

Recap of the First Analysis of Prosecutor Data (PA 19-59)

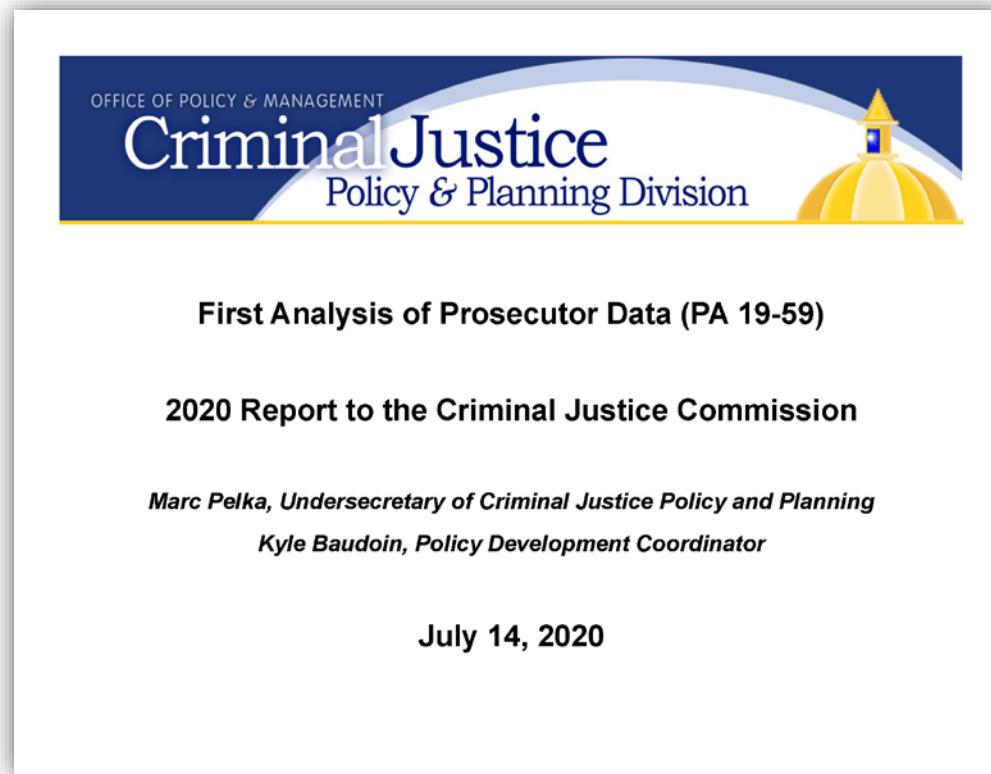
***Presented to the
Criminal Justice Policy Advisory Commission***

October 29, 2020

Kyle Baudoin, *Policy Development Coordinator*

Marc Pelka, *Undersecretary, Criminal Justice Policy and Planning*

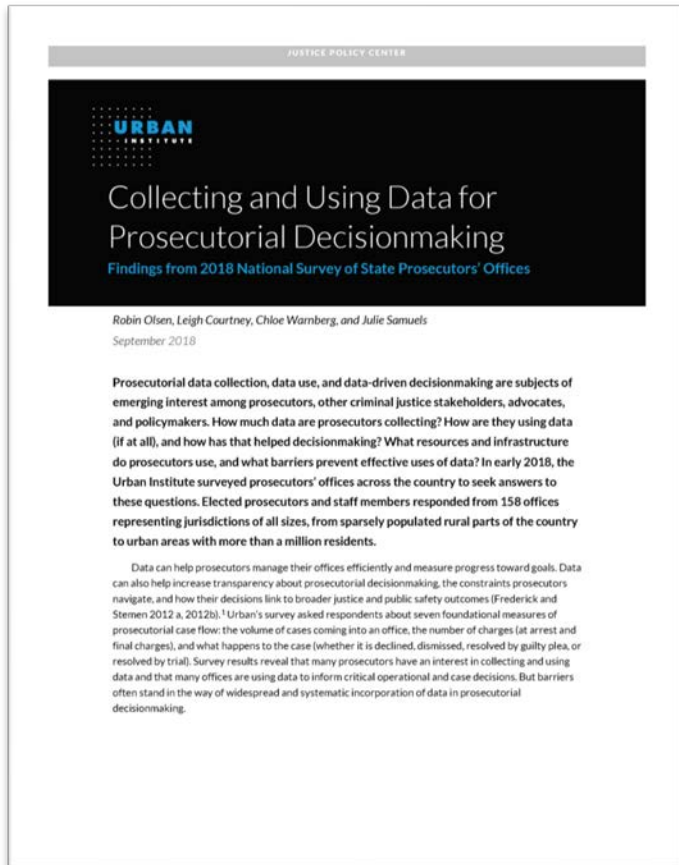
At the July 14 Criminal Justice Commission meeting, OPM staff delivered the first report containing intensive analysis of prosecutorial caseflow and operations data.



Complete report available at:

<https://portal.ct.gov/OPM/CJ-About/CJ-SAC/SAC-Sites/Prosecutor-Data-webpage>

Urban Institute's national survey analyzed ways prosecutors collect and use data to manage their offices, understand trends, and evaluate their success.



Improve management and results within offices.

- Manage offices efficiently
- Measure progress toward goals

Enable constituents to more accurately assess prosecutors' performance.

- Increase transparency about prosecutorial decision-making
- Communicate about constraints prosecutors navigate
- Share how prosecutorial decisions link to broader justice and public safety outcomes

<https://www.urban.org/research/publication/collecting-and-using-data-prosecutorial-decisionmaking>

In August 2019, Connecticut enacted new statutes requiring the routine collection, analysis, and reporting of prosecutor data.



Following unanimous passage in the house and senate, Governor Lamont signed the bill (PA 19-59) into law.

State legislators, prosecutors and criminal justice reform advocates participated in the bill signing.

Connecticut received national attention as federal, state, and county governments pursued greater prosecutorial data and transparency.

“These new requirements will be an important step toward increasing the confidence that communities have in the criminal justice system by helping to ensure that justice is attained in the fairest ways possible.”

–Governor Lamont

Chief State's Attorney Colangelo has emphasized the need for improved use of data and IT in prosecutorial operations.



Rich Colangelo, Jr.
Chief State's Attorney

“The electronic case management system will greatly modernize and strengthen Connecticut’s local and state public-safety network and provide the essential data we need to explore crucial criminal justice issues throughout the state.

The data can help create new laws and policies and transform the way offenders are punished or rehabilitated so that we in the criminal justice system can advance equity and improve safety and health across our communities.”

PA 19-59 creates a platform and process for using data to paint a picture of prosecutorial caseflow and operations.

Phase 1

July 2020
Presentation

To prepare for the first PA 19-59 presentation, Office of Policy and Management (OPM) staff:

- Analyzed a data set from the Judicial Branch containing 300,074 individual case records;
- Met with prosecutors and other criminal justice system stakeholders to develop scope, methodology, and priority questions to analyze; and
- Delivered an initial presentation in November at DCJ to state's attorneys, state legislators, and criminal justice reform advocates to receive input and questions.

Phase 2

July 2021—

Beginning with the July 2021 presentation, OPM's presentation will include a wider array of data analysis, including:

- | | |
|---|---|
| (1) Arrests | (8) Plea agreements |
| (2) Arraignments | (9) Cases going to trial |
| (3) Continuances | (10) Demographics, including data on race, sex, ethnicity and age |
| (4) Diversionary programs | (11) Court fees or fines |
| (5) Contact between victims and prosecutorial officials | (12) Restitution |
| (6) Dispositions | (13) The zip code of the defendant's primary residence. |
| (7) Nonjudicial sanctions | |

Improving data-led operations in prosecutors' offices can help achieve several outcomes.



Policy and budget development.



