BILL #:   PCB JDC 18-02   Criminal Justice Data Transparency
SPONSOR(S): Judiciary Committee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Judiciary Committee	19 Y, 0 N	Painter	Poche

SUMMARY ANALYSIS

The criminal justice system is the network and processes established to handle a criminal case, beginning with an arrest and ending with the disposition of the case. Several departments and agencies are involved in the system, each with its own protocols and procedure. To gauge the efficiency and effectiveness of the criminal justice system, as well as identify strengths and weaknesses, data must be collected consistently and comprehensively. With accurate, valid, and structured data, policymakers can make more informed decisions regarding the criminal justice system. Open data also provides transparency and understanding for the public.

In an effort to increase the collection and reporting of accurate and valid data in criminal justice, and promote transparency, PCB JDC 18-02:

- Centralizes the majority of criminal justice data by requiring the clerks of court, state attorneys, public defenders, county jail operators, and the Department of Corrections (DOC) to collect specific data elements and transmit it, on a weekly basis, to the Department of Law Enforcement (FDLE).
- FLDE will publish the data on the department's website and make it searchable, at a minimum, by data element, county, circuit, and unique identifier.
- Requires FDLE to create a unique identifier for each criminal case received by the clerks of court, which identifies the person who is the subject of the criminal case, and tracks that person's experience in the criminal justice system.
- Digitizes the Criminal Punishment Code sentencing scoresheet with individual cells for each data field.
- Expands the annual reporting requirements for pretrial release programs to include the number of defendants for whom a pretrial risk assessment tool was used, the number of defendants accepted into a pretrial release program who paid a surety or cash bail or bond, and the types of criminal charges of defendants accepted into the programs.
- Requires DOC to report and publish, on a quarterly basis, inmate admissions by offense type and recidivism rates. When reporting admissions by offense type, DOC must report residential burglaries separately from other property crimes. The PCB also expands the definition of recidivism to include rearrest, reconviction, reincarceration, and probation revocation within a three-year period, and requires DOC to report the recidivism rates based on the new definition.
- Establishes a pilot project in the 6th Judicial Circuit to allow the clerk of court, the state attorney, the public defender, or a sheriff to enter into a Memorandum of Understanding with a national, nonpartisan, not-for-profit entity which provides data and measurement for county-level criminal justice systems to establish the duties and responsibilities of a data fellow, funded by the entity, to be embedded with the office or agency. The data fellow will assist with data extraction, validation, and quality and publish such data consistent with the terms of the memorandum. The data fellow will also assist the office or agency in compiling and reporting data to FDLE.
- Authorizes nine FTEs and $1,750,000 for FDLE to implement the data collection requirements and begin the transition to incident-based crime reporting.

The bill will have an indeterminate, but likely significant, fiscal impact on the clerks of court, state attorneys, public defenders, county jail operators, DOC, and FDLE by increasing expenditures.

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS
I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Data collection is the process of gathering and measuring information on variables of interest, in an established systematic fashion, to answer research questions, test hypotheses, and evaluate outcomes.[1] In order for data to be effective, it must be accurate, reliable, and valid.[2] A strong foundation in research methods and data analysis techniques allows for evidence-based decisionmaking, greater understanding, and identifying strengths, weaknesses, or potential issues.[3]

Data Collection by Florida's Criminal Justice Agencies

Currently, Florida does not have a publicly accessible website containing comprehensive criminal justice data. Data is collected and maintained by several state departments, local agencies and local offices, including clerks of court, state attorney's offices, public defender's offices, county jails, and the Department of Corrections (DOC). Each entity collects and maintains data in different ways and for difference purposes. As a result, available criminal justice data is fractured and unstructured.

Florida law currently requires some inter-agency data collection and data reporting requirements. However, the requirements do not apply to all agencies or cover the entire criminal justice process from arrest to disposition.

Clerks of Court

The clerks of court use a secured single point-of-search database portal for statewide court case information, the Comprehensive Case Information System (CCIS).[4] CCIS was implemented in 2002 as an initiative to view court case information across county and circuit lines.[5] All clerks are statutorily required to participate in CCIS and submit data for criminal, civil, juvenile, probate and traffic cases.[6] Section 28.24(12)(e) directs the clerks to maintain CCIS as the custodian of records generated by the system.

CCIS collects the following data, searchable by name or case information:
- Individual name demographic information
- Case/charge information.
- Court events.
- Progress dockets.
- Financial (assessments/collections).
- Warrant/summons information.
- Sentencing information.
- Document images.[7]

CCIS contains approximately 150 million cases and 400 million names.[8]

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[1] Responsible Conduct of Research, Northern Illinois University, available at: https://ori.hhs.gov/education/products/n_illinois_u/dfront.html (last visited January 28, 2017).
[2] Id.
[3] Kristie R. Blevings, Ph.D., Eastern Kentucky University, March 26, 2013, available at: http://plsonline.eku.edu/insidelook/importance-research-and-analysis-policing (last visited January 28, 2017).
[4] Comprehensive Case Information System access site, available at: https://www.flccis.com/ocrs/login.xhtml (last visited January 27, 2018).
[5] Upgraded versions of this system have since been implemented in 2009 and again in 2016.
[6] S. 28.2405, F.S.
[7] Florida Court Clerks & Comptrollers, *Criminal Court Case Data Collection*, power point presentation to House Judiciary Committee on November 14, 2017 (on file with Judiciary Committee staff).

There are approximately 80 governmental organizations that use CCIS, with over 45,000 active users.[9] These organizations include federal, state, and local level entities.[10] Each user or organization is assigned a security level that allows them to view certain data available on CCIS.[11] For example, an assistant public defender may not have the same level of access as a deputy sheriff. Not all data elements are available to all users, and CCIS is not publicly available.

A government organization granted access to CCIS may use the database to search information on past or present cases. A user may search for information by using a person's name, social security number or date or birth.[12] There is also an option to narrow the search field results to within a date range or specific county.[13] In order to search by case number, the user will need to know the county where the case originated, the court case type, and the year.[14] A user may also enter a party name to see if any active warrants are issued in a case.[15]

CCIS is limited to person and court case information, and allows a user to search a person's case history and the information within each case. However, CCIS in not interactive, meaning a user cannot search data using other elements, such as offense charges or race and ethnicity.

Below is a chart of organizations with over 100 users currently using CCIS:[16]

CCIS Users	
Organization	**Active Users**
Department of Children and Families	6825
County Sheriff	3650
Department of Corrections	3211
State Attorney	2349
Local Police	1972
U.S. Department of Homeland Security	1777
Department of Revenue	1665
Public Defender	1527
Judicial Circuits	928
Department of Juvenile Justice	706
Department of Law Enforcement	576
Department of Highway Safety and Motor Vehicles	504
Fish and Wildlife Commission	474
U.S. Probation Office	461
Attorney General	433
County Office	304
Department of Financial Services	297
Justice Administrative Commission	268
Department of Health	267
Highway Patrol	215
Department of Education	196
Department of Agriculture and Consumer Services	191
Guardian Ad Litem	180
Department of Business and Profession Regulation	178

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[8] Id.
[9] Email from the Association of Court Clerks & Comptrollers, January 26, 2018 (on file with Judiciary Committee staff).
[10] Supra, FN 7.
[11] Id.
[12] CCIS User Guide, February 21, 2017, available at:
http://c.ymcdn.com/sites/www.flclerks.com/resource/resmgr/Temporary_Files/CCIS_User_Guide.pdf (last visited January 27, 2018).
[13] Id. at 5.
[14] Id. at 9.
[15] Id. at 10.
[16] Supra, FN 9.

