.</td>
</tr>
<tr>
<td>Filing charge drug type and offense</td>
<td>The specific drug type and offense (e.g., cocaine possession, cocaine distribution, heroin possession, heroin distribution, etc.) associated with each drug charge filed in court against the defendant.</td>
</tr>
</tbody>
</table>

**Conviction Charges**

<table>
<thead>
<tr>
<th>Data Element</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conviction charge unique identifier</td>
<td>Sequence number uniquely identifying each conviction charge within a case.</td>
</tr>
<tr>
<td>Data Element</td>
<td>Definition</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Conviction charge description</td>
<td>Statement of the conduct that was violated for each charge for which the defendant was adjudicated guilty.</td>
</tr>
<tr>
<td>Conviction charge statute number</td>
<td>State statute number (including chapter, section, and subsection) that defines the behavior as a criminal offense for each charge for which the defendant was adjudicated guilty.</td>
</tr>
<tr>
<td>Conviction charge severity</td>
<td>Whether each charge for which the defendant was adjudicated guilty is a felony or a misdemeanor.</td>
</tr>
<tr>
<td>Conviction charge statutory penalty</td>
<td>The statutory penalty associated with the type and severity of each charge for which the defendant was adjudicated guilty.</td>
</tr>
<tr>
<td>Conviction charge modifiers</td>
<td>The specific type of modifiers or enhancers, when applicable, that could lead to more serious punishment for each charge for which the defendant was adjudicated guilty. Examples of charge modifiers include domestic violence, using a weapon in the commission of a crime, crime against a child, crime against an elderly person, gang crime, hate crime, habitual offender.</td>
</tr>
<tr>
<td>Conviction charge drug type and offense</td>
<td>The specific type and offense (e.g., cocaine possession, cocaine distribution, heroin possession, heroin distribution, etc.) associated with each drug charge for which the defendant was adjudicated guilty.</td>
</tr>
</tbody>
</table>

**Disposition**

<table>
<thead>
<tr>
<th>Data Element</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prosecutorial charge screening decision</td>
<td>The prosecutorial screening decision (e.g., decline to prosecute, divert/defer, file in court) for each charge referred to the prosecutor against the suspect.</td>
</tr>
<tr>
<td>Charge disposition</td>
<td>The judgment or disposition entered by the court for each charge against the defendant that was filed in court (e.g., pretrial diversion, acquittal, dismissal by judge, dismissal by prosecutor, guilty plea, guilty finding at trial, transferred, other).</td>
</tr>
<tr>
<td>Charge disposition method</td>
<td>The method through which each charge that was filed in court against the defendant was disposed of (i.e. plea negotiation, bench trial, jury trial).</td>
</tr>
<tr>
<td>Dismissal actor</td>
<td>Whether the charge was dismissed by the prosecutor (nolle prossed) or by the judge.</td>
</tr>
<tr>
<td>Dismissal reason</td>
<td>The specific reason that gave grounds for the charge to be dismissed (e.g., for want of prosecution, in the interest of justice, speedy trial, mistrial, official misconduct, etc.).</td>
</tr>
<tr>
<td>Data Element</td>
<td>Definition</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Dismissal type</td>
<td>Whether the charge was dismissed with prejudice or without prejudice.</td>
</tr>
<tr>
<td>Pretrial diversion completion flag</td>
<td>Whether the defendant successfully completed pretrial diversion/deferred prosecution on the charges or whether he or she failed to complete the program.</td>
</tr>
<tr>
<td><strong>Sentence</strong></td>
<td></td>
</tr>
<tr>
<td>Sentence type</td>
<td>The type of sentence(s) the defendant was mandated to serve (e.g., death penalty, life in prison, state prison, local prison, county jail, lifetime supervision, extended supervision/split sentence, probation, fine, restitution, community service, time served, other. All sentences mandated by the court need to be reported.</td>
</tr>
<tr>
<td>Sentence length</td>
<td>Length (years, months, days) of each sentence imposed by the court.</td>
</tr>
<tr>
<td>Concurrent/consecutive flag</td>
<td>Flag to indicate whether multiple sentences imposed on the same case are to be served concurrently or consecutively.</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td></td>
</tr>
<tr>
<td>Order of protection flag</td>
<td>Whether the victim in a case involving violent charges received an order of protection against the defendant.</td>
</tr>
<tr>
<td>No contact order flag</td>
<td>Whether the defendant in a case involving violent charges was issued a no contact order for the current case.</td>
</tr>
</tbody>
</table>