Statewide administration of prosecutorial operations.



Communication to media and the public.



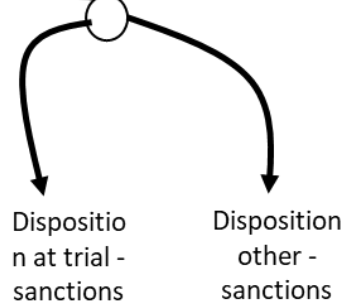
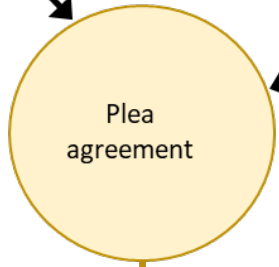
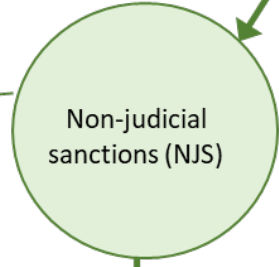
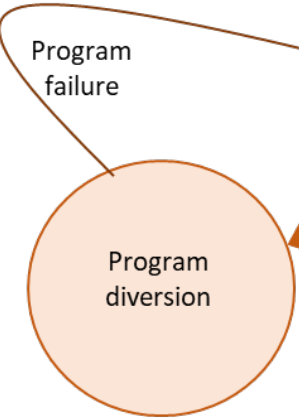
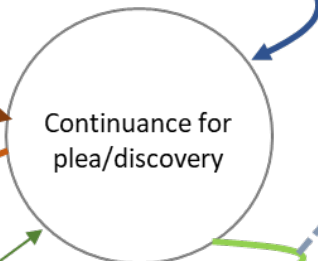
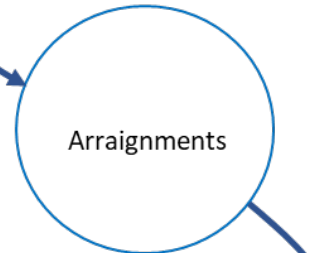
Performance metrics, statewide and in each court.



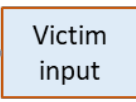
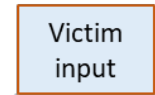
Use of case-level information by line prosecutors.

Arrests:

- Criminal (Court Ops)
- Motor vehicle (Court Ops)
- Summonses (Court Ops)
- Infractions (Court Ops)
 - Warrants (CSAO)
 - On-site arrests (CSAO)



Key prosecutorial decision points where new or existing data can be entered to create an operational model of case flow.



Trial list:

- Added cases
- Pending cases
- Disposed cases
- Dispositions at trial
- Dispositions, other

Programs:

- Applications
- Cases granted
- Successful completions
- Program failures
- Persons in programs

Successful completion - dismissal

Succeed NJS - nolle

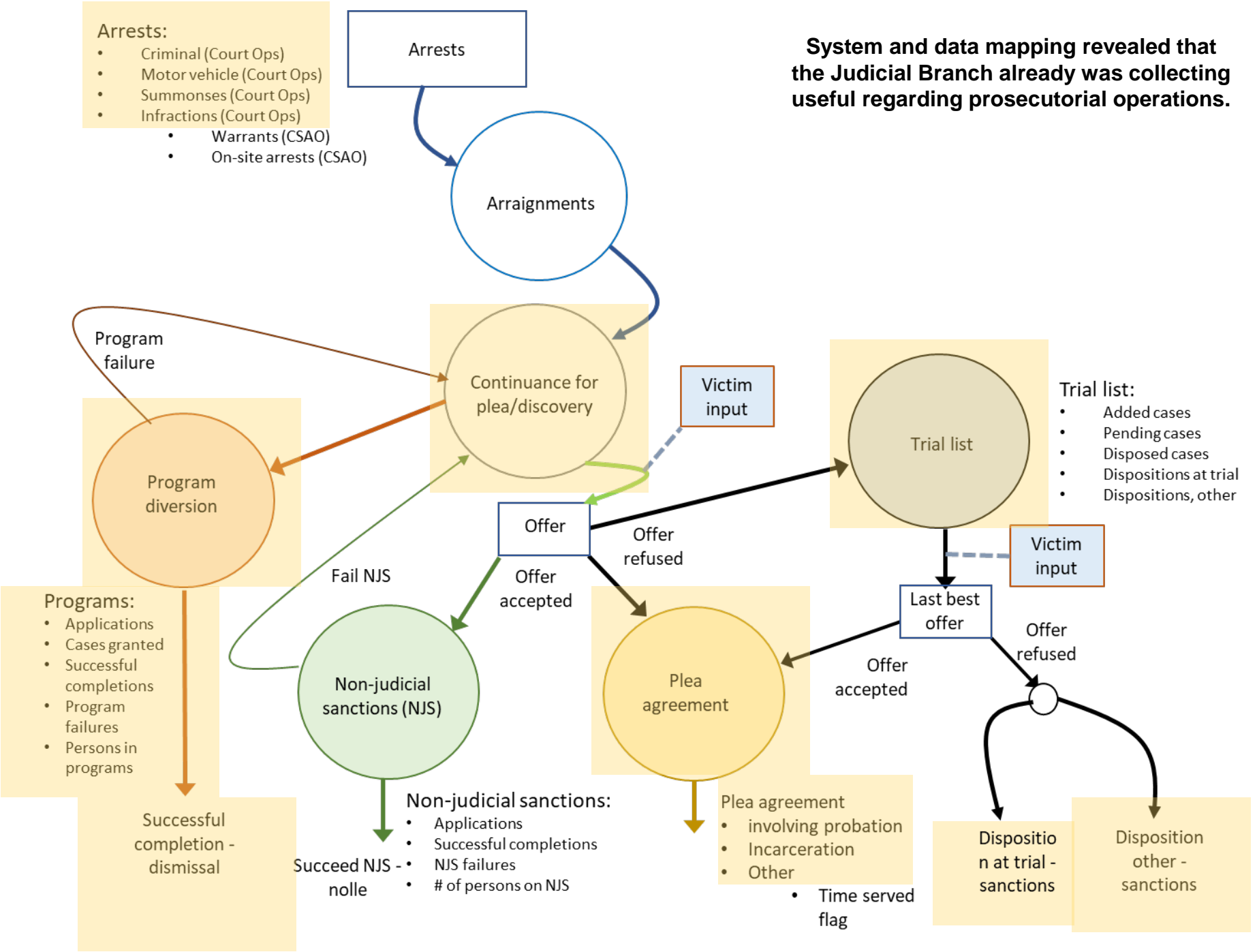
Non-judicial sanctions:

- Applications
- Successful completions
- NJS failures
- # of persons on NJS

Plea agreement

- involving probation
- Incarceration
- Other
 - Time served flag

System and data mapping revealed that the Judicial Branch already was collecting useful regarding prosecutorial operations.



More than 300,000 lines of data, primarily sourced from the Judicial Branch, were analyzed.

The dataset consists of all criminal and motor vehicle cases closed in CY 2019

Judicial Branch Court Operations provided the dataset to OPM.

- For purpose of this analysis, charges original to the docket are reported.
- A case refers to a unique docket number, and an individual person can have multiple cases, but multiple people will not appear on a single case
- Sources for slides are this dataset unless otherwise indicated.

