Office of the Child Advocate
Juvenile Justice Policy and Data Board - Data Subcommittee Meeting
September 13th, 2019

Members and Designees in Attendance:
- Patricia Bergin (EOPSS)
- Kim Occhiuti (DCF)
- Enedia Anjos (DCF)
- Dave Chandler (DYS)
- David Melly (Rep. Dykema's office)
- Leon Smith (CfJJ)
- Matthew Broderick (DMH)

Other Attendees:
- Melissa Threadgill (OCA)
- Lindsay Morgia (OCA)
- Other members of the public

Meeting commenced: 1:10PM

Approval of July Meeting Minutes

The July meeting minutes were not approved because there was no quorum. Ms. Threadgill noted that EOTSS had some technical edits, so the group will return to this at the next meeting.

Fall Implementation Report Data Review

Ms. Threadgill reminded the group of the JJPAD's mandate, which is to study and report on the impact of recently juvenile justice system changes. The fall JJPAD implementation report will include the following:
- Updates on implementation and assessment of impact of various changes from 2018 criminal justice bill
    - Raising the lower age of criminal responsibility
    - First offense low-level misdemeanors
    - Decriminalizing certain school-based offenses
    - New requirements for School Resource Officers/School Districts

- o Increased opportunities for Judicial Diversion
- o Revising juvenile arrest procedures
- Recommendations for any statutory changes that may be needed

For this report, the goal is to include two types of data:
1. Data that is relevant for better understanding the impact of specific statutory changes
2. System-level data that allows us to see changes and trends, even if they cannot be directly connected to statutory changes

The report will also include the following caveats about the data:
- The first year of data following implementation of a new law should be viewed with caution, as it takes time to work data collection issues out
- The differences in interpretation regarding law enforcement arrest authority likely had an impact on juvenile arrests and applications for complaint; may see numbers return closer to baseline in Year 2
- Positive impacts of legislation may take years to fully emerge, and often cannot be captured by current data systems
- As detailed in our June 2019 Report, we have limited data availability for many key categories, particularly the use of diversion

Ms. Threadgill reviewed each of the statutory changes and the relevant data requests associated with them, beginning with raising the lower age of jurisdiction from 7 to 12 years old. The data requests for one year prior to the change and one year after the change are as follows:
- Data on arrests of youth under 12 (EOPSS)
- Data on overnight arrests for youth under 12 (DYS)
- Data on applications for complaint and delinquency filings for youth under 12 (Juvenile Court)
- Data on DYS commitments for youth under 12 (DYS)

Regarding first offense for low-level misdemeanors, the following data has been requested:
- Data on juvenile arrests (overall and for impacted offenses) (EOPSS)
- Data on overnight arrests (overall and for impacted offenses) (DYS)
- Data on applications for complaint and delinquency filings (overall and for impacted offenses) (Courts)
- Data on DYS commitments (overall and for impacted offenses) (DYS)

There are two statutory changes related to school resource officers (SROs), and Ms. Bergin asked for clarification on these changes. Ms. Threadgill shared that the law requires police

departments to have a memorandum of understanding with the local school district, requires data collection, and certain types of training. There is another subgroup that is currently working on a study about the MOUs, and we know at least some departments are not meeting the requirements. No one is overseeing the implementation of this part of the law, and there will likely be a recommendation to the legislature about this.

To track the decriminalization of certain school-based offenses, we have requested data on school-based arrests from DESE and data on applications for complaint/delinquency filings for those impacted school-based offenses from the courts. Data on school-based arrests will also be used to evaluate changes to SRO procedures, as well school exclusion data from DESE. Ms. Threadgill reminded the group that it is not always possible to tie data directly to statutory changes, as there could be other factors involved that are impacting the numbers.

Ms. Bergin asked if the JJPAD was going to tackle diversion, for which there is no data at present. Ms. Threadgill said that a different subcommittee was addressing the diversion issue.

