



EXECUTIVE OFFICE OF TECHNOLOGY SERVICES & SECURITY

COMMONWEALTH OF MASSACHUSETTS | 1 ASHBURTON PLACE, 8TH FLOOR, BOSTON, MA 02108

CHARLES D. BAKER
Governor

Curtis M. Wood
Secretary

KARYN E. POLITO
Lieutenant Governor

July 1, 2021

Steven T. James
House Clerk
State House Room 145
Boston, MA 02133

Michael D. Hurley
Senate Clerk
State House Room 335
Boston, MA 02133

Dear Clerk James and Clerk Hurley:

Pursuant to Chapter 69 of the Acts of 2018, the Executive Office of Technology Services and Security (EOTSS) is pleased to provide you with the enclosed report on Data Collection and Reporting in the Massachusetts Criminal Justice System produced by the Justice Reinvestment Policy Oversight Board.

I am grateful for your continued partnership with EOTSS. Please feel free to contact Scott Ahern at Scott.m.ahern@mass.gov should you have any questions about this report.

Sincerely,

A handwritten signature in cursive script that reads "Curtis M. Wood".

Curtis M. Wood
Secretary, Executive Office of Technology Services and Security



Data Collection and Reporting in the Massachusetts Criminal Justice System

A Report of the Justice Reinvestment Policy Oversight Board

July 1, 2021

Members of the Board

Member	Affiliation
<i>Secretary Curtis M. Wood, Chair</i>	Executive Office of Technology Services and Security
<i>Division Chief Alicia Rebello-Pradas</i>	Office of the Attorney General
<i>Honorable Paula M. Carey</i>	Executive Office of the Trial Court
<i>General Counsel Susan Terrey</i>	Executive Office of Public Safety and Security
<i>Deputy Commissioner Michael Coelho</i>	Massachusetts Probation Service
<i>Christian A. Williams and Randy Gioia</i>	Committee for Public Counsel Services
<i>Commissioner Carol A. Mici</i>	Department of Correction
<i>District Attorney Timothy Cruz</i>	Massachusetts District Attorneys Association
<i>Sheriff Peter J. Koutoujian</i>	Massachusetts Sheriffs Association
<i>Senator William N. Brownsberger</i>	Massachusetts State Senate
<i>Representative Carole A. Fiola</i>	Massachusetts House of Representatives
<i>Robert Harnais (through October 2020, position currently vacant)</i>	Massachusetts Bar Association
<i>Rahsaan D. Hall</i>	American Civil Liberties Union of Massachusetts
<i>Brook Hopkins</i>	Criminal Justice Policy Program, Harvard Law School (appointed expert in addressing racial, ethnic, gender, or age bias)
<i>Dr. Rhiana Kohl</i>	Department of Correction (appointed expert in data collection and analysis)
<i>Gina Papagiorgakis</i>	Executive Office of Public Safety and Security Office of Grants and Research (appointed expert in data collection and analysis)

1. Introduction

The Justice Reinvestment Policy Oversight Board (the “Board”) was created in April 2018 with the passage into law of Chapter 69 of the Acts of 2018, [“An Act Relative to Criminal Justice Reform.”](#) The Board, chaired by the Secretary of the Executive Office of Technology Services and Security (EOTSS) and comprised of a broad spectrum of criminal justice agency heads and stakeholders inside and outside of state government, is charged with monitoring the development and implementation of justice reinvestment policies relative to the collection, standardization, and public availability of data to ensure they achieve anticipated goals.

The legislation requires the Board to file a report with the clerks of the Massachusetts House of Representatives and the Senate annually by July 1 that reviews the compliance of the criminal justice agencies and the Trial Court, including the Probation Service, the Parole Board, the Executive Office of Public Safety and Security (EOPSS), the Department of Correction, houses of correction, and county jails, with:

1. Collecting and submitting to EOPSS data required by section 18 ¾ of chapter 6A of the Massachusetts General Laws in the form of a cross-agency tracking system that uses a unique state identification number assigned to each person who enters the criminal justice system;
2. Making said data available to the public through the use of an application programming interface (API), as required by paragraph (12) of section 18 ¾;
3. Establishing data collection and reporting standards relative to recidivism rates for re-arrest, reconviction, and reincarceration; and
4. Establishing data collection and reporting standards for reporting race and ethnicity data and policies that ensure accurate data collection across racial, ethnic, and gender classifications.

