

Minutes from the Justice Reinvestment Policy Oversight Board meeting held on March 25, 2019.

Time of meeting: 10:00am - 11:30am:

In attendance: Sign-in sheet attached.

EOTSS Secretary and Chair Curt Wood opened the meeting at 10:15am

Introductions of board members and guests

AGENDA:

- Welcome and introduction
- Review and approval of minutes from previous meeting
- Review and discussion of survey results
- Member comments
- Public comments
- Schedule next meeting
- Open session for topics not reasonably anticipated within 48 hours of the meeting

Review and approval of minutes from previous meeting

Motion to approve the minutes was raised by Secretary Wood. Motion was seconded; minutes approved by Board.

Secretary Wood recapped the last meeting and the agreement to move forward with a survey to collect data from agencies based on the framework outlined in the new statute. Kristina Johnson from EOTSS presented the survey results. Overall, the results were described as consistently inconsistent.

Review and discussion of survey results: Kristina Johnson: Key Findings

Ms. Johnson provided an overview of the survey – highlighting the purpose, the scope, the number of responses, and the various data categories and fields surveyed. She reminded Members that the purpose of the board is to review and report on the compliance of criminal justice agencies with respect to data collection, standardization, and reporting.

Overall, there were 5 response categories: always, sometimes, never, receive from another agency, and I don't know. There were 15 data fields surveyed: birthdate, gender, race, ethnicity, primary caretaker of child, status of reproductive needs, unique state id number, risk assessment scores, participation in evidence-based programs, completion of evidence-based programs, type, date, time, location, and OBTN.

Ms. Johnson indicated there were 3 key takeaways from the survey: a lack of common data standards, and a lack of common data fields, and areas where data is not collected.

1. Lack of common standards: For the unique state identifier, the survey found 2 types of numbers (fingerprint (which runs through Massachusetts State Police) and the probation file number. 2 agencies collect the fingerprint number only. And, 2 collect the probation file number only. 8 collect both, 5 collect none, and 1 agency collects “other”.

For race and ethnicity, the results revealed that most agencies are collecting race and ethnicity data in some capacity. However, the categories are inconsistent, and not every agency is collecting the information in the same manner.

2. Lack of common fields: EOTSS found the state is not getting trackable, reportable fields in its various criminal justice systems. The way agencies are collecting, inputting, and keeping data is inconsistent. Some are keeping in structured fields, while others use unstructured fields with a text description (which is not reportable/usable).

3. Lastly, Ms. Johnson pointed to gaps where information was not collected. For example, the not all agencies are keeping a type of unique state identifier or are using different identifiers than others.

Also, there were 2 places/data indicators where large swaths of systems were not collecting info: Primary caretaker of child and status of reproductive needs. For primary caretaker, some agencies responded that they only ask the question of women. For the status of reproductive needs, a number of agencies wanted a better definition and were not sure what it meant. Guesses ranged from taking a pregnancy test to nonbinary gender. Where an agency answered “always” it was because they administer a pregnancy test on medical intake. There were large swaths of agencies that responded they never collect this data.

And, finally, with participation/completion of evidence-based programs, there are different ways of measuring data, tracking in a system, and seeing when it is/is not collected. For example, this can be tracked through attendance, test completion, and receipt of certificate at end of program. This information was tracked inside software programs, outside of systems, and through paper sign-in sheets.

Member Comments and Questions:

Secretary Wood said that the board will review the status of where we are with respect to data collection and where we need to go. He then opened the floor for questions/comments.

A member asked how “offenses” has been defined for this survey - does it include charged and/or convicted? Ms. Johnson informed the Board it is an offense for which person has been incarcerated. Some agencies reminded the board they collected both (charged and convicted), and that it can depend on the population (pretrial or sentenced).

Another member commented that it is really two different pieces of data – a charged offense vs. if something is proven/sentenced and incarcerated, a convicted offense. Members added that

someone could be arraigned and charged, while others could be awaiting trial or could be convicted.

A member asked where the conviction information is generated since it can be difficult to discern the correct information reported by the courts and probation – as they use two different systems. The designees from the Trial Court and Probation clarified the process for the member. There was the general discussion on the need to unify the court and probation systems into one, user-friendly and up-to-date system. Members also walked through different scenarios where individuals and offenders would interact with the various state criminal justice agencies – all of which would generate different data fields for the unique agency systems.

Discussion shifted to the need for a unique identifier across all systems. Secretary Wood pointed to the challenge of trying to incorporate the fingerprint state identification record as the unique identifier. There are a mix of newer vs. legacy-based systems (all with different user profiles and agency missions). Members agreed there is a need to work toward adopting one system across all agencies with a unique identifier for individuals.

There was then a question on charge vs. conviction and how this information is reflected in agency data. Members expressed concern that specific charges would be entered but that the actual offense that an individual was convicted of might not be included or reflected in the records of certain systems.

Members then shifted to a discussion on the description of Offenses. DOC outlined their process for entering offenses. Their facilities work off a master crime list using the same abbreviations and breaking down broad categories into further sub-categories to get more specific. Everything is based on MGLs. Parole indicated that their offense information comes from the institution where an offender is incarcerated: DOC vs. Sheriff. Information is tied to specific MGL as well; however, some information is free-text vs. standard data field. And, the Sheriffs indicated they have the ability to cull data from broad swaths of information but can also get down fairly specific categories depending on the need. The sheriffs also recently incorporated new systems into their facilities.

