JJPAD
Juvenile Justice Policy and Data Board

Recommended Data Reporting Standards

Recommendations for Reporting Data on Race, Ethnicity, Sexual Orientation and Gender Identity

A REPORT OF THE JUVENILE JUSTICE POLICY AND DATA (JJPAD) BOARD
NOVEMBER 2020

JJPAD Recommended Data Reporting Standards

As part of the Juvenile Justice Policy and Data (JJPAD) Board's mission of improving the quality of juvenile justice system data reporting, the Data Subcommittee has developed recommended standards for juvenile justice and child-serving entities[1] to use when reporting key demographic variables to the Office of the Child Advocate (OCA) for JJPAD reports.[2]

There are currently no state-level requirements that government entities report data broken down by specific categories (e.g. race, ethnicity, gender identity, sexual orientation) in any particular way. Individual government entities define, collect and report data in a variety of ways, influenced at times by the limitations of case management systems and data collection procedures, as well as any federal reporting requirements.

As a result, reporting of key demographic data is inconsistent across juvenile justice and child-serving entities, which makes it difficult to impossible to compare caseload populations from entity to entity and measure any big-picture trends, disparate impact, and/or gaps and challenges across the entire juvenile justice system. Further, inconsistent reporting categories can lead to misinterpretation of the data and confusion when shared with the public.

To increase the quality of our data reporting – and, ultimately, improve data-informed decision-making – our system needs consistent, aligned standards for reporting.

In this report, the Data Subcommittee has developed recommendations for reporting of the following variables:

- Race and ethnicity
- Gender/gender identity, sexual orientation, transgender status, and intersex status

The Subcommittee recommends starting with these variables because of the disparities we see in the juvenile justice system for youth of color, girls and LGBTQ+ youth:

- **Race/Ethnicity:** Black and Brown youth are disproportionally represented across the juvenile justice system nationally and in Massachusetts. In Massachusetts, Black and Hispanic/Latinx youth represent just 26% of the population, but in fiscal year 2019 represented 73% of all custodial arrests, 50% of probation's risk/need caseload, and 72% of all detention admissions.[3]

- **Gender:** Although the number of girls involved in the juvenile justice system is typically substantially lower than their percentage of the population, there can be disproportionality in the ways they enter the system. For example, in Massachusetts, 45% of girls held overnight in a DYS facility before being charged were arrested in their own homes, compared to 28% of boys.[4] Reporting gender data accurately can, for example, help develop

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[1] This document uses the term "government entities" or, for short, "entities" to refer to the various agencies, organizations, and branches of government that make up the juvenile justice system and/or provide services to children and families.

[2] For the sake of consistency, the Subcommittee also encourages government entities to use these standards when issuing other public data reports, while recognizing that this may not be possible in all circumstances due to federal or other reporting requirements.

[3] *Early Impacts of An Act Relative to Criminal Justice Reform* (2019). https://www.mass.gov/doc/early-impacts-of-an-act-relative-to-criminal-justice-reform-november-2019/download

[4] Q1-Q3 JDAI Special Population Data Analysis obtained from DYS.

gender-specific programs and appropriate interventions.[5]

- **Sexual Orientation and Gender Identity:** National studies show that LGBTQ+ youth are disproportionately represented in the juvenile justice system.[6] In Massachusetts, data from the Youth Risk Behaviors Survey (YRBS) shows that 13.9% of high school students identify as LGBTQ, including 3.1% who identify as transgender or questioning their gender identity.[7] While we do not have data on the number of LGBTQ youth involved with the Massachusetts juvenile justice system, we do know that nationally, LGBTQ youth are twice as likely to be involved in the justice system as their non-LGBTQ peers.[8]

The Subcommittee recognizes that accurate collection of a youth's identified race, ethnicity, gender and sexual orientation is a critical step as we work to identify and address disparate treatment, disproportionality and inequitable outcomes for youth. Collecting and reporting this data also benefits the Commonwealth's constituents and the youth these entities serve by signaling to youth that their intersecting identities are valid and respected.

Further, the Subcommittee recognizes that disparities can also exist for specific intersections of identities – such as gender and race – making this an important factor to consider in analysis, as well. Although this document focuses on reporting recommendations for individual variables, the Subcommittee recommends government entities examine and report data looking at various combinations of intersecting identities as well, when possible.[9]

Criteria for Developing Guidelines
There are multiple considerations that impact decisions regarding data reporting, each of which are based on important, and at times competing, values. As a result, developing a set of guidelines requires weighing the various criteria and making judgement calls about the best path forward.

