

# Juvenile Justice Policy and Data Board

Board Meeting

May 10, 2023

# Agenda

1. Welcome and Introductions
2. Approval of December Meeting Minutes
3. Updates from the OCA
4. Review and Vote on JJPAD 2023 Work Plan
5. Board Member Updates
6. *Justice by Geography* Presentation by CfJJ

# Updates

- Welcome to New Board Members
- Legislative Updates
  - CRA Bill ( Rep. Blais H.134/Sen. Kennedy S.101)
- Program Implementation
  - Massachusetts Youth Diversion Program (MYDP)
  - The Center on Child Wellbeing and Trauma (CCWT)

# Legislative Updates

## CRA Bill ( Rep. Blais H.134/Sen. Kennedy S.101)

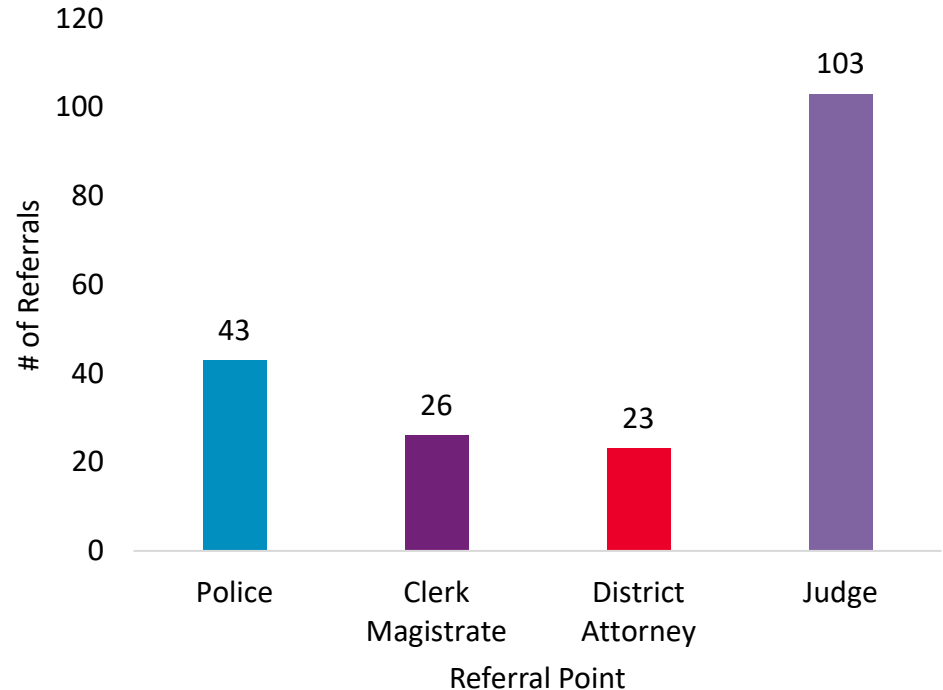
- 1. Expands the role & function of the Family Resource Centers** to support more children & families outside of the court process
  - Modifies FRC enabling statute
  - Create structure at FRCs to support Multi-disciplinary Review Teams to address needs and prevent need for CRA filings
  - Would require additional funding to implement
- 2. Changes the Juvenile Court CRA filing process** to ensure the court is a true “last resort”
  - Probation officer must determine that community-based options have been exhausted by a petitioner *prior* to the filing of a CRA
- 3. Raises the lower age of Juvenile Court jurisdiction for CRA filings** from 6 to 12

# Massachusetts Youth Diversion Program (MYDP) Update



- The MYDP has **expanded to two more counties (Plymouth and Hampden)**. Anticipating early summer RFR to expand to additional counties.
- **Adding additional staff at the Worcester site** to meet the increasing demand
- Have enrolled **151** participants to date with **77** of those youth successfully completing the program and 66 currently on track to complete the program in the coming weeks and months
- **Data tracking** and course correction has happened throughout process; formal **evaluation** set to begin in FY24

Referrals by Referral Point  
(As of 4/12/2023)



# The Center on Child Wellbeing and Trauma (CCWT)

- Major active projects currently underway include:
  - Working with cohorts of DCF-funded congregate care programs
  - Professional learning community series with DHCD-funded family shelter programs
  - Partnership with DYS to support implementation of trauma specialist program
  - Partnership with DTA on projects related to young parenting programs and secondary traumatic stress in workforce
  - Ongoing work with Family Resource Center cohorts
  - Ongoing work with cohort of schools/districts
  - Working with 6 community based teams through Coaching Academy on Resilience and Trauma (CART) to support local resilience projects

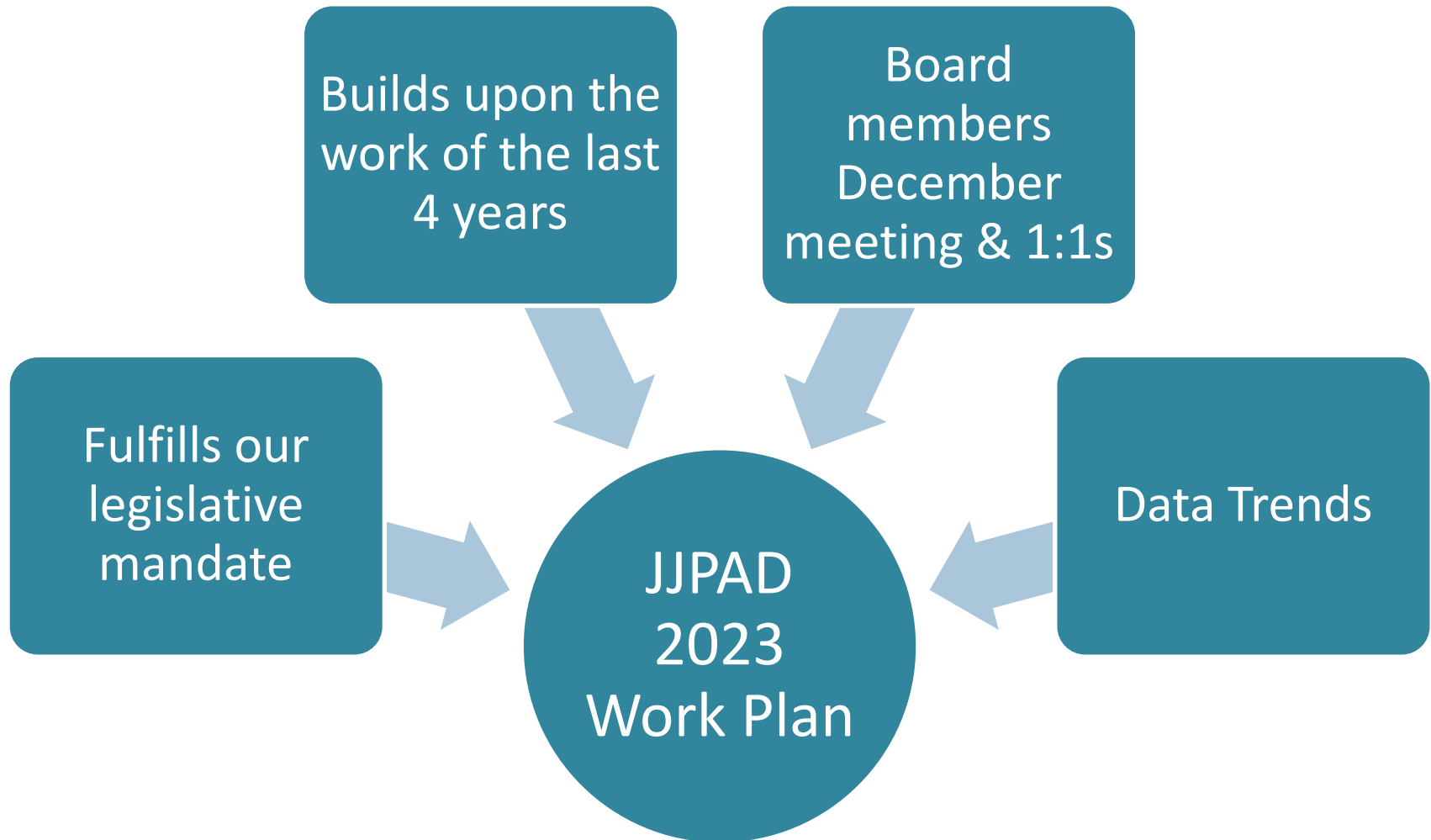
# JJPAD Proposed 2023 Work Plan

# 2023 Proposed Work Plan Outline

1. The Process & How We Got Here
2. 2023 Proposed Work Plan:
  - New Initiatives
  - Continued Oversight and Monitoring



# Proposed Work Plan: How We Got Here



# JJPAD Board Mandate

## Reporting Requirements

1

the impact of any statutory change that expands or alters the jurisdiction or functioning of the juvenile court,

2

any statutory changes concerning the juvenile justice system that the board recommends

3

an analysis of the capacities and limitations of the data systems used to collect and report state and local juvenile caseload and outcome data

4

the quality and accessibility of diversion programs available to juveniles;

5

an assessment of the system of community-based services for children and juveniles who are under the supervision, care or custody of the department of youth services or the juvenile court



6

an assessment of the number of juveniles who, after being or while under the supervision or custody of the department of children and families, are adjudicated delinquent or as a youthful offender;



7

an assessment of the overlap between the juvenile justice system and the mental health care system for children.

