

Successfully Acquiring Data from the Criminal Courts: Is It What You Know, Who You Know, or What You Don't Tell Them?

Brion Sever, Ronald L. Reisner, and Ryan S. King

This study examines issues centering on the collection of court-related data. Specifically, it questions whether researchers run into difficulties in collecting data for research on the criminal courts. Information was gathered through in-depth interviews with twenty-seven researchers around the country who have experience collecting court data. Indeed, the overwhelming majority of these researchers reported encountering problems in collecting court data and admitted the use of several different strategies. These strategies include using a contact within or close to the agency, as well as withholding the exact nature of the researcher's study. Unfortunately, these strategies only alleviate the difficulties of the individual researcher and do nothing to help reduce the problems that future researchers will encounter.

The court process has been one of the most researched topics in criminology and criminal justice in our last half century. Studies of the court system and the processing of offenders have yielded some of the more reliable research in criminology and criminal justice. The advantage of court-related studies is that researchers can obtain actual data representative of the courts' handling of individuals and do not have to use proxies as in other areas of research. For example, if a researcher wants to determine whether second-time offenders for burglary receive longer sentences than second-time offenders for drug possession, they can acquire existing data from the courts to perform a direct test. Moreover, key factors that can affect the processing of offenders (prior record, gender, race, etc.) are generally recorded and kept in the database containing the case.

A variety of research topics in criminal justice can be analyzed by using data from the criminal courts. For instance, researchers can determine the impact of gender, race, and other individual characteristics of the defendant on the amount of bail posted (Albonetti, 1991; Katz and Spohn, 1995), charging decisions (Boritch, 1992; Crew, 1991), trial, sentencing and case outcomes (Everett and Nienstedt, 1999; O'Neil, 1999; Spohn, Delone, and Spears, 1998), plea-bargaining outcomes (Albonetti, 1990; Farnworth and Teske, 1995; Humphrey and Fogarty, 1987), and appeals (Williams, 1995). Moreover, the background characteristics of prosecutors, judges (Uhlman, 1978; Myers, 1988; Holmes et al., 1993), and others in the courtroom work group may be compared with their activities in their respective duties. Indeed, the interest in research on the criminal court system, combined with the availability of existing data collected by the courts, make court research a highly attractive topic for young researchers.

A number of different agencies may be responsible for collecting and distributing court data, depending on the state and the type of research that is being performed. For instance, the individual district or county courts may be the first source to contact in some states when data is needed on adults prosecuted through the state system. In other states, administrative offices of the courts (AOCs) or comparable agencies handle and distribute all data collected by the individual criminal courts. It is intended that these administrative offices will provide more organization in the gathering of court data and furnish a database that brings all of the state court data together. Indeed, at first glance, this seems to provide a more efficient manner for researchers to collect court data than having to contact many or all of the district or county courts in a state.

Unfortunately, the current accessibility of criminal court data does not always satisfy the desires of researchers wishing to test important hypotheses on the subject. This is especially true when researchers develop a hypothesis first and later attempt to obtain the necessary data. Researchers often encounter unforeseen obstacles to acquiring court data that they may only overcome through experience or through a great deal of persistence. These obstacles can come from a poorly organized system with little direct accountability for the distribution of court data, or through court practitioners deliberately slowing the process and attempting to discourage the researcher's study. Regardless of the reason, such barriers in the collection of criminal court data can severely damage the researcher's project, or even obstruct it altogether. Indeed, the authors of this article encountered some obstacles in acquiring court data from an AOC, which led to the present study.

Before we undertook this study, we reviewed the relevant literature to see if we could find any previous study that was identical to the one that we were proposing, and we found nothing that was similar in nature. Numerous studies focused on difficulties in obtaining information from obscure populations. For instance, Longress (1987) wrote an article dealing with the efforts involved with researching parents of adjudicated teenage prostitutes. Unfortunately, we have not located any studies focusing on the struggles faced by researchers who collect criminal-court-related data. A number of studies, however, mentioned such problems as a side issue, often in their data and methods sections. One example was Greenberg (1989), who mentioned the difficulties in collecting large amounts of information from local jurisdictions on defendants' backgrounds.

