



Juvenile Justice Policy and Data Board

# Massachusetts Juvenile Justice System

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## 2020 ANNUAL REPORT

A REPORT OF THE JUVENILE JUSTICE POLICY AND DATA  
(JJPAD) BOARD

NOVEMBER 2020

[HTTPS://WWW.MASS.GOV/JUVENILE-JUSTICE-POLICY-AND-DATA-BOARD](https://www.mass.gov/juvenile-justice-policy-and-data-board)

## Table of Contents

Members of the JJPAD Board.....	3
Guide to Acronyms.....	5
Executive Summary .....	6
JJPAD Board 2020 Activities .....	6
Status of the JJPAD Board’s 2019 Recommendations.....	7
Impact of the COVID-19 Pandemic on Juvenile Justice .....	8
Juvenile Justice Data Trends .....	8
Introduction.....	12
Summary of JJPAD Board 2020 Work.....	13
Updates on 2019 JJPAD Recommendations.....	16
Recommendations on Juvenile Justice System Data .....	17
Recommendations on Diversion and Community-Based Interventions .....	22
Recommendations to Address Implementation Challenges following <i>An Act Relative to Criminal Justice Reform</i> .....	23
Impact of COVID-19 on Juvenile Justice.....	26
COVID-19 Impact on Youth & Families .....	27
Juvenile Justice System Response .....	27
Ongoing Challenges & Moving Forward .....	30
Juvenile Justice System Data Trends.....	33
Impact of the COVID-19 Pandemic of FY20 Data.....	33
Continuing Impact of An Act Relative to Criminal Justice Reform .....	35
Custodial Arrests .....	36
Overnight Arrests .....	36
Applications for Complaint .....	38
Delinquency Filings .....	39
Arraignments.....	40
Pretrial Supervision and Detention.....	42
Adjudication and Disposition.....	46
Post-Disposition Probation .....	46
First-Time Commitments to the Department of Youth Services.....	49
DYS Commitment Population Snapshot Caseload.....	51
Youth Engaged in Services (YES) Transitions.....	53
Demographics of Youth Involved in the Juvenile Justice System.....	56

County-by-County Variations in Juvenile Justice System Utilization.....	62
Youthful Offender Data .....	64
Utilization of Other Systems .....	64
Appendix A: JJPAD Recommended Data Reporting Standards.....	70
Criteria for Developing Guidelines.....	71
Recommendations for Massachusetts Juvenile Justice System Reporting .....	73
Recommendations for Reporting Data on Gender, Sexual Orientation, Transgender Status, and Intersex Status .....	76
Appendix B: Juvenile Justice Agencies’ Response to COVID-19 .....	90
Appendix C: Data by Race/Ethnicity .....	99
Appendix D: Data by Gender .....	112
Appendix E: Data by Process Point and Age .....	119
Appendix F: Data by County .....	123
Appendix G: FY20 Youthful Offender Filings.....	130
Appendix H: DPH Bureau of Substance Addiction Services Admissions Data.....	134
Appendix I: Juvenile Court Clinic Referral Types .....	137

## Members of the JJPAD Board

Member Name	Appointing Organization
Maria Mossaides, Chair	Office of the Child Advocate
Representative Carolyn Dykema	House of Representatives (Speaker of the House Appointee)
Representative Timothy Whelan^	House of Representatives (Minority Leader Appointee)
Senator Joseph Boncore	State Senate (Senate President Appointee)
Senator Patrick O'Connor^	State Senate (Minority Leader Appointee)
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
No Appointment Made	Executive Office of Education
Joshua Dohan	Committee for Public Counsel Services
Barbara Kaban	
No Appointment Made	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 (2)
No Appointment Made	Individual with experience or expertise related to design and implementation of state administrative data systems
*Members with an asterisk next to their name abstained from voting on this report.	
^ Members with a caret next to their names were not present to vote on this report.	

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

Melissa Threadgill, Director of Juvenile Justice Initiatives  
Kristi Polizzano, Juvenile Justice Specialist

## 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.

Interested in receiving email updates about the work of the Juvenile Justice Policy and Data Board and the Childhood Trauma Task Force? [Sign up here](#)

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

## About the Office of the Child Advocate

The Office of the Child Advocate (OCA) is an independent 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

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Acronym	Definition
<b>BSAS</b>	Bureau of Substance Addiction Services
<b>CBI</b>	Community-based intervention
<b>CPCS</b>	Committee for Public Counsel Services (Public Defenders)
<b>CTTF</b>	Childhood Trauma Task Force
<b>DCF</b>	Department of Children and Families
<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>JJPAD</b>	Juvenile Justice Policy and Data Board
<b>JDAI</b>	Juvenile Detention Alternatives Initiative
<b>MPS</b>	Massachusetts Probation Service
<b>ONA</b>	Overnight Arrest
<b>SRO</b>	School Resource Officer
<b>YAD</b>	Youth Advocacy Division
<b>YO</b>	Youthful Offender

## Executive Summary

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The Juvenile Justice Policy and Data (JJPAD) Board was created by [An Act Relative to Criminal Justice Reform \(2018\)](#). The 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 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.

This report, which serves as the annual report required by [M.G.L. Chapter 119, Section 89](#), does the following:

- Summarizes the JJPAD Board's work in 2020
- Provides updates on the status of recommendations made by the JJPAD Board in 2019
- Details the impact of the COVID-19 pandemic on juvenile justice
- Describes juvenile justice system data trends

### JJPAD Board 2020 Activities

In 2020, the JJPAD Board focused on activities designed to address some of the high-priority challenges discussed in the Board's [2019 reports](#). While legislative action is required to address some challenges, other challenges can be at least partially addressed through collaboration and collective problem-solving among the entities that make up the juvenile justice system.

**Preparing for Launch of Statewide Diversion Coordination Learning Lab:** In November 2019, the JJPAD Board issued a report on ["Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth."](#) Included in that report was a recommendation that the state launch a "Learning Lab" to test a new statewide model for juvenile diversion coordination, with the goals of increasing the number of youth who are diverted from the juvenile justice system, improving the quality and consistency of diversion programming, better connecting youth and their families with appropriate community-based interventions, and reducing racial, ethnic and geographic disparities in the use of diversion. Throughout 2020, the JJPAD Community-Based Interventions (CBI) Subcommittee brought together a variety of justice system stakeholders to collaboratively develop a program design plan for the Learning Lab.

In the fall of 2020, the Department of Youth Services and the Office of the Child Advocate announced that, pending appropriation in the FY21 budget, DYS would be launching the Statewide Diversion Learning Lab using the CBI Subcommittee's work as a template.

**Improving Data Reporting Quality and Availability:** A primary area of focus for the JJPAD Board is improving juvenile justice data system quality and availability. In 2020, the Data Subcommittee focused on two key data-related projects:

- *Creating and launching a juvenile justice system data website:* As recommended in the JJPAD Board's [June 2019 report on juvenile justice system data](#), and as envisioned by the

Legislature in *An Act Relative to Criminal Justice Reform*, the Office of the Child Advocate worked in partnership with the Executive Office of Technology Services and Security (EOTSS) and the JJPAD Data Subcommittee on a [juvenile justice system data website](#). This interactive website, which makes aggregate juvenile justice system data publicly accessible, went live in November 2020.

- *Developing Data Reporting Standards:* One challenge the JJPAD Board noted in 2019 was that reporting of key demographic data is inconsistent 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. See *Appendix A of the full report for the JJPAD's Data Reporting Standards Recommendations*.

**Establishing a Statewide Framework for Trauma-Informed and Responsive Practice:** A [primary recommendation in 2019](#) from the Childhood Trauma Task Force<sup>1</sup> (CTTF) was to develop and adopt a statewide framework for Trauma-Informed and Responsive (TIR) practice, and provide implementation supports to help child-serving organizations adopt the framework. This became a primary focus of the Task Force's work in 2020. In December 2020, the CTTF will release its annual report, with further discussion on the *Framework for Trauma Informed and Responsive Organizations* as well as recommendations for ways the state can support implementation of the *Framework* in all child-serving systems.

**Addressing the Impact of the COVID-19 Pandemic on Children's Well-Being:** In the first weeks of the COVID-19 outbreak, the CTTF saw the need to address the impact of the pandemic on children's mental health and well-being. The Task Force understood that, given the seriousness of this unprecedented situation, it was necessary to actively prepare for an anticipated rise in children's behavioral and mental health needs. In June 2020, the CTTF published "[Protecting our Children's Well-Being During COVID-19: Recommendations for Supporting Children and Families Who Have Experienced Trauma and Stress During the Pandemic](#)." The report includes recommendations on steps the Commonwealth can take to increase our state's capacity to identify and respond to the increased mental health needs of children and their caregivers during this pandemic and beyond.

## Status of the JJPAD Board's 2019 Recommendations

In 2019, the JJPAD Board issued three major reports, plus an additional fourth report from the Childhood Trauma Task Force, which operates under the umbrella of the JJPAD Board. The full 2020 JJPAD Board report provides an update on the status of the 2019 recommendations, highlighting any progress that has been made by the JJPAD Board, state entities, and/or the Legislature during the past year as well as areas which still require attention.

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<sup>1</sup> The Childhood Trauma Task Force, which was also created by *An Act Relative to Criminal Justice Reform*, and which, by statute, has its membership drawn from the membership of the JJPAD Board, operates under the umbrella of the JJPAD Board. The Childhood Trauma Task Force is also statutorily mandated to produce an annual report to the Legislature, which is anticipated to be issued in December 2020.



In particular, this report discusses:

- **Data Reporting:** The report discusses the progress made with regards to juvenile justice system data availability in the last year and highlights significant remaining gaps.
- **Diversion and Community-Based Intervention:** The report discusses progress made by the JJPAD Board and members on the 2019 recommendations as well as areas where action is still needed.
- **Implementation Challenges Following *An Act Relative to Criminal Justice Reform*:** The report provides status updates on recommendations made in 2019 to address concerns and challenges that arose during the implementation process for the 2018 statute, including recommendations that have been addressed in the House and/or Senate version of bills on policing that are currently in conference committee (as of November 25, 2020).

## Impact of the COVID-19 Pandemic on Juvenile Justice

The COVID-19 pandemic has had a marked impact on our society and all aspects of government. In the full report, the JJPAD Board describes the ways in which the pandemic has impacted the juvenile justice system, including the functioning of justice system entities, the provision of services, and the well-being of the youth and families who are involved with the justice system.

Of particular note, ongoing challenges for youth, families and system practitioners include:

- A growing concern about the unmet behavioral and mental health needs of children and families, and the short- and long-term impact that may have on youth behaviors that could result in justice system involvement.<sup>2</sup>
- As the pandemic – and continued need for social distancing to protect safety – stretches on, there are concerns that the changes in court procedures (e.g. video conferencing) and continued delays in jury trials may have concerning impacts on youth, particularly those in detention awaiting trial with no “end in sight.”
- Ongoing stress (both on and off the job) experienced by juvenile justice staff, many of whom must do their work in-person, and the impact that can have on turnover rates, burnout, and staff ability to work effectively with youth in challenging situations.

## Juvenile Justice Data Trends

Last fiscal year (one year after the passage of [\*An Act Relative to Criminal Justice Reform\*](#)), Massachusetts saw a significant drop in utilization of the juvenile justice system at each process point for which data was provided. Given that this drop came following more than a decade of decline in juvenile arrests, court filings, detentions and commitments, the Board concluded that **“it seems likely that the legislation has accelerated the decline at certain process points in the first year, but also that the decreases cannot be solely attributed to the new statute.”**

A year later, available data indicates that **utilization of the justice system has continued to decline at all process points**, albeit at lower pace more in line with declines seen in the pre-Act

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<sup>2</sup> For more findings and recommendations on the pandemic’s potential effect on children and youth, read the Childhood Trauma Task Force’s June 2020 report: [Protecting our Children’s Well-Being During COVID-19: Recommendations for Supporting Children and Families Who Have Experienced Trauma and Stress During the Pandemic](#)

*Relative to Criminal Justice Reform period.*

Although the JJPAD Board urges caution in the interpretation of the FY20 data, for the reasons outlined in the call-out box below, the overall trend following implementation of *An Act Relative to Criminal Justice Reform* remains clear: there is a significant decline in the numbers of youth who are being processed through the juvenile justice system, driven primarily by a decline in court referrals for lower-level offenses. Over the past year:

- Custodial arrests of youth decreased by 4%. Since FY18, custodial arrests have decreased by 41%.
- Overnight arrest admissions decreased by 8%. Since FY18, ONA admissions have decreased by 60%.
- Applications for delinquent complaint have decreased by 7%. Since FY18, applications have decreased by 31%, driven by large decreases in complaints for school disturbance/public order, property, and alcohol offenses.
- Delinquency filings declined by 7%. Since FY18, filings have declined by 44%, driven by large decreases for school disturbance/public order, property, and alcohol offenses.
- Arraignments decreased 12% from calendar year (CY) 2018 to CY19 and have decreased 37% since CY17.
- Pretrial supervision monthly caseloads have increased 21% from June 2019 to June 2020, and by 39% from June 2018.

***Interpretation of FY20 Data:  
Caution and Challenges***

We urge caution when interpreting the FY20 data, given the potential impact of the COVID-19 pandemic, as described in detail in the full report.

The JJPAD Board also notes that the impact of COVID on annual totals may be masking a different trend: an *increase* in utilization at some or all process points in the first three quarters of FY20, followed by a sharp *decrease* in the fourth quarter.

Without quarterly data, we cannot say for sure this is the case. If it is, however, it would not be unexpected: in our report last year, the JJPAD Board noted that differing interpretations of one section of the bill – clarified by the Supreme Judicial Court in August 2019 – may have contributed to the particularly sharp decrease in applications for complaint and delinquency filings in the first year of implementation, and that these numbers might rise closer to pre-implementation levels in FY20.

- Pretrial detention admissions have decreased by 15%, and by 38% since FY18, driven primarily by drops in admissions for lower-level offenses.
- Post-disposition probation monthly caseloads dropped 30% from June 2019 to June 2020 and have dropped by 55% since June 2018.
- Violation of Probation Notices dropped by 25%, and 55 % since FY18, with a significant decline in violations for new arrests and technical violations.
- First-time commitments to the Department of Youth Services have dropped 23%, and 36% since FY18, driven by decreases in commitments for lower-level offenses.

## Use of Diversion

One goal of *An Act Relative to Criminal Justice Reform* was to increase the use of juvenile diversion. At present, data on the use of diversion in the Commonwealth is not available. However, a rough estimate based on process point data that is available suggests that:

- Approximately two thirds of cases that result in a delinquency file are ultimately arraigned.
- A majority of arraignments result in case dismissal or a youth being found not delinquent.

A strong body of research tells us that formal processing through the justice system can increase recidivism and other negative outcomes for youth when compared to participation in diversion, particularly when that involvement leads to a court record (as is the case when a youth is arraigned).<sup>3</sup> Given that, the above data suggests there could be opportunity for more youth to be effectively diverted pre-arraignment.

## Racial Disparities in the Juvenile Justice System

The JJPAD Board finds that **Black youth and Hispanic/Latinx youth are still overrepresented at every point of the juvenile justice system for which data is available:**

**Table 1: Juvenile Justice Process Point Data by Race/Ethnicity (FY20)**

<i>Process Point</i>	<b>Hispanic/Latinx<sup>4</sup></b>	<b>Black/ African American</b>	<b>White</b>	<b>Other<sup>5</sup></b>	<b>Unknown</b>
<i>Massachusetts Youth Population<sup>6</sup></i>	17%	10%	65%	7%	--
<i>Custodial Arrests</i>	33%	43%	23%	1%	0%
<i>Overnight Arrest Admissions</i>	37%	33%	17%	2%	11%
<i>Applications for Complaint</i>	22%	22%	38%	3%	14%
<i>Delinquency Filings</i>	27%	25%	34%	4%	10%
<i>Arraignments (CY19 data)<sup>7</sup></i>	--	30%	50%	1%	18%
<i>Pretrial Supervision</i>	35%	25%	34%	5%	1%
<i>Pretrial Detention Admissions</i>	42%	33%	21%	4%	0%
<i>Post-Disposition Probation<sup>8</sup></i>	30%	23%	41%	6%	1%

<sup>3</sup> See the JJPAD Board's 2019 report for a more complete discussion of the research on diversion:

<https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download>

<sup>4</sup> For the purpose of this report, youth who are identified as Hispanic/Latinx as their ethnic category and any other race are categorized as "Hispanic/Latinx." In other words, if a youth is identified as both Hispanic/Latinx and white, they are categorized as Hispanic/Latinx this report, unless otherwise specified.

<sup>5</sup> Due to small frequencies, the "Other" category includes combined totals for Asian, American Indian/Alaska Native, Native Hawaiian/Other Pacific Islander, Middle Eastern/North African, Chooses not to answer, and any suppressed data.

<sup>6</sup> Percentages based on racial breakdowns for Massachusetts youth 12-17 years old. Puzzanchera, C., Sladky, A. and Kang, W. (2019). "Easy Access to Juvenile Populations: 1990-2019." Online. Available: <https://www.ojdp.gov/ojstatbb/ezapop/>

<sup>7</sup> Arraignment data provided by the Trial Court did not include information on a youth's ethnicity. The number of youth identified as "white" and "Unknown" in this data should be interpreted with caution, as many of these youth may also be Hispanic/Latinx.

<sup>8</sup> Post-disposition probation refers to Risk/Need and Administrative Probation only.

<i>First-time Commitments to DYS</i>	44%	28%	24%	4%	0%
<i>DYS Commitments Snapshot</i>	47%	34%	16%	4%	0%

In [last year's report](#), the JJPAD Board expressed concern with the fact that, although the total number of youth processed in the juvenile justice system decreased, *disparity* between white youth and youth of color increased from FY18 to FY19.

Although the overall level of racial and ethnic disparities in our system remains deeply concerning, this year's data on changes from FY19 to FY20 is more mixed. JJPAD notes that there is:

- **Increasing Disparities for Black Youth:** At two process points – custodial arrests, and overnight arrest admissions– there has been an *increase* in the number of Black youth impacted. This is of particular concern when the numbers decreased for all other races. Further, at most process points where overall numbers for Black youth decreased, the *rate* of decrease is lower than decreases for other races.
- **Some Reduction in Disparities for Latinx Youth:** Although there are still significant disparities in the numbers of Hispanic/Latinx youth involved in the juvenile justice system compared to white youth, relative to their respective populations, there has been progress this year in reducing disparities at some process points, including custodial arrests, applications for complaint, delinquency filings, pretrial detention and first-time commitments.

*A more complete discussion on racial and ethnic disparities, as well as an analysis of other demographic breakdowns (age, gender, sexual orientation and transgender status) and county-by-county variations, is included in the full report.*

## Introduction

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The Juvenile Justice Policy and Data (JJPAD) Board was created by [An Act Relative to Criminal Justice Reform \(2018\)](#). The 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 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.

The JJPAD Board has two standing subcommittees, one focused on data and one on community-based interventions such as diversion. The Childhood Trauma Task Force, which was also created by *An Act Relative to Criminal Justice Reform*, and which, by statute, has its membership drawn from the membership of the JJPAD Board, also operates under the umbrella of the JJPAD Board. The Childhood Trauma Task Force is statutorily mandated to produce an annual report to the Legislature, which is anticipated to be issued this year in December 2020.

This report, which serves as the annual report required by [M.G.L. Chapter 119, Section 89](#), does the following:

**1) Summarizes the JJPAD Board 2020 work:** In 2020, the JJPAD Board focused on activities designed to address some of the high-priority challenges discussed in the 2019 reports. While legislative action is required to address some challenges, other challenges can be at least partially addressed through collaboration and collective problem-solving among the entities that make up the juvenile justice system. Accordingly, in 2020, the JJPAD Board focused on the following issues:

- Preparing for the launch of a Statewide Diversion Coordination Learning Lab
- Improving data reporting quality and availability
- Establishing a statewide Framework for Trauma-Informed and Responsive Organizations
- Making recommendations to support children and families experiencing traumatic stress as a result of the pandemic

**2) Provides updates on the status of recommendations made by the JJPAD Board in 2019:** In 2019, the JJPAD Board issued three major reports, plus an additional fourth report from the Childhood Trauma Task Force. [The 2019 JJPAD reports](#) discussed various challenges to improving the quality, efficiency, fairness and transparency of our juvenile justice system, some of which require legislative action to address. This 2020 report provides an update on the status of the 2019 recommendations, some of which have been or are in the process of being addressed by the Legislature, state entities and/or the JJPAD Board itself, and others which still require attention.

**3) Details the impact of the COVID-19 pandemic on the juvenile justice system:** The COVID-19 pandemic has had a marked impact on our society and all aspects of government. In this report, the JJPAD Board describes the ways in which the pandemic has impacted the juvenile justice system, including the functioning of justice system entities, the provision of services, and the youth and families who are involved with the justice system. The JJPAD Board also suggests ways in which the COVID-19 pandemic may have impacted certain juvenile justice system data trends.

**4) Describes juvenile justice system data trends:** In 2019, the JJPAD Board compiled data from a variety of juvenile justice system entities to provide a big-picture look at how our juvenile justice system is currently utilized – how many youth are processed by the justice system each year, what the demographics of the impacted population are at various points, and what they are charged with – as well as some basic information on utilization of other state systems that may serve these youth. The 2020 report builds on that work by updating the 2019 report to include FY20 data and adding additional data for some process points and demographic groups.

## Summary of JJPAD Board 2020 Work

As with all of state government, the work of the JJPAD Board in 2020 was impacted by the COVID-19 pandemic. Some planned projects were placed on hold due to time and resource constraints, while work on other projects continued, albeit at a somewhat slower pace. The JJPAD Board also added projects related to the pandemic, including monitoring the impact of the pandemic on juvenile justice system operations and issuing a June 2020 report from the Childhood Trauma Task Force with recommendations for supporting children and families experiencing trauma and stress during the pandemic.

Despite the challenges of the last year, the JJPAD Board has made progress on several key priorities:

**Preparing for Launch of Statewide Diversion Coordination Learning Lab:** In November 2019, the JJPAD Board issued [“Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth.”](#) Included in that report was a recommendation that the state launch a “Learning Lab” to test a new statewide model for juvenile diversion coordination, with the goals of increasing the number of youth who are diverted from the juvenile justice system, improving the quality and consistency of diversion programming, better connecting youth and their families with appropriate community-based interventions, and reducing racial, ethnic and geographic disparities in the use of diversion.

The 2019 report broadly outlined the proposed new model. In 2020, the JJPAD Board’s Community-Based Interventions (CBI) Subcommittee focused on fleshing out the details. Over the course of the year, the subcommittee met 10 times to discuss various aspects of the program, including:

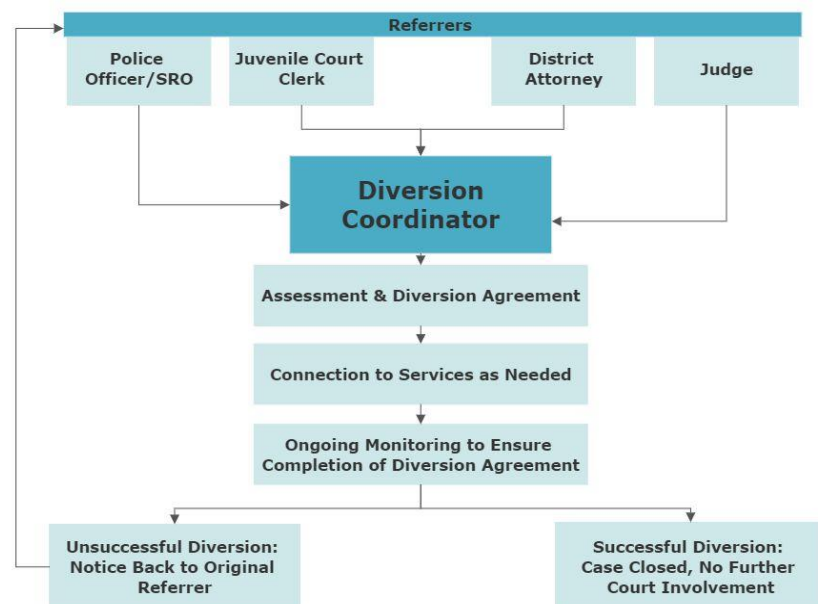


Figure 1: Massachusetts Youth Diversion Program Overview



- Target audience for the program
- Pros and cons of having various agencies/organizations administer the diversion program
- Current statutory framework and requirements
- Diversion referral processes
- Developing the diversion agreement
- Case management and addressing challenges to diversion success
- Communication with diversion referrers
- The process for diversion completion
- The job description for a Diversion Coordinator
- Information sharing
- Access to/involvement of counsel
- Outcome measurement and continuous quality improvement procedures

At every stage, the discussion was informed by the best available research on “what works” in addressing youth delinquent behavior and supporting positive youth development. The subcommittee members also studied current diversion programs here in Massachusetts as well as other states.

The final product of this work will be a “Model Program Guide” – a 100+ page document with recommendations for how the program should be structured. The JJPAD Board intends to finalize this guide in early 2021.

In the fall of 2020, the Department of Youth Services and the Office of the Child Advocate announced that, pending appropriation in the FY21 budget, DYS would be launching the Statewide Diversion Learning Lab using the Model Program Guide as a template. The CBI Subcommittee will continue to serve in a support and oversight role, providing a forum for discussing programmatic successes and challenges and offering input in the spirit of “continuous quality improvement.”

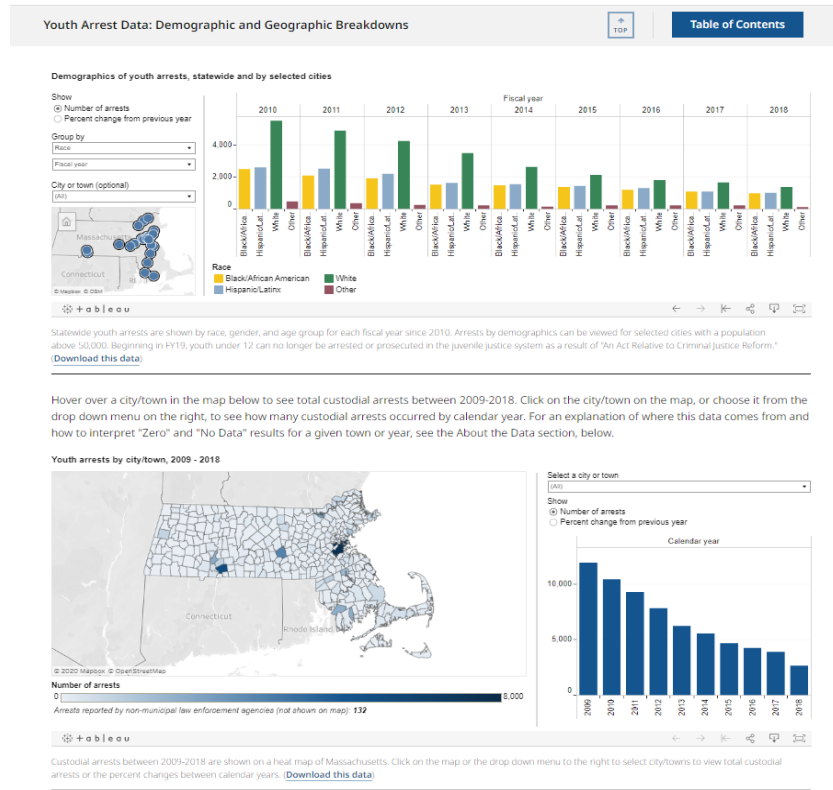
**Improving Data Reporting Quality and Availability:** A primary area of focus for the JJPAD Board is improving juvenile justice data system quality and availability. In 2020, the Data Subcommittee focused on two key data-related projects:

*Creating and launching a juvenile justice system data website:* As recommended in the JJPAD Board’s [June 2019 report on juvenile justice system data](#), 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. The website, which was developed in partnership with the Executive Office of Technology Services and Security (EOTSS) and which launched in November 2020:

- 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.

Over the course of 2019 and 2020, the JJPAD Data Subcommittee reviewed website drafts and provided feedback on visualizations, priorities, and website text. The OCA, in partnership with the Data Subcommittee, intends to continue to add data sets and features over time, as funding permits.

*Developing Data Reporting Standards:* One challenge the JJPAD Board noted in 2019 was that reporting of key demographic data is inconsistent 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. Further, inconsistent reporting categories can lead to misinterpretation of the data and confusion when shared with the public.



**Figure 2: Screenshot from new data website**

The Board agreed that, to increase the quality of our data reporting – and, ultimately, improve data-informed decision-making – our system would benefit from consistent, aligned standards for reporting.

In 2020, the Data Subcommittee focused on developing recommended data reporting standards for data on race, ethnicity, gender, sexual orientation, gender identity/transgender status, and intersex status. (See *Appendix A for the full Data Reporting Standards*).

Categorizing individuals into demographic and other categorical groups is an inherently complex undertaking. The ways in which people identify do not always follow a linear path or fit in a box. How individuals identify may change over time, and, historically, the categories we use to group individuals have also changed over time.<sup>9</sup> Accordingly, the Data Subcommittee emphasizes that these standards should be updated over time, as necessary.

Use of these standards is voluntary, and the JJPAD Board acknowledges that in some situations, adopting these standards may require changes to databases and/or training of staff that can take time and resources. Still, it is hoped these recommended standards can provide guidance and clarity on a complex topic.

<sup>9</sup> See, for example, <https://www.census.gov/newsroom/blogs/random-samplings/2015/11/measuring-race-and-ethnicity-across-the-decades-1790-2010.html>



## Establishing a Statewide Framework for Trauma-Informed and Responsive Practice:

A primary recommendation in 2019 from the Childhood Trauma Task Force (CTTF) was to develop and adopt a statewide framework for Trauma-Informed and Responsive (TIR) practice, and provide implementation supports to help child-serving organizations adopt the framework.

Over the course of 2020, CTTF members developed this *Framework for Trauma-Informed and Responsive Organizations*, a 20-page document laying out five Guiding Principles (in purple, below) for establishing a Trauma-Informed and Responsive (TIR) approach in an organization as well as five Domains (in blue) in which the Guiding Principles should be applied.

The scope and content of the *Framework* is intentionally written to apply to a broad array of organizations in contact with children and youth, from schools, health care providers, community organizations, and service providers to law enforcement agencies, the judicial system, and state agencies.

The *Framework* is intended to provide a vision, direction, shared language, and concrete examples for child-serving organizations and agencies seeking to better serve children and families who may have experienced trauma.

In December 2020, the CTTF will release its annual report, with further discussion on the *Framework* as well as recommendations for ways the state can support implementation of the *Framework* in all child-serving systems.



Figure 3: Framework for Trauma Informed and Responsive Organizations

**Addressing the Impact of the COVID-19 Pandemic on Children’s Well-Being:** In the first weeks of the COVID-19 outbreak, the CTTF saw the need to address the impact of the pandemic on children’s mental health and well-being. The Task Force understood that, given the seriousness of this unprecedented situation, it was necessary to actively prepare for an anticipated rise in children’s behavioral and mental health needs.

In June 2020, the CTTF published “[Protecting our Children’s Well-Being During COVID-19: Recommendations for Supporting Children and Families Who Have Experienced Trauma and Stress During the Pandemic](#),” which is the result of the CTTF’s research on post-disaster trauma and analysis of the Commonwealth’s capacity to meet children’s mental health needs during the COVID-19 pandemic. The report includes recommendations on steps the Commonwealth can take to increase our state’s capacity to identify and respond to the increased mental health needs of children and their caregivers during this pandemic and beyond.

## Updates on 2019 JJPAD Recommendations

In 2019, the JJPAD Board issued three major reports, plus an additional fourth report from the Childhood Trauma Task Force, which operates under the umbrella of the JJPAD Board:

- 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](#)*

In this section, we provide an update on the status of the 2019 recommendations, highlighting any progress that has been made by the JJPAD Board, state entities, and/or the Legislature during the past year as well as areas which still require attention.

## Recommendations on Juvenile Justice System Data

In our [June 2019 report](#), the JJPAD Board found that the lack of available juvenile justice system data often impedes our ability to make data-informed decisions about policy and practice, and also that there are numerous barriers to improving availability. The report 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.

Since that report, the OCA, the JJPAD Board, and juvenile justice entities have made progress on several fronts. First, starting in 2019, the **OCA has submitted annual data requests** to holders of juvenile justice system data, **and compiled the data submissions into an annual legislative report**. (See “Juvenile Justice System Data Trends”, below, for this year’s justice system data findings.)

Second, as discussed above, in November 2020 the OCA launched “version 1.0” of a [juvenile justice data website](#), which the JJPAD organizations and the Data Subcommittee will continue to expand and improve over time.

Finally, individual juvenile justice entities have increased the availability of data for this year’s data report in several important ways:

### Data on Additional Juvenile Justice System Process Points:

- **Arraignment Data:** The Trial Court provided data on Juvenile Court arraignment occurrences during calendar years 2017 through 2019, including data on the demographics and county of arraigned individuals.<sup>10</sup> The Trial Court also provided data on types of offenses individuals were charged with. Once a youth is arraigned, they have a juvenile record, making this a particularly important process point to examine.
- **Dangerousness Hearings:** The Trial Court made data available on their public data website<sup>11</sup> looking at the number of cases that have initial dangerousness hearings. Dangerousness

<sup>10</sup> The arraignment data set includes all cases arraigned in the Juvenile Court, which includes a mix of delinquency cases as well as a small number of charges for which adults are arraigned in Juvenile Court (e.g. Contributing to the Delinquency of a Child; Concealing/Harboring a Fleeing Child.)

<sup>11</sup> See Massachusetts Trial Court Department of Research and Planning Public Tableau Dashboard: <https://public.tableau.com/profile/drap4687#1/>.

hearings, also called “58A hearings,” are based on [M.G.L Chapter 276 §58A](#) and brought forth by prosecutors. These counts, paired with pre-trial detention data from DYS, may provide insights into why youth are held pretrial.

- **Probation Admissions (“Starts”) Data:** In FY19, the Massachusetts Probation Service supplied monthly caseload data to estimate youth probation cases throughout the year. This year, Probation was also able to provide counts for new probation cases (Pretrial, Administrative and Risk/Need) that started in FY20. Given the variability in the length of time youth spend on different types of probation, having admissions data may help better identify trends in utilization, particularly once we have multiple years of admissions data.
- **DYS Snapshot (Point-in-Time) and Caseload Data:** In FY20, DYS provided data on all youth in the custody of the Department during the year, including “snapshot” data on youth in custody on a given day (June 30, 2020) and data on all youth served by DYS in a given year. (Previously, only admissions data was provided.) This allows us to have a more detailed understanding of the number and characteristics of the youth served by DYS in a given year, rather than just the youth newly admitted to DYS.
- **DYS Placement Type Data** This year, DYS provided data on placement type for youth in their residential programs, giving a more complete sense of what types of living situations youth in the care and custody of DYS are in at a given point in time.
- **DYS Youth Engaged in Services Data:** This year, DYS provided data on youth involved in their voluntary Youth Engaged in Services (YES) program, including overall counts, demographics, geography, and offense-level information.
- **Data on Youthful Offenders:** Each year, a small percentage of juvenile cases for youth between 14 and 18 are prosecuted under the Youthful Offender (YO) statute.<sup>12</sup> This statute applies to a small number of more serious offenses; youth that are prosecuted under the YO statute must be indicted by a grand jury and can receive an adult prison sentence and/or be committed to DYS up to the age of 21. This year, the Trial Court provided data on case filings under the YO statute and DYS provided data on YO admissions.

#### Increased/Improved Data on Demographics of Youth Involved with the Justice System:

- **Juvenile Court Race/Ethnicity Data:** In FY19, the Trial Court supplied data on the race of youth for which a case file was made (Applications for Complaint and Delinquency Filings) aggregated up to three categories: “white,” “youth of color,” and “unknown.” This year, the Trial Court provided data on the race/ethnicity of youth at these process points at a greater level of detail, both for FY20 and also for FY18 and 19. This data clarifies the justice system involvement of Black youth vs. Hispanic/Latinx youth, and creates greater consistency with

<sup>12</sup> See M.G.L. Chapter 119, [Section 52](#) and [Section 58](#).

reporting at other process points.

- **Probation Gender Data:** This was the first year Probation provided data on the gender breakdowns for new Pretrial, Administrative and Risk/Need probation cases.
- **DYS Sexual Orientation and Gender Identity Data:** In FY20, DYS provided data on the sexual orientation, transgender status, and intersex status for youth in their care.

A goal of the JJPAD Board is to improve the quality, accessibility and usability of juvenile justice system data, to allow the Commonwealth to better identify trends over time, address emerging issues, and provide data-informed policy recommendations. Much of the hard work to meet this goal is done by the entities that collect and hold this data. **The JJPAD Board acknowledges the achievements on this front in 2020 by various data-holding entities and appreciates their continued efforts to expand and improve data availability.**

#### Remaining Challenges:

Despite the progress made on numerous fronts, however, significant gaps in data availability remain. A full accounting of the juvenile justice system process points for which data is/is not currently available can be found in the [Board's June 2019 report](#). Here, we will highlight the most significant remaining gaps:

- **Data on school-based arrests and court referrals:** *An Act Relative to Criminal Justice Reform* (2018) required the Department of Elementary and Secondary Education (DESE) to collect and report data on school-based arrests and court referrals. DESE began collecting data on arrests during the 2018-2019 school year, and published the first of year of data in late 2019.<sup>13</sup> Unfortunately, the JJPAD Board has significant concerns about under- or non-reporting from school districts in the first school year that data was collected and reported (2018-2019). For example, only 31 of 406 school districts reported any school-based arrests, with most of the major school districts reporting zero.<sup>14</sup> This is in conflict with anecdotal reports and even media accounts of arrests taking place in some of these schools that reported zero.<sup>15</sup> This may be a result of confusion regarding which party – police departments or schools – are responsible for collecting information on school-based arrests and court referrals and reporting that to DESE, an issue identified in the JJPAD Board's [November 2019 report](#).<sup>16</sup> The JJPAD Board has convened a working group on this issue, which is focusing on identifying ways of improving data collection and reporting moving forward.
- **Data on the use of diversion:** Currently in Massachusetts, four separate decision-makers – police, clerk magistrates, district attorney, and judges – have the statutory authority to divert youth from the justice system. However, there are no requirements that any of these decision-makers collect or publicly report data on the use of diversion, and the JJPAD Board remains unable to report on the number or demographics of youth diverted at various process points.

<sup>13</sup> See DESE's School and District Profiles: <https://profiles.doe.mass.edu/statereport/ssdr.aspx>

<sup>14</sup> OCA analysis of data provided by DESE in June 2020.

<sup>15</sup> See, for example, <https://www.masslive.com/springfield/2019/02/springfield-police-officer-under-review-following-arrest-of-student-in-school-hallway.html>

<sup>16</sup> The statute that required data be reported to DESE does not specify who is responsible for collecting it. (See: [M.G.L. Chapter 71 Section 37E](#).)

See page 53 for a further discussion on the use of diversion.

- **Data on pretrial decision-making:** Both nationally and in Massachusetts, there has been an increased focus in recent years on pretrial decision-making, resulting in part from a growing body of research showing the negative impacts of pretrial detention and restrictive pretrial release conditions on both youth and adults.<sup>17</sup> While data on the use of pretrial detention as well as the number of dangerousness hearings conducted (although not the outcomes of the hearings) is available, data on the use of monetary bail and the setting of pretrial release conditions remains unavailable. See page 42 for a further discussion on available pretrial data.
- **Data on plea offers and acceptances:** Although firm statistics on this are not available, nationally or in Massachusetts, scholars estimate that 90-95% of cases are resolved through plea bargaining.<sup>18</sup> This means that the plea bargaining process – what offers are made by District Attorneys, and how that may differ by District Attorney Office, case type, or the demographics of the youth – has a potentially enormous and thus-far unstudied impact on the juvenile justice system.
- **Data on adjudications and dispositions:** Data on outcomes of the juvenile justice court process – adjudications (whether or not a youth is found delinquent, and if that decision is reached by plea, bench trial, or jury trial) and dispositions (i.e. sentencing) – is currently unavailable or only available in one-time published studies.<sup>19</sup> Although the JJPAD Board can make some inferences regarding sentencing decisions based on the number of arraignments, the number of youth admitted to Probation and the number of commitments to the Department of Youth Services,<sup>20</sup> these estimates are rough at best, and leave out critical details, such as the number of youth whose cases are dismissed, those that are adjudicated not delinquent, and the number of youth whose case is “Continued Without a Finding.”<sup>21</sup> More specific aspects of dispositions, such as the length of time youth are placed on probation for, or the conditions of probation placed on them, is also currently unavailable.
- **Data on responses to probation violation notices:** If a youth on probation fails to meet the conditions of probation set by a judge, a probation officer may issue a “violation of probation” notice.<sup>22</sup> This leads to a court process, which may ultimately result in the youth being detained and/or committed to the Department of Youth Services. National research has shown that in both the juvenile and the adult systems, there can be racial and ethnic disparities in the way probation violations are addressed.<sup>23</sup> At the moment, that research cannot be replicated in

<sup>17</sup> Holman, B. & Ziedenberg (J). (n.d.) “The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities,” Justice Policy Institute. Retrieved from: [http://www.justicepolicy.org/images/upload/06-11\\_rep\\_dangersofdetention\\_ji.pdf](http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_ji.pdf)

<sup>18</sup> Devers, L. (2011). “Plea and Charge Bargaining,” Bureau of Justice Assistance U.S. Department of Justice. Retrieved from: <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/PleaBargainingResearchSummary.pdf>

<sup>19</sup> Commonwealth of Massachusetts Disproportionate Minority Contact Statewide Assessment Report, (2018). Retrieved from <https://www.mass.gov/doc/disproportionate-minority-contact>

<sup>20</sup> See page 53 for further discussion on this point.

<sup>21</sup> Before an adjudication, a judge can decide to continue a case without entering a formal adjudication into the youth's record. This is called “continued without a finding” or CWOFF. In a CWOFF case, the youth's case can be dismissed if the youth meets all their conditions of probation while they are supervised, including not committing additional delinquent offenses. The youth will not have a record of a delinquent adjudication if they successfully complete their probation, although the fact that they were arraigned and their case was continued without a finding will appear on their court record.

<sup>22</sup> See page 48 for a further discussion on probation violations.

<sup>23</sup> Jannetta, J., et. al. (2014) “Examining Racial and Ethnic Disparities in Probation Revocation Summary Findings and Implications from a Multisite Study,” The Urban Institute & City University of New York. Retrieved from: <https://www.urban.org/sites/default/files/publication/22746/413174-Examining-Racial-and-Ethnic-Disparities-in-Probation-Revocation.PDF>; Leiber, M.J. and Beaudry-Cyr, M. (2017), “The Intersection of Race/Ethnicity, Gender and the Treatment of Probation

Massachusetts: although the Massachusetts Probation Service provides data on the number of violation notices issued, data on the *results* of those violation notices is not available, nor is any information on the demographics of the youth receiving notices. Having this data would allow us to better understand the extent to which probation violations do or do not serve as a driver of detention, commitments, and/or racial and ethnic disparities.

- **Data on competency hearings and assessments:** Due process under both the 14<sup>th</sup> Amendment to the United States Constitution and Article 12 of the Massachusetts Declaration of Rights requires that a defendant, adult or child, be competent when proceeding to trial or to tender a plea.<sup>24</sup> A defendant is incompetent where they lack the capacity to understand the nature and object of the proceedings, to consult with counsel, and to assist in the preparation of a defense. Lack of competence in youth may stem from a variety of causes, including psychopathology, intellectual disability, and/or immaturity.<sup>25</sup> The nationally recognized MacArthur Study of Adjudicative Competence<sup>26</sup> found that one third of youth age eleven to thirteen and one fifth of youth age fourteen to fifteen manifested a level of impairment consistent with adults found incompetent to stand trial. In FY20, 1,259 delinquency complaints were filed in the Massachusetts Juvenile Court for youth age 12-14. We do not, however, know the percent of those complaints for which a competency hearing was conducted, the demographics of the youth for whom such hearings were held, or the outcome of those hearings. (We know that Juvenile Court clinicians conducted 109 “Competency and/or Criminal Responsibility” evaluations in FY20, but not all evaluations are conducted by Juvenile Court clinicians.) Absent such data, we lack the basis to make informed policy recommendations on this topic.
- **Data on transfer hearings:** If a youth allegedly commits an offense prior to their 18<sup>th</sup> birthday but is not apprehended until after their 19<sup>th</sup> birthday, the Juvenile Court has discretion to order the person discharged or to order a criminal complaint to issue.<sup>27</sup> The potential consequences of such transfer to the adult criminal system is significant. However, we have no data on how often such proceedings occur, the demographics of the youth subject to such proceedings, or the outcome of such proceedings. Absent such data, we lack the basis to make informed policy recommendations.
- **Data on juveniles charged with a homicide offense:** In Massachusetts, youth fourteen or older who are charged with murder in the first or second degree are automatically proceeded against as if they were adults. Data on this specific cohort, which may identify trends over time and inform policy recommendations, is not available.

