Data for Democracy
Incarceration Trends Project
Statement in Support of CO HB19-1297

Our work on criminal justice in Colorado:
Between January and March of this year, the Incarceration Trends project of Data for Democracy collaborated with the ACLU of Colorado to analyze data on money bail rates by county and judicial district to understand the impact of HB 13-1236 on set rates for cash/surety/property bond relative to personal recognizance bond, as well as the rates of new filings. Data for Democracy is a global distributed volunteer network of data practitioners working on projects in the public interest. Our team of data scientists included members from both industry and academia with significant experience in data analytics and systems management. In light of our experiences with the data gathered and reported by Colorado's criminal justice system, we are writing in support of HB 19-1297.

Our experience with Colorado's current jail data:
The ACLU shared data from open records requests to piece together a snapshot of incarceration in Colorado to better inform policy and reform. Our attempt at analysis was significantly complicated by the poor quality of the data. The data in its current form is aggregated, reducing vital individual-level associations to broad counts of individuals who fall within demographic categories. This does not allow for cross-sectional analysis to understand the influence of multiple factors simultaneously. In this format, the work individuals may have invested to gather data is rendered ineffectual and the number of questions that can be answered, exponentially reduced.

Because the county data was inconsistent, it was difficult to piece together an accurate picture of the state-wide incarcerated population. Fifteen counties with jails were not able to report simple race breakdowns of currently incarcerated populations. The lack of consistent demographic data means that county-to-county comparisons cannot be made, and oversight and accountability of trends in incarceration are functionally impossible. The state of Colorado cannot currently answer the questions of "Who are incarcerated in Colorado jails and for what reasons?" This is unacceptable. Consistent standards for data collection and reporting are vital to effective oversight of the Colorado jail system.

The most granular data we analyzed was the result of a request to the Office of Research and Statistics in the Colorado Division of Criminal Justice by Rep. Weissman. It represents the standards of record-keeping mandated by current criminal justice data legislation. It was not publicly available and required significant effort on the part of the senator to obtain. It was provided in the form of MS Word document tables, a format which does not comport with widely-accepted data management practices and does not lend itself to any calculations. It contained aggregate counts of felony and misdemeanor bonds set, posted, and new filings at judicial district and county levels. Furthermore, upon analysis, we found inconsistencies which we were unable to reconcile with what we know of the criminal justice system.

For example, some counties reported instances in which the number of defendants released on personal recognizance was not equal to the number of defendants who had PR bonds set. This evidences the poor quality of the collection and/or reporting methods utilized within the data set. Given our familiarity with what data is currently gathered at the county level in Colorado, we believe any county-level data generated under current legislation does not meet a level of consistency and rigor needed to inform policy.

Conclusion:
Data, more specifically data collected for the explicit purpose of program monitoring and evaluation, plays a key role in effective oversight and efficiency of governance. To fulfill responsibility to taxpayers, proactively collecting quality data allows for exacting calculations of cost and the ability to investigate areas of cost-savings while also improving services and justifying the impact of programs on public safety. Data is also vital to working towards an equitable and just system and ensuring equal treatment under the law. As Colorado's

population increases, the jail population is rising beyond the current capacity of the carceral system, leading to safety risks for incarcerated individuals as jails strain to accommodate them. Deaths in jails increased substantially between 2011 and 2015[1] and consistent, quality data is needed to ensure the safety of vulnerable individuals while incarcerated and hold systems accountable when we fail to do so.

To provide but a few examples of evaluation domains within criminal justice: (1) Quality data systems allow for evaluation of personal recognizance bond versus money bail programs, answering questions about the likelihood of a subsequent violation between the two systems and comparing costs incurred. (2) Collection of demographic data enables comparison of processes and outcomes between demographic groups to ensure all are given equitable due process by the justice system, and address disparities if and where they are evident.

Having worked with the criminal justice data collected under current policy, we conclude that the data available is insufficient to inform decision making. We urge you to support this legislation in order to improve oversight, enable evidence-based policy reform, and take steps towards a more equitable and just system.

Charlotte McClintock

Charlotte McClintock
Project Lead, Incarceration Trends

Samuel Powers

Sam Powers
Volunteer Data Scientist, Incarceration Trends

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[1] Phillips, Noelle. "Colorado Jail Deaths Steadily Increased, More Than Doubled from 2011 to June of 2015." *The Denver Post.* Last modified October 31, 2017. https://www.denverpost.com/2017/01/15/deaths-colorado-jail-double-four-year/.