We also located some literature that mentions the difficulties that researchers face when entering a criminal justice agency to perform research. For instance, studies by Swanton and Psaila (1986) and Shugoll and Dempsey (1983) both mentioned the problems that exist in the collection and availability of data in police agencies, as well as in the willingness of law enforcement and other agencies to share information. Moreover, in a short article, McCaghy (1971) wrote about the difficulties that researchers encounter when obtaining permission to collect data from probation offices and the unique problems that they face once they begin collection. In fact, one of the problems that McCaghy mentioned was the fears and concerns of the agency staff toward the outsider in their midst. Unfortunately, McCaghy's main focus was on other problems not deal-

ing with the staff, and we have found no article similar to his that focuses on collection of criminal court data.

In order to aid the field in their research on courts, this study will analyze several issues that affect the gathering of criminal court data. First, we will determine the extent of the problems that researchers encounter in gathering criminal court data and the techniques that researchers around the country find most helpful in the collection of such data. We performed in-depth interviews with twenty-seven researchers who specialize in research on the criminal courts. These researchers were at various stages in their careers, and they were located in different parts of the country, representing twenty-one different states. Second, we will discuss various issues related to the collection of criminal court data, and the negative effects that problems in collecting court data may have on the field of criminology and criminal justice. Third, we will provide recommendations for researchers who are currently pursuing or will be pursuing criminal court research. Fourth, we will provide suggestions for future researchers who may also want to pursue this course of study.

Our hope is that this study will be the first among many to explore the collection of criminal court data. We believe that researchers tend to be too infatuated with developing more sophisticated means of analyzing data and not concerned enough about the obstacles present in collecting the actual data. Indeed, it can be argued that even the most sophisticated techniques cannot overcome the invalidity of a study when half of the desired control variables are unable to be collected, or when the study cannot even be performed. We hope this study and those to follow can improve our data-gathering process and provide us with strategies that can also bridge the gap between criminal justice researchers and practitioners.

Data and Methods Used for the Survey

To determine the problems that researchers encounter in collecting data, as well as the techniques that they use to avoid problems, we administered in-depth interviews with researchers in the field. Specifically, we performed twenty-seven telephone interviews with researchers who have performed research on various areas of the criminal court system.¹ These researchers were identified through several library searches for studies on courts and sentencing and from the authors' own knowledge of researchers who perform substantial research on the criminal court process. Therefore, this was by no means a probability sample and was more of an investigatory procedure, resembling a mix of convenience and snowball-sampling methods.

The common denominator among all of these researchers is that they have experience collecting data from the criminal courts. The researchers' experience ranged from

¹ Because of the possible inflammatory nature of the information gathered from the court researchers, and at the request of some of these researchers, their identities will not be disclosed.

those with only one study on the criminal courts to a few who had researched the courts for thirty years. The average number of years of criminal court research for the researchers in our study was eight. The majority of researchers had focused on the sentencing process, with most having some experience studying the effects of race on the court process.

All the respondents selected for this study had performed research on the adult criminal courts. Again, we included information only about researchers' data collection from the adult courts (rather than the juvenile courts) because of the different processes often involved in acquiring data from these two age groups. Indeed, during this research, we found that researchers had extremely different means by which to collect and disseminate findings about juveniles. Therefore, we felt that it would be misleading to include the collection process for both juveniles and adult court data together as one entity.

Most of our interviews involved open-ended questions and lasted from twenty to forty-five minutes. Although we treated the discussion as a learning process concerning the different problems encountered and strategies employed by the researchers, we asked nine basic questions. While most of these questions concerned one particular study that we contacted the researchers about, we always asked the researchers the same questions a second time in the context of all of their court data collection experience. We provided the researchers a great deal of freedom in their responses to the questions and encouraged their elaboration on every issue. In some instances, we allowed researchers to stray temporarily from the question at hand, all in an effort to gather information that our questionnaire would not have exposed. Generally, we told the researchers that we were on a fact-finding mission concerning the criminal court data collection process. We did not conceal the problems that we had encountered, however, especially when we believed that it would help us gain a rapport with researchers and enable them to feel more comfortable disclosing information about their snags in data collection and the strategies they used to deal with them.