The Data Subcommittee used the following criteria in developing these recommendations, in order of priority:

[5] True Child. (n.d). "Improving Juvenile Justice: Connecting Race, Class and Gender," Retrieved from: https://static1.squarespace.com/static/599e3a20be659497eb249098/t/5c61b6189140b773a66681a5/1549907483134/_Juvenile+Justice%2C+Race+%26+Gender.pdf
[6] OJJDP Model Programs Guide Literature Review Retrieved from: https://www.ojjdp.gov/mpg/litreviews/LGBTQYouthsintheJuvenileJusticeSystem.pdf
[7] Massachusetts Commission on Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Youth. (2020). *Massachusetts Commission on LGBTQ Youth: 2021 Report and Recommendations.* Retrieved from https://www.mass.gov/annual-recommendations
[8] Vallas, R., & Dietrich, S. (2014). One Strike and You're Out: How We Can Eliminate Barriers to Economic Security and Mobility for People with Juvenile Records. *Center for American Progress.*
[9] The Subcommittee intends on taking up this discussion in their 2021 work.

1) **Adherence to State and Federal Laws Regarding Confidentiality of Private Information:** Numerous state and federal laws require entities holding personally-identifiable data about individuals to keep that data private.[10] Although these guidelines apply to data being reported in the aggregate, in some cases the number of individuals falling into a certain category is small enough that reporting the data poses a risk of revealing personally-identifiable information. Data reporting standards must account for this possibility and provide guidance for when an agency is in this situation.

2) **Feasibility of Implementation:** State entities face numerous challenges when making changes to the way data is collected and reported, including the need to train staff, modify databases and data collection methods, and/or update automated reporting programming. Given that one of the goals of developing these guidelines is to improve the JJPAD Board's ongoing data reports, the Data Subcommittee prioritized recommendations that could be implemented in the short to medium term, while suggesting direction for longer term improvements. The Subcommittee expects that these guidelines will evolve over time.

3) **Level of Detail:** Different audiences and/or analytical questions require the ability to view data in varying levels of detail. In some cases, it is most useful to be able to look at data grouped into relatively broad categories, while in other cases it is more useful to see data broken down into smaller/more nuanced categories. Providing data in great detail may also at times conflict with protecting data confidentiality.[11] To provide the maximum amount of utility, the Data Subcommittee prioritized reporting data in as detailed a manner as possible, while also providing guidance on how data should be aggregated into broader categories when necessary/useful.

> **A Note on Data Collection**
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> While the purpose of these standards is to develop consistency in *reporting*, the Data Subcommittee strongly urges state entities to collect data by allowing youth to self-report for the variables discussed throughout this document. When self-reporting is not possible, organizations should refer to official documentation for identifying variables (i.e. driver's license, state ID). Observation (staff-report) data should only be used when there is no other option, and never be used for collecting transgender status, intersex status, or sexual orientation.

4) **Recognition of Complexity of Identity:** Categorizing individuals into demographic and other categorical groups is an inherently complex undertaking. The ways in which individual people identify and interact with entire systems does not always follow a linear path or fit in a box. How individuals identify may change over time, and, historically, the categories we use to group individuals have also changed over time.[12] The Data Subcommittee recommends reporting data in ways that recognize these complexities when possible, while also acknowledging that this goal may at times be in tension with the other criteria.

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[10] For additional details and guidance on confidentiality, see: https://www.mass.gov/handbook/guide-on-the-disclosure-of-confidential-information

[11] For more information on sharing personal/confidential information across agencies, see the Trial Court's Guide on the Disclosure of Confidential Information https://www.mass.gov/handbook/guide-on-the-disclosure-of-confidential-information

[12] See, for example, https://www.census.gov/newsroom/blogs/random-samplings/2015/11/measuring-race-and-ethnicity-across-the-decades-1790-2010.html

5) **Alignment with Other Systems:** Our juvenile justice data reports will be most useful when they can be compared to other data sources, such as population demographic data from the U.S. Census, indicator data from public health and education data sets, or data from the adult criminal justice system. The Data Subcommittee has reviewed current reporting practices for other key data sources, and to the extent possible crafted guidelines to allow for comparison with these other sources/systems.

Recommendations for Massachusetts Juvenile Justice System Reporting

Reporting Recommendations for Race and Ethnicity

The Data Subcommittee recommends juvenile justice and child-serving entities report data to the OCA for JJPAD reports according to the following standards. Entities are also encouraged to adopt these standards for their own public data reports, when possible.[13]

1) **Collect Data Using the Following Race/Ethnicity Categories at a Minimum, and Allow Youth to Select More than One:**

- Hispanic/Latinx
- Black or African American
- American Indian or Alaska Native
- Asian
- Native Hawaiian or Other Pacific Islander
- White
- Other
- Unknown (to be used as minimally as possible)

This is often referred to as a "combined question" format and allows a youth the option of identifying as Hispanic/Latinx without selecting a separate race. Many youth who identify as Hispanic/Latinx do not identify as a separate race (e.g. White, Black).[14]

If an agency is unable to collect data in a "combined question" format, the agency should refer to recommendation #2, below, for guidance on how to combine the results from a two-question format for reporting purposes.

