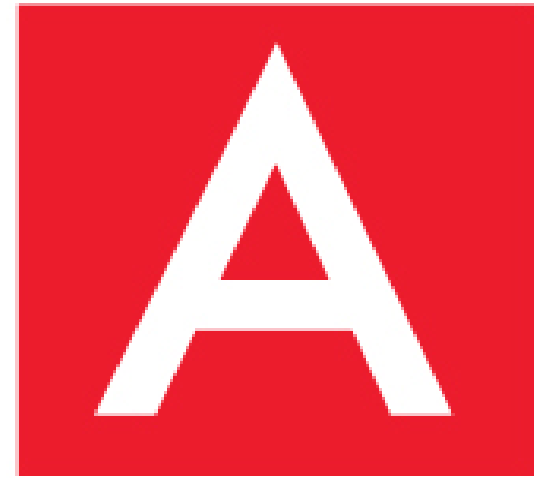
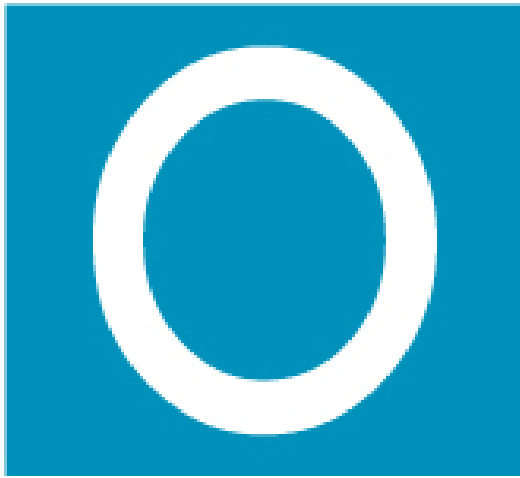


# Massachusetts Juvenile Justice System: Key Data Takeaways & Opportunities for Improvement

**Presented By: The Office of the Child Advocate**  
**Melissa Threadgill**, Director of Strategic Innovation  
**Kristi Polizzano**, Juvenile Justice Program Manager

# Presentation Outline

1. About the OCA & JJPAD Board
2. Key data findings from the Board's Annual Report (2022) & Racial and Ethnic Disparities Brief
3. Opportunities for Improvement
4. Summary of JJPAD Work from 2022
5. Q&A



# MASSACHUSETTS

## Office of the Child Advocate

The Office of the Child Advocate (OCA) is an independent executive branch agency with oversight and ombudsperson responsibilities. The OCA's mission is to ensure that children receive appropriate, timely and quality state services, with a particular focus on ensuring that the Commonwealth's most vulnerable and at-risk children have the opportunity to thrive. Through collaboration with public and private stakeholders, the OCA identifies gaps in state services and recommends improvements in policy, practice, regulation, and/or law. The OCA also serves as a resource for families who are receiving, or are eligible to receive, services from the Commonwealth.

# The Juvenile Justice Policy and Data Board (JJPAD)



Permanent commission created by the Legislature (2018).



Membership consists of representative of child-serving agencies from the Executive and Judicial Branches, members of the state House and Senate, advocacy organizations and parent representatives



Charged with evaluating juvenile justice system policies and procedures and making recommendations to improve outcomes



Collecting and reporting available aggregate juvenile justice system data



Studying the implementation of any statutory changes to the juvenile justice system



Making recommendations for any statutory changes to improve juvenile justice system

# The “Typical” Process

Alleged delinquent offense

Law enforcement contact

- Summons
- Arrest (including overnight arrests)

Complaint brought to the court

- Application for complaint
- Delinquency filing

Opportunities for diversion

Arraignment

Pretrial proceedings

- Dangerousness hearing
- Pretrial detention
- Pretrial supervision

Trial/plea and disposition (fact-finding)

- Delinquent (Guilty)
- Not Delinquent (Not guilty)
- Continued without a finding

Sanction (sentencing)

- Probation
- Commitment to DYS
- Combination sentence DYS + Adult

# Trends in System Use

**1. There was an increase in juvenile justice system use from FY21 to FY22**

*Driven, in part, by an increase in youth alleged of committing persons, weapons, and property offenses*

**2. Compared to pre-pandemic, overall system use is still declining**

*Driven, in part, by the 2018 Criminal Justice Reform Act (CJRA)*

**3. Most youth delinquency cases are dismissed or diverted, and therefore do not result in a trial or plea**

# Trends in Who Comes into Contact

1. Black & Latino youth and youth with DCF involvement are overrepresented

2. A majority of youth entering the system are alleged of misdemeanor and/or non-violent offenses

3. Many youth who remain in the system have significant and potentially unmet underlying needs driving their delinquency system involvement

# Key Opportunities for Improvement

**1. There remain many opportunities to increase the use of diversion – especially for youth of color, youth with child welfare system involvement, and youth who have unmet needs**

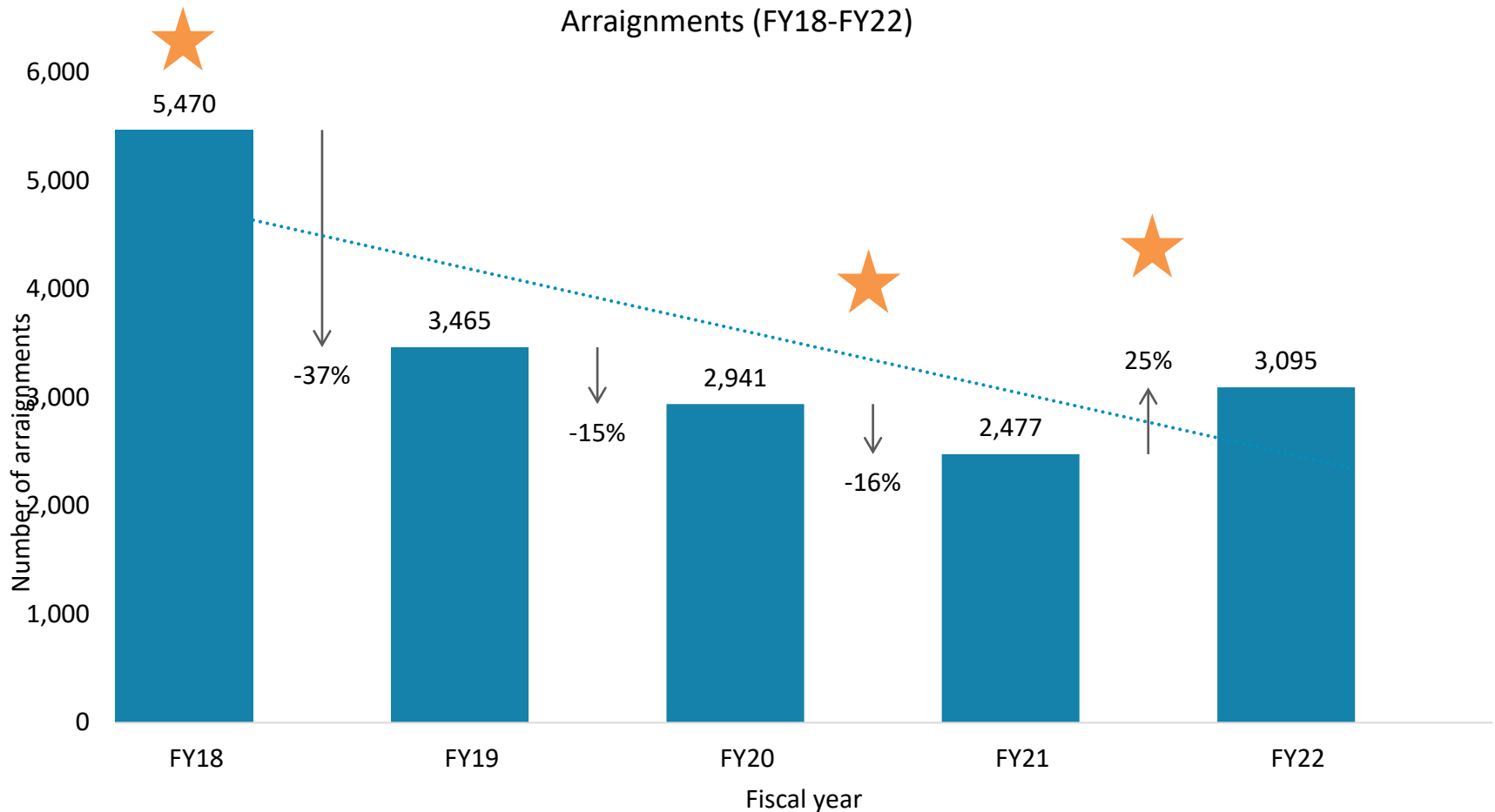
**2. Increase support for programs/services that promote social connectedness and positive youth development**

