



Justice Counts

ACTIONABLE DATA TO BOLSTER PUBLIC SAFETY



BJA



Justice Center

Tier 1 Metrics

Technical Implementation Guide for Prosecution

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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 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 Prosecution-Specific Data Characteristics

The digital infrastructure allows prosecution offices operating in different types of court systems to define the functions of their system.

For all prosecution offices: For all prosecution-related metrics, offices should share data relating to the criminal division of the prosecution office only. 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 jurisdiction their office represents against a person accused of violating a criminal law. 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 less than a year of confinement, community supervision, fines, or other punishments.
- **Felonies:** Serious criminal offenses punishable by more than a year in prison, including life in prison or, in some jurisdictions, the death penalty, or community supervision in some instances.

For offices that also handle non-criminal matters: Whenever possible, offices should share only data related to criminal case processing. If it is not possible to disaggregate criminal case processing data for some metrics, please **prorate** the metric to estimate the portion reflecting criminal case processing. For example, if 50 percent of the attorney caseload are criminal cases, the office could prorate their facility costs to reflect that 50 percent of the total cost is for prosecuting cases. Similarly, if criminal 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 other types of cases.

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, misdemeanor cases, race and ethnicity, race and ethnicity data sources, biological sex, and biological sex data sources.

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
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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.

2.3 Race and Ethnicity

Justice Counts follows federal guidance 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 [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, agencies 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 prosecution offices 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 your agency does not record ethnicity separately from race and treats “Hispanic or Latino” as a race category, 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 your agency does not track whether a person is of Hispanic or Latino origin, either as a race category or as an ethnicity, count everyone as Unknown ethnicity and in their appropriate race category (cells Q through X).

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

Please indicate the origin of race and ethnicity data for people referred for prosecution:

Y/N	Data are collected and recorded by a law enforcement agency and are applied unchanged by prosecution office staff
Y/N	Data are collected and recorded by a law enforcement agency and are amended upon receipt by prosecution office staff
Y/N	Data are collected and recorded by prosecution office 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 prosecution office staff
Y/N	Data are collected and recorded by a criminal justice agency other than a law enforcement agency and are amended upon receipt by prosecution office staff

Please indicate the method of data collection for race and ethnicity data for people referred for prosecution:

Y/N	People self-report their race and ethnicity
Y/N	Prosecution office staff make determinations about race and ethnicity
Y/N	It is not known how race and ethnicity data is collected

2.4 Male Biological Sex

Breakdown description: A person whose biological sex is male.

The Justice Counts preferred definition includes and excludes the following (if prison data cannot be shared discretely for this breakdown, please follow the sharing hierarchy 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.

2.5 Female Biological Sex

Breakdown description: A person whose biological sex is female.

The Justice Counts preferred definition includes and excludes the following (if prison data cannot be shared discretely for this breakdown, please follow the sharing hierarchy 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.

2.6 Unknown Biological Sex

Breakdown description: A person whose biological sex is not known.

If prison data cannot be shared discretely for this metric, please follow the sharing hierarchy 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.

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

Please indicate the origin of biological sex data for people referred for prosecution:

Y/N	Data are collected and recorded by a law enforcement agency and are applied unchanged by prosecution staff
Y/N	Data are collected and recorded by a law enforcement agency and are amended upon receipt by prosecution staff
Y/N	Data are collected & recorded by prosecution 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 prosecution staff
Y/N	Data are collected and recorded by a criminal justice agency other than a law enforcement agency and are amended upon receipt by prosecution staff

Please indicate the method of data collection for biological sex data for people referred for prosecution:

Y/N	People self-report their biological sex
Y/N	Prosecution staff make determinations about biological sex
Y/N	It is not known how biological sex data is collected

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 the prosecution office to process criminal cases.

The Justice Counts preferred definition includes and excludes the following (if criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy 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 office operations and maintenance
INCLUDE	Funding for services provided through the office, including victim assistance
INCLUDE	Funding for office-managed treatment and programming

INCLUDE	Funding for conviction integrity units
INCLUDE	Funding for specialty unit operations
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 Appropriations

Breakdown description: The amount of funding appropriated by the state for the operation and maintenance of the prosecutor’s office to process criminal cases.

