



Juvenile Justice Policy and Data Board

# Improving Access to Massachusetts Juvenile Justice System Data: An Update of the 2019 Report

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A Report of the Massachusetts Juvenile Justice  
Policy and Data (JJPAD) Board

MARCH 2022

<https://www.mass.gov/juvenile-justice-policy-and-data-board>

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## Members of the JJPAD Board

Member Name	Affiliation/Appointing Organization
Maria Mossaides, Chair	Office of the Child Advocate
Awaiting New Appointment	House of Representatives (Speaker of the House)
Representative Timothy Whelan <sup>^</sup>	House of Representatives (Minority Leader)
Senator Adam Gomez	State Senate (Senate President)
Senator Patrick O'Connor*	State Senate (Minority Leader)
Deputy Court Administrator Thomas Capasso*	Juvenile Court
Commissioner Edward Dolan*	Massachusetts Probation Service
Acting Commissioner Cecely Reardon	Department of Youth Services
Assistant Commissioner Rebecca Brink*	Department of Children and Families
Deputy General Counsel Cristina Tedstone*	
Assistant Commissioner Nancy Connolly, Psy.D. <sup>^</sup>	Department of Mental Health
Yves Singletary*	Department of Public Health
Dulcinea Goncalves	Committee for Public Counsel Services
Barbara Kaban	
Rachel Gwaltney <sup>^</sup>	Children's League of Massachusetts
Naoka Carey	Citizens for Juvenile Justice
Police Chief Kevin Kennedy*	Massachusetts Chiefs of Police Association
Dawn Christie <sup>^</sup>	Parent of child who has been subject to juvenile court jurisdiction (2)
No Appointment Made	
Ruth Budelmann <sup>^</sup>	Juvenile Justice Advisory Committee
Matthew Connolly*	Executive Office of Education
No Appointment Made	Massachusetts District Attorney Association
No Appointment Made	Individual with experience or expertise related to design and implementation of state administrative data systems
<p><i>The JJPAD Board wishes to thank the following individuals who were JJPAD Board members throughout 2021: Former DYS Commissioner Peter Forbes, Lindsey Tucker, Joshua Dohan, Tammy Mello and former State Representative Carolyn Dykema.</i></p> <p>*Members with an asterisk next to their name abstained from voting on this report.  <sup>^</sup>Members with a caret next to their name were not present to vote on this report.</p>	

## Members of the JJPAD Data Subcommittee

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This report is the product of the efforts of the JJPAD Data Subcommittee:

Member Name	Affiliation
Maria Mossaides, Chair	Office of the Child Advocate
David Melley	Office of Representative Carolyn Dykema
Rachel Wallack	Juvenile Court
Laura Lempicki	Massachusetts Probation Service
David Chandler	Department of Youth Services
Cristina Tedstone	Department of Children and Families
Kim Occhiuti	
Matthew Broderick	Department of Mental Health
Dana Bernson	Department of Public Health
Barbara Kaban	Committee for Public Counsel Services
Naoka Carey	Citizens for Juvenile Justice
Sana Fadel	
Lydia Todd	Children’s League of Massachusetts
Patricia Bergin	Invited Guest of the Subcommittee from the Executive Office of Public Safety & Security

*The JJPAD Board is staffed by the Office of the Child Advocate:*

Melissa Threadgill, Director of Strategic Innovation  
 Kristi Polizzano, Juvenile Justice Program Manager  
 Alix Rivière, Research and Policy Analyst  
 Morgan Byrnes, Project and Research Coordinator

## About the JJPAD Board

In April 2018, the Legislature passed *An Act Relative to Criminal Justice Reform*, which created the Juvenile Justice Policy and Data (JJPAD) Board under [M.G.L. Chapter 119, Section 89](#). The Legislature charged the JJPAD Board with evaluating juvenile justice system policies and procedures, making recommendations to improve outcomes based on that analysis, and reporting annually to the Governor, the Chief Justice of the Trial Court, and the Legislature. The statute creating the JJPAD Board also placed a special emphasis on improving the quality and availability of juvenile justice system data.

<https://www.mass.gov/juvenile-justice-policy-and-data-board>

### JJPAD and Childhood Trauma Task Force Reports

- June 2019: Improving Access to Massachusetts Juvenile Justice System Data
- November 2019: Early Impacts of “An Act Relative to Criminal Justice Reform”
- November 2019: Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth
- December 2019: Next Step for Addressing Childhood Trauma: Becoming a Trauma-Informed and Responsive Commonwealth
- June 2020: Protecting our Children’s Well-Being During COVID-19
- November 2020: JJPAD Board FY20 Annual Report
- December 2020: Childhood Trauma Task Force F20 Annual Report
- October 2021: COVID-19 and the Massachusetts Juvenile Justice System
- December 2021: Identifying Childhood Trauma: An Interim Report on Trauma Screening and Referral Practices
- March 2022: JJPAD Board FY21 Annual Report

All reports can be found on the JJPAD [website: https://www.mass.gov/lists/jpadcttf-legislative-reports-and-key-documents](https://www.mass.gov/lists/jpadcttf-legislative-reports-and-key-documents)

## About the Office of the Child Advocate

The Office of the Child Advocate (OCA) is an independent state agency that serves children and families across the Commonwealth. The Office’s goal is to ensure all children receive appropriate, timely and quality services. The OCA collects and analyzes data and makes recommendations to legislators and professionals to improve these services. The Office also takes complaints and provides information to families who receive state services. The Child Advocate chairs the JJPAD Board and the OCA provides staffing for the Board’s work. <https://www.mass.gov/orgs/office-of-the-child-advocate>

## Guide to Acronyms

Acronym	Definition
<b>CAFL</b>	Children and Family Law Division of CPCS
<b>CPCS</b>	Committee for Public Counsel Services (Public Defenders)
<b>DCF</b>	Department of Children and Families
<b>DCJIS</b>	Department of Criminal Justice Information Services
<b>DESE</b>	Department of Elementary and Secondary Education
<b>DMH</b>	Department of Mental Health
<b>DPH</b>	Department of Public Health
<b>DYS</b>	Department of Youth Services
<b>EOE</b>	Executive Office of Education
<b>EOHHS</b>	Executive Office of Health & Human Services
<b>EOPSS</b>	Executive Office of Public Safety & Security
<b>EOTSS</b>	Executive Office of Technology Services & Security
<b>JJPAD</b>	Juvenile Justice Policy and Data Board
<b>MDAA</b>	Massachusetts District Attorney Association
<b>NIBRS</b>	National Incident-Based Reporting System
<b>OCA</b>	Office of the Child Advocate
<b>UCR</b>	Uniform Crime Report
<b>YAD</b>	Youth Advocacy Division of CPCS
<b>YO</b>	Youthful Offender (see <a href="#">MGL Chapter 119 Section 52</a> )

## Executive Summary

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In April 2018, the Massachusetts Legislature passed, and Governor Charlie Baker signed into law, [“An Act Relative to Criminal Justice Reform.”](#) That legislation created the Massachusetts [Juvenile Justice Policy and Data \(JJPAD\) Board](#), which is charged with evaluating juvenile justice system policies and procedures and making recommendations to improve outcomes. The JJPAD Board is chaired by the Child Advocate and comprised of members representing a broad spectrum of stakeholders involved in the juvenile justice system.

The Legislature charged the JJPAD Board with analyzing the feasibility of annually reporting aggregate statistical data on all youth contacts with the juvenile justice system. In June 2019, the JJPAD Board issued the [2019 Data Availability Report](#) in response to this legislative requirement. **This 2022 report aims to update the Legislature on the progress made on the Board’s 2019 recommendations, and detail remaining data challenges that act as barriers to evaluating the Commonwealth’s juvenile justice system.**

Since the 2019 Report, the **JJPAD Board has made significant progress** improving juvenile justice system data availability, aligning data reporting across entities, and partnering with the Office of the Child Advocate (OCA) and the Executive Office of Technology Services and Security (EOTSS) to launch the state’s first-ever [interactive Juvenile Justice System Data website](#).

This progress is a result of both the collective work of the JJPAD Board, led by the OCA, as well as the significant ongoing efforts that some juvenile justice data holders – including the Executive Office of Public Safety & Security, the Department of Youth Services, the Trial Court, and Massachusetts Probation Services – have made to provide more data elements, and in more detail, each year in response to the OCA’s data requests and/or on their own public data websites.

**At the same time, the JJPAD Board recognizes that there are still critical pieces of juvenile justice data unavailable, and that limitations in the way some data is reported can negatively impact the Board’s ability to make focused, data-informed recommendations for improvements in policy and practice.**

In particular, the JJPAD Board finds that:

1. Massachusetts has dedicated significant resources to increasing data availability over the past three years.
2. Critical data about decision-making in the juvenile justice process remains unavailable to the JJPAD board.
3. Barriers to matching data across process points makes it difficult-to-impossible for the Board to accurately assess the impact of some policy and practice changes.
4. Barriers to accessing data with greater levels of detail negatively impacts the Board’s ability to conduct deeper analysis and make focused policy recommendations.

5. There is limited ability to collect and report data on youth involved in multiple state systems.
6. There is limited ability to collect and report data on youth life outcomes over time.

The JJPAD Board has identified four recommendations that would help solve each of these challenges:

1. The JJPAD Board should study the feasibility of creating an Administrative Data Center to serve as Massachusetts' central coordinator of record-level state data for child-serving entities.
2. The Legislature should consider policy changes to improve data availability in the short term.
3. Data holders and the OCA should collaborate to identify opportunities to expand the detail of available data.
4. Massachusetts should explore opportunities and partner with research institutions to conduct studies on long-term outcomes for youth who have contact with the juvenile justice system.



## Introduction

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In April 2018, the Massachusetts Legislature passed, and Governor Charlie Baker signed into law, [“An Act Relative to Criminal Justice Reform.”](#) That legislation created the Massachusetts [Juvenile Justice Policy and Data \(JJPAD\) Board](#), which is charged with evaluating juvenile justice system policies and procedures and making recommendations to improve outcomes. The JJPAD Board is chaired by the Child Advocate and comprised of members representing a broad spectrum of stakeholders involved in the juvenile justice system.

The Legislature asked the JJPAD Board to issue a report by June 30<sup>th</sup>, 2019, on the following topic:

*“The board shall analyze and make a recommendation on the feasibility of the child advocate creating and annually updating an instrument to record aggregate statistical data for every contact a juvenile has with: (i) criminal justice agencies; (ii) any contractor, vendor or service-provider working with said agencies; and (iii) any alternative lock-up programs. The data to be recorded on the instrument shall include, without limitation, age, gender, racial or ethnic category and type of crime. The recommendation shall include a study of the feasibility of all offices and departments subject to this section using the instrument to record a juvenile’s contact. The board shall determine the best practices for departments to submit data to the child advocate.”*

The JJPAD Board held its first meeting in December 2018 and created a [Data Subcommittee](#) to focus on juvenile justice system data collection, reporting, and interagency coordination. The [2019 Data Availability Report](#) was released six months later, detailing findings and recommendations from the JJPAD Board’s first six months of work.