**3. Police departments should provide more guidance and limitations on when to use a custodial arrest, when to issue a summons, and when to offer diversion**

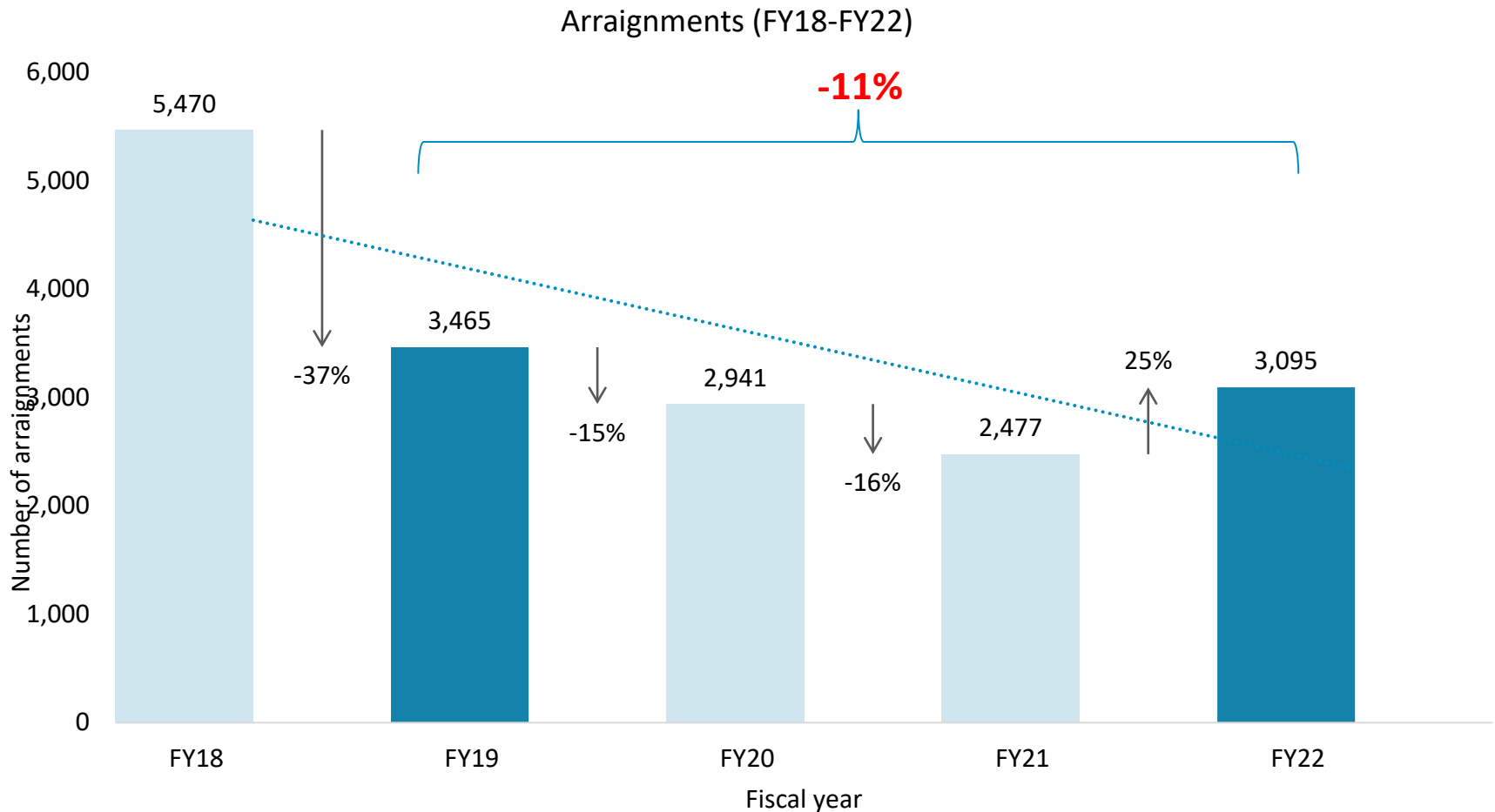


# TRENDS IN SYSTEM USE

# There is a similar pattern in system use across process points over the past 5+ years

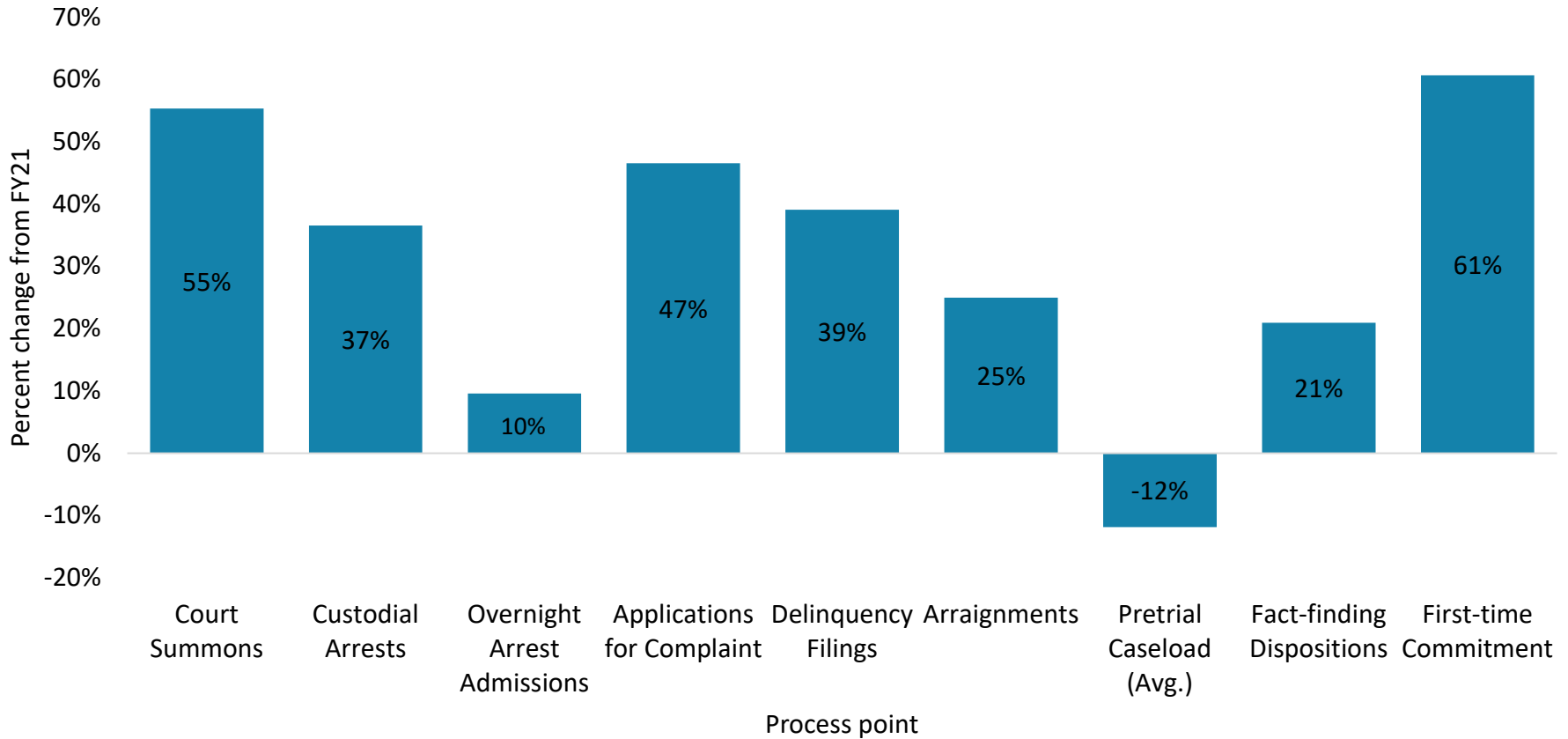


# There is a similar pattern in system use across process points over the past 5+ years



# There was an increase in juvenile justice system use between FY21 and FY22

Percent change since FY21 across juvenile justice system process points



# This increase in JJ system use in FY22 can likely be attributed to the pandemic

## Individual & societal factors

More youth were isolating/staying home

The trauma endured throughout the pandemic exacerbated the potential for delinquent behavior

## Systemic responses

Concerted effort to keep youth out of custodial settings

Courts regain capacity and “back logged” cases begin to move through the system

*During the height of the pandemic, numbers were low:*

*As things began to re-open, numbers increased:*

# Offenses can be classified by “type” and “severity”

## Offense types

### Person

- Assault & battery
- Robbery

### Property

- Breaking & entering
- Shoplifting

### Motor Vehicle

- Operating with suspended license
- Reckless operation

