Tier 1 Metrics
Technical Implementation Guide for Courts and Pretrial Operations

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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 like 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 answer policymakers' most frequently asked questions and better frame 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 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 do 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 its 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   Courts and Pretrial-Specific Data Characteristics

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

For all court systems: For all court-related metrics, agencies should share data relating to all criminal court cases filed in their jurisdiction. 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 brough against that person for a single course of conduct. Criminal court 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.

Note regarding cases with multiple charges: For cases in which there were multiple offenses, please apply a hierarchy rule and share data according to the most serious offense (as determined by the agency). Cases with a felony and misdemeanor or infraction charges would be counted as felony cases. If your agency does not have a hierarchy rule, we recommend following the summary reporting model of crimes against persons considered most serious, followed by crimes against property, public order offenses, and drug offenses. Also note that the terminology in these offense categories is drawn directly from National Incident-Based Reporting System (NIBRS) and does not necessarily reflect the preferred language and values of the CSG Justice Center.

For court systems with a combined criminal and civil docket: If possible, please only share data as it relates to criminal case processing. If it is not possible to disaggregate civil and criminal data for some metrics, please **prorate** the metric to estimate the portion reflecting criminal cases. For example, if 50 percent of the court's docket are criminal cases, an agency could prorate their facility costs to reflect that 50 percent of the total cost is for criminal cases. Similarly, if criminal cases comprise 30 percent of a judge's docket, 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 case processing.

For court systems that oversee pre- and post-adjudication probation functions: Whenever possible, agencies should share only data related to pre- and post-adjudication supervision in "Community Supervision" metrics and share only data related to court functions separately here in "Courts and Pretrial Operations" metrics. We understand that it may not be possible to disaggregate metrics such as funding, expenses, and staff when they are shared across agency functions. In instances where courts and community supervision data cannot be disaggregated, please share **combined** data here in "Courts and Pretrial Operations" metrics and leave "Community Supervision" metrics blank. For metrics showing combined data, please add a contextual note when prompted to explain that the figures include data for multiple Justice Counts sectors.

For offices that also handle non-criminal matters: Whenever possible, offices should share only data related to criminal case processing. We understand that it may not be possible to disaggregate metrics such as funding, expenses, and staff

when they are shared across office functions. For metrics showing combined data, please add a contextual note when prompted to explain that the figures include data for other types of case processing.

2 Global Definitions

To make configuring metrics as easy as possible, the courts included in your agency's criminal jurisdiction only need to be defined once at the outset of onboarding. Those definitions are then applied throughout the rest of your metrics configuration.

2.1   Criminal Courts

Justice Counts description: The government entity with the legal authority to hear and decide criminal cases in specific geographic areas (e.g., state, judicial district, county, etc.).

The Justice Counts definition includes and excludes the following:

INCLUDE	Courts of special or limited jurisdiction (e.g., traffic court)
INCLUDE	Courts of general jurisdiction
INCLUDE	Problem-solving courts (e.g., drug court, veterans court)
INCLUDE	Courts of appeal
EXCLUDE	Civil courts
EXCLUDE	Family courts
EXCLUDE	Juvenile courts

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 the court system to process criminal cases.

The Justice Counts preferred definition includes and excludes the following (if criminal court system 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 in during the time period

Funding purpose	
INCLUDE	Funding for court system facility operations and maintenance
INCLUDE	Funding for construction or rental of new court system facilities
INCLUDE	Funding for court system-run or -contracted treatment and programming
INCLUDE	Funding for pretrial services managed by the court system
INCLUDE	Funding for court system staff
INCLUDE	Funding for criminal case processing
INCLUDE	Funding for electronic case management systems
EXCLUDE	Funding for community supervision operations and facility maintenance
EXCLUDE	Funding for juvenile court systems
EXCLUDE	Funding for non-court system functions such as law enforcement or jails

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 the court system's criminal case processing.

The Justice Counts preferred definition includes and excludes the following (if criminal court system 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 Appropriation

Breakdown description: The amount of funding counties or municipalities appropriated for the operation and maintenance of the court system's criminal case processing.

