

Minutes from the Justice Reinvestment Policy Oversight Board meeting held on May 21, 2019.

Time of meeting: 2:30pm – 4:00pm: In attendance: Sign-in sheet attached.

EOTSS Secretary and Chair Curt Wood opened the meeting at 2:40 pm.

Introductions of board members and guests; review of Agenda.

AGENDA:

- Welcome
- Review and approval of minutes from previous meeting
- Results of latest survey
- Update on EOPSS regulation process
- Draft report status and timeline
- Schedule next meeting (*June 19, 2019*)
- Open session for topics not reasonably anticipated within 48 hours of the meeting

AGs office and DAs office were unable to attend.

Review and approval of minutes from previous meeting (Secretary Wood)

Secretary Wood will send minutes out later this week from the last meeting. The goal is to get report over before the fiscal year ends to everyone to review.

Review and discussion of Phase II survey results: Kristina Johnson

Ms. Johnson provided an overview of the survey – highlighting the purpose, the scope, the number of responses (5), and the various data categories and fields surveyed. She also reviewed the Board’s responsibilities under Chapter 69 of the Acts of 2018.

Respondents were asked about the changes and costs required to standardize on data fields asked about in the Phase I survey, if the agency was able to make changes on own or if required vendor assistance (change management), and the steps required to incorporate changes or produce new data reports.

Ms. Johnson reminded the Members of the three key challenges identified in the previous survey—areas not collected, lack of common standards and lack of common fields—and reviewed the current survey findings on key indicators:

Unique State ID Number: Respondents noted the process and technology changes that would need to occur to implement a unique state ID for each individual. Notably, fingerprinting would need to occur in more instances and at new points in the criminal justice process and scanners would need to be deployed, which also integrate with agencies’ data systems.

Gender: The survey asked respondents whether they use gender categories other than male and female and to name them. Two agencies use non-binary categories but do not use the same non-binary categories.

Race/Ethnicity: The previous survey found that not all agencies were using the same categories to collect race or ethnicity and that some agencies were not collecting ethnicity separately from race. Agencies noted in the current survey that incorporating new categories would be more of a case management system (technical) issue than a process issue. Most agencies could add new race categories on their own without outside assistance, though vendor assistance might be needed to add fields for ethnicity where they do not presently exist.

Date, Location, Time of Offense: Some agencies noted that they do not collect this data in structured data fields that would allow them to produce digital reports with the data. New data fields would need to be added in some circumstances, which would likely require vendor assistance.

Participation/Completion of Evidence-Based Programs: Some agencies noted that they are not tracking this data in ways that would lend to digital reporting. They would likely need vendor assistance to create new, structured data fields in their case management systems.

Additional considerations raised by the survey: Respondents also asked about how they would receive clarification on new data categories, whether changes to data standards would require retroactive changes to historical data, how they should treat data quality, and whether demographic categories will be standardized across state agencies outside of criminal justice.

No responding agency felt ready to estimate the costs of making changes at the time of the survey. Secretary Wood noted that agencies do not yet have a mechanism to determine the costs of making system changes to respond accurately to the survey and that there will be after-action items to pursue in this respect after the report comes out. Secretary Wood will work with Executive Branch agencies and the Sheriffs to see what those costs look like.

Update on EOPSS Regulation Process: Spencer Lord

Mr. Lord informed the Members about the establishment of a working group within EOPSS charged with designing and implementing regulations to meet the obligations of Chapter 69 of the Acts of 2018. Thus far the working group has identified sections of the statute that are applicable to its work and will next be reviewing feedback from this Board, reports, surveys, and informal feedback from agencies to identify any additional areas outside of the statutory requirements that should be part of the data collection and standardization efforts. The group will then work on a cost buildout and promulgation of regulations, with assistance from EOTSS, after a public comment period that will include participation from advocacy groups and other stakeholders.

Draft Report Status and Timeline: Secretary Wood

Secretary Wood discussed the timeline for submitting the Board's annual report to the Legislature by the July 1 deadline. He proposed using resources at EOTSS to produce and circulate a draft report by June 7 for comment by Members with the goal of approving a final draft at the Board's June 19th meeting and presenting the report to the Governor's Office thereafter. The Secretary stressed that the report will focus on the Board's statutory requirements: reporting on agencies' progress towards compliance with M.G.L. Chapter 6A § 18 ¾. He noted that based on the survey results, the system is out of compliance and that with so many moving parts to be addressed, it will likely take time to become compliant.

The Board is obligated to report findings, not recommendations. Secretary Wood noted that the Board should provide some direction and feedback about where the system should go, and enough information that state leadership understands that this is a process that will take time, cost money, and require agency collaboration and technical clarification to achieve a common framework. The Board's forum is a good place to promote collaboration and work towards an enterprise approach.

