



Justice Counts

ACTIONABLE DATA TO BOLSTER PUBLIC SAFETY



BJA



Justice Center

Tier 1 Metrics

Technical Implementation Guide for Defense

Contents

1	Justice Counts Overview	3
1.1	The Metrics.....	3
1.2	Justice Counts Digital Infrastructure	4
1.3	Defense-Specific Data Characteristics.....	5
2	Global Definitions.....	6
2.1	Felony Cases.....	6
2.2	Misdemeanor Cases	6
3	Funding.....	7
3.1	State Appropriation	8
3.2	County or Municipal Appropriation	8
3.3	Grants.....	8
3.4	Fees	9
3.5	Other Funding	9
3.6	Unknown Funding.....	9
4	Expenses	9
4.1	Personnel.....	10
4.2	Training	11
4.3	Facilities and Equipment.....	11
4.4	Other Expenses	11

	4.5	Unknown Expenses	12
5		Staff	12
	5.1	Legal Staff.....	12
	5.2	Administrative Staff	13
	5.3	Investigative Staff	13
	5.4	Other Staff.....	14
	5.5	Unknown Staff	14
	5.6	Vacant Positions (Any Staff Type)	14
6		Caseload.....	14
	6.1	Felony Caseload	15
	6.2	Misdemeanor Caseload	16
	6.3	Mixed Caseload.....	16
	6.4	Other Caseload	17
	6.5	Unknown Caseload.....	17
7		Cases Appointed Counsel.....	17
	7.1	Felony Cases	18
	7.2	Misdemeanor Cases	18
	7.3	Other Cases	18
	7.4	Unknown Offenses	18
8		Cases Disposed	19
	8.1	Cases Dismissed.....	19
	8.2	Cases Resolved by Plea	20
	8.3	Cases Resolved at Trial	20
	8.4	Other Disposition	20
	8.5	Unknown Disposition.....	20
9		Cases Disposed by Race and Ethnicity	21
10		Cases Disposed by Biological Sex	23
	10.1	Male Biological Sex	24
	10.2	Female Biological Sex	24
	10.3	Unknown Biological sex	24
11		Client Complaints Sustained	25

1 Justice Counts Overview

Justice Counts is a national initiative led by the U.S. Department of Justice's Office of Justice Programs' Bureau of Justice Assistance (BJA) and The Council of State Governments (CSG) Justice Center that makes more timely, accurate, and accessible data on safety and justice available to policymakers, removing the burden on agency staff to respond to frequent data requests. The initiative is supported by an [unprecedented coalition of partners](#) including criminal justice membership associations such as the Correctional Leaders Association, organizations representing state and local leaders such as the National Governors Association, national research and technical assistance organizations such as RAND, and more. The Justice Counts coalition is led by a 27-member national steering committee composed of leaders and innovators across the criminal justice system.

Together with BJA and the CSG Justice Center, these partners helped to design the three core components of Justice Counts: (1) consensus-driven metrics for the entire system that help agencies focus on sharing the most critical data that policymakers need to make effective decisions; (2) a novel set of tools to empower agencies to easily publish the metrics; and (3) technical assistance to help agencies effectively and efficiently share data that answers policymakers' most frequently asked questions and better frames the narrative about their work to decision-makers.

1.1 The Metrics

The Justice Counts metrics were developed by seven sector-specific subcommittees composed of practitioners and researchers who focused on determining the most useful and feasible metrics for policymakers to consider and for agencies to publish. Through a series of votes and detailed prioritization discussions that included feedback from subcommittee members, partner organizations, and system stakeholders, the Justice Counts coalition came to consensus on a first tier of 86 metrics that were released to the public in May 2022.

Agencies can use these Tier 1 metrics to provide timely and important data to policymakers and decision-makers about their work. The metrics are feasible for several reasons:

- They only require aggregate-level data; therefore, no data-sharing agreement is required for agencies to participate in Justice Counts.
- The metrics largely reflect data that agencies already collect, but that may not be publicly shared on a regular basis. Therefore, they generally do not require new data collection efforts.
- Metric definitions, time periods, and sharing frequency can be adjusted to each agency's needs.