FL District Court of Appeals	135
Offices of Criminal Conflict and Civil Regional Council	114
Commission on Offender Review	112

County Detention Facilities

A county detention facility is a jail, stockade, work camp, residential probation center, or any other place, except a municipal detention facility, used by a county or county officer for the detention of persons charged with or convicted of a crime.[17]

There are 67 county jail facilities in Florida:
- 59 jail facilities are operated by the sheriff's office. [18]
- 7 jail facilities are operated by the county. [19]
- 1 jail facility is operated by a private company. [20]

Data collection and storage by jail facilities varies greatly from county to county.[21] Larger jails, such as Miami-Dade and Duval, have data systems allowing for direct data input and report generation.[22] Smaller jails have created databases using Microsoft Access or other commercially available templates.[23]

Administrators of county detention facilities are required by statute to collect and report to the Department of Corrections (DOC) the following information:
- The number of persons housed per a day, admitted per month, and housed on the last day of the month, by age, race, and sex, who are:
  - Felons sentenced to cumulative sentences of incarceration of 364 days or less.
  - Felons sentenced to cumulative sentences of incarceration of 365 days or more.
  - Sentenced misdemeanants.
  - Awaiting trial on at least one felony charge.
  - Awaiting trial on misdemeanor charges only.
  - Convicted felons and misdemeanants who are awaiting sentencing.
  - Juveniles.
  - State parole violators.
  - State inmates who were transferred from a state correctional facility to a county detention facility.
- The number of persons housed per day, admitted per month, and housed on the last day of the month, by age, race, sex, county of citizenship, country of birth, and immigration status, classified as one of the following:
  - Permanent legal resident of the United States.
  - Legal visitor.
  - Undocumented or illegal alien.
  - Unknown status.
- The number of persons house per a day, and admitted per month by age, ace, and sex under part I of chapter 394, "The Florida Mental Health Act," or pursuant to chapter 397, "Substance Abuse Services." [24]

DOC uses such data to analyze and evaluate county detention facilities.[25]

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[17] S. 951.23(1)(a), F.S.
[18] Email from Florida Sheriffs Association, October 10, 2017 (on file with Judiciary Committee).
[19] Escambia, Gulf, Jefferson, Miami-Dade, Okaloosa, Orange, Osceola, and Volusia. Id.
[20] Citrus county. Id.
[21] Florida Sheriffs Association, *Criminal Justice Data Collection*, Power Point presentation to Judiciary Committee on November 14, 2017 (on file with Judiciary Committee staff).
[22] Id.
[23] Id.
[24] S. 951.23(2), F.S.

Many jails also collect data relating to jail capacity, per diems, demographic data, criminal charges, custody levels, and medical information for internal purposes.[26] This data can be used to manage daily operations, including custody level and safety trends, verifying total jail costs and budgets, and ensuring proper staffing and training.[27]

State Attorneys and Public Defenders

The roles, duties and obligations of state attorneys and public defenders are prescribed in parts II and III of ch. 27, F.S., respectively. There is no statutory requirement for a state attorney or public defender to collect, publish or report specific data. Many circuits, on their own initiative, may collect data elements for internal purposes. However, this data is not publicly available or consistently shared among agencies.

Department of Corrections

The Offender Based Information System (OBIS) is the DOC data system.[28] OBIS is maintained by the Agency for State Technology's State Data Center and accessed by employees around the state.[29] The data collected includes sentencing information and scoresheets from the clerks of court, the criminal history information from the Department of Law Enforcement (FDLE), and background information self-reported by inmates.[30]

The data maintained in OBIS includes:
- **Sentencing Information**: offense of conviction, offense data, imposed date, presentence credit, sentence length, special provisions, county of conviction and scoresheet calculated points.
- **Criminal History Information**: arrest history, offense dates and dispositions.
- **Demographic and Background Information**: marital status, employment history and education.
- **Operational Information**: gang affiliation, substance abuse treatment needs, Tests of Adult Basic Education, spectrum assessment, job assignments, program participation, disciplinary reports and employer (for probationers).[31]

The information in OBIS is shared with law enforcement and other state and federal agencies per statute, federal law or other directives, such as Memoranda of Understanding or Data Sharing Agreements.[32]

The Bureau of Research and Data Analysis (Bureau) at DOC analyzes OBIS data to generate information for the department, staff, the Governor's office, the Legislature and other state agencies.[33] One of the reports issued by the Bureau is the recidivism rate.[34] DOC defines recidivism as a return to prison due to a new conviction or a violation of post-prison supervision, within three years of an inmate's prison release date.[35] DOC uses the data on recidivism to analyze factors that influence an

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[25] S. 951.23(3), F.S.
[26] Supra, FN 21.
[27] Id.
[28] S. 20.315(10), F.S.
[29] Florida Department of Corrections, *Overview of FDC Criminal Justice Data*, Power Point presentation to Judiciary Committee on November 14, 2017 (on file with Judiciary Committee staff).
[30] Id.
[31] Supra, FN 29.
[32] Id.
[33] Florida Department of Corrections, *Bureau of Research and Data Analysis*, available at: http://www.dc.state.fl.us/orginfo/research.html (last visited January 27, 2018).
[34] Florida Department of Corrections, *Florida Prison Recidivism Study*, December 2017, available at: http://www.dc.state.fl.us/pub/recidivism/2016/index.html (last visited January 27, 2018).
[35] Id.

inmate's likelihood to recidivate, as well as recidivism based on gender, race, and primary offenses.[36] A report issued in December 2017 examined recidivism from 2009 to 2015 and found:

- Female inmates' recidivism rate was 13.2% compared to male inmates' recidivism rate at 27.1%.
- Inmates with the primary offense of burglary were most likely to recidivate at 31%.
- Inmates with the primary offense of murder/manslaughter were least likely to recidivate at 18%.
- Inmates less than twenty-five years old were most likely to recidivate at a rate of 31%.
- Other factors that increases recidivism include homelessness, gang membership, and supervision following prison time.[37]

Other reports and statistical information published by the Bureau include reports on the most common primary offenses committed by imprisoned inmates, inmate population by primary offense, and the per diem cost of each inmate.[38] Reports and statistics are updated on a yearly basis and the reports are publicly accessible; however, users are only able to download and view these reports.[39] Users cannot search the data DOC collects to create the reports.

Data Transparency in Other Industries

Healthcare Industry

In 2016, the Legislature passed HB 1175, which promoted greater consumer access to health care price and quality information by requiring certain health care providers, insurers and health maintenance organizations (HMOs) to give that information to patients. The bill was in response to record numbers of newly-insured persons enrolling in both public and private health insurance and bearing a greater share of the health care costs associated with higher deductible health plans.[40] Clear, factual information about the cost and quality of health care was necessary for consumers to select value driven health care options and for consumers and providers to be involved in and accountable for decisions about health and health care services[41]. In order to reach this goal and promote consumer involvement, the bill required health care pricing and other data to be free, timely, reliable, and reflect individual health care needs and insurance coverage.[42]

The bill created pre-treatment transparency obligations for hospitals, ambulatory surgical centers, health care practitioners providing non-emergency services in these facilities, and insurers and HMOs. Facilities must post online the average payments and payment ranges received for bundles of health care services defined by the Agency of Health Care Administration (AHCA).[43] The information must be searchable by consumers.[44] The facilities must also provide, within 7 days of a request, a written, good faith, personalized estimate of charges, including facility fees, using either bundles of health care services defined by AHCA or patient-specific information.[45] Facilities must inform patients of health care practitioners providing their nonemergency care in hospitals and these practitioners must publish information on their financial assistance policies and procedures.[46]

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[36] Florida Department of Corrections, *Florida Prison Recidivism Report: Releases form 2009 to 2015*, December 2017, available at: http://www.dc.state.fl.us/pub/recidivism/2016/RecidivismReport2017.pdf (last visited January 28, 2018).
[37] Id.
[38] Florida Department of Corrections, *Quick Facts about the Florida Department of Corrections*, December 2017, available at: http://www.dc.state.fl.us/oth/Quickfacts.html (last visited January 27, 2018).
[39] Florida Department of Corrections, *Index to Statistics & Publications*, available at: http://www.dc.state.fl.us/pub/index.html (last visited January 28, 2017).
[40] Final Analysis of HB 1175, Florida House of Representatives Committee on Health & Human Services, April 15, 2016, at 2.
[41] Id.
[42] Id.
[43] Id. at 1.
[44] Id.
[45] Id.
[46] Id.

