

# Juvenile Justice Policy and Data Board

Data Subcommittee Meeting

July 1, 2024

# Agenda

1. Welcome and Introductions
2. Approval of May Meeting Minutes
3. Pretrial Data Discussion: Use of Cash Bail, Pretrial Probation  
as a Disposition, & 58A Hearings
4. Next Steps

# Pretrial Phase Research Questions

1. Can any of these youth be diverted (from detention or pre-arraignment) & served in the community?

2. What community-based interventions/supports need to exist in order to divert?

3. How can we improve pretrial success rates and reduce the need for detention?

4. What do victims want during this phase?

5. What practices can help us improve long-term outcomes for kids *and* protect public safety?

## 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

# Methodology



**May:** Focusing on the interaction between youth on conditions of release and those who “fail” and are detained pretrial as a result of bail/personal recognizance being revoked.

**Today:** use of bail, pretrial probation as a disposition & 58a hearings

# Available Data

## Arraignment/Court Proceedings

- Total arraignments
- Total 58A hearings ★
- Totals can be broken down by offense type, offense severity (misdemeanor & felony), county, gender, race/ethnicity and age

## Probation Monitoring/Supervision

- Total cases with conditions of release
- Total pretrial probation as a disposition cases ★
- Totals can be broken down by supervision type, county, gender, race & ethnicity

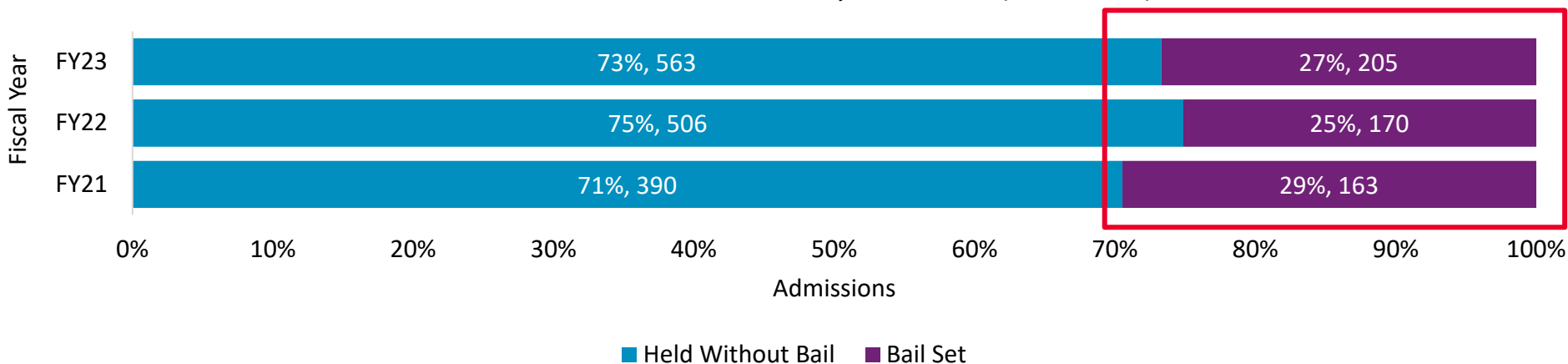
## Detention

- Total detention admissions
- Total detention admissions by bail status
  - Held without bail: reason (e.g., bail revoked, 58A) ★
  - Bail set: amount and stipulation (e.g., release to parents) ★
- Total admissions and admissions by bail status can be broken down by offense type, offense severity (MSO grid level), offense type, sex assigned at birth, LGBTQ+ status, race/ethnicity, age, primary spoken language at home, county, DCF involvement

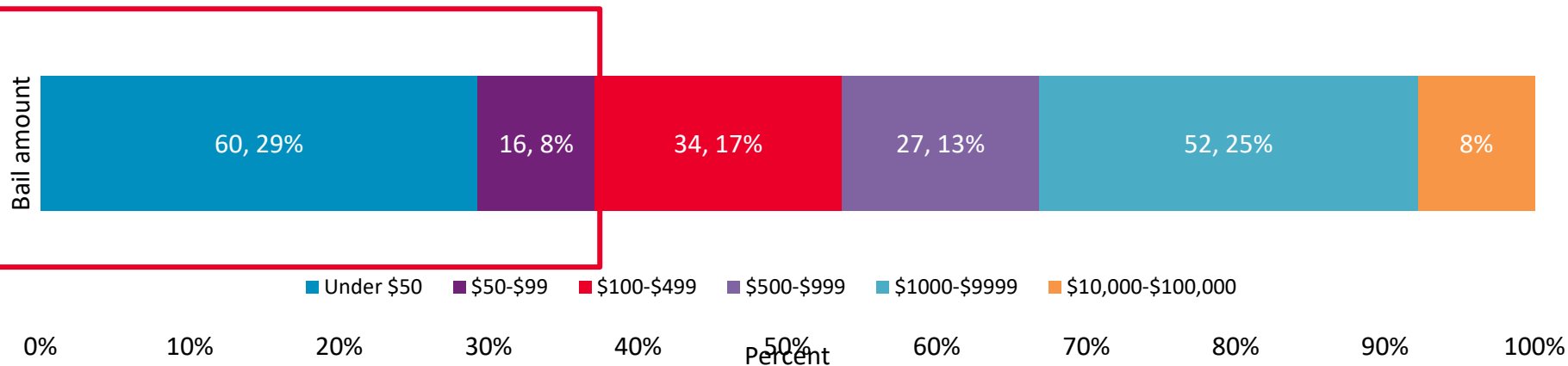
**YOUTH HELD WITH BAIL SET**

# In MA, a quarter of all detention admissions are for youth with bail set, a third of which are held on less than \$100

Pretrial Detention Admissions by Bail Status (FY21-FY23)

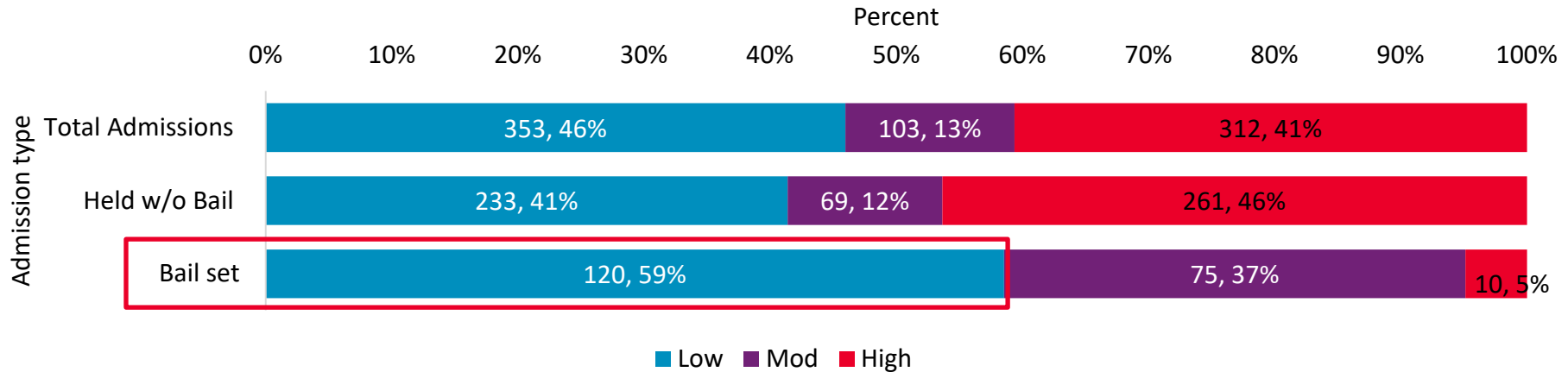


Bail amount (FY23)

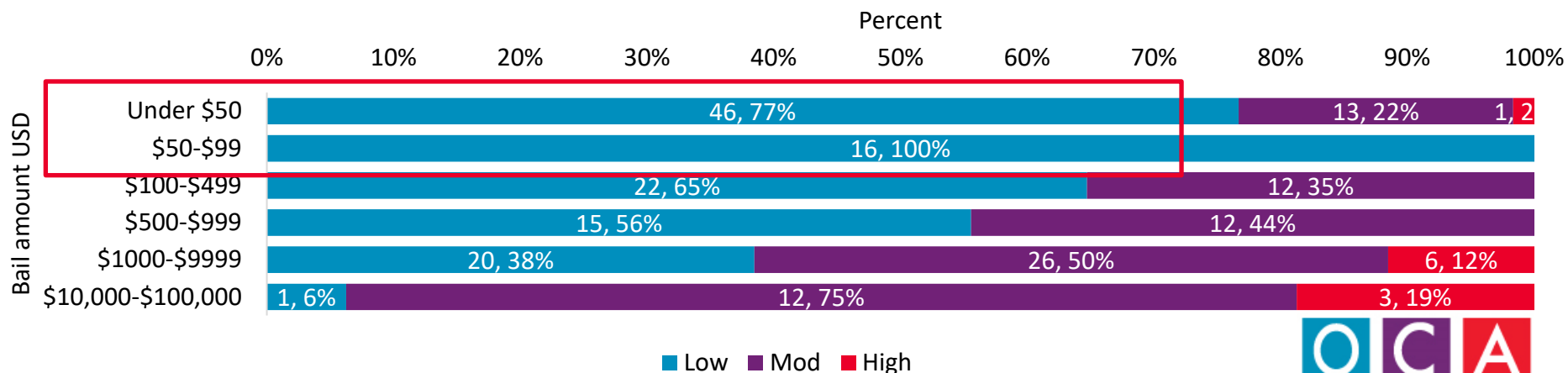


# Over half (59%, n=120) of youth detained with bail set are for low grid offenses, and most of those admissions are for youth who had bail set under \$100

Detention admissions by DYS grid level (FY23)