1.2 Justice Counts Digital Infrastructure

Participating agencies will publish metrics through the Justice Counts digital infrastructure—a suite of tools and resources that are flexible and responsive to each agency’s data collection and publishing abilities and needs. The digital infrastructure includes a cloud-based database for secure data storage and a flexible control panel with options for multiple data uploading processes, ranging from manual data entry to automatic data transfers. Agencies will learn how to use the Justice Counts digital infrastructure and set up how they will publish the metrics through an onboarding process. This Technical Implementation Guide allows agencies to preview the choices they will be asked to make during the onboarding process and anticipate and prepare for the level of detail onboarding requires. It can also be used as a tool to engage the various staff who may be experts regarding the collecting and analyzing of different data points about the preferred approach for each metric.

During the onboarding process, representatives from each agency will use a control panel to accomplish four tasks:

(1) Select the metrics and breakdowns they will share. Agencies will review the list of metrics and simply turn off any metrics they are not able to share at that time. This approach can also help agencies employ a phased approach, focusing on priority metrics first and addressing others later.

(2) Configure the definition of the metric and the breakdowns to align with their agency’s specifics. Each Justice Counts metric is has a short, high-level text description. That description is accompanied by a table of potential data elements, which constitutes the technical definition of the metric. The table assigns an instruction to either include or exclude each data element; the default settings of those “includes” and “excludes” designations make up the **preferred Justice Counts definition**. When onboarding, an agency can either accept that preferred definition or customize what their definition includes and excludes to better reflect the reality of their data.

The metrics are disaggregated into several **breakdowns**. Each breakdown also has its own preferred definition and a table of data elements to include and exclude in an agency’s methodology for defining the breakdown. Once the definition is configured, it applies to both the metrics and any breakdowns nested underneath. For example, if your prisons do not house people on probation sanctions and that data element is excluded under “Admissions,” that exclusion is also applied to “Admissions for person offenses.” Breakdowns are designed to be mutually exclusive as a subset of the overall metric, so that the sum of the breakdowns should equal the overall metric. A person or case should not be included in more than one breakdown. For example, if a person is

convicted of both property and public order offenses, they should be counted in only one of those breakdown categories (based on which is the most serious offense).

Each metric also has an “other” breakdown for any data that might fit under the umbrella of the overall metric, but does not fit into one of the explicitly provided breakdowns. When sharing an “other” breakdown, an agency can further describe the data it is providing in free text. Please be as specific as possible when providing data definitions in the “other” categories.

(3) Define when your agency publishes a metric, or when it could easily publish a metric. The **preferred sharing frequency** describes how often Justice Counts suggests that an agency shares data for the metric. The preferred sharing frequency applies to the metric itself, as well as its breakdowns.

(4) Select the sharing frequency and time period for the metrics Justice Counts recommends. The **preferred time period** describes the amount of time that the data for the metric should cover. The time period configured applies to the metric itself, as well as its breakdowns.

This approach considers the individual needs of agencies and helps the Justice Counts team to meet an agency where it is in terms of their data collection, sharing, and definitions. Additionally, metadata about these agency-specific configurations attach to each metric and travel with each agency’s data in both aggregation and public display, ensuring that the appropriate context for those data is preserved.

Once an agency receives access to the digital infrastructure, it will have access to it at all times and can make changes at any point. The Justice Counts team is available via phone, video, or in person to provide technical assistance to agencies with the digital infrastructure onboarding process.

1.3 Defense-Specific Data Characteristics

The digital infrastructure allows providers in different types of defense systems to define the functions of their system.

