



Juvenile Justice Policy and Data Board

Improving Access to Massachusetts Juvenile Justice System Data

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

JUNE 2019

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Members of the JJPAD Board

Member Name	Affiliation/Appointing Organization
Maria Mossaides, Chair	Office of the Child Advocate
Representative Carolyn Dykema	House of Representatives (Speaker of the House)
Representative Timothy Whelan	House of Representatives (Minority Leader)
Senator Joseph Boncore	State Senate (Senate President)
<i>No Appointment Made</i>	State Senate (Minority Leader)
Deputy Court Administrator Thomas Capasso	Juvenile Court
Commissioner Edward Dolan	Massachusetts Probation Service
Commissioner Peter Forbes	Department of Youth Services
Assistant Commissioner Rebecca Brink	Department of Children and Families
Deputy General Counsel Cristina Tedstone	
Assistant Commissioner Nancy Connolly, Psy.D.	Department of Mental Health
Associate Commissioner Lindsey Tucker	Department of Public Health
General Counsel Katherine Lipper	Executive Office of Education
Barbara Kaban	Committee for Public Counsel Services
<i>No Appointment Made¹</i>	Massachusetts District Attorney Association
Ruth Budelmann	Juvenile Justice Advisory Committee
Naoka Carey	Citizens for Juvenile Justice
Tammy Mello	Children's League of Massachusetts
Police Chief Kevin Kennedy	Massachusetts Chiefs of Police Association
Dawn Christie	Parent of child who has been subject to juvenile court jurisdiction

¹Michael Glennon of the Suffolk County District Attorney's Office has participated in the work of the JJPAD Subcommittees as a temporary MDAA representative during the period over which this report was compiled.

<i>No Appointment Made</i>	Parent of child who has been subject to juvenile court jurisdiction
<i>No Appointment Made</i>	Individual with experience or expertise related to design and implementation of state administrative data systems

Members of the JJPAD Data Subcommittee

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

Member Name	Affiliation
Maria Mossaides, Chair	Office of the Child Advocate
Elizabeth Walk	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
Abigail Averbach	Department of Public Health
Katherine Lipper	Executive Office of Education
Barbara Kaban	Committee for Public Counsel Services
Michael Glennon	Massachusetts District Attorney Association
Leon Smith	Citizens for Juvenile Justice
Naoka Carey	
Lydia Todd	Children’s League of Massachusetts
Patricia Bergin	Invited Guest of the Subcommittee from the Executive Office of Public Safety & Security
Kristina Johnson	Invited Guest of the Subcommittee from the Executive Office of Technology Services and Security
Melissa Threadgill (Staff)	Office of the Child Advocate
Lindsay Morgia (Staff)	Office of the Child Advocate
Melissa Williams (Staff)	Office of the Child Advocate

Guide to Acronyms

Acronym	Definition
CPCS	Committee for Public Counsel Services (Public Defenders)
DCF	Department of Children and Families
DESE	Department of Elementary and Secondary Education
DMH	Department of Mental Health
DPH	Department of Public Health
DYS	Department of Youth Services
EOE	Executive Office of Education
EOHHS	Executive Office of Health & Human Services
EOPSS	Executive Office of Public Safety & Security
EOTSS	Executive Office of Technology Services & Security
JJPAD	Juvenile Justice Policy and Data Board
MDAA	Massachusetts District Attorney Association
NIBRS	National Incident-Based Reporting System
UCR	Uniform Crime Report
YO	Youthful Offender (see MGL Chapter 119 Section 52)

INTRODUCTION

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 30th, 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 following findings and recommendations are the result of the JJPAD Board’s first six months of work.

FINDINGS

Lack of Available Data Often Impedes Our Ability to Make Data-Informed Decisions about Policy and Practice

There is widespread agreement among juvenile justice stakeholders that high quality data can and should be used to help policymakers, practitioners, and the public evaluate current practice, guide decisions on policy moving forward, and track our system’s progress over time:

- Understanding how youth enter and flow through our juvenile justice system, and at what rates, allows us to better plan for service delivery and manage our resources more effectively.

- Evaluating the connection between system actions and youth outcomes allows us to develop better interventions and have a more positive impact on the youth we serve.
- Examining differences by geography and demographic groups (including gender, race, and ethnicity) allows us to uncover and ultimately address any disparities in treatment and outcomes for particular groups of youth.

The JJPAD Board also found that juvenile justice agencies in Massachusetts have made significant progress in recent years in collecting, analyzing, and using data to inform decisions. Agencies have made investments in staff and database technology to improve data collection and analysis, entered into various data-sharing agreements to increase interagency coordination, and begun to make cultural shifts within agencies toward greater use of data to track progress and inform changes in practice.

Despite this progress, 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. In particular, the JJPAD Board finds that:

- Data at key decision-points is either not collected or collected in such a way that does not allow it to be readily analyzed and reported in the aggregate.
- Not all agencies are consistently collecting or reporting data on youth race or ethnicity, which hampers our ability to examine or track racial and ethnic disparities in our juvenile justice system.

Examples of Questions about our Juvenile Justice System That Can't Currently Be Answered

- How often are youth who are alleged to have committed unlawful behavior offered diversion by law enforcement, district attorneys, clerk magistrates and/or juvenile court judges – and does that differ depending on the county or the race/ethnicity of the youth?
- How effective are the various diversion practices and programs across the state?
- Is a youth in one county more likely to be committed to DYS than a youth in another county – even if they have committed the same offense and have a similar record?
- How do outcomes differ for youth depending on whether they have appointed or retained counsel?
- How long do youth spend on probation?
- How many youth involved in the juvenile justice system have a mental health concern or substance abuse need?
- What are the short- and long-term outcomes (positive and negative) for youth who are involved with our juvenile justice system – and how do those outcomes differ based on the way in which we intervene in their lives?

- Data that is collected is often not shared – even in the aggregate – with stakeholders outside the agency that collects the data.
- To the extent aggregate data is shared by agencies, the reports often come on different cycles or using different data definitions, making it difficult to compare data across agencies or develop a bigger picture understanding of our entire juvenile justice system.
- Data that is shared is not always broken down by geography (e.g. town, county or court). This makes it impossible to see if there are regional differences in how the system functions – and may have the effect of obscuring worrying regional trends.
- A combination of confidentiality laws and insufficient cross-agency coordination makes it difficult to track youth as they move through the system – which in turn limits our ability to evaluate program and policy effectiveness.

