# Juvenile Justice Policy and Data Board

## Board Meeting

June 29, 2022
2:00pm – 4:00pm

# Agenda

1. Welcome and Introductions

2. Approval of March Meeting Minutes

3. Updates from the OCA

4. Updates on the state Diversion Learning Lab

5. Subcommittee Report Out

6. Board Member Updates

# OCA Updates

**Data Website Updates**
- FY22 updates include new pages:
    - ✓ Adjudications & dispositions data

    - ✓ New probation new case starts visualizations

- FY23 updates to include new pages:
    - ✓ Racial and ethnic disparities

    - ✓ School discipline and arrests

**Juvenile Records Updates**

# Legislative Update

**Senate vote soon:**

- ***An Act updating bail procedures for justice-involved youth* (S.2943, H.1557):** Eliminates the $40 bail administrative fee for youth, authority to decide on detaining a youth overnight resides with Bail Magistrate (not the OIC), allows virtual payment options → **based on JJPAD 2019 recommendation!**

- ***An Act promoting diversion of juveniles to community supervision and services* (S.2942, H.1569):** expands opportunity for judicial diversion for youth charged with certain offenses
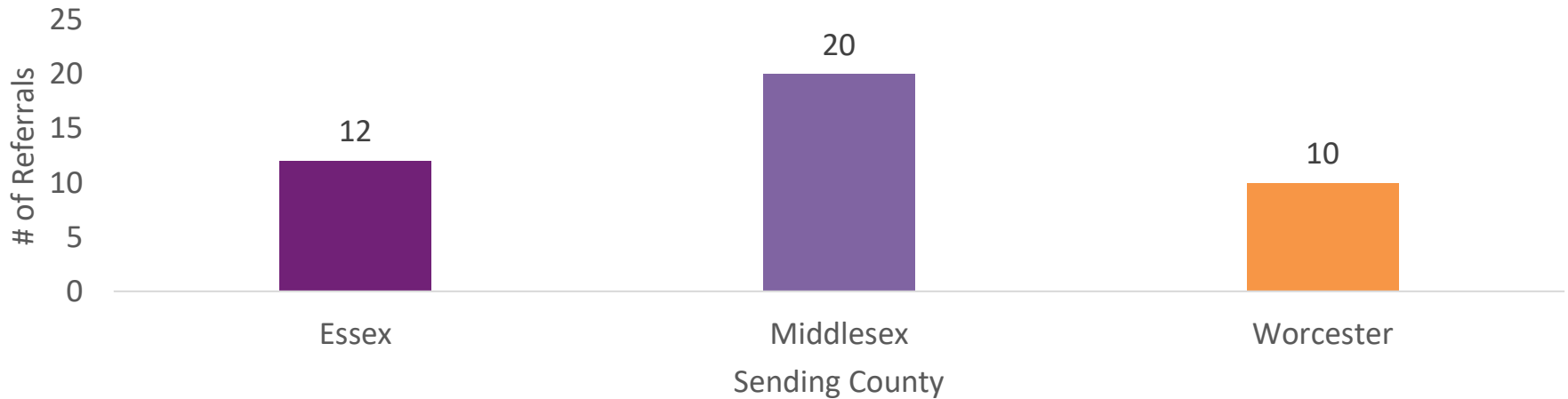
**Budget Updates:** Still in conference, but funding in both House/Senate budgets for:

- Expansion of Diversion Learning Lab sites
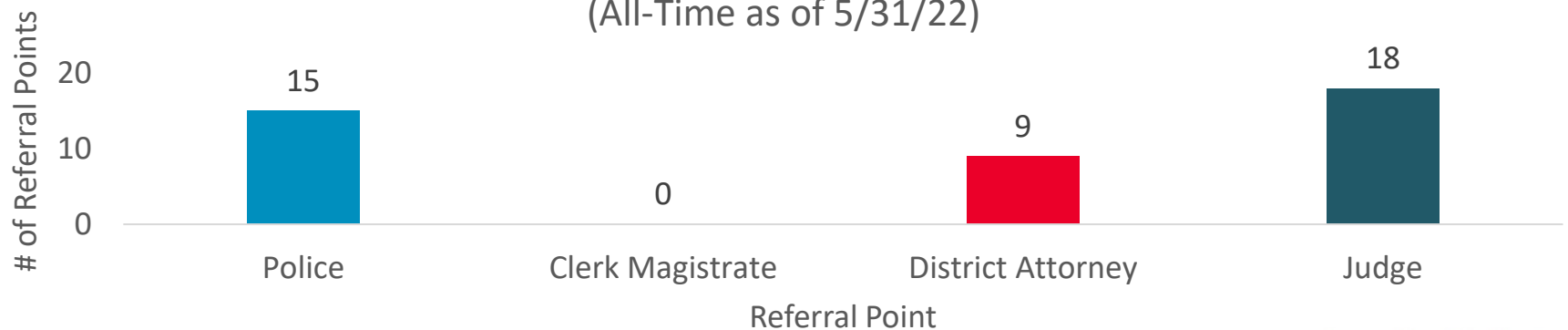- Significant expansion of Center on Child Wellbeing & Trauma

# State Diversion Learning Lab Updates

# State Diversion Learning Lab Updates

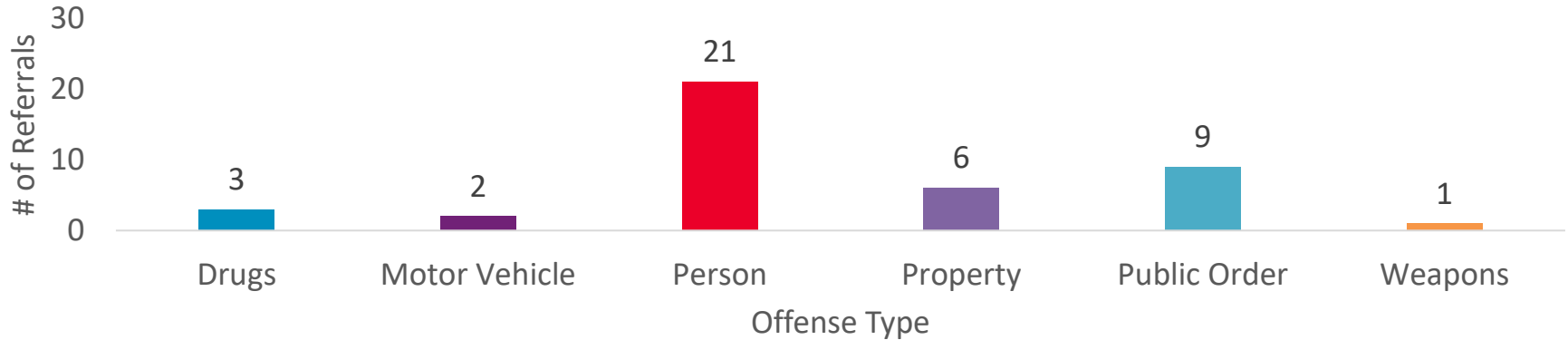## Referrals by Sending County
### (All-Time as of 5/31/22)