For all defense providers: For all defense-related metrics, providers should share only data relating to publicly funded work they do to provide criminal defense services to persons charged who cannot afford to retain counsel. Following the definition set by partner organization the [National Center for State Courts](#), Justice Counts defines a criminal court case as an action brought by a prosecutor on behalf of the state against a person accused of violating a criminal law that

encompasses all of the charges brought against that person for a single course of conduct. Criminal cases are separated into three main categories:

- **Infractions:** Minor violations typically punishable by payment of a fine
- **Misdemeanors:** Less serious crimes than a felony, typically punishable by one year or less of confinement, community supervision, fines, or other punishments
- **Felonies:** Serious criminal offenses punishable by more than a year in prison, including life in prison, in some jurisdictions, the death penalty, or community supervision in some instances

For providers in offices that provide civil or private defense services: Whenever possible, providers should share only data that relates to publicly funded criminal defense work. If it is not possible to disaggregate public defense data for some metrics, please **prorate** the metric to estimate the portion reflecting public defense work. For example, if 50 percent of the provider's caseload are public defense cases, a provider could prorate their facility costs to reflect that 50 percent of the total cost is for public defense cases. Similarly, if public defense cases comprise 30 percent of an attorney's caseload, that can be prorated as 0.3 full time equivalent positions. If it is not possible to disaggregate or prorate data, please add a contextual note when prompted to explain that the figures include data for civil or private defense services.

2 Global Definitions

To make configuring metrics as easy as possible, some concepts can be defined once at the outset of onboarding and then applied throughout the rest of your metrics configuration. These concepts include the definitions of felony cases and misdemeanor cases.

2.1 Felony Cases

Justice Counts description: A case in which the leading charge is a felony.

The Justice Counts preferred definition includes and excludes the following:

INCLUDE	Cases with a leading felony charge
EXCLUDE	Cases with a leading misdemeanor or infraction charge

If the listed categories do not adequately describe your jurisdiction, a free text field will be provided to describe additional data elements included in your agency's definition.

2.2 Misdemeanor Cases

Justice Counts description: A case in which the leading charge is a misdemeanor.

The Justice Counts preferred definition includes and excludes the following:

INCLUDE	Cases with a leading misdemeanor charge
EXCLUDE	Cases with a leading felony charge
EXCLUDE	Cases with a leading infraction charge

If the listed categories do not adequately describe your jurisdiction, a free text field will be provided to describe additional data elements included in your agency's definition.

3 Funding

Preferred sharing frequency: Annually

Preferred time period: Fiscal year (specify start and end dates)

Metric description: The amount of funding for the operation and maintenance of defense providers and criminal public defense services.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

Funding timeframe and spend-down	
INCLUDE	Funding for single fiscal year
INCLUDE	Biennium funding appropriated during the time period
INCLUDE	Multi-year appropriations that are appropriated during the time period

Funding purpose	
INCLUDE	Funding for criminal defense provider facility operations and maintenance
INCLUDE	Funding for criminal defense provider staff and personnel
INCLUDE	Funding for separate counsel in conflict cases
INCLUDE	Funding for contracted personnel (e.g., expert witnesses, etc.)
INCLUDE	Funding for electronic case management systems
EXCLUDE	Funding for non-criminal case processing

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this metric.

3.1 State Appropriation

Breakdown description: The amount of funding appropriated by the state for the operation and maintenance of defense providers and criminal public defense services.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Finalized state appropriations
EXCLUDE	Proposed state appropriations
EXCLUDE	Preliminary state appropriations
EXCLUDE	Grants from state sources that are not budget appropriations approved by the legislature/governor

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

3.2 County or Municipal Appropriation

Breakdown description: The amount of funding appropriated by counties or municipalities for the operation and maintenance of defense providers and criminal public defense services.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Finalized county or municipal appropriations
EXCLUDE	Proposed county or municipal appropriations
EXCLUDE	Preliminary county or municipal appropriations

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

3.3 Grants

Breakdown description: The amount of funding derived by the provider through grants and awards to be used for the operation and maintenance of defense providers and criminal public defense services.

The Justice Counts preferred definition includes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Local grants
INCLUDE	State grants
INCLUDE	Federal grants
INCLUDE	Private or foundation grants

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

3.4 Fees

Breakdown description: The amount of funding earned by the provider through fees collected from people who are criminal public defense clients of the provider.

The Justice Counts preferred definition includes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Fees charged to people who have been assigned criminal defense counsel due to indigence
---------	---

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

3.5 Other Funding

Breakdown description: The amount of funding to be used for the operation and maintenance of defense providers and criminal public defense services that is not appropriations from the state, appropriations from the county or city, grants, or fees.