**The 2019 Data Availability Report can be [downloaded here](#) and can be found online along with other key JJPAD Board reports [here](#).**

**The following report aims to update the Legislature on the progress made on the Board’s 2019 recommendations and detail remaining data challenges that act as barriers to evaluating the Commonwealth’s juvenile justice system.**

### [A Summary of the Board’s 2019 Findings and Recommendations](#)

The [2019 report](#) highlighted the following findings based on the first six months of work from the JJPAD Board and Data Subcommittee:

- 1. Lack of available data often impedes our ability to make data-informed decisions about policy and practice:** Despite widespread agreement among juvenile justice stakeholder that high quality data can and should be used to help evaluate the juvenile justice system, a lack of access to critical data about our juvenile justice system continues to impede our ability to make data-informed decisions about policy and practice.

- 2. Juvenile justice entities face numerous barriers to improving data availability:** Some barriers have obvious (if not necessarily easy or inexpensive) solutions, and while others are more complicated to tackle. Challenges to data availability include decentralized data collection; staff resources and expertise; technology resources; procedural barriers; and state and federal privacy statutes.
- 3. There is a need for increased coordination of aggregate statistical data collection and reporting:** Because data is spread across multiple agencies and reported at varying intervals, it can be very difficult for anyone—legislators, justice system practitioners, researchers, advocates or members of the public—to put all the pieces together.
- 4. Sharing aggregate data on a publicly available website would benefit justice system practitioners as well as the public:** Given that the juvenile justice system is unique in that practitioners are spread across multiple levels and branches of government, there an increased need for public facing data reports that all practitioners can access.

**Based on those findings, the JJPAD Board made the following recommendations:**

1. The OCA should serve as the central coordinator for juvenile justice system aggregate data
2. The OCA should develop a juvenile justice system data website
3. The Legislature should consider policy changes to improve data availability

## Progress Since the 2019 Recommendations

Over the past two years, the JJPAD Board has greatly improved Massachusetts' juvenile justice system data reporting, accessibility and transparency. At the time of the 2019 report, data was siloed at each agency with no central coordination. This hindered the Board's ability to effectively evaluate the system as a whole, created duplicative work on behalf of the state agencies fulfilling public records requests and reporting their own data, and made it more difficult for policymakers, researchers, and members of the public to find and access available data.

Two recommendations to improve data collection and reporting from the 2019 report were directed at the Office of the Child Advocate (OCA):

1. The OCA should serve as the central coordinator for juvenile justice system aggregate data
2. The OCA should develop a juvenile justice system data website

**Significant progress has been made on both recommendations.** In partnership with the JJPAD Board and member research departments, the OCA has taken steps to increase coordination of aggregate statistical data collection and reporting. Additionally, the OCA has started making data publicly available on an interactive data website.

## Increased Coordination of Data Collection & Reporting

The OCA has taken steps to serve as the central coordinator for juvenile justice system aggregate data through the work of the JJPAD Board and Data Subcommittee. These steps include making annual data requests to collect data; summarizing key system trends based on that data in the JJPAD Board's annual report; and, through the JJPAD Data Subcommittee, developing and publishing recommendations on reporting of demographic data.

### Annual Data Requests and Reporting

Each year, the JJPAD Board produces an annual public report to the Legislature and [to the public](#). Among other things, the JJPAD Annual Report provides context and analysis to the data from the previous fiscal year and includes offense type and demographic breakdowns of the data among other critical data the OCA received through that year's data requests. The report also highlights trends following the implementation of the 2018 Criminal Justice Reform Legislation.

Since the 2019 data availability report, the JJPAD Board has released three Annual Reports<sup>1</sup> detailing aggregate data reported by member entities. The OCA has streamlined annual data requests from the entities that hold critical juvenile justice system or other important supplemental data. Those entities include:

- Executive Office of Public Safety and Security (EOPSS)
- The Trial Court
- Massachusetts Probation Service (MPS)
- Department of Youth Services (DYS)
- Department of Mental Health (DMH)
- Department of Public Health (DPH)

Data requests are submitted to entities in the summer of each year for data from the previous fiscal year. The OCA requests aggregate data for each contact point a youth may have with the justice system, including totals, demographics (age, race/ethnicity, gender, sexual orientation and transgender status), county/jurisdiction, and any information on offense types/severity. The data obtained from these requests informs the JJPAD Board's annual report.

Although not all of the data OCA requests is available, notably, each year data-reporting entities have been able to expand what is provided. Between the first annual JJPAD report and third annual report, entities were able to provide *more* data to inform the JJPAD Board's work including<sup>2</sup>:

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<sup>1</sup> All JJPAD Board Annual Reports, legislative reports, and other key documents can be found online:

<https://www.mass.gov/lists/jjpacctf-legislative-reports-and-key-documents>

<sup>2</sup> For more details around increased data reporting between the Board's FY19 and FY20 annual reports, see the Board's 2020 Annual Report: <https://www.mass.gov/doc/jjpac-board-2020-annual-report-0/download>

- Arraignment data<sup>3</sup>
- Dangerousness hearings data
- Probation admissions data
- Data on court summons and outcomes of magistrate hearings
- Data on the DYS facility security level youth are held in (detained and committed)
- Data on the use of bail and reasons why youth are held in detention without bail
- Data on DYS' Youth Engaged in Services (YES) Program
- Data on youth prosecuted under the Youthful Offender law
- Adjudication and disposition data
- Data on cases that are dismissed in the Juvenile Court

As a result of this hard work, the Board can now answer policy research questions that could not be answered at the time of the 2019 data availability report. This data is valuable to have as it allows the Board and the state to more effectively:

- Analyze the impact of policy and practice changes
- Monitor system utilization and if changes in the juvenile justice system potentially impact other child-serving entities
- Identify trends that may be contributing to or reducing racial, ethnic, gender and/or geographical disparities across the system and state
- Assess case practice and recommend opportunities for improvement
- Determine service gaps and challenges

In general, the questions the Board is now able to answer helps fulfil the Board's legislative mandate to evaluate juvenile justice system policies and procedures and make recommendations to improve outcomes. The table below highlights some examples of this progress.

<b>Table 1: Updates to Data Collection, Reporting and Analysis Capacity</b>		
<b>Research Question</b>	<b>Change from 2019 to 2022</b>	<b>How this data has informed or will inform policy/practice</b>
What are the racial breakdowns of arrested youth?	Due to the federal switch from UCR to NIBRS data reporting in 2021, EOPSS is able to report race and ethnicity breakdowns for arrests in all	FY20 data indicated an overrepresentation of Black and Latino youth and an underrepresentation of White youth at this stage. Black youth were 12 times and Latino youth were 5 times more likely to experience a custodial arrest than White youth.

<sup>3</sup> While the Board obtained arraignment data for calendar years 2017-2019, the data provided did not include complete information on the race/ethnicity of the youth who were arraigned. Data on arraignments currently comes to the OCA from Probation, but the original source of this information is the Department of Criminal Justice Information Services (DCJIS). DCJIS reports that its data system currently only collects data on "race" and does not have a separate category for "ethnicity." As a result, the state cannot currently report the number of Hispanic/Latino youth arraigned each year.

	<p>towns/cities across both race and ethnicity.</p> <p>This data can be accessed much more easily on the <a href="#">Juvenile Justice Data Website</a></p>	<p>This finding led the OCA &amp; DYS to supervise a Harvard Rappaport fellow throughout summer 2021 to analyze this data and contribute to a forthcoming policy brief.</p>
<p>How many dangerousness hearings are there each year?</p>	<p>The Trial Court published total number of hearings to its public data dashboard in October 2019.</p>	<p>The number of 58A “dangerousness” hearings for youth shows geographic disparities that require a further examination of how prosecutors determine dangerousness levels, and when 58A hearings are used. This examination can shed light on where standards may need to be developed in order to ensure equity in the states justice system.</p>
<p>How many youth are adjudicated delinquent each year?</p>	<p>The Trial Court published total number of adjudications to its public data dashboard in June 2021.</p>	<p>This data has helped the JJPAD Board fulfill its legislative mandate to report data at each decision point youth have with the juvenile justice system.</p> <p>This newly publicly reported data indicates over half (57%) of delinquent cases in FY21 were resolved with a “continue without a finding” (CWO) disposition. This determination comes before an adjudication and means a case is continued without entering a formal adjudication into the youth's record. The case can be dismissed if the youth meets all of their conditions of probation. The youth will not have a record of a delinquent adjudication if they successfully complete their probation, although the fact that they were arraigned <i>will</i> appear on their record.</p> <p>There are a variety of reasons a judge may choose to resolve a case through a CWO. In some cases, particularly in cases where a judge does not have the legal authority to divert a case pre-arrest, a judge may choose to resolve a case through a CWO as a “next best alternative” to pre-arrest diversion. This newly</p>

		public data shines a light on how frequently CWOFS are used in the juvenile court process, and suggests that further inquiry into the use of CWOFS and their ultimate impact on youth outcomes would be valuable.
How many cases are dismissed following arraignment?	The Trial Court published total number of dismissals to its public tableau in June 2021.	<p>This data has helped the JJPAD Board fulfill its legislative mandate to report data at each contact point youth have with the juvenile justice system.</p> <p>This newly publicly reported data indicates what many practitioners and advocates have suspected—many cases in the juvenile justice system are dismissed after arraignment. Arraignment is an important process point because it is the point at which a case appears on youth’s formal record. There are a variety of reasons a case may be dismissed after arraignment, but some practitioners have suggested that the large percentage of cases dismissed post-arraignment indicate that more youth could be successfully diverted prior to arraignment and prior to the acquisition of a formal court record. As with the data on CWOFS, this suggests that further inquiry into post-arraignment dismissals would be valuable.</p>
How many probation cases start each year?	<p>Probation reported data on the number of new probation cases starting the previous year for the Board’s FY20 annual report.</p> <p>Of note, this data had previously been reported publicly through the Juvenile Detention Alternatives</p>	This data allows for analysis of emerging trends in the demographic makeup of youth with probation supervision. This helps the state identify potential racial or gender disparities in probation dispositions.

	Initiative through 2015. <sup>4</sup>	
How many probation administrative hearings take place?	Probation reported new probation starts for the Board's FY20 annual report.	Data on the number of administrative hearings has shown the shift in probation practice to use a positive youth development framework.
How many youth were arraigned each year?	Probation reported arraignment occurrences for the Board's FY20 annual report.	This data has helped the JJPAD Board fulfill its legislative mandate to report the impact of the 2018 criminal justice reform bill, which aimed to reduce the number of youth with juvenile justice involvement by increasing pre-arraignment diversion.
How many committed youth are in residential settings compared to the community?	DYS was able to report placement type for the Board's FY20 annual report.	This data has helped the JJPAD Board fulfill its legislative mandate to report data at each contact point youth have with the juvenile justice system. This data point was particularly important during the COVID-19 pandemic and allowed the Board to report how the state responded to COVID in congregate care settings.
How many youthful offender cases are there each year?	The Trial Court and DYS each supplied youthful offender data for the Board's FY20 annual report.	This data helps the state understand the number of youth subject to an adult sentence or juvenile disposition for committing an offense between the ages of 14 and 18, which could send an adult to state prison.

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<sup>4</sup> To see the JDAI Dashboards, visit: <https://www.mass.gov/service-details/jdai-data-dashboards>

**Remaining Challenges:**

Collecting the data listed above is an important first step to analyzing our entire juvenile justice system. Significant challenges remain in our ability to get a full, data-grounded picture of the juvenile justice system (see Figure 1, below). The JJPAD Board has highlighted those challenges in the Findings section of this report, along with Recommendations on how the state can address each challenge.