Increasing data availability is a priority for the JJPAD Board. The Board also notes that doing so may, in many cases, require increased funding for database upgrades or additional research staff, and/or a statutory change to require the collection and reporting of certain data elements. The Board’s [June 2019 report](#) describes in detail the barriers to making various data elements available, and the action(s) the Legislature could take to ensure the aggregate data is reported to the OCA for

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Violators in Juvenile Justice Proceedings”, Race, Ethnicity and Law (Sociology of Crime, Law and Deviance, Vol. 22), Emerald Publishing Limited, pp. 269-290. Retrieved from:

[https://www.researchgate.net/publication/317158928\\_The\\_Intersection\\_of\\_RaceEthnicity\\_Gender\\_and\\_the\\_Treatment\\_of\\_Probation\\_Violators\\_in\\_Juvenile\\_Justice\\_Proceedings](https://www.researchgate.net/publication/317158928_The_Intersection_of_RaceEthnicity_Gender_and_the_Treatment_of_Probation_Violators_in_Juvenile_Justice_Proceedings)

<sup>24</sup> *Dusky v. U.S.*, 362 U.S. 402 (1960); [M.G.L. Chapter 123, Section 15](#)

<sup>25</sup> *Abbott A.*, 458 Mass. 24 (2010).

<sup>26</sup> Grisso, T., & Steinberg, L. (n.d.) “The MacArthur Juvenile Adjudicative Competence Study,” MacArthur. Retrieved from:

[http://www.adjj.org/downloads/58competence\\_study\\_summary.pdf](http://www.adjj.org/downloads/58competence_study_summary.pdf)

<sup>27</sup> [M.G.L. Chapter 119, Section 72A](#)



future JJPAD reports.

## Recommendations on Diversion and Community-Based Interventions

In November 2019, the JJPAD Board made a number of recommendations on how to improve access to diversion and community-based interventions. In the chart below, we detail the status of these recommendations as of November 2020.

2019 Recommendation	Status
<p>The Board made a number of recommendations with regards to the design and launch of a Statewide Diversion Learning Lab:</p> <ul style="list-style-type: none"> <li>• Improve communication and coordination of diversion work by creating Diversion Coordinator positions across the state</li> <li>• Improve quality and consistency of diversion work by developing common infrastructure, policies, and procedures that Diversion Coordinators follow</li> <li>• Test and refine a statewide Diversion Coordination program concept by starting with a three-site learning lab</li> <li>• The Diversion Coordinator should track a variety of data to support coordination, program management and evaluation, and the program should make regular public reports</li> <li>• Information from diversion programs should not be a part of a youth's court record or be used against youth in future legal matters</li> </ul>	<p>As detailed above, in 2020 the JJPAD Board focused on further developing programmatic recommendations for the Statewide Diversion Program. The recommended program design follows the Board's recommendations, including creating state diversion coordinator positions, common policies and procedures for these Coordinators to follow, and tracking and reporting a wide variety of data on the program. It also recommends that information from a youth's participation in diversion not be used against them in future legal matters or be a part of a youth's court record.</p> <p>As mentioned above, in the fall of 2020, the Department of Youth Services and the Office of the Child Advocate announced that, pending appropriation, DYS would be launching the Statewide Diversion Learning Lab using the Model Program Guide as a template. Funding for this program is included in the OCA's line item in the Governor's updated FY21 budget (H2) as well as the House and Senate budgets.</p>
<p>Develop a diversion grant program to fill local gaps in services for youth with more substantial needs being diverted from system.</p>	<p>Specific funding for this item has not been included in the FY21 budget proposals. However, there may be opportunities to fill some local service gaps in conjunction with the DYS Diversion Learning Lab project.</p>
<p>Prioritize expanding evidence-based treatment services for justice-involved adolescents as part of ongoing EOHHS behavioral health initiative.</p>	<p>Due to the COVID-19 pandemic, the EOHHS behavioral health redesign effort, which seeks to strengthen access to behavioral health treatment across the lifespan, is still in progress. The JJPAD Board, which partnered with EOHHS last fall to conduct a series of focus groups with juvenile justice practitioners,</p>

	advocates, and family partners on this topic, continues to urge that expanding evidence-based treatment services for justice-involved adolescents be prioritized in any major behavioral health policy initiatives.
Launch working group focused specifically on transportation barriers for youth/families seeking to obtain services.	This effort has not moved forward, due to shifting priorities resulting from the COVID-19 pandemic. The JJPAD Board also notes that one silver lining of the shift to telehealth and more remote/video-based services is that transportation is, in many cases, less of a barrier. The Board will determine if this topic should be revisited at a future date.

### Recommendations to Address Implementation Challenges following *An Act Relative to Criminal Justice Reform*

In November 2019, the JJPAD Board issued a report focused on the early impacts of *An Act Relative to Criminal Justice Reform*. Included in that report were a number of recommendations designed to address concerns and challenges that arose during the implementation process.

In the chart below, we detail the status of these recommendations as of November 2020:

Topic	2019 Recommendation	Consensus? <sup>28</sup>	November 2020 Status
<b>Children Under 12 who Commit Serious Criminal Acts</b>	<u>Some</u> Board members recommend amending Chapter 119 to give DCF the responsibility and authority to develop, implement, and monitor a treatment plan for youth under 12 who have committed a serious criminal act, with Juvenile Court oversight as needed.	No	No action taken.
<b>“First Offense” Misdemeanor (post <i>Wallace</i> decision)</b>	Additional time is needed to better understand how the mandated processes will play out in practice and if there are any additional points of concern. The JJPAD Board will continue to follow this issue and make additional recommendations in the	Yes	No updates at this time.

<sup>28</sup> On some issues, the Board reached consensus on a given recommendations, while on other issues consensus on the best way forward could not be reached. In those cases, the Board gave a detailed reporting of the Board’s assessment of the “on the ground” facts and a summary of the various perspectives on the issue.



	future should it prove necessary.		
<b>SRO MOUs/SOPs</b>	<p>To ensure the law is fully implemented, the JJPAD Board recommends that the Legislature designate a state agency or agencies to track and review MOUs and SOPs, and provide feedback and assistance when a school district or police department is not in full compliance.</p> <p>The Board also recommends that if any agency is given an explicit oversight role, they should be allocated sufficient staff resources to support the work.</p>	Yes	<p>In the summer of 2020, both the House and Senate passed legislation related to policing that included provisions focused on School Resource Officers (SROs). As of November 25, 2020, that bill is currently in conference.</p> <p>The House version of the bill established a “Model School Resource Officer MOU Commission,” co-chaired by EOPSS and DESE, to develop a minimum standard for MOUs that all school districts with an SRO would be required to meet. Under this section, schools would also be required to annually file its MOU with DESE, who would be instructed to promulgate rules and regulations as necessary to carry out this section.</p>
<b>SRO Training</b>	<p>One reason the JJPAD Board recommended that a state agency be designated to track MOUs was a concern that not all schools included a provision in their MOUs requiring an SRO receive specific training outlined in the 2018 legislation. Board members also expressed concern about if a sufficient system for ensuring the quality of trainings and tracking participation existed.</p>	N/A	<p>In the summer of 2020, both the House and Senate passed legislation related to policing that included provisions focused on School Resource Officers (SROs). As of November 25, 2020, bill is currently in conference.</p> <p>Both the House and Senate versions of the bill included a requirement that the Municipal Police Training Committee establish an in-service training for SROs (including topics such as how policing juveniles differs from policing adults, child and adolescent cognitive development, childhood trauma, de-escalation, and diversion strategies).</p>

			Both versions of the bill also include a provision establishing a certification process for SROs, and requiring the SROs receive training to achieve certification.
<b>SRO Role/Authority</b>	<u>Some members</u> recommend adding language to Chapter 71, Section 237 to clarify the circumstances under which an SRO would be permitted to intervene even if misbehavior does not involve criminal conduct, as well as when school personnel may request the presence of an SRO.	No	No action taken
<b>Role of Bail Magistrate</b>	The JJPAD Board recommends that the Legislature amend MGL Chapter 119 Section 67 (a) and (b) to return the decision regarding release of a youth who has been arrested and brought to a police station to the Bail Magistrate.	Yes	No action taken
<b>Bail Magistrate Fee</b>	The Board recommends eliminating the \$40 bail magistrate fee for youth under the age of 18.	Yes	No action taken
<b>Youth Between 12 and 14 Arrested for Serious Violent Offense</b>	<u>Some</u> Board members believe that the Legislature should amend M.G.L. Chapter 119, Section 67 to permit DYS to hold youth between the ages of 12 and 14 who have been arrested for a serious violent offense <sup>29</sup> until the next court session, unless they are deemed eligible for release on personal recognizance by the bail magistrate or a bail is posted.	No	No action taken

<sup>29</sup> Defined as “an act that has caused serious bodily injury, including permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or a substantial risk of death; or a sexual assault.”

<b>Placement of Youth When Family Cannot/Will Not Resume Physical Custody Following Arrest</b>	JJPAD Board members agree that a statutory change is needed to ensure that all youth who have been arrested and cleared for release have an appropriate, safe, and legal place to spend the night.	Yes	No action taken
	The Board did not reach consensus on how the statute should be changed, but instead presents the following options that were considered by the group:  <u>Some</u> Board members believe the Legislature should M.G.L Chapter 119, Section 67 to permit DYS to hold youth until the next court session if they are otherwise eligible for release but a parent/guardian cannot or will not take child.	No	
	<u>Other</u> Board members believe that the state budget line item for the Alternative Lock-Up (ALP) program, currently administered by DCF, should be amended to provide funding for the placement of youth at an ALP until the next court session if they are otherwise eligible for release but a parent/guardian cannot or will not take child and DYS is not statutorily authorized to hold the youth.	No	

## Impact of COVID-19 on Juvenile Justice

After Governor Baker declared a state of emergency on March 10<sup>th</sup>, 2020, youth, families, and government entities across the Commonwealth swiftly responded to the unprecedented situation. This section provides a description of the various ways the COVID-19 pandemic has impacted the

juvenile justice system, the challenges it has created for youth, families and system practitioners alike, and some of the ways various entities have responded to keep youth, families and staff safe while continuing to fulfil organizational missions and statutory requirements.

### COVID-19 Impact on Youth & Families<sup>30</sup>

Some of the most serious consequences of the pandemic and emergency response are specifically impacting youth and families. Families have faced major challenges including:

- The illness or death of a loved one from COVID-19.
- Financial suffering after losing jobs or cutting back on working hours.
- Additional stressors to daily life caused by sickness, financial hardships, housing instability, and other negative outcomes.
- Stress and anxiety brought on by the pandemic, including the impact of isolation and ongoing uncertainty regarding education.
- Adjustments to the demands of remote learning, specifically for youth with learning disabilities or who otherwise struggle with mental health, socioemotional or other behavioral concerns and have had a particularly difficult time adjusting to remote learning.

Youth in the juvenile justice system and their families not only encountered those major challenges but have also been forced to confront additional obstacles due to their system involvement. These specific challenges include:

- Prolonged court dates due to delays in court processing, leading to stress based on the uncertainty of resolution (with no “end” in sight) and a longer pretrial phrase (including in some cases longer periods in detention).
- Closure or restriction of some community-based services, including services for youth who are diverted, supervised on probation, or returning home from a DYS facility.
- Challenges accessing telehealth services (e.g. lack of access to computer, reliable Wi-Fi, or space for a private conversation).
- Fewer face-to-face meetings with clinicians, caseworkers and others who generally support positive youth development, which has caused some youth to struggle. This lack of human connection has been particularly difficult for youth with learning disabilities or who otherwise struggle with mental health, socioemotional or other behavioral concerns.

### Juvenile Justice System Response

The Commonwealth’s juvenile justice entities rose to the occasion to immediately address the pandemic and its impact on staff, programs, and the youth they serve. This created a juggling act that justice entities were forced to navigate: balancing keeping youth, families, and staff safe with the need to continue core functions and daily operations to the extent possible. New policies and procedures were put into place and revised numerous times as society’s understanding of the pandemic developed. Staff looking to connect youth with services struggled, as availability was diminished in some circumstances. Many agencies also increased spending on personal protective equipment, while anticipating the possibility of FY21 budget cuts due to the pandemic.

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<sup>30</sup> Feedback on the impact of COVID-19 on justice-involved youth was provided by the Board’s parent representative, the Parent Professional Advocacy League (PPAL), and Citizens for Juvenile Justice (CfJJ).

**Each organization on the JJPAD Board identified keeping staff, youth, and families safe and healthy as a top priority.** In accordance with CDC guidance,<sup>31</sup> juvenile justice agencies have implemented policies and procedures that promote social distancing, screening when appropriate, education on hand-washing and healthy hygiene practices, and encouraged staff to stay home from work if they are not feeling well. Agencies also made efforts early on to secure personal protective equipment and followed mask guidance as issued.

Two main directives impacted the way the juvenile justice system operated during the pandemic:

- After *Committee for Public Counsel Services v. Chief Justice of the Trial Court*, SJC-12926<sup>32</sup> the Juvenile Court issued standing order [5-20](#)<sup>33</sup> streamlining procedures for “presumption of release” cases in light of concerns around the inherently contagious nature of detentions, jails and prisons, and the potential of COVID-19 spreading. Juvenile justice agencies collaborated to review and identify prior and ongoing cases to determine which youth were eligible for release from detention or a residential setting.
- The Juvenile Court issued three standing orders ([7-20](#),<sup>34</sup> [9-20](#)<sup>35</sup>, and [10-20](#)<sup>36</sup>) dealing with court operations during the pandemic and identified emergency court matters. This streamlined some court processes and created a triaging system for court cases. The standing orders also issued guidance around virtual court hearings.

In addition to responding to the two directives above, individual agencies implemented their own policy changes to respond to the challenges presented by COVID-19. These responses are summarized below; for additional details, please see Appendix B.

**Police Departments:** To limit their own potential exposure to COVID-19, as well as potential exposure for youth, many police departments instructed officers to increase their use of court summons and limit on-sight (custodial) arrests to those that threatened public safety. Police departments worked with other justice system practitioners to adapt procedures around arrest, physical custody of youth, warrants, arraignments, and other court hearings. Practices differed from court to court, but in many cases, police worked to shift processes to conference call or video to limit in-person interactions.

**District Attorneys:** In addition to the changes in court procedures and identifying youth eligible under the “presumptive release” ruling previously mentioned, District Attorneys’ offices responded to the pandemic by putting telework policies in place for staff. Starting in the summer, staff were furloughed due to budget cuts.

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<sup>31</sup> See the Center for Disease Control and Prevention’s COVID-19 resource website: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

<sup>32</sup> This ruling made clear that defendants were entitled to a “presumption of release” for individuals if they were not being held on a dangerousness claim (G.L. C. 276, §58A) and if they were not charged with a violent or serious offense listed in Appendix A of the SJC decision.

<sup>33</sup> See Juvenile Court Standing Order 5-20: Protocol Governing Requests for Release from Detention, and Requests to Revise or Revoke or to Stay Sentence, based on Coronavirus (COVID-19) Risks <https://www.mass.gov/juvenile-court-rules/juvenile-court-standing-order-5-20-protocol-governing-requests-for-release>

<sup>34</sup> See Juvenile Court Standing Order 7-20: Extension of emergency court operations under the exigent circumstances created by COVID-19 <https://www.mass.gov/juvenile-court-rules/juvenile-court-standing-order-7-20-extension-of-emergency-court-operations>

<sup>35</sup> See Juvenile Court Standing Order 9-20: Jury trials under the exigent circumstances created by the COVID-19 (coronavirus) pandemic <https://www.mass.gov/juvenile-court-rules/juvenile-court-standing-order-9-20-jury-trials-under-the-exigent-circumstances>

<sup>36</sup> See Juvenile Court Standing Order 10-20: Court operations under the exigent circumstances created by the COVID-19 (coronavirus) pandemic <https://www.mass.gov/juvenile-court-rules/juvenile-court-standing-order-10-20-court-operations-under-the-exigent>

**The Committee for Public Counsel Services (CPCS)/Youth Advocacy Division(YAD):** After the coronavirus struck Massachusetts, CPCS, the Massachusetts Association of Criminal Defense Lawyers and the ACLU of Massachusetts sued the Trial Court to seek the release of incarcerated people held in jails and prisons across the Commonwealth. One result of this litigation was *Committee for Public Counsel Services v. Chief Justice of the Trial Court*, described above.

In addition to the changes in court procedures and identifying youth eligible under the “presumptive release” ruling, CPCS responded to the pandemic by putting telework policies in place for staff. CPCS also furloughed staff (a combination of mandatory and voluntary furloughs) starting in July 2020 in anticipation of FY21 budget cuts. Additionally, attorneys worked with DYS, as well as Houses of Correction (HOC) and the Department of Correction (DOC) to replace in-person meetings with virtual legal visits for detained clients while maintaining client attorney privilege and privacy.

**The Department of Youth Services (DYS)** issued a number of policies and procedures to keep DYS staff, and the youth in their care and custody, safe and healthy. DYS implemented changes to promote social distancing in their facilities and conduct health care screenings, while adjusting other operations to continue virtually, including telework, where possible.

Much of DYS’ response to COVID addressed their residential youth population and programs. DYS implemented procedures for when a newly detained youth entered their facility, including a protocol requiring newly detained youth to quarantine for 14 days upon their arrival. To ensure the continuation of critical daily operations, DYS implemented guidance on virtual learning, clinical services, visitation, and home passes. Understanding the importance of contact with family, especially during this period of isolation, DYS quickly implemented a video visitation policy. Youth have been able to use DYS-issued iPads to video call family members throughout the pandemic.

**Juvenile Courts:** The Juvenile Court did not close operations during the pandemic, instead moving to virtual hearings, prioritizing emergency matters,<sup>37</sup> and adopting new in-person court procedures. This was a significant change in operations that had to be implemented quickly. Courthouses were closed to the public starting March 16, 2020 and remained closed until July 2020. As mentioned, starting March 18, 2020, the Juvenile Court implemented a triage approach as to who should come into courthouses for emergency hearings.

**Probation Services:** Probation Officers conducted (and continue to conduct) virtual visits with youth and their families to monitor progress and compliance of their probation conditions while minimizing potential COVID exposure between staff, and youth and their families. Probation Officers also limited the use of probation notices for behaviors short of a violation. Notices were issued to youth who were re-arrested for a new crime or whose violations posed an imminent threat to others.

In addition, at the outset of the pandemic, Probation developed an online inventory of programs, services and resources and updated their status – open, closed, restricted access, in-person, remote – with details about access for youth and families. This inventory, active today, includes mental

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<sup>37</sup> “Emergency hearings” were prioritized for in-person hearings but were encouraged to be conducted virtually if possible. Emergency hearings included: Care and Protection Temporary Custody Hearing (G.L. c. 119, § 24); Child Requiring Assistance (CRA) applications where allegation is that the child is a runaway; arraignments and dangerousness hearings (G.L. c. 276, § 58A) for detained youth in delinquency and youthful offender proceedings; motions for reconsideration of bail, bail revocation, and probation violation detainer hearings; substance/alcohol use disorder proceedings (G.L. c. 123, §35); mental health proceedings (G.L. c. 123, §§7,8); and harassment prevention proceedings (G.L. c. 258E). Retrieved from: <https://www.mass.gov/files/documents/2020/03/26/jud-Juvenile-Court-standing-order-3-20.pdf>

health and behavioral health services as well as COVID-related resources – food, shelter, clothing, medical services including testing and others. This helps Probation Officers’ ability to support youth and families in need during the pandemic.

**Department of Public Health (DPH):** DPH’s Bureau of Substance Addiction Services (BSAS) saw a marked decline in the number of youth accessing residential treatment for a substance use disorder (SUD) in the months directly following the outbreak. BSAS youth-serving agencies implemented policies to keep youth safe (for example, limiting one youth per room for inpatient care facilities) and limited the number of individuals in each program. Clinical staff utilized virtual platforms to conduct therapy sessions, and longer-term residential providers used virtual platforms to connect families with youth in their care.

Programs receiving DPH grant funding such as the Child Youth Violence Prevention Program, the Safe Space programs, and Massachusetts Gun Violence Prevention Program all pivoted from their core functions to respond to the emerging, immediate needs of youth and their families during the pandemic. Programs moved much of their operation to virtual platforms, provided direct resources to youth in need (i.e. necessities, food, shelter, cellphones, rental assistance), and conducted virtual trainings to support staff in facing the challenges of this pandemic. Trainings included topics such as: relationships and boundaries in a virtual world, case management and risk assessment, and de-escalation techniques.

**Department of Mental Health/Juvenile Court Clinics:** To minimize potential COVID-19 exposure, juvenile court clinicians conducted virtual visits with youth for assessments and sessions. For sessions that needed to happen in person, clinicians limited the number and time spent in courthouses and lock-up areas.

Additionally, Court Clinic programs throughout the state developed a resource list that they utilize and frequently update to know what services are available for youth and families and how to connect them during the pandemic. The resource list includes treatment options, as well as resources for food, financial assistance, and technology services that are needed for youth to stay connected to providers.

### Ongoing Challenges & Moving Forward

The COVID-19 pandemic and its aftermath will impact the juvenile justice system for years to come. Young people have experienced grief, isolation, and sickness, amplified by challenging or traumatic experiences in the home, inequities with access to learning and resources, and the overall uncertainty of these times. This is especially true in Massachusetts’ Black- and Latinx-majority communities, as well as in communities with fewer economic resources.

With the assumption that this will be our “new normal” for some time, the following are ongoing areas of concerns specific to our juvenile justice system:



- There is growing concern about the behavioral and mental health needs of children and families:<sup>38</sup>
  - Youth and family advocates are concerned that these needs are not being sufficiently addressed, and that this could lead to short- and long-term behavioral challenges that could subsequently lead to justice system involvement.
  - Police have noticed an uptick in calls related to mental health, substance use, and domestic violence over the course of the pandemic.
  - Practitioners and advocates alike express ongoing concerns regarding service availability. With schools remaining closed and youth at home, this has left a large gap in providers being able to meet with youth, as many agencies conduct treatment sessions with youth at school.
  - While using video to conduct virtual visits has been one way to meet the challenges posed by the pandemic, many youth, families, case workers and clinicians have experienced technological problems and unreliable internet connections. Virtual visits also can make it harder to develop rapport with youth in ways they usually would during in-person sessions.
- As the pandemic – and continued need for social distancing to protect safety – stretches on, there are concerns that the changes in court procedures and any continued delay in jury trials may have concerning impacts on youth:
  - Delays in court processing and jury trials are leading to youth spending longer periods of time in pretrial detention, prompting concerns that some young people may feel compelled to plea to a conviction rather than remain detained for an uncertain length of time, which can be stressful for the youth and their family.
  - There are concerns that the long-term use of video conferencing can have unintended impacts on case outcomes, with implications for racial/ethnic disparities. A recent report by the Brennan Center found that defendants whose hearings were conducted over video had substantially higher bond amounts set than their in-person counterparts, and that remote witness testimony by children and youth was perceived as less accurate, believable, and consistent when appearing over video.<sup>39</sup>
- There is also concern regarding the impact of the pandemic on staff stress levels and safety and the youth they serve:
  - Where in-person work is required, even with proper PPE and social distancing guidelines, there is still risk of exposure to COVID for staff in offices, on visits, or in

<sup>38</sup> For more findings and recommendations on the pandemic's potential effect on children and youth, read the Childhood Trauma Task Force's June 2020 report: *Protecting our Children's Well-Being During COVID-19: Recommendations for Supporting Children and Families Who Have Experienced Trauma and Stress During the Pandemic*: <https://www.mass.gov/doc/cttf-june-2020-report-protecting-our-childrens-well-being-during-covid-19-0/download>

<sup>39</sup> Brennan Center for Justice (n.d) Retrieved from: <https://www.brennancenter.org/our-work/research-reports/impact-video-proceedings-fairness-and-access>



facilities, which can be an ongoing source of stress for staff.

- Staff are facing many of the same stressors that youth and their family are facing, including illness, isolation, anxiety, and financial challenges.
  - The impact of the furloughs implemented by some agencies on office operations varies, but typically furloughs have required offices to focus staff resources on core functions while curtailing or slowing work on non-essential projects.
  - In addition to being concerned for the well-being of the staff that make up the juvenile justice system, the JJPAD Board notes increased staff stress can also have implications for turnover rates, burnout, and staff ability to provide effective services to youth.
- There have been several serious outbreaks of COVID-19 in adult correctional facilities, which house young people who are serving sentences on Youthful Offender or murder charges that occurred before they were 18. There is concern both for the health and safety of these young people in adult correctional facilities, as well as the isolation they are experiencing due to facility lockdowns. These lockdowns have led to individuals being placed in de facto solitary confinement, as well as shutting down educational opportunities and limiting family visits. It has also created ongoing challenges for the youth's attorneys, who in many cases do not feel safe conducting in-person client visits due to high COVID rates in adult prisons and jails, cramped meeting rooms with insufficient room for social distancing, and poor ventilation.

While youth, their families and child-serving agencies have encountered immense hardship throughout the pandemic, youth and family advocates note there have been some improvements that have bettered the lives of justice-involved youth during this period and could be promising to continue post-pandemic:

- One silver lining to the pandemic was DYS' response to virtual visits. Virtual video visits have been well-received by parents of youth in DYS custody throughout the pandemic and have helped youth and their families remain connected while physically apart.
- Police departments prioritizing the use of summons rather than custodial arrests, while initiated to protect safety, has been beneficial for youth and families and would be a helpful policy to continue post-pandemic.
- Advocates have noted with appreciation the work the Department of Youth Services has done during the pandemic to seek feedback from advocacy groups and families, adapt policies, communicate transparently about decision making, and share data.
- Increased collaboration across agencies and branches of government has helped to identify youth who could be safely supervised and treated in the community rather than in a congregate facility. While much of this is in response to health and safety concerns, there may be "lessons learned" from these processes that could inform post-pandemic decision-making.

## Juvenile Justice System Data Trends

This section provides a big-picture overview of Massachusetts' juvenile justice system and identifies recent trends in utilization at various points in the process.

Prior to the JJPAD Board's [2019 Legislative Report](#), individual juvenile justice entities each reported their own data in various formats and on separate timelines. There was no singular, consistent place or report analyzing data from all juvenile justice process points each year, making it difficult to evaluate the entirety of the system or identify system trends. The high-level overview provided in this section allows us to examine current data and recent trends in the context of an entire system, not just individual entities.

The data below looks at trends in total contacts, offense type and severity,<sup>40</sup> and the race/ethnicity, gender, age, sexual orientation and gender identity of youth involved with the justice system at various process points over the past four fiscal years (July 2016 through June 2020). We also examine county-level differences in utilization at different process points, compared to the county's youth population size.

Last fiscal year (one year after the passage of [An Act Relative to Criminal Justice Reform](#)), there was a significant drop in utilization of the juvenile justice system at each process point for which data was provided.<sup>41</sup> Given that this drop came following over a decade of decline in juvenile arrests, court processing, detention and commitments, the Board concluded that **"it seems likely that the legislation has accelerated the decline at certain process points in the first year, but also that the decreases cannot be solely attributed to the new statute."**

This fiscal year, available data indicates that **utilization of the justice system has continued to decline at all process points**, albeit at lower pace more in line with declines seen in the period before an *Act Relative to Criminal Justice Reform*. However, as described below, we **urge caution when interpreting this data, given the potential impact of the COVID-19 pandemic**.

### Impact of the COVID-19 Pandemic of FY20 Data

In "Impact of COVID-19 on Juvenile Justice," above, we provide a description of the various ways the pandemic has impacted the justice system, the challenges it has created for youth, families and system practitioners alike, and some of the ways various entities have responded to keep youth, families and staff safe while continuing to fulfil organizational missions and statutory requirements. Here, we discuss the impact the pandemic may have had on the FY20 data presented below.

**Figure 4: Juvenile Justice System Major Process Points**

Diversion
Custodial arrest
Court summons
Overnight arrest
Application for complaint
Delinquency filing
Arraignment
Pretrial supervision
Pretrial detention
Adjudication
Disposition
Probation
Commitment to DYS
Transfer to adult court

*Aggregate data is available at most, but not all, process points for the period of time examined in this report (FY17 to FY20). Data is not available for the process points in light blue.*

<sup>40</sup> *Offense types* tell us what kind of delinquent offenses youth involved with the justice system are alleged of committing; *offense severity* measures the seriousness of offenses.

<sup>41</sup> This was one of the intended goals of the legislation. Landry, J. (2018). Juvenile Justice Reform in the Criminal Justice Package. Retrieved from <https://willbrownsberger.com/juvenile-justice-reform/>

This report looks at data in FY20. The pandemic began to significantly impact life in Massachusetts in mid-March, which means that any impact on the data would have been for a little more than the last quarter of the year. Much of the data was provided in an annual format, not by quarter, which limits our ability to separate out the impact of COVID-19 on overall trends.

We note, however, the following impacts of COVID-19 on society, process and policy, which may have in turn led to decreases – potentially significant decreases – in justice system utilization during the last quarter of FY20:

- Schools were closed, and many youth and families were leaving their home only for essentials in the first few months of the pandemic. It seems likely this **decreased situations that may lead to delinquent behavior outside the home**. The stress of isolation may also have increased tensions within the home in some circumstances, which could have resulted in more domestic-related incidents coming to the attention of the juvenile justice system.
- Law enforcement in many communities were instructed to use court summons whenever possible, **reducing the use of custodial arrests**.
- **Courts were closed to the general public** from March 16, 2020 through the end of Fiscal Year 2020 due to the COVID-19 pandemic. Although the courts were still operating virtually for emergency matters, the closure (and general atmosphere surrounding the pandemic) may have discouraged individuals from filing complaints for less serious matters.
- Various stakeholders worked to **reduce the number of youth held in pretrial detention** out of fear that it could put them at greater risk of contracting COVID. Most notably, the Juvenile Court issued a standing order adopting the framework of *CPCS/MACDL v. Chief Justice of the Trial Court (SJC-12926)* creating a rebuttable presumption for the release of youth detained pretrial or due to a violation of probation. Monthly data from DYS on pretrial detention admissions shows a sharp decline in admissions in April. Admissions went back up moderately in May and June but were still significantly lower than January and February 2020.
- Efforts to reduce the use of pretrial detention may be leading to **an increase in youth being placed on pretrial supervision**, which is provided by the Massachusetts Probation Service (MPS). MPS has seen monthly pretrial supervision caseloads climb significantly since May 2020.<sup>42</sup> This may also be a result of youth staying on pretrial supervision longer due to delays in jury trials.
- The court shift to telephonic and video hearings was a significant logistical challenge for the courts, lawyers and persons before the court, including juvenile defendants. There was a general pause of non-emergency and evidentiary hearings in the first few months of the pandemic, jury trials ceased, and no grand juries sat. There was also an emergency suspension of speedy trial rights.

These delays have likely increased the time it takes for a youth's case to resolve, which in turn likely had a variety of other system impacts: an **increase in the length of stay for**

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<sup>42</sup> See Massachusetts Probation Services Public Tableau Dashboard: <https://public.tableau.com/profile/mpsresearchdept#!/vizhome/JuvenileCourtDepartmentProbationTrends/DelinquencyTrendsDashboard>

**those youth who are held pretrial** as well as a **reduction in the number of youth committed to the Department of Youth Services or placed on post-disposition probation** during the end of the fiscal year. Of note, commitments to the Department of Youth Services have dropped by approximately 50% since March, and that rate has continued since. MPS also reports that the monthly caseloads of youth on post-disposition probation has declined significantly since March.<sup>43</sup>

Accordingly, the FY20 data in this report should be interpreted with caution, as our understanding of the impact of COVID on the justice system is still developing.

### Continuing Impact of *An Act Relative to Criminal Justice Reform*

In 2019, we reported very significant drops in justice system utilization at all process points following passage of *An Act Relative to Criminal Justice Reform* in 2018. While much of that decline can likely be attributed to the impact of the law itself, we also reported in 2019 that there were significantly different interpretations across the state regarding some statutory changes, specifically the definition of a “first offense” and law enforcement’s authority to arrest for low-level misdemeanors, and that this may have contributed to the particularly sharp decrease in applications for complaint and delinquency filings.

Given this confusion and the impact it may have had on various process point data, in last year’s report we suggested that following an August 2019 Supreme Judicial Court ruling clarifying the law,<sup>44</sup> it was possible applications for complaint would rise closer to pre-implementation levels in FY20. This rise, if it took place, would likely also lead to increases in delinquency filings and arraignments. (Given that the impact was on lower-level offenses, it is less likely to have an impact on detention and commitment rates.)

Below, we report continuing declines in justice system utilization at most process points from FY19 to FY20. It is possible, however, that the impact of COVID on annual totals is masking a different trend: an *increase* in utilization at some or all process points in the first three quarters of FY20, followed by a sharp *decrease* in the fourth quarter.

Without quarterly data, we cannot say for sure this is the case. If it is, however, it would not be unexpected given the context described above.

Even if that is the case, however, the overall trend following implementation of *An Act Relative to Criminal Justice Reform* remains clear: **significant declines in the numbers of youth who are being processed through the juvenile justice system, driven primarily by declines in court referrals for lower-level offenses.**

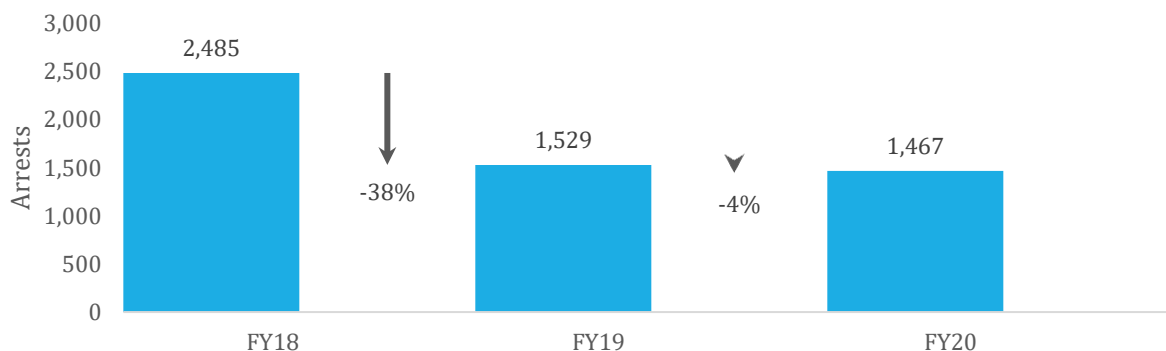
<sup>43</sup> See Massachusetts Probation Services Public Tableau Dashboard: <https://public.tableau.com/profile/mpsresearchdept#!/vizhome/JuvenileCourtDepartmentProbationTrends/DelinquencyTrendsDashboard>

<sup>44</sup> Wallace W., a juvenile, vs. Commonwealth, 482 Mass. 789 (2019) [https://www.mass.gov/files/documents/2019/09/27/AmendedSJC\\_482\\_789.pdf](https://www.mass.gov/files/documents/2019/09/27/AmendedSJC_482_789.pdf)

## Custodial Arrests

After a large decrease between FY18 and FY19, custodial arrests<sup>45</sup> decreased slightly (4%) between FY19 and FY20. Since FY18, custodial arrests have declined 41%, continuing more than a decade long trend of decreasing arrests.<sup>46</sup>

Figure 5: Custodial Arrests by Fiscal Year



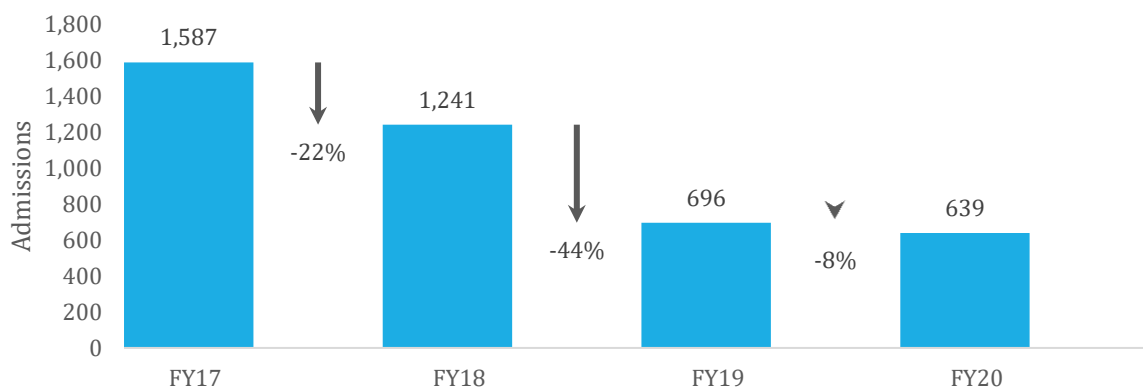
Arrest data is preliminary and may change over time as police departments update their data reports. Final arrest data is published by the FBI, typically each fall for the previous calendar year.

Source: Department of Grants and Research, Executive Office of Public Safety and Security

## Overnight Arrests

An overnight arrest (ONA) admission occurs when a juvenile has been arrested by the police (either on a new offense or an active warrant) when court is not in session and is held in a locked Department of Youth Services (DYS) ONA facility overnight or until the next court day. Following a substantial decline in admissions in FY19, ONA admissions to DHS detention facilities have leveled out, with a slight decrease (8%) in FY20 admissions. ONA admissions have decreased 49% since FY18.

Figure 6: Overnight Arrest Admissions Totals



Source: Research Department, Department of Youth Services

<sup>45</sup> Juvenile arrest data in this report only includes custodial arrests (categorized as “on-view” and “taken into custody” in the NIBRS reporting system.) Many police departments will issue youth a summons to court rather than making a custodial arrest for less serious offenses. However, the use of summons is not consistently reported by all police departments; as a result, data on summons is not included in this report for the sake of consistency.

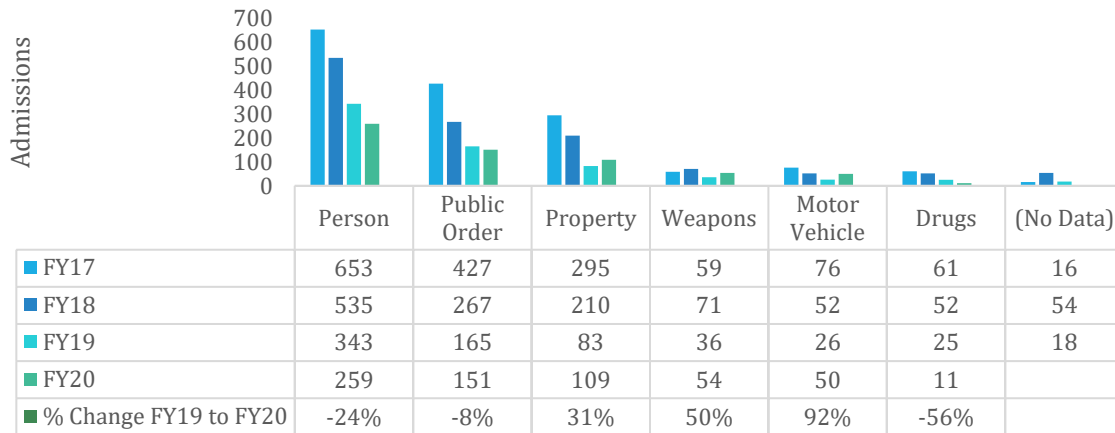
<sup>46</sup> Data obtained from the Executive Office of Public Safety and Security. Retrieved from: <https://www.mass.gov/info-details/data-about-youth-arrests>

## ONA Admissions Offense Type & Severity Trends

The majority of ONA admissions in FY20 were for youth with underlying (alleged) *person* (41% of FY20 admissions), *property* (17% of FY20 admissions), and *public order* offenses (24% of FY20 admissions).

Since FY18, ONA admissions decreased 52% for *person* offenses, 43% for *public order* offenses, 48% for *property* offenses, 24% for *weapons* offenses, 4% for *motor vehicle* offenses, and 79% for *drug* offenses.

Figure 7: ONA Admissions by Offense Type



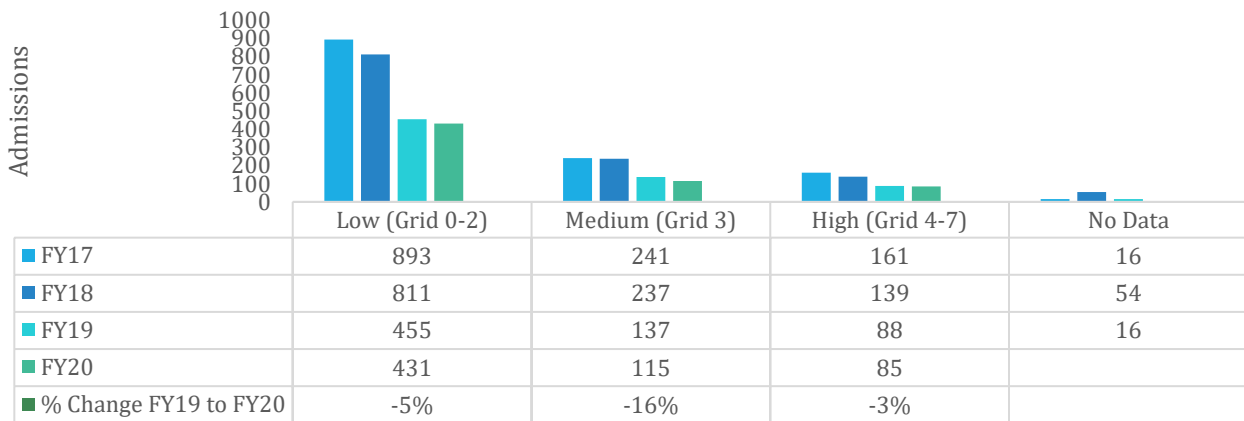
To maintain confidentiality, the data in cells with counts <10 are suppressed and intentionally left blank.

Source: Research Department, Department of Youth Services

DYS categorizes offense severity by “grid level.” This is a numeric representation, ranging from 1 (least serious) to 7 (most serious), based on adult sentencing guidelines. For the purposes of this report, grid levels have been combined into *Low* (grid levels 0-2), *Medium* (grid level 3), and *High* (grid levels 4-7).

ONA admissions decreased across grid level groups in FY20, with the largest decrease for *Medium* severity offenses (16%). Since FY18, ONA admissions decreased 47% for *Low* severity offenses, 51% for *Medium* severity offenses and 39% for *High* severity offenses.

Figure 8: ONA Admissions by Grid Level



To maintain confidentiality, the data in cells with counts <10 are suppressed and intentionally left blank.

Source: Research Department, Department of Youth Services

**Table 2: Grid Level Examples**

Below is a list of common offenses and their corresponding Grid Level

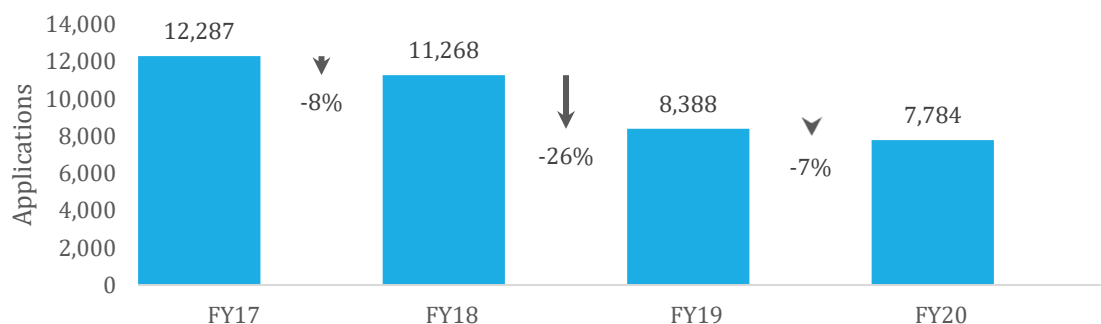
DYS Grid Level	Common Offense	DYS Grid Level	Common Offense
1	Disturbing the Peace	4	Assault and Battery with a Dangerous Weapon
1	Petty Larceny	4	Armed Robbery
1	Possession of Marijuana	4	Distributing Cocaine
2	Distributing Marijuana	5	Armed Assault & Robbery
2	Possession of Cocaine	5	Attempted Murder
2	Poss. of a Dangerous Weapon	5	Rape
2	Receiving Stolen Property	6	Home Invasion
2	Assault and Battery	6	Carjacking with a firearm
3	Breaking and Entering (Felony)	7*	Murder
3	Larceny (Felony)	*Grid level 7 is reserved for youth sentenced in adult court for murder.	

## Applications for Complaint

An application for delinquent complaint may be filed with the Clerk Magistrate's office when a police officer or other person believes a youth has committed a delinquent offense. The application for delinquent complaint includes a sworn statement of the alleged facts and is the first step in the court process. Due to inconsistencies in the reporting of arrest data (as detailed in Footnote 45 above), **applications for complaint provide the most accurate measure of the total frequency of incidents resulting in a response from the juvenile justice system.**

In FY20, there were 7,784 applications for complaint, 7% less than the year prior. Since the implementation of *An Act Relative to Criminal Justice Reform* beginning in FY19, applications for complaint have decreased by 31%.