The Subcommittee also recommends each juvenile justice and child-serving agency take steps to add a race/ethnicity category of "Middle Eastern or North African" (MENA) to their data collection systems. This will allow a ninth race/ethnicity category to be reported in addition to the standards discussed here. Census testing research indicates that, when given the option, individuals of this

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[13]The Data Subcommittee recognizes that government entities may at times report data publicly in ways inconsistent with these recommendations due to a variety of factors, including federal reporting requirements. This may in turn lead to situations where there are multiple sets of public numbers. The Data Subcommittee recommends that the OCA make it clear in any public reports how data was reported from each agency, and strongly urges researchers, members of the press and members of the public to confirm with entities what data definitions and categories are used for each report if that information is not available in a publication.

[14] Allen, V. C., Jr, Lachance, C., Rios-Ellis, B., & Kaphingst, K. A. (2011). Issues in the Assessment of "Race" among Latinos: Implications for Research and Policy. *Hispanic journal of behavioral sciences*, *33*(4), 411–424. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3519364/

background overwhelmingly identified separately with this ethnicity category.[15] When no MENA option was provided, 80% identified as white, and 20% identified as Black.

Given that one cannot always accurately identify a youth's race and ethnicity based on their external presentation, it is strongly recommended that youth be asked to self-identify rather than having staff determine what race/ethnicity they believe the youth to be. Similarly, given that a youth may identify with more than one race/ethnicity, it is recommended that they be given the opportunity to select more than one.

2) For Youth Who Select More than One Race/Ethnicity and for Entities Who Use the Two-Question Format:[16]

An increasing number of youth identify as having more than one race/ethnicity.[17] This complexity poses challenges for data analysis. Reporting out data on each race/ethnicity combination can make analysis unwieldy and impractical – and in situations where the number of youth in a given category is low, reporting the data at that level of detail may not even be possible due to the need to protect confidentiality. At the same time, grouping all youth who report more than one race/ethnicity into a single "multiracial" category creates its own problems by erasing potentially important different experiences of each group.

Although researchers have proposed a variety of more complicated statistical techniques for apportioning youth who identify as having more than one race/ethnicity,[18] the complexity of these methods makes them impractical given the size of data sets and types of analysis (e.g. frequency statistics) typically conducted by Massachusetts juvenile justice entities.

While recognizing that there are drawbacks to any approach, the Data Subcommittee recommends agencies report data on youth who select more than one race/ethnicity in two different ways:

A. Report Aggregate Statistics Using a Prioritization Model
Entities should assign youth a single race/ethnicity category for reporting purposes using the following prioritization model:

1. Hispanic/Latinx
2. Black
3. American Indian or Alaska Native
4. Middle Eastern/North African (if included as a category)
5. Asian
6. Native Hawaiian or Other Pacific Islander
7. White
8. Other

[15] United States Census Bureau (2017) 2015 National Content Test Race and Ethnicity Analysis Report. Retrieved from: https://www.census.gov/programs-surveys/decennial-census/2020-census/planning-management/final-analysis/2015nct-race-ethnicity-analysis.html

[16] The "two-question" format is when an entity collects data on race and ethnicity separately. In practice, there are often only two options given for ethnicity: Hispanic/Latinx or Not Hispanic/Latinx. As noted above, researchers are finding that when presented with these options, many individuals of Hispanic/Latinx descent list "None" or "Other" for their race; in other words, they do not identify with a specific listed racial group.

[17] Parker, K., et al. (2015). "Multiracial in America," Pew Research Center. Retrieved from: https://www.pewsocialtrends.org/2015/06/11/multiracial-in-america/

[18] See for example: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4106007/ and https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2831381/

This means that, for example, a youth who identifies as Black and Hispanic/Latinx would be categorized as Hispanic/Latinx, or a youth that identifies as Asian and White would be categorized as Asian. This prioritization model ensures agencies are not "double counting" youth. Placing Hispanic/Latinx as highest on the prioritization list for the purposes of assigning a single race/ethnicity category is in alignment with decisions made by numerous other reporting entities, including the Office of Juvenile Justice and Delinquency Prevention.

B. *Report the Number of Youth Who Selected More than One Race/Ethnicity, and Total Number of High Frequency Combinations*

To capture the number of youth reporting more than one race/ethnicity, agencies are also encouraged to include the following information in data reports:

- Total number selecting only one race/ethnicity categories
- Total number selecting multiple race/ethnicity categories
- Detailed distributions of the different race/ethnicity combinations, prioritizing those combinations that appear most frequently in the data set.
  - For example, reporting how many youth identify as both "Black" and "Hispanic/Latinx," or how many youth identify as "Asian" and "White."

