

501 CMR 18.00: DATA COLLECTION AND REPORTING STANDARDS FOR CRIMINAL JUSTICE AGENCIES

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18.01: Purpose

The purpose of 501 CMR 18.00 is to establish data collection and reporting standards for Criminal Justice Agencies to enable the submission of data by Criminal Justice Agencies including, but not limited to, the Department of Correction, Houses of Correction, and county jails, to capture and report information on their populations and to report information relative to recidivism rates.

501 CMR 18.00 sets forth standards for the consistent and accurate collection of data from Criminal Justice Agencies by:

- (a) Defining the data to be collected; and
- (b) Developing a data warehouse that is accessible to Criminal Justice Agencies and in an anonymized format to the public.

To facilitate the implementation of 501 CMR 18.00, the Executive Office of Public Safety and Security (EOPSS) shall enter into an appropriate Memorandum of Understanding (MOU) with the Trial Court as specified in 501 CMR 18.08.

18.02: Scope and Applicability

501 CMR 18.00 shall apply to Criminal Justice Agencies, as defined in 501 CMR 18.03, and to the Trial Court under the terms of the MOU, that collect:

- (a) Data on an Offender within their custody, arrested or charged with an offense/offenses;
- (b) Data on Offender populations, including all applicable charges and convictions; and/or
- (c) Data from other Criminal Justice Agencies.

All such data shall be submitted by the Criminal Justice Agencies and the Trial Court into a data warehouse managed and maintained by EOPSS, or its designee, in consultation with the Executive Office of Technology Services and Security (EOTSS), or its designee.

501 CMR 18.00 also incorporates the reporting requirements set forth in M.G.L. c. 126, § 40.

18.03: Definitions

Actual Release from Sentence Date. The date on which an Offender is released from the custody of the Department of Correction or House of Correction,

- (a) having completed the Offender's entire sentence, including any parole supervision, based upon an initial calculation of the Offender's Release Date minus any sentence deductions such as Earned Time; or
- (b) having been released from the Offender's sentence by post-sentencing action of a court (e.g., revise and revoke, sentence or conviction vacated, conviction overturned by appellate court with no retrial, reduction in sentence terms by Appellate Division or new trial).

Actual Release from Sentence Date shall not apply to pre-trial detainees.

Age of Offender at Time of Offense. Determined by the difference between the date of the offense and the Offender's date of birth.

18.03: continued

Age of Offender Entering Custody. Computed at the Date Entering Custody of the Department of Correction or House of Correction, as defined in Date Entering Custody; it is determined by the difference between that date and the Offender's date of birth.

Age of Offender Exiting Custody. Computed at the Date Exiting Custody of the Department of Correction or House of Correction, as defined in Date Exiting Custody; it is determined by the difference between that date and the Offender's date of birth.

Assigned Sex. The biological sex that was assigned to a person at the time of the Offender's birth.

Bail Amount or Reason if No Bail Set. An order to release an accused person from custody after payment of a set monetary amount or receipt of adequate surety to ensure that person's appearance at trial pursuant to M.G.L. c. 276, §§ 57 and 58. An accused person may be held without bail following a hearing as outlined in M.G.L. c. 276, § 58A. An Offender released from custody having given personal recognizance to appear before court is not considered released on bail.

Case. A charge or series of criminal charges that are arraigned under a single docket number.

Case Disposition. Refers to the end result of a criminal case through a conviction, acquittal, plea or admission, dismissal, *nolle prosequi* or other final resolution as entered by the Trial Court.

Criminal Justice Agency. Consistent with the definition in M.G.L. c. 6, § 167, "those agencies at all level of government which perform as their principal function, activities relating to:

- (a) crime prevention, including research or the sponsorship of research;
- (b) the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal Offenders; or
- (c) the collection, storage, dissemination or usage of criminal Offender record information".

Custody. When an Offender is formally under the physical control of the Department of Correction or House of Correction. Custody specifically excludes voluntary or involuntary commitments for substance abuse or mental health evaluation or treatment.

Data Warehouse. A data management system managed and maintained by EOPSS, or agent thereof, in consultation with EOTSS, where data collected from Criminal Justice Agencies and the Trial Court is stored, integrated, and processed for internal and public reporting.

Date Entering Custody. The date an Offender is admitted to the custody of the Department of Correction or House of Correction. An Offender may be admitted to custody pursuant to a court order, as a transfer from another facility, pursuant to the execution of a parole violation warrant, or pursuant to the execution of an escape warrant, or other means.