### Weapons

- Carrying a dangerous weapon
- Possession of a firearm without license

### Drug/Alcohol

- Distributing drugs/ possession with intent to distribute
- Possession of alcohol under age 21

### Public Order

- Disorderly conduct

## Offense severity

**Misdemeanor:**  
less severe

**Felony:**  
more serious

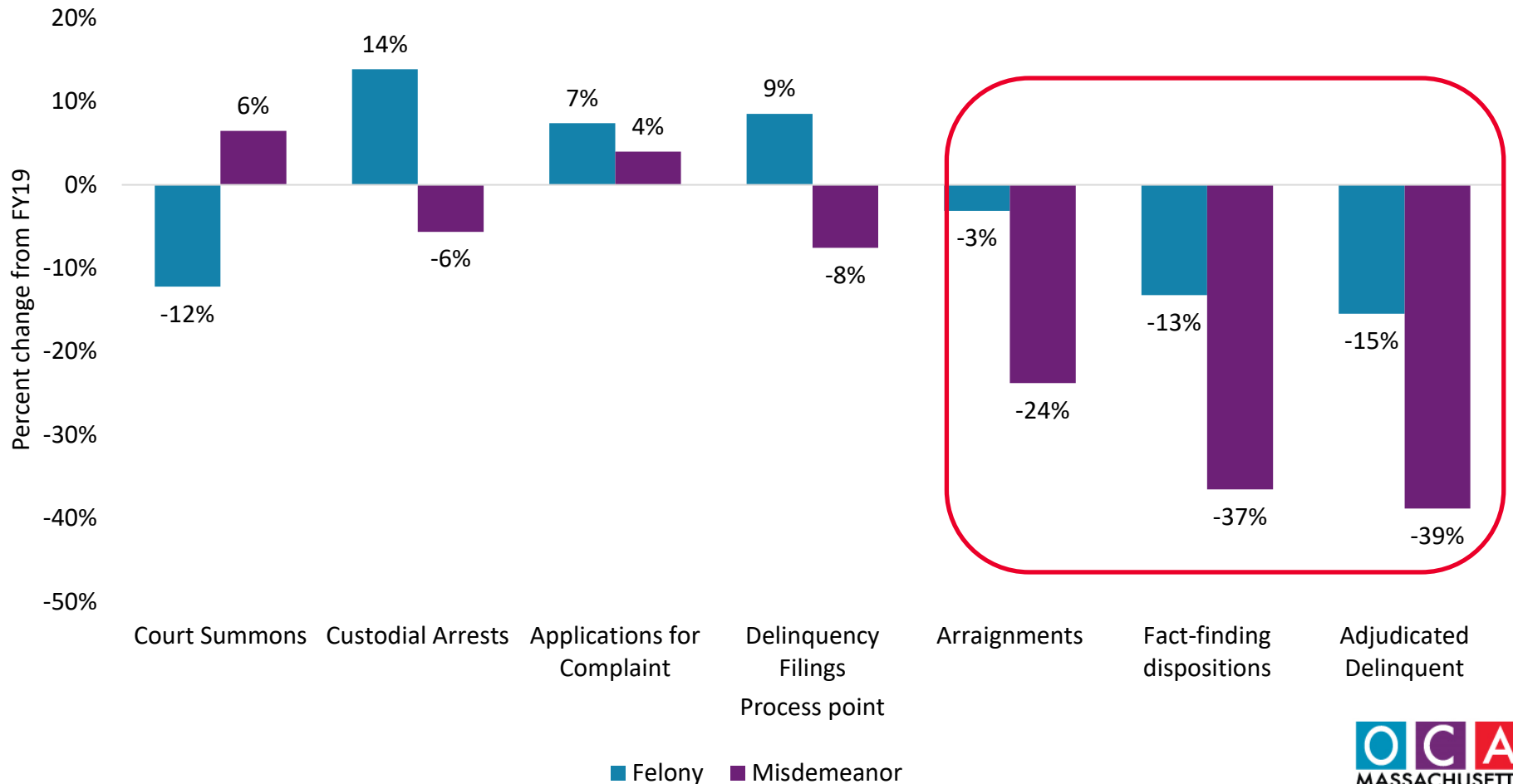
# The increase in JJ system use was primarily driven by an increase in youth alleged of committing persons, weapons, and property offense

## Changes in applications for complaints offense type (FY21-FY22)

Offense Type	FY21	FY22	Percent change	Number change
Alcohol	136	197	45%	61
Drugs	137	121	-12%	-16
Motor Vehicle	1,187	1,216	2%	29
Person	2,193	3,854	76%	1,661
Property	1,692	2,155	27%	463
Public Order	188	277	47%	89
Weapons	220	540	145%	320
Not Available	265	460	74%	195

# Compared to pre-pandemic (FY19), overall system use is still declining at deeper system process points and for misdemeanor offenses

Percent change since FY19 across juvenile justice system process points by offense severity





# The Criminal Justice Reform Act (CJRA) of 2018 continues to limit the number of youth coming into contact with the juvenile court

Goal of law was to reduce the “number of incidents resulting from children’s unlawful or problematic behavior [resulting] in a response from the juvenile justice system”



