



Data Collection and Reporting in the Massachusetts Criminal Justice System

A Report of the Justice Reinvestment Policy Oversight Board

June 20, 2023

Members of the Board

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<i>Brook Hopkins</i>	Criminal Justice Policy Program, Harvard Law School (appointed expert in addressing racial, ethnic, gender, or age bias)
<i>Dr. Rhiana Kohl</i>	Department of Correction (appointed expert in data collection and analysis)
<i>Gina Papagiorgakis</i>	Executive Office of Public Safety and Security (appointed expert in data collection and analysis)

1. Introduction

The Justice Reinvestment Policy Oversight Board (the “Board”) was created in April 2018 with the passage into law of Chapter 69 of the Acts of 2018, [“An Act Relative to Criminal Justice Reform.”](#) The Board, chaired by the Secretary of the Executive Office of Technology Services and Security (EOTSS) and comprised of a broad spectrum of criminal justice agency heads and stakeholders inside and outside of state government, is charged with monitoring the development and implementation of justice reinvestment policies relative to the collection, standardization, and public availability of data to ensure they achieve anticipated goals.

The legislation requires that the Board file a report with the clerks of the Massachusetts House of Representatives and the Senate annually by July 1 that reviews the compliance of the criminal justice agencies and the Trial Court, including the Probation Service, the Parole Board, the Executive Office of Public Safety and Security (EOPSS), the Department of Correction, houses of correction, and county jails, with:

1. Collecting and submitting to EOPSS data required by section 18 ¾ of chapter 6A of the Massachusetts General Laws in the form of a cross-agency tracking system that uses a unique state identification number assigned to each person who enters the criminal justice system;
2. Making said data available to the public through the use of an application programming interface (API), as required by paragraph 12 of section 18 ¾;
3. Establishing data collection and reporting standards relative to recidivism rates for re-arraignment, reconviction, and reincarceration; and
4. Establishing data collection and reporting standards to standardize the methods of reporting race and ethnicity data to facilitate assessment of the racial and ethnic composition of the criminal justice population.

This is the Board’s fifth annual report and will address the progress made to-date towards compliance with M.G.L. c. 6A, § 18 ¾.

The Board convened five (5) times in FY 2023 and continued its work to research, describe, and identify the current landscape with respect to data collection and reporting across criminal justice agencies, the purpose of which is to aid the agencies and offices subject to M.G.L. c. 6A, § 18 ¾ with furthering their efforts toward statutory compliance.

The following sections present the Board’s findings in each of the four areas listed above. The final section presents recommendations and additional considerations raised by the Board.

2. Cross-Tracking Data Collection System

2.1 Mandatory Data Collection

M.G.L. Chapter 6A, section 18 ¾ (the “statute”), Paragraph (12)(i), mandates the collection of at least seventeen (17) distinct categories of data by criminal justice agencies and the Trial Court, including but not necessarily limited to: (1) a unique statewide identification number assigned to each person who enters the criminal justice system; (2) the offense for which the person has been incarcerated; (3-4) the date and time of the offense; (5) the location of the offense; (6-9) the race, ethnicity, gender, and age of the person; (10) whether the person is the primary caretaker of a child; (11) the status of the person’s reproductive health needs; (12-13) risk and needs assessment scores; (14- 15) participation in and completion of evidence-based programs; and (16-17) entry and exit/release dates from a jail or house of correction.

The Board’s 2022 report detailed EOPSS’s efforts to stand up the technical architecture for a cross-tracking data platform (“platform”) with assistance from its vendor partners, Google and SpringML. Data was initially ingested into the platform in June 2022 from the Department of Correction (DOC) and the Massachusetts Sheriffs that hold incarcerated individuals within the Houses of Correction (HOCs) and county jails from 2017 forward. In fiscal year 2023, those ingestion jobs have been automated, and the platform is refreshed with new data weekly.