# JJPAD Board Mandate

## Reporting Requirements

5

an assessment of the system of community-based services for children and juveniles who are under the supervision, care or custody of the department of youth services or the juvenile court

6

an assessment of the number of juveniles who, after being or while under the supervision or custody of the department of children and families, are adjudicated delinquent or as a youthful offender;

# JJPAD Board 2022 Meetings & OCA 1:1s



An assessment of the  
pretrial phase



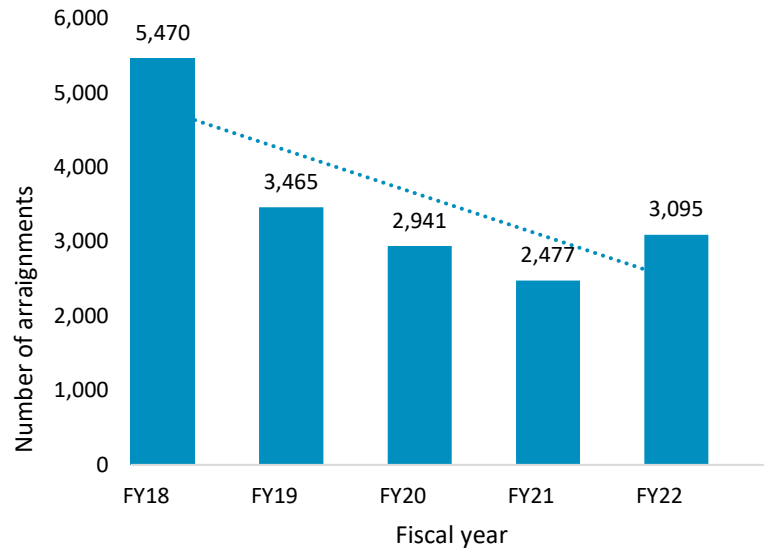
Preventing “crossover”  
from the child welfare to  
juvenile justice system

An assessment of  
restorative justice  
programming across the  
state

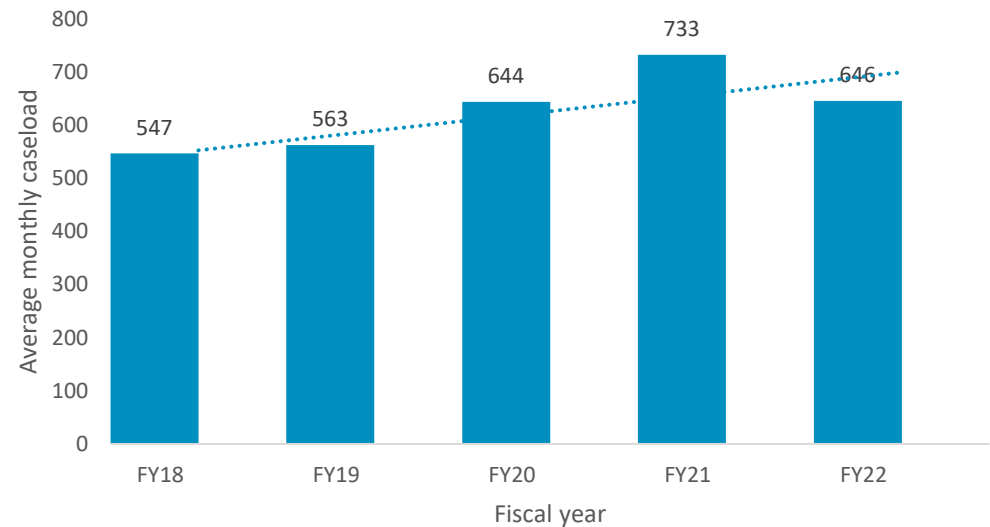
Addressing student needs  
and school-based  
discipline/arrests

# Pre-trial Data Trends (FY18-FY22): An Increase in DH and PTP

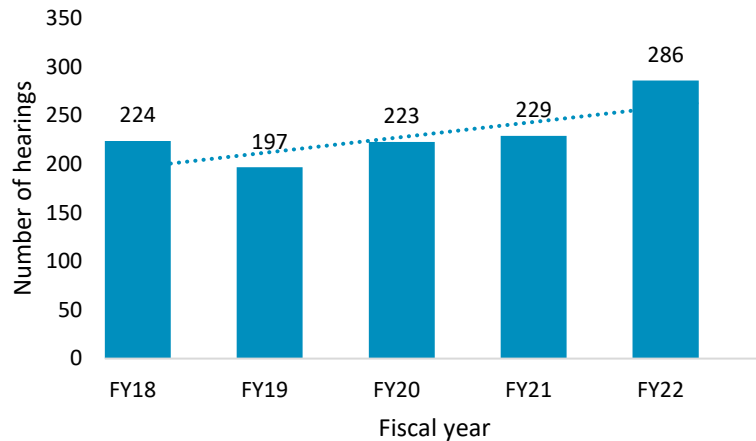
*Arraignments (FY18-FY22)*



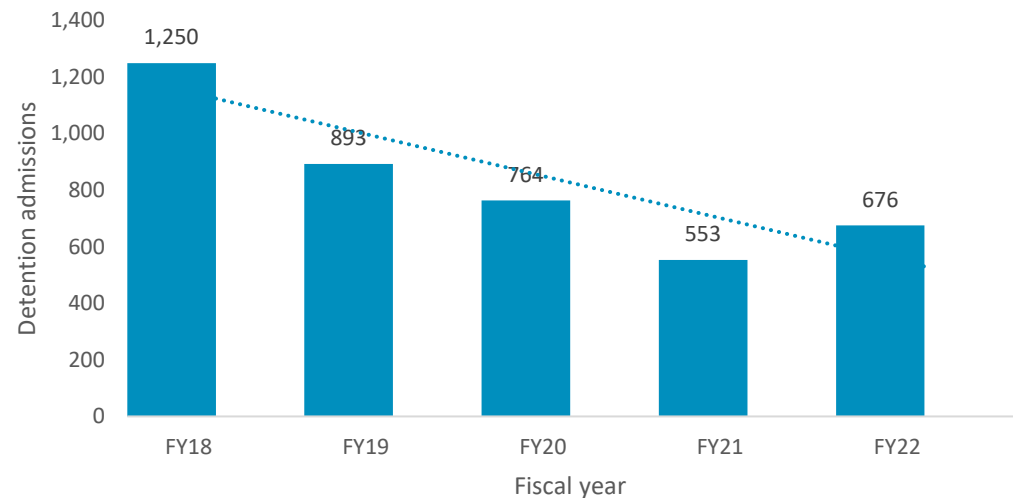
*Average monthly pretrial supervision caseload (FY18-FY22)*



*Dangerousness hearings (FY18-FY22)*



*Detention admissions (FY18-FY22)*



# Juvenile Pretrial Phase: JJPAD Leg. Mandate

## Mandate

- an assessment of the system of community-based services for children who are under the supervision, care or custody of the department of youth services or the juvenile court

## Goal

- Make recommendations to improve our system's pretrial phase
- Identify cohorts of youth that may benefit from being served in the community vs. detention
- Make recommendations to improve pre-trial community-based supports for youth

# Juvenile Pretrial Phase: Research Process

## Research Questions from Members

- What are the characteristics of youth who are detained pretrial? Can any youth be served in the community and what would be needed for that to happen?
- Are dangerous hearings increasing as a result of *Brangan* (2017)?
- Is PTP and/or use of home confinement increasing as a result of detention declining?
- What is preventing more youth from being diverted instead of PTP'd?
- How is GPS used pretrial?
- To what degree are conditions set for accessing services vs. supervision for court appearances?
- Do JJ practitioners know the full array of pretrial service options available in their county?