These questions gathered the following information:

- The type of agency (local court, sentencing commission, AOC, etc.) from which they gathered their data for the particular study in question.
- Manner in which the researcher requested data (over the phone, formal letter, e-mail, in person, etc.).
- Use of a contact (within the court department or someone influential) to obtain the data.
- Researcher's familiarity with the state laws on the collection of court data (Freedom of Information, etc.).
- The amount and types of difficulty (if any) that the researcher encountered in attaining the court data.
- Whether all of the data requested by the researcher was received.
- Whether the agency charged a fee for the data collection.

- If the researcher was completely honest in his or her explanation of the reason for which the data were necessary; i.e., the nature of the study.
- How long the researcher has been collecting court data and if that experience, or lack thereof, made a difference in the collection of data.

Findings of the Survey

Our respondents dealt with a number of different agencies in the data collection process (see **Table 1**). Indeed, the overall sample of researchers dealt with nine different agencies in their studies. The most common sources of court-related data were individual local county or district courts, with nearly half (thirteen of twenty-seven) of our sample contacting local courts to acquire their data. Thus, despite the presence of administrative offices of the courts or sentencing commissions in the majority of states, researchers still tended to go to the data source closest to them.

The administrative offices of the courts (AOCs) were the second most popular agency from which to gather court-related data. We viewed a few dozen state AOCs' Web pages and found a few common denominators. First, they are ordinarily headed by a director who reports directly to the chief justice of the supreme court, who usually is the chief administrative officer of all of the courts of the state. Second, they typically submit budget recommendations that are crucial to the administrative practices in department operations. Third, they collect case statistics from the adult and (in some cases) the youth courts. Finally, they assist in implementing rules and procedures for the courts.

Although policies can differ from state to state, the legislature typically declares that public records shall be readily accessible to citizens of the state, with certain exceptions in the interest of individual safety. In the present researchers' case, the purpose for which access to public records was sought was supposed to be irrelevant in the state in question. Yet, the language of our rejection letter contained wording declaring our project "inappropriate" in consideration to the amount of work it would take their staff, despite our offer to compensate them for their time. This is why it is of interest to us to determine whether researchers in this field ever withhold the nature of their study as a strategy of data collection.

Another issue brought on by the organization of the AOCs is the possible conflict of interest that exists in regard to the chief justice overseeing the agency while at the same time having final consideration of a citizen's request for information. This sets up a situation where the group being studied by the researchers could be the very ones from which researchers are requesting data. This was certainly the situation in our case, where we were studying the relationship between the background of judges and sentencing disparity and had to ask the AOC director, a judge, to approve the study. With this in mind, we are interested in determining whether other researchers examining the background of judges had problems obtaining data, particularly if they approached an AOC.

Other popular outlets for collection of court-related data were the local prosecutors' offices, state sentencing commissions, and departments of corrections. Although it is not

Table 1
Abbreviated Information Provided by the Sample of Researchers

Study Type	Agency Where Data Were Collected	Manner Data Collected	Aid of Contact?	Familiar with State Laws?	Difficulty Obtaining Data?	Agency Charge Fee?	Researcher Honest about Study?	Experience Impact Study?
Sentencing disparity and race	AOC	In person	Yes, with director of of some dept.	Yes	Yes, barriers presented, all data collected eventually	No	No, were very vague	Yes, experience was beneficial
Effectiveness of indigent counsel	Individual local courts	In person	No	Somewhat	No, agencies very cooperative, all data collected	Yes	Yes	Not in this study
Sentencing disparity and race	Department of corrections	In person	Yes, contact within agency, made them author on study	Somewhat	Yes, stalled and refused until contact was used; all data were eventually collected	No	No, hid purpose of study	Yes, they knew to withhold purpose of study
Sentencing disparity and gender	Sentencing commission	In person	Yes, contact within agency	Somewhat	No, very cooperative, all data collected, but many problems with past collection	No	Yes	Yes, in handling of agency and contact
Juveniles sentenced in adult court	AOC and some local courts	Over the phone for AOC, in person for local courts	No	Somewhat	Individual courts were cooperative, AOC was unwilling, most data collected from local courts	No	Yes	Yes, with individual courts
Sentencing disparity and race	Department of corrections	A mix of in person, phone, and e-mail	Yes, got a referral	No	Yes, agency dragged their feet, some data were not acquired, but enough data were acquired	Small fee	No	No, experience has not helped with lack of agency cooperation
Sentencing disparity and race	Individual local courts	In person	Yes	No	Yes, one of the local courts refused to provide data; received all data requested from the rest of the courts	No	Yes	Yes