3) Use Consistent Rules for Aggregating Data as Necessary to Protect Confidentiality:

The JJPAD Data Subcommittee acknowledges that not every agency will be able to report at the same level of detail, whether that is a result of database or data collection limitations, or as a result of confidentiality rules as described above.

To allow for entities to report at the maximum level of detail possible while still allowing for cross-agency comparison, the Data Subcommittee has established four levels of reporting. Each level lists guidelines for how data should be aggregated (in more or less detail) to allow for comparison with other entities.

Each level builds on the level proceeding it in terms of detail. **The Subcommittee recommends reporting at the highest level possible, with the goal of having every agency report at Level 3 at a minimum.**

Levels 1 and 2 should be reserved for circumstances where greater disaggregation is not possible due to confidentiality concerns. Entities reporting at Level 1 and/or 2 are requested to indicate why a more detailed analysis is not possible.

Based on the reporting categories above, Supplement 1 provides detailed guidance on each reporting level, and Supplement 2 provides example data reports at each level.

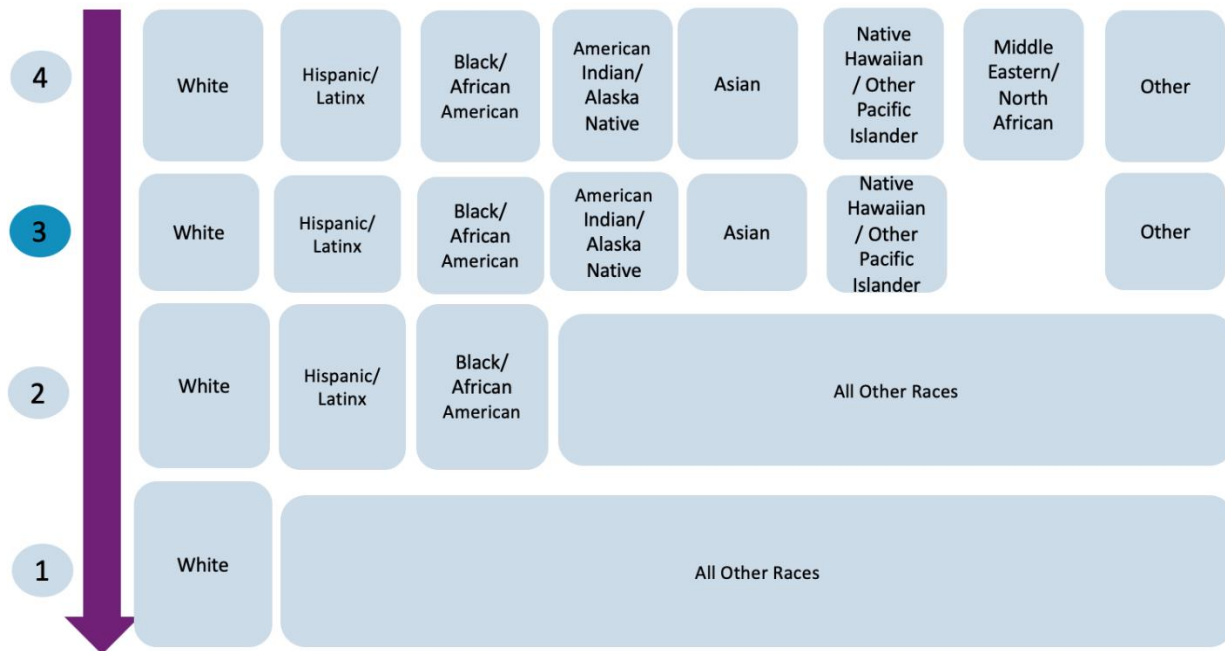| Level								
4	White	Hispanic/Latinx	Black/African American	American Indian/Alaska Native	Asian	Native Hawaiian/Other Pacific Islander	Middle Eastern/North African	Other
3	White	Hispanic/Latinx	Black/African American	American Indian/Alaska Native	Asian	Native Hawaiian/Other Pacific Islander		Other
2	White	Hispanic/Latinx	Black/African American	All Other Races				
1	White	All Other Races						

Figure 1: Chart on how to aggregate race/ethnicity data up or disaggregate data down for reporting purposes. Level 4 is the most detailed level of reporting. Level 3 corresponds to current federal OJJDP guidance.

Implementation:

The primary purpose of this document is to provide guidance on the data categories that should be collected and reported, and in what circumstances. Detailed guidance about implementation is beyond the current scope of this document.