The Justice Counts preferred definition includes and excludes the following (if criminal court system data cannot be shared discretely for this metric, please follow the sharing hierarchy 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 agency through grants and awards to be used for the operation and maintenance of the court system's criminal case processing.

The Justice Counts preferred definition includes the following (if criminal court system 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 for the operation and maintenance of the court that is not appropriations from the state, appropriations from counties or cities, or funding from grants.

If criminal court system 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 to be used for the operation and maintenance of the court for which the source is not known.

If criminal court system 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 court system for the operation and maintenance of the court system to process criminal cases.

The Justice Counts preferred definition includes and excludes the following (if criminal court system 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 allocated during the time period

Expense purpose	
INCLUDE	Expenses for court system facility operations and maintenance
INCLUDE	Expenses for construction or rental of new court system facilities
INCLUDE	Expenses for court system-run or -contracted treatment and programming
INCLUDE	Expenses for pretrial services managed by the court system
INCLUDE	Expenses for court system staff
INCLUDE	Expenses for criminal case processing
INCLUDE	Expenses for electronic case management systems
EXCLUDE	Expenses for community supervision operations and facility maintenance
EXCLUDE	Expenses for juvenile court systems
EXCLUDE	Expenses for non-court system functions such as law enforcement or jails

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 court to employ personnel involved in the operation and maintenance of the court for the processing of criminal cases.

The Justice Counts preferred definition includes and excludes the following (if criminal court system 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	Costs for individuals contracted to work in or for the court system
EXCLUDE	Costs for companies contracted to work in or for 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.

4.2   Training

Breakdown description: The amount spent by the court on the training of personnel and staff involved in the operation and maintenance of the court for the processing of 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 court system 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 the court spent for the purchase and use of the physical plant and property owned and operated by the court for the processing of criminal cases.

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

INCLUDE	Court system facility operations
INCLUDE	Court system facility maintenance
INCLUDE	Court system facility renovation
INCLUDE	Court system 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 court on other costs relating to the operation and maintenance of the court for the processing of criminal cases that are not personnel, training, or facilities and equipment expenses.

If criminal court system 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 court on other costs relating to the operation and maintenance of the court for the processing of criminal cases for a purpose that is not known.

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

5 Judges and Staff

Preferred sharing frequency: Annually
Preferred time period: Last day of the fiscal year

Metric definition: The number of full-time equivalent positions budgeted and paid for by the court system for criminal case processing.

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

Breakdown description: The number of full-time equivalent positions for judges for criminal case processing.

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

INCLUDE	Judges with a criminal case docket
EXCLUDE	Judges without a criminal case docket

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   Legal Staff

Breakdown description: The number of full-time equivalent positions for criminal case processing that are not judges and are responsible for legal work.

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

INCLUDE	Law clerks
INCLUDE	Staff attorneys
INCLUDE	Paralegals
EXCLUDE	Judges

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   Security Staff

Breakdown description: The number of full-time equivalent positions for criminal case processing that are responsible for the safety of the court and people within the court system's facilities.

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

INCLUDE	Bailiffs
INCLUDE	Court police officers

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   Support or Administrative Staff

Breakdown description: The number of full-time equivalent positions for criminal case processing that assist in the organization, logistics, and management of the court system.

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

INCLUDE	Clerks
INCLUDE	Data, research, analytics staff
INCLUDE	Information technology staff
INCLUDE	Budgetary staff
INCLUDE	Human resources staff
INCLUDE	Court reporters or recorders

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   Victim Advocate Staff

Breakdown description: The number of full-time equivalent positions for criminal case processing that provide victim support services.

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

INCLUDE	Victim advocate staff in legal roles
INCLUDE	Victim advocate staff in non-legal roles (e.g., witness support services, victim advocacy case managers, etc.)
EXCLUDE	Staff trained in victim advocacy support who do not perform these roles full-time

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.

5.6   Other Staff

Breakdown description: The number of full-time equivalent positions for criminal case filings that are not judges, legal staff, security staff, support or administrative staff, or victim advocate staff.

If criminal court system data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the data characteristics section.