## Possible Methodologies

- Data analysis (DYS/Juvenile Court/Probation)
- Interviews/surveys of attorneys, judges, probation officers, and caseworkers
- National landscape review in what other states are doing re: pretrial detention vs. probation; bail; conditions

# Discussion Questions

- What other research questions would you add re: Massachusetts' pretrial phase?
- Are the right people in the (CBI) room? Who else needs to be at the table?
- Any other thoughts on the topic?

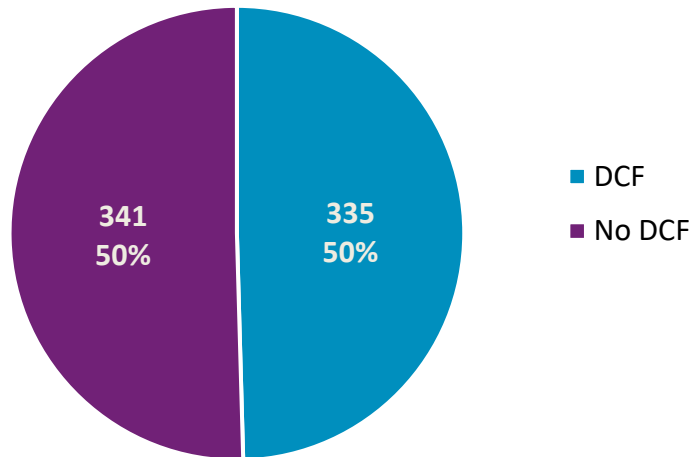
## Research Questions from Members

- What are the characteristics of youth who are detained pretrial? Can any youth be served in the community and what would be needed for that to happen?
- Are dangerous hearings increasing as a result of Brangan (2017)?
- Is PTP (specifically home confinement) increasing as a result of detention declining?
- What is preventing more youth from being diverted instead of PTP'd?
- How is GPS used pretrial?
- To what degree are conditions set for accessing services vs. supervision for court appearances?
- Do JJ practitioners know the full array of pretrial service options available in their county?

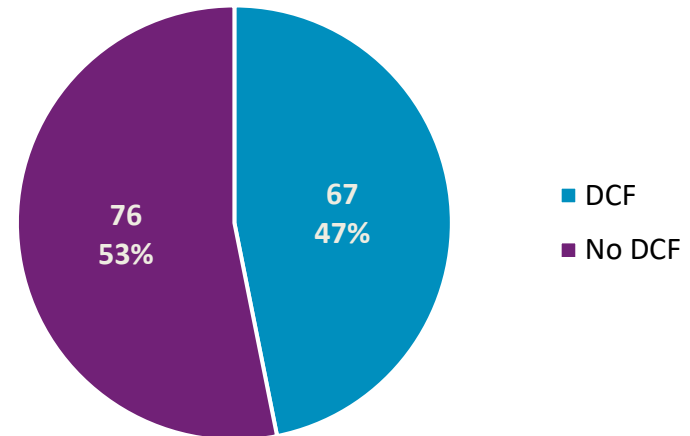


# Crossover Youth: The (Big Picture) Data

FY22 Detention Admissions by DCF  
Involvement (N=676)



FY22 First-time commitments by DCF  
Involvement (N=143)



For comparison, about 2% (n=335) of youth (12-17 years old) involved with DCF in FY22 were detained pretrial, compared to about 0.07% of Massachusetts' youth population with a detention admission who did not have DCF involvement (about 459,568).

# Crossover Youth: JJPAD Leg. Mandate

## Mandate

- an assessment of the number of juveniles who, after being or while under the supervision or custody of the department of children and families, are adjudicated delinquent or as a youthful offender;

## Goal

- Make recommendations to improve supports/service models for youth to prevent crossover or reduce harm
- Identify cohorts of youth that may benefit from being served in the community vs. detention
- Make recommendations to improve community-based supports/service models for youth at risk of crossover

# Crossover Youth: Research Process

## Research Questions from Members

- Are there commonalities in the circumstances surrounding an arrest for youth involved with DCF? If so, what are those commonalities?
- Are any of these youth good candidates for diversion? What diversion services would be needed to meet the needs of this population?
- What practices are contributing to crossover?
- What policies can help prevent crossover?

## Possible Methodologies

- Data analysis (DCF+DYS, Juvenile Court)
- Case file review
- Interviews with police, attorneys, judges, probation officers and DYS/DCF caseworkers
- National landscape review

# Discussion Questions

- What other research questions would you add re: crossover youth?
- Are the right people in the (JJPAD/Data/CBI/CTTF) rooms? Who else needs to be at the table?
- Any other thoughts on the topic?

## Research Questions from Members

- Are there commonalities in the circumstances surrounding an arrest and pretrial detention admission (first time commitments) for youth involved with DCF? If so, what are those commonalities?
- Are any of these youth good candidates for diversion? What diversion services would be needed to meet the needs of this population?
- What practices are contributing to crossover?
- What policies can help prevent crossover?

# Continued Functions & Oversight of Prior Projects

2023

Monitor the  
implementation  
of any new  
legislation  
passed

Submit FY23  
data as part of  
the JJPAD Annual  
Report and  
update the  
Juvenile Justice  
Website

Monitor the  
MYDP's  
continued  
expansion

Advisory role  
with the Center  
on Childhood  
Trauma and  
Wellbeing

Continued  
education and  
outreach re: the  
Board's RED  
Brief

# Subcommittee Work Plans

# Data Subcommittee

Summer

- Work plan presentation
- Methodology discussion: pretrial phase and crossover youth

Fall

- FY23 Data Analysis
- Pretrial and Crossover youth data to date

Winter

- 2023 Annual Report Data Review

# CBI Subcommittee

## Summer

- CRA implementation update
- Work plan presentation
- High-level data presentation and group discussion re: pretrial phase and crossover youth
- Diversion Impact Report Presentation

## Early Fall

- Findings from crossover youth/pretrial interviews
- MYDP Update

## Late Fall

- Findings from crossover youth/pretrial interviews
- MYDP Update

## Winter

- Ongoing discussion on projects
- MYDP Update



# Childhood Trauma Task Force

Spring

- Center on Child Wellbeing and Trauma update
- CTTF Work Plan presentation & discussion

Summer

- CTTF project updates

Fall

- Center on Child Wellbeing and Trauma update
- CTTF project updates

# Full Board

Fall

- Findings from crossover youth/pretrial interviews
- Subcommittee report outs

December

- Review and discuss FY23 Annual Report
- Subcommittee report outs

# Board Member Updates

# Justice by Geography Presentation: Citizens for Juvenile Justice

Report can be found at:

<https://www.cfjj.org/justice-by-geography>



**Citizens  
for  
Juvenile  
Justice**

# **Citizens for Juvenile Justice: Justice by Geography**

**Differential Treatment of Youth by Locality at Juvenile Legal  
System Decision Points**

**Leon Smith and Sarah Shepley  
Juvenile Justice Policy & Data Board  
May 10, 2023**

# Presentation Overview

Introduction

Decision Point 1: Applications for Complaint

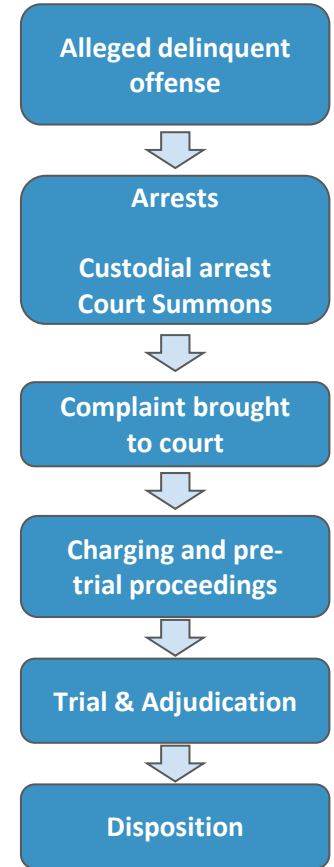
Decision Point 2: Pretrial Proceedings

Decision Point 3: Adjudications

Decision Point 4: Dispositions

Youthful Offenders

Questions



# Uneven policing drive geographic and racial disparities

Black youth are **4x** more likely than white youth to experience a custodial arrest

