

Massachusetts Juvenile Justice System: FY23 Key Data Takeaways & Opportunities for Improvement

Presented By: The Office of the Child Advocate

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Presentation Outline

1. About the OCA & JJPAD
2. FY23 Key Data Trends
3. Opportunities for State Improvement
4. JJPAD Board Projects in 2024
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 representatives 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

Data Notes

- The JJPAD Annual Report looks at FY23 (July 1, 2022 – June 30, 2023) data
- To the extent available, the data is broken down by
 - Offense severity & type*
 - Race/ethnicity, age, & sexual orientation and gender identity
 - County of involvement
- The report compares FY23 admissions to changes in admissions since:
 - FY22: the prior fiscal year
 - FY19: pre-COVID
 - FY18: pre-Criminal Justice Reform Act



*Offense *types* tell us what kind of offenses youth involved with the justice system are alleged of committing; offense *severity* measures the seriousness of offenses.

The Criminal Justice Reform Act (CJRA) of 2018 aimed 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

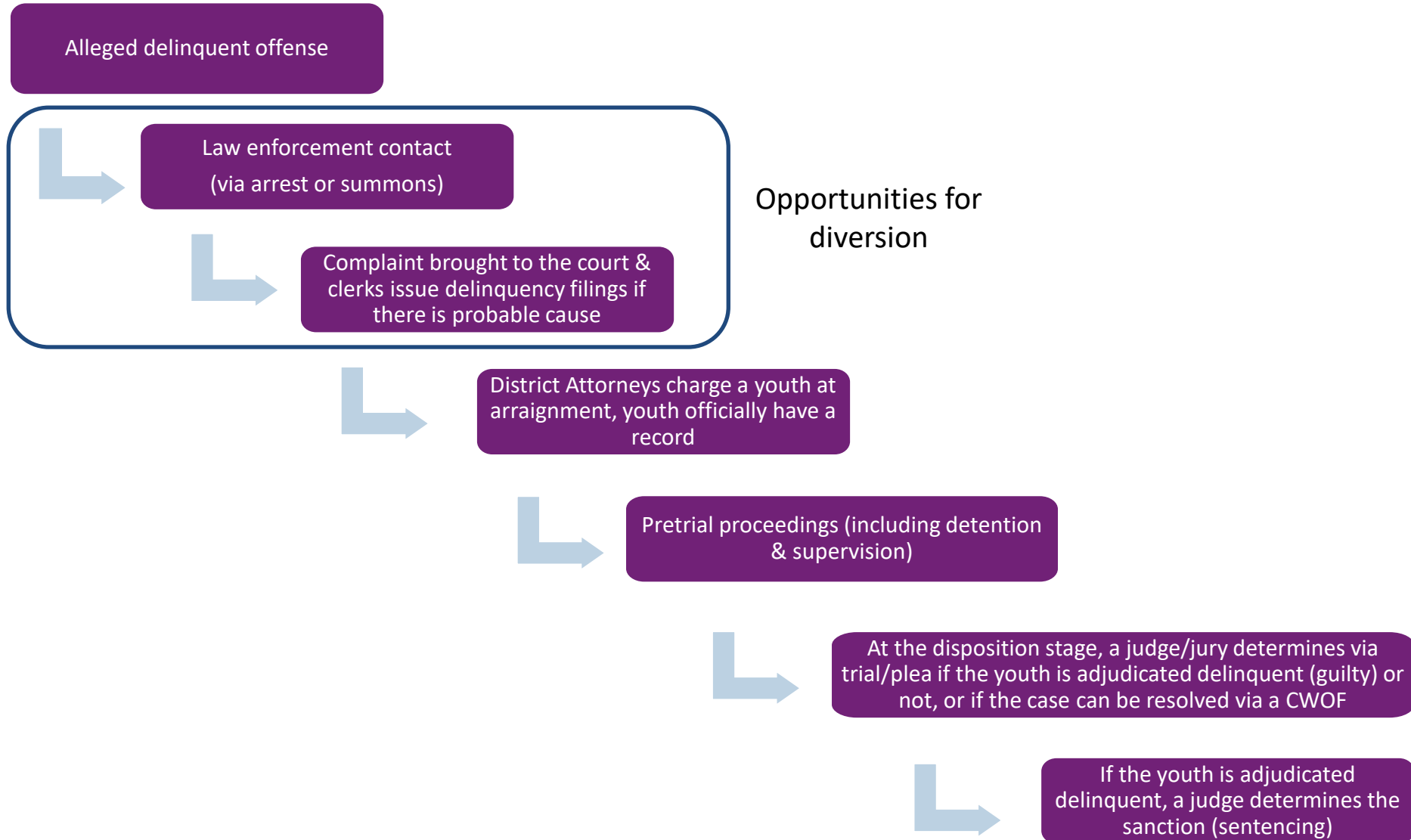


New requirements for SRO’s, police and school districts



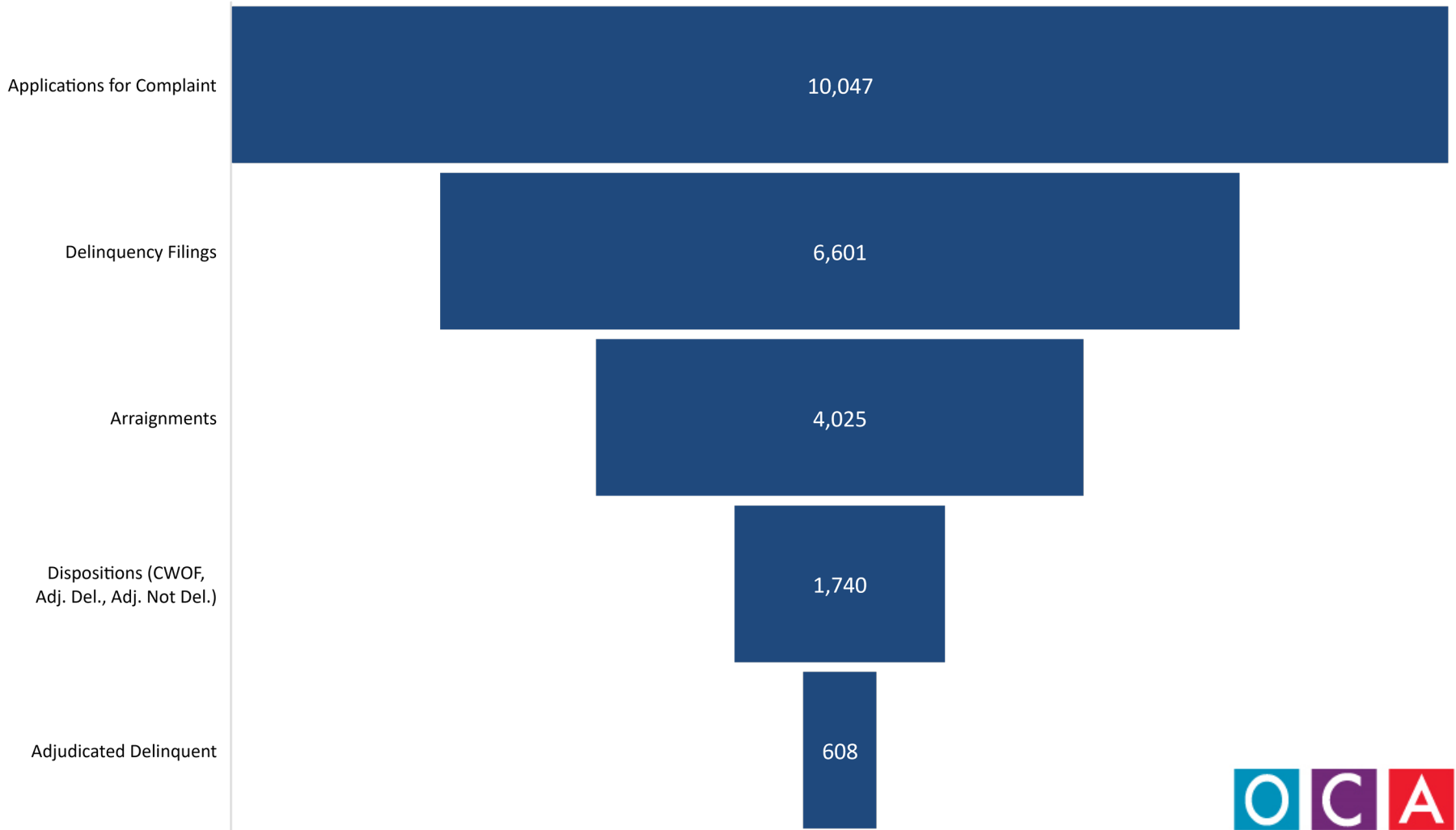
Revising juvenile overnight arrest lock-up procedures