5.7   Unknown Staff

Breakdown description: The number of full-time equivalent positions for criminal case processing that are of an unknown type.

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

5.8   Vacant Positions (Any Staff Type)

Justice Counts preferred definition: The number of full-time equivalent positions for criminal case processing of any type that are budgeted but not currently filled.

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

INCLUDE	Vacant judge positions
INCLUDE	Vacant non-judicial legal staff positions
INCLUDE	Vacant security staff positions
INCLUDE	Vacant support or administrative staff positions
INCLUDE	Vacant victim advocate 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 Pretrial Releases

Preferred sharing frequency: Monthly
Preferred time period: First day of calendar month to last day of calendar month

Metric description: The number of people released while awaiting disposition in a criminal case.

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

INCLUDE	People released on their own recognizance
INCLUDE	People released on monetary bail
INCLUDE	People released on non-monetary bail
INCLUDE	People released with subsequent bail modifications
EXCLUDE	People initially ordered by the court to be held awaiting disposition
EXCLUDE	People transferred to another jurisdiction

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　On Own Recognizance

Breakdown description: The number of people released without conditions awaiting disposition in a criminal case.

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

INCLUDE	People released on their own recognizance
INCLUDE	People released on a signature bond (a.k.a. recognizance bond or oath bond)
INCLUDE	People released due to a statutory requirement
EXCLUDE	People released before initial bail hearing
EXCLUDE	People held awaiting disposition
EXCLUDE	People transferred to another jurisdiction

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　Monetary Bail

Breakdown description: The number of people released on monetary bail while awaiting disposition in a criminal case.

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

INCLUDE	People released on unsecured bond
INCLUDE	People released on deposit bond
INCLUDE	People released on monetary bail
EXCLUDE	People released before initial bail hearing

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   Non-Monetary Bail

Breakdown description: The number of people released on non-monetary bail while awaiting disposition in a criminal case.

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

INCLUDE	People released with any form of pre-trial supervision
INCLUDE	People released without any form of pre-trial supervision

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 Pretrial Releases

Breakdown description: The number of people released while awaiting disposition in a criminal case by a means other than on their own recognizance, on monetary bail, or on non-monetary bail.

If criminal court system data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the data characteristics section.

6.5   Unknown Pretrial Releases

Breakdown description: The number of people released while awaiting disposition in a criminal case by unknown means.

If criminal court system data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the data characteristics section.

Note regarding pretrial supervision: The breakdowns for each metric are meant to be mutually exclusive. For this reason, the pre-trial supervision has not been included as a separate breakdown. However, incorporating it into this metric is consider for inclusion in the Tier 2 metrics. Tier 2 metrics are scheduled to be released in May 2023.

7 Criminal Case Filings

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 filed with the court.

If the same person is listed as the defendant in multiple cases, these cases are still counted separately if they were filed on different dates. If multiple charges or counts were filed against one person on the same date, with the expectation that they would be reviewed and filed together, these charges are combined to count as one case. If the charging document contains multiple defendants involved in a single incident, count each defendant as a single case.

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

INCLUDE	New cases filed by any authorized agency (e.g., prosecuting authority, law enforcement agency, etc.)
INCLUDE	Cases filed for new criminal charges for people on community supervision
INCLUDE	Cases transferred from another jurisdiction for new prosecution
EXCLUDE	Violations of an existing supervision case
EXCLUDE	Revocations of an existing supervision case
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 Criminal Case Filings

Breakdown description: The number of criminal cases filed with the court in which the leading charge was for a felony offense.

The Justice Counts preferred definition includes the following (if criminal court system 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

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.

7.2   Misdemeanor or Infraction Criminal Case Filings

Breakdown description: The number of criminal cases filed with the court in which the leading charge was for a misdemeanor offense.

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

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

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.

7.3 Other Criminal Case Filings

Breakdown description: The number of criminal cases filed with the court in which the leading charge was not for a felony or misdemeanor or infraction offense.

If criminal court system data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the data characteristics section.

7.4 Unknown Criminal Case Filings

Breakdown description: The number of criminal cases filed with the court in which the leading charge was of unknown severity.