School-based arrests and law enforcement referrals
Police use of diversion
Custodial arrests
Overnight arrest admissions
Applications for complaint
Complaints by initiation type (summons, arrests)
Clerk decision re: filing a complaint
Delinquency filings
DA use of diversion/nolle prosequi
Arraignments
58A Hearings
Pretrial decisions re: detention, bail, conditions, revocation, competency hearings, 72A hearings
Pretrial detention admissions
Pretrial supervision cases
Judicial diversion
Plea offers
Adjudication
Disposition
Post-disposition probation cases
Probation violation notices
Commitment to DYS
YES transitions
Data on youth arraigned in adult/Trial Courts (e.g. youth charged with homicide)
Crossover youth/multisystem youth
Recidivism
Long-term/life outcomes

Figure 1: Data availability at each juvenile justice system process point as of March 3, 2022. Green indicates data is publicly available; Yellow indicates data is partially available (some elements unavailable or other data challenges); Red indicates there is no publicly reported data at this stage.

**Aligning Data Reporting**

One challenge the JJPAD Board noted in 2019 was that reporting of key demographic data is not aligned across juvenile justice and child-serving entities, which makes it difficult to compare caseload populations from entity to entity and measure any big-picture trends, disparate impact, and/or gaps and challenges across the entire juvenile justice system. To address this challenge, in 2020, the Data Subcommittee focused on developing recommended reporting standards for data on race, ethnicity, gender, sexual orientation, gender identity/transgender status, and intersex status.

The resulting report, [JJPAD Recommended Data Reporting Standards](#), provides guidance to JJPAD entities on how to report race/ethnicity, gender identity status, and LGBTQ status.<sup>5</sup> These guidelines also provide recommendations on how entities can aggregate data up/disaggregate down as needed due to database limitations or confidentiality concerns. The Data Subcommittee also created a reference tool for how entities report geography and common offense types/severity.

<sup>5</sup> Download the recommendations here: <https://www.mass.gov/doc/jjp-ad-recommended-data-reporting-standards/download>



By providing clear and consistent definitions, the public and other key stakeholder groups are better able to understand what the data they are seeing means. These resource tools are as available on the Juvenile Justice Data Website detailed in the next section.

### Remaining Challenges:

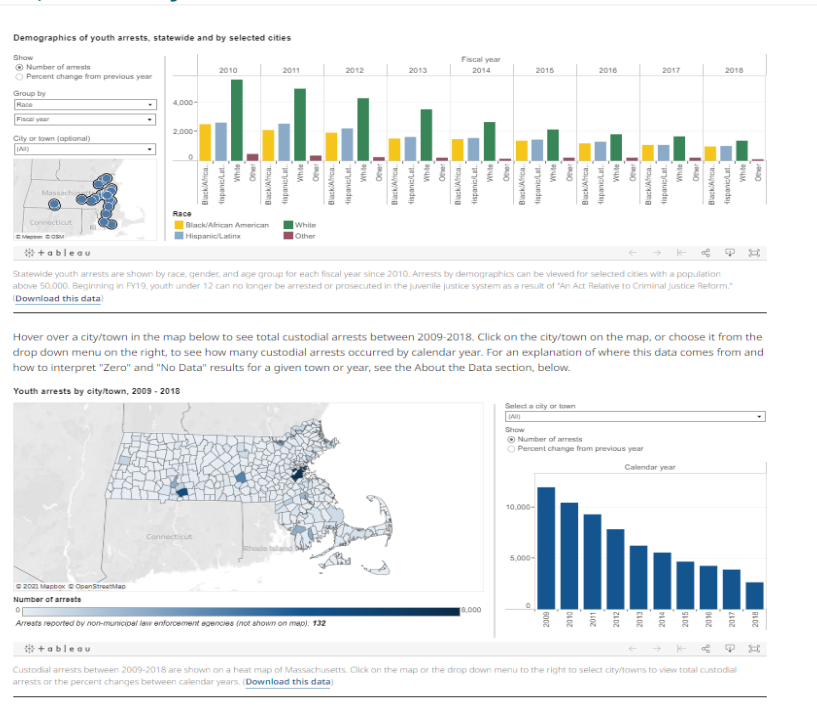
Aligning data reporting of race/ethnicity and gender identity variables from JJPAD entities proved to be a significant undertaking and first step to analyzing our juvenile justice system. Still, challenges in data reporting remain.

First, this guidance is directed at JJPAD reporting entities only, and as such, recommendations may not be followed in other entities. Second, these standards are recommendations and individual agencies are not obligated to report their data this way to the JJPAD Board. Last, JJPAD entities may still report race/ethnicity and gender status data differently in their own reports. This may cause confusion for outside observers of this data who may notice slightly different numbers due to the different ways of reporting important variables.

## Development of the Juvenile Justice System Data Website

As recommended in the JJPAD Board’s 2019 report, and as envisioned by the Legislature in *An Act Relative to Criminal Justice Reform*, the Office of the Child Advocate has developed a [juvenile justice system data website](#) making available aggregate juvenile justice system data publicly accessible. In Fall 2020, the OCA launched the first version of the interactive data website.<sup>6</sup>

The purpose of this resource is to give policymakers, juvenile justice stakeholders, researchers, and members of the public greater access to data across the variety of entities and processing points that make up the state’s juvenile justice system.



<sup>6</sup>The JJPAD Board recognizes with appreciation the support the Executive Office of Technology Services and Security (EOTSS) has provided in the creation of the Juvenile Justice Data website.

Over the course of 2019 and 2020, the JJPAD Data Subcommittee reviewed website drafts and provided feedback on visualizations, priorities, and website text. The website, which was developed in partnership with the Executive Office of Technology Services and Security (EOTSS):

- Makes available aggregate statistical data on juvenile contacts with justice agencies, showing trends over time where multiple years of data are available.
- Includes contextual information, developed in partnership with participating agencies, to help readers better understand the data they are viewing and how the justice system works.
- Is interactive, allowing users to break information down by demographics or geographic regions to the extent possible given confidentiality limitations with regards to juvenile data.
- Allows users to download available aggregate data to use for their own research.

As of November 1, 2021, there have been over 6,116 unique views across the website pages, which have been visited over 8,321 times. Policy makers, researchers, advocates and Massachusetts community members have all provided feedback to the OCA that the interactive data website has helped in their own research, educational, and advocacy efforts. Journalists and news outlets have cited the website to provide data to support their articles and stories.<sup>7</sup>

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<sup>7</sup>For example see: <https://www.telegram.com/story/news/2021/08/20/worcester-da-drop-delinquency-rates-behavior-can-modified-between-ages-12-25/5565862001/> and <https://www.bostonglobe.com/2021/09/28/arts/this-tabletop-game-teaches-players-about-juvenile-justice-system/>.

## How has the Juvenile Justice Data Website Helped People Across the State? Quotes from Users

*"The downward trend of both filings and admissions to DYS are incredible and clearly establish that the juvenile justice reform legislation has been beneficial...I am thrilled that we are sharing this information with the public as I think it helps with the transparency of a court that is not open to the public." - Juvenile Court Judge*

*"The Juvenile Justice Data Website is a valuable and highly accessible tool. It utilizes different visuals that are helpful for understanding trends at a glance especially for those without prior context on the juvenile justice process, which is a complex process. Data is available for youth at almost every step of engagement with the justice system, including demographic variables, which is vital information in recognizing systematic trends and seeing the overall picture. Information is easily downloadable, and tables look clean and organized when downloaded." - Judiciary Committee Staff Member*

*"The criminal justice system is trending toward more data driven policymaking and resources like the Juvenile Justice Data Website is an extremely beneficial tool for our graduate students to use – not only to apply real data to student projects, but also to gain a better understanding of the juvenile justice system in Massachusetts." — Chair Department of Applied Social Sciences, Boston University*

*"I learned a lot of things even I [didn't] know. Thank you." - User feedback to the Juvenile Justice Data Website in March 2021*

*"The information is clearly stated and easy to comprehend. Thank you for sharing." - User feedback to Juvenile Justice Data Website in June 2021*

Over this same period, various state agencies and entities have created, expanded, and/or continued to maintain their own public reporting through online dashboards. Some of these websites include:

1. The Executive Office of Public Safety and Security (EOPSS)'s [crime statistics page](#).
2. The Trial Court publishes a variety of data on court-related decision points on their [public data dashboard](#).
3. Massachusetts Probation's Tableau page shares [caseload data for youth on probation](#).
4. Massachusetts Department of Public Health's [website on the Social Determinants of health](#) compares health measures across Massachusetts communities.

#### Next Steps:

The OCA, in partnership with the Data Subcommittee and EOTSS, intends to continue to add data sets and features over time, as funding permits. The Legislature can expect updates to the datasets annually, and improvements/ increased functionality of the visualizations throughout the website. Last, the OCA is exploring adding pages to the website dedicated to special topics, such as racial and ethnic disparities.

## 2022 Findings: New and Remaining Challenges

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As detailed in the previous section, there has been significant progress in increasing the public availability and useability of juvenile justice system data over the past two and a half years. This progress is a result of both the collective work of the JJPAD Board, led by the OCA, as well as the ongoing efforts that juvenile justice and other state child-serving data holders – including EOPSS, the Trial Court, DYS, Massachusetts Probation Services, DPH and DMH – have made to provide more data elements, and in more detail, each year in response to the OCA’s data requests and/or on their own public data websites.

At the same time, the JJPAD Board recognizes that there are still critical pieces of juvenile justice data unavailable, and that limitations in the way some data is reported can negatively impact the Board’s ability to make focused, data-informed recommendations for improvements in policy and practice.

In particular, the JJPAD Board finds that:

1. Massachusetts has dedicated significant resources to increasing data availability over the past three years
2. Critical data about decision-making in the juvenile justice process remains unavailable to the JJPAD Board
3. Barriers to matching data across process points makes it difficult-to-impossible for the Board to accurately assess the impact of some policy and practice changes
4. Barriers to accessing data with greater levels of details negatively impacts the Board’s ability to conduct deeper analysis and make focused policy recommendations

For the purposes of the 2019 Data Availability report, the JJPAD Board adhered closely to the specific legislative request made in “An Act Relative to Criminal Justice Reform,” which focused on youth contacts with juvenile justice agencies.

Youth who are involved with the juvenile justice system often have contact with many state agencies before, during and after their involvement with the justice system, however, which means data from juvenile justice entities only tells part of the story. In particular, this year as the JJPAD Board has begun to focus on the needs of youth who “cross over” from the child welfare system to the delinquency system, limitations in data on these youth has impeded the Board’s research. To

that end, this year the Board includes two additional findings on data availability impacting policy analysis and decision-making:

5. There is limited ability to report data on youth involved in multiple state systems
6. There is limited ability to report data on youth life outcomes over time

### **Finding #1: Massachusetts has dedicated significant resources to increasing data availability over the past three years**

As highlighted in this report, the Commonwealth has made great strides in reporting juvenile justice system data. This progress can be largely attributed to the research departments across state entities. **Fulfilling the data requests for the JJPAD Board annual report and OCA's interactive website takes considerable resources from and dedication by entities' research departments.** Research staff continue to prioritize reporting JJPAD related data and have spent hours:

- building new data reports to pull within the requested parameters (e.g., given timeframes and disaggregation points).
- communicating to the OCA what data is available and what data is unavailable.
- cleaning datasets and reporting aggregating totals in tables to share with OCA staff.
- reviewing the data and the data analysis in order to offer feedback, raise concerns, ask questions and clarify context to the data.
- aligning data definitions (mentioned in the prior section).
- helping the OCA explain complex processes in an accessible manner on the Office's interactive data website.