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

3.6 Unknown Funding

Breakdown description: The amount of funding to be used for the operation and maintenance of defense providers and criminal public defense services for which the source is not known.

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

4 Expenses

Preferred sharing frequency: Annually

Preferred time period: Fiscal year (specify start and end dates)

Metric description: The amount spent for the operation and maintenance of defense providers and criminal public defense services.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

Expenses timeframe and spend-down	
INCLUDE	Expenses for single fiscal year
INCLUDE	Biennium expenses allocated during the time period
INCLUDE	Multi-year expenses allocated during the time period

Expense purpose	
INCLUDE	Expenses for provider facility construction, operations, and maintenance
INCLUDE	Expenses for criminal defense services provided for clients through the provider, including transportation and bail services
INCLUDE	Expenses for continuing legal education
INCLUDE	Expenses for criminal defense provider staff and personnel
INCLUDE	Expenses for contracted personnel (e.g., expert witnesses, etc.)
INCLUDE	Expenses for electronic case management systems
EXCLUDE	Expenses for non-criminal case processing

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this metric.

4.1 Personnel

Breakdown description: The amount spent to employ personnel involved in the operation and maintenance of criminal defense providers and the representation of people who are clients of those providers.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Salaries
INCLUDE	Benefits
INCLUDE	Retirement contributions
INCLUDE	Contracts for individuals doing work related to criminal public defense
EXCLUDE	Companies or service providers contracted to support work related to criminal public defense

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

4.2 Training

Breakdown description: The amount spent on the training of personnel involved in the operation and maintenance of criminal public defense providers and the representation of people who are clients of those providers, including any associated expenses, such as registration fees and travel costs.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Annual training
INCLUDE	Continuing education
INCLUDE	Specialized training
EXCLUDE	Courses or programs offered at no cost to individuals or the provider

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

4.3 Facilities and Equipment

Breakdown description: The amount spent for the purchase and use of the physical plant and property owned and operated by the provider for criminal defense services.

The Justice Counts preferred definition includes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Facility operations
INCLUDE	Facility maintenance
INCLUDE	Facility renovation
INCLUDE	Facility construction
INCLUDE	Equipment (e.g., computers, communication, and information technology infrastructure)

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

4.4 Other Expenses

Breakdown description: The amount spent on other costs relating the operation and maintenance of criminal public defense providers and the representation of

people who are clients of those providers that are not personnel, training, or facilities and equipment expenses.

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

4.5 Unknown Expenses

Breakdown description: The amount spent on other costs relating the operation and maintenance of criminal defense providers and the representation of people who are clients of those providers that are for an unknown purpose.

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

5 Staff

Preferred sharing frequency: Annually

Preferred time period: Last day of the fiscal year

Metric description: The number of full-time equivalent positions budgeted for the provider for criminal defense services.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Filled positions
INCLUDE	Staff positions budgeted but currently vacant
INCLUDE	Full-time positions
INCLUDE	Part-time positions
INCLUDE	Contracted positions
INCLUDE	Temporary positions
EXCLUDE	Volunteer positions
EXCLUDE	Intern positions

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this metric.

5.1 Legal Staff

Breakdown description: The number of full-time equivalent positions that are responsible for the criminal legal representation of clients or support that work through the provision of legal services.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Line attorneys
INCLUDE	Supervisory attorneys
INCLUDE	Paralegals
INCLUDE	Legal assistants
EXCLUDE	Legal staff positions budgeted but currently vacant

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

5.2 Administrative Staff

Breakdown description: The number of full-time equivalent positions that work to support the day-to-day organization and logistics of the provider for criminal defense services.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Clerical staff
INCLUDE	Data or analytic staff
INCLUDE	Administrative supervisory or leadership staff
EXCLUDE	Administrative staff positions budgeted but currently vacant

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

5.3 Investigative Staff

Breakdown description: The number of full-time equivalent positions that work to obtain evidence in support of the work of legal staff for criminal defense services.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Investigative staff
EXCLUDE	Investigative staff positions budgeted but currently vacant

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

5.4 Other Staff

Breakdown description: The number of full-time equivalent positions that provide or support criminal defense services that are not legal staff, administrative staff, or investigative staff.

