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December 21, 2022

Via electronic submission

The Honorable Ronald D. Kouchi
President of the Senate
State Capitol, Room 409
Honolulu, HI 96813

The Honorable Scott Saiki
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Pursuant to Section 614-3(d), Hawai'i Revised Statutes (HRS), the Judiciary is transmitting a copy of the *Criminal Justice Research Institute 2022 Annual Report*.

In accordance with Section 93-16, Hawai'i Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Coordinating Office at 808-539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

A handwritten signature in blue ink that reads "Rodney A. Maile".

Rodney A. Maile
Administrative Director of the Courts

Attachment

c: Legislative Reference Bureau Library

CRIMINAL JUSTICE RESEARCH INSTITUTE

**2022
ANNUAL
REPORT**

PREPARED BY

Erin Harbinson, PhD & Aerielle Reynolds, MSCJA

BACKGROUND

This report is respectfully prepared pursuant to Act 179, Session Laws of Hawai'i 2019, Hawai'i Revised Statutes (HRS) 614, which requests an annual report from the Criminal Justice Research Institute. The Criminal Justice Research Institute (CJRI) was established with Act 179 for the purposes of collecting and analyzing criminal pretrial system data and conducting research for the state to support the criminal justice system. Due to the complexity of the criminal pretrial process and data in the state, HRS § 614-3 acknowledges there are several steps needed before establishing a pretrial database and reporting system, and disseminating pretrial metrics regularly:

“(b) In establishing the system, the institute shall take all necessary and appropriate steps, including: (1) Identifying all current databases utilized by various state agencies to track criminal pretrial information; (2) Determining the administrative and technological feasibility of aggregating and sharing current data; and (3) Identifying critical gaps in data and information collection that are required for a robust assessment of criminal pretrial justice matters.”

This annual report reviews activities related to developing the criminal pretrial database and reporting system in addition to other activities authorized under CJRI according to HRS § 614-3, which states that: “The institute shall compile an annual report that reviews and analyzes data from the system to evaluate the effectiveness of the State's criminal pretrial system and identify possible improvements. The institute shall submit the report, including any proposed legislation, to the legislature no later than twenty days prior to the convening of each regular session.” This year, CJRI provides progress updates related to the development of the centralized statewide criminal pretrial data reporting and collection system. Hereafter, referred to as the pretrial database and reporting system.

CJRI is authorized to study all areas of the criminal justice system in order to provide a more comprehensive approach to helping the state protect the rights of individuals, increase system efficiencies, and apply cost controls. HRS § 614-2(b) reviews the scope of CJRI's work, including monitoring data and evidence-based practices of the criminal pretrial system, conducting cost-benefit analysis, monitoring national trends, and issuing reports to the public about the criminal justice system.

The CJRI annual report for 2022 provides an update to the Legislature on the activities of CJRI, including the progress towards the pretrial database and reporting system, and recommended legislation to establish the system and advance goals under Act 179. The report summarizes accomplishments that established the feasibility of creating the pretrial database and reporting system, as well as additional activities that occurred to address other responsibilities articulated in Act 179.

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ADDRESSING OUR RESPONSIBILITIES IN ACT 179

Before reviewing CJRI activities from the past year, we provide some context for the criminal pretrial system and existing landscape of data that directly impacts our work. Our main priority is to establish and maintain a “centralized statewide criminal pretrial justice data reporting and collection system” (HRS § 614-3). By creating a centralized database, CJRI will have the capacity to monitor the criminal pretrial system in the state and develop recommendations for improvement. Until a system is established, criminal pretrial data is disconnected and scattered across agencies. Act 179 identified several measures that could be reported out to evaluate the criminal pretrial system in the State of Hawai‘i. In order to establish the pretrial database and reporting system, a range of research and planning steps must occur to develop a system that has the capabilities to report out on these metrics. Planning was done in collaboration across statewide agencies to ensure the pretrial database and reporting system is developed to assess their operations and data accurately, while recognizing the limitations that could impact it. Planning included collaboration with staff in leadership and administration, information technology, research, legal, and program operations with three statewide agencies housing pretrial data.

As the law identifies, the development of a pretrial database and reporting system is a significant undertaking. CJRI is grateful for the support of many across the criminal pretrial system who have taken the time to engage in the planning of the pretrial database and reporting system. We look forward to continuing our work with our partners in the

Department of Public Safety, the Hawai'i Criminal Justice Data Center, Department of the Attorney General, and the Judiciary as we create the new system. Their collaboration was essential in developing a feasible system, and will be critical to establishing an effective system. Based on comprehensive research, planning, and coordination across the pretrial system, we recommend developing a technological solution to extract data from existing databases and storing it one data warehouse, and estimate resources needed to create a pretrial database and reporting system that meets the goals of the law. The intent of the law is to share data to evaluate the pretrial system and provide recommendations to improve the system, which requires investment in data capacity. In accordance with the law, we provide recommendations that would create the pretrial database and reporting system and propose the 2023 legislature consider this request.

The law describes CJRI responsibilities to accomplish steps to establish the criminal pretrial database and reporting system, and outlines other tasks to promote the use of research for the state (HRS § 614-2). The scope of CJRI's research is summarized in the graphic on the following page. CJRI undertakes many research and data activities that inform criminal justice policy discussions across all three branches of government. While CJRI staff prioritize their work to advance the pretrial database and reporting system, additional activities have been critical in establishing relationships with the many agencies involved in the criminal justice system and have helped inform CJRI staff of the strengths and barriers of the existing criminal justice data landscape. The 2022 annual report summarizes the planning and research to recommend a solution for the pretrial database and reporting system, in addition to providing an overview of accomplishments to bring data and research to criminal justice policy discussions.

