

# Juvenile Justice Policy and Data Board

Community Based Interventions  
Subcommittee Meeting

June 22, 2023

# Agenda

1. Welcome New Members and Introductions
2. Approval of November Meeting Minutes
3. CRA Legislative Update
4. Review JJPAD 2023 Work Plan
5. Project Discussion: Juvenile Pre-trial Phase & Crossover

Youth

6. 2023 CBI Meetings Outline

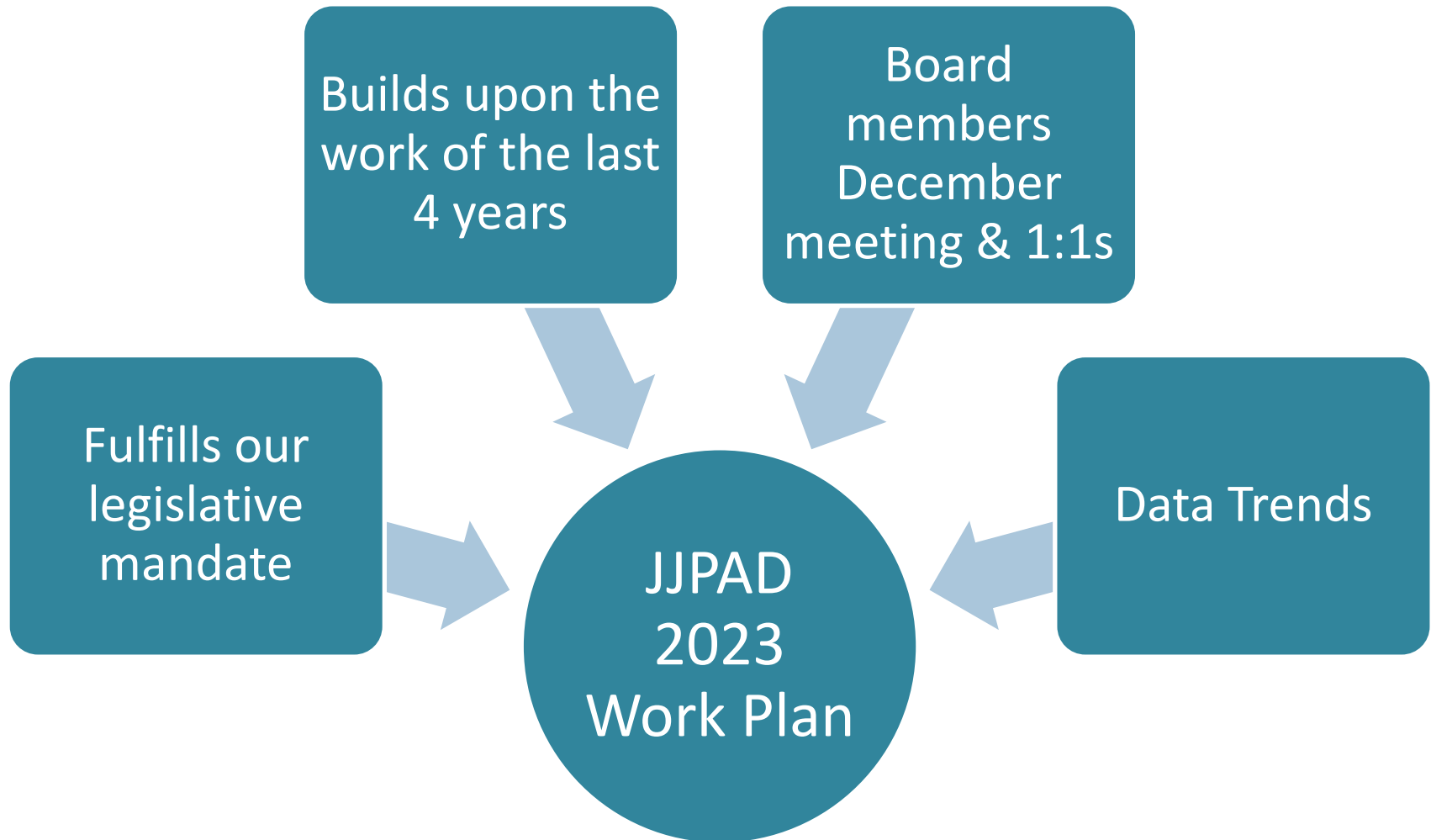
# Legislative Update

## 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

# JJPAD 2023 Work Plan

# Proposed Work Plan: How We Got Here



# 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

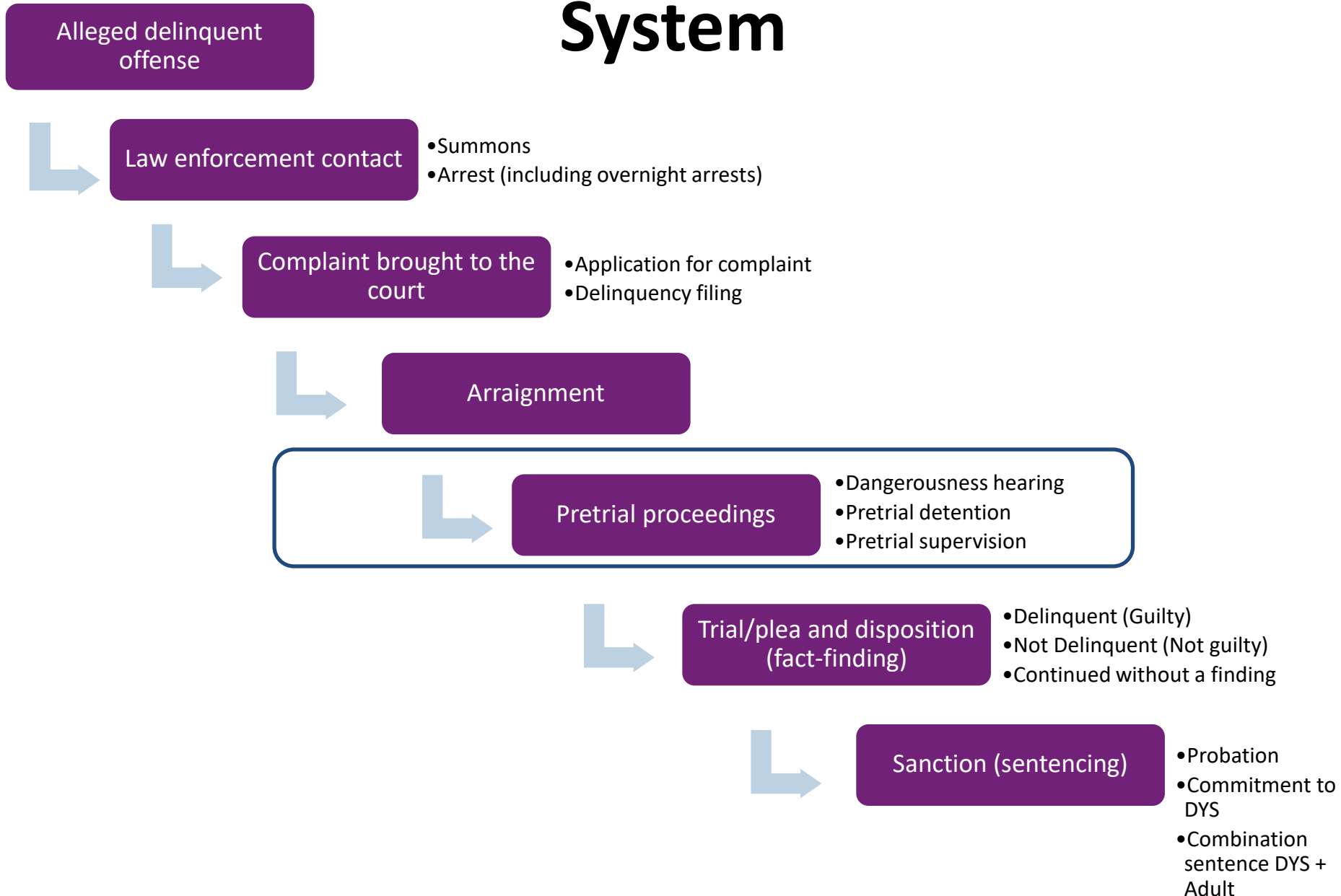
## Research Questions

1. Who remains in pretrial detention? Why are they being held?
2. What interventions/ supports in the community (e.g., pretrial supervision) can be put into place or strengthened to prevent detention?
3. Can any of these youth be diverted pre-arraignment?

