

Office of the Child Advocate
Juvenile Justice Policy and Data Board
Data Subcommittee Meeting Minutes
Thursday April 14, 2022
10:30am-12:00pm
Meeting held virtually

Subcommittee Members or Designees Present:

- Kim Occhiuti (DCF)
- Nancy Brody (DCF)
- David Chandler (DYS)
- Lydia Todd (CLM)
- Barbara Kaban (CPCS)
- Rachel Wallack (Juvenile Court)
- Laura Lempicki (Probation)
- Sana Fadel (CfJJ)
- Dana Bernson (DPH)

OCA Staff:

- Melissa Threadgill
- Kristine Polizzano
- Janice Neiman
- Alix Rivière
- Morgan Byrnes
- Taylor Loyd

Other Attendees:

- Patricia Bergin (EOPSS)
- Kristina Sladek (Probation)
- Noor Toraif (DYS)
- Kathleen Bitetti (SAO)
- Meg Danisewich (DYS)
- Katie Perry-Lorentz (DYS)
- Jenyka Spitz-Gassnola (DYS)
- Other members of the public

Meeting Commenced: 10:33 AM

Welcome and Introductions:

Ms. Polizzano welcomed the attendees to the Data subcommittee meeting and welcomed all to introduce themselves. Members and attendees introduced themselves. Ms. Polizzano explained that the group would hear a data presentation on racial and ethnic disparities in the “front end” (i.e., the arrest stage) of the juvenile justice system, and then would be discussing the publishing of a racial and ethnic disparities data brief.

Review and Approval of the March Meeting Minutes:

Ms. Polizzano asked if anyone had any questions or feedback regarding the March 10, 2022, meeting minutes. The group did not offer any feedback or objections. Nancy Brody, Dana Bernson, Kim Occhiuti and David Chandler all voted in the affirmative. No one abstained or voted against the meeting minutes.

The March minutes were approved.

Presentation & Discussion: Racial and Ethnic Disparities Data Brief

Ms. Threadgill introduced the presentation, noting that this would not only be a presentation, but a working session where members can give critical feedback to the analysis presented. She also noted that the next phase of the analysis would require a regression analysis, asking members to lend their expertise. Members offered technical support.

Ms. Polizzano began presenting data on racial and ethnic inequalities in the juvenile justice system, focusing on custodial arrests, summons and overnight arrests. She presented the overall takeaway, that Black and Latino youth are overrepresented in the juvenile justice system compared to their distribution in overall Massachusetts youth population data. Disparities are particularly stark at process points earlier on in the system.

Ms. Threadgill noted that there are common hypotheses that could explain these disparities, including:

- **Differences in Offense Severity:** One hypothesis may be racial disparities can be explained by offense severity (e.g., “Youth of color are brought to court for more serious crimes”)
- **Differences in Offense Type:** Another hypothesis may be that racial disparities 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”)
- **Differences in Geography:** Another hypothesis suggest that racial disparities 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”)

She explained that the remainder of the presentation would be dedicated to testing these three hypotheses. A member asked how geography would impact racial disparities. It was explained that different police procedures produce different results. If police departments put a lot of emphasis on avoiding arrests at all costs, and those departments are in counties with a high population of youth of color, then that would reflect in the data. Ms. Threadgill then welcomed Ms. Polizzano to continue the presentation.

Ms. Polizzano presented data on offense severity, including total distribution of offense severity for applications for complaint, distribution of offense severity for applications for complaint by race, how youth with felony offense enter the system and how youth with a misdemeanor enter the system (i.e., by an arrest vs. summons).

Ms. Threadgill continued with the presentation, noting that based on the data presented, differences in offense severity only partially, but not fully, explain racial disparities in the decision to issue an arrest rather than issue a summons. She noted that among youth with the same offense severity level, there are still racial disparities. Ms. Threadgill welcomed any questions or comments regarding the analysis. Members discussed the hypothetical results of a using regression analysis with the data presented, connecting it to current research on the issue.

Members also asked if there was potential to analyze the data by also offense type *and* offense severity. It was explained that offense type does not appear to be as predictive as offense severity, but the OCA would look into this data.

Ms. Polizzano then continued the presentation, transitioning to offense type. She presented on the racial distribution of the total alleged offenses committed by youth, and then the racial distribution by specific offense type. A member asked if the data represented the most serious offense and how that is calculated. It was explained that this data is the first charge that is entered, and not necessarily the most serious. It was further explained that the office of research at the trial court recently dug into this question, finding that in most cases, the first charge entered is the most serious. One member noted that DYS is moving away from severity, as it is not as predictive as number of offenses. Ms. Threadgill noted that this is in line with the research.

Members discussed gaps in the data, including the lack of detail for specific offense types and the subjective aspects in the decision-making process leading up to issuing an arrest that cannot be captured in the data.

Ms. Threadgill explained that differences in offense type partially, but not fully, explains racial disparities in the decision to arrest vs issue summons. She highlighted the following takeaways:

- Youth alleged of committing weapons (88% arrested) and persons (46% arrested) offense types are more frequently arrested (custodial) than summoned.
- Black and Latino youth are slightly more likely to come into juvenile court with a person offense (36% of all offense coming into court)
- Black and Latino youth are more likely to come in with a weapons offense

Ms. Threadgill welcomed questions or comments from the group. A member noted that “offense type” as an indicator provides only a weak analysis. It was noted that a combination of two indicators (offense severity and type) could provide a stronger analysis, such as “felony drug, or misdemeanor drug.”

Ms. Polizzano continued to the next section of the presentation, a racial distribution of youth by court county. She presented the distribution of custodial versus summons arrest by each county.

Ms. Threadgill presented the overall takeaways as it relates to the third hypothesis outlined at the start of the presentation, noting that differences in county-level practices impact overall statewide disparity rates in a couple of ways. A member asked if the number of youths, as a percentage of the general population of each county, was accounted for in this comparison. It was explained the analysis used did not require an adjustment for population. Members discussed other methods of analysis that could be used with the data presented and the hypothetical outcomes of that.

A member asked when district attorney (DA) diversion falls in the timeline of the juvenile justice system and how it related to the data being presented. It was explained that DA diversion happens at the arraignment stage, while the data presented in this meeting was for youth at the arrest stage before an arraignment.

Members discussed the racial disparities at the county level, with one member asking what threshold was used to determine the counties highlight as having severe disparities. It was explained that the threshold was a rough estimate and the counties highlighted was a subjective categorization of what should be considered severe disparities.

Ms. Threadgill discussed next steps, mentioning that a more sophisticated analysis would be needed to test the current working hypotheses, which will then be wrapped up into a data brief that the group will provide feedback on.

A member asked if the data brief would include the ONA data that was presented at the previous meeting. It was explained that yes, the process is currently iterative with the final product including different data analysis at different process points. Ms. Threadgill welcomed members to sit with the data, encouraging folks to reach out with any questions they may have between now and next meeting.

Before concluding remarks, Ms. Polizzano explained that the OCA is beginning to reach out to police officers and overnight arrest officials in order to collect more qualitative data. She presented the draft questions, encouraging members to provide feedback or suggestions. Ms. Threadgill added that the OCA was looking for connections to law enforcement, asking members to reach out to their respective networks.

Concluding remarks:

Ms. Polizzano thanked the group for their participation. Ms. Polizzano wished everyone well and adjourned the meeting.

Adjournment: 11:35 AM