The dataset consisted of:

300,074 rows of data

124,493 cases (unique docket numbers)

81,133 individual people*

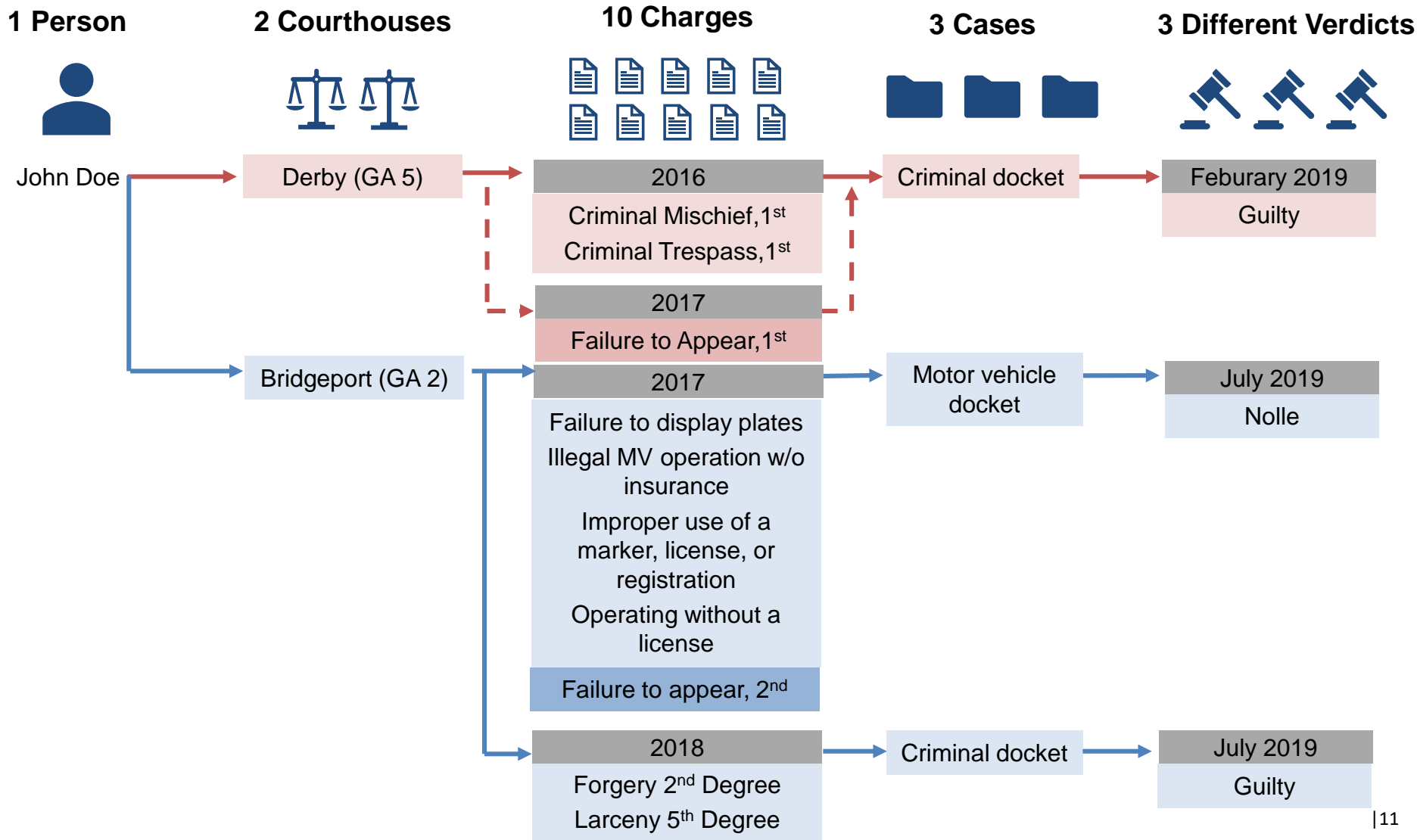
1,224 separate statutes cited

56,568 charges resulted in convictions

22,778 dockets linked to diversionary programs

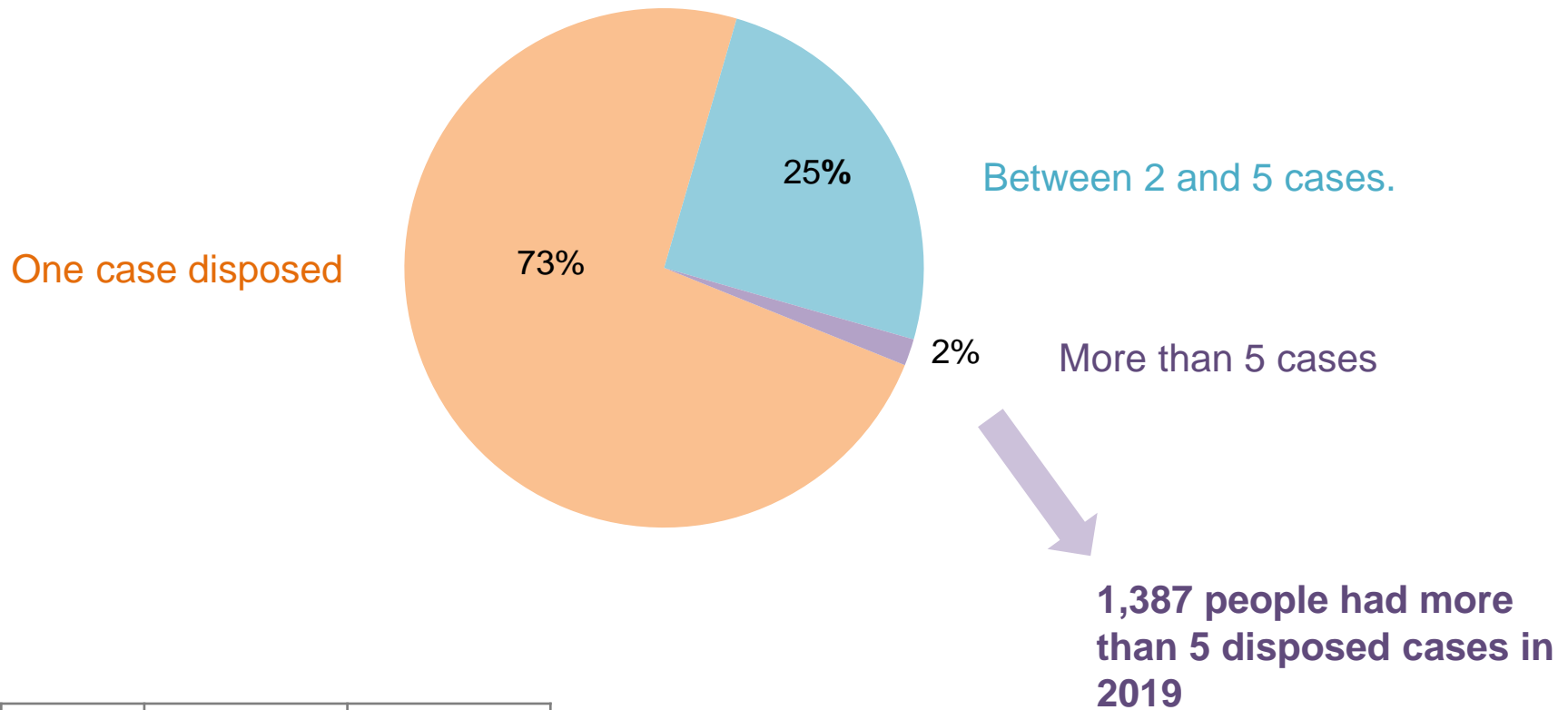
*Based on matching estimate using names, date of birth, and other identifying information.

A person may have numerous pending charges and cases, spanning months or years, even in front of multiple courts, before being resolved with multiple dispositions.



27% of people transiting the court system in 2019 had more than one disposed case.