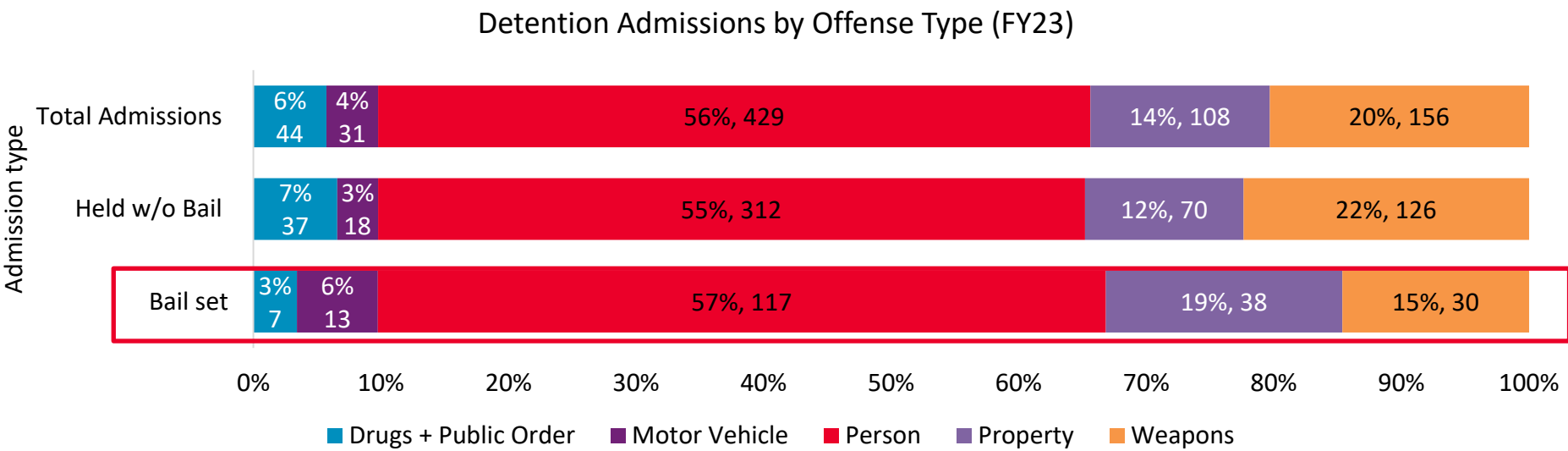


Bail amounts by DYS grid level (FY23)





# Over half of admissions for youth detained with bail set are for person offenses, and most of those admissions had bail set under \$50



Pretrial Detention Admissions Bail Amounts (USD) by Offense Type (FY23)							
Offense type	Under \$50	\$50-\$99	\$100-\$499	\$500-\$999	\$1000-\$9999	\$10,000-\$100,000	Total
Drugs + Public Order	14%	0%	29%	29%	29%	0%	100%
Motor Vehicle	0%	15%	31%	15%	38%	0%	100%
Person	33%	9%	17%	17%	19%	4%	100%
Property	42%	8%	16%	8%	24%	3%	100%
Weapons	13%	0%	7%	0%	47%	33%	100%
Total	29%	8%	17%	13%	25%	8%	100%

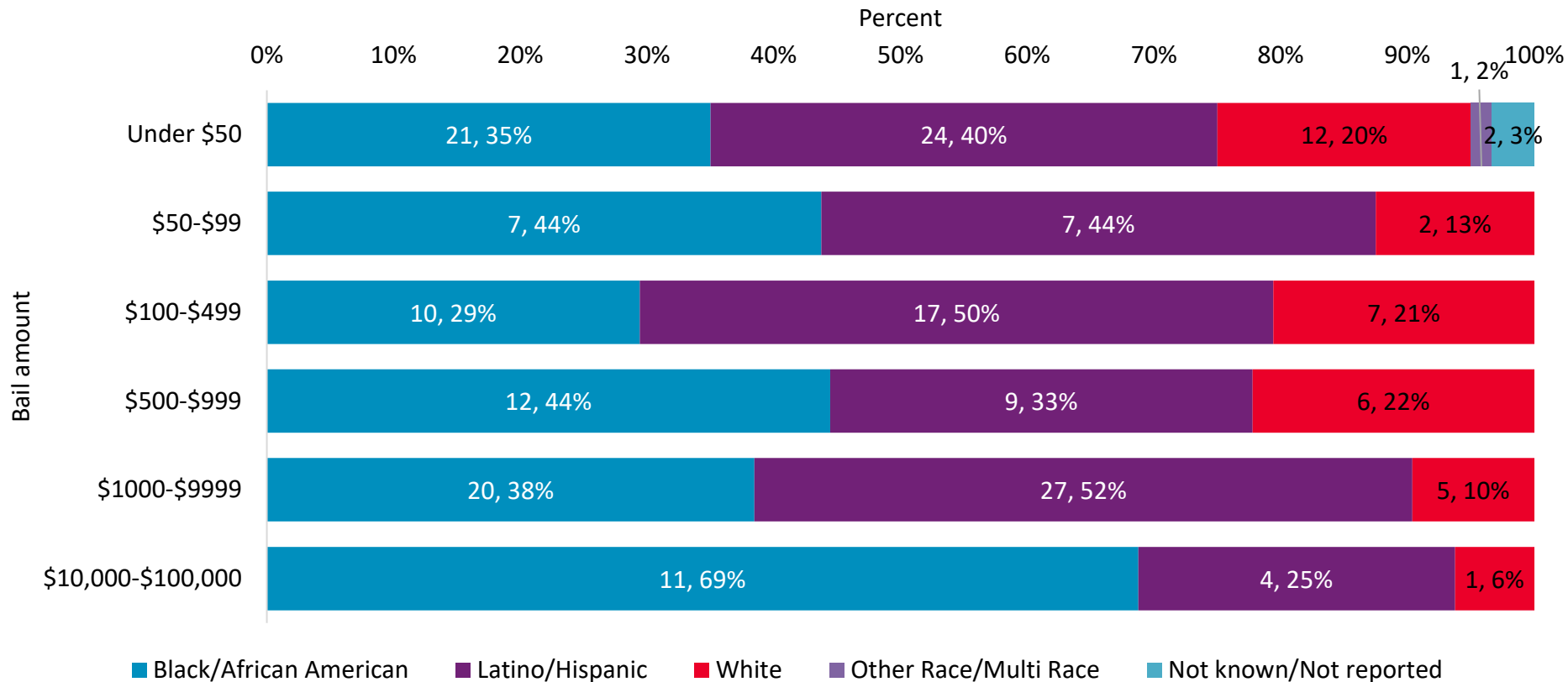
# Black & Latino youth are more likely to be detained as a result of bail being set than white youth

## RRI Measures for Detention Admissions

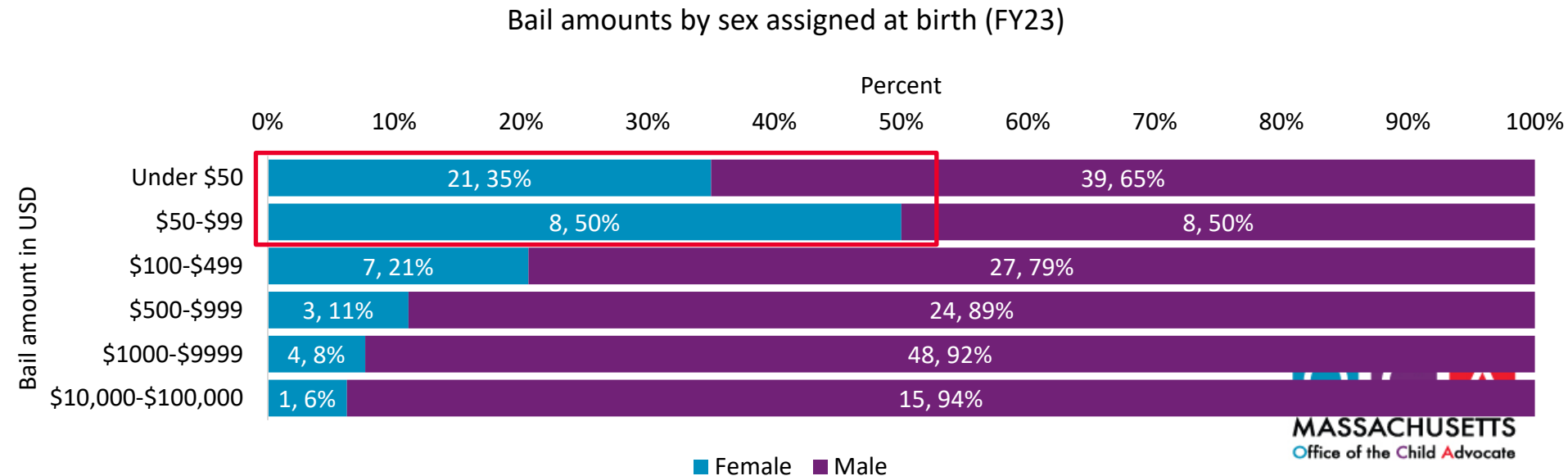
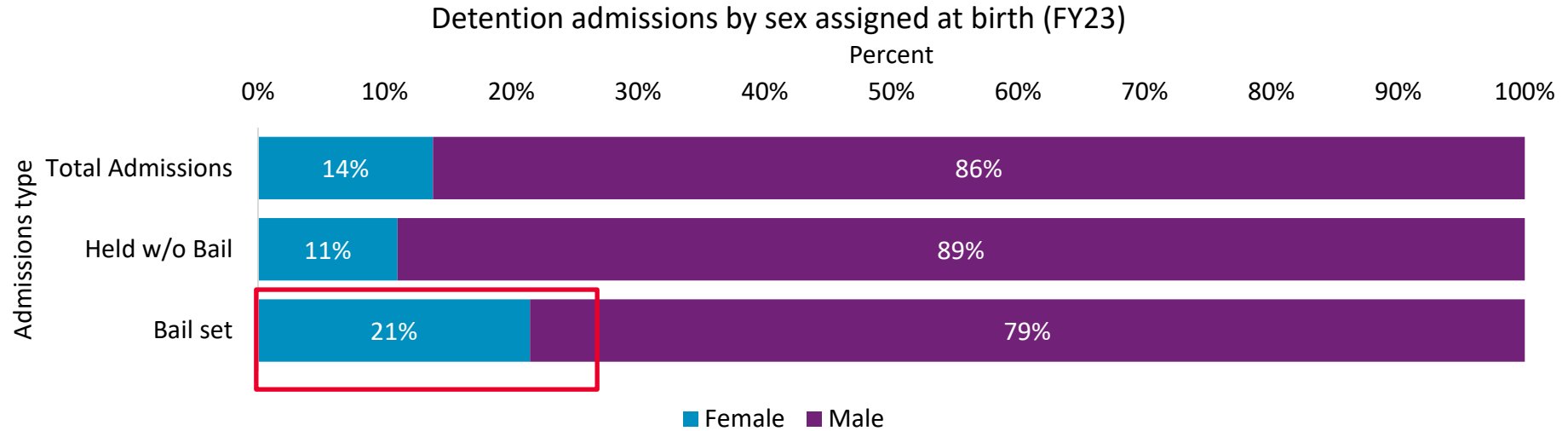
Process Point (Comparison group)	Black/ African American	Latino/ Hispanic	White	Other Race/ Multi Race	Not known/ Not reported
Detention admissions (Arraignments, white youth)	2.42	2.60	1.00	0.54	0.36
Held <u>without</u> bail (Detention admissions, white youth)	0.91	0.97	1.00	1.16	1.04
Held <u>with</u> bail set (Detention admissions, white youth)	1.29	1.11	1.00	0.47	0.85