A website is now available for all consumers to research and compare the cost of health care services and procedures in Florida.[47] Patients can search the information without a password or registration requirement.[48] As a result of the data collection and the requirement for public access, consumers now have access to a database that provides the average cost of health care service bundles for procedures and treatment.[49] This tool empowers consumers to plan for health care and negotiate prices for medical services and treatment.

Transportation

The transportation industry continually collects and analyzes data in order to improve safety. In Florida, the Department of Transportation houses the Transportation Data and Analytics Office, which offers highway, traffic, multimodal, and freight and passenger data information.[50] The goal of the office is to provide lawmakers and community leaders with evidence-based information to make transportation decisions and improve safety.[51] For example, the website offers a web-based mapping application that provides real-time traffic count information during emergencies such as hurricanes and wildfires.[52]

Efforts to collect data are not limited to ground transportation. In 2015, Boeing donated $7.5 million to establish a data analytics lab at Carnegie Mellon,[53] with the goal of improving flight experience and aircraft maintenance and design. Using data, a maintenance schedule for aircrafts can be based on actual flight history and component performance instead of historic norms.[54] This allows for automatic analysis of written reports for the evidence-based predictive maintenance of aircrafts.[55]

Education

Many schools and education facilities have expanded the ways they use student data information to inform them on needed changes and ways to improve the education system.[56] Student data, as part of the education record from each student's school experience, is an important tool for teachers, administrators, districts and states to identify trends, show patterns, and evaluate the success of educational changes to ensure that new programs or services achieve the desired results.[57] Schools are using data to identify which students might be at risk of dropping out of school, or what groups of students may need more help in particular learning areas.[58] The information gathered from data can assist teachers in adjusting their plans and teaching style.[59] Through data collection and analysis, policymakers can predict trends throughout the school year. For example, students score lower on

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[47] Agency for Health Care Administration, Florida Health Price Finder, available at: https://pricing.floridahealthfinder.gov/#! (last visited January 28, 2018).
[48] Supra, FN 40 at 19.
[49] Supra, FN 40 at 20.
[50] The Florida Department of Transportation, *Transportation Data and Analytics Office*, available at: http://www.fdot.gov/planning/statistics/ (last visited January 27, 2018).
[51] Id.
[52] Id.
[53] Carnegie Mellon, *Boeing Join Forces on New Aerospace Data Analytics Lab*, September 30, 2015, available at: https://www.lti.cs.cmu.edu/news/carnegie-mellon-boeing-join-forces-new-aerospace-data-analytics-lab (last visited January 27, 2018).
[54] Aerospace Manufacture and Design, *Boeing establishes analytics lad at Carnegie Mellon*, October 7, 2015, available at: http://www.aerospacemanufacturinganddesign.com/article/boeing-establishes-analytics-lab-carnegie-100715/ (last visited January 31, 2018).
[55] Supra, FN 2.
[56] Allie Bidwell, *More States are Collecting and Using Student Data to Improve Education*, November 19, 2013, available at: https://www.usnews.com/news/articles/2013/11/19/more-states-are-collecting-and-using-student-data-to-improve-education (last visited January 28, 2018).
[57] Elana Zeide, *19 Times Data Analysis Empowered Students and Schools*, March 2016, available at: https://fpf.org/wp-content/uploads/2016/03/Final_19Times-Data_Mar2016-1.pdf (last visited January 28, 2018).
[58] Id.
[59] Id.

standardized tests at the end of summer vacation than they do on the same test at the beginning of summer.[60]

<u>Data-Driven Decision Making in Other States and Organizations</u>

Data-driven decision making in criminal justice is the objective, evidence-based decision process based on data collection. Data allows the public, as well as lawmakers, researchers, and analysts, to track how criminal cases are handled from arrest to post-conviction.[61] It allows users to break down data by race and ethnicity, gender, indigent status, age, offense type and attorney type. In addition to tracking the experience of offenders, data collection provides information on victims.[62] Data can project what demographic or age group is more likely to be targeted, which can assist lawmakers in developing preventative and safety measures for the community.[63]

Measures for Justice

Measures for Justice is a not-for-profit research organization founded in 2011 to develop a data-driven set of performance measures to assess and compare the criminal justice process from arrest to post-conviction on a county-by-county basis.[64] The organization is headquartered in Rochester, New York, and has a staff of over thirty researchers and technologists with PhD and Master degrees in Criminal Justice, Public Administration, Cognitive Science, and Computer Science, working on cleaning and coding criminal justice data. The organization also works on software automation to streamline the process of cleaning and standardizing data from disparate sources.

Measures for Justice has developed a web-based platform that contains all its data and analyses and offers them free to the public. This platform is searchable and can be configured to break down performance data across multiple factors including race/ethnicity, sex, indigent status, age, and offense type. The platform also allows for county-to-county comparison within and across states. It currently has information for counties in: Washington, Utah, Wisconsin, Pennsylvania, North Carolina, and Florida. The organization's goal is to measure twenty states by the year 2020.

Hot Spot Policing

Data collection can also assist cities and municipalities in identifying "hot-spot" or high crime areas to focus on crime prevention and better policing.[65] Using accessible data, crime-mapping technologies can collect and analyze crime statistics so that police districts can produce information about the level, rate, and geographic location of crimes in any given area.[66] The data can assist law enforcement in formulating plans to reduce crime in certain areas and possibly even prevent crime before it occurs.[67]

Police Data Initiative

Accessible and open data can also create trust among criminal justice agencies and the public. For example, since 2016, over 129 law enforcement agencies across the nation have adopted the Police

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[60] Lindsey Ravis, *Curriculum News: Data Collection and Its Importance in the Classroom*, May 2013, available at: http://ensc.ss5.sharpschool.com/UserFiles/Servers/Server_3056961/File/Migration/Curriculum/Newsletters/Curriculum_Newsletter_-_May_2013.pdf (last visited January 28, 2018).
[61] MacArthur Foundation, *Enhancing Transparency in the Criminal Justice System*, May 23, 2017, available at: https://www.macfound.org/press/publications/enhancing-transparency-criminal-justice-system/ (last visited January 28, 2018).
[62] Ryan Sibley, *The benefits of criminal justice data: Beyond policing*, Sunlight Foundation, available at: https://sunlightfoundation.com/2015/05/01/the-benefits-of-criminal-justice-data-beyond-policing/ (last visited January 26, 2018).
[63] Bureau of Justice Statistics, *Data Collection: National Crime Victimization Survey (NCVS)*, available at: https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245 (last visited January 27, 2018).
[64] Measures for Justice, available at: https://measuresforjustice.org/about/overview/ (last visited January 28, 2018).
[65] Andrew Guthrie Ferguson, *Crime Mapping and the Fourth Amendment: Redrawing "High-Crime Areas,"* 63 Hastings L.J. 179 (Dec. 2011).
[66] Id.
[67] Anthony Braga, Andrew Papachristos, David Hureau, *Hot spots policing effects on crime*, available at: https://www.campbellcollaboration.org/media/k2/attachments/Braga_Hot_Spots_Policing_Review.pdf (last visited January 26, 2018).

