

Juvenile Justice Policy and Data Board

Board Meeting

March 2, 2022
1:00pm – 3:00pm

Agenda

1. Welcome and Introductions
2. Approval of December Meeting Minutes
3. Updates from the OCA
4. Finalize and Vote on 2022 Data Availability Report
5. Review and Vote on FY21 Annual Report
6. Review and Vote on JJPAD 2022 Work Plan
7. Board Member Updates

Updates

- Welcome to New Board Members
- Diversion Learning Lab Update
- SRO Update:
 - EOPSS/DESE has issued a model SRO MOU for school districts and police departments to use for schools with School Resource Officers: <https://www.mass.gov/model-school-resource-officer-memorandum-of-understanding-sro-mou-review-commission>

Updates

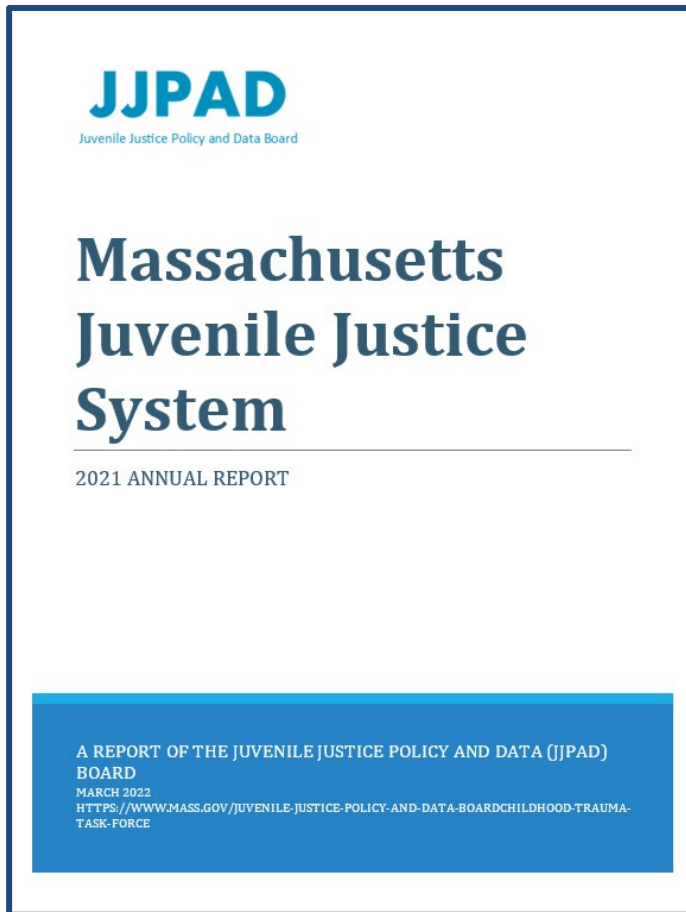
- Juvenile Justice Data Website Updates:
 - ✓ New! Page on pretrial proceedings (dangerousness hearings, supervision and detention)
 - ✓ New! Page with CRA data
 - ✓ FY21 data updates ongoing
- 2022 updates to include new pages:
 - ✓ Adjudications & dispositions data
 - ✓ School discipline data
 - ✓ Racial & ethnic disparities page

2022 Data Availability Report Edits

2022 Data Availability Report Edits

Page/Section	Edit Made	In response to comment made by...
Pg. 44 (After Tables 4 & 5)	<p>Each of the above data elements inform the JJPAD Board’s ability to evaluate the state’s juvenile justice system policies and practices. <u>While significant progress has been made over the past few years, barriers – including, in many cases, technology and resource barriers – to producing some data elements continue to exist. These challenges, and discussions on these challenges, pre-date the establishment of the JJPAD Board. To increase the availability of additional data that can help inform policymaking, the Legislature could consider statutory changes, budgetary allocations, and any other strategies available to the Legislature to ensure the collection and production of the data that is still unavailable.</u></p> <p>Given that creating the capacity to collect this data in a structured format that allows for data to be more readily reported could be a significant undertaking, the JJPAD Board recommends the following questions be considered and weighted when prioritizing data system upgrades and data reporting requirements:</p> <p>1. What would it cost to produce this data report? As noted above, additional resources may be needed to accurately collect and report missing data elements. In some cases, the need for additional resources may be small; in other cases, it may be very costly. <u>The Legislature could consult with impacted entities on the level of funding that would be needed to produce said data and whether that funding is for database modifications (which may be a capital expenditure) and/or staffing resources to support analytic needs. This will allow the Legislature to weigh the benefits (as outlined in # 2 and #3, below) of ensuring these data elements are available to the Legislature and the public with the costs of producing it.</u></p>	CfJJ, Trial Courts & the December Meeting Discussion
Table 4 and 5 (relevant rows)	<p><u>“The Legislature could mandate that the Juvenile Court track and report this data on a regular basis. To ensure the production of this data, the Legislature would also need to allocate funding to the Trial Court/Probation to make modifications to the Trial Court’s case tracking system to collect this data electronically in a structured format that can be compiled for statistical purposes.”</u></p>	