The Justice Counts preferred definition includes and excludes the following (if criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy 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 Appropriations

Breakdown description: The amount of funding appropriated by counties or municipalities for the operation and maintenance of the prosecutor’s office to process criminal cases.

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

INCLUDE	Finalized county and municipal appropriations
EXCLUDE	Proposed county and municipal appropriations
EXCLUDE	Preliminary county and 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 office through grants and awards to be used for the operation and maintenance of the prosecutor’s office to process criminal cases.

The Justice Counts preferred definition includes the following (if criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy 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 Other Funding

Breakdown description: The amount of funding to be used for the operation and maintenance of the prosecutor’s office to process criminal cases that is not appropriations from the state, appropriations from counties or cities, or funding from grants.

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

3.5 Unknown Funding

Breakdown description: The amount of funding for the operation and maintenance of the prosecutor’s office to process criminal cases for which the source is not known.

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy 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 by the office for the operation and maintenance of the prosecutor’s office to process criminal cases.

The Justice Counts preferred definition includes and excludes the following (if criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy 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 that are allocated during the time period

Expense purpose	
INCLUDE	Expenses for office operations and maintenance
INCLUDE	Expenses for services provided through the office, including victim assistance
INCLUDE	Expenses for office-managed treatment and programming
INCLUDE	Expenses for conviction integrity units
INCLUDE	Expenses for specialty unit operations
INCLUDE	Expenses 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.

4.1 Personnel

Breakdown description: The amount spent by the office to employ personnel involved in the operation and maintenance of the prosecutor's office to process criminal cases.

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

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

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 by the office on the training of personnel involved in the operation and maintenance of the prosecutor's office

to process criminal cases, including any associated expenses, such as registration fees and travel costs.

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

INCLUDE	Annual training
INCLUDE	Continuing legal education (CLE)
INCLUDE	Continuing education – other (not CLE eligible)
INCLUDE	Training academy
INCLUDE	Specialized training
INCLUDE	External training or professional development opportunities (e.g., conferences, classes, etc.)
EXCLUDE	Courses or programs offered at no cost to individuals or the court system

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 by the office for the purchase and use of the physical plant and property owned and operated by the office to process criminal cases.

The Justice Counts preferred definition includes the following (if criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy 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 by the office to process criminal cases on other costs relating to the operation and maintenance of the prosecutor’s office that are not personnel, training, or facilities and equipment expenses.

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

4.5 Unknown Expenses

Breakdown description: The amount spent by the office to process criminal cases on costs relating to the operation and maintenance of the prosecutor's office for a purpose that is not known.

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy 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 office to process criminal cases.

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

INCLUDE	Filled positions
INCLUDE	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 their own criminal caseload or for performing tasks that have a legal function in support of that caseload.

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

INCLUDE	All legal staff responsible for a criminal caseload (all levels)
INCLUDE	Attorneys
INCLUDE	Paralegals
INCLUDE	Legal assistants

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 Victim-Witness Advocate Staff

Breakdown description: The number of full-time equivalent positions that advise, counsel, or assist victims or witnesses of crime.

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

INCLUDE	Victim-witness advocate staff
INCLUDE	Victim-witness advocate supervisors

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 Administrative Staff

Breakdown description: The number of full-time equivalent positions that support legal and clerical policies and logistics to process criminal cases.

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

INCLUDE	All administrative staff
INCLUDE	Data and analytics staff
INCLUDE	Office managers and leadership staff without active caseloads
EXCLUDE	Investigative staff

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 Investigative Staff

Breakdown description: The number of full-time equivalent positions that are responsible for gathering evidence to support criminal prosecutorial cases, inquiries into the details of a criminal case, and gathering evidence.

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

INCLUDE	All investigative staff
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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.

5.5 Other Staff

Breakdown description: The number of full-time equivalent positions to process criminal cases that are not legal staff, victim-witness advocate staff, administrative staff, investigative staff, or staff with unknown position types but are another type of staff position.