Bar chart showing # of Referrals by Sending County:
- Essex: 12
- Middlesex: 20
- Worcester: 10

## Referrals by Referral Point
### (All-Time as of 5/31/22)



Bar chart showing # of Referral Points by Referral Point:
- Police: 15
- Clerk Magistrate: 0
- District Attorney: 9
- Judge: 18

| Total Number of Referrals |
| --- |
| 42 |

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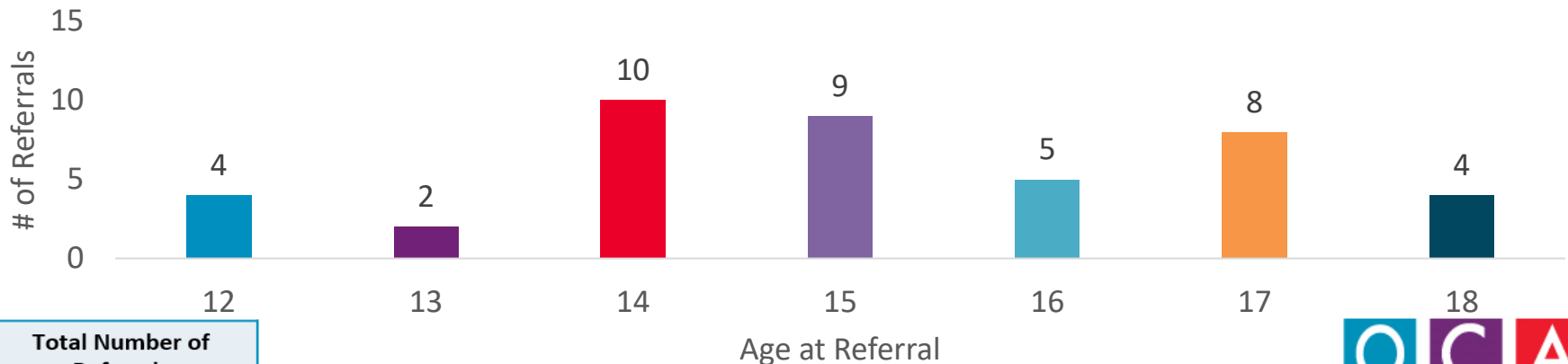
# State Diversion Learning Lab Updates: Offense Type and Age

## Referrals by Offense Type (All-Time as of 5/31/22)



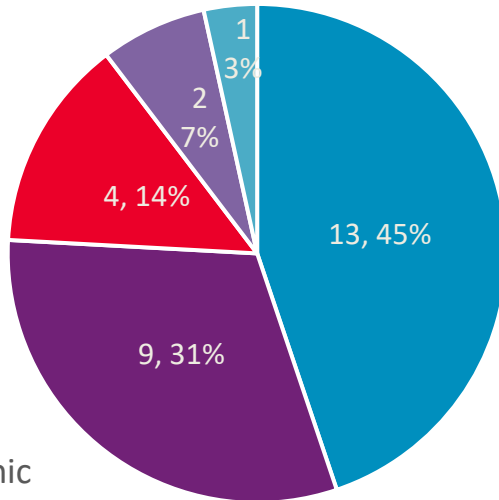| Offense Type | # of Referrals |
|---|---|
| Drugs | 3 |
| Motor Vehicle | 2 |
| Person | 21 |
| Property | 6 |
| Public Order | 9 |
| Weapons | 1 |

## Referrals by Age at Referral (All-Time as of 5/31/22)



| Age at Referral | # of Referrals |
|---|---|
| 12 | 4 |
| 13 | 2 |
| 14 | 10 |
| 15 | 9 |
| 16 | 5 |
| 17 | 8 |
| 18 | 4 |

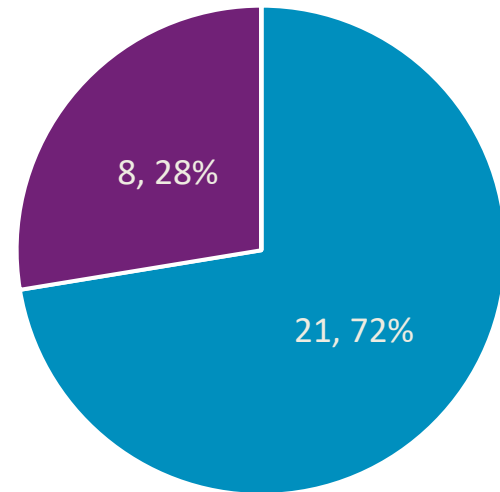| Total Number of Referrals |
|---|
| 42 |

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# Learning Lab Updates: Demographics

Intakes by Race (All-Time as of 5/31/22)



- Latino/Hispanic
- White
- Black/ African American
- Asian

13, 45%
9, 31%
4, 14%
2, 7%
1, 3%

Intakes by Gender Identity (All-Time as of 5/31/22)



8, 28%
21, 72%

- Boy/Man
- Girl/Woman

| Total Number of Intakes |
|---|
| 29 |

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# Learning Lab Updates: Assessments, MASYI-2