**Figure 9: Applications for Complaint Totals**



Source: FY17 data obtained from Department of Research and Planning, Massachusetts Trial Court. FY18-FY20 data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard  
<https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

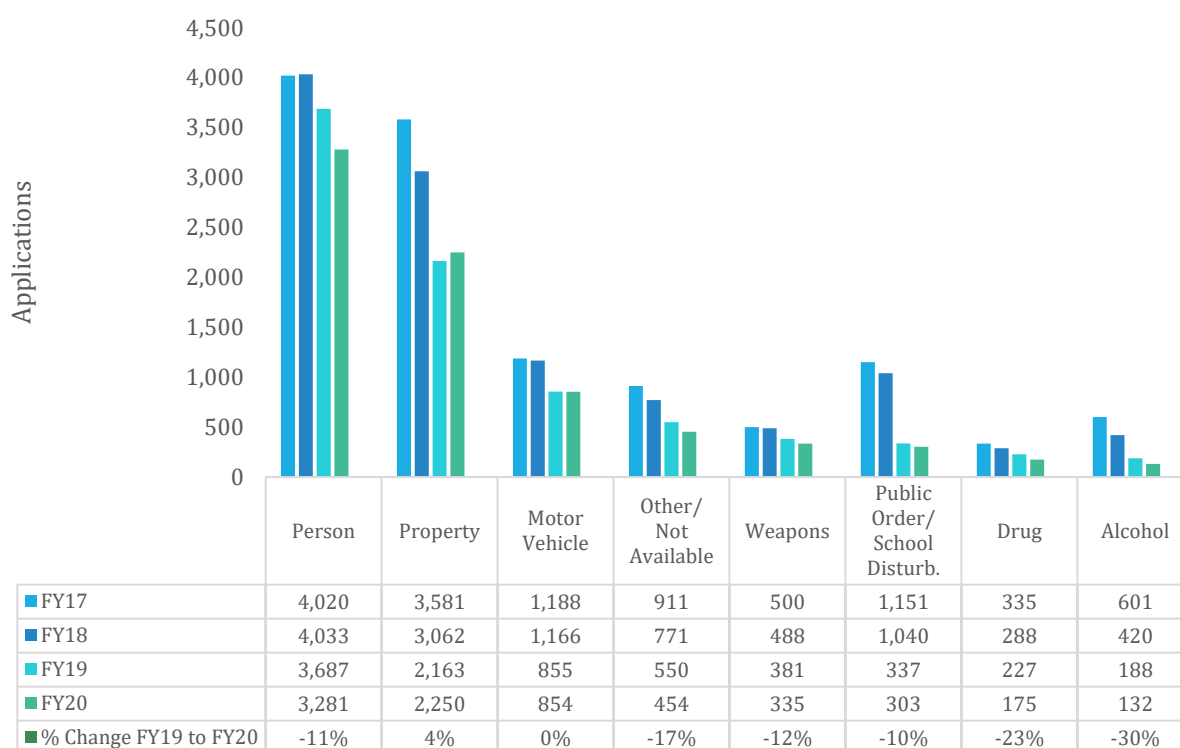
## Offense Type & Severity



The majority of applications for complaint are for alleged *person* (42% of applications) and *property* (29% of applications) offenses. Between FY19 and FY20, applications with underlying *property* offense type allegations increased slightly (4%), while applications for all other offense types decreased or remained the same.

Since FY18, applications for complaint decreased 19% for *person* offenses, 27% for *property* offenses, 27% for *motor vehicle* offenses, 41% for *other* offenses, 31% for *weapons* offenses, 71% for *public order/school disturbance* offenses, 39% for *drug* offenses, and 69% for *alcohol* offense.

Figure 10: Applications for Complaint by Offense Type



Source: FY17 data obtained from Department of Research and Planning, Massachusetts Trial Court. FY18-FY20 data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

## Delinquency Filings

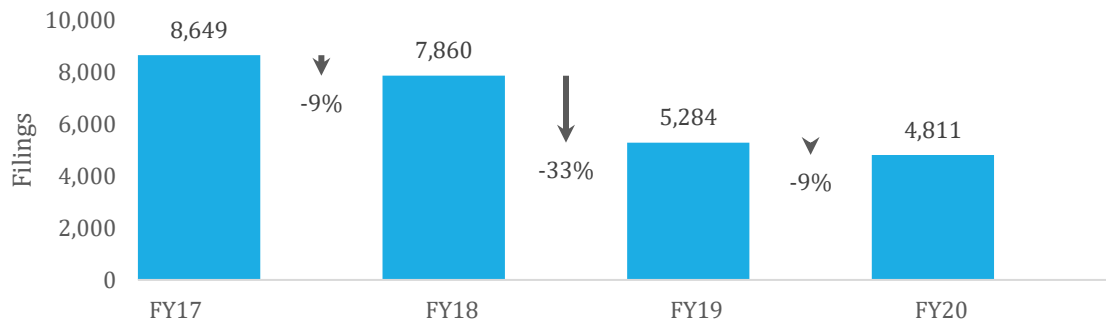
A delinquency filing is made by a clerk magistrate if probable cause is found on an application for complaint.<sup>47</sup> After a considerable decrease in filings in FY19 (33%), delinquency filings decreased at a slower rate in FY20 (9%). Filings have decreased 39% since FY18, continuing a longer-term trend of decreasing delinquency filings.<sup>48</sup>

<sup>47</sup> Rules of Criminal Procedure, Rule 3 <https://www.mass.gov/rules-of-criminal-procedure/criminal-procedure-rule-3-complaint-and-indictment-waiver-of-indictment>

<sup>48</sup> Delinquency filings have decreased from 9,899 in FY14 to 4,811 in FY20. Data retrieved from: <https://www.mass.gov/info-details/trial-court-statistical-reports-and-dashboards>



Figure 11: Delinquency Filings Totals by Fiscal Year

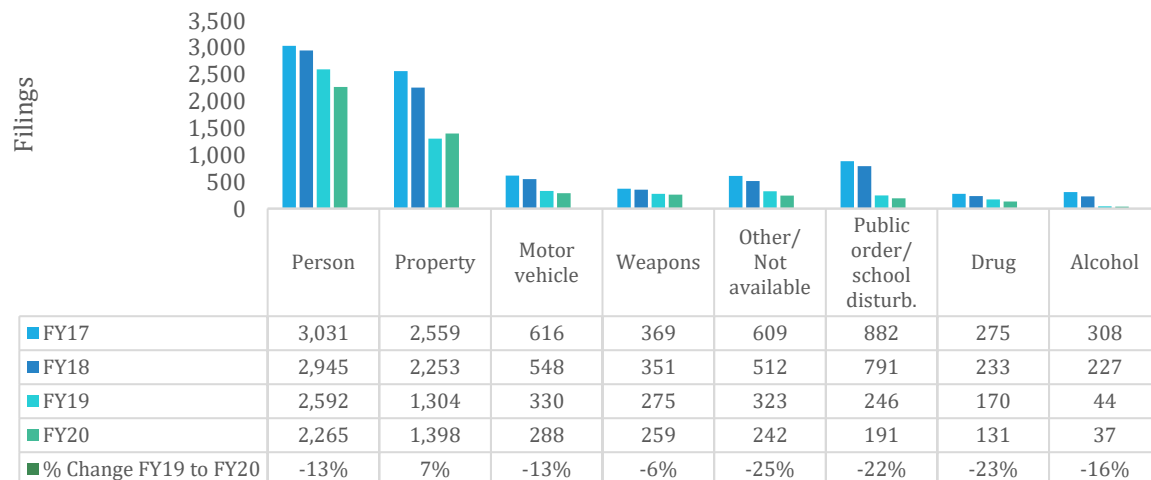


Source: FY17 data obtained from Department of Research and Planning, Massachusetts Trial Court. FY18-FY20 data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

### Offense Type & Severity

Following the applications for complaint trends, the majority of delinquency filings in FY20 are for alleged *person* (47% of filings) and *property* (29% of filings) offenses. Between FY19 and FY20, filings with underlying *property* offense type allegations increased slightly (7%), while filings for all other offense types decreased or remained the same. Since FY18 delinquency filings have decreased 23% for *person* offenses, 38% for *property* offenses, 47% for *motor vehicle* offenses, 26% for *weapons* offenses, 53% for *other* offenses, 76% for *public order/school disturbance* offenses, 44% for *drug* offenses, and 84% for *alcohol* offenses.

Figure 12: Delinquency Filings by Offense Type



Source: FY17 data obtained from Department of Research and Planning, Massachusetts Trial Court. FY18-FY20 data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

### Arraignments

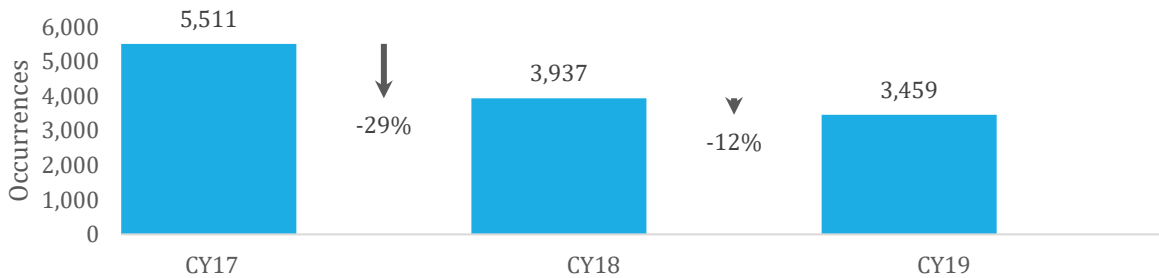
The JJPAD Board is pleased to be able to provide data on Juvenile Court arraignment occurrences this year.<sup>49</sup> An arraignment occurs when a youth is before the court and officially “charged” by a

<sup>49</sup> An occurrence is defined as one arraignment event. A youth can be arraigned on multiple charges at the same time. If a youth was arraigned for delinquencies once in January, then again for other delinquencies in March, that would count as two separate occurrences.

prosecutor with an offense. If a youth is diverted, it typically takes place before an arraignment, as once a youth has been arraigned, the incident will appear on a youth's court record.

Juvenile arraignments have decreased by 37% from Calendar Year (CY) 2017 through CY2019.<sup>50</sup> Given that *An Act Relative to Criminal Justice* went into effect halfway through CY18, the best way to understand the impact of the legislation on arraignments is to compare CY17 (an entire year pre-reform) to CY19 (an entire year post-reform).

Figure 13: Arraignment Occurrences



Source: Massachusetts Trial Court Analysis (Data from Department of Criminal Justice Information Services)

## Offense Type

Youth are officially “charged” with an offense at the arraignment stage. Youth can be charged with more than one offense, and, thus, one arraignment occurrence can have multiple charges associated with it.

From CY17 to CY19, the number of charges decreased across all offense types:

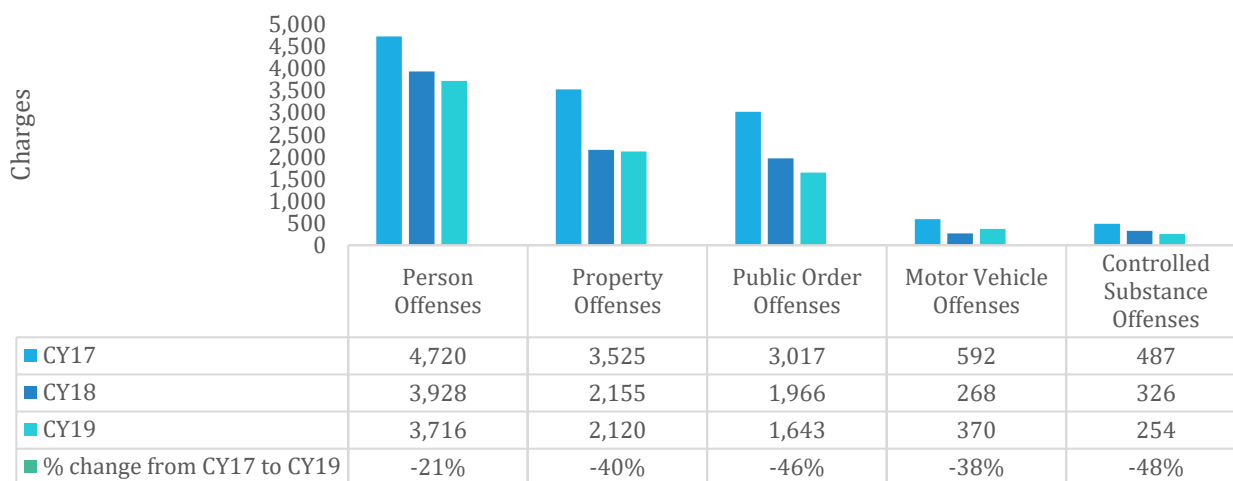
- Charges for controlled substance offenses decreased 48%
- Charges for public order offenses decreased 46%
- Charges for property offenses decreased 40%
- Charges for motor vehicle offenses decreased 38%
- Charges for person offenses decreased 21%

Data that would connect charges to arraignments – for example, data on the most serious offense associated with each arraignment – is not currently available. This limits our ability to identify the percentage of arraignments that are for lower or higher severity charges. (See data on Pretrial Detention Admissions and First-Time Commitments to DYS, below, for examples of that method of analysis.)

The arraignment data set includes all cases arraigned in the Juvenile Court, which includes a mix of delinquency cases as well as a small number of charges for which adults are arraigned in Juvenile Court (e.g. Contributing to the Delinquency of a Child; Concealing/Harboring a Fleeing Child). Based on analysis of charges filed in Juvenile Court in FY20 (available on the [Trial Court's public data dashboard](#)) the OCA believes the number of these non-delinquency arraignments is likely small, but cannot report what percentage of arraignments fall into this category or how that may impact arraignment demographic or geographic breakdowns.

<sup>50</sup> Data on arraignments was provided by calendar year rather than fiscal year.

Figure 14: Number of Charges by Offense Type



Source: Massachusetts Trial Court Analysis (Data from Department of Criminal Justice Information Services)

## Pretrial Supervision and Detention

Following arraignment, the court holds a pretrial hearing. At this hearing, a judge makes a determination as to whether or not the youth is a flight risk and, if so, may set bail, set other pretrial release conditions, and/or place the youth on pretrial supervision to assure their appearance in court.<sup>51</sup> Judges must consider the youth's financial resources if they set bail.<sup>52</sup> If the youth is unable to make bail or meet other pretrial release conditions, they are held in detention pretrial.

Data on bail determinations is not currently available.

## Dangerousness Hearings

A prosecutor may also move for a "Dangerousness" hearing, also called a 58A Hearing, if they believe the youth is too much of a threat to public safety to release pretrial.<sup>53</sup> If a judge rules in favor of the prosecution, the youth is held in detention pretrial. In FY20, there were 223 cases with initial dangerousness hearings held.<sup>54</sup> This was a 13% increase from FY19, when there were 197 cases with dangerousness hearings. Since FY18, cases with dangerousness hearings have remained the same, despite a 12% decrease between FY18 and FY19.

Data on the results of the dangerousness hearings is not available.

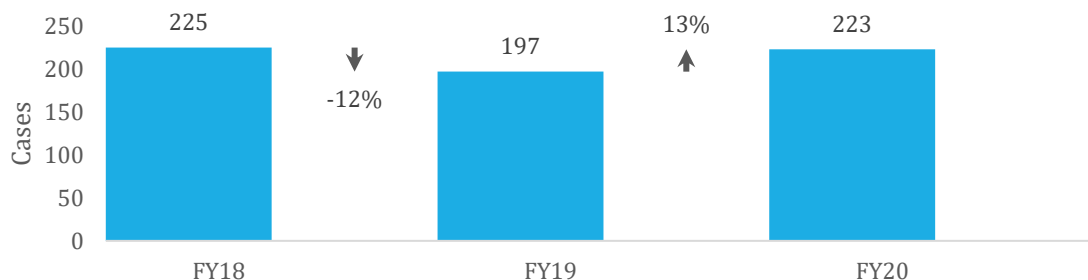
<sup>51</sup> Querubin v. Commonwealth, 440 Mass. 108, 113 (2003). Commonwealth v. Pagan, 445 Mass. 315 (2005). [M.G.L Chapter 276 §58](#).

<sup>52</sup> If neither nonfinancial conditions nor an amount the defendant can afford will adequately assure defendant's appearance, the judge may set bail at a higher amount, but no higher than necessary to ensure the defendant's appearance. Brangan v. Commonwealth, 477 Mass. 691 (2017).

<sup>53</sup> [M.G.L Chapter 276 §58A](#)

<sup>54</sup> Data on 58A hearings was accessed via the Trial Court's public data dashboard, which includes additional court-level breakdowns: <https://public.tableau.com/profile/drap4687#!/vizhome/MassachusettsTrialCourtDangerousnessHearings/Trends>

Figure 15: Cases with Dangerousness Hearings



Source: Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard

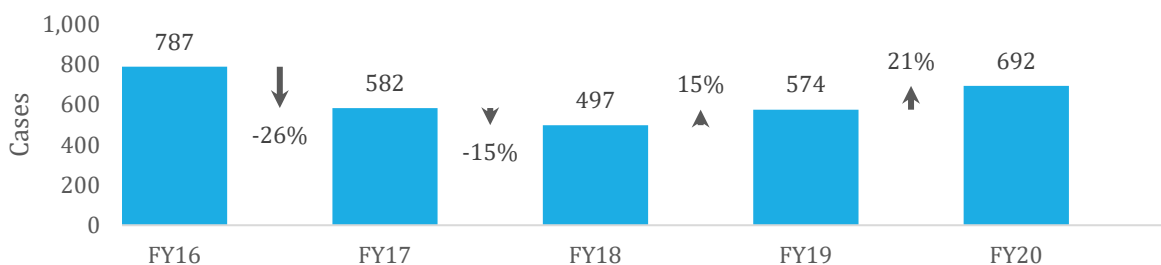
<https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

## Pretrial Supervision

After being arraigned, a youth may be placed on pretrial supervision, which is provided by the Massachusetts Probation Service (MPS). Although the youth is not formally on probation, they will be ordered to follow certain conditions, which may include regular check-ins with a probation officer.

In FY20, 977 youth were placed on pretrial supervision for a period of time (admissions). At the end of the fiscal year (June 2020), 692 youth were currently on pretrial supervision, an increase of 21% from FY19.<sup>55</sup> Since FY18, pretrial supervision caseloads increased 39%.

Figure 16: Pretrial Supervision Caseload, June of Each Fiscal Year



Source: Department of Research, Massachusetts Probation Service

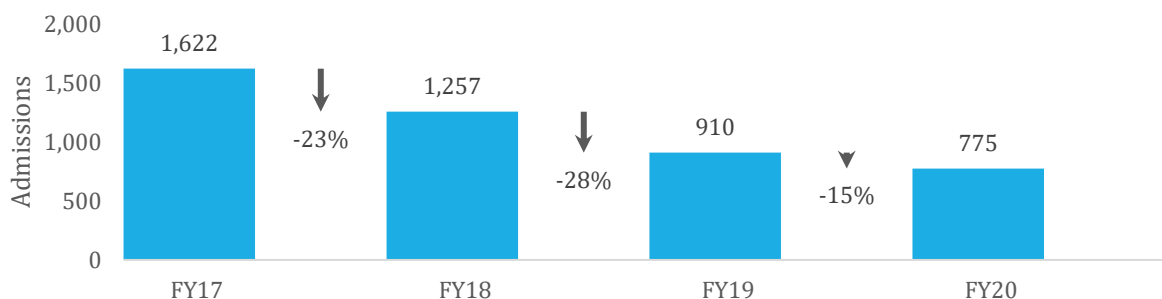
## Pretrial Detention

A youth is ordered to detention by a judge if they have been found to be too dangerous to release pretrial as the result of a 58A (“Dangerousness”) Hearing, or if they are unable to make the cash bail that has been set for them. Youth in pretrial detention are placed in the custody of the Department of Youth Services. Detention admissions decreased 15% from FY19 to FY20. Detention admissions have decreased 38% since FY18, continuing a longer-term trend of declines in admissions to detention.<sup>56</sup>

<sup>55</sup> While admission data tell us the total number of youth that are placed on pretrial supervision in a given fiscal year, caseload data is a “point in time” data set, showing us the number on pretrial supervision in a given month. Caseload data presented is pulled from a sample month (in this case, June) for each fiscal year to show change over time.

<sup>56</sup> In 2013 (calendar year), there were 2,103 detention admission. In 2020 (fiscal year), there was 775. CY13 data obtained from: <https://www.mass.gov/doc/jdai-data-dashboards-cy2014-q4/download>

Figure 17: Detention Admissions Totals



Source: Research Department, Department of Youth Services

The average length of time a youth spends in detention can vary by offense type:

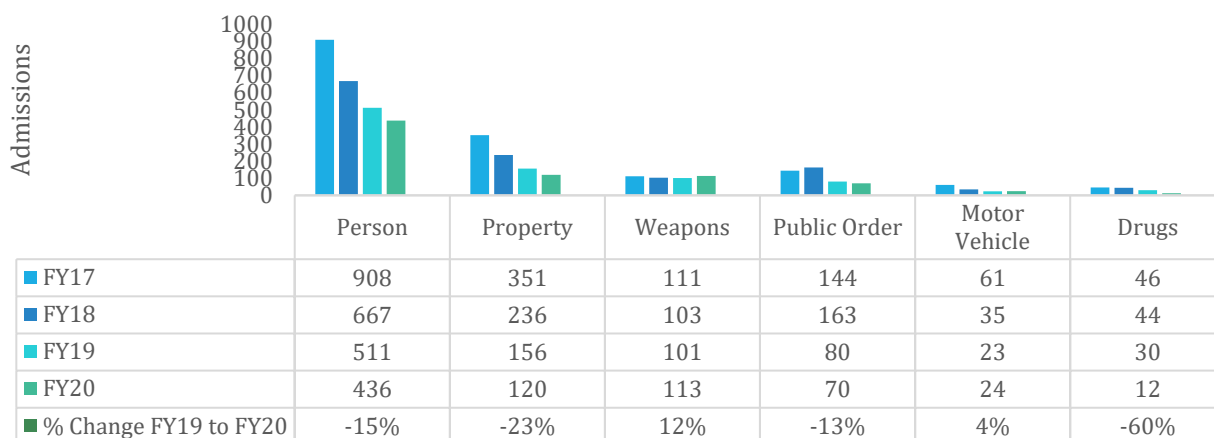
Table 3: Offense Type by Length of Stay	
Offense Type	Avg. # of Days Detained
Public Order	28.1 days
Property	32.4 days
Motor Vehicle	36.6 days
Drugs	47.1 days
Person	48.4 days
Weapons	70.5 days

Source: Research Department, Department of Youth Services

The decrease in pretrial detention admissions from FY19 to FY20 comes from drops in admissions for youth charged with *drug*, *property*, *person* and *public order* offenses. During the same period, there were increases in admissions for *weapons* and *motor vehicle* offenses.

Since FY18 detention admissions have decreased 35% for *person* offenses, 49% for *property* offenses, 57% for *public order* offenses, 31% for *motor vehicle* offenses, 73% for *drug* offenses, and increased 10% for *weapons* offenses.

Figure 18: Detention Admissions by Offense Type

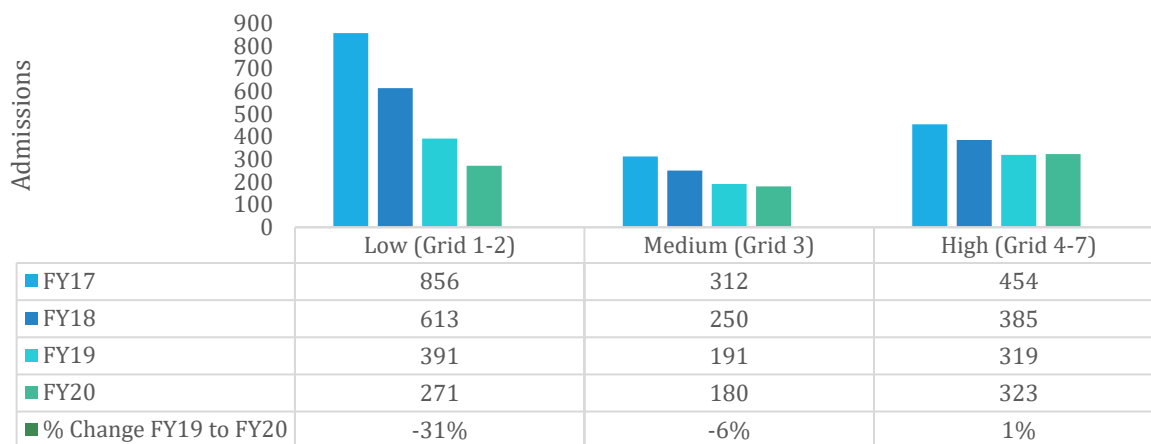


Source: Research Department, Department of Youth Services

The decrease in detention admissions was almost entirely driven by a 31% decrease between FY19 and FY20 in admissions for *Low* grid level offenses. This means fewer youth with low-level underlying offenses are being admitted to detention.

Since FY18, pretrial detention admissions have decreased 56% for *Low* severity offenses, 28% for *Medium* severity offenses, and 16% for *High* severity offenses.

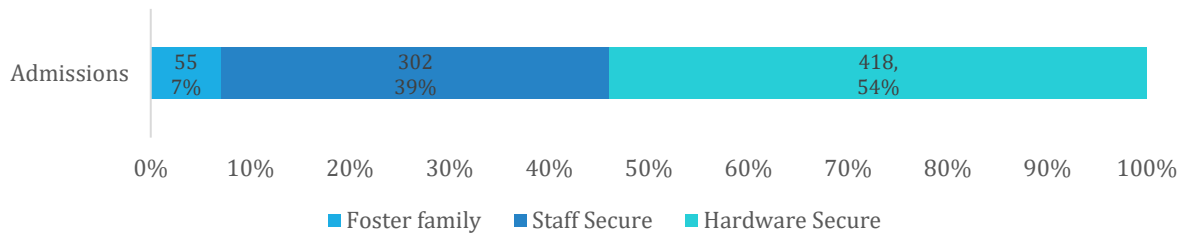
Figure 19: Pretrial Detention Admissions by Grid Level



To maintain confidentiality, the data in cells with counts <10 are suppressed, therefore totals may not match overall admissions data.  
Source: Research Department, Department of Youth Services

If a youth is placed in the custody of DYS pretrial, they can be held in a *hardware secure facility*, a *staff secure facility*, or in a placement with a foster family in the community (from most to least secure). Placement type is determined by the youth's risk level and offense type. In FY20, of the 775 detention admissions, 54% were placed at a hardware secure facility, 39% were placed in a staff secure facility and 7% were placed with a foster family.

Figure 20: Detention Admissions by Placement Type  
(n=775)



Source: Research Department, Department of Youth Services

### Adjudication and Disposition

The court's formal finding after a jury or bench trial, or after a plea, is called an adjudication. A youth may be adjudicated "delinquent" or "not delinquent" in a given case, or the case may be "continued without a finding" (CWOFF).

Data on adjudication methods or decisions is not currently available.

Dispositions can be described as the outcome of a case. In adult court, this is referred to as a "sentence." Common options for dispositions in juvenile court include placing the youth on probation for a period of time, committing a youth to the custody of the Department of Youth Services (DYS), giving the youth a suspended DYS sentence, or giving the youth a full or partial adult sentence if the youth was adjudicated as a Youthful Offender.

Data on dispositions is not currently available.

### Post-Disposition Probation

Youth who have been adjudicated delinquent or whose case has been Continued Without a Finding can be placed on probation by the court as a disposition. There are two forms of probation they can be placed on by a judge:

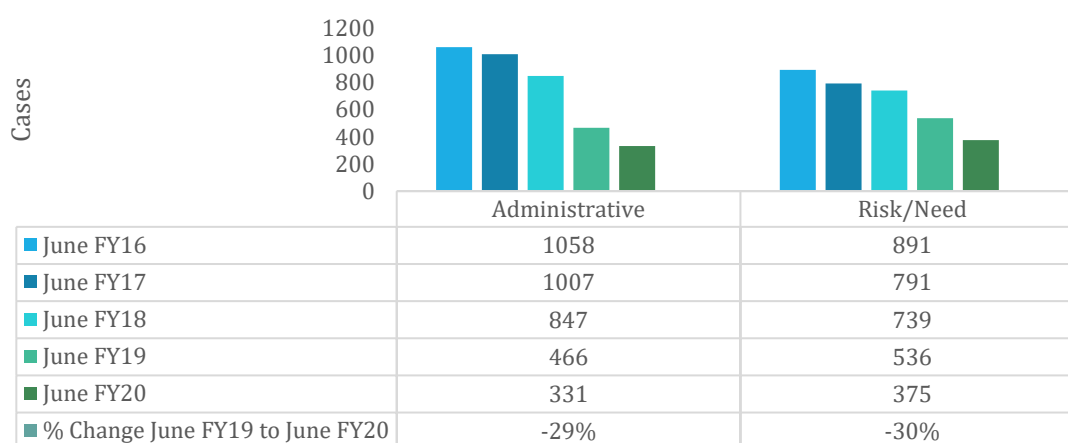
- **Risk-Need Probation:** A classification of probation supervision for adjudicated youth where Probation Officers have direct supervision of youth based on supervision standards in place for Minimum, Moderate or Maximum supervision. These levels are determined by an assessment tool and classification process.
- **Administrative Probation:** A classification of probation that limits the amount of directly supervised conditions an adjudicated youth has while on probation. Unlike Risk/Need Probation, there is no assessment tool used for this classification of probation.

Overall, monthly post-disposition delinquency probation cases<sup>57</sup> decreased 30% in FY20. Since FY18, overall post-disposition delinquency probation caseloads have decreased 55%: Risk/Need Probation by 49% and Administrative Probation by 61%.

<sup>57</sup> Probation caseload data is a "point in time" data set. In other words, data presented is pulled from a sample month (in this case, June) for each fiscal year to show change over time.



**Figure 21: Probation Monthly Post-Disposition Caseload by Supervision Type**



*Source: Department of Research, Massachusetts Probation Service*

This year, MPS also provided data on youth who began a term of probation in FY20, in addition to the monthly caseload data. In FY20, 398 youth were placed on Risk/Need probation, and 339 were placed on Administrative probation.

## Offense Type & Severity

Data on underlying offense types or severity for youth supervised by MPS is not available. A rough proxy for understanding the characteristics of youth on probation as it relates to severity of conduct is to look at the supervision levels of youth on probation. In 2016, MPS began using the Ohio Youth Assessment System (OYAS) assessment tool to determine a youth's risk of reoffending, reveal any underlying needs of the youth, and determine other ongoing challenges they may have in their lives.<sup>58</sup> The assessment's results help probation officers determine the supervision level of youth on probation.

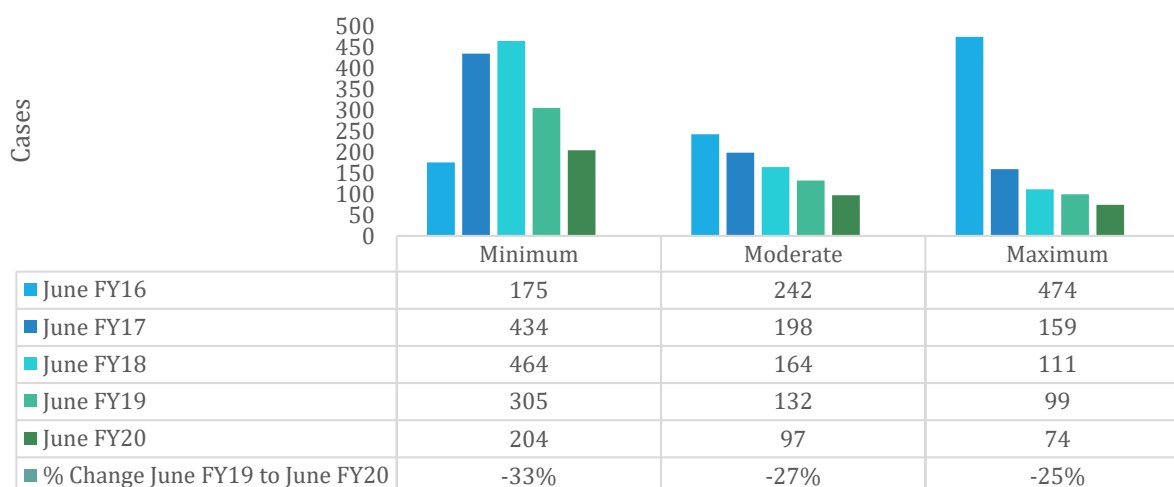
Supervision levels do not necessarily align with offense severity, and youth in each of the supervision levels can have a range underlying offense types. In general, however, youth with the most serious underlying offense types are typically supervised at a higher supervision level than youth with less serious underlying offense types.

Between FY19 and FY20, probation caseloads for youth supervised at the Minimum level decreased 33%, caseloads supervised for youth at the Moderate level decreased 27%, and caseload supervised for youth at the Maximum level decreased 25%.

Since FY18, Minimum supervision caseloads decreased 56%, Moderate supervision caseloads decreased 41%, and Maximum supervision caseloads decreased 33%.

<sup>58</sup> Prior to this, MPS did not use a validated instrument to help set supervision levels. Implementation of the OYAS showed that a much greater percentage of the probation caseload could be safely and effectively supervised at the Minimum level than was previously realized; this explains the large shift in case caseload supervision levels from FY16 to FY17.

Figure 22: Probation Risk/Need Caseload by Supervision Level



Source: Department of Research, Massachusetts Probation Service

## Violations of Probation

If a youth on probation fails to meet the conditions of probation set by a judge, a probation officer has three response options: issue a warning or other sanction, conduct an administrative hearing, or issue a “violation of probation” notice. A violation of probation notice informs the youth of the condition(s) the officer alleges they violated and orders the youth to appear in court. There are three types of violation notices: *Delinquent*,<sup>59</sup> *Non-Delinquent*,<sup>60</sup> or *Both Delinquent & Non-Delinquent*.<sup>61</sup>

In FY20, there were 583 violation notices issued across the state. Over half of all notices were for non-delinquent violations (a 27% decrease from FY19), while 34% were for delinquency violations (a 20% decrease from FY19) and 14% were for both delinquency and non-delinquency violations (a 28% decrease from FY19).

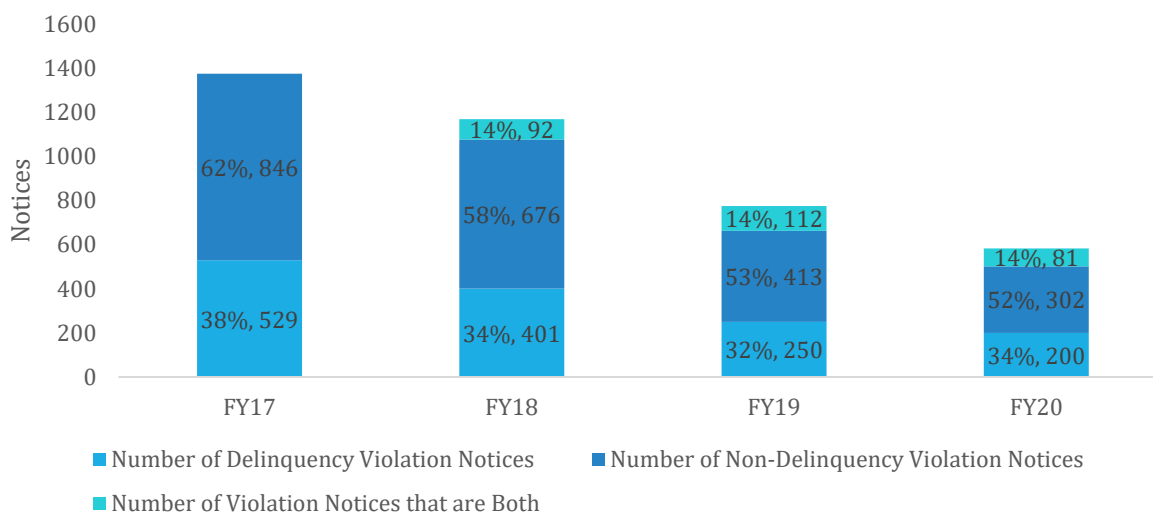
Since FY18, violation notices, overall, have decreased 50%. *Delinquency violation notices* decreased 50%, *non-delinquency violations* decreased 55%, and violations that were both delinquency and non-delinquency violations decreased 12%.

<sup>59</sup> The probation officer is alleging that the youth committed a new delinquent offense while under probation supervision, on the basis of a new arrest or summons by the police. An example is a youth being arrested for shoplifting while a youth is being supervised for a previous offense.

<sup>60</sup> Sometimes called a “technical” violation. In this case, the probation officer is alleging that the youth did not comply with one or more conditions of probation. The alleged behavior is not by itself a delinquent offense and would not otherwise result in an arrest. An example of this would be the youth not attending a mandatory anger management group and after many attempts to have the youth attend, they never go.

<sup>61</sup> A youth can receive one violation notice that includes allegations of a new delinquent offense (Delinquent Violation Notice) and non-compliance with conditions of probation (Non-Delinquent Violation Notice).

Figure 23: Violation of Probation Notices by Type



Source: Department of Research, Massachusetts Probation Service

Over the past few years, Juvenile Probation has undertaken a number of actions that have resulted in significantly reduced violations, both technical and new arrest, in its delinquency caseload. The first was the implementation of the classification and assessment tool, the OYAS, as noted above. Implementation of the tool was critical in determining risk and needs of youth, determining the right level of case supervision and most importantly informing the development of a case plan.

Second, Probation implemented an administrative review process, along with a rewards/graduated sanction protocol to support reinforcement of positive behavior and intervene effectively with negative behaviors short of violation. MPS recently began reporting the number of administrative hearings held per year. Statewide, there were 94 administrative hearings conducted in FY18, 137 administrative hearings in FY19, and 88 administrative hearings in FY20.

In addition, the Juvenile Court in collaboration with Juvenile Probation implemented a practice of using non-criminal violation notices to adjust probation conditions as indicated by changed circumstances and/or behavior of the youth in the community.

These efforts have had a significant impact: since FY17, notices for violations of probation have decreased by 58%.<sup>62</sup> It is particularly noteworthy that new both new arrest violations and non-delinquency (“technical”) violations have declined at the same general rate (62% and 64%, respectively). This suggests that MPS’s case planning and violation response reforms are driving an overall decline in delinquent behavior for youth on probation.

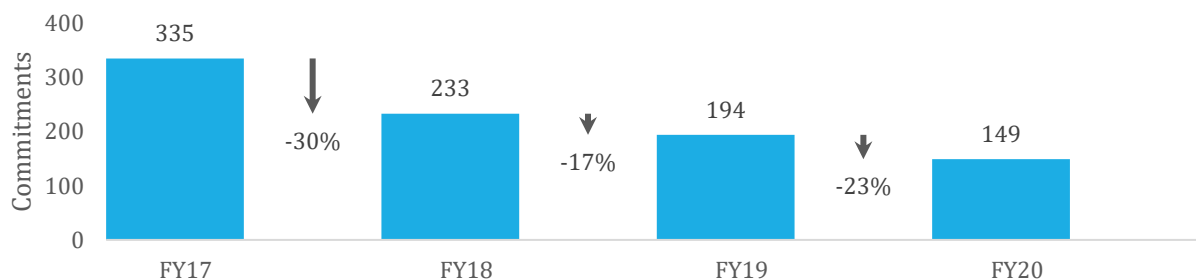
### First-Time Commitments to the Department of Youth Services

The most serious disposition the judge can make after a finding of “delinquent” is to commit the child to the custody of DYS until their 18<sup>th</sup> birthday (which can be extended to 19, 20, or 21 years

<sup>62</sup> Massachusetts Probation Service did not start reporting the number of probation violation notices that included both delinquent and non-delinquent violations until November 2017.

old depending on the time and type of disposition). First-time<sup>63</sup> commitments to DYS decreased by 23% between FY19 and FY20. First-time commitments have decreased 36% since FY18, continuing a longer-term trend in declines in commitments.<sup>64</sup>

Figure 24: First-Time Commitment Totals



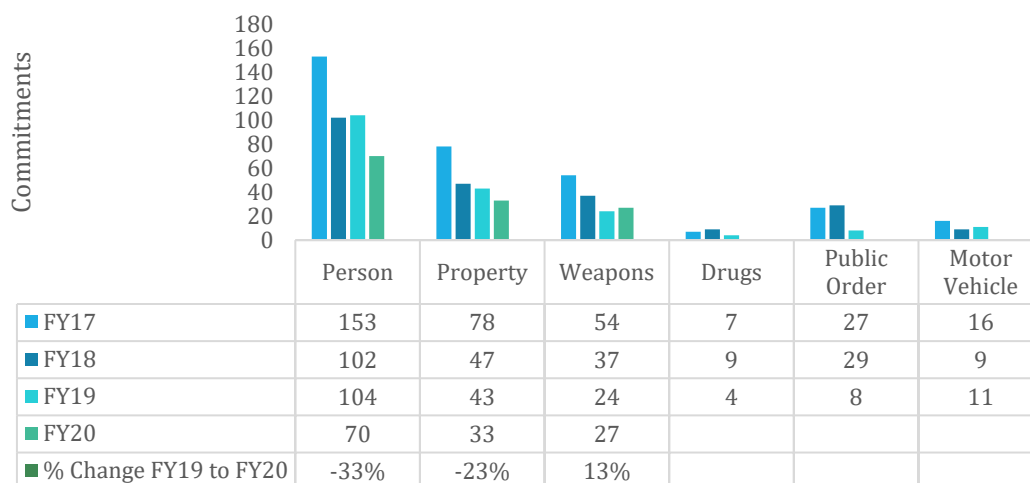
Source: Research Department, Department of Youth Services

## Offense Type & Severity

In FY19, there were 104 first-time commitments of youth with underlying *person* offenses. In FY20, there were 70 first-time commitments for that offense type – a 33% decrease. First-time commitments also decreased for youth with underlying *motor vehicle*, *property* and *public order* offenses. Youth with *drug*, *public order* and *motor vehicle* underlying offenses represented a small fraction (just 13%) of all first-time commitments.

Since FY18, first-commitments decreased 31% for *person* offenses, 30% for *property* offenses, and 27% for *weapons* offenses.

Figure 25: First-time Commitments by Offense Type



To maintain confidentiality, FY20 data in cells with counts <10 are suppressed, therefore totals may not match overall commitment data.

Source: Research Department, Department of Youth Services

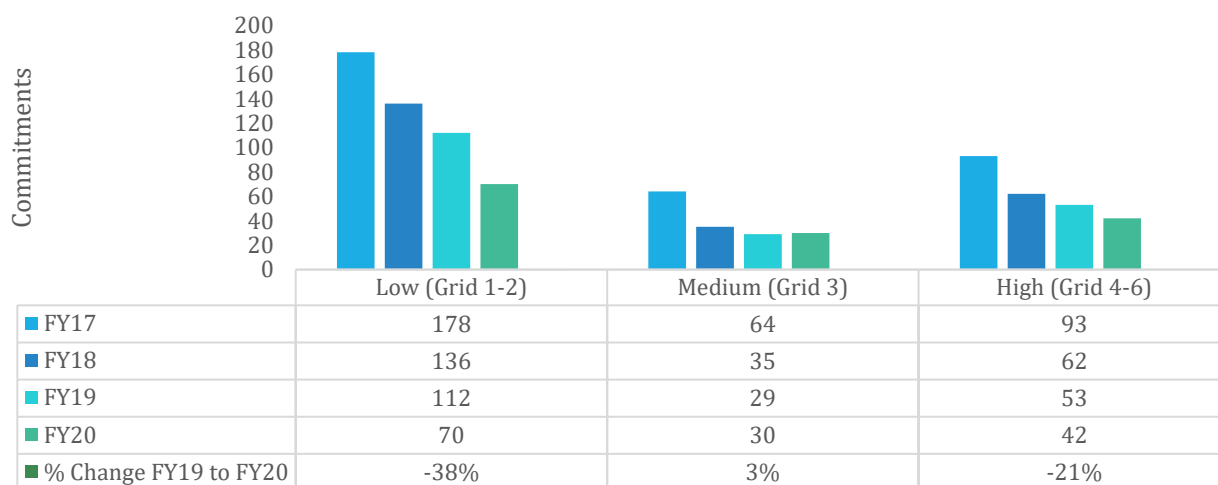
<sup>63</sup> First-time commitments include youth who have never previously been committed to DYS. This count does not include youth who have been committed previously and are “recommitted” to the Department.

<sup>64</sup> In 2013 (calendar year), there were 344 new commitments to DYS. In 2020 (fiscal year), there was 149. CY13 data obtained from: <https://www.mass.gov/doc/jdai-data-dashboards-cy2014-q4/download>

The drop in first-time commitments is primarily driven by a 38% decrease in youth with an underlying offense classified as *Low* (grid levels 1-2). This means fewer youth with low-level underlying offenses are being committed to DYS.

Since FY18, first-time commitments decreased 49% for *Low* severity offenses, 14% for *Medium* severity offenses, and 32% for *High* severity offenses.