Number of total disposed cases of by people who had at least one disposed case, 2019



1 case disposed	Between 2 and 5 cases disposed	More than 5 cases disposed
61,020	20,726	1,387

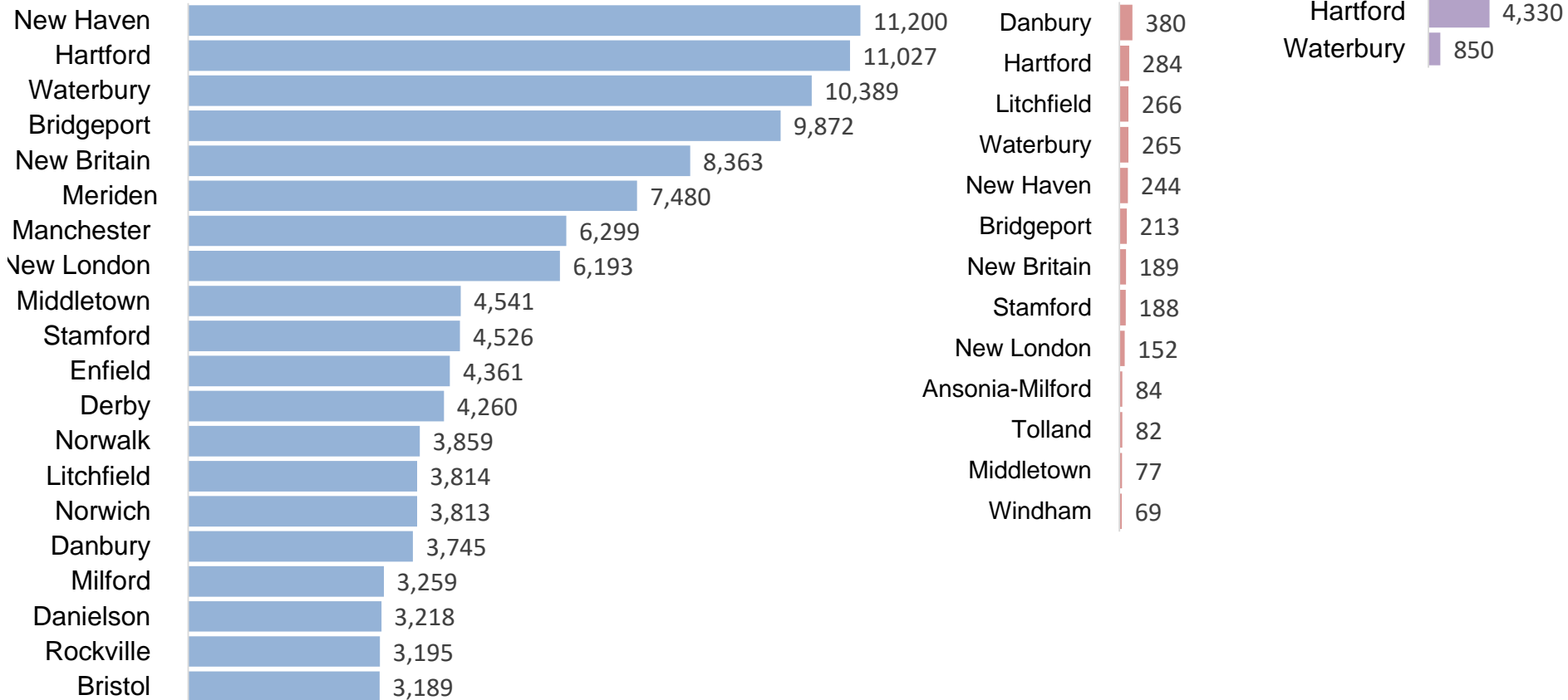
In Connecticut, GA courts have significantly larger case volume than JD Courts, which tend to handle cases with more serious charges.

Cases disposed by court location and type, 2019

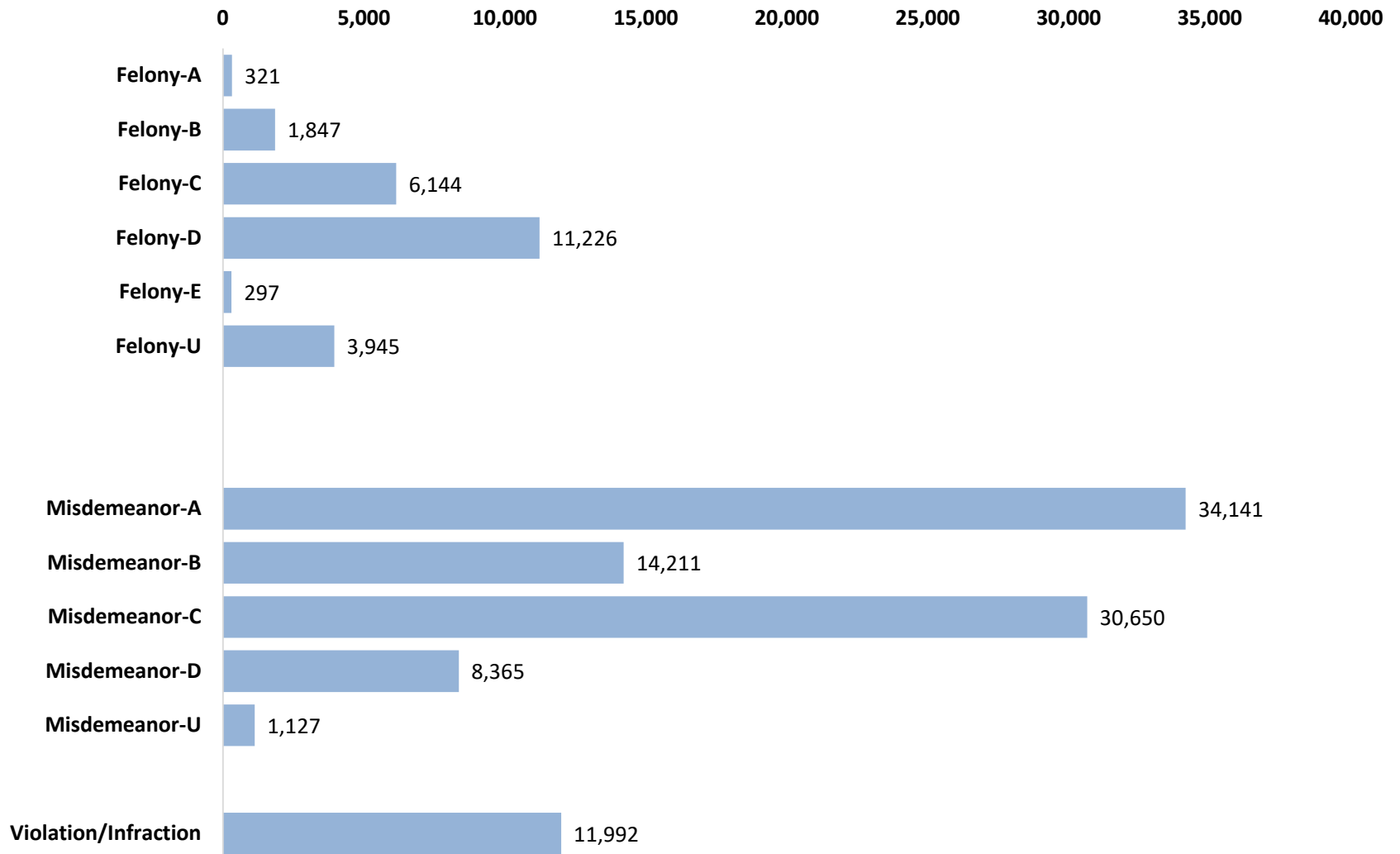
JD Courts
2%

Community Courts — 4%

GA Courts disposed 94% of total cases

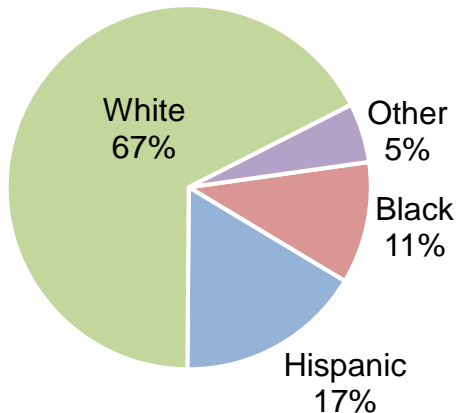


Distribution of cases disposed in 2019 by most serious charge at the start of the case.