# When white youth *were* detained as a result of bail being set, a higher percentage were held on bail amounts under \$50 compared to Black or Latino youth

Bail amount by race/ethnicity (FY23)

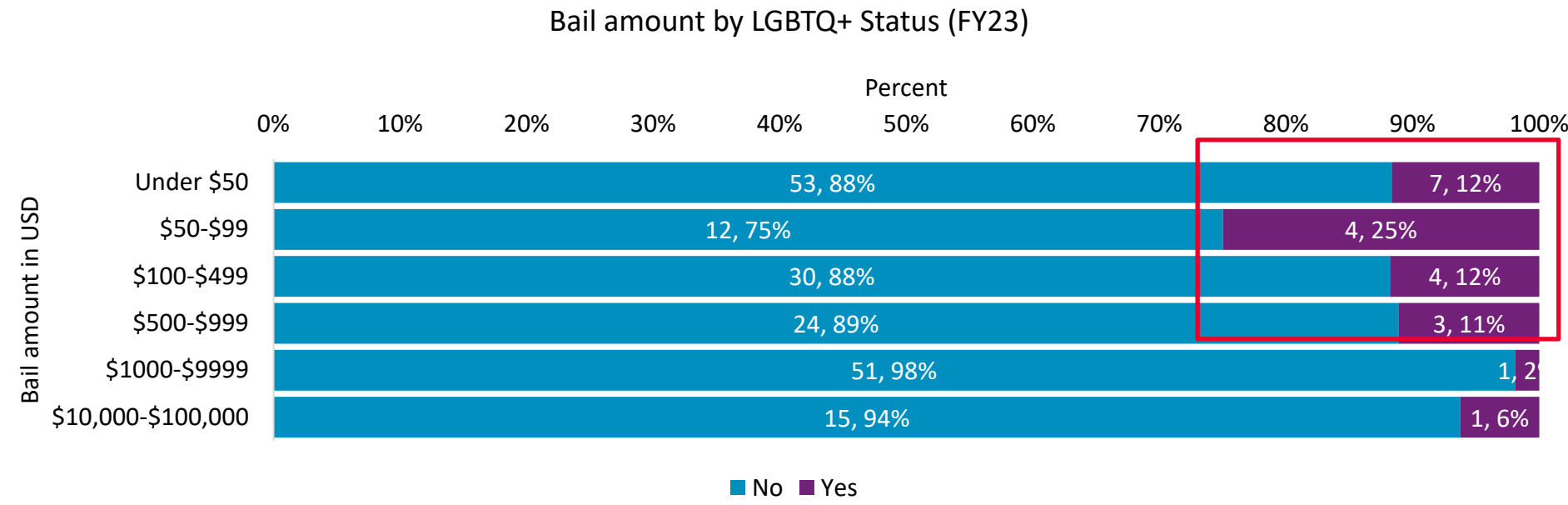
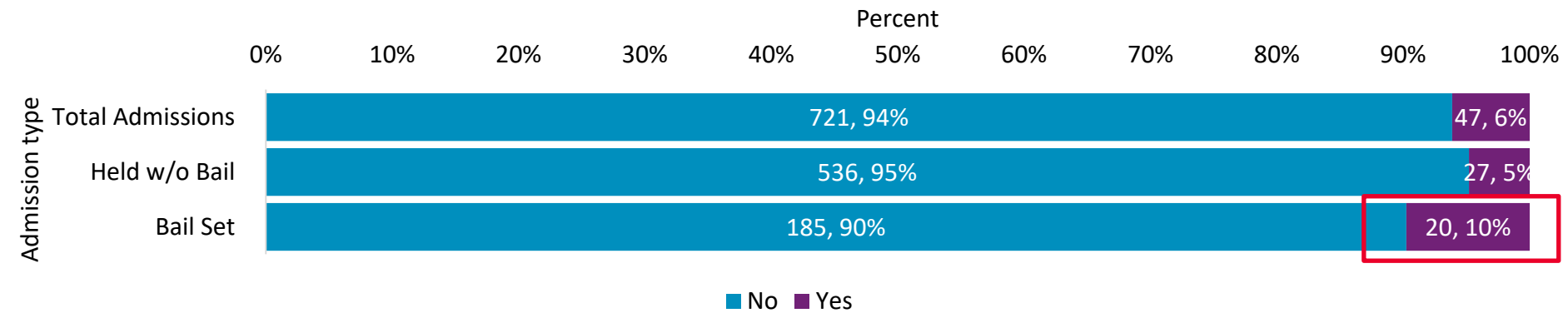


# Compared to all detention admissions, girls are overrepresented in detention admissions when bail was set and are held for lower amounts compared to boys.



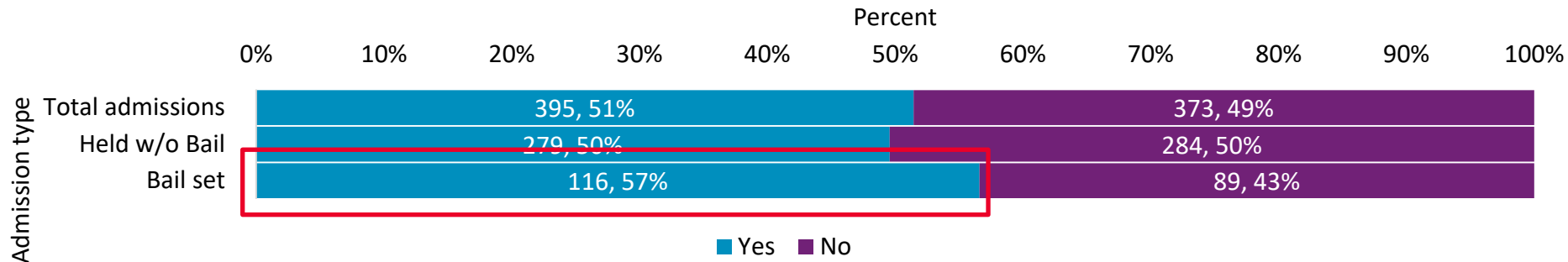
# LGBTQ+ youth account for 10% (n=20) of detention admissions where bail was set and are held for lower amounts compared to youth who did not identify as LGBTQ+

Detention admissions by LGBTQ+ status (FY23)

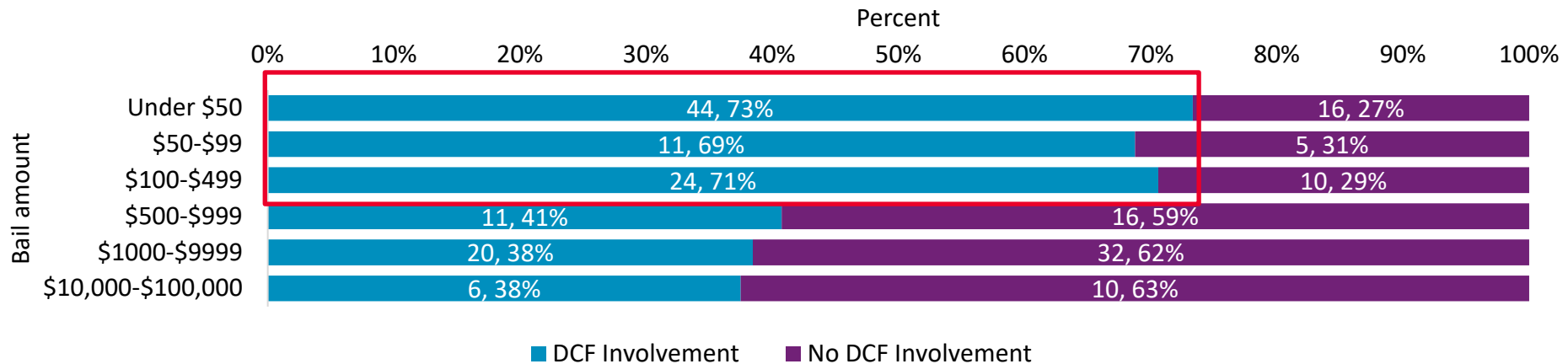


# Youth with DCF involvement are detained with bail set more frequently and held for lower amounts compared to youth with no DCF involvement