## 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

# Studying the Pretrial Phase of the JJ System



# There have been distinct policy and practice changes impacting the pretrial phase of JJ system

Criminal Justice  
Reform Act (2018)

The establishment  
of Massachusetts'  
Probation System  
Pretrial Unit

State SJC Decision  
*Brangan* (2017)

COVID-19 impact,  
specifically court  
delays

JDAI initiative to  
decrease utilization  
of detention (10+  
years)

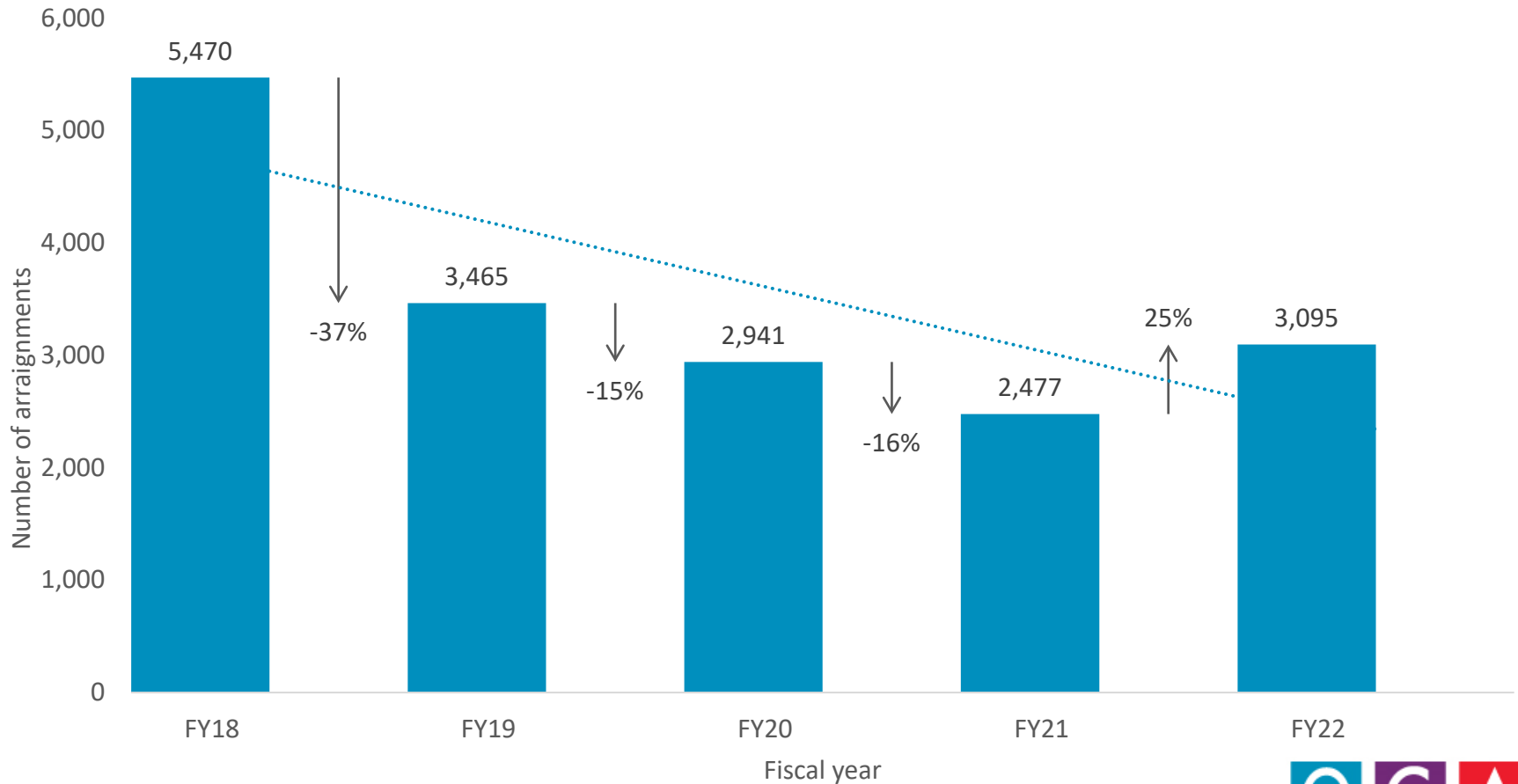


# Data Trends Summary

1. Arraignments have been decreasing, and the youth that are still being arraigned represent a complex group
2. Data shows that detention admissions have been declining for some time. The detention admissions that remain are largely for youth held without bail.
3. Youth held without bail as a result of a 58A hearing accounts for some, but not most, detention admissions.
4. Rather, the majority of youth held without bail are held as a result of violating their pretrial probation conditions or bail conditions of release.