Scope of CJRI in HRS § 614-2



Collecting data to monitor the overall functioning of the criminal justice system



Monitoring evidence-based practices and reporting out on the effectiveness of practices and policies implemented as a result of the recommendations of the criminal pretrial task force



Conducting cost-benefit analysis on various areas of operation



Monitoring national trends in criminal justice



Issuing public reports to inform all criminal justice stakeholders and the public about the functioning of the criminal justice system

SUMMARIZING PROGRESS IN ACHIEVING GOALS ESTABLISHED IN HAWAI`I REVISED STATUTES, CHAPTER 614, SECTION 2

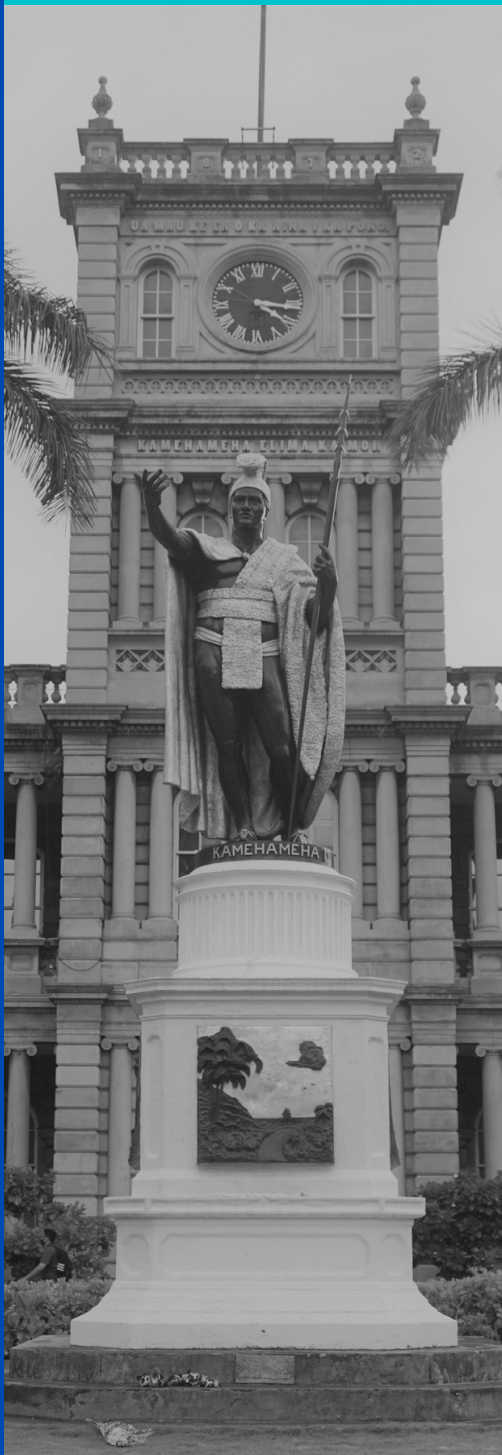


CJRI was established in Act 179 in 2019, followed by the appointment of board members and the hiring of the first staff member in November 2020 and the second staff member in October 2021. In the first two full years, the CJRI has accomplished the following:

- Developed a mission statement, values, and strategic plan for the new organization.
- Assessed the statewide criminal justice system and data sources through policy review, on-site observations, and meetings with pretrial decision-makers to inform recommendations to create a centralized statewide criminal pretrial data reporting and collection system.
- Reviewed national efforts on similar data projects by interviewing other jurisdictions and assessing several IT strategies to identify the most cost-efficient solution for the state.
- Reviewed most up-to-date research on pretrial systems to ensure the pretrial data and reporting system was aligned with the current evidence-base and best practices in creating a system designed for data driven policy recommendations.

- Advanced collaborative relationships across all three statewide agencies housing criminal justice data to ensure the project is carried out as a collective effort to improve the pretrial system and state outcomes.
- Engaged in wide-ranging stakeholder and community conversations to promote collaboration in organizational work, pretrial and otherwise.
- Contacted several local experts at universities and community organizations conducting similar projects to identify innovative solutions to advancing data capacity and conducting criminal justice research.
- Received board approval to pursue a pretrial database and reporting system that would extract data from agencies and centralize them in a data warehouse, an approach identified to enhance data capacity and more timely reporting in a cost-efficient manner.
- Established the feasibility of creating a centralized statewide criminal pretrial reporting system by testing local data and partnering with IT companies to document the technological plan to create the system.
- Outlined a technical plan and estimated costs to creating a system, as well as identified agencies and data sources necessary to create a system in order to provide an estimated timeline and budget for consideration by the legislature.
- Drafted data definitions and a data codebook outlining metrics for the pretrial system, and outlined feasibility of producing metrics with new pretrial database and reporting system.
- Conducted an ongoing pretrial data pilot to learn data strengths and limitations with existing data infrastructure and data elements, including testing out data extractions, data sharing protocols, data merging, and preliminary examination of data collection across agency systems.
- Drafted an implementation plan to address criminal justice data quality statewide and prioritized pretrial data to prepare for the pretrial database and reporting system.

IDENTIFYING STATEWIDE PRETRIAL DATA SOURCES



Pursuant to Recommendation No. 24 of the Criminal Pretrial Task Force’s Report,¹ Act 179 / HRS § 614-3 tasked CJRI with assessing the administrative and technological feasibility of aggregating and sharing currently collected criminal pretrial data and establishing a centralized statewide criminal pretrial justice data collection and reporting system.

CJRI staff interviewed agencies across the country conducting similar work and researched approaches other jurisdictions have adopted to produce systemwide metrics. Through this research, the most efficient and cost-effective approach to establish this system is to extract, link, and merge data from existing state databases into a centralized technology-based data warehouse. This would work with data across existing databases in the state’s criminal pretrial system and would not require duplicate data entry or new databases in other agencies.