Detention admissions by DCF involvement (FY23)



Bail amount by DCF status (FY23)



# Hampden, Norfolk and Suffolk Counties have higher rates of detention admissions as a result of bail than the rest of the state

Sending County	Bail Set	Held w/o Bail	Total Admission
Barnstable	18%	82%	100%
Berkshire	22%	78%	100%
Bristol	20%	80%	100%
Essex	1%	99%	100%
Franklin/Hampshire	22%	78%	100%
Hampden	43%	57%	100%
Middlesex	14%	86%	100%
Norfolk	40%	60%	100%
Plymouth	19%	81%	100%
Suffolk	43%	57%	100%
Worcester	24%	76%	100%
State Total	27%	73%	100%

# Hampden county held most youth on bail amounts under \$100

Sending Court County	Under \$50	\$50-\$99	\$100-\$499	\$500-\$999	\$1000-\$9999	\$10,000-\$100,000	County Total
Barnstable	14%	14%	0%	0%	71%	0%	100%
Berkshire	0%	40%	20%	0%	0%	40%	100%
Bristol	22%	33%	44%	0%	0%	0%	100%
Essex	0%	0%	0%	0%	100%	0%	100%
Franklin/Hampshire	33%	0%	17%	0%	17%	33%	100%
Hampden	76%	2%	14%	2%	5%	0%	100%
Middlesex	0%	0%	20%	60%	20%	0%	100%
Norfolk	47%	5%	16%	0%	32%	0%	100%
Plymouth	56%	0%	33%	0%	11%	0%	100%
Suffolk	5%	9%	5%	22%	42%	18%	100%
Worcester	16%	5%	32%	24%	22%	0%	100%



# Data Summary: Cash Bail

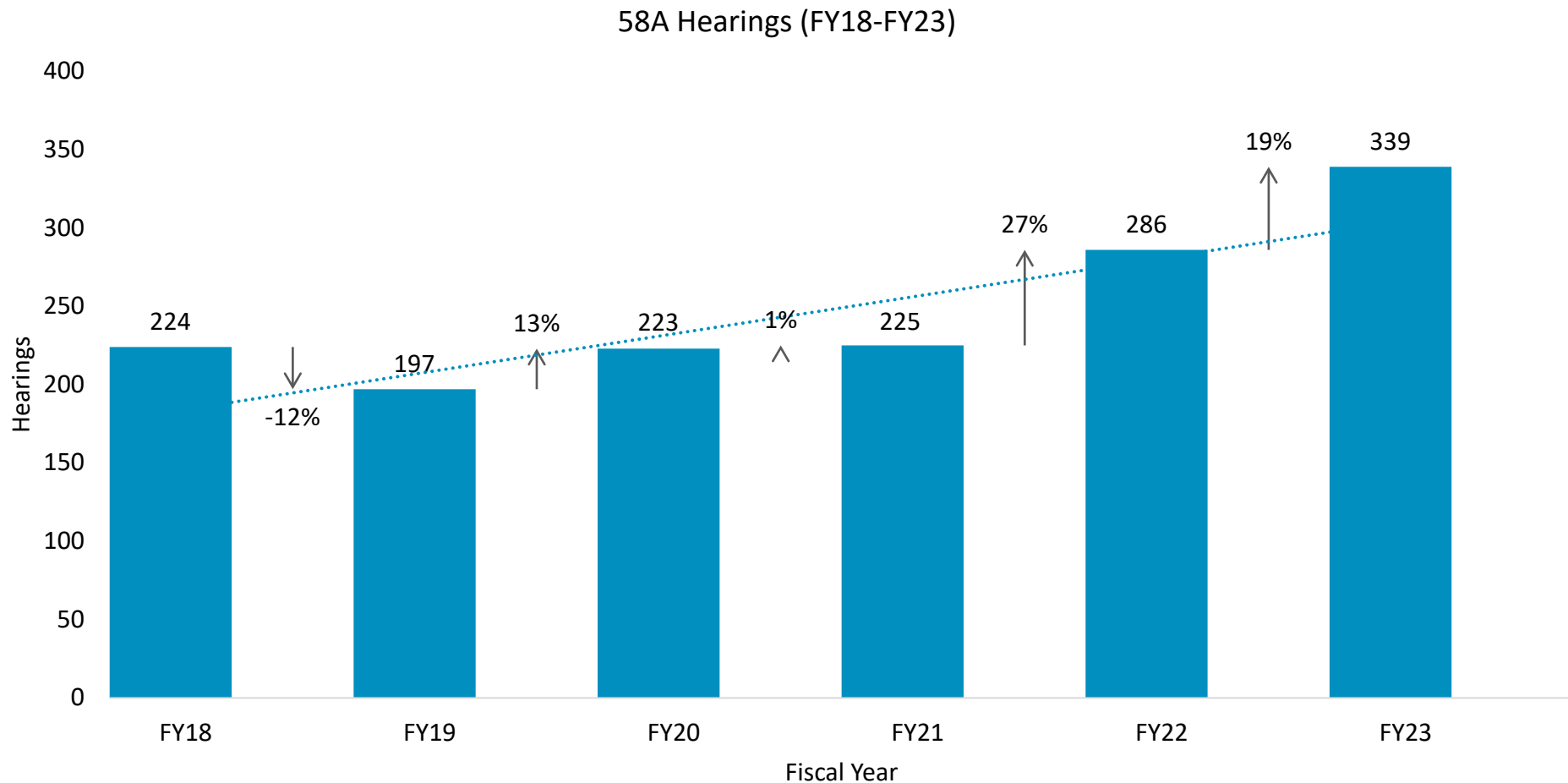
- Most detention admissions are for youth held without bail. However, when bail is set many admissions are for youth held with bail set under \$100.
- Most youth detained with bail set are for low grid level, person offenses, and most were held on amounts less than \$100
- Black youth are detained with bail set more frequently than white youth. When white youth were detained with bail set, they are held on relatively lower amounts compared to Black and Latino youth
- Boys make up the majority of detention admissions, but girls are more likely to be detained with bail set, and are held for lower amounts
- Youth who identify as LGBTQ+ make up 10% of the detention admissions for youth held with bail set, and are held for lower amounts
- Youth with DCF involvement account for more than half of the detention admissions for youth held with bail set, and are held for lower amounts
- Three-quarters of admissions where bail was set are from Hampden, Suffolk and Worcester Counties



- What other takeaways do you have?
- What other questions do you have?