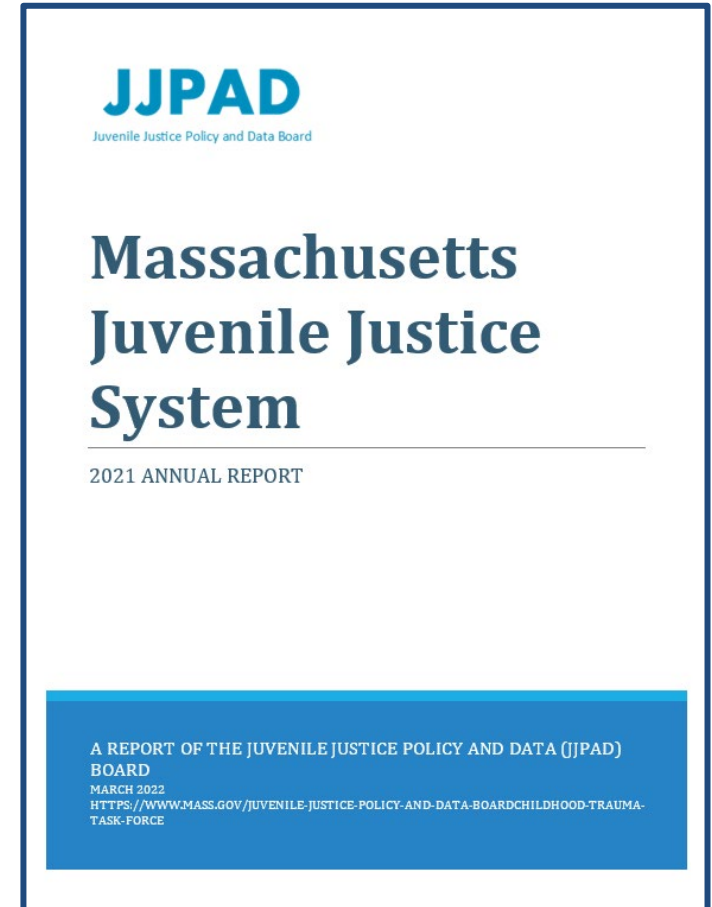
JJPAD Board Annual Report



- Provides a summary of the JJPAD Board's 2021 work
- Presents FY21 Data Trends
- Discusses the impact of 2018 Criminal Justice Reform Act and the COVID-19 pandemic, and implementation of 2020 Policing Act

JJPAD Board Annual Report: Summary of 2021 Work

- Studying the CRA System
- Mapping updates to juvenile justice system data availability & making recommendations
- Studying trauma screening & referral practices
- Continuing to improve and update the Juvenile Justice Data Website
- Monitoring:
 - ✓ COVID-19 pandemic & its impact on the juvenile justice system
 - ✓ Implementation of any new legislation impacting the juvenile justice system
 - ✓ Implementation of statewide Diversion Learning Labs
 - ✓ Implementation of the Center on Child Wellbeing & Trauma

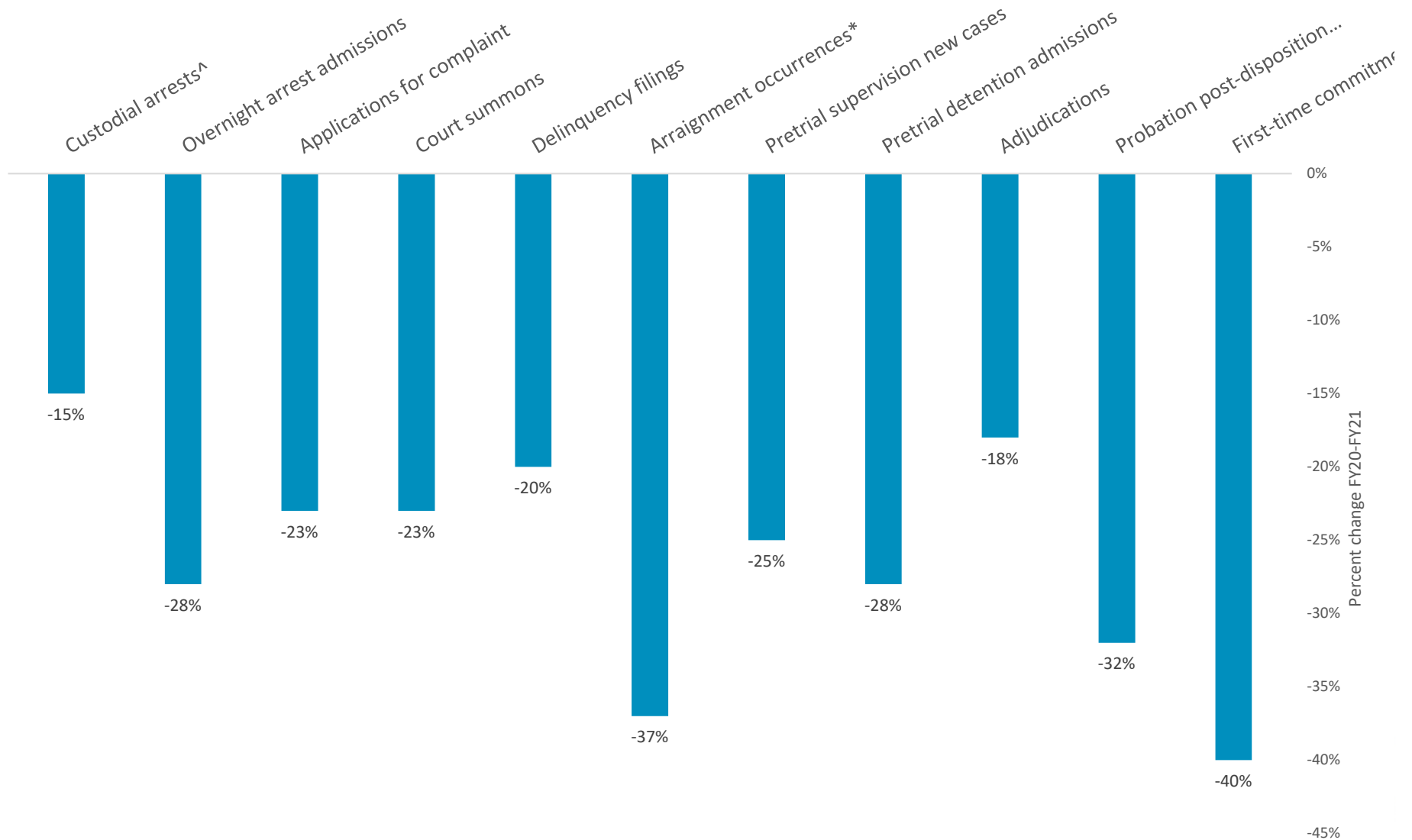


JJPAD Board Annual Report:

