Office of the Child Advocate
Juvenile Justice Policy and Data Board - Data Subcommittee Meeting Minutes
Thursday, May 9th, 2019

**Subcommittees Members or Designees Present:**
- Abigail Averbach (DPH)
- Matthew Broderick (DMH)
- Naoka Carey (CfJJ)
- David Chandler (DYS)
- Laura Lempicki (Probation)
- Kim Occhiutti (DCF)
- Leon Smith (CfJJ)
- Christina Tedstone (DCF)
- Lydia Todd (Children's League of Massachusetts)
- Elizabeth Walk (Rep. Carolyn Dykema's office)
- Rachel Wallack (Juvenile courts)
- Duci Goncalves (CPCS)


**Other Attendees:**
- Patricia Bergin (EOPSS)
- Melissa Threadgill (OCA)
- Lindsay Morgia (OCA)
- Jordan Meehan (MA Commission on LGBTQ Youth)

**Meeting Commenced:** 2:07PM
**Review and Approval of the April 2nd, 2019 Meeting Minutes**


Ms. Threadgill asked if anyone had any questions or feedback regarding the April meeting minutes.  Ms. Tedstone noted that her name did not appear in the list of attendees. Ms. Threadgill apologized and said that we will correct it.  Ms. Threadgill asked for a motion to approve with that correction, and the minutes were approved.


**Update Regarding Website**


Ms. Threadgill began with a brief update on the data website.  She reminded the group that per the legislation, the juvenile justice data we wish to collect will be housed on one website.  The OCA met with the digital government team at EOTSS and learned that EOTSS

is in the process of purchasing an enterprise license for Tableau or a similar product for the Commonwealth.  Agencies will be able to "buy into" the license if they wish. With Tableau, we will be able to have an interactive look at data by different demographics, offenses, and other measures. Over time, we will figure out how to add more datasets from other agencies.  EOTSS will share demos with this subcommittee to solicit feedback. The goal is to create a tool that is user-friendly for a wide variety of audiences, including legislators, researchers, and advocacy groups.

Ms. Averbach shared that DPH recently launched their new population health information tool.  DPH provides different types of reports to try to help people contextualize data. Ms. Threadgill agreed that contextualizing data will be important, and that we will be relying on the subcommittee to provide definitions for various terms.  With this information, she said that she is hopeful that we will at some point be able to look at the data longitudinally and see positive changes over time.

Mr. Chandler said that when putting together the dashboard, we should start collecting data points and definitions as soon as possible.  The DYS Tableau has this information on their dashboards and templates. He also suggested having a data guide on the website for researchers and others with the definitions of the different data points.

**Review of Feasibility Report Draft**

The committee reviewed the draft of the data feasibility report.  Ms. Threadgill shared that Barbara Kaban from CPCS could not attend the meeting today, but she had a phone call with her to discuss her feedback, which is on one of the handouts.  Ms. Threadgill asked if there were any big picture or structural issues with the report. Ms. Todd said that the report looked very nice. Ms. Threadgill noted that because this group put so much information on the table, it was easy to write.  None of the subcommittee members had any comments about structural issues.

Ms. Threadgill asked if there was any feedback on the first two pages of the report; there was none.  On page three, Ms. Threadgill asked if any big barriers were missing from the existing list. Ms. Carey said that the need for staff expertise should be made more explicit, including those with expertise in building systems and who can serve as an advocate when dealing with vendors.  This type of internal expertise can be shared across agencies.

Ms. Todd suggested that hardware might be an issue. The database may be there, but workers would need the appropriate hardware, such as iPads, to enter data in the field. Ms.Threadgill agreed, noting that staff time spent on data entry would add up quickly if the interface was not user-friendly.

Mr. Chandler noted that people are trying to pull aggregate data from case management systems, which is not what those systems are designed to do. We need to be clear about the difference between a database and case management system going forward.