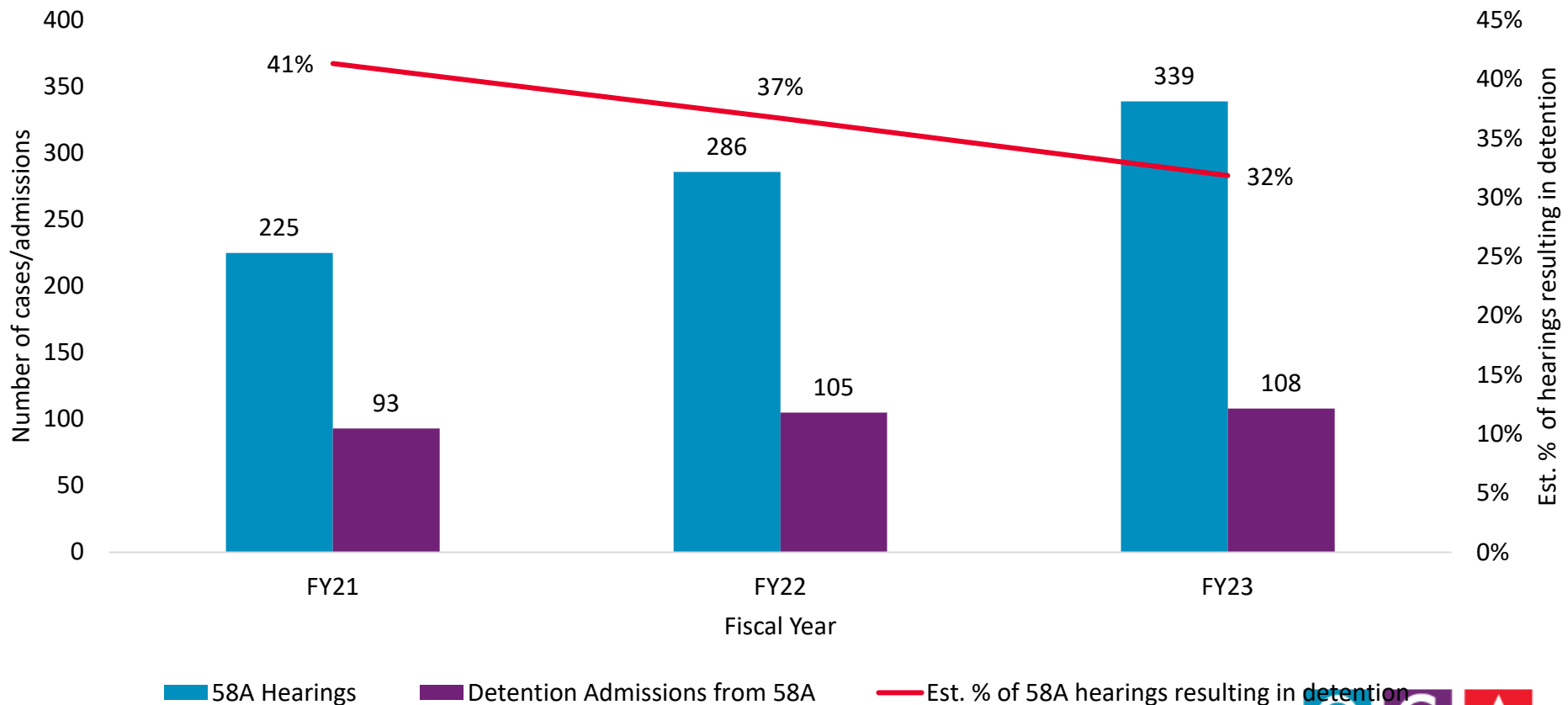
# **58A HEARINGS**

# In recent years, the number of 58A Hearings has been increasing



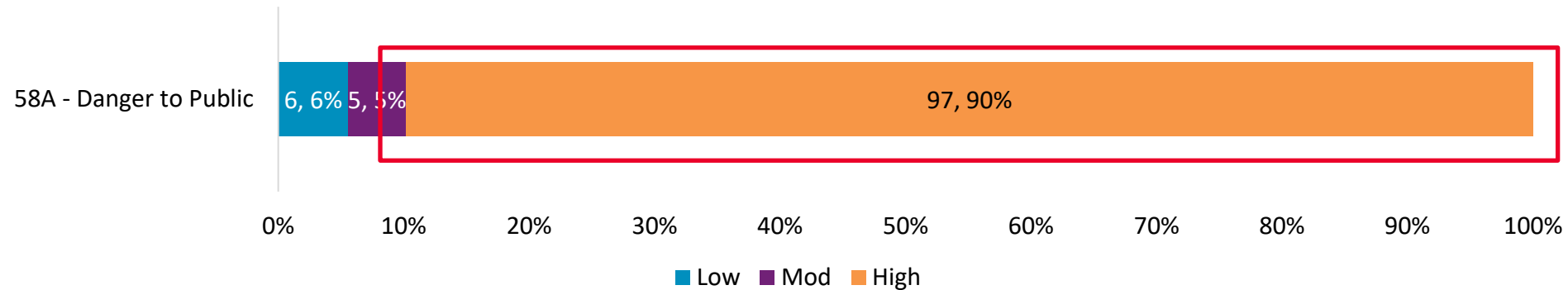
# However, most hearings do not result in a detention admission, and the percent of hearings resulting in detention has declined in recent years

Estimated Percent of 58A Hearings Resulting in a Detention Admission (FY21-FY23)



# Most youth held as a result of a 58A hearing are for higher-level and persons related offenses

58A detention admissions by reason and DYS grid level

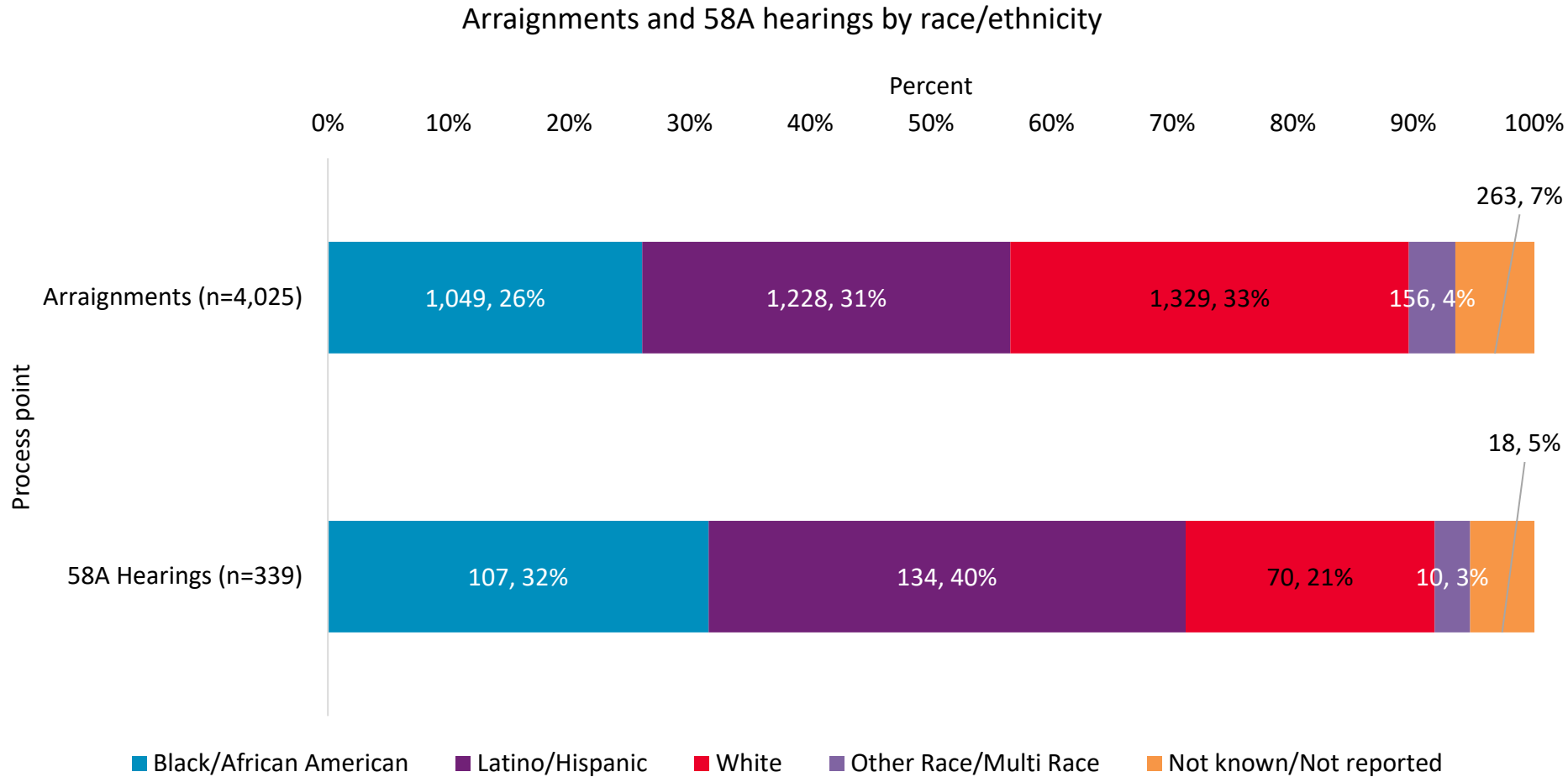


Reason for Detention Admissions for Youth Held w/o Bail by Offense Type (FY23)

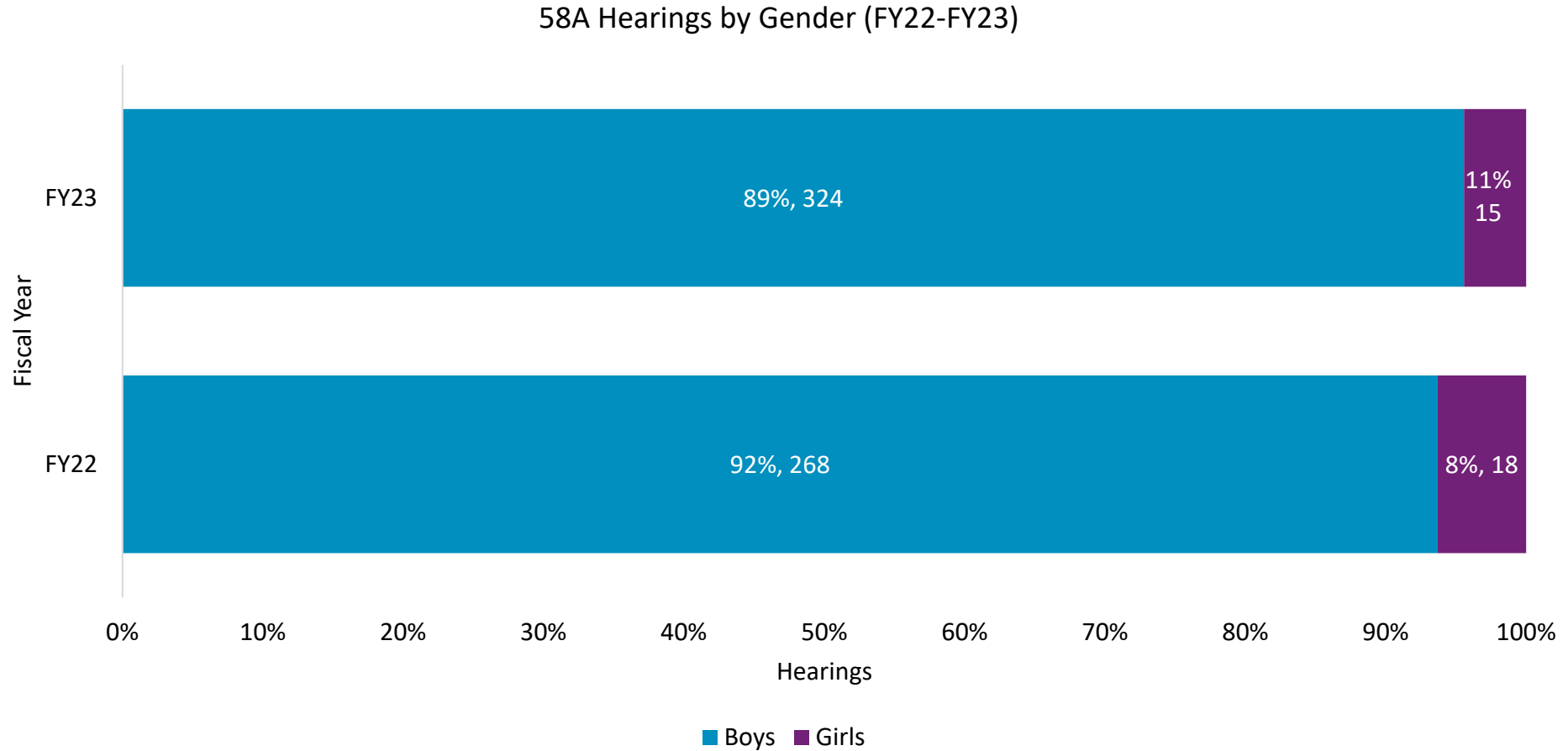
MSO Offense Type	58A - Danger to Public	Bail/PR Revoked	Probation Violation Hearing	Unknown	Total
Drugs	*	*	*	*	1%, 8
Motor Vehicle	*	*	*	*	3%, 18
Person	56%, 60	58%, 136	60%, 84	39%, 29	55%, 312
Property	*	12%, 28	17%, 24	17%, 13	12%, 70
Public Order	*	6%, 15	5%, 7	*	5%, 29
Weapons	38%, 41	18%, 42	14%, 20	31%, 23	22%, 126
Total	100%, 108	100%, 234	100%, 141	100%, 75	100%, 563