In “An Act Relative to Criminal Justice Reform,” the Legislature requested that the JJPAD Board examine the feasibility of collecting “*aggregate statistical data for every contact a juvenile has with criminal justice agencies,*” and went on to specifically define “*criminal justice agencies*” and “*contact.*” A detailed examination of juvenile justice system data availability and gaps according to this definition can be found in the Appendices:

- A description of juvenile justice contact points that meet the criteria defined by the Legislature is included in **Appendix A**.
- An assessment of what data is/is not currently collected at these contact points, able to be reported in the aggregate, and able to be disaggregated by various demographic characteristics is included in **Appendix B**.

Juvenile Justice Agencies Face Numerous Barriers to Improving Data Availability

There is considerable support among the leadership of juvenile justice agencies for the goal of improving data collection, reporting and coordination – and, as noted above, many agencies have taken significant strides forward in recent years.

However, agencies face barriers to reaching those goals – some of which have obvious (if not necessarily easy or inexpensive) solutions, and others which are more complicated to tackle:

Numerous Agencies Hold Juvenile Justice Data: The complex nature of our juvenile justice system and the large number of relevant data-holding agencies – all of whom report to different leaders and constituencies – makes coordination on data extremely difficult. As shown in the table to the right, data about youth entering and moving through the juvenile justice system is collected and held by many agencies which operate at multiple levels of government, and across several Secretariats and branches of government. Still more child-serving agencies hold data that is relevant to understanding youth background and outcomes.

Staff Resources & Expertise: Data collection, analysis and reporting requires significant staff resources. Staff time is needed to input data – and there are tradeoffs to be considered, as increased data collection can impact line staff ability to meet other core job functions. Time a caseworker spends entering data into a database is time not spent with clients, for example. In addition, caseworkers and providers who are charged with entering data are often not provided with the data once aggregated, a critical step in the process that could help them improve their practice and better appreciate the need for data collection in the first place.

Staff time is also needed to train line staff on how data should be entered (including in some cases basic computer literacy training), ensure data quality, design and develop databases, and extract, analyze and report data.

As the demand for data has grown, so too have the demands on agency data and research staff. Data staff also increasingly need specialized skills, such as coding in particular programming languages, to produce reports.

Specialized skills are also needed when an agency decides to procure new technology. Technology projects have the potential to be complicated, time-consuming – and expensive. To ensure that the agency gets the product it needs in a timely and cost-effective manner, agencies need staff that both understand the particular business needs of the agency *and* have the expertise needed to choose between and effectively negotiate with technology vendors.

Agencies Holding Juvenile Justice System Data:

- Police Departments
- District Attorneys’ offices
- The Trial Court
- Massachusetts Probation Service
- Department of Youth Services
- Executive Office of Public Safety and Security
- Committee for Public Counsel Services

Agencies with Important Supplemental Data:

- School districts
- Department of Secondary and Elementary Education
- Department of Children and Families
- Department of Mental Health
- Department of Public Health
- Community non-profit providers

Technology Resources: Although many agencies have made, and continue to make, investments in data technology and computer hardware, many are still hampered by older data systems with limited functionality, data entry interfaces that are difficult and time-consuming for staff to use, and/or systems that are not designed for looking at data in the aggregate (versus looking at data on a case-by-case basis.) Agencies may also have outdated computer hardware that make data entry or analysis more difficult and time-intensive than it would be with newer hardware. Many agencies have a long list of desired upgrades to data systems in a queue. Although increased funding for technology upgrades would in many cases help, time to design and implement database upgrades is also a limiting factor.

Procedural Barriers: In some cases, there are procedural barriers to collecting new types of data. For example, some agencies have to negotiate changes in data entry requirements with staff unions – as it may be considered a change in job description – and update agency policies and procedures accordingly. This negotiation has to take place before the agency’s database can be modified, which in of itself can take a significant amount of time. As a result, it can take well over a year from when an agency decides to collect a new type of data to when that data begins to be collected – and then longer still before enough data has been collected that it can be analyzed.

State and Federal Privacy Statutes: A variety of state and federal laws regulating the confidentiality of juvenile records can, at times, be an impediment to cross-agency data sharing projects. Although the laws permit agencies to share data at an aggregate level, these laws can at times interfere with, or at least complicate, efforts to combine individual-level data from multiple agencies for research or evaluation purposes.² It is also critically important to ensure the security of any personally identifiable data that is collected. The JJPAD Board believes maintaining the confidentiality of juvenile records is critically important, while recognizing that in certain situations this can create a barrier to reaching data reporting goals.

There is a Need for Increased Coordination of Aggregate Statistical Data Collection and Reporting

Despite the gaps in data availability noted in this report, a significant amount of critical data *is* currently collected and able to be reported. Some of this data is already reported by individual agencies on their websites.

² Of note, in October 2018 multiple Executive Branch agencies across four Secretariats signed a data-sharing Memorandum of Understanding (MOU) that is designed to “facilitate an efficient culture of innovation and robust, data-driven interagency collaboration that safeguard and shield against disclosure of protected data as required by law.” Many of the agencies on this JJPAD Board are signatories to the MOU. While this is currently only an Executive Branch effort, it is a promising practice that may provide a model for overcoming these record confidentiality challenges.

However, because this 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. **A greater level of coordination around the reporting of this aggregate data would amplify our ability as a Commonwealth to analyze and use juvenile justice data to drive decision-making.**

Increased coordination could include:

- Collecting aggregate data reports from individual agencies and publishing them in one central repository
- Aligning reporting timetables so that data is reported on a regular, standardized basis (quarterly for some indicators; annually for others)
- Aligning definitions of key terms (e.g. race and ethnicity categories) across juvenile justice agencies
- Documenting data definitions and any contextual information needed to properly interpret the data
- Working collaboratively with agencies and community members to determine how existing, new or slightly different data might support and strengthen agency work for youth and families, particularly when one agency is responsible for collecting and aggregating data that another agency might find invaluable to its work

Sharing Aggregate Data on a Publicly Available Website Would Benefit Justice System Practitioners as well as the Public

The legislation creating the JJPAD Board requests that the Board develop “*recommendations for the creation of a web-based statewide information center to make relevant juvenile justice information on operations, caseloads, dispositions and outcomes available in a user-friendly, query-based format for stakeholders and members of the public.*”

The JJPAD Board finds that such a website would have numerous benefits for juvenile justice system practitioners, stakeholders, researchers, members of the Legislature and interested members of the public.