Raised the age from 7 to 12



Removal of Juvenile Court jurisdiction for first-time, lower-level offenses



Allowed judicial diversion pre-arraignment

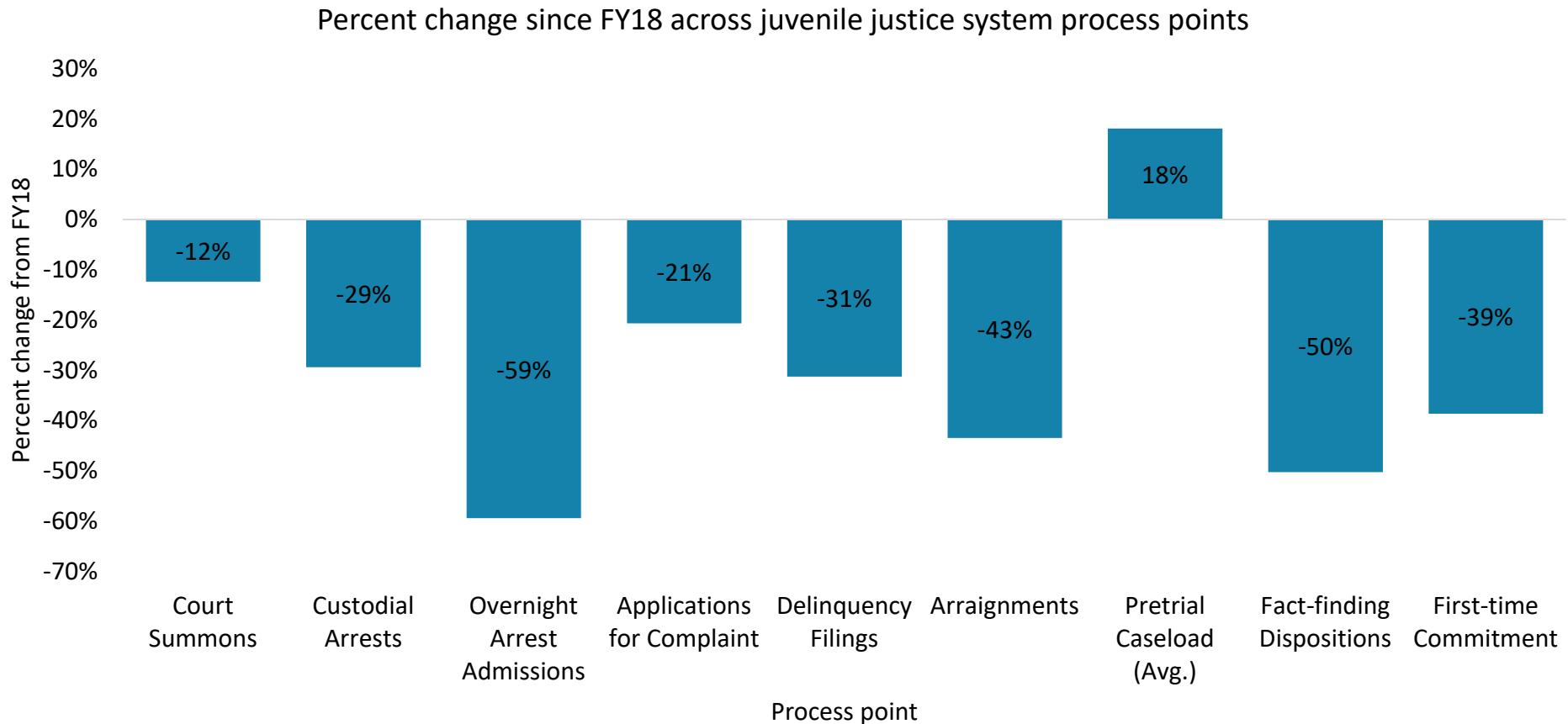


New requirements for SRO’s, police and school districts



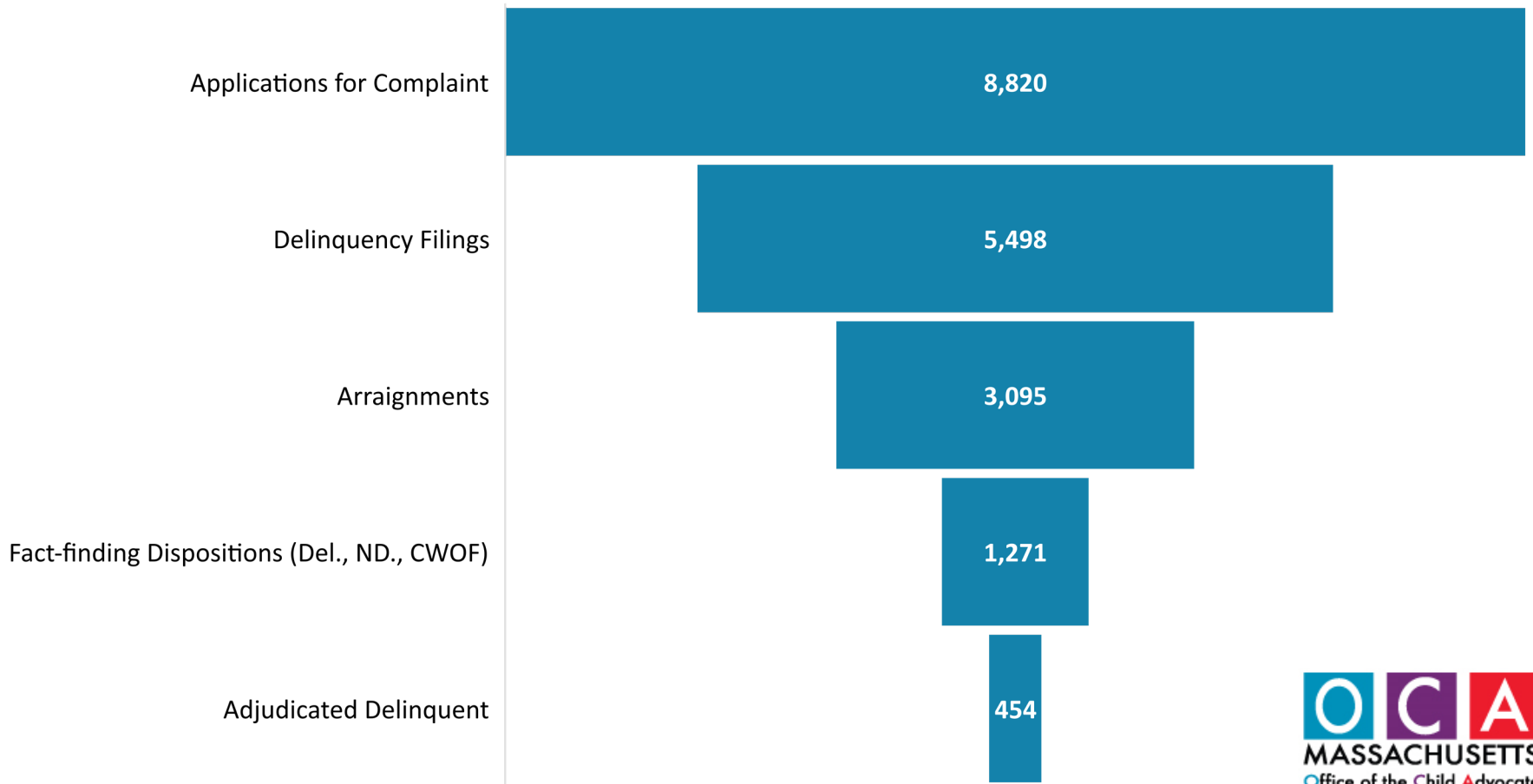
Revising juvenile overnight arrest lock-up procedures

# The CRJA is having its intended effect: there's been a decline in system use across almost every process point since implementation (FY18)