However, the Subcommittee recommends that entities **create policies on data collection** and **conduct training for staff** that highlights the following:

1. The importance of collecting accurate identity data
2. How to ask youth how they identify, why youth are asked to self-report and what the different categories mean
3. How the data is ultimately used within the agency, including ways it is used to identify and address sources of racial/ethnic disparity

Future Considerations:

These standards represent an important step taken to measure racial and ethnic disparities in the Commonwealth's juvenile justice system. While the standards here represent an important *first* step, they are part of other initiatives to address racial and ethnic disparities and should be updated as our understanding of data collection and reporting evolve, and the capacity of our information management systems grows.

Recommendations for Reporting Data on Gender, Sexual Orientation, Transgender Status, and Intersex Status

Juvenile justice entities have traditionally collected data on a youth's gender. In recent years, some entities in Massachusetts and nationally have begun to collect additional information about a youth's sexual orientation, as well as whether they identify as transgender. Finally, there is a growing awareness of the need to better understand the experiences and needs of youth who are intersex.[19]

The JJPAD Data Subcommittee recognizes that all youth have a sexual orientation and a gender identity. The Subcommittee also recognizes that, although many youth are happy to share information about their gender identity, sexual orientation, transgender status and intersex status, others may want to keep this information private and/or may only feel comfortable sharing the information in certain settings due to fear of discrimination.

As such, the Subcommittee acknowledges the importance of collecting data on sexual orientation, transgender status and intersex status, and also recommends that this information be collected by trained professionals who have had the opportunity to build rapport with the youth and can ensure the information is kept confidential, if that is desired by the youth.[20] [21] The Subcommittee recognizes that not all process points in the juvenile justice process – particularly early process points – necessarily meet this standard at this time.

Accordingly, the two levels of reporting below differ as a result of *who* is collecting the data:

- Level 1 data is recommended for process points that do not provide opportunity to develop rapport with a youth and/or in situations where the collecting agency cannot guarantee the information can be kept confidential from others the youth may not wish to share the information with (e.g. parents, teachers, etc.). Examples of these process points include law enforcement making an arrest or a district attorney deciding whether to charge a youth in court.

- Level 2 data is reserved for situations where staff can develop more rapport and a professional, trusting relationship with the youth. Examples of this include diversion coordinators, DYS case managers and defense attorneys working with an individual youth.

  There may also be situations where an entity needs to collect some or all this information for regulatory or safety reasons (e.g. PREA compliance), even if they do not otherwise meet the criteria for this level. For example, if a youth is placed in an overnight out-of-home setting, staff should identify if the youth is transgender to ensure the youth is placed in an appropriate setting. In this case, the entity should ensure staff collecting this information are trained and are able to ask the information in a sensitive manner, even if they have not necessarily had the time to build rapport and trust.

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[19] Although prevalence rates are difficult to estimate due to a lack of data collection, researchers estimate that approximately 1.7% of people are born intersex. See: https://interactadvocates.org/faq/

[20] Irvine, A., Wilber, S., Larrabee-Garza M. & Canfield, A. (2019). The Whole Youth Model: How Collecting Data About Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) Helps Probation and Youth Courts Build More Authentic Relationships Focused on Improved Well-Being Ceres Policy Research http://www.nclrights.org/wp-content/uploads/2020/05/sogie.practice.guide_.17december2019.pdf

[21] Irvine, A., Wilber, S., & Canfield, A. (2017). Lesbian, Gay, Bisexual, Questioning, and Gender Nonconforming Girls and Boys in the California Juvenile Justice System: A Practice Guide. Oakland, CA: Impact Justice and the National Center for Lesbian Rights. https://impactjustice.org/wp-content/uploads/RAC-CPOC.pdf

The Subcommittee recommends that juvenile justice and child-serving entities report data to the OCA for JJPAD reports according to the following standards. Entities are also encouraged to adopt these standards for their own agency reports:[22]

1) Juvenile justice and child-serving entities <u>that meet the criteria for Level 1 data noted above</u> are encouraged to collect and report responses to the following category from <u>all</u> youth when asking for demographic information:

Level 1		
Variable	**Suggested Question Wording**	**Aggregate Reporting Categories**
Gender[23]	What is your gender? ____ Girl/woman ____ Boy/man ____ Another Gender (for example, Non-Binary, Genderqueer or Two-spirit) ____ Unsure	• Female • Male • Another Gender (to include Gender X markers)[24] • Prefer Not to Answer

Each agency should collect this information for all youth and have youth self-report their gender. If self-report is not possible, entities should use the gender listed on a youth's driver's license (if they have one).[25] Given that one cannot accurately identify a youth's gender based on their external presentation or gender expression, staff-reported data should only be used if there is no other way to collect the data. Regardless, entities should report *which data collection method is predominantly used*.