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

5.6 Unknown Staff

Breakdown description: The number of full-time equivalent positions to process criminal cases that are of an unknown type.

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

5.7 Vacant Positions (Any Staff Type)

Breakdown description: The number of full-time equivalent positions to process criminal cases of any type that are budgeted but not currently filled.

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

INCLUDE	Vacant legal staff positions
INCLUDE	Vacant victim-witness advocate staff positions
INCLUDE	Vacant administrative staff positions
INCLUDE	Vacant investigative staff positions
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 case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#)):

Number of people with open criminal cases carried by the office (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 caseload
INCLUDE	Supervising attorneys carrying a 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 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 will be applied to this section).

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

Number of people with open felony cases carried by the office (numerator)	
INCLUDE	Felony cases open and active during the sharing period
INCLUDE	Felony 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

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 *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 case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#)):

Number of people with open misdemeanor cases carried by the office (numerator)	
INCLUDE	Misdemeanor cases open and active during the sharing 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

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 case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#)):

Number of people with open cases carried by the office (numerator)	
--	--

INCLUDE	Felony cases open and active during the sharing period
INCLUDE	Felony cases assigned to an attorney but inactive
INCLUDE	Misdemeanor cases open and active during the sharing 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

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.

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.

7 Cases Referred

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 referred to the office.

If the same person is listed as the defendant in multiple cases, these cases should be counted separately if they were referred and reviewed on different dates. If multiple charges were referred against one person on the same date, with the expectation that they would be reviewed and filed together, these charges should be combined to count as one case. If a single case includes multiple defendants, it should be counted as one case.

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

INCLUDE	New cases referred by any law enforcement office
INCLUDE	New cases referred by any supervision agency
INCLUDE	New cases transferred from another jurisdiction for prosecution
INCLUDE	New cases initiated by the prosecuting office itself
EXCLUDE	Inactive cases reopened
EXCLUDE	Cases transferred internally

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 Referred

Breakdown description: The number of criminal cases referred to the office 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 case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

7.2 Misdemeanor Cases Referred

Breakdown description: The number of criminal cases referred to the office 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 case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

7.3 Other Cases Referred

Breakdown description: The number of criminal cases referred to the office in which the leading charge was not for a felony or misdemeanor offense.

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

7.4 Unknown Cases Referred

Breakdown description: The number of criminal cases referred to the office in which the leading charge was for an offense of unknown severity.

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

8 Cases Declined

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 referred to the office for review and declined for prosecution.

If the same person is listed as the defendant in multiple cases, these cases should be counted separately if they were referred and reviewed on different dates. If multiple charges were referred against one person on the same date, with the expectation that they would be reviewed together, these charges would be combined to count as one case. If a single case includes multiple defendants, it should be counted as one case.

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

INCLUDE	The number of new cases declined by the office for lack of evidence
INCLUDE	The number of new cases declined by the office for lack of witness cooperation
INCLUDE	The number of new cases declined by the office for lack of resources
EXCLUDE	Cases transferred internally

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 Felony Cases Declined

Breakdown description: The number of cases referred and declined in which the leading charge was for a felony offense, as defined by the state statute (the definition of *felony cases* configured in Section 2.1 will be applied to this section).

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

8.2 Misdemeanor Cases Declined

Breakdown description: The number of cases referred and declined in which the leading charge was for a misdemeanor offense, as defined by the state statute (the definition of *misdemeanor cases* configured in Section 2.2 will be applied to this section).

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

8.3 Other Cases Declined

Breakdown description: The number of criminal cases referred and declined in which the leading charge was for another offense that was not a felony or misdemeanor.

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

8.4 Unknown Cases Declined

Breakdown description: The number of criminal cases referred and declined in which the leading charge was for an offense of unknown severity.

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

9 Cases Declined by Race and Ethnicity

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 referred to the office for review and declined for prosecution disaggregated by race and ethnicity of the defendant (the definition of *race and ethnicity* configured in Section 2.3 and the definition of *cases declined* configured in Section 8 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 referred and reviewed on different dates. If multiple charges were referred against one person on the same date, with the expectation that they would be reviewed together, these charges would be combined to count as one case. If a case has more than one defendant, each person's race and ethnicity should be entered separately.