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

5.5 Unknown Staff

Breakdown description: The number of full-time equivalent positions that provide or support criminal defense services of an unknown type.

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

5.6 Vacant Positions (Any Staff Type)

Breakdown description: The number of full-time equivalent positions that provide or support criminal defense services of any type that are budgeted but not currently filled.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Vacant legal staff positions
INCLUDE	Vacant administrative staff positions
INCLUDE	Vacant investigative staff positions
INCLUDE	Vacant staff positions of unknown type
EXCLUDE	Filled positions

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

Note regarding staff vacancy: Vacancy by staff type is an issue that all subcommittees have raised as critical to consider for inclusion in the Tier 2 metrics and has been included on initial voting slates for consideration. Tier 2 metrics are scheduled to be released in May 2023.

6 Caseload

Preferred sharing frequency: Monthly

Preferred time period: Last day of calendar month

Metric description: The ratio of the number of people with open criminal cases to the number of staff carrying a criminal caseload.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

Number of people with open criminal cases carried by the provider (numerator)	
INCLUDE	Criminal cases open and active during the time period
INCLUDE	Criminal cases assigned to an attorney but inactive
EXCLUDE	Criminal cases not yet assigned to an attorney

The number of legal staff carrying a criminal caseload (denominator)	
INCLUDE	Line attorneys carrying a criminal caseload
INCLUDE	Supervising attorneys carrying a criminal caseload
EXCLUDE	Staff on leave whose criminal caseload is being covered by a colleague

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this metric.

6.1 Felony Caseload

Breakdown description: The ratio of the number of people with open felony cases to the number of staff carrying a felony caseload (the definition of *felony cases* configured in Section 2.1 and *misdemeanor cases* configured in Section 2.2 will be applied to this section).

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

Number of people with open felony cases carried by the provider (numerator)	
INCLUDE	Felony cases open and active during the time period
INCLUDE	Cases assigned to an attorney but inactive
EXCLUDE	Felony cases not yet assigned to an attorney

The number of legal staff carrying a felony caseload (denominator)	
INCLUDE	Line attorneys carrying a felony-only caseload
INCLUDE	Supervising attorneys carrying a felony-only caseload
EXCLUDE	Line or supervising attorneys carrying a mixed (felony and misdemeanor) caseload

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

6.2 Misdemeanor Caseload

Breakdown description: The ratio of the number of people with open misdemeanor cases to the number of staff carrying a misdemeanor caseload (the definition of *felony* cases configured in Section 2.1 and *misdemeanor* cases configured in Section 2.2 will be applied to this section).

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

Number of people with open misdemeanor cases carried by the provider (numerator)	
INCLUDE	Misdemeanor cases open and active during the time period
INCLUDE	Misdemeanor cases assigned to an attorney but inactive
EXCLUDE	Misdemeanor cases not yet assigned to an attorney

The number of legal staff carrying a misdemeanor caseload (denominator)	
INCLUDE	Line attorneys carrying a misdemeanor-only caseload
INCLUDE	Supervising attorneys carrying a misdemeanor-only caseload
EXCLUDE	Line or supervising attorneys carrying a mixed (felony and misdemeanor) caseload

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

6.3 Mixed Caseload

Breakdown description: The ratio of the number of people with open felony and misdemeanor cases to the number of staff carrying a mixed (felony and misdemeanor) caseload (the definition of *felony* cases configured in Section 2.1 and *misdemeanor* cases configured in Section 2.2 will be applied to this section).

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

Number of people with open mixed (felony and misdemeanor) cases carried by the provider (numerator)	
INCLUDE	Felony cases open and active during the time period
INCLUDE	Felony cases assigned to an attorney but inactive
INCLUDE	Misdemeanor cases open and active during the time period
INCLUDE	Misdemeanor cases assigned to an attorney but inactive
EXCLUDE	Felony cases not yet assigned to an attorney

EXCLUDE	Misdemeanor cases not yet assigned to an attorney
The number of legal staff carrying a mixed caseload (denominator)	
INCLUDE	Line attorneys carrying a mixed caseload
INCLUDE	Supervising attorneys carrying a mixed caseload
EXCLUDE	Line or supervising attorneys carrying a felony-only caseload
EXCLUDE	Line or supervising attorneys carrying a misdemeanor-only caseload

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

6.4 Other Caseload

Breakdown description: The ratio of the number of people with open criminal cases that are not felony or misdemeanor cases to the number of staff carrying a criminal caseload that does not comprise felony or misdemeanor cases (the definition of *felony cases* configured in Section 2.1 and *misdemeanor cases* configured in Section 2.2 will be applied to this section).