# Most youth delinquency cases are dismissed or diverted, and therefore do not result in a trial or plea

*FY22 Juvenile court data*



# **TRENDS IN WHO COMES INTO CONTACT WITH THE SYSTEM**

# Racial disparities remain a significant problem

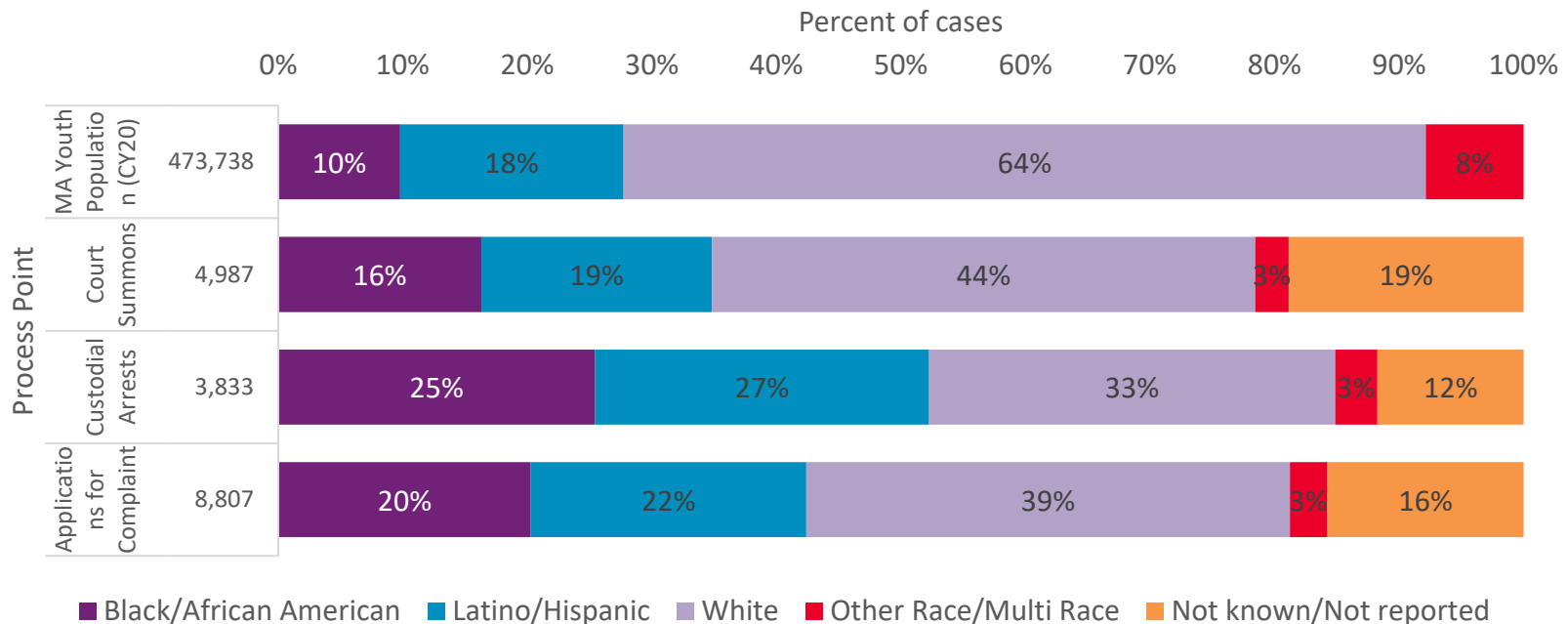
- The increase in juvenile justice system use from FY21 to FY22 was **driven by an increase in admissions for Black and Latino youth across process points.**
- On average **Black and Latino youth stayed in detention longer** than white youth (66.2 and 66.8 days respectively, compared to an average of 53.4 days for white youth).
- Of the youth detained pretrial, **Black and Latino youth had their cash bail set above \$500 at higher rates** than white youth who were detained on cash bail.
- **White youth** are being **diverted/cases are dismissed more frequently pre-arraignment** than Black and Latino youth.

# Racial disparities remain a problem, particularly at the “front door” of the system

Compared to their white peers in Massachusetts:

- Black youth were about 3X more likely to be the subject of an application for complaint & about 5X more likely to be arrested
- Latino youth were about 2X more likely to be the subject of an application for complaint & about 3X more likely to be arrested

FY22 RED at the "Front Door"



# What accounts for racial/ethnic disparities in the JJ system?

Offense  
types?

Offense  
severity?

Geography?

Police  
practice?

# Summary of findings

Offense  
types

Offense  
severity

Geography

Policing  
practices

Each can account for *some, but not all*, of the differences we see in the disparities between the number of Black and Latino youth coming into contact with the JJ system

Recommendations to address racial and ethnic disparities at multiple levels:

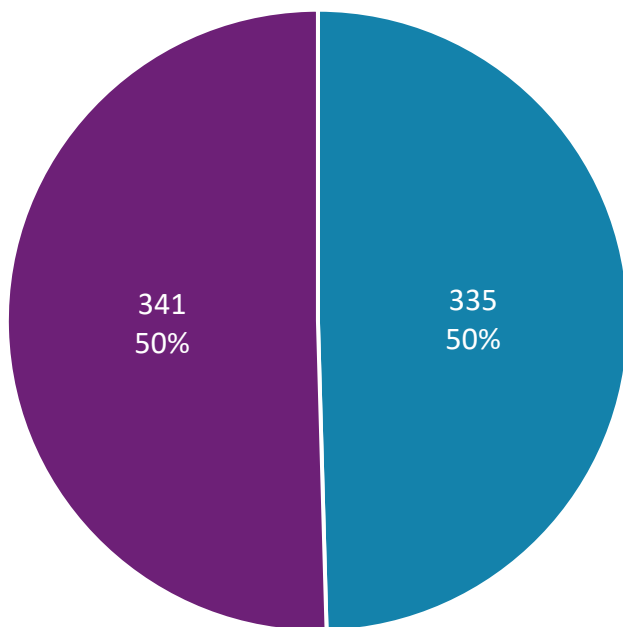
- Invest in prevention & alternatives to arrest
- Gather and use data to spot problem areas and improve practice
- Reduce disparities through practice and policy changes

Want to learn more? [Click here](#) to read the Board's report!



# Youth with child welfare involvement (DCF) youth are overrepresented in the juvenile justice system

FY22 Detention admissions by DCF involvement  
(n=676)



- DCF involvement at admissions
- No DCF involvement at admissions

- Youth with DCF involvement spent, on average, **6 more days in detention** than the overall admissions
- Compared to youth detained without DCF involvement, for youth admitted to detention with DCF involvement:
  - a greater percentage are held on cash bail
  - a greater percentage are held on low-level offenses

# Many youth who remain in the system have significant and potentially unmet underlying needs driving their delinquency system involvement

## Educational needs

- More than half of youth detained pretrial had an individualized education plan (IEP), twice the rate of Massachusetts' students generally.