### Alcohol/Drug Use Levels
### (All-Time)

25, 2, 1
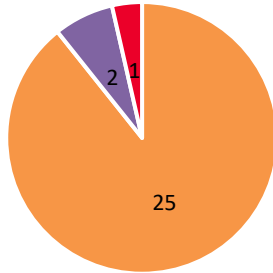
- Normal
- Caution
- Warning

### Angry-Irritable Levels
### (All-Time)

16, 9, 3
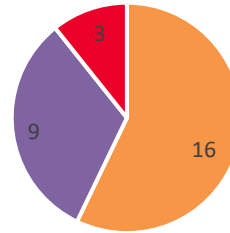
- Normal
- Caution
- Warning

### Depressed-Anxious Levels
### (All-Time)

17, 7, 4
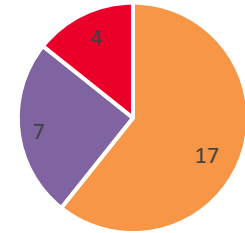
- Normal
- Caution
- Warning

### Somatic Complaints Levels
### (All-Time)

10, 15, 3
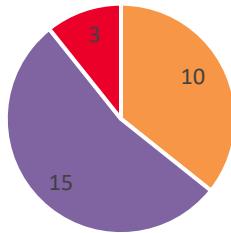
- Normal
- Caution
- Warning

### Suicide Ideation Levels
### (All-Time)

21, 3, 4
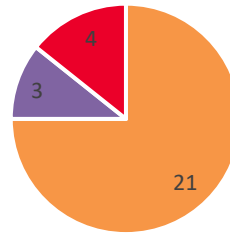
- Normal
- Caution
- Warning

### Thought Disturbance Levels
### (All-Time)

10, 7, 5
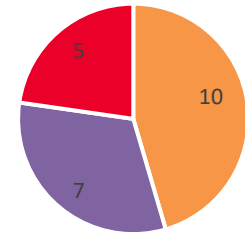
- Normal
- Caution
- Warning

**Total Number of MAYSIs Completed**

28

*Data as of 5/31/22*

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# Learning Lab Updates: Assessments, YLS

Risk/Need Level
(All-Time as of 5/31/22)
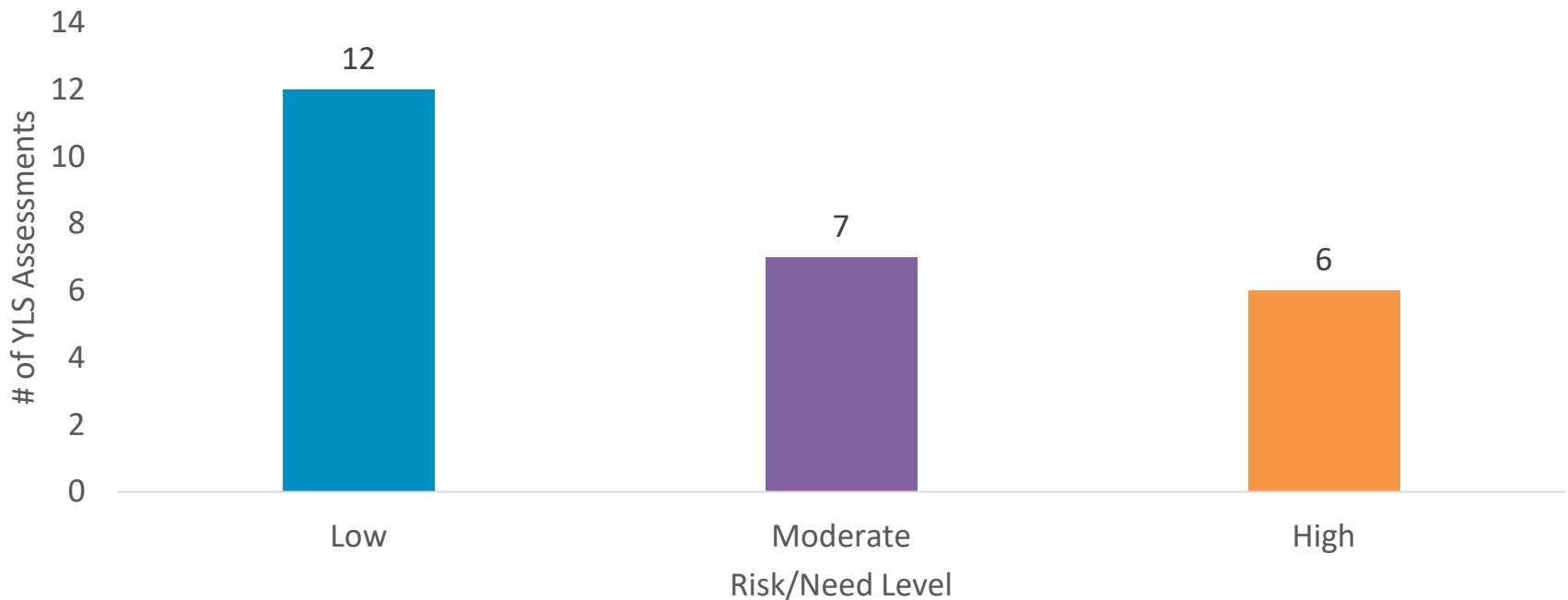


| Total Number of YLS Completed |
|---|
| 25 |

# Subcommittee Report Out

# CBI Subcommittee

**Meetings since March 2022:**

- **March:** Diversion Learning Lab updates and a presentation on the findings from the CRA caregiver focus groups

- **April:** Presentation by representatives in New York and Connecticut discussing recent reforms made to their CRA systems

- **May:** Presentation on the results of the OCA/CAFL CRA case file review and discussion around CRA services and gaps

- **June:** Diversion Learning Lab updates and discussion of initial CRA report findings

**Where we're headed:**

- **July**: Discussion re: Recommendations for improvements to the CRA System
- **September**: Draft CRA report

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## Other states' CRA reforms

### Connecticut
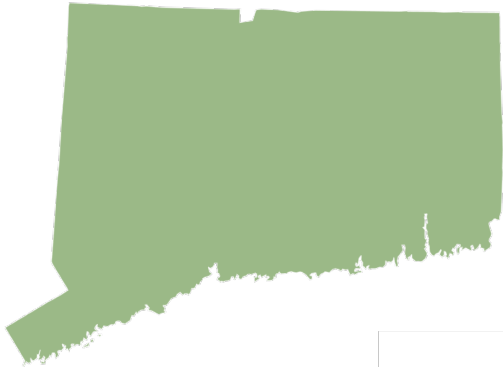
- Eliminated school-based petitions (2017) and community-based petitions (2020)
- Instead, all referrals (police, school, community, parents and self-referral) now go to the Youth Service Bureau which coordinate services for youth (0-18 years old) that focus on delinquency prevention

### New York

- Used as a last option only after all other diversion attempt have been exhausted
- PINS Diversion agencies must provide a written notice to the potential petitioner documenting the different efforts made to prevent filing, and Court Clerks cannot accept PINS petitions unless they have attached the written notice

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# CBI Subcommittee <u>Draft</u> Findings