Ms. Threadgill reported that some of these data requests are still outstanding, like arrest data, while some she received last night, like from the courts. Ms. Bergin said that she may be able to get preliminary arrest state, and asked if we wanted information for the whole state or by county. Ms. Threadgill said that both would be helpful.

Mr. Melly asked if EOPSS is required to collect data on school-based arrests. Ms. Threadgill said that EOPSS does not have any way to indicate an arrest happened at a school. Ms. Bergin suggested linking data by name, and Mr. Smith suggested collecting arrest and summons data to get the full picture. Ms. Threadgill said that DESE only collected arrest data for year 1.

For overall juvenile justice system use, we will use the following data to see if usage has increased, decreased, or stayed the same:
- Number of juvenile arrests (EOPSS)
- Number of applications for complaint (Courts)
- Number of delinquency filings (Courts)
- Number of youth detained
- Number of arraignments (Courts)
- Probation caseloads (Probation)
- Number of DYS Commitments (DYS)

The legislature also asked about usage of community-based services. While recognizing

this is not a complete picture, we have requested the following data to get a sense of service usage:
- Number of CRA applications (Courts, DCF)
- Number of BSAS enrollments (DPH)
- Number of CBHI enrollments (CBHI)
- Number of DMH Applications (DMH)
- Juvenile Court Clinician evaluation data (DMH)
- FRC data (DCF)

Ms. Threadgill noted that we may not be able to get FRC data by fiscal year, but we may be able to get some by calendar year. She asked the group if there were any data points missing that we should add.

Mr. Smith shared that DESE is working on cross-tab analysis to look at variables such as disability, socioeconomic status, and race, which could be relevant.

Overnight Arrest Data

Before beginning, Mr. Chandler provided a brief description of the overnight arrest (ONA) program. This program is an agreement between DYS and local police departments that states a youth cannot be held for more than six hours. Ms. Threadgill added that if a youth is arrested at 6PM on a Thursday, and for whatever reason cannot be released, that youth would be held in overnight arrest. Mr. Chandler said that when the program first started, there were six facilities used for overnights. Now, the numbers are so low that they are using a new model that allocates 2-3 beds in existing programs. Ms. Threadgill drew the group's attention to the chart in the PowerPoint presentation that showed overnight arrests have been steadily declining.

The decreases have been relatively equitable by county, with the exception of Plymouth County. ONA data by police department shows that Brockton is driving the increase in Plymouth County. When looking at ONA data by age, there has been an impact of raising the age of jurisdiction, but it is small. 11% of the total ONA drop can be attributed to a decrease in ONA of 10-13 year olds. In other words, the decrease in 10-13 year olds accounts for 5 percentage points of the total 44% drop.

Looking at race/ethnicity, Ms. Threadgill drew attention to the 800% increase of youth in the "unknown" category. Ms. Anjos asked what was driving this decrease. Mr. Chandler said that kids often aren't there long enough to do a full intake, which is when the youth would be given the chance to self-identify. A full intake takes six hours. DYS is looking into it. Prior to the change, the data came from the police department, but the current system requires self-identification.

ONA data by penalty type shows that while the reform legislation primarily targeted misdemeanors, there was also a large drop in felonies over the past two fiscal years. Mr. Chandler clarified the data by MSO Grid, saying that Grid 0 is for civil offenses. Mr. Smith asked if the highest level, grid 7, was all youthful offenders. Mr. Chandler said that grid 7 is for the youth facing murder charges, and grids 5-6 are for higher-level offenders. Ms. Threadgill pointed out that there was not much different in the decrease between the higher level and lower-level grids, though the higher-level grids started with smaller numbers.

ONA data by arrest and offense type shows a fairly equitable decrease for both new arrests and warrants. All offense types show a decrease, with the largest drop in property offenses. Mr. Smith pointed out that intentional crimes against a person has the largest number of offenses but the smallest decrease. Also, on the slide that showed ONA data by race, the data indicates that the impact for white youth was more significant. Ms. Threadgill noted that we would probably see that even with the unknowns, but we can't be certain.