## Past traumas

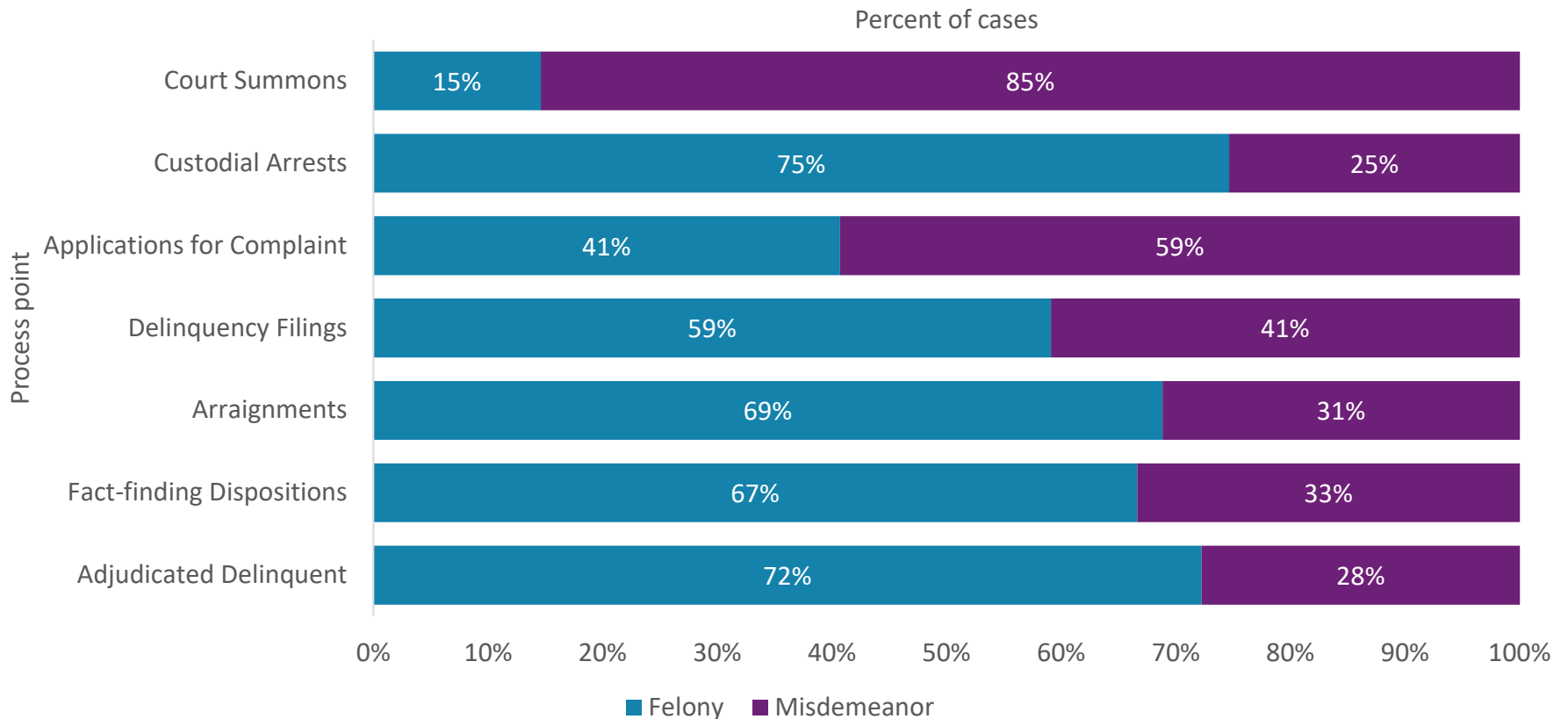
- A quarter of youth detained pretrial had previously experienced physical or sexual abuse or had been sexually exploited.

## Mental and behavioral health needs

- About a third of youth detained pretrial had identified feelings of depression/anxiety, almost twice the rate of Massachusetts' youth population.

# A majority of youth entering the system – and a significant portion that process through parts or all of the system – are alleged of misdemeanor and/or non-violent offenses

Juvenile justice system process point by offense severity (FY22)



# **OPPORTUNITIES FOR STATE IMPROVEMENT**

# There remain many opportunities to increase the use of diversion

Compared to youth formally processed in the system, youth diverted away from the juvenile justice system reported:

- ✓ less exposure to violence
- ✓ higher rates of school enrollment
- ✓ higher perceptions of opportunities

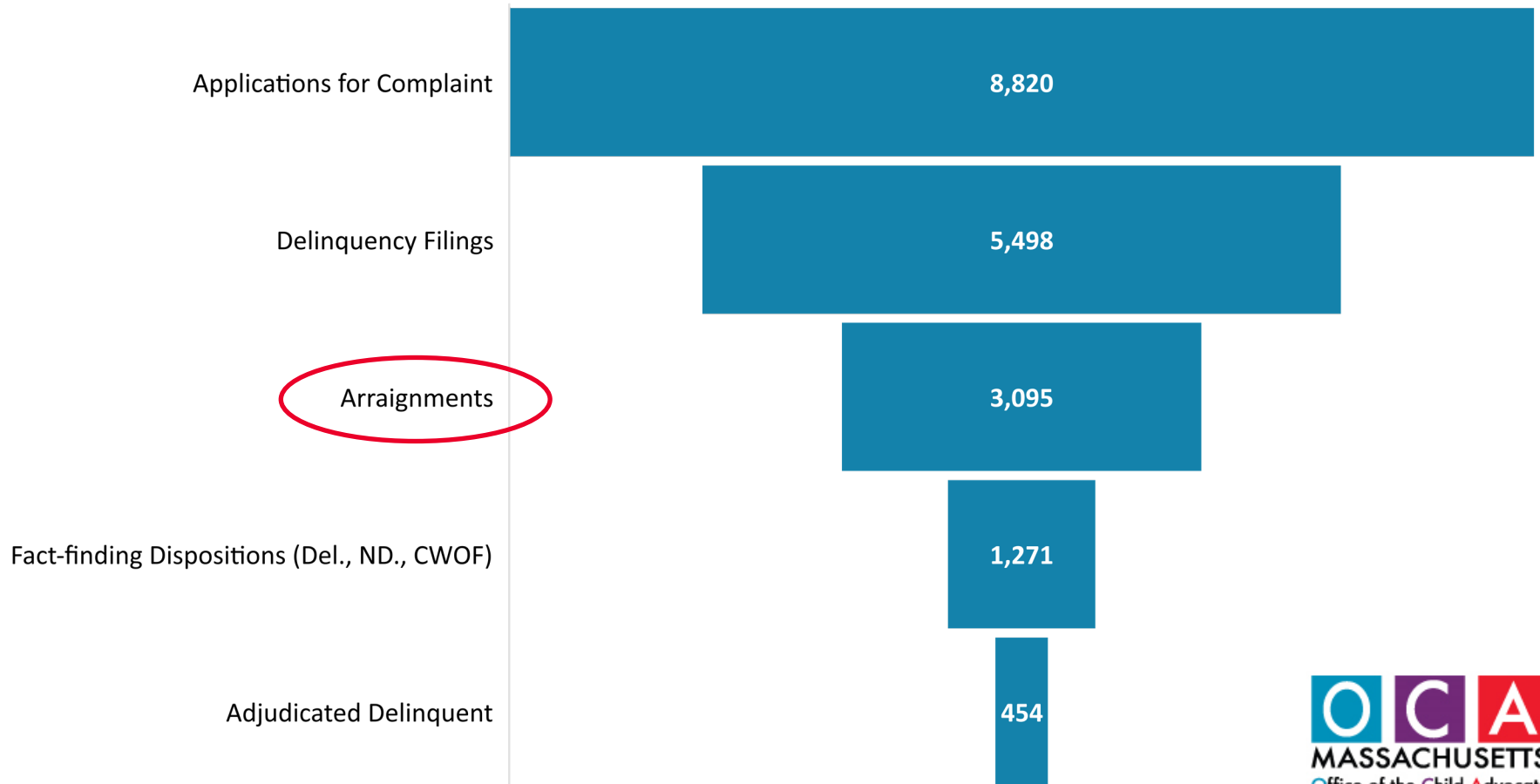
...and were less likely to be re-arrested.

*Potential cohorts of youth that could benefit from more diversion:*

- ✓ Black & Latino youth
- ✓ Youth with DCF involvement
- ✓ Youth with unmet needs
- ✓ Youth with lower-level offenses

# Most youth delinquency cases are dismissed or diverted, and therefore do not result in a trial or plea

*FY22 Juvenile court data*



# Racial Disparities in *When* Youth See Case Dismissed

Data indicates that white youth are likely being diverted more frequently *pre-arraignment*, compared to Black and Latino youth, who have higher rates of case dismissals *post-arraignment*.