Key Data Findings

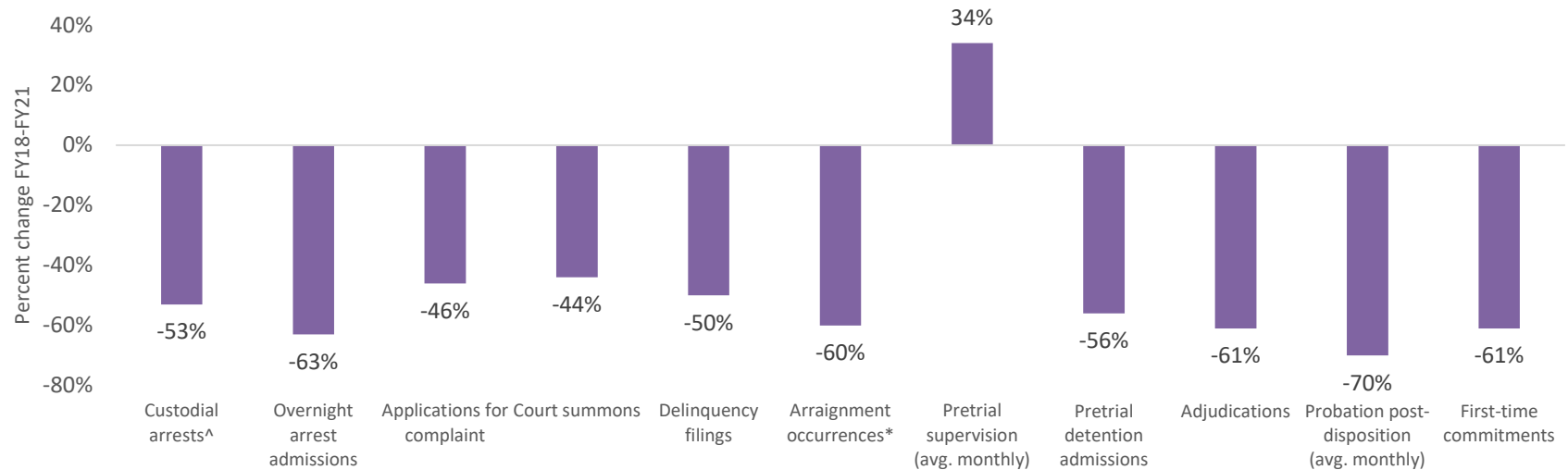
- 1 Massachusetts continues to use the Juvenile Justice system less
- 2 Of the cases that enter the Juvenile Justice system, most are dismissed/diverted before they reach an adjudication
- 3 *Person & Property* offenses account for most of the FY21 cases
- 4 A significant portion of cases are for *misdemeanors* and *low-level* offenses
- 5 There are still opportunities to divert more youth
- 6 Racial and ethnic disparities remain a significant problem in our juvenile justice system

1. Massachusetts Continues to Use the Juvenile Justice System Less (FY20 to FY21)

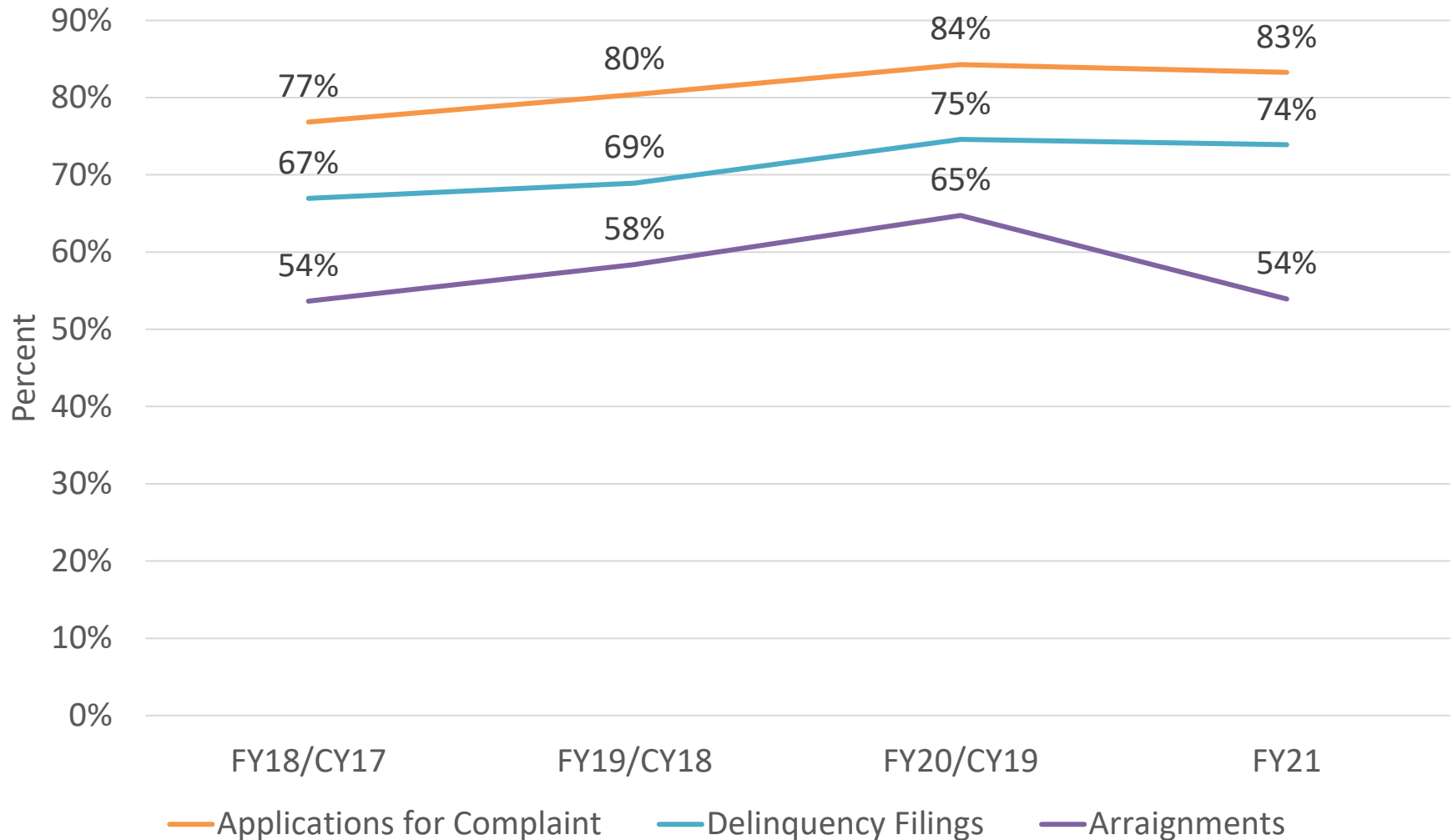


Continuing a Decade+ Downward Trend, Which Accelerated Following the CJRA (FY18 to FY21)