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

6.5 Unknown Caseload

Breakdown description: The ratio of the number of people with open criminal cases of unknown severity to the number of staff carrying a criminal caseload of unknown severity.

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

7 Cases Appointed Counsel

Preferred sharing frequency: Monthly

Preferred time period: First day of calendar month to last day of calendar month

Metric description: The number of criminal cases opened by the provider.

If the same person is listed as the defendant in multiple cases, these cases are still counted separately if they were appointed an attorney on different dates.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	New criminal cases appointed to attorneys employed by the provider
EXCLUDE	Inactive criminal cases reopened
EXCLUDE	Criminal cases transferred to conflict counsel

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this metric.

7.1 Felony Cases

Breakdown description: The number of criminal cases appointed for representation by attorneys employed by the provider in which the leading charge was for a felony offense (the definition of *felony cases* configured in Section 2.1 will be applied to this section).

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

7.2 Misdemeanor Cases

Breakdown description: The number of criminal cases appointed for representation by attorneys employed by the provider in which the leading charge was for a misdemeanor offense (the definition of *misdemeanor cases* configured in Section 2.2 will be applied to this section).

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

7.3 Other Cases

Breakdown description: The number of criminal cases appointed for representation by attorneys employed by the provider in which the leading charge was not for a felony or misdemeanor (the definition of *other cases* configured in Section 2.3 will be applied to this section).

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

7.4 Unknown Offenses

Breakdown description: The number of criminal cases appointed for representation by attorneys employed by the provider in which the leading charge was of unknown severity (the definition of *unknown cases* configured in Section 2.4 will be applied to this section).

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

8 Cases Disposed

Preferred sharing frequency: Monthly

Preferred time period: First day of calendar month to last day of calendar month

Metric description: The number of criminal cases for which representation by the provider ended during the time period.

If the same person is listed as the defendant in multiple cases, these cases should be counted separately if they were disposed on different dates or with different dispositions.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Criminal cases diverted from traditional case processing
INCLUDE	Criminal cases dismissed
INCLUDE	Criminal cases resolved by plea
INCLUDE	Criminal cases resolved at trial
EXCLUDE	Criminal cases marked as inactive, but not closed
EXCLUDE	Pending criminal cases

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this metric.

8.1 Cases Dismissed

Metric description: The number of criminal cases dismissed after filing and closed by the provider (the definition of felony cases configured in Section 2.1 and misdemeanor cases configured in Section 2.2 will be applied to this section).

The Justice Counts preferred definition includes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Cases with a leading felony charge dismissed
INCLUDE	Cases with a leading misdemeanor charge dismissed

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

8.2 Cases Resolved by Plea

Breakdown description: The number of criminal cases resolved by plea and closed by the provider (the definition of felony cases configured in Section 2.1 and misdemeanor cases configured in Section 2.2 will be applied to this section).

The Justice Counts preferred definition includes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Cases with a leading felony charge resolved by plea
INCLUDE	Cases with a leading misdemeanor charge resolved by plea

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

8.3 Cases Resolved at Trial

Breakdown description: The number of criminal cases resolved by trial.

The Justice Counts preferred definition includes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Cases with a leading felony charge resolved by trial
INCLUDE	Cases with a leading misdemeanor charge resolved by trial

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

8.4 Other Disposition

Breakdown description: The number of criminal cases disposed by the provider that were not dismissed, resolved by plea, or resolved at trial but disposed by another means.

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

8.5 Unknown Disposition

Breakdown description: The number of criminal cases disposed by the provider for which the disposition method is unknown.