The “Typical” Process



JJPAD Board 2023 Annual Report: Key Data Takeaways

FY23 Juvenile Court Process Points by the Numbers



MA Juvenile Justice System: FY23 Data Takeaways

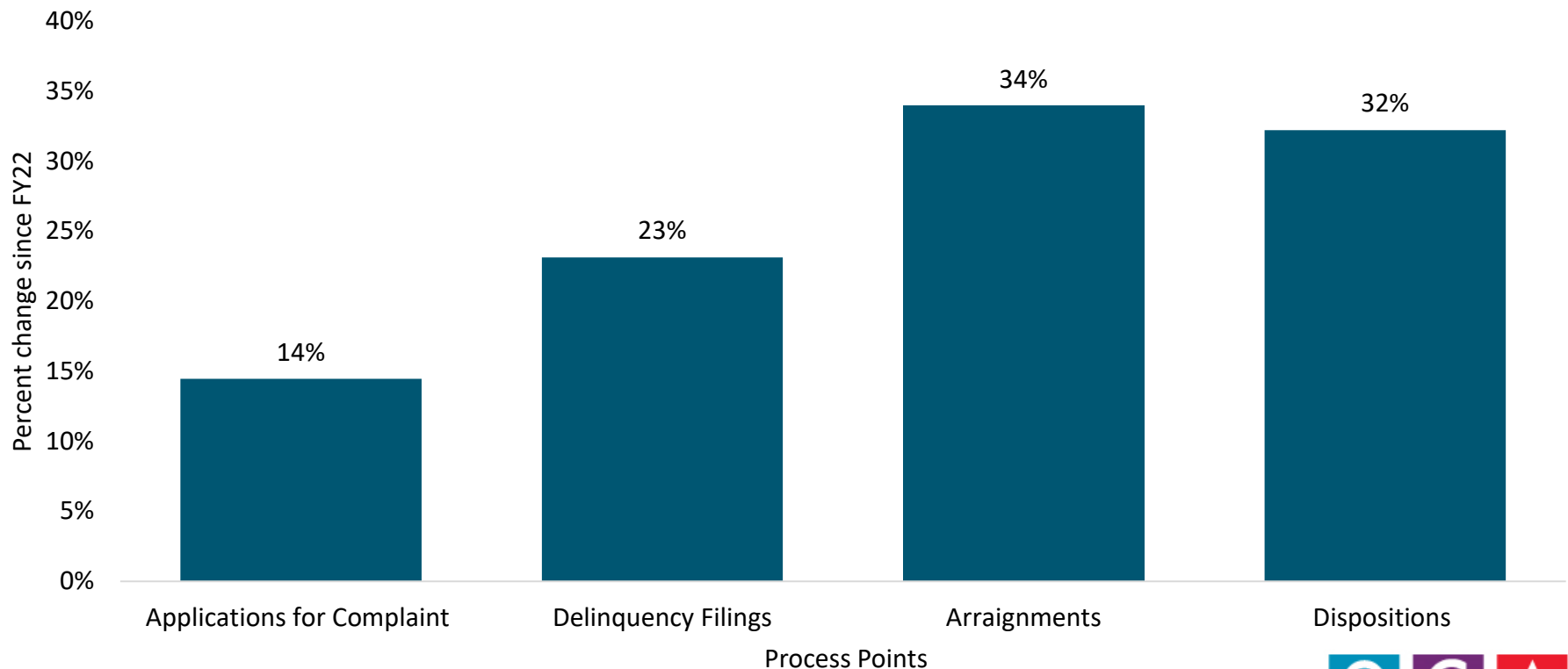
1

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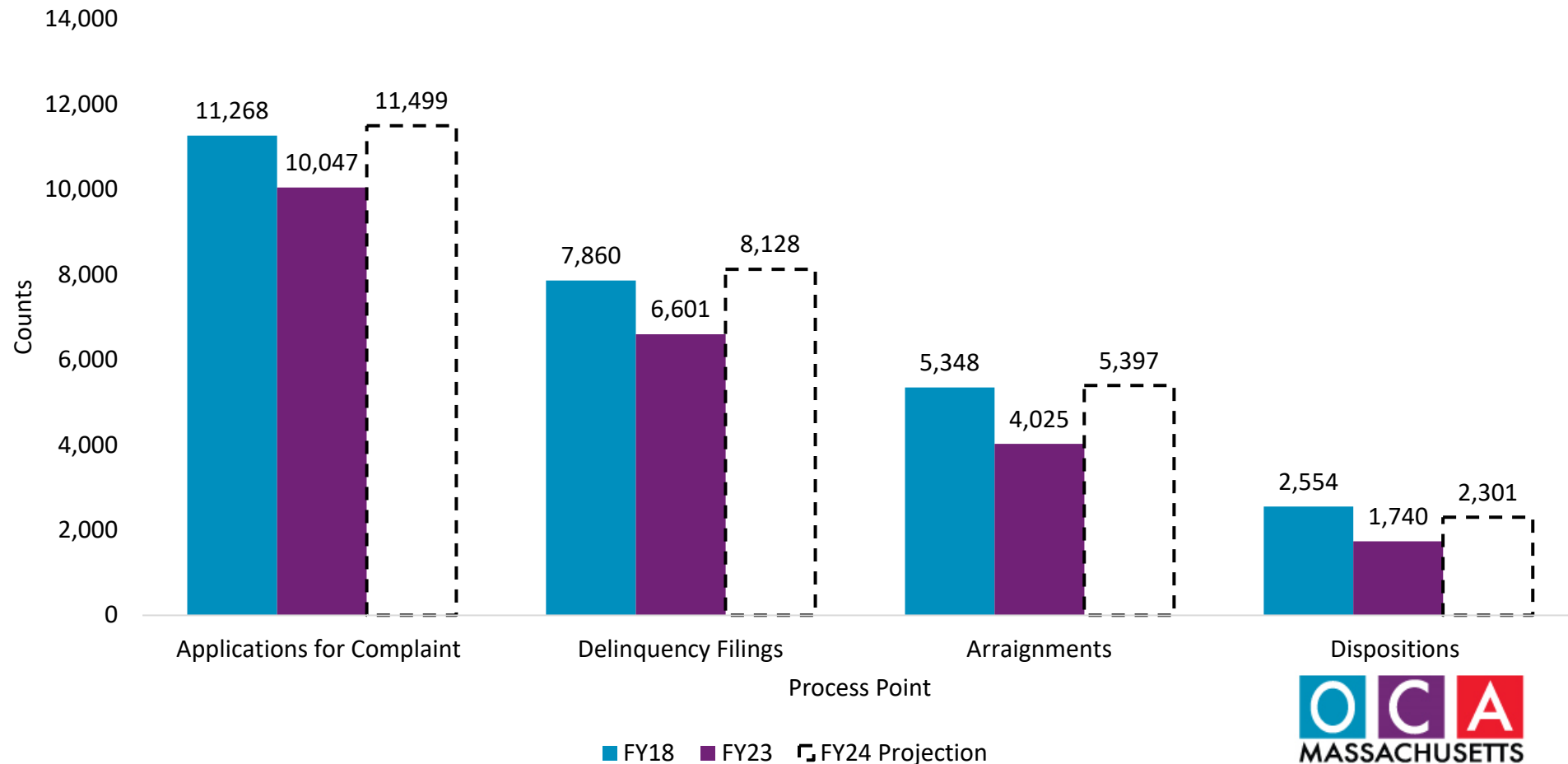
This increase begins at the initial stages of the system with an increase in applications for complaint and continues through all major court process points.

Percent Change across MA Juvenile Justice System Process Points (FY22-FY23)



If the recent rates of increase continue, system use will revert to pre-CJRA levels in the next one to two years