2) Entities that have interactions with youth <u>that meet the criteria for Level 2 data noted above</u> are encouraged to collect and report responses to the following categories from <u>all</u> youth:

Level 2		
Variable	**Suggested Question Wording**[26]	**Aggregate Reporting Categories**
Gender[27]	What is your gender? ____ Girl/woman ____ Boy/man ____ Non-Binary ____ Genderqueer ____ Two-Spirit ____ Unsure	• Female • Male • Another Gender (includes non-binary, genderqueer, two-spirit, write your own response, and individuals with Gender X markers) • Unsure/Prefer Not to Answer

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[22] The JJPAD Data Subcommittee recognizes that collecting and reporting this data may require changes in data collection policies and processes, including modifications to agency databases and training of staff, and that these changes may take time and resources to implement.

[23] When making comparisons from agency to agency, "gender" should be viewed as equivalent to "gender identity."

[24] Note that as of November 2019, Massachusetts allows the following options on a driver's license: Male, Female, or Gender X.

[25] If a youth's self-reported gender identity conflicts with the gender listed on their driver's license or other form of identification, the youth should be listed as their self-reported gender identity.

[26] Entities will need to determine if this information will be collected through a staff interview and/or through a written or computer form. This suggested wording may need to be modified somewhat if it is done as part of a larger interview.

[27] When collecting data for Level 2 reporting purposes, Gender should be collected/asked first from the youth; this is to affirm the youth's identity.

	____ Write Your Own Response ____ Prefer Not to Answer Although it is not necessary to report this data in the aggregate, it is also best practice to give the youth an opportunity to share the pronouns they use (e.g. he, she, they, ze, etc.) for themselves: What pronouns do you use for yourself? ____ He/Him/His ____ She/Her/Hers ____ They/Them/Theirs ____ Ze/Zir/Zirs ____ Unsure ____ Write Your Own Response	
Transgender Status	Do you consider yourself to be transgender? Please pick the option that best describes how you think of yourself. ____ No, I am not transgender ____Yes, I am a transgender girl/woman (I identify as a girl/woman, assigned male or intersex at birth) ____Yes, I am a transgender boy/man (I identify as a boy/man, assigned female or intersex at birth) ____Yes, I identify as non-binary, genderqueer, or another term[28] ____Not sure whether I am transgender ____Not sure what this question means ____ Prefer Not to Answer	• Not transgender • Transgender (aggregate of all "yes" answers) • Prefer not to answer/not sure
Intersex Status	Some people are born with bodies that are a little different from what we think of as standard "male" or "female" bodies. This is sometimes called being intersex or having a Difference in Sex Development. Are you intersex?	• Intersex • Not intersex • Prefer not to answer/Not sure

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[28] It is important to note that not all people who identify as non-binary or genderqueer identify as transgender.

	____Yes, I am intersex	
	____No, I am not intersex	
	____I don't know if I am intersex	
	____I do not know what this question is asking	
	____ Prefer Not to Answer	
Sexual Orientation	What is your sexual orientation? *(Sexual orientation means who you are romantically and physically attracted to).* (Check all that apply.) ____Heterosexual/straight ____ Lesbian ____ Gay ____ Bisexual *(if you are attracted to more than one gender)* ____Questioning *(if you aren't quite sure if you are attracted to boys/men, girls/women, both, neither, or another gender)* ____ Queer *(if you are attracted to many genders or do not consider gender when dating someone)* ____ Asexual *(if you are not attracted to any sex or gender)* ____ Pansexual (*if you are attracted to all sexes and genders)* ____ Two-spirit *(sometimes used in Native American communities if you are attracted to any sex and gender)* ____ Write your own response ____ Prefer not to answer	• Heterosexual • LGB+ (includes all categories that are not heterosexual or prefer not to answer) • Prefer not to Answer

As above, entities are recommended to allow youth to self-report this data. Given that one cannot accurately identify a youth's gender, sexual orientation, transgender status or intersex status based on their external presentation, staff-reported data should not be used.

All youth should be allowed the option of not answering any or all of the above questions.

Entities that work with youth over a longer period of time should recognize that a youth's gender identity or sexual orientation may change over time and allow for opportunities for youth to update their demographic information.

Implementation

The primary purpose of this document is to provide guidance on the data categories that should be collected and reported, and in what circumstances. Detailed guidance about implementation is beyond the current scope of this document. However, the Subcommittee recommends that entities **create policies on demographic data collection** and **conduct training for staff** that highlights:

1. The importance of collecting accurate identity data
2. How to ask youth how they identify, why youth are asked to self-report and what the different categories mean
3. How the data is ultimately used within the agency, including ways it is used to identify and address sources of discrimination or disparities
4. The importance of confidentiality, informed consent and giving youth the opportunity to control who is aware of private information about them.

Future Considerations

These standards represent an important step taken to measure disparities based on gender, sexual orientation, transgender status or intersex status in the Commonwealth's juvenile justice system. While the standards here are an important *first* step, they are part of other initiatives to address disparities, and should be updated as our understanding of data collection and reporting and our collection systems evolve.