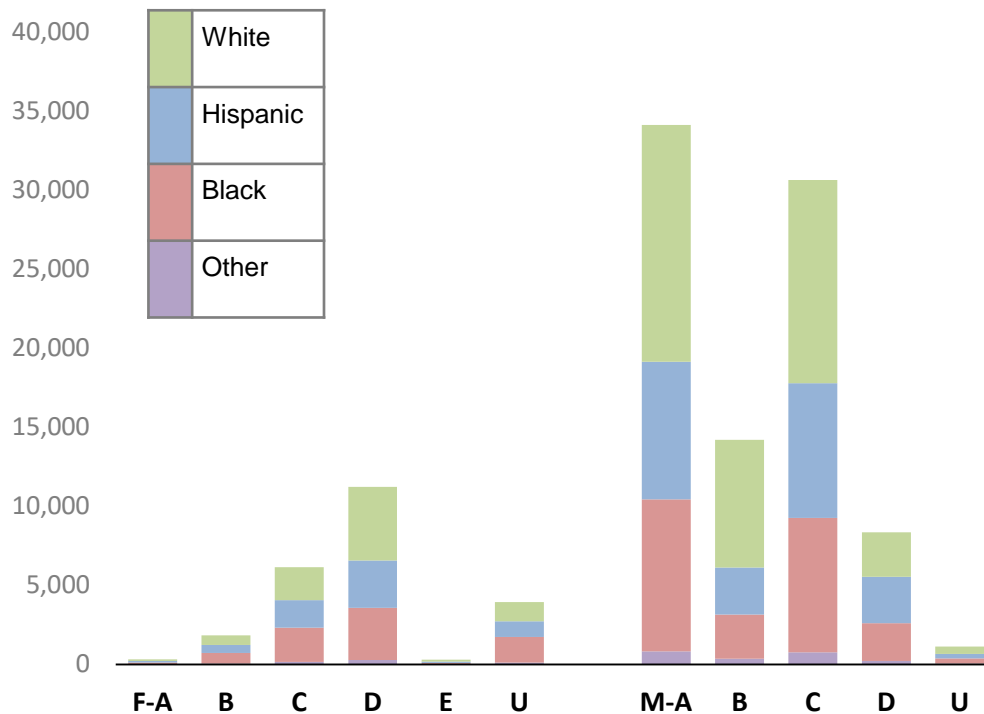


The racial and ethnic composition of the state resident population is disproportionate to that of disposed cases, with further variation by felony and misdemeanor classes.

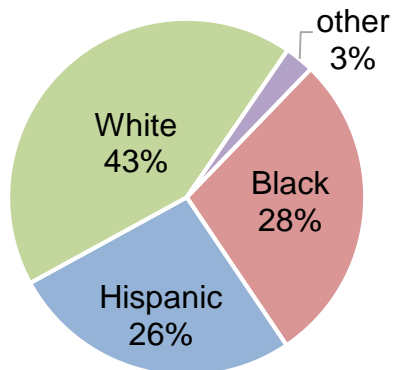
State resident population by race/ethnicity



Original charges on disposed cases by felony and misdemeanor class and race/ethnicity



Percent of disposed cases of by race/ethnicity



Patterns in original charges on disposed cases among Black, Hispanic, and white defendants.

Percent of all disposed cases by race and ethnicity

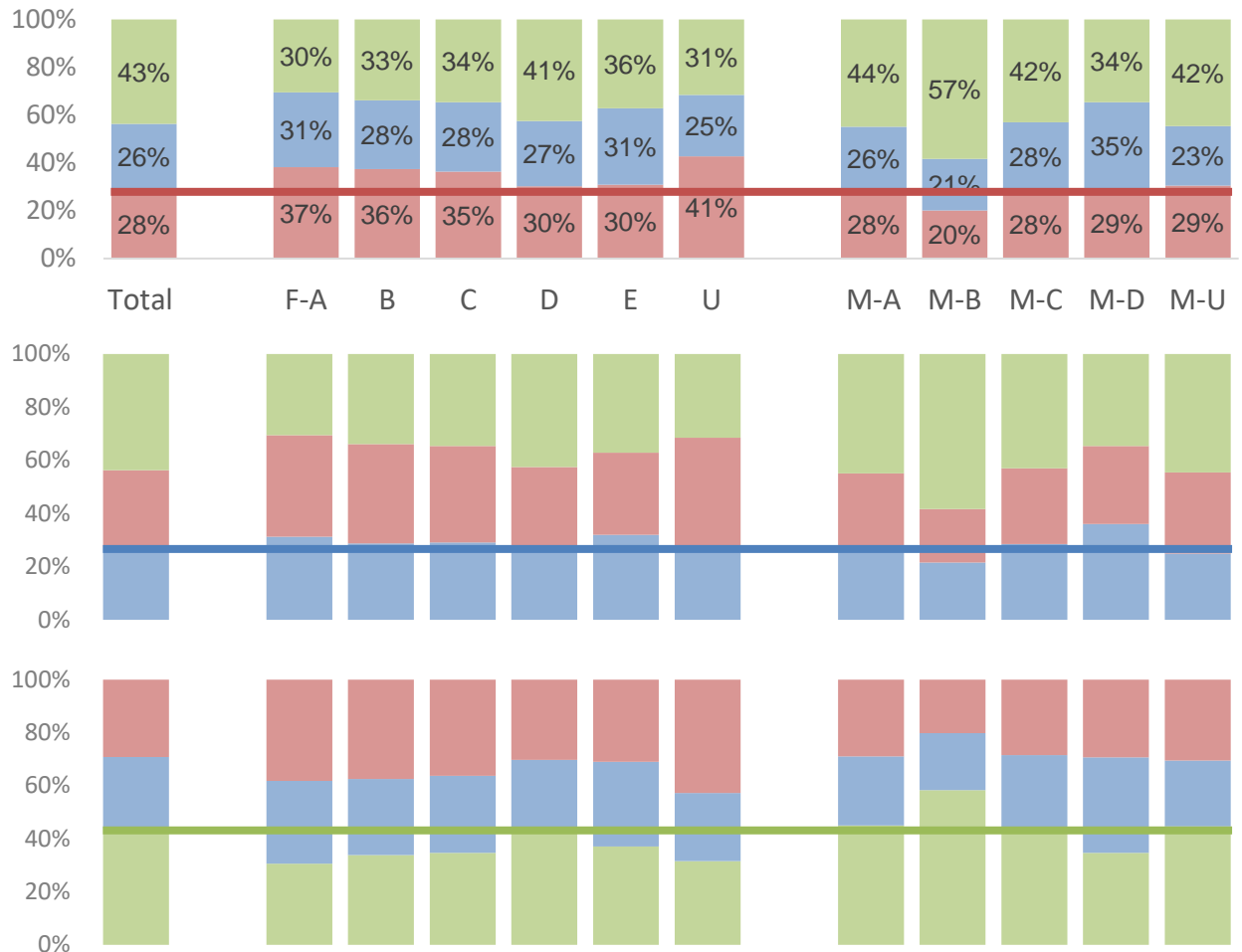
White	43%
Hispanic	26%
Black	28%

Black defendants are over-represented among original charges on felony case dispositions compared to their portion of total disposed cases.

Hispanic defendants show a greater level of parity across the classes.

The distribution of white defendants skews more heavily toward misdemeanor cases than the other demographic groups.