Juvenile Court Process Points FY18, FY23 and Projected FY24 at Current Rate



MA Juvenile Justice System: FY23 Data Takeaways

1

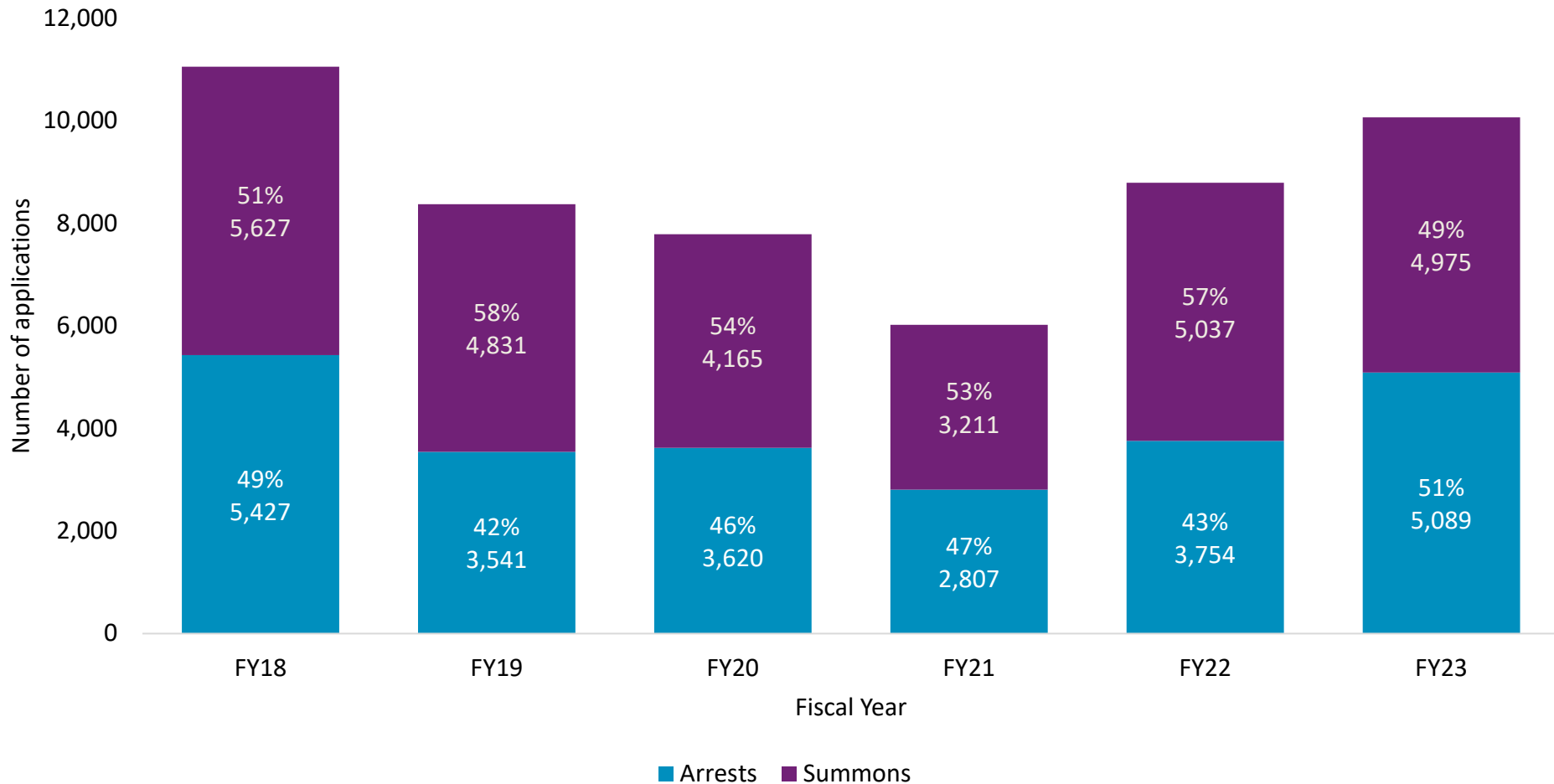
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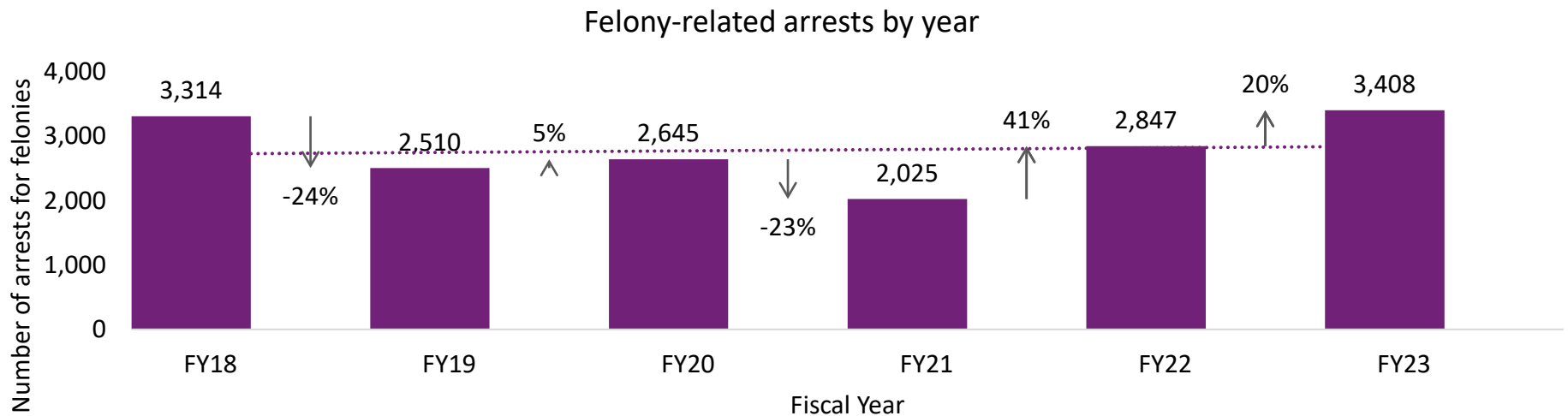
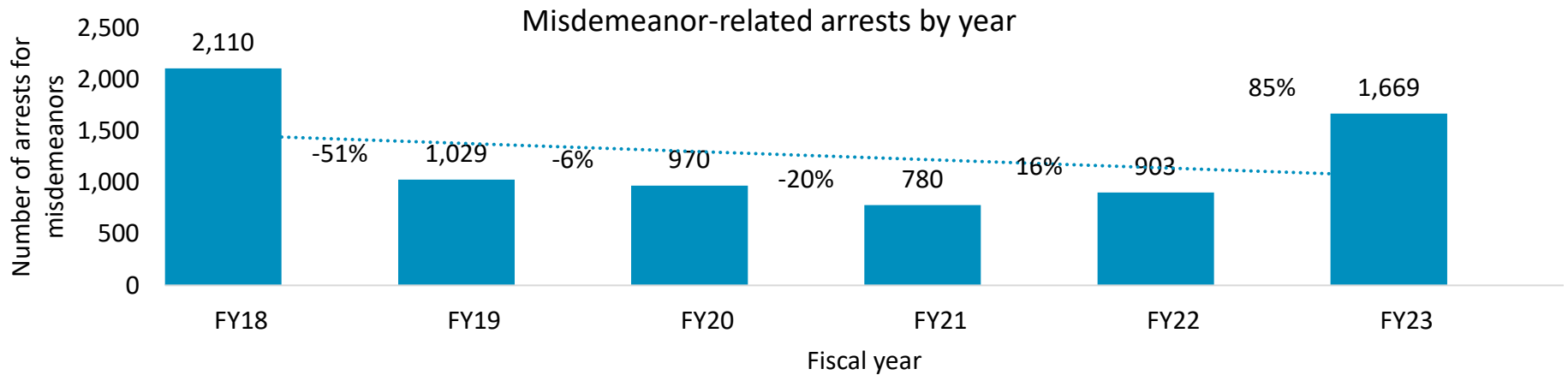
The increase in system use starts with an increase in arrests, specifically for cases involving youth alleged of misdemeanor/lower-level offenses which continues into other custodial settings of the juvenile justice system.

The increase “at the front door” stems from an increase in arrests, not summons

How Cases Enter the Juvenile Court (FY18-FY23)

