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As a Professor of Sociology and Criminal Justice at Suffolk University, and a member of the Women and Incarceration Project located at Suffolk University's Center for Women's Health and Human Rights, I am pleased to see the proposed regulation, 501 CMR 18.00, drafted by the Executive Office of Public Safety and Security (EOPSS). This itemized framework operationalizes data collection and reporting standards for criminal justice agencies across the Commonwealth.

As a researcher studying the experiences of incarcerated and formerly incarcerated women in Massachusetts for more than fifteen years, I often come up against the inadequacies of available data. We routinely need to submit public records requests in order to access the kinds of data that other agencies routinely make available.

Like many of my colleagues, I have been especially frustrated by the lack of coordination among agencies – in particular between the Department of Correction and county agencies. In short, I fully support efforts to regularize and standardize information on criminal legal system involved populations and on recidivism rates, and am pleased to see the extensive list of data points and requirements for cross-tracking that EOPSS has included in the proposal.

In my comments today I wish to address several issues that, in my opinion, need greater elaboration in the proposal. Please note that while my own research experiences have to do with women, these points are equally relevant for the population of incarcerated men.

1. National studies show that the vast majority of incarcerated women struggle with substance use and live with co-occurring substance use and mental health disorders. At the current time, neither the DOC nor the county sheriffs' offices report data on women diagnosed with a substance use disorder at admission. They also do not report the number of women with co-occurring mental illness and substance use disorder. These data points should be added to the proposed regulations.

2. Being insecure in housing is highly correlated with criminal legal system involvement. Insecurely housed women are more likely to be victims of sexual and gendered assaults, and more likely to be arrested. While the proposed regulation includes requirements to report on "Offender's City/Town of Domicile at Time of Arrest" and "Offender's Address on Date of Exit



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Custody”, those data points are not sufficient for tracking housing status. I encourage adding a requirement to collect data on the housing status of individuals both at the time of their arrest and at the time of their release.

3. Large proportions of women who are arrested live with chronic illness and / or disabilities. Many receive SSI or SSDI, and others are in the process of applying for Disability. At this time the DOC collects basic data on serious mental illness but not on other illnesses and disabling conditions. Given anecdotal evidence that incarcerated women are more likely than other people to live with hearing impairments, cognitive disabilities, and chronic illness, I would like to see data collected on disability status prior to arrest, at release, and three years post-release.

4. Recidivism rates can be a valuable measure of the impact of criminal legal system interventions. At this time, the proposed data points do not give an accurate picture of post-incarceration and post-conviction outcomes. Thus I urge EOPSS to work with a range of agencies to develop better definitions of recidivism. With better definitions, more accurate measures can be collected.

-In 2010 I carried out a study of women released from MCI-Framingham in 1995. Tracking each woman via vital records, I found that nearly 20% were dead by the year 2010 - and many of those within the three years post-release that the Commonwealth uses as the endpoint for calculating recidivism. Many of these women would show up in ‘recidivism counts’ as successes; that is, they did not recidivate. Their failure to recidivate, however, had nothing to do with rehabilitative success but rather with their death.

- It is quite common for women to be reincarcerated due to technical violations of the terms of parole. These women may not have actually ‘recidivated’ in the commonsense understanding of the term -- they have not committed a new transgression. But they would ‘count’ as recidivating because of reincarceration due to a technical violation.

- Women who are insecurely housed are especially likely to draw attention from law enforcement and thus risk being reincarcerated.

5. National studies show high rates of chronic and infectious disease at intake among incarcerated women. Studies show that during the weeks following release from incarceration men and women are especially likely to die of overdoses. My own study of the Framingham women shows exceptionally high mortality rates for formerly incarcerated women in the years following release.

For these reasons, I would like to see the required data collection include:

- death in custody
- death in the weeks following release
- death in the years following release



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6. The final issue I wish to raise is a question of clarification. The proposed regulations mention “status of offender as primary caretaker of a child” and “status of offender’s reproductive health needs.” These are particularly important data points for women. However, the current proposed language does not seem to **require** this information to be collected but only that **if** it is collected it must be submitted to the data warehouse. The proposed language seems to leave the discretion to agencies to collect and only makes it required to report IF they collect it, whereas the law requires all agencies to collect that data. Is that indeed the case? And if it is, it should be changed to a requirement to collect these data points. Here is the language:

[Section] 18.06 Categories and Types of Data Relative to Offender Populations Collected and Reported by Criminal Justice Agencies

Any Criminal Justice Agency that collects data on a person shall submit any data it collects for the following informational fields in the format set forth herein to the data warehouse:

- a. State Identification Number (“SID”);
- b. Probation Central File Number;
- (c) Governing Offense;
- (d) Offense;
- (e) Date of Offense;
- (f) Time of Offense;
- (g) Location of Offense;
- (h) Offender’s City/Town of Domicile at Time of Arrest;
- (i) Race of Offender;
- (j) Ethnicity of Offender;
- (k) Gender Identity;
- (l) Assigned Sex;
- (m) Preferred Pronouns;
- (n) Age of Offender;
- (o) Status of Offender as Primary Caretaker of a Child;**
- (p) Status of Offender’s Reproductive Health Need ...**