Data Initiative (PDI).[68] The PDI supports local police departments in their efforts to increase transparency and accountability in order to build trust in their communities.[69] Jurisdictions participating in the PDI commit to releasing at least three policing datasets to the public.[70] The datasets may include data on stops and searches, uses of force, officer-involved shootings, or other police actions.[71] The following Florida jurisdictions are listed as participating in the PDI: Jacksonville Sheriff's Department, Gainesville Police Department, Orlando Police Department, Ft. Lauderdale Police Department, Doral Police Department, and Miami Beach Police Department.[72]

North Carolina Jail Data

North Carolina recently highlighted the lack of a centralized database for jail operations and public awareness.[73] Without uniform collection of data across counties, the state found that the public and lawmakers were unable to determine the number of people in jail due to their inability to post bond, or the number of people pleading guilty to be released for time served.[74] To obtain this information, several state agencies are acting independently to track, and make publicly accessible, the data.[75]

Criminal Punishment Code Sentencing Scoresheets

In 1997, the Legislature implemented the Criminal Punishment Code (CPC) sentencing scoresheet to be used in sentencing felony offenders.[76] Felony offenses subject to the CPC are listed in a single offense severity ranking chart, which uses 10 offense levels to rank felonies from least severe (1) to most severe (10).[77] Each felony offense is assigned to a level according to the severity of the offense, commensurate with the harm or potential for harm to the community that is caused by the offense, as determined by statute.[78] The points assigned from the felony offense level are used to determine an offender's lowest permissible sentence in prison months.[79] Typically, a sentencing judge has discretion to impose a sentence anywhere from the lowest permissible sentence according to the CPC, up to the statutory maximum.

Design and Development of the Criminal Punishment Code Scoresheet

DOC develops and submits the CPC scoresheet to the Florida Supreme Court each year by June 15.[80] In developing the scoresheet, DOC may consult with the Office of State Courts Administrator (OSCA), state attorneys, and public defenders.[81] Once the Supreme Court approves of the scoresheet, DOC has until September 30 of each year to produce and provide sufficient copies of the CPC scoresheet to agencies throughout the state.[82] Hard copies of the form are printed and mailed to every state attorney.[83] If state attorneys run low on the hard copy forms, DOC will deliver more[84]. There is also an electronic option for the state attorneys to log in and complete and print the scoresheet.[85]

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[68] The Police Data Initiative, *Public Safety Open Data Portal*, available at: https://www.policedatainitiative.org/ (last visited January 26, 2018).
[69] Id.
[70] Id.
[71] Id.
[72] Supra, FN 51.
[73] Jordan Wilkie, *Media Hub: Holding Jails Accountable*, November 27, 2017, available at: http://mediahub.unc.edu/housing-jails-accountable-wheres-data/ (last visited January 26, 2018).
[74] Id.
[75] Id.
[76] SS. 921.002-921.0027, F.S.
[77] Offenses are either ranked in the offense severity level ranking chart in s. 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in s. 921.0023, F.S.
[78] Id.
[79] Id.
[80] S. 921.0024(4), F.S.
[81] Id.
[82] Id.
[83] Email from Department of Corrections, January 26, 2018 (on file with Judiciary Committee staff).
[84] Id.
[85] Id.

Preparation and Transmission of the Criminal Punishment Code Scoresheets

The assistant state attorney assigned to a case is required to prepare a CPC scoresheet for every defendant sentenced for a felony offense.[86] The CPC scoresheet is given to defense counsel in all cases unless the judge directs otherwise.[87] The sentencing judge must approve and sign the CPC scoresheet.[88]

At the conclusion of a felony criminal case in which an offender was sentenced pursuant to the CPC scoresheet, the clerks of court must transmit a copy of the CPC scoresheet used in sentencing to DOC.[89]

Annual Reports from Pretrial Release Programs

Pretrial release allows a defendant to stay in the community while his or her criminal case is pending. The judge determines the conditions of a defendant's pretrial release at a first appearance hearing held within 24-hours of arrest.[90] As forms of pretrial release, a judge may impose a bail bond[91], nonmonetary pretrial release conditions[92], or any combination thereof. A judge must presume that nonmonetary conditions are sufficient for any person granted pretrial release[93] and not charged with a dangerous crime.[94]

Pretrial Release Programs

In determining the conditions of pretrial release, a pretrial release program may assess the individual and make recommendations. A pretrial release program is a public or private entity that conducts investigations of pretrial inmates and makes recommendations to the court.[95] If an offender is released, a program may also be responsible for supervising or electronically monitoring that individual.[96] The program may select defendants for participation or defendants may be assigned to the program by a judge.[97] There are twenty-nine pretrial release programs in Florida, primarily funded by counties.[98] In evaluating and determining a defendant's suitability for release, a pretrial release program or the court

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[86] S. 921.0024(3), F.S.

[87] Id.

[88] Id.

[89] S. 921.0024(6), F.S.

[90] Fla. R. Crim. P. 3.130.

[91] Bail is a common monetary condition of pretrial release, governed by ch. 903, F.S., and requires an arrestee to pay a set sum of money, commonly called a cash bond, to the court to be released from jail. As an alternative to posting the entire bail amount, a defendant may use a criminal surety bail bond executed by a bail bond agent licensed. A criminal surety bail bond requires a defendant to pay the bail bond agent a nonrefundable fee equal to 10 percent of the bail bond amount set by the court. If the defendant does not appear in court, the bail bond agent is responsible for paying the entire amount of the bond. SS. 903.011 F.S., 903.105 F.S., and 903.045, F.S.

[92] Nonmonetary conditions include any condition that does not require the payment of a financial guarantee, such as releasing the arrestee on his or her recognizance, placement in a pretrial release program, or placing restrictions on the arrestee's travel, association, or place of abode. Fla. R. Crim. P. 3.131.

[93] S. 907.041(3)(a), F.S.

[94] "Dangerous crimes" include arson; aggravated assault; aggravated battery; illegal use of explosives; child abuse or aggravated child abuse; abuse or aggravated abuse of an elderly person or disabled adult; aircraft piracy; kidnapping; homicide; manslaughter; sexual battery; robbery; carjacking; lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years; sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority; burglary of a dwelling; stalking and aggravated stalking; act of domestic violence as defined in s. 741.28, F.S.; home invasion robbery; act of terrorism as defined in s. 775.30, F.S.; manufacturing any substances in violation of chapter 893; and attempting or conspiring to commit any such crime. S. 907.041, F.S.

[95] S. 907.043(1)(b), F.S.

[96] Id.

[97] Office of Program Policy Analysis and Government Accountability, *County Pretrial Release Programs*, December 2016, available at: http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1610rpt.pdf (last visited January 28, 2018).