10 Cases Declined by Biological Sex

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 referred to the office for review and declined for prosecution disaggregated by biological sex of the defendant (the definition of *cases declined* configured in Section 8 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 referred and reviewed on different dates. If multiple charges were referred against one person on the same date, with the expectation that they would be reviewed together, these charges would be combined to count as one case. If a case has more than one defendant, each person's biological sex should be entered separately.

11 Cases Diverted/Deferred

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 diverted from traditional case processing.

This may include cases diverted before or after filing, cases reopened and diverted, or cases deferred in lieu of probation conditions. Diversion programs will vary by jurisdiction and may include diversion to specialty court dockets.

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

INCLUDE	Cases deferred for completion of treatment
INCLUDE	Cases deferred for restitution payment
INCLUDE	Cases deferred for completion of community service or schooling
INCLUDE	Cases diverted to a specialty court
INCLUDE	Cases diverted to mediation or alternative dispute resolution
EXCLUDE	Cases diverted or deferred and retained as open cases by the office

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.

11.1 Felony Cases Diverted/Deferred

Breakdown description: The number of criminal cases diverted or deferred 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 case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

11.2 Misdemeanor Cases Diverted/Deferred

Breakdown description: The number of criminal cases diverted or deferred 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 case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

11.3 Other Cases Diverted/Deferred

Breakdown description: The number of criminal cases diverted or deferred in which the leading charge was for another offense that was not a felony or misdemeanor.

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

11.4 Unknown Cases Diverted/Deferred

Breakdown description: The number of criminal cases diverted or deferred in which the leading charge was for an offense of unknown severity.

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

12 Cases Diverted/Deferred by Race and Ethnicity

Preferred sharing frequency: Monthly

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

Metric Description: The number of cases diverted from traditional case processing and closed by the office disaggregated by race and ethnicity of the defendant (the definition of *race and ethnicity* configured in Section 2.3 and the definition of *cases diverted/deferred* configured in Section 11 will be applied to this section).

This may include cases diverted before or after filing, cases reopened and diverted, or cases deferred in lieu of probation conditions. Diversion programs will vary by jurisdiction, and may include diversion to specialty court dockets. If a case has more than one defendant, each person's race and ethnicity should be entered separately.

13 Cases Diverted/Deferred by Biological Sex

Preferred sharing frequency: Monthly

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

Metric description: The number of cases diverted from traditional case processing and closed by the office disaggregated by biological sex of the defendant (the definition of *cases diverted/deferred* configured in Section 11 will be applied to this section).

This may include cases diverted before or after filing, cases reopened and diverted, or cases deferred in lieu of probation conditions. Diversion programs will vary by jurisdiction, and may include diversion to specialty court dockets. If a case has more than one defendant, each person's biological sex should be entered separately.

13.1 Cases Diverted/Deferred by Male Biological Sex

Breakdown description: The number of cases diverted from traditional case processing and closed by the office with a defendant whose biological sex is

male (the definition of *male biological sex* configured in Section 2.4 will be applied to this section).

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

13.2 Cases Diverted/Deferred by Female Biological Sex

Breakdown description: The number of cases diverted from traditional case processing and closed by the office with a defendant whose biological sex is female (the definition of *female biological sex* configured in Section 2.5 will be applied to this section).

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

13.3 Cases Diverted/Deferred by Unknown Biological Sex

Breakdown description: The number of cases diverted from traditional case processing and closed by the office with a defendant whose biological sex is not known (the definition of *unknown biological sex* configured in Section 2.6 will be applied to this section).

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

14 Cases Prosecuted

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 assigned for prosecution to an attorney and prosecuted by the office.

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

INCLUDE	The number of cases prosecuted by the office that resulted in a conviction
INCLUDE	The number of cases prosecuted by the office that resulted in a not guilty verdict
INCLUDE	The number of cases prosecuted by the office that resulted in a mistrial
EXCLUDE	Cases accepted for prosecution but not assigned to an attorney

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.