Ms. Threadgill told the group that she was hearing that she should expand the staff and technology section, talk about hardware, and the relationship between staff and technology in terms of time and other resources. Mr. Smith asked if we had discussed training costs for tech updates. Mr. Chandler shared that at DYS, they did not realize that they would have to do computer basics training before they could begin discussing the new system with staff.

Ms. Bergin shared that we should listen to researchers, as they are often not pulled into these conversations.

Ms. Lempicki referenced Ms. Carey's earlier point about the importance of having someone fluent in IT language that can translate for agencies, as the languages are very different between the tech and human services sectors. Ms. Todd also noted that if the people delivering the services have to do the data entry, they need to understand why the data is important to track. This is a way to help improve data quality.

Ms. Wallack said that training is particularly important. They have had to say no to data requests because the data was not good. Ms. Carey said that there was a request for MassCourts to have a research component, but it was never done. The legislature may need to give funding for this and make it intentional.

Mr. Chandler said that before you build a system, it is important to map your business. That step has to come first.

Ms. Threadgill said that the purpose of this section of the report is to let the legislature know that this process may be harder than they had originally thought. We can add data and build new systems, but they must consider the complexity and the costs of the process.

Ms. Averbach suggested that we consider using other language besides "research" and "researchers" and use lay language instead, such as "factors" or "relationships" to describe what the group is recommending. She also suggested that we explain our data needs through the lens of a research question. In other words, what is the question that this data would answer, and why is it important?

Ms. Bergin said that EOPSS has three months to get data into NIBRS, but she believes that it needs to be monthly to maintain accuracy.

Ms. Occhiutti shared that DCF isn't providing data in some cases because they cannot change certain processes to collect data because of the union contracts. The barriers in the report are focused on data only, not the process for collection. Mr. Chandler suggested adding another category regarding processes, as DYS also has to work with collective bargaining. Ms. Carey noted that if a change was legislatively mandated, it would not have to go through the collective bargaining process.

Ms. Bergin shared that EOPSS ties funding to timely data entry. She anticipates that by January 2021, all police departments will have to use NIBRS.

Mr. Chandler noted that data entry is dependent on field-level employees. Ms. Carey responded that that is the case in all states, but many other states do this and are able to gather a lot of data. Ms. Bergin asked if it was good data. Ms. Carey responded by saying that data entry is frustrating for line workers, and that the data needs to go back to them so they can understand the importance of doing it correctly. Ms. Bergin noted that agencies have annual reports that might address this educational component.

Ms. Occhiutti brought up the issue of missing data; sometimes it is not entered, sometimes it is not collected. We will need training for the tech people, but also training on the process. Ms. Todd noted that some policies and procedures may need to be changed. Asked for any more feedback regarding processes, Ms. Tedstone replied that DCF line workers are entering data on their cases for that family, not necessarily for trend analysis. As we think

about translating that data, we need to be clear on what the question is that we are trying to answer.

Moving on to page four, Ms. Carey asked if we needed to hold the privacy discussion in this report.  It is unclear if legislators wanted to know about this now, and Ms. Carey wasn't sure what the takeaway should be from this section.

Ms. Averbach asked if we were looking to link data across agencies.  Ms. Threadgill said that there is no position on this at the moment because this is a topic that is important to the full JJPAD Board and it needs further discussion.  Ms. Carey said that the language in the report is more conclusive than intended, and that it should note that there will be more discussion on this topic at a later time.

Ms. Todd asked about a project between DMH and Probation, where the goal was to share information on the backgrounds of individuals in both systems.  Mr. Broderick said that they wanted to do that match, but never got there. Ms. Carey asked if there were ways to alleviate the challenges through state law or protocols.  Mr. Broderick stated that it had to be a statutory fix, and Ms. Carey offered to look for examples to add to language.  Ms. Todd suggested adding language such as "and is not proposing…" to help mitigate. Ms. Threadgill said that she will tweak the privacy section and the group can review it again at the June meeting.