Additionally, state entities have maintained and/or expanded their own publicly reported data outside of JJPAD Board work, as outlined in the "Progress made" section of this report.

### **Finding #2: Critical data about decision-making in the juvenile justice process remains unavailable to the JJPAD Board**

The 2019 Report included a table listing key data elements that currently cannot be reported to the OCA and the reason why (as reported to the OCA by the relevant agencies). We have included the same table here with an additional column explaining any updates since last reported.

Entities report data as unavailable due to reasons such as: the data is not currently collected (often because there is no *operational* need for the data); the data is not collected in a way that allows for it to be readily or easily reported; limited resources (i.e., adequate staffing, money, time); and/or there are agency policy/regulations that impede data sharing. Due to these constraints, it is not always feasible, under current circumstances, for state entities to report data to the JJPAD Board.

**While the JJPAD Board acknowledges these challenges, we also understand that these gaps in data availability impede the Board's ability to meet its statutory mandate to evaluate**

**juvenile justice system policies and procedures and make data-informed recommendations to the state.** In most cases, there is no legislative mandate requiring the reporting of these unavailable data points, which could be one way to obtain desired data on specific process points (see more in the *Recommendations* section of this report).

<b>Table 2: Unavailable Data at Critical Juvenile Justice Decision Points</b>				
<b>Unavailable Data</b>	<b>Data-Holder</b>	<b>Why Data is Unavailable<sup>8</sup></b>	<b>Sample Questions Data Could Help Answer</b>	<b>2022 Updates</b>
<b>School-based arrests</b>	DESE	Not all schools are collecting/reporting this data in accordance with the requirement of <i>An Act Relative to Criminal Justice Reform (2018)</i> .	<ul style="list-style-type: none"> <li>• How many youth are arrested while attending school?</li> <li>• How do rates differ for students across demographics (i.e., age, race, gender status)?</li> </ul>	DESE started reporting this data in 2020, but data quality concerns remain given the small number of school districts reporting data and the very low counts from some large school districts.
<b>School-based law enforcement referrals</b>	DESE	Not all schools are collecting/reporting this data in accordance with the requirement of <i>An Act Relative to Criminal Justice Reform (2018)</i> .	<ul style="list-style-type: none"> <li>• How often are youth referred to law enforcement for an offense during/at school?</li> <li>• How do rates differ for students across demographics (i.e., age, race, gender status)?</li> </ul>	DESE started reporting this data in 2021, but data quality concerns remain given the small number of school districts reporting data and the very low counts from some large school districts.

<sup>8</sup> As reported to the OCA by the relevant agencies.

<b>Police use of diversion</b>	Police departments	Although the NIBRS database has the ability to capture this information and some police departments report it, there is no statutory requirement that police departments report this data to EOPSS.	<ul style="list-style-type: none"> <li>• How often do police departments use pre-complaint diversion?</li> <li>• Are there differences in the use of diversion by race/ethnicity or from town to town?</li> </ul>	None.
<b>Police use of custodial arrests</b>	Police departments	<p>Police data submitted through NIBRS is reported out on a calendar year basis rather than a fiscal year basis and is on a significant time delay: data from FY21 will not be available until the spring of CY2022.</p> <p>EOPSS does provide preliminary data on arrests for the JJPAD Board’s Annual Report, but there are limitations to what is available at that time. In particular, EOPSS states they are unable to report the age and gender of Hispanic/Latino youth arrested due to data collection methods.</p>	<ul style="list-style-type: none"> <li>• What are the ages of youth arrested in Massachusetts?</li> <li>• How many girls are arrested each year?</li> </ul>	None.
<b>Police use of summons</b>	Police departments	Use of summons is not consistently reported across the state by police departments via their arrest reporting system to the NIBRS database.	<ul style="list-style-type: none"> <li>• How often do individual police departments issue summons?</li> <li>• What types of offenses do police use summons for vs. custodial arrests across police departments?</li> </ul>	The Trial Court reports data that indicates when a youth comes before a Clerk Magistrate by summons (compared to youth who were brought in on a custodial arrests or warrant). This allows us to see use of summons on a county-level basis. The Trial Court does not collect

			<ul style="list-style-type: none"> <li>• Are there racial/ethnic disparities in the use of summons vs. arrests?</li> </ul>	<p>specific police department-level data on summons-initiated complains.</p> <p>There is no update regarding reporting summons more consistently across police departments.</p>
<b>Clerk Decisions to Divert</b>	Trial Court	The Trial Court reports clerk decisions to issue a delinquency complaint or not but does not distinguish between complaints not issuing for lack of probable cause and complaints not issuing because the clerk diverted the youth.	<ul style="list-style-type: none"> <li>• How many youth are diverted by clerks?</li> <li>• How many cases do not advance to court due to lack of probable cause?</li> </ul>	The Trial Court does not have the ability to report separately on applications dismissed due to diversion and applications dismissed due to lack of probable cause or any other reason. The Trial Court reports there are significant challenges to accurately identifying and compiling a single reason for the decision to not issue a delinquency complaint.
<b>District Attorney (DA) use of diversion/nolle prosequi</b>	District Attorney Offices	<p>There is variation from DA office to DA office with regards to what data is currently tracked, how it is tracked, and how data categories are defined.</p> <p>The current data management system used by District Attorneys' Offices, DAMION, is several decades old and not currently capable of tracking all of the data requested by the Legislature.</p>	<ul style="list-style-type: none"> <li>• How often do DAs offer diversion?</li> <li>• Are there differences in the use of diversion by race/ethnicity, or from DA office to DA office?</li> </ul>	<p>The Middlesex District Attorney's Office (MDAO) <a href="#">currently publishes raw data from the DAMION system</a>, which demonstrates both what is currently possible with regards to data reporting from the DAMION system as well as some of the system's significant limitations.</p> <p>The MDAO also publishes <a href="#">a separate spreadsheet of data</a> on their diversion program.</p> <p>The JJPAD Board is not aware of any other District Attorney Offices publishing</p>



<b>Arraignments</b>	DCJIS/Probation	<p>Arraignment occurrences from CY2017 through CY2019 and FY21 were reported, but issues with reporting race (specifically, Hispanic/Latino youth) prevented the Board from including racial breakdowns.</p>	<ul style="list-style-type: none"> <li>• How many Hispanic/Latino youth are arraigned each year?</li> <li>• How do arraigned offense types differ by race/ethnicity?</li> </ul>	<p>similar data in this manner.</p>
		<p>Data on arraignments are reported to the OCA by Probation using data that is first compiled by DCJIS. Probation reports the DCJIS data system downloads data automatically from the court's data system. However, the DCJIS system only has one field for "race" while the court's data system has two separate fields – "race" and "ethnicity." The DCJIS system is currently not capturing information on Hispanic/Latino individuals, despite the information being available in the court data system. As a result, Probation's report on arraignments only includes data on youth who identify as white, Black, Asian, or Native American.</p>		<p>Probation was able to report arraignment data to the OCA with the issues regarding race data as described in this report.</p>

<b>Competency hearings &amp; assessments</b>	Trial Court	The Juvenile Court Clinics report the number of competency evaluations they perform, which counts the number of competency evaluations ordered and completed by the Juvenile Court Clinics. It does not capture all competency hearings that take place or evaluations that take place outside a juvenile court clinic.	<ul style="list-style-type: none"> <li>• How many competency hearings are conducted and how many result in an evaluation?</li> <li>• What is the outcome of competency evaluations?</li> <li>• How do the rates differ based on demographics or locations?</li> </ul>	None.
<b>Transfer hearings (72A hearings)</b>	Trial Court	Data is not collected in a way that makes this easily reported.	<ul style="list-style-type: none"> <li>• How many youth are charged with a crime before their 18th birthday but are not apprehended until after their 19th birthday?</li> <li>• How does this rate differ across the state?</li> </ul>	None.
<b>58A Hearing Outcomes</b>	Trial Court	Hearing results data is not collected in structured data, making reporting extremely difficult.	<ul style="list-style-type: none"> <li>• What is the rate of youth held on dangerousness compared to youth who are determined not dangerous in the 58A hearing?</li> </ul>	The Trial Court reports how many Dangerousness Hearings happen, but not the outcome of those hearings.
<b>Pretrial Phase</b>	Trial Court	The Trial Court reports that most of this information is currently collected in MassCourts, but that reporting this information requires significant resources.	<ul style="list-style-type: none"> <li>• How often is monetary bail used, and in what amounts?</li> <li>• What is the rate of youth held on bail compared to</li> </ul>	DYS can report this data for youth in their care, but not those who had a detention hearing and whose outcome was not to be detained. The OCA would need data from the Trial Court to fully report

			<p>youth who are not held on bail?</p> <ul style="list-style-type: none"> <li>• Are there differences in the use of bail and pretrial release conditions by race/ethnicity or from court location to court location?</li> </ul>	<p>information on the decision made at arraignment to set bail or release a youth.</p> <p>The Trial Court reports pretrial data will be included in the next Trial Court Pre-Trial Report.<sup>9</sup></p>
<b>Pretrial Conditions of Probation/Release</b>	Trial Court/Probation	Conditions of release (e.g., GPS requirement) and pretrial probation conditions are currently collected via a paper form which are not extractable from MassCourts in a manner that permits analysis.	<ul style="list-style-type: none"> <li>• What kinds of pre-trial release conditions are used?</li> <li>• Are there differences in the use of pretrial release conditions by race/ethnicity or from court location to court location?</li> </ul>	None.
<b>Judicial diversion</b>	Trial Court	Data is not currently being collected in a structured way across the state.	<ul style="list-style-type: none"> <li>• How often do judges offer diversion?</li> <li>• Are there differences in the use of diversion by race/ethnicity or from court location to court location?</li> </ul>	The Trial Court reports the number of dismissed cases but does not distinguish between cases dismissed due to diversion or any other reason. The Trial Court reports there are challenges to accurately identifying a single reason for case dismissals.