Figure 26: First-time Commitments by Grid Level

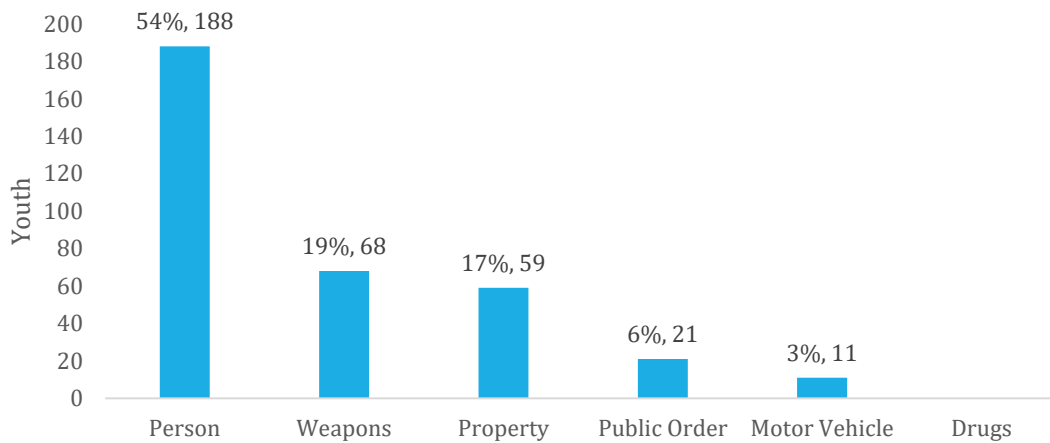


To maintain confidentiality, the data in cells with counts <10 are suppressed, therefore totals may not match overall commitments data.  
Source: Research Department, Department of Youth Services

## DYS Commitment Population Snapshot Caseload

In addition to looking at data on new commitments to DYS in a given year (admissions), it is also important to look at data on the entire population of youth in the custody of the Department. Presented here is “snapshot” data, which looks at youth who were in the custody of DYS on June 30, 2020. On that date, there were 351 youth committed to DYS. Of those youth, the majority (54%) were committed for a *person* offense, and another 19% for a *weapons* offense.

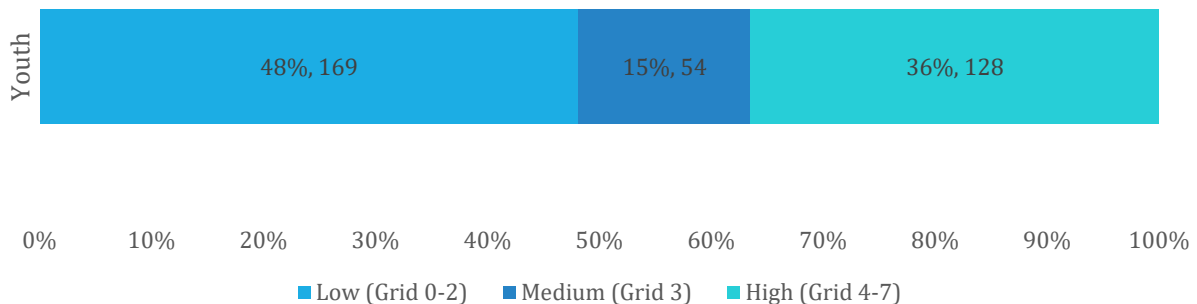
Figure 27: FY20 Commitment Snapshot by Offense Type (N=351)



To maintain confidentiality, FY20 data in cells with counts <10 are suppressed, therefore totals may not match overall commitment data.  
Source: Research Department, Department of Youth Services

Forty-eight percent of committed youth on that day had underlying offenses that fell within a *low* grid level, 15% had underlying offenses that fell within a *medium* grid level, and 36% had an underlying offense that had a *high* grid level.

Figure 28: FY20 Snapshot Data by Offense Severity (n=351)



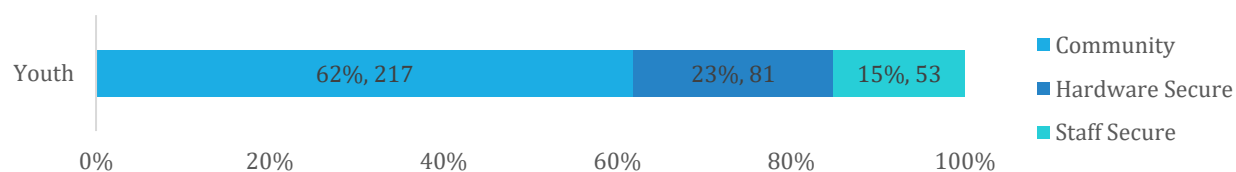
Source: Research Department, Department of Youth Services

## Placement Type

Since a youth's placement type can change throughout their DYS commitment, it is best to use snapshot data to analyze the number of committed youth in various types of placements. At the end of FY20, 351 youth were committed to DYS. Of those, 62% were residing in the community<sup>65</sup>, 23% were in a hardware secure residential placement (the most serious security level) and 15% lived in a staff secure facility.

<sup>65</sup> Youth committed to DYS who are living in the community do so on a "Grant of Conditional Liberty" or GCL. The GCL can be revoked and a youth can be brought back to a DYS facility at the discretion of DYS. This is roughly equivalent to "parole" in the adult justice system.

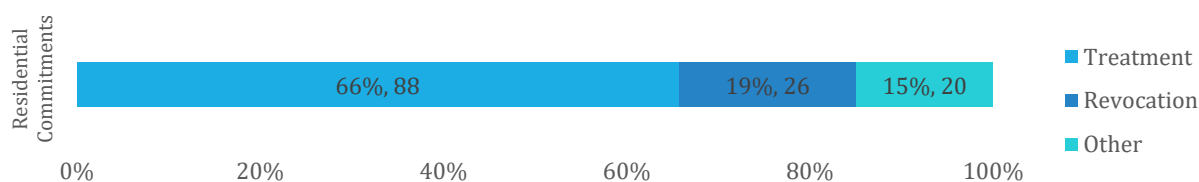
Figure 29: Committed Youth by Placement Type (n=351)



Source: Research Department, Department of Youth Services

For youth committed to a facility, DYS' *continuum of care* designates the different reasons committed youth are held in a residential program. On June 30, 2020, 66% of youth committed to a residential program were participating in treatment, 19% had their community commitment revoked, and 15% were in an "Other" placement (detained<sup>66</sup>, participating in an assessment, or in a transition to independent living program for DYS).

Figure 30: DYS Residential Commitments by Continuum of Care (n=134)



Source: Research Department, Department of Youth Services

## Youth Engaged in Services (YES) Transitions

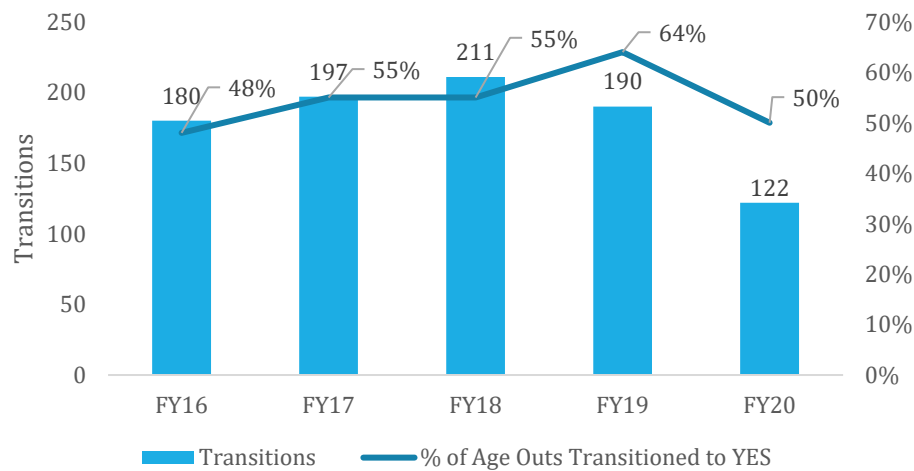
YES is an agreement between DYS and a young person, where the youth voluntarily extends their engagement with DYS after they are discharged from a commitment (after age 18 or 21); for example, to complete a treatment program. Through this program, DYS supports youth transitioning out of typical juvenile services into adulthood. Youth can terminate their YES status when they have completed their goals or earlier, without court repercussions.

Although YES transitions decreased 36% in FY20 and decreased 42% since FY18, the rate of transitions have remained stable as a proportion of the decreasing commitment caseload year to year. Over the past four fiscal years, at least 50% of all youth that age out of their commitments transition to the YES program at least once.

<sup>66</sup> Youth who are already committed to DYS can be held in detention for another alleged offense.



Figure 31: Total YES Transitions and Percent of Youth Aging Out of DYS Who Sign Up for YES



Source: Research Department, Department of Youth Services

## Use of Diversion in Massachusetts

Diversion can be defined as any program that allows a youth who has allegedly committed an offense to be directed away from more formal juvenile justice system involvement. Diversion is an alternative to making an arrest and/or arraignment a youth in the Juvenile Court.

As noted above, data on the use of diversion is not available. Based on the data that *is* available, however, we can start to make a very rough estimate of the use of diversion by comparing data from a variety of court processing points and estimating the number of youth that did *not* move forward in the court process.

The JJPAD Board emphasizes that these estimates are *very* rough, for the following reasons:

- Data at various process points is not available on the same time frames: some data is available on a fiscal year time frame, while other data is available only on a calendar year time frame (a difference of six months).
- Data at some process points refers to an individual youth (i.e. the number of youth committed to DYS), while at other process points what is measured is a specific case (i.e. the number of arraignment occurrences). A given youth may have more than one case at a time,

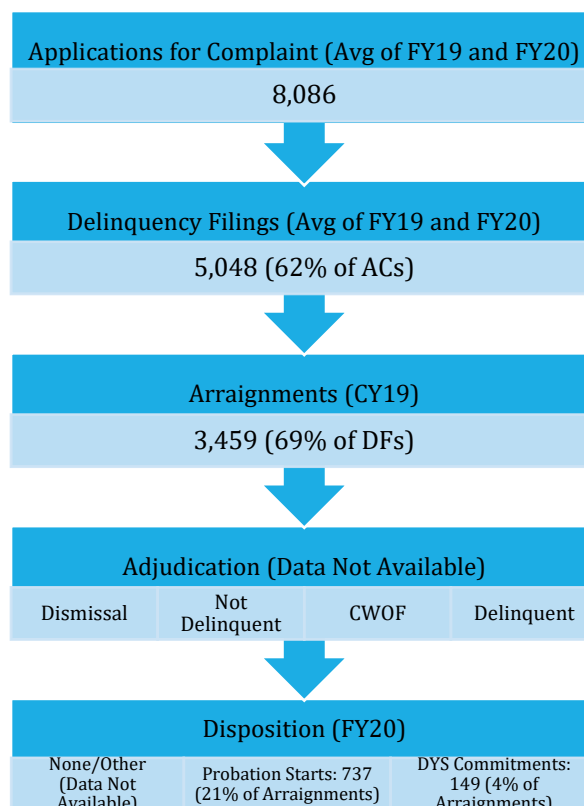
and there are times when a youth may be found delinquent on one case and have the other case dismissed as part of a plea process.

- Arraignment data includes all cases arraigned in the Juvenile Court, which includes a mix of delinquency cases as well as a small number of charges for which adults are arraigned in Juvenile Court (e.g. Contributing to the Delinquency of a Child; Concealing/Harboring a Fleeing Child).
- There are a variety of reasons why a case may not move forward in court. In some situations, it will be because the youth is diverted, but in others it will be because a clerk, district attorney or judge determined that there was not probable cause to move the case forward. Cases may also be dismissed for legal reasons, such as a judge determining that evidence was illegally gathered and, therefore, must be suppressed. We cannot differentiate between these different reasons in the data available.

Despite these limitations, looking at data totals at different process points (as shown in Figure 32, below) can still help us identify some broad trends:

- About a third of complaints are dismissed before a delinquency file is created. This is done by clerk magistrates for a variety of reasons, including use of diversion or not finding probable cause.
- About two-thirds of cases that receive a delinquency file are arraigned. For the other third, a prosecutor or a judge may have decided to divert a youth, or they may have decided not to move the case forward for other reasons (e.g. prosecutorial discretion, problems with the evidence.)
- Arraignment is the process point at which a case appears on a youth's court record, making it a particularly important process point to study. Less than half of applications for complaint reach the arraignment stage. However, of the cases that reach this stage, a large proportion – likely somewhere between a half and three quarters – are ultimately dismissed or the youth is found not delinquent. (Note that this is the most difficult part of the process to estimate, due to the data challenges noted above.)

**Figure 32: Data Totals by Process Point**



In 2018, the Trial Court released a study<sup>67</sup> based on FY2016 data that tracked youth movement through the justice system. Although the authors of this study faced some of the same data

<sup>67</sup> Commonwealth of Massachusetts Disproportionate Minority Contact Statewide Assessment Report, (2018). Retrieved from <https://www.mass.gov/doc/disproportionate-minority-contact>

limitations described above, they were able to track a set cohort of cases in a way that we are not able to for this report. Accordingly, the process point data in that study is more accurate than we are able to estimate, albeit a few years older.

Although the overall number of youth coming into and processing through the system is significantly lower in FY19/FY20 than FY16 (depending on the process point, around 45-60% lower), the general trends found in the Trial Court study are similar to what we found for FY19/20. In particular, the Trial Court study found that:

- About a third of cases were dropped between application for complaint and delinquency filing.
- About three quarters of filed cases moved to arraignment.
- Almost half of arraigned cases were dismissed post-arraignment, and another 10% were found not delinquent, which meant about 40% of cases ended up in youth being placed on probation or committed to DYS.

Data that would help us understand the characteristics of the arraignments – such as the number and type of charges or the juvenile history of the youth being arraigned – are not available, and so we cannot determine, in this report, if diversion may have been a more appropriate response in any of these cases.

However, there is a strong body of research demonstrating that formal processing through the justice system can increase recidivism and other negative outcomes for youth when compared to participation in diversion,<sup>68</sup> particularly when that involvement leads to a court record. Given this research, there is certainly reason to consider if a system that leads to thousands of youth each year being formally arraigned only to have their case dismissed is operating as effectively as it could, and if there could be opportunity for more youth to be effectively diverted pre-arraignment instead.

## Demographics of Youth Involved in the Juvenile Justice System

In addition to looking at aggregate totals at each juvenile justice process point, it is important to look at data broken down by various demographic characteristics, including race/ethnicity, gender, age, sexual orientation, and transgender status. Analyzing data in this manner allows us to:

- Identify any areas of disparity at various process points in treatment and outcome for particular groups of youth.
- Better understand the overall characteristics of youth involved with the justice system, which can help ensure programs are designed with the needs of the population in mind.

### *Race/Ethnicity*

In this section, the JJPAD Board summarizes the race/ethnicity break downs at each process point, to the extent available.<sup>69</sup> A more complete breakdown at each process point is available in Appendix

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<sup>68</sup> See the JJPAD Board's 2019 report for a more complete discussion of the research on diversion:

<https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download>

<sup>69</sup> As described in detail in the JJPAD Board's June 2019 report on juvenile justice data systems, not all entities are consistently collecting or reporting data on youth race or ethnicity at every process point. In this report, we present the data as currently available to the OCA.

C, and on the [Massachusetts Juvenile Justice System: Data and Outcomes for Youth](#) website.

Table 1 breaks down data at available justice system process points by the racial/ethnic background of the youth. Similar to last year, **Black youth and Hispanic/Latinx youth are overrepresented at every point of the juvenile justice system for which data is available.**

**Table 1: Juvenile Justice Process Point Data by Race/Ethnicity (FY20)**

<b>Process Point</b>	<b>Hispanic/Latinx<sup>70</sup></b>	<b>Black/ African American</b>	<b>White</b>	<b>Other<sup>71</sup></b>	<b>Unknown</b>
<i>Massachusetts Youth Population<sup>72</sup></i>	17%	10%	65%	7%	--
<i>Custodial Arrests</i>	33%	43%	23%	1%	0%
<i>Overnight Arrest Admissions</i>	37%	33%	17%	2%	11%
<i>Applications for Complaint</i>	22%	22%	38%	3%	14%
<i>Delinquency Filings</i>	27%	25%	34%	4%	10%
<i>Arraignments (CY19 data)<sup>73</sup></i>	--	30%	50%	1%	18%
<i>Pretrial Supervision</i>	35%	25%	34%	5%	1%
<i>Pretrial Detention Admissions</i>	42%	33%	21%	4%	0%
<i>Post-Disposition Probation<sup>74</sup></i>	30%	23%	41%	6%	1%
<i>First-time Commitments to DYS</i>	44%	28%	24%	4%	0%
<i>DYS Commitments Snapshot</i>	47%	34%	16%	4%	0%

In last year's report, the JJPAD Board expressed concern with the fact that, although the total number of youth processed in the juvenile justice system decreased, the *disparity* between white youth and youth of color increased from FY18 to FY19.

Although the overall level of racial and ethnic disparities in our system remain deeply concerning, this year the data on changes from FY19 to FY20 is more mixed:

- **Increasing Disparities for Black Youth:** At two process points – custodial arrests and overnight arrest admissions– there has been an *increase* in the number of Black youth impacted. This is of particular concern when the numbers decreased for all other races.

<sup>70</sup> For the purpose of this report, youth who are identified as Hispanic/Latinx as their ethnic category and any other race are categorized as "Hispanic/Latinx." In other words, if a youth is identified as both Hispanic/Latinx and white, they are categorized as Hispanic/Latinx this report, unless otherwise specified.

<sup>71</sup> Due to small frequencies, the "Other" category includes combined totals for Asian, American Indian/Alaska Native, Native Hawaiian/Other Pacific Islander, Middle Eastern/North African, Chooses not to answer, and any suppressed data.

<sup>72</sup> Percentages based on racial breakdowns for Massachusetts youth 12-17 years old. Puzzanchera, C., Sladky, A. and Kang, W. (2019). "Easy Access to Juvenile Populations: 1990-2019." Online. Available: <https://www.ojjdp.gov/ojstatbb/ezapop/>

<sup>73</sup> Arraignment data provided by the Trial Court did not include information on a youth's ethnicity. The number of youth identified as "white" and "Unknown" in this data should be interpreted with caution, as many of these youth may also be Hispanic/Latinx.

<sup>74</sup> Post-disposition probation refers to Risk/Need and Administrative probation starts only.

Further, at most process points where overall numbers for Black youth decreased, the *rate* of decrease is lower than decreases for other races.

- **Some Reduction in Disparities for Latinx Youth:** Although there are still significant disparities in the numbers of Hispanic/Latinx youth involved in the juvenile justice system compared to white youth, relative to their respective populations, there has been progress this year at some process points, including custodial arrests, applications for complaint, delinquency filings, pretrial detention, and first-time commitments.

The table below shows the rate of increase or decrease at each process point, broken down by race/ethnicity.

**Table 4: Juvenile Justice Process Point Data by Race/Ethnicity Change FY19- FY20**

<b>Process Point</b>	<b>Hispanic/ Latinx</b>	<b>Black/ African American</b>	<b>White</b>	<b>Other<sup>75</sup></b>	<b>Unknown<sup>76</sup></b>
<i>Massachusetts Youth Population<sup>77</sup></i>	2%	1%	-2%	1%	0%
<i>Custodial Arrests</i>	-12%	9%	-11%	-40%	0%
<i>Overnight Arrest Admissions</i>	0%	6%	-11%	50%	-47%
<i>Applications for Complaint</i>	-14%	-1%	-8%	-7%	-3%
<i>Delinquency Filings</i>	-17%	-1%	-13%	-18%	27%
<i>Arraignments</i>	Data not presented due to missing ethnicity data				
<i>Pretrial Supervision</i>	No FY19 race data available for comparison				
<i>Pretrial Detention Admissions</i>	-26%	-15%	-18%	-6%	-100%
<i>Risk/Need Probation<sup>78</sup></i>	-28%	-19%	-34%	-12%	-43%
<i>First-time Commitments to DYS</i>	-30%	-32%	-8%	-- <sup>79</sup>	0%
<i>DYS Commitments Snapshot</i>	No FY19 race data available for comparison				

### *Racial/Ethnic Disparities in Context*

**At every decision point for which we have data, we can see that Black and Hispanic/Latinx youth are more likely to be advanced through the justice system – rather than being diverted – than white youth.** These disparities are particularly high at early decision points that diversion could impact, including the decision to take a youth into custody rather than issuing a summons, to issue a delinquency complaint, or to arraign a youth.

<sup>75</sup> The number of youth in an “Other” race category is relatively small compared to totals, and therefore, steep increases or decreases in rates of change should be interpreted with caution.

<sup>76</sup> The number of youth in an “Unknown” race category is relatively small compared to totals, and therefore, steep increases or decreases in rates of change should be interpreted with caution.

<sup>77</sup> Percentages based on race breakdown changes between calendar years 2018 -2019 for Massachusetts youth 12-17 years old. Puzzanchera, C., Sladky, A. and Kang, W. (2019). “Easy Access to Juvenile Populations: 1990-2019.” Online. Available:

<https://www.ojjdp.gov/ojstatbb/ezapop>

<sup>78</sup> FY19 race data for administrative probation was not provided. Changes here are for Risk/Need probation starts between FY19 and FY20 only.

<sup>79</sup> There were zero youth who identified as an “Other” race category in FY19, therefore percentage change cannot be calculated.

One theory that is often suggested as an explanation for the racial and ethnic disparities we see in our juvenile justice system is that youth of color may be committing more serious offenses and/or have a more extensive history of prior justice system contact. In other words, the theory is that youth of color may, on average, be more likely to be processed through court, detained, and committed to DYS because they are presenting with more serious charges and/or criminal history.

Data was not provided to the JJPAD Board in a way that allows us to isolate the impact of charge seriousness or criminal history. However, in 2019 the Trial Court released a study on “Disproportionate Minority Contact,” which included a logistic regression analysis that can help us test this theory.<sup>80</sup> Logistic regression is a statistical method that allows us to assess the individual effect of specific independent variables, such as race or ethnicity, on each decision point, holding other factors (including offense severity, offense type, and number of prior juvenile charges) constant. Put more simply, this type of analysis can help us understand if the differences are explained by characteristics rather than differential treatment.

The analysis found that, controlling for all other independent variables:

- Black youth were 1.53 times more likely to have a delinquency petition issued than white youth
- Hispanic/Latinx defendants were 2.46 times more likely to have a delinquency petition issued than defendants with an unreported ethnicity

In examining the population characteristics, racial and ethnic disparities exist in the court-based stages of the decision to issue a complaint, decision to hold an arraignment event, decision to detain the defendant at arraignment, initial disposition and sanction decision. When controlling for race and ethnicity in a logistic regression, racial disparity was found in two of the four stages that were analyzed, and ethnic disparity was found in three of the four stages analyzed.

The JJPAD Board also notes a study on racial disparities in the Massachusetts Criminal Justice system that was released by Harvard Law school in the fall of 2020.<sup>81</sup> (The study was conducted with the support of the Trial Court and at the request of the late Chief Justice Ralph Gants.) Although that study focused on the adult system, it also found evidence of significant racial and ethnic disparities, particularly with regards to initial charging decisions.

Taken together, we can see from this data that racial and ethnic disparities exist in our system, that they are particularly evident at early decision points, and **that they cannot be entirely attributed to other factors, such as charge type or criminal history.**

### *Gender*

In this section, the JJPAD Board summarizes the gender break downs at each process point, to the extent available. A more complete breakdown at each process point is available in Appendix D and on the [Massachusetts Juvenile Justice System: Data and Outcomes for Youth](#) website.

<sup>80</sup> Commonwealth of Massachusetts Disproportionate Minority Contact Statewide Assessment Report, (2018). Retrieved from <https://www.mass.gov/doc/disproportionate-minority-contact>

<sup>81</sup> Bishop, E., et al. (2020). “Racial Disparities in the Massachusetts Criminal System” Harvard Law School. Retrieved from: <http://web.archive.org/web/20200909134856/http://cjpp.law.harvard.edu/publications/racial-disparities-in-the-massachusetts-criminal-system>

Although the number of girls involved in the juvenile justice system is typically substantially lower than their percentage of the population, there can be differences in the ways and reasons they enter the system. For example, in Massachusetts, 45% of girls held overnight in a DYS facility before being charged were arrested in their own homes, compared to 28% of boys.<sup>82</sup> Examining gender data can also help inform the development gender-specific programs and appropriate interventions.<sup>83</sup>

The table below shows the percentages of youth at each process point, broken down by gender.<sup>84</sup>

**Table 5: Juvenile Justice Process Point Data by Gender (FY20)**

<b>Process Point</b>	<b>Girls</b>	<b>Boys</b>
<i>Massachusetts Youth Population</i> <sup>85</sup>	49%	51%
<i>Custodial Arrests</i>	No data provided	
<i>Overnight Arrest Admissions</i>	19%	81%
<i>Applications for Complaint</i>	26%	71%
<i>Delinquency Filings</i>	23%	76%
<i>Arraignments (CY19 data)</i>	24%	76%
<i>Pretrial Supervision</i>	24%	76%
<i>Pretrial Detention Admissions</i>	18%	82%
<i>Post-Disposition Probation</i> <sup>86</sup>	22%	78%
<i>First-time Commitments to DYS</i>	15%	85%
<i>DYS Commitments Snapshot</i>	13%	87%

At most process points, the number of girls involved with the juvenile justice system has dropped more substantially than for boys:

**Table 6: Juvenile Justice Process Point by Gender Change: FY19 to FY20**

<b>Process Point</b>	<b>Girls</b>	<b>Boys</b>
<i>Massachusetts Youth Population</i> <sup>87</sup>	-1%	-1%
<i>Custodial Arrests</i>	No data provided	
<i>Overnight Arrest Admissions</i>	-29%	-2%
<i>Applications for Complaint</i>	-12%	-5%
<i>Delinquency Filings</i>	-17%	-6%
<i>Arraignments (Change from CY18 to CY19)</i>	-23%	-8%
<i>Pretrial Supervision</i>	No FY19 gender data	
<i>Pretrial Detention Admissions</i>	-29%	-11%
<i>Post-Disposition Probation</i>	No FY19 gender data	
<i>First-time Commitments to DYS</i>	-4%	-25%
<i>DYS Commitments Snapshot</i>	No FY19 gender data	

<sup>82</sup> Q1-Q3 JDAI Special Population Data Analysis obtained from DYS.

<sup>83</sup> True Child. (n.d). "Improving Juvenile Justice: Connecting Race, Class and Gender" Retrieved from: [https://static1.squarespace.com/static/599e3a20be659497eb249098/t/5c61b6189140b773a66681a5/1549907483134/\\_Juvenile+Justice%2C+Race+%26+Gender.pdf](https://static1.squarespace.com/static/599e3a20be659497eb249098/t/5c61b6189140b773a66681a5/1549907483134/_Juvenile+Justice%2C+Race+%26+Gender.pdf)

<sup>84</sup> In FY20, all agencies reported with two gender categories. (As described below, DYS provides additional data on the sexual orientation, transgender status and intersex status of youth in its care).

<sup>85</sup> Percentages based on gender breakdowns for Massachusetts youth 12-17 years old. Puzzanchera, C., Sladky, A. and Kang, W. (2019).

"Easy Access to Juvenile Populations: 1990-2019." Online. Available: <https://www.ojjdp.gov/ojstatbb/ezapop/>

<sup>86</sup> Post-disposition probation refers to Risk/Need and Administrative Probation only.

<sup>87</sup> Percentages based on gender breakdown changes between calendar years 2018 -2019 for Massachusetts youth 12-17 years old.

Puzzanchera, C., Sladky, A. and Kang, W. (2019). "Easy Access to Juvenile Populations: 1990-2019." Online. Available: <https://www.ojjdp.gov/ojstatbb/ezapop/>



## Age

In this section, the JJPAD Board summarizes the age break downs at each process point, to the extent available. A more complete breakdown at each process point is available in Appendix E and on the [Massachusetts Juvenile Justice System: Data and Outcomes for Youth](#) website.

Most youth involved with the justice system are 16 or 17 years old, which has been the trend for a number of years. Children younger than 12 can no longer be held criminally responsible – and, thus, are not processed through the juvenile justice system – following passage of *An Act Relative to Criminal Justice Reform* in 2018.

**Table 7: Juvenile Justice Process Point Data by Age (FY20)**

<i>Process Point</i>	<b>Under 12</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18+</b>
<i>Massachusetts Youth Population</i>	--	16%	16%	16%	17%	17%	17%	--
<i>Custodial Arrests</i>	No data provided							
<i>Overnight Arrest Admissions</i>	0%	0.2%	0.2%	14%	23%	28%	34%	1%
<i>Applications for Complaint</i>	0.1%	4%	9%	14%	17%	23%	30%	2%
<i>Delinquency Filings</i>	0.1%	3%	8%	15%	18%	23%	30%	3%
<i>Arraignments (CY19)<sup>88</sup></i>	--	7%		11%	17%	54%		11%
<i>Pretrial Supervision</i>	No data provided							
<i>Pretrial Detention Admissions</i>	0%	1%	2%	13%	20%	23%	32%	9%
<i>Post-Disposition Probation</i>	No data provided							
<i>First-time Commitments to DYS</i>	0%	0%	0%	4%	17%	22%	32%	25%
<i>DYS Commitments Snapshot</i>	0%	0%	0%	1%	6%	17%	31%	46%

**Table 8: Juvenile Justice Process Point Data by Age Change FY19 to FY20**

<i>Process Point</i>	<b>Under 12</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18+</b>
<i>Massachusetts Youth Population</i>	--	0%	-1%	-2%	0%	0%	-2%	--
<i>Custodial Arrests</i>	No FY19 age data							
<i>Overnight Arrest Admissions</i>	0%	-90%	4%	-1%	-14%	-9%	300%	-8%
<i>Applications for Complaint</i>	-9%	-2%	0%	8%	-12%	-13%	-9%	2%
<i>Delinquency Filings</i>	25%	8%	-10%	6%	-13%	-14%	-10%	-12%
<i>Arraignments (CY19)</i>	--	-22%		-15%	-20%	-9%		1%
<i>Pretrial Supervision</i>	No FY19 age data							

<sup>88</sup> Arraignment age data distributions were provided with the following categories: 12-13 years old, 14 years old, 15 years old, 16-17 years old, and 18 years and older.

<i>Pretrial Detention Admissions</i>	0%	100%	-57%	12%	-9%	-34%	-12%	17%
<i>Post-Disposition Probation</i>	No FY19 age data							
<i>First-time Commitments to DYS</i>	0%	0%	100%	-40%	4%	-13%	-40%	-10%
<i>DYS Commitment Snapshot</i>	No FY19 age data							

### *Sexual Orientation and Gender Identity (Including Transgender Status and Intersex Status)*

Currently, only the Department of Youth Services reports on the sexual orientation, transgender status and intersex status of youth in their care and custody:

**Table 9: DYS Process Point by Sexual Orientation, Transgender Status & Intersex Status**

<i>DYS Process Point</i>	Count	% of Cases	Count	% of Cases	Count	% of Cases	Count	% of Cases
	LGB+*		Heterosexual		Transgender		Intersex	
<i>Detention Admissions</i>	64	8%	699	90%	<10	**	<10	**
<i>First-time Commitment</i>	10	7%	139	93%	0	0%	<10	**
<i>DYS Commitment</i>	20	6%	331	94%	<10	**	<10	**
<i>Population Snapshot</i>								
<i>YES Transitions<sup>89</sup></i>	16	11%	133	89%	0	0%	0	0%

\*LGB+ is an aggregate group of youth who identified their sexual orientation as lesbian, gay, bisexual, questioning, "something else," or preferred not to answer the question.

\*\* To maintain confidentiality, the data in cells with counts <10 are suppressed.

Source: Research Department, Department of Youth Services

Table 10, below, presents the average number of days LGB+, Heterosexual, Transgender, and Intersex youth spent in detention in FY20:

<b>Table 10: Average Length of Stay in Detention by Sexual Orientation, Transgender Status and Intersex Status</b>	
<b>Sexual Orientation</b>	<b>Avg. Days in Detention</b>
LGB+	53.4 days
Heterosexual	47.0 days
<b>Transgender and Intersex Status</b>	
Transgender youth**	161.5 days
Intersex youth**	66.7 days
**Fewer than 10 youth	
Source: Department of Research, Department of Youth Services	

## County-by-County Variations in Juvenile Justice System Utilization

<sup>89</sup> Based on 150 transitions in FY20. Youth can transition more than once to DYS' YES program.

Although all of Massachusetts is governed by the same laws, there are significant variations from county to county in both the availability of resources to support youth and families as well as the decision-making practices of local justice system officials.

Accordingly, it is important to look at county-by-county variations in use of the juvenile justice system. The table below shows the percentage of youth at each process point coming from a given county. The percentage of the Massachusetts youth population that lives in a given county is presented as a point of comparison. A more complete breakdown at each process point is available in Appendix F and on the [Massachusetts Juvenile Justice System: Data and Outcomes for Youth](#) website.

**Table 11: Juvenile Justice Process Point Data by County (FY20)**

Process Point	County <sup>90</sup>											
	Barn	Berk	Bris	Ess	Frank	Hamps	Hamp	Mid	Nor	Ply	Suf	Wo
Massachusetts Youth Population <sup>91</sup>	2%	2%	9%	12%	1%	7%	2%	23%	11%	9%	9%	13%
Custodial Arrests	2%	1%	8%	7%	1%	1%	14%	11%	6%	6%	34%	10%
Overnight Arrest Admissions	--	--	6%	17%	--	2%	14%	14%	4%	6%	21%	13%
Applications for Complaint	6%	3%	10%	16%	3%		8%	16%	6%	7%	13%	13%
Delinquency Filings	4%	3%	10%	19%	3%		9%	14%	6%	5%	13%	13%
Arraignments (CY19)	5%	1%	10%	17%	3%		12%	11%	8%	7%	9%	17%
Dangerousness Hearings	0%	3%	16%	50%	1%		3%	10%	3%	6%	1%	8%
Pretrial Supervision Caseloads <sup>92</sup>	2%	1%	6%	15%	4%		12%	9%	5%	11%	16%	20%
Pretrial Detention Admissions	3%	2%	6%	15%	--	2%	11%	9%	8%	8%	18%	18%
Post-Disposition Probation Caseload <sup>93</sup>	6%	1%	10%	16%	4%		9%	8%	9%	7%	11%	20%
First-time Commitments	--	--	7%	18%	--	--	11%	7%	9%	12%	9%	17%
DYS Commitment Snapshot	--	--	9%	15%	--	--	13%	7%	4%	11%	15%	19%

<sup>90</sup>Massachusetts Juvenile Court distinguishes 11 court divisions, combining Barnstable, Dukes, Nantucket counties and the Town of Plymouth, and combining Franklin and Hampshire Counties. Blank cells represent <10 instances.  
Barn=Barnstable, Berk=Berkshire, Bris=Bristol, Ess=Essex, Fran=Franklin, Hamps=Hampshire, Hamp=Hampden, Mid=Middlesex, Nor=Norfolk, Ply=Plymouth, Suf=Suffolk, Wo=Worcester.

<sup>90</sup> Dukes & Nantucket are intentionally left out due to small frequencies in DYS data, and the courts including Dukes & Nantucket data with Barnstable.

<sup>91</sup> Percentages based on county breakdowns 2019 for Massachusetts youth 12-17 years old. Puzzanchera, C., Sladky, A. and Kang, W. (2019). "Easy Access to Juvenile Populations: 1990-2019." Online. Available: <https://www.ojdp.gov/ojstatbb/ezapop/>

<sup>92</sup> Analysis based on June 2020 caseload counts.

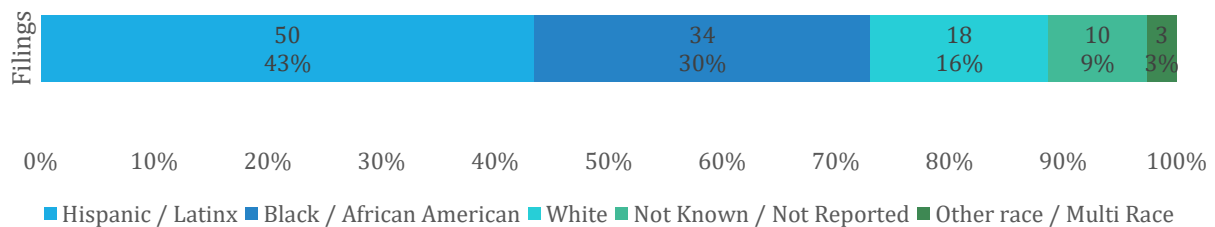
<sup>93</sup> Analysis based on June 2020 caseload counts.

## Youthful Offender Data

### Filings

There were 115 filings for *youthful offender*<sup>94</sup> cases in the Juvenile Court in FY20.<sup>95</sup> Of the 115 filings, 43% were for Hispanic/Latinx youth, 30% were for Black/African American youth, 16% were for white youth, and 3% for other/multi-race and 9% race was not reported.

Figure 33: FY20 Youthful Offender Filings (n=115)



Source: Department of Research and Planning, Massachusetts Trial Court.

Eight percent of youthful offender filings were for girls, the rest were for boys.

### First-time Commitments

There were nineteen youth committed<sup>96</sup> to DYS with an underlying youthful offender status in FY20. Thirteen (68%) of the 19 youth were committed for an underlying *person* offense, and the remaining six (32%) were committed for an underlying *weapons* offense. All underlying offenses had a grid level between two and five.

FY20 youthful offender commitments' race distribution included youth from the following race categories: Asian, Black/African American, Hispanic/Latinx, and White.<sup>97</sup> All 19 youthful offenders identified as boys. Youth were between the ages of 16 and 20, and most were 18 years old (n=8). Youth came from Bristol, Essex, Middlesex, Norfolk, Suffolk and Worcester counties.

### Utilization of Other Systems

The JJPAD Board also gathers data on the use of other state systems that may serve youth who are, or might otherwise have been, involved with the juvenile justice system. The goal is to identify the extent to which other response options are being used to address unlawful/problematic adolescent behavior and see if changes restricting the use of the delinquency system for certain types of behavior has led to an increase in the use of other systems.

Although the data that is available is limited – and should, therefore, be interpreted with caution – **the JJPAD Board does not currently find evidence that the decline in the use of the juvenile justice system has led to increases in the use of other state systems/services.**

<sup>94</sup> A youthful offender is a child between the ages of 14 and 18 who is indicted by a grand jury and can receive an adult sentence and/or a commitment to DYS to age 21.

<sup>95</sup> More detailed breakdowns provided in the Appendix.

<sup>96</sup> These are first-time commitments only.

<sup>97</sup> To protect confidentiality, data was suppressed for occurrences with less than 10 instances.

This is not necessarily cause for concern. We know from theories of child development that adolescence is a time for taking risks and testing limits. Behavior that adults may consider “problematic” or “concerning” is common among adolescents and is in many cases normal adolescent behavior.<sup>98</sup> Eventually, most youth mature and grow out of risky/antisocial behavior – and will do so without any state intervention (justice system or otherwise) required.

We also know that many of the most effective interventions for youth do not involve state government at all: families, schools, community organizations, faith-based organizations, and health care providers are all systems that are likely to respond to problematic adolescent behavior without involving state government. None of these interventions will appear in our data, despite the importance these systems and organizations have in a youth’s life.

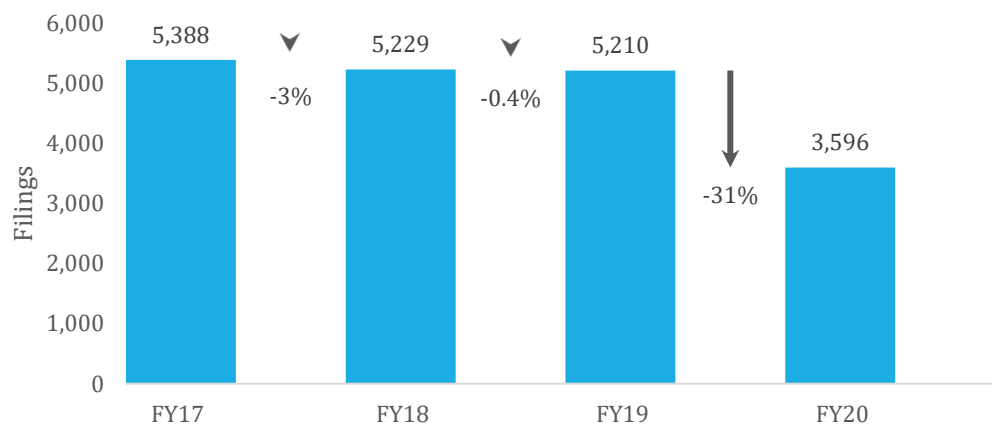
With these caveats, the JJPAD Board presents the following data on the use of other state systems:

### *Child Requiring Assistance (CRA) Filings*

CRA Court Filings<sup>99</sup> have remained stable over the past previous three fiscal years, but between FY19 and FY20, Filings decreased by 31%. **This significant drop is most likely attributed to the COVID-19 pandemic.** While this report does not provide quarterly breakdowns of the data, there is reason to believe that most if not all of this decrease came during Q4 of FY20:<sup>100</sup>

- With in-person learning suspended, schools were less likely to file school-based CRAs (e.g. truancy, habitual school offender).
- Courts were closed to the public throughout most of the pandemic, potentially dissuading would-be-filers from filing a CRA petition with the courts.
- A general apprehension of going out in public, particularly in the early months of the pandemic, may have dissuaded would-be-filers from filing a CRA petition with the courts.

Figure 34: Child Requiring Assistance Filings



Source: FY17 data from Department of Research and Planning, Massachusetts Trial Court. FY18-FY20 data obtained from Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/profile/drap4687#!/viz>

<sup>98</sup> Kann, L., McManus, T., & Harris, W. (2018). Youth risk behavior surveillance-- United States. *Surveillance Series*, (67). Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/healthyyouth/data/yrbs/results.htm>

<sup>99</sup> The Child Requiring Assistance (CRA) civil court process allows parents, guardians, and school officials to bring youth with concerning behaviors into court for additional assistance. These cases can include youth who are truant or are considered “habitual school offenders,” youth exhibiting signs of sexual exploitation, “stubborn” youth, and “runaway” youth.

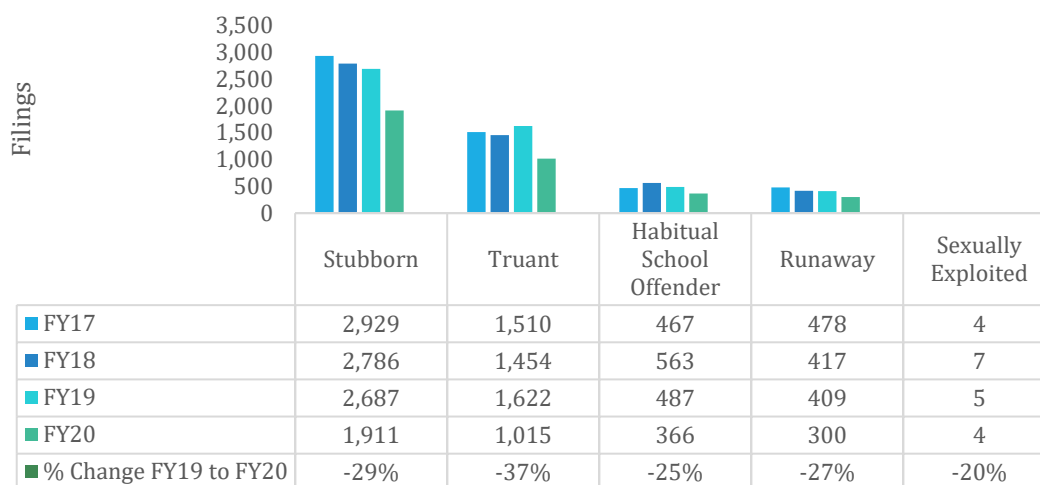
<sup>100</sup> See the “Impact of COVID-19 on the Juvenile Justice System” section and Appendix B to learn more about Massachusetts’ juvenile justice system’s response to the pandemic and how that may have impacted FY20 data.

## Petition Types

As mentioned, COVID-19 had a large impact on the number of CRA Filings for school-based reasons. Truancy filings were down 37%, and “habitual school offender” filings decreased 25% between FY19 and FY20.

With the 2018 change in law decriminalizing certain school-based offenses, it is important to note that the CRA system has not absorbed those cases in CRA “Habitual School Offender” filings, which have decreased each year since FY18.