Date Exiting Custody. The date an Offender is released from the custody of the Department of Correction or House of Correction whether by expiration of sentence, parole, release to another jurisdiction, court release, or other legal release from the custody of such a facility.

Date of Arrest. The date the Offender is arrested for the offenses for which the Offender is charged.

Date of Offense. The date that the offense was committed or, for serial offenses, the first date of the date range within which the serial offenses occurred.

Earned Time. In accordance with M.G.L. c. 127, § 129D, the time earned by Offenders to shorten their time in custody by earning deductions in time for good conduct or earn credits toward the completion of their custodial sentence through programing.

18.03: continued

Ethnicity of Offender. Determined with reference to the ethnicity categories used by Federal Bureau of Investigation's Criminal Justice Information Services, Division Uniform Crime Reporting Program, National Incident - Based Reporting System User Manual which are currently as follows:

- (a) H - Hispanic or Latino;
- (b) N - Non-Hispanic or Not Latino.

Gender Identity. A person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender identity refers to a person's internal sense of their own gender and shall be self-reported by each individual.

Governing Offense. As determined by the Department of Correction or House of Correction, is the offense for which an Offender is committed to the Department of Correction or a House of Correction and which controls the overall sentence structure.

Jail Credit from Pretrial Incarceration. Pursuant to M.G.L. c. 279, § 33A, a Jail Credit from Pretrial Incarceration shall be equal to the number of days spent by the Offender in custody prior to being sentenced awaiting and during trial. Jail credits are applied to an Offender's court imposed sentence and the Offender is deemed to have served the portion of the sentence equal to the jail credits.

Location(s) of Offense. The municipality, state, and zip code where the offense or offenses occurred.

Massachusetts State Police State Identification Section (SIS). The SIS is a unit within the Department of State Police responsible for managing and maintaining fingerprint records within the Commonwealth. The Department of State Police establishes the policies and procedures for properly collecting fingerprint records. Pursuant to the provisions of M.G.L. c. 6A, § 18³/₄, c. 94C, § 45, c. 119, § 54, c. 126, § 40, c. 127, § 23, c. 211B, § 22, c. 212, § 7, and c. 263, § 1A, Criminal Justice Agencies are required to collect and submit fingerprints to the SIS for felony criminal offenses, and may also submit fingerprints for misdemeanor arrests.

Offender. Any person charged with a criminal offense.

Offender's Address. The municipality, state, and zip code where the offender resides.

Offender Status. The status of the Offender within the Criminal Justice Agency with regard to the offense. Offender statuses include, but are not limited to, the following: held pending arraignment-bail, held pre-trial, released on bail, committed, released to probation supervision, released from custody, released to parole supervision, released on personal recognizance, and violation found and returned to custody. Offenders found to have violated the terms of their sentence by committing a new criminal offense and returned to custody have undergone rearraignment, as defined in Rearraignment. Offenders convicted of a new offense while serving either a commitment or term of probation or parole on the Governing Offense have undergone reconviction, as defined in Reconviction.

Offense. A crime or crimes for which a person is charged.

Offense Based Tracking Number (OBTN). A unique identifier for a specific fingerprint/arrest/custody event, and links the Individual to the fingerprints taken. This 13 character alphanumeric identifier is unique to the fingerprint/arrest/custody event. The first character is predetermined by the SIS, followed by the three character CJIS Agency code. The remaining nine character suffix is designated by the agency. Prefix assignments: T (denotes arrest), J (denotes county jail booking), H (denotes house of correction booking), D (denotes state department of correction). An Offender will have multiple OBTNs on file when they have multiple events.

Pronouns. The set of pronouns that a person uses in order to reflect that person's gender identity.

18.03: continued

Pre-trial Detainees. Offenders who are held in custody in a jail, house of correction, or prison prior to trial.

Primary Caretaker of a Child. A parent or legal guardian with whom a child has a primary residence.

Probation Central File Number (PCF Number). A number assigned for identification purposes to an individual by the Massachusetts Probation Service. The PCF Number is not supported by fingerprint-based identification.

Race of Offender. Determined with reference to the race categories used by the Federal Bureau of Investigation's Criminal Justice Information Services Division, Uniform Crime Reporting Program, National Incident - Based Reporting System User Manual, which are currently as follows:

- (a) A - Asian or Pacific Islander;
- (b) B - Black or African-American;
- (c) I - American Indian or Alaska Native;
- (d) W - White;
- (e) U - Unknown.

