

Juvenile Justice Policy and Data Board

Data Subcommittee

Virtual Meeting

February 10, 2022

10:30m – 12:00pm

Agenda

1. Welcome and Introductions
2. Approval of December meeting minutes
3. Review substantive edits on data report
4. Discussion of further edits

Edits (pt. 1)

Pg(s)/Section	Edit Made	In response to comment by:
pg. 1	<p><u>Footnote added:</u> Footnote added: The total number of custodial arrests reported by the NIBRS reporting system differs from the number of cases initiated by arrest reported by the Trial Courts, as reflected in the data below (see “applications for complaint” data section). The Trial Court reports data based on whether or not a clerk’s hearing was scheduled. (Clerk’s hearings are not scheduled when a case is initiated by arrest.) EOPSS reports data captured through the federal NIBRS system for “on-view” and “taken into custody” arrests, which should, in theory, match the number of cases reported by the Trial Court as being initiated by an arrest. The OCA is working to determine the cause of these discrepancies, but suspect a few initial possibilities: while the NIBRS data system has existed since the 1980’s, police departments were not required to use the system until January 1, 2021. This transition may account for <i>part</i> of the discrepancy. Additionally, other researchers have raised concerns about the quality of NIBRS data. For example: one study from January 2022 compared NIBRS arrest data to data collected directly from law enforcement agencies and found data matched in just 84% of cases. Other, somewhat older, studies have found missing data in the NIBRS system at the incident level, as well as agencies not reporting data for all or part of years. For all of these reasons, the OCA suspects, but cannot say with certainty, that the NIBRS data is an undercount.</p>	OCA in collaboration with Trial Court and EOPSS
Pg. 6 (Explaining CRJB having intended effect)	<p>With this new publicly reported data, there is additional evidence suggesting the 2018 Criminal Justice Reform Bill (CJRB) is having its intended effect: <u>of limiting the number of youth who come into contact with the juvenile justice system, particularly those with low-level offenses.</u> Applications for complaints regarding <i>misdemeanor</i> offenses have declined 49% since FY18, with the largest <u>single-year</u> drop (27%) occurring in FY19, the year after the CJRB was implemented. <i>Misdemeanors</i> still make up a large proportion (59%) of overall applications, however.</p> <p><u>Footnote 4: As indicated in the “COVID” section of this report, the Board is unable to measure the extent to which the pandemic influenced this downward trend after March 2020.</u></p>	DPH & Trial Court
Pg. 8 (Results of magistrate hearings)	<p>Clerk magistrates may not issue a complaint for a number of several reasons including diversion, lack of probable cause, lack of jurisdiction, or failure to prosecute. <u>Clerk magistrates have been not issuing complaints at higher rates each year for which we have data.</u> Clerk magistrates have been diverting/not issuing complaints at higher rates each year for which we have data.</p>	Trial Court

Pg(s)./Section	Edit Made	In response to comment by:
Pg. 12 (youthful offender section)	<p>At the delinquency filing stage, clerk magistrates also distinguish if a youth's case qualifies as a "youthful offender" case. A youthful offender case involves a youth between 14 and 18 years old who is indicted <u>by a grand jury</u> for allegedly committing an offense against a law of the commonwealth which, if they were an adult, would be punishable by imprisonment in state prison and if any of the following situations are true:</p> <p>(a) the youth has previously been committed to the department of youth services</p> <p>(b) the youth has committed an offense which involves the infliction of threat of serious bodily harm in violation of law</p> <p>(c) the youth has committed certain firearms and weapons offenses</p> <p><u>District attorneys present youthful offender cases to a grand jury whose role it is to decide whether there is enough evidence to charge the youth as a youthful offender. If the grand jury determines there is enough evidence, they issue an "indictment" accusing the youth of specific offenses. 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. The rest of their case proceeds similarly to a delinquency case except in two ways:</u></p> <ol style="list-style-type: none"> <u>Youth in these cases have the right to be tried by a jury of 12 adults (compared to six adults in delinquency proceedings)</u> <u>Youthful offender trials are open to the public (compared to delinquency proceedings closed to the public)</u> <p><u>If the youth is adjudicated delinquent as a youthful offender the court may impose the following sanctions:</u></p> <ul style="list-style-type: none"> <u>commit the youth to DYS until age 21</u> <u>a suspended commitment to DYS until age 21</u> <u>an adult sentence which can be to the house of correction, state prison or adult probation</u> <u>commit the youth to DYS until age 21 with a suspended adult sentence. If the youth successfully completes their commitment the case is concluded, if not, the youth may be sentenced to an adult facility.</u> 	Trial Court & CfJJ
Pg 14 (youthful offender court clinic evals)	<p>Footnote added: #11: <u>Evaluations can also be completed by other clinicians outside of the Juvenile Court Clinic.</u> For more information on the court clinics, see the <i>Juvenile Court Clinic</i> section of this report.</p> <p>Question for the subcommittee: Is this sentence relevant/important to keep anymore? "As part of the youthful offender process, the Juvenile Court Clinic may conduct an evaluation, but in four out of the past five years, no evaluation referrals were made for these case types"</p>	Trial Court