Under the definition of “criminal justice agencies” adopted in 501 CMR 18.00: Data Collection and Reporting Standards for Criminal Justice Agencies, EOPSS’s goals for the platform are to ultimately ingest data from the Custodial agencies—DOC and Massachusetts Sheriffs—and the Trial Court, as well as the Massachusetts Probation Service, Massachusetts Parole Board, Massachusetts State Police, the Commonwealth’s 350+ local police departments, the Offices of the District Attorneys and the Attorney General’s Office.

Fiscal year 2023 saw the ingestion of new data from the Trial Court, Probation Service, and Parole Board to meet the statute’s requirements for recidivism reporting, discussed in section 4 of this report.

EOPSS also worked this year to enable data ingestion from local police departments, as discussed in sections 2 and 3.

At the time of writing, no plan or schedule is available for ingestion of data from the Attorney General’s Office or the Offices of the District Attorneys, which, as the Board understands, depends on upgrades to the District Attorney Management Information Office Network (DAMION), the records management system in place across all eleven District Attorneys’ Offices. Section 6 includes recommendations from the Board for improving progress.

2.2 Statewide Unique Identification Number

Paragraph (12)(ii) of the statute further mandates that data shall be collected in the form of a cross-tracking system that tracks individuals through a unique, fingerprint-supported, statewide identification number (SID).

Previous reports noted some of the technical and statutory challenges inherent to the adoption of the SID across constituent agencies. To summarize, some agencies’ record management systems were not configured to communicate with the Massachusetts State Police Onell system through which SIDs are generated and stored, and fingerprinting is not mandated in Massachusetts for all offenses.

EOPSS focused considerable effort this year on reducing barriers to SID adoption and presented the following fiscal year 2023 goals at the Board’s September meeting:

- Fingerprinting reaches 70% compliance for completeness and accuracy at Custodial Agencies—the Department of Correction and Massachusetts Sheriffs—and 50% compliance for completeness and accuracy across local law enforcement agencies (LEAs) (e.g. local police departments).
- 70% of new records coming into the platform from Custodial Agencies have complete and accurate SIDs, and 50% of records ingested into the platform from the Trial Court have complete and accurate SIDs.

- 60% of all criminal complaints filed with the Trial Court are submitted through the Electronic Application for Criminal Complaint (EACC), the system through which offender data is transmitted from local law enforcement agencies (LEAs) to the Trial Court, rather than manually.

To meet these goals, EOPSS and its partner agencies engaged in the following activities:

- Upgraded the records management systems at the Department of Correction and the Massachusetts Sheriffs to support integration with Onelll.
- Secured grant funding to provide LiveScan fingerprinting machines to LEAs lacking them to improve the incidence and accuracy of fingerprinting at arrest.
- Developed goals and metrics to improve SID capture and booking compliance at criminal justice agencies and standard processes for agencies to measure and report on compliance.
- Began upgrades to the EACC system. EOPSS also began outreach efforts to increase and improve the use of the EACC by LEAs, some of whom still submit criminal complaints manually.

At the time of writing,

- Fingerprinting has reached 70% compliance for completeness and accuracy across Custodial agencies. Data collection from the LEAs is delayed, as discussed below.
- 91% of new records coming into the platform from the Department of Correction have complete and accurate SIDs and all but four Massachusetts Sheriffs have met the 70% compliance with complete and accurate SIDs.
- 79 LEAs have a functioning LiveScan machine as of the end of FY 2023, an increase from 59 in FY 2022. An additional 35 LEAs are estimated to have them the end of FY 2024.
- Use of the EACC by LEAs is improving. 50,000 criminal complaints were submitted through the EACC in the first three months of calendar year 2023, a 50% annualized increase over the previous year.