In addition, the following information is needed to provide context about each District Attorney’s Office’s resources:

<table>
<thead>
<tr>
<th>Data Element</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Office Level Data</strong></td>
<td></td>
</tr>
<tr>
<td>Number of full-time prosecutors</td>
<td>The annual number of full-time prosecuting attorneys handling criminal cases in the county.</td>
</tr>
<tr>
<td>Number of part-time prosecutors</td>
<td>The annual number of part-time prosecuting attorneys handling criminal cases in the county.</td>
</tr>
<tr>
<td>Prosecutor’s office budget</td>
<td>The annual budget allocated to the prosecutor’s office.</td>
</tr>
<tr>
<td>Measure</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Felony caseload</td>
<td>The average monthly number of active felony cases per prosecutor. This should be reported separately for supervising attorneys and line/staff attorneys.</td>
</tr>
<tr>
<td>Misdemeanor caseload</td>
<td>The average monthly number of active misdemeanor cases per prosecutor. This should be reported separately for supervising attorneys and line/staff attorneys.</td>
</tr>
<tr>
<td>Felony caseload limits</td>
<td>Maximum number of monthly felony cases per prosecuting attorney allowed by the prosecutor's office policy.</td>
</tr>
<tr>
<td>Misdemeanor caseload limits</td>
<td>Maximum number of monthly misdemeanor cases per prosecuting attorney allowed by the prosecutor's office policy.</td>
</tr>
<tr>
<td>Filing standard</td>
<td>The prosecutor's office policy on filing standards (e.g., probable cause, beyond reasonable doubt).</td>
</tr>
<tr>
<td>Discovery policy</td>
<td>The prosecutor's office policy regarding discovery (e.g., open file policy, closed file policy).</td>
</tr>
<tr>
<td>Conviction Review Unit</td>
<td>Whether the office has an active Conviction Review Unit (CRU).</td>
</tr>
<tr>
<td>Number of convictions reviewed by the CRU</td>
<td>The total number of convictions reviewed by the Conviction Review Unit, where available, per year.</td>
</tr>
</tbody>
</table>
Appendix C – Contextual Measures

Contextual Measures are intended to provide additional information about the county to enable more complete and robust interpretation of the Performance Measures. Below is a list of Contextual Measures already offered in the Data Portal, and new Contextual Measures suggested by the Karpel Foundation Board members, organized by data source.

U.S. Census Bureau:

1. Population: Measures the total population of the county.

2. Urban Population: Measures the percentage of county residents living in urban areas.

3. Rural Population: Measures the percentage of county residents living in rural areas.

4. White Population: Measures the percentage of county residents who identify their race/ethnicity as non-Hispanic white.

5. Black Population: Measures the percentage of county residents who identify their race/ethnicity as non-Hispanic African American.

6. Hispanic or Latino Population: Measures the percentage of county residents who identify their ethnicity as Hispanic or Latino.

7. Native American Population: Measures the percentage of county residents who identify their race/ethnicity as American Indian or Alaskan Native.

8. Asian Population: Measures the percentage of county residents who identify their race/ethnicity as non-Hispanic Asian.

9. Other Race Population: Measures the percentage of county residents who identify their race/ethnicity as other (includes those identifying as multiracial).

10. Young Males Population: Measures the percentage of county residents who are males aged 15 to 24.

11. Largest Municipality: The name of the largest municipality in the county.

12. Largest Municipality Population: The population of the largest municipality in the county.

13. Median Household Income: Measures the median income of households within the county.
14. **Unemployment Rate:** Measures the percentage of county residents 16 years old and older who are unemployed.