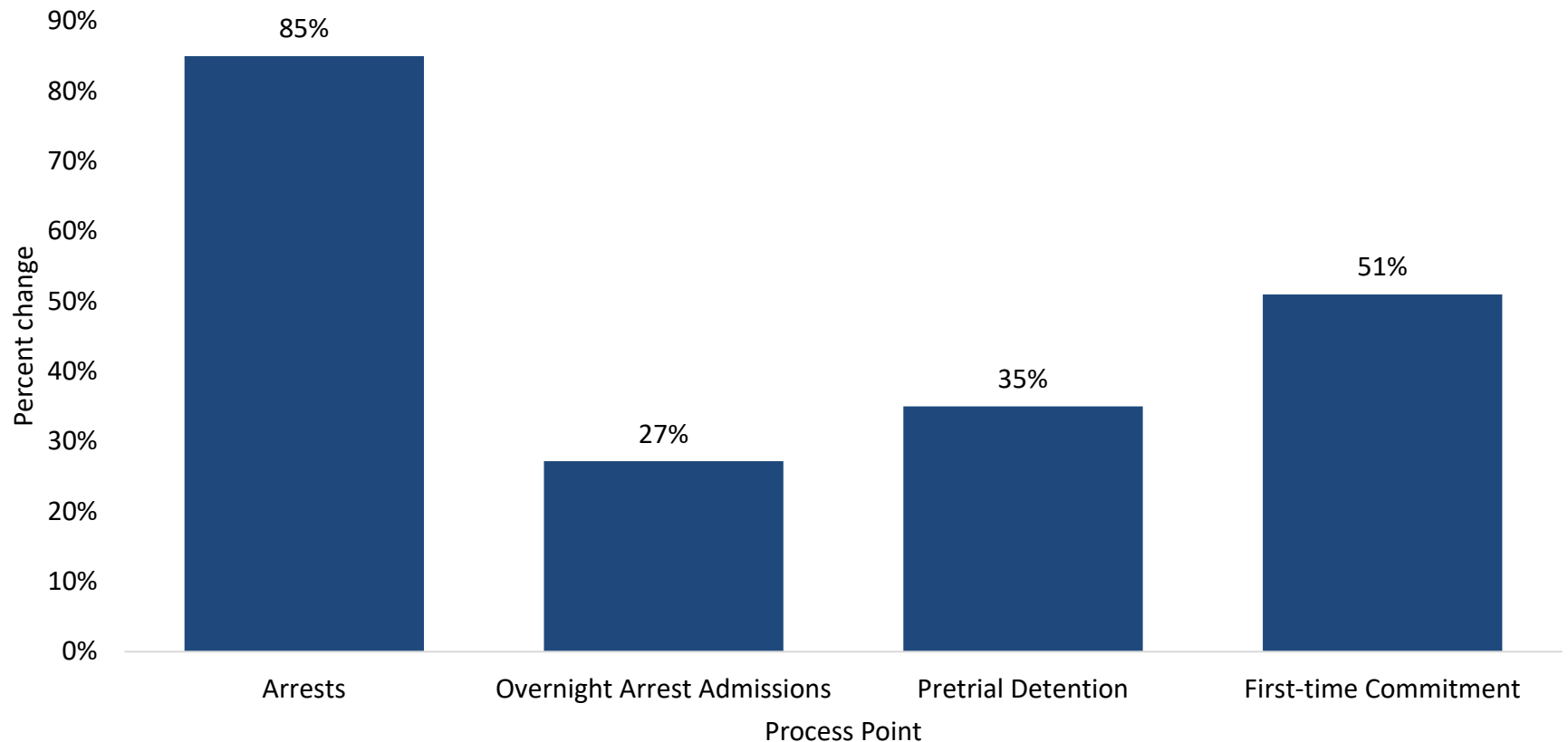


Compared to FY22, arrests for misdemeanors increased by 85% while arrests for felonies increased 20%



In fact, there was an increase in admissions for lower-level offenses across all custodial settings of the system

Increase in Arrests and Admissions for Lower-Level (Misdemeanor and DYS "Low" Grid) Offenses (FY22-FY23)



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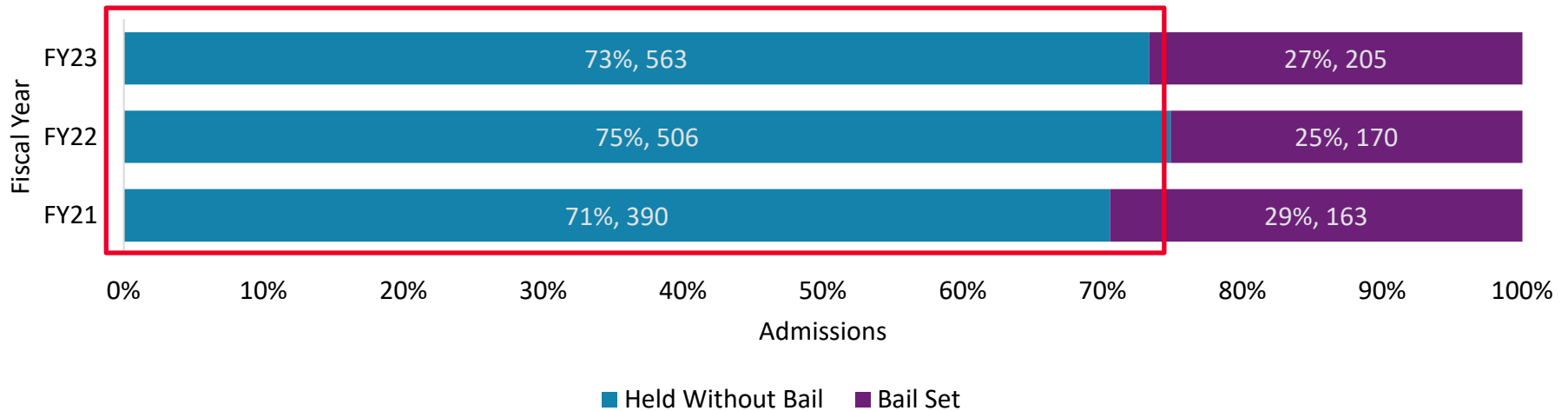
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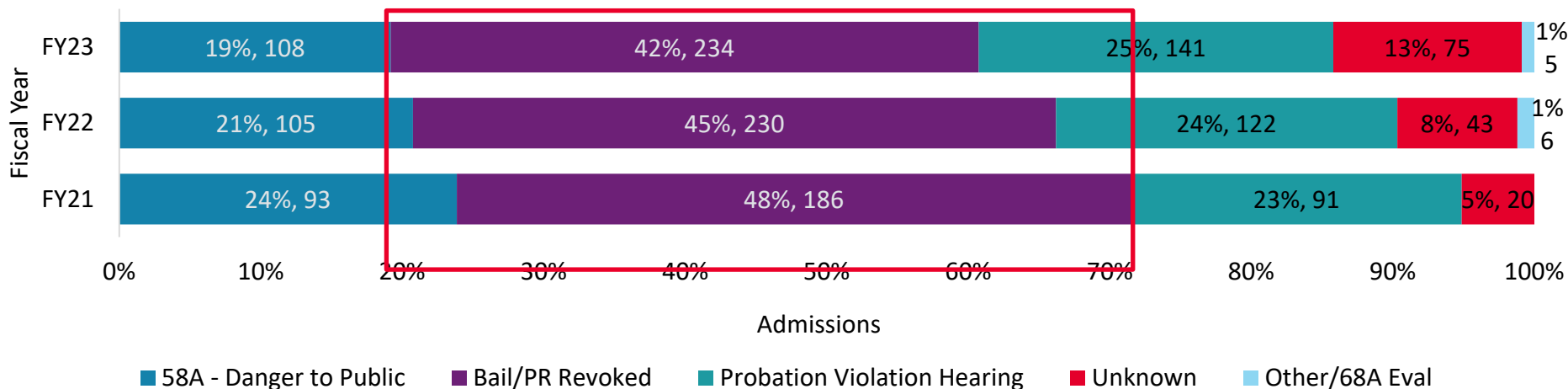
Youth detained pretrial have potentially unmet – and worsening– needs contributing to their alleged delinquency. Compared to FY22, youth detained in FY23 had higher rates of behavioral health needs, educational challenges, and – in some cases — trauma, including an increase in the percentage of youth detained who have current child welfare system involvement.