<sup>9</sup> See the court's previous report here: <https://www.mass.gov/doc/massachusetts-trial-court-survey-of-pretrial-statistics-in-criminal-cases-fy2019/download>

<b>Plea offers &amp; acceptance</b>	District Attorney Offices	Currently, this information is captured in paper files, making aggregate reporting difficult and time consuming.	<ul style="list-style-type: none"> <li>• How do District Attorneys use their power to offer plea deals to defendants?</li> <li>• Are there differences in the pleas that are offered by race/ethnicity or other patterns?</li> </ul>	<p>The Berkshire County District Attorney’s Office is currently participating in a <a href="#">national data collection and research project focused on the plea bargaining process</a>.</p> <p>Although data from this project is not publicly available, this research study is an indication that the JJPAD Board is not alone in its interest in what this data may tell us about the functioning of our justice system.</p>
<b>Post-Disposition Probation Conditions</b>	Trial Court/Probation	Probations conditions are not reported in structured data, making reporting extremely difficult.	<ul style="list-style-type: none"> <li>• What kinds of conditions are used for youth on probation supervision?</li> <li>• Are there differences in the use of conditions by race/ethnicity or from court location to court location?</li> </ul>	<p>Probation reports that it is working towards having the ability to report on youth with a condition to be on GPS, or other electronic monitoring.</p>
<b>Probation violation notices</b>	Trial Court/Probation	This data is currently collected by hand, making it infeasible to report in the aggregate.	<ul style="list-style-type: none"> <li>• How do Probation Officers respond to different kinds of probation violations?</li> <li>• Are there differences in responses by race/ethnicity or from county to county?</li> </ul>	<p>Probation reports the frequencies and types of notices on their public data dashboard but does not report the conditions violated or demographics of the youth who receive a violation notice.</p>

<b>Probation violation outcomes</b>	Trial Court	Probation violation outcomes are not reported in structured data, making reporting extremely difficult.	<ul style="list-style-type: none"> <li>• How do Probation Officers and judges respond to different kinds of probation violations?</li> <li>• Are there differences in responses by race/ethnicity or from county to county?</li> </ul>	Probation is reporting the frequencies of types of notices on their public data dashboard, but not outcome data (i.e., youth found in violation, youth was detained due to the violation) the conditions violated, or the demographics of the youth.
<b>Sealing/Expungement</b>	Probation	Sealings/expungement requests are not reported in structured data, making reporting extremely difficult. Data is currently tracked monthly by hand and does not distinguish between expungements for adults and those for juvenile cases.	<ul style="list-style-type: none"> <li>• How many juvenile records are sealed each year?</li> <li>• How many people request their records be expunged?</li> </ul>	Probation reports that it is working toward having the ability to report on sealings and expungements.

### Finding #3: Barriers to matching data across process points makes it difficult-to-impossible for the Board to accurately assess the impact of some policy and practice changes

It has become increasingly clear three years into the JJPAD Board’s work that record-level data supports a richer analysis to understand outcomes for youth at each process point in the system.<sup>10</sup> Under its current mandate, the JJPAD Board is only able to collect aggregate (or total numbers) level data from data-holding member entities. This makes it impossible to match data across process points to assess how individual policies, agency regulations or decision-making might influence utilization at other parts of the juvenile justice system, and – eventually – adult criminal justice system involvement.

Without record-level data, there is no way for the JJPAD Board to understand how individual youth or even cohorts of groups move through the entire juvenile justice system or if/when youth return to the juvenile justice system. For example, youth with cases disposed of in the juvenile justice

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<sup>10</sup> Record-level data (or “row-level data”) is data in which each record is related to a single individual.

system have potentially had their cases processed through up to eight stages: an arrest, an overnight arrest, a complaint, a delinquency filing, arraignment, detention, adjudication and disposition. (Not all youth will go through all of these stages.) Through this, they may interact with, potentially, seven different juvenile justice system stakeholder entities: police, the Trial Court, District Attorney's offices, the Committee for Public Counsel Services, the Juvenile Court Clinic, Probation, and DYS). The way in which data is currently reported makes it impossible for the JJPAD Board to understand how decision making at one point of the system impacts a future point of the system. This becomes particularly important when the Board tries to answer questions like:

- Are differences in demographics of a youth (age, race/ethnicity, gender) and geography related to outcomes (adjudications, recidivism, other life outcomes) when controlling for offense type?
- What is the impact of charging decisions on subsequent decisions?
- Which youth end up with adult criminal justice system involvement, and which do not?
- Are youth who were offered diversion by police/clerks/district attorneys/judges less likely to have future juvenile justice system involvement than youth processed through the traditional juvenile justice system?
- Do schools with school resource officers refer more youth to the juvenile courts?
- Do school-based court referrals illustrate disparities in school discipline practices?

**Figure 2: Juvenile Court Process by the Numbers (FY21 Data)**

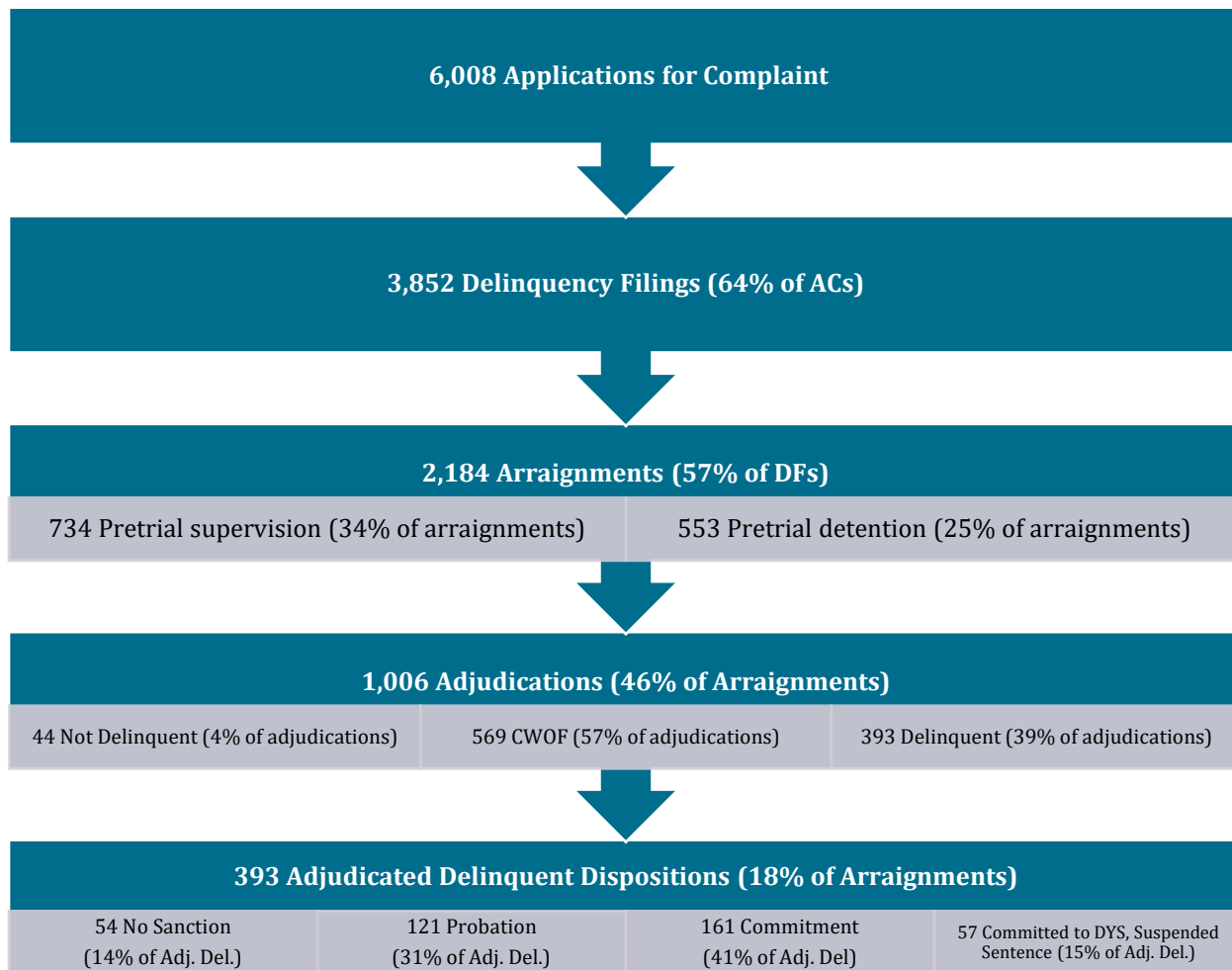


Figure 2: Only reporting aggregate data at each stage makes it difficult to understand the factors influencing decision-making. For example, the Board is unable to determine the differences between the youth who are arraigned and those youth who are not.<sup>11</sup>

Record level data is also helpful when trying to analyze how juvenile justice system utilization impacts future adult criminal justice system involvement in Massachusetts.<sup>12</sup> With the exception of an annual report from DYS on recidivism rates of youth exiting DYS custody, the JJPAD Board currently has no way of reporting on the adult outcomes of the youth who come in contact with the

<sup>11</sup> The Trial Court reports the number of dismissals for FY20 is more than the number of arraignments because dismissals include cases dismissed pre-arraignment but post delinquency filing. Cases can be dismissed for several reasons (diversion, lack of probable cause, withdrawn, nolle pros). Additionally, adjudication rates are reported by fiscal year while arraignments are reported by calendar year. Cases that take longer than a year to advance from one process point to the next also account for some difference in totals.

<sup>12</sup> National research shows juvenile justice system involvement increases the likelihood of a person's adult criminal justice system involvement. Rhoades, K. A., Leve, L. D., Eddy, J. M., & Chamberlain, P. (2016). Predicting the Transition From Juvenile Delinquency to Adult Criminality: Gender Specific Influences in Two High-Risk Samples. *Criminal Behaviour and Mental Health : CBMH*, 26(5), 336-351. <https://doi.org/10.1002/cbm.1957>

juvenile justice system. If agencies reported record-level data to the OCA, the Board could begin to analyze longer-term trends and address gaps in the juvenile system that might influence future adult involvement.<sup>13</sup>

Two common concerns are typically raised about matching data across different state entities: the **technical challenge of matching information** about individuals across multiple data sets and the need to **protect the confidentiality of sensitive information** about children.

### *Data Matching*

Matching data on specific individuals across different data sets can be a challenge. For example, individuals may report a different name to different agencies, or clerical errors can result in discrepancies (i.e., a child may appear as William Smith in one data set and Bill Smyth in another). However, researchers and data systems experts have identified two techniques for overcoming this challenge:

**1. Deterministic Matching:** Data-sharing entities can use one unique identifier across entities that identifies who an individual row of data pertains to without providing individual names, social security numbers or date of birth. Using this unique identifier, a single, combined matched dataset with no personally identifiable information can be created for analysis that follows a person from arrest through the disposition phase. The 2018 Criminal Justice Reform Act attempted to create such a system to improve data analysis in the adult criminal justice system. The statute mandates that EOPSS, in partnership with EOTSS, develop a unique identifying number to be used from the point of arrest through sentencing for the purposes of case tracking, collaborating and research purposes in the adult system. It is the JJPAD Board’s understanding that EOPSS is currently in the process of crafting regulations for this system.

**2. Probabilistic Matching:** Researchers can also use probabilistic matching techniques to systematically match individuals across different data sets when there is not a pre-agreed-upon unique identifier. In probabilistic matching, several field values are compared between two records and each field is assigned a weight that indicates how closely the two field values match. The sum of the individual field’s weights indicates the likelihood of a match between two records. A certain threshold (e.g., 90% likelihood of a match) may be set before a “match” is made in the various data sets. After individuals are matched, researchers create a combined dataset and create new unique identifiers to ensure anonymity while maintaining individual-level data. Researchers remove the original, identifiable information from this new dataset. From there, they can conduct analysis and/or share the new datasets with confidence in the privacy protections.

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<sup>13</sup> Seeing Findings #5 for more detail on adult outcome data.



### **Probabilistic Data Matching in Action: EOHHS Master Data Management System**

Massachusetts' Executive Office of Health and Human Services (EOHHS) recognized the need for improved capacity to match records across agencies for service delivery and research purposes. The Master Data Management (MDM) program was created to help answer questions posed by EOHHS departments that would inform each departments' decision-making. MDM uses probabilistic matching techniques similar to the ones described in this report **to determine "common clients" involved in multiple EOHHS agencies using record-level data reported by each department.**

MDM has collaborated on several projects across executive offices as well. For example, MDM is already a key component of direct certification and validation of children eligible for the Supplemental Nutrition Assistance Program (SNAP). During the COVID-19 pandemic, MDM's ability to match members helped the Department of Transitional Assistance (DTA) and the Department of Elementary and Secondary Education (DESE) target and expedite the emergency Pandemic Electronic Benefit Transfer (P-EBT) program to provide financial assistance to children in a remote-learning scenario who would normally have received free or reduced meals when schools were open for in-person learning.