Latine youth are **3x** more likely to experience a custodial arrest

**Figure 2:**  
*FY21 RED at the "Front Door"*

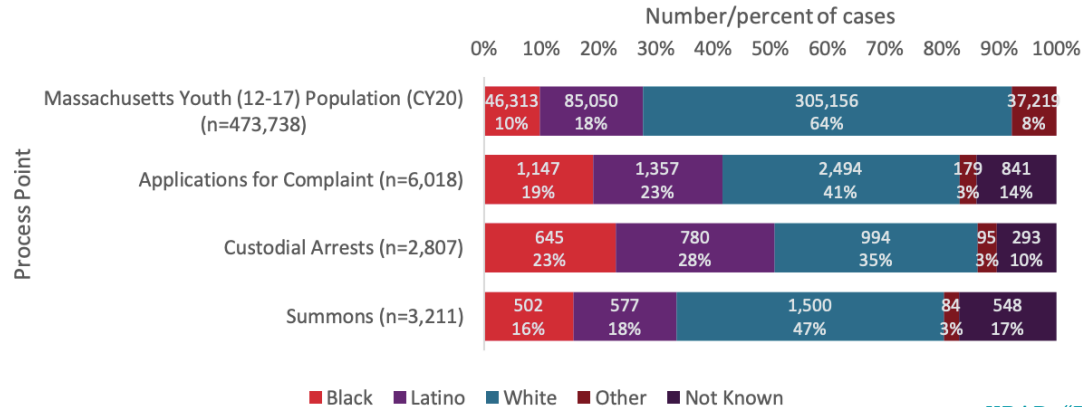


Image Source: 2022 JJPAD Annual Report.

[JJPAD, "Racial and Ethnic Disparities at the Front Door of Massachusetts' Juvenile Justice System." \(November 2022\).](#)

# Disparate Policing within Municipalities

Youth of color bear the brunt of frequent stops and interrogations by the New Bedford Police Department. See [We are the Prey](#)

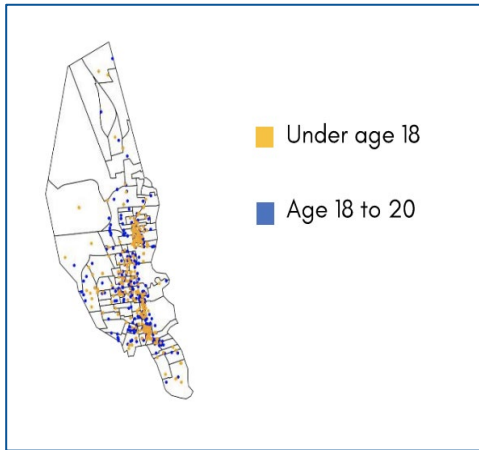


Figure 1. Locations of Field Incident Reports involving youth aged 20 and younger

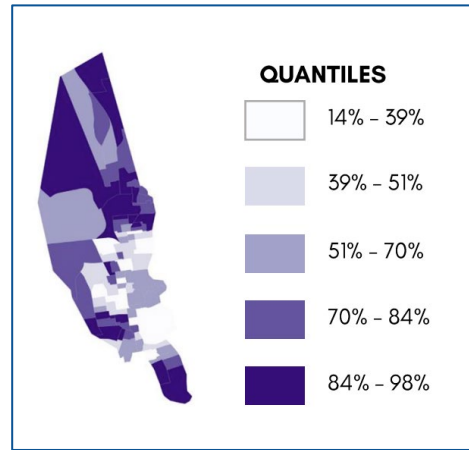


Figure 2. Map of New Bedford percent White Population

Traffic stops in Boston are concentrated in Dorchester and Roxbury, neighborhoods with a relatively large proportion of Black residents. See [Too Blue](#)

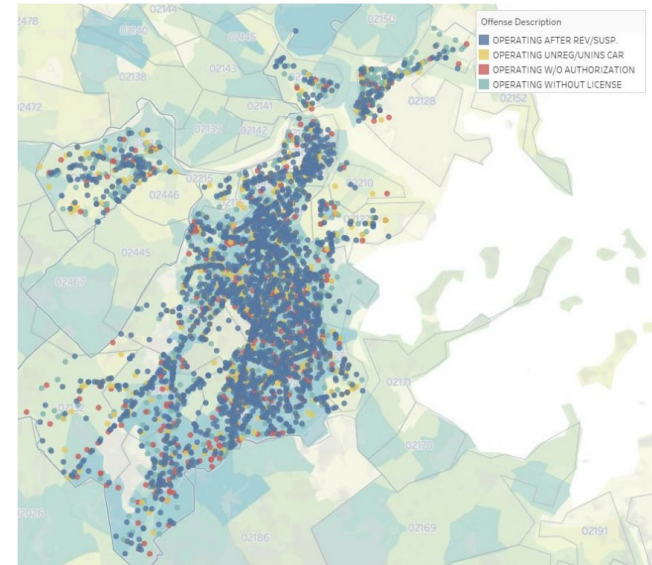
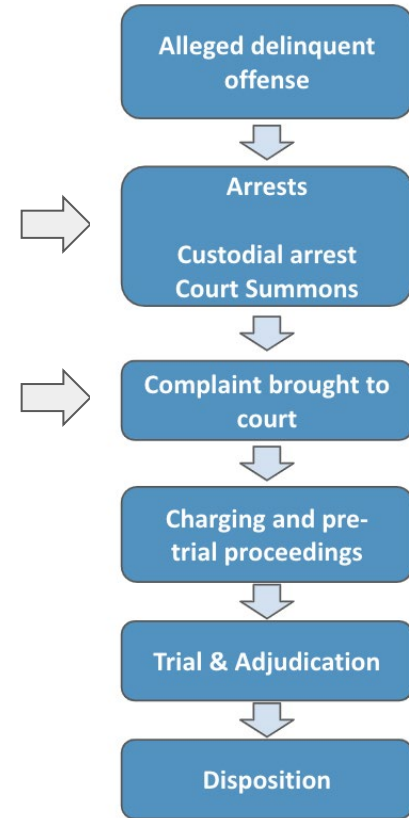


Figure 3. Map of 2019 motor and vehicle incidents by BPD which are often the result of pretextual traffic stops.



# Decision Point 1: Applications for Complaint

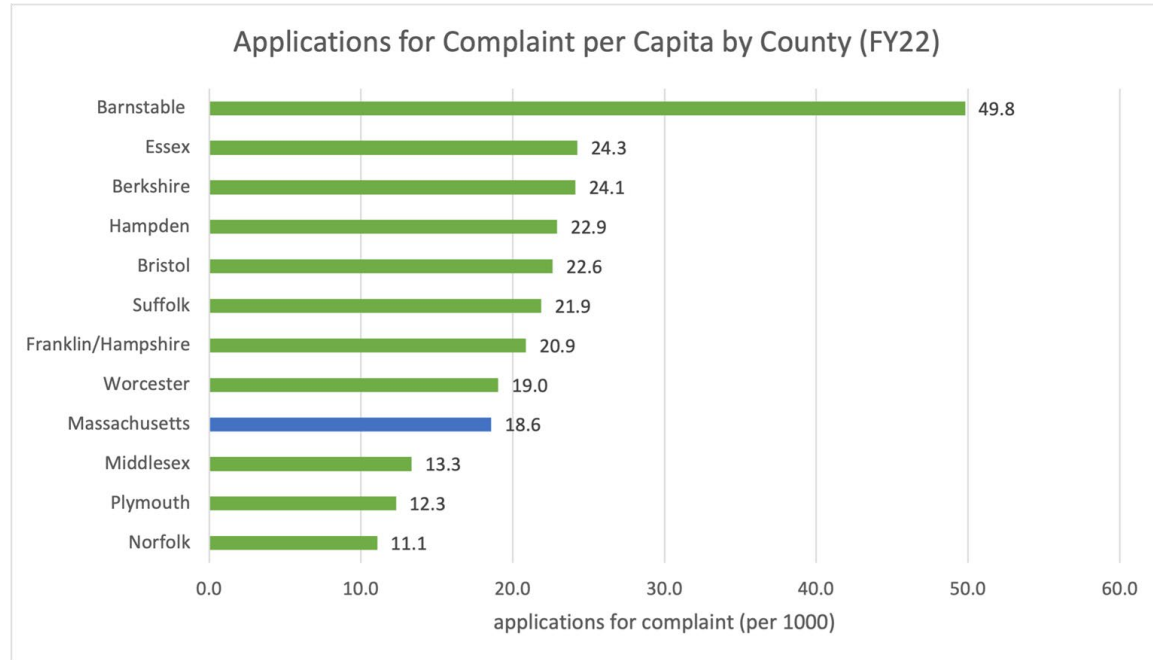


Finding 1a: Barnstable court district has the highest per capita rate of applications for complaint entering its juvenile court.