Given that juvenile justice data is spread across multiple agencies, it can be difficult for anyone – from members of the public to justice system leaders – to gain a big-picture understanding of the entire juvenile justice system. Too often, even those who work in these systems – from line staff to senior leadership – do not have easy access to aggregate data held by other agencies that could aid planning and inform decision-making.

The juvenile justice system is unique in that practitioners are spread across multiple levels and branches of government. Whereas a single agency can make data reports available to staff on an internal intranet, this approach isn’t feasible given the sheer number of individuals who work

across the various agencies that make up our juvenile justice system. As a result, the only way to make data on key system trends available to all practitioners is to make it public.

A central coordinating entity could facilitate this by putting aggregate data on a publicly available website, with any contextual information and data definitions necessary to ensure data is properly interpreted. This would put more data in the hands of system practitioners, in addition to the benefits it would provide to the Legislature and interested members of the public.

RECOMMENDATIONS

The JJPAD Board was asked to look at the feasibility of the Office of the Child Advocate (OCA) “*creating and annually updating an instrument to record aggregate statistical data for every contact a juvenile has with criminal justice agencies*” and of “*all offices and departments...using the instrument to record a juvenile’s contact.*”

At the current time, it is only *partially* feasible to reach this goal, for two primary reasons:

- Not all data elements that would meet the definition of “contact” with a juvenile justice agency are currently collected or able to be reported in the aggregate (see Appendix B)
- Not all juvenile justice agencies are statutorily mandated to share data with the Office of the Child Advocate³

Although the goal as outlined by the Legislature cannot be completely reached at this time, the JJPAD Board has developed several recommendations for steps that should be taken to move closer toward this goal.

The JJPAD Board has also identified the specific aggregate data elements that cannot currently be collected by the OCA, the reason why, and what actions the Legislature could take to ensure the aggregate data is shared with the OCA.

For the purposes of this initial report, the JJPAD Board adhered closely to the specific legislative request made in “An Act Relative to Criminal Justice Reform,” which focused on

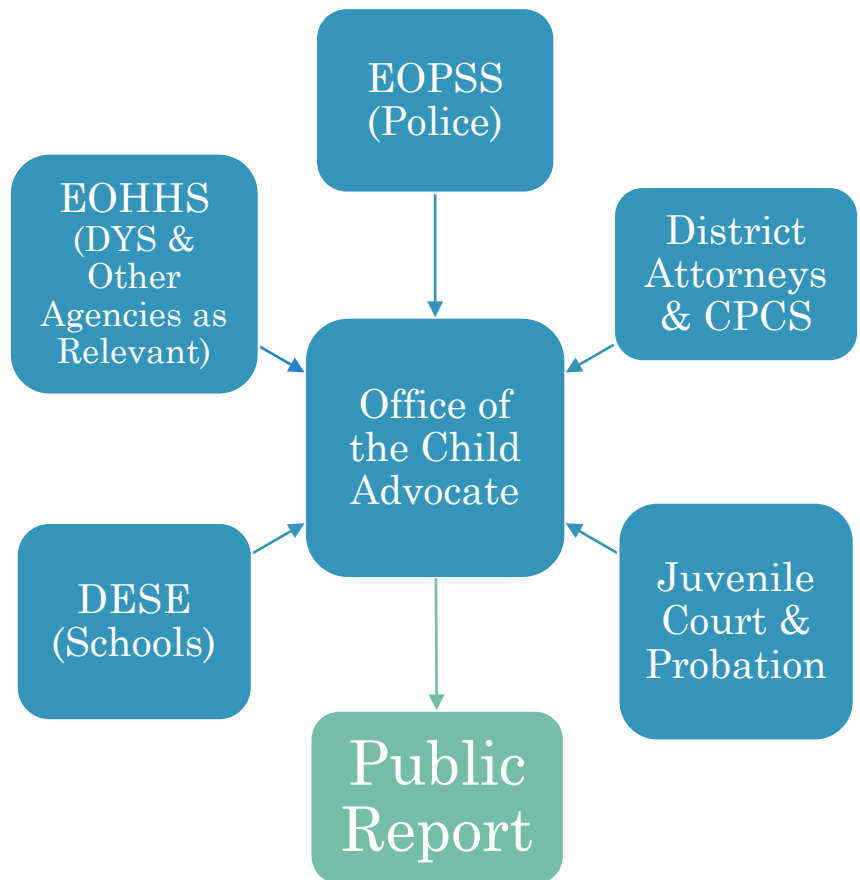
³ The OCA’s enabling statute ([Chapter 18C](#)) gives the office the authority to request and receive unrestricted access to executive branch agency electronic information systems records and reports in order to better understand the needs of children in the custody of the Commonwealth or who are receiving services from an executive agency. The OCA is also permitted to disclose statistical compilations of data which do not contain personally identifiable information to the public.

youth contacts with criminal justice agencies. As a result, this report does not include details on other relevant data elements – including, importantly, data on short- and long-term outcomes for justice-involved youth that may be held by non-criminal justice agencies – that are needed to understand and assess the impact of our juvenile justice system. As outlined in “Next Steps” below, the JJPAD Board will make recommendations regarding additional needed data elements in future reports.