15. **Below Poverty Line:** Measures the percentage of county residents living below the poverty line.

16. **Single Female-Headed Households with Children:** Measures the percentage of county households headed by women with dependent children under age 18.

17. **High School Graduates:** Measures the percentage of county residents 18 years old and older who have completed high school.

18. **Non-Citizens:** Measures the percentage of county residents who are not U.S. citizens.

19. **Residential Mobility:** Measures the percentage of county residents who changed their place of residence (within the same county or from a different one) in the previous year.

**Federal Bureau of Investigations:**

1. **Law Enforcement Agencies Reporting to UCR:** Measures the percentage of law enforcement agencies within the county reporting index crimes to the FBI’s Uniform Crime Reporting Program.

2. **Violent Crime Rate:** Measures the number of violent index crimes reported to law enforcement in the county per 100,000 residents.

3. **Property Crime Rate:** Measures the number of property index crimes reported to law enforcement in the county per 100,000 residents.

4. **Clearance Rate for Violent Offenses:** Measures the percentage of violent index crime cases cleared (or closed) by law enforcement in the county.

5. **Clearance Rate for Property Offenses:** Measures the percentage of property index crime cases cleared (or closed) by law enforcement in the county.

6. **Arrest Rate for Violent Offenses:** Measures the number of arrests for violent offenses per 100,000 county residents.

7. **Arrest Rate for Property Offenses:** Measures the number of arrests for property offenses per 100,000 county residents.
Bureau of Justice Statistics:

1. **Total Number of Law Enforcement Agencies**: Measures the total number of law enforcement agencies operating within the county.

2. **Number of Full-Time Sworn Law Enforcement Officers**: Measures the number of full-time sworn law enforcement officers in the county.

3. **Police Officers per 100,000 Residents**: Measures the number of full-time sworn police officers per 100,000 county residents.

County Criminal Justice Agencies:

1. **Number of Trial Court Judges**: Measures the total number of judges, magistrates, or their equivalent handling the processing of criminal cases in the county.

2. **Court’s Budget**: Measures the annual budget allocated to the courts in the county.

3. **Court Felony Caseload**: Measures the average monthly number of active felony cases per judge, magistrate or their equivalent.

4. **Court Misdemeanor Caseload**: Measures the average monthly number of active misdemeanor cases per judge, magistrate or their equivalent.

5. **Number of Full-Time Prosecutors**: Measures the number of full-time prosecuting attorneys handling criminal cases in the county.

6. **Number of Part-Time Prosecutors**: Measures the number of part-time prosecuting attorneys handling criminal cases in the county.

7. **Prosecutor’s Office Budget**: Measures the annual budget allocated to the county prosecutor’s office.

8. **Prosecutor’s Office Felony Caseload**: Measures the average monthly number of active felony cases per prosecutor.

9. **Prosecutor’s Office Misdemeanor Caseload**: Measures the average monthly number of active misdemeanor cases per prosecutor.
10. Number of Full-Time Public Defenders: Measures the number of full-time public defenders handling criminal cases in the county.

11. Number of Part-Time Public Defenders: Measures the number of part-time public defenders handling criminal cases in the county.

12. Public Defender’s Office Budget: Measures the annual budget allocated to the public defender’s office.

13. Public Defender’s Office Felony Caseload: Measures the average monthly number of active felony cases per public defender.

14. Public Defender’s Office Misdemeanor Caseload: Measures the average monthly number of active misdemeanor cases per public defender.

15. Daily Cost of a Jail Bed: Measures the average daily cost of housing an inmate in jail.

New Contextual Measures (Source TBD)\(^\text{16}\):

1. Prison in County: Measures whether there is a state, federal, or private prison within the county jurisdiction.

2. Truancy Rate: Measures the number of K-12 public school students reported as being truant at least once during the school year per 100 students.

3. Suspension Rate: Measures the number of K-12 public school students who were suspended from school at least once per 100 students.