Rearrangement. Occurs on date when an Offender is arraigned for an offense within one, two or three years of their Release Date.

Recidivism. Occurs on date when an Offender is rearraigned, reconvicted or reincarcerated within one, two or three years of their Release Date.

Reconviction. Occurs on date when an Offender is convicted of an offense within one, two or three years of their Release Date.

Reincarceration. Occurs on date when an Offender is recommitted to custody within one, two or three years of their Release Date.

Release Date. The calculated date on which an Offender will be released from the Offender's sentence, based on calculations of a sentence's terms without accounting for sentence deductions that an Offender may earn while serving the Offender's sentence. This date forms the basis for calculating the Offender's "Actual Release Date".

Risk and Needs Assessment Outcome. The score an Offender receives on any risk and needs assessment conducted by a Criminal Justice Agency. Each Criminal Justice Agency will submit its scores consistent with the tool and the cross-tracking system will assign a designation for the purpose of meeting the reporting requirements of state law.

State Identification Number (SID). A unique ten-character alphanumeric identifier supported by fingerprint identification assigned to an individual by the Department of State Police through the Automated Fingerprint Identification System (AFIS). The SID is created upon the fingerprinting of a person by a Criminal Justice Agency pursuant to M.G.L. c. 6A, § 18³/₄, c. 94C, § 45, c. 119, § 54, c. 126, § 40, c. 127, § 23, c. 211B. § 22, c. 212, § 7, and c. 263, § 1A.

Status of Offender's Reproductive Health Needs. Whether the Offender has requested enhanced medical care for reproductive health needs for pre-natal and/or post-natal care.

Time of Offense. The time that the offense occurred.

Type of Admission. The reason an Offender is admitted into custody. Type of admission includes, but is not limited to, the following: arrest, summons arraignment, commitment, held for another department, probation violation, parole violation, held pending arraignment-bail, held pre-trial.

18.03: continued

Type of Release. The reason an Offender is released from custody. Type of release includes, but is not limited to, the following: released without supervision, released on bail, released on personal recognizance, released to parole supervision, released to probation with or without supervision, released to home confinement, or released to another Criminal Justice Agency.

Whether the Offender Has Participated in and Completed Evidence-based Programs. Whether or not the Offender has:

- (a) participated in; and
- (b) completed any educational or rehabilitative programs while in the custody of a Criminal Justice Agency.

Criminal Justice Agencies shall indicate the name, type, and the outcome of participation in the program.

18.04: Collection Requirements

Criminal Justice Agencies shall collect and record their applicable data to meet the requirements prescribed by 501 CMR 18.00. At a minimum, the Trial Court may order and these Criminal Justice Agencies shall assign OBTNs, collect fingerprints, and SIDs as set forth in 501 CMR 18.04.

(a) Fingerprint Collection.

1. The Trial Court may order and these Criminal Justice Agencies shall collect fingerprints and submit them to the State Identification Section (SIS) in accordance with the requirements set forth by the Department of State Police.
2. Fingerprint collection is required pursuant, but not limited, to:
 - a. M.G.L. c. 263, § 1A and c. 94C, § 45 respectively, a set of fingerprints must be taken and submitted to the SIS, for individuals arrested or taken into custody for a felony or arrested or charged with a felony violation of controlled substance laws;
 - b. M.G.L. 127, § 23, fingerprints must also be taken by the Department of Correction and Houses of Correction when an Offender is committed under a sentence for any offense including when an additional commitment occurs while the Offender is in custody and the Trial Court may order fingerprints be taken of a person convicted of a felony if the Offender is not committed to a penal institution.
 - c. The SIS will also accept and process fingerprint submissions for a misdemeanor charge.

(b) OBTN.

1. Criminal Justice Agencies shall include OBTNs on all fingerprint submissions to the SIS in accordance with the requirements set forth by the SIS.
2. An OBTN must be submitted for felony indictments when the corresponding charges result from an arrest pursuant to M.G.L. c. 212, § 7. State and local police departments shall submit an Offender's OBTN with applications for felony complaints for both adults and juveniles pursuant to the provisions of M.G.L. c. 218, § 32A and M.G.L. c. 119, § 54.
3. The construct of each OBTN must conform to the format and protocols established by the SIS as follows: the arrest event is identified by the letter T (or other designated prefix) followed by the agency's three characters CJIS code (*e.g.*, BOS for the Boston Police Department) and a sequentially numbered suffix. Houses of Correction and the Department of Correction shall incorporate the point-of-arrest OBTN into their respective booking processes. If a House of Correction or Department of Correction cannot obtain the point-of-arrest OBTN, then it must generate its own OBTN. To distinguish the arrest event from the custodial event, the prefix J (jail), H (house of correction) or D (state department of correction) will be substituted for the T (arrest-tracking).