The OCA Should Serve as the Central Coordinator for Juvenile Justice System Aggregate Data

The JJPAD Board recommends that the OCA, in partnership and consultation with the JJPAD Board, serve as a central coordinator for juvenile justice system aggregate data. In that role, the OCA should:

- Request aggregate data (as outlined in Appendix A) from juvenile justice agencies and collect that data to the extent agencies are able and willing/required to share it
- Request and publicly report system data on a regular timetable: at least annually, and as frequently as quarterly to the extent agencies have the resources to meet quarterly data requests
- Work with agencies to document data definitions and other relevant contextual information, develop common definitions for key data elements to the extent possible, and address other barriers to cross-agency data sharing and analysis
- In partnership with juvenile justice agencies, highlight data trends, continue to refine key metrics, and generally support the increased use of juvenile justice system data to inform policy and practice

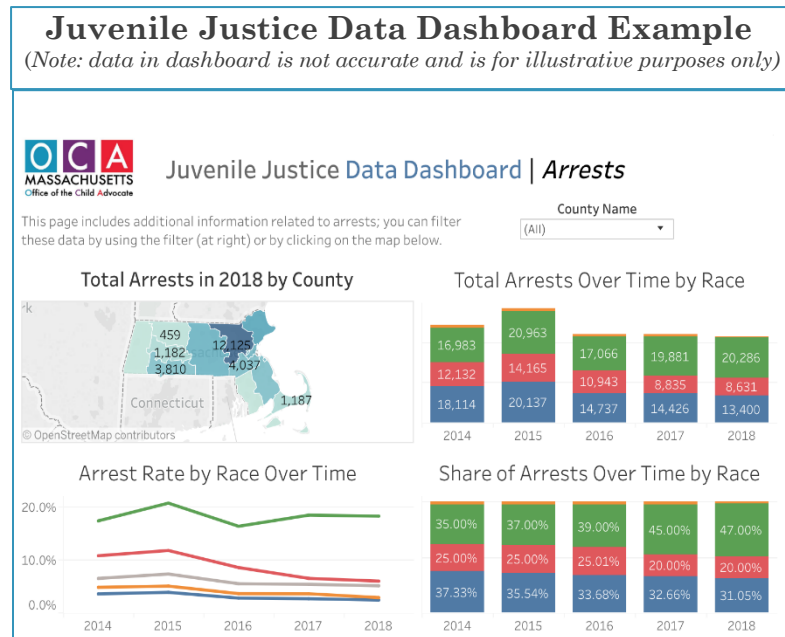


The OCA Should Develop a Juvenile Justice System Data Website

The JJPAD Board recommends that the OCA create a statewide information center that makes aggregate juvenile justice system data (collected as described above) publicly available, as envisioned by the Legislature in “An Act Relative to Criminal Justice Reform.”

The website should:

- Make available aggregate statistical data on juvenile contacts with justice agencies, as well as other relevant information regarding operations, caseloads, and outcomes
- To the extent possible, include historical data to help demonstrate changes and progress that have been made over the past five to ten years
- Include contextual information, developed in partnership with participating agencies, to help readers better understand the data they are viewing
- Be interactive and keep pace with current data visualization best practices, allowing users to break information down by demographics or geographic regions to the extent possible



In addition to providing a “one-stop shop” for juvenile justice system stakeholders, policymakers and members of the public to go to get up-to-date information about our juvenile justice system, the website could also potentially reduce the number of data requests made to individual state agencies and provide agencies an easy place to direct inquires for data.

The Legislature Should Consider Policy Changes to Improve Data Availability

As noted above, and described in detail in Appendix B, there are critical gaps in juvenile justice system data availability. The JJPAD Board believes that improving data availability would benefit the Commonwealth by enhancing our ability to evaluate current practice, spot positive or worrisome trends, and guide decisions on policy moving forward.

However, the JJPAD Board also recognizes that increasing data availability can be a difficult undertaking, and at times may require increased funding and/or a statutory change to require the collection and reporting of certain data elements.

The chart below highlights the key data elements that currently cannot be reported to the OCA, the reason why (as reported to the OCA by the relevant agencies), and what action(s) the Legislature could take to ensure the aggregate data is reported to the OCA.

Missing Data	Data-Holder	Why Data is Unavailable ⁴	Sample Questions Data Could Help Answer	Potential Legislative Responses
Data on police use of summons and diversion	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"> • How often do police departments use pre-arraignment diversion? • Are there differences in the use of diversion by race/ethnicity, or from town to town? 	<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</p>

⁴ As reported to the OCA by the relevant agencies

Missing Data	Data-Holder	Why Data is Unavailable ⁴	Sample Questions Data Could Help Answer	Potential Legislative Responses
<p>Data on District Attorney decisions re: prosecutions & diversion</p>	<p>District Attorney Offices</p>	<p>This is no statutory requirement that DA Offices collect or report this data.</p> <p>There is variation from DA office to DA office with regards to what data is currently tracked and how data categories are defined. Although there are some data elements that are tracked and can be obtained by the OCA from all 10 District Attorney offices, other important data elements are only tracked by a proportion of DA offices.</p>	<ul style="list-style-type: none"> • How often do DAs offer diversion? • Are there differences in the use of diversion by race/ethnicity, or from DA office to DA office? 	<p>data consistency challenges.</p> <p>The Legislature could mandate that District Attorney Offices track and report this data on a regular basis.</p> <p>The database used by the District Attorneys (“DAMION”) is several decades old and not currently capable of tracking all of the data requested by the Legislature. Some offices currently collect additional data using Excel spreadsheets. Although technically feasible, this system is inefficient, costly with regards to staff time, and can lead to data quality/reliability challenges.</p> <p>The MDAA reports that certain data elements (such as the number of youth who are</p>

Missing Data	Data-Holder	Why Data is Unavailable ⁴	Sample Questions Data Could Help Answer	Potential Legislative Responses
				<p>offered diversion) are tracked by all 10 DA offices and can be shared with the OCA, but that collecting and reporting <u>all</u> of the requested data in all ten counties would require the purchase of a new case management system.⁵</p>
<p>Data on Clerk Magistrate diversion</p>	<p>Juvenile Court</p>	<p>There is no statutory requirement that the Juvenile Court collects or reports this data. It is not currently available due to inconsistencies in the data.</p>	<ul style="list-style-type: none"> • How often do clerks offer diversion? • Are there differences in the use of diversion by race/ethnicity, or from court location to court location? 	<p>The Legislature could mandate that clerks and the Juvenile Court track and report this data on a regular basis. Given that the data is currently not available due to inconsistencies, additional training and data quality control measures may be required, which may in turn require</p>

⁵ The MDAA reports that in FY2014 and FY2015, the Legislature funded MDAA to retain a consultant who evaluated the current data system and current business needs of the District Attorney offices and helped MDAA prepare a report that details the requirements for a Request for Proposals for a new case management system. However, the MDAA reports that it has been unable to secure further funding to proceed with the purchase of a more modern case management system.