FY22	Total	Black/ African American	Latino/ Hispanic	White
Percent of applications for complaint not resolved by plea/trial this year	86%	84%	80%	87%
Percent of arraignments not resolved by plea/trial this year	59%	66%	58%	53%

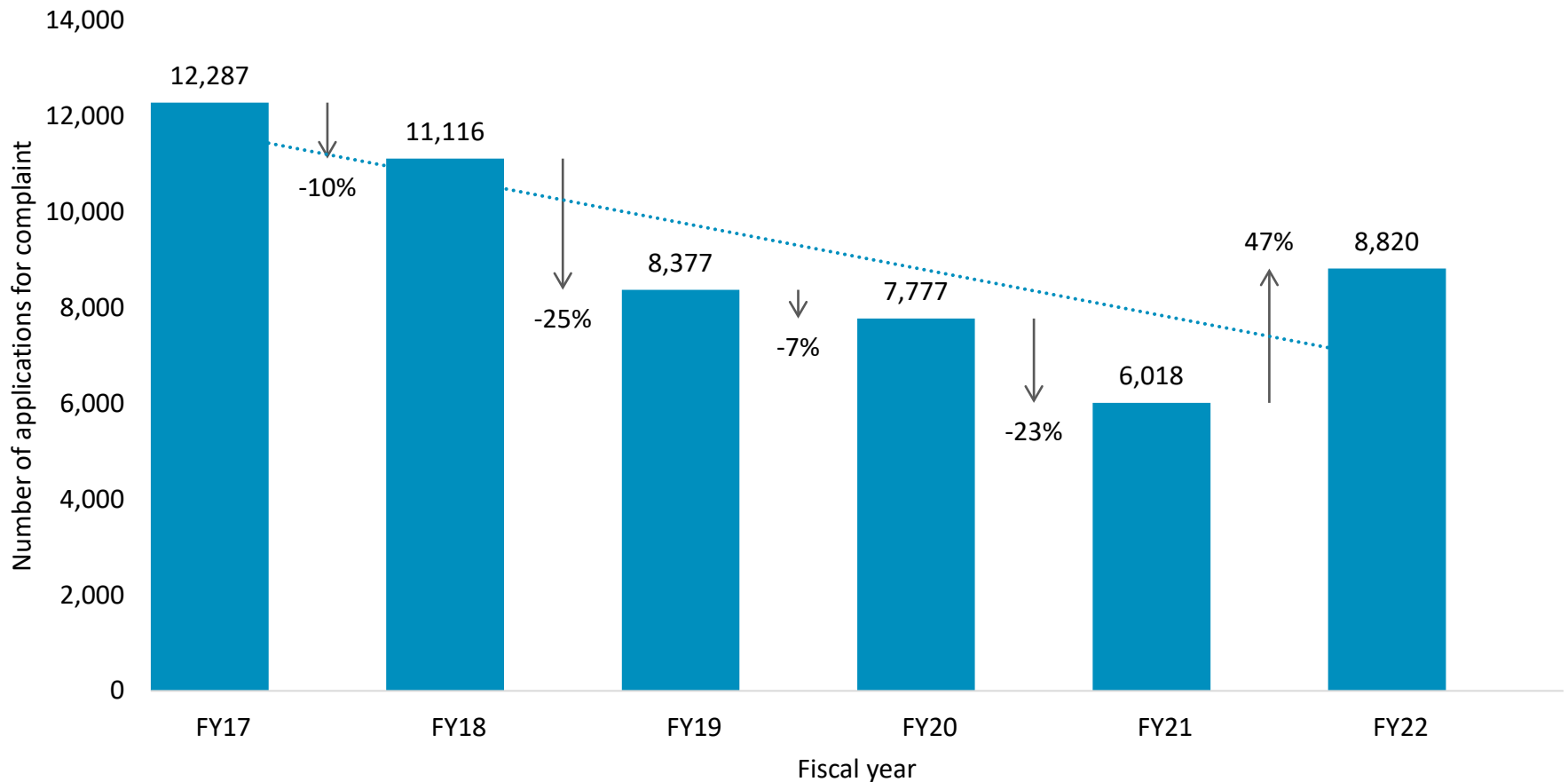
# Increase support for programs/services that prevent delinquency, support positive youth development and address pandemic-fueled affects

1. Aimed at preventing delinquency/supporting youth previously or currently involved with our juvenile justice system.
  - ✓ Peer support specialists & mentorship
  - ✓ Academic success & school re-engagement
  - ✓ Vocational programming, professional development, & opportunities for employment
  - ✓ Life skills & civic engagement
  - ✓ Safety planning & violence desistance with gang-involved youth, including credible messenger programs
2. Expanding support and availability of enrichment activities across schools, community-based organizations, and Family Resource Centers.



# Increase support for programs/services that prevent delinquency, support positive youth development and address pandemic-fueled affects

Total applications for complaint (FY17-FY22)

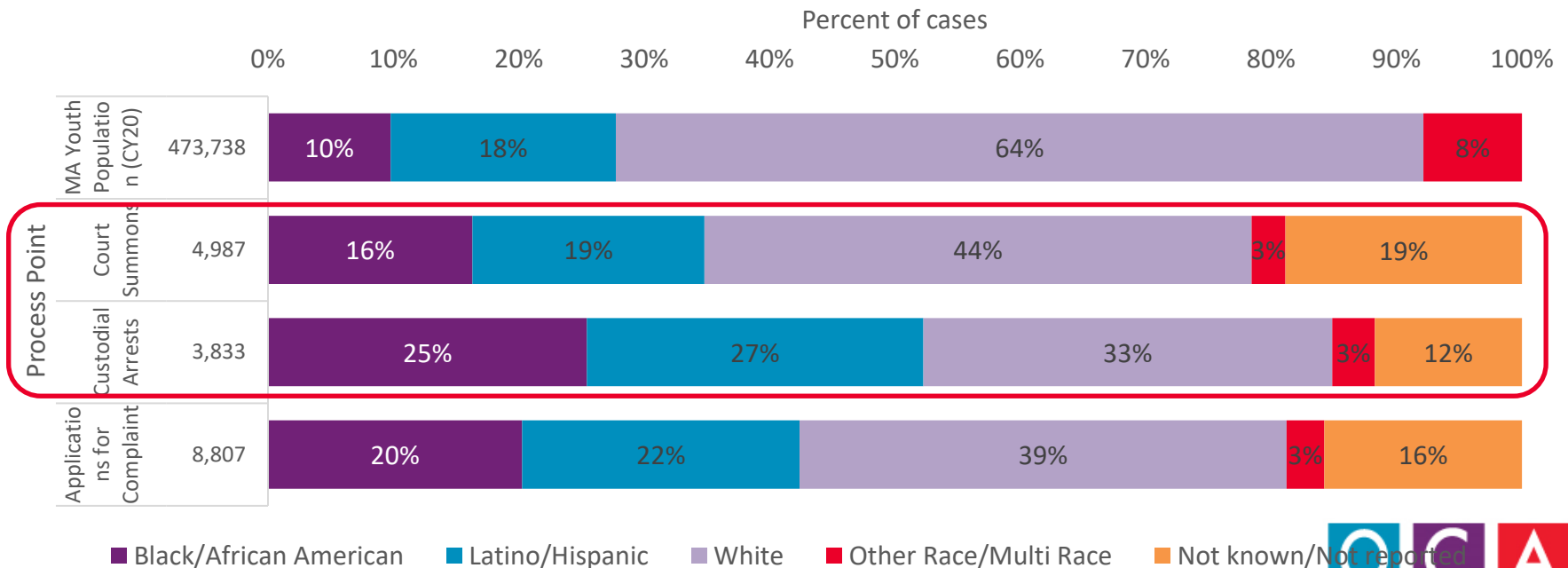


# Police departments should provide more guidance and limitations on when to use a custodial arrest, when to issue a summons, and when to offer diversion

- Many police departments include language in their policies stating, *“Whenever reasonable and possible, an officer will request a summons for a juvenile rather than taking him/her into custody.”*
- Use more explicit language, and provide specific examples of types of offenses that would warrant an immediate custodial arrest and ones that are appropriate for a court summons.