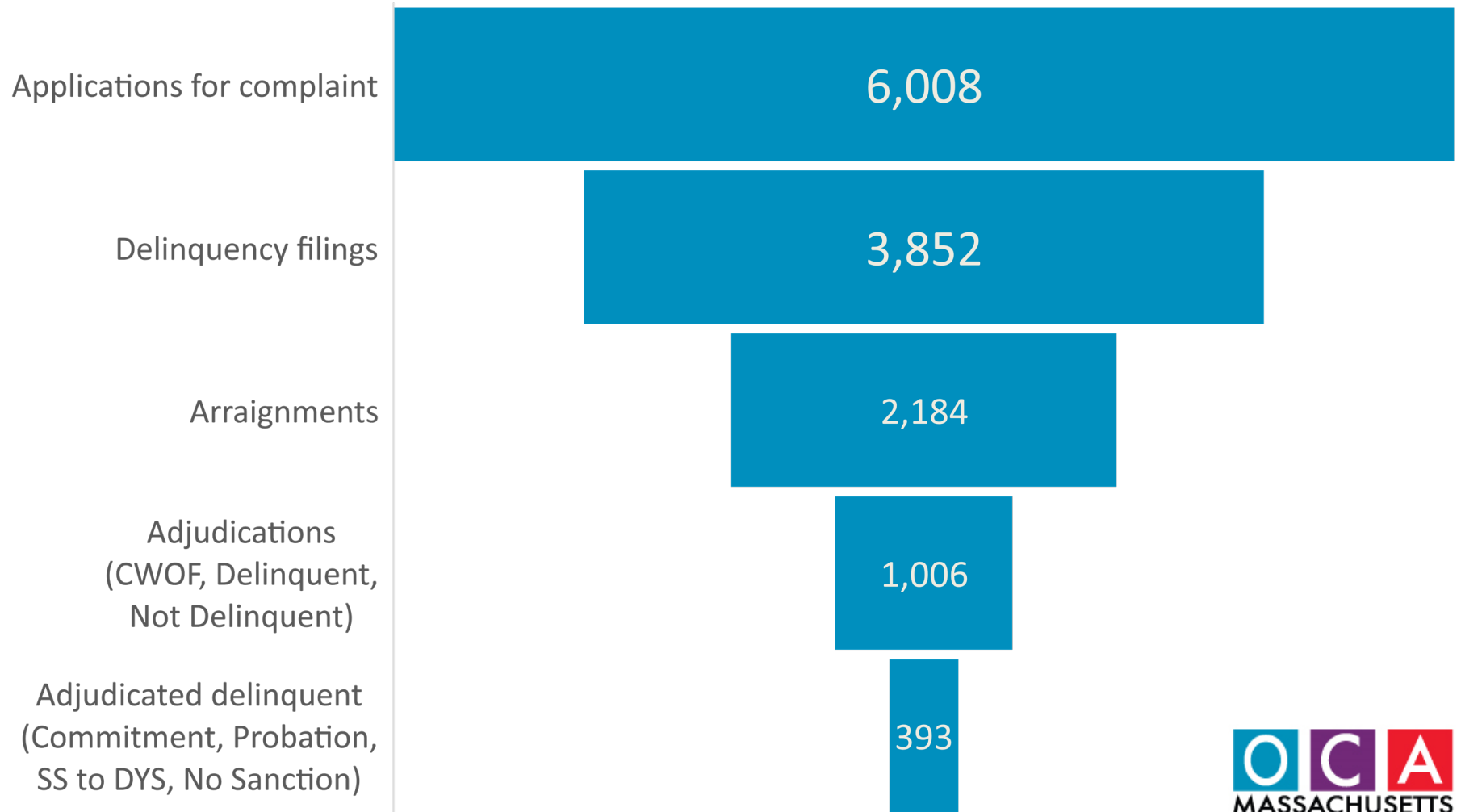
Fig. 2: Juvenile Justice System Utilization Rates of Change by Process Point
(FY18-FY21)



2. Of the Cases that Enter the JJ System, Most are Dismissed/Diverted Before They Reach an Adjudication



Fewer Youth Involved in the Juvenile Justice System



3. *Person & Property* Related Offenses Account for Most of the FY21 Cases

Table 4: Juvenile Justice System Utilization by Process Point and Offense Type (FY21)

FY21 Caseload Rates	Alc.	Drg	MV	Pers	Prop	P.O.	Weap	Other/ NA
Overnight arrest admissions	0%	6%	8%	38%	11%	23%	12%	2%
Applications for complaint	2%	2%	20%	37%	28%	3%	4%	4%
Delinquency filings	1%	3%	11%	42%	31%	4%	5%	4%
Arraignment occurrences (charges)	n/a	4%	6%	39%	30%	21%	n/a	n/a
Detention admissions	0%	3%	4%	52%	15%	7%	19%	0%
Adjudications	0%	6%	12%	35%	30%	3%	7%	8%
First-time Commitments	0%	6%	6%	38%	19%	13%	18%	0%