\*omitted due to cell suppression

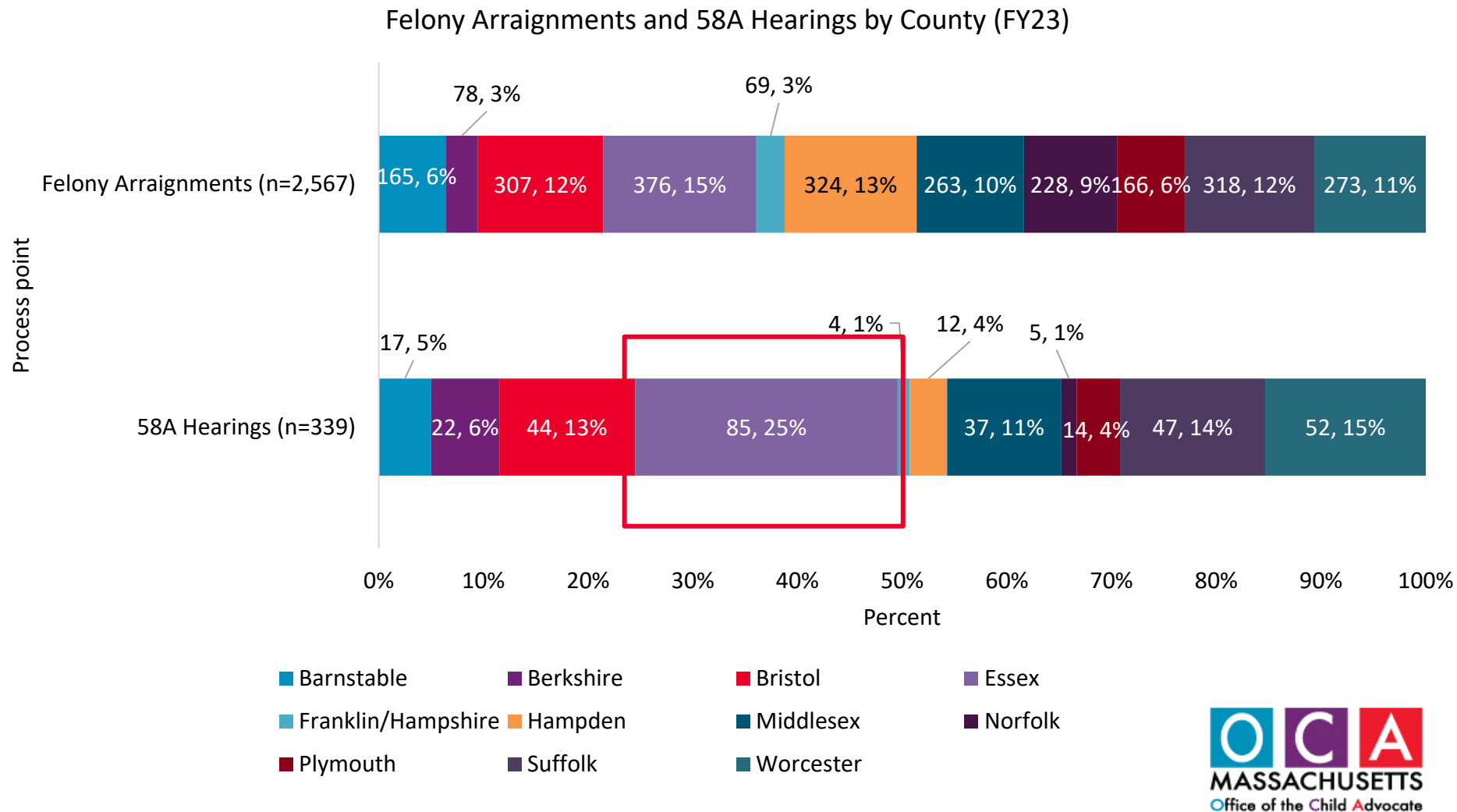
# Over half of 58A Hearings are for Black and Latino youth



# Boys make up the majority of 58A Hearings



# Essex county accounts for a quarter of 58A Hearings





# Data Summary

- In recent years, 58A hearings have increased. However, in FY23, only about a third resulted in a detention admission
- Most 58A hearings are for are for Black and Latino youth and boys
- There is county variance in the use of 58A Hearings
- Most youth are held as a result of a 58A Hearing on higher-level persons related offenses



- What other takeaways do you have?
- What other questions do you have?

# **PRETRIAL PROBATION (PTP) AS A DISPOSITION (DISPO.)**

Youth can be placed on pretrial probation as a “disposition” post-arraignment by a judge. If the youth complies with all of the conditions set by a judge, the matter will ultimately be dismissed by the prosecution. If the youth fails to comply, the prosecution of the matter may resume (at the discretion of the district attorney).

# More than half (56%) of PTP as a Dispo. cases require supervision by local probation offices

- Cases with conditions *monitored* increased by 26% while cases *supervised* increased by 52%

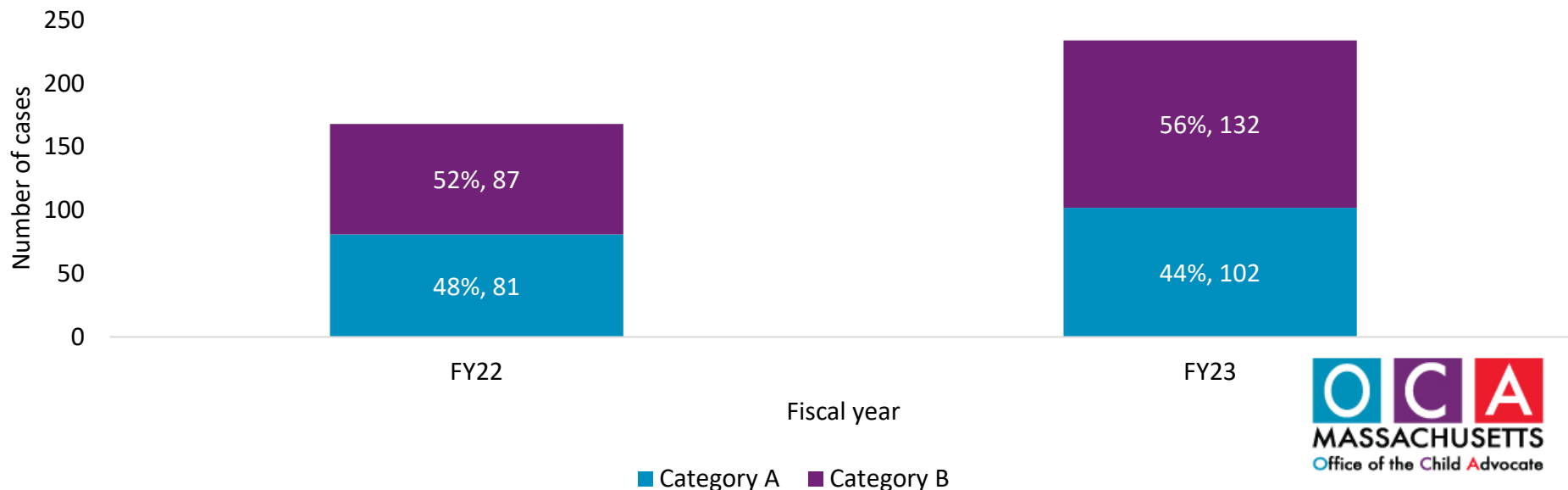
## Pretrial Conditions Type A:

- **Do not** require active probation supervision (e.g., obey all laws and court orders, no contact/stay aways)
- Supervised by the state Pretrial Unit, violations of probation are handled by local probation office