Many youth are detained without bail as a result of bail or personal recognizance being revoked

Pretrial Detention Admissions by Reason Held (FY21-FY23)



Pretrial Detention Admission by Held Without Bail Reason (FY21-FY23)



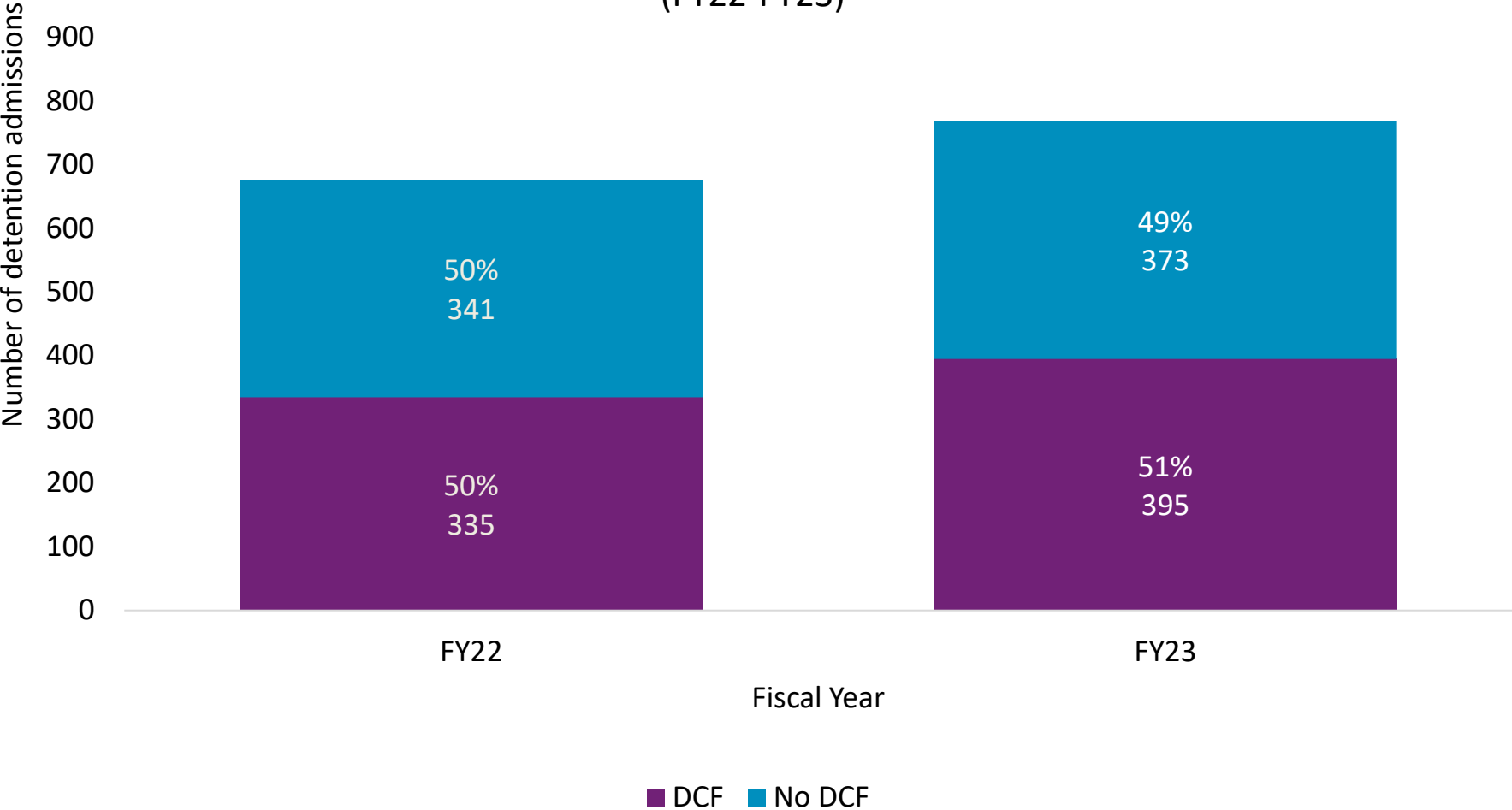
Compared to FY22, youth detained pretrial at DYS in FY23 had higher rates of behavioral health needs and educational challenges – and in some cases reported higher rates of trauma

In FY23:

- **More than half** of youth detained pretrial had **an individualized education plan (IEP)**, twice the rate of Massachusetts' students generally.
- **A quarter of youth** detained pretrial had previously experienced **physical or sexual abuse or had been sexually exploited**.
- **About a third** of youth detained pretrial had identified feelings of **depression/anxiety**, almost twice the rate of Massachusetts' youth population.

Half of all pretrial detention admissions were for youth who were involved with DCF at the time of their detention admission

Detention Admissions by DCF Status (FY22-FY23)



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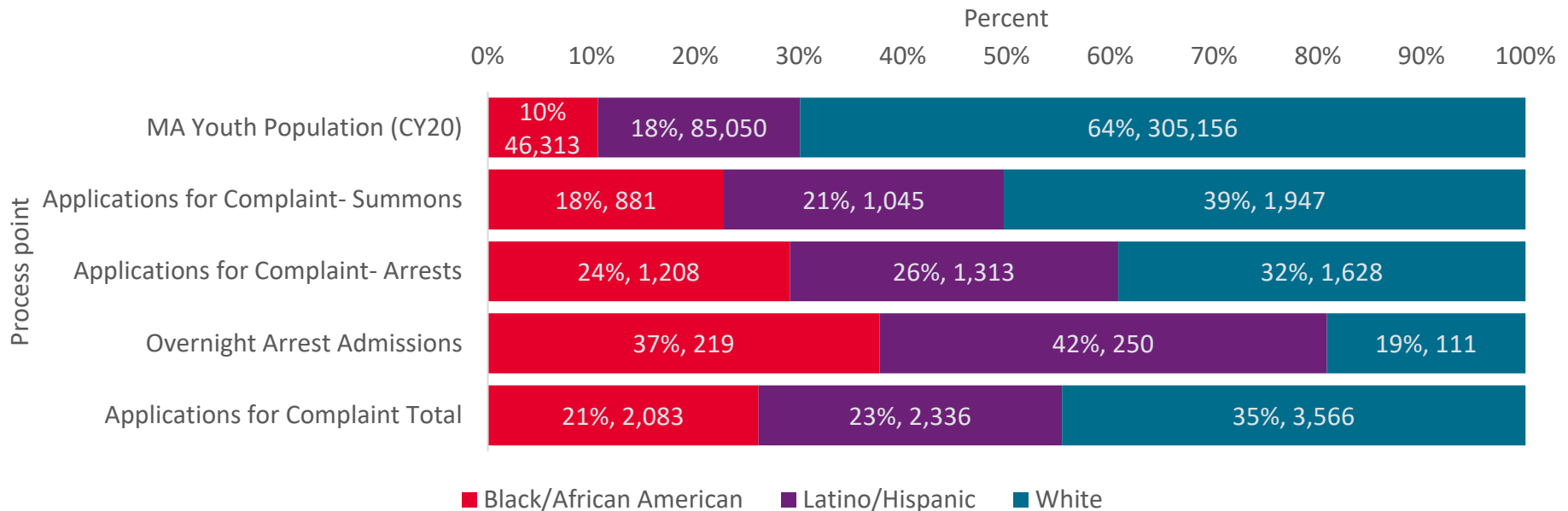
Racial and ethnic disparities are particularly stark at the beginning stages of the system and are getting worse at other points throughout the system.