There was no feedback on page five, so the committee moved on to page six, which discusses the OCA serving as the central coordinator for all juvenile justice data collection.  Ms. Carey said that there is a benefit to the legislature to have one entity with a coherent view of the system. It will also help us identify who is not sharing data, acknowledging that we are still awaiting responses from the district attorneys' offices and the courts.  Ms. Threadgill said that she submitted formal data requests to these groups and asked for a response by the end of the month.

Mr. Smith noted that if the OCA is going to be the sole coordinator, the language in the report should be changed from "a" to "the."  Ms. Occhiutti pointed out that while the text of the report references appendices A and B, they are labeled as 1 and 2 in the appendix.

Ms. Walk suggested that it would be helpful for legislators to include what is already being undertaken and what needs to be done next.  She suggested adding next steps, highlighting those that have a quick turnaround and specifying what issues need a more in-depth review before any recommendations are made.

On page eight, Ms. Carey said she thought that NIBRS had fields for referrals, and asked if that was being collected.  Ms. Bergin said that she was not sure. Ms. Threadgill said that those fields are in NIBRS, but the data is not being entered consistently.  Ms. Bergin noted that this is an issue of training and capacity.

Ms. Threadgill said that she would add a column in the charts that lists research questions that the data could answer.  Ms. Todd suggested the data could be viewed in the aggregate and provide individual practice feedback. Ms. Gonzalez said that the data also get at implicit bias and issues of justice by geography.  Without data, it is difficult to come up with viable solutions.

Ms. Averback shared that we tend to think we have better data than we actually do.  She suggested coming up with a visual that depicts all of the data contributors. Ms. Walker also suggested that case studies are helpful to legislators to understand systems.  Ms. Threadgill said that she should be able to do that from notes from conversations with board and subcommittee members.

Ms. Todd mentioned a PowerPoint presentation from JDAI that explained the limits of data, which she found very useful.  It was from five years ago, but she said it could help orient the legislature. She and Ms. Lempicki will look for it.

On page nine, Mr. Smith said that because school resource officers are listed as an option, we should ask for school-level interventions for issues that are resolved at the school level (ex., 504 plan). Ms. Wallack suggested that first contact point should include if the behavior was delinquent, criminal, or violation of a municipal ordinance.  Mr. Broderick suggested using the term "unlawful behavior."

One page ten, Ms. Carey asked about data regarding transfers to adult courts and how specific the committee wants to get; overall numbers, transfers to adult courts, etc.?  Ms. Threadgill said that Barbara Kaban, who could not attend today's meeting, suggested

adding arraignment in adult court. Mr. Chandler said that DYS keeps data on courtesy holds and discharges to adult corrections.  A courtesy hold is when a youth is being charged as and adult, and DYS holds them for the pre-trial period, hence a "courtesy" to DOC. Courtesy holds can be done for youth up to 22 years old.

Mr. Smith noted that there was no data regarding appeals for bail decisions.  Ms. Gonzalez said that it is likely housed at the juvenile court. Ms. Care said that the trial court might have data on sentencing kids in adult court, but there are not many cases.  Ms. Threadgill said that if we included this information, we would need to explain why we are discussing the adult system in a juvenile justice report.

There were no comments on page 11. On page 12, Ms. Todd noted that there had recently been a change to Youth Engaged in Services (YES).  It is now automatically offered, and youth have to opt out if they do not want to participate. Mr. Chandler confirmed the change.

Ms. Threadgill said that Ms. Kaban suggested adding plea offers, which would come from the district attorneys' offices.  Mr. Smith mentioned that this could be a potentially murky area, as plea discussions happen throughout the case.  Ms. Carey said that obtaining data on plea agreements might be easier to obtain. Ms Gonzalez said this data is important to determined who is getting offered plea deals and who isn't.  Ms. Threadgill said that we could keep this and make it a part of the "wish list." This may involved some qualitative analysis. Ms. Carey said services offered presents similar challenges.