[98] Id.

may use a pretrial risk assessment tool that uses variables to objectively assess a defendant's potential for re-offense or failing to appear in court and for posing a danger to the community.[99]

Pretrial Release and the Citizens' Right-to-Know Act

Each pretrial release program is required to submit an annual report no later than March 31 to the Office of State Courts Administrator and the clerk of court in the county where the program is located.[100] This report must be publicly accessible and include:
- Name, location and funding source of the pretrial release program;
- Operating and capital budget of the pretrial release program;
- Percent of the program's total budget that is publicly funded;
- Number of persons employed by each program;
- Number of defendants assessed for pretrial release;
- Number of defendants recommended for pretrial release;
- Number of defendants for whom the pretrial release program recommended against non-secured release;[101]
- Number of defendants assessed for pretrial release who were declared indigent by the court;
- The name and case number of each person granted nonsecure release who failed to attend a scheduled court appearance, who had a warrant issued for failure to appear, or who was arrested for a new criminal offense while on release to a pretrial release program;
- Amount of feed paid by defendants to the program; and
- Any additional informed deemed necessary by the governing body to assess the performance and cost efficiency of the pretrial release program.

A study by the Office of Program Policy Analysis and Government Accountability, found that all twenty-nine of the pretrial release programs complied with the annual statutory reporting requirements.[102]

DOC Annual Reporting Requirement

Section 20.315(5), F.S., requires DOC to report annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives, recounting its activities and making recommendations for improvements to the performance of the department. The most recent annual report contained inmate statistics on:
- Number of inmates admitted during fiscal year;
- Inmate admissions by offense type;
- General characteristics of inmate population;
- General characteristics of inmate population by offense type;
- Inmate drug testing and the testing results;
- Number of elderly inmates (over the age of 50);[103]
- Elderly inmate characteristics;
- Elderly population by offense type;
- Youthful offender population;[104]
- Death row population;
- Execution of death row inmates;
- Race and gender of death row inmates;

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[99] Pretrial Justice Institute, *Pretrial Risk Assessment*, available at: http://www.pretrial.org/solutions/risk-assessment/ (last visited January 28, 2018), *see also* Deborrah Brodsky, The James Madison Institute, *Reforming Florida's Pre-trial Decision Making*, available at: https://www.jamesmadison.org/library/docLib/Journal-Spr2017-ReformingFloridasPreTrialDecisionMaking.pdf.
[100] S. 907.043(4)(a), F.S.
[101] "Nonsecure release" means the release of a defendant from pretrial custody when no secured surety or cash bond is required as a condition of the release. S. 907.043(2)(a), F.S.
[102] Supra, FN 97.
[103] Reporting required pursuant to s. 944.8041, F.S.
[104] S. 958.04, F.S.

- Inmates released;
- Inmates released by offense type;
- Recidivism data for sexually violent predators;[105] and
- Inmate escapes.[106]

The annual reports also discuss education/vocational programs and substance abuse programs available to inmates.[107]

<u>FDLE and Incident-Based Reporting</u>

FDLE currently submits crime reports to the Federal Bureau of Investigation (FBI) using the Summary Reporting System (SRS).[108] The SRS reports crime in the aggregate.[109] If several offenses were committed in one criminal episode, the SRS reports only the highest ranking criminal offense.[110] The FBI will require National Incident Based Reporting (NIBRS) by January 1, 2021.[111] NIBRS reports incident based data for every reportable incident in a criminal episode.[112] NIBRS improves the overall quality of crime data collected by capturing details on each single crime incident, as well as on separate offenses within the same incident, including information on victims, known offenders, relationship between victims and offenders, arrestees, and property involved in the crimes.[113] The chart highlights the difference between SRS and NIBRS:[114]

Area	SRS (Summary)	NIBRS (Incidents)
Level of Detail	Sum total for most offence categories	Detailed, incident-based data for every reportable incident
Reporting Frequency	Semi-annual submission	Monthly submission
Data Reported	10 reportable offense types (including number of offenses, clearances, and arrests) and 29 arrest-only offense types	52 reportable offense types that include a broad range of specific incident details and 10 arrest-only offense types
Data Elements	6 per offense type and 9 per arrest type	58 per reported incident
Reporting Hierarchy	Only most severe crime reported per single incident. i.e. if incident includes robbery, aggravated assault, and murder, only murder is reported	Up to 10 crimes per incident can be reported. i.e. murder, robbery, and aggravated assault can all reported for one incident.
Victim & Offender Information	Limited victim/offender data collected: age, race, sex, etc.	Expanded victim/offender data collected: ex. Relationship between offender and victim,

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[105] Reporting required pursuant to s. 394.931, F.S.
[106] Florida Department of Corrections, Agency Annual Reports, available at: http://www.dc.state.fl.us/pub/annual/index.html (last visited January 29, 2018).
[107] Id.
[108] Email from the Florida Department of Law Enforcement, January 6, 2018 (on file with Judiciary Committee staff).
[109] Id.
[110] Id.
[111] Id.
[112] Id.
[113] Id.
[114] Id.

Area	SRS (Summary)	NIBRS (Incidents)
		types and quantities of drugs involved, types of property damaged or stolen.
Submission Requirements	7 individual files, plus 2 optional files	1 combined file

Application Programming Interface

An application programming interface (API) is a computer software intermediary that establishes a clearly defined method of communication between various software components.[115] An API is capable of running data from one software application to another and allows the two systems to communicate.[116] API is described as a "door" or "window" between two systems to allow them to "talk" to one another.[117] APIs are widespread among major Internet services, making it possible for services like Google Maps or Facebook to let other sites "piggyback" on their offerings.[118] For example, Yelp may display nearby restaurants on a Google Map. Facebook APIs allow users to sign into many applications and web sites using their Facebook ID.[119] APIs expose some of the program's internal functions to the outside world in a limited fashion, which makes it possible for applications to share data and take actions without requiring developers to share all of the software code.[120]

Governments are using APIs to share data internally and with citizens.[121] At the federal level, the U.S. Department of Defense used APIs to effectively interconnect all data available within the department.[122] To protect sensitive information maintained by government entities, API can include security elements.[123] At the local level, APIs allowed municipalities to interact and share data with residents.[124] For example, complaints about potholes in the road or other service related calls can be shared through API.[125] Other examples include:

- The National Weather Service publishes an API that makes weather data available to developers within and outside of the organization.
- The Federal Aviation Administration provides travel websites and mobile apps with live airport status and delay information through its Airport Service API.
- The Pillbox API from the National Library of Medicine serve consumers who need to quickly identify an unknown pill.[126]

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[115] David Orenstein, Computer World, *Application Programming Interface*, available at: https://www.computerworld.com/article/2593623/app-development/application-programming-interface.html (last visited January 28, 2018).
[116] Id.
[117] Brian Proffitt, *What APIs Are and Why They're Important*, September 2013, available at: https://readwrite.com/2013/09/19/api-defined/ (last visited January 29, 2018).
[118] Id.
[119] Id.
[120] Id.
[121] Greg Sleet, Government Technology, *What's an API and Why Do You Need One?*, May 29, 2014, available at: http://www.govtech.com/applications/whats-an-api-and-why-do-you-need-one.html (last visited January 29, 2018).
[122] Id.
[123] Id.
[124] Id.
[125] Id.
[126] Gary Brooks, Digital Gov, *APIs in Government*, April 30, 2013, available at: https://www.digitalgov.gov/2013/04/30/apis-in-government/ (last visited January 29, 2018).