Racial and ethnic disparities are largest at the beginning stages of the system, and *how* youth enter the juvenile court process matters

In FY23, compared to white youth:

- Black/African American youth were **2.98X more likely to enter the juvenile court via a summons**, and **4.89X more likely to enter via an arrest**.
- Latino/Hispanic youth were **1.93X more likely to enter the juvenile court via a summons**, and **2.89X more likely to enter via an arrest**.

Initial Stages of the Juvenile Justice System by Race/Ethnicity (FY23)



Compared to FY18, the disparities between Black and white youth– and to a lesser extent Latino and white youth– across custodial process points are worse

Relative Rate Index (RRI) of Black and Latino Youth (FY18 & FY23)				
Process point	Black FY18	Black FY23	Latino FY18	Latino FY23
Arrests*	4.7	4.89	3.46	2.89
Overnight Arrest Admissions [^]	1.71	2.66	1.5	2.79
Pretrial Detention Admissions**	1.54	2.34	1.71	2.55
Commitment ^{^^}	0.99	1.22	1.43	1.14
First-time Commitment ^{^^}	0.87	1.22	1.18	1.19

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Racial and ethnic disparities are particularly stark at the beginning stages of the system and are getting worse at other points throughout the system.

Opportunities for State Improvement

The Board is concerned about these recent trends, and encourages the state to implement the following recommendations that the Board has made in prior reports:

1. Address the policies and practices in the state contributing to racial and ethnic disparities in the juvenile justice system
2. Increase opportunities to divert youth away from the system prior to court involvement
3. Improve the triaging of and access to supports for youth with unmet needs

1. Address the policies and practices in the state contributing to racial and ethnic disparities in the juvenile justice system

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.

2. Increase opportunities to divert youth away from the system prior to court involvement

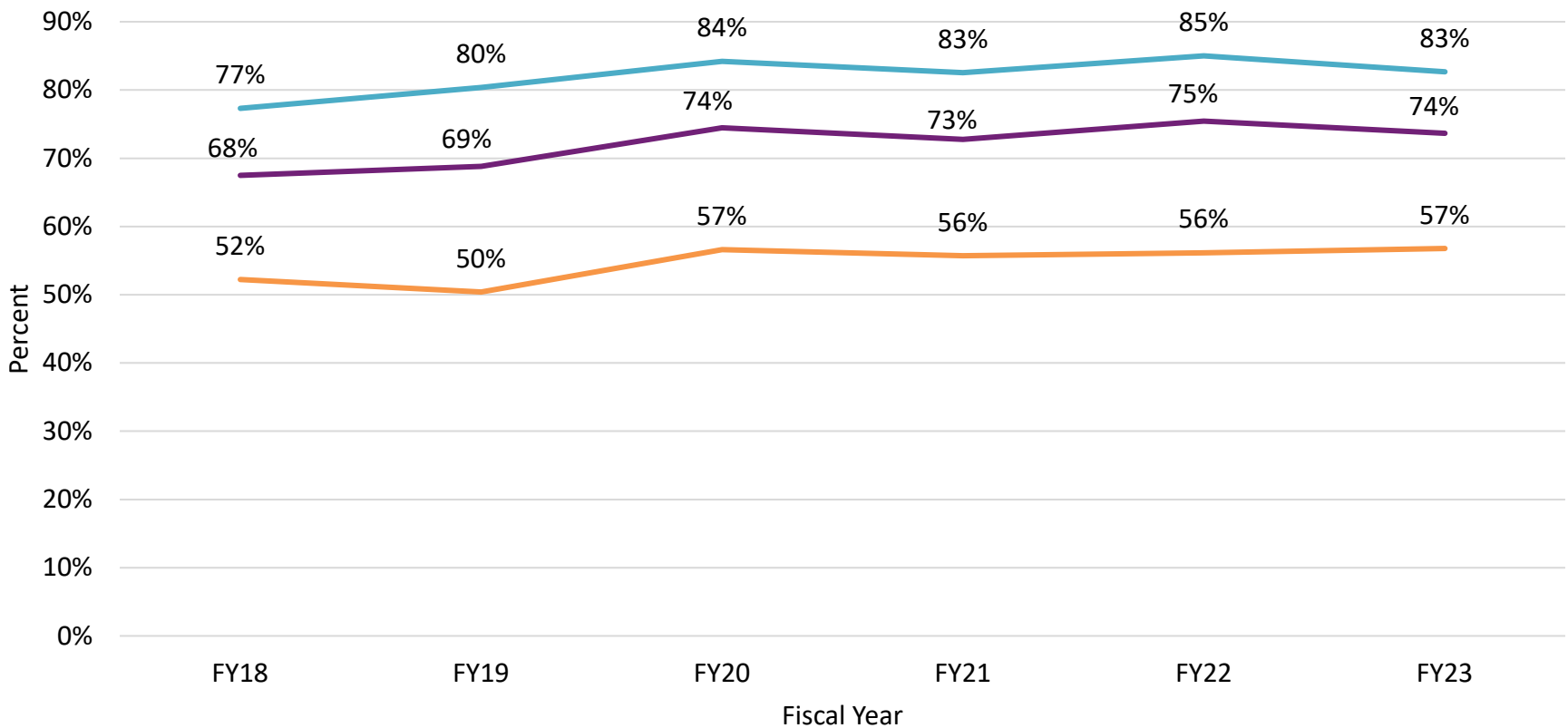
Research shows that compared to youth formally processed in the system, youth diverted away from the juvenile justice system reported:

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

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

Most cases that enter the juvenile justice system are dismissed or diverted before they reach a trial/resolution

Estimated Percent of Cases Not Disposed (FY18-FY23)



— Estimated calc. % of applications not disposed — Estimated calc. % of filing not disposed
— Estimated calc. % of arraignments not disposed