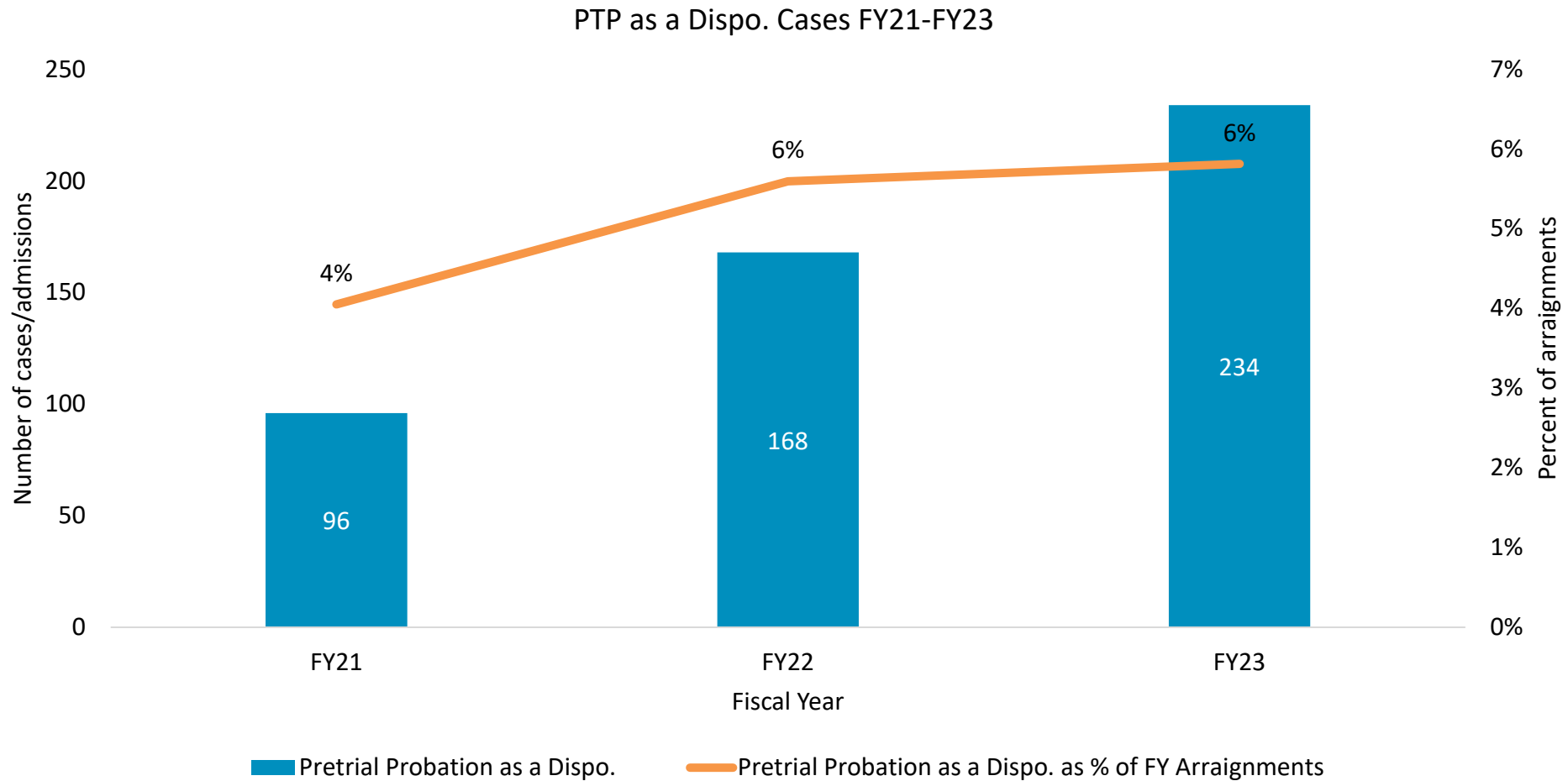
## Pretrial Conditions Type B:

- **Do** require active probation supervision (e.g., drug testing, report to probation, cooperate with MH/SUD treatment, GPS, home confinement, participate in programming)
- Supervised by local probation office

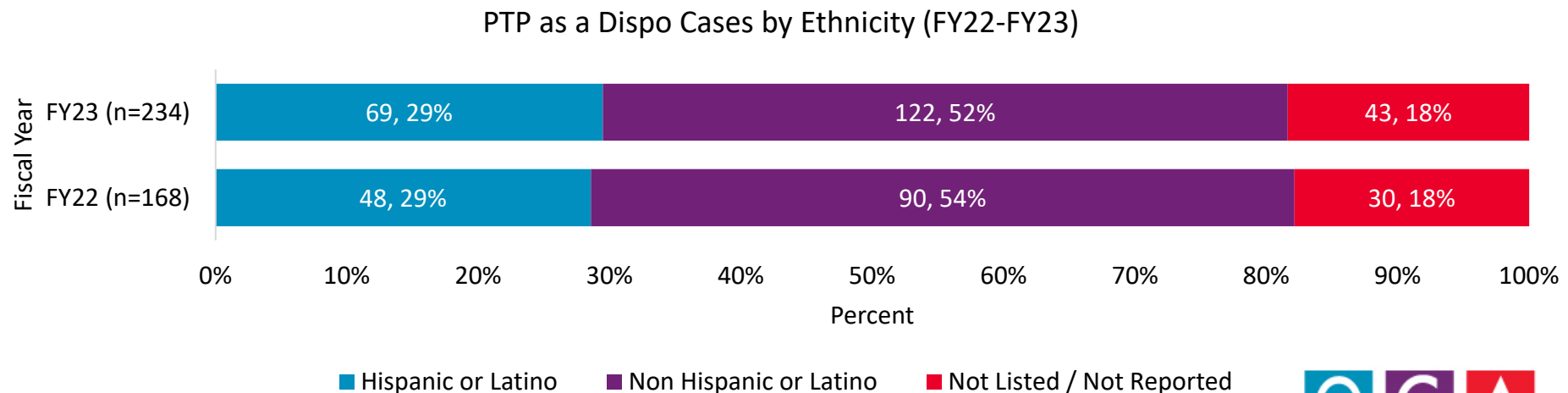
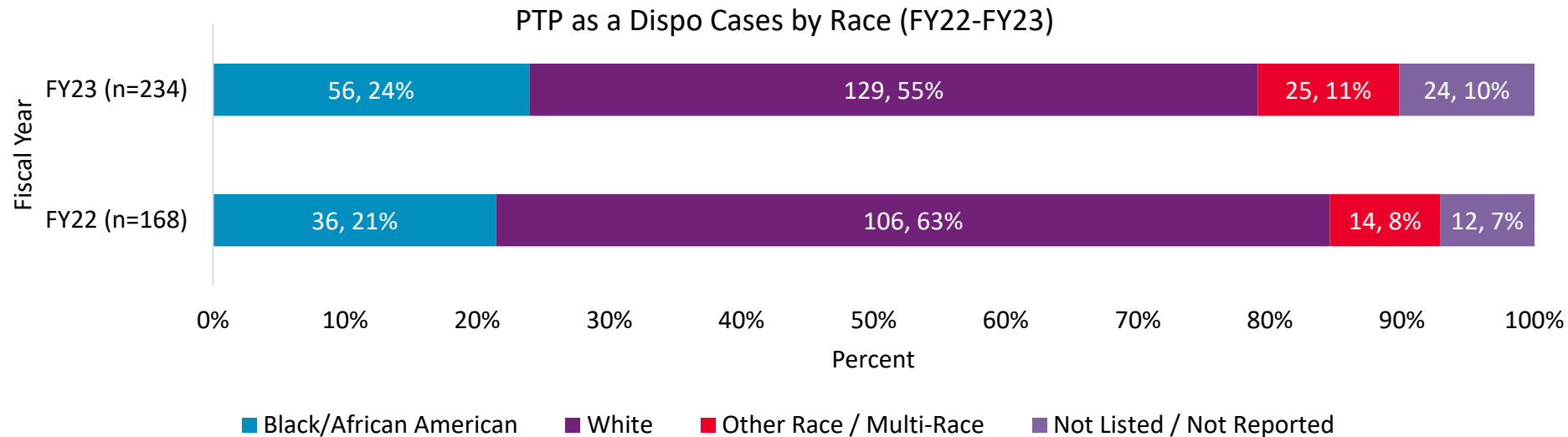
PTP as a Dispo. Cases by Supervision Type (FY22-FY23)



# In FY23, 6% of arraignments resulted in a PTP as a Dispo.



# A quarter of all PTP as a Dispo. cases are for Black youth and a more than quarter are for Latino youth



# Black youth are less likely, and Latino youth are more likely, to be placed on PTP as a Dispo. than white youth

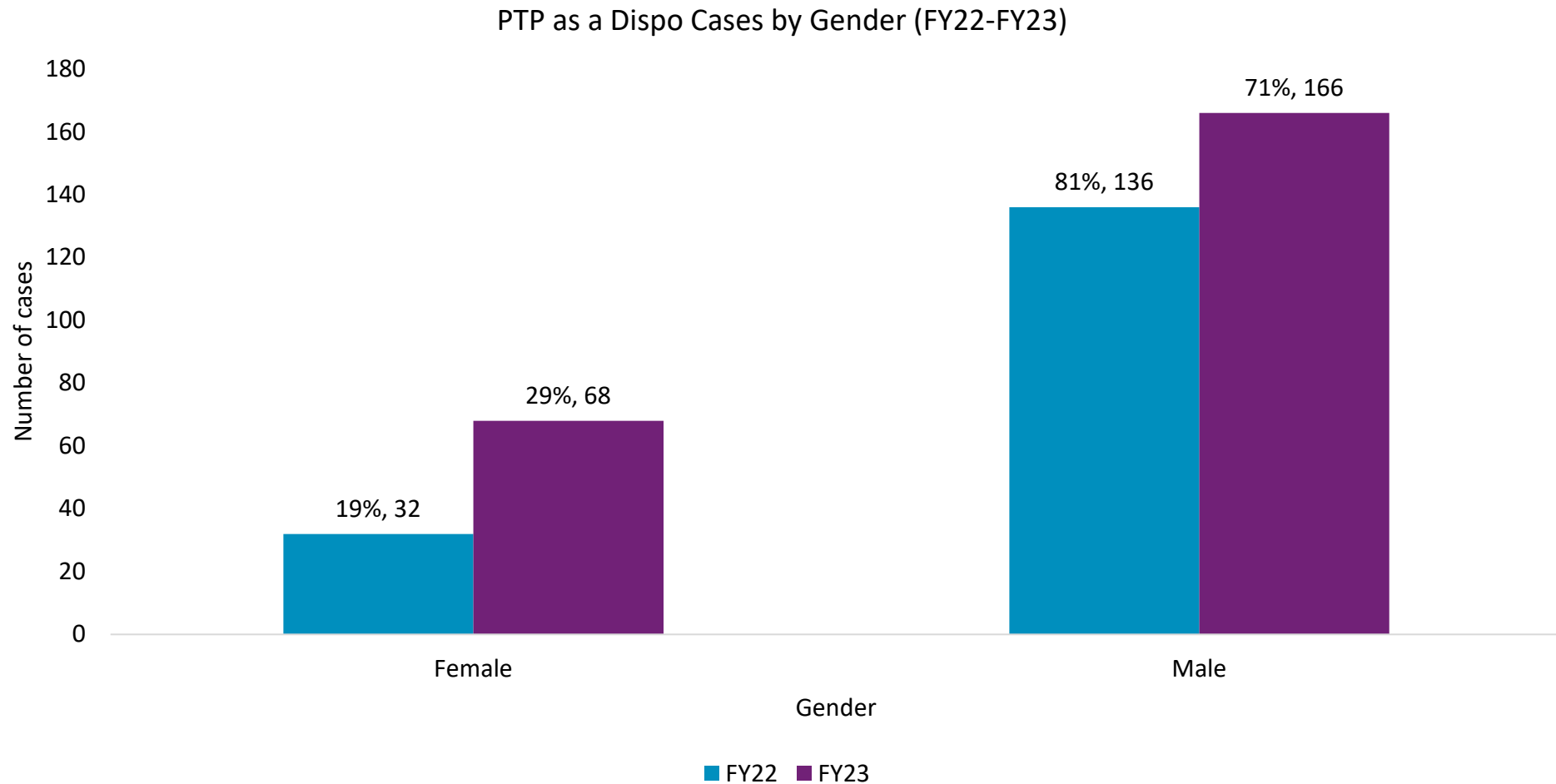
Relative Rate Index (RRI) of Black/African American, and other race / multi race youth PTP as a Dispo compared to white youth using arraignments as the base population