- CAFL Case File Review
- Caregiver Focus Groups
- Subcommittee Presentations
- Public Data
- Subcommittee Presentations
- 100+ Interviews
- Policy Reviews
- CRA Research Findings
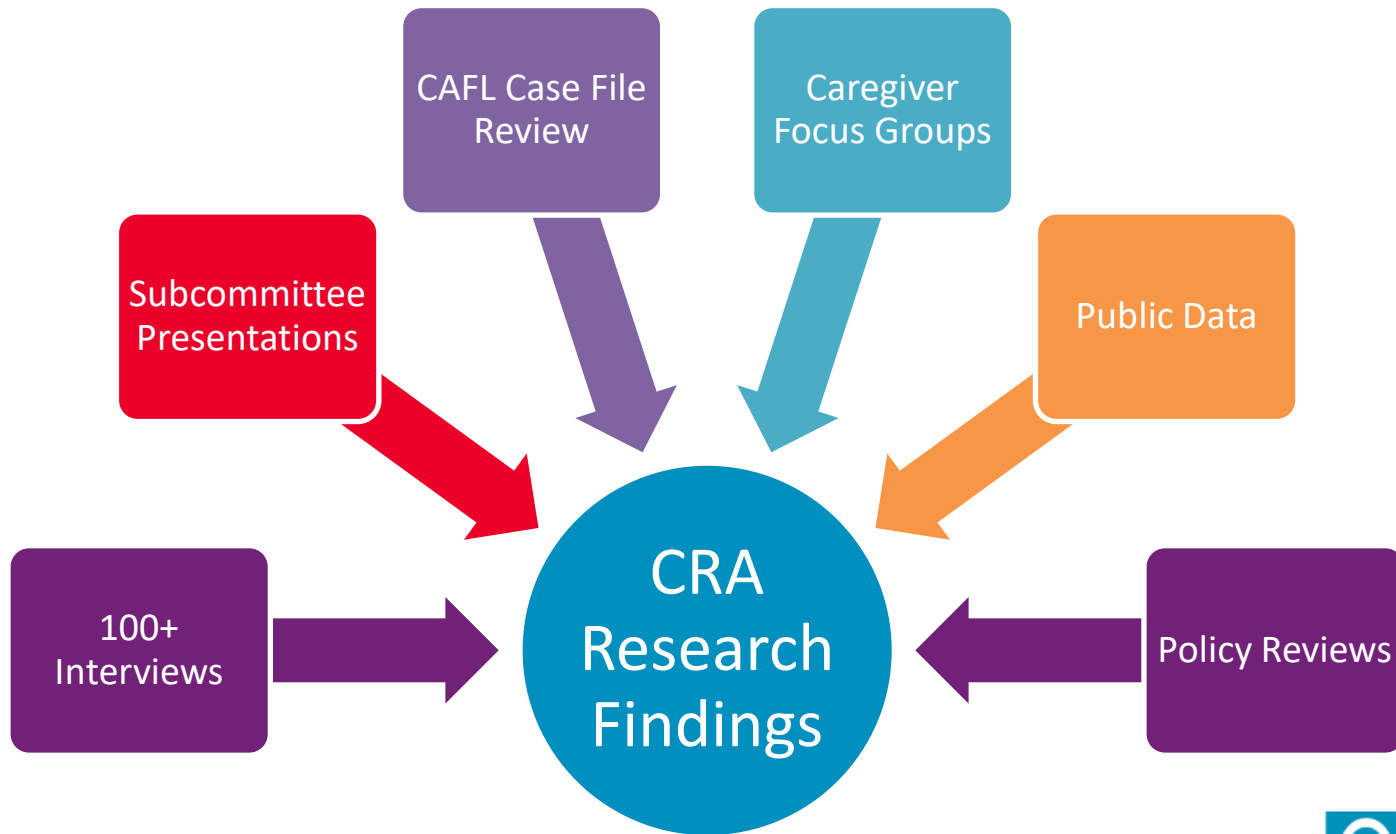
# 1. The goals of the 2012 reforms to the CHINS system have only been partially realized