In the juvenile justice system, DYS and DCF have increased collaboration on data analysis for youth who are detained at a DYS facility and have DCF involvement using MDM services. This is an important step forward in the JJPAD Board's ability to study crossover youth and make recommendations for improvements, as discussed in more detail below.

Whether deterministic or probabilistic techniques are used, it is unlikely that there will be a "perfect match" across systems every time. However, as practice in this field continues to develop – including improved use of Artificial Intelligence (AI) techniques – researchers are increasingly able to match data at very high levels of accuracy. It may take time and resources, but data matching across systems is technically feasible.

#### *Data Confidentiality*

With regards to confidentiality of information, the JJPAD Board recognizes the deep importance of protecting sensitive information about children and acknowledges the harm that can come when this information is disclosed without permission. **At the same time, it is important to note the**

**distinction between sharing information in bulk for research purposes and sharing confidential information about a specific individual for case management purposes.<sup>14</sup>**

When record-level, identifiable client-level data is shared for *research purposes*, specific parameters and research methods are put in place to share the data electronically using secure methods, to join various data sets (as described in detail above), and then to remove any information (e.g., name or social security number) that would permit the identification of a specific individual before any additional data analysis or reporting is completed. In some cases, limits are set on reporting even aggregate information if there are only a small number of records available, and confidentiality could therefore be breached even without specifically identifiable information. This is a common process that is regularly conducted by entities in and out of state government. (See “How Other Jurisdictions Combine Data from Multiple Entities to Inform Policymaking,” for examples of this.)

Although it is feasible to share data for research purposes while protecting confidentiality, both statute and policies/rules adopted by individual entities can at times pose a barrier to accomplishing this goal.<sup>15</sup>

The OCA’s statute permits the OCA to have access to confidential record-level data about children receiving state services from agencies in the executive branch. The statute also notes the child advocate “shall have access to relevant records held by the clerk of the juvenile court.”<sup>16</sup> The agency is bound by law to protect the confidentiality of information it receives but is permitted to release information in some instances including “statistical compilations of data which do not contain any information that would permit the identification of any person.”<sup>17</sup>

However, there are currently barriers to the OCA receiving record-level data from entities beyond child-serving state executive branch agencies that would allow the analysis envisioned in this report. For example, Trial Court Rule XIV, Uniform Rules on Public Access to Court Records, Rule 4 states that “[r]equests for bulk distribution of court record information shall not be granted except where explicitly required by law, rule, or court order.”<sup>18</sup> It is the OCA’s understanding that the Trial Court does not interpret the OCA’s current statutory authority as requiring bulk distribution of

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<sup>14</sup> A [report](#) and [online resource](#) by the Court Improvement Program of the Massachusetts Supreme Judicial Court details the law on the disclosure of confidential information for case management purposes. The report highlights the laws limiting certain information sharing and the benefits and risks associated with sharing information for case coordination purposes. Download the full report here: <https://www.mass.gov/doc/guide-on-the-disclosure-of-confidential-information/download> and visit this website for more information: <https://www.mass.gov/handbook/guide-on-the-disclosure-of-confidential-information>

<sup>15</sup> The Board acknowledges that data breaches can occur. However, this is a risk that exists any time data is collected electronically in any data system: staff error, malfeasance, and/or hacking of an agency data base can all lead to illegal disclosure of confidential information.

<sup>16</sup> M.G.L c.18C <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter18C>

<sup>17</sup> M.G.L c.18C <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter18C>

<sup>18</sup> Available at: <https://www.mass.gov/trial-court-rules/uniform-rules-on-public-access-to-court-records-rule-4-requests-for-bulk-data>

court record information, and so sharing of this data is not permitted under the Trial Court’s Rules.<sup>19</sup>

## Finding #4: Barriers to accessing data with greater levels of detail negatively impacts the Board’s ability to conduct deeper analysis and make focused policy recommendations

Although progress has been made toward increasing the availability of aggregate data on youth contact with juvenile justice agencies as well as the availability of some basic demographic and geographic breakdowns at those process points, in many cases data is not available at a level of detail that allows the Board to conduct deeper analysis and make focused policy recommendations.

Key details unavailable for some or all data types include:

### **Quarterly or Monthly (vs Annual) Totals:**

Currently, entities report data to the OCA on an annual basis for each fiscal year. However, the

COVID-19 pandemic exposed the fact that annual totals can distort what is happening on the

### **Juvenile Justice Entities Continue to Face Barriers to Improving Data Availability**

Many of the same challenges to data reporting detailed in the 2019 Data Availability Report exist for entities today. Entities report significant barriers to reporting due to *staff resources and expertise; technology resources; procedural barriers; state and federal privacy statutes.*

Some agencies have begun to address technology barriers, specifically in their data management systems. Probation, for example, has begun a search process for a new case management system to improve user experience for probation officers as well as support the Research Department’s ability to run reports on frequently requested data.

Another significant improvement happened regarding arrest data. Prior to 2021, not all police departments were reporting their arrest data to the National Incident-Based Reporting System (NIBRS). This meant major cities and towns’ arrest data were unavailable from the JJPAD Board’s analysis or had to be obtained through separate data requests. Since the start of 2021, all police departments in the state are required to report their arrest data to NIBRS, making it easier for the JJPAD to analyze arrests trends in Massachusetts. While this is a positive development, we anticipate some data reporting concerns as police departments transition to the NIBRS system over the next year.

<sup>19</sup> Massachusetts state laws generally defer to the discretion of a commissioner on what data should be shared between state entities. There are statutory limitations on public access to information, including but not limited to: M.G.L. c. 66A; M.G.L. c. 276 § 100; M.G.L. c. 120 § 21; M.G.L. c. 119 §§ 38, 65. Further, there are statutory and regulatory limitations on the sharing of certain types of information such as medical information, see for example: 45 CFR §§ 160, 164; 42 CFR § 2.31; M.G.L. c. 111 § 70; M.G.L. c. 123 § 36; and educational information, see for example: 20 U.S.C. 1232g; 34 CFR Part 99; M.G.L. c. 111B § 11; 603 CMR 23.

ground in a singular month or quarter. For example, emergency orders and interim policies were put in place starting quarter three (Q3) that could impact data for Q4 of Fiscal Year 2020. [The JJPAD Board’s Annual Report](#) for Fiscal Year 2020 identified decreased juvenile justice system utilization across most system entities for the year but was unable to disaggregate the data to isolate the –potentially significant—impact Q4 data had on the entire year totals.

Similarly, agency and state level policy changes to the juvenile justice system do not always coincide with a new fiscal year. Things may change in the way the juvenile justice system operates in the middle of a fiscal year or calendar year.

For the JJPAD Board to understand how important developments impact utilization of the juvenile justice system and to monitor emerging trends in something more closely approximating real-time, monthly or quarterly utilization data, rather than annual data, would be valuable.<sup>20</sup>

**Data on Charge Type and Levels:**

Currently, each juvenile justice entity reports data on charge type and levels in different ways, as show in the chart below. While data can be separated out into *type* of charge (e.g., person offense, property offense) for all process points, in many cases what is unavailable is anything that would denote the *severity* of the offense. For example, shoplifting and car theft both are categorized as property crimes, but the latter is a significantly more serious offense than the former.

**Data Visualization Software Can Support More Detailed Level of Analysis**

The OCA and JJPAD Board recognize the substantial resources necessary to fulfil detailed data requests by the OCA that ask for multiple permutations of aggregate data (e.g., looking at data by county, by offense type, and by a variety of demographic breakdowns). Some entities have started to address this complexity by using data visualization tools like [Tableau](#). Tableau (and other data visualization programs) allow researchers to upload their de-identified datasets and use intuitive program methods to create visualizations of different data permutations. Once data is uploaded, researchers can create parameters and selections that allow users to explore data on their own. For example, on the data website run by the OCA, users can easily toggle back and forth between calendar year and fiscal year on some visualizations or look at data for their specific county. Software like Tableau cuts down on resources allocated to fulfilling data requests and allows for more time answering pressing research questions.

The OCA’s Juvenile Justice data website is powered by Tableau. However, the ability to use this software to its fullest is limited by the fact that most agencies are reporting data in the aggregate, rather than at the record-level, as described above.

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<sup>20</sup> In many circumstances, reporting data by quarter or month would present smaller totals that would not be able to be disaggregated further (e.g., by race or gender) due to agency rules in place to protect confidentiality. Reporting quarterly or monthly data may need to be reserved for understanding trends in total utilization.

Data on charge type is also important because policy changes often focus on specific offenses. Without data on charge type, an accurate assessment on that policy cannot be complete. For example, the 2018 Criminal Justice Reform Act specifically decriminalized school-based disorderly conduct (“disturbing school assembly”), but the JJPAD Board was unable to isolate that charge in the data we received, as this data was reported under the larger category of “Public Order.”

## Categorization of Offense Types

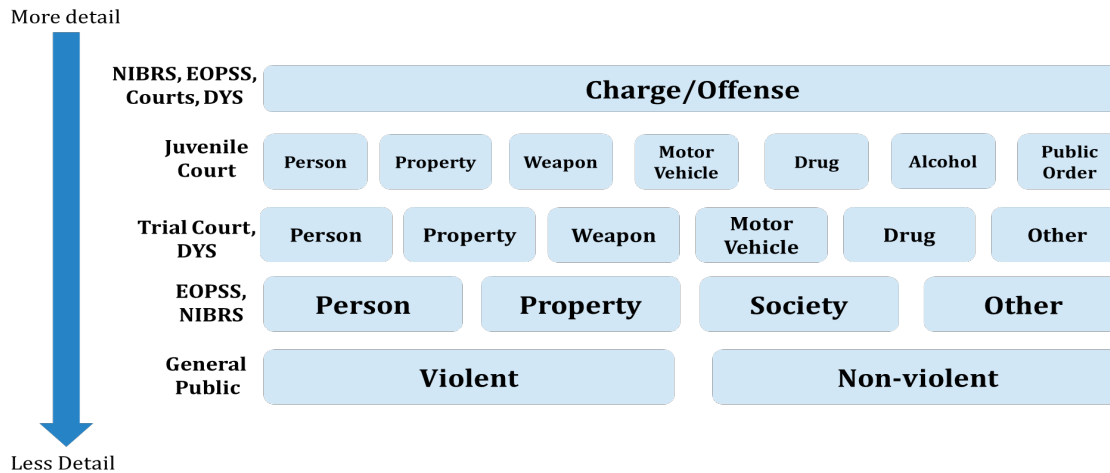


Figure 3: Depending on the dataset and entity, offense types can be reported several different ways.

**Demographic Information + Intersectional Analysis:** While progress has been made by the JJPAD Board on aligning demographic reporting across entities, there are still gaps in our analysis at certain process points. Each of these challenges makes it difficult or impossible for the Board to analyze potential disparities across our system.