*Decision Maker: Police*

**Outliers: Barnstable County, Essex County**

Essex is the second leading county in applications for complaint per capita at a rate **1.3x** higher than the State average



## Key Question:

### What is driving Barnstable and Essex's rate of applications for complaint?

#### In Barnstable County system actors reported....

Barriers to accessing community alternatives:

- capacity
- family engagement
- transportation

Gaps in diversion offerings:

- substance use treatment
- vocational training,
- mentoring services for youth.

*Without these types of alternative options to formal system involvement, police officers may feel that they have no other choice than to send a youth into the juvenile legal system.*

JJPAD, "Community Based Interventions Referrer Survey Results Brief," (December 2019).

Finding 1b. Youth in Hampden and Suffolk counties experience the highest rates of applications initiated through an arrest.

*Decision Maker: Police*

## Outliers: Hampden County, Suffolk County

**43.5%** of juvenile applications for complaint in the Commonwealth were initiated through an arrest in FY22:

**In Hampden:** 69.3% were arrest-based

- 91% of school disturbance/public order complaints initiated via arrest

**In Suffolk:** 66.7% were arrest-based

|                                    | Barnstable | Berkshire | Bristol | Essex | Franklin/<br>Hampshire | Hampden | Middlesex | Norfolk | Plymouth | Suffolk | Worcester | Grand<br>Total |
|------------------------------------|------------|-----------|---------|-------|------------------------|---------|-----------|---------|----------|---------|-----------|----------------|
| Alcohol                            | 10.0%      | 75.0%     |         | 2.0%  | 26.7%                  | 62.5%   | 4.8%      | 0.0%    | 0.0%     | 40.0%   | 17.6%     | 11.7%          |
| Drug                               | 42.9%      | 100.0%    | 56.3%   | 58.3% | 22.2%                  | 60.0%   | 23.3%     | 16.7%   | 50.0%    | 62.5%   | 41.7%     | 42.1%          |
| Motor<br>Vehicle                   | 9.5%       | 47.8%     | 9.1%    | 9.8%  | 20.0%                  | 68.7%   | 10.7%     | 8.6%    | 12.5%    | 26.6%   | 9.6%      | 17.4%          |
| Person                             | 35.2%      | 41.7%     | 45.2%   | 43.9% | 44.3%                  | 58.1%   | 43.8%     | 34.3%   | 51.9%    | 76.7%   | 44.4%     | 48.2%          |
| Property                           | 37.0%      | 39.0%     | 41.9%   | 49.5% | 49.2%                  | 85.3%   | 45.6%     | 40.0%   | 56.7%    | 57.2%   | 37.3%     | 48.7%          |
| School<br>Disturb/<br>Public Order | 36.4%      | 25.0%     | 51.5%   | 65.5% | 60.0%                  | 91.4%   | 65.2%     | 30.0%   | 39.1%    | 60.0%   | 54.1%     | 57.4%          |
| Weapon                             | 40.6%      | 55.6%     | 51.9%   | 30.9% | 72.7%                  | 89.3%   | 51.8%     | 41.2%   | 41.7%    | 88.2%   | 68.4%     | 59.8%          |
| Other / Not<br>Available           | 26.9%      | 30.0%     | 47.9%   | 23.0% | 55.6%                  | 64.3%   | 20.6%     | 41.7%   | 23.1%    | 46.9%   | 35.4%     | 34.6%          |
| Grand Total                        | 30.4%      | 42.9%     | 40.9%   | 37.3% | 42.5%                  | 69.3%   | 37.5%     | 33.3%   | 42.2%    | 66.7%   | 37.4%     | 43.5%          |

## Arrests v. Summons

A summons is the preferred method for bringing youth to court unless there is reason to believe they will not appear upon a summons.

### Key Question:

**Are the arrest data from Suffolk and Hampden Counties more indicative of policing practices or of the types of behavior that youth are engaging in?**

**Hampden** and **Suffolk** Counties exhibited high arrest rates for several offense types, *including many nonviolent offenses*

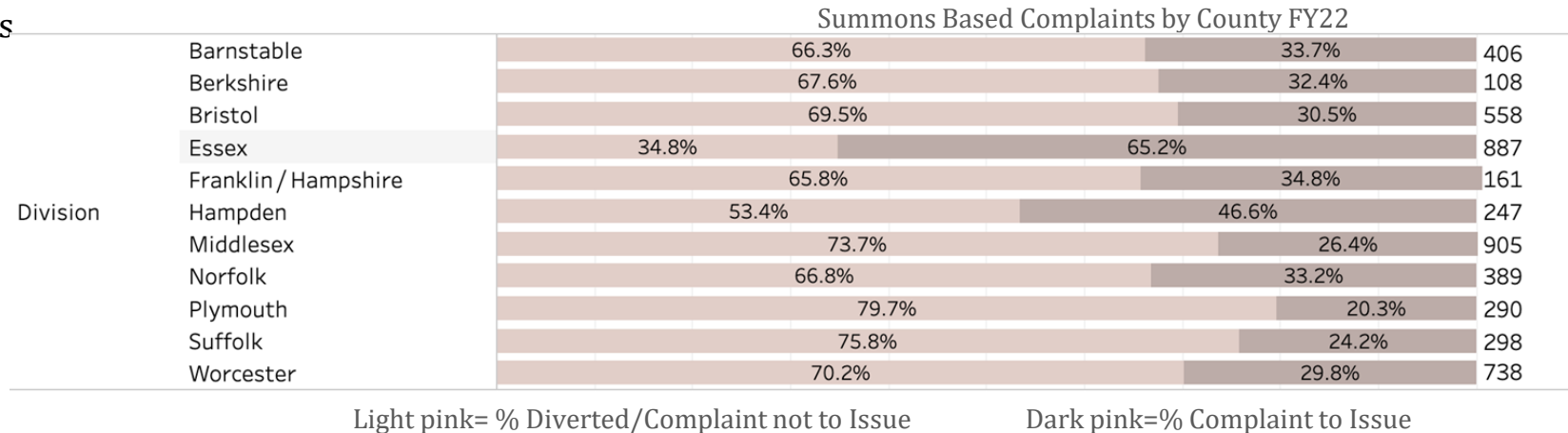
**Next steps for future research:** A more pixelated view could also identify specific police departments that are driving these higher proportions of applications for complaint initiated through a custodial arrest.

Finding 1c. Clerk magistrates in Essex County issue complaints based on a summons at a significantly higher rate than any other county in the Commonwealth.