# Arraignments have decreased 43% since FY18

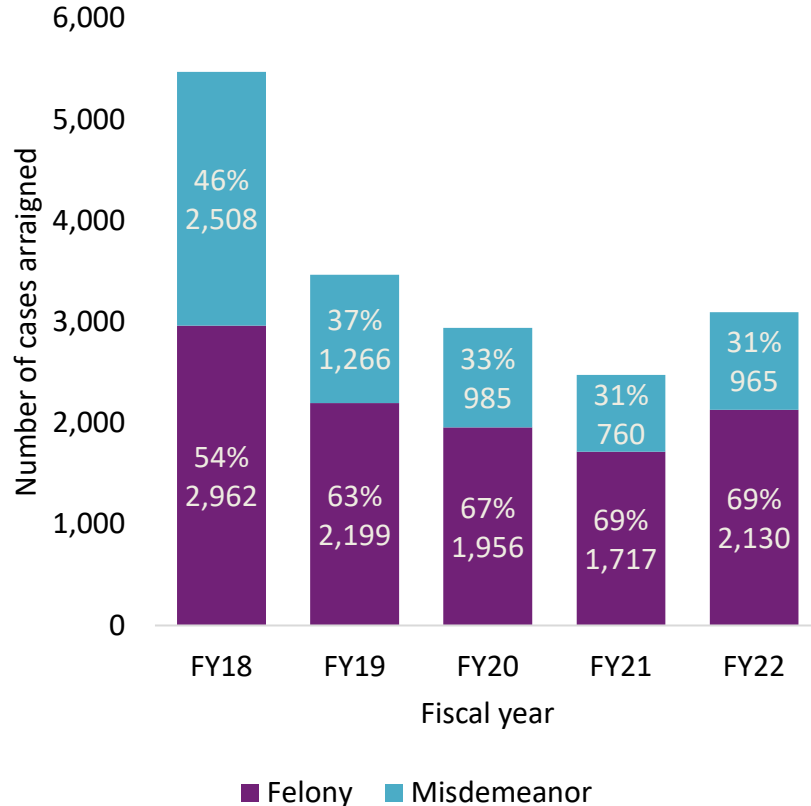
Arraignments (FY18-FY22)



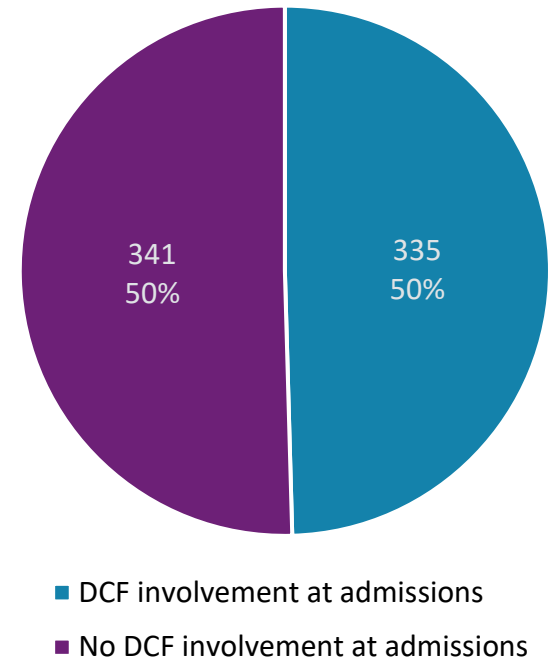
# Yet, data shows the youth still being arraigned represent a complex group...

- A third are arraigned on low-level offenses
- A significant portion of youth detained pretrial have child welfare involvement

Arraignments by offense severity  
(FY18-FY22)



FY22 Detention admissions by DCF  
involvement (n=676)



# ...(cont'd)

- Many youth detained pretrial have (potentially unmet) needs that may be driving delinquency system involvement.

In FY22:

- More than half** of youth detained pretrial had **an individualized education plan (IEP)**, twice the rate of Massachusetts' students generally.
- A quarter of youth** detained pretrial had previously experienced **physical or sexual abuse or had been sexually exploited**.
- About a third** of youth detained pretrial had identified feelings of **depression/anxiety**, almost twice the rate of Massachusetts' youth population.

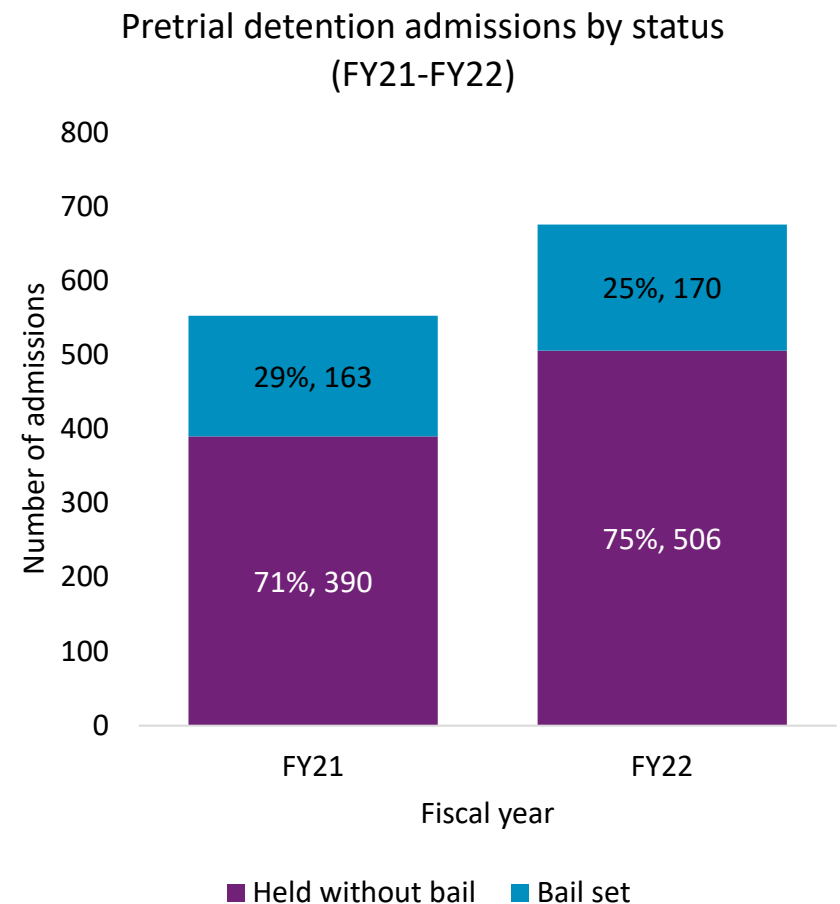
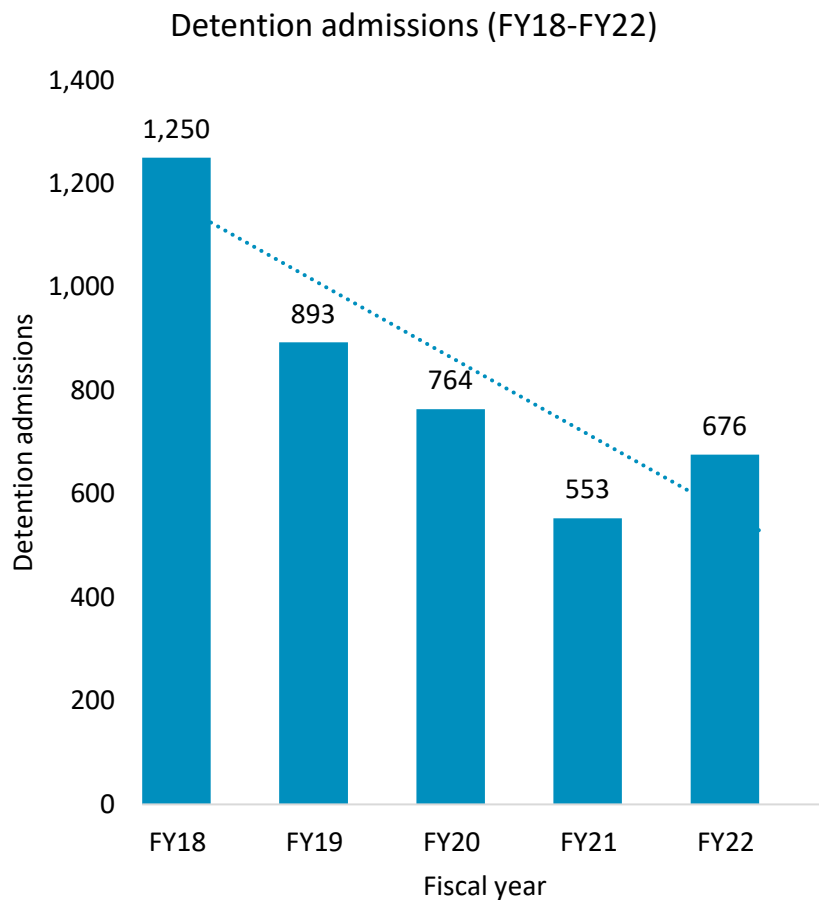
- Racial disparities exists and are worsening

