**Vermont National Criminal Justice Reform Project**

**Assessing Changes to Law Enforcement Practice, Leveraging Increased Data Integration,**

**and Informing Pretrial Reform Policymaking – Research Design**

CRG plans to study the impact of increased use of citation in lieu of arrest and its impact on public safety. This information can help stakeholders better understand the impact of law enforcement practice changes, inform policy decision making around pretrial reform, and, through regular analysis of data collected, recommend reforms to be implemented statewide. Importantly, these activities will promote data coordination and integration solutions that will enhance strategic policy and operational decision making among justice partners within the state.

## Project Design and Implementation

Quantitative data will be used to assess the impact of the increased use of citations during Covid. Two years of pre-Covid data (March 2018 to March 2020) will be analyzed and compared to the Covid 19 period starting March 2020 and ending in the fall of 2021. The data will come from four main sources – the Judiciary, National Incident Based Reporting System (NIBRS), the Vermont Crime Information Center (VCIC), and the Department of Corrections’ (DOC) public use file. The data fields to be used for this project were submitted separately.

CRG has an existing data sharing agreement with the Judiciary. CRG will match incident numbers provided in the NIBRS database with those in the court data to obtain the names and date of birth of individuals who were arrested or received a citation during the study period. Then, the merged dataset will be sent to the VCIC to access criminal histories. Finally, data on the detainee population throughout the designated time period will be gather from the DOC’s public use file.

The broad research questions that will be answered using these data include:

1. What are the differences between individuals who received citations in lieu of custodial arrests and those booked into custody?
2. Were any disparities (e.g., racial, gender-based, offense-based) evident in the issuance of citations versus custodial arrests pre- or post-covid?
3. How do re-offense rates of those who received a citation compare to arrestees?
4. Are there differences in the timing to process cases for citations versus custodial arrests?
5. Is there a difference in the outcome of a case when the initial contact with police is a custodial arrest versus issuing a citation for an appearance in court at a later date?

**Objectives**:

**Objective 1: Analyze NIBRS data for arrest patterns pre/post COVID-19.** CRG receives NIBRS data monthly from the NIBRS auditor. Preliminary numbers from 2020 indicate that the proportion of custodial arrests dropped. The following questions will be answered:

1. Was the issuance of a citation or a custodial arrest more likely for certain offenses?
2. Was the type of arrest influenced by injury, use of a weapon, or jurisdiction?
3. Was the type pf arrest influenced by the relationship between the individual identified as the victim and the individual identified as the alleged perpetrator?
4. What were the characteristics of those who were arrested vs. cited to appear?

**Objective 2: Criminal case processing/use of pretrial detention pre- and during COVID**

CRG will use the criminal history information received from VCIC and DOC’s public use file information concerning defendant’s pre-trial detentions including length of stay and additional reasons for a detention (e.g., federal detainer). The following questions will be answered:

1. Were there differences pre- and/or during the pandemic related to the length of time from arrest (custodial, citation, or on sight) to arraignment?
2. Were there differences pre- and/or during the pandemic related to the length of time to disposition?

**Objective 3:**  **Measure the re-arrest rates for defendants while on pre-trial release**

As noted above, criminal histories will be obtained and used to determine if the defendants were rearrested for new criminal offenses or for violations of conditions of release during their pre-trial period. The following questions will be answered:

1. What was the pre-trial re-arrest rate for those who were cited vs. custodial arrests?
2. Did the arrest rate change during the pandemic year(s)?
3. What crimes were people re-arrested for while awaiting trial?
4. What was the length of time from the first contact (citation or custodial arrest) to re-arrest during the pretrial period?

**Objective 4: Leverage Increased Data Integration and Accessibility**

There are serious limitations to the analysis researchers can do. NIBRS data does not contain the name and DOB of the defendant.  If a case is not filed in criminal court, then the identification of that individual is unknown. It also cannot be determined when the case was declined for prosecution or why.  This results in individuals who cannot be accounted for and described accurately in the data. Data integration work is needed to enhance criminal justice data analysis.

To effectively assess the impact of the practice change and inform pretrial reform efforts moving forward, it has been proposed that the funds allocated previously to this project be used to create a coordinator/project director position to oversee data collection and integration. This temporary position will convene the Infrastructure Governance Team, assist with developing the charter and identifying the data requirements, develop the data sharing agreements, and identify the system architecture. Also, to be completed, is a plan that will ensure the sustainability of the Infrastructure Governance Team so any changes in system infrastructure is communicated and reviewed across departments and to end-users of the data. This is critical so access barriers to data are reduced and de-identified datasets are released to researchers and others for analysis. In addition, providing accessible datasets furthers Vermont’s commitment to racial equity.