(Table 1 Continued)

Study Type	Agency Where Data Were Collected	Manner Data Collected	Aid of Contact?	Familiar with State Laws?	Difficulty Obtaining Data?	Agency Charge Fee?	Researcher Honest about Study?	Experience Impact Study?
Gender of judges and sentencing	Sentencing commission	By phone	No, but had experience working with the agency	Somewhat	No, but had to keep identity of the judge confidential, obtained all data requested	No	Yes	Yes, know which agencies to avoid and who within the agency to contact
Sentencing disparity and race	Local courts	In person, by phone	No	Somewhat	Yes, courts uncooperative, drug their feet; not all data were acquired	No	Yes	Perhaps, researcher's first attempt to collect race data from the courts
Race, gender, and bail outcomes	Local court	In person, phone	Yes	No	Yes, agency was not very responsive, had to keep on them to do their jobs, all data acquired	Small fee	No, particularly about race	Perhaps, not a lot of experience with local courts before this study
Sentencing and offender background	Department of corrections	By phone	Yes	Somewhat	Yes, data were not available in the format necessary; agency was cooperative	No	Yes	Yes, helped establish contacts that have been crucial
Race, gender, prosecutor's decision to charge	Prosecutor's office and local courts	By phone and in person	Yes	No	Yes, both local courts and prosecutor's office were uncooperative, not all data acquired	No	No, withheld that race was being examined in the study	Yes, experience has helped greatly
Criminal case outcomes race	Local court	In person	Yes	Somewhat	No, because a grant was acquired to pay for collection; all data acquired	Yes	Yes	Not in this case because of grant
Judge characteristics and sentencing	AOC, prosecutor's office	In person	No	No	Yes, AOC turned them down; prosecutor's office in another state was cooperative and provided them with all necessary data	Small fee	Yes	Yes, have learned how to approach the agencies

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(Table 1 Continued)

Study Type	Agency Where Data Were Collected	Manner Data Collected	Aid of Contact?	Familiar with State Laws?	Difficulty Obtaining Data?	Agency Charge Fee?	Researcher Honest about Study?	Experience Impact Study?
Judge characteristics and sentencing	State attorney's office, county clerk's office	In person	Yes, went through a colleague who had worked in S.A. office	Yes	Yes, a lot of red tape, lack of cooperation, some data not acquired	Yes, paid for with a grant	No, misled the agency about the purpose of the study	Yes, helped in the process of dealing with the agency staff
Criminal case outcomes and defendant characteristics	Local court	In person, and by phone	Yes, never do "cold calls"	Yes	Yes, some staff simply would not do what they were asked to do; all data eventually acquired	Yes	Yes	Yes, experience has helped a great deal.
Death penalty and case characteristics	AOC	Phone and in person	Yes, another professor, and politician	Somewhat	Yes, they refused to help, received no information, had to go to local courts	No	Withheld some information	Yes, in gaining contacts
Criminal case outcomes and defendant characteristics	Local courts	Phone and in person	No	Somewhat	Yes, one of the four courts resisted, dragged their feet; had to allow court personnel to give feedback on findings	No	Mostly	Yes, learned how to negotiate with court personnel
Criminal case outcomes and defendant characteristics	Department public safety, local courts	Formal letters and by phone	Yes, assistant to chief justice	No	Yes, from the local courts, they were uncooperative and slow, but all data eventually acquired	Yes	Yes	Yes, lack of experience in dealing with local courts affected their success
Criminal case outcomes and defendant characteristics	Department of probation	By phone	Yes, a respected law professor	Somewhat	No, because of the influence of the contact	No	Yes	No, had a lack of experience, but did not matter because of contact
Defendant characteristics and decision to charge	Prosecutor's office	In person, by phone	Yes, a friend who worked in the office	No	Yes, much suspicion of the study they were undertaking, much red tape	No	Yes	Yes, have learned how to ask for the data, so as not to cause much alarm

(Table 1 Continued)