RoD and RRI, Arraignments				
FY18			FY22	
Race	RoD*	RRI^	RoD	RRI
Black	1.10	1.13	1.35	1.65
Latino	1.39	1.43	1.41	1.72
White	0.97	1.00	0.82	1.00

**Rate of Disproportionality (RoD)**— an indicator of inequality calculated by dividing the percentage of arraignments in a racial/ethnic group by the percentage of youth in that same racial/ethnic group for applications for complaint. RoDs greater than 1.0 indicate overrepresentation. RoDs less than 1.0 indicate underrepresentation.

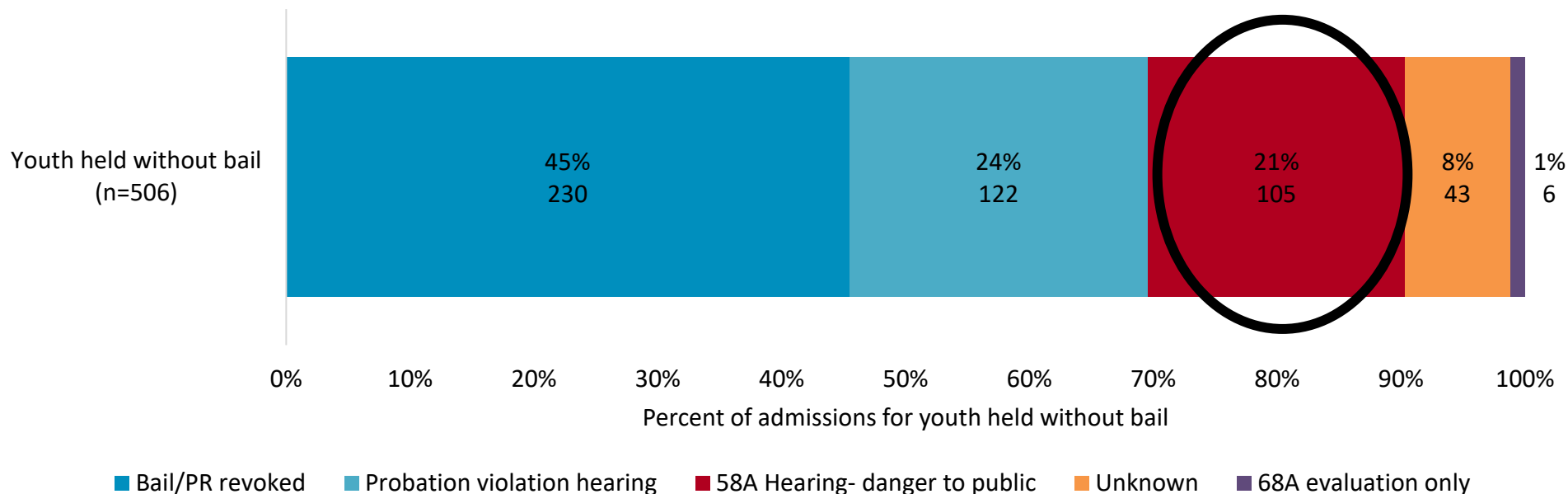
**Relative Rate Index (RRI)**— compares the observed rate of disproportionality for white youth to the observed rate of disproportionality for youth of color after adjusting for “base” population rates, using data on applications for complaint. Thus, RRIs for white youth are always “1.00.” RRIs greater than 1.00 indicate an increased likelihood of involvement for people of color at that point. RRIs less than 1.00 indicate a decreased likelihood of involvement for people of color at that point.

**Data shows that detention admissions have been declining for some time, and admissions that remain are largely for youth held without bail.**

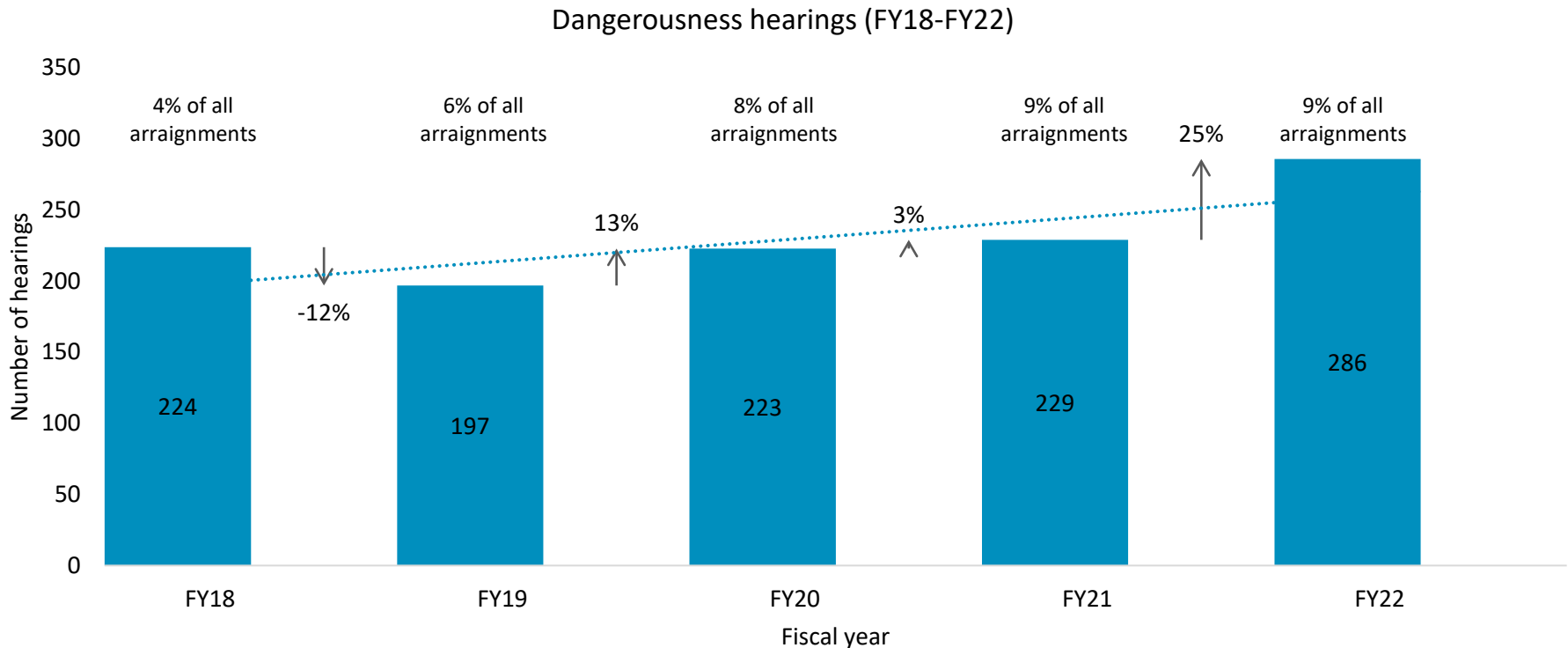


# Most (75%) youth are held without bail. Of those youth, about 20% are held as a result of a 58A (dangerousness) hearing