Table 1 shows the major milestones completed and yet-to-be-completed in the SID adoption work, along with their target dates. Items related to LEAs—implementation of LiveScan machines across all local police departments and upgrades to records management systems (RMS) to interface with LiveScan machines to auto-ingest SIDs—are not only delayed to December from the original target of June 2023, but also At Risk for meeting the December deadline due to larger-than-anticipated technical, logistical, and coordination challenges of coordinating across many agencies with disparate systems and business processes. EOPSS reports that a pilot with a small group of police departments is scheduled to begin early in fiscal year 2024 and should provide more information to estimate broader delivery dates.

Table 1: Adoption of the State Identification Number (SID): Milestones and Targets

Milestone	Expected delivery date	Status
Fingerprinting and booking process training complete with DOC/Massachusetts Sheriffs; training schedule established	December 2021	Complete
IMS (DOC) accepts SID through Onelll	March 2022	Complete
OMS/JMS (Sheriffs) accept SID through Onelll	March 2022	Complete
MassCourts (Trial Court) accepts SID		Complete
Develop goals/metrics for improving/ tracking SID capture and booking compliance at criminal justice agencies	June 2023	On Track
Report out the proportion of ingested records (2010-present) from Trial Court, DOC, and Massachusetts Sheriffs that include a true, correct SID on a periodic basis	October 2023	On Track
LiveScan machines operational at all relevant Law Enforcement Agencies (LEA)	December 2023	At Risk
EACC interfaces with LiveScan/RMS (LEA)	December 2023	On Track
EACC update complete	October 2023	On Track
Spirit II (Parole) accepts SID through Onelll	December 2023	On Track
RMS (LEA) accept SID through LiveScan	December 2023	At Risk

3. Public Availability of Data

Paragraph 12(ii) of the statute requires that anonymized, cross-agency data be made available to the public for analysis through an application programming interface (API) which allows access to all electronically available

records.

EOPSS informed the Board at its April meeting that it is working towards the creation of this dataset, but the completion date for this work, originally scheduled for December 2023, has been pushed out to December 2024 due to challenges around source system upgrades, SID adoption, and data anonymization. Specifically, as noted in the previous section, efforts to bring LEAs into compliance with fingerprinting and data collection standards, SID capture, and EACC utilization requires overcoming previously unforeseen technical and logistical challenges around LiveScan adoption and upgrades to records management systems, as well as training a large number of agencies on new processes. Work this year with data across the Custodial agencies also suggests that the standardization of historical data across local agencies will require more time than originally anticipated. In parallel, EOPSS has started its work to develop a data anonymization strategy that will meet the reporting requirements of paragraph 12(ii) while protecting individual privacy. This work is expected to ramp up in FY 2024 under the direction of the project’s Data Governance Council established this year. Delayed items are reflected in Table 2.

In the meantime, EOPSS made some data available this year through public-facing dashboards. A first phase of dashboards, released in August 2022, shows the supervised populations of the DOC and Massachusetts Sheriffs by Pre-Trial and Sentenced status. Data is available by key demographics, including race, ethnicity, gender, and age. Importantly, these dashboards are designed to meet the statute’s requirements for race and ethnicity reporting, discussed in more detail in section 5 below. A second phase of dashboards, released in March 2023, reports on admissions and releases from these same institutions over time and by reason for release. A third phase, anticipated by June 30, 2023, is designed to meet the statute’s requirements for recidivism reporting and is discussed in more detail in section 4.

All available dashboards are published on mass.gov: <https://www.mass.gov/info-details/cross-tracking-state-county-correctional-populations>

Table 2 shows the major milestones completed and yet-to-be-completed in the public reporting work, along with their target dates.