Effect of Proposed Changes

<u>Criminal Justice Data Collection and Transparency</u>

Data Definitions

PCB JDC 18-02 creates s. 900.05, F.S., establishing a multi-agency data collection and sharing process. The bill establishes a definition for each data element and assigns the data element to be collected and reported by certain state agencies or local offices or entities. The dictionary of terms makes the data consistent among the different agencies involved in criminal justice, and will result in reliable, accurate, valid and structured data. The bill defines the following:

- "Admission date" means the date a defendant was admitted to the Department of Corrections.
- "Admission type" means the underlying reason for which defendant is admitted to the Department of Corrections, including a new conviction, probation violation, probation violation based on a new offense, parole violation, or parole violation based on a new offense.
- "Annual felony caseload" means the yearly adult criminal felony caseload of each full-time state attorney and assistant state attorney or public defender and assistant public defender. The term does not include the appellate caseload of a public defender or assistant public defender.
- "Annual misdemeanor caseload" means the yearly adult criminal misdemeanor caseload of each full-time state attorney and assistant state attorney or public defender and assistant public defender. The term does not include the appellate caseload of a public defender or assistant public defender.
- "Arraignment date/initial appearance" means the date a defendant first appears before a judge to enter a plea.
- "Arrest date" means the date a defendant is taken into physical custody by a law enforcement agency on a criminal charge, a defendant is issued a notice to appear, or a charging document is filed by the state attorney's office.
- "Attorney assignment date" means the date a court-appointed attorney is assigned to the case or, if privately retained, the date an attorney files a notice of appearance with the clerk of court.
- "Attorney withdrawal date" means the date the court removes court-appointed counsel from a case or, for a privately retained attorney, the date a motion to withdraw is granted by the court.
- "Bail/bond hearing date" means the date a defendant appears in court for bail/bond determination.
- "Bail/bond modification date" means the date a hearing is held to consider a defendant's bail/bond conditions and the conditions are modified.
- "Bail/bond posting date" means the date a defendant posts bail/bond.
- "Bail/bond revocation" means the date a court revokes a defendant's bail/bond.
- "Bail/bond setting date" means the date a court confirms or orders bail/bond in a criminal case.
- "Booking date and reason" means the date a defendant is booked into a jail facility for a new charge; probation violation; pursuant to a bench warrant for pretrial release violation; or pursuant to a warrant from another jurisdiction.
- "Case number" means the identification number assigned by the clerk of court to a criminal case.
- "Case status" means whether a case is open, closed, re-opened due to a probation violation, or inactive.
- "Cash bail/bond amount" means the monetary amount of bail/bond imposed by a court.
- "Cash bail/bond payment" means whether or not a defendant posted bail/bond.
- "Charge class severity" means the degree misdemeanor or felony for each charged offense.
- "Charge description" means the statement of the charge matched to the statutory section establishing the conduct as criminal.
- "Charge disposition date" means the date of final judgment, adjudication, adjudication withheld, dismissal, or nolle prosequi of each charge.
- "Charge modifier" means an aggravating circumstance of an alleged crime that enhances or modifies a charge to a more serious offense level.

- "Charge sequence number" means the unique numerical identifier for each charge in a case with multiple charges.
- "Charge statute" means the statute for each charge establishing the conduct as criminal.
- "Charge type" means whether the charge is a misdemeanor or felony.
- "Committing county" means the county from which defendant was transported to the Department of Corrections.
- "Concurrent/consecutive sentence flag" means an indication that a defendant is serving another sentence concurrently or consecutively in addition to the current sentence.
- "Court fees amount" means the amount of fees owed to the clerk of court at disposition of the case.
- "Court fees amount balance/payment to date" means the amount a defendant paid towards outstanding court fees and the remaining balance owed.
- "Current institution and institution security level" means the name of the institution where a defendant is currently incarcerated and the institution's security level.
- "Daily cost of a jail bed" means the cost per diem, based on all sources of funding and costs associated with operations, for each inmate in a jail facility.
- "Daily cost of a prison bed" means the cost per diem, based on all sources of funding and costs associated with operations, for each inmate in a state correctional institution.
- "Daily cost per probationer" means the cost per diem for each individual serving probation with the Department of Corrections.
- "Daily jail population" means the number of inmates incarcerated within a jail facility on each day.
- "Daily jail post-sentence population" means the number of inmates incarcerated within a jail facility on each day who have been sentenced and are either serving the sentence in jail or awaiting transportation to the Department of Corrections.
- "Daily jail pre-sentence population" means the number of inmates incarcerated within a jail facility on each day who entered a plea to charges or were found guilty at trial and are awaiting sentencing.
- "Daily jail pretrial population" means the number of inmates incarcerated within a jail facility on each day awaiting case disposition.
- "Daily number of correctional officers" means the number of full-time, part-time and auxiliary correctional officers who are actively providing supervision, protection, care, custody, and control of inmates working in a state correctional institution or jail facility each day.
- "Daily number of federal and state inmates held in jail" means the number of inmates who are temporarily incarcerated within a jail facility.
- "Daily prison population" means the number of inmates incarcerated in a state correctional institution on each day.
- "Date of court appearance" means each date a criminal case is considered by a court.
- "Date of failure to appear in court" means each date a criminal case was set to be heard by a court with required appearance by defendant and he or she failed to appear.
- "Defense attorney type" means whether the attorney is court-appointed to or privately retained by a defendant, or the defendant is represented pro se.
- "Deferred prosecution/pretrial diversion hearing date or agreement date" means each date a hearing is held or a contract is signed by the parties regarding a defendant's admission into a deferred prosecution or pretrial diversion program.
- "Disciplinary violation and action" means any inmate disciplinary conduct and the consequences of such conduct.
- "Discovery motion date" means the date a defendant files a notice to participate in discovery.
- "Dismissal motion date" means the date a defendant files a motion to dismiss charges.
- "Dismissal motion hearing date" means the date a court considers a defendant's motion to dismiss charges.
- "Disposition date" means the date on which all case activity is final.

- "Domestic violence flag" means an indication that the charge involves domestic violence as defined in s. 741.28.
- "Drug type for drug charge" mean the type of drug specified in each drug charge against a defendant.
- "Ethnicity" means a person's identification as Hispanic or Latino, not Hispanic or Latino, or Haitian.
- "Filing date" means the date a formal charge is filed against a defendant.
- "Fine amount" means the total fines imposed at case disposition.
- "Fine amount balance/payment to date" means the amount a defendant paid towards outstanding fines and the remaining balance owed.
- "Gang affiliation flag" means an indication that a defendant is involved in or associated with a criminal gang as defined in s. 874.03.
- "Good conduct credit earned" means time an inmate earned for good behavior in a jail facility or state correctional institution and credited toward his or her sentence.
- "Habitual offender flag" means an indication that a defendant is a habitual felony offender as defined in s. 775.084 or a habitual misdemeanor offender as defined in s. 775.0837.
- "Jail capacity" means the maximum number of inmates who can be incarcerated in a jail facility.
- "Judicial transfer date" means a date on which a defendant's case is transferred to another court or presiding judge.
- "Length of probation sentence imposed" means the duration of probation ordered by a court.
- "Length of probation sentence served" means the amount of time on probation a defendant has served to date.
- "Nonmonetary condition of release" means a condition of a defendant's pretrial release imposed by the court that is not based on payment of bail/bond.
- "Number of contract attorneys representing indigent defendants for the public defender's office" means the number of attorneys hired on a temporary basis, by contract, to represent indigent clients who were appointed a public defender.
- "Offense date" means the date that the alleged crime occurred.
- "Plea date" means the date a defendant enters a plea to a pending charge.
- "Presentence jail population at year-end" means the number of inmates incarcerated within a jail facility, at the end of the calendar year, who entered pleas or were found guilty at trial and are awaiting sentencing.
- "Pretrial release decision" means the date the court decides the issue of defendant's pretrial release from incarceration.
- "Pretrial release offender flag" means an indication that the defendant has violated the terms of his or her pretrial release.
- "Prior incarceration within the state" means any prior history of a defendant being incarcerated in a jail facility or state correctional institution.
- "Post-sentence jail population at year-end" means the number of inmates incarcerated within a jail facility, at the end of the calendar year, who have been sentenced and are either serving that sentence in the facility or awaiting transportation to the Department of Corrections.
- "Probation revocation" means any instance where a defendant's probation was revoked.
- "Projected discharge date" means the anticipated date an inmate will be released from incarceration.
- "Race" means a person's identification as American Indian or Alaskan Native, African-American or Black, Asian, Hawaiian or other Pacific Islander, White, or Other, which includes multi-racial individuals.
- "Restitution amount ordered" means the amount of money imposed by the court to compensate a victim of a defendant's criminal activity.
- "Sentence condition" means any requirement imposed by a court in addition to incarceration.
- "Sentence date" means the date a court enters a sentence against a defendant.
- "Sentence length" means the total duration of jail time, prison time, and probation a defendant is ordered to serve.