In order to assess the feasibility of the technical work needed across different agency IT systems, CJRI selected IT partners in Fall 2022 to map out the potential technological capabilities of extracting and linking criminal pretrial justice data, and developing a work plan to estimate the costs and timeline of establishing a system with a centralized data warehouse. During the 2022 Regular Session of the Hawai'i State Legislature, CJRI was awarded funds to assist in this work. CJRI staff conducted this planning with staff from the Department of Public Safety, the Judiciary, and the Hawai'i Criminal Justice Data Center, Department of the Attorney General to incorporate the three main statewide sources of criminal pretrial data. These three statewide data sources collect data necessary to calculate and report out on the criminal pretrial performance metrics in accordance with HRS § 614-3. Once they are merged and linked, they can serve as a centralized database for pretrial data.

Act 179/HRS 614 recognized that establishing a centralized statewide database is a substantial and complex undertaking. Several key issues in establishing the database were identified, including combining data from different agencies' databases, many of which are the result of separate data and information technology systems. Data is primarily collected for operational purposes, and needs to be reformatted for research. Relatedly, large amounts of data are in text fields and may require a technological solution to transform it for quantitative analysis. Agencies have inconsistent data definitions, which means they cannot be aggregated for analysis. Though technology may create a centralized system and improve data capacity, it will take time and parallel efforts to work across all three agencies to improve data entry practices to improve the quality of the data.

Despite these challenges, critical strengths were identified. Each agency holds an electronic database containing a wealth of information critical to the pretrial system, even though data quality varies. Each of these data sources has an identifier for cases or people that can assist in linking the

three main data sources, which will allow the data to be merged into a centralized location. By leveraging technology to extract and link records, a significant amount of data collection for the reporting system can be automated and streamlined. With improved data capacity, it will be possible to create more timely reporting on the pretrial system. Given the dynamic nature of jails and the pretrial system, reporting out pretrial metrics more frequently and closer to real-time will allow decision-makers to use data more effectively.

LEARNING FROM THE PRETRIAL DATA PILOT



The data pilot is an ongoing effort to inform the development of the pretrial database and reporting system. All three statewide agencies provided data extractions with pretrial related data elements from cases in 2019. This timeframe was targeted since it is the most recent time period of average or typical criminal justice trends within recent years, and creates a study sample of individuals who were charged in 2019 with the potential to link with long-term follow-up data. The data pilot is providing a road map for work to create a centralized system and document data quality issues. A summary is provided below.

Identifying the most effective process to link and merge records from all three statewide sources: In order to create a centralized repository of pretrial data, these records must be linked at the case and individual level. Each agency collects records in different ways and has their own system for organizing those records. The court system tracks cases once charges are filed

by a case number, but not all criminal justice agencies have reliable information on case numbers. Thus far, a sizable portion of records from the courts and jail data link by case number, though some discrepancies exist. Arrest records and information on individuals entering jail can be linked by a unique individual state identifier, which creates a reliable pathway to link people who enter jail with their arrest outcomes. However, some pretrial metrics may need people to be studied at the case level, not the person level. For instance, one person with their own identifier might have more than one court case that links to them, or the state may want to understand how cases process through the system regardless of the number of times someone has been arrested.

Evaluating data transfer processes and protocols: CJRI must rely on the three statewide agencies involved in pretrial decisions, therefore data sharing policies must be established for the pretrial database and reporting system. Currently, data is manually extracted from these agencies. Manual data extractions require staff time, and in most cases, only a few staff have the access and knowledge to fulfill data requests. Once staff at each agency pull data from their own data systems, they send it in a secure form to CJRI staff (i.e., encrypted email file, compact disc). Each agency has varying levels of difficulty in extracting the necessary data. Because the data involves vulnerable populations and some of it is protected, protocols such as data sharing agreements and data storage practices are important policies to develop. For example, some types of data in arrest records require specific data storage requirements and security training for anyone who accesses that information. The pilot process created an appreciation for the opportunities that might exist with adopting new technology, such as automatic uploads of data into a centralized system to ensure more timely data collection and reduce staff workloads related to data requests. The pilot has also allowed CJRI staff to learn more about the best processes to

extract data across all the agencies given the varying data systems, as well as laws and rules governing their own data.

Documenting data quality issues: Data quality is not unusual when secondary data sources are used. However, some are more problematic than others, and different sources of data quality create different types of limitations. For example, missing data is a frequent occurrence. Sometimes missing data is appropriate, such as when the information is not applicable to a case, but other times missing data is due to operational inconsistencies. A small percentage of missing cases is not as important, but if it is clear that missing data is more common, it will be important to target data quality improvement plans right away. By running certain data fields, it is possible to start documenting the extent that certain data fields have data quality issues. Due to the complexity and wide-ranging impact of data quality, another section of the report summarizes these issues and outlines steps for 2023 that must be taken to address them.

Reviewing and refining data definitions: Unless the data is free text such as fields open for typed notes, data is shared based on the way the agency database has defined each specific data element. For example, many systems created drop-down fields with specific categories, or have boxes to select. These create more consistent use of categories, but can create their own limitations. Sometimes data are collected in broader categories and the specific categories needed for metrics are missing, and therefore gaps still exist. Or the labels might mean different things to different people, and combined data might not be as meaningful. It is important to review current data collection practices and data definitions to ensure they align with the pretrial reporting system.