This is the Board’s third annual report and will primarily address the progress made towards compliance with M.G.L. c. 6A, § 18 ¾ since the previous report.

The Board convened five times in FY 2021 and continued its work to research, describe, and identify the current landscape with respect to data collection and reporting across criminal justice agencies, the purpose of which is to aid the agencies and offices subject to M.G.L. c. 6A, § 18 ¾ with furthering their efforts toward statutory compliance.

The following sections present the Board’s findings in each of the four areas listed above. The final section presents recommendations and additional considerations raised by the Board.

2. Data Collection Required by Section 18 ¾

Paragraph (12) of section 18 ¾ of chapter 6A of the Massachusetts General Laws mandates the collection of at least seventeen (17) distinct categories of data by criminal justice agencies and the Trial Court, including but not necessarily limited to: (1) a unique statewide identification number assigned to each person who enters the criminal justice system; (2) the offense for which the person has been incarcerated; (3-4) the date and time of the offense; (5) the location of the offense; (6-9) the race, ethnicity, gender, and age of the person; (10) whether the person is the primary caretaker of a child; (11) the status of the person's reproductive health needs; (12-13) risk and needs assessment scores; (14-15) participation in and completion of evidence-based programs; and (16-17) entry and exit/release dates from a jail or house of correction.

The paragraph further mandates that data shall be collected in the form of a cross-tracking system that tracks individuals through the use of the unique statewide identification number (SID), including but not limited to fingerprint-based SIDs. At present, while some integration across criminal justice information systems has been achieved, developing a cross-tracking system, as envisioned by this legislation, has proved to be the most challenging aspect of achieving statutory compliance. The Board and its member agencies and offices are supporting the efforts toward compliance in this area as follows:

As explained in the Board's previous reports, not all agencies are using a SID that would allow individuals to be tracked through and across the criminal justice system. This remains an obstacle which EOPSS is working to resolve with its constituent agencies in addition to working with the Executive Office of the Trial Court, Sheriffs' Departments, District Attorneys' office, and local police departments. The ability to achieve a cross-tracking system which accurately tracks individuals with a unique identifier is also affected by the statutory limitations concerning which individuals involved in the criminal justice system are or may be fingerprinted. Fingerprint-based unique identifiers are the national standard. Massachusetts does not currently have a statutory mandate requiring fingerprinting for all offenses, so achieving consistent and standardized implementation of a fingerprint-based unique identifier as a fundamental element of a cross-tracking system is challenging and requires significant commitment from stakeholders to establish processes and systems that will support this goal.

EOPSS is developing an education and awareness campaign advising all Massachusetts police departments of the importance and value of fingerprinting individuals for all offenses upon arrest. In addition, as recommended by the JRPOB, technical assistance and guidance will be provided by EOPSS to all fingerprint contributors including police, Sheriffs' Departments, and the Department of Correction as it relates to the creation, workflow, and the updating of the OBTN and SID, and how this process supports Massachusetts criminal history (arrests, identification and disposition) files. In instances, where the SID is unavailable to the Trial Court, EOPSS will work with the Trial Court to establish a process in which the SID would be made available to the Trial Court by the State Identification Section or other authorized entity.

EOPSS has drafted regulations, as required by M.G.L. c. 6A, § 18 ¾, to establish common definitions for the data required to be collected and to clarify the processes that will support the development and implementation of the cross-tracking system. EOPSS sought input from stakeholders and Board members in the course of drafting the regulations. The regulations are expected to be promulgated in the fall of 2021.

In parallel, the Board also established a Data Subcommittee at its January 11, 2021 meeting. Comprised of eight representatives and designees of the broader Board, its purpose is to identify the key questions that should be addressed by the data collected through the cross-tracking initiative defined by paragraph (12) of M.G.L. c. 6A, § 18 ¾. The subcommittee convened twice in February and March 2021 and produced a report outlining a set of key questions, as identified by its members and public stakeholders in attendance at the meetings, as well as the data required to answer the questions, the data-owning agencies, and challenges to obtaining and using the data. The work of the Data Subcommittee is expected to continue as needed in FY 2022.