However, there continue to be opportunities to divert particularly *before* youth are arraigned

Potential cohorts of youth that could benefit from more diversion:

Youth alleged of committing misdemeanor offenses:

- In FY23, there was an 85% increase in misdemeanor arrests compared to FY22
- More than half (59%, n=5,933) of applications for complaint were for misdemeanor offenses
- A little over a third (36%, n=1,458) of arraignments were for misdemeanor offenses

Black & Latino youth:

- Compared to white youth, Black youth and Latino youth were 4.89 and 2.89, respectively, times more likely to have been arrested, and are overrepresented across the juvenile justice system

Youth with DCF involvement:

- Half (51%, n=395) of all detention admissions were for youth with DCF involvement at time of admission

Youth with unmet needs:

- Youth detained in FY23 had higher rates of behavioral health needs, educational challenges, and – in some cases — trauma

Massachusetts Youth Diversion Program (MYDP) Background



A partnership:

- Between the OCA and the Department of Youth Services (DYS), the MYDP was developed based on a recommendation to create a statewide diversion program in the JJPAD's [2019 report](#) and began taking referrals at three pilot sites in January of 2022
- In 2023 the OCA released a report [outlining year one of implementation](#)

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

Program Goals

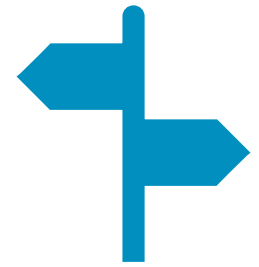
Reduce the likelihood of future offending by youth in the program and increase public safety

Support positive youth development

Hold youth responsible for their actions

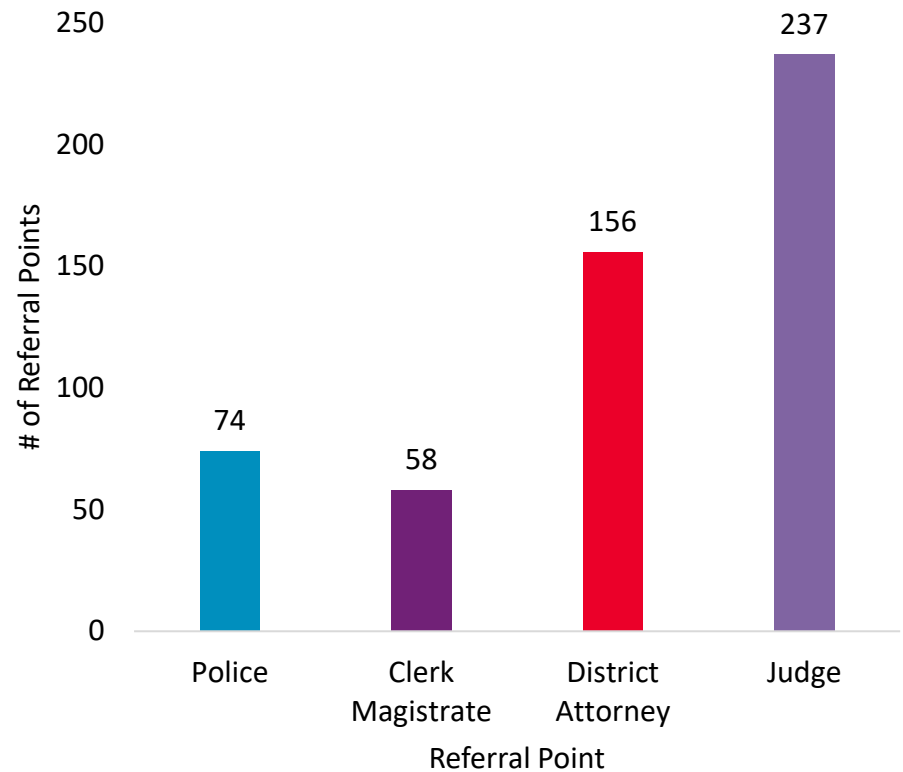
Promote and ensure equity in the process

MYDP Program Update



- As of 4/12 the program has received **526** referrals and enrolled **382** participants. Of those enrolled, **270** youth have successfully completed the program and **82** are currently on track to complete the program in the coming weeks and months
- MYDP is **currently operational in seven counties:** Worcester, Essex, Middlesex, Hampden, Plymouth, Bristol and Barnstable (Cape & Islands) Counties
- OCA to release “Year 2 Data Report” this summer
- ForHealth Consulting at UMass evaluation of program ongoing

Referrals by Referral Point*
(As of 4/12/2024)



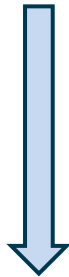
3. Increase support for programs/services that prevent delinquency, support positive youth development, and address pandemic-fueled effects

- ✓ Enrichment activities across schools, community-based organizations, and Family Resource Centers
- ✓ 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

JJPAD 2023-2024 Projects

JJPAD Board 2023-2024 Projects

Why do youth remain in pretrial detention?
What interventions (policy changes, services, etc.) can be put into place to prevent detention?
Are there youth being detained who could be better served in the community or diverted?



Massachusetts' Juvenile Pretrial Phase



Dually Involved Youth (DIY)

**The JJPAD Board wants to
hear from you!**

If you would like to be
interviewed, please reach out
to Morgan Byrnes @
Morgan.Byrnes@mass.gov

Questions



Learn More about the JJPAD

JJPAD Reports:

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

Juvenile Justice Data Website:

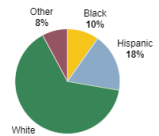
<https://www.mass.gov/resource/massachusetts-juvenile-justice-system-data-and-outcomes-for-youth>

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.

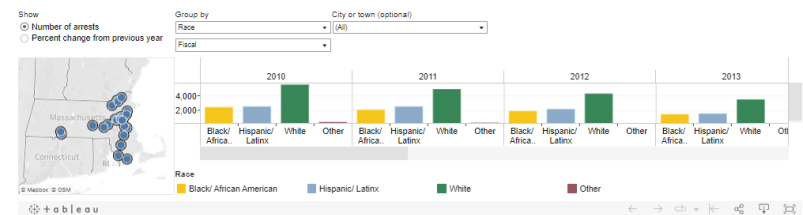
You can also look at the demographic data over time of youth arrested in cities with a population over 50,000 by selecting a city from the drop down menu.

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](#)

Attend a JJPAD Meeting

Contact Arianna.Turner@mass.gov for meeting information

All meetings are virtual

Subcommittee	2024 meeting schedule
Data	Wed, May 15th 10:30-12pm
CBI	Wed, May 29th 11-12:30pm Fri, June 28th 11-12:30pm





Questions? Ideas?

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Manager

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Website

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