Table 2: Public Data Reporting: Milestones and Targets

Milestone	Expected delivery date	Status
Standard data values/definitions adopted across source datasets	December 2021	Complete
Data Governance Council (DGC) established	November 2022	Complete
Publish phase 1 and phase 2 dashboards showing populations by demographics (1) and admissions and releases (2) for DOC and the Massachusetts Sheriffs	August 2022; March 2023	Complete
15 of 17 data elements required under M.G.L. c. 6A, § 18 ¾ from DOC and Massachusetts Sheriffs ingested into the cross-tracking platform at the person-level back to 2017. Ingestion of data related to reproductive health needs and whether an individual is the primary caretaker of a child has not been ingested due to data quality concerns but is expected prior to the release of the cross-tracking dataset in December 2024.	June 2022 (15 indicators); December 2024	On Track
Publish recidivism dashboards on rearraignment, reconviction, and reincarceration	June 2023	On Track
Identify data elements and data quality standards for the cross-tracking public-facing dataset	December 2023	On Track
Initial data anonymization and testing	December 2023	Delayed
API requirements, development, testing, and release	December 2023	Delayed
Final anonymized data set release	December 2023	Delayed

4. Collection and Reporting Standards for Recidivism

Paragraph (13) of the statute requires the Secretary of Public Safety to establish data collection and reporting standards for criminal justice agencies and Trial Court relative to recidivism rates for re-arraignment,

reconviction, and reincarceration with data tracked over 1, 2, and 3-year periods. Recidivism rates must be tracked by race, ethnicity, gender, and age and reported annually to the Secretary of Public Safety.

At the time of writing, EOPSS reports that recidivism reports for re-arraignment, re-conviction, and re-incarceration are on track to be released on mass.gov, the Commonwealth’s website, by June 30, 2023. As required, reports, in the form of interactive dashboards, will track recidivism over 1, 2, and 3-year periods, by key demographics: race, ethnicity, gender, and age, and use standard recidivism calculation and reporting protocols developed in an earlier phase of the cross-tracking effort. The dashboards will be updated regularly to comply with the statute.

Working with stakeholders during the development phase of 501 CMR 18 in 2021 and over this past year, EOPSS has developed two recidivism measures that will be reflected in the dashboards. The first, in line with the CMR, tracks recidivism from date the individual completes their full term of supervision, including any Parole or Probation supervision, while the second tracks recidivism from the date an individual is released from their sentence with the DOC or Massachusetts Sheriffs into the community, whether or not the offender continues to be under Parole or Probation supervision. To enable reporting of both metrics, EOPSS worked with its partner agencies to expand the data available in the platform this fiscal year to include admissions and release data from the DOC, Massachusetts Sheriffs, Parole Board and Probation Service, as well as arraignment data from the Trial Court.

Table 3 shows the major milestones completed and yet-to-be-completed in the recidivism reporting work, along with their target dates.

Table 3: Recidivism Reporting: Milestones and Targets

Milestone	Expected delivery date	Status
Establish recidivism definitions and reporting standards	December 2021	Complete
Re-incarceration dashboard published on mass.gov; release schedule established	June 2023 initial June 2024 updated	On Track
Re-conviction dashboard published on mass.gov; release schedule established	June 2023 initial June 2024 updated	On Track
Re-arraignment dashboard published on mass.gov; release schedule established	June 2023 initial June 2024 updated	On Track

5. Reporting Standards for Race and Ethnicity

Paragraph (14) of the statute mandates that EOPSS establish data collection and reporting standards for criminal justice agencies and the Trial Court to standardize methods of reporting of race and ethnicity data to facilitate assessment of the racial and ethnic composition of the criminal justice population of the Commonwealth. The criminal justice agencies and the Trial Court, including houses of correction and county jails, must further coordinate to ensure that racial and ethnic data related to populations, trends and outcomes is reported accurately to the Secretary of Public Safety and the public.

As the Board discussed in its 2022 report, EOPSS established common definitions and reporting practices for capturing race and ethnicity data among criminal justice agencies and the Trial Court under 501 CMR 18.00. The standardized Race classification includes five categories—Asian or Pacific Islander, Black or African American, American Indian or Alaska Native, White, and Unknown—while Ethnicity is classified in two categories—Hispanic or Latino and Non-Hispanic or Not Latino.