3. Executive Office of Public Safety and Security Progress

In order to assist in the development of a roadmap toward statutory compliance, particularly with respect to the design and implementation of a cross-tracking system, EOPSS, working collaboratively with EOTSS, engaged the consulting firm Gartner for a short-term project from March through June of 2021. Gartner conducted extensive interviews and information-gathering exercises with stakeholders and produced a detailed report which included an in-depth analysis of the current state of affairs, highlighted obstacles and challenges to achieving statutory compliance, and identified a high-level framework outlining a path to developing a cross-tracking system. Gartner reported on its findings and progress at weekly meetings with the EOPSS and EOTSS Executive Steering Committee (ESC). The group discussed issues raised by criminal justice agencies throughout the interviews and Gartner's recommendations, as well as next steps for all parties. EOPSS and Gartner presented an executive summary of the report to board members at their meeting on June 7, 2021.

The goals of Gartner's engagement and corresponding initial action items were the following:

1. Understand the current baseline, data sources, and processes.
 - a. Begin building a common data taxonomy and understanding of how to consolidate data from disparate sources.
2. Determine agency readiness for enterprise data collection and reporting.
 - a. Obtain early commitment for participation in centralized data sharing.
3. Create a target state design for centralized data collection
 - a. Describe the foundational data management and architecture components of the proposed system.
4. Define a small and meaningful proof of concept.
 - a. Identify a quick win opportunity to demonstrate value to stakeholders and test capabilities of the target state architecture.
5. Develop a detailed roadmap and implementation plan.
 - a. Prioritize the steps required to achieve the target state design.

Among Gartner's key findings were issues that have been discussed at length by the Board: disparate systems and stakeholder limitations due to, among other issues, technological integration barriers, interest in data sharing, different visions for data sharing, and general unfamiliarity or acceptance of the already established state fingerprinting process. Data integrity is also a universal need with varied hurdles currently presenting a challenge for many of the stakeholders that would participate in the cross-tracking system.

Gartner identified ten primary activities necessary to achieve a fully realized cross-tracking system:

1. Establish organization change management practices
2. Identify roles and skills
3. Develop compliance monitoring processes
4. Establish a common taxonomy
5. Operationalize the unique identifier (State Identification Number) through regulations, guidelines and technical assistance provided by a dedicated implementation team
6. Design the governance framework (including: define interagency roles, responsibilities, accountabilities, and process)
7. Define cross-tracking system policies and standards (including: establish a mechanism for oversight of the operationalization of the processes and procedures necessary to achieve the target state)
8. Define cross-tracking system hub requirements and architecture
9. Build cross-tracking system hub
10. Expand the cross-tracking system hub

EOPSS intends to utilize Gartner's work product and its recommendations for action items that can be undertaken in FY 2022 as the foundation for the development of a detailed project plan. This project plan will be presented to the IT Investment Advisory Board (IIAB), which is chaired by Secretary Wood, as part of the review and planning process to secure the capital funding necessary to proceed with the implementation of the project plan.¹

Gartner highlighted the importance of statewide participation from all criminal justice agencies to facilitate the creation of a data cross-tracking system. Gartner's report to EOPSS, EOTSS, and the Board

¹ The IIAB, at Secretary Wood's direction, will also review requests for funding from stakeholder agencies with consideration toward how proposed projects will support, facilitate, and encourage consistency with the statutory mandates referenced here. Projects that would be counterproductive to achieving compliance with M.G.L. c. 6A, § 18 ¾ will not be approved for funding.

made clear that the cross-tracking system could not be achieved by a single agency. It requires a Commonwealth-wide initiative requiring active participation from all stakeholder agencies. Accordingly, EOPSS intends to initiate an education campaign aimed at all criminal justice agencies and highlighting the importance of accurate and consistent data collection. Recognizing the connection between fingerprints and the SID, the campaign would educate agencies on best practices for the collection of fingerprints, connection of fingerprints to the SID, and the proper creation of offense-based tracking numbers (OBTN).

The SID and OBTN allow an individual to be followed from the point of arrest to entry into a custodial institution and eventual release to parole supervision. EOPSS's campaign will educate all agencies on the steps required to obtain an SID from the Massachusetts State Police State Identification Section (SIS). While the SID is unique to the individual, the OBTN connects an individual to a specific offense. The accurate creation of both identifiers will serve as the building blocks for the cross-tracking system.