# Police departments should provide more guidance and limitations on when to use a custodial arrest, when to issue a summons, and when to offer diversion

FY22 RED at the "Front Door"



# Summary of JJPAD Work in 2022

# Studying the state's Child Requiring Assistance (CRA) system

## What is the CRA system?:

- Parents & schools can file a petition with the court alleging that a child “requires assistance” from the state to help address behavioral concerns (e.g., truancy, running away, or repeatedly failing to obey the “lawful and reasonable commands” of a parent).
- A civil court process which can lead to supervision by the court, referrals for services, and, at times, a change in custody and out-of-home placement through the Department of Children and Families (DCF).

# Studying the state's Child Requiring Assistance (CRA) system

## What did the Board learn?

- Despite reforms in 2012, many problems with the CRA process remain
- Contrary to what many families and even child-serving professionals believe, the courts **do not** have any special access to services to support their children, yet many families experience barriers to accessing supports in the community and come to the court desperate for help

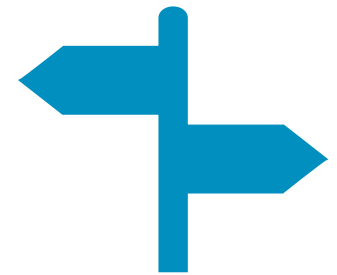
# Recommendations to the state's Child Requiring Assistance (CRA) system

**Theme 1:** Shift a significant portion of CRA cases from the court room to the community

**Theme 2:** Increase the availability of school and community-based services that specifically meet the needs of youth currently in CRA system

**Theme 3:** Continue to study implementation of these recommendations

# MA Youth Diversion Program



- **Designed...**
  - **For youth with first-time and/or lower-level offenses, & cases where a youth's unmet needs may be driving the delinquent behavior**
  - **To accept referrals from police, clerks, DAs and judges**
- **Program includes...**
  - Evidence-based intake and assessment process
  - Program requirements and services tailored to individual needs of youth
  - Case management provided by community-based organizations
- **Where we are headed...**
  - Currently operating in 5 counties (Middlesex, Essex, Worcester, Hampden and Plymouth)
  - Plans to expand to 2-3 additional counties next fiscal year

## Program Goals

Reduce the likelihood of future offending by youth in the program and increase public safety

Support positive youth development

Hold youth responsible for their actions

Promote and ensure equity in the process

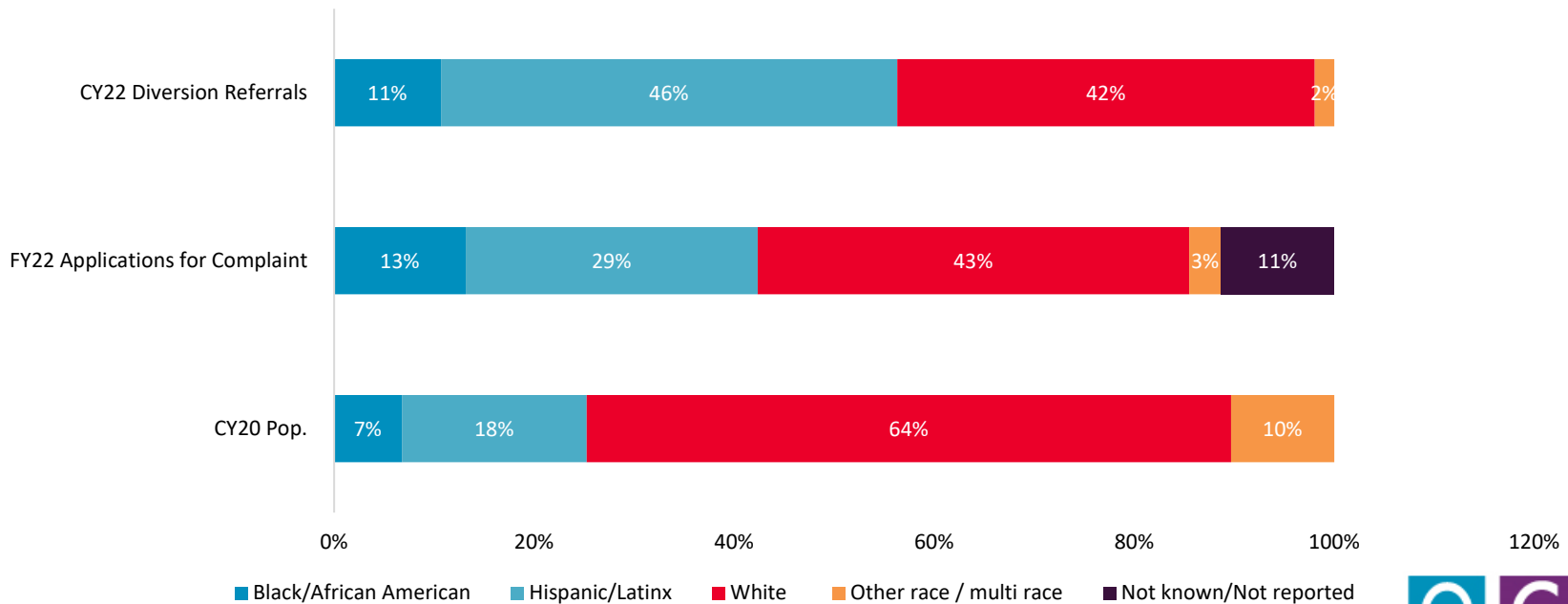


# MYDP Data Tracking

In first year of operation:

- 134 referrals
- 45 graduates, with many more on target to graduate soon

### Racial Demographics in Initial (3) Counties



# Learn More about the JJPAD

## JJPAD Reports:

<https://www.mass.gov/lists/jjpadcttf-legislative-reports-and-key-documents>

## Juvenile Justice Data Website:

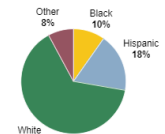
<https://www.mass.gov/resource/massachusetts-juvenile-justice-system-data-and-outcomes-for-youth>

### Youth Arrest Data: Demographic and Geographic Breakdowns

"Demographics of youth arrests", below, shows **total arrests and the demographics** of the youth who were arrested over time. From the drop down menu, you can select a demographic variable (race/ethnicity, gender, or age) of interest and see the breakdown of that variable in youth arrests over time. You can also look at data by calendar year or fiscal year, and look at either the total number of arrests in a given category, or the percent change in arrests in that category year over year.

You can also look at the demographic data over time of youth arrested in cities with a population over 50,000 by selecting a city from the drop down menu.

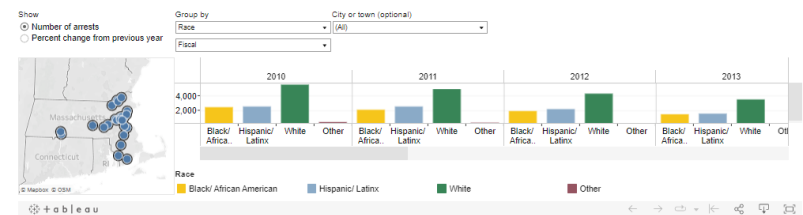
As a point of comparison, this page also includes a visualization showing the racial distribution for **all Massachusetts youth** (not just those in the juvenile justice system) based on U.S. Census data.



Estimated percentages for the race of all Massachusetts youth, ages 12 to 17, in 2020 (Source: EZAPOP)

[Download this data.](#)

### Demographics of youth arrests, statewide and by selected cities



Statewide youth arrests are shown by race, gender, and age group for each fiscal year since 2010. Arrests by demographics can be viewed for selected cities with a population above 50,000. Beginning in FY19, youth under 12 can no longer be arrested or prosecuted in the juvenile justice system as a result of "An Act Relative to Criminal Justice Reform." [Download this data](#)



## **Questions? Ideas?**

Melissa Threadgill, Director of Strategic Innovation

Email: [melissa.threadgill@mass.gov](mailto:melissa.threadgill@mass.gov)

**Website**

<https://www.mass.gov/orgs/office-of-the-child-advocate>

# Questions