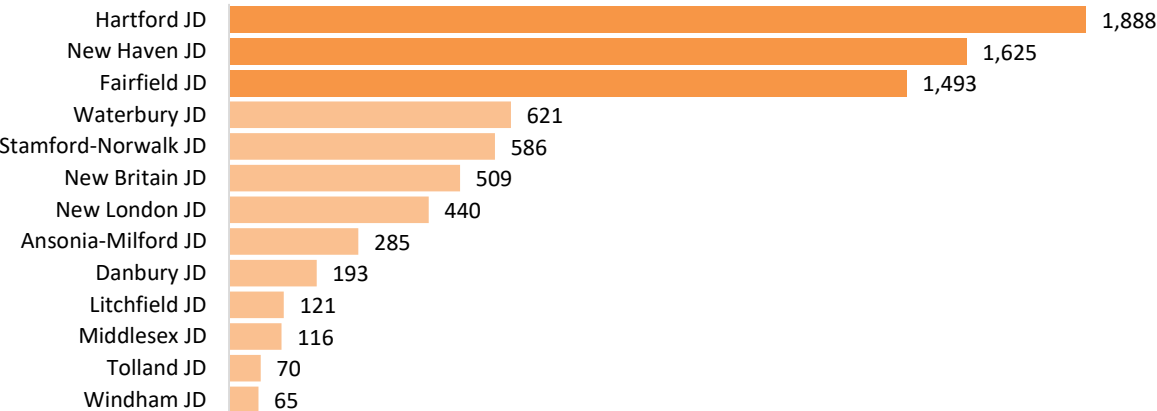
Percent of disposed cases by felony and misdemeanor original charges among Black, Hispanic, and white defendants, 2019



The majority of reported violent crime occurs in 3 Judicial Districts, which also are where large portions of the state's Black and Hispanic populations are concentrated.

Reported violent crime by judicial district, 2017

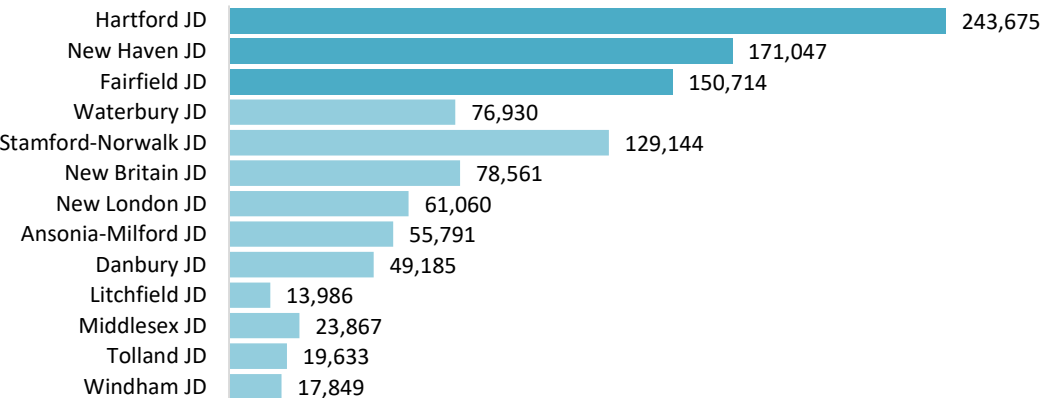
0 200 400 600 800 1,000 1,200 1,400 1,600 1,800 2,000



62% of violent crimes in Connecticut were reported in 3 of the state's 13 JDs: Hartford, New Haven, and Fairfield.

Total Black and Hispanic resident population by judicial district, 2014

0 50,000 100,000 150,000 200,000 250,000 300,000



63% of the state's Black non-Hispanic population and 47% of the state's Hispanic population reside in these 3 JDs.

Prosecutors may enter a “nolle” on certain or all charges facing a defendant.

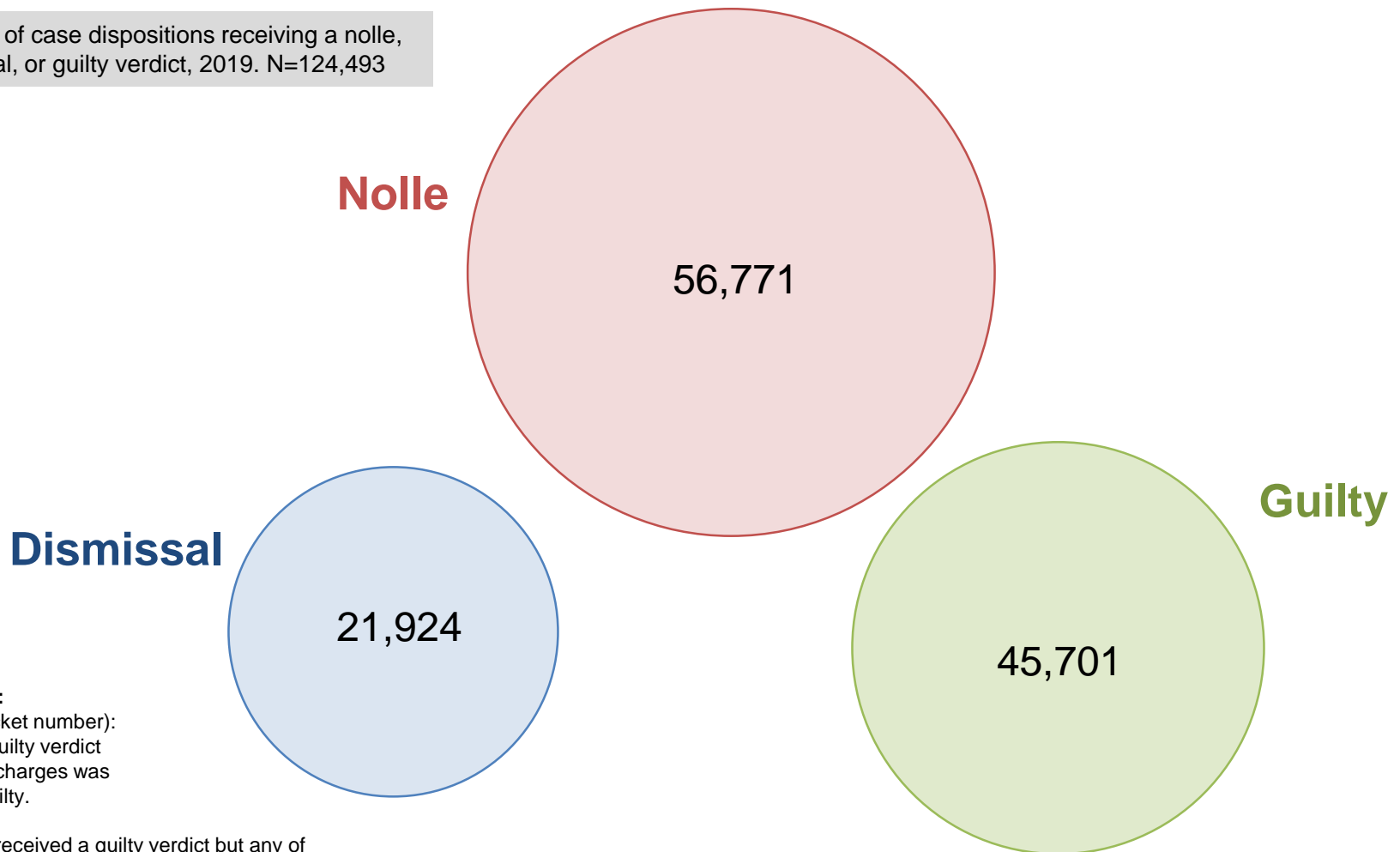
Nolle stands for “will no longer prosecute.”

A nolle is a filing reflecting the prosecutor’s decision not to prosecute any or all the charges against a defendant while retaining the right to re-open the case during the following thirteen months.

Following the filing of a nolle, police, court, and prosecutor records are automatically sealed, then automatically erased 13 months later provided the prosecutor doesn’t reopen the case.