Study Type	Agency Where Data Were Collected	Manner Data Collected	Aid of Contact?	Familiar with State Laws?	Difficulty Obtaining Data?	Agency Charge Fee?	Researcher Honest about Study?	Experience Impact Study?
Criminal case outcomes and race	Local courts	In person	No	No	Yes, the local staff did not respect research and not trust it, were afraid of possible findings	Yes	No, hid the focus on race	Not really, the staff continually change and, thus, every project has new obstacles
Bail amount and defendant characteristics	Local court	In person	No	No	Yes, a lack of interest to help acquire the data	Small fee	No, withheld information that could cause fear	Yes, have learned how to bargain and build rapport with staff
Criminal case outcome and severity of offense	Local court	In person	Yes	No	No, because of the influence of the contact	No	Yes	Yes, have learned to use contacts
Judge characteristics and sentencing	AOC, clerk of courts	Formal letter, in person	Yes	No	No, agencies were very cooperative	Yes	Yes	Yes
Judge characteristics and sentencing	Sentencing commission	By phone	No	No	Yes, were turned away by several agencies before this commission, and had to make promises to this commission about confidentiality of location; lots of missing data	Yes	Yes	A little, in the negotiation process
Race and outcome of various stages in the court process	Federal sentencing commission	Phone, official letter	Yes, a professor	No	Yes, some dragging of feet by the agency, and the data were poorly organized	No	Yes	Experience has helped immensely

always the case, state sentencing commissions are often found in states where there is no AOC, and they perform some of the duties that the AOC would perform. Local prosecutors' offices are often a source of court data and are sometimes the only source of data such as prosecutors' charging and plea-bargaining decisions, as well as their sentencing recommendations. Finally, departments of corrections are found in most states, and they often have valuable information about the sentences received and served by offenders.

Factors Complicating Access to Criminal Court Data

The overwhelming majority of researchers in our sample (twenty of twenty-seven) encountered some type of difficulty in collecting the necessary data for the study in question. Interestingly, most of the troubles were very similar to the experiences of the authors of this study. Specifically, a large number of the researchers experienced an overall “lack of desire to cooperate” from the agency staff. Many of these researchers indicated that they suspected that the agencies’ feet-dragging was caused in great deal by their concern about the nature of their study, or their overall distaste for or distrust of researchers. But some other researchers believed that it was more indifference by the agency and that their requests simply got lost in the shuffle of papers, making it necessary for the researchers to continually nag the agency staff about their progress.

A few of the researchers encountered more than just a lack of cooperation and were turned down completely by the agencies that they approached. The result was simply a displacement of the researchers to other agencies, sometimes even in different states. None of these researchers bothered to fight the agencies that turned them down.

A few other patterns emerged from the researchers’ answers about their difficulties in the collection of data. First, of the seven researchers who did not experience problems collecting their data, most of them admitted that it was either because of a grant they used to acquire the data, or because of the influence of the contact person through which they dealt with the agency. Second, the agency from which the data are collected may also play a key role in the success of researchers. Indeed, four of the five researchers experienced problems when they attempted to collect data for their studies from AOCs. In fact, three of the five who originally went to an AOC to collect data had their requests completely turned down. Of course, it should be mentioned that only one of those three had established a contact person to work through.

Unfortunately, the overall career experiences of researchers were even more startling than the data collection problems of the studies we surveyed them about. Most of the researchers who stated that they had not had a problem collecting data for the studies in question did mention past problems they had experienced with collecting court-related data. In fact, all of the researchers with prior experiences in collecting court data said that they encountered stiff resistance at some time in their careers. The only ones who said that they had never had a problem were researchers who had only collected data for the study in question, or one other at most.

Another issue of interest is the researchers’ descriptions of their studies when requesting data from agencies. Specifically, we wanted to know if researchers were honest in the manner in which they described their studies. Indeed, one of the reasons that we did not receive our data from an AOC may have been the controversial nature of our study. Perhaps, if we were able to have more secrecy, or were more vague concerning the nature of our study, we would not have encountered the snags and eventual setback that we did. Thus, we became curious as to whether other researchers collecting court data were revealing all of the information about their studies.