Secretary Wood noted that the Board's work will continue after the submission of the report and stressed that much work needs to be done before we can meet the goals of the reform legislation. He encouraged the Board to take the opportunity to broaden the horizons of what reform can achieve and help define what cross-tracking really means. He noted that the Board is obligated to return a status report at the end of the next fiscal year as well and that EOTSS will make sure the Board has the appropriate resources to meet its obligations.

Secretary Wood suggested that moving into the next fiscal year, the work should focus on defining the cross-tracking system and ensuring that the unique state identification number is collected system-wide. He noted that after regulations are published, EOPSS and EOTSS will likely form a subgroup to think through the implementation phase of the work and about how to make the data accessible to the public. Work will also be ongoing within agencies to build this capacity.

Member Comments and Questions

Secretary Wood opened the floor to comments and question from the Members.

A member asked if any efforts are underway to create state-wide definitions for gender, race, and other demographic indicators.

Secretary Wood responded that there is a lot of ongoing conversation. Right now, each agency has own process, though there are some commonalities, such as where many criminal justice agencies have adopted NCIC codes. He noted that the state has the opportunity to rethink what the identifiers should be under the lens of improving the quality of services people requires, as well as improving the accountability of systems and organizations. He noted that the Board can help to facilitate these conversations.

Mr. Lord noted that there is also a Juvenile Justice Board.

Secretary Wood noted that EOTSS has authority, via statute, to create data standards, though it has not done so yet. He noted that any changes made to data standards in this context will impact other agencies and systems, so it is important to gather enough information first to be successful in implementing new regulations. He suggested creating a 3- to 5-year plan for establishing and implementing new standards and regulations to which the Board can hold agencies accountable.

A member asked how detailed the reporting will be in the Board's report with respect to non-compliance. He expressed a preference for naming those agencies out of compliance. He also noted that the survey results do not include the District Attorneys' Offices and suggested that the Board recommend in the report that the DAs be included in the reform efforts by statute. He further asked if the EOPSS regulations will be limited to data submission and reporting or be broader.

Secretary Wood responded that the DAs were provided the surveys. He then asked the Board how it preferred to see any reporting on non-compliance and noted that being out of compliance is itself a result of the new statutory requirements and that work first needs to be done to establish the data standards for which agencies can be judged to be in compliance or out of compliance.

Mr. Lord noted that from EOPSS's perspective, it is difficult to measure compliance when it is not yet clear how the data categories should be defined. He gave an example: The statute requires EOPSS to collect information on "needs assessments," but needs assessments mean something different to every agency. He stressed the need to move discussions forward to build consensus around what the data categories will look like.

A Member noted that Probation was criticized in the past for its inability to produce reports, which led to the funding and adoption of a new case management system to solve the problem. The Member noted that there are benefits to noting agencies' shortcomings in the report.

The Board agreed to include each agency's survey responses in the report.

Public Comments

There was a brief public comment period. One attendee noted that, as new data standards and systems are developed, it is important to first think through how the data will be used and therefore what data is actually needed. He recommended a focus on cost-effectiveness and whether programs are working to reduce recidivism.

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

Secretary Wood adjourned the meeting.

In Attendance:

Name	Affiliation
Curt Wood (Chair)	Executive Office of Technology Services and Security
Michael Coelho (Member)	Probation Service
Paula Carey (Member)	Executive Office of the Trial Court
Brook Hopkins (Member)	Harvard Law School
Gina Papagiorgakis (Member)	Parole Board
Carol Mici (Member)	Department of Correction
Rhiana Kohl (Member)	Department of Correction
Carole Fiola (Member)	House of Representatives
Kashif Siddiqi (for Sheriff Koutoujian)	Middlesex Sheriff's Office
Rahsaan Hall (Member)	American Civil Liberties Union of Massachusetts
Christian Williams (Member)	Committee for Public Counsel Services
Anne Landry (for Sen. Brownsberger)	State Senate
Agapi Koulouris	Department of Criminal Justice Information Systems
Spencer Lord (Board Counsel)	Executive Office of Public Safety and Security
Sonya Khan	Middlesex Sheriff's Office
Ryan Chamberland	Executive Office of Public Safety and Security
Holly St. Clair	Executive Office of Technology Services and Security
Kristina Johnson	Executive Office of Technology Services and Security
Paul Connolly	FACS
Dirck Stryker	CJR Working Group
Mary Valerio	CJR Working Group
John Bowman, Jr.	Access to Justice

Sign-in sheet available upon request.