Figure 35: CRA Filings by Petition Type



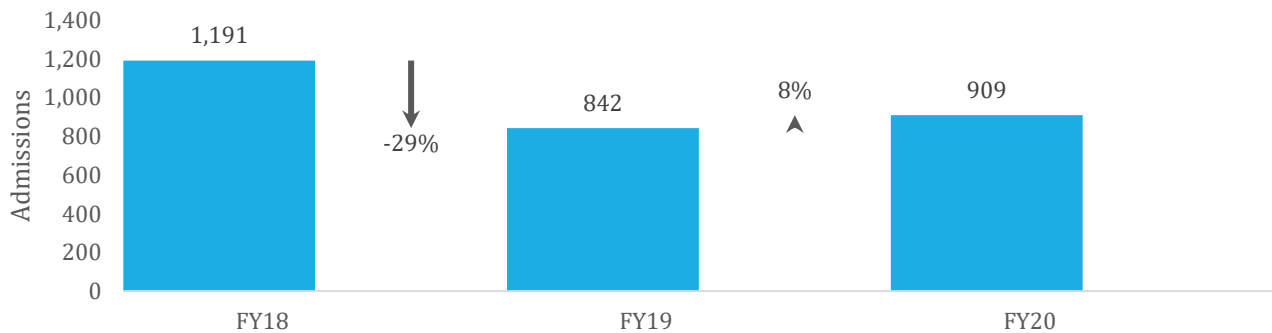
Source: FY17 data from Department of Research and Planning, Massachusetts Trial Court. FY18-FY20 data obtained from Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/profile/drap4687#!/viz>

## DPH Bureau of Substance Addiction Services (BSAS) Admissions

BSAS reported a slight increase (8%) in admissions<sup>101</sup> for youth age 12-17 in FY20. BSAS attributed much of this increase to targeted outreach to specific high schools for various BSAS programs. Despite this year’s increase, there has been a 24% decrease in BSAS admissions since FY18.

<sup>101</sup> Admissions includes any youth who enrolled in any BSAS intervention, treatment or recovery support service during the timeframe provided.

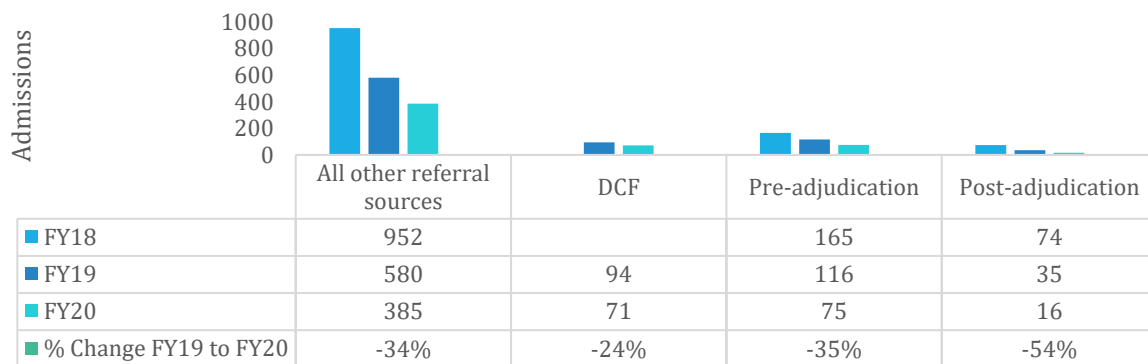
Figure 36: BSAS Admissions



Due to continuous data updates, do not compare the information in this report to any prior statistics. Source: Admission statistics prepared by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/09/2020 with data as of 07/31/2020.

Most referrals to BSAS were already coming from sources outside of the juvenile court process. This remained the case the past two years following *An Act Relative to Criminal Justice Reform*, with 83% of all referrals to BSAS coming from sources other than the courts.<sup>102</sup>

Figure 37: BSAS Admissions by Referral Type



Some sources of referral, where assessed, are not applicable to all service types. Referral source less frequently assessed in FY2020 as it is not collected for State Opioid Response (SOR) funded Project Amp<sup>103</sup> and School Based Initiatives.<sup>104</sup> Due to continuous data updates, do not compare the information in this report to any prior statistics. Source of referral missing or not collected for 379 enrollments.

Source: Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/09/2020 with data as of 07/31/2020.

### Department of Mental Health Services

The Department of Mental Health (DMH) saw a 1% decrease in youth applications for services between FY19 and FY20.<sup>105</sup> Since FY18, youth applications have declined 38%.

<sup>102</sup> DCF was added as a specific referral source in FY19. Previously these were included in the category "All other referral sources."

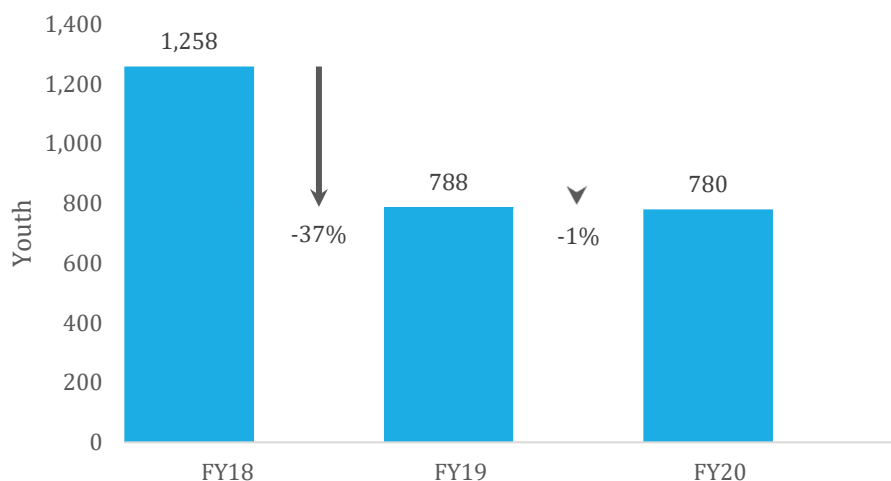
<sup>103</sup> An intervention program that pairs youth with young adults in recovery for a brief mentorship (4-6 sessions) to enhance resiliency with the goal to prevent alcohol and other drug use. With additional SOR federal funding through SAMSHA, BSAS piloted a project with six agencies to provide this service within ten Massachusetts schools.

<sup>104</sup> BSAS School Based Initiative includes counselors and case managers in 18 schools across the Commonwealth that provide intensive case management. Program components include individual mentoring, academic support, group psychoeducation, family engagement, and afterschool/out of school programming. This is designed as a relatively longer-term program, with youth able to remain with the program for up to two years.

<sup>105</sup> "Youth" is defined as those who were under 18 years old at the time of the application received date. Data is collected and entered by DMH personnel and is obtained via face to face interview of persons served and/or any accompanying records. An individual is only counted once in each fiscal year but may be counted more than once across fiscal years if they applied more than once in the following fiscal year.



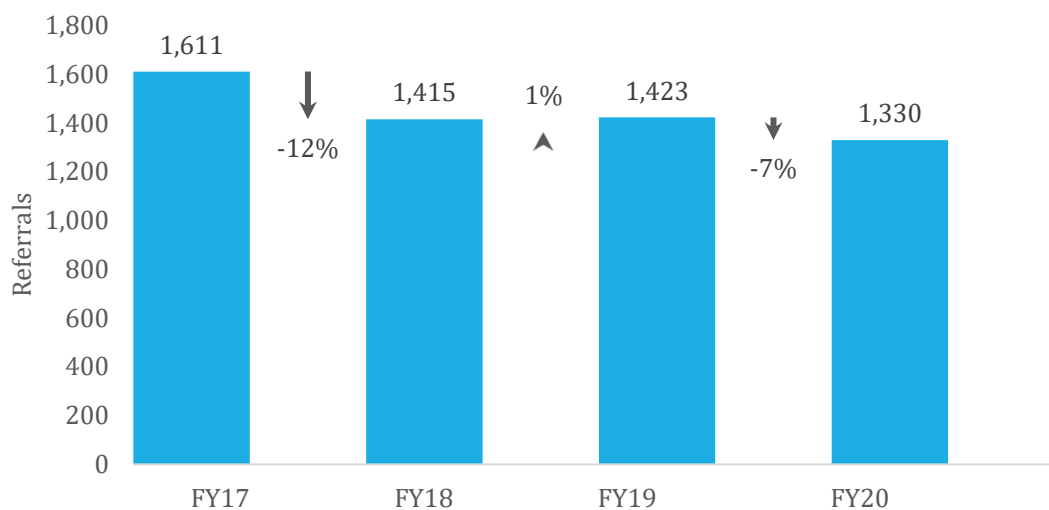
Figure 38: DMH Youth Applications



Source: Department of Mental Health

In addition to DMH's offered services, DMH operates the Juvenile Court Clinics. Between FY19 and FY20, there was a 7% decrease in referrals for youth<sup>106</sup> across court clinic service types.<sup>107</sup> Since FY18, Juvenile Court Clinic referrals have declined 6%.

Figure 39: Juvenile Court Clinic Referrals



Source: Department of Mental Health

### Changes in DCF Case Composition

It is also possible that changes to juvenile justice system practices in recent years has led to a shift in the composition of youth served by the Department of Children and Families, particularly

<sup>106</sup> "Youth" is defined as persons referred to the clinic by the Juvenile Court (excluding parents, in the case of families).

<sup>107</sup> Numbers represent specific service categories. Individuals may therefore be counted in more than one category. See Appendix I for service level breakdowns.

adolescent youth in group care settings. This is not a question that can be easily answered with existing structured data, and yet it is an important area that merits deeper study.

The Office of the Child Advocate intended to conduct a qualitative study in 2020 to provide additional information on potential shifts to the DCF-served youth population, with the goal of identifying needed changes to policy or practice. This study was delayed due to shifting priorities in response to the COVID-19 pandemic. Subject to resource availability, the OCA intends to conduct and report the findings from the study in 2021.

## Appendix A: JJPAD Recommended Data Reporting Standards

As part of the Juvenile Justice Policy and Data (JJPAD) Board’s mission of improving the quality of juvenile justice system data reporting, the Data Subcommittee has developed recommended standards for juvenile justice and child-serving entities<sup>108</sup> to use when reporting key demographic variables to the Office of the Child Advocate (OCA) for JJPAD reports.<sup>109</sup>

There are currently no state-level requirements that government entities report data broken down by specific categories (e.g. race, ethnicity, gender identity, sexual orientation) in any particular way. Individual government entities define, collect and report data in a variety of ways, influenced at times by the limitations of case management systems and data collection procedures, as well as any federal reporting requirements.

As a result, reporting of key demographic data is inconsistent across juvenile justice and child-serving entities, which makes it difficult to impossible 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. Further, inconsistent reporting categories can lead to misinterpretation of the data and confusion when shared with the public.

To increase the quality of our data reporting – and, ultimately, improve data-informed decision-making – our system needs consistent, aligned standards for reporting.

In this report, the Data Subcommittee has developed recommendations for reporting of the following variables:

- Race and ethnicity
- Gender/gender identity, sexual orientation, transgender status, and intersex status

The Subcommittee recommends starting with these variables because of the disparities we see in the juvenile justice system for youth of color, girls and LGBTQ+ youth:

- **Race/Ethnicity:** Black and Brown youth are disproportionately represented across the juvenile justice system nationally and in Massachusetts. In Massachusetts, Black and Hispanic/Latinx youth represent just 26% of the population, but in fiscal year 2019 represented 73% of all custodial arrests, 50% of probation’s risk/need caseload, and 72% of all detention admissions.<sup>110</sup>
- **Gender:** Although the number of girls involved in the juvenile justice system is typically substantially lower than their percentage of the population, there can be disproportionality in the ways they enter the system. For example, in Massachusetts, 45% of girls held overnight in a DYS facility before being charged were arrested in their own homes, compared to 28% of boys.<sup>111</sup> Reporting gender data accurately can, for example, help

<sup>108</sup> This document uses the term “government entities” or, for short, “entities” to refer to the various agencies, organizations, and branches of government that make up the juvenile justice system and/or provide services to children and families.

<sup>109</sup> For the sake of consistency, the Subcommittee also encourages government entities to use these standards when issuing other public data reports, while recognizing that this may not be possible in all circumstances due to federal or other reporting requirements.

<sup>110</sup> *Early Impacts of An Act Relative to Criminal Justice Reform* (2019). <https://www.mass.gov/doc/early-impacts-of-an-act-relative-to-criminal-justice-reform-november-2019/download>

<sup>111</sup> Q1-Q3 JDAI Special Population Data Analysis obtained from DYS.

develop gender-specific programs and appropriate interventions.<sup>112</sup>

- **Sexual Orientation and Gender Identity:** National studies show that LGBTQ+ youth are disproportionately represented in the juvenile justice system.<sup>113</sup> In Massachusetts, data from the Youth Risk Behaviors Survey (YRBS) shows that 13.9% of high school students identify as LGBTQ, including 3.1% who identify as transgender or questioning their gender identity.<sup>114</sup> While we do not have data on the number of LGBTQ youth involved with the Massachusetts juvenile justice system, we do know that nationally, LGBTQ youth are twice as likely to be involved in the justice system as their non-LGBTQ peers.<sup>115</sup>

The Subcommittee recognizes that accurate collection of a youth's identified race, ethnicity, gender and sexual orientation is a critical step as we work to identify and address disparate treatment, disproportionality and inequitable outcomes for youth. Collecting and reporting this data also benefits the Commonwealth's constituents and the youth these entities serve by signaling to youth that their intersecting identities are valid and respected.

Further, the Subcommittee recognizes that disparities can also exist for specific intersections of identities – such as gender and race – making this an important factor to consider in analysis, as well. Although this document focuses on reporting recommendations for individual variables, the Subcommittee recommends government entities examine and report data looking at various combinations of intersecting identities as well, when possible.<sup>116</sup>

## Criteria for Developing Guidelines

There are multiple considerations that impact decisions regarding data reporting, each of which are based on important, and at times competing, values. As a result, developing a set of guidelines requires weighing the various criteria and making judgement calls about the best path forward.

The Data Subcommittee used the following criteria in developing these recommendations, in order of priority:

<sup>112</sup> True Child. (n.d). "Improving Juvenile Justice: Connecting Race, Class and Gender," Retrieved from: [https://static1.squarespace.com/static/599e3a20be659497eb249098/t/5c61b6189140b773a66681a5/1549907483134/\\_Juvenile+Justice%2C+Race+%26+Gender.pdf](https://static1.squarespace.com/static/599e3a20be659497eb249098/t/5c61b6189140b773a66681a5/1549907483134/_Juvenile+Justice%2C+Race+%26+Gender.pdf)

<sup>113</sup> OJJDP Model Programs Guide Literature Review Retrieved from: <https://www.ojjdp.gov/mpg/litreviews/LGBTQYouthsInTheJuvenileJusticeSystem.pdf>

<sup>114</sup> Massachusetts Commission on Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Youth. (2020). *Massachusetts Commission on LGBTQ Youth: 2021 Report and Recommendations*. Retrieved from <https://www.mass.gov/annual-recommendations>

<sup>115</sup> Vallas, R., & Dietrich, S. (2014). *One Strike and You're Out: How We Can Eliminate Barriers to Economic Security and Mobility for People with Juvenile Records*. Center for American Progress.

<sup>116</sup> The Subcommittee intends on taking up this discussion in their 2021 work.

- 1) **Adherence to State and Federal Laws Regarding Confidentiality of Private Information:** Numerous state and federal laws require entities holding personally-identifiable data about individuals to keep that data private.<sup>117</sup> Although these guidelines apply to data being reported in the aggregate, in some cases the number of individuals falling into a certain category is small enough that reporting the data poses a risk of revealing personally-identifiable information. Data reporting standards must account for this possibility and provide guidance for when an agency is in this situation.
- 2) **Feasibility of Implementation:** State entities face numerous challenges when making changes to the way data is collected and reported, including the need to train staff, modify databases and data collection methods, and/or update automated reporting programming. Given that one of the goals of developing these guidelines is to improve the JJPAD Board's ongoing data reports, the Data Subcommittee prioritized recommendations that could be implemented in the short to medium term, while suggesting direction for longer term improvements. The Subcommittee expects that these guidelines will evolve over time.
- 3) **Level of Detail:** Different audiences and/or analytical questions require the ability to view data in varying levels of detail. In some cases, it is most useful to be able to look at data grouped into relatively broad categories, while in other cases it is more useful to see data broken down into smaller/more nuanced categories. Providing data in great detail may also at times conflict with protecting data confidentiality.<sup>118</sup> To provide the maximum amount of utility, the Data Subcommittee prioritized reporting data in as detailed a manner as possible, while also providing guidance on how data should be aggregated into broader categories when necessary/useful.
- 4) **Recognition of Complexity of Identity:** Categorizing individuals into demographic and other categorical groups is an inherently complex undertaking. The ways in which individual people identify and interact with entire systems does not always follow a linear path or fit in a box. How individuals identify may change over time, and, historically, the categories we use to group individuals have also changed over time.<sup>119</sup> The Data Subcommittee recommends reporting data in ways that recognize these complexities when possible, while also acknowledging that this goal may at times be in tension with the other criteria.

### **A Note on Data Collection**

While the purpose of these standards is to develop consistency in *reporting*, the Data Subcommittee strongly urges state entities to collect data by allowing youth to self-report for the variables discussed throughout this document. When self-reporting is not possible, organizations should refer to official documentation for identifying variables (i.e. driver's license, state ID). Observation (staff-report) data should only be used when there is no other option, and never be used for collecting transgender status, intersex status, or sexual orientation.

<sup>117</sup> For additional details and guidance on confidentiality, see: <https://www.mass.gov/handbook/guide-on-the-disclosure-of-confidential-information>

<sup>118</sup> For more information on sharing personal/confidential information across agencies, see the Trial Court's Guide on the Disclosure of Confidential Information <https://www.mass.gov/handbook/guide-on-the-disclosure-of-confidential-information>

<sup>119</sup> See, for example, <https://www.census.gov/newsroom/blogs/random-samplings/2015/11/measuring-race-and-ethnicity-across-the-decades-1790-2010.html>

- 5) **Alignment with Other Systems:** Our juvenile justice data reports will be most useful when they can be compared to other data sources, such as population demographic data from the U.S. Census, indicator data from public health and education data sets, or data from the adult criminal justice system. The Data Subcommittee has reviewed current reporting practices for other key data sources, and to the extent possible crafted guidelines to allow for comparison with these other sources/systems.

## Recommendations for Massachusetts Juvenile Justice System Reporting

### *Reporting Recommendations for Race and Ethnicity*

The Data Subcommittee recommends juvenile justice and child-serving entities report data to the OCA for JJPAD reports according to the following standards. Entities are also encouraged to adopt these standards for their own public data reports, when possible.<sup>120</sup>

#### **1) Collect Data Using the Following Race/Ethnicity Categories at a Minimum, and Allow Youth to Select More than One:**

- Hispanic/Latinx
- Black or African American
- American Indian or Alaska Native
- Asian
- Native Hawaiian or Other Pacific Islander
- White
- Other
- Unknown (to be used as minimally as possible)

This is often referred to as a “combined question” format and allows a youth the option of identifying as Hispanic/Latinx without selecting a separate race. Many youth who identify as Hispanic/Latinx do not identify as a separate race (e.g. White, Black).<sup>121</sup>

If an agency is unable to collect data in a “combined question” format, the agency should refer to recommendation #2, below, for guidance on how to combine the results from a two-question format for reporting purposes.

The Subcommittee also recommends each juvenile justice and child-serving agency take steps to add a race/ethnicity category of “Middle Eastern or North African” (MENA) to their data collection systems. This will allow a ninth race/ethnicity category to be reported in addition to the standards discussed here. Census testing research indicates that, when given the option, individuals of this

<sup>120</sup>The Data Subcommittee recognizes that government entities may at times report data publicly in ways inconsistent with these recommendations due to a variety of factors, including federal reporting requirements. This may in turn lead to situations where there are multiple sets of public numbers. The Data Subcommittee recommends that the OCA make it clear in any public reports how data was reported from each agency, and strongly urges researchers, members of the press and members of the public to confirm with entities what data definitions and categories are used for each report if that information is not available in a publication.

<sup>121</sup> Allen, V. C., Jr, Lachance, C., Rios-Ellis, B., & Kaphingst, K. A. (2011). Issues in the Assessment of “Race” among Latinos: Implications for Research and Policy. *Hispanic journal of behavioral sciences*, 33(4), 411–424. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3519364/>

background overwhelmingly identified separately with this ethnicity category.<sup>122</sup> When no MENA option was provided, 80% identified as white, and 20% identified as Black.

Given that one cannot always accurately identify a youth's race and ethnicity based on their external presentation, it is strongly recommended that youth be asked to self-identify rather than having staff determine what race/ethnicity they believe the youth to be. Similarly, given that a youth may identify with more than one race/ethnicity, it is recommended that they be given the opportunity to select more than one.

## **2) For Youth Who Select More than One Race/Ethnicity and for Entities Who Use the Two-Question Format:<sup>123</sup>**

An increasing number of youth identify as having more than one race/ethnicity.<sup>124</sup> This complexity poses challenges for data analysis. Reporting out data on each race/ethnicity combination can make analysis unwieldy and impractical – and in situations where the number of youth in a given category is low, reporting the data at that level of detail may not even be possible due to the need to protect confidentiality. At the same time, grouping all youth who report more than one race/ethnicity into a single “multiracial” category creates its own problems by erasing potentially important different experiences of each group.

Although researchers have proposed a variety of more complicated statistical techniques for apportioning youth who identify as having more than one race/ethnicity,<sup>125</sup> the complexity of these methods makes them impractical given the size of data sets and types of analysis (e.g. frequency statistics) typically conducted by Massachusetts juvenile justice entities.

While recognizing that there are drawbacks to any approach, the Data Subcommittee recommends agencies report data on youth who select more than one race/ethnicity in two different ways:

### *A. Report Aggregate Statistics Using a Prioritization Model*

Entities should assign youth a single race/ethnicity category for reporting purposes using the following prioritization model:

1. Hispanic/Latinx
2. Black
3. American Indian or Alaska Native
4. Middle Eastern/North African (if included as a category)
5. Asian
6. Native Hawaiian or Other Pacific Islander
7. White
8. Other

<sup>122</sup> United States Census Bureau (2017) 2015 National Content Test Race and Ethnicity Analysis Report. Retrieved from: <https://www.census.gov/programs-surveys/decennial-census/2020-census/planning-management/final-analysis/2015nct-race-ethnicity-analysis.html>

<sup>123</sup> The “two-question” format is when an entity collects data on race and ethnicity separately. In practice, there are often only two options given for ethnicity: Hispanic/Latinx or Not Hispanic/Latinx. As noted above, researchers are finding that when presented with these options, many individuals of Hispanic/Latinx descent list “None” or “Other” for their race; in other words, they do not identify with a specific listed racial group.

<sup>124</sup> Parker, K., et al. (2015). “Multiracial in America,” Pew Research Center. Retrieved from: <https://www.pewsocialtrends.org/2015/06/11/multiracial-in-america/>

<sup>125</sup> See for example: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4106007/> and <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2831381/>



This means that, for example, a youth who identifies as Black and Hispanic/Latinx would be categorized as Hispanic/Latinx, or a youth that identifies as Asian and White would be categorized as Asian. This prioritization model ensures agencies are not “double counting” youth. Placing Hispanic/Latinx as highest on the prioritization list for the purposes of assigning a single race/ethnicity category is in alignment with decisions made by numerous other reporting entities, including the Office of Juvenile Justice and Delinquency Prevention.

*B. Report the Number of Youth Who Selected More than One Race/Ethnicity, and Total Number of High Frequency Combinations*

To capture the number of youth reporting more than one race/ethnicity, agencies are also encouraged to include the following information in data reports:

- Total number selecting only one race/ethnicity categories
- Total number selecting multiple race/ethnicity categories
- Detailed distributions of the different race/ethnicity combinations, prioritizing those combinations that appear most frequently in the data set.
  - For example, reporting how many youth identify as both “Black” and “Hispanic/Latinx,” or how many youth identify as “Asian” and “White.”

**3) Use Consistent Rules for Aggregating Data as Necessary to Protect Confidentiality:**

The JJPAD Data Subcommittee acknowledges that not every agency will be able to report at the same level of detail, whether that is a result of database or data collection limitations, or as a result of confidentiality rules as described above.

To allow for entities to report at the maximum level of detail possible while still allowing for cross-agency comparison, the Data Subcommittee has established four levels of reporting. Each level lists guidelines for how data should be aggregated (in more or less detail) to allow for comparison with other entities.

Each level builds on the level proceeding it in terms of detail. **The Subcommittee recommends reporting at the highest level possible, with the goal of having every agency report at Level 3 at a minimum.**

Levels 1 and 2 should be reserved for circumstances where greater disaggregation is not possible due to confidentiality concerns. Entities reporting at Level 1 and/or 2 are requested to indicate why a more detailed analysis is not possible.

Based on the reporting categories above, Supplement 1 provides detailed guidance on each reporting level, and Supplement 2 provides example data reports at each level.

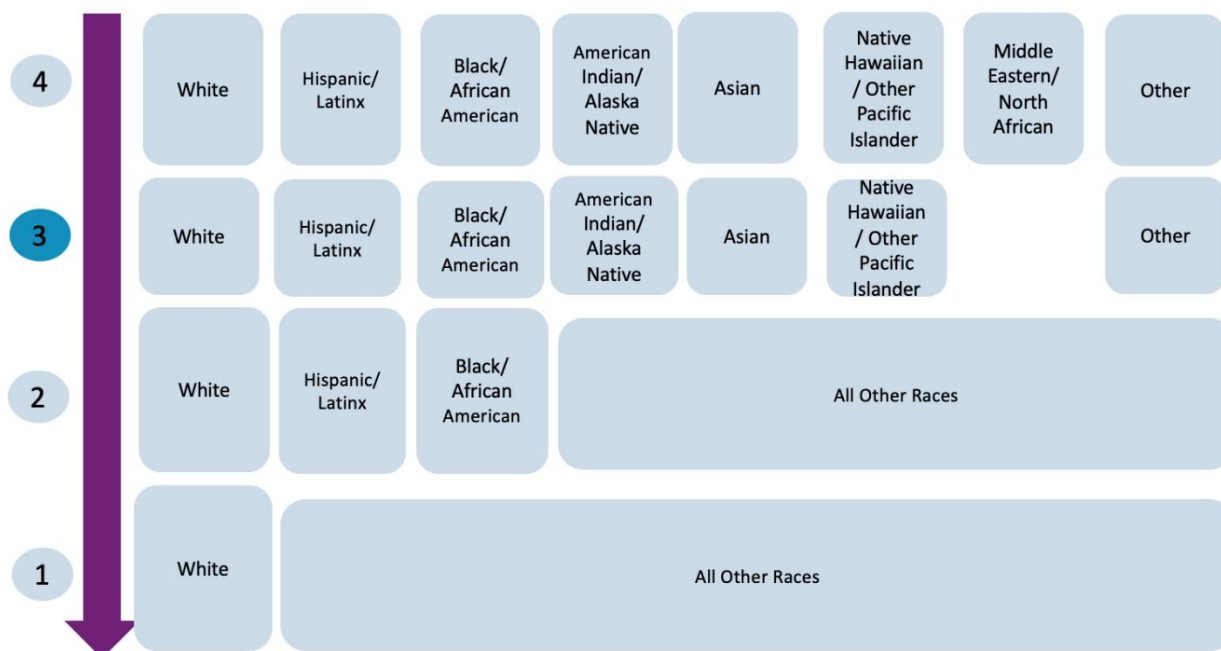


Figure 40: Chart on how to aggregate race/ethnicity data up or disaggregate data down for reporting purposes. Level 4 is the most detailed level of reporting. Level 3 corresponds to current federal OJJDP guidance.

### Implementation:

The primary purpose of this document is to provide guidance on the data categories that should be collected and reported, and in what circumstances. Detailed guidance about implementation is beyond the current scope of this document.

However, the Subcommittee recommends that entities **create policies on data collection** and **conduct training for staff** that highlights the following:

1. The importance of collecting accurate identity data
2. How to ask youth how they identify, why youth are asked to self-report and what the different categories mean
3. How the data is ultimately used within the agency, including ways it is used to identify and address sources of racial/ethnic disparity

### Future Considerations:

These standards represent an important step taken to measure racial and ethnic disparities in the Commonwealth's juvenile justice system. While the standards here represent an important *first* step, they are part of other initiatives to address racial and ethnic disparities and should be updated as our understanding of data collection and reporting evolve, and the capacity of our information management systems grows.

## Recommendations for Reporting Data on Gender, Sexual Orientation, Transgender Status, and Intersex Status

Juvenile justice entities have traditionally collected data on a youth's gender. In recent years, some entities in Massachusetts and nationally have begun to collect additional information about a youth's sexual orientation, as well as whether they identify as transgender. Finally, there is a growing awareness of the need to better understand the experiences and needs of youth who are intersex.<sup>126</sup>

The JJPAD Data Subcommittee recognizes that all youth have a sexual orientation and a gender identity. The Subcommittee also recognizes that, although many youth are happy to share information about their gender identity, sexual orientation, transgender status and intersex status, others may want to keep this information private and/or may only feel comfortable sharing the information in certain settings due to fear of discrimination.

As such, the Subcommittee acknowledges the importance of collecting data on sexual orientation, transgender status and intersex status, and also recommends that this information be collected by trained professionals who have had the opportunity to build rapport with the youth and can ensure the information is kept confidential, if that is desired by the youth.<sup>127 128</sup> The Subcommittee recognizes that not all process points in the juvenile justice process – particularly early process points – necessarily meet this standard at this time.

Accordingly, the two levels of reporting below differ as a result of *who* is collecting the data:

- Level 1 data is recommended for process points that do not provide opportunity to develop rapport with a youth and/or in situations where the collecting agency cannot guarantee the information can be kept confidential from others the youth may not wish to share the information with (e.g. parents, teachers, etc.). Examples of these process points include law enforcement making an arrest or a district attorney deciding whether to charge a youth in court.
- Level 2 data is reserved for situations where staff can develop more rapport and a professional, trusting relationship with the youth. Examples of this include diversion coordinators, DYS case managers and defense attorneys working with an individual youth.

There may also be situations where an entity needs to collect some or all this information for regulatory or safety reasons (e.g. PREA compliance), even if they do not otherwise meet the criteria for this level. For example, if a youth is placed in an overnight out-of-home setting, staff should identify if the youth is transgender to ensure the youth is placed in an appropriate setting. In this case, the entity should ensure staff collecting this information are trained and are able to ask the information in a sensitive manner, even if they have not necessarily had the time to build rapport and trust.

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<sup>126</sup> Although prevalence rates are difficult to estimate due to a lack of data collection, researchers estimate that approximately 1.7% of people are born intersex. See: <https://interactadvocates.org/faq/>

<sup>127</sup> Irvine, A., Wilber, S., Larrabee-Garza M. & Canfield, A. (2019). The Whole Youth Model: How Collecting Data About Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) Helps Probation and Youth Courts Build More Authentic Relationships Focused on Improved Well-Being Ceres Policy Research <http://www.nclrights.org/wp-content/uploads/2020/05/sogie.practiceguide.17december2019.pdf>

<sup>128</sup> Irvine, A., Wilber, S., & Canfield, A. (2017). Lesbian, Gay, Bisexual, Questioning, and Gender Nonconforming Girls and Boys in the California Juvenile Justice System: A Practice Guide. Oakland, CA: Impact Justice and the National Center for Lesbian Rights. <https://impactjustice.org/wp-content/uploads/RAC-CPOC.pdf>

The Subcommittee recommends that juvenile justice and child-serving entities report data to the OCA for JJPAD reports according to the following standards. Entities are also encouraged to adopt these standards for their own agency reports:<sup>129</sup>

- 1) Juvenile justice and child-serving entities that meet the criteria for Level 1 data noted above are encouraged to collect and report responses to the following category from all youth when asking for demographic information:

Level 1		
Variable	Suggested Question Wording	Aggregate Reporting Categories
<b>Gender</b> <sup>130</sup>	What is your gender?  ___ Girl/woman ___ Boy/man ___ Another Gender (for example, Non-Binary, Genderqueer or Two-spirit) ___ Unsure	<ul style="list-style-type: none"> <li>• Female</li> <li>• Male</li> <li>• Another Gender (to include Gender X markers)<sup>131</sup></li> <li>• Prefer Not to Answer</li> </ul>

Each agency should collect this information for all youth and have youth self-report their gender. If self-report is not possible, entities should use the gender listed on a youth's driver's license (if they have one).<sup>132</sup> Given that one cannot accurately identify a youth's gender based on their external presentation or gender expression, staff-reported data should only be used if there is no other way to collect the data. Regardless, entities should report *which data collection method is predominantly used*.

- 2) Entities that have interactions with youth that meet the criteria for Level 2 data noted above are encouraged to collect and report responses to the following categories from all youth:

Level 2		
Variable	Suggested Question Wording <sup>133</sup>	Aggregate Reporting Categories
<b>Gender</b> <sup>134</sup>	What is your gender?  ___ Girl/woman ___ Boy/man ___ Non-Binary ___ Genderqueer	<ul style="list-style-type: none"> <li>• Female</li> <li>• Male</li> <li>• Another Gender (includes non-binary, genderqueer, two-spirit, write your own response, and</li> </ul>

<sup>129</sup> The JJPAD Data Subcommittee recognizes that collecting and reporting this data may require changes in data collection policies and processes, including modifications to agency databases and training of staff, and that these changes may take time and resources to implement.

<sup>130</sup> When making comparisons from agency to agency, "gender" should be viewed as equivalent to "gender identity."

<sup>131</sup> Note that as of November 2019, Massachusetts allows the following options on a driver's license: Male, Female, or Gender X.

<sup>132</sup> If a youth's self-reported gender identity conflicts with the gender listed on their driver's license or other form of identification, the youth should be listed as their self-reported gender identity.

<sup>133</sup> Entities will need to determine if this information will be collected through a staff interview and/or through a written or computer form. This suggested wording may need to be modified somewhat if it is done as part of a larger interview.

<sup>134</sup> When collecting data for Level 2 reporting purposes, Gender should be collected/asked first from the youth; this is to affirm the youth's identity.

	<p> <input type="checkbox"/> Two-Spirit  <input type="checkbox"/> Unsure  <input type="checkbox"/> Write Your Own Response  <input type="checkbox"/> Prefer Not to Answer         </p> <p>           Although it is not necessary to report this data in the aggregate, it is also best practice to give the youth an opportunity to share the pronouns they use (e.g. he, she, they, ze, etc.) for themselves:         </p> <p>           What pronouns do you use for yourself?         </p> <p> <input type="checkbox"/> He/Him/His  <input type="checkbox"/> She/Her/Hers  <input type="checkbox"/> They/Them/Theirs  <input type="checkbox"/> Ze/Zir/Zirs  <input type="checkbox"/> Unsure  <input type="checkbox"/> Write Your Own Response         </p>	<p>individuals with Gender X markers)</p> <ul style="list-style-type: none"> <li>• Unsure/Prefer Not to Answer</li> </ul>
<b>Transgender Status</b>	<p>Do you consider yourself to be transgender? Please pick the option that best describes how you think of yourself.</p> <p> <input type="checkbox"/> No, I am not transgender  <input type="checkbox"/> Yes, I am a transgender girl/woman (I identify as a girl/woman, assigned male or intersex at birth)  <input type="checkbox"/> Yes, I am a transgender boy/man (I identify as a boy/man, assigned female or intersex at birth)  <input type="checkbox"/> Yes, I identify as non-binary, genderqueer, or another term<sup>135</sup>  <input type="checkbox"/> Not sure whether I am transgender  <input type="checkbox"/> Not sure what this question means  <input type="checkbox"/> Prefer Not to Answer         </p>	<ul style="list-style-type: none"> <li>• Not transgender</li> <li>• Transgender (aggregate of all “yes” answers)</li> <li>• Prefer not to answer/not sure</li> </ul>
<b>Intersex Status</b>	<p>Some people are born with bodies that are a little different</p>	<ul style="list-style-type: none"> <li>• Intersex</li> </ul>

<sup>135</sup> It is important to note that not all people who identify as non-binary or genderqueer identify as transgender.

	<p>from what we think of as standard “male” or “female” bodies. This is sometimes called being intersex or having a Difference in Sex Development. Are you intersex?</p> <p>___ Yes, I am intersex</p> <p>___ No, I am not intersex</p> <p>___ I don’t know if I am intersex</p> <p>___ I do not know what this question is asking</p> <p>___ Prefer Not to Answer</p>	<ul style="list-style-type: none"> <li>• Not intersex</li> <li>• Prefer not to answer/Not sure</li> </ul>
<b>Sexual Orientation</b>	<p>What is your sexual orientation? <i>(Sexual orientation means who you are romantically and physically attracted to). (Check all that apply.)</i></p> <p>___ Heterosexual/straight</p> <p>___ Lesbian</p> <p>___ Gay</p> <p>___ Bisexual <i>(if you are attracted to more than one gender)</i></p> <p>___ Questioning <i>(if you aren’t quite sure if you are attracted to boys/men, girls/women, both, neither, or another gender)</i></p> <p>___ Queer <i>(if you are attracted to many genders or do not consider gender when dating someone)</i></p> <p>___ Asexual <i>(if you are not attracted to any sex or gender)</i></p> <p>___ Pansexual <i>(if you are attracted to all sexes and genders)</i></p> <p>___ Two-spirit <i>(sometimes used in Native American communities if you are attracted to any sex and gender)</i></p> <p>___ Write your own response</p> <p>___ Prefer not to answer</p>	<ul style="list-style-type: none"> <li>• Heterosexual</li> <li>• LGB+ (includes all categories that are not heterosexual or prefer not to answer)</li> <li>• Prefer not to Answer</li> </ul>

As above, entities are recommended to allow youth to self-report this data. Given that one cannot accurately identify a youth's gender, sexual orientation, transgender status or intersex status based on their external presentation, staff-reported data should not be used.

**All youth should be allowed the option of not answering any or all of the above questions.**

Entities that work with youth over a longer period of time should recognize that a youth's gender identity or sexual orientation may change over time and allow for opportunities for youth to update their demographic information.

### *Implementation*

The primary purpose of this document is to provide guidance on the data categories that should be collected and reported, and in what circumstances. Detailed guidance about implementation is beyond the current scope of this document. However, the Subcommittee recommends that entities **create policies on demographic data collection** and **conduct training for staff** that highlights:

1. The importance of collecting accurate identity data
2. How to ask youth how they identify, why youth are asked to self-report and what the different categories mean
3. How the data is ultimately used within the agency, including ways it is used to identify and address sources of discrimination or disparities
4. The importance of confidentiality, informed consent and giving youth the opportunity to control who is aware of private information about them.

### *Future Considerations*

These standards represent an important step taken to measure disparities based on gender, sexual orientation, transgender status or intersex status in the Commonwealth's juvenile justice system. While the standards here are an important *first* step, they are part of other initiatives to address disparities, and should be updated as our understanding of data collection and reporting and our collection systems evolve.



### **Important Definitions\*:**

**Asexual:** individuals who identify as asexual generally experience little to no sexual attraction

**Sex Assigned at Birth:** the sex an individual is assigned at birth by the doctor

**Bisexual:** describes a person attracted to two or more genders

**Gay:** describes a person who primarily is attracted to individuals of the same gender. Although historically used to refer specifically to men/boys, the term may be used to refer to women/girls attracted to other women/girls as well

**Gender expression:** how a person presents themselves to the world through clothing, accessories, behavior and mannerisms and other such outward expressions

**Gender identity:** a term that refers to an individual's inherent sense of self as male, female, both, or neither. One's gender identity can be the same as or different from their sex assigned at birth

**Heterosexual:** describes a person who primarily is attracted to individuals whose gender differs from their own (e.g. a person who identifies as male who is attracted to a person who identifies as female).

**Intersex:** refers to people who are born with any of a range of biological sex characteristics that may not fit typical notions of male or female bodies

**Lesbian:** describes a woman/girl attracted to other women/girls

**LGBTQ:** acronym referring to individuals who identify as "lesbian, gay, bisexual, transgender, queer/questioning." The term LGBTQ+ is also sometimes used to encompass other identities, such as pansexual, intersex, and asexual.

**Non-binary:** individuals who may identify as neither male or female, both male and female, or beyond male or female

**Pansexual:** describes a person who is attracted towards people regardless of their sex or gender identity.

**Queer:** an open-ended term used by some people to describe their sexual orientation, gender identity, or both; sometimes considered pejorative and thus should be used with caution by those who do not identify as LGBTQ

**Questioning:** describes a person in the process of discovering their sexual orientation and/or gender identity

**Sexual orientation:** An attraction to others that is shaped at an early age (usually by about the age of 10).

**SOGI(E):** acronym for the phrase "sexual orientation, gender identity and (expression)"

**Transgender:** describes a person whose gender identity differs from the sex they were assigned at birth

**Two-spirit:** umbrella term used by some Indigenous North Americans to describe Native people who fulfill a traditional third gender (or other gender-variant) ceremonial and social role in their cultures. This term can also be used to describe a Native person's sexual orientation.

*\*Definitions obtained from the MA Commission on LGBTQ Youth and GLBTQ Legal Advocates & Defenders (GLAD)*

**SUPPLEMENT 1: Detailed Descriptions of Each Level of Reporting for Race and Ethnicity**

Level	Detail of Reporting
<b>Level 4</b>	<p>This level includes Middle Eastern/North African as a reported category. Entities are urged to aggregate multiracial data as described in Recommendation #2, above.</p> <p>Reported categories are:</p> <ul style="list-style-type: none"> <li>• White</li> <li>• Hispanic/Latinx (including all youth who report Hispanic/Latinx and some other race)</li> <li>• Black/ African American (including all youth who report Black/AA and some other race besides Hispanic/Latinx)</li> <li>• American Indian/Alaska Native (including all youth who reporting AI/AN and some other race besides Black/AA and Hispanic/Latinx)</li> <li>• Middle Eastern/North African (including all youth who reporting MENA and some other race besides Black/AA, Hispanic/Latinx, or AI/AN)</li> <li>• Asian (including all youth who reporting Asian and some other race besides Black/AA, Hispanic/Latinx, MENA, and AI/AN)</li> <li>• Native Hawaiian/Other Pacific Islander (including all youth who reporting NH/OPI and some other race besides Black/AA, Hispanic/Latinx, AI/AN, MENA and Asian)</li> <li>• Other</li> </ul> <p>When possible, reporting at this level also</p> <ul style="list-style-type: none"> <li>• Indicates the number of youth reporting one race/ethnicity only</li> <li>• Indicates the number of youth reporting more than one race/ethnicity</li> <li>• Indicates the number of youth in specific, more frequent combinations of race/ethnicity groups (e.g. number of youth reporting both Black and Hispanic/Latinx)</li> </ul>
<b>If Level 4 is not feasible, Level 3</b>	<p>Categories at this level match the federal reporting requirements for OJJDP, and thus the Subcommittee recommends as the state</p>

	<p>minimum reporting standards. Entities are urged to aggregate multiracial data as described in Recommendation #2, above.</p> <p>Reported categories are:</p> <ul style="list-style-type: none"> <li>• White</li> <li>• Hispanic/Latinx (including all youth who report Hispanic/Latinx and some other race)</li> <li>• Black/ African American (including all youth who report Black/AA and some other race besides Hispanic/Latinx)</li> <li>• American Indian/Alaska Native (including all youth who reporting AI/AN and some other race besides Black/AA and Hispanic/Latinx)</li> <li>• Asian (including all youth who reporting Asian and some other race besides Black/AA, Hispanic/Latinx, and AI/AN)</li> <li>• Native Hawaiian/Other Pacific Islander (including all youth who reporting NH/OPI and some other race besides Black/AA, Hispanic/Latinx, AI/AN, and Asian)</li> <li>• Other</li> </ul> <p>When possible, reporting at this level also:</p> <ul style="list-style-type: none"> <li>• Indicates the number of youth reporting one race/ethnicity only</li> <li>• Indicates the number of youth reporting more than one race/ethnicity</li> <li>• Indicates the number of youth in specific, more frequent combinations of race/ethnicity groups (e.g. number of youth reporting both Black and Hispanic/Latinx)</li> </ul>
<b>If Level 3 is not feasible, Level 2</b>	<p>This category aggregates up from Level 3 to provide <u>3</u> race/ethnicity categories. This level of reporting should be reserved for circumstances where greater disaggregation is not possible due to confidentiality concerns. Entities are urged to aggregate multiracial data based on Recommendation # 2, above.</p> <p>Reported categories are:</p> <ul style="list-style-type: none"> <li>• White</li> </ul>

	<ul style="list-style-type: none"> <li>• Hispanic/Latinx (including all youth who report Hispanic/Latinx and some other race)</li> <li>• Black/ African American (including all youth who report Black/AA and some other race besides Hispanic/Latinx)</li> <li>• All Other Races (including American Indian/Alaska Native, Asian Native Hawaiian/Other Pacific Islander, Other and all other multiracial youth)</li> </ul> <p>When possible, reporting at this level also:</p> <ul style="list-style-type: none"> <li>• Indicates the number of youth reporting one race/ethnicity only</li> <li>• Indicates the number of youth reporting more than one race/ethnicity</li> <li>• Indicates the number of youth in specific, more frequent combinations of race/ethnicity groups (e.g. number of youth reporting both Black and Hispanic/Latinx)</li> </ul> <p>If this is the reporting level a state agency reports, the Subcommittee recommends explaining <i>why</i> the given agency is unable to provide more detailed reporting.</p>
<b>If Level 2 is not feasible, Level 1</b>	<p>This category aggregates up from Level 2 to provide 2 race/ethnicity categories. Entities are urged to aggregate multiracial data based on Recommendation #3, above.</p> <p>Reported categories include:</p> <ul style="list-style-type: none"> <li>• White</li> <li>• All other races (including multi-race and Other)</li> </ul> <p>This level should rarely be used.</p> <p>If this is the reporting level a state agency reports, the Subcommittee recommends explaining <i>why</i> the given agency is unable to provide more detailed reporting.</p>

## Supplement 2: Data Reporting Examples, Race/Ethnicity

The numbers below are fabricated to show how entities may aggregate their data up or disaggregate their data down to meet reporting standards at each level.