Reasons why youth are held without bail (FY22)



# The number of cases with dangerousness hearings has *increased* 28% since FY18



# About 37% of 58A hearings resulted in a detention admission in FY22, slightly down from 41% in FY21

This may mean that prosecutors are seeking dangerousness hearings more frequently for youth that, ultimately, judges do not deem “dangerous” or whose conditions of release will reasonably assure the safety of any other person or the community.



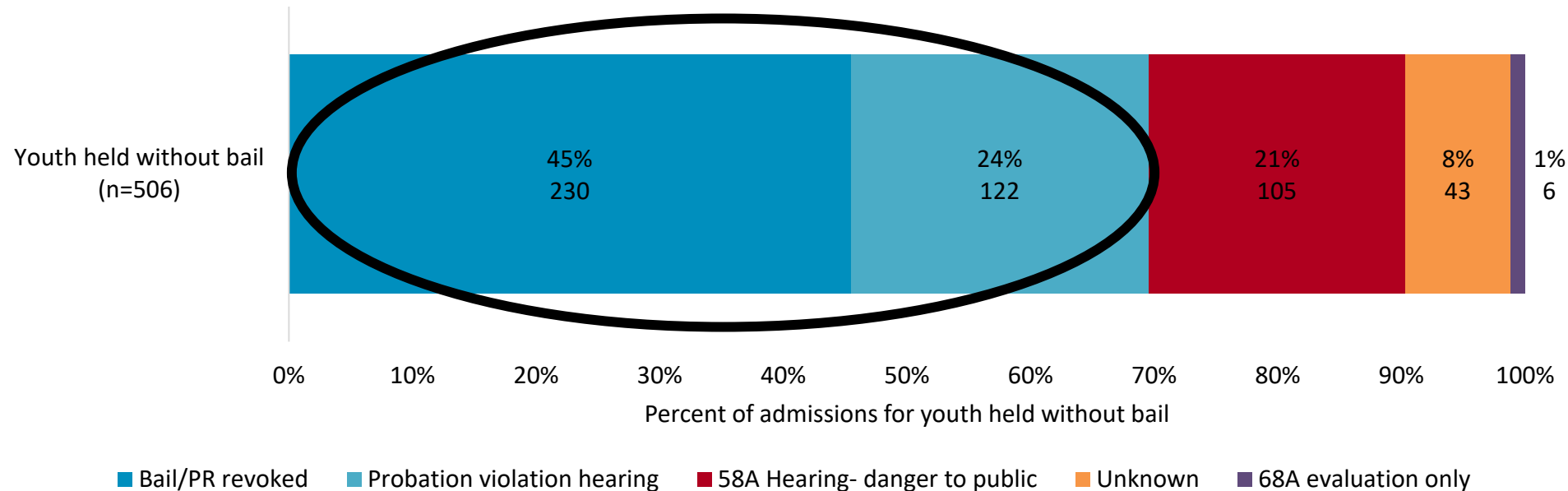
# Potential Research Questions

- *How are we using 58A hearings?*
- *How has the Brangan decision & CJRA impacted prosecutorial decision-making?*
- *What are youth LOS when held on 58A? Does that differ than other youth?*
- ***What other questions do you have about dangerousness hearings?***

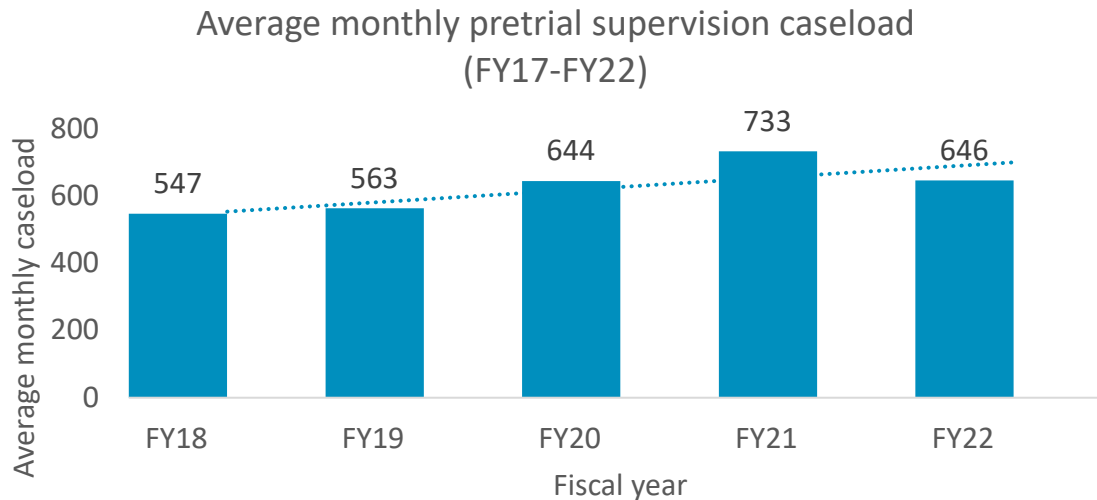


# Still, the vast majority (69%) of youth held without bail are held as a result of bail revocations and probation violations

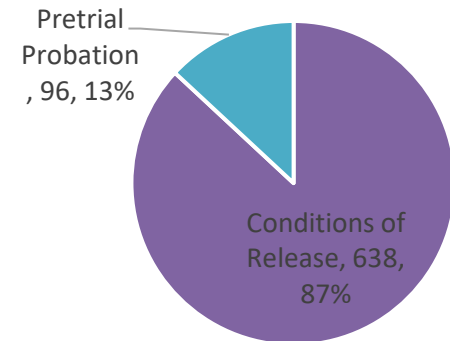
Reasons why youth are held without bail (FY22)



# Average monthly pretrial supervision cases have increased 18% since FY18, and most (87%) cases are for youth being supervised on conditions of release from detention



New Pretrial Supervision by Type  
FY21 (n=734)



# Potential Research Questions



- *How are cash bail and bail stipulations used?*
- *Is PTP increasing as a result of detention declining?*
- *What is preventing more youth from being diverted instead of PTP'd?*
- *How is GPS and/or home confinement used pretrial?*
- *Who receives violation of probation notices and what conditions are violated?*
- *Do JJ practitioners know the full array of pretrial service options available in their county?*

# Juvenile Pretrial Phase: Research Process

## 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

## 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

- What other “pain points” do you see in the pretrial phase based on where you sit?
- Who else needs to be at the table? Who else should we interview?
- What else do we need to be considering?