The majority (seventeen of twenty-seven) of researchers in our sample were completely forthright with the agencies about the nature of their studies (see **Table 1**). Not

surprisingly, eight of the ten researchers that withheld information had race as a part of their topic. In fact, when race and sentencing and case outcomes were the central focus of their studies, five of eight researchers withheld information from the courts from which they were collecting data. Some of these researchers who withheld information were adamant that it would be very foolish to tell the agencies about the focus on race if it could be avoided. They suggested that studies about race were probably the most threatening of all studies to agencies at this moment and that the collection of racial statistics can often result in a snag.

There were a few other interesting trends in researchers' answers about withholding information. For instance, all ten of those who withheld information experienced problems in collecting their data, where only slightly more than half of those who were honest experienced problems. There are several possible reasons for this discrepancy. Perhaps the most likely reason is because the researchers who were most likely to withhold (and be turned down) were the ones who had race as the focus of their studies. Seven of the eight researchers who focused on race experienced problems in data collection, and the sole researcher who did not have problems had a grant to pay for all of the data. Not counting that study, fifteen of the seventeen cases that included race (either race of the offender or of the judge) as a variable encountered problems in data collection. Thus, the concerns of many of the researchers about racial data are strongly supported by our researchers' problems in the collection of race data.

Overall, while a few of our respondents mentioned that they would never deceive an agency about the intent of a study, most said that they would deceive depending on the nature of a study. In fact, because of the past problems they had encountered with agencies, most researchers said that they would be most likely to deceive when collecting the racial characteristics of defendants. Some of these researchers tended to go as far as describing the relationship between researchers and agency staff in an "us and them" type of scenario, where a little deceit was necessary to get by these "guardians" of the data and perform a study that benefits the field.

Factors Improving Access to Criminal Court Data

Most of the researchers in our sample preferred to approach the agencies in person (see **Table 1**). In fact, twenty-one of the twenty-seven responded that they had gone in person to collect the data for their studies, some adding the sentiment that it's much easier for staff members to ignore you when there is not a "a personal touch" involved. In fact, all but one of the researchers who collected data from local courts visited the personnel in person, and even a few of the researchers who collected data from agencies in a separate part of the country made special trips to have personal contacts with the agency staff. Thus, the researchers were strongly in agreement on the impact that the personal touch has on the development of trust and the expediency of the data collection process.

Again, perhaps the respondents' most successful strategy toward collecting data involved the use of a contact to bridge the gap between the researchers and agency staff. Two-thirds of the researchers said that they used a personal contact to make themselves

appear more trustworthy to the staff of the agency and to provide the staff with more incentive to do work for them. In fact, over three-fourths of the researchers responded that they had used personal contacts at some time in collecting court-related data (including the study they were questioned about), with several of them mentioning that they would never attempt data collection from agencies without a contact. A few of the researchers even chuckled that it was foolish to pursue court-related data through use of a “cold call” and that it was always worth the effort to establish or find a contact within the agency if one was not already present.

Other responses also demonstrated the value of a contact. For instance, one researcher actually attempted to collect data from a department of corrections, whose staff were very uncooperative until researchers used a contact. This was somewhat similar to our attempts with the AOC. In fact, we had much trouble getting responses from AOC staff until a contact was made with a high-ranking official within the AOC, at which time the staff became more responsive toward our requests. Thus, where some contacts can be used to gain the confidence of agency personnel, others can be used to ensure that the request for data is given priority and not placed to the side and ignored for other duties.

Because our proposed study entailed the first attempt to gather court-related data by all three authors involved, we also wondered if our inexperience with the collection of criminal court data had been of disadvantage. Indeed, only five of the researchers that we surveyed felt that their experience (whether it be experience or inexperience in collecting criminal court data) was not a factor in the data collection process. Moreover, only two of those five felt that experience was never a factor in their collection of court data, while the other three said that experience does not matter if you have a good contact or a grant. The overwhelming majority of the researchers felt that the ability to negotiate with agency staff and acquire contacts are improved greatly with experience.

Other Key Findings

One of our concerns about the collection of court data is the possible bullying of researchers by those in the agency. More specifically, we were concerned that researchers are not aware of their rights in data collection. This ignorance could allow agency personnel greater leeway to make researchers jump through hoops or ignore them because of their lack of fear of a consequence. Our main concern is about the knowledge of novice researchers of court-related data, because they would encompass the group most likely to meet resistance or be ignored. Because most of the researchers in our sample had substantial experience with collecting court data, we can only assume that ignorance within this group would suggest that novices would have the same level of ignorance or worse. Therefore, we asked our sample of court researchers simply if they were familiar with their state’s rules concerning freedom of information, particularly in regard to researchers’ rights to collect court-related data.