Missing Data	Data-Holder	Why Data is Unavailable ⁴	Sample Questions Data Could Help Answer	Potential Legislative Responses
				additional funding.
Data on the use of judicial diversion	Juvenile Court	There is no statutory requirement that the Juvenile Court collects or reports this data. It is not currently available due to inconsistencies in the data.	<ul style="list-style-type: none"> • How often do judges offer diversion? • Are there differences in the use of diversion by race/ethnicity, or from court location to court location? 	<p>The Legislature could mandate that the Juvenile Court track and report this data on a regular basis.</p> <p>It is worth noting that the Legislature created the judicial diversion option just over a year ago, and it frequently takes time to work through data quality challenges. That said, given that the data is currently not available due to inconsistencies, additional training and data quality control measures may be required, which may in turn require additional funding.</p>
Data on various pretrial decisions (58A hearings, use of bail,	Juvenile Court	There is no statutory requirement that the Juvenile Court collects or reports this data. The Juvenile	<ul style="list-style-type: none"> • How often is monetary bail used, and in what amounts? • What kinds of pre-trial 	The Legislature could mandate that the Juvenile Court collect and report this data. However, given the complexity of

Missing Data	Data-Holder	Why Data is Unavailable ⁴	Sample Questions Data Could Help Answer	Potential Legislative Responses
pretrial release conditions)		Court reports that most of this information (excluding bail conditions) is currently collected in MassCourts, but that reporting this information is not currently feasible due to the complexity of the analysis required and the amount of time and resources needed to complete it.	<ul style="list-style-type: none"> release conditions are used? Are there differences in the use of bail and pretrial release conditions by race/ethnicity or from court location to court location? 	the analysis, additional funding for staff and/or programming would likely be needed to report this data.
Data on plea offers	District Attorney Offices	There is no statutory requirement that District Attorneys' offices collect or report this information. Currently, this information is captured in paper files, making aggregate reporting difficult and time consuming.	<ul style="list-style-type: none"> How do District Attorneys use their power to offer plea deals to defendants? Are there differences in the pleas that are offered by race/ethnicity or other patterns? 	<p>The Legislature could mandate that District Attorney Offices track and report this data on a regular basis.</p> <p>However, as noted above, the DAMION database is not set up to collect this information electronically, and additional funding for computer software and/or staff to input data would likely be needed.</p>
Data on judicial dispositions	Juvenile Court	There is no statutory requirement that	<ul style="list-style-type: none"> How many youth charged in court are found to 	The Legislature could mandate that the Juvenile

Missing Data	Data-Holder	Why Data is Unavailable ⁴	Sample Questions Data Could Help Answer	Potential Legislative Responses
		the Juvenile Court collects or reports this data. The Juvenile Court reports that reporting this information is not currently feasible due to the complexity of the analysis required and the amount of time and resources needed to complete it.	<ul style="list-style-type: none"> have committed a crime? What percentage of arraigned youth are placed on Probation or committed to DYS? Are there substantial differences in the rate at which youth are sent to DYS from county to county? 	Court collect and report this data. However, given the complexity of the analysis, additional funding for staff and/or programming would likely be needed to report this data.
Data on responses to probation violation notices	Juvenile Court	There is no statutory requirement that the Massachusetts Probation Service/Juvenile Court collects or reports this data. This data is currently collected by hand, making it infeasible to report in the aggregate.	<ul style="list-style-type: none"> How do Probation Officers and judges respond to different kinds of probation violations? Are there differences in responses by race/ethnicity or from county to county? 	<p>The Legislature could mandate that the Juvenile Court collect and report this data.</p> <p>However, the Juvenile Court reports that it is currently working on improving capacity to collect and report this information.</p>

NEXT STEPS:

This report represents the first six months of work of the Data Subcommittee of the JJPAD Board. Moving forward, the Data Subcommittee intends to focus on the following projects:

- Develop a procedure and regular timetable for reporting available aggregate data (as outlined in Appendices below) to the OCA

- Work in partnership with the OCA to develop and launch a Juvenile Justice Data Website, as envisioned above
- Produce and analyze data that will help the full JJPAD Board assess the impact of the juvenile justice provisions of “An Act Relative to Criminal Justice Reform” (April 2018), according to the framework outlined in the law
- Develop an interagency data collection and reporting plan, which may include:
 - Aligning data definitions where possible
 - Developing a shared understanding of each agency’s available data, data definitions, and data procedures
 - Identifying ways to improve inter-agency data sharing and collaboration on research projects, such as establishing Data Use License Agreements (DULA) under the framework created under the October 2018 Executive Branch data-sharing memorandum of understanding (MOU)
 - Supporting agency data leaders to define and address the range of challenges to collecting and reporting of data by bringing them together to share best practices and creative solutions, and to more specifically inform the Legislature regarding the nature of the technical limitations in current systems
- Identify and develop a plan for collecting data on short- and long-term outcomes (including positive outcomes such as educational attainment as well as negative outcomes such as recidivism) for youth who are involved with our juvenile justice system
- Host learning and discussion sessions with experts from EOTSS and area universities to identify:
 - Potential innovations in technology that may help improve state agency capacity to collect, analyze, share and/or report data
 - Potential academic research collaborations

Appendix A: Contact Points Meeting Legislative Requirements

In “An Act Relative to Criminal Justice Reform” (2018), the Legislature asked the JJPAD Board to make a recommendation on the feasibility of collecting “*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 Legislature defined “criminal justice agencies” and “contact” as follows:

“Criminal justice agencies”, agencies at all levels of government which perform as their principal function, activities relating to: (a) crime prevention, including research or the sponsorship of research; (b) the apprehension, prosecution, adjudication, incarceration or rehabilitation of criminal offenders; or (c) the collection, storage, dissemination or usage of criminal offender record information.

“Contact”, any action or decision by criminal justice agencies or by any other official of the commonwealth or private service provider under contract or other agreement with the commonwealth, involving a juvenile at any stage of the juvenile justice system which causes such juvenile to enter or exit the juvenile justice system or which will change the custodial status, liberty, case processing or status of the juvenile within the juvenile justice system.

What follows is a list of contact points that meet the Legislature’s request, as defined above. The chart is organized by contact point and includes information on who is part of making the decision at that point, which agency holds information on decisions made at that point, and what the possible decisions could be at that point of contact.