Mr. Chandler said that commitment and detention data look the same. In 2018, there were 198 new commitments. Five years ago, there were 560. Mr. Smith pointed out the drop in grid 5 arrests, but Ms. Anjos asked if the decrease in grids 1-4 were the result of more youth going to DCF. Mr. Chandler said that they can get data on who is DCF involved, but the data is reported by the family. Ms. Anjos said that DCF is going under new procurement, and needs to know what they need to meet the needs of the youth. Mr. Chandler said they have done this type of analysis in the past. Ms. Occhiuti said that they had talked about doing a better match, that they had data from calendar year 2018 but it hasn't been updated since. Mr. Chandler estimated that they probably have 20-50 youth a week. The data points of interest are DCF involvement at the time of detention. Ms. Threadgill asked if it would be helpful to define "dually-involved youth." Ms. Occhiuti said that they have to work with a definition provided by the feds.

Mr. Chandler clarified that DYS has data regarding DCF involvement on the day of contact with DYS, but because it is reported by the family, we don't know if it's current or previous involvement. If we want to know how many were open with DCF at the time of DYS contact, Ms. Occhiuti said this would be a labor-intensive process involving name-matching. Mr. Chandler said that he is amenable to this, and that DYS is working with MDM, but it's moving slowly. Ms. Occhiuti suggested coming up with time frames, and Mr. Chandler suggested starting on the day of contact with DYS.

Looking back at the ONA data, Ms. Threadgill said that the decreases in the data cannot be specifically tied to the bill. Mr. Chandler asked if we could go back further than FY18. Ms. Threadgill said that we can for felonies and misdemeanors. Mr. Melly asked about juvenile bail notification. Ms. Threadgill said that was being dealt with in a separate group, but there is clearly confusion in the field. Mr. Smith said that he was interested to know where

the lower-level youth came from. Mr. Chandler said that level zero translates to "fugitive from justice." Mr. Smith asked if all of the youth in grid 1 ended up in detention. Ms. Threadgill suggested looking at grids 1-3 by county. Mr. Chandler reported that discharges have increased at DYS and intakes have decreased. Ms. Threadgill said she will bring the rest of the data to the October meeting.

Data Dictionary

Ms. Threadgill reminded the group that at their first meeting, they had a discussion about what would make data sharing easier. One of the ideas was a data dictionary. Over the summer, Ms. Threadgill asked our summer fellow to compile a draft dictionary. She started with a draft document from the Leadership Forum/JDAI Committee and pulled additional information from agency websites, old data reports, and the MGL.

The purpose of the data dictionary is to:
- Serve as a reference document for JJPAD members
- Collect and document "data quirks" that may impact data interpretation or analysis
- Serve as text that can be pulled for JJ data website (definition of terms)

Ms. Threadgill asked the group if there were any other ways the document could be useful. Ms. Bergin mentioned that an adult criminal justice research group recently reconvened. The Department of Corrections did something similar with county houses and want to do the same with probation and parole. Mr. Melly mentioned that any time a term is tied to federal definitions, it would be good to highlight that (e.g. disproportionate minority contact).

Ms. Threadgill reviewed the current categories in the data dictionary:
- Agency descriptions
- Unique identifiers
- Gender identity reporting
- Race/ethnicity collecting/reporting
- Geographic area reporting
- Charge classifications
- Risk assessment tools used
- Major changes in MA juvenile justice laws
- Data considerations and limitations ("quirks")
- Glossary of terms

Ms. Threadgill asked if members of the subcommittee were collapsing race and ethnicity data or keeping them as separate variables. Ms. Bergin suggested pulling DESE data into

the dictionary draft. Their data used to go into issues like teen pregnancy, health, and school exclusions. Mr. Chandler said their data is from the SIMS - Student Information Management System. DYS gets a data dump. Ms. Occhiuti said that the SSDR has offenses and is released once a year. Mr. Chandler said SIMS data is three times a year, which he can share with the group.