While implementation of the data cross-tracking system is the largest task required by M.G.L. c. 6A, § 18 ¾, it is not the only task. Pursuant to by M.G.L. c. 6A, § 18 ¾ (14), EOPSS in consultation with EOTSS, shall also “establish data collection and reporting standards for criminal justice agencies and the trial court to standardize methods of reporting of race and ethnicity data to facilitate assessment of the racial and ethnic composition of the criminal justice population of the commonwealth.” EOPSS intends to develop these standards simultaneously with the cross-tracking system. The cross-tracking system will allow for accurate reporting on race and ethnicity data and as such, as the system is being built, EOPSS will also publish standardized methods of reporting of race and ethnic data to be utilized by all criminal justice agencies.

4. Public Availability of Data

Paragraph (12) of section 18 3/4 of M.G.L. chapter 6A requires that de-identified data from the cross-tracking system be made publicly available through an application programming interface (API) that allows access to “all electronically available records.”

Though the cross-tracking system is in the early stages of planning, and no data is presently made publicly available through an API, the Board recognizes the strides criminal justice agencies and the Trial Court have made in recent years to make data more accessible to the public through online reports, data sites, and dashboards. Prominent examples include:

1. **The Department of Correction** currently publishes dashboards for admissions, releases, release to the community and a January 1st snapshot of inmate data. To provide more current and detailed data, the DOC has posted additional dashboards displaying Ten-Year Trends and January 1st snapshots as well as rolling Monthly inmate profile dashboards; Ten-Year Trend and Rolling Monthly Admission, Release and Snapshot dashboards and a weekly Institutional inmate count dashboard will be available for public access. The DOC will be posting additional dashboards displaying mental health and, separately, restrictive housing data. While the Department of Correction's dashboards provide aggregated statistics, not individualized records, and the data cannot be downloaded for independent analysis, each dashboard provides the public viewer multiple drill down features and tool-tips that allows the user to obtain finer detail inmate data while still balancing public reporting goals against data privacy concerns. The DOC provides the greatest level of detail via the filters while still protecting the privacy of identifiable inmate information.
2. **The Trial Court** publishes dashboards that track charges, substance abuse case filings, and harassment and restraining order filings by county, court type, and division, and also publishes statistical reports on mass.gov.
3. **The Parole Board** produces an annual statistical report with data on hearings, votes, and releases.
4. **EOPSS** in compliance with the FBI standards for the National Incident-Based Reporting System (NIBRS) and Chapter 69 of the Acts of 2018, maintains a web-based platform for criminal justice agencies to allow them to manually enter their incidents and arrests in NIBRS format. Currently over 95% of the Commonwealth's agencies are reporting NIBRS data. In addition to the effort to collect data from all police agencies, EOPSS has also

completed several projects which display crime and arrest data in a public-facing setting. Currently, data is available for users to query and display on such topics as violent crime, hate crimes, drug and weapon crimes as well as crime and arrest overviews by jurisdiction. EOPSS has also added a publicly-facing arrest log in accordance with the recent legislation.

5. Recommendations and Considerations of the Board

The Board remains invested in monitoring progress toward statutory compliance with M.G.L. c. 6A, § 18 ¾ and supports the overarching goal of improving the criminal justice system by enhancing the integrity, accuracy, consistency, and transparency of information. To that end, the Board recommends particular attention to the following items in FY 2022:

1. Promulgation of the regulations drafted by EOPSS to implement consistent definitions for data collected by criminal justice agencies and standardization of the processes for data collection and reporting.
2. Continued support of EOPSS and EOTSS as it works toward developing and implementing a project plan consistent with the recommendations and roadmap produced by its consultant, Gartner.
 - a. EOPSS should provide the Board with regular updates at its scheduled meetings to facilitate the Board's role in monitoring progress toward statutory compliance.
 - b. EOPSS and EOTSS will update the Board on requests for and status of funding related to the development and implementation of a cross-tracking system.
3. The Data Subcommittee will continue to meet, as needed or directed by the Board, to further explore how the data from a fully-realized cross-tracking system might be utilized in order to identify gaps or areas warranting refinement or additional investigation from a research or program-oriented perspective.