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

9 Cases Disposed by Race and Ethnicity

Preferred sharing frequency: Monthly

Preferred time period: Last day of calendar month

Metric description: The number of criminal cases for which representation by the provider ended during the sharing period, disaggregated by race and ethnicity of the person charged (the definition of cases disposed configured in Section 7 and race and ethnicity configured in Section 2.3) will be applied to this section).

If the same person is listed as the defendant in multiple cases, these cases should be counted separately if they were disposed on different dates or with different dispositions.

Justice Counts follows federal guidance for data on race and ethnicity, treating them as distinct traits (i.e., a person has both a race and an ethnicity, and one does not necessarily dictate the other). For more information on how the federal government, including the U.S. Census Bureau, categorizes race and ethnicity, see [Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity](#), [U.S. Census Bureau Guidance on the Presentation and Comparison of Race and Hispanic Origin Data](#), and [About the Hispanic Population and its Origin](#).

The categories and descriptions below are based on race and ethnicity definitions in [U.S. Census Bureau - About the Topic of Race](#).

Race Categories

- **American Indian or Alaska Native:** People whose race is listed as Native American, American Indian, Native Alaskan, or similar. This includes people with origins in the original populations or Tribal groups of North, Central, or South America.
- **Asian:** People whose race is listed as Asian. This includes people with origins in China, Japan, Korea, Laos, Vietnam, as well as India, Malaysia, the Philippines, and other countries in East and South Asia.
- **Black:** People whose race is listed as Black or African-American. This includes people with origins in Kenya, Nigeria, Ghana, Ethiopia, or other countries in Sub-Saharan Africa.
- **Native Hawaiian or Pacific Islander:** People whose race is listed as Native Hawaiian, Pacific Islander, or similar. This includes people with origins in the original populations of Pacific islands such as Hawaii, Samoa, Fiji, Tahiti, or Papua New Guinea.
- **White:** People whose race is listed as White, Caucasian, or Anglo. This includes people with origins in France, Italy, or other countries in Europe, as well as Israel, Palestine, Egypt, or other countries in the Middle East and North Africa.
- **More than one race:** People whose race is listed as more than one race, such as White and Black.
- **Other race:** People whose race is listed as some other race, not included above.

- **Unknown race:** People whose race is not known.

Ethnicity Categories

- **Hispanic or Latino:** People whose ethnicity is listed as Hispanic or Latino. This includes people with origins in Mexico, Cuba, Puerto Rico, the Dominican Republic, and other Spanish-speaking countries in Central or South America, as well as people with origins in Brazil or other non-Spanish-speaking countries in Central or South America.
- **Not Hispanic or Latino:** People whose ethnicity is not listed as Hispanic or Latino.
- **Unknown ethnicity:** People whose ethnicity is not known.

For the daily population by race and ethnicity metric, the data shared should be categorized by the distinct combination of race and ethnicity as seen in the table below. It is possible that this metric could have up to 24 unique racial and ethnic combinations. But, during onboarding, providers will specify which of the combinations of race and ethnicity are available to be shared from their data systems.

Racial and Ethnic Combinations

	Hispanic or Latino	Not Hispanic or Latino	Unknown ethnicity
American Indian or Alaska Native	A	I	Q
Asian	B	J	R
Black	C	K	S
Native Hawaiian or Pacific Islander	D	L	T
White	E	M	U
More than one race	F	N	V
Other race	G	O	W
Unknown race	H	P	X

One common challenge providers may have in sharing race and ethnicity metrics is when the record management system does not record race and ethnicity as separate variables, and therefore the combinations of race and ethnicity detailed above are not possible to share. If the provider does not record ethnicity separately from race and treats “Hispanic or Latino” as a race category, they should count anyone whose race is listed as Hispanic or Latino in the

Unknown race – Hispanic or Latino category (cell H). Count people of all other races as Not Hispanic or Latino and in their appropriate race category (cells I through P).

If the provider does not track whether a person is of Hispanic or Latino origin, either as a race category or as an ethnicity, they should count everyone as Unknown ethnicity and in their appropriate race category (cells Q through X).

