

Office of the Child Advocate
Juvenile Justice Policy and Data Board
Data Subcommittee Meeting Minutes
Friday, September 18, 2020
1pm – 2.30pm
Meeting held virtually due to COVID 19 emergency response

Subcommittees Members or Designees Present:

- Maria Mossaides (OCA)
- Josh Dohan (CPCS)
- Kim Occhiuti (DCF)
- Cristina Tedstone (DCF)
- David Chandler (DYS)
- Lydia Todd (CLM)
- Sana Fadel (CfJJ)
- Michael Glennon (Massachusetts District Attorney Association)
- Josh Dohan (CPCS)
- Lydia Todd (Children’s League of Massachusetts)
- Matthew Broderick (DMH)

Other Attendees:

- Melissa Threadgill (OCA)
- Kristine Polizzano (OCA)
- Alix Rivière (OCA)
- Rowan Curran (DYS)
- Polly Crozier (GLAD)
- Kathleen Bitetti (SA0)
- Other members of the public

Meeting Commenced: 1:05pm

Welcome and Introductions:

Ms. Threadgill welcomed the attendees to the Data subcommittee meeting. Ms. Threadgill introduced the individuals in the WebEx video conference. Individuals on the phone introduced themselves.

Review and Approval of the July Meeting Minutes

Ms. Threadgill asked if anyone had any questions or feedback regarding the July 23, 2020 meeting minutes. The group did not have any additions or corrections.

The July meeting minutes were approved.

Review of the Agenda

Ms. Threadgill explained that the definitions and reporting for race/ethnicity and sexual orientation and gender identity (SOGI) used to be in two separate documents but have now been combined into one. In addition to examining modifications based on last meeting's feedback, the group will be examining a reference tool on geography and offense reporting. The latter explains the different ways agencies look at offense type and seriousness.

Review and Discussion of Draft Data Reporting Standards for Race/Ethnicity, Gender/Gender Identity, and Sexual Orientation

The group proceeded to look at modifications to this document page by page. One subcommittee member mentioned this document should note that agencies may report data different ways than recommended with these standards. Ms. Threadgill reiterated her hope that this standard will make analysis easier, but that she understood the need to state the reasons why the data in this subcommittee's report might not match what agencies are reporting for themselves. The OCA will add a footnote in the document to make this clear.

The group discussed if each agency represented was able to report at Level 3. Ms. Mossaides mentioned EOHHS is working on taking a deeper look at the racial disproportionality data. She asked if any representatives of this group knew if that issue was being addressed for children as well as adults at EOHHS? Ms. Occhiuti stated she was not sure for DCF, but explained that it is an ongoing effort. Members discussed the difficulty of aligning data collecting and reporting with different state and federal requirements. Mr. Chandler explained that DYS is able to report between levels 3 and 4, and is making an effort to be able to consistently report at level 4 in the future. Mr. Glennon explained that the District Attorney's office is composed of eleven independent agencies and, as such, it was difficult to provide the group with an answer, but that the Suffolk County's D.A.'s Office was able to report at Level 3. Mr. Broderick stated that the Department of Mental Health had data at Level 3, but could only share Level 2 data with the public because of confidentiality regulations. Mr. Glennon suggested that when agencies report they note how they collected data (self-reported or collected by someone else).

Next, Ms. Threadgill discussed the fact that in previous meetings, members had discussed training. As such, the OCA has added details about what type of training would be most effective in data collection and reporting. The document includes the Subcommittee's recommendation that agencies implement training for staff that highlight the importance of collecting accurate identity data; how to ask youth how they identify, why youth are asked to self-report and what the different categories mean; how the data is ultimately used within the agency, including ways it is used to identify and address sources of racial/ethnic disparity. Mr. Dohan noted that CPCS is not able to report at level 3 quite yet but is rolling out a new system for data collection, which includes training. He asked members of the group for any insights on operationalizing training for data reporting. Ms. Threadgill said that the OCA could assist CPCS with this matter.

Mr. Glennon wondered if there was concern with adults asking youth questions about sexual orientation and gender identity. He added youth of a young age could possibly not be comfortable committing to an identity. Mr. Chandler explained that these questions are not static, but dynamic and change depending on circumstances of collection. At DYS, staff ask these questions on a regular basis and amend the information with a new data, to demonstrate how the youth has evolved in their identification. He added that DYS is finding that most youth do not identify as a race but as an ethnicity/culture. Ms. Todd expressed support for DYS's approach. As a provider agency they have

trained staff in how to ask these questions. She explained that initially staff had strong reactions but now were more comfortable in asking questions in a non-threatening, inviting manner. Mr. Curran added that DYS specifically asks youth whether they are comfortable answering SOGI questions around parents, staff or other youth.