4. High School Dropout Rate: Measures the percentage of high school students who do not complete high school.

5. Preschool and Kindergarten Enrollment Rate: Measures the percentage of children ages 3-5 not enrolled in preschool or kindergarten.

6. Children in Foster Care: Measures number of children ages 0-17 who are in out-of-home foster care per 1,000.

\(^{16}\) The likely source for all the education and child welfare data will be The Annie E. Casey Foundation’s Kids Count Data Center.
Appendix D - Legal Context Questions

MFJ’s Data Portal offers users the ability to compare the performance of a county on any given measure to that of other counties both within the same state and in other states. To enable users to conduct valid and robust comparisons, we survey the statutory laws of each state we measure on issues related to the Measures. In this way, users can assess whether differences in Measure scores among counties in different states are related to differences in the legal framework provided by each state’s statutory laws. Below is a list of the questions used to survey the statutory laws by topic.

Citation in Lieu of Arrest:

1. Can citations be issued as alternative to custodial arrest for criminal offenses?
2. Which offenses are eligible for citations?
3. Under which circumstances is law enforcement not allowed to issue a citation for a criminal offense?
4. When applicable, are citations presumptive?
5. Are citations issued before or after arrest?
6. Who has the authority to issue citations?

Pretrial Release:

1. Which offenses are not eligible or are presumptively denied pretrial release?
2. Does state law require the use of a risk assessment tool in deciding pretrial release?
3. What pretrial risk assessment tool is primarily used in the state?
4. What are the monetary conditions of pretrial release authorized by state law?
5. What are the non-monetary conditions of pretrial release authorized by state law?
6. Are law enforcement officials permitted to make a pretrial release decision when a bail hearing cannot be promptly held?
7. Does state law require that pretrial release decisions be made at a court hearing?
8. Which offenses may require a hearing to deny pretrial release?

9. If a hearing is not required, who is authorized to make pretrial release decisions?

10. Does state law require that bail hearings take place within a defined time frame?

11. What periods of confinement are considered when determining time-served credits?

12. Under which circumstances will confinement not be considered when determining time-served credits?

13. Are commercial bail bond agencies allowed by state law? If so, does the state require licensure for professional bail agents to practice?

14. Does state law require that jurisdictions have a pretrial services office?

**Pretrial Diversion**: 17

1. Who has the authority to make decisions about admission into pretrial diversion programs?

2. Which types of pretrial diversion are authorized by state law?

3. Which types of problem-solving courts are available in the state?

4. Which types of offenders are eligible for pretrial diversion?

5. Which types of offenses are eligible for pretrial diversion?

6. Which types of offenses are not eligible for pretrial diversion?

**Indigent Defense:**

1. Which criteria are used to determine who qualifies as an indigent person in the state?

2. Who makes the determination that a defendant is indigent?

3. Which types of cases are eligible for indigent representation?

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17 Includes deferred prosecution, deferred adjudication, deferred sentencing, specialty or problem-solving courts.
4. Which method(s) of indigent defense services are permitted by state law (i.e. public defenders, appointed private counsel, contract counsel)?

5. How are conflict cases (i.e. when a public defender has to withdraw from a case due to a conflict of interest) handled?

6. Who funds public defenders in the state?

7. What is the state’s expenditure on indigent defense?

Sentencing and Corrections:

1. What is the felony theft threshold in the state?

2. Is there a Sentencing Commission in place in the state?

3. What type of sentencing system (i.e. structured and determinate, structured and indeterminate, determinate, indeterminate) is in place in the state?

4. If sentencing guidelines are in place in the state, are they mandatory or advisory?

5. If sentencing guidelines are in place, does the judge have to provide a written rationale for any departure from the guidelines?

6. For which offenses does a conviction result in a mandatory minimum sentence?

7. What percentage of the sentence must convicted offenders serve before being considered for release?

8. Are there any presumptive probation policies instituted by the state, or any circumstances under which a sentence of probation is required?