- The OCA has experienced challenges obtaining data on arraignments that includes accurate data on the race/ethnicity of the youth who arraigned. As described on page 21, above, the arraignment data currently reported to the OCA by the Massachusetts Probation Service does not include Hispanic/Latino youth as a reported race/ethnicity category. Given that Hispanic/Latino youth are the largest marginalized community group in the state, that they are disproportionately represented in the juvenile justice system, and that the decision to arraign a youth is one of the most consequential decisions in the justice process, the JJPAD Board sees this as a particularly concerning gap in our data systems.
- Currently, DYS, DPH, and DCF are the only JJPAD Board data-holders able to report on the sexual orientation, gender identity status (i.e., gender and transgender status), or intersex status of youth in their care.
- Data on intersecting identities (e.g., gender and race, gender and age, race and age) is not widely reported to the JJPAD Board by any entity. The Trial Court makes this data available

on two dashboards: Delinquency Dismissals and Adjudications, and Applications for Delinquent Complaint.

Each of the barriers listed above limits the Board’s ability to recommend focused policy solutions. This is a problem when trying to assess disparate impacts. The way data is currently reported, for example, the Board is unable to say if Black girls have different outcomes at each stage of the system compared to Black boys or white girls with similar offenses. This specific example is important to highlight given national research on the overrepresentation of Black girls’ involvement in the juvenile justice system for certain offenses (e.g., school-related offenses).<sup>21</sup> In Massachusetts, we are unable to confirm whether the same disparate treatment is occurring with the way data is currently reported to the JJPAD Board.

### Finding #5: There is limited ability to report data on youth involved in multiple state systems

Part of the JJPAD Board’s 2021 [Work Plan](#) was to deepen our understanding of factors driving youth to cross over from the child welfare and Child Requiring Assistance (CRA) systems to the delinquency system and identify more effective ways to intervene earlier.<sup>22</sup> This population of youth (often referred to as “crossover youth”) has come to the Board’s attention over the years due to their complex case histories, potential need for increased support, and increasing proportional make-up of youth in the juvenile justice system.

There is no single state entity that oversees youth with multiple systems’ involvement, and **the state has limited capacity for cross-agency, especially cross-branch, research collaboration. This means the JJPAD Board is unable to answer some basic questions about this population.** The text box on the right includes some of those unanswerable questions.<sup>23</sup>

#### Examples of Questions about Crossover Youth That Cannot Currently Be Answered:

- How many youth with a Care & Protection (C&P) and/or a CRA filing have ever been arrested or had/have a Delinquency case?
- What percentage of youth currently on Probation for a Delinquency case previously or currently have an open Care & Protection (C&P) case??
- Do the needs of crossover youth in Massachusetts differ from youth with just child welfare system or just juvenile justice system involvement?
- Do the number and length of home removal episodes increase a youth's risk of juvenile justice involvement?
- What are the long-term outcomes for youth with both juvenile justice and child welfare system involvement?

<sup>21</sup> Morris, M. W., Conteh, M., & Harris-Perry, M. (2018). *Pushout: the criminalization of Black girls in schools*. The New Press.

<sup>22</sup> To learn more about the Board’s CY2021 work plan: <https://www.mass.gov/doc/jjpad-board-2021-work-objectives/download>

<sup>23</sup> For more information on what data can/cannot be reported for this group, see Appendix.

While *some* state entities hold *some* of this data, there is limited data and data sharing between agencies that would allow us to paint a full picture of crossover youth in Massachusetts using data. The JJPAD Board understands this lack of capacity derives from the major barriers cited above: the complexities of sharing record-level data across entities due to privacy and confidentiality concerns. This prevents any type of matching analysis across some agencies to determine which youth are crossover/multisystem youth. Youth with child welfare involvement and delinquency system involvement present unique needs and often have complex case histories. Depending on the level of child welfare involvement, it is likely they have also experienced significant trauma (e.g., maltreatment at home, being removed from home, placed in foster homes/congregate settings). National research indicates youth with both child welfare and juvenile justice system involvement go on to have worse life outcomes compared to youth with just juvenile justice or child welfare system involvement.<sup>24</sup>

Given all this, it is imperative the Commonwealth study crossover youth in Massachusetts, what their specific needs are, and how we might provide earlier interventions and support to prevent juvenile justice system involvement.

It is important to note, however, that this finding is not limited to just youth involved in both the juvenile justice and child welfare system and the entities that make up those two systems. Cross-agency data collaboration and reporting presents challenges **across** and **within** other executive branch secretariats and the judicial branch. Youth can have involvement with MassHealth, the Department of Mental Health, the Department of Public Health, the Juvenile Court, Probation and the Department of Youth Services without each entity necessarily knowing about the others' involvement.

Although some of these challenges are currently being addressed by the MDM project, described in the text box above, challenges in matching data across branches of government persist. The ability to match data across agencies becomes more critical from a case management and research perspective as more entities are providing services. This can, and often does, limit the ability of the Commonwealth to effectively serve youth served by multiple state entities efficiently and limits our ability to make data-informed decisions from the case management level through policies and legislation.

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<sup>24</sup> Culhane, D. et al. (2011). *Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in LA County*. Conrad N. Hilton Foundation.

### How Other Jurisdictions Combine Data from Multiple Entities to Inform Policymaking

University of Michigan’s [Child and Adolescent Data Lab](#) collects and analyzes administrative data across state agencies to help inform policy and practice. In Michigan, they worked with their DCF, Juvenile Court, Michigan State Police, their DYS, and their DESE to link data on child welfare and delinquency proceedings, child welfare investigations and open cases, juvenile arrests, and educational records to look at dual-system involvement and other life outcomes for youth.

Through **data sharing agreements**, they receive **record-level data** from each agency, and then **match** individuals across data sets using **probabilistic** techniques and **create a combined dataset** for analysis (removing identifiable information and re-assigning youth with unique identifiers to ensure anonymity). The process is in accordance with federal information sharing laws, which allows data sharing for research purposes with proper safeguards.

As a result, they can compare similarly situated youth and determine characteristics of youth with multi-system involvement in order to better serve those higher, more vulnerable groups of youth.

The lead investigator of this lab, Dr. Joseph Ryan, has worked with numerous states –Michigan, Illinois, Pennsylvania, Washington, California, Indiana, and Louisiana – on a variety of child welfare administrative data linking and analysis projects.

### Finding #6: There is limited ability to report data on youth life outcomes over time

The JJPAD Data Subcommittee has begun to discuss data beyond contact points between youth and the juvenile justice system. Specifically, the group has emphasized the need to report on short- and long-term outcomes for youth involved in the justice system. This data, which may be held by non-criminal justice agencies, is needed to understand and assess the impact of our juvenile justice system on youth over time and could provide information on how successful the system is at preventing future delinquency/criminal involvement, promoting positive youth outcomes, and improving public safety.

Currently, the only juvenile justice entity examining longer-term outcome data is DYS, through its annual report on recidivism and its Youth Engaged in Services (YES) aftercare program. The table below lists other potential short- and long-term outcomes the JJPAD Board recommends studying:

<b>Outcomes</b>	<b>Measures</b>	<b>Data Holder</b>
<b>Recidivism</b>	Re-arrested as juvenile	Executive Office of Public Safety and Security/NIBRS
	Re-arraigned as juvenile	Trial Court
	Re-adjudicated in the juvenile justice system	Trial Court



	Adult arrest	Executive Office of Public Safety and Security/NIBRS
	Adult arraignment	Trial Court/Department of Criminal Justice Information Services
	Adult sentence	Trial Court/Department of Criminal Justice Information Services
<b>Adult Criminal Justice System Involvement</b>	Arrest	Executive Office of Public Safety and Security/ NIBRS
	Arraignments	Trial Court/Department of Criminal Justice Information Services
	Sentencing	Trial Court/Department of Criminal Justice Information Services
	Probation conditions/length/violations/success rates	Probation
	Incarceration rates, length, release rates, activities involvement	County House of Corrections/Massachusetts Department of Corrections
	Parole decisions, parole violations, sex offender registry	Massachusetts Parole Board Sex Offender Registry Board
<b>Secondary Education</b>	School enrollment, grades, high school graduation rates, GED/HiSet attainment rates	Department of Elementary and Secondary Education
<b>Post- Secondary Education</b>	College enrollment, Associates' degree attainment, Bachelors' degree attainment, graduate school attainment, drop-out rates	Department of Higher Education
	Professional licenses	Division of Professional Licensure
	Unemployment rates, utilization unemployment insurance	Department of Unemployment Assistance
<b>Employment &amp; Earnings</b>	Salaries	Department of Revenue
<b>Utilization of Public Benefits</b>	Utilization of: Temporary Assistance for Needy Families (TANF) Supplemental Security Income (SSI), Supplemental Nutrition Assistance Program (SNAP)	Department of Transitional Assistance
	MassHealth Utilization	MassHealth
<b>Hospitalizations &amp; Disability</b>	Emergency room admittance	MassHealth
	Disability status	Department of Developmental Services, Commission for the Blind, Commission for the Deaf and Hard of Hearing, Rehabilitation Commission
<b>Mental Health/ Behavioral Health Services</b>	Inpatient psychiatric services, outpatient services	MassHealth/Department of Mental Health
<b>Substance Use Disorder</b>	Inpatient admissions, outpatient admissions	MassHealth/Department of Public Health

	Overdoses	Department of Public Health
<b>Family System</b>	Future allegations of child abuse, open child welfare case, custody, parental rights, permanency, out of home placements	Department of Children & Families
<b>Housing</b>	Home ownership rates, public housing, shelter use, rates of people experiencing homelessness	Office of Housing and Economic Development
<b>Positive Youth Development Measures</b>	Job experience and career planning, communication skills, family systems and support, community engagement and leadership, physical health, safe and healthy neighborhoods, positive peer support, perceptions of opportunity	No state agency currently collects this data electronically. These measures would require a focused research study.

## 2022 Recommendations

Based on the progress made since the 2019 report and the JJPAD Board’s updated findings in this report, the Board makes the following recommendations:

1. The JJPAD Board should study the feasibility of creating an Administrative Data Center to serve as Massachusetts’ central coordinator of record-level state data for child-serving entities. As detailed below, this recommendation could help address each of the JJPAD Board’s five findings in this report but requires further study by the JJPAD Board and Data Subcommittee.
2. The Legislature should consider policy changes to improve data availability in the short term.
3. Data holders and the OCA should collaborate to identify opportunities to expand the detail of available data.
4. Massachusetts should explore opportunities and partner with research institutions to conduct studies on long-term outcomes for youth who have contact with the juvenile justice system.

### Recommendation #1: The JJPAD Board should study the feasibility of creating an Administrative Data Center to serve as Massachusetts’ central coordinator of record-level state data for child-serving entities

Cross-agency record-level data collection and reporting by a singular entity would ameliorate the challenges limiting the JJPAD Board work presented in each finding detailed in this report. Data collection and anonymized reporting by a singular entity could:

- Address confidentiality concerns regarding reporting record level data

- Improve data matching challenges within juvenile justice entities and across other state systems
- Provide the opportunity for a richer analysis of data to focus the state’s policy recommendations.