The majority of court researchers in our sample had no knowledge concerning their states’ laws concerning researchers’ rights to collect data from the courts (see **Table 1**).

More surprising is that only three researchers were confident enough to claim that they had more than just a little or “some” knowledge of their rights in collecting court data. Considering the difficulties that researchers may face in collecting data from courts (discussed next), it is somewhat startling that so few in our sample have not looked further into their rights. It seems that researchers may spend more of their time trying to find different avenues in which to collect their data, rather than fighting those who turn them away. Unfortunately, although this practice allows the individual researchers to get their data eventually, it does nothing to make data collection easier for future researchers.

The influence of monetary considerations was also of interest in this study, and, indeed, eleven of the researchers reported that the agencies had charged them a fee for their research. We felt that this was an important question to ask because the AOC that we dealt with told us initially that there would be a fee for our research, which we agreed to pay. Thus, we wondered if agencies that charged fees to the researchers were more responsive or if it was sometimes an attempt to sidetrack the researchers from their requests. Interestingly, agency fees seemed to have little impact on the researchers’ success with collection of data. Where slightly less than half of the researchers had to pay fees for their data collection, slightly less than half of those who had no problem (three of seven) had to pay a fee to the agency. But more information would have to be gained on the nature of the data collection of each researcher and the agencies’ capabilities before making a valid determination of whether paying fees results in greater response by the agency staff.

Discussion and Conclusion

The findings of our survey suggest that researchers around the country have experienced a number of the same problems that we encountered in our attempts to collect court data. They also suggest that there are definite strategies and philosophies employed by many of the researchers. Perhaps most surprising of the findings were the similarities in many of the difficulties faced by researchers and the strategies that they undertake in response.

Many of the problems encountered by the respondents were extremely similar to our problems and were very consistent among the respondents. For instance, some of the researchers came across staff who were negative toward them and in some cases attempted to discourage their data collection. Many of the researchers also encountered staff who would not return their calls and were slow in collecting their data. Finally, a number of the researchers were turned straight down by an agency or agencies.

Just as in our efforts to collect data, it is difficult to determine if many of the difficulties encountered by the researchers in our sample resulted because of the fear caused by their studies or because of staff workers who simply were being lethargic in their duties. Indeed, many of the researchers argued that the reason that the staff members were sluggish in getting things done, and were poor about returning their calls, was because of their distaste for their research. We cannot be certain, however, that this is always the situation. In fact, it is likely that at least some of their indolence is caused by

the pressures to get other work completed or their desire to shirk the researcher's "added" work. But the reports of our researchers concerning the collection of racial data from courts also suggest that the nature of the study and, perhaps, the identity of the researcher undertaking it are likely reasons for some of the problems.

Although some of the blame for the poor experiences of researchers must be placed on overprotective or disinterested agency staff, blame must also be placed on the overall philosophy of the agencies. Generally, criminal justice agencies place a low priority on the collection of data in relation to other administrative duties. Thus, the most talented, experienced, and well-paid staff are usually not assigned to data collection. In fact, those inputting data are sometimes the lowest paid and least trained staff in the department. This is no exception with agencies handling court-related data. Moreover, many agencies are understaffed for data collection and are unable to handle large data requests easily. Many of the staff working in data collection have numerous other duties, and data collection (especially for an outside researcher) may ultimately take a backseat to their everyday responsibilities.

Recommendations for Those Collecting Criminal Court Data

While researchers cannot always overcome the conditions surrounding criminal court data collection, or the possible threatening nature of their studies, there are several methods for increasing one's chances of successful data collection. These approaches have been expressed by the researchers in our sample and have become apparent to the present researchers in the course of our investigation. These approaches involve strategies that are both specific to the individual researchers as well as necessary to strengthen the relationship between academics and court practitioners in the field.