Contact Point	Who Is Part of Decision	Who Holds Data	Possible Choices
Contact with Youth Allegedly Committing Unlawful Behavior	<ul style="list-style-type: none"> • Police Officer • School Resource Officer 	<ul style="list-style-type: none"> • Police Departments • School Districts (in-school arrests) • EOPSS (reported from police departments) • DESE (reported 	<ul style="list-style-type: none"> • Arrest & take into custody <ul style="list-style-type: none"> ◦ May or may not result in charges being filed • File application for delinquency complaint with court without taking into custody • School-level intervention

Contact Point	Who Is Part of Decision	Who Holds Data	Possible Choices
		from school districts)	<ul style="list-style-type: none"> • Informal diversion (e.g. warning, referral for services • Connect with formal diversion program <ul style="list-style-type: none"> ○ Diversion could be refused ○ Diversion could be successful or unsuccessful
Detention Pre-Arrest (Overnight Arrest)	<ul style="list-style-type: none"> • Police Officer • Bail Magistrate 	<ul style="list-style-type: none"> • DYS holds data on youth who are detained 	<ul style="list-style-type: none"> • Detain • Set bail <ul style="list-style-type: none"> ○ Bail can be met (release) or not met (detain) • Release to guardian(s)
Application for Delinquency Complaint	Police officer or citizen files application for delinquency complaint with juvenile court clerks	Juvenile Court	<ul style="list-style-type: none"> • File Application for Delinquency Complaint
Court Clerk Review of Application for Complaint	Juvenile Court Clerk	Juvenile Court	<ul style="list-style-type: none"> • Resolved by Clerk (Clerk Diversion) with or without a hearing • No probable cause found (Dismissed) • Probable cause found
Delinquency Complaint Issued	Juvenile Court Clerk	Juvenile Court	<ul style="list-style-type: none"> • Delinquency Complaint issued
Appointment of Counsel	Judge/Youth	CPCS	<ul style="list-style-type: none"> • Appointment of CPCS staff attorney • Appointment of private bar advocate • Family hires private counsel
Decision to Prosecute or Divert	District Attorney	District Attorney's Office	<ul style="list-style-type: none"> • Decline to prosecute • Prosecute <ul style="list-style-type: none"> ○ Can prosecute as delinquent or Youthful Offender (YO) ○ For youth 14 and older who are charged with 1st or 2nd degree murder,

Contact Point	Who Is Part of Decision	Who Holds Data	Possible Choices
			<p>DAs are required by statute to try the youth as an adult</p> <ul style="list-style-type: none"> • Offer diversion <ul style="list-style-type: none"> ○ Diversion could be refused ○ Diversion could be successful or unsuccessful • Other pre-arraignment resolution
Indictment⁶	Grand Jury	Juvenile Court Trial Court	<ul style="list-style-type: none"> • Indictment • No bill (insufficient evidence) <ul style="list-style-type: none"> ○ Can present case to new grand jury ○ Can bring delinquency complaint in juvenile court ○ Can drop charges
Transfer Hearing (72A)⁷	District Attorney Judge	Juvenile Court	<ul style="list-style-type: none"> • Discharge • Transfer to adult court
Arraignment (Juvenile Court)	District Attorney Judge	Juvenile Court	<ul style="list-style-type: none"> • Dismissal • Arraign • Judicial diversion <ul style="list-style-type: none"> ○ Diversion could be refused ○ Diversion could be successful or unsuccessful ○ Diversion not allowed in certain cases, including YO indictments

⁶ Only applies to youth indicted as Youthful Offender or for youth over 14 who are charged with 1st or 2nd degree Murder and are therefore required to be tried as an adult.

⁷ If a youth is alleged to have committed an offense before their 18th birthday but not apprehended until after their 19th birthday, the court holds a 72A hearing to determine if the individual should be tried as an adult or discharged. See [MGL Chapter 119 Section 72A](#).

Contact Point	Who Is Part of Decision	Who Holds Data	Possible Choices
Arraignment (Trial Court)⁸	District Attorney Judge	Trial Court	<ul style="list-style-type: none"> • Arraign
58A (Dangerousness) Hearing	District Attorney Judge	Juvenile Court	<ul style="list-style-type: none"> • Hold on 58A • Release (subject to bail hearing outcome)
Bail Hearing	Judge	Juvenile Court	<ul style="list-style-type: none"> • Release, no conditions • Monetary bail set • Conditions set (including pre-trial supervision) • Monetary bail + conditions
Pre-Trial Detention	Judge District Attorney Youth/Defense Counsel	DYS holds data on youth who are detained	<ul style="list-style-type: none"> • Detain/do not detain as a result of 58A and/or bail hearing decisions
Bail Hearing Appeal	Youth/Defense Counsel	Juvenile Court	<ul style="list-style-type: none"> • Appeal filed • Appeal outcome
Referral to Court Clinician for Evaluation	Judge	DMH/Court Clinicians	<ul style="list-style-type: none"> • Competency to Stand Trial evaluation • Criminal Responsibility evaluation • Aid in Sentencing evaluation • Diagnostic Study evaluation • Emergency commitment screenings • Other consultations
Initiation of Competency Evaluation	Defense Counsel District Attorney Judge	Juvenile Court	<ul style="list-style-type: none"> • Request for competency hearing is made • Determination re: who does evaluation <ul style="list-style-type: none"> ○ Defense hires evaluator

⁸ This only applies for youth over 14 who are charged with 1st or 2nd degree Murder and are therefore required to be tried as an adult.

Contact Point	Who Is Part of Decision	Who Holds Data	Possible Choices
			<ul style="list-style-type: none"> ○ Court clinic performs evaluation ○ District Attorney hires evaluator
Competency Hearings	Judge	Juvenile Court	<ul style="list-style-type: none"> ● Competent to stand trial ● Not competent to stand trial
Bail Revocation Hearing	District Attorney Probation Judge	Juvenile Court	<ul style="list-style-type: none"> ● No change in bail/pre-trial release conditions ● Modification of bail/pre-trial release conditions ● Revoke bail & detain
Plea Offer	District Attorney Defense Counsel (Youth)	District Attorney Defense Counsel	<ul style="list-style-type: none"> ● Variable
Adjudication Method	District Attorney Defense Counsel (Youth) Judge	Juvenile Court	<ul style="list-style-type: none"> ● Plea agreement ● Bench trial ● Jury trial
Adjudication Decision	Judge or Jury	Juvenile Court	<ul style="list-style-type: none"> ● Adjudicated delinquent ● Not guilty ● Continued without a finding (CWOFF)
Disposition Decision (delinquency cases)	Judge	Juvenile Court	<ul style="list-style-type: none"> ● Pre-trial probation as disposition ● Probation term ● DYS suspended sentence ● Commitment to DYS ● Fines or restitution ● Misc other dispositions
Disposition Decision (YO cases)	Judge	Juvenile Court	<ul style="list-style-type: none"> ● Probation term ● DYS suspended sentence ● Commitment to DYS to age 21 ● Adult sentence to House of Correction or state prison ● Combination sentence (DYS to 21 with adult suspended sentence)