If criminal court system data cannot be shared discretely for this metric, please follow the sharing hierarchy outlined in the data characteristics section.

8 Sentences Imposed

Preferred sharing frequency: Monthly
Preferred time period: First day of calendar month to last day of calendar month

Metric description: The number of cases in which the court imposed a sentence as a result of a criminal conviction.

Sentences imposed are counted by the number of cases disposed, not the number of individual convictions or sanctions attached. The case should be categorized based on the most serious sentence imposed in the case. If a person has multiple charges under the same case, it should be counted as one sentence imposed according to the most serious sentence. If a person has multiple cases disposed, each separate case should be counted in this metric.

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

INCLUDE	Cases resulting in a new sentence imposed (e.g., new conviction, parole revocation, etc.)
INCLUDE	Cases involving the imposition of some or all of the incarceration portion of a suspended sentence

INCLUDE	Cases in which the sentence is changed by the court but the conviction remains in place
INCLUDE	Cases in which the sentence imposed is for time served
EXCLUDE	Cases transferred to another jurisdiction
EXCLUDE	Cases involving a person reinstated to an existing community supervision sentence
EXCLUDE	Cases involving a person changing parole status (e.g., returning to prison from parole or re-paroled to the community)

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.

Note for sentences imposed: When possible, sentences should only be counted under one category. If a disposition includes a sentence to prison and a sentence to probation, it should not be counted once under each of those categories, rather, it should be counted once under "split sentences."

8.1   Prison Sentences

Breakdown description: The number of cases disposed with a criminal conviction for which the most serious sentence imposed was incarceration in state prison.

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

INCLUDE	Cases resulting in a sentence of incarceration in state prison
EXCLUDE	Court-ordered returns to state prison for violations of the conditions of community supervision or revocations
EXCLUDE	Convictions that result in a split sentence of incarceration in state prison followed by a period of community supervision that is not the result of early release to the community while still under correctional control for the duration of a prison term (e.g. parole supervision)

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   Jail Sentences

Breakdown description: The number of cases resolved with a criminal conviction for which the most serious sentence imposed was incarceration in a county jail.

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

INCLUDE	Convictions that result in a sentence of incarceration in county jail
INCLUDE	Convictions that result in a sentence of incarceration in county jail that concludes on imposition due to time served
EXCLUDE	Court ordered returns to county jail for violations or revocations of the conditions of community supervision
EXCLUDE	Convictions that result in a split sentence of incarceration in county jail followed by a period of community supervision that is not the result of early release to the community while still under correctional control for the duration of a jail term (e.g. parole supervision)

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   Split Sentences

Breakdown description: The number of cases resolved with a criminal conviction for which the most serious sentence explicitly imposed was a sentence to incarceration followed by community supervision.

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

INCLUDE	Convictions that result in a split sentence of incarceration in state prison and a period of community supervision that is not the result of early release to the community while still under correctional control for the duration of a prison term (e.g. parole supervision)
INCLUDE	Convictions that result in a split sentence of incarceration in county jail and a period of community supervision that is not the result of early release to the community while still under correctional control for the duration of a prison term (e.g. parole supervision)

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   Suspended Sentences

Breakdown description: The number of cases resolved with a criminal conviction for which the most serious sentence imposed was a term of incarceration, but that term of incarceration is suspended, and the person begins a term of community supervision.

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

INCLUDE	Convictions that result in a suspended sentence of incarceration where the community supervision term is served on probation
INCLUDE	Convictions that result in a suspended sentence of incarceration where the community supervision term is served on a type of community supervision that is not probation
INCLUDE	Convictions that result in the incarceration portion of a suspended sentence being imposed due to violation of the conditions of community supervision

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.

8.5   Community Supervision Only Sentences

Breakdown description: The number of cases resolved with a criminal conviction for which the most serious sentence imposed was community supervision.

Cases for which a sentence involves both incarceration and a subsequent term of community supervision should be shared as split sentences unless otherwise described.