4. A Significant Portion of Cases are for Misdemeanors and Lower-Level Offenses

Juvenile Justice System Utilization by Process Point and Offense Severity (FY21)			
Court Process Point	Misdemeanor	Felony	
Applications for complaint	59%	41%	
Delinquency filings	42%	58%	
Adjudications	34%	66%	
DYS Process Point	Low	Medium	High
Overnight arrest admissions	62%	22%	16%
Detention admissions	41%	17%	42%
First-time Commitments	38%	22%	39%

5. There are Still Opportunities to Divert More Youth

Cases currently being processed in the juvenile justice system that *may* be good candidates for pre-arraignment diversion (or dismissal) include:

- ✓ Misdemeanors
- ✓ Cases involving alcohol, drugs, public order offenses, and lower-level property offenses
- ✓ Cases that result in an arraignment but are dismissed prior to adjudication

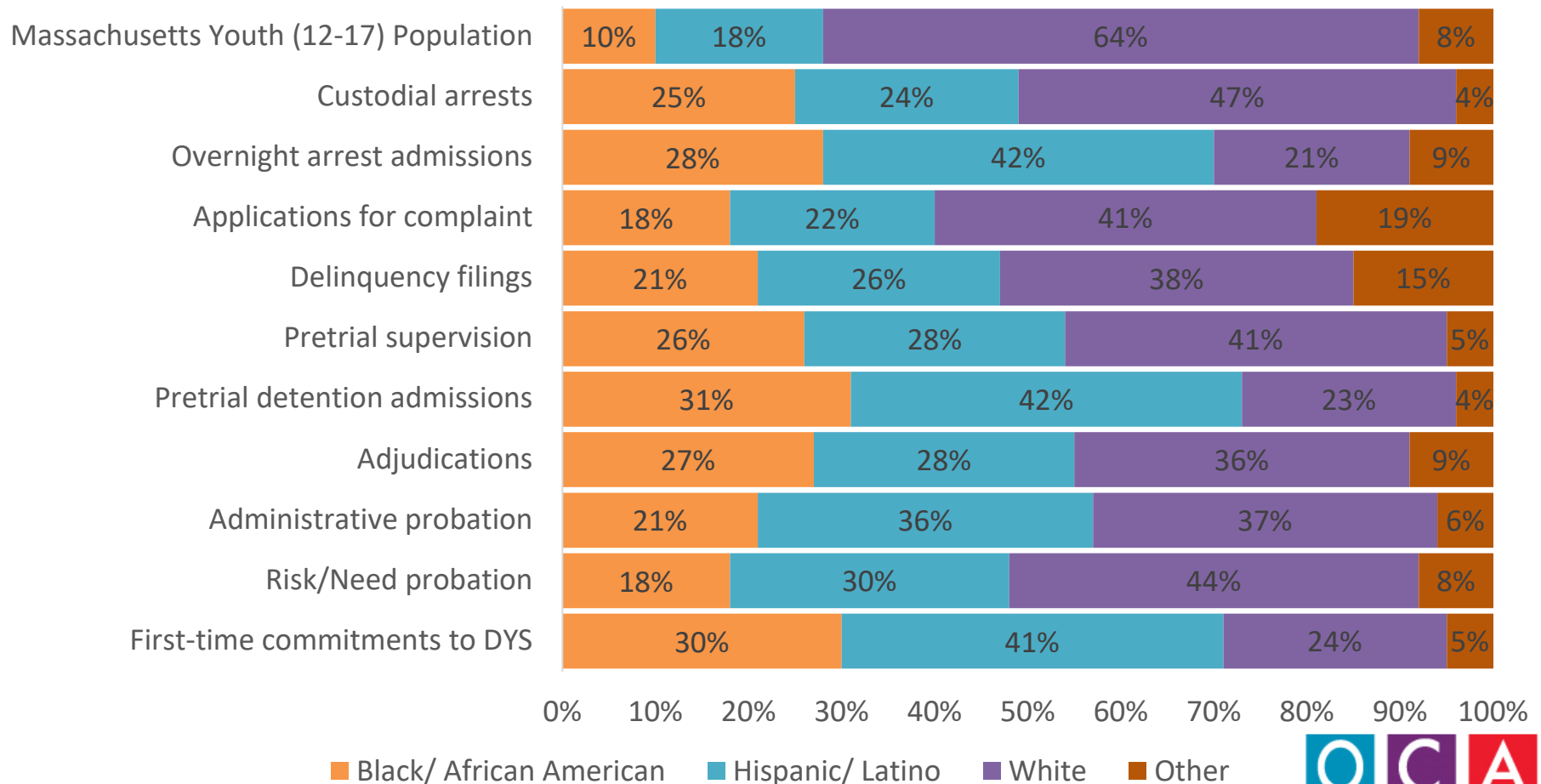
Process Point	FY21 Misdemeanors (Count)
Summons	2,736
Applications for Complaint (summons + arrests)	3,520
Delinquency Filings	1,609

Process Point	FY21 Alcohol/ Drugs/ Public Order
Summons	267
Applications for Complaint (summons + arrests)	460
Delinquency Filings	278