# 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;

## Research Questions

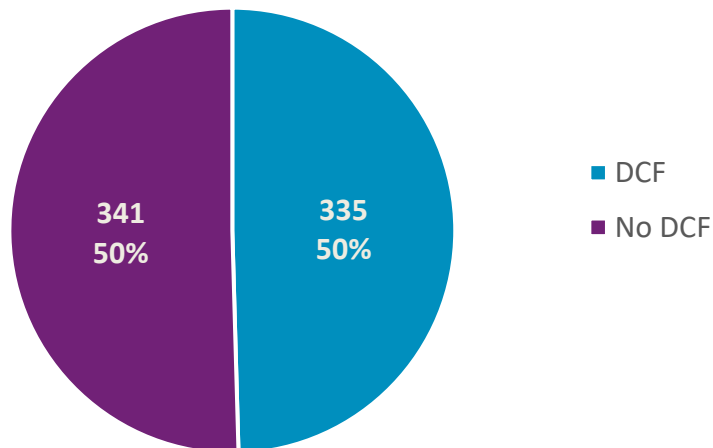
1. Who is crossing –over and why?
2. Are there policies & practices specific to MA that are contributing to crossover?
3. Can any of these youth be diverted?

## Goal

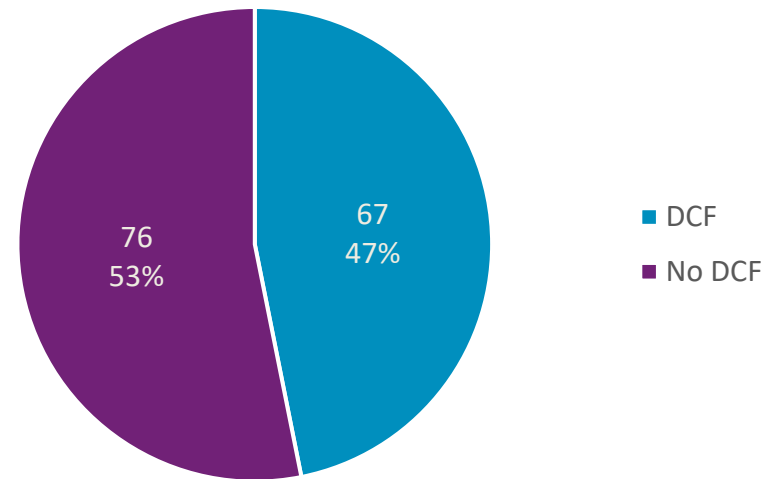
- Make recommendations to improve supports/service models for youth to prevent crossover or reduce harm
- Identify cohorts of youth that may benefit from being served in the community vs. detention
- Make recommendations to improve community-based supports/service models for youth at risk of crossover

# Half of all detention admissions & first-time commitments to DYS in FY22 were for youth with DCF involvement at the time of their admission

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).

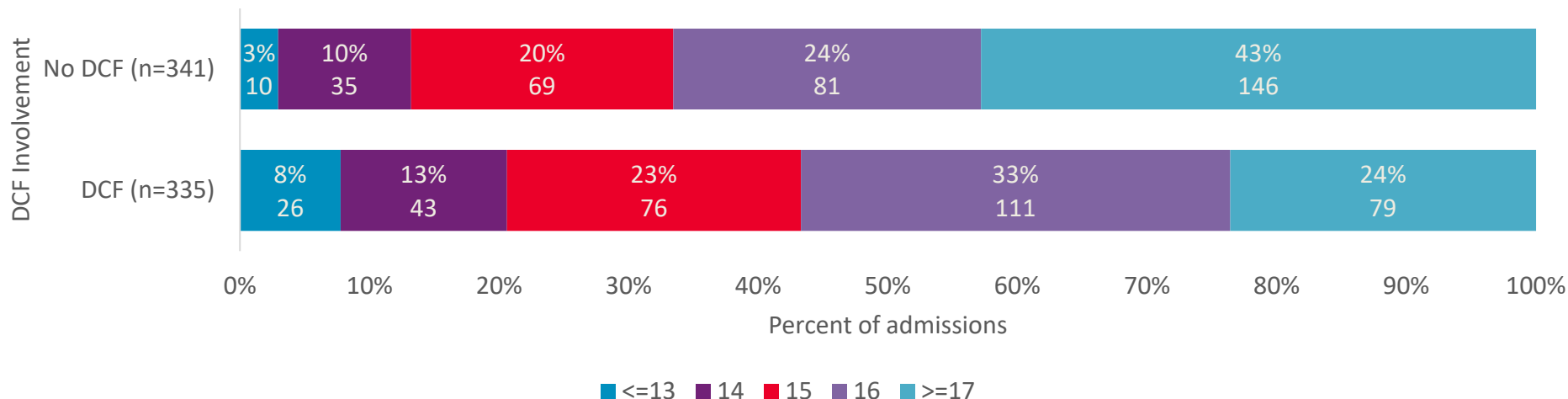
# Data Trends Summary

1. Compared to youth admitted to detention without DCF involvement, youth with DCF involvement were:
  - Younger\*
  - Somewhat more likely to be Latino or white
  - More likely to be female \*
  - More likely to identify as LGBTQ+ \*
  - More likely to be held on a DYS “low” grid level offense \*
  - More likely to be held on a persons offense (and less likely on a weapons offense) \*
  - More likely to be held due to bail being set (rather than held without bail, such as on dangerousness) \* and are being held on lower bail amounts