(c) SID.

1. Upon the submission and retention of fingerprints by a criminal justice agency to the SIS, a SID shall be created and electronically provided to the criminal justice agency; in accordance with the requirements set forth by the SIS;

18.04: continued

2. SIDs are required pursuant, but not limited, to:
 - a. M.G.L. c. 212, § 7, SIDs are required for felony indictments when the corresponding charges result from an arrest;
 - b. M.G.L. c. 94C, § 45, SIDs are required for applications for felony complaints;
 - c. M.G.L. c. 127, § 23, SIDs are required for all Offenders serving a sentence and may, by order of the Trial Court, be required for an individual convicted of a felony but not committed to a penal institution.
 - d. M.G.L. c. 126, § 40, SIDs are required for all persons committed to a jail or House of Correction; and
 - e. M.G.L. c. 211B, § 22, "the trial court shall electronically send to the department of state police all criminal case disposition information for the offender, including sealing and expungement orders and dismissals, together with the corresponding offense-based tracking number and fingerprint-based state identification number, to the extent that the offender has been assigned such numbers and the numbers have been provided to the court".
3. No SID shall be created by any criminal justice agency other than the SIS. In order to comply with all of the aforementioned statutory obligations, criminal justice agencies, excluding the trial court, shall fingerprint an Offender and submit said fingerprints to the SIS, which will create the SID. All fingerprints shall be accompanied by an OBTN.
4. The SIS will create an SID for misdemeanor charges accompanied by fingerprints. The SID, OBTN and any other data elements required and available by 501 CMR 18.00 will be reported to the data warehouse.

18.05: Categories and Types of Data Relative to Offender Populations Collected and Reported by Criminal Justice Agencies

Any Criminal Justice Agency that collects data on a person shall submit any data it collects for the following informational fields in the format set forth in 501 CMR 18.00 to the data warehouse:

- (a) State Identification Number (SID);
- (b) Probation Central File Number;
- (c) Governing Offense;
- (d) Offense;
- (e) Date of Offense;
- (f) Time of Offense;
- (g) Location of Offense;
- (h) Offender's Address at Time of Arrest;
- (i) Race of Offender;
- (j) Ethnicity of Offender;
- (k) Gender Identity;
- (l) Assigned Sex;
- (m) Pronouns;
- (n) Age of Offender;
- (o) Status of Offender as Primary Caretaker of a Child;
- (p) Status of Offender's Reproductive Health Needs;
- (q) Risk and Needs Assessment Scores;
- (r) Whether the Offender has Participated and Completed Evidence-based Programs;
- (s) Date Entering Custody;
- (t) Date Exiting Custody;
- (u) Offender's Address on Date of Exit Custody;
- (v) Release Date;
- (w) Offender's Address on Release Date;
- (x) Actual Release from Sentence Date;
- (y) Offender Status;
- (z) Offense Based Tracking Number;
- (aa) Type of Release;
- (bb) Type of Admission;
- (cc) Case Disposition;
- (dd) Jail Credit from Pretrial Incarceration;
- (ee) Earned time; and
- (ff) Bail Amount or Reason if no Bail Set.

18.06: Format for Submission of Data

Data shall be collected, processed and submitted in accordance with the standards established by the Data Subcommittee created by EOPSS and EOTSS.

18.07: Categories and Types of Data Collected and Reported by Criminal Justice Agencies Relative to Recidivism Rates

Upon intake of an Offender, the Department of Correction or House of Correction shall review the information in its data system to assess whether the Offender is being reincarcerated for an offense. Said information shall be recorded and reported as part of the data collection fields submitted to the data warehouse.

18.08: Trial Court Data Collection

EOPSS will enter into a Memorandum of Understanding (MOU) and data sharing agreement with the Trial Court.

18.09: Severability Clause

If any article, section, subsection, sentence, clause, or phrase of 501 CMR 18.00 is for any reason held to be unconstitutional, contrary to statute, or in excess of the statutory authority of the Secretary of Public Safety and Security or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 501 CMR 18.00.

REGULATORY AUTHORITY

501 CMR 18.00: M.G.L. c. 6A, § 18³/₄.