Important Definitions*:

Asexual: individuals who identify as asexual generally experience little to no sexual attraction
Sex Assigned at Birth: the sex an individual is assigned at birth by the doctor
Bisexual: describes a person attracted to two or more genders
Gay: describes a person who primarily is attracted to individuals of the same gender. Although historically used to refer specifically to men/boys, the term may be used to refer to women/girls attracted to other women/girls as well
Gender expression: how a person presents themselves to the world through clothing, accessories, behavior and mannerisms and other such outward expressions
Gender identity: a term that refers to an individual's inherent sense of self as male, female, both, or neither. One's gender identity can be the same as or different from their sex assigned at birth
Heterosexual: describes a person who primarily is attracted to individuals whose gender differs from their own (e.g. a person who identifies as male who is attracted to a person who identifies as female).
Intersex: refers to people who are born with any of a range of biological sex characteristics that may not fit typical notions of male or female bodies
Lesbian: describes a woman/girl attracted to other women/girls
LGBTQ: acronym referring to individuals who identify as "<u>l</u>esbian, <u>g</u>ay, <u>b</u>isexual, <u>t</u>ransgender, <u>q</u>ueer/<u>q</u>uestioning." The term LGBTQ+ is also sometimes used to encompass other identities, such as pansexual, intersex, and asexual.
Non-binary: individuals who may identify as neither male or female, both male and female, or beyond male or female
Pansexual: describes a person who is attracted towards people regardless of their sex or gender identity.
Queer: an open-ended term used by some people to describe their sexual orientation, gender identity, or both; sometimes considered pejorative and thus should be used with caution by those who do not identify as LGBTQ
Questioning: describes a person in the process of discovering their sexual orientation and/or gender identity
Sexual orientation: An attraction to others that is shaped at an early age (usually by about the age of 10).
SOGI(E): acronym for the phrase "<u>s</u>exual <u>o</u>rientation, gender <u>i</u>dentity and (<u>e</u>xpression)"
Transgender: describes a person whose gender identity differs from the sex they were assigned at birth
Two-spirit: umbrella term used by some Indigenous North Americans to describe Native people who fulfill a traditional third gender (or other gender-variant) ceremonial and social role in their cultures. This term can also be used to describe a Native person's sexual orientation.

Definitions obtained from the MA Commission on LGBTQ Youth and GLBTQ Legal Advocates & Defenders (GLAD)

SUPPLEMENT 1: Detailed Descriptions of Each Level of Reporting for Race and Ethnicity

Level	Detail of Reporting
Level 4	This level includes Middle Eastern/North African as a reported category. Entities are urged to aggregate multiracial data as described in Recommendation #2, above. Reported categories are: • White • Hispanic/Latinx (including all youth who report Hispanic/Latinx and some other race) • Black/ African American (including all youth who report Black/AA and some other race besides Hispanic/Latinx) • American Indian/Alaska Native (including all youth who reporting AI/AN and some other race besides Black/AA and Hispanic/Latinx) • Middle Eastern/North African (including all youth who reporting MENA and some other race besides Black/AA, Hispanic/Latinx, or AI/AN) • Asian (including all youth who reporting Asian and some other race besides Black/AA, Hispanic/Latinx, MENA, and AI/AN) • Native Hawaiian/Other Pacific Islander (including all youth who reporting NH/OPI and some other race besides Black/AA, Hispanic/Latinx, AI/AN, MENA and Asian) • Other When possible, reporting at this level also • Indicates the number of youth reporting one race/ethnicity only • Indicates the number of youth reporting more than one race/ethnicity • Indicates the number of youth in specific, more frequent combinations of race/ethnicity groups (e.g. number of youth reporting both Black and Hispanic/Latinx)
If Level 4 is not feasible, Level 3	Categories at this level match the federal reporting requirements for OJJDP, and thus the Subcommittee recommends as the state minimum reporting standards. Entities are urged to aggregate multiracial data as described in

| | Recommendation #2, above.

Reported categories are:
- White
- Hispanic/Latinx (including all youth who report Hispanic/Latinx and some other race)
- Black/ African American (including all youth who report Black/AA and some other race besides Hispanic/Latinx)
- American Indian/Alaska Native (including all youth who reporting AI/AN and some other race besides Black/AA and Hispanic/Latinx)
- Asian (including all youth who reporting Asian and some other race besides Black/AA, Hispanic/Latinx, and AI/AN)
- Native Hawaiian/Other Pacific Islander (including all youth who reporting NH/OPI and some other race besides Black/AA, Hispanic/Latinx, AI/AN, and Asian)
- Other

When possible, reporting at this level also:
- Indicates the number of youth reporting one race/ethnicity only
- Indicates the number of youth reporting more than one race/ethnicity
- Indicates the number of youth in specific, more frequent combinations of race/ethnicity groups (e.g. number of youth reporting both Black and Hispanic/Latinx) |

| **If Level 3 is not feasible, Level 2** | This category aggregates up from Level 3 to provide 3 race/ethnicity categories. This level of reporting should be reserved for circumstances where greater disaggregation is not possible due to confidentiality concerns. Entities are urged to aggregate multiracial data based on Recommendation # 2, above.