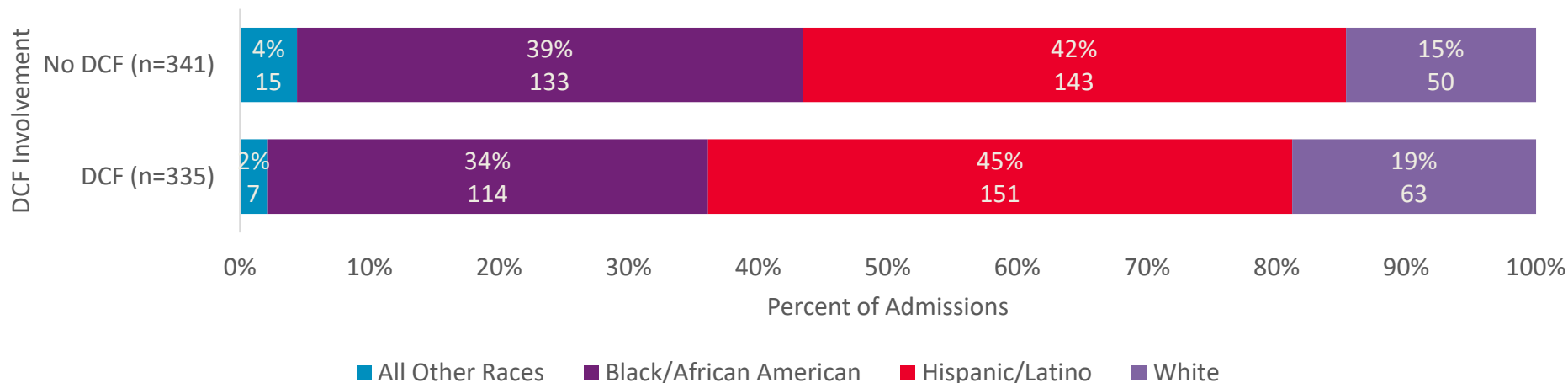


# DIY Age & Race/Ethnicity

FY22 DIY Age\*



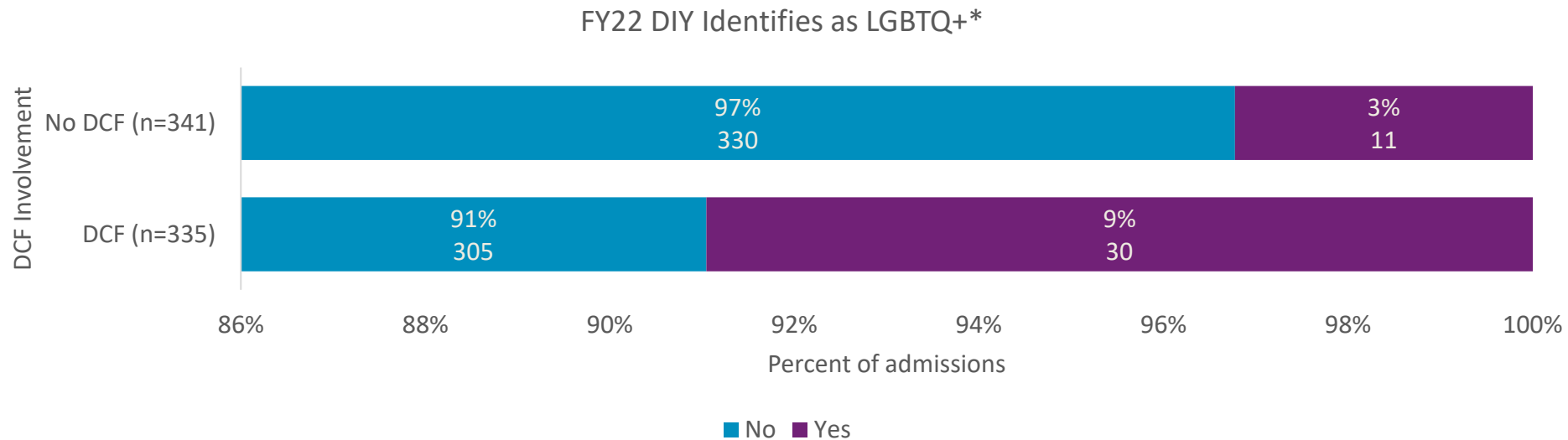
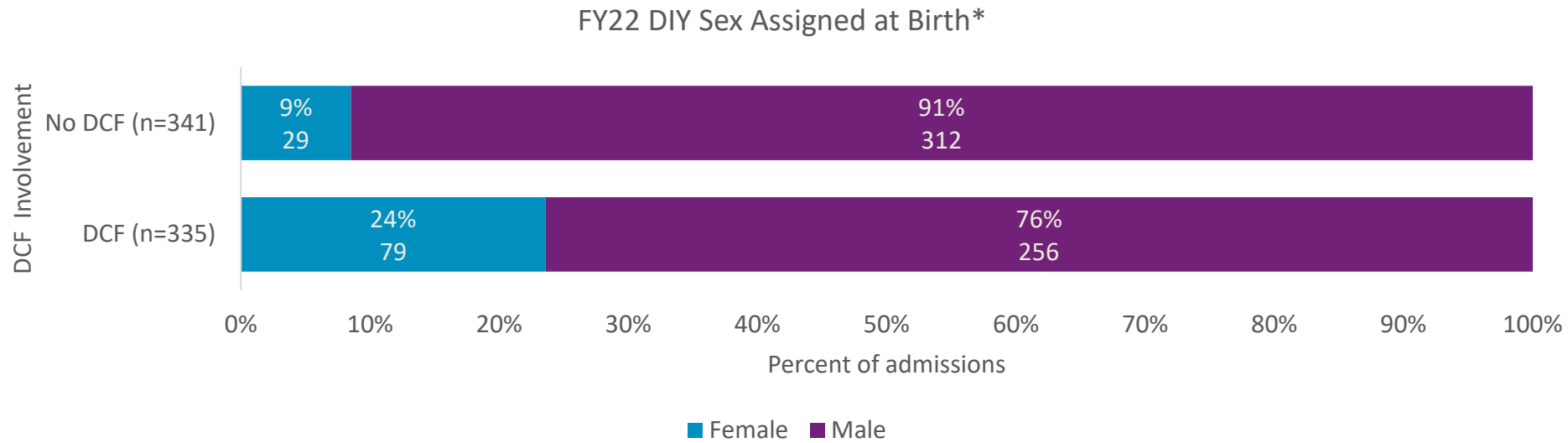
FY22 DIY Race/ethnicity



\*Statistically significant at the p<0.05 level

DIY= Dually Involved Youth = youth with an open DCF case at the time of a pretrial detention admissions to DYS

# DIY Sex Assigned at Birth & LGBTQ+ Status



\*Statistically significant at the  $p < 0.05$  level

DIY= Dually Involved Youth = youth with an open DCF case at the time of a pretrial detention admissions to DYS

# Potential research questions

- *Why are youth detained pretrial with DCF involvement more likely:*
  - *to be girls*
  - *to identify as LGBTQ+*
  - *to be younger*
  - *to be white and Latino*

*...than youth detained pretrial without DCF involvement? What are the needs of these youth within the child welfare system?*



# DIY Geography

<b>Sending Court County</b>	<b>DCF (n=335)</b>	<b>No DCF (n=341)</b>
Barnstable	52%	48%
Bristol	42%	58%
Essex	52%	48%
Franklin/Hampshire + Berkshire	50%	50%
Hampden*	66%	34%
Middlesex	44%	56%
Norfolk	48%	52%
Plymouth	49%	51%
Suffolk	38%	62%
Worcester	55%	45%
Massachusetts Total	50%	50%