Limit Juvenile Court involvement

Reduce harm for youth

Increase supports for youth

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## CBI Subcommittee

# CRA filings decreased 24% between FY12 and FY19

CRA Filings by FY
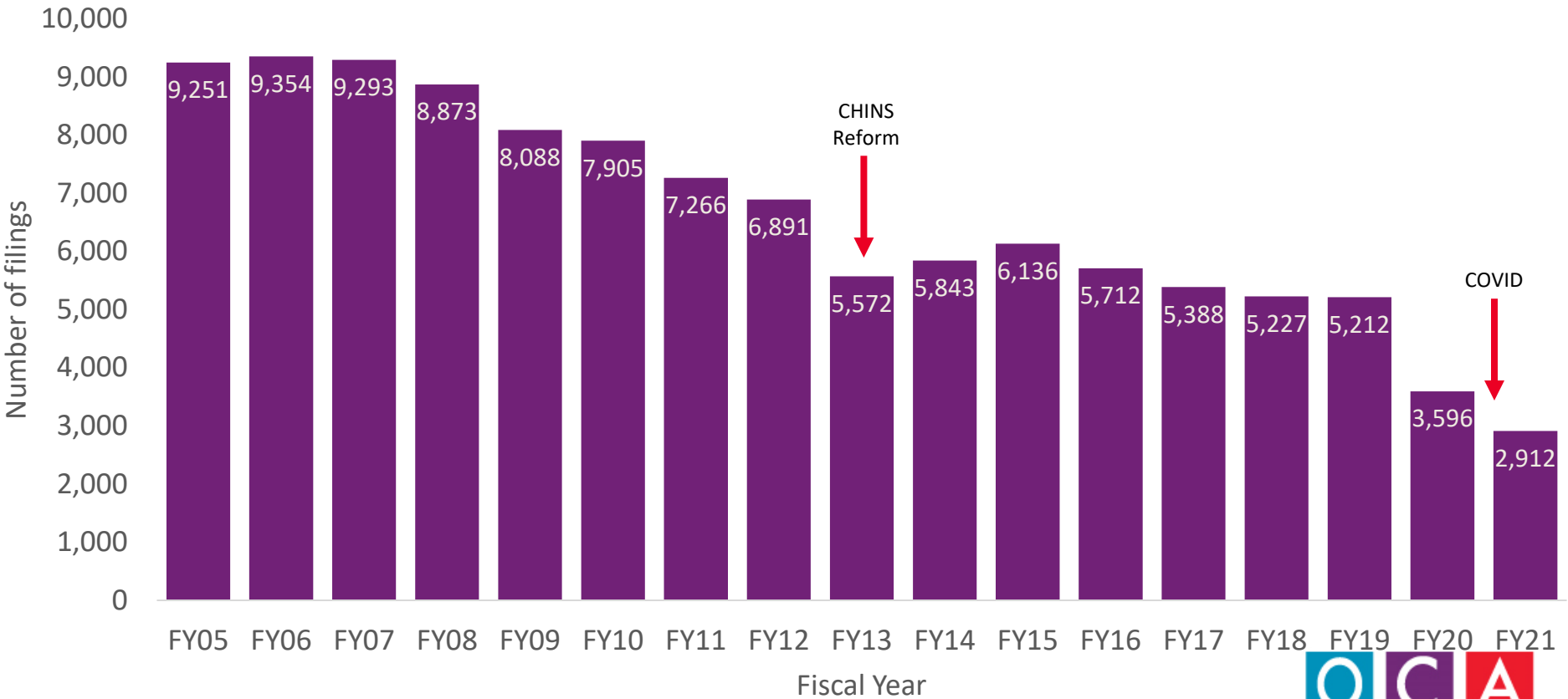
## CBI Subcommittee

# The reforms reduced some harmful impacts of the CRA process, but not all

- May not be confined in shackles or similar restraints

- Shall not be placed in a lock up

- CRAs do not appear on CORIs

- Set timelines for the CRA court process

- Provided rights to children and families

- In some cases, the reforms introduced *more* **court involvement**, which can have negative consequences

- Caregivers reported the **process adversely affected their and their child's lives**

- Professionals noted the **process makes it difficult to solve family problems** or concerns that may be impacting the child's behavioral concerns

- Research indicates that **congregate care placement**s are associated with negative consequences

## CBI Subcommittee

# The reforms increased community-based supports, but did not address CRA system supports

- Created Family Resource Centers (FRC)

- Professionals, advocates and caregivers all report:
  - Difficulty obtaining appropriate services for youth with CRA
  - Mismatch between what services are needed and what are provided

# 2. There is no shared understanding of what the current CRA system is for, leading to misinformation at every level

- No common understanding of what CRA process could/should accomplish

- Widespread, if unfounded, belief that the CRA process provides special access to services →professionals recommending parents file a CRA

- Significant confusion on what CRA process entails and what it can result in

# 3. The system operates with significant differences in different parts of the state

Court county disparities

Pre-filing intervention measures

## CBI Subcommittee

# Some court counties use the CRA process at higher rates than others

CRA Filings by County Population (FY21)



Legend: ■ County Percent of All MA Youth (6-17 yo)  ■ County Percent of All MA CRA Cases

Data by county:
- Barnstable: 3% / 4%
- Berkshire: 2% / 4%
- Bristol: 9% / 13%
- Essex: 12% / 13%
- Franklin/Hampshire: 3% / 5%
- Hampden: 7% / 6%
- Middlesex: 23% / 15%
- Norfolk: 11% / 7%
- Plymouth: 8% / 6%
- Suffolk: 9% / 14%
- Worcester: 13% / 13%

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Initial Draft Analysis
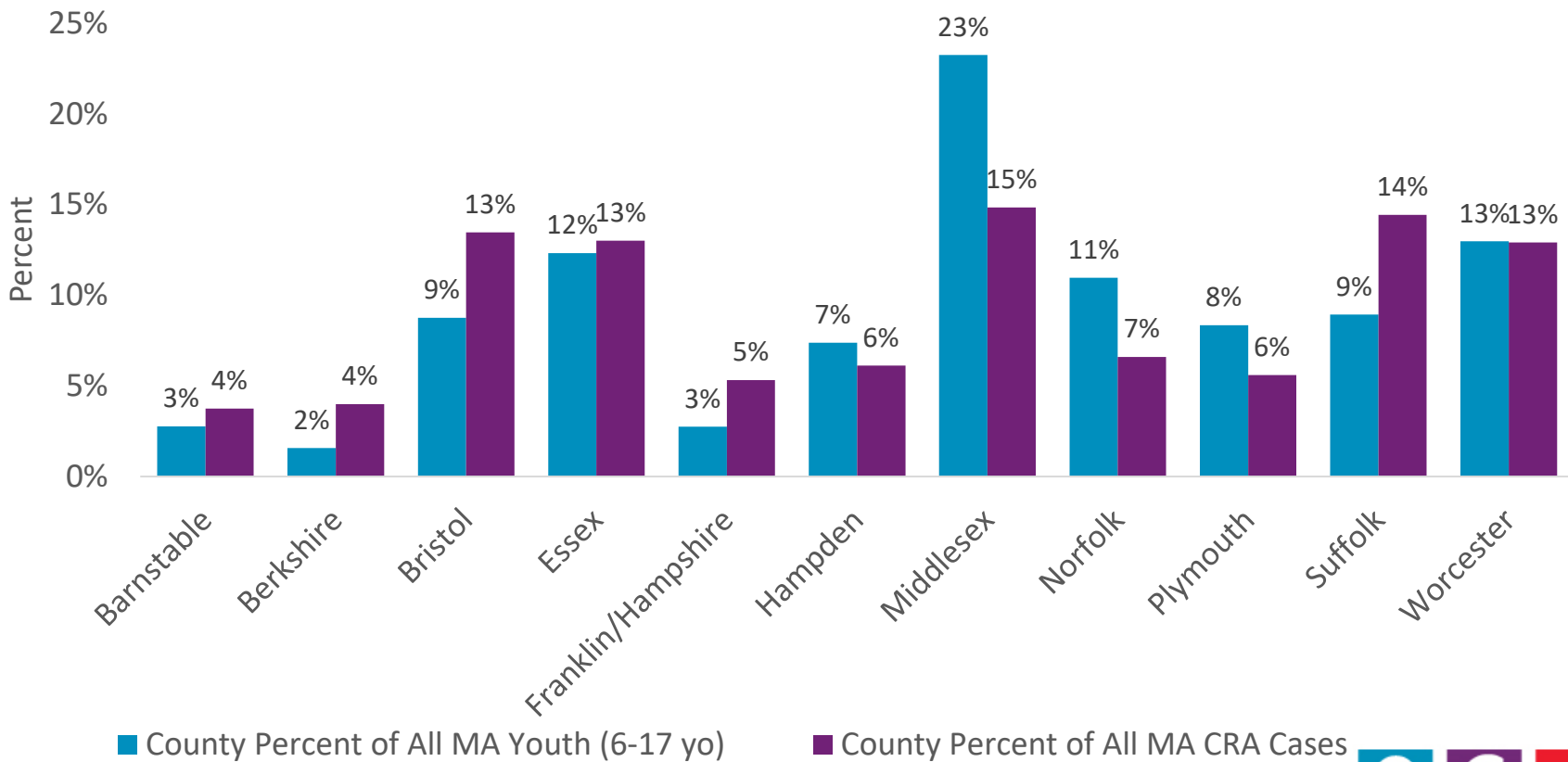
## CBI Subcommittee