*Decision Maker: Clerk Magistrate*

## Outliers: Essex County; Hampden County

Essex's rate (65.2%) is nearly twice the Commonwealth average (36.3%) of summons that are issued as delinquency complaints

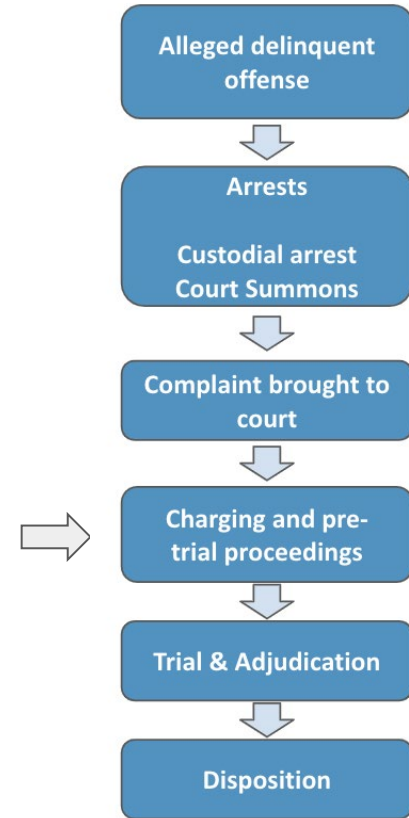


### Key Question:

**Why are Essex County clerk magistrates issuing delinquency complaints more frequently than in other counties rather than dismissing or diverting?**

- Essex County District Attorney's office has a long-standing juvenile diversion program, yet the county still maintains a high rate of issued complaints.
- The Essex County Juvenile Clerk Magistrate has *declined* to participate in the Statewide juvenile diversion pilot that is now operating in the county.
- Fewer youth are being diverted by the clerk magistrate than elsewhere in the Commonwealth, resulting in more youth entering for formal juvenile court process

## Decision Point 2: Pretrial Proceedings

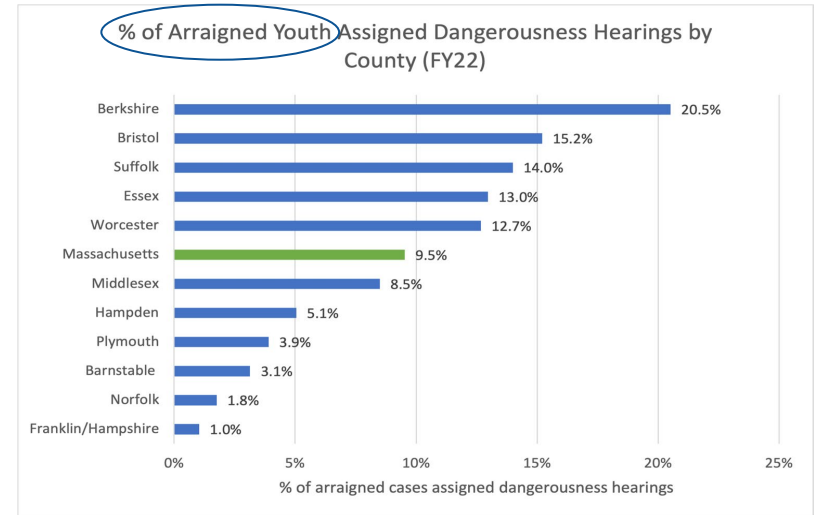
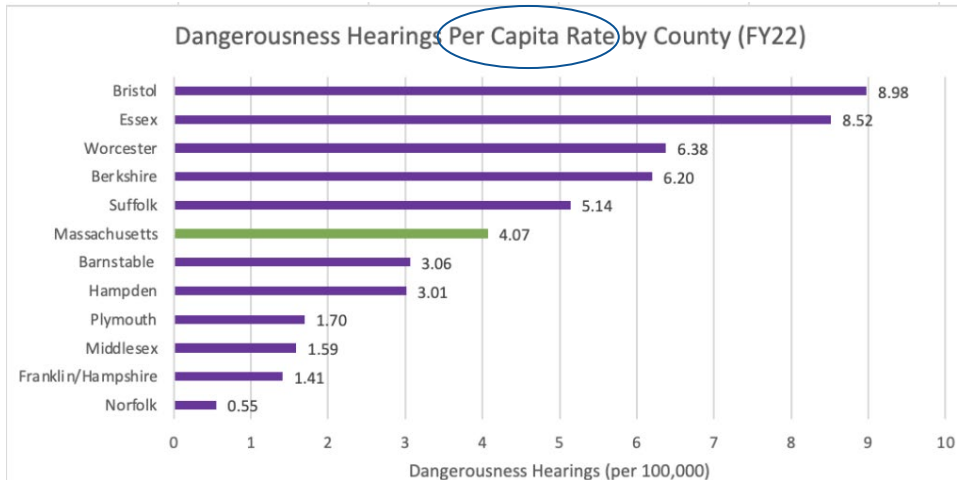




**Finding 2a. District Attorneys in Berkshire, Bristol and Essex juvenile courts are requesting dangerousness hearings for arraigned youth at higher rates than in other juvenile courts.**

**Decision Maker: District Attorney**

**Outliers: Berkshire County, Bristol County, and Essex County**

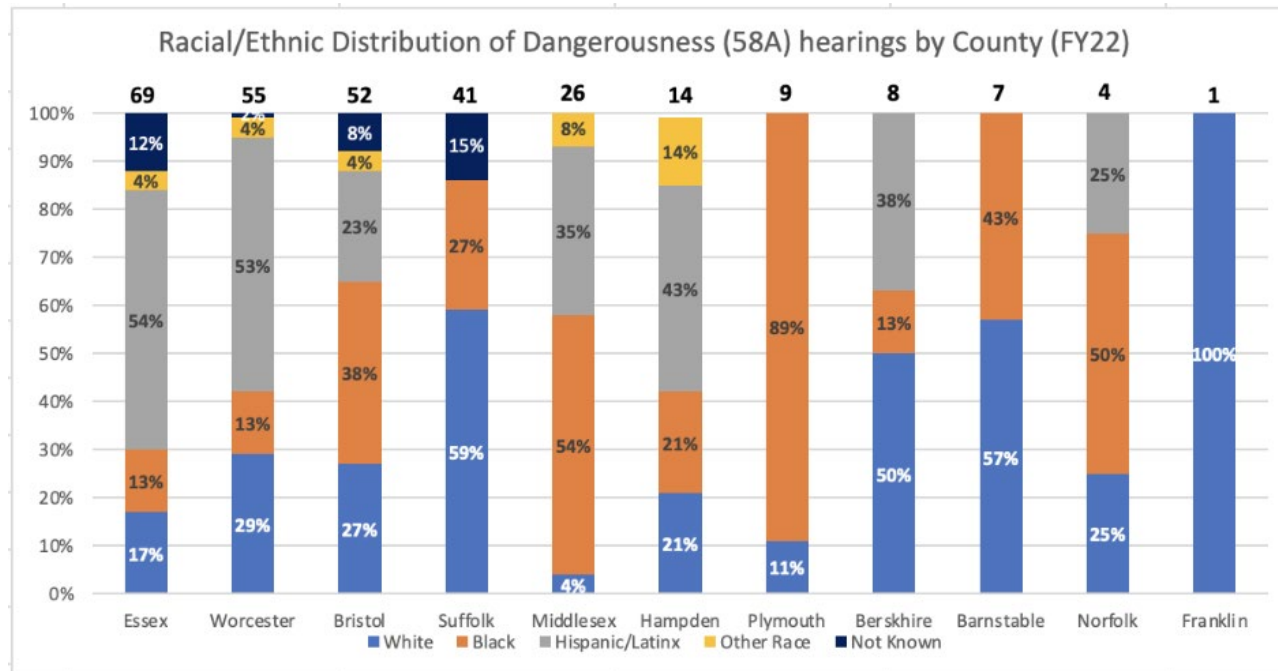


Berkshire's rate of 20.5% of arraigned youth assigned dangerousness hearings is 20 times higher than the rate in nearby Franklin/Hampshire counties.

## Racial and Ethnic Disparities in Dangerousness (58A) Hearings

In 8 out of 11 counties, Black and Latine youth made up over 50% of dangerousness hearings in FY22, despite making up just 28% of the Massachusetts youth population.