### Level 1:

Level 1	n	Percentage
<b>Total Youth:</b>	1000	100%
White	400	40%
All other races	600	60%

Include an explanation as to why no further breakdown is possible.

### Level 2:

Level 2	n	Percentage
<b>Total Youth:</b>	1000	100%
White	400	40%
Black or African American	200	20%
Hispanic/Latinx	300	30%
All Other Races	100	10%

Include an explanation as to why no further breakdown is possible.

If possible, entities should report how many youth identify as one race/ethnicity, and how many youth identify as more than one race/ethnicity:

Level 2 optional	n	Percentage
<b>Total Youth:</b>	1000	100%
Respondents reporting one identified race:	925	92.5%
Respondents reporting more than one identified race:	75	7.5%
Respondents reporting as Black and Hispanic/Latinx	50	5%

### Level 3:

<b>Level 3</b>	<b>n</b>	<b>Percentage</b>
<b>Total Youth:</b>	1000	100%
White	400	40%
Black or African American	200	20%
Hispanic/Latinx	300	30%
American Indian/Alaska Native	25	2.5%
Asian	30	3%
Native Hawaiian/Other Pacific Islander	0	0%
Other	5	0.5%
Respondents reporting one identified race:	925	92.5%
Respondents reporting more than one identified race:	75	7.5%
Respondents reporting as most frequent combination(s): Black and Hispanic/Latinx	50	5%

**Level 4:**

<b>Level 4</b>	<b>n</b>	<b>Percentage</b>
<b>Total Youth:</b>	1000	100%
White	385	38.5%
Black or African American	195	19.5%
Hispanic/Latinx	300	30%
American Indian/Alaska Native	25	2.5%
Middle Eastern/ North African	20	2%
Asian	30	3%
Native Hawaiian/Other Pacific Islander	0	0%
Other	5	0.5%
Respondents reporting one identified race:	925	92.5%
Respondents reporting more than one identified race:	75	7.5%

Respondents reporting as most frequent combination(s): Black and Hispanic/Latinx	50	5%
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### Supplement 3: Data Reporting Examples: Gender, Sexual Orientation, Transgender Status and Intersex Status

The numbers below are fabricated to show how entities may aggregate their data up or disaggregate their data down to meet reporting standards at each level.

<b>Level 1:</b>	<b>n</b>	<b>Percentage</b>
<b>Total Youth:</b>	1000	100%
Male	650	65%
Female	300	30%
Other (Gender X markers, non-binary, genderqueer, two-spirit, write other response)	50	5%
Prefer not to answer	0	0%

<b>Level 2:</b>	<b>n</b>	<b>Percentage</b>
<b>Total Youth:</b>	1000	100%
<b>Gender Identity</b>		
Male	650	65%
Female	300	30%
Other (to include Gender X markers, non-binary, genderqueer, two-spirit, write other response)	50	5%
Prefer not to answer	0	0%
<b>Transgender Status</b>		
Transgender (Male, Female and Other)	40	4%
Not Transgender	950	95%
Prefer not to answer	10	1%
<b>Intersex Status</b>		
Yes, intersex	15	1.5%



Not intersex	980	98%
Prefer not to answer/Not sure	5	0.5%
<b>Sexual Orientation</b>		
Heterosexual	840	84%
LGB+	150	15%
Write own response	0	0%
Prefer not to answer	10	1%

## Appendix B: Juvenile Justice Agencies' Response to COVID-19

After Governor Baker declared a state of emergency on March 10<sup>th</sup>, 2020, youth, families and government entities across the Commonwealth swiftly responded to the unprecedented situation. This section provides a description of some, *but not all*, of the major policy responses from juvenile justice entities.<sup>136</sup>

### Police

To limit their own potential exposure to COVID-19, as well as potential exposure for youth, many police departments instructed officers to increase their use of court summons and limit on-sight arrests to those that threatened public safety. Police departments worked with other justice system practitioners – including the Juvenile Court, bail magistrates, prosecutors, public defenders, and DYS – to adapt procedures around arrest, physical custody of youth, warrants, arraignments, and other court hearings. Practices differed from court to court, but in many cases, police worked to shift processes to conference call or video to limit in-person interactions. Some police have noted an uptick in calls related to mental health, substance use, and domestic violence over the course of the pandemic.

### District Attorneys

Across the Commonwealth, District Attorneys' offices have adjusted their work to respond to the demands of the pandemic. All eleven district attorneys and their staff were impacted by the standing orders of the Trial Court regarding changes of procedure and emergency and nonemergency hearings. Offices also implemented their own change of policies and procedures in response to COVID-19 concerns. The following list is not comprehensive of each office, but represents general shifts in policy and practices seen across the state, including efforts to:

**Limit potential staff exposure to COVID-19** by allowing Assistant District Attorneys and staff to telework starting in March and come into their office on a limited basis.

**Reduce costs** due to cuts to the District Attorney budgets during the pandemic<sup>137</sup> by furloughing or laying off staff throughout the summer and into the fall. Offices chose to do this a variety of ways; some office cut weekly hours, while some required staff to take a certain number of furlough days each week or month. The impact of the furloughs on office operations varies, but typically furloughs have required District Attorney offices to focus staff resources on core functions while curtailing or slowing work on non-essential projects.

**Limit the potential for exposure to COVID-19 for defendants, witnesses, and victims** by adhering to the Trial Court standing orders to limit the number of in person hearings and conducting virtual hearings as much as possible. Given concerns about the spread of COVID-19 in congregate settings like jails, District Attorneys have also in some cases reviewed the bail status of individuals in pretrial detention to determine if individuals with specific health considerations or who were being held on low bail amounts could safely be released to the community.

<sup>136</sup> For another big picture overview of the juvenile justice system's response to the pandemic, visit Citizen for Juvenile Justice's website to review their PowerPoint presentations given throughout the pandemic: <https://www.cfjj.org/covid19-and-jj>

<sup>137</sup> A FY20 budget line item related to ADA salary increases was underfunded (by \$6 million, annualized) in the initial FY21 budget that has been in place for the first few months of FY21. This required DA offices to furlough or layoff staff to offset the shortage in this line item.

## The Committee for Public Counsel Services (CPCS)

CPCS has adjusted its work to respond to the demands of the pandemic. CPCS and the Youth Advocacy Division (YAD) within CPCS were impacted by the standing orders of the Trial Court regarding changes of procedure and emergency and nonemergency hearings. Offices also implemented their own change of policies and procedures in response to COVID-19 concerns. This included efforts to:

**Limit potential staff exposure to COVID-19** by allowing attorneys and staff to telework starting in March and come into the office on a limited basis.

**Minimize the potential for exposure to COVID-19 for clients, witnesses, and victims** by adhering to the Trial Court standing orders to limit the number of in person hearings.<sup>138</sup> After the coronavirus struck Massachusetts, CPCS, the Massachusetts Association of Criminal Defense Lawyers and the ACLU of Massachusetts sued the Trial Court to seek the release of incarcerated people held in jails and prisons across the commonwealth.<sup>139</sup> CPCS attorneys reviewed prior and ongoing cases to determine which youth were eligible for release from detention or a residential facility as established in *Committee for Public Counsel Services v. Chief Justice of the Trial Court*, SJC-12926.<sup>140</sup>

Attorneys also filed motions for youth who were not eligible for the *presumption* of release to request reconsideration of pretrial detention on a case-by-case basis. Motions were electronically filed and discussed with prosecutors in each case to reach an agreement in an effort to try to streamline releases without conducting more hearings virtually or in person at the court.<sup>141</sup> CPCS lawyers worked closely with DYS staff to facilitate the release of committed youth ready for successful re-entry. Additionally, attorneys worked with the Department of Youth Services (DYS), as well as Houses of Correction (HOC) and the Department of Correction (DOC) to replace in-person meetings with virtual legal visits for detained clients while maintaining client attorney privilege and privacy.

**CPCS made efforts to reduce costs** in anticipation of state FY21 budget cuts by furloughing staff (mandatory and voluntary) every month since July. The impact of the furloughs on office operations varies, but typically furloughs have required CPCS to focus staff resources on core functions while curtailing or slowing work on non-essential projects. Additionally, there has been a hiring freeze and all unfilled positions remain empty.

## The Department of Youth Services (DYS)

In addition to the Executive Office of Health and Human Services (EOHHS) guidance on congregate care program health surveillance,<sup>142</sup> DYS issued a number of policies and procedures to keep DYS

<sup>138</sup> Courts closed for in person filings and hearings (March 18, 2020 through July 13, 2020), and more e-filing was conducted.

<sup>139</sup> CPCS v. Chief Justice of the Trial Court (2020) Retrieved from: <https://www.publiccounsel.net/cpcs-v-chief-justice-of-the-trial-court/>

<sup>140</sup> This ruling made clear that defendants were entitled to a “presumption of release” for individuals if they were not being held on a dangerousness claim (G.L. C. 276, §58A) and if they were not charged with a violent or serious offense listed in Appendix A of the SJC decision.

<sup>141</sup> See Juvenile Court Standing Order 5-20: Protocol Governing Requests for Release from Detention, and Requests to Revise or Revoke or to Stay Sentence, based on Coronavirus (COVID-19) Risks

<https://www.mass.gov/juvenile-court-rules/juvenile-court-standing-order-5-20-protocol-governing-requests-for-release>

<sup>142</sup> EOHHS issued the Residential and Congregate Care Programs: 2019 Novel Coronavirus (COVID-19) Surveillance Testing Guidance that applies to all DYS congregate care settings including DYS facilities and provider standalone residential sites. DYS conducted baseline testing in accordance with this guidance on September 30, 2020, and will continue a bi-weekly testing protocol of staff and youth in their care based on EOHHS standards. Guidance retrieved from:

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwic3Ne25->

staff and the youth in their care and custody safe and healthy. DYS implemented changes to promote social distancing in their facilities and to conduct health care screenings, while adjusting other operations to continue virtually where possible.

**Limit staff exposure and keep DYS employees safe** by screening all individuals (employees, youth and others) entering DYS facilities for potential COVID-19 exposure. Staff who were able to work from home were encouraged to telework.

**Reduce the number of youth held in group settings** because despite the numerous safety measures DYS put in place, youth living in congregate care settings are inherently at a higher risk of contracting COVID-19. DYS enacted a protocol designed to allow for accelerated transition of committed youth out of group care settings and into the community where consistent with public safety:

- DYS instituted a practice for reviewing all youth in their transition period to determine whether they may be candidates for accelerated release. Youth who had an approved living arrangement in the community, are making progress on their treatment plan, and are identified by the treatment team as being a good candidate for return to the community are reviewed by Executive Staff on a monthly basis for potential accelerated release.

**Limit youth exposure and keep all youth in the Department's care and custody safe and healthy** by screening all individuals (employees, youth and other) entering DYS facilities for potential COVID-19 exposure and practicing social distancing as much as possible.

DYS implemented new policies on newly detained youth as a precautionary measure, as their exposure to COVID-19 was unknown. This new procedure requires all newly detained youth to quarantine for fourteen days upon their arrival in their own room with their own dedicated bathroom, separate from youth when possible. Quarantined youth receive all medical evaluations and meals in their quarantined area and are excluded from group activities. Quarantined youth are provided individual opportunities for education, recreation and engagement, including clinical support and virtual visits. Staff interacting with quarantined youth were required to wear masks at all times and socially distance when possible. The Department stated their suicide watch protocols would still be in place throughout COVID-19, including for quarantined youth.

Understanding the importance of structure and the possibility of negative impacts of isolation for youth in their care, **the Department adjusted educational programs, clinical services, family and legal visits, medical care and recreational activities** to continue throughout the emergency response with safety measures in place.

- **Visitation:** The Department recognized the importance of maintaining connections between youth and their families, and quickly implemented virtual family visitation procedures starting March 27, 2020. Families and youth can conduct virtual visits over WebEx, Skype or FaceTime using program iPads.

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[vsAhVinuAKHdCZCwMQFiABegQIAhAC&url=https%3A%2F%2Fwww.mass.gov%2Fdoc%2Ffeohhs-congregate-care-surveillance-testing-guidance%2Fdownload&usg=AOvVaw2K\\_G5-oF4Ywi6XaSMr5jld](https://www.mass.gov/doc/feohhs-congregate-care-surveillance-testing-guidance/download?usg=AOvVaw2K_G5-oF4Ywi6XaSMr5jld)

- When the Department did resume in-person family visits starting June 30, they made important safety adjustments to the visits. Family visits were outdoors with protocols on social distancing, screening and personal protective equipment. Virtual visits were still encouraged as additional ways for youth to remain connected with family throughout the Summer.
- On October 1, 2020, DYS added indoor visitation options for families, consistent with guidance from the CDC and DPH. Individuals seeking admittance to the indoor or outdoor visiting space must be screened per the DYS COVID-19 Screening Protocol. When visits occur in an indoor approved space, programs must designate a location that ensures social distancing from other residents and staff and minimizes visitor impact on the program space and routines of other youth. Program Management must ensure that ventilation systems operate properly, have been serviced in accordance with manufacturer recommendations, including cleaning of filters, and increase circulation of outdoor air as much as possible.
- **Legal:** In addition to family visits, DYS developed guidance to move to youth/attorney visits by phone and enhanced confidentiality for attorneys and clients. Following the declaration of the State of Emergency, DYS collaborated with CPCS/YAD, private juvenile attorneys, district attorneys and the Juvenile Court to host virtual court hearings for youth, including, but not limited to arraignments, dangerousness hearings, motions and other types of hearings. As the courts have gradually begun to resume hearing matters in person, DYS has continued to provide this service. DYS also regularly updates stakeholders regarding the numbers of detained youth, DYS' COVID numbers and COVID response.
- **Education:** Youth were provided physical copies of enrichment packets starting March 23, 2020 and education services were converted to virtual, online learning services through Google classroom starting March 30, 2020.
  - This fall DYS moved to a hybrid education model where most of their teachers are present in the classroom. A portion of the teaching workforce requested accommodation or FMLA. All programs have at least one teacher in the classroom. DYS has worked with the Department of Elementary and Secondary Education (DESE), who is responsible for providing special education in DYS programs, to develop these standards and practices for youth particularly youth with special needs.
- **Clinical services** (group and individual therapy) continued to operate in-person with social distancing throughout the emergency response. Clinicians changed their schedules to include more availability for in-person services as well as telework.
- **Passes:** Passes for eligible youth to leave their residential placement and return home for a set time were reinstated starting July 10, 2020. DYS established procedures for how to safely allow for youth to return home. Youth undergo *wellness checks* to determine if they are healthy to participate in a home pass. All staff remind and encourage youth to self-assess while on a pass and to immediately inform the supervising staff or caseworker of any respiratory or cold like symptoms, or any change in how they physically feel. Prior to a home visit, parent(s)/legal guardian(s) are required to sign an attestation that there is no one residing or otherwise in the home during the home visit who is known or suspected to have COVID-19. The parent/guardian are also asked to provide the names and contact information for any person the youth is anticipated to come into contact while at home on a

pass in case contact tracing becomes necessary. During home visits, youth, their families, other household members and visitors present should wear face coverings, practice social distancing and good hand washing hygiene.

- All youth returning from a pass are screened for COVID-19 symptoms and fever, must shower/ change clothes and meet with the regional health services staff to assess the exposure risk and receive additional guidance. All youth returning must follow DYS protocol on wellness checks and wear cloth face coverings for fourteen days, practice social distancing and good hand hygiene, and clean and disinfect common areas after each use.
- **Recreation:** Youth who are quarantined receive educational packets, access to Google Classroom, and entertainment access (books, games, puzzles, video games, movies) throughout their isolation. DYS recently modified program recreation activities to increase the options that are permitted for youth in quarantine. Youth in residential programs are grouped into cohorts of no more than four youth and remain solely with their cohort for all recreational activities. Each youth or cohort is issued their own deck of cards, social board games, and can participate in some small (i.e. two-vs-two) group team sports. Staff must ensure the youth will keep a safe distance while on the court.

## Juvenile Courts

Juvenile Courts across the state have had to significantly adjust their workflows to shift to virtual hearings. Of note, the Juvenile Court did not close operations during the pandemic, instead moving to virtual hearings, prioritizing emergency matters and adopting new in-person court procedures. Courthouses were closed to the public starting March 16, 2020 and remained closed until July 2020. Starting March 18, 2020, the Juvenile Court implemented a triage approach as to who should come into courthouses for emergency hearings. The Juvenile Court issued three standing orders (7-20, 9-20, and 10-20) dealing with court operations during the pandemic, and one standing order (5-20) issuing guidance in response to the SJC-12926 ruling for a presumptive release of detained individuals.<sup>143</sup> These included efforts to:

**Limit the number of people coming into courthouses by promoting e-filing and prioritizing certain cases.** “Emergency hearings” were prioritized for in-person hearings but were encouraged to be conducted virtually if possible.<sup>144</sup> Attorneys were encouraged to use email and electronic filings for motions and other court business for all hearings, and especially, non-emergency cases. Bench trials have been conducted virtually or in-person as determined by the presiding judge and all parties agreeing to the setting; jury trials have been put on pause throughout the pandemic response and are planned to resume January 2021.

**Court houses re-opened to the public** starting July 2020 with guidance limiting the number of people allowed in courthouses at a time and screening staff and visitors. New courthouse entrance protocols include:

<sup>143</sup> The SJC- 12926 ruling made clear that defendants were entitled to a “presumption of release” if they were not being held on a dangerousness claim (G.L. C. 276, §58A) and if they were not charged with a violent or serious offense listed in Appendix A of the SJC decision. If attorneys were unable to agree upon conditions of release for an eligible youth in these situations, DYS worked with the first justice to schedule a hearing under this order.

<sup>144</sup> Emergency hearings included: Care and Protection Temporary Custody Hearing (G.L. c. 119, § 24); Child Requiring Assistance (CRA) applications where allegation is that the child is a runaway; arraignments and dangerousness hearings (G.L. c 276, § 58A) for detained youth in delinquency and youthful offender proceedings; motions for reconsideration of bail, bail revocation, and probation violation detainer hearings; substance/alcohol use disorder proceedings (G.L. c. 123, §35); mental health proceedings (G.L. c. 123, §§7,8); and harassment prevention proceedings (G.L. c. 258E). <https://www.mass.gov/files/documents/2020/03/26/jud-juvenile-court-standing-order-3-20.pdf>



- Security staff conducting a temperature check and short health screen for COVID-19 exposure for all individuals coming into the courthouse for COVID-19.<sup>145</sup>
- Cell phones are now permitted inside courthouses.
- Courthouses must be staffed in person at least once a week, but the opening/closing of individual courts is left up to first justices.
- When individual detainees are in lock up, they must wear surgical style masks at all times and the Court has issued guidance on how to accept new people into custody in the courthouse.

### Probation Services

Massachusetts Probation Services responded to the pandemic by implementing new practices to keep staff and supervised youth and their families safe. These included efforts to:

**Limit the potential exposure of Probation Officers and youth and families to COVID-19 by limiting in-person interactions.** At the start of the pandemic, Probation Officers conducted virtual visits with youth and their families to monitor progress and compliance of their probation conditions while minimizing potential COVID-19 exposure. The same practices have been applied to Children Requiring Assistance (CRA) and Care and Protection (C&P) Cases investigations and monitoring. These virtual visits are ongoing. The Supreme Judicial Court ordered new limits around utilization of GPS as a probation condition.<sup>146</sup> This SJC Order has limited instances of close contact for both Probation Officers and youth under supervision.

In addition, at the outset of the pandemic Probation developed an online inventory of programs, services and resources and updated their status – open, closed, restricted access, in-person, remote – with details about access for youth and families. This inventory, active today, in addition to mental health and behavioral health services includes COVID related resources – food, shelter, clothing, medical services including testing and others so that Probation Officers are informed to respond to youth and families in need during this period.

**Reduce the number of youth held in pretrial detention by limiting violation of probation notices.** Over the past few years, Juvenile Probation has undertaken a number of actions that have resulted in significantly reduced violations, both technical and new arrest, in its delinquency caseload. The first was the implementation of the classification and assessment tool, the OYAS. Implementation of the tool was critical in determining risk and needs of youth, determining the right level of case supervision and most importantly informing the development of a case plan. Probation also implemented an administrative review process, along with a rewards/graduated sanction protocol to support reinforcement of positive behavior and intervene effectively with negative behaviors short of violation. In addition, the Juvenile Court in collaboration with Juvenile Probation implemented a practice of using non-criminal violation notices to adjust probation conditions as indicated by changed circumstances and/or behavior of the youth in the community.

<sup>145</sup> For more information on protocols for visiting courthouses, see <https://www.mass.gov/info-details/what-to-know-before-going-to-a-courthouse-during-covid-19>

<sup>146</sup> In general, GPS use is restricted to contact person offenses, domestic or intimate partner offenses, and threats of violence. Electronic monitoring can also be ordered by the court subsequent to either a dangerousness hearing or as a specific charge related finding by the court at either the setting of retrial conditions or at sentencing. For more information see: Supreme Judicial Court Order concerning the imposition of global positioning system (GPS) monitoring as condition of release or of probation <https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-order-concerning-the-imposition-of-global>



All of these efforts combined to dramatically reduce technical violations, new arrests violations and the use of detention in the Juvenile Court. During the pandemic, probation officers have continued this initiative, and limited violation notices to youth who were re-arrested for a new crime or whose violations posed an imminent threat to others.

### Department of Public Health

The Department of Public Health's (DPH) Bureau of Substance Addiction Services (BSAS) saw a marked decline in the number of youths accessing residential treatment for a substance use disorder (SUD) in the months directly following the outbreak. Despite many challenges, however, the BSAS youth-serving agencies remain committed to providing quality, engaging, and safe programming and therapeutic support to the youth they serve. BSAS programs implemented the following changes to keep youth and their families, and staff safe:

**To decrease the number of youth in residential facilities,** Community Health Link,<sup>147</sup> took several steps to ensure a safe and healthy environment to prevent the spread of COVID-19 among the clients in their care. This included lowering their bed capacity to seven residents in April in an effort to provide individual rooms to clients.

**Continue BSAS programming within the confines of CDC guidelines** through utilizing electronic and telephonic platforms to conduct family therapy sessions, therapeutic groups were modified to ensure appropriate social distancing, and recreational programming was tailored to provide creative and engaging opportunities for teens while maintaining an adherence to CDC and EOHHS recommendations and guidelines. Other long(er) term youth residential providers within the BSAS system of care maintained similar vigilance as it related to the prevention of COVID-19. Providers were able to utilize electronic platforms to ensure that families remained connected, especially as off- site visitation was restricted.

- When protocol allowed, some providers had clients participate in outdoor support group meetings (e.g. Alcoholics/Narcotics Anonymous) ensuring appropriate distancing.
- Program staff were creative in providing recreational opportunities for youth with the addition of gaming tournaments and special in-house activity nights.
- In addition to therapeutic support, program staff were able to ensure that teens stayed current with their academic studies by having students remain connected with their schools. All providers maintained strict guidance to the Residential and Congregate Care Programs Novel Coronavirus (COVID-19) Guidance as established by EOHHS.
- Other providers<sup>148</sup> were able to adapt to COVID-19 and meet with clients at their homes in a socially distanced manner (primarily speaking with teens at their windows), use electronic or telephonic platforms to provide telehealth support, and conduct family support groups in an outdoor setting at a local park (following recommended CDC protocols).

**DPH Grantees working with DPH's Bureau of Community Health and Prevention reframed their roles to meet the needs of youth and their families during the pandemic.**

<sup>147</sup> Motivating Youth Recovery (MYR) operated by Community Healthlink (CHL) and located in Worcester provides detoxification, stabilization, and withdrawal management services to youth aged thirteen through seventeen.

<sup>148</sup> DPH/BSAS, through a standing Interdepartmental Service Agreement with the Department of Youth Services, supports three agencies in Massachusetts providing services in the west (Springfield/Holyoke); the southeast (Brockton, Fall River, New Bedford); and the northeast (Lawrence, Lowell, Haverhill) to youth who have been identified with an SUD. Project READY (Recovery, Engagement and Alliances with DYS Youth) is an intensive case management model which offers community based intensive case management services to youth post incarceration.

- The Child Youth Violence Prevention Program providers pivoted their core programming functions to meet the emergent needs of the youth and families in their programs during the pandemic. The Child Youth Violence Prevention staff provided amendments to several programs to aid their pandemic response. Overall great emphasis was put into moving robust in-person programming onto virtual platforms to continue engaging youth. As the pandemic continues, program staff continue to nuance the ways they check in on the physical and emotional health of the youth in their programs.
- The eight Safe Spaces programs receive DPH support to provide resources and guidance from non-parental, important adults who are members of the LGBTQIA+ community. In response to the pandemic the Safe Spaces program provided food, shelter, rental assistance and cellphones to the youth in their program. Many LGBTQIA youth experienced increased homelessness at the start of the pandemic due to the decrease in shelter capacity to mitigate the spread of the virus and fear of exposure within shelters. Programs provided resources and worked to stay connected to youth, who were itinerant and those who remained in hostile living situations due to their sexual orientation.
- The Massachusetts Gun Violence Prevention Program works with fourteen grantees in communities across the Commonwealth to help youth avoid violent conflict and injury. Through a racial equity and trauma-informed lens, funded partners provide critical supports, such as close connections with trustworthy adults, opportunities to learn new skills, and access to the job market. GVP program staff are designated essential workers and worked to perform their duties in an altered environment during the state of emergency. The programs delivered toiletries and food and did one to one visits with youth (while following CDC social distance and mask protocols) to continue street work and outreach to new youth. DPH staff worked alongside The Training Center for Excellence to provide 25 trainings to support staff in developing professionally to meet the challenges of the pandemic. Trainings included relationships and boundaries in a virtual world, case management and risk assessment, and de-escalation techniques.

### Department of Mental Health/Juvenile Court Clinics

DMH has adjusted its work to respond to the demands of the pandemic. Clinicians and Juvenile Court Clinics implemented their own change of policies and procedures in response to COVID-19 concerns including:

**Efforts to limit the potential exposure of clinicians and youth to COVID-19 by limiting in-person sessions.** To minimize potential COVID-19 exposure, juvenile court clinicians conducted virtual visits with youth for assessments and sessions. Certain assessments, such as competency evaluations, needed to be conducted in-person and rarely took place virtually. Clinicians used videoconferencing to conduct virtual visits to the extent possible; this method is preferable to telephone, although there were sometimes challenges, particularly in the first few months of the pandemic, due to technological problems and unreliable internet connections. Clinicians have been resourceful in developing techniques for overcoming technology challenges, however. Although preferable to telephone, virtual visits do make it hard for clinicians to develop rapport with clients in ways they usually would during in-person sessions. Clinicians limited in-person interviews in courts for some juvenile court clinicians over the summer. Clinicians returning to courthouses limit time spent in lock-up areas and the courthouse to limit potential exposure.

**Challenges in connecting youth to needed services:** The Court Clinic programs statewide developed a resource list that they utilize and frequently update in order to know what services are available for youth and families and how to connect them. This is not limited to treatment and includes resources for food, financial assistance, and technology services that are needed for youth to stay connected to providers.

Unfortunately, many service providers remained closed or with reduced capacities throughout the pandemic. For example, there was limited availability of substance use treatment beds due to social distancing. Additionally, it took time for many outpatient programs providing treatment for youth and families to develop technologies in order to continue providing care and treatment of youth. With schools closed and youth at home, this left a large gap in providers being able to meet with youth, as many agencies conduct treatment sessions with youth at school.

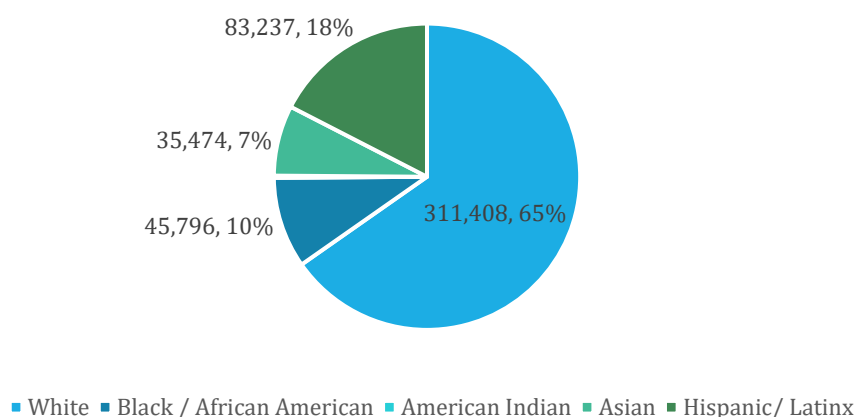
## Appendix C: Data by Race/Ethnicity

This appendix breaks down data at each process point by the race/ethnicity of the youth, to the extent that data is available.

### Massachusetts Youth Population (12-17 Years Old) Race/Ethnicity Distribution

As a point of comparison to the system data in this appendix, below is the estimated racial/ethnic composition of Massachusetts' youth population in 2019:

Figure 41: Massachusetts Youth (12-17) Population  
2019 (CY) by Race



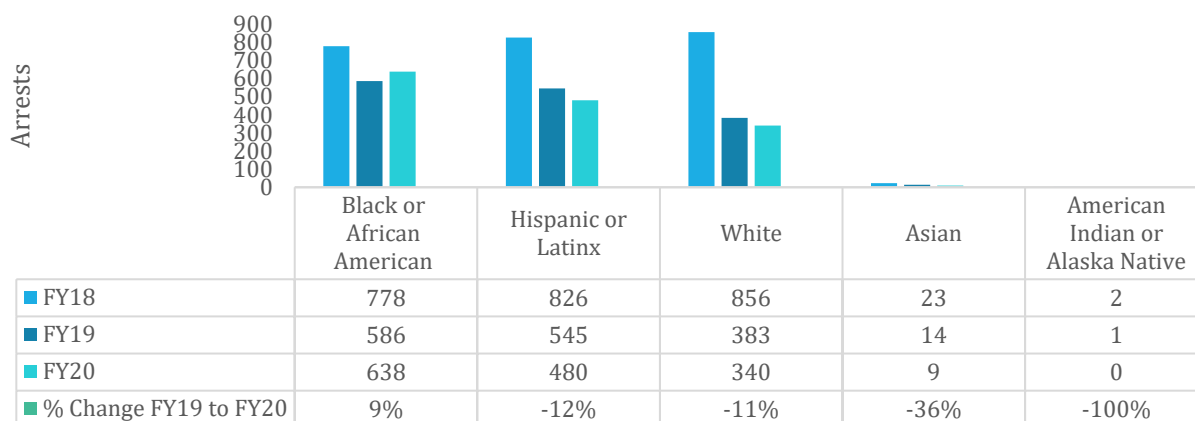
Source: Puzzanhera, C., Sladky, A. and Kang, W. (2020). "Easy Access to Juvenile Populations: 1990-2019." Online. Available: <https://www.ojjdp.gov/ojstatbb/ezapop/>

### Custodial Arrests

Custodial arrests decreased for all youth except Black youth between FY19 and FY20. Custodial arrests for Black youth increased by 9%.

Since FY18, custodial arrests have decreased 18% for Black youth, 42% for Hispanic/Latinx youth, 60% for white youth, 61% for Asian youth, and 100% for American Indian or Alaska Native youth.

Figure 42: Custodial Arrests by Race



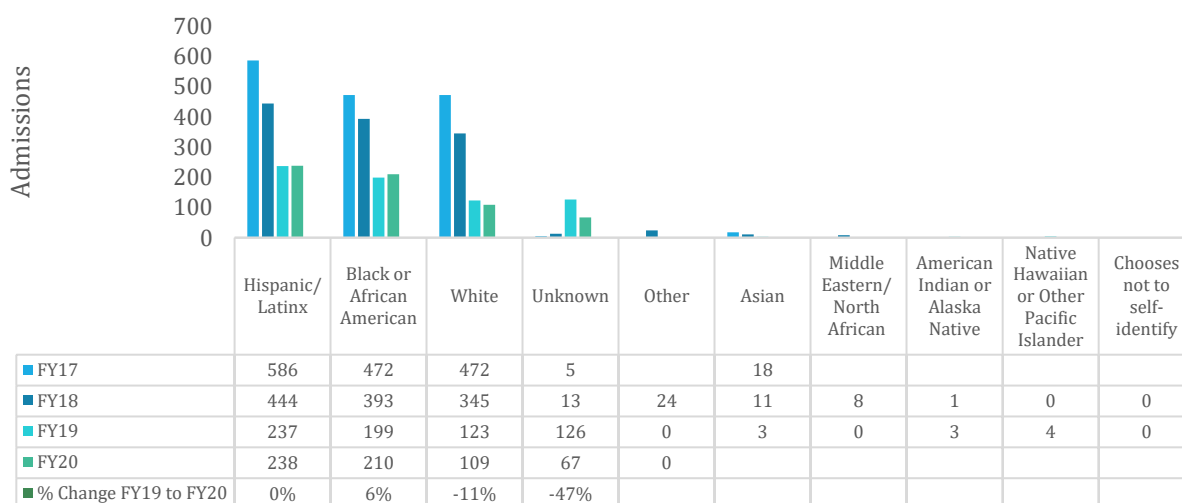
Arrest data is preliminary and may change over time as police departments update their data reports. Final arrest data is published by the FBI, typically each fall for the previous calendar year. *Source: Department of Grants and Research, Executive Office of Public Safety and Security*

### Overnight Arrest Admissions

There were 11 more overnight arrest (ONA) admissions for Black youth in FY20 compared to FY19, representing a 6% increase. On the other hand, there were 14 less ONA admissions for white youth, representing an 11% decrease. There was no change in admissions for Hispanic/Latinx youth.<sup>149</sup>

Since FY18, ONA admissions decreased 46% for Hispanic/Latinx youth, 47% for Black youth, and 68% for white youth.

Figure 43: Overnight Arrest Admissions by Race/Ethnicity



There were three youth who identified as more than one race in FY18, seventeen youth who identified as more than one race in FY19, and seven youth who identified as more than one race in FY20. Data for FY18-FY20 reported using new JJPAD reporting standards. See the JJPAD Data Subcommittee reporting standard recommendations (Appendix A) for more information. To maintain confidentiality, data cells with <10 instances are intentionally left blank starting in FY20. *Source: Department of Research, Department of Youth Services*

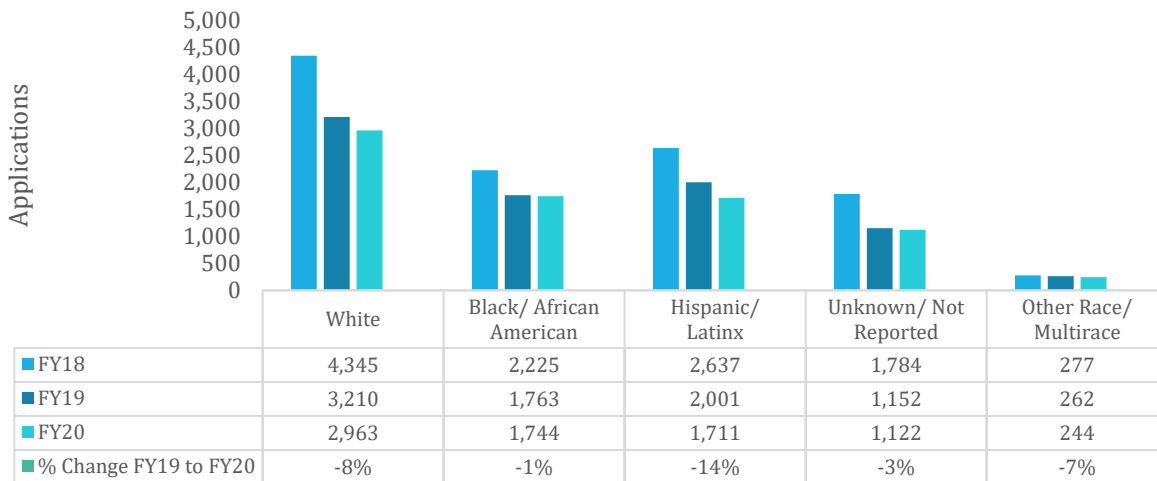
<sup>149</sup> DYS moved to self-reporting in June of 2018 and previously did not capture data for youth identifying as American Indian or Alaska Native, Multiracial, Native Hawaiian or Other Pacific Islander, or if a youth chose not to self-identify.

## Applications for Complaint

There was a decrease in applications for complaint for youth across race/ethnicity categories between FY19 and FY20. Applications for complaint for Hispanic/Latinx youth dropped 14%, the largest decrease across race categories. There was an 8% decrease in applications for complaint for white youth, a 7% decrease in applications for youth of another race or multiracial, and just a 1% decrease for Black youth.

Since FY18, applications for complaint have decreased 32% for white youth, 22% for Black youth, 35% for Hispanic/Latinx youth, 12% for youth who identified as multiracial or another race, and 37% for youth with an unknown race.

Figure 44: Applications for Complaint by Race



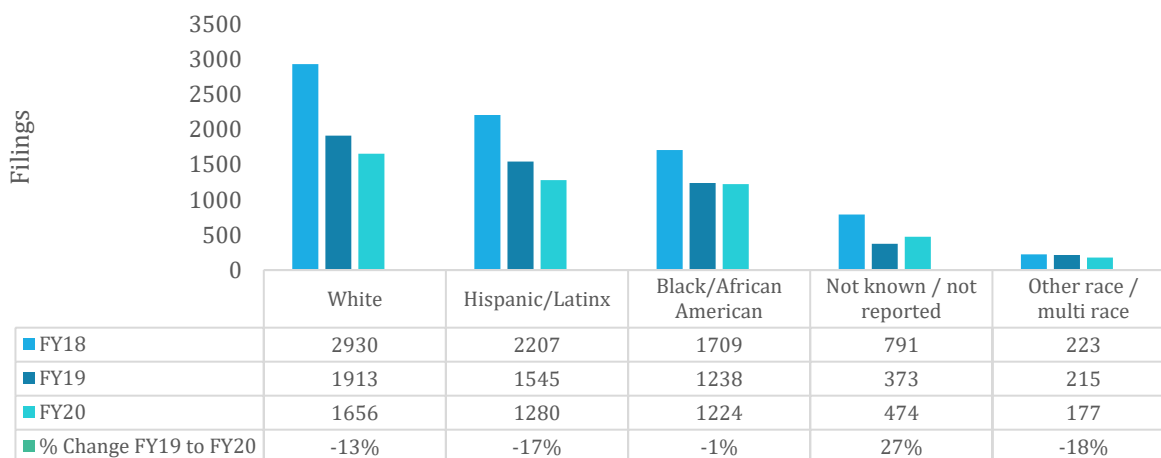
Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

## Delinquency Filings

There was a 17% decrease in delinquency filings for Hispanic/Latinx youth from FY19 to FY20, and a 13% decrease in filings for white youth. Filings for Black youth also decreased, although only 1%.

Since FY18, delinquency filings have decreased 43% for white youth, 42% for Hispanic/Latinx youth, 28% for Black youth, 21% for youth who identified as multiracial or another race, and 40% for youth with an unknown race.

Figure 45: Delinquency Filings by Race/Ethnicity

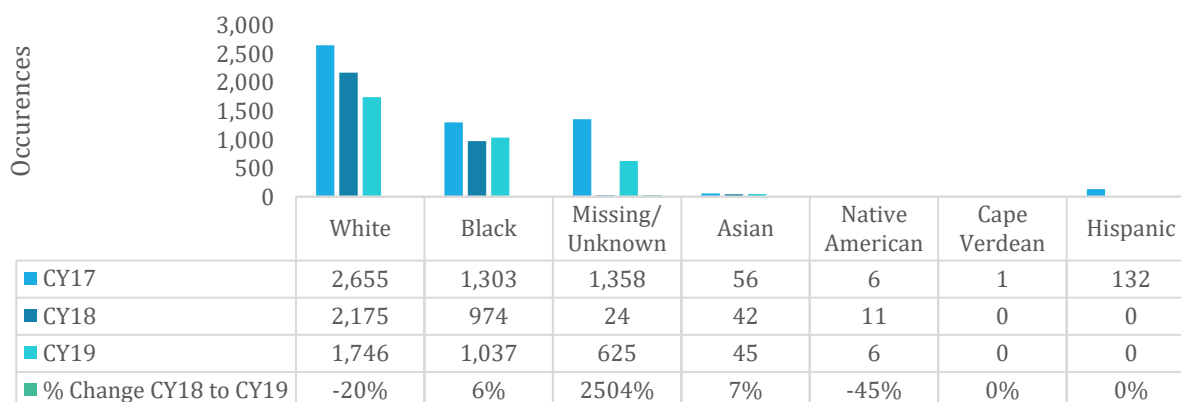


Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

### Arraignment Occurrences

Data on the race/ethnicity composition of arraignment occurrences as reported to the OCA is presented below. Caution should be taken in interpreting this data, however: it seems likely that information on youth who are Hispanic/Latinx is absent from this data set, and that data error also likely attributed to the Missing/Unknown data field increasing by 2,504%.

Figure 46: Arraignment Occurrences by Race/Ethnicity



Source: Massachusetts Trial Court Analysis (Data from Department of Criminal Justice Information Services)

### Pretrial Detention Admissions

Pretrial detention admissions decreased by 26% for Hispanic/Latinx youth, decreased 18% for white youth, and decreased 15% for Black youth between FY19 and FY20.



Since FY18, pretrial detention admissions decreased 41% for Hispanic/Latinx youth, 36% for Black youth, 54% for white youth, and increased 225% for American Indian or Alaska Native youth.

Figure 47: Detention Admissions by Race/Ethnicity



There were 42 youth who identified as more than one race in FY18, 37 youth who identified as more than one race in FY19, and 21 youth who identified as more than one race in FY20. Data for FY18-FY20 reported using new JJPAD reporting standards. See the JJPAD Data Subcommittee reporting standard recommendations (Appendix A) for more information. To maintain confidentiality data cells with <10 instances are intentionally left blank starting in FY20. Source: Department of Research, Department of Youth Services

## FY20 Average Length of Stay in Detention

The average length of time a youth spends in detention varies by race:

Table 12: Average Length of Stay by Race/Ethnicity

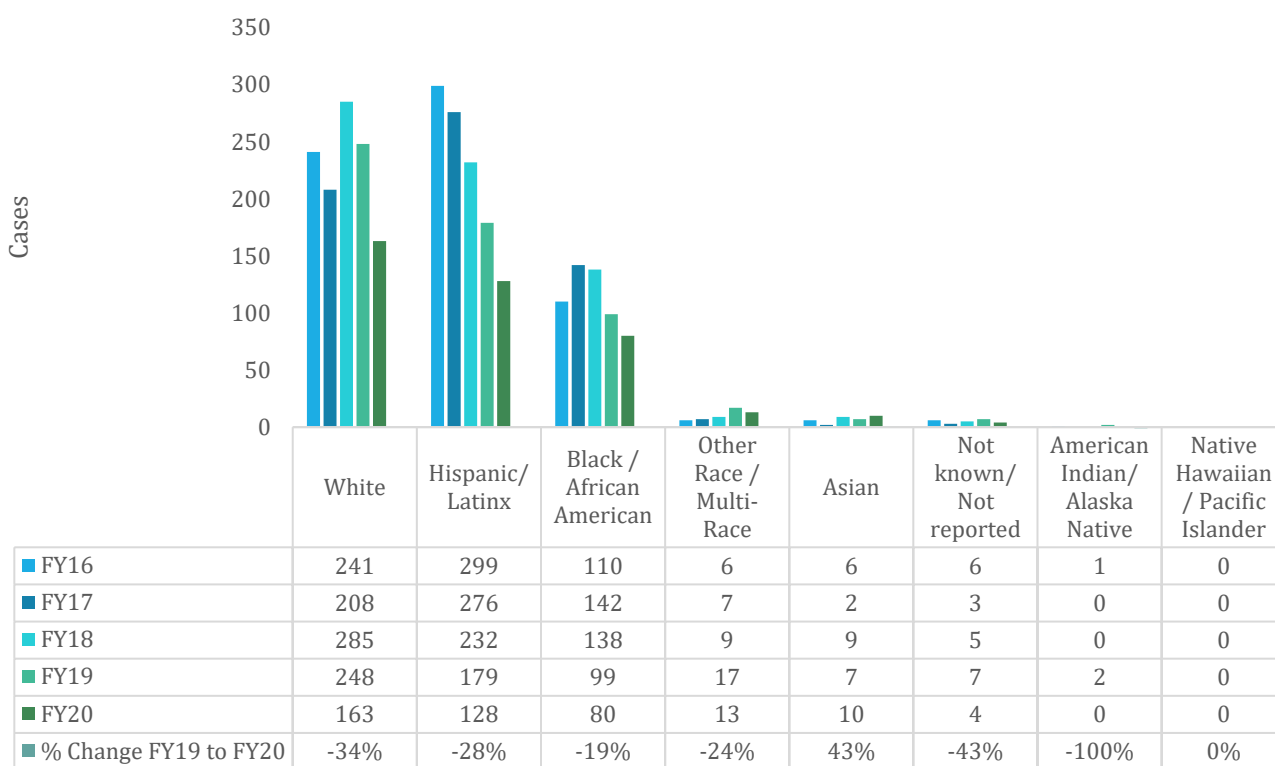
Race/Ethnicity	Avg. Length of Stay in Detention (FY20)
White	34.4 days
Black or African American	43.5 days
Hispanic/Latinx	52.3 days
American Indian or Alaska Native	70.8 days
Native Hawaiian or Other Pacific Islander**	46.0 days
Chooses not to self-identify**	52.0 days
Asian**	91.7 days
Middle Eastern/North African**	225.3 days
**Notes fewer than 10 detention admissions. Source: Research Department, Department of Youth Services	

## Probation

New probation Risk/Need starts decreased across most race/ethnicity categories from FY19 to FY20.<sup>150</sup> The largest decrease was for white youth (34% decrease). There was a 28% decrease for Hispanic/Latinx youth and a 19% decrease for Black youth.