Justice Counts recognizes that there is significant variation across defense providers for how, when, and by whom those data are collected and recorded. Therefore, in addition to configuring race and ethnicity definitions, defense providers should also share information regarding the method of data collection for race and ethnicity.

Please indicate the origin of race and ethnicity data for the criminal defense provider:

Y/N	Data are collected and recorded by a law enforcement agency and are applied unchanged by the defense provider
Y/N	Data are collected and recorded by a law enforcement agency and are amended upon receipt by the defense provider
Y/N	Data are collected and recorded by the defense provider staff at intake
Y/N	Data are collected and recorded by a criminal justice agency other than a law enforcement agency and are applied unchanged by the defense provider
Y/N	Data are collected and recorded by a criminal justice agency other than a law enforcement agency and are amended upon receipt by the defense provider

Please indicate the method of data collection for race and ethnicity data for the criminal defense provider:

Y/N	Defendants self-report their race and ethnicity
Y/N	Criminal justice agency staff make determinations about race and ethnicity for cases
Y/N	It is not known how race and ethnicity data is collected

10 Cases Disposed by Biological Sex

Preferred sharing frequency: Monthly

Preferred time period: Last day of calendar month

Metric description: The number of criminal cases for which representation by the provider has ended, disaggregated by biological sex of the person charged. (The definition of cases disposed configured in Section 7 will be applied to this section.)

If the same person is listed as the defendant in multiple cases, these cases should be counted separately if they were disposed on different dates or with different dispositions.

10.1 Male Biological Sex

Breakdown description: The number of criminal cases disposed in which the defendant's biological sex is male.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Male biological sex
EXCLUDE	Unknown biological sex

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

10.2 Female Biological Sex

Breakdown description: The number of criminal cases disposed in which the defendant's biological sex is female.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Female biological sex
EXCLUDE	Unknown biological sex

If the listed categories do not adequately describe your data, a free text field will be provided to describe additional data elements included in this breakdown.

10.3 Unknown Biological sex

Breakdown description: The number of criminal cases disposed in which the defendant's biological sex is unknown.

If criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#).

Note about gender identity metrics: Justice Counts is working to determine the best way to account for gender identity through this initiative. More information is forthcoming in early 2023.

Justice Counts recognizes that there is significant variation across defense providers for how, when, and by whom those data are collected and recorded. Therefore, in addition to configuring biological sex definitions, defense providers should also share information regarding the method of data collection for biological sex.

Please indicate the origin of biological sex data for the criminal defense provider:

Y/N	Data are collected and recorded by a law enforcement agency and are applied unchanged by the defense provider
Y/N	Data are collected and recorded by a law enforcement agency and are amended upon receipt by the defense provider
Y/N	Data are collected and recorded by the defense provider staff at intake
Y/N	Data are collected and recorded by a criminal justice agency other than a law enforcement agency and are applied unchanged by the defense provider
Y/N	Data are collected and recorded by a criminal justice agency other than a law enforcement agency and are amended upon receipt by the defense provider

Please indicate the method of data collection for biological sex data for the criminal defense provider:

Y/N	Defendants self-report their biological sex
Y/N	Criminal justice agency staff make determinations about biological sex
Y/N	It is not known how biological sex data is collected

11 Client Complaints Sustained

Preferred sharing frequency: Annual

Preferred time period: First day of calendar year to last day of calendar year

Metric description: The number of formal, written complaints made against criminal defense counsel that were subsequently sustained by the disciplinary board.

The Justice Counts preferred definition includes and excludes the following (if criminal public defense data cannot be shared discretely for this metric, please follow the guidance outlined in the [data characteristics section](#)):

INCLUDE	Complaints in criminal cases that were upheld or substantiated during the time period
INCLUDE	Complaints in criminal cases resulting in punishment (e.g., reprimand, disbarment) during the time period
EXCLUDE	Complaints in criminal cases that were unsubstantiated during the time period
EXCLUDE	Complaints in criminal cases pending resolution
EXCLUDE	Complaints in criminal cases submitted informally or not in writing
EXCLUDE	Duplicate complaints in criminal cases

This project was supported by Grant No. 2019-ZB-BX-K005 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

© 2023 The Council of State Governments Justice Center