9. For which offenses is probation not a permitted sentence?

10. Which types of post-conviction diversionary programs are authorized by state law?

11. Who is eligible for a post-conviction diversionary program?

12. Are private prisons authorized by state law?
13. Is the death penalty allowed by state law? If so, does the state currently have a moratorium on executions?

14. Which offenses are eligible for the death penalty?

15. Which offenses are eligible for a sentence of life without parole?

16. Are incarcerated individuals compensated for their labor? If so, how much?

17. Does state law allow for private entities to contract with or lease out prisoners for labor purposes?

18. Can sentence credits be applied to prison or probation terms?

19. What are the requirements for parole eligibility in the state?

20. How is “probation” defined by statute?

21. What is the statutory maximum term length for a sentence of probation?

22. Are extended supervision or split sentences authorized by state law?

23. What agency or authority is responsible for the supervision of probationers?

24. How are technical violations of probation defined by state law?

25. How are technical violations of probation distinguished from violations of the law?

26. Is a hearing required before probation is revoked?

27. Are probation officers authorized to apply intermediate sanctions in lieu of holding a formal revocation hearing?

28. Can revocations of probation due to technical violations be punished with incarceration?

29. What is the maximum length of incarceration a person may be sentenced to for a technical violation of probation?

30. Can probation be terminated at the court’s discretion? Do statutory restrictions exist?
Court Fees:

1. Which types of court fees are authorized by state law?

2. How are court fees allocated?

3. What penalties may be imposed for failing to pay court fees?

4. Do state laws allow counties to impose a court cost or fee on defendants to pay for public defenders and private court-appointed counsel?

5. Can probation be revoked solely for failure to pay court-ordered fees or fines?

Collateral Consequences:

1. Does state law restrict employment application questions regarding prior arrests or convictions?

2. Aside from health care and law enforcement, are there other licensed professions that can exclude persons with arrest or conviction records?

3. Under which circumstances does state law allow employers to use criminal records in employment decisions?

4. Does the state participate in the federal TANF and food stamps ban for individuals with felony drug convictions?

5. Under which circumstances may an arrest record be cleared?

6. Under which circumstances may a conviction record be expunged?

7. Do expunged records appear in public record requests?

8. Under which circumstances may pardons be granted?

9. Under which circumstances can a driver's license be suspended for non-traffic offenses?

10. Under which circumstances can a driver's license be revoked for non-traffic offenses?
11. What are other collateral consequences besides the suspension or revocation of a driver's license that may result from conviction?

Miscellaneous:

1. What is the minimum age at which an offender can be prosecuted as an adult?

2. What is the age at which someone is no longer considered a juvenile?

3. What is the legal status of marijuana possession in the state?

4. Are there alternative penalties for possessing small amounts of marijuana? If so, what are they?

5. Are prosecutors in the state appointed or elected officials? If appointed, by whom?

6. Are judges in the state appointed or elected officials? If appointed, by whom?

7. Are magistrates required to have a law degree to make decisions in criminal cases?

8. Under which circumstances an offender be compelled to submit to DNA testing?
Appendix B

Measures for Justice - Security Plan

I. Background

This document describes the Measures for Justice (MFJ) security plan. MFJ regularly reviews and updates its policies and procedures to address anticipated threats and hazards.

II. Secure Delivery & Receipt

1. MFJ recommends that data is delivered via an MFJ provided secure upload channel that will encrypt the data in transit and also when stored.
2. If desired, MFJ can provide our public key and instructions, so that data providers can additionally encrypt the data using asymmetric cryptography such as Open PGP format specified in RFC 4880.
3. Alternatively, although not preferred, data providers can provide data on a physical device such as a USB thumb drive. MFJ can provide a USB drive and we request that data providers encrypt the data using our public key and send it to us via registered mail.
4. Once received, the data is moved to the PIIHS detailed below.