Contact Point	Who Is Part of Decision	Who Holds Data	Possible Choices
			<ul style="list-style-type: none"> • Restitution • Misc other dispositions
Disposition Decision (Youth Under 14 Convicted of 1st or 2nd Degree Murder)	Judge	Trial Court	<ul style="list-style-type: none"> • State prison sentence (mandatory for murder)
Appeal	Youth/Defense Counsel	Juvenile Court	<ul style="list-style-type: none"> • Appeal filed • Appeal outcome
Probation Type	Judge	Probation	<ul style="list-style-type: none"> • Pre-trial • Administrative • Risk/Need
Probation Supervision Level (Risk/Need)	Probation	Probation	<ul style="list-style-type: none"> • Minimum • Moderate • Maximum
Probation Violation Type	Probation	Probation	<ul style="list-style-type: none"> • Delinquency • Non-delinquency
Probation Violation Response	Probation	Probation	<ul style="list-style-type: none"> • Administrative hearing • Judicial hearing
Probation Violation Probable Cause Hearing	Judge	Juvenile Court	<ul style="list-style-type: none"> • Probable cause found • Probable cause not found
Probation Violation Hearing	Probation Judge	Juvenile Court	<ul style="list-style-type: none"> • No Violation found • Return to probation (may or may not include a modification of terms of probation) • Commitment to DYS • State prison sentence (YO cases only) • Termination of probation
Commitment to DYS	Judge	DYS	<ul style="list-style-type: none"> • DYS has intake data for youth committed to DYS custody
DYS Placement(s)	DYS	DYS	<ul style="list-style-type: none"> • Hardware secure • Staff secure • Community placement
Revocation of Grant of Conditional Liberty (GCL)	DYS	DYS	<ul style="list-style-type: none"> • Revoke GCL • Do not revoke GCL
Release from DYS Custody	DYS	DYS	<ul style="list-style-type: none"> • Release

Contact Point	Who Is Part of Decision	Who Holds Data	Possible Choices
Voluntary Extension of Services (YES)	Youth/DYS	DYS	<ul style="list-style-type: none"> • Enrolled in YES • Not enrolled in YES

Appendix B: Assessment of Juvenile Justice Data Availability

The following chart details which agency holds data about decisions made at each contact point, whether the OCA can collect aggregate data on that contact point from the data-holder, and if there are any limitations to the availability of the data.

In “An Act Relative to Criminal Justice Reform,” the Legislature also noted that “*the data to be recorded on the instrument shall include, without limitation, age, gender, racial or ethnic category and type of crime.*” To satisfy this requirement, the chart also notes if it is possible to break data out at each contact point by these key categories. In addition, the JJPAD Board believes it is important to look at geographic variations in the data, and so has added “geography” (e.g. county) to the list of key break-out categories.

Decision Point	Who Holds Aggregate Data	Can Aggregate Data Be Collected by OCA?	Can Data Be Broken Out by All Key Categories? ⁹	Notes/Limitations ¹⁰
Contact with Youth Allegedly Committing Unlawful Behavior	EOPSS	Arrests – Yes Summons & Diversion – Data quality challenges All other possible responses – Data is not collected	Yes	Data can be reported through UCR (old system) or NIBRS (new system). UCR data does not include ethnicity. However, all towns are required to report through NIBRS by 2021. Reporting is not standardized across the state; some police departments do not report use of summons/police diversion or use consistent definitions. Data is reported on significant delay.
	DESE (School-	Yes	Yes	DESE has begun collecting data on school-based arrests

⁹ Age, gender, race/ethnicity, geography, offense name

¹⁰ As reported to the OCA by the relevant agencies

Decision Point	Who Holds Aggregate Data	Can Aggregate Data Be Collected by OCA?	Can Data Be Broken Out by All Key Categories? ⁹	Notes/Limitations ¹⁰
	Based Contact)			this school year. Next school year, DESE will begin collecting data on school referrals to law enforcement.
Detention Pre-Arrest (Overnight Arrest)	DYS	Yes	Yes	DYS only has data on youth who are held pre-arrest, not those who are released.
Application for Delinquency Complaint	Juvenile Court	Yes	Yes	
Court Clerk Review of Application for Delinquency Complaint	Juvenile Court	Partially	Yes	Data is available on the outcomes of probable cause hearings and whether a complaint was issued. Data is not available regarding Clerk Magistrate diversion due to inconsistencies in the data.
Delinquency Complaint Issued	Juvenile Court	Yes	Yes	
Appointment of Council	Juvenile Court	No	No	<p>Although the Juvenile Court has the name of the youth's attorney on file, the MassCourts database does not capture the category of attorney (CPCS staff, private bar advocate, private hire).</p> <p>CPCS only tracks data on youth appointed a CPCS staff council, which accounts for only a small proportion of all juvenile cases.</p>
Decision to Prosecute or Divert	District Attorney's Office	Partially	Partially	The Suffolk and Middlesex County District Attorney's Offices are willing and able to

Decision Point	Who Holds Aggregate Data	Can Aggregate Data Be Collected by OCA?	Can Data Be Broken Out by All Key Categories? ⁹	Notes/Limitations ¹⁰
				<p>provide this data to the OCA.¹¹</p> <p>The remaining 8 District Attorneys replied to the OCA's request for information as a group by specifying how many counties are able to report various data elements to the OCA.</p> <p>In summary:</p> <ul style="list-style-type: none"> • All counties can report the number of youth who accept diversion as well as the number that successfully complete the diversion program. • Nine of out 10 counties can report on the total number of juvenile cases the office is handling as well as the number of cases where diversion was not successful. • Only a subset of DA offices can currently report the number of youth offered diversion, the number of those youth that decline diversion, the number of cases where the office moves forward without offering diversion, or the number of cases where the office declines to prosecute altogether.