Edits (pt. 1)

Pg(s)/Section	Edit Made	In response to comment by:
Starting on pg. 14 (arraignments footnotes and captions)	Data on arraignments was provided by calendar year rather than fiscal year for CY17 through CY19. <u>and then by fiscal year beginning in FY21.</u> Due to the different types of reporting years, January 2020-June 2020 is missing in this analysis. <u>To help make reporting more consistent, Massachusetts Probation Service will be providing data updates to report FY17-FY20 arraignment data in the next Annual Report.</u>	Trial Court/Probation
Pg. 24 (Adjudications intro section)	A CWO of determination comes before an adjudication and means a case is continued without entering a formal adjudication into the youth's record. <u>In order for there to be a CWO of determination, a youth must admit there are sufficient facts to merit a finding of delinquency, but the court accepts a plea to continue the case without a finding.</u> Footnote added: <u>Adjudication counts reported here included all cases resolved by a CWO of determination, cases adjudicated delinquent, and cases adjudicated not delinquent. Youthful offender cases are not reported by the Trial Court in these data.</u>	CfJJ
Pg. 61 (RED section)	Footnote added to :Compared to white youth, Black/African American youth were: <u>The RRs presented here compare the rates of Black/African American youth and white youth at each process point by the rates of Black/African American (10%) and white (64%) youth in Massachusetts' general youth (12-17) population</u> <u>New bulleted list: Further, compared to white youth, Black/African American youth were: with the following footnote added: The RRs presented here compare the rates of Black/American and white youth at each process point by the rates of Black/African American (28%) and white (52%) youth arraigned.</u> Footnote added to: <u>Compared to white youth, Hispanic/Latino youth were:</u> Measuring disparities for Hispanic/Latino youth is particularly challenging given missing ethnicity data at some process points. <u>These counts are, likely, underestimates. The RRs presented here compare the rates of Hispanic/Latino youth and white youth at each process point by the rates of Hispanic/Latino (18%) and white (64%) youth in Massachusetts' general youth (12-17) population.</u>	Trial Court

Edits (pt. 1)

Pg(s)/Section	Edit Made	In response to comment by:
Pg. 62 (RED section)	<p>In the initial years following the implementation of the CJRB, we saw that while the overall number of youth in the system dropped substantially, white youth benefited from the reforms more than Black and Latino youth, leading to an intensification of disparities. <u>The overall rates of racial and ethnic disparities in Massachusetts' juvenile justice system are cause for concern. While comparisons across states are difficult to make due to differences in data definitions and state system differences, some reports indicate that Massachusetts' RED rates are some of the highest in the nation.</u></p> <p>Over the past two years, we have started to see this pattern reverse itself. Even though the overall rates of racial and ethnic disparity in our juvenile justice system are still extremely high, <u>(and to the extent we can measure, they are high compared to other states)</u> we are making some progress, particularly in the "front end" of the system.</p>	Trial Court

One data point added:

Table x: New Pretrial Cases by Type and Supervision Level (FY21)

Pre-Trial Probation Type	Supervision Level	Count
Pre-Trial Conditions of Release	Pretrial Conditions of Release: Category A	329
	Pretrial Conditions of Release: Category B	309
	Total	638
Pre-Trial Probation	Pretrial Probation Category B	22
	Pretrial Probation Category A	74
	Total	96

Source: Department of Research, Massachusetts Probation Service

Edits (pt. 2)

Pg(s)/Section	Edit Made	In response to comment by:
Pg. 8 (youth under 12)	The Juvenile Court no longer has delinquency proceedings for youth under the age of 12. <u>The Courts no longer report this data, but in some cases youth under the age of 12 may be subject to an arrest or application for complaint if their age was unknown. Clerk magistrates will not issue a delinquency filing for youth under the age of 12 due to lack of jurisdiction.</u>	CfJJ
Pg. 17 (county level variations)	<u>Although all of Massachusetts is governed by the same laws, there are significant variations from county to county in both the availability of resources to support youth and families as well as the decision-making practices of local justice system officials. In particular, district attorneys are elected officials and have wide latitude to set their own priorities and policies regarding the use of the powers of their office</u>	Trial Court

Next steps

- OCA will work to incorporate any edits from today's meeting
- Final review (grammar, typos, formatting, clarifying language from members)
- Final draft will be sent to the Board **Tuesday February 15th**
- Board will review and vote at the **Wednesday March 2nd** meeting
- Submit to the Legislature

Next Meeting Date

March 10, 2022

Virtual Meeting

For virtual meeting information, email Morgan Byrnes at Morgan.Byrnes@mass.gov

*2022 Data Subcommittee meetings will be on the
2nd Thursday of the month 10:30am-12pm*

Contact

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Pg(s)/Section	Edit Made	Proposed By
	Bail amounts question for DYS: \$10000 and over?	
	Probation: MRPA data is PIT on a given day of the month, correct?	
	Race data is self-reported by youth across all DYS data. Arrest, applications for complaint and delinquency filings (including youthful offender filings) race data are reported by observation data based on the police report. All other court data is self-reported.	
	Does the adjudication data	