# Pre- and post- filing practices vary

- Practices differ significantly by court, DCF area office, CAFL area office, Probation office, FRC location, DMH office, school district and county

- Variations in supports youth receive based on service availability in their area as well as local agency (mainly schools, DCF, DMH) practices

- Caregivers are not routinely/uniformly told about FRC in their area before filing a CRA

# 4. There are disparities in how the CRA system is used and who is referred to it

Racial and ethnic disparities

Certain groups of youth of concern

## CBI Subcommittee

# Black youth and Latino youth are overrepresented

### CRA Filings by Race (FY18-FY21)

| Fiscal Year | White | Hispanic/Latinx | Black/African American | Other race/Multi Race | Not reported |
|---|---|---|---|---|---|
| FY21 | 34% | 28% | 14% | 4% | 19% |
| FY20 | 34% | 29% | 16% | 5% | 16% |
| FY19 | 36% | 32% | 16% | 4% | 13% |
| FY18 | 35% | 31% | 16% | 3% | 14% |

Percent of CRA Cases
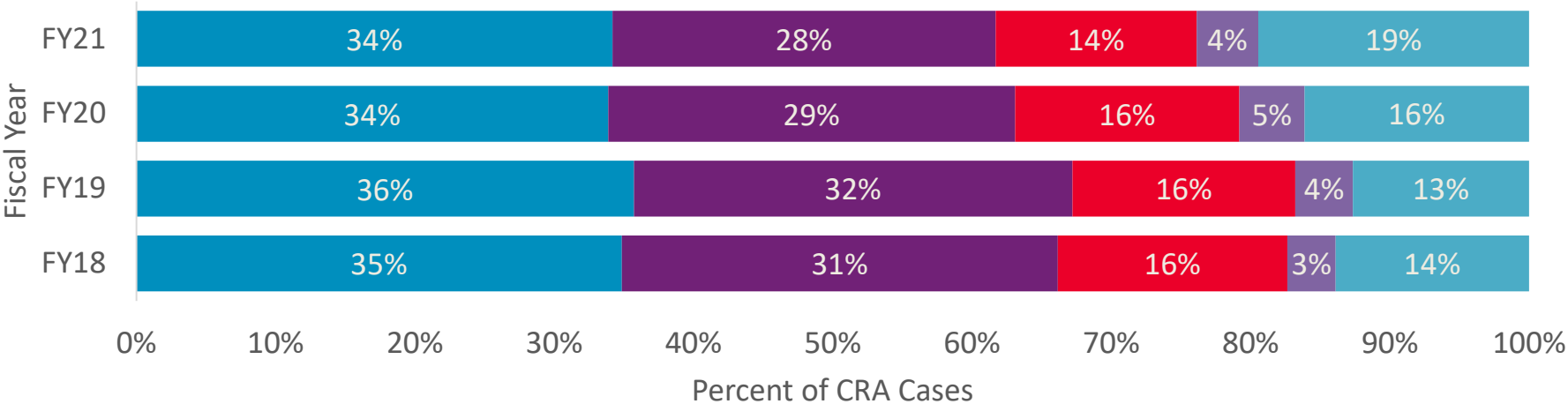
■ White   ■ Hispanic/Latinx   ■ Black/African American   ■ Other race/Multi Race   ■ Not reported

| Race/ethnicity | RoD (MA Pop) | RRI (White Youth) |
|---|---|---|
| White | 0.54 | n/a |
| Hispanic/ Latino | 1.45 | 2.67 |
| Black/ African American | 1.44 | 2.66 |
| Other race/ Multi Race | 0.55 | 1.02 |

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**Initial Draft Analysis**

## CBI Subcommittee

# Youth of color and other groups of youth may be treated differently

- Widespread concern (professionals in system, advocate, caregivers) about:
  - o Racial and ethnic disparities in referrals + CRA process
  - o Inadequate translation services for families throughout the CRA process
  - o Youth with specific needs being processed through CRA system rather than having their needs met elsewhere (e.g., immigrant youth, LGBTQ+ youth, girls, adopted youth, youth with learning disabilities)

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# 5. Many youth in the CRA system *could* have their needs better met outside of the CRA system

- **Barriers to obtaining services in community push families toward the CRA system**
  - Professionals (e.g. schools, therapists, police) who are not sure how else to help a family push them toward CRA
  - Families desperate for help come to court looking for immediate support
  - In some cases, these families have been turned down at other doors (e.g. requests for DCF voluntary services, DMH services, or placement at residential school)

- **However, the CRA process does not provide the special or quick access to services people are looking for**
  - Process for getting connected to services through the CRA process is slow (due to nature of court process)
  - Courts do not have "special" access to services, can't order agencies or schools to provide particular services

# 6. The CRA process can be a helpful "fail safe" for families, particularly for youth with complex needs that require multiple agency involvement

- **A subset of youth in the CRA system have complex needs and/or are involved with multiple state agencies**

- **The CRA process *can* help bring stakeholders together to solve challenges when prior attempts have failed**

  - Three of the most frequently cited benefits of CRA system:
    - Provides a potential venue for case conferencing
    - Connection with a caring adult who can act as case manager/advocate to move things forward
    - Access to counsel as a means for educational advocacy for youth

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# 7. There is limited data on outcomes from the CRA system that could be used to evaluate the system

Example questions we cannot answer:

1. What steps were taken before a CRA petition was filed? Was it truly used as a "last resort?"

2. Was the party who filed CRA petition (e.g., family, school) satisfied with the result of the CRA process? Did it help address the issues that brough them to the court?

3. What impact does the CRA process have on later life outcomes, such as likelihood of involvement with delinquency/ criminal case later in life, or impact on educational outcomes?