[Center for Court Innovation, “Gotta Make your Own Heaven’: Guns, Safety, and the Edge of Adulthood in New York City.” \(2020\).](#)



### Key Question:

**Why are Berkshire, Essex, and Bristol DAs holding dangerousness hearings at twice the state average?**

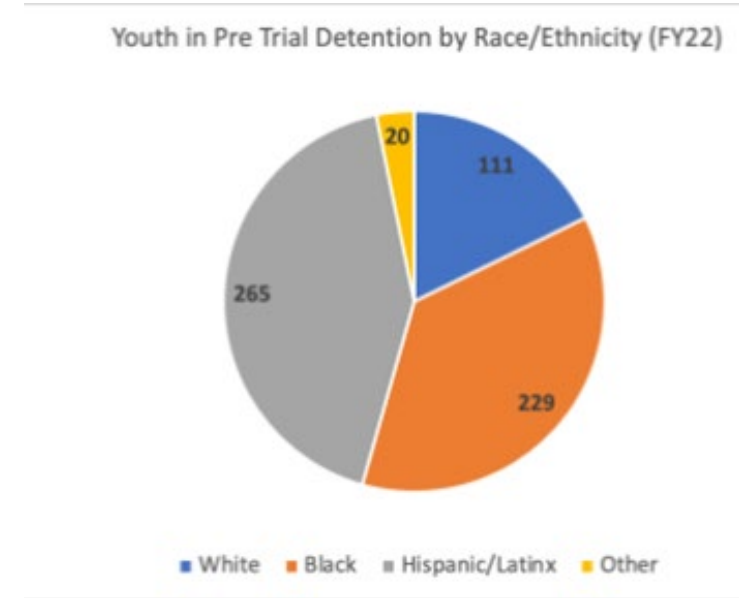
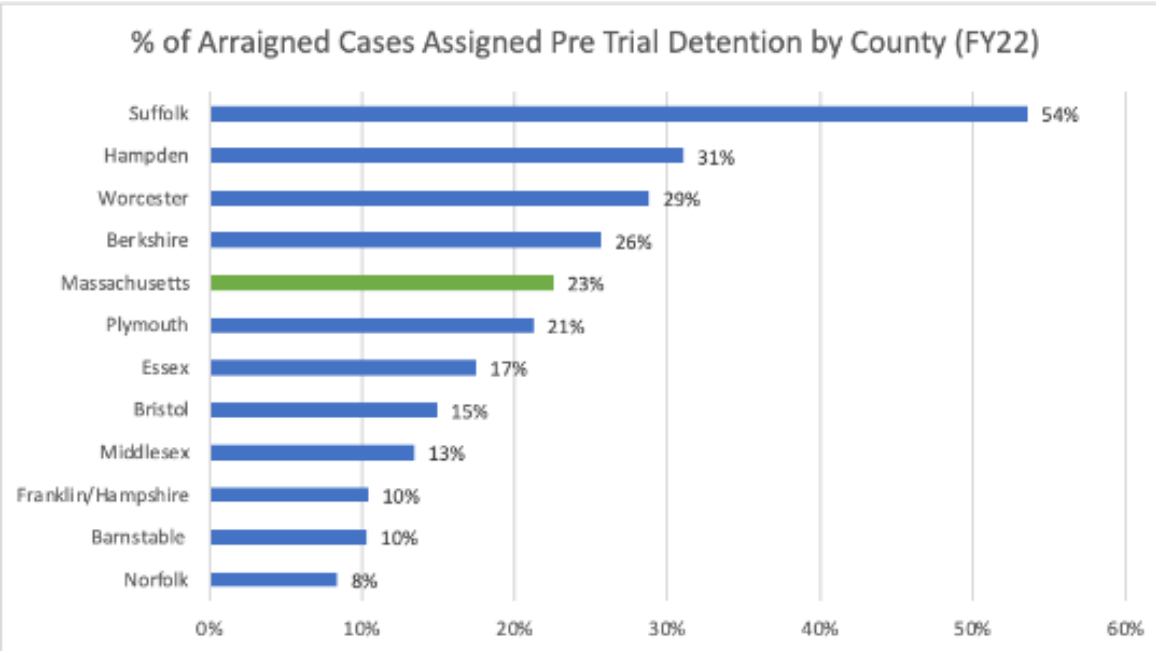
There are three counties (**Essex, Worcester, Barnstable**) that move for dangerousness hearings for *misdemeanors offenses*.

**Future research question:** Are similarly situated white youth being subjected to dangerousness hearings at a lower rate than youth of color?

## Finding 2b. Suffolk County judges detain over half of their arraigned youth pretrial.

*Decision Maker: Police, District Attorney, Judge*

### Outlier: Suffolk County



The chart above displays statewide percentages

### Key Question:

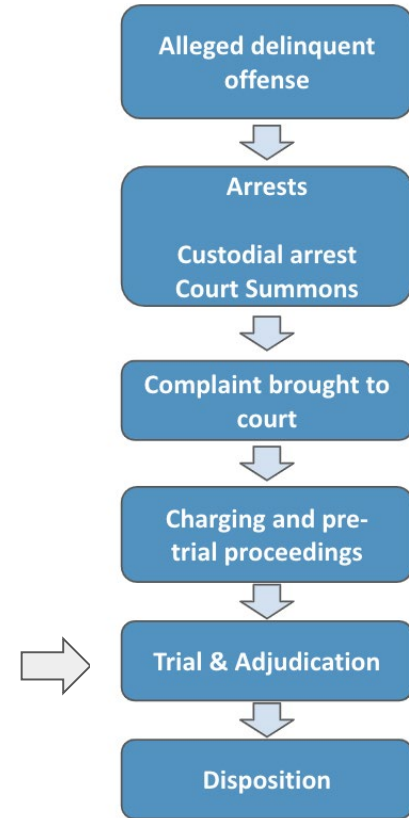
**Is Suffolk's pre-trial detention rate driven by prosecutorial and judicial discretion or by the nature of the arraigned cases?**

**Suffolk** and **Hampden** have similar arrest rates, yet Suffolk's rate of pre-trial detention surpasses Hampden's.

Are ADAs and judges in Suffolk driving pre-trial rates for youth or are the cases entering Suffolk's juvenile court more serious in nature?

**Next steps for future research:** We encourage future research into local judges' use of discretion in decision making and the degree to which it is responsible for these deep disparities in pre-trial outcomes.

## Decision Point 3: Adjudications



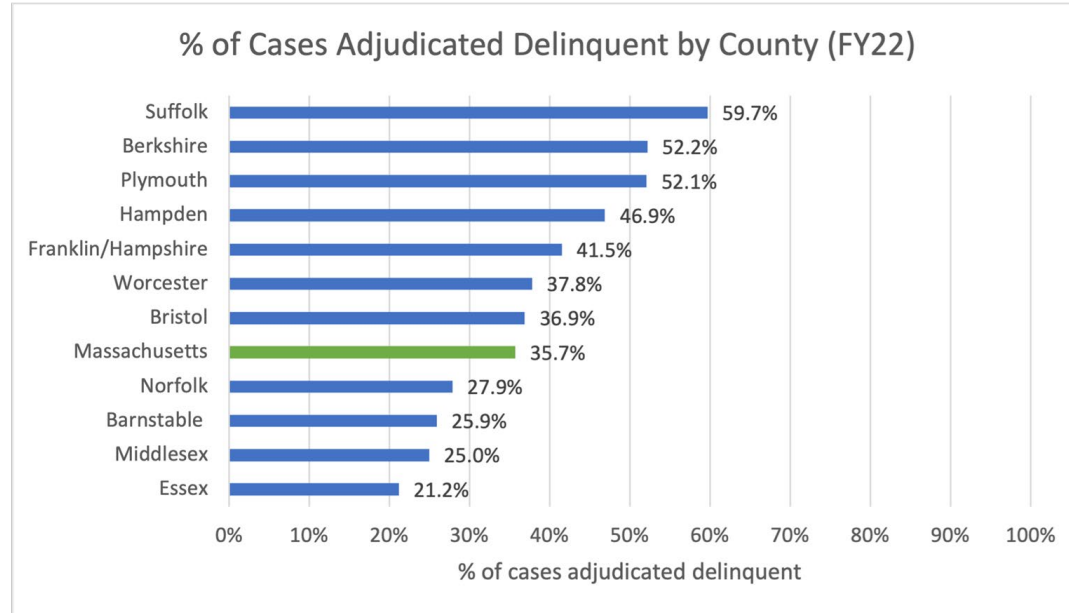
Finding 3. Suffolk County has the highest rate of delinquent adjudications among Massachusetts counties, while Essex has the lowest.

*Decision Maker: Judge*

## Outliers: Suffolk County – Essex County

In FY22, Suffolk judges adjudicated 59% of delinquency cases that proceeded to plea or trial “delinquent.”