III. Personally Identifiable Information Hosting System (PIIHS)

1. Our on-premise secure server that hosts all received data containing Personally Identifiable Information (PII).
2. The PIIHS is located in the MFJ headquarters in a physically secured server room.
3. MFJ headquarters is secured with an alarm system that monitors doors and also detects motion.
4. All employees must enter a personal code or use an assigned key fob to enter the building. When an employee no longer works for MFJ, their door code is revoked.
5. The PIIHS is in a locked steel cabinet within a locked server room. Access to which is limited to only senior IT staff members.
6. All data stored on the PIIHS is encrypted using at least 256-bit encryption.
7. The PIIHS can only be accessed from secure terminals over a private network that is only accessible from within MFJ headquarters.
8. The secure terminals connect to the PIIHS over a secure protocol.
9. Access via secure terminals is limited to select members of the Research and IT groups.

IV. De-Identification Process

1. A process will be run on the PIIHS to de-identify the Personally Identifiable Information. Such data will be replaced with a randomly generated unique identifier that cannot be associated in any way to the individual. This unique identifier will allow MFJ to track the same individual across multiple cases without ever having access to the Personally Identifiable Information.
2. A key file linking the personal identifiers to the new unique random ID will be kept in the PIIHS.
3. The de-identified data will then be encrypted.
4. The encrypted de-identified data is then transferred to a secure system specifically designed to host de-identified data; detailed below.
V. De-Identified Data Hosting System (DIDHS):

1. Hosts de-identified data originally sourced from the PIIHS to be cleaned and coded.
2. All data in the DIDHS is encrypted.
3. All access to the DIDHS requires accounts with strong passwords.
4. All access to the DIDHS is via secure encrypted protocols.
5. Once the data is cleaned and coded, county level performance measures are calculated from the de-identified case level data and published to a separate secure server where our data portal resides (MFJDP), detailed below.

VI. Measures for Justice Data Portal (MFJDP)

1. The MFJDP is the final end product of MFJ’s process. It contains only county level summaries of the original case level data such as averages, percentages, medians, minimums and maximums. Absolutely no case level or Personally Identifiable Information is available on the site.
2. The MFJDP servers are completely separate from the DIDHS and PIIHS.
3. All communication with the MFJDP is via secure protocols.
4. The servers hosting the MFJDP are only accessible via accounts with strong passwords.
5. The MFJDP can be viewed here: https://www.measuresforjustice.org
AUTHORIZED STAFF

MFJ recognizes the importance of protecting Personally Identifiable Information (PII) from unauthorized disclosure. As such, only the following Authorized Staff shall have access to files containing PII:

- Andrew Branch, Director of Technology & Product
- Stephen Byrne, Senior Developer/System Administrator
- Stephanie Cruz, Software Developer/Data Quality Analyst
- Gipsy Escobar, Director of Research & Analytics
- David Markakis, Data Quality Analyst
- Charles Teese, Senior Security Engineer
Appendix D

Department of Justice
California Justice Information Services Division
Conditions for Release of Criminal Offender Record Information

Criminal offender record information (CORI) may be released to public agencies or bona fide research bodies provided that the data is used only for research and statistical purposes pursuant to California Penal Code (PC) section 13202 and subject to the conditions listed below. CORI is defined in PC section 11077 as records and data compiled by criminal justice agencies for the purpose of identifying criminal offenders and for maintaining a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release. The California Department of Justice (DOJ) database which contains CORI is the Automated Criminal History System.

1. Requests must be in writing and must specify the intended use for the data. All research requests must be accompanied by a written request to produce copies of any records as specified in condition #5, and by a security plan as specified in condition #6.

2. When CORI is to be obtained by a law enforcement or criminal justice agency via the California Law Enforcement Telecommunications System for a research project, access shall be by authorized agency staff during low traffic hours.

3. The public agency or bona fide research body receiving CORI is responsible for the care and security of the records. The public agency or bona fide research body receiving CORI will not receive personal identifiers such as name of subject, Federal Bureau of Investigation (FBI) number, State Identification (SID) number, social security number, driver's license number and California Department of Corrections (CDC) number unless there is a demonstrated compelling need for this information. The need for personal identifying information shall be in writing and will be reviewed on a case by case basis.