Reported categories are:
- White
- Hispanic/Latinx (including all youth who report Hispanic/Latinx and some other race)
- Black/ African American (including all youth who report Black/AA and some other race besides Hispanic/Latinx) |

	• All Other Races (including American Indian/Alaska Native, Asian Native Hawaiian/Other Pacific Islander, Other and all other multiracial youth) When possible, reporting at this level also: • Indicates the number of youth reporting one race/ethnicity only • Indicates the number of youth reporting more than one race/ethnicity • Indicates the number of youth in specific, more frequent combinations of race/ethnicity groups (e.g. number of youth reporting both Black and Hispanic/Latinx) If this is the reporting level a state agency reports, the Subcommittee recommends explaining *why* the given agency is unable to provide more detailed reporting.
If Level 2 is not feasible, Level 1	This category aggregates up from Level 2 to provide 2 race/ethnicity categories. Entities are urged to aggregate multiracial data based on Recommendation #3, above. Reported categories include: • White • All other races (including multi-race and Other) This level should rarely be used. If this is the reporting level a state agency reports, the Subcommittee recommends explaining *why* the given agency is unable to provide more detailed reporting.

Supplement 2: Data Reporting Examples, Race/Ethnicity
The numbers below are fabricated to show how entities may aggregate their data up or disaggregate their data down to meet reporting standards at each level.
Level 1:

Level 1	n	Percentage
Total Youth:	1000	100%
White	400	40%
All other races	600	60%

Include an explanation as to why no further breakdown is possible.

Level 2:

Level 2	n	Percentage
Total Youth:	1000	100%
White	400	40%
Black or African American	200	20%
Hispanic/Latinx	300	30%
All Other Races	100	10%

Include an explanation as to why no further breakdown is possible.

If possible, entities should report how many youth identify as one race/ethnicity, and how many youth identify as more than one race/ethnicity:

Level 2 optional	n	Percentage
Total Youth:	1000	100%
Respondents reporting one identified race:	925	92.5%
Respondents reporting more than one identified race:	75	7.5%
Respondents reporting as Black and Hispanic/Latinx	50	5%

Level 3:

Level 3	n	Percentage
Total Youth:	1000	100%
White	400	40%
Black or African American	200	20%
Hispanic/Latinx	300	30%
American Indian/Alaska Native	25	2.5%
Asian	30	3%
Native Hawaiian/Other Pacific Islander	0	0%
Other	5	0.5%
Respondents reporting one identified race:	925	92.5%
Respondents reporting more than one identified race:	75	7.5%
Respondents reporting as most frequent combination(s): Black and Hispanic/Latinx	50	5%

Level 4:

Level 4	n	Percentage
Total Youth:	1000	100%
White	385	38.5%
Black or African American	195	19.5%
Hispanic/Latinx	300	30%
American Indian/Alaska Native	25	2.5%
Middle Eastern/ North African	20	2%
Asian	30	3%
Native Hawaiian/Other Pacific Islander	0	0%
Other	5	0.5%
Respondents reporting one identified race:	925	92.5%
Respondents reporting more than one identified race:	75	7.5%

Respondents reporting as most frequent combination(s): Black and Hispanic/Latinx	50	5%

Supplement 3: Data Reporting Examples: Gender, Sexual Orientation, Transgender Status and Intersex Status

The numbers below are fabricated to show how entities may aggregate their data up or disaggregate their data down to meet reporting standards at each level.

Level 1:	n	Percentage
Total Youth:	1000	100%
Male	650	65%
Female	300	30%
Other (Gender X markers, non-binary, genderqueer, two-spirit, write other response)	50	5%
Prefer not to answer	0	0%

Level 2:	n	Percentage
Total Youth:	1000	100%
Gender Identity		
Male	650	65%
Female	300	30%
Other (to include Gender X markers, non-binary, genderqueer, two-spirit, write other response)	50	5%
Prefer not to answer	0	0%
Transgender Status		
Transgender (Male, Female and Other)	40	4%
Not Transgender	950	95%
Prefer not to answer	10	1%
Intersex Status		
Yes, intersex	15	1.5%

Not intersex	980	98%
Prefer not to answer/Not sure	5	0.5%
Sexual Orientation		
Heterosexual	840	84%
LGB+	150	15%
Write own response	0	0%
Prefer not to answer	10	1%