Earlier Board reports from 2019 and 2020 detailed the nature and degree of non-standardization in the collection and classification of race and ethnicity data across criminal justice agencies and the Trial Court. EOPSS’s efforts to standardize this data under the cross-tracking effort took two forms this year: 1) applying standardization to the historical data in the cross-tracking system to facilitate reporting of standardized data; and 2) adapting processes and technology at the criminal justice agencies to standardize the data at the point of collection and ensure common classifications are used across source systems going forward.

In fiscal year 2023, EOPSS published the first data reports from the cross-tracking effort, as discussed in Section 2 above. These reports were generated using data from the platform and represent the first effort to apply the standard race and ethnicity classifications described here. Users can see the population under the supervision of

the Department of Correction or any of the Massachusetts Sheriffs by race and ethnicity on January 1 of the years 2017-2023. Users can further filter to see the Pre-Trial and Sentenced populations separately. A second report normalizes the data to show the representation of a given race/ethnicity in the supervised population proportional to its representation in the population at-large. At the time of writing, this latter report is available for the years 2017-2022 but has not been updated to 2023. Both reports are available at <https://www.mass.gov/info-details/cross-tracking-state-county-correctional-populations>

Accompanying the work to standardize the cross-tracking data, EOPSS and its partner agencies took steps to implement standard definitions and processes at the point of collection to improve the data standardization within source systems. In partnership with EOPSS, the DOC and Massachusetts Sheriffs adopted standard booking processes and completed staff training in December 2022. Delivery of similar efforts with local law enforcement agencies (LEAs) originally scheduled to be completed in June 2023, have been pushed out to December due to challenges putting in place LiveScan fingerprinting machines at LEAs and working with police departments and their vendors to make necessary changes to their record management systems, as discussed in section 2. Ongoing challenges in these areas leave the December delivery At Risk.

Table 4 shows the major milestones completed and yet-to-be-completed in the race/ethnicity standardization work, along with their target dates.

Table 4: Reporting Standards for Race and Ethnicity: Milestones and Targets

Milestone	Expected delivery date	Status
Publish standard definitions and classifications to capture data about individuals' race and ethnicity (501 CMR18)	December 2021	Complete
Agencies' current classifications mapped to standard classifications in cross-tracking system	July 2022	Complete
Fingerprinting and booking process complete with DOC/Massachusetts Sheriffs to ensure race/ethnicity data is captured correctly and completely at booking; training completed	December 2022	Complete
Report released on incarcerated populations by race/ethnicity; release schedule established	August 2022	Complete
Report released on recidivism by race/ethnicity; release schedule established	June 2023 initial June 2024 annual report	On Track
Fingerprinting and booking process with LEAs to ensure race/ethnicity data is captured correctly and completely at booking	December 2023	At Risk
Report released on risk/needs program participation by race/ethnicity	December 2023	At Risk
All RMS upgraded to support new cross-tracking data standards	December 2023	At Risk

6. Recommendations and Considerations of the Board

Significant progress has been made towards compliance with M.G.L. c. 6A, § 18 ¾. The Board remains invested in monitoring progress and supports the overarching goal of improving the criminal justice system by enhancing the integrity, accuracy, consistency, and transparency of information. To that end, the Board recommends particular attention to the following items in FY 2024:

1. The Board requests that EOPSS provide a plan and schedule for integrating data from the 11 District Attorneys' Offices and the Attorney General's Office into the platform and report out on progress at the Board's FY 2024 meetings.
2. The Board also requests from EOPSS more detailed progress reporting throughout FY 2024 around the development and delivery of the anonymized, cross-agency dataset mandated under paragraph 12(ii) of the statute to allow public access to all electronically available records.
3. The Board would like to understand current and planned data collection and reporting on incarcerated individuals' participation in evidence-based programs.
4. More generally, the Board would like to better understand how EOPSS, the criminal justice agencies, and the Trial Court are using the data collected under the statute for policy development and improvement.
5. The Board recommends that the Data Governance Council invite Board members and other stakeholders to participate in its meetings to provide input into desired and anticipated uses of the data.