The first and perhaps most critical recommendation is for researchers to approach agencies via a contact person. Few researchers in our study believed that directly approaching an agency (without a contact) as a researcher seeking to perform a study is a successful manner in which to obtain court-related data. A contact person can ease the inevitable discomfort that results when strangers approach an agency seeking sensitive information. In fact, it can create the trust that it may take researchers months to gain on their own.

If researchers cannot find a contact person through which to approach the agency, then the next best thing is to create a personal relationship with the agency members. Several researchers noted their success with going to agencies in person and being able to gain the trust of the agency personnel. Obviously, the researcher's job becomes much more difficult as the data they are requesting become more sensitive. But our results tend to suggest that deceiving the agency staff may not be the answer. Rather, we would advise researchers to be up front with the agency staff and then recommend ways in which they can participate in keeping the information secure. Allowing the court staff to remain in charge of the data during the research project can be key to gaining their trust and cooperation.

Encouraging the busy agency staff to play a key role in overseeing the data collection process may be easier said than done, and the researchers may need to provide

incentives to the agency to gain their interest. First, the researchers must do their homework and have an organized plan for collecting the data. Obviously, the more unorganized and vague the data collection strategy appears to agency staff, the more turned off they will become by the tasks involved. The aid of a grant to provide economic support to the agency in data collection is always desirable. Second, researchers may design the study in a manner so that at least a few objectives are dedicated to improving the operational difficulties within the agency and overall efficiency of the work staff. It would be helpful for researchers to stress every way in which the study will aid the agency, whether it be through evaluation of policy or anything else beneficial to the agency.

Although the majority of problems between agencies and researchers can likely be overcome through good planning by researchers, there are going to inevitably be some instances in which court agencies simply do not respond to researchers' requests. Such resistance is difficult for the experienced researchers in our sample to contend with, let alone novice researchers. The key to handling such agencies is to be persistent and not to start theorizing about a conspiracy by the staff. The most likely scenario for the staff's negligence is that they are busy with other work and are merely neglecting what they consider outside work. But, if problems persist, it is always important to be familiar with the rules for data collection in one's state. Researchers will never know the correct amount of force to use toward neglectful staff if they are not acquainted with the rules concerning data collection. Again, the researchers that we interviewed admitted that when they were turned down by one agency, they did not challenge the agency staff. This indifference is no doubt related to the researchers' ignorance about their rights in the data collection process.

Finally, criminal justice researchers as a group must also make a greater attempt to improve relations with criminal justice practitioners. Unfortunately, criminal justice practitioners and academics in criminology do not have the supportive relationship that practitioners and researchers have in other fields (e.g., medicine or biology). In fact, the relationship can be unpleasant at times and is responsible for many of the problems we see in researchers' collection of court data. Regardless of the underlying reasons for this poor relationship, academics are just as responsible as practitioners for the lack of improvement between the two groups. This can be seen in the large number of academics who boycott the Academy of Criminal Justice Sciences meetings because there are "too many" practitioners in the conference. The relations between the two groups will never improve, and academics will continue to receive the same treatment, as long as there are so many on both sides who are not willing to understand and learn from their differences.

Future Research on this Topic

Researchers can pursue several avenues to improve and expand on the current study. First, the sample used in this study does not allow an analysis of the "chilling effect." This term refers to the possibility that many researchers with high-quality research ideas simply do not pursue them because of the obstacles they face. Young researchers may get frustrated and give up, and more experienced researchers may simply avoid court-related research because of the intricate nature and time impediments of such data collection.

The existence of a chilling effect would be detrimental to the field of criminal justice as well as to the general public. The public has a right to know the practices that are performed within the courts, and if any disparity and preferential treatment exists. Research performed by those outside of the agency is crucial to these kinds of determinations, as these are the researchers who will be in the best position to undertake such studies in an objective manner.

Future studies should be designed so that successful criminal court researchers are not the only researchers included in the sample. Indeed, there could be a number of researchers who never undertook or published a study, but who still have valuable information to provide about their data gathering.

A useful sequel to the present study would be for researchers to examine successful and unsuccessful data-gathering strategies from the other side of the spectrum. Specifically, it would be interesting to determine which strategies court employees recommend for the collection of criminal court data. Perhaps the court employees recommend entirely different approaches to that of the court researchers. Obviously, because they are the very people who these strategies are devised for, the court employees' opinions on the matter should be given strong consideration. **jsj**

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