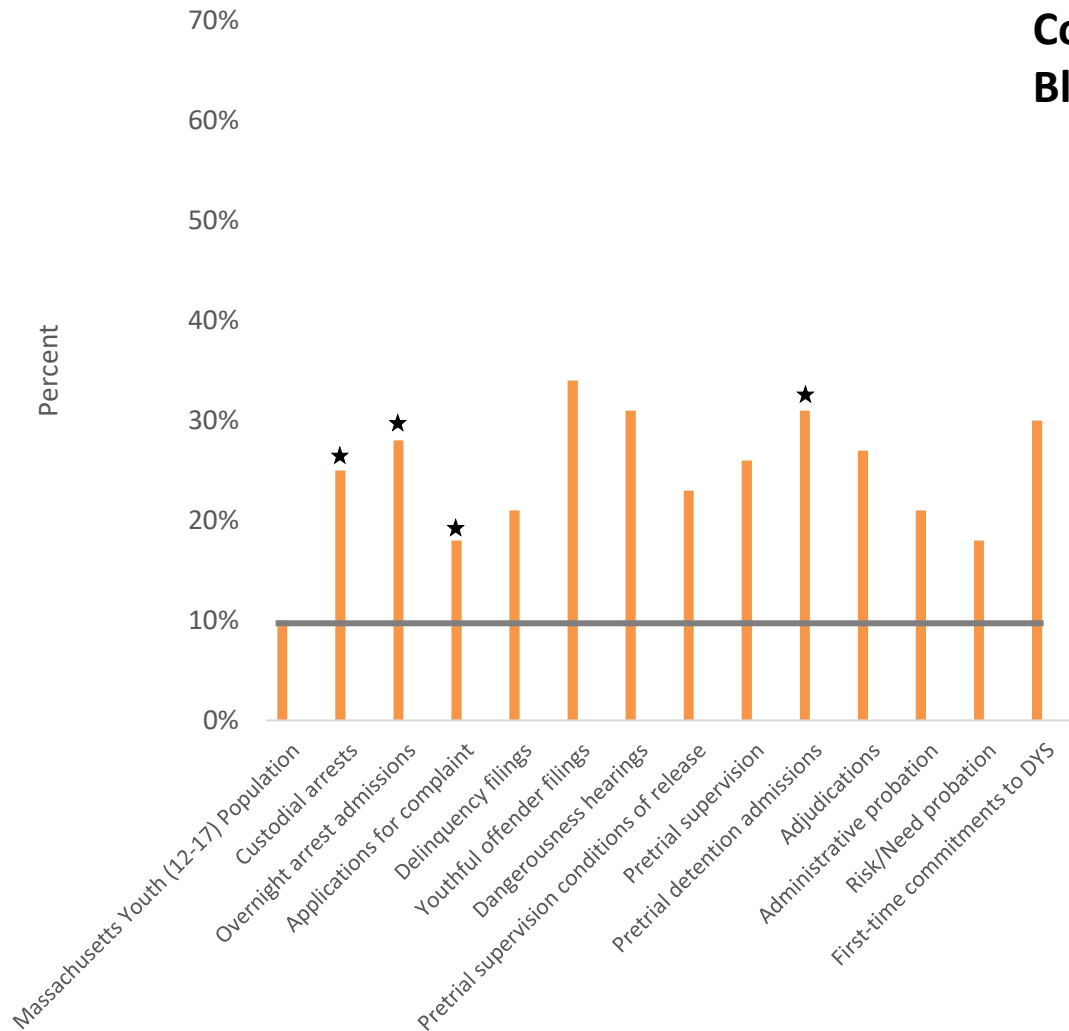
Process Point	Avg. Diff. Past 4 Years
Cases resulting in an Arraignment but dismissed prior to Adjudication	2,168

6. Racial and Ethnic Disparities Remain a Significant Problem in Our Juvenile Justice System

Percentage of Youth at Each Juvenile Justice Process Point by Race/Ethnicity



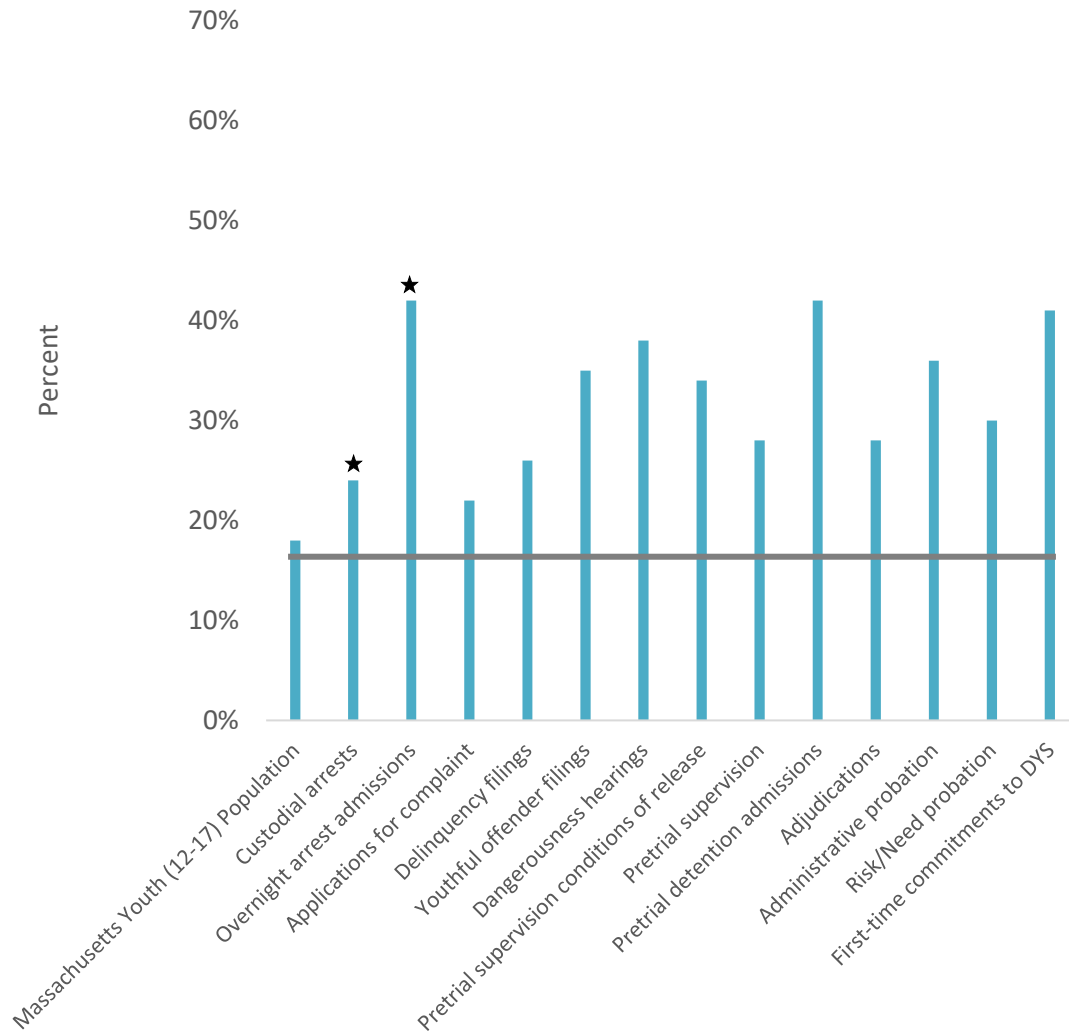
Black/African American Youth are Overrepresented at Each JJ Process Point