- "Sentence type" means capital punishment, incarceration, probation, or a combination thereof.
- "Sentencing scoresheet" means the digitized worksheet created under s. 921.0024 to compute the defendant's minimum sentence that may be imposed by the trial court.
- "Speedy trial motion date" means the date a defendant files a demand for speedy trial.
- "Speedy trial motion hearing date" means the date a court hears a defendant's demand for speedy trial.
- "Sexual offender flag" means an indication that a defendant is a sexual offender as defined in s. 943.0435.
- "Time served credit and length" means the amount of prior incarceration credited to an inmate's current sentence to reduce the amount of time remaining in the sentence.
- "Total jail population at year-end" means the number of inmates incarcerated within a jail facility at the end of the calendar year.
- "Trial date" means the date a defendant's case is set for trial, beginning with jury selection.

Data Collection–Departments and Agencies

The PCB centralizes the majority of criminal justice data by requiring the clerks of court, state attorneys, public defenders, administrators of county detention facilities, and DOC to collect specific data and transmit it to FDLE on a weekly basis beginning January 1, 2019.

Clerks of Court

Clerks of court must collect and transmit 72 data elements. The clerks currently collect most of the data elements required, with the exception of defendant's ethnicity, citizenship and immigration status and whether the defendant has a domestic violence, gang affiliation, sexual offender or habitual offender flag.

CLERKS OF COURT (72 Data Elements)			
Any charge referred to the state attorney by law enforcement	Charge description	Defendant's primary language	Judicial transfer date
Arraignment date/ initial appearance	Charge modifier	Defendant's race and ethnicity	Nonmonetary conditions of release
Arrest date	Charge sequence number	Defendant's gender	Offense date
Attorney assignment date	Charge disposition	Defendant's citizenship	Plea date
Attorney withdrawal date	Charge disposition date	Defendant's immigration status	Pretrial release decision
Bail/bond hearing date	Charge statute	Whether the defendant is indigent	Pretrial release offender flag
Bail/bond modification date	Charge type	Date defendant is released on bond or bail	Restitution amount paid
Bail/bond motion date	County where offense was committed	Discovery motion date	Restitution amount ordered
Bail/bond posting date	Court fees amount	Dismissal motion hearing date	Sentence date
Bail/bond revocation date	Court fees amount balance/payment	Dismissal motion date	Sentence type
Bond revocation due to a new offense, failure to appear or a technical violation	Date of court appearance	Disposition date	Sentence length

Bail/bond setting date	Dates defendant failed to appear at court if attendance was required	Drug type for drug charges, if known	Sentence condition
Booking date and reason	Defense attorney type	Domestic violence flag	Speedy trial motion date
Case number	Deferred prosecution/ pretrial diversion hearing date or agreement date	Filing Date	Speedy trial motion hearing date
Case status	Defendant's name	Fine Amount	Time served credit and length
Cash bail/bond amount	Defendant's date of birth	Fine amount/payment to date	Trial date
Cash bail/bond payment	Defendant's age	Gang affiliation flag	Sex offender flag
Charge class severity	Defendant's zip code of primary residence	Habitual offender flag	The number of judges who see adult criminal cases in each circuit

County Detention Facilities

The administrators of county detention facilities must collect 22 data elements. Data collection varies from county to county, so this requirement will standardize data collection for all county jails.

ADMINISTRATORS OF COUNTY DETENTION FACILITIES (22 Data Elements)		
Annual jail budget	Daily number of correctional officers	Pretrial jail population at year-end
Booking date and reason	Domestic violence flag	Pretrial release offender flag
Daily jail population	Gang affiliation flag	Revenue generated from the temporary incarceration of federal defendants or inmates
Daily jail pretrial population	Habitual offender flag	Sexual offender flag
Daily jail presentence population	Jail capacity	Total jail population at year-end
Daily jail postsentence population	Number of federal and state inmates held in jail at year-end	Weekly admission to jail for probation revocation
Daily federal and state inmates held in jail	Post-sentence jail population at year-end	
Daily cost of jail bed	Presentence jail population at year end	

State Attorney

The state attorneys in each circuit are required to collect 11 data elements.

STATE ATTORNEY (11 Data Elements)		
Annual felony caseload	Number of cases in which no information was filed	Victim's gender

Annual misdemeanor caseload	Number of full-time assistant prosecutors	Victim's age
Charge referred to the office by law enforcement	Number of part-time assistant prosecutors	Victim's relationship to offender
Drug type for drug charge	Victim's race and ethnicity	

Public Defenders

The public defenders in each circuit are required to collect 5 data elements.

PUBLIC DEFENDER DATA ELEMENTS (5 Data Elements)		
Annual felony caseload	Number of contract attorneys representing indigent defendants for the public defender's office	Number of part-time assistant public defenders
Annual misdemeanor caseload	Number of full-time assistant public defenders	

Department of Corrections

DOC is required to collect 38 data elements, all of which are currently collected by the department.

DEPARTMENT OF CORRECTIONS (38 Data Elements)		
Inmate's name	Inmate's committing county	Daily number of correctional officers
Inmate's DOC number	Inmate's reason for admission (new conviction or violation of probation)	Daily cost of prison bed
Inmate's date of birth	Specific offense codes for admission	Probationer's name
Inmate's race and ethnicity	Concurrent/consecutive sentence flag	Probationer's date of birth
Inmate's number of children	Length of sentence/concurrent or consecutive sentences served	Probationer's race and ethnicity
Inmate's education level	Projected discharge date	Probationer's sex
Inmate's admission date	Time served, in days	Probationer's department-assigned case number
Inmate's admission type	Good conduct credit earned	Length of probation imposed and length of probation sentence served
Inmate's current institution and institution security level	Prior incarceration within the state	Probation release date or projected release date
Inmate's sex offender flag	Disciplinary violation and action	Probation revocation due to a violation
Inmate's habitual offender flag	Participation in rehabilitative or educational correctional programs	Probation revocation due to a new offense
Inmate's gang affiliation flag	Budget for each correctional institution	Daily cost per probation
Inmate's sentencing scoresheet	Daily prison population	

Department of Law Enforcement - Collection of Data and Publication

Data Publication

PCB JDC 18-02 requires FLDE to publish all datasets in its possession beginning January 1, 2019. On March 1, 2019, FDLE will begin publishing the data received from the agencies and offices, with all data from the agencies and offices published and publicly available no later than July 1, 2019.