Since FY18, Risk/Need probation cases have decreased 43% for white youth, 45% for Hispanic/Latinx youth, 42% for Black youth, and decreased 20% for youth with unknown races. Risk/Need probation cases have remained the same or increased for Asian youth and youth who identified as multiracial or another race.

Figure 48: New Risk/Need Probation Cases by Race/Ethnicity

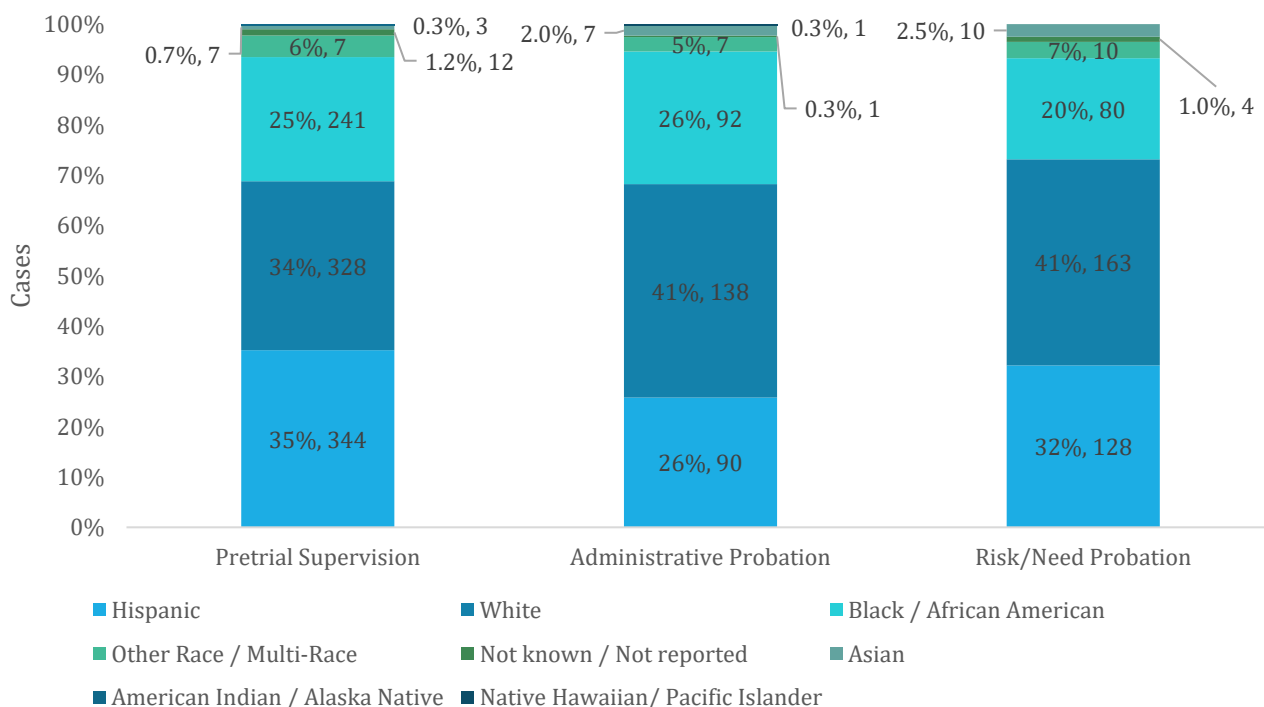


Source: Department of Research, Massachusetts Probation Service

For FY20, Probation also reported race/ethnicity breakdowns by other types of delinquency probation supervision. Hispanic/Latinx youth make up most of the new pretrial supervision starts (35%), and white youth make up most of the new Risk/Need starts (41%) and new Administrative starts (41%).

<sup>150</sup> Data from FY16 – FY19 only includes youth on Risk/Need probation, not those on pretrial supervision or Administrative probation.

Figure 49: FY20 Probation Delinquency Case Types by Race



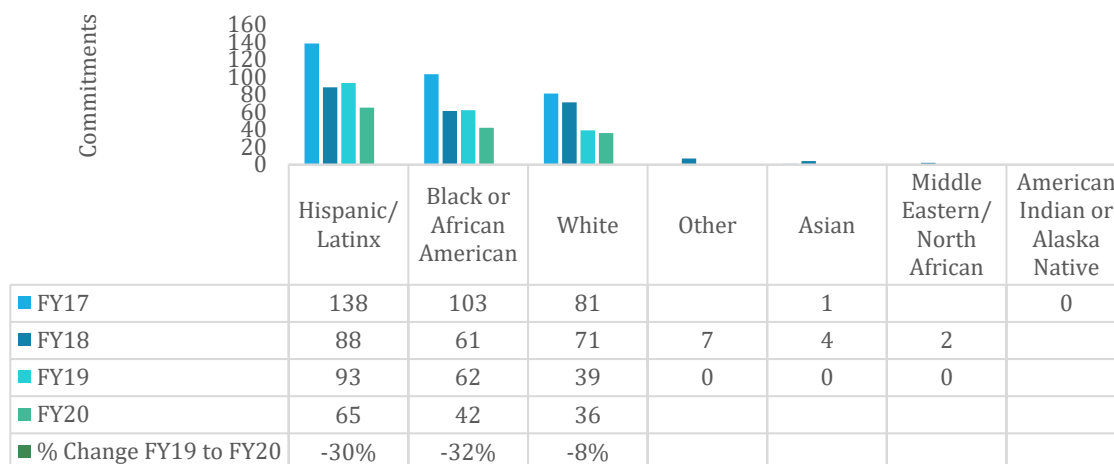
Source: Department of Research, Massachusetts Probation Service

### First-Time Commitments to DYS

After an increase in first-time commitments in FY19 for Hispanic/Latinx youth, in FY20 there was a large decrease for this group of youth (30% decrease). There were also decreases for Black and white youth (32% and 8% decreases, respectively).

Since FY18, first-time commitments have decreased 26% for Hispanic/Latinx youth, 31% for Black youth, and 49% for white youth.

Figure 50: First -Time Commitments by Race/Ethnicity

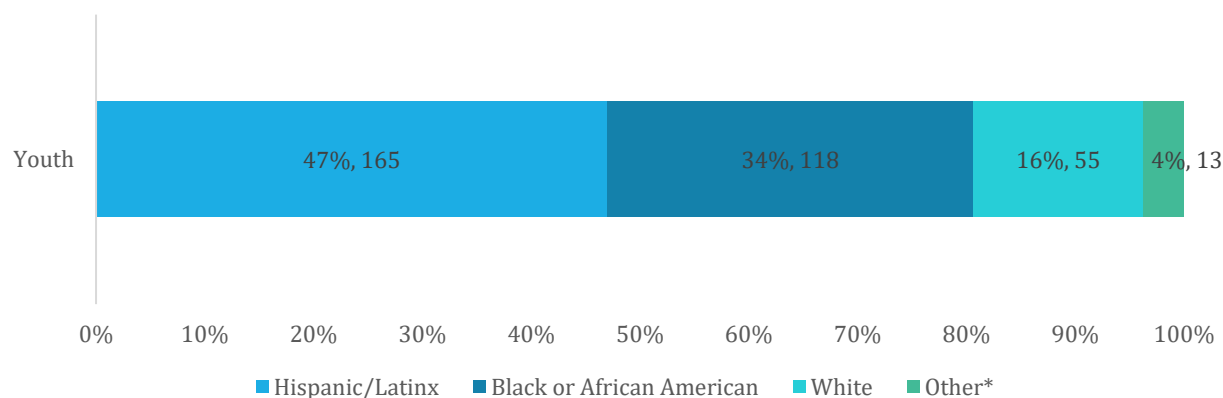


There were three youth who identified as more than one race in FY18, eight youth who identified as more than one race in FY19, and two youth who identified as more than one race in FY20. Data for FY18-FY20 reported using *new JJPAD* reporting standards. See the JJPAD Data Subcommittee reporting standard recommendations (Appendix A) for more information. To maintain confidentiality data cells with <10 instances are intentionally left blank starting in FY20. *Source: Department of Research, Department of Youth Services*

### DYS Committed Population Snapshot

On June 30, 2020, there were 351 youth committed to the Department of Youth Services, of whom 47% identified as Hispanic/Latinx, 34% as Black, and 16% as white.

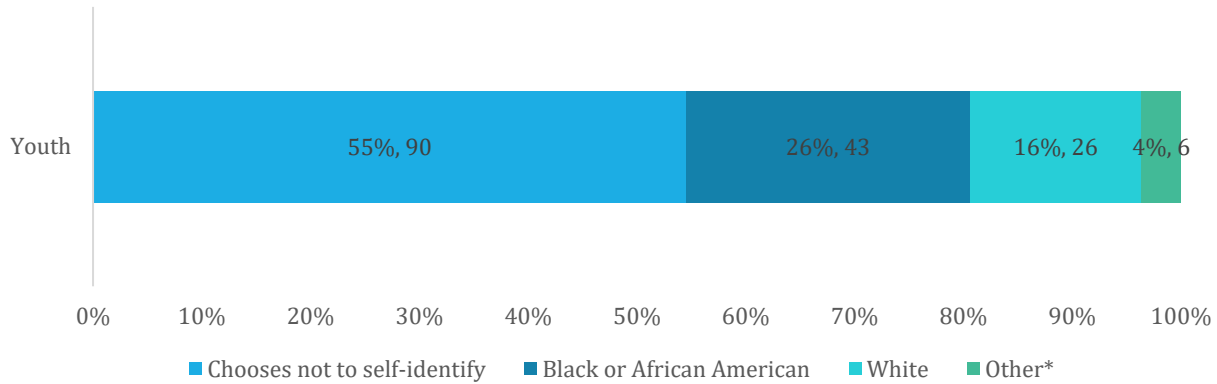
Figure 51: FY20 Committed Point in Time Data by Race/Ethnicity (n=351)



\*Other includes Asian, Middle Eastern/North African, American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, and youth that choose not to self-identify. *Source: Research Department, Department of Youth Services*

Of the 165 youth who identified as Hispanic/Latinx, 26% also identified as Black, 16% also identified as white, and 55% did not identify as a separate racial group.

Figure 52: Hispanic/Latinx Committed Youth Snapshot Data by Race (n=165)



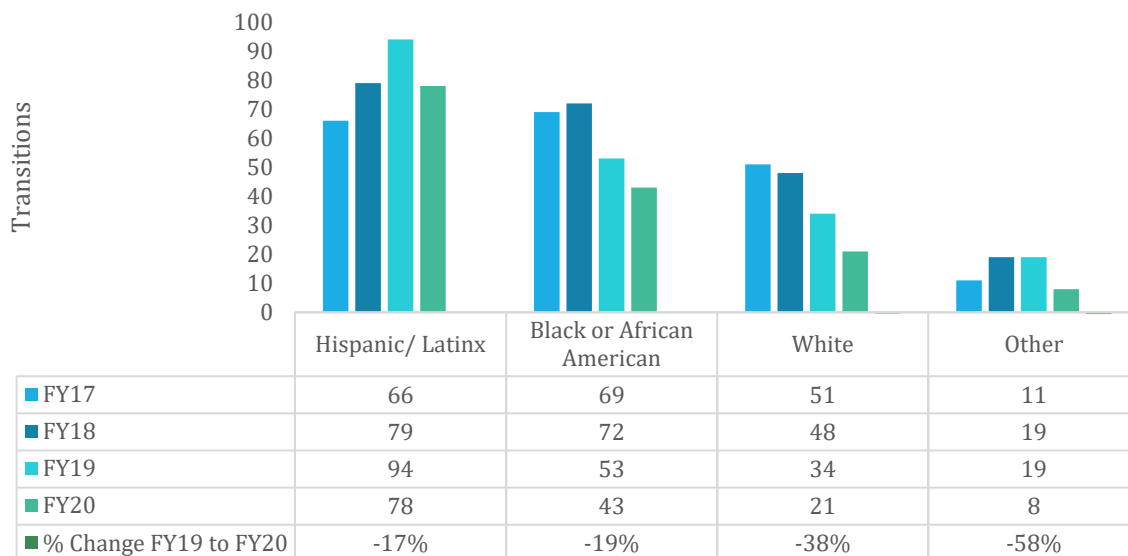
\*Other includes American Indian or Alaska Native and Native Hawaiian or Other Pacific Islander Source: Research Department, Department of Youth Services

### Youth Engaged in Services (YES) Transitions

Between FY19 and FY20, YES Transitions decreased 38% for white youth, 19% for Black youth, 17% for Hispanic/Latinx youth, and 58% for youth who identified as another race.

Since FY18, YES transitions for Black youth have decreased 40%, 56% for white youth, and 58% for youth who identified as another race. Transitions for Hispanic/Latinx youth remained relatively stable, despite an increase in transitions in FY19, since FY18.

Figure 53: Youth Engaged in Services (YES) by Race/Ethnicity

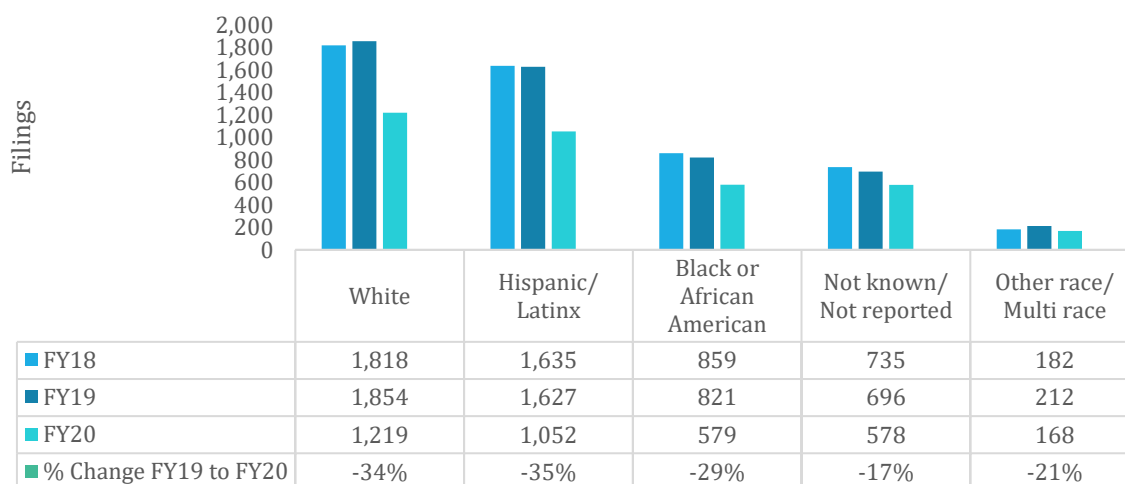


Other includes Asian, Middle Eastern/North African, American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, and youth that choose not to self-identify. Source: Research Department, Department of Youth Services

## Child Requiring Assistance (CRA) Filings

In FY20, CRA filings decreased 34% for white youth, 35% for Hispanic/Latinx youth, 29% for Black youth, 21% for youth who identify as another race or multiracial, and 17% for youth with an unknown race. Since FY18, filings declined 33% for white youth, 36% for Hispanic/Latinx youth, 33% for Black youth, 8% for youth who identified as another race or multiracial, and 21% for youth with an unknown race.

Figure 54: CRA Filings by Race/Ethnicity



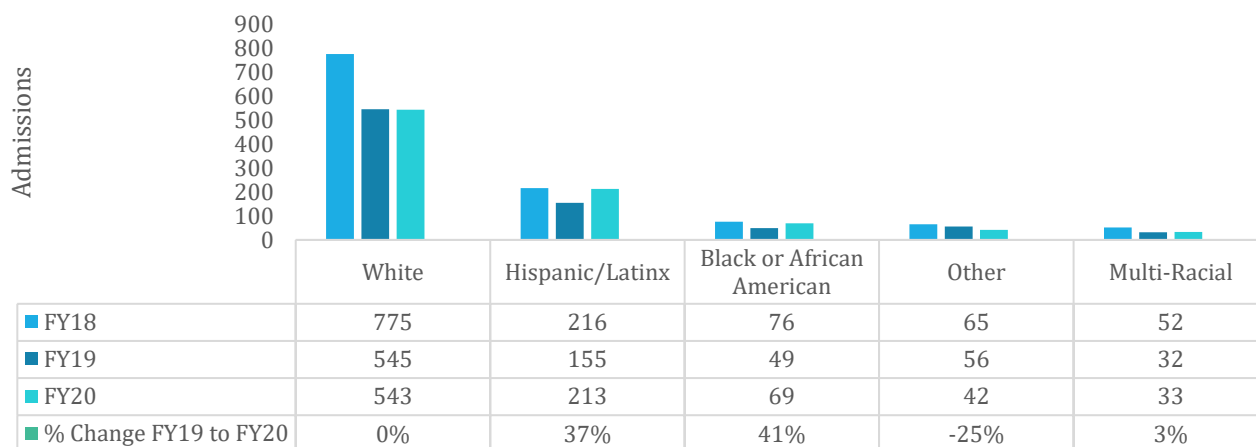
Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

## Admissions to BSAS Programming

Admissions to programming run by the Bureau of Substance Addiction Services (BSAS) increased for youth across race/ethnicity categories. Notably, Black youth and Hispanic/Latinx youth represented the largest increases (41% and 37%, respectively) in admissions during FY20, after admissions previously decreased for both racial groups between FY18 and FY19.

Since FY18, BSAS admissions have decreased 30% for white youth, 9% for Black youth, 35% for youth who identified as another race, 27% for youth who identified as multiracial and remained unchanged for Hispanic/Latinx youth.

Figure 55: BSAS Admissions by Race/Ethnicity

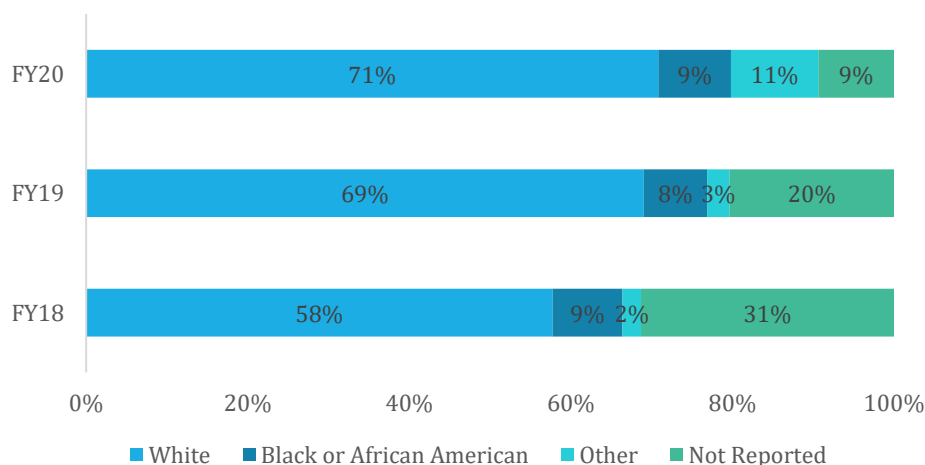


Source: Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/09/2020 with data as of 07/31/2020. Due to continuous data updates, do not compare the information in this report to any prior statistics.

## Department of Mental Health Services

In FY20, 71% of all DMH applicants were white youth, 9% Black youth, 11% youth with another<sup>151</sup> race, and 9% were unreported.

Figure 56: DMH Applicants by Race

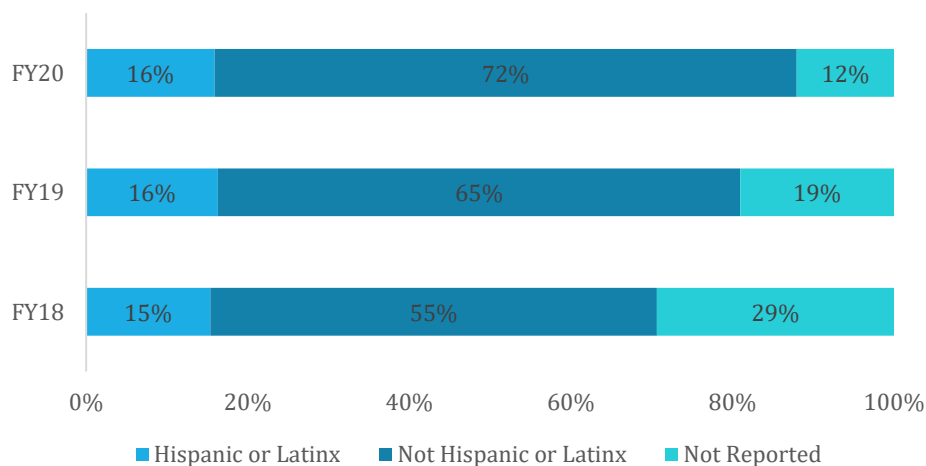


Source: Department of Mental Health

In FY20, 16% of all DMH applicants identified as Hispanic/Latinx.

<sup>151</sup> "Other" on the chart above represents combined selections for Asian, American Indian or Native Alaskan, Native Hawaiian of Other Pacific Islander, Other, or Two or More Races.

Figure 57: DMH Applicants by Ethnicity

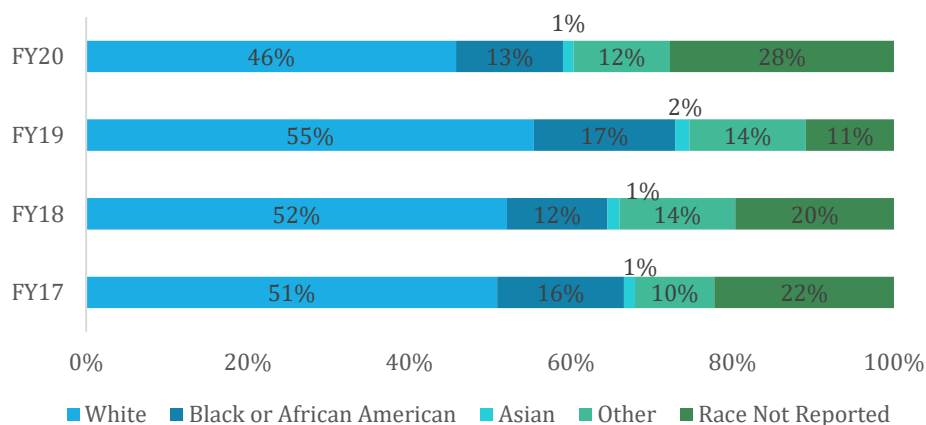


Source: Department of Mental Health

### Juvenile Court Clinics

In FY20, 46% of all youth referred to the Juvenile Court Clinics identified as white, 13% identified as Black, 12% another<sup>152</sup> race and 1% identified as Asian.

Figure 58: Juvenile Court Clinic Referred Youth by Race



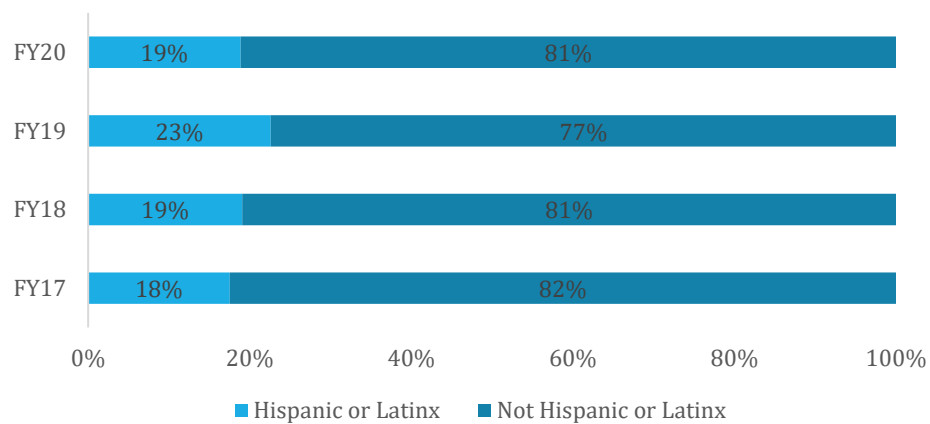
Source: Department of Mental Health

Of the youth referred to the Court Clinic, 19% identified as Hispanic/Latinx.

<sup>152</sup> "Other" on the chart above represents combined selections for American Indian or Native Alaskan, Native Hawaiian of Other Pacific Islander, Other, or Two or More Races.



Figure 59: Juvenile Court Clinic Referred Youth by Ethnicity



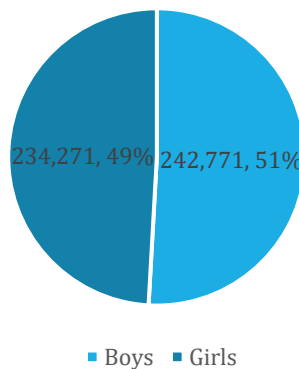
Source: Department of Mental Health

## Appendix D: Data by Gender

### Massachusetts Youth Population (12-17 years old) Gender Distribution

As a point of comparison to the system data in this appendix, below is the estimated gender composition of Massachusetts' youth population in 2019. (Data on the number of youth who identify as non-binary or another gender is not available.)

Figure 60: 2019 (CY) Massachusetts Youth (12-17) Population by Gender



Source: Puzzanchera, C., Sladky, A. and Kang, W. (2020). "Easy Access to Juvenile Populations: 1990-2019." Online. Available: <https://www.ojjdp.gov/ojstatbb/ezapop/>

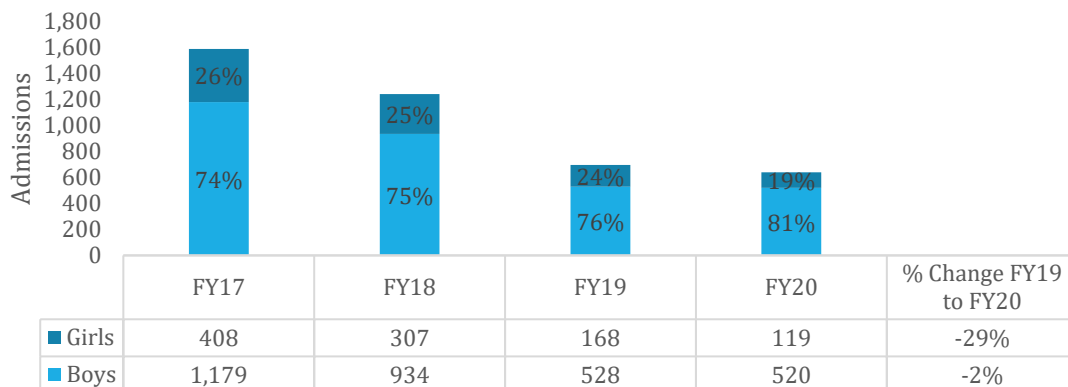
### Custodial Arrests

No gender data was provided for FY20 custodial arrests.

### Overnight Arrest Admissions

A decrease in FY20 overnight arrest admissions stems from a 29% decrease in admissions for girls. Overnight arrest admissions for boys decreased 2%. Since FY18, there has been a 61% decrease in overnight arrest admissions for girls, and a 44% decrease for boys.

Figure 61: Overnight Arrest Admissions by Gender

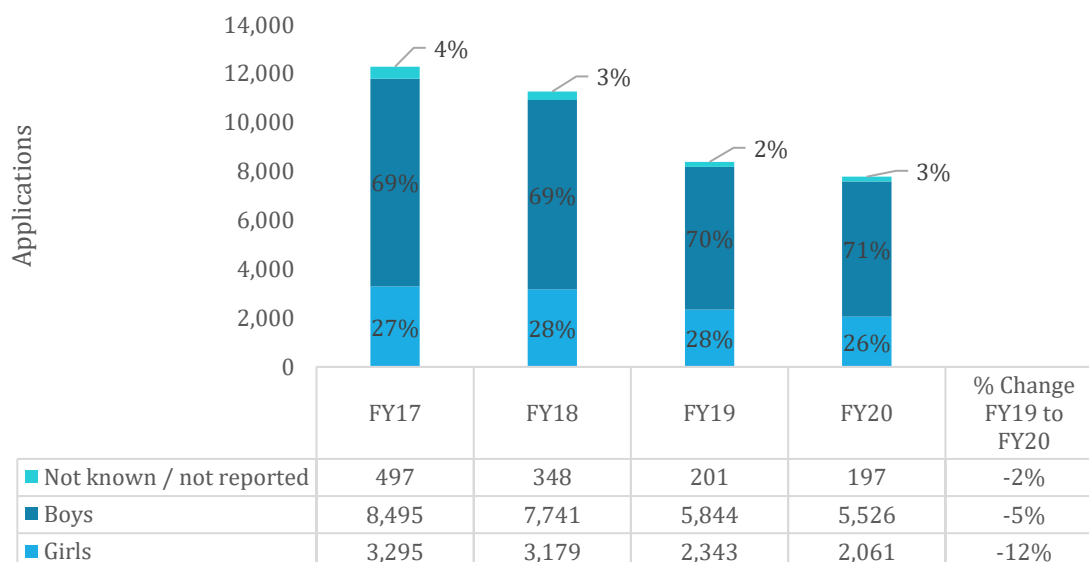


Source: Research Department, Department of Youth Services

## Applications for Complaint

Applications for complaint decreased 12% for girls, and 5% for boys. Since FY18, there has been a 35% decrease in applications for complaint for girls and a 29% decrease for boys.

Figure 62: Applications for Complaint by Gender



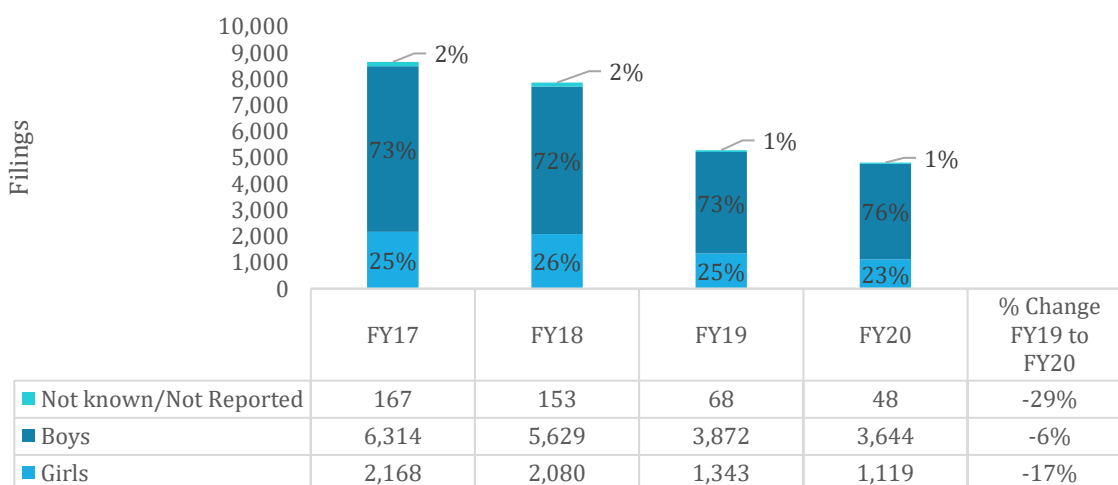
Source: FY17 Data provided by the Department of Research, Massachusetts Trial Court. FY18-FY20 data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard

<https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

## Delinquency Filings

Delinquency filings decreased 17% for girls and 6% for boys between FY19 and FY20. Since FY18, there has been a 46% decrease in delinquency filings for girls, and 35% decrease for boys.

Figure 63: Delinquency Filings by Gender



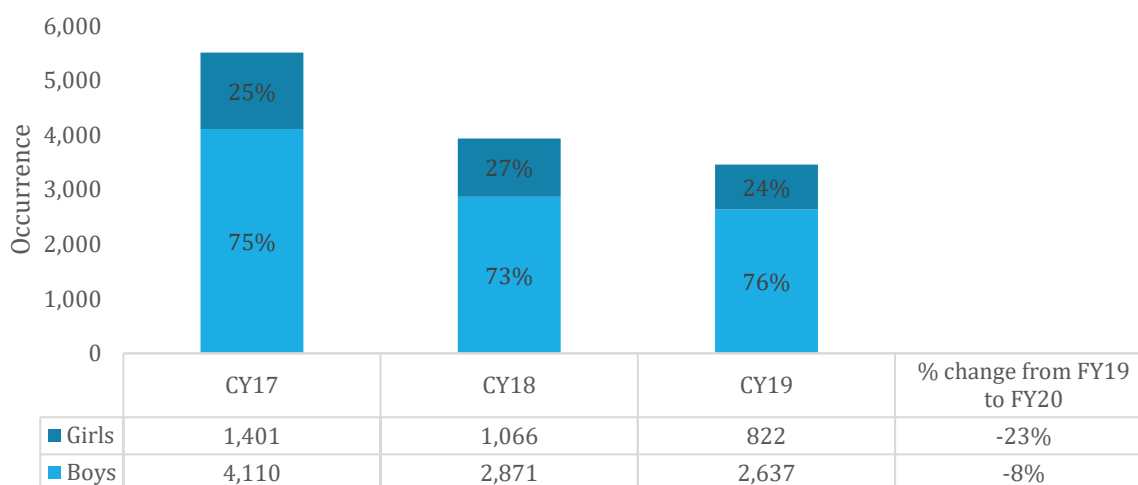
Source: FY17 Data provided by the Department of Research, Massachusetts Trial Court. FY18-FY20 data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard

<https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

## Arraignments

There was a 23% decrease in arraignment occurrences for girls and an 8% decrease for boys between CY18 and CY19. Since CY17, arraignment occurrences for girls has decreased by 41% and by 36% for boys.

Figure 64: Arraignment Occurrences by Gender

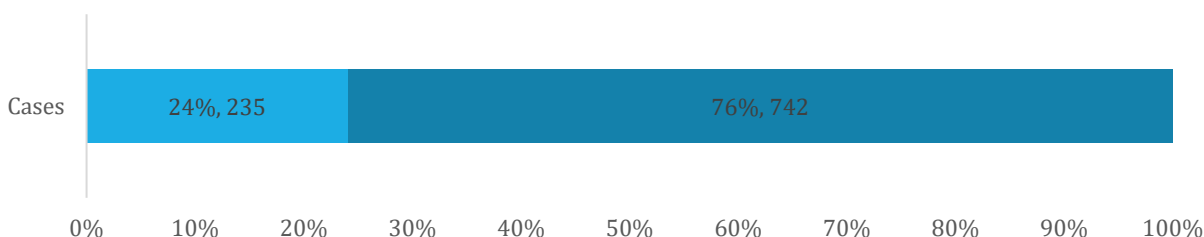


Source: Massachusetts Trial Court Analysis (Data from Department of Criminal Justice Information Services)

## Pretrial Supervision

In FY20<sup>153</sup>, 24% of pretrial probation supervision cases were for girls, and 76% were for boys.

Figure 65: FY20 Pretrial Supervision by Gender



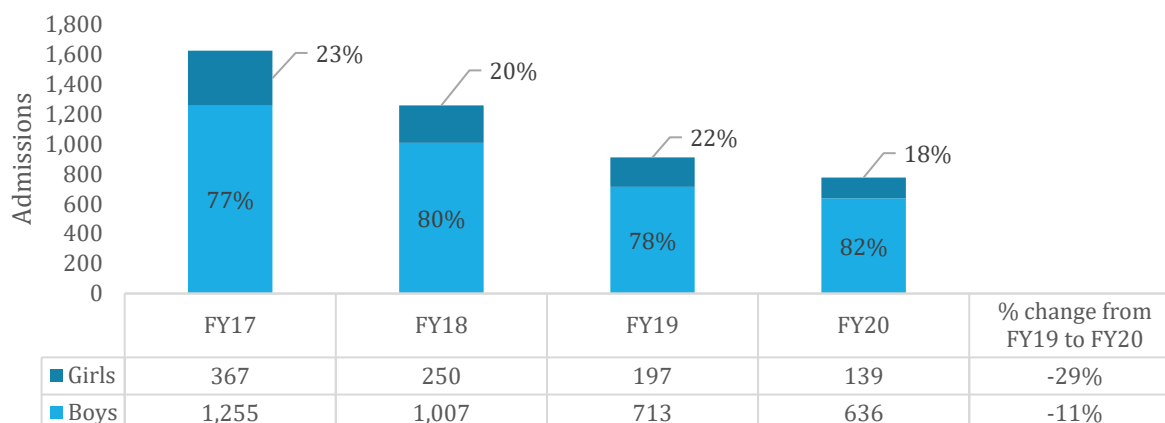
Source: Department of Research, Massachusetts Probation Service

## Pretrial Detention Admissions

Pretrial detention admissions decreased 29% for girls and 11% for boys between FY19 and FY20. Since FY18, there has been a 44% decrease in pretrial detention admissions for girls, and a 37% decrease for boys.

<sup>153</sup> FY19 gender data is not available for probation.

Figure 66: Pretrial Detention Admissions by Gender



In FY20, less than 10 youth identified as transgender at the time of admission, and less than 10 youth who identified as intersex at time of admission. Source: Department of Research, Department of Youth Services

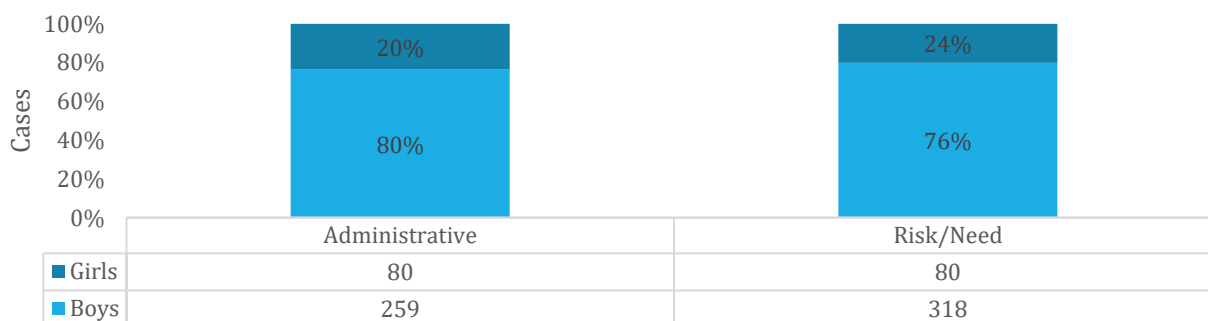
On average, girls spent 32 days in detention, while boys spent 50 days.

Table 13: Average Length of Stay by Gender	
Gender	Avg. Length of Stay in Detention (FY20)
Girls	31.5 days
Boys	50.4 days
Source: Research Department, Department of Youth Services	

### Probation Post-Disposition Delinquency Cases

In FY20,<sup>154</sup> girls represented 24% of all administrative probation cases, and 20% of risk/need probation cases. Boys represented 80% of administrative probation cases and 76% of risk/need probation cases.

Figure 67: FY20 Probation Post-Disposition Delinquency Cases by Gender



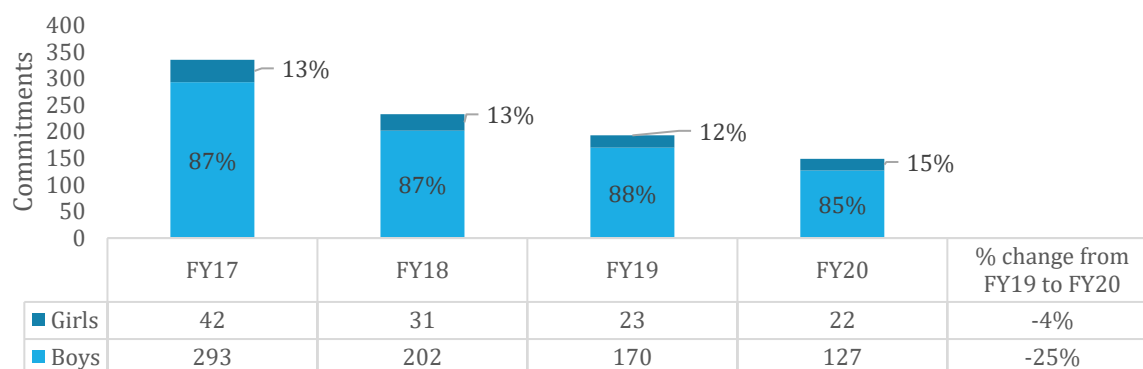
Source: Department of Research, Massachusetts Probation Service

<sup>154</sup> FY19 gender data is not available for probation.

## First-time Commitments to DYS

First-time commitments to DYS decreased 4% for girls and 25% for boys between FY19 and FY20. Since FY18, there has been a 29% decrease in first-time commitments of girls and a 37% decrease for boys.

Figure 68: First-time Commitments by Gender

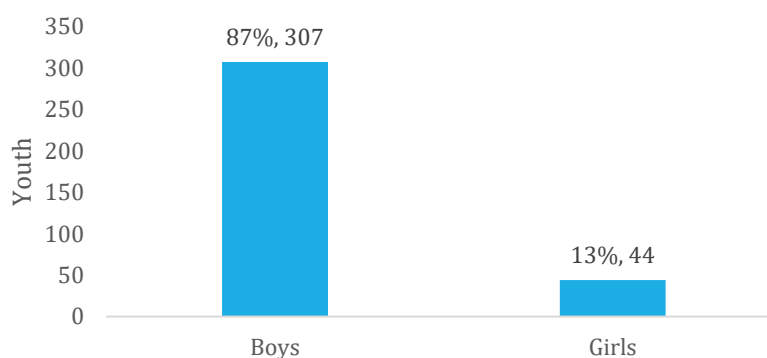


In FY20, there were no youth with first-time commitments who identified as transgender, and there were less than 10 youth who identified as intersex. *Source: Research Department, Department of Youth Services*

## DYS Commitment Population Snapshot

On June 30, 2020, there were 351 youth committed to the Department of Youth Services, of whom 87% were boys and 13% were girls.

Figure 69: FY20 Commitment Snapshot by Gender (N=351)

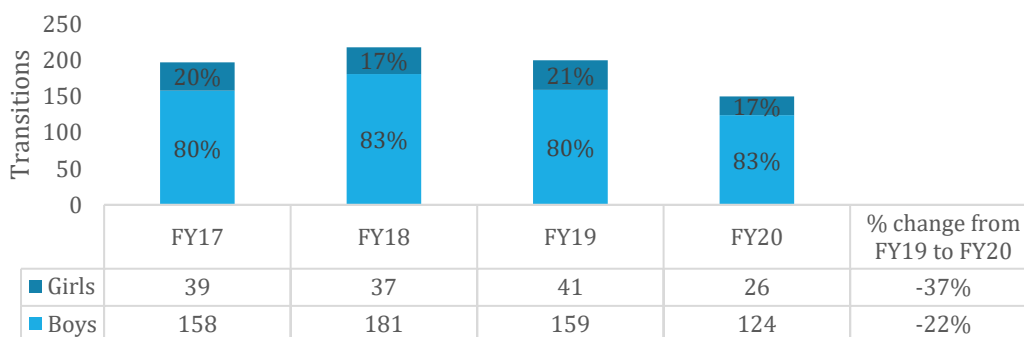


On June 30, 2020, there were less than ten youth who identified as transgender and less than ten youth who identified as intersex committed to DYS. *Source: Research Department, Department of Youth Services*

## YES Transitions

YES transitions decreased 37% for girls and 22% for boys between FY19 and FY20. Since FY18, there has been a 30% decrease in YES transitions for girls and 31% for boys.