A member asked Ms. Johnson to expand on the five agencies not collecting/using unique identification – and if any data is captured from DYS. Ms. Johnson informed the Board that there was no DYS data, and that there is a separate oversight Board for Youth handling that data. The Board was unsure if there might be overlap where there are adults in the DYS system. Members agreed to explore further.

Members then discussed the challenges of moving toward a unique identifier. They outlined the different identifying numbers (SID/OBTIN) used by State Police, FBI, Sheriffs, local law enforcement, etc. Different departments and agencies may be all collecting the same identifiers but have not accounted for it in policies/procedures. It was clarified that OBTIN links event, SID links individual to the event; and that the SID links to MGL c/s.

Some members pointed to the issues with having agencies depending on older, outdated systems and the need for new case management systems. The Board agreed.

Members held a discussion on the term “reproductive needs” as it was clear many agencies did not fully understand or agree on the definition. It was agreed that members needed clarification on the definition of this term. Members felt it is appropriate to ask the question back to the Legislature for clarification, and then agree on a definition with this group.

Discussion then shifted to ethnicity as there were significant gaps in the data received. A large agency like DOC has a long list of identifiers, while other agencies – including local law enforcement do not. Many agencies adopted the FBI rule of 5 race codes based on federal standards - which does not account for variations found in other state agency systems. Furthermore, different entities have created/expanded race codes. Members felt this was an area where they should make a recommendation, but they need to decide on what the standard set of data is – since agencies track ethnicity differently.

A member saw similar issues with tracking “Recidivism”, as different agencies use rely on different underlying definitions (reincarceration, reconviction, rearrest). The Board felt it was important to get a better sense of the definitions and what is out there on the federal and state level.

The recidivism discussion then led to a question on what level of data analysis is being done at each agency. Members felt it was an important question since they are trying to figure out what’s happening in the system, who are the people in the system, and what is the system doing to help them. They expressed a desire to explore who is doing analysis, what type of analysis is being performed, and how is this being made publicly available.

The Chair indicated there would be another round of information gathering: resource level, cost, etc. He indicated analysis could be added to the next round.

There was then brief discussion on gender. Members indicated that the RMV has moved forward with creating a non-binary code, and CJIS is programming to it. At this point, the Chair indicated that there was no directive to incorporate non-binary code; RMV and CJIS are doing so voluntarily.

Lastly, members agreed that disability was another area where they could use guidance from the Legislature.

Public comments

There was a brief public comment period. One attendee was concerned that the Board’s deliberations may not meet all the needs of a separate working group of which he was part. He looked forward to learning more at future Board meetings. There were additional suggestions for the Board to look at research completed by the Harvard Law School with respect to data on original arrest through the court process to resolution.

Next steps

Secretary Wood/Kristina Johnson informed members they will send out a sample form for the next survey and asked members to return with comments by April 30. The Member from the Attorney General's Office expressed her office's willingness to participate in future survey efforts.

Secretary Wood said the Board will meet during the week of May 20 (Tues/Wed) to review results. He hoped to get a draft report to Members no later than June 7 for comments and that the final draft would be approved ahead of the June 30 deadline.

There was a motion to adjourn. It was seconded and passed unanimously.

Secretary Wood adjourned the meeting.

In Attendance:

Name	Affiliation
Curtis Wood (Chair)	Executive Office of Technology Services and Security
Spencer Lord (Board Counsel)	Executive Office of Public Safety and Security
Tim Cruz (Member)	MA District Attorneys' Association
William Brownsberger (Member)	MA State Senate
Alicia Rebello-Pradas (Member)	Attorney General's Office
Christian A. Williams (Member)	Committee for Public Counsel Services
Rahsaan Hall (Member)	ACLU of Massachusetts
Brook Hopkins (Member)	Harvard Law School
Kashif Siddiqi (For Sheriff Koutoujian)	Middlesex Sheriff's Office
Carole Fiola (Member)	MA House of Representatives
Paula Carey (Member)	Executive Office of the Trial Court
Michael Coelho (Member)	MA Probation Service
Carol Mici (Member)	Department of Correction
Gina Papagiorgakis (Member)	Parole Board
Rhiana Kohl (Member)	Department of Correction
Sue Terrey	Executive Office of Public Safety and Security
Yotam Zeira	ROCA
Matt Moran	Executive Office of Public Safety and Security
Mary Valerio	Actual Justice Task Team
Dirck Stryker	CJR Working Group
Sonya Khan	Middlesex Sheriff's Office
Anne Landry	Senator Brownsberger's Office
Tara Maguire	MA District Attorneys' Association
Agapi Koulouris	Department of Criminal Justice Information Systems
Kris Johnson	Executive Office of Technology Services and Security
Victoria Cividini	Executive Office of Technology Services and Security
Daniel Finkel	Executive Office of Technology Services and Security
Lisa Sampson	Executive Office of Public Safety and Security
Philip McLaughlin	Joint Committee on the Judiciary
James F. Slater III	Department of Criminal Justice Information Systems
Jessica Dearbeck	Executive Office of Technology Services and Security
Brian Domoretsky	Executive Office of Technology Services and Security
Scott Ahern	Executive Office of Technology Services and Security
Holly St. Clair	Executive Office of Technology Services and Security

Sign-in sheet available upon request.