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# CBI Subcommittee <u>Draft</u> Findings:

1. The goals of the 2012 reforms to the CHINS system have only been partially realized

2. There is no shared understanding of what the current CRA system is for, leading to misinformation at every level

3. The system operates with significant differences in different parts of the state

4. There are disparities in how the CRA system is used and who is referred to it

5. Many youth in the CRA system *could* have their needs better met outside of the CRA system

6. The CRA process can be a helpful "fail safe" for families, particularly for youth with complex needs that require multiple agency involvement

7. There is limited data on outcomes from the CRA system that could be used to evaluate the system

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# Data Subcommittee

**Meetings since March 2022:**

- **March:** Presentation and discussion on racial and ethnic disparities data at the overnight arrest point (based on OCA/DYS 2021 summer Rappaport fellow)

- **April:** Presentation and discussion on racial and ethnic disparities data in applications for complaint (summons and arrests)

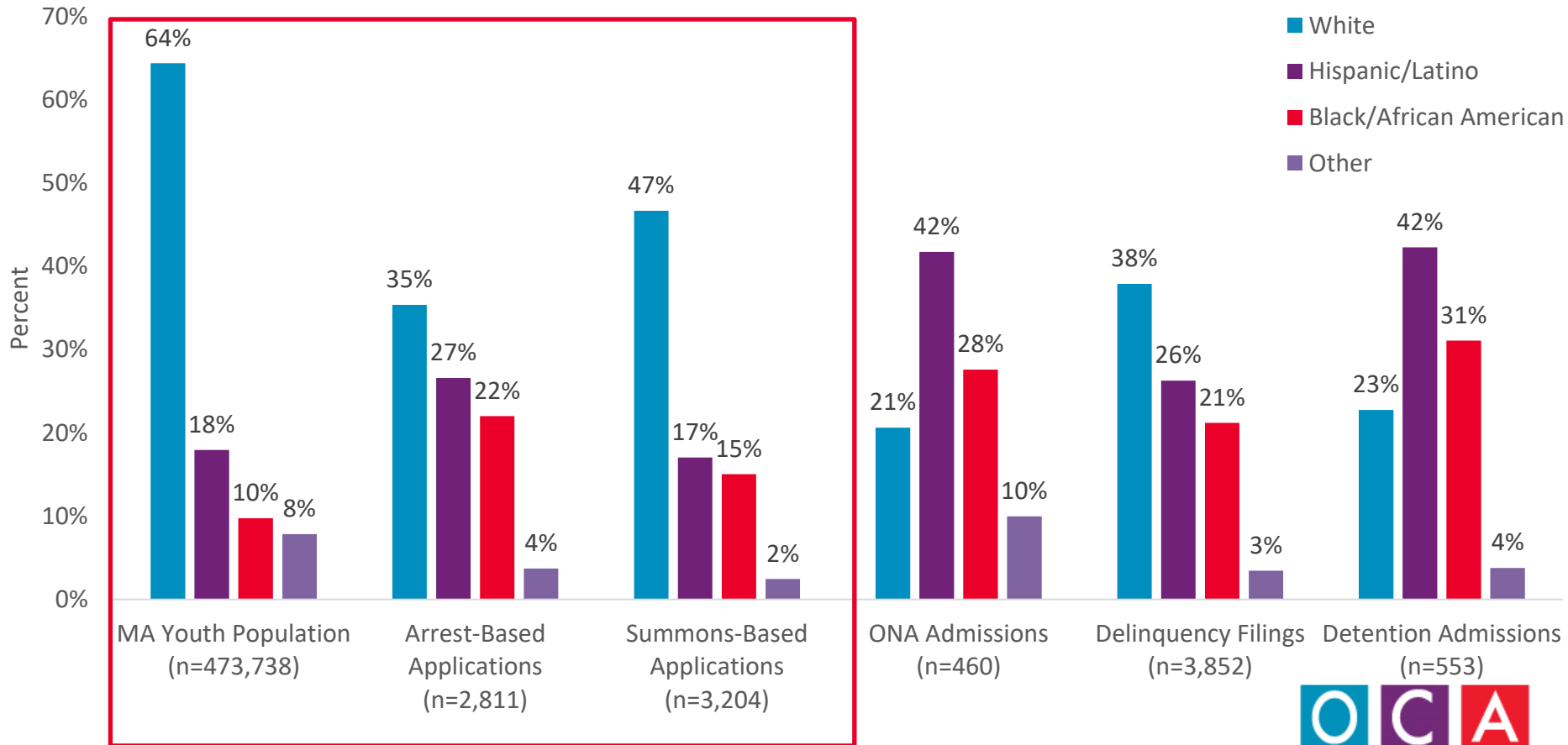- **June:** Presentation on Administrative Data Center fundamentals

**Where we're headed:**

- **July**: FY22 data requests and review and approval of Racial and Ethnic Disparities Brief
- **September**: Presentation from other states' Administrative Data Centers

# What is the racial distribution of youth at the beginning stages of the juvenile justice system?

Percent of Cases by Process Point and Race/Ethnicity

Legend:
- White
- Hispanic/Latino
- Black/African American
- Other

MA Youth Population (n=473,738): White 64%, Hispanic/Latino 18%, Black/African American 10%, Other 8%

Arrest-Based Applications (n=2,811): White 35%, Hispanic/Latino 27%, Black/African American 22%, Other 4%

Summons-Based Applications (n=3,204): White 47%, Hispanic/Latino 17%, Black/African American 15%, Other 2%

ONA Admissions (n=460): White 21%, Hispanic/Latino 42%, Black/African American 28%, Other 10%

Delinquency Filings (n=3,852): White 38%, Hispanic/Latino 26%, Black/African American 21%, Other 3%

Detention Admissions (n=553): White 23%, Hispanic/Latino 42%, Black/African American 31%, Other 4%

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Initial Draft Analysis

# Data Subcommittee Testing Common Hypotheses for RED

1. **Differences in Offense Severity:** Racial disparities in the use of arrests vs summons can be explained by offense severity (e.g. "Youth of color are brought to court for more serious crimes")

2. **Differences in Offense Type:** Racial disparities in the use of arrests vs summons can be explained by offense type (e.g. "Youth of color are brought to court for offense types that are more likely to result in arrest")

3. **Differences in Geography:** Racial disparities in the use of arrests vs summons can be explained by different regional practices (e.g. "Some counties are more likely to use arrest vs summons than others, and those same counties have a % percent of youth of color than other counties")

# Differences in offense severity partially, but not fully, explains racial disparities in the decision to arrest vs issues summons.