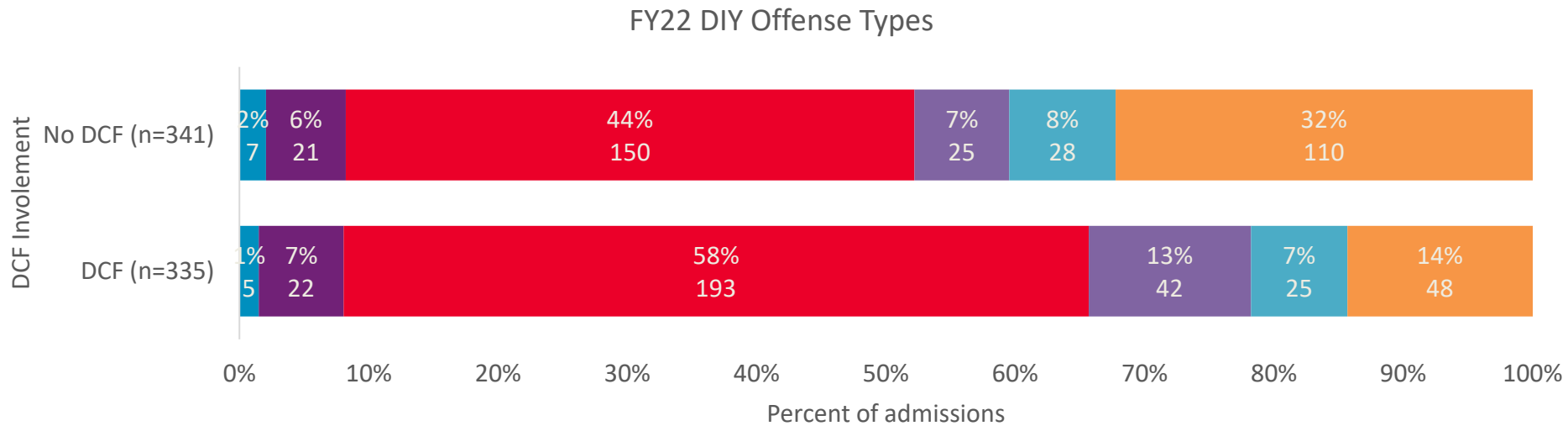
\*Statistically significant at the p<0.05 level

# Potential research questions

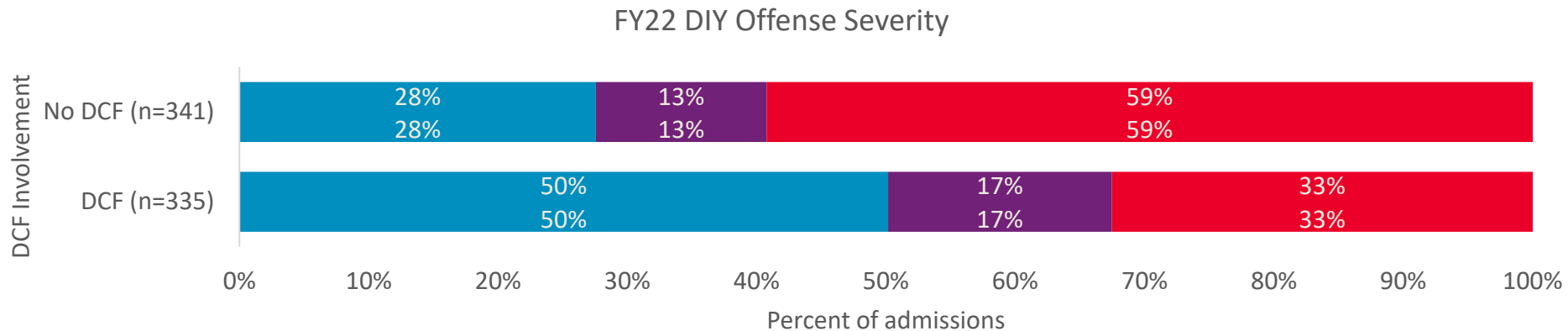
- *What are the differences in CW and JJ practice in these counties?*



# DIY Offense Type/Severity\*



Drugs Motor Vehicle Person Property Public Order Weapons



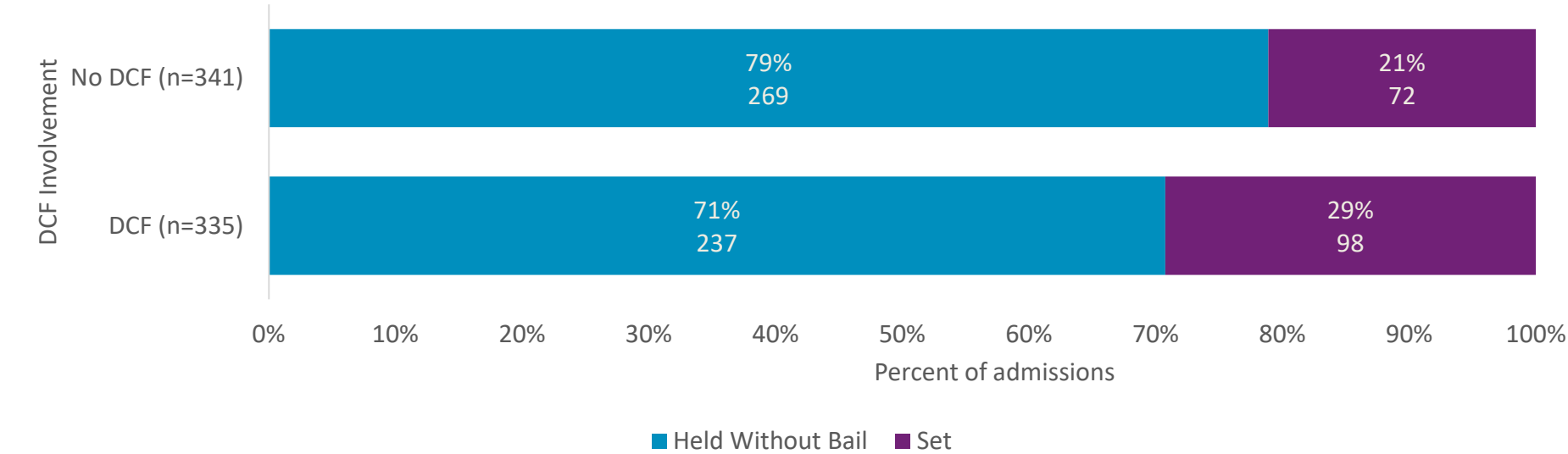
Low Med High

\*Statistically significant at the  $p < 0.05$  level

DIY= Dually Involved Youth = youth with an open DCF case at the time of a pretrial detention admissions to DYS

# DIY Bail Status\*

FY22 DIY Bail Status



Bail Amount	DCF (n=98)	No DCF (n=72)
Under 50	69%	31%
\$50-99	83%	17%
\$100-499	81%	19%
\$500-999	67%	33%
\$1,000-9,999	42%	58%
\$10,000-99,999	25%	75%
Total	58%	42%

Measure	# of days (DCF)	# of days (All)
Mean LOS	69.3	63.3
Median LOS	43.0	32

\*Statistically significant at the p<0.05 level

DIY= Dually Involved Youth = youth with an open DCF case at the time of a pretrial detention admissions to DYS

# Potential research questions

- *Why are youth with DCF involvement held on bail, particularly low cash bail amounts?*
- *Why are youth with DCF involvement held on low level offenses at higher rates than youth without DCF involvement?*





# 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

## 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

## 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?

- What other research questions would you add re: crossover youth?
- What other “pain points” do you see for youth with both CW & JJ involvement based on where you sit?
- Who else needs to be at the table?
- Any other thoughts on the topic?

# CBI Subcommittee

## Summer

- 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

# Next Meeting:

July 20, 2023

3:00pm- 4:00pm

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

## On the agenda: Massachusetts Youth Diversion Program (MYDP) Learning Lab Impact Report

Hear a presentation on the OCA's forthcoming impact report describing:

- MYDP Learning Lab Program and Operational Data in Year 1
- Lessons Learned: Challenges and Successes
- Opportunities for Growth



# Contact

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