**Objective 5: Create and Publish Final Reports**

Final reports will provide an historical analysis of custodial arrests versus citations during the years immediately preceding and during the pandemic years in Vermont. This will include incident type, victim involvement, location, and circumstances of the crimes. The report will also review case processing of charges and sentencing patterns. In addition to the report on custodial arrests versus citations, other deliverables will include the Governance Team member list, the charter, data sharing agreements, and the system architecture needed to enhance Vermont’s data integration capabilities.

NCJRP Custodial Arrests vs Citations – Data List from Crime Research Group

NIBRS Group A Incident Report and Associated Data Elements Data1:

**Administrative Segment**

DE 1-Orginating Agency Identifier (ORI)

DE 2-Incident Number

DE 2A-Cargo Theft

DE 3-Incident Date

DE 3-Report Indicator

 DE 3-Incident Hour

DE 4-Cleared Exceptionally

DE 5-Exceptional Clearance Date

**Property Segment**

DE 14-Type Property Loss/Etc.

DE 15-Property Description

DE 16-Value of Property

DE 17-Date Recovered

DE 18-Number of Stolen Motor Vehicles

DE 19-Number of Recovered Motor Vehicles

DE 20-Suspected Drug Type

DE 21-Estimated Drug Quantity

DE 22-Type Drug Measurement

**Offender Segment**

DE 36-Offender Sequence Number

DE 37-Age of Offender

DE 38-Sex of Offender

DE 39-Race of Offender

DE 39A-Ethnicity of Offender

**Offense Segment**

DE 6-UCR Offense Code

DE 7-Offense Attempted/Completed

DE 8-Offender Suspected of Using

DE 8A-Bias Motivation

DE 9-Location Type

DE 10-Number of Premises Entered

 DE 11-Method of Entry

DE 12-Type Criminal Activity/Gang Information

DE 13-Type Weapon/Force Involved

DE 13-Automatic Weapon Indicator

**Victim Segment**

DE 23-Victim Sequence Number

DE 24-Victim Connected to UCR Offense Code

DE 25-Type of Victim

DE 25A-Type of Officer Activity/ Circumstance

DE 25B-Officer Assignment Type

DE 25C-Officer-ORI Other Jurisdiction

DE 26-Age of Victim

DE 27-Sex of Victim

DE 28-Race of Victim

DE 29-Ethnicity of Victim

DE 30-Resident Status of Victim

DE 31-Aggravated Assault/Homicide Circumstances

DE 32-Additional Justifiable Homicide Circumstances

DE 33-Type Injury

DE 34-Offender Number to be Related

DE 35-Relationship of Victim to Offender

**Arrestee Segment**

DE 40-Arrestee Sequence Number

DE 41-Arrest Transaction Number

DE 42-Arrest Date

DE 43-Type of Arrest

DE 44-Multiple Arrestee Segments Indicator

DE 45-UCR Arrest Offense Code

DE 46-Arrestee Was Armed With

DE 46-Automatic Weapon Indicator

DE 47-Age of Arrestee

DE 48-Sex of Arrestee DE 49-Race of Arrestee

DE 50-Ethnicity of Arrestee

DE 51-Resident Status of Arrestee

DE 52-Disposition of Arrestee Under 18

Group B – Arrest Report

DE 1-ORI

DE 41-Arrest Transaction No.

DE 40-Arrestee Sequence No.

DE 42-Arrest Date

DE 43-Type of Arrest

DE 45-UCR Arrest Offense Code

DE 46-Arrestee Was Armed With Automatic Weapon Indicator

DE 47-Age of Arrestee

DE 48-Sex of Arrestee

DE 49-Race of Arrestee

DE 50-Ethnicity of Arrestee

DE 51-Resident Status of Arrestee

DE 52-Disposition of Arrestee

1 NCJRP recognizes people-first language. The NIBRS data fields use terms that cannot be changed for this report.

Criminal History Data from VCIC/ Court Data

|  |  |
| --- | --- |
| Name |  |
| DOB |  |
| Death Flag | If the person is deceased |
| SID | State ID |
| Date of Arrest |  |
| Arrest Charge |  |
| Date of arraignment |  |
| Arraigned charge |  |
| Failure to appear dates |  |
| Final charge |  |
| Disposition of charge | nolle pros, guilty, dismissed |
| Sentence (if applicable) | straight, split, probation, fines, deferred |
| Length of Sentence |  |
| Diversion referral date |  |
| Diversion completion date |  |
| Probation violation date |  |
| Probation violation outcomes | probation modified, probation revoked, probation continued |
| Probation discharge reason date | successful, unsuccessful |
| Probation discharge reason |  |
| Parole Violation date |  |
| Parole violation outcomes  | parole revoked, modified, continued |