Nolles were the most common verdict among disposed cases in 2019, followed by a guilty, and, distantly, dismissals.

Number of case dispositions receiving a nolle, dismissal, or guilty verdict, 2019. N=124,493



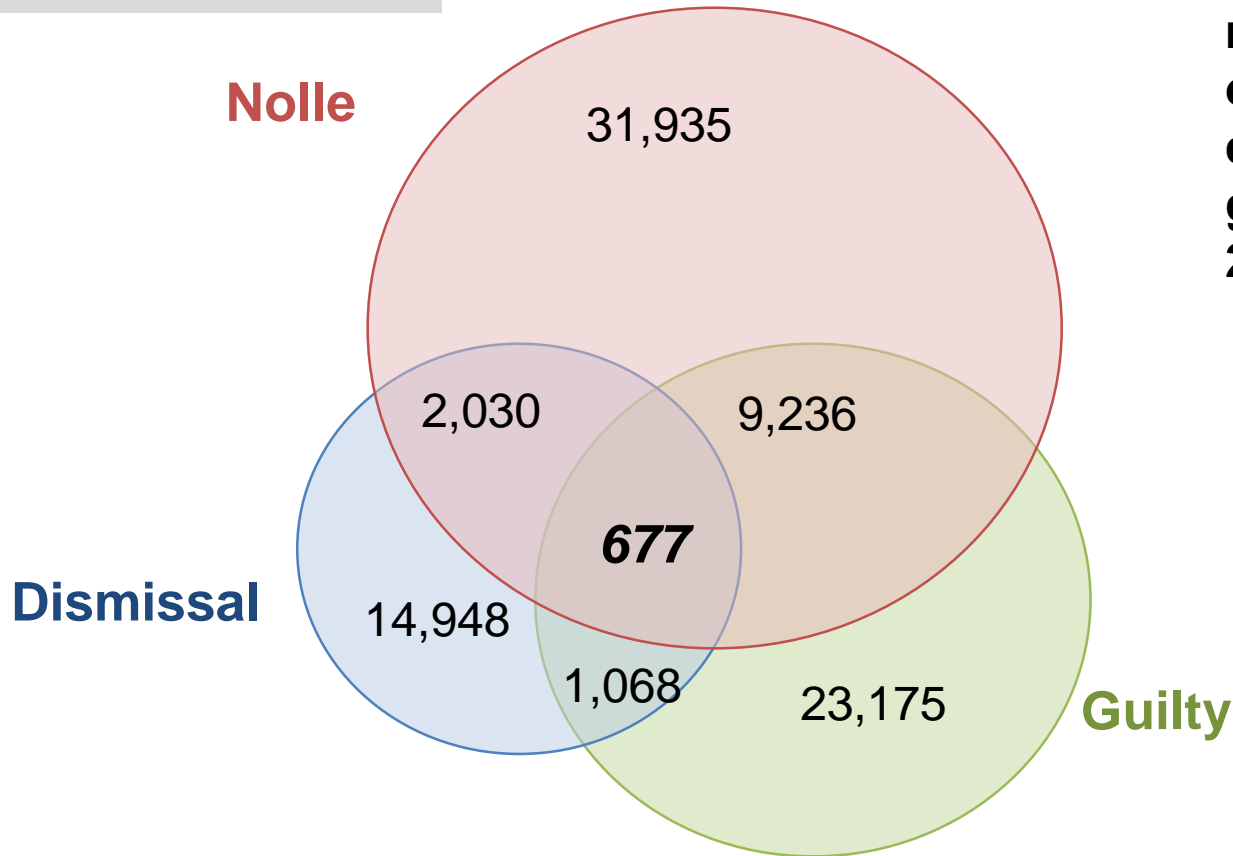
Methodology:
Any case (docket number):
containing a guilty verdict
on any of the charges was
coded as a guilty.

If no charges received a guilty verdict but any of them received a dismissal, the docket was coded as dismissed. If no charges were guilty or dismissed but some were nolle, the docket was coded as nolle.

*three largest categories of dismissal type (n=124,396), which account for 99.9% of disposed cases

16% of people with a disposed case in 2019 received multiple verdicts.

Number of people receiving a nolle, dismissal, and/or guilty verdict, 2019. N=83,133

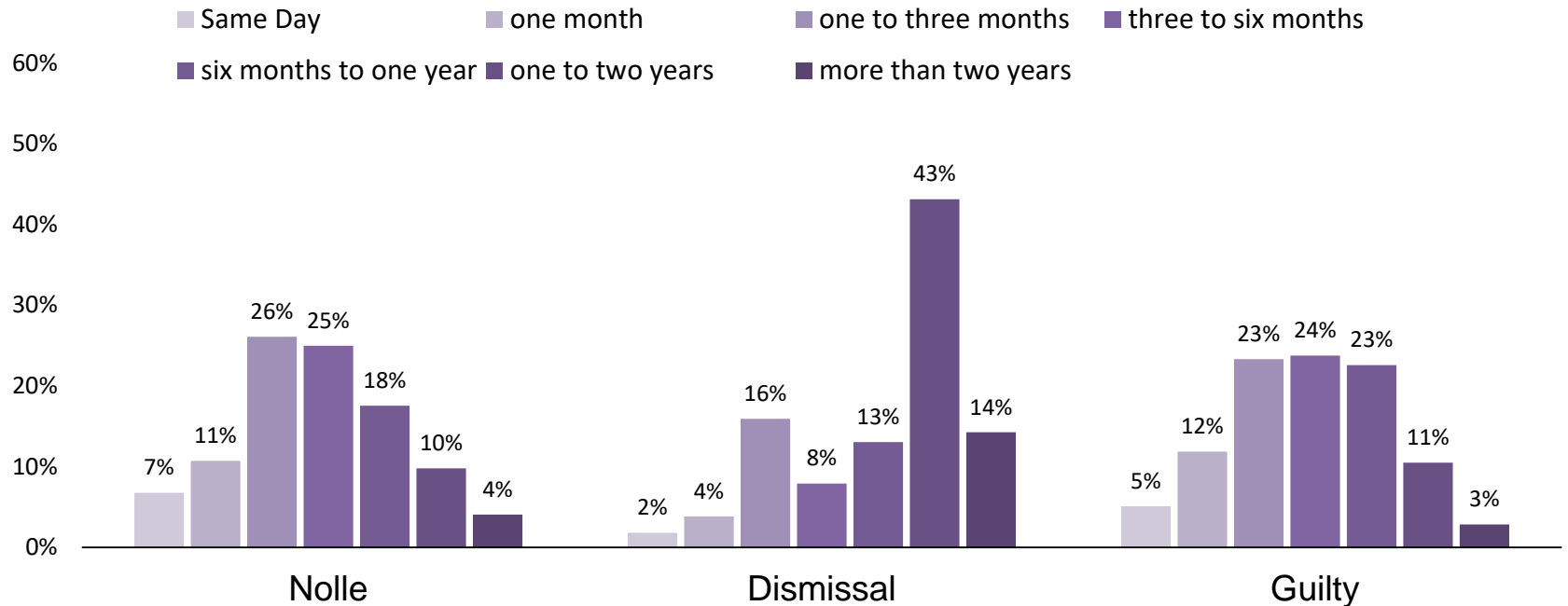


677 people received at least one nolle, dismissal, and guilty verdict in 2019.

**Will not sum to 83,133*
64 individuals were disposed in other ways*

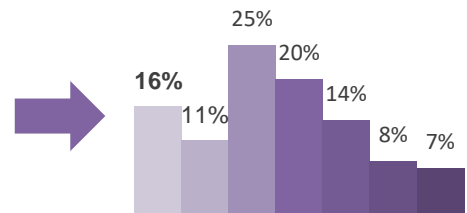
Most cases receive a continuance at assignment while work is done on the case prior to disposition occurring months or, even, years later.