Compared to white youth,
Black/African American youth were:

- over 3 times more likely to be arrested (a custodial arrest)
- almost 9 times more likely to be admitted for an overnight arrest
- almost 3 times more likely to be the subject of an application for complaint
- almost 3 times more likely to be detained pretrial

Hispanic/Latino Youth are Overrepresented at Each JJ Process Point



**Compared to white youth,
Hispanic/Latino youth were:**

- almost 2 times more likely to experience a custodial arrest
- over 7 times more likely to be admitted on an overnight arrest

2021 Annual Report Edits

2021 Annual Report Edits

Page/ Section	Edit Made	In response to comment made by...
Pg. 21 (COVID impact on police arrests)	<p>Added a sentence to police issuing the same % of summons in FY21 as FY20 vs. custodial arrests:</p> <p><u>Instead of issuing more summons during the pandemic, police officers may have increased their own diversionary methods.</u></p>	OCA edit for clarity upon further review.
Pg. 25 (Mandating SRO trainings)	<p>Added additional details from MPTC on SRO Training Efforts and POST-C Certification</p> <p><u>MPTC also offered a second round of training in early December, and intends to continue offering trainings at regular intervals moving forward.</u></p> <p><u>The 2020 law also added a certification process for SROs. The Board is not currently aware of a timeline for when the certification process will be implemented.—The certification process is being managed by the Massachusetts Peace Officer Standards and Training Commission (POST-C). That roll-out process is ongoing at the time of this report.</u></p>	Additional details from MPTC

2021 Annual Report Edits

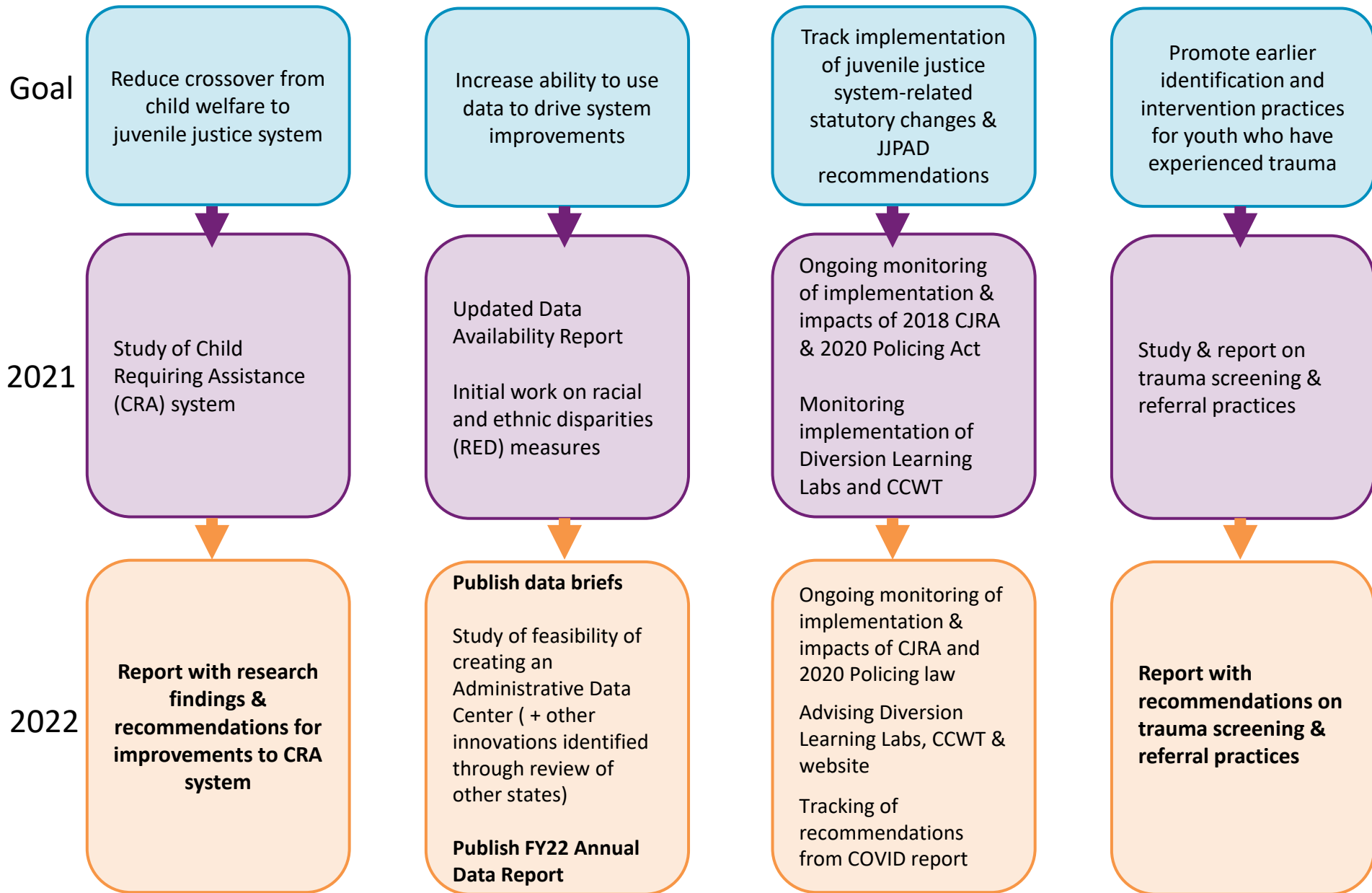
Page/ Section	Edit Made	In response to comment made by...
Pg. 30 (Key data takeaway section #5: <i>"All of the above suggest that, while there is evidence of increased use of diversion throughout the system over the past five years, there are still opportunities to divert more youth."</i>)	<p>There is strong evidence that keeping youth out of the juvenile justice system, specifically before reaching the point of arraignment, is beneficial for both the youth and overall public safety, and research supports the practice. Youth officially have a juvenile court record once they are arraigned, and a juvenile record (regardless of where the youth was found delinquent, not delinquent or if their case was dismissed post-arraignment) can lead to <u>adverse outcomes in future system involvement. While a juvenile's court record is not available to the general public, it is available to certain government actors and the negative stigma associated with a juvenile record can have adverse consequences. Further, an arraignment can be used to "enhance future sentencing or affect charging or probation decisions."</u> Additionally, national research shows that juvenile records can present challenges in accessing housing, employment, and education during youth and into adulthood.</p> <p>Footnote #49: <u>In Massachusetts a juvenile court record is accessible to "the justices and probation officers of the courts, to the police commissioner for the city of Boston, to all chiefs of police and city marshals, and to such departments of the state and local governments as the commissioner of probation may determine" including the Department of Children and Families, Department of Early Education and Care and other children's programs (Commonwealth vs. Preston P., a juvenile, Note 8 citing G. L. c. 276, § 100). A juvenile record may also present federal challenges as well (e.g., when enlisting in the military or with regards to immigration or international travel).</u></p> <p>Footnote #50: <u>Commonwealth v. Manolo M., 486 Mass. 678, 686 (2021); Commonwealth v. Humberto H., 466 Mass. 562 (2013)</u></p>	SCDAO
Pg. 35	<u>Added a table of offense types and example offenses</u>	SCDAO