Ms. Gonzalez asked about data on indictment decisions.  Ms. Threadgill asked if diversion data is similar enough, but Ms. Gonzalez said that indictments are different, as they involve adult provisions.  In addition, regarding transfers to adult court, Ms. Gonzalez said that judges make those determinations. Mr. Smith suggested that indictment and transfer data should be its own layer.

Ms. Todd asked about mental health and competency hearings.  Mr. Broderick said that multiple people can initiate competency hearings.  Ms. Carey asked if these are handled by the court clinics. Ms. Todd said that youth can be held for evaluation.

Ms. Todd said that the data on competency hearings would help us better understand the overrepresentation of white, middle-class youth using DMH services. Mr. Broderick asked about the overrepresentation. Ms. Todd said that there are more white youth in DMH than there are in the general population, and there has been chatter about this as an advocacy issue. Mr. Broderick said that their system is not set up for kids who get in trouble, and that they are a small part of their population.

Mr. Broderick asked how this data would be used to address these questions. Mr. Smith said that we could disaggregate the data by race to show some initial trends. Mr. Smith also suggested adding referrals to court clinics to the data list. Mr. Broderick suggested specifying what the referral was for, and DMH has that information. DYS also holds that data. Ms. Threadgill said both data sources are important because they represent decision points.

Ms. Wallack said that they are not decision points necessarily; they are used to determine if the youth is competent to stand trial and identify resources. Ms. Threadgill asked if it was possible to send one kid to a court clinic but not another. Ms. Wallack said yes. Mr. Smith said that context will matter on this issue.

Ms. Tedstone said that for competency hearings, we will need to specifically ask for delinquency data. Ms. Gonsalves brought the group back to page nine and asked if we should add mental health referrals and emergency room visits under "contact with youth." It is not clear who would have this data, and it is not a NIBRS field. Ms. Threadgill said that she would circle back with Mr. Broderick about this issue.

Ms. Wallack noted a spelling error in "defense counsel," and Ms. Todd noted a spelling error in "recommendations." Ms. Wallack asked about dismissals. Mr. Chandler said they can break down the data by adjudicated delinquent and non-adjudicated, then add a list of options for disposition decisions. Ms. Carey noted that this data would not capture adult offenses. Ms. Averbach pointed out there were no bullet points in front of DYS.

Ms. Carey said that in terms of big picture suggestions, we may have incomplete data in some areas that is still somewhat useful, such as police data. It may be incomplete, but that represents a small percentage of the caseload. It could be useful for mapping.

Ms. Threadgill said that in her formal data requests, she asked the DAs and juvenile courts to provide explanations for any data that is not available.  Ms. Bergin said that this related to capacity issues again, and that the state police do not use NIBRS. Ms. Threadgill said that next steps can include data quality issues.  Ms. Bergin noted that there is one person in the state responsible for leading NIBRS training, so we should address the issue of having enough trainers. Ms. Walk said it would be helpful to highlight staff training in the recommendations.

Ms. Threadgill said that for the policy changes section, agencies should share what they need to produce and analyze data.  Mr. Bergin said that there are several unfunded mandates for the research division; they are willing to share information, but can't due to resource restraints.  Mr. Chandler suggested that the task force could conduct an inventory on capacity issues.

Ms. Threadgill  said that next steps will include resources and staffing, and reiterated that it is important that agencies share what they need.  Mr. Broderick noted other resource issues, such as changing IT systems. It is also challenging for DMH to make a simple asks for more analysts, as these decisions are made at a higher level.  Ms. Threadgill said that we can come back to this issue.

Ms. Threadgill thanked the group for their edits.  She will make the revisions in track changes and will send the updated version back to the group within a week.  She asked that if there are any factual errors, please email her ASAP so she can make the changes in time for the June meeting.  Ms. Threadgill also asked members inform their leadership about any aspects of the report that might generate a response. The meeting was adjourned.

**Adjournment:** 3:45PM