Time from assignment to disposition by case, cases disposed in CY 2019



Most nolle cases occur within one to six months from assignment.

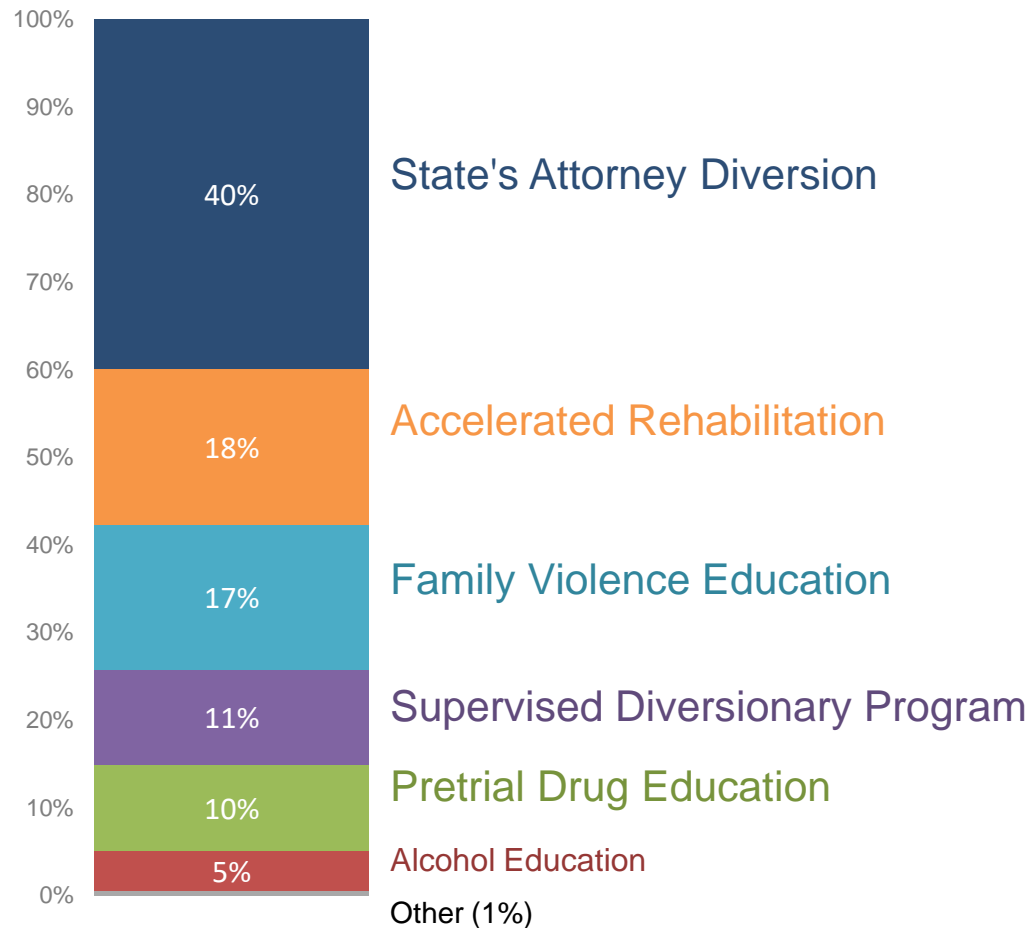
When motor-vehicle cases are added, a larger share of nolle cases are resolved earlier (16% at assignment).



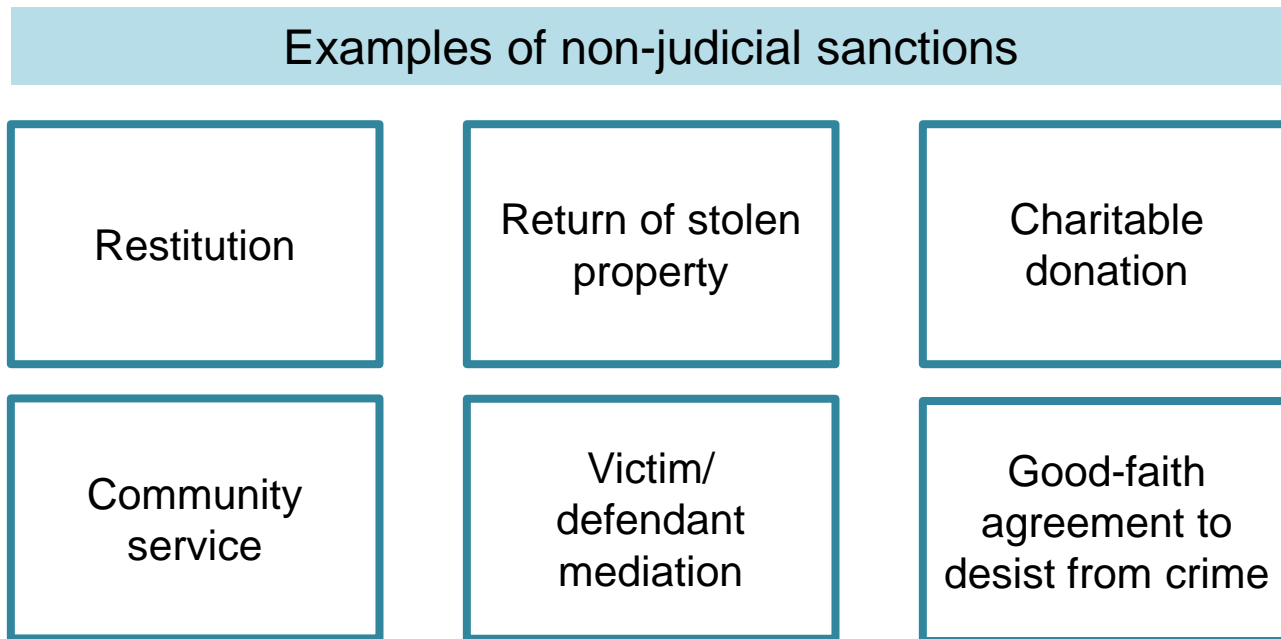
Although 79% of dismissed cases received a referral to at least one state diversion program, this was uncommon for nolle cases.

State diversion programs receiving a referral among nolle cases, 2019

5% of the 56,771 nolle cases involved a referral to a state diversion program.



A key reason for low use of diversion programs in nolle cases is prosecutors' use of "non-judicial sanctions."



Some portion of nolle cases received a “**non-judicial sanction**,” which prosecutors present to defendants as a diversionary option prior to offering a nolle. The role of non-judicial sanctions helps explain the lower frequency of state diversion programs among nolle cases compared to dismissals.

Because non-judicial sanctions are a tool employed by prosecutors, the Judicial Branch doesn't not collect related data, resulting in a deficiency of information.

Reflections from the first presentation of prosecutorial data analysis.

Stakeholders

Convene a cohesive group of stakeholders around the data analysis.

Right-size expectations regarding analytical possibilities.

Analysis

Prioritize administrative data, where possible, to paint a comprehensive picture.

Accept inevitable data deficiencies and explain missing elements of the story.

Process

Present analysis to a high-level leadership group.

Enrich and expand analysis in future iterations based on feedback and questions.

Initial questions in preparation for July 2021 prosecutorial data presentation.

CJC Feedback



More detailed analysis of demographics and racial and ethnic disparities.

Qualitative analyses to help complement the quantitative data analysis.

Scope of Analysis



A deeper dive into elements in the 2019 data.

Analysis of 2020 data, including exploring the effects of COVID-19.

Further Analysis of Prosecutorial Data



First analysis of available data from prosecutors' case management system.

Identification of performance measures that prosecutors can routinely monitor.

“Recap of First Analysis of Prosecutor Data (PA 19-59)”

Thank you!

Office of Policy
and Management



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