USING DATA PILOT TO ESTIMATE CASE LEVEL VOLUME BY AGENCY PER YEAR²

Judiciary

33,000

New Criminal
Cases

Hawai'i Criminal
Justice Data
Center

38,000

Arrests

Department of
Public Safety

21,000

New Jail
Admissions

Documenting gaps in data: Though large amounts of information are collected across the criminal justice system, many pieces of information are not collected systematically or are not collected in a way they can be extracted and shared for reporting or research. For example, many stakeholders have asked about housing and homelessness for individuals involved in the pretrial system. Much of that information likely exists across databases, but it is not collected systematically and it is collected in the form of files, notes, and other formats that cannot be extracted easily. Besides reviewing data that is available, CJRI is documenting data that are not available in the three statewide systems. Other data sources or changes to data collection may be necessary to collect them in the future.

REVIEWING STATEWIDE PRETRIAL DATABASES

The pretrial database and reporting system will require four primary data sources from three agencies. Records on individuals and cases will need to be linked across all of them in order to calculate metrics and evaluate the span of the criminal pretrial system. Most metrics require an extraction of data from more than one database. Some examples are provided in Figure 1 below.

FIGURE 1: Mapping Primary Pretrial Metrics with Statewide Data Sources

	COURTS, JUDICIARY	ARRESTS, CRIMINAL JUSTICE DATA CENTER (AG)	JAILS AND PRETRIAL SERVICES, DEPARTMENT OF PUBLIC SAFETY
PRIMARY OPERATIONS MEASURES			
Pretrial Period	✓		
Pretrial Release	✓		✓
Length of Detainment			✓
OUTCOME MEASURES			
Failure to Appear	✓		
Rearrest	✓	✓	✓
Violent Rearrest	✓	✓	✓

The Judiciary

The Judiciary uses a case management style data management system that includes critical information for judges, attorneys, and others involved in court cases. Once charges are filed, a new case record is created for the individual or for individuals charged together on a case. This record follows someone throughout the course of their pretrial phase, as well as beyond pretrial until their term is completed and closed. There are several critical pieces of information in this system for pretrial. First, it is an initial record to identify all individuals who are charged, which is the starting point of the pretrial period and includes their date of case adjudication indicating when the pretrial term ends. Next, important information about hearings during the pretrial phase are included, such as decisions by the judge to release or detain someone, bail amounts, and appearance (or lack thereof) at required court hearings. These types of information can have multiple entries in each case throughout the pretrial period, since different hearings or court actions can occur throughout. The biggest challenge with this data lies in the wealth of information that exists, but much of it is in an unstructured text format or housed in different types of fields.

Department of Public Safety

At this time, the Department of Public Safety has two data systems that contain information related to pretrial. One system tracks individuals who are admitted to jails and prisons, and collects relevant facility management information, including information on when the person enters or leaves jail, and the reason for entering jail. Another data system tracks information from Intake Services staff, incorporating information from activities such as bail reports and pretrial supervision monitoring. Much of the pretrial data is extracted into forms with consistent categories and labels, however, some varying data definitions and operations exist due to the nature of localized operations and resources across the islands.

Hawai'i Criminal Justice Data Center, Department of the Attorney

General

The Hawai'i Criminal Justice Data Center houses the statewide criminal history record information system (CJIS). This system includes arrest records from across the state reported by all four county police departments, as well as statewide law enforcement entities. These records can help fill in information regarding what law violations led to someone's charges, but more importantly for pretrial, rearrest is a primary outcome to examine for the pretrial system.

These data sources hold an abundant amount of pretrial data, and all three agencies are necessary to create a centralized statewide criminal pretrial data reporting and collection system as outlined in the law. CJRI staff are grateful for the cooperation and support from staff at all three agencies in examining pretrial data for this project. There is a large volume of activity and cases in these systems, which demonstrates the necessity to use electronic data to collect pretrial information. Because multiple data sources are required to calculate essential pretrial metrics, it demonstrates the need to create data capacity to improve the timeliness of pretrial reporting.

CONFRONTING AND ADDRESSING DATA QUALITY ACROSS CRIMINAL JUSTICE AGENCIES

From the beginning, data quality was a main priority for staff at CJRI as they began to map out pretrial data and databases. The annual report from 2021 summarizes the main barriers to creating a centralized statewide source of pretrial data, and many of these barriers interrelate with data quality. Even if technological barriers are addressed to create a centralized repository of statewide data necessary for the pretrial database and reporting system, data quality issues must be resolved as well. If data are not valid or reliable when merged into the database, then metrics relying on those data sources will have the same limitations.



WHAT ARE SOME EXAMPLES OF DATA QUALITY ISSUES IN RESEARCH?

Reliable Data

Reliability refers to the consistency of a measure.³ If the measure is reliable, it can be repeated multiple times in the same circumstances and get the same result. This can apply to tools like assessments too. For example, two intake staff assessing the same person should generate the same results from the pretrial risk assessment tool. If a database is not collecting reliable data, then this would pose issues of reliability in pretrial reporting.

Valid Data

Validity can relate to measures, samples, or research designs.⁴

For data, it can relate to how well a measure reflects the concept or idea it was designed to measure. When data is extracted from operational databases, researchers have to transform the fields and labels to create measures for a study or metric. It is important that data collected in these systems can be used to capture valid concepts and outcomes in pretrial.

Representative Data

Missing data is a common occurrence in operational databases. Sometimes missing data is small and random, where statistics can still be applied to analyze and interpret outcomes. If the data is missing for non-random reasons, it might bias the data and therefore the statistics. For example, if one island did not enter the data for a given field or measure, then any statistics analyzing the combined data would not represent statewide trends.

Data quality is a broader term that can refer to many things, but is often associated with the “garbage in, garbage out” dilemma. Most data quality issues are not from intentional or negligent data entry. Many come from the way in which databases are designed for criminal justice operations, and not for research. All three statewide agencies have databases that pose unique challenges in collecting data for the pretrial system. Presented below is a review of some critical barriers to existing databases that impact data quality, but it is not an exhaustive review of the three statewide data sources.

How Operations Impacts Data Quality:

The Judiciary uses a database that is structured like a case management system, where different decision-makers and staff can enter information pertinent to court cases. This means that there are hundreds of people entering data, such as prosecutors and court clerks. Having multiple people enter information into a database for multiple events creates a range of challenges. Furthermore, the system has many open fields where staff write out free-text information necessary for pretrial. Open text fields are one of the biggest barriers to data collection, where people write with different abbreviations or leave out information, making it an unsystematic process to collecting data for research. Even when free text is more consistent, researchers must reformat the information into categories or other forms necessary for statistical analyses.

Police officers are collecting data through the course of their interactions with citizens and during arrests out in the community. Police may write information about arrests in varying ways across arrest reports. Information on arrests does get standardized into arrest records at the state level, but some of the detail or background important for pretrial but not critical to the arrest records may get lost by the time data is entered in

the system. The arrest data has fewer limitations for the pretrial database and reporting system purposes, but anytime multiple people collect information in the course of their jobs in the field, there are more opportunities for unintentional errors, missing information, or deviations.

More than a hundred custody and intake staff across the islands collect information when someone is admitted to jail. Though some of the Department of Public Safety's data is collected in a standardized way in the current database, data inconsistencies can still occur. For example, staff working in the jails may define pretrial differently depending on the court records they have at the time someone is booked into the facility. For example, an individual supervised on probation may be brought in on new charges, but there may not be paperwork available yet documenting a revocation with the courts making it unclear if they are pretrial or admitted for a probation violation. While the system tends to collect information in a standardized way, some details important to pretrial are not available because there are no standardized fields to collect the data. Currently, the data might capture operations well but not concepts for pretrial research.

The data quality issues must be addressed through a multi-pronged approach, since they stem from a variety of sources. It will take comprehensive planning across all three agencies, including time, collaboration, and resources to make improvements. Hawai'i's pretrial system is not unique to these challenges as this is a common occurrence in criminal justice research, but each agency will have to address them within their own context. Data quality must be addressed to meet the goals of Act 179, however, CJRI will implement a plan addressing a wider range of criminal justice data to take advantage of this unique opportunity to specifically target these issues which underlie all criminal justice metrics and research for the state. CJRI has examined data for other types of criminal justice research questions and received input from researchers at

local universities and partner agencies who expressed similar challenges due to data quality issues. As CJRI is dedicated to bridging silos and gaps in data for pretrial, the data quality plan will incorporate recommendations to improve data quality for other common criminal justice data critical to evaluating the criminal justice system.

CJRI has not reported out on pretrial metrics at this time until data quality issues have been documented and assessed. In order to report out on metrics as quickly as possible, steps to improve data quality will be done in a staged approach in order to produce key outcome metrics for the pretrial system first while other data quality issues are addressed. During the data pilot, we have uncovered the following data quality barriers that must be addressed to analyze data for the pretrial database and reporting system:

1. Data systems might use different units of analysis, creating barriers to linking records (i.e., tracking court cases but not tracking each unique individual entering the court system).
2. Databases do not all use the same unique identifiers consistently, such as unique case numbers or individual identifiers, which are necessary to link data sources across agencies.
3. Operations including data entry and data training vary across location in all statewide agencies, in part due to different staffing structures, resources, or adaptation to local culture.
4. Data definitions have not been vetted thoroughly across or within agencies, therefore different categories or labels may be inconsistent, prohibiting interpretation of data when it is aggregated.
5. No data codebook currently exists within the state that can be used across agencies, because each agency uses its own data definitions, which are not consistent with one another.
6. Line staff are rarely trained on data entry in a consistent, systematic way resulting in inconsistent data definitions and data entry practices.

7. Databases collect a significant amount of information, but the fields designed to collect it were not designed to categorize or capture information for pretrial research resulting in a significant amount of time needed to reformat data for research purposes.
8. Database systems cannot be revised for pretrial research data collection without resources to change the database itself.
9. Information may be included in documentation such as a pdf or paper file, and not entered into a database.
10. Agencies may collect similar data, but if it is not critical or essential to their own operations it may be unreliable as a measure.
11. Missing data is common, and while sometimes data is missing because it is not applicable in some circumstances, researchers must assess this since missing data that is due to incomplete data entry can bias statistics.
12. Some information important to pretrial is not collected in an intentional and systematic way in a database, making it difficult to assess if the information is collected in other fields or sources and if so, how consistently.

The following steps will occur to address criminal justice data quality, prioritizing data for the pretrial database and reporting system:

- Assessing current data quality using raw data including statistics and data analyses, manual inspection, and cross-agency referencing.
- Creating an interagency workgroup to develop consistent data definitions for critical pretrial data elements and coordinating within their own agencies to develop plans to improve data collection within their own databases, which will need to include new agency policies and training for changes to data entry practices.
- Identifying data gaps that require changes to current IT systems or developing alternative methods for collecting the data.

- Providing resources to agencies who must change data entry practices, as well as leadership buy-in to prioritize these data entry and collection changes.
- Developing a long-term strategy to monitor data quality to ensure that data entry continues to capture reliable and valid data over the long-term.

The metrics and findings from the pretrial database and reporting system will inform policies that impact people's lives. Some pretrial policies have the capacity to reduce victimization, and others may improve the fairness of the system or impact people's liberty through decisions about detention or supervision. CJRI is addressing data quality and documenting limitations to create a pretrial database and reporting system that is as accurate as possible. CJRI is addressing data quality to ensure policymakers can rely on the best data possible for these important decisions.

CASE STUDY: How do existing databases create barriers for calculating pretrial metrics?

To illustrate the challenges that operational databases pose for research, we provide an overview on collecting failure to appear data. This metric is one of the two most important pretrial metrics used to assess the effectiveness of the pretrial system. This is a measure that categorizes someone into one of two categories: 1) the individual attended every required court appearance or 2) the individual missed at least one required court appearance between the time they were released into the community and their case is adjudicated. There is no one single field that collects this outcome specifically in any state database. In the Judiciary case management system, information is collected on different court actions through the pretrial history associated with the court

case. This is important for the courts and attorneys to track various motions, documents, and other information about the individual's case. Though there are some categories for entries, a lot of information is captured in notes about the judge's decision for a motion or a hearing, includes a written description relevant to decision-making and outcomes, or references documents submitted to the courts. At this time, all of those entries and notes must be reviewed to piece together someone's appearances for court. All of these entries and notes could contain information on required appearances and whether or not the individual appeared. Research staff can either manually collect this reading through all of the entries or receive several extractions of data in multiple rows of text. However, there are a few options to remedy this. The case management system might be updated to capture this information better, but that could require changes to the IT system and more resources assuming it is feasible to make this change. Or, court clerks might receive training to enter this information in notes with more consistent terminology in a consistent field but ongoing oversight will be needed to ensure this data entry change is applied consistently across courts and overtime. Alternatively, other agencies might determine this information is important to them as well and revise their systems to collect it more easily. With technology, there may be other solutions when data is extracted to automatically recode certain information. Regardless, all of these will require collaboration and resources to develop. There are several pretrial metrics that will need to be addressed in this way, and interagency planning will be necessary to create the most effective strategy to collect data gaps or improve data quality.

REVIEWING ACTIVITIES FROM 2022

Engaging with Policymakers and the Community



Disseminating Research in Presentations

CJRI receives many requests for information on national trends, insight from studies in scholarly and peer-reviewed literature, and data on local practices. In some circumstances, CJRI will present requested information to interested groups in order to disseminate more complex studies and serve as a resource on interpreting the research locally. CJRI staff consider all requests and prioritizes and selects those that align with the scope of research outlined in the HRS with the resources available at the time of the request. Below is a list of some of the presentations CJRI offered in the past year.

Dr. Harbinson presented *Understanding Women's Pathways into Crime and "What Works" to Support their Success* to members of the Women's Prison Project and provided a brief overview of the research to the Women's Legislative Caucus. Information covered a variety of topics including a snapshot of women in Hawai'i's criminal justice system using previously published statistics, an overview of women's pathways into criminal activity, the characteristics and unique needs of criminal justice system involved women, barriers to their success, and gender-responsive approaches to corrections. These presentations provided CJRI with an opportunity to disseminate research to lawmakers and community members about women's criminal justice issues. In December 2022, Dr. Harbinson joined Representative Linda Ichiyama and Judge Trish K. Morikawa at the Council of State Governments conference in Honolulu to talk about the women's court pilot program (HB 2421). They shared their knowledge of developing criminal justice policies for women's pathways with legislators and policymakers from across the country.

In March, Dr. Harbinson gave a presentation to the Pearl City Lion's Club. This presentation provided members of the community with an introduction to CJRI, including the organization's role according to Act 179 and CJRI's strategic plan goals, as well as an introduction to the use of evidence-based policies and practices in the criminal justice system. CJRI heard about the types of issues community members wanted to learn more about, and listened to members discuss the types of criminal justice issues that were of interest in their neighborhood and local community.

Staff at CJRI met with supervisors in PSD's Intake Services division to review the pretrial risk assessment tool, the ORAS-PAT, in local practices and engaged in a refresher on the tool's research, and identify areas where further assistance was needed. CJRI collected input from PSD and worked with the staff at the University of Cincinnati Corrections Institute to get

follow-up information to assist Intake Services staff in using the tool more effectively.

In August, CJRI staff attended the National Association of Sentencing Commissions annual conference in Portland, Oregon. Dr. Harbinson served as a panelist on “The Politics of Data Collection and Strategies for Success,” along with panelists from the Alaska Judicial Council, Ohio Sixth District Court of Appeals, and Pennsylvania Commission on Sentencing. While Hawai'i does not have a sentencing commission, CJRI conducts similar research to many sentencing commissions across the country in terms of collecting data across a statewide criminal justice system. Members of these organizations have been a valuable resource by sharing their experiences and lessons learned in creating statewide data systems. Many states are undergoing similar data projects, and had a lot of information to share about innovative technological solutions to working with different data sources. At the conference, panelists discussed challenges they have faced or are currently facing related to statewide data collection and system development efforts, as well as strategies for overcoming these challenges. While Hawai'i is still in the earlier stages of connecting criminal justice data across the state, this conference gave CJRI staff the opportunity to network with colleagues across the country engaged in similar work.

The Judiciary's first circuit hosted a conference in September 2022 for probation officers to learn about evidence-based practices for supervision. Dr. Harbinson provided an overview on core principles in supervising individuals effectively on probation. As part of this, a portion of the presentation covered recent research on responding effectively to compliance and noncompliance with supervision conditions, and reducing probation revocations.

Collaborating with Criminal Justice Agencies

It will take systemwide collaboration to develop, establish, and implement the pretrial database and reporting system. Pretrial data and operations are housed across different agencies, and within two separate branches of government. In order to ensure CJRI conducts this work in an informed and collaborative way, CJRI staff meet frequently with a range of leadership, administrators, researchers, information technology staff, and others across different statewide criminal justice agencies. This includes Judiciary, the Department of Public Safety, and Hawai'i Criminal Justice Data Center, Department of the Attorney General staff involved in research and databases, who are critical to understanding pretrial data for the system. Additionally, key pretrial staff, such as administrators in Intake Services or judges in the criminal courts, are engaged often to ensure that the pretrial database and reporting system is created with input from operations. CJRI staff consults with different criminal justice researchers across pretrial agencies and in local universities to learn from their experiences conducting criminal justice research. Collaborative partnerships will make the pretrial database and reporting system more effective, through better data collection to better data dissemination.

Siloed data and agencies are not unique to the pretrial system, therefore, CJRI staff seek to address the underlying barriers in conducting statewide research to improve criminal justice research more broadly. CJRI staff participate in a variety of criminal justice related committees and working groups to improve cooperation and reduce the disconnect of data and research that exists across the expansive statewide criminal justice system. This includes a working group on Oahu to improve domestic violence practices to protect survivors through effective use of the lethality assessment used by local agencies. Dr. Harbinson is a member of the Gun Violence and Violent Crimes Commission, and is chair of the data

permitted interaction group. Dr. Harbinson integrates CJRI's efforts on mapping data sources for pretrial with mapping data sources for violent crimes for the state. CJRI staff are dedicated to bring more continuity to criminal justice research and policy in the state.


As part of the SCR 5 Task Force on 21st Century Data Governance, CJRI staff participated in a working group that was responsible for surveying and documenting current data collection practices across the state with a particular focus on improving data collection and reporting on race and ethnicity data. Specifically, focusing on improved data for Native Hawaiians and Pacific Islanders. CJRI is extending this work by examining race and ethnicity data in pretrial data sources to identify the most reliable and valid sources in criminal justice agencies. This is important for the development of the pretrial database and reporting system, and to improve other statewide criminal justice research. CJRI staff will identify ways in which race and ethnicity data can be collected and disseminated to provide better insight into the pretrial system, such as establishing improved data definitions and disaggregating race and ethnicity data according to best practices recommended through the Task Force. CJRI will continue to engage with the OHA and community partners to identify ways to improve research on racial equity in the criminal justice system, and incorporate it into the pretrial database and reporting system.

Interagency Council of Intermediate Sanctions: CJRI staff participated in different working groups to develop partnerships with criminal justice and behavioral health agencies working to implement evidence-based practices. CJRI staff provide resources to assist in policy planning across different working groups, and uses the platform to provide representatives across different agencies updates on the development of the pretrial database and reporting system. Additionally, CJRI is leading the next annual recidivism study to support statewide recidivism tracking and

provide insight into statewide criminal justice data sources.⁵ One of the primary data sources experienced technological issues, and delayed data collection for the next study. These issues were addressed early December 2022 and the study will resume early 2023.

CJRI staff bridge criminal justice data and policy across the state and counties by participating in interagency working groups and committees. CJRI was created to connect the data gaps across pretrial, and uses this as inspiration to improve criminal justice research more broadly for the state.

COLLABORATING WITH THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION TO FURTHER ACT 179 GOALS



The Hawai'i Correctional System Oversight Commission (HCSOC) was established in the same law as CJRI — Act 179 (2019). Though each organization has separate duties and missions, both are focused on providing information important to improve the criminal justice system. As such, CJRI has identified ways the pretrial database and reporting system could, upon establishment, create opportunities for collaboration with the Oversight Coordinator and the HCSOC. Specifically, for one, this could include identifying potential key metrics and reporting strategies that would assist them.

The HCSOC is a five-member, independent commission created to improve Hawai'i's correctional system, including prison and jail overcrowding. They hired their first oversight coordinator, Christin Johnson, this year to help conduct the vital work of improving the conditions of the state's correctional facilities and promoting more rehabilitation throughout the system. CJRI will collaborate with the coordinator and commission members of the HCSOC by sharing progress on creating the pretrial reporting system and incorporating their input during the development process. This includes seeking feedback on data that is

critical for the HCSOC's mission and identifying ways to disseminate data and research effectively. This could include identifying strategies to collect information from community members and those directly impacted by the system, such as individuals charged or incarcerated and their family members. Additionally, it could be important to develop reporting mechanisms to provide HCSOC timely data in a digestible way.

Based on the current data landscape in the state's criminal justice system, CJRI has identified potential metrics and data to aid HCSOC in their work. In the near-term, some of the following example metrics may be more feasible than others, while others may require long-term development due to underlying data quality issues that need to be addressed or the development of new data collection procedures. Additionally, these proposed metrics are specific to those areas in which the missions of CJRI and HCSOC overlap. For instance, CJRI's statutory mission is to focus on a pretrial reporting system; some data of interest to HCSOC may be beyond the immediate scope of CJRI's pretrial focus. Notwithstanding different missions, CJRI is committed to working with data that could help HCSOC target two important broad areas relevant to reform, such as: 1) what factors might be contributing to jail populations, and 2) what data provides insight into placing individuals in the community safely, whether through pretrial release or diversion.

The following delves further into the nuances of these categories and why data in these areas might be helpful to the HCSOC.

Understanding drivers of jail populations: There are two key metrics to study in this area, jail data analyzing admissions and the length of stay for individuals held in jail (i.e., how long someone is detained in jail). These analyses would provide context for how pretrial specifically is impacting the criminal justice system. Looking at monthly trends and examining the

type of admission to jail (e.g., pretrial detention, sentenced to jail, violation of probation or parole) could help the state understand the role that different pathways play in filling jails. Because the courts consider many factors when sending someone to jail (or holding someone in jail), additional analyses might break out these data by looking at most serious offense and other potential factors. Reporting out on length of stay could be helpful as well, since research has demonstrated that long length of stays can make substantial contributions to jail populations and crowding.⁶ Length of stay might be analyzed in different groupings, since it is likely certain factors could be contributing to longer periods in jail such as more serious offenses, bail amounts, or court processes. Analyzing the release reasons from jail, including the different types of release individuals receive during pretrial, could also be important. Reporting of these metrics by gender as well as race and ethnicity, could provide ongoing assessment of how admissions types or lengths of stay might vary in terms of equity. Reporting all of these metrics month-to-month could help the state understand trends over time, while looking at these metrics for each jail facility could provide the county with local data.

Assessing opportunities to place individuals in the community: Certain data could help HCSOC consider options for keeping people in the community without jeopardizing pretrial outcomes such as increasing recidivism rates or reducing failure to appear rates. By creating more community alternatives for individuals during pretrial, jail space and resources can be reserved for individuals who are sentenced or those pretrial who are at greatest risk of harming the community. Ideally, the pretrial database and reporting system might analyze data on individuals in the pretrial system, such as criminal history, risk level, or specific offenses, which could help provide insight into what population needs exist or specific policy proposals for diversion (e.g., identifying populations to target for treatment in the community). In planning the pretrial reporting system, CJRI has

prioritized the main outcomes associated with different pretrial release options, such as examining failure to appear rates and new arrest rates for people in the community. Over time as data quality issues are addressed, the system could evaluate these outcomes by different release types, such as released on own recognizance, supervised release, or bail.

This is not an exhaustive list of all data that could be generated by the pretrial database and reporting system, and many of these will take significant time to develop given the data quality issues that must be addressed before these data are disseminated. But based on the research, these target metrics appear to be the most critical to prioritize for research and analysis by HCSOC, and are some of the most feasible to develop.

Further, the following provides an initial discussion of the possible sequence of producing reliable data in these areas:

Data on length of stay or reasons people are admitted to jail could likely be reported out earlier on in the development of this project. While general rearrest rates could be in the reporting system earlier, too, it will take time to link the detailed court data that would permit an analysis of these outcomes by release type. As more data sources are required to report out on more detailed metrics, it will require long term planning to connect other data sources and address data quality. There are many other data or research questions related to HCSOC's mission, but some of these data are not currently collected systematically, such as data on housing status. Some of these gaps may require new changes to agency IT systems, and may not be feasible with the pretrial reporting system project, though recommendations may be made to address these gaps. CJRI will collaborate with the HCSOC coordinator throughout the course of this project to provide updates and solicit input to develop a system that would inform their work.

RECOMMENDING LEGISLATION TO ESTABLISH THE PRETRIAL DATABASE AND REPORTING SYSTEM



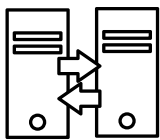
CJRI and its information technology partners have concluded that it is technologically feasible to create a centralized statewide criminal pretrial database. However, this will only be possible with additional resources, as well as comprehensive, long-term planning and ongoing collaboration with the three state agencies that house pretrial data.

In the 2023 legislative session, CJRI recommends an appropriation request be made to fund the creation of the centralized statewide criminal pretrial data reporting and collection system. This appropriation would cover the costs to create a system that extracts data across the three statewide data sources, then links and merges data into one data warehouse. With a centralized data source for pretrial data, pretrial metrics will be more timely and more comprehensive, meeting the goals of Act 179.

STRATEGIC PLAN

Presented below are the three primary goals of CJRI, which are part of the strategic plan and were created to meet the requirements in Act 179. They were developed to include goals that would create proactive and innovative research. This strategic plan guides the work of CJRI and helps prioritize requests for assistance from individuals in all three branches and the community. Staff refer to it regularly and use it to measure progress and prioritize requests for research and support. CJRI updates the CJRI Board on goal process regularly at the CJRI board meetings, which meet, at a minimum, quarterly.

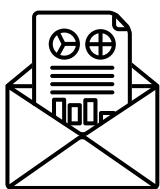
STRATEGIC PLAN GOALS



Goal 1: Establish centralized statewide criminal pretrial justice data reporting and collection system mandated by Act 179.



Goal 2: Identify baseline metrics across the criminal justice system that measure goals of the system, in addition to exploring other measures regarding fairness, justice, and equity that are important to communities and individuals impacted by the system.



Goal 3: Disseminate research and share data on criminal justice topics in a wide range of formats to assist policymakers and the public in making informed decisions.

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The staff at CJRI could not accomplish their work successfully without the expertise of the board. Each of the board members brings valuable knowledge from their respective roles and experience across the criminal justice system and the policymaking realm. The criminal justice system is wide-ranging, and the board is essential in helping prioritize projects and providing feedback on ways to communicate research. Their collective experience has improved the work of CJRI in several ways. The CJRI staff thank the board members for their ongoing work and support.

ENDNOTES

- 1 https://www.capitol.hawaii.gov/session2019/bills/JC1_.pdf
- 2 Administrative data from each agency, CJRI Pretrial Data Pilot, ongoing
- 3 Trochim, W. M. K., & Donnelly, J. P. (2008). Research methods knowledge base (3rd ed.). Atomic Dog/Cengage Learning.
- 4 Trochim & Donnelly.
- 5 For past ICIS recidivism study reports, see: <https://icis.hawaii.gov/documents/>
- 6 See for example, this study examining admissions and length of stay: Close, M., Lu, O., Tomascak, S., Chauhan, P., & Bond, E. (2021). Understanding Trends in Jail Populations, 2014 to 2019: A Multi-Site Analysis. Retrieved from: <https://datacollaborativeforjustice.org/work/confinement/understanding-trends-in-jail-populations-2014-2019-a-multi-site-analysis/>

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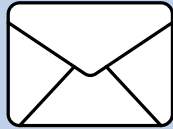
Special thanks to: Representative Scot Matayoshi has provided essential support to help us develop a recommendation for the Legislature to establish the pretrial database and reporting system. We are grateful for the input from many individuals across the pretrial system, and would like to recognize staff that have spent a considerable amount of time sharing their knowledge about data or the pretrial system with us over the past two years:

Department of Public Safety: George King, Frank Young

Judiciary: Adam Cohen, Judge Shirley M. Kawamura

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