14.1 Felony Cases Prosecuted

Breakdown description: The number of cases prosecuted 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 case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

14.2 Misdemeanor Cases Prosecuted

Breakdown description: The number of cases prosecuted 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 case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

14.3 Other Cases Prosecuted

Breakdown description: The number of cases prosecuted in which the leading charge was for another offense that was not a felony or misdemeanor.

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

14.4 Unknown Cases Prosecuted

Breakdown description: The number of cases prosecuted in which the leading charge was for an offense of unknown severity.

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

15 Cases Prosecuted by Race and Ethnicity

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 assigned for prosecution to an attorney and prosecuted by the office disaggregated by race and ethnicity of the defendant (the definition of *race and ethnicity* configured in Section 2.3 and the definition of *cases prosecuted* configured in Section 14 will be applied to this section).

If a case has more than one defendant, each person's race and ethnicity should be entered separately.

16 Cases Prosecuted by Biological Sex

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 assigned for prosecution to an attorney and prosecuted by the office disaggregated by biological sex of the defendant (the definition of *cases prosecuted* configured in Section 14 will be applied to this section).

If a case has more than one defendant, each person's biological sex should be entered separately.

16.1 Cases Prosecuted by Male Biological Sex

Breakdown description: The number of cases assigned for prosecution to an attorney and prosecuted by the office with a defendant whose biological sex is male (the definition of *male biological sex* configured in Section 2.4 will be applied to this section).

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

16.2 Cases Prosecuted by Female Biological Sex

Breakdown description: The number of cases assigned for prosecution to an attorney and prosecuted by the office with a defendant whose biological sex is female (the definition of *female biological sex* configured in Section 2.5 will be applied to this section).

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

16.3 Cases Prosecuted by Unknown Biological Sex

Breakdown description: The number of cases assigned for prosecution to an attorney and prosecuted by the office with a defendant whose biological sex is not known (the definition of *unknown biological sex* configured in Section 2.6 will be applied to this section).

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

17 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 disposed by the office.

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.

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

INCLUDE	Cases dismissed
INCLUDE	Cases resolved by plea
INCLUDE	Cases resolved at trial
EXCLUDE	Cases marked as inactive, but not closed
EXCLUDE	Pending 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.

17.1 Cases Disposed by Dismissal

Breakdown description: The number of criminal cases dismissed after filing and closed by the office.

The Justice Counts preferred definition includes the following (if criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy 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.

17.2 Cases Resolved by Plea

Breakdown description: The number of criminal cases resulting in conviction by guilty plea and closed by the office.

The Justice Counts preferred definition includes the following (if criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy 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.

17.3 Cases Resolved at Trial

Breakdown description: The number of criminal cases resolved at trial and closed by the office.

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

INCLUDE	Cases with a leading felony charge resolved at trial
INCLUDE	Cases with a leading misdemeanor charge resolved at 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.

17.4 Other Disposition

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

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

17.5 Unknown Disposition

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

If criminal case processing data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the [data characteristics section](#).

18 Violations Filed Resulting in Discipline

Preferred sharing frequency: Annual

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

Metric description: The number of violations filed against any attorney with a criminal caseload in the office that resulted in a disciplinary action imposed on the attorney by the local or state disciplinary board during the time period.

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

INCLUDE	Formal Brady violations
INCLUDE	Formal discovery violations
INCLUDE	Formal violations for biased jury selection
INCLUDE	Formal violations for ineffective counsel
INCLUDE	Formal violations for violating client confidentiality
INCLUDE	Formal violations for conflict of interest – financial
INCLUDE	Formal violations for conflict of interest – non-financial
INCLUDE	Formal violations for discrimination
INCLUDE	Formal violations for harassment
EXCLUDE	Violations submitted informally or not in writing
EXCLUDE	Violations not resulting in formal disciplinary action
EXCLUDE	Violations pending investigation and review
EXCLUDE	Duplicate violations filed

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.

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