Eventually, a central hub for row level data collection and anonymized reporting could compare similarly situated youth and their life outcomes to better serve more vulnerable groups of youth. This Center would also benefit the JJPAD Board and its ability to answer the most frequent questions we get regarding trends in publicly reported data: *“What is causing ‘x’ to happen?”* and *“What is the impact of ‘y’ on system utilization?”*

Implementing such a project would be a substantial undertaking, however. In the coming year, the JJPAD Board and Data Subcommittee should study the feasibility of implementing an Administrative Data Center in Massachusetts. The Board’s investigation should include:

- Successful models and lessons learned from other state or regional ADC models, including those hosted by a state agency, a university, and/or another non-governmental organization)
- Model Memoranda of Understanding (MOUs) or data sharing agreements across entities, data matching techniques used, and data security measures
- An assessment of any statutory changes that may be needed to permit/require the sharing of bulk data for research purposes while continuing to protect the confidentiality of individual information
- Costs associated with ADCs, including staffing, software and hardware technology for the Center as well as costs for partner entities

Based on this investigation, the JJPAD Board should make recommendations and detail for the state the pros and cons to developing an ADC for juvenile justice entities, other child-serving state entities, and youth in Massachusetts

## Recommendation #2: The Legislature should consider policy changes to improve data availability in the short term

There are immediate mechanisms available to the Legislature to increase the reporting of unavailable data elements. The mechanism may vary, however, depending on the reason the data is not currently reported:

- In some cases (detailed in Table 4, below), data is already collected by an agency in an electronic database, in a structured format. **In those cases, the barrier to producing data is analytic capacity, staffing resources and/or an agreement from data holders that producing the data is a priority.**

- In other cases (detailed in Table 5, below), data is either not collected at all, not collected electronically (e.g., in paper files), or not collected electronically in a structured format that allows for extraction (e.g., the data may be captured in case notes). In these situations, producing this data would **require changes to an electronic database or creation of a new database, as well changes in staff training and data collection processes.**

<b>Table 4: Unavailable Structured Juvenile Justice Data and Potential Legislative Responses</b>		
<b>Unavailable Data</b>	<b>Data-Holder</b>	<b>Potential Legislative Responses</b>
<b>Police use of diversion</b>	Police departments	<p>The Legislature could mandate that police departments track and report this data to EOPSS on a regular basis as described in H. 1795/S.1558, <i>An Act improving juvenile justice data collection</i>, introduced by Representative Miranda and Senator Creem.</p> <p>If this were to happen, there would likely be a need for additional funding to support training for police departments on how to properly collect and enter data to address data consistency challenges.</p>
<b>Police use of custodial arrests</b>	Police departments	<p>The Legislature could mandate that police departments track and report this data, including race/ethnicity, gender, and age of youth arrested to EOPSS on a regular basis. Including a time frame (e.g., monthly) for when reporting is to be completed would help ensure more current data is available.</p>
<b>Police use of summons</b>	Police departments	<p>The Legislature could mandate that police departments track and report this data to EOPSS on a regular basis. Including a time frame (e.g., monthly) for when reporting is to be completed would help ensure more current data is available.</p> <p>If this were to happen, there would likely be a need for additional funding to support training for police departments on how to properly collect and enter data to address data consistency challenges.</p>
<b>Arraignments</b>	DCJIS/Trial Court	<p>The Legislature could mandate that the Trial Court report arraignment data directly from their data systems, or mandate DCJIS collect and report both race and ethnicity data.</p>

**All other Unavailable data elements that are not currently collected in a structured manner are outlined in Table 5, below.**

**Table 5: Unavailable Juvenile Justice Data Points Not Available in Structured Data and Potential Legislative Responses**

<b>Unavailable Data</b>	<b>Data-Holder</b>	<b>Potential Legislative Responses</b>
<b>Clerk Decisions to Divert</b>	Trial Court	The Legislature could mandate that the Juvenile Court track and report this data on a regular basis. To ensure the production of this data, the Legislature would also need to allocate funding to the Trial Court to make modifications to the Trial Court’s case tracking system to collect this data electronically in a structured format that can be compiled for statistical purposes
<b>District Attorney use of diversion/ nolle prosequi</b>	District Attorney Offices	<p>The Legislature could mandate that District Attorney (DA) Offices track and report this data on a regular basis. For example, the annual state budget currently includes a requirement that the MDAA (line item 0340-2100) provide other forms of data about DA operations.</p> <p>If this were to happen, there would likely be a need for additional funding to support training for District Attorneys’ offices on how to properly collect and enter data to address data consistency challenges.</p> <p>Funding would also be needed to either build a new data management system or to build a supplemental data tracking system for this data (using software like Excel, as seems to be the method used by the Middlesex District Attorney’s Office).</p>
<b>Judicial diversion</b>	Trial Court	The Legislature could mandate that the Juvenile Court track and report this data on a regular basis. To ensure the production of this data, the Legislature would also need to allocate funding to the Trial Court to make modifications to the Trial Court’s case tracking system to collect this data electronically in a structured format that can be compiled for statistical purposes
<b>Plea offers &amp; acceptance</b>	District Attorney Offices	<p>The Legislature could mandate that District Attorney Offices track and report this data on a regular basis.</p> <p>If this were to happen, there would likely be a need for additional funding to support training for District Attorneys’ offices on how to properly collect and enter data to address data consistency challenges.</p> <p>Funding would also be needed to either build a new data management system or to build a supplemental data tracking system for this data (using software like Excel).</p>
<b>Pretrial Conditions of Release</b>	Trial Court	The Legislature could mandate that the Juvenile Court track and report this data on a regular basis. To ensure the production of this data, the Legislature would also need to allocate funding to the Trial Court to make modifications to the Trial Court’s case tracking system to

		collect this data electronically in a structured format that can be compiled for statistical purposes.
<b>58A Hearing Outcomes</b>	Trial Court	The Legislature could mandate that the Juvenile Court track and report this data on a regular basis. To ensure the production of this data, the Legislature would also need to allocate funding to the Trial Court to make modifications to the Trial Court’s case tracking system to collect this data electronically in a structured format that can be compiled for statistical purposes
<b>Transfer hearings (72A hearings)</b>	Trial Court	The Legislature could mandate that the Juvenile Court track and report this data on a regular basis. To ensure the production of this data, the Legislature would also need to allocate funding to the Trial Court to make modifications to the Trial Court’s case tracking system to collect this data electronically in a structured format that can be compiled for statistical purposes
<b>Pretrial Decision-making</b>	Trial Court	The Legislature could mandate that the Juvenile Court track and report this data on a regular basis. To ensure the production of this data, the Legislature would also need to allocate funding to the Trial Court to make modifications to the Trial Court’s case tracking system to collect this data electronically in a structured format that can be compiled for statistical purposes.
<b>Competency hearings &amp; assessments</b>	Trial Court	The Legislature could mandate that the Juvenile Court track and report this data on a regular basis. To ensure the production of this data, the Legislature would also need to allocate funding to the Trial Court to make modifications to the Trial Court’s case tracking system to collect this data electronically in a structured format that can be compiled for statistical purposes.
<b>Pretrial Conditions of Probation</b>	Trial Court/Probation	The Legislature could mandate that the Juvenile Court track and report this data on a regular basis. To ensure the production of this data, the Legislature would also need to allocate funding to the Trial Court to make modifications to the Trial Court’s case tracking system to collect this data electronically in a structured format that can be compiled for statistical purposes.
<b>Post-Disposition Probation Conditions</b>	Trial Court/Probation	The Legislature could mandate that the Juvenile Court track and report this data on a regular basis. To ensure the production of this data, the Legislature would also need to allocate funding to the Trial Court to make modifications to the Trial Court’s case tracking system to collect this data electronically in a structured format that can be compiled for statistical purposes.

<b>Probation conditions violated</b>	Trial Court/Probation	The Legislature could mandate that the Juvenile Court track and report this data on a regular basis. To ensure the production of this data, the Legislature would also need to allocate funding to the Trial Court to make modifications to the Trial Court’s case tracking system to collect this data electronically in a structured format that can be compiled for statistical purposes.
<b>Probation violation outcomes</b>	Trial Court	The Legislature could mandate that the Juvenile Court track and report this data on a regular basis. To ensure the production of this data, the Legislature would also need to allocate funding to the Trial Court to make modifications to the Trial Court’s case tracking system to collect this data electronically in a structured format that can be compiled for statistical purposes.
<b>Sealing/Expungement</b>	Probation	The Legislature could allocate funding to Probation to collect this data electronically in a structured format that can be compiled for statistical purposes.

**Each of the above data elements inform the JJPAD Board’s ability to evaluate the state’s juvenile justice system policies and practices.** While significant progress has been made over the past few years, barriers – including, in many cases, technology and resource barriers – to producing some data elements continue to exist. These challenges, and discussions on these challenges, pre-date the establishment of the JJPAD Board. To increase the availability of additional data that can help inform policymaking, the Legislature could consider statutory changes, budgetary allocations, and any other strategies available to the Legislature to ensure the collection and production of the data that is still unavailable.

Given that creating the capacity to collect this data in a structured format that allows for data to be more readily reported could be a significant undertaking, the Data Subcommittee recommends the following questions be considered and weighted when prioritizing data system upgrades and data reporting requirements:

- 1. What would it cost to produce this data report?** As noted above, additional resources may be needed to accurately collect and report unavailable data elements. In some cases, the need for additional resources may be small; in other cases, it may be very costly. The Legislature could consult with impacted entities on the level of funding that would be needed to produce said data and whether that funding is for database modifications (which may be a capital expenditure) and/or staffing resources to support analytic needs. This will allow the Legislature to weigh the benefits (as outlined in # 2 and #3, below) of ensuring these data elements are available to the Legislature and the public with the costs of producing it.
- 2. How might this data element inform policy decisions?** The ultimate goal of the data analysis efforts is to inform policy decision-making. When determining what data to collect

and analyze, it's important to consider how the information could be used, and what might be done differently as a result of this information (e.g., is this data actionable?).

- 3. How many individuals are represented in the data element, and how “important” or “impactful” is a given decision point?** In general, data can be most useful for understanding trends at decision points that impact larger numbers of youth: it is more likely this data can be meaningfully disaggregated to better understand trends and drivers, and it is more likely that shifts over time are statistically significant. At the same time, there are certain decisions made in the juvenile justice system (for example, the decision to prosecute a youth in adult court) that impact a relatively small number of youth but that have a very large impact on the life of each of those youths. Tracking this data can still be useful for identifying trends and disparities, even if the number of youth impacted is relatively small.

### Recommendation #3: Data holders and the OCA should collaborate to identify opportunities to expand the detail of available data

Data holders and the OCA should continue to collaborate to identify ways of providing data beyond aggregate totals currently reported, such as data that would allow the Board to analyze trends by quarter, offense severity measures, and intersectional demographic measures. Any identified barriers, including financial resources, to achieving a higher level of detailed reporting should be noted in the JJPAD Board's Annual Report.

### Recommendation #4: Massachusetts should explore opportunities and partner with research institutions to conduct studies on long-term outcomes for youth who have contact with the juvenile justice system

While one-off studies cannot provide the level of continuous quality improvement that annual, re-occurring data can, some research questions can start to be answered by conducting independent studies. The state should explore opportunities for funding and partnerships to support Universities and/or research centers to conduct independent, longitudinal research on the impacts of juvenile justice system utilization on youth over time. Researchers should work collaboratively with the JJPAD Board and member entities in developing research to assess the impact juvenile justice system contact has on the outcome measurement mentioned in the Findings section of this report, and others.



# Commonwealth of Massachusetts Office of the Child Advocate



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