The data must be published on FDLE's website in an open, electronic format that is machine-readable and readily accessible by the public. The data must be searchable by each data element, county, circuit, and unique identifier number. The unique identifier number is a number FDLE will assign to a person who is the subject of each criminal case. The unique identifier must be the same for the person in any court case and used across local and state entities for all information related to that person. The unique identifier number will allow data to track an individual's experience in the criminal justice system.

Guidelines for Data Publication

The PCB creates s. 943.687, F.S., requiring FDLE to facilitate the availability of comparable and uniform criminal justice data. FDLE must:
- Collect, compile, maintain and manage the data submitted by the agencies under s. 900.05, F.S.;
- Make the data free to access or receive and allow users to determine the electronic format in which the information will be provided. FDLE will create an API for the efficient communication and transmission of data between the department and agencies.
- Not require a license or charge a fee to access or receive information from the database.
- Consult with local, state, and federal criminal justice agencies and other public and private users of the database on the data elements collected, the use of such data, and adding data elements to be collected.
- Monitor data collection procedures and test data quality to promote the distribution of accurate, valid, reliable, and complete criminal justice data.
- Develop methods for archiving data, retrieving archived data, and data editing and verification.

Rulemaking Authority

The PCB requires FDLE to adopt rules to implement the provisions of the bill, including:
- Requirements for the submission of data by the agencies;
- A data catalog defining data objects, describing data fields, and detailing the meaning of and options for each data element;
- How the collected data is compiled, processed, structured, used, or shared;
- Tagging all information associated with each case number and unique identifier;
- Requirements for implementing and monitoring the interned based data; and
- How the information contained in the interned database is accessible by the public.

The rules will facilitate the publicly available website, allow users to determine their research parameters and data elements to explore, and download the data in a format of their choice.

6th Judicial Circuit Data Fellow Pilot Project

PCB JDC 18-02 establishes a pilot project in the 6th Judicial Circuit, consisting of Pasco and Pinellas counties, to allow the clerk of court, the state attorney, the public defender, or a sheriff to enter into a Memorandum of Understanding with a national, nonpartisan, not-for-profit entity which provides data and measurement for county-level criminal justice systems to establish the duties and responsibilities of a data fellow, funded by the entity, to be embedded with the office or agency. The data fellow will assist with data extraction, validation, and quality and publish such data consistent with the terms of the

memorandum. The data fellow will also assist the office or agency in compiling and reporting data required by the PCB. The pilot project expires pursuant to the terms of the memorandum.

Criminal Punishment Code Sentencing Scoresheets

PCB JDC 18-02 amends s. 921.0024, F.S., to require the digitization of the CPC scoresheet. The CPC scoresheet must have entry fields for each data point capable of being input to a computer and searchable by data field or data element. The PCB also requires the clerk of circuit courts to electronically transmit copies of the CPC scoresheets to DOC.

Pretrial Release Program Annual Reporting

PCB JDC 18-02 amends s. 907.043, F.S., requiring pretrial release programs to include in the annual report:
- The number of defendants in which a pretrial risk assessment tool was used and the number of defendants in which the tool was not used;
- The number of defendants accepted into a pretrial release program who paid a surety or cash bond; and
- The type of criminal charges of defendants accepted into a pretrial release program to include the number of defendants charged with dangerous crimes,[127] non-violent felonies, misdemeanors only, or no prior criminal convictions.

Pretrial risk assessment tools can be effective in determining which defendants should be released on pretrial. By having the programs report the numbers, data will be available for policy and lawmakers to better track the success and predictive ability of pretrial risk assessment tools.

Pretrial release programs are currently unable to consistently report the types of offenses for defendants admitted into the programs. The information is beneficial in understanding the types of defendants afforded the opportunity to participate in a pretrial release program, and the success associated with participation.

Department of Corrections Data Reports

PCB JDC 18-02 creates s. 945.041, F.S., requiring DOC to publish on its website information on inmate admissions by offense type and the recidivism rate, and update the information quarterly. When publishing information on inmate admission by offense type, DOC must include a separate category for residential burglary offenses.[128]

The PCB expands DOC's current definition of recidivism, which is a return to prison, as a result of either a new conviction or a violation of post-prison supervision, within three years of release from prison, to include rearrest, reconviction, or probation revocation. DOC's definition does not capture offenders who may be reconvicted but not sentenced to prison, offenders who violate probation but are reinstated on probation, or offenders who are rearrested and may receive only jail time. The expanded definition of recidivism will capture a more accurate and complete picture of recidivism in Florida.

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[127] "Dangerous crimes" include arson; aggravated assault; aggravated battery; illegal use of explosives; child abuse or aggravated child abuse; abuse or aggravated abuse of an elderly person or disabled adult; aircraft piracy; kidnapping; homicide; manslaughter; sexual battery; robbery; carjacking; lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years; sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority; burglary of a dwelling; stalking and aggravated stalking; act of domestic violence as defined in s. 741.28, F.S.; home invasion robbery; act of terrorism as defined in s. 775.30, F.S.; manufacturing any substances in violation of chapter 893; and attempting or conspiring to commit any such crime. S. 907.041, F.S.

[128] Includes offenses under SS. 810.02(2) F.S. (burglary with assault or battery upon any person; burglary while armed with dangerous weapon), 810.02(3)(a) F.S. (burglary of occupied dwelling), and 810.02(3)(b), F.S. (burglary of unoccupied dwelling).

Appropriations

The PCB authorizes nine FTEs and $1,750,000 in nonrecurring funds from General Revenue to FDLE for the purposes of implementing the provisions of the bill, and to begin the transition to incident-based crime reporting as required by the FBI.

The PCB provides an effective date of July 1, 2018.

B. SECTION DIRECTORY:

Section 1: Creates s. 900.05, F.S., relating to criminal justice data collection.
Section 2: Creates s. 943.687, F.S., relating to criminal justice data transparency.
Section 3: Amends s. 921.0024, F.S., relating to Criminal Punishment Code; worksheet computations; scoresheets.
Section 4: Amends s. 907.043, F.S., relating to pretrial release; citizens' right to know.
Section 5: Creates s. 945.041, F.S., relating to Department of Corrections reports.
Section 6: Amends s. 20.315, F.S., relating to Department of Corrections.
Section 7: Creates an unnumbered section of law establishing the Criminal Justice Data Fellow Pilot Project.
Section 8: Provides an appropriation.
Section 9: Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   The PCB will likely have an indeterminate significant impact on agencies required to collect data due to the increased demand of transmitting data to FDLE. The department and agencies collect the majority of information requiring under the PCB. However, the fiscal impact may vary from agency to county based on the technical capabilities to meet the weekly transmission requirements. The additional data and transmission may require more workforce with the department and agencies, as well as updated or new technology.

   The PCB will likely have an indeterminate significant impact on FDLE for receiving, publishing, maintaining, and storing the data. The PCB requires upkeep and maintenance of the data. FDLE may need to contract with other vendors to facilitate the publicly available website, allow users to determine their research parameters and data elements to explore, and download the data in a format of their choice. The PCB appropriates $1,750,000, including 9 FTEs, to FDLE to accomplish the goals of the PCB.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

The PCB will have an indeterminate impact on local administrators of county detention facilities by requiring the reporting and transmission of data from the facilities to FDLE on a weekly basis. Depending on the size of the facility and current data capabilities, some counties may need to hire additional positions to input and maintain the data and the requirements may involve technology upgrades or installing new systems.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill requires all county operated detention facilities to collect and transmit data elements to FDLE; however, an exemption likely applies because the bill creates an insignificant fiscal impact.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The PCB provides appropriate rulemaking authority to FDLE to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES