



DATA CAPACITY:

A Best Practice Guide for Prosecutors in Smaller Jurisdictions

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A Paper Series of the Institute for Innovation in Prosecution's
Beyond Big Cities Initiative

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TABLE OF CONTENTS

Introduction	2
Data and Prosecutors' Offices	2
Methodology	4
Barriers and Solutions	5
Resource Scarcity	5
Case Management Systems	9
Inaccurate Data	13
Sharing Data, but Not Connecting with the Public	17
Checklist for Offices Seeking to Expand Their Data Use	20
Conclusion	22
Acknowledgments	23

Introduction

Data collection is an urgent priority for today's criminal legal system. Prosecutors in particular have made efforts to use data to track their performance and advance transparency through public-facing data dashboards and other innovations. Community members and prosecutors have cited education, accountability, efficiency, practice improvement, and community trust as reasons for wanting to increase prosecutors' data collection and dissemination efforts.¹ Implementing better data practices presents unique challenges, however, for smaller and under-resourced prosecutors' offices.

Small prosecutors' offices make up a large part of the legal system. As of 2007, 75 percent of local prosecutors served populations of less than 100,000 people.² This guide identifies barriers and provides creative solutions geared toward those smaller offices that are early in their data collection journeys. In it, we outline common challenges in prosecutorial data collection and pair them with potential solutions, drawing on the experiences of prosecutors involved in Beyond Big Cities, an initiative of the Institute for Innovation in Prosecution at John Jay College of Criminal Justice. Beyond Big Cities brings together prosecutors, academics, directly impacted individuals, and other system actors to help prosecutors in small and medium-sized offices pursue justice and equity. These prosecutors have overcome obstacles to push for better data collection in their jurisdictions, and this guide is designed to help other offices do the same.

Data and Prosecutors' Offices

There are over 2,300 state prosecutors' offices across the United States,³ but little is known about the total number of people prosecuted and the dynamics of the process because of a lack of consistent and comprehensive data.⁴ In recent years, the public has demanded greater transparency from its criminal legal system and meaningful accountability for the historical racism at the foundation of the ways people accused of crimes have been policed, prosecuted, and punished.⁵ The disproportionate prosecution and incarceration of low-income people

1 See Jose Medina, [Researchers, Prosecutors Promote 'Transparency' and 'Accountability' in Prosecution Practices](#), The Davis Vanguard (Oct. 6, 2020) ("Indicating that one of his priorities as District Attorney is criminal justice reforms, District Attorney [Larry] Krasner states 'three years later, our commitment to evidence-based policy informed by data and to transparency remains strong.'"); Nicole Zayas Fortier, [Unlocking the Black Box: How the Prosecutorial Transparency Act Will Empower Communities and Help End Mass Incarceration](#), Am. Civ. Liberties Union (2019) at 12-16 (describing reasons for and benefits of increased data collection and transparency). See also [Brief for Current and Former Prosecutors and Law Enforcement Officials as Amici Curiae Supporting Plaintiffs at 5](#), NAACP Legal Defense & Educational Fund, Inc. v. Barr, 496 F. Supp. 3d 116 (D.D.C. 2020) (No. 20-cv-01132) [hereinafter Current and Former Prosecutors Brief] (noting the positive correlation between transparency, trust, and public safety).

2 Kristine Hamann & Belén Lowrey-Kinberg, [Prosecutor Data: Where Is It Now and Where Is It Going?](#), Karpel Found. and Prosecutors' Ctr. for Excellence (February 2022) at 3.

3 See Steven W. Perry & Duren Banks, [2007 National Census of State Court Prosecutors](#), U.S. Dep't of Just. (2011) at 1 (putting the number of state prosecutors' offices at 2,330).

4 See Robin Olsen, Leigh Courtney, Chloe Warnberg, & Julie Samuels, [Collecting and Using Data for Prosecutorial Decisionmaking](#), Urb. Inst. (2018) at 2 (pointing out that little data exists about the key decisions prosecutors make at various points in the prosecutorial process).

5 See, e.g., [Justice Department Establishes Initiative to Strengthen States' Use of Criminal Justice Data](#), U.S. Dep't Of Just. (Jan. 26, 2022) (describing increased demands from policymakers and those involved in public safety for data on crime, prison populations, policing, and more).

and people of color, particularly Black and Brown people, has been a particular focus of this discussion. Prosecutors' offices tend to be "black boxes" that release little information to the public, and there is an education gap between the prosecutor's role and how their decision-making can impact the operations of local criminal legal systems.⁶ But the public increasingly wants to know what kinds of decisions prosecutors make—whether about charging, setting bail, or offering a plea—and how those decisions translate into outcomes. Expectations for prosecutorial transparency are evolving as more people realize how little they know about the inner workings of the legal system and the role of prosecutors. That role is significant in the legal system, and the public cannot effectively hold prosecutors accountable unless prosecutors adopt more transparent processes.

This new focus on transparency can be seen in data transparency campaigns⁷ and legislation requiring system actors to collect and publish data.⁸ A prosecutor's willingness to share data builds trust with the community because data provides insight into the actions they take and how those actions impact the community.⁹ Prosecutors are accountable to the communities they serve, and collecting and sharing data is helping offices perform at a higher standard¹⁰ because it helps the public assess whether an office is working effectively and fairly. Driving change with data can increase community well-being by eliminating practices that harm community members and identifying restorative reforms. Many Beyond Big Cities members have found that building their capacity to collect and share data has helped them communicate with their constituents about the decisions they make and the outcomes of their work.

Moreover, prosecutors' offices benefit from collecting and using data to track case outcomes, measure equity trends, and analyze policy and practice innovations. At a minimum, using data helps offices to better understand how they prosecute and identify decision points and procedural inefficiencies, and it enables leadership to develop stronger arguments for hiring additional staff, changing their offices' structures, and modifying prosecution processes. Beyond enhancing external engagement, data collection can transform how prosecutors' offices function.

Most importantly, data can be used in the interest of promoting just outcomes. Prosecutors can use data to evaluate whether policies or practices are disproportionately impacting marginalized people. True accountability requires understanding faults and biases and changing practices. Data can enable prosecutors to identify those faults and biases and develop internal reforms

⁶ See [Unlocking the Black Box of Prosecution: Key Questions for Community Members](#), Vera Inst. of Just. (Oct. 2018) at 1 (calling prosecutors the "black box" of the criminal legal system, as they are one of the "least understood and least transparent" positions of government).

⁷ See e.g., [Data Collaborative for Justice](#), John Jay College (promoting access to comprehensive data on the criminal legal system).

⁸ See e.g., Colo. Rev. Stat. Ann. § 24-33.5-518 (enacting the Community Law Enforcement Action Reporting Act, which provides for data collection on criminal justice information); Mass. Gen. Laws Ann. ch. 6, § 167A (requiring the quarterly collection of certain data regarding the criminal justice system); Fla. Stat. Ann. § 900.05 (creating a uniform data collection process "to promote criminal justice data transparency"); Conn. Gen. Stat. Ann. § 4-68p (requiring the Office of Policy and Management's Criminal Justice Policy and Planning Division to collect and make public data about crimes, arrests, and other criminal justice system trends).

⁹ See Current and Former Prosecutors Brief, *supra* note 1, at 5 (citing community trust as key to a prosecutor's mission to promote justice and public safety); [National Prosecutorial Dashboards: Lessons Learned, Themes, and Categories for Consideration](#), Ass'n of Prosecuting Att'ys. (highlighting the important role prosecutorial data dashboards can play in communicating with the community and educating about public policy issues).

¹⁰ See [Prosecutorial Performance Indicators](#) (presenting information about "prosecutorial performance indicators," based on data, that can be utilized to maximize efficiency, community safety, justice, and other measures of prosecutorial success).

to minimize them and achieve racial equity.¹¹

Some prosecutors have tried to rise to the external demand and internal need for more data collection and transparency, but this can be difficult, particularly for those in smaller offices that may lack the infrastructure and resources necessary to build capacity. In some cases, attorneys are doing both the legal work and the data entry and analysis, which risks making the use of data for internal assessment and external transparency unsustainable.

Methodology

We identified the challenges and solutions in this guide through four modes of research: a literature review, a survey of 16 Beyond Big Cities prosecutors, a meeting of the Beyond Big Cities cohort, and follow-up interviews with seven Beyond Big Cities members.¹²

First, we reviewed the literature on common challenges in prosecutorial data capacity and strategies for improving data capacity. We identified lessons prosecutors can learn from other sectors that have successfully increased data capacity. Many of the data collection resources available to prosecutors are generally designed for offices that already possess significant data collection capabilities and are not responsive to the needs of smaller offices.¹³ These resources involve advanced metrics related to timeliness of case processing, engagement with victims, and discovery compliance; while these are comprehensive and worthy metrics, smaller offices are often unable to track even more basic and foundational ones, such as charging decisions, dismissals, diversions, plea bargains, and sentences.¹⁴ Existing data collection systems incorporating dozens of metrics should be aspirational goals along a continuum of increasing data collection.¹⁵ In addition, an office's data collection capacity is largely a reflection of its budget, and total budgets are often correlated with a jurisdiction's population. Thus, smaller offices tend to lack the resources—including dedicated time, specially trained staff, and highly sophisticated case management systems—needed for advanced data collection and analysis.¹⁶

Second, we examined survey responses from Beyond Big Cities members. The survey served as a snapshot of how these prosecutors view their current data collection capacity and asked them to reflect on their own challenges and innovations in this area. Sixteen respondents came from 12 states and represented small and medium-sized offices in rural, suburban, and small

11 See Josh Vaughn, [Behind the Data: Prosecutors Share Lessons Learned](#), Prosecutorial Performance Indicators (Sept. 20, 2021) (summarizing three district attorneys offices' understandings about how data can improve their practices).

12 Seven of these interviews were conducted by Urban Institute staff and one member was also interviewed by the Institute for Innovation in Prosecution.

13 See, e.g., [Prosecutorial Performance Indicators Brochure](#), Prosecutorial Performance Indicators (providing an outline of relevant data metrics and quantifiable prosecutorial trends and outcomes that prospective prosecutors' offices can measure when implementing a data collection program).

14 See Olsen, *supra* note 4, at 7, 10 (finding that smaller offices have less foundational information available to analyze and discussing how lack of resources and problems with data accuracy prevent proliferation of data in prosecutorial decision-making).

15 See Hamann, *supra* note 2, at 27 (describing the data transparency landscape and road to full transparency as varied for different offices, based on funding, resources, and data culture).

16 See [Sizing Up the Prosecution: A Quick Guide to Local Prosecution](#), Harvard Law School (noting that the resources of prosecutors are correlated with the budgets allocated to them by their communities).

urban areas. General themes and takeaways from their responses informed our analysis of the barriers to improving data capacity in prosecutors' offices and provided many of the innovative potential solutions we present below.

Third, we held a discussion with survey respondents and other members of the Beyond Big Cities cohort (10 people total, all prosecutors) during a convening on data capacity in February 2022. We began that discussion with the entire group and then separated into subgroups organized by their data collection journeys; some had more advanced conversations about dissemination, and others delved into challenges with antiquated systems. These group discussions provided a wealth of information on the challenges smaller offices face when working to increase their data capacities. Each subgroup discussed how they currently use their data, what motivates them to collect data, how they want to use data in the future, and what support they need to reach their goals.

Lastly, we conducted follow-up interviews with seven Beyond Big Cities members to learn more about their specific experiences with data collection and transparency. Their stories are interspersed throughout this guide.

The experiences of this small group of prosecutors provide insight into the challenges faced by many small and medium-sized prosecutors' offices across the country that do not have the resources and capacities of their counterparts in larger jurisdictions. This group described a range of problems prosecutors face in data collection and shared stories of successful innovation with limited resources.

Barriers and Solutions

Barrier: Resource Scarcity

Funding Limitations

Small prosecutors' offices often do not track the most basic metrics; for example, fewer than half of small offices that participated in a 2018 Urban Institute survey reported that they collect data on the number of cases declined or dismissed.¹⁷ This gap in data becomes starker when comparing small offices with large ones: 95 percent of large offices collect information on caseload sizes, whereas only 40 percent of smaller offices do.¹⁸

Smaller offices face major hurdles in data collection because they lack the budgetary resources of their counterparts in large urban areas. That scarcity of resources manifests in a lack of case management systems (CMSs) and staffs too small to facilitate data collection. We discuss each of these below.

¹⁷ See Olsen, *supra* note 4, at 8 (finding that less than 40% of small offices - defined as those in jurisdictions of fewer than 100,000 people - collect data about pretrial release decisions).

¹⁸ See *id.* at 12.

Although CMSs are the most common platforms prosecutors' offices use to collect and store data, purchasing and maintaining a CMS can cost hundreds of thousands of dollars. Research suggests that some smaller jurisdictions do not have CMSs at all and that those that do are often forced to rely on outdated ones.¹⁹

District Attorney Matthew Van Houten of Tompkins County, New York (population 105,000), reflected that offices in smaller jurisdictions may find it more financially burdensome than larger ones to collect certain data. If legislators do not provide those smaller offices additional funding for meeting statutorily mandated requirements, they must restructure their budgets to comply and reallocate funds from other areas of critical need.²⁰

The salaries and training needed to facilitate data collection and management are another barrier. Smaller offices are often lucky to even have a dedicated information technology specialist, let alone an entire data staff.²¹ Only one of the Beyond Big Cities members we spoke with had a designated data staff member. Obtaining and maintaining a CMS is estimated to cost an initial \$250,000 and \$50,000 to \$150,000 a year for annual maintenance, depending on the size of the office, and those figures are in addition to the personnel costs.²²

Time Stresses

Improving data collection and analysis also incurs indirect costs: it takes time and training for staff to understand how to use a CMS consistently and reliably. The up-front investment associated with this learning curve takes time away from case work; moreover, since the COVID-19 pandemic began, increased staff turnover and surging case backlogs have forced offices to focus on immediate crises at the expense of long-term projects. Two Beyond Big Cities members noted that frequent staff departures have also led to a loss of institutional knowledge of how to manage older CMSs.

Prosecuting Attorney Chad Enright of Kitsap County, Washington (271,000) is no stranger to balancing regular case work and new priorities for data collection. Enright structured his office's internal budget to focus on data, including by carving out funding in his budget for administrative and technical positions focused on improving data collection and analysis. To do this, he proposed to use his state's general funds,²³ traditionally used for victim-related issues, to improve his office's CMS, which he argued would address the same goal. By increasing efficiency and opening up new investigative possibilities, Enright's data initiatives contribute to all aspects of his office's mission, including serving victims. In addition, he provided time for staff to learn more about data entry and to be trained about why data collection matters. He also relied on his chiefs to relay the message down to line prosecutors.

¹⁹ See *id.* at 10 (finding that 32% of smaller offices do not have access to a CMS); Hamann, *supra* note 2, at 9 (reporting that 19.8% of offices with five attorneys or less, and 11.8% of offices with six to twenty attorneys, do not have a CMS; those measurements include offices who track case measurement through Excel spreadsheets or with simple pen and paper).

²⁰ See generally Brendan J. Lyons & Joshua Solomon, [Criminal Justice Changes Mull'd in Final Budget Negotiations](#), Times Union (April 4, 2022) (discussing the tension between policy innovations and budget allowances in criminal justice reform).

²¹ See Perry, *supra* note 3, at 4 (reporting that in state prosecutors' offices in jurisdictions of fewer than 100,000 residents, there are typically only about 8-10 full-time staff, comprised mostly of attorneys and some legal support staff such as victim advocates, legal services staff, and investigators).

²² See Hamann, *supra* note 2, at 5.

²³ A state's general funds are those allocated to generally finance a state's operations.

Solutions: Diversifying Funding Sources and Partners

Be Creative with Funding Options

As demand for data transparency in the criminal legal system has increased, public and private funders have both expressed greater interest in supporting prosecutorial data capacity.

Each prosecutor's office has an external body responsible for providing its funding. Prosecuting Attorney Jon Tunheim of Thurston County, Washington (population 300,000), emphasized that to be able to make a case for more resources, it is critical to develop a productive relationship and build trust with funding agencies. He added that it helps to work with other agencies to push for more funding; he successfully advocated for funding for a new CMS after working with the local public defender's office. Acting as partners, the prosecutor's office and the public defender's office articulated why a new CMS would make court processes more efficient and outlined clear, attainable goals, paving the way for a successful collaboration between the two offices.

In addition, federal, state, and local governments sometimes provide grant funding for programs related to justice innovation and data collection, analysis, and transparency. For instance, District Attorney Matthew Van Houten mentioned that local commissioners in his county have recognized the need to make government agencies more accountable and have provided prosecutors' offices grant funding in response. And the federal government administers the Innovative Prosecution Solutions program, through which prosecutors' offices can receive funding for creative strategies that address public safety.²⁴ That program is focused on data-driven responses to crime, and previous grants have been used to increase data collection and analysis.²⁵

Data are a focus not only of government agencies but also of philanthropists²⁶ and private companies.²⁷ Several foundations are devoted to connecting prosecutors with their communities, and improving data capacity is a critical avenue for that work. Foundations and organizations supporting data collection in prosecutors' offices include Microsoft, the MacArthur Foundation, Arnold Ventures, the Just Trust, the Ford Foundation, and the Open Society Foundations.

Find a Data Specialist Partner or Hire One

Local universities and colleges are filled with students and professors interested in studying the criminal legal system. A professor's interest in furthering criminal legal reform and expertise in data analysis make for a perfect marriage with a prosecutor's office, as several Beyond Big Cities members noted. Moreover, professors often have more experience applying for grant funding than prosecutors' offices. In return, they sometimes ask for access to data, an opportunity to publish their findings, and assistance from the prosecutor's team as they orient

²⁴ See [Innovative Prosecution Solutions](#), Bureau Of Just. Assistance U.S. Dep't Of Just. (Jan. 29, 2016) (describing how previous IPS funding recipients have used their awards, including to develop mechanisms to track gun violence).

²⁵ See [IPS Grantees](#), Innovative Prosecution Solutions (describing how the initiative has helped the South Carolina Commission on Prosecution Coordination implement a new data collection system).

²⁶ See, e.g., [Our Work: Prosecution](#), Arnold Ventures (showcasing the work of the Arnold family in funding evidence-based reforms of prosecutorial models).

²⁷ See, e.g., [Justice Reform Initiative](#), Microsoft (outlining Microsoft's efforts in investing in the criminal justice reform space as part of its corporate social responsibility program).

themselves to the terms and categories of the data.

Alternatively, prosecutors can hire internal data specialists, as a few Beyond Big Cities members have done. Those members said offices should decide how to prioritize data collection and analysis and devote funding for those efforts when itemizing their budgets. This could include hiring an information technology specialist or data specialist. Several prosecutors we spoke with highly recommended data specialists, citing their ability to contextualize the data, keep data projects on track, perform quality control to standardize data entry, understand what analyses to run, and distill the findings.

District Attorney Deborah Gonzalez of the Western Judicial Circuit, Georgia (population 170,000), has experience building a data dashboard in response to community demands for greater transparency. As the leader of a small office, she relies on partnerships with data analytics companies and a nearby university. Through technical assistance from Luminosity,²⁸ a data-analytics business, and with advice from the Prosecuting Attorneys' Council of Georgia, Gonzalez started building a public-facing data dashboard, an incredible feat for an office of her size. To accomplish this, she worked with Luminosity to explore funding options. Ultimately, she and her collaborators determined that all funding for data capacity efforts would go to the partner organizations directly. In addition to increasing data capacity, Gonzalez has developed plans for analysis by connecting with researchers at the University of Georgia Law School and New York University. Her office will continue to adapt to the resources they have, relying on partnerships with Luminosity and others in the absence of dedicated government funding. Through her diligence and creativity, Gonzalez has taken critical first steps in prioritizing data transparency.

Share Resources

For each Beyond Big Cities member we interviewed, improving data capacity largely entails learning from others and adapting to the needs of their jurisdictions. Prosecutors interested in increasing their data capacities should consult with their counterparts in other jurisdictions early and often to assess best practices and to share struggles and solutions. For example, similarly situated prosecutors may have encountered funding barriers and developed strategies to overcome them.

In addition, prosecutors can choose to share resources more tangibly by making systems consistent across jurisdictions. For example, some major costs, including those of acquiring and maintaining CMSs and hiring data analysts, can be defrayed when funded on a statewide basis. This model has the added benefit of enabling analysts to track cases across jurisdictions or even entire states. For instance, District Attorney Christian Champagne of the Sixth Judicial District in Colorado (population 75,000) indicated that a major benefit of having a statewide or multiple-jurisdiction CMS is the opportunity for global resolutions for people with open cases in multiple jurisdictions. Without any case management overlap, jurisdictions may not know whether the people they are prosecuting have parallel legal involvement in other jurisdictions. In this way, a multi-jurisdictional CMS allows prosecutors to more effectively manage the legal

²⁸ See [Luminosity](#).

process and prosecute crime.²⁹

Know It Gets Easier with Time

Some resource and funding challenges become less pronounced as more data are collected and analyzed. Having data can create a positive feedback loop, enabling offices to marshal direct quantitative support for their funding proposals and policies. Allocating resources to data initiatives can provide a substantial return on investment, allowing prosecutors to better advocate for their offices and gain access to new resources. Several Beyond Big Cities members said funders appreciate and value a demonstrated track record of successful data collection and analysis.

Barrier: Case Management Systems

Acquisition Challenges

There are several ways to acquire a CMS. About 30 percent of Beyond Big Cities survey respondents said they use a statewide CMS, in line with a recent study which found that about 40 percent of smaller offices use a statewide system.³⁰ Generally, with a statewide CMS, costs per office to obtain and maintain a CMS are lower but the system isn't as adaptable to jurisdictions' specific needs. For example, data entry fields are generally set by a statewide entity, even though jurisdictions may have case processes that differ from the rest of the state or may be interested in collecting information on specific case details not tracked in the statewide database. Nonetheless, standardization is an important benefit of statewide CMSs and makes data analysis easier.

Using a siloed local CMS also poses challenges. Though prosecutors who maintain their own CMSs have said they have much more control over what those systems look like and what information they collect, starting a CMS from scratch requires more responsibility and effort. Unlike their counterparts using statewide systems, offices opting for local CMSs don't have other entities responsible for establishing and maintaining them. They must also make initial decisions about their priorities for data use. For example, they must determine whether the systems will emphasize internal case management tools, platforms for coordinating with partner agencies, or data analysis and publication; a CMS may do all of these things and more, and an office's goals should inform its selection and design. Once they finalize their priorities, prosecutors should see what CMSs fit those priorities and decide whether to adopt one or develop their own.

Antiquated Systems

Prosecutors have been using CMSs for decades, and several Beyond Big Cities members' offices have systems that have not been changed or updated over that time. As our interviews and survey revealed, it is not uncommon for a prosecutor's office to have a CMS from the 1990s or even the 1980s, and those systems are fraught with challenges. For example, several Beyond Big Cities members noted that old systems cannot provide the speed and storage

²⁹ See Michael Jacobson, [Prosecutor Management System Functional Requirements](#), The Nat'l Consortium for Just. Info. and Stat. (Sept. 2018) at 44, 53 (detailing how an inter-jurisdictional CMS can facilitate special prosecutions in cases that require partnership between jurisdictions and investigations of crimes that expand beyond one jurisdiction).

³⁰ See Hamann, *supra* note 2, at 10 (reporting that about 40% of small offices - defined as those with five prosecutors or less - utilize CMSs built by state prosecutors or prosecution associations, also known as "home-grown" programs).

capacities needed to collect and retrieve information. These systems are often slow to extract case information and can crash if overloaded. In addition, the original vendors of these systems may not provide expert assistance anymore, in which case it is difficult to find someone to address technical issues. According to one Beyond Big Cities member, their office's original CMS was not designed to gather data but rather to manage cases. As a result, numerous fields were frequently left blank, leading to less reliable data. Therefore, it is crucial that staff receive training on the importance of good data entry practices when switching to new systems. Some Beyond Big Cities members reported concerns related to transferring data from old CMSs to new ones, and some feared losing all past data in the process. These fears posed a significant barrier to prosecutors merely exploring options for new CMSs.

Limitations of Use

Most CMSs are designed to facilitate simple data entry and recordkeeping rather than sophisticated data analysis or real-time dashboards. All Beyond Big Cities members we interviewed indicated that their CMSs are not set up to complete those tasks. Some fields that may be critical for data analysis, such as the race and ethnicity of the accused and victims, and the number of plea offers made, are frequently unavailable for entry. In addition, producing reports is often not a primary function of these systems, and these CMSs frequently do not allow even high-level users to analyze office-wide information.

Prosecuting Attorney Eric Richey of Whatcom County, Washington (population 229,000), is like many of his peers in that his office had a CMS that was out of date and not conducive to data analysis. Also, all the staff who had institutional knowledge of it had left the office. He needed a new system and spoke with county funders repeatedly to explain his challenges and advocate for a change. The county government saw the need, but it faced many competing demands for funding. Richey demonstrated the immediate need for funding because his old CMS could not be used for internal management, as it could not properly count caseloads. After several conversations, he obtained the funding to switch systems. In his appeals to county government, he remarked that it helped that this was compelling to those in his community, who had advocated for greater transparency in the criminal legal system. His story shows that with perseverance, a strong argument, and community support, it is possible to find the funding needed to increase data capacity.

Solutions: Creativity with Current Resources or Finding a New System

Before Taking on External Data Projects, Use Data Internally

Prosecutors' offices that want to move forward with ambitious data transparency projects may consider those projects impossible because of rising caseloads, enormous backlogs, and other problems that have emerged because of the pandemic. As two Beyond Big Cities members we interviewed demonstrated, offices can begin their data collection journeys without immediately providing data to the public.

Offices can use CMSs to learn about their internal workings. One potential application for internal data is workforce management. Case management systems can assess caseloads and be used to determine what changes should be made to run an office more efficiently. Beyond

Big Cities members said CMSs can help prosecutors and staff understand office outputs, including trends in convictions, sentences, and case durations. Leaders in prosecutors' offices can view those limited data to assess whether changes are needed and whether their offices' work is trending in the right direction. Offices can also use data analysis to make resource arguments, pitch new innovations, and end harmful practices.

Set Realistic Goals for Sharing Data

After mastering a CMS for internal management, sharing the information with the community is a critical next step in the pursuit of transparency and accountability. All Beyond Big Cities prosecutors we interviewed said using data internally is a first step toward understanding the raw numbers and addressing issues, but the eventual goal should be to use the data to foster trust and accountability with communities. Not all dissemination methods engage people, however, and later on we discuss tailoring strategies to connect with the community.

Starting to share data externally is a large undertaking, so it is important that offices make realistic promises about how frequently they will release information. Offices can start with producing annual reports, and their output can become more robust and frequent until it becomes tenable to consistently release information throughout the year. Continuing routine data analysis and review is important, and offices should decide how often they will release updated data. For example, smaller offices will be analyzing fewer cases, making it easier to overreact to trends from frequent data analysis. A minor increase in total cases in a quarterly report, for instance, can appear to be a dramatic increase when measured by percentage in small sample sizes, even though differences in the data may not be meaningful until a pattern can be established.

Use Slower Days to Increase Data Collection

To balance busy schedules with the additional work of data collection, prosecutors can prioritize data input on days when their offices are less busy. Prosecutors should ensure staff have their cases updated in their CMSs with all priority fields filled out. A few Beyond Big Cities members we interviewed said they spent the odd hours during the work week and weekends to update their own tracking systems. For them, starting data collection was as simple as creating a Microsoft Excel spreadsheet with basic case information and coming in every weekend to update the spreadsheet with new cases. This is attainable for other offices because Excel is generally easily available. Working on weekends in the long-term, however, is not a sustainable solution and ideally should only occur at the start of the process.

Get a New System, with the Assistance of Others

When an office's system is a barrier to effective data collection and analysis, and cannot be altered to fit current goals, prosecutors should explore adopting a new CMS. Offices should prioritize systems that are recommended by other prosecutors and have automated data analysis capabilities, cloud accessibility, and extensive storage. State-level prosecutor associations can assist with assessing what system is best for a particular jurisdiction. For example, the Kansas County and District Attorneys' Association has a newsletter devoted to case management that includes testimonials for various CMS vendors.³¹ Most of the Beyond Big Cities members we spoke with shared their plans to switch to newer systems.

³¹ See Case Management Systems, *The Kansas Prosecutor*, Spring 2017, at 15-24 (highlighting benefits, challenges, and customer reviews of three different CMS software programs).

In the early stages of identifying a system and customizing it to fit an office's needs, it can be helpful to join or establish working groups. Prosecutors can create internal working groups with staff from various levels and units who can work together to build a new CMS and assist with plans for training. External working groups can also be used to identify goals for data collection. Prosecutors can bring together local agencies or lead prosecutors from nearby offices to coordinate priorities for data collection or learn from other prosecutors' experiences with switching to a new CMS. Colorado has a statewide organization called the Colorado District Attorneys' Council that helps identify data collection priorities; the group includes a mix of information technology specialists and prosecutors from around the state.³²

Prosecutors should also decide whether a new CMS needs to be customized and what fields to prioritize for data entry. If other offices have adopted systems they're interested in, prosecutors can ask to preview them and to receive access to training resources. In addition, when choosing a new CMS, offices should consider those to which they can transfer past data and case information, as well as those that can be easily customized. Creating a nimbler CMS can strengthen a culture of innovation: as offices develop new programs and alternatives to traditional prosecution, adding these options to existing data entry fields should be seamless.

At a minimum, a CMS should track at least one metric at each major decision point in the prosecution process, meaning at screening and charging, adjudication of pretrial custody, consideration of diversion approaches, plea bargaining or trial, and sentencing. Some foundational information at these points includes cases referred, initial charges, final charges, and cases that are declined, dismissed, resolved by plea, and go to trial. Offices should also collect basic case details such as offense type, misdemeanor and felony classification, defendant and victim characteristics, the referring law enforcement agency, and the assigned prosecutor. These metrics will allow prosecutors to better understand their offices and identify room for increased efficiency and improved reforms.

Beyond Big Cities members recommended that offices in the initial stages of setting up new CMSs work with other agencies in their jurisdictions to learn what data each could collect and how to share information. Prosecutors should work with law enforcement agencies to integrate their investigative evidence, and defense attorneys should work with prosecutors to develop mutually beneficial discovery portals. Prosecuting Attorney Tunheim and the director of public defense in his county said that having one person support implementation in both offices was also beneficial. Moreover, prosecutors should forge partnerships with the courts to efficiently import data from judicial systems. A collaboratively designed CMS can facilitate these innovations and allow for easier collaboration across groups. Critically, prosecutors should also consult with community leaders and ask them early on what metrics they're interested in learning about. By bringing other stakeholders together and even tying them directly into projects, prosecutors can build coalitions that will more effectively advocate for data innovations and the funding that allows them to grow.

³² See [What We Do](#), Colo. Dist. Att'ys' Council ("We provide centralized prosecution-related services to the district attorneys of Colorado including training of personnel, legislative drafting and liaison, legal research, management assistance, case tracking data and safeguarding, dissemination of data to other criminal justice agencies, and other special programs.").

Prosecuting Attorney Jon Tunheim of Thurston County, Washington (population 300,000), had a long-standing partnership with the public defense office in his jurisdiction. He wanted the partnership to be more efficient around court processing, so he connected with the county's director of public defense to collaborate on a pitch for a more advanced case management system to seamlessly share information. An interview with Tunheim and Director of Public Defense Patrick O'Connor revealed that the two strongest points in their favor were their collaboration and shared message, and the efficiency a new system would allow. The common message showed a united front to the Board of County Commissioners. They had a joint vision of the benefits the system would provide, including greater efficiency, which would show a solid return on investment for community tax dollars. They both viewed themselves as public servants whose goals were to provide justice and better public service. Delays in the criminal legal system cost money and do not serve justice; new technology, they believed, would serve the community well.

Barrier: Inaccurate Data

Defining the Data

After identifying the preferred platform for data collection, offices should focus on ensuring data accuracy, a problem that affects the offices of several Beyond Big Cities members. First, to collect reliable data, each data element, or individual piece of case information, must be rigorously defined so everyone has a common understanding of the specific information being captured in that data field. This means that a decision must be made about how that data element will be recorded (e.g., drop-down options or open fields) to ensure each person inputting data does so in a similar way and understands why each data element is being collected. Second, prosecutors should consider in advance how they plan to analyze the data. Working groups that include partner agencies, community members, and local researchers can help distill what the interested parties are trying to learn and which questions should be answered with the data being collected. Gathering the right information and identifying the analytic tools needed to answer those questions will provide a framework for deciding which data elements must be collected. This further helps those inputting data understand the purpose of collecting each data element. If there is no standard definition for a data entry field and people do not understand how the data will be used, inconsistent and incorrect data input will almost inevitably occur.

Consistency in Input

Researchers have a saying: garbage in, garbage out. Data output is only as good as the data entered, meaning that what one learns from analyzing data is only as reliable and accurate as the quality of the data itself. Staff should be consistent in which data elements they input, how they input them, and when they input them. A fundamental challenge is that staff may only input data necessary for case management (e.g., charges, dismissals, and dispositions) and neglect inputting the contextual information that is critical to data analysis and to meaningful reporting and transparency (e.g., accused and victim demographics, number of people detained pretrial, and number of overturned convictions). Further, this contextual information is critical to understanding and measuring racial disparities. If more than one person will be entering

data into a system, prosecutors should make sure the criteria for data entry and definitions of data elements are standardized; without standardization, it will be impossible to compare information across cases and time.

In addition, consistency and accuracy in data entry may be compromised by staff turnover, improper training, or reliance on insufficiently trained staff, including interns or temporary workers. Any gaps in the consistency of data collection will distort the information unless steps are taken to safeguard data accuracy.

District Attorney Christian Champagne of Colorado's Sixth Judicial District (population 75,000) uses a statewide data system. Collecting data for prosecutors' offices on a statewide basis creates several economy-of-scale benefits, including distributing the costs of software license fees and a statewide statistical center. However, each jurisdiction defines and enters its data differently, making comparison analyses difficult. Champagne reflected on this challenge and the difficulties in drawing conclusions from the data. He observed that, in an ideal world, metrics, definitions, and data fields should be standardized across jurisdictions, a feature that Colorado's system does not yet have. Despite this shortcoming, the statewide CMS has been operating smoothly, particularly because of the sustained efforts of the Colorado District Attorneys' Council, a statewide organization representing the district attorneys for all 22 of Colorado's judicial districts. The Council also has communication specialists and software engineers on staff devoted to providing services to prosecutors across the state, including managing the statewide CMS and analyzing and disseminating criminal justice statistics.³³

Relying on Other Agencies

There are some data elements that require prosecutors' offices to rely on the records of other agencies. Demographic information, in particular, is typically collected by police departments at the time of arrest. This information is sometimes unreliable, limiting prosecutors' ability to identify and remedy systemic inequities. One Beyond Big Cities member shared that demographic data from law enforcement sources is typically drawn from information self-reported by the accused or from departments of motor vehicles, where those data are also self-reported. Race and ethnicity may be tracked across a myriad of agencies, which can produce conflicting information. Further, some agencies do not collect and track race and ethnicity at all, leaving this data missing from their datasets. The alternative—prosecutors' offices reporting demographics based on their own perceptions—can be incredibly inaccurate and a source of significant bias. Therefore, in many jurisdictions, it is impossible to verify the accuracy of race and ethnicity data;³⁴ this means the data should be understood as imperfect and, given this, analyses of inequities throughout the system should be developed with caution. It is important to acknowledge these limitations when they arise; for example, one prosecutor's office added a preamble to its data dashboard that addresses the complications with understanding race and ethnicity in criminal legal system data.³⁵

³³ *Id.*

³⁴ One Beyond Big Cities member noted that, in their state's jail system, the only categories provided are "Black," "White," and "Other."

³⁵ See [Dashboards Index](#), Dist. Att'y Off. 18th Jud. Dist. (noting explicitly that its race and ethnicity data is limited by its varied sources and lack of a data field, but that it is doing the best it can with available information).

Solutions: Up-Front Efforts to Improve Data Collection and Frequent Quality Checks

Establish Internal Buy-In

As noted by several of the Beyond Big Cities members we interviewed, data collection is a relatively new priority for most prosecutors' offices. As such, it represents a change of practice that may face resistance from line prosecutors, especially those with longer tenures. However, inputting case information in CMSs is more efficient than hard-copy alternatives and quicker to recall when needed. As reflected in an interview with Prosecuting Attorney Jon Tunheim and Director of Public Defense Patrick O'Connor in Thurston County, Washington, using a CMS can maximize productivity and allow staff to dedicate more time to case work and less to administrative hassles.

Communication with staff is necessary to get quality data; the lead prosecutor can gain buy-in by outlining why collecting data is important to the office's mission, and especially why collecting more data will enhance analytic capabilities. Prosecutors said that teaching best practices in data entry, including an emphasis on consistency in input, is critical. Proper training and prioritizing data culture are paramount; in fact, one report notes that an "insufficient data culture" is one of two main factors driving the lack of quality data in prosecutors' offices.³⁶

Lead prosecutors can spearhead efforts to garner buy-in and should ensure that their entire office, from unit chiefs to line prosecutors to support staff, understands that data is a priority. This can come across through policy memorandums highlighting the importance of data, trainings explaining how data can benefit the office, and testimonials from other prosecutors who are further along in their data collection journeys. Existing literature on culture change suggests that managers and leaders should adopt a change first and then help to bring their team members along; in essence, training on new practices should begin at the top of the office hierarchy and proceed downward.³⁷ Offices should develop a plan to get unit chiefs and other members of leadership on board from the beginning. In the case of very small offices with only a few prosecutors, the leadership and support of the lead prosecutor becomes even more critical as they may be the only person in the office providing guidance on new data efforts.

Schedule Initial and Ongoing Training

Building data capacity will require a detailed plan for training. Offices should provide resources and toolkits for data entry to their staff members, including written training materials that are as detailed as possible and are updated to respond to staff questions or concerns. As a starting point, prosecutors can look to CMS vendors for their established training materials and events. Some prosecutor associations, including state-level ones, may offer materials for certain CMSs. For example, the Louisiana District Attorneys' Association offered a training session for one CMS platform.³⁸

³⁶ See Hamann, *supra* note 2, at 5 (describing the lack of reliable data in many offices as stemming from an absence of funding and a shortage of employees who have data collection and interpretation skill sets and can lead the way in implementing successful data programs).

³⁷ See Syed Talib Hussain et al., [Kurt Lewin's Change Model: A Critical Review of the Rule of Leadership and Employee Involvement in Organizational Change](#), 3 J. of Innovation & Knowledge, 123, 124 (2018) (describing the process of organizational change and the important role leaders play in sparking change and educating employees).

³⁸ See [LDAA Prosecutor by Karpel Training](#), La. Dist. Att'ys' Ass'n (advertising a local training in Baton Rouge, LA).

It is best for managers to undergo training first before facilitating office-wide training, so they will be able to field questions from other staff. In addition, building capacity often requires repeated training over time, not just a single session. As prosecutors learn more about the systems they choose, they should continue to refine their training materials. Intentionally devoting resources to properly train all staff should be a central part of any data initiative.

Prosecuting Attorney Tunheim of Thurston County, Washington (population 300,000), found that a pilot stage was critical to understanding how to resolve problems in a CMS and adjust practices before becoming fully operational. His office had moved to a new CMS from an antiquated one. The new CMS allowed for customization and it took a year to finalize what the CMS would look like. Once finalized, the office spent months intensely training staff. Initially, the CMS was nonoperational, thereby fostering a place for staff to practice and learn about data entry. Staff were also able to identify any problems with the CMS's customization. The process allowed staff to adjust to the new CMS in a low-stakes environment. The pilot stage, from initial customization through staff training, was a two-year undertaking.

Add Quality Control Mechanisms

Several Beyond Big Cities members noted how important it is to build quality control checks into their data entry processes to ensure data are being recorded accurately. Quality control can begin preemptively with the data entry interface itself. Whenever possible, data entry fields should be limited to a finite number of drop-down options (ideally as few as possible) to limit incorrect input and ensure consistency. Downstream quality control checks might involve an individual randomly auditing cases inputted by other staff, or it could involve a more systematic check with attorneys entering data and support staff confirming its accuracy (or the inverse). Quality control checks can be made across all cases, or across a specific percentage of cases (for example, 20 percent of all cases entered by one person), but they are critical no matter who is entering the data—whether prosecutors or support staff.

Prosecuting Attorney Jon Tunheim of Thurston County, Washington (population 300,000), successfully transitioned his office from using an antiquated case management system to a more advanced one. This story is one of deliberate planning and extensive training. Prosecuting Attorney Tunheim partnered with his local public defender in his search for a case management system that both offices would use to facilitate discovery sharing and data analysis. The two offices jointly solicited proposals from different vendors with a priority on identifying systems with a high degree of customization. After choosing a new CMS, it took close to a year to design and define the fields and to set priorities for data collection. It took another year to prepare staff for the change, including countless trainings. This story demonstrates that, although switching to a new CMS correctly is a lengthy transition, it can be done successfully with long-term planning.

County Attorney Reese Frederickson of Pine County, Minnesota (population 30,000), collected data in cases of driving while intoxicated. At the end of each year, his office compiled a tally of the top three alcohol establishments in his jurisdiction that served alcohol and may have indirectly contributed to the crime. Those establishments received information about training that would help employees avoid overserving their customers. The office needed the cooperation of local judges during the sentencing phase to collect this data and make the targeted outreach to alcohol establishments possible.

Barrier: Sharing Data, But Not Connecting with the Public

Inaccessible Metrics

Data literacy is a major barrier to public engagement. Prosecution data is filled with terminology and metrics not within most people's vocabulary. Thus, the public may not understand the metrics being discussed or what they mean in practice.³⁹ In addition, reading statistics and graphics is a skill of its own. Beyond comprehension challenges, many community members may not be interested in the metrics prosecutors' offices publish. District Attorney Deborah Gonzalez of Western Judicial District, Georgia (population 170,000) provided a glossary along with her office's data dashboard for the general public.

Ineffective Methods of Dissemination

Several members of the Beyond Big Cities cohort said the data they produce do not get enough attention from the community to justify the intensive labor required for collection and analysis. This could be due to the method of conveying information. A long, text-heavy report or a series of confusing graphics are not easy to understand.

Incomplete Analysis

Publishing statistics without context can cause confusion or misunderstanding among community members. Several Beyond Big Cities prosecutors reflected that, without additional information on how data were collected and what remains unknown, statistics can be misused and incorrectly interpreted. For example, there may be disproportionately higher rates of arrest among certain groups, but this disproportionality may owe to policing practices, which are sometimes outside the control of prosecutors. It is crucial that prosecutors provide this context to pinpoint where disparities can arise and discuss which agencies provide opportunities for necessary reforms.⁴⁰

Solutions: Be Creative and Flexible with Community Engagement

Tell the Complete Story of the Data

Data are nothing without context. Prosecutors should release data with a clear and concise explanation of why the data look the way they do to avoid misinformation. Presenting comprehensive data with proper context could, in fact, allow offices to dispel inaccurate prevailing narratives.⁴¹

³⁹ See APA, *supra* note 9 at 4.

⁴⁰ *Id.*

⁴¹ See *id.* at 5.

Prosecutors' offices can also work with external partners, such as community organizations and local educational institutions, to help explain the historical and social factors related to the trends seen in the data. Beyond Big Cities members we interviewed said they have a responsibility to acknowledge the factors contributing to what the public sees in the data and to take accountability where necessary.

Further, if there are unavoidable limitations of the data, such as the accuracy of the demographic information, prosecutors should be forthcoming about them.⁴² As previously discussed, demographic information, especially race and ethnicity, is difficult to verify. If necessary, prosecutors should share the demographic data and explain what their limitations might be so the information can be understood more accurately and in context.

Leverage Existing Networks From the Beginning

Two Beyond Big Cities members argued that the onus is on the prosecutor's office to disseminate data rather than the individual community member to seek it out, especially because sharing prosecutor data is a relatively novel activity. Every office in the Beyond Big Cities cohort we spoke to expressed difficulty connecting with their communities. Prosecutors can use their networks and associations to identify and connect with offices that have had success engaging with their constituents. This outreach could provide invaluable insights on what strategies and messages resonated with community members. However, keep in mind that every community is unique, and that each prosecutor must consider their community's history and preferences and adjust their engagement strategies to match the public's concerns.

At a minimum, prosecutors should understand the landscape of community-led organizations in their jurisdictions, specifically those engaged in social justice issues. Prosecutors should not wait until the dissemination stage to develop relationships with these organizations; community-led organizations can be crucial partners in identifying data priorities from the very beginning.⁴³ When it comes time to share findings and release data, prosecutors can meet with a group of community organizations to provide an overview of major findings and answer questions before public distribution. Being in full partnership with community organizations, from identifying what data should be collected to sharing what is learned, can create more meaningful engagement and may lead to more effective and community-supported reforms. Further, local legislators and officials may be able to assist with dissemination and share reports via their networks. Beyond meetings, social media is a powerful tool to connect with constituents, and starting with a built-in network of community contacts can translate to a larger online audience.

To save time with outreach and to increase the reach of their reports, prosecutors should leverage existing connections and networks. This could include sharing reports with different agencies and organizations, and even asking them to share it with their members and partner organizations. District Attorney David Sullivan of the Northwestern District, Massachusetts (population 260,000), mentioned that his media staff member had to be proactive and garner attention to the reports the office completed. Sullivan said that having a staff member dedicated to dissemination was critical to the success of his office's engagement efforts.

⁴² See *id.*

⁴³ See *id.*

District Attorney David Sullivan of the Northwestern District, Massachusetts (population 260,000), is devoted to sharing his office's data with his community. Despite having an older case management system, DA Sullivan creates comprehensive reports with data metrics foundational to assessing the impact of his office. Not only does his office publicly release findings on his office's website, DA Sullivan mails and emails the report to hundreds of his connections, including people in various criminal legal agencies, related service providers, and community groups. He calls on community organizations to review the findings and share high-level takeaways with their members. As he shared in an interview, it is incumbent on the prosecutor to proactively share data rather than waiting for community members to look for information.

Establish a Community Advisory Board

Prosecuting Attorney Jon Tunheim created a community advisory board, which can help a prosecutor's office share data with the community. A community advisory board is a group of community members either tied to community-led organizations or who have a demonstrated interest in or experience with criminal legal reform, including people who are formerly incarcerated, survivors of crime, and victim advocates. This group can propose ideas for how to make the data more accessible to the public. They can help identify knowledge gaps and provide suggestions on how the prosecutor's office can fill those gaps. Board members may also be able to help bridge those gaps themselves.

In addition, a community advisory board will help identify what data the community is interested in and the best ways to distill that data.⁴⁴ A long report might not be accessible to all community members, but board members can help facilitate town halls, organize group discussions, or suggest other accessible formats. Board members also have the benefit of providing an outside perspective that can be helpful in brainstorming policy changes.

⁴⁴ *Id.* at 2

Checklist for Offices Seeking to Expand Their Data Use

Though every office's journey in data collection and analysis is unique, the steps below can apply to all offices. However, these steps are tailored for small offices and have been organized around three phases in an office's data capacity journey: implementing a data tracking system, collecting and recording data, and using the data internally and releasing data publicly.

Implementing a Data Tracking System

- 1. Engage your community early on.** Part of the motivation for collecting and analyzing data is to be responsive to your community's desire for transparency. If you are early in your data collection journey, engaging your community will help you decide what data to focus on and will help ensure that releasing your results will benefit those in the office's jurisdiction.
- 2. Identify the purpose.** Start by determining what you want to learn and achieve by expanding your collection and use of data. Brainstorm questions you'd like to answer about how your office is operating and how it's impacting your community. Then, assess what information you'll need to answer those questions. Create long-term goals for what the data can offer your office, including tracking trends in outcomes, monitoring case processing efficiency, and making necessary resource arguments.
- 3. Start small.** If your office has only limited tools and resources, work with what you have to track basic facts about your cases. This can be as simple as documenting basic case information in a Microsoft Excel spreadsheet.
- 4. Talk to other prosecutors.** Borrow ideas and strategies from your counterparts in other jurisdictions, especially those that are geographically close and/or similar in size and community context.
- 5. Collaborate with other jurisdictions.** Talk to other prosecutors in your state about sharing systems to effectively track information across communities. In addition, work with other agencies such as public defenders and law enforcement agencies to advocate for a system that can be used by multiple agencies to promote uniformity and efficiency.
- 6. Engage local government partners.** Try to obtain buy-in from local elected officials who will ultimately decide whether to fund data projects. Informing them how data collection benefits the community will help those officials justify their decision to allocate resources.
- 7. Acquire or enhance your data collection system.** Prioritize getting an effective CMS. Work toward adopting technology that can automate processes like data entry, data analysis, and reporting, and that has cloud accessibility and extensive storage. Seek input from other law enforcement agencies, public defenders and the defense bar, and other agencies on how to ensure your data systems are integrated.

Collecting and Recording Data

8. **Track the basics.** For a comprehensive view of how cases flow through the office, try to collect at least one metric at each key decision-making stage: screening and charging, pretrial custody, diversion approaches, plea bargaining/trial, and sentencing. In addition, collect some basic case details such as offense type, misdemeanor/felony classification, accused and victim characteristics, the referring law enforcement agency, and the assigned prosecutor. As the office builds data capacity, it can refine this list and pursue other information based on new questions that emerge from the data trends.
9. **Build a data-driven office culture.** The elected prosecutor should share their vision on the importance of data collection with staff. Help staff understand the value of having access to reliable data by demonstrating its benefits to their work. To improve buy-in, the office's leadership should convey this sentiment to line prosecutors.
10. **Train staff early and often.** Develop a detailed training plan, including resources on data entry and analysis. Be sure to train staff on definitions for data fields and how exactly to input case information. Implement a pilot stage to fine-tune the office's practices before becoming fully operational. With smaller offices, there are fewer staff to train, so it's critical but perhaps easier to have everyone fully trained before fully launching the program.
11. **Budget staff time for data collection and analysis.** Assess the staff roles required to successfully carry out the necessary data collection and analysis. If possible, hire a full-time data specialist. If resources are too limited, start by consistently allocating a few hours of existing staff's time to managing data. Dedicate time on less busy days for working with data. The goal should be to build an environment where inputting data feels as routine as putting documents in a file.
12. **Adopt quality control mechanisms.** Find ways to ensure data are being recorded accurately, such as random audits or systematic checks.

Using the Data Internally and Releasing Data Publicly

1. **Seek new funding.** Seek new funding for building the office's data capacity, such as from foundations interested in helping communities better understand their prosecutors through data. Once built, a comprehensive data system is also attractive to funders who are interested in measuring the outcomes of programmatic efforts. When seeking funding for new programs, an office can then highlight the importance of robust data collection in tracking program success.
2. **Seek research partners.** Consider reaching out to local universities and colleges where faculty and students may be interested in lending their data analysis expertise to the office.
3. **Develop a plan for sharing data.** Commit to sharing data publicly at a realistic pace. Be proactive about providing constituents and partners with the data gathered. Consider establishing a community advisory board to hear what the community is interested in

learning and to help develop ideas for making the data more accessible to the public.

- 4. Be clear about context when analyzing and sharing data.** When sharing findings, be sure to explain the historical and systemic factors related to trends seen in prosecution data and acknowledge the unavoidable limitations of the data. Seek input from research partners and community members to interpret the data.
- 5. Demonstrate a track record of success.** Use data to show early outcomes, particularly the impacts of new policies or programs implemented, and then use those to persuade funders to help expand the office's data capacity. Investing in a data system can assist with analyzing policy implementation and making resource arguments for investment in promising programs.

Conclusion

This toolkit provides some necessary steps and considerations for prosecutors' offices as they move toward increasing data capacity. The first step is fostering a commitment to data, both in the community and in one's own office, and committing to greater transparency. Data analysis and transparency are relatively new concepts for prosecutors' offices. As one Beyond Big Cities member stated, lawyers are not trained to understand statistics; they are trained by case studies, and their practice is to look at cases individually. Thus, improving data capacity and transparency is not a natural priority for many prosecutors and requires a culture change, not only for individuals but for the whole criminal legal system. Prosecutors have an opportunity to take the lead in setting trends around data collection and using it to improve both practice and community trust.

To make office-wide changes to increase data capacity, prosecutors should lead the charge. Collecting and sharing data can be daunting for prosecutors because it's often unclear what the data will reveal. But as several Beyond Big Cities members said in interviews, it's important to understand the impact an office is having on the community and to then implement policy changes that can address problems and disparities. It will take time and effort to process and publicize data and gather community input and feedback. Fostering interest in and dedication to improving data capacity is a critical first step.

Building data capacity may seem like opening the doors to potential scrutiny, but the benefits for prosecutors far outweigh the risks. Prosecutors can use additional data to assess their internal operations, find inefficiencies, and identify potential reforms, all of which can bolster arguments for more resources. Data can also enhance individual case management, investigations, and coordination with other agencies. Beyond the internal management benefits, increasing data capacity and sharing information with the public can build trust. A commitment to transparency is what communities want, and prosecutors can use data to fulfill that need.

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