Fiscal Year	Black/African American	Other Race / Multi-Race
FY23	0.55	1.65
FY22	0.39	1.17

Relative Rate Index (RRI) of Hispanic/Latino youth PTP as a Dispo compared to Non-Hispanic youth using arraignments as the base population

Fiscal Year	Hispanic or Latino
FY23	1.17
FY22	1.08

# Between FY22&FY23 the number of girls on PTP as a Dispo. more than doubled



# Girls are overrepresented in PTP as a Dispo. cases compared to arraignments

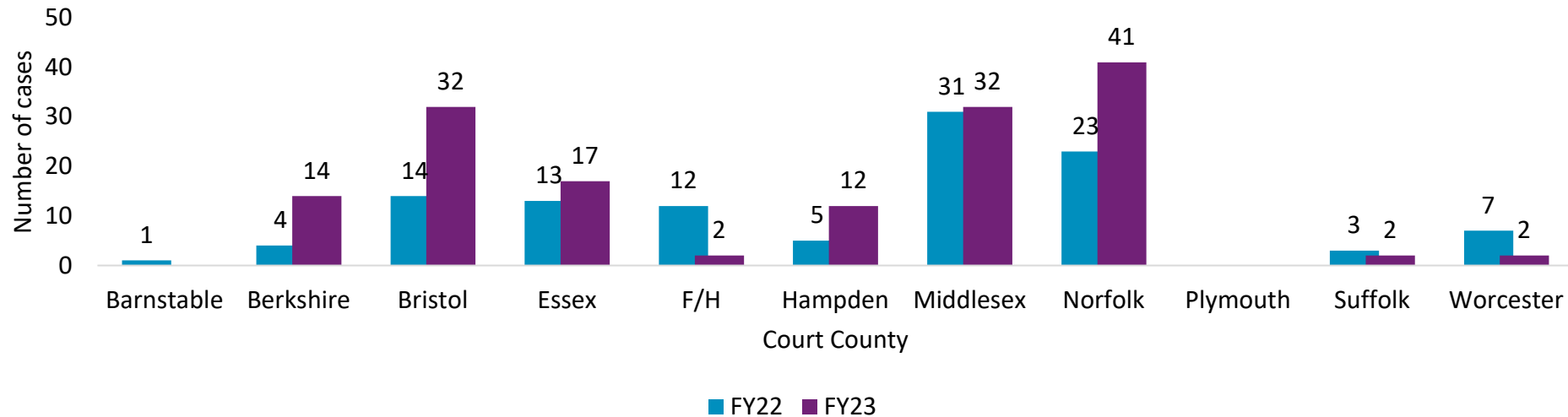
Pretrial process points by Gender (FY23)



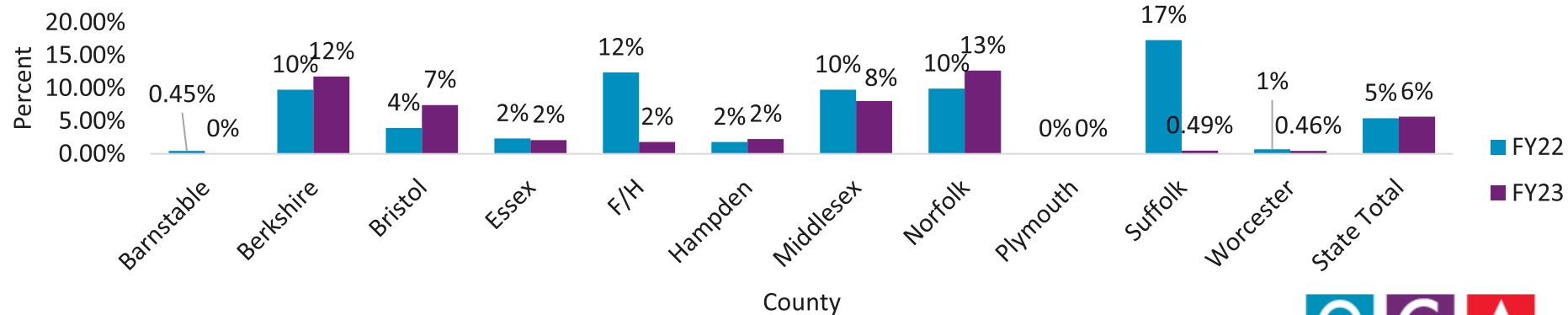


# A little under half (45%) of PTP as a Dispo. cases are supervised in Bristol, Middlesex and Norfolk Counties

PTP as a Dispo. by Court County (FY22-FY23)



PTP as a Dispo. as a percent of arraignments (FY22- FY23)



# Data Summary

- Most cases are supervised by the local probation office
- Hispanic/Latino youth are more likely to have PTP as a Dispo. than non-Hispanic/Latino youth; Black/AA youth are less likely to have PTP as a Dispo. than white youth
- Boys make up most of these cases, however, girls are overrepresented in PTP as a Dispo. cases compared to arraignments
- Of the cases supervised at the county-level, most were supervised in Bristol, Middlesex and Norfolk



- What other takeaways do you have?
- What other questions do you have?

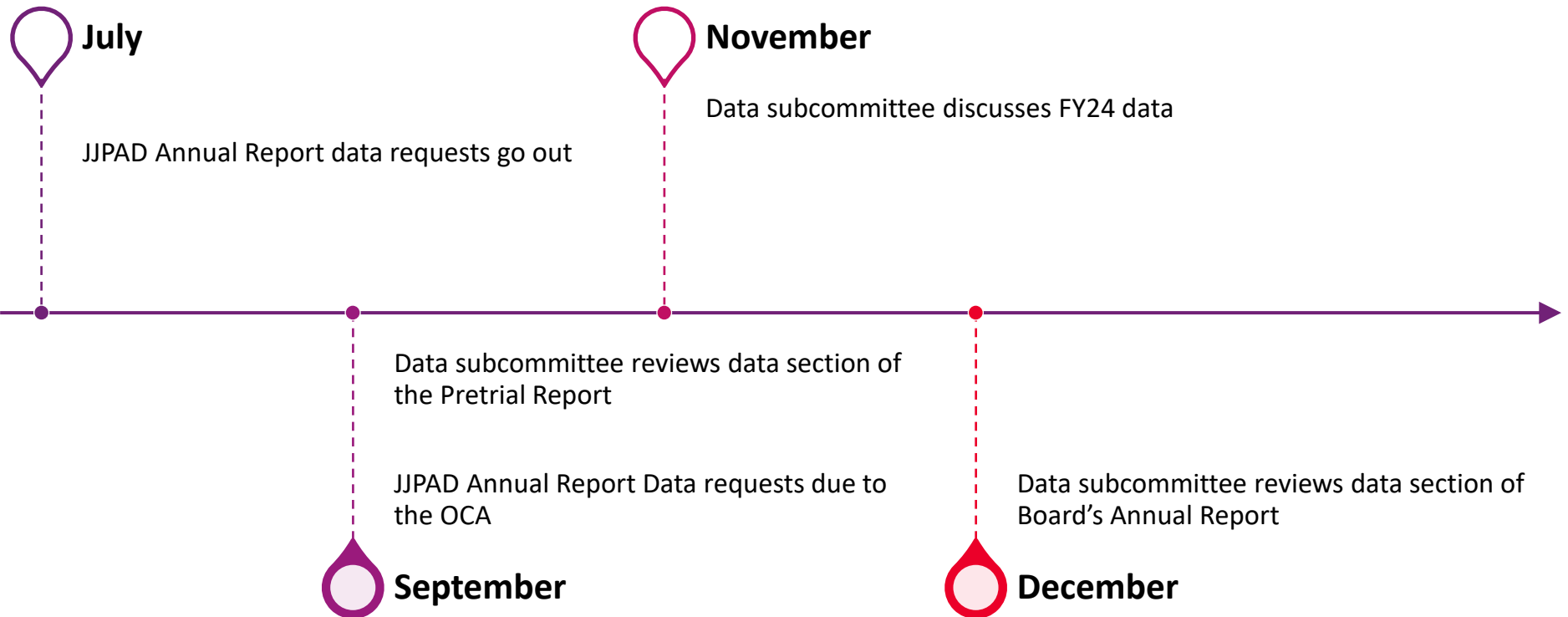
# Questions



## Project 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

# Data Subcommittee Timeline



# Next Meeting:

TBD

Please fill out the scheduling poll in the  
post-meeting email!



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

# Contact

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