- Among youth coming in at <u>the same offense severity level</u>, there are still racial disparities:

| Youth Race | Felony % Arrested | Misdemeanor % Arrested |
|------------|-------------------|------------------------|
| Black | 82% | 28% |
| Latino | 88% | 32% |
| White | 77% | 18% |

- The disparities are more significant at the misdemeanor level.

# Differences in offense type partially, but not fully, explains racial disparities in the decision to arrest vs issues summons.

- Among youth coming in with the <u>same offense type,</u> we see racial disparities.

| Youth Race | % Arrested Drug | % Arrested Person | % Arrested Prop | % Arrested Weapons | % Arrested Public Order |
|---|---|---|---|---|---|
| Black | 53% | 62% | 59% | 89% | 50% |
| Latino | 81% | 66% | 67% | 84% | 57% |
| White | 34% | 49% | 45% | 64% | 43% |

# Differences in county-level practices impact disparities

- Some counties use arrests more often than summons, and these counties are ones that have a higher percentage of youth of color – both in general and in terms of youth with complaint applications.

| Youth Race | Barnstable Arrest % | Berkshire Arrest % | Bristol Arrest % | Essex Arrest % | Franklin/ Hampshire Arrest % | Hampden Arrest % | Middlesex Arrest % | Norfolk Arrest % | Plymouth Arrest % | Suffolk Arrest % | Worcester Arrest % |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Black | 46% | 51% | 47% | 35% | 17% | 63% | 49% | 46% | 53% | 76% | 55% |
| Latino | 48% | 83% | 49% | 60% | 54% | 74% | 47% | 48% | 59% | 69% | 60% |
| White | 28% | 57% | 40% | 38% | 51% | 54% | 38% | 26% | 30% | 52% | 47% |

# Data Subcommittee Researches Administrative Data Centers

# 2022 Data Availability Report Findings

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

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

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

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

# 2022 JJPAD Recommendations

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

# What is an administrative data center?

**Administrative data center**: a central, often third party, organization that links cross-agency record level data, to create a final research data file that contains only one observation per individual to:

- Address confidentiality concerns re: reporting record level data externally
- Address data matching challenges within and across branches of gov't
- Provide the opportunity for a richer analysis of data for the purpose of policy recommendations

# Opportunity for a richer analysis of data for

- Ability to collect "universe of all individuals" and then create project specific samples

- One observation per individual can account for the changes in status over time (e.g., "arrested youth" → "adjudicated youth" → "convicted youth") to help with outcome measures

- Ability to better understand complex issues that cross systemic boundaries by using cross-agency data (e.g., track how populations served interact/use services across agencies)

# How do administrative data centers work?

**Data matching techniques:**

1.  **Deterministic matching:** using one or two unique identifiers across datasets that identifies who an individual row of data pertains to

2.  **Probabilistic matching:** using a statistical approach to measuring the probability that two records represent the same individual

**Model Memoranda of Understanding (MOUs) or data sharing agreements across entities**

# How do administrative data centers use their data?

- [Wisconsin](#):[2016 study](#) to understand intergenerational and intragenerational overlap of the child welfare and juvenile justice systems.

- [California](#):[2018 study](#) to understand the prevalence and pathways of dual systems youth.

- [Minnesota](#):[2016 study](#) to understand the connection between school discipline and recidivism for crossover youth.

# Minnesota-Linking Information for Kids

Based out of the University of Minnesota and includes administrative data from:

- Department of Corrections
- Department of Education
- Department of Human Services
- Minnesota Automated Reporting Student System
- Social Services Information System
- State Court Administrator's Office
- Minnesota Court Information System
- Disciplinary Incident Reporting System
- Minnesota Comprehensive Assessments
- General Education Development

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# Minnesota: Understanding the connection between school discipline and recidivism for crossover youth

A [2016 study ](#)looked at the extent school suspensions impacted recidivism

**Matching data:**

1. 70,438 youth whose offenses resulted in adjudication (Juvenile Court data)

2. Linked to Department of Education records

3. Of which, 6,687 (9.5%) had maltreatment history (Department of Human Services records)

4. Resulting in a sample of 1,211 youth who had a history of maltreatment and committed their first offense between 2009-2011

# Minnesota: Findings

- 57% of crossover youth experienced out-of-school suspension before their first offense; the average number of suspensions was two

- 59% of crossover youth in this study experienced recidivism within three years of their first offense. Recidivism most often-occurred within a year following the first offense

- The total number of out-of-school suspensions prior to the youth's first offense significantly predicted the risk of recidivism. The risk of recidivism increased by 32% with each out-of-school suspension crossover youth experienced.

# Next Steps

- Costs associated with ADCs: including staffing, software and hardware technology for the Center as well as costs for partner entities

- Analysis of any statutory changes that may be needed to permit/require the sharing of bulk data for research purposes

- **September meeting:** Presentation from directors of/staff at Administrative Data Centers to include logistics of operations as well as benefits/costs to partnering agencies

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**Meetings since March 2022:**

- **April:** Review of draft general considerations and recommendations for trauma screening (all child-serving sectors), and discussion of trauma screening in child welfare

- **May:** Review of draft considerations and recommendations for trauma screening in child welfare, and discussion of trauma screening in juvenile justice and first responder settings

- **June:** Review of draft considerations and recommendations for trauma screening in FRCs and juvenile justice settings, and discussion of trauma screening in early childhood and K-12 settings

**Where we're headed:** Discussion of possible recommendations for trauma screening in pediatric primary care and sectors with high prevalence of trauma (e.g., teen parenting programs, family shelters)

# Where we're headed

**Fall** *(~ October, please fill out doodle in post-meeting email)*

- Review RED data brief
- Review and vote on CRA Report recommendations (goal – may be pushed to early Winter meeting if needed)
- Subcommittee report outs

**(early) Winter**

- Review and vote on FY22 Annual Report
- Review and discuss CTTF Annual Report
- Subcommittee report outs

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# Next Meeting Dates:

*(All meetings are virtual; Zoom information is in each calendar invitation)*

## Full Board:
*TBD*
*~October 2022*

| Subcommittee | Standing Time | Next Meeting |
|---|---|---|
| CTTF | 1st Mondays, 1:00pm-3:00pm | July 18, 2022 |
| Data | 2nd Thursdays, 10:30am-12pm | July 14, 2022 |
| CBI | 3rd Thursdays, 1:00pm-2:30pm | July 21, 2022 |

# Board Member Updates

# Contact

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