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

INCLUDE	Convictions that result in a sentence of probation only
INCLUDE	Convictions that result in a sentence of community corrections only
INCLUDE	Convictions that result in a sentence to community supervision that is not probation or parole
EXCLUDE	Convictions that result in a split sentence
EXCLUDE	Convictions that result in a suspended sentence

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.

8.6   Fines or Fees Only Sentences

Breakdown description: The number of cases resolved with a criminal conviction for which the most serious sentence imposed is solely financial obligations to the court.

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

INCLUDE	Convictions that solely result in a fine or fee
INCLUDE	Convictions that solely result in payments of victim restitution
EXCLUDE	Fees only imposed during the course of a case (e.g., drug testing fees)
EXCLUDE	Convictions that result in monetary sanctions in addition to other sanctions
EXCLUDE	Convictions that result in other financial obligations not captured in the listed categories

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.

8.7   Other Sentences

Breakdown description: The number of cases resolved by criminal conviction for which the most serious sentence imposed is not prison, jail, split, suspended, community supervision, or solely fines/fees.

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

8.8   Unknown Sentences

Breakdown description: The number of cases resolved by criminal conviction for which the most serious sentence imposed is unknown.

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

9 Sentences Imposed 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 in which the court imposed a sentence as a result of criminal conviction disaggregated by race and ethnicity. (The definition of sentences imposed configured in Section 8 will be applied to this section).

Justice Counts follows federal guidance regrading 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 sentences imposed 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. 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 agencies 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 criminal courts for how, when, and by whom those data are collected and recorded. Therefore, in addition to configuring race and ethnicity definitions, criminal courts 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 the criminal court:

Y/N	Data are collected and recorded by a law enforcement agency and are applied unchanged by court staff
Y/N	Data are collected and recorded by a law enforcement agency and are amended upon receipt by the criminal court
Y/N	Data are collected and recorded by the criminal court 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 criminal court
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 criminal court

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

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

10 Sentences Imposed 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 in which the court imposed a sentence as a result of criminal conviction disaggregated by biological sex (the definition of *sentences imposed* configured in Section 8 will be applied to this section).

10.1 Male Biological Sex
Breakdown description: The number of cases in which the court imposed a sentence as a result of criminal conviction with a defendant whose biological sex is male.

The Justice Counts preferred definition includes and excludes the following (if criminal court system 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.

10.2   Female Biological Sex

Breakdown description: The number of cases in which the court imposed a sentence as a result of criminal conviction with a defendant whose biological sex is female.

The Justice Counts preferred definition includes and excludes the following (if criminal court system 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.

10.3   Unknown Biological Sex

Breakdown description: The number of cases in which the court imposed a sentence as a result of criminal conviction with a defendant whose biological sex is not known.

If criminal court system 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.

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

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

Y/N	Data are collected and recorded by a law enforcement agency and are applied unchanged by the criminal court
Y/N	Data are collected and recorded by a law enforcement agency and are amended upon receipt by the criminal court
Y/N	Data are collected and recorded by the criminal court 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 criminal court
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 criminal court

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

Y/N	People entering court self-report their biological sex
Y/N	Court staff make determinations about biological sex for people
Y/N	It is not known how biological sex data is collected

11 New Offenses While on Pretrial Release

Preferred sharing frequency: Annually
Preferred time period: First day of calendar year to last day of calendar year

Metric description: The number of new arrests involving a person awaiting criminal trial in the community that are unrelated to their pending disposition.

New offenses while on pretrial release are counted by the number of incidents that result in a new arrest. If a person has multiple charges under the same arrest, it should be counted as one new offense. If a person has three discrete incidents that result in arrests, that should count as three new offenses in this metric. If a person is arrested for a violation of their pretrial release, that is not considered a new offense in this metric.

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

INCLUDE	Cases involving people released on their own recognizance
INCLUDE	Cases involving people released on monetary bail
INCLUDE	Cases involving people released on non-monetary bail
INCLUDE	Cases involving people released with subsequent bail modifications
EXCLUDE	Cases involving people initially ordered by the court to be held awaiting disposition
EXCLUDE	Cases involving people transferred to another jurisdiction

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.