Figure 70: YES Transitions by Gender

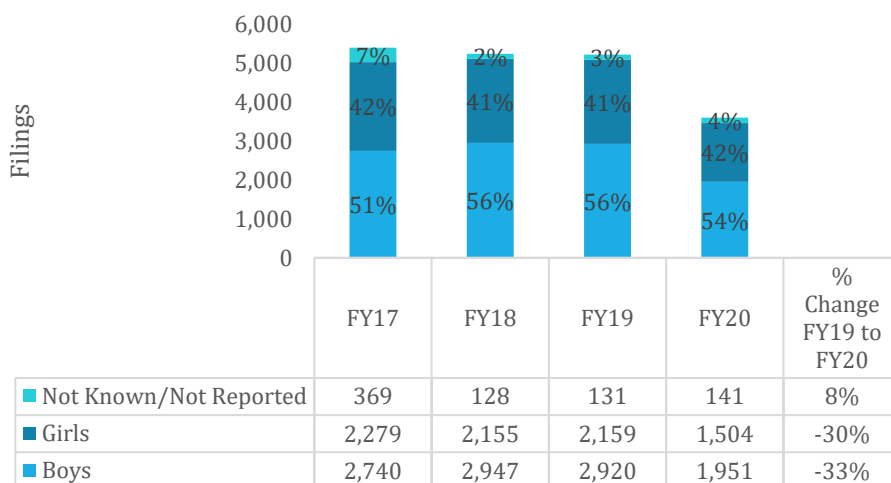


In FY20, there were no YES transitions for youth who identified as transgender, and no transitions for youth who identified as intersex.  
Source: Research Department, Department of Youth Services

### Child Requiring Assistance (CRA) Filings

CRA filings decreased 33% for boys and 30% for girls between FY19 and FY20.

Figure 71: CRA Filings by Gender



Source: FY17 Data provided by the Department of Research, Massachusetts Trial Court. FY18-FY20 data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard

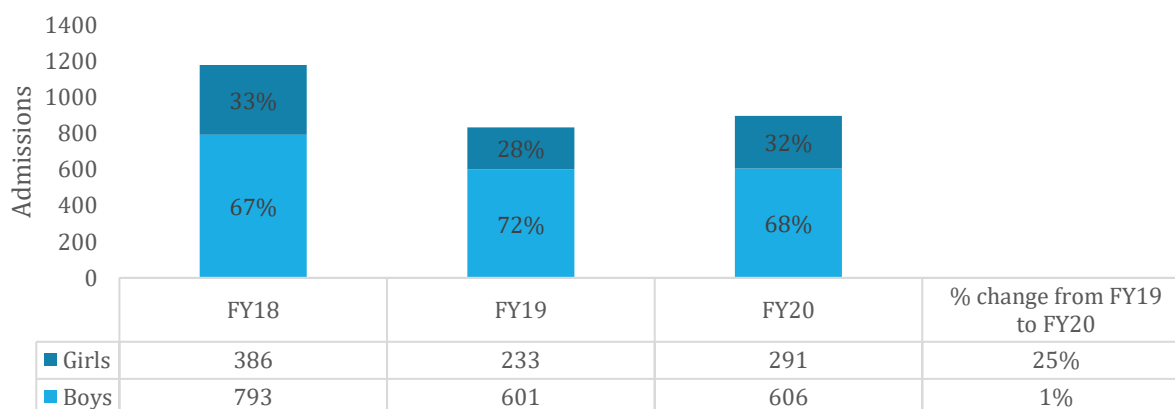
<https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

### BSAS Admissions

Admissions to BSAS programs increased between FY19 and FY20, largely due to an increase in admissions for girls. Admissions increased 25% for girls and 1% for boys between FY19 and FY20. Since FY18, there has been about a 25% decrease in BSAS admissions for both girls and boys.

In FY19, 8 youth identified as transgender at the time of intake. In FY20, 12 youth identified as transgender.<sup>155</sup>

Figure 72: BSAS Admissions by Gender

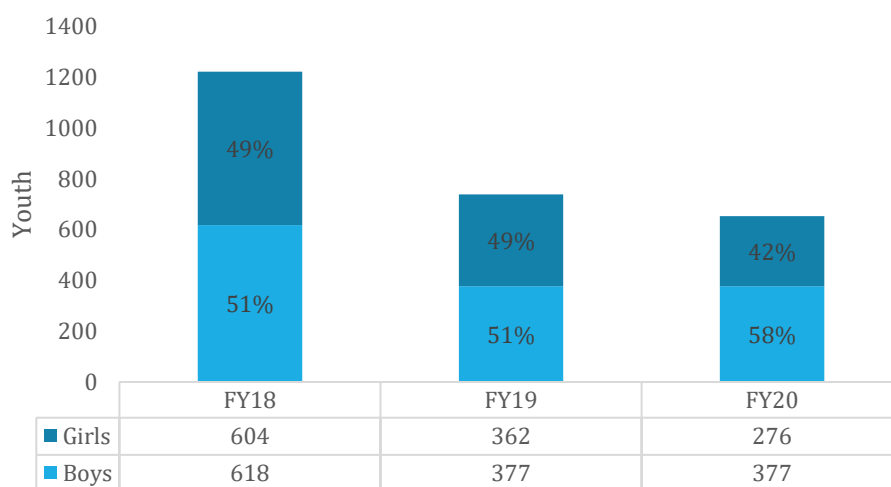


Due to continuous data updates, do not compare the information in this report to any prior statistics. Source: Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/09/2020 with data as of 07/31/2020.

## Department of Mental Health and Juvenile Court Clinics

In FY20, 42% of youth applicants for DMH services were girls, and 58% were boys.

Figure 73: DMH Youth Applicants by Gender



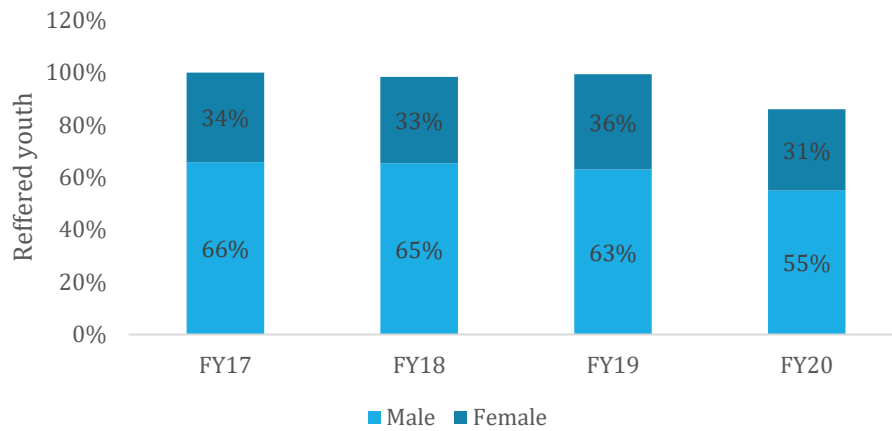
Source: Department of Mental Health

Thirty-one percent of juvenile court clinic referrals in FY20 were for girls.

<sup>155</sup> BSAS intake forms do not specify transgender male, transgender female, or transgender non-binary youth. Gender identity is usually specified during a full assessment, but due to confidentiality concerns and, as a result, cell suppression, data has been kept aggregated to “transgender” in this report.



Figure 74: Juvenile Court Clinic Referrals by Gender



Source: Department of Mental Health

## Appendix E: Data by Process Point and Age

### Massachusetts Youth Population (12-17 years old) Age Distribution

As a point of comparison to the system data in this appendix, below is the estimated age composition of Massachusetts' youth population in 2019:

Table 14: Massachusetts Youth (12-17) Population Age Distribution (CY19)		
Age	Count	Percent of total
Twelve	77,005	16%
Thirteen	77,354	16%
Fourteen	78,280	16%
Fifteen	80,675	17%
Sixteen	81,506	17%
Seventeen	82,222	17%
Total	477,042	100%
Source: Puzzanchera, C., Sladky, A. and Kang, W. (2020). "Easy Access to Juvenile Populations: 1990-2019." Online. Available: <a href="https://www.ojjdp.gov/ojstatbb/ezapop/">https://www.ojjdp.gov/ojstatbb/ezapop/</a>		

### Overnight Arrest Admissions

Table 15: Overnight Arrest Admissions by Age						
Age	FY17	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Ten	0	1	0	0	-100%	0%
Eleven	4	1	0	0	-100%	0%
Twelve	24	12	1	1	-92%	0%
Thirteen	65	59	10	1	-98%	-90%

Fourteen	217	144	85	88	-39%	4%
Fifteen	334	245	152	150	-39%	-1%
Sixteen	470	355	210	180	-49%	-14%
Seventeen	465	423	237	215	-49%	-9%
Eighteen	7	1	1	4	300%	300%
Nineteen	1	0	0	0	0%	0%
Total	1,587	1,241	696	639	-49%	-8%

Source: Department of Research, Department of Youth Services

## Applications for Complaint

**Table 16: Applications for Complaint by Age**

Age	FY17	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Not reported	35	19	18	13	-32%	-28%
Under age 12	273	221	11	10	-95%	-9%
Twelve	396	419	318	313	-25%	-2%
Thirteen	870	859	672	672	-22%	0%
Fourteen	1,452	1,281	1,037	1,116	-13%	8%
Fifteen	2,201	2,023	1,542	1,359	-33%	-12%
Sixteen	2,971	2,628	2,016	1,755	-33%	-13%
Seventeen	3,893	3,596	2,602	2,371	-34%	-9%
Eighteen+	196	222	172	175	-21%	2%
Total	12,287	11,268	8,388	7,784	-31%	-7%

Source: FY17 data provided by Department of Research and Planning, Massachusetts Trial Court. FY18-FY20 data obtained from Massachusetts Trial Court Public Tableau:

<https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

## Delinquency Filings

**Table 17: Delinquency Filings by Age**

Age	FY17	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Not reported	9	4	4	1	-75%	-89%
Under age 12	142	120	2	5	-96%	-96%
Twelve	250	251	152	165	-34%	-34%
Thirteen	595	547	420	376	-31%	-37%
Fourteen	1,049	927	676	718	-23%	-32%

Fifteen	1,603	1,442	1,012	879	-39%	-45%
Sixteen	2,163	1,915	1,263	1,090	-43%	-50%
Seventeen	2,649	2,468	1,608	1,448	-41%	-45%
Eighteen+	189	188	146	129	-31%	-32%
Total	8,649	7,862	5,283	4,811	-39%	-44%

Source: FY17 data provided by Department of Research and Planning, Massachusetts Trial Court. FY18-FY20 data obtained from Massachusetts Trial Court Public Tableau:  
<https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

## Arraignment Occurrences

Table 18: Arraignments					
Age	CY17	CY18	CY19	% Change CY17 to CY19	% Change CY18 to CY19
Under age 12	47	19	0	-100%	-100%
Twelve -Thirteen	436	330	257	-41%	-22%
Fourteen	617	438	372	-40%	-15%
Fifteen	1,012	715	572	-43%	-20%
Sixteen- Seventeen	2,959	2,044	1,863	-37%	-9%
Eighteen+	440	391	395	-10%	1%
Total	5,511	3,937	3,459	-37%	-12%

Source: Massachusetts Trial Court Analysis (Data from Department of Criminal Justice Information Services)

## Pretrial Detention Admissions

Table 19: Pretrial Detention Admissions by Age						
Age	FY17	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Eleven	3	1	0	0	-100%	0%%
Twelve	23	6	2	4	-33%	100%
Thirteen	63	61	30	13	-79%	-57%
Fourteen	178	143	90	101	-29%	12%
Fifteen	365	243	173	157	-35%	-9%
Sixteen	443	324	272	180	-44%	-34%
Seventeen	442	386	283	250	-35%	-12%
Eighteen	84	82	52	58	-29%	12%
Nineteen	15	7	7	7	0%	0%
Twenty	6	4	1	5	25%	400%
Total	1,622	1,257	910	775	-38%	-15%

Source: Department of Research, Department of Youth Services

## First-time Commitments to DYS

**Table 20: First-time Commitments by Age**

Age	FY17	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Eleven	0	0	0	0	0%	0%
Twelve	1	0	0	0	0%	0%
Thirteen	4	5	1	0	-100%	-100%
Fourteen	15	14	10	6	-57%	-40%
Fifteen	57	31	25	26	-16%	4%
Sixteen	84	53	38	33	-38%	-13%
Seventeen	112	80	78	47	-41%	-40%
Eighteen	54	44	28	29	-34%	4%
Nineteen	5	6	9	7	17%	-22%
Twenty	3	0	4	1	100%	-75%
Total	335	233	193	149	-36%	-23%

Source: Department of Research, Department of Youth Services

## CRA Filings

**Table 21: CRA Filings by Age**

Age	FY17	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Not reported	14	13	8	3	-77%	-63%
Under age 12	327	299	307	194	-35%	-37%
Twelve	434	402	413	286	-29%	-31%
Thirteen	677	733	736	533	-27%	-28%
Fourteen	1,076	1,062	1,037	743	-30%	-28%
Fifteen	1,365	1,271	1,306	893	-30%	-32%
Sixteen	968	932	900	594	-36%	-34%
Seventeen	527	513	503	350	-32%	-30%
Total	5,388	5,225	5,210	3,596	-31%	-31%

Source: FY17 data from Department of Research and Planning, Massachusetts Trial Court. FY18-FY20 data obtained from Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard  
<https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

## BSAS Admissions

**Table 22: BSAS Admissions by Age**

Age	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Twelve	*	*	*	*	*
Thirteen	*	*	*	*	*
Fourteen	87	55	139	60%	153%
Fifteen	177	158	198	12%	25%

Sixteen	356	242	229	-36%	-5%
Seventeen	536	358	242	-55%	-32%
Total	1,156	813	808	-30%	-1%

\*To maintain client confidentiality, the data in cells with 1 < counts ≤ 5 are suppressed (primary cell suppression\*). Changes in the distribution of client age, such as the increases in younger clients age 12-15 years old may be in part due to introduction of SOR funded Project Amp and School Based Initiatives. Note: Due to continuous data updates, do not compare the information in this report to any prior statistics.

Source: Treatment statistics prepared by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/09/2020 with data as of 07/31/2020

## Department of Mental Health Applicants

Table 23: DMH Youth Applicants- Gender by Age						
Age	FY18		FY19		FY20	
	Male	Female	Male	Female	Male	Female
Seven	33	11	16	*	13	*
Eight	37	21	22	*	19	12
Nine	50	26	20	*	23	*
Ten	60	31	22	*	23	12
Eleven	51	38	38	16	38	19
Twelve	56	38	32	21	34	25
Thirteen	62	60	32	44	27	38
Fourteen	52	81	32	52	30	55
Fifteen	73	92	43	66	48	71
Sixteen	54	94	53	89	58	71
Seventeen	90	112	67	74	64	73

\* indicates a non-zero number under eleven (11).  
Suppression of counts below 11 in this chart will result in different total counts. Total counts for gender are not inclusive of gender not reported and/or counts of gender non-conforming persons.  
Source: Department of Mental Health

## Appendix F: Data by County

### Massachusetts Youth Population (12-17 years old) Age Distribution

As a point of comparison to the system data in this appendix, below is the estimated county-level youth population in 2019:

Table 24: 2019 (CY) Massachusetts Youth (12-17) Population County Distribution		
County	Count	Percent of total
Barnstable	11,851	2%
Berkshire	7,964	2%
Bristol	41,498	9%
Dukes	1,046	0%
Essex	58,642	12%
Franklin	4,395	1%
Hampden	35,595	7%
Hampshire	8,963	2%
Middlesex	108,710	23%
Nantucket	726	0%

Norfolk	53,011	11%
Plymouth	41,101	9%
Suffolk	41,188	9%
Worcester	62,352	13%
Total	477,042	100%
Puzzanchera, C., Sladky, A. and Kang, W. (2020). "Easy Access to Juvenile Populations: 1990-2019." Online. Available: <a href="https://www.ojjdp.gov/ojstatbb/ezapop/">https://www.ojjdp.gov/ojstatbb/ezapop/</a>		

## Custodial Arrests

Table 25: Custodial Arrests* by County					
County	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Barnstable	54	14	25	-54%	79%
Berkshire	38	15	15	-61%	0%
Bristol	244	132	115	-53%	-13%
Dukes	1	2	0	-100%	-100%
Essex	181	101	96	-47%	-5%
Franklin	38	6	14	-63%	133%
Hampden	401	227	200	-50%	-12%
Hampshire	32	9	15	-53%	67%
Middlesex	442	171	161	-64%	-6%
Nantucket	0	0	0	0%	0%
Norfolk	156	68	90	-42%	32%
Plymouth	146	106	93	-36%	-12%
Suffolk	629	521	493	-22%	-1%
Worcester	324	157	150	-54%	-4%
Total	2,686	1,529	1,467	-45%	-4%
*Due to inconsistencies in summons reporting, data presented here is for custodial arrests only. Source: Department of Grants and Research, Executive Office of Public Safety and Security					

## Overnight Arrests

Table 26: Overnight Arrest Admissions by County						
County*	FY17	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Barnstable	28	30	9	<10	--	--
Berkshire	30	24	5	<10	--	--
Bristol	185	157	58	40	-75%	-31%
Essex	204	148	85	106	-28%	25%
Franklin	18	12	5	<10	--	--
Hampden	194	172	103	92	-47%	-11%
Hampshire	24	11	3	11	0%	267%
Middlesex	174	134	60	92	-31%	53%
Norfolk	80	47	27	28	-40%	4%
Plymouth	61	54	69	38	-30%	-45%
Suffolk	321	275	167	137	-50%	-18%
Worcester	268	176	105	85	-52%	-19%
Total	1,587	1,240	696	629	-49%	-10%

\*DYS reports ONA admissions by sending county, using the 11 juvenile court jurisdictions.  
Source: Department of Research, Department of Youth Services

## Applications for Complaint

County*	FY17	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Barnstable	664	647	411	434	-33%	6%
Berkshire	350	359	262	225	-37%	-14%
Bristol	1508	1,372	926	779	-43%	-16%
Essex	1687	1,556	1,188	1,256	-19%	6%
Franklin/ Hampshire	384	350	190	205	-41%	8%
Hampden	1281	1,234	839	623	-50%	-26%
Middlesex	1839	1,485	1,258	1,233	-17%	-2%
Norfolk	808	743	538	499	-33%	-7%
Plymouth	685	691	562	517	-25%	-8%
Suffolk	1403	1,237	1,123	1,002	-19%	-11%
Worcester	1678	1,594	1,091	1,011	-37%	-7%
Total	12287	11,268	8,388	7,784	-31%	-7%

\*Massachusetts Juvenile Court distinguishes 11 juvenile court jurisdictions combining the counties Barnstable, Dukes, Nantucket, and the Town of Plymouth and combining Franklin/Hampshire counties. Population totals reflect those combinations.  
Source: FY17 data provided by the Massachusetts Trial Court, Department of Research and Planning. FY18-FY20 data Obtained from: <https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

## Delinquency Filings

County*	FY17	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Barnstable	443	380	217	208	-45%	-4%
Berkshire	262	253	144	151	-40%	5%
Bristol	1025	851	516	477	-44%	-8%
Essex	1547	1412	932	936	-34%	0%
Franklin/ Hampshire	238	219	129	136	-38%	5%
Hampden	1012	965	590	445	-54%	-25%
Middlesex	1233	1030	789	695	-33%	-12%
Norfolk	447	448	274	284	-37%	4%
Plymouth	418	404	312	246	-39%	-21%
Suffolk	963	862	691	617	-28%	-11%

Worcester	1061	1036	690	616	-41%	-11%
Total	8,649	7,860	5,284	4,811	-39%	-9%

\*Massachusetts Juvenile Court distinguishes 11 juvenile court jurisdictions combining the counties Barnstable, Dukes, Nantucket, and the Town of Plymouth and combining Franklin/Hampshire counties. Population totals reflect those combinations.  
Source: FY17 data provided by the Massachusetts Trial Court, Department of Research and Planning. FY18-FY20 data Obtained from: <https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

## Arraignment Occurrences

Table 29: Arraignment Occurrences by County					
County*	CY17	CY18	CY19	% Change CY17 to CY19	% Change CY18 to CY19
Barnstable	274	140	177	-35%	26%
Berkshire	212	98	51	-76%	-48%
Bristol	684	466	356	-48%	-24%
Essex	908	626	580	-36%	-7%
Franklin/Hampshire	133	112	97	-27%	-13%
Hampden	640	485	402	-37%	-17%
Middlesex	695	468	366	-47%	-22%
Norfolk	371	264	269	-27%	2%
Plymouth	298	334	258	-13%	-23%
Suffolk	467	310	328	-30%	6%
Worcester	829	634	575	-31%	-9%
Total	5,511	3,937	3,459	-37%	-12%

Data was provided in calendar years  
\*Massachusetts Juvenile Court distinguishes 11 juvenile court jurisdictions combining the counties Barnstable, Dukes, Nantucket, and the Town of Plymouth and combining Franklin/Hampshire counties. Population totals reflect those combinations.  
Source: Massachusetts Trial Court (Data from the Department of Criminal Justice Information Services)

## Dangerousness Hearings

Table 30: Dangerousness Hearings by County					
County*	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Barnstable	7	2	0	-100%	-100%
Berkshire	0	1	6	--	500%
Bristol	36	34	35	-3%	3%
Essex	71	75	111	56%	48%
Franklin / Hampshire	6	2	3	-50%	50%
Hampden	18	14	6	-67%	-57%
Middlesex	34	27	22	-35%	-19%
Norfolk	3	4	6	100%	50%
Plymouth	8	6	14	75%	133%
Suffolk	1	1	3	200%	200%
Worcester	41	31	17	-59%	-45%
Total	225	197	223	-1%	13%

\*Massachusetts Juvenile Court distinguishes 11 juvenile court jurisdictions combining the counties Barnstable, Dukes, Nantucket, and the Town of Plymouth and combining Franklin/Hampshire counties. Population totals reflect those combinations.  
Source: Massachusetts Trial Court Department of Research and Planning Public Tableau Dashboard Retrieved from: <https://public.tableau.com/profile/drap4687#!/vizhome/MassachusettsTrialCourtDangerousnessHearings/Trends>



## Pretrial Supervision

County**	June FY16	June FY17	June FY18	June FY19	June FY20	% Change FY18 to FY20	% Change FY19 to FY20
Barnstable	13	15	8	6	15	88%	150%
Berkshire	23	29	31	19	7	-77%	-63%
Bristol	55	53	39	36	39	0%	8%
Essex	110	44	39	52	101	159%	94%
Franklin/Hampshire	77	62	57	33	31	-46%	-6%
Hampden	80	57	71	74	82	15%	11%
Middlesex	23	34	9	42	62	589%	48%
Norfolk	31	23	12	24	34	183%	42%
Plymouth	12	14	44	74	74	68%	0%
Suffolk	210	118	74	73	108	46%	48%
Worcester	153	133	113	141	139	23%	-1%
<b>Total Cases</b>	<b>787</b>	<b>582</b>	<b>497</b>	<b>574</b>	<b>692</b>	<b>39%</b>	<b>21%</b>

\*Pretrial supervision caseload counts include pretrial probation caseloads during June of each fiscal year.  
 \*\*Massachusetts Juvenile Court distinguishes 11 juvenile court jurisdictions combining the counties Barnstable, Dukes, Nantucket, and the Town of Plymouth and combining Franklin/Hampshire counties. Population totals reflect those combinations.  
 Source: Department of Research, Massachusetts Probation Services

## Pretrial Detention Admissions

County*	FY17	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Barnstable	65	62	34	23	-63%	-32%
Berkshire	41	47	25	14	-70%	-44%
Bristol	144	104	57	45	-57%	-21%
Essex	238	165	136	120	-27%	-12%
Franklin	12	10	9	<10	--	--
Hampden	214	179	99	85	-53%	-14%
Hampshire	26	21	9	14	-33%	56%
Middlesex	136	66	41	67	2%	63%
Norfolk	65	58	46	61	5%	33%
Plymouth	69	63	91	62	-2%	-32%
Suffolk	316	221	149	140	-37%	-6%
Worcester	295	255	214	137	-46%	-36%
<b>Total</b>	<b>1,621</b>	<b>1,251</b>	<b>910</b>	<b>768</b>	<b>-39%</b>	<b>-16%</b>

\*Due to inconsistencies in reporting, Dukes & Nantucket counties have been intentionally left out.  
 Source: Department of Research, Department of Youth Services.

## Post-Disposition Probation

**Table 33: Post-Disposition Probation Caseloads\* by County**

County**	June FY16	June FY17	June FY18	June FY19	June FY20	% Change FY18 to FY20	% Change FY19 to FY20
Barnstable	112	97	75	72	41	-45%	-43%
Berkshire	52	52	52	27	9	-83%	-67%
Bristol	200	188	143	107	73	-49%	-32%
Essex	306	339	318	161	111	-65%	-31%
Franklin/ Hampshire	38	56	42	30	25	-40%	-17%
Hampden	269	224	175	96	64	-63%	-33%
Middlesex	231	188	142	75	53	-63%	-29%
Norfolk	117	105	89	78	61	-31%	-22%
Plymouth	106	74	84	70	50	-40%	-29%
Suffolk	182	169	123	84	79	-36%	-6%
Worcester	336	306	343	202	140	-59%	-31%
Total Cases	1,949	1,798	1,586	1,002	706	-55%	-30%

\*Post-disposition probation caseload counts include Risk/Need and Administrative Probation caseloads during June of each fiscal year.  
 \*\*Massachusetts Juvenile Court distinguishes 11 juvenile court jurisdictions combining the counties Barnstable, Dukes, Nantucket, and the Town of Plymouth and combining Franklin/Hampshire counties. Population totals reflect those combinations.  
 Source: Department of Research, Massachusetts Probation Services

## First-time Commitments

**Table 34: First-time Commitments by County**

County*	FY17	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Barnstable	4	16	13	<10	--	--
Berkshire	5	5	3	<10	--	--
Bristol	35	19	17	10	-47%	-41%
Essex	63	30	31	27	-10%	-13%
Franklin	3	1	0	<10	--	--
Hampden	38	37	26	17	-54%	-35%
Hampshire	3	6	3	<10	--	--
Middlesex	20	7	5	11	57%	120%
Norfolk	16	15	9	14	-7%	56%
Plymouth	23	16	28	18	13%	-36%
Suffolk	63	32	17	14	-56%	-18%
Worcester	62	49	41	26	-47%	-37%
Total	335	233	193	137	-41%	-29%

\*Due to inconsistencies in reporting, Dukes & Nantucket counties have been intentionally left out.  
 Source: Department of Research, Department of Youth Services.

## YES Transitions

<b>County</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>	<b>% Change FY18 to FY20</b>	<b>% Change FY19 to FY20</b>
Barnstable	6	4	2	4	0%	100%
Berkshire	4	7	1	2	-71%	100%
Bristol	16	16	20	12	-25%	-40%
Dukes	0	0	0	0	0%	0%
Essex	27	29	42	34	17%	-19%
Franklin	2	2	1	2	0%	100%
Hampden	41	40	29	27	-33%	-7%
Hampshire	0	1	0	3	200%	--
Middlesex	10	9	19	11	22%	-42%
Nantucket	0	0	0	0	0%	0%
Norfolk	10	15	10	6	-60%	-40%
Plymouth	12	10	10	11	10%	10%
Suffolk	45	40	30	23	-43%	-23%
Worcester	22	44	32	13	-70%	-59%
<b>Total</b>	<b>195</b>	<b>217</b>	<b>196</b>	<b>148</b>	<b>-32%</b>	<b>-24%</b>

*Source: Department of Research, Department of Youth Services.*

## CRA Filings

<b>County*</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>	<b>% Change FY18 to FY20</b>	<b>% Change FY19 to FY20</b>
Barnstable	218	213	191	143	-33%	-25%
Berkshire	191	194	185	122	-37%	-34%
Bristol	606	523	557	417	-20%	-25%
Essex	862	836	771	561	-33%	-27%
Franklin/ Hampshire	78	96	153	129	34%	-16%
Hampden	350	336	340	252	-25%	-26%
Middlesex	812	839	755	517	-38%	-32%
Norfolk	272	299	327	217	-27%	-34%
Plymouth	242	254	239	177	-30%	-26%
Suffolk	1,031	958	1,004	625	-35%	-38%
Worcester	726	679	688	436	-36%	-37%
<b>Total</b>	<b>5,388</b>	<b>5,227</b>	<b>5,210</b>	<b>3,596</b>	<b>-31%</b>	<b>-31%</b>

*\*Massachusetts Juvenile Court distinguishes 11 juvenile court jurisdictions combining the counties Barnstable, Dukes, Nantucket, and the Town of Plymouth and combining Franklin/Hampshire counties. Population totals reflect those combinations.*

Source: FY17 data from Department of Research and Planning, Massachusetts Trial Court. FY18-FY20 data obtained from Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard  
<https://public.tableau.com/profile/drap4687#!/vizhome/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyAge>

## BSAS Admissions

County	FY18	FY19	FY20	% Change FY18 to FY20	% Change FY19 to FY20
Barnstable	42	21	15	-64%	-29%
Berkshire	56	20	105	88%	425%
Bristol	105	63	114	9%	81%
Dukes	**	**	**	--	--
Essex	190	192	211	11%	10%
Franklin	**	**	**	--	--
Hampden	81	36	29	-64%	-19%
Hampshire	26	8	11	-58%	38%
Middlesex	238	221	125	-47%	-43%
Nantucket	0	**	0	--	--
Norfolk	54	52	39	-28%	-25%
Plymouth	97	42	46	-53%	10%
Suffolk	107	49	102	-5%	108%
Worcester	167	120	95	-43%	-21%
Total	1,163	824	892	-23%	8%

\*\*To maintain client confidentiality, the data in cells with 1 < counts ≤ 5 are suppressed. Missing, Out of State, and Unknown values, representing 21 total enrollments, are excluded. Due to continuous data updates, do not compare the information in this report to any prior statistics.  
Source: Treatment statistics prepared by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/09/2020 with data as of 07/31/2020.

## Appendix G: FY20 Youthful Offender Filings

### Case Filings

County*	Cases					
	Black / African American	Hispanic / Latinx	Other race / Multi Race	White	Not Known / Not Reported	Total
Barnstable	0	0	0	0	0	0
Berkshire	0	0	0	2	0	2
Bristol	5	4	0	2	1	12
Essex	3	24	0	7	5	39
Franklin/Hampshire	0	0	0	0	0	0
Hampden	1	4	0	0	1	6
Middlesex	2	7	0	2	1	12
Norfolk	2	1	1	0	0	4

Plymouth	3	2	2	3	0	10
Suffolk	18	7	0	2	2	29
Worcester	0	1	0	0	0	1
<b>Total</b>	<b>34</b>	<b>50</b>	<b>3</b>	<b>18</b>	<b>10</b>	<b>115</b>

\*Massachusetts Juvenile Court distinguishes 11 juvenile court jurisdictions combining the counties Barnstable, Dukes, Nantucket, and the Town of Plymouth and combining Franklin/Hampshire counties. Population totals reflect those combinations.

Source: Department of Research and Planning, Massachusetts Trial Court

**Table 39: Youthful Offender Cases Filed in Juvenile Court: FY20 by County and Gender**

County*	Cases by Gender		
	Female	Male	Total
Barnstable	0	0	0
Berkshire	0	2	2
Bristol	1	11	12
Essex	2	37	39
Franklin/Hampshire	0	0	0
Hampden	0	6	6
Middlesex	1	11	12
Norfolk	1	3	4
Plymouth	0	10	10
Suffolk	4	25	29
Worcester	0	1	1
<b>Total</b>	<b>9</b>	<b>106</b>	<b>115</b>

\*Massachusetts Juvenile Court distinguishes 11 juvenile court jurisdictions combining the counties Barnstable, Dukes, Nantucket, and the Town of Plymouth and combining Franklin/Hampshire counties. Population totals reflect those combinations.

Source: Department of Research and Planning, Massachusetts Trial Court

**Table 40: Youthful Offender Cases Filed in Juvenile Court: FY20 by County and Age**

County*	Cases by Age					
	Fourteen	Fifteen	Sixteen	Seventeen	Eighteen+	Total
Barnstable	0	0	0	0	0	0
Berkshire	0	1	0	0	1	2
Bristol	0	1	2	8	1	12
Essex	0	5	12	13	9	39
Franklin/Hampshire	0	0	0	0	0	0
Hampden	0	0	2	4	0	6
Middlesex	0	1	4	3	4	12
Norfolk	1	0	1	1	1	4
Plymouth	0	0	2	5	3	10
Suffolk	0	0	5	17	7	29
Worcester	0	0	0	1	0	1
<b>Total</b>	<b>1</b>	<b>8</b>	<b>28</b>	<b>52</b>	<b>26</b>	<b>115</b>

\*Massachusetts Juvenile Court distinguishes 11 juvenile court jurisdictions combining the counties Barnstable, Dukes, Nantucket, and the Town of Plymouth and combining Franklin/Hampshire counties. Population totals reflect those combinations.

Source: Department of Research and Planning, Massachusetts Trial Court

## First-time Commitments to DYS

<b>Table 41: Youthful Offender First-time Commitments to DYS</b>			
<b>Offense Type</b>			
<b>Characteristic Value</b>	<b>Delinquent</b>	<b>Youthful Offender</b>	<b>Total</b>
Person	57	13	70
Property	33	0	33
Weapons	21	<10	27
Drugs	<10	0	<10
Public Order	<10	0	<10
Motor Vehicle	<10	0	<10
Total	130	19	149
<b>Offense Severity</b>			
Grid 1	<10	0	<10
Grid 2	68	<10	70
Grid 3	28	<10	30
Grid 4	23	<10	32
Grid 5	<10	<10	10
Grid 6	<10	0	<10
Total	130	19	149
<b>Race/Ethnicity</b>			
Hispanic/Latinx	56	<10	65
Black or African American	37	<10	42
White	32	<10	36
Asian	<10	<10	<10
Middle Eastern/North African	<10	0	<10
American Indian or Alaska Native	<10	0	<10
Total	130	19	149
<b>Hispanic/Latinx Breakdown</b>			
Chooses not to self-identify	30	<10	35
White	13	<10	14
Black or African American	10	<10	13

American Indian or Alaska Native	<10	0	<10
Native Hawaiian or Other Pacific Islander	<10	0	<10
Total	56	<10	65
<b>Gender</b>			
Male	108	19	127
Female	22	0	22
Total	130	19	149
<b>Sexual Orientation</b>			
Heterosexual	121	18	139
LGB+	9	1	10
Total	130	19	149
<b>Age</b>			
Fourteen	6	0	6
Fifteen	26	0	26
Sixteen	30	3	33
Seventeen	43	4	47
Eighteen	21	8	29
Nineteen	4	3	7
Twenty	0	1	1
Total	130	19	149
<b>County*</b>			
Barnstable	<10	0	<10
Berkshire	<10	0	<10
Bristol	<10	<10	10
Essex	21	<10	27
Franklin	<10	0	<10
Hampden	17	0	17
Hampshire	<10	0	<10
Middlesex	<10	<10	11
Norfolk	10	<10	14
Plymouth	18	0	18
Suffolk	11	<10	14
Worcester	25	<10	26
Total	130	19	149
*County reported as court county based on Massachusetts Juvenile Court 11 court divisions. Source: Research Department, Department of Youth Services			

## Appendix H: DPH Bureau of Substance Addiction Services Admissions Data

**Table 42: FY19-FY20 BSAS Admissions for Clients Aged 12-17  
Client Race/Ethnicity by Client County of Residence**

	Client Race/Ethnicity										Total #	Total Row %
Client County of Residence	Black, Non-Hispanic		Hispanic/Latinx		Multi-Racial		White, Non-Hispanic		Other			
	#	Row %	#	Row %	#	Row %	#	Row %	#	Row %		
Barnstable	0	0%	*	*	*	*	30	83%	*	*	36	100%
Berkshire	**	**	13	10%	13	10%	88	70%	*	*	125	100%
Bristol	12	7%	31	18%	7	4%	118	68%	6	3%	174	100%
Dukes	*	*	0	0%	0	0%	*	*	0	0%	*	100%
Essex	22	5%	114	28%	11	3%	233	58%	23	6%	403	100%
Franklin	0	0%	0	0%	0	0%	9	100%	0	0%	9	100%
Hampden	*	*	22	34%	*	*	34	52%	6	9%	65	100%
Hampshire	*	*	*	*	0	0%	**	**	*	*	19	100%
Middlesex	22	6%	53	15%	19	6%	225	65%	26	8%	345	100%
Nantucket	0	0%	0	0%	*	100%	0	0%	0	0%	*	100%
Norfolk	12	13%	*	*	0	0%	68	75%	**	**	91	100%
Plymouth	6	7%	**	**	*	*	73	84%	*	*	87	100%
Suffolk	28	19%	80	54%	*	*	29	20%	**	**	147	100%
Worcester	*	*	40	19%	*	*	151	70%	15	7%	215	100%
Total	117	7%	368	21%	65	4%	1,073	62%	98	6%	1,721	100%

To maintain client confidentiality, the data in cells with 1 < counts ≤ 5 are suppressed (primary cell suppression\*). Secondary cell suppression (\*\*) is then applied so the values in the primary suppressed cells cannot be calculated. Missing and Unknown values for County of Residence or Race/Ethnicity, as well as Out of State clients, representing 30 total enrollments, are excluded. Note: Due to continuous data updates, do not compare the information in this report to any prior statistics.

Source: Treatment statistics prepared by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/09/2020 with data as of 07/31/2020.

**Table 43: FY19-FY20 BSAS Admissions for Clients Aged 12-17  
Client Gender by Client County of Residence**

Client County of Residence	Client Gender Reported at Admission				Total #	Total Row %
	Female		Male			
	#	Row %	#	Row %		
Barnstable	21	58%	15	42%	36	100%
Berkshire	56	45%	69	55%	125	100%
Bristol	40	23%	135	77%	175	100%
Dukes	*	*	*	*	*	100%
Essex	122	31%	274	69%	396	100%
Franklin	*	*	**	**	9	100%
Hampden	20	31%	44	69%	64	100%
Hampshire	*	*	**	**	19	100%
Middlesex	96	28%	244	72%	340	100%
Nantucket	0	0%	*	*	*	100%
Norfolk	24	26%	67	74%	91	100%



Plymouth	27	31%	59	69%	86	100%
Suffolk	59	39%	92	61%	151	100%
Worcester	46	22%	167	78%	213	100%
Total	517	30%	1,193	70%	1,710	100%

To maintain client confidentiality, the data in cells with 1 < counts ≤ 5 are suppressed (primary cell suppression\*). Secondary cell suppression (\*\*) is then applied so the values in the primary suppressed cells cannot be calculated. Missing and Unknown values for county of residence or gender, as well as out of state clients and clients who reported as trans, representing 41 total enrollments, are excluded. Admissions for trans-identified individuals could not be represented in this table due to small cell counts. Due to continuous data updates, do not compare the information in this report to any prior statistics.

Source: Treatment statistics prepared by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/09/2020 with data as of 07/31/2020.

**Table 44: FY19-FY20 BSAS Admissions for Clients Aged 12-17**  
**Client Age at Admissions by Client County of Residence**

Client County of Residence	Twelve		Thirteen		Fourteen		Fifteen		Sixteen		Seventeen		Total
	n	%	n	%	n	%	n	%	n	%	n	%	
Barnstable	0	0%	0	0%	*	*	*	*	18	50%	10	28%	36
Berkshire	*	*	17	14%	31	25%	37	30%	22	18%	**	**	125
Bristol	0	0%	*	*	**	**	30	17%	51	29%	73	41%	177
Dukes	0	0%	0	0%	0	0%	*	*	0	0%	*	*	*
Essex	7	2%	17	4%	56	14%	79	20%	112	28%	132	33%	403
Franklin	0	0%	0	0%	*	*	*	*	*	*	*	*	9
Hampden	*	*	*	*	8	12%	16	25%	16	25%	19	29%	65
Hampshire	0	0%	*	*	*	*	*	*	7	37%	*	*	19
Middlesex	*	*	**	**	23	7%	60	17%	95	27%	148	43%	346
Nantucket	0	0%	0	0%	0	0%	0	0%	*	100%	0	0%	*
Norfolk	0	0%	0	0%	10	11%	17	19%	26	29%	38	42%	91
Plymouth	0	0%	8	9%	6	7%	16	18%	14	16%	44	50%	88
Suffolk	19	13%	12	8%	17	11%	31	21%	29	19%	43	28%	151
Worcester	*	*	**	**	16	7%	54	25%	67	31%	62	29%	215
Total	37	2%	92	5%	193	11%	351	20%	464	27%	593	34%	1,730

To maintain client confidentiality, the data in cells with 1 < counts ≤ 5 are suppressed (primary cell suppression\*). Secondary cell suppression (\*\*) is then applied so the values in the primary suppressed cells cannot be calculated. Due to continuous data updates, do not compare the information in this report to any prior statistics. Missing and Unknown values for County of Residence, as well as Out of State clients, representing 21 total enrollments, are excluded.

Source: Treatment statistics prepared by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/09/2020 with data as of 07/31/2020.

**Table 45: FY19-FY20 Admissions for BSAS Youth (12-17), Primary Referral Made at Disenrollment**

Referral to	2019		2020		Total	
	#	%	#	%	#	%
Acupuncture	*	*	0	0%	*	*
ATS - Level A	11	2%	*	*	15	1%
Clinical Stabilization Services	9	1%	*	*	13	1%
Community and Religious Organizations	*	*	0	0%	*	*
Community Behavioral Health	*	*	0	0%	*	*
Dept. of Children and Families	22	3%	18	5%	40	4%
Dept. of Developmental Services	*	*	0	0%	*	*
Dept. of Probation	*	*	*	*	*	*
Dept. of Youth Services	*	*	*	*	6	1%
Drug Court	0	0%	*	*	*	*
Drunk Driving Program	*	*	0	0%	*	*
Emergency Room	7	1%	*	*	9	1%
Family Intervention Programs	6	1%	12	3%	18	2%
Healthcare Professional, Hospital	6	1%	6	2%	12	1%
Mental Health Care Professional	21	3%	34	9%	55	5%
Opioid Treatment	*	*	0	0%	*	*
Other SA Treatment	7	1%	9	2%	16	1%
Other State Agency	*	*	*	*	*	*
Outpatient SA Counseling	187	27%	56	14%	243	21%
Recovery High School	*	*	9	2%	12	1%
Recovery Support Center	*	*	*	*	*	*
Referral Attempted - Not Wanted by Client	42	6%	25	6%	67	6%
Referral Not Made - Client Dropped Out	111	16%	46	12%	157	14%
Referral Not Needed – Appropriate Mental Health Clinical Services Already in Place	67	10%	65	16%	132	12%
Referral Not Needed – Appropriate Substance Abuse Clinical Services Already in Place	19	3%	26	7%	45	4%
Referral Not Needed Assessment Indicates that Client Does Not Require to Enter Formal Treatment	27	4%	13	3%	40	4%
Residential Treatment	111	16%	54	14%	165	15%
School Personnel, School Systems	*	*	*	*	*	*
Self, Family, Non-Medical Professionals	35	5%	26	7%	61	5%
Shelter	*	*	0	0%	*	*
Sober House	*	*	0	0%	*	*
Transitional Support Services	*	*	0	0%	*	*
Total	688	100%	399	100%	1,137	100%

To maintain client confidentiality, the data in cells with 1 < counts ≤ 5 are suppressed (primary cell suppression\*). Up to 3 referrals may be indicated at time of disenrollment; only primary referrals are represented in this table. Missing and unknown values, as well as admissions which are active and have not yet made referrals, or where referrals are not collected, representing 654 total enrollments, are excluded. Note: Due to continuous data updates, do not compare the information in this report to any prior statistics. Source: Treatment statistics prepared by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/09/2020 with data as of 07/31/2020.

## Appendix I: Juvenile Court Clinic Referral Types

<b>Table 46: Juvenile Court Clinic Service Referrals- by Category</b>				
<b>Referred to Court Clinic For:</b>	<b>Statewide Totals</b>			
	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>
Youthful Offender Eval (c119 §58)	0	*	0	0
Aid in Sentencing Eval	*	0	*	0
Behavioral Health Screening	178	234	325	186
Brief Psychotherapy	39	75	75	106
Care & Protection Eval	101	64	85	46
Case Management	0	0	*	*
Child Requiring Assistance Eval	466	417	462	250
Competence to Proceed Eval	19	*	13	*
Competency and/or Criminal Responsibility Eval (Delinquency Cases)	240	209	157	109
Diagnostic Study (c119 §68A)	226	195	174	128
Emergency Mental Health Commitment Eval	*	*	*	*
Medication Consultation	*	*	0	0
Other	236	118	32	429
Parental Rights Eval	0	0	0	0
Psychological Testing	*	*	12	*
Substance Abuse Commitment Eval	94	84	80	47
<b>Totals</b>	<b>1611</b>	<b>1415</b>	<b>1423</b>	<b>1330</b>
<p>*Indicates a non-zero number under eleven (11)            Numbers represent specific service categories. Individuals may therefore be counted in more than one category. The significant increase in the "Other" category in FY20 as well as the significant decreases in CRA Evaluations and Behavioral Health Screenings is primarily due to Juvenile Court Clinic efforts to better standardize use reporting categories, not a change in primarily            Source: Department of Mental Health</p>				

## Commonwealth of Massachusetts Office of the Child Advocate



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