Next, Ms. Threadgill shared information Ms. Crozier provided the OCA with regards to enquiring about a youth's sexual orientation and gender identity. First, it is tantamount that agencies make sure the youth is in a comfortable environment. If the youth has been arrested, or a DA is in the middle of figuring out whether to arraign said youth, these situations are vastly different than when youth are receiving ongoing services. Second, training is essential. Third, youth are more comfortable discussing their sexual orientation and gender identity now than they may have been in the past and feel validated when asked. Every youth has a gender identity and sexual orientation, so normalizing these questions can in fact create a safer environment for all youth. Ms. Crozier agreed with the group's discussion on this topic. She reiterated the importance of validating youth's identity by asking them and that agencies could in fact do more harm by not asking.

Next, Ms. Threadgill examined specifics of reporting on gender/gender identity and sexual orientation on page 10 of the document. She discussed the addition of "another gender" for Level 1 data reporting for youth who wish to have Gender X marker. Ms. Crozier strongly recommended self-reporting. Ms. Todd asked about the differences between reporting at Level 1 and 2, especially in cases when youth are placed out-of-home with very minimal notice and Level 1 will not be sufficient. She asked what would happen if the youth has an emergency and who should be responsible for answering questions about gender. Ms. Threadgill agreed it would be important to add that distinction, but reminded the group that this document is more about what is being reported out rather than what is collected. She added that agencies may collect more information, but in terms of reporting out this is what this group will be recommending. Ms. Todd agreed, but added changes in collecting standards have practical implications. For instance, it could inform the need for more staff of one gender. Ms. Threadgill agreed and said OCA would make some edits to reflect that in the next iteration of the document.

Next, the group examined Level 2 on page 12. Ms. Threadgill introduced a few new categories as well as feedback the OCA received. The categories are: gender identity; transgender status (boy/man, girl/woman and transgender other—to be discussed). The OCA has received a recommendation to add an intersex status question. Ms. Crozier mentioned that given the fact that 1.7% of the population in this country is intersex, it should be explicitly asked about when collecting data. She told the group she could share the recommended questions to ask. Ms. Threadgill asked the group if anyone had questions or comments. She explained that the present document could also include the types of questions that could be used for each category, in order to guide staff when they do so. Members of the subcommittee found this to be a useful addition. Ms. Todd added that the document needed to include some additional definitions for two spirit and pansexual. Ms. Threadgill explained that she would consult with Ms. Crozier and update the document.

Ms. Threadgill informed the group that she will report on the Data subcommittee's progress at the JJPAD Full Board meeting the following week. She added that the document examined during this meeting will be integrated into the JJPAD annual report as an Appendix. In order to do so, she asked that members agreed on a final version at the October meeting and asked for members to share the document with colleagues in their respective agencies.

Review and discussion of Geography and Offense Resource

Next Ms. Polizzano introduced a document developed by the OCA as a reference tool on agencies' reporting on geography and offense. She started by describing offense type and thanked Mr. Chandler who had started this master list. She presented the excel spreadsheet, which includes MGL reference; offense abbreviation as it appear in (CARI), common offense name, NIBRS offense type category, NIBRS offense severity category; courts offense type category; DYS offense type category; DYS most serious ranking, Violent Crime Categorization; Sentencing Commission Level and more categories that deal with specific offense type.

Mr. Dohan asked if in the "violent crime" category, if the Yes or No is based on federal definition. Ms. Polizzano confirmed that it came from the Office of Juvenile Justice and Delinquency Prevention's definition. Next, she discussed ways agencies could use this document. She asked the group if this is helpful and if the OCA had forgotten anything. Mr. Chandler enthusiastically thanked the OCA for doing this as he had been wanting such a list for a long time. Mr. Glennon said the document could also include other sections of 10a (MGL reference) that are common offense types. He added that there is a need to note that some offenses are aggravating and might change a misdemeanor to a felony. Mr. Dohan was also very pleased with this document, and asked if it would be worthwhile to have a column about "youthful offender eligible." He also asked if in the category "DYS mandatory gun" there was value in noting which ones have a mandatory minimum. The group discussed the possibility of comparing data from this document to national data, in which case it was noted that the definition of felony is different in the Commonwealth of Massachusetts. Ms. Threadgill agreed. The group then discussed categorization specific for sexual offenses. Ms. Threadgill expressed the need to reach out to some members for help with this document.

Moving on to the category of Geography, Ms. Polizzano described how Massachusetts' 341 towns and cities report offenses. She discussed the ways NIBRS, EOPSS, Juvenile Court/Probation, DYS, DCF (Area Office and Region), District Attorneys, DPH, DMH, CPCS (YAD Office) report geographically. Ms. Tedstone (DCF) said she would give an updated DCF list. Mr. Dohan mentioned adding CAFL offices. . Mr. Curran explained that DYS has included a definition for Massachusetts municipalities and town types (e.g. rural, suburban, urban) that could be included as well.

Concluding remarks:

Ms. Threadgill reminded the group that the next meeting will be held via Webex on October 15, 2020 from 1 to 2:30pm. She noted that during the October meeting, members will discuss data from various agencies and the section of the annual report that pertains to this data. She thanked the group for their work.

Adjournment: 2:35pm