

Criminal Justice Realignment Act Data Collection Frequently Asked Questions

This document provides responses to the most frequently asked questions (FAQ's) relating to criminal justice realignment data collection.

Questions regarding reporting the data:

1. *Why do we have to report this information?*

Pursuant to Penal Code Section 13155, which was enacted as part of the FY 12/13 state budget, the Judicial Council/Administrative Office of the Courts is required to collect from the trial courts data related to the implementation of the criminal justice realignment act. Additionally, this data collection effort provides a vehicle for the courts to demonstrate the added workload to the Legislature and Governor that will be used to advocate for additional criminal justice realignment funding. Funding provided to the trial courts for implementing the criminal justice realignment can be used to meet these data collection requirements.

2. *We already provide felony filings data to the Judicial Council through the Web Portal or electronically through JBSIS. Do we have to report filings (data element #1) on this form also?*

If you already report felony filings through the Web Portal or JBSIS and would like us to retrieve this data element from those sources instead of reporting it again here, please contact the Judicial Council's Criminal Justice Services office at 415-865-8994. Please note that the deadlines for this mandate still apply.

3. *What if we can't collect all this information?*

Some courts might not be able to provide all of the data elements without an unreasonable or infeasible change to your computer systems. Please contact the Judicial Council's Criminal Justice Services office at 415-865-8994, if there are data elements that your system cannot collect. Please indicate in the online data collection form the data elements you are not able to collect by marking the checkbox 'Data not available'.

4. *When does data collection start? How often is it required?*

Courts should begin collecting the data from January 1, 2013 onward. The data will be collected quarterly through an on-line survey. The data are due on the following dates:

- Quarter 1 (Jan-March) data are due April 30, 2014
- Quarter 2 (April-June) data are due July 31, 2014
- Quarter 3 (July-September) data are due October 31, 2014
- Quarter 4 (October-December) data are due January 30, 2014

A reminder will be sent to the courts approximately 2 weeks before the data are due.

5. *Do we report events that occurred prior to January 1, 2013?*

No. The data collection is limited to events that take place on or after January 1, 2013. For example, if a defendant is placed on felony probation prior to January 1, 2013 do not include his/her case in the count in the initial sentencing section (i.e. #4). However, if his/her probation case is revoked and the person is sent to prison on or after January 1, 2013, the revocation on that case should be counted in #8.

6. *How do we report the information?*

The data will be reported through an online survey. The link to the online survey is here: <http://www2.courtinfo.ca.gov/dcs/index.cfm>

7. *I forgot our court's log-in or password for the online survey.*

Your login is the email address you entered for this account. If you have forgotten your password call the Criminal Justice Services office at 415-865-8994.

8. *If we reported data incorrectly how do we make revisions?*

If you need to make revisions, log back in to your account and select the correct quarter, make necessary changes and **be sure to save**.

9. *If I have other questions regarding data reporting, whom can I contact?*

For questions regarding data reporting, please contact Jay Fraser, Research Analyst, 415-865-7958 or jay.fraser@jud.ca.gov.

Questions regarding data elements and data definitions:

10. *Do we include cases where a defendant is placed in a drug or other collaborative court in element #4 (Number of cases where offender is placed on probation)?*

Include all felony probation cases, including those in which the offender is placed in a drug, or other collaborative justice court. Do not include cases where the individual is placed in a collaborative justice court, but is not placed on felony probation.

11. *If a defendant is sentenced directly to mandatory supervision, would this be considered a "split" sentence in element #6? (Number of cases in which a defendant is given a "split" sentence to county jail)?*

Yes. Please include all cases in which the defendant is sentenced to a period of mandatory supervision, regardless of whether or not the defendant is first ordered to a period of confinement in county jail.

12. *Do we include instances where a felony probationer has probation revoked and is sentenced directly to period of mandatory supervision in element #10 (Number of cases in which a felony probationer receives a “split” sentence for a violation of probation)?*

Yes. Include all cases where a defendant has probation revoked and is sentenced to a period of mandatory supervision, regardless of whether or not the defendant is first ordered to a period of confinement in county jail.

13. *How do we count situations in which there is a new charge in addition to a petition to revoke probation (or other form of community supervision)?*

The data are tracked based on cases, not individuals. Therefore, the probation (or other community supervision) case would be included in the counts regarding revocations, and the new case would be included in the counts regarding initial sentencing. For example, if a person on felony probation is sentenced to state prison for a violation of probation and is also sentenced to state prison for a new crime, the new case would be counted under #3 and the probation case would be counted in #8.

Similarly, if a person on mandatory supervision or PRCS is sentenced to state prison for a new felony offense and their supervision term is permanently revoked, the new felony case would be counted in #3 and the mandatory supervision and PRCS would be counted in #17 and #25 (respectively).

14. *Do we include amended petitions to revoke/modify probation, or other forms of community supervision, as a new petition?(#7, #12, #18, and #26)?*

No, amended petitions are not included in these counts.

15. *If the district attorney or defense attorney makes an oral motion to modify or revoke supervision, should these instances be included in data points that capture number of petitions filed to revoke/modify supervision (#7, #12, #18, and #26)?*

Yes, these instances should be included.

16. *Should referrals to reentry courts be included in data points that capture number of petitions filed to revoke/modify supervision (#12, #18, and #26)?*

The initial referral to a reentry court (or other collaborative justice court) should be included in the data points listed above. Subsequent petitions and hearings once the individual is admitted into the reentry court program should not be included.

17. *Do we include continuances in the number of calendar events (#14, #20, and #28)?*

Yes, please count anything that is set on a court calendar.

18. *Do we include evidentiary hearings in the number of calendar events (#15, #21, and #29)?*

Yes, please count anything that is set on a court calendar.

19. *Can you further define evidentiary hearings (#15, #21, and #29)?*

These data elements are meant to capture more resource intensive contested evidentiary hearings in which the defendant is disputing the allegations of the petition and evidence is presented.

20. *Do we count each day an evidentiary hearing takes place as a separate hearing even if in total the hearing takes only a couple of hours (#15,#21, and #29)?*

Count each day for which an evidentiary hearing is held as a separate hearing, regardless of the number of hours the hearing takes. For example, if an evidentiary hearing starts at 3:00 p.m. and concludes the following day at 10:00 a.m., this would be counted as 2 hearings.

21. *How do I count cases where an individual on PRCS is found in violation but does not serve additional time in jail (because of credit for time served)?*

These cases would be included in data point #23.

22. *How do I count cases in which PRCS is revoked and reinstated more than once in a reporting period (data element #22, #23, #24)?*

Count each instance in which PRCS is revoked and reinstated in a reporting period. For example, if PRCS is revoked and reinstated 3 times in a reporting period, count the case 3 times.

23. *How do I count parole cases where the offender is found in violation but does not serve additional time in jail (because of credit for time served)?*

These cases would be included in data point #31.

24. *How do I count cases in which a parolee violates and is returned to parole supervision more than once in a reporting period (data element #30, #31, and #32)?*

Count each instance in which a parolee is returned to parole supervision after a violation. For example, if a parolee violates parole 3 times in a reporting period and is returned to parole supervision in each instance, count the case 3 times.

25. *If I have other questions regarding data definitions, whom can I contact?*

For questions regarding data definitions, please contact Arley Lindberg, Research Analyst, 415-865-7682 or arley.lindberg@jud.ca.gov.