Diversion opportunities are missed at earlier decision points in *Essex County*. **Juvenile court judges dismiss or divert cases that may not have even reached the adjudication stage in other counties.**



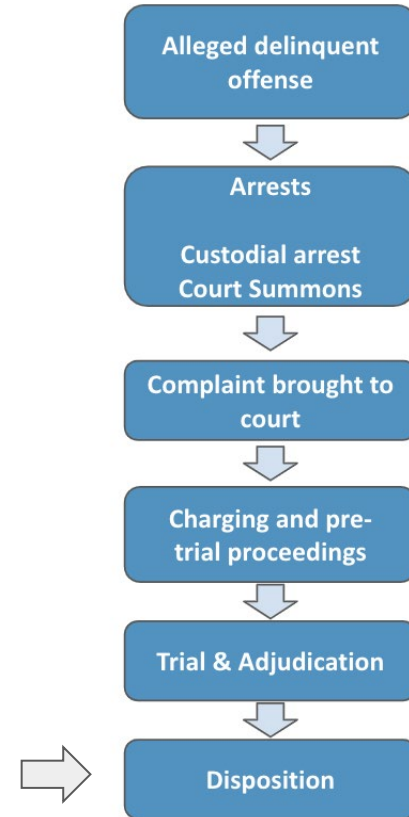
### Key Question:

**What do delinquent adjudication rates reveal about diversion practices in Suffolk and Essex?**

**Next steps for future research:** An examination of diversion standards as well as prosecutorial and judicial attitudes towards diversion, particularly in light of new diversion programming being piloted in five counties.



## Decision Point 4: Dispositions



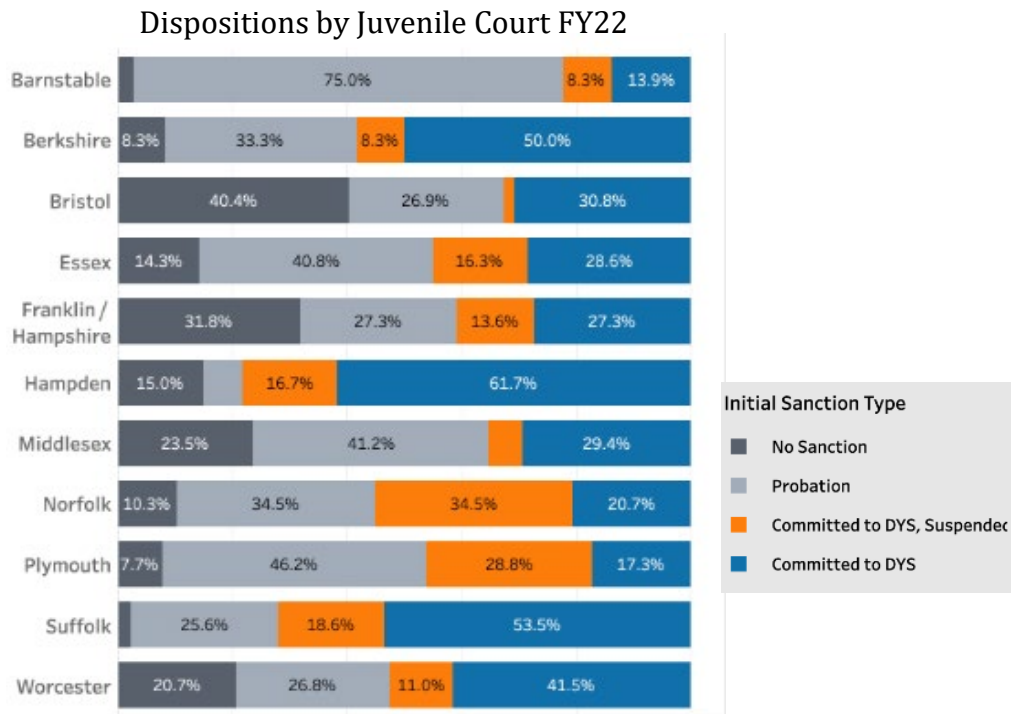
Finding 4. More than half of youth adjudicated “delinquent” in Hampden County are committed to DYS, while youth in Barnstable County receive risk-need probation at higher rates than youth in other court counties.

*Decision Maker: Judge*

**Outliers: Hampden County, Barnstable County**

**Hampden:** 61.7% of youth adjudicated delinquent were committed to DYS in FY22. This is 2 times higher than the statewide rate.

**By contrast, Barnstable:** 75% of youth adjudicated delinquent were given probation as an initial sanction in FY22.



### **Key Question:**

**What do these differences in adjudication rates tell us about differential policing and differential treatment by juvenile legal system actors?**



# Youthful Offenders

A youthful offender (YO) is a youth between the ages of 14 and 17 who is indicted by a grand jury for committing a felony that carries a state prison sentence as an adult and who:

- 1) has a previous DYS commitment,
- 2) has committed a certain firearms offense, OR
- 3) has committed an offense which involves the infliction or threat of a serious harm.

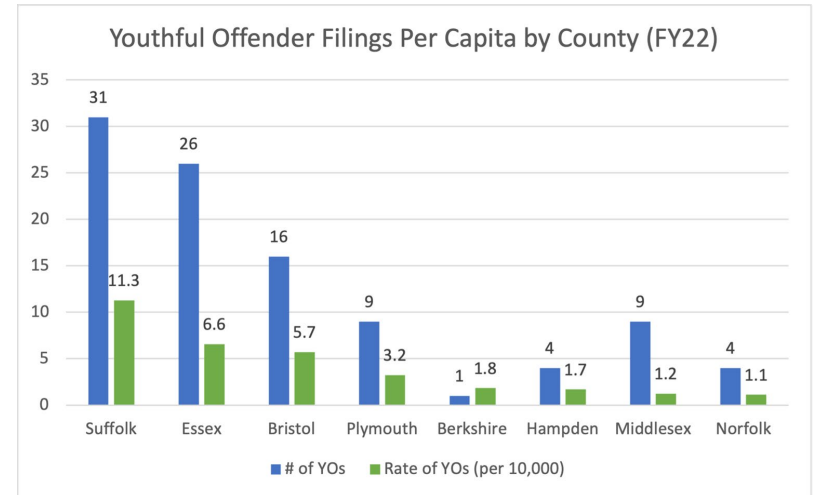
## Finding 5. Suffolk and Essex Counties brought forward the most youthful offender (YO) charges in FY22.

*Decision Maker: District Attorney*

### Outliers: Suffolk County, Essex County

Essex County has the *third* highest population in the Commonwealth, but the *second* highest per capita rate of YO filings (6.6 filings per 10,000 youth).

Suffolk brought forward a higher number of Youthful Offender indictments than any other county *and* saw an increase in YOs between FY21 and FY22.



# Racial Disparities in Youthful Offender Indictments

77-78% of YO Charges are Black youth in **Middlesex, Plymouth, and Suffolk Counties**

Latine youth are 53% of all YO charges in **Essex County**

### Key Question:

**Is the Youthful Offender statute in practice achieving developmentally appropriate outcomes for the children subject to the adult sentences allowed under the statute?**

Opportunity for DA policy and practice change for YO charging, especially with three new District Attorneys elected in 2022.

**Next steps for action:** Research into youthful offender indictments and sanctions that examines:

- District Attorney prosecutorial patterns and judicial sentencing patterns.
- District Attorney decisions to use or forgo a youthful offender indictment when faced with equally chargeable cases between white youth and youth of color.



Citizens for Juvenile Justice (CfJJ) is the only independent, non-profit statewide organization working exclusively to reform and reimagine the juvenile justice and other youth serving systems in Massachusetts. Our mission is to advocate statewide systemic reform to achieve equitable youth justice.

Citizens for Juvenile Justice (CfJJ) es la única organización estatal independiente sin fines de lucro que trabaja exclusivamente para reformar y reimaginar la justicia juvenil y otros sistemas de servicios para jóvenes en Massachusetts. Nuestra misión es abogar por una reforma sistémica en todo el estado para lograr una justicia juvenil equitativa. . . . .



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# Next Meeting Dates:

## Full Board:

*TBD*

*~Early Fall 2023*

| Subcommittee | Standing Time                            | 2023 meeting schedule  |
|--------------|--|--|
| CTTF         | Mondays, 1:00pm-3:00pm                   | June 5, 2023<br>July 31, 2023<br>October 2, 2023<br>December 4, 2023 |
| Data         | 2 <sup>nd</sup> Thursdays, 10:30am-12pm  | TBD  |
| CBI          | 3 <sup>rd</sup> Thursdays, 1:00pm-2:30pm | TBD  |

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

# Contact

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