2021 Annual Report Edits

Page/ Section	Edit Made	In response to comment made by...
Pg. 42 (youthful offender section)	District attorneys <u>may choose to</u> present youthful offender certain juvenile cases to a grand jury, whose role it is to decide whether there is enough evidence to charge the youth <u>with the crime alleged and whether the crime and/or the youth meets the criteria necessary for the youth to be indicted</u> as a youthful offender. If the grand jury determines there is enough <u>sufficient</u> evidence <u>to charge the youth with the crime alleged and that the youth meets youthful offender criteria</u> , they issue an “indictment” accusing the youth of specific offenses <u>and a separate indictment accusing the youth of being a youthful offender. If the grand jury determines the youthful offender criteria have not been satisfied, the district attorney may continue to proceed against the youth with a delinquency complaint; however, if the grand jury determines that there is insufficient evidence to indict a youth for the crime alleged, youth are discharged from proceedings.</u> If there is not enough evidence, youth are discharged from proceedings, but the district attorney can present the case again when a new grand jury is seated. If a youth is indicted, they are brought before the Juvenile Court and arraigned.	DYS
Pg. 42 (youthful offender disposition options)	Footnote added to explain “combination sentences”: <u>This is referred to as a “combination sentence” because it combines a commitment to DYS with the potential for a youth to complete an adult sentence if the youth fails to comply with the terms of the combination sentence. Typically, if the youth successfully completes their commitment the case will conclude without the youth serving an adult sentence; however, the court may also decide that the probationary period associated with the suspended sentence should begin after the youth is discharged from commitment. In either case, if the youth successfully meets the court’s terms, they will not have to serve the adult sentence, but if the youth violates the terms of the probationary period associated with the suspended sentence, the judge may impose the suspended adult sentence and commit the youth to an adult facility.</u>	DYS
Pg. 57 (Dismissed Cases section)	Pulled this section from the footnote into the general body of the text: <u>Cases may be dismissed or not prosecuted for a number of reasons including lack of probable cause or diversion (pre-or post-arraignment).</u>	SCDAO

JJPAD 2022 Work Plan

JJPAD 2022 Work Plan



Subcommittee Work Plans

Data Subcommittee

Spring

- Racial & ethnic disparities data brief
- Review other states' public data reporting measures
- CRA/Crossover Youth Data Requests

Summer

- Study feasibility of state Administrative Data Center
- Other data briefs (TBD)
- Ongoing advisory on OCA's Juvenile Justice Data Website
- FY22 Data Requests

Fall

- FY22 Data Analysis
- Review Diversion Learning Lab data
- Other data briefs (TBD)

CBI Subcommittee

Spring

- Review focus group and CRA case file review findings
- Development: *recommendations for improvements to the CRA system*
- Ongoing advisory on the state Diversion Learning Labs

Summer

- Draft *recommendations for improvements to the CRA system*
- Ongoing advisory on the state Diversion Learning Labs

Fall

- Final report with *recommendations for improvements to the CRA system*
- Next steps in addressing crossover youth in MA
- Ongoing advisory on the state Diversion Learning Labs

Childhood Trauma Task Force

Spring

- Discuss feedback received on Annual Report
- Develop *recommendations for trauma screening and referral practices*
- Ongoing advisory for the CCWT

Summer

- Continued development: *recommendations for trauma screening and referral practices*
- Ongoing advisory for the CCWT
- Draft report

Fall

- Final report with *recommendations for trauma screening and referral practices*
- Ongoing advisory for the CCWT

Full Board

Next Meeting TBD
(~early summer)

- Review data briefs (RED, other topics tbd)
- Subcommittee report outs

Fall

- Review and discuss CRA Report recommendations
- Update on CTTF Report recommendations
- Subcommittee report outs

(early) Winter

- Review and discuss FY22 Annual Report
- Subcommittee report outs

Next Meeting Dates:

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

Full Board:

TBD

~Early Summer 2022

Subcommittee	Standing Time	Next Meeting
CTTF	1 st Mondays, 1:00pm-3:00pm	March 7, 2022
Data	2 nd Thursdays, 10:30am-12pm	March 10, 2022
CBI	3 rd Thursdays, 1:00pm-2:30pm	March 24, 2022*

*March CBI Subcommittee meeting is the 4th Thursday for this month only

Board Member Updates

Contact

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