4. All staff members from any public agency or bona fide research body who have direct or indirect access to CORI provided by the DOJ for research must complete a fingerprint background check and are required to sign the Researcher Security and Disclosure Form provided by the DOJ; including but not limited to research staff, IT staff, and system administrators.

5. The public agency or bona fide research body receiving CORI is strictly prohibited from using the data for any purpose other than the purpose for which the data was provided. The public agency or bona fide research body shall not produce copies of CORI provided by the DOJ unless specified in the data security plan. CORI obtained from the DOJ is confidential and, under penalty of law (PC section 11142), may not be disseminated to a third party.

6. The public agency or bona fide research body must take reasonable precautions to protect CORI from unauthorized access. The public agency or bona fide research body is required to submit to the DOJ a detailed plan of the security measures in place to guard against unauthorized access of hard copies or electronic files containing CORI. Please refer to the attached Criminal Offender Record Information Data Security Checklist document for additional information and guidelines regarding the security of CORI.
7. It is incumbent upon the public agency or bona fide research body to prevent disclosure of CORI from unauthorized users throughout the duration of the research project and to immediately report any security breach to the DOJ.

8. The public agency or bona fide research body receiving CORI must destroy the CORI in accordance with the FBI CJIS Security Policy version 5.6:

5.8.3 Digital Media Sanitization and Disposal

The agency shall sanitize, that is, overwrite at least three times or degauss digital media prior to disposal or release for reuse by unauthorized release for reuse by unauthorized individuals. Inoperable digital media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel.

5.8.4 Disposal of Physical Media

Physical media shall be securely disposed of when no longer required, using formal procedures. Formal procedures for the secure disposal or destruction of physical media shall minimize the risk of sensitive information compromise by unauthorized individuals. Physical media shall be destroyed by shredding or incineration. Agencies shall ensure the disposal or destruction is witnessed or carried out by authorized personnel.

The DOJ must be notified in writing (for address, see condition #10) confirming the destruction of electronic and/or hard copy records.

9. Periodic unannounced site inspections and scheduled audits may be performed by the DOJ to ensure compliance with the DOJ's policies and regulations.

10. When data derived from criminal offender record information records is used or referenced in any publication, a copy of that publication must be furnished to:

California Department of Justice
California Justice Information Services Division
Research Center
PO Box 903417, Room G-110
Sacramento, CA 94203-4170
researchrequest@doj.ca.gov

11. A public agency or bona fide research body is required to notify the DOJ when a team member is added or removed from the research project.

12. The public agency or bona fide research body is required to notify the DOJ once the project has been completed.
I have read and understand the preceding Conditions for Release of Criminal Offender Record Information. I understand that failure to comply with these conditions may result in the loss of access to criminal offender record information for this and/or future research projects, and that the DOJ reserves the right to revise these conditions, or impose additional conditions, at any time it deems necessary to protect the confidentiality and security of information maintained by the DOJ.

____________________________________  _________________________________
Signature                                      Date

____________________________________  _________________________________
Printed Name                                    Position

Name of Public Agency/Research Organization
October 02, 2019

Gipsy Escobar, Ph.D.
Measures for Justice
421 University Avenue
Rochester, NY 14607

Re: Measures for Justice
Department of Justice Research File No. 17-015

Dear Dr. Escobar,

Thank you for your response requesting a renewal of your project, Measures for Justice.

This letter is to notify you that your renewal request has been approved by the California Department of Justice. This renewal is effective from October 02, 2019 to October 01, 2020. If your project is not complete prior to the end of the renewal period, you will receive another 90-day notice to begin the renewal process for your current project.

If you have any questions or concerns, please feel free to contact me at researchrequests@doj.ca.gov or (916) 210-3260.

Sincerely,

[Signature]
Valerie S. Garcia
Research Center, Research Manager I
California Department of Justice
California Justice Information Services Division

For XAVIER BECERRA
Attorney General