¹¹ Suffolk County reports that demographic information (age, gender, race/ethnicity) is currently only available for 80% of cases, but the office is moving toward being able to provide it in 100% of cases moving forward. Middlesex County reports that the office can provide data on race and ethnicity only for cases after April 26th, 2018.

Decision Point	Who Holds Aggregate Data	Can Aggregate Data Be Collected by OCA?	Can Data Be Broken Out by All Key Categories? ⁹	Notes/Limitations ¹⁰
				<ul style="list-style-type: none"> All counties can break information down by geography (county) and age. Nine can break information down by offense name, gender, race or ethnicity, although several counties express concerns regarding the consistency and accuracy of the demographic data, as it is collected voluntarily through self-report.
Indictment (YO or 1st or 2nd degree murder cases only)	Juvenile Court	***	***	The Juvenile Court is investigating whether this information can be provided. ¹²
Transfer Hearing (72A)	Juvenile Court	***	***	The Juvenile Court is investigating whether this information can be provided.
Arraignment (Juvenile Court)	Juvenile Court	Partially	Yes	Data is available for youth who are formally arraigned. Data on judicial diversion is not available due to inconsistencies in the data.
Arraignment (for youth over 14 who have been charged with 1st or 2nd degree murder)	Trial Court	Yes	Yes	

¹² The OCA sent the Juvenile Court a request for data based on the initial JJPAD Data Subcommittee discussions on May 2nd, 2019 and the Court responded regarding the feasibility of providing that data on May 31st. Subsequently, the Data Committee identified a small number of additional process points that the committee believes meets the Legislature’s definition of “contact,” and the Juvenile Court is currently determining if this information can be provided. Each of these contact points impact only a small number of youth each year.

Decision Point	Who Holds Aggregate Data	Can Aggregate Data Be Collected by OCA?	Can Data Be Broken Out by All Key Categories? ⁹	Notes/Limitations ¹⁰
58A (Dangerousness) Hearing	Juvenile Court	No	No	The Juvenile Court is investigating whether this information can be provided. There may be issues with data quality.
Bail Hearing	Juvenile Court	No	No	Bail amount is entered as a text field in MassCourts and is therefore difficult to extract. Although technically feasible, the analysis requires a substantial amount of time and resources to complete. Bail conditions are not entered into MassCourts. Data on pre-trial probation is not available due to inconsistencies in the data.
Pre-Trial Detention	DYS holds data on youth who are detained	Yes	Yes	DYS only has data on youth who are detained, not those who are not detained pretrial.
Bail Hearing Appeal	Juvenile Court	No	No	Although technically feasible, the analysis of this data is complicated and requires a substantial amount of time and resources to complete.
Referral to Court Clinician for Evaluation	DMH/ Court Clinicians	Yes	Yes	
Plea Offer	District Attorney's Office	No	No	This data is kept in paper files rather than an electronic database, and therefore cannot be provided in the aggregate at this time.
Initiation of Competency Hearing	Juvenile court	***	***	The Juvenile Court is investigating whether this information can be provided.
Competency Hearings	Juvenile Court	***	***	The Juvenile Court is investigating whether this information can be provided.

Decision Point	Who Holds Aggregate Data	Can Aggregate Data Be Collected by OCA?	Can Data Be Broken Out by All Key Categories? ⁹	Notes/Limitations ¹⁰
Bail Revocation Hearing	Juvenile Court	No	No	Although technically feasible, the analysis of this data is complicated and requires a substantial amount of time and resources to complete.
Adjudication Method	Juvenile Court	No	No	Although technically feasible, the analysis of this data is complicated and requires a substantial amount of time and resources to complete.
Adjudication Decision	Juvenile Court	No	No	Although technically feasible, the analysis of this data is complicated and requires a substantial amount of time and resources to complete.
Disposition Decision (delinquency cases)	Juvenile Court	No	No	Although technically feasible, the analysis of this data is complicated and requires a substantial amount of time and resources to complete.
Disposition Decision (YO cases)	Juvenile Court	No	No	Although technically feasible, the analysis of this data is complicated and requires a substantial amount of time and resources to complete.
Disposition Decision (youth convicted as adults)	Trial Court	No	No	Although technically feasible, the analysis of this data is complicated and requires a substantial amount of time and resources to complete.
Appeal	Juvenile Court	***	***	The Juvenile Court is investigating whether this information can be provided.
Probation Type, Starts and Completions	Probation	Partially	Partially	Data is available by number of probation cases, rather than number of youth on probation. Data is not available regarding the number of probation starts and completions, the length of time served on probation, or the reasons for completion of probation. Although technically feasible, the analysis of this

Decision Point	Who Holds Aggregate Data	Can Aggregate Data Be Collected by OCA?	Can Data Be Broken Out by All Key Categories? ⁹	Notes/Limitations ¹⁰
				data is complicated and requires a substantial amount of time and resources to complete.
Probation Supervision Level (Risk/Need)	Probation	Yes	Yes	
Probation Violation Notice Issued	Probation	Yes	Yes	
Probation Violation Notice Response	Probation	No	No	Probation and the Juvenile Court are currently working on improving capacity to report data on how violations are handled. It is presently being collected by hand and is not available to be reported in aggregate.
Probation Violation Probable Cause Hearing	Juvenile Court	No	No	Probation and the Juvenile Court are currently working on improving capacity to report data on how violations are handled. It is presently being collected by hand and is not available to be reported in aggregate.
Probation Violation Hearing	Juvenile Court	No	No	Probation and the Juvenile Court are currently working on improving capacity to report data on how violations are handled. It is presently being collected by hand and is not available to be reported in aggregate.
Commitment to DYS	DYS	Yes	Yes	
DYS Placement	DYS	Yes	Yes	
Revocation of Grant of	DYS	Yes	Yes	

Decision Point	Who Holds Aggregate Data	Can Aggregate Data Be Collected by OCA?	Can Data Be Broken Out by All Key Categories? ⁹	Notes/Limitations ¹⁰
Conditional Liberty (GCL)				
Release from DYS Custody	DYS	Yes	Yes	
Voluntary Extension of Services (YES)	DYS	Yes	Yes	

Commonwealth of Massachusetts

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