Mr. Smith asked how we can plug in crossover youth, noting that people use different terms to describe this population. Ms. Threadgill said once we decide on definitions, it can be in the document. Are there other populations of dually-involved youth to consider, like DMH-DYS? We can include a glossary with other populations.

Ms. Occhiuti shared that DCF's geographic data is typically broken down by area office and region. She asked if they should have town, zip code, and county to align with other agencies. Ms. Threadgill said that could be helpful. Ms. Occhiuti also mentioned that a child's geographic information can depend on the point in time in the case, which is information that could possibly go in the "quirks" section. Ms. Threadgill said that we would love to have data in whatever ways the agencies can cut it to make sharing easier. Mr. Chandler noted that like DCF, DYS regions do not follow the counties.

Mr. Broderick asked if the dictionary would be broken down by agency. Ms. Threadgill said that at present, the breakdown is by categories, but perhaps we could do both. Mr. Broderick suggested that this could be done for data quirks. Mr. Chandler noted that Tableau can do both. Ms. Occhiuti said that breaking down by agency could also be helpful for defining levels of care. Ms. Threadgill agreed, saying one of the major challenges is when we use certain phrases, we think we mean the same thing, but we do not.

Ms. Threadgill asked committee members to email additional comments, or if it is easier, she can schedule a time to meet in person to talk through the draft. Mr. Chandler said that this was a good learning process.

Academic Partnerships

Ms. Threadgill introduced the topic by saying that there are a lot of people in the academic world, from graduate students to professors, who are eager to partner on projects. These partnerships can be a double-edge sword, but potentially fruitful. In her previous work experience, public universities played a large role in evaluation of adult and juvenile justice initiatives, but that does not seem to be the case in Massachusetts. She expressed that she is interested in seeing if there is anything OCA and the Data Subcommittee can do to help create more successful partnerships with academics.

Mr. Chandler shared that in his experience, academics tend to over-promise what they can deliver, and academic research takes a long time to complete. Mr. Broderick shared that DMH does its best when requests for data are straightforward. However, the problem is that the data requests are typically complex. In addition, the underlying agenda isn't

always clear. Public records requests can cause issues and put a strain on resources. DMH has an ongoing relationship with UMass Medical, and Ms. Bergin said they have an ongoing relationship with Northeastern University. Mr. Broderick noted that impediments can build quickly. Mr. Chandler shared that this can be unfair to the student, if it is a graduate student researcher.

Ms. Threadgill asked about differences between incoming partnerships and actively seeking partnerships. Mr. Broderick said that seeking partnerships typically means paying for services. Mr. Smith brought up Connecticut as a model; their juvenile justice coalition has a strong partnership with the University of New Haven. Ms. Threadgill mentioned that the Tow Foundation is a critical partner in that relationship as well.

Ms. Occhiuti said that academic partnerships can create a lot of work without the extra help needed to manage them. If there was one person whose whole job was working with academic partners, that may be okay. Mr. Broderick noted that universities have capabilities that agencies don't always have, like cost benefit analysis. Mr. Chandler said they welcome partnerships, but they need IRB approval if they want access to clients and staff. Ms. Occhiuti mentioned that the union sometimes needs to be involved.

Ms. Threadgill shared that she has been talking with academics who are interested in our work. They in some cases may be able to secure funding and want to do useful things. Mr. Chandler noted the importance of making sure agency leadership supports the partnership. Ms. Occhiuti mentioned another challenge is that the research questions are not driven by the agency, which has the information to ask better questions. Ms. Threadgill asked if we could talk about potential questions that are of interest to multiple agencies. She also asked if there would be any interest if OCA organized a meeting with academics, and there was general agreement with the idea.

Ms. Threadgill said that at the next meeting, we would have a professor from BU who is doing interesting work around data sharing, confidentiality, and encryption. She asked committee members to get the word out to others in their agency who may be interested, such as legal counsel. Mr. Chandler said that he would be willing to do a test project. Ms. Threadgill said this professor has successfully worked with HIPPA data, education data, and human resources data, so there is lots of potential here. She thanked everyone for their participation.

Adjournment: 2:25PM